



The Highlands

Voice

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Regional Forester denies Stillwell Appeal

Oldest Trees slated for clearcutting

by *bill ragette*

For close to two years now environmentalists, commercial interests and the US Forest Service have been wrangling through administrative procedures over the fate of 5,719 acres in the Monongahela National Forest, known by the Forest Service as the Stillwell Opportunity Area (OA). Over 100 groups and individuals from across the state and nation became involved in the flood of paperwork. The majority of those submitting comments were in support of the appeal according to Corbin Newman, who worked on the review of the appeal in the Regional Supervisor's office. Many tens of thousands of dollars were spent on the environmental analysis. Hundreds of pounds of paper were written on, collected, copied and distributed. Yet the decision handed down recently by the Regional Forester, in Milwaukee, Wisconsin, does not alter one whit the hundreds of acres of clearcuts and herbicide applications and miles of roads originally proposed for this north half of Buckley Mountain. This 'final' version is not very much different from the original management plan for this area, crafted two years ago in another (successfully appealed) triple OA analysis. At this point all administrative remedies have been exhausted. Unless the appellants resort to

the courts and prevail the Forest Service will carry out the projects.

The Stillwell OA lies southeast of Marlinton. It includes the north half of Buckley Mountain and is bordered on the north by State Route 39, on the east by Beaver Creek and by the Greenbrier River on the west. Monday Lick, Sunday Lick, and Stillhouse Run drain 90% of the OA into the Greenbrier.

The first appeals of the Stillwell OA management plan by a group of students from Swarthmore College (Eastern Mountain and Forest Conservation Project or EMFCP) and by yours truly were accepted on the grounds that the cumulative impacts of the proposed management activities and possible actions on the sizable amount of private land in the area were not analyzed, as is required by federal law (NEPA). We were concerned that biodiversity issues, such as neotropical migrants and all fungi and insects were being totally ignored. This first OA plan included neighboring OAs (Buckley and Brushy) that were also to be managed as remote habitat for species intolerant of human disturbance.

Neither of the appellants heard anything from the Forest Service during the year that followed. A representative of the Swarthmore Group, Brendan Kelley, said he contacted the

Supervisor's office to find out what was happening and asked to be included in the planning process, but nothing came of it. When I visited the Marlinton District Office (the district that Stillwell lies in) I could tell that they were busy working on some version of the OA analysis as all the paperwork I asked for happened to be further back in the office on someone's desk. Some hotshot from the Headquarters (who I had not seen or dealt with that day) became exasperated after two hours, and as we were just about to finish up and leave, called in from the hall to the two Forest Service Employees talking to us to "get rid of those two and get back in here."

Last October the 300 page OA for Stillwell was released with a 45 day period in which interested citizens could appeal the decision. The differences between the two management plans is minimal as far as activities were concerned, but major in the paperwork, analysis and justification. The original plan calls for 281 acres of clearcut timber harvest in one form or another, the new plan cuts 271 of these same acres. Both versions call for clearcutting one third of the oldest (120 yr) stand of trees in the OA area.

For the construction of roads and wildlife openings and herbicide spraying, the two plans are almost identical. Twenty six maps were included with the Analysis and 226 Forest Service generated documents were included in the project file. At least one of these documents was 108 pages long.

The Regional Forester reduced the 90 page appeal to 8 issues and disposed of them in one of two ways, either he flat out disagreed (FOD) with the appellants or considered that the scope of the issue was a forest plan level issue (FPL), that need not be addressed at the project level. The eight issues and their categorization are as follows:

1. An Environmental Impact Statement (EIS) should have been prepared because of federal regulation, case history and the length of the Environmental Assessment (EA) - FOD.
2. Throughout the EA evidence of controversy was presented. This recognition of controversy requires that an EIS be prepared - FOD.
3. There is a lack of economic analysis related to this below cost timber sale in violation of NEPA and the Forest Plan - FOD.
4. The EA fails to incorporate current biological understanding and (contd on page 8)

The Omega Mine Story

An Orange Quagmire

by *Joan Sims*

Sludge, sludge everywhere, what do you do with it, where can you put it? That is the story at the Omega Deep Mine Site, on Owl Creek, south of Morgantown. The Omega Mining Company and the citizens who live along Owl and Booth's Creeks will soon receive \$400,000 from Omega's insurance Company to continue the treatment of the enormous amount of acid mine drainage from this disastrous mining operation. It was permitted by the current DEP Director, David Callaghan in 1983, despite our many legal challenges and protests. Our hydrologist, Richard diPreto, warned the permitting officials of this acid mine drainage nightmare, but his warnings were ignored.

The sludge at the treatment ponds is presently flowing in an orange stream from Owl Creek to the Monongahela River. It can no longer be put back into the deep mine through boreholes because the liquid component is building up, and seeping out along the outer perimeters of the deep mine. This has caused a threatened blowout of the water impounded inside the mine, which could destroy at least one citizen's home and endanger the lives of its occupants.

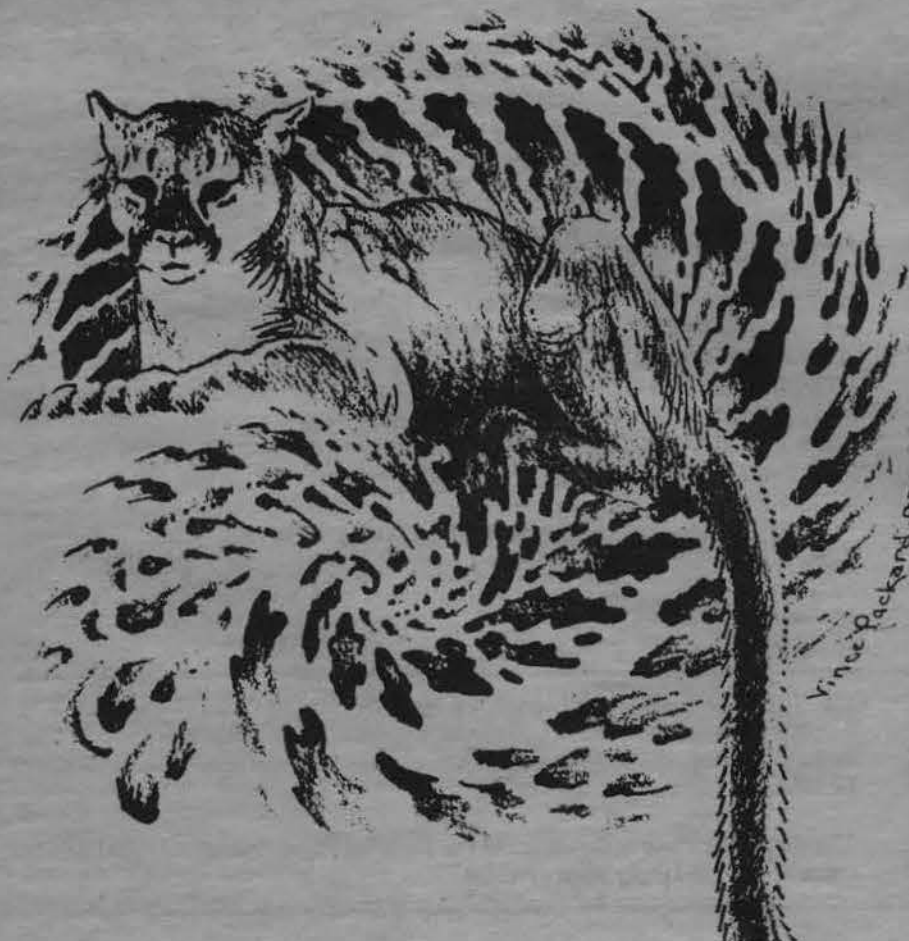
Various solutions to this sludge disposal problem are being studied by our hydrologist. These include drying the sludge and disposing

of it at a small landfill that would be created on the mining site, or trucking it to an existing landfill. However, the sludge could erode back into the creek near the mine if it is disposed of on the mining site. And taking it away would involve trucking expenses. Ultimately, we will use some less than perfect solution that will dispose of or hide this sludge somehow.

In two years, when the \$400,000 insurance is gone, this mining mess will probably end up back in the lap of David Callaghan, who issued this permit against the advice of his own technical staff. What goes around comes around. Mr. Callaghan recently admitted to me that the issuance of this permit was a mistake. Will they ever learn? Maybe.

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---from the heart of the mountains---

by Cindy Rank

?!SAME OLD - SAME OLD!?

As this issue of the VOICE goes to press there is a shift taking place in the ranks of those active in coal issues in the state - a relatively small change in many respects, but one that calls for a moment of reflection none the less.

As of June 1st, one of the citizen heroes of the northern coalfield communities will be plying his trade from within the halls of state government.

Tom Rodd has entertained and inspired many with his musical prowess on the banjo, his legal tenacity against irresponsible coal companies and reluctant state regulators, his thought-provoking offerings on social and environmental justice issues, and his dramatic flair in collaboration on E-Day-at-the-Legislature productions featuring such notables as King Koal, Prince Garbage, George the day-glo Mutant Catfish and the chorus line of Dancing Daves.

Now that Tom has joined the ranks of the WV Attorney General's office, it is difficult not to ponder the age-old question of what is more effective, change from within or change from without?...Will the force for foolery and fairness be able to achieve as much from within the theater of government as he has from his position among the front line troops?

An answer in this debate is as elusive as ever... For me it comes down to the typical YES-NO-MAYBE reply.

YES - Great things can and will be done!...because it's encouraging to see staff members of the Attorney General's office so motivated to make state law responsive to the people and to see substantial support for those efforts being offered by an Attorney General who during his term on the Supreme Court often advanced the cause of justice in WV coalfield communities.

NO - Political realities will prevent great things from happening: ...1) because the legislature and the governor's office have cast a cloud of doubt over their willingness to commit public allegiance to the Attorney General's office ...and 2) because agency officials, currently in office, have over the past twenty years been reluctant to utilize the strength and expertise of the state's legal arm when it came to difficult cases where the "politically correct" action might be to cut a deal or look away.

MAYBE - Some good may come of it... because Tom's job is mainly closing down scofflaw coal companies who owe the state millions of dollars in reclamation and bond monies. (Much like the F&M/Sandy Creek story Tom wrote about in last month's VOICE.) Perhaps if the focus remains on politically acceptable targets within the coal industry without forcing the state to accept responsibility for damages where no company or individual can be found... perhaps some good will be done.

After all is said and done i suppose what really gives me pause is not the simple question of whether or not one individual - or any individual - can be more effective working inside or outside "the system," but rather when, or if, we will ever see enough people (on all levels - professional or nonprofessional, in all areas of concern, both inside and out) working together to make a dent in the same old - same old business-as-usual.

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Letters

The Hughes River Watershed Conservancy

Dear Bill,
 Since the Spring Review weekend we have been busy trying to spread the news about the dam project in Ritchie County. So far we have formed a resistance group we call the Hughes River Watershed Conservancy. We already have over 100 members signed up. At the May 17th meeting of the Watershed Planning Committee of the SCS our group gained public attention by having about 75 citizens picketing and protesting the project. This received notice in the Parkersburg papers as well as the local papers in Harrisville and Pennsboro. Channel 5 news, of Weston/Clarksburg, came down the next day and made a short feature story on the dam project. We hope to get them back for a longer report on the subject. During a recent visit by Senator Byrd's representative, we were able to fill the room with people opposed to the project and only one spoke half-heartedly in its defense. We plan to have large numbers of our group in every public meeting from now on.

These developments coincided with the criminal indictment of Bob Rogers, North Bend Park Superintendent and one of the principal promoters of the project. Superintendent Rogers has been accused of falsifying records of swimming pool receipts and has been suspended from his Park duties. It is possible that additional media attention (possibly some Charleston Gazette investigative reporter) may uncover foul play in the early planning and approval stages of the project.

So far the local public response appears

to be opposed to the dam project in its present form, believing it to be much larger than necessary. They are skeptical about SCS projections of vastly increasing tourism and question the economic benefits of the project. On the other hand, municipal governments here favor the project since it will get them out of the water supply business. To satisfy this legitimate concern, we hope to provide pressure to explore other water supply options. For example, a smaller water supply impoundment could be built at the mouth of Bonds Creek which would provide better quality water at less expense and disruption and would still be within the boundaries of the North Bend Park.

Our next step is to continue to build membership in our group and to launch a petition campaign. Jerry Smith, of the Volunteers, has attended all our meetings thus far, and is planning on attending our next meeting. He will be reporting on their efforts at Mountwood Park and how a few volunteers were able to get 2000 signatures on a petition.

Enclosed you will find four letters to the Editor we wrote to call attention to the situation, and a statement which points out some of the problems we have with the present plan.

We would appreciate any help or suggestions your organization might provide.
 Sincerely,
 Steve and Ann Swadley
 Hughes River Watershed Conservancy
 Route 1, Box 62A
 Harrisville, WV 26362

Clearcut in Kumbrabow

WV Division of Forestry has proposed a million+ board feet timber sale and road construction in Kumbrabow State Forest. A similar cut was completed less than five years ago in the same forest. Federal guidelines require a ten year quiet period in National Forests between such major projects.

In the last two days I've talked to three Conservancy Members who are outraged about the waste of a magnificent forest. One told me that the cherry, maples and oaks in the Forest would blow me away. Hopefully we can run a longer story next issue, but for now I'll just run the letter Joe Marshall faxed to me at the last moment. Joe suggested that anyone interested in helping to preserve this jewel write a similar letter or make a call to Bob Mathis at 558-2764. For more info call Joe at 636-9555.

Mr Robert Mathis Jr.
 West Virginia Department of Commerce, Parks Division
 Capitol Complex, Building 6, Room 451
 Charleston, West Virginia 25305

Dear Sir:

My wife and I have recently returned from a week of vacation at Kumbrabow State Forest. One of our favorite areas of the Forest for hiking and hunting has always been along Mill Ridge. We were extremely dismayed at the most recent timber cut a few years ago, along Mill Ridge, which included a large clear cut near the Forest boundary. This practice is

currently being reviewed and phased out as a management technique in the National Forest due to public outrage.

This brings me to the point of this letter. We feel the proposed Clay Run timber sale must not proceed. The area in question contains a magnificent stand of mature Red Oak and other species. The cutting of this area will pretty much eliminate the recreational use of Mill Ridge and this whole section of the Forest.

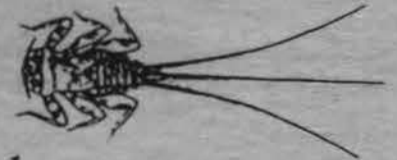
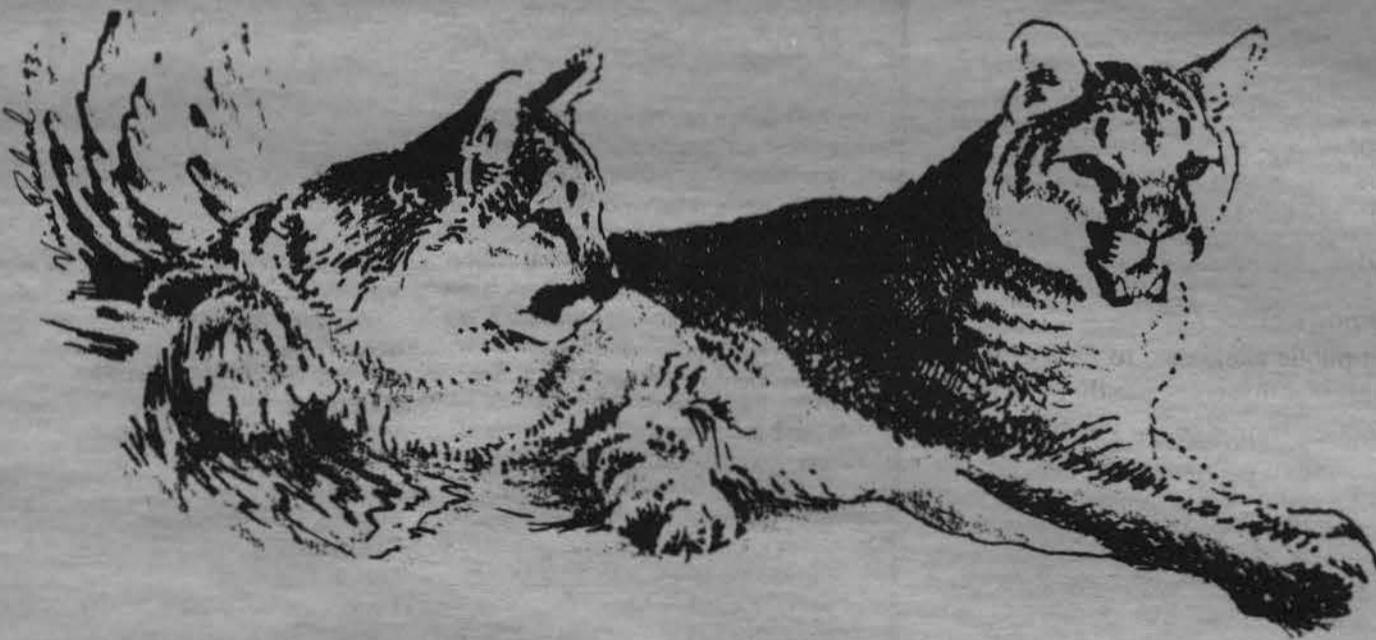
Kumbrabow State Forest is surrounded by thousands of acres of land owned by the large timber companies such as Westvaco, Interstate and Coastal. These areas and other lands owned by private individuals are experiencing unprecedented timber harvesting due to current market prices. This makes it all the more important to maintain these magnificent mature stands unexcelled in their beauty and recreational potential.

A management argument could possibly be made because of the potential for future gypsy moth problems. However, are there any current Agricultural Department surveys of the area? If so what are the results? There are other ways to control the gypsy moth problem if a problem should ever arise, especially on a tract the size of the proposed Clay Run sale. The possibility of future gypsy moth infestation is certainly not an excuse to cut every mature oak tree in the mountains of West Virginia.

My wife and I are owners of the Cheat River Lodge east of Elkins along the Shavers Fork. We make our living from outdoor recreation. We have seen an explosive growth in this industry. We feel that the multiple use management techniques developed forty years ago for the Forest system in West Virginia needs to be revised to curtail commercial timber extraction and place a greater emphasis on recreational and wildlife management.

I personally have spent vacations at Kumbrabow for twenty five years straight. This was the thirty-ninth year of a gathering of our group at Kumbrabow. This Forest is an island of incredible beauty in the ocean of commercial timber lands. We wonder if comparable timbering is being done on Seneca or Greenbrier State Forests which are in the public eye. Please stop this sale.

Sincerely,
 Joe and Roxye Marshall
 Route 1, Box 115
 Elkins, WV 26241-9713



Come one, come all, come - Every Shade of Green to Seneca Rocks

Schedule and format: Arrive early on Saturday, the 26th of June (or even Friday night). Saturday's events will consist of informal, small-group discussion. We hope that water-quality people will find like-minded folks, solid waste will their counterparts from other regions of the state, and networking, and cerebral interfacing, and strategizing will take place. Ideally, some idea of how we want to address each issue in the coming year, legislatively and otherwise, should arise from these sessions. We've invited these experts on/veterans of various issues to provide focal

points for the representative groups.
 Industrial Siting- Jim McNeely and Jim Kotcon
 Election '94- Dave Grubb
 Surface Owner Rights- Dave McMahon and Jed Purdy
 Solid Waste- Martha Huffman
 Forest Issues, Public Lands Policy- Bill Ragette
 Off Road Vehicles- Beth Little
 Corridor H/Highways- ?
 Non Game Funding- Sheila McEntee
 Coal Mining- Cindy Rank
 Water Quality- ?

Rivers Preservation- Roger Harrison
 Election reform/Good government- Frank Young and Gary Zuckett
 Cancer Creek/Cancer Air- Kim Baker
 1994 Recycling Act- Bill Ragette
 Saturday Night will feature campfires, silly songs and all sorts of happy eco fraternizing (and soroizing). Hard core policy wonks are welcome to find one another and continue meeting.

Come Sunday Morning, the Rev. Jeff Allen, of McDowell County's T.E.A.R.S. group, will deliver an optional, non denominational sermon. Afterward, the entire conference

will convene for brief reports from the different discussion groups, perhaps providing some blueprint for the direction that the entire green community will take in the coming year.

With the heavy stuff over, you can go home, take advantage of the Seneca area's magnificent hiking opportunities, or join those few, dedicated wonks, who will still be plotting the eventual overgrowth of the government. Accommodations range from tenting, tipiing, cabins, family units, lodges, motel rooms... Call Yokum's at 1-800-772-8342 for reservations. Call Jed Purdy at the CAG office (346-5891) for more info.

Stream Monitoring - A Handbook for West Virginia Citizens

by Craig N. Mains

This is the book for any group or individual interested in the health of their local creek, stream or river - lots of great maps, diagrams, figures of stream critters and all the info you'll need to begin monitoring your local creek. Every chapter has an extensive list of references and resources to further the cause.

I first met Craig about seven years ago when we were trying to stop the first strip mine (since the moratorium) in Lincoln County. In response to a call to Mountain Stream Monitors, Craig came almost all the way across the state to take water samples and show us how. If this book had been available then he could have saved himself the trip. Craig can be reached at Downstream Alliance, PO Box 1492, Morgantown, WV 26507-1492.

This first selection is from the introduction to the handbook. The article, on the facing page, on AMD is from the chapter "Stream Quality in West Virginia."

West Virginia is blessed with thousands of miles of rivers and streams. Every year people travel from all over the country to experience rafting the whitewater rivers and fishing the state's rivers, lakes and streams. Unfortunately, many rivers and streams have been destroyed or degraded by mine drainage, oil and gas well wastes, sewage, garbage and other pollutants. Citizens are becoming increasingly aware of the need to protect the state's remaining unpolluted streams and, when possible, to work for the restoration of the damaged sections.

Despite the passage of numerous environmental protection laws over the past 25 years, citizens have learned that just having the laws on the books is not enough. Effective environmental protection requires the participation of a well informed public. Naturally one expression of increased public involvement with environmental issues over the past twenty years has been the growth of numerous citizen based, volunteer, environmental monitoring groups. Hundreds of monitoring organizations are collecting a wide variety of environmental information in almost every state. Volunteers are actively monitoring lakes, streams, rivers,

estuaries, bird migrations, and gathering weather data.

In West Virginia citizen monitoring groups were active by the late seventies. Friends of the Little Kanawha (FOLK) was collecting biological and chemical data on the headwaters of the Little Kanawha River. Mountain Stream Monitors (MSM) got off to a much publicized start when MSM founder, Rick Webb, was hit with a \$200,000 lawsuit for publishing information concerning damage done to tributaries of the Buckhannon River by the DLM corporation. Webb's assertions, based on chemical monitoring data he himself collected, were published in the MSM newsletter. The lawsuit was recognized by the court as an infringement of free speech and was thrown out. (DLM, faced with the high cost of treating the acid mine drainage problem they created, eventually went out of business, leaving the state with the responsibility for continuous maintenance of the acid producing site.)

Today, citizen monitors are still active in the state. The Izaak Walton League of America, in conjunction with the state Division of Environmental Protection (DEP) coordinates nearly a hundred volunteers through its Save Our Streams (SOS) Program. Members of Trout Unlimited monitor streams in various parts of the state. MSM is still active, primarily on mining issues. Other monitoring organizations have sprung up around the state. Pine Run Ecological Laboratory, under the direction of Dr. George Constantz, conducts an ambitious monitoring program on the Cacapon and Greenbrier Rivers. Downstream Alliance is a coalition of small watershed and protection groups in the Monongahela basin. They have participated in monitoring projects as well as other activities.

The purpose of this book is to present the basics of stream monitoring, as well as provide information on access to additional sources of information and services. This book is written primarily for citizens who are involved in stream protection projects and who want to incorporate monitoring activities as part of their program. It should also be useful to teachers who wish to use stream monitoring

projects as of their curricula and to high school or college students involved in environmental science projects. Although aspects of stream biology and chemistry are presented, these discussions are on a very basic level and readers with little or no science background should not be frightened off. A glossary of terms that might be unfamiliar to some is included at the end of the book.

There are several reasons why community groups might want to participate in stream monitoring projects. For example, a community group interested in the quality of a local stream may just want to have an assessment of the stream quality. Although water quality information exists on many streams in West Virginia, there are hundreds of streams, especially small ones, that have never been tested. Stream Quality is not always visually obvious and a monitoring survey can provide clearcut evidence of stream conditions...

Stream monitoring is being recognized as a powerful educational tool. Many schools are now incorporating monitoring activities into their curricula. Often students are taught individual subjects as separate and seemingly unrelated disciplines. Stream monitoring, especially when visual, biological and chemical monitoring are integrated, displays exceptionally well how interconnected the sciences are in real life studies...

Volunteer monitors conduct three main types of stream monitoring surveys. One type is visual monitoring and streamwalking. In this type of monitoring, participants walk along a stream or a section of a stream and make observations about various stream conditions. They may make notes on the visual appearance of the water and the a stream bed, document areas of bank erosion or map land use patterns near the stream. This type of monitoring requires practically no financial investment and still yields valuable information on stream conditions.

The other two types of monitoring are more involved and usually also incorporate some form of visual monitoring. One of these types of monitoring is biological monitoring. In West Virginia, biological monitoring usually involves seining for aquatic organisms, mostly insect larva and nymphs. The organisms, which with a little training are easily identifiable, are sorted into groups according to their ability or inability to tolerate polluted conditions. The composition of the aquatic community can provide much information about the health of the stream.

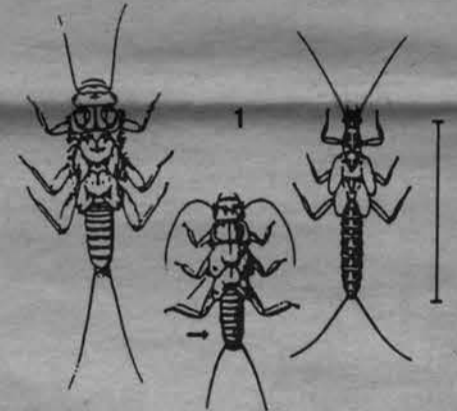
The other type of monitoring is chemical monitoring. Chemical monitors collect water samples and perform various tests such as measuring the pH or alkalinity of the sample in order to get an idea of the quality of the stream. Performed alone, each of these types of monitoring has its strengths and weaknesses... The integrated performance of visual, biological and chemical monitoring though, overcomes some of the inadequacies of each of the techniques performed alone. The results of integrated monitoring surveys often dramatically portray how the variation in chemical quality in different streams has a direct effect on stream life.

Another emphasis of this book is on using stream monitoring as a measure of local environmental health in general. Although some pollutants are discharged directly into streams, frequently stream pollution is a result of pollutants introduced on to nearby land surfaces and into the atmosphere. Point source pollution, that is pollution coming from a

specific source that can be pinpointed, such as the end of a pipe, is still much of a problem. However, there is a growing awareness that nonpoint sources are a major component of stream pollution. Nonpoint sources are more diffuse, such as fertilizer runoff from an agricultural area or oily runoff from city streets during a heavy rain.

To address the problem of nonpoint pollution, it is necessary not only to develop an awareness of the quality of the stream but also to be conscious of what activities are occurring within the watershed that may be influencing stream quality. A watershed is the land surface that is drained by a particular creek or river. The concept of the watershed as a fundamental environmental unit, which will be discussed more later, is important.

This handbook presents a number of different monitoring techniques. No one would be expected to perform all of them. Rather, it is suggested that you become informed about the activities in your watershed that may be affecting the stream and develop a monitoring program that is practical for your situation. Different groups would naturally have different goals and preferences. One group may be interested only in biological monitoring. Another group may want to focus only as a chemical watchdog monitoring around a specific discharge point.



Stream Monitoring - a Handbook for West Virginia Citizens

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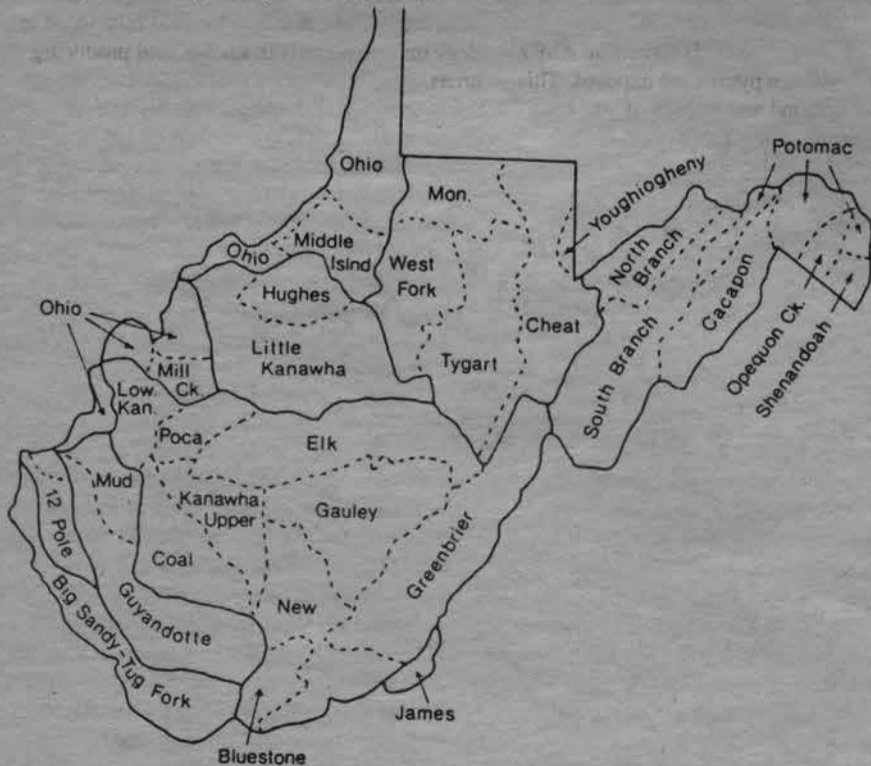
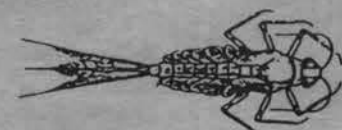


Figure 2.7 Sub-basins of West Virginia (Adapted from West Virginia Division of Natural Resources).

Coal Mine Drainage

When people think of West Virginia one of the first things they think of is coal mining. Indeed, for several years the coal industry told us that "Coal is West Virginia." Unfortunately, one of the by-products of years of coal mining has been the pollution of thousands of miles of the state's streams. Much of this pollution is due to acid mine drainage (AMD), which is usually considered to be the state's most severe pollution problem.

Acid mine drainage is created when rocks containing an iron sulfide mineral called pyrite are exposed to the atmosphere. The pyrite can be present in rock layers surrounding the coal as well as in the coal itself. When pyrite comes in contact with air and water a series of chemical reactions takes place that creates a toxic mixture of sulfuric acid,

biologically accelerate the process.

The overall chemical equation for the AMD reaction is given below.

$$\text{FeS}_2 + \text{O}_2 + \text{H}_2\text{O} > \text{Fe}(\text{OH})_3 + \text{H}_2\text{SO}_4$$
 pyrite + oxygen + water = yellowboy + sulfuric acid

For those who are unfamiliar with chemistry, the items on the left side of the arrow are the reactants. They react together to form the products on the right side of the arrow. The reaction is a simplification since there are several intermediate reactions and dissolved iron is also present. Yellowboy is a reddish-orange semi-gelatinous solid that can settle out on the stream bed. The acid that is produced can cause additional secondary reactions to occur. It is sometimes strong enough to break down soils and release into solution metals

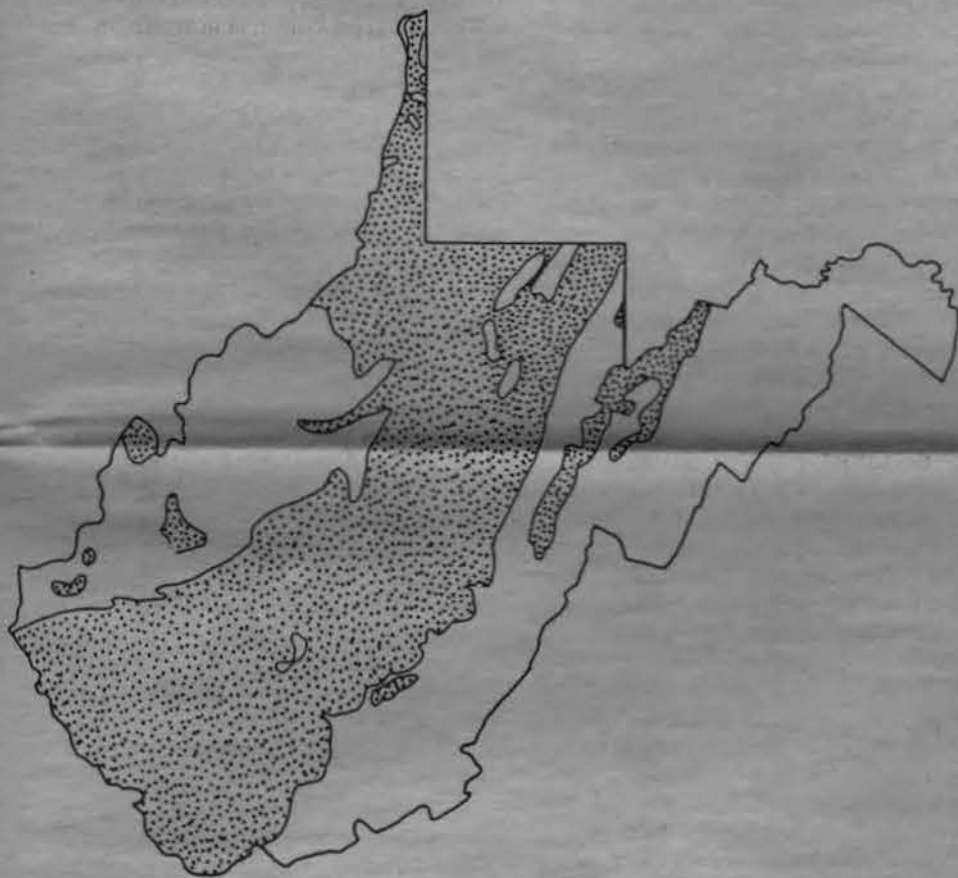


Figure 3.1 Probable Original Extent of Movable Coal in West Virginia (Generalized from WV Geological and Economic Survey map).

dissolved and suspended metals and an orange colored precipitate commonly called "yellowboy."

The chemical reactions that produce AMD occur naturally to some extent anywhere rocks containing pyrites are exposed, such as at outcrops. The overwhelming bulk of rock masses, however, are underground and unexposed. Mining, both underground and surface, changes all of this. The pyritic rocks become exposed to air and water, and AMD formation is greatly increased.

Two other factors further increase the rate of AMD production. Some coal mining practices, such as blasting during surface mining, not only expose the pyritic rocks to the atmosphere, they break the rocks into smaller pieces. This has the effect of creating a vastly greater surface area of pyrite, which is then available to react. The other factor is that certain types of bacteria obtain chemical energy by participating in the reactions. Although the reactions would occur chemically regardless of their presence, the bacteria

such as manganese and aluminum as well as trace amounts of copper, zinc and other metals.

What is it about AMD that is lethal? Take your pick. The acid alone is often sufficiently strong to be directly toxic to aquatic organisms. Even in situations where it may be diluted by flowing into a larger stream, the productivity of that stream will be decreased. The yellowboy also eliminates aquatic life by filling in the spaces between rocks on the streambed that are the habitat of insects, snails and crayfish. The metals - iron, aluminum and manganese - in high enough concentrations, are also toxic to aquatic life. Other metals such as zinc, copper and cadmium may be present, usually in lower concentrations. The toxicity of metals is increased because of the acidity of the water. That is, the metals become toxic at lower concentrations in acidic water compared to neutral water. There is also a synergistic effect among the metals. By this we mean that because a number of metals are present, they become toxic at lower concentrations than they would if only one of the metals was present.

1993 Legislative Update on the State Acid Mine Regulations

By Joan Sims

The West Virginia Division of Environmental Protection (DEP) Director David Callaghan tried to create several changes in the State acid mine drainage (AMD) regulations during this recently completed legislative session. This was seen by some environmentalists as a serious attempt to weaken the existing regulations. First, he wanted to create a system for issuing coal mining permits in acid producing seams, with an OPTIONAL overbonding system, to be completely at his discretion. Secondly, he wanted to release the State from its present requirement to treat acid mine drainage at every recently bond forfeited coal mining site.

The citizens of West Virginia rallied, and called our legislators in record numbers to protest these proposed changes. Tom Rodd and Cindy Rank worked many long hours with DEP officials and industry representatives on these issues.

The result of all this hard work was slightly weakened, but still effective State AMD regulations. (Fortunately, big brother, the Federal Office of Surface Mining (OSM) is always looking over the State's shoulder to see that State regulations do not contradict and are not weaker than the federal regulation.) State and federal regulations still forbid mining in coal seams that will produce acid mine

drainage. What we have to watch out for here is for coal companies to pretend that AMD will not be produced, or they may say that new technologies, such as added fly ash use on the site will neutralize all the AMD that is produced in a serious AMD producing area. Wishful thinking will not prevent AMD from occurring.

Regarding the bond forfeiture issue, the DEP director is still required to treat AMD at post 1977 bond forfeited mining sites WITH THE MONEY THAT IS AVAILABLE in the State Special Reclamation Fund, a LIMITED money pool that is composed of required contributions from all State coal mining operations. The Director is also required to create a plan to treat AMD at every post 1977 bond forfeited mining site...someday. For now, DEP Director David Callaghan will be allowed to create a list of those sites with the highest priority, in his opinion, and treat only those sites.

This will be a classical cast of "the wheel that squeaks gets the grease." In order to get a particular AMD producing site treated, we will need to contact politicians, create publicity, and create so much attention and political pressure that Mr Callaghan cannot ignore our stream and community. Here again, citizen involvement will make the vital difference.

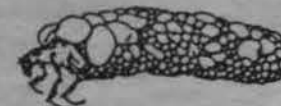
AMD does not occur everywhere coal is mined in West Virginia. For the most part, it is limited to the north central part of the state. Two factors which largely determine its occurrence are the presence of pyrites and the presence of other types of rocks that can naturally neutralize the acid. The presence of these factors depends on the geology of the area. The Monongahela Basin is by far the most heavily AMD polluted basin in the state. However, acid mine drainage has affected the North Branch of the Potomac and a handful of streams in other basins including several in the southern coalfields. Where the geologic conditions are conducive to its formation AMD is produced anywhere pyrites are exposed. This includes underground and surface mines, coal storage areas, refuse or "gob" piles, coal preparation plants and even road cuts and occasionally construction sites.

Besides its toxicity, the aspect of AMD which accounts for it being considered the most severe pollution problem in the state is its perpetual nature. Once the conditions are created that produce AMD it is extremely difficult to stop the process. Despite years of research, no "cure" for AMD has yet been developed. The pyritic materials will eventually be totally reacted and the acidification will cease but the time it will take for this to happen is on the scale of decades, in some cases perhaps centuries. AMD can be treated chemically with acid neutralizing materials, but this does not solve the problem. Once the treatment ends the acid pollution continues. Chemical neutralization itself can be considered to be a contaminant since it can add materials like sodium and ammonia to streams in amounts much higher than natural concentrations.

The majority of acid sources are from old, abandoned mines but AMD is not just a legacy of the bad old days. New acid sources

continue to be created. A number of mines are presently active in areas where perpetual post-mining problems are predicted. In particular, if some active post mining sites along the Buckhannon River system were to stop their treatment systems, the Buckhannon-Tygart River system would become acidified. It is unlikely that these companies will continue to treat acid indefinitely once the coal is removed. The state is faced with either the prospect of an essentially lifeless river system or the financial burden of long range acid treatment at numerous sites. Many coalfield citizens have been critical of the state's general reluctance to deny mining permits in known acid producing areas.

Acid mine drainage is much less common in the southern coal fields but pollution from coal mines is still extensive there. Although acid waters are less common, high concentrations of iron and manganese, along with lower concentrations of other more toxic metals, are sometimes present. Extensive areas of the Big Sandy-Tug Fork and Coal River basins are affected by mine drainage. The entire main stem of the Guyandotte River is considered to be affected by mine wastes. Perhaps the most severe coal related problem in the southern part of the state is from sedimentation from a variety of mining sources. Abandoned and active mines, gob piles, haul roads, dredging operations and coal storage areas contribute to the problem. Preparation plants where water is used to clean coal are another major source of silt in the form of fine coal particles.



Federal Affairs

Report from Washington - the Western Ancient Forest Campaign by Jim Owens

I first saw WAFC's Report a little over a year ago. It came by the grapevine - a xerox of a fax. The issue was mostly about a House Subcommittee meeting on the various ancient forest bills trying to work their way through Congress. Being an Old Growth Aficianado (OGA), I was completely enthralled by the insider info that accompanied all the dialogue of the meeting - how the heroes and villains tried to win points for their side. Well, like many brave attempts at righting wrongs through legislation, the ancient forest bills never made it to the floor for a vote. Speaker Jim Wright (D-WA) saw to that.

Another OGA got me on the mailing list and I finally coughed up the \$25 a year for the mailnet membership (faxnet membership also available). Its one of the few mailings these days I still sit down and read right away upon arrival. If you want to help save the ancient forests get this newsletter and write those letters to your elected officials. Contact WAFC at 1400 16th ST. NW, Suite 294, Washington, DC 20036. (202) 939-3324.

The campaign is a coalition of hundreds of groups from the big nationals to the grassroots groups in the bioregion trying to save the grove of trees nearest them. Almost all the articles are about federal legislation, regulation, white house and agency actions that affect the West Coast Ancient Forests. Now that the Summit has come and passed, there are many tasty reports on meetings between the administration's forest team and the many activists in the Campaign. Some of the titles of recent articles; Hatfield Seeks to Kill Below-Cost Ban, Forest Conference Plans Set, Cabinet Officers to visit Northwest, Secretary Babbitt Flip Flops on Forest Statements, Scientific Analysis Team Report Released, White House Releases Directions for Forest Conference Teams and

Alliance Meets With White House's Forest Team

Today members of the Ancient Forest Alliance met with Katie McGinty, Director of the Office of Environmental Policy, Tom Tuchmann, Special Assistant to Secretary of the Interior Bruce Babbitt, and David Coddington, with the EPA, to discuss the Statement Mission released by the Forest Conference Executive Committee three days earlier.

In this informal but informative meeting,

Alliance members raised a number of questions relating to the Mission Statement, and sought new information on the Administration's Post-Forest Conference plans. This meeting was scheduled to follow a similar meeting between forest industry representatives, and clearly part of the administration's ongoing effort to maintain a dialogue with groups involved in resolving the Pacific Northwest's ancient forest debate.

Our first question to Ms. McGinty focused on the emphasis on "economic and social effects" of alternatives developed by the team of scientists, and our concern that the scientific team was receiving conflicting directions to protect the resources while providing timber to the mills. "Why are the scientists being asked to provide their best guidance to the President while the timber-cut is being held above their heads?" we asked.

Ms McGinty responded that the first imperative for the scientists was to obey the law, which meant that the long-range viability of all forest species was a given under any proposed alternative. At the same time, according to Ms. McGinty, the scientists were asked to estimate each of their proposed alternatives' effects on timber harvest, fisheries protection, and a whole range of environmental, economic and social concerns.

When we indicated that rumors had surfaced that the science group's alternatives were being ranked by timber cuts, and that we were concerned that the scientists were not free from ASQ (Allowable Sale Quantity) considerations, Ms McGinty was "adamant that the scientific process should not be politicized." Asking for any information that we might have on pressure on the scientific team, Ms. McGinty stressed that it was this administration's view that the best science should guide forest management. If this is flawed or corrupted, she said, there will be trouble from people and groups who will once again try to manage the forests of the Northwest by appropriations riders, a process this Administration is trying to eliminate.

Alliance members asked Ms. McGinty why the Mission Statement omitted the Eastside forests, which are inextricably linked to the management of the Westside forests. Ms. McGinty responded that this statement was directed only at the Westside working groups, the Eastside working group had yet to receive its directions. Ms. McGinty stated that the White House was committed to "keeping the Eastside forests on the table," but that the



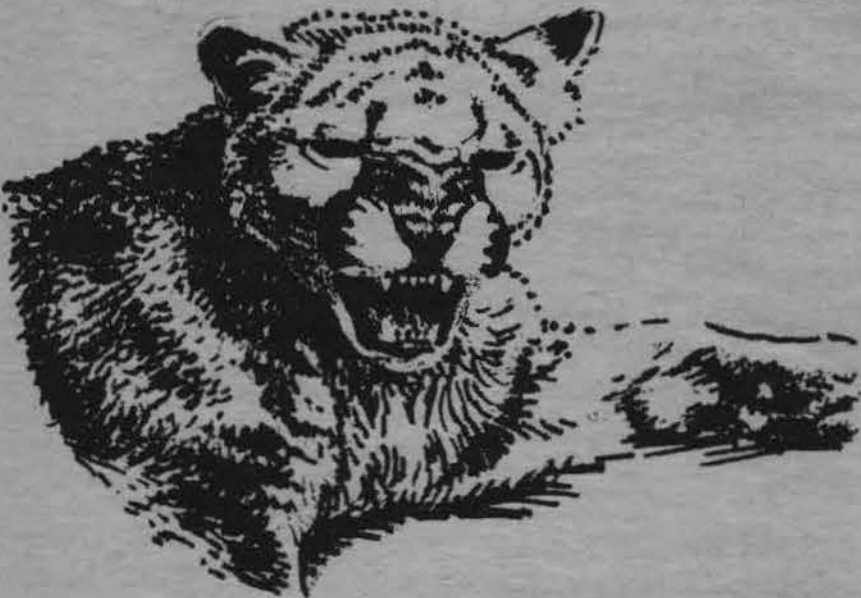
Challenges Facing Ancient Forest Action

by Jim Owens

It Appears to me that the White House is continuing to work within an almost impossible time-frame to develop a set of environmentally sound and politically viable options for the President. This is a Herculean task, which may not be concluded by June 2, 1993. The outlook for Congressional support for proactive ancient forest legislation continues to be clouded by very active opposition from several Northwest Members, whose agents bear frequent messages to the White House about the immediate need to find timber for their mills.

This will be another summer of decision for the remaining ancient forest ecosystems of the Northwest. Unless we are able to alter the political environment within the Northwest, and by doing remove opposition to (1) the creation of permanent ancient forest reserves, and (2) the inclusion of the Eastside forests in the forest solution, you and I can expect to be fighting riders on appropriations bills and last-minute "Forest Health" bills in both the House and the Senate before Congress adjourns in October.

I believe White House staff when they state that they have not yet decided on whether they will pursue a legislative or administrative effort to develop an ecosystem-based management plan for the public forests of the Northwest. I also believe that the Speaker and his friend Rep. Norm Dicks (D-WA) are the chief obstacles to any Congressional action on ancient forest protection. Already, the Speaker's assistant has scared several new Northwest Members from signing onto any Dear Colleague letters in support of ancient forest protection. These Members ... may privately endorse an ancient forest resolution, but they are unwilling to cross the Speaker in any public statement on ancient forests.



environmental community was going to have to assist in this effort, which is opposed by many Members of Congress.

Ms. McGinty then assured us that the plans presented to the President will recognize the linkage between the Westside and Eastside forests, as well as the implications of management options to areas outside of the region, including the forests of Siberia

We asked Ms. McGinty about the study now being completed by the Forest Service on the Eastside Forests at the request of Sen. Mark Hatfield and Speaker of the House Tom Foley. A summary of this report has already been shared with the Speaker's Office, and early drafts indicate it is a largely theoretical review of past management history and future frameworks for the restoration of "Forest Health" in the region. Ms McGinty was aware that the Forest Service panel, dubbed the Everett panel after its leader, Richard Everett, goes only as far as its sponsors intended, and does not present specific guidelines for immediate implementation of ecosystem-based land management policies. Moreover, she and her colleagues had just met with representatives of the professional scientific societies, whose own Westside study should be published next month. This study is rumored to recommend very specific, map-based management alternatives for Eastside Forest

When asked about the decision-making process and time-frame for the post-Forest Conference process, Ms. McGinty stated that "timing and options are being evaluated." She promised that reports from the working groups will be delivered to the President on June 2. Cabinet Officers will review these reports and superimpose their own recommendations to the President, who will then possibly need more time to make his decision. "What will the President choose?" we asked. "He will make his choice clear," Ms. McGinty answered. "Will he decide to pursue legislative or administrative solutions," we asked. "We are waiting to make that choice," she replied.

Alliance members also pressed Ms. McGinty to explain why the Mission Statement included reference to "medium" viability probabilities for old growth species, which we concluded was illegal under current environmental laws. Ms. McGinty agreed that a 50/50 chance of survival was probably illegal, and stated that the White House was looking for alternatives which met the letter of the nation's laws; while providing a framework for decision-making. She was looking for a range of options, but did not mean for this document to imply that the Administration would accept anything short of compliance with environmental laws.



Line drawings of the Stonefly, Mayfly and Caddisfly larva (all indicators of high water quality), in this issue, are from the Isaac Walton League via the Stream Monitoring Handbook

Clear Running Streams

by Robert Stough

I happened to be driving through the West Virginia highlands on the morning of April 16th, just a couple of hours after some huge thunderstorms had deluged the mountains with several inches of rain in a short time. The storm front roared through all the central Appalachians that day, particularly the mountains and valleys of West Virginia and Virginia before being blown out to sea by a cold boreal wind. I was coming from western Maryland, over the Allegheny Front east of Mt. Storm, down through the Petersburg valley and up the South Fork of the Potomac all the way to Monterey, Virginia. From there I turned east, winding up and down the ridges until I got to the Ramsey's Draft Wilderness in the beautiful Shenendoah Mountains of Virginia. All along the way the streams and creeks and rivers were surging over their banks and flooding the roadways. U.S. 220 north of Franklin was completely flooded in places by the raging brown Potomac. Every major stream that I passed for all of those miles was choked with frothing mud. When I got to the Ramsey's Draft, however, that creek was running almost crystal-clear. A friend that I was meeting who had come from Washington reported driving through massive thunderstorms in the Shenendoah valley, so obviously the deluge had not spared the Draft. And yet it was delightfully clear, and although fairly high could be crossed on foot with no greater danger than the usual stubbed toes, in marked contrast to many smaller streams which were unfordable by man or beast. The difference was that Ramsey's Draft is one of the very few whole watersheds in the whole Appalachian range that is a virtually intact old growth ecosystem. A large majority of the forest cover in this 6,000+ acre drainage is uncut virgin forest, with only a little nibbling around the edges by selective cutting many years ago. The topography of the Draft clearly helped to save it, with very steep ridges and a narrow rocky valley making any kind of logging operation very difficult and expensive. It certainly had no special topographic qualities that might render it less vulnerable to big storms. On the contrary, it is actually more vulnerable than most watersheds in the West Virginia Alleghenies, which often have the mitigating effect of broad, gently rolling uplands. Yet on April 16th the Draft was flowing clear while other streams were raging

brown torrents. It was a classic example of the absorptive and purifying capacity of a true old-growth forest. In spite of the extremely steep and rocky mountainsides, in spite of being already quite wet from the recently melted snow of the blizzard of '93, the unbroken earth and ancient trees took in all that rainfall and slowly, gradually released it, clear and sparkling in the afternoon sun.

The forest of Ramsey's Draft is highly diverse, the ridge tops and uplands being dominated by various oaks and pines, with large hemlocks and white pines down in the valleys. There is a substantially greater percentage of conifers in the Shenendoah range than in the Alleghenies, mainly because of less precipitation and generally thinner soil on the steep slopes. Those same conditions also produce a thinner understory than the often jungle-like heath thickets of the West Virginia highlands, with fetterbush and mountain laurel the main constituents. The forest floor, however, is quite distinct from most present Appalachian forests, in that there is a large amount of old-growth deadfall in all states of decay and transformation. Best of all there is no management plan to enslave it, only the living Forest rooted in the old mountains, by its simple existence producing clean air and pure water and a balance and harmony that goes far beyond human understanding. If homo sapiens were truly the superior species we fantasize ourselves to be we would need no other reasons to preserve and cherish the Appalachian forests, indeed, we would not have destroyed them in the first place. But that, alas, is now besides the point, which is still a clear running stream when everywhere else the waters are muddy.

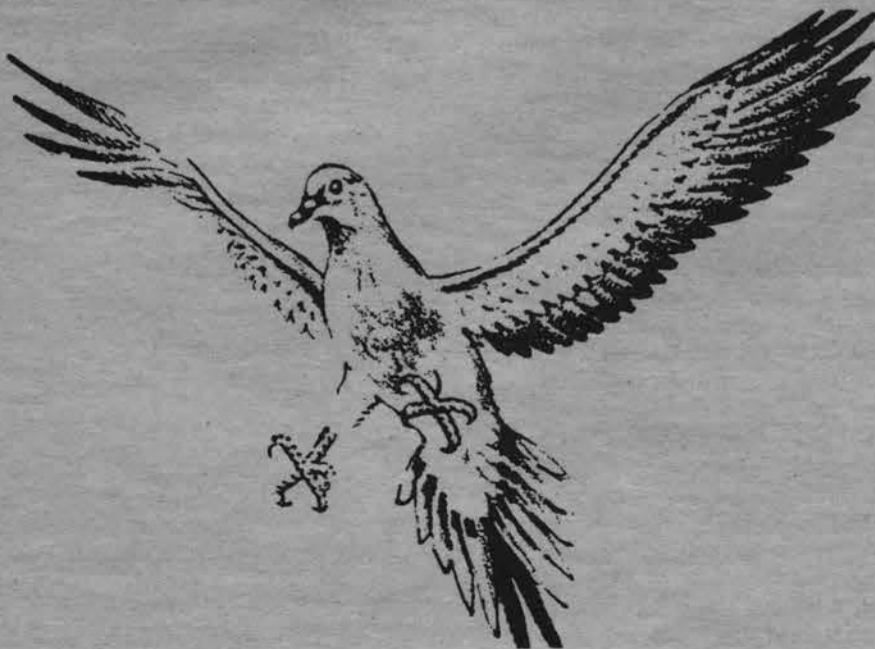
I encountered two of the major reasons why the waters are choking with sediment on my way back home a few days later. This time instead of going north at Monterey I continued west over the ridges and on up Allegheny Mountain. Near the top of the mountain I turned off onto the Elleber Sods road which leads to a large block of the Monongahela Forest. The road is finally gated at the bottom of an extensive pasture. This rangeland proved to be extremely overgrazed, with cow pies practically everywhere, very hard compacted soil and a virtual monoculture of sparse grass. The top of Elleber knob now provides an expansive vista, and from there I could see

massive clearcuts in the steep upper drainage of the Tacker Fork to the south, all part of the Monongahela Forest, and a lot more rangeland at the higher elevations both in public and private domain. It was, again, a classic example of the multiple abuses humans subject the mountains to, with seemingly precious little understanding of the full consequences of such exploitation, which include not only water quality degradation but extensive soil erosion and fragmentation of wild forest habitat with all the resultant loss of biodiversity. There is probably nothing else that could be done to the forest much worse than grazing and logging especially at the higher elevations, except the related industries of strip mining and real estate development.

Allegheny Mountain is yet another example of the 'multiple-use' philosophy that has driven forest management policies ever since the lands were originally acquired from the robber barons. Although now treated as gospel, we need to remember that 'multiple-use' was a concept developed during the most ecologically disastrous period in all of human history, the first century of so of the industrial revolution, when the burning of fossil fuels gave rise to the technology of mass environmental destruction, which in turn encouraged the human population explosion. Multiple-use is really nothing more than an egregious excuse for the myopic view that all land must be made to serve a human need. That would be bad enough even if it was inclusive of every human's needs for clean water, pure air and genetic diversity. But of course it is not, as the pitifully small protected areas attest to. What

multiple-use has been in reality is the virtual giving away of public lands to business interests for their own private profit. The Forest Service, not surprisingly, often goes to elaborate lengths to justify multiple-use, especially the benefits to local economies, but the fact is that such uses almost always amount to government subsidies, or more properly called welfare payments, since there is no obligation attached to them. Although it is understandable that local Forest residents generally support these policies (while often decrying urban welfare) there is clearly an unnatural dependency on the machinations of government and industry. Instead of economies based on true market-value resource use they are now controlled mainly by political largesse, which virtually guarantees a degradation not only of natural but human cultural integrity as well.

Sooner or later we are going to have to acknowledge all those muddy streams, both in the mountains and our institutions, even if it is only out of self-preservation instead of care and consideration for the Forest. While there may not be a great deal that can be done to influence private land use for the present, the Monongahela National Forest, as well as all national forests, belongs to everyone, and I would assert that that should not mean not only U.S. taxpayers but ALL beings who call the forest home, all the fungi, lichens and moss, all the wildflowers, shrubs and trees, all the bugs, birds and mammals, but certainly not to any one specie such as humans or bovines. Accordingly, national forests ought to be just that; Forests. A clearcut (contd on page 8)



Monongahela National Forest Hiking Guide, Fifth Edition

by Bruce Sundquist and Allen de Hart
with the cooperation of the Monongahela National Forest Service staff and numerous hikers.

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Stillwell OA Appeal

(continued from page 1)

- land management principles in the areas of-
- Landscape ecology and natural disturbance regimes - FPL.
 - Silvicultural Practices - FOD and FPL.
 - Forest Fragmentation - FOD and FPL.
 - Indicator species - FPL.
 - Water and soil quality - FOD.
 - Water Quality and Trout - FOD.
 - Herbicides - FOD
 - Global warming - Beyond FPL
5. The EA attempts to sidestep a full analysis of the proposed activities by referencing the Forest Plan's general guidelines - FOD and FPL.
6. The EA's claim to find no significant impact is invalid as cumulative impacts were only superficially addressed and do not meet NEPA requirements - FOD.
7. The "No Action" alternative was not given detailed analysis as required by NEPA - FOD.
8. The EA's discussion of biodiversity violates the 1976 National Forest Management Act's biological diversity maintenance provision and the 1969 National Environmental Policy Act - FPL.

Josh Sperry, lead person on the Stillwell Appeal now for the EMFCP, said his group felt that the Regional Forester did not address all of their complaints. EMFCP petitioned the Chief of the Forest Service to review appeal. At first his office showed interest in a review, but then later declined to intercede. EMFCP was informed by the Marlinton District Ranger that contracts could begin being issued by mid July. EMFCP is looking for an attorney to try the case in the appropriate federal court.

Clear Running Streams (continued from page 7)

laced with truck roads is not a Forest. A pasture for beef cattle is not a Forest. Our public domain, at the very least, should not exist as monoculture wastelands for chainsaws and hamburgers. There is more than enough private timber and pasture land in the Appalachians to satisfy any reasonable current or future need. What there is a terrible shortage of, as the angry rivers show, is truly healthy forest, old-growth wilderness free from human domination, where the ancient and ever-new cycles of Forest life are woven together in a seamless tapestry of remarkable strength and diversity.

The health and diversity of Ramsey's Draft or the relative waste and squalor of

Several of the issues dismissed by the Forester on grounds that the issue was a Plan Level Issue will hopefully be addressed in the next revision of the plan, scheduled to begin in the near future. I'd like to focus on the implications of the choice of 'Indicator Species' for a moment, which the Regional Forester said was outside the scope of this decision. Indicator species are selected during the Forest Plan creation to help guide and monitor the activities to take place in the specific management area types. Stillwell was classified as management area 6.1, which the forest plan describes as "Remote habitat for wildlife species intolerant of disturbance; featuring a semiprimitive, non motorized recreation environment; providing a mix of forest products (emphasizing manipulation of the naturally occurring tree species composition to optimize hard mast production, age class distribution and ensure a continuous mast supply)."

The indicator species chosen for this management area are black bear and turkey. This fits in well with the carefully crafted 6.1 management prescription, in that the prescription is filled and the indicator species chosen are benefited by regularly clearcutting to provide open areas and oak regeneration for the hard mast. Oaks supposedly can reproduce in many areas (areas outside natural oak sites) only by clearcutting (aided by oak seedling planting and plastic wrap protection). How bear and turkey survived for all these years without clearcutting is beyond me. What all this means to me is that when the forest plan for the Monongahela comes up for review again many of these FPL issues will need to be addressed again in light of the problems and questions that have arisen on preserving our native biodiversity.

Allegheny Mountain are the choices now before us, clear streams or muddy sewers. The only economic sacrifice people would have to make to free the Appalachian Forest is to pay a little more for the wood and paper they use and cattle flesh they consume, both of which could be more than offset by subsidizing renewable energy, recycling and truly sustainable food production. For some, though, there will be required what is to them a greater sacrifice; to surrender their imagined control over the mountain wilderness, and to give to the Forest the space and time to grow in whatever ways it please, for the benefit of everyone and of no one at all.

Extinct Specie of the month



Passenger Pigeon - *Ectopistes migratorius*, Extinct 1914

drawing and article by
Vince Packard

The most numerous bird to have ever lived. It represented 40% of the birds in the US. In 1870 the species was already diminished when a flock one mile wide by 320 long passed Cincinnati. James Audobon, travelling next to the Ohio River, watched a column of the birds so that "the light of the noonday sun was obscured as by an eclipse." This lasted the whole day and for three more days, subsequent flocks followed.

One breeding ground in Kentucky was several miles wide and 40 miles long. Audobon reported an incredible din and branches 2 feet in diameter

broken by masses of birds upon birds as they descended onto their roosting site.

The demand for cheap meat was phenomenal and professional pigeon hunters used the innovations of telegraph and railroad to follow the flocks. Stool pidgin decoys, pigeons with eyes sewed shut nailed to a post lured their quarry. The last great nesting flock came together in 1895 near Bowling Green OH. Hunters descended from afar and out of 250,000 birds, 200,000 were taken. Shipped in boxcars, the train derailed and the wasted birds were dumped into a ravine. Martha, the last passenger pidgeon, died at Cincinnati Zoo in 1914, at 29 years of age.

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Thanks again to Vince for all the great drawings in this issue, all other readers are also encouraged to submit photos and drawings for the VOICE

Membership Benefits

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 - * Special meetings with workshops and speakers
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- The WVHC, at age 25, is the oldest environmental group in West Virginia. The Conservancy was been influential in protecting and preserving WV's natural heritage. Your support will help WVHC to continue its efforts.