



The Highlands Voice

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On to the Supreme Court -

Kumbrabow part 7?

Just after we went to print last month, Kanawha Circuit Court Judge Charles King decided not to block the timber cut at Kumbrabow State Forest. I should quote from his delirious decision paper, but there's something you all should know - Judges rarely write their own decisions. John McFerrin wrote the decision we wanted and the state's attorneys wrote the one they wanted. The Judge just decides which one to sign and sends the losers their decision back unsigned.

So all the bull in the decision - about how the loss of this case would be a serious setback for industry (and cost hundreds of jobs), how the trees needed the cut for their own good, how folks around Elkins desperately want this cut to proceed - all that was just propaganda from industry (and WVDOF) that the Judge just signed off on because he couldn't bring himself to take the leap and support citizens over the

combined forces of industry and the state. When in doubt side with the state.

The plaintiffs (the tree huggers, not the tree muggers) finally got it together to appeal the case. It somehow took a few days and Coastal Lumber (the buyer of the timber) had hauled in some equipment (and night watchmen!) but for some reason had not done any cutting. John McFerrin wrote an excellent appeal (according to several folks that have had a chance to review it) and the Supreme Court decided to extend the injunction, that halted the timber cut until November 15. On November 2, the Court will hear the plaintiffs petition and decide if they will hold a hearing.

The two Charleston Newspapers have squared off on this one. The Charleston Gazette has run two or three editorials opposing the timber sale as misuse of state resources. The Charleston Daily Mail just recently ran one praising Judge

King for not giving into those 'emotional whiny tree huggers. Our friend Joe Marshall responded by reporting in a letter to the editor of that paper, that these whiners consist of a retired Army general, Bronze Star combat veteran; an Army colonel recipient of the Silver Star and two purple hearts; plus several others just as distinguish and all long time recreational users of Kumbrabow.

Among other things, the Supreme Court Petition claims (with lots of great proof from the trial testimony) that the WVDOF was disregarding its mandate in managing Kumbrabow and all state forests to manage "state forests for the conservation and preservation of wildlife, fish, forest species, natural areas, aesthetic and scenic values and to provide developed and undeveloped outdoor recreational opportunities and hunting and fishing for citizens of this state and its visitors" - state statute - Chapter 19 - 1A. -bill r



One of the Kumbrabow trees marked for cutting

HIGHWAYS AND TOURISM IN THE HIGHLANDS

by Ed Rhudy and Hugh Rogers

Right now, the Potomac Highlands is a unique market for tourism. Our visitors, who return at an unusually high rate, are sympathetic to our cultural heritage and physical environment. This market will grow as long as we preserve our special niche. At the present healthy rate of increase, we can maintain the quality of life of those who live here - which is one of our major attractions for visitors.

However, development that would be insensitive to our heritage and environment, or that would attract people who care less for those values, would deteriorate our quality of life and discourage the people who come here now.

The WV Division of Highways model for Corridor H is a four-lane, high-speed conduit to draw interstate traffic that now follows other routes between Washington and Cincinnati. (This "project need" duplicates Corridor E, I-68.) It supposes that increasing the volume of traffic

through this region would incidentally aid economic development, and that increasing accessibility would attract more tourists. Most likely, the result would be the opposite: the wrong kind of highway development would destroy the attractions that bring people here.

Corridor H would shift our market to easy-access, entertainment-based tourism. We would compete with areas such as the Poconos, the Catskills, and the Smokies. Heavy traffic has changed the quality of life in those areas and reduced their attractiveness. Mass market tourism is an extremely price-sensitive, boom-and-bust business. So far, we have avoided those problems.

Surveys and studies have

shown that our appeal is an escape to nature, scenic beauty, small farms and friendly communities all of which would be drastically impacted by a mass market influx.

Instead of a single interstate Corridor that would intrude on our region, we envision scenic highways to celebrate what we have. A creative use of highway funds to upgrade existing roads would cost far less. It would improve accessibility and spread economic benefits by dispersing travelers throughout the region rather than concentrating them on one ribbon of concrete.

S.C. 11, the Cherokee Foothills Scenic Highway, was upgraded with ARC local access road funds. That 123-mile road connects

- WVHC FALL REVIEW -
and
- ANNUAL MEETING -
October 14-16, 1994

Last chance announcement - Surprise visit by an ex president!
Indoor/outdoor fun for the whole family - call Richard 296-8963

Help Kumbrabow

Now is the time for all you out there who have been rooting for giant trees and the hard working activists to come forward and lend your support. Which I-mean-ter-say is MONEY for the Supreme Court legal expenses. Three thousand dollars have been raised and spent, already. This coming action will cost another 3 grand. This is your big chance to join in and help save the trees (or a least a few of the most magnificent.) Send checks to Joe Marshall at 108 3rd St., Elkins, WV 26241. - "You've got to do more than wear ecological T-shirts to save the planet." - bill r

with I-85 at both ends of the South Carolina Piedmont. In the same way, we could use local access money to improve US 33, US 50, and WV 55: widen lanes and shoulders, build scenic overlooks, add climbing lanes where feasible and truck bypasses around Elkins and Moorefield, and develop consistent signs that lead clearly to tourist attractions. We can make our beautiful roads more user-friendly.

-Ed Rhudy is Professor of Recreation Management and Tourism at Davis and Elkins College -Hugh Rogers is Secretary of Corridor H Alternatives

Inside

Apple Grove - pg 3
Clean Water - pgs 6&7
Kentucky Forests - pg 8
Letters - pg 3
State Forest Plan - pg 6
My Deer - pg 5
Steenstra - pg 7
Wild and Scenic - pg 3
Wildlife Manage. - pg 5
WTI - pg 3

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

by Cindy Rank

TIME

Time is such a curious thing. It's known to heal all wounds, to march on, to fly by, to slip through your fingers. For me, one of its most notable qualities is that there just never seems to be enough of it.

When I became President of WVHC, one of my most daunting tasks was to replace John Purbaugh's exquisitely terse, sometimes biting commentaries that appeared in this column. Never one to master the fine art of the brilliant sound bite, I plodded ahead with my own more lengthy musings and ramblings that have filled this space the past six years.

Every month brought the same routine: a million ideas in my head and heart, far too little time to reflect fully on any one of them, then the deadline would hit and I'd whine to Bill for more time. ...What a sad case!

Now, as I move over to the PAST President slot on the Board I'm surprised to find myself a bit saddened to think that I'll not have this task each month, that I'll not have the incentive it provides to make the time to focus a few of my scattered thoughts into words at least once every thirty days.

True to form this past Saturday, I whined to Bill once again about a hectic schedule and the need for more time to flesh out some particularly momentous thoughts for this, my final "from the heart..." column. As I hung up the phone, I had to laugh at the futility of it all. Who am I trying to fool anyway? I never have enough time for everything I want to do, certainly don't have enough time to do everything as well as I would like, and probably never will...

So here I am exercising my presidential prerogative one last time by getting on with my own brand of rambling as usual.

I had thought about dramatizing our accomplishments of these past few years - outlining what we had planned and how we fared, but chose not to since a fair overview would have to include so many ups and downs of so many phases of each issue that it would be a repetition of all the VOICES. Truly one of the more frustrating aspects of working with groups like WVHC is that there are rarely any clear beginning, or endings. Old issues seem to go on forever, and new ones just keep barging in screaming for their share of attention as well. And time? Well, time just keeps marching on.

Nor do I have any enlightened suggestions about directions we should choose for WVHC in the coming months and years. There are, however, a few basic assumptions I can safely make.

Surely it will always be true that WVHC (and most other volunteer groups) will pretty much be defined by the actions and interests of its most active members.

And there can be little doubt that one of the primary concerns of WVHC must continue to be the protection of the Highlands Region, specifically and public lands in general, especially as pressures to use and abuse those treasures increase from all directions.

And certainly with more and more groups taking on the lead responsibilities for one particular issue or another crisis (roads, power lines, etc.) the role of WVHC is constantly shifting and the need for interaction among all our companion groups becomes greater even as the process becomes more complex.

And of course there is the never ending need for each of us to be more conscious of our footsteps in this world, to live more conscientiously, and to become more actively involved in the shaping of public opinion and policy.

Finally, some important "thank you's" are in order for all who have helped during my terms as President. One is to the VOICE Editors and Membership Secretaries (Administrative Assistant now) who are paid relatively little compared to the time and effort they expend maintaining the life support system of WVHC. One is to the many Board members who give freely of their time. And one is to each and every one of you who have written to offer your advice, approval, or criticism. I know how often I mean to drop someone a note about one thing or another and never do, and I doubt that I'll change my ways. But being on the receiving end of such gestures these past six years has only impressed upon me even more just how important those efforts are. Be assured that though your comments may go shamefully unanswered, they are never unfelt and never unappreciated.

So THANK YOU !! one and all.

Now, since time is slipping quickly through our fingers, let us not linger too long, for there is ever so much more to do...

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Letters, Meetings and Notes

Dear Editor,

I would like to add a seconding motion regarding Bob Mueller's suggestion for a Central Appalachians Conservancy. As Bob rightly points out, the issues confronting us concerning these highlands go beyond political boundaries. I believe also that we need to expand our activities to include at least the highlands of western Virginia and western Maryland, for these are, after all, parts of a whole which includes the West Virginia highlands. Such an expansion should not mean the dilution of any efforts concerning strictly West Virginia issues and would very likely broaden both the sphere of influence and the membership base of the present Conservancy.

The WVHC does indeed have a very impressive history of accomplishment, especially considering its limited resources and relatively few members (around 600 or so at present). But we all know that there have been many fights where we have not been successful, and many more that we have had neither the money or member interest to even pursue. Expanding the Conservancy would not of course in and of itself expand its influence or effectiveness. That would still depend, as always, on the dedication of its members. What is clear, however, is that some sort of organization that encompasses

all of the Central Appalachians is going to be necessary if we are to have any real chance of preserving the bioregions' ecological integrity, without which it is likely we will end up with just scattered bits and pieces of protected land in an ocean of exploitation.

A Central Appalachians Conservancy (CAC) would be a first step towards throwing off the shackles of political boundaries that have so often been used to stifle conservation efforts. To be sure this would be a long struggle, for the hard realities are that both government and business exploiters have a vested interest in maintaining those artificial boundaries. Yet there can be no doubt that it is the proper course to follow, for we owe our first allegiance to the ancient mountains themselves, and it is our principle task to help free the wilderness that remains from any form of human domination.

Establishing a CAC would not necessarily require any extraordinary effort or resources. One suggestion might be that the CAC could be composed of relatively autonomous members such as the WVHC and Virginians for Wilderness as the well as virtually any other ecological organization within the regional framework. The members would still be free to do their own thing but all

could be networked through the CAC, which would hopefully result in a greater awareness of conservation issues throughout the region, and consequently more timely and effective reaction whenever threats present themselves.

I believe that we all need to give very serious consideration not only to Bob Mueller's proposal but to any others that might have a beneficial effect of preserving the mountains. Like natural systems, human organizations must also evolve and grow according to changing environmental and sociological parameters or they will ultimately wither into insignificance. While this is certainly not the case with the WVHC at present, it is abundantly clear that the time for parochial thinking has passed, for the forces arrayed against us are frequently national or multinational in scope, and it serves them all too well that our efforts are often so fragmented. A united Central Appalachian Conservancy would be an unwelcome development for those who see the mountains only as things to be consumed, and that in itself is reason enough for us to try and make it happen.

Sincerely,
Robert Stough

Protesters Climb Stack of WTI Incinerator in Ohio, Hang Banner Declaring DIOXIN Emergency

Greenpeace Press Release
September 19, 1994

EAST LIVERPOOL, OH — Declaring a "Dioxin Emergency" three protesters hung a large banner this morning from the stack of the now infamous WTI incinerator in East Liverpool, Ohio. Their action underscores concerns about dioxin outlined by the EPA in its Dioxin Reassessment report set to be released tomorrow. The report states that incinerators are one of the largest sources of dioxin, and that dioxin is far more deadly than previously thought.

The protestors, Mick Casey, 48, of Wintersville, Ohio, Mabel Olivera, 32, and Bob Lyon, 24, of Chicago, entered the WTI facility and scaled the stack in the early morning hours. After hanging the banner, Casey locked himself to the cat walk at about the 100 foot level of the stack. "The EPA's dioxin report is one big 'I told you so' for those of us opposing WTI," said Casey.

After fighting the WTI incinerator for over 15 years, protesters said they returned to the site today risking arrest and climbing WTI because, "our risk pales in comparison to the daily risk facing the kids going to school at East Elementary just 1,100 feet from WTI. They face a lifetime of risk from the

dioxin, lead and mercury raining on them every day," Casey added. Based on WTI's August 1993 test burn, WTI's dioxin emissions for just one year will exceed EPA's maximum lifetime dose for 18.7 million people.

The EPA report also found that very small amounts of dioxin already present in peoples' bodies may be linked to cancer and many other serious illnesses such as male and female reproductive disorders, immune suppression, diabetes, endometriosis, and other effects. EPA scientists estimate infants and fetuses receive their largest lifetime dose of dioxin in the first year of life. About 90 percent of exposure of dioxin comes from fallout on our food including the breast milk of nursing infants. As a result, EPA scientists believe that there is no safe level of exposure for dioxin.

"This dioxin emergency gives President Clinton all the evidence he needs to honor his pledge and shut WTI down," said Joy Allison, a local beef farmer. Allison's concerns stem from a hidden EPA study of dioxin fallout from WTI which found a much greater dioxin risk from eating beef grown in the Ohio Valley. The study was leaked to Greenpeace and was released in a March 1993 Federal Court case. The Court's

decision found that WTI posed an imminent hazard.

"Because dioxin is so deadly and persistent in the environment, even 'background' levels already in our environment will pose a threat to future generations," said Rick Hind of Greenpeace. Consequently, the International Joint Commissions (IJC), which oversees the quality of the Great Lakes, has recommended that "Incineration facilities in the Great Lakes region be phased out of use or required to eliminate the production and emission of dioxins, furans, PCBs, and inorganic materials, especially mercury, and hydrochloric acid."

"According to EPA scientists, the cancer risk posed by the dioxin already found in the bodies of Americans is 100 to 1,000 times greater than the risk EPA now uses to ban a pesticide," said Hind.

Numerous studies show that dioxin levels in people are much higher in the industrialized world than in the developing world and that dioxin is a relatively new phenomenon in the world which parallels the industrial use of chlorine in the 20th century. Another study found less than 2 percent of the dioxin in the bodies of ancient humans compared with dioxin found in humans today.

DEP's Town Meetings

The Division of Environmental Protection's (DEP) **Office of Environmental Advocate** will hold seven town meetings on the State of the Environment during the months of October and November.

The objective of the meetings is to build the record of existing environmental concerns and problems in West Virginia. Participants will be asked to develop tangible suggestions to affect positive change within the Division of Environmental Protection.

A report will be prepared at the completion of the town meetings and submitted to Governor Caperton, the WV legislature, and the chief administration within the Division of Environmental Protection.

October

19 Martinsburg Public Library
20 Chester, First Presbyterian Church
24 Logan, Logan County Vocational Technical Center
25 White Sulphur Springs Public Library
27 Elkins, Davis and Elkins Library

November

2 Huntington, Marshall University Student Center
3 Sutton, Braxton County Middle School
All meetings are scheduled from 7-9 p.m.

Wendy Ratcliff - Environmental Advocate, WVDEP

Tenth Annual Conference on the Environment

The West Virginia Environmental Institute is holding its tenth annual conference on October 13 and 14 in Charleston. The Institute was formed to try to bring together the various players in the environment struggle, i.e. industry, enviros and Government. This Conference is focusing on the long view, past and present as well as discussing panel members vision for Air Quality, Water Quality and Land Use.

At least one panel is very intriguing. The Panel on Air Quality will feature Dianne Bady (Ohio Valley Environmental Council member), a **Monsanto rep** and will be moderated by one of Apple Grove Pulp and Paper's lawyers. Two ex-presidents of the WVH Conservancy will be participating in the other panels.

Call Conni Graytop Lewis at 925 6123 for registration information.

Wild & Scenic Rivers for the Monongahela

What ever happened to this process? Evidently Harry Mahoney of the Elkins office of USFS was put in charge a while back and never did anything. Now that Harry's retired the forest Service has handed the project to Buzz ???. Buzz is a recreation specialist, most recently serving in the White Mountain National Forest. Perhaps we will see action on this important issue soon. Contact WV Rivers Coalition for more info. PO Box 606, Buckhannon, WV 26201

Apple Grove Pulp and Paper Pollution Permit Public Comment Period Reopened

Even though many citizens were opposed to the high level of Dioxin dumping requested in the pollution permit application, the WV DEP approved a permit which allowed 10 times more dioxin than the draft permit. Responding to pressure from the US EPA, DEP Director Callaghan opened the comment period for 30 more days, trying to severely limit the focus of comments (as if they will respond to any public concerns) Opposition to such a large chlorine bleaching mill has reached an all time high. The state's largest newspaper has been critical of this dinosaur and several groups and citizens have filed suit to block the permit. Many feel that the DEP's assertion that there is no Dioxin in the Ohio River at the discharge point is bad science and an intentional attempt to circumvent the law.

Your chicken dinner = dead fish and crabs

The US Fish and Wildlife released a report last month that examines the rapid growth of the poultry industry in West Virginia and its effect on the environment. In the last seven years, production of broilers rose from 7 million a year to 90 million. Most of the problems result from chicken manure and carcasses that are not properly disposed of. This has caused fish kills and stream degradation all the way to the Chesapeake Bay. At the present time there are no laws or regulations on the handling and proper disposal of these by-products.

Biodiversity Protection and Clearcutting Prohibition Act

US Representative Bryant introduced this bill into the US House of Representatives last year. It has slowly been gaining support. Many forest activists feel it has the best chance to protect our National Forests from the abuses of the past. Over 105 representatives voted to support it when it was added in as an amendment to the Montana Wilderness Act this summer, but it has a ways to go before it will pass through the House. Besides having almost a hundred so-sponsors it has been supported by many national and local environmental groups.

At this year's Fall Review, the WVHC Board of Directors will be voting on whether we want to support this Resolution and if we will ask our state congressional delegation to get behind this effort to save our heritage of native biodiversity. Our three representatives have not yet signed onto this one.

I have tried to include enough of this 30 page bill to give you all an idea of its content. The whole bill is available from me or from the Congressional Gopher on Internet, where I got it from. bill

TITLE - To amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, ... to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States.

SHORT TITLE. This Act may be cited as the 'Forest Biodiversity and Clearcutting Prohibition Act of 1993'.

PURPOSES AND FINDINGS

(a) Purposes. - The purposes of this Act are, in all timberland owned or operated by the United States where logging is permitted, to conserve native biodiversity and to protect all native ecosystems against losses that result from clearcutting and other forms of even-age logging.

(b) Findings. - Congress finds the following: (1) Federal agencies of the United States that engage in even-age logging practices include the Forest Service of the Department of Agriculture, the United States Fish and Wildlife Service, Bureau of Land Management, and Bureau of Indian Affairs of the Department of the Interior, and the Army, Navy, and Air Force of the Department of Defense. (2) Even-age logging causes a substantial reduction in native biodiversity by emphasizing the production of a limited number of commercial species of trees on each site, generally only one; by manipulating the vegetation toward greater relative density of such commercial species, by suppressing competing species, and by planting, on numerous sites, a commercial strain that was

developed to reduce the relative diversity of genetic strains that previously occurred within the species on the same sites. (3) Even-age logging kills immobile species and the very young of mobile species of wildlife and depletes the habitat of deep-forest species of animals, including endangered species. (4) Even-age logging exposes the soil to direct sunlight, impact of rains, disruption of surface, and compaction of organic layers, and disrupts the run-off restraining capabilities of roots and low-lying vegetation, resulting in soil erosion, leaching out of nutrients, reduction in biological content of the soil, and impoverishment of the soil, with long-range deleterious effect on all land resources, even timber production. (5) Even-age logging decreases the capability of the soil to retain carbon and, during the critical periods of felling and site preparation, reduces the capacity of the biomass to process and to store carbon, with a result of loss of such carbon to the atmosphere, thereby aggravating global warming. (6) Even-age logging renders the soil increasingly sensitive to acid deposition by causing decline of soil wood and coarse woody debris, reducing site capacity for retention of water and nutrients, increasing soil heat, and impairing the maintenance of protective carbon compounds on the soil surface. (7) Even-age logging results in increased stream sedimentation, siltation of stream bottoms, decline in water qual-

ity, impairment of life cycles and spawning processes of aquatic life from benthic organisms to large fish, thereby depleting the sports and commercial fisheries of the United States. (8) Even-age logging results in lessening resistance in the plant community, including the commercial tree crop, to insects and diseases, under the ecological principle that as the relative density of a species in a given area approaches totality the population of that species in that area becomes increasingly susceptible to insects and diseases. (9) Even-age logging increases harmful edge effects, including blowdowns, invasions by weed species, and heavier losses to predators and competitors, from raccoons and hawks to ratsnakes and cowbirds. (10) Even-age logging decreases recreational diversity, reducing deep, canopied, variegated, permanent forests, where the public can fulfill an expanding need for recreation. Even-age logging replaces such forests with a surplus of clearings that grow into relatively impenetrable thickets of saplings, and then into monotonous plantations. (11) Human beings depend on native biological resources, including plants, animals, and microorganisms, for food, medicine, shelter, and other important products, and as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure. (12) Reduction in native biodiversity has serious consequences for human welfare as America irre-

Attention - WVHC Board of Directors
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trievably loses resources for research and agricultural, medicinal, and industrial development. (13) Reduction of biological diversity in Federal forests adversely affects the functions of ecosystems and critical ecosystem processes that moderate climate, govern nutrient cycles and soil conservation and production, control pests and diseases, and degrade wastes and pollutants. (14) The harm of even-age logging to the natural resources of this Nation and the quality of life of its people are substantial, severe, and avoidable. (15) By substituting selection management and native biodiversity protection, as prescribed in this Act, for the even-age system, the Federal agencies now engaged in even-age logging would substantially reduce or eliminate devastation to the environment, would maintain vital native ecosystems in Federal forests, and would improve the quality of life of the American people. (16) Selection logging is

more job intensive, therefore providing more employment than even-age cutting for. managing the same amount of timber production, and produces higher quality sawlogs. (17) The court remedies now available for citizens to utilize in the enforcement of Federal forest laws are inadequate, and should be strengthened by providing for actions by citizens for injunctions, declaratory judgments, civil penalties, and reasonable costs of suit.

SEC. 3. AMENDMENT OF RANGELAND AND RENEWABLE RESOURCES PLANNING ACT OF 1974 RELATING TO NATIONAL FOREST SYSTEM LANDS.

(a) Conservation of Native Biodiversity. ...in each stand that is managed or operated for timber purposes, throughout each forested area, provide for the conservation or restoration of native biodiversity except during the extraction stage of authorized mineral development or during (see page 8)



WV-DNR releases Wildlife Management Plan for public review

reviewed by the editorial staff of the VOICE

Charles Felton, Director of the Division of Natural Resources released the 30 page document for public comment. Comments are due by October 31, 1994. The copy I have does not mention whom or where to address your comments (or get a copy of the Draft Plan). Try DNR, State Capitol Bldg. Complex, Charleston, WV 25305.

According to the 'plan' the Wildlife Resources Section of DNR employs 183 salaried individuals and is responsible for the management of 366,000 acres of Wildlife Management Areas and State Forests; 1,000,000 acres of National Forest, 21,000 acres of public impoundments and 100,000 acres of fishable streams and rivers. They have proposed a goal of acquiring another 40,000 acres of land for game management.

I find another irony in the contrast between the mission statement, stated primary responsibilities and concerns; and main focus of the bulk of the

plan.

Here's a few quotes from the Mission Statement - "All species of wildlife shall be maintained for values which may be either intrinsic or ecological benefit to man. Such benefits shall include (1) hunting, fishing and other diversified recreational uses; (2) economic contributions in the best interest of the people of this State; and (3) scientific and educational uses."

Here's some great sounding quotes from the page on "Primary Concerns" -

"Maintain a comprehensive statewide wetlands inventory to detect potential problems and opportunities associated with regional habitat changes.

"Develop and maintain a State Natural Areas System.

"Develop and implement management and recovery plans for rare, threatened and endangered species.

And there's nary a mention of concerns about maximizing deer and turkey kill until you get to pages 4-30 which are almost exclusively dedicat-

ed to the maximum production of game animals. There are 7 pages on fisheries with almost exclusive attention paid to increasing 'standing crop' of sport fish. Only two lines, in the fish section, mention other species - and that is to assess impacts of management activities on rare, threatened, and endangered species.

Deer management sets specific targets of 300,00 deer hunting opportunities for buck hunters (320,000 opportunities in muzzleloader, archery and antlerless season) with 90,000 kills during buck season and 117,000 in other seasons. Deer management gets one page. Turkey, bear, raccoon, boar, squirrel ruffed grouse, waterfowl, snowshoe hare, furbearers all get a page or so each also.

When we get to the nongame wildlife section, we find that it covers the other 95% (the plan states that its more than 80%) of wildlife species in West Virginia in 3 pages. There are good strategies in this section. One is to seek expanded knowledge of nongame wildlife and funding for the non game

wildlife programs. This next one has some potential - "Where justified by anticipated non consumptive recreational use of public lands, increase the direct and complementary management emphasis on nongame wildlife species and the recreational opportunities that they provide."

There are two main problems in this 'plan'. One is balance. Does the plan have a plan? Is there some higher principle that will be used to decide this balance? To me the plan seems tacked together in order to try and please as many bureaucrats as possible. Maximize the deer herd. Maximize the turkey crop. But maximizing these game animals will have many detrimental (and perhaps some beneficial) effects on other species.

For instance - Canadian Yew is almost extirpated from West Virginia. I saw one of the four known locations of this plant in the state and it was heavily browsed by deer. At one time yew was plentiful enough in West Virginia to give its name to a mountain. Increasing turkey populations will put pressure on

salamanders. I see no balance - only different factions trying to maximize the importance of their jobs and the number of game animals under their jurisdiction.

One of the stated primary responsibilities is "Encourage public involvement in and concern for issues related to the conservation, management and diverse use of the state's wildlife resources." I might never even have known about the plan if a DNR employee and WVHC member had not told me about it. I wonder how many of you knew about it? There are no provisions in the plan for public involvement. I fear this acknowledgment of the importance of public involvement is mere lip service.

Another important issue that is ignored in the plan is that of the conflict between native and non-native species. We are losing the native brook trout in part because DNR is stocking non-native trout in their waters.

But don't take my word for it, get your own copy today and see for yourself. ♦

The Dilemma of Wildlife Management

From Martha's Journal
by Joe Hazelbaker

Joe wrote this about the Ohio Wildlife Program, but I find many sections that ring true for WV's Department of Wildlife Resources. - bill

The small lake was lined shoulder to shoulder with fishermen waiting for the Wildlife Official to signal when the casting could begin. The fish were released, some with tags that entitled the captor to some cheesy prize. Nearly all the fish were caught that afternoon in an orgy of nylon line, steel hooks, and salivating men and boys in neoprene waders (many more boys than men). Any fish that eluded capture was doomed to death in the polluted, turbid, warm water unfamiliar to them or any of their ancestors.

One of our culture's more glaring oxymorons is the term 'wildlife management' - an arrogant term that implies humans have enough knowledge of the earth's impossibly complex ecological webs to play god with nature. In criticizing wildlife management, I must first make it clear that certain fields are not incorporated within my definition. Progressive areas such as conservation biology and ecological restoration are not the target of my criticism. Rather, my focus is on the clearly human centered field of manipulation of nature promoted by most state agencies and their "hook and bullet" biologists, including the US Forest Service, in order to justify long standing practices and, more importantly, their budgets. This is the realm of contemporary wildlife management.

Contemporary wildlife managers have focused on specific

management units (alpha diversity) while neglecting the relationship between particular management units and the surrounding landscape (beta diversity) and the role the management unit plays in a geographic or regional context (gamma diversity). This neglect has had a profound effect on the region's ecology. Samson and Knopf state that "...an emphasis on alpha diversity in habitat management favors the 'edge' species, the common widespread species. Ignored are those species that require large contiguous habitat units." They go on to state that "...the current state of scientific/ecological knowledge suggests that continuation of alpha diversity management may have dire ecological consequences for the native wildlife of North America." State and federal agencies, such as state division of wildlife and the US Forest Service are notorious for this piecemeal management. These agencies project that by manipulating alpha diversity through the creation of edge and early successional situations, they are increasing diversity. However, when viewed at the landscape or regional context, the opposite is the case.

Why then do managers promote the decrease in diversity in the management of public lands? Two primary reasons come immediately to mind. First, it is much easier to justify the long standing institution of logging if one is addicted to alpha diversity. Opening a forest to logging fragments the forest, creating edge and an early seral stage. Plant and animal species (especially potentially harmful exotics) that were not found in the area prior to fragmentation can now establish a foothold. Diversity at the site has increased, some natural, some not, as a result in the creation

of varied habitat. However, the native diversity of the landscape has been degraded as potential of actual habitat is lost, as competition of resources among species increases, and as cumulative effects increase (i.e. logging in another portion of the landscape). For example, in Ohio (and in West Virginia, too) diversity increases as the relatively abundant species associated with early successional habitat move into the area. Agencies stop here and proclaim that diversity has been increased and the environment is healthier as a result. However, when the situation is looked at statewide, diversity is actually decreasing because; 1) The species that benefit are already relatively abundant within the state, their populations far above their original levels, while the species that were eliminated by the logging have populations far below original levels. 2) The actual habitat that is fragmented can no longer support the intolerant interior forest species and 3) The potential to

reclaim a larger area of forest interior habitat, and hence the locally or regionally rare or extirpated species that could have been restored to it (as a result of keeping the logged area intact and allowing adjacent holdings to revert back to forest) is lost.

The second reason for misguided wildlife manipulation is, quite simply, that agencies get paid for it. State wildlife agencies are the chief culprits. Of the species that do benefit from alpha diversity management - white-tailed deer, rabbit and grouse, many are game animals. Game animals bring in big bucks (no pun intended).

Ohio's Division of Wildlife (DOW) provides us with a good example. Ninety-five percent of the agency's funding is received from hunting and fishing related fees, licenses, and taxes. Therefore, less than 1% of Ohio's wildlife brings in nearly 100% of the agency's funding. This creates a bias against the 99% of Ohio's wildlife that doesn't go well with red or white wine. Much of this

money is spent creating unnatural settings and prompting unhealthy populations of game in a misguided attempt to increase the need for more licenses, fees, and taxable equipment. Projects such as the raising and release of native and non-native game birds and fish for instance. The incident described in the first paragraph is a prime example. Each year the DOW raises and releases thousands of hatchery raised non-native fish. The sole purpose is for the joy(?) of the sportsman rather than the establishment of a declining species of native Ohio fish. These fish are released on publicized dates, often into man made reservoirs easily accessible to the fishermen.

These activities do not encourage sportsmanship or teach the participant to value nature. Quite the contrary. Aldo Leopold, the father of wildlife management, wrote that "the recreational value of game is inverse to the artificiality of its origin". This seems at odds with the current direction and practice of wildlife management. It also (see page 7)

Whose deer are they anyway???

by bill r

WV State law says that the deer belong to the state. You know like in Robin Hood's day when the deer belonged to the king. Even though the landowner feeds and shelters the deer, the state has taken them over.

Well, ok, they belong to all of us as citizens of the state. Some of us citizens would like to hunt and eat the deer so we pay the state a fee. Sounds fair. Does that mean the funds collected from the hunters belong to the hunters or be used exclusively (or even partially) for their benefit? I fail to see how that leap is made.

It would be similar to me insisting that the money I hand over to Chevy for my car be used to build roads and other 'improvements' for my driving. No, the money belongs to Chevy and not to the car owner. And likewise the moneys collected for the deer belong to the state and should be spent for all the citizens of the state.

Does anyone understand this? We hear over and over again that WV DNR's money comes from hunters and shouldn't be used on non game or other uses. But this is tantamount to saying that the deer belong to those who bought hunting licenses. While in reality the deer belong to all of us. We sold our deer and now we should spend the money as we please. And how about channeling some of the money to those of us that are actually growing the deer, often suffering financial loss as they eat our crops and orchards.

Talking with Maxey

By Bill Ragette'

After bugging the Governor's office for nine months now, the committee on managing our State Forests for all West Virginians (as the Governor said he wanted to do in his State of the state address last February) has finally been chosen and held its first meeting on September 20. The Gov asked Bill Maxey (Chief of the WV Division of Forestry) to form a committee to that end. I am the token environmentalist. Other folks sitting on the committee are from the timber industry (Hal Burk), WV DNR (Gordon "all species benefit" Robertson), Parks and Tourism (Bob "People will accept whatever forest you give them" Beanblossom), Division of Forestry (Bob Whipkey - top supervisor of state forests), Forest Management Review Commission (Delegate Joe "Mongold" Martin's Secretary), Delegate Vicki Douglas (the impartial government official), and Bill Maxey ("Don't you consider elections public input?") as chair.

One of my hopes, going into the first meeting, was to begin to develop the process by which state officials and the interested public would then devise the state and individual forest plans. I believe the

reason that this committee was formed was because Forest Users felt they had no say in how the forests were be managed and were outraged about the proposed cut in Kumbrow State Forest.

I hoped the committee would not decide the balance of uses of state forests. But this, of course, was the sole idea of the Chief and the other players. Once you review the interests of 6/7ths of the committee, you'll see that they want a forest plan that will maximize commodities (timber and game animals - also known as \$\$\$\$\$).

The plan hasn't been publicly revised since 1969, and even then there was no public involvement. The Chief feels some pressure to do an upgrade, but he'd like it soon and not very different from the current plan. I think I finally made it clear to them that this committee was not the public input process (at least I think I did). How much of a say the citizens will get is still totally unclear.

When I balked at the committee roughing out a state forest plan with uses and goals, the chief said that we needed to formulate some general plan so that the public can have something to react to. He said that this committee was the best forum environmentalists have had for

input into the plan (and the best we were going to get). So we went ahead and tried to list the uses and goals for these uses despite my protest.

State statute calls for the state forests to be managed for recreation, wildlife, scientific and silvicultural (tree agriculture) research, and timber production. So we had to agree on those uses. I had hoped to introduce these folks to the idea that our state forests, spread out across the state (with a much wider selection of habitats and plant communities then even the Monongahela National Forest) had their highest value as biological reserves, places of scientific study and public education via recreation. I suggested that the forests also be designated as biological reserves. The committee almost agreed to that, but Gordon "all species benefit" Robertson had trouble with the word 'reserves' so it was amended to something innocuous.

Towards the end of the allotted time slot we began discussing goals for the various uses. I was exasperated by this point, and kept my mouth shut for what seemed like hours (probably 15 minutes). It was incredible to watch the web they wove. I learned too much about their secret (?) hopes for the forest -

maximum timbering (compatible with other uses), maximum wildlife production (compatible with other uses), maximum recreation (handicap access, ORVs) (compatible with other uses)... It was like a feeding frenzy. Fortunately it was time for me to go and all the others were ready, so until next time...

So here's my plan for the next meeting

First insist we examine the process we hope to use to arrive on a state plan. Public input, scoping, response to comments, draft planning (creation of alternatives and environmental assessment) and public review.

We refuse to participate in this consensus reaching on goals (making each one vague enough for all to finally swallow). We suggest that the Draft Plan for the management of State Forests or the goal statements for each of the uses consist of a range alternatives. Our vision of state forests (74,000 acres) is that they fill the niche that no other land in the state can fill without radically altering its purpose. That niche is as biological reserves. WV DNR has over 300,000 acres in its Hunting and Fishing areas. Parks has over 94,000 acres for recreation, the timber

industry has 10 million acres to cut timber on. Are they all just greedy? Many of our state forests consist of habitat and biologic communities that are not represented in any protected land. To be best able to pass on the incredible richness of this diversity we must manage each statutory use with respect to this goal.

Timbering - minimize timbering, using it only to protect endangered and state rare species.

Hunting - still allowed, but no vegetation management to increase game species over 'non-game' species. This should be promoted as "wild hunting" or "natural hunting". It should be looked on as predator substitution. Ideally we should rely on natural predators.

Research - as to the effects of predator substitution and vegetation management for endangered species. We need to catalogue and monitor the health of all the native species in our State Forests. Actively recruit state college and university scientists to study and educate the public about these biosystems.

Recreation - the goal of recreation is to allow citizens to experience the forest. To relax, reunite with nature, learn about forest ecosystems. The less toys we bring into the woods the better. ♦

Walking with Constantz

by Bill R

George Constantz took several attendees at the WVEC annual meeting (September 10) on an evolutionary nature walk. Here are some notes from it. All the quotes are approximations of what George said.

George walks ahead rapidly to find an interesting place for conversation and study. After a hundred yards and he says - "We often are in the woods but how much of all that's going on do we really notice. What kinds of sounds do you hear?" Silence and then the noise of a crow. "Why is it making that sound, for what purpose?" The joy of the morning? - "Perhaps you are anthropomorphizing (sp?). Most likely, since crows are social creatures they are calling to each other to keep in touch."

Then someone mentioned the crickets. George asks, "why are they calling?" Mating? We are not sure if its the right time of year. "Maybe they are setting territories to keep species members spread out to maximize the available food." A frog croaks. We know its not mating season. Perhaps it is trying to stake out a territory so that it may feed efficiently and set in stores for winter. If other frogs wandered in it would reduce the amount of food per frog.

As George is fond of reminding us, there must have been an

evolutionary advantage for most characteristics/behavior of plants and animals.

Off George trots and stops a bit further along the forest edge. "What do you smell?" - We smell humans, humus, and fresh air - a cold front had blown through in the night. Gizmo, the dog on the walk, is really smelling something down in the wild growth. "His smelling brain is larger than ours".

"Ah ha," George says, "what's this shrub and why does it grow such long, nasty-looking spines?" To keep animals from feeding on it? "Perhaps, but what animals?" Well here in the pasture of the Woodlands institute, it keeps the cows from eating it. "But surely cows were not the force that formed the thorns, they have not been eating hawthorns for long enough." Hawthorns are native to North America and our cows are not. How about deer? George asks, "Would these thorns stop a deer from feeding." Taking a look it appears not and I know that goats strip hawthorn bare. Well what then? How about Bison? "Ah yes," George says, "some scientists believe that the now extinct Megafauna (that would be elk and bison - at least around here) were the creatures that hawthorn was protecting itself from." The bison are gone but the Hawthorn has not adapted yet.

George bolts ahead and stops by a mountain ash tree. George acts

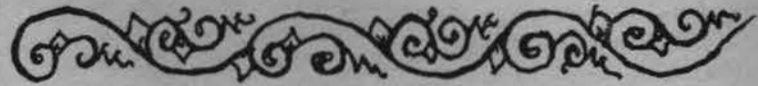
like he doesn't recognize this tree, but his eyes sparkle when he sees the large, colorful bunch of berries it sports. "Now how about these - why are they so noticeable?" We all guess that this was to get birds to locate and eat the berries more readily than other foods. This would facilitate dispersal of the species. George noted that some berries have been found to contain a laxative - why he asks? "Would it be to insure that the berries were released not too far from home? How would this increase the chance of survival?"

Oh yes and look at this (and we have to climb over the electric fence to do so) - Queen Anne's Lace. "Did you know," says George, "that just about every Queen Anne's Lace flower has a spider (sans web) residing under it and scientists have found a correlation between the size of the flower and the size of the spider. Why is that? Is it because there is more food on larger flowers (which causes the spiders to grow larger) or do dominant, larger spiders seek out the larger flowers for that reason? How would you find out?" Queen Anne's Lace is not native to this continent, so did the spider come over with the flower (and how did it do that?) or did some native spider adapt to it after it became established? "What do you think?" We go over to look. Sure enough there's a spider, the same white green as the

flower head itself.

We find some animal feces, "Why is it there on the bare rock? Look at this bark, what is the reason (adaptive advantage) for all the different bark types? And acorns. Its a bad year for acorns, but in other years they are abundant. Have you heard about predator swamping? Then how about cicadas and their 13, 17 or 7 year cycle. How would that help them? Did you ever realize that all those years are prime numbers? What would that mean????"

A most expansive walk. George had stressed, at the education forum the night before, the importance of the 'bonding experience'. He said that the important first step in educating people about the importance of nature was to facilitate them having this experience, where, beyond words, they realized, in some small way, their undeniable connection to the natural world. George added another layer to my bonding that morning. ♦



One Environmental 'Service' of Good Quality Water...

by Don Gaspar

...has been partially quantified. With respect to fishing, some of its values have been measured. In 1991 in WV a - 338,900 anglers 16+ years 111,500 anglers 6-15 years over 450,000 total enjoying* 4,000,000 days (man (and/or woman) days). They spent over \$100,000,000 which generated(?) 3,380 "full-time" jobs and taxes - state \$972,000 and federal - \$4,800,000. *"enjoyment" - has great social value in relieving stress and in public health. It enhances and reinforces other

outdoor values. It adds to our quality of life. It offers some assurance of a healthy ecosystem - the service of which sustains us all. Other values ("service") of good water quality are appreciated by swimmers, boaters and the many sightseers, campers and nature lovers that particularly gather toward water. Wildlife benefits. Other values accrue to industry and municipalities and other users (irrigation, stock watering, etc.) The values are incalculable and surely no dollar value can be set upon them. ♦

Good Thursday

by Norm Steenstra

EFFICACY n. The power to produce a desired or intended result.

Last Thursday the West Virginia environmental community had one of those rare good days. Four victories were announced that kept our hopes alive on important issues. They were tactical gains to be sure but strategic victories are made up of days like last Thursday.

US EPA Region Three Administrator Peter Kostmayer ordered DEP Director Dave Callaghan to reopen the public comment period on the dioxin discharges for the proposed Apple Grove pulp mill in Mason County. The DEP had authorized the company to discharge 10 times the amount of dioxin that had been

contained in the draft permit. The public had commented on a much lower level of dioxin discharge. Kostmayer's order must have really nettled the DEP. The State agency is already under fire for its lack of objectivity concerning the pulp mill.

Opponents of Corridor H were heartened by the news that Rep. Frank Wolf, R-VA, had clashed with Senator Robert C Byrd over funding for the four-lane highway. Wolf, perhaps empowered by dozens of letters and faxes from west Virginians, successfully pressured Byrd to cut \$50 million from the Corridor H project. The Senate had originally earmarked \$140 million for the highway. Rumors have it that Wolf was so angered by our esteemed Senator that he is considering a

challenge of all Corridor H funds. Stay tuned.

On good Thursday the West Virginia Supreme Court agreed to delay a judge's ruling that allowed timbering at Kumbrow State Forest. The stay was granted until November 15th to allow the filing of an appeal by a group of extremists. The extremist group is a band of forest users that include a retired Army general, a retired colonel, a retired judge, a veterinarian, a dentist, the Mountaineer Chapter of Trout Unlimited and an insurance salesman. This groups efforts have so far given the "big trees" at Kumbrow another year of life.

It was announced Thursday that the US EPA told Ashland Oil that it should 'drastically' improve its relationship with critics, install an early warning system in case of accidents, and spend less energy on legal battles and more effort on preventing environmental violations. The EPA also suggested that it install sulfur dioxide scrubbers and train better operators at its Catlettsburg refinery. The refinery is located across the Big Sandy River from Kenova WV.

All of the EPA's suggestions were echoes

of what citizen groups have been calling on Ashland to do for the last five years. The Ohio Valley Environmental Coalition in particular should feel exonerated by the US EPA's not so subtle message to Ashland Oil.

It was a very good day for extremists. The US EPA said Callaghan polluted the public comment process. The Supreme Court said the case against timbering at Kumbrow was worthy of appeal. An organized and committed citizen group helped to persuade a republican Congressman to stand against funding an unneeded road and five years of crying in the wilderness about Ashland Oil's shortcomings were finally heard.

The common feature in all the good news last Thursday was that groups of focused, committed people were working on the issues. That's what it takes to produce Good Thursdays.



Clean Water Act

Some notes on the Clean Water Act from the Summer '94 EPA Bulletin by Don Gaspar

Progress since passage 20 years ago. - 42% of the US population was served by sewage treatment plants in 1970. 70% were served by 1980 and 74% were served by 1985. By 1988 56% of the sewage received secondary treatment. This has reduced organic waste releases by 46% in spite of increase in amounts of waste. (The population of the US has doubled in the last 25/30 years).

In 1990, U.S. industries reported the release of almost 200 million pounds of toxics into surface waters and another 450 into public sewers. In 1973, industry spent \$1.3 billion on water pollution control and \$5.9 billion by 1986. - Though great reductions have been made, there is a long way to go.

In 1990 the Clean Water Act's goal of "swim-able" was met in about 3/4 of our rivers. These goals were set for 1983. In all, only 60% of our rivers and lakes are "fully supporting" of designated uses (fishing, swimming, drinking)... A long way to go.

Wetland loss has been reduced by half since the act has been in effect. In the U.S. today there are about 35 million acres of stream banks. There are 574,500 miles of eroding stream banks, and of this 142,160 miles are "serious".

Some great reductions in point source pollutants have been made, and more are needed. More attention must, and will, be given to reducing pollution run-off from farms, lawns and streets. Some chemical advances are evident, but biological assessments of these remain disturbing... A study released by the E.P.A. in 1992 of 60 toxics accumulating through the food web and found in the flesh of

119 fish species from 314 waters showed that fish from every site had at least a trace of one contaminant. Of great concern - Biphenyl mercury, PCBs and DDE were found at 90% of the sites.

In surveys of biological health of rivers and lakes in 1982 over half (53.7%) of all continuously flowing streams had adversely effected fish communities. Only 1/4 had reasonably healthy populations, with less than 4% rated as healthy.

Costs

A. Overview

1. Under current law the US spends \$64 billion per year for water quality protection
2. The Clinton proposal would increase this to \$70 billion. At the same time reforms would save \$27 billion/yr.

B. Some selected 'reforms' details

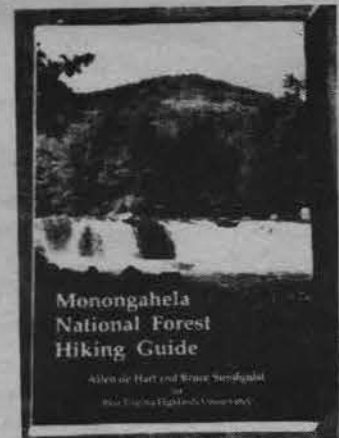
1. The mine reclamation fund would be reduced to .3 to 1.1 billion/yr. from the present 1.1 to 3.4 billion/yr. (wisely or not).
2. They would encourage states to charge businesses applying for permits more, rather than assisting them more.
3. An emphasis on ground water protection may save billions in the long run. The savings from the use of landfill liners and leachate collection systems may average between \$150 - \$600 million/yr. today. This is typical of the far-sighted, economical prevention approach.
4. Pollution prevention and planning in industry and on watersheds are emphasized.
5. They will attempt to control non-point pollution on a watershed basis.
 - a. By separating storm water from sewage, over one billion gallons less of raw sewage water will reach our streams. Funds will be available for this. (The U.S.D.A. soil conservation service are key players, and their funds must not be further cut.)
6. There will be funds to upgrade other aspects of water pollution infrastructure from an extended and larger "State Revolving Fund." Finally, the Clean Water Act's watershed approach will dovetail with the safe Drinking Water Act which is also being considered by congress now. This act would provide financial and technical assistance to water suppliers, assure better training, streamline regulations and oversight. In short it is a response to the 80% of consumers who want and are willing to pay more for clean water. In spite of this, suppliers and industry want to reduce safeguards (standards) preventing progress with baseless claims the federal government is not paying its share of the costs.

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: _____

Dilemma from page 5

gives us an inkling of how mutated the field has become. Casting a line into a pristine stream, hiking in a healthy ecosystem with its full complement of organisms, and the satisfaction of hunting in a remote location relying on one's own skill rather than manipulated populations of prey are what outdoor enthusiasts need.

Understanding the perspective of these "managers" is important. As trees continue to fall under the facade of ecosystem and wildlife management, we need to be able to articulate the true motivations for the logging. ♦

Biodiversity Protection Act

(from page 4) authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible...

Committee of Scientists

...(1) In carrying out the purposes of subsection (g) of this section, the Secretary shall appoint a committee of scientists who are not officers or employees of the Forest Service nor of any other public entity, nor of any entity engaged in whole or in part in the production of wood or wood products, and have not contracted with or represented any of such entities within a period of 5 years prior to serving on such committee. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate after the expiration of 10 years from the date of enactment of this paragraph.

Clearcutting Ban

(c) Restriction on Use of Certain Logging Practices. - Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by adding at the end the following:

(n) Restriction on Use of Certain Logging Practices. - (1) In each stand that is managed or operated for timber purposes throughout each forested area, the guidelines under subsection (g)(3)(F) shall prohibit any even-age logging and any even-age management after one year after the date of enactment of this subsection. (2) On each site already under even-age management, the Secretary shall (A) prescribe a shift to selection management within one year, or

(B) cease managing for timber purposes and actively restore the native biodiversity, or permit each site to regain its native biodiversity.

Definitions

(3) For the purposes of this subsection: (A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity, within a species (genetic), within a community of species (within-community), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

(B) The terms 'conserve' and 'conserva-

tion' refer to protective measures for maintaining existing native biological diversity and active measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

(C) The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

(F) through (M) these terms defined - 'group selection', 'stand', 'clearcutting', 'even-age management', 'salvage logging', 'seed-tree cut', 'selection management', 'shelterwood cut', 'timber purposes'...

Citizen enforcement, penalties, federal liability

(The purpose of this paragraph is to foster the widest possible enforcement of this subsection...)

(ii) Congress finds that all people of the United States are injured by actions on lands to which this subsection applies. (B) The provisions of this subsection shall be enforced by the Secretary of Agriculture and the Attorney General of the United States against any person who violates either of them. (C)(i) Any citizen may enforce any provision of this subsection by bringing an action for declaratory judgment, temporary restraining order, injunction, civil penalty, and other remedies against any alleged violator including the United States, in any district court of the United States. (ii) The court, after determining a violation of either of such subsections, shall impose a penalty of not less than \$5,000 and not more than \$50,000 per violation, shall issue one or more injunctions and other equitable relief and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses. (D) The penalty authorized by subparagraph (C)(ii) shall be paid by the violator or violators designated by the court. If that violator is the United States of America or a Federal agency or officer, the penalty shall be paid to the Judgment Fund, as provided by Congress under section 1304 of title 31, United

by bill ragette'

It looks like Kentucky may actually be trying to involve its citizens and take an honest stock of its forests, on both private and public lands. Governor Jones is kicking off this year's Conference on the Environment with the Forest Summit; brainchild of William Martin, now Commissioner of Natural Resources. Bradley Powell, Forest Supervisor for the Daniel Boone sent out a letter to everyone on their mailing list inviting them to join in revising the Forest Plan. Both are focusing on the need to manage forests from an ecological perspective for the long term health of all forest communities.

William Martin wrote an article in a paper published by the Center for Economic Development at Eastern Kentucky University titled 'Sustainable Forestry in Kentucky'. He amends Gifford Pinchot's ideal of forest management - 'the greatest good for the greatest number' to include 'for the longest period of time'. More radically Martin says he wants to expand "the idea of 'greatest good' and 'greatest number' beyond timber resources and people to include non-humans and their habitats."

Supervisor Powell's letter insists that in revising the National Forest Plan "we will use this opportunity to better provide for an ecological

approach to the management of the Daniel Boone. Under an ecological approach, we will be managing forest ecosystems for specific purposes such as producing, restoring, sustaining certain ecological conditions..." (bureaucratic talk for ???)

Supervisor Powell quotes Bush's Forest Service Chief F. Dale Robertson's directive on Ecosystem Management - 1. It takes care of the land by continuing to restore and sustain the integrity of its soils, air, waters, biological diversity, and ecological processes. 2. Within the sustainable capacity of the land, meets the needs of people who depend on natural resources for food, shelter, livelihood, and inspirational experiences.

Both West Virginia and Kentucky National Forests approved their forest plans in 1985. Kentucky completed its interim study (5 year review) on time and now has begun the plan revision on time (10 - 15 years). The Monongahela National Forest has done neither. If rhetoric is any indication of intent we can look forward to our sister state beginning to throw off the shackles of short term profits for industry, instead trying preserve our biotic heritage for the future generations. May the foresters of our state also begin to see the forest for the trees.

States Code. (E) The penalty shall be paid from the Judgment Fund within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment. (F) The United States, including its agents and employees waives its sovereign immunity in all respects in all actions under this subsection. No notice is required to enforce this subsection.

Roadless Areas

(5) No roads shall be constructed or recon-

structed in any roadless area, as defined in the second United States Department of Agriculture Forest Service Roadless Area Review and Evaluation (RARE II, 1978) or in a land and resource management plan prepared pursuant to this section.

These amendments are also called for in these various sections that have jurisdiction over Federally Owned Forests. - SECTIONS 4 THROUGH 7 - RELATING TO THE PUBLIC LANDS, RELATING TO THE NATIONAL WILDLIFE REFUGE SYSTEM, NATIONAL INDIAN FOREST RESOURCES AND FOREST MANAGEMENT ON MILITARY LANDS. ❖

INTERNATIONAL BOREAL FOREST CONFERENCE DENOUNCES CLEARCUTTING

(JOKKMOKK, SWEDEN) (from Greenpeace via Newsnet) Thursday, 8 September, 1994 -

A conference of international environmental groups and indigenous peoples from 12 countries today signed a declaration opposing clearcutting worldwide. Conference representatives of the Taiga Rescue Network who met recently in Edmonton, Alberta identified clearcutting as a "main cause of forest degradation throughout the boreal and temperate forests".

The conference participants urged "both government and industry to abandon clearcutting, overcutting, and other destructive forest practices, and adopt forestry methods that protect the full range of benefits which forests provide to humanity and other forest dependent species".

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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.