



The Highlands

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SEASON'S GREETINGS



The Religion of Materialism

Property Rights and Other Aspects of Our Culture That Lead Us down the Path to Environmental Disaster

By M. Rupert Cutler, Ph. D.

The following is adapted from his presentation given at a symposium entitled "Faith, Health, and Community Life" on October 13, 1999 at Roanoke College, Salem, VA.

As a naturalist I've always liked the old hymn, "This is my father's world," with the words: "All nature sings and round me rings the music of the spheres . . . Of rocks and trees, of skies and seas, His hand the wonders wrought . . . The birds their carols raise, the morning light, the lily white, declare their Maker's praise."

My father's world. To my ear, that expression sounds remarkably like expressions of thanks to the Great Spirit made by Native Americans who lived here long before our European and African forebears came to these shores. In his new book, *Visions of Paradise: Glimpses of Our Landscape's Legacy*, John Warfield Simpson notes that, to most Indians, Nature was revered as a benevolent force that sustained life. Its appreciation was central to their religion and general philosophy. The landscape provided all they needed or wanted free for the taking, so personal property was unnecessary.

Explaining this relationship more fully, Shepard Krech III in another new book, *The Ecological Indian, Myth and History*, notes:

"Among the . . . Indians' most widespread beliefs were, first, that a force or power pervaded the universe and came to reside in certain geophysical features, meteorological phenomena, spiritual essences, natural beings, and artifacts, making them sacred or holy; and second, that one's relations with other-than-human beings like buffalo, bear, and other animals, plants, and so on were regulated by expectations and obligations similar to those that governed relations between kin or allies. The Sioux called it 'wakan tanka,' which has been translated as 'great spirits' or 'great incomprehensibility.'"

It is not my goal to convert you to the Native Americans' religion, only to note the difference between their view -- humans at one with Nature -- and ours, of being apart from and superior to Nature. I want you to understand the impact that this view has had on our environment and quality of life.

The key word is "property." The key phenomenon is our attitude that the landscape is simply a resource for private economic exploitation. Think of the changes you know have been made to the North American landscape in the past 200 years: deforestation, water and air pollution, topsoil loss to erosion caused by poor farming, logging, and commercial development practices, depletion of wildlife habitats and biological diversity, groundwater mining for irrigation, mountaintop removal for coal, the importation of harmful exotic plants, animals, and diseases, the junk and litter that people throw down convenient mountainsides, the cigarette butts, beer cans and candy wrappers that are dumped at traffic lights. Then ask yourself, why are we so uncivil toward our own home environment? Why do we foul our own nest?

At a recent subcommittee hearing, a sawmill owner from Stuart, Virginia -- opposed to state regulation of logging on private land -- said to the subcommittee that protecting his private property rights came before protecting his wife. His humor escaped me. He may have been serious.

Professor Simpson says, because we regard the land only as a commodity for our use and benefit, as property to be bought and sold. Because we consider ourselves separate from and superior to the land. Because we see the land mostly in nonemotional, nonhistorical terms. I would add, because we tend to think only in terms of impacts within our own lifespan and no longer.

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Victory for the People

Big Coal and Powerful Congressional Supporters Defeated for Now

It was in the nature of a miracle. The powerful Senator Robert C. Byrd along with his West Virginia Congressional Delegation cheering section were thwarted. They were unable to attach their rider to significant legislation. This was the pro-coal rider which would circumvent the Surface Mine Control and Reclamation Act and the Clean Water Act. Byrd had promised to deliver this rider to overturn Judge Haden's ruling, a rider which would allow Big Coal to continue to rape our mountains and our communities.

Byrd had reverted to the demagogic in his address to the miners in Washington. "This court ruling is wrong-headed," Byrd said, insulting the competence of Judge Haden.

He added fuel to the fire as he continued -- "It jeopardizes your jobs. It jeopardizes your

hometowns. Your futures have been put on the line ...with this much at stake, we cannot walk away."

He said nothing about the huge loss of jobs over the past two decades to the method of mountain top removal mining. He said nothing about the destruction of communities such as Blair.

Amazingly, twenty Republican members of Congress who said they oppose the Byrd mining rider composed a letter to Clinton. The letter noted that a number of House Republicans joined the administration to oppose a Department of the Interior spending bill that contained more than a dozen anti-environmental riders supported by the GOP congressional leadership.

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From the Western Slope of the Mountains

By Frank Young

"Sue the Bastards" Litigation. Lawsuits. Injunctions.

Sound scary? If you're not a lawyer, maybe it does. If you are a lawyer, such stuff is your bread and butter. Centuries ago mankind settled serious disputes with sticks and stones. I believe that in a so called civilized society litigation is often the civilized alternative to sticks and stones (or swords and guns). That's why I disagree with folks who says we are a society that is too litigious. Litigation is the civil alternative to fist-fighting, to armed insurrection, to war.

The West Virginia Highlands Conservancy finds itself increasingly involved in litigation. Most often we sue to compel state or federal agencies to do what the laws say they are supposed to do. Public officeholders take oaths to faithfully execute the laws. I thought that meant to follow and see that agencies under their charge follow the laws. Sometimes it appears officeholders think that to "execute" the laws means to slay or kill the laws, or to ignore the laws, and make them of no import.

We, like most environmental organizations, usually resort to litigation only after years of asking, lobbying, begging, pleading and trying to educate public officials about their responsibility to faithfully execute the laws, especially environmental laws.

The ongoing lawsuit about valley fills related to mountaintop removal mining is an example of litigation initiated only after years, decades really, of seeking serious enforcement from the officeholders charged with enforcing those laws.

The anti-degradation provisions relating to water quality in the Federal Clean Water Act is another example. It appears that the groups and individuals involved in the "stakeholders" process negotiations are near impasse, and that the agencies will not implement even their own recommendations unless industry agrees. So another lawsuit seeking to compel agency compliance appears more and more likely.

When is the best time to file such lawsuits?

Early, when violations are first apparent? Not necessarily. Courts are apt to permit agencies some time to adjust their enforcement to new laws and related rules. A few years ago a court allowed 10 more years before Total Maximum Daily Load (TMDL) limits need become actual practice!

Should we wait until much later, when commerce and industry become comfortable with and dependent upon lax or no enforcement? Again, that's probably not the best time, either. By then too much is at stake- for everyone. The violations are too egregious to ignore. But the economic and

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Mary Wildfire

This article is intended as a follow-up to last month's Voice article, "Act Globally." I flew to the Emerald City with Vivian Stockman and acted globally for one glorious and amazing week. Herewith, a ...

Report From the Siege of Seattle

To begin with, I want to correct an impression you may have if you watched coverage of the "Seattle Riots" on television. There was a period on Tuesday afternoon in which about 30 black-clad, self-styled anarchists (and maybe a few agents provocateurs?) sprayed graffiti on walls and broke a lot of (multinational corporations) store windows. The police did not interfere, instead allowing the media to shoot reels of footage of this vandalism -- universally if somewhat inaccurately referred to as "violence." I don't know what you saw, but on local TV we saw a solid hour of this footage that night, not even interrupted by commercials (!) Oh, yes -- there was also a single, one-second shot of the 50,000 or so peaceful, mostly union marchers. The vandalism footage was replayed on subsequent days, although the acts were not repeated.

To understand what happened in Seattle, you have to know that there was a third group which has received little mention. Over 5,000 strong, these were the people who engaged in nonviolent direct action. Reasoning that the World Trade Organization (WTO) delegates would move forward with their undemocratic and destructive agenda no matter how many people marched or how eloquent their speeches, this group attempted to block all entrances to the convention center where the delegates were to meet. The activists, mostly young people, locked their arms in tubes and chained themselves across the roads. Other people sat or stood in the roads and directed traffic away. At one intersection, an enterprising group

dragged sections of chainlink Rent-a-Fence across the road. Soon mounted police in riot gear appeared. Their cutters were not adequate for the chain, and for an hour or two there was a standoff. Delegates began appearing on foot, but were denied access. The opening ceremony was postponed and then canceled.

Sometime before noon, police opened up with pepper spray and tear gas and rubber bullets. They pushed the crowds from intersection to intersection but arrested very few. A neighbor who'd had army training in the fifties had told me that tear gas sinks; I climbed to the sixth floor of a parking garage where I was above it and had a good view as well. That evening the mayor declared a state of civil emergency, called in national guard units and state cops for the next day, and declared a fifty-block section of downtown a "no-protest zone."

The next day, Wednesday, was stark, almost eerie. Probably it was because the President was in town, because on Thursday after he'd left the police thinned out, pulled back, and relaxed. On Wednesday, we were first told on TV that anyone in the "no constitution zone" (as we called it) who didn't have a WTO pass or a workplace there could be arrested. Possession of a gasmask was made a felony. Every intersection had a battalion of Guard units or other cops, in their Star Wars regalia. We heard stories of people being attacked with tear gas or pepper spray without warning or provocation. Vivian, who had left the church where we were attending a

conference on biotechnology, was told she could not return (she found another route). It was a good and informative conference, but I was often distracted by the sights out the window. Once I saw a phalanx of the robo-cops march past the intersection that was visible, followed by about 25 motorcycles with flashing blue lights, followed by half a dozen identical black vans with flashing lights, in the midst of which were a couple of black limousines. Perhaps it was the President; in any case, I thought it a good visual metaphor for the WTO: wealth, power and privilege surrounded by the armed might necessary to protect them from a people imagining themselves to have democratic rights. The fact that I was watching it from a church only reinforced the feeling of being in a police state. I doubt that WTO will ever again attempt to meet in a city which can't engage in preventive arrests and the use of real bullets; nor, after Seattle's experience, will any such city want to host them.

The above-mentioned conference was one of at least 45. Most were held in churches. Some focused on the effects of WTO-style globalization on farmers, on consumers, on health, on militarization, on labor rights, on the environment, or on women's issues. Vivian and I attended one teach-in organized by the International Forum on Globalization (IFG) Friday evening and all day Saturday that covered just about all of this, and featured speakers from the

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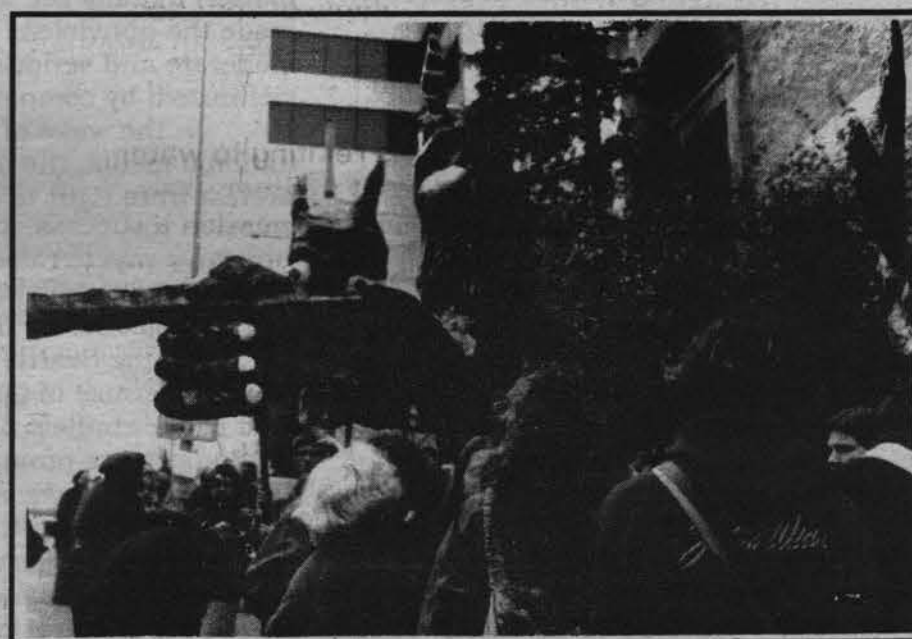


Photo on left: Confrontation between locked-down protesters blocking access to the convention center and police in riot gear. Some are riding on their "Peacekeeper" (media term!) [elsewhere some were mounted. One group of protesters started chanting, "The horses are with us! The horses are with us!"] What you see on the left edge is pepper spray-- it comes out of Super-soaker size guns. There was no real violence yet, just the pepper spray; that's where it started. When they let loose with the tear gas, I put my camera away. Note the irony of Christmas tree in upper left. Photo on right: A red devil puppet carried in a march. Photos and captions by Mary Wildfire.

HOLY EARTH!

By Michael Hasty

The Empire Strikes Out

"In times of revolution nothing is more powerful than the fall of symbols."

-- Labor historian E.J. Hobsbawm

In light of the extraordinary events surrounding the recent meeting of the World Trade Organization in Seattle, it would be remiss of me not to follow up on my column on this subject in last month's Highlands Voice.

Just in case you missed the news about what the TV networks were calling the "Battle in Seattle," let me fill you in on the background. The World Trade Organization (WTO) is an international trade coalition of 135 member nations (thirty more, including China, have membership pending) who collectively control ninety percent of the world's commerce. The WTO was established in 1995 to replace the General Agreement on Tariffs and Trade (GATT), to set and enforce rules that govern international trade.

The WTO is more powerful than GATT because it regulates both tariffs on imports and what it refers to as "non-tariff barriers to trade" -- specifically, environmental laws, labor standards and other human rights, public health protections, food safety laws, etc. WTO rulings, made in secret by tribunals dominated by corporate interests, take precedence over local, state and national laws. Noncompliance with these rulings results in stiff monetary penalties or other sanctions. US environmental laws mandating clean gasoline and protecting endangered sea turtles have already been successfully challenged in WTO tribunals.

The WTO meeting in Seattle was intended to begin a new round of global trade negotiations, to further expand the organization's power. But for a variety of reasons -- not the least of which was tens of thousands of protesters out in the streets focusing a media spotlight on the anti-democratic dealmaking of what the Washington Post has called an "obscure" organization (an odd description for such a powerful entity) -- the talks ended without an agreement. The business and political technocrats who gathered in Seattle were characterized as being "stunned" by this development.

The protesters -- described in the corporate media as a "coalition of

leftists," despite the presence of neo-fascist presidential candidate Pat Buchanan -- represented organized labor, human rights and environmental groups. It must have come as something of a shock to West Virginia Senator Robert Byrd. Less than two weeks after he called for a "truce" between environmentalists and coal miners (following the defeat of his legislative rider on mountaintop removal), environmentalists were marching together with the AFL-CIO in support of their common goals, right on national television.

The organized groups were joined in their protest by a small contingent of anarchists who, their ranks swelled by local hooligans, grabbed the bulk of the media attention by smashing the windows of some of the swankiest shops in downtown Seattle. In the accidental way that real life sometimes happens, this turned out to be a mixed blessing. Combined with the violent overreaction of Seattle police to nonviolent civil disobedience, the destruction of an estimated \$3 million in property made it impossible for the mainstream media to give the event the minimal coverage that protests (and the WTO itself, for that matter) usually get. The anarchists also made the nonviolent protesters look both moderate and serious (not to mention victimized) by comparison.

In the wake of front-page stories in national media, the organizers of the protest were right to declare their mission a success, since their primary objective was to raise the profile of the WTO in the public mind. They were aided in this objective by the hamhanded tactics of the Seattle police force, whose hair trigger use of tear gas, pepper spray and rubber bullets fired point blank at demonstrators prompted some international news media to label them as "imperial storm troopers."

The protesters were also helped by the miscalculations of free trade advocates like President Clinton, whose internationalist agenda was thrown off track by national politics; and by the arrogance of the global business community, who still refuse to acknowledge the connection between trade and wages or between economics and the environment. These connections

have long been apparent to the majority of Americans, who maintain deep misgivings about free trade and the process of globalization.

These misgivings are shared by people elsewhere in the world, who often refer to what we think of as "globalization" as "Americanization" -- defined by inequalities of wealth; the cultural dominance of corporate interests; a frayed or nonexistent social safety net; and the worship of profit at the expense of all other values. One of the reasons no agreement was reached in Seattle is that Europeans and Japanese want to protect their family farm economies from the ravages of multinational agribusiness, a completely understandable position when you consider the effects of agribusiness in this country. American family farms have been so decimated that "farmer" will not even be listed as an occupation in the 2000 US census. It is also understandable that developing nations would be suspicious of the power of multinational corporations and of the intentions of the US government, for whom "gunboat diplomacy" is still a practiced and well-oiled weapon in its foreign policy arsenal. We are not that many decades removed from the era of colonialism; and globalists like former Secretary of State (now international business consultant) Henry Kissinger often criticize Americans for failing to exercise their "imperial role." But we should also remember that the resistance to applying labor and environmental standards to international trade being expressed by "developing nations" is actually coming from the business and political elites who rule those nations, and personally benefit from globalization. A number of other lessons can be drawn from the experience in Seattle. There is a growing awareness of the absurdity of the corporate view that labor, human rights and environmental issues have nothing to do with global trade, when secret WTO tribunals are ruling on those very issues. There is also an increase worldwide in popular discontent with the effects of globalization, a discontent crystallized in Seattle and in the simultaneous demonstrations that took place on every continent.

HASTY concl. on next page

Law Suit Seeks to Halt State Land Abuses at Blackwater Falls

By Judy Rodd

In what may be an unprecedented attempt to safeguard public lands in West Virginia, the West Virginia Highlands Conservancy has filed a law suit against West Virginia Governor Cecil Underwood and Division of Natural Resources Director John Rader for failing to protect the public lands of the state of West Virginia in Blackwater Falls State Park.

The Highlands Conservancy claims that the Governor and Rader, who chairs the Public Land Corporation, are violating state law by granting a right-of-way to Allegheny Wood Products (AWP) through the Blackwater Falls State Park. The right-of-way leads to both AWP's new timbering job planned for this winter and also to its proposed condominium sites north of the Canyon.

"The right-of-way that Cecil Underwood wants to give to John Crites (AWP's owner) smacks of cronyism. It is illegal and it is not in the best interests of people of West Virginia," said Judy Rodd, co-chair of the Conservancy's Blackwater Committee. Rodd explains that the roadway in question goes through a fragile part of the park within sight of several scenic overlooks and the park lodge. She notes that it also provides for sewer lines, electric lines, and water lines.

The suit alleges that the Governor is attempting to rewrite deeds 45 years after they are issued and that he is not followed the procedures outlined by the Public Land Corporation for the sale and transfer of public lands.

In the suit, the Conservancy maintains that the original easement granted to West Virginia

Power and Transmission Co. at the time the park was created does not allow an easement for Crites across property on the Canyon rim. The West Virginia Public Lands Corporation, which holds the deeds for all West Virginia public lands, is also named as a defendant in the suit.

Under West Virginia law, the Public Lands Corporation is charged with overseeing such transfers in a process that includes making a written report, explaining the proposed action to the public, and holding a public hearing with 30 day notice. "These steps have not been taken and this transfer is illegal," said Rodd.

"The whole thing is reminiscent of the debacle at Cheat Lake, when former Governor Arch Moore traded away prime lakefront property to developers at Mont Chateau State Park for land in the southern coalfields."

"Governor Underwood and his buddies cannot merely hatch up such private agreements regarding public lands in his office. There are established procedures for such transactions if and when they occur." Rodd explains that even the Governor's own Chief of Parks and Recreation, Cordie Hudkins, has registered "alarm" about the right-of-way. In a November 16, 1999 memo to Rader, Hudkins raised the issue of a conflict between the commercial traffic and park users and the effect of a major new road on scenic park views. Hudkins noted that "— there does not seem to be any consideration given to the environmental damage that will occur to this pristine area of the park...one of the finest and most memorable in the

nation — Let us pause and reconsider to assure that we do nothing that is not well thought out, defensible, and which avoids irreparable harm —"

Hudkins and DEP officials have also noted that the earthen dam on Pendleton Lake which is proposed to become part of the roadway was built in the 1950's and may not be safe for heavy, vehicular traffic. Conflict in the Blackwater Canyon area began in October 1997 with the sale of land to AWP for timbering. The profile of the area was further raised when AWP revealed plans for massive vacation housing and condos in the area.

The West Virginia Conservancy maintains that damaging the Canyon and Blackwater Falls State Park will result in tourism-related economic losses for Tucker County and the rest of the state. Tourism is the state's second largest industry, with the parks system and other natural areas a crucial part of the industry.

"The entire proposal is a slap in the face of West Virginians," Rodd notes. "Crites/Allegheny Wood Products has already done enough damage along the steep, wooded, ecologically-rich slopes of the Blackwater Canyon. And now he wants to disrupt the serenity of Blackwater Falls State Park as well. Will he ever get enough? When will he stop?" The suit was filed on behalf of the West Virginia Highlands Conservancy by Jason Huber of Foreman & Crane and Sean McGinley of DiTrapano & Jackson. ❖

The US Agenda at the WTO

By Margaret Janes

As many may have noticed — opening up world agricultural markets for the United States is a main focus of the US government at the World Trade Organization meetings. The US has relatively weak laws governing agriculture compared to European countries. This has meant that the US cost of meat production is lower than in many other countries. For example, many Americans have gone from eating chicken every Sunday to almost everyday. So now as the US uses agricultural exports to balance trade, we as Americans have almost 60% of our surface water pollution coming from feedlots — cattle beef and poultry. The US not only "feeds" the world but encourages the rest of the world to eat more meat instead of less polluting foods.

Folks in rural America and including those of us in the Potomac Headwaters bear the "external costs" of water pollution — fractured communities and low paying jobs — while the largest corporations in the world profit from shifting significant costs of production onto the general public. Essentially rural America is now

suffering from pollution that really belongs to the meat eaters in France and/or American agribusiness.

Many environmentalists would agree that the full cost of production of any product should be fully conveyed to the consumer in order to solve pollution and/or social problems. Now we have many situations where there is more and more distance between those two things. In theory a world supermarket may be a good thing but we are many life times away from making that such a reality as to coexist with environmental and social justice. ❖

HASTY from preceding page

And finally, there is the knowledge that, in this confusing maelstrom of global economic post-industrial revolution, even a powerful international institution like the WTO is not necessarily invincible.

Portions of this column originally 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. ❖

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The letter said, "The method of attaching riders to spending bills is not a way to address major public policy issues which deserve scrutiny and debate by this body, such as those raised by the decision in the West Virginia case ... The adoption of a rider to block this decision would be a particularly egregious abuse of the legislative process ... to completely subvert the legislative process to overturn the West Virginia decision is wrong."

The letter continued, "A rider to overturn this decision by exempting valley fills from federal and state water quality standards would allow the destruction of thousands of miles of streams in coal mining regions and create an unprecedented special interest loophole in the Clean Water Act."

Before we wax too ecstatic about our victory, we need to be constantly alert to more clever Byrd shenanigans. A wounded animal is a much more dangerous one to deal with.

But for now the overwhelming grassroots and national opposition to the Byrd Rider gave us this victory. Three weeks ago, the West Virginia Congressional delegation thought this was a done deal. We showed them what hard work and passion for a just cause can overcome huge opposition. ❖

Dobbins Slashings

By Larry Pittis

Several serious proposals have been generated for the future of Dolly Sods North. This is an area to the north of the current Dolly Sods Wilderness Area, recently purchased by the Forest Service. It is currently being evaluated by that agency to determine future management direction. Any final decision on the designation of Dolly Sods North should include the addition of Dobbins Slashings (area #1 on the map).

Dobbins Slashings is a sub-arctic bog forming the headwaters of Red Creek on Cabin Mountain. The elevations range from 3900 feet to 4100 feet on the heights of Cabin Mountain. Just as Dolly Sods North was located outside the National Forest Purchase Boundary, so is Dobbins Slashings. To create an extension of the Dolly Sods National Wilderness Area without including the source of Red Creek, the backbone of the wilderness, makes no ecological sense. The public has lost control of the headwaters of Shavers Fork to the Snowshoe Resort. Must we also lose the Red Creek headwaters?

Dobbins Slashings is the most critical area for preservation within the National Forest, but several other tracts that adjoin the Dolly Sods area are also critical to a final preservation plan for the Dolly Sods bio-system. A second land preservation issue concerns a feeder stream of Red Creek that originates in the Bear Rocks area (area #2). The entire watershed, from Bear Rocks and the adjoining knobs on the Allegheny Front (the Eastern Continental Divide), west to Cabin Mountain must be preserved in the public trust.

Watershed protection is the first commandment of forestry and, in this case, wilderness integrity. In addition, all lands above 3500 feet adjoining the present National Forest lands are critical to the ecological health of Dolly Sods. The positive step of purchasing Dolly Sods North needs the addition of Dobbins Slashings and Bear Rocks to complete watershed protection.

The third most pressing issue of land preservation is the private land west of the Dolly Sods Wilderness Area on Cabin Mountain (area #3). This tract includes eastern Bald Knob, Stone Camp Mountain and the land east of the Canaan Valley National Wildlife Refuge Purchase Boundary. This land would serve to complete watershed protection and also act as an important buffer or addition to, not only the existing wilderness, but also the Wildlife Refuge. This tract of land is like a long narrow finger intruding between lands protected by the Forest Service, US Fish and Wildlife Service, and the Canaan Valley State Park.

If Dolly Sods North, the "High Sods", is designated wilderness, a trail should remain outside the wilderness designation, or be legislatively written into it, to provide a mountain bike corridor for traveling from Canaan Valley to FR 75 and other Mt Bike trails to the east and south. There are already in existence jeep roads, former all-terrain vehicle trails and logging railroad

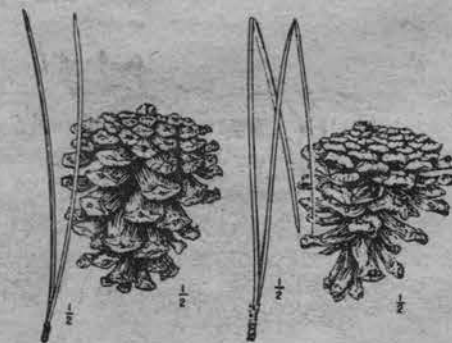
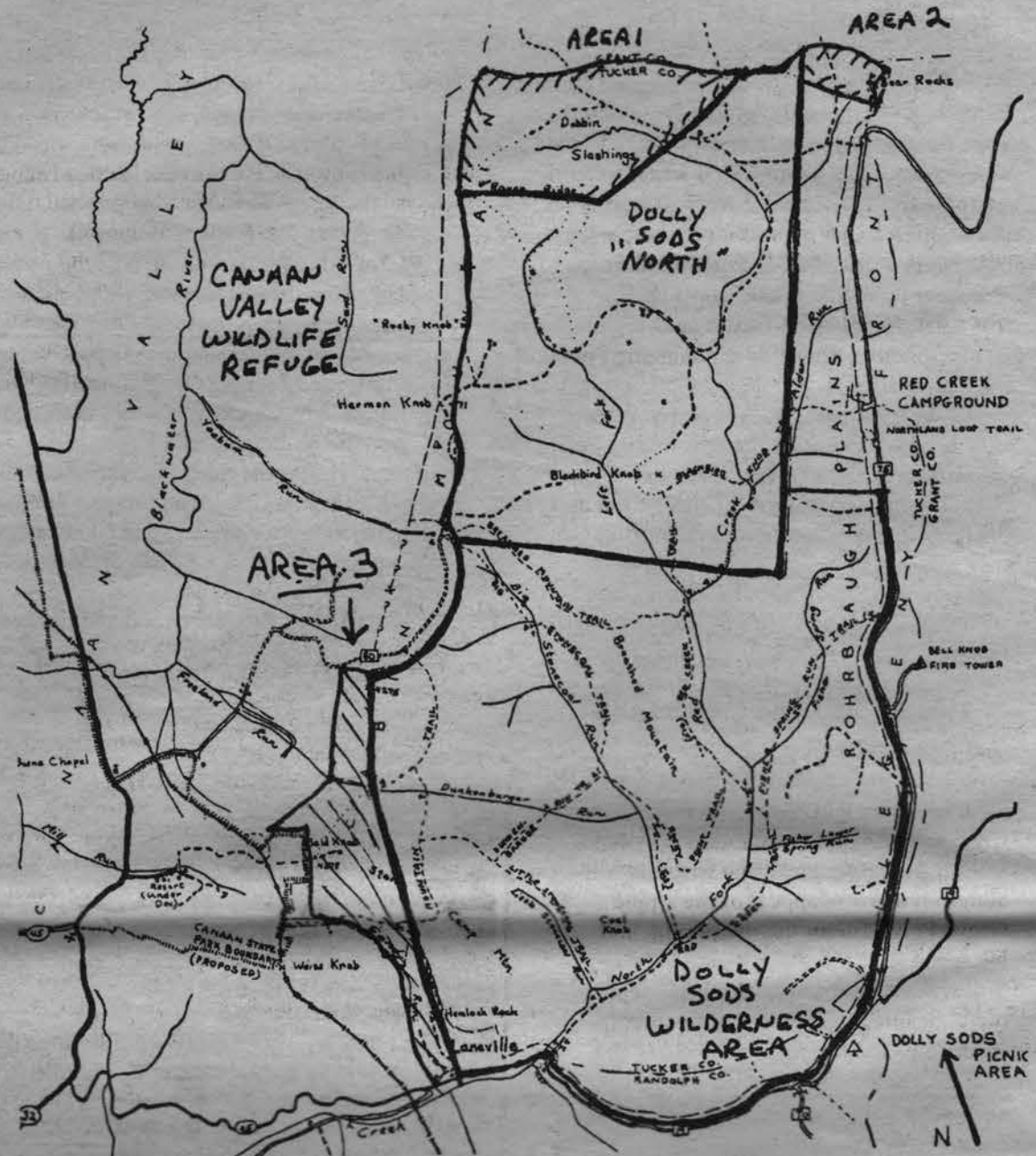
grades throughout the area, which would provide a minimum impact route for such a trail.

Now let me state this plainly. In no way am I advocating turning Monongahela National Forest into a total wilderness. I am a strong supporter of scientific multi-use forestry in which wilderness is a strong component. Wilderness territories are central to the traditional American experience. American National Forests are not tree farms, but rather ecologically sound bio-systems serving our local and national economic and recreational needs. Multi-use forestry is vital to the sustainability of local economies. Federal land acquisition and its resulting watershed protection is necessary both for a sustainable recreation base and for timber management.

Fragmented federal properties cannot be managed successfully to meet recreational needs, ecological demands and viable timbering goals. I strongly recommend that the National Forest actively seek to acquire Dobbins Slashings now. Saving the tracts I have mentioned makes ecological and economic sense. Dolly Sods draws tourists from all over the nation and the world for that matter. Destructive, haphazard development

and poor forestry practices will misdirect the healing process that is still continuing after the total destruction of West Virginia's forests in the 19th and early 20th centuries. West Virginia is still the Mountain State, a true modern pioneer area. Let us all work to preserve the biologically unique Monongahela National Forest.

A long time West Virginia Highlands Conservancy member, Larry Pittis is an avid backpacker, backcountry enthusiast and preservationist from Manhattan, NY



9. Shortleaf pine. 10. Red pine.

Appreciating Vivian

By Tom Rodd

Vivian Stockman has been working on the Conservancy's Blackwater Canyon Campaign for over a year, coordinating media and newsletters. She's a heck of a writer, spinmeister, and soundbiter. Next month she is going to begin working more full-time for the Ohio Valley Environmental Coalition (OVEC), so she won't be as visible in the *Voice* on Blackwater Canyon issues. So we're appreciating her here today!

Vivian got a Bachelor of Science degree in Environmental Communications in 1983 (*Cum Laude* with distinction!) from Ohio State University. She worked for several years as a manager of health food stores and a natural foods co-op. In 1990 she began work as a self-employed artist, in silk painting. One of her artistic awards was a Fellowship for Visual Arts and Crafts from the West Virginia Division of Culture and History.

In 1995 Vivian became active in the Concerned Citizen's Coalition, working on environmental issues in and around Roane County. She was the sole author of a *pro se* appeal of the Apple Grove Pulp Mill air quality permit, and became Secretary of the Roane County Solid Waste Authority. Hobbies include travel, reading, camping, biking, hiking, gardening, and dancing.

The Blackwater Canyon Campaign has done a great job of reaching out to contributors and supporters with news and updates. Vivian has been tireless in making this happen, and it will be impossible to duplicate her creativity and energy. But folks will carry on! Thanks, Viv!

Editor's comments:

Viv, I sure will miss your timely reports and articles for the Voice. Folks like you can make an editor look good.

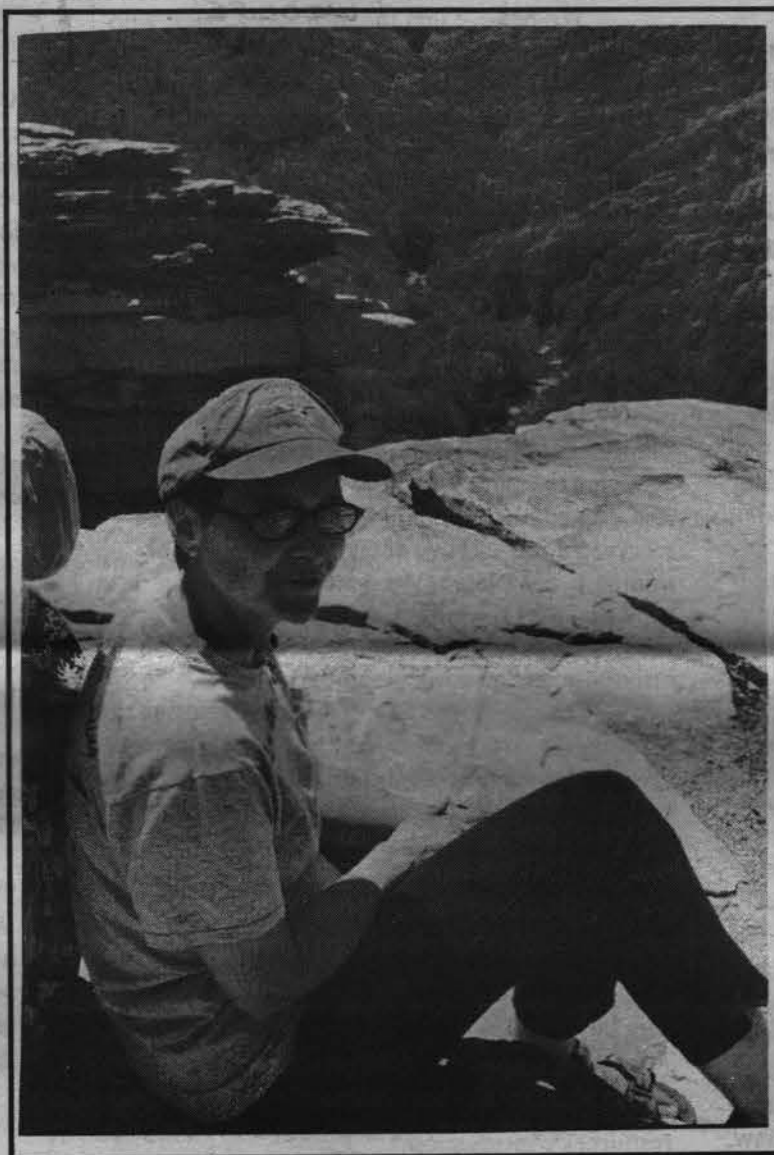
I will miss those articles so much that if I get the chance I will steal some that you write for OVEC!

I know you will continue to be

the unofficial "switchboard" for the environmental movement in West Virginia.

Thanks so much.

Folks should know that Viv has been the first Hillbillie to break into the national press on the Mountaintop Removal issue. She has an article in the current periodical, "The Progressive Populist." ❖



Vivian at Lindy Point meditating on life's deeper meanings

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.

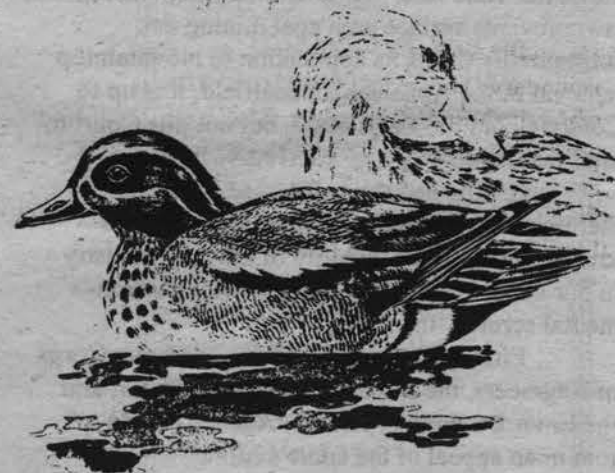
To receive WILDLines:

***Send an e-mail to listproc@envirolink.org**

***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.



BYRD'S WORDS

(Thanks to Peter Shoenfeld for sending this in an e-mail)

Seeking a Balanced Solution

An Opinion Editorial by Senators Robert C. Byrd and Jay Rockefeller and Congressmen Bob Wise, Nick Rahall and Alan Mollohan

In deciding a suit involving mountaintop mining, Federal District Judge Charles Haden II issued an opinion that, if left unaltered, could irrevocably and detrimentally change West Virginia's economic course as we prepare to enter the 21st century. Upon the issuance of his opinion, the state of mining -- surface and deep mining -- in West Virginia, and only in West Virginia, was immediately thrown into question, as were the jobs of thousands of West Virginia workers.

The central question in the case, according to the court, involved differences in interpretations of the federal laws -- the Surface Mining Control Reclamation Act (SMCRA) and the Clean Water Act (CWA) -- regulating mining.

Simply put, the judge ruled that some of the common practices in today's mining industry are illegal under federal law. The court found that federal and state agencies charged with regulating mining had issued mining-related permits based on misinterpretations of the law.

In our view, the court's decision in this case does not follow the intent of Congress in passing these laws.

During the crafting of SMCRA, the Congress considered the evolving strip mining practice known as mountaintop mining and made allowances specifically to accommodate and regulate that practice. That is not to suggest an endorsement of that practice, but rather a recognition of the realities of the competitive environment of the coal mining industry -- nationally and internationally. It was also a recognition of our nation's dependence on coal. For example, currently 99 percent of electricity generated in West Virginia is produced from coal.

While we disagree with the court in its SMCRA and CWA findings, we also recognize that Judge Haden's intent was to interpret the law, and we respect his opinion that "...if application of the buffer zone rule, a regulation under federal law, prevents surface area coal mining or substantially limits its application to mountaintop removal in the Appalachian coalfield, it is up to Congress and the Legislature, but not this Court to alter that result."

Having had the ball tossed in our laps, therefore, we have taken some reasoned steps toward ensuring the viability of the coal industry in our state, albeit under much tighter environmental scrutiny than ever before.

First, we jointly urged the US Army Corps of Engineers, the Department of the Interior, and the Environmental Protection Agency (EPA) to join in an appeal of the court's ruling.

In addition, we have been aggressively examining possibilities for a balanced legislative

remedy -- as suggested in the Haden ruling -- that would satisfy concerns about the environment and the West Virginia mining industry, while protecting the livelihoods of the men and women who depend on that industry.

We believe that the men and women who filed the lawsuit achieved some positive environmental results. They raised the visibility of the issue and, in turn, put greater pressure and public scrutiny on the agencies charged with overseeing mining.

The lawsuit guaranteed at least one thing: mining in West Virginia will never be the same again.

Many months ago, the West Virginia Congressional Delegation successfully urged the four federal agencies overseeing mountaintop mining to coordinate and apply their policies jointly. Additionally, both the federal and state agencies are aggressively enforcing SMCRA's requirement that mountaintop mining sites that receive variances have economic benefit after mining is completed. As the original mining provided jobs for miners, these sites should provide long-lasting economic benefits for the miner's sons and daughters.

The EPA, the federal Office of Surface Mining, the Army Corps, and the West Virginia Division of Environmental Protection entered into two agreements that created significantly more stringent and better streamlined oversight of mountaintop removal mining in West Virginia and led to an in-depth environmental study of the practice, its effects, and the regulatory regime.

That study, which is currently underway, is expected to help answer a number of lingering questions, and could provide the basis for new national mining regulations that would result in a better relationship between mining and natural resources conservation.

Coal mining has always been a matter of striking a balance between environmental conservation and the nation's economic and energy needs. We believe that there is a middle ground that allows for a continuation of mining to ensure a sufficient supply of coal to fuel American industries and to provide affordable heating and lighting for the home of millions of American families, while also protecting the beauty and ecological integrity of West Virginia's landscape.

West Virginia's economy is broadening to meet the challenges of the next century, but productive change cannot come overnight.

With so much at stake -- not only for the mining industry, but also for people and businesses throughout the state -- common sense dictates a balanced solution. +

Letter to Senator Byrd

Dear Senator:

I watched C-Span on the last night of the [Congressional] session and was struck by how polite you were to your colleagues, quoting poetry and making pretty speeches. On the other hand, you insulted many of us from your own state in comments the previous day. Those of us who are interested in water quality and clean air do not necessarily have our heads in the clouds--we just have a different point of view than you do. I am sure Judge Haden is not a tree-hugging environmentalist. He is just concerned that the strip miners will leave something that the people of southern West Virginia will not be able to live with when they are finished.

I, for one, do not intend to "throw down my placard and move on somewhere else," as you suggested. On the contrary, I have lived in West Virginia all my life, and I intend to stay here and continue to pay my taxes and run my business and work hard as a volunteer to improve my community by serving on non-profit boards. I may even run again for political office, as I have in the past, although that is a relatively thankless chore at times.

So please be careful how you characterize those who disagree with you. Most of us are native West Virginians who care deeply about what happens to the people and the land. Your comments were deeply offensive to us and do not reflect well upon your presumed desire to represent all of your constituents.

Leslee McCarty
Hillsboro, November 20, 1999 +



Top 10 Most Likely (Or Unlikely) Quotes of the Season

By Frank Young

(These are actual quotes- from various media sources)

10- Jay Rockefeller, D-W.Va., said the rider the delegation is pushing is the same memorandum of understanding that federal agencies and environmentalists had agreed to earlier. The administration's and environmentalists' opposition to the rider makes him question whether they were negotiating in good faith or just playing politics, Rockefeller said. "If they say that is something that's environmentally unfriendly, that's not something they said in April, not something they said in July, not something they said in August," he said. (November, 1999)

#9- Larry Emerson, Arch Coal (mining engineer): **Naturally, we disturb the land to recover an energy resource, but after mining we restore the land to a productive use.**

And more from Emerson in this one - From CNN interview- November, 1999

PAWELSKI (on camera): Do the streams disappear, or do they just get rerouted?
EMERSON: I would describe it as the streams are recreated at a different elevation.

8- "So many substantial questions have arisen on federal, state and judicial levels, the only responsible thing to do is to have a temporary moratorium on any new mountaintop removal permits until OSM and the governor's commission have issued their reports and these important legal questions are settled," Wise said. (Gazette-August, 1998)

7- In an interview Friday, Wise said he believes many of the problems he was worried about concerning mountaintop removal have been solved. (Gazette - February, 1999)

6- "ONE PROBLEM IS, A LOT OF THE PUBLIC OUTCRY (AGAINST MOUNTAINTOP REMOVAL MINING) IS FINANCED BY NATIONAL ORGANIZATIONS," Underwood said. "THEY USE THIS TO INCREASE MEMBERSHIP. THEY ARE USING WEST VIRGINIA AS A STALKING HORSE." [Is there someone who can someone explain this metaphor to me? Ed.]

He said some of the same environmental organizations that are against mountaintop removal mining are also against Corridor H and Corridor D.

"THIS IS NOT AN ECONOMIC ISSUE FOR THEM, IT'S A SOCIOLOGICAL AND POLITICAL ISSUE," he said. "THAT'S WHY IT'S SO HARD TO FIND COMPROMISE." (December 4, 1999)

5- Gov. Cecil Underwood repeated his previous prediction that the ruling will halt other economic activity, such as road construction. "IF THIS DECISION PROHIBITS VALLEY FILLS FROM ONE TYPE OF MINING, WHAT'S THE DIFFERENCE?" the governor said. "YOU CAN'T BUILD AIRPORTS, YOU CAN'T BUILD ROADS OR SHOPPING CENTERS." December 4, 1999 (and earlier)

4- "If it was technological changes or something like that, you might be able to understand it," he said. "But when it's for no good reason, it's hard to take.

"What we have here is a bunch of out-of-state environmentalists who get grants from rich people to come in here. They think more of a lizard or a crowdad than they do of me or my kids." (Unidentified coal forum speaker- December, 1999)

3- Sen. Lloyd Jackson, D-Lincoln, said that citizen complaints about mountaintop removal should not be dismissed so easily.

"There are some negative impacts of mountaintop removal," Jackson said. "People don't like to talk about those things.

"Have we gotten as far as we'd like Probably not. Do we need to do more? Yes." (Gazette 12-4-99)

2- "West Virginia still has the best coal in Appalachia," said Seth Schwartz of Energy Ventures Analysis, a Virginia consulting firm. "There is a lot of it that is going to be mined.

"What we're looking at is a future that doesn't have as large a rate of growth." (December, 1999)

1- Byrd Calls for truce

But...

Senator vows to keep fighting to overturn

A day after losing his fight to undo court-ordered limits on mountaintop removal mining, Sen. Robert C. Byrd, D-W.Va., on Friday called for a truce between environmentalists and the coal industry.

But...

At the same time, Byrd and the rest of West Virginia's congressional delegation promised to renew their effort to overturn a ruling by U.S. District Judge Charles H. Haden II. (November, 1999)

(It was fun trying out fonts I never used much before to try and keep up with the jesting spirit of the above quotations. What! You say the quoters are serious? Editor) ✦

Look Kids! Contest!

WildLaw Announces Endangered Species Act Essay Contest for 4th through 6th Graders!

As part of WildLaw's program to educate people about environmental laws and issues, WildLaw announces an essay contest for 4th through 6th graders throughout the United States through March 2000.

Students are encouraged to submit a 500-word essay on "What the Endangered Species Act Means to Me." Contest ends March 15, 2000.

The winner will be announced May 15, 2000 and will receive \$5,000 in U.S. Savings Bonds for college. The winning essay and four runners up will be published on WildLaw's Web site. For more information, go to www.wildlaw.org or contact Ray Vaughan at 334/265-6529.

Guidelines for State Forest Plan Commenters

By Jim Sconyers

The State of West Virginia is responsible for managing the nine state forests. Currently the WV Division of Forestry (WVDOF) is developing a management plan for each of the state forests. These plans are intended to guide management for a period of ten years.

Thus far draft plans for the Greenbrier, Camp Creek, Seneca, and Calvin Price State Forests have been released by the Division of Forestry. Plans for the other state forests will be forthcoming soon.

Getting Information About State Forests and the Plans

Notification of the release of the plans follows the usual legal notice scenario. Legal notices are placed in the Charleston Gazette and, possibly, a local newspaper. WVDOF may put out a press release. Nevertheless it is quite possible that the people interested in state forest planning do not learn about a proposed plan at all, or not until it is too late to be involved in public participation.

If you are interested in a particular forest, or all of the state forests, you need to let WVDOF know that you want to be placed on their mailing list(s) for this information. Call WVDOF at (304)558-2788 to be placed on mailing lists, or to request any state forest information.

Public Participation Procedures

The WVDOF has developed its own procedures to follow for public involvement in the state forest planning process. WVDOF prepares a draft plan for each forest. If you are interested in a given forest, contact WVDOF at any time to inform the people preparing the draft plan of your concerns.

The draft plan for a forest is released to the public (see above for legal notices). Citizens can request a copy of the plan from WVDOF.

A public meeting/hearing is held 30 - 40 days after release of the draft plan. The meeting/hearing is in or near the forest.

Public comments are solicited, due to the WVDOF within 10 days of the meeting/hearing.

A final plan is produced within 120 days of the meeting/hearing.

The plan is revised in 10 years.

Amendments may be made during the life of the plan by the Director of the WVDOF in consultation with the Governor's Advisory Committee on State Forests.

If you are interested in the future of a state forest, the critical points are the comment period and the public meeting. At the public meeting you and others sharing your point of view have the opportunity to speak, make comments, and demonstrate support for your views. The comment period enables you to speak your mind about how the forest should be managed. You can submit comments whether or not you were able to attend the public meeting.

Watch for comment deadlines, so that you can be sure your comments will be accepted by WVDOF.

The Legal Mandate for State Forest Management

Here are excerpts from state law concerning state forest management:

"The Legislature further finds that the state forests are an important resource for silvicultural and scientific research; developed and undeveloped outdoor recreation; propagation of forest trees, fish, and wildlife; wildlife and fisheries management; aesthetic preservation; hunting and fishing; timber production; and demonstration of state-of-the-art forestry management and therefor should be managed on a multiple-use basis." (WV Code 19-1A-1).

"The purposes of this article are...advising the governor and Legislature on...the management of state forests for conservation and preservation of wildlife, fish, forest species, natural areas, aesthetic and scenic values and to provide developed and undeveloped outdoor recreational opportunities, and hunting and fishing for the citizens of this state and its visitors." (WV Code 19-1A-2).

Note that the state forests are to be managed for multiple uses. These uses include wildlife, outdoor recreation, and scenic values. Note, too, that there is no prioritization implied. All the values and purposes are valid management directions for the forests. Of course, not every goal can be met on every acre of the forest. Thus some areas can be managed for one set of values, while other areas address other sets of values.

In practical terms, it is important for citizens to realize that there is no one overriding purpose of the state forests to which other uses must be held secondary. Specifically, the legal mandate in no way states that logging is the primary purpose of the state forests. In fact, quite the opposite. A whole spectrum of goals, values, and purposes is articulated.

Commenting on a State Forest Plan

As a citizen, you have the opportunity to let the WVDOF know your interests and concerns for a state forest. You can submit your comments according to the timetable above.

**Get a copy of the draft forest plan. Call WVDOF at (304)558-2788.

**Read the plan, skimming through the first time. Flag specific areas to reread more carefully.

**Appendices are extensive, and contain a large amount of "boiler plate." This includes lists of all threatened and endangered species in the state, the text of WV Best Management Practices, etc.

Questions and Issues to Watch For

Is this a multiple-use plan? Or does it

emphasize one forest use over the others? Plans often focus exclusively on logging.

Does the plan assume that logging will take place over the whole forest? There is no valid reason for this assumption if it is there.

Is recreation a full component of the plan? Or is it given secondary (or less) status in planning for the future of the state forest? Recreation should not be shuttled aside for inclusion only in the state parks, or only in certain concentrated portions of the state forest. Recreation should be included as an important integral part of the planning process.

Does the plan attempt to justify logging with dubious arguments about the benefits of logging to wildlife and recreation? Has the plan adequately addressed wildlife concerns? Were any surveys done to determine whether there are wildlife species of concern? Were their needs addressed? Or, does the plan simply make reference to the Natural Heritage Program database?

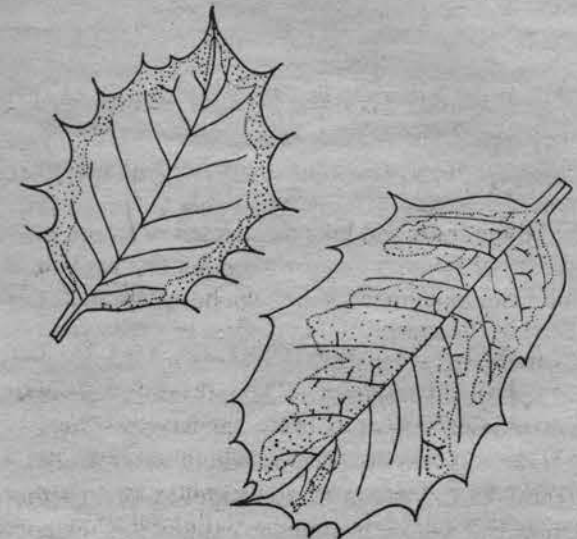
Is there a logical, scientific basis for logging plans? Or is the purpose of proposed timber sales "to bring the forest into a system of management," to remove "overmature" trees, or to raise money for the WVDOF budget? These are not appropriate justifications for logging the public forests.

Speak Up

Let the WVDOF know about your concerns. Attend the public meeting if possible. Write and send comments reflecting your vision for the forest. You don't have to be a scientist or professional to have valid interests and views. Use whatever time you have - whether a lot or a little - and send in your comments.

Make the deadlines. Talk to family and friends. Ask them to send comments, or to sign with you on yours.

Send comments to Barbara Breshock, WV Division of Forestry, 330 Harper Park Drive, Suite J, Beckley, WV 25801. ❖



Forestry Head Uses PR Propaganda to Promote Current Forestry Practices

"Forest provides for people; we return the favor"

By Randy Dye

This opinion piece appeared in the Charleston Gazette on October 25, 1999

You may have done it as a child. I know I did. I remember times like these, when the leaves were changing, when I'd get up just before dawn and head for the woods.

I always have loved the smells, sights and sounds of the forest. There's nothing like the feeling you get when the crisp, cool air of a foggy morning enters your nostrils and spreads all the way down deep into your lungs. Or the electric tingle that runs up your spine at the sight of a stately buck prancing across the crunching leaves of the forest floor. You know, I guess that's why I became a forester. I wanted to live, breathe, and even be a part of the life cycle of the forest.

As a child, I understood the simple, but beautiful, give-and-take of nature. I admired the bright colors of the flowers as buzzing bees worked to spread their pollen. I tasted the sweet berries that grew plump on the bushes and vines. And, yes, I even saw some creatures that benefitted at the expense of others. It was life at its very essence. It was natural.

As an adult, I've learned more about the forest. You see, since the beginning of mankind, people, like other creatures, have relied on the forest to provide their needs. In the beginning, the wood was mostly used to build things like homes and furniture. Today, everything from car tires to toothpaste is made with, or with by-products of, wood.

At the same time, we have benefitted the forest by learning how to improve it through scientific management practices. We've learned about regeneration.

The fact is that in our hardwood forests when larger trees are removed, small seedlings and seed are allowed the sunshine and nutrients they need to survive and then thrive. Today, at nearly 80 percent, our state is more heavily covered with forest than it has been in more than 100 years. Another thing we've learned is how to attract wildlife and increase variety. By creating openings in the woods, deer, turkey, grouse and other game find places to graze and live. This rich habitat, aided in part by past timber cutting, has created one of the best hunting environments in the country, inviting visitors this season from as far away as Germany.

Management of our forests has produced other benefits as well. Roads created for hauling trees from the woods allow ways for us to get to otherwise remote areas. These roads often become the hiking trails and bike paths many of us use to access our favorite getaways and hunting spots. And I cannot emphasize enough how important this access is to controlling forest fires and the mass destruction they cause.

Finally, all of these benefits to the forest end up benefitting us as well. The wood products industry in our state is a \$3.2 billion business. It's likely you have a parent, child, sibling, or in-law who puts bread on the table with this industry,

because 30,000 people work in it in this state. And how many of us live in homes or have furniture constructed with wood?

Sometimes, people question the Division of Forestry's expertise on this topic, but I challenge you to look at the proof. More than 50 years ago, our official state forests were set up by the Legislature as demonstration areas of the scientific forest management principles I have been talking about.

Today, these nine state forests, which are separate from the state parks associated with them, welcome thousands of hikers, bikers, hunters, campers, and others each year. I don't think anyone would disagree with my opinion that these are beautiful places to spend quality time getting to know nature. They are true successes of forest management, and I can't see why anyone would disagree.

The state forests have received an additional benefit from scientific management that you may not know about. You see, 25 percent of the money generated from timber sales goes back into the forest where the logging occurred. This money is used to build cabins, maintain roads, create hiking and biking trails, and to buy equipment such as swing sets for kids. By doing so, the forest is able to provide for itself, saving you, the taxpayer, money.

The rest of the money is used for putting out destructive forest fires, controlling insects and

disease, and other activities to protect and improve the health of the forest.

I have been very pleased by the interest expressed lately in our State Forests. Recently, we began updating our management plans for these valuable and beautiful resources. This is a process that, by our policy of having the latest information, takes place every 10 years.

So far, the plan for Greenbrier State Forest has been completed. Plans for Camp Creek State Forest, Calvin Price State Forest, and Seneca State Forest are being developed.

We have instituted public meetings to allow users of the forest to discuss with us their concerns about the plans. The Camp Creek meeting is scheduled for Tuesday, and the meeting to discuss Calvin Price and Seneca is scheduled for Nov. 16. And, of course, we are still accepting written comments on these plans, which are available from our office.

We are excited about the opportunity that this interest is presenting to us because we want to share our message that scientific forest management works, and that we all benefit from it. But most of all, the forest benefits. That's something to think about the next time you start out on one of those crisp, early mornings.

Dye is an Underwood appointee to head the state Division of Forestry. ✦

Julian Martin's Reply to Dye

Countering the Forester's Spin with a Dose of Reality

Randy Dye recently wrote of the glories of man controlling and subjugating the earth under the guise of "forest management." Dye's rhapsody carries one back to the days when West Virginia must have been a desert only to be saved by foresters.

To Dye the forest is one big factory and wildlife is that big stuff you can see and hunt with a gun. Untold wildlife habitat is destroyed, fragmented and altered forever by the bulldozer blades, trucks and skidders that rip and tear the forest floor and creek beds in timbering jobs.

Dye claims that foresters have "... benefitted the forest by learning how to improve it through scientific management practices." On a recent trip to the Olympic National Park I was so glad that foresters didn't get an opportunity to "benefit and improve" the Olympic rain forest as they have "scientifically managed" the clear-cutting just outside the park. Next to mountain top removal, clear cutting on the Olympic Peninsula, or in Fayette County for that matter, are the worst environmental disasters I have ever seen.

The wonderful thing about old growth forests is that the foresters have been kept out and the woods can be enjoyed in their natural state. There are roads cut across every forest in West Virginia. Why can't we preserve some that are left alone, unmanaged and natural? Let's leave our grandchildren the gift of state forests full of old growth trees. The problem isn't: "where can we find more trees to cut?" The problem is: "where can we save a few from the rapacious appetite of chip mills led by flag waving foresters?"

Dye brags that our state is more heavily covered with forest than it has been in more than 100 years -- I sure hope so, one hundred years ago the foresters of the day had been clear cutting our virgin forests for twenty years. It seems logical that if the whole state is covered with forests we don't need to be invading the state forests with chain saws and bulldozers. Do we cut it all down because it is so big and nice?

It seems that from the number of log trucks on the highways the foresters and timber

REPLY concl. on page 18

Letter to Mike Dombeck

Initiated by Steven Biel and U.S. PIRG

Steven Biel: *As many of you know, President Clinton and the Forest Service are taking public comment on a proposal to protect 40 million acres in our national forests. Unfortunately, the timber, mining industries are lobbying hard to get loopholes and exemptions in the plan.*

We want to make sure President Clinton keeps his word and protects all pristine wilderness areas in our national forests, no loopholes or exemptions.

Right now, the Forest Service is taking public comment on this plan. We are working to gain hundreds of religious, scientific, and environmental groups and experts to endorse a letter to be entered in the public record. Many groups, including the Audubon Society, The Wilderness Society, Alaska Rainforest Coalition, Natural Resources Defense Council, and Defenders of Wildlife are already on board.

Michael Dombeck, Chief
USDA Forest Service
14th and Independence SW
Washington, DC 20090-6090

Dear Chief Dombeck:

We are writing to convey our comments and concerns regarding the Forest Service's proposed process for implementing the roadless area protection plan announced by President Clinton on October 13.

Last November, more than one thousand religious leaders, prominent scientists, and conservation organizations wrote to the Administration asking for a policy that permanently protects roadless areas one thousand acres and larger on all national forests from logging, road building, mining, and other destructive activities. We are very encouraged by President Clinton's October 13 remarks and the Administration's intent to permanently protect what remains of our wild forest heritage across the national forest system.

Given our support for strong and immediate protection for all roadless areas in the national forests, we are glad that the Forest Service is moving forward expeditiously to begin involving the public and designing a process that will lead to completion of an environmental impact statement and federal regulations next year. As you prepare the EIS and regulations to implement the President's roadless area protection plan, we strongly recommend the following.

* Issue nationwide direction that immediately prohibits road building and logging in all national forest roadless areas.

* Prohibit not just "commercial logging" but also any other removal of living or dead trees from roadless areas.

* Protect roadless areas from off-road recreational vehicle use, mining, and other environmentally damaging activities.

* Create no exemptions, least of all for the Tongass National Forest, which, as America's

largest and wildest national forest and the heart of the last great temperate coastal rainforest on earth, is a key test of our country's commitment to rainforest conservation.

* Don't limit immediate, permanent protection to RARE II or forest plan inventoried roadless areas; include areas identified in the Southern Appalachian Assessment and all others for which inventory data exist.

* Immediately provide interim protection from logging, road building, mining, and other harmful activity for any non-inventoried roadless areas of 1,000 acres or more that will not be permanently protected until inventories and analyses are completed.

As discussed in the attached comments, we do have some concerns with the proposed process described in the October 19 Notice of Intent, especially the possibility that roadless area protection could be delayed or weakened.

We urge you to adopt a process that provides immediate administrative protection to all national forest roadless areas larger than one thousand acres from logging, road building, mining, and other destructive activities.

We greatly appreciate the dynamic conservation leadership that you have demonstrated as Chief of the Forest Service. President Clinton's roadless area directive represents an historic opportunity for the Forest Service to create a magnificent legacy of wild forestlands for present and future generations. We look forward to working with you to help realize that vision.

Sincerely,

The West Virginia Highlands Conservancy is now on board this most important issue as a signer of the letter. Approval for this action is expected from the full WVHC Board at the winter meeting. ❖

Clueless McConnell? An Understatement!

The Lexington, KY, Herald-Leader on November 23 said:

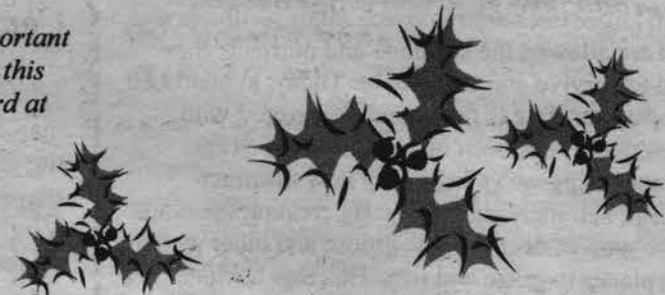
"Too bad U.S. Sen. Mitch McConnell doesn't have to spend congressional recesses within teeth-rattling distance of a mountaintop mine. It might jar some sense into him. Last week, in supporting a budget rider the coal industry wanted, McConnell said life in Appalachia is improved by letting strip-miners bury streams under the remains of dynamited mountains..."

McConnell conveniently forgets that mountaintop mining technology eliminates as many jobs as it creates. And life near one of these mines is pretty much unbearable, what with the explosions and dust and rock raining down.

McConnell should visit what's left of Blair in Logan County, WV, where 200 families were displaced by Arch Coal giant mountaintop mine. Rather than try to co-exist with human beings, Arch's policy was to buy out residents and then require them to sign away their First Amendment rights to criticize strip mining and to promise not to move back to the area. Call it prosperity through depopulation.

McConnell could learn a lot from his Appalachian constituents who understand the interests of the region and the interests of the coal industry are not the same."

And it seems as if Granny D might also have a bit to say about this Sen. McConnell. She is helping to make him famous - as a jerk! Her most eloquent speech on his doorstep in Lexington is too long to reproduce here, but be sure and read it somewhere if you possible can. It is a masterpiece akin to Mark Antony's speech in Shakespeare's Julius Caesar. It can be found on Granny D's web site < www.grannyd.com > ❖



The Perfect Christmas Gift

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

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

To order: 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. You can also pay with a credit card.

Please charge my Mastercard Visa. Cardholders Name _____
card number _____ Expiration date _____

MATERIALISM from page 1

The editor of The Highlands Voice, the newspaper of the West Virginia Highlands Conservancy, calls this phenomenon "Property Rights and the Cult of the Individual." Editor Bill Reed, who lives in Beckley, writes in his August 1999 Voice editorial:

"In ... 'America' ... 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 seen "property rights as a religion" at close range. This year I was appointed by the Speaker of the Virginia House of Delegates to a legislative subcommittee tasked with determining the economic and environmental impacts of "chip mills" -- mills that convert trees into fingernail-sized chips used to make paper. At a recent subcommittee hearing, a sawmill owner from Stuart, Virginia -- opposed to state regulation of logging on private land -- said to the subcommittee that protecting his private property rights came before protecting his wife. His humor escaped me. He may have been serious.

He showed no awareness of the stewardship responsibilities of the temporary title-holders to land, nor was he at all interested in the rights of the community to clean air and water and to freedom from aesthetic blight and excessive traffic and noise. Just, "Don't tell me what I can do on my land!"

We need to give back to our environment, that has sustained us with what scientists call "ecological services": clean air and water, productive soil, and other natural resources like trees and minerals that we convert to commodities to sustain our civilization.

That's why we currently have no enforceable laws on the books in Virginia governing forest practices on private land. The Philistines run the show in our General Assembly. As an editorial in the October 10, 1999, Roanoke Times put it, "Virginia ... has left land preservation to the good graces of private interests."

I agree with that part of Barry R. Bloom's commentary in the current number of Newsweek, under the headline "The Wrong Rights," in which he proposes that we establish a "right to a healthy environment" as a supplement to the so-called "Patients' Bill of Rights."

There is hope. Professor Simpson, for example, predicts:

"The economics of resource depletion, the politics of population growth, and the recognition of our ecological impacts will push us farther along the path charted by [John] Muir, [Aldo] Leopold, and others. Ironically, our rationality, a hallmark of [our] industrial values, will

move us toward landscape values and behaviors that emphasize a cooperative caring for the land. It will gradually break down the common barrier erected between people and landscape. This will eventually lead to a new stewardship ethic and a new relationship with the land."

"Cooperative caring for the land" can result from not just government laws and regulations. We do need laws to save the last of some endangered species and rare habitats such as wetlands, to mandate emission levels at power plants and from cars and trucks, and to set minimum "best management practices" for logging operations. But cooperative caring for the land also can result from voluntary agreements, arrived at with the help of professional facilitators, who seek elusive "win-win" solutions to environmental and land use conflicts. Blessed are the peacemakers.

No set of institutions is better positioned to lead the critically needed campaign to save "our father's world" than the religious community, in which "stewardship" is such a familiar part of the vocabulary and giving is seen as more blessed than receiving. We need to give back to our environment, that has sustained us with what scientists call "ecological services": clean air and water, productive soil, and other natural resources like trees and minerals that we convert to commodities to sustain our civilization.

One good place to start is to give heightened attention to the role of human population growth in determining the quality of life. Continued population growth is the dominant source of mounting pressure on our natural systems. This week, the planet's population topped six billion. At its current rate of growth, the population of the United States will double in 50 years.

Population growth is the root cause of urban sprawl, which not only doubles commuting times and auto-generated air pollution but wipes out historic places and dairy and vegetable farms and orchards. It eliminates not only our sources of fresh milk products, fruits and vegetables but also our "sense of place."

On a global basis, population growth will make water a critically short resource. The International Water Management Institute says a third of the world's population will experience water shortages by 2025. In the poorer areas of the world, like China and India, lack of water represents a real threat to stability. These countries have nuclear weapons.

And what can we do about it, given that the domestic fertility rate in the US is below the replacement rate of two children per woman? Domestically, we can encourage our kids to stick to that two-child family maximum. We can support fair but firm limits on legal immigration and means of reducing illegal immigration. (There is no reason the United States must let itself become over-populated. Our hearts go out to would-be immigrants and we feel good when we help the downtrodden. But think for a moment of the degraded quality of life your great grandchildren will inherit, if we do not use our brains now and adopt a steady-state population policy

goal, incentives to keep families small, and sensible limits on immigration-on their behalf?)

We do not have the time this afternoon to explore this critical issue in detail, but I assure you that, whatever your "cause," it's a lost cause unless something is done to slow human population growth. Planned Parenthood CEO David Nova's op-ed piece in the October 8, 1999, Roanoke Times contains more details. He recommends, and I agree, that we should let our Members of Congress know we support paying

"... the rate at which humans are destroying the environment is accelerating, often because of excessive consumption by the rich, and to the detriment of the poor."

our United Nations dues including that portion that would go to the United Nations Population Fund for world-wide family planning programs.

For those interested in more data on global environmental conditions and the causes of resource depletion, I recommend two annual reports published in Washington, DC, the Worldwatch Institute's *State of the World* and the World Resources Institute's *World Resources: A Guide to the Global Environment*. A third good source is "Global Environment Outlook 2000," just issued by the United Nations Environment Program in Nairobi, Kenya. A summary published in The Boston Globe includes the observation that "the rate at which humans are destroying the environment is accelerating, often because of excessive consumption by the rich, and to the detriment of the poor."

That critical issue -- our wasteful resource consumption rate -- also lends itself to greater attention in our churches. There is a group within the Catholic Committee of Appalachia called the Gaia Group. Its spokesman, Todd Garland, has published a statement called "Powering Down -- A Less is More Proposal." Here is his recommendation:

"That those who embrace justice, peace and the integrity of Creation-conscientious Christians, believers of all faiths, and those who in today's world find it difficult to believe -- abstain as much as possible from using electricity and fossil-fuel power on the first Friday of each month."

His proposal has immediate roots in the recent expansion of "mountain top removal" coal mining in West Virginia that is destroying human communities there. He hopes its implementation will give people time to "consider the lilies of the field" (Matthew 6:28) and "reconnect the natural rhythms of sunrise and sunset from which our culture and lives have become so isolated."

Another contributor to West Virginia's Highlands Voice, Unitarian-Universalist minister Rose Edington, observes "there is a theological voice for destruction of creation." Says Ms Edington, "St. Augustine, not my favorite saint, came up with the idea of original sin. This idea reinforced dualism, leading to the separation of the

MATERIALISM concl. on page 18

West Virginia Sierra Club Gives Highest Award to Jim Weekly, Key Mountaintop Removal Opponent

Morgantown - James Weekly, leader in the movement to curb mountaintop removal mining, received the West Virginia Sierra Club's highest award for 1999.

At SierraFest 99, the group's annual gathering, Weekly was given the Laurel Award, presented annually for Environmental Initiative. Accompanied by his wife, Weekly listened as his

work was described.

"Jim Weekly has been a leader from the very beginning in the fight against runaway mountaintop removal mining. He has been a passionate defender - not only of the West Virginia mountains, but also of his home and community, which stand in the shadow of the gigantic Hobet operation. Mr. Weekly has spoken loud and often, from his heart. He has shared his concern with whomever would listen, from federal court testimony to speaking at rallies to taking dozens of people on tours to see the damage for themselves."

Weekly is one of the original plaintiffs in the lawsuit working its way through the federal court system. In addition, he led the commemorative march to the site of the Battle of Blair Mountain this summer. His advocacy has propelled him to fame in West Virginia, while also subjecting himself to occasional abuse and harassment.

According to WV Sierra Club spokesman Jim Sconyers, "James Weekly personifies the citizen activist. Through the power of his own conviction and commitment, he has inspired hundreds of others. Here is one individual who has made a difference for West Virginia." ❖

YOUNG from page 2

political institutions behind the violations are almost too dominant to effectively challenge. We then have officeholders saying, with a straight face, that there are no violations of the buffer zone rule, for example, when a blind mayfly could see that there is. Upon realizing that the law really is being violated, the officeholders then argue, perhaps successfully, that even if there are violations that too much is at stake to actually enforce the laws, so the laws must be changed to comport with the prevailing practices, no matter what the environmental consequences.

So when is the best time to litigate? In the case of the Surface Mining Control and Reclamation Act (SMCRA), I think the best time to commence litigation would have been ten or perhaps even fifteen years ago, when the rules to implement SMCRA had been promulgated, but before a pattern and practice of ignoring those laws had become established on such a watershed scale (no pun intended).

Back then, valley fills were relatively small. The coal industry was just "learning the ropes" of SMCRA enforcement, or lack thereof. The economic impact of surface mining that required valley fills did not support the social and political structures that now defend the practice, legal or not, with such ferocity.

A valley fill victory in Judge Haden's court fifteen years ago may well have convinced regulators and the coal

industry that the days of self-regulation of coal were over and that some coal may not be worth mining. But since that didn't happen then, the surface mining industry, like an un-parented child, has become a nearly unmanageable adult bully, rolling over all that challenges it, and shows respect only for those institutions that permit it to prosper and grow to even greater economic and political dominance.

A similar scenario of official wimpiness in implementing the Federal Clean Water Act has let the chemical, manufacturing and agricultural industries attain a similar level of 800 pound gorilla comparison. It's difficult to tell whether the government is regulating industry or whether industry is regulating government.

When is the best time to start litigation, then? I think the best time is after the laws have been put in place, and then when it is apparent that the agencies lack the will to even try to instill the regulations the law requires, or when it's apparent that the industry is wagging the agency. In both the SMCRA and Clean Water Act situations, that time was many years ago.

This commentary is not meant to be a criticism of either our or others' procrastination. We are learning too. But in the future we need to remember a lesson of the nineties. To wit: It's harder to train an 800 pound gorilla than an eighteen pound one. And it will probably have fewer 800 pound brothers coming to its defense. ❖

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

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- ★ 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
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- ★ 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.

Court Asked for Preliminary Injunction to Stop Blackwater Canyon Logging

By Ken Ward, Jr.

This article appeared in the Sunday Gazette-Mail of December 12, 1999

Endangered bats, squirrels and salamanders would be harmed if Allegheny Wood Products goes through with its latest plan to log parts of the Blackwater Canyon in Tucker County, wildlife experts have told a federal judge.

Scientists working for the West Virginia Highlands Conservancy and Heartwood Inc. concluded the proposed timbering plan does not protect endangered species and their habitat from destruction.

On Friday, environmental group lawyer Jason Huber asked U.S. District Judge Robert Maxwell for a preliminary injunction to stop Allegheny Wood from logging the canyon. In a 17-page motion, Huber told Maxwell that the company "is attempting to log one of the most rare and endangered ecosystems in West Virginia based upon insufficient data and faulty scientific and ecological assumptions, the results of which will harm, harass and injure threatened or endangered species." Huber gave Maxwell new studies that found previously undiscovered populations of Virginia Big-Eared and Indiana bats in the canyon.

Biologist David Pistole found that both species of bats live in and adjacent to the area Allegheny Wood wants to log.

"It is a biological certainty that the habitat modifications which are a direct result of the cutting practices described for this harvest on Blackwater Canyon would significantly affect feeding and sheltering during the summer months for the Indiana bat and feeding in the summer months for the Virginia Big-Eared Bat," said Pistole, who is a professor at Indiana University of Pennsylvania.

There was no immediate word Friday afternoon on when Maxwell might rule. In February 1997, Petersburg-based Allegheny Wood bought 3,000 acres of the scenic Blackwater Canyon from a third party which purchased it from Allegheny Power.

Since then, contract loggers hired by Allegheny Wood President John Crites have timbered about 1,600 acres of the property. They have been cited at least once by the state Division of Forestry for not following recommended logging "best management practices" to protect the environment.

Earlier this year, the Conservancy and Heartwood sued Allegheny Wood in U.S. District Court in Elkins to try to stop the logging. The groups argued that timbering the canyon would harm the endangered animals, in violation of the federal Endangered Species Act.

In August, Maxwell ordered the company not to log or develop the canyon until experts for both sides surveyed the area for endangered species. But on Jan. 10, Allegheny Wood plans to start logging an additional 350 acres on the north side of the Blackwater River.

Huber alleged that the proposal violated Maxwell's order because surveys of the canyon for threatened and endangered species are not completed.

Among the concerns that Huber raised were: Allegheny Wood proposed a 200-foot buffer zone around habitat where the Northern Flying Squirrel may live. The company's expert, Edward Michael of West Virginia University, did not recommend that the buffer zones would be adequate

to protect the squirrels. "In fact, the only recommendation he makes is that surveys, either live trapping or nesting boxes, be used to determine the squirrels location," Huber wrote.

The environmental groups' expert, Jack Cranford of Virginia Tech, concluded that the squirrel's range extends at least 2,600 feet. The U.S. Fish and Wildlife Service, which approved Allegheny Wood's logging plan, originally recommended a 1/2-mile buffer zone to protect the squirrels.


Doug Harpole, a wildlife biologist working for Huber, examined the potential effects of the logging on the Cheat Mountain Salamander.

Harpole reported that "numerous studies have shown that terrestrial salamander populations decline after timber harvesting. Pistole said that Allegheny Wood's proposed logging plan contains no current data regarding the presence of either species of bat or their habitat in the canyon. Without this information, the company can't adequately assess or quantify whether there would be irreparable harm done by their proposed cuts," he said.

In his court motion, Huber said that if Maxwell compares the potential damage to the environment from logging to Allegheny Wood's economic concerns, the judge will have to stop the logging, at least temporarily. ❖

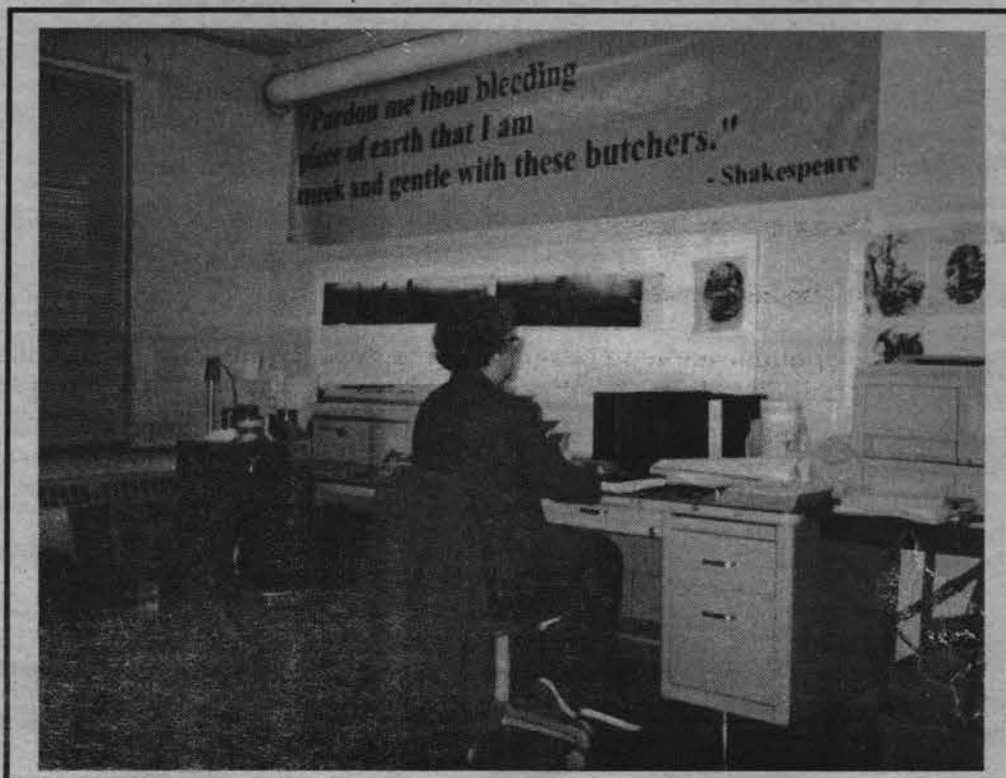


Blackwater Canyon National Park



WV HIGHLANDS CONSERVANCY
P.O. BOX 306 · CHARLESTON, WV 25321

New Logo for the BWCNP (not including holly sprig!)



Judy Rodd staring at wall in new Charleston office of the BWC Campaign

Quarries Vie with Big Coal to See Who Can be the Most Outrageous

November Interim Report

By Tom Degen

The November interims were held in Shepardstown, Jefferson County. Since this is quarry country, Judiciary Subcommittee A concerned itself entirely with that issue, devoting its meeting to a public hearing on quarries. The tire bill was not discussed.

The public hearing on the proposed quarry bill was attended by approximately 100 people, about 30 of whom spoke. By far the most comments were from people who had complaints about quarries. Those who had experience with existing quarries noted dust and noise, especially from those quarries that operate 24 hours a day, 7 days a week. Those who were faced with proposed quarries noted that the proposed quarries would be incompatible with existing businesses or residences, and expressed fears about water loss and reduced property values.

A big issue in the eastern panhandle centers around the community of Blairton. This is an old quarry camp where the people own the homes, but not the land on which they sit. The quarry has been inactive for many years, but is starting new quarry operations as well as mining old waste piles for material. The quarry has told the community it will no longer supply it with water (which it has been doing for years), and this has touched off a firestorm, with citizens claiming that the water issue is just a way to get rid of the residents so the company can quarry the land under their community, and the company responding that it won't evict the residents for at least five years.

The following day I went on a tour of two large limestone quarries, one inactive quarry that had recently been bought by one of the larger ones, and a shale quarry that supplies an on-site brick plant. I was expecting a well orchestrated tour of operations demonstrating best behavior for the legislators. That's pretty much what we got, especially at the Millville quarry.

At Millville, almost all equipment was shut down, so we didn't get to experience the noise and dust that we had heard so much about. A demonstration of a blast was accompanied by an explanation of the operation and just plain lobbying. We were treated to a lengthy discourse about how the quarry business is so very competitive with a low profit margin, so legislation has to be crafted that won't put them out of business. Coming from the largest quarry in West Virginia, which is owned by British multinational Bardon Group plc., this sounded somewhat suspect to me, especially when Bardon's web site brags of 25 percent profit increases to L23.4 million (can anyone do the conversion to dollars?) and a 40 percent share of the Capital Corridor market in ready mix concrete. In order to keep to the tight schedule, critical questions, of which Rick Eades and I had plenty, were cut off.

On Tuesday there was a three hour stakeholders' meeting. There were lengthy

discussions over water issues, centering mainly on the rebuttable presumption against quarries in the event of water well damage. Industry persists in claiming that they are good neighbors already, and if the law makes them be good neighbors, they'll be forced to spend big money on attorneys to protect their interests, which would cost their neighbors more than a new well. I have heard this kind of logic before -- during the garbage wars garbage companies threatened to sue if strict garbage laws were passed. This is not good neighbor behavior, but it often sways legislators.

Grandfathering is a huge issue, it will determine to whom the new law applies. If industry gets its way, it won't be them, except for new quarries. Some of the issues that grandfathering will affect include reclamation, groundwater monitoring, pre blast surveys, and perhaps zoning requirements. Industry's position is that if an existing site expects to quarry for another 100 years, it should not have to comply with these requirements for another 100 years. I am starting to get the impression that when industry says they want West Virginia to be competitive with surrounding states, it means they want to have a competitive advantage over surrounding states. A protectionist law that would make it hard for new competition to get established would suit them fine. Our position has been that areas not yet disturbed should comply with the new law. The bill allows operators to decide when they will comply.

Bonding was discussed also. Industry wants a bonding pool instead of bonding per se. I am not at all sure the bonding pool will generate enough money, but there are inconsistencies in the language that need fixing before we even get to that discussion.

Reclamation of abandoned quarries in the proposed bill is funded by interest from the bonding pool instead of a per ton severance tax. At one point, Rick Eades' comment that \$1,000 per acre was not enough to do reclamation was answered with the suggestion that reclamation shouldn't be required since it was too expensive to do.

We need to remind the legislature that the reason for new legislation is that the current law is woefully inadequate, and we are trying to catch up. A good example of this was seen in a Department of Environmental Protection handout estimating costs to administer the program at \$518,510.60 and revenue from quarry fees at \$15,819.75. Revenues need to be thirty times higher for the program to be solvent, yet industry objects to the fees in the bill.

Concerning the buffer zone, Senator Snyder suggested 300 feet from the blast site to residences and churches, and the current 100 feet from roads, parks, public buildings, etc. The current law doesn't include residences in its 100 foot buffer zone requirements. Up to 1,000 foot

buffer zones have been proposed in committee.

One issue that has somehow been neglected so far is noise abatement. There is no language in the bill that addresses this, and I know it's a concern. Another issue that was not discussed at this stakeholders' meeting is the director's discretion to deny permits, modifications, and transfers. My first choice would be to adopt the language on that verbatim from the current law because it has been upheld in the West Virginia Supreme Court. If the language is to change at all, and it has, it should certainly not be weakened.

Agreement on these issues is far away. The staff attorneys requested that people get their suggestions and comments to them within two weeks (by the end of November). Industry will get their comments in, we should make sure they hear from us as well. A good way for citizens to get their concerns addressed by staff is to have their legislators convey them to staff. So any comments you send should be copied to your legislators, and the committee co-chairs.

The December interims are on 12-14 in Charleston.

If you have any questions or comments, please contact me, Tom Degen at PO Box 83, Chloe, WV 25235, 304-655-8651 (phone/fax).

Joint Judiciary Subcommittee A
Membership for 1999 Interims

Senate Members

Fanning, John Pat (D), District 6, McDowell County
US Rt. 52N, P.O. Box 126, Jaeger, 24844
938-5331 Business (or fax, IEm not sure)
938-2446 Home
357-7867 Capitol Rm 217 W

Hunter, John Blair (D), District 14, Monogalia County
1265 4-H Camp Rd., Morgantown WV, 26508-2458
292-5826 Office
291-3782 Home
292-6494 Fax
357-7995 Capitol Rm 225 W

Kessler, Jeffrey (D) District 2, Marshall County
303 Lee St., Glen Dale, WV 26038
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845-2580 Office
845-1386 Home (booklet says 843-1386)
357-7956 Capitol Rm 200 W

McCabe, Jr., Brooks F. (D) District 17, Kanawha County
1553 Bridge Road, Charleston, 25314
347-7500 Office
342-1961 Home
357-7990 Capitol Rm 441 M

McKenzie, R. Andy, (R), District 1, Ohio County
142 Miller Street, Wheeling, WV 26003
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243-0244 Home
357-7984 Capitol Rm 204 W

SUBCOM A cont. on next page

It's "Thank You Time," Folks!

By Vivian Stockman

Our friends in DC ask us to take some time to thank legislators who helped defeat Byrd's pro-mountaintop removal rider. As Clean Water Network and Citizens Coal Council say, 'We need to shore up the folks who have been supportive and give them credit, as well as look for new supporters.' And, of course, thanks to all of you who made those calls and sent those faxes!

Be aware that Sen. Byrd will most certainly introduce this language either as a rider or a bill when Congress reconvenes in January. Thus your thanks to these supporters will be of use next year.

If you can take the time to thank these folks, you can find out their contact info at www.senate.gov and www.house.gov.

Minnesota Sen. Paul Wellstone was the only senator to speak against Byrd. [I heard him speak against the WTO in Seattle--he is great]

Below is a list of the 20 Republicans who signed onto a letter to the President asking him to veto any legislation with this rider. There is also a list of the 33 Senators who voted against the Byrd amendment. Thank them for holding strong on the Clean Water Act and for either voting against or speaking out against the Byrd rider.

20 Republicans who signed a letter urging the President to veto legislation with this rider:

Christopher Shays (R-CT)
Rick Lazio (R-NY)
Brian Bilbray (R-CA)
Wayne Gilchrest (R-MD)
John Porter (R-IL)
Benjamin Gilman (R-NY)
Nancy Johnson (R-CT)
Steven Kuykenall (R-CA)
Jim Ramstad (R-MN)
Mike Castle (R-DE)
Sherry Boehlert (R-NY)
Tom Campbell (R-CA)
Judy Biggert (R-IL)
Jack Quinn (R-NY)
Sue Kelly (R-NY)
Bob Franks (R-NJ)
Jim Leach (R-IA)
Connie Morella (R-MD)
Mark Foley (R-FL)
Steve Horn (R-CA)

33 Senators to be thanked for voting against this rider:

Akaka (D-HI)
Baucus (D-MT)
Biden (D-DE)
Bingman (D-NM)
Brownback (R-KS)
Chafee, L. (R-RI)
Collins (R-ME)
Daschle (D-SD)
Durbin (D-IL)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
Graham (D-FL)
Harkin (D-IA)
Jeffords (R-VT)
Johnson (D-SD)
Kennedy (D-MA)

SUBCOM A concl.

Oliverio II, Michael A. (D), District 13, Monongalia County
95 Hartford St., Westover, 26505
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357-7919 Capitol Rm 207 W

Ross, Michael (D), District 15, Randolph County
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636-4398 Home
357-7973 Capitol Rm 203 W

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357-7880 Capitol Rm 210 W

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Senate Judiciary Committee
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Charleston, WV 25305

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340-3226 Capitol, Rm. 204 E.

Faircloth, Larry V. (R), District 53, Berkeley County
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229-3193 Office
229-3193 Home
340-3275 Capitol Rm. 258 M



Kerrey (D-NE)
Kerry (D-MA)
Landrieu (D-LA)
Leahy (D-VT)
Lieberman (D-CT)
Lincoln (D-AR)
Lugar (R-IN)
Murray (D-WA)
Reed (D-RI)
Roth (R-DE)
Sarbanes (D-MD)
Schumer (D-NY)
Snowe (R-ME)
Torricelli (D-NJ)
Wellstone (D-MN)
Wyden (D-OR)

Johnson, Arley (D), District 15, Cabell County
1111 Twelfth Ave., Huntington, 25701
733-1029 Office
529-6258 Home
340-3167 Capitol Rm. 6 R (Rotunda)

Linch, Larry A., Co-Chair (D), District 41, Harrison County
609 Broadway, Bridgeport, 26330
842-5431 Office
783-5346 Home
340-3154 Capitol Rm. 216 E

Mahan, Virginia (D), District 27, Summers County
P.O. Box 1114, Green Sulphur Springs, 25966
466-4980 Home/fax
340-3138 Capitol Rm. 220 E

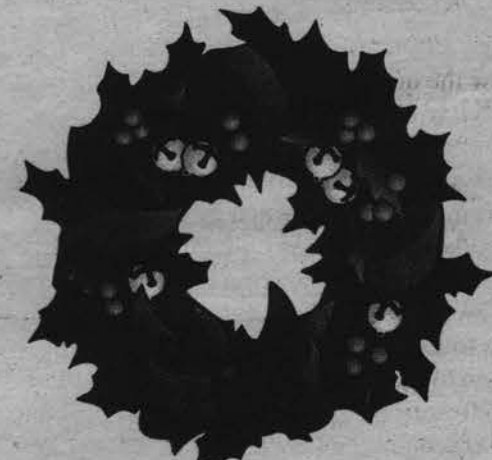
Pino, John (D), District 29, Fayette County
300 Oyler Ave., E., Oak Hill, 25901-2641
469-3295 Office
465-0197 Home
340-3114 Capitol Rm 242 M

Smirl, Jody G. (R), District 16, Cabell County
12 Oak Brook Dr., Huntington, 25705
429-8007 Office (?)
733-1016 Home
340-3147 Capitol Rm 224 E

Staton, Rick, ex officio (D), District 23, Wyoming County
P.O. Box 357, Mullens, 25882-0357
294-7313 Office
294-7324 Fax (office)
294-0693 Home
340-3252 Capitol Rm 422 M

Webb, Charles "Rusty" (R), District 32, Kanawha County
5022 Bennington Dr., Cross Lanes, 25313
343-2900 Office
776-7083 Home
340-3180 Capitol Rm 150 R

Joe Altizer, Counsel
House of Delegates
Bldg. 1 Rm. M408
1900 Kanawha Blvd. E.
Charleston, WV 25305



WTO from page 3 concl.

US, England, France, Canada, Mexico, Chile, Thailand, Ethiopia, Malaysia, Ghana, Nigeria, The Ladakh (wherever that is) and Brazil.

IFG also sponsored a debate Tuesday evening which would have been an excellent opportunity for any media interested in covering the issues. Not surprisingly, I've yet to read or hear any mention of it. Ralph Nader, Vandana Shiva and John Cavanaugh stood off Jagdish Bhagwati, David Aaron of the US Commerce Department and Scott Miller of Proctor & Gamble.

There were four or five fundraiser/concert/parties. The best one we attended was put on by the Alliance for Sustainable Jobs and the Environment, which grew out of a pact between the Earth First environmentalists angered by Maxxam Corporation's moves to clearcut the Headwaters redwood forest, and steelworkers with union beefs with the same company. There was free organically and locally grown food, followed by some clever, funny, tightly executed skits and some excellent music. Jim Hightower spoke, but I was more impressed somehow by the unscheduled speech of a veteran of Tianenmen Square, now living in exile in France. He spoke no English, but a French union guy translated his words, about the abuse of Chinese union people and the need for international solidarity with them.

We two mountaineers in the audience, of course, were thinking sad thoughts about the absence of an alliance between environmentalists and the United Mine Workers at home -- but, maybe someday.

So -- clearly, Seattle was about a whole lot more than "rioting." But I don't think I've yet conveyed the most important thing that happened there. One book I read talked about the need for "globalization-from-below" to counter WTO-style, oligarchic globalization-from-above. Perhaps this globalization-from-below had already sprouted before Seattle -- but it burst into bloom there. Most of the marchers and conference attendees were white, unfortunately, in contrast to the wonderful ethnic diversity we saw on the streets and buses. But there were a few people of color, and a smattering of people from every part of the world. And there were little old Republican-looking ladies, young hippie types with dreadlocks and pierced eyebrows, middle-aged construction workers, and Asians concerned about freedom for Tibet and Taiwan -- because China is probably about to be admitted to WTO. There were even the Seattle Lesbian Avengers, marching topless (no, it wasn't warm enough for that) with words written on their bodies (one had "Better naked than Nike" on her back) and, this being the West Coast, no one was perturbed.

Friday evening we heard the wonderful news that WTO was breaking up without having agreed to anything. No documents were signed; they hadn't even managed to have a decent party. Madeleine Albright had flown in to address the convention, and returned to DC without having done so. Not all of this failure to advance the New World Order can be attributed to the protesters. The delegates had arrived with deep divisions; and the third-world delegates were tired of the habit of

the most powerful nations of meeting privately to work out details, and then presenting a finished document to the peons. In the past they'd been pressured or bribed into signing. Apparently the first-world people were more arrogant than ever, and this time the little countries' reps had had enough. I like to think that the sound of tens of thousands of demonstrators in the streets helped stiffen their resolve. How ironic that we of the rich world depended on those third world delegates to represent our interests. How ironic that leadership in opposing the reckless movement toward biopiracy and the patenting of life is coming from Africa.

The most regressive country on this issue, the one whose citizens are eating 90% of the bio-engineered crops because other peoples all over the world are successfully refusing them, is the US.

We flew home feeling like we'd slain a monster. But we hadn't really; we only stopped its advance and knocked it down. Now we must call in the wolves of justice to finish it off while it's down, or it will just get up and devise a more cunning strategy. I predict that within a week or two, we will see the start of a massive public relations offensive, nearly all of it covert and very professionally done.

We must now do three things: fight in the media battleground; move our consumption patterns toward the local and the simple; and, conversely, move our communications patterns further toward the global. It will take all the world's people working together to protect our biological and cultural diversity, moving toward that universal sister-and-brotherhood that Vivian and I got one wild, sweet taste of in Seattle.

All hail to our heroes of the Seattle battle, Mary and Vivian, holding true to fighting our battles on these issues for human decency! Last month I referred to Mary as a Roane County trouble maker, but that was wrong. She makes lots of trouble in her homeplace, Calhoun County. Ed.

✦

REPLY from page 11 concl.

industry are getting all they can haul from privately owned forests -- why do we give them the state forest trees?

The secret to Dye's soaring praise of foresters is found near the end of the article where he shamelessly proclaims that in the state forests "...25 percent of the money generated from timber sales goes back into the forest where the logging occurred." There is the dirty little devil that makes logging so tasteful to the states chief forester--his outfit gets a load of money from it! He claims this saves the taxpayers money. I will happily pay my share of taxes to keep logging out of state forests. Are timber industry tax breaks forcing us to cut the trees in state forests?

Once again the "We had to destroy the village to save it" illogic wiggles to the surface. It sounds similar to the mountain top removal plea that we must destroy the mountains to save the mountain state.

MATERIALISM from page 15 concl.

physical and the spiritual. The physical is seen as the lesser, even as sinful, and subservient to the spiritual. This concept has been used by those in power . . . to set up all kinds of hierarchies and systems to keep the powerful in place: men over women, whites over blacks, heterosexuals over homosexuals, and humanity over nature." One result, she concludes, is that powerful "mine owners have figured out a way to remove mountain tops and politicians have allowed them to do it."

As you can tell, the mountaintop removal issue in West Virginia is "hot." I just have bits and pieces of the story, but they include notes to the effect that, in July, 1999, the Shenandoah Presbytery, a regional governing body of the Presbyterian Church (USA) with over 100 churches in Virginia and West Virginia, adopted a resolution imploring the government to stop mountain top removal/valley fill mining, and that Temple Israel's Social Action Committee (I assume in Charleston) adopted a similar resolution. The Methodists already had take similar action. In West Virginia, many churches are actively involved in the politics of protecting "creation."

Of course there are groups of many kinds working to save our land, water, and wildlife. One such group, described in last Sunday's Roanoke Times, is the Senior Environment Corps of Northern Virginia, a group of Virginia retirees who have become environmental activists. Reflecting that, if they went on picnics when they were children, they could drink the water in the creek [but] wouldn't think of it today, they are busy monitoring water quality and working with youngsters to identify sources of water contamination. We need a Senior Environment Corps in the Roanoke Valley.

I guess the point of all the foregoing is that we get the kind of environment that we deserve. If we are unwilling to devote some personal time and attention to trying to influence what's happening to nature and natural resources -- locally, statewide, nationally, and globally -- we can't complain if we dislike the results of what others have done.

The faith community shares with the environmental conservation community and the Native American community a belief in the basic importance of keeping God's creation in relatively unimpaired condition for present and future generations. Together, they can get the job done!

For most of his life, "Rupe" Cutler has been involved in service to community, both in the public and the private sector. Among his many prominent roles in service, he was Assistant Secretary of Agriculture in the Carter administration.

The foresters are busting a gut to get into Kanawha State Forest and cut trees. They are stopped by a law that says they can't. They are going to try to get a law passed this next session to let them have at those trees. A law should be passed that they can't cut trees in any state forest. Enough, already!

Calendar

Granny D's schedule:

December 18th - Parkersburg at 1 PM. New Year's Eve - Clarksburg
January 5 - Fairmont. January 8 - Morgantown. To walk with Granny D call or
send e-mail to Nick. Nickpalumbo73@yahoo.com - (505) 649-5396.

January 6, 2000 8:30-12am EIS industry meeting KY SMRE,
Prestonsburge, KY

January 8, 2000 (Saturday) -- Winter board meeting of the West Virginia
Highlands Conservancy at 10:00 AM. 79'er Restaurant, just off the Burnsville exit of
I-79, between Flatwoods and Weston. Time is 9:30 AM to 3:30 PM. See detailed
announcement on page 20

January 12 - EPA is holding a symposium in Charleston dealing with enhancement
of aquatic ecosystems at Mountaintop removal sites. Questions regarding the
symposium should be directed to Gary Bryant, EPA-Wheeling @ (304) 234-0230 or
via email to bryant.gary@epamail.epa.gov See detailed announcement on page 20.

February 19, 2000 - Keystone Coldwater Conference on instream habitat. Penn
Stater Conference Center Hotel, State College, PA. Hosted by Pennsylvania Trout, a
chapter of Trout Unlimited. Cost to register (which includes lunch), \$20. Call (814)

863-5100 for details.

April 28th, 29th & 30th, 2000 - WVHC Spring Review (Board of Directors
meeting on Sunday, the 30th). It will be held at the Cheat Mountain Club located on
the banks of the Shavers Fork River in the Heart of the Monongahela National Forest
(Cheat Bridge) The Club will accommodate about 30 people in rooms and a "bunk
room" on the 3rd floor. It will cost \$35-40/person/night for private rooms with twin
or queen sized beds. One room has a private bath, the rest use large common shower
rooms. Down the road in Bartow, the Hermitage has very nice rooms with 2 double
beds for just \$41/night. Camping will be permitted on CMC grounds. Volunteers
needed to form a committee to help organize activities, especially the Saturday
evening program. Contact Dave Saville at 284-9548, e-mail daves@labyrinth.net, for
information, reservations, volunteering or anything else to do with the Spring Review.

July 8th, 2000 (Saturday) - WVHC Board of Directors meeting, 10:00 AM to 4:00
PM, location to be announced later.

October 13th, 14th, & 15th, 2000 - WVHC Fall Review (Board of Directors
meeting on Sunday the 15th). Location and other details to be announced
later. ✚

Our Bob's Letter to Rockefeller

Senator Rockefeller:

This is what I was hoping to tell you in
our meeting about the rider on Thursday before
you had to leave for a meeting with Senator Byrd.
As I explained to John Richards, your position is
that you support MountaintopRemoval if done in
an environmentally responsible way. This is
exactly what Judge Haden's ruling delineates. To
try to overturn his ruling and say you are for
"environmentally responsible" mining at the same
time is duplicitous.

You expressed concern to us at the
growing size and number of these massive
operations. I trust you read the article in today's
Gazette /Mail about previous underestimates of
the hundreds of miles of stream fills. Your actions
will only facilitate a further escalation of this
onslaught.

The Congressional delegation's statement
that "the Judge threw the ball in your lap" and
wished you to "solve" the problems of the
illegality of these massive valley fills is absurd.
Perhaps you have not read his rulings for yourself?
Judge Haden in issuing the stay of his order called
for "reasoned decisions," not an undemocratic end
run by Senator Byrd -- supposed defender of the
Constitution. The Clean Water Act has NEVER
been modified in its 27 year history, and this will
open the floodgates for future such actions by
other states.

It is not too late for you to save face and
back out of this horrendous maneuver. Judge
Haden has returned this situation to the status quo
pending a ruling by the 4th Circuit Court of
Appeals. No miners are laid off, no mines with
existing valid permits are in peril. And yes, even
with Judge Haden's buffer zone ruling, coal will
be mined and mountaintop removal operations
will find a way to comply with it and continue
their mining with less destruction to our steams
and valleys.

Robert F. Gates,
Charleston, November 7, 1999 ✚

Georgian Bemoans Potential Loss of Blackwater Canyon, Destruction of Eastern Mts That Corr H Would Bring

*The following letter was sent to the WV Sierra
Club*

Please put me on a mailing list and let me
know how I can help financially in supporting the
Blackwater Canyon Campaign. Although I live in
Georgia, I have a great love for the Blackwater
Canyon. My wife, young daughter, and I discovered
the area just three and a half years ago. Having
grown up in Georgia, and seeing the bulk of the
Southern Appalachians that I hiked, camped, and
hunted in as a kid laid to waste by greedy
developers. Developers [lobby] who have bent and
destroyed much environmental protection
legislation, I found myself pushed into Kentucky.

And the Winner Is ...

With a hearty flourish and a drum
roll, we bestow on none other than Liz
Sampson our Nikon binoculars. Good for a
lot of bird watching, Liz! Get out there in the
snow and watch a few nuthatches and
juncoes.

Liz was the winner of our Nikon
Binocular sweepstakes. She sent in the
postcard found inside one of our hiking
guidebooks she bought, and, Lo! She won!
100 of such postcards were returned
in the past year. For those who didn't know,
Liz is the recent past president of the West
Virginia Environmental Council. We swear
that her exalted position in the West Virginia
environmental movement had nothing to do
with her good fortune. May her luck extend
through to cover all the good works she and
the rest of us treehuggers espouse.

West Virginia, Southwest Virginia, & Northeast
Alabama to find unmolested land. Atlanta's an
ozone trap -- 60 plus smog alert days last year, and it
used to be known as a city of trees.

The proposed construction of Corridor H
concerns me just as much if not more so, than the
potential tampering with the Blackwater Canyon. I
am aware of unemployment in places like Tucker
County, but an interstate that guts the mountains
will bring much more harm than good over the long
haul. It'll just make it easier for DC & Baltimore
area drivers of gas-guzzling SUVs crowd the area,
create more nasty haze, and abuse the area. I've
seen what Georgia's Department of Transportation
did to my Georgia mountains over the past 20 years
with 4-lanes. It has damn nigh destroyed them.
What was once the starting point for the
Appalachian Trail, Mt. Oglethorpe, is in a county
that will likely be added as a part of Atlanta's
Standard Metropolitan Statistical Area in 2000.
People are commuting 60+ miles one way to Atlanta
because of our overbuilt highway system.

Long letter, I realize. I hope it's not too
late. The Blackwater Canyon, Otter Creek
Wilderness, & surrounding area are just too precious
to lose. It is an annual six to seven day visit for my
family. Keep it!

*Amen, Brother. Tell this to our ethically and/or
intellectually challenged politicians for starters.
Ed. ✚*



Symposium

Aquatic Ecosystem Enhancement At Mountain Top Mining Sites

DATE: January 12, 2000

LOCATION: Holiday Inn Downtown, Charleston House, Charleston, WV 25301 - phone 304/344-4092

DRAFT AGENDA

7:30 AM - Registration & Refreshments

9:00 - Introductions & Welcome

Dr Paul Ziemkiwicz, Director National Mine Land Reclamation Center, Morgantown, WV

9:15 - Making Valley Fills & Reclaimed Mountaintops Look More Like Natural Landscape -- Horst Schor, H. J. Schor Consulting, Anaheim, CA

9:45 - Making Ditches & Sedimentation Structures Function More Like Streams & Wetlands -- Rocky Powell, Clear Creek Consulting, Jarrettsville, MD

10:15 - Making Ditches & Sedimentation Structures More Like Natural Riparian Zones -- Dr Steven Handel, Rutgers University, New Brunswick, NJ

10:45 - BREAK

11:00 - Panel of Experts Critique Reclamation Efforts at Four Sites. Expert panel members include John Morgan, Dr Bruce Wallace, Horst Schor, Rocky Powell, Dr Steven Handel, Randy Maggard, and Ben Faulkner. Each of these four sites has been visited by the panel members and they will have specific comments and recommendations for each site.

The format of the presentations is:

-- 5 minute explanation of the site using the Summary Fact Sheet

-- 15 minute description of comments and recommendations by selected panel members

-- 10 minutes of Q&A.

12:00 - LUNCH (on your own)

• 1:00 - Continuation of explanation, presentation of comments, & Q&A for two remaining sites

2:00 - BREAK
SYMPOSIUM

2:15 - Discussion to focus on other improvements in reclamation plans (brainstorming) followed by splitting into groups to focus on +/- for categories of innovations.

2:30 - Group Discussions on Barriers and Benefits To Implementation of Improvements (Break into four groups with each one focusing on one specific improvement - supply a facilitator & recorder for each group)

1 - Improve Shape To Be More Like Nature
Regulation Barriers (name them)
Liability Barriers (list them)
Cost Barriers (be specific)
Other Barriers (list them)
Benefits (list them)

2 - Improve Aquatic Habitat (ditches, ponds, sediment

structures)

Regulation Barriers (name them)

Liability Barriers (list them)

Cost Barriers (be specific)

Other Barriers (list them)

Benefits (list them)

3 - Improve Riparian Habitat

Regulation Barriers (name them)

Liability Barriers (list them)

Cost Barriers (be specific)

Other Barriers (list them)

Benefits (list them)

4 - Improve Other Aspects (e.g. parks or development)

Regulation Barriers (name them)

Liability Barriers (list them)

Cost Barriers (be specific)

Other Barriers (list them)

Benefits (list them)

3:30 - Each Group Reports to the General Group - Summary

Where Do We Go From Here?

Coordination with other findings from EIS

Studies & include in EIS Report

Additional comments welcome until Jan 30, 2000. Send to:

EPA Region III
Wheeling Office
1060 Chapline Street
Wheeling, WV 26003

4:30 - ADJOURN

HAPPY Y2K!



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Page 20 .. EPA symposium//WVHC winter meeting announcement

Mark That New Year 2000 Calendar Now If You Haven't Already

Winter Board Meeting January 8th

The regular winter Board of Directors meeting of the West Virginia Highlands Conservancy will be held Saturday, January 8th, 2000. Location is at the 79'er Restaurant, just off the Burnsville exit of I-79, between Flatwoods and Weston. Time is 9:30 AM to 3:30 PM.

Anticipated agenda items include: coal lawsuit update, corridor H lawsuit update, year 2000 budget discussion, legislative lobbying update and anti-degradation policy and Clean Water Act developments.

All WVHC members are welcome at board meetings.