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NORTH SODS

By Jack Slocomb

In her recent book, *Wanderlust: A History of Walking*, Rebecca Solnit asserts that

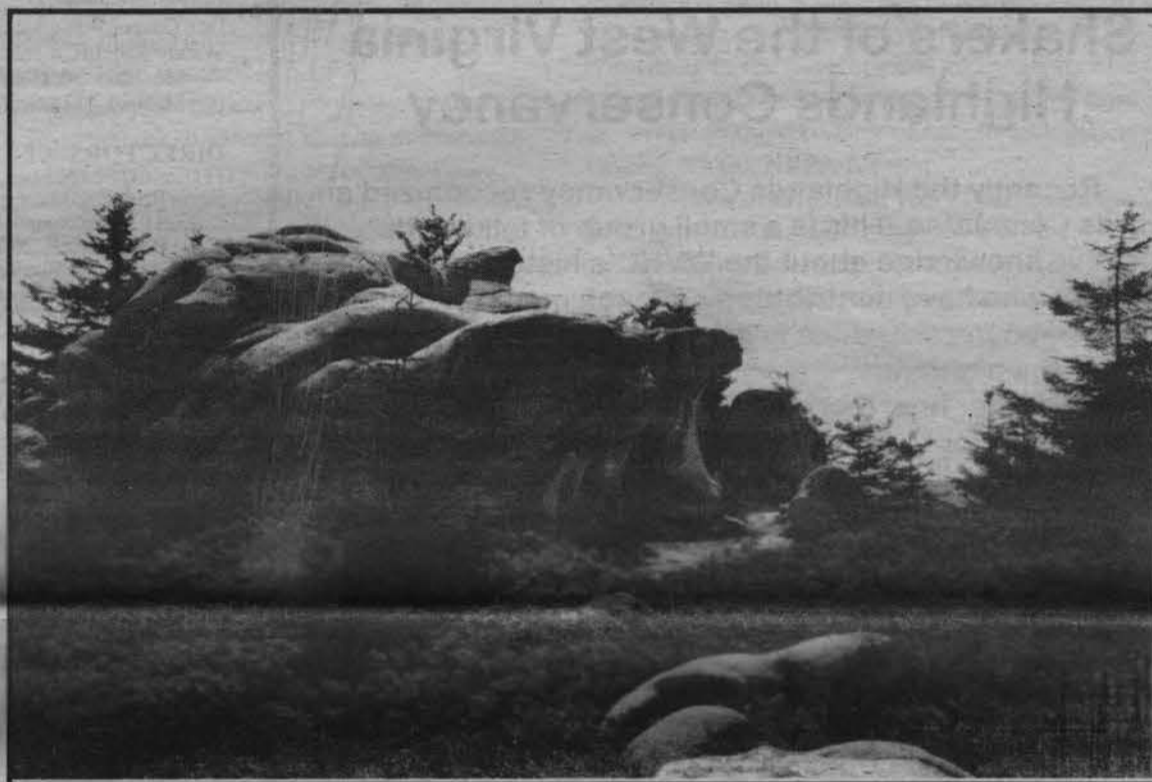
"— Walking focuses not on the boundary lines of ownership that break the land into pieces but on the paths that function as a kind of circulatory system connecting the whole organism. Walking is, in this way, the antithesis of owning. It postulates a mobile, empty-handed, shareable experience of the land."

It's a take on the encounter of the world experienced in the life of the foot traveler that, for me, hauntingly describes what it is like to hike around the innards of the rolling, sparsely forested, plateau of the region north of the Dolly Sods Wilderness. You are so aware of pure walking, of really moving over ground, of the blessed absence of borders and restrictions.

This spread out imagery has, of course, become a signature terrain of the West Virginia Potomac Highlands and, in fact, is what most people associate with the Dolly Sods -- and not the forest covered Red Creek canyon to the south which now comprises the major portion of the officially designated Dolly Sods Wilderness.

There's not much in the way of this sort of territory in the Mid-Atlantic. But it's an experience you yen for once in a while. Not that the end upon end miles of trails that lace through the sheltering woodiness of the Mon and other national forests and parks in the Appalachians aren't sufficient unto themselves "because they are" -- it's just that a sense of expansiveness is a good thing to have to provide aesthetic balance. For sure, the woods is mysterious, spirits lurking off the trail, voices, eyes in the shadows just beyond cast of firelight. But such blatant openness as you have in Dolly Sods North, which is what I've taken to calling it now for lack of a better name, has its own kind of inscrutability. It's different, that's all.

See SODS on page 14



Dolly Sods

Photo: Terry Major

A. T. Massey in the News

Gobpile Goes Ga-Ga

It was bound to happen sometime. Given that the players in this grisly drama were a coal company with a history of being frequently in violation of safety and environmental standards, and a state and federal government, although charged with protecting the citizens, have been, in effect, protecting Big Coal from environmental regs and lawsuits by coal-impacted outraged citizens.

I am, of course, speaking of the massive sludge "gift" to the citizens of northeastern Kentucky and adjacent parts of West Virginia, from the Martin Coal Company, a wholly owned subsidiary of the A.T. Massey Coal Company.

The folks around Whitesville, WV, on the border of Boone and Raleigh Counties know about A. T. Massey. If anyone hears a good word about them, one should get one's hearing checked. The companies usually go by other names such as the Independent Coal company, or the Marfork Coal company. Although A. T. Massey has stamped indelibly its stripping horrors on the landscape around Boone and Raleigh counties, surprisingly if one looks up A. T. Massey in the telephone

book, no such name is listed! It is much easier to try and sneak under the contempt of the local people that know of Massey by name by configuring an endless number of companies which pop up like the heads of the hydra, yet none of which bear the Massey name. But the people are not fooled for long.

So around Inez, KY, the Massey camouflage was the Martin Coal Company which was responsible for the release of 250 million gallons of sludge-water from an impoundment atop an underground mine which was out of production. That much weight of water mixed with mine waste broke through into the abandoned mine on October 9. The immense force generated ruptured a hillside, sending approximately one million tons of waste into the Big Sandy and Tug Fork Rivers on its way to the Ohio. By October 15 this mix had oozed into much of the water supplies of northeastern Kentucky, and into Kermit, WV, creating an emergency without precedent for the residents of the area. Fish and

See MASSEY on page 11

From the Western Slope of the Mountains

By Frank Young

Tribute To The Movers and Shakers of the West Virginia Highlands Conservancy

Recently the Highlands Conservancy recognized an Awards Committee. This is a small group of folks with collective knowledge about the WVHC's history and about members who have contributed so much more than their nominal membership dues in support of the WVHC and its work for the highlands.

No matter how thorough the search for folks worthy of recognition for their contributions, there are always more individuals that should perhaps be included. With that human limitation in mind, at the October 14th WVHC Fall Review program the Awards Committee recognized the following individuals for outstanding contributions to the Conservancy:

For many years (now decades, actually) Allen DeHart and Bruce Sundquist, author and editor, respectively, of the Monongahela National Forest Hiking Guide, published by the WV Highlands Conservancy, have generously donated time and talents to this successful publication. The MNF Hiking Guide has been a financial mainstay of the Conservancy. Without the income its sale produces our many preservation successes would certainly have been curtailed.

Bruce gets absolutely no remuneration for his hundreds, now certainly thousands, of hours of editorial work. And although Allen DeHart gets nominal "royalty" payments from sales for authoring the MNF guidebook, those payments in only very small measure compensate him for his attention to details that give the guidebook its reputation for accuracy. For both Bruce and Allen, the time and talents offered in producing this publication are truly labors of love for the WV Highlands Conservancy and its many successes over the years.

Another member whose efforts raise funds for Conservancy projects is Judy Rodd, co-chair of the Conservancy's Blackwater Canyon Committee. Through hundreds, perhaps thousands of hours organizing fund raiser meetings, direct personal appeals to contributors, and other techniques unknown to this writer Judy has raised many thousands of dollars (tens of thousands, actually) in support of the effort to save and protect Blackwater Canyon for this and future generations to enjoy. A spinoff of this effort has been a doubling of the WVHC's membership in only two or three years, according to membership secretary Dave Saville.

See **YOUNG** on page 12

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How the National Environmental Policy Act Has Improved Land Use Decision-making *Personal Experiences of the Author*

By Rupert Cutler

As a city boy growing up during World War II in Detroit, Michigan, perhaps because of the influence of Scouting and Audubon Society outdoor activities, I decided to make wildlife conservation my life's work. Back then, natural resources conservation was not exactly a popular vocation; in fact, I was the only one to receive an undergraduate degree in wildlife management from the University of Michigan in June 1955. When I studied wildlife management, the only species taught about were game species -- no mention of threatened and endangered species or watchable wildlife then. When I studied forestry, the only species discussed were commercial tree species. Concern for old growth forests and wilderness was absent, and the terms "ecology" and "biological diversity" were just coming into the scientist's vocabulary.

The Nation's population was less than half of what it is today, thus demands on natural resources were less than they are today. But the recuperative powers of natural environment were taken for granted. Rivers were treated like open sewers, or dammed, ending their fish runs. DDT was wiping out native wildlife. Cars, power plants, and industries pumped unscrubbed toxic emissions into the air. Asbestos was freely used as sound-deadening material. Farmers were paid by government to drain their wetlands. Few seemed to care.

The public was not concerned with environmental protection. We had won World War II and were enjoying the good life. The Nation's environmental consciousness had yet to be awakened. This situation changed in the 1960's, thanks in part to Rachel Carson's wake-up call, *Silent Spring*. Protecting the human environment came into its own as a major political issue, along with civil rights and the Vietnam War. I worked in Washington, D.C., during what I think of as the golden age of the American environmental movement—from Kennedy to Carter. After editing Virginia Wildlife for the Virginia game commission in Richmond for four years, I joined the staff of the National Wildlife Federation in Washington in 1962 and attended President Kennedy's White House Conference on Conservation. Later, Lyndon Johnson provided much-appreciated leadership on conservation issues. I shook his hand at the signing of the National Wild and Scenic Rivers Act after lobbying for its passage. President Johnson signed the Wilderness Act in September of 1964.

I became an assistant executive director of The Wilderness Society in 1965 and helped initiate the process of adding new wilderness areas to the National Wilderness Preservation System. On weekends I hiked in the Monongahela National Forest and became involved in the creation of the West Virginia Highlands Conservancy. I also worked on the National Environmental Policy Act

(NEPA) in its earliest versions. I was often in Senate Interior and Insular Affairs Committee Chairman Henry "Scoop" Jackson's office. That's where Jackson's staff director, Jerry Verkler, and Professor Keith Caldwell of Indiana University drafted the NEPA. House Fisheries and Wildlife Subcommittee Chairman John Dingell introduced a similar bill in the House and played the lead role in winning House passage of NEPA.

What was remarkable about the history of NEPA was the lack of interest in it by mainstream natural resources conservation associations like the National Wildlife Federation, the Izaak Walton League, the Sierra Club, and even my own Wilderness Society. We were all too busy on our own specialized agendas -- saving a wilderness here and stopping a dam there -- to appreciate the paradigm-shifting potential of section 102(2)(c) of NEPA that requires the preparation of environmental impact statements (EIS). NEPA's impact -- its potential to be used to stop environmentally damaging projects, through litigation alleging shortcomings in the mandatory EIS process -- took the conservation groups and the federal agencies by surprise. It created a new discipline and a new industry.

The first Act of Congress signed by President Richard Nixon was the National Environmental Policy Act, in January of 1970. Nixon signed it and several other major conservation bills into law not because he embraced natural resources conservation but because it had become good politics. Remember, 1970 was the year the first Earth Day teach-in was held in Ann Arbor.

In 1969 I left the Wilderness Society to return to the university campus and work on my graduate degrees. While an Michigan State University grad student I helped organize the 1970 Earth Day program on that campus. The doctoral dissertation I completed in 1972 on environmental litigation involving the U.S. Forest Service documented the need for the "consider-alternatives," "involve-the-public," and full disclosure requirements of NEPA. All four controversies I studied -- conflicts over proposed development of roadless National Forests land -- were characterized by Forest Service internal decision-making, no public involvement, and no effective administrative remedies. I doubt that these controversies would have gone as far as they did toward irreversible losses of wilderness values if NEPA had been in place when those cases were filed.

When I was at Michigan State I was employed as a consultant by the Forest Service to critique the first generation of environmental impact statements produced by the Forest Service. There were great differences in the quality and sophistication from region to region. Like other agencies, the Forest Service initially tried to use

EISs to justify decisions already made, rather than to fairly compare the impacts of a range of alternatives and learn the public's reaction to them. To comply with NEPA, the agency had to bring in planners from a wide range of disciplinary backgrounds including landscape architecture, hydrology, wildlife and fishery biology, sociology, and economics and find ways for them to contribute to the development and analysis of alternatives. The generalist forester found himself or herself in the company of people with different values. Thank NEPA for that.

Also during those years I served on the Michigan Environmental Review Board, authorized by a governor's executive order that also called for the preparation of environmental impact statements by state agencies. The board reviewed for the governor environmental statements written by federal agencies for projects in Michigan. For example, we recommended that the governor oppose construction by the U.S. Navy of a low frequency radio transmission project in the Upper Peninsula that would have harmed the wilderness-like forests in a vast area in the western "U.P." The project was scaled back and built in Wisconsin. This is an example of a state-level version of NEPA such as exists in several states.

When Jimmy Carter became President, I was nominated for and confirmed in the position of Assistant Secretary for Conservation, Research and Education in the U.S. Department of Agriculture. The person in this position supervised the Forest Service and several other agencies. As Assistant Secretary of Agriculture I was involved in rewriting the department's and the Forest Service's NEPA regulations, creating a new Office of Environmental Quality in the Office of the Secretary of Agriculture, and initiating and overseeing a review of the entire 191-million-acre National Forest System to determine how much unclassified, potential wilderness remained in the National Forests.

This project was called RARE II (second Roadless Area Review and Evaluation). It generated a 22-volume draft environmental statement and more public involvement than any previous federal project subjected to the NEPA process. It led to a lawsuit brought by California Governor Jerry Brown in which the judge concluded that the Forest Service had not considered enough alternatives or used enough data in its decision-making. When the Carter Administration went out of office and the Congress took over disposition of the RARE II recommendations, this lawsuit became moot. There was a lot of litigation brought under NEPA in the early years. Those cases made it clear to federal agencies that the NEPA process had to be followed.

See NEPA on page 9

editorial

The Pledge

"In the United States, Christmas has become the rape of an idea." - author Richard Bachman

For the past few years I've been sending the below document out to friends and relatives (one of these years I should also not discriminate against foes in my sending! The first ones I can think of would be some famous politicians

on the national and local scene). So if you, gentle reader, have already read this from being on my list of recipients, well - read it again! You might have missed the gist of it the first time.

Commitment to Sanity and to Saving the Planet

Whereas the compulsion to shop for gifts at the holiday season each year is an unnatural and stupid act -

Whereas these gifts at this time have inflated prices to take advantage of the poor addicted-to-shopping souls -

Whereas most of what is purchased to be given as gifts is not something one would want for oneself, or certainly would not pay the price paid for it for oneself, but, indeed, is only purchased to fulfill some kind of obligation compulsion to another person for whatever the rationale may be -

Whereas most of what is purchased can be done without, is useless and unneeded, and has been for the 100,000 year history of Man -

Whereas most of what is purchased takes up space that could be better used in other ways and also collects dust, creates anxiety or conflict in the recipient since it becomes increasingly clear that the recipient would rather not have the item, but feels stuck with it as an obligation to the giver

Whereas the recipient feels guilty giving up the item for a white elephant sale, or having it end up in a landfill -

Whereas these useless gifts destroy earth's resources in their manufacture and distribution -

Whereas the accumulation of such gift giving makes for more shopping malls and centers which take up more and more land out of production and/or destroying other species which share the earth with Man -

Whereas compulsive gift givers are driven into debt as would any person in an addicted state, requiring that they work more hours at useless and earth-destructive jobs -

Whereas shopping and buying such gifts cater to more and more misleading and dishonest advertising so that persons often get inured to public lying, and as an outcome tend to buy more and more as each year goes by -

Whereas often such gifts are used to "one up" a person in a relationship for a power trip - "I give you this and that so you should then do want you to." -

Whereas such gifts are wrapped in designed colored paper and tied with bows which destroy trees and other kinds of earth's resources. This material is rarely used for a second time, and ends up being burned to give off more CO2 to further climate change, or to be buried in a landfill which is not a happy situation for the Earth Mother -

Whereas the basis for this manufactured compulsion by means of advertising is to help the rich get richer, and one knows that the richer the rich get, the more the environment suffers -

Therefore, I pledge to not feel obligated to buy anything for anyone during the holiday season or to partake of this insanity just because others are doing it, especially in relation to what may be given to me. On the other hand if I wish to purchase a gift for someone that I feel is appropriate and at least minimally earth friendly, I can do so at any time of the year and give it at any time of the year. ❀

This just in from Mathew Jacobson, National Field Director, Heritage Forest Campaign, forwarded by Steve Krichbaum to Dave Saville who subsequently forwarded it to me. Ed.

Forest Service Proposes Protection of 60 Million Acres of Wildland.

WASHINGTON, Nov. 13, 2000 - U.S. Department of Agriculture Secretary Dan Glickman and Mike Dombeck, Chief of the U.S. Forest Service, today announced the release of the Roadless Area Conservation Final Environmental Impact Statement (FEIS). The FEIS identifies the Forest Service preferred alternative for protecting nearly 60 million acres of inventoried roadless areas in national forests and grasslands. A final rule will be issued after December 18, 2000, based upon information in the FEIS.

"Never before have the American people so actively participated in helping to decide how their public lands should be managed," Glickman said. "The fact that more than 1.5 million comments were received from Americans show that these truly are all of the people's lands, not

just a few, and they care deeply about how they are cared for."

Forest Service Chief Mike Dombeck noted that the preferred alternative "preserves options and leaves future generations choices about how these unfragmented wildlands should be managed."

The preferred alternative would:
Prohibit road construction and reconstruction on 49.2 million acres of inventoried roadless areas, increasing to 58.5 million acres in April 2004 when the Tongass National Forest is included;

Prohibit timber harvesting except for clearly defined stewardship purposes in inventoried roadless areas; and

Allow road construction when necessary for public safety and resource protection.

Stewardship purpose timber harvests would occur only where they maintain or improve roadless characteristics and also improve habitat for threatened, endangered, proposed, or sensitive species; reduce the risk of uncharacteristically severe fire; or restore ecological structure, function, and processes.

"Conservation leadership requires that we

stand up for the values and lands entrusted to our care by the American people," Dombeck said. "Creation of the National Forest System by Gifford Pinchot and Teddy Roosevelt, although unpopular with some at the time, is today viewed as an enduring victory for conservation. It is my firm belief future generations will regard this proposal in the same light." Dombeck went on to thank, "the thousands of Forest Service employees who worked tirelessly to make this day possible."

In developing the roadless plan, the Forest Service sought public input by holding over 600 public meetings across the nation. Hundreds of thousands of people participated in this public process, generating over 1.6 million written and verbal responses that were considered in the analysis and recommendation.

The four-volume FEIS has been posted on the <www.roadless.fs.fed.us> website. Printed copies will be available for review at all Forest Service offices and 10,000 public and municipal libraries nationwide. Also, copies of the FEIS on CD, printed versions of the FEIS or a summary can be ordered via a toll-free information line at 1-800-384-7623 or 1-703-605-5299. ❀

The Politics of Forest Fires

The Abuse of Other People's Hard Times

By Thomas Michael Power

To most of us, it is unseemly, at the very least, to take advantage of other people's tragedy, hard times, and fear. Yet some folks, driven by the pursuit of profits or political ambition or both, simply cannot resist. That is the case with those seeking advantage from the terror most of us in the Northern Rockies are experiencing as fires or at least the smoke from the fires threaten to engulf us and render our homes and home towns uninhabitable.

Except for suffocating the ash fallout from Mount Saint Helens, we in the Northern Rockies have had the luxury of observing natural catastrophes at a distance on our television sets. When floods swept the Mississippi Valley and its tributaries in the upper Midwest, simultaneously drowning and burning major cities, when hurricanes repeatedly threaten to drive the sea across Florida and well into the Carolina coastlands, when earthquakes threatened to drop large swaths of southern California into the sea, we in Montana could shudder with a distant fear and easy sympathy, for we faced no such immediate threats of natural disaster. This summer's wildfires in Northern Rockies have changed that.

While most of us have suffered with the unavoidable fire-related anxieties, we have also been impressed by the hard work and heroism of both neighbors and anonymous firefighters. But others have tried to profit from the fires and the primordial fears they evoke. The forest products industry has been in the lead in this exploitation of other people's hard times.

The forest products industry wants access as cheaply as it can get it to as much wood fiber as possible. It once had privileged access to forested public lands. As the frontier economy has faded and government give-aways have fallen out of political favor, the forest products industry's

privileged grip on public resources has begun to slip. The current forest fires offer them an opportunity to try to regain some of their lost clout.

The fires, timber industry spokespersons claim, are the result of restrictions on commercial logging on public lands. If all of these lands had been logged, they assert, the fires would not be burning. It is the federal government and the environmentalists they are in cahoots with who have caused the fires that now threaten us. As one timber industry advocate baldly said, "I never saw a clearcut burn."

Nothing could be further from the truth. Of course clearcuts burn. When long, hot summers dry out the grasses, brush, and logging wastes, they can flare explosively. When they grow thick with closely packed young trees, they present exactly the fire danger we are wrestling with now. The logging roads provide human access that is the source of the vast majority of forest fires.

If roading and logging eliminated the threat of wildfire, most of the fires that threaten us now would not be burning. Look at where these fires are: They are largely burning on the forest-urban interface in areas adjacent to intense human activity. In Western Montana, for instance, the fires are burning in the forests adjacent to some of the rapidly growing residential areas in the nation, the Bitterroot, Helena, and Clark Fork Valleys. These are not roadless areas that have never been logged. Quite the contrary, they are areas that were roaded and logged in the past. Those roads often have then provided access for the human activity that now dominates these areas, including the home building, residential settlement of the last two decades, and recreational activity. The trees now burning are usually second growth that

followed past logging.

The bulk of the fires burning are burning outside of roadless and wilderness areas. At last count in Western Montana over 75 percent of the burned acreage lies outside of protected areas like National Parks and Wilderness. Even more telling, 96 percent of the firefighting effort is focused on roaded and developed areas where human lives, homes, and other structures are threatened. It is not primarily battling wilderness fires.

Commercial logging and the roads associated with it do not reduce the threat of wildfire. They do the opposite. The timber industry has been as insistent as anyone else that all wildfires be extinguished immediately, thus, over the decades, allowing the fuel loads in our forests to build. Commercial logging does not remove dangerous fuel loads. Instead it takes the largest, most valuable, and most fire resistant trees, leaving behind a firetrap.

Commercial logging is not a prescription for forest health; it is one of the major causes of unhealthy forest conditions. Until the forest products industry stops trying to insist that clearcutting our public lands is necessary for the health of those lands, we will make no progress in restoring those lands. Equating forest health with timber company profits condemns out forests to either the commercial ravages of the past or the management paralysis of the present. Both are bad for our forests and for those of us who have chosen to live in beautiful, but naturally dangerous, forested landscapes.

Thomas Michael Power is Professor and Chairman of the Economics Department at the University of Montana ❖

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
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Sustaining	50	100	200
Patron	100	200	400
Mountaineer	200	300	600

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Membership Benefits

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

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

West Virginia Highlands Conservancy

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

Eulogy for the Fish

We were innocent, glistening brightly colored artworks in the flesh
We painted your streams, entwined with other life forms,
Signaling health

The trees that made the leaf litter that fed the mayflies – you killed
Those depending on our flesh – you poisoned by poisoning us
Your insatiable people gobbled from the earth for heat and light

So profiteers blew away the mountains, left the forest scalped - and
Buried us alive
No amount of light could lead you out of this darkness
No amount of heat can warm your chilling legacy

The dark, cold death, you unapologetically visited on us, will be your just reward

When you didn't bury us alive --
You filled our gills with silt
And left a continuing source of slow death
By placing cataclysmic volumes of waste in our headwaters
Waste that reworked by water and gravity,
will bury our breeding grounds for eons
strangling the stonefly and caddisfly, our central source of food

That waste will episodically surge forth and devastate our homes – (and maybe yours)

Our homes were made in springs, streams, and rivers by the Creator Almighty
And wiped out in but a few years by you
though you deny it

When you didn't suffocate us with silt, you rendered our water foul
Unspeakable contaminants infected our community,
Weakened our immune systems, wiped out our food
Still - you deny it

You sought praise for half-hearted attempts to clean the water,
But you ignored other sinister killers
That made our flesh like venom to our brothers the raptors, bears, otters, and mink

We struggled to adapt - only to be repeatedly attacked
You always broke your word, ignoring our plight, for your temporary riches
You lied to your children,
Confused your brothers and sisters with promises that you were not damaging us --

All while the sky cried, trying to flush away your sins
but even those tears burned us,
they too were tainted by your reckless brutality

Now we are dead --

You may wash our blood from your hands,
But -- as the earth bleeds -- it will reveal your fingerprints
The last residue of our flesh will remain, and that you will have to live with,

And the poisons all will be on your table some day, in your lungs,
and surely what has happened to us will happen to you
But we were the innocent -- you are the greedy
Unwilling to curb your taking

And possibly to your last breath -- living in denial for the carnage
That your gluttony produced
Blindly torturing those who could not defend themselves,
All for your grotesque comforts

So we imagine the Creator will have a worse fate for you
And in that, maybe we have not died in vain

Rick Eades

(presented October 28, 2000 at the Funeral for the Mountains)

Notes on Valley Fills from Mountain Top Removal Mining.

a.. Valley fills and slurry impoundments are first cousins. They both place colossal volumes of waste in headwater settings. Combined with the loss of nutrients (like leaf litter) from the deforested mountaintop mining sites, this spells long term doom for life in receiving streams.

b.. In some cases, we can expect a slow bleeding, like a gigantic coffee filter, that may produce low levels of problematic contaminants or silt. Also, after the bonds are released, liability will fall to the state and land owners as these fills and dumps are "abandoned."

c.. In other cases, we can expect episodic releases. Settlement or shifting within valley fills will create new, discrete pathways for water, and that groundwater flow may encounter pockets of foul material -- transporting it to receiving streams.

d.. Some of this discharge may seem benign, like silt. But silt eliminates breeding areas for fish, buries the homes of food sources for fish (eliminating or reducing reproduction of invertebrates), and when re-deposited, raises flood stages in receiving streams.

e.. Some discharges are clearly not being effectively prevented -- like sulfate-laden water. The USGS draft report on the New-Kanawha River basin cites sulfates as a very likely "coal contributor" to loss of invertebrate life on a very large scale.

f.. Other discharges (like the slurry/sludge release in Martin Co, KY) will acutely attack receiving streams, and may redistribute mercury, lead, arsenic, or carcinogenic byproducts of coal cleaning throughout our rivers and the communities they serve. Though we may throw millions of dollars at cleanup in such instances, only Mother Nature will be able to ultimately remedy such disasters.

g.. Pick your poison -- slow agonizing death, or sudden devastation. Placing gargantuan quantities of wastes at the headwaters of streams is a recipe for large scale catastrophe. The fact that slurry impoundment waste also contains concentrated amounts of heavy metals, and likely contains other environmentally damaging chemicals only amplifies this folly.

h.. We should ban head-of-hollow fills, and place waste in dry forms back in the deepest deep mines, where it has been demonstrated that groundwater quality is already adversely impacted. If this is "too expensive," we should raise coal-fired energy prices accordingly.

i.. After all, price increases may be the only thing can slow down our gluttony for cheap energy -- or provide enough margin for cleaner, alternative energy development and use.

Why Logging Reform Matters

Thumbing Their Noses At Timber Regulation

By Jim Sconyers

Recently logging reform got real personal for me when I accidentally discovered an illegal logging job in my neighborhood.

What made me suspect that the operation was illegal? The first clue was that there was no sign posted. Every log job in West Virginia must post a sign giving the name and license number of the logger. When I looked on the vehicles and equipment, I noticed none of them identified the company either. This made me think they were trying to remain "anonymous!"

Walking around the logging site, I found I could barely navigate the terrain. Trucks, dozers, and skidders had churned the ground into a weirdly viscous mud the consistency of quicksand, trying to pull my boots off every step. Dozers and skidders had plowed right through streams and swampy areas, another outright violation of state law.

I called the West Virginia Division of Forestry to check into the operation. They confirmed that the log job was indeed completely illegal on several counts. In addition to no sign, they had not filed a required Timbering Operation Notification Form, which would have described the operation and measures required to protect streams. The operator was in fact not licensed, as required by state law. No certified logger was identified for the job, again counter to state law.

In addition to certification deficiencies, the operation had plowed right through streams, without placing culverts or taking care not to pollute the waters. I learned that the log job had already been reported to the WV Division of Environmental Protection because of observed water pollution. If they had filed a timber notification, Division of Forestry workers would have been sure to include protective measures to

prevent stream pollution as required by law.

I felt reassured when Forestry told me they had issued a Suspension Order (stop logging right now) and a Compliance Order (what to do to be able to log legally). Besides the obvious costs to the public of having the public waters polluted and the soil needlessly damaged, this kind of renegade log job is likely to have paid no severance tax, workers comp, unemployment insurance, etc. And no fully qualified logger is on the job.

Imagine my surprise two days later to find a sign up and the logging under way again. A quick call to Forestry revealed that, in their assessment, the logger was now in full compliance with the law and able to resume work. That was quick! Consider that the outfit had to get a West Virginia business license, hire a certified logger, obtain a license as a logging operator, and file a timbering notification.

I contacted Forestry one final time to find out what they intended to do about the illegal logging. Prior to the resumption after the sign was posted, Forestry agreed with me that there was no doubt that the log job had been completely illegal. Not only did they fail to satisfy certification type of requirements, they had torn up the landscape and polluted the streams. Naturally, I asked what sanctions they intended to levy against the illegal operation. Answer: none.

I asked for clarification. You know that the operation was illegal for an unknown period before they were busted – right? Right. You know they were unlicensed, uncertified, and un-notified – right? Right. You know they were illegally damaging and polluting the stream – right? Right. And they probably didn't pay severance, unemployment, and workers' comp taxes – right? Probably.

Finally I asked: Is this standard procedure, that nobody is held accountable for their illegal logging prior to being busted? That they could be nearly finished with a major illegal log job, with no consequences? That laws could be flouted, streams polluted, taxes unpaid – all with no consequences?

The answer was yes. The Division of Forestry focuses on bringing logging operations into compliance. Consequences for violations that led to a compliance action on the same log job are not assessed or pursued.

What about monitoring to assure that the operation is genuinely complying as required? Again to Forestry: Will you be checking, since you know they operate illegally when they can get away with it, to see that they are now logging responsibly and legally? Answer: We plan to send someone to take a look. Q: Will it be soon, since we know they could operate improperly, finish the job, and disappear unless Forestry gets there soon? A: I really can't say when we'll visit the job.

I suppose I shouldn't have been so surprised by the blatant disregard for logging law and regulations. According to the Division of Forestry's 1998 annual report, nearly 40% of compliance inspections found logging operations that were out of compliance. Almost 10% never even bothered to file a timbering notification – the most basic requirement under state law.

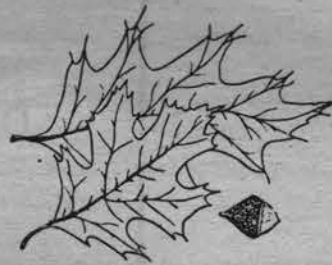
Do we need to reform the regulation of logging in West Virginia? My experience says yes, indeed! We've got a problem here!

(Jim Sconyers is a spokesperson for the Coalition for Responsible Logging) ❖

Invitation to Join the WVEC E-mail Action Alert List

The West Virginia Environmental Council (WVEC) would like to invite you to join our E-mail Action Alert List. WVEC is a coalition of grass roots organizations working together, helping citizens promote environmental protection. WVEC was organized over 12 years ago when friends realized the same battles were being fought all across the state and what we needed was one group to help link everyone together. WVEC is very active during the legislative session by working with our delegates and senators to pass sound environmental laws and stop the bad bills from becoming law.

We have many different issues that you can receive alerts for during the legislative session and throughout the year. Some issue groups: Air Quality, Blackwater Canyon, CFR/Good Government, Chemicals, Electricity Deregulation, Endangered Species, Farmland/Land Preservation, Forests/Timbering, MTR/Mining, Oil & Gas, Poultry, Public Land, Quarries, Rivers/Water



Quality and Solid Waste/Recycling. You can also choose to receive ALL alerts.

To join the WVEC E-mail Action Alert List please send your name, e-mail address, county where you live, mailing address and information on issues that you would like to receive to Chris Hogbin at <cahogbin@cs.com> and she will add you to the list. You can have as many or as few issues sent to you as you like. They can also be edited in the future very easily if you find you want more or less information.

If you would like to learn more about the WVEC you can go to <www.wvecouncil.org> to read the latest newsletter, GREEN.

Please, join hundreds of others on the WVEC E-mail Action Alert List who are concerned with environmental issues across West Virginia. ❖



Powerline update. The 765,000-volt powerline that AEP says is necessary to provide power to the eastern states (who have to spend more to generate electricity since they have to meet EPA clean air standards and AEP does not). It looks very much like government sponsored unfair competition. The new route which has preliminary approval from the Virginia State Corporation commission would go through Tazewell, Bland and Wythe Counties in Virginia. No one has said anything about the impacts on West Virginia counties, supposedly Wyoming and McDowell. The proposed route in Virginia will have negative impacts on 18 homes, karst topography in the region and the Wolf Creek Indian Museum. (October-November 2000 New River Free Press report). ❖

Despoilers of Blackwater Canyon Make Heavy Contribution to Underwood Reelection Campaign

By Ken Ward Jr.

(This article appeared in the Charleston Gazette on Thursday, October 26, 2000)

Timber operators who are logging the scenic Blackwater Canyon in Tucker County have raised \$35,000 to help re-elect Gov. Cecil Underwood.

In August, James Cole, an executive of Allegheny Wood Products, held a fund-raiser for Underwood at Cole's Petersburg home. Cole's wife, Phyllis, is a top aide to the governor.

Employees of Allegheny Wood contributed \$9,000, according to campaign finance disclosures filed with Secretary of State Ken Hechler.

Gerald Huffman, owner of Huffman Logging, also contributed \$1,000. Huffman Logging was hired by Allegheny Wood to log the canyon.

Since Underwood took office in early 1997, environmental groups have complained about Allegheny Wood's logging of the popular tourist spot near Blackwater Falls State Park and Canaan Valley.

Allegheny Wood President John Crites bought 3,000 acres of the canyon, and has logged the area extensively. Environmental groups want the canyon left alone, and brought into public ownership.

Underwood has convinced Crites to sell the state a small portion of the property, about 6 percent of the canyon. The price was more than four times what Crites paid for it. Underwood said that he supports Crites' right to use his property as he sees fit, and said he would not pressure the timber operator to sell more.

The canyon dispute is the only major environmental issue on which Underwood and his Democratic challenger in the gubernatorial race, Rep. Bob Wise, disagree. [Wise defeated Underwood in the November 7 gubernatorial election. Ed.]

In Congress, Wise has supported a federal study of making Blackwater Canyon a national park. He said that he believes the area should be public property, and promised to turn up the heat on Crites to sell.

"Bob Wise supports efforts to preserve and protect Blackwater Canyon for this generation and future generations. It is indeed a state and national treasure," said Mike Plante, campaign spokesman for Wise.

So far in the general election, Underwood reported that he has raised \$840,000. About 57 percent of that money came from 18 fund-raising events held across West Virginia.

The Cole fund-raiser in Petersburg raised \$34,850. It was the fourth-largest fund-raiser to date for the Underwood campaign, finance records show.

Hand Made Evergreen Wreaths



Help Support the Highlands Conservancy and make a friend very happy!

These wreaths are of the highest quality, carefully packaged, and best of all, (except for postage) 100% of the price goes to support the work of the Highlands Conservancy! That's right, not only do you get a wreath, but we get the donation, everyone comes out ahead!

24" in diameter, these beautiful wreaths are woven from a mixture of fresh-cut, long-lasting Highlands grown Fir boughs.

Winterberry holly, silver reindeer moss and pine cones adorn the wreaths along with a red velvet bow.

Order by December 1st, delivery will be during the first week of December. \$30.00 per wreath includes shipping and handling.

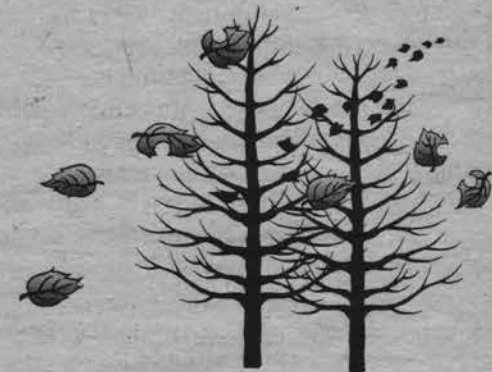
Gift cards are included so be sure to let us know how you would like it signed.

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Or call 284-9548
daves@labs.net

The Coles each donated \$1,000, the maximum allowed under campaign finance laws. Campaign finance reports also listed \$1,000 from Janice E. Cole of Petersburg and Jennifer Cole of Charleston.

John Crites and his wife, Patricia, each donated \$1,000 as well. Michele Crites of Petersburg also donated \$1,000.

Other Allegheny Wood employees who donated \$1,000 included Brenda K. Borrer, an administrative assistant; Harold Lewis, an operation manager; Jerry Mallow, a sales representative; Kelly Riddle, a load manager; and Ronald B. Stemple, a manager. ❖



EPA to Take over State Water Rule

By Ken Ward, Jr.

(This article appeared in the Charleston Gazette on October 27, 2000)

Federal regulators have decided to take over the writing of a water pollution rule meant to keep the state's streams from becoming polluted further.

In a letter to the state Environmental Quality Board, the U.S. Environmental Protection Agency (EPA) said it would prepare its own version of a stream "anti-degradation" implementation plan. EPA Regional Administrator Brad Campbell said that the state waited too long to write its own plan, and then proposed a version that was far too weak.

"There appears little prospect that the flaws in the current proposal will be remedied by the West Virginia Legislature in a manner that could lead to EPA approval upon enactment," Campbell said in his letter dated Wednesday.

"Accordingly, EPA is immediately proceeding to prepare a draft proposal for Federal procedures that will be applicable in lieu of state promulgated procedures," Campbell wrote.

Under the federal Clean Water Act, states are required by EPA to have anti-degradation policies. The idea of the policy is

to keep clean streams from being made dirty. Streams are only supposed to be "degraded" if regulators study proposed developments and determine their social and economic benefits would outweigh the pollution they would cause. Under the law, if states do not implement anti-degradation policies, EPA must step in and do so.

West Virginia did not have an anti-degradation policy until 1995, and has still not implemented that policy. Previous efforts to do so stalled when industry opposed the implementation.

This year, the board is under increased pressure from EPA to win legislative approval of an implementation plan. Lawyers for the West Virginia Rivers Coalition have twice threatened to sue EPA if the federal agency did not force the state to act.

In his letter, Campbell noted that EPA had previously warned that board that the state's proposal contained too many problems, including language for many exemptions.

"Notwithstanding the strength of EPA's objections, the board did not respond to EPA's concerns and instead incorporated

changes that further weakened the proposal earlier published for comment," Campbell said.

Campbell also wrote that, "West Virginia's protracted delay, and the Board's ultimate ineffectiveness, in developing proper implementation procedures for anti-degradation in its water quality standards program also suggests the need for additional oversight measures to ensure that the protection of water quality in West Virginia is not diminished by the continuing failure to have anti-degradation procedures in place. "EPA will immediately initiate discussions with DEP to address this issue," he wrote. "We also will be raising with DEP the consequences of this failure in terms of EPA's continued funding of West Virginia's water quality programs."

Campbell added that, "There may be an opportunity for West Virginia to reassert its leadership in resolving this issue. "[But] EPA's experience with the board on this issue over the past decade gives little room for optimism, however, and so the process of federal promulgation should begin now." ❀

NEPA from Page 3

A current example of the NEPA process at work in western Virginia is the EIS on impacts of a new high-voltage power transmission line proposed by American Electric Power, originally planned to be built through the Jefferson National Forest. The forest supervisor ruled that it could not be built on Forest Service land. The result is that it probably will be built elsewhere. This EIS is exerting a powerful influence on the ultimate location decision.

How can wildland planners cope with the current onslaught of development proposals combined with increasingly sophisticated interest group lobbying? My suggestions are pretty basic:

Design with nature. Use the latest in GIS technology and data combined with an open planning process involving interested publics to bring all available data and suggestions for alternatives to the table. (The NEPA process can be updated forever to keep up with planning technology and new ways of communicating with the public.)

Use graphics as well as words to communicate.

Create a hierarchy of priority objectives beginning with the prevention of irreversible losses of species, historic buildings and sites, views, and unique cultural values and peoples.

Re-use already developed sites

("brownfields") rather than do "greenfield" development on increasingly rare open space.

Clear as little land of native vegetation as possible, ideally only the footprint of the new building, to leave soil- and water-holding vegetation in place.

Minimize commuting distances and provide for the use of alternatives to the automobile such as passenger trains, buses, bicycles, and walking.

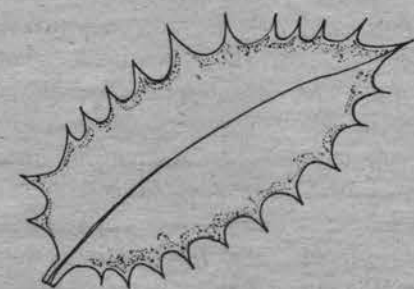
The preparation of environmental statements should involve collaboration among agencies to identify the least environmentally disruptive alternative, and collaboration among neighboring landowners, public and private, to optimize income to private landowners while using easements and land exchanges to protect important public values. Historically, there has been very little communication between federal land managers and local government officials such as the members of the boards of supervisors of the counties in which the federal land is located.

There is much to be gained by a closer relationship between federal and local government planners and policymakers.

The planners' balancing act involves meeting the needs of local residents (who often make their livings by extracting and processing natural resource commodities from the land) and

the desires of other citizens who may live at some distance from the site but share ownership of the public lands and are entitled to a clean, attractive and productive environment. Both interests are valid. The planner's job is to find a path that meets society's current demands for development while not damaging the environmental legacy and options of future generations. The environmental assessment process is a key to finding that path.

Dr. Cutler of Roanoke, Virginia, is retired. He was the founding executive director of the Western Virginia Land Trust. This article is based on a presentation he made on April 13, 2000, to a class at Virginia Tech at the invitation of Professor Lee R. Skabelund on Environmental Impact Assessment. ❀



Letters

The following letter was forwarded to the Voice editor by Bob Gates, a WVHC director and one of the letter recipients. Unfortunately, the deadline has passed for the public comment period with the WVDEP, but this is an important issue and the WV enviro community should be aware of it.

Dear Mr. Gates and Mr. Degen;

Devin Kouts, of the West Virginia Speleological Survey (WVASS), asked me to send you some information on Hellhole, a cave of considerable biological and geological significance.

The WVASS is composed of cavers and non-cavers who want to protect limestone cave areas, known as karst, not only because of the beauty found in caves, but also because karst areas are the highways of the natural water supplies.

In the past, sinkholes and caves have been used as dumping grounds for trash, hazardous waste, sewage and other forms of pollution. People then use underground water supplies as a source for drinking water. Now that karst systems are better understood, in part from the efforts of speleological survey groups such as WVASS, the underground water supplies, and their users, are better protected.

I won't go into too much detail here, as Devin has set up an attractive and easy-to-use website that is far more readable than an e-mail. However, to be brief, Greer Lime Company is applying for a permit to expand their quarry operations in the direction of Hellhole. The West Virginia Division of Environmental Protection's public comment period ends on October 28, 2000.

The public should be concerned as Hellhole is a hibernation site for approximately 100,000 bats, including two species that are endangered and thus, federally protected. It also provides habitat for 2 rare species of cave millipedes.

Hellhole is a haven for this many bats for a couple of reasons. The structure of the cave is such that it captures and contains the ultra-cold air that bats really need to survive hibernation. The main, and only (as far as we know), cave entrance is higher than the rest of the cave. The colder air sinks into the cave and is trapped there. If Greer Lime Company accidentally causes even a small breach in confines of the cave, the cold air may escape and destroy this prime, and rare, bat hibernaculum.

Hellhole is a bat haven for another reason. Greer Lime Co. leases the land on which the entrance is located. The company does not allow cavers or anybody else into the cave, although bat biologists are allowed occasional visits to study the bat populations. Thus, the bats are undisturbed throughout their hibernation. I, and many others, support the "closed cave" status of Hellhole.

Hellhole is also very geologically significant, and is officially listed as such by the State of West Virginia, but I'll let you read about that on the website.

To tie things together, nobody really knows how far Hellhole cave extends, and in what directions. Cave surveyors, who are experienced at exploring and mapping caves using survey equipment, have not been allowed in Hellhole in recent years. The cave has not been completely surveyed. If Greer Lime Co. is allowed to expand blindly into this area, there is a chance that Hellhole will be breached and this could have a devastating effect on the endangered, and non-endangered, bat populations.

We support Greer Lime Company's right to quarry. They have contributed to the economic well-being of the residents of the area. However, the expansion needs to be done carefully, after a complete in-cave survey has been finished.

I've left the details on the cave, its bat species and populations for you to read on the website. It really is a nice website with some great pictures, so it's pleasant and easy to read. The address to the website is

<http://www.psc-cavers.org/gvks/>

Devin has asked me to send you electronic copies of some of the letters mailed to WV Division of Environmental Protection. I will send them in an e-mail to follow. However, you may read some that have been posted on the website.

Thank you for your time,

Pat Bingham ✦

To the editor:

Believe me when I tell you that Randy Dye's response to the West Virginia Highlands Conservancy on state forest management issues (Highlands Voice vol. 33, no. 9) could have come straight from the Division of Forestry in Montana. All the pieces were there: 1) a reference to the "devastation" of natural forest fires, 2) an assertion that short-term economic goals supercede long-term cultural values, 3) a claim that young forest plantations sequester more carbon than older forests (but see "Science," Sept 2000 [In the October issue of the Voice there is a report on this study from "Science" which refutes the notion that planted trees sequester more carbon than old growth. In fact, it was shown that the opposite is true. Ed.]), 4) an amazing-but-true attitude that "public input" works best after the management decisions have been made, and 5) an interpretation of "demonstration forests" to mean "a demonstration of how to log forests."

Dye also referred to "wrong information" at work in the Kanawha State Forest debates, but failed to indicate what information was flawed. Why? Because he knows he's treading on thin ice. After all, there are no scientifically or socially acceptable reasons to continue degrading our public lands. Dye doesn't believe that logging degrades forests, and this is where we differ.

Let me also say that the WVHC is changing the debate over conservation of state lands. Although it's hard to perceive when you're in the thick of it, it's happening. And it's happening elsewhere: in Ohio, Susan Heitker

(740/594-6400) is working to protect all state lands with the Buckeye Forest Council. In Montana, we've won a recent victory by enforcing state law on state forest management. It seems like some things are the same, no matter what time zone you're in.

Carry on!

Than Hitt November 7, 2000
Division of Biological Sciences
University of Montana, Missoula ✦

The following letter was sent to Dave Saville, and was in regards to the lead article in the October Voice

Dave,

I appreciated your responses to Mr. Dye's letter that were printed in The Highlands Voice. I have a few more to add:

- ◆ The ozone layer (not O-zone) is not growing, but is being depleted.
- ◆ The depletion of the ozone layer is not the cause of global warming (although I'm pleased to hear he acknowledges global warming), burning of fossil fuels and global deforestation are the leading causes.
- ◆ Although only 4% of the nutrients are in the bole, about 70% of the carbon (which is what we mean when we say "organic matter") is in the bole. So by removing boles, you are removing most of the carbon. - there is no such thing as "carbon nitrates."

I find it disconcerting that such a high-ranking forestry official has such misconceptions about the forest carbon cycle and major environmental issues.

Jeff

Jeffrey A. Simmons, PhD
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Assoc. Professor of Environmental Science
Biology Dept.
WV Wesleyan College
Buckhannon, WV 26201-2995 ✦

The following letter was sent to the editor for inclusion in the Voice.

Dear Friends of Coal River,

This week I made a trip to Coal River and Whitesville to the Coal River Mountain Watch meeting.

The devastating damage being done by A. T. Massey, the West Virginia Department of Environmental Protection, and the West Virginia politicians exceeds my worst fears.

Those of you living outside the Beckley Register-Herald circulation area probably aren't getting the full impact of Gov. Underwood's and A. T. Massey's New plans for the Coal River,

Continued on next page

MASSEY from page 1

the aquatic ecosystems that supported them were destroyed over a wide area. Roads were washed away and bridges were destroyed. Schools and businesses had to shut down and water supplies had to be brought in by the truckload. A spokesperson from the US Environmental Protection Agency estimated that it would take at least six months to clean up the spill. It was amazing that there was no direct human loss of life.

Massey wants to strip some more mountains around the Whitesville area. Right now there is a dangerous impoundment that has the residents of the area very concerned. They see themselves living under the Sword of Damocles.

From the Southern Alliance for Clean Energy website as closing comments on the sludge flood, and forwarded to the editor by WVHC director, Bob Gates:

SACE encourages people learning about this disaster to understand the connection between energy consumption and where power comes from. The process of resourcing coal for energy to meet the power demand of consumers in the SE takes an enormous toll on the environment.

The land lost to mining for coal, storing the waste both pre- and post-combustion, the air pollution resulting from burning coal, and all the other impacts from transportation and processing leave the coal industry with a huge environmental footprint. Next time you flip that lightswitch, think about where the power is coming from... and how you can change your energy habits to tread lighter on the environment.

LETTERS from preceding page

Boone and Raleigh Counties.

So, I'm sending you a photo-copy of one of A. T. Massey's and Gov. Underwood's latest attack via CCD (Coalfield Community Development) [*Yes, this is what the proposed mountain desecration is called! This is one to make note of in your collection of euphemisms! Ed.*]. This one is for 1,174.84 acres. [*Jack included clippings of the coalfield location maps which were published in the newspaper. Ed.*]

Two other "permit applications" appear in the October 11 Register-Herald making a total acreage on the Boone-Raleigh border of nearly 2,500 acres.

To my knowledge NO West Virginia newspaper, newsletter, radio, or TV station has informed us of this horrible crime.

Jack Frazier October 12, 2000
Peterstown ✦

not knowing when the sword will drop – not knowing when the impoundments there will break through from underneath into the abandoned mines in that area and send the dreaded ooze on its way into the already horribly coal-corrupted Coal River.

Steve Curwood from the National Public Radio program, "Living on Earth" gave this catastrophe some more national attention. He came to West Virginia on October 29 to interview Ken Ward, Charleston Gazette environmental reporter extraordinaire. The interview went as follows:

CURWOOD: An estimated 250 million gallons of a thick lava-like coal mining waste is ruining drinking water supplies and killing aquatic life along 75 miles of the Big Sandy, the river bordering Kentucky and West Virginia. The disaster is also threatening the Ohio River and the city of Cincinnati. The coal mining waste, called slurry, broke out of a reservoir at the A.T. Massey Company in Inez, Kentucky. Technicians say it will take at least six months to clean up the spill, but they're making no predictions about long-term effects. Ken Ward is covering the story for West Virginia's Charleston Gazette. He says in many ways this spill is the Appalachian version of the Exxon Valdez.

WARD: We had a photo the other day of a frog covered in black coal dust, and it was like the photos you'd see from the Exxon Valdez. And you'd see birds covered in oil and things. And it's very similar. But volume-wise, this is certainly bigger than that.

CURWOOD: Ken, how did this happen? What led to the spill?

WARD: As odd as it seems, coal companies build these dams on top of old underground mines. Old underground mines have a habit of doing what's called subsidence, which is where you've mined under something so the ground that was underneath isn't there any more to hold up the ground above, and the ground above collapses into the underground mine workings. In this case, what they believed happened is that the underground mine collapsed, water and slurry from the impoundment poured into the underground mine workings and broke out of the hillside in two spots into these streams. The force, the energy force from the weight of all of this water when it breaks through like that, is so powerful, it will just break through the side of a hill and flood whatever happens to be on the other side of that hill.

CURWOOD: Ken, this is not the first time this has happened in West Virginia. There was another big one. What was it called, Buffalo Creek?

WARD: In 1972, in a place called Buffalo Creek in Logan County, West Virginia, about an hour or so south of Charleston, a Pittston Coal Company dam broke and sent millions of gallons of water and slurry pouring through that valley. A hundred and twenty-five people were killed, 500 or more homes were destroyed, hundreds and hundreds of people left homeless. It was a complete and utter disaster for that community.

CURWOOD: Now, you wrote an article in the Charleston Gazette in 1997 that basically predicted that an accident the size of this Massey disaster could happen. Why did you come to that conclusion?

WARD: Well, we were doing a series of articles for the twenty-fifth anniversary of the Buffalo Creek disaster, and we wanted to go and see if these dams were still a problem. And in 1997, when we were doing this, there had been two of these breakthroughs in Virginia. And we found out that the agencies that were supposed to regulate these things, the Mine Safety and Health Administration [MSHA] and the Office of Surface Mining, didn't really know at that point what the potential for this to happen was. And it had clearly happened in Virginia in two instances, that caused some pretty big environmental problems. So we thought that it was pretty serious and needed to be looked at some more.

CURWOOD: So, you wrote this article. Your article suggests that it could likely happen again. What happened after you wrote the article?

WARD: After some inquiries from us and after these two incidents in Virginia, MSHA decided that it was going to do a study of this potential. And they went out and looked at all the impoundments that they were aware of. That's where they came up with the figure that there were 225 that were built above underground mines. From those, they went out and looked at mine plans and permits and things, and concluded there were 45 that had what they called a high potential to cause this sort of a problem.

CURWOOD: So, as we speak today, there are what, 45 other places where it very easily could happen.

WARD: Certainly. And MSHA, further, as part of their study, they were supposed to take the dams that had a high risk of having this happen and go out and require mine operators to either prove that their dams were safe, or to take additional steps to make them safe. In at least half of the instances where MSHA concluded that there was a problem and the company should do something, nothing has been done yet.

CURWOOD: What has the federal response been so far in the wake of this disaster?

WARD: The Mine Safety and Health Administration, which is run by a fellow named David MacAteer, has already announced that it's going to do another nationwide investigation of these dams and try to make sure that they're all safe. There is a Congressman from Kentucky, Hal Rogers, who is trying to get a two million dollar appropriation from Congress to have the National Academy of Sciences study not only the safety of the dams that exist, but also study whether there is an alternative way for coal companies to dispose of their slurry so that they wouldn't have these dams in the first place.

Probably the most outrageous response to this thus far has been that of the federal Office of Surface Mining, which is part of the Department of the Interior. You know, that agency was formed because of and after Buffalo Creek, but yet it has done almost nothing nationwide, or particularly in the coal fields of Appalachia, to regulate these dams, and thus far has really done nothing since the Inez Kentucky accident, to go out and make sure that other dams are safe.

CURWOOD: Ken Ward is a reporter with the Charleston Gazette. Thanks for taking this time with us today, Ken.

WARD: Thank you, Steve. ✦

YOUNG from page 2

Judy's husband, Tom Rodd is recognized for organizing and successfully pulling off the Conservancy's first formal summer outdoor recreation program in several years. Known as Mon-A-Thon 2000, this hiking and nature enjoyment program helped bring many of our members into the heart of the highlands we work so hard to conserve. Tom was assisted by many other good folks including Hugh and Ruth Rogers, Peter Shoenfeld, Carter Zerbe, Rich McGervey, Barnes Nugent, Leslee McCarty and of course, Jack Slocomb. Jack, along with Bob Marshall and others, has committed to be a part of a core committee to continue this program next year under the banner "2001 - An Outdoor Odyssey."

No recognition of "Who's Who" in the WVHC would be complete without mentioning at least some of the long time members, some even founding members, who still remain loyal and contribute their resources toward our purposes. Some of these folks include, in no particular order: Jean and Sayre Rodman, Mary Moore and Joe Rieffenberger, Ronald and Margery Halliwell, Dr. Raymond and Janice Weiss, Eleanor M. Bush, Deborah and Robert Bretzfelder, Thomas Ward, Brooks Bird Club, Armand E. Singer, George Langford, Edgar N. Janes, Elizabeth C. Zimmermann, Linda Cooper, George Hall, Bruce Sundquist, Dr. and Mrs. Anthony Winston, John W. Rogers, Van and Paula Hall, Alice Bristol, and Roy C. Meadows.

I must confess that I do not know some of these fine folks, especially some of those with the most "tenure" with us. My usefulness as President of the Conservancy would be enhanced should I have the benefit of their friendship and shared experiences.

To all the above recognized contributors to our thirty-three history, and to the many others not mentioned here, a sincere and hearty **THANK YOU!!** ❖

Dangerous Toxins in Environment. Although the chemical companies have been waging a war of disinformation for years spending millions in advertising to downplay the serious hormonal toxicity of phthalates, a synthetic chemical used to soften plastics, out comes a new study which squarely puts the blame sexual development irregularities on this chemical which are the most abundant synthetic chemicals in the environment. A billion pounds a year are manufactured to add to plastic materials. In investigating why nearly one percent of baby girls under two years old in Puerto Rico have premature breast development, a major study over a 20 year span points quite conclusively to phthalates as the cause. On the average children in the US consume 5.8 milligrams of DEHP, the most potent phthalate. They get this dose mainly from food and water that have been stored in plastic containers or plastic wrap from plastic toys and teethingers, inks used to print on plastic, cardboard and foil. The 30-year decline in sperm production in men in industrialized counties is thought to be caused by phthalates or other similar chemical which act as hormones. The fetuses of pregnant woman are especially vulnerable to genital abnormalities and other birth defects. (From News on Earth, October 2000). +

Outings and Education 2001 and Beyond HELP WANTED!

An ad hoc committee of rabidly enthusiastic outdoor folks gathered together at the Fall Review for the purpose of carrying on the energy and enthusiasm of Monathon 2000.

Thanks to Tom Rodd for boldly engineering and carrying out this great outings program! As Tom is now turning his attention to other concerns, he pulled together a telephone conference of interested folks to whom to hand the torch. And so far Dave Saville, Hugh and Ruth Rogers, Peter Shoenfeld, Bob Marshall and myself have taken up the challenge. We met at the Fall Review and came up with some very exciting ideas for a premier outings program. These ideas include more outings, education programs, and a volunteer program. And we're rarin' to go!

If you led an outing last year, you will soon be hearing from Peter Shoenfeld. We are hoping that you will agree to lead a trip, or even better, several trips. Also, we really welcome your interest and help in developing the other areas of the program.

If you didn't lead an outing and would like to, or would like to work with the committee, call me,

Jack Slocomb, at (301) 777-8810, or email me at
<JSLOCOMB@prodigy.net> .

This is an exciting venture for the Conservancy that has the potential of enlisting a lot more people of all ages to support our mission and maybe even join the Conservancy.

Come and join. We promise fulfilling work and a heckuva lot of fun.

Jack Slocomb, Committee Chair



Bigwigs for the WV environment movement: L to R, Don Garvin, Pres of E-Council, John McFerrin, WVHC, Janet Fout, OVEC, having their own private summit. Pipestem Folklife Center at E-council annual.

On the Run

Full moon reaching down tonight
Fingers contoured edge of ice;
Beaver swimming with his stick
Gliding ripples white moonlit.

Mallards squatting on the flats
Barred owl eyeing two muskrats
Beaver's working on that dam
Got to mend it fast as he can.

Cold night, clear night, frozen air
Cornfields pale as angel hair
Raccoon's watching from the shore
Knows he'll dine on eggs no more.

East is shedding pale gray light
Beaver takes another bite
Marsh hawk sees the morning come
Mice and rabbits better run.

Big birds rising, wheeling south
Another stick in beaver's mouth
Fish are sluggish, unaware
Better stop and drink some air.

Ice is growing, clouding sky
Rushes rattling, crisp and dry
No use counting on that sun
Now that beaver's on the run.

Betsy Reeder



Call for WaterNet Submissions!

Deadline Nov. 27, 2000

A Message from Nathan Fetty

It's time to publish another issue of WaterNet, the newsletter of the West Virginia Watershed Network (WVWN)!

The WVWN is an informal association of interests with a mission to collaboratively support efforts and provide resources necessary to empower local residents to make decisions for sustainable management of their resources.

To that end, WaterNet is a voice for West Virginia's local watershed groups, and a clearinghouse for agencies looking to share their resources with these grassroots efforts.

If you're a watershed group, you could

share success stories (or experiences that didn't work so well), fund raising tips, reviews of events, upcoming events, or other information you think others might enjoy and benefit from.

If you're an agency, you could share info about resources available, technical information, services you offer, data/material you're looking for from local watershed groups, trainings you provide, grants/funding you provide, etc.

Also, please think about photos, charts, graphs, etc. that would go well with your submissions.

This newsletter has been a great tool for passing on and receiving relevant, helpful information for agencies and watershed groups alike. Please help keep it that way by sending your submissions. If you have an idea, give me

a shout and we'll talk about it.

Feel free to spread this message far and wide!

DEADLINE IS MONDAY, NOVEMBER 27, 2000. Please send material electronically if at all possible.

Send to:

Nathan Fetty
801 N. Randolph Ave.
Elkins, WV 26241
phone: 304-637-7201
fax: 304-637-4084
nfetty@neumedia.net

Thanks, and hope to hear from you soon.

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Here, I think, it's the trance of perspective, of the wide angle lens. The mirage-like little hardwood ridges and knolls in the distance which seem to lose themselves in one another, the long empty soggy flats full of Sphagnum and Cranberries edged by carpets of Blueberry and Huckleberry bushes, and random groves of Trembling Aspen saplings and Mountain Ash. The grassy hillsides, the punctuation of Red Spruce and conglomerate boulders all over which give the countryside a rugged subarctic heroism, the always beating sun, and the unremitting northwesterly wind scouring and desiccating the country and misshaping everything in its path. The Boreality of it, the very strange expectation of spotting a Caribou herd in a valley or appearing suddenly over the crest of a hill, and the winter tinged silence, despite the wind, hanging over the whole land.

For winter is never far away here. Its pall, its harshness, is everywhere.

Fully exposed to the raging of the seasons and hovering at about 4000 ft. just on the other side of the ragged edge of the Allegheny Front, from the air, this area has the appearance of being the mashed down southern end of a long ridge which begins near Cumberland, Maryland. It is a raw land, with a labored existence - which, I think, is another key to understanding why we are so transported by it: the purified, clean beauty of survival, of burnishment.

People can very easily slip into ceremonies here. Hugh and Ruth Rogers and some of their kin are folks who were apparently beckoned recently by the great ritual possibilities suggested in this windy and bright plain. Ruth told me that one of their sons was married at Bear Rocks on the edge of the Allegheny Front escarpment. Right there within sight of the unmistakable Dolly Sods flag trees - Red Spruce with limbs bent round to the East by the implacable winds. As if the branches might be pointing to all the mysterious valleys and mountains in the sweep of view from these ledges. A visual metaphor perhaps for what will make up the life of a marriage. A geographic foresight of the up and down psychological and spiritual journey that a couple will travel in one another's close company. And, well, if nothing else, just a damn good spot to be wed - where heaven and earth so seamlessly merge their energies. I wasn't there, mind you, but this is what popped into my head when I heard about it.

I have brought my leather Taos drum up here, too. I burn a little Sage or Sweetgrass and beat out a heartbeat rhythm someplace where the sound comes back to me, as though the rocks were chanting an antiphon, and

then patiently practice calling on the powers of animals, of the winged and the four legged, and of the four directions. It's a nice thing to do. There is some very big medicine to be had in these parts.

The thrall of this wonderful wilding landscape is, of course, a paradox. Because it's present contours were brought about by the almost complete decimation of the Spruce Forest which once grew here and towered over everything - followed by unchecked fires that raged for years, charring even the topsoil. And so what we see in much of Dolly Sods North, then, for all intents and purposes, is a primary succession, comprised of an interesting assemblage of cold climate adapted plants making their way up from bare rock. This is what creates the Canadian Shield Zone Tundra like affect when you first look agape out over the countryside. But what I will never see in my lifetime is the return of the thick Spruce Forest drape - the eventual climax growth of this glacial era relic. Children and even great grandchildren will not see it. Maybe in ten generations somebody will. Maybe it will take longer. Maybe never.

But Dolly Sods North is one geography for which I bear no malice for its history of human impact - an attitude which, still being somewhat of an outspoken purist when it comes to the out of doors, I find a little puzzling. But now, I believe that I know the reason I am not concerned so much with that legacy.

The notion I have is that the carnage left behind by the timber barons inadvertently returned this land to an even more primal, demiurgic condition that antedates by thousands of years the Spruce Forest found by the generation preceding farmer Dahle (from whom the name Dolly Sods is apparently derived). It is what the state of things may possibly have been like here, and everywhere else in these parts, had I been galavanting around early during the last ice age. Then I might have been witness to a panorama very similar to what we scan today - only maybe with Woolly Mammoths, gigantic bears, lumbering Sloths, or Sabre Toothed Cats to distract my attention from the view. And also, perhaps, (who knows?) some wandering bands of people heaving spears tipped with Clovis points.

It is in this overwhelming sense of throwback in time that I am really riveted to this territory and momentarily forgive the transgressions of the cross-cut saw, the steam skidder, and the Shay engine. For an even passing awareness of the epic span of climatological history (combined, of course, with a little poetic license) seems to allow a person to psychologically maneuver around

seeing the results of ecological disaster and, instead, to become immersed in an unfolding everywhere of a savagely miscreant and, at the same time, inexplicably delicate, beauty.

What many people may not be aware of, though, is that this grand 6169 acre public commons did not actually become a part of the federal inventory until 1993. For many years it was owned by the CSX Corporation and technically off limits to roam around in except by permit. I remember those days when I hiked with the Sierra Club and the irritation of having to write each time for permission. Of course, people used it anyway. There were no armed guards around that I know of checking permits and no barriers except intermittent "no trespassing" signs - and hunters and bears had a field day with these.

No doubt, at some point, CSX began to view the parcel as a burden and not so much as a potential financial asset (for what reason other than this does a corporation have to own land?) and finally considered seriously the Nature Conservancy's entreaties to purchase the whole tract. This sale seemed to spur on the National Forest Service, whose management pendulum was by then beginning to swing more in the direction of public recreation, to acquire the acreage from the Nature Conservancy in two purchases.

One of the reasons I'm writing this is that I've been spending more and more time exploring around Dolly Sods North lately, and the fondness of my writing, for whatever its worth may be, has always been for extending somehow through words the few hours I have of such otherness. There have been a couple of long day hikes, an environmental education program one Saturday (part of the Conservancy's Monathon 2000 doings), and three backpacking trips. Good enough grist for a literary mill.

The last overnighter was in late September in the company of my friend Ed Gates, a Wildlife and Habitat Biologist with the University of Maryland's Appalachian Laboratory.

After shambling in along the eroded Bear Rocks trail we turned onto the old jeep road which heads toward the confluence of the Right Fork of Red Creek and Dobbin Creek. Not too far along this trace we managed to settle ourselves into one of the few premier campsites that exist in Dolly Sods North - snugly hidden from view in a little spinney of Red Spruce Trees next to Red Creek.

Although Ed pitched his tent in the shelter of the trees, I set up just outside, facing the creek as it comes sliding quietly around a bend - and the stark shrubby

SODS concluded on next page

SODS concluded

emptiness that I wanted to expand into. Most times I sleep without a tent, but dew settles heavily in the Dolly Sods, and I needed something over top of me.

Not far away, across the wide expanse, were hardwoods with leaves turned into muffled hues - dusky maroons and oranges - as though the autumnal cycling this year was to be more subtle and unobtrusive. Summer drying up noiselessly, without fanfare. It would probably be the first thing I caught sight of in the morning to ease me into wakefulness. I liked that.

After establishing ourselves as the occupants of this site, we spent the balance of the day walking. We walked and walked and walked. Because that's what you do here. To the south along the muddy old jeep trail, around an abandoned beaver dam, across Dobbin Creek, and then up a slope. We occasionally saw other hikers and people on horseback. They were mostly far away from us. It seems that there is a lot of horseshit and hoof prints in Dolly Sods North these days. But it's better than ORV's. It's strange, too, that the presence of other people in this highland environment, whether on foot or on horseback, as big as it is, still makes a person feel a bit crowded.

Our trip continued on in the waning afternoon sun and vagrant breezes up to the top of the little knoll above the Dobbin Creek crossing where we could look back and take in the whole thing, the whole wild, wild range. It's something you have to sit down for. It's the view of an infinity, of an unrestrained spirit, of hope. Forever beyond the ken of whatever words you try to pluck from language to describe it. What you come here for.

We went on as far as the Blackbird Knob Trail. We rested in the middle of the well worn track for a while and scarfed down a few trail bars so we would have a little extra energy to get us back. Ed ruminated about maybe funding a study in this location - something along the lines of spatial distribution of avian species in a disturbed Appalachian highland boreal environment. The ultimate in mixing business with pleasure, I thought.

We built a monstrous campfire that night, laying on great logs, and leaving me with some ecological guilt for turning so much biomass into carbon dioxide when I know that probably every bit of it is needed to replenish the soil. But I think that we were just trying to keep winter at bay for a few more hours. We wound up talking as usual about what the hell has gone wrong with the world and the only fix seems to be returning

Permit Analysis Program off to a Running Start

By Nathan Fetty

West Virginia Rivers Coalition's Permit Analysis Program (PAP) is well under way. Since the program started in May, Evan Hansen, PAP director, has begun to monitor the state Division of Environmental Protection's (DEP) permits for discharges of water pollutants into rivers and lakes. He is also building links with grassroots groups in preparation for detailed permit reviews and workshops to be held next year across the state.

"I'm pleased with the progress so far. We've opened up clear lines of communication with the Office of Water Resources (OWR), the office that issues the municipal and industrial NPDES permits that we're focusing on. They've been helpful in providing information on permitting policies and procedures, as well as offering access to the permit files," said Hansen.

Hansen sparked discussion at an invited presentation on the PAP at OWR's retreat at Canaan Valley State Park in September. While participants expressed some uncertainty as to where the program is headed, many had constructive questions and comments.

The response from watershed groups and environmental organizations has also been positive. Groups from different corners of the state have called with permit-related questions and concerns, and with requests for workshops to be held in their areas. "There seems to be a clear need for the resources we're providing," said Hansen.

The program's first goal is to evaluate the DEP's record in issuing and enforcing sound permits, resulting in a report that will show any patterns that are found. One-fifth of the state's 92 major industrial and municipal permits were randomly selected for this review. By October, all selected permits will have been copied and analyzed; the report should be finalized by early 2001. Industrial permits selected for review

here to remind us that there is a different life to be had.

It was moonless when I turned in. The Milky Way, at its brightest this time of year, seemed to be the Red Creek's luminous counterpart in the sky. There were Cassiopeia, the Big Dipper, and the Great Triangle, too. Perfect. I left the front flap open so I could settle in with the Cosmos and the little surgings of the creek.

When I waked, the dew on the tent fly had crystallized into ice, and the air hung in dense autumn silence everywhere. Still in my bag, I glanced out and saw ground scud lifting off, just barely revealing the line of pastel hardwoods in the distance.

Calendar

January 13 (Sat.) - WVHC Winter board meeting.

January 21 (Sun.) - Forest Watch meeting in conjunction with The Wilderness Society. 10AM to 2 PM at Cheat River Inn, Elkins. See announcement on page 20.

March 30 thru April 1, 2001 - Twenty-fourth Annual Conference of the Appalachian Studies Association, "Standing on the Mountain, Looking to the Future" Snowshoe Mountain conference Center, Pocahontas County, WV. The ASA brings together scholars, teachers, community and regional activists, entrepreneurs, planners, officials, families, young people, old people - people who care passionately about the region and want to help make it a better place. For more info write Regional Research Institute, WVU, PO Box 6825, Morgantown, WV 26506.

Web site: <<http://www.AppalachianStudies.org>>

April 27 thru 29 - Spring Review (board meeting on the 29th).

July 14 (Sat.) - Summer 2001 WVHC board meeting.

October 12 thru 14 - Fall Review (board meeting on the 14th).

"2001- An Outdoor Odyssey"- summer outings schedule to be announced later. ❖

include Appalachian Power's Mountaineer Plant, Bayer, Century Aluminum, Clearon, DuPont's Belle Plant and Washington Works, Morgantown Energy Associates, Tow Maintenance & Cleaning, UCAR Carbon, VEPCO's Mount Storm Power Station, and Wheeling Pittsburgh Steel's coke plant. Municipal permits being reviewed include Crab Orchard/MacArthur Public Service District (PSD), Grafton, Greenbrier County PSD No. 2, Malden PSD, Moundsville, Summersville, Weirton, and Welch.

The second goal of the Permit Analysis Program is to conduct detailed reviews of several major permits, in collaboration with local organizations. Facilities are now being selected for these reviews, which should be completed by early 2001.

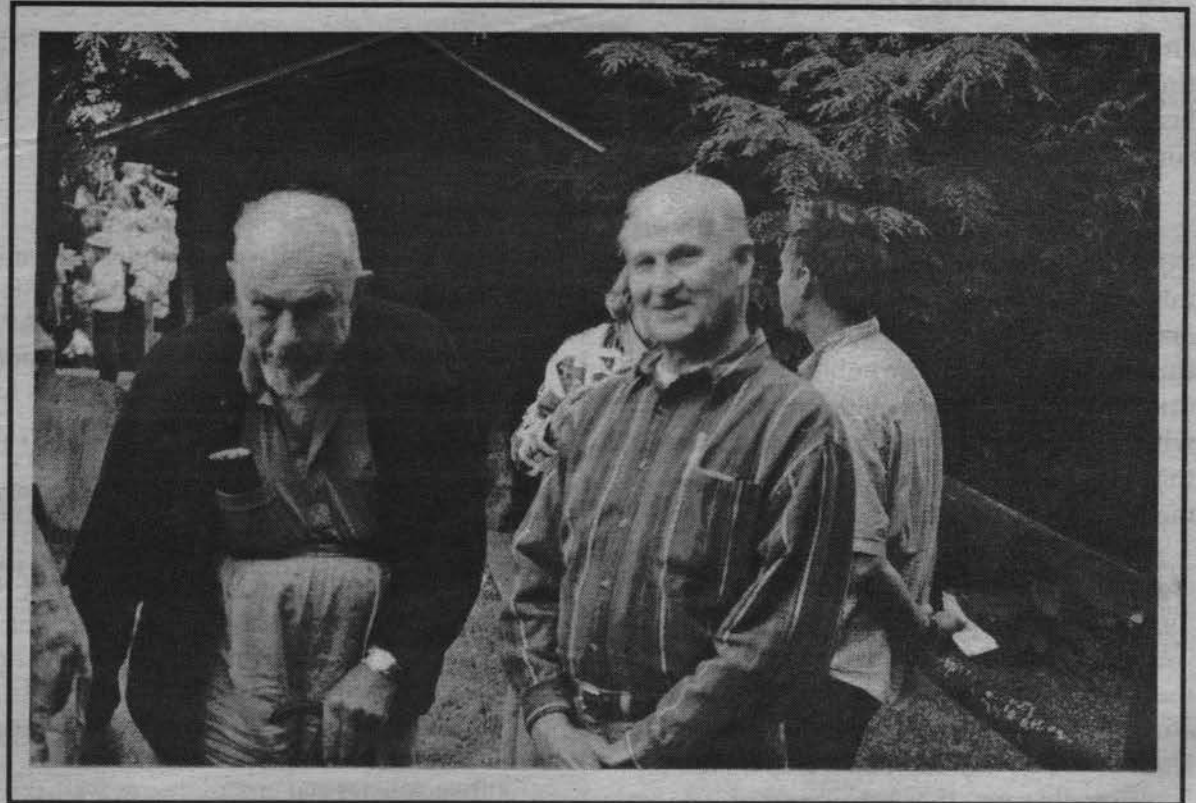
Based on the results of the report and the detailed reviews, the final goal of the program is to train members of grassroots groups across the state to monitor NPDES permits in their areas. A pilot workshop is scheduled for this fall as part of a Clean Water Act Workshop sponsored by the Friends of Deckers Creek. Full training workshops will be held at locations across the state in 2001 and 2002.

If you or your organization have any permit-related questions, are interested in a detailed permit review, or would like a workshop to be scheduled in your area, please contact Evan Hansen at (304) 291-8205, or send an e-mail to ehansen@downstreamstrategies.com. The Permit Analysis Program is funded through a grant by the Switzer Environmental Leadership Program Fund of the New Hampshire Charitable Foundation.

Nathan Fetty is a Program Associate with the West Virginia Rivers Coalition ❖

NOTICE

There will be a Forest Watch meeting in conjunction with The Wilderness Society on Sunday, January 21st, 2001, from 10:00 AM to about 2:00 PM at the Cheat River Inn, in Elkins, WV. The primary focus will be on the Forest Planning process, with several folks from various areas from around the country coming courtesy of The Wilderness Society to help us begin to formulate our version of the new Mon Forest Plan. We hope to learn from those who have recently been through a new Plan, or have some valuable experience with the Planning process. Anyone who is interested in attending should contact Beth Little at (304) 653-4277, or Bob Marshall at (304) 372-7501 for more information.



Veterans of the enviro struggles. Sayre Rodman on left, Don Gasper on right. Summer WVHC meeting at Cherry Shot Cabin.

The New Mon Forest Hiking Guide

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 _____



Dioxin in Arctic. Inuit women from Northern Canada have twice the levels of dioxin in their blood as those from Southern Quebec. It has been shown that 70 to 82 percent of the dioxin sources originate in the US. Most of this dioxin comes from medical; waste incinerators, from hazardous waste incinerators and metal processing facilities since the Inuit diet consists largely of fatty animals that have collected the toxins in their fat, they are more susceptible to this kind of poisoning. (From News on Earth, Oct. 2000) +

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