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Highlands Voice

Published by the West Virginia Highlands Conservancy

Vol. 27, No. 3 - April 1994

by Bill Ragette'

The long-delayed and awaited 'Kumbrabow' Trial was finally held on March 3. The WV Division of Forestry had decided sometime during the spring of last year to 'thin out the largest trees in Kumbrabow State Forest by selling \$550,000 worth of timber. Actually a sizable majority of these 3 to 4 foot diameter Oaks and Maples and many other Cherry Trees were marked for 'removal'. By law, the DOF is required to notify and request comments from two other state agencies. No one else - either forest users, environmentalists, or any citizens were notified. Word did leak came out of the woodwork to defend this special place. Finally, a group of users and the Mountaineer Chapter of Trout Unlimited filed suit to stop the sale or at least force it to go through a public review proc

The night before the Trial the WVHC and the Friends of Kumbrabow held a benefit in Charleston to raise funds for and awareness of the 'Old Growth' of Kumbrabow. Thanks to the many attendees and the fund raising abilities of a riverboat gambler who resembled a certain WV State Senator, a goodly amount of money was raised to help with legal fees and mailing expens Thanks also to the two bands. Fried Chicken' and 'Barney and the Bedrockers' for cranking out the

tunes and keeping us dancing.
Thursday March 3: All the singing and drinking the night before had done my flu no good. I stayed in bed till the last moment hoping to feel better. Upon arising I discovered that it had begun snowing

nside

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furiously and wondered about our two expert witnesses from Morgantown that were driving down this morning. Most of our other witnesses had showed up the night before.

The Actual Trial: Kanawha Circuit Court Judge Charles King

THE CITIZENS

John McFerrin, attorney for the plaintiffs, said he was going to show that the DOF had failed to manage Kumbrabow according to State Statute (19-1a-2), that most of the required management goals recreation, scenic beauty, scientific research, wildlife - were ignored by the DOF. The Plaintiffs also claimed that state law required the Public Lands Corporation to review the sale property. The attorneys for the state on the other hand claimed that in the best interests of the state, the forest needed this cut for their health and that the DOF was following the multiple use statute.

The first witness was one of the plaintiffs - James Holliday. He said that he had been going to Kumbrabow two to five times a year for 39 years. He valued Kumbrabow for the wildflowers, hiking, recreation, and hunting. He felt that the area under contention (the Clay Run Timber Sale on Mill Ridge) was the last stand of large red oaks and that the adjacent cut of '91 looked like a war zone. Jim went on to say that the DOF had just about ruined this area for recreation. He didn't expect the painted trilliums, ferns and ramps to survive the cut. When cross examined by the state he had to admit he was no forestry expert, although he was born in a lumber camp. The defense attorney tried to imply that the '91 cut was necessary because of previous wind damage to the area and that thinning turkeys and trees would improve turkey hunting.

Don Garvin was the second witness, testifying as Secretary of Trout Unlimited, Mountaineer Chapter. He said that TU was concerned about the negative impacts that the timber cut would have on trout streams and about how state resources were used in general.

Joe Marshall testified next. Joe is another of the long time Kumbrabow users and one of the main forces behind (see page 7)



DOF's Kumbrabow Video

or Playing God with the Biltmore Stick

byline - bill ragette'

Actually the video was at first pretty convincing. There was a lot of footage of giant trees busted over lying on the ground often with large hollow trunks. - trees that had been marked for cutting only last summer by the DOF in preparation for the Clay Run Timber sale. Bob Whipkey of DOF holds the camera and makes commentary. Jim Hayes, forester for Kumbrabow, walks around like a young Clint Eastwood. He is the only member of the cast. He carries his Biltmore stick, 'sounding' and poking

The Biltmore stick is the main tool of the timber cruiser. It can be used to figure out the diameter, height and volume (board feet) of a tree. It is about a meter long and 3/4 inch in diameter. Its made of maple and capped at each end with a brass ferrule. It doubtless has other uses, but we saw only two more in the

As Jim walked around the forest he would strike a tree with the Biltmore stick to tell if it was hollow by the sound it made. The video made a point of showing us seemingly whole trees that were revealed to be hollow by the sounding stick. We were also taken on an extensive tour of the few trees that had fallen over. Bob would say - Jim, show them how far up that tree is rotten. And Jim would shove his Biltmore stick up every hole that looked promising The farther it went in the better pleased they were. We saw that stick disappear up some hole or large crack a dozen times. It looked like all the trees must be just about ruined and ready to crash down on the innocent hiker's head.

It wasn't till almost three weeks later that I digested it all. On

our-first-day-of-Spring walk into the deep woods, looking over the hillsides where many pines had been busted down during winter storms, the big picture fell into place. I saw the land over the last 100 years clearcut and farmed or clearcut and abandoned. The pines grew up thick and now nature was thinning them out; choosing by ancient means, which ones would spread their genes. The others would be used, in part, as mulch to build soil or to grow mushrooms. The large Oaks that came down in winter would have their myriad unknown uses too.

Rage welled up inside me thinking of these narrow-minded foresters, sticking it to nature and hauling away her old and hollow. The whole video was saying nothing but we must harvest these trees to increase the board feet from the forest. These trees (see page 7)

WVHC Spring Review April 22 - 24, Elk River Touring Center, Pocahontas County See page 3 for all the details

Carel Vall Some over the developed with

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

by Cindy Rank

SLIDING BACKWARDS AS TIME SPRINGS AHEAD

As April approaches and spring wrestles its way free of winter's lingering grasp, the earth, fresh from months of slumber, comes alive, bringing hope and joy to heart and soul.

It's a time when everything seems possible, when all you need do is just look or listen or move the broken branches or other remnants of winter's harsher moments' to reveal the delicacies of the season....- the first few ramps dug before they fully push through the matted blanket of leaves, - the small handful of old timey daffodils greedily snatched for the kitchen table, - the sounds of a song sparrow and the phoebes returning to the garden shed, - the fresh white head of the neighbor's newborn calf....

Unfortunately, cleaning up the debris left in the wake of this years legislative session promises to be far less rewarding.

The ill-conceived portions of the DEP (Division of Environmental Protection) reorganization bill were made into law. The relatively mild but far from innocuous "takings" and "parity" provisions will haunt many environmental permitting and policy decisions from now on, and the so-called "environmental advocate" position is an OK attempt at providing more information to the public, but a far cry from the well-funded, independent and substantive position the title implies.

But, as if all that were not enough, groundwater protection was also dealt a blow in the last week of the regular session. Needless to say, the attack came from none other than an industry responsible for the destruction of untold quantities of groundwater, the very same coal industry that had already been granted a hefty variance in the Groundwater statute itself.

The 1991 WV Groundwater Protection Act is based on a policy that presumes to protect the existing quality and future beneficial uses of our groundwater resources. It also allows for deviations from existing quality as long as EPA defined maximum contaminant levels (MCL's) for drinking water can be maintained. The act further authorizes a lead agency (now DEP) to oversee programs that deal with activities which might affect groundwater quality to assure that those programs include plans and practices that will protect groundwater quality, and to coordinate information on the groundwater of the state so that cumulative impacts of all activities can be evaluated, etc.

In addition to allowing for deviations from existing quality to drinking water standards, the act narrowly defines three specific classes of activities that are granted variances from meeting even these less restrictive MCL's. Certain coal mining activities are among those exempted classes.

This variance for coal was acceptable to the environmental community only because 1) it applies to a limited and well defined set of coal mining activities i.e. "coal extraction and earth disturbing activities directly involved in coal extraction" and not to other associated activities, i.e. refuse piles, impoundments, haulroads, prep plants, and other related facilities, and 2) it applies to standards only and not to other provisions of the Groundwater Protection Act, i.e. even "exempted" activities are subject to requirements RE: information gathering, certification, plans and protection practices, etc.

DEP, in cooperation with the coal regulatory program, proposed groundwater protection regulations for coal to this year's legislative session.

The environmental rules package made it through the Legislative Rule Making Review Committee and the House of Delegates before being amended in Senate Committee where the coal lobby succeeded in passing several amendments which 1) expand the statutory definition of "exempt" activities to include "coal and slurry impoundments refuse areas and on-site haulroads", 2) remove the requirement for those exempt activities to be subject to any other provisions of the Act, and 3) weaken requirements for planning, reporting, etc., even for those coal facilities that are subject to all portions of the Act.

Hence, the carefully thought out and narrowly defined exemption that made the Groundwater Act possible in 1991 was subverted, and the statute itself has been compromised in the regulation process. (see page 6)

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The Highlands Voice is published by the West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321. Articles, letters to the editor and other information for publication should be sent to the editor. If possible, please send a floppy formatted for IBM. Save files as ASCII text.

The Highlands Voice is always printed on Recycled Paper. Our printer uses 100% post consumer recycled paper when available.

Letters, Announcements, Mon Forest News

Thornwood

Dear Editor.

I have only been to Laurel Fork of the Potomac once, but that was enough to know that we cannot allow this area to be gassed into oblivion. It is a remote, primeval place with many outstanding wilderness qualities. The Laurel Fork itself runs through a beautiful wild canyon, with high rock bluffs rising steeply up from the stream, many large clear pools filled with native brook trout, and a sublime oldgrowth forest along part of it, one of the most classic examples of an Appalachian cove hardwood forest to be found in the Allegheny Mountains, and richly deserving of total protection. The forest is dominated by many giant old red oaks in prime condition, with massive trunks and broad-spreading crowns, and also many fine hemlocks and occasional large white pines, especially on and around the rock bluffs. The higher elevations to the west are crowned with mature spruce forests and extensive beaver meadows, which are ;not only wonderfully scenic but more importantly harbor many sensitive and threatened species

Apparently the George Washington NF believes it can serve these areas up on a platter to the gassers and still maintain their ecological integrity, a ridiculous and hypocritical position form the agency ostensibly responsible for protecting them,. I am sure there would be many legal difficulties resulting from terminating the present leases, but can there really be any doubt that if the government wanted or was forced to do the right thing and serve the land; that ways could not be found to accomplish it? Why is preservation of public land always so hard, and yet when an exploitative industry wishes to sink it's teeth into some wilderness no effort is spared by the Forest Service to circumvent any and all environmen tal regulations that might be in the way?

Anybody who thinks that natural gas wells can be 'harmonized' with a roadless

wilderness ought to visit the Allegheny National Forest, home stomping ground of Thornwood Gas, Inc. There are well-maintained gravel roads and pipeline slashes practically everywhere, putrid, stinking well sites full of rusting pipes and other foul garbage, chopped-up forests, polluted streams and an industry attitude that its all theirs to abuse as they like. There is, in short, nothing in the exploitative history of Thornwood or any other gassers that would lead one to believe that their operations on the Laurel Fork would be substantially different from previous ones. All the slicko press releases in the world are not going to make any difference once the bulldozers roll.

I'm sure that most readers of the Voice are sick and tired of hearing about yet another threat to one of our precious few remaining wildlands, for no other reason than an out-ofstate corporation's bank account. It is high time that we demanded that all mineral-extraction leases on public lands be subjected to a rigorous scrutiny of their total ecological effects, especially on roadless wild areas, and not allow the land to be raped under the aegis of speculative deals made decades ago by those with no interest in the wilderness other than what they can take from it.

The gas field under the Laurel Fork is obviously quite small and of insignificant importance to the national energy supply, but the Laurel Fork itself is undeniably rare and beautiful, and would be degraded for long after the gassers have left, and if history is any guide in ways far more extensive than we are being led to believe. There are simply no more wildlands left that can be sacrificed to the multiple-abusers. It's true enough that we humans do have to learn to harmonize our lives with the land around us, but there is only one way to live in harmony with what little wilderness remains, and that is to let it be. For the Wild, Robert Stough



Symposium to look at rivers and their watersheds

River watchers - by vocation or avocation - from the Appalachian region will gather June 3-5 in Morgantown, WVa. for a public symposium on the future of Appalachia's rivers and watersheds.

The symposium will bring together river lovers, grassroots advocates, academics, and representatives of resource agencies from local, state and federal levels to realize the symposium theme, "Shared Perspectives, Sharing Solutions '

Rivers and watersheds will be addressed from five major perspectives - river ecology, water quality, recreation, watershed manag ment, and people along the river. Specific sions will deal with topics like acid rain, hydro power and public use, biodiversity, endangered species, wild trout management, flows and floods, and non-point source

Scheduled speakers include Kevin Coyle of American Rivers, Royal Robbins, author Tim Palmer and Charles Gauvin of Trout Unlimited The Wildlands Heritage Project of WVU

Division of Forestry is hosting the symposium. Sponsors are the West Virginia Rivers Coalition and the WVa. Department of Commerce, Labor and Environmental Resources. Among the co-sponsors are West Virginia Highlands Conservancy, WVA. Citizen Action Group, Sierra Club Southern Appalachia Highlands Eco-Region Task Force, National Small Flows Clearinghouse, American Whitewater Affiliation, Trout Unlimited, and

The symposium registration fee is cy, \$120 non-agency, \$85 (before April 15, the early bird discounted fee is agency, \$95 and non-agency, \$70. Registration includes all materials, two lunches, and the Saturday night banquet. A limited number of scholarships are available. For scholarship information contact West Virginia Rivers Coalition, PO Box 606, Buckhannon, WV 26201.

For general symposium information, write or call: Deb Wise, WVU Division of Forestry PO. Box 6125, Morgantown, WV 26505-6125, (304-293-3721)

USFS Projects in the Monongahela National Forest

Greenbrier Ranger District PO Box 67 Bartow, WV 24920 304 456-3335

Comments received until April 22 Burner Mountain/Lick Mountain OA

Jim Thomas, the Greenbrier District Ranger has proposed a series of projects for this OA with a prescription of remote habitat and non-motorized recreation. Get a load of these projects - TIMBER CUTS - 733 acres of two aged timber harvest, 90 acres clearcut, crop three thinning on over 1,000 acres, PRE SALVAGE (a new one on me) cutting on another 350 acres. ROAD CONSTRUCTION-25.6 miles of constructed and reconstructed roads. (reconstruction is little different from construction except that these new roads may follow old logging trails). HERBICIDES on hundreds of acres. WILDLIFE OPENINGS -Clearcutting another 200 acres.



Gauley Ranger District PO Box 110 Richwood, WV 26261 Cherry River OA # 23.006 Comments must be received by April 21.

The District Ranger proposes to implement a few projects in the Cherry River OA, which lies between the Cherry and Cranberry Rivers. Activities include - Commercially thin 308 acres, clearcut 160 acres, crop tree release 386 more acres, create 20 acre savanna, build 3.4 miles of new road and 1 mile of hiking trail in this area designated as non-motorized.

Another Condor Dies

A fourth California Condor has died in the wild, prompting federal biologists to move the four remaining birds to a more remote area of Los Padres national Forest.

The bird, named sqap, which means "feather bundle" in the language of the Chumash Indians, was killed last month after flying into a power line about eight miles outside of the condor sanctuary.

Eight condors have been released into the wild in the last year. One died after it drank a fluid used in antifreeze, and the other three flew into power lines

from Econews, published by the Northcoast Environmental Center, Arcata, CA.

WOHC Spring Review

The Spring Review will be held at the Elk River Touring Center in Northern Pocahontas County the weekend of April 21/23. Many of you will remember the excellent food and atmosphere at last year's Spring Review at the Touring Center.

This year Mary and Gil Willis are opening their field to tent camping to expand the types of lodging available.

As usual the Review will include many recreational and educational activities. Traditionally Saturday night is reserved for presentations. This year, Andy Mahler, founder of Heartwood is coming to discuss and looking for support for HB 1164 (the Bryant Bill), which you may have read about in these pages. Andy has testified before Congress and around the campfire and is an inspiration to many working to save the forests.

We are also fortunate to have Curt Seltzer come and speak to us about the Thornwood Gas Pipeline featured in last month's VOICE. Curt is one of the main activists on this issue and is very familiar with the Laurel Fork Area that this pipeline and associated wells threatens. It appears likely that a road/field trip to the pipeline site will be offered for those of us not taking a canoeing, biking, hiking or caving trip during the day on Saturday.

Announcement of WVRC staff Position

Position: Conservation Program Director Full-time, located at WVRC headquarters, Buckhannon, WV

Responsibilities: Primary: Coordinate WVRC conservation activities, implement newly developed strategic plan for West Virginia's rivers under the supervision of Executive Director. Duties include research. problem solving through networking and negotiation, writing articles, organizing local activists, communicating with landowners and decision-makers.

Secondary: Assist Executive Director and Public Education Director in fundraising activities including organizing benefit river

Qualifications: Strong interest in outdoor recreation. Person should demonstrate ability to work independently. Consideration given to communication skills, computer skills (word processing), prior volunteer or staff experience in environmental, outdoor recreation, or related

Salary: Entry level, commensurate with qualifications

To Apply: Send a letter, resume, and references to: WVRC Executive Director, PO Box 606, Buckhannon, WV before April 30, 1994. The position is available immediately. WVRC is an equal opportunity employer.

A RIVER NEEDS RESCUE

Note by Cindy Rank: Over the years, VOICE articles have highlighted many efforts to protect and restore various tributaries of the Tygart Valley River from the effects of Acid Mine Drainage (AMD).

-In the 70's WVHC members

In the 70's WVHC members worked with others to enact the Federal Surface Mine Act (SMCRA) and the W.V. State Act (WVSMA) that set standards of protection for watersheds like the Tygart where mining had occurred and would likely be continued.

-In the early 80's WVHC
joined in a petition action pursuant to
SMCRA and WVSMA to declare
"unsuitable for mining" acid prone
areas in the Middle Fork and
Buckhannon River watersheds.

-The mid 80's brought reports on legal action to require the state of W.V. to treat water at the forfeited DLM mine (now the "Alton Site" where nearly \$1/2 million/yr is spent treating acid drainage), and on actions to block the expansion of the Island Creek/ENOXY Tenmile operation just downstream from

DLM where the company reported expenditures of some \$1 million/yr for treatment of AMD at the 2,000 acres of disturbed land. 1983 also brought a WV DNR Report on the acid and metal loads in the Upper Buckhannon from these two sites and the Grand Badger Deep Mine.

-In the late 80's articles focused on the lawsuit by WVHC and 15 other groups against the state of W.V. for failure to maintain a regulatory program that complied with federal and state law with regard to a number of issues, including AMD related issues in permitting, enforcement and bonding.

-The 90's brought stories of citizens' efforts to force the state to comply with the law by using monies from the bond pool to treat water at the F&M forfeited sites on Sandy Creek where current treatment costs are another \$1/2 million/yr.

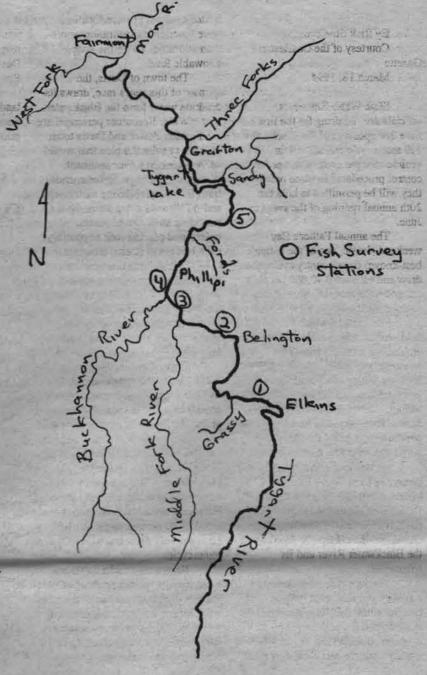
-The February '94 VOICE reported on recent legal action to bring about the compliance with Federal and State law to treat acid water at the LaRosa Kittle Flats

operation on the Middle Fork River. (The Office of Surface Mining estimates treatment costs in the hundreds of thousands of dollars here as well.)

-All these articles have described efforts to uphold portions of SMCRA and WVSMA that should have protected the Buckhannon, Middle Fork and Sandy Creek from the acid problems that exist in those watersheds today. Each of these tributaries to the Tygart were at one time high quality trout streams, but are struggling to stay alive at all.

What follows is an overview of the main stem of the Tygart River, and of the bass fishery that has also been harmed by acid from these tributaries and others where mining old and new - has negatively impacted water quality.

Frank Jernejcec is District 1
Fisheries Biologist for the WV
Department of Natural Resources and
has been observing the Tygart in that
capacity for the past 25 years.



If you are a bass angler, you should be outraged by this lost fishery.

by Frank Jernejcic

Beginning as a pristine mountain stream in Pocahontas County, the Tygart River flows 133 miles north to Fairmont. From its origin in West Virginia's birthplace of rivers, the Tygart is initially similar to its sister streams: the Cheat, Elk Gauley, Greenbrier, and South Branch rivers. But just north of Elkins with one-half of its length left, the Tygart starts dying.

The river parallels US Route 250 from Elkins to Belington before flowing unobserved through a scenic canyon and then reappearing at the historical covered bridge in Philippi. A country road then accompanies the Tygart from Philippi through the town of Arden and over mighty Moats Falls before parting ways at the mouth of Teter Creek. A fisherman's trail follows the river the additional two miles to the head of Tygart Lake. After emerging from Tygart Dam at Grafton, the river flows past Valley Falls State Park to Fairmont and joins the West Fork River to form the Monongahela

Roadside views of this tumultuous mountain river reveal boulder strewn rapids and deep swift runs characteristic of great small-mouth bass streams. The aquatic cancer that has destroyed the Tygart's basic productivity and severely reduced its fish population is not obvious. Acid mine drainage is, unfortunately, familiar to many Mountain State residents and visitors, and is still our most serious

water pollution problem. Almost 2,500 miles of West Virginia's rivers and streams are affected by acid mine drainage to some degree. Although bright orange sulfur streams (actually the orange color is caused by iron compounds, not sulfur) are less common these days than 30 or 40 years ago, much acid mine drainage is actually quite clear and invisible in a stream that can be dying from it.

The health of a stream can be measured by many chemical tests which are usually meaningful only to chemists or biologists who study water quality. Water pollution is not always obvious to the casual observer. Acid mine drainage can result in sparkling clear water. So how can we measure water quality in a meaningful way that would show an untrained individual that a serious problem exists?

The presence or absence (or scarcity) of fish is a very good way to characterize water quality in a body of water. The number of fish or weight of fish per acre, called the standing crop by fishery biologists, provides a standard way to compare fish populations within different reaches of a river or between entirely different rivers or lakes. Standing crop values are obtained during aquatic surveys by sampling the fish in short stretches of a stream, usually 300 to 400 feet, and counting and weighing all the fish collected. Five of these surveys were conducted on a 40-mile length of the Tygart River in 1993 to evaluate the impacts of four tributaries ruined by untreated acid mine drainage (Roaring Creek,

Grassy Run, Middle Fork River, and Fords Run) and one tributary with neutralized mine drainage (Buckhannon River).

The first survey site was near Elkins and upstream of the first major source of acid mine drainage that flows out of Roaring Creek and Grassy Run. This survey site would represent a natural fish population before being affected by acid mine drainage pollution. Fourteen species of fish weighing 130 pounds per acre were collected. Of greatest interest to anglers is that 27% of the sample, 36 pounds, were smallmouth bass. Most importantly, there were 10 smallmouth bass per acre that were longer than 12-inches! These qualitysize bass provide excellent fishing opportunities in the Elkins reach of the Tygart River.

The next four surveys in the river north (downstream) of Elkins portrayed a drastically different fish population. The Avery standing crop for 40 miles was 17 pounds per acre, a reduction of 87%. The smallmouth bass population decreased 78% to 8 pounds per acre and there was only one bass longer than 12-inches in each acre. If you are a bass angler, you should be outraged by this lost fishery.

Analysis of trophy fish citations from several rivers comparable to Tygart River provide additional evidence that the Tygart is really sick. Only 5 trophy smallmouth bass (3 pounds or larger) were registered from the Tygart River during 1990 and 1991. In contrast, 52 were registered from the Elk

River, 103 from the South Branch of the Potomac, and 246 from the Greenbrier River during the same period. Anglers spend a lot of money to catch fish from these rivers and local economies benefit. Smallmouth bass on the Tygart River is equal to, or better than, the habitat in these other premier smallmouth rivers

These fishery surveys documented that acid mine drainages from Roaring Creek, Grassy Run, Middle Fork River, and Fords Run severely reduce Tygart River fish populations and also threaten Tygart Lake. Acid mine drainage entering the Buckhamnon River is being treated to the extent that it does not impact the Tygart. However, if treatment stopped, fish populations in Tygart River would suffer a further decline and sport fishing would be eliminated entirely.

Two additional sources of acid mine drainage were not evaluated by these fish surveys but are significantly impacting and threatening the remaining 32 miles of Tygart Lake and Tygart River. The recently abandoned F & M surface mines on Sandy Creek are being treated before draining into Tygart Lake. Three

Forks Creek enters the river at Grafton and reduces the quality of the last 20 miles of river.

The water quality situation of Tygart River is bleak but not irreversible. Efforts to clean up a major source of acid mine drainage on the Middle Fork River were initiated in 1991 by a task force of state and federal agencies.

Although earlier abatement efforts had been unsuccessful, there is optimism that new techniques will improve water quality in the Middle Fork and, subsequently, downstream on the Tygart. Roaring Creek and Grassy Run should be the next priorities. Residents of Elkins, Junior, Belington, and Philippi should organize and request assistance from their elected officials in seeking a solution to this decades old problem and continued threat to their drinking water, sport fishing, and general quality of life. The reduction in Tygart River fish populations because of acid mine drainage is graphic and compelling evidence of a river in trouble. �

Canaan race told to ease damage to land

By Rick Steelhammer Courtesy of the Charleston Gazette

Mary Marthauther Same - Lord & Str. Me on t

March 18, 1994

State Water Resources officials are requiring for the first time that sponsors of the Blackwater 100 motorcycle and all-terrain vehicle race put erosion and pollution control procedures in place before they will be permitted to hold the 20th annual running of the event in

The annual Father's Day weekend classic, one of the nation's best-known cross-country cycle races, drew and estimated 40,000 people to the undeveloped northern end of Canaan Valley last year.

The land on which the race is held, and on which most racing enthusiasts camp, is owned by Monongahela Power Co. Much of the land lies within the boundaries of the proposed Canaan Valley Wildlife Refuge. The US Fish and Wildlife Service is expected to begin purchasing property for the refuge within the next few months.

At last year's running, personnel form Water Resources, the Fish and Wildlife Service, the Division of Natural Resources and the Environmental Protection Agency monitored the effects the race had on the Blackwater River and its tributaries.

The race caused sediment, turbidity and dissolved oxygen problems in the Blackwater River, according to a report issued by the agencies; but the most severe water quality problem was caused by fecal bacteria, which at some locations were found in concentrations more than 100 times above the state's allowable level.

The town of Davis, the sponsor of this year's race, draws its

Water Resources personnel are asking Mon Power and Davis town officials to submit a plan that would address concerns over sediment, sewage and garbage. Recommendations include prohibiting motorcycle and ATV travel along streambanks, providing an adequate number of toilets, and placing rock or possibly even bridges at stream crossings.

"We've been concerned about the impact of the race for several years," said William Brannon with the Water Resources Division. "That's part of the reason we cosponsored the report on last year's race."

Upper Canaan Valley encompasses the state's largest wetland area, a 7,000 acre complex containing a unique variety of plant and animal species usually associated with more northern climes. In 1974, the area was designated a National Natural Landmark by the US Department of the Interior. A 1992 survey of the landmark area by the National Park Service showed that as much as 30 percent of the site had been severely damaged by ATV's and

Racers may make 2,000 or more circuits around established race courses during the course of the race weekend, on a cumulative basis; while off-course traffic by spectators adds to the problem, according to the report on last year's race.

Brannon said the permit for this year's race would be the responsibility of both the town of Davis, the event's sponsor, and Mon Power, the landowner.

"The company that owns the drinking water form the Blackwater. | land has been very cooperative in discussing our concerns with us,"

Last year, race officials

worked with personnel form the Division of Natural Resources to select a race course that kept traffic, for the most part, out of sensitive

Public opinion about the race is divided in Tucker County. While the event brings in tourism revenues, it also draws complaints over rowdy behavior. Last year,

more than 250 arrests were associated with the race.

For more information on the interagency report on the Short Term Effects of last year's "Blackwater 100" race, contact the US Fish and Wildlife Service office in Elkins: PO Box 1278, Elkins, W.V. 26241; phone: 304 636-6586

> Thanks to Vince Packard for the Artwork

Dolly Sods North - New Wilderness?

slightly adapted from the Mountain State Sierran by Jim Sconyers

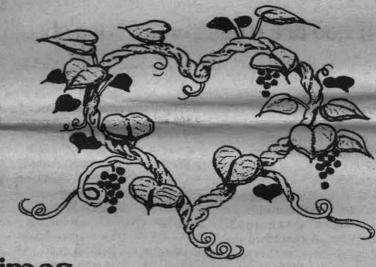
In 1992, through the mediation of a project of the West Virginia field office of the Nature Conservancy, a tract of more than 6000 acres was Forest. Not only is this a huge net addition to the land base of the Mon Forest, but the parcel adjoins the Dolly Sods Wilderness. We need this new tract to also be designated as wilderness. The addition contains the Blackbird Knob area and virtually completes protection for the Red Creek watershed. It is an area where there are no roads or buildings. Free from "the hand of man," the addition appears to satisfy the Wilderness

The Dolly Sods Addition must receive a designation. By bringing it into the National Forest as design ed wilderness, we avoid the difficult problems that will arise later. This parcel is eligible as wilderness. No conflicting patterns of prior use exist. All logic points in the direction of wilderness for the addition.

What would make this happen? Since joining the addition to the existing Dolly Sods Wilderness represents an alteration of a congressionally established wilderness, action by Congress is needed to pass a bill designating the 6000-acre tract as wilderness. Passage of such a bill involves getting sponsors in both the

Federal House and Senate and having the support of West Virginia's entire Congressional delegation.

Is it too early to begin talking with your congressional representative and your senators? Not at all. The sooner we talk with them, the better our chances are that they will listen and act. Talk to yours now about wilderness designation for the Dolly Sods Addition. .



The Best of Times and the Worst of Times

by Norm Steenstra

I wonder if God timed the beginning of Spring with the end of the legislative session or visa versa? Regardless of the answer - Spring is here and the law makers have finally gone home. Having been a public interest lobbyist for the past 6 sessions I can tell Voice readers that this session was the best of times and the worst of times.

From the first day way back in early January, Governor Caperton set the terms of debate for the session. Jobs was the answer and lack of jobs was the problem. Every issue would be framed in terms of economic development and improving the business climate in our state. Why River boat gambling? Jobs. Why cut the cooperate net tax? same answer. Why lower environmental standards on groundwater, sludge disposal, and mining regulations? I think you get the picture by now. The governor in his state of the state message called jobs the most important aspect to improving the quality of life in West Virginia.

Against this back drop of pro business rhetoric the environmental lobby effort quickly assumed a defensive posture. The 1400 page DEP Re Organization bill was amended to include both the takings" and environmental parity issues. An office of an environmental advocate was debated, amended into the bill, deleted and finally gutted to a meaningless gesture. The Administration and particular DEP director Callaghan and deputy director Eli McCoy bent over backwards to garner the good will of industry lobbyists. Any trace of objectivity within the Caperton Administration vanished by the end of the first week.

The anti-environmental backlash experienced in the session made it the "worst of times". Nearly every special interest group attempted to gain advantage by getting on the band wagon. The Clintonesque concept of balancing environmental and economic concerns was forgotten. Remembered were the special interest groups that had supported the Governor's reelection campaign.

It was the best of times because in spite of the political climate the environmental lobby in conjunction with groups such as the United Mine Workers, the AFL-CIO and the West Virginia Wildlife Federation were able to water down the parity and takings language and render them almost meaningless. Progressive alliances held up. Importantly traditionally "non environmental " groups worked successfully with us against threats to environmental issues

Some good things did happen. Strong standards on sewage sludge were passed. The Non Game / Natural Heritage Programs were funded, and just as important, a resolution calling for an interim study committee on the importance of the non game issue was passed by both Houses. For perhaps the first time in the State's history a legislative committee will examine the relevance of issues such as biodiversity and intact eco-systems to economic development and quality of life. The committee will also

examine potential permanent funding sources for the program.

This session reinforced just how temporal our successes can be. It was a reminder of the fact that political climates change with the same frequency that the physical climate changes. The see saw of the coming sessions will swing back and forth and those who advocate for green issues must be prepared for the best of times and the worst of times.

The Highlands Voice has long been a source of enviro news and commentary. From time to time some criticism has been received concerning " political " articles. I wrote the above as a kind of report to Conservancy members because it is the Conservancy more than any other environmental group in the State that has made the continued environmental presence at the Capitol possible. Talking about potential changes in political climate. It is with some excitement that I can report to you that 10 Voice readers are running for

the office of the West Virginia House of Delegates! For those of you who haven't heard, Voice editor Bill Ragette has filed for the House race in East Huntington. Congratulations Bill and best of luck.



Water Quality Survey Planned for Otter Creek and Dolly Sods Wilderness Areas

by Ross Fitzhugh and Rick Webb Department of Environmental Sciences, University of Virginia

A synoptic survey of surface water chemistry in the federally designated Class I Otter Creek and Dolly Sods wilderness area is scheduled for May 23, 1994. Managers of the Monongahela National Forest, in cooperation with the Environmental Sciences Department of the University of Virginia, are conducting the survey to document the chemical composition of streams and vernal pools.

Results of this survey will complement surveys in six other Class I wilderness areas: Presidential-Dry River, NH, Great Gulf, NY; Lye Brook, VT, Rainbow Lakes, WI; Hercules Glades, MO and Boundary Waters, MN. The primary objective of the survey is to establish a baseline for monitoring Air Quality Related Values (AQRVs), or environmental resources that are at risk due to air pollution.

The Forest Service mandate to monitor AQRVs comes from the Prevention of Significant Deterioration clause of the Clean Air Act. The most important atmospheric pollutant potentially affecting Otter Creek and Dolly Sods is sulfur, which forms sulfuric acid when dissolved in precipitation. The primary source of atmospheric sulfuric acid is sulfur dioxide emitted by the combustion of fossil fuels.

Like the Mid-Appalachian region as a whole, there are high concentrations of sulfuric acid in the rain falling on Otter Creek and Dolly Sods. In fact, Otter Creek and Dolly Sods receive the most acidic deposition of the Class I wilderness areas. Moreover, the dilute streams in these areas are particularly vulnerable to acidification.

Three processes may occur in soil to neutralize sulfuric acid deposition in watersheds — sulfate may be retained in the soil, geochemical weathering can buffer the acidity, and aluminum can be dissolved from the clays.

In watersheds with limited ability to retain sulfate, chemical weathering is the ultimate defense against acidification. This may be insufficient in areas of low weathering bedrock where soil pHs are low and the solubility of Al-OH clays, such as gibbsite and kaolonite, become high. When hydrogen and sulfate fall on inert, base-poor soils inorganic aluminum can be mobilized from the clays.

The movement of aluminum from the terrestrial to the aquatic environment is significant, because high concentrations of inorganic aluminum are toxic to aquatic biota. Aluminum toxicity is responsible for fisheries declines in the Eastern United States, Canada,

and Scandinavia.

Aluminum mobilization is occurring in streams of Otter Creek and Dolly Sods draining the Pottsville formation, an unreactive sandstone conglomerate. These streams have low concentrations of base cations and high concentrations of sulfate, hydrogen and aluminum.

On September 18, 1993, eight samples of stream water derived from independent areas of the Pottsville in Otter Creek had pHs below 4. The pH of these streams is well below 5, the pH considered biologically critical.

The West Virginia Department of Natural Resources has documented a decline in the fisheries status of Pottsville streams in Otter Creek. It is likely that this deterioration is linked to aluminum mobilization as a result of acid deposition.

The effects of acid rain on stream chemistry are most apparent in headwaters draining relatively small forested catchments. Remote watersheds protected from large-scale human disturbance, like Otter Creek and Dolly Sods, are ideal sites for the long-term study of air pollution effects or aquatic chemistry.

To initiate a long-term monitoring program, it is appropriate to first conduct a synoptic survey to determine the spatial variation in aquatic chemistry.

This spring's survey will involve about 100 surface-water sampling sites in Otter Creek and about 50 sites in Dolly Sods. Data from the survey will document a broad range of chemical conditions, from the acidic Pottsville streams to circumneutral waters draining limestone terrain.

These conditions, dependent mainly on landscape features such as bedrock of the drainage basin, will demonstrate a spectrum of stream water chemistry responses to acidic deposition. Long-term monitoring sites in Otter Creek and Dolly Sods will be recommended so that the landscape features, and thereby the entire range of geochemical conditions, are represented.

Native brook trout are absent from decidedly acidic streams of the Pottsville formation in Otter Creek and Dolly Sods. Streams draining other geologic substrates may be approaching the biologically critical stage of acidification. The Otter Creek and Dolly Sods survey will identify these streams and select representative sites for long-term monitoring.

This survey is important with respect to understanding the effects of sulfuric acid deposition on stream chemistry in upland forested catchments of the Mid-Appalachian Plateau.

Kilometers -0 0.40.81.21.6 2 Otter Creek OTTER CREEK WILDERNESS **Preliminary** Sample-Site Selection

from the heart of the mountains (from page 1)

Even though the House Judiciary Committee refused to accept the Senate amendments and sent the rules to conference, in the cacophony and frenetic pace of the last day of the regular session, the conference committee was able to make only a minor dent in coal's new and improved protective suit of armor.

The committee added a paragraph to the rule that requires DEP to conduct an "appropriateness study" to evaluate the rule and to report back to the Joint Committee on Government and Finance on or before November 1, 1995 with any recommendations, modifications or alternatives. Unless the Legislature takes further action after the study, the current rule (complete with coal's wish list) continues in effect.

It's important to note that neither the regulatory agency, nor the governor's office, nor legislative leadership (all of whom encouraged, supported and applauded the limited exemption in 1991) fought to uphold the original intent of the Act in this year's debacle.

How then, shall we bet on the outcome of the study? With the hopes of spring? Or with the reality of politics as usual?

Volunteers needed

Approximately 25 volunteers are needed to help with the stream sampling on the survey day, Monday, May 23. Volunteers must be comfortable with hiking, since sampling sites are in the wilderness area, a considerable distance from the nearest parking. The distances and terrain will require a very early start. Training on sample-taking

techniques will be provided the day of the survey.

A smaller number of volunteer are also needed to help with site reconnaissance prior to the survey and to lead collection teams on the day of the survey. Anyone interested in helping should contact Mary Pat Peck (304-472-0025) or Ross Fitzhugh (804-924-7817).

The Trial of Kumbrabow

(from page 1) the Friends of Kumbrabow. Joe has been working on his Mill Ridge photo collection and presentation for months. When the State attorney objected to the use of one map, the Judge said that he understood that the map was drawn by Joe's daughter and wasn't one of those government maps with all those lines on it. The show got pretty hilarious here with the defense attorney objecting to just about every photo for one reason or another. The Judge overruled most all the objections and looked at all the photos. One photo showed a little girl leaning against one of the giant Red Oaks. The State's attorney objected to this one because the little girl appeared to be hugging the tree and he felt that the plaintiffs were trying to engender positive feeling for trees.

The Judge thought the picture was taken to show the size of the trees. Joe also spoke about the incredible intrusion that the 'permanent haul road' created. Joe said that this wide gash would extend another .8 miles through the woods in this new timber cut.

Joe also talked about the promised 100' buffer zone along trails. This no-cut-zone was offered by the DOF to appease recreationists. I have a feeling that if they had honored their original commitment not to cut in this buffer, fewer folks would be fighting the cut. But, as Joe said, most of the large trees in this buffer zone were marked for 'removal'.

Our State Executive Forester, Bill Maxey testified next. He said that managing the 258,000 acres of non-industrial forests and

forest fire protection were central objectives of the DOF. He stated that previously to taking on his current job, he was associate professor of Forestry at WVU and a forester with Georgia Pacific and West Vaco. When asked by the plaintiff's attorney if there was any scientific research occurring in Kumbrabow, Maxey said he did not know. He said that this cut was different from others in that far fewer trees were being cut on this tract. Because of consideration of other values, the DOF was being "ultra conservative". Bill also claimed that the permanent haul road was good for grass and insects which young turkeys must have. He said that the cut would increase the deer population.

The DOF has been maintaining that the money generated from this sale would be used to fight fires, sometimes implying that if this sale was blocked, wildfires would burn out of control. Under examination though, Maxey admitted that the revenues form the sale would be deposited in the general fund. He further said that the Legislature had been generous in its appropriations for the DOF and the cut was not occurring to get money but rather for the health of the forest. Maxey also was forced to admit that he signed the contract for the sale of

the Kumbrabow trees while the DOF was under an injunction not to proceed with the sale.

Chris Hansroft, the Supervisor of Kumbrabow testified next. Chris said that he did oppose the sale. He "strongly felt this timber sale should be objected to." His main concerns were that cutting along the very popular hiking trails in the area would destroy the aesthetic experience. According to Chris, the cut would affect 1/3 of all trails in the Forest. He was concerned about the sheer number of trees that were to be cut and the problems of logging equipment on trails and roads in Kumbrabow. He has received a number of complaints from guests about the previous timber cuts and felt that there would be more complaints if this sale went through. He made it clear that his division, the WV Division of Parks and Tourism, did not officially oppose or approve the sale. Evidently he has been getting some pressure from his superiors.

One of our expert witnesses, Steve
Hollenhorst, finally did make it through the
storm from Morgantown to testify. Another
professor, Jim McGraw - our expert on Ecology
- was going to ride down with Steve, but he
ended up stuck in a foot of (see page 8)

The Forest Steward

A publication of the WV Division of Forestry

I just recently received the latest number (VOL. 2 NO. 2) of the DOF's publication. A few readers may have gotten the impression from some of my Kumbrabow articles that I favor the dismantling of the WV DOF. This is not true. My main objection to the DOF has been their treatment of State Forests as their own private domain to provide timber to industry. This most recent issue of the Forest Steward reveals many other aspects of the DOF, some of which will aid the conservation of soil and forest resources.

Here is a list of articles from this issue. Another Video Added to the Woodlot Management Series. (How to build logging roads and landings)

A Remedy for Deer Browse on Conifers (Cover them with netting)

Landowners to Hold First National Conference Another Gypsy Moth Invades (the Asian Moth) Gypsy Moth Quarantine

American Paulownia Association Meets Scary Creek Farm Named 1993 "Tree Farm of Year" (neighbors and good friends of yours truly)

West Virginia Experiences Dramatic Stumpage Price Increases

Some Highlights of the New Tax Package for

The Kumbrabow Inventory

In the recollection of not a few attendees at the Kumbrabow Trial, Gordon "some benefit more, some benefit less" Robertson, Deputy Chief of DNR's Wildlife Resources claimed or insinuated under oath that DNR had done an inventory of the Clay Run Sale site. He said he did not have the paper with him, but went on to list twenty or so species off the top of his head. After two Freedom of Information of Act Requests I have been unable to obtain anything resembling an inventory of the sale site and am convinced that the DNR never did any inventory of the site. If this sale goes through we will have no idea what we have lost or what species have been harmed, the Deputy Chief's claims notwithstanding.

Forest Owners
State Nursery Announces New Seedling Prices
for 1993-94
Urban Forest Opportunities AND
"No Forestry on Public Lands" ?????

Of course this last article is the one that caught my interest. The story starts out with a quick one paragraph review of the Kumbrabow Trial. It then goes on to defend its 'stewardship' of the State Forest System, explaining how the DOF is keeping our State Forests from "going to waste" by logging them. If you would like to hear the DOF's side of the story you can get your very own copy of the Forest Steward from

West Virginia Division of Forestry 1900 Kanawha Boulevard, East Charleston, WV 25305

I just talked to Bill Maxey, DOF Chief. He said they have been rightly criticized for the article. He apologized for the editorializing and said it would not occur again.

Biltmore

(from page 1) are valueless (but somehow still worth over half million to Coastal Lumber) because they won't make good lumber. Never a mention that these holes and downed trees might be homes and food sources to hundreds of NON GAME species. Might we not be shoving our Biltmore into the side of some critter that lived in the hollow?

They know not what they do. Oh, in the short term the woods will be more productive of board feet. But the harvest does more then selected out the hollow and diseased. It shrinks the gene pool. Over millions of years these trees survived because of their genetic make up and environmental conditions. Nature or God choose which genetic pattern would survive and evolve through the ages. Tree lines (like family lines) continued not because they could produce the most wood (or most flesh), but because, in the infinite complexity of nature's thousands of species and various forces, certain trees were favored. DOF's Kumbrabow video tells me that they listen to the bottom line and the echoes of the Biltmore stick on ancient Oaks. This is not adequate on public lands dedicated to much more then timber produc-

Monongahela National Forest Hiking Guide Now Out

Edition 6 of Monongahela National Forest Hiking Guide is now available. This edition is bigger and better than ever, with 368 pages, 96 pages of maps, 49 photographs, 177 trails totalling 812 miles, and a new full color cover. West Virginia Highlands Conservancy is the publisher. Authors are Allen de Hart and Bruce Sundquist (same as edition 5). Allen has hiked all the trails of the Monongahela N.F. over the past few years. Bruce was the editor for the first four editions. The hiking community and the U.S. Forest Service provided trail reports and photographs. Edition 6, like edition 5, also provides information for ski-touring and backpacking.

The growing throngs of visitors and the public at large regard the Monongahela National Forest as a 'Special Place'. And indeed it is. The hiking, backpacking, and ski-touring opportunities it provides are among the best in the eastern U.S. The more outstanding areas are becoming known far and wide - Otter Creek Wilderness, Dolly Sods Wilderness, Flatrock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Back Country, Cranberry Wilderness, among others.

Profits from the sale of these guides support a wide variety of worthy environmental projects in the West Virginia Highlands Conservancy.

To order your copy of Edition 6 of Monongahela National Forest Hiking Guide, send \$11.45 (this includes \$1.50 shipping and handling) to

West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321

West Virginia residents must add \$.60 sales tax. (total of \$12.05)

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(from page 7) snow on a country road. The Judge granted that an evidentiary deposition could be taken in lieu of Jim testifying that day in court. So Steve took the stand as our last

Steve, as a professor at WVU School of Forestry, was granted expert status in recreation. Steve explained that the Kumbrabow Plan had no consideration for Visual Manag ment, Natural Areas Protection or Aesthetics. Steve said that as trees grow larger and older and the number of trees per acre decreases, cople see more beauty in a forest. Referring to DOF's plan to cut trees within the trail buffer zones due to hiker-safety, Steve said that he has never heard of a fatality from hikers being hit by falling trees along a trail.

When cross examined, Steve was mostly questioned about his colleague, professor Carvel, who had testified at the second injunction hearing last August. Carvel had testified that just about all the trees where hollow and were going to fall over perhaps during the coming winter. He said that the trees needed to come down for the health of the forest. The state's lawyer held forth on Carvel's academic credentials - Harvard and Yale forestry schools - and the incredible number of articles he has written. If Dr. Carvel is so highly regarded and feels that this timber sale should proceed, the state's attorney asked Steve, how can you disagree with him about this sale? (Dr. Carvel is one of Steve's best friends at WVU. I wonder if the attorney knew this?) But Steve responded that Carvel was an expert in Oak regeneration and the use of the amount of salable timber growing on the tract. Steve said that disease is common in older trees and that it did not mean imminent

Bill Maxey, DOF chief, took the stand first for the state. He said that he did have statutory authority to sell timber and that the Governor had OK'd the contract. Clay Run had been chosen after a field inventory based on the size and health of the trees and its remoteness from recreational use. He further stated that although it was the only contract he has signed, in his research he has found the DOF chief signing 33 timber sale contracts in the last 17 years with no approval from the Public Lands Corporation. He said the DOF has standards for haul roads and skid trails that would minimize



erosion and that triple damages could be collected from the lumber company for any trees damaged that were not marked.

The State next brought out Joe Martin III, one of the WV Delegates from the Kumbrabow area. Joe married the daughter of timbering companies in the State. Joe chairs the Government Organization Committee and the Forest Management Review Commission. Joe claimed on the stand that he has heard lots about the Kumbrabow timber sale, but that most of it has been positive. He mentioned that 1400 folks in his county worked in the wood products/timber industry. He was afraid that if this sale was blocked, the land would be taken out of 'production'.

David Lilly, state district forester for 17 years overseeing Kumbrabow and two other state forests, was then called on to testify. David felt that most of the trees marked to be cut were mature and damaged. Signs of ill-health were obvious holes/wounds, certain bark characteristics, dead limbs and epicormic branches (these are the many small sprouting

branches along the main trunk). According to David the understory was devoid of growth. To him the roads were necessary for timber access and fires control and would have no effect on marine life. The roads would be capital improvements and improve recreation for trail d ATVs. The unmarked trees were being left as den trees (called roast some). Under cross examination he had to admit that only 12 trees fell over the fall and winter, which was probably the hardest on trees we've had in scores of years with all the ice storms. David was worried that as these giants fell over they would take up space, so less would be available for saplings. David also repeated the concern that deer needed this cut for food and cover.

Next the state called on Bob Whipkey. Bob is the assistant administrative forester for the state. He has degrees in Forestry and Wildlife Management from WVU. Bob devised the 'conditioning harvest' known as the Clay Run Timber Sale. Bob also filmed the 15 minute video of the sale that we watched in court (see accompanying story). The video focused on the few trees (Bob didn't know how many were shown in the video) that looked und from the outside, but were shown to be hollow when they fell over this last year. We saw that these falling giants had hit other trees

on their way down and reduced the other trees value (as lumber). Bob also admitted he knew of no accidents on trails caused by tree falls.

The most incredible testimony of the day came from Gordon Robertson, Deputy Chief of Wildlife Resources for WV DNR. Gordon said that they had done an inventory of species of the sale (which he did not have with him and apparently does not exist), that he and his staff had visited the site and decided that no specie would be worse off because of the cut. He said ALL species would benefit - "some benefit more and some benefit less."

The last witness was Bob Mathis with Parks and Tourism. I forget Bob's title but he is Chris Hansroft's (Supervisor of parks at Kumbrabow) boss. He insisted that timber cutting did not decrease the recreational use of the forest and that they had a very good

relationship with Forestry.

That just about concluded the trial. The state's attorney threw a fit trying to block our ecologist from testifying by deposition, claiming that it wasn't snowing now in Charleston and therefore Jim Mcgraw had no excuse for not testifying that day. Overruled. The judge directed that the lawyers get the deposition and return on April 7 to deliver the final arguments. Stay tuned.

Category	Individual	Family	Organization
Senior/Student	\$ 12	-	THE PARTY OF THE P
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Mountaineer	200	300	600
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The WVHC, at age 26, is the oldest environmental group in West Virginia. The Conservancy has been influential in protecting and preserving WV's natural heritage. Your support will help WVHC to continue its efforts.