

From the Heart of the Highlands

by Hugh Rogers

Stone, Wind

Shavers Fork Quarry Decision: The state Surface Mine Board has issued a split decision in this important case. One year after the Department of Environmental Protection permitted the limestone mine, the Board agreed with Shavers Fork Coalition and a local landowners' group that the planned valley fill was too large.

The site is above US 33 and the river, five miles east of Elkins. Since the Secretary of Environmental Protection refused to recognize that the scenic water gap, a historic recreation area, was the wrong place for a large new quarry, the citizen groups have been disputing the mining methods and impacts.

Now, they have convinced the Surface Mine Board that there was a less damaging way to do it. The Department had argued that the Quarry Reclamation Act and regulations did not require "minimization of the amount of material placed in a valley fill." The Board "strongly disagreed." According to Margaret Janes of the Appalachian Center for the Economy and the Environment, which represented the appellants, this part of the decision sets a helpful precedent statewide. The size of valley fills affects water quality more than any other factor.

As a result, the company will have to use available mining "spoil" to backfill the highwall after it has completed operations, rather than dump it down the steep north slope of Pond Lick Mountain. This is not to say that the reduced valley fill would be trivial. It will support the haul road and a processing plant. Moreover, two thousand feet of an intermittent stream will be lost.

A majority of the Board voted to weaken the stream buffer zone rule. State law declares that the Department "shall not give approval to quarry within one hundred feet" of any stream, but it allows the rule to be waived if an alteration of topography within the buffer zone would "significantly enhance" land use in the area. In the Department's view, this language was more or less tautological, as if it said you may not quarry along a stream unless quarrying there would enable you to quarry there.

The Board's decision will have the same effect. In its interpretation, the Department is required to consider only the "post-mining land situation." If mining would be more efficient without the buffer zone, the company can go for it. A buffer zone in this case would have split the quarry in two; eliminating the zone would reduce the length of remaining highwall.

Chairman Tom Michael, a former Highlands Conservancy board member, dissented. In his view, before deciding whether to waive the rule, the Department ought to compare the pre-mining land use to the situation upon completion of quarrying. Would a highwall and valley fill amidst planted pine and locust be a "significant enhancement" over a stream in a mature, mixed hardwood forest?

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Accentuating the positive, we toast the unanimous decision on the first issue in the case, the valley fill. But mindful of the prospect of more streams to be lost, we do not fill our glasses to the top.

Wind Power Projects: After our winter board meeting on January 29, editor John McFerrin, with the usual twinkle in his eye, asked me to write about whether the Highlands Conservancy had changed its policy on wind power. We had just endured a series of close votes, with some abstentions, on our support for the Friends of Beautiful Pendleton County, a citizens' group contesting the Liberty Gap project on Jack Mountain south of Franklin. Everything else we did on wind was unanimous and consistent with our previous position(s).

As I understood it going into the meeting, we, or most of us, had generally favored wind as an alternative energy source, but we had two particular concerns. The first was wildlife impacts, i.e., we were against wind turbines killing bats and birds. We supported continuing research (which had been suspended by Florida Power and Light, the company that owned the Backbone Mountain wind farm) until a way was found to stop that happening. We had intervened in the Beech Ridge (Greenbrier County) permit application process solely on that ground, hoping to condition any permit on cooperation with research.

Second, we were concerned about visual impacts on "special places," which so far had meant parks, wilderness, certain recreation areas and historic sites, mostly within the Monongahela National Forest. On that ground, we had opposed a Rich Mountain (Randolph County) project. Did we stretch our notion of "special places" by supporting the Pendleton County group? It might be said that since Jack Mountain is less than thirteen miles from Spruce Knob and even closer to Reddish Knob and other "special places" in the George Washington National Forest, we didn't stretch it very far.

A spokesperson for Florida Power and Light once said that any place they might locate a turbine is special to someone. Kansas prairies, Texas plains, Nantucket Sound, the Allegheny Front: all special. The brief history of the proposed Beech Ridge project illustrates the point. The land to be used is currently owned by Westvaco Corporation; much of it has been strip mined and/or timbered. There are few residents in the valley below. Yet that is an undeniably beautiful valley and the residents have generated an impressive show of support, as measured by the letters coming in every day to the Public Service Commission.

On January 17, the New York Times published an opinion piece on this issue by John Tierney, in which he wrote:

Personally, I'm agnostic on the scenic merits of a wind farm. I can understand why some people hate the sight and others don't. If you equate the turbines with environmental virtue, you may find it a lovely panorama, and you (unlike me) may even be willing to pay higher taxes and electricity bills for it. But this should be a decision made by you and your neighbors—at the local level, not in

Washington.

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If I were to speculate on how our policy toward wind farms might continue to evolve, I would say the skeptics and those who hate the sight seem to be increasing in number, while those who equate turbines with environmental virtue do not seem to be gaining. Local control and smaller scale operations will be more likely to find support than tax-subsidized mega-projects.