



# The Highlands Voice

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## Impasse At Corricks Ford

by Hugh Rogers

Millions of dollars have been spent to draw Corridor H in indelible ink on the map of Wild, Wonderful West Virginia. But opponents keep smudging the line.

In Tucker County, upstream from Parsons, the Shavers Fork slips between Cheat, Fork, and McGowan Mountains on a long narrow floodplain that has hardly changed since 1861. It's no place to fit a four-lane highway: the mountains are steep, Otter Creek Wilderness is directly above, and the river itself is so pristine it has been proposed for designation as Wild and Scenic. Much of the land lies within the Monongahela National Forest.

The Department of Transportation (WVDOT) and its consultant, Baker Inc., were undeterred. They drew a "Line A" for the Corridor that plowed down Cheat Mountain and spanned Shavers Fork on a 1700-foot-long bridge, 92 feet above the river. At Porterwood, two lower bridges intersected a bend. The line occupied two miles of the river's east bank.

But the highwaymen faced another obstacle: history. Along the Shavers' banks and bluffs, in July 1861, Confederate forces retreating from Rich Mountain were destroyed at the Battle of Corricks Ford. This

part of Virginia remained under Union control for the rest of the Civil War.

In late December, the Keeper of the National Register of Historic Places determined that the site was eligible for protection and its boundaries were larger than Baker had contended. [Moorefield Battlefield, also in the Corridor, was found eligible and its boundaries will be set.] The long bridge at Kalars Ford, where the troops first clashed, had to go. Streamside construction was out. This part of West Virginia remained unspoiled, for the time being.

Now we have this sketch of a new alignment (see page 6). The consultants looked at the battlefield's boundary and simply looped the line around it. This route, on average, is a half mile farther from the river, and the big bridge has been pushed nearly three-quarters of a mile south.

More wrangles will follow. The Keeper, Carol Shull, deserves our thanks for her courageous decision on the Corricks Ford boundary. She and her colleagues must now deal with issues of effect and mitigation.

The rerouted Corridor H would not run over the battlefield, but its sights and sounds would overwhelm it.

On other grounds, this propos-

al may be worse than the original.

It veers outside the 2000-foot corridor where all the studies of cultural resources, wetlands, and habitat were done. Pushing the line south and east puts it closer to Otter Creek Wilderness, in sight of Turkey Run Trail along the crest of McGowan Mountain; the road's noise and air pollution would reach all of Otter Creek. Fernow Experimental Forest would be even closer and more drastically affected. More National Forest land would be lost. Since the line would cut deeper into the mountains on both sides of the river, the sheer devastation would be greater.

Similar objections have always been dismissed by the highwaymen.

Our values are far apart. The last point, though, gets closer: we see devastation, they see difficulty of construction. In fact, they have already determined that the new line would be impossible.

WVDOT and Baker engineers directly confronted this problem in the Alignment Selection Supplemental Draft Environmental Impact Statement (A-SDEIS), the last draft to be published before the still-delayed Final EIS. They wrote: "Alignment shifts to the east and west of Line A, between Pleasant Run and Jobs Run, were investigated as a means to avoid impacting (see page 6)



## The Good, The Bad, and The UGLY

Mining Matters

by Cindy Rank

Brief updates on a few mining matters that matter...

### THE GOOD

The Federal Office of Surface Mining (OSM) has rejected an in-

nocuous sounding (but dangerous) definition that WV recently added to its surface mining regulations.

Every year the state of West Virginia makes changes to its surface mining law and regs, often in response to requirements by OSM, often inserting so-called "Clean-Up" amendments - and often crafting new ideas from the minds of the Office of Mining of the Division of Environmental Protection (DEP) (...and at times, it seems, at the behest of the coal industry).

According to the Federal Surface Mining Control and Reclamation Act of 1977 (SMCRA) each change in an approved state program must be reviewed by OSM and evaluated whether or not the new language and provisions are no less stringent than and at least as effective as Federal law and regulation.

On February 21, 1996, OSM

issued a ruling on a number of changes in the WV program. Several are noteworthy, but one in particular has direct bearing on many of WVHC's concerns.

During the spring 1995 session of the WV Legislature, DEP introduced several items that had not been proposed during the state's normal process of regulatory revision. One addition was a definition of 'chemical treatment'.

"Chemical treatment means the treatment of water from a surface coal mining operation using chemical reagents such as but not limited to sodium hydroxide, calcium carbonate, or anhydrous ammonia for purposes of meeting applicable state and federal effluent limitations. Chemical treatment does not include passive treatment systems such as but not limited to limestone drains, wetlands, alkaline addition, appli-

cation of flyash, agricultural lime, or injection of flyash, limestone, or other minerals into underground coal operations."

As innocent as it sounds, there are certain flaws inherent in the definition itself: e.g., passive treatment systems may require less human intervention than active treatment systems but human attention IS needed at some intervals; some elements of the passive systems may well be considered 'chemical'; and, to date, all passive systems have limited life span, and require maintenance, repair or replacement, at some future time.

However, the big problem arises when you use this definition in connection with the bond release provisions of the surface mining regulations.

Currently, state and federal law prohibit full release of bonds

where chemical treatment is necessary to bring water discharges into compliance with effluent limits and water quality standards. If the "chemical treatment" definition was to be accepted in its entirety, an operator of an acid producing mine could install alkaline drains, wetlands, flyash covers, etc., and if the treatments were successful for a certain amount of time the bond could be released and the operator relieved of any responsibility for repair of the system say 10, 15, 20 years down the line when the treatment system fails (as even industry experts admit they all do).

The state would have no bond money to repair/clean/replace the system; acid would flow freely; one more acid discharge would be added to the ever expanding list of harmful discharges from Post-Act mining sites (mine permits held (see page 7)

Lincoln County Icicles - Julia Lucas

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

by John McFerrin

## knee jerk reaction

Can anyone look at Marlinton without weeping? Although I didn't go after the most recent flood, I helped in the cleanup in 1985. The place was a mess. From the pictures on TV, it was a mess this time.

The natural human reaction is to want to do something to help other human beings in trouble. Being human beings and all, the West Virginia Legislature immediately appropriated money to help with the cleanup. Private groups, including the West Virginia Rivers Coalition, helped with cleanup.

The next reaction was a thunderous shout of "Never again. Let's dam that sucker." If the Greenbrier River was going to put large parts of Marlinton under water every ten years, why not just build a big dam upstream. That would take care of it.

Again, this is a natural human reaction. When something causes such a problem the knee jerk reaction is to strike at the most immediate and visible part of the problem.

Maybe we ought to think about that a minute. Before everybody jumps to the conclusion that we should address Marlinton's problem by damming the Greenbrier River, let's spend a few minutes thinking about whether that is the sensible thing to do.

In the first place, some flooding of some sort is inevitable. Rain falls. More rain falls at some times than at others. That is the way it has been for at least all of human history; that is the way it will be for the future.

The only thing mankind can do is control to some extent where it floods and when. If we leave things alone then the areas near the river with the lowest elevation will periodically flood. If we dam the river we permanently flood that part of the land above the dam. If we build a series of smaller dams on tributaries of the Greenbrier, we move the permanent flood there.

One reaction to the inevitable flooding somewhere is to accommodate society to the River. If the land near the river floods, then we could simply not use land near the river. For the buildings which are in those areas, there are floodproofing techniques which would make a flood less damaging.

The other reaction is, of course, to accommodate the River to society: build a big dam and create a permanent flood in one particular area. Because the River has just done so much damage to Marlinton, the knee jerk reaction is to do just that. Since the river has just struck at us, we want to strike back at the river. We want to constrain it so that it can never damage people again.

So what is the Conservancy's role in all of this?

We are the oldest environmental group in West Virginia. Our role is the same as the older members of society as a whole. When the young bucks are lusting for the scent of fresh concrete, ready to launch an armada of cement trucks to slay the dragon, our role is to say, "Wait; let's think about this for a minute. Let's decide whether spending millions of dollars just so the inevitable flood will happen someplace else is a good idea."

If we are to be truly wise, we have to remain open to all possible solutions. Although at this point I am not convinced, sober reflection might show that a dam or series of dams is the wise solution. Such reflection might show that accommodating society to the River is the best solution.

At a minimum, however, we have to insist that society stop and think about this. No matter how much we may weep for Marlinton, we have to avoid a mindless, headlong rush toward what may in the long run prove an unwise solution.

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## Make Reservations for Spring Review Now

# Damn the Greenbrier? Dam the Greenbrier?

by Frank Young

After a long cold, snowy winter and a politically hot spring, most of us will soon be ready for a week-end of fun; frolicking in the great outdoors we so treasure.

The Highlands Conservancy's Spring Review festivities, May 17th, 18th and 19th, promise relief from cabin fever and related maladies.

We will meet that weekend at the Elk River Touring Center, located on the headwaters of Elk River, beside U.S. Rt. 219, five miles south of W.Va. Rt. 56 at Snowshoe, 15 miles north of Marlinton.

The topic of focus that week-end will be dams. With the city of Marlinton and other Greenbrier River communities recently suffering through the second seriously heavy flood within a decade, renewed calls for an upstream dam or dams to provide protection from floods have surfaced. And along with these calls comes the concern of other folks who

feel that some streams and rivers should be left free-flowing.

Want to learn more about this stream control policy debate and about how dams affect stream quality and water flow? Or do you just want to get out and enjoy the mountains and mountain streams and hike, bike, canoe, cave, or even just loaf? Either way, we're putting together a weekend for you!

Most of us will probably arrive at the Elk River Center on Friday evening. No formal Friday evening meal is scheduled, but be assured that snacks, perhaps pizza or other vital staples will be available. Then Saturday, after breakfast (included with your lodging) we will get together for various outings. A bag lunch (\$ 5.00) will be available. We are planning a hike, cave trip, canoe trip, and bicycling (bicycle rentals available at the touring center- call 304- 572-3771).

For information on the canoe outing call Sayre Rodman at 412-

828-8963. Leaders for the other outings will be announced in the April/May VOICE.

Accommodations at the Elk River Touring Center include: a five room farmhouse with three shared baths that sleeps from two to five people per room; two cabins- one sleeping six people and the other sleeping eight and five private rooms, each with a private bath. These five totally private rooms will sleep from two to four people. The cost of from \$16.00 to \$ 37.50 per night per person (double occupancy) includes breakfast. The hot tub, located on the back porch of the farm house is included for all guests. There is no "campground" but tents are permitted.

For room reservations call 304-572-3771 before May 1st.

Saturday evening dinner (vegetarian and non-vegetarian will be served) will cost \$ 12.00 for adults and \$ 5.00 for children eleven and under.

## The Flood of January 1996

by Don Gaspar

As much as 3' of snow in the mountains melted quickly with temperatures near 50 and new rain. Water levels crested only about 2' lower than the record November 1985 flood.

It is a good thing the Super-bowl was not held in Pittsburgh that Sunday, January 28, 1966, for Three Rivers Stadium was said to be flooded.

The Monongahela National Forest was established right after the logging of the original forest. Loss of tree canopy due to timbering

resulted in loss of evapotranspiration, and secondly the loss by fire of the forest floor and soil that severed as a sponge; both increased flooding. Stream channels adjusting to carry flows regularly twice as great before timbering caused much flooding. In 1911 the Weeks Law, in response, created the National Forest System that began in 1916 to acquire these damaged watersheds.

Over the years, the canopy has closed with a generally rapidly growing and evapotranspiring young forest. This process can reduce flows regularly by 1/3. Not much cutting

went on until the 1950s. Since then a lot of cutting and other disturbances have been taking place on the National Forest. Recent settlement elsewhere on these watersheds have further increased flooding, making the National Forest canopy that much more important.

Is it a coincidence that as canopy is reduced, flooding is increasing? Aren't these watersheds primarily dedicated to flood prevention? Is this then receiving inappropriate emphasis among multi-uses? What could be done to restore these damaged watersheds? How badly damaged are they? What should be done? ❖



North Fork of South Branch of the Potomac - - Don Gaspar

Sunday will include the quarterly board of directors meeting from 9:30 a.m. until about 3:00 p.m. A Sunday lunch buffet will be \$8.00 for adults (including vegetarian) and \$4.00 for children eleven and under.

Those desiring fancier accommodations (indoor pool, sauna, etc.) may call the inn at Snowshoe at 304-572-2900. It is located five miles north of the touring center near the junction of Rt. 219 and state Rt. 66, at the bottom of Snowshoe Road.

The discussion about dams will actually be two programs. On Saturday afternoon, at about 2:30 p.m., those who are back from outings may attend a panel discussion about dams in general and dam(s) on the Greenbrier river and/or on its tributaries, particularly. Then at 8:00 p.m. Brian Long, assistant chief with the Dam Safety Section of the W.Va.

office of water resources, will give a presentation with basic information about dams, their design, and how they work. This will be followed by a question and answer session.

Music and other merrymaking will follow (please bring musical instruments).

For further information contact: Frank Young 304-372- 3945 (home) or 304-372-9329 (work) (fax 372-3946) or call Richard diPreoro at 304-296-8963 (fax 296-8623) or email: Richard\_diPreoro@wnpb.wvnet.edu \*\*\*Note- Elk River Touring Center will hold rooms for WVHC members and guests only until May 1st. Please make your room reservations and bicycle rentals directly with them soon by calling 304-572-3771. For best rates, and for our count, be sure and tell them that your are with WVHC Spring Review. ❖

## Stop the Pulp Mill Rally

Saturday March 30 - 1:30 - 3:30 pm  
Shine (or Rain)

Governor's Lawn (Capitol Rotunda)  
State Capitol

Stand up Against **\*Poison and Greed\***  
Speakers...Music...Bring the Whole Family

For more information, call:

Ohio Valley Environmental Coalition -

(Huntington) 304 522-0246

Citizen Action Group (Charleston) 304 346-5891

Concerned Citizens Coalition (Roane, Gilmer and Calhoun Counties) - 304 927-2978

## Poison and Greed?

Think this is a bit of hyperbole?

Think again. For the poison part you'll have to read the EPA study that finds that dioxin is even more toxic than previously thought. And it was previously thought to be the most toxic substance created by man - well maybe except for plutonium.

For the greed part listen to what Parsons & Whittmore (P&W - the folks attempting to build this mother of all pulp mills) and lawyers for the WV Manufacturers Association (WVMA) and Chamber of Commerce (WVCC) have to say about anyone trying to set ANY lim-

its on how much of this stuff they can dump into our water and land.

"Parsons and Whittenmore request that all dioxin limits and stack testing on process or combustion sources be removed from the permit," P&W vice president C. Kenneth Goddard wrote. Goddard continued to say that the WV has no right to set any limits for Dioxin emissions.

Lawyers for the WVMA and the WVCC said that the WV Department of Environmental Protection "has set a dangerous precedent by setting a permit limit for a substance like dioxin." ❖

## WV-CAG Benefit Concert

Folk singer and songwriter, Charlie King, will host a benefit concert for West Virginia Citizen Action Group (WV-CAG), Friday, April 26, 1996 at the University of Charleston Auditorium at 8 pm. Charlie King's music is an excellent mix of biting satire, snippets of bluegrass, reggae, folk and talking blues. His songs are not fictional or factional, but often tell the story of someone who refuses to be victimized.

Pete Seeger calls Charlie King, "One of the finest singers and songwriters of the 70's and 80's." According to Solidarity Magazine, "His messages are non-preachy, the music is first rate, and his songs are laced with humor, good-will and a well deserved jab or two at the Establishment."

The benefit will kick off WV-CAG's homecoming weekend of April 26-28. Tickets are \$10 in advance or \$12 at the door and can be purchased by calling WV-CAG (304) 346-5891. ❖

# The Seventh American Forest Congress



## Three Perspectives

Thanks to Don Garvin for writing this intro and putting together this whole section - bill r

### Introduction

The Seventh American Forest Congress was held February 20th - 24th in Washington, DC. It was historic in the sense that these congresses have occurred at critical periods of man's activities in the forest. The first was held in 1882 with the only scientifically trained forester in the country after a call from the American Association for the Advancement of Science to protect forest resources.

The second in 1905 was convened by President Theodore Roosevelt and resulted in the creation of the US Forest Service and the establishment of the National Forest System under its first Chief, Gifford Pinchot, and led to the repeal of many environmentally abusive laws of the time. The third was held in 1946 in response to wartime demands for lumber. The fourth, in 1953, attended by the President, Chief of Staff and Secretaries of

Agriculture and Interior, stated some "limited and brief excursions beyond sustained yield in this housing emergency" would be permitted in the National Forests.

The fifth was held in DC. in 1963 just after Rachel Carson's book "Silent Spring" and the birth of the environmental movement. The Wilderness Act was signed the next year. The sixth in 1975 resulted in the National Forest Management Act.

In an official greeting to participants of this Congress US Forest Service Chief Jack Ward Thomas said: "The nation is in the midst of contentious times for forest management. In the last decade, there has been increasing demand for products and services from our private and public forests, that have come from increasing population and economy. These increased demands have produced increased polarization among different forest users as to the appropriate management of the nation's forest... especially its National Forests. The time has come for the Nation to turn away from polarization and toward consensus. I hope that this Congress will lay the founda-

tion for an emerging spirit of cooperation and partnership, that will usher in a new era of forest management for the 21st Century." Those words fairly set the stage for the Seventh American Forest Congress, which was conceived in January, 1995, at a roundtable meeting of forest 'stakeholders' in Nebraska. What emerged from that meeting was a call to convene the Seventh Congress, the purpose of which was "to develop a common vision and agree upon principles to guide forest management practices in the next century, and plan the next steps toward better forest policies." The process chosen to achieve the stated purpose was one of 'consensus' building, an interactive process that would attempt to bring all the interested parties together to seek areas of agreement. Participants are actually asked to leave their disagreements at the door. This procedure seems to be the new rage in conflict resolution these days, particularly where government agencies are involved.

To begin the process, a series of pre-Congress state and local roundtables and collaborative meetings

were held -- to provide a local or regional vision of what the American Forest should be fifty years from now, and the principles on which action to achieve that vision would be based. There were fifty-one local meetings held in thirty-five states, and thirty-nine other meetings held throughout the land -- each reporting their results prior to the meeting of the full Forest Congress. (There were nearly 500 individual response forms received. In one such response, for example, the ethical consideration of St. Francis of Assisi on the laws of nature, the web of life, etc., were delineated in "A Franciscan Vision for American Forests" which included the following: "We must enter the forest in charity, humility, service, respect and with relative scientific uncertainty").

From these pre-Congress meetings, the Forest Congress staff prepared a 'Draft Vision' statement. Accepting or revising that vision would be the first work of the participants in the full Congress. The second step in the process was to reach agreement on a set of management principles (refinement of the

various elements of the vision statement). And the final work of the Congress was to agree on 'next' steps toward implementing new forest management policies.

Ultimately, the process proved to be too cumbersome to accomplish the goals of the Congress. The Congress did manage to agree on a set of vision 'elements', and those vision elements are included in this report. However, the process broke down during the 'principles' stage -- there simply was not enough time, even in a four-day meeting, for the 1,400 attendees to accomplish the task. The final stage of the Congress, agreeing on 'next steps', was never begun.

Three members of the West Virginia Highlands Conservancy attended the Seventh American Forest Congress. They were Don Gasper (who has recently retired as a fisheries biologist with the WV Division of Natural Resources); Janet "from the Planet" Fout (who is also Project Coordinator for the Ohio Valley Environmental Coalition and an active Auduboner); and Don Garvin (who also represented Trout Unlimited at the Congress). Their different perspectives on the Congress are provided here. ♦

## The Seventh Forest Congress-Please Leave Your Brain At the Door

by Janet Fout

It's hard to imagine that my vision for our nation's forests could ever have much in common with the vast majority of the Seventh Forest Congress attendees. From the outset I had a feeling I was being used. By the end of the meeting, I KNEW.

The list of "collaborators" and organizers of the conference read like "Who's Who" in the forest exploitation business--USDA Forest Service, Weyerhaeuser, Westvaco Corporation, International Paper, Louisiana Pacific, Georgia-Pacific, and others. Why would greedy earth predators spend over a million dollars to assemble environmentalists

with forest users and abusers in the same place? The answer seemed clear enough for me from the get-go, to manufacture consensus. Anyone who read the pre-conference propaganda should have known that all that rhetoric about a common vision and many voices was a con job by the timber industry and their media lackeys.

A red flag shot up instantly when I read OVEC's favorite Margaret Mead quote on the front of the registration packet: "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has" (At OVEC's next board

of directors meeting I'll strongly recommend that we adopt a new slogan by William Shakespeare--"Pardon me thou bleeding piece of earth that I am meek and gentle with these butchers." Let's see the earth rapers try to co-opt that one).

At pre-Congress meetings, environmentalists noted that draft visions from many state roundtables had been drastically edited. During meetings I saw many of my friends agonize over whether to stay at their pre-assigned Congress tables or to walk out; it was as though they were under a wicked spell! Few participants had a clear understanding of the process; for that matter,

once the official meetings began, it was clear that the rules and process changed arbitrarily to accommodate industry--making final results meaningless. Every session was tightly controlled and participants were subtly manipulated.

None of my true green friends were asked to speak at the highly controlled press conferences which presented sanitized versions of what was happening each day. Environmentalists finally held a press conference of their own blasting the Congress for the industry "trade show" that it was.

Impending threats to the forests such as clearcutting, cutting on

public lands, endangered species, preservation of old growth forests, and the evil salvage rider were glossed over or omitted altogether from discourse.

Although some national environmental groups were co-sponsors (and provided scholarships for enviros like me), many of the grass roots groups declined to participate altogether knowing that the outcome was preordained. Hats off to all forest activists who challenged the organizers of the Congress, disrupted press conferences, carried signs of protest and spoke truth to power. ♦

## Final Draft of Vision Elements - Seventh American Forest Congress

"In the future our forests...

...will be maintained and enhanced across the landscape, expanding through reforestation and restoration where ecologically, economically, and culturally appropriate, in order to meet the needs of an expanding human population;

...will be sustainable; support biological diversity; maintain ecological and evolutionary processes; and be highly productive;

...will sustainably provide a range of goods, services, experiences and values that contribute to community well-being, economic opportunity, social and personal satisfaction, spiritual and cultural fulfillment, and recreational enjoyment;

...will be held in a variety of public, private, tribal, land grant, and trust ownerships by owners whose rights, objectives, and expecta-

tations are respected and who understand and accept their responsibilities as stewards;

...will be shaped by natural forces and by human actions that reflect the wisdom and values of an informed and engaged public, community and social concerns, sound scientific principles, local and indigenous knowledge and the need to maintain options;

...will be managed consistent with strategies and policies that foster forest integrity and maintain a broad range of ecological, economic, and social values and benefits;

...will be acknowledged as vital by citizens who are knowledgeable and involved in stewardship and who appreciate the contribution of forests to the economic and environmental quality of life;

...will provide a sustainable

level of products and benefits that satisfy society's needs because contributions from more efficient utilization, recycling, and other efforts to reduce consumption;

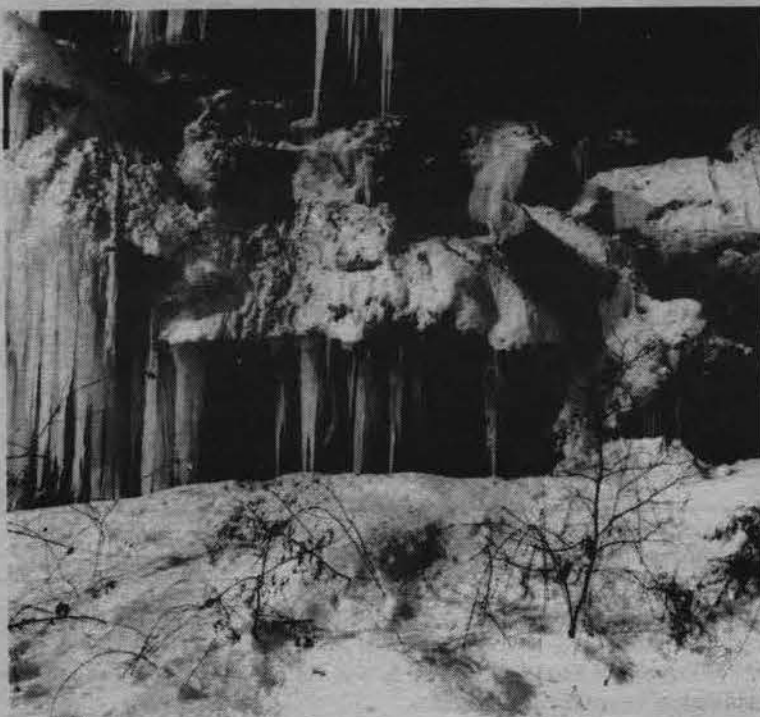
...will be managed with consideration for the global implications of land stewardship;

...will maintain their essential role in protecting watersheds and aquatic systems;

...will be enhanced by policies that encourage both public and private investment in long-term sustainable forest management;

...will contribute to strong and vital rural and urban communities that benefit from, protect and enhance the forests in their vicinity;

...will be managed on the basis of a stewardship ethic with respect, reverence, and humility." ♦



# Forest Congress Dominated by Northwest Issues



by Don Garvin

The schism -- between those who would cut our remaining old growth "ancient forests" in the Pacific Northwest and those who would not -- was never more obvious than at the recent Seventh American Forest Congress convened in Washington, DC.

The depth and intensity of that battle (and I know now, it is a "battle" in every sense of that word) was a surprise to me. Even though I have worked diligently the last few years on behalf of Trout Unlimited and the National Wildlife Federation to stop the wholesale liquidation of that valuable old growth resource, I have done so from a distance, either in the halls of Congress or at my office desk, both of which are far removed from the front lines of the conflict.

On the ground or in the trenches, however, there are feelings of anger, contempt, distrust, resentment, and worse, feelings common to those on both sides of the battle. It is unlike anything I have experienced in any debate of environmental issues in West Virginia, and it seems likely to me that the intensity of these feelings was the driving force behind the convening of the Forest Congress.

It was not surprising to me that a majority of Forest Congress attendees were "professionals" -- either from industry or government. Your average concerned citizen would likely have found it difficult to come up with the \$275 registration fee, \$100-plus per night to stay at the hotel, and transportation costs

to get there from wherever. Your average concerned citizen would likely not be able to justify to his/her family taking a week's vacation to attend.

But it was a surprise to me that both the attendance (by industry and environmentalists), as well as the focus of the issues were so heavily dominated by interests from the Pacific Northwest. In fact, after sitting through three-fourths of a two hour discussion group on fisheries issues in the forest, during which time the subject never moved off the northwest salmon issue, I finally got up the nerve to suggest that other areas of the country also had important fishery issues to discuss, such as the loss of Eastern native brook trout populations to siltation, acid rain, and habitat destruction.

Most of the environmentalists who attended, both from national organizations and smaller grassroots groups, felt that the Forest Congress should publicly repudiate the "timber salvage rider." The salvage rider is an insidious piece of legislation which was attached to the budget rescissions bill last fall. Wearing the false mantle of protecting "forest health," it has opened for logging large tracts of previously protected old growth timber on public lands -- again, primarily in the Pacific Northwest. In addition, it has exempted these so-called "salvage" sales from complying with all environmental laws and regulations and eliminated judicial review of these sales.

I, too, would have liked to see

the Seventh American Forest Congress call for the repeal of the salvage rider. But given the make-up of the Congress, I felt it was unrealistic to expect that to happen. And it didn't happen.

But other things also did not happen. Trout Unlimited, as well as other conservation and environmental groups, was concerned that the Congress might be used by industry to push its agenda for weakening important environmental laws and forest management regulations. Given the make-up of the Forest Congress, we might have expected major efforts to support gutting of the Clean Water Act, the National Environmental Policy Act, the Endangered Species Act, and the National Forest Management Act.

However, the Congress organizers, the same people who effectively prevented the Forest Congress from taking a strong stand against the salvage rider, also effectively prevented industry from using the Forest Congress process to advance its anti-regulation agenda.

And believe me, at this Seventh American Forest Congress, process was everything. For three of the four days, most of us started at 7:00 AM and worked almost non-stop until 7:00 or 7:30 PM. During that time we left the hotel only to grab a late dinner, then returned for more "strategy" sessions. It was the most mentally and physically draining conference I have ever attended, and the process itself probably doomed the Congress to the certainty of being unable to reach its goals.

Ultimately, the process broke down from overload. No true consensus was reached, even on the vision statement. As a result, the phase of developing principles to guide the vision was barely half begun. Major issues such as the meaning of ecosystem management and the realities of the concept of "multiple use" were never thoroughly explored. And no action steps were ever considered.

I am, however, glad I was able to attend. Even though much of the language of the final draft vision statement is mealy-mouthed, dupli-

cative and vague, many of my values (and I hope those of Trout Unlimited and the West Virginia Highlands Conservancy) are in there -- somewhere.

I fought hard at my Congress table for including language that would place a high priority on protecting watersheds and riparian habitat. Apparently others at other tables shared that vision, because such language became the tenth element of the vision. And it's one of the least ambiguous of all the elements.

I feel good about that.



Blue Heron

## A National Citizen Forest Conference

by Don Gasper

The conflict in the Northwest recently and throughout the land due to a deep and widespread concern for forest integrity indicated a need for dialogue and understanding and this Seventh American Forest Congress.

The Sixth Congress in 1975 stated, "The accelerating momentum of change belies our abilities to even describe the world as we know it today." This has continued to increase in these last twenty years (recreational demands have doubled) with increasing conflicting demands placed on our finite forests. Just recently we have evolved some computer tools to help, but dialogue for understanding and trust to reduce conflicts, gridlock and wasted energy was to be the challenge of this diverse citizen congress. Only a broadly shared and supported vision could do this.

Anyone who wished could attend and from every region of the country more than 1,000 gathered in Washington. They were: foresters, regulators, lumber mill owners and workers, professors, tree farmers, environmentalists (professional and otherwise), industry and public land managers, state foresters, sociolo-

gists, economists, planners, ecologists, native Americans, wildlife and fish biologists, loggers, hunters, and anglers. Only by engaging all stakeholders in our forests could a common vision (common ground) be found. Different ages, sexes, races, incomes and occupations were sought and included. All interests were represented on the development board of more than fifty people, and its funding was as diverse.

The goal was "to reach a common vision for the future of American Forests and to agree on principles to guide the nation toward that vision, and to plan the next steps to help us achieve our vision." It was ambitious -- too much so, but a beginning.

The more than 1,300 concerned citizens worked in groups of ten at a roundtable all day representing ten very diverse viewpoints. (The Congress had preselected the seating to assure diversity -- and they did a near-perfect job of this.) The participants worked with what they could agree on to craft a shared vision.

U.S.D.A. Forest Service Chief Jack Ward Thomas sat for a time at one of the tables. He said later,

"One thing that everyone agrees on is that they care about the forests and they want to pass them on to their children." Overnight, the support staff gathered the independent visions from each of the more than one hundred working tables, and grouped and polished them into a consensus vision. The Congress participants then voted on them. Some vision elements got 75% approval, but all got suggestions for improvement. The next day an improved vision statement was voted on again, and this time a few of the now thirteen vision elements got 90% approval.

After attending a series of informational sessions dealing with specific forest issues, the participants reconvened in their working table groups to develop a set of principles for action.

Overnight, the staff refined the working table results into wondrously worded principles. Nothing was lost, but there were 61 of them and there was a lot of overlapping. The Congress did manage to consolidate those 61 elements down to 19 general themes, but these remain to be finalized by the Congress staff.

The principles are a very important work in progress. For in-

stance, principle #28 recognizes the importance of old-growth forests to insure a reservoir of genetic diversity, to provide unique habitat, to maintain a full range of options for the future, and for their intrinsic value as a national treasure. These principles could become an important legacy of the Congress.

The vision itself is to be developed into an attractive, effective, widely-circulated document.

These and the supporting deliberations are the legacy of this citizen Congress -- as is a return to local Congresses. There will be several continuing committees: education, policy, research, management, community forests, etc., to complete the business and to reach the public with other products of this Seventh American Forest Congress.

Offers of volunteer time and/or money to further this monumental

cause for the remainder of the year could be sent to The Seventh American Forest Congress, 205 Prospect Street, New Haven, CT 06511; or to your local State Division of Forestry, State Capitol.

This Congress is not another periodic policy assessment. This citizen dialogue may lead to a new era of cooperation changing the conflicting ways America now manages its forests, and charting forest policy for the 21st Century.

Some attending recommend an evaluation of the Congress' legacy a year from now. This might, like Aldo Leopold's "land ethic" of a generation ago, produce now a "forest ethic." A real "forest ethic" could evolve from this historic and heroic attempt to craft consensus from diversity, if all citizens work together to make it so.



# WV Legislature in Review

by Norm Steenstra

If you followed the media accounts of the 1996 West Virginia Legislative Session you likely were left with the impression that there was very little news on environmental issues. Don't believe everything you read in the newspapers.

The West Virginia Environmental Council, the Green lobby at the Capitol monitored over 75 bills, 33 of which can now be put into a win-lose-draw-category. Mirroring Congress, this Session was marked not by major enviro initiatives but rather by the successful defense of existing policy.

Five WVEC supported legislative actions passed both Houses.

1. A Joint Resolution to Congress requesting that States be given the authority to control solid waste streams entering their borders.

2. A bill banning the construction of nuclear power plants in WV until it is demonstrated that it is economically feasible to state rate payers and that nuclear waste disposal is safe. Our state thus became the third state in the nation to effectively ban nuclear power.

3. The Stream Partners Act which creates a grant program to local watershed protection groups and emphasizes a holistic approach to water quality issues.

4. Stronger election rules that force groups to disclose funding sources and prevents the mass distribution of anonymous campaign material.

5. The preservation of the DNR Non-Game/ Natural Heritage programs general revenue funds.

The bill that got the most press and legislative attention this year was the "Brownfields" bill. Last year the bill backed by the WV Chamber of Commerce and the WV Man-

ufactures Association, was killed in the House. Realizing that the bill was sure to be passed in 1996, the WVEC lobby entered into extensive negotiations with industry and the DEP. The result of that process was an agreed to a compromise measure that basically took an industry wish list for avoiding cleanup and turned it into a neutral economic development tool.

We didn't want the bill, it wasn't our idea, so we won't claim it as a great victory but in reality it now provides a responsible vehicle to redevelop abandoned contaminated industrial sites. The passage of a consensus "brownfields" law did much to dispel the myth of environmentalists opposing economic development.

A quick summary of other bills that the lobby team worked on (or against) are included by category. As you can see these bills represented an all out assault on existing policy.

## Good Government

The WVEC worked to kill or render impotent three industry backed bills. A bill that would have permitted railroads and public utilities to form political action committees (PACS) was defeated. An attempt to abolish the two year old office of the Environmental Advocate within the DEP was also defeated. A coal supported bill to re-create the infamous Public Energy Authority was killed in Committee.

Three "good government" initiatives supported by the WVEC also died. The West Virginia Jobs Act, a bill mandating the hiring of West Virginians for projects receiving tax credits and state loans, never made it out of the Senate. (This bill was aimed at the Mason County Pulp Mill project.) The House killed a

bill that would have provided for easier ballot access for minority political parties. Perhaps the most bitter defeat of the Session was the "Open Meetings" bill that would have forced all levels of government to conduct business in a more open manner. This bill passed the House but was killed in the Senate.

## Conservation and Water Quality

Three separate Land Management bills pushed by the timber industry died in Committee. These bills would have required State Agencies to develop timbering plans on state owned lands. A foolish resolution calling for the repeal of the acid rain provisions of the Federal Clean Air Act passed the Senate but the WVEC lobby made it so controversial that the House never even considered it. There was an attempt to permit motorized vehicles and oil drilling rigs on the North Bend and Greenbrier Hike & Bike trails. Intense green lobbying efforts were successful in neutering this DNR backed bill.

In addition to the passage of the Stream Partners bill, five other water quality bills were monitored. Coal's attempt to reduce the stream mitigation fee for filling in streams caused by Valley fill operations was defeated. An awful bill that would have allowed oil & gas drillers to avoid aquifer plugs died in Committee. The infamous "Flood thy neighbor" bill also died in Committee. This bill would have allowed for individual landowners to conduct their own flood control projects without DNR approval. A portion of the rules bill would have done away with the "5 mile rule" for protecting public water supplies from toxic discharges. After much debate, the rule, although somewhat weakened was retained. The WVEC sponsored a bill to

authorize the DEP to test for background levels of dioxin in soil and water. This bill was aimed at slowing down the Mason County Pulp Mill. Despite some significant grassroots lobby efforts, the bill never made it out of the House Judiciary Committee.

## Solid Waste

At least 6 bills designed to undermine the Comprehensive Solid Waste Act of 1991 were introduced. These bills attacked everything from the certificate of need process, tire disposal, sewage sludge, local approval process, and landfill extensions. None of the bills passed either House but there was some weakening of solid waste regulations in the Rules bill. We anticipated a major assault on solid waste law during the session but the defeat of all 6 of the bills was a major victory.

## Industry Agenda

The WV Manufactures Association had 7 bills on their agenda. Only a watered down version of The Brownfields bill passed. Regulatory Reform, Pollution Prevention, Self Audit, Jobs Impact, Pollution Credits, and the "Bubble Bill" all failed to pass both Houses. These defeated bills were major policy battles that consumed much of the WVEC's time. The strong chemical company lobby

should have done a lot better. The leadership of retiring Speaker of the House, Chuck Chambers was the most important factor in dodging these bullets.

The worst industry initiated bill to pass both houses was Coal's Ozone Transport bill. It's being called the "Stop Pritt" bill because it takes away the power of the executive to enter into multi state agreements regarding ozone emissions. The bill squeaked by in the last hour of the session despite some gallant procedural moves by Senator David Grubb (D-Kanawha). The good news is that the Governor is considering a veto of the measure.

It's hard to tally up the score of wins and losses. A strong Green presence during the 60 day Session was our greatest asset. That presence enabled us to react to a variety of issues. The blend of experience, personalities and talents of our lobby team members contributed greatly to our efforts. What was anticipated to be a pretty dismal Session due to the political climate in Charleston, actually turned out to be pretty darn good. We all a debt of gratitude for the sacrifices of Mike Withers, Gary Zuckett, Tom Degen, Denise Poole, Pam Nixon, Chuck Wyrostok, and Jim Kotcon. ♦

## Dam the Greenbrier - Public Meetings

The US Army Corps of Engineers are about to release their Greenbrier River Management Plan to append the River Basin Study they completed in 1994.

The newly reactivated Friends of the Greenbrier are sponsoring a public meeting on this new plan with the Corps on March 26 at 7:00 at the Greenbank Elementary

School. For more information/directions call Cindy McLaughlin - 456-4053.

The next night, March 27, the Greenbrier River Watershed Association is holding a meeting on the same topic in Lewisburg at the WV School of Osteopathic Medicine. The contact for this meeting is Nancy Malone 647-4792. ♦

## Impasse At Corricks Ford

(from page 1) Shavers Fork. Based on the following reasons, neither shift proved to be prudent or feasible." (A-SDEIS at p. III-491)

Their reasons were in three categories:

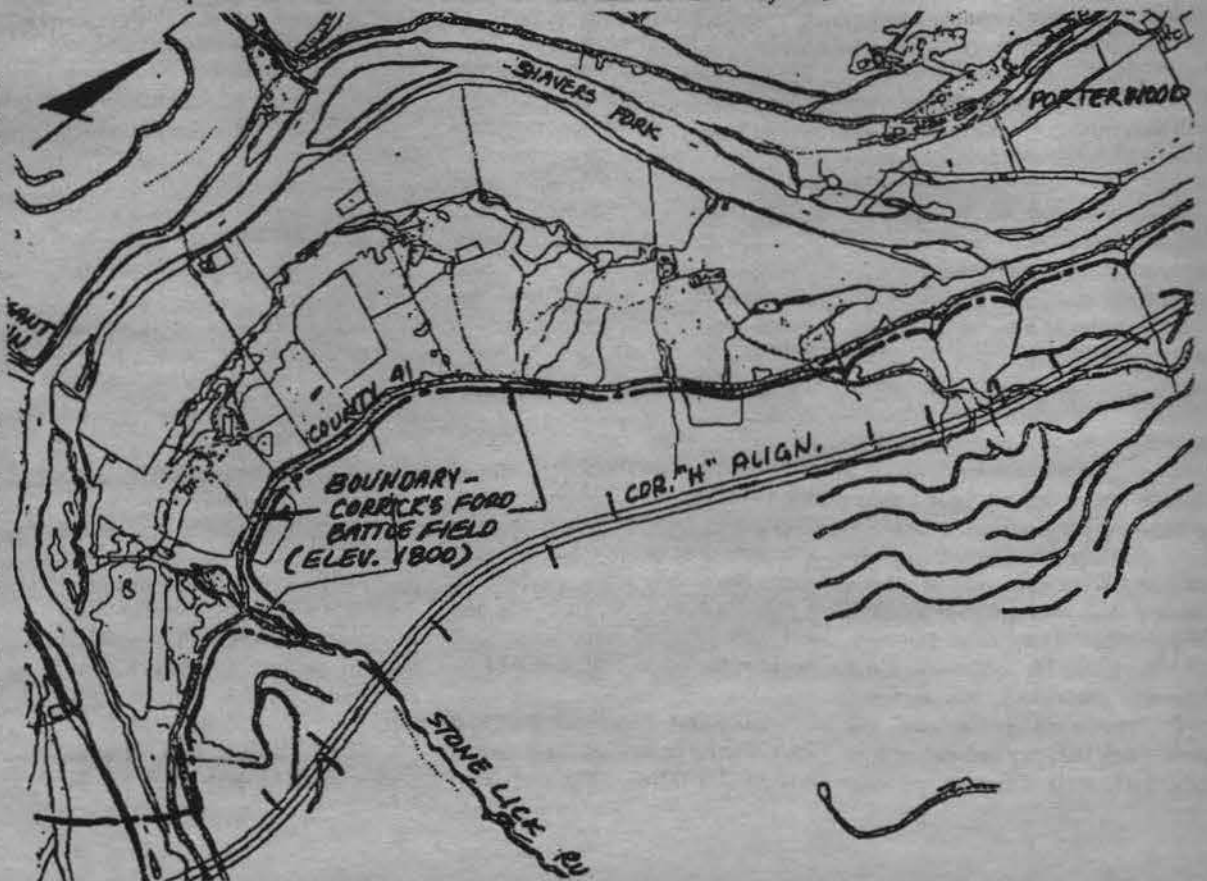
(1) the bridge across the Shavers Fork would have to be even higher and longer (and thus more expensive), extending over and preventing access to County 41, the Government Road; (2) shifting the four-lane higher up the mountain would make it physically impossible to connect with any roads on either side of the river, "thereby eliminating access to and from the community;" (3) "constructing the shifted alignment in this location would likely be 'impossible' due to the severe terrain and the excavation required."

The Final EIS must be approved by the Federal Highway Administration (FHWA). Like WV-DOT and Baker, FHWA officials speak the language of engineers.

They can tell this plan won't fly. It won't drive. It won't scrape, blast, slash, burn, gouge, spray, drain, dump, channel, fill, compact, fence, pave, paint, sign, or open to traffic.

It's time to improve the roads we have. When highway engineers had less money and equipment, they felt less temptation to overrule their own judgment. Their highways bypassed Shavers Fork, Otter Creek, Corricks Ford, and other remote special places. That's another lesson from history.

The Highlands Conservancy has set up a legal defense fund to protect the Highlands from Corridor H. Tax-deductible donations, marked "Corridor H Legal Fund," should be sent to Tom Michael, WVHC Treasurer, at his address on the masthead. Other contributions for this cause will be used effectively by Corridor H Alternatives, P.O. Box 11 Kerens, WV 26276 ♦





# The Good, the Bad and the Ugly

(from page 1) after the passage of SMCRA which guaranteed all operators would be held responsible for the full cost of reclamation, (including water treatment); the already underfunded special reclamation fund/bond pool would be even more underfunded, etc., etc., etc..

To understand how something like this gets through the WV legislature is a long, involved and tedious story about a tortuous and daunting process.... which i mercifully leave for some other article, some other day. Suffice it to say, WVHC did not address the problem at the late hour it was introduced to the legislature, but chose rather to comment to OSM in the hope that more level heads might prevail.

To their credit, OSM personnel recognized the dangers inherent in this definition. They have approved the definition of "chemical treatment" EXCEPT to the extent that it would allow bond release. In the February 21, 1996 Federal Register Notice, OSM has stated in no uncertain terms that "if treatment is necessary to maintain compliance, whether it be active or passive treatment, then the hydrologic protection standards of SMCRA have not been fully met and bond cannot be released."

Also, "the Director is requiring that West Virginia further amend the West Virginia program to clarify that bond may not be released where passive treatment systems are used to achieve compliance with applicable effluent limitations."

I've not yet seen the memo, but i understand a directive was sent to DEP field personnel informing them of OSM's ruling in this matter.

Apparently the WV Mining & Reclamation Association was not as pleased with the decision as WVHC is. Association president Ben Greene sent a letter to OSM Director Uram asking if Uram would be taking back the 'Trailblazer' award OSM presented to John Faltis late last year for his work on Green's Run of the Cheat River and if OSM would be refunding more than \$250,000 to Faltis for the construction of the limestone drain since OSM no longer liked passive treatment systems.

... In that same letter, Greene suggested that this issue looks like another 'Colombo' trip - as in the Colombo Amendment which was adopted by WV in the early '80's and used as the basis for bond release even though it was not a part of the OSM approved state program and therefore not enforceable under Federal law. Colombo was one of the concerns in WVHC's major Citizen Complaint RE: water issues, and has been the main focus of several individual Complaints, i.e. at Kittle Flats and elsewhere.

## THE BAD

Remember the Cubin/Bennett Bill discussed in the VOICE last Fall? The bill was originally introduced into the U.S. House of Representatives by Barbara Cubin, Representative from Wyoming, and would have altered SMCRA so that direct enforcement by Federal officials would in effect be eliminated in states with primacy for regulating coal mining. Citizens' rights would be severely limited and many of the actions taken by WVHC and other citizen groups over the years would no longer be possible.

Well, the bill didn't go far. I suspect enforcement in some states like WV is already so greatly influenced by industry that there was less support for the Bill than originally hoped for by the Interstate Mining Compact Commission (IMCC) and some of the Western

states that provided the main push for the bill.

The bad news is that though Cubin/Bennett didn't move far this year, a recent initiative by OSM Director Bob Uram would achieve the same ends without making any changes in the law.

After meetings with primacy states to achieve "consensus"/"accord"/"conciliation" on enforcement matters, Director Uram circulated a 'plain english paper' that described the discussions as frank and open because the plain english concept approach to the discussions "allowed us to step outside the current statutory and regulatory constraints."

Words like these should make every resident of the coal fields very uncomfortable: As a rule, laws are not well enforced when the regulatory agencies avoid statutory and regulatory constraints imposed by those laws, and it's unlikely that SMCRA, one of the most valuable and protective laws of the land, is any exception to that rule.

News reports indicate that at least for the time being Director Uram has backed away from the draft report on this aspect of his 'shared commitment' initiative.

(Our friends at Citizens Coal Council in Washington, DC; report that the agreement fell through when Director Uram circulated the draft to citizen groups seeking their input. IMCC walked away from the table, because it didn't want to allow citizens to have any role in the private deal - plus the states wanted even more than what Uram was willing to negotiate away.)

However, when Congress, OSM, industry and the IMCC representing primacy states are all pursuing these ideas, the battle is far from over.

## THE UGLY

Out West old growth timber sales are being made for a pittance and hard rock mining companies pay a pittance to mine gold and other non-coal minerals. As if to compete with these inane activities, the WV Mining & Reclamation Association during this year's legislative session in Charleston, pushed hard for WV to lower the going price for burying WV headwater streams.

The evolution of this use and abuse of waterways that flow in the way of coal mining is as complicated and convoluted as any effort undertaken to subvert good law in order to destroy that which the law has been created to protect.

My awakening to this reality began during an agency sponsored strip mine tour some time in 1979 or 1980. Having been introduced to the laws governing mining and the protection of the land and waters that are my home some short year or two earlier, i had read and studied voraciously sections of the Clean Water Act (CWA), the Surface Mining (SMCRA), WV Water Quality Standards and the like. It sounded great - so good, so wholesome to my naive mind.

On the issue of water the laws were clear: Waters of the state and nation were to be protected; all activities were to be kept a safe distance away from water supplies, springs, streams; any mining was also to be done with great regard for the water in the area, and at a reasonable "buffer zone" distance away from streams.

...Then came this 'strip mine tour'. I went. I needed to know more about the on-the-ground, in-the-field reality of mining in WV. One of the stops was a relatively small (especially by today's standards and practices) and

relatively flat (especially when compared to many southern WV areas) mine site. To my amazement, mining had taken place not only up to the streambed, but under, around and through what had once cradled the flowing waters. Dumbfounded, i questioned the scenario. The stream, i was told, had been 'temporarily relocated' as part of the permit.

I have no idea where the stream ended up after reclamation, nor what the streambed looks like today after more than a decade, but I can still feel the hot sun and see the glare on that small but barren bit of wasteland as i rejoined the group to proceed with the tour.

I heard very little else after that, or for that matter for the rest of the afternoon. My mind kept asking questions that had no answers. I had only read the basic laws, heard the basic "we must protect our earth" lines. -- That afternoon I discovered that I had yet to comprehend the myriad of exceptions, exemptions, variances, and special conditions that define the true reality of law and regulation. ...As they say, the devil is in the details.

Where we are today in these matters is

even further away from the basic assumptions of the Clean Water Act, i.e., that streams are to be protected, that waters of the nation are not to be used as treatment ponds or cesspools, nor are they to be filled in or trashed over.

Historically it's a sad story. The common sense goals of the CWA have been whittled away bit by bit until today the on-the-ground reality bears little resemblance to the initial intent of the Act.

For years WVHC and others have argued in favor of the original goals of the CWA and against aberrations of the law that allow in-stream treatment, dumping and mitigation for those actions by fixing some other stream, creating some other lake or payment into some fund.

For years the coal industry has whined about how it can't provide energy to the world without getting the coal out, and it can't get the coal out without putting the overburden somewhere. Mining in steep slope areas like southern West Virginia presents particularly troublesome dilemma for there is little choice of disposal sites. Newer mining (see page 8)

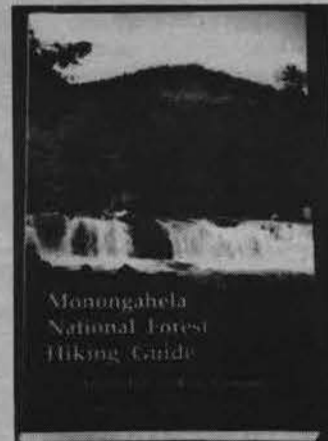
## Monongahela National Forest Hiking Guide

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: \_\_\_\_\_

## Federal Affairs - Takings!!

On December 21, 1995, the Senate Judiciary Committee voted 10 to 7 to send S. 605, Sen. Dole's extreme takings measure, to the Senate floor for consideration. S. 605 is a radical takings bill that would mandate sweeping federal payments to corporations and other property owners whenever public interest safeguards threaten to decrease profit margins.

### S. 605 HAS NOW BEEN SCHEDULED FOR FLOOR ACTION ON 3/25/96!

Despite the final vote, Senate Judiciary Committee members on both sides of the debate expressed deep concerns regarding this particular piece of legislation. Sen. Hatch (R-UT), chair of the Judiciary Committee, was able to get all the Republican committee members to vote in favor of the bill with the notable exception of Sen. Specter (R-PA), who was not present and did not choose to vote by proxy. However, this vote does not represent full Republican endorsement of S. 605 by

any means. Sen. DeWine (R-OH), who had voiced his concerns at the hearing on S. 605, submitted a statement with his vote in which he outlined his concerns about increased litigation, reduced public health and safety, and increased costs to taxpayers as likely outcomes of the legislation as it currently stands, and that his vote should only be construed as a push to "move the process forward" and "deal with these issues." Sen. Brown (R-CO) wanted to add an exception for actions to protect the public health, public safety and public morals, but held off for now.

Sen. Heflin (D-AL), the only Democrat to vote yes on S. 605, stated that while he was an original co-sponsor, "after the hearings, I have a lot of reservations." One of Sen. Heflin's primary concerns is the cost of S.605, which the OMB estimates at several times the \$28 billion over a seven year period it has estimated for the narrower House passed bill. Throughout the Senate Judiciary

Committee's consideration of this bill Sen. Biden (D-DE) has actively spoken against his kind of sweeping takings legislation. At the mark-up, his colleagues Senators Kennedy (D-MA), Feinstein (D-CA), and Feingold (D-WI) delivered strong opposition statements to S. 605 as did Sen. Simon (D-IL), who unfortunately added concerns about farmers and wetlands. Sen. Murry (D-WA, who is not on the Committee) also submitted a very helpful Dear Colleagues letter condemning this bill.

Finally, it is remarkable that this bill has been voted out of committee given its assured presidential veto by Clinton. In a 12/13 letter to the Senate Judiciary Committee, Clinton vowed to veto the bill should it reach his desk because he feels S. 605 would create "one of the most expensive new federal spending programs in recent history" and "would effectively block implementation and enforcement of existing laws protecting public health, safety, and the environment."

## Mon Forest News

### 17 Million Bd. Ft. Cut for East Gauley Mountain?

Cynthia Schiffer, district ranger on the Marlinton district, has announced she is planning to sign the decision document for the East Gauley Mountain timber analysis in April and that the Environmental Assessment would be available by March 21. Her 'wide range of alternatives' features cuts of 15.5 to 18 million board feet of lumber. The preferred alternative includes:

- \*Clearcut timber harvest- 75 acres
- \*Shelterwood harvest (a euphemism for clearcut) - 176 acres
- \*Two-age harvest (delayed clearcut) - 459 acres
- \*Overstory removal (clearcut all big trees) - 55 acres
- \*Thinning - 3,386 acres
- \*Road construction (and reconstruction) somewhere between 14 and 20 miles.

Her announcement declares that "This modified proposed action is to develop a commercial and harvest program in the East Gauley Mountain Timber Analysis Area that

manipulates vegetation to meet the underlying need for the management area." The primary management for this 6.1 area, according to the outdated forest plan is - to provide habitat for wildlife species sensitive to human disturbance, specifically wild turkey, black bear, and other wildlife species that use the same types of habitat.

To get your very own copy of the Environmental Assessment write, call of fax -

Cynthia Schiffer  
Marlinton Ranger District, USFS  
PO Box 210  
Marlinton, WV 24954-0210  
304-799-4334 - Voice  
304-799-6820 - Fax



## Report Card for Senate and Congress

The first semester is over. It's time for a report card to be sent home. Here are grades your US senators and representatives earned this term, based on ratings by the League of Conservation Voters.

Student's name	Class	Grade
Byrd, Robert	Senate	B+ (86%)
Rockefeller, J.	Senate	A+(100%)
Mollohan, Alan	House	F- (8%)
Rahall, Nick	House	B+ (85%)
Wise, Bob	House	A+ (100%)

We can be proud of these achievements. We will encourage continued strong efforts. For those already at the 100% level, perhaps opportunities for extra-credit work will be found.

Our members in both houses had some of the best rankings in the country. But don't you have to wonder. What in the world has gotten into Mollohan? His work fell 49 points in one term. Has he just given up? ♦

## Bonus Points for Nick Rahall (and penalties for Bob Wise)

Perhaps in part thanks to your letters, Nick Jo Rahall has earned 10 bonus points for cosponsoring Representative Furze's bill to repeal the notorious "Logging Without Laws" rider that suspended environmental laws (and judicial review) of the timbering of billions of board feet of national forest old growth forest.

Hurrah for Nick!!!

But Bob Wise loses umpteen points for still pushing Corridor H. Why doesn't he just forget about violating the last Four-Lanceless area in Wild, West Virginia and get back to shoring up the dike bursting under the Gingrich feeding frenzy? ♦

## Mining Matters - the G, B & U

(from page 7) methods and more powerful mining equipment make the problems even more difficult. When you're mining several hundred feet deep, for dozens of splits of coal there's one massive amount of dirt moving going on. Mining today has far surpassed the 'strip' mining SMCRA was meant to regulate. When the 'surface' being removed is 600 hundred feet deep you're no longer talking even 'mountain TOP' removal as a necessary alternative in steep slope areas, but rather whole mountain removal. ...And where else can you dump shattered mountains but in the hollows below.

Granted the process is not as simple as an outright easy sale of the tiny streams that flow through the veins and backbones of those hollows. There are guidelines to be followed and studies and demonstrations to be done concerning

the need to bury the stream, the possible alternatives to the proposed fill and why those alternatives are impractical, the quality and size of the stream to be impacted. There are also requirements concerning the type of "mitigation" a company can choose to compensate for the obliteration of the streams and hollows, and so on and so forth... Nevertheless, the end result is undeniably the burying of many WV headwater streams.

In plain english, these headwater hollows have become dump sites. -- FILL SITES is the more politically correct terminology. But, the sad truth is, those pretty pictures of lush green state-of-the-art Valley Fills, that appear in the Mining Association's glossy publication GREEN, give no indication of the beauty and value of the life that has been buried below.

A few years ago when the WV Department of Natural Resources was the primary agency dealing with coal industry mitiga-

tion for loss of the state's streams, the going price for these burial rites could reach \$500,000 per flowing acre foot. More recently the price required by DEP is minimum of \$200,000. During this legislative session the WV Mining Association cried hardship and poverty and suggested \$10,000 per flowing acre as a more appropriate price.

--In its wisdom the legislature did not take the bait.

However, if history is reliable indicator, DEP may well fall prey to these latest industry pleas and begin to reassess its requirements. If that happens, I have no doubt that the mitigation guidelines will be relaxed, standards lowered and the fees option reduced even further.

My heart certainly wouldn't be in it, but perhaps citizens should lobby for a reduction to a mere \$10 per acre to better reflect the heinous nature of these giveaway proposals. ♦

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