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## The Further Adventures of Ragetté or NIMBY and Proud of It (and Should Be) by Ragetté (as of 10-3-97)



Last we heard Ragetté quit doing the VOICE so he could focus on finishing his house, getting the bottom farmable, learn a few fiddle tunes, but lo and behold the forces of evil had other plans for him. Bill becomes a NIMBY. If you are protesting some development project in your backyard you are dismissed as a NIMBY. If it's not in your backyard you are an interfering outsider.

The Developers (in this case the WV Public Port Authority, (WVPPA) and the Lincoln County Economic Development Authority), came up with the idea of building a regional airport in his backyard. This project had been kicking around for a few

years. In a previous incarnation it was called Midway Airport.

In 1991 some business leaders in the Western Region of the state got together and pinpointed the major fault with our transportation system -the lack of a world class airport replete with 2 10,000 runways.

The concept was upgraded to a Transpark (an industrial park built around an airport), so we could compete in the Global Marketplace. And you know that unless we become a leader in the global marketplace our economy will just shrivel up and blow away in the wind. Another reason for this 'upgrade' was because everyone knew they couldn't justify the large investment

with the small air passenger base we have here.

In the last few years the Transpark was fading away until our DC politicians pried loose \$2,000,000 for an engineering study - an evaluation of the final sites. This summer, while this was going on the WV Port Authority took its Dog and Pony show to 12 towns throughout the region to Beckley, Spencer, Parkersburg, Point Pleasant and Hamlin...

Of course there wasn't any real information there. They did have a map of the Huntington/Charleston area consisting of 21 topographic quadrangles glued together. That was impressive. And on it they located the final 6 sites.

One look at the monstrous footprint of this transpark should have convinced anyone of its absurdity. This thing is immense - larger than Charleston. They will have to spend \$400,000,000 to finish it and move 35 to 45 million cubic yards of rock, 45 to 500 residences, and miles of high voltage transmission lines. The lobbying group for the Airlines believes the project is uncalled for and will cause great financial losses.

Any, back to Ragetté. During one of the meetings he got to talk to an actual member of the Board of Directors of the WVPPA, Mike Bright. Except for both being alpha males who believe they're right and will do

See RANT on page 8

## CORRIDOR H IN COURT

by Hugh Rogers

On September 10, Corridor H Alternatives *et al.* v. Slater *et al.* was heard by U.S. District Court Judge Thomas Hogan. At the end of the day, both sides agreed that the project's size and the way it was handled made this a "test case."



More remarkably, the defendants' lawyers contradicted their clients on how soon they could begin construction. When the Federal Highway Administration signed a Record of Decision (ROD) last August, the state said it was ready to build; the politicians said we would "see dirt fly;" but the lawyers said no, nothing was final, the

road still could be moved. They even mentioned the possibility of more environmental studies and a revised ROD. In defendants' view, it is always either too early or too late to object. Meanwhile, the state is taking property from landowners.

Judge Hogan's decision could come in a few weeks or a few months. We hope the

skepticism that showed in his questions from the bench will carry through to his final order. Highlights of our day in court:

See CORR H on page 15





...from the plateau...

By John McFerrin

The recent article in the U.S. News & World Report verified what many of us already knew about mountaintop removal mining: it is a scourge upon the land that should be removed.

It's only when we get over the initial shock of what is actually happening that the enormity of the problem become apparent.

By now the practice has developed a certain momentum, driven forward by the enormous capital investments of the companies involved. Consider this: the companies which are doing mountaintop removal are some of the largest in the world. They have machinery costing millions of dollars which is presently in southern West Virginia. That machinery only does one thing: move enormous amounts of dirt and rock. There isn't anything else the companies involved can do with these machines. They have to do big mining projects.

Banning mountain top removal mining would involve standing toe to toe with some of the most powerful companies in the world and telling them, "We realize you have just spent millions of dollars on this equipment which will be essentially worthless if you are not allowed to mine. We know you're not going to like it but for the long term good of West Virginia, you're just going to have to eat that million dollar investment."

Leaving aside the question of whether there is such a politician in West Virginia, is there a politician on the planet with the courage to make that statement?

Does this mean we should do nothing? It probably should but it can't. We can't just sit still and allow this 800 pound gorilla to pillage its way across southern West Virginia. We can't just sit still and wait to see where the 800 pound gorilla will decide to sit next. We have to do something. Gorilla or no gorilla, there are lots of things we could do. We could work for a ban on the practice. It wouldn't be easy; it does have the advantage of being the right thing to do.

Short of a ban, we could work at limiting the size of the fills. We could limit the amount of land that can be disturbed at any one time. We could make companies get serious about post-mining land use, actually leaving behind land that might some day be useful again instead of the current practice. We could require companies to more carefully construct the valley fills that are the byproduct of these operations. We could restrict the filling of streams.

We have to do something. It won't be easy but we can't just sit still while the gorilla rampages across southern West Virginia.



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Apologies for omitting the grand roster of West Virginia Highlands Conservancy officialdom. As you can see, we have a b-i-g issue this time. I ran out of room at twenty pages! There were things that a tidy issue should definitely not omit, so I sacrificed the roster section.

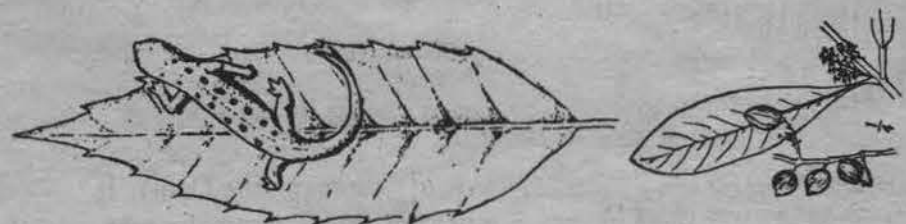
A word here concerning future Voice issues from a editor's standpoint. Hopefully, the confusion and chaos that has been the theme so far in the switch over from one editor to the next will begin to seriously subside, and we can plan to expect a more orderly scheduling. I urge any and all readers to kibbitz or contribute articles. I welcome letters. Please figure on the deadline as being the 25<sup>th</sup> of each month unless you hear otherwise. I prefer material either posted on the WISE network or sent me on 3.25 floppy disk. I will return your disks to you. When my scanner gets up and working, I should be able to scan in material that is clear and sharp without too much trouble. My *least* favorite form to receive materials in is in handwriting. This means it will have to be typed over and I am the world's worst typist. I am slow anyway, and having to type a lot of stuff adds days to the time I must spend on getting the "Voice" out.

I am always in need of good graphics – photos or drawings which would be appropriate for the environmental and nature focus of the "Voice".

\*\*\*\*\*

COME AND PLAY AND DANCE IN THE MOUNTAINS OF WEST VIRGINIA!

announcing the first Wild and Wonderful Weekend, Oct. 24-26 in Elkins Cost – two nights lodging with four meals, \$50 per adult. Children under ten are one-half price. For more info or to register, send SASE to Warren Doyle, 117 Oakland St, Elkins, WV 26241.





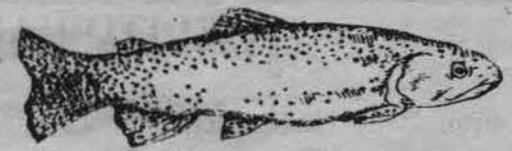


### Complaint Filed: Blackwater Canyon Sale Unlawful?

The Public Service Commission (PSC) is the locale for the next phase of the ongoing campaign to save the Blackwater Canyon. Charged with regulating public utilities in West Virginia, the PSC is being asked to determine whether the sale of the Canyon by Allegheny Power in February was, in fact, a violation of state law. If the PSC finds that this is the case, the result could be anything from public hearings to the voiding of the sale, making the power company once again the owner.

## BLACKWATER CANYON UPDATE

Logging Begins  
by Jim Sconyers



Attorney Tom Michael, known to many in the environmental community for his work on Corridor H, the Thornwood pipeline, and the Hughes River Dam, has investigated both the laws regulating public utilities in West Virginia and the corporate structure of Allegheny Power, the utility holding company that owns the company that owned the Canyon before selling it to a company that sold it to a wood products company in February.

### The Law and the Sale

A public utility has unique obligations relating to the sale of property. Before a West Virginia utility can sell property, the transaction must be cleared with the

Commission. The PSC must give its approval for the sale. Furthermore, the PSC must be satisfied that the sale does not adversely affect "the interests of the public."

The parties to the complaint assert that, first, approval was not sought from or given by the PSC when the Canyon was sold in February. Second, they maintain what to the lay person is obvious: this sale does certainly adversely affect the interests of the public! The interests of the public in the Canyon run to its present and future economic potential as a tourism/recreation industry asset, and to its myriad scenic, recreational, and biological values.

Allegheny Power, owner of vast forest acreages throughout the state, sold the Canyon through its subsidiary West Penn Power, perhaps believing that this Pennsylvania company would not be subject to regulation by West Virginia authorities. However, as Michael and his assistants have learned, all of Allegheny Power's operations have been fully integrated in the past three years. The upshot of this is that Allegheny Power and its subsidiaries are indeed regulated public utilities in West Virginia.

What could the ramifications of the case be? If the complaint is successful, it will mean the sales in February, first to a private individual and

*See Blackwater on page 14*



## CONFLICT OR COMPROMISE?

### THE ISSUE OF IMPACTS ON THE MT. NEBO - MT. LOOKOUT COMMUNITIES AND THE MEADOW RIVER

By James W. McNeely



The City of Summersville's proposal to produce hydropower at Summersville Dam is now being considered by the U. S. Court of Appeals for the Fourth circuit in Richmond. If the license approved by the Federal Energy Regulatory Commission (FERC) is approved, the project would cause the construction of a powerhouse below the Summersville Dam on the Gauley River. That aspect of the project has been widely discussed. But less known, and less studied, are the severe environmental impacts of the power line that will be constructed to carry the electricity produced by the project from the power plant to

an AEP substation in Fayette County south of the Meadow River. ... a power line that will pass through the Mt. Nebo - Mt. Lookout communities and across an unspoiled section of the Meadow River.

The hydropower project and power line is being planned, and will be operated, not by the City of Summersville, but by out-of-state developers. As proposed by that developer, the power line route will cross the face of Summersville Dam, then along the west side of the Gauley River on the ridge above the river (with sever visual impact on the Corps of Engineers overlook on the East Side of Summersville Dam). It will then extend down the east

side of the Gauley river before crossing over the ridge to the U. S. 19 corridor, and then through the Mt. Nebo - Mt. Lookout community. The proposed route for the line crosses U. S. 19 at its intersection with Mt. Lookout Road, then extends through the parking lot of the Kingdom Hall of Jehovah's Witnesses.

The proposed route then crosses several tracts of property to reach the Meadow River are upstream of the U. S. 19 bridge. The proposed plan has the clear-cut right-of-way of the power line entering the Meadow River valley at an angle highly visible from downstream near the "Bubbi

Hole," then continuing up the south side of the river for nearly one mile before crossing Glade Creek to an AEP substation in its headwaters.

The clear-cut right-of-way and towers of the proposed power line will therefore impact the Gauley River area, the U. S. 19 corridor through Mt. Nebo and Mt. Lookout, and the now visually unspoiled Meadow River Valley. It is the issue of the power line - not the power plant - that has brought together a wide range of citizens in a unified effort to protect the communities and the landscape of this area from the proposed power line.

*See CONFLICT on page 17*



## EDITORIAL

My sister, Betty, having seen Penny Loeb's article "Shear Madness" in the August 11, 1997 issue of U. S. News and World Report, writes from Connecticut. "I was shocked and angry to read about the West Virginia mountains. Do you think it's too late for [various environmental legal organizations] to bring suit? Who has enough money? Especially when corporations are *gathering it all by exploiting what's left of the wilderness.*" [italics added].

What Betty has touched on here is the phenomenon of an elite using their ill-gotten gains to create more ill-gotten gains at the expense of most of us and the environment. In spite of some sorely needed environmental legislation that has taken place in the last twenty-five years, on every front the earth on which we live is attacked at an accelerated rate. The problems are truly global, and much worse in most other countries of the world than the U.S. The new imperialism of the multinational corporations with total resources far greater than the world has ever seen, whose only reason for existence is to make more profits for stockholders, has led to an economy that is out of control.

We speak of "balance of nature" that is a way to generalize about ecological systems that have been in relative stability for thousands of years. Disrupting influences in the latest geologic era, the Eocene (the period in which Man was considered to be present on earth), has primarily come from ice ages and unusual volcanic activity. Never in the history of the Earth has a single species of an animal life form had so much power to be a major disrupter of the planet.

Ludwig von Bartalanffy in 1958 described a system of living organisms (which can apply to social organisms as well) where cycles would occur of all the organisms in interaction, but these cycles would be reasonably predictable and stable. Those activities that would lead to a stable system of this kind he termed negative feedback. The interaction of the earth and the moon would be a very simple example of a system that is very stable – through gravitational forces the earth and the moon interact on each other giving rise to the monthly calendar. Now if one can imagine a tremendously powerful rocket attached to the moon which would thrust it out of its orbit continuously as the rocket motors gave thrust, then the system would become very unstable and be unpredictable (to the extent that the rocket thrusters would be variable), a system out of control. Von Bartalanffy termed such a force as the rocket thruster as positive feedback. When eventually the rocket would run out of fuel, then the system would become stable again – perhaps the moon would now be millions of mile from earth and the lunar month would be five times longer.

Since Man first began to clear forests for agriculture, as a species he had a mild positive feedback effect on the planet. The Middle East became largely desertified because of the clearing of the forests, a condition that has existed for centuries. Since the Industrial Revolution, the positive feedback that Man has had on the planet has intensified. With now a runaway population and the means to harness energies way beyond anything heretofore, human beings have created a runaway ecological situation that will no doubt resolve itself decisively in much less time that one would predict. The twin forces of a population increasing arithmetically in many places on earth, and the use of energy increasing in geometric proportion driven by the

multinationals (who are powerful enough to buy out whole countries and "buy" more that a few politicians in any country they so choose to do so), is inevitably leading to a global catastrophe of unprecedented proportions since the demise of the dinosaurs.

All the signs are with us in West Virginia – the destruction of areas of our forests, the pollution of our air and water, and now, the hideous rearranging on a mega level of our very landscapes through stripping off the tops of mountains to get even more coal energy. This coal will further degrade the planet when burned, and that action will continue to further exacerbate the ballooning environmental problem.

To strive to get back to a system that is under control we need sustainability. This is a word we hear bandied about a lot these days. It is becoming a favorite word of multinationals in their public relations efforts to "greenwash" their operations. The destruction of ecosystems through clearcutting is not sustainable. The mining of fossil fuels is not sustainable. Atomic energy is not sustainable. Building monster dams that destroy the reproductive cycles of fish and cover up large areas of valuable land is not sustainable. The use of toxins for agriculture is not sustainable. Everywhere one looks these days one sees very few examples of sustainability. More malls, more lawns, more golf courses, more highways – none of these are sustainable. Yet there are advanced technologies that can deal with most of what we get now from these unsustainable practices that will make them sustainable. The question is, "How does one deal with an out-of-control multinational corporation to get it to change?" The Founding Fathers if they could return from the grave would wonder at the kind of monster developing now that could possibly be a result from their high-minded principles. ●

### Did you know....

The United States has over 30 million acres of lawn on which we annually dump 80 million pounds of deadly lawn and garden chemicals at a yearly cost of \$1.5 billion. Lawn chemicals kill beneficial insects and soil microbes, cause human illness, contaminate water supplies, and aren't even good for grass. [So why do we do it?! Ed.] We can restore our lawns to the healthy, natural habitats they used to be. Call 1-800-456-1177 for a list of resources to help you restore your yard and for a list of native plants and grasses, wildflower seeds, natural supplies, newsletters and advice. Or send a stamped, self-addressed envelope to

Green Grass and Gardens,  
Seventh Generation, 360  
Interlocken Blvd., Suite 300,  
Broomfield, CO 80021.  
(From Curriculum of Hope for  
a Peaceful World Newsletter,  
Spring, 1997) ●





## PROTEST AND RESISTANCE, NOT PRAYER AND RELIGION



By Jason Huber



For approximately the last two years a few environmentalists have aggressively fostered and encouraged a disturbing trend, the inclusion and domination of prayer at environmental rallies. For example, those who attended the rally against the "dirty secrets" bill will recall that prayer and religious sermons consumed over half of the time allotted to speakers. I was personally willing to consider this an aberration until I learned that prayer vigils were chosen as the primary method of public protest against the proposed logging of Blackwater Canyon. I was not present at the most recent "prayer vigil" at the Capitol however I understand that people gathered in a circle and one by one offered their own version of prayer to who or whatever apparently hoping that divine intervention would somehow prevent the destruction of the canyon.

This is disturbing because these public displays of religion have a coercive and alienating effect on atheists, agnostics, those who are members of minority religions or people who simply believe that religion is a private issue.

It is true that such events are not government sponsored religion, and therefore such activity raises no constitutional issues. Furthermore, no reasonable person would state that this type of voluntarily attended prayer is as coercive as forcing prayer upon young captive audiences in public schools. However, the presence of prayer at rallies and protests, especially when it is the dominant focus of an event, sends a clear message that in order to participate you must pray.

The best example is the above-mentioned Blackwater Canyon prayer vigil. Clearly, at that event one must either have been willing to hold hands and publicly bow in deference to some greater force or simply not participate in the event.

The cynic would respond by saying, if you do not like such events do not attend. However, this will only serve to splinter a movement already limited in power and numbers. regardless of the fact that our movement is growing and at times effective, we simply do not have the numbers to have special interest protests. On the other hand, if the proponents of prayer could articulate some reasonable argument that this type of prayer benefits the movement, I may be willing to overlook my personal objection. Unfortunately no such argument exists.

Basically I have heard three arguments in favor of integrating prayer with protests. First, in the wake of the so-called "republican revolution," right-wingers appear to have claimed some type of monopoly over religion. Thus, prayer at these events is an attempt to take back god from those who have wrongfully co-opted him/her/it. Second, prayer is an attempt to entice liberal churches concerned with social, environmental and economic justice away from their pulpits and pews and to the protests. Third, some argue that prayer is an effective tool to create change for a variety of reasons ranging from metaphysical (i.e. prayer in itself causes events to occur) to the pragmatic (i.e. you cannot as easily alienate a bunch of people praying as you

could a bunch of people chaining themselves to bulldozers).

First, certainly no one can argue that separating right-wingers and republicans from religion is as difficult as separating Governor Underwood and his appointees from the timber, coal and chemical barons that bankrolled his election. However, that fact should in no way encourage the reactionary response from progressives that we most somehow prove we are holier than thou. If the right-wingers want to claim that god is in favor of their draconian, oppressive, sexist, racist and homophobic agenda, let them. However, any thinking and reasonable Christian would believe that their deity is firmly grounded on the side of justice, decency, equality and environmental stewardship. In fact, a political analysis of Jesus Christ establishes that he was politically progressive and was more comfortable among prostitutes and thieves than capitalists and kings.

Second, if liberal churches condition their involvement in the movement upon prayer at protests, they are in no way liberal. Such conditional requirements should be seen for what they are, subtle attempts to use the environmental movement as a religious recruitment tool. There are good churches, and organizations associated with religion that perform essential and effective tasks in our collective struggle. However, never have I heard such organizations say that they would attend and sponsor such events only if prayer were involved. It is simply absurd to believe that if we suddenly

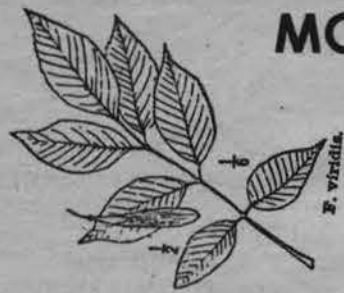
incorporate prayer into our protests that there will be a groundswell of support within liberal religious community. To the contrary, the only effective tool to mobilize the masses against existing institutions is good ol' fashioned organizing like door knocking, leafleting, phone calling, press releases, education, political activism and the like -- not prayer. In addition, an anonymous source at the Charleston Gazette indicated that press releases announcing prayer vigils are almost scoffed at by their paper, while those announcing demonstrations and protests are given more attention.

Finally, the argument that prayer is an effective tool ranges from the unknown and unprovable to untrue. First, some have a metaphysical belief that prayer, to whomever or whatever, effects change in and of itself. Who knows? However, I loath the thought that the future of the struggle depends on the metaphysical effect of prayer, and not the willingness of people to commit themselves and sacrifice in order to achieve meaningful change.

In addition, while it may be more difficult to label people who pray as extremists, this does not correlate to effective political action. In fact, being labeled as an extremist by past and present governors has not only provided environmentalists with a good laugh but has also established the shallow nature of our opposition.

*See HUBER on page 16*





# MOUNTAIN BIKING AND WEST VIRGINIA FORESTS, EVERYONE'S NEED FOR IMMEDIATE ACTION.

By David B. McMahon

## PART I

(PART II WILL APPEAR IN A SUBSEQUENT ISSUE)



### INTRODUCTION – THE PURPOSE OF THIS ARTICLE

Mountain biking (really "off-the-hard-road") biking is growing exponentially in West Virginia. See "Introduction -- The Numbers" below. This article was written to educate two groups of people who are not mountain bikers about issues raised by increased mountain biking in the forests. The first group is comprised of the other forest users who care about the forests and trails found in the forest. The second group is comprised of elected officials, agency officials and tourist industry folks, and others who by the nature of their functions have to care both about mountain bikers and about the other users who care about the forest.

The reason for providing this information to these non-mountain biking groups is so that they will be informed when deciding upon, or advocating for, policies and management actions regarding mountain biking and forests. The two principal issues are trail use, and abuse, and deportment between mountain bikers and other trail users when they meet on the trails. The time is now and not later to decide upon and carry out policies on these issues. If not, we will all suffer the effects of the clash that has occurred between mountain bikers and other forest users folks in other states.

One of the possible effects of a possible clash for the other forest users would be the loss of the clash, a very real likelihood in the current political climate in West Virginia. The result would be trail overuse and abuse throughout the state.

Mountain bikers also have an interest in avoiding a clash. Almost all mountain bikers see a need for some

policies regarding trail use together with some level of management to carry out the policies. If there is not a balanced, informed, consistent, widely distributed, enforced set of policies regarding mountain biking riding, then mountain biking practices will sink to the uninformed lowest common denominator of use. The trails will be abused and other forest users will rise up to oppose all mountain biking on forest trails.

For mountain bikers the possibility of clash with other forest users will be the loss thereof resulting in the loss of the right to use the very resource that attracts people to mountain biking, or at least the best trails. And in many other states, most states in the West, most other states it is the mountain bikers who have lost and the singletrack and other trails have been closed.

The worst thing that will happen if there is a clash, is that everyone will spend time fighting each other instead of working together to preserve, protect and extend the forest resource every user loves.

To help avoid this clash, this article also takes a first step.

This article proposes what is hoped to be a balanced, informed, consistent, widely-distributed set of policies regarding mountain biking in forests and, for lack of a better word, the "management" actions necessary to implement those policies.

It is hoped that the non-mountain biking community will be persuaded to go this far and no further. It is hoped that the mountain biking community will be persuaded to embrace these policies.

The author is a long time bird watcher, backpacker, fisherman, canoeist recently converted to mountain biking. I have done

these things in West Virginia and out West. I am also a lawyer and an activist in environmental organizations. I am a lobbyist at the state Legislature, primarily on other issues. So a great deal of experience and expertise has been brought to this effort.

One of the most important lessons this experience has taught me is that no one person has the best answers. So there is lots of room for people with additional knowledge and experience and other opinions for improvements or changes in order to achieve the most appropriate policies.

What I am certain about is that mountain bikers need to embrace some policies to be responsible and to avoid a clash with the other members of the forest community. I am also certain that the other members of the forest community should not simply try to ban mountain bikes from trails thereby depriving a whole new set of people the forest experience and missing the chance to enlist those people in the fight to save the forests.

Finally I am certain that the action needs to be taken now to start to implement the management necessary to get some form of these policies into effect. This needs done now while mountain biker behavior is still evolving and before the full surge of the wave of increased mountain biking activity breaks on us – before a clash becomes inevitable.

### INTRODUCTION – THE NUMBERS

A Mountain Bike Magazine reader's poll named West Virginia as the fourth most desirable place subscribers would like to go mountain biking – fourth IN THE WORLD.

Using counter strips on trails, trail map sales and bike rental numbers, the Elk River Touring Center estimates that 35,000 people mountain biked in just Pocahontas County in 1996.

On June 7 and 8, 1997, Timberline Resort in Canaan held a mountain bike race called "The 24 Hours of Canaan". It was sponsored by no less than Newsweek Magazine. Teams consisted of three to five racers usually, with some one person "teams" of the truly fanatical. They competed to see which team can circle a 12 mile course from the bottom of Canaan Valley twelve hundred feet up to the top of Cabin Mountain and back down the most times from noon on Saturday until noon on Sunday. How many people would you suppose participated. Three hundred and eighty TEAMS!

There is a mountain bike race, event or festival in West Virginia every weekend May through October. Twenty-five events are listed in "Dirt Rag", a national mountain bike magazine.

In 1993 1-800-CALL-WVA got 435 requests about biking in West Virginia. Currently it receives 5000 to 6000 requests annually.

Kanawha State Forest is just outside Charleston. A survey during the summer of 1996 showed that 50 bikes a day use the Forest on a weekday, and 150 or more use it on a Saturday or Sunday. Ninety percent of the people who come to the park use the trails in some fashion. Kanawha Valley bike shops and their employees (not including K-Mart, WalMart and the like) sell 2000 to 3000 mountain bikes a year now!

**See Mountain Bike on next page**



## MOUNTAIN BIKE (continued from preceding page)

Timberline and Snowshoe Ski resorts, together with the Elk River Touring Center at Slatyfork, sponsor major mountain bike festivals each year.

Bob Burrell was one of the authors of the first guide to West Virginia white water canoeing streams. He dropped out of subsequent editions because the guide made the sport too popular to preserve the wilderness experience. Although none are so comprehensive as Bob Burrell's book, there are a half dozen books listing mountain bike rides in West Virginia.

There are already maps of the Slatyfork and other mountain bike areas. New this year is a map of mountain bike trails in the Monongahela National Forest. None of these maps so much as warns mountain bikers not to ride when they are leaving ruts due to rain.

Finally, a sixty page glossy magazine format "Bicycle West Virginia 1997 Adventure Guide" was published for the first time this year -- with state government support. A similar guide to Utah asks riders not to ride single-track the day after it rains. The West Virginia guide says nothing about responsible trail riding, although this author submitted several articles.

## "TRAILS"

Some explanation of word usage in this article is in order. Eskimos have many words for what we simply and generically call "snow". The same is true for mountain bikers and trails, though their vocabulary for various forest thoroughfares is still evolving. For the purposes of this article these thoroughfares fall into two categories distinguished from one another by the ease of maintenance.

The first category is made up of forest thoroughfares that can be used by cars and four wheel drive vehicles -- and are therefor subject to relatively

easy maintenance. This category includes graveled roads like forest service roads, gated and ungated. In addition there are maintained dirt roads, also gated and ungated. While mountain bikes cause some wear and tear on these thoroughfares, the four-wheeled vehicles do lots more damage and these thoroughfares can be easily maintained by a road grader or bulldozer.

The second category of thoroughfares are not subject to this maintenance. This category has two subcategories distinguished from one another primarily by desirability. The first subcategory, commonly called "double track", includes closed off roads that have intentionally been made inaccessible to even four wheel drive vehicles. There are also lots of thoroughfares that have been untended so long that trees have grown up and slides have occurred so that they are no longer used by four even four-wheel drive vehicles. Abandoned logging roads and etc. are examples.

The second category of un-maintained thoroughfares contain the jewels of the forest. The simple shoulder wide path winding through the forest -- "singletrack" in mountain bike parlance. They are most loved by hikers and mountain bikers alike. They are more interesting and challenging to mountain bikers and take them further into the woods. It is this last group of trails that is the largest concern.

Unless the context indicates that all forest thoroughfares are under consideration, "trails" will refer to the second category of thoroughfares, and usually the single track subcategory. There are occasional problems with the first category of thoroughfares, but that is the exception and not the rule. The second category is the more desirable, more subject to wear and tear, and not subject to motorized maintenance.

Sadly, almost all of these thoroughfares were not originally constructed as trails. They were constructed to be easy to use for their original purpose or before anyone cared about erosion. They do not undulate as they traverse up and down the mountains.

They are often not cambered properly. There are too few if any switchbacks. Surprisingly, because of their original construction, the trail surface, erosion problems, and lack of maintenance, trails in the eastern United States are more "technical" and difficult to ride than trails in the West.

## MOUNTAIN BIKING IMPACTS -- THE BIG ONE

There is no question that this growth of mountain biking will have huge potential for negative, and some positive, impacts on forests. By far the most serious potential negative impact will, or will not be, on the trails.

A mountain bike or two traveling along a dry trail that does not have any particularly steep sections will have almost no impact on the trail. As usage of the trail goes up, some impact will occur. Trail usage goes up if the trail appears on maps or in published guides of trails. Trail usage goes way up if the trail is near or recommended by bicycle shops in tourist areas, particularly if those shops rent bikes, and they all do. Trail use is intense if the trail is used for races.

As trail usage goes up the first impact is the loss of plant life on the treadway. Many forest hiking trails have grasses, mosses etc. covering them. As use, use even by hikers goes up, the vegetation dies simply from the trampling. Mountain biking exacerbates this basic wear compared to hiking because a mountain biker goes an average 5 times further than a hiker. So the mountain biker uses five times as much trail.

Still this loss of vegetation is not really a big problem in and of itself, so long as rare plants are not involved.

The first more serious problem is on steep downhill. Most mountain bikers heading down very steep hills end up skidding their back wheels down the slope. This sometimes helps steering. But the biggest reason this is done is that bikers think it slows them down the best. But the same is true for bikes as is true for cars. Braking action is most effective just before the tires begin to skid. That is why cars are now being built with anti-lock brakes. So bikers would brake better and save the trail if they

would not skid their tires. There is incredibly little education of mountain bikers on this issue.

By far the most important problem impact is water and trails. A trail on soils that do not drain well, marshy and swampy areas, will always be problematic. Most trails do not have this problem, but will be dampened by rain or snow. If the dirt on the trail is damp enough to be shifted as the tire passes over it, three things can happen. First, if there were any plants that had their tops knocked off but still had roots, the root will be disturbed and the plant will not regrow. Second, dirt is loosened, making it subject to later erosion by water, the next tire or even (more often out West) wind. Most seriously, a rut can be left behind.

Ruts, even the shallowest of ruts, are a huge problem. The next time there is a heavy rain storm, this rut will gather and channel the water. On level ground this rut can become a puddle. If there is any slope at all, and there almost always is, the water will run down the rut. Some erosion will occur. The erosion will be severe 1) if the trail does not have natural side slope ("camber"), 2) if the trail does not have dips and rises to prevent the water from gathering and running down the trail for long distances, or 3) if the trail does not have artificially constructed water bars and drainage dips etc. Over a year or two the trail becomes a shallow trench in the forest which exacerbates the effect. The trail gets worn down to its rocks. Rocks are hard to ride, bikers start avoiding the rocks and ride on the side of the trail which also eventually gets down to rocks making the trenched out trail wider and wider.

See MOUNTAIN BIKE on page 18





**RANT from page 1**

what it takes to prevail they are on opposite ends of the enviro spectrum. Mike is an upper level manager in engineering for Union Carbide. Flying around the world, he helps to design and build more chemical plants.

**The Secret Meetings**

During their discussion Bill asked Mike exactly how they were going to weigh the different criteria (social, economic, environmental, accessibility) to decide which site was selected. Mike mentioned something about a technical review committee. When Bill asked if these meetings were open, Mike deferred to Randall Biller, the Executive Secretary for the WVPPA.

When asked, Randall hemmed and hawed and then decided that the meetings had to be closed. Bill, he said, these are just technical sessions, work sessions, no decisions are being made and it would just slow down the process if you were allowed access.

Bill went home and called Jason Huber. Jason, as many of you know is a Conservancy member and

recent graduate of WVU Law school. His pony tail is a foot longer than Bill's. Jason has been representing the enviros on the Apple Grove Pulp Mill case and Bill asked him if these meetings were illegal.

Jason did the research on West Virginia's Open Governmental Meetings Act (OGMA) and called Bill back with a definite maybe. It appeared that the WVPPA was going out of its way to design the technical review 'task force' to avoid running afoul of the OGMA.

**The Presentation**

On August 28 the engineering firm, Kimley Horn, made its presentation of its review and study of the 6 candidate sites. This was quite an affair, hundreds attended - most in 3 piece suits. It was held at the Charleston Marriott. They served up really fancy sweet breads and gourmet coffees. After three hours of slides and computer graphics, the firm recommended the Evergreen Church site. Randy Huffman, from the Yeager Airport warned Ragetté that the big boys still had their hearts set on the Lincoln County site,

*See RANT on page 13*

the one that would take his ram, his life work.

After the presentation Bill asked Mike Bright if he thought the WVPPA would go along with the engineering firm's recommendation. He said, "Of course if you just take a look at the data, its a no brainer - you can see right away Evergreen Church is the most likely site, but we need to take along hard look at all the data, especially access and other costs." HMMM...

Immediately after the presentation there was an open house/ask the experts from Kimley Horn session in an adjoining room. As Bill was studying the sound contour maps of the Lincoln County site posted on the walled, unknowingly standing next to a WVPPA board member (Charles Lanham, Senior Vice President, Bank One), who also happened to be on Mike Bright's secret task group.

Mike charged right up to Charles and immediately said, "I've got major problems with this Evergreen Church site, it's too far out of the way, we need a more centrally located site like the I-64 site (Lincoln County)." As Mike charged on with his lobbying

for the Lincoln County site more Charles held his arms up and said, "Whatever you say Mike." Evidently it didn't take too long for Mike to take his long hard look at all the data. Mike said we need to talk to the other members of the task group and convince them."

At this point, while Bill was in a turmoil of fear and loathing, someone came and got the WVPPA members for the resolution of their board meeting. Bill followed them into an adjoining room. The only non board member there, he just stood along the wall waiting to be kicked out, but this was a public meeting and they let him stay.

The board members were trying to decide how to precede. Some one suggested that they turn matters over to the committee (task group). Mike Bright was officially appointed chair of the group.

Bill piped up at this time and asked if they had something to hide or if this was an open meeting. Secretary of Transportation Richard Jemiola (also Chairman of WVPPA) acidly said "Of course it's an open meeting, you wouldn't be here if it wasn't!"

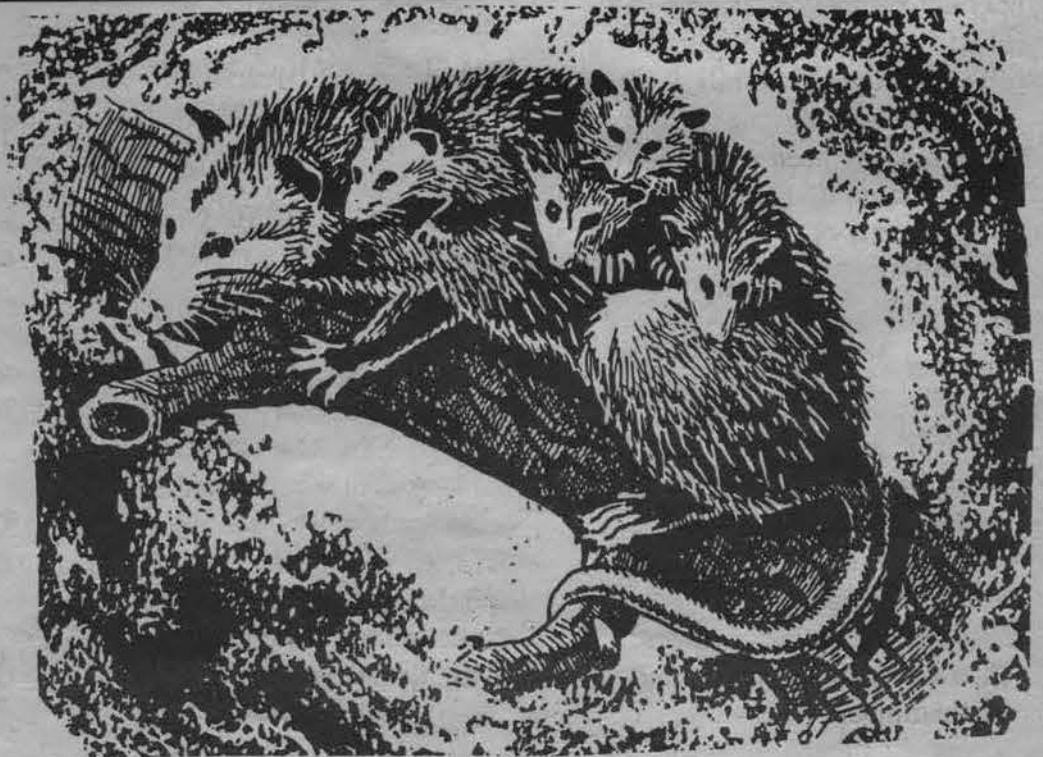
**Sorry AEP, greenwash won't wash**

*[The following was included with the July bill]*

Being a good environmental steward means working to protect the environment whenever possible. AEP is a charter member of the federal government's voluntary Pesticide Environmental Stewardship program, whose goal is to reduce pesticide risks and to promote Integrated pest Management (IPM). That means we use an environmentally friendly

combination of methods to control unwanted vegetation growing under power lines.

One method we're using is selective herbicide application which means treating only those plant species that are capable of growing tall enough to threaten power lines and to leave low growth plants (shrubs, herbs, grasses) untreated. The remaining desirable plants flourish under the power lines, reducing the need for more treatments.





**URGENT ACTION ALERT!**

**HELP STOP S. 1028, THE QUINCY LOGGING BILL!**

**IT HANDS OVER NEAR-TOTAL CONTROL OF OUR FORESTS TO TIMBER COMPANIES...**

**SENATOR BARBARA BOXER IS THE KEY TO STOPPING IT!**

*"The Quincy bill is twice as bad as the Salvage Rider."*

- Debbie Sease,  
Sierra Club Legislative Director

Fellow activists:

It is not often that we at John Muir Project call on you for help, but this is a matter of the utmost urgency. Accordingly, we ask that you take a minute to read this announcement, for the future of our national forest system hangs in the balance, and a phone call from you to Senator Boxer's office THIS WEEK would make a REAL difference.

We urge you to act quickly to help stop one of the greatest timber industry threats yet to our national forests - the so-called Quincy Library Group (QLG) bill, S. 1028. We have the chance to stop it, and we need your help BADLY to do it! Here's what's going on, and what you can do:

**QLG IS A TROJAN HORSE:** This bill masquerades as "community input" but in reality it's a hoax designed to eliminate existing controls in the law that protect national forests from overcutting, watershed damage, and species extinction. QLG is a scam written by and for the timber

industry, and while it directly affects only forests in the Sierra Nevada mountains, it's a Trojan Horse designed to open the door to similar bills for ALL national forests. If this one goes through, MORE WILL DEFINITELY

**FOLLOW!** Your national forests will be next!

**QLG IS A FRAUD:** Lots of talk about protecting communities from wildfire, following environmental laws, and protecting roadless areas from logging. But when you read the fine print, it's REALLY about getting the cut out - the FINAL cut! This bill is worded in the most deceptive ways imaginable. You have to dig deep to see that it's really about doubling logging rates, increasing fire danger, and subverting our environmental laws. Even our friends in the House of Representatives got taken in by this fraud!

**THE SENATE IS THE ONLY PLACE WE CAN STOP IT:** The House voted overwhelmingly to pass this bill. Now the Senate is considering it, and word from the Hill is that mark-up is now scheduled for mid-October. That's TWO WEEKS. California Senators Dianne Feinstein and Barbara Boxer are the original sponsors of the Senate version, S. 1028.

Feinstein has rarely been a friend of the environment, but Senator Boxer is one of our few real environmental champions in the Senate. We must persuade her to remove her name from the QLG and actively oppose it!

**BOXER IS THE KEY:** Since QLG directly affects only some national forests in California, the Senate Rules afford us an opportunity to kill this bill. If one Senator from California opposes it, it's normally enough to ensure its quick death. Environmentalists have been able to rely on Senator Boxer in the past; now is the time to make sure she doesn't make the most grievous mistake of her career!

**WHAT YOU CAN DO:** Please pick up the phone and call Senator Boxer's office in Washington.

Her phone number is --> --> --> --> 202-224-3553 <-- <-- <-- <--

Tell her that you want her to do the following:

- (1) Remove her name from the bill; and (2) Officially and publicly oppose it; and (3) Place a "Senatorial Courtesy Hold" on the bill, which effectively kills it.

--> --> --> --> **STRESS THAT THE SENATOR MUST KILL THIS BAD BILL!**

Here are some sound bite arguments you can use:

- QLG is a FRAUD. It doesn't represent any interests except Big Timber's;
- QLG will more than DOUBLE THE CUT on the affected national forests;
- QLG will INCREASE FIRE RISK, according to the best available science;

- QLG will OVERRIDE ENVIRONMENTAL LAWS (e.g. NFMA, NEPA, and ESA) despite hollow assurances to the contrary;

- QLG is a CORPORATE WELFARE HANDOUT to Sierra Pacific Industries of Redding, CA;

- QLG is a BUDGET BUSTER. It will cost millions of dollars in taxpayer subsidies;

- QLG is a TROJAN HORSE. It opens the door to privatizing national forests nationwide;

- QLG is NO SOLUTION to rural communities' problems. It's just a quick payoff;

- QLG will DESTABILIZE RURAL ECONOMIES by increasing logging rates; and

- QLG is the WORST FOREST DESTRUCTION LAW PASSED BY CONGRESS THIS CENTURY.

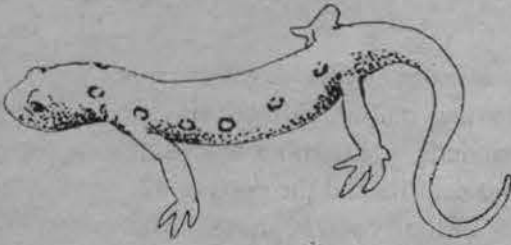
Finally, Sierra Club Legislative Director Debbie Sease's quote bears repeating:

*"The Quincy bill is twice as bad as the Salvage Rider."*

You get the picture. Thanks for making this critical call. Please ask others to join you, ASAP. Redistribute this message far and wide. Let's make this one count. Ring Senator Boxer's bell really good this time, because our national forests may pay the ultimate price if we don't!

**202-224-3553**  
CALL ONCE A DAY,  
EVERY DAY UNTIL SHE  
COMES THROUGH FOR US!





"...and all the waters that were in the river were turned to blood. And the fish that were in the river died and the river stank, and the Egyptians could not drink of the water of the river; and there was blood throughout all the land of Egypt" (Exodus 7:20-21).

There are those of us who manage to grow up without the stench of politics in our nostrils. We are raised by parents who either naively deny the more sleazy aspects of humankind, or else screen us from the blighted knowing. So this basic imprinting never quite leaves us, in spite of an adult life with plenty of evidence to confront us about the less endearing aspects of human nature. We continue to be forever shocked at new revelations of a negative altruism. It is especially painful for us to see persons in positions that have a great influence for good or for ill on most of us and/or our progeny

betray those positions for reasons that can be of no higher an order than stupidity, self-seeking or carnal ones, usually some combination of the three in some hairball mix. Those who would betray us are not limited to belonging to the ranks of the ignorant. Persons with doctoral degrees in science or medicine were some of the big players in the continuing scandalous denial and inaction in the very bureaucracies established to provide at taxpayer expense, to provide protection for the general public. The time period: early to middle 1990's. The place: North Carolina.

The protagonist to the drama portrayed here is a somewhat idealistic youngish woman with a new Ph. D. in "botanical limnology" – the study of plants that thrive in fresh water lakes and streams. Growing up in the Midwest with a father oriented to the outdoors, JoAnn Burkholder was early on

captured by wild things. Having her attention thus diverted, she was made less aware of those facets of human society which might show humans in a more realistic light.

Although today she shuns the role of environmental hero that many have thrust on her, she was soon to thrust into a situation that required heroic acts, especially since others in any sort of responsible position were ducking out of taking on that role. It was not her desire to be so much in the limelight as eventually developed – give her a lab and some funding and let her do her research in relative obscurity which she would find fulfilling in her place in the order of things. Soon this relatively lowly assistant professor at North Carolina State University was throwing down the gauntlet to much of the established members of the "good ol' boy"

network that is endemic to the State of North Carolina.

The author, Rodney Barker, makes a suspenseful presentation that shows us in much detail the workings of the bureaucratic-political system that provided the circumstances of both Dr., Burkholder's challenges and what she had to combat. As a woman, she would have been a second class member of the prevailing system, but she could have opted for that choice and taken her reward in a secure, hassle free job for it. But JoAnn Burkholder was made of a finer mettle. Although not the one with prime responsibility for protecting the public from the threat of a lethal organism, she saw her duty clearly to jump into the fray. She displayed not only the moral principles to not go along with established agencies that were at best, incompetent, and, at worst, dishonest and self serving to the point that their policies

See **BOOK** on next page

## REPORT ON THE GAIA CONNECTION GATHERING OF SEPTEMBER 20-21, 1997



By Kathy Cross



See **GAIA** on p. 12

Seventy-eight women and nine men participated in this Conference, which was sponsored by the West Virginia Humanities Council. The general themes were *Connections, Human actions and their environmental consequences, Connections between people and the Interconnectedness of Life.*

The conference opened with a discussion of eco-feminism, and a panel on issues of power and violence in West Virginia.

The speakers were from the West Virginia Environmental Council (WVEC), the National Organization for Women (NOW), West Virginia University (WVU), the West Virginia Highlands Conservancy (WVHC), and the Center for Economic Options (CEO).

Mary Wimmer, a WVU professor, who is active with the WVHC, discussed the deep connection between feminism and environmentalism. She

spoke about a paradigm shift, a transformation in focus from the socially constricted lenses through which we view the society. Currently, we function within an oppressive conceptual framework that promotes the logic of domination – the domination of men over women and the domination of humanity over Nature. Humans are seduced into thinking that they are apart and superior to Nature because they have the capacity to change their environment. The

consequence is a continuing massive environmental degradation which can't be stopped until the whole basic way we look at the social order is changed.

The first session of the afternoon workshops explored the topics of Religion and the Environment, Politics, and Community Empowerment. Janet Fout of the Ohio Valley Environmental Coalition led the workshop on Community Empowerment which I attended. She stressed the



## BOOK from preceding page

could result in continuing fish kills and, more importantly, human illness and death. She not only proved her high degree of professional competence as a biological researcher, but also quickly learned how the "system" worked so she might effectively combat it.

In short, Dr. Burkholder discovered the organism, *Pfiesteria piscicida*, one of a class of organisms called dinoflagellates of which the dreaded and heretofore known, red tide, is another. This was the organism primarily responsible for the massive fish kills in the estuaries. Additionally, the powerful neuro-toxins generated by *Pfiesteria* were the cause for the illnesses of such varied and strange symptoms reported by many who had had some contact with the waters around where this organism was prevalent. These fish kills and mysterious illnesses were becoming more common by the time Dr. Burkholder arrived at North Carolina State University. It took a long time before the state agency responsible for investigating and determining the cause of the fish kills even gave any credence to Dr. Burkholder's work at all. At first they ignored it hoping the problem would go away by itself. Then they acknowledged the problem, but promulgated the theory that the fish kills were linked to lack of oxygen in the water, and this was considered to be a temporary condition. The "investigators" for this agency who interviewed persons complaining of the illness discredited their testimony in very case, saying it was the result of too much alcohol consumption, or some mental disorder.

It took five years of struggle before Dr. Burkholder was able to prevail and force the health and environmental protection agencies of the state of North Carolina to even admit to the presence of this dangerous organism that was wildly reproducing in some of the North Carolina estuaries. This book is the account of her war against the established political and bureaucratic order of that state. During these years she was vilified by those entrenched authorities who not only resented being shown up by a young woman, but who also had a lot to hide. For the problem went farther than mere incompetence. She was called incompetent as a researcher and her work was made light of. She was called an "environmental extremist" (hey! where have we heard *that* before?). She was referred to as "paranoid", scatter-brained and an alarmist, adjectives that in some case displayed a sexist stereotyping. She was accused of sensationalism and of being an attention-seeker. Older and more established researchers in related fields in academia (*all men, what else?*) tried to use their respective clout to belittle her work, yet find it valuable enough so that they tried to steal credit for it. Her allies were largely from the ranks of grad students, persons who worked in the estuarine regions like fishers and crabbers and a very few persons from outside the state that were authorities in related biological fields.

North Carolina has a history as do other Southern states in giving industry of any kind full reign to come into the state with little or no regulation and tacit approval of most anything they do from state agencies who are mandated to oversee

their operations. The catch word is "jobs", but when problems arise from an industry "protected" by a corrupt state agency that takes away more jobs than it creates, this argument is specious. The offending industries, "protected" by the governor on down are first, the hog industry and second the poultry industry. The pollution from the waste products of the hog industry alone in North Carolina has been compared to the total waste products of people from New York City except that there is no waste treatment of the hog waste. The high amount of "nutrient" contamination from the hog and poultry industry as well as the run off from agricultural lands and communities with inadequate waste treatment has been and is not only causing unprecedented algal "blooms", but also giving rise the far more dangerous *Pfiesteria*. In 1989 the Federal Environmental Protection Agency had to intervene because of the corruption of North Carolina's environmental protection agency who refused to acknowledge that a toxic waste incinerator was causing widespread illness among person living downwind from it. By any standard of justice, heads should have rolled because of this, but the same players who were criminally neglectful in the waste incinerator debacle were in there trying to ruin the career of Dr. Burkholder for trying to do what was right. (And Republicans in Congress want to give *more* power to the states?)

The war is not over for JoAnn Burkholder. She has won the battle to get the danger recognized and the *Pfiesteria* studied and dealt with. Her

own career in North Carolina is another matter. Almost single-handedly yet without intention, she demolished the egos of a lot of the "good ol' boys." There is no question that she has made powerful enemies.

One can see many parallels between the North Carolina agencies and those in West Virginia. We, too, have an entrenched "good ol' boy" system that continues to be harmful to the overall benefit of West Virginians. Gus Douglass comes to mind in his giving so much praise for the burgeoning poultry industry while denying its place in the increasing pollution of the Potomac. *Pfiesteria* has been found recently in large concentrations in Chesapeake Bay as a result of the increasing poultry industry in Maryland.

I highly recommend this book for its demonstration of how corrupt a state bureau-politico system can be (unfortunately, probably not much worse than those of most other states). More importantly, perhaps, it is the story of a singular human being who prevailed on the side of what was right against all odds. We need such stories to keep up our collective morale. ●

## GAIA from page 12

hillybilly Egyptian belly dancer") who have been performing locally for twenty-two years.

The closing spiritual ritual evoked the energy of the activists involved in the California Headwaters campaign to save the massive redwoods of the West coast, and also celebrated the efforts of local West Virginians to preserve the beautiful forests we have here. ●



## American Farm Bureau 1940 vs. 1997

Will Rogers who was alleged to have said he never met a man he didn't like must have *really* liked people. Perhaps we recall his quote all the more because of his unusual capacity to like friend or foe, hero or villain, the righteous and the rascals. My own attitudes are more attuned to the norm in the case of people I've met or been involved with in my lifetime. But it would be true to say that I've never met an environmentalist I didn't like. Call me elitist if you will, but I tend to like *good* people more than those not so good. In general, environmentalists have purer motives than the run-of-the-mill persons I've been associated with, and as a group they adhere to a very non-violent standard.

When the September 1997 West Virginia Farm Bureau newsletter had a headline of "Eco-Terrorism, Threatened", that and the accompanying article gave a clear implication that environmentalists were involved in terrorist activities. The reality is that violence directed against environmentalists has been a frequent occurrence to date. Just recently a woman was assaulted and made prisoner until discovered by chance for engaging in a clear duty to the people of the Ozark region in trying to stop a lethally polluting lead mine. The so-called "Wise" Use anti-environment movement is clearly behind many of these attacks through their campaign of misinformation and incitement. Not only does the law often look the other way on these attacks against environs, but often the "law" itself engages in the illegality of precipitating the attacks. In the case of the Ozark woman, she was told by her assailants that it would do no good to

complain to the sheriff because he was in favor of their violent action. When she did file a complaint, the sheriff refused to investigate, citing "no evidence to go on."

There is much heat and no substance to the accusation of environmentalist spiking trees. I know of *not one case* that it was clear that this happened. "Eco-terrorism" is a term invented by anti-environmentalists to discredit a movement of people who selflessly stand up for what is right into action, not for the benefit of any specific group, or for greed or profits, or for the current euphemism for greed, "property rights."

In the 1930s and 1940s when I was growing up I used to listen on the radio to the "National Farm and Home Hour" from Chicago sponsored by the American Farm Bureau. As a rural kid I was involved in 4-H work, and worked on various farms during times I was not in school. One reason for my feeling for nature now is because I had a 4-H leader who taught Nature Study. This was in the days before the huge multi-national corporations got the control of American agriculture through factory farms and agri-business. Back then it was primarily the family farm which is now more than not a thing of the past. The old type farm was embedded in the natural element so most farmers were not in conflict with nature. The attitude of the American Farm Bureau at that time of my youth reflected this. But now, with agri-business and huge chemical corporations promoting unbelievably harmful chemicals to apply to crops or to livestock, their influence has brought about an attitude of

by Bill Reed

hostility to nature. What few small farms are left have very little to say any more. The is only one value and that is the Almighty Dollar and woe be to any plant, animal or *concerned human being* who stands in the way. It is such a simple thing to put a postcard in the mail to threaten to spike trees in the Blackwater Canyon, and this act is almost guaranteed to generate maximum publicity against the activists who wish to save the Canyon for all the people and for future generations. Aside from environmentalists being non-violent, they are also not stupid enough to do something like this. Shame on the West Virginia Farm Bureau for their implications!

### GAIA from page 10

point that building relationships is what environmental activism is all about. Those attending the workshop represented diversity both in their interests and in the geographic area from which they came, and included an officer of the West Virginia Herbal Society, a Lewis County farmer, a WVU Forestry School professor and a former Green Party member from Taiwan. Issues participants were concerned with included deforestation, water and air pollution, recycling and opposition to the American Electric Power's proposed 765,000 kv power line through the southeastern counties of West Virginia.

The discussion centered around the question to how to sustain community organizing work around environmental activism for the long term. Janet reminded us that our real work starts with self examination. We need to sustain ourselves whenever we find sources of

strength and energy. The key actions are to:

- Network and build coalitions.
- Make connections and build constituencies.
- Through research and surveys, gather accurate data on issues.
- Show appreciation to those who volunteer their time.
- Save the phone numbers which came from the surveys.
- Think of creative ways to raise funds
- Attack issues on all fronts.
- Have fun.
- Never give up.

The afternoon workshops included Population Issues, Economics as though People Mattered and Art as a Bridge and Organizing Tool. This latter workshop, which I attended, was led by Carol Jackson who shared some of her extensive creative work promoting environmental education and activism through layered puzzles, huge puppets, colorful cardboard backdrops and paper environments. We glued and painted felt flying squirrels to represent the endangered Northern Virginia flying squirrels that live in the area of the Blackwater Canyon scheduled to be logged by Allegheny Wood Products.

After dinner events took a more artistic and spiritual turn. A multimedia event featured West Virginia Poet Laureate, Irene McKinney, who read from her work, while accompanying this, Ruth Blackwell Rogers showed a backdrop of slides by West Virginia women artists. After this Mary Ellen O'Farrell and "Little Egypt" (a self proclaimed "West Virginia

*For conclusion, see GAIA p. 11*



**RANT from page 8**

Board member Deborah Phillips then explained to Chairman Jemiola that Bill was referring to the task group. Jemiola then had to do some quick back peddling ending up with, "Well this is a work group, but I don't see any reason why you shouldn't be allowed to attend, ask the chairman of the group."

After the meeting Bill asked Mike if he might attend. Mike said they were going to have the meeting as a conference call, as these were all busy men. Bill explained to Mike that he did have a phone, and really didn't even need to have speaking privileges, he just wanted to hear how what was going on. Mike then preceded into how if I was allowed access then why the Yeager Board would want access too and it was just too hard to get any work done with the public looking over their shoulders.

Bill explained to Mike his belief that they were required to hold open meetings and that he would have to file suit if he wasn't allowed access. Mike exploded with "Don't threaten me with a lawsuit, I have to do what I think is right no matter what the consequences!" He said he would call Bill before the meeting and let him know if he could have access. About two weeks later Mike called Bill and told him that they were having their conference call, but that he just shouldn't listen in.

Bill contacted Jason again and updated him on the secret meetings. Jason arranged for Bill and him to meet with Randall Biller and the Division of Highways attorney, Tony Halkis, to request access to the meetings. Once again they were denied access. Halkis enumerated the reasons - there was no quorum,

it was a work group, it was not a decision making body, they were only going to review and analyze the engineering report. (Halkis is the main legal arm behind the DOH's yearly purchase/condemnation of 500+ properties for highway expansion - over 1/4 of these are contested on the average)

Over the next few days Bill researched various minutes of various WVPPA meetings and other documents at the WVPPA office. He also contacted Board Member Deborah Phillips, who offered to help him get access to these meetings. Although she tried several times to get the meetings public, Biller was resolute. She also told Bill that she had tried to get on the task group, but was told by Mike Bright, that he couldn't do that because it would cause the task group to comprise a quorum of the WVPPA board (which it wouldn't) *and that would force them to abide by the open meetings act!* [Italics added by outraged editor!]

Anyway Biller finally realized Ragette was serious about suing and called him offering him access to future meetings and to brief him on the two meetings held so far. Ragette was a little dubious, and only promised to listen to the briefings before filing suit. The briefing was planned for a phone conversation late that day. In a hour Biller called back and said listen Bill, we need to meet in person.

Right like Ragette had nothing more to do than drive 50 miles each way to Charleston to listen to what? more run-around? At this time Danny Jones former Kanawha County sheriff and news editor for WQBE called wanting to do a story on the secret meetings. Killing two birds with one stone Ragette fired up the old 3/4 ton four wheel driver and burned fossil fuels all the way

to the Big Lump of Coal - Charleston.

Meeting first with Biller, he heard (once again) how the task group was not a deliberative body, did not constitute a quorum and just couldn't work in a fishbowl under the constant glare of TV lights. He said they would rather face a lawsuit than TV cameras (well they got both).

Then Jason and Bill met with Danny Jones. After his interview with them he went on to do an action packed set of interviews with Biller, Kanawha County Commissioner Kent Carper and Deputy Attorney General (resident expert on the OGMA). If you heard the show, you know that the cat was out of the bag, the WVPPA was probably holding these meetings illegally.

Two days later the longhairs filed their suit Ragette's day in court

They filed suit in Kanawha County, with priority Judge Charles King. Judge King didn't seem too happy that Monday morning. He got the details from Jason. And he said - so what's the rush - why do we have to prioritize this case.

Bill mentioned that the full Board was meeting in 3 days, that the transpark was on the agenda and we had no way of knowing if the secret subcommittee/task group was going to present its findings or not. OK says King - tomorrow at 9 am I'll hear you case and if there's a fire to be put out - I'll put it out. Quickly Jason and Bill get all the subpoenas out (Jemiola, Biller, Bright, Phillips) and work on the questions and evidence they needed.

Tuesday morning Bill actually put on a dress shirt and sports coat (no tie) and trimmed his beard. Jason looked very professional in his suit and rolling stone tie. Only

Bright and Biller and their two attorneys showed up for the WVPPA. They were all in blue and gray suits. They were livid and incredulous. But of course they had to act like it was no big deal.

Biller told us "it was all in a days work." Of course he works for the state. Bright, not having heard what Randall said nonchalantly strolls up

(refusing to make eye contact with Bill) and says the exact same thing. But you could tell they were furious. It became more evident as the hearing went on.

The Judge could see right away that Ragette's request was just *not* the they were right about the OGMA, necessarily, but that if the task group/subcommittee (TG/SC) met anymore, if they took any further action, made any report it would render their case moot. In order to protect the plaintiffs rights all TG/SC would have to be put on hold until a hearing could be held on the evidence.

This was not something the boys from the WVPPA wanted to hear. Several times the judge allowed them to exit the courtroom to deliberate amongst themselves. Once Jason and Bill went over to them to make the only reasonable offer - get the earliest possible hearing date and stop all action on the Transpark site selection until that time.

Biller seemed to realize that the was the only reasonable alternative, but Mike Bright refused. He said, "No one is going to tell me how

**RANT concluded on p. 14**





**RANT from page 13 (concl.)**

to run my committee." *[I can't keep from kibbitzing here - seems to me that this Bright guy is not too bright! Editor]*

Anthony Halkis (attorney WVDOH) was pissed too, he said Mike didn't have time to waste in these hearings - he had work to do. Bill said he needed to be home canning applesauce. Halkis had previously warned Mike Bright to be careful not to get tangled up in all that hair as he walked passed Jason and Bill.

At first the attorney for the WVPPA said that there weren't going to be anymore meetings of the subcommittee, which turned out to be untrue, later they tried to get the judge to exactly define meeting - hoping to once again work round the technical definitions and still go ahead and hold their whatevers. Anyway the WVPPA had to relent and agree to a moratorium on further deliberations until a proper hearing was held on the merits of the case.

The following day when the full WVPPA board meeting (you should attend these - the coffee and sweetbreads are delicious) Biller announced that all discussion on the Transpark was banned by order of Circuit Court Judge King. Halfway through their deliberations on various river ports, acting chair Ed Cohen said how pleasant it was to have an uncontroversial meeting (like the good ole days before the Public got all worked up over the "T" word) without TV cameras and citizens all worked up.

The next day Mike Bright pledged to hold open meetings of his subcommittee. He said he still felt that he was not required by law but that to avoid the misconception of backroom deals and because of a lawsuit by a man from Lincoln County, he would hold

future meetings under the guidelines of the OGMA.

William Steele, counsel for the WVPPA notified the Judges in this case, as well as Ragetté and Jason Huber, that since Bright was holding open meetings the case was moot and no hearings were necessary. Huber responded that holding open meetings was only part of the relief they were seeking and that according to the court order signed by both parties in this case no meetings of any kind were allowed until a hearing was held.

As we go to press, Bright has announced a subcommittee meeting for October 9. Ragetté has pledged to attend the meeting giving copies of the court order to the subcommittee and notifying them that the meeting is illegal and that he may be forced to file contempt of court charges against the committee members.

After the court decision Mike Bright did hand out brief notes of the three meetings his committee held. Across the top of page 1 is printed "Transpark Site Selection Task Group Meeting for September 8". And they said they were only reviewing the engineering report.

Stay tuned as Ragetté and Huber go for the jugular in their attempts to defeat the forces of the nature haters.

Bill needs all the help he can get on this fight. If you'd like to join in on the fun (letters or dollars) contact him at 304 824 3571 or at 144 Trace Fork Rd, Culloden, WV 25510.

*At least one message to anyone who will listen is: Don't try to take the twenty-five year home and life's work of a man for the purpose of pushing through some ridiculous boondoggle and ego monument to insensitive bureaucrats! We are behind you 200 % in this fight, Bill. Editor.* ●

**BLACKWATER from page 3**

then to a wood products company, will become invalid. Allegheny Power will then be in a position to sell the property in the public interest, as required by law.

**Property Posted, Logging Begins**

The situation took a turn for the ugly twice in recent weeks. First, the owner of the Canyon posted the entire property. This effectively closes Lindy Point, the most awesome of all the Canyon overlooks. Several National Forest trailheads are effectively closed, since the trail terminus and first portion of the trail lie on the posted property.

The posting also affects fishing. After the state spent way over a million dollars to neutralize the acidic condition of the river, in order to restore conditions viable for trout, and to stock the river by helicopter, there is basically no access to the river to fish. This defies the spirit, if not the letter, of the law, since the citizens own all of West Virginia's rivers.

According to reports from "reliable sources" the logging has now begun. This is happening in the lower part of the Canyon near Hendricks, with timber hauled out, apparently, through the Henchcliff sawmill there.

**Moratorium Ends**

Filing the complaint marks the end of a self-imposed moratorium by the Save the Blackwater Canyon Coalition. The hiatus had been intended to give key players an opportunity to discuss and negotiate, perhaps behind the scenes, in a calm and settled public atmosphere. No substantive results have yet been seen.

Michael, attorney in the complaint, has filed it on behalf of a consortium of groups and individuals. The list includes Sierra Club, West Virginia Highlands Conservancy, and West Virginia Wildlife Federation. ●

**Letters to the Editor**

August 28, 1997

To answer the question that you asked in my article, do I feel as if our community is being used as a guinea pig when they fill these deep mines near our community with fly ash or fluidized bed ash? Yes, in one case, and no in the other.

In the Omega Case, after discussing the fly ash project with a hydrologist, I believe it would probably improve the situation, and would not likely make it any worse, so we are supporting this project. Of course, the mining is completed, the damage is done, the bond forfeited, and the owner, Mark Boyle, will not be involved in any more coal mining activities.

If the State keeps up their dedicated treatment at the Omega Site, I will probably be praising Mr. Caffrey for the work that they are doing there. I am sure that the environmentalists will criticize me for doing so, but I think that it is important to give these DEP people positive reinforcement when they do something right, rather than just criticizing them when they do something wrong. (And I know they do plenty wrong.) In the case of filling the Mepco Mine with fluidized bed ash, we do resent being used as guinea pigs. At hearings and in statements to the press, I said

**See LETTERS on page 19**



## CORR H from page 1

First, the judge allowed us to use an exhibit on potential visual impacts to Corricks Ford. Ruth Blackwell Rogers ("not an engineer") had made photo collages of some battlefield views, using the EIS maps as a guide to the size of cuts and fills. Judge Hogan asked us to leave the big display (5 x 3 1/2 feet) so he could study it more closely. It was important to get a "seeing" as well as a hearing.

Andrea Ferster, co-counsel for plaintiffs:

We have two basic complaints: defendants refused to consider the improved road alternative (IRA), and they "piecemealed the project," i.e., broke it into fourteen small segments so construction could begin before all studies were completed.

Question: Don't they say they considered your alternative? If I say, 'Here's why I didn't choose B,' have I refused to consider B?

Answer: If you haven't really looked at B before rejecting it, then you haven't considered it.

Virginia's rejection of a four-lane project in favor of an IRA proved that alternative was a reasonable one. Under the law, then, it must be carefully studied. None of the defendants' excuses show the IRA would not work.

Our second complaint is under Section 4(f), which protects battle-fields, historic districts, parks, wilderness, and special research areas (e.g., Fernow Experimental Forest). When it signed the ROD, the FHWA had completed only one of the five steps required by its own 4(f) regulations. At each step, on every segment, defendants

consistently deny -- deny the sites' significance, deny their boundaries, deny they would suffer impacts.

Tom Michael, co-counsel for plaintiffs:

Defendants moved the alignment outside the study corridor to avoid Corricks Ford, then failed to expand their studies. The deviation, over a mile long, runs as much as 2000 feet astray. The only defense was that new impacts would be "comparable" to those already analyzed. But how do they know? Federal cases require at least a "hard look" at the new territory and perhaps a supplemental EIS.

Andrea's argument was a matter of timing; Tom's had to do with space. He set up a crucial point we made in rebuttal: no one knows where the road would finally go.

Roland Schroeder, counsel for *amici curiae*:

Calling it the "highway to nowhere," Roland also focused on the segmentation of Corridor H.

Question: What is wrong with that process?

Answer: The law does not allow it; and its effect is to rule out reasonable alternatives. Defendants won't stop and look at other routes to avoid impacts once they've begun construction. The 2000-foot-wide corridor does not give them enough room to maneuver. They're "winging it" as they move along.

Defendants have said our suit was premature because they haven't made any final decisions about historic sites. They would force us to go to court fourteen separate

times to complain about each segment. Now, that's unreasonable.

Q: Hasn't this highway been studied for twenty years?

A: No--it was dormant for most of that time. Too expensive, too little traffic to justify it. The EIS done in 1981 was outdated. An entirely new corridor was chosen. It is true that defendants had five years to survey and analyze these impacts, and they simply failed to do it. It's a problem of their own making.

Stephanie Parent, US Department of Justice, counsel for the Federal Highway Administration:

Defendants read the regulations differently. There are numerous "approval" points. Plaintiffs talk about what FHWA is supposed to do if the road uses 4(f) properties, but so far it hasn't used any. The alignment around the two battlefields hasn't been decided. Nor has there been a decision on where to begin the project.

Admitting that FHWA had not segmented other projects in this way, Parent said Corridor H is unique in its "scope and complexity." The law contemplated smaller projects.

Q: Why have you never done it this way before? We've built long highways all over the U.S.

A: FHWA has never taken on a project of this magnitude.

It makes the process unmanageable.

Q: Isn't that an argument for looking at less expensive alternatives, such as the plaintiffs'? If the process is so unwieldy?

A: No, but the facts of this case are unique.

No prudent and feasible alternatives will be eliminated. No federal money will be released until the point of "approval of plans and specifications." So this suit is premature.

Q: When would it be ripe for decision?

A: After a revised ROD. [The ROD signed last August contained no clue that a revised version might be issued. The lawyers seemed to be "winging it" too.]

Sheila Jones, of Cutler and Stanfield, counsel for WVDOT and Division of Highways:

No work may be done on any section that would have the effect of precluding a prudent and feasible alternative in another section. (The sections are from 4.6 to 9.7 miles long.) Everything is still up in the air. We've made no final determination on "constructive use" of the battlefields.

Q: If you had found out earlier that there would have been a "use," would that have affected your choice of alternatives?

A: No. Even if the plaintiffs' boundaries of all historic sites were adopted by the Keeper of the National Register of Historic Places, an available alternative could be found.

CORR H concl. On page 16





**CORR H from page 15**

The project's purpose is to build a continuous east-west route across the region to enhance economic development by moving products in and out. [This version of "purpose and need" is not in the defendants' brief, which said the P&N was primarily for local traffic.]

Q: Where is the plaintiffs' alternative discussed in the ROD?

A: The Corridor EIS looked at two existing routes, northern and southern. Neither would allow traffic to move at 50 mph. Those roads are essentially unsafe. After the Corridor EIS, the agencies requested another look. The Memorandum of Understanding said FHWA could consider one particular IRA at a greater level of detail.

Q: I thought they [EPA, Interior] came out against that IRA.

A: No--not at that stage.

Q: What about Virginia?

A: They just made a different policy decision. What VA does about 14 miles doesn't have much relevance to what WV does about 100 miles.

Q: Is it the same kind of area?

A: Yes, generally.

Q: I still don't find much discussion of the IRA rejection.

A: Refer to the Corridor EIS.

Q: I'm still troubled by the unfinished review process. If a constructive use is found this late in the game, what will be done?

A: Engineer a feasible alternative.

Q: But it would be within the 2000-foot corridor?

A: Probably. There's nothing magical about the D5 corridor. If we have to move outside it, we'll have to do a supplemental EIS.

Andrea, in rebuttal:

The regulations aren't just for small projects; they specifically deal with large projects by "tiering," a procedure the defendants used to divide it into corridor and alignment phases. But segmenting the corridor, and going outside study areas, corrupts the process. The agencies did not concur--they recommended that FHWA not approve. The Department of Interior objected to the final EIS on 4(f) grounds.

At Corricks Ford, the highway is hemmed in by 4(f) resources: the battlefield, Fernow Experimental Forest, Otter Creek Wilderness, and a potential Wild and Scenic River. That situation will inevitably require a major shift. The same thing is likely at Hanging Rock and Old Fields. The highway has become a "shimmering snake" that can't be pinned down. WV says, "Trust us to do the right thing." But they've already begun right-of-way acquisition, even while they argue that nothing is final. In fact, you can't trust them.

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Outside, after the hearing, WVDOT Secretary Richard Jemiola told a reporter for WV Public Radio that it didn't matter what the judge decided, they would build the road anyway. His rhetoric seemed to come from the recent TV movie about Alabama's George Wallace. His attitude toward the law, though, was quite familiar in this state. That's why we expect to win the case. □

**HUBER from p. 5 (concl.)**

The establishment will always label those struggling to transform existing power structures, regardless of method or means, as extremist.

The fact that prayer occurs at demonstrations will do nothing meaningful to deter this phenomenon. I cannot help but wonder, what these environmentalists advocating prayer at protests would do if a Voodoo priestess wanted to, as part of a ritual, sacrifice a chicken in the Capitol rotunda in an attempt to persuade her god to stop the logging of Blackwater Canyon. I imagine these same people would label such prayer as extremist and attempt to exclude it.

Thus, because prayer at protests and rallies serves no legitimate purpose and threatens the cohesive and inclusive nature of the West Virginia progressive community, I suggest that it be eliminated as an official part of any demonstration. If people want to collectively pray do it in an informal manner, separate from the official event, either before or after, yet all the while keeping the appropriate distance so as to minimize its coercive effect. For, if this phenomenon continues to dominate protest and rallies I, along with others who feel similarly, will not attend. Rather, we will be across the way with picket signs, bull horns, and a hundred shouting extremists raisin' hell in order to further the struggle for justice, decency, and democracy rather than standing in a circle, holding hands and hoping for divine intervention.

**PRIVATE, PUBLIC,  
PRIVATE:  
A STONEWALL  
JACKSON  
SHUFFLE**  
by Hugh Rogers

This September, we passed another anniversary in the shameful history of the Stonewall Jackson Dam. The latest development reminded us of some events ten and twenty years ago.

1977: The State and the Corps of Engineers had trouble meeting the Lewis County dam's cost-benefit requirement. Flood control and water-quality benefits sank far below the cost of the dam. Recreation rose to the top as the project's chief purpose. To secure federal funding, West Virginia promised to pay half the cost of recreation facilities at SJ Lake. Then-Governor Rockefeller signed the contract with the Corps.

1987: After the dam was built, the State formally admitted that its "promise" was a sham. It would not make the payments, estimated at \$1 million per year for fifty years. To get the State off the hook, Senator Byrd obtained funding for a National Park Service study on SJ Lake's potential as a National Recreation Area. Federal money was used to find out if more federal money could cover up the state's failure to match federal money.

1997: The NRA idea was laughed out of Washington. Now, the State has decided to turn over recreation at the lake to a private developer. State money from infrastructure development bonds would be used to induce the investment. The State might get \$13.5 million over 35 years--after it paid the \$10 million up front.

It's pork-barrel politics, privatization, and your money at work for rich investors. Some people knew twenty years ago that it would turn out this way. They're the farmers whose land was stolen for this scheme.





**CONFLICT from page 3 (concl.)**

Early in 1996 a group of local property owners formed an unincorporated association known as the Mt. Lookout - Mt. Nebo Property Protection Association (MMPPA) in an effort to protect their property and their community from the proposed power line. In mid-1996, it appeared that Summersville would push through its project with very little information given to property owners or the community, and with no real opportunity for citizens to gain knowledge of or participate in the planning process. But through a commitment of local efforts and resources, the MMPPA began to make the case against the line to the FERC, the agency that licenses such projects. With Summersville refusing to reconsider its power line route, the statutory process for approval of the project was slowed as the power line came under increasing challenge.

As of October 1, 1997, the MMPPA is challenging the power line license before the U. S. Court of Appeals. Also involved in that appeal is the American Whitewater Affiliation, a national organization of recreational whitewater boaters. By order of FERC, all construction on the project has been halted. So in the course of about a year or so, the opposition to the power line route for the Summersville hydroproject has organized itself and has effectively challenged the project.

The MMPPA is concerned about the lack of property owner and community input in the process and the lack of sensitivity shown in the siting of the power line on the community. Court action is not what the association wanted, but the problem throughout the entire process has been the

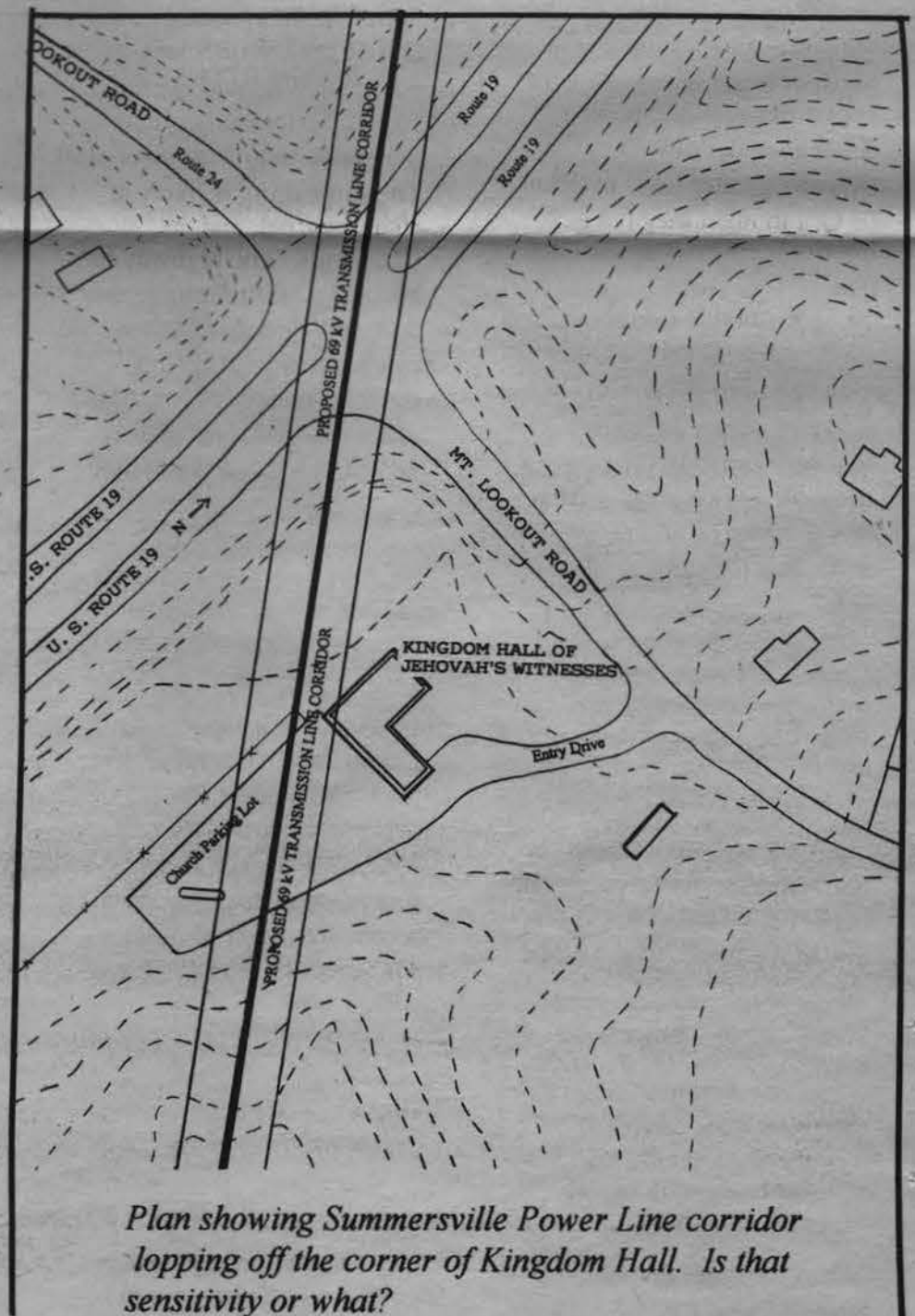
inflexible position of the City of Summersville. The city and the out-of-state companies who are actually doing the project in the name of Summersville have refused to compromise or consider available alternatives to the proposed line. Instead of working with the MMPPA and other groups concerned about the impact of the project on the community, the scenic beauty of the area, and the important tourism industry, Summersville representatives have chosen to reject compromise and poured resources into expensive legal battles before FERC and the court system. The MMPPA has therefore had no choice but to commit its limited resources and challenge the project in court. The delays that have and will continue to result, or the rejection of the entire project if Summersville's confrontational tactics cause the courts to reject the plan, are therefore the responsibility of Summersville, not the MMPPA. All the Association had done is what many West Virginians have done over the years - assert their rights to protect their property and their community as is their right and duty as citizens and property owners.

The MMPPA has and will continue to work hard - in the system as is their right - to protect the community from the proposed power line. Other groups, such as the newly-formed Citizen Action Network of Southern West Virginia (CANSWV) and the nationally-known American Whitewater Affiliation (AWA), have joined in the effort to protect outstanding resources such as the Meadow River. It is a coalition of local residents and [property owners, recreational users of the Meadow River, and others

concerned about quality of life and the important tourism industry.

So unless Summersville agrees to compromise and consider alternative routes or line designs with less impact on the community, the debate over the power line will continue through the remainder of 1997, into 1998, and perhaps beyond. Ultimately, the MMPPA is confident that the current Summersville power line plan will be rejected. But whatever the outcome, it is important that the Mt. Lookout and Mt. Nebo communities, and those concerned about the protection

for the Meadow River, be heard on this issue. If continuing conflict and division in the community is to be avoided, discussion and compromise - not further court action - is needed. That is what the MMPPA has sought, But Summersville has thus far refused to listen to the community. Unless such discussions and genuine compromises are achieved, the litigation will continue with additional stress on the community, further delays in the project itself, and the risk to the project itself from the ongoing transmission line conflict.



*Plan showing Summersville Power Line corridor lopping off the corner of Kingdom Hall. Is that sensitivity or what?*



**MOUNTAIN BIKE from page 7****MOUNTAIN BIKING IMPACTS -- SOME LESS IMPORTANT ONES**

Fortunately mountain-biking has no real impact on the forest flora and fauna generally in the way that logging, acid rain, hunting etc. impact on the forest. The real impacts are on the trails and, potentially, on the other trail users. While these are real problems on the forest, they pale compared to the general impacts of these other types of activities.

Development of lodging and services on the "hard roads" through the forests is another impact. The availability of trails, and the dissemination of information about them, determines the demand for lodging and other services and the size of this new group of potential forest allies. It is probably a mostly favorable impact though it can be done poorly, and can certainly be done in poor taste.

There will be some people who will prefer that the forest have no development of any kind. But low impact use by more and more people gives the forest more and more friends. The sport is healthy recreation for a large segment of our society that exposes people to nature. In addition, the people who live in the area can certainly benefit by the positive financial impact. On a world wide basis the most mistreatment of natural resources occurs where people are poorest.

Another possible impact is potentially very favorable for the forest. Those who would preserve the forest from environmentally unsound development, or non-recreational development period, have a huge group of potential allies. Most mountain bikers come from socio-economic groups that have money to spend, though they are generally not activists.

This article will center almost exclusively on the impact of mountain biking on

trails. It will remind the reader of the potential that mountain bikers have as allies of friends of the forest.

The impact on the streams flows (sorry) from the impact on the trails. An eroded trail will allow soil to wash into streams. This can be a localized problem at a poorly drained trail crossing. It is possible that a whole system of eroded trails contributes to siltation of streams in the area generally. From personal observation, the impact of eroded trails pales compared to poorly maintained dirt vehicle roads, industrial or residential and recreational. A properly maintained dirt road with water bars, proper un-rutted camber etc. is a rare sight indeed. Studies in Kanawha State Forest have determined that the problems there resulting in pollution and in silting up of the fishing lake derive mostly from roads and the horse stable.

**MOUNTAIN BIKING IMPACTS -- THE SECOND BIGGEST ISSUE.**

Aside from trail impacts, the other major impact of mountain biking is conflict with other users. Mountain bikers are nothing near the intrusion that a motorized bike would be, but their presence can be unwelcome to hikers, bird watchers, and plant lovers. My experience has been that there is enough forest with enough trails that most other users do not mind occasional intrusions on their experience by considerate mountain bikers. Fortunately West Virginia has lots of forests to spread users around, unlike populated California where some mountain bike trails have had to be designated one way! Some trails should be set aside for hikers and backpackers where mountain bikers cannot go. Hikers who want complete solitude will go there or avoid the most popular mountain biking trails.

If the numbers are not too great the only other problem is the "startle" factor. Studies in other areas have

found that the biggest complaint about mountain bikers from other trail users is the scare they get when a mountain bike blows by them unannounced from behind.

Mountain bikers should know how to approach and pass other trail users. The hikers have the right of way. The mountain bikers should slow down, wait for their entire group to gather, warn the other trail user well in advance, and find a way around the other trail user. Borrowing a practice from downhill skiing, mountain bikers will often say, "I'm on your left (or right)" to let the hiker know they are planning to go around on the left (or right). With advance warning of the biker's approach, most trail users are considerate enough to step off the trail and let the bikers by. The concern that mountain bikers have when they meet hikers is that the hiker may make a sudden move and end up jumping in front of the bike. This is probably why some mountain bikers are tempted not to let hikers know they are coming by.

Mountain bikers are sometimes reported as not being friendly. This is largely a lack of understanding between trail users. Mountain bikers should observe these rules of passage and say "hello" to be friendly with other trail users. Most do say hello. Most do not really know all the best practices for passing hikers. Hikers need to understand that riding a mountain bike takes a great deal of concentration. If some mountain bikers do not say hello they are not trying to be unfriendly. They may just be concentrating on balancing, steering the front tire, thinking where the back tire will go, shifting the front gears, shifting the back gears, squeezing the back brakes enough, not squeezing the front brakes too much, staying on the trail and avoiding obstacles (including hikers).

So user conflicts are a potential problem. With proper education they should not be

the problem here that they have been elsewhere. Some policies need adopted in this regard, but the most important policies are those needed regarding trail use and abuse issues.

**SAFETY**

Left out of this article so far are mountain biker safety issues. There are several reasons for this omission.

The focus of this article is the urgent need for trail protection and user conflict policies.

Mountain biking safety is not as urgent an issue. Mountain biking is obviously more dangerous than hiking or bird watching. But it is infinitely more safe than many other forest sports. It is obviously less dangerous than the motorized trail sports such as four-wheeling, and snowmobiling with their faster speeds and heavier equipment. Mountain biking is certainly safer than hunting. It is almost certainly safer than downhill skiing. It is closer to, though not quite as safe as, cross-county skiing.

Mountain bikers suffer lots of scrapes and bruises ("road rash" in the parlance). There is the occasional broken collar bone which would only be serious if the rider was riding alone and unable to walk out of the woods, but most riders have company. The potential for head injuries is large, but the wearing of helmets is almost universal at all levels, unlike the helmet ignoring practices of professional road bikers.

Education and requirements regarding wearing helmets, riding with company or having a safety whistle, etc. may be advisable in conjunction with the proposals made here for the problems which are the subject of this article.

**See page 19 for conclusion**



THE ISSUE

The central issue is the extent to which mountain bike trail riding should be managed.

This is a public issue most clearly where state and national parks and forests and other public land are involved. The issues are not all that different for consideration by the owners of private lands. To the extent improper use of private lands can result in down stream siltation etc. it becomes a public issue.

THE IMMEDIACY OF THE ISSUE

The issue is bound to become a problem soon. Aspects of the growth of mountain biking that affect trails are accelerating exponentially -- faster than the arithmetic growth in the number of bicycles.

One set of reasons that the impact is growing exponentially is that the sport is spreading faster than knowledge of responsible riding.

When I first started mountain biking in Kanawha State Forest and ran into other bikers I recognized them all. I knew most of them. Three years later I recognize about one third of the people I run into.

When people knew or recognized each other the world was different for two reasons. First, all the people who came to the Forest knew or talked to someone who understood trail issues. Second, as the sport spreads through the culture, people take up riding who have less and less personal history in forests. They are often the jocks of the world and downhill skier kinds of people who have never obtained their recreation using a resource that can wear out or be used up. Jogging tracks and snow can take more abuse than trails. So the new people joining the sport need more knowledge than ever, and their chance of informally learning good riding practices is decreasing. Fortunately the vast majority of these people are likely to consider themselves as "environmentalists".

As importantly, West Virginia is becoming a national mountain bike Mecca so we are likely to be getting more mountain bike use than our population reflects. The magazine poll mentioned

MOUNTAIN BIKE from page 18 (concl.)

above said that West Virginia was the fourth most desirable place in the world. At the same time, many other areas are closing their single-track trails because they have not managed the growth well. So people who might go elsewhere come here.

West Virginia is also becoming a Mecca because the tourist industry and the State are promoting it. The most prominent materials and efforts to promote mountain biking in West Virginia are set out above in "The Numbers". But these are not all. Almost every week the author walks into a bike store or opens a magazine and sees something new advertisement, promotion, race or guidebook.

This out of state growth creates particular problems. For one, West Virginia is a relatively wet and, obviously, mountainous area. Many visitors do not have experience with or understand the exacerbation of trail wear problems cause by slope and water.

When people spend their precious vacation days and dollars to come here and it rains, it is particularly difficult to resist the temptation to ride when they should not or to adopt a lower standard. And it is very hard for the bike shops and resorts to whom they are paying their money to discourage them. And as more and more people get into the "industry" these people will again be less and less those people who understand responsible riding.

Current events cry out to mountain bikers to deal with this problem now rather than suffering the fates of hunters and fishermen here, or mountain bikers elsewhere, who consumed the resource and had to fight to get it back. Current events cry out to those who want to protect the resource to prevent rather than repair damage.

In Part II which will appear in a subsequent issue, David will propose policies and actions

for mountain biking in West Virginia. He will discuss sixteen headings subsumed under his proposal as follows:

- 1- Mandate education for mountain bikers.
- 2- Close some trails and some areas to mountain bikers
- 3- Prohibit mountain bike riding on wet trails.
- 4- Develop consistent guidelines for "too wet" to ride.
- 5- Educate mountain bikers about the standards.
- 6- Develop lists of roads and special trails that can be ridden in wet weather.
- 7- Enlist mountain bikers help in getting others to comply.
- 8- Enforce the standards.
- 9- Promote trail maintenance by riders as they ride, and at organized events through education.
- 10- Organize trail maintenance days.
- 11- Award points for trail maintenance in racing series.
- 12- Work to fund trail construction and maintenance .
- 13- Promote West Virginia as the place to find "primitive" trails for mountain biking (and therefore the most needing of responsible trail riding.
- 14- Insist that anyone promoting responsible mountain biking in West Virginia also promote responsible trail use, and offer rainy day alternatives.
- 15- Find funding, and
- 16- Other factors.

LETTERS from page 14

that we resented being the subjects of a 100 acre experiment. (It has not proceeded nearly that far, partly due to technical difficulties, and partly because the DEP, after a lot of pressure from us, has told Mepco that they cannot mine any more coal at this site or get similar permits until they fill the first small section at Mepco with fluidized bed ash to prove that it does prevent AMD in a deep mine.)

Joan Sims, Morgantown.

\*\*\*\*\*  
August 4, 1997

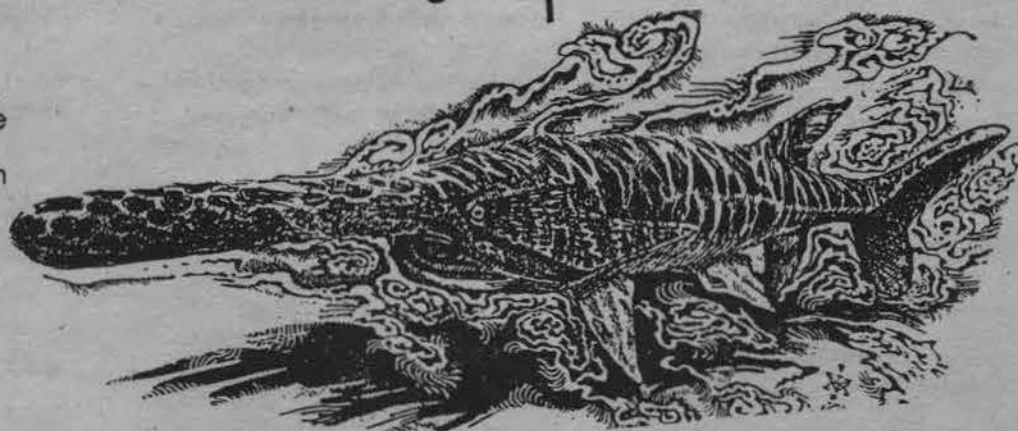
Find enclosed a copy of the letter to me from Cabot Oil and Gas Corporation, and my response to it.

July 25, 1997

Dear Rick:

Cabot Oil & Gas Corporation and Thornwood Gas, Inc. cordially invite you to a field tour of the recently completed Thornwood Pipeline and Production Facilities located across Pocahontas and Randolph Counties, WV, and Highland County, VA. As you are most likely aware, Cabot and Thornwood jointly laid approximately 35 miles of pipeline from Thornwood, WV, to Whitmer, WV, to tie six 1960 vintage Oriskany wells into production. The project commenced on November 18, 1996. Final reclamation of the pipeline was completed early this year and the end result is one of which we are extremely proud.

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A considerable amount of effort and expense were put into the design and construction of this line so as to minimize the impact on the environment and avoid an interruption to recreational activities in the area. We feel that the project accomplished both of the goals and would like to take this opportunity to showcase the pipeline and production facilities to interested parties.

The tour will be held on Saturday, August 16, 1997, beginning at 9 AM. Plans are to meet at the Greenbrier Ranger Station in Bartow, WV, at 9 AM. Transportation will be provided for the tour. If you plan to attend, please RSVP to my secretary by August 11.

We look forward to seeing you at the tour.

Sincerely,

Ray Prudnick, Jr.  
Cabot Oil & Gas Corporation

July 30, 1997

Dear Ray,

Thank you for your invitation to view the Cabot Oil & Gas pipeline on the beautiful Monongahela National forest. I appreciate the offer of a guided field tour, but have already seen some of the work. I can understand your intent; public relations are increasingly important in today's complex and competitive world.

I would take this opportunity to point out that you are incorrect in your statement that your project has been successful in avoiding any "interruption" to recreational activities. I can say with complete honesty and certainty that the project has significantly reduced the value (quality) of the areas through which it now passes, for me and for many others who consider the Monongahela National Forest a special place where this sort of activity is inappropriate. I am quit familiar with the Monogahela, and have had many and various experiences in areas where gas development is common. They are degraded by ugly pipelines, production wells, refuse dumps, and access roads, not only for me but for many of us (for your edification, read the public comments to the MNF Land and Resource Management Plan in the appendix of the EIS). It is perhaps something you do not understand. However, I challenge you to hike these pipelines, and then

hike one of our narrow footpaths through a similar environment, and see if you notice the vast and obvious differences.

Of course, recreational values are only a part of the issue, and a small one at that. Your pipeline will contribute silt to nearby streams, introduce exotic species, increase the over-stocked deer population, and create both openings and edge habitat in areas where interior species once dwelt. It also cut a swath through a fragment of the original forest, an ecological community that we are only beginning to understand and appreciate scientifically. It is important that you know this, and are not deluded into thinking that the project was universally deemed a success. You will undoubtedly make money for your stockholders, but it comes at a high price ... at least for some of us.

Sincerely,

Rick Landenburger, Morgantown.

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*The following letter was addressed to Carol M. Browner, EPA Director, and printed in the Coal Bell, March 1997. I believe it closely reflects the attitude towards the health of the people that make up most of the population of the constituents of the undersigned.*

Dear Ms. Browner:

We are writing to express our concern regarding the Environmental Protection Agency's (EPA) proposal to modify ambient air standards for ozone and particulate matter (PM).

According to the EPA, the cost of complying with these new rules will be approximately \$8.5 billion. When considering that fact, it is also important to note that these new rules are proposed in addition to a growing number of new clean air standards that are proposed or will be implemented in the next few years. *[What is the cost of 40,000 premature deaths each year, dear Senators, caused by smog and soot? Ed.]* Because of this, states find themselves caught in a perpetual motion regulatory machine. In the case of ozone, many areas of the country are struggling to comply with the current standard, let alone one that is more strident, and must now revise their plans in midcourse. Other state air authorities, which are in compliance on ozone, have relatively small staffs

who are overwhelmed by the requirements of previously proposed air standards, only to face a new and closely regulated regulation, even before the last one has been fully implemented or enforced. In recognition of this problem, the EPA had granted a number of time extensions to various states. While this flexibility is laudable, it only means that deadlines are now imposed on top of deadlines, and plans and models that were once completed must be revised yet again. *[Hey guys! Wouldn't you think that states could come up with some pretty high priorities to protect the 250,000 kids nationwide that have trouble breathing because of dirty air? Ed.]*

We believe it is time to stop and take stock of our situation, before adopting the proposed ozone and PM standards. Our states must be granted the time to complete the planning and enforcement of the many rules and regulations that were already proposed or promulgated prior to the EPA's latest proposal on ozone and PM.

The EPAA previously stated that a huge number of counties would be thrown into non-attainment by these new ozone and PM rules. However, EPA now argues that this situation will change simply by enforcing all of the other proposed and pending air rules. I these other air standards are enforced, may of the counties that were in nonattainment under the new ozone and PM rules will, in fact, be in attainment. This calls into question whether the new ozone and PM standards are even necessary in the case of many areas, and only confirms that we should first complete the implementation of all other air rules, before adding yet another extremely costly and complex layer to these regulations.

It is also important to note that the EPA has acknowledged that the high costs of the ozone rule will exceed any benefits. We are not surprised that the agency is currently revising its own figures, with the hope that this cost-benefit ratio can be reversed. In the area of particulates, the EPA has admitted that it has very little monitoring data on the extent of any problem arising from particulates of the size discussed in the rule. We are concerned about mandating a new standard, with an anticipated cost of \$6 billion, when the scope of any alleged problem has not yet been precisely determined. In addition, even while the EPA has stated that it's [sic] ozone and PM proposals are "peer reviewed," the data from one of the key PM studies had not been made

available to the public, so that it can be independently examined. We would also note that EPA's own Clean Air Scientific Advisory Committee (CASAC) was divided as to what level any new ozone or PM standard should be set at, and the CASAC expressed other significant reservations concerning these new rules. Finally, we recognize that some of the issues discussed above concern requirements in the Clean Air Act, and it is likely that these will be reexamined during the reauthorization of the Act in 1998.

The EPA has trumpeted the improved quality of our nation's air in recent years, and the decline in emissions of particulate and ozone precursors. WE consider the health of our citizen's an important matter, *[only to the extent that it doesn't interfere with the profits of those who gave heavily to our campaign chests... Editor reading between the lines.]* and we support the cleanup of the environment. We again note that the EPA has acknowledged that the enforcement of the other proposed and pending air rules will significantly improve the quality of our nation's air, and address many of the issues covered in the proposed ozone and PM rules.

Because o the significant uncertainty surrounding the costs, benefits, and impacts of EPA's proposed ozone and PM rules, we urge the EPA to reaffirm the current standards, conduct additional monitoring of PM and related air quality issues, and allow our states to complete action on the ambitious clean air standards that are already in place. *[How does the decision on allowing the Mount Storm plant of Virginia Power to grossly exceed air quality standards figure into this mix, fellows? A serious question from the editor]* including existing standards for ozone, before embarking on entirely new and costly undertakings.

Sincerely Yours,

Senators Robert C Byrd,  
Jay Rockefeller,  
John Glenn,  
Charles Robb,  
Wendell Ford

*Corporate giants from the auto, oil, electric power and chemical industries have already spent \$30 million on political campaign contributions, and have unleashed a \$10 million anti-environment media blitz to derail the new health standards. Ed.*