



# The Highlands Voice

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## Lawsuit Filed To Stop Timber Sale

*The day after the Gazette printed this story on the proposed Gauley Mountain Timber Cuts we filed our lawsuit to stop the sale. The complaint is based on many of the same points we raised in our administrative appeals - lack of alternatives (with less timbering) and consideration for other forest 'uses'.*

*Ken Ward's article is a good introduction. See page 5 for more background and insider details. - bill r.*

by Ken Ward  
from the Charleston Gazette

A Boom is rolling  
southward over Gauley.  
And in its wake the hills  
lie starkly skinned.  
But it is not the  
pealing wrath of thunder  
And it is not the  
iron-fingered wind.

Louise McNeil Pease  
former WV poet laureate

By late October, loggers could start cutting 100 year-old black cherry and maple trees off the east side of Gauley Mountain north of Marlinton.

The U.S. Forest Service has approved what many believe is the largest timber sale in the history of the Monongahela National Forest.

More than 16 million board feet of lumber would be cut from 4,000 acres of national forest along the Elk River from Slaty-

fork north toward Monterville. Much of the logging would be done with the help of helicopters. Timber crews would be flown in and logs would be flown out. Logging roads that damage soil and water quality would not have to be built.

The Forest Service says the trees need to be cut down to improve the forest.

Cutting down the larger, older trees will make room for new, younger trees, the Forest Service says. This allows the agency to manipulate the forest so it has a near-perfect distribution of trees of various ages, the Forest Service says.

Environmentalists are threatening to sue to stop the cutting. They say this area of the national forest is supposed to be reserved primarily for black bear and wild turkey species that can't tolerate human disturbance.

"Running a bunch of 'Apocalypse Now' helicopters in there and cutting the hell out of the forest is certainly a disturbance," said Bill Turner, a Lewisburg lawyer who represents Trout Unlimited, the Sierra Club, Heartwood and citizens who oppose the timber sale.

Environmental groups already lost an administrative appeal of the Forest Service's logging plan.

The next step would be filing a lawsuit in federal court alleging some failure by the Forest Service to conduct proper environmental studies before approving the sale.

The groups have filed a separate formal notice of intent to sue under the federal Endangered Species Act. The notice alleges the Forest Service did not properly consider the logging's possible effects on endangered Indiana bats, Virginia big-eared bats, Virginia northern flying squirrels or eastern cougars.

Cynthia R. Schiffer, the Forest Service district ranger who approved the sale, said her agen-

cy conducted all the proper endangered species studies in consultation with the U.S. Fish and Wildlife Service.

Schiffer said the portions of the forest where the logging will take place are overloaded with older larger trees.

"The bulk of the area is 60 to 100 years old and what we are trying to do is go in and regenerate some of the stands," she said last week. "We are trying to create some diversity"

Rick Landenberger, a West Virginia University forestry graduate student, isn't so sure the Forest Service plan is aimed at creating a more diverse forest. The Forest Service proposal would create a forest that has equal numbers of trees of various ages. This, Landenberger said, is being done - at least in part - to assure a constant supply of trees big and old enough to be cut down. Forests don't naturally have equal numbers of trees of different ages, Landenberger said. So why should humans try to create that situation?

"It's a very artificial way to manipulate a forest," he said.

"If you're just looking at timber production, it's a preferred way", he said. "But if you're looking at wildlife, water quality and biodiversity it's a radical way to manipulate a forest."

Under the 10 year-old management plan for the Monongahela National Forest, the area to be logged is supposed to be managed primarily as "remote habitat for wildlife species intolerant of disturbance".

Schiffer points out that the plan also calls for timber harvesting to produce a mix of forest products.

"That's how we try to balance the objectives of still producing wood products," she said. "That's one of the missions of the Forest Service. It's balancing the objectives of producing wood products and promoting habitat."

Schiffer said much of the



*Hummingbird Run, East Gauley Mountain - proposed clearcut - steep and slide prone area*

uproar over the East Gauley timber sale comes from the fact that it was so large. But she says the project is actually a number of timber sales that will occur over a five-year period.

The sale became much larger when the Forest Service decided to use helicopter logging to help reduce water pollution concerns.

"In the helicopter jobs, you can go in and do a lot of things you can't do with conventional sales," Schiffer said. "An area that it would take a ground crew three weeks to thin, a helicopter crew can do in three days."

Beth Little, an activist with the Sierra Club's Forest Watch group, fears the logging will hurt

water quality in the Elk River watershed.

A flier she distributed to raise money for a legal fight against the timber sale says "most, if not all, of these streams already approach maximum siltation thresholds... The proposed timbering will cause future degradation." Bids for the first part of the East Gauley timber sale will be opened on Wednesday. But both sides said last week they hope some sort of compromise can be worked out.

"We are not saying don't cut anything," Turner said. "We are for a scaled-back version."

Schiffer said, "I want to be able to work with people." ♦

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

by John McFerrin

*Where, in other days, the boys had seen blue waves of spruce and hemlock, stretching away mile upon mile, the men now beheld desolation--bare hills, ribbed with shale, from which fire and erosion had swept every vestige of soil; long mountain ranges without a tree, save here and a gnarled trunk with its few yellowed leaves; a monotonous panorama of destruction, as far as the eye could run. The Last Forest by G.D. McNeill (1940).*

G. D. McNeill was, among other things, a farmer and teacher in Pocahontas County. He was born in 1877, just before the first big wave of timbering swept through West Virginia. The Last Forest is a collection of stories based upon his experience growing up during the time of the last great lumber boom.

Now we are rushing headlong into the next great lumber boom. It has been close to a century; the trees have come back. There are logs to be cut once again. Should the proposed pulp mill ever be built, there will be another giant maw to fill, a ravenous appetite for wood never even thought of at the turn of the last century.

Now that we are into the next great lumber boom, the question arises: did we learn anything the last time? Are we going to create another "monotonous panorama of destruction, as far as the eye could run."?

The West Virginia Division of Forestry will, of course, assure us that this could never happen again. That was then, this is now. They will point to the Logging Sediment Control Act, passed in 1992. They will assure us that they are on the job, ever vigilant to see that the next great logging boom leaves us with clean streams, healthy forests, and cheerful wildlife.

While I appreciate the optimism of the Division of Forestry, it doesn't take much study of the Logging and Sediment Control Act before doubts begin to creep in.

Like most laws, there is not much wrong with the Act that some enthusiastic enforcement wouldn't fix. It has some useful suggestions about logging practices. If, in spite of the Act having no effective enforcement mechanisms, timber companies follow these useful suggestions then we will be able to avoid a "monotonous panorama of destruction". While the Act has nothing to say about what is cut and where, if it were enthusiastically enforced much of the sediment from logging would be controlled.

In spite of the useful things in the Act, the doubts creep in when we look at the mechanisms for enforcing it. Division of Forestry inspectors may visit sites but, should they find a violation, are only allowed to issue an order that the violation be corrected. There is no provision for issuing an enforcement order that carries any sort of penalty with it. It is as if the state police could issue warnings but no tickets. There is no reason for a timber operator to comply with the law until after the inspector shows up. Given the number of sites and the number of inspectors, this is the same as saying that a timber operator has no reason to comply with the law.

Timber inspectors do have the power to shut down timber operations but only if the practice either would "endanger life" or "result in uncorrectable soil erosion or water pollution". Thus if the site is horribly bad, the inspector may shut it down. If it is just moderately bad, the inspector may issue a warning but that is it.

There are provisions for civil penalties but that requires action in Circuit Court. Should the Division of Forestry pursue this, (see page 3)

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## Here's Fall - WVHC Fall Review - meet new Mon Forest Supervisor

by Mary Moore Riffenberger

There's a faint foreshadowing of the gold, orange, russet, and reds that will soon spark the weary greens of our forests--it is time to start thinking of the West Virginia Highlands Conservancy's 29th Annual Fall Review. It is a time when we all gather together in friendship and love of our natural heritage, to show it to our children and friends, and to ask how we can best protect it.

It is time to plan for the WVHC

Fall Review to be held Oct. 18--20 in the heart of the Highlands, at Camp Pioneer near Beverly W. Va. The accommodations are the usual 4-H dorms with bunk beds, heated, inside facilities, and one or two family rooms. Bring own bedding, towels, and soap. There are electric (but no water) hook-ups for campers around the assembly-hall, and space for tents. We are arranging baby-sitting services for Saturday. There is a large dining-hall, and a large assembly-hall. And the food

is great!

The field trips will include hikes; biking (if interest shown); a cave trip for novices; a tour of college campus and restored mansions; and/or anything you might be interested in.

The program for Friday night can be slides and music (if you'll provide them--we'll get the projector and snacks). There will be a banquet Saturday night, and the speaker will be Buzz Durham, the Public Service Group Leader

from the Forest Service, who is concerned with recreation, planning, surveying, and land acquisition. You will also have the opportunity to meet Charles L. "Chuck" Myers, who is the new Supervisor of the Monongahela National Forest. He wants the Conservancy to tell him what our goals are and what we want of the Forest Service. Be thinking...

Sunday morning and early

afternoon will be devoted to the Board Meeting. It promises to be a rewarding weekend, so you all come!

The cost will be reasonable. Watch your mail for brochure with further details. Make your plans now, please, and mail or call Richard with confirmations because we must inform the camp three days ahead of the number of meals required. ♦

### New Hampshire Forester Named Mon. Forest Supervisor

from the July 10, 1996 *Inter-Mountain (Elkins WV)*

Charles L. "Chuck" Myers has been named as the new head of the Monongahela National Forest.

Currently the deputy forest supervisor at the White Mountain National Forest in New Hampshire. Myers will bring a variety of skills and experiences to the Monongahela.

As honors graduate of the Pennsylvania State University, he holds both a bachelor's and a master's degree in forest science and has completed 21 hours to-

wards a Ph.D. in forest recreation and forest economics. While at Penn State, Myers was on the faculty of the forest resources department.

Myers worked for Weyerhaeuser Corporation in Arkansas for two years prior to beginning his career with the Forest Service at the Southern Forest Experiment Station in New Orleans. Additional jobs with the Forest Service took him to the Allegheny National Forest in Pennsylvania, the Wayne National Forest in Ohio, the Superior and the Chippewa National Forests in Minnesota, the White Mountain

National Forest and the regional office in Milwaukee.

Myers has received numerous awards and citations, including several outstanding performance awards, several regional forester honor awards, and a special act award from the chief of the Forest Service for development of a national training program.

No date has been set for Myers to officially take the leadership of the 908,000-acre Monongahela, the only National Forest located entirely within West Virginia. ♦

### Corridor H Tagged as \$1 Billion Boondoggle in Road to Ruin Report

Charleston, WV--Americans can't afford to continue driving down a "Road to ruin" according to a report released today by the national Taxpayers for Common Sense. The report named the Corridor H highway as one of 22 proposed highways that "waste money, ruin our communities, and harm the environment."

"It's time for the government to slow down and ask for directions," said Ralph DeGennaro, executive director of Taxpayers for Common Sense. "The federal taxpayer shouldn't have to pay for roads with significant local opposition, especially when cheaper alternatives exist."

Corridor H Alternatives, the local group which has led the fight against the proposed Corridor H superhighway from Elkins, WV to Strasburg, VA, praised the report. Spokeswoman Bonni McKeown said, "West Virginians and Virginians have been saying for four years that we should fix the roads we have instead of building a brand new highway in a sparsely-populated area."

"Road to Ruin" was written

by a unique coalition of taxpayers, environmentalists, and neighborhood activists, led by Taxpayers for Common Sense and Friends of the Earth. It is the start of a national effort to link local road opponents with national experts on stopping wasteful government projects which harm the environment. The group says that unnecessary new highways often lead to suburban sprawl, loss of farms and forests, harm to Main Street businesses and historic sites, and a lower quality of community life.

Many of the roads supposedly being built to relieve traffic congestion tend to encourage sprawl development which leads to more congestion, the report's sponsors noted. McKeown agreed, pointing to safety and traffic problems arising from

Corridor L in Summersville and Fayetteville in southern West Virginia.

Instead of continuing with the construction projects as planned, the Road to Ruin report recommends exploring cheaper, less damaging alternatives.

The Corridor H highway received Federal Highway approval in August, but only enough money is available to build 20 miles of it. Corridor H Alternatives members have said they will sue to stop construction. While many public officials in West Virginia support Corridor H, CHA says that public comments last year ran 89% opposed in both states.

#### Contacts -

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Bonni McKeown, CHA, 304-874-3887 ♦

#### WANTED: Email addresses

We are developing an email address list for the Conservancy. Please email Richard at the address listed in the masthead if you would like to receive Conservancy news and notices of meetings, etc., via email.



*the last clearcut the USFS did on Gauley Mountain from the heart of the plateau*

(from page 2) the timber company faces a maximum total penalty that is one fourth of the daily penalty faced by other polluters of our waters. It would be hard for any agency to be very effective in its enforcement with all these barriers.

So has our Division of Forestry managed to overcome these barriers to effective enforcement? Not that I can see.

I have not visited every logging site in the state. Perhaps the sites I hear about are not representative. But from what I hear it's bad out there. I hear stories of logging roads running straight up the mountain with no erosion control. I hear stories of streams filling with sediment. I hear of complaints to the Division of Forestry that are greeted with a less than enthusiastic response.

Perhaps it's not that bad. Unless what I am hearing is wrong, however, we are heading for that little mistake that we make every century or so. We are heading for another logging boom that turns our forests into a "monotonous panorama of destruction, as far as the eye could see." ♦

# EAST GAULEY MOUNTAIN ABOVE AND BEYOND THE CALL OF DUTY

by bill ragette'

The main human player in the whole East Gauley affair would have to be Cynthia 'Cindy' Schiffer, the district ranger for the USFS in the Marlinton district. I may have to disagree with her on the appropriateness of cutting 16,000,000+ board feet off the wild and steep slopes of Gauley Mountain, but no one can doubt that she is dedicated and sincerely believes in her set (and her set only) of projects for area.

She has always been ready and willing to meet with one and all to discuss the cuts, to tour the project area and has offered to take anyone on a tour of other areas that have been logged by helicopter. She believes that the cuts she has pro-

posed will move the area towards the desired future condition as outlined in the Mon Forest plan. More than that, she believes that only the large timber cuts she has chosen as the possible alternatives can move the forest in that direction. The reason she gave me for not including a mid range alternative (of say 'only' cutting 5 or 10 million board feet) was that it would not satisfy the 6.1 management prescription for East Gauley. (One requirement of which is 'a range of tree age classes').

Cindy met with representatives of the Mountaineer Chapter of Trout Unlimited (one of the appellants) on a Sunday afternoon, has spent 3 hours at the home of the two adjacent landowners (appel-

lants and plaintiffs) to see if she could alleviate their concerns.

Cindy also attended a meeting of Kanawha Valley Trout Unlimited (KVTU) (a 2-3 hour drive from her office) to discuss the timber sales. In this case she had more luck, convincing that chapter to not sign on to the lawsuit. In their most recent newsletter, KVTU reported on Cindy's offer to take them out in the field when the trees are being mark for logging. The newsletter called it an unprecedented opportunity to become involved in the management of the Mon Forest.

This last Saturday, Cindy spent over 4 hours talking to and answering questions from Trout Unlimited's state council.

How often do we see dedication like this in government employees? Actually more often than we might imagine, but where do you draw the line between doing an excellent job and advocacy for timbering interests, interfering in a public input process?

In response to our appeals, WV DNR's Walt Lesser submitted a letter saying that the WV DNR felt that the timber cuts would not add sedimentation to the Elk or its tributaries and that the sale would not harm the Indiana Bat or Northern Flying squirrel in any way. Although it can't be proved many folks feel that Cindy asked Walt to submit this letter. Certainly I have

never seen the DNR submit any letters on any previous appeal of Mon Forest timber sales. I would also be interested in finding out just how it came to be that Cindy was asked to speak to the Kanawha Valley TU group.

Sometimes I get the feeling that Cindy is more interested in defending her timber cuts than trying to balance all the resources of East Gauley. Her belief that her way is the only way to manage the forest can be a hindrance to seeing how others might interpret the Forest Plan's directives. After all the forest survived quite well for the eons that we did not manage them at all. ♦

## THE INDIANA BAT

*The Indiana Bat is federally listed endangered species throughout its range. It occurs in the East Gauley area and is one of the points of contention in the lawsuit over the proposed timbering projects. I have adapted the following selection from "Endangered and Threatened Species of the Southeastern United States (The Red Book)" - by the US Fish and Wildlife Service...*

The Indiana bat is a medium-sized myotis, closely resembling the little brown bat but differing in coloration. Its fur is a dull grayish chestnut rather than bronze, with the basal portion of the hairs of the back dull lead colored. This bat's underparts are pinkish to cinnamon, and its hind feet smaller and more delicate than in the little brown bat. The calcar (heel of the foot) is strongly keeled.

Little is known of the this bat's diet beyond the fact that it consists of insects. Females and juveniles forage in the airspace near the foliage of riparian and floodplain trees. Males forage the densely wooded area at tree top height.

**RANGE AND POPULATION LEVEL:** The Indiana bat occurs in the Midwest and eastern United States from the western edge of the Ozark region in Oklahoma, to southern Wisconsin, east to Vermont, and as far south as northern Florida. In summer it is apparently absent south of Tennessee; in winter it is apparently absent from Michigan, Ohio, and northern Indiana where suitable caves and mines are unknown. About 500,000 individuals of this species still exist.

**REPRODUCTION AND DEVELOPMENT:** This bat has a definite breeding period that usually occurs during the first 10 days of October. Mating takes place at night on the ceilings of large rooms near cave entrances. Limited mating may also occur in the spring before the hibernating colonies disperse.

Hibernating colonies disperse in late March and most of the bats migrate to more northern habitat for the summer. However, some males remain in the hibernating area during this period and form active bands which wander from cave to cave.

Limited observations indicate that birth and development occur in very small, widely scattered colonies consisting of 25 or so females and their young. Birth usually takes place during June with each female bearing a single offspring. About 25 to 37 days are required for development to the flying stage and the beginning of independent feeding.

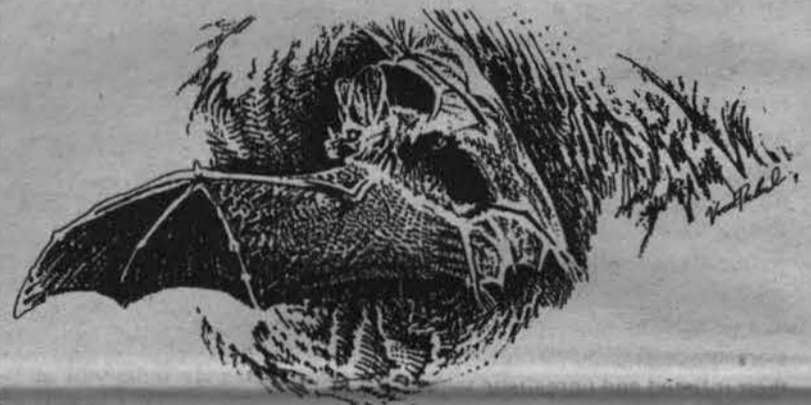
Migration to the wintering caves usually begins in August. Fat reserves depleted during migration are replenished largely during the month of September. Feeding continues at a diminishing rate until by late November the population has entered a definite state of hibernation.

The hibernating bats characteristically form large, tight, compact clusters. Each individual hangs by its feet from the ceiling. Every 8 to 10 days hibernating individuals awaken to spend an hour or more flying about or to join a small cluster of active bats elsewhere in the cave before returning to hibernation.

**HABITAT:** Limestone caves are

used for winter hibernation. The preferred caves have a temperature averaging 37 degrees to 43 degrees Fahrenheit in midwinter, and a relative humidity averaging 87 percent. Summer records are rather scarce. A few individuals have been found under bridges and in old buildings, and several maternity colonies have been found under loose bark and in the hollows of trees. Summer foraging by females and juveniles is limited to riparian and floodplain areas. Creeks are apparently not used if riparian trees have been removed. Males forage over floodplain ridges and hillside forests and usually roost in caves. Foraging areas average 11.2 acres per animal in midsummer.

**REASONS FOR CURRENT STATUS:** The decline is attributed to commercialization of roosting caves, wanton destruction by vandals, disturbances caused by increased numbers of spelunkers and bat banding programs, use of bats as laboratory experimental animals, and possibly insecticide poisoning. Some winter hibernacula have been rendered unsuitable as a result of blocking or impeding air flow into the caves and thereby changing the cave's climate. The Indiana bat is nearly extinct over most of its former range in the northeastern states, and since 1950, the major winter colonies in caves of West Virginia, Indiana, and Illinois have disappeared. A high degree of aggregation during winter makes the species vulnerable. During this period approximately 87 percent of the entire population hibernates in only seven caves. ♦



## The Indiana Bat in West Virginia

There are approximately 7,500 bats that winter in WV. Around 6,000 of these hibernate in caves in Pendleton County. Dreen cave, the one closest to the Gauley Mountain timber cuts, contains close to 300 bats. There are 10-12 caves in the state that have more than 50 bats in winter.

According to Craig Stihler, of the WV DNR natural heritage program, our knowledge of the WV Indiana bats in summer is extremely limited. Some limited netting (a way of trapping bats for examination) has been undertaken outside of a cave in the Fernow Experimental Forest and in floodplains along the Ohio River, but no females have been captured. If any had been caught it would have been a strong indication that some of the bats stay around in summer to raise their young. Since the bat's

maternity colonies are located under the loose bark of large trees, cutting in the types of forest they prefer for their maternity colonies could harm the bats.

No trapping has been done in any of the caves near Gauley Mountain. Nor have the caves on Gauley been surveyed for bats in winter. Bill Tolin, who is in charge of the Indiana Bat for the US Fish and Wildlife Service, told me he felt that there probably were summer maternity colonies in the Monongahela Forest, but as of yet no one has found any. He said that it was theoretically possible that the timber cut on Gauley Mountain could kill some Indiana bats, but he felt it was unlikely. Craig Stihler feels that the major threat to the bats in WV is still disturbance to the bats in the winter hibernacula. ♦

## Thornwood Pipeline - ooops!!

The first letter I got from our new Forest Supervisor, Chuck Myers, stated that in constructing the pipeline along Rt. 28, parts of the road began collapsing and he has authorized moving 1.2 miles of the pipeline 30' to 50' further to the west. But don't worry, they checked it all out and, nope, no new environmental impacts - so you can't appeal it, they just thought you'd like to know...

# BALANCING ACT NECESSARY FOR TREES, LOGGERS, TOURISTS

by Steve Hollenhorst  
from the Charleston Gazette  
9/20

I was pleased to see last week's Gazette investigation on the future of West Virginia's forests. It's about time we start the public dialogue. However, I'd like to clarify the quote that reporter Ken Ward attributed to me in the Sept. 8 article, and in the process, elaborate on the future of West Virginia's forests.

First, I am not a professor of forestry, but am an associate professor in the Forestry Division with a specialty in outdoor recreation and land-use policy. I am also currently the program coordinator of the Recreation and Park Management Program in the division.

My comments arise out of my interest in our state's burgeoning tourism and outdoor recreation industries, and the effect of state forest policy on these industries.

Secondly, the quote does not represent the full perspective on my views. The "line of bull" I suggested the state Division of Forestry is feeding us relates to their inflated and unrealistic view of the log-term capacity of the state's forests, given ever-increasing harvest pressures. Will current state policies result in pure sands of 20 year-old yellow poplar, as the quote implies? Of course not.

I do believe, however, that current state policy will result in an ever-younger forest landscape that is less valuable from a commodity, aesthetics, tourism and ecological perspective. My complete line or reasoning here is quite simple and reflects the basic principles of sustainability and connectedness.

A sustainable forest industry is one that balances what is socially desired by the current generation, for itself and future generations, with what is biologically possible in the long term. This includes all desired products and services that come from the forest, from timber to tourism, and from the jobs that sustain us to the outdoor recreation experiences that make life worth living. Here at WVU, every second year natural resource major learns this basic principle of management.

Current state policy, however, does not adequately consider either the full range of these desires, or the limits of the forest systems in satisfying them.

For instance, forest recreation and biodiversity protection, don't even appear to be on the state Division of Forestry's radar screen as socially desired values, even though they are of deep importance to many West Virginians. We know from research that the importance of these non-commodity forest values will increase as the state population continues to become more affluent, educated and urbanized.

The Division of Forestry's baffling policy of ignoring these values will only result in greater public distrust of the agency and the widespread perception that the agency is aligned with the timber industry.

I have to agree with DEP director Eli McCoy. If we remove sawlogs from our forests at an unsustainable rate, and if we overbuild the side of the industry that uses the low-value resource (i.e., the oriented strand board mills (OSB) and pulp mills), the outcome is clear.

The amount of sawtimber cut and used for high-value products will eventually decrease. With the decreasing harvest of sawlogs, the OSBs and pulp mills will in turn be forced to meet their needs with smaller trees (not waste material) cut from ever younger and younger stands. This is the scenario that has played out in eastern Kentucky, where much of the forest never matures past 20 to 40 years. This is the scenario that we all need to work together to avoid in West Virginia.

One way to do this is through economic development policies that place primary emphasis on the industries that depend on large trees and older forests. Interestingly, these businesses include not only sawmills and wood manufacturing, but also tourism (tourists like big trees).

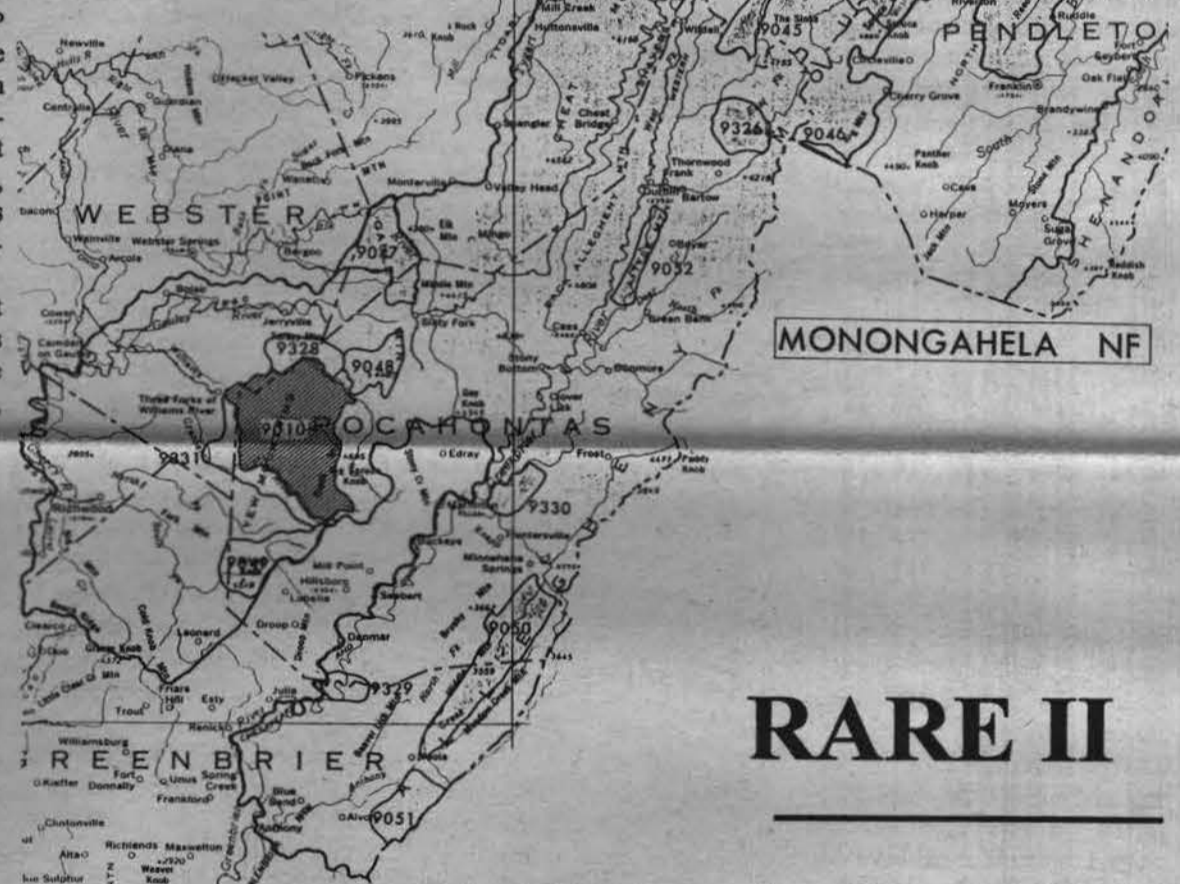
The environmental community, with its interest in the ecological value of older forests, will also benefit. So will landowners who have come to love the beauty of their 90 year-old woodlots, but still want to make some money from them.

I know it sounds strange, but it seems a great alliance could exist between these groups, for there is much common ground between them. In turn, the capacity of the OSB and pulp mill sectors would be determined primarily by the amount of residual material produced by the harvest of sawlogs. Fewer small trees (the future of the sawmill and wood

manufacturing sectors) would be harvested prematurely for pulp and OSB biomass.

The state Division of Forestry also should stop looking at the outdoor recreation and tourism industry, environmentalists, and other non-timber interests, as enemies. It seems to me that these groups represent a huge constituency for which the agency could provide invaluable assistance.

In return, if these groups feel the agency is truly responsive to their issues and values, I guarantee they will be there supporting the agency at the Legislature. It's happening in other states and can happen here. I for one will be



## RARE II

### Gauley Mountain once a wilderness candidate

The RARE II study (Roadless Area Review and Evaluation 2) was undertaken in the late 70's (finished in 1978) to study those areas on National Forest Land that were larger than 5,000 acres and had yet to have roads constructed in them. The review analyzed the wilderness qualities of these areas and the economic, wildlife and social impacts of designating these areas as wilderness. After certain of the roadless areas received wilderness designation the remaining areas were released for other uses. Much of the land in the East Gauley Mountain Project Area was part of this review (and is still roadless, at least for a little while longer). If only they had preserved all these areas...

Each area is first listed with its map number, name, wilderness rating, and # of wildlife associated species

- 9010 - Cranberry - 21, 6
- 9040 Cheat Mountain 23, 4
- 9041 Seneca Creek 20, 4
- 9042 North Mountain 19, 1
- 9043 Canaan Loop 16, 3
- 9044 Laurel Fork North 20, 4
- 9045 Laurel Fork South 20, 4
- 9047 Gauley Mountain 18, 3
- 9048 Tea Creek Mountain 18, 3
- 9049 Falls of Hills Creek 13, 0
- 9050 Middle Mountain 20, 1
- 9051 Little Allegheny Mountain 19, 0
- 9052 Little Mountain 20, 2
- 9326 East Fork of Greenbrier 19, 4
- 9327 Dolly Sods Roaring Plains 12, 4
- 9328 Turkey Mountain 19, 4
- 9329 Spice Run 20, 0
- 9330 Marlin Mountain 18, 0
- 9331 Cranberry Addition 15, 3

there fighting for them.

I regret that the quote came across as so antagonistic. Those in the industry who work with me know that this is simply not my style. Rather, I think it's important that we work together to find solutions to the difficult questions that face us. What type of forest industry is best for the state? How much timber can we cut each year without reducing the future amount that can be cut or without hurting other values like tourism, biodiversity and scenic beauty? And how can we keep logs, along with the secondary processing jobs that go with them, from being trucked out-of-state? ♦

# MINE POOLS

## Coal News

by Richard diPreto

As the coal industry in northern West Virginia winds down, a massive and insidious problem literally wells up beneath the land. While any abandoned underground mine in Appalachia will eventually discharge, three areas connected to northern West Virginia merit extra attention.

### 1) Pittsburgh Pools

Large mines such as Arkwright and Osage of Consol and Eastern's Federal No. 1 in the Pittsburgh Coal have shut down and ceased pumping. (Check the map for the approximate mining areas.) Those mines, along with older, adjacent mines, are filling. Covering huge areas, these mine pools contain gigantic volumes of water of chemical quality largely unknown to public officials or the public. The first known discharge connected with the cessation of pumping of a modern mine has begun to occur at Buffalo Creek on the Monongahela River between Fairmont and Rivesville. A "shoreline" of deepening mine drainage in Arkwright and Osage is creeping eastward from the depths of the syncline in the west toward the crop along the Monongahela River as you read this.

To gain an idea of scale, imagine all the surface water lakes and ponds in West Virginia including Summersville, Stonewall Jackson, Tygart, Bluestone, R.D. Bailey, Sutton, all of them. According to DNR figures, the 108 lakes and ponds (that they stock) cover about 35 square miles. That's the size of just one of several large mines involved in these pools.

The Pittsburgh Coal covers 8,000 square miles in four states. It was once called the most valuable mineral deposit in the world because of its extent, quality, and uniformity. Now it probably hosts the largest hydrologically interconnected set of mines in the

world. Hundreds of square miles have been mined, and the mined area continues growing. (The two largest underground coal mines in the United States are the Bailey and Enlow Fork mines of Consol in Greene and Washington Counties in Pennsylvania.)

What does the future hold for these mine pools? They will continue to grow until they discharge or are controlled in some other way such as pumping and treating. But the public has no detailed knowledge of the extent of the problem because the state and federal agencies charged with keeping track of coal mines have never studied the likely effects when all these mines shut down. They should have required realistic projections from operators at least since the early '80's, and they should have used the information to help them formulate legally required Cumulative Hydrologic Impact Assessments (CHIAs). The Pittsburgh mine pools provide an outstanding example of the need for CHIAs. If there were ever a CHIA done anywhere, it should have been for the Pittsburgh Coal. And it's not completely too late, because additional permitting will be required for the remaining mines, Federal No. 2, Loveridge and Robinson Run in WV and several in PA.

The agencies (USEPA, OSM, WVDEP, WVGES, PADEP, USGS) have now started a belated process of study, and West Virginia is negotiating in secret with Consol and Beth Energy over the methods and responsibility for treating some of those mine pools.

We'll keep you posted as best we can determine results. The public should not be stuck with polluted streams or with the costs of treating the discharge from private mineral properties.

### 2) Arthurdale Mine Pool

Anker Energy is sitting on top of a mine acid powder keg with some similarities to the Pittsburgh Mine pools reported

and Arthurdale, tributary to Deckers Creek. The state is beginning to question Anker as to how it intends to deal with the inevitable discharges from that pool. Anker may be counting on its supply of alkaline ash to save the acid day. But the ability to shut off acid from existing underground mines has yet to be demonstrated and the costs could be significant even if it does work (see item on Omega below). The state should take those liabilities into consideration as Anker tries to take on more major environmental disaster areas such as Consol's Tenmile Complex in Upshur County.

### 3) Upper Potomac Pool

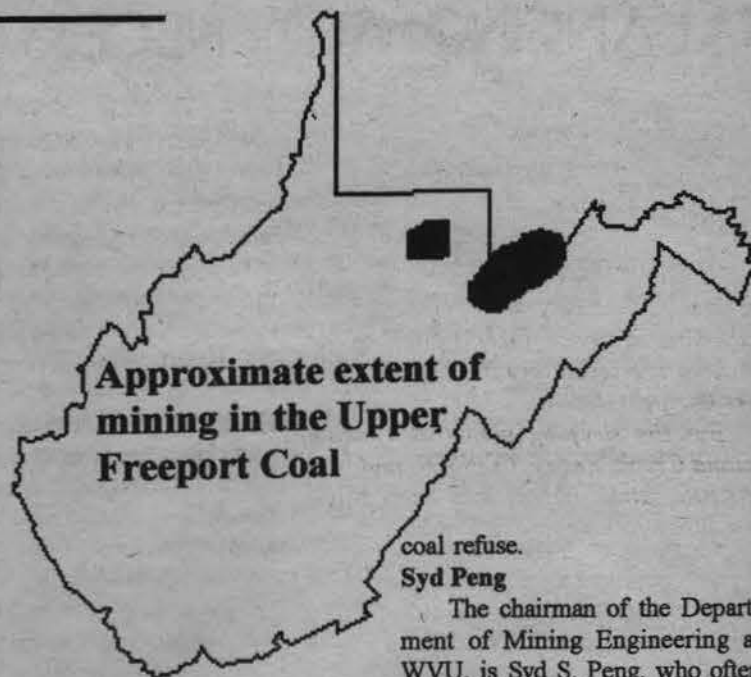
Mettiki (in Maryland) and Consol share the dubious distinction of operating mines in another world-class reservoir of acid mine drainage. This one, in the Upper Freeport Coal, straddles the Potomac River in Garrett County, Maryland, and Grant County, West Virginia. While some strides have been made in managing the Nation's River such that fish have returned in places, acid drainage from large areas of underground mining hangs, almost literally, like the Sword of Damocles over the river's future. The structure of the coal is such that it crops out high on the mountainsides many hundreds of feet above the elevation of the river, yet runs underneath from the Maryland to the West Virginia side. The steep structure guarantees that control of the acid water will be difficult and expensive for generations to come.

Mettiki has gained public relations praise for raising trout in its treated mine drainage, which amounts to several million gallons per day. Untouched by the media is the question of responsibility and cost of controlling the potential huge artesian springs of acid mine drainage that Mettiki and others have created and continue to create.

### River of Promise Not Kept

Many readers may know of the Greens Run Project of Anker Energy. It features a large anoxic limestone drain which was supposed to treat the acid discharge from one of the many old underground mines on Anker's mineral properties near Kingwood, Preston County. Greens Run drains to the Cheat River near Albright, just below the put-in for boaters and rafting companies at the head of the Cheat River Canyon.

The Greens Run Project was announced with great fanfare and won for Anker President, John



Faltis, the Trailblazer Award from OSM. It also won the endorsement of a new environmental group in Preston County called Friends of the Cheat. Anker spent about \$200,000 on the drain which clogged in short order and appears to be a near-total failure. We wonder what Anker will do for an encore in the Cheat drainage.

### Omega

This 200-acre underground mine in the Upper Freeport Coal is notorious for its intense acid drainage which has from time to time devastated Booths Creek in Monongalia County, WV. After forfeiture turned it over to the state in January, 1995, plans developed to fill part of the mine with alkaline ash, concrete, flyash, or some combination. Mon Power, Consol, Anker Energy and the state are involved with GAI Consultants doing the engineering. The project is moving very slowly and will cost about \$1.4 million to fill 45 acres. It also requires extensive access to the surface for drilling holes, some on 50-foot centers.

### Mays Run Mine

The State permitted this mine, also on Booths Creek, to James Laurita, Jr.'s Mepco Coal, on the condition that Mepco fill it with alkaline ash upon retreat. Mays Run is an underground mine in the problematic Upper Freeport Coal. The mine is partially developed, shut down, and has no ash placed as of yet.

### Wolfpen Knob

Consol has proposed a large underground longwall mine for southern Braxton and northern Clay counties in the Lower Kittanning coal. This mine, called Wolfpen Knob, has attracted the attention of the US Fish and Wildlife Service. It will require a US Army Corps of Engineers permit to fill a hollow close to the Elk River with

coal refuse.  
Syd Peng

The chairman of the Department of Mining Engineering at WVU, is Syd S. Peng, who often consults as an engineer for coal companies in cases against residents of the state which pays his salary. He is now under investigation by the state Board of Registration for Professional Engineers for practicing engineering without a license.

WV Code 30-13-3 states:

"From and after the effective date of this article [June 6, 1975], no person in this state who does not hold a current certificate of registration shall:

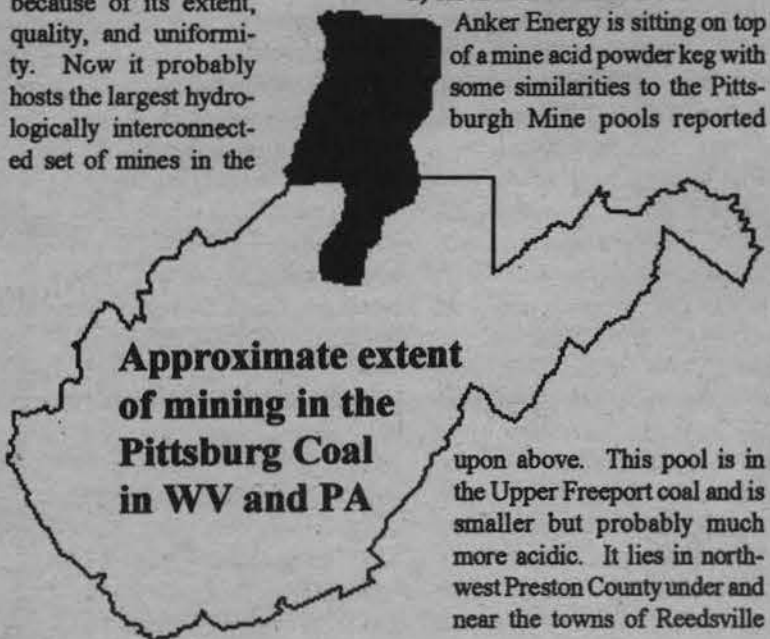
(1) Practice, continue to practice, offer or attempt to practice professional engineering or any branch or part thereof;...

(4) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to perform any service, work, act or thing which is any part of the practice of professional engineering as defined by this article."

Syd Peng does not hold and has never held a certificate of registration. Apparently few, if any, professors in WVU's Department of Mining Engineering hold engineering certificates. Even teaching engineering without registration may be a violation. - The investigation was brought about by a complaint from a citizen.

### EPA and CDC To Study Sulfate in Water -

Science News reported on September 7, 1996, that the reauthorized Safe Drinking Water Act instructs EPA and the Center for Disease Control to study risks posed by sulfate in water, with an eye toward imposing regulations by 2001. High concentrations of sulfate occur in acid coal mine drainage even after neutralization. Large rivers such as the Monongahela and Ohio serve as major drinking water sources for many cities and towns and have elevated levels of sulfate due to coal mine discharges. ♦



upon above. This pool is in the Upper Freeport coal and is smaller but probably much more acidic. It lies in northwest Preston County under and near the towns of Reedsville

# LEFT FORK OF THE BUCKHANNON: DEAD AGAIN

*Introduction by Cindy Rank from Trout Unlimited, Mountaineer Chapter's newsletter*

*The Buckhannon River has often been the focus of articles in the VOICE. The acid mine drainage (AMD) problems of the area are legendary for WVHC members this past decade.*

*But the sleeping giants at Tenmile (Island Creek, Enoxy, CONSOL and now ANKER), Alton (DLM) and Sago (Badger, Pittston, and now possibly ANKER) have been quiet while coal and treatment costs are prohibitive and the coal market has shifted its attention to the lower sulfur coals more abundant in Southern WV.*

*Nonetheless, some of the less notorious actors remain active and occasionally cause problems upstream of their better known neighbors downstream. e.g. A few years ago Carter Roag had a spill of alum from its treatment facilities that killed the Left Fork of the Buckhannon above Alton. -- The last week in August it happened again.*

*Our friends in Trout Unlimited are on their toes as usual, and the ever vigilant Mountaineer Chapter published the following article in their September 6th newsletter.*

\*\*\*\*\*

Another major fish kill on the Left Fork of the Buckhannon River -- the second in less than five years and apparently the second from the same coal mining operation -- has again destroyed one of the Mountaineer Chapter/DNR cooperative fingerling stocking efforts.

Information regarding the fish kill is still sketchy at this time, however, this is what we do know:

An angler reported dead fish in the stream upstream of Palace Valley on Tuesday afternoon, August 27th. Mike Shingleton, DNR fisheries biologist in charge of fisheries at the French Creek District DNR office, said that it is likely the fish kill began on Monday evening, August

26th, and found dead and dying trout in the stream from Star Bridge down to Palace Valley, a distance of about 4 miles. (This is the most productive stretch of this stream, and the section with the best habitat and water quality. It is the section most often utilized by fly fishermen.)

### OK Below Palace Valley

MCTU member Weldon Tenney, who has fished the Left Fork frequently in the past, spent parts of two days during the Labor Day weekend attempting to verify the extent of the fish kill. The first day he began at Alexander (where the Left Fork joins the main Buckhannon) and fished up to just above Bear Camp Run, a productive native brook trout tributary about half way to Palace Valley. He reports he caught several fish, mainly native brookies, along with some brown trout from our fingerling stockings.

### Palace Valley.

He found native brookies and a few brown trout all the way up to Palace Valley. He found hardly any fish above Palace Valley, although he did catch a few brookies in the lower section. His theory is that the fish kill was almost total down to Palace Valley, and that a few brookies were already making their way back into the Left Fork from the tributary spawning streams after the fish kill.

### NO COMMENT ON CAUSE YET

Although no one at either DNR or the Division of Environmental Protection (DEP) has been willing to pinpoint a cause of the fish kill yet, it appears to have begun at the coal tipple operated by the Carter-Roag mine next to the stream at Star Bridge.

According to the Sept. 4th edition of the Buckhannon newspaper, the RECORD DELTA, DEP official have said that the kill was caused by aluminum sulfate, commonly known as alum, "that made its way into the river from a source the DEP would not yet identify." Gary Meade, the DEP inspector on the scene told the newspaper that "potential pollution sources include a

railroad, at least one coal mine, area timber activities and oil and gas interests."

However, alum is a commonly used chemical flocculant for settling contaminants contained in standing water. The only standing water in the area of Star Bridge that might need treatment is found in the settling ponds associated with the Carter-Roag mine.

[An article in the Sept. 18th edition of the Buckhannon paper has since reported that DEP issued a citation to Oil Tank of Houston, Inc. doing business as Carter Roag for failure to maintain the hydrologic balance. "Meade said his investigation indicated that during Carter Roag's routine treatment of the stream, the water level dropped drastically forcing too high a concentration of aluminum sulfate - known as alum -- into the stream."]

According to the RECORD DELTA, the DEP did notify the Buckhannon Water Department that "as much as 450 gallons of the chemical (flocculant) and an accompanying polymer" were discharged into the stream.

It is known that coal fines were being discharged into the stream from a settling pond at the tipple. MCTU member Lou Schmidt had discovered the discharge

while fishing downstream of the tipple earlier this summer. Lou took a sample of the outflow from the settling pond and turned it over to the DEP and filed a complaint at that time.

Mike Shingleton did say that the DNR recovered dead brown trout from the stream up to almost 15" in length, along with numerous native brook trout, and a few small rainbows 7" or less in length. The origin of these rainbows is somewhat of a mystery, since none have been stocked in the stream since the last fish kill. Mike is considering the possibility that previously stocked rainbows may have established a reproducing population in one or more of the tributaries.

the last fish kill on the Left Fork was caused by an over-use of a chemical flocculant in a settling pond at the Carter-Roag mine site and killed almost 8 miles of trout stream, all the way down to Alexander. At that time, the company was fined less than \$2,000 for fish "replacement" and somewhere near \$3,500 for the violation. Carter Roag said at the time they would appeal the fine for the violation. DEP officials have not indicated whether or not the fine for the violation was ultimately reduced. ♦



Blackhole Run of the Upper Elk - in the East Gauley timberproject area

## 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 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.

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# MON FOREST NEWS - THE FRANK MOUNTAIN BEAUTY STRIP

by bill ragette'

## Background

Recently Pat Sheridan, the District Ranger for the Greenbrier District of the Monongahela National Forest proposed cut 2+ million board feet of timber from the Frank Mountain Project Area. This area contains 6055 acres of National Forest System lands. The set of projects also includes road building, sedimentation control, creation of wildlife openings and designation of 'mature habitat'.

The project area straddles US 250 (and Little River) just south of Thornwood. The northern half of Frank mountain is in the western half and Spruce Ridge and Little Spruce Ridge (separated by Old House Run) are in the eastern half. Buffalo Lake, a developed recreation area lies on the northern boundary.

According to the Environmental Assessment (EA) pre-

pared for Frank Mountain OA - "Ecologically, this project area is part of the 100,877 acre Burner Mountain-Laurel Laurel Fork Virginia System, one of 26 ecological subsections on the Monongahela National Forest. This system is part of the 226,663 acre Northern Hardwood Zone. Land in this zone is most suited to the northern hardwood forest type (beech, birch, cherry, and maple). [Editor's note - but the Forest Service is trying to grow Oaks anyway] Though other tree species and forest types are currently present in this area, if left undisturbed, forests in this area would naturally revert to northern hardwoods (with spruce at the higher elevations)."

"The geology of the Burner Mountain-Laurel Fork Virginia System is of the Devonian System and consists of the Chemung Group and the Hampshire Formation. Associated soils consist

of the Berks-Weikert and Mandy soils. This area's topography consists of broad ridgetops and side-slopes. Elevation in this area ranges from 2900 to 4000 feet."

## The Beauty Strip

For those of you not familiar with the term, 'beauty strip' refers to the beautiful forest left along roads. Its not good public relations for the Forest Service to cut trees where folks driving around might see them.

The Management Plan for the Monongahela requires that certain areas (Frank Mountain being one of them) contain at least 5% of its total acreage as 'mature habitat', or at least set aside that much forest to someday become 'mature habitat'.

Take a quick look at the accompanying project map and you'll notice that a goodly portion of the designated mature habitat is along US 250. It ap-

pears that almost half of 250 will be graced with a beauty strip.

Some enviros recently have suggested that all timbering be along roads to reduce habitat fragmentation and also to let folks see what the FS is up to.

According to the Forest Plan (p. 55) "Management activities would not be undertaken in these stands (mature habitat) until or unless they began to deteriorate and lose their desired mature habitat qualities." What do you think that means???

## The Appeal

Yours truly, as state coordinator for Heartwood (of which the Conservancy is a member), administratively appealed the decision. Surprisingly, the Appeals Review Officer in Milwaukee actually agreed with one of our points - that there was no study of cumulative impacts on "species of concern". (Although

the ARO disagreed with the other 20 points we tried to make about the inadequacy of the EA). The Appeals Deciding Officer then remanded the decision back to the ranger.

Sure enough, almost before you could say 'clearcut', Pat Sheridan had a new decision notice out with a short analysis of cumulative impacts on species of concern. The decision notice calls the changes minor, but it deletes 0.4 mile of road construction and one harvest unit from the project list. A minor victory perhaps, but we take what we can.

The story is far from over though. We have again appealed the decision. We feel that the new analysis for cumulative impacts should have been put out for review before the decision was made. Stay tuned for more on Frank Mountain. ♦

## INDIAN RUN

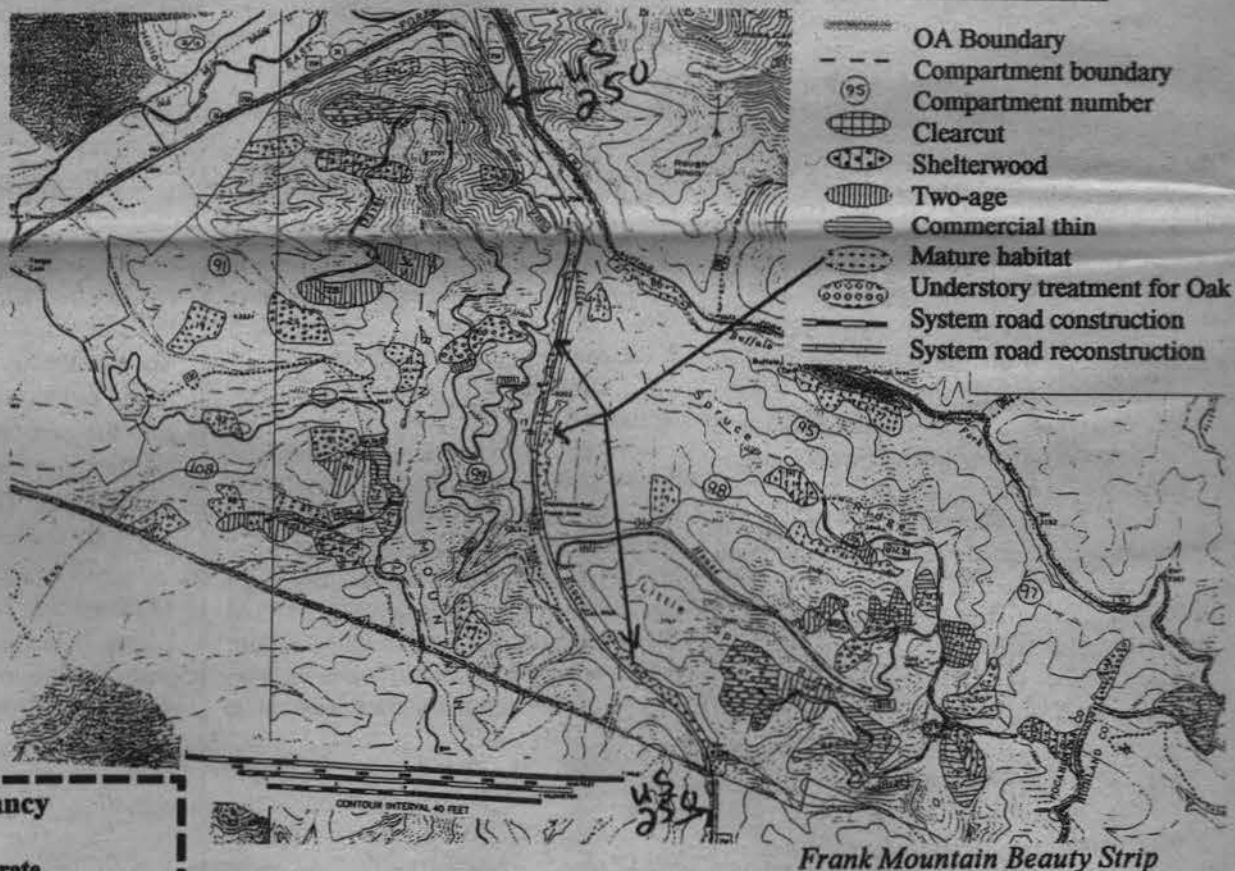
Indian Run is an Opportunity Area in the Mon Forest northwest of Parsons in the Cheat Ranger District. We haven't heard much out of that district in a while. But recently the ranger announced he had decided to cut a bunch of timber in this area.

Once again the hard-core treehuggers (a.k.a. Jim Bensman as appeals writer and me as state coordinator) at Heartwood appealed the decision. And lo and behold once again the Appeals Reviewing Officer (ARO) decided that, although for the most part the Ranger did a great job on the proposed projects, we did have a few good points to make. Unfortunately I sent my copy of the

appeal decision on to Jim for further analysis and have to rely on my failing memory for what those points were.

One was that the definition of 'no adverse impacts' on the Indiana Bat, an endangered species, was a little too vague. The second point concerned the fact that Indian Run itself (or some tributary) had, according to the EA., already too much sediment in it. The ARO couldn't understand how timbering in that watershed wouldn't cause even more sedimentation.

The ARO remanded the decision back to the district ranger to repair. In this case the district is still working on its revision. ♦



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