



The Highlands Voice

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What Will It Take?

by Chuck Merritt

We here at Corridor H Alternatives have from the beginning of this pressure cooker, known as the Corridor H fight, been saying and pointing out to the powers that be, the common sense positions and concerns that are so readily apparent about building or not building this four-lane highway. We have dug and researched into the various fields and specialties that make up the issues pertaining to the highway. We have educated ourselves and others as to the realities and the illusions that are both part of the project.

In the beginning it seemed that we were definitely on the outside of the action, shouting to be heard as the pro-highway machine lurched inevitably onward. As we educated ourselves and discovered 'the process', we found forums and ways to be heard. We made our points and position known to the others within the process. We have tried to keep the lines of commu-

nication open to the political leaders that are by-in-large opposed to our point of view. And we have sought out new political friends wherever they might be found.

We have played by the rules of 'the process'. Activist citizens in the best sense and meaning of the words. Unpaid all, and going deeper in debt as the legal bills mount up.

The pro-highway paid consultants, state highway departments and the self-proclaimed omnipotent political powers arrayed behind the building of Corridor H play the process game by a different set of rules. When the corridor selection process called for public comment two years ago, Michael Baker and the WV DOT rigged the count and trumpeted the falsely counted results as a victory. When CHA and others participated in the Alignment selection comment period this Spring and an honest count of the results showed that now 89% of those

responding opposed any four-lane construction at all, this was very unimportant and this part of the process was declared "not a popularity contest!" We had learned much and they did not like what they heard.

'The process' allows examination of important projects like Corridor H at various times during their development. Both EPA and USF&WS had previously, during scoping and corridor selection phases, allowed the highway to go forward in the process. But as the science and data came in and the illusionary economic benefits were trotted forward by WV DOT and Michael Baker, Inc., they both found the project increasingly unpalatable. But it is, so far, the EPA that has been taken to the "bad agency" woodshed and given a whipping. EPA and its Region III Administrator, Peter Kostmayer, wanted to give Corridor H an EU-2 rating - environmentally unsatisfactory with (see page 3)

EPA Draft Report cites many problems with Corridor H

By Ken Ward Jr.

from the Sunday Gazette Mail

Scientists and technical experts from the U.S. Environmental Protection Agency concluded that Corridor H from Elkins to Virginia should not be built, records obtained under the Freedom of Information Act show.

EPA Region III in Philadelphia rated the \$1 billion superhighway as "environmentally unsatisfactory" - the lowest grade possible - according to the government documents obtained late last week.

Completion of the final, 114-mile leg of the Appalachian Regional Commission highway system would decimate high-quality streams, destroy pristine forests and cause untold other environmental damage, EPA scientists believe.

Perhaps more importantly, EPA officials found highway planners have little data to support their estimates that Corridor H will create jobs and promote local economic growth in West Virginia, Virginia and Maryland.

After complaints from West Virginia Sens. Robert C. Byrd and Jay Rockefeller and Gov. Gaston Caperton; EPA Administrator overruled the Region III office findings.

Regional Administrator Peter Kostmayer refused to sign a watered-down rating of Corridor H and was later told he would be replaced by June 1.

EPA staff in the regional office prepared their detailed technical report, as they are required to by law, based on a review of a thick draft Environmental Impact Statement and hundreds of pages of accompanying documents.

The state Division of Highways and its consultant, Michael Baker Jr. Inc., prepared the draft EIS and sup-

porting technical reports to help choose an alignment for the road along a 2,000 foot wide corridor approved two years ago.

The National Environmental Policy Act requires such documents be prepared. These documents can provide a cost-benefit analysis of most all major federal projects.

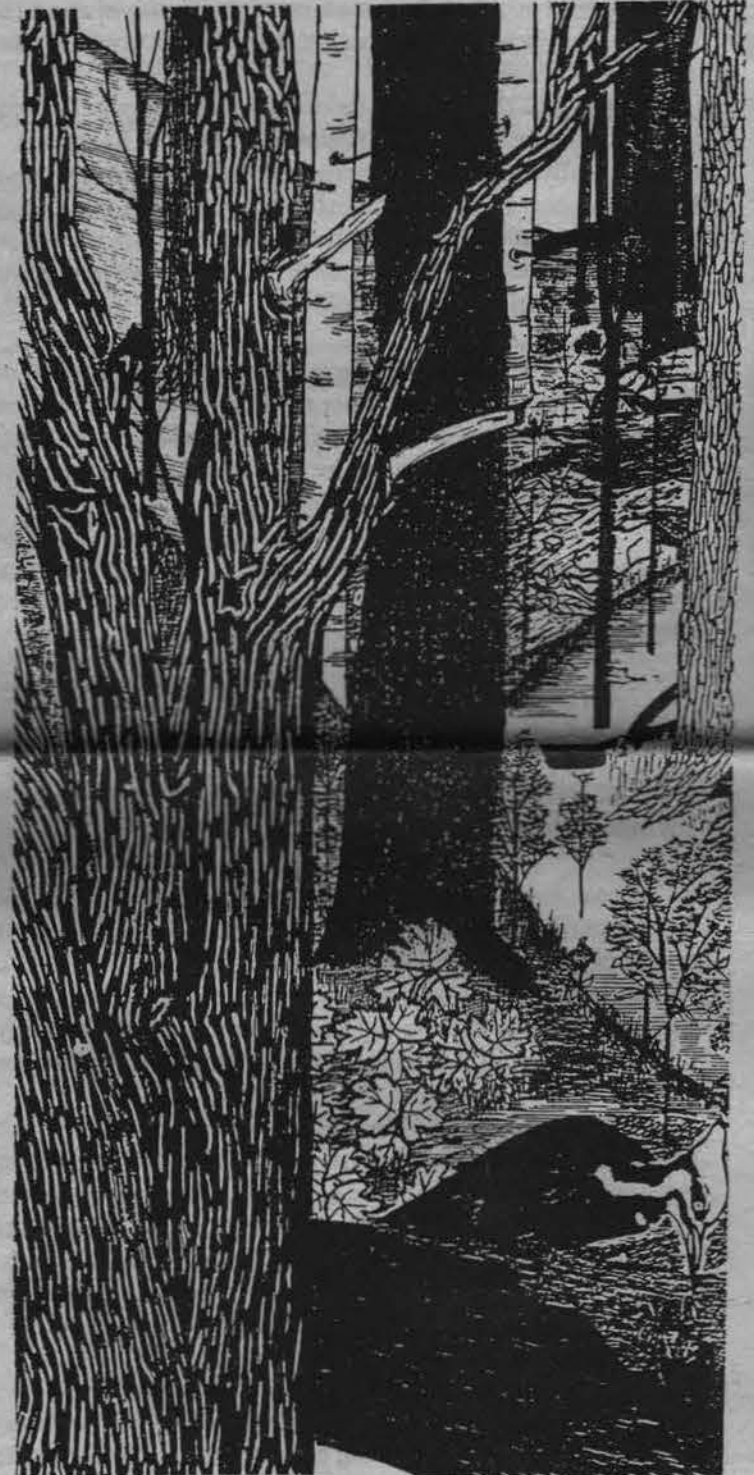
But according to the EPA staff's technical review, highway planners made "incomplete or insubstantial assumptions (which) tended to underestimate potential environmental impacts or overestimated economic impacts."

Among the examples cited by the EPA staff report:

-Despite lofty job gain estimates, the highway planners put little in their EIS to document potential environmental impacts of predicted increases in manufacturing plants, timber operations, tourism and the already booming poultry industry.

These so-called secondary and cumulative impacts could do the most damage to streams, which would already bear the burden of pollution from more than 100 separate sources.

Charles L. Miller, West Virginia's transportation secretary, sent a copy of the Daily Mail article to Gov.



Drawing by Glenn Scherff

Gaston Caperton.

In a cover memo dated Feb. 22 Miller wrote, "We have continuing verbal comments by other federal agencies which indicate that they are being encouraged to recommend a 'no-build' comment by the Regional EPA.

"The concerns which we have been verbally advised of are issues which can be addressed through a negotiated process and mitigated during actual construction," Miller wrote.

"The concern of 'disruption to a major environmentally sensitive ecosystem' is a sensitive issue which can

never be resolved to the satisfaction of persons with strong environmental beliefs," Miller wrote. "It is and issue, however, which we will address using the best practices available, during construction and maintenance of Corridor H."

The next day, Caperton, who clashed with Kostmayer over the proposed Mason County pulp mill, wrote to Browner that "Once again Regional Administrator Kostmayer is trying to stop progress in West Virginia."

"Corridor H is a (see page 7)

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

by John McFerrin

Thank you for your input

Does West Virginia really take environmental values seriously? We are about to find out.

Thirty years ago, environmental values were not even a part of the discussion of government actions. If the government thought it ought to build a road, a dam, or anything else it simply went ahead. There was no thought about how this dam, road, or whatever might affect the environment. Even in those pre-Nike-commercial days, the government just did it.

Then came the National Environmental Policy Act. It required that the government consider the environmental effects of its actions. The Act itself didn't actually require that government avoid adverse environmental effects. It made the cheery assumption that the government would only damage the environment out of ignorance. It assumed that once we had studied the problem and found out that a project would have adverse environmental effects we would, of course, avoid that project.

Now almost thirty years have passed since the passage of the National Environmental Policy Act. Other environmental laws have been enacted. The environment has become a part of our public discussions. We all call ourselves friends of the environment. Corporations have officers with titles such as Environmental Affairs Director.

Even though we now all call ourselves environmentalists, has anything really changed? The response to the recent environmental evaluation of the proposal to build Corridor H makes me wonder.

Even though the evaluation took a long time, the evaluation of the environmental effects of building Corridor H did what it was supposed to: it considered alternative routes; it surveyed streams and forests along the routes; it considered the effects on wildlife. In short, it told us what the environmental effects would be.

Those environmental effects were exactly what the Conservancy and many other people had been saying for a long time. The environmental effects of Corridor H will be awful. After the environmental studies required by the National Environmental Policy Act were finished, the United States Environmental Protection Agency rated the proposed highway "environmentally unsatisfactory". This is the lowest rating the Agency has.

But has this rating of "environmentally unsatisfactory" done anything to affect our public officials? Have we, as the National Environmental Policy Act assumed we would, looked at the devastating environmental consequences and decided not to proceed? Not that I can tell. So far as I can see, the collective response of our public officials has been, "Thank you for your input. We are all environmentalists so we appreciate it. Now fire up those bulldozers, boys. We've got a road to build!"

All this causes me to wonder. Are we serious about environmental protection? Do we look at environmental consequences because we want to avoid them? Or is this all a big charade we go thorough so that we as a society can go on calling ourselves environmentalists?

If our political leaders have the courage to act on the recommendations of the Environmental Protection Agency and avoid building Corridor H, then we will know that the National Environmental Policy Act means something and that we really want to discover adverse environmental consequences so that we can avoid them. If, on the other hand, we simply ignore the documented environmental consequences of Corridor H and plunge ahead, it will tell us something else. It will tell us that the entire process of studying the environmental consequences is a cruel joke that enables us to go on pretending that we care about the environment.

In other words, through the decision on Corridor H we will find out if West Virginia is serious about environmental values. I am waiting to find out.

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Headlines (and fragments) on Corridor H and The Firing of Peter Kostmayer

Readers sent in more clippings on this topic than any since I've been editor of the VOICE. Here are a few selections

Kostmayer fired from EPA post by White House - Philadelphia Inquirer
 - "Peter was flabbergasted," an aide said. "He thought he was carrying out the central environmental goals of the administration."

- "For the administration to even consider pulling him out of the job at this stage causes us to question what, if any, commitment they have to the environment," said Sam Spafforth, director of Clean Water Action Eastern Pennsylvania.

- Top aides to Kostmayer, however, said they believe that the dismissal came after their boss incurred the anger of two powerful Democratic West Virginia Senators.

W.Va. officials found Kostmayer unfair - Philadelphia Inquirer

- "He was sort of anti-West Virginia," Sen. Jay Rockefeller said, Sen. Byrd and Gov. Gaston Caperton concur.

- "Norm Steenstra, environmental coordinator for the WV Citizen Action Group, said Kostmayer was fired because he 'had the guts to stand up to' Rockefeller, Byrd and Caperton.

Kostmayer defends his 'hard-hitting' style - Philadelphia Inquirer

- Kostmayer opposed the construction of a four-lane highway in the Appalachian mountains, one of the flashpoints that angered West Virginia's Democratic senators, ... and Governor Caperton.

- "You're going to ruffle some feathers," [Kostmayer] said of his

outspoken style. He smiled and added, "There are a lot of feathers that need ruffling. Maybe I ruffled some wrong ones...I ruffled some West Virginia feathers."

For Pete's sake - Philadelphia Inquirer

- His firing raises, for Earth Day, this question: At what point does the Clinton administration catering to the anti-environment mood in Congress stop merely placating opponents and start emboldening them?

Congressman defends ousted EPA official - Charleston Gazette

- Mollohan, D-WVa., said he served with Kostmayer when the Pennsylvanian was a congressman and believes Kostmayer is "full of integrity."

- "I really do regret [Kostmayer's firing]," Mollohan said. "Peter is the kind of fellow who makes you test your own ideas and makes you justify your position."

EPA experts questioned need for Corridor H in draft report - Charleston Gazette

- In a technical report which some officials tried to suppress, EPA staff doubted the prediction that 18,000 jobs would be created through the \$1 billion Corridor H project and questioned why the highway planners failed to consider improving existing roads as an alternative.

Environmentalists pushing to keep area EPA director

- "We're going to fuss about him being knocked out," said Kim Baker of Huntington, past president of the

WV Environmental Council. "We're outraged, basically."

- "We've got a lot of people calling their senators and Carol Browner and voicing their outrage about the situation," Baker said.

Pulp Pressure - EPA firing political - Charleston Gazette

- It's sad that politics take precedence over protecting the environment, even in the Clinton administration.

Jay's complaints jeopardize EPA official's job - Charleston Gazette

- Regional US Environmental Protection Agency Administrator is being pushed out of his job, in large part because of complaints from Sen Jay Rockefeller, according to sources within the agency. ♦

What Will It Take?

(from page 1) insufficient information. Peter Kostmayer had already ruffled a few political birds' feathers on other W.VA. projects: so the empire struck back and by pure brute political power - the EU-2 rating was changed in Washington D.C. to an EO-2 (environmental objections with insufficient information). And when Mr. Kostmayer would not sign the watered down version, he was canned. The science and data in EPA's technical comments was never released and 'the process' was again perverted by those blinded by power and political expedience. Some agency people within

EPA thought they would never be subjected to such throttling, believing that "science and environmental protection mattered"; they are now eating those words.

Corridor H Alternatives will be taking our case into the halls of Congress where we will try to attack the "H" beast at it's heart, which is shaped like this > \$. The new order in D.C. may make this easier, but the brute force practice of political power is a common and everyday thing there, and even much admired. So it is hard to predict who will come to our aid (if any), and will it come in time?

We will keep the pressure on, endlessly, selectively applying it where and when it is needed. To keep them from building one inch of four-lane highway through the Potomac Highlands we will be in court as soon as is needed. (Likely this summer. Any donations for legal expenses is greatly appreciated.

Send to: CHA, P.O. Box 11, Kerens, WV 26276).

What will it take? We have participated in 'the process', we have lobbied, raised funds, demonstrated (peacefully), educated, communicated, and all along we have never given up. No one at the heart of the Corridor H fight has given up and quit, not one!

But what will it take to make them listen? To honestly deal with

Mon. National Forest EISs

<h4 style="text-align: center;">Wild and Scenic Rivers</h4> <p>The draft EIS for the Mon Nat'l Forest Wild and Scenic River Study has been sent to the printers and should be available to the public by the end of May or early June. The comment period will extend for 90 days. To receive a copy contact: Buzz Durham, Public Service Group Leader MNF - Supervisor's Office 200 Sycamore Street Elkins, WV 26241 (304) 636-1800</p>	<h4 style="text-align: center;">Thornwood Gas</h4> <p>According to Linda Tracy of the Supervisor's office, the EA for this proposed project is still not complete. It is expected to be available by the end of May. Amazing but true, the Forest Service is not preparing the EA for this, but has allowed Thornwood to hire another consulting company. This is the first time this has happened on the Mon! Let's keep our eyes on this one.</p>
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those common sense concerns and solutions which we have been raising for two and one-half years. The answer is

that for the Earth, for our lives we cannot quit, whatever it takes is the answer! ♦

Memorial Services held in Charleston WV for Phil Scott on April 21, 1995.

A member of the Carey, Hill & Scott law firm, Phil represented WV Highlands Conservancy, WV Wildlife Federation, WV Council of Trout Unlimited and WV Citizen Action Group in a Mandamus Action before the WV Supreme Court RE: the state's failure to treat acid mine drainage at forfeited mine sites.

-Representatives of WVHC met Phil late in the winter of 1994.

-By Spring the groups had approved the petition and Phil, along with his friend and former professor, life-time WVHC member Pat McGinley filed the Writ of Mandamus Action with the Court.

-On June 28, 1994, despite fatigue caused by a recent round of chemotherapy, Phil argued the case before the Supreme Court.

-On July 20th, the Writ of Mandamus was granted and Phil started to plan follow-up actions.

-By Fall the lymphoma diagnosed during Phil's routine physical early in the summer required increasingly aggressive treatment measures. Throughout a bone marrow transplant and a series of various chemotherapy treatments Phil insisted on pursuing further environmental cases with WVHC. Though his schedule and weakened physical condition limited the number of conversations and phone calls, they never dampened his enthusiasm or his clarity of thought. He was always willing and anxious to do more.

-On April 19, 1995 Phil's body succumbed to the illness.

At the memorial service a packed church and several moving testimonials gave witness to the fact that Phil's spirit, optimism and devotion to life, family and friends will last far beyond his short but brilliant 31 years on this earth.

Our association with Phil was brief, but full of intensity and depth of commitment. Remembering him will always be like turning on a light in a room full of darkness. ♦

Students Celebrate Earth Day

For the 25th anniversary of Earth Day, the Elkins chapter of the statewide Student Environmental Network (SEN) sponsored an afternoon of educational environmental presentations for the juniors and seniors of Elkins High School on Thursday, April 20th.

"While Earth Day is actually on April 22nd, we wanted to celebrate the event in our school and provide some interesting environmental offerings for our peers," stated Tracy Walker, the SEN coordinator of the event.

Ron and Wendy Peronne of the Three Rivers Raptor Center near Hinton, brought in a number of birds of prey that they are in the process of rehabilitating and/or use for educational purposes.

Wolf specialist Mike Millert, from Red House, used for the first time a young male wolf he recently acquired to talk about this species behavior and characteristics. The wolf, once a West Virginia native species, is now extinct in this state.

Local DNR Non-Game Wildlife



Monongahela National Forest NEPA Quarterly

The new Quarterly has just arrived. I had to make a special request to get mine. Kate Goodrich (304-636-1800), who is responsible for the mailing list said I should have received one (I didn't), but was kind enough to send me another. Unfortunately it lists a lot of projects its too late to get involved in, but there are a few that are still in the early stages and you can get involved in protecting your National Forest from various abuses. Call Kate for your very own copy. Call me if anything sparks your interest and will figure something out. - Bill Ragette' 304 824 3571 - Match the letter before each project with the one on the map!!

Potomac Ranger District
304 257 4488
HC 59 Box 240
Petersburg, WV 26847

The two big timber sales for this district have already passed the stage where you can get involved (legally anyway) - One is (A) Grassy Mountain Project (#56.107). Trout Unlimited appealed this decision because Elk Run is already carrying too much sedimentation for all the other projects its had to suffer, but the appeal was denied. The other is the (B) Osceola Project (#53.009) - the decision is expected on this in July.

(C) Red Creek Stables Outfitter Guide - Red Creek Stables, near Laneville wants a permit to provide horses and guide services in the Flat Rock Run area and into the area north of Dolly Sods. Actually they have been doing this for a number of years, but the forest service finally admitted they need a permit for this commercial activity. Areas involved include Weiss Knob (#53.001), Dolly Sods Scenic Area (#58.031), Red Creek (#56.102), and the Flat Rock Roaring Plains (#56.203). The outfitter has decided to resubmit a revised application; so there's still time to get involved in this one.

(D) Seneca Rock Outfitters Guide - Generally the same deal - a permit for commercial guides to uses Seneca Rocks (#57.001), but the decision date will be in May, so call in quick if you have any concerns.

Two Range Allotment Plans - the first along (E) Strader Run (#53.005) to extend the grazing for ten more years is in the decision stage, but the grazing in (F) Smoke Hole (#56.202) - (Wait this is a 6.2 - no vegetation management area!!) is a temporary permit and is still in the scoping stage with comments due by June. Call now to keep cows out of the Smoke Hole!!!

(G) Spruce Mountain East Road Extension (#53.006) - This is a strange bird. Evidently the timber

decision is signed sealed and delivered (1991), but now the FS wants to build an entirely different road to access the timber. The road will be a new construction and will go north from Spruce Knob into the Brushy Run Drainage. The freddies say they will not revisit the timber cut decision, but it seems to me that this new wrinkle will change the cumulative impacts and they may be forced to redo the Environmental assessment of the projects. Scoping starts in May with their decision planned for June.

(H) Timberline Ski Area/Salamander Run (Weiss Knob #53.001). Evidently the ski run the freddies gave to timberline on Cabin Mountain actually does impact the population of Cheat Mountain salamander living there. But don't worry they are going to study it some more and see if they can find some way to have their skiing and their salamanders too!

Scoping is now, the Comments are due by June '95. Call em up today!!

Cheat Ranger District
304 478 3251
PO Box 368
Parsons, WV 26287

(I) Clifton Run Project Area (#13.010)
Vegetation Management (timbers sales), wildlife habitat management, road construction
EA completed, now in comment period, Decision Date May

(J) Indian Run Project Area (#13.007)
Vegetation Management (timbers sales), wildlife habitat management (create openings-clearcuts), road construction/reconstruction, watershed improvements. NEPA scoping now! Comments due June; Decision September

(K) Bear Heaven Project Area (#13.001)
Vegetation Management (timbers sales), wildlife habitat management (create openings-clearcuts), road construction/reconstruction, trail reconstruction
NFMA now; Comments due August; Decision December

(L) Location Project Area (#13.004)
Vegetation Management (timbers sales), wildlife habitat management (create openings-clearcuts), road construction/reconstruction, trail reconstruction
NFMA now; Comments due August; Decision January 1996

Trail reconstruction Projects - (M) Blackwater trail (#16.102, #13.009) - (N) Canaan Mountain trails (#16.202, #161.03)

Grazing allotments - (O) Wratford/Vickers Allotment Plan in McGowan Mountain (#16.104) and in Fernow (#18.001) - revisit grazing permit for a minimum of 40 cows.
Comments due October, Decision January 1996

Gauley Ranger District
304 - 846 - 2695
PO Box 110
Richwood, WV 26261

(P) Gauley Project Area (#261.01)
Vegetation Management (timbers sales), wildlife habitat management (cre-

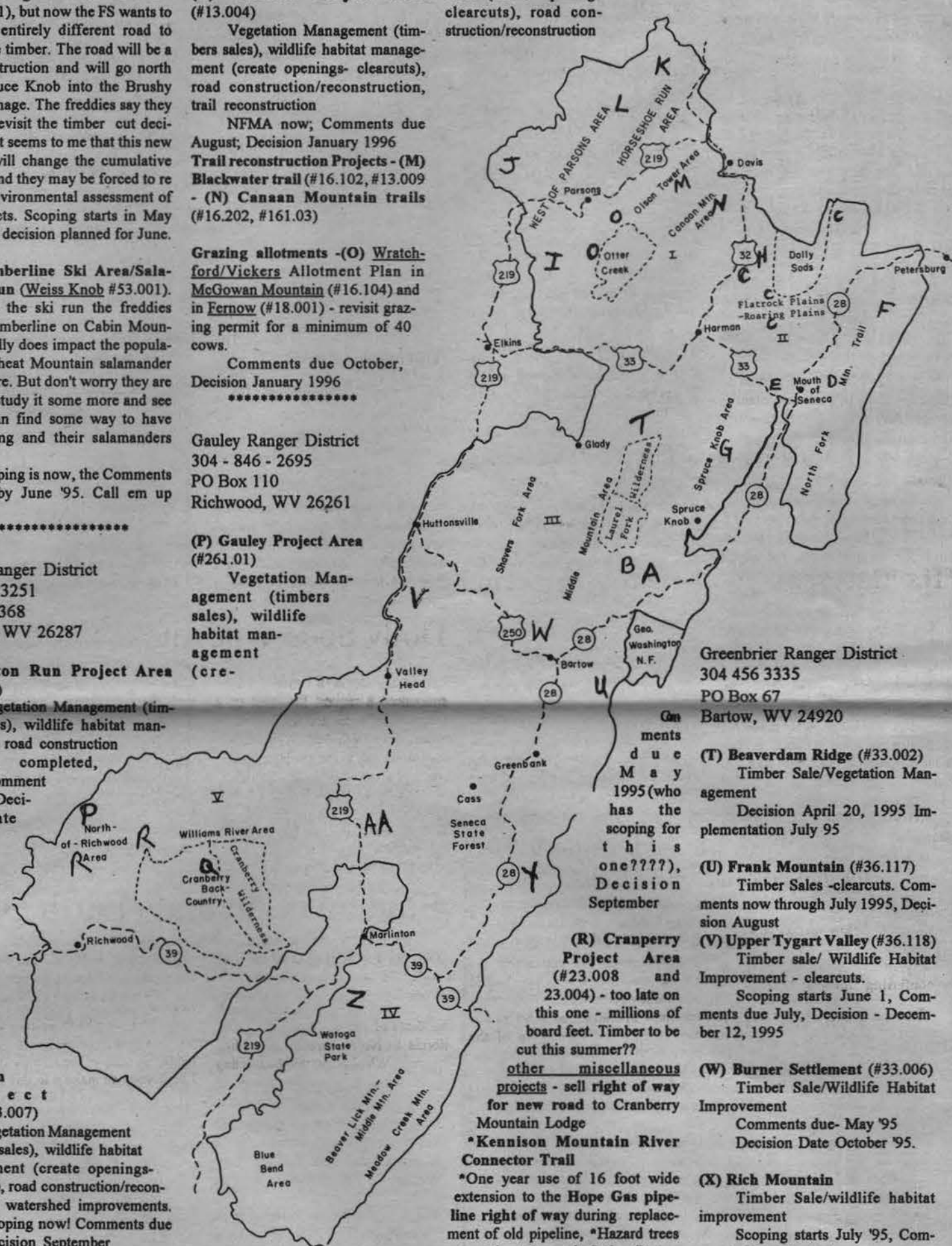
ate openings-clearcuts), road construction/reconstruction

Comments due May 1995 (who has the scoping for this one????), Decision September

(R) Cranberry Project Area (#23.008 and 23.004) - too late on this one - millions of board feet. Timber to be cut this summer??

other miscellaneous projects - sell right of way for new road to Cranberry Mountain Lodge
*Kennison Mountain River Connector Trail
*One year use of 16 foot wide extension to the Hope Gas pipeline right of way during replacement of old pipeline, *Hazard trees removal at Summit Lake Campground

(S) Cherry River Project and Holcomb Project - although these decision notices were signed in '93 and '94 and timber has been marked and sold it still hasn't been cut yet. What's a matter boys, waiting for the market to rise some more?



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

(T) Beaverdam Ridge (#33.002) Timber Sale/Vegetation Management
Decision April 20, 1995 Implementation July 95

(U) Frank Mountain (#36.117) Timber Sales-clearcuts. Comments now through July 1995, Decision August

(V) Upper Tygart Valley (#36.118) Timber sale/ Wildlife Habitat Improvement - clearcuts.
Scoping starts June 1, Comments due July, Decision - December 12, 1995

(W) Burner Settlement (#33.006) Timber Sale/Wildlife Habitat Improvement
Comments due- May '95
Decision Date October '95.

(X) Rich Mountain Timber Sale/wildlife habitat improvement
Scoping starts July '95, Comments Due - August

Marlinton Ranger District
304 799 4334
PO Box 210
Marlinton, WV 24954

The three timber projects listed in the NEPA announcements have all been completed up to the Decision stage. I wonder if when the next

ate openings-clearcuts), road construction/reconstruction, trail reconstruction
NFMA now; Comments on going; Decision January 1996

(Q) Little Fork Project Area (#22.002)- Adjacent to Cranberry Wilderness!!!
Vegetation Management (timbers sales), wildlife habitat management

Taylor and Gorton Attempt to Deliver the National Forests to the Timber Industry

This will effect the Monongahela National Forest Too!

by Laura Anne Carlson - from the latest Heartwood Action Alert.

Amendments to the Congressional rescission bills contain broad, sweeping language that could allow unrestricted logging on federal lands. These sales would be known as "salvage sales" to be done in the name of "forest health". The Gorton amendment defines a salvage timber sale as a sale "for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fires or insect attack, and includes the removal of associated trees..." This allows for designation of almost any stand of timber as potential salvage. Any forest administered by the Forest Service (FS) or the Bureau of Land Management (BLM) could be

logged under this definition of salvage.

The agency administering these "salvage sales" would not be required to comply with the standard administrative procedures for agency action (e.g. the scoping and appeals process for Forest Service decisions), or with the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the Clean Water Act, or any other federal legislation.

In regard to judicial review of these sales, the Gorton Amendment further states, "No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare...any timber sale offered under," the salvage provisions outlined above. A permanent injunction is allowed only if "it has been determined that the decision to prepare... the sale was arbitrary, capricious, or otherwise not in accordance with law." With such a

broad and arbitrary definition of salvage, and a provision denying the applicability of any other federal laws, this determination seems highly unlikely.

In short, the authors of these amendments have opened up the National Forests and BLM lands to unrestricted logging, and closed all avenues of citizen oversight and participation in the decision making process. Though the legislation is being touted by its sponsors as the solution to the so-called "forest health crisis" that allegedly caused the huge Western forest fires of last summer, there is nothing in these amendments which restricts the use of this definition of salvage timber to Western forests. The Taylor amendment mandates an additional 6.2 billion board feet of timber, over and above the targets defined in individual forest plans, be cut off FS and BLM-administered lands in the next two years. That amounts to about double the currently defined allowable cut. Even the Forest Service and the BLM have stated that this goal cannot possibly be responsibly met. If passed, this bill (and others like it which are currently in the works) could spell the end for forest health and

native biodiversity.

ACT NOW: Please call, write, fax, email, and/or knock on the doors of your Senators and Representatives. Ask them how they voted on these amendments, and why. Explain to them that the "forest health crisis" is a timber industry hoax for which they have fallen, but you have not. Cite the substantial scientific data available that suggests that logging in burned areas is the worst thing to do to achieve both forest health and fire prevention goals. Point out that this type of unrestricted logging can occur on any forest in the country, and that these sales will put a significant drain on the Federal budget. Urge them to work against final approval of these amendments and to vote against future bills which contain similar "sufficiency" language. Ask your legislators to contact Clinton in support of a Presidential veto of the salvage riders. Tell them you will not allow federal agencies to be insulated from the law, while giving your tax dollars and your forests to wealthy, multinational corporations.

MAKE NOISE In your local community. Write letters to the editor; call your local talk radio shows; call a press conference. Let your neighbors

know that while the Republican leadership is talking of fiscal responsibility and of lessening the role of the Federal bureaucracy, it is passing a "rescission" bill which gives millions of tax dollars to an industry that registered record-breaking profits last year and insulates federal bureaucrats from the law. Tell your friends that this initiative, attached to a bill which is purported to save taxpayers money, could easily cost taxpayers over \$1 billion to implement. The Congressional switchboard number is 202-225-3121.

CALL CLINTON! Tell him the time to act is now. The American people will not sit idly by while Congress takes away their rights and devastates the environment. **DEMAND THAT HE VETO HR 1158 IF THE SALVAGE RIDERS REMAIN ATTACHED,** Remind him that the American people, in poll after poll, have expressed their support for strong environmental protection.

Call the White House at 202-456-1111. Fax (202) 456-2883. E-mail to president@whitehouse.gov. Send cards and letters to: President Bill Clinton, 1600 Pennsylvania Ave, NW, Washington, DC 20500



'Tis Better to Give Than Receive?

A Reply To "Takings" Legislation

by Tom Rodd

Here's an idea for some law we could use in West Virginia to balance the recent "takings" legislation:

1. "Givings mechanism" shall mean:
 - a. tax credits;
 - b. highway construction or improvement;
 - c. loans at below-market rates;
 - d. reduction of penalties or fines;
 - e. any other similar mechanisms for conferring financial benefits.

2. "Givings Panel" shall mean a panel of six persons, one appointed by the Governor, one by the Chief Justice of the Supreme Court, one by the Attorney General, one by the Speaker of the House, one by the President of the Senate, and one by the Treasurer, to serve five-year terms. Members shall be appointed within thirty days of the effective date of this bill. Three members shall be male, three shall be female. The panel shall have the power to issue subpoenas for testimony and documents, to hire counsel and adminis-

trative staff, and to conduct hearings. Panel members shall be paid on a \$100 per diem basis for their service connected with the panel.

3. "Special Benefit" means a financial benefit of any sort not conferred upon all other business operations in the state, but instead conferred upon a particular business operation or operations.
4. "Business Operation" shall mean all private, for-profit commercial activities, including the ownership and holding of interests in land.
5. Whenever the state of West Virginia proposes to confer by any givings mechanism a special benefit of a value exceeding \$25,000 on any business operation, at least ninety days before the conferring of the benefit, the full details of such proposed conferring shall be submitted in writing to the Givings Panel, and released for public review. Within thirty days of such submittal, the Givings Panel shall hold public hearings to examine the question of whether such conferring is in the public interest, and is fair to other business operations and to the public at large. Members of the public shall have the right to appear and offer testimony at such hearings. No decision to confer any such special benefit shall be final or binding until thirty days from the completion of such hearings. Nothing in this bill shall reduce or constrict the legal rights or remedies of any member of the public or of any business upon which a benefit is not proposed to be conferred. ♦

NEPA announcements come out we will see another three projects already completed - whoops, too late for you to become involved. - The projects were - (Y) Paddy Knob (#46.107), (Z) Buckley Mountain (#46.116), (AA) Elk Mtn Timber Sale (#46.111) ♦

Dolly Sods Wilderness, Ordnance Removal Project

Army Corps of Engineers have announced a request for input on a proposed ordnance and waste removal action at the Dolly Sods Wilderness to reduce the risk to the public and environment from unexploded ordnance.

Dolly Sods was part of a 2 million plus acre Maneuver Area during WW II. Even though the area was searched and cleared after the war, at least 20 pieces of ordnance have been found in recent years. Thirteen of these were found during a 1991 feasibility

study where 281 acres were searched with magnetometers. One piece was found close to a fire pit and could have been detonated by a fire, if the pit were much closer to the ordnance. The Corps is proposing to search all trails in the Red Creek Valley for their entire lengths and for 20 feet on each side and also in cleared areas used for camping. If searching indicates metal present, excavation will occur by hand to a depth of one foot along trails, 4 foot in campsites. If ordnance is found

it will be detonated in place. The idea is reduce the chance that visitors to the area will accidentally detonate the ordnance. The Army says it will work closely with other agencies to avoid or mitigate impacts to archaeologically significant areas, sensitive plants, and animal habitats. No motorized vehicles will be used in the project and disturbed areas will be covered with leaves and other materials to minimize exposure and erosion. If you wish to make comments or to be informed of the progress of the project contact

US Army Corps of Engineers
ATTN: CEORH-PD-B (Mr. A. B. Borda, Jr.)
502 Eighth Street
Huntington, WV 25701-2070
304/529-5712 ♦

Heartwood 5th Annual Forest Council

Over Memorial Day Weekend, hundreds of forest activists from California to North Carolina (including lots from WV, I hope) will be meeting at Bluestone Conference Center in Hinton WV to teach, learn and exchange information about the Central Appalachians and the fight to return the Public and Private forests of the Central Hardwood region to their former state of grandeur.

Besides dozens of workshops, the council will feature presentations by Dr. George Constantz on the Evolutionary Ecology of the Central Apps; by Dr. Linda Butler about the incredible Insect Diversity and the effects of Gypsy Moth Control, and Dr. Ori Loucks about his research into the deteriorating health of our hardwood forests.

Activities for kids and hikes with naturalists are also featured. A splendid time is guaranteed for all. With the forces of darkness giving away our

national forest timber and with legislation in the works to actually sell off our National Forests to the highest bidder we need all the help we can get. I hope you can make it to this gathering. For more information, brochure etc., give me a call - Bill Ragette' 304 824 3571.



Green Rolling Hills

(from page 8) should organize their own local cable or PBS showing; Green Rolling Hills is an excellent organizing tool and model for low-budget documentaries. Everyone should see Green Rolling Hills; it is a testament to a country lost and confused culture, still, thoughtlessly struggling to preserve, even for one last destructive blow, an industry built on exploitation of people and forests.

Jason Halbert was a former lobbyist and campaigner for Save America's Forest in Washington, DC and now works with the Native Forest Network. ♦

Governor's State-Owned Forest Advisory Committee Finishes With Draft Planning Guidelines

by Ragette'

Next round - the Forest Management Review Commission

Well folks, the guidelines are certainly not as good as we'd like them; but as Vicki Douglas said, "They're light years ahead of what we currently have." The main problem is to keep them from being degraded as they go through the Forest Management Review Commission (FMRC). As you look at the names on the Commission (will list them next issue) you'll see the names of several officials with strong ties to the timber industry. Several of them make a living at it. Their mission is to maximize and expand the wood products industry.

Now that doesn't mean they can't support a science based approach to management of the few acres in the state forest system. Certainly the public input is minimal. Considering that the Governor formed the commission to insure some public input into the planning and project processes, its hard to see how they could weaken the guidelines and still meet the Governor's goal of managing the forests for all West Virginians. But several members of the committee have repeatedly stated that they don't see any need for (no stinkin') public input. I'm afraid

they just don't get it, but they do have influence.

We all need to contact our delegates and senators on the committee, tell them that although we are not satisfied with the guidelines and feel that they are too weak to protect the forests; we see them as a compromise that should not be weakened at all.

So what's good about the guidelines? First of all the committee finally agreed to hold a public hearing on each individual state forest plan. Written comments will be accepted and the Division of Forestry must respond to all substantive comments. They same is true for the prescription stage of the process. In this case the public hearing will be included with a tour of the project area.

Although the DOF won't maintain a mailing list to notify interested parties, the availability of the draft Forest Plans will be advertised in a local and statewide paper for two consecutive weeks. The DOF will also send out news releases about the availability of the draft plans and the hearings. I was told the Conservancy could become a recipient of the news releases simply by requesting to be on their distribution list.

Each state plan will delineate those areas that are permanently set aside. You get to comment on this and perhaps get it expanded if a good enough case is made. Yet just because

some area is not set aside at this time, it doesn't force it to be cut at a later date. As prescriptions are written for the "working" forest outside of these 'set asides', timbering is only one of several ways of treating forest areas. A prescription can be written (although it won't happen too often under current conditions) to leave an area alone.

OK what's bad about the plan? First, the plans are created within the Division of Forestry with comments solicited only from other state agencies. No groups, academia, users, no one's opinion outside of government is contacted for their input as to the best use of the various State Forests. Several committee members suggested the formation of a Forest Advisory Board for each forest, consisting of users and local residents. This didn't happen. The Plans will be mostly a fait accompli when the public gets to look at them. This doesn't mean that they can't be changed at this point, but it will take a strong and studied pressure from citizens.

Clearcutting is allowed only as research, creation of wildlife plots or for the salvage of trees damaged by storm, fire insect or disease. We must 'trust them' not to abuse this. Bob Whipkey, chief of state forests, said he would not abuse clearcutting and always have documentation for any decision to clearcut. Actually this is an improvement over the federal clearcut

guidelines. In the Monongahela clearcutting in some areas is the dominant method of 'tree harvest'.

Wetland and riparian areas will be protected by a 100 ft buffer which will be no-cut or very limited cut. I was unable to strike the very limited cut, but once again I was assured it would not be abused and only used where utterly necessary. Depending on the way this guideline is implemented it could give more protection than the new "Riparian Management" being touted for the Monongahela Plan Amendment.

Up to twenty five percent of proceeds from the sale of forest products can be returned to the forest. I fought long and hard to make it 100%, but the reality is that the Division of Forestry absolutely depends on this money for salaries and for fighting fires. This last legislative session the Division of Forestry received all of the timber severance tax, which still does not meet all their expenses. This seems very odd to me, but they rolled out the numbers. Someone said that the wood products industry was interested in allowing the Severance tax rate to increase, but the Governor would hear none of it. Strange!

I usually dug in my heels at certain statements that I could never agree to, and was able to get them removed. They are not important as to policy, so I was able to have them

struck. Here's two examples of lines that we removed. 1.) "Barring disturbance, forests will ultimately reach a point of stagnation and decline for its commercial timber harvest." 2.) There was also a claim that single tree selection was tended to the creation of an unevenaged forest (I let that go) and would tend towards a climax forest (This part was dropped).

The committee's final internal draft will be released for our comments/corrections shortly. Then after a two week review period it goes to the FMRC. Their monthly meetings are open to the public and we would most likely benefit from a large showing. So here's your chance. Call me (824-3571) for a copy of the guidelines, study them and get ready to lobby the folks on the Commission and attend their meetings. Thankfully Vicki Douglas, who has done great work (and I hate to admit it has most of the committee) getting the guidelines drawn up, is now on the FMRC and will be our best asset in seeing that they not become diluted in the FMRC. If things go smoothly we will have the first plan to review (The Greenbrier State Forest Plan) in 2 to 3 months. So get down and visit the forest. Barbara Breshook, forester for Greenbrier, said they found the rare black margined sedge along Young's trail, see if you can find it yourself. ♦

Sophie's Choice Or Win-Win At Coopers Rock?

by Tom Rodd

Coopers Rock State Forest, about 12,000 acres east of Morgantown overlooking Cheat Lake, is the subject of a novel scheme to drill up to fifty gas wells in the Forest. Alamo Corporation and the West Virginia Public Land Corporation are negotiating to swap 2,000 adjoining acres of privately owned land, for the ownership of the gas under the Forest, and the associated drilling rights.

The private land Alamo is offering to swap to the state for the gas is the southwest side of the Cheat Canyon, and contains the "viewshed" from the famous Coopers Rock Overlook. One observer called this proposal a "Sophie's Choice": lose the deep-woods forest to a network of gas wells, access roads and pipelines -- or lose the chance to acquire a large amount of important land for long-term preservation -- including some sites where the threatened three-toothed snail lives. Others say the proposal could be a "win-win" scenario for the public and for the gas company.

The legality of the scheme is not certain. While the Public Land Corporation can swap land "value for value", other sections of the law require com-

petitive bidding for all gas development on public lands, and prohibit the severance of minerals from the surface.

The Coopers Rock Foundation, a private group with many members who are active in environmental and community protection, has not yet taken a formal position on the land-for-gas proposal. Nor has the Forestry Department at West Virginia University, which has a 99-year lease on much of the Forest, and conducts important and sensitive research there.

Alamo has tried hard to emphasize that it will modify its practices as much as possible, to minimize adverse impacts to the Forest. Alamo also says that if this deal doesn't go, the viewshed will be developed within the year for condominiums. But this has been said before, and not yet come true. The state has been trying to buy the viewshed for several years, and has appropriated \$600,000 for the purchase -- but the owner, Chuck Young, has insisted on a much higher price. Charleston attorney David Flannery is representing Alamo.

Forest fragmentation, injury to deep-woods habitat, degraded recreational experience, damage to historical artifacts, and inappropriate road use are among the many concerns For-

est lovers have expressed. For many frequent Forest visitors -- hunters, fishers, hikers, bikers, birders, etc. -- the "view" is not the most important value of the Forest. University teachers and scientists are very concerned that the proposed drilling and attendant development will change the Forest so much that experiments that have been going on for decades will be made useless. Also troubling to some is the "hurry up" message that Alamo is presenting -- people feel that haste can more easily lead to regrettable decisions.

Some Forest lovers feel that the uncertain risk, of a "view" that includes condominiums, is not worth the giving up the undisturbed naturalness of the Forest to a network of wells, roads, and pipelines for generations.

Others, including many who have worked for years to acquire and protect the viewshed land from development, fear that a last chance to do so may be lost. Some people believe that the gas under the Forest will probably eventually be extracted, and this is the best chance to see that it is done right and under strict limits and public oversight. The land to be gained for the public in the proposed swap would be a significant and valuable addition to public lands, in an area near Morgantown that is seeing significant devel-

opment pressure. Many people see gas drilling and development as relatively benign -- and this proposal as a chance for "environmentalists" to be in a "win-win" situation with industry.

Many Forest lovers and users are undecided, and want to see what protections are possible, before they express a final opinion. There is little chance that the state will approve the deal, if large numbers of local Forest lovers and users are opposed. Alamo is now proposing that all drilling plans be approved first by an independent panel, which would be a novel approach. This proposal hasn't been produced in writing yet.

The Coopers Rock Foundation sponsored a public forum in Morgantown on April 27; one hundred people attended. One forum participant said that how far Alamo will go to try to meet public concerns will ultimately depend on whether Forest lovers and users are willing to "say no" -- to any deal that does not absolutely protect critical forest values and uses -- even though "saying no" may mean losing the opportunity to acquire the viewshed property (for now).

Other issues are - what about other gas companies - what might they offer? Is the proposal a foot in the door for "swapping" the gas and oil under



other public lands?

"Sophie's Choice"? Or "win-win"? What do you think?

The Public Land Corporation is planning a public hearing on the proposal during the first week of June, at Mont Chateau on Cheat Lake. Comments on the proposal can be sent to Coopers Rock Foundation, Box 505, Morgantown, WV, and to the Public Land Corporation at the State Capitol in Charleston. For more information, contact Adam Polinski, 304-296-0533.

The following was added by WVHC administrative assistant and Morgantown resident Richard diPretoro -

Within its budget of \$600,000, the state probably could achieve protection of the view from the Coopers Rock overlook. They could do it by condemning ONLY the development rights ONLY in the area of the 2,000-acre tract visible from the overlook. If the state has the will, the view can get protection without rewarding a speculator or sacrificing the woods to gas wells. Save the Forest as forest. ♦



A Letter To Carol Browner

April 18, 1995
 Carol Browner, Administrator
 U.S. Environmental Protection Agency
 Washington, D.C., 20460

RE: Peter Kostmayer
 Dear Ms. Browner,

Rumors are rampant and newspaper articles confirm that you have fired Peter Kostmayer as Regional Administrator of EPA Region III in Philadelphia. We, the public, may never know the complete details of your decision, but the severity of the action demands an immediate response of outrage and incredulity.

Outrage because Peter Kostmayer has been a tribute to your agency, to the Clinton administration and to the people who live within the confines of Region III. He has been a public servant who is committed to honest, fair and in depth evaluation of the environmental and economic questions that face the region today, a man dedicated to the goals of the clean water act and pledged to achieve the greatest degree of protection the law and economics will allow, someone with backbone enough to support the responsible actions of the agency's dedicated technical people, and gutsy enough to seek the opinion and input of all points of view - truly an exception

and an inspiration to those who have come to expect much less of a person in his position.

Incredulity because your office has claimed how dedicated EPA is to reinventing the process, to moving forward hand in hand with all interested parties and without the historically skewed politics-as-usual. It was clear to me from your presentation at the National Goals Roundtable discussion in Philadelphia, January 1994, that your preferred course of operation is to work closely with states and industry to resolve problems amicably. But you also indicated that such actions would not be made at the expense of citizens, the environment or the equitable application and enforcement of federal law and regulations.

For you to undercut the efforts of a strong but fair administrator, and now to fire him because of the political hot potatoes he is willing to address in a straightforward manner runs counter to everything EPA was created to do and certainly flies in the face of all that the Clinton administration is supposed to stand for.

Just as industry S.L.A.P.P. suits have a chilling effect on citizens who challenge industry, your firing of Peter Kostmayer is sure to have a chilling effect on all agency personnel - in all agencies, not just EPA.

It is being said that political pressure was brought to bear in your decision. I do not question the loyalty and devotion of Senators Byrd and Rockefeller, but rest assured that if they or others encouraged this firing, they have not, in this instance, acted in the best interests of the people or the state of West Virginia - or any of the states in Region III.

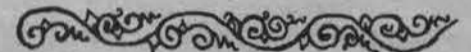
You would not have had to go far to find a great deal of support for Mr. Kostmayer. We are truly sorry and greatly disappointed that you did not.

Members of the West Virginia Highlands Conservancy have met with Mr. Kostmayer on several occasions to discuss a wide variety of issues. He has always been forthright and honest whether or not we agreed with his positions. His firing is a blow to the growing confidence WVHC and other environmental and citizen groups had begun to feel toward EPA and this administration.

Sincerely,
 but with deep regret,
 Cindy Rank, Mining Chair and
 Immediate Past President

Division of Forestry looking for volunteers to help catalog species in state forests.

Would your Audubon, Sierra, Garden or Hunting club be interested in identifying the birds, plants, bugs, invertebrates and whatever of the nine state forests, then the WV Division of Forestry would like your help. Contact Bill Maxey, 1900 Kanawha Blvd., Charleston, WV 25305 (304) 558 2788, or call the Supervisor at your local Forest and get in touch with the Forester for that forest.



WVHC Spring Review at Kumbrabow State Forest May 12-14

Come see Kumbrabow in all its Spring glory. Some cabins still available. Field trips will include a trip down Mill Creek, a wildflower walk and a hike to those giant trees that for some reason have not yet been cut. Call Richard diPretoro (296-8963) for reservations and all the details.

Problems with Corridor H

(from page 1) vital highway for our state, and the money for this has already been appropriated by Senator Byrd," Caperton wrote. "It is one of his most important projects. Any help you can give me on this project would be greatly appreciated."

Powerful U.S. Senator Robert C. Byrd, who has funneled millions in federal money for Corridor H, insisted in his own letter to Browner that he "in no way [wished] to influence the ongoing environmental review for the project."

But, Byrd added in a Feb. 22 letter written on Senate Appropriations Committee letterhead, "my objective is to ask you...to ensure the integrity of the environmental review process by seeing to it that no prejudicial determinations are made while the environmental review process is ongoing."

Sen. Jay Rockefeller, also D-WVa., talked to Browner over the phone and sent Kostmayer a nine-page letter that went much further in promoting construction of the highway. Rockefeller listed 38 separate meetings held between July 1993 and October 1994 to discuss ways to mitigate environmental impacts of the road.

Rockefeller, too, wrote that "Neither I nor any Corridor H supporters I know have advocated anything other than a fair assessment of the environmental issues involved and a reasonable method in which to deal with them."

"[But] what concerns me is that after all of EPA's involvement in this process, your agency could issue a finding of environmentally unacceptable," Rockefeller wrote "My bottom line is only that this valuable project move forward."

On March 7, Browner wrote to Byrd to

assure the senator that, "While Regional Administrator will recommend a rating, the final decision of the Agency's position rests with my office. Regional Administrator Kostmayer has not taken an official position on the 'Corridor H' highway project, and there is not an agency position on the project at this point."

Three weeks later, Byrd and Rockefeller issued separate news releases to tout a revised EPA evaluation they said concluded Corridor H would create only minor environmental problems that could be easily mitigated.

In a March 24 letter, Browner assistant Steve Herman reported that EPA had given Corridor H the rating of "environmental objections," which means "significant adverse environmental impacts have been identified that must be avoided in order to provide adequate environmental protection."

Herman cited much more general concerns about acid mine drainage, waste material disposal, stream crossings and forest fragmentation. The letter mentions EPA technical comments, but those have never been provided to the state or federal highway officials.

"EPA believes that the success of this project is dependent upon the development and implementation of corrective measures as part of a strong commitment to a comprehensive mitigation strategy," Herman wrote.

"EPA Region III is prepared to present and discuss these with you and the WV DOH as our agencies work together to bring the final EIS to closure," he wrote.

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: _____

OSM Responds (Sort Of) To Clean Water Complaints



Reports from the Mining Committee - by Cindy Rank

On April 18, 1995 the federal Office of Surface Mining (OSM) issued its first official response to the Notice of Intent to Sue (NOI) and Citizen Complaints from WVHC and the National Wildlife Federation (NWF) RE: enforcement of the Clean Water Act under the WV surface mine regulatory program approved pursuant to the federal Surface Mine Act of 1977 (SMCRA)

Sent from OSM's Eastern Support Center in Pittsburgh, Pa the letter "does not constitute a final decision" but is described as a "status report" on the agency's "intended course of action" concerning the allegations in the NOI and the accompanying citizen complaints filed on January 30, 1995.

The letter praises the state for making "great strides in correcting the deficiencies that existed in the early 1990's" and indicates that although there is still "room for improvement", OSM's latest annual evaluation report

states that WV is "effective and progressive in implementing the regulatory requirements of its approved program."

Moving on to the substance of the NOI and complaints, OSM acknowledges that "the underlying issues have significant implications for other State and Federal regulatory programs", that OSM has undertaken a comprehensive and thorough review of our assertions, has "operated in good faith to address the allegations seriously and deliberately", and has arrived at several tentative policy decisions.

However, the letter goes on to say, the adoption of many positions asserted by WVHC and NWF would be "a departure from the agency's longstanding approach to these issues", and that "until OSM, in consultation with other interested parties, has clarified the appropriate standard against which to measure the state's actions, it is premature for the agency to evaluate the performance of WV or any other State regulatory authority with respect

to enforcement of the CWA requirement."

OSM, therefore, intends to solicit comments and suggestions from the public, coal industry, environmental advocacy groups, States, and other on these tentative policy positions in a manner described in a forthcoming "outreach implementation plan". The outreach and final decision are expected to take approximately 180 days.

As For the substantive issues involved in the complaints and NOI, a one and a half page "SUMMARY OF TENTATIVE POLICIES" is attached to the April 18th letter. As stated in the summary, the policies pretty much follow and agree with most of the positions asserted by WVHC and NWF

While it's always difficult to understand letters from agencies that are trying to walk the fine line between enforcing the law on the one hand and not offending industry and the powers that be on the other, a probably accurate interpretation of OSM's April 18th response is as follows.

Dear WVHC.....We've read your complaints and, after careful and comprehensive review, agree that the positions you assert are true and accurate according to the law. However, we have never really insisted that anyone fully implement the law in the past and to do so now will probably cause a heap of trouble. We are, therefore testing the waters by issuing to all interested parties our tentative positions on your major concerns. After everyone has had a chance to review and chew over our suggestions, we'll get back to you with the positions we think we can afford to support.....Thanks for your interest and concern. Love, OSM

N.B.; It is important to note that OSM's position on the major issues regarding 1) the adequacy of site-specific bonds and the Special Reclamation Fund (bond pool) and 2) the treatment of acid mine drainage at bond forfeiture sites are not addressed in the tentative policies summary that accompanies the letter. These issues, the letter states, "are being addressed

in the context of OSM's review of a pending amendment to the WV program."

Readers of the VOICE will remember that OSM field office has in the past consistently agreed with our assessment of both the inadequacy of WV's bond program and the state's failure to carry out its mandatory duty to treat acid water at forfeiture sites (a duty also confirmed by the WV Supreme Court last summer). The current agency review of the WV program is expected to affirm these positions as well, but results of the program amendment review have been expected for months, and have yet to see the light of day.

(Anyone wishing a copy of the actual letter and accompanying tentative policies summary should contact Richard di Pretoro in the WVHC Morgantown office at 264 High Street, Morgantown WV 26505, or phone: 304 296-8963.)

Will They Remain Green Rolling Hills?



by Jason Halbert

Director/Producer: Doug Hawes-Davis
Videography: Eric Gravley
Soundtrack: Ned Mudd and the Swampdogs
Ecology Center Productions (101 E. Broadway, Suite 601, Missoula, MT 59802, 406-728-5733) VHS 29 minutes. \$15

"I am sympathetic, for these men are trying to live out an American nightmare which our system of schools and our voices of government never told them was ill-founded. There is not the raw material in the woods, or beyond, to make all of us rich. And in striving for it, we will only make ourselves, all of us, poor."

Barry Lopez The Rediscovery of North America.

From the initial grinding of the logger's file sharpening the chainsaw

blade, Green Rolling Hills documents the causal history and potential impacts of the proposed largest pulp mill in North America slated for the tiny Ohio River town of Apple Grove, West Virginia.

Clearly improving on his first video, The Element of Doom, Doug Hawes-Davis once again takes a pressing environmental and social issue and digs as objectively as possible to its root. Interviews with Assistant Secretary of Agriculture Jim Lyons, West Virginia State Forester William Maxey, local forest activists Janet Fout, Norm Steenstra, Joe Hazelbaker, and sad-but-true clips of locals allow the viewer to decide the fate of the regenerating forests of West Virginia and, indeed, the entire East. In the words of Bill McKibben (April 95, Atlantic Monthly), "This unintentional and mostly unnoticed renewal of the rural

and mountainous East - not the spotted owl, not the salvation of Alaska's pristine ranges - represents the great environmental story of the United States, and in some ways the whole world."

If superlatives do not move you, the raw footage captured by videographer Eric Gravley will make you squirm. Newer, faster technologies and archaic chlorine-bleaching processes employed by multinational giant Parsons and Whitemore combine to make the Apple Grove pulp mill an anathema the Ohio Valley simply could not withstand. Beyond the threats to public goods like water, air, and public forests; are the virtually unregulated disasters which would occur on private lands if the mill were to be built. The forests of southeast Ohio and West Virginia have regenerated since the devastation at the end of the last century. Despite formation of three National Forests in the

region, most of this area is privately held and the incentive to log again is only exacerbated by the proposed mill (estimated at 3,600 metric tons bleached pulp per day output). Mark Rey, former VP of the American Forest and Paper Association states, "because the forests are more privately owned than publicly owned the amount of conflict over their management seems to be substantially less." Yet the impact to biodiversity and quality of living for all species, especially humans, would be tremendously negative.

Janet Fout of Ohio Valley Environmental Coalition laments, "the out of state speculators promise jobs and prosperity...it's a boom and bust kind of thing, and after the resources are gone so are the companies. They leave us with the mess to clean up."

From the disempowered, depressed communities of Mason County and the rest of Appalachia to the global deforestation crisis, this video records collusion between government officials and one multinational corporation (WV Governor Gaston Caper-

ton has secured over \$200,000,000 in tax breaks and incentives for Parsons and Whitemore of England) showing blatant disregard for the well-being of social and ecological communities.

According to author, songwriter, attorney, and polemic, Ned Mudd: "Trees are nothing more than commodity to [their] ideology...to the super-corporate-oligarchy nation which can only see growth as the bottom line. You can kiss the environment good-bye folks."

West Virginian Norm Steenstra closes Green Rolling Hills with, "We're here in the last decade of the twentieth century, caught in the same boom-and-bust cycle by greedy out-of-state landowners, as what happened to us in 1900."

"It's just part of life," says one Apple Grove resident captured on film while lounging on her front porch, letting her curlers dry. Hawes-Davis and Gravley were able to travel and film a tremendous amount on a pica-yune budget. Activists (see page 5)

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