



The

Highlands

Voice

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Tenmile Becomes Faltis Stepchild

Mining Matters Anker Energy

Report from the Mining Committee

by Cindy Rank, chair

(Long a concern of WVHC, the Island Creek/Enoxy mine complex at Tenmile in Upshur County, WV is entering into yet another chapter of its long and convoluted history.)

Anker On The Move

Recent purchases in Upshur County have added a new link in the growing chain of Anker Energy's coal holdings that now stretches from Preston County in the north to Fayette County in southern West Virginia.

In its November '95 corporate profile: 'The Anker Group Positions Itself as an Industry Leader', COAL magazine attributes Anker's growth in great part to its 'visionary and deal maker' President John Faltis and his "damn the torpedoes" style of management.

Well known to residents of Barbour and Webster Counties as the wanna-be out-of-state trash baron of a few years ago, John Faltis is now staking claim to many castoff coal reserves that have become too hot (i.e. too costly) to handle for the likes of Island Creek, Peabody, Consol, etc.

The November COAL article asserts that Faltis and Vice President Bruce Sparks "have built a company from the yard sales of others."

Faltis accepts that description and suggests that the statement embodies "a lot of (Anker's) corporate philosophy - going the extra mile, out searching the industry for val-

ues, taking on others' liabilities and turning them into assets - an idle mine with remaining reserves and coupling them with stronger better equipped mines - and adding resourceful marketing.

Faltis also acknowledges that while working for Consol in the early '70s he had proposed that the company string together properties along the Appalachian fringe of the coalfields into a separate company, with its own marketing. Anker, with Faltis at the helm, now seems to have brought that idea to life.

Anker's most recent purchase is the infamous Island Creek Enoxy/Consol Tenmile Complex on the Buckhannon River in northern Upshur County. Together with purchases of the Pittston Grand Badger mine in Sago just a short distance downstream across the river from Tenmile and the Upshur Coal/Bass Energy mine on French Creek across Route 20 from Sago, this most recent buy rounds out a rather extensive block in the Upshur County/Buckhannon River area.

Shades of the '70s. Is John Faltis becoming the Jimmy LaRosa of the '90s? It's frightening to think of the parallels - and the possibilities.

In the early '70s, Upshur communities were still smarting from

the hard feelings generated as LaRosa made his move to buy up a great deal of the coal in Upshur County. Most of the reserves in the Middle Fork, Buckhannon and Little Kanawha River headwaters had been consolidated into the LaRosa treasure trove. Now, 20 years later, many of those holdings are passing on to Mr. Faltis and one must wonder if we're about to repeat a similar cycle of experimentation, failure, and devastation (with little money far extended treatment).

The legacy of destruction from limited mining in these reserves is astounding. But even more astounding is the realization of how easily the lessons of the past two decades are likely to be lost as a new, nearly 21st century, wave of hopeful predictions and glowing public relations wash over the unsuspecting.

Faltis/Anker Flaunt Fly Ash

The technologies may be different - the magic words today are Fly Ash, not Admixed Lime, not phosphate, nor any of these other miracle drugs of bygone days - but the hype is the same: This promises to be THE solution to mining in acid areas.

The need to find a new down-home golden boy who will finally resolve the dilemma of (see page 5)



Honey Locust - photo by Julia Lucas

Breeding Bird Survey Reveals Loss Of Bird Diversity For WV Highlands

by bill ragette'

The article following this intro - "Breeding Bird Survey: Population Trends" is adapted from a chapter from my latest favorite book - Our Living Resources, written and published by the US Government's National Biological Service (NBS). Loaded with great photos, maps, graphs and scientific reports; it is really the first attempt at a comprehensive survey of the state of biodiversity in the US.

The first part of the book covers our knowledge of the distribution, abundance and health of various species or lack thereof. Birds, mammals, herptiles, fishes, invertebrates, and plants are the subdivisions.

With over 30 chapters, the bird section is the most complete and

extensive. It includes some general overviews of shorebirds, seabirds, raptors as well as detailed studies of various species, genus or families. Often the news is bad or at best unknown, but seems to be different for each species or group analyzed - so many details. Some of the chapters explore the success of programs to bring back turkeys, eagles; the population trends of various subspecies of geese, the decline of pintails, Mississippi sand hill cranes...

A second section entitled 'ecosystems', looks at 40 ecosystems from the Great Plains, the Interior West, Alaska and Hawaii. Since I'm off to Hawaii for a month of botanizing, I especially enjoyed the section with chapters on the Hawaiian biological survey, the birds and insects of Hawaii with special attention to how the recent human-induced arrivals

are wreaking havoc with the native flora and fauna of the islands.

The third section of the book looks at several special issues - global climate change, human influences, non native species, and habitat assessments.

As you might be aware, the Republicans have taken aim at the NBS (as well as several other agencies). They hope to transfer and minimize it or to completely eliminate it. The Service only became operational on November 11, 1993. "The mission of the NBS is to work with others to provide the scientific understanding and technologies necessary to manage the Nation's biological resources." Perhaps you can understand why the Republicans so fear the NBS, I can't; unless they are only interested in mismanaging the resources. Here's another letter you

can write your Congressperson.

Breeding Bird Survey: Population Trends 1966-92

by Bruce J. Peterjohn
John R. Sauer
Sandra Orsillo
with WV notes by Bill Ragette'
(in italics)

The North American Breeding Bird Survey (BBS) was begun in 1966 to collect standardized data on bird populations along more than 3,400 survey routes across the continental United States and southern Canada. West Virginia has 51 survey routes at the present time. The BBS has been used to document distributions and establish (see page 4)

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

by John McFerrin

Wait and See

How should we manage our State Forests? Should we continue the present policy of managing them for timber production? Or should we focus on the other ways to use a forest?

One of the proposals which the Legislature will consider this year is a moratorium on timbering in our State Forests. Such a moratorium would prohibit timber sales from State Forests for a period of years. During that time we could consider whether we wanted to resume timber cutting in State Forests.

Is this really necessary? Isn't a moratorium a bit extreme?

Sincere, intelligent people could have genuine differences of opinion on the proper role of timber cutting in State Forests. Some see the Forests as a wilderness area, a place where the land can be left alone. Some see the Forests as spots for a special kind of recreation, a kind of recreation that does not include water slides or ski slopes or T-shirt stands but rather draws the solitary hiker seeking peace. Some see the State Forests as havens for all sorts of wildlife. Some see them as good hunting and fishing spots. Some see them as prime candidates for scientific research.

Then there is the West Virginia Division of Forestry. It sees the State Forests as big tree farms.

This is not to say that some other things are not accidentally or incidentally achieved while these tree farmers at the Division of Forestry are managing their tree farms/State Forests. Trees take decades to reach marketable size. During those decades, there are lots of weekends when the solitary hiker can walk among the trees. The marketable timber which so delights the Division of Forestry might also produce nuts which help some species of wildlife. As the trees grow they may shelter animals which hunters enjoy.

These are not, however, the goals of our Division of Forestry. They manage to produce marketable timber; if something else happens along the way then that is fine by them but their goal is to produce lumber for sale.

In this way they are not so different from the best of the mining industry. At its best the mining industry takes the coal and does not leave a horrendous mess. Since the coal industry leaves a landscape of grassland and scrubby trees, animals which prosper on grassland and scrubby trees benefit.

The goal of the operation is not, however, any incidental salutary effect which it may have on some species of wildlife. The goal is the coal. If something else of benefit should happen to result then they would not object but the goal is the coal.

The Division of Forestry is no different. Their timber sales may have some beneficial impacts on some other activity. Parts of the State Forests which they are leaving alone while the trees reach marketable size may be home to some recreational or scientific activity. Some hunters may be enjoying some parts of the Forests, the parts which are not being timbered right now. The goal, however, is the timber. All else is afterthought.

There are both financial and cultural reasons for this approach. Timber sales make money; nothing else does. Except for what he may contribute indirectly through his taxes, the solitary hiker contributes nothing to the Division of Forestry's budget. Hunters and anglers add nothing. Having a State Forest serve as the site of some scientific(see page 12)

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Announcements, Newsclips, Rants



Friends of Kumbrabow State Forest

by Bob Marshall

On Saturday, January 13, a group of ten concerned forest lovers convened the inaugural board of directors meeting for the Friends of Kumbrabow Foundation. Formed out of the increasing concern for the proper stewardship of our public lands, the F.O.K. Foundation will seek to strive in cooperation with the WV Divisions of Parks and Recreation and Kumbrabow State Forest for the "preservation, protection and promotion of the recreational, aesthetic, conservation, ecological, educational and natural resources of the forest," to quote the articles of incorporation.

The seeds for the Foundation were planted over two years ago, when a group of forest users sued the WV Division of Forestry, trying to stop a 160 acre timber cut in Kumbrabow. Despite going all the way to

the Supreme Court of WV, their effort failed. Through the encouragement of the then superintendent Chris Hansroth, this group of plaintiffs turned defeat into victory, by working together to organize the Friends of Kumbrabow, which has the potential to have a significant positive impact on the future of the Forest, providing enough people get involved.

The director's list includes several Conservancy members, including Cindy Rank, Bill Ragette, Norm Steenstra, Joe Marshall, Carroll Jett, John McFerrin, Richard diPreto and myself. An appeal for membership will soon be mailed to the list of campers and cabin users from the past two years. My hope is that anyone who has enjoyed the beauty and grandeur of Kumbrabow will become active members of this newest WV Forest Foundation. ♦

Kumbrabow: A few last thoughts for the winter.

Cut the big trees...why? \$500,000 ??

That wouldn't pay the bar tab for one state legislative session.

Why? To pay the Division of Forestry for divesting the people of West Virginia of yet another non-renewable resource?

300 year old trees aren't corn. Cut them and they will be gone not for a single season, not for a human lifetime, not for the 3 centuries it takes to grow trees of this age and grandeur. Cut them and the stand is gone for good. They are the final monuments to forests that take millennia to grow. Ancient trees are not the creation of scientific silviculture. Human creation will never attain such creativity. Humans have never deliberately created millennium scale monuments to anything but themselves and then only in stone.

These trees are the remnants of something much more profound and beyond the realm of the human artifice. They offer solace and spiritual exaltation that is beyond our powers. Seeing their fleeting value in the world of commerce and not their contribution to our personal sense of security in an increasingly alienating world is to be blind to the love of spirit for the sake of the love of the bottom line. It is to blaspheme the creative natural forces that "professional" foresters claim

to honor with their science even as they race to reduce the pitiful remnants of the ancient forest to board feet and money.

It is a symptom of something dark and corrupt that our government and so-called scientists have placed such a priority on winning the right to kill these trees. It is the darkness that fills human hearts with the love of power and money at the expense of nature's rarest and most profound gifts- the ancient forests (of which almost nothing remains in West Virginia). It is a darkness that will fall across West Virginia in the

near future as the rich and powerful reduce West Virginia's great green blanket to shreds for the sake of a pulp mill buck.

In the end, our dilemma concerns our fundamental understanding of what is right and wrong, of what is beautiful and sacred, and what we value most. It is, in the end it seems, the price we are willing to pay for a wasteful, greedy, and self absorbed culture. ♦

Ron Perrone

BA: Forest Resource

Management, WVU, 1990.



Steenstra hat on a Kumbrabow stump

Watershed Advocate Chosen

A new office and watershed advocate are now a reality for the Greenbrier River Watershed Association. On November 1, 1995, the Board of Directors chose Nancy Malone for the new staff position. This is a part-time position of about 50 hours a month. The job will entail fundraising, membership, grant writing, serving as a focus for the Board and its work, assisting with and creating community education programs, advocating for the river and watershed, and maintaining records and resources.

The new office is located at 120 West Washington Street in Lewisburg, Room Four. The new phone numbers is 304 647 GRWA. With funds raised from members and

the recent highly successful auction at Swift Level, the Association is ready to expand its work in the community to preserve, protect, restore and maintain the watershed. We hope that members and friends will come see the office after hours are begun in January.

The Association wants to thank all of those who donated the excellent items and the lovely home for the auction [Swift Level]. It was very exciting to see the works of art, meals, delicious food for the guests, crafts, overnight at inns, golfing at resorts, and other wonderful gifts that sold so well. Thanks to all who helped and who purchased the items. Over \$5,000.00 was raised, and this will aid greatly the new office. ♦

Pulp Mill Air Permit Comments Due Feb. 6

Comments on the issuance of the Air Pollution Permit for the proposed world's largest, dioxin spewing Apple Grove Pulp Mill will be accepted until Feb. 6 and should be mailed to Dale Farley, DEP Office of Air Quality, 1558 Washington ST. E. Charleston, WV 25311. For a fact sheet on dangers of the mill and points to cover in your comment letter contact OVEC at 522-0246.

Sample comments (from the OVEC fact sheet) -

Tell the Office of Air Quality -

It's there job to protect the health of citizens and the environment of West Virginia and that you oppose the issuance of any permit to a facility that will emit dioxin, one of the most potent poisons known. The US EPA Draft Reassessment of Dioxin concludes that there is no safe level of dioxin and that people

have already accumulated enough dioxin in their bodies to cause harmful effect like cancer, birth defects, immune system deficiencies, reduced sperm count, endometriosis, liver problems, behavioral disorders, diabetes and other health problems.

The mill will stink! OAQ "finds the potential for objectionable odors to be the most significant air quality issues associated with the construction and operation of the proposed facility." Tell OAQ to not

grant any variances to this facility in regard to Total Reduced Sulfur compounds. In a 1989 study, the US EPA found that "because of meteorological conditions, the potential for air pollution in the Ashland-Huntington-Ironton Tri-state area is greater than for any other urban area in the eastern US. If the mill is built, it would add another 13 million pounds of poison to the air of an already heavily polluted industrial valley. This should not be allowed. ♦

Forest Reform Rally

May 24-27, 1996

The 10th Annual Forest Reform Rally has the theme of "Spreading Our Roots", focusing on the need to reach the people and the diversity of the Grassroots Forest Movement.

Ya'll come on down south to Poplar Springs, Alabama to see the beauty of the old growth canyons and the travesty of public pine farms in Bankhead National Forest.

This years Forest Reform Network sponsored rally is hosted by The Bankhead Monitor, Sierra Club Southern Appalachian Highlands Ecoregion Task Force and Heartwood. The Heartwood Forest Council will be running in conjunction with this event.

The Forest Reform Rally will take place Memorial Day weekend, May 24-27, 1996; at beautiful Camp McDowell in Bankhead National Forest of northwestern Alabama.

This year's rally will focus on air pollution and campaign reform and involve many aspects of the movement including National Forests, private land management, corporate welfare, current legislation, regional strategies, chip mills, paper consumption, Forest Service plan revisions, Native American perspective, and regional strategy sessions.

Understanding that "work and no play is quite boring in May," the rally will include hikes in the forest, late night drum circles, and a Saturday night complete with some of the country's best musicians.

Plenty of campsites will be available as well as cabins, dorms, and on site "hotel" accommodations. The camp also includes a cafeteria with vegetarian food, swimming pool, canoeing, waterfalls and plenty of hiking trails. - If you have any questions about the rally, we can be reached at: (205) 974-7678 or WARUK@AOL.COM ♦



SCIENCE: 1995 - WARMEST YEAR ON RECORD

(from somewhere on the net)

On the front page of the New York Times today is more news about global warming. You will remember that in the fall of 1994 repeated announcements by the IPCC, the international panel of experts on global climate, warned that global warming is occurring, has already resulted in an increase in global average temperatures and is, at least, partially caused by pollution. Now, both U.S. and British sources report that 1995 was the hottest year ever recorded. Additionally, the period from 1991 to 1995 was found to be the warmest 5 year period on record. Scientists say that this surface warming trend fits with that found in the 1980s which saw the two previous warmest 5 year periods on record. That 1991-1995 was so warm came as a surprise considering the cooling influence of the 1991 eruption of Mount Pinatubo in the Philippines.

This increase in the earth's surface temperature poses a threat to the health and well being of the earth's animals and plants, including humans. While some have pointed to the less dramatic warming picture presented by satellite measurements of atmospheric temperature as evidence that concern is not warranted, even the scientists who study the satellite data are concerned. As Dr. John Christy of the University of Alabama pointed out, "Of course we only live in the bottom of the atmosphere." ♦

Breeding Bird Survey Reveals Loss Of Bird Diversity For WV Highlands

(from page 1) continental, regional, and local population trends for more than 250 species.

We summarize here survey-wide patterns in the 1966-92 population trend estimates for 245 species (90 in WV) of birds observed on a minimum of 40 routes with a mean relative abundance of 1.0 bird per route. Survey-wide trend estimates are also summarized for six groupings of birds, providing insight into broad geographical patterns of population trends of North American birds.

Methods

The BBS routes are located along secondary roads and surveyed each year during the peak of the breeding season by observers competent in bird identification. Each route is 39.4 km (24.5 mi.) long, with 50 stops placed at one half mile intervals.

We examined population change in several ways. First, we estimated overall population change for individual species over the entire survey area.

Second, we looked for temporal and geographic patterns in individual bird species.

Additionally, we analyzed overall patterns of population change for several species of particular management interest. Groups of birds were defined by migration status (non migratory, short-distance, and Neotropical migrants) or by breeding habitat (grassland, shrubland, or woodland). For each group, we determined the percentage of species with positive trends. If population change is not consistent within the group, about half (50%) of the species should show positive trends. Clearly, some species will show very significant declines (or increases) over the interval. However, the percentage of species with positive population trends is a convenient summary of information from all species within the group to demonstrate overall trend patterns.

Finally, to display regional patterns of population change, we calculated the mean trend for the species in each group for each survey route.

Trends

Of the 245 species considered, 130 have negative trend estimates, 57 of which exhibit significant declines. Species with negative trend estimates are found in all families, but they are especially prevalent among the mimids (mockingbirds and thrashers) and sparrows. A total of 115 species exhibits positive trends, 44 of which are significant increases. Flycatchers and warblers have the largest proportions of species with increasing populations.

Of the 90 species with enough data from WV 62 had negative trend estimates, 20 of which exhibit significant declines. WV Species with negative trend estimates are found in all families, but they are espe-

cially prevalent among grassland and early successional species. This should be no surprise, as in recent decades more and more land that was artificially maintained in these stages began to revert to the natural vegetative cover - forestland. What is amazing is that forest, short distance migrants and year round residents also showed declines, especially in the highlands. A total of 24 species exhibit positive trends, 9 of which are significant increases.

See side box for a listing of these.

The most consistent declines are by grassland birds; only 18% have increasing population trends. These declines are most widespread in eastern North America, where few grassland species breed (Fig. 1). Declining populations are also prevalent across the Great Plains, which includes the breeding ranges of most grassland birds. The pattern within western North America is mixed, except for regions of declines along the Pacific coast.

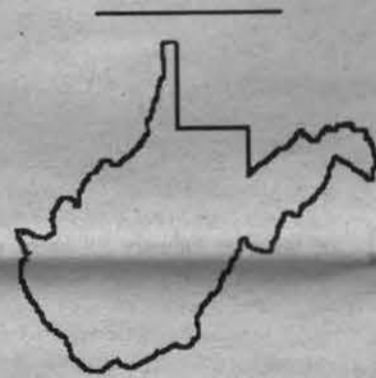


Fig. 1 (&2). WV Geographic patterns in the mean trends for grassland bird species during 1966-92. Black coloring on map indicates increase in numbers. White means decreasing population trends. This is also Fig. 2, because in WV, mean trends are the same for shrubland and old-field bird species as grassland species during 1966-92. All maps are drawn by ragette' for WV from maps in "Our Living Resources".

A significant proportion of shrubland and old-field bird species

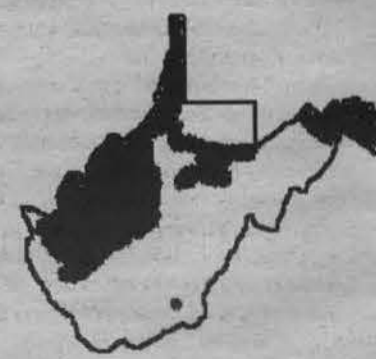


Fig. 3. Geographic patterns in the mean trends for woodland bird species during 1966-92.

also exhibits population declines. As with grassland birds, regions with declines are most prevalent in eastern North America as well as in the southern Great Plains from Kansas and Missouri south to Texas.

Shrubland species appear to be generally increasing in western North America.

A majority of woodland bird populations is increasing across most of the continent (Fig. 3). Decreasing populations prevail in a few regions, such as along the Appalachians from West Virginia to northern Alabama, from Arkansas across central Texas, and along the Pacific coast from Oregon to central California. Woodland birds, however, are increasing in more areas than either grassland or early successional species.

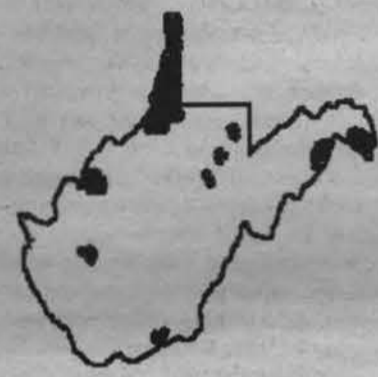


Fig. 4. Geographic patterns in the mean trends for Neotropical migrant bird species during 1966-92.

Neotropical migrants have received considerable attention in recent years, yet as many species have increased as have decreased during 1966-92. A region with apparently declining populations extends from the southern Great Plains across the southeastern states and along the Appalachian Mountains to southern New England (Fig. 4). Increasing mean populations prevail across the

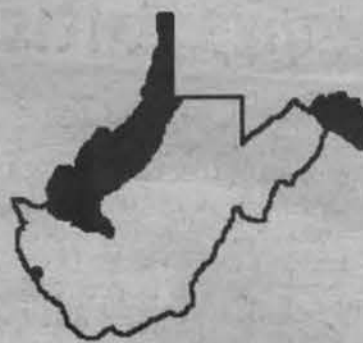


Fig. 5. Geographic patterns in the mean trends for short-distance migrant bird species during 1966-92.

northern Great Plains and throughout much of western North America. The pattern of population decline in the eastern United States noted by Robbins et al. (1989) occurred after 1978 and is not reflected in these long-term trends.

Short-distance migrants and permanent residents have slightly greater percentages of decreasing species. Both groups have negative mean trends in the southeastern states and from the lower Great Lakes into the Appalachian Mountains, but the patterns elsewhere are mixed (Figs. 5, 6) - but not in WV.

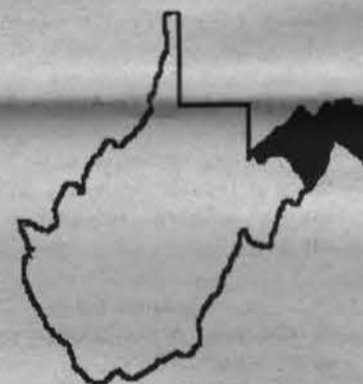


Fig. 6. Geographic patterns in the mean trends for permanent resident bird species during 1966-92.

These results indicate that grassland and shrubland birds are experiencing the most consistent and widespread declines of any group of species. Whenever possible, appropriate conservation measures should be undertaken to enhance the population trends of these species.

I (that's ragette' talking again) question the sense of trying to force grassland/shrubland species' populations to increase where they would not naturally exist. Most likely they survived very well for millennia in their more restricted, but natural habitat of presettlement days.

While the BBS data indicate the population trends for breeding birds, these data are not designed to identify the factors responsible for these trends. To understand how bird populations are responding to the changing habitat conditions in North America, additional studies are needed that would combine the BBS results with regional data on land-use changes, weather conditions, and other variables.

The entire "Our Living Resources" can be found at the NBS's website - "http://164.159.188.82/folio.cgi/RESOURCE.NFO?"

Further information about range and trends of individual species of birds can be found at the Breeding Bird Survey Homepage - "http://www.im.nbs.gov/bbs/bbs.html"

Here's how to order your very own "Our Living Resources"-taken from the NBS's website. Order Processing Code *3211 Charge Your Order to VISA or Master Card. Phone your order to (202) 512-1800.....

YES, send me ___ copies of Our Living Resources, 024-101-00708-7, at \$44 each (\$55 foreign) so I can find out about the distribution, abundance, and health of American plants, animals, and ecosystems. ♦

Highly significant population trends

Of the 90 species listed for WV 2/3's (60 species) showed negative population trends, about 30% (24 species) showed positive trends for the state as a whole. Although the numbers are not available for just the highlands region, it appears from the maps that the spread would be even greater.

What follows is a list of only those species where the data was complete enough to be considered a highly significant trend and not just a chance occurrence. All data from National Biological Service Breeding Bird Survey. The number following bird name is percentage change over the time period.

Positive

House Finch 28.6
Yellow Throated Warbler 17.6

Turkey Vulture 9
Mourning Dove 6.8
Rose Breasted Grosbeak 6.8
Red-Bellied Woodpecker 3.4
Pileated Woodpecker 3
House Wren 2.6
American Robin 1.2

Negative

Vesper Sparrow -16.1
Golden Winged Warbler -9.9
Grasshopper Sparrow -12.5
Northern Bobwhite -9.7
Prairie Warbler -6.6
Black And White Warbler -6.4
Brown Headed Cowbird -4.7
Eastern Wood Pewee -4.5
Yellow Breasted Chat -4.3
American Goldfinch -4.1
Warbling Vireo - 4
Field Sparrow -3.9
Yellow Shafted Flicker -3.9

Eastern Meadowlark -3.8
House Sparrow -3.6
Brown Thrasher -3.5
Cerulean Warbler -3.1
Red Winged Blackbird -2.6
Common Yellowthroat -2.2
Indigo Bunting -2 ♦





Coal

Tenmile Becomes Faltis Stepchild

(from page 1) mining these areas still burns brightly in the minds and hearts of those who believe that all coal was put in the ground for the sole purpose of extraction by man.

The regulatory agencies are anxious enough to promote this new elixir that they are willing to circumvent the law to give Faltis/Anker monies to help test the Fly Ash wonder mix at sites where liabilities are more correctly the legal responsibility of the ever underfunded special reclamation fund/bond pool, e.g., AML funds from the feds and 'mitigation' monies from the state have been committed to the Omega mine cleanup not far from Morgantown.

All the while the company benefits from the good publicity. It is said that Anker is willing to go out of its way to help; that Anker has initiated 'voluntary' cleanup effort on the Cheat; that Anker is willing to assume treatment at Tenmile, etc.

The value of good publicity and the appearance of being the good guy in the white hat riding in to save the day is immense. The red carpet goes down; the welcome sign is hung; awards are given. -- But what other benefits does Anker realize from these efforts? After all, it is a business and won't be doing expensive good deeds merely for another plaque. What favors will Anker expect in return? And what direct responsibilities can Anker avoid at the 'voluntary' cleanup sites where it may own the land or minerals? What special permissions, permits and funds will be forthcoming?

One benefit that is clear is that new acquisitions provide more potential ash disposal sites for Faltis. Anker's contracts with some East Coast power plants that utilize scrubbers allow the company to sell some

More on T&T Fuels -

Ex-mine boss ordered to help clean Cheat River

from the Charleston Gazette, Friday, January 12, 1996
Clarksburg (AP)

A former mine supervisor has been sentenced to home confinement and must help clean up the Cheat River after he allowed acid mine drainage to flow into the waterway, U.S. Attorney William Wilmouth said.

Clyde Bishoff, 52, of Bruce-ton Mills was sentenced Wednesday for his September conviction on one count of violating the Clean Water Act for illegal discharges from an Albright mine in 1994 and 1995, Wilmouth said.

Bishoff was the superintendent at T&T Fuels' No. 2 and No. 3 mines. The coal reserves were exhausted after 20 years and the mines were sealed in early 1994.

However, in April 1994, improper procedures allowed millions of gallons of acid mine drainage from the No. 2 Mine to flow into Muddy

lower quality coals in return for taking the fly ash from those facilities and disposing of it at locations away from the states where the facilities are located. As quantities of ash increase, Anker/Faltis will need more and more disposal area.

-- I can hear some of Webster County members chuckling out loud to see the lights go on in some of our slow, dull minds as the realization dawns that the would-be out-of-state 'TRASH baron' is really the would-be out of-state 'ASH baron' in disguise.

A few years ago 'Cash for Trash' was an effective catch phrase to activate the fears of thousands across the state to the image of body parts and other states' smelly trash being trucked to our local landfills -- thus prompting the passage of an excellent and forward thinking solid waste law (now under heavy attack by the trash industry). ...But 'cash for ash'??? Fewer people are likely to be disturbed by that image. So, while the long term effects of possible metals leaching from the ash mountains of tomorrow are unknown, initial spot testing hasn't alarmed state agency folks to date, and they appear ready to bless these efforts as they did admixing lime in the late '70s.

Tenmile -- Ashes To Acid -- And More?

There is no reason to believe things at Tenmile will be any different than at Omega, Greens Run or any of the experimental sites of the '70's and '80's. The headline of an article in the January 6 Charleston Gazette reads "Acid mine to be used as drainage showcase."

Though the details of the sale are being kept secret and the intentions of Anker are not fully known, clearly Faltis plans on experiment-

Creek, a tributary of the Cheat.

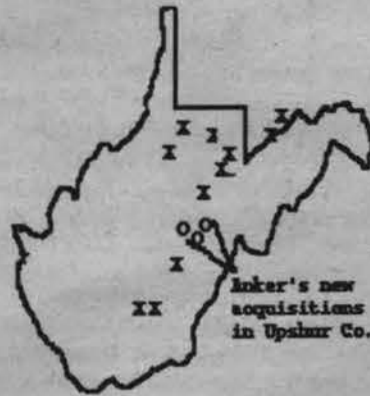
A second incident occurred at the mine in March 1995, forcing the Albert Gallatin Municipal Authority in Point Marion, Pa., to spend \$5,300 on water treatment.

U.S. District Judge Irene Keeley called the pollution "reprehensible."

"In your position, you had a knowledge that went beyond being told where to place something," Keeley said. "You knew that you were violating the law. The fact that you weren't (the owner) doesn't mean you didn't know it was wrong."

Bishoff was sentenced to six months home confinement, fined \$1,000 and ordered to make restitution to the Albert Gallatin Municipal Authority.

Keeley also sentenced him to 200 hours of community service to



ing with the use of Fly Ash as well as other possible demonstration projects such as anoxic lime drains. What is not clear is where the monies will come from to do all this demonstrating. When Faltis/Anker bought Tenmile, it bought all the liabilities as well. Legally, whatever is done at the Tenmile site is purely the responsibility of Anker Energy and not the Abandoned Mine Land Fund, Special Reclamation Fund, mitigation bond or any other stream restoration type funds.

However, state and federal folks have already seen their way clear to rationalize the use of other monies to advance the testing of this new brain child of the coal industry at other inappropriate sites like Omega, so it remains to be seen who will foot the bill for the newest experiments at Tenmile.

But funding is only one of the troubling aspects of this new development at the acid plagued Upshur site.

In the Gazette article Faltis stated that "the water treatment system now in place is adequate. ... but I want to take innovative new techniques and put them to work at eliminating AMD at the source."

For as many times as those words have been used (see page 12)

"enhance the quality of the Cheat and its tributaries."

Wilmouth said an investigation into the role others may have played in the pollution was continuing and that Bishoff was cooperating.

"Irresponsible and illegal mining and environmental practices will be sternly dealt with," Wilmouth said.

T&T Fuels treated the water coming out of the mine until November, when it filed for bankruptcy.

Pete Pitsenbarger, chief of the state Division of Environmental protection's abandoned mine lands and reclamation office, said the agency is spending \$60,000 a month to treat the water.

"It'll take us a good while to get in compliance totally," Pitsenbarger said. "We can't do it overnight." ♦

Coal Production For 1995 Versus 1994

by Richard diPreto

Figures through early December show that 1995 US coal production edged up over 1994 coal production by 1.3 million tons or 0.1 percent to 1.027 billion tons. This increase, though, masks some interesting negative trends for coal.

Southern West Virginia and Wyoming had large increases of 10 and 11 percent respectively. Removing those increases, the entire rest of the country as a whole experienced a 5 percent decrease in coal production.

Overall, western coal tonnage (west of the Mississippi) increased by about 4 percent, while eastern coal decreased about 2.5 percent.

Because western coal has low-

er heat content per ton than eastern coal, the total heat value of all US coal production dropped from about 23 quads (quadrillion BTU) to 22.5 quads, a drop of over 2 percent.

Viewed in terms of heat value, instead of tonnage, US coal production probably peaked several years ago. With new and tougher standards coming along for visibility and nitrogen oxide emissions, as well as increased demand for smaller, more flexible power plant installations, coal will continue to lose out to natural gas and renewables.

As I said in these pages in 1991, the final bust is under way. West Virginia must not hitch its wagon to coal's declining star.

Review and Comment

Power Shock: The Next Energy Revolution

by Christopher Flavin

WorldWatch Magazine, Vol. 9, No. 1, Jan./Feb. 1996; pp. 10-21.

1776 Massachusetts Avenue, NW, Washington, DC 20036 202/296-7365; email: Worldwatch@igc.apc.org.

Subscription information: \$15 to World Watch, P. O. Box 97108, Washington, DC 20077-7799; 800/555-2028.

Reviewed by Richard diPreto

In 1991, the Charleston Gazette published an opinion piece of mine in which I predicted the demise of the coal industry. I based my prediction mostly upon coal's environmental drawbacks.

In this article, Christopher Flavin predicts the demise of the entire fossil fuel industry. He says: "By the middle of the next century, oil and coal could be phased out." He even quotes the conservative business magazine, *The Economist*, from this past October as saying: "...a battle has begun on the fringes of the mighty \$1-trillion-a-year fossil-fuel industry that could force it into retreat early in the coming century."

How can this be? All the most listened-to economists and their powerful models seem to indicate that our current oil and coal economy is here to stay as long as those carbons hold out. Flavin points to three major forces:

- 1) technological advancement,
- 2) power industry restructuring,
- 3) and my pick, tougher environmental policies.

One hundred years ago, oil, which had been known for many decades, suddenly displaced millions of horses when the internal combustion engine was developed. Fuel cells, windpower, flywheels, photovoltaics, solar-hydrogen units, and natural gas technologies are all in rapid stages of advancement. High-

ly efficient natural gas turbines are now the choice for new power plant installations. Experimental hydrogen-powered cars are already built by Mazda and Mercedes.

Ring any bells, those two names? Japanese and German companies, along with numerous others in other countries and a few in the US, are leading the way.

Utilities monopolies are breaking up and the average size of the new power plants has shrunk by a factor of six in one decade. Independent producers are innovating and competing sharply to produce power more efficiently and cheaper. This results in what he calls a "...radical decentralization, akin to the computer industry's shift from mainframes to PC's."

Flavin specifically mentions that coal has yielded its great price advantage as numerous countries have required it to clean up its emissions and pay a greater price for dumping its voluminous waste.

He concludes that "the technological upheavals sweeping so many other industries are unlikely to leave the old energy system intact," and "...what is most inconceivable is that an information-age economy will be powered by a primitive industrial age energy system."

For our nation as a whole, and for West Virginia in particular, we would do well to move into position to benefit from inevitable shifting to decentralized, less polluting energy alternatives. ♦

Richard is a registered professional geologist in Kentucky and Pennsylvania as well as WV.



How Little We Know

We've heard lots of noise recently from the new Republicans in Congress about how poorly the Endangered Species Act (ESA) has performed. There's talk of improving and streamlining the process. Conservationists have been complaining about this for years, but on quite different grounds.

Thousands of species were nominated by the Smithsonian and others for review for some protection, when the ESA was first written into law. Twenty years later, over 90% are still waiting. For years we were told there wasn't even enough money for the lead agency under the ESA -- the US Fish and Wildlife Service (USFWS) -- to come up with plans and programs to help the few charismatic species, such as the eagle and wolf, that received federal listing as endangered or threatened. Forget about spending limited resources trying to figure out how imperiled the thousands of other less spectacular species really were.

That anyone can think the ESA has gone too far, simply amazes me. But the Republicans have already defunded the USFWS and passed through Congress a moratorium on all new listing of endangered and threatened species. As the new year in Congress begins, many nature haters in Congress are pushing ESA reforms in the name of improving the Act that will completely cripple any protection endangered species have.

Recently the US Fish and Wildlife Service, perhaps trying to head off the worst of the Republican attack on the ESA, dropped the infamous C2 category. This was the dust bin over 4,000 species were relegated to over the years. I can't imagine that this will slow down the republican attack. I was assured by USFWS staff that the plants and critters will still receive the same protection (which is next to nothing) as before.

Actually, even plants listed as endangered or threatened have absolutely no protection on private land. Yes, if some plant about to go extinct grew only on your property, you could destroy it legally, if not morally -- even if it had full protection under the ESA. If anything, the Act needs strengthening.

With all this as a preamble, I'd like to focus on how much is not yet known about one famous ESA listed 'endangered' plant that grows in WV, before reviewing the 9 WV "C2" species recently dropped from consideration for listing under the ESA.

Running Buffalo Clover

Even though RBC is one of the most studied of the federally listed endangered plants, scientists are still not sure of many factors effecting occurrence. It appears to require disturbance in mesic woods. It also appears to need a limestone geology, although it has not been found over Greenbrier limestone. Students of RBC think that maybe Greenbrier limestone has too much magnesium

and potassium. Studies have not been done.

Recently an occurrence of RBC was found in Ohio in a proposed road site (close to Huntington, WV). Soil tests revealed no limestone. It was also growing out in the open. Researchers spent hours nearby, across the river in WV, searching for more occurrences in limestone soils with no success. Despite many scientists working on RBC, plus two conferences in the last 3 years, many questions remain.

It seems likely that RBC was maintained and spread by mastodons, bison, elk. Tests have shown that the seeds of RBC have a greatly increased germination rate after passing through the intestinal track of browsers (one form of scarification). The animals would also provide the necessary disturbance. Perhaps its more accurate to say that RBC's habitat requirements were such that the disturbance, scarification and distribution by mastodon et al greatly enhanced RBC survival.

Can deer take over the job? By some happy serendipity will scarification and distribution by deer and disturbance by man substitute for mastodons and bison? No one knows. The largest colony of RBC in WV, weighing in with over a 1,000 crowns (perhaps interconnected by under- and on-ground stems) lives in a logging road. Every section of road that contains RBC gets used at least once per ten years by winter logging. That's all we know. Anecdotal evidence.

What we don't know is - How would summer logging use effect it? How often do the sites have to be disturbed? How much or little disturbance required? Is RBC compatible with any kind of logging? (We know its probably not compatible with clear cut logging, but then what about the RBC in the Ohio field?) If we bring back the bison, will that help RBC?

The C2s

The following is a list of 9 C2 plants (we'll get to the animals next issue) growing in WV and the information the WV Natural Heritage Program has about them. The trend status is from the USFWS database. How they get this information I don't know. None of the natural heritage programs I contacted had any idea of the actual trends for the plants in their state.

For each plant I've listed the: 1). trend status - I=Improving, S=Stable, D=Declining, U=Unknown; 2). scientific name 3). common name; 4). state/global rank (See sidebox for explanation); 5). locations in WV; 6) a visitation history for the populations. Two of the plants have a bit more information provided by the WV state botanist, PJ Harmon.

The PLANTS

D, *Carex polymorpha*, Variable Sedge, (S1/G2G3) - 5 locations in Pendleton County, sites not revisited since 1986

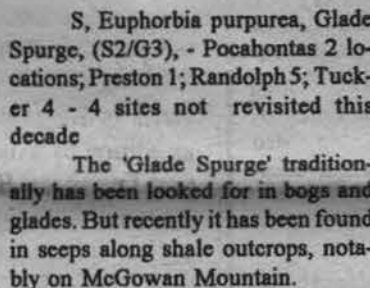


U, *Delphinium exaltatum*, Tall Larkspur, (S1/G3) - Grant County - 2 locations; Greenbrier 2; Hampshire 1; Hardy 1; Mineral 2; Pendleton 3 - 4 locations not revisited since 1930 through 1973



MONARDA fistulosa

D, *Monarda fistulosa* var. *brevis*, Smoke Hole Bergamot (S1/G5T1) - Grant 4 locations; Mercer 1, Summers 2. all visited this decade



S, *Euphorbia purpurea*, Glade Spurge, (S2/G3), - Pocahontas 2 locations; Preston 1; Randolph 5; Tucker 4 - 4 sites not revisited this decade



U, *Gymnocarpium* sp., Appalachian Oak fern, (S1/G3) - 3 locations in Pendleton - Found and not revisited 1992 - 1995

S, *Marshallia grandiflora*, Barbara's buttons, large-flowered, (S2/G2) - Barbour - 2 locations; Greenbrier 2; Marion 1; Monongalia 1; Nicholas 4; Fayette 1; Preston 8; Randolph 13; Summers 1, Upshur 3, Webster 1 - a third of the sites visited this decade - 5 sites not visited since 1943 - 1965.

A riverine Species, disturbance dependent. We know it needs periodic flooding and scouring. It also needs a "draw-down" period on the riverbank for seeds to become established. The Gauley River is one of the best studied occurrences of *Marshallia* due to the establishment of the federal recreation area. The dam on the Gauley effectively di-

vides the populations into two. How will the dam effect populations. Will the required scouring and draw down still occur??



PRUNUS alleghaniensis

D, *Prunus alleghaniensis*, Allegheny Plum - (S2S3/G4) - Grant 8 locations, Greenbrier 5; Hampshire 3; Hardy 1; Mercer; Mineral 4; Monroe 1; Pendleton 4; Summers 1 - 6 sites visited this decade - other not visited since 1929 - 1989



MONOTROPSIS odorata

U, *Monotropis odorata*, Sweet Pinesap (SH/G3) - Kanawha 1, Upshur 1. not revisited since first sighting - 1968 and 1906



U, *Paxistima canbyi*, Canby's Mountain Lover -(S2/G2) - Grant 3 locations; Greenbrier 4, Hampshire 1; Mercer 4, Mineral 2, Monroe 1, Pendleton 8 - only 3 sites visited this decade - other last visits 1924 - 1987.

U, *Plagiochila sullivanii*, - a moss - (S2?/G2) - no records

U, *Tortula ammoniana*, Ammon's Tortula, - (S1/G1) - 1 location Pocahontas County, last visit 1991.

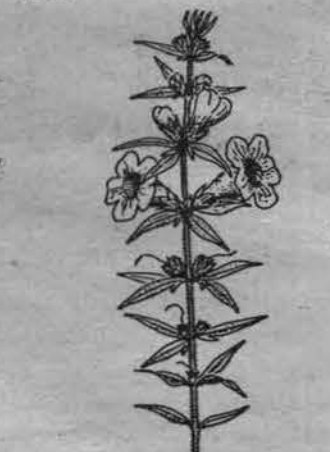
U, *Trillium pusillum* var. *monticulum*, (S1/G3?) no listing

S1/G1 - 1 to 5 occurrences in state/globe. S2/G2 6 to 20 occurrences in state/globe. S3/G3 less than 100 occurrences in state/world.

All C2 plant drawings from *Flora of WV* - Strasbourg and Core



U, *Saxifraga caroliniana*, Gray's Saxifrage - (S1/G2) McDowell County - 1 location - last visited 1985.



U, *Tomanthera auriculata*, Ear Leaf Foxglove

You may have noticed that none of the above have an "Improving" trend. Very few sites have been visited recently or even twice. There are no records of whether the colonies are expanding or contracting or hanging in there. There's no money for that. Our state Natural Heritage program is targeting the 26 plants of highest priority and attempting to find the money to survey them. Good luck. I've adopted *Delphinium exaltatum* and look forward to visiting the WV sites this summer.

Now maybe if we all wrote our Congresspeople and camping supply houses requesting they support the

Stream Restoration: A Colossal Hoax



by Denzel Ferguson
from Yule edition of Earth First!

Flimflamming the public is an American pastime. PT Barnum's "Man Eating Chicken" turned out to be just that - a man eating chicken. But Barnum was a novice compared to modern practitioners of stream restoration. He never dreamed of such deception, free-flowing dollars, or public naivete.

The need for restoration is valid-thanks to past grazing, logging, and mining abuses. Riparian zones are the most severely degraded ecosystems in the nation - 70 to 90 percent destroyed, with 80 percent of what remains in unsatisfactory condition (the worst in history). A 1987 Oregon Environmental Council report identified livestock grazing as the leading cause of riparian degradation in 11 river basins in eastern Oregon.

A myriad of streams no longer flow, or do so only intermittently. Most other streams are too wide, too shallow, too hot, polluted, sediment clogged, unshaded and produce inadequate summer flows. The adverse effects on resident and anadromous fishes, invertebrate communities, wildlife and dependent downstream consumers are well documented.

Current stream conditions reflect past ignorance, greed and deliberate abuse. Restoration of sick streams is easy-simply stop the abuse that created the problem. But that option requires us to identify and indict the faults of abusers-an incisiveness with which society is most uncomfortable. Consequently, we opt for a technological fix-giving the appearance of restoration while doing business as usual.

The leading deception of so-called stream restoration has been the expensive and

labor-intensive use of "hard structures" within stream channels. These procedures include riprap (boulder walls along cut banks), logs and root wads (stumps, with roots attached) cabled to stream banks or huge in-stream boulders, and weirs (logs buried in opposite banks to form a shallow upstream impoundment and a downstream splash pool).

While local media, some agencies, and groups representing extractive industries remain enthusiastic about such projects, experience, investigations and monitoring have shown them to be not only worthless, but actually counterproductive.

For example, riprap involves the use of non-indigenous quarry rock, which is un-aesthetic and likely to remain so for thousands of years. Also it impedes siltation and the establishment of native anchoring vegetation, while creating abnormal stream dynamics. Riprap redirects stream flows into opposing banks, creating the need for more riprap.

Instream boulders are also foreign to the system. Piles of unused material are usually left at the streamside, where they stand out as being conspicuously alien. In channels, these huge boulders collect the sun's rays all day and transfer heat to already too hot water all night. They also redirect currents in unanticipated and undesirable ways.

Logs and root-wads usually wash away at times of high water, and are often exposed above water level during the critical season of warm weather and low flow. Logs and root-wads also create abnormal stream dynamics, which cut banks and cause huge sediment loads to be washed downstream and deposited in new locations (usually in essential deep-

holding pools).

Weirs prevent a healthy narrowing and deepening of channels. When this was pointed out to a Forest Service fisheries biologist, he was aghast and said, "I guess we're going to have to dig all these out." Dr. Hiram Li, a fisheries specialist at Oregon State University, has shown that when weirs are placed in stream segments having a steep gradient, nearly all fish feed in the upper pool, rendering the downstream pool an irrelevant, costly replicate. In Camp Creek (a tributary of the Middle Fork of the John Day River in eastern Oregon), 256 weirs were installed at an estimated cost of \$750 each. Many are in series. Because pools above weirs retain water in shallows for extended periods, water temperatures increase, adding to an existing hot water problem.

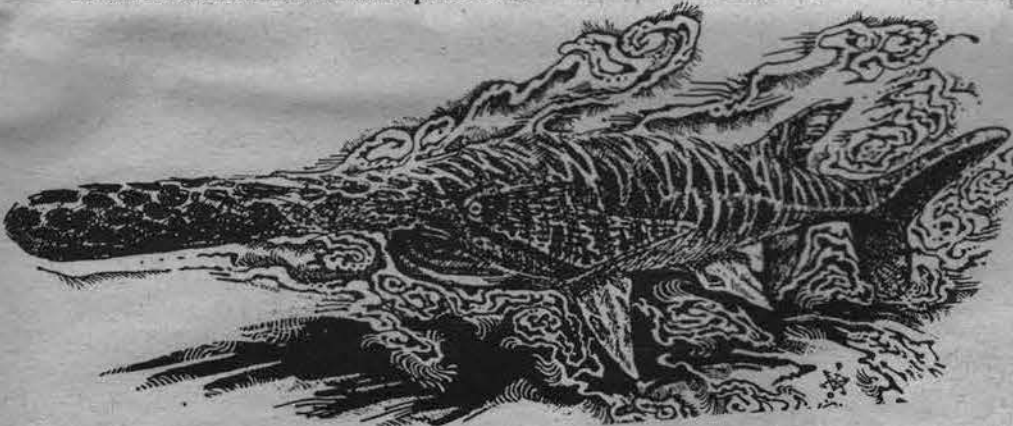
The Bonneville Power Administration (which wants a cap on costs related to saving salmon) has squandered millions of dollars on hard-structure projects (as have many other agencies). In 1991, when BPA employed a team of experts to inspect 16 projects in the Grand Ronde and John Day Basins, they judged

the projects to be worthless and reported that fencing the streams from livestock was the most effective restoration technique observed. After that, BPA claimed it would no longer fund hard structures, except when such projects were well justified.

The most amazing aspect is that hard structures were never intended to be used in stream restoration. The concept was developed by Dr. Ray White, University of Wisconsin, who stated that his methods were to be used only in healthy streams to create added instream ecological or habitat diversity. White clearly stated that when streams are abused and in poor condition, the recommended procedure was to stop the abuse and let nature bring the stream back to a healthy condition. Only then would he recommend the use of hard structures.

So we have spent a bundle, put on an entertaining show, and it was all smoke and mirrors. Barnum must be smiling in his grave. ♦

Denzel Ferguson is the co-author of *Sacred Cows at the Public Trough*



Forest Service Mulls Public Input On Proposed Thornwood Pipeline

The ball is back in the court of the US Forest Service on the destructive pipeline proposed for the Thornwood area along the West Virginia - Virginia line. Targeting the Buffalo Fork Lake-Spruce Knob-Laurel Fork (of Virginia) area, with all its tremendous recreational and biological value, the pipeline would have huge harmful impacts.

Federal law requires a process to involve public study and input on projects like this one, and the short 30 day period for the public to respond to the draft Environmental Assessment ended in mid-November. During that time over 400 people sent their comments in, an astounding response from the public.

Considering the very short response period, compared to the months or, actually, years that the Forest Service and the pipeline company had to develop plans to build and operate a pipeline in the heart of prime recreation lands, invaluable habitat for sensitive animal and plant species, potential old growth, and fast-disappearing intact forest, this is a phenomenal expression of public interest and concern.

What's next? Now the Forest Service will study the input they got from the public. They will decide whether to follow the plans outlined in the original draft Environmental Assessment, come up with a new pipeline plan, develop new routes, or deny the pipeline altogether. Sierra Club chapters in West Virginia and Virginia anticipate at the minimum that the decision will be to undertake a more comprehensive and integrated study of environmental impacts called an Environmental Impact Statement. This would assess many of the overall impacts that were deliberately omitted from the Environmental Assessment.

- by Jim Scoyners/WV Sierran ♦

Federal Teaming with Wildlife Initiative, we could afford to look after these rare plants. Of course even short time readers of the VOICE will remembering reading about the Initiative several months ago and will have written those all important letters. And if by some chance you let it slip, or if you want to do it again you can read about it elsewhere in this issue. ♦

Monongahela National Forest Hiking Guide Makes a Great Gift

The Monongahela National Forest Hiking Guide is bigger and better than ever, with 368 pages, 96 pages of maps, 49 photographs, 177 trails totalling 812 miles, and a 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. The Guide, 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 \$12.95 (this includes \$3.00 first class shipping) to

West Virginia Highlands Conservancy
PO Box 306
Charleston, WV 25321

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: _____

Dear Readers;



Recently I've been feeling like I've been getting nowhere, up against the proverbial wall. Actually I think I've been up agin it for awhile but just finally realized it. I'm up for taking a 90 degree turn from this environmental activism. I've been working lots on my homestead, started finishing the house I'd quit working on years ago. When my son was home for the holidays we spent lots of glorious hours cleaning up the bottom, clearing brush, moving stumps, cutting

firewood. All those things that give evidence of progress when you are done.

Not like trying to save the trees, our public lands and biodiversity. My despair is due partly to the vicious nature-haters in Congress pressing their agenda, its partly Clinton caving in on the Salvage Timber Rider (although he has been standing tough recently and I've praised him for it). And it's partly, I feel that most everyone else is too busy to to give a damn.

Show me that I'm wrong. Write a few letters. One set to your Representative and Senators. The others to the camping supply companies. On the next few pages I'll print two sample letters and some background information on those issues. Brief polite letters requesting support are fine, so crank up those word processors, those pens and pencils, roll up the sleeves and send me a copy too. Thanks, Bill R

Salvage Logging on Federal Lands

Taxpayer Assets Project's Salvage Logging Primer

Logging Without Laws- Salvage Logging on Federal Lands

The U.S. Forest Service Timber Program

In the United States only five percent of our original old-growth forests are intact. Most of these old-growth forests have escaped harvesting because they are owned by the taxpayer and forests serve many public functions other than supplying timber such as filtering clean air and water, habitat, recreation and alternative economic opportunities. Though many mills have retooled and new building technologies allow for the use of smaller trees, old-growth is still the most desired and highest quality timber. Taxpayers subsidize the harvesting of timber on public lands, often unknowingly, making publicly owned old-growth the lowest-cost, highest-quality timber available to the industry.

In 1994, like every year before, the U.S. Forest Service lost money on its timber program. Unlike a business, the Forest Service can sell a product, timber, for less than it costs to produce that timber. How can they do that? Because the taxpayer will pay the difference. Why does Congress continue to make the taxpayer subsidize an industry that has seen record profits in many years of the last decade (Weyerhaeuser Co. saw its third-quarter earnings up 93% from a year ago, Willamette Industries said its profits were up 300%, and International Paper also reported that its profits tripled)? Because at least for right now, the campaign contributions gleaned from this corporate welfare outweigh public outcry on the issue. We would like to change that.

Even the Forest Service admits they lost well over \$83,891,000 in 1994 and other estimates put it closer to \$300 million in 1994. The Government Accounting Office put the losses over the last three years at one billion dollars. In certain regions like the Northern Rockies the Congressional Budget Office reported expenditures have exceeded re-

ceipts by a three to one margin.

The salvage or forest stewardship component of the timber sale program also lost quite a bit of money. The Forest Service does not record all of the money they lose, only the net loss on those forests that had an overall negative revenues. 63 forests (52 percent) generated a negative net revenue totaling \$19,306,000 for salvage timber sales which, again, is only a fraction of the real losses. Adding insult to injury, when the taxpayer is losing money the Forest Service keeps the payment it receives for more salvage timber sales which will cost the taxpayer more money. As the money lost on below-cost timber sales increases so does the Forest Service slush fund for salvage sales. Between 1987 and 1994 the slush fund grew from \$17 million to \$212.7, an increase of 1151 percent.

The 1995 Rescissions Bill Timber Language

On July 20, 1995 President Clinton signed the 1995 "Rescissions Act" which included language on salvage logging. "Salvage" is a general term used to apply to timber sales held in areas that have seen some type of natural or man made disaster. Fire, disease, insect infestation and blow-downs (caused by heavy winds) are the most often sighted reasons for salvage logging.

Increasingly though, the Forest Service applies "salvage" to areas that are allegedly threatened by disease, insects or fire. This gives the Forest Service the opportunity to cut healthy green trees under the salvage component of the timber program.

The language on salvage logging in the Rescissions bill exempts all salvage timber sales including the cutting of green, healthy trees from the requirements of national environmental laws such as the Endangered Species Act and the National Environmental Policy Act and all other environmental laws. This and other language in the bill has the effect of closing the courthouse door to taxpayers who want to challenge certain timber sales.

Equally devastating is the language below which states despite previous rulings by the courts, the Forest Service and the timber indus-

try can log the area with no concern for sensitive species or the economic well-being of surrounding communities which may have been addressed by a previous injunction or other measure.

(9) EFFECT ON JUDICIAL DECISIONS.—The Secretary concerned may conduct salvage timber sales under subsection (b) notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section.

The law was written with such little care that some very disturbing scenario's are arising from the salvage language. Warner Creek, a salvage timber sale in Oregon, was burned by a fire that was the result of arson.

Warner Creek is in an area protected with the highest level of protection under President Clinton's forest plan. Nearly 9,000 acres burned within this reserve. The federal courts had initially stopped this timber sale and ruled that the U.S. Forest Service acted illegally by offering the sale without considering the effects that rewarding arson with timber sales could have on other reserves. But then in the first ruling under the new rescissions salvage language, a judge in Oregon threw the case out because Warner Creek must now be expedited under the new salvage provisions which force the sale to go forward and exempts the sale from the law.

Interestingly the sale of the first units of the Warner Creek timber sale went to Thomas Creek Logging Company which was indicted on charges of federal timber theft and fraud (Thomas Creek paid \$1.5 million to the Wilamette National Forest). So the Warner Creek fire was set by criminal arsonists, implemented by the U.S. Forest Service who acted outside of the law and awarded to a timber company who had previously stolen federal timber—and the taxpayers who are the owners of these resources could do nothing to stop the sale from going forward.

The costs of fighting fire are already too great (we spent \$757 million dollars for fire fighting on

West Virginia Highlands Conservancy
PO Box 306
Charleston, WV 25321

Representative Bob Wise
Representative Alan Mollohan
Representative Nick Rahall
US House of Representatives
Washington, DC 20515

Dear Congressman

We are writing to ask you to cosponsor and support H.R. 2745, Elizabeth Furse's (D-OR) bill to completely repeal the logging without laws rider that was attached to the '95 budget rescissions bill. I know you opposed the rider at that time. This is a chance to make the statement that we don't have to throw out the laws of the land because of a few greedy companies and their Republican pawns, as well as save some magnificent public forests.

You do remember that the rider sidestepped the Endangered Species Act, NEPA, and even appeal to the courts. If these timber sales are really to help improve forest health, then there is no reason to throw out the law of the land, citizen review and judicial appeal. Please help.

Sincerely,
John McFerrin
President, West Virginia Highlands Conservancy

federal lands and a number of firefighters lost their lives in fire suppression efforts this year). It is ridiculous to craft a bill so poorly that arson could be encouraged while the costs are so well known.

America's Last Roadless Areas

Another result of the new salvage timber language is an untested attack on our nation's last remaining roadless areas. The Forest Service is the largest road building agency in the world and our national forests contain eight times the miles of roads in our national highway system. The Forest Service have constructed over 342,000 miles of roads in our National Forests which can cost up to \$40,000 per mile to build. Road building and roaded areas in our national forests have gone way beyond an acceptable level and the public should not allow the destruction of any more of the priceless areas. Roadless areas serve as the last habitat for endangered species such as grizzly bear, wolverine, bull trout and woodland caribou.

Logging in these remote areas will certainly result in below-cost timber sales and force more species to become endangered costing still more taxpayer dollars to recover those species.

No Fish, No Forests, No Future

The salmon fisherman of the Pacific Northwest and California will be perhaps the hardest hit by the salvage language in the rescissions bill.

Since salmon are an anadromous fish they migrate from rivers and streams to the ocean and back again. The salmon need healthy intact forests to survive. Removing trees from watersheds and riparian areas can have devastating effects on salmon and breeding. Clearcutting increases soil erosion choking rivers and killing salmon (and making it much more difficult to grow trees with the top soil eroded away).

Forests also serve as regulators of water temperature and flow level by providing shade to allow a more constant temperature and the forests also retain water avoiding sharp rises and drops in water levels. Salmon fishermen, whose livelihood depends on sustainable timber harvesting to continue fishing, have no recourse to stop these timber sales no matter how unnecessary the sales are or how destructive they are to the salmon runs.

Scientists and the National Marine Fisheries Service have already stated that many of the sales now going forward because of the salvage language will jeopardize coho salmon while they are proposed for listing under the Endangered Species Act. This could have serious consequences for an industry that has lost 50,000 salmon-related family-wage jobs since 1988. Much of this lost economic opportunity can be attributed to unsustainable public lands logging.

WHAT TO DO

Congress continues its abuse of public assets to glean corporate campaign contributions. The loss of money, resources, species and economic opportunities represent the foolishness of present public lands management.

Please write to your Senators and Representative and ask them to do the following:

- * Repeat the "salvage" logging language in P.L. 104-19,
 - * End below-cost timber sales which are costing the taxpayer billions and destroying publicly owned assets,
 - * Support legislation to stop timber harvesting in federal roadless areas which serve the public as standing forests and only serve multinational timber corporations as timber products.
- by Ned Daly <ndaly@tap.org> ♦

Letter #2 - Teaming with Wildlife



by Bill Ragette'

OK, you've read about the state of ignorance we are in, as far as the status of thousands of species in this country ("How Little We Know" in this issue). And maybe you know that there are over 300,000 acres of land in WV dedi-

cated to hunting and 0 acres dedicated to non game wildlife and native biodiversity.

Well the hunting areas were bought with user generated funds. In this case some from hunting license fees, but most of the funding comes from a 10% surcharge on

all hunting and fishing equipment purchases. OK, letter #2 is to help create the momentum needed to pass legislation for the same type of stable funding base for the 95% of species that are not game. Put your money where your heart is, write these letters and pay the fees, please.

TEAMING WITH WILDLIFE: A NATURAL INVESTMENT

What is Teaming With Wildlife?

Teaming With Wildlife, modeled after the successful Wildlife and Sport Fish Restoration Funds, is the most far-reaching fish and wildlife conservation initiative in more than half a century.

Teaming With Wildlife is a responsible partnership between state fish and wildlife agencies, businesses, and outdoor enthusiasts acting as stewards for the majority of America's fish and wildlife and their habitats.

Teaming With Wildlife is dedicated to 1) maintaining healthy fish and wildlife populations and their habitats, with an emphasis on preventing species from becoming endangered, 2) enriching the quality of outdoor recreation, and 3) meeting the rising demand for environmental education.

What is the Need for Teaming With Wildlife?

Teaming With Wildlife places a strong emphasis on preventing species from becoming threatened or endangered.

Currently, more than 1800 different fish and wildlife species and their habitats receive inadequate attention because state fish and wildlife agencies lack a stable, dedicated, and sufficient source of funding for species that are not hunted or fished or listed as endangered. Most people do not realize that state fish and wildlife agencies are funded primarily through the licenses and user fees paid by hunters and anglers. While these monies have definitely benefitted species not hunted or fished, a large gap still remains. States need another source of revenue. Teaming With Wildlife funds would provide for the conservation, recreation, and education projects in demand.

How Would Teaming With Wildlife Work?

....just like the Wildlife and Sport Fish Restoration Funds. For more than 50 years, through user fees on their equipment, hunters and anglers have successfully restored fish and game populations and habitat and enriched the nation's lands and waterways for all to enjoy.

Teaming With Wildlife would add a small user fee to a broader spectrum of outdoor recreational equipment so that hunters, anglers, hikers, paddlers, nature photographers, and many other outdoor enthusiasts alike can support conser-

vation, outdoor recreation and environmental education.

The user fee would be a modest surcharge on the manufacturer's price of a product, no higher than 5 percent. For example, a \$100 tent which wholesales for \$50, would cost an additional \$2.50; a \$10 field guide, an additional 30 cents. Using a sliding scale, more expensive products would have a lower surcharge.

Which Products are Being Considered for Teaming With Wildlife?

*Outdoor recreation equipment (backpacks, sleeping bags, tents, canoes, mountain bikes...)

*Optical equipment (binoculars, spotting scopes)

*Photographic equipment (film, cameras)

*Backyard wildlife supplies (bird seed, feeders, houses, baths...)

*Wildlife viewing, field identification, and 'how-to-find' guide books

*Recreational vehicles

Why Choose This Kind of Funding Mechanism?

Alternative funding mechanisms were explored including federal fund appropriations, license plate and stamp sales, entrance fees, private donations, tax check-offs, and recreation permit fees. None of these options proved as efficient, reliable, secure and adequate as a modest user fee on outdoor products.

The success of the Wildlife and Sport Fish Restoration Funds allows us to establish Teaming With Wildlife with confidence. Using the process already in place for the collection and distribution of funds, no new bureaucracy is created and administrative costs will be capped at 6%. U.S. Treasury collects the user fees from manufacturers or through import duties to pass to U.S. Fish and Wildlife Service for distribution as grants to state fish and wildlife agencies on a matching grant basis 75:25 (federal:state). Projects of regional and national significance will have a special grants program. Funds will be allocated using a formula based on population (2/3) and land area (1/3) of each State. No State or territory would receive less than 0.5% or more than 5% of the total funds.

Each state fish and wildlife agency, working with public representatives, can determine which projects to undertake that respond to the conservation, recreation, and education needs as outlined in the legislation. By law, there can be no diversions of these funds for other purposes.

Who Supports Teaming With Wildlife?

The International Association of Fish and Wildlife is spearheading Teaming With Wildlife. The Steering Committee is represented by World Wildlife Fund, National Wildlife Federation, National Audubon Society, Wildlife Management Institute, American Fisheries Society, The Wildlife Society, Defenders of Wildlife, and International Association of Fish and Wildlife Agencies.

A strong and growing coalition of more than 246 conservation, recreation, education and affiliated business groups are supporting members of Teaming With Wildlife.

In the future, any customer who purchases outdoor recreational equipment will know they are supporting Teaming With Wildlife. All products will be earmarked by a special identifying tag with the fund's logo and a short explanation of how the funds are dedicated for wildlife conservation, recreation, and environmental education.

We need you! Join "Team Wildlife" and become part of a coalition working to secure reliable and adequate funding to protect the nation's diversity of fish and wildlife and the recreational and educational opportunities associated with them.

All 50 state fish and wildlife agencies are members of the coalition

WHAT YOU CAN DO TO HELP TEAMING WITH WILDLIFE

* Use your buying power as a consumer! Let these outdoor product companies know that you support Teaming With Wildlife! Express your willingness to pay a small user fee on their products for the conservation, recreation and education projects proposed by Teaming With Wildlife. Ask them to join the TEAM! **Three easy ways you can do this:**

* When you purchase equipment from the companies that manufacture or sell camping, bird feeding, photo/optical, canoe/kayak, scuba, and ski equipment, tell the owner/manager or sales clerk you are in favor of this user fee.

* Write a letter of support to local and national manufacturers (e.g. Bausch and Lomb) and retailers (e.g. L.L. Bean, REI). A list of companies is attached.

* Add a note to any catalog orders for recreational equipment.

* Write a letter to the editor of any conservation or outdoor recreation magazine or local newspaper voicing your support for this dedicated user fee. Please emphasize this is a "dedicated user fee" embodying the

Dear Campmor;

Thanks for sending that raincoat so quickly. I'm heading out for the rainforest this week and am glad to have it. As I ordered by phone I didn't get the chance to ask your company to support the federal Teaming With Wildlife initiative, that will supply the much needed monies to protect all the helpless critters and plants that aren't hunted and fished. I certainly wouldn't mind paying the extra .5 to 5% fee on my orders. It wouldn't cost you anything, and in the long run would insure that there are areas to use your equipment in and critters to see in those areas. Please join the Initiative. Thanks Sincerely
Bill Ragette'

user pay -user benefit concept.

* Become involved in your state's coalition. Join with fellow birders, conservationists, hikers, hunters, anglers, and outdoor enthusiasts to build support for this tried-and-true solution to a pressing conservation problem.

TOP COMPANIES TO WRITE LETTERS TO

The goal is to let companies know that you, as a consumer of their product(s), support paying a small user fee added to their product that will be dedicated to wildlife conservation, outdoor recreation, and conservation education. Please address your letters to the CEO of the company.

OUTDOOR GEAR (CAMPING & HIKING)

American Recreational Products (Kelty, Slumberjack), P.O. Box 7048-A St. Louis, MO 63177 Attn: Mr. George Grabner Jr., CEO

Cabela's Inc., 812 13th Ave. Sidney, NE 69160-0001 Attn: Mr. Dick Cabela, CEO

Campmor Inc., 28 Park Way Upper Saddle River, NJ 07458 Attn: Mr. Daniel Jarashow, CEO

Coleman Outdoor Products Inc., 1526 Cole Blvd. Suite 300 Golden, CO 80401 Attn: Mr. Michael Hammes, CEO

Eastern Mountain Sports, One Vose Farm Road Peterborough, NH 03458 Attn: Mr. William Ferry, CEO

Jansport, 2425 w. Packard Appleton, WI 54913 Attn: Mr. Paul Delorey, President

Johnson Camping (owns Eureka, Camp Trails, Old Town Canoes, Carlisle Paddles, Silva Compasses, etc.) 1326 Willow Road Sturtevant, WI 53177 Attn: Mr. John Crabb, CEO

L.L. Bean, Inc., 1 Casco Street Freeport, ME 04033 Attn: Mr. Leon A. Gorman, President

Merrell Footwear, 55 Green Mountain Drive S. Burlington, VT 05406 Attn: Mr. Doug Barbor, President

North Face, 999 Harrison Street Berkeley, CA 94710 Attn: Mr. Bill McFarlane, President

Recreational Equipment Inc., (REI) 6750 South 228th Street Kent, WA 98032 Attn: Mr. Wally Smith, President

Sierra Designs, 2039 Fourth St. Berkely, CA 94710 Attn: Ms. Sally McCoy, CEO

Timberland, Co. P.O. Box 5050 Hampton, NH 03842 Attn: Mr. Sidney Swartz, President

Vasque, 314 Main Street Red Wing, MN 55066 Attn: Mr. William Sweasy, President

There are 5 more sections of possible companies. Use your catalogs or log onto the VOICE conference on Wise bulletin board, or our website or call me - Bill Ragette' 304 824 3571 for addresses or more information...

Backyard Wildlife Products
Photographic Equipment
Canoes
Mountain Bikes
Binoculars/Spotting Scopes



The Dying Of The Trees



from Rachel's Environment & Health Weekly #476

by Peter Montague
being a review of

The Dying Of The Trees, The Pandemic In America's Forests

by Charles E. Little, (New York: Viking/Penguin, 1995).

If you read newspapers or magazines looking for information about forests, what do you find? You find stories about the destruction of rain forests in South America, and about the logging battle raging in the Pacific Northwest over the spotted owl. Except for these two issues, forest problems don't make the news. But forest problems are pervasive, and are as important in their own way as toxics problems. To put it bluntly, trees are sick and dying everywhere in the U.S. At first blush this seems like an extreme statement. But a new book, **THE DYING OF THE TREES** by Charles Little, will convince you it is true.

This book gives a detailed picture—from New England to Oregon and California, from Alaska to Florida, across the upper midwest, across the southern border states, and even into the desert southwest where the giant saguaro cactus is in major decline—of trees sick and dying. It seems clear that the dying trees are one more sign of danger, one more omen warning us that something is terribly wrong.

Why are the trees dying? The reasons are many and varied. In New England, New York, North Carolina, Tennessee, Georgia, Ohio, Indiana and Kentucky it's a combination of acid rain and clear cuts; in California it's killer smog; in Arizona and New Mexico and elsewhere it's excessive ultraviolet light filtering through the earth's damaged ozone shield; other places, it's pesticides, or it's toxic heavy metals released by burning coal and oil; in Alaska and Florida it's rising temperatures and rising sea levels from global warming; in Colorado, Oregon, and Washington state it's destructive forestry practices (clearcut logging, and fire suppression) that leave forests weakened, unable to

withstand extremes of weather or attacks by insects or funguses. In most places, in truth, it's probably various combinations of all these factors. Scientists are playing catch-up now, conducting studies that may explain the complicated causes of widespread tree death. But, as with toxics problems, if we postpone action until the scientists have described the problems completely, we'll get the answers too late to do any good.

Answers come slowly. Hubert "Hub" Vogelmann, a botanist at the University of Vermont, wanted to study an undisturbed forest, so in 1965 he made a thorough survey of Camel's Hump, a 4,083-foot peak in the Green Mountains. So far as he knew, he was describing a healthy ecosystem. He measured the types and sizes of the trees, and various other aspects of the ecosystem. He had no particular purpose in mind, other than to gather knowledge about nature.

Periodically, he re-surveyed Camel's Hump, and a pattern began to emerge. The trees were dying. His survey in 1979, compared to the baseline study of 1965, showed a 48% loss of red spruce; a 73% loss of mountain maple; a 49% loss of striped maple; and a 35% loss of sugar maple.

By examining tree rings, and by other studies, Hub Vogelmann was able to show that the health of Camel's Hump had begun to decline in the period 1950-1960. Similar studies in the Black Forest of Germany, and in southern Canada, revealed that the most likely cause was acid rain.

Acid rain occurs when coal and oil are burned, releasing sulfur which combines with rain (or fog or snow) to make acid precipitation. Acidity is measured in units called

pH. Pure water has a pH of 7—it is "neutral"—neither acidic nor alkaline. Pure rainwater has a pH of 5.6—slightly acidic because, while in the air, rain absorbs carbon dioxide to form a weak solution of carbonic acid.

After World War II the U.S. saw a massive rise in use of fossil fuels, coal and oil. The resulting smoke was obvious, and obviously harmful; in Donora, Pennsylvania (south of Pittsburgh) in 1948, half the people in the town fell ill for 3 days because of coal smoke in the air. Twenty people died. In London, England, in 1952, coal smoke killed 4000 people during a pollution episode.

The official response in the 1950s was to build smoke stacks hundreds of feet tall, to dilute the pollution. Today the Ohio River valley is still dotted by enormous coal-burning power plants with stacks as high as 700 or even 1000 feet. These tall stacks allow the sulfurous pollution to travel 1000 miles or more, where it forms acid rain across the Adirondack mountains of New York, and across northern New England and southern Canada.

In Vermont, the rain has a pH of 3.8 to 4.0. The pH scale is "logarithmic" so a change from normal (5.6) down to 4.6 means the rain has gotten ten times as acidic as normal; at 3.6 the rain is 100 times as acidic as normal.

It wasn't until 1972 that Eugene Likens (then at Cornell University) and F. Herbert Bormann at Yale discovered acid rain. But meanwhile acid rain had been falling on northern New York and New England and on southern Canada for about 20 years.

What Hub Vogelmann has been able to show by studying Camel's Hump for 30 years is that acid rain doesn't just affect the trees; it affects the soil and thus the entire ecosystem. Soil contains a large amount of aluminum, but it occurs in the form of aluminum silicates; in

that form, aluminum is not available to the roots of plants. But acid rain dissolves the silicates, releasing the aluminum and making it available to plants. When plants get aluminum into their roots and their vascular system, the roots clog, which prevents the plant from taking up adequate nutrients and water. The trees are weakened, and may then fall prey to extreme cold, or to insects or pathogens.

Acid rain not only releases aluminum into the soil. It also releases other minerals—calcium, magnesium, phosphorus—which are fertilizer for the tree. Acid rain releases these fertilizers to be washed out of the soil, leaving the soil depleted of nutrients.

But that is not the end of the problem. The roots of many trees create a symbiotic (mutually beneficial) relationship with an orange-colored sponge-like fungus called mycorrhiza. The tree roots provide sustenance to the mycorrhiza, and the mycorrhiza help the tree roots gather water and nutrients from the soil. But acid rain kills mycorrhiza, thus further reducing the ability of trees to absorb water and nutrients from the soil.

But that is not all. Acid rain kills off portions of the detritus food chain. The detritus food chain is all the microscopic creatures that "compost" leaves, twigs, pine needles, dead branches and so forth, turning them back into soil. Because the detritus food chain is damaged by acid rain, forest "litter" builds up on the floor of the forest. The litter prevents new saplings from taking root—they cannot reach through the litter to make contact with the soil below. Furthermore, the litter promotes the growth of ferns, which give off substances that inhibit the growth of red spruce saplings, among others.

This is not a complete description of problems caused by acid rain, but it gives a sense of the complexity of ecosystems, and how they can become unbalanced by thoughtless human intrusions.

Given the high rates of tree death, and the widespread nature of the problem—it is occurring to one degree or another in every state in the union—one would think that the community of botanists, forest ecosystem specialists, and U.S. Forest Service employees would be up in arms, advocating change. But one would be disappointed.

Throughout the book, author Charles Little describes studies and statements by the U.S. Forest Service downplaying the importance of tree disease and death. For example, in 1991 the Procter Maple Research Center at University of Vermont pinpointed acid rain and other air pollution as an important cause of decline of sugar maples in Vermont: "We think we are looking at the early stages of an epidemic problem," the Center's report said. The

following year the U.S. Forest Service issued a report saying that 90% of the sugar maples surveyed were healthy and the overall numbers and volume of sugar maples was increasing. People in the maple sugar business were stunned—their own experience was telling them something that the U.S. Forest Service was officially denying. It turned out the Forest Service had used a tricky way of counting dead trees; only the standing dead were counted—those lying on the ground were not. Here's David Marvin, who owns a commercial "sugarbush"—a maple sugar farm in Vermont: "I don't want to condemn our forest scientists as a group," says Marvin, "but I am very concerned that a great deal of forest research is funded by the federal government, by chemical companies, and forest industry companies—and it's very difficult for people who depend on that funding to stick their necks out or to help influence policy that might go counter to what the funders are interested in. Many scientists I talk to will not publicly say anything about the connection between air pollution and forest decline, but privately, to a person, they tell me, yes, we've got a problem."

Forest-protection activists in the Pacific Northwest have long considered the Forest Service a rogue agency, captured by the forest products industry. Under the Reagan and Bush administrations, the situation grew so extreme that when Jack Ward Thomas took over the leadership of the Forest Service in 1992, he immediately issued six "messages" to personnel throughout the agency. The first three messages were: (1) Obey the law; (2) Tell the truth; (3) Implement ecosystem management. That such orders had to be issued speaks volumes about the past performance of this federal agency.

In 1993 there was evidence of new candor in the Forest Service. A report issued that year said timber mortality [death], on a volume basis, had increased 24% between 1986 and 1991, "in all regions, on all ownerships, and for both hardwoods and softwoods." Hardwoods were particularly affected, and particularly in the south, where the mortality increase was 37%.

A new candor—and a continuing candor—among scientists and foresters will be essential. But also we need a new recognition that there are many causes of tree death, just as there are many causes of toxic poisoning. To fix these problems, whether tree deaths or toxics, will require us first and foremost to study and emulate nature, to learn to live within natural limits, and to respect the right of non-human species to inhabit the planet. For starters, we should cut waste, not trees. If we don't take these lessons to heart, and soon, the trees will survive but probably we will not. ♦



7th Forest Congress - WV Roundtable



I had a hard time deciding whether to include this following article. Its bias for well managed, vigorous, healthy forests (read woodlots) is too strong for me to swallow. But in the spirit of open debate, and because its written by a long time WVHC member I'll run it, adding my rant at page bottom.
bill ragette'

A Challenging Day Of Progress For West Virginia Forests

by Don Gaspar

What follows is a product of a uniquely effective communication between nearly 100 West Virginia forest professionals on January 11, 1996. Counted among them were about 10 very knowledgeable citizens who had a long concern about our forests. This then is their vision. They noted the diversity of views and values there, and that other groups constituted differently would perhaps have a little different "vision". This vision, though, is basic and hopefully would be found to be very acceptable and useful to all. If the consensus "vision" has a flaw, it is not clear that when the word "multi-use" is used, a nearly singular use, such as a Wilderness Area, is one of many multiple uses.

A VISION FOR WEST VIRGINIA FORESTS.

West Virginia Forestry Roundtable Draft Vision Statement:

We see the forest as a valued community: humans, trees, wildlife (plants and animals), soil, air, water, minerals, and aesthetics.

We see the forest as a well-managed, multi-use resource providing not only for present, but future generations.

We see public entities, private landowners, and industry cooperatively using the best scientific knowledge to ensure a diverse, healthy, and vigorous forest that provides the optimum good.

If there is a crisis in the Eastern Forest, it is that in many respects and many places this forest looks good and seems to be recovering, but the general public has such a high regard for this rapidly regrowing forest that they want to preserve so much of it - if not all of it. In spite of it looking so good to them, and the assurance about its resilience that is implied in this, they want the assurance that if it is logged, it will not be harmed. All acknowledge it was harmed the first time. Is this a badly damaged forest and then a fragile one? Do we know? Should we plan a second cut until we do know? Professionals have not yet identified this question for research - remaining forest floor and soil depth, contrasted with the original to determine the extent of damage. Professionals stand ready with very valuable knowledge and professional judgment to guide

and assist in providing needed harvests that can result in forests improved in health and vigor - even aesthetics. Citizens though will not allow them to proceed until they know this forest is as resilient as it appears and will not be damaged by the proposed second harvest.

The many piece-meal confrontations with "preservationists" are based on the above. (The extent to which today's Eastern Forest is damaged is presently unknown.) The 50 year old statement that "timber is a renewable resource", coined in a more naive, less informed, time - should be re-examined in the light of newer information about stream instability and flooding that reflects the watershed's reduced floor and soil depth. Also, nutrient supplies and impoverishment is a recent concern in extensive geologically infertile areas of the Eastern Forest.

This reassuring looking forest is attempting to regrow with perhaps 1/6 fewer nutrients with no new nutrients being generated. A harvest can remove 1/10 of the nutrients, and is then an added Impoverishment.

Answers are due to concerned citizens about their forest. Professionals and research are needed. What can the relationship be between proponents of logging, even professionals, and citizens until the extent to which it is a renewable resource is answered? Can it be one of respect and trust? The forest professional can only lead if relevant. They must answer how greatly forest watersheds were damaged, and what intensity of harvest will not damage them further? Is there a sustainable harvest? What of recovery?

This group noted "multi-use" is also an old concept. It stands up to today's scrutiny and should be reaffirmed. It is however misunderstood by many preservationists. It includes all uses, even wilderness and Parks. In this view multi-use should be acceptable to all. It accommodates as many different uses as possible, being different from place to place and time to time, being sensitive to unique or rare values and species. Management for the most good of most, but the exclusion of none.

There is after all "common ground", a common concern for the Forest. Many of the principles this group discussed were consolidated into eleven statements that hopefully will be refined further and found useful - making this truly a day of progress for West Virginia Forests.

PRINCIPLE STATEMENTS

1. Educate public and private forest users and the citizenry on resource uses and forest management practices, impacts, and the diverse values of forests. Education leads to an understanding of both human needs and the ecosystem capacity to meet those needs in the long run. When need/demand exceeds capacity education leads to social changes that insure long term sustainability.

2. Forest users representing

diverse interests should engage in honest and factual dialogue, respecting diverse needs and values, and increasing public involvement in forest management decisions.

3. Encourage forest management on private land for multiple use values by economic incentives consistent with sustainable forestry. Consider time frames, investment risks, liabilities, and cost/benefits to owners. Protect property rights by incentives rather than regulation when possible as needed for "public good".

4. Public policy decisions must be ethical, open to public input, considerate of social and economic consequences, based upon best current information including knowledge from past practices, considerate of present needs and the maintenance of future options.

5. Research is necessary to provide decision and policy makers the best scientific information, recognizing that societal values and knowledge are constantly changing.

6. Land management practices should not degrade or negatively impact surrounding resources.

7. Forest resources should be managed across property lines in such a way that rural lifestyles are improved. Cooperation is encouraged. Public access to forest land should be provided without compromising property owner's rights.

8. Economic returns from forest resources should be enhanced by promoting diverse wood products industries, wildlife, water quality, tourism, and recreation.

9. Ecosystems provide the framework to employ clearly stated management objectives.

10. Coordinate policy decisions of diverse interests and forest land owners to ensure balanced management for social, environmental, physical, wildlife, human, aesthetic, and diversity needs.

11. As stewards we are caretakers of the land which is not to be abused.

These eleven the group thought most important and worked to present in a usable form. It is not comprehensive. Some other important fragments, not well enough incorporated, follow. Even this is not comprehensive.

Healthy lands and waters are needed to provide products and diversity for a diverse citizenry - and a growing one.

Protect the forest ecosystems yet meet human needs, with a concern for woods and water, and a holistic management.

West Virginia's State Forests are needed for research and management examples of good multiple-use management.

Stewardship on private land must be encouraged and rewarded. In the future the landowner must be paid for uses, "pay to play".

Research, then knowledge, then education and outreach.

Professionals must be educators for an informed citizenry. It must begin early, in schools.

Open discourse and participation with concerned citizens is needed.

Two powerful, essential tools of the professional are scientific knowledge and professional experienced judgment. Citizens must allow them to use it. All must build societal structure for involvement and create

processes for citizen input. Agencies must listen, not just seek citizen support for their agenda.

Action should be collaboratively directed. Planned with all stakeholders. There should be definite goals (vision) and principles. Do not "deny" new information, incorporate it, adapt to produce a logical consistent plan of action. Evaluate actions and adapt. Not to act, is to act. Set proper priorities. Circulate "decision notices" for comment. Act (manage) conservatively, if unsure. Understand the resource better (research) so it is not mismanaged.

Multi-use, and "best" management practices must be used on public land and be encouraged on private. Stream side borders must be protected to reduce erosion and help keep land on the land and reduce siltation and protect and improve streams and water quality.

Multiple use includes wildlife needs, and habitat protection and restoration. It includes inspiration, aesthetics, and harvest. Unique forests must be managed for this. Species at risk must be managed for the most good of the most, but excluding none.

Vast, "landscape" ecology considerations include private lands. Landowner and community rights must be considered. Incentives must be given for private efforts for preservation because great encouragement is needed to meet societal needs in the future.

Forest health and ecosystem health and protection and sustainability are important research needs. This includes soil productivity and nutrients, and acid rain impacts on the forest and its streams, soil (see page 12)

Ragette's Rant

I am disturbed by this article. Partly because it reflects the professional managers condescending attitude towards 'ignorant citizens'. Partly because, on many issues, Don (the author and long time WVHC member) has a grasp of the magnitude of the problem, especially on lack of water holding capacities of the degraded forest soils and its effect on stream temperatures and sedimentation and fish; and yet misses the big picture.

You see Don is mostly concerned with game fish, the ones that bring the dollars in, the ones that pay for his and other wildlife managers' job. Don, in his professional capacity, has proposed poisoning native fish and stocking trout. He is a bit deeper than that, using the ecological excuse that because the forest is degraded, stream temperatures are higher and the fish there now (was it dace, Don?) wouldn't have been there originally, when water temperatures were colder, trout would have.

The managers solution is to manage, to force nature, rather than letting her heal. Instead of poisoning

the dace and restocking trout, wouldn't it be better to have the soils rebuild their humus and capacity to moderate water flow? But that's nothing to get paid for. We don't need managers to let nature alone.

There is a proper place for managers. The application of sound management to private woodlands that will be harvested anyway (which is currently about 90% of forestland in WV) can be a great improvement over cut and run logging practices. When natural resources have to be extracted, we need someone to insure that the least damage is done.

But society, not managers need to decide how much we should leave alone for nature, evolution and future generations. I think more and more folks are realizing that 10% of the forests that are in public ownership can and should be left to nature and her wisdom.

I am also disturbed by the vision statement because it tries to gloss over the main contention between preservationists and the 'professionals'. I think the 'vision' statement is so vague, it fails to address

the main problems our forests are facing, like acid rain, loss of nutrients, loss of native biodiversity, the pulp mill invasion and pine conversion, the fate of evolution, etc.

The last part of my rant concerns the use of state forests for 'logging/timber management showpieces'. I hear this all the time from the state Division of Forestry, but to me its just another excuse to continue cutting the public lands for the \$\$ it provides to the agencies over-seeing the timber cuts. This is true on the state and national level. Logging/timber management showpieces should be on private lands, all over the state. Folks are not going to travel an hour or two to see expert timber management. They might drive down the road to a neighbor's, but mostly they want the professionals, the foresters and the loggers to do it right for them. (Do folks travel across the state to see the best way to manage their auto maintenance?) No my friends, the excuse is lame, folks don't go to state forests to see logging jobs, they can find plenty in their own back yard; they go to the state forests to get back to nature, not to a managers practice field. ♦

WVHC (et al) v. U.S. EPA

This lawsuit was filed by the Highlands Conservancy and Ohio Valley Environmental Coalition to require EPA to draft and implement watershed management programs in West Virginia. Section 303 of the Clean Water Act requires each State to identify waters within its boundaries for which water quality standards are not being met. The State is to prioritize the waters taking into account the severity of the pollution and the uses to be made of the water. From the information on the priority list, the State is to develop the total maximum daily load (TMDL) for the pollutants identified on the priority list.

If the State fails to submit an acceptable list to EPA or to draft TMDLs, EPA must step in and take over the process. The lawsuit alleges that West Virginia has failed to submit adequate lists to EPA and has failed to draft TMDLs, despite the fact that this requirement has been in the Clean Water since 1978.

The benefit of the TMDL process is that it requires a State to take stock of its waterways and identify the source of the pollutants. The setting of TMDLs can effect future permit actions on rivers and lakes.

Presently, water permits are based upon end-of-the-pipe pollution controls. As long as industry installs the best available pollution control technology, they generally receive a permit. The TMDL process is part of watershed based management in that it will focus attention on pollution sources and the need to reduce pollutants regardless of whether every industry on the body of water has installed the best pollution control device.

The identification of pollution impaired streams and lakes will provide valuable information for citizens and could possibly identify sources of pollution that can be challenged administratively or through citizen suits under the Clean Water Act.

The lawsuit was filed by Jim Kringlen and Ryan Alexander of APPALRED and Perry McDaniel of Crandall, Pyles, and Haviland in federal court in Charleston. The case has been assigned to Judge Charles Haden. The key dates in the time frame order are:

- *informal discussion on information exchange and settlement until mid-February;
- *discovery until April 19;

dispositive motions filed by June 14; *trial November 5, 1996

The lawyers have begun preliminary discussion with the EPA on the framework of a settlement. They have proposed that EPA draft TMDLs for all bodies of water on the priority list (over 500 on the list including mining impaired streams) within three years. The priorities for drafting the TMDLs will be set by mutual agreement.

An industry group (Coal Association, Farm Bureau, Forestry Association, Chamber of Commerce, and Mining and Reclamation Association) has intervened in the lawsuit. They have indicated they are only interested in monitoring the developments that will lead to a settlement or a judgment against EPA. Their interest is obvious, proper implementation of TMDLs will lead to more restrictions on their emissions (point source and non-point source) in the future.

There have been similar lawsuits in other states with mixed results. West Virginia officials have refuse to set any TMDLs and, we believe, have left enough of a paper trail supporting our claims that EPA is willing to discuss settlement. West

Virginia did very little until we made rumblings of the lawsuit in Spring of 1995. The State quickly prepared a list of waters and submitted it to EPA. However, no clearly defined TMDLs have ever been drafted in WV.

If EPA agrees to our general framework for drafting a settlement agreement, the attorneys will need input from Conservancy members to establish the priority for waterways and to establish an acceptable monitoring process. If settlement is not reached, similar input will be needed to draft a requested remedy to submit to the Court should we prevail on the merits of the lawsuit.

Input will be needed as soon as early February. If you have information on degraded bodies of water, please review the water list drafted by DEP, and then contact Don Garvin (see address on page 2), co-chair of the WVHC Rivers Committee.

Wait and See

(from page 2) research adds nothing to the Division of Forestry budget. The only way the Division can produce revenue from the State Forests is to sell timber.

As strong as the financial incentives are to manage the State Forests as tree farms, the cultural ones are even stronger. Timber production is what this generation of foresters does. They are trained to produce the most board feet per acre. They try to do it without leaving a tremendous mess and may even produce some incidental benefit but the goal is to produce lumber. Just as mining engineers are trained to get coal out of the ground while leaving as little mess as possible, these foresters produce board feet with as little mess as possible.

So why does this make a moratorium necessary?

It makes a moratorium necessary because not being allowed to cut timber is the only way to change these ingrained attitudes.

Gentle reminders won't do it. Legislative resolutions won't do it. Changing such attitudes takes the shock of a moratorium. It takes something that can take a Division

Forest Congress

(from page 11) loss, tree regeneration.

A 'land ethic' should be evolved. Forest policy should be reviewed. Jobs and environment should be maintained. Nearby resources should not be degraded by anyone's activity. Good neighbors do not cause such damage. Everyone must be a steward of their land, and good neighbors. Ecological integrity must be maintained. It provides many free services (cleaning the air of CO₂, etc.) that are vital. Many benefits are unknown. Management must respect and value the forest. Preserve rural life styles and forest activities for themselves and urban users. Harmony between consumer desires and owner objectives is needed. We must manage a diverse forest offering multiple opportunities for the present and future common good based on science. by: Donald C. Casper
4 Ritchie Street,
Buckhannon, WV 26201

Tenmile Becomes Faltis Stepchild

(from page 5) at Tenmile, one would think every drop of water and every bit of soil on the entire 2000 acre site could rise up and sing the chant itself: "This time's for real! ... This one's the one!" --Geologists of the future will write books on what they unearth if they conduct any archeological digs at Tenmile or adjacent DLM.

To industry and agency representatives the prospects look good. But then so did the plethora of other experimental practices that have been proposed over the last twenty years. Volumes have been published, and thousands of acres mined and reclaimed under the assumptions of one 'good idea' or another, only to fail down the line after the land and

water has been devastated.

For WVHC, Trout Unlimited and others in the Buckhannon Tygart River Coalition, the words are like cold steel to the heart. They have a remarkably familiar ring that brings to mind the words uttered by state and industry representatives that ushered in so much destruction during the '70's and '80's at Riffle Flats on the Middle Fork River, at DLM, Tenmile, Badger and Bass on the Buckhannon River, at Omega, and so on down the list.

With the relative stability of the past couple of years at Tenmile, it is difficult to imagine messing around there again.

But the giant acid-oozing refuse impoundment is still there, and the

reclaimed areas still bleed acid. Though Faltis is quoted as saying there is no new mining or re-mining planned at the site, it has to be recognized that coal removal isn't the only activity that will upset whatever balance now exists. Disruptive earth disturbance will take place with most of the experimental 'demonstration projects' that may be constructed. And, besides the remaining coal reserves are extensive, so it's a good bet that FUTURE mining or re-mining appears somewhere in the Faltis/Anker plan.

I for one won't be surprised to hear - if not today or next year, then sometime "Damn the torpedoes; full speed ahead." Industry watchers, like COAL magazine, seem to think John Faltis is a likely candidate to act on those words.

Join the West Virginia Highlands Conservancy

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Membership Benefits

- * 1 year subscription to the Highlands Voice
 - * Special meetings with workshops and speakers
 - * Representation through WVHC efforts to monitor legislative and agency activity
- The WVHC, at age 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.

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