



# The Highlands

## Voice

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## Pride of West Virginia

### *Blackwater Canyon National Park Proposal*

By Jason Halbert

Appalachian Restoration Campaign, A Project of Heartwood

Many people have asked me, "Why a national park? Why not let the US Forest Service (USFS) buy the land and manage it as a national recreation area or a wilderness area, or even let the state buy it and add to the existing state park system?"

These are excellent questions. The Blackwater Canyon area contains much diversity including elevational, soil, forest type, floral, faunal, geologic and most importantly for this discussion, political. How we humans enact our societal and personal desires on the landscape is of great complexity and controversy. The Blackwater Canyon effort is an example of the long struggle to preserve pieces of an already fragmented landscape. Blackwater Canyon National Park resonates with the American public, the traditions of conservation and the National Park System, and the modern ideas of landscape planning.

One of the challenges this country faces is the ecological and economic impact of 300 years of mostly random divisions and boundaries on the landscape.

It is important to understand the context of public lands in America. A brief and insufficient picture follows. The very concept of public lands, as Frederick Turner writes in *Rediscovering America: John Muir in His Time and Ours*, was an "odd and unlooked-for consequence of the American Revolution.... Suddenly the infant nation found itself nominal possessor of vast, largely uncharted lands lying west of the Appalachians."

It was Maryland and the other tiny states who opposed the Articles of Confederation feeling the threat of larger states and their vast western claims. Realizing the fragility of the newly formed Union, the larger states gave their claims west of the Alleghenies, as they were called then, to the newly formed federal government thus helping pass the Articles.

But the idea of the federal government owning vast amounts of land while many white men sat landless in the eastern cities did not bode well for a restless populous and thus, as Turner lists, acts like the Ordinance of 1785, the Preemption Act of 1830, the Indian Removal Act of 1830, the Act of 1850 (Railroad Land Grants), the Homestead Act of 1862, and the Timber Culture

Act of 1873 were passed over time to guarantee the extermination of the Indians and tame the west. It is a shameful history and we still have not learned our lessons (witness Black Mountain and forced relocation of Navajo), but these acts shaped our mindset, our landscape.

Most of the lands that comprise West Virginia were sold to private interests. The 26,000 plus Blackwater Manor was one such tract. The Monongahela National Forest was not authorized as a federal purchase unit until 1911 with the passage of the Weeks Act. This act allowed the federal government to purchase lands in cooperation with states as national forests. West Virginia, ravaged by logging companies already

See *PROPOSAL* on page 10

You'll find a flyer inside the front page of this issue of the "Voice" It is to give to a friend in the hopes that she or he will become a member of the West Virginia Highlands Conservancy.

We find ourselves spread thin trying to save what's left of our lovely state and we need all the help we can get. Won't you please make good use of this flyer to try to increase our membership.

Thank you.

## Coal Settlement Outline

### *A Perspective from the West Virginia Highlands Conservancy President*

By Frank Young

I write this after a week of whirlwind developments relating to surface mining. By the time our readers see this, last week's events may be old news.

First, we learned on Monday, July 26<sup>th</sup>, that the plaintiffs and defendants in a lawsuit to force compliance with mining laws had all agreed to a settlement on most of the complaints outlined in the lawsuit. (See related stories, this issue). Immediately folks started to think about how the West Virginia Department of Environmental Protection (DEP) would implement the agreement. After all, Director Michael Miano, had consistently said that permits were being issued and mining conducted in full compliance with the law all along.

How could the agency take that position while agreeing to a whole new way of regulating surface mining? The agreement includes redefining "approximate original contour," changing bonding procedures and requirements, changing post mining land use practices, and implementing oversight of permitting and mining operations by a technical review committee independent of the agency.

Only a spokesman for the coal industry said the settlement terms, if implemented, are short of revolutionary. Bill Raney, president of the West Virginia Coal Association, downplayed the significance of the settlement.

"I do think it will bring changes, but I don't think it's going to revolutionize the practice," Raney said, adding, "I don't think there is degradation as a result of mining."

Now, we know that Raney gets paid to say things like that. And he gets paid to see that nothing will "revolutionize the practice" of the coal industry regulating itself.

But by the following day, even Governor Underwood's spokesperson was admitting the obvious: that it was apparent that there were conflicts with surface mining practices and the law.

Rod Blackstone, the governor's press secretary, said, "The regulation of mountaintop mining has not been as consistent as it could have been."

"I think there is some recognition within a lot of circles that have been following this debate

See *OUTLINE* on page 8



## From the Western Slope of the Mountains

By Frank Young

### Coal Industry's Bad Faith Is Regrettable

I resent and regret coal industry spokesman Bill Raney's attitude about an announced settlement agreement in a lawsuit designed to bring mountaintop removal mining into compliance with the law. His attitude will probably further delay resolution to the problems.

The West Virginia Highlands Conservancy and the other plaintiffs, along with the state and federal agencies that are parties to this suit, have worked long and hard this summer to reach an agreement with the coal industry to settle this matter so that permits can be issued, mining can resume and continue and miners can work with minimum disruption. But by his remarks almost immediately after the settlement was announced, Mr. Raney has indicated that the lawsuit is only a minor nuisance to coal companies, and that the coal industry apparently does not see the settlement agreement outline as serious after all.

Raney, President of the West Virginia Coal Association, said that the settlement, if approved by federal Judge Charles Haden, will deal mostly with permit paperwork, and not with on-the-ground environmental impacts. But whether Mr. Raney denies environmental problems associated with mining or not, this lawsuit is about on-the-ground environmental impacts. It's not just about some coal company lawyers making it look good on paper.

Mr. Raney's comments are indicative of a long standing and continuing coal industry mind set that says, in effect, to the public and to regulatory agencies "We are coal, you can do what you want on paper; but we will continue to do as we damn well please with your hills and hollows".

Someone, the state and federal regulatory agencies, the politicians, the courts, or someone needs to tell the coal industry that it is not God.

Even the governor now admits that permitting and mining aren't taking place as they should be. But the coal industry's insolent attitude is reflected by Raney's language that no matter what, mining will be done however the companies want, regardless of the environmental consequences, regardless of the law and regardless of any agreement.

The Conservancy contends that the settlement agreement issues relating to protection and restoration of water supplies, requiring that post mining land use be actually obtainable, returning surfaced mined lands to an agreed original contour formula, performing contemporaneous reclamation, furnishing infrastructure for post-mining land use, permit oversight advisory committees recommendations, the state's employment of a new mining

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## HOLY EARTH!

By Michael Hasty

### The Drought

About a quarter century ago -- during another life -- I appeared on stage in San Jose, California, in a trio of one-act plays based on short stories written by science fiction author Ray Bradbury.

In one of the plays, "The Day It Rained Forever," I was one of three old men sitting on their front porch in the middle of a terrible drought, complaining about the lack of rain. In the last scene of the play, I stood out in the front yard in the middle of a downpour I had to imagine soaking me to the skin, hollering for joy. Looking back on my performance from where I am today, I think I underplayed it.

Little did I know back then that I would actually become that old man -- sitting on my front porch in the Potomac Highlands of West Virginia, smack in the middle of the worst drought in the country, anxiously scanning the sky for the slightest whiff of rain. My emotions in this circumstance are a lot edgier than that innocent young actor I used to be ever realized.

As I write this, the sky is filled with gray, fast moving clouds. In other, less jaded times, I would have expected rain at any moment. This is what I'm hoping for now, but my hopes have been dashed so often in this dry season I no longer trust the behavior of the weather.

For me that's the worst thing about this drought -- the disorienting effect. The wind blows, the leaves swirl, the sky gets dark, and then -- nothing. No rain. The sky clears. The hot sun reemerges to continue its relentless pounding on the parched and thirsty land. The Earth feels erratic and discordant -- her rhythms off, her mood indecipherable and strange.

This takes a psychological toll. At the base of our sense of well being is a sustaining and nurturing Mother Earth, comforting in the predictable regularity of her cycles. When those cycles become chaotic and uncertain, our security is shattered. It's depressing to helplessly witness wild plants dying, the leaves turning yellow and brown in mid-July. And for all the sweaty work involved, I'd rather be cutting the grass every week than sitting on the porch watching the lawn burn up and turn to dust before my eyes. The only green left is the weeds. I haven't started the mower since the first week of June.

We're worried about the well at our house, after hearing about wells twice as deep that have already gone dry. We've started taking our laundry to the laundromat in town, and collect our dishwater in buckets that we pour on the trees and shrubs we're trying to save -- islands of lush dark green standing out against the pale landscape.

We're also trying to keep our vegetable garden alive. All the time I've saved not cutting the grass has been spent instead carrying water to the tomatoes and green beans. We've got rain barrels under every downspout, and a 400-gallon tank to collect the excess. When that source runs out (as it has for weeks at a time), our friends who are only here on weekends let us get water from their deep and steady-flowing well. It's good that people stick together in disasters -- because disaster is exactly what is happening here.

I walk across our hayfields, and the grass crunches under my feet. The fields were fertilized this past spring, yet we still only got a third of last year's yield when the hay was cut last month. It's barely grown since. The fields are all stubby and brown, except for pale green strips running down the hollows. Across the region, they're talking about a 90 percent loss of the hay crop for this year.

This is an agricultural county, and it's in the agricultural losses that the enormity of this disaster is most visible -- \$100 million so far statewide, and still climbing. Beef cattle farmers, who got slammed last year by the lowest livestock prices in fifty years (and they're not much higher now) are watching whatever measly profits they could hope for dwindling away with every bale of hay they're now having to feed their cows -- the grazing pastures being barren. Whatever hay is left around here this winter will have to be bought at a premium price.

Talking about the federal government assistance that West Virginia farmers will need to pull out of their descending spiral of economic and weather-related disaster, a US Department of Agriculture official was quoted in the Charleston Gazette saying, "People keep asking how much it's going to cost. Well, I don't know that. What I know is, we're going to have a major elimination of our whole agricultural economy."

Around here, that would not only represent an economic calamity -- and

cultural genocide -- but it would turn out to be an environmental catastrophe as well.

One of the biggest environmental problems we have here in Hampshire County -- the fourth-fastest growing county in the state -- is urban sprawl. Farmland that can no longer viably support a family in the cutthroat global agricultural economy is being rapidly sold off to real estate developers, who then turn it into subdivisions. The last line of defense against this suburbanization has been farmers trying to hold on to their generations-old way of life. The death of the farm economy would open the floodgates of sprawl. The ecological consequences of this -- to soil, groundwater, rivers and wildlife -- are nearly incalculable.

Of course the drought is itself a major environmental disaster, and even more, the harbinger of a larger one -- global climate change.

Taking the cosmic view, there is a certain karmic justice being played out here, in that a state that has produced so many of the greenhouse emissions that have created global warming should be so intensely suffering from the results. In my most fevered moments of frustration at the weird weather patterns that carry the rain away from here, I sometimes wonder: did 300,000 acres of once beautiful and natural mountaintops (now destroyed and misshapen) once guide the wind along the Appalachian range in a delicate dance of nature? And in that dance, did the rain not fall equally on the evil and the innocent?

Who can say that in the intricate interplay of wind and land, we haven't carved ourselves out an ugly glitch in the planetary jet stream? Who can say that the gods the continent's natives claim once inhabited those disappeared mountains, now wandering homeless and in fury, haven't turned their hot wrath against us?

No one.

Portions of this column first appeared in the *Hampshire Review*, where Michael Hasty is a regular columnist. You can access his weekly column on the Internet at [www.hampshirereview.com](http://www.hampshirereview.com).





## editorial

### Property Rights and the Cult of the Individual

In what is loosely called "America" by others around the world (it is not clear whether they include Canadians or not, but I would assume that the Canadians do not wish to be lumped in with us) we have extended the cult of the individual to a high honing.

As a close companion to this cult of the individual comes the extremist view of property rights. With some, "property rights" have become a mere fetish, but with others, a veritable religion.

We live in strange times. To see parts of our Earth Mother's surface scarred and defaced for short-term profits seems to me to be the ultimate obscenity.

I have acreage here in Raleigh County. So what are my "property rights?" Well, I can gouge the surface, clearcut it, spray it with approved herbicides and toxins, sell off the soil or anything under the soil that may be of value (not too deep -- I am constrained from getting too far below the surface because that is NOT mine. That strange anomaly in West Virginia called surface versus mineral or coal) and otherwise uglify it beyond all comprehension. I can do all this legally to what I have proved in court belongs to me. In a few years the land will pass on to someone else, and if I have done all these things to it, what will be left for that future person?

I relish having my personal version of property rights because this allows me to see to it that this particular piece of turf is treated with respect and with responsibility. According to my ethic, I could no way clear cut it, gouge it for minerals or even break it up into subdivisions. But I am in a minority with this view -- and there are those who would consider me un-American, even a communist, for subscribing to this kind of land ethic. (The people who are prone to call others "communists" usually don't have a clue as to what communism is all about except that it is something "different" from what they are used to, "un-American" and therefore bad.)

My view on this puts me at a considerable financial disadvantage. Not only can't I sell off my timber, but also I have to be careful who I would sell this place to. I would like to donate the land to a land trust, but I can't afford to do this because everything I have is

tied up in this place. If it came to a matter of life and death, I might have to eat my ethic somewhat -- sell out to someone who was not necessary a responsible steward. So as in so many things in this life, it poses a dilemma.

At one time in human history, a man owned a wife and could do with her as he pleased. That included killing in some cases (even now in some backwater places in the US, if a man surprises his wife in *flagrante delicto* with another man, no court will convict him of murder or even manslaughter. If this is not demonstration of the "owning" of another person, at least her body, then I don't know what else you would call it). Until relatively recent times in many places in western society he was allowed to beat her with regularity, as long as he used a stick not thicker than his thumb.

We are, hopefully, well out of this deplorable circumstance in today's times. We are not so far from that kind of thinking, however, with our attitudes towards land and legal protections for those who would destroy sections of our Earth Mother.

In most of Europe, or in our own country where population pressures have forced a modification of this view, there are limits to what one may do with one's property. Most subdivisions require that a homeowner keep her lawn respectable -- in some cases that not only includes keeping it mowed, but also free of plants considered obnoxious to the neighbors. The greed-based property ethic is still operative here, however. Collectively the other owners fear that their property values will go down if they have a maverick in the neighborhood. Persons who for environmental reasons, or to have a gainful hobby, are often enjoined from having a vegetable garden or a natural area with native plants growing in a relatively unattended manner. One cannot do what one wants if it can impact negatively on the group's property values.

But usually a large corporation is hardly ever held to such an accounting. Ask folks who live in the coal fields and who have had to put up with all kinds of negative impacts to their properties from mining. So property rights will also vary according to how much money or political clout one has.

I imagine that if humankind manages to survive at all, the property rights now "enjoyed" by people will be a thing of the past.

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### Yet Another Church Group Opposes Mountain Top Removal

*Resolution passed by the Ohio-Meadville District of Unitarian-Universalists in May (which includes U-U fellowships in West Virginia)*

As Unitarian-Universalists we covenant to affirm and promote respect for the interdependent web of all existence of which we are a part.

Because coal companies and the West Virginia Department of Environmental Protection have not followed federal regulations,

Because blowing off the tops of mountains and burying the free flowing streams is an affront to creation,

We the members of the Unitarian-Universalist Ohio-Meadville District Board of Directors, the Social Action Committee and the Professional Religious Leaders, applaud Justice Haden's decision to review the permit process which has found the State of West Virginia to be out of compliance with federal regulations, and which has temporarily halted mountain top removal (MTR) mining.

We call for no additional permits to be issued until the State of West Virginia is in compliance with federal regulations.

Furthermore, we call for the suspension of mining permits until the long-range effects of MTR mining are studied and made known. If found harmful to the long term health of the ecosystem, we call for the permanent suspension of MTR mining.

As Unitarian-Universalists we also covenant to affirm and promote justice, equity and compassion in human relations. We are as concerned about the people needing to work in the mines as we are about the mountains and the people whose lives are being disrupted by the blasting from MTR mining (such as having their wells run dry and the foundations of their homes crack).

Therefore, we call upon miners, mine owners, those who speak for the affected homeowners and those who speak for the mountains to sit down together and create new jobs and ways of mining that respect the miners, those living near the mines and the mountains.

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## Partial Settlement Reached in Mountaintop Removal Litigation

By John McFerrin

The parties to the lawsuit by the West Virginia Highlands Conservancy and several individuals challenging mountaintop removal strip mining practices have reached a partial settlement. While the settlement leaves one major issue unresolved (see accompanying story) it resolves several significant questions. In making the settlement, the Division of Environmental Protection (DEP) tacitly admits that it has failed to carry out substantial portions of the law.

The settlement makes two major changes in present practice. The first is in how the legal requirement of restoring the land to approximate original contour is implemented.

Since 1977 both state and federal law has required that land affected by strip mines be returned to the "approximate original contour." In the contour strip mines of the 1980's it was easier to determine what the term "approximate original contour" meant. Mining companies had to cover all highwalls and reshape the land so that it was similar to what existed before mining.

With the spread of mountaintop removal mining in the 1990's, it became more difficult for the companies to determine when they had returned the land to approximate original contour. The disturbance was so massive that a return to original contour was more difficult. The DEP had similar difficulties in determining when approximate original contour had been achieved.

The DEP's response to this was to decide that whatever the company said was approximate original contour must be approximate original contour. Regardless of how dramatic the difference between pre-mining and post-mining contour, it was the policy of the DEP to approve it as approximate original contour.

It was easier and cheaper to shove the overburden into the valley and then convince DEP that the result was approximate original contour than it was to try to restore the land to something resembling the original contour. The result was that more material went into valley fills and the mined land resembled the original contour only to those with very active imaginations.

The settlement changes that. Instead of allowing the permit applicant to persuade the DEP that its plans, no matter what they were, restored the land to "approximate original contour", the settlement will define "approximate original contour" with an engineering formula. Companies will be required to follow that formula, resulting in a consistent definition of "approximate original contour." No longer will "approximate original contour" mean whatever the permit applicant says it means.

In addition to bringing consistency to the permitting, a change to the new formula will result in actual improvements on the ground. More of the dirt and rock that now covers the coal will be stacked back on the mine benches and less dumped into fills. Although the exact results will be different for each mine, the result will be that

the shape and elevation of the land after mining will more closely resemble pre-mining conditions than it does now. Another benefit of the new formula for calculating approximate original contour will be that, because more of the dirt and rock will remain on top, less will be disposed of in valley fills. The probable result will be that fill size will be reduced by about one third.

The second major change in present practice as a result of the settlement will be in the post mining use the land affected by mountaintop removal.

Companies may avoid returning land to its approximate original contour by creating one of the special post-mining land uses set forth by law. These are industrial, commercial, residential, agricultural, or public use. The second major part of the settlement would change the way this part of the law is carried out.

Past practice has been for companies to sow grass on mine sites and then abandon them. They might call these fields of grass wildlife habitat or pasture land. Regardless of what they called the fields of grass, they were never actually used for pasture and were less hospitable as wildlife habitat than what was present before mining. They certainly were not suitable as a basis for a post-coal economy.

The settlement would change that. Sowing grass for a post mining land use would be eliminated and replaced either by hardwood forests or one of the other listed uses.

The settlement would also require that the mining company show that there is a need for the proposed use and a market for the proposed use. In the past, companies have been allowed to make unfounded assumptions about the desirability of flat land. During the public hearings of the Governor's Task Force on Mountaintop Removal, speaker after speaker talked about how badly we needed flat land for economic development. The impression they gave was that there were companies lined up just across the state line, just waiting to flood into West Virginia as soon as we had leveled all these pesky mountains.

The truth is there is no market for mountaintop removal sites as industrial, commercial, or agricultural sites. If there were, there would have been factories there already. When Toyota came to look for a site in West Virginia for its factory, the Development Office did not show it any mountaintop removal sites.

The settlement would require an applicant for a permit to demonstrate that there is actually a need for the flattened land created by mountaintop removal. They would also have to show that there is a market for the land. The DEP will no longer be able to issue permits based upon unfounded generalities about the post-mining use of the land.

In addition to these two major changes, the settlement also produces a host of smaller changes in present practice. It creates a technical review panel which will periodically go to DEP,

examine permits, and see that the requirements of the law and the settlement are being complied with. It will ensure closer examination of the mining company's plans to restore the hydrology of the mined area.

Like any settlement, or any law for that matter, the implementation of this settlement will determine its success or failure. At a minimum, the settlement has laid down a strong foundation for more effective regulation of mountaintop removal mining. ✦



### Settlement Leaves One Big Issue Unresolved

By John McFerrin

The partial settlement of the mountaintop removal litigation (see accompanying story) makes significant changes in the way mountaintop removal strip mining is done. If the settlement is carried out, it will result in strip mining that is less damaging to West Virginia and West Virginians than it would have been without the settlement.

To some, of course, this provides about as much comfort as knowing that your legs will be cut off by a skilled surgeon and that you will be fitted with a state of the art prosthesis. This may be better than having a butcher hack away with an ax but your legs are still gone.

The unresolved issue in the mountaintop removal litigation would more directly address the major controversy in this type of mining: whether it is legal under the federal and state surface mining acts to fill streams with dirt and rock.

Both federal and state law prohibit any mining within one hundred feet of intermittent or perennial streams. This one hundred foot area is what is known as the "buffer zone."

Like many requirements of the law, the Division of Environmental Protection (DEP) may allow mining within this buffer zone if certain conditions are met. The mining must not interfere with stream flows; water quality standards must be met, and environmental values must be protected.

It has been DEP policy to routinely allow mining within buffer zones, including filling the streams.

The West Virginia Highlands Conservancy and the other plaintiffs contend that it is physically impossible to fill streams and still maintain stream flows, meet water quality standards, etc. While it may be possible to get closer than one hundred feet from a stream and

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## Judge Haden Wants to Hear From You

By Bob Gates

Judge Haden today declined to accept the proposed settlement between the West Virginia Highlands Conservancy (WVHC) and other plaintiffs, and the West Virginia Department of Environmental Protection (DEP). He said "there is less here than meets the eye -- we have a long way to go." He wants details and absolutely no loopholes. He also noted that only the plaintiffs were actually bound by the proposed agreement, and that it did not have binding court oversight, pointing out that he did not want another mess like the Recht decision 20 years ago about public school funding inequities.

He also stressed that the public has not been involved in this settlement (Consent Decree) enough, and extended the public input period from 30 days to 45. Details and working papers for the Consent Decree should be forthcoming in the press or obtained thru the WVHC. Comments can be mailed to his court clerk, and he promised to read them all.

We were quite surprised by this ruling and it is a very positive development. For one thing, he does not seem to want to leave any slack for the Legislature to fool around with faulty implementation, as they will have to draft legislation to implement this. He also made fun of the DEP for "whoever the director is today." For those who would like more, here is an excerpted copy of today's Charleston Daily Mail article (July 30).

U.S. District Judge Charles Haden said the proposed consent decree is too unclear to really resolve the issues in the case.

"I suggest there is less here than meets the eye, and there has not been a resolution and a settlement," Haden said. "We are a long way from that occurring."

Haden noted that since the settlement was filed

Monday night, environmentalists have hailed it as a major victory while industry leaders have said mining practices really won't change. "Most of the issues are not settled," he said.

And though the proposed consent decree purports to be a settlement, Haden said he is skeptical because so many parties say they aren't legally bound by it. He listed those parties: Arch Coal subsidiary Hobet Mining, the United Mine Workers of America, land companies, industry associations, federal agencies and, until the end of a public comment period, the director of the state Division of Environmental Protection.

"So only the plaintiffs are bound to perform the consent decree at the present time," Haden said.

Attorneys said the agreement addressed most of the issues in the lawsuit, which environmentalists and coalfield residents filed last summer against state and federal regulators. The federal government settled its part of the case in December. According to the proposed consent decree, the DEP will write rules creating a formula for how much spoil from mountaintop removal mines must be stacked on the mountain and how much may be dumped in valley fills. The state also would write rules on how to reduce water pollution from valley fills and establish a homesteading program. Coal companies would be allowed to leave sites flat if they prepared the land for residential use. The attorneys also submitted an inch-thick set of "working papers" to show where they are on details of the rules.

But attorneys disagreed as to how the agreement affected Arch's Spruce Fork mine or whether valley fills violate a law preventing mining within 100 feet of streams.

Since an injunction hearing in March, negotiations between lawyers have taken place behind closed doors, Haden said. He said he agreed with a Daily Mail editorial that encouraged more public input in the process.

Because the Legislature and state agencies will have to rewrite rules and laws, he said, it is time to open

**USDA and DOI release draft of unified federal watershed policy.** The U.S. Departments of Agriculture and Interior released a draft of a Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource and Management. The two primary goals of the Policy are to use a watershed approach to prevent and reduce water pollution resulting from federal land and resource management activities and to accomplish this in a unified and cost effective manner. The working draft is available to the public on the home page of the Bureau of Land Management <http://www.blm.gov/nhp/whatwedo/cwap/> and the Forest Service home page <http://www.fs.fed.us/clean/unified/> A copy can also be obtained by calling the Forest Service at 406/329-3388.

... Later this summer the Administration plans to publish this proposal in the Federal Register for public comment and to hold public meetings in Sacramento, Portland, Denver, Phoenix, Milwaukee, Atlanta, and Washington, DC. This is

up the negotiations to the public.

"I think the public needs to be brought up to speed," he said.

Given the important public interest -- both economic and environmental -- Haden ordered that a comment period be extended from 30 days to 45 days. Comments should be delivered to the clerk's office in the federal court building in Charleston. Haden pledged to read all comments received both by the DEP and by the federal court clerk.

Though the attorneys still have much work ahead of them, Haden praised their efforts so far and urged them to continue working quickly toward a more definite agreement.

"It's a long way between a proposed settlement and the resolution of a global issue that requires regulations to be rewritten," Haden said, pointing to a 27-year-old lawsuit over school funding in West Virginia. "If that were true, the school funding (suit) would be settled," he said. "Now, two decades later, that case is still being litigated."

Pat McGinley, one of the plaintiffs' attorneys, agreed with Haden's decision. "I think what the judge did was entirely appropriate to see that the public interest is protected," he said.

Cindy Rank, a member of the West Virginia Highlands Conservancy, said the public needs to understand how the proposed consent decree will affect them and mining in the state.

But Chris Hamilton, vice president of the West Virginia Coal Association, said he was surprised and disappointed with Haden's decision. "I'm disappointed that resolution of the issues hasn't been developed any more than it's been," he said. "It's clearly a work in progress." Hamilton regrets the continuing uncertainty over the future of the permit for Arch Coal's Spruce Fork mine, which remains under a court injunction. About 295 miners are now being laid off from an adjoining mine because reserves are exhausted.

Haden said his March injunction for the Spruce Fork mine is still in effect, and the DEP can't process any revisions for the mining permit. Arch planned to revise its mining plan to conform with plaintiffs' requests.

Rod Blackstone, a spokesman for Gov. Cecil Underwood, thought it wise to extend the comment period for the consent decree. "The public nature of this debate mandates that we get as much public input in this process as we move forward to improve the way mountaintop (removal) mining is done in this state."

*Bob Gates is a director of the WVHC. He is not a relative of Bill Gates as far as I know. Ed. ■*

an important opportunity for forest activists to ensure that protecting water quality and watershed restoration will be priorities in the new policy. For further information contact Ami Grace with the Clean Water Network at 202/289-2421, [cleanwaternt@igc.org](mailto:cleanwaternt@igc.org)

— Don Garvin sent this in from "Landscape, News and Views from American Lands" - June 29, 1999 ✦



The New Improved Edition of the Conservancy's Monongahela National Forest Hiking Guide, by Alan deHart and Bruce Sundquist, is HERE

--- So, like, what's in the new edition?

All new photos, a number of new trails, an updated format, and more!

For your order, see order blank on page 7



## Listen Up – Here Come da Judge!

Judge Haden wants and needs public input to make a decision on mountain top removal (MTR) mining in the framework of the current lawsuit and proposed settlement. The deadline for such comments is September 30, 1999. Sit down at your earliest opportunity and tell him your views about MTR, especially on any negative impacts it has had on you or the community where you live. Some points to consider in your letter:

- Coal companies eliminate jobs by being able to use more big machines in MTR mining.
- More coal is mined with fewer workers in MTR than in other methods of mining.
- Communities are often destroyed when mountain tops are removed for coal and large areas are stripped and destroyed.
- The trend is up for tourism in WV, but the tourism industry is almost nil where MTR takes place.
- Extractive industries always take out what they can for greed while leaving devastation of people and place in their wake. There are no exceptions.
- Coal has corrupted the politics of WV for decades. Politicians who don't support Big Coal are rarely elected.
- Coal has cast a pall of propaganda over the coalfields to promote the lie that a coal economy is good for the economy of the area. The truth is that the areas where coal has been most ruthlessly extracted are the poorest counties in the state. Even the schools have been taken over by coal propaganda in counties like Logan.
- Major owners of the coal industry in WV mostly live out of state and have no stake in the quality of life for WV residents.
- According to Bill Maxey, the retired forestry chief in WV, 250,000 acres of forest has been lost to strip mining and 300,000 acres of forest has been disturbed.
- Also according to Maxey, with current methods of

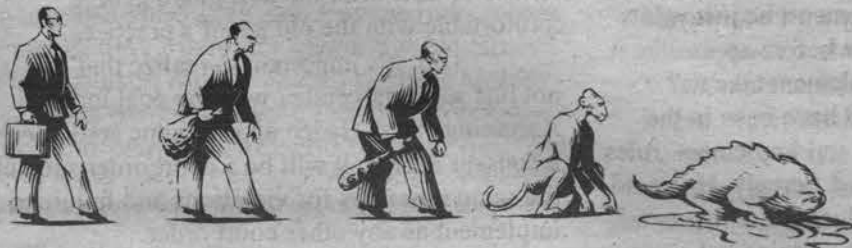
"reclamation," it will take 150 to 200 years for a hardwood forest to regenerate itself on mined over lands.

- Coal production is the highest it has ever been in WV, but the number of miners employed is the fewest ever.
- Coal will soon give way to other forms of a less polluting or a more renewable energy base. It would be tragic to further the destruction forever of WV mountains for a few more years of riches for a very few.
- Thousands of miles of streams have already been buried by valley fills. We need to salvage what there is left.
- A major part of an ecosystem is completely destroyed by MTR and other forms of strip mining. No one knows or can speculate how long it will take for the ecosystem to regenerate itself. Endangered species on these lands will be further impacted negatively.
- The ugliness created by MTR boggles the mind. It is difficult for most persons to see the extent of the devastation from down in the hollows. From a flyover it is impossible for those involved in MTR to hide their destruction.
- Communities are often destroyed by the totality of the destruction of MTR.
- The blasting from MTR often damages houses and other structures, and the dust that is generated is not only a sever nuisance, but also a health hazard.
- Ground water veins are disrupted and wells often go dry in areas close to an MTR operation.

These are some of the impacts – no doubt you are aware of more.

Send your letter to:

Chief US District Judge Charles Haden II  
PO Box 3924  
Charleston, WV 25339



*YOUNG concluded from page 2*

or civil engineer and a biologist to enforce approximate original contour and post mining land use rules, and other settlement agreement provisions should result on-the-ground environmental impacts. For Mr. Raney to say these agreement issues won't make a difference at mining sites is to say that coal companies just don't give a damn about the land, about the people and about what they've told the court they've agreed to. ❖

To order the new hiking guide

Send \$12.95 plus \$3.00 for shipping to Conservancy Administrative Assistant Dave Saville, at PO Box 306, Charleston, WV 25321. For multiple copies, call Dave at 304-594-2276 for a shipping price.

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## Frank Young Nails Gov on His Statement

*Calls Governor's Hand, Demands Apology*  
(Press Release of August 10, 1999)

Last week West Virginia Governor Underwood told a group of industry and civic leaders, "I brought together labor, business and the courts to craft a compromise on the issue of mountaintop mining.....".

The West Virginia Highlands Conservancy (WVHC) categorically disputes the Governor's statement about his involvement in the settlement outline. Labor and business were not parties to the federal lawsuit about surface mining permitting practices. The parties were the WVHC, several coalfield residents and several state and federal regulatory agencies. Although the federal court permitted both labor and the coal industry to file briefs in the case, neither coal companies, coal industry associations nor any labor organizations were either plaintiffs or defendants in the lawsuit. Indeed, both the United Mine Workers Union and Arch Coal Company have disavowed being bound by the agreement the governor claims they negotiated.

**For Governor Underwood to make such claims is a shame, a sham and a fraud upon the citizens of West Virginia.**

The agreement was negotiated by the WVHC, the individual plaintiffs and the West Virginia Department of Environmental Protection (DEP), through their respective attorneys, at the suggestion of Federal Court Judge Charles Haden. The agreement was filed in federal court by attorneys for the plaintiffs and defendants, not by anyone representing labor and coal organizations.

Not only was Governor Underwood not involved in the settlement talks, but before and during settlement negotiations the governor and former DEP Director Michael Miano made repeated public statements that mining permits and mining activities were all proper and in compliance with law; this in the face of ongoing acknowledgment by attorneys for DEP that this was not the case. If the case is settled it will be in spite of, not because of, Governor Underwood's involvement.

The President of the The West Virginia Highlands Conservancy is calling Governor Underwood's hand on this one. Let the governor tell us: who within labor circles and who within industry circles got together to "craft a compromise," as he asserts? The answer is it didn't happen.

The governor is trying to take credit for brokering a compromise between labor and industry where no disagreement existed. It appears that in his mind a legal dispute over environmental enforcement has become a labor dispute. Does the governor see everything as labor verses business? What does this tell us about his political psyche?

What does this tell us about his dedication to environmental law enforcement?

The governor claims this is a labor dispute. For Governor Underwood to make such claims is a shame, a sham and a fraud upon the citizens of West Virginia. For the governor to create a bogus disagreement and then take claim for a bogus solution is disgraceful. The governor owes the people of West Virginia an apology for his blatant attempt to take false credit for solving a dilemma created by his own administration.

The unnecessary destruction of lands and streams, the disruption of citizens' lives, the cost to coalfield workers and coal companies and the loss of tax revenue generated by the halted mining could have all been avoided, had Governor Underwood but directed his agencies to implement the coal mining laws as written, rather than as directed by the multi-billion dollar international corporations that bankroll the governor's political career. ✦

### OUTLINE from page 1

that what had become accepted practice had deviated from the strict letter of the law," Blackstone said. So much for Underwood's and Miano's assertion of innocence.

That's what we'd been saying all along, publicly and in court. But the Governor and Miano denied it all, up to the end.

Then, on Thursday, July 29<sup>th</sup>, another unexpected bombshell. It was announced that DEP Director Miano was leaving the agency! His replacement, Mike Castle, had already been selected, effective the following week.

Then, on Friday, July 30<sup>th</sup>, Judge Haden refused to approve the settlement outline as presented. The federal judge wants to see the public comments and wait until the DEP makes the rule changes before giving his blessing to it all. Haden did not reject the settlement; he just wants to see a more complete picture before approving it.

So where will the settlement take us? Former Director Miano would have been in the position of having to develop and implement rules to change a system he defended fiercely. He could have been expected to be a reluctant implementer of the settlement agreement. It remains to be seen how Director Castle will implement it. Castle had a part in helping to develop the new way of regulating mining. He may feel that doing so makes him a stakeholder in its success. Or he may feel that since he had a part in it that he knows best how to handle it and would close his mind on other perspectives. He will, of course, be subject to intense pressure from the coal industry to change as little as possible, except as the industry wants change. And, most importantly, he is Governor Underwood's appointee.



We've known from the beginning of settlement talks that a settlement agreement is only as good as the determination of the parties to follow it and to see that the other parties follow it. The same would be true of a court order. Assuming the court eventually OKs the settlement, it will be a court order. If it's not being carried out as per the consent decree, we and the other plaintiffs can petition the court for enforcement.

Some of us have intermittent mixed feelings about this settlement. We wonder how would the Judge have ruled had the case gone to trial. That's OK. Rarely have I done anything of consequence and not had that gnawing question -- "what if.....?"

Some folks think that the settlement is not a wise path toward resolution of the problems. When Miano was there saying nothing was wrong with continuing business as usual, this view was somewhat understandable. With the new Director, the time to make the needed changes is now, instead of later after the new guard gets comfortable with the old guard's practices.

Too, it's important to realize that this is not just some agreement with the coal industry. Assuming Judge Haden approves the settlement as a consent decree, it will be a court order subject to the same sanctions for violations and failure to implement as any other court order.

Indeed, some day it may take a "trial" of sorts to have the court tell the parties what the settlement means, especially if some of the parties decide that the agreement isn't being followed and ask the court to rule further. But the likelihood of that happening is perhaps less now that Miano has left and a new DEP Director is taking over just as the settlement starts to kick in. And Judge Haden's determination to see this case through to a detailed conclusion makes an eventual "trial" even less likely.

I'm encouraged. ✦



## It is the 4th of July, & I gaze into my crystal ball...

(From the Three Rivers Avian Center Newsletter)

By Ron Perrone

I see America grilling; I like grilling. Actually, I like fire. Anyone who knows me knows this, but that's another story. Yes, the American idyll. The grill, the burger, the perfectly green lawn, the ... *hold it right there!* Ok buster lets check this lawn out. Hmm. Just as I suspected. This lawn has been chem-sprayed! *Bad, bad, bad!* You'd think people would get tired of stories about gasping asthmatic children and dead dogs & cats. But, well into the summer of 1999, here we are again at TRAC, getting poisoned birds. I detest whining about this. But I detest the sight of convulsing birds even more. So for those of you who missed it last time, here's the news.

**Poisoning our world for the sake of a perfect lawn is vain, stupid, shortsighted, ignorant and callous.**

Pesticides and herbicides are by their fundamental nature, POISON. When they are sprayed on the ground they get walked on, tracked in the house, eaten, slept in, dug up and washed on down the line by rain. They also biomagnify on up the food chain. A mouse eats a little, but mice and other rodents are the bottom of the food chain. Year after year predators who eat mice build up poison in their bodies from eating them. Now a new wrinkle has appeared. The rodents of the world are becoming resistant to common chemicals, which allows them to carry **larger toxic loads** in their bodies, which is forcing people to invent even meaner chemicals to kill the rodents which the hawks, owls and pussycats eat. A study in Great Britain has shown that over the last ten years, the proportion of Barn Owls carrying rodenticides in their livers has jumped from 5% to 36%. That's biomagnification. If you or someone you know has rodent problems get snap traps and a cat named Jenny.

How about moles. People hate moles because they make our lawns lumpy. So people poison moles. Stupid people! Moles eat grubs (which eat your lawn). If you know someone being traumatized by mole hills, get them mole traps. Yes, you do have to dispose of the bodies, but that's life. Life is icky at times.

Know someone trying to cope with too many bugs on the lawn? Put up as many bird feeders and bird houses as you can handle. Almost all birds eat bugs, the more birds around your place the fewer bugs. And ditch that bug zapper. A truly remarkable flim-flam if there ever was one. Ultra violet light bug zappers are almost useless for killing those CO<sub>2</sub> sniffers or body heat seeking (infrared end of the light spectrum) biting bugs that bother and bite.

And another thing, the agribusiness gene splicers are cutting and pasting pesticides into the genes of plants. Wow! *That beats spraying??* Now **anything** that eats those plants gets dosed. And so will the beneficial bugs that eat the plant eating bugs, and the mice that eat them, and the cats that eat the mice. And there is evidence that such genetic traits migrate through cross fertilization to related wild plants and spread to plants, insects, and animal communities for which the pesticide was never intended.

A "perfect" lawn is really a biological desert. It is a monoculture devoid of the diversity which makes a given patch of earth its power to cope with environmental problems. It is dependent upon the water hose and poison sprayer to keep the natural world at bay! It is fundamentally unnatural! Insect infestations, disease and drought will smash a monoculture lawn faster than a complex of several grasses, forbs and shrubs attended by its entourage of bugs and birds.

We have the perfect lawn. It has a few mole hills, ant hills, some bare spots and a few pricklers. We also have all kinds of flowers, weeds, shrubs, very few biting bugs, an occasional mouse or chipmunk, a family of toads, several frogs, a black snake, birds galore, fireflies, butterflies and yes, a grill.

Contact the Three Rivers Avian Center at HC 74, Box 279, Brooks, WV 25951; 1-800-721-5252.

Web page: [www.trrc.org](http://www.trrc.org) ❖

### Antarctic Editorial

*Julian Martin sent this - he got it from The Boquet River Association of Essex County, NY.*

A March 7, New York times editorial by David Helvarg suggests environmental change will define much of the politics of the 21<sup>st</sup> century. While other reporters were covering the impeachment trial and sexual misadventures of the President, Helvarg was interviewing scientists near the South Pole. According to the chief scientist, Bill Frasier, of the National Science Foundation, who has been studying the Antarctic climate since 1974, this region of the world has seen a temperature jump of 5 degrees in 50 years, and a ten-degree average warming during its winter months. Sections of the ice shelf, as large as Delaware, are breaking off.

Scientists are now discussing the possibility that the adjacent Western Antarctic Ice Sheet could experience a sudden meltdown, raising global sea levels by more than 15 feet over the next century (instead of one to three feet, as currently predicted). The implications: inundation of waterfront property; regional shifts in agriculture; increases in

### SETTLEMENT concluded from page 5

still meet these requirements, it is not possible to actually fill the streams and still meet these requirements.

The DEP contends that the buffer zone requirement does not apply to valley fills.

There is no settlement of this issue; the parties are at impasse. There is no solution other than let the judge decide.

If the judge agrees with the plaintiff's interpretation of the law, the result will be that there will be no more valley fills except in the very upper reaches of the valleys where there are no perennial or intermittent streams. It would not eliminate mountaintop removal mining entirely but would very dramatically reduce the size of the valley fills. The effect of this would be to reduce the size of the operations. With only the very head of the valleys to use for a fill, companies would be forced to reduce the size of the operations. They could not cut the top from a mountain if there is no place to put the overburden.

It will not be necessary to have a trial in order for judge to decide this issue. Everyone agrees that if the buffer zone rule applies to valley fills then there could be no more valley fills in perennial or intermittent streams. It is only a question of whether the law applies to valley fills. The judge will decide that question on the basis of written arguments submitted by all parties. ❖



extreme weather events; decline of krill and the species dependent upon them; the extinction of many plant species. What's causing the global warming? Increased output of carbon dioxide and other "greenhouse" gases.

*(Being aware of the stupidity and denial capacities of most members of the U. S. Congress, I would predict that instead of "environmental change defining the politics of the next century," that such members would be wading in water to work at the Capitol while scheming to see what kind of accusations of sexual peccadillos they can hang on some of their compatriots. Editorial comment!) ❖*

**Item:** The Federal government is now telling folks in Eastern Colorado that toxic waste is good for them. EPA has decided to spread some black sludge mixed with plutonium waste as fertilizer on a 55,000 acre wheat farm. Reminiscent of the deadly fallout from bomb testing in Utah in the 50's where the government denied danger or culpability, EPA claims that the radiation emitted from the sludge is about the same as what could be expected from background radiation. But the toxic material being mixed with the sludge has 10,000 times as much radiation as would come from background according to a prior \$5 million study. With the history of the feds lying in issues like these who would trust them now?

- From High Country News, June 21, 1999 ❖



**PROPOSAL from page 1**

moved westward, begged the federal government to purchase lands creating the Mononahela National Forest. Like the National Park System which some have criticized as "monumentalism," devoid of any ecological planning, the National Forest System is a patchwork of fragments. The eastern national forests have been called "the lands nobody wanted." Yet the creation of public land units, and park units in particular, is as much a part of our history as the Civil War, or the automobile.

Yellowstone National Park was the first in 1872, created almost solely for the commercial interests of Jay Cooke's Northern Pacific Railroad which received the property during what has been called the "great land grab." The prospects of one rail line into such an area meant a monopoly on visitation.

The Adirondack Park, not a national park but equally inventive and large, was created by amending the New York State Constitution in 1885 to insure that these lands, which supplied a steady water supply for the Erie Canal and the Hudson River, both transportation backbones, would remain "forever wild." But, it was the fight for Yosemite in the late 1880's and early 1890's that defined the embryonic American Conservation movement.

Turner writes of Muir and his close friend and fellow conservationist Robert Underwood Johnson, then editor of *Century*:

By 1890, as Muir penned his Yosemite articles and Johnson prepared for his Washington lobbying, America remained saddled with a grotesquely out-moded philosophy of public land use characterized by cynicism, greed, and carelessness. The creation of a Yosemite National Park would by itself do little to change popular attitudes toward public-land use, but the debate the park proposal initiated would be an important step in raising the consciousness of the nation to a consideration of the best use of its remaining natural resources.

Most Americans have never regarded wilderness with respect and admiration. True, *wildness* can be said to have some stature in the American psyche. I remember studying American archetypes in an anthropology class, and the "frontiersman" is seen as a great influence on our culture even to this day. Daniel Boone, I read, was said to move his cabin at first site of a neighbor's chimney smoke. But *wilderness*, an ironic creation in that its destruction gave birth to its meaning, represented something to conquer, like the devil. At the root of the fight over Blackwater Canyon lies this disdain, a deep cultural misunderstanding of our relationship to all things wild.

Despite the some eloquent descriptions scattered in the literature, the early chronicles of Randolph County, Virginia, as the area of Blackwater was then called, are full of contempt for wild country. The high plateau of the Alleghenies and the headwaters of the North Fork of the Blackwater were described by Lord Fairfax's surveyors in 1746, "This river called Styx from the dismal appearance of the place being sufficient to strike terror in any human creature." (sic)

And in 1853, David Hunter Strothers, also known as Porte Crayon, wrote in *Virginia Wilderness*:

In Randolph County, Virginia, there is a tract of country containing from seven to nine hundred square miles, entirely uninhabited and so inaccessible that it has rarely been penetrated even by the most adventurous. The settlers on its borders speak of it with dread, as an ill-omened region filled with bears, panthers, impassible laurel breaks, and dangerous precipices. Stories are told of hunters having ventured too far, becoming entangled, and perishing in its intricate Labyrinths...

Strothers may have concluded otherwise, but the American ideal had little room for idle land, or uncut wild forests. Still, many had longer visions and fought hard to protect the places we now cherish. My generation may never see the magnificent Hite Canyon in Utah, some say more grand than the Grand Canyon, as it is under Lake Powell and behind the Glen Canyon Dam. David Brower walked the canyon before it was flooded and turned into a house boat nightmare. The point is that *political will* is what creates these places, however scattered or random. National parks provide, more than any other land designation, for Americans to have access to wild country.

The National Park System, with its myriad designations of battlefields, monuments, historic sites, rivers, and parks, retains the only mission solely dedicated to conservation. Even the US Fish and Wildlife Service is in the business of logging, mining, grazing and resource intensive operations. In sharp contrast, the Mission of the Park Service states:

"The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world."

Management that proposed Blackwater Canyon National Park by the National Park Service (NPS) instead of, say, the USFS is key to the desired economic and environmental impact to Tucker County, the state of West Virginia, and Central Appalachia. Without this designation, this area will remain economically stagnant, and ecologically fragmented.

The NPS states: "As directed by Congress (16 USC 1a-5), the National Park Service will study and monitor areas to determine if they are nationally significant, and if so, whether they have potential for inclusion in the national park system. Planning for the future of the national park system is guided by a framework of themes representing all the aspects of America's natural and cultural heritage." Blackwater fits this description.

DRAFT 1 of the proposed Blackwater Canyon National Park map encompasses three identified existing management regimes and a handful of private lands with individualized management. The USFS already owns 65% of the proposed park acreage of 38,910, and manages these areas under the Monongahela National Forest Plan (see accompanying map covering the

Tucker county area). Allegheny Wood Products (AWP) owns the 3,000 acre heart and has already selectively logged 1,600 acres and drawn plans for the Canaan Mountain Resort and condominiums. The remaining land is privately held by various landowners, and need not necessarily be included. These areas, A & E, were included as logical extensions to larger primary roads, providing increased access, visibility, and ecological connectivity to other existing public lands. In addition rare, threatened and endangered species locations encourage the boundary selection. Obviously, some of these areas will not be purchased as the Park Service has a Congressional mandate to not condemn land of unwilling sellers, in most cases. The area east of Coketon and Douglas and south of Davis could be included, but not as much of it is private and already developed. Draft 2 is in the works.

The two state parks, Blackwater Falls and Canaan Valley, could be included but would remain units of the state. Expanding the park beyond to include areas like the Fernow Experimental Forest, Otter Creek and Dolly Sods Wilderness Areas and other areas, has been suggested. The feasibility of a new park seems to diminish when the amount of private lands within the boundary increases. This is not fact, but observation and common sense. Whatever the outer boundary, the key tracts are the 3,000 acre south rim owned by Allegheny Wood Products, and the canyon as a whole.

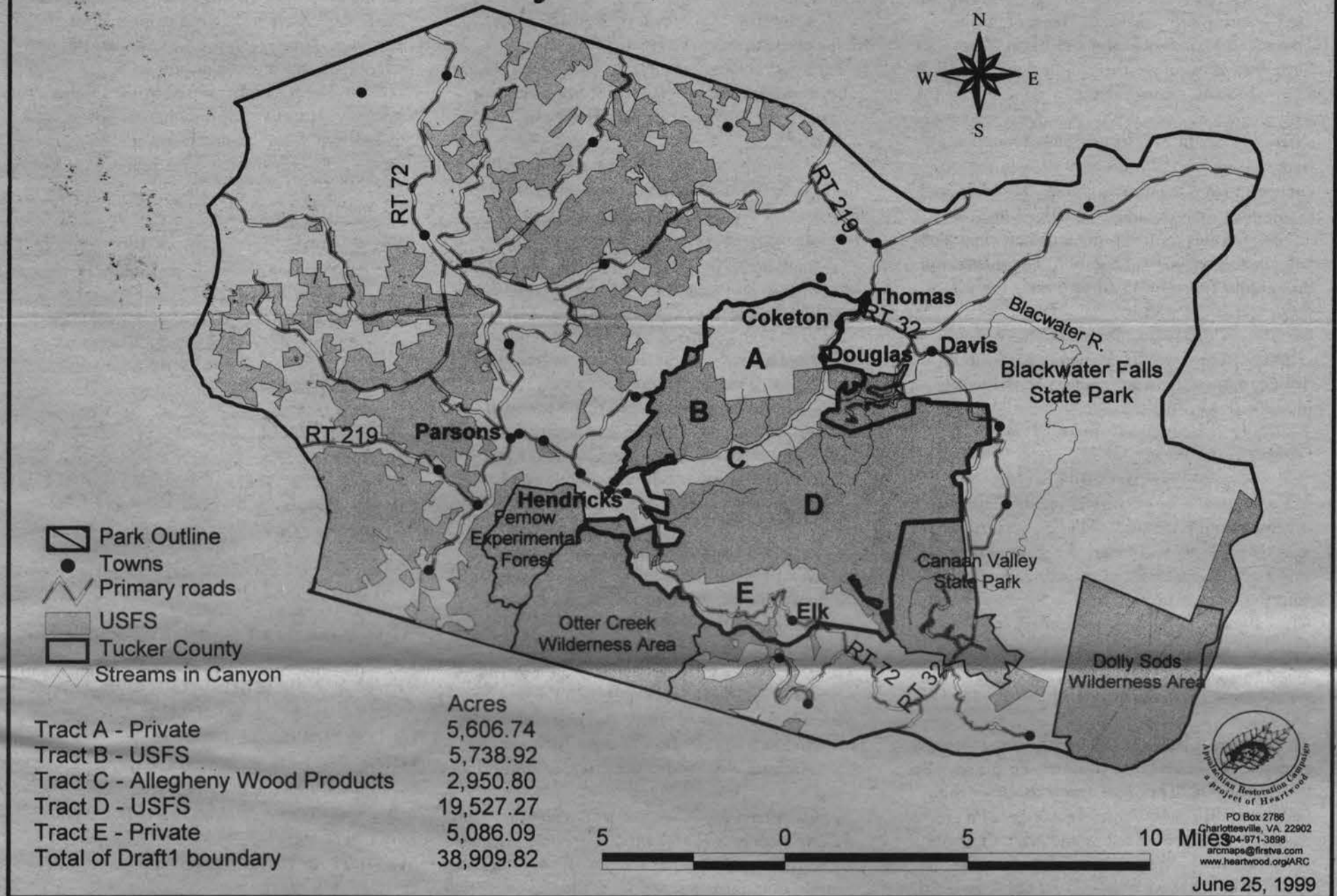
The wealth and diversity of resources in this area provide the basis for national natural and cultural significance required in a national park suitability analysis. Rare threatened and endangered species, waterfalls, 2500 abandoned coke ovens and related sites of the Blackwater Industrial Complex, the steepest rail grade in the east (1,236 feet in 10 miles), the longest continuous rapids in West Virginia, the most famous scenic view in West Virginia at Lindy Point, and many other attributes are a few resources detailed in the 90-page West Virginia Highlands Conservancy report on Blackwater Canyon National Park.

The Blackwater River is slowly recovering from acid mine drainage and is still awaiting Wild & Scenic River designation. Big Run Bog, with many rare plants, lies on the north rim and is a proposed Research Natural Area, and is a National Natural Landmark. The rail-trail, part of the American discovery Trail, is a serious attraction for tourists. These areas and resources would gain permanent protection under National Park status.

The USFS clearly does not have the Congressional mandate to manage this area to its fullest potential, if that potential includes a strong economic base for Tucker County and West Virginia. Although that agency is slowly waking up to public opinion and increasing demand to stop commercial resource extraction, it has yet to embrace the idea that national forest lands are more than standing timber. Witness the Wild & Scenic River designation which has idled at the Monongahela National Forest Headquarters. Still, the USFS is an essential player in the process. Whatever the designation, protection of the



# Blackwater Canyon National Park Draft 1



Canyon is a high priority for USFS. This map will change as more information is gathered regarding the resources of the park. Indeed, many of the documents containing cultural resources such as the historic and archaeological sites in the Canyon are still in draft form at the USFS. Clearly the rail grade, its arched stone bridges, the historical industrial complex of Coketon and Douglas, once the world's leader in coke production for use in steel mills, are all deserving of protection and public viewing. The NPS has the ability to bring people from far away to learn and research these sites for the benefit of West Virginia heritage and the education of all. Allowing the USFS, or even the West Virginia Division of Natural Resources, to manage the Blackwater Canyon area would not allow for the full economic benefit that a national park brings. Indeed, studies have shown that counties with national parks as opposed to state parks or other public lands receive far more visitation and tourist dollars, upwards of five times. The national park idea is our oldest public lands model, and is firmly etched in the American psyche. West Virginia deserves a world-class national park, and

the Blackwater Canyon is worthy of such designation. It will be the "Pride of West Virginia."

Resources:  
<http://www.nps.gov/planning/mngmtplc/npsmptoc.html>  
 Crayon, Porte. *Virginia Illustrated*. Harper Brothers, New York 1957.  
 Smith, Lawrence, J. *Blackwater Country*. McClain Printing Co., Parsons, WV 1972.  
 Turner, Frederick. *Rediscovering America: John Muir in His Time and Ours*. Sierra Club Books, 1985.  
 West Virginia Highlands Conservancy, et al. *The Blackwater Canyon: Getting to Know it Better; Helping to Protect it Forever*. WVHC, 1998.

### Blackwater Canyon National Park Draft 1(D1) Statistics as of June, 1999

Proposed Park Acres	
Tract A - Private	5,606.74
Tract B - USFS	5,738.92
Tract C - AWP	2,950.80
Tract D - USFS	19,527.27
Tract E - Private	5,086.09
<b>Total of D1 boundary</b>	<b>38,909.82</b>
Total Federal ownership D1	25,266.19
Total Private Land D1 Boundary	13,643.63
Unknown Private land within boundary	10,692.83
% Federal	65%
% Private	35%
% Private excluding AWP lands	27%

**PROPOSAL concluded on page 16**





## Update on Walk for the Mountains

Our adventurers left on July 7 in Harper's Ferry bursting with energy and sense of purpose. Two stalwarts, Larry Gibson and Julian Martin, set forth in all kinds of weather, but mostly hot and dry. They take turns -- one walking carrying a West Virginia flag, and one driving a support van bearing a sign that says in BIG letters "Stop Mountaintop Removal!" Along the route they picked up comments from the citizens, mostly favorable, and even some folks to walk along with them.

On July 20 they were interviewed by that hell-raisin' progressive Texan, Jim Hightower, for his national radio show (Editor's aside -- I had thought that "progressive" and "Texan" were oxymoronic until I became acquainted with Jim, and Molly Ivins, two REAL heroes supporting decency and sanity in an insane state and mostly insane nation)

(Is there such a word as "oxymoronic?" Bill Gates & Company say "no.")

Says Sheila, Larry's wife, on July 19<sup>th</sup> -- "Larry has met a lot of citizens who have never heard of mountaintop removal. This is a very important message for Larry and Julian to deliver to the people in West Virginia...both of them are doing very well. This time they're on their way to Blackwater Falls. Their average in walking is around 15 miles per day. Larry says for me to tell everyone that things are going well. If you would like to please make a contribution for the walk, send donations to OVEC, PO Box 6753, Huntington, WV 25773."

Says Julian -- We've been walking through some incredibly beautiful country. People have been very kind to us. They don't want to see anything happen to their mountains. People have invited us to stay in their homes, fed us and given us words of encouragement. We get thumbs up signs and friendly honks as we walk -- so far only two negative

comments.."

By July 28 they had covered 187 miles. Some of the towns to be favored with their enlightened message were Davis, Parsons and Elkins. They continued on to small towns like Enterprise and got some important media coverage in Clarksburg.

On several occasions they were joined on the walk by Denise Giardina, the award-winning novelist and West Virginia native who is also running for governor on the Mountain Party ticket.

On August 6 they held a rally in Fayetteville where Carol Jackson setup her mock graveyard with over 900 "tombstones," each representing a stream which has been destroyed by mountaintop removal. Julian left the walk at this time and Sharon Roon took his place for the trek into Beckley.

On Aug. 8 they walked into Beckley in the rain and held a rally at Shoemaker Square. In spite of the rain, there was a good turnout of at least 50 people to greet them. Andrew Caldwell led the assorted throng in singing some well-known folk songs.

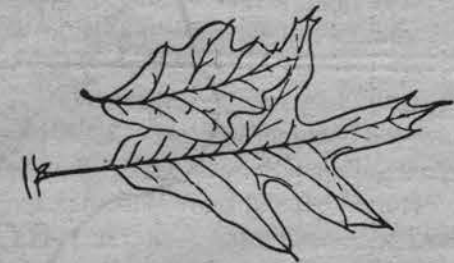
On August 10<sup>th</sup>, about sixteen citizens walked into Whitesville, a town deep in the heart of the Southern coal fields. Several of the local residents joined them on the walk. The Coal River Mountain Watch held an open house all afternoon where the Earl of Elkview entertained the attendees with his usual repertoire of songs. In the evening the CRMW sponsored a very well attended weenie roast and rally at Judy Bonds' house in Whitesville. Carol Jackson also had her cemetery set up for this event.

After a day to rest up, from there the walkers went on to Larry's ancestral home place on Kayford Mountain. After walking through Lincoln County to Huntington and Hurricane, the walk will

wind up on August 21 in Charleston at the Capitol.

Ol' Cece will be out to greet 'em and give 'em hugs. Now you must KNOW that this last statement is my attempt at humor!

The walk is organized by the Ohio Valley Environmental Coalition. Other supporting groups include the West Virginia Highlands Conservancy, the Coal River Mountain Watch, the West Virginia Environmental Council, the West Virginia Rivers Coalition, Citizen's Coal Council, the Monacan Indian Nation, members of the Baha'i faith and Patagonia, Inc. ❖



### AS I WALK FOR THE MOUNTAINS

BY LARRY GIBSON

JULY 14 1999

AS I WALK FOR THE MOUNTAINS  
IT BRINGS TO MIND  
THE LOVE THAT I HAVE FOR THE WEST VIRGINIA HILLS. IF  
THE STATE OF WEST VIRGINIA WAS A WOMAN  
SHE WOULD BE THE MOST BEAUTIFUL LADY.  
AS I WALK ALONG THE WAY IT SEEMS  
LIKE I CAN HEAR HER BREATHING.  
UP NORTH I SEE THE BEAUTY OF THE LADY.  
DOWN SOUTH, I SEE THE SCARS  
AND THE UGLY THAT MANKIND HAS DONE TO HER.  
DON'T THEY KNOW  
THAT THEY ARE DESTROYING HER? OR  
DO THEY EVEN CARE?

OH MY LORD, HELP ME FIND THE WAY  
TO STOP THEM FROM DESTROYING MY MOTHER  
FOR SHE GAVE ME LIFE. NOW  
I HAVE TO FIND A WAY TO GIVE HER BACK LIFE.  
LIKE A LOT OF WOMEN  
OUR STATE HAS BEEN ABUSED. IT'S UP TO US,  
HER OFFSPRING,  
TO DEFEND HER.  
SOMEONE ASKED ME:  
WHY FIGHT FOR ALL THE MOUNTAINS?  
MY REPLY: IT'S LIKE GOING TO AN ORPHANAGE  
TO ADOPT A CHILD  
AND SEEING LITTLE CHILDREN  
--WHICH ONE DO YOU ADOPT AND WHICH ONE  
DO YOU ALLOW TO BE DESTROYED?  
FOR ME THE ANSWER  
IS TO SAVE THEM ALL  
--OR AT LEAST AS MANY AS YOU CAN.

AS OFFSPRING OF THIS GREAT LADY  
HOW CAN WE DO ANY LESS? ❖

*"When I first got involved in politics I thought the government would never let the companies get away with wrecking people's homes and lives. But I found out that justice doesn't always prevail. The American government is bought and paid for by powerful people, and the big corporate [farm operations] have a position in both parties."*

— Don Webb, head of the NC Alliance for a Responsible Swine Industry.

The New Improved Edition of the  
Conservancy's Monongahela National  
Forest Hiking Guide, by Alan deHart  
and Bruce Sundquist, is HERE

---- So, like, what's in the new edition!

All new photos, a number of new trails,  
an updated format, and more!

For your order, see order blank  
on page 7





**WEST VIRGINIA RIVERS COALITION ACTION ALERT:****Gus Douglass Again Misleading the Public****Write a Letter to the Editor about Poultry in the Potomac!**

In the last few days, the WV Commissioner of Agriculture, Gus Douglass, has released data collected by the state Department of Agriculture (DOA) laboratory in Moorefield, WV. The lab has been studying water quality issues in West Virginia's Potomac Headwaters for the last year or so. At the same time the Cacapon Institute (which is funded by the US Fish and Wildlife Service and is one of WV River Coalition's affiliates) has done similar studies in the area.

In interim reports released within a week of each other, the two entities have said two different things. Because of the political clout of the commissioner, the release by the DOA dominated the media. The focus of these studies is to evaluate the current status of the Potomac Headwaters and to re-evaluate the impact of the poultry industry on water quality in the region. Douglass has led the public to believe that his data indicates bacterial problems in the basin are not related to poultry factory farms. The Cacapon Institute has said that due to the drought in the area for the last year or so, it is impossible to evaluate the current impact of run-off and poultry farms in the area. The Institute went on to say that there is clear evidence from their past studies in the Lost River of impacts from agriculture.

We would like folks to write letters simply saying that since the DOA study was done during a drought, common sense tells us that the study couldn't possibly have evaluated nonpoint run-off that is characteristic of poultry farms. That being true, we think it is irresponsible of the Commissioner to mislead the public and poultry farmers who are doing their best to cope with the problem. This reckless behavior could impact funding for technical support for farmers and will

**Quotes from US Forest Service Survey on Mountain Bikers**

Submitted by Rick Landenberger

*(Taken from the report "A National Study of Mountain Biking Opinion Leaders: Characteristics, Preferences, Attitudes, and Conflicts" by Steve Hollenhorst, Mike Schuett, David Olson, and Debra Chavez)*

P. 12. "The results reveal that mountain bike opinion leaders are overwhelmingly biocentric in their thinking, believing that nature has intrinsic value exclusive of what it does for humans, that humans do not have moral license to infringe on this right, and that many environmental problems are rooted in our societal tendency to dominate, control, and exploit nature. There was widespread support for the idea that there are indeed limits to growth and that a more sustainable form of society is needed. Mountain bikers generally see themselves as environmental activists with much of their lives organized around environmental issues.

create long-term environmental problems by shifting the public's focus and energy away from the poultry industry prematurely, before sound scientific data has been gathered.

**ACTION:**

Write a letter to the Charleston Gazette saying that you question the validity of the study released by the DOA that focuses on water quality in the Potomac Headwaters. In your letter, note that:

\* The study was done during low-flow conditions, so accurately evaluating run-off from factory farms is impossible.

\* Our Commissioner of Agriculture has tried to mislead the public into thinking the study done by the state lab is accurate and valid. This is irresponsible behavior and unfair to the public and poultry farmers who have to deal these water quality issues.

\* The Cacapon Institute has evidence that distinctly shows agricultural impacts to the Potomac Headwaters. Therefore, we shouldn't let the poultry industry off the hook until all the necessary data has been collected, processed, and released.

You can e-mail your letter to the Gazette at [letters@wvgazette.com](mailto:letters@wvgazette.com). Or you can send your letter by mail to: Letters to the Editor, Charleston Gazette, 1001 Virginia St., East, Charleston, WV 25301.

Letters have a 200-word limit and must include the author's name, address, and daytime

"... It generally appears that mountain bikers are generally within the mainstream of American environmental thought in that they actively support a biocentric view of nature and oppose the morality of human infringement on these intrinsic rights, yet are unsure about what form of activism should be utilized to bring about necessary social change. This finding does much to dispel the conventional wisdom that views mountain bikers as anti-environmental, with views more in tune with the philosophies of the off-road vehicle and wise-use contingents. While they are clearly interested in advancing their access agenda, this interest is clearly not grounded in the philosophies of the wise-use movement. While access issues could be a political wedge, it is more likely that mountain bikers will see the environmental agenda as consistent with the protection of their overwhelming interest in the protection of mountain biking opportunities. Given the vast numbers of riders and the growth of the sport, mountain bikers and environmentalists increasingly become powerful political allies."

phone number.

**QUESTIONS?**

Contact Pam Moe-Merritt at the West Virginia Rivers Coalition at 304/637-7201, or e-mail [pmoe@neumedia.net](mailto:pmoe@neumedia.net). You may also get in touch with Margaret Janes of the Potomac Headwaters Resource Alliance at 304/897-6048 or e-mail [MJPAWS@aol.com](mailto:MJPAWS@aol.com). ❖

**WANT the latest in state wildlife & wildlands news from around the country?**

Subscribe to WILDLines, the free weekly e-mail newsletter covering state conservation issues from state forests to state Endangered Species Acts.

WILDLines, brought to you by GREEN, the GrassRoots Environmental Effectiveness Network, links concerned citizens who are working to make a difference on wildlife and wildlands issues at the state level. Citizens can learn from the successes -- and failures -- of those in other states, and can share their own stories with others who can benefit from them.

**To receive WILDLines:**

\*Send an e-mail to [listproc@envirolink.org](mailto:listproc@envirolink.org)

\*Leave the subject line blank.

\*The body of the message should read: subscribe actwild Firstname Lastname (for example: "subscribe actwild Dave Grossman").

Questions or problems? Call Melanie at (202) 682-9400 x290.

"...Pfiesteria [the 'cell from hell'] thrives in waterways overloaded with nitrogen and phosphorus, often the result of animal runoff....The areas hardest hit by pfiesteria-induced fish kills are dominated by factory farms: hogs near Pamlico Sound and chickens in the Chesapeake watershed..." Sharon Guynup in the Jan-Feb. 99 issue of *Sierra*

"It's the plain truth: employers overstate the impact and try to pit workers against us and the environmental community with job blackmail."

— Robert Wages, president of the Oil, Chemical and Atomic Workers Union, in "Brothers and Sisters" in the Jan.-Feb. 99 issue of *Sierra*



## On the Front Line for the Blackwater Canyon

### Episodes of Canyon Crusaders

By Priscilla Rodd

It started with a hot Sunday in Thomas, WV. My cousin, Jenna, and I set up on the abandoned sidewalk in front of Reid Gilbert's Opera House at 4 PM, having arrived way too early for the fireworks crowd. We played hangman, and I only let her do environmental words to keep her focused. Teenagers...

When the crowd finally rolled in around 7 PM, we had run out of conversation and were gleeful at the prospect of pitching ideas. And people came. We gathered 90 signatures, and many thanks. And we listened. People thought the Canyon had been bought by or given to the governor, having been confused by Lindy Point coverage; others reminisced about driving trains through the beautiful land, giving us their full support and saying tourism was the future of West Virginia; still others, gave support, but doubted it would ever "really work." A Blackwater Canyon National Park? Power to the people, we cried, and drove onward, a flush in our cheeks from rapidly counting the names.

Appropriately, our next stop was an all-ages show at 123 Pleasant St. in Morgantown. Twice I got on the microphone to announce our presence over in the corner, getting whistles and cries of support, particularly when bare-chested band members shouted "stop the tree killers," after I stepped down. Almost every person at the show signed our petition. Harrison, Elissa, and Devin worked the crowd and got the names of six potential volunteers! We were cruising.

Next was a quiet stop in Stuart Park [a park near Elkins]; Gabriel and Elissa were with me. We got a chance to talk to the scattered groups of nature worshippers as we walked

around the beautiful park, which in itself, is a fine example of how to integrate access and recreation on public land. And people listened. All but two people signed our petition after we explained the present Canyon situation and benefits of a national park. By that time, I decided handing out stapled packets was the way to go. Then nobody would wish they had more information later. The packet includes a postcard to Congressman Mollohan, addresses for other politicians, an order sheet for "Save Blackwater Canyon" T-shirts and card, and an information flyer.

Next Helen, Julie, and I went to "Pickin' in the Park" in Elkins [part of the Augusta Festival], getting a great reception, handing out tons information packets and bumper stickers. One triumph was a couple of ladies who shook their heads disapprovingly when I first approached them with my petition. After explaining how we weren't against timber as a rule, simply against timbering a special, beautiful place that West Virginians have always thought of as theirs, they began to bend, and when they heard about the possible benefits of a National Park to Tucker County, they signed.

Helen met a woman who had written to President Clinton about the Canyon, and was disappointed that she'd gotten no reply. We assured her that a American Legion Auxillary Girl had been one of two chosen to travel to Washington, DC, and the Blackwater Canyon was her political concern of choice. She had contacted the West Virginia Highlands Conservancy for information in order to personally sway President Clinton to give his

support for a Blackwater Canyon National Park.

And so we traveled on to the "Revenge of the Rattlesnake" bike race [a mountain bike race that goes from Blackwater Falls State Park to Canaan Valley State Park], and handed out bumper stickers like it was chewing gum, and to the businesses of Morgantown, who let us set up petitions and information stands. Onward!

Occasionally, we get a scowl and a sharp, "I won't sign anything that takes away John Crites' land!" In response, we flinch, sigh, nod and say we understood that opinions differ. But as we walk away, we look over our shoulder at whoever rebuffed our advances and raise an eyebrow that says, "ain't no stopping us now, look at this stack of signatures."

Power to the People!

*Priscilla Rodd is a writer who is about to enter graduate school at the U of Pittsburgh. She will be studying creative writing. ✦*



**The exploiters of West Virginia's natural world are rich and powerful. They have no qualms about destroying our beautiful state in the name of greed. To save as much as we can of West Virginia, we need your help. Won't you become a member of the West Virginia Highlands Conservancy and do YOUR part to help us? Please take time right now to write your membership check and send it to us**

Category	Individual	Family	Organizational
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: \_\_\_\_\_

#### Membership Benefits

- ★ The Highlands Voice each month
- ★ Special weekend programs held around the state -- days filled with field trips, hikes, workshops and just plain fun.
- ★ Representation through WVHC efforts to monitor legislative and agency activity
- ★ A chance to make new friends with values you share.
- ★ Knowing you are doing your part to protect West Virginia's natural heritage.

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

#### West Virginia Highlands Conservancy

Working since 1967 to protect our lands, our waters and the rich natural heritage of West Virginia.





Environmental troublemakers in action!  
Priscilla Rodd on left, Jenna Furbee on right  
In Thomas, WV, collecting signatures to  
SAVE BLACKWATER CANYON!!

## Clean Air Now

By Don Gasper

The U. S. Environmental Protection Agency (EPA) is mandated under the Clean Air Act to adopt stronger pollution standards in order to adequately protect the health of the American public. EPA will make decisions in 1999 to clean up three of the largest sources of ozone pollution. Compliance will take five or more years in many instances. We need improvements NOW.

**Power plants:** In 1998 EPA moved to partially close the grandfathered loophole that power plants have enjoyed for over two decades by requiring 22 Eastern states to reduce nitrogen oxide pollution from power plants and other large industries. State plans are due in September 1999, but eight states have announced they will not comply fully, and have sued EPA. EPA has the authority to impose a federal plan on these states to force clean up.

**Cars:** EPA is proposing new tailpipe standards for cars, minivans, sport utility vehicles and pick-up trucks that will take effect in 2004. Cars, light trucks and sport utility vehicles (SUVs) contribute 30% of the nation's smog-causing nitrogen oxide pollution, more than any other pollution source. EPA can help to reduce this pollution by finalizing a strong Tier 2 rule that makes cars and trucks meet the same stringent standards, does not give a special break to diesel, and promotes advanced technology. By the end of this year, the EPA will adopt these tough new "Tier 2" standards, which could cut air pollution from the typical new car by almost 90% and require cars, on average, to meet nitrogen emission standards that are 89% cleaner than the current national standards.

**Gasoline:** As part of the rulemaking to clean up cars, EPA proposes to reduce sulfur in gasoline to levels 10 times cleaner by 2004. This will be important, because sulfur permanently damages catalytic converters. This more refined gas may cost five cents more per gallon. EPA would reduce sulfur levels in fuels to the level currently available in California. These rules will significantly cut auto emissions and help implement the health-based ozone standard adopted by EPA in 1997. The EPA should require the oil industry to sell much cleaner gasoline, reducing sulfur levels in gas 90% below current levels. This will have the same benefit as removing over 50 million cars from the roads.

**What can you do?** A strong showing of support will be needed. Over the next several months, environmental and health groups across the country will be working hard to let the EPA know that we want tough new standards. In addition, we all need to write Administrator Carol Browner and urge her to act quickly to adopt the strongest possible protections.

The EPA address is: 401 M Street, SW, Washington, D.C. 20460 Write or call your Legislators also to tell them you want no "riders" that might delay this clean-up.

Don Gasper is a retired fish biologist ✦

## Searching for Out of State Extremists

On April 3, 1999, John McFerrin sent the following letter. He has not yet received a reply.

Bill Raney  
West Virginia Coal Association  
1301 Laidley Tower  
Charleston, WV 25301

Dear Bill:

In the April 3, 1999, issue of the Beckley Register Herald you were quoted as saying that environmental issues concerning mining "have been raised largely by extremists who do not live in West Virginia." Since I know that everything that appears in the Register Herald is gospel truth, I have no doubt that you expressed this sentiment.

Like many other things, extremism is in the eye of the beholder. I had always considered it an extreme position to insist upon no new burdens on the industry. When one's beginning and ending negotiating position is one of zero change, it is hard to see that as anything but extreme. Yet K.O. Damron chants "no new burdens on the industry" at the drop of a hat, as do you.

At the same time, you might consider anyone who wants the industry to make any change as an extremist.

Given that the word "extremist" has no universally accepted definition and the question of who and who isn't an extremist is a subjective judgment, there is not much point in arguing about who is and who is not an extremist. You and I may see the world so differently that my rational commentators are your extremists and vice versa.

This is not the case with the out of state part of your comment. State of residence is an objective fact that has an agreed upon meaning. I can honestly say that I don't know of anyone<sup>1</sup> who has been active in the recent controversies over surface mining who lives outside of West Virginia.

So who are you talking about? Is it EPA, arguably a resident of Philadelphia or Washington although actually a resident of the entire United States, including West Virginia? Have there been some people sneaking across the border to raise environmental problems? Should we post border guards at Huntington, Parkersburg, Bluefield, and Kermit to keep them out?

Perhaps this line about "out of state extremists" is something people have said for so long that they don't even ask themselves if it is true. Perhaps you have some secret knowledge. I have never known you to continue to say something that has no basis in fact. If there are active participants in this discussion who are from out of state, I would be curious to find out whom you are talking about.<sup>2</sup>

I look forward to your reply.

Sincerely,

John McFerrin

<sup>1</sup>  
Except, of course, for St. Louis resident Arch Coal. Are they the extremists you are talking about?

<sup>2</sup>  
This still leaves unanswered the question of why it matters. If the ideas are true, then why does it matter where they come from? In a related matter, if living in West Virginia is a requirement to be admitted to the discussion, how is it that many members of the Coal Association, who are located in other states, are allowed to speak?



## Music for the Millennium

An eclectic mix of Musicians, other Artists, Environmental Organizations and Green Businesses celebrating and supporting a Sustainable Festival 2000.

Join us September 10th-11th, and 12th, 1999 at Old Timer's Reunion (Tom Robertson Association Park) Dailey, WV. (10 miles south of Elkins on Route 250).

An Invitation for Non-Profit Environmental Associations and Organizations.

Music for the Millennium is a fund raising event for the Sustainable Festival 2000 involving musicians, other artists, environmental associations, and green businesses supporting sustainable lifestyles in the next millennium.

Musicians from around West Virginia and the Appalachian region will contribute music and exchange ideas about living in a more natural world.

Artists will display their work and talk with participants about the beauty found in natural objects.

Environmental businesses will display information and products showing how they contribute to improving the environment in the next millennium. Businesses contribute vendor fees to finance the production of Sustainable Festival 2000.

Participants contribute entrance fees to gain entertainment, recreation and food at the Music for the Millennium event. All net proceeds from Music for the Millennium sales go toward production of WV Sustainable Festival 2000.

### Participation of Environmental Organizations

Environmental Associations contribute information displays informing the public about current issues in sustainability.

Since the Music for the Millennium event is designed to raise funds for Sustainable Festival 2000, environmental organizations are also asked to contribute to the festival in any one of several ways.

1. Volunteer time for festival activities with children and adults
2. Contribute items for an auction
3. Donate a portion of proceeds from item sales to the festival
4. Sell sustainable food and drinks. Food and drink will be available for purchase from traditional festival vendors. We are also interested in having environmental organizations raise funds for themselves and the festival by serving non-traditional food and beverages.
5. Purchase and distribute group-rate tickets to organization members.

Call Myra Bonhage-Hale at 1-888-230-1708 or Denise Poole at 346-5891 to discuss the contribution your group will make. [Dpoole@wvwise.org](mailto:Dpoole@wvwise.org)

### Event Schedule

Friday September 10, 1999

Noon: gates open for vendor and stage setup

5:00 pm: Gates open to the public

6:00 p.m.: Music events hourly to 9 p.m. Food, artist, information, and vendor displays

Saturday September 11, 1999

10 a.m. Gates open to the public

11:00 a.m. Music events hourly to 9 p.m. Food, artist, information, and vendor displays.

Sunday September 12, 1999

10 a.m. Gates open to the public, vendors, and musicians to wrap up.

Noon: Gates close and festival ends.

**Exhibitor Information Display:** Environmental non-profit organizations and associations are invited to exhibit informational materials at no cost.

A space of approximately 100 square feet is provided for 2 exhibitor staff. Exhibitors should bring tables, chairs, an awning, and signage for their booths. Electricity is available.

Overnight camping, swimming and saunas are available on site.

To register your organization: Send the following information

NAME: ADDRESS PHONE FAX E-MAIL WWW:

Mail OR E-MAIL by August 15, 1999 to:

Denise Poole, Treasurer, WV Sustainable Festival 2000

PO Box 2206

Huntington WV 25722

[Dpoole@wvwise.org](mailto:Dpoole@wvwise.org)

### PROPOSAL concluded from page 11

Tucker County  
 USFS ..... 96,177.37  
 USFWS ..... 765.14  
 Federal Land Ownership in Tucker Co. 96,942.51

Total Proposed Federal ..... 110,586.14  
 Tucker County ..... 276,335.67  
 % Fed w/ Proposed in TC ..... 40%

Known Endangered Species Site Counts inside proposed boundary

Allegheny Woodrat 3  
 Cheat Mountain Salamander 9  
 Green Salamander 1  
 Rock Vole 2  
 Virginia Northern Flying Squirrel 5

This proposal is in DRAFT form, all figures are subject to change.

Jason Halbert is the regional coordinator for the Appalachian Restoration Campaign, a project of Heartwood. He can be reached at PO Box 2786, Charlottesville, VA 22902-2786; phone (804) 971-3898; fax (804) 970-1806; e-mail [arcmaps@firstva.com](mailto:arcmaps@firstva.com)



PRESS RELEASE July 22, 1999

Contact: Paula Clendenin (304)343-2993

**Mountain State Artists Take Art to the Billboards.** CHARLESTON, WV-- Consider it an outdoor art exhibition in large format – very large format. Six West Virginia artists are expressing their reactions to mountaintop removal strip mining on six billboards to be installed in the Charleston area on July 25.

This is the first phase of a billboard exhibition project organized by artist Paula Clendenin, and novelist and gubernatorial candidate Denise Giardina. The project is funded by private donations raised at an event last January.

Designs include a humorous piece by David Riffle and Molly Erlandson, a pair of photographs by Ken Sherman, Clendenin's symbolic mountains, less peaks, and filmmaker Gates' hypothetical landscape derived from aerial strip mine photographs.

"I am very excited about the art we have for this project," project coordinator Clendenin said. "It should definitely raise public awareness of the destructiveness of mountaintop removal, and help counter the slick, high finance, media campaign of the coal industry. But, this project is also fun. It is art."