



The Highlands

Voice

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The Flying Pig Highway

by Hugh Rogers

On August 2, two years behind schedule and still incomplete, the Federal Highway Administration's Record of Decision (ROD) was issued for Corridor H. The ROD allows construction to begin unless a lawsuit stops it. Using his favorite phrase, Senator Byrd said he wanted to "see dirt fly." A closely-related saying, "if pigs could fly," may be in the back of his mind.

The ROD was signed just two days after final comments from the Dept. of Interior. We still haven't seen it--for the highway guys, printing takes longer than writing. It's a safe bet there's nothing new. Issues raised throughout the environmental impact study must be resolved in court. Here are some key flaws in the EIS:

(1) Under the National Environmental Policy Act (NEPA), government agencies proposing projects that would impact the environment must consider "all reasonable alternatives." The "resource agencies" (Fish and Wildlife, EPA, National Park Service), many environmental groups (including the Conservancy), and an overwhelming majority of public comments agreed that one alternative was the most reasonable way to improve transportation in West Virginia's highlands: improve existing roads. That alternative wasn't considered by Corridor H planners. Since alternatives are the "heart" of an environmental impact statement, omission of this one is a clear violation of NEPA.

(2) Federal transportation law also protects cultural and recreational resources. Section 4(f) pro-

hibits any use of those sites, including "constructive" use. In the case of Corricks Ford, the route barely skirts the battlefield's boundaries, with 1200-foot-high cuts that remove half the mountain above it. Such construction, if it were possible (see the March/April Voice), would affect the battlefield so drastically, it's considered a constructive use. That's the position of the Department of the Interior, which also objected to use of the Old Fields Historic District near Moorefield.

As the ROD was issued, highway officials still claimed there were no 4(f) impacts. At the same time, they said they would continue 4(f) review during construction. That was unacceptable to Interior. For political reasons, though, they won't back up their words. They're willing to say, but they're not willing to sue.

(3) A final EIS must respond to all substantive comments on the project. In June, the Conservancy filed objections (ten pages) to inadequate, misleading, and absent responses. They involved the core of the project: its purpose and need, its inconsistency with Virginia's transportation plans, its failure to address the economic realities of the region. On this last point we have the support of EPA. Like Interior, they'll cheer our suit from the sidelines.

(4) Finally, the highway agencies did not address new issues. The Corricks Ford realignment would place the road halfway up Fork Mountain, an area that wasn't studied for the EIS. Comments from the Northeastern Forest Experiment Station concerning the adjacent

Fernow Forest raise new questions about blasting and air pollution. The second major new issue, flooding, became increasingly important during 1996 (in mid-August, Leading Creek flooded for the fourth time this year). A FOIA request for the "detailed hydraulic studies" referred to in the EIS brought the distressing response that there were none for any streams in the Cheat and Tygart watersheds.

Lawyers for Corridor H Alternatives and the Conservancy are studying these and other points to include in the lawsuit. We need your help! Send your tax-deductible contribution, marked "Corridor H Legal Fund", to WVHC, P.O. Box 306, Charleston WV 25321. The people of the Highlands (and the animals and plants, rocks and rivers, everything that embodies its spirit) will be forever grateful. ❖

Buffaloes, Dolphins and Gauley Mountain

Updates on Thornwood, Rare Plants and the East Gauley Massacre
by Bill Ragette'
Delphinium

I took a long weekend working vacation last month. I had promised myself to check up on the status of *Delphinium exaltatum* - tall larkspur for over a year now. I thought I would add in a tour of the Thornwood pipeline in the early stages of construction and take another look at Gauley Mountain before the Forest Service cuts the hell out of it.

Tall Larkspur is one of those plants that should have federal protection, with less than 100 known colonies throughout the world; 12 or so in WV. It was never listed except as a candidate category 2. Recently for some odd reason the US Fish and Wildlife Service has even dropped this listing; perhaps to show the Republicans that they really don't want to protect species at the expense of progress. Many of these colonies have not been revisited in years and knowledge of trends on their population health is

nil, no funding for staff.

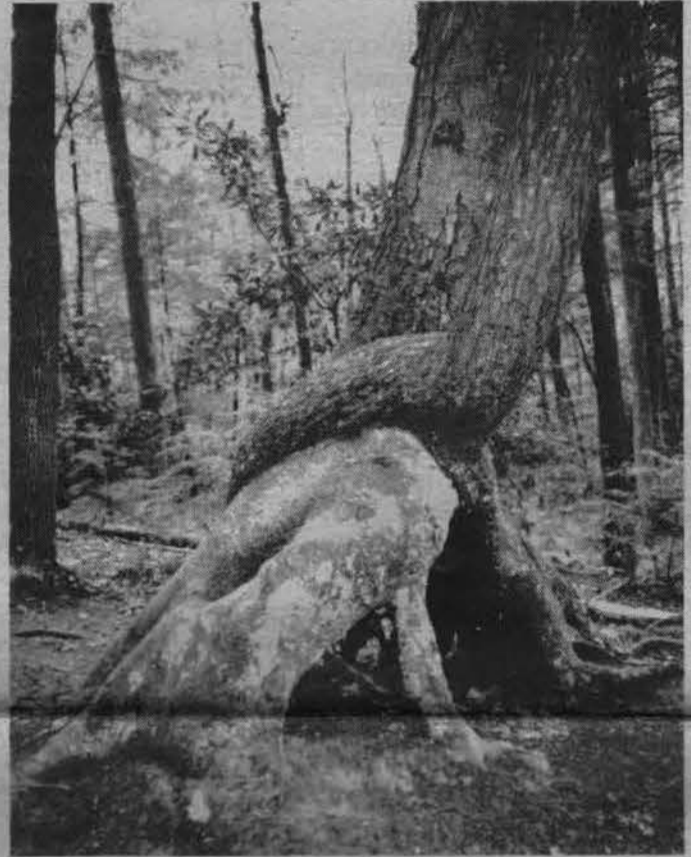
With the help of Brian MacDonald at the WV Natural Heritage office in Elkins I found the locations of 5 populations of Tall Larkspur in the central region of the state. Other populations range from Hardy to Monroe Counties. Brian made it clear to me that I was working on my own, not for the WVDNR; a lot of folks don't like the government checking up on rare plants on their private property. Actually most of the populations I saw were on road right-of-ways, but I wonder if landowners were approached in the right way wouldn't they take pride in 'owning' such rare and beautiful plants.

After much driving and searching I found four of the populations. Fortunately the first population was easy to find - I pulled off the road just opposite it. The plants were in full bloom - with lots of deep purple flowers. Unfortunately we'll never see any of the great photos I took of them (or of the downed old growth of Thornwood or the waterfalls on Laurel Run on Gauley Mountain) because York photo finishing ru-

ined the film while attempting to process it.

After spending hours driving between 'adjacent populations' I got a different sense of how rare, scattered and probably precarious the larkspur was.

Tall Larkspur grows in limestone outcroppings, often consisting of loose rock on steep open slopes facing south. Several of the populations seem to be holding their own, despite deer browsing and cattle tracks. One population had a newly bulldozed farm road through it. The population at Smoke Hole took me an hour to find and as far as I could tell consisted (see page 3)



Black Birch and Hemlock

WVHC Fall Review

will be held October 18-20 (NOT October 4-6 as may have been announced earlier) at Camp Pioneer, Randolph County 4-H camp, near Elkins. Jim Van Gundy will lead a caving trip. We'll have canoeing, hiking, biking, fish observation, etc. We hope to have the new Supervisor of the Monongahela National Forest as our speaker Saturday evening.

Come one, come all, etc. Contact Richard diPreto at 296-8963 or Mary Moore Rieffenberger at 636-4559.

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

by John McFerrin

Not The 1976 World Series

It's all over but the shouting. The West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and individuals Rogenia Fout, Thomas Keating, and Bill Ragette have settled their litigation with the United States Environmental Protection Agency over the Total Maximum Daily Loads.

So who won? Did EPA cave in, recognize the wisdom of our position, and agree to everything we wanted? Did the plaintiffs exhaust themselves and accept a token to save face? Was it a draw? What happened?

The whole controversy goes back to the federal Clean Water Act. Among other things, it required states to identify streams that are not as clean as they need to be and figure out how to clean them up. Among the ways the states were to do this was to figure out what was going into the streams.

Like everything else lawyers, bureaucrats, or both ever touch these requirements have their own jargon: Total Maximum Daily Loads, Water Quality Limited Streams, and Pollutants of Concern. Buried within the jargon was a pretty simple duty: figure out what streams are messed up, figure out how they got that way, and figure out what we are going to do about it. This is what West Virginia was supposed to do. If West Virginia didn't do it, then the Environmental Protection Agency was supposed to step in and do it.

Although West Virginia was supposed to do this, it never did. Like a mighty river, time kept rolling on. Months turned into years and years into decades (we are well into our second decade of inaction) and still no action. Finally we sued, requesting that EPA step in and do what West Virginia had never gotten around to.

After much wrangling, EPA agreed to do what West Virginia was supposed to do all along. It is committed to starting right away and finishing within ten years.

Ten years? Are we crazy? Another ten years to do what they were supposed to do ten years ago? Is this progress?

Yes. In the world we live in, this is progress.

Of course, in a perfect world West Virginia would have gotten on this right away and finished years ago. In a perfect world we would have already achieved the Clean Water Act's goal of making all waters of the United States fishable and swimmable. We would have already achieved the Clean Water Act's goal of eliminating polluting discharges into the waters of the United States.

We don't live in that world. We live in a world where environmental progress is two steps forward, one step back, four steps sideways, and long periods of wondering if we are ever going to take another step forward. It is a world in which if things are no worse today than they were yesterday then we have had a pretty good day. If things are better than they were yesterday, we have had a great day.

Today--after the settlement--things are better than they were yesterday before the settlement. It won't clean up the waters overnight. In this world things like that just don't happen. It is, however a big step toward the day when the water will be clean again. We owe a great deal of gratitude to the attorneys for the plaintiffs--Perry McDaniel, Ryan Alexander, and Jim Kringlen--for making this step possible.

So who won? We did. It wasn't a two-ears-and-a-tail, leave-them-with-their-faces-in-the-mud-and-tire-tracks-up-their-back, 1976 World Series kind of win. But it was a significant step forward. Considering how precious any step forward is, we have had a great day.

(see related story on page 7)

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Letters, Announcements, Pleas for Help

Dear Editor;

I am writing in response to your request for input on the 'Timbering on our National Forests Issue' mentioned in the July/August newsletter. As you implied in outlining the topic, it is a distinctly contentious and at times very emotional debate, as evidenced not only by its long history but also by the heightened nature of the issue in the past several decades. This is, in my opinion, strong evidence for the failure of the NFMA to address the true nature of the situation, as it is the interpretation of policy, rather than the vague and at times conflicting policy itself, that shapes the way in which our National Forests are actually managed. Furthermore, the debate can be argued on a variety of levels, ranging from philosophical and spiritual positions on the one-hand to (theoretically) objective and "scien-

tific" assertions on the other. Obviously it is not a simple issue, with an absolute right or wrong, and no one can confidently claim the debate's higher ground.

There is much to be gained, however, from honesty and objectivity in the natural resources sciences, particularly in the realm of public lands. In addition, public land managers have a legal responsibility to apply the most up-to-date scientific methods in objectively assessing the potential effects of future activities, as well as using the same basic honest and objective criteria in monitoring ongoing and previously implemented projects. There was a time, prior to my working for the U.S. Forest Service (and despite my reading numerous and well-referenced books and reports to the contrary), that I thought this was the rule rather than the exception. However, over

the five years that I worked for the USFS, it became increasingly clear that the objectives of the agency are, in fact, driven by the timber lobby in Congress, aided and abetted by the upper-level bureaucrats in Washington, the regional offices, and down the line to the national forests. On-the-ground management activities become an exercise in justifying road construction and timber harvesting in the name of wildlife habitat improvement, recreational opportunities, scenic vistas, and just about anything else that can be conjured up in the name of multiple use and "ecosystem management". It basically becomes a game of tossing around loosely defined terms and citing inappropriate and inapplicable research in defense of getting out the cut, or the grazing acreage, or the miles of new road construction.

Personally speaking, I'd have

much more respect for the agency and its personnel if it simply admitted its obvious and long-standing biases and simply told the truth, as instructed by its current chief, Jack Ward Thomas. Of course it couldn't do this, as even a layman could make a logical and defensible argument that, legally, all resources require equal consideration under MUSY as amended by the NFMA. As it stands, the public input process and the way in which specific and clearly stated issues are addressed is a joke; there is no accountability, and honesty, objectivity, and a scientific approach to management become nebulous concepts that have no real meaning. As clearly pointed out by Jones and Taylor (1995) in *Litigating Agency Change: The Impact of the Courts and the Administrative Appeals Process on the Forest Service*, it takes litigation to change agency direction. Unfortunately this takes time,

money, and a great deal of energy, and in the end, many people simply give up and throw in the towel.

If there is any remaining question regarding where I stand on timbering on the national forests, I support a position of objective, quantitative, and comprehensive assessment of timber harvesting and its effects on other, equally important forest resources such as water quality, interior and non-game species, recreation, and wilderness, rather than the bogus Environmental Assessment word-games currently played by the Forest Service. Until I consider this a real possibility, however, I support a ban on timbering on the national forests. When I was a child and repeatedly misbehaved, my mother would take my toy bulldozers away until I demonstrated that I had my act together.

Sincerely

Rick Landenberger

Cooper's Rock Needs Your Help

Dear West Virginia lover of the outdoors: Please read this carefully and act soon!

The State of West Virginia has a unique opportunity to buy a 2000 acre tract of land which is the viewshed from the famous Coopers Rock Overlook, and a major part of the magnificent Cheat River Gorge, in Monongalia and Preston Counties east of Morgantown. The Trust for Public Land has obtained a short-term option at the land's approved appraised value, for 1.9 million dollars. TPL is working with the State and the Governor to identify funding

to make permanent protection of the property possible.

The land adjoins Coopers Rock State Forest, which includes the Overlook, and gets 400,000 visitors a year. This purchase would be a superb addition to our state's public lands. The area is under heavy development pressure, and the opportunity to obtain this land, and preserve this world-class scenic site, will not last much longer.

The Coopers Rock Foundation is asking citizens to contact Governor Caperton and urge him to make the purchase - there is money avail-

able, but to get it released, this purchase has to be seen as a priority issue. The Legislature has already committed \$800,000.

When First Lady Rachel Worby and Governor Caperton visited the Coopers Rock Overlook, Rachel Worby was very impressed and complimentary. Please, now, join with the many citizens who are urging the Governor to authorize this purchase! Time is of the essence!

Here's a model letter to the Governor. Write yours, and send it now! Or you can call the Governor's Office at 558-2000. Act now! The option is

only for a short period!
Governor Gaston Caperton
State Capitol
Charleston, WV 25305

Dear Governor Caperton,

We are very excited to learn that after a four year focus, the owner of the viewshed property across from the Coopers Rock Overlook has signed an option agreement with the Trust for Public Land to sell his land to the State of West Virginia, at an approved appraisal price of 1.9 million dollars. Your dedication to saving this unique area has already resulted in the legislature setting aside \$800,000 for its purchase. We urge you to keep this a top priority

and to find the rest of the money to permanently protect West Virginia's most famous view.

Hundreds of thousands of visitors from the tri-state region to Coopers Rock bring tourist dollars into the state. Coopers Rock has been the beloved outdoor recreation area of WVU students for over 100 years. It is the home of the endangered three-toothed land snail. CCC boys who built the pavilions and planted trees here in the 30's now come to picnic with their grandchildren. They all want to save the view. This would be a splendid parting gift from your administration to the people of West Virginia. ♦

VOTE WILD!

by Shalom Tazewell & Sheila McEntee

In the November 1996 general election, the citizens of West Virginia will have the opportunity to vote on two important constitutional amendments which will help conserve and protect our state's wildlife resources for generations to come.

One amendment establishes a special wildlife motor vehicle license plate and would allow the Division of Motor Vehicles to collect an additional fee for the plate. (Currently, West Virginia's Constitution requires that all revenues from license plates sold by the DMV must support the Department of Highways.) Purchase of the plate would be completely voluntary and the additional fee would provide, for the first time, permanent funding for our state's Nongame Wildlife and Natural Heritage Program.

This program is charged with the conservation and management of more than 95 percent of West Virginia's wildlife species (including threatened and endangered species), such as songbirds, raptors, butterflies, turtles, flying squirrels and other mammals and some 2,000 species of plants.

The second amendment protects Division of Natural Resources funds, including fees from hunting and fishing licenses, from being used for purposes other than wildlife programs. Currently, the West Virginia Code provides only a thin layer of protection for monies collected for wildlife management. In recent years, there have been a number of attempts by both the legislative and executive branches to divert these funds to purposes unrelated to wildlife programs. The amendment ensures that the authority for stewardship of wildlife conservation funds will be in the

hands of the people of West Virginia.

The Wildlife Conservation Alliance is a registered political action committee comprised of representatives from both sportsmen's and environmental organizations across West Virginia, working for passage of both amendments. To conduct its media and educational campaign, the Alliance needs statewide support, both financial and political, of other organizations, sporting groups and citizens who value West Virginia's wildlife. If you would like to make a contribution, voice your support, serve as a contact for an interested group, or help the Alliance in any way, please contact Shalom Tazewell at 466-6431 or Sheila McEntee at 744-4254 or write to Wildlife Conservation Alliance, P.O. Box 281, Pinch, WV 25156.

Meanwhile, it's not too early to start spreading the word! ♦

Buffaloes, Dolphins and Gauley Mountain

(from page 1) of but one plant.

Thornwood

The long saga of Thornwood pipeline is drawing to a close. I never found the time or legal assistance to sue, and the Southern Environmental Law Center, representing Sierra, TU, et al settled out of court. The regional forest supervisor in Milwaukee affirmed the local forest supervisor's decision to allow construction of the 33 mile pipeline. SELC threatened to sue, but finally settled when Thornwood agreed not to drill in Laurel Fork (VA) and place only two slant-drilled wells just over the border in WV. SELC promised not to sue if the drilling and operating of those wells met certain criteria.

Few of the enviros were real happy with the results, but did feel good about getting protection for

Laurel Fork. One of the reasons SELC gave for not pursuing the case further is that their funders didn't want them to -- sounds a bit unethical to me. But probably the main reason was that the Friends of Laurel Fork have been very active and vocal and most concerned about protecting their favorite spot. The lesson here being that if you want to protect an area, you got to get off you duff and get to work.

I did visit the pipeline area where it starts near Buffalo Lake. Work had been going on for just two days but an incredible amount of tree felling had occurred. Crews were busy in several places, merely falling all the trees and letting them lie. It seemed there were trying to get as many trees on the ground as possible before someone tried to stop them. Many of the (see page 6)

Mining Association Is Right On The Mark!

Mining Matters....
by Cindy Rank

Comments I made in a previous 'mining matters' article about the impact current mining is having on West Virginia prompted the accompanying letter (see box) from the West Virginia Mining and Reclamation Association (WVMRA).

I couldn't agree more with Mr. Miller. The current rate of stream destruction by the coal industry in WV **IS INDEED** an "extraordinary story that has been overlooked".

BURYING STREAMS

Even before I received a copy of the WVMRA letter from VOICE editor Bill R., I had begun to look into the burial/"mitigation" phenomenon. I'm afraid my response/report has been a bit longer in coming than I had originally hoped it would be.

But, unfortunately, those rare days I've been able to spend looking through DEP files and reviewing agency policies have only led me into a confusing maze that I have yet to fully decipher for myself, let alone be able to draw a map for anyone else interested in exploring the territory.

The phenomenon of exchanging money or in-kind stream rehabilitation in return for the right to bury and destroy streams (a process commonly known as 'mitigation') is not something that lends itself to presentation in a nice neat readable and understandable package.

Nonetheless, the deeper I venture into the maze, the more important the story becomes. So I offer

this article as an initial attempt to begin the process of unravelling the intersecting tangle of actions/inactions that has led to the quagmire at hand.

SOME FACTS

To begin with, a couple basic questions need to be answered.

1) Is what Mr. Gauvin asserts, correct? Have 67 miles of WV headwater streams been destroyed in the last three years?

YES. That figure was compiled by DEP from DEP 'mitigation' files in response to a query from the Pennsylvania Field Office of the U.S. Fish and Wildlife Service (USFWS) during research concerning refuse and valley fills in PA. (DEP files begin in December 1992 because that is the year DEP assumed primary responsibility from WV Department of Natural Resources (DNR) for mitigation at mining operations where those operations propose to fill a stream. — Hence the figure for "the last three years". Additional agreements have been made and as of August 8 there were 74 mitigation files containing agreements with 49 companies — and a tall stack of applications/requests waiting to be evaluated.)

2) Contrary to implications by Mr. Miller, are industry and DEP aware of the details of county, company, stream, etc. that are impacted by the operations noted in the mitigation files?

YES. Each mitigation file contains an agreement signed by DEP and the individual mining company involved that sets out the specific details of site location,

drainage basin, names and acreages of streams to be buried, etc. for each of the proposed fills.

3) Have **MORE** than 67 miles of streams been lost to fills and in-stream treatment facilities?

OH MY, YES! DEP mitigation files contain information only about valley fills that require mitigation under current guidelines. Mitigation/Compensation is only required for those streams buried by fills **greater than 250 acres**, and only for stream segments under those fills that are intermittent or perennial streams and appear to support aquatic life as determined by a permit review team during a site visit prior to issuing a mining permit.

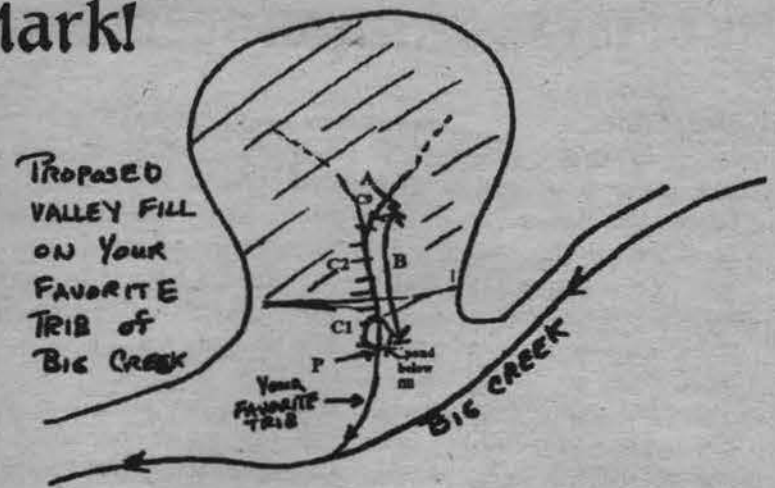
To include any additional miles of headwaters that are buried under fills of less than 250 acres, one has to go to the drainage maps in the main permit files. Also, since DEP mitigation files only account for the agreements concerning operations conducted AFTER 1992, streams buried prior to that time would have been under DNR jurisdiction and would involve yet more steps to determine what additional mileage DNR approval has impacted.

Consequently, Mr. Gauvin's "67 miles" is only the tip of the iceberg, and must be considered the lowest estimate of stream miles that have been buried by activities associated with coal mining in WV in the recent decade.

THE MITIGATION MIRE

Sound confusing?

In brief, the coal industry in



MITIGATION CALCULATION

- 1) If proposed fill is <250 acres- no review, no mitigation required
- 2) If proposed fill is >250 acres -
 - 1.) Company determines (DEP permit review team verifies) uppermost point of benthic life in stream ("A") -
 - 2.) Company calculates stream acres from lowest point of fill (discharge point "P" from pond at toe of fill) - measures length of stream from "P" to "A" = "B" - calculates average width of "B" to high water mark e.g. measures width at every 100 ft ("C1", "C2", etc) and divide by # of segments measured: ("C1"+"C2"...+"C9")/9 = average - calculates flowing stream acres: (length x average width/43,560 sq ft) - 3.) DEP calculates mitigation/compensation \$: - Permanent inundation: (flowing stream acres x \$200,000) - Temporary inundation: (flowing stream acres x \$20,000/5 yr) A stream 8 foot wide would have to be a mile long to equal one flowing stream acre.

WV is burying headwater streams (not just 'wet weather' streams, but also 'intermittent' and 'perennial' streams) - i.e. **DESTROYING** those portions of WV headwaters - with full knowledge and consent of the regulatory agencies. Furthermore, industry is burying more streams than it is paying for. DEP application of current mitigation guidelines allows this to happen.

The bottom-line harsh reality is that

1) - DEP GIVES AWAY any headwater stream that lies under fills covering less than 250 acres of land;

2) - DEP GIVES AWAY all 'wet weather' streams covered by fills of any size;

3) - DEP SELLS segments of intermittent and perennial streams if they appear to support aquatic life (as determined by the permit review team during a site visit prior to permit issuance) and if they are buried by fills greater than 250 acres; (The going rate is \$200,000/flowing stream acre, though industry insists \$10,000 is more appropriate.) [Flowing stream acres = (length of the stream x average width of the stream at the high water mark) / 43,560 sq ft.]

4) - DEP sometimes TRADES those intermittent and perennial stream segments for stream rehabilitation or for lake development that DNR wants elsewhere; and

5) - DEP RENTS other inter-

mittent and perennial streams that are temporarily buried, i.e. inundated or confined by culverts, etc., during portions of the mining operation. (The rental fee is \$20,000/flowing acre/5 yr term of use.)

But let me not leave anyone with the impression that it is only WV DEP and DNR that are party to this creative destruction.

As I understand it, there are at least six (6) Federal and State agencies who are accomplices in this scam. US Army Corps of Engineers (ACOE), US Environmental Protection Agency (EPA), US Fish and Wildlife Service (USFWS), and US Office of Surface Mining (OSM) all share with WV DNR, WV DEP Office of Mining, WV DEP NP-DES Section, and WV DEP Office of Water the responsibility under law to see that mining operations comply with the various requirements to protect, restore and improve the waters of the state and nation.

Each of the above agencies have some semblance of policies that deal with the issue of filling/burying/abusing streams. Overall, it is clear that the basic assumption of all the agencies and all the policies is that in-stream treatment and fills are to be the exception not the rule and that any stream loss will be adequately mitigated so that there is no net stream loss. Similar to the hierarchy of reduce-reuse-recycle in solid waste disposal, mitigation



West Virginia Mining & Reclamation Association

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Bill Ragette
Editor
The Highlands Voice

May 13, 1996

Dear Mr. Ragette,

In her article which appeared in the May issue of *The Highlands Voice*, Cindy Rank quotes Charles Gauvin, President and CEO of National Trout Unlimited, as saying that "at least 67 miles of streams have been destroyed in the last three years alone." If this is true, it is an extraordinary story that has been overlooked.

Though Ms. Rank summarily dismisses any and all attempts by industry to protect the environment during and after the mining process, there are many programs which address the problem of stream degradation, included special reclamation, abandoned mine lands and mitigation.

Both this Association and the West Virginia Division of Environmental Protection would be extremely interested in knowing exactly where this stream destruction has occurred. It would be a great service to West Virginia if either your organization, Ms. Rank or Mr. Gauvin would provide this information in detail, including county, company, stream, etc.

We anxiously await your reply.

Sincerely,
Dan Miller
Director of Communications
West Virginia Mining & Reclamation Association



guidelines require first avoiding the actions, or, if unavoidable, minimizing the impact and only as a last resort, mitigating for the impact by stream improvement on-site, or nearby if not possible on-site.

Implementation of these policies, however, present a much fuzzier picture. DEP requires less upfront proof that alternatives are not achievable thus allowing stream beds to become readily acceptable disposal areas, rather than the absolute last resort. DEP has also in several instances allowed com-

penation in forms that are plainly unacceptable even if applying the least restrictive requirements to preserve the no net loss of streams bottom line. e.g. DEP agreed to exchange a stream for the construction of an access road to the Logan County Jail (Laurel Creek Mining/CONSOL); DEP has allowed land to be donated to Philippi in Barbour County in exchange for stream destruction in West Virginia (Julianna Mining/ANKEF) and in Logan (Elkay/PITTSTON); DEP has agreed to offsite disposal of excess spoil for reclamation of AML gob piles without the same performance standards on-site disposal would require, thus giving new meaning to the mining regulations (Catenary/ARCH); and DEP has agreed "to explore non-traditional mechanisms ... to satisfy mitigation obligations ... in lieu of monetary payment ... including creating certain economic development opportunities in Nicholas and/or Clay counties..."(FOLA).

At the risk of selling any one agency short in its efforts or attention that has occurred as a result of the agreed upon fill or mitigation action.

AGENCY ACTION/INACTION

In other words, as too often happens, policies made a bit lenient to accommodate the wishes of industry have been stretched and abused to the point of non recognition. What may have once been reasonable concessions in the eyes of the agencies have in very short order run amuck.

least one instance and letters threatening EPA takeover of the NPDES program during the '96 WV Legislative Session when industry pushed for the Legislature to reduce the \$200,000/stream acre sale price to \$10,000; are indications that EPA might have begun to recognize how out of control the program is fast becoming.

USFWS - is basically left out of the process. Despite legal requirement for consultation, review and input, USFWS seems to receive notice of 404 NWP 21 and 26 actions only after mitigation agreements with the state have been signed, sealed and delivered.

OSM - is apparently overlooking the hydrologic impact of the many huge fills now occurring with increasing frequency. But, even OSM must be in a quandary when companies modify their mine plans thus cutting back on the amount of excess spoil to be disposed of but then continue to fill all of the conveniently located headwater valleys that were originally permitted for the larger operation rather than limiting the destruction by using the minimum number of headwater areas needed to accommodate the reduced amount of excess spoil.

DNR - purports concern, but settles for a generous slice of the pie when companies choose to offer desirable in-kind lake construction or stream rehabilitation.

DEP OFFICE OF MINING - is the Office of Mining.

DEPNPDES - reviewers have been transformed into bankers keeping track of credits and debits for individual company's mitigation banks.

DEP OFFICE OF WATER - speaks of anti-degradation but certifies the filling of headwater streams.

ALL OF THE ABOVE

Just as the Z Word (ZONING) strikes fear in the hearts of county commissions that have the authority but not the desire to interject long term planning into their areas' development, the CI Words (CUMULATIVE IMPACTS) elicit looks of terror in the faces of each of the agencies listed above. The CI of the growing number of fill proposals at the mammoth mountain removal operations especially in south-

ern WV is a consideration no agency seems willing or able to address in spite of their legal obligation to do so whatever their role, be it to permit, regulate, oversee, allow, certify, consult, etc.

Though the technically advanced state GIS system has not put all of this together yet, large amounts of tedious personal time can put together portions of pictures in select areas of the state that should cause state and federal regulatory and administrative personnel to quake in their boots.

Like the vast underground lake of acid water that threatens the Monongahela River basin is the long term, previously not anticipated, consequence of permitting huge interconnected deep mines in northern WV, the vast expanses of recreated mountains and buried streams in the south promise future generations a jigsaw puzzle of topsy-turvy geography of unknown consequences.

Consider for example, the fills associated with the FOLA minesites in Clay and Nicholas counties. Their impact may seem substantial even in isolation, but they take on an even greater significance when viewed in combination with the adjoining High Power Mountain complex to the South and East and the adjoining Vandalia operations to the North. ... Or consider the vast expanse of minesites that now blanket Boone, Logan, and soon Lincoln Counties and their impacts on the entire Coal River basin.

PUBLIC INPUT

For the amount of public input sought, required or accepted prior to formulating or approving mitigation agreements, I might as well leave this space blank.

Like USFWS, citizens are alerted to mitigation deals only after the agreements have been signed, sealed and delivered. Even then,

one must be able to decode the innocuous sounding legal advertisements that announce application for an NPDES permit but reassure the reader that the ACOE has authorized a fill and that the State has certified the Corps action. Comments can certainly be made RE: the NPDES application, but the NWP eliminates any input by citizens prior to 404 approval and 401 certification.

INDUSTRY SHENANIGANS

Coal industry appeals for reduction in the state's sale price for streams (from \$200,000/stream acre to \$10,000/acre) failed to garner official approval before the lights went out the last night of the '96 Legislative session. However, during interims both House and Senate agreed to review the matter by appointing a "Mitigation - Environmental Standards of the Coal Industry Committee".

(If you think the name of the committee is a winner, just look at this partial list of members: yours truly - appointed by the Speaker to serve as an environmental representative; Senators Anderson, Helmick, Kimble, MacNaughton and Ross; Delegates Douglas (chair), Amores, Linch, Pino and Riggs; three folks from DNR; the Environmental Advocate, three from DEP, and others I have yet to find out about though they may already be appointed.)

CONCLUSION/RECOMMENDATION

Unlike many other articles i've sent on to the VOICE over the past decade or so, this one has no closure, no final words of wisdom. And the only recommendation that comes to mind is that if you live in a hollow along a friendly headwater stream, run for the hills — preferably far away from the coalfields. ♦



Looking across a valley fill in Southern WV during construction of first few 'lifts'.

My personal favorite lines in some of these agreements are those that hold DEP responsible for defending the company if OSM ever decides to take enforcement action against the company for some vio-

tion to this matter i offer the following abbreviated impressions about the current stance of each.

ACOE - has limited it's involvement and responsibility by allowing Nationwide Permits (NWP) to cover most surface mining activities that impact less than 10 flowing stream acres with less thorough review than individual permits would require. The Corps 1991 Decision Document/Environmental Assessment (EA) for NWP 21 assumed minimal use of the permit and minimal impact across the country. It's burgeoning use in WV alone should make the Corps sit up and rethink this EA, but the current notice for reissuance of all the NWPs seems to expand rather than contract the original concessions to industry in NWP 21, 26, 14, etc.

EPA - is faltering. Having established guidelines in 1988, partly in response to WVHC appeals (RE: the Tenmile project in Upshur County) - as well as numerous other pressures, the Agency now seems a bit nervous about DEP's implementation of these guidelines. Recent EPA site visits to proposed mitigation projects, objections in at



From same spot looking downstream to the entire valley to be included in the fill (Mine maps show the final end to be at a point out of sight around the bend of the stream in this picture.)

Monongahela Quarterly - Issue 7



Due to space limitations i have only include the timber sales (2 to 20 million board feet) that still have time for public input. There were also some recreation, grazing, and specialty projects occurring as well as all the sales in which have passed the public input process.

Anyone can get involved. It helps to visit the area, it's fun but it's not required. Just call the local district office. Ask the receptionist for the staff person responsible for the project. Ask for all the paperwork (neat maps). Take the maps along on a camping trip and see the trees they want to cut and the streams that will suffer. Listen for the hermit thrush, or look for salamanders...

The whole text of the Mon. Quarterly is available on the Conservancy's web page (<http://www.marshall.edu/~ragette2/>) or on the WVHC conference on the WISE bulletin board - or from the USFS in Elkins - write Kate Goodrich, USFS; 200 Sycamore St., Elkins, WV 26241 (304)-636-1800.

Cheat Ranger District (304) 478-3251 P.O. Box 368 Parsons, WV 26287

(A) Project Name: Location Project Area

Description: Timber sales; construction of wildlife openings; road construction/reconstruction; grapevine control in selected stands

Opportunity Area: Location (#13.004) - Scoping NOW

(B) Project Name: Bear Heaven Project Area

Project Type: Vegetation management; wildlife habitat management; road construction/reconstruction; trails management; recreation management; range management; possible grapevine control

Status: NFMA planning analysis is just beginning.

Opportunity Area: Bear Heaven (#13.001)

Scoping Starts: Formal NEPA scoping on proposed actions expected in January, 1997

Gauley Ranger District (304) 846-2695 (TDD # same) P.O. Box 110 Richwood, WV 26261

(C) Project Name: Gauley Project Area

Types of projects that might be proposed include road building, timber harvest, wildlife openings and waterholes.

Status: NFMA is under way. NEPA will be starting soon.

Opportunity Area: Gauley (26.101).
Scoping Starts: After access is acquired.

(D) Project Name: Little Fork Project Area

Project Type: Vegetation Management and Wildlife Improvements.

Description: This is a manage-

ment prescription 2.0 area where uneven-aged harvest methods are the preferred method. The area is adjacent to the Cranberry Wilderness.

Projects will include closing several existing roads, timber harvesting, road construction and reconstruction, and creating openings for wildlife.

Status: The proposed action was sent out for scoping on June 9, 1995. Issues and alternatives are now being developed. Rescheduling of the Forest program of work has shifted the need for this EA back a year. Analysis will continue in 1996 with a decision in 1997.

Opportunity Area: Little Fork (22.002).

Scoping Starts: Ongoing.

Greenbrier Ranger District (304) 456-3335 P.O. Box 67 Bartow, WV 24920

(E) Project Name: Burner Settlement EA

Project Type: Wildlife Habitat Improvement/Timber Sale

Description: Timber sale to improve age class distribution & provide high quality hardwood trees for lumber and veneer; hard mast production for wildlife; & scenic attributes.

Status: Scoping responses have been reviewed, and issues and alternatives are being developed.

Opportunity Area: Burner Settlement (#33.006)

Last public input date (appeals) - Decision Date: 12/12/96

(F) Project Name: Smoke Camp EA

Project Type: Wildlife Habitat Improvement/Timber Sale

Description: Timber sale to improve age class distribution in the Smoke Camp OA. It will help meet Forest Plan goals of maintaining and improving long-term production of mast and providing forest products.

Status: Information about this area is being gathered to finalize NFMA analysis.

Opportunity Area: Smoke Camp (#36.116)

NFMA* Complete: 7/12/96
Scoping Starts: 8/01/96
Comments Due: 9/03/96

(G) Project Name: May/Little River EA

Project Type: Wildlife Habitat Improvement/Timber Sale

Description: same as above - substitute "May and Little River OAs"
Status: Information about this area is being gathered to finalize NFMA analysis.

Opportunity Area: May (36.110) and Little River (36.111)
Scoping Starts: 9/19/96
Comments Due: 10/21/96

(H) Project Name: Shavers Mountain EA

Project Type: Wildlife Habitat Improvement/Timber Sale

Description: same as above
Status: Information about this area is being gathered.

Opportunity Area: Shavers Mountain (36.109)

NFMA* Complete: 2/13/97
Scoping Starts: 3/13/97

Marlinton Ranger District (304) 799-4334 (TDD # same) P.O. Box 210 Marlinton, WV 24954

White Sulphur Ranger District (304) 536-2144 (TDD # same) 410 E. Main Street White Sulphur Springs, WV 42986

(I) Project Name: Shock Run Timber Analysis

Project Type: Vegetation Management - Timber harvesting analysis to regenerate hard mast tree species. Proposed projects may include: timber harvesting through regeneration cuts (for example, clearcuts and two-aged cuts), thinning of intermediate aged stands, designation of mature habitat for wildlife, woods roads management, road construction/reconstruction, road closures, tree planting, and treatment of striped maple by application of the herbicide tricopyr, hand cutting, or prescribed burning.

Opportunity Area: Shock Run (#46.106)

Scoping Starts: Now

(J) Project Name: Lockridge Mountain Timber Analysis

Project Type & Description: exact same as above

Opportunity Area: Knapp Creek (#46.108) and Rimel (#46.115) Opportunity Areas

Scoping Starts: Now

Potomac Ranger District Telephone: (304) 257-4488 FAX (304) 257-2482 HC 59 Box 240 Petersburg, WV 26847

(K) Project Name: Red Creek Plains Project Area

Project Type: Vegetation management/recreation/wildlife management

Description: Timber harvesting, recreation projects, fishery and wildlife projects, and related support activities such as road and trail construction will be analyzed.

Opportunity Area: Red Creek (#56.102)

Scoping Starts: 1997

(L) Project Name: Smith Mountain Project Area

Project Type & Description: Same as above - Status: Preliminary analysis began in 1995.

Opportunity Area: Smith Mountain (#53.002)

Scoping Starts: April 1997

(M) Project Name: Hunting Ground Mountain

Project Type: Vegetation management - Timber harvesting and road construction will be consid-

ered for analysis.

Status: Preliminary analysis began April 1996.

Opportunity Area: Sawmill Run (#53.011)

Scoping Starts: Now

(N) Project Name: East of the Plains

Project Type: Vegetation management/wildlife management

Description: Timber harvesting, wildlife projects, road and trail construction will be considered for analysis.

Ragette's Forest Service Glossary

Regenerate Hard Mast - clearcut timber 'harvest' - since Oaks (major mast producers) are 'shade intolerant' (need sun) to compete and grow into the canopy. Oaks, theoretically, grow best in completely open canopies (i.e. clearcuts)

Wildlife Management - usually means a clearcut to increase habitat for and increase numbers of game wildlife - deer, grouse, turkey and bear

Vegetation management - timber harvest

Timber Harvest - not a harvest at all, since planting is rare, cultivation almost nil and fertilizing and soil improvement is nil. Is the National Forest a woodlot? More like mining.

Improve Age Class Distribution - necessitates clearcuts (according to the Forest Service). In their thinking 'Age Class' is a stand of trees all withing a narrow age range. Improving age class distribution means that an equal amount of even aged (clearcut, remember?) stands are growing in each 'age class'. 0 to 15 years old being the youngest age class, 16 to 30 the next, ..., 210+ yrs being the oldest 'age class'.

But really, how can you improve on the age (forget about 'class' for a moment) distribution of a natural forest??

Buffaloes, Dolphins and Gauley Mountain

(from page 3) larger trees were over 100 years old - it being easy to count the rings on the stumps. I spent an uneasy night in a beautiful spot -- still uncut -- on the pipeline right-of-way on a peak two miles north of buffalo lake. Lulled to sleep by the exquisite sounds of the hermit thrush and the thought that i would be the last one to camp here BP (before pipeline).

Gauley Mountain

My second night was spent on Gauley Mountain. Again i was serenaded by Hermit Thrushes - the most haunting song in the forest. In the morning I hiked down Laurel Run, one of the many cascading runs that drain the eastern flank of Gauley Mountain into the headwaters of the Elk River. Although the top of Gauley is relatively flat, Laurel Run shortly begins a steep descent over piles of giant boulders. The forest is predominantly northern hardwoods with many large birch and hemlocks along the watercourse.

If you have been following articles in the VOICE you know that the 4,000+ acre/16 million board foot timber sale proposed by Marlinton District Ranger Cynthia Schiffer for this area was appealed by several enviro/sportsperson

Opportunity Area: Smith Mountain (#53.002) and High Ridge (#56.103)

Scoping Starts: March 1997
* - NFMA analysis is the process by which the Forest Service uses resource data to describe a given area's existing condition, its desired future condition as guided by the Forest Plan, and opportunities, or projects, that could be implemented to move the area from its existing condition to its desired future condition. ♦

groups and two local residents. Our appeals were rejected. But the appellants felt that the FS's agenda was just too obvious to ignore. Timber first, second, and third. Trout Unlimited started it off by voting to go to court, contributing \$500 to the lawsuit. WVHC, via a fund raising letter to members listing an interest in public lands management, raised another \$1000. Sierra club has located another \$1000. Two grant requests are pending.

Thanks to all those who contributed to the Last Gauley Defense Fund (EGDF) If you would like to help send those checks earmarked (EGDF) to WVHC, PO Box 306, Charleston, WV 25321.

The Forest Service is going to offer the first 'sale' in Hummingbird Run by the middle of September. They seem to be anxious to see dirt (and logs - it's a helicopter job) fly as soon as possible. The appellants have secured an excellent lawyer, who is busy right now on preparing the complaint and the request for the temporary restraining order.

Stay tuned; meanwhile why don't you get out in the woods, start using the trails, camp up on the mountain's wild ridge and maybe you'll hear the celestial song of the hermit thrush. ♦

Not the 1976 World Series - the Details



twenty years late and just in time

By John McFerrin

The West Virginia Highlands Conservancy has resolved through an out of court settlement the lawsuit that it, along with the Ohio Valley Environmental Coalition and individuals Rogenia Fout, Thomas Keating, and Bill Ragette, filed against the United States Environmental Protection Agency. The lawsuit sought to require the Environmental Protection Agency to prepare Total Maximum Daily Load pursuant to the federal Clean Water Act. The settlement requires that it prepare the Total Maximum Daily Loads for various West Virginia rivers and streams according to an agreed upon schedule.

The primary tool for controlling water pollution under the federal Clean Water Act has always been the application of technology based limits to sources of pollution. Regulatory agencies such as the United States Environmental Protection Agency or the West Virginia Division of Environmental Protection could issue permits which would require sources of pollution (mines, chemical plants, landfills, etc.) to limit their discharge of pollution of streams by using the best available pollution control technology.

Because the Clean Water Act recognizes that use of this best available control technology would not in all cases meet the Act's goal of making all streams fishable and swimmable,

the Act added the requirement that states develop Total Maximum Daily Loads. These were determinations of the total amount of pollutants which could be discharged into any stream.

Intimately connected with the process of developing Total Maximum Daily Loads was the requirement that state regulatory agencies (such as the West Virginia Division of Environmental Protection) develop lists of streams where, for whatever reason, pollutants are present and list the pollutants of concern for any stream listed.

Even though the requirement of developing Total Maximum Daily Loads and listing streams and pollutants of concern were imposed upon West Virginia many years ago, West Virginia approached these tasks with less than total dedication and enthusiasm. It did no Total Maximum Daily Loads and compiled lists of streams and pollutants of concern that were, to say the least, meager. The purpose of the litigation against the United States Environmental Protection Agency was to force it to do the things West Virginia had been required to do by the federal Clean Water Act but had not done.

The settlement agreed to by the plaintiffs and the defendant United States Environmental Protection Agency has no direct affect upon the requirement that the West Virginia Division of Environmental Protection list streams and pollutants of concern. That requirement is

part of ongoing discussions.

The settlement does require that the Environmental Protection Agency prepare Total Maximum Daily Loads for streams in West Virginia according to an agreed upon schedule. They are to be prepared for the New, Kanawha, Tygart, Blackwater, Cheat, and Buchannon Rivers as well as Tenmile Creek and the North Branch of the Potomac within three years. They are to be prepared for dioxin in the Ohio within three years and for other pollutants in the Ohio within six years. Streams affected by acid mine drainage (4-500 streams) will be completed within ten years with at least one hundred completed within the next three years.

The extended time periods for preparing the Total Maximum Daily Loads for these streams are necessary because of the complexity of developing them and the limited resources which are available. Because a TMDL is, in effect, an implementation plan for achieving acceptable water quality, it takes time and resources to develop. For example, EPA did a TMDL for dioxin for rivers in Washington, Oregon, and Idaho in 1991. The decision document announcing the TMDL and discussing the steps EPA took before reaching that TMDL is over forty pages long. A similar effort for multiple pollutants and multiple streams in West Virginia would require a substantial commitment of time and resources.

Because of the number of streams involved and the effort necessary to develop TMDL's on each, an extended timetable is reasonable.

Even though the relief won by the plaintiffs in this settlement will not be fully available for several years, the litigation has already had a practical effect. In the course of the litigation, the U.S. Environmental Protection Agency and the West Virginia Division of Environmental Protection dramatically improved their listing of streams and pollutants of concern. Among the streams and pollutants added was dioxin in the Ohio River.

The recognition of dioxin as a pollutant of concern in the Ohio River has already had an impact upon the controversial pulp and paper mill currently proposed for Apple Grove. This recognition was one of the factors which persuaded the West Virginia Environmental Quality Board that the pulp mill proposed for Apple Grove should be required to operate without discharging dioxin into the Ohio River. Although there had been other evidence that dioxin was already present in the water, adding dioxin to the West Virginia Division of Environmental Protection's list of pollutants of concern in the Ohio was an explicit recognition that it was already present in unacceptable amounts. Such an explicit recognition greatly strengthened the arguments of those who contended that the proposed pulp mill should not be allowed to discharge any dioxin.

Monongahela National Forest Hiking Guide

The Monongahela National Forest Hiking Guide, 6th edition, is bigger and better than ever, with 368 pages, 96 pages of maps, 49 photographs, 177 trails totalling 812 miles, and a full color cover. West Virginia Highlands Conservancy is the publisher. Authors are Allen de Hart and Bruce Sundquist (same as edition 5). Allen has hiked all the trails of the Monongahela N.F. over the past few years. Bruce was the editor for the first four editions. The hiking community and the U.S. Forest Service provided trail reports and photographs. The Guide also provides information for ski-touring and back-packing.

The growing throngs of visitors and the public at large regard the Monongahela National Forest as a 'Special Place'. And indeed it is. The hiking, backpacking, and ski-touring opportunities it provides are among the best in the eastern U.S. The more outstanding areas are becoming known far and wide - Otter Creek Wilderness, Dolly Sods Wilderness, Flatrock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Back Country, Cranberry Wilderness, among others.

Profits from the sale of these guides support a wide variety of worthy environmental projects in the West Virginia Highlands Conservancy. To order your copy of Edition 6 of Monongahela National Forest Hiking Guide, send \$12.95 (this includes \$3.00 first class shipping) to West Virginia Highlands Conservancy, PO Box 306, Charleston, WV 25321

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: _____

MONONGAHELA NATIONAL FOREST

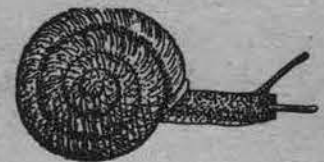
WEST VIRGINIA

GRANT, GREENBRIER, NICHOLAS, PENDLETON, POCAHONTAS, PRESTON, RANDOLPH, TUCKER, AND WEBSTER COUNTIES



Location map for new timbering proposals in the Monongahela National Forest. - see article on facing page

Spruce Knob Threetooth



a Homegrown Highland Land Snail

"And then there crept a little noiseless noise among the leaves, Born of the very sigh that silence heaves."

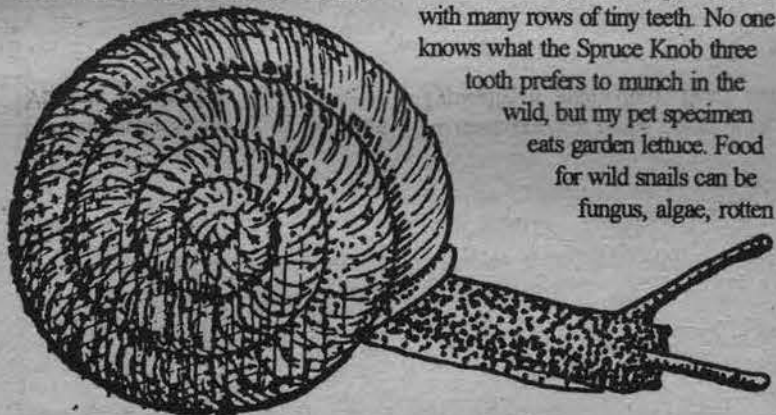
Keats

by Ken Hotopp

The damp coves and hills of Appalachian Mountain forests are quietly crawling with hundreds of types of land snails. Among these are dozens of locally-grown, or endemic, species, including the little-known Spruce Knob threetooth (*Triodopsis picea*).

The Spruce Knob threetooth, named after the highest point in West Virginia, is a graceful, glistening creature found in a shell a little less wide than a dime (12-15 millimeters). So far this animal has been located on certain hills and in certain stream drainages of only eleven central Appalachian counties, mostly in the West Virginia highlands.

The chestnut-colored shell is coiled on a horizontal plane, and sculptured with many small ridges. The opening, or aperture, from which a Spruce Knob threetooth's soft head and foot emerge, has a wide "lip" with three bumps, or "teeth." Teeth are common features in some groups of land snails, and keep some predators, such as ground beetles and beetle larvae, from following the snail into its shell when it withdraws for defense.



The unique shapes and arrangement of teeth not only aid the snails, they serve as an identification aid for people. Still, recognizing the Spruce Knob threetooth can be tricky because there are several species of look-alike snails that also have three teeth. Other clues to its identity are a more reddish color and slightly "taller" shape when compared to other three-toothed snails, and tiny bumps (papillae) on the upper surface of its shell (naturalists should note that this species does not appear in Burch's 1962 How to Know the Eastern Land Snails).

The Spruce Knob threetooth's body appears to be like most land snails', having both male and female sex organs (as Christopher Manes says in a recent article, "every coupling in the world of snails amounts to a kind of monogamous orgy, a menage a trois pour deux"). There are two long-stalked eyes in front, with two shorter chemical receptors, like noses, below them. Typically, a snail's lung, heart and stomach remain inside the shell, while the head/foot part can squeeze in and out of the opening. Slugs, which are also land snails, have a different internal arrangement because they have no shell.

Land snails travel by rippling their muscular foot on a bed of slime that they secrete from the underside, leading edge of the head, near the mouth. To rasp off bits of food into their mouth they use a tongue covered with many rows of tiny teeth. No one knows what the Spruce Knob threetooth prefers to munch in the wild, but my pet specimen eats garden lettuce. Food for wild snails can be fungus, algae, rotten

wood, green or rotten herbaceous plants, fermenting tree sap, animal scats, other snails or worms, old snail shells, and even bits of soil and rock, depending upon species and habitat.

Leslie Hubricht, who collected land snails throughout the eastern U.S., was the first to recognize the Spruce Knob threetooth as distinct, formally describing the species in 1958. Hubricht found this animal in 21 spots in West Virginia and one place in Highland County, Virginia, and identified other locations from specimens in museums. The counties it is presently known from are; Fayette, Greenbrier, Nicholas, Pendleton, Pocahontas, Preston, Randolph and Webster Counties in West Virginia; Highland County, Virginia; Garrett County, Maryland;

and Bedford County, Pennsylvania.

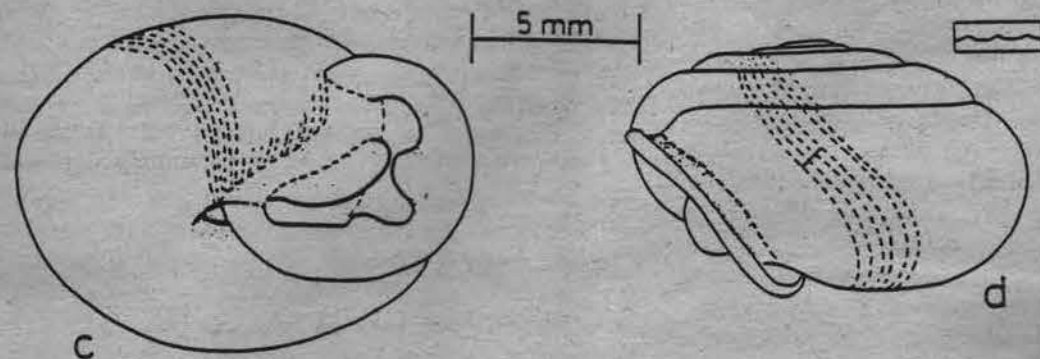
Malacologist Ken Emberton confirmed the species status of the Spruce Knob threetooth in 1988, as part of a comparison of 23 related snails, using shell shapes, internal sex organs and genetic material.

Despite its presence at Spruce Knob, many locations where the Spruce Knob threetooth has been found are not spruce forest - they can be hardwood, or mixed hardwood and hemlock forest, in ravines or on the lower slopes of stream valleys. The elevation of known habitats ranges from 1,900 feet above sea level to 4,700 feet asl. Its distribution is extremely patchy, populations often occupy a single hill or stream valley and are not widespread. Another interesting aspect of this snail's

distribution is that it is apparently not found in calcium-rich habitats, such as limestone outcrops, where many other land snails become more abundant.

Specific conservation needs of the Spruce Knob threetooth, if any, are unknown. In the absence of such information, conserving several of the various forest habitats in which it occurs, and allowing these forests wild conditions for their continuation, should provide for this Appalachian highland native.

<Ken Hotopp is a regional ecologist for the Maryland Heritage & Biodiversity Conservation Program's western region, located in Frostburg, MD. Land snail expert F. Wayne Grimm commented on a draft of this article.>



drawing from Emberton, K.C., Eastern North American Triodopsinae. 1988 Malacologia, 28(1-2):159-273 - with permission

The Real WV Homecoming! September 6 - 8th, 1996

For the eighth year in a row environmentalists from across the state will meet to develop green priorities, get briefed on the major issues and arrive at a collective vision for the coming year.

Camp Pioneer, Randolph County's 4-H camp located just south of Elkins, is the site of our '96 annual convention. This year's theme is "Home Coming" and indeed our goal is to make this gathering the largest conference yet. We're inviting everyone that

this one. We are also asking each of you to think of one new green face that you can encourage to share the weekend. Even if you've never attended an Environmental Council event check this one out - it's for everybody.

The two major party candidates for governor have been invited to address the convention on Saturday night (Sept 7th). The topic for discussion is the candidate's vision of economic development in West Virginia.

The actual convention workshops offered will be something like this: Massaging the Media, Non-Game Amendment, Politi-

cal Crystal Ball, Coalition Building, Green Space, Student Enviro Net-the Next Generation, Green Jobs, Garbage Wars, Old Growth, and Lobby Skool.

Reserve the weekend September 6 - 8th, it's the weekend after Labor Day and is the traditional kickoff time for the fall political campaign. Come to Camp Pioneer and help the campaigns get a major green "jump start".

To Register: If you're interested in receiving a newsletter with a schedule and registration form send to WVEC 1324 Va. St. E., Charleston, WV 25301, or phone 304-346-5891. ♦

Join the West Virginia Highlands Conservancy

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

Name: _____

Address: _____

City/State/Zip: _____

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

has ever attended one of our annual conventions to come home to

Membership Benefits

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

The WVHC, at age 29, is the oldest environmental group in West Virginia. The Conservancy has been influential in protecting and preserving WV's natural heritage. Your support will help WVHC to continue its efforts.