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Highlands

Voice

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Public Service Commission Rules Against Petitioners

By John McFerrin

The West Virginia Public Service Commission has rejected a petition by the West Virginia Highlands Conservancy, the West Virginia Sierra Club, the West Virginia Wildlife Federation, Chuck Merrit, and James Sconyers to review the sale of its Blackwater Canyon property to an intermediary which sold it to its current owner, Allegheny Wood Products.

West Virginia law prohibits a sale of land by a public utility without prior approval by the Public Service Commission. Allegheny Power did not seek, and thus was not granted, PSC approval for the sale of its land in Blackwater Canyon. The Petitioners contended that this deficiency made the sale illegal. Allegheny Power contended that it is not a public utility and that, because of this, no

approval of the sale was required. In its ruling, the Public Service agreed with Allegheny Power that no approval was required.

The Public Service Commission reached this result by ignoring the interrelated corporate structures of the companies involved. Allegheny Power is the trade name of a family of companies. These companies share officers, corporate offices, and employees. From all appearances, these companies are a single-integrated organization which is in the business of selling electricity. Although the nominal seller of the land in Blackwater Canyon is (on paper at least) a different company from the company which produces and sells electricity, in practice they

are the same company.

The PSC adopted the narrow view. It held that since the nominal seller of the land was not the nominal seller of electricity, the land was not sold by a public utility and no approval was required. The petitioners before the PSC had contended that because this integrated organization operated as a public utility, it should be subject to the requirements placed upon public utilities, including the requirement of seeking PSC approval prior to the sale of land.

At press time the petitioners had not announced whether they intended to appeal this decision although an appeal is likely. □

So What's with Garbage (as of Dec 28, 1997)?

by Tom Degen

Judiciary Subcommittee B met on Tuesday, December 16th. The committee was presented with three different options concerning how to craft the new language on sewage sludge (to fix the unconstitutionality question). Since the legislators didn't receive them until the meeting, there was not enough time to read and digest the three options. They put off making the decision until next month. That makes the timing pretty tight, since next month is the last interim committee meeting (before the regular Legislative session). It was probably the right thing to do, since nobody really had a handle on the ramifications of each option.

There was a discussion of the public referendum language, and who should prepare the "pro" and "con"

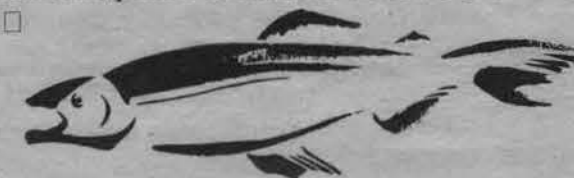
statement that should be published prior to the referendum. The decision was to require the published notice to give just a factual description of the proposed facility, and not "pro" and "con" viewpoints, with the county commission responsible for preparing it.

Two amendments prepared by the staff were passed. One was a legislative finding that West Virginia won't interfere with the free flow of garbage in and out of the state, but that the legislature recognizes that waste disposal has long-term environmental, health, and infrastructure impacts on local communities, so the state is affording its citizens full participation in the decisions associated with the location, operation, and oversight of waste collection and disposal. The other amendment forbids counties from limiting approval for new

or expanded solid waste facilities based solely on local needs, and contains a severability clause for the siting plan section.

The big decisions were put off until the last minute. The January interims will be on the 11-13th and the regular 60 day session starts on the 14th. Assuming the bill preserves the major portions of the solid waste law, it will help our cause for the committee to vote to pass the bill out of the interim committee to the full legislature for introduction during the session. For those of you who can make it, a citizen presence would be helpful.

If you have any questions or comments, please contact me at 655-8651



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

By John McFerrin

Victory at Last

Another bad idea has bitten the dust. After years of controversy, the proposal to build a paper mill in Mason County has apparently been abandoned. The company has not pursued its permits; the option to buy the land has run out. The company has announced that it is no longer interested in pursuing the project.

There were lots of people, lots of organizations, and lots of forces that had something to do with the demise of this monumentally unwise venture. Most prominent was probably the weak paper market. Given the lure of enough profit, companies will ignore public opinion, claw their way past opposition, and forge ahead with even the most socially irresponsible project. With a paper market that did not assure tidy profits, it would be a lot easier to decide that the game wasn't worth the candle.

In this controversy the environmental community did what it does best: make people consider the entire cost of the project, including the social and environmental costs. If the company and the government were allowed to limit their focus to just the dollars and cents costs of construction and operation and the dollars and cents money to be made, then the pulp mill might seem like a good idea. If we ignore the air pollution, the water pollution, the effect on our forests, and the effect on our communities that would result from the pulp mill, then the whole thing starts to look pretty good. If we ignore the fact that construction of the pulp mill would involve pouring a pile of money (including tax money) into an outdated, polluting technology, then things look pretty rosy.

It is because of, among many others, the environmental community that this did not happen. Somebody pointed out that this was not just a matter of dollars and cents. Because somebody pointed out that this mill would use outdated, polluting technology to the detriment of our air, our water, our forests, and our communities, the project didn't look so good any more.

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WHERE NOW FOR THE HIGHWAY TO NOWHERE?

by Hugh Rogers

When the news of our loss in the District Court in Washington came out in mid-October, many Conservancy members wondered, "Is this the end of a thirty-year struggle?" No--but it's a good time to ask some other questions about the Corridor H project: Where is it now? Where is it going? At what speed? We'll begin with the judicial decision.

A Courtly Bow to the Highwaymen

Dismissing the lawsuit against WV and US highway agencies, Judge Thomas Hogan bowed to the political decision to build Corridor H. "The court must defer," wrote the judge. For each issue, from WVDOT's refusal to study road improvements to the decision to build parts of the four-lane before all studies were completed, he applied a standard of "substantial deference."

"There is room for a difference of opinion about the wisdom of the Corridor H project," the judge wrote, "and also about the implementation alternatives chosen by defendants. Indeed, plaintiffs present reasonable arguments in favor of choosing another path. However, defendants also present reasonable arguments, supported by evidence, in support of positions they have taken . . . The Court does not substitute its own judgment for that of the agency; instead, the Court is directed to give deference to

agency decisions that are not arbitrary or capricious."

The Conservancy, with Corridor H Alternatives and thirteen other plaintiffs, has decided to appeal. The judge's deference extended to "reasons" that weren't there at all. For instance, WVDOT's empty claim that it studied the new alignment around the Corricks Ford battlefield. It had merely guessed that everything in the new terrain would be the same as the original corridor.

Although federal transportation law plainly says all studies must be completed before any funds may be spent, Judge Hogan allowed the defendants to piecemeal the project, building some sections while continuing to study the rest. That sequence could commit the highway to a path straight into protected areas. For Corridor H, the Federal Highway Administration virtually rewrote Section 4(f). If the decision stands, parks, wildlife preserves, and battlefields anywhere in the country are threatened. For that reason, our appeal is beginning to attract several more *amici curiae* who will join us in arguing that the decision must be reversed.

Construction Ifs and Whens

Acting WV Transportation Commissioner Samuel Beverage told reporters he would start the bidding process right away--primarily to make our appeal more expensive by forcing us

to post a bond. Our Washington attorney, Andrea Ferster, asked for an expedited appeal and obtained a written schedule of planned construction on Corridor H.

WVDOH admitted it wasn't ready to build. Historic evaluations weren't complete on any segment. Neither were final survey and design work or land condemnation. Further shifts in the alignment were possible, even though some right-of-way had been purchased.

The schedule puts Elkins and Moorefield first in line, Tucker and Grant Counties last. For the foreseeable future, the middle would be left unbuilt. On the east end, Virginia has stopped the highway at Wardensville, six miles from the state line and twenty-five miles west of I-81. The schedule can be divided into three categories:

See Corr H on Page 11

Martin Abrams, vice president for information policy and privacy for Experian, says that virtually all companies offering pre-approved credit cards use lists from the three major credit bureaus. Calling one of the toll-free numbers "will, over time, reduce mail," Abrams says. The Federal Trade Commission (FTC) says that calling one of these numbers will reduce unsolicited insurance offers as well, since insurance companies also use credit bureau lists.

When consumers call one of the toll-free numbers, they can have their names removed from these credit bureau lists for two years. If they request, they will be sent a form that will allow them to have their names taken off these lists permanently.

The National Waste Prevention Coalition is made up of people in the solid waste management field. The Coalition's members work for local governments, state governments, non-profit organizations, universities, consultants and businesses. One of the Coalition's major projects is the National Junk Mail Reduction Project. For more information on the Coalition, see its Internet website at: <http://www.metrokc.gov/nwpc>

NEW FEDERAL LAW HELPS CONSUMERS REDUCE JUNK MAIL

By Pat Barker through Richard diPreto and WISE

Are you tired of receiving "pre-approved" credit offers? Some consumers receive dozens of these offers every year, even though they may have no interest in them. This type of unwanted mail -- also known as "junk mail" -- can now be stopped!

Changes to the federal Fair Credit Reporting Act took effect Sept. 30, 1997. Under one provision of the new law, consumers can call a toll-free number to have their names removed from mailing lists used for

credit offers. The toll-free numbers are operated by the three major national credit bureaus. Consumers only need to call ONE of these numbers; the credit bureaus share the lists with each other. The numbers are:

Equifax	1-800-556-4711
Experian (formerly TRW)	1-800-353-0809
Trans Union	1-800-680-7293

Under the law, the pre-approved credit card offers themselves must now include these toll-free phone numbers. Consumers should begin to see the numbers on the offers within the next few months.



Activists – We Do Win a Few

Stories Taken from Native Forest News International, Final Quarter 1997

Blockaders Shut Down Champion Mill in Tennessee

In the pre-dawn hours of Monday, August 18th, forest defenders scurried to blockade Champion International's hardwood chip mill in Caryville, Tennessee. Two climbers and a support person scaled the 100 foot log scooping crane while another clogged up the access by chaining himself to the top of the ladder. Meanwhile the "stumpers" were arranging their hardware (U-locking themselves to the gate and arm locking into 400 lb. graphically altered stumps), making sure no one would enter the facility to attend to the "daily grind."

Champion admits that the chip mill consumes 30 acres of native forest per day, but one local activist who's been keeping a close watch on daily operations calculates the rate to be closer to 50-60 acres per day. "They're currently running at half-speed with a single work shift. They have the potential to consume 120 acres a day," says Doug Murray of The Center in nearby Laffolette.

The Center has been conducting aerial flyovers and publishing Champion's violations of the state's unenforceable forestry regulations. The facility was closed, and inoperable for over 12 hours as climbers remained suspended for the entire time, flying high with the banner which read, "Champion Destroys Our jobs, Forests, and Rivers." The 8 blockaders (later to become arrestees) and two dozen supporting protesters conducted the protest after similar plans were foiled nearly two months earlier when blockaders were met by a tipped-off police force. This time, recruiting for the non-violent blockade was restrained with a leaner, more effective crew returning to complete the unfinished business. The action was supported by members of The Center, the Foundation for Global Sustainability, the Dogwood Alliance, and, of course, the Native Forest Network.

Rodney Webb, NFN Southern Appalachians From Native Forest News International, final Quarter 1997

Blockades Stop Raw Forest Exports to Canada

The Native Forest Network is a growing force in pulp and paper issues worldwide. Its new campaign initiative, the Boycott

Woodchipping Campaign, has united activists throughout the Temperate Zones in a campaign to curb consumption - and investment - in this voracious industry.

Two blockades shut down logging operations near Duxbury, Vermont, when two Native Forest Network (NFN) activists locked themselves to heavy machinery with kryptonite bicycle locks. Logging activities were prevented for the entire day. Activists were protesting liquidation logging, clearcutting and raw log and wood chip export. Up to 75% of this cut was headed to Quebec, Canada to a Domtar paper mill. Domtar is a multinational timber company partially (43%) owned and subsidized by the government of Quebec.

"We sent a clear message to the timber industry today that Vermont is not a resource colony for multinationals to exploit," said Anne Petermann of the NFN. One of the two NFN activists who locked down to the machinery, Deborah Ormsbee, is a history teacher at Harwood Union High School. Ormsbee stated, "I saw the logging trucks go by all last school year bound for Canada and I decided that this insanity must stop."

The action was part of the Eastern North American NFN's Vermont Forest Practices Campaign and the International NFN's campaign against woodchipping. On site at the shutdown was Rebecca Lightbourne from NFN Australia. "Australian environmental groups have opposed the export woodchip industry for over 20 years," said Lightbourne. "The issues are strikingly similar to here: loss of biodiversity, jobs and the hope for true ecological forestry practices."

The NFN instituted its Vermont Forest Practices Campaign in December of 1996. The four aspects of the campaign are the banning of all clearcutting for commercial purposes; the ending of the export from V of all raw logs, woodchips and pulp; the cessation of all commercial resource extraction from all public lands in the state (Zero Cut) and a complete ban on all aerial herbicide spraying on Vermont forests. Due to the efforts of the NFN and other groups, Vermont legislation was passed which called for an indefinite moratorium against aerial spraying of herbicides.

NFN Eastern North America

Home Depot Targeted by Consumer Activists

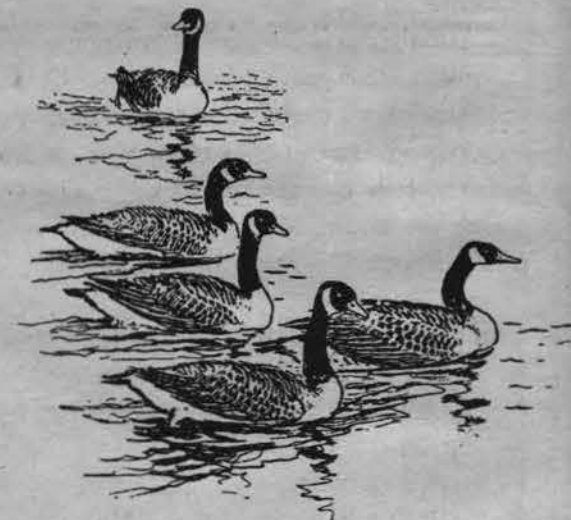
Only about 4% of the US' original ancient forests are still standing. Worldwide, logging and other causes of deforestation have eradicated all but 20%. Home Depot is the US' largest lumberyard, and as the industry leader it has the greatest responsibility to change its practices.

On August 17, Rainforest Action Network (RAN), Native Forest Network, and Burlington Rainforest Action Group launched a protest in Williston, Vermont, holding Home Depot accountable for the destruction of the world's last remaining ancient forests. Home Depot sells products made of old growth wood from in North America and the tropics.

"Selling old growth wood products," says RAN's Old Growth Campaign Director Christopher Hatch, "is like killing elephants for ivory, or making ashtrays out of gorilla paws. These protesters here today are asking Home Depot to do an easy thing: to make a public commitment that old growth products will be phased out at all stores."

Earlier this year Home Depot agreed not to sell or purchase old growth redwood lumber. The home improvement giant still sells old growth woods from British Columbia, and old growth tropical wood including mahogany, teak, rosewood and lauan. There were no arrests.

NFN Eastern North America From Native Forest News International, Final Quarter '97



MAI- Declaration of Corporate Rule

By Mary Wildfire

Heads up! An international investment agreement nearing completion requires our attention. If this sounds too boring to read about, consider this: if the MAI passes into law, virtually everything you've worked on with WVEC, and likely any other organization you belong to, could be jeopardized.

What is MAI? The Multilateral Agreement on Investment is a set of rules being negotiated under the aegis of OECD- Organization of Economic Cooperation and Development, the rich nations club- that establishes rights for international investors. Meetings have been held in Paris since 1995, secretly. Negotiators say the agreement is now 90% complete, plan to have it ready for signing in April or May 1998. Renato Ruggerio, director-general of the World Trade Organization and lead negotiator, says, "We're writing the constitution for a single global economy." If so, its bill of rights is for investors only.

Five environmental representatives and about five labor reps, have belatedly been included in the advisory committees for negotiators, along with more than five hundred business reps. Only one of 36 committees considers environmental issues.

This agreement gives investors-- usually corporations-- wide new powers to directly sue governments. It does not give governments any power to sue corporations on behalf of their citizens. There is some lip service to environmental protection but no binding requirements.

One of the worst elements is the provision that MAI is to be superior to all state and local, as well as all national laws- these can stand only as long as they don't conflict with MAI. Presumably among the national laws which may be partially repealed if this is signed, is the U.S. Constitution. "Our" representatives have already agreed to bind the 50 states, as long as the European Union gives American investors equal access to European countries.

Other provisions: signatory nations must give all investors National Treatment, meaning they must be treated at least as favorably as domestic ones. They must give all other signatory nations Most Favored Nation status; no discriminating against a nation just because it engages in egregious human rights abuses or institutes apartheid.

No restrictions on movement of capital will be allowed, even to stop a financial crisis like the Mexican peso meltdown, according to the current version.

There will be a limitation or ban on performance requirements, meaning no laws requiring investors to use domestic suppliers, hire local labor or managers, or otherwise benefit the local economy or meet social or environmental goals in exchange for market access.

MAI guarantees immediate compensation for expropriation of assets, including any action "tantamount to" expropriation, in all of this, MAI will not consider intent of laws but only their effect. For example, if it's easier for local outfits to comply with a recycled-content law than foreign ones, out it goes.

If a corporation decides it's been ripped off, it can sue. It has the right to choose an international tribunal rather than local courts which may be unsympathetic, or it can use the local courts to get an injunction to stop the "harm," then the international tribunal to settle the issue. It can choose to keep the proceedings secret. There will be no public input. There is no appeal.

We are assured by proponents that MAI will not affect genuine environmental or public health laws, but only those that are a cover for protectionism or are not supported by scientific evidence. A preview of what this means came in a recent decision by WTO. The European Union banned hormone-fed beef. U.S. suppliers complained and WTO ruled the ban illegal under GATT, despite the fact that the ban applied equally to domestic sources and despite overwhelming public support for the ban. There was insufficient scientific evidence, WTO's expert decided, that hormone-fed beef is harmful to human health. This means that under MAI we can expect all such decisions to be made by a committee of unaccountable "experts" with no public input. I certainly hope that God sits on that committee and that it's immune to the influence of moneyed interests because otherwise this system is not only fascist, it's reckless.

Finally, MAI specifies that once signing on a country cannot withdraw for five years, and will be bound by its provisions for another fifteen after that.

Now. What do you suppose Clinton and the other Republicans wanted fast track for? Why do you suppose this whole thing has been so utterly silently secret? Surely because such a flamingly antidemocratic document could never pass public scrutiny. With fast track, the Senate could have been voting it up or down with no amendments and no debate -- that's fast track, remember -- about the time most

Americans were saying "MAI? What's that?" As to how reluctant Senators could have been persuaded to vote for it, it would have been worth the cashing in of any and all chips, even the employment of risky persuasion techniques if necessary, because once the thing is signed, democracy is effectively repealed!

For more information, try Global Trade Watch (a division of Ralph Nader's Public Citizen) and ask for Chantelle Taylor. (202)546-4996
215 Pennsylvania Ave SE, Washington D.C. 20003 <http://www.citizen.org/gtw>

Preamble Collaborative (202)265-3263 1737
21st St NW, Washington D.C. 20009
preamble@rtk.net
<http://www.rtk.net/preamble>

For a voice from the other side, you can try Mary Rychman, assistant to the U. S. Trade Representative at (202)395-7271. □



Systematic Forest Service Destruction of Wildlands

Industrial development of roadless pristine public land is degrading and ruining some of the finest wild backcountry in the US and Canada. Logging, roadbuilding, mining, grazing, land swaps, oil and gas development, housing development, and many other forms of industrialization are chewing away at the last meager parcels of undeveloped public domain. The US Forest service destroys 1.5 to 2 million acres of wilderness every year. *From Native Forest News International, Final Quarter 1997.*

PSC Decides Against Blackwater Canyon

Public Service Commission vs West Virginia's Wildlands in the Blackwater Canyon

By Jim Sconyers

Why should we care about a complaint filed with the Public Service Commission over the sale last February of the Blackwater Canyon? Because it sets a dangerous precedent for the future of West Virginia's wildlands. Have no doubt. The complaint is about more than the Blackwater Canyon, though that would surely be enough.

Occasionally electric utilities decide to dispose of land holdings by selling them. Land sales will increase greatly in the near future when the anticipated deregulation of the electric power industry becomes a reality. It is widely expected that these mega-corporations will sell off major portions of their real estate as they encounter competition for the first time.

What will happen to these lands? If the Blackwater Canyon is any clue, consideration of what is best for the people of West Virginia in the long run is unlikely.

What has happened in Blackwater Canyon? In a nutshell, Allegheny Power, the electric utility that owned the Canyon, rejected an offer of five times the value established by the county assessor. This offer would have enabled permanent protection of the Canyon and its myriad nonconsumptive values.

Instead, the utility PSC Electric utilities own vast holdings of West Virginia real estate. Much of this is in remote mountain wildlands, where many sets of values are expressed. Those values include commodity production of timber, coal, and gas, as well as nonconsumptive commercial uses in the recreation and tourism domain. Noncommercial values are highly significant, too, in these lands: natural beauty, complex living systems, human psychological and spiritual renewal.

company accepted a higher bid from a company intending to log and, possibly, build in the Canyon and on its rim.

Don't we have laws against that? We certainly have laws that govern what must happen when an electric utility sells real estate. The utility must get prior approval from the West Virginia Public Service Commission (PSC). That approval can only be given if the PSC determines that the sale is in the public interest.

In the Blackwater Canyon sale, Allegheny Power didn't ask for or receive PSC approval for the sale, nor did the PSC find that the sale was in the public interest. Yet the sale went ahead, blatantly ignoring the legal requirements.

Several environmental groups filed a complaint with the PSC. In effect, they asked the PSC to accept its obligation to enforce state law. How has the PSC responded? The PSC squelched the attempt to have the law enforced, while forces move ahead with plans for the Canyon that will negatively impact the future of the Canyon and the people's stake in protecting it.

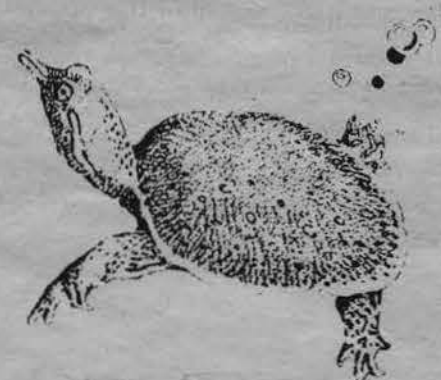
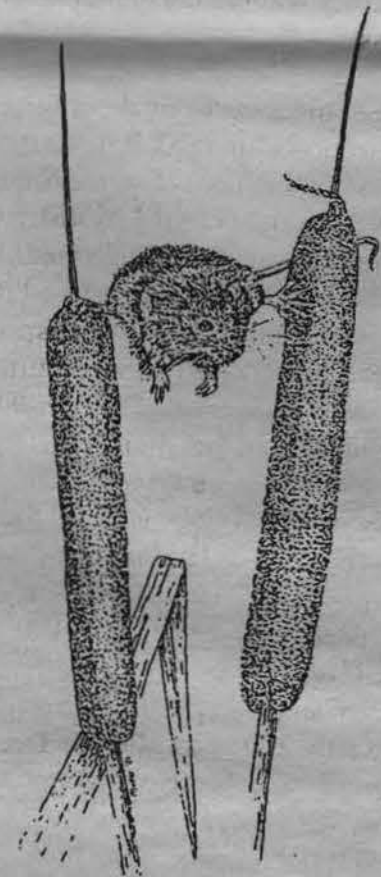
The PSC put on blinders. The Commission ruled that the people of West Virginia care about one and only one thing: money. They decided the sale wouldn't affect electric rates, and therefore they couldn't be bothered with any of the other values at stake. In a real example of twisted reasoning, the PSC claimed that Allegheny Power isn't even a regulated public utility, and thus is not subject to West Virginia utility law. Never mind that Allegheny power generates electric power, delivers it to thousands of West Virginia homes, and sends you the bill. Or that it employs hundreds of workers here in West Virginia for the purpose of generating and selling electricity here. Never mind all that.

The PSC chose to accept Allegheny Power's corporate shell game. Through complicated corporate structures, including sham subsidiaries with no employees and all the same officers and addresses, Allegheny Power tried to obscure the fact that in reality there is only one Allegheny Power, and that the state of West Virginia has an obligation to oversee its decisions via the Public Disservice (oops, Service!) Commission.

Now, as is all too often the case, we the people have to take to the courts to appeal this completely wrong-headed decision by the PSC. Wouldn't it be nice if the supposedly protective agencies just did their job for us in the first place? We could all save the time, energy, and expense we'll expend getting our laws enforced.

With deregulation around the corner, electric companies will feel competitive pressures they've always been immune to. Their complacency has rested on their status as state-sponsored monopolies. It is this protection from market forces that historically has been balanced by an obligation to consider the public good first and foremost in many decisions.

It is time for the Public Service Commission to accept its own legal mandate to protect the public. If and when lands are brought to the marketplace, the PSC must evaluate the proposed sale, and make some difficult decisions. Is a given sale in the public interest? Or would the public interest be better served by a different disposition of the property? These are the kinds of questions the PSC must prepare to deal with. We must demand that they do so. □



ELECTIONS AND THE ENVIRONMENT

By Don Gasper

Over the summer there has been possibly significant progress on election reform.

Over the summer there was a meeting in Knoxville concerning elections and money in the southeast U.S. Janet Fout describes it well.

The West Virginians who attended held a W.Va. meeting and formulated a W.Va. group called P.E.R.C. to work on election reform here. They decided public involvement was needed, and on Nov., 1, 1997 gathered such a meeting of W.Va. citizens. The meeting was begun with a fine orientation to W.Va. politics and money by the West Virginia experienced Norm Steenstra. Experience! The next speaker was the Honorable Ken Hechler, W. Va.'s Secretary of State - whose office might have a hand in election reform if given the law and funds. All listened as this able octogenarian spoke with humility and acumen and alternately with humor and great seriousness.

He began his remarks by describing the Federal Election Campaign Reform Act of 1974. This Act included absolute limits on campaign spending (varying by district size); a \$25,000 limit on an individual's contribution to his or her own campaign; and a \$1,000 limit on independent expenditures from special interest groups. The Act was overturned in 1976 by the U.S. Supreme Court in *Buckley v. Valeo*, which stated that limits on contributions to one's own campaign and on independent expenditures violated the First Amendment. (It was later noted by a representative of "Democracy South" where three attended, how ironic it was that the Supreme Court reversed the good-faith, post-Watergate Campaign Finance Reform Act in 1976 - exactly 200 years after the Declaration of Independence). Mr. Hechler argued that *Buckley v. Valeo* equates money with speech, and asked if the framers of the First Amendment had thought of free speech in this way. He stated that this decision is the chief bar to campaign finance reform. *Buckley v. Valeo* must now be revisited by the court, he said, because campaign spending has increased significantly in the past 21 years to scandalous proportions.

In explaining how new arguments might be presented, Mr. Hechler noted that the decision has protected the freedom of speech of millionaires, but has curtailed speech for others, including the young and poor. He pointed out that the 14th Amendment guarantees equal protection, but that *Buckley v. Valeo* denies equal protection to the poor, since media access is obtained through money. Today, he said, "whoever controls the media controls the campaign." He discussed two Ohio cases that are likely to reach the Supreme Court, thus providing opportunities to reverse *Buckley v. Valeo*.

Mr. Hechler stated that five or six years ago, he had tried to convince the West Virginia state legislature to pass a campaign spending limits bill; although the bill would have been "unconstitutional" under *Buckley v. Valeo*, the appeals process would have provided another opportunity for the U.S. Supreme Court to reconsider its 1976 decision. In fact, he noted, the passage of "unconstitutional" state laws is the principal way in which the Supreme Court can overturn earlier interpretations.

He commented on the generally encouraging growth of voting rights in his lifetime, he noted the persistence and prevalence of the problem. The League of Women Voters, Common Cause, etc., are working nationally and locally on election reform. We will progress if the Supreme Court does not equate freedom of speech with the freedom to be heard - presently the monied interests are favored, and most often heard. There is much citizen interest presently in this, but the hoped for progress in Washington may be eclipsed by the many state initiatives that provide public money for candidates that do not accept special interest money, and limiting contributions to only \$1,000 and only to voters (and not their children).

Mr. Hechler ended his keynote address with a rousing original song about campaign financing using the tune "Music, Music, Music" made famous by Theresa Brewer. West Virginia is so fortunate to have this man! He participated in questions and panels that followed.

An executive of the Affiliated Construction Trades Union noted that unions do make significant campaign contributions, but they must do it to match spending of their opponents. They would rather spend it on health issues and retirement benefits. Contributors want a return on their investment - favors. (Ken Hechler remarked that some industries are tired of being asked for contributions too.)

Dianne Bady of OVEC spoke on the links between polluters' contributions and anti-environmental legislation, noting the close relationships that often exist between polluters, regulatory-agency appointees, and elected officials. She described her experience with a grassroots campaign to limit metals mining in northern Wisconsin. After townships there had managed to halt environmentally harmful mining, activists "took a breather," giving mining companies the chance to "buy" state legislators. A stealth rider to a bill stripped townships of their authority to stop mining, and a huge open-pit mine now occupies the area near her former home. Ms. Bady likened this situation to the firing of EPA regional director Peter Kostmayer at the behest of an official influenced by Parsons and Whittemore, whose planned Apple Grove pulp mill was threatened by Kostmayer's support of Ohio River dioxin testing.

Bob Taft of W.Va. Common Cause rounded out the panel discussion by commenting on his organization's March 31 publication, *Money Talks*, which demonstrates special-interest funding of West Virginia candidates, and relating an anecdote about the subversion of land-use regulations to allow the building of roads desired by large contributors.

Robin Godfrey then performed, to hearty applause, his original campaign-finance-related lyrics to Rogers and Hammerstein's "My Favorite Things."

See Elections on Page 10



Assault from Page 9

backs up this claim by explaining how policies of the Brazilian government encourage deforestation, but he fails to place the Brazilian government's policies in the context of the world economic system.

Facts Not Fear carries the copyright of the Alabama Family Alliance, which is part of the Focus on the Family network - a large, grassroots, religious right coalition based in Colorado. The book attempts to bridge the gap between national conservative policy organizations and the grassroots -- a gap the religious right has bridged successfully in the past. "This is similar to what the religious right did in the 1980s when they focused locally on school board elections," said Dan Barry of the Clearinghouse for Environmental Advocacy and Research. Moreover, Sanera and Shaw maintain deep ties with rightwing foundations and dirty industry.

[Essential reading: *Facts Not Fear* (Regnery Publishing, 1996) and *Eco-facts & Eco-fiction* (Routledge, 1996)].

"We Are the NRA"

Sanera directs the Center for Environmental Education Research at the Claremont Institute, a highly conservative think tank founded in 1979. Sanera is also president of the Arizona Institute for Public Policy Research (AIPPR). Both organizations are members of Alliance for America, a nationwide network of more than 500 Wise Use groups. Alliance for America's funders include the National Rifle Association and numerous industry groups, including the American Mining Congress, the American Petroleum Institute, the American Pulpwood Association and the Chemical Manufacturers Association.

The Claremont Institute and AIPPR are also network members of the Heritage Foundation, one of the most influential and well-funded - rightwing advocacy and public relations organizations in the country. According to *Buying a Movement*, a report by People for the American Way, the Heritage Foundation "had substantial input into the writing of the Republican Contract with America." Alan Crawford, author of *Thunder on the Right: A Study of Rightwing Organizations*, found that the Heritage Foundation's supposedly objective studies "invariably confirm the notions to which its conservative colleagues and trustees are already committed."

A look at Heritage's funding reveals significant support from rightwing foundations, including John M. Olin, Lynde and Harry Bradley, Carthage and Sarah Scaife.

The organization's funders also include many of the corporate giants that have the most to gain from hurting environmental education, such as the Amoco Foundation, Boeing, Chevron, Coors Foundation, Dow Chemical, Exxon Corp., Ford Motor Co. Fund, General Motors, IBM, Mobil Oil, Philip Morris, R.J. Reynolds, General Electric, Procter & Gamble and Shell.

Many of these corporations are notorious for their environmental misdeeds. An Exxon tanker caused a catastrophic oil spill in Prince William Sound, while Shell's operations in Nigeria (a major source of global warming gases) have left the native Ogoni people socially oppressed and environmentally devastated.

Corporate Lesson Plans

While supporting the claim that environmental education is biased, some of these same corporations simultaneously are sending out anti-environmental propaganda disguised as lesson plans. Shell distributes a classroom video that espouses the joys of driving and the virtues of oil and gasoline as energy sources. Dow Chemical has created "Chemapalooza," a music video program promoting the idea that everything is "made up of chemicals" (thereby implying that all chemicals are natural and safe).

Environmental education critics stepped up their activity just as the NEEA came up for reauthorization. The 1990 law created the Environmental Education Division of the EPA. The NEEA's primary initiatives are an environmental education grant program, the Environmental Teacher Training Program and the National Environmental Education and Training Foundation (NEETF).

Sanera's Claremont Institute appears to be one of the primary organizers against NEEA reauthorization. A briefing from NEETF's Kevin Coyle states that Wise Use groups were holding conference calls to discuss steps to defeat the act's reauthorization. Last August, Sanera circulated a Claremont Institute briefing paper to legislators and the press crying that even current federal policies on the environment have gone too far: "Evidently the EPA does not want to educate students, but rather indoctrinate them to blind obedience to federal policies."

Profiles of the other three key figures and their organizational and funding links look remarkably similar. Shaw is a senior associate at the Political Economy Research Center (PERC), also a member of the Alliance for America and the Heritage Foundation. In fact, Adam Meyerson, vice president of the Heritage Foundation, is on PERC's board of directors. A list of PERC's funders reveals

that many are also Heritage funders: Amoco Foundation, Lilly Endowment, Carthage Foundation, John M. Olin Foundation and Sarah Scaife Foundation.

Finally, Jonathan Adler of the Competitive Enterprise Institute (CEI) and Jo Kwong of the Atlas Economic Research Foundation (AERF) similarly are connected to big business and rightwing groups. CEI and AERF are members of the Heritage Foundation's network. *Earth Day '96*, a newspaper published and distributed by rightwing organizations, listed AERF as a resource. Kwong's 1995 article, "Environmental Education: Getting Beyond Advocacy," (part of the Contemporary Issues Series published by the Center for the Study of American Business) quotes both Sanera and Adler and makes the apparently shocking claim that "the environmental education campaign is aimed at turning our nation's school children into environmentalists."

"The environmental movement has to understand that this is a media fight," said Makani Themba of the Praxis Project, a grassroots media and policy center. "Environmental education is too critical to our future as a nation to trust it to corporations that pollute. If confronted by who is funding the small group of people making this attack, the public will respond." □□

Marianne Manilov and Tamara Schwarz are with the Center for Commercial-Free Public Education, 360 Grand Ave., No. 385, Oakland, CA 94610, (510) 168-1100, fax: -1277, unplug@jgc.org, known for its UNPLUG campaign against commercially sponsored TV in public schools. Research for this article was conducted as part of the Consumers or Citizens Program - an effort to educate the public about corporate polluters' involvement in schools.

Also see Corporations in the Classroom on Page 12



McFerrin from Page 2

At our best, this is what we do: we point out the social and environmental costs of proposed activity. We make sure that, when there is a decision to go ahead or not, these costs are counted. When the system works, if these costs are too high then the activity does not go ahead.

The system does not, of course, always work. We do, after all, have the Omega Mine near Morgantown, the Tenmile mining complex in Upshur County, and the power plant in downtown Morgantown—monumentally unwise ideas that went ahead in spite of the best efforts of many people to point out their absurdity.

With the pulp mill, however, it did. We were able to point out the social and environmental costs. Once we add those (along with the weak paper market) to the balance the folly of the pulp mill becomes clear and the project is abandoned. A bad idea bites the dust. □



Michael Sanera, Jane S. Shaw, Jonathan Adler and Jo Kwong are the key figures most frequently quoted in media articles citing a 'trend' of criticism against environmental education. Sanera and Shaw coauthored the campaign's bible - *Facts Not Fear. A Parent's Guide to Teaching Children About the Environment* (with a foreword by Marilyn Quayle).

Hype, not Hysteria

Facts, Not Fear is a credible-looking organizing manual that raises questions about environmental issues, environmental textbooks and environmental groups. Each chapter is reviewed by "experts" and is detailed in its approach, attacking issues statistic by statistic. Common beliefs about rainforests, endangered species, population, water and air quality issues all are rewritten. An advertisement claims that *Facts Not Fear* offers parents a balanced, sound-science

This coordinated attack is conducted by groups financed by Chevron, Shell, Dow Chemical and other industrial polluters

alternative to the "exaggerated claims about the environmental crises" that kids hear in school.

Yet the authors resort to the same one-sided arguments for which they criticize environmental education as a whole. For example, the book contends that rainforests are not really being deforested by forces commonly identified in textbooks (i.e., agriculture, commercial logging and cattle ranching) but by "countries bringing on the problems themselves." A World Bank adviser

See Assault on Page 8

Heritage Foundation, Chevron and the Religious Right

-The Assault on Eco-Education-
By Marianne Manilov and Tamara
Schwarz

From the *Earth Island Journal*, Winter 1996-97

Another mother tells how sad her 6-year-old daughter seemed one night as she settled into her new bed. Why? her mother asked. "They killed trees to make my bed," was the reply.

-- from *Facts Not Fear* by Michael Sanera and Jane S. Shaw

This anecdote, reprinted in a recent editorial-page piece in the *Wall Street Journal*, is one that every environmentalist may soon come to know all too well. It is part of a nationally coordinated media campaign run by a small but powerful interest group that is trying to cripple environmental education by overturning or changing teaching requirements at the state level.

Their message: Environmental education has gone too far, is full of one-sided arguments and outright lies, and asks students to become activists. The real agenda behind this

"reform" campaign, however, is to build enough key media coverage to derail reauthorization of the National Environmental Education Act ["Denaturing Education," Summer '96 EIJ]. The NEEA, which passed in the Senate with bipartisan support last year, is slated for action in the House - possibly as early as January.

A look at the connections between these individuals and their respective organizational affiliations reveals ties to big industry, rightwing think tanks, conservative foundations and the religious right. This coordinated attack is conducted by groups financed by Chevron, Shell, Dow Chemical and other industrial polluters with a vested interest in undermining environmental education.

While attempting to portray themselves as concerned about the peace of mind of America's children, the true goal of the environmental education reformers is more insidious. They want to strike at the heart of the environmental movement to ensure that the next generation of passive overconsumers does not become a group of informed, active citizens.

Calendar

Jan 14 thru March 14 - Legislative session

January 17 - WVHC Winter board Meeting at the 79er Restaurant off the interstate in Burnsville from 9:30 AM to 3:00 PM.

February 21 - Sierra Club Conservation Outing: See a mountain top removal. Gather at 12 noon at Wendy's by the Capitol in Charleston. For more info call Laura at 472-5151.

February 21 - Coldwater Conservation Workshop, Penn State Conference Center.

Call Ed Bellis at (814) 364-1548 for details.

February 26 - E-Day at Capitol Rotunda

March 14 - WVEC meets at CAG office.

March 27 and 28 - Lucy Braun Association meeting at the Student Center of Marshall University. For information, contact Orié Loucks' office at the Department of Zoology, Miami University, Oxford, OH 45056.

May 15 thru 17 - WVHC Spring Review at a location yet to be announced.

June 26 thru 28 - The 2nd Ecological Integrity

Conference will be held at Davis and Elkins College in Elkins. The theme, *Defining Problems and Solutions for Appalachian Restoration*. A call for papers and official announcement to come out later this month.

Contact the ARC office at POB 5541 Athens, OH 45701, (740) 592-3968,

July 11 - WVHC Summer Board Meeting

October 9 thru 11 - WVHC Fall Review

Elections from Page 7

Former W.Va. Senator Mike Withers, an able and energetic environmentalist, spoke briefly on the status of W.Va. campaign reform. There is interest. Some tracking of contributions is going on. A formal organization, P.E.R.C. is being proposed to focus better on the problem and participate better with Democracy South, and others.

Some ideas from discussion groups were:

To vote.

Limit out-of-state contributions and those too young to vote.

Disclosure of finance sources.

Fair coverage by all candidates by media.

An "Appalachian Negativism" concept about the "impossibility of change" was identified, as part of the problem and accounts for some of the lack of citizen participation and voting. (Door-to-door work makes this clear.)

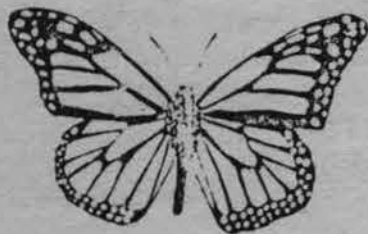
Coordination with other groups; churches, "Green", national organizations, etc., can be useful.

Back "Green" candidates. What of the "Green Party"?

Use the work of other states like the detailed, fine North Carolina Campaign Reform Bill.

The targeting of an "environmental" legislator up for re-election by a pool of industries is extremely effective. Environmental money could similarly be spent in this race downhill. This should be stopped, rather than participated in.

P.E.R.C. could link contributions to voting records and publicize them. The public does have a right to know. They resolved to formalize and develop a mission statement and a focus on W. Va. programs. Grants can be sought. P.E.R.C. is being formed. "P.E.R.C." should "stir things up". It stands for "People's Election Reform Coalition". They note, "Elections that are for sale, are not free", that the "playing field should be leveled" for fair elections, that ethics can be improved and we can have open, fair elections with representatives responsive to the public. P.E.R.C. deserves your support. If you want to help, contact them c/o Ohio Valley Environmental Coalition, 1101 6th Avenue, Suite 222, Huntington, W.V. 25701.



Letters

Letter to the Editor
The Highlands Voice

Thank you for publishing my letter in the December 1997 "Voice".

Your reply to my letter inferred that my characterization of some language in the "Voice" as inflammatory, hyperbolic and unwise is not clear. I have no intention of rehashing in detail what has already appeared in print. I believe any choice of words which gratuitously or otherwise cast aspersions upon the motives or character of ones putative opponents is unwise, unfair and uncivilized. I believe I have noticed Governor Underwood and other officials so maligned from time to time. His and other's actions and words may in fact be inimical to the interests of the conservancy but a less than courteous and civil rejoinder will harm credibility.

It is my understanding that at some official conservancy gatherings members are invoking christian [sic] rituals and language in such a manner as to make some other members uncomfortable. For instance: It would be improper for prayers of any sort to be made part of an official meeting. It would, likewise, be improper for members to attempt to substitute religiously loaded terminology for a theologically neutral phraseology.

Your reply indicated that in as much as the conservancy has "some quite religious members" the phrase "doing the Lord's work" is perhaps not metaphorical. That phrase and others similarly couched betrays a certain hubris unlikely to attract persons with a more modest assessment of their capacity to do good for our planet Earth.

I would like to think that people of all theological and non-theistic persuasions can do the right thing. I would also like to think that all parties to a disagreement can avoid overstating their case, accept the notion that they may be wrong and look for ways to improve public discourse.

Ariel D. Robinson
Hardy County

January 2, 1998

Voice Editor:

I enjoyed the 12/97 letter to the editor from member/social critic Ariel DeForest Robinson, registering his concern over Norm Steenstra's reference to "doing the Lord's work" and other aspects of the Voice's tone, and your reply. One of the best things about the Voice is that it provides an open forum for opinions on conservation & environmental issues, with few editorial limitations. One unavoidable consequence of this approach is that the reader must be able to sort opinion from news without the guidance of a designated "editorial page"; another is that not everyone draws the line between the two in the same place. The

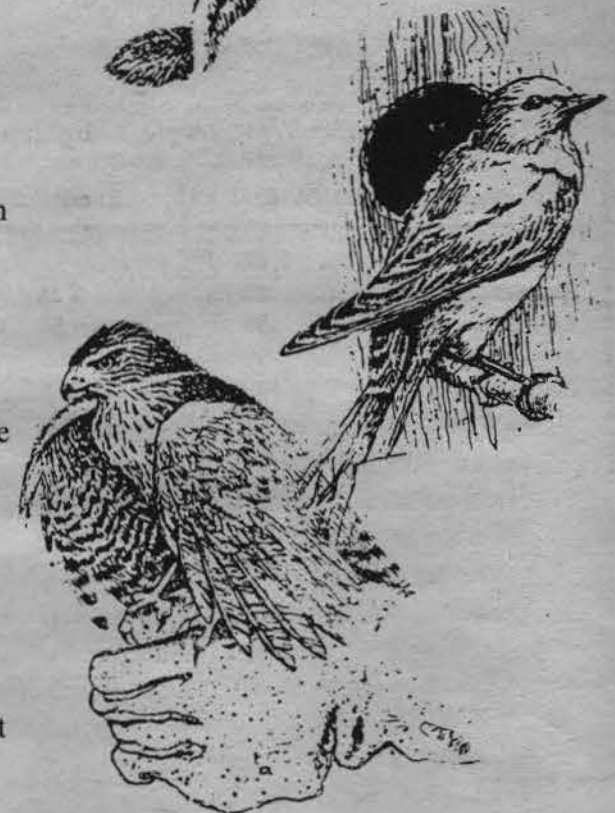
quality of volunteer writing (or an author's ability to say exactly what they mean) is also unpredictable, and calls for similar flexibility by readers. Civil discourse is preferred, but is often very difficult on topics where the opposing view is one which completely rejects the Conservancy's core values. In such cases, strong (even intemperate) sentiments may be required to mobilize members, even at the risk of sounding strident to some readers.

Differences between members who hold opposing but entirely rational views on any topic are inevitable in an organization embracing bird watchers and waterfowl hunters; organic farmers and political activists; mountain bikers and day hikers; secular humanists and people of faith; etc. It is on these topics where restraint, careful use of language and an attempt at personal communication before resorting to public broadsides are most critical.

Sincerely,

John Purbaugh
Gig Harbor, WA
purbaugh@harbornet.com

Date: Fri, 02 Jan 1998 14:53:33 -0800



Corr H from Page 3

1. Final design and land acquisition underway: 32 miles

First, WVDOH plans to extend Corridor H (US 33 West) to meet US 219 north of Elkins. Land acquisition is nearly complete. Design work could be done by February. This three-and-a-half-mile segment would operate as a northern bypass for Elkins. (Note: proposed routes for a southern bypass, also using Corridor H funds, were recently shown to the public for comment.) A later phase of construction would push Corridor H six miles north to Kerens.

Near Moorefield, WVDOH is working on final design from US 220 at the South Branch of the Potomac across South Branch Mountain to Baker. So far, though, questions about the Moorefield Battlefield and surrounding Old Fields Historic District have held it up. Between Baker and Wardensville, there will be another fight over Hanging Rock and Baughmans Settlement.

2. Historic studies only, no design or land condemnation: 18 miles

The eleven miles from Kerens to the Shavers Fork and south of Parsons to the Black Fork is a particularly bad place for a highway. It would require two major bridges and several steep mountain cuts, and it must avoid Corricks Ford Battlefield. A separate section west of the south Branch River to the Grant County line includes part of Old Fields Historic District.

3. No current historic studies, design, or land acquisition: 50 miles

The middle sections were drawn through the Monongahela National Forest northeast of Parsons to Thomas, Davis, and the northern end of Canaan Valley, then down the Allegheny Front to Scherr and Forman, a total of forty-four miles.

Since Virginia declined to build the highway, the easternmost section is the six miles from Wardensville to the state line. Congress enforced an agreement between the two states by barring use of Corridor funds for any work on this section.

Where's the Money?

At a minimum of \$15 million per mile, it would cost \$480 million to build the 32 miles now being designed. Past federal appropriations for Corridor H total approximately \$150 million, according to WVDOH's programming division. West Virginia's 20% share would bring the total available to \$187.5 million, less than 40% of the cost of those miles.

In fiscal 1998, for the third year in a row, Congress refused to put any money in the Corridor H account. Since the ISTEA bill did not pass, there is no guarantee it will ever add more. Yet WVDOH continues to condemn land. The state has held such land along the old Scheme A east of Elkins for 25 years, since the first "road to nowhere" was stopped. It could happen again.



Congress: "Fix It First" or "Pave It All"?

Congress put off until April a vote on ISTEA, the bill that will set transportation spending for the next five years. Members who want to balance the budget could not agree with those who crave billions for new roads. Along with the Corridor H funding Senator Byrd wants, there are proposals for so-called NAFTA highways from Canada to Mexico, supported by House Transportation Committee chair Bud Shuster.

A NAFTA nightmare named "Continental One" would overlap with Corridor H in Randolph and Tucker Counties. From Toronto south, it would duplicate I-79, I-77, and the new "Bud Shuster Highway," I-99 in Pennsylvania. Taking the high road along the mostly-forested spine of the East, this "One" would cause irreparable damage.

Sprawl highways are being resisted all over the country. The national campaign led by the Surface Transportation Policy Project with the Sierra Club and many allies demands, "Fix It First!" Its success will affect Corridor H

We need your help! Please send a tax-exempt Contribution to the Corridor H Legal Fund
PO Box 11, Kerens, WV 26276

funding when ISTEA comes before Congress again. Besides the lawsuit appeal, this is our next major battle. □



Join the West Virginia Highlands Conservancy

Category	Individual	Family	Corporate
Senior/Student	\$ 12	—	—
Regular	15	\$ 25	\$ 50
Associate	30	50	100
Sustaining	50	100	200
Patron	100	200	400
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Name: _____
 Address: _____
 City/State/Zip: _____

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

Membership Benefits

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

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

Monongahela National Forest Hiking Guide

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

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

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

West Virginia Highlands Conservancy
PO Box 306
Charleston, WV 25321

I have included a ___ check or ___ money order for the amount of \$_____ to WVHC for ___ copies of the *Monongahela National Forest Hiking Guide*.

Name: _____

Address: _____

City, State, Zip: _____

Corporations in the Classroom

Environmental education got its start with Junior Audubon Clubs in 1910, but it received its biggest boost in 1990, when President George Bush added a grant-making Environmental Education Division to the EPA. A dozen states now require environmental education in grades K through 12.

Critics like Jonathan Adler of the Competitive Enterprise Institute complain that environmental education is "taking advantage of students' natural curiosity about the world and transforming them into activists." Meanwhile, cutbacks in education are forcing schools to rely more and more on free teaching materials supplied by corporations, many with poor environmental records.

Consumers or Citizens, a report from the Center for Commercial-Free Public Education (CCFPE), notes that US kids -- exposed to an average of 40,000 TV commercials a year at home -- now face commercials in the classroom:

Shell Oil Co. provides a free video for schools called *Fueling America's Future* that teaches: "It takes gasoline to power the vehicles that take us to nature. And gasoline comes from nature!"

American Coal Foundation offers a 15-page *Power from Coal Activity Book* that advises children that, even if coal burning causes global warming (although some scientists "do not believe this is likely"), "the Earth could benefit... from increased carbon dioxide, which makes plants grow larger."

DuPont's classroom poster ignores the 348 million pounds of chemical pollutants the company spills into the country's water, air and land each

year, and encourages children to "fashion birdfeeders out of both plastic and paperboard milk containers.

Polystyrene Packaging Council's *Plastics and the Environment Sourcebook* urges children to plan a "plastics treasure hunt to reinforce the diversity of plastics."

American Plastics Council publishes *Plastics in Our World*, a slick K-1 2 kit that downplays plastic's solid waste problem by promoting incineration of plastic (called "white coal" in APC's brochures) as a way to "release useful energy." The kit makes no mention of the toxic dioxins and furans that result from burning "white coal."

International Paper supplies teachers with a *Conserving America's Forests Teaching Kit* that informs students how clearcutting promotes the "growth of trees that require full sunlight." According to CCFPE, the kit fails to mention that the company is "one of the worst polluters in the paper industry."

American Nuclear Society's coloring book, *Let's Color and Do Activities with the Atoms Family*, instructs young students that, while "scientists have known for years how to deal with nuclear 'leftovers'," Congress stubbornly refused to authorize a nuclear dump until 1982. The teaching aid recommends using "high radioactivity to 'sterilize' sewage sludge - turning waste into a benefit from our silent servant, the atom."

-- *Consumers or Citizens* is available for \$7 from UNPLUG, 360 Grand Ave., # 385, Oakland, CA 94610, (510) 268-1100.



What's Inside

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