



The Highlands Voice

NON-PROFIT ORG.
U.S. POSTAGE PAID
PERMIT NO. 2831
CHAS., WV 25301

Published by the West Virginia Highlands Conservancy

Vol. 29, No. 4 - June 1996

Destroy and Mitigate

by Hugh Rogers

"All they have to do is Build Corridor H up at Elkins, cut the trees down and pave the whole place, and we'll be having this every other week."

-flood disgusted man in Philippi, interviewed by Jeff Young on West Virginia Public Radio, May 17, 1996

Plausible scenario? People are looking for reasons for the repeated severe flooding in the Tygart and Cheat river basins—and they're anxious about what could make it worse. It's a timely topic as we consider our comments on the Corridor H Final Environmental Impact Statement (FEIS). **Note: the comment deadline is June 14.**

Flooding—floodplains—flood zone encroachments: yes, it is possible to find something in the FEIS. But not in the index. That whimsical list of 31 items includes "ozone" and "J. Allen Hawkins Community Park", but ignores "flooding", "stormwater runoff", "acid drainage" and most other troublesome subjects.

In the "Floodplains" section, the FEIS admits that corridor H would increase flooding. The Federal Emergency Management Agency, or FEMA (no need to spell it out around here), has set standards for government actions that "limit ...flood elevation increases to one foot." Thus

it isn't surprising to find this conclusion for each floodplain: "Detailed hydraulic studies have shown that these encroachments [from construction of Corridor H] would not result in flood water elevation increases of more than one foot."

Can we reassure the man in Philippi that the new highway won't add more than a foot of water to the contents of his basement?

If we look closer, we won't be so sure. The hydraulic studies were directed at the need for larger box culverts or longer bridges "to accommodate a greater floodflow" - in other words, the engineers focused on letting water pass through. They didn't raise their eyes from the streams. They didn't examine whether the highway itself would contribute to the flooding.

With its miles of clearcuts, its giant cuts and fills, its colossal acreage of pavement, Corridor H would drastically affect the hydrology of the region. That's what the man in Philippi thought.

If we look at a specific floodplain - the one closest to Philippi - we find other problems. The FEIS says the "Preferred Alternative," i.e., the four-lane on the final alignment, would encroach on 13.6 acres of Leading creek's 100 year floodplain. That figure came from the Draft EIS; but the Draft also noted that Line I at the interchange with US 219, north of Elkins, "would result in 66 per-



"Improvements" at Kumbrabow State Forest - multi purpose logging roads also serve as waterways. Muddy water flows off the site after moderate rains. This is one of those demonstration logging jobs? While WVDOF gets \$500,000 from the timber sale, there is still no money for trail work or handicap access. The main road through Kumbrabow is worse than ever.

cent more flood hazard zone encroachment than would Line A." Line I was chosen as the preferred alternative, but the FEIS still uses the smaller figure.

Discrepancies don't end there. Table XII-41, "Summary of Flood Zone Encroachment by Watershed," shows that Line A would encroach

on 15.8 acres of Leading Creek - not 13.6—and Line 1, the preferred alternative, would encroach on 19.1 acres. Which figure was used in the "detailed hydraulic studies?" How much higher will the water rise in Philippi?

Part II

Let's pull back and try to gain

some perspective. For twenty-five years, the Conservancy has been dealing with the proposal to build corridor H east of Elkins. Reams of environmental studies have been landfilled. The current FEIS is the next-to-last document in a series that began with the 1992 Transportation Needs Study. In 1993, (see page 8)

Bathrobes, Elephants and Zebras

by Tom Rodd

A. Class, May I Have Your Attention?

I spent fifteen Wednesday evenings this Spring at Davis and Elkins College, teaching a class in environmental law. It was great.

I started the first class by un-

packing two bathrobes from my satchel, and getting two students to put the robes on — then a pair of work gloves for each. A green shawl went on another student. I had her sit in the center of our circle, while another student dribbled scraps of paper over her. No one was allowed to speak (who wanted to, this teacher looks like a madman!). I kept a moderate cacophony going on a tambourine and duck call.

I sent one of the bathrobed students to try to stop the paper dribbling, and then sent the other one to interfere and battle the first one. Then I passed out a long clothesline, and we formed a roped area around the robed students, who pretended to duke it out. I kept moving the rope up and down, and changing the shape of the enclosure. I briefly tied one

student's hand behind her back, and otherwise interfered. I got several rope holders to put on gloves and join the fray. Now we have a tag-team match!

When the desired level of chaos seemed well achieved, we stopped. Everyone was smiling. I then elicited from the students what this all was supposed to mean, and they eventually got it. My substantive "pedagogic goal" was to teach the lesson that environmental law is not a fixed body of knowledge, it is a fluid arena of struggle (my other lesson was that effective communication begins at a pre-literate, pre-verbal level):

— Say, what is the law on how high the ropes should be off the ground?

— Depends on who's the refer-

ee. And all of the action isn't in the ring, you can be sure.

— Who won the fight?

— Wait and see what happens on appeal. Remember, too, there's an election for boxing commissioner next month. Things could change.

All this is by way of introduction to the following selections from the court's opinion in the Hughes River case. Readers who are compiling their "life lists" should note this rare event: a court found an Environmental Impact Statement (EIS) deficient. Such cases are like whooping cranes - very beautiful, and pretty darn scarce.

Government agencies compile a paper "record" to support their decisions. The usual practice is to build as big as possible a pile of

studies, reviews, maps, plans, questionnaires, printouts, and construct a rotund and daunting edifice. Courts usually approach these xerographic monoliths with gingerly caution and deference:

— By God, that's quite a record! Must be all of three feet across and built like the back leg of a bull elephant! I guess it'll support just about any decision!

In the Hughes River case, Conservancy member Tom Michael, an attorney in Clarksburg, West Virginia and Bob Dreher of the Sierra Club Legal Defense Fund (and numerous colleagues) were able to persuade the Fourth Circuit Court of Appeals in Richmond, Virginia, that the Hughes River dam proposal "record" was deficient and flawed.

(see page 7)

Inside

- Bird Survey - pg 8
- Dams - pg 5
- Letters - pg 3
- Mon. Forest - pg 5, 8
- Old Growth - pg 4, 8
- Thornwood - pg 4, 6-

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

by John McFerrin

Live with the River

What is to be done about the Greenbrier River? Every time we turn around it is flooding something. Should we build a dam, creating a permanent lake? Should we build a "dry dam", creating a lake only during periods of heavy rain? Should we leave the river alone, instead helping the people adjust to the river by floodproofing their houses and businesses?

The U.S. Army Corps of Engineers, which would in all likelihood carry out whatever flood control measures we decide on, has taken the position that it would pursue whatever steps the local residents wanted. Although cost will have to figure in somewhere, it appears from the Corps' comments that it prefers to wait until the area residents agree on what they want. Then the Corps will pursue that option.

In general, local control is a good idea. Having a federal agency announce that it will stand at the ready, eager to carry out whatever local consensus dictates, is a charming idea, one we should all applaud.

As charming as the idea is in general, here it is a recipe for ensuring that nothing ever happens. If the question is what kind of dam to build or whether to build one, we are never going to agree. The competing interests are diametrically opposed. Some want the Greenbrier River to be left alone for aesthetic reasons. Some want it left alone because damming it up would cost them their property. Some want it dammed up because that would protect their property. Asking them to agree is like asking the wolves and the sheep to agree on tonight's dinner menu. If we wait for consensus then we are deciding to sit back and let nature, including human nature, take its course.

If we let nature take its course, then the river will continue to flood periodically. There have been floods for all of recorded history; there will continue to be floods. If nature continues to take its course, then human nature will take its course. People will get tired of being flooded every year. They will get tired of cleaning up every year. They will make some sort of adjustment. They will quit battling the flood and move to higher ground. If they choose to stay close to the river they will figure out some way to raise their houses so that they are not in so much danger. People are adaptable, they won't just sit there. They will do something.

In the Eastern Kentucky town where I grew up, people had already done this. People who lived in the higher parts of town didn't worry about flooding; they built their houses so that the first floor was at ground level. People who lived where it routinely flooded built their houses on foundations a dozen cinder blocks high. They still got flooded periodically but the water didn't get into their houses. The people had made adjustments.

Given the current impasse over what kind of dam, if any, is appropriate, there is only one sensible course to take. We should let the Corps of Engineers help people with the adjustments necessary to live with the River. They have done this before in other places. They could help people relocate, show people how to floodproof their houses and businesses, and do whatever needs to be done to make the adjustments to the River easier.

If we don't do this, then we will end up doing nothing. We will sit and argue about what kind of dam to build as the decades roll past. The flooding continues, and people make their own adjustments at their own expense. Eventually the problem will have solved itself when Marlinton and all the other river towns have either ceased to exist or gradually moved themselves to higher ground.

Politics is the art of the possible. A dam is not possible. So long as the Corps of Engineers waits for consensus there will be no dam. What is possible right now is assistance to people in making adjustments to the River. We could agree on that. Rather than wrangling for a few more decades about what kind of dam to build, we should do what is possible right now.

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: John McFerrin
114 Beckley Ave., Beckley, WV 25801 252-8733
SENIOR VICE PRESIDENT: Frank Young
Rt. 1, Box 108, Ripley, WV 25271, (304) 372-9329
VICE-PRESIDENT FOR STATE AFFAIRS: Norm Steenstra
1324 Virginia St. E., Charleston, WV 25301 W- 346-5891 H- 344-0150
VICE-PRESIDENT FOR FEDERAL AFFAIRS: Vacant
SECRETARY: Jacqueline A. Hallinan
1120 Swan Rd, Charleston, WV 25314 345-3718
TREASURER: Tom Michael
Rt. 2, Box 217, Lost Creek, WV 26385, 623-3447
PAST PRESIDENT: Cindy Rank
HC 78, Box 227, Rock Cave, WV 26234, 924-5802

DIRECTORS-AT-LARGE

(Terms expire October 1996)

William P. McNeel, 1118 Second Ave., Marlinton, WV 24954, 799-4369
Andrew Maier, Rt. 1, Box 27, Hinton, WV 25952, 466-3864
Mary Pat Peck, 36 Meade St., Buckhannon, WV 26201, 472-3049
Joe Marshall, 108 3rd Street, Elkins, WV 26241 636-9555
Hugh Rogers, Moon Run, Kerens, WV 26276, 636-2662

DIRECTORS-AT-LARGE

(Terms expire October 1997)

Sayre Rodman, 32 Crystal Dr, Oakmont, PA 15139, (412) 828-8983
Carroll Jett, Rt. 1, Box 22, Sherman, WV 26173, 273-5247
Don Garvin, PO Box 436, Buckhannon, WV 26201 472-8716
Carter Zerbe, 16 Arlington Court, Charleston 25301 343-3175
Bob Marshall, 201 Virginia St. West, Charleston, WV 25302 345-5518

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY: Virginia Region- Judy Fisher
P.O. Box 276, Berkeley Springs, WV 25411 258-4974
PITTSBURG CLIMBERS: Jean Rodman
32 Crystal Dr, Oakmont, PA 15139, 828-8983
WEST VIRGINIA MOUNTAIN STREAM MONITORS: Jason Huber
MSM office: 264 High St., Morgantown, WV 26505, 296-8963
BROOKS BIRD CLUB: Mary Moore Riffenberger
Rt. 1, Box 253, Elkins, WV 26241, 636-4559
MOUNTAINEER CHAPTER TROUT UNLIMITED: Phil Rossano
Rt. 2, Box 375, Buckhannon, WV 26201 472-0942
WEST VIRGINIA RIVERS COALITION: Pam Merritt
49 W. Main St., Buckhannon, WV 26201, 472-0025
DOWNSTREAM ALLIANCE: Joan Sims
Rt. 5, Box 310 1/2, Morgantown, WV 26505, 296-8860

COMMITTEE CHAIRS

CANAAN VALLEY COMMITTEE: Linda Cooper
Rt. 5, Box 228A, Morgantown, WV 26505, 296-0565
MINING COMMITTEE: Cindy Rank
HC 78, Box 227, Rock Cave, WV 26234, 924-5802
PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman
32 Crystal Dr, Oakmont, PA 15139, (412) 828-8983
Bill Ragette' - 144 Trace Fork Rd., Culloden, WV 25510, 824-3571
PUBLICATIONS COMMITTEE: Judy Rodd
Rt. 1, Box 178, Moatsville, WV 26405, 265-0018
ENDOWMENT FUND COMMITTEE: David Elkinton
609 Farms Dr., Fairmont, WV 26554, 366-5906
RIVERS COMMITTEE: Donna Borders
809 2nd St. Marietta, OH 45750 tel: (614) 373-2742
HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, 636-2662
MEMBERSHIP DEVELOPMENT: Carroll Jett
Rt. 1, Box 22, Sherman, WV 26173, 273-5247

ADMINISTRATIVE OFFICES

Richard diPretoro: Administrative Ass't 264 High St. Morgantown, WV 26505 296-8963, Fax 296-8623 email: Richard_diPretoro@wnpb.wvnet.edu	Bill Ragette': Voice Editor 144 Trace Fork Rd Culloden, WV 25510 824-3571 Bill_Ragette'@wnpb.wvnet.edu
--	--

The Highlands Voice is published by the West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321. Articles, letters to the editor and other information for publication should be sent to the editor via fax, modem, disk or even hard copy via the US mail.

The Highlands Voice is always printed on Recycled Paper. Our printer uses 100% post consumer recycled paper when available.

Letters

Voodoo Ecology

To the Editor,

I read with considerable interest Rick Landenberger's report on finding old-growth patches in the Thornwood pipeline vicinity. Rick's work in discovering and defining these remnants of the Great Forest was exemplary. His scientific methodology was thoroughly professional, and there can be no doubt of the accuracy of his results. This kind of effort is invaluable in helping us to find and protect what remains of the ancient forest in the highlands.

However, it seems that as far as the Forest Service is concerned Rick's work was purely esoteric, for the pipeline is to them already a fait accompli, irreversible by any kind of scientific evidence, regardless of its ecological significance. The fact that this happens to be a case where the duplicity and commercial bias of the Forest Service is glaringly obvious is no doubt regrettable to them, but is not an impediment to their exploitation plans in the past and clearly will not be so in this instance.

Perhaps the 'Forest' Service should just change its name to some-

thing that more accurately reflects its operating principles, such as the 'Logging and Mining' Service. At least then they would not have to hypocritically pretend that there are any important factors that motivate their decisions other than corporate profits.

Unfortunately for the current Forest Service, though, they are only the stewards of land which is owned (legally if not morally) by all United States citizens. This little point has been a thorn in the side of the Forest Service for some time now, and one gets the feeling, that they would like us to just shut up and let them get on with the multiple-abusing and corporate pandering that they do so well. But that isn't going to happen. Those of us who have explored the West Virginia Highlands know just how rare and precious old-growth patches really are. Any project which causes the destruction or diminution of even one of these remnants is unacceptable.

The contention of the Forest Service that the Thornwood patches or any others must meet all of their

criteria to be considered viable old-growth strikes me more as obfuscatory bureaucratic maneuvering rather than good science. The long-standing and well-documented prejudice of the Forest Service against preserving old-growth requires one to be extremely skeptical of their methodology.

Anyone who has had such experience with ancient forest remnants in the Appalachians knows that there are few, if any, of those that could not be eliminated as 'viable' old-growth by the arbitrary application of one or more of the Forest Service's criteria. It seems to me that the only salient question concerning whether a patch of forest is old-growth should be simply whether the area was ever substantially disturbed by human activities. This is admittedly often difficult to determine. The use of the Forest Service criteria can sometimes be helpful in this regard, but in the end none of those criteria can be considered definitive, especially since many of the remaining old-growth remnants are located in areas whose rugged and often very rocky character produce unique and highly specialized forest

associations that defy nice neat classifications.

The real problem here is that the Forest Service obviously does not want to find old-growth, and even when forced to do so will dig up one reason or another to declare it as not 'viable' so that they can get on with their real work of road-building and logging. As long as this remains their *modus operandi* there can be little hope for a change in policy, but in any case we must not let them continue to define the parameters of this debate.

If we were managing public forest to nurture and encourage old-growth instead of eliminating it there would be no such thing as a nonviable remnant. The fact that smaller remnants are especially vulnerable to edge-effect disturbances ought to be a compelling argument for their preservation and possible expansion, certainly not their consignment into the bureaucratic wasteland.

But that of course is what is going to happen to the Thornwood old-growth, and any other old-growth remnants that have the temerity to be located in an 'opportunity' area, or in

the path of a road or pipeline or anything else the Forest Service wants to multiple-use. Meanwhile the forest itself becomes that much more fragmented, that much more controlled and manipulated, and that much less wild and free. This may be good for logging and mining companies and government payrolls, but no amount of voodoo ecology on the part of the Forest Service is going to make it good for the living forest, with all of its wondrous but fragile diversity.

Slashing a new and highly questionable pipeline through what is now unbroken climax forest and old-growth remnants and then maintaining that right-of-way, as will undoubtedly occur, with poisonous herbicides, just doesn't make sense from any sort of ecological perspective. But I almost forgot that this isn't about ecology, only economics. I only hope that maybe someday we will have Forest Stewards who can see farther than the end of the road.

For the wild - Bob Stough

Animal Damage Control

Dear Editor

It has come to my attention via a couple of paragraphs in the Elkins newspaper that my government, using my tax dollars, is embarking on a new program here in WV that has already been a controversial failure in the western states. The people of our state, and the whole country have largely been kept in the dark regarding the carnage their tax dollars have been helping to purchase.

We are talking here about the US Dept. of Agriculture's Animal Damage Control program (ADC). Just who are these folks? When asked they will tell you "ADC is a federal program that is mandated to control damage caused by wild animals and recognizes that wild animals are a publicly owned resource." They are in fact an animal death squad. In the fiscal year 1994 the ADC killed 8,500 coyotes, 8,000 foxes, 1,900 bobcats, 290 mountain lions, 160 black bears and 165 wolves. This "service" cost the taxpayers almost \$38 million that year.

Recently in WV, hiding behind the politically correct name of "Wildlife Services", the ADC has started bringing their failed policy of federal predator control techniques to the mountain state. With \$45,000 to spend on this program they are now employing the most indiscriminate and lethal methods known to "control" coyotes who are impacting sheep raising profits in Randolph, Pocahontas, and Pendleton counties. These methods are to include (1) the M-44 ground device, a 6 inch long land mine-like device that when activated sprays sodium cyanide granules up to 5 ft. The ADC itself has reports of 20 injuries

to humans between 1983 and 1993 associated with this device and there is a long history of misuse of the M-44 in the west. The potential for effects on non-target species from this device are obvious and well documented. (2) Livestock protection collars, or LPCs, containing compound 1080, a long lasting, slow acting mammalian predicide and rodenticide developed in Nazi Germany. Former EPA administrator William Ruckelshaus called 1080 "one of the most dangerous toxics known to man." In my conversations with ADC officials here in Elkins I was assured LPCs are "completely safe", as they contain only 30 ml. of 1% 1080 compound which can only be released when the LPC is bitten by an offending coyote. I submit to the reader that this position lacks common sense, any number of things can puncture the collar - barbed wire or greenbrier for example and once the collar is punctured by whatever - a coyote, dog, bear or eagle; we now have two contaminated animals both prey and predator. These serve as "bait stations" killing other animals that may feed on them, creating a chain of death. US Fish and Wildlife Services confirmed this during field trials of LPCs in 1980. (3) 120 leghold traps will be used along with 10,000 feet of snare wire. Just how used, and who will check these traps and snares when they are provided is in question. I was told users will have an "incentive" to use them properly and was assured animals would not suffer in unchecked devices. Again this defies logic.

Besides the cruel and indiscriminate killing methods being used by ADC, there's lots of other reasons to

oppose this project. The need for the entire deal is being based on a survey done via "truck to truck" or phone conversations with 406 WV sheep raisers in 1995 by an ADC employee with the help from the extension service and farm bureau. The lone scientific credentials noted are those of a "wildlife management biologist" working for ADC. This is a very questionable methodology.

The survey estimates \$538,700 in loss to sheep raisers from predation. Predators listed include coyotes, dogs, unkwon canines, black vultures and eagles. This is no doubt a major problem for farmers. Yet this same study shows clearly that not even half of those surveyed used any non lethal methods of predator control. Less than half use a donkey, only 20% use guard dogs, and no questions were even asked about the use of other techniques for control of losses such as lambing pens or barns to shelter newborns, or night penning, or lights, or special fencing or any other good animal husbandry practices. It is obvious from this study that cost effective, non-lethal, non toxic, means of discouraging predation on sheep are not a priority with ADC; let's just go the old fashioned route - straight to the poisons.

51% of those surveyed stated their neighbors quit the sheep business because of predation. This is despite the economic advantages some receive from the pasturing on public lands of subsidized animals at low fees, and despite the additional protection of federal price supports and tariffs on wool and direct payments from the state for sheep lost to dogs or bears. Still they demand federally fi-

nanced killing of predators. Something is wrong when taxpayers must foot the bill for the slaughter of the nation's wildlife in order to sustain the sheep industry. Ronald Reagan stated "Those who receive special benefits and services from the federal government should be the ones to bear the cost of those services, not the general taxpayers."

There is a growing body of scientific evidence that ADC predator "control" programs do not make sense economically or biologically. It has been found in many cases that livestock losses to predators are completely independent of the numbers of predators destroyed by ADC. In another area it was found that there was a positive correlation between livestock losses and predators killed. This is exactly the opposite of what should be observed if the ADC programs are effective. Thus man's tampering with nature's intricate checks and balances has created unforeseen problems not only for future generations but for the very sheep farmers responsible.

Subsidizing the destruction of animals by ADC raises ethical issues as well. While I have no problem with a farmer taking out a rogue animal to protect stock, indiscriminate killing using barbaric methods is another sto-

ry. This program is a classic example of man's arrogance and disregard for the sanctity of other life in the name of greed.

Wildlife advocates from all a round must investigate this insult. I urge you to read the books "God's Dogs" by Hope Ryden and "Track of the Coyote" by Todd Wilkinson. You may also contact the predator Project at POBox 6733, Bozeman, MT 59771. They have been fighting to save large predators for years and have lots of info about ADC.

In the meantime please write to our Senators (US Senate, Washington DC 20510) and Representatives (US House of Representatives, Washington, DC., 20515) and express your concern about ADC. Tell them you know how to save the taxpayers \$180 million in 5 years by eliminating ADC. On a more local level you should write to Gus R. Douglas, Commissioner at WV Dept. of Agriculture and tell him what you think about this ADC program. You may also contact the very people with blood on their hands here in Elkins at USDA "Wildlife Services" - 730 Yokum ST. 26241. Their phone number is 636-1785. I'm sure they'd love to hear your concerns.

Greg Hill, Elkins, WV

The WVHC summer board meeting will be held July 13 from 10-3 at the Mountain Retreat, Route 32, 1/2 mile north of Harman. Rooms are available at the Mountain Retreat for both Friday and Saturday night for \$10. Bring your own bedding and towels. Make arrangements directly with Lester and MaryBeth Lind at 227-4427. Everyone welcome!!

Thornwood Old Growth - Part 3

by Rick Landenberger

The following is a copy of Tom Demeo's report on the Old Growth patch in the proposed Thornwood Pipeline right of way plus Rick's response. For those of you missing the last VOICE, Rick Landenberger (forestry student at WVU) found this patch of Old Growth in the right-of-way of the proposed "Thornwood Gapipeline", which the Forest Service has continually tried to ignore. Rick's comments are bracketed by dashed lines - bill r

Tom Demeo's(USFS ecologist) letter to Linda Tracy - 29 April 1996
*Subject: Investigation of Possible Old Growth Along Thornwood Gasline right-of-way
*To: Linda Tracy; Thornwood Gasline Environmental Assessment Team Leader

During the comment period for this environmental assessment, Rick Landenberger raised the issue of possible old growth along the Thornwood Gasline Right-of-Way. In November 1995, a team of Forest Service personnel visited the site of concern, on Spruce Ridge near Buffalo Lake, to investigate this possibility. Using an increment borer, they cored three trees, reporting that the trees appeared to be about 80 years old. Linda Tracy subsequently gave the cores to me for office verification of the ages.

The forest service still has not answered my specific questions about exactly what happened with the original cores.

In early April 1996, Rick again visited the site, documenting trees well in excess of 100 years old. Finally examining the cores that Linda had given me, I concurred with Rick's assessment.

This mistake on our part led to a need to reevaluate the site. As a result of field investigations on April 12 and April 19, 1996, I conclude the site is too small in area to be considered a viable old growth stand. It is a residual clump of old growth attributes from the previous forest. Similar clumps occur across the mountainside in the nearby vicinity. Following is the site description and rationale used to reach this conclusion.

Site Description

The site in question is located along the proposed Thornwood Gasline right-of-way at an elevation of about 3500 ft on a northern aspect. It is referred to as "Site 1" on the attached map.

The north side of Spruce Ridge runs from approximately 3200-3800 ft ASL. It is a northern hardwood type (Kuchler 1964), although the name suggests it was once dominated by red spruce. Today it is an older second growth mix of beech, eastern hemlock, sugar maple, black

cherry, black birch, mountain magnolia, and occasional other species. Scattered clumps of residual trees from the previous forest remain, presumably missed or ignored by extensive turn-of-the-century logging.

first, the site is incorrectly identified as a northern hardwood type. Kuchler's classification shouldn't be used in this case because the scale is completely inappropriate; Kuchler's classification is regional in scale, and as such is meaningless for purposes of this report. this stand is unquestionably a hemlock-birch forest, which is quite rare on the Monongahela NF. it would be easy to quantitatively classify the site using any of a variety of objective vegetation classification schemes, for instance relative frequency or BA of overstory trees, "importance" or another quantitative method that lends itself to replication. also, this bit about the area being called "spruce ridge" is extremely dubious as an ecological reference. places were named without much thought for proper identification back at the turn-of-the-century. the presumptions regarding exactly what went on at this location is also complete speculation. all we know for certain is that there are numerous old trees on the site. the stand is not "a clump of old growth attributes" - nothing is a clump of attributes. this is a stand that has certain quantifiable attributes that are accepted by the scientific community as an indication of old-growth. period.

Evaluation of the Site in Question

Current Forest policy is to use the following set of attributes in defining old growth:

1. Age
2. Species Composition
3. Multiple Canopy Layers
4. Structural Diversity
5. Woody Debris
6. Snags
7. Gap Formation
8. Minimum Area
9. Adjacency and Scale Considerations

These attributes are explained more fully in the Monongahela National Forest white paper "Clarification of Forest Plan Intent For Designating Old Growth Areas on the Monongahela National Forest" (Demeo et al. 1995).

this issue DOES NOT have anything to do with "designating old-growth". it is simply an issue of appropriate environmental assessment methods. certainly tom can use this as a guide if he wants, but it itself is pretty hokey and does not necessary have anything at all to do with this issue. one thing that ought to be done here is to identify the issue properly.

Using the above list as a guide, I evaluated the site as follows:

1. Age

Rick's work has clearly shown that the site has trees well over 100

years old; at least one beech exceeds 200 yrs. From field investigation I am convinced that there is a sufficient density of old trees on the site to consider it as meeting this attribute.

one of the things the FS loves to do is patronize people. something to consider throughout - exactly what methods are used when tom says something like "field investigation". these are simply attempts at sounding quantitative. ask, rather, what criteria were used. this is an extremely important consideration.

2. Species Composition

Overstory species composition is diverse, including beech, hemlock, black birch, and sugar maple. Since the growing season was just starting, it was difficult to assess understory composition, but judging from the structural diversity and presence of at least one gap, I conclude the understory is probably diverse as well.

actually, the overstory is not all that "diverse". hemlock is the most frequent species, followed by black birch. there are very few beech and sugar maple in the overstory, although those that are present are very old. it is by no means a "diverse" forest compared to most others, although this is not particularly important. diversity is often misused in forestry. any time it is measured or estimated, the spatial and temporal sampling scale should be provided. what tom doesn't mention is that this particular stand makes a significant contribution to "beta" diversity, which is the measure of species differences between communities in the same landscape.

3. Multiple Canopy Layers

These are evident; understory trees of different height and diameter classes were well represented.

no estimates provided

4. Structural Diversity

Locations of all trees 2.5 cm or greater in diameter at breast height were mapped; these field data are available upon request. As with canopy layers, the diameter class distribution is diverse.

diameter class distributions are characterized by their shape (even-aged or normally distributed, or inverse J-shaped as in a forest with many young trees, etc.). i have no idea what the actual distribution looks like, but it really doesn't have any bearing on the issue.

5. Woody Debris

Downed woody debris is evident, in a variety of species and diameters. Pit-mound topography, characteristic of small-scale windthrow gap-formation processes, is also well-represented.

6. Snags

Snags of at least three species and of varied diameters are present. Cavities suggest they are well-used by wildlife.

7. Gap Formation

One gap 11 m in diameter was documented, as well as one about 5 m in diameter. The 11-m gap is probably of sufficient size to facilitate tree regeneration over time (Hibbs 1982); the 5-m gap is not.

I'm not sure what's going on here. hemlock can certainly regenerate in a 62 square meter gap, and there's plenty of research to docu-

ment this. also, a lot depends on what else happens over time. will additional gaps form? will branches in the overstory break off and form a larger gap? no one can answer these questions. but we could assign a probability to these events, based on what we determine to be the situation in representative surrounding areas. unfortunately, these are few.

8. Minimum Area

The area in question was measured as 33 m by 55 m, or 0.18 ha.

here is where the (second) major mistake is made (the first being the mishandled, misanalyzed cores). tom's estimate of area, which he claims is so crucial, is way, way off the actual extent of this stand. it is at least twice as large, and probably much more. keep this in mind. it is an extremely important point.

Minimum area is a critical consideration, since it relates to old growth viability and function (Harris 1984, Thomas et al. 1988, Hunter 1990, Noss and Cooperider 1994). Evidence is accumulating that some small Eastern old growth remnants may not be viable over time, or at least unusually vulnerable to disturbance events (Boerner and Kooser 1991, McGee 1986, Parker et al. 1985, Abrams and Downs 1990). The beech scale-disease complex appears to be well-established in the vicinity, as evidenced by a high density of beech snags across the mountainside, as well as signs of the disease on trees on or near the site. This leads me to believe the site in question will experience beech mortality in the near future.

i checked out these references and they are a wonderful(see page 6)



Wise Use at Kumbrabow - all this wood is "junk" even the 3' diameter sugar maple in photo center. Its a good thing Kumbrabow experiences such high rainfall, with Coastal Lumber piling up acres of trees they can't make a buck on but cut anyway, a fire could devastate the woods. There have been fires in the past.

US Forest Service Says . . .

It's OK To Kill Trout In Order To Cut Timber

By Donald S. Garvin, Jr.
from the newsletter of Trout Unlimited, Mountaineer Chapter

With seemingly total disregard for its own mandate to protect the trout in the Monongahela National Forest, the US Forest Service has decided in favor of a massive timber project which threatens almost the entire wild trout fishery in the Elk River watershed.

And in another decision they've done themselves one step better: they have actually put in writing that they are willing to kill a trout fishery in order to cut timber!

The stream in question in the second decision is Old House Run, a native brook trout stream located in the Frank Mountain Project Area just east of Bartow near the West Virginia/Virginia state line. Some members of the Mountaineer Chapter of Trout Unlimited have fished this stream.

In reaction to concerns about increased siltation to Old House Run, the Forest Service team who put this plan together has decided to close the Old House Run road, which runs along most of the stream's length, and build a new road on Grassy Knob Ridge.

However, their own Environ-

mental Assessment of the project clearly states that the overall plan could "perhaps" cause "substantial short term sediment effects -- such as temporarily eliminating its (Old House Run's) native trout population."

In an attempt to justify this action the Environmental Assessment states: "However, in the long term, both the Proposed Action and Alternative 1 would be expected to improve native trout habitat in Old House Run (though not to the same extent), and trout may be able to recolonize this stream."

So let's see if we've got this straight. The increased siltation will "TEMPORARILY" kill the trout, and the proposed mitigation will "improve" the trout habitat "THOUGH NOT TO THE SAME EXTENT" and afterward the trout fishery "MAY BE ABLE" to be restored.

Well, there you have it. Forget protecting native trout populations as called for in the Fisheries Amendment to the Monongahela National Forest Plan. Forget that they have the option of selecting a "No Action" alternative that would protect the fishery.

At least now the US Forest

Service has finally admitted its true priorities in writing. Full speed ahead -- cut the timber!

Now back to the decision affecting the Elk River watershed.

That plan, known as the East Gauley Mountain Timber Project, combines several Opportunity Areas into one large proposal, and would affect the Elk River from Slaty Fork downstream to below Whittaker Falls. It covers almost 12,000 acres of National Forest land, with much of the upper Elk as a boundary it includes the Chimney Rock Run, Blackhole Run, Big Run (of the Elk), Props Run and Laurel Run drainages.

Occasionally, a trout stream in a proposed Forest Service project area is of such exceptional value as a resource that it merits greater concern than normal on our part, and greater protection than normal on the part of the Forest Service. The Elk River and its tributaries fall into that category. The Elk River, as Mountaineer Chapter members know, has reproducing brown trout populations, and its tributaries have populations of native brook trout and both wild brown and wild rainbow trout. The Elk River, in its many segments, is in fact unique as

a trout fishery in this area, due in no small part to major initiatives by the West Virginia Division of Natural Resources and thousands of hours of volunteer work by Trout Unlimited members from across the state.

That it is a trout fishery of such high quality (or a trout fishery at all) is somewhat of a miracle in itself and can only be attributed to mother nature and the constant vigilance of those who care about the stream -- because someone is always wanting to put mud in this stream.

The Timber Analysis, prepared by Marlinton District Ranger Cynthia Schiffer, considers four alternatives for the project. Alternative A is the "no-action" alternative. Alternatives B, C and D call for harvest levels ranging from 15.6 million board feet to 18 million board feet, with only minor differences in the details of these three options. For example, the range of harvest alternatives includes 50 to 75 acres of clearcuts, 176 to 238 acres of shelterwood cuts, 459 to 548 acres of two-age cuts (shelterwood and two-age cuts are really just less obtrusive forms of clearcutting), 2983 to 3502 acres of timber thinning, 2.5 to 2.9 miles of new roads, and 5.6 to

9.5 miles of road reconstruction.

The Timber Analysis team is fully aware, according to the Environmental Assessment, that the trout fishery in the Elk River and its tributaries is already critically impaired by stream siltation. And yet, also according to the assessment, each of the three harvest alternatives will result in an "additional increment of impairment." The Forest Service is apparently willing to accept 40%+ spawning mortalities due to increased siltation.

A final note: the Mon Forest Plan classifies this as a 6.1 area, with a primary management emphasis as "remote habitat for wildlife species intolerant of human disturbance," such as wild turkey and black bear. Recognizing the steepness of much of the terrain in the area, the Timber Analysis team is recommending the extensive use of helicopter and cable logging. Does that kind of operation sound to you like its compatible with remote habitat for species intolerant of disturbance?

The Mountaineer Chapter strongly recommended the "no-action" alternative on both of these proposals. We are considering appealing the decisions. ♦

WVHC Spring Review - the Dam Story

The Dam Control Act, currently administered by the Dam Control Section of the West Virginia Division of Environmental Protection, was a direct result of the Buffalo Creek disaster. In the early 1970's a coal refuse dam in Logan County burst, unleashing a flood which killed 125 people. In response, the West Virginia Legislature passed the Dam Control Act, regulating the safety of dams.

On Saturday, May 18, Brian Long, Chief of the Dam Control Section of the West Virginia Division of Environmental Protection, made a presentation on the Dam Control Act on that Act, how his section enforces it, and dam safety, to the West Virginia Highlands Conservancy. This talk was part of the

Conservancy's Spring Review.

Mr. Long noted that his Section has no control over whether or not a dam is built. It is not charged with determining whether or not putting a dam on a particular stream is prudent. It only tries to assure that, if a dam is built, it will be safe.

Although Mr. Long's Section has no role in deciding whether a dam will be built, his experience with dams has exposed him to a specific application of floodproofing an area as an alternative to controlling flooding by dam construction. He reported on a community in Pennsylvania which had responded to repeated flooding by making structural modifications to homes and businesses in the flood plane. This involved such things as raising

the buildings, relocating electrical equipment above the usual flood level, etc. It was Mr. Long's understanding that the community was quite pleased with the results.

The Dam Control Section inspects and regulates all dams in West Virginia which meet minimum size requirements. To be within the jurisdiction of the Dam Control Section, a dam must be at least 25 feet high and impound 15 acre-feet of water or be at least six feet high and impound 50 acre-feet of water. An acre foot is a volume of water necessary to cover an acre to a depth of one foot. Dams under the control of the federal government are excluded, as are dams which are part of a mining operation. These are regulated by another Section.

In spite of these exclusions, the Dam Control Section still has jurisdiction over approximately 350 dams in West Virginia. It classifies these as high, medium, or low hazard depending upon whether a failure of the dam could be expected to result in loss of life. Of the dams it regulate, the Dam Control Section considers a substantial fraction of these 350 dams to be unsafe because of various problems with construction, maintenance, and upkeep.

One difficulty the Dam Control Section faces is that the Dam Control Act does not require bonding, insurance, or other showing of financial responsibility. As a result, many dams are owned by people who do not have the resources to correct problems as they arise.

The Dam Control Section's regulatory efforts are also hampered by limited resources and by limited enforcement authority. The fines it can levy are insignificant and it has limited access to the services of the Attorney General in legal actions it may wish to take. It also has limited means of informing the public of dams which are unsafe. It does not publish lists of hazardous dams. Neither does it have any system for informing people who live below hazardous dams that the dams are hazardous.

Mr. Long closed his presentation by showing a television documentary on the poor state of dam maintenance and safety nationwide. Although none of the dams featured were in West Virginia, the documentary did illustrate the kinds of problems West Virginia dams face. ♦

Effects of dams on mussels

Mussels need a riffle habitat in the adult stage; riffle habitat being found usually in alternation with pools. The number of species found in pools is lower than in riffles.

In pools, and this is even more true for water impounded by dams, there is a decrease in oxygen and increase in pollutants due to stratification in still water (riffles of course keep the water stirred up). Mussel populations can also be affected downstream of dams due to changes in water flow, and other factors caused by stratification in the impounded water such as pH, sedimentation, and increased pollutant load.

Mussels can be further impacted if their fish hosts are somehow restricted due to dams. Of the 300 species of mussels in the US, all but one or two species need fish hosts for their larval stage. Unfortunately very few of these hosts have been identified. The female mussel produces eggs which reside in her gills. Later the baby mussels attach themselves to a host fish for from between 2 to 6 weeks. Although scientists are not quite sure what the mussels get from the fish besides transportation, they have determined that they cannot become adult mussels without attachment to their

hosts.

The Greenbrier River, which some folks are hoping to dam, is home to 10 species of mussels. Two of these are federally listed as species of concern; the Green Floater and the Elktoe. The Greenbrier has the largest populations of the Green Floater in the state. The fish hosts of the Elktoe are the white sucker, rock bass, northern hog sucker, short headed red horse, warmouth.



Effects of Dams on Plants

For countless eons rivers have flooded, scouring portions of their banks. Nature has adapted and evolved species that depend on this renewal of habitat. Dams interrupt this timeless process.

Two species currently known from the Greenbrier River which require the scoured riverbank habitat are Barbara's-buttons (*Marshallia grandiflora*) and Virginia spiraea (*Spiraea virginiana*). We have only one location on the Greenbrier for each of these species.

It is important to stress that the scoured cobble community found along the Greenbrier is very

unique. Loss of this community type can be serious. It is also found along other rivers, and those rivers have their own group of rare plants associated with the community.

Along the Gauley scoured banks you will find Barbara's-buttons, balsam squaw-weed (*Senecio pauperculus*), sand plum (*Prunus pumila*) and spiraea. Along the Meadow River you'll find more spiraea and squaw-weed. The Shavers Fork have many more rare plants. What is critical to all the plants is the sand-cobble-boulder habitat and the rivers' flooding (the F word, nowadays!) regime. ♦

Conflict Over Thornwood Pipeline Intensifies

adapted from an article by Jim Sconyers from the Mountain State Sierran. I'd only like to add that I personally appealed the decision and that the WVHC has filed comments as an interested party. - bill ragette

Over two years of controversy over the proposed Thornwood Pipeline entered a new phase in April and May.

Now the Forest Service has issued an Environmental Assessment, or EA, for the proposed project. Not surprisingly, agency administrators endorsed the destructive plans put forth by the out-of-state developer, Thornwood Gas Inc. The EA basically ignored the serious problems for recreation, wildlife, old growth, and more raised by Sierra Club and other groups. The Forest Service absurdly claims that the pipeline would have "no significant impact". This is the justification for refusing to prepare a full-scale Environmental Impact Statement which would assess environmental impacts comprehensively.

The EA is accompanied by a FONSI (pronounced "Fonzie" like in the old TV series). This is a Finding Of No Significant Impact, the only way an agency can justify its refusal to do an EIS.

The Sierra Club and its allies have now appealed this decision by the Forest Service. The FONSI was long anticipated by the pipeline's opponents. Forest Service policy allows just 45 days to file an appeal. Represented by the Southern Environmental Law Center (SEL) in Virginia, the environmental community struck back on crucial issues and deficiencies in the EA. SEL has provided essential legal expertise and coordination for pipeline opponents.

The table of contents of the 66 page brief highlights the major grounds for the appeal.

- 1.) The EA and FONSI erroneously determine that an EIS is not required.
- 2.) Impacts from the proposed pipeline and future gas development will be significant. If there is sig-

nificant impact, the agency must prepare an EIS, a much more complete study than an EA.

3.) The Forest Service has failed to properly consider the cumulative and indirect effects of the Thornwood gas pipeline.

4.) Effects of future gas development are not considered in assessing the significance of the pipeline. Engineering and economic studies make it clear that gas development over thousands of acres in the Mon-National Forest would be undertaken if the pipeline were to be built.

5.) Reliance on previous generic NEPA (National Environmental Policy Act) studies is inadequate for this project. Furthermore, these documents don't consider significant new information. This includes discovery of remnant old growth forest in the path of the pipeline. Forest Service studies, one way or the other, completely missed this area of 150 - 200+ year old trees.

6.) The agency incorrectly determines that the Thornwood pipe-

line proposal and future drilling are not "connected actions". This is an important point; if future plans are "connected actions" they must be included in an EIS. The Forest Service stubbornly and irrationally claims that future plans to drill dozens of new wells and develop them are not "connected" to this pipeline, which would enable bringing these new wells on-line. Expert documentation makes it clear that the pipeline would be overbuilt and a financial failure without this future development.

7.) The agency failed to consider reasonably foreseeable future gas development. In its documents, USFS steadfastly maintained they only wished to study the 6 existing wells. They claim that if future exploitation is undertaken, then they'll study it, not now. This completely contradicts their mandate to take a holistic, ecosystem view.

8.) The Forest Service determined significance on an issue-by-issue basis. This way the whole impact is never seen.

9.) The range of alternatives considered for the pipeline is insufficient. NEPA requires a full spectrum of possible alternatives, all the way from don't do it to the proposal as received from the developer. Alternatives in this proposal did not include some with far less destructive impact, nor did they seriously include the "no action" alternative.

What happens next? We are into another 45 day waiting period. The Forest Service will respond to the appeal by the end of that period, which will be around the first of July. Nobody is willing to bet on the outcome at this point. The appeal contains compelling arguments; on the other hand we are appealing a Forest Service decision to the Forest Service! Appeals of decisions concerning specific national forests (in this case West Virginia's Monongahela and Virginia's George Washington) are made to the regional level of the Forest Service bureaucracy.

Thornwood Old Growth - Part 3

(from page 4) exhibit of citing completely inappropriate research. without exception, they address oak forests, from the lowlands and central hardwood region (although one is from Pennsylvania). they simply don't apply here. nor do they address the mystical concept of "viability", which no self-respecting ecologist would touch with respect to an ecosystem that very little is known about. "viability" is not defined; no information is provided concerning how it might be measured or estimated. any term of such importance needs to be described in sufficient detail so that evidence can be gathered either to prove or disprove the hypothesis that it rests upon. also, the disease hypothesis is well-known in forestry and conservation circles. it's the same argument made time and again when old trees are considered for logging (salvage timber rider, tibbs run, etc.). the undeniable fact that this stand has survived to this point is apparently of no consequence. furthermore, it doesn't matter one bit if the beech in question have scale or not. i cored two of them, and they were, surprisingly, absolutely solid at 200+ years old.

finally, how was the size of the area determined? what criteria were used? how were boundaries established? this is the crux of the "evaluation". the entire thing rests on the mystical "minimum area" because, for some unknown reason, it relates to "viability". what is the minimum area? no information given, but we're told that whatever it might be, its definitely larger than this particular stand. how does it relate to "viability"? no informa-

tion provided, but we're told that it has some substantial, undeniable relationship.

I conclude the site does not meet the area requirement for viable old growth.

anyone surprised? using the logic applied in this case, how could it be otherwise? by citing inappropriate literature and building an illogical and completely non-disprovable argument, the conclusion becomes completely meaningless. the fact that the trees are successfully reproducing (the basic idea of "viability" as its used in the conservation biology literature) seems to have been overlooked. why? is there some reason that successful reproduction would not be considered in an evaluation of "viability". this is as blatant a mistake as aging a broken, incomplete core when two complete (and very old) cores were available as references, and then concluding that the stand was only as old as the broken, incomplete reference core. what is "viability" if it isn't successful reproduction?

9. Adjacency and Scale Considerations

This leads to the final considerations on the above attribute list: those of adjacency and scale. The site in question should be considered in the context of the surrounding landscape (Franklin et al. 1981, Hunter 1990).

To assess this, clumps of residual old growth attributes were also evaluated in nearby areas across the north side of Spruce Ridge. Data were collected on patches encountered, with the attributes above documented where present. Several cores were taken from

trees in each patch. The dimensions of each patch were measured or estimated. For the purposes of this evaluation, patches were considered to meet the age requirement for old growth if at least some overstory trees were at least 120 yrs old at breast height.

The mountainside contains at least several other clumps of old growth attributes. While it is difficult to say which is the most valuable, the site in question has the oldest documented beech trees and is slightly larger than the next largest patch.

no, it is impossible to say which is most valuable in an objective, scientific evaluation, since value is a human concept and, at the very least, requires some type of reference point. but, getting back to "adjacency and scale considerations", how do these relate to the question of "viability"? we know that there are "at least several" other "clumps of attributes" (??), but what is the ecological-environmental relationship between the stand in question and the others? how is this a relevant characteristic of the landscape? one way biologists look at similar issue is to ask the basic question "do these individuals exchange gametes? do they interbreed? typically, in population viability analysis (which is how the term is used), the idea is that outbreeding increases genetic variability and thus the probability that the population or metapopulation will survive over the long term. the problem is, this hasn't been thoroughly demonstrated in plant populations (although it has

for animals). thus, we're left to ponder what all this means. one thing is certain, however; we know where the forest service stands on this issue.

i wonder how that old tree in

my backyard was able to survive all these years, and what all those seedlings are doing underneath of it!



Kumbrabow Red Oak - 1817 to 1995 (178 years old) in perfect health when cut

Bathrobes, Elephants and Zebras

(from page 1) **B. Highlights of the Hughes River Decision:**

"The North Fork of the Hughes River is a free-flowing river located in a rugged and mountainous area of northwestern West Virginia. In addition to its extraordinary scenic value, the North Fork is the habitat of an extensive variety of fish and wildlife. It supports a population of twenty-two freshwater mussel species, including two species under consideration for listing as threatened or endangered under the Endangered Species Act. It also contains wetland areas, riffle and pool complexes, and vegetated shallows that provide habitats for various species. The North Fork is listed on the National Park Service's Nationwide Rivers Inventory as a possible addition to the National Wild and Scenic Rivers System. . . .

The Sierra Club, the Department of the Interior, and the Environmental Protection Agency informed the NRCS that they considered the draft EIS to be deficient for several reasons. They pointed out that the EIS did not adequately analyze the adverse environmental effects of the Project, did not adequately consider methods of mitigating those effects, and did not adequately explore possible alternatives to the Project. Additionally, the Department of the Interior and the EPA expressed concern that the Project would eliminate the North Fork's potential for being designated as part of the National Wild and Scenic Rivers System. And the Sierra Club questioned the reliability of the NRCS's estimate of the Project's economic benefits. . . .

Both the EPA and the Department of the Interior's Fish and Wildlife Service responded to the public notice by recommending that the s 404 permit be denied because the Project would result in substantial and unacceptable damage to the North Fork. . . . The EPA also warned the Corps that the Project would probably cause infestation of the North Fork by zebra mussels, a non-indigenous mollusk that destroys native mussel populations. . . . During the reevaluation process, the Conservancy wrote to the District Office, requesting that a supplemental EIS be prepared to address zebra mussel infestation and to evaluate the potential of the North Fork to be included in the National Wild and Scenic Rivers System. . . .

The EPA and the FWS forwarded to the Corps the views of Dr. Richard Neves, a professor of fisheries at Virginia Polytechnic Institute and State University. According to Dr. Neves, if the Project went forward, zebra mussel infestation would have a "devastating" effect on the North Fork downstream from the dam. Dr. Neves discussed zebra mussel infestation with five other experts. Based on these discussions, he concluded that "there is general concurrence" that dams provide the crucial sites for zebra mussel infestations downstream. . . . Dr. Neves provided the

names and telephone numbers of the experts to whom he spoke and urged that the Corps contact them to verify his conclusions.

The Corps did not contact these experts. Instead, the District Office biologist again called an employee of the Corps's water quality section to request his opinion regarding zebra mussel infestation. According to a memorandum summarizing the conversation, the employee stated that "in his and WQ's opinion all waters will be infested. If there is fishing now then possible infestation from fish bait buckets [sic]."

We conclude that the Corps did not take a hard look at the problem of zebra mussel infestation resulting from the Project. The only glimmer of reasoning behind the Corps's conclusion that the North Fork would become infested regardless of the Project is the notation, "If there is fishing now then possible infestation from fish bait buckets [sic]." And the only information regarding the qualifications of the person who supplied this reasoning is that he was an employee of the Corps's water quality section. . . .

Thereafter, the NRCS commissioned a study (the WVU Study) by two West Virginia University professors to quantify the recreation benefits that would result from the Project. The contract between the NRCS and West Virginia University expressly required that the WVU Study calculate net, rather than gross, recreation benefits. But in disregard of this requirement, the WVU Study actually calculated gross, rather than net, recreation benefits. . . .

The EIS incorporates the WVU Study's calculation of the recreation benefits from the Project without acknowledging that the WVU Study estimated gross, rather than net, recreation benefits resulting from the Project. Therefore, the EIS had the potential to mislead the public about the economic benefits that would result from the Project. . . .

The Conservancy argues that WSRA s 5(d)(1) requires the NRCS and the Corps to consider the North Fork's potential as a wild and scenic river and to discuss this potential in the EIS or in a separate document. Moreover, because an eight-mile segment of the North Fork is listed on the Nationwide Rivers Inventory (NRI), the Conservancy contends that the NRCS and the Corps must evaluate the benefits of designating the North Fork as part of the System as an alternative to building the Project. . . .

Nowhere does the NRI state that federal agencies must evaluate the benefits of designating the listed rivers as part of the System as an alternative to proposed projects on the listed rivers. In fact, the NRI does not purport to impose any particular obligations on federal agencies. . . .

K. K. HALL, Circuit Judge, dissenting:
. . . The prophets of zebra mussel infestation

have no excuse for failing to voice their concerns to the NRCS during its preparation of the EIS. . . . I very much agree with the district court's observation that sound decision-making is not strictly cost-driven. For example, the Superintendent of Schools of Ritchie County attributed a \$40,000 "cost" to each day of instruction lost to the river's caprices. This figure is, and must be, purely subjective. What is a day of education worth? Can a child's mastery of the Pythagorean Theorem or appreciation of Mozart be expressed in dollars and cents? The decisions of the Corps and NRCS were not arbitrary and capricious. I dissent."

C. Teacher's Parting Thoughts:

OK, students, what's the lesson? As usual, the lesson is that a good result can come when citizens get in the arena and duke it out. The Hughes River citizens and their allies fought — in the law courts, and in the court of public opinion.

The Hughes River case gives the lie to the crap put out by industry-paid environmental "consensus-builders", who make a special

point (and a career) out of attacking "confrontational" environmental activism. It is precisely because citizens and advocacy groups were not afraid of confrontation, that the Hughes River has a chance today.

The Hughes River dam proposal opponents had science, reason and fairness on their side, which helped. When the citizens took a punch that decked them (in Federal District Court), they didn't give up. They picked themselves up, dusted off their bathrobes, and kept on swinging. Yes!

One key reason the Hughes River decision was pro-citizen was the fact that a number of environmental agencies, like the EPA and the FWS, spoke up fearlessly for sustainable community and natural values. So cheers for the gummint, doing the right thing!

This decision isn't the last round in this match. I'd say "stay tuned!", but I don't want to use language that endorses couch-potato spectatorship. In fact, there's plenty of room in the ring! Here, have a bathrobe and some gloves!

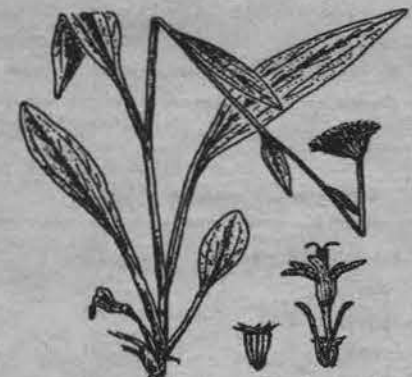
Monongahela National Forest Hiking Guide

The Monongahela National Forest Hiking Guide, 6th edition, 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 back-packing.

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



MARSHALLIA grandiflora

Old Growth in West Virginia - A Hands-On Workshop

(from page 8) Workshop Program
Introduction to the Mon National Forest Plan.
Old growth defined-historic, current.
Tools for field work-borers, maps, etc.
Old growth attributes-what to look for in the Big Woods.
Assessing old growth attributes and data.

We begin with a classroom meeting for introductory discussions, distribution of materials, etc. Then the workshop quickly moves to the field, where it remains except for the lunch break. This is primarily a hands-on, field study

learning experience.

Workshop and lunch are free, via Forest Watch sponsorship. Registration is not required, but it helps us plan. Registration is required for lunch at Camp Horseshoe.

Workshop leader is Rick Landenberger, former Forest Service employee, recognized expert in forest studies, and current graduate student at WVU.

To register contact Jim Sconyers, (304-789-6277), Rt. 2 Box 84, Terra Alta, WV 26764.

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: _____

Destroy and Mitigate

(from page 1) when scheme D-5 was chosen, the FEIS was expected by July, 1994. The Record of Decision, to permit construction, would have followed a month later.

Taking the process seriously gained us two more years during which the road was not built, the damage was not done, the funds were not spent. Taking the process seriously meant filing comments on the drafts, and sometimes sharing comments with agencies that have more clout than we do. Any number can play, and the more the better, since discrepancies and bald-faced lies may not surface at first reading. We'll play this game as long as it lasts.

But remember: the name of the game, from WVDOT's point of view, is "Destroy and mitigate." Volume III of the FEIS is the "Mitigation Document" where they keep score—for every impact, a promise. (Although there are no promises specifically directed at flooding.)

The long perspective helps us see that this is now, as it ever was, a stupid project. We have never conceded its "purpose and need." We will continue to comment on that, and if necessary we will raise it in court. We are somewhat encouraged by a recent interview with the EPA's regional administrator, Michael McCabe, who said, "We feel there are serious environmental impacts, many of which are unmitigatable. You need to demonstrate the economic benefit and that does not seem to be adequate for a project of

this size, given the adverse impacts."

The Federal Highway Administration has a different perspective. In March, we pointed out that the new alignment around Corricks Ford Battlefield had been called "impossible" in the Draft EIS. FHWA's division administrator replied, "Nothing is really impossible. If it takes a lot more dollars, you pay a lot more dollars."

Part III

It pays to keep looking. An unnoticed section of the document on purpose and need shows that corridor H would increase risks even for people who used it (as well as people who would be flooded by it).

According to the Transportation Needs Study, the accident rate on existing routes from Elkins to Strasburg, Virginia, is 3.24 per million vehicle miles traveled (VMT). So our highway department wants to make us more equal. They want to build a "partial access controlled road," that is, a road with many at-grade intersections and a few fully controlled interchanges. In their document, the accident rate for such roads is 4.96 per VMT, which is 65% worse than the roads we have now.

A transportation engineer who was asked about these figures suggested that partially-controlled-access highways lull drivers to expect protection from cross traffic. On the recently-opened stretch of Corridor H between Buckhannon and Elkins, most accidents have occurred at intersections. **Four people have been killed**

already.

Under "Purpose and Need," the FEIS refers readers to the 1992 Transportation Needs Study, and it summarizes seven factors. The "Safety" discussion quotes the 3.24 accident rate for existing roads—but instead of using the rate on partially-controlled access highways for comparison, it refers to the "rural primary four-lane controlled access" highways. That is not what WVDOT proposes to build. That would be a far more expensive project. But the FEIS cheats to make Corridor H look better. On other important subjects, such as economic benefits to be derived, the FEIS gives up on earlier claims. Ben Hark, the chief of the Division of Highway's environmental section, said last year, "The actual purpose and need is to improve capacity and ease congestion. That's the original, traditional reason." Capacity? Congestion? At fewer than 3,000 vehicles per day? Ultimately, that is the reason Corridor H won't be built: it isn't needed. It's a billion-dollar dinosaur from a different age. Dinosaurs didn't die all at once, though; and this one will take more time to kill. WVDOT plans to build a bypass at Elkins, using Corridor H funds. They are studying another bypass at Moorefield. They may add more passing lanes on the mountains. The "alternatives" we have suggested may be adopted piecemeal, without acknowledgment. Meanwhile, we have to continue the fight over the FEIS. ♦

Old Growth in West Virginia - A Hands-On Workshop

Camp Horseshoe, Lead Mine, WV
July 13, 1996

Old Growth in West Virginia is a hands-on workshop sponsored by Forest Watch. What is Forest Watch? It is a diverse group of forest activists. They want to know more about wild forests and the ecosystem approach to management of public lands. Who is the Old Growth Workshop for? You, if you are a person who wants to learn about old growth. No prior knowledge is required, just a desire to learn

in a hands-on setting.

How much does the workshop cost? It is free, including lunch.

We hear a lot about Old Growth, but probably don't understand it that well. Here in the East, Old Growth may sound like an issue only relevant in the Pacific Northwest. This is far from true! Naturally, we had Old Growth in West Virginia before, and we can again. Furthermore, there are remnant areas of huge old trees that show us what Old Growth here could

have been like.

Spend the day in the beautiful Mon National Forest, learning about Old Growth and some of the tools and methods used to study it.

The workshop will teach you:

- What Old Growth is.
- How to measure forest traits.
- How to read a forest area.
- Why Old Growth matters.

The campsite has been reserved for us for Saturday night. We meet at the Camp Horseshoe Lodge

Saturday morning, and return for lunch. (see page 7)

Join the West Virginia Highlands Conservancy

Category	Individual	Family	Corporate
Senior/Student	\$ 12	—	—
Regular	15	\$ 25	\$ 50
Associate	30	50	100
Sustaining	50	100	200
Patron	100	200	400
Mountaineer	200	300	600

Name: _____

Address: _____

City/State/Zip: _____

Make checks payable to: West Virginia Highlands Conservancy

Mail to: P.O. Box 306, Charleston, WV 25321

Our National Forests Need Your Help!

The "Clearcut rider" continues to decimate national forests across the US. This rider, which allows forests to be clearcut in the false name of "forest health," expires in December (though salvage logging contracts will be able to continue for years after). U.S. Senator Harry Craig (R Idaho) has introduced a bill in the Senate, S 391, that will make the salvage rider a permanent policy in U.S. law. As our National Forests face the worst threat ever, there are several things we can do:

- * Encourage Senators Byrd and Rockefeller to not only vote against the Craig bill, but to voice LOUD opposition to salvage logging.

- * Thank Congressman Rahall for co-sponsoring the legislation to repeal the salvage rider, and to please fight as hard as he can to prevent salvage logging.

- * Encourage Congressmen Wise and Mollohan to add their names to the list of co-sponsors for the salvage logging repeal. (Mollohan voted FOR the salvage rider! He especially needs to hear from his constituents!)

- * Write letters to the editors of your local newspapers and the Charleston newspapers expression your concerns and informing the public about these atrocious Congressional attacks on our National Forests.

For more information about the salvage rider or the Craig bill, call Kim Baker with the National Forest Protection Campaign at (304)522-9124. Kim would also appreciate receiving copies of any letters to the editor regarding salvage logging that run in your local papers. Mail them to 2630 Collis Ave., Huntington, WV 25702

More News on WV Bird Decline

Migratory Bird Banding Update adapted from an article in WV Nongame News by Dr. George Hall

The 38th year of bird-banding at the Allegheny Front Migration Observatory, located on Dolly Sods in Grant County, was the poorest banding season since there has been full time coverage. The weather was dry and warm, but a number of frontal systems did develop. The station was in continuous operation from August 13 to October 16, as well as five additional days in late October. Some banding was carried out on 69 days.

A total of 3,181 birds (third poorest) of 78 species (average value) was banded with a station effort of 7,586 net hours (second highest), giving a capture ration of 41.93 per 100 net hours (lowest). The late season flight of kinglets and juncos

prevented this from being the poorest season ever.

As a group the neotropical migrants were 55% below average. The 1,940 warblers banded were 53% below average. Bay breasted warblers - 76% below; Tennessee - 73% below, Cape May 71% below, Hermit thrush - 47% above, veerys - 33% below, wood thrushes - 58% below.

One can only speculate about the reasons for the poor year. It is not known how the hot dry weather influenced the migratory pattern, but these conditions may have caused most species to have poor breeding seasons. There have been mixed reports from other points in the East as some stations have had fairly good migratory movements, while others had results much like ours.

Blue jays and American goldfinches were counted in record numbers. ♦

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 29, 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.