

West Virginia Highlands Conservancy
 P.O. Office Box 506
 Charleston, WV 25321
 address article requested

Non-Profit Org.
 US Postage
 PAID
 Permit No. 2831
 Charleston, WV



The Highlands Voice

visit us online at www.wvhighlands.org

December 2002

Volume 35

Number 12

FLOODING: WHAT DO WE DO NOW?

If a tree falls in the forest and nobody is around, does it cause a flood? Probably not. At the same time, however, if enough trees were cut down in the same part of the forest the evidence is that it would contribute to flooding.

This issue of *The Highlands Voice* contains reports of some of the research that has examined the link between extensive timbering and flooding. Most recently, the Timber Reform Research Project of the West Virginia Highlands Conservancy mapped timbering operations in some Fayette County watersheds. From these maps and interviews with residents in and near the timbered areas, the Project was able to make inferences about the link between the timbering and the flooding. More detail about the study appears on page 3.

Governor Bob Wise responded to the floods of 2001 by ordering the Department of Environmental Protection to study whether mining and timbering contributed to the floods. The study used a computer model of runoff from watersheds as well as observations



of inspectors. The citizens' task force which oversaw the technical committee's work included Cindy Rank of the West Virginia Highlands Conservancy. More detail about the study appears on p. 3. It concluded that timbering, as well as mining, resulted in increased runoff. While the study did not predict how much the increased runoff would increase the height of the flooding, increased runoff would result in increased flooding.

We also have the testimony of West Virginia Highlands Conservancy board member Don Gasper before the Legislature's Forestry Management Review Committee. It summarizes some of the research on the connection between timbering and flooding.



Finally, we have legislative responses to flooding problem, past and future. Dave Saville reviews the history of flooding in West Virginia. The legislative response to that problem was the creation, at least in part, of the Monongahela National Forest. Frank Young discusses some proposed legislation to help solve the flooding problem as well as other problems in the forestry industry. He also reports on model legislation which would guide our efforts were West Virginia to decide to deal in a comprehensive way with problems of the timber industry.

Finally, we report on the action (or inaction) of Governor Wise in response to the recommendations of his task force on timbering, mining, and flooding.

What's Inside

Wisdom from President Frank	2	Wildfire blazes in frozen north	6	Fun in the snow	17
Roster of officers	2	History of flooding	7	Jack Slocumb hikes again	18
DEP flood study	3	Research by a nine year old	8	Proposed new timbering rules in the national forest	20
Conservancy's flood study	3	Model timbering legislation	9	Researching wilderness designation	20
DEP's flood recommendations	4	Coalition for Responsible Logging	10		
Governor still dithering	4	Mountain Odyssey	12		
Gasper on causes of flooding	5	Book news	12		
A fox and a turtle	5	Planning in Canaan Refuge	14		
Hot to join	6	What we think about it	15		
New treasurer speaks	6	Jonathan Jessup stirs things up	16		

From the Western Slope of the Mountains

By Frank Young

Blessed are we, except at the newest state park

Today as I contemplated my monthly offering in this space a mini brouhaha developed on Editor John's only competing WVHC medium- the WVHCBOARD listserve. For the computer challenged among you a listserve is a computer-electronic mail (e-mail) network that can allow a single message writer to have any number of pre-selected e-mail recipients read his/her posts.

The WVHCBOARD listserve allows each of the couple dozen or so WVHC Board members who have this service to not only read but to originate messages and post replies to what others originate. It's kinda' like the 20 party telephone line that served the Toppers Creek community where I grew up in the 1950s, except that the computer serves as a surrogate "telephone"- and one can read the messages at leisure. Everyone doesn't have to "on the line" at the same time.

Anyway, a poster thereon started a thread (subject topic) relating to public and private land preservation holdings. The thread soon developed into a discussion relating to restrictions on human access to land preservations, necessary to keep the resources preserved from becoming irreparably damaged from overuse by people. And mostly inadvertently, from there the discussion further developed along the lines of allowing or disallowing access to land preservations based on one's ability to pay for access.

I then remembered the "toll gate" at the nearly new Stonewall Jackson State Park in Lewis County. A couple weeks ago I got off the I-79 exit to show my wife around the rather plush amenities recently developed there. I knew but had forgotten that there was this toll house, manned by two people, at the park entrance. But as we encountered the toll house, we quickly decided that we weren't going to pay the entrance fee (a few dollars) to look around the place; so we turned around and left.

Now, to be sure, the Stonewall Jackson State Park is not a Wilderness area, nor even a typical state park with lots of easily accessible "woods" areas interspersed with cabins and a tiny gift shop and modest lodge-restaurant. Stonewall Jackson is the hundred million \$\$\$\$\$\$\$\$, fully developed new "flagship" of the West Virginia State Park system, complete with adjacent lake and marina, lakeside cottages, hillside-lakeside golf course, and nothing less than "fabulous" lodge and restaurant facilities. The facilities are so elitist and the staff so large that staff has its own dining room. But since the services at the park are all leased to a "hospitality" industry corporation, the "public" park has but three public employees- a park Superintendent, his secretary and one other assistant.

And of course, at the entrance road, is that two person toll house I so despise. Why do I despise this public park toll house? Because the park land was bought and developed with the public's money, that's why. The public should not have to pay even more to simply drive or walk through the park's developed areas, to visually "sample" the amenities therein. Intended or not, the toll house smacks of having been devised to "keep out the riff-raff (AKA the poor)".

Maybe my family is part of the riff-raff; we determined that on that particular Sunday that we couldn't afford the toll house fee just to look around the park's fancy furnishings. Maybe one day I'll win the lottery and visit there

On a personal level as a humanitarian universalist, I would suggest that if we are to institute monetary wealth yardsticks to limit human access to facilities the public bought and paid for, that such access be granted to people *inversely* proportional to their wealth as measured in \$\$\$.

Should the state of West Virginia invest a hundred million dollars of public monies in "public" recreational facilities that most of the public can't afford to enjoy?

Blessed be the poor, for theirs is the kingdom of almost heaven, West Virginia (except at Stonewall Jackson State Park).

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS
 PRESIDENT: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@wvhighlands.org.
 SENIOR VICE PRESIDENT: Judy Rodd, Environmental Services and Education Center 501 Elizabeth St., Charleston, WV 25311, (304)345-7663, roddj@hotmail.com
 VICE PRESIDENT FOR STATE AFFAIRS: Carroll Jett, 397 Claylick Road, Sherman, WV 26164, (304) 273-5247, carrolljett@yahoo.com.
 VICE PRESIDENT FOR FEDERAL AFFAIRS: Peter Shoenfeld, 713 Chesapeake Ave., Silver Spring, MD 20910, (301)587-6197, peter@mountain.net.
 SECRETARY: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, rogers@wvhighlands.org.
 TREASURER: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)372-7501, woodhavenwva@netscape.net
 PAST PRESIDENT: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com
 DIRECTORS-AT-LARGE (Terms expire October 2003)
 Sayre Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.com.
 Don Garvin, PO Box 666, Buckhannon, WV 26201, (304)472-8716, DSGJr@aol.com.
 Carter Zerbe, 16 Arlington Ct., Charleston, WV 25301, (304)343-3175, scz3667@aol.com.
 Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)372-7501, woodhavenwva@netscape.net.
 Jonathan Jessup, 8225 Adenlee Ave. #40 Fairfax VA 22031 703-204-1372 jonathanjessup@hotmail.com

DIRECTORS-AT-LARGE (Terms expire October 2004)
 Bob Gates, 1117 Virginia St.E., Charleston, WV 25301, (304)342-2624, bgates@wwise.org.
 Don Gasper, 4 Ritchie St., Buckhannon, WV 26201, (304)472-3704
 Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989, imaginemew@aol.com
 Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369
 Pam Moe, Rt. 1, Box 29B, Kerens, WV 26276, (304) 478-4922, pam_moe@hotmail.com
 ORGANIZATIONAL DIRECTORS
 NATIONAL SPELEOLOGICAL SOCIETY—Virginia Region: Judy Fisher, PO Box 276, Berkeley Springs, WV 26411, (304)258-4974.
 PITTSBURGH CLIMBERS: Jean Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.com.
 BROOKS BIRD CLUB: Mary Moore Rieffenburger, Rt. 1, Box 253, Elkins, WV 26241, (304)636-4559.
 MOUNTAINEER CHAPTER TROUT UNLIMITED: Carl W. Miller, PO Box 4398, Parkersburg, WV 26104, (304)422-5312.
 WEST VIRGINIA RIVERS COALITION: Abby Chapple, PO Box 370, Great Cacapon, WV 25422, (304)947-7590, abbyc@aol.com
 DOWNSTREAM ALLIANCE: Craig Mains, 137 Hoffman Ave., Morgantown WV 26505, cmains@wvu.edu
 FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802.

COMMITTEE CHAIRS
 MINING COMMITTEE: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802.
 PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.com, Bob Marshall, 201 Virginia St.W., Charleston, WV 25302, (304)345-5518, woodhavenwva@netscape.net.
 OUTREACH/COMMUNICATIONS COMMITTEE: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989, imaginemew@aol.com
 BLACKWATER CANYON COMMITTEE: co-chairs Linda Cooper, J1 1220 Van Voorhis Road Morgantown, WV 26505 (304)296-0565 lcooper@hsc.wvu.edu, and Judy Rodd, Environmental Services and Education Center 501 Elizabeth St., Charleston, WV 25311, (304)345-7663, roddj@hotmail.com
 LEGISLATIVE COMMITTEE: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)372-7501, woodhavenwva@netscape.net

WIND POWER COMMITTEE: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@wvhighlands.org.
 ENDOWMENT FUND COMMITTEE: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com
 RIVERS COMMITTEE: Abby Chapple, PO Box 370, Great Cacapon, WV 25422, (304)947-7590, abbyc@aol.com
 HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, rogers@wvhighlands.org.
 GERMANY VALLEY COMMITTEE: Rafe Pomerance, 2026 Allen Pl., NW, Washington, DC 20009, (202)232-6885, rafepom@aol.com
 OUTINGS COMMITTEE: Jack Slocumb, 511 Washington St., #8, Cumberland, MD 21502, (301)777-8810, jslocumb@prodigy.net

MISCELLANEOUS OFFICES
 SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989, imaginemew@aol.com
 WEB PAGE: Peter Shoenfeld, 713 Chesapeake Ave., Silver Spring, MD 20910, (301)587-6197, peter@mountain.net.
 ADMINISTRATIVE OFFICES
 ADMINISTRATIVE ASSISTANT: Dave Saville, PO Box 569, Morgantown, WV 26507, (304)284-9548, daves@labyrinth.net.
 HIGHLANDS VOICE EDITOR: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com

DEPARTMENT OF ENVIRONMENTAL PROTECTION STUDY FINDS THAT MINING, TIMBERING INCREASE FLOODING

The West Virginia Department of Environmental Protection has released a study of flooding in West Virginia watersheds that concludes that mining and logging added to the floods which occurred in West Virginia during 2001.

The study was part of the work of a task force appointed by Governor Bob Wise in response to the flooding which occurred in July of 2001. To perform the study, the Department compared three watersheds. Mining and timbering had occurred in two of the watersheds. The third was relatively undisturbed. Through the use of computer modeling, the study compared the runoff which would occur were the watersheds undisturbed with that which would occur with mining and timbering.

The study concludes that the flow from the mined and timbered watersheds increased by up to 21%, depending upon where measurements were taken.

The study did not draw any conclusions about the increase in the height of the flood in the watersheds. It determined how much the volume of water running off increased as a result of the mining and timbering. It did not convert those conclusions about the volume of flow into conclusions about how much higher the water would rise as a result of the increased flow. Such a conversion would require more extensive study, something the Department recommended in its study.

In addition to its conclusions, the study contains supporting data which are informative. First, it brings together the rainfall data which various public agencies had collected at the time of the storm.

This data makes clear that the widely held public perception about the amount of rain that fell is incorrect. The widely held perception is that this rain was of Biblical proportions, a rain which would have produced a major flood regardless of whether the area had been disturbed by mining or logging. Governor Wise encouraged this perception by referring to rainfalls of "6 to 9 inches of water." According to the study data, only one station (south of Beckley) recorded a rainfall of more than six inches on the date of the flood. Many of the reporting stations reported rainfall of less than two inches and one Boone County station reported rainfall of less than an inch. While the rainfall was substantial by any measure, it was not the catastrophic deluge that many understood it to be.

The study also brings together previously published data about such things as the relationship between run off and land use. As one might expect, this data demonstrates that there is dramatically less runoff from undisturbed woodland than there is from land of which other uses are made.

The Department of Environmental Protection does not regulate logging. Instead, logging is regulated by the Division of Forestry. As a result, the Department of Environmental Protection has less ability to influence the regulation of logging operations. Randy Dye, director of the Division of Forestry, promised to seriously consider the DEP's proposals.

The entire study, with supporting data, is available on line at www.dep.state.wv.us



HIGHLANDS CONSERVANCY STUDY FINDS THAT TIMBERING INCREASES FLOODING

The Timber Reform Research Project of the West Virginia Highlands Conservancy has released the results of its research on the connection between timbering and flooding.

To carry out this research, the researchers examined eight areas in Fayette County, West Virginia, most severely impacted by flooding. The study areas were selected with the assistance of Steve Cruikshank, Fayette County Director of Emergency Services. Using maps of timber jobs taken from timber notifications filed with the Division of Forestry from 1993 to July 2001, the researchers produced maps of each area which showed where timbering had occurred.

With these maps, it is possible to see the relationship between the areas which have been heavily timbered and the areas where flooding was most severe. The maps show that flooding was not caused by large rivers rising up and out, but by water running off steep slopes and ravines below cleared logging and mining sites. The study also includes quotations from citizens who

lived through the floods, confirming that the destructive flows came from above and contained debris from logging sites. The report also contains photos of flood damage in the areas below timber jobs. The research supports the findings of the West Virginia Department of Environmental Protection Flooding Study — that timbering did contribute to flood damage of down slope residents.

From the information collected, the researchers came to the following conclusion:

While flooding in the steep terrain of West Virginia is not uncommon, the floods of 2001 were of an unusual character. Gushing water came down timber skid roads, carrying dangerous loads of debris. Houses, cars, roads, sewage systems were washed away in areas that had never flooded before.

This flooding was a wake-up call. Manmade disturbance of steep forested slopes in Fayette County (and other counties in southern West Virginia) contributed to the deadly force of recent flooding. Such

threats to life, limb and property are illegal and must be stopped. Stricter timber laws must be enacted — and better law enforcement by the Division of Forestry must begin — or we will see a repeat of this type of severe flooding, with more lives and property lost.

Citizens will not be satisfied with a flood damage prevention program that relies solely on expanded flood plains and dams. This would be a cover-up. The causes of the flooding must be exposed and fixed. The DEP Study and Report was a good start, because it was based on sound science. It must not be swept under the rug

The report was prepared with financial assistance from the W. Alton Jones Foundation. To order the full color report, send \$5.00 plus \$1.50 for postage and handling to WVHC Timber Research, 501 Elizabeth St., Charleston, WV 25311 or download it from the WVHC website at www.wvhighlands.org.

Flood Study Recommendations

HOW THE DIVISION OF ENVIRONMENTAL PROTECTION WOULD ADDRESS THE FLOODING PROBLEM

FLOOD ANALYSIS TECHNICAL TEAM RECOMMENDATIONS

These recommendations are meant to foster enhanced runoff control for logging and mining operations. Most of the recommendations contained herein will have to be implemented through rulemaking or, in the case of forestry, formal changes to the Best Management Practices, while others pertaining to forestry can be implemented through policy or programmatic development, as indicated. As noted below, a number of these recommendations are the result of the technical analysis conducted for the development of this report. Others came as a result of field observations made by agency professionals and information developed from the public meetings that were conducted as part of this effort.

FLOOD ANALYSIS TECHNICAL TEAM RECOMMENDATIONS FOR MINING AND RECLAMATION OPERATIONS

1. Recommendations Resulting from the Technical Analysis
 - a. Revise regulations to enhance Hydrologic Reclamation Plans for all existing, pending and future permits to prohibit any increase in surface water discharge over pre-mining conditions.
 - b. Revise regulations so that the post-mining drainage design of all existing and future mining permits corresponds with the permitted post-mining land configuration.
 - c. Revise regulations to enhance contemporaneous reclamation requirements to further reduce surface water runoff.
2. Recommendations Resulting Primarily from Observations
 - a. Revise regulations to require that each application for a permit contain a sediment retention plan to emphasize runoff control and minimize downstream sediment deposition during precipitation events.
 - b. Revise regulations to require durable rock fills be limited to "bottom up or incremental lift construction" methods for enhanced runoff and sediment control.
 - c. Revise regulations to require the condition of the total watershed be reviewed prior to any approved placement of excess spoil material. Conditions that should be considered include the proximity of residents, structures, etc., to excess spoil disposal structures.
 - d. Revise regulations to require that valley fill designs minimize erosion within the watershed during precipitation. The permittee shall consider the total disturbance of the disposal area.
 - e. Revise regulations to prohibit "wing dumping" of spoil in excess spoil disposal structures.
 - f. Revise regulations to prohibit placement of windrowed material in areas that encroach upon natural drainageways.
 - g. Revise regulations to limit areas allowed for clearing/grubbing of operations in excess spoil disposal areas.
 - h. Revise regulations to maximize reforestation opportunities for all types of post mining land uses.
 - i. Revise regulations to require rain gages be located on all mine sites and that monitoring and reporting schedules be developed.

FLOOD ANALYSIS TECHNICAL TEAM RECOMMENDATIONS FOR FORESTRY OPERATIONS

Agency observations and comments by the public indicated substantial movement of logging debris and sediment from logging operations into streams during the flood event. Transport of this material was caused in part by concentration of flow by logging and skid roads. In addition, disposal of slash near streambeds also contributed material that may have increased flood damage. Erosion of material from roadways was evident from aerial overflights after the July 8 storm.

FATT recommends that the forestry oversight committee, established under the Logging Sediment Control Act, W.Va. Code 19-1B-7, include the foregoing recommendations as revisions to the West Virginia Best Management Practices to enhance sediment and runoff control. We further recommend increased staffing to aid in: forest fire prevention and suppression, forest hydrology, and field inspection and verification of the use of existing and proposed BMPs. While research shows the value of using BMPs, close field verification and vigorous enforcement are necessary to provide the benefits associated with proper timbering methods.

Recommendations

- a. Revise BMPs to limit logging activities within the total area of a watershed based upon acreage, basal area removed, silvicultural methods or any combination so as to minimize runoff velocities and channelization of flows due to total watershed disturbance.
- b. Revise BMPs to prohibit the use of lopped slash as a substitute for seeding on skid roads, require out-sloping and seeding of all roads prior to a post-operational site inspection or within sixty days of the end-date in the timber harvesting notification.
- c. Revise BMPs to require a slash disposal plan be included in all timber harvesting notifications to provide for the removal of slash from roadways and landing areas. The BMPs should be revised to prohibit placement of large woody vegetation in intermittent and perennial stream channels.
- d. Revise BMPs to require that the past history of uncontrolled burning in the watershed be taken into account in designing timbering operation plans to reduce runoff from these areas. The committee should investigate increased staffing for forest fire prevention and suppression with the long-term goal of eliminating forest fires as a contributor to increased runoff.
- e. The Division of Forestry should conduct pre-operational site inspections to review proposed timbering operation plans, sediment control practices, and BMPs to be used by operators.
- f. The Division of Forestry should implement a routine inspection regime to monitor and enforce BMPs and timbering notification requirements during active operations.
- g. The Division of Forestry should conduct a post-operational site inspection at the end-date of the timbering operation to insure that all BMPs and sediment control practices have been met prior to removal of equipment from the site.
- h. The Division of Forestry should provide increased technical assistance to timber operators in training and field verification, specifically with regard to road construction, stream-crossing construction, log landing location, and sediment control measures.

THE GOVERNOR DITHERS

Governor Bob Wise has not decided whether or not he will support new timbering and mining guidelines designed to reduce future flooding. The guidelines were prepared by the Department of Environmental Protection based upon the studies and recommendations of the task force which Governor Wise appointed to study the July 2001 flooding in southern West Virginia.

The recommendations of the Department were published in draft form and subject to criticism both by citizens and by coal and timber interests. The Department delivered a final version to Governor Wise on August 6, 2002.

At the time the Department announced its final recommendations it wanted to publish them as emergency regulations. This would have made them effective immediately rather than waiting for the Legislature to convene. The Governor did not express any support for the regulations at that time. Neither has he expressed any support for the proposed regulations since then.

FOREST MANAGEMENT REVIEW COMMITTEE URGED TO TAKE ACTION

I appreciate the opportunity to talk for a few minutes about some things I think you will want to know about forest flows. I'm Don Gasper, a retired W.V. D.N.R. fish biologist who worked 30+ years on W. Va. trout streams - with Foresters.

Thanks to the Charleston Gazette particularly, citizens are aware of the recent D.E.P. flood study. Its first recommendation to the Division of Forestry was to limit logging activities within the total area of a watershed based upon acreage and basal area removed. The stated purpose of this recommendation is to "minimize runoff velocities."

This means to retain the forest's leafed canopy.

Further the D.E.P. Study contains the comments of Dr. Wayne Swank -

The first "relevant information" he offers is that "On a given watershed at least 25% of the forest stand basal area must be cut to measure significant changes in annual water yield."

You should know that Dr. Swank knows more than anyone about Forest Hydrology. Unquestionably he understands the D.E.P. model, its limits and usefulness. He said it produced useful outcomes.

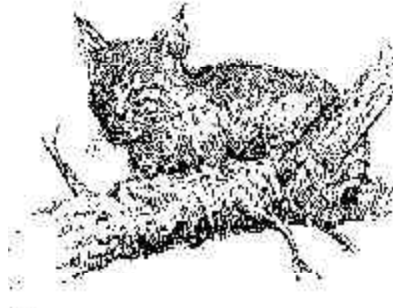
Incidentally I think the D.E.P. study produced reasonable results - also. But I want you to understand the straight forward influence of logging that reduces forest canopy and then causes increased flooding. I would like you to consider a law that would ban clearcutting. Maine legislators did this in 1997 - that clearcuts be limited to .25% of any large ownership in any one year. Landowners should do no harm.

The United States Forest Service Research Station at Parsons (Fernow experimental forest) has studied the connection between timbering and runoff. I would like you to know that The Fernow has stated:

- ab "The more trees removed, the greater the increase in stream flow".
- ab "20 - 25%" basal area removal is "required before stream flow changes are observed in this region." - P. 3-32
- ab "Removal of 23% of the basal area could increase available soil moisture locally within the compartment."
- ab "Increased soil moisture could occur in the patch clearcuts and the strip clearcuts, due to complete canopy removal and resulting decreases in transpiration." P. 3-59

Quite simply tree roots dry the soil so the runoff and then flooding is less.

The Fernow has generated a flow curve on their 6' wide study streams from a summer rain of about 1.5", that shows nine times more flow from the control stream.



Such an increase in flow will cause stream channel scour.

Further, immediately below a clearcut Fernow data shows the channel must carry over twice as much flow annually as it has in the last 80 years.

Concerning stream channel dynamics, Fernow States:

- "Bank full width will double in a stream where the bankfull discharge (i.e. volume) is doubled (Verry 2000)."
- "Increased stream flow initially (0-5 years) after harvesting may have further encouraged channel changes." (Earlier this was given as 5-10 years by Fernow.)
- "Drainage densities (i.d. ft. of stream channel per acre) in the 2 harvested watersheds were 1.7 and 1.3 times greater than in the control watershed, indicating headcutting." Headcutting is acknowledged.
- "Additions of sediment to the stream channel from the road system may change the sediment balance of the stream channel. In turn, changes in within channel erosion, deposition, and morphology could occur."

Headcutting is stream channel extending itself up-slope - producing sediment. Fernow also states in their D.E.I.S.

"Sediment from these small ephemeral channels can adversely effect trout fisheries downstream and far from the source of input."

The Monongahela states in their

Horton Block Oil and Gas E.A.: "Channel erosion can be a more important source of sediment than surface disturbance in some situations." I would point out that unlike for surface disturbances there are no BMPs for channel scour except canopy retention.

Sediment from headcutting and channel bottom and bank scour plug the channel, in effect lowering the bank where out of bank flows can generate more sediment. Also gravelbars form throughout and deflect flows into the bank causing bank erosion. The channel's ability to carry water is thus reduced by such sediment load.

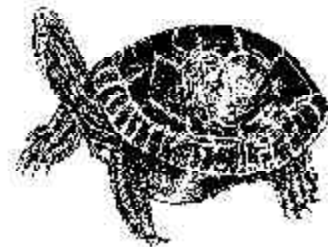
Please note that the Coalition for Responsible Logging is recommending limits on tree canopy removal within watersheds. Please consider this recommendation. It is necessary to reduce flooding and it is necessary to stop our beautiful streams from being turned into drainage ditches by necessary bulldozer work.

Finally, I want to convey to you how important the canopy was found to be on a large watershed - Shavers Fork at its mouth - at Parsons. This Table shows the 20 greatest storms are not related to the 20 greatest floods. The 2nd and 3rd greatest storms barely made the top 20 floods because they were in summer when the leaves were out and tree roots were drying the soil. Again, the quotes are those of the Fernow Researchers.

Thank you and I hope you can proceed with your important work being assured that logging that reduces the forest canopy beyond 25% can contribute to flooding.

Donald C. Gasper
Buckhannon, WV 26201

Don Gasper originally delivered this testimony before the Forestry Management Review Committee of the West Virginia Legislature.



Join Now and get a free gift!!



West Virginia Highlands Conservancy
www.wvhighlands.org

We are now offering a wonderful incentive for new membership applications we receive. We have had two beautiful National Geographic books donated to us. Join now, using the form below, for your choice of either of these books as a free gift. Please circle the book you want.

Nature's Medicine: Plants that Heal by Joel L. Swerdlow, Ph.D.
Throughout human history, plants have been our chief source of medicine. The fascinating story that unfolds in this book is much more than a catalog of natural cures. Equal parts scientific inquiry and cultural history, it's nothing less than a chronicle of the healer's art as it evolved from folk remedies to modern science. 400 pages, featuring over 200 full color photographs and an illustrated catalog of 102 healing herbs. A \$35.00 value free to new members. Premium available to **new members only**.

The Emerald Realm, Earth's Precious Rain Forests. Together, earth's tropical rain forests make up a globe-girdling emerald realm that occupies just 5 percent of the world's land area - yet nurtures half its plant and animal species. From this cornucopia pours an array of foods and herbs, medicines and chemicals, and a variety of construction materials. The magnificence, the fragility, the mystery of "the most diverse, the most complex, and the least understood ecosystem on earth" are yours to experience in this 200 page National Geographic book. A \$20.00 value free to new members. Premium available to **new members only**.

.....
✕
Yes! Sign me up.

Name _____
Address _____
City _____ State _____ Zip _____
Phone _____ E-Mail _____

Membership categories (circle one)

	<u>Individual</u>	<u>Family</u>	<u>Org</u>
Senior	\$12		
Student	\$12		
Regular	\$15	\$25	\$50
Associate	\$30	\$50	\$100
Sustaining	\$50	\$100	\$200
Patron	\$100	\$200	\$400
Mountaineer	\$200	\$300	\$600

Mail to West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321

A CHANGING OF THE GUARD

By Bob Marshall

There has been a "changing of the guard" for the WVHC treasurer's duties. At the October Board meeting, Jackie Hallinan, our long-standing treasurer, formally stepped down in order to take a much-deserved break from her duties. Under Jackie's tenure, and with the assistance of our accountant, Susan Jacquet, the WVHC's finances have been computerized, organized and stabilized into a well-managed system, and we all owe her a debt of gratitude for her years of volunteer service. (Thanks, Jackie; you've earned a rest!)

As the new and still learning treasurer, I hope to continue the high level of competency passed down to me. As I go along, I am amazed at how much good work and effort is generated through WVHC's funds. Everything from printing this monthly paper, to supporting our many volunteer committees, to organizing a Wilderness Campaign, to gathering Mon Forest Plan comments, to fighting mountain top removal mining, is supported through the Conservancy's treasury. I know of no other conservation organization that receives a better "return" on its member's contributions.

As we enter this season of giving, I encourage each one of us to remember the work that remains to be done, the places that need to be protected, the communities and people that need our help. When you renew your Conservancy membership, or are asked to give, please donate generously. I am confident that your donations will be wisely and efficiently used for the conservation and protection of WV's natural treasures.

May each of us have a blessed Holiday season.

Bob Marshall
WVHC treasurer



WILDFIRE HEADS FOR TUNDRA

Longtime vigorous advocate for the environment and for economic justice Mary Wildfire has left (at least temporarily) West Virginia to take an internship with Organic Consumers Association in Little Marais, Minnesota, on Lake Superior not far from Canada. She may return to West Virginia next summer, depending upon where her job opportunities take her. She had recently completed her term as president of the West Virginia Environmental Council.

SOME HISTORY OF FLOODING AND HOW WE RESPONDED

By Dave Saville

In 1911, AB Brooks (now in the West Virginia Forestry Hall of Fame) wrote, "Forests not only produce wood.....they hold the water of rains and melting snow and give it out gradually to the springs and regulate the flow of creeks and rivers..."

In 1933, Charles Henry Ambler, in *A History of West Virginia* wrote; "The rapid development of the timber industry and the resulting clearcutting of the state's forests depended on a political climate which encouraged exploitation of the state's resources..." "Because of the emphasis on development, there was no great emphasis on conservation in West Virginia until repeated natural disasters revealed the disastrous effects of the timbering practices used by the state's timber companies."

In 1921 a handbook published by the Society of American Foresters, referring to the devastating flood of 1907, states; "By that time, it had become increasingly obvious to both professional foresters and many of the state's citizens that the flooding was a direct result of the cutting of the timber..." "The 1907 flood resulted in more than 100 million dollars worth of damage along the basin of the Monongahela River. Over eight million dollars in damages occurred in the city of Pittsburgh and its vicinity alone."

The *Wheeling Daily News* printed on Saturday March 16, 1907 "Again the Ohio River, by its conduct, forcibly reminds us of the folly of timber destruction. No other cause than devastation of the forests could have given the Ohio Valley such a deluge following the fall of comparatively slight volume of water. The barren hillsides are responsible for it. There is nothing to hold the water back."

In 1908 the West Virginia Conservation Commission reported, "Public opinion has long held that the floods are increasing in number, not only in West Virginia, but in other regions where rapid deforestation has been going on, but only recently were figures compiled showing just what is taking place in the state. A compilation of results shows a very disquieting state of affairs in West Virginia. Floods in the Ohio at Wheeling have increased 28 per cent in numbers in 26 years; Potomac floods at Harpers Ferry have increased 36 per cent in 18 years; The Monongahela floods at Greensboro, PA, show an increase of 73 per cent in 24 years."

"The increase in total discharge of West Virginia rivers, in spite of diminishing rainfall....is due solely, so far as available data can be interpreted, to the deforestation of the mountains. There is no reason to doubt that a continuation of timber cutting will increase the fluctuation of the streams.

"By keeping the mountains forested, a steady supply of water will be available; but if the woods are destroyed, the water will go down as destructive floods when rain has fallen, and it will quickly disappear when the rains cease." The Commission recommended that West Virginia develop a policy under which the state would acquire lands near the sources of streams to protect the water sources.

These disastrous floods also convinced congress that the watersheds of the eastern United States had to be protected. In 1911, it passed the Weeks Law, under which the headwaters of the Monongahela River were designated as one of the priority areas to be placed under federal regulation with the establishment of the Monongahela National Forest. The decision to protect this area was based on the desire to stop the flooding that had

occurred from the rapid runoff from this area due to the removal of the timber.

A.B. Brooks in 1911 wrote further, "Generally speaking a woodland soil absorbs more water than naked ground. The decaying leaves, the roots and stems, and the more porous nature of the upper layers of the forest soil, take up the rain and melting snow, and hold it for a time, permitting it to filter away slowly and enter the streams gradually. Sudden rushes of water down steep slopes after a rain are thus hindered, and the streams rise more slowly, flow more regularly, and seldom reach excessively low stages. When the same has been laid bare and packed by its own weight and under the unobstructed beating of raindrops, [or mining machines] its surface hardens, its porosity is lessened, and it sheds water like a roof. The streams catch it quickly and floods follow. That is the difference between a forested and treeless region. The dangerous region is one with steep, bare slopes. The West Virginia mountains would, if denuded, be a constant menace to all the lower valleys. Floods surpassing everything known in this region heretofore would be sure to follow."

In *Transforming the Appalachian Countryside*, Ronald L. Lewis wrote "The financial benefits derived from the development of the forest industry accrued to the select few over the short term, whereas the costs of the widespread destruction were borne by the taxpayers." and "The despoilers of West Virginia's wilderness bear the responsibility for the devastation they caused, but their destructive "cut and get out" methods went unchecked because the state not only abrogated its responsibility but actively encouraged untrammelled exploitation of the state's natural resources. There were, of course, West Virginians whose sensibilities were shocked by the scale of destructiveness that accompanied deforestation. Even within state government a few voices were heard above the clamor urging conservation of natural resources."

In 1905 Governor Albert B. White declared, "The time has gone by when the man who deforests lands is a public benefactor."

In *Tumult on the Mountains*, (1963) Roy Clarkson, concerning the destruction of the forests wrote, "Who is to blame? - The lumber barons who greedily grew richer as the land was ravaged? The politicians who allowed them to pillage the land? Or the people of the state who sat by and ignored it all? Future generations will condemn all of them!"

In a 1998 Associated Press article by Jennifer Bundy, Bill Maxey, then Director of the West Virginia Division of Forestry states "I think mountaintop removal is analogous to a serious disease, like AIDS." and "Coal companies compact the soil. Then you are trying to plant a tree in concrete. It doesn't work." "We need to stop mountaintop removal," Maxey says.

In January 2000, Maxey wrote in a *Charleston Gazette* editorial "I resigned as a matter of principle, for I did not want to share in the blame nor guilt for the loss of West Virginia's heritage through the loss of our forested mountains [from mountaintop removal of coal]. In West Virginia, from 1977 to 1997, 300,000 acres were made into a moonscape by the decapitation of our mountains. The

(Continued on next page)



Flooding History

(Continued from previous page)

rate of decapitation has increased to 30,000 acres annually. It will take 150 to 200 years before trees would become re-established following such a drastic mining practice."

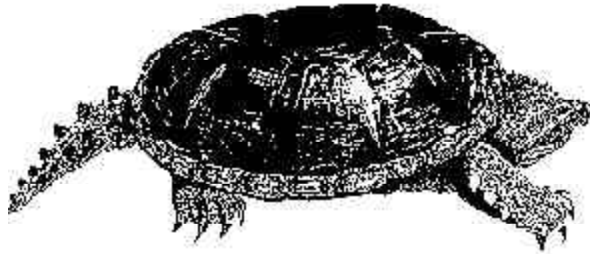
Research at the USDA Forest Service's Fernow Experimental Forest has demonstrated that in forested landscapes, "In the growing season, runoff was 23% of precipitation." This means that over 75% of the rain does not reach the stream channels of forested landscapes. This is due mostly to evapotranspiration. Evapotranspiration includes rain intercepted and evaporated plus that which enters the soil and is withdrawn by vegetation roots and drawn up (transpired) and out their leaves. Where the forest has been removed, as in a clearcut [or strip mine]. "The storm flow is far greater

than that from the control [undisturbed] runoff." "It was nearly 9 times the discharge of the control." This shows the effect of forest canopy evapotranspiration in reducing flooding.

Ronald Lewis wrote, "Two-thirds of West Virginia was still covered by ancient growth hardwood forest on the eve of the transition in 1880, but by the 1920s virtually the entire state had been deforested." So, perhaps there was no strip mining, or mountaintop removal mines to blame for the deforestation, which undoubtedly caused the floods of 1916 and 1932, but the results are the same. Mountaintop removal coal mining not only removes the forest canopy and all the associated forest vegetation, but also the organic forest soils and porous subsoils. The highly compacted rubble that replaces these productive soils, as A.B. Brooks says,

"sheds water like a roof."

So here we are now, 100 years later, and we are still living within a political climate that encourages natural resource exploitation. We still have politicians and regulators who have not yet learned what was so obvious to everyone 100 years ago, and to average citizens today, which Mr. Totten says are not qualified or educated enough. Our politicians are so committed to continually repeating the mistakes of the past that they condemn us to the continual devastation and loss of life caused by such senseless destruction. And today, as yesterday, we, the citizens and taxpayers, bear the costs of cleaning up following the death and destruction caused by the selfishness and greed of the extractive industries protected by these corrupt politicians and regulators.



EVERYTHING I NEED TO KNOW I LEARNED IN FOURTH GRADE

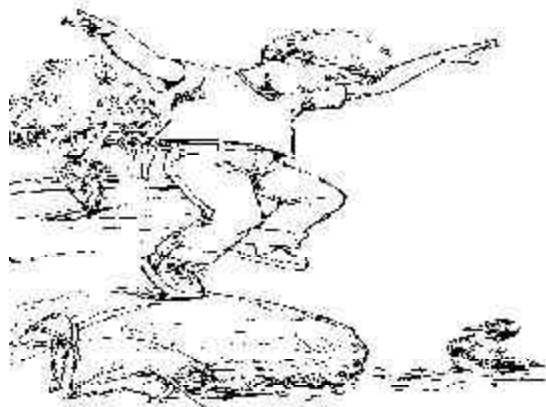
By John McFerrin

One of the staples of the nine year old boy repertoire is the tree shaking trick. To execute it, it is only necessary that you walk under a tree after a rain, shake a low-hanging limb, and run. When you are a few steps ahead, turn around and watch your unsuspecting compatriot get a shower from the raindrops that were left on the tree.

This trick enters the standard repertoire whenever you get big enough to reach a limb and stays there until you are too teenage suave to think it is funny any more.

This issue of the Voice is full of reports of studies of the effect of timbering on flooding. We have conclusions of people who use words like evapotranspiration and people who use computers to model the runoff that can be expected from timbered and untimbered sites.

I realize that there is more to the question than just the water that sticks on the leaves. The capacity of the roots to suck up water plays a role; the ability of trees to prevent erosion has a role etc. But on the question of whether trees hold back the water, is there really any doubt? Ask any nine year old.



WHAT REAL TIMBER REFORM WOULD DO

By Frank Young

Almost two years ago a dozen or so citizens from various environmental groups which form the WV *Coalition for Responsible Logging* (CORL) met with Randy Dye, Director of the WV Division of Forestry (WVDOF), the state agency responsible for administration of the state's Logging Sediment and Control Act.

CORL felt then and still believes that the Act is not written with vigorous enforcement of responsible logging techniques in mind, and that it is administered by WVDOF with a less than enthusiastic attitude toward enforcement.

While Director Dye spent a good deal of time touching on the organizational and budgetary issues of WVDOF, we were more interested on his insight into the current timber regulations, and the enforcement of the logging law. After some time the Director touched on these issues and defended the status quo quite adamantly. Mr. Dye compared his agency to a large ship at sea that he, as the captain, was trying to turn around and move in a better direction. The culture within the WVDOF seems to be resisting change. Mr. Dye wanted us to give him more time to "bring his ship around."

About the Logging Sediment and Control Act, Mr. Dye said that "the law we have on the books is the best law on the East Coast, and I say East Coast because I know nothing about the West Coast laws." Later I got to wondering just what he meant by "the best law". Did he mean the strictest, the most difficult to implement, or did he perhaps think that "the best law" was one that's lenient toward rip and run loggers, actually requiring the agency to do little or nothing in the way of enforcement.

Since then some of us have been looking at timber policy and related logging laws in other states. What we've learned includes some insight into what Mr. Dye may have meant when he said that West Virginia has "the best law on the East Coast". The fact is that eastern and southern states have almost no effective logging requirements spelled out in law. Fewer than a dozen states, all the west and northwest U.S., have inclusive, comprehensive forest management policies for public and private lands written into state code. Any of the eastern and southern states could be said to have "the best law" relating to timber management and logging practices, because they all have weak, basically voluntary or only nominally enforceable forest management policies and procedures for regulating logging.

Realizing that the logging industry is a large, virtually unregulated industry that has the demonstrated potential to leave environmental havoc and human miseries in the wake of its many irresponsible operations, a few dozen citizen activists organized to discuss and help develop "Model Forest Legislation" draft bills for consideration by the legislatures of eastern and southern states. This "model" legislation is still a work in progress, and has not yet been released and recommended by its authors. While it is not yet *published*, some of us who have seen working drafts of this "model" law can report *about* it.

Too, any "final" model legislation would be subject to tweaking to meet specific needs from one state to another, and to meet local political and legislative realities. And we realize that once a legislative bill "hits the floor", or goes to a legislative committee, it can soon change substantially.

With these limitations in mind, this draft model forest legislation includes the following planks not already explicitly spelled out in West Virginia code:

* **Process for notice and authorization of timber harvest**-to insure that the forestry agency and the public have enough notice and information about logging operations, *prior to their commencement*, to judge whether they are appropriately planned and to monitor them for compliance.

* **Stream and wetlands protection measures**-to maintain and restore riparian zones to attain healthy aquatic and riparian ecosystems.

* **General silvicultural management standards**-to allow harvesting

while at the same time providing for long term sustainability of the forests.

* **Landscape level considerations, and steep and unstable grade special management**-to provide a rating system for various types of unstable conditions; and to prevent or avoid an acceleration of naturally occurring rates of soil loss due to logging.

* **Chemical application policy**- to prevent or avoid chemical applications that have adverse environmental effects, including indirect effects on food chains.

* **Reforestation**- to regenerate stands of native tree species in a timely manner to restore, maintain and enhance the productivity of timberlands.

* **Logging roads construction and design standards**-to ensure that logging roads and landings are planned, located, constructed, reconstructed, used, and maintained in a manner that minimizes damage to soil resources and fish and wildlife habitat and prevents degradation of the quality and beneficial uses of water.

* **Establishment of forest regions**-to allow forest management prescriptions consistent with various unique regional forest characteristics and related constraints.

* **Rulemaking authority to forestry agency**- to allow broad authority to enforce the statutes, while making sure that the agency does not constrain the statute by implementing weak rules.

* **Policy on conversion of forestland to other uses**-to maintain forest land for productive forest uses to the maximum extent consistent with the protection of private property rights.

* **Violations, notice, state enforcement and civil penalties**-to insure that adequate resources are in place to remedy violations of the Forest Practice Act- including that no logging activity should be permitted unless the Forestry Agency has the personnel, resources and an established plan for monitoring the permitted activity.

* **Public participation and appeals process**-to insure the public's role in review of and decisions on harvest proposals and enforcement actions.

* **Citizen enforcement**- gives the public the right to seek judicial review of this legislation and its implementing regulations during the conduct of timber operations.

* **Forest monitoring and applied research program**- to monitor and assess implementation of forest practice rules, and to achieve the desired resource objectives, including making predictions about future forest conditions under current management, including but not limited to weighing growth rates against harvest rates, and including sociological and economic aspects of forest conditions.

* **Watershed assessments and controls on cumulative effects**-to effect a systematic evaluation and control of the cumulative effects of forest practices on the public resources of fish and wildlife, water, and capital improvements of the state, its political subdivisions and its citizens.

* **Alignment with existing policies and programs**-an ACT implementation policy- to assure this ACT does not conflict with existing clean water, clean air, and other environmental programs but also to assure that the ACT clearly replaces existing forest management programs (or lack thereof) in the state; and explicit tie-ins to conservation easement and tax incentive acts.

* **Licensing and bonding of forest operators**-to insure that timber operations on private lands must be conducted in compliance with this legislation and its implementing regulations.

Writer's note: In light of the vigorous protest, by logging industry rogue operators and forest industry lobbyists, of the Coalition for Responsible Logging's recent mostly "piecemeal" legislative bills for updating the state's Logging Sediment and Control Act. (see related article, Page 10), one wonders what degrees of chagrin these same lobbyists might muster for a full fledged, comprehensive forest policy act bill encompassing the planks described above.



COALITION FOR RESPONSIBLE LOGGING WORKS FOR LOGGING REFORM

By Frank Young

Part 1—Earlier Proposed Changes

For several years the WV Highlands Conservancy in concert with the *Coalition for Responsible Logging (CORL)* has had written and introduced into the legislature several bills which purpose is to amend and update the state's Logging Sediment and Control Act. This Act, with its current weak, only nominal, ineffective "enforcement" provisions, allows minimal state jurisdiction over timber policy and logging practices in West Virginia.

Why do we need a new Logging and Sediment Control Act? Quite simply, the existing Act does not affect adequate sediment control at and downhill of logging operations. Thick mud running down timber skid and haul roads and into and across public highways are common sights, especially during and after rainfall. Streams of muddy water running off logging sites into streams are common, as well. The sediment from this runoff plugs road drains and slickens highways with tons of mud and covers naturally gravelly or sandy stream bottoms with mud-burying fish eggs and fish food, destroying their spawning grounds and living habitats.

Tree limbs and butt ends of logs, sometimes even whole trees cut and left lying near creeks and streams at logging sites, clog culverts and bridges and block waterways, contributing to flash flooding. Quick runoff from denuded watersheds rush into silt choked creeks and rivers and significantly impact levels of both flash flooding and general basin overflow flooding, costing tens of millions of dollars yearly in damages to public and private infrastructure such as homes, schools, roads and commercial and industrial properties.

In 2001 CORL had introduced a legislative bill designed, as Editor John said, not so much to change what companies are supposed to be doing on the ground; but for the most part it would have made it a lot more likely that it would actually happen.

The actual bill was full of legal niceties that lawyers always like to use to show off their mumbo jumbo talent. So for some time the WV Highlands Conservancy has had posted on its website the following summary of the bill's main "planks":

The big change is enforcement. Under current law there are the Best Management Practices which suggest things such as water bars, reseeding some areas, etc. Division of Forestry has a 20 page or so pamphlet with the details.

The BMPs are nominally mandatory under present law. The difficulty is that the present law puts enforcement in the hands of an agency (Division of Forestry) that is not at all enthusiastic about enforcement and creates a cumbersome procedure for enforcement. The result is that there is no enforcement.

Under current law, the inspector has to see erosion and sediment runoff occurring. When he sees it, he can tell the operator to correct the problem. The difficulty with this approach is that it has almost no chance of encouraging compliance when the operator is not there. Just as in any regulated industry, an operator has to do some things that are not productive. He makes money cutting trees. The only reason to do the things such as install water bars is either to be a good citizen or because somebody makes you do it.

Under current law, the smart operator would never install any of the erosion control stuff. There is a good chance that the inspector will never visit the site. If he does, all the operator risks is having to install erosion control stuff. There are no fines. There is no incentive to do erosion control on every site; the easiest way is to do it only after you are told you have to.

If we ran traffic control that way we could all go 100 until we got caught. Then we could start going 65. There would be no incentive to go slower until caught.

The new law changes this. It mandates an inspection of each site and requires the inspector to take enforcement action for each violation. The act itself does not describe a system of civil and administrative penalties but mandates the Division of Environmental Protection to come up with one. It does include criminal penalties.

The new law also changes the requirement that the inspector

has to see erosion. Under current law, an operator could never install any of the BMPs. If it is not raining the day the inspector comes, there is no erosion to observe and no enforcement action. The new law would make failure to follow the BMPs a violation.

In general, there are two approaches to environmental regulation. You can have a set of steps designed to prevent the pollution. Following this set of steps is considered compliance. The law assumes that the steps are well enough designed that if they are faithfully followed they will prevent pollution.

This is the same model as with auto safety. We have laws requiring brakes, headlights, horns, etc. Not having one of those pieces of equipment is a violation even if the auto has never been in a wreck and the lack of this equipment has never caused any harm to anyone. We have faith that this list of required equipment adds up to a safe car. Even when there is absolutely no evidence that this particular car has caused or is causing an unsafe roadway, lacking the equipment is a violation.

The second approach is to mandate a result and ignore steps designed to achieve it. Should someone manage to achieve the result in spite of doing everything in the worst way possible, then that would not be a violation. Were automobiles regulated that way people could speed, drive with no headlights, brakes, etc. So long as they avoid an accident, they are in compliance.

For timbering, current law takes the second approach. If there is no sediment in the stream, there is no violation.

The new law takes both approaches with the emphasis upon the first approach. It assumes that the BMPs need to be installed to keep mud out of the streams. It assumes that even if there is no mud in the streams now, absence of BMPs makes mud in the stream inevitable at the next rain. Failure to install the BMPs would be a violation whether there is mud in the stream or not. Mud in the streams would still be a violation.

This combination of both approaches is, more or less, the approach the surface mining act takes. For example, it requires a sediment control pond. Even if there has been no rain for a month and the pond doesn't have any water to treat ("treatment" is just catching moving water and holding it until the dirt settles out but the coal guys call that treatment) the company still has to have one. It doesn't matter that there is no water that day and that the same amount of sediment (none) would wash into a receiving stream whether the pond was there or not. They have to have one.

The new law does the same thing. It mandates the BMPs and assumes that, if followed, they will keep mud from the streams.

The new law moves enforcement from Forestry to the Division of Environmental Protection. It also gives any citizen the right to accompany the inspector when the inspection is the result of a complaint by



that citizen.

The bill creates a mini-permitting program. Under current law, companies have to register but it is really just like registering that you have a dog. The state doesn't worry about what kind of dog you have, how many dogs you have, or anything. You just have to send in the \$2.00 and the form saying, "I have a dog." Timbering registration is only slightly more demanding under current law; but there is still no requirement that anybody from Forestry ever look at the registration, nor visit a logging site.

The bill would require Forestry to look at the registration and approve the locations of roads, etc. It would not be nearly as involved as permitting for strip mines or any industrial facility but it would require the Division of Forestry to have looked at it and signed off.

The bill creates a bonding program. Companies would have to post a performance bond. If they reclaim, they get it back. If they don't, Forestry takes the money and hires someone to do the reclamation. The bill requires adjoining landowner notification. The operator must notify the landowners on all sides that he has submitted a registration. The idea is to create a small army of amateur timber inspectors who will keep an eye on things. The other idea is to remind people that something is happening in their neighborhood and that they should watch for timber rustlers.

Part 2- 2002 Logging Legislative Initiatives:

The "more likely to make it happen" bill we had in 2001 did not find great favor with legislators. Various members of legislative committees had objections to various parts of the bill. So in the 2002 legislative session we had introduced several small, single item logging related bills, designed to do sort of, in several small steps, what the 2001 bill would have done in one single, but general change of law, had it passed the legislature.

One bill would have put enforcement responsibilities with the WV Department of Environmental Protection (WVDEP), an agency with some enforcement traditions, instead of with WV Division of Forestry (WVDOP), a largely timber industry promotion agency.

Another bill would have required pre-notification to WVDOP before starting a new logging operation on a particular site.

Yet another bill would have required notification of adjacent landowners of pending logging activities.

And one 2002 session House of Delegates member whose law office, near and downstream from several large logging operations, was severely flooded in July, 2001, introduced his own even further ranging logging control bill. Delegate Rick Staton's Logging Sediment Control Act (the Act) revisions would have included:

* A requirement that persons obtain a license, renewable annually, from WVDOP to buy or sell or harvest logs or standing timber, and that such license not be renewable if WVDOP determines that the licensee, or any person controlled by the licensee has been in violation of the Act on two or more occasions during the previous year, pending re-training and re-licensing;

* Required notice of pending timber harvesting by public notice and adjacent landowner notification;

* Site specific approval of log skid trails, haul roads and sediment control plans by WVDOP before commencing logging operations;

* Disposal of slash, tree tops and butt ends such that they not be washed into streams;

* Both temporary and permanent vegetative cover on skid and haul roads and equipment trails;

* Prohibition against allowing mud or dirt from logging operations to be tracked or otherwise transported onto any public road;

* No harvesting of trees within 100 feet of a highway;

* Site specific bonding, amount dependent on size of the timber operation;

* Responsibility for logging site inspection and enforcement actions, including imposition of civil administrative penalties, to be exercised by either WVDOP or WV Department of Natural Resources (WVDNR);

* *Forthwith* inspection of logging site upon complaint to WVDOP or WVDEP by any member of the public, with the complainant having opportunity to accompany the agency employee making the inspection, without disclosing the identity of the complainant;

* Any enforcement employee of WVDEP or WVDOP may initiate enforcement action;

* Requiring logging operator to re-enter previously logged site to remediate failure of previously instituted measures to control sediment;

* Misdemeanor criminal penalties including fines and/or jail sentence for failure to register logging site, for causing pollution, or for failure to implement prescribed best management practices or other measures as directed by rules promulgated by WVDOP;

* Misdemeanor but heavier fine/imprisonment for intentional misrepresentation in registration plan or other document filed under provisions of the Act;

* Designation as a felony a second or subsequent conviction for intentional documentary misrepresentations or multiple violations of certain other parts of the Act, and

* Criminal prosecution of violations of the Act, notwithstanding the administration of civil penalties under the Act.

The forest policy committees of the legislature are mostly legislators with strong alliances with the timber and logging industry. Virtually every bill that would in any way strengthen the Logging Sediment Control Act is first sent to these committees, then is usually summarily ignored or dismissed by the committees.

The West Virginia Forestry Association is the lobbying arm of the logging industry. It maintains a strong, year round representation at the legislature, at legislative interim meetings, with officials of WVDOP, and with the governor's office. And the larger timber companies have numerous lobbyists on their payrolls.

CORL has a part time lobbyist and a media/government affairs consultant. The WV Environmental Council's lobby team labors on logging and other forest management issues during the regular annual 60 day legislative session. And several unpaid "citizen lobbyists" put in numerous hours putting together and presenting information to regular and interim session legislative committees.

Interim session legislative committees meet on three successive days each month, usually near the middle of the month. The 2003 regular 60 day session of the legislature starts on January 9th.

To illustrate the power of the timber industry at the legislature consider the following: In 2002 only two laws relating to logging were passed by the legislature. One reinstated the exemption for small logging operators (whom are said to often cause the most sedimentation from their logging sites) from several provisions of the existing Act. The other, for the first time ever, made the violation certain clerical requirements (registration and licensing) a misdemeanor crime, subject to fines and imprisonment.

But even yet, violation of the "in the woods" activities, such as failure to maintain best management practices or allowing mud into streams does not result in even misdemeanor charges and penalties. If a logging operator is caught in these "violations" he is simply told to get in compliance. While failure to get in compliance after WVDOP directs one to can result in an order to stop the logging operation, it seldom does. WVDOP Director Randy Dye told CORL that he has no idea how many follow-up inspections are conducted after an operator is directed to comply with best management practices. And he admits that orders to stop an operation pending compliance is indeed rare. In defense, Dye pleads chronic understaffing and under-funding of his agency.

While CORL sees the need for major changes in the Act, it agrees that WVDOP and other enforcement agencies do need adequate staff to make inspections and issue notices of violation, and to do follow-up inspections to effect compliance.



WEST VIRGINIA MOUNTAIN ODYSSEY



Spring Snow On Patrick And Roaring Plains WV © 2002 JonathanRupe.com



No outings currently planned for December, but watch this space and www.wvhighlands.org for winter outings in early 2003!

BOOK NEWS

Larding the Lean Earth: Soil and Society in Nineteenth-Century America by Steven Stoll. (Hill and Wang, 2002)

Reviewed by Kathleen Parker

Let me say it baldly: this is a book about manure. More precisely, it is a book about manure-centered agriculture and its implications in American history. And it's fascinating. "Beauty, restoration, science, fealty, permanence," recalls Yale historian Steven Stoll, "manure embodied them all in the form of an aromatic pile standing on the floor of a big stone barn." He describes the practice of "convertible husbandry," the use of animal manure as the lynchpin in a practice of cultivation that includes field rotation, compost, and cover crops to restore soil.

Nineteenth century American farmers worried over the destabilization of their communities as soil erosion and exhaustion, among other things, led many people to leave the "old states" and migrate west. Some of these farmers "recognized a link between an enduring agriculture and an enduring society in the long-settled places and picked up an old word to name their efforts: improvement." The farmers urged the use of manure to improve the soil and keep the population in place. Stoll provides a thoughtful and interesting (truly!) look at the way improvement agriculture grew out of a political and social environment, playing out differently, and more successfully, in the northern labor-strapped farms than it did in the slave-holding south. Perhaps most interesting to readers of the *Highlands Voice*, Stoll also finds in improvement agriculture the seeds of the conservation movement. "Improvers everywhere did something remarkable. Long before the science of ecology, they came closer than anyone before them to a full (if sometimes inac-

curate) sense of interdependence among organisms and of the interconnectedness in nature generally....Farmers recognized the value of landscape diversity, or in other words, that cleared spaces must be balanced by forests and waters."

Stoll ends his look at nineteenth century improvement agriculture by visiting a farm where these practices are still carried out: the Ohio Amish farm of David Kline. Although Kline has rejected the model of industrial agriculture now dominant in the U.S., he runs a highly profitable and productive farm. With no help from the chemical-genetic industrial complex, the Klines gross \$2,000 per cow in their dairy operation, compared with the \$200 to \$300 common on a "modern" farm. His wheat yields 75 bushels per acre, compared with the 46 bushels average yield in Kansas. In David Kline, Stoll finds confirmation of the value of manure-centered husbandry. The common root of the words "conservation" and "conservative" are manifest in the 400 year old practices used on Kline's farm. Stoll suggests such farming as a model for future agriculture, for "Amish farming is not modern, but it might be postmodern."

Larding the Lean Earth is an elegantly composed work of social history, ranging over topics from immigration to economic depressions to race to religion. Chiefly, though, it is a book about our relationship with the earth that feeds us. We come away convinced, as Stoll set out to demonstrate, that "farming matters."

The Blackwater Chronicle. By Philip Pendleton Kennedy; edited by Timothy Sweet. West Virginia University Press, 2002.
Review by Kathleen Parker

"I would have the Canaan as a park," declares one of the explorers in Philip Pendleton Kennedy's nineteenth century West Virginia wilderness travelogue. His vision of the area is tempered, however, by a colleague's prescient views of inevitable development: "The railroad must put this noble country alongside of the sea; and the forest must be cleared away for the plough, and water-power everywhere must be used, and the coal dug out of the earth, and the ores, the gypsum, the salt, and the lumber, turned into wealth..."

Philip Pendleton Kennedy, known familiarly as "Pent", joined some friends in a fishing adventure in the Alleghenies in late May, 1851, "having it chiefly in view to harry its streams for trout." Pent and friends were lured away from their mountain inn: "It happened that one of our party had been told, many years ago, that this land of Canaan was as perfect a wilderness as our continent contained, although it was not many miles away from the Glades on one side, and the long settled parts of Hardy and Randolph counties on the other; a country where the wild beasts of the forest yet roamed as unmolested as they did when the Indians held possession of our borders; a howling wilderness of some twenty or thirty miles' compass, begirt on all sides by civilization, yet unexplored." The group's enthusiasm for venturing into the Canaan grows, the clincher being a promise by the landlord: "And, gentlemen...if you can only reach the falls of the Blackwater, you can take more trout in an hour than you ever took before in all your lives." *The Blackwater Chronicle* is the story of their expedition. Originally published in 1853, it has been re-issued by West Virginia University Press with a helpful preface by WVU literature professor Timothy Sweet.

Professor Sweet's introduction prepares the reader to understand Kennedy's book in the context of both the author's life and the literary culture of his day. *Blackwater Chronicle* falls in a long tradition of wilderness adventure stories, but it departs from that tradition in its humor and self-mockery. This is not a Thoreauvian paean to the wilderness, but a funny tale of five guys in the woods. Think Bill Bryson, one hundred fifty years back. The men play practical jokes on each other — one camper, annoyed at having the blanket taken from his back, fells a fir tree upon his sleeping colleagues, "a great deal of especial delight beaming all the while from his eyes." Another constantly confuses names, calling Edward Towers, the innkeeper, "Towels" or "Powers". The gentlemen delight in puns and wordplay. One tells the innkeeper he "has a great gift of what they call the gab," and inquires, "You're a Virginian anyhow, a'nt you, Towels?"

"I don't know what he is now, but his ancestors came out of Bableon," said the artist.

"Suffered under the old Bableonish captivity," chimed in Galen.



Although he refuses to take himself too seriously, Kennedy indulges in extravagant language ("Delicious is the summer's day, delicious to both soul and sense!"). And he sprinkles literary allusions liberally throughout his account. On one small page alone, he makes reference to Lorenzo and Jessica from Shakespeare's *Merchant of Venice*; Geraldine on her couch of Ind, from Sir Walter Scott's *Lay of the Last Minstrel*; the famously beautiful Georgiana duchess of Devonshire memorialized by Coleridge; Helen MacGreggor, wife of Rob Roy; and someone named Ruth, who had a "roving lover in the wilds of Georgia," and whose identity escapes this reader.

Since its re-publication, *Blackwater Chronicle* has received attention as a document of environmental history. Editor Sweet notes that Kennedy's story, with its observations of the "noble forest," provides a reminder of our region's former wilderness state. The Canaan is described as a land of huge trees and "bears, wolves, panthers, deer in crowds — some few elk, I reckon — and otters, and badgers — all the animals that ever were there." In addition to the descriptions of lush scenery, *Blackwater Chronicle* also documents contemporary attitudes toward the wilderness. While on the one hand the Canaan provokes awe among the explorers, it is also entirely consumable. The travelers create a campfire by "making a pile [of wood] some ten or twelve feet long, and three or four feet high". In another camp they "picked up the hatchets and axe, and soon had a wagon-load of young hemlocks and firs upon the fire, making a flame that dried the atmosphere all around". Aside from the obvious risk of reducing the entire valley to cinders, their actions squander the abundance surrounding them and betray an approach to nature that is essentially one of conquest. Some members of the party propose to acquire the property, "belt" the trees, and raise cattle. Their dreams for a park include roads, bridges, and "a tower at the falls of the Blackwater, with a good cook in it ... and lounges and cushions of the softest — with a harp or so, and two or three grand pianos."

Pent and his friends never did make it to the most admired of Blackwater Falls, but probably ended up instead at Douglas Falls, on the North Fork of the Blackwater. While part of the region did become Blackwater Falls State Park in 1937, and Canaan Valley State Park in 1968, friends of the Highlands Conservancy know that efforts continue to preserve the landscape that so amazed Philip Kennedy. Mining, logging, railroads, fire, and roadways have all left their mark on what Pent called "one of the grandest and most diversified mountain-scenes in the whole range of our country." In the end, this book is first and foremost a travel adventure. Readers come away from *Blackwater Chronicle* appreciating a glimpse of unspoiled wilderness, prompted to consider the impact of human activity on our environment, but most of all entertained by a good story of friends out for a walk in the woods.

GOOD STUFF FOR FREE

BUMPER STICKERS: To get a free **I & Mountains** bumper sticker(s), send a self-addressed, stamped envelope to Julian Martin, 1525 Hampton Rd., Charleston, WV 25314

BROCHURES: The Sierra Club, Citizens Coal Council, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Focus (Kentucky), Big Sandy Environmental Coalition (Kentucky), Kentuckians For The Commonwealth and the West Virginia Highlands Conservancy have put together a new brochure entitled "Mountaintop Removal Destroys Our Homeplace STOP THE DEVASTATION!" For a copy send a self addressed stamped envelope to Julian Martin, 1525 Hampton Road, Charleston, WV 25314.

Quantities are available for teachers, civic and religious groups and anyone who can get them distributed.

SPEAKERS: Does your school, church or civic group need a speaker or program presentation on a variety of environmental issues? Contact Julian Martin 1525 Hampton road, Charleston WV 25314 or imagine mew@aol.com or 304-342-8989.

What Is Proposed

Canaan Valley National Wildlife Refuge Determines Use Compatibility

Since the Canaan Valley National Wildlife Refuge has acquired the lands of Allegheny Energy, the Refuge has grown to nearly 15,000 acres. Until it completes a management plan, the Refuge is undergoing a Compatibility Determination (CD) to evaluate various uses of the Refuge and what it deems appropriate. Priority public uses of the National Wildlife Refuge System are hunting, fishing, wildlife observation and photography, environmental education, and interpretation.

The 5 different uses being considered in this CD are Vehicular Travel, Fishing, Pedestrian Travel, Horseback Travel, and Bicycle Travel. Each are evaluated based on the priority public uses of the Wildlife Refuge System. Below are excerpts from the official document. The complete document is available on the internet at http://northeast.fws.gov/wv/can_cd.htm

Purposes for which Canaan Valley National Wildlife Refuge was Established:

- (1) for the development, advancement, management, conservation, and protection of fish and wildlife resources;
- (2) for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions.

Mission of the National Wildlife Refuge System:

"To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Vehicular Access

This use is vehicular access to facilitate priority public uses on the Canaan Valley National Wildlife Refuge (Refuge). Vehicles are legally licensed cars, trucks, and motorcycles and do not include all-terrain vehicles and snowmobiles which are prohibited on the refuge. Vehicular travel is not a priority public use.

Since the establishment of the Refuge in 1994, the public has been allowed to operate vehicles on Forest Road 80 (FR 80) (1.9 miles). This road provides vehicular access from Route 32 to US Forest Service lands, including the Dolly Sods Wilderness Area. Vehicle travel is allowed on Idleman's Run Road which provides access from Timberline Road to FR 80 (.21 miles). Two roads provide vehicular access to the recent 11,541 acre Refuge addition (Main Tract): A Frame Road (4.8 miles on Refuge) and Delta 13 Road where it enters the Refuge from Camp Seventy Road to the Refuge parking area (0.1 miles). A Frame Road is accessed from Highway 93 and Delta 13 Road is accessed from Route 32. Vehicle travel will continue on these four graveled roads to points where they are closed to protect refuge resources, totaling 7.01 miles.

Fishing on Beaver Ponds and the Blackwater River

This use is public fishing on beaver ponds and the Blackwater River and its tributaries on a recently acquired tract of the Canaan Valley National Wildlife Refuge (Refuge). (b) Where would the use be conducted? The Refuge acquired 11,541 acres (Main Tract) in 2002. The West Virginia Department of Natural Resources stocked black bass in beaver ponds on the property in 1964. Beaver ponds and the Blackwater River would be open year round subject to applicable state fishing regulations. Ice fishing would be allowed. Daily hours of use would be between one hour before sunrise and one hour after sunset when the Refuge is open to the public.

Fishing methods and harvest limits on the Refuge would conform to West Virginia State law. Anglers would enter the Refuge from parking lots or private land and walk to fishing waters. Cross-country travel by foot would be allowed because of seasonal flooding of existing Refuge trails. Anglers entering from private land would be required to possess written permission from the landowner. Anglers using non-motorized watercraft on the Blackwater River would enter the Refuge from outside Refuge boundaries. Overland transport of watercraft would not be permitted to protect vegetation.

Horseback Travel

Horseback travel is not a priority public use. Since the establishment of the Refuge in 1994, horseback travel has been allowed on roads open for vehicle access and a graveled service road on the Beall Tract, totaling 2.57 miles. These roads, in the southern part of the Refuge, are listed below and would remain open for horseback travel:

- Forest Road 80 (FR 80)-1.91 miles
- Idleman's Run Road-0.21 miles
- Beall Tract Road-0.45 miles

The recent refuge addition of 11, 541 acres (Main Tract) includes gravel and old logging roads that were used for horseback travel before Refuge acquisition. Horseback travel would be allowed to continue on 11.09 miles of roads listed below:

- Delta 13 Road-1.81 miles
- Brown Mountain Road-2.35 miles
- A Frame Road-4.79 miles
- Cabin Mountain Road-1.35 miles
- Summit View Road-0.79 miles

Horses are accompanied by riders at all times and are not tied to trees or confined. Group size would be limited to a maximum of 5 riders. Riders either enter the Refuge at public entry points or transport horses by vehicle and park at desig-

nated sites. Riders would share roads and travel single file to accommodate other users.

Bicycling

Since the establishment of the Refuge in 1994, bicycling has been allowed on roads open for vehicle travel and a graveled service road on the Beall Tract. These roads, in the southern part of the Refuge, are listed below and would remain open for bicycling at the current level of use:

- Forest Road 80 (FR 80)-1.91 miles
- Idleman's Run Road-0.21 miles
- Beall Tract Road-0.45 miles

The recent refuge addition of 11,541 acres (Main Tract) includes gravel surface roads were used for bicycling before Refuge acquisition. Bicycling would be allowed to continue on 11.09 miles of roads listed below:

- Delta 13 Road-1.81 miles
- Brown Mountain Road-2.35 miles
- A Frame Road-4.79 miles
- Cabin Mountain Road-1.35 miles
- Summit View Road-0.79 miles

Bicycling hours will be sunrise to sunset and bicycling will not be allowed during the deer gun hunting season. Bicycle travel during other Refuge hunting seasons is allowed. Group size would be limited to a maximum of 5 bicyclists who would travel single file. Bicyclists will share the roadway with other users with vehicles having the right-of-way. Riders either travel to the Refuge by bicycle and enter at public entry points or transport bicycles by vehicle and depart from designated parking areas.

Pedestrian Travel

Pedestrian travel includes walking, cross country skiing, and snowshoeing which are not priority public uses. Since the establishment of the Refuge in 1994, pedestrian travel has been allowed, and will continue on the 6.83 miles of designated roads and trails listed below:

- Forest Road 80 (FR 80)-1.91 miles
- Idleman's Run Road (.21 miles) and wildlife watching trail (.39 miles)-0.6 miles
- Freeland Tract wildlife watching trail-0.36 miles
- Beall Tract wildlife watching trails-3.96 miles
- Kelly/Elkins Tract cross country skiing/snowshoeing trails-9 miles total:
- Three Mile Trail-2 miles
- Powderline Trail-1.1 miles
- Timberline Trail-1.2 miles
- Falls Overlook-0.6 mile
- Barton's Loop-0.2 mile
- Hartland Trail-1 mile
- Upper Falls Trail-0.5 mile
- Fern Gully Trail-0.4 mile
- Blackbirds Wing-0.9 mile
- Hawthorne Trail-0.7 mile
- Cross Cut Trail-0.4 mile

A commercial operation, White Grass, Inc., offers snowshoeing and cross-country skiing on the above trails that traverse both Refuge and adjoining private land. These routes comprise 9 miles of groomed ski trails that provide the public an opportunity to view winter wildlife and forest communities.

The recent refuge addition of 11, 541 acres (Main Tract) includes 15.7 miles of roads where pedestrian travel would be allowed to continue:

- Delta 13 Road-1.81 miles
- Brown Mountain Road-2.35 miles
- A Frame Road-4.79 miles
- Cabin Mountain Road-1.35 miles
- Summit View Road-0.79 miles
- Sand Run Road-0.93 miles
- Middle Ridge Road-3.68 miles

During the hunting seasons between late September through February and between late April through the end of May (spring turkey season) all Refuge areas open to hunting are open to cross-country foot travel by licensed hunters. Unlike other priority public uses that can be conducted from designated routes, hunting requires that participants be able to pursue game animals off roads and trails. Cross-country foot travel for sport fishing would also be allowed. Anglers must be able to avoid seasonally flooded trails to access beaver ponds and the Blackwater River system.

Pedestrians would enter the Refuge at public entry points by foot or drive to Refuge parking areas and walk from there. Pedestrians will share the roadway with other users with vehicles having the right-of-way. Pedestrian group size is limited to a maximum size of 10 persons. Allowing cross-country foot travel to pursue game and angling would continue a major and traditional method of access for hunting and fishing.

USFWS LIMITS MOST ACCESS TO HUNTING AND FISHING--COMMENTS REQUESTED

By Dave Saville and Peter Shoenfeld

Most of the Northern Canaan Valley was recently acquired for the Canaan Valley National Wildlife Refuge. It is marvelous wildlife habitat, botanically unique, and also a little visited, wilderness, much appreciated by both naturalists and wilderness buffs. The Highlands Conservancy has a long history of working towards its protection and is vitally concerned with how the Refuge will be managed. Near-term policy for most public use is now being codified by a set of recently published USFWS "Compatibility Determinations" (CDs), developed to allow historic uses of the Refuge lands to continue pending the projected 2004 completion of a "Comprehensive Conservation Plan." Public comments will be accepted until January 6. There will be an open house at Refuge headquarters on December 12 from 4-8 PM. We urge our members to review the draft CDs and to submit comments.

The draft CDs allow unlimited daytime access to the entire refuge to hunters and fishermen, while drastically restricting such access to all others, including those who wish to simply walk around enjoying nature. Here's what the Northern Canaan Valley walking-around possibilities will look like for such folk:

From Camp 70, you will be allowed to walk 1.8 miles along the side of Brown Mountain to Camp 72, or 2.3 miles higher up on Brown Mountain.

From the A-Frame Road junction west of Stony River Reservoir, you will be allowed to walk 4 mi. southwest to Glade Run, an additional 2.4 mi. south and west across the west valley floor between Glade and Sand Runs and then up to Pocono Ridge. You can continue 3.7 mi. north from this point along Pocono Ridge and down to Glade Run. You can also walk .8 mi up the forested west side of Cabin Mountain from the trail coming down.

From the USFWS parking lot off Cortland Rd., there are 4 mi of old roads in two loops west of the Blackwater, descending to the river at one point.

Entry will be prohibited from all but the three points mentioned, even to neighboring property owners. There will be no through hiking between these points. No off-trail movement will be permitted. There will be no access to the estimated 55 miles of additional old roads, railroad grade and trails now available. There will be no access to Sand Run, the Little Blackwater River, the North Branch of Blackwater River, or the main Blackwater River except for the one point mentioned above. None of these restrictions will apply to hunters or fisherman.

In addition, night-time use of the historic hiker-backpacker access up FS 80 and the A-Frame Road will be prohibited.

The primary mission of USFWS National Wildlife Refuges is the provision of habitat. However, the Refuge Improvement Act (also known as the Organic Act for the US Fish and Wildlife Service), passed by the US Congress in 1996, also provides for "priority public uses," spelled out as "hunting, fishing, wildlife observation and photography, environmental education, and interpretation." The CDs address modes of access (such as pedestrian travel) for such priority public uses. In the Refuge Improvement Act, none of the priority uses is given preference over another. Pedestrian travel is necessary to participate in all of them. From the authors' experience, it would seem that the current level of pedestrian travel is quite low and non-destructive.

Excerpts from the Highlands Conservancy's official comments follow:

"Our major concern regarding the CDs is the unfair policy that would severely limit pedestrian travel for four of the six priority uses. This discrimination against non-consumptive users is completely unacceptable."

"Wildlife is for everyone to enjoy, and it is the epitome of hypocrisy to suggest that consumptive uses are deserving of access while non-consumptive users are not."

"We take strong exception to the USFWS statement "Unlike other priority public uses that can be conducted from designated routes, hunting requires that participants be able to pursue game animals off roads and trails." Clearly it is no more possible to observe, photograph, interpret, or learn about wildlife and native plants and ecosystems confined to a few old roads than it is possible to hunt or fish from such roads."

"If the process had been conducted in a fair and objective way, pe-

destrian travel for all priority uses would have been determined equally compatible or not. ... If pedestrian use of the Refuge is determined to be damaging to the natural communities of the Valley, all priority users should be curtailed equally."

"We question why pedestrian access for fishing is considered separately in this CD, instead of being considered equally for all the priority uses. The suggestion, "Just carry a fishing license with you and you won't have any problem," further exemplifies the hypocrisy of the policy favoring consumptive users."

"The CD states "Cross-country pedestrian travel is also a traditional method of pursuing game species for hunting and for sport fishing." Why is no such analysis found in the discussions of the other four priority uses? ... We take further exception to the following statements: "Non-consumptive priority public uses would be allowed to continue by limiting foot travel to designated roads and trails that meet Refuge criteria for route compatibility. Allowing cross-country foot travel to pursue game and angling would continue a major and traditional method of access for hunting and fishing." The CD also asserts "The resulting routes provide the [non-consumptive] public with an opportunity to view the diversity of habitats and wildlife that characterize the Refuge without significant environmental consequences at the current level of use." These statements are biased, factually false and incomplete. Pedestrians will not be able to experience a multitude of wildlife, habitats, views, scenes, ecosystems, and plants from these so-called trails. Combined, the sentences fail to explain why consumptive uses are granted special consideration over non-consumptive uses. They also wrongfully imply that pedestrian travel for non-consumptive uses would have significant environmental impacts, but that pedestrian travel for consumptive uses would not. While we won't speculate here on the likely source of this bias, or the potential politics involved, it should be clearly understood that we find it ugly, discriminatory and unacceptable."

"We are generally supportive of your compatibility determination for vehicular travel. We have the following three concerns ...:

- (1) Forest Rt. 80 is a popular means of access ... a parking area should be developed and overnight parking allowed at the present end of this road for people backpacking on Monongahela National Forest lands.
- (2) We would like to see A-Frame road closed to vehicular traffic beyond the road's highpoint, where several roads diverge to the east. This is an important backpacker access point to non-Refuge lands to the east and south. Overnight parking should be accommodated at this point.
- (3) We hope that there will be strong enforcement of, and severe penalties for, ORV trespass. "

"Because the impacts from bicycle and horseback riding uses are higher ... their use should be limited to trails that are designed, constructed and maintained for their use."

"While handicapped access is not considered in this document, we hope that it will be addressed."

"We support the current and continued use of Refuge trails by Whitegrass Ski Touring Center."

The CDs are online at http://northeast.fws.gov/wv/can_cd.htm. The USFWS is accepting public comment on them until January 6, 2003. Comments may be sent by postal mail, e-mail or fax. They should be sent to:

Jeff Shryer
Refuge Manager
Canaan Valley National Wildlife Refuge
HC 70 Box 200
Davis, WV 26260
Phone: 304-866-3858
Fax: 304-866-3852
E-mail: FW5RW_CVNWR@fws.gov

A PROPOSAL FOR NEW WAYS OF LAND PRESERVATION

Opinion by Jonathan Jessup

US Government Subsidized and Endorsed Destruction of Our Forests and Lands

We need much better land preservation services.

George W Bush has made a big move I've suspected was coming. This latest one is described as 'allowing more leeway for logging' on US Forest Service lands. An article elsewhere in this issue of *The Highlands Voice* describes the changes.

I've asked myself 1. Why does the Bush administration have so much control of our forests? 2. How can we avoid inadvertently giving anti-environmentalist politicians these kinds of powers in the future? These are important questions, I believe.

I believe we need to call into question the virtual monopoly the USFS has on land preservation in West Virginia. At the same time a parallel strategy to attempt to remove the extractive motives the USFS has with its lands would be wise but perhaps unachievable.

For many years the USFS has endorsed and participated in destructive use of the public lands and forests under their stewardship. I define destructive as logging and road building on a truly massive scale, among other things. Some blame capitalists for wanting the resources. I prefer to blame the owner of these properties, the USFS.

The US Forest Service is geared as a resource extracting agency. Their paychecks, vehicles, construction activities (roads for forest removal) and buildings are all funded by the logging of (our?) 'public' forests.

This to me is a fundamental conflict of public interest the USFS has with its lands. It views the forest as a leech would view a host. That is, the host must be sucked on for survival of the parasite. This fact makes me question whose forest are they?

The answer to my second question I believe is that we, Environmentalists, have a responsibility to develop and support the creation and existence of alternative land preservation entities. I feel it is important that these alternative entities not be under the hand of government and thus not be hijacked by greedy anti-environmental politicians. We need much better land preservation services.

Our country has proven to the world that the private sector does a very good job of providing services. The paying public gets what it wants when it pays directly for them. The private sector does an excellent job of providing countless numbers of services at no direct 'public' cost (i.e. tax dollars). I believe we need to tap the power of the private sector to protect our lands and in doing so we are taking control out of the hands of politicians like George W Bush and agencies like the US Forest (destruction) Service.

When you and I are denied the ability to directly financially contribute to nature preservation I believe we are all injured. We presently enjoy that ability when it comes to donating dollars to the West Virginia Highlands Conservancy and other private sector environmental organizations. I'm not asking that the forest service enact user fees because I don't believe they would use the money wisely. They may actually use user fee money to fund even more environmental destruction. I wouldn't put it past them considering their history. Until the US Forest Service stops the destruction I oppose user fees on USFS lands.

When the private sector provides a service, it most often de-politicizes the issue. For example, is it a political issue what color your furniture is? No, because you have a choice when you purchase it. If the government picked the color of your furniture,

then that system would be political and also adversarial because you may have to protest and 'fight for your color'. In my opinion, the politicization of our land preservation service is needlessly adversarial due to governmental involvement. Look at how adversarial the Highlands Conservancy has had to be in regards to the USFS! We've had to struggle for with them for many years. That adversarial struggle will only continue, unfortunately. Environmentalists are labeled as adversarial in our society today and I believe that label sometimes hurts our cause. I'm offering one idea to remove some of this adversarial struggle, here in this article.

Why do I believe private sector land preservations can work? I believe there is strong demand for the preservation of nature! This is how markets work, such as the very powerful and effective stock markets. Supply and demand are powerful forces that I believe can work in our favor in a much more effective way to protect and preserve our lands than the adversarial system we presently have with the US Forest Service. The very existence of the Highlands Conservancy and countless other environmental organizations proves there is demand for nature preservation.

We already have some of what I ask for in The Nature Conservancy. This is a model that needs to be expanded and we also need more of these types of non-profit organizations.

Does The Nature Conservancy log their forests? No. Do they build miles of needless roads in them? No. Do they engage in needless wasting of money on bureaucracy? No. Are they hell bent, as the USFS is, on hiring lots of people? No. Perhaps TNC is not perfect but I think they are vastly better than the US Forest Service. Another private sector land preservation example is The National Trust, in Great Britain, which owns a lot of lands and properties all over the British Isles. For example, the Lake District, perhaps England's most beautiful mountains, has a significant portion owned by the Trust and not the British government.

Public involvement is, I believe, the key to promoting the benefits and caring of nature. How much public involvement is there with the US Forest Service? Not much. They try to do just about everything themselves. Often the USFS blatantly goes against public input as they are apparently planning on doing by increasing the logging on the Monongahela NF and the George Washington NF, as Bush is seeing to. If the USFS relied on public membership and voluntary contributions as the Highlands Conservancy does, they would be long gone and out of business and I believe we'd have something much better.

I believe volunteer groups have much greater opportunity to work with private sector land preservation organizations. Schools, colleges, environmental organizations and people like you and I would be more than happy to help and that saves money. Saving money and not wasting dollars means we can put our resources to maximum use to protect our lands and forests. Look at how much public (members) involvement there is in the Highlands Conservancy, for example. It is a critical and daily function for the Conservancy to interact with its members on just about every issue. Even non-members are listened to.

One issue where the private sector may need help is law enforcement. I support some kind of public service to assist in law enforcement on any privately protected lands. In any case, even the USFS is presently sorely lacking on law enforcement so there isn't much difference.

A truer definition of a 'public forest' is one that is not for government's exploitation and sell-off to corporations, but one that the public willingly buys and cares for directly. A better protected

THE JOYS OF WINTER CAMPING

By Susan Bly

After spending a brisk 25 degree night at the Canaan Valley campground huddled deep within our sleeping bags with the wind gusting up to 25 mph, we emerged from our tents the next morning to carpool to the top of Canaan Mountain. Our group included Jason Rainville (the smart one who stayed at the Lodge), Terry Major, Dave Paxton, Gary Ryan and me. The latter of this group were practicing winter camping skills for use later when exploring the backwoods during this, the forgotten season of camping.

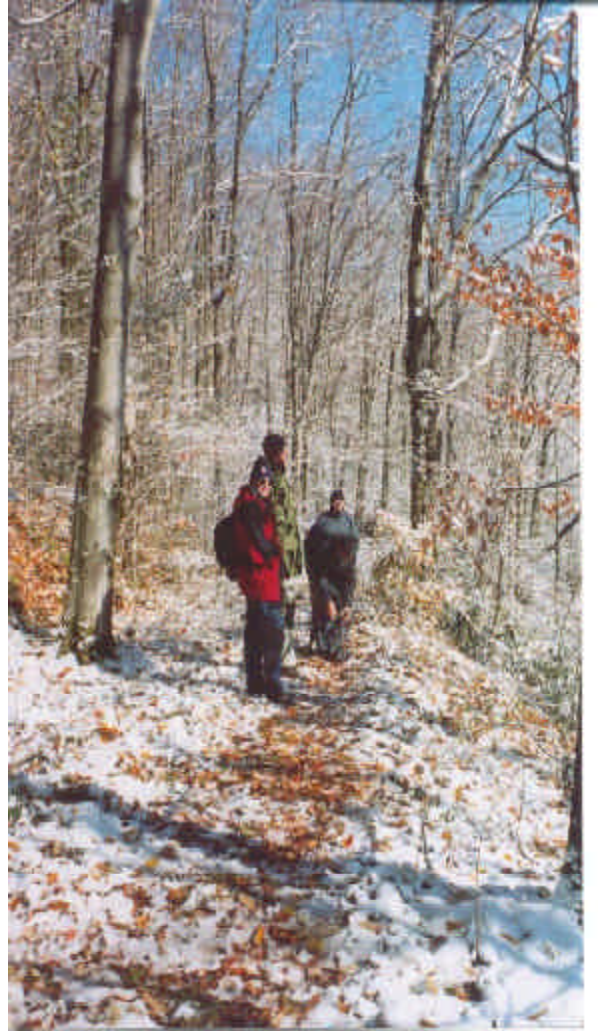
Our 10.5 mile hike began at the Railroad Grade Trail. We followed the old grade through snow covered rhododendron and spruce. The snow had showered the heights a couple of days previously and provided the proper winter effect with the cold air and wind. However, it did warm up into the high 30's later on during the day and we actually stayed warm in our "plastic" (polypropylene) clothing. We stopped for a brief visit at the shelter located along the trail. A very ideal spot for camping.

At the intersection of Railroad Grade and Plantation trails, we had to split into two parties for 10 minutes to find the true path as there were no properly marked signs at this intersection...at least that we could see. After determining the correct path, we ambled down the Plantation Trail. I took an interest in the mountain bike tire marks that we observed as that must be one tough biker to be out in the cold, although it would be an awesome ride through the snow. Another beautiful contrast was that of yellow leaves having fallen onto the white snow among the green spruce trees.

We continued along the Plantation Trail until we reached Fire Trail 6. We met another hardy group of hikers along the Plantation Trail as well, out enjoying the snow white forest. We ate lunch at the intersection of Fire Trail 6 and the forest road in the relatively warm sunshine. Even in such weather, there were still plenty of folks driving up and down the road.

We continued down the road a small distance before hitting the cross country ski trail (Allegheny Trail) which led us down to Canaan Valley. We eventually dropped down out of the snow zone and came back to late fall/early winter foliage. We kept expecting to see the wonderful views that are listed as being along the trail but only one spot even remotely approached a view. Disappointing. Overall a nice hike on Canaan Mountain.

The next day we took in a couple of wonderful WV overlooks: the first at Table Rock on Canaan Mountain and the second at Lindy Point in Blackwater Falls.



public forest is not one on which greedy politicians can get their dirty hands. Yes we have that, to some degree, with wilderness designations on USFS lands. The problem with wilderness designations is that it's very, very difficult, in my opinion, to get these designations. It takes many years (and begging) to get a wilderness designation and only a small percentage of overall USFS lands have such protections. I support wilderness designations on USFS lands, period. I'm not satisfied with the rate of designation of wilderness areas. I'm frustrated with the rate of acreage per year we are getting as wilderness designated. I think our efforts can be better spent working in a sys-

tem that is not so adversarial.

That system would be run by the private sector in the form of many supportive environmental organizations that would work to legally and permanently protect our lands, mountains, rivers and forests. Legal and comprehensive protections are very important. Each function can be delegated to the organizations best suited to their respective purpose. In the mean time, the USFS can continue what its doing because there is support from even many WVHC members. I'm not advocating that the USFS do anything different per say. Just that we need an alternative that can operate across the entire state. Take Hardy and Hampshire

counties for example. There are many wild acres that now more than ever, need protection. These counties are outside the Monongahela NF proclamation, meaning only a small corner can be purchased under the GWNF.

Let's work together to build alternatives! It's our responsibility and our freedom to do so. It's up to us. We can do it! Our forests and mountains are worth it!

REDUX

By Jack Slocumb

With the nerve connection in my left leg at last mended, I was cleared by my neurologist to start wandering around in wild and mountainous ranges once again.

The long axon running somewhere in the vicinity of the meaty bulge of my calf had taken a most unfortunate hit as a result of my habit of crossing my legs. After countless years of automatically throwing my left leg over my right every time I sat down, the Peroneal Nerve in my left limb (which inconveniently travels close to the surface just at the point where my legs cross) got smushed and bruised – in turn, causing my left foot to flop around drunkenly on its ankle bearing whenever I would attempt anything even close to serious walking. The condition is called (what else?) “Drop foot.” A hiker’s nightmare.

Anyway, since I had been assured now that the nerve impulses were zipping along my Peroneal nerve again with their usual alacrity, I wasted no time in organizing with Peter Shoefeld an ad hoc Mt. Odyssey outing – the itinerary of which became to roam around a bit in the Nature Conservancy stewarded land just to the north and west of Bear Rocks in the North Sods. I had gazed with a hiker’s longing at this territory – at its inviting, open, shrubby boreal emptiness – from the Bear Rocks parking lot more times than I care to remember.

And so, along with my good friend, Dr. Ed Gates, I rounded up over the crest of the Allegheny Front on a profanely sunny Saturday morning in late August, and was joyfully jolted out of the torpor of the long climb up from Jordan Run Road when the broad and desolate enormity of the North Sods suddenly spread out into my field of vision. It was really like a homecoming for me, reawakening the part of myself that, over the years, had been utterly claimed by this strange and oozing heath of rock and wind and wracked Red Spruce.

In a few minutes we were parked. Peter’s Trooper was already there. He had in tow his wife, Marilyn, and a lady who had apparently found the last second posting on the Highlands Conservancy’s website (forgive me lady, whoever you are, for not remembering your name – you were such a delight to be hiking with!).

Peter’s idea was to survey the area near the ridge face and attempt to gauge to what extent the negative visual impact the recently proposed phalanx of wind generators to be erected along the Allegheny Front would have. He had a somewhat more tangible plan to locate and scale Stack Rocks – a curious formation that was supposed to rise somewhere near the northern reach of the long escarpment that begins at Bear Rocks.

Peter’s plan seemed to set well with everyone, and off we went.

After following a small trail that meandered through the thick Blueberry and Huckleberry bushes (and, much to our pleasure, some still laden with delicious ripe fruit!), the five of us passed by an elongated pond of standing

water. On the other side, we were immediately captivated by a copse of Cotton Grass now on its way to fluffy seed – much as though it were growing in a wide, drab blanket of the autumn Tundra somewhere.

We exited onto what appeared to be an old road, or perhaps a streambed – or maybe a little bit of both. Anyway, we followed along the rock strewn furrow all the way around as far as it went eastward, found our way out through a stand of trees, and in short order, gingerly stepped out onto a ledge overlooking the bushy plateau just below, the broad Jordan Run valley, and further to east, the run together dusky



welter of immense, undulating mountain slopes. A humbling, high perch in a *primum mobile* of jumbled grainy Conglomerates, reckless winds, and pure, sun drenched space.

A little time to stretch out (maybe for eternity?) and catch a few rays – and for a few of us to scarf down lunch. A really decent sort of a place.

Moving along, we backtracked on the rut we had been following and then, at Peter’s suggestion, turned north and headed to the top of a rise, placing us squarely, according to Peter, on the eastern continental divide. I had a passing feeling then of...importance...standing there on this banal looking little hump that is the thrasher of vast ocean sheds.

After the usual musing about which direction spit would run off, etc. we got back to the purpose again and walked on further in search of the elusive Stack Rocks. From this vantage point, Peter, after perusing his maps, had the notion that soon we should be able to visualize the thing way off in the distance somewhere to the northeast. But there were no signs whatever of any kind of rock heap punctuating the distance. Then, as we moved to a point on the hillside where we could look past a grove of

trees that were blocking the full view, Ed, I believe it was, came to life, suddenly pointing across the little valley below us and shouting something along the lines of, “Hey, that’s it! Isn’t it.”

And there, indeed, on the far side of the lowland, appearing like the deserted and enigmatic ruins of some ancient temple looming over a dense, ensnaring jungle, stood a distinct huge pile of almost white rocks. And the rocks did very much appear to be “stacked” upon one another. And so – this arresting formation was not an idyll. It actually had form and substance to it.

Once spotted, we wasted no time in tramping off in the direction of the citadel.

After making our way on a trail down the sparsely wooded slope, we soon found ourselves squishing through the boggy lowland. And Stack Rocks had all but dropped from sight behind a large spinney of trees. By now it was beginning to seem like a much longer hike than I would have guessed gazing across from the hillside. From an altitude, distance estimates can definitely be very deceiving. (something I need to remember that the next time that I get it in my head to dash off in search of some alluring corporeality that emerges out of the far haze).

Since Stack Rocks was yet not in eyesight, we thought the best plan would be to make a few forays through the woods and underbrush over to the cliff edge where we might catch a glimpse of the furtive boulder heap – just to assure ourselves that we were still somewhere in the ballpark. Giving up was simply *not* a subject to be discussed. The desire to reach the silent ruck of stones that we had first spotted from the opposite hill had by now, it seemed, nuanced into something a little bit more on the obsessive side.

So we left the trail and began to bushwack our way through a thicket of Red Spruces and closely packed wiry bushes – that only became thicker and wirier as we trudged further in. If I were asked to come up with a Native American moniker for this little ecosystem, I think that it would call it “It gets thicker and wirier.” Because that’s what it does.

Very soon my every step was being resisted by what seemed to be hundreds of unyielding woody stems. All I heard after a while were bushes cracking and people breathing heavy. Talking had become undue exertion.

Eventually, and blessedly, we stumbled into a clearing, and just stood there – I think, trying to come to some kind of sensible terms with the hell we had just been aimlessly forcing our way through, which was so *un-sensible*. Ed was somewhere near in the bushes as we heard the crash of foliage. He then proclaimed that he had found a “hole” in the punishing vegetation that might lead to the Front. But we couldn’t find Ed, for there were no “holes” for us to get to *him* where *his* hole was. He must have quickly given up on the initiative, though, because in a matter of just a few minutes he came writhing

his way out though the tough, springy branches.

It seemed to be the unspoken consensus now that it was past time for us leave. Enough of this. And so I went on out in front, "breaking trail," so to speak, and having no idea where in hell I was going, or where I was, or, for that matter, where I was going to end up. It was just good to be in motion again. I kept trying find deer trails or any kind of corridor through which we could easily pass to get back to the point we started in. But no conduits of these kinds were to be had (don't the goddamn deer ever come back in here?).

The idea, however, was to just keep on truckin'.

And at last, to my exasperated relief, the shrubs and spruces started to thin out – certainly a sure sign, I thought, that I had been right to trust my instincts. And, indeed, soon I was waiting for the rest of everybody back on the path (actually, I think that I might have been standing pretty near to the exact point where we had first taken leave our collective senses).

Seemingly none the worse for wear, we picked right up on the trek. By now, all of us had shared the notion at one time or another that we *had* to be pretty near to the thing. Maybe just over the next rise. But very soon, in my growing frustration and weariness, I began to fantasize that the obdurate Stack Rocks actually possessed some kind of diabolical intelligence – a kind of warped sense of lithic humor – and was playing its rancorous little version of a game of hide-and-seek with us. Yes, that had to be the only *sensible* explanation for this unrewarding search, I kept thinking. Yes.

Soon, though, it seemed that we were really on to something. The trail that we were on turned in a uphill direction. The path was very faint, but it was there still, leading *some-where* to *something*. In my own mind, and I think in the mind of others, this was the final leg to the desideratum of our little pilgrimage.

But the desideratum was not was not in sight yet, and doubt began to creep in again. Maybe it was still hidden in the trees, and we were bypassing it. So we decided to make one more scouting attempt – eastward through the woods again toward the front. If we didn't find it, then maybe from the ledge we could clearly spot it's location up ahead.

This time, though, much to my delight, rather than finding an almost impassible wide band of feckless overgrowth to contend with, we found only a narrow cincture of woods to pass through until, without much fanfare, we shuffled out on the overhanging rocks.

But, damn, *still* no Stack Rocks anywhere.

So back to the track it was. However, just as I stepped off the rocks going toward the trees again, I suddenly was in a free fall.

I was stopped by becoming wedged against my daypack, knee above my head in a contorted, almost deformed, position, my left shoulder impaled on the coarse conglomerate, about three feet below the others in a hole that had been hidden under the vegetation upon which I had ungingerly placed all of my weight. For a few very scary moments, I thought that maybe my lower leg bone was twisted off at the knee cap like a splintered green branch in a

tornado, and envisioned with a terrible dread the chore of rescuing me and then hauling me out of this place – to say nothing of the prospect bleeding to death from bone ripped leg and pelvic arteries, or if I survived that, never being able to walk right again.

But I just as quickly shoved those thoughts into my brain's recycling bin and focused only on extracting myself as though nothing had happened. The others were all staring down at me now, with varied expressions of angst and alarm and dangling their hands for me to grasp onto.

"Hole," I said, looking up at them smiling.

But, thankfully, my knee and Tibia didn't seem to be disjoined in any way, and, after I had pulled myself out of the plummeting crack in the rocks I had dropped into and retrieved my hiking stick that had fallen into another opening, I limped back to the trace slightly behind the others.

But my knee only became more and more stiff as I hobbled along, making lifting my leg in walking very uncomfortable. I gained some measure of relief, however, when I tied a tight cravat around my bunched up ginglymus joint

However, notwithstanding my taut knee, I vowed to myself to continue. And so, I shambled after the group still climbing up the hill along the narrow track we had been following. Ed was up ahead of everyone else, apparently hellbent on finding the landmark.

And just a few minutes later, without warning, it was Ed who again who became the discoverer.

Vocalizing a mixture of excitement and relief, he had suddenly come upon the thing.

And, hurriedly, last in line coming over rise I, too, suddenly beheld it. Stack Rocks. The monolith. Mounting huge, high, and tough in all of its stark clean stony reality. I was taken aback for a few seconds, almost breathless, by the kind of ruthless imposing countenance of the place.

These stones had shamefully flirted with our lust to find them. But in the end, perhaps sensing that our intention all along had been one of worshipful admiration, yielded.

I watched Ed nimbly scramble up the mighty hodgepodge of boulders until, finally, he stood victoriously on top, waving his arms around. Then, one by one, everybody else picked their way up to join him. Which left me alone, still only approaching the formidable tumble in my halting, but totally determined, gait.

Nimbly scrambling up was not an option for me. The rocks on the route Ed and the others had taken were too big and ponderous for me to scale with my semi-functionless, almost unbendable leg. Finally, though, I managed find an alternate route that was more easily negotiable

I climbed up by hauling myself, one rock at a time, sitting down, swinging up the ailing leg like it was a straight pole attached to the ball socket of my pelvis, and then standing up to repeat the same maneuver all over again until I finally summited.

Resting, I gulped from my water bottle and, in a little while, chewed complacently on a peanut butter granola bar for few minutes.

The gentling breezes, the restful murmur of the voices of people sitting lazily atop

these jutting bones of the earth, my sweat drenched clothing, the soulfully thirst quenching pour of canteen water cascading down the dry wash of my throat, and before me, the whole encircling storm ravaged spectacle of austere and subtle hued bogscape, tawny hills of scrub and lonely saplings, and random groves of stubbornly entrenched Red Spruces. Oh, this West Virginia.

After having been involuntarily sequestered for so long in the veneer of the built world, I was finally coming to, ranging around in stone and dirt again, flailing in winds, wearing out hiking boots, shouldering the heft of a pack, sloshing in waters, vaulting rocks, inhaling skies. What I was born to.

All in all, it was a glorious redux.



Monongahela National Forest Hiking Guide

by Allen deHart & Bruce Sundquist

Published by the West Virginia

Highlands Conservancy

The new 7th edition covers:

• more than 200 trails for over 700 miles

• trail scenery, difficulty, condition, distance, elevation, access points, streams and skiing potential.

• detailed topographic maps

• over 50 photographs

• 5 wilderness Areas totaling 77,965 acres

• 700 miles of streams stocked with bass and trout

send \$14.95 plus \$3.00 shipping to: West Virginia Highlands Conservancy

PO Box 306 Charleston, WV 25321

Or, visit our website at

www.wvhighlands.org

NEW RULES MAKE LOGGING EASIER IN NATIONAL FORESTS

By John Helprin, The Associated Press

WASHINGTON (AP) - The Bush administration is proposing to give managers of the nation's 155 national forests greater leeway to approve logging and commercial activities with less examination of potential environmental damages.

The administration said Wednesday its intent was to improve the forest management regulations issued by the Clinton administration two months before President Bush took office.

The new land management rules would affect some 190 million acres of forests and grasslands overseen by the U.S. Forest Service. The changes are "designed to ... better harmonize the environmental, social and economic benefits of America's greatest natural resource - our forests and grasslands," said Sally Collins, the Forest Service's associate chief. Asked whether the changes will result in more logging, Collins said, "We can't say it's going up or down or sideways or the same."

The administration in its proposal said the Clinton rules were too complicated and "neither straightforward nor easy to implement." Both the 2000 rule and the proposed revision provide for multiple uses of federal forestland, but the new proposal would turn more of the decision-making over to regional foresters. Environmentalists have

complained that regional foresters often develop close ties with local timbering interests.

The Bush administration proposal also would eliminate specific standards and procedures for maintaining and monitoring wildlife populations that foresters had to comply with, substituting broad goals in their place.

Complying with the Clinton rule's requirements for ecological sustainability and reliance on consistent scientific data "would be difficult, if not impossible, to accomplish," the Bush administration said. It complained that the old regulation for implementing the 1976 National Forest Management Act also required "a level of involvement by scientists that may or may not be needed."

Environmental groups complained that the proposal not only eliminates scientific oversight but also increases agency discretion so as to reduce public involvement to the benefit of the timber industry.

"It's a blatant effort by the Bush administration to boost logging and help the timber industry, which had a clear hand on the pen of these regulations," said Robert Dewey, vice president of Defenders of Wildlife, an environmental advocacy group.

The new proposal would allow local

federal forestry officials to develop management plans for the land they supervise without having to first conduct an in-depth environmental impact study.

The administration argues that such plans are essentially a zoning document, and that it would be better to do environmental studies on a case-by-basis when possible environmental concerns are anticipated.

A regional forester, however, still could decide that a management plan itself has significant environmental impacts, triggering the need for a study. But the official no longer would have to formally assess the environmental impact every time the management plan is revised.

Democrats accused the administration of attempting to "undo most of the environmental safeguards that protect our nation's forests."

"We are at a loss to understand why ... (the draft rule) goes so far as to eliminate any assurance of protection for fish and wildlife and their habitat," said Sen. Jeff Bingaman, D-N.M.

He said the plan provides no minimum standard for protecting endangered or threatened species and "no solid protections whatsoever for wildlife and environmental sustainability."

SAVING THE WILD AND WONDERFUL IN WEST VIRGINIA

Helen McGinnis had disappeared. A quarter-century ago she had just about moved mountains in the successful effort to create West Virginia's first two wilderness areas: Dolly Sods and Otter Creek. But then she set off for Mississippi and California, and conservationists in West Virginia lost track of her.

Now she's come back East-and just in time. Since the U.S. Forest Service is revising its long-term plan for the Monongahela National Forest, now is the time to try to add other parts of the forest to the National Wilderness Preservation System. 'It's just wonderful having her back,' says Dave Saville of the West Virginia Highlands Conservancy, a leader in the new wilderness campaign.

Four potential wilderness areas top the priority list right now. One adjoins popular Dolly Sods to the north, and thus offers a chance to relieve some of the recreation pressure. 'We're also thinking about an addition to the Cranberry Wilderness,' notes Saville. Two other priorities are Seneca Creek and the Shavers Fork headwaters. There are a number of other areas in the Monongahela that local activists may propose for wilderness designation. 'Only 7.7 percent of the forest is part of the Wilderness System,' Saville points out, "and that's well below the national average.'

'West Virginia has some of the very best wilderness in the East, and people can get there from Ohio, Pennsylvania, Maryland, and other population centers,' says Brian O'Donnell of The

Wilderness Society's Wilderness Support Center.

Volunteers, coordinated by McGinnis, are out in the Monongahela now, taking a close look at proposed wilderness areas so that a good package can be put together for consideration by the state's five members of Congress. "The forest covers a million acres, with parts of it in ten counties, and there are a lot of places that people don't know much about," says Saville. 'So this inventory is very important.'

'The revision of the forest plan is both a threat and an opportunity,' according to The Wilderness Society's Fran Hunt, the Mid-Atlantic regional director. "The Bush administration wants to maximize mining, drilling, and logging, so we need to rally the public and make a convincing case that the Monongahela is a special wild place that deserves protection and careful management."

'People who love hiking, fishing, and camping in West Virginia wilderness are rallying around,' observes McGinnis. 'Protecting these places also pays off in cleaner air and drinking water, lower risk of floods, and more abundant wildlife. There may even be cougars still hanging on in the Monongahela. I've been back here for just a little while, and already I can feel the old passion building up.'

This article originally appeared in the newsletter of The Wilderness Society.