



The Highlands Voice

NON-PROFIT ORG.
U.S. POSTAGE PAID
PERMIT NO. 2831
CHAS., WV 25301

Published by the West Virginia Highlands Conservancy

Vol. 27, No. 10 - December 1994

A Demonstration of Negative Thinking?

by Chuck Merritt

On October 28, 1994 at the eastern end of the partially completed new Corridor H bridge over the Tygart River just west of Elkins, WV; a dedication and ribbon cutting ceremony was held. And, as it was just a little over a week to the ensuing elections on November 8, every politician and hanger on who could wrangle platform space and podium time was there to bask in the sense of accomplishment and credit to be had at this feat of engineering progress. As the governor of West Virginia, Gaston Caperton and US Senator Robert C. Byrd pulled up in their WV state trooper driven cars, the crowd and politicians were given more of a show than even the assembled Elkins High School Band could hope to have provided.

Down from a tall tree dropped a big banner reading "NO BUILD, NO COMPROMISE, H-NO" and up from the crowd sprang 40 or 50 signs and banners all in opposition to building Corridor H further east past Elkins to the state line. And circling and circling like a huge annoying deer fly around the politicians heads was a single engine plane pulling a huge banner which read, "H-NO STOP CORRIDOR H NOW!" Yes, the 'road warriors' were there, also. We had come, 80 people strong to show the established movers and shakers that their ideas of progress and transportation could just plan stop here in Elkins. And we weren't shy about showing them that money and might do not always make right.

Under a clear, crisp blue sky the demonstrators stubbornly and steadfast-

ly held their signs and banners high as the speakers droned on and on about the need and the greed behind the building of Corridor H. Finally the "big man" was introduced by the governor. Senator Robert C. Byrd, the money procurer extraordinaire and answer to all our prayers, took the podium to speak. He spoke at length about the history, need (greed) and promises, that he feels would be answered by the completion of Corridor H thru to Virginia and I-81. He eloquently spouted quotes from his past to illustrate how inevitable the 4-lane highway must be. We (the demonstrators) held our ground and for the most part our tongues as he lectured us and the crowd, calling the opponents of Corridor H a "bunch of classic negative thinkers". Then he really threw the book at us, which was, the Bible! He quoted scripture (Isaiah Chapter 40, Verse 4 to be exact) and said, "that the mountains shall be layed low and the valleys exalted." He concluded, "that God has ordained that these highways shall be built." At that point a Christian 'road warrior' could no longer contain himself at this out of context and inappropriate use of the Bible and said clearly and succinctly, "God doesn't drive no bulldozer!" Receiving from the lofty man (Senator Byrd) a long and baleful stare for his effort. The senator waved his hand then at the surrounding scenery expounding on the beauty of West Virginia and of her 4-lane highways. But what he was waving at was an old strip mine and oil and gas tanks, while the new stretch of (see page 8)



Dangerous territory??

No Foolin' Around Now

Draft EIS on Corridor H Out!

by Chuck Merritt

Here it comes, bigger and better than ever to a public library, school, or post office near you - the new, hottest and final Alignment Selection Supplemental Draft Environmental Impact Statement (SDEIS) for Corridor H.

With a title like that it truly would have to be a WIDE screen theater to show the title if it could be made into a movie. All the professional critics say that this huge DEIS is a well done epic and a classic piece of work. But while the craftsmanship may be to some, impressive; it is a horror movie for the Appalachian Highlands of West Virginia and Virginia with a capitol H!

Leaving the rhetoric for awhile, here are the facts. The Alignment SDEIS for Corridor H will be printed and released to the public and opened to public comment by December 2, 1994. This public comment period has been set to run through January 23, 1995, just slightly longer than the legal minimum of 45 days.

We here at Corridor H Alterna-

tives, who have been leading the fight against construction of this four-lane monster, wish to alert any and all who read these words to the absolute necessity of writing clear and concise comments to the West Virginia Department of Transportation (WVDOT) during the commentary period. DO NOT WAIT. This is your final chance to personally have a say in the matter. WRITE NOW!

And to make it easier, clearer and more concise for the bean counters at WVDOT, we have provided here an easy to use clip and comment letter for you to use. (see attached)

We truly do not wish to limit what you might want to say to WVDOT on the subject of Corridor H. But if you do not want them to build this four-lane highway at all, you had better be very, very clear in that fact. They had trouble during the previous comment period appropriately categorizing the letters from the public. Good pertinent comments on any facet of Corridor H are A.O.K., but please end them with NO BUILD as your choice. Give them no room to misconstrue the intent of your comments!

In addition to the 53 day public comment period during which written comments will be accepted, there will be a series of public workshop/hearings held in early January.

Mark your calendars! The hearings are set for Tuesday, January 3 in Elkins at the National Guard Armory, Wednesday, Jan. 4 in the Pine Room at Canaan Valley State Park and for Thursday, Jan. 5 in the (see page 8)

The Kumbrabow Update

The West Virginia Supreme Court has granted an appeal of Judge King's Order which would have allowed timbering to proceed in Kumbrabow State Forest. The appellants (several recreational users of the Forest as well as the Mountaineer Chapter of Trout Unlimited) contend that in approving the sale the West Virginia Division of Forestry emphasized timber production at the expense of other uses of the forest. The granting of an appeal does not determine the ultimate result of the case. It means only that the Supreme Court will give complete consideration to the appeal.

The Supreme Court haws also ordered that the timbering of the proposed Clay Run timber sale not go forward until it makes a decision on the appeal.

Each party to the appeal will have a period of time in which to submit written arguments to the Court. After the submission of these arguments, the Court will set a date for oral presentations by lawyers for all parties. A decision is expected during the spring or summer of 1995.

Inside

- Apple Grove - pg 6
- Corridor H - pg 8
- Forestry - pgs 4,6,7,
- Letters - pgs 3, 7
- Mining - pg 5
- Past Voices - pg 8
- Xmas - pg 7

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

by John McFerrin

Cost Benefit Analysis

Now that Washington, if not West Virginia, is full of Republicans, what are we to expect in the way of environmental regulation? Although no one can say for sure, whatever it is will surely contain the alluring but pernicious idea of cost benefit analysis.

It all sounds so sensible. We just have to figure up the benefits of any environmental regulation and figure up the costs. If the benefits outweigh the costs, then we enact the regulation. If not, we don't. What could be simpler? What could be more sensible?

It seems so simple and sensible because that's what we do every day. Our guests for Thanksgiving were such dear people that the joy of their company and the joy of doing something nice for them was well worth all the extra baking and getting up at dawn to start roasting the turkey. My second piece of pie was so good that it was worth feeling overstuffed the rest of the afternoon. We get out of bed in the morning because whatever we hope to accomplish that day is of more benefit than staying in bed. It's all cost-benefit analysis. What could be more sensible? Why can't we just apply that method to environmental regulations?

We can't apply that method to environmental regulations for several reasons. First, we can't trust the science to be unbiased. Environmental regulation inevitably involves technical matters. This means that any cost-benefit analysis will inevitably be skewed in favor of whichever side of the dispute is best able to pay for technical studies of the problem. This will favor large industrial interests.

Although there may be exceptions, I don't believe that large industrial interests are consciously or intentionally biased. No doubt those at the American Tobacco Institute sincerely believe that there is no connection between smoking and lung cancer. Their bias comes more from an absorption of the corporate culture than from any nefarious intent. The scientists who work for such businesses inevitably come to serve the interests of their employers.

There is no better example of this than a survey of scientists which asked whether there is any threshold level below which exposure to carcinogens is safe. Of those scientists working for industrial manufacturers or users of chemicals, a substantial majority answered that there was such a threshold and that any exposure below that level was harmless. Of those scientists not working for such entities, an equally substantial majority answered that no such threshold existed and any exposure was dangerous.

No doubt these scientists all told the truth as they saw it. They were simply so influenced by the culture in which they operated that they answered accordingly.

We could, of course, turn to the government as the source of objective truth. Unfortunately, in West Virginia we would be turning to the same government which, in order to determine dioxin levels in the Ohio River, tested water in three other rivers. It then determined that, since dioxin did not exist in other rivers, it must not exist in the Ohio either.

The second reason not to use cost benefit analysis is that the costs are imposed upon those other than the ones who get the benefits.

The people who came to our house on Thanksgiving are our friends. I can decide if inviting them is worth the extra effort. It is my belly which will ache from too much pie on top of too much turkey. I can decide if the second piece of pie is worth it.

In West Virginia's environmental regulations a cost benefit analysis would not work that way. Because of out of state ownership of West Virginia's resources, we are potentially faced with the possibility that we will bear the costs, so that someone somewhere else can reap the benefits. In the words of an old song, "They turned a mountain homeland to acid clay. . . To make cheaper rate for the TVA. "

There may, of course, be projects or regulations in which the benefit to the people who live here is greater than the cost to the people who live here. If this is truly the case, then such a project is worthwhile. We should be wary, however, of any cost benefit analysis which attempts to justify some action by arguing that the benefits to someone who does not live here exceed the costs to those who do live here. This is a dangerous and pernicious use of a cost benefit argument. (see pg. 7)

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: John McFerrin
114 Beckley Ave., Beckley, WV 25801 252-8733
SENIOR VICE PRESIDENT: Frank Young
Rt. 1, Box 108, Ripley, WV 25271, (304) 372-9329
VICE-PRESIDENT FOR STATE AFFAIRS: Norm Steenstra
1001 Valley Rd., Charleston, WV 25302 W- 346-5891 H- 346-8924
VICE-PRESIDENT FOR FEDERAL AFFAIRS: Vacant
SECRETARY: Jacqueline A. Hallinan
1120 Swan Rd, Charleston, WV 25314 345-3718
TREASURER: Tom Michael
Rt. 2, Box 217, Lost Creek, WV 26385, 623-3447
PAST PRESIDENT: Cindy Rank
HC 78, Box 227, Rock Cave, WV 26234, 924-5802

DIRECTORS -AT-LARGE (Terms expire October 1994)

William P. McNeel, 1118 Second Ave., Marlinton, WV 24954, 799-4369
Andrew Maier, Rt. 1, Box 27, Hinton, WV 25952, 466-3864
Mary Pat Peck, 36 Meade St., Buckhannon, WV 26201, 472-3049
Joe Marshall, 108 3rd Street, Elkins, WV 26241 636-9555
Hugh Rogers, Moon Run, Kerens, WV 26276

DIRECTORS-AT-LARGE (Terms expire October 1995)

Sayre Rodman, 32 Crystal Dr, Oakmont, PA 15139, (412) 828-8983
Carroll Jett, Rt. 1, Box 22, Sherman, WV 26173, 273-5247
Don Garvin, PO Box 436, Buckhannon, WV 26201 472-8716
Gary Zuckett, PO Box 144, Pullman, WV 26421, 659-3193
Bob Marshall, 201 Virginia St. West, Charleston, WV 25302 345-5518

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY: Virginia Region- Judy Fisher
P.O. Box 276, Berkeley Springs, WV 25411 258-4974
PITTSBURG CLIMBERS: Jean Rodman
32 Crystal Dr, Oakmont, PA 15139, 828-8983
WEST VIRGINIA MOUNTAIN STREAM MONITORS: Jason Huber
MSM office: 264 High St., Morgantown, WV 26505, 296-8963
BROOKS BIRD CLUB: Mary Moore Riffenberger
Rt. 1, Box 253, Elkins, WV 26241, 636-4559
MOUNTAINEER CHAPTER TROUT UNLIMITED: Phil Rossano
Rt. 2, Box 375, Buckhannon, WV 26201 472-0942
WEST VIRGINIA RIVERS COALITION: Roger Harrison
49 W. Main St., Buckhannon, WV 26201, 472-0025
DOWNSTREAM ALLIANCE: Joan Sims
Rt. 5, Box 310 1/2, Morgantown, WV 26505

COMMITTEE CHAIRS

CANAAN VALLEY COMMITTEE: Linda Cooper
Rt. 5, Box 228A, Morgantown, WV 26505, 296-0565
MINING COMMITTEE: Cindy Rank
HC 78, Box 227, Rock Cave, WV 26234, 924-5802
PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman
32 Crystal Dr, Oakmont, PA 15139, (412) 828-8983
Bill Ragette' - 144 Trace Fork Rd., Culloden, WV 25510, 824-3571
PUBLICATIONS COMMITTEE: Judy Rodd
Rt. 1, Box 178, Moatsville, WV 26405, 265-0018
ENDOWMENT FUND COMMITTEE: David Elkington
609 Farms Dr., Fairmont, WV 26554, 366-5906
RIVERS COMMITTEE: Donna Borders
Apt. 14, 1226 20th St., Parkersburg, WV 26101, 428-4746
HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276
MEMBERSHIP DEVELOPMENT: Carroll Jett
Rt. 1, Box 22, Sherman, WV 26173, 273-5247

ADMINISTRATIVE OFFICES

Richard diPretoro: Administrative Ass't 264 High St. Morgantown, WV 26505 296-8963, Fax 296-8623	Bill Ragette': Voice Editor 144 Trace Fork Rd Culloden, WV 25510 824-3571
---	--

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 via fax, modem, disk or even hard copy via the US mail.

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

Letters - Wind power and Corridor H - an Historical Perspective

John Huffman
Kenetech Windpower, Inc.
1620 I Street NW, Suite 210
Washington, DC 20006

Dear Mr. Huffman:

Virginians For Wilderness is a group of citizens devoted to forest protection and long term planning for ecologically compatible land use and the establishment of integrated ecological preserves in the Central Appalachians. We work in cooperation with a number of other groups that have similar goals. Consequently we are opposed to the establishment of any windpower projects anywhere in the Central Appalachians and will work to oppose any such project.

You should be aware that the Central Appalachians constitute one of the last bastions of wild land in the eastern U.S. You are aware of the horrendous forest and wildland destruction that would result from your project. The enormous infrastructure of roads, powerlines and massive ridgetop forest clearing required would seriously fragment the forest, increase run-off, erosion, siltation and much vehicle and other pollution of the land, air and water. The structures required are demonstrated threats to migratory birds, most particularly rare raptors. All this would result in a relatively small

quantity of electric power, a quantity that could easily be made up by conservation and increased efficiency.

Most specifically we oppose the project you propose south of Richwood, West Virginia. The proposal intrudes into the proclamation boundary of the Monongahela National Forest. It is an area that Virginians for Wilderness have proposed as wilderness and is an integral part of a Central Appalachian Ecological Preserve, an idea that is rapidly gaining support. I enclose a copy of a paper (Wild Earth), Summer, 1992) which I authored on this subject.

Mr. Huffman, the Central Appalachians are the nearest source of clean air and water, recreation and other amenities for the greatest concentration of population in this country. They are also under threats from highways, powerlines and other projects that we are opposing. They are already seriously degraded and need to be restored rather than further debased. We urge you to abandon any windpower plans for our region.

Sincerely
Robert F. Mueller, Ph.D.
Virginians for Wilderness
Route 1, Box 250
Staunton, VA 24401

Dear Editor,

This is a very, very short account of the actions taken by our government, on all levels, to acquire lands and wealth.

In the Mid 1800's, "The Manifest Destiny" proposal was proclaimed by Senator Thomas H. Benton and other proponents of Expansionism. In 1845 this rationalization was expressed by the "Democratic Review" of New York: "Our manifest destiny is to over-spread the continent allotted by Providence for the free development of our yearly multiplying millions." It was taken for granted that the Native Americans had no moral right to stand in the way.

The most practical step to fulfill manifest destiny was the formation of the army's "Corps of Topographical Engineers." Their job was to provide tactical maps for army field commanders, provide survey maps for planned railroads, postal and wagon routes across the great plains. One of the most famous members of the corps was John Charles Fremont, son-in-law of Senator Benton.

In 1848 President Polk made the public announcement of gold discoveries in California and in 1862 the Homestead Act, 160 acres at \$1.25 acre, added to the surety of the manifest destiny. This, plus the fact

that 150,000,000 acres of "public land" were given to the railroads. In the 1840's the number of buffalo was estimated at between 40 and 50 million. By 1887, fewer than 1000 remained. By 1849, 110,000 buffalo hides had been shipped down the Missouri River. The rail lines offered "Buffalo-Kill Excursions" to help things along. Then came the "Fancy Hunts" of prominent visitors. In 1854 Sir George Gore, with Jim Bridger as guide, slaughtered over 2500 buffalo. Our government provided assistance to these visitors in killing of the buffalo. In 1871-72, Grand Duke Alexis of Russia went on such a hunt. The government assigned Buffalo Bill Cody, General Sheridan and General Custer to aid in the slaughter.

This was a statement of government policy by Colonel R. I. Dodge in 1867, "Kill every buffalo you can, for every buffalo dead is an Indian gone." President Grant had his chance to put a stop to this senseless slaughter in 1874, but instead gave it his blessing. Also in 1874 General Custer announced the discovery of gold in the Black Hills and "the

Thieves Road" was opened into the religious sanctuary of the Sioux.

The same mentality is alive today. There's a proposal to build a new highway in West Virginia. The politicians are bound and determined to build this road no matter what taxpayers say. It's not for traffic congestion, or to provide an overwhelming boost to our economy nor for any other reason they are trying to feed us. The only reason is greed. It's a lot easier to rape our national forest of its resources with a super 4-lane right through the middle. Very much like what's happening in the Kumbrow State Forest right now. There's not a mountain left in West Virginia not scarred by greed. Its time to speak out before we have to watch Byrd, Rockefeller, Caperton, Wise, Martin, Ross, VanKirk and other political supporters of this fiasco do the "Michael Baker Two Step" Down Corridor H, the nation's second Thieves Road.

Len Chidester
Montrose, W Va

KFTC/CCC Meeting in Jabez, Kentucky

by Richard diPretoro

John Salstrom and Richard diPretoro represented the Conservancy at the annual meeting of Kentuckians For The Commonwealth (KFTC) November 4-6. The Citizen's Coal Council held its quarterly board meeting in conjunction with the KFTC meeting. Approximately 150 persons representing several states and Native American nations attended the combined meeting.

KFTC is a 15-year old organization based upon decentralized and highly democratic county chapter principles. Some readers may remember that it began as the Kentucky Fair Tax Coalition and changed its name later to fit its familiar initials. Most but not all of its issues relate to environmental concerns.

It has three offices and ten full-time staff. Each county chapter receives help from a specific member of the staff. To have a county chapter, certain minimum participation standards must be met initially and then maintained. KFTC also has significant at-large membership participation. In my opinion, KFTC combines many of the best aspects of the WV Citizens Action Group, WV Environmental Council, and the WV Highlands Conservancy.

At this meeting, a relatively small amount of time was devoted to annual meeting business, and a lot of time went into workshops to help members develop and share expertise. The presence of the CCC added significant geographic and cultural diversity. One of the more interesting

participants was a traditional Navajo woman from Arizona. She along with a half dozen other Native Americans, came to speak with Robert Uram, head of the Office of Surface Mining.

The highlight of the meeting for many of us was that meeting on Sunday afternoon with Director Robert Uram. He had been previously given a list of questions to which he was asked to respond with yes or no answers. He managed to squander a significant amount of the brief time he had allotted for the meeting with tactical maneuvers and windy oratory. He gave unequivocal answers to only a few of the most innocuous question. To be fair, however, most of the questions involved complicated matters with heavy implications attached to either answer. Had I been in his position I could not have answered adequately with a straight yes or no.

I came away from this combined meeting even more impressed than before with KFTC. It achieves impressive results, in part at least, because of its heavy emphasis on democratic decision-making. Members, not staff, make decisions and all public announcements. I believe we here in West Virginia should consider moving to a KFTC-style organization. ♦



from the heart of the mountains

(from page 2) The final, and to me the most powerful, reason not to use a cost benefit analysis is that things which cannot be directly measured end up being undervalued.

There are things which cannot be bought. There are values which cannot be measured. What's the value of a walk in the woods? What's it worth to be able to sit on your porch? What's it worth to be able to go trout fishing? What's peace and quiet worth?

These are the kinds of things that would be driven away by regulations based on cost benefit analysis. As was logs and board feet, a forest has a value capable of easy calculation. As a living thing, its spiritual value is immeasurable in the truest sense of the word: it cannot be measured. There are no adequate tools for doing so. Some forests are such rare and special places that their value is immeasurable in another sense: it is priceless. A cost benefit analysis would favor things such as board feet which can be measured at the expense of aesthetic and spiritual values which cannot be measured.

Payrolls of trucking companies and tons of coal removed can be mea-

sured. How do we measure the loss if those trucks make the road so dusty that people can no longer sit on their porches? When we look for numbers to plug into our cost benefit analysis formula we will find none for porch sitting. Finding none, we will inevitably decide that a cost benefit analysis compels that trucks be allowed to run free and unregulated.

If some action will damage trout fishing, then what is the cost? We can't even calculate the cost in terms of pounds of fish caught. Most trout fishermen throw them back anyway. How do we calculate the value of fishing just for the joy of fishing? If we can't measure it, how would we ever include it in a cost benefit analysis?

That's what wrong with cost benefit analysis, it takes what on the surface appears to be a sensible approach and uses it in a way that cannot help but hurt the ordinary people of the mountains. No matter what new environmental initiatives come out of Charleston or Washington, anything which contains cost benefit analysis is a dangerous idea to be approached with caution. ♦

Forestry

Riding with Maxey by bill ragette'

The second meeting of the Governor's/Chief's Committee on Management of State Forests was held on Friday, November 18, at Greenbrier State Forest. In an interesting twist, most of us (specifically, all the non elected government officials and I) rode together in the WVDOF van from Charleston to the State Forest in Greenbrier County (about 1 1/2 hours each way).

I had reported in a previous issue of the VOICE about the first meeting and how disgusted (depressed, really) I was by it. Later, while working in the garden, my thoughts would drift back to that meeting and replay and re-argue the various movements. I felt that most of the five (5- count 'em) government officials and one industry representative were focused on railroading the revision of the state forest management plan through, based on the new Greenbrier State Forest Plan Revision. Even though I stated during that meeting that we (see box) were opposed to all cutting in the state forests, the minutes of the meeting (produced by Maxey from memory) stated that we operated by consensus and that the committee favored maximum scientific cutting on state forests!

My plans for this meeting were to make a presentation with map and graph (see elsewhere) in hopes of communicating the general feeling among enviro activists, that the recreational and biological resources of our state owned forests were too valuable (scarce) to be cut for timber. We felt that even from an economic viewpoint, not cut-

ting the trees on the public forests make sense, in the long run. If they had no intention of finding out about our concerns and wanted to merely include one of us in the process and get it over and get on with it, then this was to be my last meeting.

The Ride Down

Bill (Maxey) told me they were leaving from Laidley field parking lot at 7:30 am sharp, no waiting for stragglers!! Trying to disown the tardy-tree-hugger image I arrived at 7, waiting for Maxey et al. till 7:40. Mentioning that, looking at the van's clock and further pressing the attack, I asked him if it was because the clock was still set for daylight savings time. Bill said it was the first time he'd used the van and any way those darn clocks... Gordon (Robertson, Chief WVDNR Wildlife Resources) had it set for the right time in less than 20 seconds! I was a little nervous about riding down with them (like they might try to brainwash me).

I spent most of the time reading over (making lots of written comments) the new Draft Greenbrier State Forest Plan that Bill wants us all to adopt. The plan was written mostly by Barbara Breshock, a state lands forester. Barbara has jurisdiction over Greenbrier, Camp Creek and Panther State Forests. She would our guide for the forest tour. On the ride down the govt. reps mostly talked about tree plantings, forest fires, and departed friends who had served the forests well. They knew the names of the men who had planted some of the pine (and in one case poplar) plantations along the road or nearby.

The forest in the Greenbrier is a dry mixed forest, with white and vir-

ginia pine and a variety of oaks currently predominating. Basswood was the third most common species that we saw that day.

Shortly after we arrived, we were joined by Barbara as well as by Delegate Vicki Douglas and Hal Burke, industry rep. Hopping in the two vans, we first visited a site that had been selectively cut five years ago, and included two clearcuts (for wildlife). Many of the oaks displayed epicormic branching.

Epicormic branches are shoots that sprout out of the bark in clear sections of a tree trunk. This is a tree's natural response to the increased light available to the individual tree. Forester Barb said that these could affect the quality of wood, depending on how big they got before dying out due to an enclosing canopy.

The clearcut was very thick with most of the oaks resprouting. A scrub oak, really a bush, was faring well in the clearcuts. Near some of the log landings, some herbaceous plants had invaded. Parking the vans in one landing, Barbara led us on foot to a nearby hiking trail, with the convenient interpretive sign for hikers explaining the valuable management occurring in the cut.

Here we settled in for our first ambling discussion - this being of course, the best way to manage the forests and whether it's important to include the public. Hal Burke felt that the public didn't need to be involved. The experts in industry and government certainly knew how best to manage the forests. Bob Whipkey said that the public was invited to become involved in the original creation of the state plan 25 years ago. He said that no

one showed up then or has shown any interest in the interim. He was glad that the citizens were finally showing some interest.

My suggestion that we adopt the federal process of public involvement was met with abhorrence. The federal process involves a public scoping process to discover the issues of concern. After this, a team develops a range of management alternatives and draft and final environmental impact statements with opportunity for public comment and appeal. They all felt that the state of WV could not afford to fool around and waste money like the feds did.

Bob still felt that there was but one proper way to manage the forest for their long term health. The creation of a range of alternatives would only offer the best and several less then best ways to manage our state forests. I suggested that creating a plan to maximize timber, or recreation or preserve biodiversity might result in very different plans. Choosing the balance should lie with the public. After this the pros could get to work and develop environmentally sound ways to manage the forests to these ends.

Our second stop was on Kate's Mountain (home of the famous and endangered Kate's Mountain Clover and other shale barren plants). The trees at this stop were large and included a greater mix of species. The reason for this, even though it lay on the ridge, was that because of the way this piece lay. The soil was deeper and held moisture better. No pines even grew in the area.

I asked them, "Why can't we leave this forest here alone, as it was certainly of rare size and composition. The response was that the trees were damaged from fire and soon to be in-

vaded by gypsy moths. Bob Whipkey said that they were not cutting the trees for industry. He felt that if they didn't thin the trees and invigorate them, then the forest would become be destroyed in a short time. And that's what I finally realized was the crux of the matter. The difference between their definition and my definition of a healthy forest.

Healthy Forests

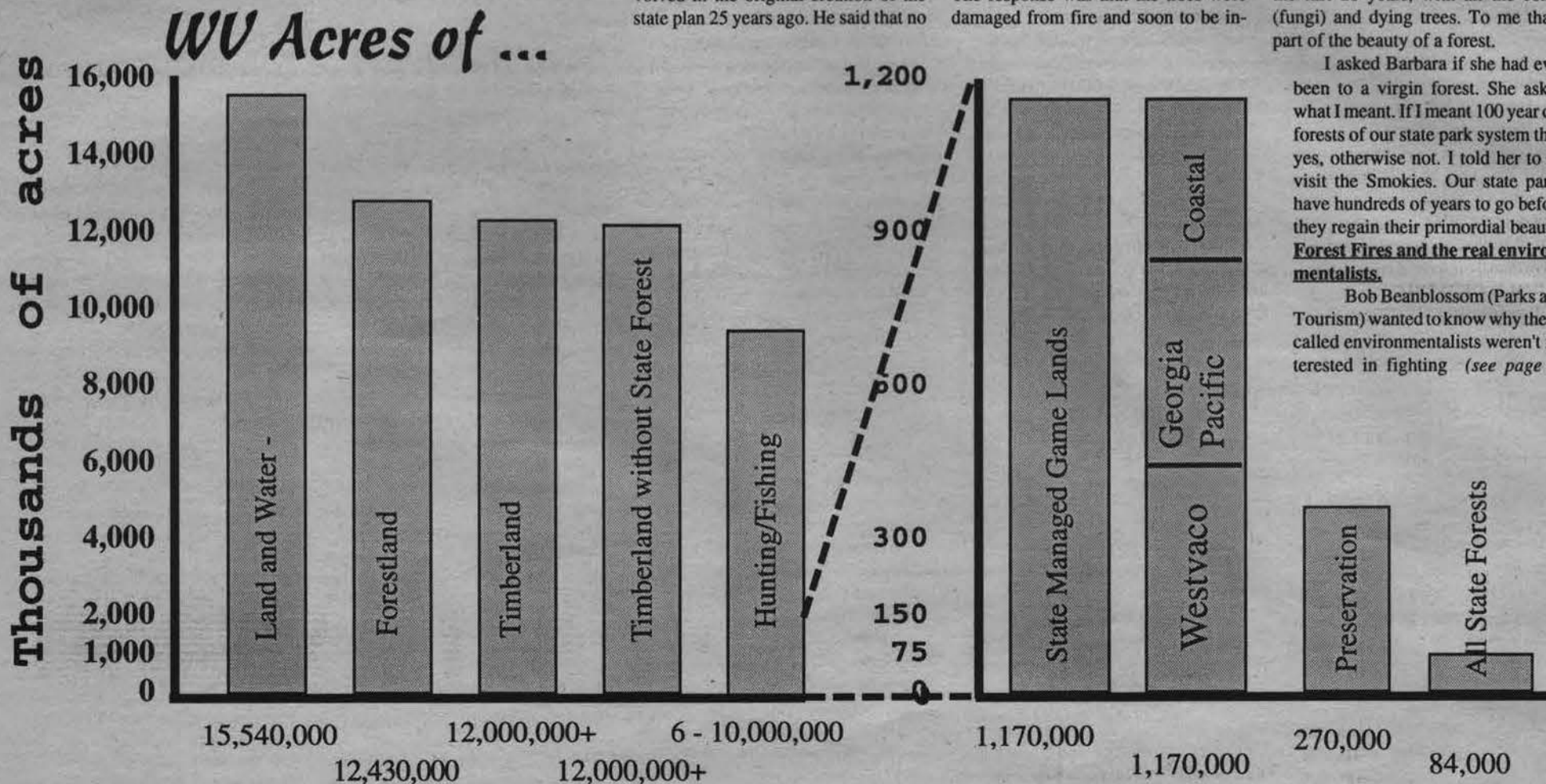
Yeah, just what is a healthy forest??? After talking to these managers I feel safe in saying that their idea of a healthy forest is one in which the trees are free from disease, free from fungus, free from fire and free from pests - lots of tall straight trees with not too much lying on the ground going to waste. This requires management. It is true that much of their work involves fighting the negative impacts created by humans on the forest (forest fires and gypsy moth - which was introduced to this continent by humans). But their idea of a healthy forest is one that will produce the most Board Feet! If any of you, who were on the trip, feel this is inaccurate please send the VOICE a letter which I will gladly print.

My idea of a healthy forest is one protected from the ravages of man (especially fire, since it hasn't been part of nature here for many thousand years if ever, but also from cutting). A healthy forest has a rich humus layer, created by trees dying and falling and rotting. A healthy forest can be seen in the Virgin Forests of the Great Smokies. I think Cathedral State Forest is healthy (or as healthy as a forest can be one be skewered by a major US highway. Bill Maxey thinks it has really gone down hill in the last 20 years, with all the conks (fungi) and dying trees. To me that's part of the beauty of a forest.

I asked Barbara if she had ever been to a virgin forest. She asked what I meant. If I meant 100 year old forests of our state park system then yes, otherwise not. I told her to go visit the Smokies. Our state parks have hundreds of years to go before they regain their primordial beauty.

Forest Fires and the real environmentalists.

Bob Beanblossom (Parks and Tourism) wanted to know why the so called environmentalists weren't interested in fighting (see page 6)



Mining - Reports from the Mining Committee -

OSM Reviews WV Surface Mine Program Amendment

by Cindy Rank

No, you've not been transported back in time, nor is this part of the 'Voices from the past ... from past VOICES' feature.

Though the state of WV was awarded 'primacy' for the surface mine program in 1983, that wasn't the end of the story, the details are still being worked out -- even today, over ten years later.

THE PROCESS

Under the provisions of the 1977 Federal Surface Mining Control and Reclamation Act (SMCRA) any state can assume control over the regulation of mining in that state if it provides a law and regulations that are at least as effective as SMCRA itself and the federal regulations that implement SMCRA. The Federal Office of Surface Mining (OSM) must approve and sign off on those state programs before they can be legally enforced.

In order to retain authority over coal mining in this state, WV adapted its surface mining law, the West Virginia Surface Coal Mining and Reclamation Act (WV SCMRA), to conform to the requirements of SMCRA. In the early 1980's portions of WV SCMRA and regulations to implement that law were approved by OSM and 'primacy' was granted to the state of West Virginia for the regulation of coal mining within its borders. However, the unapproved portions of the program were to be worked out over a certain set limited amount of time.

Anyone who has followed this saga over the last decade knows how convoluted the process has become and how the tug-of-war continues. OSM holds the line on one end and industry pulls on the other with the states standing somewhere in the middle, but often much closer to industry's position.

The current review is only the most recent in a series of amendments aimed at resolving the disagreements about specific statutory and regulatory provisions in the WV program that OSM has not approved because they are less effective than their federal counterparts.

THE ROLE OF WVHC

Readers of the VOICE have been able to follow WVHC's involvement with the West Virginia Surface Mining program since the late 1960's. From the effects of mining proposals along Shavers Fork, to mining developments in individual communities across the state, WVHC has commented on individual permit applications and on proposed regulatory changes, utilized the citizen complaint provisions of the Act and at times pursued court actions when necessary to address problems at specific sites or programmatic deficiencies in the state program and regulatory agency itself.

Many of the issues under consideration in this most recently proposed WV program amendment were the focus of the 1988 law suit by WVHC and 15 other local, state and national groups

represented by counsel, Thomas Galloway and Joshua Barrett, which held that the state of WV was not meeting its mandatory duties under both the Federal and State Surface Mining Laws. As part of the settlement agreement from that law suit, WVHC participated in negotiations of regulations, some of which were approved by OSM in 1991. Other disputed issues linger on as part of the proposed amendment that is now being reviewed by OSM.

Since 1991, WVHC has continued to work with WV legislative committees to implement positive changes and/or to prevent harmful changes in the regulations. In 1991 WVHC also encouraged OSM in its efforts to insist that the state shape up or be faced with Federal takeover. The resolution of that showdown produced a two cent per ton-of-clean-coal-mined increase in funding for the state agency and a reorganization of the ill-fated WV Division of Energy (DOE) into the new WV Division of Environmental Protection (DEP), but left unresolved some of the most important programmatic issues that were the heart of our 1988 lawsuit and also were essential motivators in the threatened OSM takeover.

Unfortunately, since several of those substantive deficiencies continue to be ignored or denied by the state regulatory agency, WVHC took to the courts once again in 1994 (the WV Supreme Court this time) when several local and citizen groups represented by Philip Scott and Patrick McGinley submitted a Writ of Mandamus challenging the state's refusal to treat mine drainage at forfeited sites (those sites abandoned since the passage of SMCRA in 1977.)

In granting the Writ of Mandamus submitted by WVHC and other petitioners in June 1994, the WV Supreme Court ruled that even within the context of the current state approved surface mining law (which contains a federally unapproved provision that limits the use of the Special Reclamation Fund/bond pool), the state has a mandatory, non-discretionary, duty to treat acid mine drainage from bond forfeiture sites and that completion of reclamation does not occur until the hydrologic reclamation plan and all applicable effluent and water quality standards are met.

WVHC COMMENTS ON THE PROGRAM AMENDMENT

It is clear from the discussion in the August 30, 1994 communication from OSM to WV DEP Director David Callaghan, that outstanding disagreements remain between OSM and WV about this and other issues surrounding the questions of bonding, adequacy of the WV bonding system, standards of reclamation at forfeited sites, etc. and these are the main issues WVHC addressed in its comments on the program amendment.

Adequacy of Bond Pool - First, WVHC questioned the assertion by OSM on page one of a two page cover

letter to Director Callaghan dated August 30th that "West Virginia has demonstrated a solid commitment to addressing the issue of AMD by your stated commitment to request legislative approval of a 5 cent increase in tonnage fees, which will raise approximately 7 million dollars annually for the bond pool."

To date, Mr. Callaghan has not made any such proposal to the WV State Legislature. The only thing that vaguely resembles such a request is a recommendation that was submitted as part of the ACID MINE DRAINAGE BOND FORFEITURE REPORT submitted to the 1994 Legislature December 31, 1993 that includes the statement "The DEP is recommending to the Legislature that a Stream Restoration assessment of five-cents per ton be placed on coal production in the State." (p vii) And again on page 34 "It is recommended that before the Legislature considers an additional coal tax for the special reclamation bond forfeiture program, it should give serious consideration to supplemental funding for a stream restoration program which would include all acid mine drainage bond forfeiture sites as well as abandoned sites."

The problem with such a whole-some sounding recommendation is that it totally undercuts the bonding provisions set forth in the 1977 U.S. Surface Mining Control and Reclamation Act (SMCRA)

Whereas the bonding system (in WV the alternate bonding system (ABS)/bond pool Special Reclamation Fund) is required to provide sufficient funds for the state to assure completion of the approved reclamation plan (including the hydrologic reclamation plan to assure effluent limits and water quality standards) at forfeited mine sites,

monies from the Stream Restoration Fund are to be used wherever, whenever and to achieve whatever standards the Director chooses with the advice of a Stream Restoration Committee and the consent of the WV Legislature.

While such a process may sound reasonable, balanced and deserving of much praise in some circumstances, substituting the Stream Restoration Fund for the Special Reclamation Fund completely subverts the legal bonding requirements set forth in SMCRA, and agreed to by the state of WV, when it applied for and received primacy in the early 1980's, i.e. "The amount of bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture." (SMCRA 509(a)).

Furthermore, such a procedure is not just a paper violation. Rather, it allows both industry and the regulatory agency to walk away from their responsibilities by avoiding cleanup at post-SMCRA sites thus leaving the liability of unreclaimed land and acid water squarely in the laps of the people, communities and the environment.

Despite Federal law and the '94 WV Supreme Court Decision, the WV regulatory agency (first WV DNR, then WV DOE and now WV DEP) consistently rejects it's duty to assure "complete reclamation" by denying that water treatment is required if necessary to meet effluent limitations and water quality standards, routinely ignores previous comments from OSM Charleston Field Office that clearly state the legal requirements of SMCRA in this issue, and regularly argues before state legislative committees that the alternative bonding system (ABS) approved as part of the WV State Program is not liable for meeting any specific water quality

standards at forfeited sites.

Repeated comments to that effect appear in the 12/31/93 ACID MINE DRAINAGE BOND FORFEITURE REPORT to the WV Legislature and in the Actuarial Study of March 1993. In fact, since the Actuarial Study is based on the state's erroneous assertion that the bond pool is not liable for water treatment at forfeited sites, its assessment of the adequacy of the bond program is fundamentally flawed and woefully inadequate. When all required reclamation is factored into the liability column, the deficit of the bond pool increases by many millions of dollars.

WVHC encouraged OSM to act quickly and follow through with its proposed decision to state in its final rule 1) "that the State's bond Pool is liable for the treatment of AMD on bond forfeiture sites" 2) "that the 25 percent cap on expenditures for treatment of AMD cannot be approved" because 3) treatment is required at all forfeiture sites not meeting water standards (OSM Issues List August 29, 1994, p. 8).

OSM must also insist that the state resolve the issue of inadequate funds in the bond pool (e.g., by assessing additional monies from coal production for the Special Reclamation Fund), that it then expend the monies to complete reclamation at those nearly two hundred sites where the mire of confusion and rhetoric has delayed reclamation and allowed degraded water to flow.

Bond Adjustment. The proposed amendment begins to address the requirement to adjust bonds when additional acreage is to be disturbed, but it falls short of complying with the requirement to adjust the bond "from time to time where the cost of future reclamation changes," e.g. at renewal time, or at any time (see page 7)



Getting the message across - No Build, No Compromise, No Corridor H -
VOICE author Chuck Merritt Hangs Out

Apple Grove Pulp Mill - Dioxin study not done

by Ken Ward
Charleston Gazette

Despite its requests for more time to allow such testing, the state Division of Environmental Protection is still balking at conducting a comprehensive study to determine the current level of dioxin in the Ohio River.

State environmental and labor groups, joined by the US Environmental Protection Agency, urged DEP to conduct those tests before issuing a final permit for the proposed Mason County pulp mill.

Dioxin, a highly toxic by-product of bleaching pulp and paper with chlorine compounds, is believed to cause cancer, reproductive disorders and developmental problems.

Dioxin is bioaccumulative, which means tiny amounts of it discharged into waterways can build up over time to greater concentrations in fish that humans eat.

Gov. Gaston Caperton strongly supports Parsons & Whittemore Inc.'s plans to build a \$1.1 billion pulp mill near Apple Grove. The company prom-

ises 600 permanent jobs and thousands of spin-off positions.

Critics of the project wonder why Parsons and Whittemore won't use new technologies that don't use chlorine bleach and don't create dioxin.

On Thursday, the state Environmental Quality Board suspended a DEP permit that allowed Parsons & Whittemore to discharge dioxin and other pollutants into the Ohio River.

The board took that action after DEP lawyer Matthew B. Crum asked for a two-month delay of hearings on appeals of the pulp mill water pollution permit.

Crum said DEP needs more time to conduct dioxin tests on the Ohio to back up its assertion that the amounts to be discharged by the mill won't violate state and federal limits.

In its permit issued Aug. 5, DEP assumed background levels of dioxin in the Ohio were zero. If this is not true, as DEP critics charge, it is possible that the permit improperly allows Parsons and Whittemore to discharge more of the toxic chemical. DEP Director David C. Callaghan said Friday that an

outside laboratory had problems testing water samples the agency took a month ago at the Apple Grove mill site.

The state took more samples Callaghan said, and is waiting for those results to send them to EPA.

On Wednesday, DEP Deputy Director Eli McCoy sent a package of other dioxin data to Alvin Morris, chief of the water management division of EPA Region III in Philadelphia.

Morris had suggested to DEP in an Oct. 31 letter that the state and federal agencies cooperate on a "thorough assessment of fish tissue and sediment background concentrations" in the Ohio.

The 30-page package, released Thursday night by Callaghan, includes:

- Documents that show fish tissue samples taken from the Ohio at the Gallipolis Lock and Dam site upstream from Apple Grove are in some cases close to, but not above legal limits.
- Similar studies that show fish tissue samples from the Kanawha River at the Winfield Locks and Dam do violate the legal dioxin limit.
- Fish tissue sample data that show dioxin levels are dropping in fish

samples taken from the North Branch of the Potomac River downstream of Westvaco Corp.'s mill in Luke, Md.

In a cover letter, McCoy notes DEP has dropped a fish consumption advisory on that part of the Potomac.

"Notice the higher values in 1988 and how they have dropped even though this plant still uses the killer dioxin technology [use of elemental chlorine]," McCoy writes. "This is strong evidence that the Apple Grove facility can not be expected to add any significant amount of dioxin with its chlorine dioxide technology."

- Press releases from the Alabama Department of Environmental Management which tout the third successive year that fish tissue sample downstream of Alabama's chlorine bleaching pulp mills were below the level that would require a fish consumption advisory. Parsons & Whittemore operates a huge pulp and paper making complex in Monroe County, Ala.

"This is further indication that the Apple Grove facility will not adversely impact the fish tissue levels currently observed," McCoy said in his

cover letter.

In closing his cover letter, McCoy told Morris, "I don't expect this to make any real difference given the political nature of the issue, but here it is."

"This is the significant data we have had in hand and the sampling is underway, McCoy wrote. "I strongly believe that our permit decisions should be made with this information. There is no need to have additional data to make a decision."

Lewis Baker, a Huntington environmentalist who studies dioxin, said Friday that McCoy failed to send EPA data from the US Fish and Wildlife Service that show fish tissues at Apple Grove contain unacceptable levels of dioxin.

"Most of the information DEP collected is on rivers in Alabama or on the Potomac," Baker said. "That doesn't seem very germane to the Ohio."

"They're pulling data from everywhere else. If they had data on a river in China, they'd probably send that to the EPA," Baker said. "They need to collect a lot more data on the Ohio." ♦

Gypsy Moth

byline ragette'

It looks like they are still coming. The WVDOF reports that egg cases were definitely discovered in Kumbrow State Forest for the first time this year. It seems inevitable that some or most of the oaks will die off. This is especially true where Oaks predominate. Of course pure Oak stands exist for the most part because the forest was previously clearcut or cleared. A climax forest where Oak predominates is rare, and would only occur on the drier sites. Even here Hickory and pine and other species keep Oak from occurring in pure stands. It appears that human-

kind has set these forests up for destruction. First create pure stands of Oak where none existed and then import a pest from over the ocean that has no natural enemy here.

For a long time Forester's have advocated spraying for the moth. But this becomes an eternal project, unless you could drench all forests in the US with pesticide and completely eradicate the moth. The most common chemical in use, Dimilin, kills a wide range of insect and other invertebrate species. Bacillus thuringensis, a bacteria, is sometimes used, but this pesticide needs more frequent applications and still kills many non-target species, such

as all moths and butterflies. A third alternative is Gypcheck, a virus that only attacks the gypsy moth, but this is a very expensive alternative and in short supply.

The second way to protect these oak stands is selective cutting. By thinning the stands of Oak, the remaining trees have less competition and become invigorated, better able to withstand repeated defoliation by the moths. Yet this would mean cutting half the oaks in all forests where oaks predominate in the next few years. According to folks at WVDOF, this is just what the prudent forest land owner will have to do now. If land owners wait till the

moths arrive, it will be too late to save the trees.

Then what about public lands? Will they lose their value when the moths come through? Many thought that Yellowstone would be abandoned by tourists after the fires, but they came in record numbers. Will we lose trees when they come through? Yes. Will we lose topsoil, humus. No, not unless we try to save the forests by 'harvesting' half the trees to save the rest. It's too late to demonstrate. We need to educate private landowners about their options and spend less time cutting down our state forests to save them. v



Forestry

(from page 4) forest fires. He felt that they were doing more for the forest, for the environment by fighting forest fires than we were in trying to preserve the public forests. He was especially disappointed that no "enviros" showed up at a recent conference they sponsored on the damages and remedies of forest fires. I told him I didn't even know about it. I have always applauded the DOF and all the volunteers that fight fires and always criticized those who carelessly or purposefully start fires. I think some enviros are a little discouraged to protect a forest from fire only to have it be cut for timber. But it is true that fire hurts the forest, from a board foot perspective and from a biological perspective. This seems to be common ground where we can work together. Bob promised me an article for the VOICE about forest fires and what you can do about them. Bill Maxey called

me up today with some \$ figures, which I'll include with Bob's article.

The Demonstration Forest

Greenbrier state forest has a 25 acre area set aside as a demonstration forest. This tract is managed primarily for wood products. It surrounds the picnic area. We made it our last stop. The handout said they have sold so many cords of wood and so many board feet for a total value of over \$6 thousand during the last 40 years. We counted the rings on two white pine stumps that were cut last year - 140 years old when cut, close to 3 feet in diameter.

All the managers felt that after maintaining "a healthy forest" their second most important mission on state forests was to demonstrate to the public good forestry practices. I'll grant that quite a few folks probably do hike through this 25 acre tract since it is next to the picnic area.

I asked Barbara how many tours demonstrating good forestry practices on the Greenbrier she had given this year. One she said, but she has given a few others in the past and at the other forests in her jurisdiction. I'm not sure how many folks took the tour to learn about options in managing their forests, though.

Just before getting into our cars to return home I spread out the map and chart to graphically explain how insignificant the state forests are to the timber industry and how important to biodiversity and recreation. Why Coastal Lumber (the successful bidder on the Kumbrow timber sale) owns 5 times as much forest land as all the state forests put together. Some of the state forests lie over 50 miles from any protected land (state parks or federal wilderness). They are really the only land available in many counties/areas that

can be protected from timber cutting and other massive human intrusions. The only areas available for recreation. **Beating up the bureaucrats**

The ride home was very interesting. As the only representative of the 'environmental' community, the two Bob's let me have it, not that we don't deserve it sometimes. Bob Beanblossom objected to my statement that I was the only environmentalist on the Committee. He felt that he loved the forests, the environment as much as any of 'us', and that he worked long and hard to protect them. I was going to say that that was his job, but Norm Steenstra gets paid and he's an environmentalist. I do feel that they get paid to manage, that if there was nothing to manage then they'd be out of a job and that this fact can color their feelings about the necessity of management. But face it, many folks inside government care. That's not to

say some of the bureaucrats seem to really despise the environment. Bob felt that we never should have let strip mining in. OK Bob - read Cindy's article on the mess at WVDEP and try to help us there.

It was Bob Whipkey's turn next. He didn't see the purpose it beating up the bureaucrats in the paper. If we want more wilderness, then just state our case, don't groundlessly attack agency personnel trying to do their job. Bob said my report that there was no public input to the original forest plan was incorrect. He said he wasn't cutting trees for industry but for the health of the forest (see above). But as he said this (especially that we just wanted wilderness), I felt he was putting citizens in a box and dismissing us. He still knows what's best for the forest.

I wasn't going to attend another meeting, but feel that we actually made

WV Tree Harvest May Exceed Growth

by *bill ragette*

With the opening of 4 new wood plants in WV soon, questions are being asked if there are enough trees growing in the state to satisfy the demand for wood. In early November, Bill Maxey, Chief of the WV Division of Forestry (DOF), advised the Governor not to encourage any new primary wood products industry to locate in the state. Primary wood products industry are those that use the trees parts as their resource. Secondary wood products would be the manufacture of furniture, doors, etc. from products of this primary industry.

Maxey estimates that the wood products industry is currently using 1.1

billion board feet a year. This would not include the wood needed by the Apple Grove Pulp and Paper Mill, nor the strand board or other new plants proposed or being built but not on-line. Maxey estimates the total growth of new wood in the state is around 1.9 billion per year. The state DOF is just beginning a survey in cooperation with the feds of how much timber is actually growing in WV. Maxey feels that these new plants will use most or all of the .8 billion bd ft. not yet accounted for.

Maxey admits that knowledge of the current use of trees is also vague, with the possibility that much of the timber cut by out of state loggers and

hauled out of state not is being recorded (or taxed). Environmentalists are concerned that we may already be cutting more than nature is growing. This new admission by Maxey has them even more worried.

If all new growth is being harvested, many are concerned that there will be little left to build up depleted soils. If we are really harvesting more than grows or if the cutting is not evenly distributed across the state, the average tree will be smaller, our forests younger and brushier. Forests closest to chip-

board and pulp mills will most likely be 'harvested' on a short rotation of 20 to 30 years. Farmers have learned long ago that continual harvesting without replenishing the soil can be disastrous.

Don Gaspar, fisheries biologist with the WVDNR, feels we have already lost many miles of trout habitat because the streams have become warmer due to loss of cover and loss of humus on the forest floor. This trend to harvest everything that grows will only impoverish wildlife habitats more.

The Apple Grove pulp mill plans to use .8 billion board feet of wood a year all by its lonesome. This would require 200,000 acres per year or 6

million acres with the woods in a thirty year rotation. WV has 12 million acres in forest. Not only is this bad ecology but its also bad economy. The 600 jobs promised by the mill developers works out to over 1 million bd ft. per year per job. This million bd ft. could employ a dozen workers in other wood product industries. Not only will Apple Groves insatiable appetite deny all new primary wood products industry in the area their raw material, but there will be no secondary wood products industry developing from Apple Grove Pulp Mill end products. ♦

Xmas Letter

"Give the gift that keeps on giving."

How many times have we heard that slogan misused? Well, I think it really applies, when used in reference to our beloved W.V.H.C. What better time of the year to consider giving a gift membership to that one special person in your life, than this Christmas season? Just think, if each member bought just one gift.... Well, you get the picture. It's the principle of multiplication, man.

Anyway, I plan to personally give tow gift memberships this season, one each to my two oldest step-children, who are both college students. What better way to make more people aware of the issues and facts in the crucial environmental struggles going on around them every day? I would like to challenge every one to consider giving "The gift that keeps on giving" this Christmas season, as a tangible way of really sharing our commitment to the preservation and conservation of the precious God-given natural resources of our beautiful state.

Merry Christmas, everyone
Bob Marshall



Voices of the Past

(from page 8) hatchery personnel working on the Corridor H problem showing how the DOH has ignored the cautions cited in the Manley report are either reassigned or taken off the project and given other assignments. This happened as far back as 1971 which in effect gave the DOH the carte blanche 'authority' to proceed ahead on their ill-fated project."

15 YEARS AGO - December 1979
CORRIDOR H ON FRONT BURNER "The Draft Environmental Impact Statement (DEIS) for that portion of Appalachian Corridor 'H' Highway between Elkins and the Virginia state line is expected to be made public in late November.

For some reason, Governor Moore chose to ignore this advice (that a Parsons route might produce the most economic good and the least environmental harm) and convinced the Appalachian Regional Commission to make Wymer, WV, one of the control points of the corridor, thus eliminating consideration of a route to Parsons and fixing

choosing the course for the future at the giant fills now being permitted statewide, but especially in Southern WV, great care must be taken to choose the most cautious route. To err on the side of expediency at the expense of long term durability and stability will visit dire consequences on future generations as well as major portions of WV.

---- The message for the month? There are a lot of words and good intentions out there. ...But, as always, the proof is in the pudding. Stay tuned. ♦

deterioration for Canaan Valley, Dolly Sods or the Seneca Rocks - Spruce Knob NRA.

In order to 'cement' the governor's desire for one of these ruinous routes, the DOH started building Corridor H in the middle by constructing an eight-mile stretch between Elkins and Bowden. It was after contracts for this section were locked in that the DOH was ordered by the federal agencies ... to study the remaining route to Virginia as one project, rather than doing piecemeal EIS's on short stretches."
ROCKEFELLER AMENDMENT WOULD GUT GOOD LAW - Rep. Morris K Udall writes: "A good doctor only treats illnesses that need treatment, and when he does, he makes a careful diagnosis and prescribes the proper medicine. A bad doctor compounds poor judgment with strong medicine when moderation will do, prefers surgery over rehabilitation and thinks operations that kill his patients can be successes.

Public officials have a habit of peddling a lot of bad political medicine in the form of legislation that will not do what it is advertised to do, and instead only makes matters worse....(The Rockefeller Amendment) would permit states to submit for approval by OSM strip mine reclamation plans that somehow conform to the general language of the '77 strip mine law, but not to the specific regulations that interpret and enforce that law...

The legislation has been sold as a tonic for states rights, an antidote to federal regulators and an elixir for our beleaguered coal industry. It does none of these things." ♦

Tis the Season To Be Green

or environmentally friendly Christmas gifts

Gift Membership - special price for gift memberships only - \$10

Woodcock print -\$20

WVHC Conservancy Hiking Guide - \$12.45

Guide and Gift Membership - \$22 !!

Support the Conservancy's work and educate your friends (or enemies).

Contact - Richard diPretoro: 264 High St., Morgantown, WV 26505 296-8963, Fax 296-8623

Mining Matters

(from page 5) during the life of a permit that some unforeseen or unanticipated complication arises (including AMD) that would cause the cost of reclamation to increase.

Bond Release. The infamous "Columbo Amendment" continues to be a thorn in the side of everyone (agency, industry and citizens alike) involved with mining in the central part of the state. WVHC citizen complaints on at least two mine sites, i.e., LaRosa Fuels at

some progress in listening to each other. I think that the side that listens the most will have the advantage, they'll learn the most. Of course on many issues we are on the same side.

Bill Maxey still thinks you can cut lots more on the state forests to pay for fire protection, but he realizes he needs to create some areas that are left alone - put lines around them on the plan maps. It will still be too small, but there were none before. We can see why they feel so compelled to cut the trees down, even if we don't agree. ♦

Kittle Flats and Cheyenne Sales, have resulted in decisions by Administrative Law Judge Torbett that confirm OSM's insistence that this provision that allows for bond release based on water quality "equal to or better than" pre-mining quality is not as effective as Federal Law. It is not an approved part of a State's program and is not legally enforceable by the State.

(N.B. The Rahall Amendment in Federal Law is often used to rationalize why the Columbo Amendment should be acceptable in State Law, but Rahall requires more extensive justification in the application process and is limited to remaining at older, pre-SM-CRA, abandoned sites where reclamation standards are quite different than the more stringent standards (including water) that apply at post-Act forfeited sites)

Durable Rock Fills - Drainage Around or Through

Many other issues are addressed in the program amendment, and all can't be included here. But at least one should be mentioned that is particularly impor-

tant to industry and that is the question of drainage in the enormous fills at the behemoth mines in Southern WV. Under the state window provision, the coal industry has appealed to OSM to provide operations in WV permission to use a method of fill construction that differs from current engineering requirements for drainage in durable rock fills. **One final note:** As OSM reviews the state regulatory program amendment, several other Federal initiatives are also proceeding that are vital to the ongoing AMD debates and discussions - OSM's September '94 Draft Report on Avoiding and Controlling AMD OSM's Appalachian Clean Streams Initiative to clean up abandoned mine sites - EPA's Eastern Mini Drainage Federal Consortium and the OSM-EPA Acid Mine Drainage Compact.

WVHC has consistently relied on the sound judgment of the OSM engineers and again must defer to those more knowledgeable about the rapidly evolving engineering technologies that are part of this debate. WVHC offers only the cautionary note that, when

Corridor H

The Demo

(from page 1) highwalls, seeped out acidified water to join the acid already polluting the Tygart River.

The plane pulling the banner had left and Senator Byrd's speech finally came to an end, the ribbon was cut and the new stretch of the 4-lane was officially opened. I found myself wondering at how backwards and upside down it had all become. The road proponents were all for spending huge sums of money (10 to 18 million per mile) while creating more highwalls with water quality problems and a host of other environmental ills to go with them. The permanent jobs that would possibly be created will, in the large part, be minimum wage jobs or trucking related, as a conduit for West Virginia raw materials (timber and chicken parts) is created to the east. What will be imported besides trucks and more congestion can't be foretold, but all that comes will not

be positive, of that I am sure! High quality tourism will be impacted negatively as we become "just like every other place". Higher taxes as land prices rise, and other infrastructure needs accelerate, will be added on top of the gas taxes used to build and maintain Corridor H. How backwards and upside down to label the opponents of Corridor H "negative thinkers". Please save me from blind "positive thinkers" that rush to destroy and forever alter what is so preciously found these days. And that is - a livable, beautiful and bountiful piece of this planet - a home, my home, your home! Not just a place to live, but a home to be happy with and excited about. One that is not just like every other place. A home can possibly mean many things but to those who have one in their heart, they will know what I mean.

The demonstration and dedication were over with on that bright blue afternoon in October, but the battle goes on!

Voices of the past..... from past VOICES

20 YEARS AGO - December, 1974

CLEARCUTTING DECISION DELAYED The 4th Circuit Court of Appeals, Richmond Va, postponed a decision on clearcutting the Monongahela National Forest.

The Court is hearing an appeal by the US Forest Service on US Judge Robert Maxwell's 1973 decision banning clearcutting in the MNF. Maxwell's decision came as a result of a suit filed against the Forest Service by a coalition of environmental groups, including the West Virginia Highlands Conservancy, the West Virginia Division of the Izaak Walton League and the Southeast Chapter of the Sierra Club.

Bob Burrell in his OVERLOOK column: "We are overlooking the Bowden National Fish Hatchery this month

which is currently the site of environmental abuse at the mismanagement of Shavers Fork and Department of Highways construction of Corridor H. In the summer of 1974 when the Corridor H construction resulted in severe damage to one of the springs supplying the Bowden hatchery with essential water for summer operation, tremendous fish kills amounting to over 150,000 fish and a decrease in annual fish production (between 1972 and 1973 there was a decrease in over 15,000 pounds,) local hatchery personnel were quoted as saying "This is exactly what we have been warning them about." Unfortunately there is no official record of such statements and even if there were, official statements by higher ups downplay any foreseen dangers.

Worse, local (see page 7)

Last Chance

(from page 1) Moorefield Elementary School gymnasium. They are to begin in workshop format from 4-7 p.m. with a formal presentation of information by participating agencies to follow. Public comments can either be recorded during the workshop portion of the meetings, or formally given after the information presentation. We are told there will be a time limit of 5 minutes per speaker.

Hearings are also to be held in Virginia on January 11 & 12 at Lord Fairfax Community College in Middletown from 10 a.m. to 9 p.m.

We urge all those that can possibly attend one or more of these hearings to do so. While it may not be possible to give multiple official comments on Corridor H, it is extremely important

that the politicians, highway officials and press see that a great many citizens care enough to come out publicly and oppose this proposed road.

The NO BUILD alternative is legally still an option; and is environmentally, financially and socially the best choice available to the public. Put pen to paper and make them understand this and keep the Appalachian Highlands free of the horror that would be Corridor H.

Note: To receive your very own copy of the Alignment Selection SDEIS and/or any of the reports listed below, phone the Corridor H Hotline at 1-800-304-8337 between 8:30 a.m. and 5 p.m. M-F. You can also write WV-DOT, Environmental Section, Capitol Complex Bldg. 5, 1900 Kanawha Blvd.

East, Charleston, WV, 25305-0430, to obtain copies of the SDEIS, executive summary, appendices, and technical reports on the following impacts: social/economic, air/noise, streams, vegetation, wetlands and secondary/cumulative impacts. Also ask for a copy of the 100+ alignment maps that show exactly where the road will go. These maps also show locations of wetlands, floodplains, threatened and endangered species, history/archaeology and other concerns.

Call or write Corridor H Alternatives (CHA) for more information and/or other ways you can help stop Corridor H. Write to P.O. Box 11, Kerens, WV 26276. Call 304-636-4522, 304-636-2662 or 304-478-4922.

Here is your final chance to Just Say "No" to Corridor H!

Clip and mail the form below to let the WV Division of Highways know just how you feel about **Corridor H**, an unnecessary billion dollar plus, 4-5 lane truck route, proposed for routing through the scenic mountains and communities in the Potomac Highlands of WV, between Elkins, WV and Strasburg, VA. Whether or not you've told them before, **NOW IS THE TIME THAT REALLY COUNTS!** Make your message clear and simple. Tell them only how you feel about Corridor H.

Don't introduce any other issues or your comment may be misinterpreted. "No Build". Not here, and not there. Not now and not ever! Must be received by January 23, 1995 for your comment to be part of the final decision!

-----Clip out and mail today-----

Mail to: Mr Randolph Epperly, Jr.
Director, Roadway Design Division
WVDOT - Div. of Highways
Capitol Complex, Bldg. 5, Rm A416
Charleston, WV 25305

Here's why I urge the
"No Build" alternative
for Corridor H:

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	2090	400
Mountaineer	200	300	600

Name: _____
Address: _____
City/State/Zip: _____

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

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 and agency activity				
The WVHC, at age 27, 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.				