



The Highlands Voice

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GEORGIE RIDENOUR AND THE FISH OF SANDY CREEK

by Tom Rodd

Georgie Ridenour was born in 1914; that makes him 79 years old in this year of our Lord 1993. Georgie lives with his wife in a two-room house on the western slope of Laurel Mountain, on the Left Fork of Sandy Creek, in southern Preston County, West Virginia. Preston County is in north central West Virginia, east of Morgantown.

Georgie lives on a dirt road; but his neighborhood is not especially isolated. U.S. Route 50, which was for generations a major east/west highway, passes just a few miles from Georgie's house.

Georgie worked in coal mines all his life, mostly hand loading. Right after World War II, he worked at a large mine in Tunnelton, West Virginia, known as the Tunnelton Cooperative Coal Company, one of whose proprietors was a Mr. Halbritter. Because it was a cooperative, each year the employees got a dividend, and one year Georgie remembers getting a dividend of three hundred dollars.

When Georgie was working at the Tunnelton mine, he would wake up every morning at 3:00, and walk two and a half hours to the mine, where he would work a long day's shift, and then walk home in the dark.

In 1985, the hurricane sent a lot of water down Sandy Creek, tearing loose a gigantic boulder in the stream bed by Georgie's house. When the flood waters went down, there was a large, deep pool which wasn't there before. Over the next couple of years, some nice-sized rock bass and sunfish took up residence in the pool. Georgie fed the fish and enjoyed them, as he does various pets and farm

animals that he and his wife keep.

In 1987, mine drainage from a strip mine operated by two brothers, Donald and Edward Frazee of Kingwood, West Virginia, started to pour into the Left Fork of Sandy Creek, a half a mile above Georgie's house. The mine drainage got worse and worse, and one morning Georgie noticed that the fish in the pool were flopping around and gasping for breath. The next day, all of the fish were dead, floating in the pool. And all down the Left Fork of Sandy Creek for miles, the minnows and fish died from the mine drainage pollution.

In 1991, Georgie made his mark (he has Parkinson's disease and has a hard time signing his name) on a document agreeing to join with forty of his neighbors in filing a lawsuit against the coal company, for mine drainage pollution of the creek. The lawsuit asked for twenty million dollars in damages; but Georgie said, "I don't want money, and I really don't even care that much about the fish, but I would like to see the clean water come back".

Georgie Ridenour has never been a plaintiff in a lawsuit before. He belonged to the United Mine Workers and he did submit a claim for and obtain black lung benefits - his sole experience with the legal system.

In January of 1993, thanks in part to some favorable rulings by a judge who happens to be the son of the Mr. Halbritter whose company employed Georgie all most fifty years ago, three insurance companies for the Frazee brothers' mining operations agreed to pay four million and forty-five thousand dollars, to settle the claims brought by Georgie and his neighbors for mine drainage pollution of Sandy



Part of the action at the Capitol on E Day. Tom Rodd engineered the entertainment. Here he is protesting the weakening of regulations on Acid Mine Drainage.

Sandy Creek - the banjo tune

Here are the words to a song written in 1992 to honor the efforts of Georgie Ridenour and his fellow citizens on Sandy Creek: (To the melody of "Cripple Creek", a classic banjo tune);

*Bring your daughter and I'll bring my son,
We'll head up Sandy Creek to have a little fun,
Grab your bucket and I'll bring my pole,
We'll head up Sandy to the fishing hole.*

*Going up Sandy Creek, going up the run,
Going up Sandy Creek, have a little fun.*

*When we got to the creek, the rocks were red,
The water was orange and the fish were dead,
The bugs and the minnows had gone away,*

And the coal mine drainage was here to stay.

*Going up Sandy Creek, rocks are red,
Going up Sandy, the fish are dead.*

*I felt ashamed before the kids,
For them to see what the coal mine did,
Poisoned the water out of the hill,
All for the sake of a dollar bill.*

*Going up Sandy and feeling bad,
Going up Sandy and feeling mad.*

*Let's get together and take a stand,
No more poison in our land,
No more coal mine drainage stain,
Sandy Creek didn't die in vain.*

*Going up Sandy, feel the pain,
Sandy Creek didn't die in vain.*

Creek.

Georgie and his neighbors also sued the State of West Virginia, and were able to get the State to take over and resume the treatment of the acid mine drainage, at an approximate cost of \$40,000 per month. Most of the four million dollars obtained from the insurance companies will be placed in a trust to defray the State's cost for acid mine drainage treatment. In time, with continued treatment of the mine drainage, the stream's ecosystem should recover.

The Sandy Creek settlement was the second such recent legal proceeding in West Virginia; a previous case in nearby Monongalia County resulted in an agreement by coal company insurers to pay 1.2 million dollars for mine drainage treatment.

These kind of lawsuits over mine drainage are a new development. People who live along streams polluted by acid mine drainage have generally had to live with the pollution, or get out. Coal companies and their owners have avoided long-term liability for mine drainage pollution through corporate shells, corporate dissolution, or bankruptcy.

The story is told of a coal operator who one day ran into the local preacher. "Why are you looking so hang-dog?" asked the preacher.

"Preacher", said the coal operator, "I just can't enjoy life the way I used to. The state and federal regulators are requiring me to take all sorts of environmental protection and worker safety that are eating into my profits, and I can't even afford to pay the rent on my helicopter landing space."

"Brother", said the preacher, "what you need to do is consult the Scriptures. You can't go wrong whenever you do what the Holy

Writ tells you, and furthermore the best way to it is to just let God direct your actions. Just grab that Bible and open it up, put your finger down on the page and do whatever the Word tells you. You'll be fine!"

A week later, the preacher ran into the coal operator again, and the operator was looking spirited, smiling and happy.

"Preacher", he said, "I followed your advice, and all those nasty environmental and worker safety costs have disappeared! I just opened up the Bible, put my finger down, and what it said there, I did, to my great benefit!"

The preacher said, "Praise God! And what did the Good Book say where you put your finger down?"

The coal operator replied, "Chapter Eleven."

(Of course, Chapter Eleven contains the reorganization provisions of the bankruptcy code, which can be used by companies to avoid the costs of protecting workers, the environment *continued on page 7*)

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—from the heart of the mountains—

by Cindy Rank

...NEW EYES...OLD HOPES...

If you haven't already noticed, let me point out that it's time to bid farewell to one Voice editor and to welcome another. We're grateful to Mary Pat for her thoughtful and thorough presentation of events and stories these past couple of years. And we're delighted to have Bill step in to continue the fine tradition of his predecessors.

From Bill's comments in the April Voice, it's obvious that with just two issues under his belt, he's already learned that being "editor" often means writing most articles. I mention this as a friendly reminder of how important it is for all of us to submit copy about the activities and committees we're working on.

I have to admit, though, that I am probably the greatest offender of this general principle, i.e. I may have hundreds of ideas for this column, but it's always difficult to stop long enough to put any one of them into words on paper.

Living in the country can be a help or a hindrance in this process. On the one hand, life here in the hills is rich in experiences that nourish, and inspire. On the other hand, these same treasures can be terribly distracting, especially in the springtime.

Today, two weeks beyond deadline and thirty six hours before press time, I wandered off the back porch in search of clarity and inspiration. Checking on the ramp patches (planted years ago to sate my spring urges for the earthy tonic) led to assessing the crop of violets for May salads, which of course led to other patches of spring wildflowers, which led to the stream, and to the following a couple of black and white warblers, and on, and on. Before I knew it my brief visit to the woods turned into a two hour hike marking the special places in the hollow just one more time before the refreshing spring bloom transforms May into the impassable summer growth when precious little time at home gives way to the ardors of mowing and hoeing and walks such as today's are limited to ever smaller circles around the house.

In spite of the distractions, walking these headwaters of the Little Kanawha River reminded me of Steve and Ann who joined us at Spring Review last weekend. Concerned about a dam proposed for the Hughes River (much further downstream on the Little Kanawha) they appeared in search of ideas, support and direction.

They said they hesitated about coming because they felt the "Highlands" Conservancy might not be interested in their concerns over in Ritchie County. They suggested that perhaps a name change might be appropriate if the Conservancy was interested in all areas of the state.

I had to smile as I remembered my own hesitations in the late seventies when I felt the same concerns about WVHC. It took me several years of meetings and some gentle prodding by some caring Board members to overcome my reservations. But now, with the comments of a recent president ringing in my ears ("WVHC is whatever active members make of it!!!") I often return to the by-laws to read the expansive mission statement of purpose;

"...to promote, encourage, and work for the conservation -- including both preservation and wise use -- and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual and economic benefit of present and future generations of West Virginians and Americans."

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Rahall's Rivers Roll On

Nick sent us this press release on his efforts to preserve the New River.

4/1/93 - US Representative Nick Joe Rahall today introduced legislation to further advance the benefits received by the people of West Virginia and the Nation as a whole by protecting certain nationally significant river segments in the Mountain State.

The centerpiece of the West Virginia Rivers Conservation Act of 1993 is its proposed establishment of a 14.5 mile Upper New Wild and Scenic River on the segment of the New River which runs from the West Virginia/Virginia State line downstream to the Bluestone Lake in Summers County. The area within the proposed wild and scenic river is already in federal ownership. Under Rahall's proposal it would continue to be administered by the state as a wildlife management area. At the same time, the bill would provide the upper New with the protections afforded free flowing river segments under the Wild and Scenic Rivers Act.

Local interest in designating this portion of the New River as part of the wild and scenic river system escalated last year after the Appalachian Power Company propose to string a 765kv powerline across it in order to deliver electricity to the eastern seaboard. Rahall introduced and gained enactment of legislation placing the upper New River under temporary Federal 'study river' protections. The measure Nick introduced today would make these protections permanent.

The power company has since filed an alternative route with the WV PSC, although the New River crossing remains its preferred alternative. The alternate route would string the powerline across the Bluestone Lake on lands and waters owned by the US Army

Corps of Engineers. Rahall has called the proposal absurd. Meanwhile, many people fear that the powerline could still cross the New River if permanent protections are not provided.

The legislation would also authorize a federal study of a 55 mile segment of the Elk River which largely transverses Webster County. This free flowing segment is well known to many West Virginians, but little in the way of documentation of its value exists. In addition the bill would authorize the construction of a National Park Service visitor center at Gauley Bridge, where the confluence of the New and Gauley Rivers form the Kanawha River.

In another development-related matter, the bill would require the National Park Service to construct an access point to the Gauley River for non commercial entities in the middle segment of the river. While commercial whitewater outfitters have developed access points on lands they own within the recreation area, there are no public access points for private boaters and fisherpeople. "Providing public access to the Gauley River is one of the most pressing issues facing the recreation area. We will never realize all of the benefits this outstanding river resource has to offer unless fishermen and private boaters are provided with a public access point in the middle segment of the river," Rahall said.

The last major WV rivers bill was five years ago when a Rahall sponsored measure to establish the Gauley National Recreation Area and the Bluestone National Scenic River was enacted into law. The West Virginia Conservation Act of 1993 will be referred to the House Subcommittee on National Parks, Forests and Public Lands. Rahall is a senior member of the panel.

WVHC Spring Review a big success

For all you folks out there who saw the announcement of the Spring Review and almost came - too bad for you; much fun was had. I didn't make it till Saturday morning, some of us were helping out at a benefit for Youth For Earth at the Common Ground coffee house in Charleston. But upon arriving at the Touring Center at 9 am (after a 3 1/2 drive) I saw the party was in full swing. Mary Pat Peck and Cindy Rank were yakking it up over breakfast (blueberry pancakes) with our two newest members (Steve and Ann Swadley) from Ritchie County, who are struggling to stop a new dam project on the Hughes River in North Bend State Park. I wondered what the party animals had been up to as they straggled in. I found out that they had been laying in the outdoor hot tub till 4 am, admiring the stars like dust.

My son Oak and I opted for the caving trip, lead by Judy Fisher and her husband 'wrong-way Fisher'. Judy and CJ supplied us with helmets and lights and led us the few miles to Sharps Cave. Sharps lies under part of 10,700 acres of land for sale by the Elk Mountain Land Co. The Conservancy has been trying to get the Forest Service and Senator Byrd to buy this for a few years now, with little success. The cave goes on for miles, but we just explored part of it - lots of pipistral bats and one little brown bat, some formations and a waterfall. Carroll Jett and his daughter and her two friends rounded out the party. I can't wait to return.

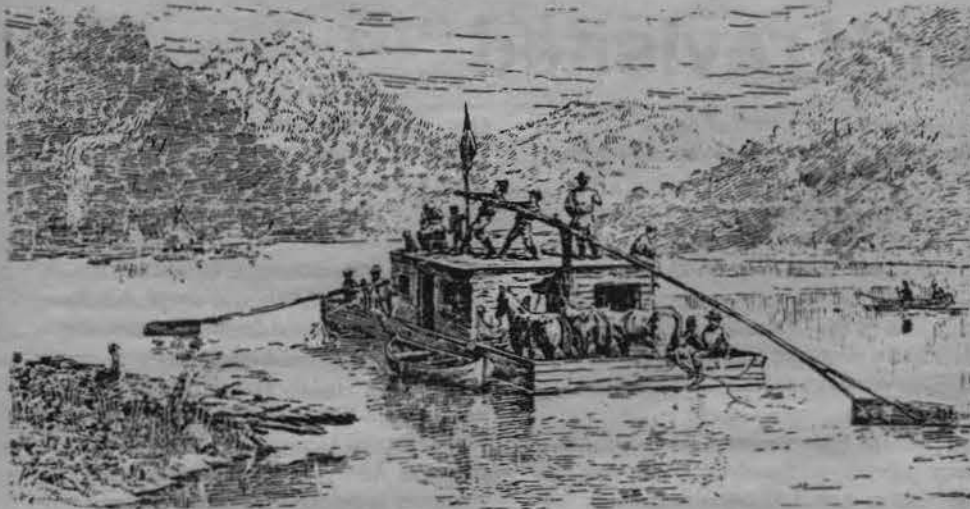
We got back to the Touring Center in time

for Don Garvin's seminar/workshop on fly fishing. Don made it look so easy, but the struggles of his many students again revealed the difference between appearance and reality. I managed to tear loose the fly on one of my wild casts. Norm Steenstra, Cindy Rank, Lee Constantz, Donna Borders (?) and several others tried their hands and Don's patience during the glorious afternoon.

A hiking trip to Tea Creek, canoeing on the ? river, mountain bike rides and of course the canoe/bike/running race along and in the Greenbrier River were the other outings attendees took part in.

Saturday evening began with a superb meal followed by this guy named Will singing and playing the guitar. George Constantz gave us a slide show/talk about (of course) the Cacapon River and Pine Run Ecological Laboratory. Excellent program, George. Later two board members brought out their banjo and fiddle and joined in with Will for a regular hoedown. A good time was had by all.

Special thanks to my old buddy Vince for all the artwork except the flatboat (which came with Bela's newsletter). I hope there is room to reproduce the wolf and elk full size someday.



Get On Board for Adventure

A voyage on the Ohio and Monongahela Rivers in 1993.

Capt. Bela K Berty wrote recently thanking the Voice for carrying a story last year about his plans for a riverboat voyage. He included some info and an itinerary for this year's expedition. He said that one half of the adults who visit his boats do not know for sure which way that river flows, and consequently do not know whose water they may be polluting downstream from them. He is looking for full time and temporary crew members. They are also looking for help from folks in riverside towns where they plan to stop; to drive them to grocery stores and hot baths, to organize field trips for a group to visit on board and for financial support. The captain will be available to visit schools and clubs in pioneer garb with his program of American river travel before steamboats, bringing videotapes, a flatboat model and a big map of the rivers.

He asks if we would like to be on board June 9th when they pass Alabama Pulp & Paper's proposed 'Cancer Creek' site in Mason County or when they visit E. Liverpool Ohio, the temporary home of Von Roll/WTI hazwaste incinerator.

Bela would also like some help designing a water sampling and testing plan for the boat trip.

The 48' wooden flat boat LIVING WATERS will be floating 2,000 miles down the Monongahela, Ohio and Mississippi Rivers to New Orleans in a year long voyage starting in the Spring of 1994. To position her at the head of navigation, she is being taken up to Fairmont, WV, in a 6-month voyage in 1993.

Schedule of LIVING WATER's trip along WV.

may 31 Ironton, Ohio
 june 4 Huntington, WV - 3 days
 june 9 Gallopolis Lock and Dam
 june 10 Gallopolis, Ohio
 june 13 Winfield Lock and Dam
 june 15 Malden, WV 2 days
 june 17 Daniel Boone Park
 june 18 Charleston, WV 4 days then back down the river
 june 26 Pomeroy, Ohio
 june 29 Racine Lock and Dam
 june 30 Ravenswood, WV
 july 2 Belleville Lock and Dam
 july 3 Blennerhassett Island 2 days
 july 6 Williamstown, WV
 july 7 12 day journey on the Muskingum River then 4 weeks amongst the 20 islands in the National Wildlife Refuge
 july 26 Sistersville, WV 1 day
 july 29 Moundsville, WV 2 days
 august 2 Wellsburg, WV 5 days
 august 9 Steubenville, Ohio 5 days
 august 16 E. Liverpool, Ohio 5 days then traveling on up the Ohio and Monongahela Rivers to Morgantown, WV on October 25 for a 5 day stay.
 Nov 1 arrive in Fairmont, WV
 May 1994 begin a 12 month/2,000 mile journey to New Orleans

Bela can be reached at
 The Flatboat Project
 1652 Fourth Ave #332
 Charleston, WV 25312-2435
 His mail will be forwarded to him every week during the trip.

The Tenth (and final?) Nongame Wildlife Weekend

will be held at Blackwater Falls State Park on June 4,5, and 6, 1993. This event is sponsored by the Nongame Wildlife Program of the WVDNR. Everyone is invited to attend. Blackwater Falls has 55 guest rooms, 25 cabins and 56 campsites. Reservations are required of all those wishing to participate. Contact Maxine Scarbro, WVDNR, Charleston, WV 25305, before May 21.

As you all know the legislature didn't quite get around to passing the much needed funding bill for the Nongame Program, despite the tremendous citizen grassroots effort that sent it through 4 (count 'em) committees. So, sadly, this may be the last Nongame Wildlife Weekend until funding is secured.

A whole slew of field trips and workshops, led by famous authorities are scheduled. The ones that got my attention were an evening salamander field trip, snakes, aquatic ecosystems, WV salamanders, cave life and caving techniques, raptor ecology and care, Dolly Sods field trip, streamlife, the Canaan Landscape-Geology & paleoecology, WV elusive fishes.....

We got back to the Touring Center in time

In the Path of D5 - Corridor H revisited

by Chuck Meritt

Chuck lives near Kerens, WV and very close to the proposed corridor. Here is the second installment of his report/call for help.

D5, how fitting, this letter and number designation for the proposed route of this superhighway. Being familiar with the construction trade I have no trouble visualizing this route selection as a Caterpillar bulldozer running with horrifying efficiency through these mountains and over the humans and other species that need these ancient hills as a home and way of life.

The movers and shakers and pushers of this "development" highway through one of the last great undeveloped (I say recovering) areas on the east coast have only the high of more jobs, more speed, more money - always more, more, and still more! This is what they push at the people and at only a bargain monetary price of 1 to 2 billion dollars, too? I know say, "that if it looks like a bulldozer, sounds like a bulldozer, and smells like a bulldozer... you are about to be bulldozed." How tragic if this was the last superhighway built through an area that deserved to be spared the loving touch of bulldozer with letters and numbers on them similar to D5. Don't be complacent and think that they will be satisfied with building just this one last vainglorious project, the price is far too high!

We find the Cat scat of D5 easily as we take up the task of trailing it along its path of destruction. We last tracked D5 as it headed across the top of Backbone Mtn. fragmenting prime deer and bear habitat. As the proposed highway crosses the North Fork of Blackwater River near Douglas, WV it will have impacts on several projects planned for this area. The first is an experimental acid mine drainage project being designed to alleviate the severe acid pollution of the North Fork and Beaver Creek Drainage; ultimately to greatly improve the water quality of the Blackwater River below Davis and through Blackwater Falls State Park and on down through Blackwater Canyon, a proposed Wild and Scenic River Segment. I have read a summary of a Feb. '93 report by West Virginia University submitted to the US EPA. The summary was entitled "Combining Highway Construction with Ecosystem Restoration". Obviously the engineers believe they can effect a cure of the acid mine drainage problem by bulldozing a path across the patient's chest. The oxymoron quality of the title of that report is easily seen if one is looking at the whole long term health of the earth.

The second project threatened by the highway is the preservation of the Coketon 'coke oven' complex. This state cultural and historical site is being intensely studied for the development as an interpretive site in conjunction with the old blackwater canyon grade. You can't preserve or restore resources with a bulldozer approach to the whole patient!

The highway corridor is planned to go roughly south of Thomas, WV then cutting north and west of Davis, WV. It would pass next (within 1 mile) to Blackwater Falls State Park in the process. The park will be downwind via the prevailing winds, which will carry to the park the noise and air pollution generated by the car and truck traffic speeding by. Truck traffic is not the sound that soothes our spirits on a summer's night campout. This state park is an example of what the quality of West Virginia's outdoor recreational resources are all

about or should be! Offering a personal intimate experience with natural and scenic attraction; while not over priced or overblown and hyped to the max by the blatant merchandizing that crowds so much of what we try to protect. The highway just might bring some instant success in tourist related commercial ventures, but at an acceptable price, I doubt it!

Finally, after reaching the junction of Routes 32 and 93 outside of Davis, WV; the proposed route would follow an existing major highway for a prolonged period and stops cutting cross country. But as it follows route 93 across the high mountain plateau it really isn't doing us or the earth any favor. This area is an already much abused piece of the mountain state. Completely cut over, then burned and much of it strip mined; this plateau has a different look and appeal to it than most other parts of West Virginia. It has the look of almost high arctic tundra with a good deal of trees scattered across it. But it is very much a wet plateau with a high percentage of the documented wetlands claimed for the scheme D5 located in this section along route 93. This is high wild unpopulated (for the most part) country that sees some of the heaviest snows and easily the thickest fogs in these mountains.

The greatest concentration of people will occur if they build this 4 lane highway and somebody makes a sudden stop in the middle of a fog blanket. The safety advantages of a 4 lane highway will disappear with regularity in the fog around Mt Storm Lake. With fog regularly produced by the hot water pumped into Mount Storm lake by the Mount Storm power plant, this is not a stretch of road I want to be travelling sandwiched between two tractor trailer trucks.

The high plateau is also populated by a large population of roadside loving deer. In a night time ride on rt 93 between Bismark and Davis WV it is not unusual to see 40 to 60 bucks, does and fawns beside the road or scrambling across in front of the car. The roadkill is large now, the slaughter on a 4 lane will be a true shooting gallery of mashed deer and messed up car front ends. The auto body shop will do a booming business (economic development and deer will die in the waste of it all!).

D5 leaves the high country and bulldozes down the allegheny front cutting again cross country through timber and pasture before rejoining rt 93 a few miles outside of Scherr, WV. Now in this area the machine has to do some fancy foot work to avoid Greenland

Gap. Employing sub schemes L2 and L, D5 leaves this sensitive 4F natural area alone but at the price of trampling the high quality streams of the North and Middle forks of Patterson Creek along with Thorn Run on its way to the little crossroads hamlet of Forman, WV. This power drunk road would stumble across rural forest and farmland, bulldozing rural home owners and displacing and overrunning peaceful, lightly impacted countryside as it heads for the South Branch of the Potomac River between Moorefield and Old Fields to the north. After crossing the South Branch it continues to cut across country and along rural roads until it reaches US Route 55 just east of Moorefield, WV.

I wish to add that in driving parts of the route of this proposed highway and video taping and taking photos, I have met a number of property owners that will be directly impacted by Corridor H. They are, each and every one that I talked to, opposed and/or shocked or numb to the possibility of a 4 lane highway taking their homes, churches, and/or squatting down in amongst them. They need our help and we will want theirs if this highway is to be slowed down, stopped and then deposited in the trash bin of discarded bad ideas.

Chuck Meritt
Down the Highway/ Highway Alternatives
Box 11
Kerens, WV 26276
304 478-4922 or 636-4522



Undocumented wetlands just outside of Kerens, WV, within the corridor of the proposed highway. This is typical of much of the Leading Creek area.



Corridor H bike ride?

Down the Road/Highway Alternatives is sponsoring a bike ride of (or near) the proposed Scheme D route from Davis, WV down to Elkins. Two bike shops are involved - **Blackwater Bikes** in Davis and **Elkins Bikeworks**. Taking place Saturday, June 12th, this is a free ride, but a \$10 donation to the cause will be gratefully accepted. Reservations are needed for adequate shuttle transportation. Call Blackwater Bikes at 259-5286 or Elkins Bikeworks at 636-9670 (in WV 800-427-7428).

Animals in the Way

The Northern Flying Squirrel

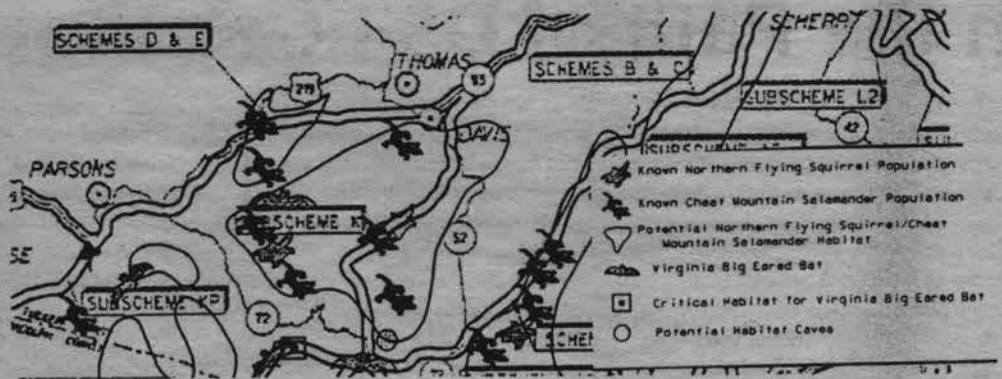
Like many other inhabitants of the higher elevations, the flying squirrel is most likely a relic from the Pleistocene Era. Isolated from its cousins by less than ideal habitat between mountains as the climate warmed, the squirrels evolved on a separate track. Although the northern flying squirrel ranges over much of Canada and the American west, our local

variety (*fuscus*) of perhaps 400 individuals has no relatives closer than Northeast Pennsylvania. Another subspecies (*coloratus*) lives in North Carolina and Tennessee in the Smoky Mountains. No genetic tests have been done yet (lack of funds), so we don't know how closely related these other populations are.

The squirrel's favorite food, in our area, is a group of subterranean mushrooms (*Hypogeous*), which they presumably find by its odor. They also eat spruce and maple pollen, liverworts and lichens. Acorns and other hard mast are not as important to their diet as they are for ground squirrels.

Other differences between ground and flying squirrels are that the flying squirrels are nocturnal and that they do not hibernate. All winter long they must forage for food and keep warm. It appears that the squirrels can lower their body temperature somewhat but not truly hibernate. Tracks and signs often are seen in the snow. The squirrels travel under the shelter of conifer branches and fallen logs, or along snowshoe hare trails. They dig tunnels to reach food buried in the snow.

Their nests in winter are mostly in cavities in old hardwood trees and lined with bark, lichens, needles, grass and moss. In summer they also use outside nests in branches or crotches of trees. One study of temperatures in nests revealed that when outside temperatures outside were 40F to 50F, the



Map of endangered and threatened species from the DEIS for Corridor H. Notice the section labeled Scheme D&E between Parsons and Thomas. Is that a cheat mountain salamander roadkill in the potential flying squirrel habitat?

nests would warm up to 80F to 97F after the animal had been inside for 20 minutes.

Although the squirrels don't really fly they are adept gliders, much like the southern flying squirrels (who are not at all uncommon and can be real pests). A fifty foot glide is common and some researchers have reported them gliding between trees down a mountain for over 250 feet.

Habitat loss is the major immediate threat to the northern flying squirrel's survival in West Virginia. While most of the known occupied range is adequately protected, much potential habitat is presently in private ownership and rapidly being timbered or developed for ski resorts and vacation communities. Most of this land and much of the potential habitat in public ownership have not been surveyed for northern flying squirrels. It is desirable to protect as much northern flying squirrel habitat as possible by bringing these areas into public ownership or by securing conservation easements or long term leases.

The potential impacts of spruce die offs to the survival of the northern flying squirrel are difficult to assess at this time. Declining and dead trees represent 1/3 of the red spruce volume in West Virginia, but the cause or causes of this mortality have not been determined.

More must be learned of the squirrel's biology, ecology, and behavior so that management recommendations can be refined. Issues which need to be addressed include: the impacts of various timber management practices, winter ecology, habitat requirements and the area needed to sustain a viable population, improvements in survey techniques and interactions between northern and southern flying squirrels.

Most of the information for this article comes from **Craig Stihler**, WVDNR, Elkins, WV. The last three paragraphs are direct quotes from a paper that he and Kenneth Knight presented at the Third Southeastern Nongame and Endangered Wildlife Symposium.



Northern Flying Squirrel
Glaucomys sabrinus

Federal Affairs

The Forest Summit Trade-off.

This article is about 1/3 of Alexander Cockburn's column from the April 19, 1993 issue of the Nation magazine. The rest of the column is just as good as this extract, so get on down to your local library and check it out. I feel the forest crisis; jobs, the environment and the future can only be solved in the long term. Any short term 'solution' that does not provide ancient forests and jobs for future generations is just caving in to industry so they can continue the feeding frenzy. Sooner or later (20 years) we will have to quit cutting these forests. Thanks to Tom Michael for sending it.

American environmentalism is predicated on trade-offs, as brokered with business by the big environmental groups, by rich foundations such as Rockefeller or Pew that back these groups, and by government.

The theory of the trade-offs is that inside every seemingly irreconcilable antagonism there's a dormant compromise awaiting the reviving kiss of the mediator. Label the California gnatcatcher 'threatened' rather than 'endangered,' throw some uplifting talk about an 'ecosystemic approach' and Lo! Governor Pete Wilson declares that the lion has lain down with the lamb, or in this case the gnatcatcher may flourish in the embrace of the coastal developer.

This union of opposing ends of the Great Chain of Being, fostered by Wilson and blessed by Interior Secretary Bruce Babbitt, has been given the mediator's ultimate accolade, a 'win-win' solution. The developer gets his teeth into coastal habitat and the gnatcatcher gets a bit of chaparral at the far end of a golf

course now designated as 'open-space' and, by implication, gnatcatcher friendly. This is the kind of ecosystem a builder can live with. Whether the gnatcatcher can live with it is another matter entirely.

The most notorious instance of the trade-off is the pollution credit, whereby companies can satisfy the stipulations of the Clean Air Act by purchasing rights to pollute from those enterprises-utilities and the like-that are polluting below their permitted ceiling. This concept achieved popularity in the neoliberal bloom of the late 1970's and was embraced by such environmental groups as the Environmental Defense Fund. On March 31, 1993, the first auction of rights to emit air pollution (**cancer bonds, to call them by their proper name**) concluded. The EPA and the Chicago Board of Trade announced that 171 sealed bids from electric utilities, brokerage houses, and private investors had competed for more than 150,000 'allowances,' bringing in more than \$21 million.

Sometime between the Forest Conference held in Portland, Oregon, on April 2 and early June the Clinton Administration will offer a mix of executive orders and legislation addressing forest issues in the Pacific Northwest.

Starting with the one-day dog and pony show in Portland, the timber giants have both a short and long term plan. Restrict the agenda to public forests west of the Cascades, extort every last ounce of drama from the bogus owls-versus-jobs issue, demand the opening of tracts of national forest and the carving of roads to reach them. Above all, demand 'sufficiency.'

'Sufficiency' and 'certainty' are legal terms embodying the corporate ravager's eternal dream of being immune to court challenge. 'Sufficiency' language opening areas to logging would lift court injunctions and suspend environmental laws governing Forest Service management, so loggers would be given a green light 'notwithstanding any other provision of the law.' Of course laws such as the Endangered Species Act have been prime weapons for forest savers, and the timber industry has long yearned to spike those weapons. In 1989 Senator Mark Hatfield got 'certainty' for one year on forest lands, including the largest continuous ponderosa pine forest in the country, which was duly destroyed.

The focus on the Pacific Northwest is somewhat (indeed dangerously) misleading. True, forest defenders are best organized there, and the industry's ravages of the past few years in this region have been most widely publicized. But the timber giants have already essentially abandoned or are preparing to abandon the Pacific Northwest, with its fractious activists. **New targets of opportunity lie to the east, in the Mississippi basin, southern Illinois, through to the west side of the Appalachian...** where quicker growing plants than redwood and Douglas fir...can satisfy the demand for fiber...

On the other side of the table at the Forest Conference the preservationists outlined their priorities. Save the last of the ancient forest of the Pacific Northwest (10 percent still remaining); ban log exports, whereby anywhere from quarter to a half of all wood cut in the region ends up being shipped across the Pacific

as minimally processed material, denying workers here the opportunity to earn the value added; open up the discussion of the so-called eastside national forests, those that have been savaged by the big timber companies east of the Cascades in Oregon and Washington; stop road building in national forests; and end below cost subsidies to the timber industry, which for years has flourished on publicly subsidized infrastructure such as those same roads thoughtfully provided for them by the Forest Service...

The Administration has been displaying predictable zeal to assuage all parties. Clinton has kind words for 'sufficiency,' Gore speaks of environmental stewardship in the most exalted terms, Babbitt has stated that he looks forward to the Administration 'lifting the edges of injunctions' to provide timber for rural mills in the Northwest.

For their part, the foundations that underwrite the big environmental groups have *continued on page 7*



West Virginia Legislative Session wrap up

So What Happened and Why
 by Norman Steenstra,
 Vice President for State Affairs
 from WVEC's *Legislative Update*

The Environmental community's presence at the state legislature involves much more than trying to pass a few green bills. A few bills each session seem to grab the headlines such as sewage sludge and Cancer Creek, yet a great deal of effort goes into defending against ill conceived legislation and overt 'anti-green' policy initiatives. This year's session was no exception. The Enviro lobby team monitored no less than 42 bills as well as regulations dealing with solid waste, mining and medical waste. It is because of the sheer volume of legislation affecting the environment that the "Lobby ream" concept was put in place 3 years ago.

This year's team consisted of Missy Woolverton, Jedd Purdy and myself from WV-CAG; Beth Little of Sierra Club, Kim Baker, Bill Ragette, and Tom Degen from the WVEC; Shiela McEntee from the Vandalia Audubon Society and Cindy Rank. The WV Wildlife federation was a welcome ally on the nongame funding issue and the off road vehicle struggle. Some of the major legislative issues that were addressed and their respective fates are as follows...

ORV - SB 269

The bill to promote and regulate ORV's died in the senate Finance Committee after passing out of the Senate Roads and Transportation Committee. The House leadership saw to it that the Judiciary Committee never even considered the bill.

Delaying tactics by some friendly senators helped to keep the Senate Finance Committee from considering the bill until the deadline had past. The WVEC's goal is to introduce a comprehensive trails bill next year that treats all recreational trails equally. This year's ORV bill was primarily a promotion of motorized trail use and did not give adequate consideration to non motorized biking, hiking and cross country ski trials. Beth Little's work on dissecting the senate bill was the key to its death. Citizen lobbyists, particularly the Wood Co. Volunteers and the Wood Co. Greens helped educate the legislature on the inadvisability of SB 269.

CANCER CREEK

The day before the '93 session began, we won a major victory in the joint Legislature Rule making Review Committee. That victory was the striking of the "cancer creek" provisions of the water quality standards i.e.(Dioxin and Harmonic Mean). The strategy for the session was to make it difficult for the administration to try and reinsert those provisions.

Halfway through the session, a member of the green lobby team suggested to the Governor that he not fight this battle but instead accept the bill as the Rules Committee had passed it and appoint a group to study Harmonic Mean for a year. Such a move would create a dialogue on water quality issues and avoid a very ugly battle. Although a "study" seems to be a small victory, WV's water quality standards are still intact. It is our hope that "cancer creek" will be recognized by the administration as a politically untenable move, and consequently never surface again.

NON-GAME FUNDING HB 2548

Perhaps our most bitter defeat of the session was HB 2548. This bill managed to survive 2 House committees, 2 Senate committees and died in the waning minutes of the session after a compromise had been worked out. The Senate fiddled and faddled with the bill all last Saturday before passing its version of the house bill. Speaker Chuck Cambers and Del. Phylliss Rutledge (D-Kanawha) moved mountains in the last remaining hours to get it passed properly amended and returned in time to run out on the senate side as we all watched from the gallery. For the Non-game Program the session ended 15 minute to early.

The WV Div. of Parks and Tourism and Sen. J.D. Brackenrich (D-Greenbrier) were two of the reasons the bill died. The compromise bill would have provided about \$700,000 in funding from users and abusers of our natural resources. Part of the money raised would have come from Civil Administrative Penalties assessed on violators of the states game laws. Another portion of the funds would have come from an increase in fees charged for stays in campsites, state park lodges and cabins. It was a good scheme. The lobby team was baffled by the Parks' desire to kill this bill.

CACAPON RIVER HB 2162

Killing bills in Committee works both ways. We were able to keep the ORV bill from surfacing in the house judiciary committee and the WV Farm Bureau was successful in its attempt to stall to death the Cacapon River Bill. The Farm Bureau opposed the bill because it would provide a possible extra bureaucratic hoop for farmers to go through in order to modify land along a stream bank. When the Farm Bureau lobbyist was asked if they had ever had a complaint from Farmers along the 5 other rivers in the state that are protected by the WV streams Preservation act, he replied "no, none that I recall." The bureau has a hidden agenda for killing this bill. When that agenda becomes apparent we will be able to release a more complete autopsy of 2162.

SLUDGE SB 288

Sewage sludge dominated the enviro agenda from the beginning of the session onward. The Governor, in response to the DEP's allowing hundreds of thousands of tons of Long Island sewage sludge to be deposited (unregulated) in Brooke and Wetzel Counties, promised that he would deal with the problem. Caperton kept his promise. The green lobby, working with Senate, House and Administration officials turned a very good bill into law. As you may recall from past updates, we were adamant that large amounts of icky stuff be considered solid waste and thus require public approval, respect for tonnage caps and assessed fees.

The passage of SB 288, an improved version of the governor's sludge-regulation bill, may prove to be the session's most significant victory. The legislation accomplished two major goals of the environmental community: controlling the land application of sewage sludge and reducing the size of the infamous Recycling Loophole that has long allowed any number of decidedly anti-earth activities to avoid regulation by proclaiming themselves recycling projects.

The bill establishes clearly that sewage sludge is to be regulated as solid waste, and so is subject to tipping fees and tonnage caps when deposited in a landfill. SB 288 also establishes assessment fees for the land

application of sewage sludge, and funds a DEP oversight program through those fees. These controls both ensure sane future regulation of sludge and avoid grand fathering the well-publicized Brooke and Wetzel County landfills, had been skirting both tipping fees and tonnage caps by exploiting the recycling loophole.

The pesky potentially devastating loophole was shrunk significantly by a definition of a "recycling facility" which excludes any operation that accepts mixed waste, land applies its waste, or engages in "chemical, biological, or thermal transformation" of the same. This language guarantees that such activities as tire-burning, composting, and dirty MRF's, among other unpleasant practices, will be controlled by solid-waste regulations. Tom Degen, who helped craft much of the bill warns that "Legislative intent is often undermined and distorted during the promulgation of regulations," and reminds enviros who might be tempted to sit on their sludge stained laurels that those regulations, mandated by the bill but not yet written, will require constant green scrutiny. Nonetheless, 288 is a major accomplishment and will have ramifications for years to come.

Landfill Closure Bill

This bill was predicted to be a pork frenzy and it was. Nearly every unlined landfill that wanted to stay open now, may. Mid-American Waste Systems was the big winner in this fight. The original concept of this bill was to let certain landfills stay open to avoid a crunch of capacity. What happened in Harrison County is an example of the madness of the new law. Not only is Meadowfill to stay open, it now may request a "temporary increase in tonnage caps". In addition to Meadowfill, Harrison County will keep open two unlined landfills: S & S and City of Clarksburg. Every year the state tells the landfills they must upgrade or close. Every year extensions are granted.

DEP Reorganization

The DEP Reorganization bill died because it was too big, introduced too late and poorly lobbied by the DEP. Discussions are now in progress to determine when and how it will be reintroduced.

The Quarry Bill HB 2658

This attempt to regulate the quarry industry went nowhere this year. A lot of hard work by citizens, delegates and industry was put into the bill; however it was introduced too late to really matter. One provision in the bill that must be addressed is Industry's insistence on "grandfathering" all existing permits, thus exempting them from reclamation requirements.

THE INCINERATION BAN HB 2445-BEWARE THE PILOTS

HB 2445, ranks among our most significant victories this year. The bill bans the construction of new municipal solid waste(garbage) incineration facilities and, as there are currently no such facilities in the state, effectively outlaws garbage incineration. In addition to its significance as a means of ecological protection, the passage of 2445 places West Virginia in the green vanguard: only Rhode Island and the province of Ontario have comparable strong legislation.

The major loophole in 2445 is

language permitting incineration "pilot projects", which are intended to serve as tests of experimental technology. While the original bill allowed only "small-scale" projects, that qualification was stricken in Senate subcommittee. According to lobbyist Tom Degen, the criteria used in defining pilot projects will now involve "creative application of political science". However pilot projects will be subject to regulation as solid waste facilities and so required to undergo the permitting and referendum processes. All in all, we can count this one as a major green feather in our collective cap.

Much of the bills success must be attributed to the Administrations desire to amend into the bill the "differential fees" concept. DEP lawyers have maintained that our solid waste law, now facing court challenge, was vulnerable to being declared unconstitutional because of differential fees being charged for tipping. The DEP, therefore, wanted a vehicle to strike differential fees. Because of the DEP amendment, the Administration and the Senate showed much more interest in HB 2445 then had it contained only an incineration ban.

ACID MINE DRAINAGE SB 474

This bill incorporated all of the changes that Dave Callaghan wanted in regards to Koal mine bonding and acid mine drainage treatment. In what is being called the "Camp David Accords", Cindy Rank, Tom Rodd, Callaghan and Industry worked out a new version of the bill, which apparently pleased no one, but in the words of Cindy took the edge off what Callaghan wanted and didn't want to do regarding acid treatment. There were some gains and some setbacks, all in all SB 474 was a draw.

GAS TAX

The governor is a very powerful man. He got what he wanted.

KOAL SEVERANCE TAX

Koal is even more powerful than the governor. Koal got off very lightly.

KOAL SUPER TAX CREDITS

Good try, Withers! But Koal is still King.

Conventional wisdom, prior to the '93 legislative session was that the environmental community was in a defensive posture. No major green policy was expected to pass. Green Political Capitol was at a low point, partially due to the Pritt candidacy and the anticipated dominance of budgetary issues. While several of our "victories" were defensive in nature, major policy on sewage sludge and incineration of solid waste was written into law. On behalf of the lobby team and the WV Environmental Council I'd like to thank the following groups for their financial, moral and physical support during the past session. The WV Rivers Coalition WV Citizens Action Group Mountaineer Chapter of Trout Unlimited WV Sierra Club Ohio Valley Environmental Coalition Mountain Stream Monitors and particularly the WV Highlands Conservancy for once again providing the bulk of the financial support.

Fish of Sandy Creek

from page 1

and the community - not to mention ordinary creditors.)

Because the Frazee mining operations were in bankruptcy, Georgie Ridenour's lawyers concentrated on pursuing the liability insurance carriers for the Frazees' coal company.

Coal companies are required to carry liability insurance by the Federal Surface Mining Control and Reclamation Act of 1977 (SMCRA). This liability insurance has usually been used for claims like blasting damages or accidents with coal trucks - not for environmental problems.

However, recent developments in the law of environmental protection helped the Sandy Creek citizens in their quest for funds from the Frazees' insurance companies.

These developments include the federal Superfund program of the past twenty years. Under Superfund, waste sites which contaminate groundwater are inventoried by the government. Letters are sent to all potentially responsible persons, including the owners of the property and anyone who generated or hauled the hazardous materials which continue to cause the pollution problem. In turn, these potentially responsible persons often make claims against their liability insurance carriers.

Many courts have held that liability insurance companies must pay for pollution damage and clean-up costs. This responsibility can go back to policies issued more than thirty years ago. In fact, "insurance archeology" experts specialize in finding all insurance policies that may apply to a site.

Also helpful to Georgie's case was the nationwide asbestos litigation, where older insurance policies have had to pay for damages suffered by asbestosis victims who were first exposed to the fibers many years ago.

The coal operators who polluted Sandy Creek began their operations in 1983, Georgie's lawyers sorted through company files, dug out liability policies from 1983 to 1991, and made claims against all of them. Some of the policies tried to exclude injuries from pollution, but there attempts were inartful. "Bodily injury" and "property damage" from pollution were excluded, but the policies did cover less tangible "personal injury", like annoyance and inconvenience.

Fortunately for Sandy Creek and the people who live along it, (but unfortunately for the insurance companies), intangible but extremely real personal injuries are at the core of the harm suffered by Georgie and his neighbors.

Before the Frazees' mining, the Left

Fork of Sandy Creek was a healthy stream in a lovely rural valley. The creek had a diverse aquatic ecosystem. Generations had fished and enjoyed the stream and the associated minks, muskrat, beaver, turtles, herons, raccoons, et cetera. Cattle drank from the creek - some families even used it for household water. There were baptisms in a big swimming hole by the Stevensburg Methodist church, a mile below Georgie's house.

When the Frazee mining operations ran out of money and stopped all chemical treatment of their acid drainage, the mines were generating 500,000 gallons per day of polluted water, with a pH of 2.5, a reasonable substitute for battery acid. For miles downstream of the mine site, the toxic effects were gruesomely evident. Dead freshwater clams floated on the surface. The streambed rocks were stained bright orange with precipitated iron and other metals. Aquatic insects, minnows, crayfish, and turtles disappeared.

When this cherished community resource was poisoned, people who lived along it were shocked and angered. They felt violated and invaded. They acutely suffered what the law calls "personal injuries" - and so, the Preston County judge held that the insurance policies could apply to their claims.

By now, a reader may be wanting some technical information. Isn't acid mine drainage just a problem with old mines, and caused by irresponsible mining practices of the past?

The answer is no - acid mine drainage is a problem of the past, present, and future. Acid mine drainage forms when sulfur compounds in coal and associated rock overburden, in post-mining areas, are exposed to groundwater. Northern West Virginia is one of the worst areas for acid mine drainage in the eastern United States; but also a problem elsewhere in Appalachia, and in hard rock mining in the West.

Acid drainage continues for many decades, once a site is mined; it occurs in surface mining and in underground mines. There is no prevention and no cure - costly and perpetual chemical treatment is necessary to neutralize the acidity and precipitate out the toxic metals dissolved in the acid.

The federal surface mine law of 1977 failed to address the problem of acid mine drainage. Coal companies are not required to post bonds to cover the costs of long-term treatment of acid mine drainage, and the law erroneously implies that mining techniques can prevent the creation of long-term acid mine drainage. But there are no such techniques.

Moreover, law enforcement to assure

adequate treatment and discourage acid drainage production has been a joke. Top federal mine regulators in the Reagan/Bush era were an evil cabal, determined to frustrate strict regulation of coal mining. And even the best-intentioned coal regulation of regulators have been reluctant to inhibit or discourage any coal mining, no matter how dangerous, because of political pressure.

For these reasons, looking to insurance companies to help regulate some environmental aspects of coal mining seems a promising avenue. If an insurance company collects a \$20,000 premium from a mining operation, and ends up having to pay four million dollars as a result of pollution, they will not likely write future liability insurance for similar mining operations.

Government regulators can and will hide their heads in the sand, and accept a coal company's bogus pie-in-the-sky promises that a mining operation will not cause long-term pollution. Who ever lost a government job for allowing pollution?

But an insurance company underwriter, who knows that their company can be on the hook for millions, has more at stake. And insurance companies - (frankly, my dear) - don't give a damn about jobs in the coal fields, or coal company profits.

When coal companies cannot get liability insurance for environmental hazards, one option is to move to operations that are less hazardous, where insurance is available. In the

case of mine drainage, that's not an impossible move.

About six percent of West Virginia's coal reserves, (which at present rates will last for 325 years) will cause long-term acid mine drainage stream pollution. (Some "acid seams" may be mined without polluting surface water, because the coal lies entirely below the level of local streams and rivers. The acidic affect then only occurs in deeper groundwater.)

To truly reflect environmental costs, the six percent of West Virginia's coal which causes acid pollution should have added to its price ten dollars a ton, the pro-rated cost of long term treatment. This coal can only be profitably mined by disposing of the toxic drainage untreated into streams and rivers.

Stopping the mining of acid-polluting coal coincides with the bigger-picture shift away from high-sulfur northern Appalachian coal, as a result of the Clean Air Act. But regardless of future mining patterns, north central West Virginia faces a future of severe acid mine drainage from existing mines.

For example, Peabody coal's Martinka mine, will after, closure produce about a thousand gallons per minute of mine drainage discharging into local streams. The refuse piles alone from Martinka cost \$250,000 per year to treat acid drainage to legal standards.

One might wonder how much of a bond the State of West Virginia has required

continued next page

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Cockburn *cont'd from page 5*

put up money for a Democratic Party professional, Bob Chlopak, to broker a deal that will satisfy the Clinton team and the environmental establishment, and above all the timber industry and its sympathetic legislators. There are some very heavy hitters who are no friends of trees, starting with Westerners like Foley and extending to the potent Bobby Byrd, who runs the Senate Appropriation Committee and has a solicitous eye for pulp mills in his region.

The rhythms of the trade-off are antipathetic to all...long-term visions. The trade-off means a preserve here against the lifting of an injunction there, diminished protection, 'sufficiency' language, license to rape and pillage all the way from the Cascades

to the Atlantic...But the Northwest focus carries a price. Forests are a national issue, and any summit about them should entail more than trees. As Huey Johnson, secretary of resources under Governor Jerry Brown in the 1970s, put it in the Sunday San Francisco Chronicle/Examiner for March 28:

It's a mistake to call a summit to discuss one resource pulled out of the larger ecosystem context. The interrelated issues of forests, fisheries, water, soil, air, wildlife and people are complex. They must be approached in a comprehensive way if we are to solve the problems. If we learn anything about resources it is that relate like parts of a clock. If you tinker too much with one piece, the clock stops keeping the correct time.

Sandy Creek

from page 7

Peabody to put up, to guarantee the funds for essentially perpetual treatment of huge volumes of toxic drainage.

The answer - it's no surprise, of course - is nothing.

This lack of funds committed to pollution treatment doesn't bode well for the streams and communities of the region. Since the passage of the federal surface mining law in 1977, there is a widespread impression that the United States has "solved" the environmental abuses of coal mining. In fact, for reasons inherent in coal mining, there is not and will never be a "solution" - only a continuous and contentious process and struggle.

Coal is found in large quantities all over the globe. There is always a large over-capacity in mining equipment and work-force. Competition is stiff. Therefore, coal mining companies continuously try to reduce the costs imposed on their operations by environmental regulations - by foot-dragging, resisting, opposing, avoiding, escaping, repealing and rolling back protections these regulations and laws seek to impose.

It is foolish and naive to believe that the coal industry will ever be "satisfied" with, or agree to live with, a given level of regulation. The pressure of the bottom line compels even the best-intentioned coal companies to lobby, scheme, obfuscate, litigate, and more - to weaken, gut and defeat laws designed to protect the larger society.

So, coal field citizens seeking community and environmental protection must

learn and practice the doctrine of "no final victories". With coal mining, like high blood pressure, you have to treat it for life.

In this context, what is the larger significance of the success of Georgie Ridenour and his neighbors, in prying a few millions loose from the bursting vaults of the insurance gnomes of Hartford, Connecticut?

One answer is, their effort gives others hope and encouragement to continue in this essentially endless struggle. The Sandy Creek community's achievement is an expression of the powers of the courageous human spirit. Make no mistake, it took great courage in a historically coal-dominated county, for Georgie and his neighbors to stand up and sue the coal company and its insurers. This courage comes from many sources - in part, from the notion that a person should set a good example for their children and grandchildren, and for future generations.

The coal on Laurel Mountain above Georgie's house should never have been mined. Perpetual chemical treatment of toxic drainage is a poor substitute for a healthy stream. Georgie Ridenour may not live to see fish come back to his pool.

But the citizens along Sandy Creek found in unity and persistence that they could respond to a bad situation and achieve results.

(Tom Rodd lives in Preston County, West Virginia. He and Robert Cohen were attorneys for Georgie Ridenour and his neighbors in the lawsuit described in this article. Rodd can be reached at 264 High Street, Morgantown, West Virginia 26505, 304-296-8611.

Extinct specie of the month



In "The Pennsylvania Buffalo Hunt," H.W. Shoemaker stated that the range of the Wood Bison was between the eastern and western slopes of the Alleghenies, migrating between the Great Lakes and the valleys of Southern Pennsylvania, Maryland and Virginia to Georgia. This Eastern Bison was actually bigger than the Plains Bison and very dark. Many of the old bulls were coal black with grizzly white hairs around the nose and eyes. It did not have as large a hump, while its legs were long without the contrast between the height of the fore and hind quarters seen in the western animals.

Hunting apart, the Eastern Bison herds were drastically reduced by habitat destruction, especially fires which left them without grazing lands. According to a NY Zoological Society report by Martin Garretson, the Bison in Pennsylvania had, by 1790, been reduced to one herd numbering 300-400 animals which had sought refuge in the wilds of the Seven Mountains. Surrounded on all sides by settlements they survived for a short time by hiding in the most inaccessible parts of the mountains. They were all slaughtered during the winter of 1799-1800 as they huddled helplessly in the deep snow in the White Mountains of Union County. The following year in the same county a bull, cow and calf were spotted. A bull killed in 1801 was the last one seen in Pennsylvania. In 1815 a bull was killed near Charleston WV. The last two eastern wood bison were killed near Valley Head, WV after a homesteader tracked them for 22 miles upon discovering his garden trampled on returning from a hunting trip.

from the heart of the mountains *Continued from page 2*

Supported by these words and bolstered by the occasional comments by board members who have been around longer than i have, and encouraged even more by visitors at the reviews (like the good folks who joined us last fall for the 1st annual 25th anniversary celebration in Cass) i realize that at least in the minds of many founding members of WVHC, the organization may have started in the Highlands. but was never meant to be restricted only to that area.

Granted it will always be a challenge to balance the interests of such a diverse group, to blend the old and new, the in and out of state, the single issue and broad based groups. But the new eyes and fresh perspectives of each successive VOICE editor and each new member are essential if we are to maintain the old hopes of our founders that WVHC continue to grow while remaining true to the ambitious course that has been charted for us.

Acid rain kills fish in WV

from NAPAP State of Science and Technology - Mid Appalachian Streams by M. Sale. Thanks to Don Gaspar.

According to the article "Most of the acidic stream reaches are located in primarily small, upland forest drainages in the Northern Appalachian subregion... the region contains many potentially sensitive surface water systems that are subjected to very high loadings of acidic deposition... More recent field research

that is part of the ongoing Episodic Response Project funded by the EPA has confirmed the occurrence of fish kills during rainfall events in some Appalachian Plateau streams. In Virginia and West Virginia (Cranberry River drainage) a historic loss of fish species, such as fantail darter, longnose dace, blacknose dace, sculpins, and rainbow trout, has been reported and correlated with increasing stream acidity in the 1970s and 1980s."

Join the West Virginia Highlands Conservancy

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

Name: _____

Address: _____

City/State/Zip: _____

Membership Benefits

- * 1 year subscription to the Highlands Voice
- * Special meetings with workshops and speakers
- * Representation through WVHC efforts to monitor legislative activity

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.

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