



The Highlands Voice

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Out of state garbage returns

by Andrew Maier

A newly formed group called the West Virginia Landfill Association has filed suit in an attempt to have much of West Virginia's solid waste law declared unconstitutional. This lawsuit seeks to eliminate all Solid Waste Assessment fees. We will lose our right to a referendum on Class A landfills. The work counties have put into Comprehensive and Siting Plans will be wiped out. The 30,000 ton cap on Class A landfills will be eliminated. Solid Waste Authority siting and expansion approval will be eliminated. The Landfill Closure Assistance Program will be eliminated.

As the Chairman of the Summers County Solid Waste Authority, I know the impact that elimination of our fees would have. In Summers County, we would have to fire two employees, end our Prisoner Pick-up Program, our recycling efforts, our Open Dump Clean-up Program, close our office and more.

To assist the State in its defense of the law, 30 Solid Waste Authorities representing 35 West Virginia Counties have intervened in the lawsuit. The Intervening Solid Waste Authorities are chipping in anywhere from \$100 to \$2,500 each to a fund we're calling the Solid Waste Legal Defense Fund. We've hired Constitutional Law Professor Robert Bastress of the W.V.U. College of Law and Charleston Attorney Larry Harless, an Expert in the Federal Courts.

Recently, the Landfill Association has been forced to admit that it really has only two members:

Northwestern Disposal Co. in Wood County and Meadowfill in Harrison County, both of which are owned by Mid-American Waste Systems of Columbus, Ohio. Originally claiming at least seven members, the Association later told the court it had four members, two of whom announced that they had been included in the lawsuit against their will and resigned from the group.

It turns out that Mid-American has been in court a lot in other states. They paid a state record \$300,000.00 fine in Indiana for medical and asbestos waste violations at their landfill there. They were fined \$57,000.00 for correction of water

contamination at an elementary school in Jackson Township, Ohio. The Ohio EPA fined Mid American \$3,000.00 for hazardous waste cleanup. They also owed Ohio \$29,000.00 in delinquent fees. Records of the Securities and Exchange Commission reveal that Mid-American gets into legal battles at many of its landfill sites.

Contributions by Solid Waste Authorities, individuals and groups like the West Virginia Highlands Conservancy have made our defense of our hard won solid waste laws possible. Ad usual, we are being forced to defend every step forward that we take towards sound environmental policy here in West Virginia!

Decision soon on Corridor H route

West Virginians can expect to hear this month which route has been chosen for Corridor H, east of Elkins.

Even before the comment period had ended February 20, rumors were drifting out of the Capitol that a decision had been made.

A four-lane highway and part of the Appalachian Corridor System, Corridor H was planned to connect I-79 in West Virginia with I-81 in Virginia. It has been on the drawing boards for close to 20 years.

A section from Weston to Buckhannon has been complete for several years and recently a by-pass of Buckhannon was completed and Buckhannon to Elkins sections put under contract and construction.

The decision expected soon is on the most controversial portion of the highway. Any route will take the road through the Monongahela National Forest and over will be costly, since it must go through the mountains.

An attempt a decade ago to route the highway essentially along Route 33 east of Elkins was abandoned in the face of widespread environmental opposition and a major fish kill at the Bowden Fish Hatchery.

Through the efforts of W.Va.'s senior senator, Robert Byrd, the project is back on track. Sen. Byrd secured money for the Buckhannon by-pass and Buckhannon to Elkins sections even though both went through isolated wetlands in the area.

In light of Byrd's determination to see the road built, many environmentalists last November joined with business, taxpayer and sportsmen groups in the North for Corridor H Alliance.

While the concerns were different for some groups and individuals, Alliance members shared opposition to any southern route, since those routes would cut through the middle of the Forest, cross a number of rivers being studied for Wild & Scenic, and destroy habitat of many of West Virginia's threatened and endangered species.

In addition, southern routes would be \$50-700 million

more expensive than the most expensive northern routes.

Gathering strength through the comment period was a new No Build movement that questioned the benefit of the road and urged state officials to "Fix local roads" and upgrade roads to improve east-west access.

W.Va. must "match" federal funds with 20% of the cost. The state's 20% of the \$1 billion+ project could repair and maintain many miles of local road, critics say.

Rumors indicate that Scheme D might be chosen since it goes north around the Forest and then south through Moorefield. Few people expressed any support for D.



WVHC President Cindy Rank and Chris Clower of U.S. Fish and Wildlife Service study proposed Corridor H routings during the Fall Review at Cass.

Spring Review April 23 -25, 1993

to coincide with the
Great Greenbrier River Race
a relay race for canoe, bicycle, and running
(we hope to field several teams, so get your team together soon and call to sign up)

A wide variety of accomodations are available, but make your reservations soon by calling Mary and Gil Willis.

Saturday events, in addition to the race, include caving, a car/hike tour of near-by Mon Forest sites, and a visit to Cranberry liming station (trout fishing?), plus a cookout prepared by Mary.

For more information, call Donna Borders, 428-4746

April Voice Deadline March 15

Send articles, on computer disc if possible (Word Perfect or ASCII), to Bill Ragette, 144 Trace Fork, Culloden, WV 25510.

E-Day at the Legislature March 3

**Celebrate WV's
Rivers**

Hear mesmerizing speakers, see old friends, educate your legislators. Don't give the planet over to the forces of darkness. Starts at 10 am sharp

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— from the heart of the mountains —

by Cindy Rank

Winds of change

Since the last issue of the VOICE, fall has long since passed and Thanksgiving, Christmas and New Years have come and gone as have the reflections and sentiments normally associated with those seasons.

Now warm and powerful winds melt the snow and whip into a frenzy the long arms of trees that cover the hillsides. The swaying forms have changed from gray-black to red-brown as witness to spring's annual tug-of-war with winter.

Winds of change are also sweeping both state and nation in an attempt to force the spring, and yet, i drag my feet, not yet sure of what the spring will bring, not yet willing to greet it with open arms and gay abandon.

I can't help but wonder if the hopes of Arkansas and Tennessee will really have a chance to bloom into a lush and colorful array of financial sanity and physical well-being for both people and planet, or if they will be unceremoniously dashed upon the rocks of the entrenched forces of power and greed.

What makes it especially difficult to dream of better days ahead is our experience here in West By God as we attempt to address the multitude of environmental issues that concern WVHC members near and far.

In Canaan Valley, development as well as significant and permanent ORV (off road vehicle) damage continues while we slowly (but hopefully) inch ahead toward future designation for what remains of the valley as a National Wildlife Refuge. (Meanwhile, greatly flawed ORV legislation plods its way through the state legislature.)

In that same section of the state and spurred on by the apparent inevitability of construction, we are reluctant participants in the Corridor H debate, joining with other groups and individuals who want to keep the road on the least expensive course, that will provide the greatest benefits to the most communities with the least amount of harm to people and environment (i.e. the northern route).

In mining policy we are fighting a back-sliding of monumental proportions that will not only leave untreated hundreds of miles of acid mine drainage damaged streams, but will also create more sources of acid under the preposterous assumption that guaranteed limited-perpetual treatment is possible and acceptable.

Our much touted Ground Water Protection Act is falling prey to the obstacle course of regulation which has left us with little hope for the strong protection measures anticipated by the act, especially where current activities are causing pollution.

As the state cleans up its image by closing the book on the infamous DOE (Division of Energy) brainchild of Arch Moore, the newly created DEP (Division of Environmental Protection) is taking on the look of the good old wolf in sheep's clothing. Where aggressive across the board environmental PROTECTION is needed, the defining legislation is enshrining an insidious and pervasive emphasis on a BALANCE of the kind that invites political power and influence — a scenario all too familiar in W.V., but hardly a posture that will see her kindly into the next decade.

The list goes on, but i stop.

So, what's the point of all this moralizing???

One simple message: Don't be fooled into complacency. ...Laugh and play and sing and dance and have fun, for without that dimension we will surely fade and fail. But know that in this time of great opportunity, the challenges are equally as great and action by Conservancy members will be needed on many levels.

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letters

Author requests information on landowner /hunter interaction

Dear Editor;

I am working on a book which deals with HUNTING IN AMERICA, emphasizing hunting on private lands. One important aspect which has come to my attention in my research is the conflict, at times violent, between hunters and landowners. Many of the landowners are farmers or ranchers who resent the annual invasion of their properties, others fear for crops or livestock, yet others are simply concerned about accidents on their land for which they might be held liable. Many of the hunters are city-based, landless individuals who consider it their right to utilize state or federally owned resources, like wildlife, wherever they are found. Rural

law enforcement often ignores the situation.

Landowner/hunter conflicts escalate dramatically each Fall during hunting season and we can only begin to understand the dynamics of the interactions once we have tangible information on hand. It is the goal of my research to compile such information. It is my personal hope the book may be of value in formulating solutions to the conflict.

With this letter, I would like to invite your readers, rural, urban and suburban, hunters and non-hunters, farmers and ranchers to write to me with any "hunting stories" they may have experienced or heard about. Also, newspaper clippings of local

incidents will be very helpful. All information will be treated confidentially for the purpose of presenting a clear picture of the landowner/hunter relationship only. The names of informants or individuals featured in a story may be given or withheld in the final publication, according to the informant's choice. Already published news reports will be documented as such.

Please send your stories and other pertinent information to:

Vera Ninez, PO Box 885, Athens, Georgia 30603.

Thank you very much for your help!

Vera Ninez

Intercepted letter to the Vice President

Honorable Al Gore
U.S. Senator
393 Russell Senate Building
Washington, DC 20510

Dear Senator Gore:

Congratulations on your election as Vice-President.

I am writing in regard to the Waste Technologies Industries (WTI) hazardous waste incinerator in East Liverpool, Ohio. This monstrous environmental nightmare is now doing "test burns" of its equipment and is scheduled to begin actual hazardous waste incineration before 1993.

This facility has apparently been licensed to operate by the U.S. EPA in violation of many of the EPA's own rules and procedures. Its owners call the incinerator "safe," but will not tell the public what elements, compounds, etc. will be emitted from this plant. They would have us believe that only water and carbon dioxide will be the end products from incinerating dozens of elements and hundreds or thousands of compounds which make up the hazardous waste incinerated.

Also, apparently the facility was granted a 180-day temporary authorization permit only after its President, D.J. Black Marshall, wrote Vice-President Dan Quayle a letter requesting Quayle's intervention in the permitting process.

Less than two months later, on July 9, 1992, the EPA issued the 180 day temporary authorization permit.

WTI says that a majority of the residents support the plant. But thousands of Ohio Valley residents have engaged in peaceful protests against this facility. Many have been arrested for "trespassing" on what appears to be a public street. The local police in East Liverpool, Ohio "protect" WTI's "facility" from peaceful protesters, but who will protect us from the nearly 10,000 pounds of lead this incinerator is permitted to emit annually? Not the U.S. EPA, that's for sure! I've learned that the EPA protects polluters, not the general public.

Is this how it is supposed to work? Do you think this is fair? Can you help us? Will you help us?

During one of your campaign trips to the Ohio Valley you called the WTI incinerator a "travesty." You said that we would not see anything like this under a Clinton/Gore administration. Please come to East Liverpool and shut down WTI. Thank you.

Sincerely,
Franklin D. Young

Logging moratorium suggestion applauded

Dear Editor:

I would like to add another voice supporting a moratorium on logging in the Monongahela National Forest, as outlined by Bill Ragette' in his excellent article in the Summer issue of the *Voice*.

Although even proposing such a moratorium will undoubtedly be viewed as sacrilege by the wood products industry (which, sadly, must include the U.S. Forest Service) all we are really talking about here is removing that industry from the welfare rolls, and requiring them to be full participants in the free-market process instead of gorging themselves at the public trough.

While it may be true that some job dislocations would have to take place, changes in the logging industry are inevitable in any case, principally because the corporations themselves have shown over and over again that they regard their employees mainly as fodder to be used for the company's profit and then discarded.

This, paradoxically, is one of the most compelling economic reasons for a logging moratorium on public land, for then it would be necessary to manage private forest lands in a truly sustainable fashion. This would be done primarily by careful selective cutting using less mechanized and more labor-intensive methods of harvesting, which would actually create jobs, and then turning those trees into finished products right here in the bioregion, creating yet more work.

Freeing public forests thus would help to foster a local economic and cultural base with deep strong roots that could be depended upon to support a healthy community for generations to come.

The other major objections to a logging moratorium, euphemistically referred by the government bureaucracy as 'improving' game species habitat, and 'increasing' biodiversity must come to be seen as ludicrous principles upon which to base proper forest management.

As Bill Ragette' points out, not only in there already an overabundance of game species even in relatively healthy forest areas, but the greater number of species found in some clearcut areas is simply not a logical basis for ascertaining the true health of an ecosystem. This is especially true since the type of habitats produced by clearcutting are vastly overrepresented in all eastern forest regions, while old-growth forests (which are what natural evolution has determined is the healthiest long-term vegetative growth pattern) are vanishingly small and are becoming more and more isolated and endangered by exploitive consumption.

Our citizen-owned lands represent the only possibility we now have for restoring even a modicum of ecologi-

cal balance here in the Allemon bioregion, and indeed throughout the Appalachian range. The very survival of many species dependent on old-growth habitat is now threatened unless we finally have the wisdom to free at least the relatively small amount of public forest lands in the east from human domination, and indigenous species are certainly not all that are endangered, because no amount of money will buy us the clean air and pure water that the Forest gives us if we destroy it, nor can we replace the precious soil washed away from clearcut hills.

All of the foregoing, it seems to me, represent strong reasons to support a logging moratorium on public land, but I will not persist in trying to justify wild forest preservation by its economic or environmental or recreational benefits to humankind. The very idea that all things must somehow serve a human need, that they must have a 'use' to our culture in order to be spared (occasionally) from utter degradation is not only an arrogant and ignorant perversion that is resulting in the destruction of the Earth, it is resulting in our own cultural destruction as well. The only proper justification for wild forest preservation is freedom, freedom for all beings, whether they are 'useful' to homo sapiens or not.

Our enslavement of the Earth has caused our own imprisonment behind walls of consumption, and whatever true freedom we will ever have is now dependent first on our giving freedom back to the Earth.

Sincerely,
Robert Stough

Reader objects to political cartoon

Dear Editor:

Just got your "Voice," Summer 1992 and object to your use of the Watt/Reagan cartoon on the cover (or putting it anywhere else, for that matter.) I think you ought to stay out of politics, especially partisan politics.

Tom Staley
Member

Ed. note: I'm sorry that Mr. Staley did not like the nameplate on the Summer 1992 edition. Like other 1992 Voices, the Summer edition was headed by a Voice nameplate from the past — that one from December, 1981 when the Voice was ably edited by Judy Frank.

WTI on the fast track - Burn, Baby, Burn

by Frank Young

How can developments of the world's largest hazardous waste incinerator, that has taken 13 years to permit, design, build and test be called fast paced?

Well, more has taken place toward placing in operation Waste Technologies Industries' (WTI) hazardous waste incinerator at East Liverpool, Ohio during the past 12 months than during the previous 12 years, since the facility was first publicly proposed.

Even as this article is being typed, U.S. District Judge Ann Aldrich in Cleveland is contemplating whether to permit test burns of hazardous wastes at the facility.

According to its investors and advocates, the WTI incinerator is a modern, safe, efficient plant for the "disposal" of materials regulatory agencies call "hazardous waste." But according to Greenpeace, the Tri-State (Ohio-West Virginia-Pennsylvania) Environmental Council and other of the plant's opponents, the incinerator will be a major health hazard and will do nothing to encourage reduction in the amounts of hazardous waste produced.

The battle on both sides is highly pitched. The plant's investors and promoters cite the \$160 million WTI says it has already spent on the as yet unused facility and what they claim is a bonanza of "economic development" sure to result from the plant's operation. But plant opponents claim WTI's claims of safety are bogus and are driven by the motive for profits from payments for the "disposal" of hazardous materials incinerated at the plant.

WTI says that its incinerator will dispose of wastes by a carefully controlled, monitored combustion process that will result in known discharges from its smokestack. But plant opponent Terri Swearingen, with the Tri-State Environmental Council, told a crowd of an estimated 1,200 WTI protesters outside the plant on Nov. 22, 1992 that what will occur inside the plant, should it ever become operational, would be more like a bonfire. Amounts of various hazardous materials would be burned in an atmosphere of "getting rid of it as quickly as possible to make room for more" without much regard for the short- or long-range health effects of the by-products of this incineration for human and other life down wind from the plant, she said.

Swearingen and many other incinerator opponents have been arrested (some of them up to five times) for acts of civil disobedience in connection with anti-incinerator demonstrations. All the arrests were for misdemeanor charges, such as trespassing and "unlawful entry" into Ohio or U.S. EPA offices in Columbus, Ohio and Washington, D.C.

The charged "unlawful entry" was made during regular office hours of the agencies. The charges in connection with the demonstrations at the Ohio EPA offices in Columbus were later dropped. Swearingen and the others involved believe the charges were dropped because the state decided its action in approving WTI's permit was flawed and would have been a key issue involved in prosecuting charges against the protestors.

Joy Allison of Chester, W.Va., another active opponent of the WTI plant, says her greatest frustration has been trying to find out how the U.S. EPA permitting process works, compounded by the lack of cooperation from EPA officials in determining how and why a variety of EPA regulations have been ignored.

She does not mince words.

"The EPA does not protect the people from the pollution, it permits pollution and protects polluter," Allison says.

The EPA process served only the needs of industry, according to Allison, and does virtually nothing to see that what industry does is protective of the environment.

This charge of permitting before protect-

difficult to find a less desirable location for a hazardous waste incinerator.

East Liverpool has been in industrial decline for several years and suffers from high unemployment and the associated malaise. There are those who contend that it is no accident that this location was chosen for this incinerator. After all, they ask, would anyone want such a facility in a booming, affluent community?

Two events seem to support this theory. First, WTI first leased the land for construction of the hazardous waste incinerator in May 1981 from the Columbiana County Port Authority, a publicly funded economic development agency which had acquired the land by eminent domain

port with applicable law.

According to Alonzo Spencer, an East Liverpool resident and an active opponent of the WTI facility, WTI could not get and keep a valid permit to operate without this sale.

Just as ownership of the land was a legal hurdle, so too is the ownership of WTI. Just who owns WTI was and still is a mystery.

In January 1980, Stephens, Inc. of Little Rock, Ark. formed WTI to build and operate regional hazardous waste incinerators. According to a March 22, 1992 report in the *Cleveland Plain Dealer*: "Records, and Stephens officials, say the company has been — but is no longer — financially connected to the Bank of Credit and Commerce International (BCCI), a politically influential international banking firm that has pleaded guilty to racketeering, criminal fraud and conspiracy. Don Brown, a Stephens official, and former East Liverpool resident, contacted city officials in January 1980 and said the company wanted to build a waste-to-energy plant..."

On May 8, 1992, the *New York Times* reported: "The investor who started the project in 1980 was Jackson T. Stephens, chairman of Stephens, Inc., one of the nation's largest investment banking companies, in Little Rock, Arkansas. Mr. Stephens has raised \$100,000 for the Clinton Presidential campaign and has extended \$2 million in credit to the campaign through a bank partially owned by his family. He also contributed \$100,000 to the Republican Party and he and his wife were hosts to the Inaugural party for President Bush in 1989..."

On August 21, 1990, Swiss-based Von Roll (Inc.) bought out three of WTI's four partners (who had received the illegal EPA permit in June 1983.) Von Roll, in violation of the permit, did not notify U.S. EPA Region V of these changes in ownership. Two months later, Von Roll announced that it had arranged \$128 million in financing for the WTI incinerator through BCCI-connected Union Bank of Switzerland and J.P. Morgan.

In February 1992, the U.S. EPA added the Columbiana County Port Authority to WTI's permit as a co-permittee, without the request or consent of the Port Authority. Three months later, EPA officials admitted in a Congressional Judiciary Subcommittee hearing on WTI that adding the Port Authority's name as a co-permittee was illegal.

So, as of May 1992, WTI had an operating

"The EPA does not protect the people from pollution, it permits pollution and protects the polluters"

ing is a familiar one to observers of the regulatory process throughout many areas of governmental agency oversight.

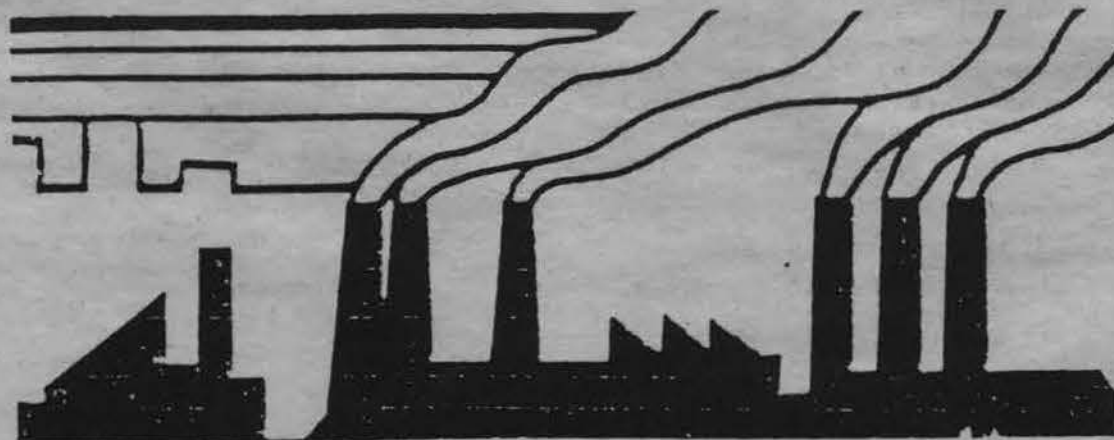
The incinerator itself is a somewhat impressive, although imposing, gleaming new white structure on the banks of the Ohio River on an otherwise bleak stretch of the river in the old industrial town of East Liverpool, Columbiana County, Ohio. It is directly across the river from Chester, W.Va.

Located in a mixed industrial/residential area of town, one can look across the top of the incinerator's smokestack from an elementary school located just 1,100 feet away on a hillside. The incinerator was built within the known flood plain in a valley known for "air inversions" on many days during the year. Air inversions cause stagnant, pollution laden air to remain near the ground, sometimes for days and even weeks in the valley. Considering the topography, atmospheric conditions and other land users in the immediate area, this writer would be hard-pressed to disagree with those observers who contend that it would be very

for a "public purpose." Second, supporters of the facility defend it based primarily on the argument that it will be a needed boost to the economy of the area. It appears reasonable that this mindset helped WTI officials decide to locate the incinerator at East Liverpool.

The permitting process for WTI has not been without legal controversy. Ownership, control and ultimate responsibility for its operations are still in doubt. A permit for the incinerator was issued in June 1983, but EPA officials have since then admitted that issuance of the permit violated their own regulations, since the Columbiana Port Authority, which owned the site did not apply, along with WTI, to be the licensee.

Some believe the Port Authority did not want to be a licensee because it wanted to avoid any responsibility for the operations. The Port Authority never did apply to be a licensee along with WTI. In August 1992, more than 11 years after it leased the land to WTI, the Port Authority sold the land to WTI in a controversial transaction which some contend did not com-



WVHC intervenes in Monongahela Forest appeal

by Bill Ragette'

'Free the Monongahela Coalition' has recently appealed the USFS decision to clearcut hundreds of acres and implement a slew of management practices on 5719 acres of the Monongahela National Forest. This area, called the Stillwell Opportunity Area (OA), is located on the Marlinton Ranger District. 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 decision by the Supervisor of the Monongahela includes 290 acres of clearcuts, 100 acres of herbicide treatments to kill moose maple and red maple, planting 100 acres of oak seedlings wrapped in white plastic tubes, sixteen one acre openings in forest interior habitat, 4.2 miles of road construction and reconstruction, building 119 fish habitat structures in Monday Lick Run, a 19 acre permanent savannah, designating 5% of the area as scattered stands of 'old growth', etc. One third of the oldest stand of trees (130 yrs.), which lies across the very head of Stillhouse run, will be clearcut. The Decision Notice claims that the project will lose \$66 to boot. This does not include the costs of developing the EA for the project and other administrative and project costs. One reason given for some of the clearcutting of oak trees is to protect them from gypsy moths.

This project developed from a three OA decision released over a year ago. The Eastern Mountain Forest and Conservation Project (EMFCP) and I appealed that decision. The

appeal was granted because the EA for the project did not consider the cumulative impacts of the various projects. Over the last year the Forest Service has spent considerable time and effort in producing this 'EA to end all appeals'. No new timber projects were out for review during this time, and many ongoing plans were delayed. The new EA is say 300 pages long including appendices and 28 maps. Yet many concerns of our concerns were ignored or glossed over.

This 'unappealable EA' has drawn more comment from more groups and individuals than last year's EA. The 'Free the Monongahela Coalition' was founded by EMFCP and a half dozen other groups including Mountaineer Chapter of Trout Unlimited, Heartwood, the National Student Environmental Action Coalition, and Save America's Forests. A separate appeal was also filed by the WVHC that the Forest Services claims not to have received. We then requested and were granted intervener status and submitted the appeal in that capacity.

The EMFCP is a group of students and professors from Swarthmore College. They are attempting to apply lessons from Conservation Biology and review of law, regulations, and court cases to appeals of misguided Forest Service Decisions. The Coalition's appeal is ninety pages long and chock full of information. It contains sections on problems with forest fragmentation, levels of biodiversity, indicator species, habitat corridors, oaks and gypsy moth, nutrient loss, forest floor ecology, trout populations as an indicator of water quality and species diversity. Did you know that oak tannin binds to

insect stomach linings and blocks nutrient uptake and that after gypsy moths defoliate the trees the summer leaves that replace them have highly increased tannin content as do the following years leaves? The appeal also quotes a study at the Hubbard Brook Experimental Forest where they found that dissolved nutrient runoff levels in a clearcut watershed were 13 times the uncut area. The nitrogen runoff from the clearcut watershed was 60 times the normal rate and that it took 170 years for the nitrogen level in the soil to return to original levels.

What we are asking for in the appeal and the intervention is that an Environmental Impact

Statement be completed. The EIS must provide enough information so we can truly assess the impact of proposed actions on the health of the forest and on all levels of biodiversity. The regional Forest Supervisor in Milwaukee will make his decision on the merits of the appeal by March 15. Meanwhile the Forest Service is considering like projects in several other locations in the Monongahela like Grassy Mountain (includes Shot Cherry Cabin) on the Potomac Ranger District, Brushy and Buckley Mtns adjacent to Watoga State Park, and Horseshoe Run on the Cheat Ranger District. Anyone interested?



LOGGERS HAVE LEFT A FEW TREES IN THIS NATIONAL FOREST TO BID FAREWELL TO THE ENVIRONMENTAL PRESIDENT

reprinted from the Charleston Gazette

WTI, continued

permit, originally issued in June 1983, but which did not name the new owner (Von Roll) as the permittee. Said permit had been amended to include the Port Authority, which apparently wanted no part of the permit or the responsibility for operations. But, in a May 21, 1992 letter to Vice-President Dan Quayle, Von Roll president D.J. Blake Marshall admitted that even these permits were "now invalid."

Marshall told Vice-President Quayle that the WTI-Von Roll dilemma (having a \$140 million facility with no valid permits) "underscores the need for the same measures you have taken to balance the nation's regulatory process..." Three weeks later, on June 10, 1992 WTI's proponents met the Vice-President Quayle's Council on Competitiveness, presumably to ask that the Council bypass the regulatory process and intervene on behalf of Von Roll and WTI.

On July 7, 1992, EPA Region V officially requested ownership information from WTI. In a letter to Marshall (Von Roll president), EPA said "...it is unclear who is responsible for day to day operations at the Facility, who is responsible for the financial assurance and other regulations (liability insurance, etc) required under 40 CFR Part 264, and who has authority to sign on behalf of the Facility and bind the Facility."

But just two days later, on July 9, EPA

issued a 180-day temporary authorization permit.

It is in WTI's interest to have the 1983-issued permit revalidated, rather than apply for new permits, because the location of the incinerator in relationship to schools and residential areas will not meet current siting requirements which were established in 1984, six years before construction of the facility began.

The EPA licensing process for WTI was so botched that Senator Howard Metzenbaum, D-Ohio, said "...every person involved in this undertaking should be called to resign from government."

Lew Crampton, associate administrator of EPA's public affairs office, did resign on Oct. 13, 1992. He took a job with WTI-associated company, Waste Management Inc., as senior vice-president of communications and government relations. Several months earlier, while still at EPA's Washington offices, Crampton had 12 WTI opponents arrested for "unlawful entry" after they arrived for a scheduled meeting with EPA officials to talk about illegalities in the permits EPA granted WTI.

Who owns WTI? All we know is that a sign on the fence around the incinerator facility reads, "WTI—A Von Roll Company." WTI officials are tight-lipped. They will only say that the incinerator is safe and legal. Apparently the question of legality is in serious doubt. Is it safe? EPA takes the position that it is if the

permittee says so.

Recent efforts in the U.S. District Court to get an injunction against test burns at the plant have revealed little about EPA's "risk assessment."

But one such assessment talked about a "hypothetical" beef farm located a short distance from WTI's facility. It said that if one were to consume beef exclusively from this hypothetical beef farm located near the incinerator for several years, the likelihood of contracting cancer from dioxin contamination would be "greatly increased."

Likewise, the risk assessment spoke of a "hypothetical" school located in close proximity to the facility and the effects of long-term exposure of students to emissions from the facility.

WTI activist Joy Allison reminds us that she own such a beef farm near the facility and that a real elementary school sits only 1,100 feet from, and on a level with, the top of the incinerator's smokestack.

"If we're going to have only hypothetical people, then let's have only a hypothetical incinerator," says Allison.

What happens next? Who knows?

If the U.S. District Court prohibits the test burns on the basis of legal defects in the present permits, the permitting process might have to begin again. That could be problematical for WTI because the plant does not meet current

siting requirements. The company would likely appeal such a decision and litigation would be extended. If the court does not prohibit the test burns, hazardous waste could be incinerated at the facility by the time you read this. But there is still another wild card. During the 1992 presidential election campaign, then Vice-Presidential candidate Al Gore said the under a Clinton-Gore administration a WTI hazardous waste incinerator would not be permitted. Gore called the WTI incinerator a "travesty." In early December, then Vice-President elect Al Gore said that the Clinton administration would not permit operation of the WTI incinerator until a full investigation of the permitting process for the facility was conducted by the General Accounting Office.

But Gore and Clinton have been strangely silent on the WTI matter since taking office. Some observers say that the Clinton-Gore commitment to environmental responsibility is on the line with the WTI matter. Others suspect that the administration is letting the judicial process run its course. The administration could administratively revoke the permits if the courts do not issue an injunction to prohibit WTI's operation, but that could set the stage for court action by WTI for court relief from such a revocation. Some believe that after 12 years of Reagan-Bush appointments of federal judges, a sustainable court decision against WTI will be difficult to attain.

Worldwatch book looks at 'vital signs' of life on the earth

Book Review
by Richard diPreto

Brown, Lester R., Flavin, Christopher, and Kane, Hal, 1992

Vital Signs 1992. W.W. Norton & Company Inc., 500 Fifth Avenue, New York, NY 10110; 131 pp. \$10.95.

Introduction

Vital Signs 1992 is the first in a series created by the staff of the Worldwatch Institute (1776 Massachusetts Avenue, NW, Washington, DC 20036). Some of you probably already read the Worldwatch papers (an irregular series of monographs), "World Watch" magazine (bi-monthly: \$15/year) and the Institute's State of the World (annual).

The Institute describes itself as "...an independent, non-profit research organization created to analyze and to focus attention on global problems. Directed by [agricultural economist] Lester Brown, Worldwatch is funded by private foundations and United Nations organizations."

According to Lester Brown's foreword, Vital Signs 1992 is "a companion to our annual State of the World report, a way of providing up-to-date annual information on far more topics than would otherwise be possible."

He further states, "Vital Signs is designed to fill some of [the] gaps in the official gathering, analysis, and dissemination of global environmental data. At present, coverage of economic trends dwarfs that of environmental ones, though the latter are arguably more important. This is

largely because government and industries regularly collect and release data on dozens of economic indicators, such as employment, industrial output, and interest rates, while details of global environmental trends, such as deforestation, are collected only once a decade. Our goal is to supply information that will, in a small way, redress the imbalance in coverage of economic and environmental trends and issues."

Contents

Overview: Entering a New Era
Part One: Key Indicators
Food Trends
Agricultural Resource Trends
Energy Trends
Atmospheric Trends
Economic Trends
Social Trends
Military Trends
Part Two: Special Features
Environmental Features
Economic Features
Social Features

According to the foreword, "Part One contains trends for which historical global data are available, such as oil production, the oceanic fish catch, or population growth. Each is presented in two pages, one of text and one with data and graphs. Part Two contains essays on trend that are obviously important but for which historical global data are not available. For example, there are no annual data on the loss of plant and animal species."

Brief Comments

The two-page format for Part One, the bulk of the book, with text on the left page and data and graphs on the

right, proves stimulating. It offers the opportunity to grasp the essentials of a number of trends in rapid-fire order. While there are some positive trends such as declining CFC production, cigarette smoking, and military expenditures, there are numerous ominous ones such as increasing population with decreasing grain harvest.

Some of the findings are simply surprising (to me) and fascinating. For example, did you know that we in the U.S. produced fewer cars in 1991 than we did in 1951? And that our share of the market has fallen from 81 percent then to 16 percent now? And did you know that up to the 1973 oil crisis, a barrel of oil consistently sold for about the same price as a bushel of wheat, but now that ratio has increased to five to one? This helps illuminate the economic changes that have occurred in the U.S., a wheat-exporting, oil-importing country.

The energy trend chapter contains sections on oil, natural gas, nuclear, solar, wind, and efficiency, but no section devoted to coal. (I have asked them to do that in the future but have received no response as yet.) Coal gets noted in the sections on natural gas and carbon emissions strictly in terms of the need to reduce its use.

Conclusion

If you like data and graphs, especially about environmental topics, you'll like this book. You can also benefit even if data and graphs are not your favorite. The entire book shows first-rate effort at research, analysis, synthesis, editing and presentation. I'm already looking forward to next year's.

Rivers

Congress authorizes Wild & Scenic study for the New River

Excerpted from the WV Rivers Coalition newsletter.

Congratulations to Jim McNeely, Roger Harrison, Paul Brant, Delegate Mary Pearl Compton and all those folks who helped get this federal study started.

Through the efforts of area residents, river activists and Congressman Nick Joe Rahall, a remote 19.5 mile section of the New River has its chance for inclusion in the national Wild and Scenic River System.

In the last days of the 102nd Congress, Rahall engineered a whirlwind legislative effort to protect a relatively unspoiled section of the New River from Glen Lyn, Va. to Bluestone Lake in West Virginia. His efforts capped a six-month grassroots river conservation movement by a coalition of environmental groups and local citizens and landowners.

Rahall managed to get the bill through Congress TWICE! So, although former President Bush vetoed legislation to study the New for inclusion in the Wild and Scenic System, he signed into law similar language attached to legislation dear to the heart of Republican Senator Robert Dole of Kansas.

"This is a resounding victory for the people of southeastern West Virginia," Rahall said. "We are ensuring that the New River Valley and its

environs will not be desecrated; that this area will be protected for the benefit of the people; that future generations of West Virginians will not be deprived of this outstanding natural resource."

Although this section of the New River flows through federally-owned property within the U.S. Army Corps of Engineers Bluestone Project, in the last decade it has been threatened by hydroelectric dams, pumped storage facilities, and most recently, a 765 Kv power line, which Appalachian Power Company proposed to drive through the remote New River valley.

In January 1992, after the NCR Bluestone Project Committee was formed, McNeely made an SOS-call to the West Virginia Rivers Coalition (WVRC) for assistance and leadership within West Virginia to support the NCR and grassroots powerline opposition groups, including Common Ground, Inc. in Monroe County, Coordinated Voice for Summers County, and Citizens Opposed to the High Voltage Power Line in Mercer County for the benefit of the people of southern West Virginia."

Rahall's House Bill 5021, which would authorize a study by the National Park Service to determine whether the New River is eligible for designation under the Wild & Scenic Rivers Act, received broad bi-partisan support in the House. Going looked tough for awhile but in the last hours of the Congressional session, Rahall managed to tack his New River bill to a Senate-passed measure (to establish the Brown v. Board of Education Historic site in Kansas) then pending before the House. According to Rahall aide Jim Zoia, the House sent the amended package back to the Senate, which on Thursday evening, October 8, approved the final package.

Surprisingly, the Senate also approved House Bill 5021. As a result, the New River study legislation passed not once, but TWICE! The Dole bill (\$ 2890) was signed into law on October 29, 1992.

"Certainly the struggle is far from over," McNeely continued. "A lot of work remains to be done to ensure that the slogan adopted for this struggle is realized: THE NEW RIVER...LIKE IT IS! But we all should take time to enjoy this very impressive victory. It is a victory that truly belongs to the people of southeastern West Virginia as well as all river advocates who lent their support when it was most needed."

What's wrong with the current ORV bill?

ORV specialist Beth Little comments on the ORV bill facing the state legislature.

1.) The only public lands protected from ORV trails are state parks, forests and wildlife management areas. Not only is the Mon Forest not protected, but the current bill would grant state funds for building ORV trails on federal lands, including the Mon Forest.

2.) Mountwood Park, where several miles of ORV trails through a major portion of a county park, including three picnic shelters, is behind a gate locked to all but members of a private ORV club, raises another issue. The current ORV bill provides for grants to private organizations to build ORV projects. Would they be managed as public trails? Would they be open to the public?

3.) Provision for public input in

the locations of ORV trails is either vague and inadequate or nonexistent, depending on the final version after all the amendments are collated.

4.) Funding is split into two funds, one (development) for buying or leasing land and building trails, the other (management) for everything else: developing and administering the plan, paying the director and recreation managers, law enforcement, education, reclamation, environmental protection, etc. The management fund - at 1/4 to 1/3 the development fund - is way too small.

5.) The bill 'encourages' the inclusion of primitive and low standard roads (of which there are many thousands of miles in WV) in the ORV trail systems. Because of strong opposition, language was added to require public input (the only place in the bill where it was clearly mandated) before designating these roads

as ORV trails, but many citizens are extremely alarmed about this.

6.) The entire tenor of the bill, and the way the commission has been conducted, is the 'promotion' of ORV use, rather than its regulation. Examples: in the findings, it says, "the establishment of environmentally sound trail systems for ORV use will encourage safe and responsible use of such vehicles and increase tourism in WV" and "the Legislature finds that appropriate management of ORVs will reduce irresponsible use of such vehicles".

7.) The composition of the commission to draw up the management plan is seven agency heads plus six citizen members representing ATVs, motorcycles, snowmobiles, sportsmen, other trail based recreation (?), and a citizen at large. There is no provision for someone to represent conservation or environmental con-

cerns.

8.) Nothing in the bill provides any way to address the severe problems created by the Blackwater 100 or any similar event that is held on private land.

9.) Further problems with the development fund. It takes money from the road fund and every dollar from that fund will lose us 4 or 5 dollars in matching federal funds. The development fund is perpetual, but can only be used to build trails. At some point, there will be enough trails, but it will take new legislation to eliminate this fund. In the current bill bonds can be issued for trail development for 5 times the projected annual revenues from the development fund, which would be about \$1,000,000 in 1993. This means a \$5,000,000 debt a time when we are all concerned about massive government debt.

WVRC continues citizen suits to force strip mine regs compliance

During the past year the West Virginia Highlands Conservancy has initiated four citizen's complaints with the federal Office of Surface Mining. In each of these, the Conservancy contends that the state Division of Environmental Protection is not carrying out its responsibilities to enforce the requirements of the West Virginia Surface Coal Mining and Reclamation Act. The federal Office of Surface Mining has a duty to oversee West Virginia's enforcement of the law. When, as here, West Virginia is not enforcing the law adequately the Office of Surface Mining has the authority to take enforcement action.

The mines involved are:

—Larosa Fuel Company, Inc. mine in Upshur County. Although mining was completed over ten years ago, the site continues to discharge acid water to tributaries of the Middle Fork or Buchannon Rivers. West Virginia officials have previously approved release of the reclamation bond on the site and have taken no action to require that the discharge of acid mine drainage to these streams be eliminated.

—National Mines and affiliated companies mines in Wyoming and McDowell Counties. West Virginia officials have continued to issue permits to National Mines and companies affiliated with it in spite of numerous problems with the affiliated companies. Companies affiliated with National Mines had uncorrected

violations which should have prevented any National Mines affiliate from receiving new permits. Some of the affiliated companies have failed to submit required hydrologic data in the permitting process. Others have received approval from West Virginia officials to mine in such a way as to produce a gravity discharge of acid water from the mines.

—Paybra Mining in Wyoming County. This is a large surface mine which is not complying with regulations concerning spoil removal and the requirements for mountaintop removal operations.

—Affiliates of the Pittston Coal Company mines. Both federal and state law prohibit giving additional permits to companies if those companies control other mines which have had a permit revoked in the past or are have uncorrected violations at other mines. In its complaint the Conservancy contends that mines owned or controlled by the Pittston Coal Company have uncorrected violations that should have blocked Pittston Coal Company and all its affiliates from receiving additional permits.

The Office of Surface Mining has investigated each of these complaints. Each is currently working its way toward resolution either through a settlement negotiated among the Conservancy, the Office of Surface Mining, and the company involved or through a hearing and appeal process.

Funding the Critters

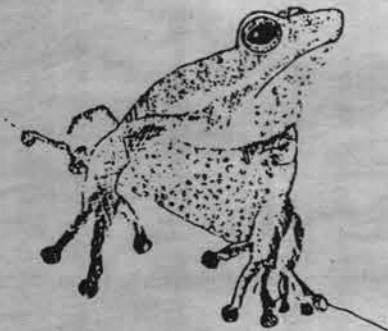
The Nongame/Natural Heritage Committee was formed to secure stable and adequate funding for the Nongame Wildlife, Endangered Species and the Natural Heritage Programs within West Virginia Division of Natural Resources. The committee consists of representatives of professional organizations, sportsmen's groups, industry and environmental groups; including the Highlands Conservancy.

When the Nongame Wildlife Program be-

gan in 1981, it received \$167,000 from a check-off box on state tax forms. It was such a good idea that a variety of other interests also sought and got a spot on the tax return. With all the competing interests, by the time the check-off options on income tax forms were phased out in 1991, the source of annual income had dwindled to \$15,000. Currently, the program is minimally funded by sales from the wildlife calendar, belt buckles, T-shirts, lapel pins and other mementos; plus proceeds from a \$60,000 pollution settlement. A few people working in this program are responsible for managing threatened and endangered species, habitat protection and environmental education.

Legislation will be introduced this session of the state legislature to fund these programs with a 0.1% increase in the Land Transfer Fee. A similar bill died in committee in the 1992 legislative session, but support for the bill is increasing. The bill is now being rewritten to incorporate a ceiling of \$200,000 to \$500,000 for the fee, to prevent it from having a serious impact on the real estate industry.

Letters of support for the bill are needed.



from stump creek

Friends. In the course of our daily work as environmental activists, let's not forget our strongest ally in our actions and words, our connection and interdependence with the rest of life. We now have a Vice-President who identified SEPARATION from the rest of life and from each other (in that order) as the major problem that we face. Native Americans have been saying this for ages, Deep Ecologists and Biocentrics understand this, more and more religious leaders are picking up this theme as well (*Replenish the Earth* by Lewis G Regenstein).

Individually each of the issues we are con-

cerned with is important in its own right yet none can actually be separated from this central issue; CONNECTION. In linking ourselves and our concerns to the welfare of other lifeforms which are ultimately also impacted by environmental degradations, we are able to distance ourselves from the potential criticism of our concerns being simply an alternative form of human separated self-interest. Until we begin to express our interdependence and connection with the rest of life in our actions and words, we will necessarily remain a part of the core problem that Al Gore identified.

Photos needed for new hiking guide

Supplies of Monongahela National Forest Hiking Guide are running low and authors Allen De Hart and Bruce Sundquist are in the midst of preparing a new (sixth) edition.

The scouting work is essentially complete and is already clear that the sixth edition will represent a major improvement over Edition 5. The number of changes that have been made to the trails on the Monongahela National Forest since 1988 will amaze everyone who compares the new and old editions of the Guide.

The need at this point is for photographs for the new edition. WVHC will pay \$10 for a photo used in Edition 6, and \$75 for the use of a color transparency used on the front cover of the guide. If one or more of your photos is used, you will also receive a free copy of Edition 6.

For black and white reproductions, black and white glossy prints are preferred. Color prints from color negatives are also acceptable if we can borrow the negative of photos selected for printing. Color slides lose a lot in conversion to a black and white halftone, but if the subject matter is of particular interest, we will use it. The most pressing need is for photos taken in the southern half of Monongahela National Forest.

Send photos to Bruce Sundquist, 210 College Park Drive, Monroeville, PA 15146-1532. Photos will be returned.

Seven thousand copies of Edition 5 were printed over two printings. We plan to do 5,000 in the first printing of Edition 6.

The fifth edition is 320 pages and includes:

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



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

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

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

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

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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

On the Pulse of Morning

by Maya Angelou

(read by the poet at President Bill Clinton's inauguration, Jan. 20, 1993)

*A Rock, A River, A Tree
Hosts to species long since departed,
Marked the mastodon,
The dinosaur, who left dry tokens
Of their sojourn here
On our planet floor.
Any broad alarm of their hastening doom
Is lost in the gloom of dust and ages.*

*But today, the Rock cries out to us, clearly,
forcefully,
Come, you may stand upon my
Back and face your distant destiny,
But seek no haven in my shadow.
I will you no more hiding place down here.*

*You, created only a little lower than
The angels, have crouched too long in
The bruising darkness,
Have lain too long
Face down in ignorance.
Your mouths spilling words
Armed for slaughter.
The Rock cries out today, you may stand upon
me,
But do not hide your face.*

*Across the wall of the world,
A River sings a beautiful song,
Come rest here by my side.*

*Each of you a bordered country.
Delicate and strangely made proud,
Yet thrusting perpetually under siege.
Your armed struggles for profit
Have left collars of waste upon
My shore, currents of debris upon my breast.*

*Yet, today I call you to my riverside,
If you will study war no more. Come,
Clad in peace and I will sing the songs
The Creator gave to me when I and the
Tree and the stone were one.
Before cynicism was a bloody sear across your
Brow and when you yet knew you still
Knew nothing.
The River sings and sings on.*

*There is a true yearning to respond to
The singing River and the wise Rock.
So say the Asian, the Hispanic, the Jew
The African and Native American, the Sioux,
The Catholic, the Muslim, the French, the Greek
The Irish, the Rabbi, the Priest, the Sheikh,
The Gay, the Straight, the Preacher,
The privileged, the homeless, the Teacher.
They hear. They all hear
The speaking of the Tree.*

*Today, the first and last of every Tree
Speaks to humankind. Come to me, here beside
the River.
Plant yourself beside me, here beside the River.
Each of you, descendant of some passed
On traveller, has been paid for.
You, who gave me my first name, you Pawnee,
Apache and Seneca, you
Cherokee Nation, who rested with me, then
Forced on bloody feet, left me to the employ-
ment of
Other seekers — desperate for gain,
Starving for gold.
You, the Turk, the Swede, the German, the Scot...*

*You the Ashanti, the Yoruba, the Kru, bought
Sold, stolen, arriving on a nightmare
Praying for a dream.
Here, root yourselves beside me.
I am the Tree planted by the River,
Which will not be moved.
I, the Rock, I the River, I the Tree*

*I am yours — your Passages have been paid.
Lift up your faces, you have a piercing need
For this bright morning dawning for you.
History, despite its wrenching pain,
Cannot be unlived, and if faced
With courage, need not be lived again.*

*Lift up your eyes upon
The day breaking for you.
Give birth again
To the dream.*

*Women, children, men,
Take it into the palms of your hands.
Mold it into the shape of your most
Private need. Sculpt it into
The image of your most public self.*

*Lift up your hearts
Each new hour holds new chances
For new beginnings.
Do not be wedded forever
To fear, yoked eternally
To brutishness.*

*The horizon leans forward,
Offering you space to place new steps of
change.
Here, on the pulse of this fine day
You may have the courage
To look up and out upon me, the
Rock, the River, the Tree, your country.
No less to Midas than the mendicant.
No less to you now than to the mastodon then.*

*Here on the pulse of this new day
You may have the grace to look up and out
And into your sister's eyes, into
Your brother's face, your country
And say simply
Very simply
With hope
Good morning.*

Your membership works for West Virginia's environment

Join the West Virginia Highlands Conservancy

Category	Individual	Family	Organization
Senior/Student	\$ 12	--	--
Regular	15	\$ 25	\$ 50
Associate	30	50	100
Sustaining	50	100	200
Patron	100	200	400
Mountaineer	200	300	600

Name: _____

Address: _____

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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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