



# The Highlands Voice

April 2001

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## Reclamation Bonds Ruled Inadequate

### Judge's Decision Could Block State Dep from Issuing Mining Permits

By Ken Ward Jr.

(This article appeared in the Charleston Gazette on April 6, 2001)

West Virginia regulators must comply with much more stringent federal strip mine reclamation bonding rules, a federal judge ruled Thursday. Chief U.S. District Judge Charles H. Haden II said that federal officials have determined that the state's bonding program is not adequate to cover reclamation costs.

"Accordingly, the West Virginia alternative bonding system is superceded by the federal bonding program," Haden wrote in a 24-page order.

Haden did not actually order the West Virginia Division of Environmental Protection (DEP) to immediately change its bonding system. But the judge did rule that, as a matter of law, the state's program is so flawed that the tougher federal program automatically takes effect in the state. In his ruling, Haden also insulated the bonding case from being dismissed, based on the appeal of his October 1999 mountaintop removal opinion. The bond program ruling could, at least temporarily, block the DEP from issuing mining permits. Eventually, the decision may force coal operators to post bonds that are many times greater than those allowed under DEP's current rules.

"Unless the coal industry is made to pay for these liabilities and clean up all these problems, the rest of us are going to get stuck with this," said Cindy Rank, mining chairwoman of the West Virginia Highlands Conservancy. "Given all of the flak and criticism that Judge Haden has received in the past over his rulings on the surface mining act, you have to applaud him for taking what is a very brave step, but on this issue is exactly what the law requires."

Brian Glasser, a lawyer for DEP, said, "I just got the opinion, and we're reading it. We'll take whatever action is appropriate."

John Smathers, a lawyer for the U.S. Office of Surface Mining (OSM), said, "This is really a major opinion. It's going to have far-reaching implications."

In his Thursday opinion, Haden denied a DEP request that he dismiss a lawsuit filed by the West Virginia Highlands Conservancy over the state's mine reclamation bond program. Last year, the Conservancy filed the suit against DEP and OSM to try to force them to increase bond amounts enough to adequately fund reclamation of abandoned mine sites. The Conservancy is represented by Charleston lawyer Joe Lovett,

Morgantown lawyers Pat McGinley and Suzanne Weise, and Jim Hecker of the Washington firm Trial Lawyers for Public Justice.

Under the 1977 Surface Mining Control and Reclamation Act, or SMCRA, coal companies must post reclamation bonds to obtain mining permits. These bonds are supposed to pay for reclamation if the companies file bankruptcy or just walk away from a mine. Mines that were abandoned before August 1977, when the law took effect, are cleaned up with a pool of money from coal production taxes. If a company abandons a mine after August 1977, and the bond won't cover reclamation costs, the Special Reclamation Fund, or SRF, is supposed to step in. The fund is paid for with forfeited reclamation bonds, a per-ton coal tax, and interest on these monies.

But the fund is broke, in large part because DEP allows coal operators to post bonds that don't come close to covering mine reclamation costs.

Under SMCRA, state mine regulatory agencies must adopt one of two types of bonding systems. In one system, designed by OSM, bonds

**BONDS continued on page 10**

## A Gathering of Spirits

By Jack Slocomb

Members of the Outings Committee have put in many long collective hours now in launching Mountain Odyssey 2001. As chair of the committee, I want to share that one of the great personal satisfactions that I have had in working to develop the outings program is the anticipation of the unique opportunity that out of doors experience affords me to connect with people in ways that are not available in a world that is too much guided by the clock and a pernicious consumerism.

Very few of us are immune from these forces, not matter how much we rage against their impact upon our lives. But we have known ourselves in other places.

We have known ourselves and others on the trail, punching through rapids in canoes, kayaks and rafts, groping through caves, gliding and postholing through the snow, drifting down through the air on ropes, and cycling through the wonderful backways of the West Virginia countryside. Sitting around a campfire bullshitting, falling into silence before a panoramic view of the rugged Allegheny hills or of a waterfall -- or lying on a sunbaked river rock in the afternoon caught in the trance of water flow and riffle.

**SPIRITS concluded on page 14**



Spring in West Virginia

## From the Western Slope of the Mountains

By Frank Young

### Timber Bills About More Than Logging

The Coalition For Responsible Logging (CORL), of which the West Virginia Highlands Conservancy is a part, proposes to strengthen the West Virginia Logging Sediment Control Act (LSCA). State Senate Bill 658 will mandate better soil erosion, stream sedimentation and property rights protections. State Senate Bill 659 will provide for expanded enforcement opportunities.

But while amending the LSCA would improve how logging is conducted out in the woods, it would have other good and valuable residual effects.

For example, the bill to amend the LSCA would provide for notification of adjoining landowners before logging is conducted. Nominally, the purpose of this notification is to deter timber theft, an apparently prevalent practice in West Virginia. But this provision has the added benefit, once the notification requirement becomes known, of letting folks realize that if a logging operation sprouts up on an adjoining property, and notification hasn't been made, that the logging operation is an illegal one.

This should usually, then, set into motion a chain reaction of reporting the illegal operation, inspection by Forestry or enforcement officers and DEP officers, and either shut down of the operation, enforcement actions, or proper registration of the operation, or some combination of all these.

Timber sites that are not registered are not contacted by the State Tax Department for severance tax payments. Better collection of timber severance taxes, then, would be one result of better logging registration procedures and timber theft prevention laws. It is believed by the Division of Forestry, by some legislators, and by the public at large that significant amounts of timber are harvested and marketed without permits and without the payment of timber severance taxes.

This denies needed funding for education, logging regulation and other environmental services, libraries, law enforcement, and other services of state government. Some legislators, especially those from border counties, are acutely aware of this loss of revenue.

So the Coalition for Responsible Logging's two timber bills would improve water quality by preventing erosion and sedimentation, deter tree theft, focus on improved logger safety, and have the added benefit of reducing lost severance tax revenues. Who could ask for more? +

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## Taxpayers Fill the Big Business Trough

By Vivian Stockman

(This article appeared in the Charleston Gazette on April 3, 2001)

It's the mother of all oxymorons: "clean coal." But politicians and their financiers expect us to scarf down their doublespeak. Their latest pet phrase is popping up in bills and proposals that would slop billions in taxpayer money into the trough feeding corpulent ol' King Coal.

Sen. Byrd and Sen. Mitch McConnell, R-Ky., have introduced Senate Bill 60. Unfortunately, Sen. Rockefeller is one of several co-sponsors. The bill would blow \$1 billion of taxpayer money in 10 years for "clean coal" research, and tosses \$6 billion in tax breaks to power plants.

It exempts coal burning plants for 10 years from Provisions of the Clean Air Act that are supposed to, among other things, measure mercury and acid rain-forming pollutants. Strange, why does "clean coal" need to hide from the Clean Air Act?

This corporate welfare would subsidize coal at the expense of less-polluting natural gas. The bill works against truly clean energy sources such as wind, solar and fuel cells. It works against taxpayers' wallets, lungs, children and common sense.

Could someone explain to me how the "clean coal" technologies will reduce carbon emissions? Coal is primarily carbon, the combustion of which emits greenhouse gases and escalates global warming. Economists studying the full costs of coal and economic benefits of a clean environment say we should be taxing carbon emissions, not subsidizing them!

The Center for Responsive Politics says Sen. Byrd rolled in \$67,611 from mining interests in the 2000 election. The Center says Byrd ranks third and McConnell fifth highest amongst Congressional recipients of King Coal campaign donations.

Portions of SB60 may be incorporated into the "National Energy Security Act of 2001," introduced by Senate Energy and Natural Resources Committee Chairman Frank Murkowski, R-AK., Coupled with the "clean coal" doublespeak, the Murkowski bill would open up the Arctic National Wildlife Refuge to oil drilling and would stoke up the nuclear power industry. President Bush, citing the power "crisis" in California, is not to be left out of the coal chorus. His budget includes \$2 billion for "clean coal" over a 10-year period. During the 2000 campaign, Bush got more coal cash - \$114,521 - than any other politician. Bush appointed Spencer Abraham to head the Department of Energy. When he was a senator, Abraham ranked 10th highest amongst congressional recipients of Coal Cash. Abraham and Vice President "Oilman" Cheney are heading up a task force to develop a national energy policy.

In her successful bid for the House, Shelly Moore Capito received \$32,500 from mining interests, \$17,750 of that from coal. She believes in "clean coal" too, saying coal needs to be burned in

an environmentally friendly manner.

I hope she doesn't agree with Sen. Byrd that it's okay to dodge measurement requirements for mercury emissions. Mercury is extremely hazardous, especially to unborn babies and children.

Let's pretend for a moment that coal really can be burned cleanly. Before you burn it, you have to extract it. That means, up north, black lung and eons of acid mine drainage. Down south, that means more mountaintop removal, more disappearing mountain communities, more forest destruction, more stream burials, more disrupted groundwater, and more unknown long-term effects to ecosystems. Next, you have to process the coal. That means washing it for market, which means huge slurry "ponds," with their toxic stew of heavy metals and coal cleaning chemicals, looming over downstream communities. One such "pond" breakthrough last October in Kentucky created the worst ever waste spill, for which cleanup is ongoing and costs are rising. Officials have warned that the cleanup may never be complete.

Next, you have to transport the coal to market. If that's by truck, you have more diesel-belching, overweight trucks careening dangerously along narrow mountain roads, causing occasional fatal accidents and destroying bridges and roads, which must be repaired at taxpayer expense. If that's by barge, then you may get increased river dredging. One dredge proposed for the Kanawha River would recover coal fines downstream from a chemical plant, possibly stirring up toxic-laced sediment.

Next, you pretend to burn the coal cleanly, thanks to hefty taxpayer expense. Finally, you have to dispose of the coal ash, known to contain heavy metals such as chromium, cadmium, arsenic and mercury. Conveniently, there are no federally enforceable rules for disposing of this ash, which when stored improperly leaches into aquifers. Groundwater takes a beating, and so, ultimately, does our health.

In the latest incoming salvos from the coal PR machine, the "clean coal" myth will continue its starring role. No doubt we'll also hear endlessly that coal provides 98 percent of West Virginia's electricity and plenty of tax money. Never mind the \$1 billion in super tax credit giveaways, the \$406 million in unpaid worker's compensation, the dirty deal of externalized - not paid by the company, but paid by society -- health and infrastructure costs. Never mind that the coal producing counties rank among the most impoverished counties in the state.

What we won't hear about is - gasp! - energy conservation, energy efficiency or the skyrocketing growth of truly clean energies. The Worldwatch Institute reports that in 1999 worldwide coal use declined 3.3 percent, and coal jobs plummeted while U.S. wind power jumped by 29 percent. Growth in solar and hydrogen fuel cell

technologies also surged. Worldwatch points out that wind farms are labor inclusive, but not capital inclusive. Worldwide, jobs in wind energy fields are predicted to number three million by 2020! Wind power money gets to stay in the communities where the wind power is generated; whereas, King Coal annually siphons about \$1.5 billion of coal money to out-of-state coal barons.

With promising renewable energy, with new reports almost daily about catastrophic global warming and the unraveling of our life-supporting ecosystems, is now the time to pour billions of taxpayer dollars into feeding an industry that seems bent on dragging us all into extinction with it? Could that money be better spent on constructing wind farms on already scalped mountains, or on coalfield worker re-training in fuel cell manufacturing?

Vivian Stockman is a spokesperson for the Ohio Valley Environmental Coalition. ✦

This excellent following letter was published in the Charleston Gazette on March 29

### Water Quality Essential to State

Editor:

The new governor, with so many other things to do, has encountered a troublesome mess - the Legislature is considering the "degradation" of our streams' water quality!

To the extent that West Virginia has high-quality streams, it may be due to our tradition of protection. As much as our mountains, our streams characterize West Virginia.

Polluting industries would like to change this. They have been pushing the Legislature hard. Their propaganda literature suggests municipal water suppliers, even a "West Virginia Rural Water Association," are supporters.

The real water plants that treat and purify water for communities know stream water supplies can become more costly and even impossible to use.

Many polluting industry backers of this bad bill (Petroleum Council, Coal Association, Forestry Association, contractors, etc.) all use this water, and it is shortsighted of them to suggest increased treatment costs will not affect them.

The polluters list some kind of "tourism" group as a supporter. How likely is it that the growing recreation and tourism industries (public and private) would support quality degradation? Their very existence directly depends on it.

Donald C. Gasper  
Buckhannon

Don Gasper is a member of the West Virginia Highlands Conservancy Board of Directors ✦

## Digging for History

### Some Archeology of the Tucker County Lumber Camps

(Part II of a two part series)

By Gary B. Pase

In Part I last month, Gary gave some of the turn-of-the-century history of West Virginia logging operations and the logging camps, most specifically around Tucker County. He described his search for the remains of the old logging camps and the locating of artifacts around those once-camps.

Walking the old rails was enough to stoke my imagination. I was sure that camp was there. I had read about it. Back to that spot I went the next day. Easter Sunday or not, I was going to satisfy myself that there was a camp there. Just like the first camp, I found signs of activity. Mostly iron plates, looking like railroad iron, some nails and a single well worn brick in the middle of the creek. This curiosity reminded me of Thoreau's discovery of a brick on top of Mt. Katahdin during his trip to the Maine woods. Since he wasn't around, I pressed on in a circular pattern confident that this was the camp area.

Wandering, and wondering why these sites were so clean, I stepped on what might be the most interesting find, not the most humorous or noteworthy, but a link for me with this camp and a photograph. Free of rhodies and underbrush, and not even using the detector, I stepped on a pile of glass. This was no ordinary pile of glass. At first sight, I recognized the telltale brown glass as beer bottles. There were few pieces larger than a silver dollar, but fingering through the fragments, it was clear that the beer was German Beer, brewed in Cumberland Maryland. I really wanted an unbroken bottle, but that was too much to ask. There must have been a hundred or more bottles in that pile, for it was very deep and wide. There was no evidence of a campfire, like a contemporary Stroth's pile and fire ring, so I took it for the real thing. Holiday time restraints ended this exploration here, but beer brewed in Cumberland somehow reminded me of something as I drove out of the woods to an Easter dinner. A few weeks later, I came across the Cumberland Brewing Co. in Clarkson's book. Figure 237 in *Tumult on the Mountains* shows cases of beer in the background, some of them from Cumberland. (I particularly like the fellow passed out in the foreground.) Woodhicks boozing in camp? I think so.

Some three months later, I ventured to another predetermined spot, hoping for a third score on this lumber camp search. Just like the two before, the railroad evidence was striking. I found four branches of railroad exactly where I expected the camp to be. There was some nice elevated stuff and some really steep grades indicative of Shay locomotives. This camp had the classic look of an old camp, as I had formulated them in my mind. This quick hour of exploration satisfied me that this was another camp. The obligatory horseshoes, axe heads and bits of iron settled any question in my mind. This camp seemed to be the cleanest of the three, for there was nothing on or above the ground to find, but it showed, even from the road, industry influences. Brookies in the stream nearby were an added bonus.

Since exploratory searches, I have been back to each site several times. Each time, of course, revealed more artifacts and clues as to how these camps were arranged. Artifacts is just a nice word for rusted iron junk, but, for me at least, a chance to hold a scant piece of American history from an important era to the land I love. The third site did give up fragments of a beer bottle or two from a brewery in Columbus, Ohio.

There was no name of the beer, as in German Beer, like the second camp. I also found some bricks near the third camp while fishing. Again the rare bricks, obviously too valuable to leave behind once a camp was abandoned. The first camp visited finally gave me something to talk about and value.

Two years after my first visit to the first camp, I decided to try the rhododendron forest across the creek instead of the nice spruce grove. Anyone who has tried to walk in a laurel break knows that this is hard enough. Imagine trying to work a metal detector along the ground in any kind of covering pattern and walking! I think that nonsense lasted about twenty minutes. But on the way back to the road, I still worked the electronics. Just within sight of the road, I heard a blip that was different from the dull tone of the usual lumberman's iron. There was something else under the duff than a spike or shoe. My excitement was heightened when I pulled a tarnished coin from a felt-like mat of rhodie roots. I tossed it in the air and caught it, savoring my prize before I looked. Imagine my shock and horror when I rubbed away the tarnish from a 1994 Jefferson nickel! How did this coin get into this rhodie hell? The only thing I could imagine was that spot was someone's facility once. Like I said, shock and horror. But the day was saved when I found a somewhat fragile brass buckle in the same area that I had covered twice before. This was the first thing that I found that could really be called an artifact. It was much too thin and delicate to have belonged to a hick, unless he was a dandy. Thus two mysteries in one day.

These lumber camps are like eating salt cured ham. They make one thirsty. Oh, the ham makes you get up at 2 AM for a gallon of water, but the camps cloud themselves, as if in salt, and, like the ham, just beg you to get more.

The reader might notice that the locations of these camps have been by-passed. There is a good reason for that, in fact several. Those will be left for the reader to decide. I will share one more nugget. These three campsites share one thing in common. They were all built on forks of streams. All of the forks were topographically convenient for the railroads, and probably gave the camps two water sources, a third if the water below the forks was also used, which it must have been. There is another camp of which I know, but have never visited, that was also built on a fork. But this gets us into topography and even geology. Think



Family at portable logging camp near Helvetia, 1900  
WV & Regional History Collection, WVU Libraries

about it. The lumbermen's largest challenge was the lay of the land, not the trees.

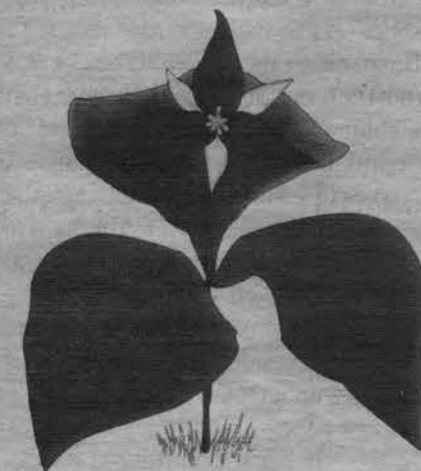
I selfishly hope these sites will remain in obscurity, but, somehow, want the logger, his railroad and his camp forever to remain in the minds of anyone who travels the mountains. Perhaps there could be an effort to reconstruct a logging camp at Cass, or instance. The Cass Scenic Railroad is a marvelous achievement and the singular link to West Virginia's logging history and loss of those enthralling forests. Why not bring the railroad and the lumberman's camp together for a better understanding of that railroad, the men that used it and how they lived while using the rails? Their lumbering was complete. Their methods were destructive. Their story is captivating.

These few words lay fallow in respect for the work to be done to give our history of the boom time substance. It was the best of times, economically, for the populace, but a horrible crime upon the land.

Jocie Armentrout, from her book, *Pioneer Days to Present in Four West Virginia Counties*, quoted before, again masterfully handles our theme. "I remember having roamed the primeval forest in my childhood. It is a memory I especially cherish, for it is a privilege children today cannot have."

We need a better understanding of what happened to that cherished memory. For me, it has started following old railroad grades to forgotten camps, something that I especially cherish. ✦

**Insurance Branching Out.** A boycott of John Hancock Insurance Company is called for because a subsidiary company is doing devastating ecological damage in Australia and New Zealand by the logging of ecologically crucial forest and then replanting the land with genetically modified trees. Hancock logging operations are also extensive in the US and are being closely monitored by forest activists. It is unfortunate that the financing of this devastating exploitation is mostly coming for the retirement accounts of persons such as teachers. -- *From Native Forest News.* ✦



**Celebrating West Virginia's Wilderness**  
**The West Virginia Highlands Conservancy's**  
**35th Annual Spring Review**  
**April 27-29, 2001 Timberline Lodge in Canaan Valley**

**Featuring!**

**Friday Evening reception**

4 PM - ?? Join us for an evening of socializing, slide shows, poster presentations and more. Timberline Lodge is a comfortable lodge in the "middle of it all" in Canaan Valley. There will be a cash bar and snacks available. Bring slides or photos of your latest adventures to share with friends.

**Saturday**

7:30-8:45 AM Continental Breakfast served in Timberline Lodge  
 9:00 AM Field Trips depart from Timberline Lodge  
 1:00 PM Blackwater Canyon tour departs Timberline Lodge  
 4:00 PM Evening reception with snacks and a cash bar  
 6:30 PM A special Whitegrass Cafe Buffet style dinner will be served  
 7:30 PM Program begins

Issue updates -- we'll learn the latest happenings on Blackwater Canyon, Mountain top removal mining, the 2001 State Legislature, Timber regulations, Dolly Sods North, and more.

Why Wilderness -- Jeremy Sheaffer from the Wilderness Society and Brian O'Donnell from the Wilderness Support Center will have some comments on Wilderness Campaigns and Wilderness designation in the eastern United States

**Special Guest Speaker Ed Zahniser**

Ed Zahniser is the youngest child of Howard Zahniser, the chief architect of the Wilderness Act of 1964. Ed lives in Shepherdstown, WV with his wife Christine Duewel and their son Eric Duewel-Zahniser. Another son, Justin Duewel-Zahniser attends West Virginia University. Ed has worked

with the publications group of the National Park Service since 1977 in Harpers Ferry, WV. He edited *Where Wilderness Preservation Began: Adirondack Writings of Howard Zahniser* (North Country Books, 1992), and is the author of three books of poems, *The Ultimate Double Play* (1974), *The Way to Heron Mountain* (1984) and *A Calendar of Worship* (1994). He was the contributing editor of and a contributing author to the *North American Book of Trees* (1995) published by the trade division of Readers Digest Books. He is also the author and/or editor of several official National Park Handbooks.

Ed will talk about his life as a Wilderness crusader. He will comment on the history of the Wilderness Act, and the Wilderness preservation movement in general.

**Sunday**

7:30 - 8:45 am Continental Breakfast  
 9:00 am - 4:00 pm WVHC Board of Directors meeting  
 9:00 am Otter Creek field trip  
 Meals All meals will be prepared by our friends at Whitegrass Cafe.

**Lodging:** Bunkhouse Timberline has a bunkhouse we have procured with beds complete with linens and towels for \$10/person. North Woods Condos adjacent to the Timberline Lodge can be rented by contacting Timberline Realty at 304-866-4777. Canaan Valley Resort has rooms available call 1-800 CALL WVA. Village Inn Motel in Canaan Valley 304-866-4166. Best Western in Davis 304-259-5245

Questions call Dave at 304-284-9548

**Hike Descriptions and Registration Form**

All trips depart the Timberline Lodge in Canaan Valley at 9am

★ Explore Dolly Sods Wilderness Join us on a scenic day long hike through the "High Sods" the area to the north of Dolly Sods Wilderness. You will experience the vast open areas of heath, spruce forests and high elevation sphagnum bogs with spectacular vista scenery. This is the area recently acquired by the Forest Service. Trails are yet un-named. This area is the focus of a current Wilderness campaign. This hike will be lead by Peter Shoenfeld, and will cover some very rugged terrain, but will not do a lot of climbing.

★ Bike Blackwater Begin at Olson Lookout Tower and bike the Canyon Rim checking out the rocky points and overlooks of the Blackwater Canyon, then ride the rail-trail through the canyon to Hendrix. Lead by Barnes Nugent, this will be a good ride for beginners and experienced alike.

★ Canoe Blackwater River or another nearby stream, depending on water levels. Bring your own boat, or we'll have some to rent at reasonable rates. Be sure to let us know ahead of time if you need a canoe.

★ Tour Canaan Valley National Wildlife Refuge Take a morning car tour of the Nations 500th Wildlife Refuge. See the results so far of the Highlands Conservancy's 30 years of protection efforts for this special place. Some short hikes at different spots.

★ Tour Blackwater Canyon Leaving Timberline Lodge at 1 PM, this car tour of Blackwater Canyon will take in all the popular spots. See Blackwater Falls, Lindy Point, Pendleton Point and the overlook at the State Park Lodge. Some short hikes involved.

★ Sunday Hike Otter Creek Wilderness Visit the spectacular Otter Creek Wilderness. Meet at the Timberline Lodge at 9am Sunday morning and join us for a short Wilderness trip. We'll be out of the woods by 2pm. This hike will take place concurrently with the Highlands Conservancy's Board meeting.

Registration Fee	\$10.00	X	_____	\$
Saturday B'fast	\$3.00	X	_____	\$
Saturday Bag Lunches	\$6.00	X	_____	\$
Saturday Dinner	\$20.00	X	_____	\$
Sunday Breakfast	\$3.00	X	_____	\$
Sunday Lunch	\$10.00	X	_____	\$
			<b>Grand Total</b>	\$ _____

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ e-mail \_\_\_\_\_

**Field Trips**

- # \_\_\_\_\_ Hiking Dolly Sods
- # \_\_\_\_\_ Tour Canaan Valley Wildlife Refuge
- # \_\_\_\_\_ Canoe the Blackwater
- # \_\_\_\_\_ Bike Blackwater Rim and Canyon
- # \_\_\_\_\_ Tour Blackwater Canyon
- # \_\_\_\_\_ Sunday Hike Otter Creek

Send Registration forms and payment as soon as possible to:  
 WVHC  
 PO Box 306  
 Charleston, WV 25321

	Cost/person	#people	Total	
Bunkhouse	\$10.00/night	X _____	\$ _____	River Wilderness
Timberline Lodge				

## Was the Temporary Prosperity of Coal Worth It?

By Julian Martin

This article appeared in the Charleston Gazette on February 28

I rode through the Big Coal River Valley the other day, the valley of my birth, where I learned to swim, where my dad, grandpa, uncles, brother-in-law and son worked in the underground coal mines. Random memories floated through my mind of the one-room school, taking cows up the hollow, the barn full of wonders, tossing "Frisbees" of flat, dry disc-shaped cow piles, watering the horses at the river ford, sleigh riding in the snow and the earnest prayers in the little church across the river. But no matter how many times I pass through that valley, I am stunned out of my reverie by the dreary, desolate abandonment that envelops it as does the black coal dust.

Before the robber barons, before the virgin forests were cut, before coal mines, Coal River Valley must have been gorgeous. It would be interesting to know what the Indians thought of it and what they named it. If you want to see the local benefits of the coal industry take a drive on Route 3 up Big Coal River. The roads, dirt, mud and trees along the edges are black with coal dust, every other mountain has been gouged and altered. Huge piles of "spoil" and "overburden" have been pushed into the hollows and tower menacingly. Those valley fills look like some huge, black glacier getting ready to ooze out into the roadway.

Stop at the Coal River Mountain Watch office in Whitesville and look at the maps that show mountaintop-removal mines under consideration. The blast zones overlap at Marsh Fork High School.

Drive on up the road and see for yourself the gigantic sludge dam hovering over a grade school, which is also within the blast zones of the two newly proposed mines. It might forewarn of the tragedy in Wales when a mountain of coal refuse

broke loose and covered a grade school, crushing and smothering all the children inside. There is a sludge dam expansion that will be nearly as high as the New River Gorge Bridge.

Whitesville was once a thriving community with an active, exciting downtown, where thousands of miners came and spent their money. Many of the storefronts are now abandoned. Whitesville is a dilapidated, decayed, dirty skeleton of its past. There are at least 11 coal mines in the area, and they have produced the very opposite of prosperity.

The view along the road between Whitesville and Marsh Fork looks as bad as anything I saw in the so-called Third World in the early 60's. The rural areas of Nigeria actually looked much better. In Nigeria, people lived off farming of the land and there was little environmental damage. They worked hard to bring enough to eat out of poor, sandy soil. But their environment was intact and there was a joyful celebration of life. There was nothing in that rural area of Nigeria as bleak, joyless and depressing as the Whitesville and Marsh Fork environs.

I feel certain that the people who run the coal industry will not hesitate to take the top off every coal-bearing mountain in West Virginia. As the demand and price for coal goes up there will be excuse to mine the high-sulfur seams in northern West Virginia, those mountaintops might will be leveled.

And if you think that some places will be too pristine to be stripped, too beautiful, too much in public view, take a look at the strip mine and the quarry at Snowshoe, the quarry in Germany Valley and stand on a ridge above Webster Springs and look out at the beautiful ridges and see that one in

the middle distance has been stripped. "Alarmist!" you may accuse. But if someone had said 50 years ago that the mountaintops of West Virginia would be removed, he too would have been called an alarmist. How could the tops of the mountains be removed in the Mountain State? This is severe, extreme environmentalism. For the most part it is out-of-state extreme environmentalism. Arch Coal got its name from the arch near their headquarters in St. Louis. Massey is a part of an international conglomerate. The Addington brothers are from Kentucky.

Coal River Valley suffered a greater defeat than Jay Rockefeller when he lost in his first bid for governor. Rockefeller got his political start at my birthplace of Emmons on Big Coal River. He was then in favor of the abolition of strip mining. I believed him and put his bumper sticker on my truck. How I wish he had spent enough money to get elected that time. How I wish the money he sent to Democratic bosses in Southern West Virginia had not ended up being used to support Arch Moore.

Rockefeller said in December 1970, "I will fight for the abolition of strip mining completely and forever." He must have been kidding, for just seven years later, as governor, Rockefeller testified to a U.S. Senate subcommittee considering the new strip mine law, "mountaintop removal should certainly be encouraged, if not specifically dictated."

If you have the stomach for the devastation, drive to the Stanley Family graveyard on Kayford Mountain just above Whitesville. There you can look down at what remains of mountains that used to cast shadows on the cemetery; see the earth turned upside down, a treeless wasteland, forever useless; see the future for the Mountain State if this beast isn't stopped.

Almost Heaven, West Virginia, has become, in the Coal River Valley and other little valleys and hollows, an Almost Hell, West Virginia.

Julian Martin is a Director of the West Virginia Highlands Conservancy



"The environmental and human health threats of global warming are real and serious," said Dr. Brent Blackwelder, president of Friends of the Earth. "We are pleased that the court would not entertain a suit brought by polluters who want to limit the ability of citizen groups to warn the public about these risks."

A copy of the court's opinion is available at <http://www.cmht.com>

### Judge Dismisses Suit Debate on the Coal Factor in Global Warming Will Continue

WASHINGTON, DC, April 5, 2001 (ENS) - Environmental groups today hailed a federal court's dismissal of a major lawsuit filed by the coal industry that had sought to silence debate on global warming and impose massive damages for the groups' global warming publicity.

The lawsuit attacked the groups for running a newspaper advertisement in "The New York Times" on December 13, 1999, entitled "Global Warming - How Will It End?" The advertisement highlighted the causes, potential impacts and possible solutions to global warming and mentioned "coal" as a cause.

The suit was filed last year by Western Fuels Association, an arm of the power industry that purchases hundreds of millions of dollars of coal each year. The suit named as defendants the Turning Point Project, the International Center for

Technology Assessment, Friends of the Earth, Ozone Action, Earth Island Institute and the Rainforest Action Network.

The lawsuit attempted to establish a new legal precedent by invoking the federal Lanham Act, which applies to commercial speech among competitors, in a case involving political speech.

The environmental groups learned today that the federal district court in Wyoming issued an order dismissing the suit. The opinion by Chief Judge William Downes holds that the lawsuit was improperly brought in Wyoming and that Western Fuels had failed to show why the environmental groups, based in Washington, DC and San Francisco, should be sued in Wyoming.

Western Fuels had contended that any statement in the media connecting "coal" with global warming should be construed as an attack on the Wyoming coal industry. The court rejected this argument, holding that it "does not agree with Plaintiff's characterization that the subject of this action is coal" and instead held the case to be one about speech.

# The Governor Proposes a WV Land Conservation Plan

By Don Gasper

This is one of a number of promising ideas that our new Governor Wise mentioned in his first address.

He notes: "Citizens demand that we protect the special places that make West Virginia what it is, and preserve our water, our air, and our land for future generations to enjoy. We will protect the places West Virginians hold dear. We cannot afford to have our natural treasures, like the Blackwater Canyon, slip out of our hands. I will, in the near future, announce a Land Conservation Plan for West Virginia that respects both the private landowner and the public interest.

"We do not do this simply out of nostalgia or emotion. It's an economic investment as well. One of the treasures we have in West Virginia, that is increasingly rare in this country and the world, is the opportunity to enjoy the great outdoors just a few miles from the centers of our cities.

"Access to these lands is a prime drawing card for the high-paying jobs of the new economy....."

His singling out Blackwater Canyon as an example is a very good one.\* There are properties near other State Parks and Forests, and even the National Forest that are just marvelous natural features.

Laurel Run between Cal Price and Watoga where trout are stocked needs better access. Another Laurel Run in the head of the North Fork of South Branch of the Potomac, another trout stream, needs access. The North Fork itself needs access below Hopewell Canyon. The Wildlife Division of the West Virginia Department of Natural Resources (DNR) can provide this access partly from the "Sportsman Stamp" money and along with other budgeted money.

There are two waterfalls adjacent to Holly

River that the DNR tried to buy 10 years ago. There are stream valleys that enter some of the Army Corps of Engineer lakes that could be leased or purchased. The Corps should be consulted, and county commission planners should be asked. Seneca Falls is not even on the Mon National Forest. The US Forest Service feels they must be a "good neighbor," and so will not condemn it.

County Foresters, Conservation Officers and the local U.S. Natural Resource Conservation Service should have input.

Besides preserving the Blackwater Canyon, a good place to start on preservation might be with a new bill to improve logging practices in West Virginia. A part of such a fund could be the use of such a fund (and others) to buy land-beautifying trees at roadside or streamside before they can be logged. If the logger has to apply for a permit, that includes a map and other specifics of this nature, 30 days prior to logging, the District Forester can confer with Wildlife (Fish and Game) and determine the cost of buying specific trees, then let Charleston (with the coordinated funding) know. The check can be mailed to the rightful owner -- all within the 30 days.

Certainly, though this Conservation Plan is thought of as a land protection plan, it applies to streams as well. In fact, the stream values (if you can separate it from the land conceptually) may be the most significant of the area.

Fair treatment of the landowner, is of course a must -- as the Governor says. Some landowners would like to see this special area of theirs protected for posterity -- relieving their tax burden, as trusts do. The cost should always reflect the true and special value of the site to the state now and in the future.

There are on-going programs to be meshed

with this proposed new Conservation Fund. Some have long awaited state participation. There are Greenways, Rails to Trails, Riparia (streamside tree) protection, and leases, easements and trusts, watershed planning grants, etc. We should consult with the West Virginia Chapter of The Nature Conservancy.

Certainly there are more of these opportunities than money. We are fortunate that we still have so many. A sustained, well working program with priorities can eventually make a difference. Further, if seen to be productive it might get increased funding. This is an exciting, hopeful initiative. Governor Wise was very perceptive to have identified this need. How fortunate we are, to have the opportunity to preserve (as he says) these "special places," these "natural treasures" that "make West Virginia what it is" -- that define our state in our own eyes and those of others as wild, wonderful and beautiful.

\* The Blackwater Canyon situation has become more complicated with a potential to become a new National Park. It will require the governor's prompt effort to make it so -- or to protect it otherwise. ❖

**Dangerous Criminal Apprehended.** Betty Krawczyk, a 72 year old grandmother, was sentenced to a year in jail (with no time off for good behavior) for peacefully protesting old growth logging in British Columbia's Elaho Valley. Said Ms. Krawczyk, "Peaceful protest on a logging road is considered more heinous than actual criminal activity such as Hell's Angels dealing drugs, because drug dealers don't challenge corporate values." -- from *Native Forest Bulletin* ❖

*West Virginia's natural world is under increasing pressure from exploitation. Powerful interests (mostly from out of state) have no qualms about destroying our beautiful state to increase their wealth. To save as much as we can of West Virginia, we need your help. Won't you become a member of the West Virginia Highlands Conservancy and do YOUR part to help us? Please take time right now to write your membership check and send it to us*

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/ State/ Zip: \_\_\_\_\_

### Membership Benefits

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

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

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

# MOUNTAIN ODYSSEY 2001



## WEST VIRGINIA HIGHLANDS CONSERVANCY MOUNTAIN ODYSSEY 2001 SCHEDULE

**Almost Anytime.** Visit Kayford Mountain south of Charleston to see mountain top removal (MTR) up close and hear Larry Gibson's story about how he saved his mountain, now almost totally surrounded by MTR. Bring a lunch -- there is a picnic area on Larry's mountain. Just call Larry or Julian Martin. Leaders: Julian Martin, (304) 342-8989, <Martinjul@aol.com>; and Larry Gibson, (304) 586-3287 or (304) 549-3287 cellular.

**April 1 (Sun)** Spruce Mountain-Seneca Creek area. Scout trails for the AmeriCorps\*NCCC youth trail maintenance/improvement project coming up later in the spring. Leader: Peter Shoenfeld, (301) 587-6197, mailto:<peter@cais.net>

**April 21 (Sat)** Bringing back the Spruce. Join the Mountaineer Chapter of Trout Unlimited in its long-term effort to help restore the red spruce ecosystem and the native trout fishery on the upper Shavers Fork. Families with children able to walk 2-3 miles are welcome. Bring a shovel and work gloves. Leader: Ruth Blackwell Rogers, (304) 636-2662, <ruthbr@wvhighlands.org>

**April 27-29 (Fri-Mon)** WVHC Spring Review at Canaan Valley. Outings planned include Dolly Sods North, Otter Creek, a bike trip in Blackwater Canyon and a canoe trip.

**May 5 (Sat)** Fastwater Canoe Trip. Location depends on water levels and attendees, but present plan is to go down Smoke Hole Canyon from Upper Track to Petersburg. Leader: Carter Zerbe, (304) 343-3175.

**May 6 (Sun)** North Fork Mountain day hike. See the gorgeous and little visited part of North Fork Mountain south of US 33. Leader: Peter Shoenfeld, (301) 587-6197, <peter@cais.net>

**May 12 (Sat)** Dolly Sods North. Easy 6 hr. day hike from Bear Rocks west across the 6000 acre proposed addition to the wilderness. We will ground-proof cover types mapped from satellite images. Meet 11 AM at Bear Rocks. Leader: Don Gasper, (304) 472-3704.

**May 13 (Sun)** Day hike into spectacular, little known Laurel Fork Canyon. Leader: David Powell, (202) 387-1680, <WDP320@aol.com>

**May 19-20 (Sat-Sun)** Seneca Creek Backcountry backpack trip. Leader: Peter Shoenfeld, (301) 587-6197, <peter@cais.net>

**June 2-3 (Sat-Sun)** Northern Canaan Valley overnight. Leader: Dave Saville, (304) 284-9548, <daves@labyrith.net>

**June 9 (Sat)** Cacapon State Park to Paw Paw-- a "good long day hike." Leader: Rich McGervey, <mcgervey@hotmail.com>, (304) 235-0541 (Mon.-Fri.)

**June 9 (Sat)** EarthWalk outdoor educational activity based upon Hugh and Ruth Blackwell Rogers' beautiful Four Worlds So Far program and scroll. We will round the day off with a picnic, campfire, and music. This outing is designed as a family experience. Children should be 10 years old and above. Limited to 15 people. Leaders: Ruth Blackwell Rogers, (304) 636-2662, <ruthbr@wvhighlands.org>, and Jack Slocomb, Home (301) 777-8810, Work (301) 777-1084, <JSLOCOMB@prodigy.net>

**June 9-11 (Sat-Mon)** Roaring-Flatrock-Red Creek Plains backpack with *Mon. Forest Hiking Guide* author Bruce Sundquist. Approximately 15 miles. Prior backpacking experience required. Leader: Bruce Sundquist, (724) 327-8737, <bsundquist1@juno.com>

**June 23 (Sat.)** Simultaneous Summit Celebration. Several day hikes of varying difficulty on prominent peaks in the highlands. All the hiking groups will unite in spirit to celebrate these high points, and by extension the entire highland region, with flags, horns, rattles, songs, and flowers! Leader, Ruth Blackwell Rogers, (304) 636-2662, <ruthbr@wvhighlands.org>

**June 29-July 1 (Fri-Sun)** Enjoy a backpacking trip along the Otter Creek Trail during the rhododendron season. Group limit 7. Leader, Susan Bly, (304) 876-5177 day or (304)258-3319 evening, <sbly@shepherd.edu>

**July 15 (Sun)** Sinks of Gandy. Follow Gandy Creek 3/4 mile underground through the Sinks of Gandy cave. Safe for beginners. Leader, Barnes Nugent, (304) 284-9548, <barnes@geosrv.wvnet.edu>

**July 21 (Sat)** Easy 4 hr. Buckhannon River flatwater canoe trip above town through the 5-mile reservoir pool. Meet at Sheetz off Corridor H (US 33) at the Buckhannon-Phillipi exit at 11 AM. Leader: Don Gasper, (304) 472-3704.

**July 27-29 (Fri.-Sun)** Dolly Sods Stem to Stern Backpack. Leader: Jack Slocomb, Home (301) 777-8810, Work (301) 777-1084, <JSLOCOMB@prodigy.net>

**August 3-5 (Fri.-Mon)** Car camping trip to Dolly Sods to do stream hiking along Red Creek and Big Stonecoal Creek. Unlike x-stream hiking (normal trails) this type of hiking involves travel in the stream, using hiking poles and beach shoes. Leader: Susan Bly, (304) 876-5177 day or (304)258-3319 evening, <sbly@shepherd.edu>

**August 4 (Sat)** Easy 5 hr. day hike on Spruce Mountain Meet at Spruce Knob parking lot 11 AM. Leader: Don Gasper, (304) 472-3704.

**August 11 (Sat)** Northern Canaan Valley day hike. Leader: Linda Cooper, (304) 296-0565, <cooper@hsc.wvu.edu>

**August 12 (Sun)** EarthWalk environmental education experience at Bear Rocks (Dolly Sods North). Leader: Jack Slocomb, Home (301) 777-8810, Work (301) 777-1084, <JSLOCOMB@prodigy.net>

**August 25 (Sat)** Otter Creek Wilderness (downstream half) and tour of the USFS Fernow Experimental Forest. The tour is by car to the trail head. The hike is an easy 7 miles to the mouth, but involves a moderate stream crossing. Meet at Sheetz in Parsons at 11 AM. Leader: Don Gasper, (304) 472-3704.

**September 1-3 (Sat-Sun/Mon)** North Fork Mountain backpack Sat-Sun with *Mon. Forest Hiking Guide* author Bruce Sundquist. Prior backpacking experience required, carry your own water, 12 miles total. An optional third day will be spent exploring Dolly Sods North. Leader: Bruce Sundquist, (724) 327-8737, <bsundquist1@juno.com>

**September 7-9 (Fri-Sun)** Enjoy early fall hiking in the Shavers Fork area. We'll follow the West Fork trail and visit the High Falls of the Cheat. Car camping is available at the Laurel Fork campground. For more information contact Susan Bly at (304) 876-5177 day or (304) 258-3319 evening, <sbly@shepherd.edu>

**September 29 (Sat)** Bickle Knob, Bear Heaven Rocks, Stewart Park, Bowden Cave, Bowden Trout Hatchery. Meet at Hatchery at 11 AM. Bring a flashlight if you care to cave for 1 hour. Caving is pretty easy and very safe, and as it can be a little muddy, it will be the last activity of the day. This is mostly a tour with short walks. 6 hours. Leader: Don Gasper, (304) 472-3704.

**Oct. 5-8 (Fri-Mon)** Otter Creek wilderness backpack trip. Group limited to 6. Leader: Nathan Anderson, <stgmnobpf@yahoo.com>, or call Peter Shoenfeld at (301) 587-6197.

**Oct. 12-14 (Fri-Sun)** WVHC Fall Review. Outings will be planned. ✦



## Mountain Odyssey Hikers Ascend Canaan!

By Peter Shoenfeld

On February 24, an intrepid group of ten hikers ascended four-hundred feet in mid-winter to the heights of Canaan Mountain, overlooking the Blackwater Canyon from the south. We met at Blackwater Lodge at 10:30 AM. The route had been a mystery up until then, since I'd only chosen it earlier that morning. Our group was a mix of West Virginia regulars and lowlanders from Takoma Park, Maryland, lured onto this Mountain Odyssey by yours truly. Before we left, Jack Slocomb "purified" us with whiffs of burning leaves he said were sage.

We went south up the mountain along Engine Run on the Allegheny Trail, then west on Plantation Trail, then north down Lindy Run, out and back the new trail to Lindy Point Overlook, and finally east on the Canaan Loop Road back to the park -- total distance about seven miles. We had lunch at the shelter near where the

Allegheny Trail reaches the crest. The scenery was fantastic, the weather just right.

We were walking through several inches of fresh snow and animal tracks got much of our attention. We'd brought two books on tracks, so precise analysis was possible. We determined that four types of critter inhabited these heights-- bobcat, squirrel, mouse and turkey. At the top of the mountain bobcat and squirrel tracks converged at a spot marked by material thought to be squirrel scat. This engendered intense speculation as to what had taken place. Some said that the bobcat had eaten the squirrel; but I prefer to think that the squirrel had turned into a bobcat.

On the way down, the trail crossed Lindy Run and so did we. One hiker fell in, but climbed out smiling and continued undaunted. Near this point we stopped and admired a "large impressive rock

formation" (Mon. Forest Hiking Guide).

When we got to the bottom we meandered down the new state park trail to Lindy Point, to enjoy the spectacular view of Blackwater Canyon that this vista is famous for. I gave a long lecture on the history of the Canyon and the need for its protection, but forgot to pass the contribution cup.

Finally, we walked down the road the last mile to our car shuttle. Here the snow had been fresh in the morning, but was well trammed by afternoon. At this point, the youngest member of our group collapsed from exhaustion. Old-timer Tom Rodd soon cheered him back to mobility and both finished the day in high spirits.

A great time was had by all. Hope to see you on another West Virginia Highland Conservancy Mountain Odyssey 2001 outing this spring! ✦



Jack Slocomb and Tommy  
Photo: Tom Rodd



Canaan Hikers at Lindy Point  
Left to Right: Jack Slocomb, Larry Kaeser, Nancy Weil, Mary Vorhies,  
Peter Shoenfeld, Marilyn Shoenfeld Photo: Tom Rodd

## Meditation Hike, March 24th

By Ruth Blackwell Rogers

Fourteen hearty hikers from seven cities and towns as far as four hours away gathered on one of the iffiest of iffy March days. Rain/snow fell generously. Cold breezes nipped fingers and toes. We had planned the hike for the Forks of Cranberry Trail in the southern Monongahela National Forest, which begins at an elevation of 4600 feet. The trailhead is on the Highland Scenic Highway, which is not plowed and which the Gauley Ranger District advised callers to avoid at all costs -- over a foot of

snow covered the area.

The low-elevation substitute is just four miles from Elkin's Stuart Recreation Area. We walked the beautiful trail from the group campground to the park, mindfully and silently trying to concentrate on our boots meeting the ground, sounds and sights around us, and allowing any thoughts to filter up through the trees. The Shavers Fork rushed beautifully below the trail; tall straight trees surrounded us; rain/snow fell quietly; hikers walked

without sound.

At the far end of Stuart Park we entered a pavilion near the river. Hemlocks and poplars sheltered the pavilion, sleet began to fall. We sat on picnic tables and meditated for a period of time. Then Chung and Young Moon of Huttonsville, WV, made green tea in the relatively informal Korean-style tea ceremony. Our wide variety of teacups were lined up and Chung

See HIKE & wonderful photo on page 10

**HIKE from page 9**

filled them from his impossibly small pot three times, telling tea tales while waiting for the tea leaves to steep.

We continued on steep rhododendron trails above the Shavers Fork, climbed up, and circled back to our vehicles. Some hikers said they would not have appreciated the beauty of the trail and surroundings unless encouraged to notice, but not analyze, every sound, color, feel of soil and moisture on the trail as we hiked mindfully and silently.

Back at the vehicles, hikers talked in two or three groups for another forty-five minutes or so. Clearly, the substitute hike was too short and folks wanted to get to know each other! One might ask, why have a "Meditation Hike" with a group of people? Why not just go into the forest alone for the same purpose? I think both sitting and walking meditation is often enhanced, at least in the initial stages of meditation practice, by doing it in a group. These fourteen hikers keenly felt the beauty of the chilly, wet, full forest and river, the perfect balance of soil, trees, birds, water and wind with our calmed minds.

But balance is always dynamic and changing! One hiker sped past the turn-off and wound up at a much higher elevation, trying to find the group, plowing dangerously through deep snow high above Stuart Park, impressed at what he thought was the group's courage at meditating at such heights, finally heading for the Forest Service headquarters to call for rescue help, then finding the correct turn-off and joining us at the very end of the hike. This hiker had his own "mindfulness" adventure! ❖

**BONDS from page 1**

"shall be sufficient to assure the completion of the reclamation plan" if the company abandons the mine site. In the other, called an alternative bonding system, state bond programs must "achieve the objectives and purposes" of the OSM bonding plan.

West Virginia has a two-tiered alternative bonding system. The first tier requires companies to post site-specific reclamation bonds of between \$1,000 and \$5,000 per acre. "Because the amount of this bond is artificially capped at \$5,000 per acre, it is often inadequate to cover the full costs of reclamation," Haden wrote in his opinion. To make up for that, the state created its second tier, which is the SRF.

In his ruling, Haden noted that OSM has in annual reviews since 1989 found West Virginia's alternative bonding system "incapable of meeting the federal requirements." Citing an October 1995 OSM Federal Register notice, the judge noted, "Based on state estimates as of June 30, 1994, the excess liabilities were \$22.2 million, an estimate that also failed to include the cost of treating polluted water discharged from bond forfeiture sites." In that notice, OSM said the



**Meditation Hikers at Stuart Park**  
Photo by Ruth Blackwell Rogers

West Virginia bond program was "not sufficient to assure the completion of reclamation." OSM ordered the state to "eliminate the deficit in the State's alternative bonding system and to ensure that sufficient funds will be available to complete reclamation, including the treatment of polluted water, at all existing and future bond forfeiture sites."

In January 1996, OSM's 1995 annual report on the West Virginia program said that the state's bonding system had a total deficit – including water treatment costs – of \$61.8 million. "Because West Virginia's alternative bonding system has been found inconsistent with and less rigorous than the minimum federal standards, the State [DEP] Director has a non-discretionary duty to comply with the minimum federal standards for bonding," Haden wrote.

In his ruling, Haden responded to motions by the Wise administration that the case be dismissed. As the Underwood administration argued in other mining cases, Wise's lawyers said that cases over the state's regulation of strip mining belong in state court, not in federal court. They say such issues involve questions of state law, not questions of federal law. On that basis, an appeal of Haden's October 1999 ruling to limit mountaintop removal is currently pending before the 4th U.S. Circuit Court of Appeals in Richmond, Va. But because Haden ruled that the federal bonding program is now in effect in West Virginia, the bond lawsuit now clearly involves questions of federal law – and therefore belongs in federal court, the judge said. In making that part of his decision, Haden cited a West Virginia Supreme Court ruling that DEP lawyer Tom

Clarke had sought in an unrelated case.

As part of their motion to dismiss the bonding case, Glasser and DEP lawyer Ben Bailey argued that after OSM concludes the state program is inadequate, nothing happens until federal officials propose their own plan or take over the state's bonding program. But in the state Supreme Court case, Clarke argued that once OSM says a state rule is not stringent enough, the federal law is automatically in effect in the state. Clarke argued in that case that "DEP takes the position that its hands are tied by federal law, based on the clear statutory pronouncement of pre-emptive effect with regard to state plans that are inconsistent with its provisions." ❖

**No Shortage of Energy.** According to Ed Hunt of Tidepool News Service, there is plenty of energy in the world. Energy sources such as wind, or solar energy, for example, are often invisible until we find the right trick to tap their power. If there is an energy crisis it is because we are plugged into the wrong type of energy. Most of the energy on the grid is the kind that stinks up the skies, alters the engine of our climate and poisons the rain. We move fuel for it on ships that foul our oceans and in pipelines that explode in our backyards. We're clearly addicted to the wrong stuff. But according to David Francis of the Christian Science Monitor, there seems to be a move to go in exactly the opposite direction – burn more coal and reactivate nuclear plants. Most human beings are fine individually, but collectively (if actions of their elected officials is any indication) appear to be not only utterly stupid but suicidal to boot. ❖

## Summary Of Proposed Forest Plan Amendment For Threatened & Endangered Species

The Monongahela National Forest (MNF) requests your comments regarding the non-significant, threatened and endangered (T&E) species amendment being proposed to the *Monongahela National Forest Land and Resource Management Plan (Forest Plan)*.

### LOCATION

The MNF consists of 909,409 acres of land and water in 10 eastern West Virginia counties (Barbour, Grant, Greenbrier, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster). It comprises less than 6% of the State. A Vicinity Map may be found on page 5 of this summary.

### PURPOSE AND NEED

Existing standards and guidelines in the *Forest Plan* currently protect special habitats and allow management of all the types of habitat needed by federally listed species; and activities that protect populations and enhance habitats for these species can be carried out under general guidance provided in the present *Forest Plan*, as amended. However, information in the BA suggests that *Forest Plan* direction relevant to the maintenance or restoration of MNF threatened and endangered species habitat could be improved to reflect pertinent scientific information that has been obtained since the Plan was approved in 1986. This is especially true in the case of the Indiana bat and the WV northern flying squirrel.

In general, a Forest Plan amendment for T&E is needed to —

- Add some standards to the Plan that will provide more specific guidance for MNF threatened and endangered management (see Proposed Action for details); and
- Modify or rescind some existing standards and guidelines to reflect the most current scientifically acceptable methods of T&E management; and

Adopt recovery requirements that are likely to be identified in the USFWS' Biological Opinion as a result of consultation on the recently completed BA, and employ them in Forest management.

These additions, along with existing Forest Plan Standards and Guidelines for threatened and endangered species, will assist the MNF in improving and carrying out programs for the conservation of these species, as required by Sections 2(c)(1) and 7(a)(1) of the Endangered Species Act of 1973, as amended.

### PROPOSED ACTION

Following are proposed additions and changes to the existing standards and guidelines in the *Monongahela National Forest Land and Resource Management Plan*. These additions will update the Forest Plan to incorporate recently developed requirements for the management of the T&E species on the MNF.

\*Note: This proposed amendment would affect Monongahela National Forest System lands only, not private lands.

Summary  
Proposed Forest Plan Amendment

Page 1 of 1

### Forest wide proposed changes:

(Includes all Federally Listed Threatened and Endangered Species)

The existing list of federally listed threatened and endangered species known to occur or that may occur on the MNF will be updated to the following:

Common Name	Scientific Name
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Cheat Mountain Salamander	<i>Plethodon nettingi nettingi</i>
Indiana Bat	<i>Myotis sodalis</i>
Virginia Big-Eared Bat	<i>Corynorhinus townsendii virginianus</i>
West Virginia Northern Flying Squirrel	<i>Glaucomys sabrinus fuscus</i>
Running Buffalo Clover	<i>Trifolium stoloniferum</i>
Shale Barren Rock Cress	<i>Arabis serotina</i>
Small-Whorled Pogonia	<i>Isotria medeoloides</i>
Virginia Spirea	<i>Spiraea virginiana</i>

The official list of species is maintained at the local office of the U.S. Fish and Wildlife Service. Any future changes to the official list will supercede the list shown here.

Language found in the Forest Plan will be edited to assure that it is clear and provides the same protection to all wildlife, fish, plants and other species that are on the USFWS official list. For example, the Standard and Guideline in the current Plan (pg. 84) will be edited to read:

Management of habitat critical to endangered and threatened wildlife and fish species is considered the first priority management activity. Forest personnel will work with State agencies and the US Fish and Wildlife Service, U. S. Department of Interior in identifying endangered and threatened species and critical habitat areas. The requirements of endangered species recovery plans will be fully coordinated with the Forest Land Management Plan. The Forest Service, USDA, will participate in the development of recovery plans for all threatened and endangered species.

### Areas of Influence and Management Plans:

Areas of Influence will be identified for all T&E species or populations and Management Plans will be developed that reflect the intent of the Recovery Plan and/or best scientific knowledge. These Management Plans and any amendments will be generated collaboratively with USFWS, DNR, and other members of the scientific community. Areas of Influence and Management Plans are intended to be dynamic and able to incorporate the most current scientific information on a given species. Management Plans will include monitoring recommendations and requirements.

General direction concerning threats to T&E due to exotic, non-desirable, or invasive species will be set.

Summary: Proposed Forest Plan Amendment  
February 01, 2001

2 of 5

## PROPOSED FOREST PLAN & critique continued on page 12

### Krichbaum Critique of Proposed Mon Forest Plan Regarding Threatened and Endangered Species

To: US Forest Service -- Monongahela National Forest,  
Supervisor Charles Myers and Daniel Arling

Comments on Proposal to Amend the 1986  
Monongahela NF Plan Regarding Threatened and  
Endangered Species

These comments pertain to the Feb. 1, 2001  
letter, the November 2000 Biological Assessment  
(BA), and the 1986 Plan.

I thoroughly object to the short time period I  
have had to comment on this proposal. I just got the  
BA (~140 pages) and have only had a week to review  
it. This is a significant, complex, and Forest-wide  
proposal. I formally request that the comment period  
on your scoping letter be extended another 30 days.

The Monongahela National Forest [MNF] is  
in the midst of rewriting its management plan for  
threatened and endangered species on the forest. The  
plan outlines an increase in logging of 10 million  
board feet more (from 15 to 25 MMBF, almost double  
what it is now) and 100 acres of herbicide application a  
year. The plan also projects development of 68 gas well  
sites serviced by 19 miles of new roads and 82 miles of  
gas pipelines in the next 10 years.

It is not clear how many acres you will spray  
with insecticides (e.g., for gypsy moth "control"). And  
this Forest has been fragmenting forestland with an

average of 35 miles per year of new system road for  
the last 13 years; but "only" plans on 15 miles per year  
in the future (and this is just "system" road; how much  
temporary {sic} road do you foresee?).

There is some commendable effort happening  
here and I thank you, but my overall impression upon  
reading the BA is : **This is disgraceful and  
reprehensible; business as usual is the apparent  
priority, not the ecological requirements for the  
recovery of these unfortunately imperiled  
populations.** If you ever wonder why more and more  
people think that when it comes to the Forest Service,  
the appearance of careful management is actually the  
careful management of appearances, look no farther  
than here. This proposal/BA appear not as a real plan  
to protect Threatened and Endangered species, but  
instead as a way to facilitate increased logging and  
other destructive activities on the National Forest. It is  
being pushed through on an expedited time line in  
order to continue developing the Forest and open up  
land for more logging and mining and roading and  
poisoning as soon as possible.

For just two examples : (1) from reading the  
BA it turns out that logging, prescribed fires, road  
construction/reconstruction, forest fragmenting  
"wildlife openings," grazing allotments, "mineral  
activity" and gas developments are all beneficial to

Indiana Bats. Since all of these habitat developments  
have been going on in the forests of WV and the MNF  
for decades, **we should be up to our asses in Indiana  
bats.** But we're not; I guess those stupid Bats just don't  
know how good they've got it. (2) We are told "[m]ost  
timber harvesting projects [why not ALL?] now employ  
...mitigation measures" (BA-18). And what is this  
so-called "mitigation?" Logging that results in removal  
of 1/4 to 1/2 or even more of the riparian canopy. And  
you have the nerve to refer to this sorry state as an  
"increased emphasis on riparian area protection."

Overall, there appears to be very little thought  
(and far less proposed action) given to what is  
necessary for, and the effects of management activities  
on, recovery of thriving populations. But that is the  
intent of the Endangered Species Act and National  
Forest Management Act (see 36 CFR 219.19(a)(7)); it is  
certainly possible on the MNF for objectives and  
conservation measures, far beyond the oftentimes  
meagre measures described in the BA, that provide for  
the removal of species from listing). For just one  
example, see the section on the Bald Eagle. The one  
Eagle nesting site on the MNF is in a 6.2 management  
area with no roads nearby, steep slopes, and well

Species specific proposed changes:Bald Eagle

Conservation measures needed for the bald eagle are covered under forest wide proposed changes, therefore no further species specific recommendations are being proposed.

Cheat Mountain Salamander

Forest wide:

In order to provide for the conservation and recovery of Cheat Mountain salamanders the MNF will:

- Avoid activities in known Cheat Mountain salamander populations.
- Conduct on-site surveys when ground or vegetation disturbing projects are proposed in high potential areas or near known populations.

Area of Influence:

- Area of Influence will be based upon known populations and the results of future on-site surveys.

Indiana Bat

Forest wide:

In order to maintain or increase suitable habitat for the Indiana bat the MNF will:

- Maintain suitable roosting trees.
- Protect any roost trees that are discovered.
- Retain hickory trees in all cutting units.
- Ensure that adequate snags (6 snags/acre) are retained in or near cutting units.

Area of Influence:

- The Area of Influence is considered to be a 5-mile radius around hibernacula or 2 miles around a maternity colony for the Indiana bat.
- Within the Area of Influence do not fell trees in large-scale operations (timber harvest etc) between April 1 and November 15.
- The intensity and types of management allowed within the Area of Influence will be evaluated to ensure adequate habitat is available and protective measure for the Indiana bat are sufficient

Summary: Proposed Forest Plan Amendment  
February 01, 2001

3 of 5

Virginia Big-Eared bat

Forest wide:

Conservation measures specifically needed for the Virginia big-eared bat are limited to the Area of Influence therefore no forest wide measures are recommended.

Area of Influence:

- Area of Influence is considered to be a 6-mile radius around hibernacula or maternity site.
- Within the Area of Influence evaluate any buildings that exist to determine if they provide roosting habitat and apply management protections as necessary.
- Do not permit commercial cave operations in any caves occupied by Virginia big-eared bats.

West Virginia Northern Flying Squirrel

Forest wide:

Appendix X of the Forest Plan-- Interim Standards for (West) Virginia northern flying squirrel will be rescinded or modified to in order to comply with the Biological Opinion and Recovery Plan as amended.

Area of Influence:

- The Area of Influence for the West Virginia northern flying squirrel will be determine based upon suitable habitat characteristics as described in the Biological Assessment and incorporating any changes suggested by USFWS in the forthcoming Biological Opinion.

Running Buffalo Clover, Shale Barren Rock Cress, Small-Whorled Pogonia, Virginia Spirea

In order to provide for the conservation and recovery of T&E plant species the MNF will:

- Avoid activities in known populations.
- Conduct on-site surveys when ground or vegetation disturbing projects are proposed in high potential areas or near known populations.

Area of Influence:

- Area of Influence will be based upon known populations and the results of future on-site surveys.

Summary: Proposed Forest Plan Amendment  
February 01, 2001

4 of 5

**PROPOSED FOREST PLAN & critique concluded on page 13**

buffered by mature forest. Here is a species that "prefer[s] areas with limited human activities ...shootings and disturbance at nest sites are the biggest factors affecting eagles in this state" (BA-25). And yet every management activity assessed is said to result in "no effect" or to "not likely adversely affect;" some treecutting may even be "beneficial." Apparently the tack is taken that as long as the nesting site in the 6.2 area (the least disturbed MA in the Forest after Wilderness) is maintained with little disturbance, then activities that degrade habitat elsewhere are okay, even at potential habitat areas such as Buffalo, Summit, Spruce Knob, and Sherwood Lakes.

Discounting obvious destruction and degradation of habitat does not, cannot, aid in recovery of viable populations of Eagles on the Forest.

The Forest Service is not entering into formal consultation with Fish and Wildlife Service [FSW] on this plan, except on the Indiana Bat. But the consultation on the present Forest Plan is over 15 YEARS old, and the present state-of-the-science information is much changed (as have ecosystems and public concerns). The FS needs to enter into formal consultation with Fish and Wildlife, for ALL ESA listed species (i.e., Bald Eagle, Cheat Mountain Salamander, Virginia Big-eared Bat, West Virginia Northern Flying Squirrel, Running Buffalo Clover,

Shale Barren Rock Cress, Small-whorled Pogonia, and Virginia Spirea). The FWS and USFS are required to protect all Threatened and Endangered species. The public must also be allowed to formally comment on changes proposed for all species Recovery Plans.

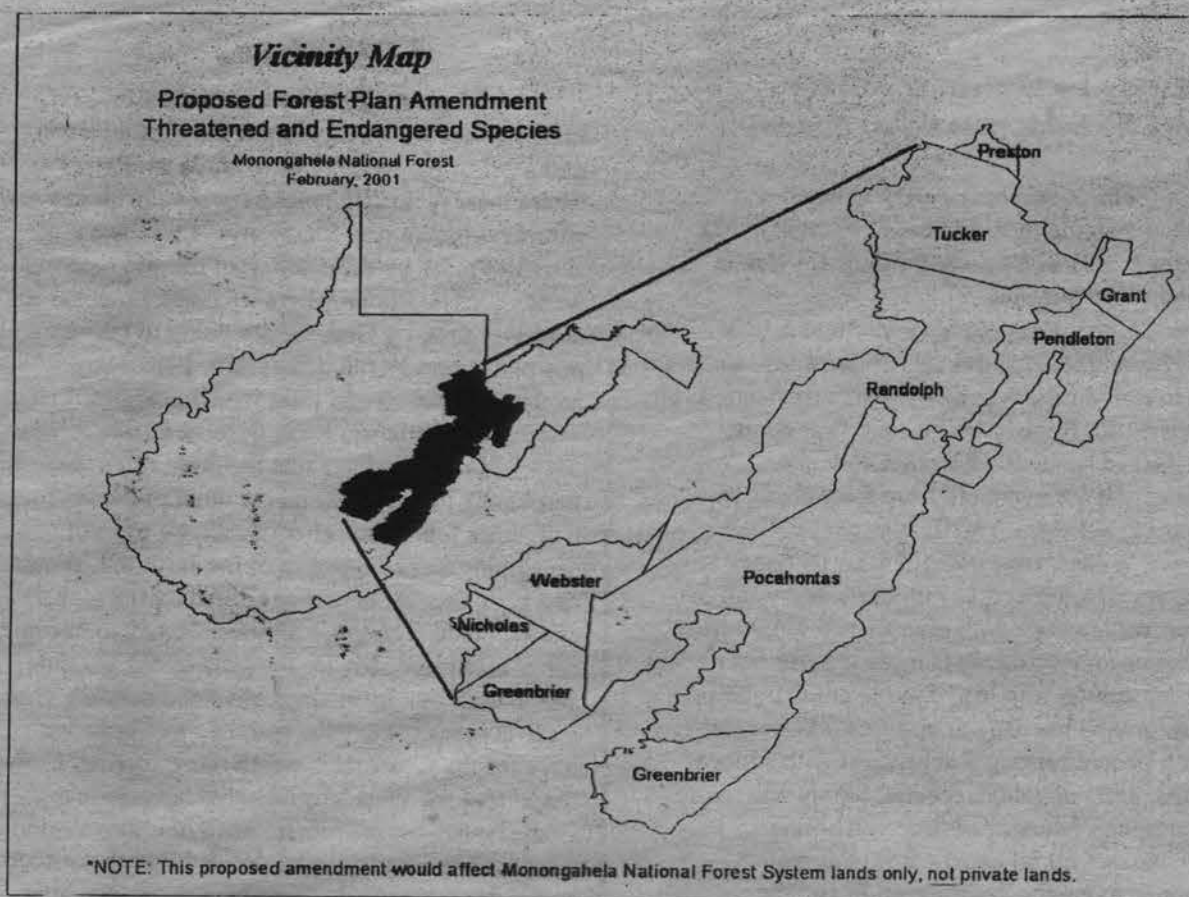
The Forest Service has issued a Biological Assessment on threatened and endangered species and has now started the comment process. You are starting the amendment process before Fish and Wildlife has completed their Biological Opinion setting forth Terms and Conditions the Forest Service must follow in protecting threatened and endangered species. The Proper procedure is to ask the public to comment after Fish and Wildlife has commented on the Monongahela Forest document. The Forest Service is guessing at what Fish and Wildlife will say and jumping ahead of itself to save time. Proper procedures must be followed. The public must have clear and ample opportunity to review Fish and Wildlife's requirements along with the Forest Service's comments. Is that what the EA to be developed is for?

The public has a right to comment on the details of these proposed management changes before any decision is rendered.

The amendment does not cover "sensitive species" which it should. The plan describes benefits from some form of logging for most threatened and

endangered species -- and even says that most of them are not affected by, or even benefit from herbicide spraying, controlled burns, gypsy moth spraying, gas drilling, and road building. Many of these species depend on older growth forests for food and shelter, undisturbed caves, clean mountain streams, and an undisturbed forest floor. The Forest Service assumptions are not backed by common sense or the best science. The Forest Service Biological Assessment, which is the basis for the amendment, is not based on sufficient research. The Forest Service needs to consider the impacts of the management plans outlined in the Biological Assessment on Sensitive species and species being considered for listing as well as on threatened and endangered species.

Surveys for most species in the past have been inadequate. The Forest Service needs to have "quantifiable recovery objectives" in their plan. Before the Monongahela Forest Plan is amended, adequate surveys should be done for all species. This should include monitoring to determine "distribution, status and trends for threatened, endangered, proposed and sensitive species and their habitats on Forest lands" to give the Forest Service quantifiable objectives. The



Summary: Proposed Forest Plan Amendment  
February 01, 2001

5 of 5

## What's Inside

- Page 1 ... Reclamation bonds ruled inadequate//  
Slocumb on outings
- Page 2 ... Young column "Timber bills about more than  
logging"// roster
- Page 3 ... Stockman on taxpayer subsidy of coal
- Page 4 ... Pate article, "Digging for history, part 2"
- Page 5 ... Spring Review - program & registration form
- Page 6 .. Martin questions value of coal mining// W.  
Fuel Assoc. suit dismissed
- Page 7 ... Gasper on WV land conservation plan//  
enrolment form
- Page 8 ... Mt Odyssey hiking schedule
- Page 9 ... Mt Odyssey trip reports
- Page 10 .. "No shortage of energy"
- Page 11 .. "Summary of proposed forest plan  
amendment for T&E species" w/  
Krichbaum critique
- Page 13 .. What's inside
- Page 14 .. Protect Harper's Ferry// Outdoor safety//  
helicopters & bats// acreage comparison
- Page 15 .. Calendar// NRAC
- Page 16 .. Greenland Gap ✚



### Conclusion of PROPOSED FOREST PLAN & critique from page 12

Forest Service should not move forward with their plan until adequate studies are done on all PETS species.

The current S&G in the Plan (pg. 84) refers to "habitat critical to endangered and threatened ... species ... and critical habitat areas." Precisely what (acreage figures and location) "critical habitat" has been identified and designated on MNF lands for each of the T&E species? Please send me copies of the documents and maps defining and describing these areas. If critical habitat has not been designated for any of these species, why not and when will it be? This identification is required to be done as part of any on-going Plan revision or amendment (see 36 CFR [code of federal regulations] 219.19(a)(7)).

Are you using "Areas of Influence" as a substitute for "critical habitat?"

What is the legal relationship of "Areas of Influence" with "critical habitat?" Do "areas of Influence" carry the weight of law or regulation, or is this just a discretionary term used by FS planners that has no enforcement capability?

Regarding the Cheat Mountain Salamander [CMS]: where is the "Figure 6" referred to on pg.31? Habitat fragmentation, genetic isolation of populations, and habitat disturbance all contribute to their vulnerability and limited occurrence. Thus, roads have very negative effects on this species. So why is "mineral activity" (with its associated road construction/reconstruction) allowed in CMS habitat (see BA-38)? And to simply not allow roading and logging in "occupied" or "high potential" CMS habitat does not address the issues of fragmentation of populations (e.g., impeding movements or gene flow) or of indirect impacts to populations (e.g., increased edge predators). Degradations to their entire habitat area and metapopulations are not being addressed. Strict road density standards (i.e., no more than 0.5 miles/1000 acres), as well as limitations on other

disturbance, need to be implemented for the Salamanders' entire limited range, including standards mandating road decommissioning and obliteration. The Salamanders' entire range on the MNF should be allocated to a special management area designation (e.g., Special Biological Area) with minimal disturbance allowed. This would do much to help recover their numbers and secure the species future. The BA fails to consider global warming scenarios on future habitat availability.

Regarding the Indiana Bat [IB]: this section of the BA is rife with contradiction, ill-logic and obfuscation. It is not clear how it is that killing their prey (lepidopterans) with nonspecific gypsy moth poisons is "not likely to adversely affect" them. And why isn't it possible to gate every known hibernaculum on the Forest? If they were receiving the requisite top priority, this would be done (unless doing so would alter airflow or microclimate). This is an ENDANGERED species; they need all the help we can give them. At least 35 snags per acre is optimal (BA-41); so why only retain a minimum of 6/acre in cutting units? ALL snags should be retained. In addition, actual protection of riparian areas (by not cutting them) would no doubt benefit this species more than the present weak riparian strictures. The fact (?) that wintering IB populations in WV have increased since the MNF implemented its Plan does NOT indicate that Forest activities are not negatively affecting IBs upon leaving their hibernacula. And you apparently would have us believe that when habitat within 5 miles of their winter caves is destroyed or degraded while the Bats are hibernating, then it doesn't adversely affect them. (What, if somebody destroyed your home and vehicle while you were asleep, impeding and depriving you of the means for going to work and making a living, you wouldn't notice it when you woke up?) This finding is not

supported by sound science or logic, and as such is unprofessional and illegal. ALL spring, summer, and fall habitat on the MNF within 5 miles of winter hibernacula should be allocated to a special management area designation (e.g., Special Biological Area) with minimal disturbance allowed. This would do much to help recover their numbers and secure the species future. The current state of scientific information on this species makes it clear that their life history requirements are best met by old growth forest conditions. I do not have time now to submit all my comments about IBs.

Gypsy Moth poisoning within the 6-mile foraging radius of the Virginia Big-eared Bat would adversely affect them (BA-67, 71).

It is not clear what you are proposing where for the West Virginia Northern Flying Squirrel [WVNFS]. Are all "299,400 non-Wilderness acres" (BA-79) where "vegetation management activities would not be allowed ..." (BA-94)? ALL these acres should be strictly protected. What is the total estimated population of WVNFS on the MNF? The Squirrels are known to use forest types other than those referred to on BA-81. They eat acorns. Some oak forest types may have a significant component of conifer and/or northern hardwood species (I am thinking particularly of high elevation sites in Pocahontas and Pendleton Counties adjacent to Highland County, VA). These too should be protected.

I have further comments which I will addend at a later date.

Sincerely,

Steven Krichbaum      March 12, 2001

## Protect Harpers Ferry!

*Your Help Needed to Save Threatened Landscape; Our Civil War, Civil Rights, and Natural Heritage*

A proposed 188-unit housing development adjacent to Harpers Ferry National Historic Park, including a 130-foot water tower visible throughout the area, threatens this historic landscape. The proposed "Murphy's Landing" has applied for a Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit.

The West Virginia Office of Water Resources expects to post the permit application for public comment in April, with a public hearing in May. If WV grants the NPDES permit and "Murphy's Landing" were to be built, treated sewage would empty into the Shenandoah River directly upstream of the park.

The 100-acre Murphy Farm is among some 600 unprotected acres known as "School House Ridge," identified by the National Park Service as critical to preserve the historic and scenic integrity of Harpers Ferry. In addition to its rich Civil War history, Murphy Farm is a site sacred in America's civil rights history because John Brown's fort was relocated there in the early 20th Century after the railroad bought its original site.

The Civil War Preservation Trust (CWPT) named Harpers Ferry to its 2001 "10 Most Endangered Civil War Battlefields" list. The 2001 Interior Appropriations bill earmarked \$2 million for acquisition from willing sellers of Civil War battlefield sites adjacent to the park, an amount less than that observers expect will be needed to protect School House Ridge.

**TAKE ACTION now:** Even before the NPDES permit application is posted for public comment, it's useful to write Governor Robert Wise. Ask him to ensure that state review of proposed development at School House Ridge fully evaluates potential impacts on historic as well as natural resources. Address: The Hon. Robert Wise, 1900 E. Kanawha Blvd., Charleston, WV 25305. Contact Paul Rosa, director of the Harpers Ferry Conservancy, <prosa@crosslink.net> for updates on the NPDES permit application. Check <<http://www.civilwar.org>> for the CWPT's "10 Most Endangered Civil War Battlefields" report. National Parks Conservation Association's website <[http://www.npca.org/take\\_action](http://www.npca.org/take_action)> will have an action alert after the NPDES public notice is posted. ✦

## Lessons in Outdoor Safety (From the Wilderness Safety Council)

The Wilderness Safety Council will conduct training in Wilderness First Aid in May and June 2001 at Davis and Elkins College in Elkins, West Virginia.

Class dates are May 19-20 and June 23-24. The course includes classroom study, hands-on practice, and results in a two-year certification. The cost is \$140. Registration is on a first-come, first-served basis. Registration and other information are available from the website at <http://wfa.net> May 19-20, 2001.

Wilderness First Aid is an 18 hour program which prepares outdoor leaders and enthusiasts to cope with injuries and illness when emergency medical care is more than an hour away.

Adults who lead church, community or youth groups like Boy Scouts or Girls Scouts; young people seeking employment with summer camps; and individuals leading family and friends on camping, hiking, paddling and biking adventures, will all benefit from this training designed to emphasize prevention and the leadership skills necessary to successfully manage an emergency.

Basic first aid skills may be sufficient for those with access to immediate 911 emergency services. But hiking in forests, paddling on rivers, or sailing the ocean, outdoor leaders and enthusiasts must be prepared to correctly assess injuries and illness, and manage patient health care for extended periods.

One student recently said:

*"The quality, depth and professionalism of your class exceeded all expectations -- an incredible amount of information was presented and absorbed in two days. I feel much better prepared, not just in my knowledge of how to handle medical emergencies, but in the leadership skills to better anticipate and avoid such problems."*

The Wilderness Safety Council is a non-profit, 501(c)(3) tax exempt organization, headquartered in Alexandria, Virginia. They provide wilderness medicine, leadership, and safety training in the Mid-Atlantic and Southeastern US.

For further information contact:

Christopher Tate; Director  
Wilderness Safety Council

(703) 836-8905

[info@wfa.net](mailto:info@wfa.net)

<http://wfa.net> ✦

## SPIRITS from page 1

All places that liberate our soulful best. Places where we share a kindredness of adventure that most of the time seems to elude us. Places where there is no difference between the human and natural communities. Places where we pace our activities more by the position of the sun than our wrist watches. Places where we make promises to ourselves that, by God, we are going to take care of this planet and all the beings in it. Places where we merge our deepest and most tender energies. Places where, for a little while, we become a tribe.

I really believe that the more often we participate in the thrill and the quiet of the wild with other folks, the better chance we have of developing a shared imago of the earth that stands as a counterpoint to that generated by the global market place. The more inspired we feel to become better earth stewards for the generations to come and to keep our friendships alive and ongoing. The more generosity we have and the more hope we have for the future. It is worth remembering, I think, that the West Virginia Highlands Conservancy began with a bunch of crazy footloose people on the trails -- who decided that they needed to band together to do something to protect what they loved.

We have to keep these origins alive so that our work continues to be endowed with solid earthy underpinnings.

Signs of Spring are around us now. I hear birds every morning, and I saw two Robins today. The sun is longer and much warmer, Skunk Cabbage is blooming in the mountain bogs. Soon Spotted Salamanders, Toads, Wood Frogs will be strewn their eggs in vernal ponds and in marshes -- and our legs are itching to get outside and be ravished by all this. So if you feel like you may be falling prey to the doldrums of living in a world that, in the words of John Hay, is being "swallowed by its own history," by all means bestir yourself to seek the antidote of a Mountain Odyssey 2001 outing. In fact, treat yourself and your family, your spouse, your partner, and your friends to regular doses of Mountain Odyssey 2001. You won't regret it. It's the Spring tonic.

And you'll be where the spirits are gathered. ✦

**Helicopters Bad for Bats.** According to the Native Forest Network, helicopter logging should be opposed since it invariably "patch clearcuts" and "highgrades" timber (removes only the best logs). This can be devastating for those species which require older, undisturbed forest habitat. One such species is the federally endangered Indiana bat. In the Green Mountain National Forest in Vermont, old maples are slated to be removed, and the plan to use helicopters is being strenuously protested by environmental activists. These trees are prime habitat for the bats to rear their young. ✦



Total acreage of West Virginia State Parks, State Forests, Wildlife Management Areas, and Rail Trails

-- 206,230 acres.

Total acreage in West Virginia destroyed by mountain top removal mining

-- over 300,000 acres and rising.

## Calendar

**April 14 & 15** - New River Alliance of Climbers trail building party. See p. 15 for details.

**April 17** - Forestry Fair at West Virginia University. The WVU Society of American Foresters student chapter will host a Forestry Fair in the Mountainlair in which the theme will be "West Virginia's Forests: Caring for them Sustainably." Exhibitors will be on the main floor of the Mountainlair lobby from 9 AM to 5 PM and will provide information regarding their role in sustainable forest management in West Virginia. From 7-8:30 AM, a seminar in the Gold Ballroom will address responsible care of West Virginia's Forests. Speakers will be from the WVU Division of Forestry, the forest products industry, the West Virginia Forestry Association and others. Admission is free and activities are open to the public. For more information or accommodations call (304) 598-8967 or e-mail <bkumbier@yahoo.com>.

**April 20** - CAG Earth Day fund raiser. Coonskin Park, Charleston. Live music, food, drink. Keynote speaker, Doug LaFollette, "From black smoke to backlash: history of the modern environmental movement." Tickets, \$25/person; \$40/couple. For tickets or information call Linda at CAG office 346-5891, or e-mail <linda@wvcag.org>

**April 21 & 22** - The new Schrader Environmental Education Center at Oglebay Park in Wheeling is hosting an Earth Day Celebration. As part of the festival, we providing space for booths for educational exhibitors. There's no cost to you - we just thought it might a good opportunity for you to get your message across. If you're interested contact Jennifer Ward, Associate Director of Environmental Education at (304) 242-6855 or <jward@oionline.com> for fax/email/mail -- the pertinent, but minimal, paperwork.

**April 21 & 22** - NRAC work party. See p. For details see page 15.

**April 22** - Earth Day-ona at Morgan Grove Park in Shepherdstown. The Shepherd College Environmental Organization is having their "3rd Annual Earth Day-ona Festival with the goal of familiarizing area citizens about the environment and local environmental organizations available to them." Over 30 organizations have participated. It kicks off usually at 10:00 AM and runs until 10:00 PM. Throughout the day there will be various activities, such as a tricycle race, raffles, keynote speakers, and lastly the reason for Earth Day-ona -- booths, tables and displays promoting environmental education and awareness. The booths are free so if your organization would like to setup a display or table for an issue you are more than welcome to. This Event usually draws in a crowd of 600 or more. If you are interested Earth Day-ona or have questions, send an email to <seo@shepherd.edu> or call us at: 304-876-5184. For additional information you can check out our website at: <www.shepherd.edu/seoweb>

**April 27 thru 29** - Spring Review at Canaan Valley (Board meeting on the 29th). See registration information on page 5.

**April 28** - From 10 AM to 3 PM. The West Virginia Rivers Coalition will present a workshop on learning about and commenting on water pollution discharge permits in your watershed. Charleston, Asbury Church, Elizabeth St. The registration deadline is April 20. For more info contact Evan Hansen at 291-8205 or <ehansen@downstreamstrategies.com>.

**April 28 & 29** - West Virginia University -- the WV Economic Justice Coalition conference, "Relocalization: Regaining Control of West Virginia's Resources." This will be a conference to reclaim our right to self-determination. In this age of

globalization, we find our communities overrun by multinational corporations, our local economies increasingly dominated by distant entities, and the facets of our lives dictated to us by large advertising and marketing agencies. We must regain control of our resources - natural, social, labor, and economic resources - in order to instill an ethos of social, economic, and ecological justice. Join activists, inspired individuals, organizers, friends, and colleagues at the first conference of the WV Economic Justice Coalition. Featured speakers: Andrew Miller, Advocacy Director for Latin America and the Caribbean of Amnesty International USA. Daisy Pitkin, National Co-Coordinator, Campaign for Labor Rights. Workshop topics: Independent media/media activism. Pacifism/Non-Violence Training Globalization. 101 Intellectual Property Sustainable Energy Decentralism and Direct Democracy. Local Currency. The Anti-Sweatshop Movement. Columbia and Foreign Policy. Registration cost is on a sliding scale of \$0 to \$20, depending upon number of days attending and ability to pay. Check <wvej.org/conference> for updates or to register for the conference.

**May 5 (Sat.)** - Debbie Kunkel's Greenland Gap festival. See page 16 for details.

**May 5** - Grand opening of new Avian Hospital at Three Rivers Avian Center. Ceremonies begin at 1:30 PM. Bird walks, face paintings and more. For info check web page <www.tracwv.org> or call 1-800-721-5252.

**May 12** - New River Alliance of Climbers annual meeting and party starting at 6 PM. Contacts: Leslie Riehl, <leslieriehl@hotmail.com> or Gene Kistler, 574-2021.

**May 19 & 20** - Wilderness Safety Council training in wilderness first aid. Davis & Elkins College. See page 14 for details.

**June 23 & 24** - Wilderness Safety Council training in wilderness first aid. Davis & Elkins College. See page 14 for details.

**June 23** - The Wheeling Environmentalists conduct a tour of the Raven Rocks Community. This is a group of Ohioans, who have dedicated their lives to preserve approximately 1000 acres of forest and ravine land while living sustainably. They are strongly committed to sparing God's Creations through growing and preserving much of their own food organically, making use of passive solar mechanisms, using composting toilets and eco-friendly products. Solar and wind energy are being produced, and there are underground construction sites. There will be demonstrations of the most energy efficient appliances. As they are beginning a fuel cell project, one may observe some of the fuel cell principles and hear explanations of how these exciting technologies work. The tour will begin at 9 AM and end at noon for a bag lunch and discussion (please plan to bring your own bag lunch). Raven Rocks is located about 40 minutes from Wheeling in Belmont County, Ohio very near Beallsville. Carpooling from Wheeling can be arranged. For further information and directions, contact Dianne Burnham at <BurnhamD@cs.com> or 304-232-0590 (evening and weekend). Maps will be sent upon request.

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

**July 27 thru 29** - 2nd annual Sustainability Fair, "Think Green." WV Wesleyan College, Buckhannon. Contact Denise at <deniseap@earthlink.net> for further info.

**September 22** - Shaver's Fork Coalition benefit concert. Spelunker's Camp, East Dailey, WV, south of Elkins. For information call 637-3911 or <gene-o@meer.net>

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

"2001- An Outdoor Odyssey" - see outings schedule on page 8. ♣

## About the New River Alliance of Climbers

*(Excerpted from their newsletter)*

Climbers as a group have had the good fortune for about 15 years of enjoying a great relationship with the National Park Service (NPS) here at the New River Gorge and with the U.S. Army Corps of Engineers (Corps) at Summersville Lake. This is probably due to several reasons. First of all, neither agency ever thought that climbing was on the list of possible activities here and have been busy for years focused on silly human tricks like fourwheeling, jetskis, firearms, arson, theft, etc. Secondly, even today with world-class status as a climbing destination, this area still has higher priority management issues than climbing impacts and climber behavior. The third reason is that ever since climbing exploration began in earnest in the late 80's there have been climbers advocating climbing to the NPS and Corps.

Last year was a great start for NRAC with completion of several ambitious trail projects and the pulling together of the organization into the recognized

voice for climbers in the New River area. The local governmental authorities are behind the formation of NRAC and have been impressed by the level of commitment shown by the organization and climbers in general.

Climbers do not need trails, but the land does. This notion that trails are a tool for mitigating human impact while providing a quality visitor experience is fundamental to the principals that guide public land management in the U.S. Here at the New, it is no different. Almost all of the climbing in this area is either on National Park Service (NPS) or U.S. Army Corps of Engineers land. These agencies allow us to climb on these lands that they are in charge of and could try to run us off if they felt that such action was in the best, long-term interest of the land. This is where NRAC and Access Fund supported volunteer climber trail projects come into play. We are demonstrating to the land manager that climbers can be responsible for themselves. It is working. It is not about climbers, per se, but about the land and cliff areas, how we treat these places, and the safety and resource protocols that guide land management decisions.

What we need to do now. Rip rapping the shoreline under Orange Oswald -- help preserve this shoreline, which is being rapidly eroded by powerboat wakes. Finish the relocated trail begun last fall. So, please come pitch in and help. We have three weekends planned for trailwork this year. The first two are the weekends of April 14-15 and April 21-22. Please meet at the Summersville Parking area at 9:00am on these days. Bring a lunch. The plan is to finish the trail to Orange Oswald at Summersville and stabilize (rip-rap) the shoreline in front of the Orange Oswald Wall. In one place there is only six feet of ground left between the lake and the cliff. Some of you may say that you don't climb there, so why help. But aren't you glad that so many people do choose to go there instead of where you go? Hmmm? The third weekend is scheduled August 25-26. More on that later. Please contact Leslie Riehl <leslieriehl@hotmail.com> or Gene Kistler, (304) 574-2021.

On May 12 join us for our annual meeting and party held at Class VI starting at 6:00 PM. Kurt Smith slide show and DJ dance party, cash bar and dinner. Shoe demos and other climber events held throughout the weekend. ♣

## Greenland Gap Day - an Historic Day for an Historic Place

*Saturday May 5, 2001 Rain or Shine*

- ✿ Witness the unveiling of a historic marker by The Civil War Preservation Trust to commemorate The Battle of Greenland Gap.
- ✿ Listen to an informative lecture by Steve French on "Greenland and the Civil War." Sons of Confederate Veterans Color Guard will honor the Civil War soldiers that served at Greenland.
- ✿ Meet Mark Hale, author of *The Hero of Greenland Gap* and *Greenland Genealogies*.
- ✿ Discover why the American Discovery Trail included Greenland Gap in their route through West Virginia.
- ✿ Walk on the McCulloch's Trace a mid-1700's pack horse trail used by George Washington in Sept. 1784.
- ✿ Visit Fort Mulligan at Petersburg; another Grant County site protected by the Civil War Preservation Trust
- ✿ Enjoy guided natural history tours of The Nature Conservancy Preserve.

Your guides for the day:

Charles Baer, Ph.D. and Kenneth Carvell, Ph.D., both Professors Emeriti of West Virginia University.

Ruth Thornton, Naturalist, The Nature Conservancy

Emily Grafton, Naturalist, Department of Natural Resources

Greenland Gap Day kicks off with a tour beginning at 7:30 AM. "Early Bird" Nature Walk. Meet at The Nature Conservancy sign between Greenland Gap and Falls Gap.

French lecture, 10:00 AM at Greenland.

Easy or hard, take your choice of these guided nature walks here at 1:00 PM -

A Guided Nature Walk along the roadside through Greenland Gap. Begin at Greenland, or

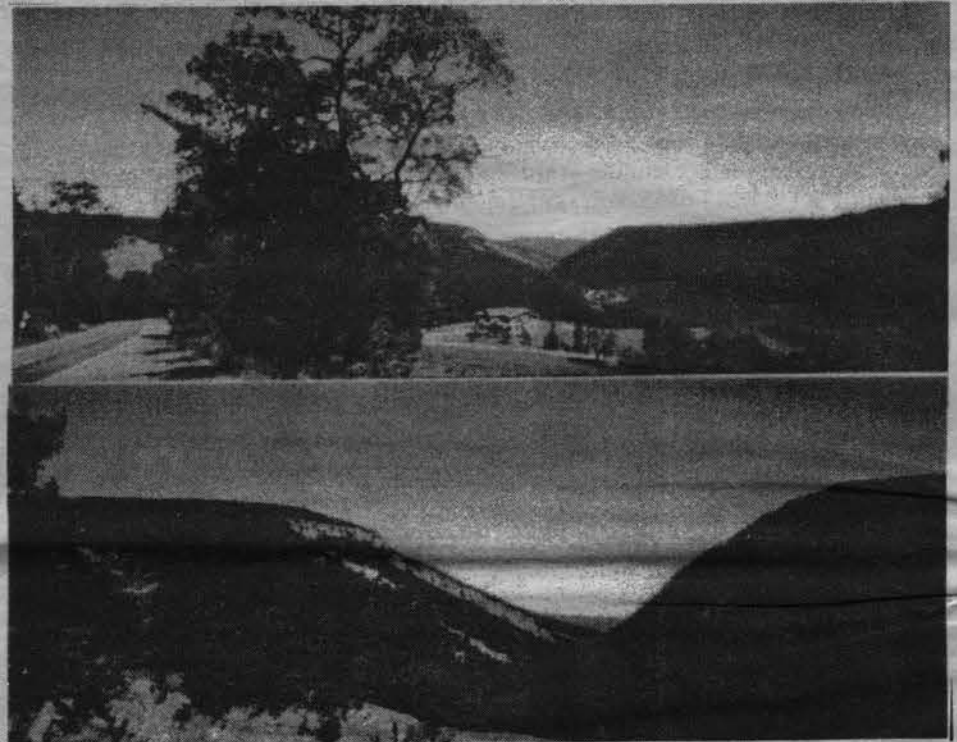
A Guided Nature Hike to the top of the 823 foot north cliff using The Nature Conservancy Trail. Begin at Greenland. (Note: You must be in excellent condition to make this hike.) Estimated hiking time to the top 1 and 1/2 hours. Bring your walking stick. Park at Greenland, at the west end of Greenland Gap.

You may purchase a grilled chicken lunch from the Kiwanis Club. If you would like a lunch reserved for you, call or e-mail, so they will know how many chickens to prepare.

Directions: Greenland is one mile west of Scherr in Grant Co. Scherr is on Rt. 93, 1/10 of a mile north of the intersection of Rt. 42. Scherr is 10 miles east of Mt. Storm; 20 miles south of Keyser; 18 miles north-west of Petersburg.

For additional information or directions, or to reserve a lunch, call 304-749-8420 or e-mail: <kunkelatgap@mountain.net>

Hope to see you there! ✿

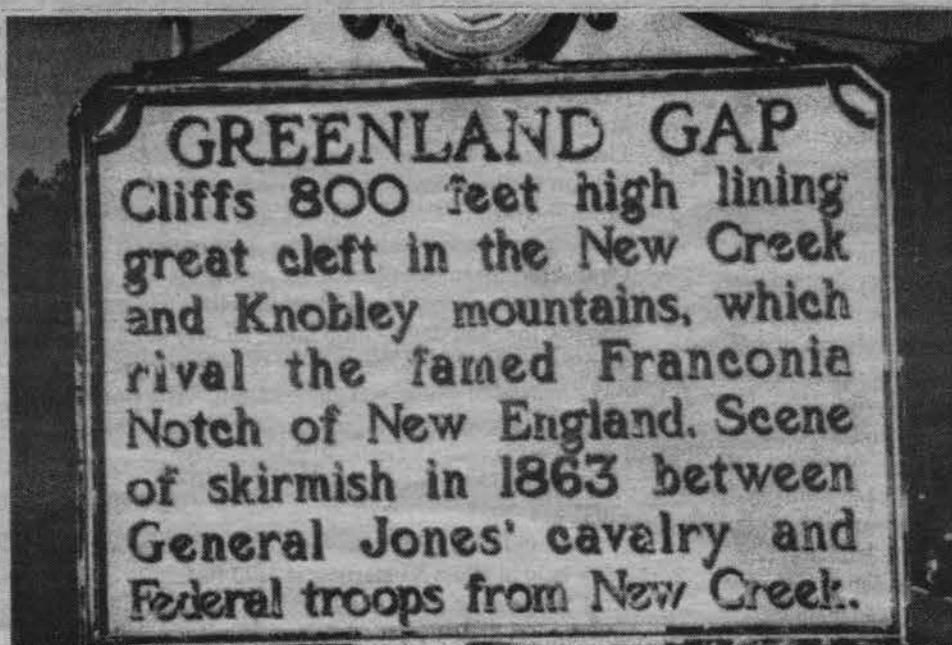


Greenland Gap - two panoramas  
Photos: Debbie Kunkel

CIRCA 1890'S PHOTOGRAPH OF GREENLAND'S GREENLAND GAP BY Wm. McCulloch Brown WHO OWNED THE GAP FROM 1881 TO 1927



It says across the top "Circa 1890's photograph of Greenland Gap by Wm. McCulloch Brown who owned the Gap from 1881 to 1927" Photo supplied by Debbie Kunkel



"What's Inside" on page 13