



The Highlands

Voice

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report on spring review

Hey, This Is News! – Attention John Crites!

State & Federal Agencies Want Public Ownership for the Entire Blackwater Canyon

By Vivian Stockman

Unseasonably warm mid-May temperatures made the West Virginia Highlands Conservancy (WVHC) Spring Review, held in Tucker County, the perfect kick-off event for Blackwater Summer. The warm weather and a hot issue--the logging and potential development of West Virginia's world famous Blackwater Canyon--brought out nearly 100 participants for a weekend of recreation and learning. The event even brought out two creatures whose Blackwater Canyon homes are in peril.

Blacky, an endangered Virginia Northern flying squirrel and Sally, a threatened Cheat Mountain Salamander greeted folks Saturday evening during the Spring Review. Many people posed for photos with the Blackwater Summer mascots as they signed "Save Blackwater Canyon" petitions and signed-up to volunteer to help save the Canyon.

After a day of either biking or hiking through the Canyon, canoeing the Blackwater River (in the Canaan Valley), bird watching, plant identifying, and lunching on the fine fixings from White Grass Cafe, WVHC members and friends were treated to another great meal from Siriani's while learning more about the plight of the Canyon.

Five panelists gave brief presentations then fielded audience questions about the Canyon for over two hours. Panelists were: Tucker County's Senator, Jon Blair Hunter; Richard Cook, Assistant Supervisor of the Monongahela National Forest; Peggy Ping, st US Park Service official with an office in West Virginia; Doug Baker, District Administrator for the State Park System; and Than Hitt, Appalachian Restoration Campaign (ARC) Coordinator.

Senator Hunter said he surveyed his constituents, and respondents from every county favored getting the Canyon into public ownership by a nearly two-to-one margin. He noted that the few jobs there were in logging



Blackwater Falls – Roll the bones
(Photo credit – Chip Chase)

the Canyon had been contracted to a Maryland firm. He said next year's legislature would probably be even less interested in environmental issues than this year [I shudder to think so! So, it's *up to us* to do all we can to save the Canyon now!].

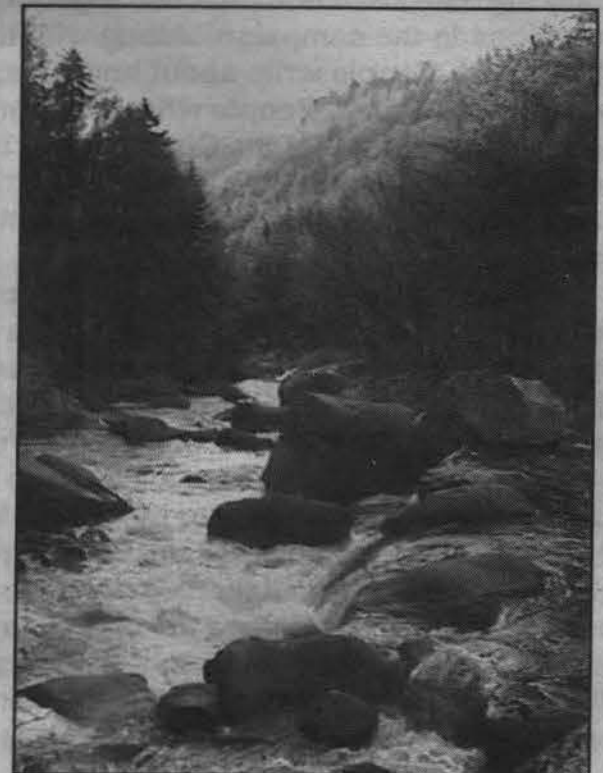
Mon Forest Assistant Supervisor Richard Cook said that the US Forest Service's "interest always has been acquiring all of the Canyon providing the owner is willing to get rid of it." He said the canyon was important because of its recreational opportunities including hiking, biking the rail trail, fishing, hunting, and its viewshed and historical cultural sites.

The US Forest Service (USFS) and the Conservation Fund had been in negotiations to purchase the canyon for over two years when Allegheny Power Systems (APS) sold it to a private party. "If the seller would sell, the money could be available," Cook said.

The Canyon--our grand Canyon--is surrounded by the Monongahela National Forest and the Blackwater Falls State Park. Nearly 3000 acres of the Canyon were sold in early 1997 to Allegheny Wood Products (AWP). The company has begun logging in the Canyon, and may have plans to develop condominiums along its rim.

Since John Crites, owner of AWP, has so far been unwilling to sell the Canyon to the people of West Virginia, Cook said the USFS is proceeding with negotiations for a land swap. Under conditions of the swap, AWP would trade 700 acres of Canyon land for parcels of the Monongahela National Forest. Cook said the swap would involve an equal value exchange, where a forest service appraiser and an AWP appraiser would figure out the value of the land, trees, and the value, if any, of deeded rights.

See Spring Review on page 8



Inner Canyon Afternoon
(Photo credit – Chip Chase)

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

By John McFerrin

Finding Joy in Our Dance

If I can't dance, I don't want to be part of your revolution.
Emma Goldman

If the Conservancy is not joyful, what's the point? We work hard at advocacy, trying to carry out our purpose: "To preserve and protect areas of particular scenic, geologic, biologic, historic, wilderness and/or recreational importance in West Virginia." Some of our members plod their way through permit files and public notices. We write letters. We contact public officials.

We have spent a lot of time and energy in trying to preserve Blackwater Canyon. Some of our members even claim to have read every page of the Environmental Impact Statement for Corridor H.

It's all useful work. It's all work that has to be done. Sometimes it is boring. Some of it is drudgery. But it has to be done. While it has its moments, such work is not fun.

While we are willing to do such work because it needs to be done, in the long run there has to be joy in what we do. There is certainly no money in the work. It's not a stepping stone to the White House or the Governor's Mansion. If there's no emotional satisfaction in the work, why bother?

I got my dose for the week (maybe for the whole month) in a picture and note that one of our members sent me. She liked something I wrote for the Voice so she made me a picture. On the back was a touching message. It might not put me any closer to the White House or making my first million but I will cherish it forever.

It's the emotional satisfaction that makes it possible to keep the Blackwater Canyon campaign going. I get to open the mail, mail that includes a goodly number of donations to the campaign. Along with the donations come little notes. People write about how pleased they are with what we are doing. People write a sentence or two about how glad they are that the Conservancy is working on this issue. By their notes they let me know that somebody cares about what we are doing. They give us the strength to carry on.

I send all donors a thank you note. They need to know that somebody appreciates what they have done. They get the emotional satisfaction of helping preserve the Blackwater Canyon plus the assurance that somebody recognizes the importance of their contribution.

Those of us who work a lot on the Blackwater Canyon campaign communicate a lot by e-mail. When someone does something to advance the campaign, Linda Cooper always sends an e-mail thanking and complimenting the person. Someone stopped me on the street in Charleston to tell me that a column I did was "visionary". It's experiences like that which make people who are working on the campaign want to work harder. It makes people who write

See McFerrin on page 6

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Dave's Corner

(Dave Saville, the new Administrative Assistant for the West Virginia Highlands Conservancy, will have a column each month if he can find the time. Dave is busy guy. For this month Dave reports on an exchange he had on WISE with "Bob")

So You're an Environmental Extremist, Eh!

Bob writes:

David:

Several days ago in response to some message you responded that you had been labeled an "environmental extremist."

I'm wondering, what does one have to do to get this label?

Thanks, Bob

Dave responds:

I suppose it depends on who labels one this. I consider myself labeled this, even though no one has ever called me this to my face.

Governor Underwood considers me one for not wanting to see condo development along the rim of Blackwater canyon, spoiling the states #1 tourist attraction. Bill Maxey, top dog at the West Virginia Division of Forestry, considers me one for desiring to see

Blackwater Canyon in public ownership giving it permanent protection. He considers public ownership of land a "cancer" even though the West Virginia Department of

Natural Resources' own study concluded that 80% of West Virginians desire more public ownership of land. Even former Governor

Caperton considers me an extremist for believing that the Ohio River already has too much dioxin in it, and opposing a dioxin belching pulp mill. The former

Superintendent of the Monongahela National Forest considered me an extremist for wanting to see more of the national forest protected from timbering, even though only about 8% of it is currently in protected "wilderness" status.

Our Commissioner of Agriculture, Gus Douglass, considers me an extremist for believing that the poultry industry and the giant out of state corporations should clean up their own act rather than having tax payers ante up millions of dollars into wiping their collective butts. Ben Green of the Coal

Operators Association, (or whatever he is head of), considers me an extremist for believing that giant out of state coal operators shouldn't have the right to trash our streams and waterways for their profits. Senator Byrd considers me an extremist for desiring upgrades and improvements to existing roadways rather than a billion dollar pork project that would lay open a huge wound across 100 miles of the highlands of West

Virginia in the form of Corridor H. Football coach, Don Nehlen, and son-in-law, quarterback Jeff Hostetler, consider me an extremist for wanting access to Cheat Lake for ordinary and disabled people rather than just millionaires who can afford a home in the exclusive Greystone development. Many in the West Virginia State Legislature consider me an extremist for not wanting polluting industries to monitor themselves and keep the results secret. The Farm Bureau thinks I am an extremist for believing that along with property rights come responsibilities. The West Virginia All Terrain Vehicle (ATV) Association considers me an extremist for believing that Canaan Valley, and its unique boreal wetlands, is not the proper place to hold motorcycle and ATV races and be a year round playground. John "We-in-the-Industry" Caffery thinks I am an extremist for believing that DEP should stand for "Department of Environmental Protection," not "Department of Everything's Permissible," or "Department of Environmental Plunder" [Editor butting in - I heard it as "Department of Environmental Pollution"]. Shall I go on? - or does this give you a clue?

- Dave +



Forest Service Financial Mismanagement

WASTE, FRAUD & ABUSE: A recent General Accounting Office (GAO) report that was delivered to the House Committee on Appropriations declared that missed revenue, inefficiency, and waste throughout the Forest Service has cost taxpayers hundreds of millions of dollars. The agency's financial statements are unreliable with numerous unaccounted expenditures. GAO states that future funding for the FS should be based, in part, on its progress towards developing schedules that would lead to complete financial accountability. Copies of this report GAO/T-RCED/AMID-98-135, Mar. 26 (21 pp) can be obtained by calling 202/512-6000, faxing 202/512-6061 or go to <http://www.access.gpo.gov/> Single copies are free. +

Coal at the Grassroots

By Professor Jim Kotcon

Unfortunately, enviros in West Virginia are doing relatively little on the global warming issue. Just a few facts may bear repeating.

The new air quality regulations will benefit the health of everyone in West Virginia, not just asthmatics.

The Kyoto Protocol is a first step in addressing the long term threat of global warming. No one is claiming it is the final solution. But if the leading developed nations of the world (the ones that created the problem) are unwilling to take even a first step, it is unfair and unrealistic to expect the undeveloped countries (that did not cause the problem) to assume the burden.

The debate among scientists over whether global warming exists is effectively over, with the only real discussion being how soon and how much warming will occur.

The larger public policy debate is still going on as large fossil fuel-dependent corporations spend millions of dollars trotting out hired guns who continually snipe and throw out seemingly convincing, but isolated and misleading data. There efforts are not oriented toward better scientific understanding or improved public policy, but simply at protecting their bottom line. This is not necessarily illegal, but it is selfish and immoral. They have been quite successful, particularly with the Republican Congress, but also with Democrats who focus more on jobs (especially their own) than on the long term future of the planet.

There is a natural synergy between clean air regulations and global warming. In fact, *studies have shown that the Kyoto restrictions would save tens of thousands of lives immediately*, not be preventing global warming, but by preventing the more toxic ozone, particulates, and sulfur dioxide pollution. This is an often ignored aspect of environmental protection, efforts at cleaning up one area also provide benefits in many other areas.

Its corollary is that pollution in one area causes adverse effects in many other areas. This is one reason why economic analyses are so difficult, because the costs for pollution control are easily measured in one industry, but the benefits are scattered throughout society.

So implementing clean air regs through the global warming treaty, or vice versa, are simply two common sense approaches to the same goal, a healthy, sustainable ecosystem. It is actually a principle of good management to focus on solutions that solve several problems simultaneously. +

editorial

Who Are the Outsiders?

Talking with Julian Martin the other night – he told me that he'd been called an "outsider" by another citizen of the county where he lives – and this in the face of having been born and raised within twenty miles of where he lives now! So that got me to thinking about what it means to be an "outsider" in the context that this particular citizen who shared a county with Julian must have meant.

I harked back to those days in the 60's (it pays to be older sometimes – it gives one a better perspective on history, especially history repeating itself) when folks like George Wallace and Orville Faubus were blasting the "outsiders" who came to only "stir up trouble." Then it dawned on me that this label had nothing to do with where one was born and raised – in some cases an outsider can be identified as one within one's own family. Surely many sixties fathers considered their shaggy-maned teen sons as outsiders and treated them as such.

If one is to be labeled an "outsider" by fellow county citizens, it probably has more to do with the so-called outsider trying to uphold and promote the values of the Constitution of the United States than anything else in some of the rural counties of West Virginia. It is surely not "cool" to try to oppose a local political system that has thrived on poorly concealed ways to buy votes and where nepotism and cronyism exceeds political justice for all citizens by quite a wide margin. By this definition, an "outsider" is more likely one who is not part of the socially, economically and politically privileged "in" group than one who arrived somewhat late on the scene from another part of the country or another nation. It also occurred to me that this privileged group, which I will refer to as the power structure of the particular political region, has a real need to have some folks they can label as outsiders so that there is a person or persons they can point to as a justification for the unethical and often illegal outrages they often perpetrate. It takes the focus off their deeds to have someone they can scapegoat as an enemy.

Governor Underwood is a good example of what I mean, a veritable Orville Faubus of the Nineties. This current brand of West Virginia governor, who joins an old tradition of favoring the coal interests over those of the West Virginia citizenry, signed into law a bill

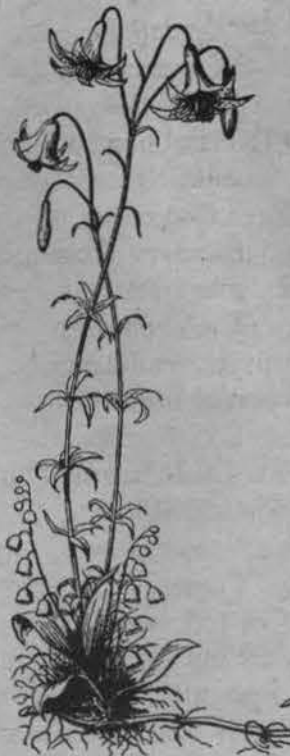
which would benefit the large corporations that mine coal, a bill that would invite even further strip mining degradation to the already corrupted landscape of southern West Virginia. Then to make his point clear he growled menacingly at the EPA which had threatened to throw down a challenge to the new law. "I resent officials from the Environmental Protection Agency making threats in an effort to tell West Virginians how to do business in our state." A clever cover-up to the monstrosity of the law, itself, his words are calculated to appeal to those who are lock step in their mentality about so-called "outsiders." It is a parallel situation to the cover-up of the racist system of Jim Crow which was pervasive in the South up to the Sixties, when the attack on "outsiders" were invoked to cover up a system of flagrant injustice to a race of people. The irony is that what we in this state do need now is some agency that will *protect* West Virginians from this privileged minority that wants to exploit the land and its people for greed.

Clearly the EPA has not been doing its job as well as it could in protecting the citizens of this country from the health and long-range economic problems created by polluters in the name of greed. It is a story we've heard over and over in this decade -- too much wealth is concentrated in the large corporations. Then this wealth is distributed to those politicians who appear to be willing to sell out their oaths of office because it takes a lot of money these days to be elected to office and to stay there. A very simple formula, but one that has a lock on America at the present time, shutting out the majority of the citizens and making them all virtually "outsiders" in their own country. Money is eagerly sucked up by too many politicians whenever these corporations decide to do a little judicious buying of government. Seldom are EPA personnel allowed to do the job they are mandated to do because of the influence of this power structure. So when they do take a stand, they must have pretty compelling reasons to override those ever present political considerations. Presently, the majority of politicians in the USA are changing the old refrain to new words - "American, of the corporations, by the corporations and for the corporations." Subsequently, all life on Earth (that includes human beings, folks!) is headed to doomsday because of an accelerating environmental degradation. Do the privileged expect to vacate the earth in space ships when they have completely fouled our nest of Earth? Are they willing to abandon the rest of us to our fate? In West Virginia Governor Underwood, Speaker Kiss and many others long ago adopted the tune so old that it has become a traditional melody here. West Virginia, of King Coal, by King Coal, and for King Coal. Who are the real outsiders that carry off our resources for profit, leaving a broken land and broken people who once lived on this land? ✚

"Devoted though we must be to the conservation cause, I do not believe that any of us should give it all of our time or effort or heart. Let us save at least part of our lives for enjoyment of this wonderful world which still exists. Leave your dens, abandon your cars, and walk out into the mountains, the deserts, the forests, the seashores. Those treasures still belong to all of us. Enjoy them to the full, stretch your legs, enliven your hearts – and we will outlive the greedy swine who want to destroy it all." – Edward Abbey

"When it comes to the future, there are three kinds of people: those who let it happen, those who make it happen, and those who wondered what happened." – Carol Christiansen in

John Richardson, Jr. (ed.), *Making It Happen: a Positive Guide to the Future* (Washington: The U.S. Association for the Club of Rome, 1982)



(Photo courtesy of Penny Loeb and US News & World Report)

Global Warming Heats Tempers in West Virginia

Enviros, Congregations & Labor to Search for OFF Switch

By Gary R Zuckett

Is global warming fact or fantasy? Depends on who you ask. Big Coal, Oil, Electric Power Generators, Auto Makers, and other heavy industries have hired a handful of scientists to pooh-pooh it.

Meanwhile, investigations from the British Meteorological Office, US National Oceanic and Atmospheric Administration, and the Goddard Institute for Space Flight have fingered 1997 as the hottest year in recorded history. In fact, last year was one of an impressive string: nine of the hottest (ever) years have been recorded in the past eleven. Weather patterns are more extreme. The sea level has risen 4 to 10 inches since the 19th century.

In recognition of the seriousness of this problem, governments of the world appointed 2000 leading scientists to assess the science and economics of global climate change. They found "the balance of evidence suggests a discernible human influence on global climate." They projected the temperature of the earth and ocean levels would continue to rise unless the "human influence" could be limited.

If global warming is real, what can we do to cool things off? Quit belching out as much "greenhouse" gas from factories, power plants, auto exhaust, slash and burn agriculture etc. Sounds simple? The devil is in the details...

When negotiators from 150 nations

met in Kyoto, Japan, an agreement was reached to start cutting greenhouse gasses which some hail as the beginning of world salvation and others curse as ineffective and economically disastrous. The truth, I suspect, is somewhere in between these extremes.

Last winter, a series of public meetings were held in WV by our Division of Environmental Protection. Discussion was supposed to be on the new cleaner air standards the US EPA was proposing. The meeting I attended at the state capitol turned out to be an industry tirade against cleaner air and the Kyoto treaty.

I scratched my head as I watched the United Mine Workers of America stand beside the coal bosses and their recycled governor in an unholy alliance which underscored the union's concern over the job implications of Kyoto. Rhetoric was hot that cold January night and tempers were short. Our governor was even quoted tossing four letter words (see Feb. Graffiti) at a certain environmental spokesman. *[Let's take away Underwood's air conditioning, Gary. Ed.]* The WV legislature promptly sent a resolution to Congress condemning Kyoto and asking for its defeat. *[Let's also take Bob Kiss' air conditioning away!]*

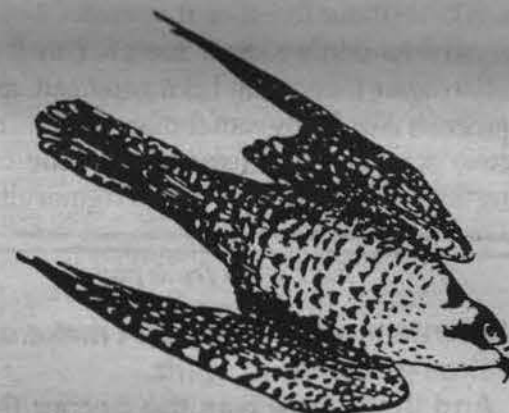
Ignoring the threat of global warming won't make it go away. The Kyoto Treaty may or may not be the best way to deal with global warming. What's for sure is more public

discussion is needed in a cooler, less strident atmosphere. This is just what the Southern Appalachian Labor School has planned for June 27th at their Beards Fork community building in Fayette County.

Entitled "Turning Down the Heat" this community forum will bring together representatives from the labor, environment and the religious communities to discuss the challenge of global warming, the Kyoto treaty, and their effects on the land, people and economic well being of West Virginia. For more information contact John David at the Southern Appalachian Labor School at 304-779-2772 or write to SALS, POB 127, Kincaid WV 25119 or contact me at gzuckett@wvwise.org ❖

" - The bad news is that the pollution levels set by this treaty [the recent Kyoto one on global warming] are risky for us, dangerous for our children, and potentially catastrophic for our grandchildren."

- Adam Werbach, Sierra Club President,



If there are waters that you care about, check to see if they are on the 303(d) list and are in-line for a TMDL (aka clean-up plan) in order to meet water quality standards!

To receive a copy of the 303(d) list contact: Pat Campbell, Watershed Program Manager, WV DEP - Office of Water Resources, 1201 Greenbrier Street, Charleston, WV 25311 phone: (304) 558-2108.

For more information about the Clean Water Act, 303(d) listing and TMDL's contact Pam Moe-Merritt or Merritt Frey, West Virginia Rivers Coalition, 801 N. Randolph Ave., Elkins WV 26241 phone: (304) 637-7201, fax: (304) 637-4084, or email: wvrc@neumedia.net ❖

West Virginia Rivers

Coalition Action Alert

303(d) Impaired Waters List Out for Public Comment Soon!

By Pam Moe-Merritt

Section 303(d) of the Clean Water Act requires that states develop prioritized lists of impaired waters and develop criteria to limit the Total Daily Maximum Load (TMDL) of pollutants that can be dumped into those waters. Then, states are supposed to implement those TMDL's.

Due to a lawsuit filed by the West Virginia Highlands Conservancy, Ohio Valley Environmental Coalition and a few individuals, the West Virginia Division of Environmental Protection and the Environmental Protection Agency are following a schedule for finalization of the 303(d) list according to provisions set forth in the consent decree settlement:

April 1, 1998	Draft list to EPA
May 20	Last date for EPA comments
June 20, 1998	Public comment period begins
July 20, 1998	Public comment period closes
August 20	Final list submitted to EPA
September 20	EPA approval/disapproval date

The list of waterbodies being considered for TMDL development in 1998 includes: the Buckhannon River, Tenmile Creek of Buckhannon River, Lost River, Tomlinson Lake, Hurricane Lake, Mountwood Lake and Turkey Run Lake.

The list of waterbodies being considered for TMDL development in 1999 includes: Cheat River, Tygart River, Kanawha River, Armour Creek, Pocalico River, Ridenhour Lake 2, and Castleman Run Lake.

What Is the Significance of the New Forest Service Chief's Address to His New Charges?

A Commentary By Donald C. Gasper

"Shifting priorities," "social changes" and "cross currents" are noted as Mike Dombeck sets a "course" for the U.S. Forest Service. "A proud tradition of responding to new information and adapting to change," is claimed.

Today, as he notes, there is a greater interest in these forests for recreation. There is a greater value and concern for The Forest - its health and recovery. Because of this, citizens want responsible experts to answer their concerns. How badly damaged is this forest by its first logging? What is known about its status today? How real and robust is the fairly consistently reassuring "good looks" of this regrowing Eastern Forest? Does it look good everywhere, or are there signs of distress? What is their nature, extent and where? What are the causes? What dangers do experts foresee? What is known today, and what is not - and what seems unknowable? For the "fabric of the whole landscape must be addressed," even understood. There is no mention of what they do not know, and no mention of research (other than in forest products). Will our forest be managed conservatively until we know more? This is unlikely if ignorance is not acknowledged, and they proceed arrogantly rather than in humility. A reassessment and research are needed.

Simply put - if you care about someone, surely a living forest, you worry about it. Specifically, the concern may be about a stand of trees, or many stands, or a forest of trees, and wanting them to grow to become more impressive, with even greater recreational rewards, for hundreds of years. Of course, most would want them protected from fire, disease and insects, acid rain, and recreational impacts, etc., and from being intentionally cut down without justification. Some cutting may be necessary to improve the forest. This must clearly and specifically be explained to citizens. Again the U.S.F.S. may be listening because they will ask Congress to "provide stable and predictable state and county payments that support public schools and roads." This then would not have to come from timber income. Also the Chief claims, "The use of timber sales whose primary objective is to restore forest ecosystem health has increased by 70% in the last five years." Protecting the forest is what most [citizens] think foresters do.

Also today many citizens are aware of acid rain and some of its bad effects; nutrient loss by repeated harvesting without restoring anything to the land is another concern. In an unexploited natural forest the nutrients would be recycled when trees fall and rot. These considerations raise greater concerns, and as

citizens learn more they are in no way reassured. They remain especially concerned about all those consequences of forest exploitation that are unknown to experts. Perhaps this is why U.S.F.S. plans to prepare a "report on the health of all forested landscapes across the nation by 2003." This could really help unless its purpose is just to allay public concern, rather than a demonstration of a true concern for the health of the Eastern Forest. A public relations greenwash effort will not work today.

It is perceptive of the U.S.F.S. to view this change of citizen attitudes and priorities as an "unfolding of national purpose." Today there is an enormous regard for, and concern for, the Eastern Forest. The U.S.F.S. recognizes that biodiversity is an indication of ecosystem health and stability. Citizens would like the assurance that all is well, or will be made well, by the agencies entrusted with their care. Citizens would want to be sure funds were adequate to do the job, and want to help any way they can. They want to safely assume forest ecosystem recovery as nicely manifested in the simple continued growth of trees that they care about. We will see how well the U.S.F.S. can "adapt" to "social change" and "new information."

The U.S.F.S. clearly restates they will "care for the land, and serve the people." They will "make maintenance and restoration of watershed health an overriding priority in future Forest Plans and provide measures of monitoring progress." This sounds like they might be listening. There might be fewer roads, less timbering, clearer streams, perhaps less flooding from an even more impressive, more probably recovering forest.

The U.S.F.S. commitment to "sustainability" and even "stewardship" is unmistakably clear. Surely the experts in such an agency dedicated to "sound science" could be believed if they were to reassure us that everything is OK. Surely they could be trusted. *

Editor's comments: *there is a growing body of evidence that anything other than minimal human interference in many of the world's forests affects lowers the essential biodiversity for the respective forests to continue to make the claim of still being considered "forests" in the broadest sense. The consideration of maintaining biodiversity is critical. Clearcuts are devastatingly destructive of biodiversity in all but very unusual situations.*

McFerrin from page 2

want to write more. They don't make us any money; they just makes us richer in spirit.

And then there was the Spring Review. We had it at Blackwater Canyon and it was wonderful. There were lots of people, a canoe trip, bird walks, a great program. We had visits from oversized versions of some of the endangered species who live in the Canyon. There were chances to gaze at some of the finest views in West Virginia or, for that matter, the United States. We got to remind ourselves that Blackwater Canyon is not just an "issue"; it's not just a campaign. It's a real place, a beautiful place. It's a place of joy.

That's what makes what we do worth doing. It's knowing that we are doing something important. It's knowing that we are doing it with other people who share our passion. It's telling each other that they are important and that what they do is appreciated. It's getting to do some of it in beautiful places. It's joyful.

Emma Goldman was right. To paraphrase her, if I can't have joy, I don't want to be part of your preservation. The Conservancy fills the bill. For all the hard work that is often involved, the Conservancy is joyous.



The Mon Forest Wins One - We All Win One

Heartwood Activists Appeal Leads to the Eastern Regional Forest Supervisor Reversal of Kinerson Decision
Forwarded by Jim Sconyers

District Ranger Kinerson's decision to clearcut in the Big Ditch area of the Gauley Ranger District has been reversed by Robert T. Jacobs, Eastern Regional Forest Supervisor. This reversal was brought about by two Heartwood activists, Steve Krichbaum and Jim Bensman, who filed an appeal with the Eastern Regional authority. We are grateful to Steve and Jim for their efforts, and can share in their victory. The real winner is a chunk of the Mon's ecosystem which, at least for the foreseeable future, will be spared the violent destruction that clearcutting brings about.

The official letter to the Heartwood activists, Krichbaum and Bensman, is as follows.

Forest Service - Eastern Region
310 West Wisconsin Ave Suite 500
Milwaukee, WI 53203
April 28, 1998

RE: Big Ditch Project Area, Decision Notice and Finding of No Significant Impact on the Gauley Ranger District, Monongahela National Forest, Appeal

Dear Mr. Krichbaum and Mr. Bensman:

Pursuant to 36 CFR 215.7, I have reviewed the appeal record for the Gauley District Ranger Decision for the above referenced project on the Monongahela National Forest. I have also considered the recommendation of the Appeal Reviewing Officer (ARO) regarding the disposition of the appeal filed by yourself and Preserve Appalachian Wilderness (PAW). In accordance with 36 CFR 215.19(b), the ARO review focused on the decision documentation developed by the Responsible Official, District Ranger Donald Kinerson, the issues raised in your appeals, and any comments provided by Interested Parties. The ARO recommendation is enclosed with this decision for your information.

During the review of Ranger Kinerson's decision to approve the Big Ditch Project the ARO could not find, either in the environmental analysis or in the project file, sufficient consideration of alternative even-aged regeneration treatments to the use of clearcutting, as allowed for in the Forest Plan. He recommends that I reverse District Ranger Kinerson's decision.

DECISION

I have decided to reverse the decision to implement this project back to the Responsible

Official in order for him to provide further information on this issue. Pursuant to 36 CFR 215.18(c) this decision constitutes the final administrative determination of the Department of Agriculture.

Sincerely,

ROBERT T. JACOBS
Regional Forester

The following is the argument for reversing the Kinerson decision as put forth by the Appeal Reviewing Officer, Stephen R. Mighton.

Subject: Appeal Reviewing Officer (ARO) Recommendation, Big Ditch Project Area, Gauley Ranger District, Monongahela NF, Appeals # 98-09-0017 A215 and # 98-09-0018 A215

To: Appeal Deciding Officer

This letter constitutes my recommendation on the disposition of the subject appeal for the Big Ditch Project Area on the Gauley Ranger District, Monongahela National Forest. District Ranger Donald J. Kinerson was the Responsible Official for this decision. His Decision Notice was signed on 26, 1998 [sic].

In accordance with your letter designating me as the Appeal Reviewing Officer, my review was conducted pursuant to 36 CFR 215.19 and the Chief of the Forest Service December 15, 1993, letter defining the role and scope of the Appeal Reviewing Officer review. To ensure the analysis and decision are in compliance with applicable laws, regulations, policy and orders, I have carefully reviewed and considered each of the points raised by the appellants and the decision documentation submitted by the Monongahela National Forest. My review recommendation, hereby, incorporates by reference the entire Project File and appeal record, including the Scoping letter and public comments, the Environmental Assessment (EA) and public comments, and the Decision Notice and Finding of No Significant Impact (DN/FONSI).

I reached the following conclusions based upon my review.

The purpose and Need for the proposed activities are stated in the EA. The selected activities are part of the implementation of the Monongahela National Forest Land and

Resource management Plan (Forest Plan).

District Ranger Kinerson did engage the public in this environmental analysis. The analysis team solicited public comment during the scoping phase and reflected these comments in the preparation of the Environmental Assessment. The range of alternatives addressed the identified issues. The comments received on the Environmental Assessment were addressed as required by the appeal regulations 36 CFR 215.

My review concludes that the Environmental Assessment adequately described the Environmental Effects.

One of the appellants, Mr. Jim Bensman (Heartwood) alleges that the Environmental Analysis for Big Ditch violates the optimality analysis for the use of clearcutting. Specifically, Mr. Bensman states, "The DN states 'Thus, clearcutting is considered the optimum method of regeneration in MP 6.1 (Forest Plan, page 174).' Thus, the Ranger believes the Forest Plan determines the cutting method."

In reviewing the Decision Notice, page 6; and the Environmental Analysis, pages 20 - 21; and the project record; I can see no reference to consideration of alternative even-aged management treatments, other than the use of clearcutting as a regeneration method. The Forest Plan, on page 175 provides for, in item b., consideration of the use of the shelterwood method to be used in lieu of clearcutting if needed for the regeneration of a particular species objective, e.g., oak.

APPEAL REVIEWING OFFICER RECOMMENDATION

After careful and diligent review of the decision documents submitted by the Monongahela National Forest including the Decision Notice, the Environmental Assessment and the Project File, and after carefully considering each of the points raised by the appellants, I would have asked the ID team to consider other even-aged management systems for this project.

I recommend that District Ranger Kinerson's decision be reversed.

Sincerely

STEPHEN R. MIGHTON
Appeal Reviewing Officer



Spring Review from page 1

The deed, written in the 1920s, states that AWP has the right to dam the Blackwater River, the right to egress and ingress over park roads, and the right to run power lines across the Blackwater Falls State Park. It is unclear whether all these rights will still apply today.

Cook said the public would be allowed to comment on the land swap once the proposed parcels are identified. WVHC sees the land swap as a bad deal for West Virginians, and as a very dangerous precedent for power company lands and public lands in West Virginia.

The state parks administrator, Doug Baker, noted that the viewshed from the park out over the Canyon is "a magnet" for drawing tourists to the Blackwater Falls State Park. He said public ownership of the entire Canyon would benefit both the Blackwater Falls and the Canaan Valley State Park.

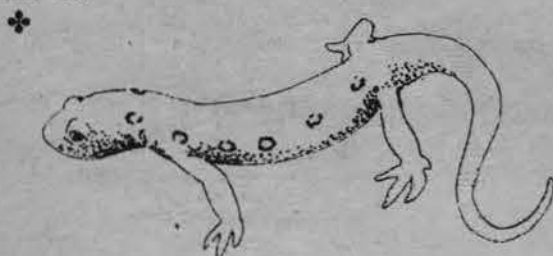
"We should accept nothing less than full protection of the Canyon," said ARC's Hitt. He noted that Tucker county (where the Canyon lies) is a hot spot for endangered species and protecting the entire Canyon is important to protecting these species.

WVHC's Saturday evening program also included video and slide presentations. The video features white water kayaking in the Canyon and interviews with local small-business people whose livelihoods depend on tourism. Dr. Thomas Pauley, Marshall University herpetologist, gave a presentation on the threatened Cheat Mountain salamander which is found from the rim to the river in the Canyon.

WVU historian Mike Caplinger presented a slide show on the logging and railroad history of the Canyon. He noted that recent newspaper articles written by members of the West Virginia Forestry Association had said the Canyon had been logged four times this century. "The bulk of the canyon hasn't been touched from about 1913," Caplinger said.

Once the extractive industries left the area "they didn't leave much. Yet, I look at Davis and Thomas as great time capsules," Caplinger stated, noting that these towns survived because of tourism. "You talk about Blackwater, you have to talk about tourism," he said.

The whole weekend served as a great kickoff for Blackwater Summer, and we hope to see you out there, in the woods, keeping the heat on!



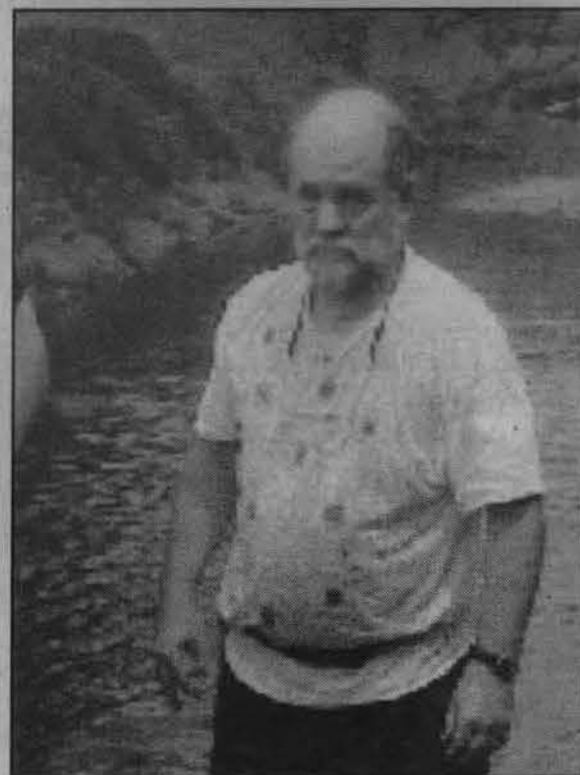
Letters

(the following letter appeared in the Charleston Gazette. The author also requested that it appear in the Highlands Voice)

May 04, 1998

Rick Steelhammer was right on the mark when he suggested that the outcome of Governor Underwood's economic plan would result in a West Virginia that was across between "Ohio and the moon." What future is there if we deplete our natural resources. No, I am not just talking about coal and timber; but how the earth is raped to extract that coal and chop down those trees. We decapitate the mountains, disturb the rock strata, destroy the water tables, decimate the topsoil, and we dump and drain the remains in the valleys to defile the streams. We build roads, ravage the forests, and yet are surprised by floods. Could there be a relationship between deforestation and flooding. Could there be a relationship between strip mining and the absence of hardwood trees on those very same sites?

Could there be a relationship between the passage of the mountain top removal bill and political contributions? [according to the research done by PERC, the answer is clearly "yes!" Ed.] Thank you Ken Hechler for bringing these questions to the attention of not only West Virginians, but also to the national level. I was appalled to read several weeks ago that Underwood was more concerned in protecting the coal industry from environmental regulations than even considering the impact of polluted air and acid



Oh NO! My hat is gone! Tom Rodd in despair (Photo credit - Chip Chase)

rain on all citizens. What kind of scientific evidence does it take to get his attention?

The wildflowers are glorious this spring. Our hills and forests are replete with these wild beauties. My breath has been taken away by the pink and flame azaleas. I have been enchanted by the magic created by pink and yellow ladyslippers, trilliums, blue phlox, jack-in-the-pulpit and the showy orchis -- to name just a few of these natural marvels. We must not destroy our wild wonders. This fragile beauty is our gift.

Mae Ellen Wilson Wildt
Charleston

(Apologies to the writer and to our readership for not getting this letter in the May "Voice")

4-11-98

Dear Conservancy,

Please accept the enclosed check as payment for a years membership in your organization. I was informed by another member that you are trying to raise funds to address the unfortunate situation at the Blackwater Canyon.

I was a resident of West Virginia for a total of 22 years. I have lived out of state for 13 years since and still feel an enormous emotional bond with the landscape of West Virginia. I read recently that tourism has surpassed entertainment as the biggest industry in the U.S. I wonder to myself and others why West Virginia's leaders don't realize the tremendous gift they have before them and preserve it for aesthetic and economic reasons. If my lone opinion is of any help please let the residents of the state know that their native landscape really is unique even though they look at it every day. West Virginia has often been at the bottom of one list or another but will ultimately be the envy of the country if it is left intact.

Good luck with your endeavors.

Perry Kirk
South Bend IN

+





Looking down Blackwater Canyon from Lindy Point overlook on a stormy December day

Wintertide at Blackwater
(Photos by Jim Sconyers)



Blackwater Canyon from Lindy Point on the south rim



Blackwater Falls, late winter, high water

Appeal Granted on Blackwater Canyon Sale

The West Virginia Supreme Court will hear a petition filed by environmental groups challenging the legality of the sale of Blackwater Canyon.

"This is a victory for the people of West Virginia," said West Virginia Highlands Conservancy (WVHC) president John McFerrin. "The judicial system is performing its constitutional mandate of operating as a check on other branches of the government. The Public Service Commission (PSC) should not have bowed to the corporate shenanigans of Allegheny Power Systems (APS)."

"APS ignored its lawful duty to ask the PSC for permission to sell the Canyon. APS tried to hide its ownership of the Canyon through corporate subsidiaries that only exist on paper," McFerrin said.

The petition was filed by the WVHC, the West Virginia Sierra Club, the West Virginia Wildlife Federation, and individuals Chuck Merritt and Jim Sconyers. Attorneys for the petitioners expect the Supreme Court will hear final arguments late this summer.

"Whatever the outcome of this lawsuit, we must continue to work for preserving the Canyon for all West Virginians," McFerrin noted. "Logging and development plans are going on now. We cannot wait for the Supreme Court's decision. As Highland Conservancy members have requested, we will continue to work toward saving this scenic, recreational, and wildlife treasure." +

Let's Hear It for the Hard Workers of the Blackwater Summer

Linda Cooper, Julian Martin, Denise Poole, Judy Rodd, Vivian Stockman, Mike Withers and others are hard at work organizing volunteers and doing other duties to make the Blackwater Summer a huge success. Collectively and individually they are doing a bang up job on this. They are even putting out a newsletter to keep interested parties up-to-date on what is going on. The newsletter work is a group chore with Viv primarily getting the material together and Denise responsible for the organizing, laying out, printing and distribution. Let's give 'em accolades! +

Every day we receive countless benefits from nearly unseen, behind-the-scenes forces. The basic services that give us the air we breathe, the water we drink, and the food we eat are provided not by some publicly traded, conglomerate utility. Instead, they are provided free-of-charge by the Earth's own utility company—"Ecosystems Services, Inc." -- Gretchen Daily, Professor of Ecology at Stanford University

"Acid rain spares nothing. What has taken humankind decades to build and nature millennia to evolve is being impoverished and destroyed in a matter of a few years."

— Don Hinrichsen in "Acid Rain and Forest Decline," in Goldsmith and Hildyard (eds.), *The Earth Report*, (Los Angeles: Price Stern Sloan, 1988), p. 66



305.—YELLOW WAX PLUM.
"PRUNA CEREA." C. E. 164.

The following is adapted from a special Earth Day report from *A CLEAR View*, Volume 5, Number 6 of April 21, 1998

Greenwash PR Shows up Polluters as Liars as Well as Despoilers National Association of Manufacturers Tries to Hoodwink Public

The National Association of Manufacturers (NAM) with all their wealth and political clout took over the National Mall in Washington, DC, for Earth Day for a rally "to demonstrate the leadership of industry in cleaning up the environment." Here are the details....

The National Association of Manufacturers calls its Earth Day display on the National Mall, "Manufacturing Technologies for a Better World." It has attempted to convince "thousands of students" to listen in from its Internet site, where "visitors can learn all about the positive contributions companies make to keep our air and water clean." In a recruiting letter for the Earth Day event, NAM President Jerry Jasinowski wrote, "For too long, environmental activists have taken the credit for all that is good about America's air, land and water. And they've used Earth Day to effectively blast American industry for all that ails our planet. Not anymore. It's time to tell the truth about industry's contributions to our cleaner environment. Our nation's leaders, the media, opinion leaders, and especially our young people, need to see and hear how manufacturers preserve and protect our nation's resources, even as we build the world's strongest economy."

This event, called "Innovation Works: Manufacturing Technologies For A Better World," featured NAM member companies displaying their wares along the Mall. Hundreds of students from around the country were there to "see firsthand how US industry's technological innovations are leading the way to a better, cleaner environment." The event was also "cybercast" live into hundred of schools around the country, through a web site established specifically for the NAM Earth Day event.

A partial listing of exhibitors (and the anti-environmental groups and coalitions they fund or are members of) includes:

The Aluminum Association

MEMBER, Air Quality Standards Coalition, Global Climate Coalition

Air Conditioning and Refrigeration Institute

MEMBER, Air Quality Standards Coalition, Alliance for a Responsible Atmospheric Policy

Corning Incorporated

FUNDER, Citizens For A Sound Economy (Corning Glass, Dow Corning), American Legislative Exchange Council (Dow Corning)

Ford Motor Company

MEMBER, Air Quality Standards Coalition, Global Climate Coalition. FUNDER, American Council on Science and Health, American Legislative Exchange Council, Capital Legal Foundation, Cato Institute, Coalition for Vehicle Choice, Competitive Enterprise Institute, Heritage Foundation, Hudson Institute, Keep America Beautiful, Mountain States Legal Foundation, Pacific Legal Foundation, Reason Foundation, Heartland Institute.

Goodyear Tire and Rubber

MEMBER, Keep America Beautiful, Global Climate Coalition, Air Quality Standards Coalition

Maytag Corporation

MEMBER, Air Quality Standards Coalition

Motorola, Inc.

MEMBER, Air Quality Standards Coalition. FUNDER, Cato Institute (Motorola Foundation).

National Mining Association

MEMBER, Air Quality Standards Coalition, Global Climate Coalition, National Wetlands Coalition, Global Climate Information Project. FUNDER, Citizens Alliance for Regulatory Reform, Western States Coalition

Nissan North America

MEMBER, Air Quality Standards Coalition. FUNDER, Citizens for a Sound Economy, Citizens for the Environment.

Texaco

MEMBER, Clean Water Industry Coalition, Global Climate Coalition, Air Quality Standards Coalition.

National Wetlands Coalition. FUNDER, American Legislative Exchange Council, Atlantic Legal Foundation, Capital Legal Foundation, Competitive Enterprise Institute, Heritage Foundation, Hudson Institute, Mountain States Legal Foundation, National Legal Center for the Public Interest, Pacific Legal Foundation, Reason Foundation, Alliance for Responsible Atmospheric Policy, Center for Individual Rights, Heartland Institute.

Toyota Motor Sales, USA, Inc.

FUNDER, Cato Institute, Citizens for a Sound Economy, Citizens for the Environment.

Xerox

MEMBER, Air Quality Standards Coalition. FUNDER, Citizens for a Sound Economy, Citizens for the Environment, Reason Foundation, Center for Individual Rights.

Activities focused on students, such as the Close-Up Forum "Teens and Industry -- Preparing for the Millennium." This forum is billed as an "educational forum on education and training needed for rewarding careers in manufacturing." Sounds like a blast.... This forum will be followed by "Student Q & A," during which exhibitors at the event will take questions from students.

This is Earth Day, not April Fool's Day.

While NAM's publicists were coming up with these themes, NAM itself, according to its own Internet site, has been busy trying to weaken a wide range of environmental laws in Congress and the courts.

The Clean Air Act, the Clean Water Act, the Endangered Species Act -- none have been safe from NAM's attacks in recent years. And NAM has led an attempt to scuttle the international treaty to slow global warming, operating a \$13 million disinformation campaign from its own offices under an

Greenwash cont. on next page

Greenwash from prec. page

assumed name (the "Global Climate Coalition").

When Americans learn about a NAM campaign to weaken environmental laws, they don't like it. A recent \$30 million NAM-led effort to halt enforcement of the Clean Air Act, for instance, is all but dead due to widespread public concern about skyrocketing death rates from childhood asthma.

NAM's anti-clean air effort is on the verge of defeat even though it tried to hide its activities behind front groups with misleading names such as the "Foundation for Clean Air Progress," or the "Air Quality Standards Coalition."

Too often, however, and with little public notice, NAM succeeds in using an army of lobbyists, lawyers, and phony front groups to weaken the fabric of environmental protection that Americans have come to take for granted. This record, which it usually boasts about to members, makes its current attempt to look "green" on Earth Day 1998 the height of hypocrisy.

NAM's Real Record on the Environment -- A fact sheet detailing the true environmental record of the National Association of Manufacturers.

Millions in Environmental Fines. The National Association of Manufacturers called its Earth Day display on the National Mall, "Manufacturing Technologies for a Better World." Yet while NAM's publicists were coming up with this theme, numerous members of NAM were busy committing violations of basic environmental laws and accumulating tens of millions of dollars in fines. And NAM was busy trying to weaken such laws in Congress, as its official positions show (see below).

Following is a list of typical environmental fines recently assessed against members of NAM. The fines on this list alone total \$68 million.

General Motors	
Clean Air Act --	\$11,000,000
Wheeling-Pittsburgh Steel	
Clean Air Act --	\$3,259,889
National Steel Weirton	
Clean Air Act --	\$3,456,150
Bethlehem Steel Corp.	
Clean Air Act --	\$3,681,415
U.S. Steel-Geneva	
Clean Air Act --	\$4,250,000
Chevron USA, Inc.	
Clean Air Act --	\$4,726,777
U.S. Steel-Lorain	
Clean Air Act --	\$6,450,000 & \$2,700,000

BP Oil Inc.-Marcus Hook	
Clean Water Act --	\$2,191,000
United Technologies Corp.	
Clean Water Act --	\$4,281,732
Wheeling-Pittsburgh Steel	
Clean Water Act --	\$6,184,220 & \$2,000,000
ASARCO Inc.	
Clean Water Act --	\$3,340,5000
Shell Oil Co. Refinery	
Clean Water Act --	\$2,050,000
Horsehead Industries, Inc.	
Resource Cons. Recovery Act (solid waste) --	\$2,825,000
Bethlehem Steel Burns Harbor	
Resource Cons. Recovery Act (solid waste) --	\$6,000,000
TOTAL FINES =	\$68,396,683

(SOURCE: Department of Justice, Environment and Natural Resources Division)

Deceptive Front Groups. Members of the National Association of Manufacturers belong to and support numerous front groups with misleading names that oppose environmental laws and work to have them weakened in Congress. In some cases, NAM created the groups. The following excerpt from a July 1997 report by CLEAR titled "Industry Deploys New Anti-Environmental Strategy," describes this practice as employed by NAM members during their unsuccessful effort in 1997-98 to block tighter Clean Air Act standards on smog and soot.

"In the battle against the clean air rules, two major industry trade associations have played critical roles in establishing and supporting an array of opposition front groups. The National Association of Manufacturers and the American Petroleum Institute have conducted massive fundraising efforts and have themselves poured hundreds of thousands of dollars into establishing a set of front groups to combat the proposed clean air rules.

"Although corporate front groups and astroturf campaigns are not new tools, or tactics, used by industry to fight regulations, the manner in which such groups are being deployed in today's clean air debate represents a new overall strategy that industry has adopted to increase the likelihood that their efforts will succeed.

"Previously, an industry threatened with a law or set of regulations that it found objectionable would typically create a single front group that would use lobbying, PAC contributions and some manner of "astroturf" grassroots mobilization to attempt to mislead the public and influence Congress and the Administration that the regulations were unnecessary or a threat to the well being of that particular industry. Supporters of these

front groups expected a full-service operation that would bring all the opposition tactics available to bear under one organization or coalition.

"Examples of such front groups include:

- o Coalition for Vehicle Choice -- created and supported by the auto industry to oppose increased fuel efficiency standards
- o Global Climate Coalition -- located in the headquarters of the National Association of Manufacturers, supported by oil, gas, and mining interests
- o National Wetlands Coalition -- established and supported by the oil and gas and real estate industries to oppose wetlands protection.

"While industry front groups and astroturf campaigns such as these have been successful in the past in both masking their true intentions and defeating proposals to protect the environment, environmentalists and other public interest advocates, as well as public policy makers, have become more adept at exposing these shams and discrediting them.

"With corporate profits at stake, industry has continued to invest enormous amounts of money in developing new methods of fighting environmental regulations. Driven by this spending, the environmental public relations industry has grown rapidly over the past twenty years, now representing a \$1 billion of the world-wide \$35 billion PR industry."

(see "Industry Deploys New Anti-Environmental Strategy" at www.ewg.org/pub/home/clear/clear.html)

Opposition to Environmental Laws. The National Association of Manufacturers is on record as opposing environmental laws of all kinds. All the passages in quotes below are taken directly from NAM's web site, at www.nam.org.

Here are NAM's real environmental priorities:

On clean air health standards against soot and smog -- The Air Quality Standards Coalition, sponsored by the National Association of Manufacturers, included more than 700 businesses, associations and other groups. Its goal was to fight the U.S. Environmental Protection Agency's new standards against smog and soot by trying to include economic considerations as well as what is healthy for people.

"NAM-led coalition secured bipartisan support for moratorium on unsound air rules for particulate matter and ozone," the NAM web site boasts. Elsewhere it expands on the point: "NAM leads a national coalition lobbying for the bipartisan bill H.R. 1984 [that] would impose a four-year moratorium

Greenwash continued on page 16

The Degen Updated Garbage Reports

By Tom Degen

May 06, 1998: The Garbage Wars Continue.

A lawsuit filed in the state Supreme Court asks the Justices to order the Division of Environmental Protection (DEP) to enforce provisions of the new solid waste law that was passed this past legislative session. The suit was filed Monday, May 4, by 86 residents of Berkeley and McDowell counties, along with solid waste authorities in Berkeley and Wetzel counties. Named in the suit are DEP Director Michael Miano, the McDowell County Solid Waste Authority, LCS landfill in Berkeley County, Northfork landfill in Ohio County, and the Mascaro owned Wetzel County landfill.

The residents and solid waste authorities claim DEP is not enforcing state laws by allowing Northfork and Wetzel County landfills to accept more trash than allowed each month.

The suit also is challenging the DEP's decision to permit the Capels landfill in McDowell County. The permit was issued to the county solid waste authority and authorizes disposal of up to 50,000 tons of trash per month. However, the solid waste authority never met the four requirements that enable the operation of a 50,000 ton per month landfill, and Capels never transferred the Certificate of Need to the authority. In addition, the suit challenges the constitutionality of the special provision for a 50,000 ton per month landfill, claiming that it deprives the citizens of their right to equal protection under the State Constitution.

The agreement between LCS and DEP to remove a 500 ton per day limit that has been in the LCS permit for years is also being challenged.

The petitioners claim that DEP has been condoning and encouraging facilities to break the law. The DEP has allowed the Wetzel County landfill to landfill sludge in excess of 25% of the daily waste accepted--a provision that has been in the regulations for years, and was never challenged or struck down in the Stamp case. The DEP has also been inserting an "addendum" in new permits and permit renewals that declares twelve provisions of the solid waste laws, including the tonnage caps, to be unenforceable.

The petitioners are asking for an immediate stay enforcing the tonnage caps, certificates of need, local siting approvals, and citizens' referenda; and writs issued compelling the enforcement of tonnage caps, and vacating the Capels permit.

The court is expected to consider the issue as early as Thursday, May 7.

The attorneys for the case, Larry Harless and Bob Bastress, are looking for groups concerned about the environment to sign on as "friends of the court" and file an Amicus brief in support of the petitioners. Groups with a statewide focus are especially sought--Council of Churches, League of Women Voters, Highlands Conservancy [*WVHC has signed on. Ed.*], Sierra Club, OVEC all would be excellent, but county or multicounty groups are desired also.

May 7, 1998: Continuing on Garbage Case.

The Supreme Court order from today's action isn't written yet, but it is my understanding that the Court granted a rule to show cause, which means DEP has to show why the Court shouldn't give us everything we asked for; sent the case to circuit court for further development (after which it is returned to the Supreme Court); and granted a stay until the case is decided. In short, we're doin' good so far!

May 27, 1998: Interims (Interim Legislative Committees)

The 1998 interims started on May 17-19. The subcommittee assignments and topics were not ready in time to be announced ahead of time; the primaries were blamed for the delay.

The Joint Committee on the Judiciary did have their assignments prepared in time to present at its Sunday meeting, but no indication was given at that meeting that the subcommittees would be meeting. Consequently, I missed the subcommittee A meeting on Monday. Apparently it was not called to meet until Monday morning (so much for open governmental proceedings). I was not the only one who was miffed about this--several committee members were not able to come on such short (non) notice. Although the subcommittee is to take up solid

See Degen on page 13

Logging on National Forests Must Go

Adapted from an Action Alert from Rene Voss, Vice-chair of Forest Reform Campaign Steering Committee of the Sierra Club

Your help is urgently needed to get co-sponsors for the "National Forest Protection and Restoration Act" (H.R. 2789), which was introduced into the House of Representatives on October 31st, 1997 by Rep. Cynthia McKinney (D-GA) and Rep. Jim Leach (R-IA, Chairman of the House Banking and Financial Services Committee). This important bill will:

- 1) Protect our National Forests and other federal public lands nationwide by ending the ecologically destructive timber sales program;
- 2) Redirect timber subsidies into worker retraining and ecological restoration; and
- 3) Save taxpayers at least \$300 million annually.

We need your help to generate as many letters and phone calls as possible into your Congressional Representative's office, urging

him or her to be a co-sponsor of H.R. 2789, the National Forest Protection and Restoration Act (the "McKinney/Leach bill"). The message is simple and is most effective put into your own words as a hand-written letter. Keep the letter to one page and include any talking points you feel are most persuasive. Please ask friends and/or family members to write and call too. The letter should include a statement similar to this:

"I want Representative (_____) to be a co-sponsor of the National Forest Protection and Restoration Act (H.R. 2789)."

Write to:
Representative _____ (in West Virginia, Nick Rahall, Bob Wise or Alan Mollohan)
U.S. House of Representatives
Washington, D.C. 20515

To call your Representative's office, dial the Capitol Switchboard at 800-504-0031 or 202-224-3121 and ask for their office. Say that you would like to leave a message for the Representative (use the same message as above), and ask for a response (leave your address).

A brief list of talking points and key facts are included below for use in your letters. Another great way to get your message out to influence your member of Congress is by sending a letter-to-the-editor to your local paper. This is the paper he/she is most likely to read.

Take action today!

See Logging on page 16

Degen from page 12

waste, tire disposal, electric deregulation, and administrative rules, this first meeting was apparently dominated by Senator Walt Helmick (who is not even on the committee) blaming the Solid Waste Management Board (SWMB) for the failure of his tire-burner bill last session. Since the SWMB had virtually nothing to do with his tire-burner bill, the speculation was that the Senator just needed to vent, and directing his anger at the SWMB. This just gives him a target and helps in the ongoing efforts by some to discredit, dismantle, and otherwise weaken the SWMB.

Government Organization is supposed to be taking up blasting and quarrying, but as of Tuesday, May 26 the subcommittee assignments had still not been made. There is some question as to whether quarrying will actually be taken up.

[Bold added by Editor] This year's interims will be addressing many things that the environmental community should be watching. Solid waste, tire disposal, blasting, quarrying, the solid waste regulations, sewage sludge regulations, odor control regulations, and regulations implementing the commercial infectious medical waste facility referendum and the court ordered public participation in noncommercial infectious medical waste facility siting are the topics that I will be following. There are also the water quality standards, electric utility deregulation, property taxes, the judicial re-structuring, and probably other things that I'm either overlooking or haven't been assigned yet.

The legislature has a web-site that is not always up-to-date, but is worth checking: <http://www.legis.state.wv.us/Subcommittee A>

TOPICS:

Solid Waste, Tire Disposal, Monitor Electric Deregulation, Administrative Rules (access, procedures, etc.)

HOUSE

Linch (Chair), Buchanan, Coleman, Hunt, Mahan, Tomblin, Faircloth, Smirl, Staton (ex officio)

SENATE

Snyder (Chair), Bowman, Dittmar, Hunter, Ross, White, Buckalew, Kimble, Wooton (ex officio)

ATTORNEYS: Altizer, Pauley

The next interims will be held from June 14-16. ❖

**Northern Saw-whet Owl****Species Spotlight by Wendy Perrone**

Scientific Name: *Aegolius acadicus*

Common Names: Sparrow Owl, White-Fronted Owl, Acadian Owl, Kirtland's Owl, Whetsaw

Size: Females weigh 3-4 ounces, males weigh an average of 3 ounces. Average height is around 8 inches or less. Wingspan is around 17 - 20 inches.

Range: Resident from southeastern Alaska across Canada south to California and New Mexico in the West, North Carolina in the East. Winters through its entire breeding range and down into western Mexico. Also found in Europe.

Habitat: prefers conifers, preferably in a swampy or boggy area. Will sometimes nest and roost in mixed coniferous or deciduous woodlands, prefers higher altitudes.

Food preferences: primarily insects and mice, although they also will eat small rats, young red squirrels, chipmunks, shrews, bats, sparrows, juncos and warblers.

Mating: Polygamous??? Female approaches courting male, he flies into prospective nest hole and vocalizes, male retrieves food from cache and presents to female.

Nesting: Usually nests in abandoned woodpecker holes or natural cavities with well-matted bed of decayed chips and feathers, usually 10 - 20 feet above ground level. Will accept man-made nest-boxes (sized for flickers or wood ducks). Nest far apart (0.3 > 1 mile). Male feeds incubating female, female does most of the incubation.

Eggs: 5-6 white eggs, about 1.2" in length (think of a Ping-Pong ball) laid in the final weeks of March all the way up to the beginning of July, depending on prey abundance. Young hatch asynchronously, can fly 27 - 34 days after hatching.

Average Life span: in captivity, some Saw Whets have reached over 17 years old.

Hunting Technique: Perch and glide predator. Nocturnal in habits, most active at dusk and just before dawn.

Status: uncommon in West Virginia, mostly observed in higher, swampy places such as Dolly Sods, the Elkins area and Cranesville Swamp. WV is in the southern part of this owl's summer range.

Notes: This is the smallest owl in Eastern North America. The typical call of a Saw-whet is sort of a grasshopper sound that resembles a long crosscut saw being sharpened -- hence the name "saw-whet" (according to one version of the story!). They are relatively unafraid of humans, and will come to a mimicked call. Most Saw-whet calls occur during mating season, after that, they are remarkably quiet and hard to find in the

woods. Most of the day is spent napping on a densely - covered tree branch close to the ground, or it may be found perched in or near a tree cavity. If it is disturbed while nesting, it will refuse to leave.

Despite their diminutive size, Saw-Whets are very good at dealing with the colder temperatures and prey shortages found during northern winters. When there is an abundance of prey available, (especially if the temperature is dropping) these owls will catch and kill enough food to set aside for a week or so in a cache. During longer spells of cold, these caches may freeze. However, as with most northern owls, Saw-whets have developed a simple but very effective way of thawing food: they sit on it, just as if they were incubating it. When the food warms to a palatable temperature, the owl dines.

A sudden influx (or "irruption") of Saw-whets was noted during the winter of 1996 - 1997 along the Allegheny Front, the mountain range that borders West Virginia and Virginia. ❖



This is a barred, or maybe spotted owl, *not* a saw whet owl

Paranoia? -- or a Heightened View of Reality?

(I include the article below because it taps into something that I have and continue to suspect -- that various environmental and Green organizations have been infiltrated by persons on the payroll of anti-liberal, anti-progressive and anti-environmental organizations.

If there is enough money, and the corporations seem to have most of it corralled, it is very simple to find persons who will get trained and play "double agent" in any of these movements. It is a simple blueprint for successfully dividing and wrecking any "green" or other grassroots movements, thereby making them completely ineffective. I would suspect this situation to occur where bad feelings develop between persons who heretofore have worked well together.

I imagine that this has happened in West Virginia -- that there may be persons in our midst who call themselves committed enviros, but who are secretly in the camps of Big Coal, Big Garbage and Big Timbering. Persons who are backpackers, mountain bikers and whitewater freaks who appear to profess a great love for the natural world do not necessarily equate with being committed environmentalists.)

Who's Paying the Piper

By Don Fitz

(From *Synthesis/Regeneration 16 - a Magazine of Green Social Thought*, Spring 1998)

The expansion of ring wing influence within the daily life of America is truly frightening. Corporations increasingly rewrite laws in their favor and influence information dispersed through the mass media. One of the greatest challenges to confront us in the 21st century will be: Are we, as a society, able to stand up to hidden attempts to control and manipulate us?

The right wing is not content with dominating government and media. They are seeking to influence the environmental movement. The willingness of some who call themselves environmentalists to succumb to corporate control of Earth Day celebrations has been a scandal for years.

1998 will go down in history as the year of the racist attempt to take over the Sierra Club and blame population growth on its victims. Though he anti-immigrant ballot lost, it is more than disturbing that it could receive 40% of the vote of the largest environmental organization. [I believe that the National

Wildlife Federation would dispute you on the size issue, but then, there are those who don't consider the NWF a truly environmental organization. Ed.]

Many Greens are concerned that the 1996 Presidential campaign was used to expand an existing division and split the US Greens by a group that raised money and operated outside the existing national Green organizational framework. This group advocates setting up state Green Parties on the model of the Democratic and Republican Parties where registrants nominate candidates and, in some states, elect party leadership in primaries open to anyone, regardless of their politics. Such a Demopublican structure opens the door to domination by money and media elites and closes the door to grassroots accountability. This corporate party model is a far cry from the Green value of grassroots democracy.

Greens are also concerned about the loss of grassroots democracy in Maine. Reports continue to surface that, in that state, a person

has been presented as the "Green Party" candidate for governor without being nominated by members.

A natural question is: What is the source of funding of those who seem to be pushing the environmental movement to the right? Ever since Earth Day of 1990, progressives have challenged corporate funding of environmental events. At a time when campaign finance reform and open disclosure of funding are major political issues, it is shocking that Greens are still unable to obtain a financial report for the 1996 Gathering and Nomination Convention. If Greens want to be taken seriously when they challenge hidden financial deals of larger parties, then it seems that, as a minimum, they should be able to account for the finances of their own campaigns and national meetings. ✦



Meet Rich McGervey, the WVHC's New Legal Fellow

Rich has a degree in biology from West Virginia University. He has done course work at Boston University in Biological Oceanography and Maritime Studies. His goal was to teach ecology at the college level, so along with his regular course work in biology he took studies in a broad range of ecological subjects such as Geographical Information Systems, Remote Sensing, and Geology. His regular biology course work focused on plant ecology.

He had the exciting opportunity to spend three months aboard a research sailboat out of Woods Hole, MA investigating the effects of nutrients on size fractionation in phytoplankton. Other research projects he worked on (at WVU) were: quantification of denitrification by soil microbial processes in the Mon National Forest and the effects of elevated UV-B radiation on litter decomposition. The denitrification paper is in

press. He also worked on what might be called "his first love" -- plants -- as an herbarium assistant on the WV Department of Natural Resources Natural Heritage Program's Floral Atlas.

He reported some difficulty in making the decision to attend law school, but made the choice because he wanted to make a difference as an environmental advocate. He may still have some misgivings about this decision, but regardless, he is very happy to have been offered the position as a legal fellow with the WV Highlands Conservancy.

He is now working on becoming acquainted with the complex legal fabric of the Endangered Species Act. He describes his first several weeks on the job as "having immersed myself in the Act itself," along with relevant law reviews and cases with the goal of applying this new knowledge to the WVHC interest in saving the Blackwater Canyon. As time permits, he plans to work on similar factors concerning the species degradation that accompanies valley fills and mountain top removal strip mining in southern West Virginia. ✦

"Waste stream reduction is the answer. We must start with the manufacturer, to curb production of what will become unnecessary waste. We must educate the purchaser not to buy what may become unnecessary waste. We must educate the user not to be wasteful and not to create unnecessary waste."

— Cedric Maddox, Director of Sanitary Services, Atlanta

"Our global future depends upon sustainable development. It depends on our willingness and ability to dedicate our intelligence, ingenuity and adaptability -- and our energy -- to our common future. This is a choice we can make."

— From *Our Common Future*, World Commission on Environment and Development (New York: Oxford U Press, 1987)

Book Review

State of the World 1998. Lester Brown, Christopher Flavin & Hilary French. Worldwatch Institute, Norton & Company 1998.

I don't claim to look forward to Worldwatch's *State of the World* when it makes its annual trek to my mailbox. I get affected in negative ways by disturbing news. But at least it does behoove me to at least glance at it -- after all, what kind of environmental editor/writer would I be if I have my head in the sand all the time? Is not the role of the environmentalist to keep one's lookout? To spread the sobering truth far and wide across the land while dodging the land mines of the polluters? To try and avoid martyrdom at the hands of those who may be motivated to kill the messenger?

The folks at Worldwatch usually can take some pretty sobering news and make it into dry factual reading without judgement. This tends to make it less alarming -- after all if these folks know all this very bad environmental stuff and are not out in the streets shouting and yelling, then things must not be all that bad. So as the frog being slowly cooked to death by a very gradual increase in the temperature of the water he is sitting in, so we can inure ourselves to ever more sobering news. Well, I have used the term "sobering" twice already and I don't like it. It is hedging one's bets on a term which really is a euphemism for "catastrophic." But I won't use the term catastrophic quite yet. Like the foolish frog and most of humanity, I am waiting for things to get really, really bad (and the poor frog never did get to croak out his alarm until he was "croaked" by being cooked!).

And how can things be so bad anyway? The stock market is going through the ceiling, and no people in history has ever had anywhere near the gadgets and things to play with that we have now. TVs and VCRs and computers and cellular phones and sports utility vehicles. That's right folks -- sports utility vehicles that get about 20 miles for a gallon of gasoline road driving

This having so many things to play with is true in most households anyway -- in the U. S. of A. anyway -- and we do need to leave the homeless and illegal immigrants out of this statistic since they either don't vote or aren't household holders or both.

In other parts of the world the dismal state of affairs is more on a day to day all around level rather than things on CNN. Lester Brown goes after us right from the start in his Forward.

"...In recent months, a plume of smoke larger than the continental United States has spread across Southeast Asia, turning the skies

dark, and leaving at least 20 million people choking on air that has become a toxic soup, killing hundreds outright..."

So what has this to do with us? -- let those foolish folks stew in their own juices, rather, plume of smoke. Problem is, multinational corporations, many with primary bases in the U. S., have been behind much of the ravishment of the lands there in the name of greed. We cannot close our eyes to this -- sooner or late, and perhaps *much* sooner -- we here will be paying the piper for this.

The book covers the waterfront, and the land front, too, I would say.

Chapter One: The Future of Growth ("The ideology of growth has permeated every corner of the globe"). In most countries this growth is completely unsustainable and systems are crashing down like dominos. Multinational timber corporations having raped and pillaged much of Southeast Asia are now descending on Latin America for their booty. Costa Rica, once a world prize as a relatively untouched natural area is now in the process of being ravished. ("In effect, we are behaving as if we have no children, as if there will not be a next generation")

Chapter Two: Sustaining the World's Forests ("Governments often look to their forests as a standing asset that can be liquidated to solve financial problems"). The Earth's forests are rapidly being cleared, not necessarily for timber, but to make room for growing beef cattle, other food crops or for habitation. Only a third of some very valuable timber in the Amazon is made into lumber, the rest is burned for firewood or just burned to get it out of the way.

Closer to home in North America, areas forty or so years ago that were mostly just Canadian wilderness, the stuff of romantic novels and adventure, have been outrageously plundered. Two-thirds of Canada's Pacific coastal rainforest has been degraded by logging and development.

What has happened in West Virginia for the last hundred years is happening on a world-wide scale, and the story is the same. Powerful interests are able to shape or ignore government policy by legal or illegal means, through corruption and favoritism. (Somehow the fact that these shenanigans are pretty universal is no solace to me at all!)

Chapter Three: Losing Strands in the Web of Life ("All lowland Hawaiian songbirds are now nonnative species introduced by humans"). This chapter is bleaker still -- The wood thrush's rarity at my place here when it was very common only eight years ago is part of the overall picture of vanishing wildlife.

At present one in every four mammals is in danger of extinction. We suspect an even

worse prognosis for the reptiles and amphibians, but we are stymied by not having most of the world's species catalogued. Therefore it is hard to come up with blanket numbers of those in decline.

The darkest scene of all is in the oceans where many food fish species common forty years ago are so rare as to be thought close to extinction.

There are seven more chapters some describing further mayhem to the Earth and her species and climate, and some attempting to provide some kind of way we can head off this unfolding catastrophe (yes, I finally *did* use that word -- it is the only one really appropriate to point to what is happening, or may be about to happen, to the human species, done in by their own kind, and taking all other living systems on Earth with them).

In "Struggling to Raise Cropland Productivity" we learn that the boost to agriculture from commercial fertilizers and pesticides that has taken place over the past four decades is now reversing itself because of insect resistance to disease and the vulnerability of varietal monoculture to insect and disease attack. The loss of genetic variability through the development "wonder" varieties which have captured most of the commercial growing market has created short term gains and staggering losses in some cases for the longer term.

The continuing and devastating loss of topsoil in the undeveloped nations has been another factor in diminishing productivity.

For the first time, as the needs of food for population increases soar, the world is depleting its stores of grain and food productivity is going down.

With all this bad news to report, we have not as yet mentioned the hot item of discussion these days, global warming. The rate of change in warming is the fastest in 10,000 years, making it unlikely that living organisms will have time to make readjustments to such changes.

"...Scientists around the world have concluded that flooded cities, diminished food production, and increased storm damage all seem likely -- and could well produce catastrophic [there's that word again!] economic consequences. Whatever the outcomes are, they could take centuries to reverse, and could affect the lives of billions of people." Factor in unprecedented floods, more storms like the disastrous ice storm in eastern Canada or the two back-to-back record breaking snowfalls in Beckley, both of this year. More strange phenomenon like the *El Nino* one of this year on which so many bizarre and economically costly weather conditions are most likely to occur.

Logging from page 12

For more information, please contact Rene Voss at:
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(202)879-3183 Fax: (202)879-4282
rene.voss@mindspring.com

Points you might wish to make in letters or other communications.

Our National Forests are far more valuable for their natural heritage of clear lakes and streams, habitat for fish and wildlife, and great natural beauty than they are for use by private industry as commercial wood lots. Commercial timber production is not the best use of National Forest land, especially when over 95% of our country's original ancient forests have been logged already -- and what remains is almost entirely found on federal lands.

We simply don't need to log National Forests for our timber supply. Timber from National Forests provide only 3.9% of the United States' annual wood consumption. We can more than make that up by **increasing recycling, using alternative materials, and by stopping the export of raw logs and wood chips** from the U.S.

Emphasize the money-losing nature of the timber sales program on federal public lands. The timber industry has no adequate defense for this. Almost every--if not every--National Forest in the nation is now operating at a net loss to taxpayers.

Point out that ending the timber sale program will allow Congress to re-direct some of the current annual timber subsidy into ecological restoration of our nation's forest ecosystems which have been damaged by commercial logging. It will also allow Congress to fund worker retraining.

Emphasize public opinion. Ending timber sales on federal public lands represents the will of a majority of Americans. Even the Forest Service's own poll shows that a majority of Americans oppose the use of our public lands to produce commodities. The American people want their National Forests protected, and special interest handouts eliminated.

Take the offensive stance. There is simply no justification, ecologically or economically for continuing the timber sales program on federal public lands. The burden of proof is not on those who want to end logging on public lands; it is on those who suggest it should continue.

The Facts about logging on our National Forests

The National Forest timber sales program operated at a net loss to taxpayers of at least \$791 million in fiscal year 1996, and returned \$0 (no receipts) to taxpayers (this fact was validated by the Congressional Research Service).

Logging on National Forests **increases** the risk of forest fires more than any other human activity, according to the government's own study.

If we ended the timber sales program on National Forests and redirected the logging subsidy, we could provide over \$25,000 for each public lands timber worker for retraining or ecological restoration work--and still have over \$200 million left over to reduce the federal deficit in the first year alone.

The Forest Service's own nationwide poll found that most Americans oppose commodity production, including commercial logging, on National Forests. ✦

**Greenwash from page 11**

and authorize further scientific research...The NAM is also challenging the rules in federal court."

On global warming -- NAM terms the United Nations treaty framework on global warming, reached last December in Kyoto, Japan, a "scientifically unsound climate treaty that would commit U.S. and other developed nations to deep, mandatory fossil fuel emission reductions." The association's web site promises, "NAM will lobby the Senate to reject the accord."

At another point NAM says, "During 1996-97, the NAM warned policy-makers of the risks of a binding agreement to cut emissions, without scientific backing or inclusion of developing nations...NAM member lobbying helped gain unanimous Senate approval in July of S. Res. 98, which

put the Senate on record opposing any accord that does not include developing nations. The NAM is now working to assure senators abide by the spirit of S. Res. 98 and reject the accord."

On saving endangered species -- An attempt to rewrite and weaken the Endangered Species Act "would strengthen science requirements and codify current rules to prevent continual revisions of recovery plans. Environmental activists oppose...yet NAM believes S. 1180 is step in right direction."

On smog over national parks and wilderness areas -- Many of our most visited and most scenic national areas -- for instance, the Grand Canyon-- are frequently shrouded in smog that cuts visibility and harms forests and wildlife. NAM's position on action to cut the smog: "EPA preparing rule...for national parks and wilderness areas. New emissions controls likely. Final rule due soon. NAM comments opposed proposal."

On reporting use of toxic chemicals -- The Toxic Release Inventory has used simple reporting by industry to greatly reduce factories' uncontrolled releases of toxic chemicals into the environment. However, it covers less than 5% of the chemicals in commerce and has many loopholes. Corrections are supported by EPA, President Clinton, Vice President Gore, and groups concerned with worker safety, firefighter preparedness, and the environment.

NAM's opinion: "EPA may soon expand reporting program to include chemical use data. NAM comments in February opposed the effort as impractical, unnecessary."

On strip-mining public lands -- The Mining Law of 1872 hasn't been changed in 126 years and virtually gives away America's mineral wealth to strip miners who often fail to reclaim the environmental destruction they cause.

NAM, on the other hand, believes that the antiquated law "promises reasonable access to individuals and corporations to mine federal lands. Upon discovery, they may stake a claim on the deposit for a nominal fee...Mining reform must balance the economic needs of manufacturers and the concern that the federal government is properly reimbursed for resources extracted from the public domain."

"NAM strongly believes that public land should not be closed to, or restricted from, resource development...required rulemaking and environmental clearance would seriously delay exploration for minerals on public lands."

In light of the efforts of NAM to destroy our health and well being by their actions, one wonders why we continue to buy their products. The ultimate weapon for ordinary folks is the boycott. Ed. ✦

Book from page 15

The ultimate travesty appears to be having intellectually challenged people as leaders at this critical time. When you have persons in the office of governor, or legislative house speakers, or CEOs of electric utility corporations in nation, region and state, who work in opposition to a solution to this burgeoning problem, it is difficult to find any reason for optimism at all.

The idea is that if we do all the right things now, perhaps it is not too late to prevent this looming catastrophe, but human beings have never as yet had any such consensus to do this. Too many ignoramuses, too many into denial, too many only selfishly interested in what they can get for themselves now.

For the rest of us, perhaps the only thing we have left is environmental despair. I prefer to follow the advice of Raphael Ezekial, "The cure for environmental despair is environmental activism." (Review by Bill Reed) ❖

Action Alert Time

The following items are taken from a Sierra Club Action Alert forwarded on WISE by Jim Sconyers

Auto Industry Scam. There they go again. The Big 3 U.S. automakers are yet again attacking miles per gallon (also known as corporate average fuel efficiency, or CAFE) standards. Once again they are pushing a bill to repeal the president's authority to set CAFE standards, and in the meantime asking their friends on the House and Senate transportation committees to craft a budget rider blocking any increase in standards. Their argument: They just can't make their products any cleaner or more fuel efficient.

Their argument has always been a lie, but now they have admitted it. The European operations of Ford and General Motors have announced that they are supporting a plan to raise the average fuel economy of new cars sold in Europe to 39 mpg within 10 years. That's dramatically higher than the current U.S. standard of 27.5 mpg for cars, and nearly double the 20.7 standard for light trucks, mini vans, and sport utility vehicles.

Expose Ford's and GM's hypocrisy! Write a letter to the editor of your local paper highlighting their anti-environmental efforts. When you draft your own message, be sure to mention:

* Here in the United States, the Big 3 deny they can improve efficiency and cut pollution, but in Europe they are doing it voluntarily.

* More efficient cars mean less pollution,

more money in consumers' pockets, less dependence on foreign oil and less pressure to drill in sensitive wilderness areas.

* Why do automakers feel Europeans should get the benefit of these technologies, but not Americans? Use the sample letter to the editor below as your guide.

"To the Editor:

For years the Big 3 U.S. automakers have said they just can't reduce pollution from their cars and trucks. Less smog? Costs too much. More fuel efficiency? Can't be done. Cleaner technology? Doesn't exist. What's worse, they have now launched a massive lobbying effort to eliminate the president's authority to set miles per gallon standards, arguing that more efficiency is bad for business.

But wait, what's this? Even as they argue that here in the United States we should freeze mpg standards at current levels (a modest 27.5 mpg for cars and 20.7 for light trucks), the European operations of Ford and General Motors are supporting a plan to raise the average fuel economy of new cars sold in Europe to 39 mpg within 10 years.

This is great news for drivers in Europe, but what about American consumers?

What do we face from Ford and GM's domestic product line? More air pollution, more reliance on foreign oil, more money wasted at the gas pump, and a greater threat of global warming.

Ford and GM have now admitted that technology exists to vastly reduce the amount of pollution coming out of the tailpipes of our cars and trucks. Why should they offer its benefits to Europeans and not Americans? They should drop the lobbying campaign and spend that money on cleaning up their acts.

Sincerely, ✓

Responsibility for Actions. A United Nations human rights report critical of the Nigerian government's failure to address the plight of the minority Ogoni people has for the first time also called for an investigation into the activities of the multinational oil-giant Shell. The report runs counter to oil company claims of a new socially responsible ethic. Shell officials will gather in London on Friday for the company's annual meeting.

"The Special Rapporteur's mandate only covers the conduct of U.N. member states, not private companies," said Sierra Club Executive Director Carl Pope. "It is remarkable, then, that the U.N. has seen fit to reference reports of an armed Shell security force which Nigerians claim has been employed against environmental protesters."

"Issues relating to environmental degradation in the River Delta region alleged

to be caused by the operations of the Shell Petroleum Development Company have received insufficient attention," said Soli Sorabjee, the Special Rapporteur on Nigeria to the U.N. Commission on Human Rights, in his report to the UN which met in Geneva on April 15. Shell continues to deny allegations of environmental damage in the Ogoni region of the Nigerian delta. "Shell has become quite proud of their new-found social conscience, so they issue reports each year at this time patting themselves on the back," said Pope. "This year we would like to see the company accept responsibility for their pollution of Ogoniland and for their collusion with the Nigerian military, by accepting the U.N. call for an independent environmental assessment."

On Nov. 10, 1995, Ken Saro-Wiwa and eight other Ogoni minority-rights advocates were hanged by the Nigerian military following a trial that lacked any independence or impartiality. The Ogoni had been protesting Shell's environmental devastation of their land and water. Key witnesses for the prosecution subsequently recanted their testimony and have signed sworn statements indicating that they were bribed by the Nigerian military and Shell to testify against Saro-Wiwa. Another 20 Ogoni, arrested with Saro-Wiwa, languish in jail under gruesome conditions. The Ogoni region of Nigeria is now a closed military zone where Saro-Wiwa's supporters are routinely jailed and tortured.

For more information, please visit the Sierra Club website at:
<http://www.sierraclub.org/human-rights/nigeria.html>

Copies of the U.N. Special Rapporteur's report can be found on the Internet at:
<http://www.unhchr.ch/html/menu4/chrrep/98c/hr62.htm>. ✓

Sierra Club Calls For Stronger Endangered Species Protections. Sierra Club Conservation Director Bruce Hamilton is defending the rights of all creatures great and small in response to what is considered a premature decision by Interior Secretary Babbitt to remove the bald eagle and two dozen other species from the endangered species list.

According to the Club's Endangered Species Act expert, Melinda Pierce, "The ESA can and does work. The comeback of the bald eagle, the peregrine falcon and the gray wolf demonstrates that we are making progress. But we are not there yet. It is absurd that Congress -- which is now poised to vote on the reauthorization of the ESA -- would consider

See Sierra on page 18

U S Congress House Passes Mandates Information Act

Update Item by the League of Conservation Voters
Forwarded to the Forest Council on WISE
by Jim Sconyers and Adapted for the Voice.

Sponsored by Rep. Gary Condit (D-CA), H.R. 3534, the Mandates Information Act, creates new opportunities for Members of Congress to kill important health and safety protections without directly voting against them. By establishing new procedural hurdles against considering bills that impose certain costs on the private sector, H.R. 3534 creates an opportunity to impede important legislation, such as the proposal to expand the public's right to know about toxics in their communities or efforts to address polluted runoff into our lakes and rivers, which has contributed to devastating pfiesteria outbreaks in Virginia, Maryland and North Carolina.

Instead of elevating cost, the environmental community believes the emphasis should be on protection. During consideration of H.R. 3534, LCV supported Rep. Henry Waxman's (D-CA) "Defense of the Environment" amendment to put in place new safeguards requiring an open debate and an independent vote on the House floor on legislative efforts to weaken or rollback America's environmental protections. The Waxman amendment was defeated 190 - 221. YES was the pro-environment vote on this amendment.

On May 19, 1998 H.R. 3534 passed the House 279 - 132. NO was the pro-environment vote.

West Virginia's Representatives, Rahall, Wise and Mollohan made a complete sweep for the environment by all voting for the pro-environmental position on both of the above

votes. LCV encourages you to call or write your representative about their vote on this issue, thanking them for supporting the environmental positions.

Capitol Switchboard: 202-224-3121
Address: Your Representative, U.S.
House of Representatives, Washington, DC
20515

LCV-update is brought to you by the League of Conservation Voters, the bipartisan political arm of the U.S. environmental movement. LCV publishes annually the National Environmental Scorecard which rates Members of Congress on the most critical environmental votes cast during that year. If you have any questions or problems regarding lcv-update, send e-mail to:
lcv_update@lcv.org

LCV also has a World Wide Web site where you can find National Environmental Scorecards, recent environmental votes, letters to Congress, and grassroots and membership information. Look for us at:
<http://www.lcv.org/>

To find out more information about how to become a member of LCV please contact us at: League of Conservation Voters; 1707 L Street, NW; Suite 750; Washington, DC 20036 (202)785-8683 fax:
(202)835-0491 e-mail: lcv@lcv.org ✦

Sierra from 17

weakening this extremely effective law." Congress is considering a bill that would eliminate wildlife protections and weaken the federal government's role as "watchdog" and ESA enforcer.

There has been significant debate over whether the science supports official delisting of the eagle. "We are concerned that the science may not support this move," said Pierce.

Though the numbers of bald eagles is rebounding in some areas of the country,

questions remain about the eagle's distribution throughout its historic range and the health of its prey species. ✓

Earth Month, Hawaiian Style. A

11-member coalition of environmental and community groups in Maui hosted 14 events with environmental themes in April. A mass publicity campaign under the theme, "Ke Aloha 'Aina Month -- Earth Month, Maui Style," was launched April 3 with a resolution from the Maui County Council. There were historical hikes, shoreline cleanups and alien plant removal outings, environmental films, a benefit whale watch, and four Earth Week fairs. The intention of the month-long effort was to create a public view of environmental-advocacy groups as providing sensible and useful information and solutions for environmental issues. In other words, they wanted to project a proactive, rather than reactive public image. The events also gave citizens a chance to send a strong message to local leaders (petitions and postcards) that protecting natural resources is a priority. The high profile, high energy approach generated great publicity in all local media as well as good public participation (estimated at about 2,000 people for all events). ✓

Sierra Club Legislative Hotline -
202-675-2394 Sierra Club National
Headquarters - 415-977-5500
Sierra Club World Wide Web
[-http://www.sierraclub.org](http://www.sierraclub.org) **White House
Comment Line** - 202-456-1111
White House Fax Line - 202-456-2461
Clinton's e-mail - president@whitehouse.gov
White House Address - 1600 Pennsylvania
Ave, Washington, DC 20500 US Capitol
Switchboard - 202-224-3121
To contact your **senators** -
<http://www.senate.gov/senator/index.html>
To contact your **representative** -
<http://www.house.gov/writerep/> ✦

Join the West Virginia Highlands Conservancy

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

Name: _____

Address: _____

City/State/Zip: _____

Make checks payable to: the 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 31, 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.

A Request from Bruce Sundquist

Photos Needed for Edition 7 of *Monongahela National Forest Hiking Guide*

Edition 7 of the West Virginia Highlands Conservancy's *Monongahela National Forest Hiking Guide* will go to press later this summer. We would like to add as many new photos as possible since many of the photos in the current addition are quite old. If you have any photos of the Mon National Forest and its trials and scenery, please send us some prints for consideration. Pure scenery is fine, but even better are photos of scenery that also include hikers, backpackers, cross-country skiers or wildlife, though these should not be the main focus of the photo.

Photos are especially needed of the southern half of the MNF. Ideally, they should be glossy, black-and-white, about 5x7". If you send a color print from a color negative, we will borrow the negative if the photo is to be used in the book. Photos will be returned. Photos used in Edition 7 will be paid for (\$10 each, plus a free copy of the new guide). Acknowledgment will be given in the photo caption and the photo returned - but after the new edition comes out. Color slides can also be used, but much is lost in the conversion to black and white halftones. Color slides are okay for the color front cover. If your color slide (or color negative) is used on the front cover of Ed. 7, you will be paid \$75 for the use of your slide or negative. Send photos to Bruce Sundquist, 210 College Park Drive, Monroeville, PA 15146-1532 as soon as possible so as not to delay publication. (We are already sold out of Edition 6.) For more information contact Bruce at (724) 327-8737 or at bsundquist1@juno.com +

Ecologists have known for decades that clearcutting is destructive, that it opens soil to erosion, extinguishes forest species and decreases the likelihood that a similar forest will grow back. People in industry and government laugh at those claims. Even the landslides in the Pacific northwest this year, slides associated in every case with logging, have not stimulated any apparent learning in the clearcutting industry....It takes forever for knowledge to penetrate places of power.

--- Donella Meadows, Adjunct Professor of Environmental Studies at Dartmouth College

It is inconceivable to me that an ethical relation to land can exist without love, respect, and admiration for land, and a high regard for its value. By value, of course, I mean something far broader than mere economic value... To sum up: a system of conservation based solely on economic self-interest is hopelessly lopsided. It tends to ignore, and thus eventually to eliminate, many elements in the land that lack commercial value, but that are essential to its healthy functioning. It assumes, falsely, I think, that the economic parts of the biotic clock will function without the uneconomic parts. -- Aldo Leopold

A forest is not the same as rows and rows of pine tree seedlings packed together, destined at some future date to be cut for pulp--that's like mass poultry production for the sole purpose of economic benefit. A forest is much, much more. It is a complex, dynamic, system that is teeming with diverse and wondrous life forms. It's greatest value comes not from harvesting its trees, but one's soul finding refuge among them. -- Janet Fout, Ohio Valley Environmental Coalition.

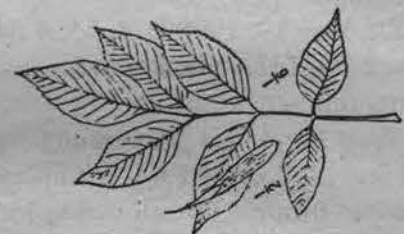
Does It Pay to Pollute? - Maybe Not in This Case

(The following article appeared in the *Charleston Gazette* in Fanny Seiler's column)

Under a recent plea agreement in federal court, Paul Thomas - who pleaded guilty to water pollution violations at his played-out Preston County coal mines - agreed to make restitution to the state Division of Environmental Protection.

The pollution occurred as a result of water being pumped from a T&T Inc. mine into an old sealed adjacent mine, causing the seals to break. According to a federal court order, Thomas has agreed to pay delinquent civil penalties assessed against T&T totaling \$273,000, reclamation costs of \$170,400, and effluent treatment costs in the amount of \$36,000 per month "until such time as noncompliant water is no longer produced at the sites known as T&T Fuels Inc.'s No. 2 and No. 3 mines."

The \$443,400 in civil penalties and ground reclamation costs are to be paid in 12 monthly payments of \$36,950, starting March 30. The \$36,000 in treatment costs also are to commence March 30 and are due the 30th of each month thereafter. Thomas was placed on five years' probation and sentenced to six months of home confinement for pollution violations. ♣



Please Join us for Blackwater Summer

Help Save Blackwater Canyon

West Virginia Highlands Conservancy invites you to participate in Blackwater Summer. On numerous weekends throughout the summer, we will need groups of volunteers to hand out flyers, brochures, and bumper stickers; to collect petitions, and to educate the public on the fate of the Canyon at events, conferences, recreation hot spots, and even grocery stores statewide. If you can donate a few hours of time, please send in the form below. Please help us save the Canyon.

Yes, I'd like to be a part of Blackwater Summer!

Special skills I can volunteer:

_____ I would be willing to: ___ collect petitions
 ___ distribute flyers ___ travel to different parts of the state ___ bring friends to help, too ___ donate time on a weekday ___ donate time on a weekend ___ other: _____

Please send your completed forms (with name and address) to: WVHC Blackwater Summer, P.O. Box 35, Griffithsville, WV 25521

Or e-mail to: jumartin@wvwise.org Please put "Blackwater Summer" in the subject line.

Or phone Julian Martin at 304-524-7609

Calendar

June 14 thru 20 - Service Outing, Blackwater Area. Join in for a day or more! We'll be relocating the beginning part of Mountainside Trail near the south rim of Blackwater Canyon, and working to clear and restore the historic coke ovens along the Blackwater Canyon Rail Trail beside the North Fork of the Blackwater River near Thomas. No previous experience required. Call Jim Sconyers 789-6277.

June 20 and 21 - Botanizing weekend at Canaan Valley sponsored by the Tri-State Chapter of the WV Native Plant Society. The weekend will consist of several small field trips in and around Canaan Valley. Some will be easy while others more difficult. Lodging can be arranged at Canaan Valley State Park at the lodge or at a campground by calling 1-800-CALL WVA. Make reservations ASAP. Romie Hughart, President of the Tri-State Chapter, has secured the DNR cabin at Laneville near Dolly Sods - cost, \$10 night. To stay at the cabin register with Romie at 429-7358. Meals on your own. Board of Directors meeting scheduled for the afternoon of the 20th. Questions? Call Steve Mace at 882-2450 or E-mail at sdmac@citynet.net, or call Romie.

June 22 thru July 19 - Mon Trail Assessment Project, a cooperative project sponsored by the Mon Nat Forest and the Forest Watch Coalition. Call the FWC for info at 637-4082

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*. Keynote speakers will be Orie Loucks of Miami U. and John Cairns of VPI. Workshops will include Central Appalachian Forest Mortality, Soil Nutrient Losses and Forest Health, National Forest Management Issues, Urban Sprawl in Appalachia, Central Appalachian Reserve Design, Applying Geographic Information System Mapping to Conservation Problems, Conservation Easement Programs in Appalachia and Ecoforestry and Timber Certification Issues. Field Trips will be scheduled for Otter Creek Wilderness, Shaver's Fork and the Blackwater Canyon (within the Mon Forest). Contact Than Hitt at POB 5541, Athens OH 45701, (740) 592-3968, arc@frognet.net. This program is sponsored by Heartwood.

June 27. "Turning Down the Heat" at the Southern Appalachian Labor School at their Beards Fork community building in Fayette County. This community forum will bring together representatives from the labor, environment and the religious communities to discuss the challenge of global warming, the Kyoto treaty, and their effects on the land, people and economic well being of West Virginia. For more information contact John David at the Southern Appalachian Labor School at 304-779-2772 or write to SALS, POB 127, Kincaid WV 25119 or contact Gary Zuckett at gzuckett@wvwise.org

July 11 - WVHC Summer Board Meeting.

July 18 and 19 - Blackwater Canyon Backpack. We'll take our time on this leisure trip down the Blackwater Canyon Rail Trail, and it's downhill all the way! With an overnight along the way we have time to explore and enjoy the Blackwater Canyon. And it should be hot enough to appreciate a dip in one or more of the gorgeous falls and pools of the side streams. Listen to the river below all night as we camp deep in the Canyon. This is an excellent "starter" outing for those new to backpacking. Call Jim Sconyers 789-6277.

August 7 thru 9 - Middle Mountain Cabins. Don't sweat the dog days of August - It's cool in Laurel Fork Wilderness, where the Middle Mountain Cabins are nestled. These rustic, historic buildings include two bunkhouses and the main cabin with kitchen and refrigerator, hand-pumped water, and a great porch for sitting. We drive right to the cabins, and enjoy streams, beaver ponds, miles of maintained trails, and thousands of acres of West Virginia wilderness. Be as laid back or dynamic as you want - sit back and take it easy or explore from one end to the other! We will share kitchen duties. There is a modest charge for cabin rental and meal ingredients. Call Jim Sconyers 789-6277.

September 6 - Bike the Blackwater Canyon. We'll go the whole 9 yards (actually a bit more). Start in Thomas, a charming little West Virginia mountain town. From there we ride the entire Blackwater Canyon Rail Trail, passing through Thomas, Coketon, Douglas, Big Run, Lime Rock, and Hendricks, where we finish. Fourteen miles of level or downhill on a good trail surface - with lots to see along the way. Waterfalls, coke ovens, wildflowers, the wild Blackwater Canyon - come see what all the fuss has been about! Shuttle back to Thomas from Hendricks. Bring your bike, or rent one in Thomas or Davis. (Note: the rail trail guide rates the trail II on a difficulty scale of I - IV, because of some bumpiness due to the ballast stones left in the trail when the tracks were removed.) Call Jim Sconyers 789-6277.

September 7 - Bike the Blackwater Canyon. This is a repeat of the September 6 trip. See it for description.

September 26 - Blackwater Canyon Walk-Through. Be in the front row as fall foliage tunes up for its riot of color. We will take a leisurely pace as we walk the entire Blackwater Canyon Rail Trail - the way to really SEE the Canyon! Catch the last of the fall wildflowers, and the middle of foliage season. Downhill all the way with a shuttle back from the trail terminus in Hendricks. Call Jim Sconyers 789-6277.

October 4 - Fall Spectacle. We move from overlook to overlook for one spectacular fall foliage scene after another. Some are popular lookouts, others are less familiar. The Canyon puts on its finery for us! Meet at Blackwater Falls State Park Lodge at 9:30 AM. Bring camera(!), lunch, walking shoes, etc. Call Jim Sconyers 789-6277.

October 9 thru 11 - WVHC Fall Review *

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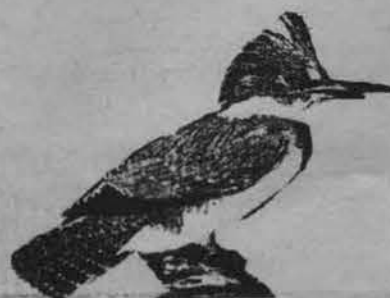
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Barn Swallow



Kingfisher



Brown Thrasher

