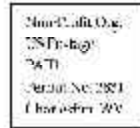


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WILDERNESS ACT TURNS FORTY

As the summer draws to a close, thousands of West Virginians will head out for Labor Day weekend to enjoy some of the amazing wild places found in our great state. Wilderness has been a part of our history since people first set foot in the forests, fished the streams and explored the high country that distinguish our state. Wilderness is the place, as Wallace Stegner wrote, "against which our character as a people was formed," and nowhere in the east is this statement more true than in West Virginia.

A generation ago, President Johnson signed a visionary piece of legislation that protects and preserves these lands. His signing of the Wilderness Act, on September 3, 1964, created the National Wilderness Preservation System. Today this system protects over 105 million acres of America's wilderness. No other country has made such a commitment to protecting wild lands. This Labor Day Weekend marks the 40th anniversary of that visionary act of conservation, and is an appropriate time to reflect on how best to continue this American legacy.

Historically West Virginians have played a big roll in the creation of the Wilderness Act and in protecting wilderness. Former Senator William Ramsey Laird was one of the original 10 co-sponsors of the Wilderness Act and Senator Robert C. Byrd spoke passionately about the act during the Congressional floor debates on the legislation in the early 1960s. More recently, Senator Byrd, honoring the 35th anniversary of the Wilderness Act again added his support to the cause. In a speech on the Senate floor Byrd said, "...the wilderness of my state has given West Virginians a

freedom to explore. This freedom has been secured and protected so that future generations—like my baby granddaughter, her children, and her children's children—will be able to say Montani Semper Liberi, Mountaineers are always free!" Former West Virginia Secretary of State and Congressman Ken Hechler took part in the introduction and passage of the Eastern Wilderness Areas Act of 1975 which protected Dolly Sods and Otter Creek Wilderness Areas. Senator Byrd was also a sponsor of the 1983 Cranberry & Laurel Fork Wilderness Bill which was the last piece of legislation to protect Wilderness in the state over 20 years ago.

In addition to the rich history that our lawmakers have defending and championing Wilderness and the Wilderness Act, many of our state's residents have spent years as dedicated volunteers working for wilderness designation. No other West Virginian has a stronger connection to the Wilderness Act than Ed Zahniser, son of the author the original act Howard Zahnizer. Ed lives in Harpers Ferry and carries on the fight for wilderness working with the West Virginia Wilderness Coalition and Wilderness advocates around the country.

The special places already protected by the Wilderness Act are familiar to all of us, even if we have never visited them. In West Virginia those places include Dolly Sods, Cranberry, Otter Creek, and Laurel Fork North and South and Mountain Lake. While West Virginia is home to and known for its spectacular wilderness resources, there is more work to do. Right now only one half of 1% of "wild and wonderful" West Virginia is permanently protected as

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MINING, EMOTION, AND A LIFE WORTH LIVING

Guest Commentary by John McFerrin

During the public hearing of the Governor's Task Force on Mountaintop Removal, the coal guys kept urging us to rely upon reason, not upon emotion.

I assume that they were talking about people such as the woman from Logan County who talked about what it is like to live six hundred feet from the blasting on a mountaintop removal mine. When the blasting was going on, the company required all its workers to get at least one thousand feet away from the blasting. Because the public road was within one thousand feet of the blasting, the company stopped traffic.

Meanwhile, back at her house, she has to keep her children inside for fear of flying rock. She finds this upsetting; the coal guys dismiss it as just emotion.

It's no wonder the coal guys want to eliminate from the discussion anything that they can label as "emotion." They deal in dollars and cents. They invest dollars; in exchange they get more dollars. The coal comes out; their investors are happy; their lobbyists can rattle off figures about how much they are adding to the local economy. If they can label everything that cannot be measured in dollars as "just emotion" and then ignore it, everything looks great.

There are other names for these things that cannot be measured in dollars, the things the coal guys label as "emotion." Economic theorists would call them the externalized costs. Those are the costs to society that are inherent in the mining but which are not borne by the mining company.

The company would, of course, bear the costs of its equipment, the wages it pays, the fuel it buys, etc. These are not the only costs. At the same time the mining is costing the company the price of its equipment, wages, and fuel, it is costing society the beauty of its mountains. It is costing us miles of free flowing streams. It is costing us the opportunity to breathe without choking on clouds of dust. It is costing those who live near the mines the opportunity to live in peace. These are the things that the economist would call "externalities"; they are the costs that the mining industry imposes upon society as a whole. These are the things that the coal guys would like to dismiss as mere "emotion."

Yet there is another name for what the coal guys dismiss as emotion: everything that makes life worth living.

What's the point of living in the country if your children can't go outside and play? You may as well live in a high rise apartment building. What's the point of living in the mountains if they are just going to get blown away? You may as well live on the median of the interstate. What's the point of even having a home if your neighborhood strip mine makes it miserable to live there?

These are the things that the coal guys want to dismiss as just emotion. They cast themselves as the clear headed realists, capable of analytically considering the issue. They talk in dollars and cents and think in terms of return on investment. Those things they can't measure in dollars and cents they describe as "emotion" and ignore.

The truth is that the things the coal guys ignore as simple mushy-headed emotion are the things that make life worth living.

Editor's Note: While labeled as guest commentary, this is really a summer re-run. This column first appeared in the Voice in September, 1998. Frank is taking the month off from columnizing and will return next month.

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More on The Wilderness Act (Continued from p. 1)

Wilderness, and the Monongahela National Forest has on average far less designated wilderness than other National Forests around the country. We are fortunate, however, to have a number of special places remaining in the Mon that qualify for and deserve Wilderness designation. New efforts are underway to safeguard more of the remaining wild lands throughout the Mon National Forest. Some of those places include:

- Seneca Creek: Home to both sweeping vistas and dramatic waterfalls, this area is known for its extraordinary primitive recreation value and for providing ideal habitat for the endangered West Virginia Northern Flying Squirrel and Indiana Bat. Seneca Creek itself is rated as one of the best trout streams in the country and is one of the largest unprotected roadless areas in the eastern U.S.
- Roaring Plains: This may be the most rugged area in West Virginia. Like other existing wilderness areas, the region is home to wind swept red spruce, cranberry bogs and outstanding vistas. The opportunities to hunt, hike and fish here are extraordinary. Roaring Plains has far fewer visitors, than its already designated counterparts, providing for a unique wilderness experience. This is truly one of the state's most spectacular landscapes.
- Spice Run: This wild area rises from the Greenbrier River on its western boundary and is named for Spice Run, which is also the boundary between Pocahontas and Greenbrier counties. The region contains the watersheds of Spice, Davy and Kincaid Runs, all native brook trout streams that feed into the Greenbrier River. Designating Spice Run as Wilderness would protect one of the most remote spots in West Virginia.
- Cranberry Wilderness Area Expansion: Adjacent to the extremely popular Cranberry Wilderness lies over 11,000 acres of wild country that should be included as part of the wilderness. The expansion area is home to sugar maple, beech, yellow birch and Red Spruce trees. Its addition to the Cranberry would create one of the largest wilderness areas in the east and would ensure habitat for Northern Goshawks and the endangered WV Northern Flying Squirrel while providing additional wilderness hiking, hunting and fishing opportunities.

Protecting these last remaining wild places is more crucial than ever. Less than 4% of the National Wilderness Preservation System is found East of the Mississippi where over 60% of the U.S. population resides. In the 40 years since the passage of the

Wilderness Act, our understanding of the need and importance of protecting wild, open spaces has come a long way, while the threats have been growing. Recent studies have shown that loss of these wild places endangers wildlife and directly impacts our state's clean water and air. Moreover wilderness is essential to the economic future of our state. It is no secret that every summer thousands of people from around the country flock to West Virginia to escape and enjoy our great wild resources. With so much to lose, protecting West Virginia's remaining wilderness is critical.

We need the tonic of wildness, to wade sometimes in marshes where the bittern and the meadow-hen lurk, and hear the booming of the snipe; to smell the whispering sedge where only the wilder and more solitary fowl builds her nest, and the mink crawls with its belly close to the ground. At the same time that we are earnest to explore and learn all things, we require that all things be mysterious and unexplorable, that land and sea be infinitely wild, unsurveyed and unfathomed by us because unfathomable. We can never have enough of nature. We must be refreshed by the sight of inexhaustible vigor, vast and titanic features, the sea-coast with its wrecks, the wilderness with its living and its decaying trees, the thunder cloud, and the rain which lasts three weeks and produces freshets. We need to witness our own limits transgressed, and some life pasturing freely where we never wander. Henry David Thoreau



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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.

BRIGHT ASSEMBLES PROPERTY FOR ALMOST HEAVEN MOUNTAIN RESORT

By Helen McGinnis

In September 2003, the Voice reported that Bill Bright, the developer of Winterplace and Glade Springs resorts in southern West Virginia, was planning to build a ski resort and second home development called Almost Heaven Mountain Resort. He had begun planning the resort in 1997 and had studied three sites in the state for a possible location.

We suspected that one of the three sites might be Tory Mountain near Harman above the village of Job. The resort site (which is not on Brierpatch Mountain, known locally as Tory Mountain, but on Job Knob, about two miles further south on the same ridge) was originally being developed as a ski resort in the early 1980s, but work was suspended in 1986 when the developer could

and local residents have at different times told Conservancy members that it would likely include a ski village at the top of the property, an access road extending north from US 33 near the crest of the Allegheny Front, and a golf course near the bottom of the property.

From the top of the Plains to Red Creek, there's a 2500-foot vertical drop. Even if Mr. Bright could develop a slope that covers only 2,000 feet of vertical, his resort would be able to claim the largest vertical in the Mid-Atlantic and Southeast. Furthermore, his mountain could boast a vertical comparable to many resorts in New England and even parts of the West. However, no modern ski resort makes money from skiing alone. The profit comes from selling lots for second homes and condominiums. Hundreds could be sold at Almost Heaven.

Modern ski resorts, especially in this region, depend on industrialized snowmaking to create what Mother Nature often fails to deliver: quality snow. To cover 2,000 feet of vertical on multiple slopes, Almost Heaven would require a system of reservoirs and a pumping system. The obvious source of water would be Big Run, a pristine trout stream with Tier 2.5 classification. Water flow in Red Creek and the Dry Fork could be reduced, depleting fragile trout populations. Large quantities of water would also be needed for watering the golf course, and herbicides would be introduced into the water system. Also, because of the steep slopes, erosion problems could result from major earth moving or ground cover removal.

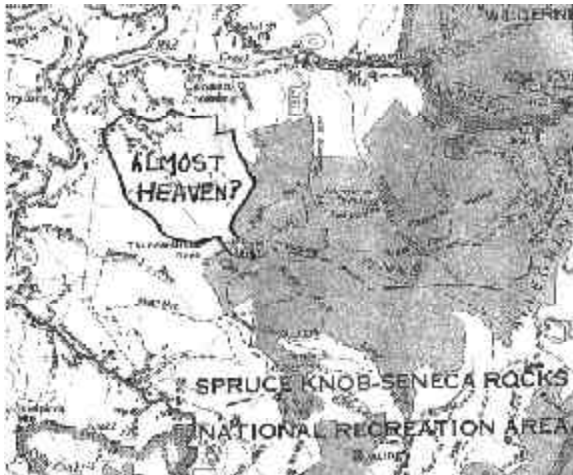
New power lines and transformer stations may be needed to power the snowmaking guns and houses in the development. Ski resorts use so much power to blow snow that power grid officials need to be consulted every time a major resort decides to make snow.

Those in favor of the resort anticipate more jobs, increased property values, more tax revenues for the county and state, and a new and beautiful place in which to ski, dine, mountain bike and golf. But the character of the area would change. A large development could transform the vicinity of Dry Fork into a congested, commercialized conglomeration resembling Deep Creek Lake in western Maryland.

The idea of a resort is agonizing to those who have explored the wild Plains by trail and by hiking cross-country, enjoying the spectacular views and variety of high altitude plant communities. It's a favorite place for WVHC Mountain Odyssey Outings. A lodge or village on the Plains would severely compromise its wilderness character, bringing noise and light pollution.

According to present residents, Mr. Bright has approached five landowners. Their names and the location and acreages of their holdings are shown in Map 2. If Mr. Bright acquired all these properties and no others, the resort would include about 2100 acres. Two years ago, at least three of these landowners had already signed Options to Purchase with Mr. Bright.

The 666-acre Teter property is the key to the ski resort because it contains the highest private land on the mountainside, in-



Map 1. Assumed site of Almost Heaven Mountain Resort and its relation to the Roaring Plains.

not raise the funds needed to get the resort operating. This past June, Marsh Mt. LLC, one of five partners that own the Wisp ski area at Deep Creek Lake in western Maryland, announced they had purchased 1,500 acres at the site and planned to acquire an additional 200 acres. Current plans include roadway/access improvement, further topographical studies and a select-cut timber harvest. Future plans for recreation at Tory Mountain are uncertain, according to Wisp CEO Karen Myers.

Given the Wisp purchase of Tory, we think that the most likely location for Almost Heaven is between Laneville and Dry Fork at the western end of the Roaring Plains, above Bonner Mountain Road. (See Map 1.) The resort would extend up-slope to 4740'—almost to the top of 4770' Mt. Porte Crayon, the highest point on the Plains. Mr. Bright is actively acquiring real estate there and appears to have purchased most of what he would need.

We have not been able to acquire the plan for the resort, although we are confident that this exists. Ski industry sources

(More on p. 5)

More About Almost Heaven (Continued from p. 4)

cluding a trapezoidal parcel about 0.2 mile wide and 0.5 mile long that runs southeast up the steep slope of the mountain and on to the gentle slope of the Plains to the crest, within 0.2 mile of the top of Mt. Porte Crayon.

The trapezoid is contiguous with the proposed 425-acre Mt. Porte Crayon Research Natural Area (RNA; Map 2). The Station Director of the Northeast Experiment Station of the US Forest Service recommended its establishment in 1988, but the final paperwork has never been completed. The RNA contains documented populations of the Cheat Mountain Salamander, a federally listed endangered species, and possibly Northern Flying Squirrels as well. It includes an excellent example of a red spruce forest and a mosaic of high altitude hardwoods.

At the time of last year's report, Mr. Bright was stating publicly that he had not decided which of the three locations he was inclined to develop. He said he'd make a final decision within a few months.

Mr. Bright apparently made his decision soon afterward, because he purchased the 248-acre Harper property in October 2003 for \$532,000. The deed was recorded in the Randolph County Clerk's office on October 31st. The purchaser is listed as Almost Heaven Mountain Resort, LLC. Present residents tell us that he has an option on the Cooper property, has in addition purchased the Huffman property, and very recently purchased the Burgess property.

It is likely the Cheat Mountain Salamander lives on the Teter's trapezoid on the Plains because they have been documented on the contiguous Mt. Porte Crayon RNA.



Map 2. Tracts, land owners, and acreages in the assumed site of Almost Heaven, based on documents in the Randolph County Tax Assessor's office in late August. However, other parcels may have been acquired for 'Almost Heaven'. A buyer wanting to remain anonymous may decide to delay recording a transaction, though at some risk.

These creatures range over distances of only a few feet and are unable to tolerate even very small ground disturbances.

Mr. Bright visited the Monongahela National Forest offices in Elkins several years ago to inquire about getting Special Use Permits on the Plains. The Forest Service routinely issues permits to people who seek to use the Forest for profit. However, Mr. Bright was told that since the salamander likely lives there, he would have to pay for an Environmental Impact Statement and submit it to the Forest Service. He has made no further inquiries. It is uncertain if Mr. Bright could build a lodge or ski village on the Plains without using Forest Service land for access roads and power transmission lines. He would need Special Use Permits to do this.

Shane Jones, land specialist for the US Fish and Wildlife Service in Elkins, informed us that if Mr. Bright purchases the property and plans to develop it, the Service would recommend a survey for endangered species.

There is only one solution that would protect the wild character and endangered species in the proposed RNA and other national forest lands on the Roaring Plains for the long term: congressionally designated Wilderness. If Congress designates the Plains as a Wilderness Area, Forest Service lands on the Plains would be protected from the development of roads, ski runs and power lines.

Peter Shoenfeld, John Sherwood, Hugh Rogers, Dave Saville and Frank Young made substantial contributions to this article.

SUCH A DEAL: HAVE FUN WHILE DOING GOOD WORK

Help us with water monitoring on Cheat Mountain! Ride the Cheat Mountain Salamander (free), collect flow and temperatures at several culverts, enjoy the quiet and beauty of that remote forest, and feel good about contributing to improving the native trout habitat in upper Shavers Fork. We still need volunteers for Sept. 25, Oct. 2 and Oct. 16. Call or email Ruth Blackwell Rogers at 304-636-2662 or ruthbr@wvhighlands.org

Save the Date
 39th Annual Fall Review
 October 22-24, 2004

Theme: Red Spruce Ecosystem Restoration

**Location: Alumni Hall, 22 Spruce St.
 Richwood, West Virginia**

Outings to Cranberry Glades, Cranberry Wilderness, Falls of Hills Creek, Highlands Scenic Highway

Includes Annual Meeting of the West Virginia Highlands Conservancy on Sunday, October 24, as well as fall Board meeting.

**Rooms available at the 4 Seasons 846-4605
 More information will be available as it develops.**

“CLEAN AIR” NOT SO CLEAN

By Don Gasper

In signing the 1990 amendments to the Clean Air Act, the first President Bush stated:

The result of this new Clean Air Act will be that cancer risk, respiratory disease, heart ailments, and reproductive disorders will be reduced; damage to lakes, streams, parks, crops, and forests will greatly be lessened; and visibility will be notably improved. As an added benefit, energy security will on balance be enhanced as utilities and automobiles switch to cleaner burning alternative fuels.

In stark contrast to those promises in 1990, there has been little progress in reducing any aspect of air pollution in the East. According to Tom Kiernan, president of the National Parks Conservation Association, “America’s national parks are the touchstones of our shared history and culture. In some ways, they represent the soul of the nation. They represent our hopes, our dreams, our struggles. They are our absolute best places. Unfortunately, Americans are treating our parks more as waste dumps.”

A recent comparison of the air quality from 1990 to 2003 in our National Parks across the U.S.—based upon visibility, ozone, and acid precipitation, found the top three polluted parks to be Great Smoky Mountain (Tn. and N.C.), Mammoth Cave (Ky.), and Shenandoah (Va.). The top three parks are in the central and southern Appalachians, which, in many ways, is the most air-polluted region of North America. According to a recent study by Abt Associates, a frequent consultant to the EPA., “all ten of the nation’s cities with the highest death rates from power-plant pollution are in or near the Appalachian Mountains. For instance, the Tri-cities in East Tennessee has the second highest air-pollution related death rate and Asheville, North Carolina, has the third highest of all metropolitan areas in the country - considerably higher than Los Angeles, Houston, New York and other cities commonly thought of as polluted.”

Much like sunburn affects the skin, ozone inflames the lining of the lungs, causing permanent damage with repeated exposure. Symptoms include shortness of breath, coughing, wheezing, and throat irritation. EPA estimates that nearly one-third of U.S. citizens are at a higher risk for experiencing health problems from ozone, including children, people suffering from respiratory diseases such as asthma, and otherwise healthy adults who are active outdoors.

In April of 2004, the U.S. Environmental Protection Agency designated hundreds of polluted cities and counties across the country as unhealthy because of ozone, commonly known as smog. While people might expect the air in national parks to be cleaner, especially those like the Smoky Mountains and Shenandoah that are up in the mountains, the ozone in the Smoky Mountains is worse than the smog in almost all major cities in the eastern U.S.

Not only are visitors in our eastern national parks warned on bad air days by the N.P.S. about vigorous outdoor exercise (back-packing, biking, or just hiking), but joggers and the suburbanites everywhere tending the garden or the

lawns should be aware. In the past five years in the Smokies there have been 100 days when breathing was hazardous to your health. Some bicycle shops (Plankanis in Gatlinburg, Tn.) turn business away rather than endanger customers’ health. Healthy visitors and Park Service staff are warned “to limit exertion of any kind”. Children at camps use inhalers and medications that only asthma patients have had to in the past.

Many trees and other plants suffer damage from ozone at even lower levels than those established to protect humans. Ozone can damage and kill leaves, affecting a plant’s ability to produce food. In turn, this can reduce plant growth and resistance to diseases and pests, potentially leading to long-term effects on forests and ecosystems.

In addition acid rain that strips protective wax-like coatings on leaves and twigs predisposes plants to drought effects and attack by pests and diseases. An important component of eastern air pollution is sulfur in the air. Not only is it the major component of Acid Rain, acidifying landscapes and the streams draining them, but as an aerosol, it is inhaled deep into the lungs.

Sulfur in the air is the major cause of diminished views so noticeable in the east. National Park visitors consistently rank (84% “extremely important”) clear scenic vistas as one of the most important aspects of their experience. Views that once averaged 70 miles in summer now only average 20. A vast area realizes how bad business this is and how the sight-seeing tourist is effected.

Mercury in the air is also a harmful pollutant. It gets into our food chain and poses a risk of neurological damage to our children. One in 6 American women now have levels too high in their breast milk. Mount Storm was the nation’s second largest emitter of mercury in the U.S.

The reader has guessed by now, the source of much of this air pollution is the burning of coal to produce the electricity we all need. One-third of the sulfur sources in the U.S. take place in the eight-state Ohio Valley area. West Virginia is just downwind. Is it getting any better? It is disappointing; a failed promise.

“Today, the state of pollution in the Eastern U.S. parks has become the clearest example of how the Clean Air Act, once regarded as a paragon of environmental commitment and forward thinking, now represents a paradox of ineffective enforcement and failed promises” - remarked Kiernan.

To Mary Anne Hitt, Executive Director of Appalachian Voices, there is no paradox, however. “Instead of investing money to clean up their pollution after the amendments to the Clean Air Act were passed,” says Hitt, “the big polluters invested their money in campaign contributions to polluter-friendly politicians.”

“When the electric utility industry faced strong government attempts to clean up many of its aging coal-fired power plants in the late 1990s - something that could have cost the utilities billions of dollars - a few dozen corporations

and their trade associations started an intensive campaign to derail the effort.”

“Their strategy was simple,” said Frank Clements, director of Public Citizen’s Congress Watch. “Put a friend in the White House. In 2001 they found an industry-friendly president who would fill federal regulatory posts with former utility executives and lobbyists. A small army of lobbyists and lawyers connected to the new administration engineered regulatory changes that would undermine the Environmental Protection Agency’s Clean Air Act enforcement cases and weaken rules that already were in the pipeline.”

“Public Citizen” goes on to inform us — “Since 1999, the 30 biggest utilities owning the majority of the 89 dirtiest power plants examined in the study have poured \$6.6 million into



the coffers of the Bush presidential campaigns and the Republican National Committee. These firms, together with the private utility industry’s trade association, met with Vice President Dick Cheney’s energy task force at least 17 times to help formulate the country’s energy and pollution policies. The recommendation of that task force led directly to the EPA reassessment and rewriting of the Clean Air Act rules that the utilities had been accused of violating.”

“In August last year the U.S. EPA relaxed the rules for New Source Review - exempting many facilities from the law’s permit and pollution control requirements - only to have a wise court decision to uphold the law. Nonetheless, the result of the administration’s policy, coupled with the program’s current legal limbo, is that many of these companies have either had the cases against them undermined or simply dropped by the Bush administration.”

“Consequently, it should come as no surprise that the EPA’s recently released 2003 emissions data show that sulfur dioxide emissions from power plants increased again.” Besides stalling an in-place clean-up, this administration would like to replace the Clean Air Act with its own slower one - The Clear Skies Act. They have put a nice name to it thinking to fool American citizens. How stupid can they believe us to be?

This article is based largely upon Common Cause and Appalachian Voices updates as well as information from the National Resources Defense Council and Crimes Against Nature by Robert F. Kennedy, Jr.

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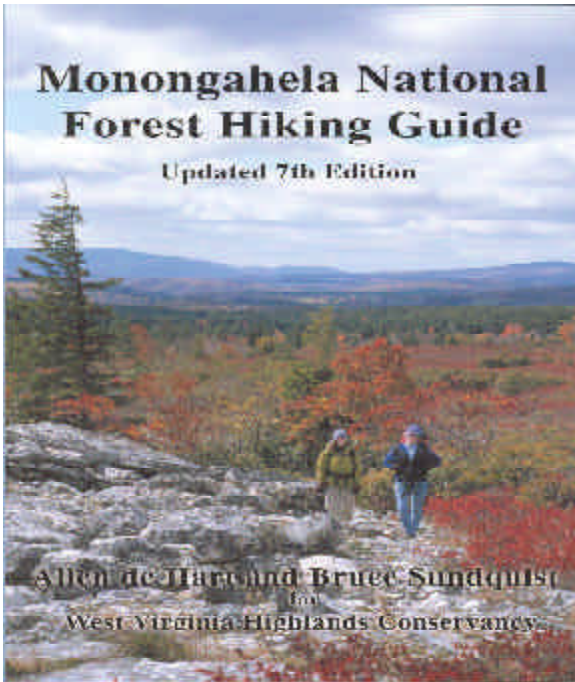
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PUBLIC INTEREST ADVOCATE ENJOYS WVHC FELLOWSHIP

By Nathan Fetty

This summer, I had the privilege of holding West Virginia Highlands Conservancy's fellowship for law students. This annual fellowship is one of several public interest positions offered each summer through Public Interest Advocates at the West Virginia University College of Law.

The Highlands Conservancy fellowship placement was at the Appalachian Center for the Economy and the Environment in Lewisburg. The Appalachian Center is non-profit, public interest environmental law firm. Fortunately, this was the second summer that I received the Highlands Conservancy's fellowship.

As most of the Conservancy's members know, the Appalachian Center has worked closely with the Conservancy and its members on a number of key legal challenges to better environmental protection and enforcement in West Virginia. I was fortunate to be a part of these efforts.

For instance, I assisted with the ongoing challenges to permitting practices for large scale strip mines and the associated valley fills, such as an appeal of a permit before the West Virginia Surface Mine Board. The Conservancy, as the Appalachian Center's client in that appeal, is bringing several challenges: how valley fills in intermittent and perennial streams violate the stream buffer zone rule that prohibits mining activity within 100 feet of streams; how the state Dept. of Environmental Protection is approving topsoil substitutes that will stymie regeneration of productive hardwood forests; and how the DEP is not accounting for toxic selenium pollution in waters downstream of these mines.

Also, I was closely involved in a sprawl issue in Greenbrier County. The state Division of Highways is proposing to build a four-lane bypass to the west of Lewisburg. The bypass would plow through otherwise pristine, undeveloped farmland. Rather than implement less costly and less invasive alternatives to alleviate Lewisburg's very limited traffic congestion, the DOH and local governments instead have proposed a very expensive and reckless bypass that promises to only exacerbate traffic congestion and attract sprawl.

The sprawl would only wreck the unmarred landscape that defines Greenbrier County's rural character and quality of life. My work on the issue involved extensive research of the myriad federal and state legal provisions – from clean air and clean water protections to the National Environmental Policy Act's requirements that alternatives be explored – that citizens can use to prevent sprawl. Fortunately, scores of local citizens and businesses want to prevent even more traffic and sprawl, and have embraced less destructive alternatives to the bypass.

I am very thankful that the Highlands Conservancy continues to sponsor this fellowship for law students. It is a refreshing and needed alternative to the run-of-the-mill summer legal jobs. This fellowship provides exposure to a realm that the legal profession too often ignores – namely, assistance to otherwise voiceless places and people over which extractive industry runs roughshod. My thanks to the Conservancy and its members for continuing to make this fellowship possible.



THE SUN SHINES BRIGHT ON MY OLD KENTUCKY HOME

By early next year, net metering should be available to the owners of small solar energy systems in Kentucky.

That significant step forward in the promotion of renewable energy systems is the result of a program developed by Appalachia Science in the Public Interest and the Kentucky Solar Partnership and actively pushed as legislation by Kentuckians for the Commonwealth members in the 2004 General Assembly.

The net metering legislation requires Kentucky's non-municipal utilities to develop a program to allow solar systems, up to 15 kilowatts in size, to be hooked into the electric grid. When the solar system is generating more energy than its owner is using, the kilowatts will be put into the electric grid. They can be drawn back out when needed.

The system owner's electric meter would run forward as it normally does when they are drawing electricity from the grid. But it also literally would run backwards when

they are adding their surplus kilowatts.

This allows the solar system owner to avoid the need for expensive batteries to store their surplus power.

"This could very well mean a boom for renewables in Kentucky, a place that really hasn't had the opportunity for renewables," said Joshua Bills, who works with Appalachia Science in the Public Interest. He helped educate state officials and legislators about net metering before and during the session. "Net metering is definitely one route to overcome barriers to solar use.

Currently, about eight solar energy systems in Kentucky are hooked into the electric grid as part of voluntary pilot programs established by several utilities. The number is not larger because the pilot programs were temporary, creating too much uncertainty for solar energy system buyers.

What happens next is that the state's regulated utilities, excluding those municipally owned, have 180 days to submit their net metering program guidelines to the Public Service Commission. Upon approval, the owners of solar energy systems can begin participating in net metering of solar energy.

The information for this story came from Balancing the Scales, the publication of Kentuckians for the Commonwealth.



MOUNTAINTOP REMOVAL NOT HELPING TOURISM

Commentary by Dave Cooper

A recent op-ed in the Charleston Gazette by Bill Currey, "Provide the Market With the Industrial Sites it Demands" made the interesting observation that mountaintop removal sites can be developed to service the tourism industry. While there is little doubt that the Hatfield-McCoy trail system has been a boon to southern West Virginia tourism, in a broader context one can only conclude that mountaintop removal coal mining has been ruinous to West Virginia's economy as a whole.

I recently had the pleasure of visiting Asheville, North Carolina, one of the most attractive and desirable cities in the region. Although surrounded by the Great Smoky Mountains, and with very little available flat land to develop, the city is practically bursting at the seams. A headline in the March 11 Asheville Citizen-Times reads: "Upscale Community Brings Jobs, Money and Fears to Buncombe [C o u n t y] ."

The fear is that the 600-plus new homes on 1.25 acre lots in a gated golf-course community, averaging \$500,000 each will increase property values for long-term residents.

Southern West Virginia should be so lucky as to fear rising property values.

As in the coalfields of West Virginia, there is very little flat land available in the mountains of North Carolina. So new homes are being built on mountaintop ridges and overlooking steep cliffs. These homes offer

spectacular sweeping views of the mountaintop a i n s .

And who is buying these mountaintop homes? The Asheville Area Chamber of Commerce's Marla Tambellini calls them "half-backers." These are wealthy people from Northeast states who retired and moved to Florida, then decided they missed the changing of the seasons and moved "half-back" to North Carolina or east Tennessee. Drive through the mountains in Boone or Maggie Valley or Asheville, North Carolina at night and you will see the lights of hundreds of millionaire mansions dotting the ridgelines.

What draws the wealthy to build second homes in the mountains of North Carolina? Clean mountain streams, unspoiled vistas, lush green forests, abundant wildlife, winter skiing and fall colors. According to the Chamber's Tambellini, "Every piece of research we have done shows people are attracted by the mountains."

Furthermore, in Asheville tourism is used as the draw for more traditional economic development. For example, businesses use quality-of-life issues when deciding where to relocate. If an area offers a beautiful environment and amenities like skiing, mountain-biking and hiking nearby, it makes it easier for these businesses to attract top-quality and highly-educated persons o n n e l .

The tourism industry also supports Asheville's diverse and eclectic cultural

scene, which offers a huge variety of live music, antique stores, crafts and ethnic food. I even saw a Moroccan restaurant in downtown Asheville. Progressive, fast-growing companies and start-ups are relocating there. It's called the "creative class", the newest and most sought-after class of people for building an economy.

Southern West Virginia is missing out on all the action. Instead of beautiful mountains, and sparkling streams to entice the tourists and millionaires, we have dusty hollows, roaring coal trucks, barren, flattened mountains and blackwater spills.

I don't mean to put down southern West Virginia. I lived in Huntington for a year and have great affection for the people of the coalfields, who are fighting mountaintop removal with great courage, and with a stunning lack of support from the visionless politicians who are leading the state down a dead-end road.

But whenever I hear the coal industry or politicians claim that flattened mountains make good sites for future economic development, I see red. I am reminded of a bit of graffiti I saw on the boarded-up window of an abandoned gas station in Whitesville: "Miners - It's All Slick Lies."

Dave Cooper is a West Virginia Highlands Conservancy member living in Lexington, Kentucky.

BIG FUN AT ANNUAL GARDEN PARTY

Helen Lang, Rick Landenberger and Chris Haddox talk about Wilderness on the Monongahela National Forest at the Third Annual Garden Party, held at The Walnut Farm, just outside Morgantown.

This annual event is held as a fundraiser to raise money for the Wilderness Campaign. Participants and organizers were particularly excited since we are poised to increase Wilderness areas on the Monongahela National Forest for the first time since 1983 when the Cranberry and Laurel Fork areas were protected.



WEEKEND FOR WILDERNESS IN WEST VIRGINIA

Over the July 31/August 1st weekend, a group of 30 new and veteran wilderness activists gathered in the mountains of Pocahontas County to learn more about wilderness, how we get more of it protected and how we can all work together to assure we get more on the Mon National Forest in the very near future.

The group heard from several excellent presenters, saw a slideshow of pro-



Doug Scott, author and historian giving a presentation on the history of wilderness in West Virginia. Photo by Jim Solley.

posed Wilderness areas, went on two outings and discussed the methods we will use to get more Wilderness designated on our national forest. Doug Scott, noted Wilderness historian and author gave two separate talks about the history of Wilderness in West Virginia and the important role activists in our state played in the passage of the 1975 Eastern Wilderness Areas Act (the one that gave us Dolly Sods and Otter Creek). Anna Sale gave an update on the Mon Forest Plan Revision and how it relates to the Wilderness Campaign.

The US Forest Service, as part of its plan revision, must take a look at new Wilderness areas. Their process is running parallel, but not linked to, the work of the West Virginia Wilderness Coalition. The coalition has been working closely with

the Elkins office to ensure we're all looking at the same places.

Dave Saville presented information about the history of Wilderness activism on the Mon including the formation of the West Virginia Wilderness Coalition. Helen McGinnis shared stories about West Virginia's first Wilderness movement and her personal involvement in the designation of Dolly Sods and Otter Creek.

Mary Wimmer, chair of the wilderness planning committee gave folks an update on the work the coalition has done since its formation, and the work we have planned together with Wilderness advocates across the state and region to ensure we get more areas protected.

Brian O'Donnell and Michael Carroll of the Wilderness Support Center (a branch of the Wilderness Society) conducted a training on the politics of Wilderness (in West Virginia and across the na-

our website: <http://www.wvwild.org>.

After a hike and a belly-busting dinner, the group was treated to Doug Scott's main presentation on the history of the Wilderness Act and the movement in general, as well as the roots of Wilderness in West Virginia.

Following that, professional photographer Jonathan Jessup did a presentation of his photography featuring proposed Wilderness areas on the Mon. Jonathan regularly donates his work for use in protecting these special places and it can be viewed at his website: <http://www.jonathanjessup.com>.

On Sunday, after a delicious buckwheat cake breakfast courtesy of Dave Saville, the group spent some time discussing actions we can all take to move the campaign forward.

We wrapped up and headed out for hike in the Cranberry Wilderness in gor-

The group during a series of presentations on wilderness. Photo by Jim Solley.



tion) and grassroots organizing with an emphasis on what we all need to do to protect more areas.

The most important thing that we all can do right now is to write a letter to our Representative and Senators in Washington DC and tell them we want more Wilderness on the Mon. You can do so from

geous 75 degree weather with lunch at Elephant Rocks.

It was an excellent weekend overall to not just learn more about Wilderness but to become intimately involved in the campaign to protect more of it! For more information about the campaign, visit our website, www.wvwild.org.

Passing of Sayre Rodman

It is with regret that the *Voice* notes the death in early August of long time WVHC leader and Board member Sayre Rodman. His family reports that he remained alert and in good spirits right up the day before his death. The staff at his nursing home did a terrific job of keeping him pain free and comfortable, and his last 24 hours were about as good as anyone could hope for. For those keeping track, he turned 82 on July 2nd.

His family is planning to have some kind of memorial-celebration, but not for awhile. They will, of course, let people know.

Jean's Email is jeanrodman@verizon.net
Ann is at awrodman@cs.com

BIG WILDERNESS WEEK IN WASHINGTON

In 1930, Bob Marshall, advocating for wilderness preservation from within the Forest Service, asserted "There is just one hope of repulsing the tyrannical ambition of civilization to conquer every niche on the whole earth. That hope is the organization of spirited people who will fight for the freedom of the wilderness."

This September, you can help to carry on that fighting spirit by joining more than 300 wilderness advocates representing approximately 20 different state campaigns in attending the 40th Anniversary of the Wilderness Act, Wilderness Advocacy Week in Washington, DC.

The overall goals of Wilderness Week are:

- To bring the voice of grassroots wilderness advocates to Capitol Hill, in order to highlight the values of wilderness and the importance of protecting more of it
- To engage targeted decision-makers on pressing issues before them this fall
- To generate interest from local and national media outlets in this surge of wilderness advocacy and in the protection of more of our natural heritage
- To learn from and network with wilderness advocates from across the nation
- And, above all, to celebrate the 40th Anniversary of the Wilderness Act

The 40th anniversary of the Wilderness Act is an historic



Proposed North Fork Mountain Wilderness Area. Photo by Brent Rowley.

opportunity to showcase the best and brightest of our nation's wilderness – and the advocates working to protect more of it. Just by taking a few days out of your busy life to travel to Washington, DC, you are sending a strong message to decision-makers about the deep commitment citizens have to safeguarding their wilderness heritage. We hope that you will take full advantage of the week, by learning from past and present leaders of the wilderness movement, by attending the media events organized to amplify our message on Capitol Hill and in our communities back home, and by pounding the halls of Congress in pursuit of permanent protection for the areas that you care about most.

[A group from West Virginia will be attending this event.](#) If you'd like to join us, contact Matt Keller (304)864-5530 or mattk@tws.org.

Speak Now or Forever Hold Your Peace

TIME IS NOW FOR COMMENTS ON PROPOSED QUARRY

Deadline for comment letters on Quarry and NPDES permits for a limestone quarry near Elkins (see "Another Pig in the Parlor?" in the August Voice) is September 26, 2004. Please join local residents and Shavers Fork Coalition in requesting denial of the permit based on potential damage to springs which serve as public water sources and irreparable damage to the aesthetics of the area.

Opposition to the quarry was overwhelming at an August 26th hearing in Elkins. Only one of scores of speakers spoke in favor of the quarry. The quarry would be glaringly visible from the Monongahela National Forest, notably Bickle Knob fire tower, Stuart Knob, Coberly Sods (meadows beside FS 91 on Bickle's shoulders), and Bear Heaven.

Visual impacts will be permanent. Noise from stone crushers and haul trucks (including jake brakes), twelve hours a day six days a week, will assault the ears of residents, fishermen, campers and diners at the many businesses nearby.

Please write a comment letter RE: J.F. Allen Company Pond Lick Mountain permits WV101578 and Q-200-902 addressed to:

Ms Brenda Zickefoose
DEP Regional Office
105 South Railroad St., Suite 301
Philippi WV 26416.

For more details contact Ruth Blackwell Rogers at 304-636-2662 or ruthbr@wvhighlands.org.



BUSH ADMINISTRATION REVOKES PROTECTIONS FOR AMERICA'S WILD FORESTS

By Anna Sale, Sierra Club WV Conservation Organizer

One of the most popular conservation policies in American history was dealt a crippling blow, with the recent Bush administration decision to abandon the landmark Roadless Area Conservation Rule. The administration has proposed a convoluted process that will leave America's last wild forests open to destructive commercial logging and road building. This announcement finalizes a controversial decision first proposed last summer to allow individual Governors to decide whether federal lands located in their state should receive federal protection. While the majority of the National Forest system's roadless areas are in the West, the proposed changes to the Roadless Rule will have broad implications in West Virginia's Monongahela National Forest.

Through the course of history, the Appalachian forests have been developed, logged, and exploited in the name of resource extraction. The eastern National Forest system was established as a response to the timbering and mining which had ravaged the Appalachians, and was designed primarily to restore these forests, mountains and watersheds.

But now the future of these forests is once again at the center of a debate over the management of America's public lands. Because of the land's history, there are now precious few acres of roadless wild forests on our public lands in Appalachia.

The Roadless Rule, designed to protect 58 million acres of roadless wild forests in 39 states, was the result of the most extensive public comment process in history, spanning three years and 600 public meetings. During the rulemaking, the Clinton administration received a record-breaking one million public comments in support of protecting wild forests.

To date, the Forest Service has received more than 2.5 million comments from the American people, 95 percent of which favor the strongest protections for these wild forests.

From the day President Bush entered the White House, his administration's intentions have been clear: blocking the Roadless Rule was one of the new administration's first decisions, followed shortly by refusal to defend the rule in court.

Appalachian forests in particular benefit from the Roadless Rule's protection, as they are more rare than in the West. Some of these wild forest areas are still recovering

from the aggressive logging over a century ago. Appalachia's precious, rare roadless forests need continued protection from road-building, drilling, and other development.

In West Virginia, the Roadless Rule protects over 200,000 of roadless wild forest, including some of its most popular rec-



reation destinations. From Spice Run to Canaan Mountain to Roaring Plains, a compromised Roadless Rule will leave 26 inventoried roadless areas in the Mon vulnerable to commercial logging and timbering.

While many of these areas are currently protected in the existing Forest Plan from commercial logging and road-building, without the Roadless Rule, there is no consistent guarantee of their continued protection as Forest Plans are revised unless Congress permanently protects them as **W i l d e r n e s s A r e a s**.

Already, 440,000 miles of roads are carved into America's National Forests. The wildly popular Roadless Rule helped protect our remaining wild forests and the clean water, wildlife habitat and outstanding backcountry recreation opportunities from more taxpayer-subsidized commercial logging. The Roadless Rule was developed over three years of public hearings and scientific analysis. This policy change is the Bush administration's latest effort to reduce or eliminate decades of National Forest protection and increase spending to benefit timber companies, and the American people only

have 60 days to respond.

Under the guise of "preventing fire," the Bush administration's litany of policy changes include an increase of ancient forest logging in the Pacific Northwest, reducing citizen involvement in management decisions, removing scientific analysis in the management of threatened and endangered species and increasing taxpayer subsidies to commercial logging programs.

This policy change is the Bush administration's latest effort to reduce or eliminate decades of National Forest protection and increase spending to benefit timber companies.

Background:

The Bush administration's new policy will render the Roadless Area Conservation Rule meaningless by requiring governors to petition the Forest Service to not construct roads in or otherwise develop inventoried wild roadless forest areas. The administration also indicated that it intends to permanently exempt the national forests in Alaska — both the Chugach and the Tongass Forests — from the roadless rule.

The "state petition" process that the Forest Service proposed would require a two-step process for permanent protection of roadless areas on the national forests. First, a state governor would have to prepare an administrative petition "to adjust management direction" for roadless areas in their state. The Forest Service could simply reject this petition out-of-hand. Second, if the petition were agreed to, the Secretary of Agriculture would establish a formal rulemaking process on a state-by-state basis to consider permanent protection of the roadless areas in question. This administrative rulemaking is time-consuming and the administration could simply decide not to grant protection.

The proposed rule would replace the Roadless Rule, leaving all 58.5 million acres of inventoried roadless areas in the United States open to road building, logging, and resource development. Until a state governor petitions for protection, management of inventoried roadless areas would be based on the individual forest management plans, which often require no special protections.

For more information visit www.sierraclub.org/forests

MORE ROADLESSS STUFF



HOW YOU CAN HELP

Help Protect Wild Forests – Keep Intact the Roadless Rule!

Take Action: Submit a Comment Today!! The comment period ends September 14, 2004.

Mail comments to:

Content Analysis Team,
ATTN: Roadless State Petitions
USDA Forest Service
P.O. Box 221090
Salt Lake City, UT 84122
Fax to: (801) 517-1014
Email to: statepetitionroadless@fs.fed.us
Comments also may be submitted from: <http://www.regulations.gov>

Areas at Risk in the Monongahela National Forest

The Forest Service's 26 inventoried Roadless Area Conservation Rule Areas in the Monongahela National Forest include the following:

- Cheat Mountain
- East Fork Greenbrier
- Seneca Creek
- Roaring Plains North
- Roaring Plains East
- Roaring Plains West
- North Fork Mountain
- Turkey Mountain
- Canaan Loop
- Spice Run
- Gauley Mountain
- Marlin Mountain
- Tea Creek Mountain
- Cranberry Addition
- Falls of Hills Creek
- McGowan Mountain
- Middle Mountain
- Dry Fork
- Little Allegheny
- Laurel Run
- Glady Fork
- Little Mountain
- Cranberry Expansion
- Cranberry Glades Botanical Area
- Dolly Sods Expansion
- Lower Laurel Fork

SAMPLE COMMENTS

Below is a sample comment and talking points:

To Chief Dale Bosworth:

I am writing regarding the proposed changes to the Roadless Area Conservation Rule. [Docket Number: 04-16191] I believe all of America's National Forests should be protected from commercial logging, road construction and other damaging activities. I would like complete protection for all roadless areas in all National Forests. I am particularly concerned about the over 200,000 acres of roadless wild forests in the Monongahela National Forest in West Virginia. This includes protection from road building, including temporary roads, all logging, mining and oil and gas development.

These wild forests should be protected in order to provide clean water, back country recreation, fish and wildlife habitat, and other important values. I urge you to abandon this misguided proposal and keep the Roadless Area Conservation Rule intact in the Lower 48 states and Alaska's Chugach National Forest and reinstate the rule in the Tongass National Forest. The Forest Service and the Bush administration should do all they can to protect our last remaining roadless areas.

Name
Address
Phone



OUR READERS WRITE

Roadless Areas In the National Forests: It's a Good Thing

Editor:

From what I gather the "roadless rule", so popularly supported and recognized in 2001 by the previous administration, is being rewritten now. "Now" is a key word. Unless we citizens can stop this new plan that would reverse protections for millions of acres guaranteed under federal authority. This change would begin to become law. We can write to the Chief of the Forest Service, P.O. Box 96090, Washington, D.C. 20090, but you have to do it right away.

My letter says:

I want to convey to you my dismay that you would suggest a reversal of the Roadless Area Conservation Rule. It is so popularly supported.

These now rare areas should receive complete protection in all National Forests. There should be no roadbuilding, logging,



or mineral development. The Wild Forest should everywhere be protected to provide clean water, fish and wildlife habitat, back country recreational values of undisturbed, natural solitude and scenery. These roadless ecological islands are being lost as in May snow-banks are.

How strange and out-of-touch with today's values to do other than protect them!

Donald Gasper
Buckhannon, WV

BUMPER STICKERS

To get a free I [heart] Mountains bumper sticker(s), send a self-addressed, stamped envelope to

Julian Martin
WVHC
Box 306
Charleston, WV 25321-0306

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, WVHC, Box 306, Charleston, WV 25321-0306

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

T SHIRTS

White, heavy cotton T-Shirts with the I[heart]MOUNTAINS slogan on the front. The lettering is blue and the heart is red. Sizes S, M, L, XL, XXL, XXXL \$8 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

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 green above We [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. \$8 by mail. Make check payable to WVHC or West Virginia Highlands Conservancy and send to Julian Martin, POB 306, Charleston, WV 25321-0306



West Virginia Mountain Odyssey



Outings, Education and Beyond

Outings chairperson: Jonathan Jessup jonathanjessup@yahoo.com 703-204-1372

About our outings program: Our trips vary greatly in difficulty and scenery. Recently, groups have tended to average between five and ten people, though some trips as many as twenty. Lower group numbers such as these tend to provide a better experience for everyone. Trip leaders exercise a great amount of flexibility as far as weather reschedules, daily route, etc. All participants must sign a legal waiver form to participate. If you would like to host an outing please contact me at the e-mail address above.

September 11 – 13, Sat.-Mon. Otter Creek Wilderness Back Pack Backpack overnight in this unbelievable wilderness. Hike 14+ miles with several wide stream crossings. Limit of 10 participants. Optional Stuart Recreation Area Car Camping Friday night at modern campground with all facilities. Reservations suggested for the campground. Contact Mike Juskelis at 410-439-4964 or Email at mjuskelis@cablespeed.com.

September 25 - 26 and October 2&3 Red Spruce cone collecting volunteer opportunity. As part of the Highlands Conservancy's Red Spruce Restoration efforts, we will be collecting cones from various areas in the Highlands including Snowshoe Mountain Resort, Monongahela National Forest, Canaan Valley National Wildlife Refuge and Blackwater Falls State Park. Contact Dave Saville 304-284-9548 daves@labyrinth.net

September 25 – 26, Sat.-Sun. Seneca Creek Backpack Fourteen+ miles in the Seneca Back Country utilizing Huckleberry trail, High Meadows trail and Seneca Creek Trail. Several wide stream crossings. Limit of 10 participants. Distant travelers can set up a base camp at Spruce Knob lake Campground Friday evening and stay till Monday if desired. Reservations suggested for the campground. Contact Mike Juskelis at 410-439-4964 or Email at mjuskelis@cablespeed.com.

October 8 – 11, Fri eve – Mon morning. Dolly Sods North and Roaring Plains. Car camp at Seneca Shadows for 8-10 mile moderate hike in Dolly Sods North on Saturday and Jonathan Jessup's hosted 5 mile Roaring Plains Canyon Rim Hike on Sunday. Those wishing to meet at the trailhead on day 2 and/or 3 and not car camp are welcome. Reservations suggested for the campground. Contact Mike Juskelis at 410-439-4964 or Email at mjuskelis@cablespeed.com.

October 10, Sunday. Roaring Plains Fall Foliage on Canyons Rim Trail. Day Hike. Medium difficulty, depending on weather. Explore and witness spectacular, remote, rugged, rocky and rarely visited high elevation country with several jaw dropping views. Be prepared for cool temps and possible weather. Only one 400ft climb. ~5 miles. Finish hike by 5pm. See photos at <http://www.jonathanjessup.com/rp-set1.html>. Possible optional nearby day hike on Oct 9th for those interested. Hosted by Jonathan Jessup. (703)204-1372 jonathanjessup@hotmail.com

October 16, Saturday. Long Mountain/Tibet Knob-GWNF. 12 mile strenuous shuttle Hike on Great North Mountain with one technically challenging stream crossing, some light rock scrambling and a little road walking. Grand view from Tibet's Knob. Co-leader Jim Timlin from the PATC. Contact Mike Juskelis for details: ph# 410-439-4964 or Email at mjuskelis@cablespeed.com.

October 22-24, Fri-Sun. Laurel Fork Wildernesses Backpack. Follow the trail of the beaver as we backpack 17 miles in the Laurel Fork North and South Wildernesses. This easy to moderately paced trip (average +/-6 miles per day) will take us along Laurel River on a combination of old wood roads, old RR grades and footpaths. Thursday night lodging is available at Laurel Fork Campground. We will leave from there to begin our trip. Contact Susan Bly at 304-258-3319 or orsbly@shepherd.edu for further details.

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

GOIN' UP TEA CREEK TO HAVE A LITTLE FUN

By Mike Juskelis

July 30th/31st, 2004: This was a scheduled joint West Virginia Highlands Conservancy/Sierra Club outing. The main focus was a 2 day, 17 mile Backpack through the Tea Creek Backcountry in the Marlinton Ranger District of the Monongahela National Forest, WV.

Since it is almost a 7 hour drive to Tea Creek from the Baltimore/Washington Metro area, Karin Birch and Susan Bly met Andrew Singleton and me at the primitive but nice Tea Creek Campground the day before. We car camped that night and were ready to hit the trail by 9:00 the next day. It was a short walk along the campground road to get to the trail Kiosk. In minutes we were engulfed by the thickest canopy I've experienced as a hiker. The high ferns and under-story added to the sense that we were totally encapsulated in some kind of a hermetically sealed environmental bubble. Everywhere we turned there were thickets of Deep Red Bee balm and Fuchsia Spotted Joe Pye Weed as well as other wildflowers and mosses. We made reasonable time to our first break area, a fantastic swimming hole at the confluence of Tea Creek and the Right Fork of Tea Creek. The water was probably over six feet deep even during this period of low water.

We rested a bit and then began the slow part of the trek. Besides accomplishing some 12+ creek crossings we found ourselves walking on an old railroad grade replete with stone ballast and disintegrating railroad ties ... slow going for sure! We were kind of glad we had to go slowly so that we might better appreciate our surroundings but it looked like we were not going to obtain our first day's goal of 9.6 miles and camp at the preferred site at the junction of Right Fork and Red Run. It looked instead like we would spend the night at the headwaters of Red Run, splitting the mileage for the two days nearly in half.

We took our lunch break at the last really attractive creek crossing just about 1/8 of a mile from where I had hoped we would stop. After 30 minutes of being hypnotized by the gurgling of the creek we proceeded on. Amazingly the trail got better and our pace quickened. Then we heard it ... one thunderclap ... then another ... and then the sound of rain falling through the trees. We secured our gear and continued on.

Our pace had improved so much that we had reached the headwaters of Red Run by 3:15 ... plenty of daylight left to accomplish the remaining 1.7 miles to our intended destination. (The trail sign and MNF trail guide claims the distance is 2.5 miles. We all agreed afterward that this could not be correct.) The shower had lasted less than an hour. We took a nice break there and proceeded down to camp. We arrived at the junction of Right Fork and Red Run around 4:30 and immediately set up camp. We took our time, made our meals, hung the bear bags. Around 7:30, it started to rain. It was just as well since the thick canopy made it seem later and we were all pretty beat from hiking 9.6 miles in less than good conditions.

The next morning we awoke to clearing skies and singing birds. We stowed our wet gear, ate and proceeded on our way knowing that the longest and hardest part of the outing was behind us. Today would be nothing but fun!!! On the way to Tea Creek Mountain we passed through several swamps containing a wide assortment of plants, the oddest of which was a purple flower called Monkshood. We saw several beaver dams and huts and visited a nature observation boardwalk recently built by the Forest Service at the headwaters of Right Fork. Gauley Mountain and a Red Spruce

forest provided the backdrop for the views that were taken in from this vantage point.

We cheated a little and used the gravel trail through Tea Creek Meadows to reach the junction with the Tea Creek Mountain Trail. The variety of flowers was astounding: Yarrow, Queen Anne's Lace, Tall Bell Flower, Black-eyed Susan, Fleabane, Ox-eye Daisy and on and on. Halfway up we were approached from the rear by a mountain biker. We chatted with him for a while and then took a



Swimming hole at the confluence of Tea Creek and the Right Fork of Tea Creek. Photo by Mike Juskelis.

break at the Little Laurel Overlook on the Highland Scenic Highway.

After our break we made quick work of the only strenuous part of the day's hike, a quick ascent up the side of Tea Creek Mountain. As we approached a rock field reminiscent of Dolly Sods or the Roaring Plains we heard a clamor coming from behind us and the call of "BIKER!" We stood aside as a pair of mountain bikers struggled to reach the top. They informed us that several others were on their way up. Since it seemed they were spread out and we didn't want to get caught up in a leap frog thing with them we decided it best to take our lunch on the rocks and enjoy the show. It was pretty amusing.

After the traffic cleared out we continued on our way and in a couple of hours found ourselves crossing the Tea Creek foot-bridge heading back to the base camp. After resting a bit Susan and Karin decided to shove off. Since Andrew and I had additional driving to do and more gear to break down we opted to have dinner at the River Place in Marlinton and spend one more night in camp. The sound of rain falling on the tent fly and a belly full of turkey and gravy and black berry cobbler added to the refreshing sleep that night.

More photos at <http://maryland.sierraclub.org/hc/pictures/2004/20040731TeaCreek.asp>

KEEP ON PLUGGING ON BLACKWATER CANYON

Dear Readers of the Highlands Voice:

Your letters, phone calls, and e-mails in support of saving the Blackwater Canyon are paying off! Protecting the Canyon has become a key public issue in West Virginia — and when people learn about the issue, there is overwhelming support for public acquisition of all of the land in the Canyon. For people who are not subscribers to Wonderful West Virginia magazine, here's some great news: the new August 2004 issue is featuring — as its front and back covers — beautiful color photographs of the magnificent Canyon landscape and ecosystem that Friends of Blackwater is working to protect. You'll want to have a keepsake copy of this issue for the photographs themselves — and also to show friends just what we are all working so hard to protect. Pick up a copy of Wonderful West Virginia at your local newsstand or call Friends of Blackwater at 1-877-WVA-LAND and we'll send

you a copy (postage extra). The following editorial from the magazine is also on our website: www.saveblackwater.org. Your voices are being heard!

Judy Rodd, Director, Friends of Blackwater (info@saveblackwater.org).

An Uncertain Future

Just beyond the boundary of Blackwater Falls State Park is one of the most scenic and rugged parts of the Blackwater Canyon. Home to a rich diversity of plants and animals, including endangered flying squirrels, salamanders, bats, shrews, and black bears, this section of the canyon has appeared in national magazines and advertising campaigns as a symbol of West Virginia's wild beauty. The Blackwater River that tumbles through the gorge attracts anglers and kayakers, and the canyon itself appeals to hikers, photographers, and mountain bikers. Yet much of its fame comes from the passionate campaign to protect it. While more than 7,000 acres of the canyon are protected public lands, a significant portion belongs to Allegheny Wood Products (AWP).

From 1914 until 1997, 2,900 acres of the Blackwater Canyon remained fairly pristine wilderness under the ownership of the public

utility Allegheny Power. In February 1997, the utility sold the land to AWP sparking a public outcry. AWP began logging the canyon in September of that year and three months later applied for a wastewater treatment permit to support the development of condominiums on the canyon's rim.

In 1998, concerned citizens launched a cam-



paign to turn the Blackwater Canyon into a national park. The following year, they filed lawsuits against AWP that forced the company to limit its timber operation to protect the canyon's endangered wildlife. Also in 1999, Backpacker magazine featured the Blackwater Canyon, which led to articles in a variety of national publications.

By 2000, the fight to save the Blackwater Canyon had caught the attention of Senator Robert Byrd, gubernatorial candidate Bob Wise, and even former President Clinton. Under the direction of Governor Cecil Underwood, the state purchased 25 acres of the canyon, and AWP donated another 100 acres for public protection in exchange for a sizable tax deduction. (AWP has since donated additional acreage.) Later, Governor Wise initiated the purchase of 500 acres of the canyon still in the possession of Allegheny Power, which became part of Blackwater Falls State Park.

In December 2000, a core group of activists formed what would become the canyon's most outspoken ally, Friends of Blackwater (FOB). The organization has been enormously successful at raising public awareness about the gorge, and recently bested a number of national environmental groups to win one of The Conservation Alliance's prestigious \$32,000 conservation grants.

In a recent National Geographic Adventure poll regarding which of three United States locales should be turned into a national park, the Blackwater Canyon captured 67 percent of the total 18,290 votes, beating the Maine Woods and the Sonoran Desert by a large margin.

For its part, AWP argues that it engages in only selective and sustainable timbering practices, which take into account long-term forest health. The company also points to its environmental awards as evidence of its commitment to good stewardship of the gorge, including three West Virginia Forestry Association Environmental Awards in the 1990s and the 1995 Service Award.

For now, the Blackwater Canyon hangs in the balance between the conservationists' drive to establish a new national park and the industry's right to protect its private property and business interests. Feelings run high on both sides of the debate and, for now, the future remains uncertain.

Blackwater Redux? RUMORS AT CHEAT CANYON

There are persistent rumors that Allegheny Wood Products has begun converting the Allegheny Trail through Cheat Canyon into a haul road. According to signs posted at each end of the Canyon, this portion of the State's longest trail entirely is now closed until further notice.

Road work is being done without a habitat conservation plan in place to protect endangered species. Recreational groups have not succeeded in efforts to establish a relationship with AWP despite considerable effort, and were given no special notice of these plans. Although whitewater boating access remains open, there is no long-term agreement in place.

For more information, contact the Cheat Canyon Coalition, Route 1,

CAN THE COAL INDUSTRY HELP BUILD A BETTER FUTURE FOR WEST VIRGINIA?

By Jim Waggy

West Virginia's rugged terrain has caused us to miss out on much of the agricultural and manufacturing wealth generated in other parts of the U.S., leaving our state with two primary economic opportunities: coal and recreation/tourism. Unfortunately, these two industries clash mightily with each other.

In many ways, coal has been a failed economic opportunity, and there are good reasons to believe it represents the past more than the future. It has failed because the lion's share of the wealth from coal has gone to a relatively small number of individuals (most of them absentee owners from other states), instead of being more broadly used to uplift the infrastructure, education system, and citizens of West Virginia. It has failed because the industry has not been required to pay the true costs of mining coal. While coal companies have not shared more than a trickle of the wealth, they have been happy to leave the long-term, exorbitantly expensive problems of highwalls, dams, gob piles, sludge ponds, subsidence, erosion, flooding, and perpetual water pollution from acid mine drainage for the citizens of West Virginia to deal with.



As John Williams summarized in the concluding chapter of his classic history of West Virginia: "In its repetitive cycle of boom and bust, its savage exploitation of men and nature, in its seemingly endless series of disasters, the coal industry has brought grief and hardship to all but a small proportion of the people whose lives it touched."

Coal represents the past more than the future because the number of jobs it produces continues to plummet, and because global warming, acid rain, and other environmental impacts are going to force us to find cleaner ways to generate energy.

With all that being said, however, we are stuck with coal as a primary energy source for some years to come, despite its many problems. The U.S. has an enormous appetite for electricity, and cleaner energy sources aren't yet available to take the place of coal.

Therefore, we face this question: If huge swathes of West Virginia's landscape have to be torn apart and sacrificed to support a prosperous and strong U.S. economy, what should we in West Virginia expect as fair compensation in return? Three things come readily to mind. All three are important, but I'll discuss the third one more extensively in this essay.

First, it's fair to expect extraordinary efforts to limit the environmental destruction. That means strict, enlightened regulatory control of the coal industry, which is the only way to insure that companies use less damaging methods when they mine the coal, that they make every effort to repair the damage they cause, and that the least polluting technology is used when coal is burned to produce

Mining and burning coal more responsibly will cause consumers to pay a somewhat higher price for coal-generated energy, but our multi-trillion dollar U.S. economy can easily absorb this cost. Plus, paying a more realistic price for energy will encourage conservation instead of wastefulness.

Second, it's fair to expect that the rights of coalfield residents aren't trampled in the rush to supply our nation with energy. If their homes or properties are damaged or lose significant value as a result of mining operations, they should be paid for their losses. Again, our economy can afford to absorb this true cost of mining coal.

Of course, global market forces complicate these issues, and there will always be squabbles over exactly where to draw the regulatory lines, but the coal industry needs to show some flexibility. They make no friends with the way they throw their weight around. The public is left with the impression that the coal industry supports any shortcut that saves them money, no matter how destructive or ill-advised, and opposes any reasonable regulation that might cost them even a little.

Third, and the focus of this essay, it's fair to expect that the coal industry helps build a better future for West Virginia, leaving more behind than a denuded, degraded, polluted landscape. One of the best ways for this to happen is to use a percentage of coal revenues to support West Virginia's second strong economic opportunity, the one that will still be here long after coal mining has faded away, recreation/tourism.

There is currently a 5% severance tax on the extraction of natural resources such as coal and timber (it was established on coal in 1985; it should have been instituted much sooner), with most of the revenue coming from coal mining. But this tax money from mostly non-renewable resources is simply directed into the annual budgets of counties and the state instead of being used as an investment in our future.

The severance tax should be increased by at least 2%, perhaps more (each 1% increase would generate approximately 35-40 million dollars a year), with the additional revenue going into a fund that would be used exclusively for projects that protect and strengthen West Virginia's natural environment, to offset the inevitable environmental damage caused by coal mining and other extractive industries.

Now is an appropriate time to increase the severance tax. The fast-growing economies of China and India are increasing the global demand for energy, which should insure high prices for coal and high profits for coal companies in the coming years.

(Continued on p. 19)

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This is not asking for charity, but simple justice and equity. For example, mountaintop removal mining not only requires the clearcutting of extensive areas of hardwood forest, but it removes the topsoil and otherwise demolishes the land's basic, functional structure, so that experts predict it will be many hundreds of years, if ever, before a quality Appalachian forest returns to these areas.

As mitigation for this loss, a portion of the money from the tax increase would be used to purchase and protect forest acreage elsewhere in the state, with that property becoming part of our system of public lands. While mountaintop removal is the most destructive form of mining, all coal mining causes significant environmental damage and deserves mitigation.

There is certainly a need for such a revenue source. It could help maintain public access to areas such as Blackwater Canyon and Cheat Canyon. It could be used to purchase inholdings within the Monongahela Forest as they become available from willing sellers. It could fund the preservation of areas that are rich in biodiversity and ecological significance, and it could help establish wildlife migration corridors. In addition, it could support restoration projects – improving forests, streams, wetlands, and overall water quality – which would be especially important for the counties most heavily impacted by coal mining.

Using the additional severance tax revenue in these ways would mesh perfectly with our state's growing recreation/tourism industry. West Virginia is already attracting rapidly increasing numbers of tourists and second-home owners, as urban residents flee traffic jams and stressful lifestyles for the uncrowded greenspace of our state. Yet

we are only scratching the surface of our potential.

At one time, West Virginia was home to the finest old-growth forest in North America. This forest featured trees that were massively thick, towering giants, and it harbored a dazzling array of life forms. The conditions of geography and climate that produced this magnificent forest haven't changed, which means that it will rise again in West Virginia if we just give it the time and space that it needs.

We need to make the most of this opportunity. In the near future, few things will be more rare or valuable than large-scale ecosystems that are wild, healthy, and whole. These are places where the water runs pure and nature is able to display the full measure of her beauty, where, for example, you can hear the exquisite variety of birdsong, see the lightning flash of native trout, look out across a vast ocean of receding mountaintops, and embrace the quiet mystery of a billion stars. In most states, the landscape has already been altered too much to readily allow the restoration of such wild ecosystems, but our mountains have afforded us some protection.

If we use a severance tax increase to create a generously sized, interconnected, protected network of wild Appalachian forest, we will possess a priceless asset, an asset unique to our state, and there is every reason to believe we will attract not just tourists, but entrepreneurs, professionals, creators, scientists, and retirees, the types of people who can live where they choose and who are searching for a meaningful and satisfying way of life. Restoring our magnificent old-growth forest ecosystem will result in a more positive identity for West Virginia, and it will help usher

in an era of larger and brighter possibilities for our state.

Mining and burning coal is inherently a crude, destructive activity, and there is no way to completely change this fact. Yet there is a certain symmetry, beauty, and rightness about using revenue generated by this damaging activity to fund the restoration and healing of natural areas throughout West Virginia, which will in turn strengthen our state's emerging recreation/tourism industry.

This vision can become reality in one of two ways. Leaders of the coal industry could be smart enough to recognize that they will benefit from adopting this approach, and they could cooperate in making it happen. The industry is being relentlessly pummeled in the local and national media for its excessively destructive practices. Embracing this idea will do more to rove the image of the coal industry than any number of billboard slogans and radio and television campaigns.

If that doesn't happen, then realizing this vision will require more West Virginians to take responsibility for their own future, and work with each other to forge political strength. Coal offers some opportunities for West Virginia, but it's long past time for us to stop being victimized by coal. We need to think of coal as one tool that can be used to build a better future for West Virginia, a future that we can all be proud to be part of.

Mr. Waggy is a West Virginia Highlands Conservancy member who lives in Charleston. He is president of Friends of Coonskin and a board member of the Kanawha State Forest Foundation.



Editorial note: this is a copy of the advertisement that the Appalachian Center on Law and the Environment placed in newspapers in order to publicize the results of a poll which assessed the attitudes of the public toward mountaintop removal coal mining.

Two out of three West Virginia voters **oppose** mountaintop removal coal mining.*



CAN YOU GUESS WHO THEY ARE?

West Virginians have made up their minds about mountaintop removal – and it doesn't look good for the politicians and mining interests who support it.

An extensive poll conducted from June 13-15, 2004 by the Appalachian Center for the Economy and the Environment found that voters strongly believe mountaintop removal is bad for West Virginia, and the more they know about the practice, the more likely they are to oppose it.

Here's what voters had to say:



FOR MORE POLL RESULTS
www.appalachian-center.org



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