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The Highlands Voice

The Monthly publication of the West Virginia Highlands Conservancy

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JURY SAYS TIMBERING, MINING CONTRIBUTED TO FLOODING

A jury in Raleigh County, West Virginia, has decided that logging and mining were responsible for at least part of the flooding that struck southern West Virginia in July, 2001. This was the first round of litigation over the relationship between the 2001 floods in southern West Virginia and mining or logging

At issue was whether the companies made a reasonable use of their land. The jury decided that they had not. The jury also decided that the timbering and mining made a significant contribution to the flooding.

The trial evolved into a battle of the experts. Experts in forestry and in the construction of valley fills testified on behalf of the defendants. The experts called as witnesses by the defendant testified that they could not see any evidence that the companies had done anything wrong.

Those experts called as witnesses by the plaintiffs testified that the mining and the timbering conducted by the defendants contributed to the flood. They also testified that the defendants made an unreasonable use of their property.

There were also differing interpretations of photographs of the mining and timbering and the inspection

A jury in Raleigh County, West Virginia, has that logging and mining were responsible for at to f the flooding that struck southern West Virrent of the flooding that struck southern West Virrent of Environmental Protection of the mines and timbering operations.



Photo by Bob Gates.

The defendants also argued that on the day of the flood it was raining like pouring water out of a boot. It was their contention that with that much rain there would have been a flood no matter what any of the de-

fendants did or didn't do.

The jury considered all this and, all was said and done, decided that the defendants had made an unreasonable use of their land and that mining and timbering had contributed to the flooding.

This trial focused only on liability, whether the defendants caused the problem and had legal responsibility for it. A later trial will determine the damages to which each of the plaintiffs is entitled.

This trial focused only on one area, known in the trial as the Mullens and Oceana subwatershed. The verdict allows about 500 residents of that watershed to seek damages. They will be seeking damages only from Western Pocahontas Properties and Western Pocahontas Corp. While there were thirty one defendants originally, most of the defendants settled the claims either before trial or before the jury verdict was announced.

Later trials, including one beginning in September, will determine liability for damage in the watersheds other than the Mullens and Oceana subwatershed.

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From the Heart of the Highlands

by Hugh Rogers

What Are YOU Looking At?

Randy Boyd, a lifelong resident of Fayette County and a weary activist on behalf of its New River Gorge, stood on a ledge at Beauty Mountain and took a deep breath. As he shuffled some exhibits, we stared openmouthed at the river and the canyon that embraced it. We were two carloads of Highlands Conservancy members who had come from the April 28-30 Spring Review to learn about threats to the New River Gorge National

This Review was labeled "Beauty and the Beast." Another two carloads had gone to Kayford Mountain to see mountaintop removal mining up close. They got the beast, we got the beauty. They saw devastation that still continues. We saw a treasure that still could be saved.

Randy's immediate task on that Saturday morning was to persuade us to help continue the fight to limit a gated, luxury-home development that would otherwise be visible from where we stood. Last year, the Highlands Conservancy joined eight other local, regional, and national groups in a resolution urging the Fayette County Planning Commission and County Commissioners to uphold their county's comprehensive plan as they considered the proposed Roaring River development. If they would do that, the project might bring the economic benefits it promised without damaging a natural resource that itself attracts millions of dollars of economic benefit every

The developer, Land Resource Company of Atlanta, has declared the struggle is over and the deal is done. Their original proposal would have put homes on land that was within the park's proclamation boundary but still privately owned. The company pulled back from those 600 acres. Is that enough?

Such gaps exist because the National Park Service will not condemn land within its boundary; it will only buy from willing sellers. Of the park's authorized 72,000 acres nearly 20,000 acres remain private. The Monongahela National Forest has followed the same willing-seller policy ever since the controversy over the Spruce Knob-Seneca Rocks National Recreation Area. Unlike the National Forest, though, the New River Gorge is protected beyond the land the Park Service owns.

When the park was created in 1978, Congress explicitly called for the citizens of Fayette County to play a role in its protection, and so far they have done so. Fayette is one of only two counties in the state that has a comprehensive plan backed up by zoning regulations. A major provision calls for protection of the gorge's viewshed.

To carry out its project, Land Resource Company had to seek a change in the zoning of its property from "rural residential and land conservation" to "planned development." The county commissioners, planning commission, and zoning officer all agreed to grant the application subject to ten conditions, one of which required the company to "protect . . . the New River Gorge by insuring that the development is not visible from any ground level vantage point, and continue to work with the National Park Service staff to address areas of concern and insure that this development will not impair the scenic views of the gorge." Thus they wrote the comprehensive plan into the project.

So far, so good. But Randy Boyd was exhausted because the devil is in the details. Land Resource's lawyers had contested the conditions, jimmied the process, put up smokescreens over the visual impacts, and even claimed that failure to allow the development as proposed would amount to a "taking" of private land. County officials were exhausted too, and some appeared ready to throw up their hands and retreat.

The maneuvering had been further complicated by the West Virginia Legislature's amendments to Chapter 8 of the Code. Tom Michael, the lawyer for Plateau Action Network and the National Parks Conservation Association, will take a three-pronged approach to the problem: one if the amendments apply, one if they don't, and one to the Circuit Court. Tom, a former

(Continued on p. 16)

The Highlands Voice May 2006 **p.2** Roster of Officers, Board Members and Committee Chairs

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WHO SPEAKS FOR THE CONSERVANCY?

The Highlands Voice

By John McFerrin, Editor

Who speaks for the West Virginia Highlands Conservancy? Our Board speaks for us. As a corporation, we speak only through our Board. When we are in court, our lawyers speak for us. We occasionally issue press releases or testify at public hearings. Our positions in such releases are only those approved by the Board or outgrowths of positions our Board has taken in the past. Such things are official policy.

Although the Highlands Conservancy publishes it, selects the editor, and has responsibility for it, The Highlands Voice does not articulate official policy for the Conservancy. The Voice=s editorial policy is now and always has been that it announces positions the Board has taken. Beyond that, it reports the news as best it can and serves as a forum for various points of view.

This question currently arises on questions of wind energy. The Conservancy is as befuddled as everyone else is about what our position on wind energy should be. We have members who feel strongly that mountaintop removal strip mining is such an evil that we have an obligation to support wind farms as an alternative. We have members who are equally passionate that windmills are such an abuse of the highlands region we exist to protect that we could never support windmills there. These and assorted positions in between have all appeared in the Voice.

None of this means either that the West Virginia Highlands Conservancy has unadulter-

ated support for wind energy in the highlands or that we are absolutely opposed to it. It just means that there is a split of opinion in the Conservancy, a split that results in the most contentious Board meetings we have had within my memory.



This is as it has always been. On the question of user fees in the national forest, the Voice printed a lukewarm endorsement of the idea, an endorsement which resulted in an article vigorously opposing user fees. This generated two letters. One heartily cheered the opposition. The other did everything short of calling the opponent of user fees a nit wit.

The high water mark of the Voice differing from official Conservancy policy came in a discussion of dedicating a particular funding stream to the Department of Natural Resources. The Board voted to support the proposal; this support became the position of the Conservancy. Then Voice editor Bill Ragette dutifully reported this position and then spent the rest of the front page editorializing about how wrong the Board=s decision was. While the editorial produced howls of protest, it was entirely consistent with the way the Voice operates. Its stories are not official organizational positions. They mean no more and no less than that some member feels this way and feels strongly enough to write about it.

Remember this as you read the Voice. The report of the Board highlights reports official organizational policy, as established by the Board. The news stories and opinion pieces most often reflect that on issues such as wind energy the Conservancy is as uncertain as anybody else is on what our policy ought to be.

Cinematic News

Bob Gates' noted 1977 film on strip mining, In Memory of the Land and People, will be available on VHS and DVD in the near future from Omni Productions of Charleston. \$25 for personal use copies or \$150 for institutional use copies.

Poet Jim Webb of Appalshop is responsible for instigating this \$3,600.00 project and is raising funds for it. Those who wish to contribute to this effort can reach Jim at Appalshop, 91 Madison, Whitesburg, KY 41858

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The Highlands Voice is always printed on recycled paper. Our printer use 100% post consumer recycled paper when avail-

The West Virginia Highlands Conservancy web page is www.wvhighlands.org.

The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose:

The purposes of the Conservancy shall be to promote, encourage, and work for the conservation—including both preservation and wise use—and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual, and economic benefit of present and future generations of West Virginians and Americans.

The State Won't Do Anything but a Jury Will

The Highlands Voice

Commentary by John McFerrin

We hear a lot about "frivolous lawsuits," that we have a litigious society, and that people are always running to court over something.

But what are people supposed to do when nobody but the courts will deal with problems?

The flood litigation reported on page 1 of this issue is a perfect example. Right after the 2001 flood, Governor Wise appointed a task force to study the connection, if any, between mining and timbering and flooding. It was then supposed to come up with recommendations on how we could change regulations or practices to prevent flooding in the future.

The task force met, had public hearings, listened to experts and generally did all the things that would indicate that this was a serious undertaking. At the end of all of this, it came out with a series of recommendations that, if implemented, would result in less severe problems in the future.

The West Virginia Division of Forestry, which is supposed to regulate the timber industry, did absolutely nothing. It didn't write any new regulations. It didn't change its inspection practices. It didn't do anything.

The West Virginia Department of Environmental Protection, which is supposed to regulate mining, did slightly better. Given the performance of the Division of Forestry, doing better was not difficult. Even if it did not effectively address the problem, it did make token, if ineffective, changes to some of its procedures.

So what are members of our "litigious society" supposed to do? The state agencies who are supposed to address this problem had seen the problem and ducked it. As satisfying as going after mining and timbering company executives with a ball bat might be in the short term, it is neither legal nor, in the long term, effective. They had no choice but to apply the principle that every West Virginian knows in his heart to be true: The state won't do anything but a jury will.

Now the jury has whacked the companies in court. Rational entities that they are, they will probably change their behavior. They will be more reasonable in the use of their land and at least that part of the flooding problem will be solved.

Litigation might not be the most efficient way to address problems. In a better world those who are supposed to regulate something would actually do it. The state would see problems; if there were things it could do to correct those problems it would do them. If the law said that mining, timbering, or whatever had to be done in a certain way, the state would take steps to make sure it was done that way.

We don't live in that world. In our world the state dithers, ducks, and avoids. Problems don't get dealt with. People end up in the legal system, applying the principle that the state won't do anything but a jury will.

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 Available!!!!!

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 imaginemew@aol.com or 304-342-8989.

HATS FOR SALE

West Virginia Highlands Conservancy caps for sale. The cap is khaki and the pre-curved visor is forest green. The front of the cap has West Virginia Highlands Conservancy in gold above the I [Heart] Mountains. The heart is red; we and mountains are black. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. \$10 by mail. Make check payable to West Virginia Highlands Conservancy and send to Julian Martin, P.O. Box 306, Charleston, WV 25321-0306.

THE BUZZ:

Knowledgeable sources within the fashion industry report that a new model of the West Virginia Highlands Conservancy hat (in addition to the old model) is coming out soon. Watch the *Voice* or check out the Conservancy's web site (www.wvhighlands.org) for updates on ths new model.

Board Meeting Highlights

By John McFerrin

The spring board meeting was one of some steady progress toward goals, a real head scratcher on wind energy, and some old friends rearing their ugly heads for approximately the millionth time.

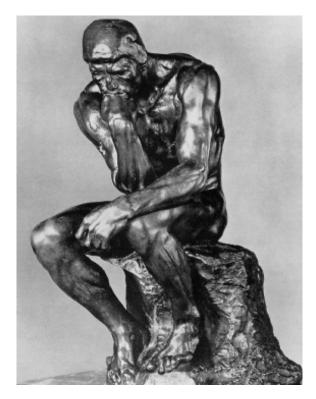
Some of the steady progress came in the presentation from our guest Conni Lewis who spoke about Community Shares. Community Shares is a system of payroll deductions that are collected by employers and then divided among community groups. Although Community Shares organizations exist in lots of other states, it is new to West Virginia. It supports grassroots, established groups that don't fit with the United Way. Community Shares now is able to get state workers to sign up for a payroll deduction and distribute it to Community Shares members. One of those members is the West Virginia Highlands Conservancy. To make this a stable source of funding, we now have to persuade state workers to sign up for this and designate the Highlands Conservancy. Dave Elkinton was present all weekend. He is making steady progress toward his book on the history of the Conservancy.

Our Friends of the Mon initiative is getting into gear. We have hired Dee Quarranto part time to run it. She has had contact with trail maintenance coordinators on the Monongahela National Forest and plans to set up some volunteer trail maintenance outings. She has set up a web site and is coordinating stories about our Mon related activities for the Voice.

Dave Saville reported on the red spruce planting project. We had a great outing at the Canaan Valley Wildlife Refuge, planting red spruce. Don Garvin reported on the West Virginia Legislature. He thanked the Conservancy for its support. He reported that, on the whole, there weren't many environmental initiatives this year but he thought the lobby team had fought to a draw this year. A more detailed report is in the April issue of the Voice.

The head scratcher came in the guestion of our position on the proposed wind farms in Greenbrier County and Pendleton County.

Larry Thomas of Citizens to Protect Beautiful Pendleton County spoke about the proposed windfarm there and efforts to oppose



it. He had brought Jim McNeely, Attorney at Law, who offered the opinion that the application for the wind farm proposed for Pendleton County was seriously incomplete in that it did not provide the information required by the Public Service Commission's siting regulations. He intends to move to dismiss the application on this basis on behalf of the Citizens to Protect Beautiful Pendleton County. He sees the same deficiency in the application for the Beech Ridge project in Greenbrier County and intends to make the same motion there. He sees such motions as necessary to protect the integrity of the Public Service Commission's siting regulations.

Frank Young reported on the Beech

Ridge project. He discussed the history of bat kills, bat studies, etc. at Backbone Mountain and the prudence of more studies at Beech Ridge. He described a proposed agreement between us and the developer at Beech Ridge. The agreement would require a three year study of bat and bird mortality overseen by a technical committee made up of the company, the Fish and Wildlife Service, the West Virginia Department of Natural Resources, the West Virginia Highlands Conservancy, the Bat Wind Energy Cooperative, a state-wide avian organization, an academic with experience in birds, and the Public Service Commission.

After much discussion, the board voted to support motions to dismiss the applications of both the Greenbrier County developer and the Pendleton County developer. The board also voted to reject the agreement requiring the three year study of bat and bird kills; the agreement would have including the Highlands Conservancy withdrawing any opposition to the project.

Cindy Rank made a brief report on mining. There wasn't much new to report other than that acid mine drainage was rearing its ugly head for about the millionth time, returning to the northern part of West Virginia. Like death and taxes, it is always here, lasts forever, and there is always more coming.

Finally, we decided to join with the Plateau Action Network and the National Parks Conservation Association in opposition to the construction of houses along the rim of the New River Gorge. For more details, see Hugh Rogers' column of page 2 of this issue.

Overall, it was a mixed board meeting. We heard some reports of progress, tried to figure out wind energy in the highlands and what our policy ought to be, got another reminder that coal mining is always with us, and got a chance to strike a blow for keeping the New River Gorge as it is.

And Cindy Ellis brought cookies.

BUMPER STICKERS

To get free $I ext{ } ext{$\checkmark$} ext{ } ext{$Mountains } ext{$bumper}$ sticker(s), send a SASE to Julian Martin, 1525 Hampton Road, Charleston, WV 25314. Slip a dollar donation(or more) in the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free—if they can afford a donation that will be gratefully accepted. Cost to WVHC of printing and mailing is \$.25 per sticker.

SHIRTS NOW AVAILABLE IN LONG SLEEVE MODEL

We now have I ♥Mountains long sleeve shirts in sizes S, M, L, XL. The shirt is heavy cotton and white with blue lettering. The heart is red. \$15 total by mail. Send sizes wanted and check made out to West Virginia Highlands Conservancy to: Julian Martin, WVHC, Box 306, Charleston, WV 25321-0306

T SHIRTS

White, heavy cotton T-Shirts with the I ♥ Mountains slogan on the front. The lettering is blue and the heart is red. Sizes S, M, L, and XL. \$10 total by mail. Send sizes wanted and check made out to West Virginia Highlands Conservancy to Julian Martin, WVHC, B o x 306, Charleston, WV 25321-0306.

WINDPOWER, SCHMINDPOWER, IT'S THE CARBON THAT MATTERS

The Highlands Voice

By Paul Brown

David Buhrman's column (Greenbrier County Group Opposes Windfarm) makes several good points. However, it's factually inaccurate in a number of regards. Windfarms are economically viable, as demonstrated by the large numbers of them in countries like Spain. There's little opposition to them there, because they're esthetically beautiful, they're placed in areas where they don't lower property values, and

provide power at competitive prices without contributing to global warming. The greatest opposition to them is found in areas where coal has traditionally been the source of electricity - not coincidentally, the places Mr. Buhrman refers us to for anti-wind sentiments.

The coal and petroleum industries combined are the largest business in the world, controlling the economies and governments of many countries. They have fought like tigers to deny global warming, delaying much-needed action for decades. Objections from them and their sympathizers are disingenuous to say the least.

Contrary to denials of scientists-for-hire working for fossil fuel interests, global warming is here. It's not a part of natural climate cycles. Its main cause is atmospheric carbon dioxide (CO2) produced by human combustion of fossil fuels. Our carbon dioxide emissions are more than can be removed by natural processes (mostly by photosynthesis), causing accumulation over the years. Atmospheric CO2 is now more than twice as high as pre-industrial levels, and climbing at an unprecedented rate. We're increasing our CO2 emissions rapidly, because of the population explosion, increased per capita use of fossil fuel energy, and decreased efficiency of use.

With the current high CO2 level in the atmosphere global air, water and land temperatures are rising. We've now entered a positive feedback phase, where increased temperatures cause decreased albedo (reflection of sunlight by Earth's ice and snow cover) due to melting, and increased outgassing of CO2 from land and water. These in turn are causing global warming to accelerate. This feedback process will soon reach the runaway phase where nothing we do can stop it. We don't know exactly when. In the meantime our planet is undergoing the sixth mass extinction in its history, mostly due to habitat destruction and you guessed it – global warming.

I refer you to one of thousands of publications on this topic, by a scientist who is highly respected in these areas of research: The Weather Makers, by Tim Flannery (2006). In Australia, where the government is not waging a war on science the way it is here, his testimony has had a favorable influence on national legislation.

Since we don't know how much time is left, we must assume that immediate emergency action is needed. What if I'm wrong? In that case, we will have averted catastrophe at an earlier stage, at lower cost, and we can move to sustainability more quickly.

We need to lower global population by a factor of at least 10, to the level just two hundred years ago. Don't believe the professional deniers who maintain perpetual population growth is good. We also have to drop CO2 emissions to zero because it will take one or two centuries to remove the excess CO2 already in the atmosphere. That means we have to stop burning carbon. Everywhere. In ten years, starting with reduction by half right now through rationing. There's no such thing as clean carbon energy, because you can't make energy from carbon without making CO2 and you can't bury CO2 in the quantities we produce. And we can't use nuclear energy because we already have more nuclear waste than we know what to do with.

There are many sources of renewable energy that are economi-

cally viable. Wind and solar are the two best choices for most of the world. As with any energy source, they have to be used responsibly, with careful assessment of environmental impact. One thing we know for sure: their impact is far less than fossil fuels. And replacing carbon energy with renewable energy will provide plenty of employment.

We can do it. But every dollar (and we're talking about trillions of dollars in the next decade or so) spent on biomass, CO2 sequestration, and nuclear, let alone coal, gas and oil, is a dollar which will not be spent on wind and solar power for many years to come. We don't have many years. We won't have a chance to correct the mistakes we're committing to.

Hold every politician's feet to the fire. If they won't go with this agenda, don't vote for them.

Paul Brown is a professor of Physiology at West Virginia University and author of The Clock is Ticking, a weekly column on overpopulation, global warming, and mass extinctions. He can be contacted at pbrown@clockticking.com. This article was submitted as a letter to the editor of The Highlands Voice and came with this preface:

"I'm concerned that articles like David Buhrman's are coming indirectly from the coal companies. They frequently have misinformation known to be spread by the coal interests. I hope you will consider the following article for the Highlands Voice. It addresses wind power from the perspective of the current global warming crisis, something that should be foremost in the minds of all your readers."

Mountain Justice Summer 2006

Mountain Justice Summer 2006 will kick off with a week-long Training Camp at a beautiful highlands camp in southern West Virginia from May 20-26. Mountain Justice Summer is a multi-state, coordinated, peaceful campaign to bring national attention to mountaintop removal, using door to door outreach in the coalfields, music and film festivals, non-violent actions etc. Immediately following the MJS 2006 Training Camp we will go to the Healing Mountains event, then split into working teams in four states (Tennessee, West Virginia, Virginia, and Kentucky).

To register for Mountain Justice Summer 2006, go to: www.mountainjusticesummer.org





We're Friends of the Mon!

Protecting and enjoying our Monongahela National Forest

MONONGAHELA NATIONAL FOREST HIKING GUIDE

by Allen deHart & Bruce Sundquist

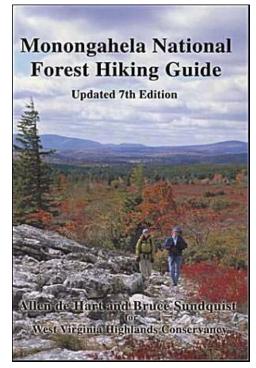
Published by the West Virginia Highlands Conservancy

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Hiking Guide CD

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We're Friends of the Mon! Announces New Website

We're Friends of the Mon! is happy to announce the debut of our website. At www.friendsofthemon.org you'll find a variety of information including up-to-the-minute listings of our outings, local and national Forest Service news items and information on our trails maintenance program. Upcoming features will include a list of our favorite websites, and a map of the Mon with links to information on special areas including trail condition and trip reports.

We need your help! If you have comments or suggestions, updates on trail conditions or would like to share your trail experiences with others, please submit your information via the e-mail link on the website, or send them to dee.quaranto@gmail. For those who prefer the US Postal Service for your correspondence, send your information to Dee Quaranto, We're Friends of the Mon!, 90 Hunter Zane Rd., Fairmont, WV 26554.



The Highlands Voice

We're Friends of the Mon!

Protecting and enjoying our Monongahela National Forest

GET TO KNOW:

Seneca Creek Proposed Wilderness Area

Covering nearly 24,000 acres of contiguous Forest Service land, the proposed Seneca Creek Wilderness Area is our largest Wilderness candidate, and if designated, would be the second largest Wilderness Area in West Virginia. Located in Randolph and Pendleton Counties, the area covers most of Spruce Mountain north of Spruce

Knob, west to Seneca Creek, and up and over Allegheny Mountain to Gandy Creek. It is bordered on the south mainly by FR 112 and on the north by private land and a natural-gas pipeline. The area drains into two major watersheds: Seneca Creek into the North Fork of the South Branch of the Potomac, and Gandy Creek into the Dry Fork of the Cheat.

Outstanding scenic vistas abound throughout the area. The central feature is the sharply-defined, forested valley of Seneca Creek, which is easily viewed from the Spruce Knob lookout tower, or the ridge-top or high meadows of Spruce Mountain. Hiking along the backbone of the area, Seneca Creek Trail, one is continually treated to exceptional waterfalls, pools and riffles. The stream's water

quality is pristine (and cold!), making it home to wild and wary trout, Eastern wilderness areas. seen swimming and rising if one takes great care in approaching.

The Seneca Creek Area is situated along the Allegheny Front, where the Appalachian Plateau transitions into the Ridge and Valley Province of West Virginia. Seneca Creek's erosional valley sits between the Horton Anticline and the Stoney River Syncline. Most of the rock and soils come from the Devonian-aged Hampshire formation characterized by non-marine shales and micaceous sandstones, with lesser amounts of siltstone and conglomerates. Greenbrier limestone and Mississippian Mauch Chunk occur higher up the hillside.

The area's vegetation is diverse. High elevations on Spruce Mountain support red spruce, balsam fir and mountain ash as well as heath barren plants such as blueberries, huckleberries, and reindeer and sphagnum mosses. This sub-alpine ecosystem transitions to mixed northern hardwoods as one proceeds west. The high open meadows originally cleared for pastures in the mid-1800s abound with wildflowers and grasses. The Seneca Creek area provides exceptional habitat for black bear, wild turkey and other wildlife species that prefer low levels of human disturbance. Deer, raccoon, fox and a variety of birds are among the many other species present. The federally-endangered northern flying squirrel is also found in the area.

Approximately 9 1/2 miles of Seneca Creek, including its headwaters and numerous springs and side tributaries, lay within the proposed wilderness area. This section drops approximately 1,400 ft. in

elevation, or nearly 150 ft. per mile, thus the numerous waterfalls that characterize it. From the relatively open land defining its headwaters, the river canyon becomes much steeper as one travels downstream to the northern boundary near the Lower Falls of Seneca (which is on private land). Seneca Creek and its tributaries boast excellent water quality. In fact, the Seneca Creek watershed and the eastern side of the Gandy Creek watershed contain fourteen Tier 2.5-designated streams (special streams whose high water quality and topography support reproducing trout populations).

The U.S. Forest Service Wilderness Attribute study of the late 1970s rated the opportunity for solitude in the Seneca Creek area "Very

> High," and gave the area its highest rating on the Scenic Value scale. The high degree of naturalness of the area increased after the 1985 flood which washed out the several footbridges along Seneca Creek Trail, as well as the Seneca Creek Campground just north of the area. Only the Judy Springs footbridge was replaced; the other developments at the former Judy Springs Campground (pit toilets and drinking water well) have been closed. Furthermore, from 1986 on, the area has been managed specifically for semi-primitive, non-motorized recreation and remote wildlife habitat, with no road construction or timber harvesting allowed. Thus, its degree of naturalness today can be rated near the top of



View from high meadows in Seneca Creek Proposed Wilderness Area Photo © Jonathan Jessup

Currently known as the Seneca Creek Backcountry, ready access to the area is provided by FR112 and FR104 (at Spruce Knob) on the southern side and CO29 on the western side, off of which numerous trailheads with parking exist. There is an excellent system of hiking trails penetrating the area, with varied loop possibilities. Many follow old railroad beds dating to the early 1900s. The Horton Trail beginning in Whitmer follows a portion of the historic Horton-Riverton (also called Whitmer-Riverton) Trail. Major recreational activities in the area include backpacking, hiking, fishing and hunting.

Seneca Creek provides some of the best trout fishing in the Mid-Atlantic states. Native brook trout and wild rainbow trout inhabit Seneca Creek and are willing to take the fly of a wary angler. While Seneca Creek is not a designated Catch and Release stream, there is a pervasive ethic among most anglers to return trout to this stream after they are landed.

The US Forest Service recommended this area for Wilderness designation in their Management Plan's Alternative 3 but not in Alternative 2, which they have indicated they prefer. It is perhaps more qualified than any other area to be included in the National Wilderness Preservation System. To make sure this area is permanently protected, contact Congresswoman Shelley Moore-Capito (202-225-2711) as well as Senator Byrd (202-224-3954) and Senator Rockefeller (202-224-6472) and ask them to sponsor legislation that will designate Seneca Creek a Wilderness.



We're Friends of the Mon!

Protecting and enjoying our Monongahela National Forest

Legislating Wilderness

by Matt Keller

If you haven't already done so, please consider writing a letter to the editor of your local newspapers, or submitting an opinion piece on this issue. We need to convince our congressional delegation to sponsor legislation that adds more Wilderness to our beloved Monongahela National Forest, and local publicity is a crucial part of that campaign. The following appeared as a Guest Commentary in the April 30, 2006 edition of the **Dominion Post**:

Spring is an exciting time in West Virginia. It's a time when we celebrate the return of warm weather, wildflowers, the greening of the trees and the start of the summer outdoor season. Many of us will head to our beloved Monongahela National Forest to enjoy all the beauty and recreational opportunities it provides. This year we have a real opportunity to do something for West Virginia's scenic grandeur that will give us all cause to celebrate, and enable us, and future generations, to continue to revel in the Mon's natural wonder. We can take steps this spring and summer to permanently protect the Monongahela's remaining wild places by urging our congressional delegation to introduce legislation to protect special natural areas as designated wilderness. Our current Wilderness areas, Dolly Sods, Cranberry, Otter Creek and Laurel Fork are well loved and heavily visited by West Virginians and tourists from throughout our heavily populated region.

It's been more than 20 years since the last wilderness was designated on the Mon and while many things have changed in our great state since that time one thing remains the same — West Virginians continue to speak in a nearly unified

voice asking that more wild places on the Mon become protected. Just last fall, over 12,000 individuals told the Forest Service they wanted more wilderness recommended in the final Forest Management Plan for the Mon. This represents over 95% of all the people who cared enough to comment. Unfortunately, the crystal clear message the public has sent the Forest Service, expressing its desire to protect our last remaining wild roadless areas, is falling on deaf ears. They are indicating that their final plan will abandon protection for thousands of acres of the Mon's remaining wild places — special landscapes like the Dolly Sods, Seneca Creek and unique areas in the Greenbrier watershed like Spice Run and Big Draft.

Despite the Forest Service's refusal to listen to the desires of the public as they prepare their final plan, there is still hope. We are fortunate to have a congressional delegation that understands the im

EASTERN PANHANDLE WILDERNESS GROUP MEETING

May 24, 7 PM at the offices of Randall Ashelman and Associates: 91 N. Washington St. in Berkeley Springs. For more information, e-mail: harrison_case@wvwild.org

portance of protecting the Mon's wild places for current and future generations to enjoy. They have always stood up and fought for West Virginia's future and we need them to do it again.

West Virginia is not alone in our efforts to protect our forest. Lawmakers in Virginia, Vermont and New Hampshire are all working on bi-partisan wilderness legislation and their bills have already been

"This year we have a real opportunity to do something for West Virginia's scenic grandeur that will give us all cause to celebrate..."

introduced. We hope our congressional champions will work quickly to join their colleagues and draft wilderness legislation for the Monthis year.

Our own Congressman Mollohan has long been a champion of West Virginia's public lands. We all need to support him in his efforts to continue his advocacy for protecting the future of our great state. Mr. Mollohan's efforts were instrumental in protecting West

Virginia's prized Canaan Valley National Wildlife Refuge and he now has an opportunity to sponsor legislation that would expand the scenic Dolly Sods Wilderness area. We need to tell Congressman Mollohan we support his efforts and that he should work with the other members of West Virginia's congressional delegation in crafting legislation that will seize this historic opportunity to protect the last remnants of West Virginia's wild heritage.

Matt Keller is the Campaign Coordinator for the West Virginia Wilderness Coalition and lives in Preston County. The West Virginia Wilderness Coalition was formed by the West Virginia Highlands Conservancy, West Virginia Sierra Club and the Wilderness Society. Its proposal for protecting more of the Monongahela National Forest as federally designated Wilderness is endorsed and supported by 80 West Virginia businesses and 42 organizations and civic bodies.



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Mountain Odyssey - Outings, Education

and Beyond

If you'd like to join us for any of these outings, please sign up with the hike leader, who can give you more information. Their initials appear after each listing; contact information is at the bottom of the listings. If you'd like to lead an outing, please send an e-mail with description to: dee.quaranto@gmail.com. We may update our outings list before your next issue of the *Highlands Voice* arrives, so be sure to see our website www.friendsofthemon.org for up-to-the-minute information.

Open Dates: Visit Kayford Mountain South of Charleston See mountain top removal (MTR) up close and hear Larry Gibson's story about how he saved his mountain, now almost totaly surrounded by MTR. Bring lunch for a picnic on Larry's mountain. Call ahead to schedule. JM, LG

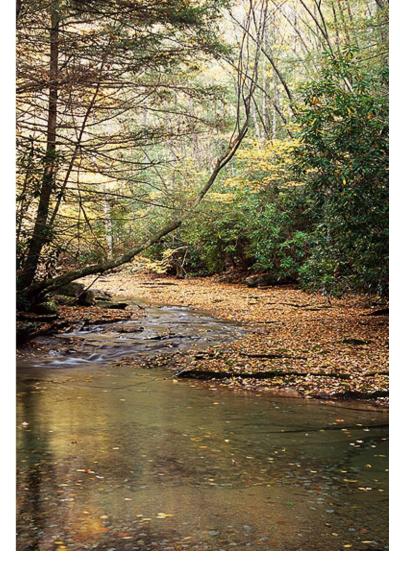
May 6: Proposed Spice Run Wilderness Area Hike Four easy to moderate miles with some uneven footing, bushwhacking, and easy stream crossings. We'll hike to a beautiful remote area in the heart of the proposed Wilderness, stop for lunch and have time for lounging or further exploration before hiking back out. FG

May 12: Proposed Spice Run Wilderness Area Strenuous hike of 12 to 16 miles will require fording the Greenbrier River, or hiking four miles along Slab Camp Mountain to reach the Wilderness Area, depending upon water levels in the Greeenbrier. Itinerary depends upon access route. This is an extremely remote area that is seldom visited by humans. FG

May 20-21: Proposed Spice Run Wilderness Area Backpack in via ford of Greenbrier or, if river levels prevent fording, hiking along Slab Camp Mountain; camp along Davy Run. Explore, hike back out - an extremely remote area seldom visited by humans. FG

May 21: Proposed Cranberry Wilderness Addition Day Hike A day-long serious hike through the 12,000 acres being proposed as an addition to the Cranberry Wilderness. Strenuous climbs, stream crossings and maybe some bushwhacking. DS

May 27-29 (Memorial Day Weekend) Canaan Mountain Backpack Hike approximately 30 mostly moderate miles through mature hardwood and evergreen forests; approximately 4 miles of road walking and astounding views from Table Rock and Libby Point. MJ



Pool of Calm Water, Spice Run Photo © Jonathan Jessup

June 3: Otter Creek Hike An easy hike down Big Spring Trail to Otter Creek and 4 miles out the lower end. Meet at Sheetz in Parsons at 11 AM, return at 5 PM. Bring lunch. You may fish a little. DG

June 24-25: Spruce Knob Backpack Explore abandoned Spruce Mountain trail and railroad grades, encountering vistas of the Seneca Creek backcountry. Basecamp in Camp 4 Low Place. Approximately 700 foot elevation gain/loss with 12-17 moderate miles. SB



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June 24-26: Cranberry Wilderness Backpack Day 1: Backpack in about 7 miles on Big Beechy Trail; set up a base camp on. Day 2: A 10+ mile slackpack through the Wilderness. Day 3: Hike out about 8 miles along scenic Middle Fork of the Williams River. MJ

July 8: Stocking Fingerling Trout Meet at Bergoo on the Elk River 5 miles above Webster Springs at 11 AM. Hike up along the beautiful Right Fork of Leatherwood for 1&1/2 miles and return. Out at 5 PM. Bring lunch. Fairly easy. DG

July 9: Mount Porte Crayon Day Hike Celebrate the 65th anniversary of the dedication of this mountain in honor of David Hunter Strouther, who, under the pen name Porte Crayon, was one of the earliest explorers to write about his adventures in the West Virginia Highlands. A long, strenuous hike including considerable bushwhacking. DS

July 30: Sinks of Gandy Caving Trip A beginners spelunking trip where Gandy Creek plunges for a mile-long meander beneath Yokum Knob. We'll also visit nearby Stillhouse Cave. Helmets and 3 light sources required. DS

August 5: Flatwater Float on 6-Mile Pool in Buckhannon River Bring canoe, life jacket and lunch. Meet at Sheetz in Buckhannon at 11 AM, take out at 4 PM. Just show up, or call if you wish. DG

August 19-20: Big Run Waterfall Hike/Bushwhack, MNF Olson Tower Area Explore a stream closeup and personal: hike and "stream-whack" along Big Run's waterfalls, cascades and dunking holes. Moderate/strenuous: 7 miles Saturday, 5 miles Sunday. Previous bushwhacking experience a must. Basecamp in MNF. SB

August 26: Canaan Valley National Wildlife Refuge, Brown Mountain Overlook Hike Experience seldom-seen northern portions of the Refuge on a fairly easy 7 mile hike. The Highlands Conservancy has adopted part of this route; we may do some light trail maintenance as we hike. DS

August 26-28: Otter Creek Wilderness, MNF Backpack Moderate. Day 1: Backpack in on Otter Creek, Yellow Creek, McGowan Mt and Moore's Run Trails, visiting bogs before descending to camp. Day 2: Slack pack on Possession Camp, Green Mt. and Otter Creek Trails, exploring falls and pools on return. Day 3: An easy 5 miles out. MJ

September 16 & 17: Roaring Plains, MNF Backpack Tour one of the most spectacular areas of the Mon, the proposed Roaring Plains Wilderness area. A serious overnight trip covering many miles. DS

September 16-18: Dolly Sods North and Dolly Sods Wilderness, MNF Backpack Approximately 30 miles of hiking through Dolly Sods: Raven Ridge, Cabin Mountain, The Falls of Red Creek, Big and Little Stonecoal, The Lion's Head, The Forks and Dobbin Grade. MJ

September 29-October 1: Seneca Creek Backcountry, MNF Backpack Day 1: Arrive early if you like and car camp at primitive Spruce



Wild Spruce on Roaring Plains Photo © Jonathan Jessup

Knob Lake Campground. Day 2: Explore seldom - mentioned trails on the western flank of Allegheny Mountain before descending to camp below Seneca Falls. Day 3: Backpack up Seneca Creek. MJ

September (dates to be announced): Tree Planting in Canaan Valley We'll be planting Red Spruce on the Wildlife Refuge. DS

October 7-9: Cranberry Backcountry, MNF Backpack Hike approximately 30 miles through this scenic area. MJ

October 14 & 15: Red Spruce Cone Collecting Volunteers needed to collect red spruce cones for our red spruce ecosystem restoration project. DS

October 19-26: Highlands Conservancy's 41st Annual Fall Review We'll be at the historic Cheat Mountain Club for a whole week! Outings, workshops, music, special speakers, and more. Stay tuned!

Hike Leaders:

DG: Don Gasper (304) 472-3704

DS: Dave Saville (304) 284-9548; daves@labyrinth.net

FG: Frank Gifford (304) 653-4338; entropypawsed@yahoo.com

JM: Julian Martin (304) 342-8989; imaginemew@aol.com

LG: Larry Gibson (304) 586-3287; (304) 549-3287

MJ: Mike Juskelis (410) 439-4964; mjuskelis@cablespeed.com; see www.midatlantichikes.com for details and VA hikes not listed here

SB: Susan Bly (304) 876-5177 (day); (304) 258-3319 (7 - 9 PM); sbly@shepherd.edu



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West Virginia Wilderness Workshop

When: June 2nd, 3rd and 4th, 2006

Where: The Mountain Institute (on Spruce Mountain near Spruce Knob)
Why: To learn how to protect additional Wilderness areas on the Mon National Forest, meet others interested in Wilderness and get involved in the campaign!

The West Virginia Wilderness Coalition cordially invites you to join us for a weekend of learning, strategy and fun. We have a great opportunity to protect special places on the Mon and many of you are responsible for the progress we've made so far! We'll be gathering atop Spruce Mountain on the campus of the Mountain Institute for workshops on grassroots organizing, working with the media and more. We'll also be conducting strategy sessions to plan the coming months of our Wilderness Campaign which we hope will lead to the introduction of legislation that will protect special places on the Mon. We have several local groups across the state organizing for wilderness protection and members of these groups will be in attendance as well. It will be an excellent opportunity to get plugged into the campaign.

Activities will be kicking off Friday evening with speakers, a viewing of our Vision for a Wild Mon video and a blazing campfire. We'll get started Saturday morning at 10 am with a series of speakers who will provide some background info on WV Wilderness and bring us right up to the present. We'll break up into groups and have focused workshops on different skills that are crucial for being an effective activist in protecting wilderness in West Virginia. We'll end the session by working together to develop strategies for the coming months of our campaign, which will be focused on building support for the introduction and passage of a West Virginia Wilderness Bill. It will be a fun Saturday night with a delicious TMI dinner followed by live music and socializing. On Sunday, we'll take some time to bring things to a close and plan actions for the coming months. The rest of the day will be spent exploring the beautiful proposed Seneca Creek Wilderness Area, which is right up the road.

Since the Mountain Institute will be cooking up yummy meals for us, and because there is limited space, we'll need you to fill out a brief registration form if you are interested in joining us. The form on the next page can be clipped from this issue of the *Highlands Voice* or you may go to www.wvwild.org and submit your registration online. There is a registration fee of \$15 that will help defray the cost of meals and lodging at TMI. Please do not let this fee stop you from participating. If it would be a hardship, arrangements can be made!

The deadline for registration is May 22nd 2006 but we'd appreciate you doing it sooner! To register after this deadline, you'll need to contact Harrison Case at 304-906-9317 (Harrison_case@wvwild.org) or Matt Keller at 304-864-5530 (matt.keller@wvwild.org).

I urge you to attend this important gathering of Wilderness advocates from all over the state. It is my hope that the weekend will be a pivotal moment in our campaign for the protection of these wild places we all hold so dear. There is much information on our website www.wvwild.org about the work we've done to date. If you have any questions, comments or concerns regarding the workshop or the campaign in general, please do not hesitate to contact us. A more detailed agenda for the workshop is being drafted and will be sent out to folks interested in attending.





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Wilderness Workshop Registration

The deadline for registration is May 22nd, 2006.	TLLCAMP: Frie	day Saturday			
Please fill out this form and send it back as soon as possible to confirm your registration. Please send a check made out to West Virginia Highlands	OR: I PREFER INDOOR	LODGING: day Saturday			
Conservancy for your \$15 conference fee (to help cover food and lodging) along with your registration form to:	Friday Saturday Please check all meals you will eat during the workshop (we need a count before the event):				
West Virginia Wilderness Coalition PO Box 6	Saturday June 3rd	Sunday June 4th	The state of the s		
Masontown, WV 26542	Breakfast	Breakfast			
Please do not let the \$15 fee stop you from participating. Arrangements can be made if you this fee would be a hardship. This fee will only cover part of	Lunch	Lunch			
your food and lodging so additional donations are very much welcome.	Dinner				
PERSONAL INFORMATION	The following is just to get and experience:	an assessment of participants' leve	el of knowledge		
Name:	Have you seen the West Vir	ginia Wilderness slide show?			
Address:	·				
City:	Have you worked on West	Virginia Wilderness issues before	?		
•	If so, how long, and in wha	t capacity have you worked on thi	is issue?		
State: Zip:					
E-mail Address:					
Home Phone: Work Phone:					
Fax:					
What organization(s) are you affiliated with?		turning it you pledge to attend the V	_		
Are you a vegetarian or do you have any other special dietary needs?	 Wilderness Workshop at the Mountain Institute, June 2-4, 2006 unless a personal or family emergency should arise. Please realize that a spot will be reserved for you and meals and lodging paid for in advance. If a situation arises and you need to cancel your registration, please notify us as soon as possible. 				
In case of emergency please contact:	Signature				
Name:					
Phone number: Relation:	Date				
	Questions? Contact Matt K Thank You!	Keller, (304)864-5530; matt.keller	@wvwild.org		



We're Friends of the Mon!

Protecting and enjoying our Monongahela National Forest

On the Mon

by Dave Saville

The Mon is managed by the Forest Service for "Multiple use." The legal framework for this management is laid out in the Multiple Use Sustained Use Act (MUSY). Logging, mineral extraction, grazing, wildlife management, recreation and watershed protection are al uses of National Forests the Forest Service must balance. Below is a list of some of the projects currently underway or being considered by the agency. Details of most of these projects can be found on the Forest Service's website at www.fs.fed.us/r9/mnf

Upper Williams River Logging

This project proposes to log 2,255 acres in the Williams River watershed near the Cranberry Wilderness and the Highlands Scenic Highway. Contact Bill Shields 304-636-1800 x 287.

Little Beech Mountain Logging

This proposal is to log nearly 2,000 acres of the Glady Fork watershed using clearcutting and other logging practices; it also proposes to build 2 miles of new road. Contact Kristine Vollmer at 304-257-4488.

Ramshorn Logging

This project proposes a new logging sale near the Greenbank Observatory in Pocahontas County. Proposal still being developed. Contact ODell Tucker at 304-257-4488.

Turn the Blackwater Canyon Rail-Trail into a logging road.

The Forest Service is proposing to allow Allegheny Wood Products to use the public's portion of the Rail-trail to log Blackwater Canyon. Contact Bill Shields, NEPA Coordinator, at 304-636-1800 x 287.

Grazing opportunities

The Forest Service is putting out for bid requests for grazing lands on the Mon. There are currently 8 allotments covering 457 acres in Pocahontas County, 2 allotments covering 175 acres in Randolph County and 2 allotments totaling 140 acres in Pendleton County up for auction. Contact Jeff Hammas 304-478-2000, or Rondi Fischer 304-799-4334.

Middle Mountain Wildlife Stewardship Project

This project would create 5 "savannahs" on Middle Mountain in Pocahontas County. These are clear cuts made to create "wildlife habitat." The Forest Service says they are "critically needed." Contact Marlinton District Ranger Rondi Fischer or project leader Robert Stovall 304-799-4334.

Special Use Permits

Twenty-six Special Use Permits will be reissued. These permits cover such uses as gas pipelines, powerlines, road rights-of-way, and recreation events. Contact Laura Hise 304-636-1800 x 219.

Outfitter/Guide permits

The Highlands Voice

Fifteen existing outfitter/guide permits are due to expire and are up for renewal; more are being applied for. These permits are for guides for canoeing, hiking, horesback riding, hunting, climbing, fishing and mountain biking. Contact Laura Hise 304-636-1800 x 219.

Gandy Creek Group and Horse Campground

The Cheat/Potomac District is proposing to build a group and horse campground along Gandy Creek in a MP 6.2 area where only dispersed recreation is supposed to be allowed. This project would involve building roads, campsites and stream crossings in the floodplain of Gandy Creek. Contact Julie Fosbender 304-257-4488 x 14.

Volunteer for West Virginia Wilderness Campaign

YES! Count on my support and assistance for the West Virginia Highlands Conservancy's efforts through the West Virginia Wilderness Coalition to

Name:	Today's Date:
	City:
State:	Zip Code:
Phone: (H)	(O) Email:
I prefer to be contacted via:	mailemailphone
(We'll send you our video and on Distributing literature at public Writing letters to the editor on Coordinating a letter writing Phone calling to involve citiz Attending events/press conf Leading Mountain Odyssey	at my house or local public gathering spot other helpful materials) lic events or opinion editorials for my local newspaper campaign in my community tens in Coalition action
I am interested in attending West Virginia Wilderness Wo	9

Institute: a weekend workshop where you will learn skills to be an effective advocate for protecting National Forest land.

_West Virginia Lobby Week in Washington DC, late summer 2006: an opportunity to travel to DC to learn lobbying skills and then meet with West Virginia's Congressional Delegation about Wilderness legislation

Thank you for your support of Wilderness! Please mail this form back to: Attn: Harrison Case, West Virginia Wilderness Coalition Outreach Coordinator, 635 Afton Street, Morgantown, WV 26505 Phone: 304-906-9317 Email: harrison_case@wvwild.org http://www.wvwild.org

THE HIGHLANDS VOICE: A QUIET GIANT

By Dave Elkinton

As I have pored over nearly forty years worth of back issues of the Highlands Voice, I have developed a renewed appreciation for the publication that you are holding in your hands. It is a goldmine that allows any researcher to follow the Conservancy's involvement in a wide variety of issues.

Over the years the Highlands Voice has kept the Conservancy's members well informed, been a much-respected outreach tool to recruit new members, and served as a source for other groups and media to stay

in touch with Conservancy issues and activities. Some have said a Voice subscription was their primary motivation for belonging to the Highlands Conservancy.

Readers may remember the request for a few very hard-to-find issues a couple of months back. With the help of several current and former members, and the WVU Regional History Collection (the Conservancy's official archival depository), I now have a virtually complete collection.

To open volume 1, number 1, March 1969, founding Editor Bob Burrell, wrote:

> This newsletter inaugurates an attempt to keep members of the West Virginia Highlands Conservancy [informed] as to the status of, action on, and trends in matters pertaining to conservation in West Virginia particularly in the Highlands region. It shall be our intent to broaden lines of communication on

these matters among members and other interested parties. The quarterly newsletter will inform as fully as possible, it will relate items of interest from other sources, and it will provoke. It is intended to provoke discussion, constructive criticism, and action by offering opinions at times designed solely for this purpose. Unless otherwise indicated, the opinions will be those of the editor. It is hoped that these opinions will invite correspondence and discussion. A vigorous newsletter will then be the result of the collective effort by all of the members. The newsletter will act as a crossroads for such correspondence.

Since Bob Burrell there have been fifteen other editors, counting our current Editor John McFerrin. Some that held the position for several years each included Ron Hardway, Tom Dunham, Judy and Paul Frank, Mary Pat Peck, Bill Ragette', and Bill Reed. Each had his/her own style, made design changes, and emphasized issues of personal concern. All have written more words without a byline than any reader would have guessed.

Although there have been occasional indexes printed for individual years, no one until now has attempted to index the entire span of publication. That was my winter indoor project, and it will be available to anyone who might find such useful. I am the first user!

In the process of indexing, some interesting statistics emerge:

By approximate decades the number of articles are interestingly similar.

1969-1980 1649 1981-1990 1664 1626 1991-2000 2001-current 1308

We can see that the current decade may potentially double any previous decade. But then we now routinely print 16 or 20 pages per issue; during early years an issue often ran up to 12 pages of 8 1/2 x 11, then switching to newsprint tabloid size, usually 8 pages.

Of these 6200+ articles, each one was written, (many by the editor), read by the editor, edited, often typed or retyped, laid out, transported to a printer, and sometimes even mailed by the editor. Given a few breaks and several combined issues, we can estimate that an average of 10 issues have appeared each of 37 years, for a total of nearly 400 Voice issues. If

each editor spent an average of 20 hours per issue (and some issues obviously required much more), we can thank our sixteen editors collectively for over 8,000 hours of work.

More articles have been published about mining (over 600) than any other issue, although wilderness, river protection, and policies on the Monongahela National Forest are all close behind. I haven't tabulated the number of articles per writer, but I will guess Don Gasper and Cindy Rank would top the list. Bob Burrell authored a monthly column "Overlook," fol-

> lowing his editorship, therefore resulting in his writing one or more articles for each issue in the Voice's first decade. Along the way many others wrote numerous articles, laboring to choose the right words to inform the readers about issues or activities that are or were of interest. Ironically, my research shows that most of the issues that led to the formation of the West Virginia Highlands Conservancy in 1967 are still challenges today. But that's another story...

> To finish this look back at the Highlands Voice, let's review the issue exactly 30 years ago this month, May 1976. Page 1's lead story discussed earthquake threats to a proposed dam on the New River, the infamous Blue Ridge hydro project whose defeat led to the creation of the New River Gorge National Recreational Area. A second front-page story was headlined "WV-CAG urges confirmation of New Era denial." New Era Resources was a coal mine that threatened Shavers Fork,

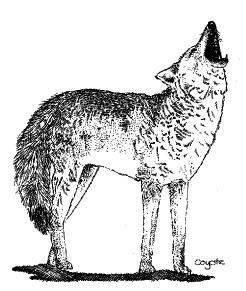
and the West Virginia Department of Natural Resources had denied its permit application. Inside stories included a guest article from the director of the Ruffed Grouse Society justifying strip mining as improving wildlife habitat, a federal inventory of potential additions to the National Wild and Scenic River System, and a legislative scorecard for the just-completed session. A page three photo shows a young candidate for governor, Jay Rockefeller, shaking hands with the notorious strip mine operator, Tracy Hylton. The caption explains that the photo was held until after the May 1976 primary, to maintain political objectivity.

Other articles in May 1976 were on the proposed Toxic Substances Control Act and the Clean Air Act's amendments, both pending in Congress. One of the earliest Voice articles on acid precipitation (and not by Don Gasper) was accompanied by a primer on acid water chemistry that was by Don. A short list of controversial strip mine permits was provided, as was frequently the contribution of our mining watchdog Nick Zvegintzov. In what would become a recurring echo over the intervening years, Bruce Sundquist requested updated trail information and photos for the planned second edition of the Hiking Guide to the Monongahela National Forest. The current 1974 Guide was advertised for \$3.25, as well as the Dolly Sods Management Proposal and Trail Guide (\$3.25); the Otter Creek Guide was out-ofprint, and the Cranberry Guide was in preparation.

The list of officers and board members included the president, Charlie Carlson, and regional vice presidents, Lowell Markey, Jean Rodman, Nick Lozano, and Nick Zvegintzov. It is sad to report that in addition to Charlie, at least seven other at-large or organizational directors listed are no longer alive.

In coming months, as the Highlands Conservancy celebrates its first forty years of environmental advocacy, the Highlands Voice will remind us all of the thousands of individuals, and the tens of thousands of volunteer hours given, that have helped this organization preserve the highlands of West Virginia. Bob Burrell's vision for the Highlands Voice has certainly proven prophetic over these 6,200 articles.

Dave Elkinton is working on a history of the Conservancy, and welcomes comments at daveelkinton@hotmail.com.



The Highlands Voice

p.16

The Highlands Voice

By Barbara Weaner

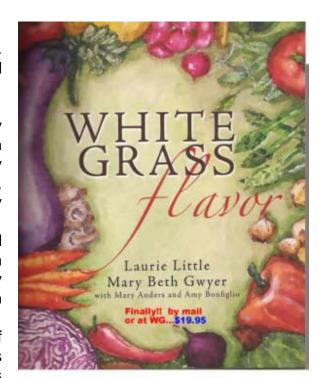
Cosmopolitan (adj.) [From the Greek, poetic, world-creating]

- 1. Belonging to the world; not restricted to any locality, field of activity, or sphere of thought.
- 2. At home in any country; without local or national attachments or prejudices. 3. Composed of elements gathered from all parts of the world.

When each of our three children were left for college in distant states, they asked for only one cookbook: White Grass Café Cross Country Cooking. It was no wonder, since they had grown up enjoying the little café, located at the Whitegrass Ski area in Tucker County, where we live. They had each tromped on our farm in skis by age two, and had traded cross country skis in as they grew, advancing lengths at the Whitegrass Ski Shop on the children's ski program, as steadily as they had advanced grades.

It was not just fond memories that prompted the request however. It was the fine food and recipes that had been carefully gathered by Laurie Little and Mary Beth Gwyer, the Café chefs, from friends, relatives, guest chefs, distant travels, and imaginative creative experimentation in the tiny kitchen at the base of Cabin Mountain in Canaan Valley. These recipes became family favorites in our home, and inspired the birth of other recipes created here, reinforcing our love of cooking.

One of the beauties of the White Grass Cookbook was the personal acknowledgment of where the recipes came from, how they were influenced, and how they could be adapted. It is generous, thoughtful, easy to use, accurate, small, and easily transported. While the hand sketches are all clearly drawn from local life, the recipes transported us to all corners of the globe, with purpose and pleasure.



How grateful we all were this winter, when a second book by the same authors, White Grass Flavors appeared hot off the presses. It has the same cosmopolitan flavors and roots, the same easy to read format, and the same joy for cooking that we grew to love in the first book. From Wild Mushroom soup, to West Virginia Sushi Rolls, to simple Cinnamon Rolls, Trout in Champagne Sauce, to Indonesian Grilled Shrimp, this book brings flavors and ingredients from around the world that are available locally as well, into the home kitchen. And it is all easy enough for children and teenagers to be curious and adventuresome about. We haven't had a recipe that they didn't like yet!

White Grass Flavors embodies what I have always dreamed of and worked toward: Cosmopolitan Country living. I moved to Tucker County 30 years ago, at 20 years old, after having grown up 10 miles from New York City, where my grandparents still lived, and I had used as my personal playground and growthground. I wondered then how life in rural, mountainous West Virginia would evolve. To my delight, I have found open minded folks from diverse ethnic backgrounds whose ancestors settled here generations ago. The political and environmental struggles, labor struggles and economic struggles were as vivid as they were in New York, painted on a different canvas.

We thought we had moved to a distant, remote and provincial region, and in some ways we had. Yet the movement of the times, the quick growth of technology, and world events have woven us all closer together. They have created lifelines and lovelines to every corner of the world, not just when tsunami and floods and earthquakes strike, or when sludgedams burst, or forest fires rage, but when victories of justice, discoveries of woodpeckers, advances in human rights, environmental protection, and global consciousness seep into the everyday.

Hugh Thinks About the New River Gorge (Continued from p. 2)

me the simplest way to describe the legal action is, "We want a public hearing."

On that Saturday morning, Randy showed us several impressive but almost too sophisticated displays prepared by the Parks Service's Geographic Information Systems specialist. They highlighted areas of concern: 80 of the 480 lots in Phase 1 of the development would be visible from ground level at many points in the park. No one has seriously disputed the accuracy of these exhibits. But they didn't hit us as hard as a large photograph of the view we were looking at, with a pink stripe marking the park boundary. At that point, perhaps a third of the canyon's height was still in private ownership. That's where Land Resource wants to sell the most expensive lots.

The "boundary" is not the "rim." That's the crux of the matter. Steep lots facing the river and

board member of the Highlands Conservancy, told the other side are in the gorge. They can be seen from the park. Moreover, Phase 1 is just the beginning. Eventually, Land Resource wants to develop 2200 homes on 4300 acres, which could impact ten miles of the canyon.

> Other housing developments, planned or rumored, will be affected by Fayette County's willingness to enforce the comprehensive plan. I should point out that a planned development just downstream from the New River Gorge Bridge has been annexed by the town of Fayetteville and is not involved in the Land Resource dispute. Land Resource's Roaring River site begins a few miles above the bridge.

> Randy Boyd's spirits were lifted later in the day. At its annual meeting, Plateau Action Network, which he has long served as a board member, reaffirmed its commitment to the lawsuit. Then he was pulled up to the podium to receive the Na

tional Parks Service's Park Partnership Award.

The following day, Sunday, at our own board meeting, the Highlands Conservancy voted to join Plateau Action and National Parks Conservation Association as plaintiffs in the lawsuit. As Calvin Hite, Park Superintendent, recently wrote, "We would not want future generations to perceive the New River Gorge National River as some substandard unit of the National Park System, nor a conceivable symbol of shame for southern West Virginia, where the profit driven intentions of a few have resulted in the permanent impairment of the area's significant resource values, and a tarnished public trust."

NUTRIENT LOSS IN THE NATIONAL FOREST

By Don Gasper

Our snow is still white. The forest streams on the Monongahela always run clear and as beautiful as ever. This Forest's trees seem to be recovering nicely. All appears to be well. What would be troubling the water chemists and hydrologist, atmospheric and soil scientists, geologist, even the trout biologists throughout the Appalachians? It is Acid Rain and its effects.

"Good science" here is discovering amazing figures and concerns. After fifty years of acid rain leaching of nutrients from already infertile geologies, the soil is so impoverished that trucking away nutrients in a timber harvest may not leave enough plant available nutrients to grow a new harvest to completion. We now roughly know there are 250 lbs./ac. of calcium in the trunks, 250 in the crown and another 250 is required for this 100 year old forest to finish its growth. A trunk-only clearcut will remove 250 lbs/ac - impoverishing the site further.

Clear streams do contain dissolved nutrients that hydrologists call "loss", because it is being exported from the watershed. There are many elements and compounds making up stream dissolved chemical composition, and tracking calcium has been most useful as it is a mega-nutrient and its relation to other nutrients is somewhat variable but understood. The annual loss of calcium from watersheds of varying fertility and over time ranges from 7 to 14 lbs/ac/yr. The average "loss" is about 11 lbs/ac/yr.

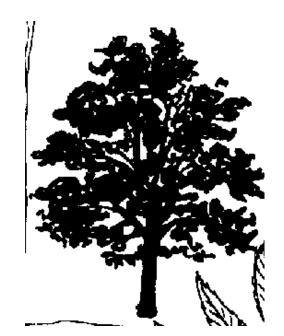
This "loss" from the watershed is at the same time what nourishes trout in the Monongahela's trout streams. (Over 80% of W.Va.'s trout streams are on the Monongahela.)

There are presently over 100 miles of what would otherwise be brook trout streams in this Forest that are "too pure for trout". These drain the infertile Pottsville Geology. When calcium concentration is limiting, brook trout will stressfully elevate their metabolic rate to pick it up, as though they were held in 15 F. warmer water. In richer water, with more calcium, over half their body-building calcium is absorbed as dissolved calcium through the gills, rather than as dietary calcium. The U.S. Fish & Wildlife Service researchers under Dr. Arthur Phillips in the 1960's at their Cortland Trout Nutrition Lab established this non-dietary nutrition of brook trout. It is confirmed today by work by Dr. Chris Wood at McMasters University

Low calcium means low levels of other nutrients and alkalinities (most nutrients are al-

kaline or basic), and these keep flows from becoming acid. If they become acid they dissolve out toxic aluminum from rock and soil. The combination of low calcium, and high aluminum and acidity causes the loss of aquatic life - and barren streams.

The calcium input to Eastern Watersheds is roughly 2 lbs/ac/yr from the weathering of rotten rock below. The second input is in



atmospheric deposition: wet 2 pounds and 2 pounds dry. If the "loss" averages about 11 and inputs are 2 + 2 + 2, then the average annual impoverishment rate is easily 5 lbs/ac/yr. This "simple" budget indicates the Eastern Forest is not at "steady state", but is being impoverished by an accelerated leaching by Acid Rain. Since this has been going on for 50 years the accumulative loss is 250 lbs of calcium from every acre.

This 5000 pounds is made up of calcium still bound in soil/rock chunks less than 2 millimeters in size that may take 10,000 years to entirely dissolve out (weather). The soil may actually have only 250 lbs.ac as "plant available calcium" at any time. There is also calcium in the forest floor (litter, humus, organic matter, etc.), with similar acid problems there, nutrients cycle rather tightly and shallowly with leaf-fall. An average of about 250 lbs/ac of calcium is "pooled" there.

The significance of the loss of one tenth of the calcium through a whole tree timber harvest must be put into this added perspective. R.W. Martin studied the loss of nutrients at the first logging in New England. He suggests a total 1000 lbs/ac of calcium was lost: trucked off to saw mills, fires, and soil erosion. In addi-

tion there was steep erosive farming and repeated cropping attempted extensively in places. If the Monongahela has 5000 lbs/ac of nutrient capitol today and lost 1000 lbs/ac in nutrients at first logging, the forest we see today is attempting to regrow with one sixth fewer nutrients than the original forest had. Many consider this reassuringly looking Forest today robust, ready for another harvest, but the scientists and responsible officials, who know even just this much, must regard it as fragile. While the forest may appear robust, it could not endure a permanent loss of its capital stock of available nutrients.

Finally, briefly, there are effects of Acid Rain in leached soils. Acidity and toxic aluminum in soil-water is as toxic to plant root-hairs and even smaller mycorrhizae - as it is toxic to aquatic gills. (Both have similar physiological, biophysical-chemical processes.) There are above ground effects also; Acid Rain strips the protective wax-like coverings from leaves and twigs making them more susceptible to drought, insects and disease. Our flowering dogwood and beech are probably dying as much from above and below ground effects of Acid Rain as from their diseases themselves. Finally, our spruce, mountain-top ecosystems are awash in accumulating acidity, as they get 3 X as much acid deposition as lower measuring stations - perhaps 1000 lbs/ac in 50 years as sulfuric acid. This is where some of the best brook trout streams in the east originate. Some, the "purest", are now barren.

This new scientific assessment reveals a very fragile forest, and a clear justification for reducing Acid Rain, and the "cautionary approach" the U.S.F.S. has adopted in its management of this public resource.

For over forty years Mr. Gasper has been an observer of, and at times a participant in, the assessment and discoveries in forest nutrient science on the Forest.

'If you live there they call you a NIMBY; if you don't they call you an outside agitator. So who's supposed to be allowed to protest?"

Bill Ragette, writer, small farmer, philosopher, and occasional outside agitator and NIMBY.

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West Virginia Highlands Conservancy
Working to Keep West Virginia Wild and Wonderful!

Wind Turbines and Local Zoning go Hand in Hand

By Frank Young

The prospect of wind turbines in near proximity to mountain communities in West Virginia becomes more controversial nearly every month, it seems.

Local citizens by the thousands petition the state Public Service Commission to deny applications for wind farm siting permits. Some of them organize and spend thousands, perhaps tens of thousand of dollars on legal costs, etc. against wind farm projects. State legislators and others call for a "moratorium" on further wind power projects until strict siting rules are implemented.

But state agency level protests about esthetics and property value concerns seem like an inefficient way to address basic local effects and concerns of any industrial project.

It seems to me that there is a better way- already authorized in West Virginia law. It is called zoning- county-wide zoning- that can be implemented by the citizens and local officials of any county in West Virginia

But except for in a very few counties, West Virginians, who more and more seem to abhor the prospect of wind turbines in their mountain communities, have traditionally eschewed any and all county zoning proposals.

Why? Well, it seems that the cry of most every proud West Virginian is, "We don't want the government telling us what we can do with our land". Yet many still want to tell others what legal uses they do and don't want made of and on their lands.

Can we have it both ways? Can we raise holy hell against certain industrial proposals, but reject the principle of local zoning? County zoning would enable locally pre-planned uses of lands- with local consideration of the costs and benefits of industrial, commercial, agricultural, forestry, residential and other land uses. Frankly, I believe that citizens can no longer afford to NOT have local land use regulations and local boards to implement and tweak such regulations.

The most recent and perhaps the largest West Virginia wind

farm protests are in Greenbrier County and Pendleton County. But I believe that the best way that Greenbrier and Pendleton countians could insure preservation of the value of their lands from unplanned and unwise development would be to institute formal zoning for their county.

West Virginia state law already allows for local zoning. It is a county's option whether or not to actually implement county zoning for purposes of planning and controlling land uses.

There would still be technical and ecological matters for state agencies to consider in considering wind farms or other industrial permit applications.

But the effects of wind farms and other land uses for local esthetic and property value related considerations would be better addressed at a county level zoning in West Virginia.



Forest Service Could Slow it Down

WOOD TURTLE RACES TOWARD EXTINCTION

By Steven Krichbaum

The George Washington National Forest The Monongahela National Forest Our public lands have sadly been pushed into serving as refuges of last resort for many of the wildlife species we treasure.

The Wood Turtle (Glyptemys insculpta) is one of the most northern ranging of all turtle species. This reptile occurs in southeastern Canada and northeastern states of the United States. Now Pendleton County in West Virginia and Virginia's

Rockingham County are the southernmost extent of its global range. In West Virginia the Turtle finds refuge on the George Washington National Forest and is presumed to occur on the Monongahela.

Wood Turtles have a knobby carapace (top shell) up to around nine inches long that is generally brownish, while the plastron (bottom shell) is yellowish with dark marginal blotches. Their necks and limbs have various shades, intensities and amounts of orange. They exhibit low annual egg production (perhaps six to eight) and do

not reach sexual maturity until at least 14 years of age. A turtle you see in the woods or squashed on the road may be over 40 years old.

Wood Turtles are amphibious omnivores who use a variety of aquatic and terrestrial habitats, including streams, brooks, forests, fields, wet meadows, and farmland. They spend most of their time in the water when temperatures are low. They hibernate in deep pools, under the mud or sand bottom, or under submerged logs or tree roots. They start spending more time on land once spring temperatures rise. In Virginia the terrestrial phase occurs from April through November with nesting occurring around June.

Although they require the presence of water, they habitually use terrestrial habitat and are certainly not confined to waterways or narrow "riparian" zones. Studies have documented their heavy use of deciduous woodlands, the types of forest common on the George Washington National Forest and Monongahela National Forest. Studies also clearly show that they normally range up to 200-600 meters (660-2000 feet) from the water.

Their populations are threatened by habitat destruction, degradation and fragmentation, as well as road kill, collection for pets, water pollu-

tion, and predation of eggs and young by high populations of "human subsidized predators" such as raccoons, opossums, turkeys, and skunks.

Vehicles on roads are, of course, one of the most immediate threats to turtle viability. Roaded turtle habitat is dangerous and degraded turtle habitat.

West Virginia considers the wood turtle an S2 species, meaning "very rare and imperiled". It is considered to be "declining" in the state and the

increasingly crucial as refuges for the Turtle. Preserving Wood Turtle populations and habitat in our National Forests appears critical for ensuring their long-term survival.

However, numerous timber sales on the Lee and Dry River ranger districts of the GWNF are within the known range of and contain suitable habitat for this species. Worse, intensive logging continues to occur at sites with known locations of the Turtles on the George Washington

National Forest.

Cumulative impacts to the Turtle's viability on the Forests are a particular concern as it is not just one place that the Forest Service is harming populations or suitable habitat. Nor are the direct impacts from timber sales the only stressor affecting their populations.

An accumulation of habitat loss/degradation/fragmentation, road mortality, collection, predation, and other harms

may result in a rate of turtle loss that surpasses the capability of a population to sustain itself through reproduction. If the Wood Turtle cannot sustain its populations through reproduction, then the species is biologically threatened.

Wood Turtles have life history characteristics that make them especially vulnerable and sensitive to increased human-caused loss and mortality: slow growth, late maturity, high natural mortality of eggs and juveniles (such as from predators), long lives, and low reproductive potential. Populations cannot sustain heavy adult mortality. Because of their long lives, if recruitment is inadequate many years could pass before attrition would become evident in the population.

Field studies and statistical analyses show that turtles are unusual among vertebrates in that even extremely modest mortality rates (intentional or incidental) of adult turtles can lead to strong declines in populations. Wood Turtles specifically are perhaps the most sensitive of all North American turtle species in this regard. The implications of this relevant factor are striking.

It means that if enough adults aren't protected from takings, then populations inevitably

Department of Natural Resources places it in "priority group 1" in the state's conservation strategy. In Virginia it is officially listed as "Threatened" and is considered a "tier 1" species, meaning it is in the greatest need of conservation.

On the Monongahela the Wood Turtle is considered "critically imperiled". According to a "viability outcome" statement in the 2005 Draft Environmental Impact Statement for the Plan revision, the Turtle has "low abundance and is distributed as isolated occurrences. While some occurrences may be self-sustaining, metapopulation interactions are not possible for most occurrences." This places the Turtles on the Monongahela in a very precarious position, necessitating clear Plan Standards and Guidelines that strictly protect and restore Turtle habitat and populations.

In the Virginias the Wood Turtle is only found in drainages of the Shenandoah and Potomac Rivers. In both states much of its natural habitat of clear-running streams and associated forest is undergoing intense growth and development pressures. There is a lot of protection and recovery work to do on private lands.

With pressures on the species mounting, sites on relatively undeveloped public lands grow

(Continued on p. 20)

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MORE ABOUT WOOD TURTLES (With footnotes; continued from p. 19)

collapse. How many can be lost? The loss of even a small number can be devastating, to the point that it is simply not feasible for reproduction to make up for the losses from human impacts.

Because Wood Turtles cannot fly or run away from harm, they are very vulnerable to onsite impacts. To ensure the Turtles' viability and distribution, the full protection of all site-specific sub-populations or colonies is necessary.

The West Virginia Department of Natural Resources must work closely with its compatriots in the Virginia Department of Conservation and Recreation and the US Forest Service to secure strict protection for Wood Turtles on both National Forests in West Virginia.

What is the current status of populations on the National Forests? How many Turtles are currently lost from road kill, collection, and predation? What is the recruitment into the populations? The Forest Service does not have this information, yet it charges ahead with projects that add additional mortality or stresses to populations.

Even basic distribution information is lacking. One of the first things that must be accomplished is to find out where the Turtles occur on the National Forests. Before the Forest Service makes decisions on Plan revisions and site-specific projects thorough surveys must be performed.

Unfortunately, the Draft Plan, Draft EIS, and developed alternatives for the Mon are deficient in their consideration of the Turtle. I am concerned that the Forest Service may be allocating occupied Wood Turtle habitat to Management Prescriptions, such as MP 3, that allow logging, road building, excessive road densities, and other harmful management practices. If implemented as written, the Draft Monongahela National Forest Plan may significantly affect the Wood Turtle's viability.

Current knowledge and evidence on Wood Turtles indicate that the Turtles on the Monongahela National Forest would benefit most from management that minimizes human impacts and allows for the development of wild old-growth forest conditions where they live. Natural processes and conditions such as are the priority in Special Biological Areas (Management Prescription 8) will favor the Turtles.

The Forest Service must recognize that essential Wood Turtle habitat exists far outside of narrowly defined or protected "riparian" areas. All stream courses occupied by Wood Turtles on the MNF should be buffered by at least a 200-600 meter no-cut no-machinery zone on both sides in order to mitigate for affects to Turtle population viability and protect areas critical to their survival. All occupied Wood Turtle sites should be designated as Special Zoological Areas (MP 8.4) or allocated to prescriptions at least as protective.

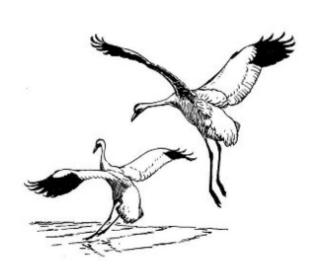
Of the hundreds of terrestrial vertebrate species in West Virginia, the Wood Turtle is one of only a handful that is "critically imperiled" on the Monongahela National Forest. Using all feasible and reasonable means to protect them must be

the priority. The final adopted Forest Plan must accomplish real and lasting protection for West Virginia's beautiful Wood Turtle.

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"HEALING MOUNTAINS"

Memorial Day Weekend May 26-29 Ripley, West Virginia (about 45 minutes north of Charleston just off Interstate 77)

This will be the largest-ever gathering of people working to stop mountaintop removal coal mining, with tours of a mountaintop removal mine surrounding nearby Kayford Mountain, and optional flyovers of the West Virginia coalfields provided by Southwings.

The event is the 16th annual Heartwood Forest Council in conjunction with the Summit for the Mountains, and is co-sponsored by over 58 different community and environmental groups nationwide.

Cost is low. Students, professors, community and environmental activists are especially encouraged to attend. If you have never been to a regional gathering before, this is the one!

To register on line or for more info go to http://www.heartwood.org and click on the register button. There is a downloadable brochure on this site, plus a ride share board etc.