



# The Highlands Voice

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## Kumbrabow - Defeat in Court

In a decision announced March 24, 1995, the West Virginia Supreme Court of Appeals has approved timbering of the Clay Run area of the Kumbrabow State Forest in Randolph County. Several individuals as well as the Mountaineer Chapter of Trout Unlimited had sought to prevent the sale, contending that the sale would interfere with their recreational use of the forest.

The petitioners who had sought to prevent the sale had contended that the sale must be approved by the Public Land Corporation. The Public Land Corporation holds title to lands owned by the State of West Virginia and may sell those lands according to statutory procedures. The Supreme Court rejected the petitioners' argument that, because standing timber has in all other contexts been considered an interest in land, it could only be sold using the same procedure as is required for the sale of public land.

The petitioners also contended that the Division of Forestry was not following its statutory mandate to manage the forest so as to serve various interests. The law requires that the division of forestry manage the Forest "for 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."

The Division of Forestry did not present any evidence of steps it was taking to manage the Forest so as to promote any of these values. There was no evidence presented which would indicate that the Division of Forestry manages the Forest for any purpose other than timber production.

According to the evidence presented, the Clay Run timber sale contained the last remaining stand of large red oak in the Forest. It is a type of stand which is extremely rare, if not unique, in West Virginia because it has suffered so little disturbance. Because of this, it has the characteristics of old growth timber. These characteristics make it a fertile site for scientific research on the effects of timbering on forests because it serves as one of the very few examples of an undisturbed forest. It also contains plant and animal communities which are only found in undisturbed or relatively undisturbed forests.

The overwhelming majority of West Virginia's timber lands contain even-aged stands. These stands are a result of the clearcutting of much of West Virginia in the early part of this century. Many of those clear cuts have now become sites of stands of trees which, because they sprouted soon after the clear cutting, are approximately the same age.



Photograph By Robert Gates.

### Kumbrabow at the Supreme Court, but where are the trees?

The Clay Run timber sale is not one of these types of stands. Because it has been only slightly, if at all, affected by human activity, this stand is a rare example of what an undisturbed forest might look like.

The Clay Run timber sale is only the latest in a long series of timber sales from the Mill Ridge section of the forest. The effect of this series of cuts, including the Clay Run timber

sale, has been to virtually eliminate the recreational uses of the Mill Ridge area of Kumbrabow State Forest. The Clay Run timber sale will eliminate one third of the hiking trails in the Forest.

Those who sought to prevent the sale had been visiting Kumbrabow State Forest for up to forty years. The elimination of Mill Ridge as a recreational site is of particular concern

because it is (soon to be was) home to one of only two ridges which are available and suitable for recreation. Although the Forest as a whole covers approximately 9,000 acres, the recreational areas are primarily along two main ridges. With the elimination of recreation along Mill Ridge by the timbering, the recreational opportunities in Kumbrabow State Forest are substantially diminished.

In rejecting the petitioners' claims, the Supreme Court deferred to the expertise of the Division of Forestry in its decision to produce timber from State Forests.

Information concerning when timbering will actually begin was not available at press time. ♦

## The Maxey Committee, part 3

### Maxey opposes public hearings on State Forest Plans.

by Bill Ragette'

The Governor's Advisory Committee on State Forest Planning met for the third time on March 20th. After two meetings of beating around the bush, nice talk about consensus and a tour of Greenbrier State Forest, the committee finally got down to the business of formulating a state forests planning procedure. And a very interesting and stormy session it was indeed.

If you have been following the story in the VOICE you may remember that the Committee was formed by the Governor and WV Division of Forestry (DOF) chief Bill Maxey in response to all those calls and letters folks wrote about the proposed (and now currently underway) timber sale at Kumbrabow State Forest. Some-

how folks just didn't like the fact that the DOF was cutting old growth (or the closest thing to it on Kumbrabow) and making all the decisions out of sight of public review.

Originally the committee was to consist of one representative from timber (Hal Burke), one from environmentalist groups (me) and one legislator (Vicki Douglas). The committee of three would then decide the direction and extra members of the committee. Any way that's what I was told. Bill Maxey evidently had other plans. Before we knew it Bill had called on Bob Whipkey, DOF's chief over State Forests, Bob Beanblossom (formerly with Forestry) of Parks and Tourism (P&T), Gordon Robertson (DNR - Wildlife resources) and various folks representing the notorious Forest Management Review Commission (FMRC), whose mandate is to 'grow'

the wood products industry. Needless to say I felt out numbered from the get go.

At the second meeting we were given copies of DOF's draft forest plan for Greenbrier State Forest and taken on the tour. We heard how the forests were under attack from insects and disease; that the Division just had to cut them down for their own good.

This is also the main excuse offered for the Kumbrabow cut, although Maxey does admit he needs \$ for fire fighting. (Or is that salary increases?) In the prescription (interesting choice of words, eh?) for the Kumbrabow sale, the DOF said that it was an emergency. My feeling is that most of these poor dying trees marked to be cut will be standing when Maxey and his ilk have long been dead.

After the second meeting we all submitted comments about deficien-

cies in the Greenbrier Plan. I protested the obvious bias towards timber production (which is only one of ten mandated uses of State Forests) and the lack of any public input. I suggested forming an advisory committee consisting of users, academia, and agency personnel. Most of the enviros I talked to said that public hearings on the Forest Plans were the most important feature of public input. This I relayed to Maxey. I suggested that a survey be conducted to assess what Forest users wanted from the Forests.

Delegate Vicki Douglas wrote that the committee should "Consider a balanced advisory committee at the forest and allow it to assist in making critical decisions." She also suggested "the use of public meetings during the planning process for each forest." She further elaborated that the DOF "Conduct public meetings on (see page 7)

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*---from the heart of the plateau---*

by John McFerrin

## Conservatives

A school friend once defined a "conservative" as someone who has something worth conserving. While this reveals a certain cynicism about political thinking, it is right on target when it comes to the world we live in. We have something worth conserving. That's why the related word "conservancy" fits so well in our name.

It is this time of year that reminds us of just what it is that we have that is worth conserving. The forsythia is blooming. The daffodils are blooming. The willow trees on the river bank have their fresh new leaves. The red maples on the hillsides are blooming, giving themselves a hazy halo of red and announcing that they, too, will have leaves soon. The buds on most of the trees have begun to swell, promising that soon enough the tiny leaves inside will unfurl themselves.

That's the thing about West Virginia. It's not just the few spots that we have identified as special places that have to be conserved. It is not just Canaan Valley and Dolly Sods and the Cranberry Wilderness. It is not just a stand of trees here or a trout stream there. It all has to be conserved.

What has to be conserved is more than just some special spots. What has to be conserved is the life sustaining capacities of West Virginia. We need to conserve the ability of all parts of West Virginia to satisfy the physical and spiritual needs of those who live there. We need to conserve the kind of world where people can live peaceful lives that give them a chance to enjoy what West Virginia has to offer.

My own conservation of my own little part of the world is in our garden. Each year I turn it over by hand. Then I take a spading fork and loosen the earth until I have dug and loosened about two feet below the surface. I take last year's dead plants--now turned to soil in the compost pile--and work them into the soil. Although I don't have the back or the will to dig up a huge spot, it's enough for us. It will be a spot for some spinach, some peas, some tomatoes, and some okra.

Even though a tiller would be easier and faster, I prefer this way. It brings me into closer contact with the soil. It encourages me to notice exactly what is happening in our little garden plot.

After three years of doing this, this is what is happening in our little garden plot: the soil is getting better. Every year I dig and add compost. Every year the soil gets looser and richer. When I do this, I am practicing conservation. I am nurturing the land where I live; I am helping make it better able to sustain life. I am improving it.

The West Virginia Highlands Conservancy practices conservation too. It seeks to nurture and care for West Virginia, to make it the kind of place that sustains life. Although we don't literally have a big garden where we all go out and dig, we do work for clean water, clean air, and the things that make it possible for West Virginia to sustain life.

It is this that makes us the conservatives by any definition. By my school friend's definition we are conservatives because we have a wonderful state, a state worth conserving. By another definition, we are conservatives because we seek to nurture and sustain the life giving qualities of our state. We are conservatives in the best sense, holding to what is good, nurturing it and making it better.

That's why the word "conservancy" fits so well in our name. We are a "conservancy" because that is what we conservatives do.

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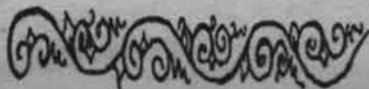
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## Dear Editor; Voices From The Past -- From Past Voices

In a recent newspaper article I read, "A state highway official says the fate of Appalachian Corridor H will not be based on a popularity contest." The official was Randy Epperly, Director, Roadway Design, West Virginia Department of Transportation. What Mr. Epperly is describing here is how the democratic government operates in the state of West Virginia. If something goes the way politicians and bureaucrats want it to, it's called a vote. If it doesn't, it's labeled as a popularity contest or some other nasty name.

In the first comment period the no build votes out-numbered the build votes and apparently the same has happened again, only in greater volume. And now Democracy steps in. The majority has spoken and the politicians and the bureaucrats are going to do what THEY want to and to hell with you. Maybe if we all went together and bought a really large business we would be heard. Len Chidestar Motrose, W. Va.



!!! HELP !!!

VOICES FROM THE PAST is silent this month because we have no copies of April VOICES from 10, 15 or 20 years ago. Hence, this plea for help to fill out the archives.

About a decade ago the Board pulled together a decent set of VOICES. Yet, even after that effort, the collection lacked several issues. Then, at the 20th Anniversary weekend at Cass a few years back, some of the single-copy issues were spirited away and haven't returned.

Readers of the VOICE can easily recognize the monthly publication as the main source of information for the membership at large. But the VOICE is more than that: as a history of the Conservancy, the VOICE is great memorabilia, great reading even today, and a wonderful picture of so many people who did so much to make the Conservancy a living, breathing force in West Virginia and the Highlands Region.

On a personal note I can't tell you how important those glimpses into the past were to me during my tenure as president. To move ahead without breaking all ties with the foundations and strengths of the past is a daunting task for anyone since none of us is

intimately familiar with the many details of each of the issues that are with us from year to year. For me, regular visits to the files, and, most enjoyably, to the yellowed pages of old VOICES were invaluable.

The picture is too important to lose. Help us fill in the blanks.

Richard is now attempting to complete the archives and is even looking into the possibility of putting past VOICE issues on perhaps more permanent media (i.e. microfilm/disc/etc.) Any ideas or help would be appreciated.

Most helpful, of course, would be the gift (or loan) of any copies of the VOICE that YOU may have that are not now part of the official WVHC archives.

So, please if you have saved those delectable words of wisdom (especially from days long past) consider sharing the wealth.

Call Richard (304 296-8963) for a list of the issues that are desperately needed. Or, if you're ready to part with that part of your past, package them all up and post them to Richard at our Morgantown office (264 High Street, Morgantown, WV 26505)

!!! HELP! HELP! HELP!

.. THANKS! THANKS! THANKS!!!

Cindy R

## Spring Review - Kumbrabow State Forest

WVHC will hold its Spring 1995 Review at rugged and remote Kumbrabow State Forest, May 12-14. The access road is located 7 miles south of Huttonsville and 8 miles north of Valley Head off US Route 219 in Randolph County. The forest offers hiking, picnicking, fishing, and a playground. At elevations from 3000-3855 feet, the highest of any state forest in WV, we can expect brisk weather in mid-May. As many of you know, Kumbrabow has been the subject of a vigorous legal battle in recent months. The battle pits the state, which wants to cut some of Kumbrabow's timber, against forest users, including WVHC members, who want a say in its management. By the spring, timbering of the tract will most likely be occurring. Here's your chance to see rape and plundering in action.

Kumbrabow offers five completely furnished rustic cabins, each with a stone fireplace, wood burning kitchen stove, and gas lights and refrigerator. The cabins have no running water. Water is drawn from nearby wells and pit toilets are available. So far, we have received reservations for about half the cabin capacity. Camping sites are also available. These offer picnic tables, fireplaces, drinking water and toilets. WVHC members have reserved two of those

13 sites to date for the Spring Review. Motels and Bed and Breakfast establishments exist but all are a minimum of several miles away.

Plans call for gathering Friday night at the cabins for informal visiting, music, etc. Try to get there before dark. We'll have some snacks available. Saturday breakfast and lunch are on your own. Saturday activities include: hiking, a visit to the disputed cut area, biodiversity, nature, and spring wildflower walks. It's a very low key, kick-back-and-enjoy-the-quiet-of-Kumbrabow weekend. Saturday night we'll offer a big pot of spaghetti and you all can fill in with potluck offerings. Sunday morning we'll provide coffee and fruit/rolls breakfast. Other more substantial food will be up to you. Our quarterly board meeting will start at 9:00 and end at 1:00.

This is the last Voice to come out except shortly before the meeting and we will not be sending a mass mailing like we did last fall. So please make your plans and let Richard diPreto know as soon as possible what they are at 296-8963 (voice) or 296-8623 (fax). You can also reach Richard online on the WNPB Bulletin Board, which is free and has an 800 number (800/375-4064 or 293-8663 near Morgantown) see last Voice for details.)

## A WV Newts Nightmare

by Sharon's Husband

Third grade Kanawha County teacher Sharon Steenstra loves to integrate nature lessons in her classroom. She got quite excited when the Kanawha County Board of Education offered an integrated unit on language arts called "Nature's cycles".

The Unit encouraged the teacher to order clusters of salamander eggs from a North Carolina biological supply company. The project was to study the development of the critters from egg to adult and then have the children use their language arts skills to describe what they observed. After the life cycle study had been completed the teacher was to put them into a pond or stream so they can be 'free'.

The source of the eggs and the instructions on what to do with the adults just didn't sit right with Sharon, a former student of West Virginia's resident expert on Salamanders, Dr. Tom Pauley. She called the supply company and asked the clerk what kind of salamander eggs she would receive if she ordered from them. The clerk was a bit flustered and assured her that no one had ever complained or even asked that question before. Sharon said she wanted to know the species and asked for someone to call her back. A few days later the call came and a biologist for the company told her that they would be either spotted, Slimy or Tiger salamander eggs.

Sharon checked out her

salamander guides and found that the Spotted and the Slimy were native to the state but the Tiger was not. She called Dr. Pauley and he told her that they have been watching for an invasion of Tiger salamanders and that they had been reported in Ohio and Kentucky. He anticipated that they would soon be reported in some of the border counties but not in places like Kanawha County. Pauley appeared perturbed over the actions of both the Board of Education and the irresponsibility of the biological supply company. He said that the Tiger was slightly larger and more aggressive than native species and that it would compete with native species.

Sharon ordered the eggs after the Company promised not to send Tiger eggs. The company has no real records on the type of eggs sent or the number of schools that are involved. The educators who wrote the Nature

Cycles language arts unit remain ignorant that they may well be responsible for the introduction of non native species of Salamanders and probably don't understand why any one would care.

This little tale is not the most important example of man manipulating the natural world but it does point out that even in the academic world a basic lack of sensitivity and appreciation exists. We who love and enjoy the natural are doing a lousy job of educating even the educators.

Come to the candlelight vigil at the Governor's mansion on April 18th at 7:00pm to celebrate Earth Week, and to protest the Governor's prostration before the pulp mill giant and its proposed dioxin producing, non-union Pulp Mill for Mason County WV.

## Apologies - WVDA

To Dr. Charles Koffman of the WVDA, who wrote a long rebuttal to my article on the WVDA gypsy moth control program. Due to space limitations I have delayed printing his reply until the next issue, which may have to run 12 pages to cover this and the Riparian Amendment. I can assure Dr. Koffman that no action will be taken by the Conservancy on this issue until after his letter is printed in the VOICE. However I will include his peice in the electronic version of the VOICE posted on WPBN's toll/free bulletin board (1-800-375-4064). Dr. Koffman feels that the lepidopteras will not suffer extinction due to the Dimilin spraying and that Bt may be as bad as Dimilin. He also feels that the WVDA has been very active in protecting endangered species in its spray program.

## Harrison County E News -

Windpower Meeting - John Huffman of Kenetech will discuss the proposed windpower station on April 5th in Clarksburg. Mr. Huffman accepted an invitation by Harrison County ECO to discuss the windpower project. The meeting will be held at Waldomore, next to the Clarksburg Library. The meeting starts at 7:30 p.m. Anyone needing directions can call the Clarksburg Library at 624-6512.

Earth Day in Harrison County - Activities will include Stormwater Drain Stenciling: Local students will participate in a new pollution prevention program in Harrison County. The program educates the public on the need to prevent pollution runoff into stormwater drains by spraying a warning onto the drain: Do not Dump - Drains into River. There will also be an Environmental book drive for local libraries, West Fork River cleanup, and student Essays and Exhibits

For more info about Harrison County activities contact Matt Evans Rt. 1, Box 117, Bristol WV 26332

## Mon Forest Riparian Amendment.

Jim Page Supervisor has proposed an Amendment to the Forest Plan For the Monongahela National Forest. It adds another layer of protection to Riparian Zones. In the last VOICE, I blasted the amendment because it fell short of the PACfish guidelines recently developed by the Forest Service. After talking to Cynthia Schiffer, Marlinton District Ranger for over an hour, I realized that the amendment was a definite improvement over the current forest plan, although most of the OAs now being implemented are closer to the amendment guidelines. I had hoped to provide a summary and maps of the type of protection that the current Plan, the Amendment, and PACfish would provide, but due to time and space limitations. I'll have to include in the next VOICE.

Basically the Amendment requires a more dense canopy along perennial and intermittent streams that drain 100+ acres (from 0-50% in the plan to 75% in the Amendment). It also protects smaller watersheds and ephemeral drains from clearcutting, which the plan allows. PACfish creates interim minimum 600' wide no-cut area around fish bearing streams until a watershed analysis has been undertaken to determine exactly what management action can be taken on still protect the Riparian Corridor. Full details next issue, even if we have to go to 12 pages.



# Corridor H - The Conservancy comments

Being the abridged version of the WVHC's comments on the Alignment Selection SDEIS for Appalachian Corridor H

by Hugh Rogers

**I. Virginia's refusal to build Corridor H means the SDEIS must be rewritten, if WVDOT intends to build the highway only as far as the state line, or the project must be disapproved, since its economic benefits cannot be realized.**

The Commonwealth Transportation Board has decided not to support either Build alternative in Virginia—the four-lane Line A, or the two-lane Improved Roadway Alternative (IRA). Without Virginia's participation, the project cannot accomplish its purpose of linkage to I-81.

WVDOT officials suggested the project might be salvaged, because the Virginia board (a) did not use the phrase, "No-Build alternative," and (b) did call for further study of Va. 55, which connects with West Virginia's preferred route for Corridor H. But it was not the board's role to select an alternative. The Federal Highway Administration will make that decision after the EIS process is completed. And the board said it would support only necessary safety improvements on Va. 55 (Virginia's 6-year plan, announced a month later, does not include any work on Va. 55). VDOT's spokesman, Bill Worrell, said, "Basically, the board voted to block Corridor H in Virginia."

A. In all the "Purpose and Need" statements, traffic projections, and

considerations of alternatives; the connection to I-81 was a fundamental assumption of the Corridor H project and the SDEIS. Without that connection, the project does not make sense.

The Appalachian Regional Development Act defined Corridor H as an east-west connector between I-79 and I-81. The Act declared that APD highways would be built "to generate traffic", rather than to ease congestion. WVDOT proposed to divert through traffic from I-68 and I-64 to Corridor H. In the SDEIS, the "latent demand" for diversion was said to be 5500 vehicles per day, more than half the projected traffic over most of the route. This "latent demand" requires an uninterrupted through route.

B. Economic development is the primary purpose of Corridor H. In the SDEIS, predictions of development that would be induced by the highway depend on the connection to I-81. Without that connection, the project cannot be justified.

WVDOT set the eastern boundary of the affected region at I-81. This eastern reach more than doubled the projected employment gains: 58% of the induced industrial jobs, and 56% of service jobs, were attributed to Virginia industrial parks. The document's conclusion that a two-lane IRA would bring no new industrial jobs shows the importance of the lost four-lane connection.

The document states, "Both the No-Build Alternative and the Improved Roadway Alternative are viable alternatives, should the negative impacts of the Build Alternative outweigh the advantages of constructing Corridor H." Since the SDEIS was written, the supposed economic benefits have been so far reduced, they

cannot outweigh the cost of construction, let alone the other negative impacts.

**II. The SDEIS is obviously biased toward a four-lane alternative. Positive economic impacts of that alternative are overstated, while negative impacts on communities and natural and historic resources are minimized or ignored. The Improved Roadway Alternative is really a two-lane Build alternative; the alternative of improving existing roads is not considered.**

A. In the Corridor Selection SDEIS, we found the notion that the highway could be "a positive visual experience." Similarly, this document declares: "In areas of major cuts, the Build Alternative would offer textbook views of the spectacular geologic processes of the area." These are relatively minor examples of a pervasive bias that undermines the credibility of the entire document.

Comparison of economic impacts has been slanted to overstate the advantages of the Build alternative and the negative effects of the No-Build alternative. Virginia job growth should not be credited to Corridor H, not only because the road will not be there, but also because the industrial parks where the projected growth will occur are stimulated by I-81, not Corridor H. Similarly, the industrial parks in Garrett County, Maryland, and Mineral and Hampshire Counties, are closer to I-68 than to Corridor H. These out-of-state and off-corridor parks account for more than two-thirds of the new jobs attributed to the Build alternative.

The document claims, "Selection of this [No Build] alternative would involve adverse economic impacts, in that there would be a continuation of the negative trends in population, employment, and income in most communities and counties." However, in considering what employment might be induced by the IRA, the authors discovered "recent growth trends" that showed more jobs were being created without any new road than would be induced by the IRA: "Therefore, no additional industrial jobs are predicted based on the construction of the IRA." Putting down the two-lane alternative, the authors contradict their gloomy predictions for No-Build.

The SDEIS completely ignores one transportation alternative. Rail lines serve twelve of the thirteen industrial parks the study relies on for job growth. If these parks fill up by the year 2013, as the SDEIS projects, much of the credit would be due to railroad service. The document claims that all the credit should go to Corridor H. In Grant, Hardy, and Hampshire Counties, the South Branch Valley railroad, a state-supported short line, serves four of the industrial parks that are supposed to benefit exclusively from Corridor H. This railroad is profitable and responsible for much of the success of those parks.

B. The Transportation Needs

Study lists five factors as most important for industrial growth: water supply, sewage treatment, land use plans, land suitability, and transportation access. People are conspicuously absent.

The professional literature on economic development consistently emphasizes two dominant factors: education and quality of labor, and proximity to urban areas. The SDEIS does cite two studies of the relationship between highways and development, from Indiana and North Carolina. Their lists of prerequisites are strikingly different from the Needs Study list. Since the SDEIS purported to rely on their findings, we should expect the document to examine the factors they considered important.

The SDEIS does not consider more relevant studies done in West Virginia and the Appalachian region, apparently because the conclusions do not support the document's bias. Several studies have been done by Terande Reppann and Andrew Isserman of West Virginia University's Regional Research Institute. They found that the new highways encouraged economic growth primarily in "urban spillover" counties, and to a lesser extent in counties having cities with more than 25,000 residents. There are no such counties in the Corridor H region. Isolated rural regions, such as ours, have not benefited from the interstate or APD highways.

County-by-county comparisons are more relevant to Corridor H than the old Appalachian Regional Commission survey of job growth in the entire region, quoted in the SDEIS. ARC did not distinguish "urban spillover" counties from rural counties, nor did it include any figures on plant closings and lost jobs. The new jobs were concentrated around cities on the fringe of Appalachia (e.g. Atlanta, Birmingham, Winston-Salem, Cincinnati, even New York).

Forty years of experience with multi-lane highways in rural areas have shown that, as investments for economic development, they are not worth the money. The North Carolina study agrees with this analysis: Counties with interstate highways have an advantage over other counties with regard to population and employment growth, but only for counties within 25 miles of a metropolitan area." Where the costs of construction are relatively high, as in the Allegheny Highlands region, investment in a new corridor makes even less sense. We should spend our tax dollars instead on improving education, training, and our unique resources—as well as upgrading our existing roads.

C. The IRA is not the alternative that many groups, including the Conservancy, were seeking. The SDEIS says, "The main area of controversy for [these] group[s] was the need to reevaluate an alternative that would consider improvements to local roads. The Improved Roadway Alternative addresses their concern." - Not!

In fact, the IRA is a two-lane

Build Alternative. The IRA's course was determined by Scheme D5, not by the roads that needed improvements. By design, the two-lane alternative will become the four-lane alternative within twenty years: "Under the IRA, the entire length of the roadway from Elkins to Strasburg would require four lanes [by 2013]." The IRA should be called the Slow-Build alternative.

True improvements to existing roads would solve the congestion and safety problems we have now and can expect in the future. The IRA does nothing about them.

D. Our objections to Scheme D5, now Line A, continue. First, the impacts to the Shavers Fork and Capon/Lost River are too great. These rivers are potentially eligible for National Wild, Scenic and/or Recreation status. Corridor H would make such designations impossible. The SDEIS's long list of reasons for rejecting alternate alignments through the Pleasant Run and Porterwood area shows that the highway should not be built there at all. In addition to its impact on the Shaver's Fork, Corridor H would have a devastating impact on the Corricks Ford battlefield—although it is not discussed in the SDEIS.

Second, the route would impact confirmed populations of two endangered and threatened species, and probably affect three more candidate species.

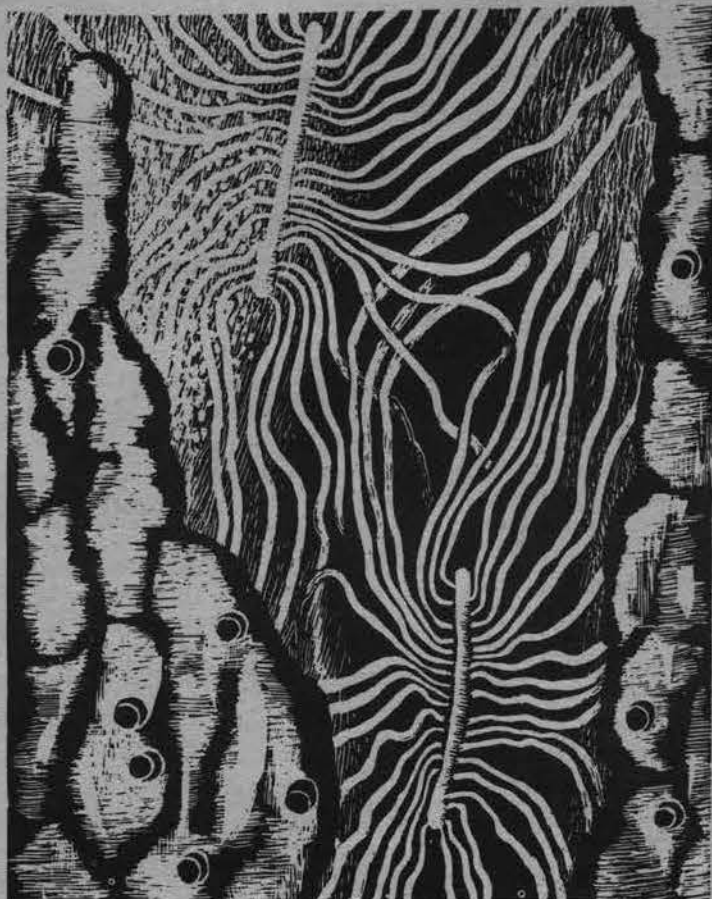
Third, the highway would have negative visual, noise, traffic, and vibration impacts to Greenland Gap, a National Natural Landmark. Suggestions for a different alignment around this sensitive area were rebuffed or ignored.

Fourth, of more than 6,000 public comments on the corridor selection only 34 mentioned Scheme D. There is good reason for this: the tables, graphs, and texts presented information on two basic corridors, the Elkins-to-Winchester northern route and the Elkins-to-Strasburg southern route. The "middle" alternatives through Canaan Valley or across northern Grant County, away from the population centers, did not appear to be serious choices. The choice of Scheme D, along with the compressed time for WVDOT to consider comments and the arbitrary selection of correspondence to include in the Alignment SDEIS, all show a disregard for public input.

E. Impacts to Otter Creek Wilderness Area are a serious omission from the SDEIS. Despite its proximity (2 miles), Otter Creek is not considered in the sections on recreation, noise, and air quality. It is dismissed as "not impacted" in the watershed overview.

We object to the summary of recreation resources. The two national forests should not be treated as equivalent to small city parks, and the impacts on them, which in some places would be severe, cannot be summarized as "minor".

[The Conservancy's comments also referred to and adopted the detailed comments of the Sierra Club WV and Corridor H Alternatives.]



Bark Beetle Galleries/Nursery by Heather K. Lenz



# Corridor H comment letters

*I'm reprinting an article from the Charleston Gazette below about one part of the Corridor H comment letters saga. Kim Baker just called after spending part of the day with the Corridor H activists in the Division of Highways office reading and tallying comment letters. Her unofficial results for West Virginia comments was over 88% supporting the no build alternative. No wonder DOH Commissioner VanKirk doesn't want the people to decide how their money is spent and how highways are built and maintained. Out of state comments were even more united against any Build alternative.*

## State to release Corridor H letters uncensored

By Robert Byers

Thousands of letters from West Virginia and Virginia residents regarding the future of the controversial Corridor H highway will be made available to the public uncensored.

Fred VanKirk, acting state Di-

vision of Highways commissioner, wanted to delete the names of the letter writers before releasing them.

Before Kanawha County Circuit Judge Tod Kaufman on Friday, DOH attorney Anthony Halkias agreed to make the letters available in their entirety.

Halkias was defending the state against a legal petition filed by Corridor H Alternatives, a Potomac Highlands-based group opposed to the highway's construction.

Halkias told Kaufman that VanKirk tried to keep the letters from the group, "probably because people don't want their names disclosed."

VanKirk has also said he does want the letters to be used as a popularity contest for or against the highway, which is planned to run from Elkins to Strasbourg, Va.

Halkias told the judge this has been hotly contested issue, adding, "Some in the same family are for and against it."

Halkias also said he wanted to show Kaufman a letter written by Delegate Joe Martin, D-Randolph, asking that the names be kept confidential.

"You're kidding," Kaufman replied.

The letter was not made part of the record.

Halkias worked out an agreement with Corridor H Alternatives attorneys Robin Godfrey and Jacqueline Hallinan's legal fees, which amount to more than \$2,000.

Kaufman said that although there is case law on the matter, the public comments fall under the state's Freedom of Information Act

Halkias said he had asked Dana Eddy, Governor Gaston Caperton's general counsel, for an opinion on the issue. Eddy said he thought the names should be kept secret, Halkias said. Normally, the state Attorney General's Office advises state agencies on FOIA matters.

Hugh Rogers, one of the petitioners, said members of the Corridor H Alternatives will travel to Charleston on Friday to begin examination and copying the letters, which were written during a November-to-February comment period.

Without much resistance, the state allowed the group to examine a similar group of comments written in

1993 when a route for the corridor was chosen.

Corridor H, the final highway planned in the Appalachian Corridor system, is opposed by those who believe it will destroy the scenic Potomac Highlands and by others who

believe is just a waste of money.

Business leaders and Sen. Robert Byrd, D-WV, believe the \$1 billion four lane highway will open the area to economic develop by replacing narrow, two lane roads. ♦

## FUN(d) Raiser!

The party is on - Corridor H Alternatives and its Randolph/Tucker Co. Chapter, Down the Road/Highway Alternatives, are happy to announce to all our friends, interested parties, and to the readers of the VOICE, that we will be throwing the biggest and best fun(d) raising party Sat., May 13, in Elkins, WV.

Here is what is planned: the exact location is a local drinking and eating establishment known as Peter's Place (easy to find in downtown Elkins), starting at 7:30 with a variety of musicians and singers. Then at 9:00 a very fun and danceable blues band, followed at 11:00 with another band in a younger version. Till? Whenever!

The battle against Corridor H is continuing and the legal bills are mounting so plan to attend the Spring Review at Kumbrow then come to Elkins on that Saturday night for the fun time in a good fight.

Be there or be square.

# Federal Affairs - Daily Updates on the ESA and Timbering

## Your help desperately needed!

If you want to help keep the Endangered Species Act and NEPA from being totally gutted, write to Senators Byrd and Rockefeller today. If you want to keep up to snuff on the daily shenanigans on Forest and ESA issues in Congress, log on to the VOICE conference on the WPBN bulletin board. (1-800-375-4064) I'll be posting messages each morning that I receive from The Endangered Species Coalition and Western Ancient Forest Coalition and other groups watching those mad Republicans. (No offense intended) I will also fax the updates to those folks, in the Huntington/Charleston area, who please (cross your heart and hope to die) to write letters - Bill R (824-3571)

Here's a sample Daily Update - But just writing your Senators expressing your strong opposition to any weakening of the ESA will help.

March 27, 1995 PLEASE NOTE THAT The Gorton (this is the timber salvage bill) Rider Need Immediate Attention. Call Your Senator!!! Also Note That Senator Hutchison (TX) Will Be Trying To Attach Her Moratorium Bill To The Nickles-Reid Bill On The Senate Floor Today.

Ask Your Senator To Not Allow Either Of These Riders Past The Senate!!

ESA TODAY, Mon. March 27, from the Endangered Species Coalition. For more information contact Jim Jontz, (202) 547-9009.

GORTON AMENDMENT: An ef-

fort will be made on the Senate floor to reverse two dangerous amendments adopted by the Senate Appropriations Committee last Friday to the emergency rescission bill. The proposals from Sen. Slade Gorton (R-WA.) would cut \$3 million from the USFS budget for listing endangered species, and suspend the ESA (and other environmental laws) for salvage timber sales from National Forests. Senators Bumpers, Murray, and Leahy are expected to take the lead to erase the "sufficiency" amendment suspending environmental laws; Senators are being recruited to offer an amendment to restore the \$3 million. The Gorton amendment, if it becomes law, will eliminate all remaining FWS funds for listing and designation of critical habitat, equivalent to a moratorium on listings.

It is expected that the comprehensive, \$13 billion Rescission Bill (H.R. 1158) will be considered on the Senate floor Wednesday.

HUTCHISON, AGAIN: The House/Senate Conference Committee on the Defense Department supplemental appropriations bill, which will decide whether to keep the ban on listing endangered species in the final version of this legislation, continues to be delayed. Now Sen. Hutchison has revealed plans to offer her ESA listing moratorium to another piece of pending legislation: the Nickles/Reid substitute to the Regulatory Reform Bill, S.219. The Senate will vote Tuesday.

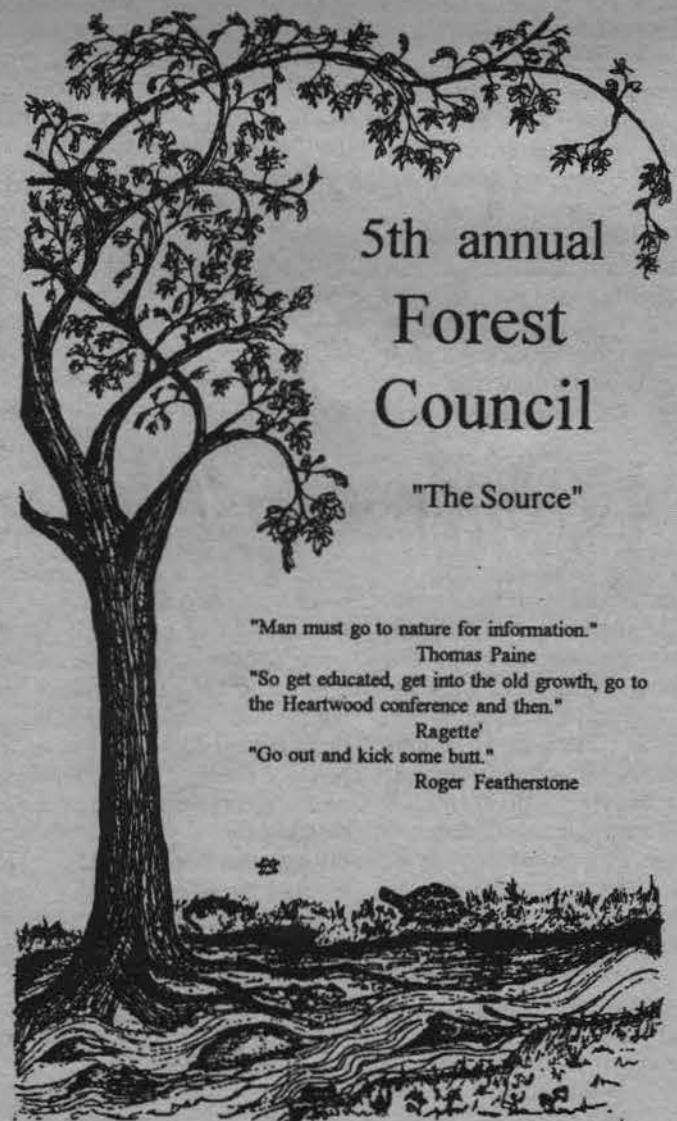
"EYE TO EYE" STORY IN WORKS: An old and mistaken "story" linking damage to homes from a 1993 California fire and the endangered

Stephen's kangaroo rat will be broadcast Thursday evening by Connie Chung on "Eye to Eye" unless producer Susan Zavinsky (212-975-4321) is convinced otherwise. At issue is the contention that disking around homes, restricted in some cases because of the species, would have prevented fire from reaching them.

"We found no evidence to support these views," the independent Government Accounting Office (GAO) said in a July 1994 report. "Homes where weed abatement, including disking, had been performed were destroyed, while other homes in the same general area survived even though no evidence of weed abatement was present. Overall, county officials and other fire experts believe that weed abatement by any means would have made little difference in whether or not a home was destroyed in the California Fire."

To the right we have the unexpurgated version of the brochure for the Heartwood Forest Council. Those of you who have signed up for Forest issues with your Conservancy membership will receive the full, but tamer version in the mail in a few weeks. I hope all of you who have an interest in Forest Preservation will attend. It will be a great learning and all around good time with interesting people. Please come. - Bill R.

## HEARTWOOD



## 5th annual Forest Council

"The Source"

"Man must go to nature for information."

Thomas Paine

"So get educated, get into the old growth, go to the Heartwood conference and then."

Ragette'

"Go out and kick some butt."

Roger Featherstone

May 26-29, 1995, Bluestone Conference Center, Hinton, WV



# Acid Drainage Plans Stopped Dead in Marshall County

by Tom Rodd

It's good to praise when folks have done the right thing. So let's do so:

First, honors to Harold "Rocky" Parsons, chief mining law enforcement officer for Northern West Virginia's Division of Environmental Protection. Parsons deserves a rousing vote of thanks from all citizens who care about community and environmental protection in West Virginia.

Parsons' boss, Dave Callaghan, deserves applause as well, for backing up his field personnel. And while we're passing out praise, let's give credit to the West Virginia Surface Mine Review Board, which stuck to the law, in the face of high-powered coal company lawyers. And hats off to scientist Paul Ziemkiewicz, of the National Mine Land Reclamation Center at WVU, for bringing objective data to a tough and controversial situation.

What's the occasion of these kudos? The answer is - an important victory for community and environmental protection, in the never-ending battle against acid mine drainage.

In February of 1995, the Surface Mine Review Board upheld the DEP's denial of a permit to a Consolidation

Coal Company subsidiary, for a proposed giant refuse pile near Wheeling, W. Va., that would have produced toxic acid mine drainage for centuries. Here's a slightly abridged text of the Board's decision:

...2. The issue before the Board is the Director's decision to deny McElroy's application to construct a coal refuse pile.

3. The proposed pile will produce acid mine drainage ("AMD").

4. McElroy proposed to treat the drainage chemically to meet effluent limits.

5. The Director rejected this proposal and required McElroy to treat the refuse itself by blending the refuse with an alkaline amendment to prevent the formation of AMD.

6. West Virginia Code § 22-3-13(b)(10)(A) requires the Director to apply performance standards to operators in order to avoid AMD. The Director is authorized to require avoidance measures, including but not limited to, preventing water from contact with toxic producing deposits, and treating drainage to reduce toxic content.

7. The Surface Mining Reclamation Regulations 2-14.6(a) at 38

CSR 5 require that AMD shall be avoided by or removing or treating, identifying, burying, blending, segregating and/or treating spoil or other materials.

8. Dr. Paul Ziemkiewicz testified that according to his model the proposed refuse pile would produce AMD requiring chemical treatment of the water for more than 300 years.

9. Mr. John Sturm testified that the proposed refuse pile, if reclaimed according to his recommendations, will still be producing AMD requiring treatment after 40 years.

10. Mr. Bruce Leavitt testified that it was not possible to predict when the need for treatment of the proposed pile would cease.

11. It was reasonable and lawful, pursuant to W.V.C. § 22-3-13 (b) (10) (A) and 38 CSR 2-14.6(a) for the Director to reject chemical treatment of AMD from this permit application, which proposes to treat AMD for an indefinite period of time lasting at least many decades and possibly for several centuries. The denial of the permit application for this reason is supported by substantial evidence.

12. Testimony at the hearing indicated that the blending of an alka-

line amendment with acid producing coal refuse may prevent the formation of AMD. This process is now being used at two other refuse piles.

13. It was reasonable and lawful, pursuant to the aforesaid statute and regulation, for the Director to require alkaline amendment as a condition of issuing a permit in this case. This decision is supported by substantial evidence. However, the Board does not decide whether this is the only method which would avoid the production of AMD in this case. The Board's decision is without prejudice to McElroy's right to re-submit an application for a permit proposing an alternate method for avoiding AMD production, or to post any bond which may be allowed by law guaranteeing treatment of AMD to meet effluent limits as long as necessary.

14. Harold Parsons testified that the DEP's policy was to deny permit applications which would produce AMD, requiring long term treatment of the drainage. McElroy argues that this "policy" can only be implemented through new rule-making. However, the Board finds that the "policy" is authorized by statute, W.V.C. § 22-3-13(b)(10)(A), and is already a part of

the regulations, which provide for the avoidance of AMD as a performance standard, 38 C.S.R. § 2-14.6(a). This regulation was properly applied in this case to require the blending of an alkaline amendment to prevent the formation of A.M.D. No additional rule-making is required.

15. The Board encourages the parties to work toward a solution to the problem of AMD production which would allow the issuance of this permit."

While West Virginia's mine regulators have a long way to go in facing the problems of AMD, this decision shows that the all-too-often-reluctant DEP can take action to protect West Virginia's communities, and her long-term water resources.

Now let's give credit to the real heroes behind this victory! The West Virginia Highlands Conservancy's struggles over two decades have been the primary cause of actions like the one reported here. Conservancy members and their friends and neighbors should be encouraged by this victory, to keep the pressure on! We are winning, and we will stop acid mine drainage!

## Is There Life After Bond Forfeiture?

by Joan Sims

Can a creek survive after a coal mining operation declares bankruptcy and forfeits its bond, leaving the creek hopelessly polluted by acid mine drainage? Sometimes; if the citizens who live nearby have persevered for years, as our community and a few others have done. Seeing minnows in our creek for the first time in years has been a great event in our lives.

David Callaghan, director of the State Division of Environmental Protection (DEP) issued the permit for the Omega Coal Mine in 1983, in spite of our many appeals and court challenges, which said that huge amounts of acid mine drainage would

be produced. In 1989, as our hydrologist predicted, orange water began spewing from the sides of this mined out hill, and into nearby creeks.

A damage settlement paid to treat this polluted water until January of 1995, when the money was gone. The DEP then forfeited Omega's bond. The DEP uses a priority list to determine which bond forfeited sites are chemically treated for AMD with the limited money in their Special Reclamation Fund. This could have placed our polluted creek in a political and legal quagmire. However, David Callaghan agreed to treat this heavily polluted acid water, at a considerable expense to the DEP, starting this past

January.

Since then, our creek has looked blue and clear, and there is new life in it. When we cross country ski by the creek, its condition determines our mood that day. We are even receiving monthly water monitoring reports from the DEP.

Did Mr. Callaghan agree to do this because he likes our community so much? A more likely explanation is he recognizes that we care so much about our community that we will do whatever it takes to protect it. A year ago, we conducted a politicians' tour to show local politicians why it would be important to our region not to have an orange, acidic eyesore in its midst.

We think the State got the message.

In addition, David Callaghan is organizing an expensive project to fill the Omega Mine with a fly ash mixture, which our hydrologist believes will greatly reduce the production of acid mine drainage that is coming from this large mined out hill. It will also reduce the need for disposing of sludge from the water treatment ponds at the Omega Site, a problem that has not yet been resolved by the State. We have never doubted Mr. Callaghan's ability as a shaker and mover to accomplish his goals. It is his goals that we have sometimes disagreed with.

The money for this fly ash project should come from the State's Special

Reclamation Fund, which should be increased by increasing the per ton fees that mining companies are required to pay into this fund. Instead, the DEP is receiving help for this project from the Federal Office of Surface Mining and organizations which conduct and promote coal mining activities. Our community is still supporting this project, however. We are grateful for help from almost any source, as long as it does not obligate us.

Our community leaders are older and grayer than we were in 1983. But we can look at our creek today and be glad that we did not give up and leave.

## A Kinder and Gentler Session

by Norm Steenstra

The 1995 Legislative Session treated the environment more kindly than many forecasters had predicted. The new conservative majority had been expected to push through a series of pro business anti environment measures, but that didn't happen. The three main legislative objectives of the WV Manufactures and the Chamber of Commerce each failed to pass the House of Delegates during the last week of the Session.

The House leadership and particular Speaker Chuck Chambers should receive most of the credit for stopping the Brownfields bill, The Environmental Audit Privilege bill and the Jobs Note bill. Brownfields is a concept that allows industry to clean

up polluted sites to a lower standard in order to attract new industries. The question of risk assessment and the potential for existing polluters to leave their mess and locate elsewhere were thought to be too complex for the Legislature to address in such a short period of time. The Environmental Audit Privilege would have provided polluting companies the ability to self discover that they were breaking the law and thus avoid fines and could withhold audit information in judicial proceedings. The Jobs Note bill would have provided a way for environmental bills to be side tracked by requiring a quantitative analysis of potential jobs effected by the bill.

The long sought after vehicle for permanent funding of the DNR Non-

Game program was finally achieved this session. A resolution calling for a Constitutional Amendment to allow special license plates to be sold was passed by both Houses. The Amendment will be on the 1996 general election ballot. The legislature also increased the general revenue funding of the Non - Game program to \$550,000. These two victories for the Non Game Program are a direct and tangible result of hundreds of WV citizens efforts to bring attention to this worthy program.

Another major accomplishment was the passage of the School Pesticide Act. West Virginia became one of a handful of States that recognized that pesticide use in Schools needed to be closely monitored with an em-

phasis on the least toxic means. This common sense bill was opposed by Chemical Companies, Pesticide applicators and initially the West Virginia Department of Agriculture. In spite of the opposition the bill passed both Houses and will soon be signed by the Governor.

Attempts to weaken or abolish past legislative gains were also defeated during the Session. The Incin-

eration Ban, sewage sludge regulations and the office of the Environmental Advocate all survived attempts to repeal the laws. I wanted to save this for the last part of this article so only the most devoted will read it but all in all it was an amazing session that saw some real progress at a time when we really shouldn't have expected it.

Robert Leverett from Wild Earth





# Maxey Committee - Part 3

(from Page 1) each of the major aspects in order to gain local input before developing the plan." Despite the fact Vicki and I almost always differ on the actual management of state forests, I thought her public input model was excellent. If the public wants its forests cut down to pay DOF's salary increases, who was I to argue?

I'm not sure what the representative of the timber beast wrote, but he always insists at meetings that we don't need no stinking public input. He likes the plan the way it is, except he'd like to see maximum timber production. Hal was also very upset that I wrote about our committee meetings in the VOICE, he called it unethical. When I asked if the meetings were public meetings Maxey at first wanted to say no, but Delegate Douglas informed him otherwise. So you all come out to the next meeting and listen in good.

So instead of taking our comments Bob Whipkey met with the two state foresters and made up their own Forest Planning Procedures (why bother commenting if they just ignore it anyway?). Once again timbering took up over half the pages of their draft "Guidelines For Managing West Virginia State Forests."

I had spent the weekend at the Preserve

Appalachian Wilderness conference entitled "a call to activists", so on that Monday, despite not getting more than 6 hours a sleep each night for the previous three days, I felt ready to take them on. I was worried about some of the jargon of the draft - 'working forest', 'prescriptions', 'protect the forest resources from ...insects and disease', 'forest base'...

Maxey's plan calls for the DOF develop/revise every ten years each of the individual State Forest Plans, with advice from DNR and P&T, us and the FMRC, as well as "forest users". It sounds good but there is no mechanisms for citizen input into the creation/revision of the plans. There are no advisory panels, no solicitation of public concerns, no scoping, no public hearings (not one).

You can buy a copy of the draft plan. What you get, for thirty days after the draft plan is advertised, is a chance to submit written comments about the plan. I hope they listen to your comments, more than they did to mine an Vicki's. Of course the DOF must prepare a "Report of Response" for all commenters. Hey, what are you complaining about? You ain't got no input

now.

Its not clear what goes into the plan. This is where the 'set-asides' occur. A average of 79% of the forests will be set aside for timber. This figure was created by the DOF and there is no input on this baby. The other 21% is for recreation, old growth and riparian areas. (Of course if disease and insects threaten these areas...) Don't forget, with Kanawha State Forest (about 11% of State Forest land) already protected from timbering, that doesn't leave much for the other Forests.

The next step is the "prescription" stage. Here again DOF alone selects what areas will suffer prescription. After a thorough inventory, (99% timber resource - my estimate), outside agency comments are solicited and the public is invited to a tour of the area. Originally Maxey wanted to take the tourists to see another 10 or 20 year old cut. When I insisted that they also be taken to the most mature (overmature?) habitat in the forest, the tour additions were dropped.

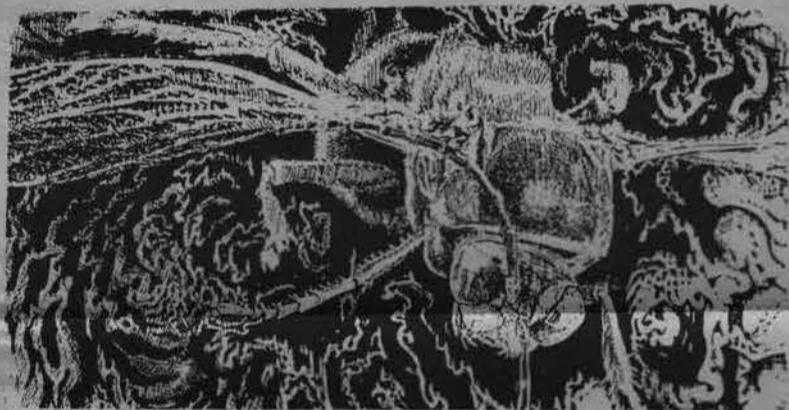
We were able to amend the procedure at this point to include a DOF presentation and a hearing of sorts, at the forest, after the tour and

Dog and Pony show. At first they only wanted us to ask questions during the tours. But for those of you who can make it to the State Forest (maybe on a Wednesday?) for a tour and show, you can tell them what you think!

You also get to send in written comments again. The District Forester will receive, review and consider the comments. I got them to agree to adding 'respond' to that list.

The last two steps of the Prescription process were "1.) Upon the Director's approval the final marking prescription will be developed and the timber marked. 2.) A timber sale prospectus will then be prepared and a timber sale showing scheduled according to guidelines..." I managed to get the second line struck and 'marking' in the first changed to 'management' and 'and the timber will be marked' crossed out.

But that's only words, the main idea is still to get the cut out. Maxey wants the funds and Whipkey feels this is the only way we can maintain a 'healthy forest'. Before white man, the forests must have been pretty sick with no one cutting them down continually. And you may rest assured though that (see page 8)



## State Division of Forestry lets big cat out of bag

by Andy Hansroft

from the Charleston Gazette

State employees would be better off if they kept quiet all the time. They would help themselves even more if they didn't circulate publications like their own newsletters.

Case in point.

The following paragraph was excerpted from a newsletter printed by the West Virginia Division of Forestry from the offices of DOF director Bill Maxey. The statements are in reference to salary raises for foresters and rangers.

"We were also deferring more rapid salary considerations until the Kumbrabow suit is resolved. The State Supreme Court has scheduled the hearing for March 7. The revenue from the timber sale and future sales would give us the money for raises."

Further down in the newsletter Maxey had this to say.

"Although I cannot make any promises, I do guarantee that more suitable salaries for all DOF employees will receive my best effort."

Translation? A whole lot of publicly owned trees are about to fall into the hands of chainsaw-wielding timber operators for the sole purpose of giving raises to state foresters - who so obviously serve the timber industry in West Virginia and not the general interests of the public.

The first paragraph provides another wonderful example of how officials in state governments are often dishonest. Apparently, dishonesty is OK with state officials as long as telling a little lie helps them accomplish their goals.

Maxey's newsletter says the revenue from

the timber sale at Kumbrabow and future sales will provide the DOF with the money it needs to give raises to DOF employees. That's not what his agency has been saying the Kumbrabow timber revenue would go for.

The proposed Kumbrabow State Forest timber sale is being reviewed by the state Supreme Court because environmentalists are questioning state government's right to sell publicly owned trees.

From the beginning of the battle over those trees in Randolph, DOF spokesmen like Maxey have claimed that the money was necessary to keep the state's fire-prevention program running.

Now the money is going for raises? What happened to fire protection?

This little item needs to be brought out in the Supreme Court hearing by the environmental plaintiffs. It's 100 percent proof that the DOF is operating under the auspices of a very serious conflict of interest.

Cut the trees to pay the employees.

Bill Maxey and colleagues could learn valuable revenue-generating lessons from the Division of Natural Resources officials. DNR policy calls for killing deer and selling as many hunting licenses as it can to provide the agency with abundant revenue.

I hope the State Supreme Court shoots the DOF in the foot and rules in favor of the environmentalists. And I wish someone would go after the DNR too, for its obvious conflict of interest in deer management. ♦

## 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: \_\_\_\_\_



# WV Wild and Scenic: A 2001 River odyssey

(adapted from the W.Va. Rivers Coalition Newsletter)

Take a look at Washington D.C. and current events.

The new powers-that-be sure seem to be picking up speed. Much legislation is on the fast lane to enactment.

So, why, oh why, not wild and scenic rivers for the Monongahela National Forest or West Virginia? Since 1986, when the Sierra Club and American Rivers filed appeals of the 1985 edition of the Mon Forest Plan seeking the required rivers study, we have been teased, cajoled and promised about these rivers and completion of the wild and scenic study.

We've tried being upbeat and cooperative. With patience and participation in the process we've made our points and our presence felt.

We acknowledge the complexity of studying 12 rivers for possible inclusion in the National Wild and Scenic Rivers System. Still, we've been chagrined at how long the process has taken. As the process draws towards completion, WVRC has taken some new steps.

In February, we wrote to Jack

Ward Thomas, Chief of the U.S. Forest Service about our concerns over the Mon's handling of the Wild and Scenic Rivers study. Specifically, these include the appearance of Forest service bias against designation, poor public involvement throughout the process, the slow pace of the study, and issues involving the Federal Advisory Committee Act of 1972.

WVCR staff met with the Wild and Scenic Rivers staff in the D.C. office of the Forest Service in March. We plan to pursue those concerns at the national, regional and local levels of the Forest Service.

Our best guess is that the draft environmental impact statement will be available to the public sometime in May.

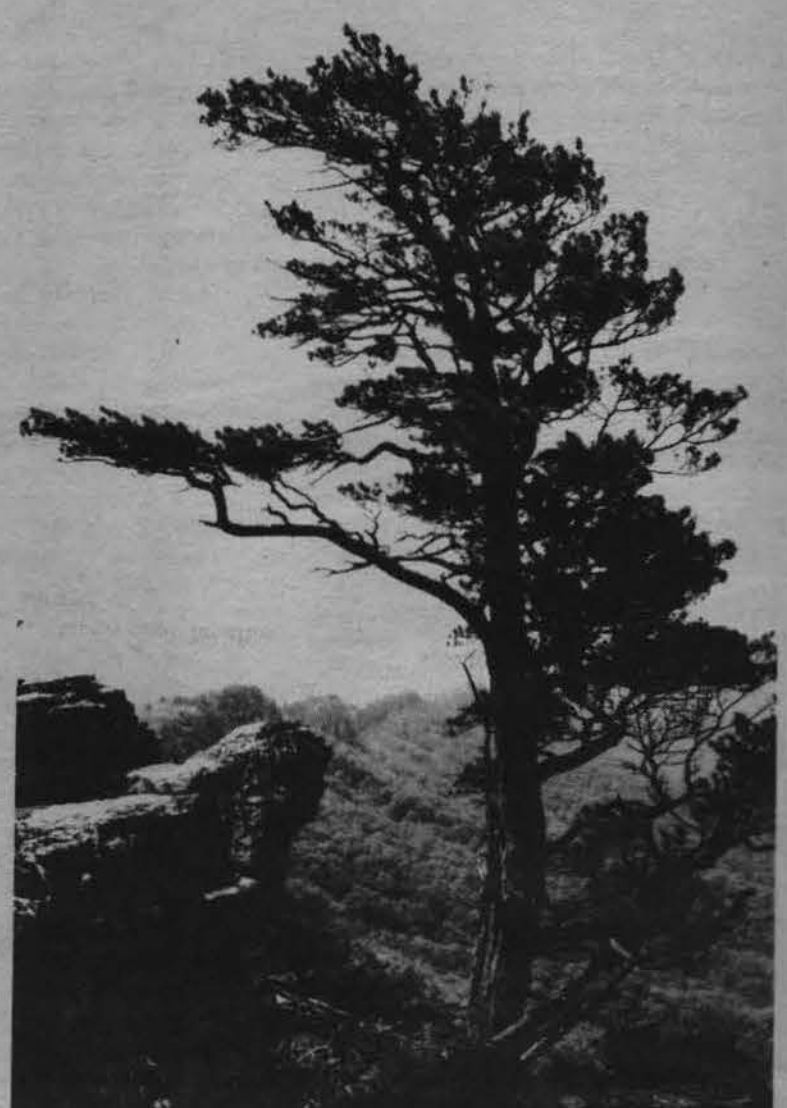
Meanwhile, during the legislative session in Charleston, State senators Mike Ross, Walt Helmick and William Sharpe sponsored a Senate resolution opposing the further designation of any wild, scenic or recreational rivers in the state of West Virginia. The resolution was read and passed on a voice vote without discussion or committee reference - a classic example of bad government at work.

In addition, the resolution contained a complete distortion of the Wild and Scenic Rivers Act. The property rights, resource abuse fanatics successfully engineered a backdoor backlash against the environmental community using misinformation and property rights rhetoric.

Hats off to senator Don Macnaughtan, who was the only environmentally friendly senator who caught the resolution and opposed it. Senator Macnaughtan also requested and drafted a letter to the Senate Journal citing the reasons for his opposition.

For now, we continue to await the MNF Wild and Scenic study. We hope this most recent delay will result in a more complete document and usher in a process that brings more light (and less heat) to decisions about how best to protect these outstanding West Virginia rivers.

The new, faster, leaner (and meaner?) Washington D.C. awaits. Will we arrive on time? With a little extra wind, we might just make wild and scenic rivers happen in West Virginia before 2001. And beat that new-fangled idea of a balanced budget for the U.S. by a year or so.



## Pearls Before Swine???

(from page 7) clearcutting will only be used to develop wildlife food plots, for research, or for the salvage of trees damaged by storm, fire, insect or disease.

I could see the storm a brewing all day. Bob Whipkey (perhaps upon reading my article in the copy of the VOICE I handed him entitled "Putting the Public into Public Lands") complained that the users of the forest for the most part were recreational users so naturally they were biased against timbering. Maxey said he didn't like Public Hearings because people got emotional and then the media gets involved. He said he never attended a public hearing that didn't turn emotional.

I tried to reassure him that while some of us might get emotional there

was also a retired Army General that wanted to tell them he thought they were wasting the great recreational value he has been enjoying for 40 years. Maxey then told me what rank he had in the service, with which he was impressed. Gordon Robertson (DNR) and Delegate Douglas, to their credit tried to point out that despite the tensions usually present in public hearings, they were after all, public officials and one hearing every ten years on each plan was not too much to ask.

After attempting my mini filibuster, 6 PM rolls around and a vote is called for. I made an emotional plea (sorry about that) to have this one hearing per decade. Not that we have any notion of who exactly is on the committee, or what procedure we have

**THORNWOOD**

The EIS (EA?) for the Thornwood Pipeline Proposal will be released in Mid April according to NFS District Ranger Cynthia Schiffer. The comment period will extend for 30 days. Call Linda Tracy at 304-636-1800 for your very own copy.

adopted for resolution, but we voted anyway. Even Bill Maxey voted. And here is the result. For A public Hearing on State Forest Plans - Gordon, Vicki and Bill R. Against - Hal Burke, Bob Beanblossom and Bill Maxey. Somehow we lost because it was an amendment, and the Guidelines, written

by DOF were not changed on this point.

## mountain pines

all men know the advantage of being useful, but no one seems to know the advantage of being useless.' - Zhuang Zu

among mountain pines,  
as many dead  
as alive,  
and the living  
ragged and twisted,  
sparse needles thick, tough  
deep blue-green,  
thorny cones bristling,  
hanging on  
for years,  
slowly ripening...

off, it bends back  
upon itself,  
not breaking.  
but cut it down, it's weak as a willow,  
brittle, hard to work,  
good for nothing human.

venerable pine-sages,  
as one  
with feet-wearying mountains,  
rock wild canyons,  
winds of the vulture and raven,  
snorting bulldozers  
account them worthless,  
of no value to corpozation  
thus  
they are left  
in peace.

take hold of a branch, try  
to snap it

Robert Stough

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- \* 1 year subscription to the Highlands Voice
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- The WVHC, at age 28, 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.