



The Highlands Voice

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Fire on the Mountain

by Rick Steelhammer
from the *Charleston Gazette*

A tract of privately owned land in northern Greenbrier County is being eyed as the site for what could become the largest wind-powered electrical generating plant in the East.

Kenetech Windpower of Livermore, CA. is interested in installing up to 1,200 wind turbines, capable of producing as much as 400 megawatts of electricity, along a series of windswept, 4,000 foot ridges in the Cold Knob Mountain area between Richwood and Rupert.

The area's strong prevailing winds, remote locale and proximity to an existing power transmission line make it a prime candidate for wind power, according to John U. Huffman, Kenetech's project development manager.

Surface mining and timbering

have taken place on the tract, a large portion of which is owned by Westvaco.

Wind power production fits well with the logging and mining activity that's taking place," Huffman said. "Any visual impact would be minimal, since miners and people involved in timber harvest are about the only people who would see it."

Property owners in the area, a blend of corporate and individual landholders, would receive royalties from wind power produced on their land.

Surveys are being conducted to determine whether the area is home to any endangered species, to estimate nesting bird populations and to learn whether a flyway for migratory birds passes through the area.

Kenetech has informed state conservation and sportsmen's groups

about plans for installing the wind turbines and is soliciting their comments and concerns.

"So far, the feedback has been pretty positive," Huffman said. "We've taken pains to touch base with as many stakeholders as we can, so to hear their concerns. It's important for this to be a positive project for West Virginia."

But the group most crucial to the success of the project is the power industry.

Kenetech needs a power company or consortium of power companies, to build the wind power plant - estimated to cost about \$400 million for a 400-megawatt unit. A project that large would be capable of serving 150,000 homes - and use its electricity, despite a regional glut of power produced by coal.

"The power companies have plenty of capacity here (see page 7)



WIND TURBINES ON THE MON?

by Joe Carney

Things are never simple. Take windpower, for instance. To an environmentalist, this should be an easy, cut and dried issue. Windpower is non-polluting, clean and renewable. The perfect source of energy.

The windpower industry, limited mostly to California in the past, has recently discovered West Virginia. A California-based company, Kenetech Windpower, is planning a large "wind farm" in West Virginia. The San Francisco company is the largest manufacturer and producer of windpower in the United States. It currently operates

4,500 of the 8,000 wind turbines at the huge Altamont Pass Wind Farm near San Francisco.

The West Virginia project is planned on 80,000 acres located south of Richwood and north of Route 60, mostly in Greenbrier County. The small town of Clearco is about the center of the project. Of the 80,000 acres, 40,000 acres are located within the boundaries of the Monongahela National Forest.

This presents a dilemma. Windpower is good. However, of all the places available in the United States, why does Kenetech Windpower need to take 40,000 acres in the Monongahela National Forest? Is the comparatively small amount of electric peaking power generated worth 40,000 acres?

Let's throw in another complication. The 40,000 acres is within the "Proclamation Boundary" of the Mon Forest but is still private property. When the U. S. Congress created the Mon Forest in 1911, it established a Proclamation Boundary. Property can be purchased from willing sellers within the Proclamation Boundary. The first land purchase was in Tucker County in 1915, and the Mon Forest now contains approximately 901,000 acres. This is a similar arrangement to the Canaan Valley National

Wildlife Refuge, where Congress authorized a 24,000 acre boundary and the first 85 acre parcel was purchased in August, 1994.

The 40,000 acres is presently owned by Georgia Pacific and Westvaco, large timber companies. The land could someday be sold to the Mon Forest, just as the 40,745 acre Mower tract was acquired from Mower Lumber Company in 1987-88. If the land is leased to Kenetech Windpower and covered with wind turbines, access roads and powerlines, it is doubtful that the land would be suitable to be included in the Mon Forest. Depending on the wind turbine spacing and the open, treeless area required around each turbine, entire ridges could be permanently cleared of trees.

According to Kenetech Windpower, the total project could generate approximately 500 megawatts of electricity. A megawatt is one million watts, or enough electricity to power 10,000 lightbulbs of 100 watts each. The John Amos power plant, a coal-fired plant near Charleston, has a generating capacity of 2,900 megawatts in comparison.

Each wind turbine, with blades spreading over 100 feet in diameter, will generate up to 400 kilowatts, (a kilowatt equals 1000 watts) enough to power 105 homes.

The total project will consist of approximately 1,200 wind turbines, enough to supply 125,000 homes. The electric power will be sold to existing electric companies, such as Appalachian Power and Monongahela Power. Kenetech Windpower notes that the wind farm will provide peaking power, not baseload capacity.

If we assume that approximately half the electric power will come from the 40,000 Mon Forest acres, about 250 megawatts would be generated. Is this relatively small amount or any amount of electricity worth 40,000 acres of the Mon Forest? Will this set a precedent for wind turbines in other parts of the Mon Forest (that's where the mountains and high winds are in West Virginia)? Does Kenetech Windpower, which expects to generate about \$1.3 billion in revenue by the year 2000, really need to use this 40,000 acres in the Mon Forest?

Kenetech Windpower first proposed to construct wind turbines in the Canaan Valley. After being told about the special significance of that area, they looked elsewhere. Kenetech Windpower has initiated

several meetings with members of the environmental community to ask our concerns regarding the proposed wind farm site south of Richwood. Since the 40,000 acres within the Mon Forest is still in private hands, there is probably no legal way to stop the wind turbines, ridge top clearing, power lines and access roads from being constructed there. However, if Kenetech Windpower is sincere, as they claim, about listening and responding to our concerns, a large outpouring of sentiment to spare the Mon Forest may change their minds.

In my opinion, the wind turbine project should be constructed on property that is outside the Mon National Forest.

If you wish to express your opinion directly, please contact Kenetech Windpower, Inc., 1620 I Street, N.W., Suite 210, Washington DC 20006, telephone (202) 833-8954, John U. Huffman, Project Development Manager. If you would like more information, want to get involved in this issue, or would like to be kept informed, please contact Joe Carney in Charleston, WV at 344-2797. ♦ See page 7 for map and more on Kenetech

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

by John McFerrin

Good Bye Cindy

Karen and I got married at dusk on the Autumnal Equinox, 1990. Although it was partly for convenience, it was not entirely so. A marriage ceremony is a transition. It is appropriate to have that transition at the same time as the transition from one season into another.

Now both the Conservancy and I are in another transition. Our wonderful president for the last six years has stepped aside I find myself the new president.

Cindy was a wonderful President. She has a precious combination of a warm and generous spirit united with an energy and dedication to the issues that are so important to the Conservancy. Although I am sure that by now she has had as many accolades as her modest nature can stand (although not nearly as many as she deserves), please allow me one more: she was such a fine President that I find myself in awe at the task of following in her footsteps.

This, of course, raises another question: if we already had such a fine President, why did we need a new one?

At its simplest level, we need a new President so that we can avoid wearing Cindy out. There is always a danger in this or any organization of allowing our best, most dedicated members to assume more and more responsibility until those members drop from sheer exhaustion. Although Cindy could probably have been president for life as far as I was concerned, we owe it to her to give her a rest.

Even were it not a good thing for the Cindy, we should have new leadership anyway.

In the long run it is a good thing for the Conservancy to have new leadership. Moving new people into leadership roles gets more people more involved. It keeps the organization fresh and alive. Were we to have the same leadership year after year, decade after decade, we would eventually turn into a tired, worn down organization stumbling along after tired, worn down leaders.

Doing things this way we avoid that problem. Like Joe DiMaggio and Sandy Koufax, Cindy is leaving before she becomes visibly tired and worn down.

So this is a time of transition for me personally and for the Conservancy. It is a time when we fondly watch one time fade only to be replaced by something which is different. Cindy gets a chance to take a well deserved rest. The Conservancy gets a chance to develop some new leaders.

Like any transition, a change in the presidency can make for an unsettled time. At the same time, a time of transition can lead to new and exciting changes.

I look forward to making the transition and helping the Conservancy move forward.

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and
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Review the Review

Submitted by Bob Marshall

I have but one word to describe the WVHC Fall Review - "perfect". Perfect weather, as in cool, sunny and clear, the perfect setting, as in the always - breathtaking Canaan Valley, and the perfect occasion, as in the celebration of a major conservation milestone, the creation of the Canaan Valley National Wildlife Refuge.

Since this was my first fall review, I knew little of what to expect, except that the atmosphere would be friendly, the food generous, and the meetings intense. What else could a person ask for on such a beautiful October weekend?

As I will leave it to others more learned than I to summarize the achievements of the weekend, I would like to expound on two of the Saturday field trips that were offered. The first excursion involved a one hundred yard hike from the White Grass Ski Complex to a nearby trout stream, Freeland Run, where, our own Don Gaspar artfully demonstrated the science of stream shocking, in which fish are subjected to a mild electrical current, thereby rendering them helpless and immobile for a short period. I was amazed to see fish appear visible in pools of water that moments before seemed empty. The fish were not harmed at all, and quickly returned to their active state within minutes. This technique is obviously a valuable tool for the fisheries biologists, as the assess stream quality and fish populations in both cold and warm water

habitats.

At this juncture a second field trip called (literally), so some of us left the stream, for a more terrestrial environment, namely the first 85 acre parcel of land that has become the Canaan Valley N.W.R. Known as the Harr farm it primarily consists of wetlands, where various mosses, shrubs, grasses and conifers seem to thrive. Jim Rawson, a DNR wildlife biologist, was kind enough to interrupt his Saturday bird hunt to give us a walking tour of this initial tract of the refuge.

The location is directly across the road from White Grass, so access was easy. We did have to share the area with some grazing cows, who were more interested in Jim's English Setter "Duff" than in what we were doing. Apparently the grazing lease will end November 1st, which is good, considering that the cows really made the area around a neat little artesian spring a muddy mess.

Undaunted, our group spent nearly 1 and 1/2 hours traversing the wetland and upland portions of the property, stopping frequently as Jim commented on the variety of flora and fauna found there. I was impressed with his knowledge of the plant species and their ecology, since this is obviously very closely tied to wildlife management. What appeared from the road as a very simple area of pasture and thickets, became quite a complex ecosystem, when seen through Jim's well trained eyes. Even Duff enjoyed the hike around the property, despite the fact we saw only one bird, a wild-flushing snipe

that sailed away far out in front of us. The time went by quickly, and soon it was time to go our separate ways for the balance of the day.

Perhaps the high part of the Review for me was the Saturday night dinner, where the food was exceptional, as catered by the folks from White Grass, and the speakers were informative, in the persons of Chris Clower of the USF&W Service, and Gail Baker, the new head of the Canaan Valley N.W.R. Chris spent his segment mostly on the tortuous history of the struggle for the refuge, where the grassroots and the government seemed to work together toward one common good. Gail, who moved here after serving USF&W for many years in Alaska, explained her duties, hopes, and dreams for the new refuge, which is, significantly, the five-hundredth national wildlife refuge in the country. Both these people impressed me as being caring, sincere, and well-trained professionals.

Sunday, traditionally a day of rest since biblical times, was the day of work of the weekend. After a brief period of elections, the board and members met for nearly four hours, to hammer out positions, proposals, expenditures, goals, and objectives for the WVHC for the next several months. Although not seeing eye to eye, we all left agreeing to press on together, in our continuing struggles to preserve and conserve the incredible resources of our most-beautiful state, not just for ourselves, but for our children and their children. ❖



Chris Clower and Gail Baker, the new Canaan Valley NWR Manager educate WVHC members on the history and future of the Refuge at the Fall Review

A Shocking Story

by Sayre Rodman

For one of the field trips that were part of our Fall Review, our loyal member Don Gasper of the DNR put on a demonstration of the way he can conduct a sort of census of the fish in any creek. Near the White Grass Center, a tiny brook runs down the hill, with occasional small pools. Most of us thought it was much too small to have any fish of interest. Don knew better. He fired up his little backpack electrical generator, which connects to two wires that can be stretched out in the water by a set of four well-insulated poles, that volunteers can handle safely.

Procedure:

Turn on the electricity, spread out the wires.

Scoop up any fish whatever that are shocked into turning belly-up.

Put 'em in a transparent bag of clear creek-water.

Identify them

Log them into a notebook.

Admire the beautiful little creatures.

Wait till they recover their senses (not long).

Return them to the creek, with apologies and best wishes.

Also: Don had net assembly of

calibrated size, with which he could catch a representative sample of the bugs that live in the creek. Arguably, this is the best estimate of the biological health of a creek. Unarguably, it tells Don what's there for the fish to eat.

Results:

Fish galore turned up from tiny pools in the tiny creek.

Tiny fish:

Sculpins are toadlike, and some folks might find them ugly. That's a judgement call.

Black-nosed Dace are "just minnows", but are astoundingly beautiful little fish with a flaming red lateral stripe, to people who've never looked at them before.

Larger fish:

Brown Trout

Brook Trout

Some were just a few inches long. Don said they were hatched this year. But some were 6-8 inches, looking far too big to live in that tiny creek. "One year older", said Don. The trout fishermen among us were quite turned on.

There were lots of nourishing bugs, like assorted caddis-fly larvae.

For many of us, this was an education in the way that the smallest of brooks contribute to the aquatic community of all streams.

Thanks, Don. ❖

A Downstream Network

by Joan Sims

Downstream Alliance is the newest organization to join the Highlands Conservancy as an Organizational Director. In 1990, Mountain Stream Monitors decided that it might be helpful for the community watershed organizations in northern West Virginia to create an organization to work together on their common goals. The idea took off, and community activists from Monongalia, Preston, and Taylor counties were later joined by several scientists. Downstream Alliance meets in Morgantown once a month.

Richard di Pretoro gave Craig Mains of Downstream Alliance information that led to a \$1,000 grant for the organization to monitor and map the quality of streams and rivers in Preston county, using sampling of the stream's macroinvertebrate population. With the help of many volunteers, a large section of the Cheat watershed in Preston County has been studied and mapped. This helps to assess the impact of acid mine drainage and acid rain on this watershed.

Downstream Alliance has

provided multicompany support to the 4-H Road Community Association in their effort to protect their Creek from possible damage from a Mepco coal mining operation. Also, the Downstream Alliance members' experiences with water treatment by the State at the F&M Bond Forfeiture Site in Preston County have been very helpful to citizens who live near the Omega Mining Site in Monongalia County, which has just

undergone bond forfeiture proceedings.

Downstream Alliance helps communities organize to work on correcting their environmental problems. The community leaders of Downstream Alliance believe that working with the Highlands Conservancy will help them to improve State environmental policies that effect the quality of life in every community. ❖



To the Editor,

On October 14, 1994 I went with Frank to the Fall Meeting at Canaan Valley.

It was very nice. It was worth the whole trip to view the country, seeing all the beautiful trees and fall colors. I have been there several times but never in the fall. We left Sunday Oct. 16. I don't always go with him to these meetings. But I really enjoyed this weekend.

Thank you,
Becky Young

Get a handle on ORVs

Appalachia - Science in the Public Interest has just released the first part of its series on reports on Off Road Vehicles. This section tells some of the various types of vehicles used off highway and over the wild and scenic terrain, their impact on soils, vegetation and animals, and regulations and enforcement by public agencies. It is available for \$14 from them at Route 5 Box 423, Livingston, KY 40445-9506 ❖

Conservancy Receives Donation In Memory Of George R. Clarkson

Robert and Donna Simms of Troy, NY, recently made a donation to the Conservancy in memory of George R. Clarkson, son of Roy Clarkson, Professor Emeritus at West Virginia University. The Conservancy extends its sympathy to the family of George Clarkson and thanks to the Simms' for their generosity and thoughtfulness. ❖

Canaan Valley Dedication

by Cindy Rank

Canaan Valley, October 22, 1994. The sun shone brightly over the valley Saturday as several hundred people gathered to dedicate the Nation's 500th National Wildlife Refuge.

Local and national politicians and dignitaries, members of environmental and conservation groups (including five WVHC Past Presidents) and just plain folk from Tucker County and all over mingled under the blue and white striped tents behind the Lodge at Canaan Valley State Park.

Notably absent from the festivities were representatives of Mon Power - still the largest landowner in the valley - but even that didn't seem to dampen the spirits of those who had come to celebrate.

On hand to sing the praises of Canaan and to offer words of encouragement, thanks, and well-wishes were Gail Baker, Refuge Manager, Ron Lambertson, Regional Director of the Northeast Region of US Fish and Wildlife Service, Dewey Rice, President of the Tucker County Commission, Jim Rawson, Wildlife Biologist with the WV Department of Natural Resources, speaking on behalf of the Governor of the State of WV., Molly Beattie, Director of the US Fish and Wildlife Service, George Frampton, Assistant Secretary of the Interior for Fish and Wildlife and Parks, Congressman Alan Mollohan, and Keynote speaker (and guest vocalist with the Chestnut Ridge Band) Senator Robert Byrd.

Greeted by the upbeat strains of bluegrass, then called together by the heartfelt sounds of the Tucker County Community Chorus, the crowd warmed immediately to the personal welcome by Gail Baker, new Refuge Manager, and to the Invocation by the Reverend Paul Poerschke. Save for a few uncomfortable moments of uneasy shuffling and muffled groans at Senator Byrd's

occasional mention of Corridor H, everyone seemed to actually enjoy the speeches and especially the presentations of service awards to Chris Clower, head of the West Virginia Field office of the US Fish and Wildlife Service and to Bill Zinni, land purchaser with US Fish and Wildlife Service.

Of particular note was the update on land now part of the refuge. In addition to the 87 acre Haar tract on Freeland Road, there has been a second purchase of a few acres on Rt. 32 and a gift of the Bell property on Cortland Road.

Many of the speakers praised the cooperative effort known as the Canaan Valley Task Force which brought together diverse interest groups and is responsible for ironing out many of the difficulties that had worked against the establishment of a Refuge for so many years.

While it is probably true that this may be the best example in the state of WV of the successful implementation of the "task force" phenomenon which appears to be the '90's answer to resolving all differences in all

areas, this author has to believe that the reason it worked so well in this instance is because of the good will and intentions of the leaders/organizers and their commitment to full, open and honest discussions and negotiations. The level of trust generated and deserved by the likes of Chris Clower of Fish and Wildlife as well as participants from EPA and local levels of WV DNR are often missing in other similar efforts that don't reach such favorable resolution.

After the official unveiling of the new Refuge Sign (see pictures in the December issue of the VOICE), the crowd was treated to a sumptuous array of wonderful looking - and tasting - fruits, vegetables, sandwiches and sweets.

Rounding out the afternoon, guests were invited to join a bus tour to the newly purchased properties in the Valley or to avail themselves of trips on the ski lifts provided by the Park.

Would that the remaining efforts to complete the Canaan Valley National Wildlife

Refuge end with an equally warm glow.



The Woodcock

The above graphic is from the cover of the program for the Canaan Valley NWR dedication. The following is some of the text that accompanies another woodcock print by Karl Badgely, that the Conservancy is offering as one of its Christmas Gifts (see the back page). The text is by James Rawson, Wildlife Biologist, WV Wildlife Resources Division.

The woodcock (Philohelo minor) is truly a bird of rare form. At first glance its bulky body and short wings make it hard to believe that this bird is migratory. Its large eyes are placed high on the head which permits the bird to look behind it without moving. Woodcock typify camouflage in the best sense of the word. Browns, blacks, whites and even grays are combined to form a pattern that inherently blends with the vast variety of colors and shadows common to its environs. The effectiveness

of this cloak has served it well against predators. However like many wildlife species today the woodcock faces the familiar foe called habitat destruction. Flood control projects, channelization, urban-industrial expansion, and reclamation of lands for agriculture are frequent villains.

Even though woodcock have quite an extensive range throughout the Eastern half of the United States and of Canada they are relatively unknown except by sportsmen and ornithologists. Its secretive nature and habitat are contributing factors. The timber doodle, as he is often called, lives in places rarely frequented by most woodland visitors. Moist areas with brushy vegetation are most common. In the North, alder is probably the plant species most associated with woodcock although young aspen stands on moist soils are good places to look.

The woodcock chicks, being precocious, remain at the nest site only until dry. At about one month of age they can fly and are self-sufficient. The woodcock is a migratory bird and flies southward in Autumn wintering in the Gulf states from Texas to South Carolina. Northward movement begins in early January giving the impression that some birds arrive on their wintering grounds only to turn immediately around and start back. The American Woodcock is a rare bird indeed.

Boycott Boise Cascade

Boise made the highest bid for a tract of ancient national forest know as the Sugarloaf timber sale in the Siskiyou Mountains of Oregon. The activists there have been working very hard to save this area for years now, but

The Plan for Canaan

Well, we have 86 acres under our belt, only 20 odd thousand to go. The plan is to buy more and USFWS has studied this acquisition question. Here is a selection from their Land Protection Plan for the Valley.

Project Description

The Valley's high altitude and cold, humid climate have maintained a unique relict boreal ecosystem which supports and assemblage of plant and animal life considered unusual for its latitude in the eastern US. Many species found here are at or near the southern-most edge of their ranges. The site contains a diversity of species and communities, including northern species and also those more typical for West Virginia's latitude. Forty different wetland and upland plant communities exist in the valley, consisting of over 580 different species of plants. The valley's diverse habitats support equally diverse wildlife populations, with 288 species of mammals, birds, reptiles, amphibians, and fishes known or expected to occur there.

Land Acquisition Policy

The Service's established policy is to work with willing sellers, within the approved acquisition boundary, as funds become available. The Service will continue to operate under this long-standing policy, as supported by our land acquisition record. The Service's intent is not to pressure landowners into selling, but to protect the unique resources of the area, as lands become available over the long-term. The Service is required by law to appraise properties at fair market value, based on comparable sales of similar types of properties. The Service can then negotiate with landowners that may wish to sell lands or interests in lands.

Methods to be used by the Service to accomplish protection for wildlife resource areas identified in this Plan include Fee Acquisition,

Conservation Easements, Donations, and Cooperative Management Agreements.

Land acquisition at Canaan

WVNWR would be funded through the Land and Water Conservation fund. Approximately 90% of Land and Water Conservation Funds now come from Outer Continental Shelf oil and gas lease revenues.

Land Protection Priorities

The major corporate holdings in the northern part of the Valley have been identified as highest priority 1, based on relative importance to the project. These tracts of land include a large percentage of the nationally significant and unique wetland complex recognized as a priority for protection at the federal, state, and local levels. Second Priority lands, are those parcels that include major wetlands and associated upland buffer habitat in the southern portion of the Valley. These wetlands function as integral parts of the Blackwater River watershed, and as such are ecologically and hydrologically connected to the large wetland complex downstream in the northern valley. Third priority lands include all remaining uplands in the southern and west-central portions of the Valley. These undeveloped lands still provide the important wildlife habitat and watershed protection functions originally attributed to them in the EIS analysis, therefore they remain within the boundary.

Chris Clower, of the US FWS reported at the Saturday evening meeting of Fall Review that already \$4 million has been set aside for land acquisition. At the present time, the most valuable lands are held by Mon Power and a few other corporations, who seem to want much more for the land than the appraised value would probably be. Mon Power is reported to be cutting some of the cherry timber on their property. - bill r

Clearcuts on the Monongahela, (again)

Cynthia Schiffer, the District Ranger for the Mon Forest on the White Sulphur Ranger District has decided to commence a set of projects in the Paddy Knob Opportunity Area (A 6.1 management area, for remote wildlife habitat, semi-primitive, non motorized recreation!). This area lies to the north and east of Frost, WV right on the border. The name comes from the highest peak in the area at the northern most point on the state line with Virginia. The projects consist of:

- Full clearcut 'harvest' - 260 acres
- Two stage clearcut 'harvest' - 60 acres
- Herbicide - 158 acres
- Take 1.5 miles off road inventory, rebuild and build 4.3 miles of road
- Remove Bird Run Hiking Trail
- Wildlife 'openings' - 12 half-acre-clearcuts

You can appeal this decision by November 15.

Write to her at the ranger district office- 410 East Main Street White Sulphur Springs WV 24986

I'm not making this up - bill

Clinton has gone ahead and decided to move the timber out. The local activists are initiating a boycott of Boise cascade. I'll join in, I wonder how many companies we are supposed to be boycotting, now.



Wild and Scenic Rivers

by Pam Merritt and the WV Rivers Coalition

It will be January 1995 before the public gets a peek at the Wild and Scenic suitability study for streams in the Monongahela National Forest.

Thirteen river segments in the Monongahela National Forest are being considered for inclusion in the Wild & Scenic Rivers System. All were found eligible for designation in June 1991. The study is currently in the suitability study (and DEIS) phase.

Coordinated by Mon Forest Public Service Group Leader Buzz Durham, the long-anticipated suitability/draft environmental impact statement (DEIS) should be ready for public scrutiny in January.

"Recognizing the winter-period holidays, we would like to make the document available to the public in early January with the public comment period to begin shortly thereafter," Durham said.

"The Forest is considering extending the comment period to possibly even 90 days," he continued, although the required minimum comment period is 45 days.

"We have completed the transition from having a River Planner, to managing the study via a team approach," said Durham. "We are working towards completing a review of the files and documents and, very importantly, we are reviewing the public record to date. And we are beginning to put together the preliminary staff work that will form the DEIS for public comment."

Once comments are received and analyzed, Forest Service staff will prepare a final legislative environmental impact study and the Secretary of Agriculture will make a recommendation to the President and Congress.

An extended comment period that begins after the holidays is good news to all who want the opportunity to comment on the importance of protecting headwater streams that tumble through some of the highest, most spectacular terrain in the Appalachian Mountains — one of the oldest regions in the world and one of great biological diversity.

Overall, this means heads up! West Virginia Rivers Coalition will continue to keep you informed about the progress of this vital issue. ❖

WV Aquatic Endangered Species

Recently the US Fish and Wildlife Service received a Biological Assessment on the impacts of the Wolfpen Development Company's (Consolidated Coal Company) proposal to develop a large deep mine on Tate Creek, a tributary to the Elk River in Braxton County. Long term water quality problems could affect Federally listed and candidate species in the Elk River. Three endangered freshwater mussels, the pink mucket pearly mussel (*Lampsilis abrupta*), the northern riffleshell (*Epioblasma torulosa rangiana*), and the clubshell occur in the downstream part of the project. Six other aquatic candidates also occur in the Elk River, three fish, two mussels, and an amphibian. The Huntington District Corps of Engineers has determined in the Biological Assessment that the proposed mine could negatively affect Federally listed species. The FWS's Biological Opinion is forthcoming.

In 1993, the FWS and the WVDNR collected two specimens of the crystal darter, *Cyrtostallaria asprella*, from the lower Elk River, Kanawha County. These specimens constitute the fourth and fifth ever taken from the

Elk River! The crystal darter is a Category 2 candidate for federal listing. The Elk River supports the only known remaining population of the species in the Ohio River Basin. However, this darter is more abundant in the southern United States, and some authorities feel that the northern populations, including those found in the Elk River, are at least a different subspecies. The FWS has contracted the University of Alabama to conduct genetic work (electrophoresis) on the crystal darter from 5 locations: Pearl River, Mississippi; Cahaba River, Alabama; Saline River, Arkansas; Zumbro/Upper Mississippi

River, Minnesota; and the Elk River, West Virginia. Preliminary data indicate that the crystal darter in the Elk River is genetically distinct, however, a larger sample size will be necessary to complete this evaluation.

These items are from Mountain Mainstreams, published by the WV Chapter of the American Fisheries Society, PO Box 67, Elkins, WV 26241

❖ *I hope that we don't take the last of our crystal darters to find out if they are a different (extinct) species. Why can't we take action to save these Candidate Species now? -bill r* ❖

Consultant For California Firm Indicted

A consultant for a company charged earlier this week with polluting a Boone County Stream was charged with the same crime Friday. Paul John Skvaril was charged in an information, which usually means the defendant is cooperating with authorities. Skvaril was under contract with the Benham Group, a California company that was charged with dumping acid mining drainage into Honeycamp Fork, a small stream near Nellis. The Benham Group was mining in the area and dumped the drainage, containing high levels of iron and manganese, into the nearby water, which feeds into the Coal River and eventually into the Kanawha River. The practice allegedly continued from 1980 until 1989, according to the federal information. Skvaril could receive a one-year prison sentence and a \$100,000 fine if convicted. ❖

A Letter on Acid Mine Drainage

being fragments of a letter from Citizens Coal Council to the Honorable Nick Rahall and Secretary Babbitt:

The Citizens Coal Council (CCC) wishes to take this opportunity to comment on the "Appalachian Clean Steams Initiative: A Proposal to Clean Up Streams Polluted by Acid Mine Drainage from Coal Mines and Prevent Future Pollution in the Appalachian Ecosystem." We base our comments primarily on a draft of the initiative dated May 26, 1994. Many of these comments are based upon experience in West Virginia, but should be generally applicable elsewhere in Appalachia.

OVERVIEW

The CCC generally applauds the Office of Surface Mining Reclamation and Enforcement (OSM) for beginning to address the scourge of acid mine drainage (AMD) through the Appalachian Clean Streams Initiative (ACSI). We like much of the language in the proposal and we hope it means what it says. However, we remain skeptical, to say the least, based upon failures of government agencies that we have observed in the past. These failures include: failure to prevent, failure to adjust bonds, failure to forfeit, and failure to treat. All these failures can be summed up as the government's lack of political will to enforce the law. We will address these further later in this letter.

...The culture at OSM must change to one of respect and commitment to enforcing the law. This includes aggressive pinning of liability on operators, owners and others who

profit or profited from any mining which produces damaging AMD. It also includes aggressive action by OSM in overseeing the practices of the several states with primacy. Congress, in passing SMCRA, recognized that coal states would never enforce acceptable standards on their own industries and that only federal enforcement backed by strong citizen participation could prevent the states from competing to achieve the lowest possible costs and standards for their local coal industries. The coal industry and many states have never fully accepted SMCRA and in fact have fought its implementation every step of the way. They continue to fight it today and take every opportunity to weaken federal involvement.

are directly mandated by SMCRA. Director Callaghan also made several derisive and scathing comments in front of his staff and members of the public regarding specific local OSM personnel. We hope you can understand why we say that firm, aggressive commitment to enforcing SMCRA must lie at the heart of every action taken by the OSM, including the ACSI.

...We are interested in action, not processes. We will measure your success on results, not on process.

On the subject of proposed AMD inspections, OSM doesn't have enough inspectors nationwide and can't stretch those inspector resources any thinner. 1992 figures show fewer than 90 active inspectors nationwide. OSM inspectors have the most beneficial impact

Dave Callaghan stated, "I don't believe in effluent standards."

By way of example, some of our members attended a meeting held on August 3, 1994, in West Virginia on the subject of a soon-to-be-forfeited AMD-producing permit. When questioned as to what discharge standards the state would commit to meeting after forfeiture, West Virginia DEP director, Dave Callaghan, stated, "I don't believe in effluent standards." In follow-up questioning, he made it clear he meant the statement to apply not only on forfeited sites but on active sites as well! This from the top mining enforcement official in West Virginia, even though compliance with effluent limitations and water quality standards

while inspecting, not conducting field research projects...

...Many West Virginia surface mines have only one overburden core and analysis even though they may disturb many tens of acres. And numerous applications simply regurgitate what the regulations say in boilerplate fashion with little real site-specific analysis. Lack of data should never be allowed to work to the advantage of the polluter. Resolve any doubts in favor of protecting residents and the public interest.

The initiative has two basic goals: cleanup of existing acid sources and prevention of new sources.

...Also, the initiative should not alleviate the obligation of existing, solvent operators and landowners to treat drainage issuing from their lands. Numerous large land and mineral owners hold and profit from properties which pollute for decades. The initiative should not reward them by cleaning up their land and reducing or eliminating their liabilities for free. Government lawyers should secure liens on the affected property or on any other property necessary to ensure payment of the costs of abating the acid drainage when it occurs on private property. At the same time, a program to protect small and/or truly innocent landowners needs to be developed.

You should recognize that states and industry will vigorously oppose thorough and aggressive attempts to impose liability where liability is due: namely often on wealthy and influential individuals and corporations. Placing OSM's and the initiative's relationship with the states on too high a pedestal dooms the project from the start in our view. OSM needs to muster the political will to enforce cleanup even where powerful political toes get stepped on.

States have granted final release on numerous pre- and post-77 permits which now discharge AMD....

PREVENTION OF NEW SOURCES

The initiative as proposed furthers a basic tenet of your administration's environmental philosophy: prevention. We applaud the strong emphasis on prevention. We have more coal in this country than we will ever

mine. No one in his or her right mind believes we will ever mine every ton of our coal. And most coal does not produce AMD when mined. Therefore, we can produce as much coal as we need for a long time to come without creating any new sources of acid mine drainage, simply by avoiding mining those AMD-producing coals. However, most jurisdictions in which AMD is a serious problem have failed to prevent the creation of numerous new sources since 1977. Why? This didn't happen simply by accident. It happened because powerful interests own the acid-producing coal and because state governments have had both political and economic incentives to continue issuing permits in those areas...

As a third disincentive, OSM should require states to discharge water within effluent limitations from all forfeited sites. The state of West Virginia has vigorously resisted the notion that it had any obligation treat on forfeited sites. But the West Virginia Supreme Court ruled this past summer that the state must treat water on forfeited sites. Currently, the state limits its expenditures to 25% of receipts to the Special Reclamation Fund. This limitation and any others like it must be removed....

SUMMARY

We support OSM's efforts to finally address, after seventeen plus years, the most severe water quality issue, mining and non-mining related, in Appalachia. It has taken courage to progress this far with the concept. It will take much more courage, determination, (see page 8)

Regional EPA Director drops in at WVHC Fall Review.

This is part on an article *Cindy Rank* wrote for us about the Fall Review. As it came in after the deadline and since a few other attendees covered parts of the weekend trips, I'm just using the section about Peter Kostmayer's visit. - bill r

Saturday was originally scheduled to be a slow starting day, what with everyone traveling a few miles from bed to meeting place, but a phone call earlier in the week offered an opportunity to meet with Peter Kostmayer, the new Regional Administrator of US EPA Region III Philadelphia. He and John Forren were in the Valley on some other business, and had a bit of time to join

us Saturday morning.

Not being a group to pass up such an opportunity, we gladly worked in some time before taking off on our various outings. About thirty of us met Mr. Kostmayer for nearly an hour and a half, bending his ear and listening to his perspective on issues and concerns such as Canaan Valley, the recently released Dioxin study and Apple Grove, Corridor H, the SCS Dam proposed for the North Fork of the Hughes River (the topic of our Fall Review last year), the new EPA-OSM Acid Mine Drainage Initiative, Acid Rain and Oil and Gas Brine Permit conditions. As usual there was far too much to talk about and far too little time. ❖

Kostmayer on the Corridor - Write him today

On Corridor H, Peter Kostmayer had as many questions for us as we did for him. EPA's comments on the first phase SDEIS came out in March 1993 - a year before Kostmayer became administrator for Region III. Those first comments helped shift the corridor north. The southern route was found "environmentally unsatisfactory", while the northern routes were rated "environmental concerns, insufficient information".

Our discussion focused on three issues: the highway's fundamental purpose, the improved road alternative, and the secondary and cumulative impacts of a new corridor. Kostmayer was willing to concede that EPA had perhaps been too "timid" on these concerns, under the law. He encouraged us to write him and to keep in touch with John Forren, the staff member who joined our talk that morning.

The more who write, the squeaker the wheel. Some issues, such as acid mine drainage, are familiar to Kostmayer because he comes from Pennsylvania. He needs to know the profound impact Corridor H would have on the special treasures in this region, including the Mon. NF, Otter Creek,

eligible wild and scenic rivers, remote wildlife habitat, etc. Is Eastern WV fated to disappear into the Washington metropolitan area? Or will it remain distinctive?

Taking him at his word, write him at this address and urge him to take a strong position on the points we discussed:

Peter Kostmayer
Regional Administrator
USEPA, Region III
841 Chestnut Bldg.
Philadelphia, PA 19107

(1) Since Virginia has refused to buy into a 4-lane Corridor H, the highway has lost its link to I-81. The "economic development" purpose depended on bringing traffic into central West Virginia from I-81. EPA can't ignore this. The tightrope has come untied, and the show has to stop. The environmental costs that are supposed to appear in the Alignment SDEIS will overwhelm the economic benefits that are claimed, now that the primary benefit is gone. [The assumption that increased traffic would be beneficial also should be carefully examined.]

(2) Along with Build and No-Build, the third option addressed in the Corridor SDEIS was the Improved

Roadway Alternative. EPA should look hard at the proposed IRA, which calls for over 60 miles of new two-lane corridor. Is this a serious alternative? EPA should demand that WVDOT examine the benefits and costs of improving the roads we have now.

(3) EPA's March 1993 comments did emphasize cumulative and secondary impacts of construction. The comment letter criticized the lack of information on these impacts, and explicitly required that they be treated in depth at the alignment stage. EPA must follow through.

(4) One additional point: in the Corridor SDEIS, the public, non-agency letters of comment were merely tallied by preferred alternative, not analyzed for any other contribution. This treatment is completely inadequate for an EIS. EPA should demand that all substantive comments be analyzed, considered, and reported in the Final EIS. Submitted by Hugh Rogers

The West Virginia Organizing Project

by Elaine Perkey

West Virginia Organizing Project is a non-profit, member-controlled organization which believes that individuals should have a voice in determining the laws that govern their daily lives. West Virginia Organizing Project was formed to teach people the skills necessary to work with others within their own communities to change the balance of power as we know it now.

We also have committed ourselves to educate communities about their issues (which they choose) by involving as many as possible in workshop-type training and tactical research practices. We believe the only way for people to be in control of their own lives is to take ownership by doing things for themselves, as opposed to having someone come in and do it for them.

Frank and Lorene Parsley's water well was sunk due to damage from a coal company's underground mining activity. The company had drilled a replacement well soon after sinking the original well but would not maintain the 350 foot deep well saying that it was not their responsibility. The Parsleys were again without water and more determined than ever to get something done.

"I had been going to WVOP meetings and just voicing my opinions and was advised to file a citizen's complaint with the Office of Surface Mining. That did it! They came out, cited the coal company and told them to work with me and do whatever it took to get water in both mine and my nephew's houses."

"I'm a member of WVOP and I'm not physically able to do a lot but I told them I'd do what I could because it takes people everywhere working together to make a difference, Lorene said.

After three years of fighting the

Parsleys and their nephew, Tim, have good water courtesy of Marrowbone Development Coal Company.

Lorene Parsley was already familiar with the citizen's complaint process but she just had not thought about using it against a coal company. Things were a little different for Edward and Susie Ooten.

"We lived for months with a drag-line from that strip mine running over top of our house. We were so afraid that it would come loose and end up in our bedroom. We lost sleep and Edward had to be taken to the emergency room for problems caused from all the stress we were under," said Susie Ooten.

The Ootens had red dust, rocks, and other debris from mine blasting flying through the air over the property. They had called several agencies to get something done but nothing seemed to work. OSM sent someone out but excuses were made about some of the equipment being used to test the air and ground. DEP also sent someone out but nothing positive for the Ootens was reported. There had also been newspaper coverage of the story but things were just at a standstill.

"I just got so disgusted one day I was nearly in tears so I called the West Virginia Organizing Project office to see if there was anything I had overlooked. It seemed that I had done everything Edward and I could think of.

"They asked me if I knew what a citizen's complaint was and when I told them that I didn't, they explained it all to me and taught me how to write one. I tried to get them to do it for me but they assured me that I could do it. So I did," Susie said.

Edward reported that one complaint got more action than most of all they had done over the past eighteen months.

Although there has not been a favorable conclusion to their problem,

Four Lane Through Mt Rogers

Here's another 4 lane through the heart of the mountains. Its not in West Virginia but it is on the New River a little bit further upstream in Virginia. Lots of the same malarkey as in the Corridor H project, don't you think?

In response to general language in a bill passed by the Virginia state legislature, the board controlling VDOT has decided to build US 58, a major four lane highway, through Mt. Rogers National Recreation Area. The selected route is called Alternative 2A. With little room to spare, Alternative 2A would obliterate a one mile section of the Appalachian Trail, as well as 40-foot high Comers

Falls, and pass within 1.5 miles of Little Wilson Creek Wilderness area.... The highway would be audible over a 7 mile stretch of the Appalachian Trail.

VDOT intends to construct segments of US 58 outside of the national recreation area first. Once US 58 is blacktopped to the gates of Mt. Rogers, VDOT will demand to proceed through the national recreation area. By this time the road will be hard to fight. VDOT must be stopped now.

Prior to selecting a route, all federal and state agencies contacted by VDOT recommended Alternative 2b, the No-Build Alternative running along existing Interstate 81 and 77. Over 135 rare species may be found

the Ootens believe the road that got them where they are in their battle has been worth it all. Through different trainings and one-on-one conversations with WVOP Staff and support from other members like themselves, the Ootens are able to keep on fighting for what they believe is their right to compensation for damages from the coal company.

"It just feels real good to know that there is somebody you can go to who will help you just because you need them," says Susie. "I tell everybody about WVOP. I'm proud to be a member and Edward wouldn't have it any other way."

Holding 'power' accountable is not always as simple as writing letters, making phone calls or filing a citizen's complaint. Assisting groups in planning 'actions' is a part of what WVOP does in addition educating citizens about their basic rights.

In November 1993, members of Shadee Woods Residents in Action carried signs and empty water bottles to DEP's Logan Office and complained about slow action by the agency and demanded emergency temporary drinking water. The story got front-page coverage in local papers.

The community of 44 families was without water due to Old Ben Coal

Corridor H is back on the fast track. The WV DOH has been pulling folks off other jobs to get the Draft Environmental Impact Statement done by Thanksgiving. More next month

in the three-county area. US 58 would be carved out of the banks of Comers Creek, a trout stream. According to Dr. Bob Stetler of Trout Unlimited, silt and run-off from 58 will irreparably damage several streams along the route.

The US Forest Service is taking comments on US 58 and associated road projects through Mt Rogers. Please provide your opinions on the VDOT Route and the no-build alternative to Forest Supervisor. Jefferson National Forest, 5162 Valleypointe Pkwy, Roanoke, VA 24019.

For further information write or call Mountain Heritage Alliance, PO Box 361, Marion VA 24354 (703) 475-5054. ❖

Company installing a pump near the well which supplied them with water for their homes.

"We are entitled to emergency water according to the Energy Policy Act of 1992, which requires prompt replacement of water supply which has been damaged due to underground mining activity," WVOP member Jennifer Hobbs told DEP officials. "Logan DEP Office has known about it since August 17 and we don't consider three months without water 'prompt'," she said.

Two days later DEP ordered Old Ben Coal to provide residents with water within 24 hours. (see page 8)

Kenetech's Raptor Study

A Raptor Migration Study is Underway in Northern Greenbrier County

by Ron Perrone

Proposed: Between 150 to 1,200 windpowered turbines on ridge tops between Rainelle and Rupert to generate electricity for West Virginia and out of state utilities. Is the idea ecologically sound? Kenetech Windpower needs to know because of past problems with raptor mortality associated with wind turbines at other locations.

The resulting Kenetech-sponsored study is a landmark in West Virginia and one that forces environmentalists to higher levels of knowledge. The proposed wind power project would be on private land. On private property, an owner may level a forest and build a factory, a farm, or a parking lot. If threatened or endangered species are not jeopardized, the government has no jurisdiction beyond zoning ordinances and taxation. It is to Kenetech's credit that they are involving HawkWatch International and other environmentally oriented individuals and groups to help determine the propriety of the site. They have repeatedly expressed the desire to not repeat the mistakes they made in California.

The study group I am involved in is gathering data to establish if there is a migration path through the study area. We are also gathering data on the populations and species distribution of the resident birds. This initial stage of the study will run through November.

In the spring, we will be out there again for the migration north. The data will be

interpreted by Dr. Ed Michaels of West Virginia University and also by HawkWatch. There is chance of one more autumn study period in 1995 to compensate for any shortcomings in this year's study.

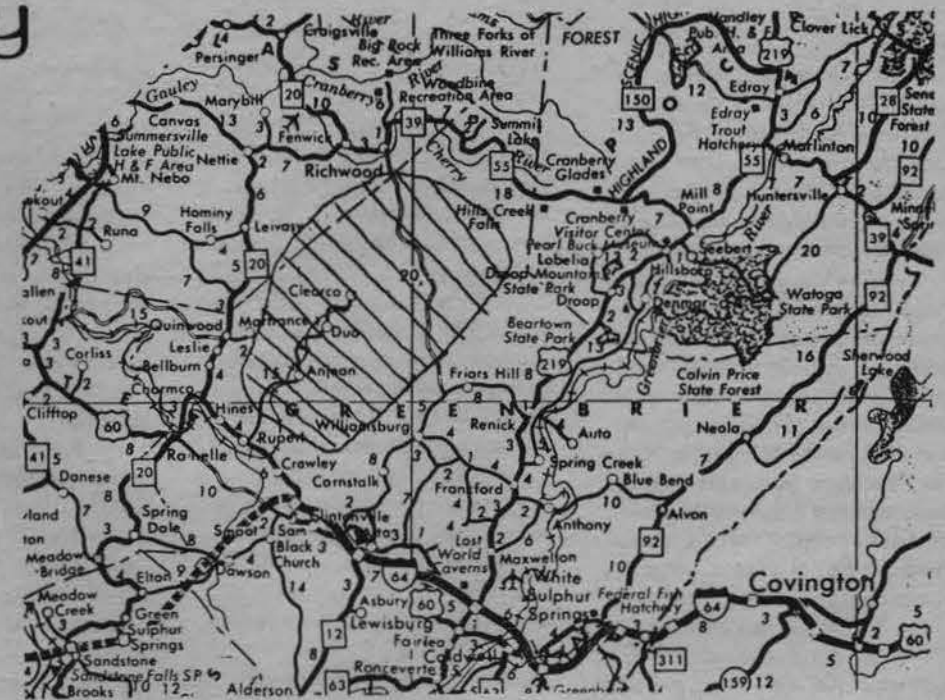
Together with Dr. Michaels and Josh Lipton, our HawkWatch team leader, we are inventing the methodology we need. When we are done, we hope to have solid information that will enable Kenetech, their potential partners, and the people of West Virginia to make informed decisions concerning the project. The list of concerns includes the potential design of the towers, their exact locations, power line grid design, and possible mitigation procedures to compensate for unforeseen biological damage.

There are social considerations as well. The utilities which may run the plant have their own agendas which must be understood. The state government has one too. In a larger context, we citizens need to look at ourselves. Opposition to a potential alternative power source by a public that has failed to make a commitment to energy conservation is irresponsible scape-goating.

I do believe this, as long as we are "on the grid" we had better take an active role in designing that grid or else that role will be played by those for whom environmental concerns are secondary to profit and power.

from The Raptor Chapter published by the

Three Rivers Raptor Center
HC 74 Box 279J
Brooks, WV 25051



The 80,000 acres where Kenetech wants to place its wind turbines lie half in the southern part of the Monongahela National Forest Boundary and half the south of it.

Fire on the Mountain

(from page one) in the East," Huffman said. "But by buying wind power it would help them meet their Clean Air Act emissions goals and voluntary reductions in greenhouse gases."

Use of wind power also could help utilities meet peak power needs, Huffman said, since wind blows hardest during the winter heating season.

An added incentive exists in the form of a federal 1.5 percent per kilowatt-hour production credit for the first 10 years of a new wind plant's life.

American Electric Power officials have expressed an interest in installing the plant, according to an industry trade paper, the Electric Power Daily.

If a decision is made to proceed, there would be few regulatory hurdles to clear, since wind power generation produces no emissions and discharges no water.

The project would be built in phases, with each new increment involving about 50 megawatts, or approximately 150 turbines.

The Greenbrier County site would make use of a new generation of wind turbine, the 33M-VS, which features three 33-meter blades and produces electricity for 3.5 to 5 cents per kilowatt hour - about the same price as coal.

Kenetech recently installed 75 of the turbines for a southwestern Minnesota power company and has executed contracts for other wind turbine sales in Maine, Texas, Wyoming, Oregon, Washington, Alberta, Ukraine, Spain and Germany, Huffman said.

More than 500 of the \$350,000 turbines will have been built by the end of this year, and

another 500 are on back order.

The turbines are currently assembled in Livermore, Calif., but an eastern assembly plant might be added, possibly in West Virginia, if sales justify the move, Huffman said.

At maximum capacity, the wind turbine farm in Greenbrier County would employ about 40 people, he said.

A predecessor of Kenetech, US Windpower, proposed developing a 50-megawatt site on Cabin Mountain, overlooking Canaan Valley, three years ago, but concern over the viewscape and the presence of a major migratory bird flyway put that project on the shelf.

"We want to make sure that they proceed carefully, and take time to determine whether or not the Greenbrier County site is an important flyway for raptors and other migratory birds", said Sheila McEntee, president of the Vandavia Audubon Society.

A 1992 study of wind turbines in the Altamont Pass area of California, the most highly concentrated assembly of wind power generators in the nation with more than 7,000 units, showed that an estimated 500 birds of prey, including 78 golden eagles were killed during a two-year period, according to Audubon magazine.

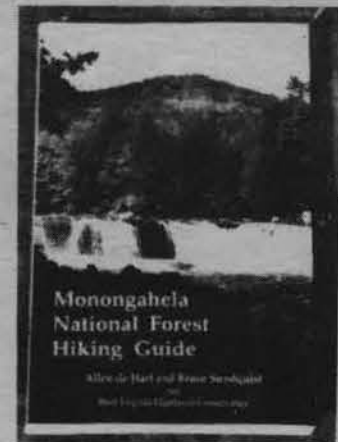
Dr. Ed Michael, a biologist and professor at West Virginia University, has been hired to coordinate baseline studies of birds, mammals, reptiles and amphibians in the area. A fall migratory study is now under way.

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 \$12.85 (this includes \$2.90 first class shipping) to West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321



West Virginia residents must add \$.60 sales tax. (total of \$13.45)

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

Name: _____

Address: _____

City, State, Zip: _____

West Virginia Organizing Project



(from page 6)

Residents formed the group and filed a citizen's complaint with the federal OSM, met with a representative from Congressman Nick Joe Rahall's office, and barraged the Governor and Nick Joe Rahall's offices with phone calls.

West Virginia Organizing Project believes that the way to ensure its mission and purpose in the future is to include a plan now to involve young people in the organization in a decision-making role. Not only do these younger people have a lot of energy to lend to projects, they seem to have a longer vision than most older people. They are a very important part of what this organization is about.

WVOP has an Education Committee that is chaired by a member of the West Virginia Youth Alliance, Dave Brock. Dave is 20 years old and worked as an intern with the organization in Logan, WV for the summer. He got involved with WVOP when he received an

invitation to attend one of their membership meetings.

"That meeting pretty much summed it up for me," he said. "They were there to help people who needed it, and they loved the idea of having youth involved. That made me feel pretty good."

Dave says that the organization will be around for a long time and he hopes to be a part of it after he finishes school at WV State College where he is majoring in Communications and Film Making.

"I've definitely learned a lot in this internship, and I feel fortunate to have had the opportunity to work with the WVOP Staff," says Dave.

WVOP's Mining Committee just recently sponsored a workshop on Strip Mining Law which was a big success. "We were pleased to see such a good turnout and everyone was interested," said WVOP Mining Committee member Redith Blankenship.

"Mining Laws are good, but they're just not enforced properly,"

said committee member John McFerrin. "The only way things will improve is if we organize," said Jack Caudill of Taplin who became a member of WVOP the week following the workshop.

WVOP took ordinary workshop training one step further by encouraging participants to apply the laws to the problems they were facing. The people took back advice to help them in their individual struggles.

Willie Stollings, a retired coal miner who attended the workshop said, "If I'd had something like this to go to when I first started fighting the coal company, it would have saved me a lot of time and trouble and I could have had my case settled a whole lot sooner."

For more information about West Virginia Organizing Project, write: West Virginia Organizing Project PO. Box 1921 Logan, West Virginia 25601

Or you may call the office at (304) 752-0901.

Kumbrabow



The West Virginia Supreme Court has issued a stay of Judge King's Order which would have allowed timbering to proceed in Kumbrabow State Forest. This has the effect of preventing the timbering of the proposed Clay Run timber sale until at least November 15, 1994.

On November 2, the petitioners (several recreational users of the Forest as well as the Mountaineer Chapter of Trout Unlimited) will present their appeal of Judge King's ruling to the Supreme Court. At that time, the Court will decide whether or not it will consider the appeal. If the Court decides that it will consider the appeal, then it is likely that it will extend the prohibition on the proposed Clay Run timber sale until it has had time to consider the appeal.

If the Supreme Court agrees to consider the appeal, each party 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.

Should the Supreme Court decide on November 2 to reject the appeal, it would not extend the prohibition on the cutting. After November 15, the cutting could proceed.

Should the Supreme Court decide to accept the appeal, the prohibition on the cutting would almost certainly be extended until after the Court decides the appeal on its merits. Such a decision probably would not come until the spring of 1995.

Tis the Season To Be Green

or environmentally friendly Christmas gifts from the WV Highlands Conservancy

- 1.) Gift Membership - special for gift memberships only - \$10
- 2.) Karl Badgely's Woodcock print - \$20 - see below, these are a limited printing of number prints, signed by the author.
- 3.) WVHC Conservancy Hiking Guide - \$12.45.
- 4.) Guide and Gift Membership - \$22 !!

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

Order from Richard di Pretoro, WVHC PO Box 306 Charleston, WV 25321.

AMD Letter

(from page 6) institutional stamina, and political will to forge ahead with a truly effective and responsible program. We need a program which will serve as a foundation and an example for decades of work to come. We will work for and support a program which:

- 1) repairs damage in a responsible way, not necessarily the cheapest way,
- 2) fixes responsibility on those who profit or profited from the activity which created the AMD,
- 3) builds strong disincentives for the creation of new sources of AMD, and,
- 4) places the needs of the local communities above the desires of the state government and coal industry when those conflict.

We wish you the best. Please keep us fully informed.

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

November 1974

"Weekend Review -- Freezing Success.... All tours were well attended and enjoyed by those who participated. The chicken barbeque froze out in the 25° temperature, but those who braved the chilling winds to sample the culinary creations of the Elkins Jaycees were amply rewarded."

November 1979

Skip Deegans RE: public meeting in Lewisburg: "Sentiment about flooding on the Greenbrier, particularly in Marlinton, was expressed, but most people felt that flooding can be stopped without having to dam the River."

Ed Light RE: The "Rockefeller Amendment" to the Federal Surface Mine Act.... "The Governor

and WV DNR (mining regulatory agency) are fundamentally opposed to key provisions of the Federal Act, eg. - Mountain top removal restrictions, Ground water protection, Public Participation, Valley fill design standards, Deletion of sensitive areas from mining. Dave Callaghan, DNR Director was quoted as saying "The federal regulations are unreasonable." "In Appalachia we don't have any trouble with (ground) water here." "The public should not be involved in decisions relating to adjustment of bond amounts." "Detailed information on fish and wildlife resources should not be required on a mine permit application." In the Governor's comments, he expressed his opposition as well: Determina-

tion of hydrological consequences of mining would cause "extreme delay and would be of little value." The WV Legislature added its two cents worth in a Concurrent Resolution that contained the following: "The Legislature of the State of WV protests and deplors the condition caused by the rules and regulations of OSM... and encourages the WV DNR to resist unwarranted federal interference in the WV mining reclamation program... regardless of the requirements of the national rules developed by OSM."

November 1984

Geoff Green RE: Corridor H "The WVHC favors improving the existing road system without constructing a 100-plus mile interstate type highway."

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Karl Badgely

American Woodcock

Karl Badgely