



The Highlands Voice

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diPretoro shares grant to study longwall mining

MORGANTOWN — Geologist and West Virginia Highlands Conservancy secretary Richard diPretoro and Athens, Ohio, attorney Robert J. Shostak will head for Europe this Spring to study longwall mining under the auspices of the German Marshall Fund.

The pair are among 22 professional environmentalists from the United States and Europe who have been awarded fellowships.

The pair conceived the project after learning that German government lawyers and technical personnel often work in pairs to implement and enforce environmental regulations.

"We work together here as a team on many environmental matters," diPretoro and Shostak said in their application. "The combination of legal and technical expertise would be particularly effective in studying longwall policy."

Longwall mining is being used increasingly in U.S. mines, particularly in West Virginia, diPretoro said.

"West Virginia has far and away more longwall mines than any other state in the U.S.. Probably a third of all the longwall mining in the country is in West Virginia," diPretoro said.

See Grant, page 8



Richard diPretoro will probably take a larger plane to Europe this spring when he and attorney Robert J. Shostak study European longwall mining.

Living Streams is alive and well

by Joan Sims

MORGANTOWN — "Larry George is gone from DOE and now it's back to business as usual."

That is what irresponsible coal mining companies would like us to believe. However, business as usual is not "as usual" anymore — thanks to the Living Streams Project.

Living Streams was started by Mountain Stream Monitors in 1989 to prevent new sources of acid mine drainage. The project has been fighting to protect the streams and communities of northern West Virginia. With a new DOE commissioner, who

comes from a polluting industry background, and an inherited DOE bureaucracy that has utterly failed to prevent new acid drainage sources, Living Streams will be working even more diligently to carry out its mission.

An early contribution of \$500 from the Highlands Conservancy go Living Streams started. Since then, the project has received a \$3,000 grant from the Appalachian Community Fund and \$8,000 from the Unitarian Universalist Social Concerns Panel. Living Streams geologist Richard

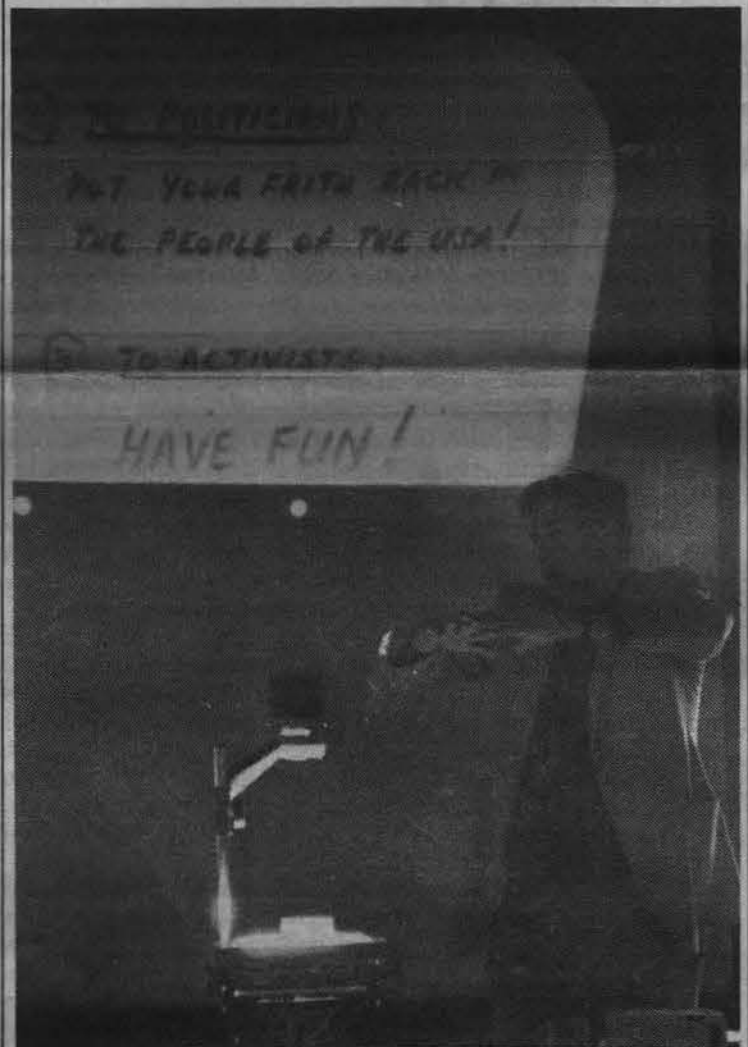
diPretoro reviews every mining permit application or proposed modification that might produce acid mine drainage. He and lawyer Tom Rodd then protest and challenge every application that will create serious acid mine drainage pollution.

Darlene Mudrick is the technical staff person and Joan Sims acts as the project coordinator.

Living Streams victories have included the denial of a Mary Ruth mining permit application that would

See Streams, page 6

Just say "No" to incineration



Paul Connett concludes his discussion of solid waste with a little advice.

CHARLESTON — Paul Connett had nothing good to say about incinerators as a way to dispose of waste. The voracious appetite of an incinerator actually encourages waste, he said.

An educator with special interest in waste management, Connett was the afternoon speaker Dec. 2 at a workshop on Environmental Empowerment sponsored by West Virginia Citizen Action Group (CAG), in cooperation with Citizen's Clearinghouse for Hazardous Waste (CCHW).

Folks from West Virginia, Ohio and North Carolina gathered at the Trinity Lutheran Church in Charleston to hear Connett and Peter Caselli and Brian Lipsit from CCHW.

"A clever person solves a problem," Connett quoted Albert Einstein. "A genius avoid it."

In waste management, as in many other field, Connett said, too many people are looking for "sophisticated answers to the wrong

See Incinerate, page 8

— from the heart of the mountains —

by Cindy Rank

'Tis the Season

The holidays are upon us, and for me it's time to send those wonderful silkscreen Wolf Creek calendars to friends near and far, especially to the family in Lesotho who sound just a little bit homesick now and then. It's time for receiving another great homecrafted decoration from dear friends recently moved to Florida. It's time for visits. It's time for remembering all the nieces and nephews (especially the two godsons) with just the right book or some flashy fun item that fits their personalities at this point in their lives.....

True, it's the season for crowds and hurried shopping and general all around hustle and bustle, but more importantly it's the season for lights and smiles and carols and caring.

So, whatever fills your holidays, whether it be hectic preparations, finishing some difficult end-of-the-year report, or perhaps calming some apprehension about the legislative session that's nearly upon us, may you also find the time to be touched by the real beauty of the season.

May we all see the lights and the evergreen trees for what they are: symbols of hope, and strength, of new life and continued resiliency and growth. Whatever our religious, cultural or philosophic roots we can all share in this as a time to pause and reflect, a time to enjoy the warmth of family and friends, a time to rejoice in whatever blessings no matter how small.

...and from our past pres.

6019 49th St., NW
Gig Harbor, WA 98335
Dec. 9, 1990

Dear Voice readers,

I have just finished reading news accounts of recent events (Larry George's transfer/firing/resignation) at DOE. Though I've been absent from WV for a little over a year, time and distance don't fully dull that sadness I feel when I see the state is tearing itself apart in the grand old fashion. If my label as past president of the Conservancy has any meaning, perhaps it is to put current events in a broad perspective.

I was an active participant on mining, water quality and community health and safety issues throughout DOE's short, troubled existence, and enjoyed generally good working relationships with agency technical and field staff. Because I have read of plans for another legislative review of the agency, I presume from the comfort of considerable distance to offer several unsolicited observations and recommendations.

DOE was born in 1985 as a politician's promise that the energy industry would have its own agency, without the bother of balancing its needs with those of its workers or affected communities. It's therefore no surprise to me that the pendulum swings erratically when political administrations and their administrative assistants change.

A number of states have a tradition of treating environmental regulatory positions as one step removed from the gale-force winds of partisan and interest-group politics. These states' agencies enjoy more stability and the possibility of long-term planning for both environmental protection and regulated business activity. The agency administrator is still a political appointee in these states, but in fact is chosen by the executive and confirmed by the legislature with an eye toward political neutrality and possible retention through future administrations.

In any review of DOE or consolidation of environmental agencies into a state EPA, several steps could be taken to promote a tradition of professional neutrality while nevertheless retaining accountability to elected officials:

1. Mission — Keep it simple and focused on the protection of the environmental health and safety of people and the sustainable integrity of natural resources. An agency which attempts to be all things to all people invites politicized policymaking by whomever's interests are on top at the time. Labor-management politics can be avoided by returning worker safety to a labor agency; industrial promotion should be left to the salesmen; and the straw man of "jobs vs. the environment" conflicts should be resolved openly at the gubernatorial level.

2. Agency Administrator — Several devices could be used to promote neutrality and stability, ranging from strong (appointments for 6 year terms) to weak (statutory goal of stability and neutral professionalism). Similar tenured appointive positions already exist on the federal (e.g. Federal Reserve Board Chair) and state levels (e.g. PSC Commissioners and Consumer Advocate, Public Legal Services).

3. Agency Structure — Only the top administrator appointed by the governor; deputies and executive staff appointed by the administrator; division heads protected under civil service; all rulemaking, permitting and enforcement powers in administrator or designee; independent hearing examiners for contested cases; advisory boards for public participation and environmental advocate's office.

Much more could be said about a rational structure for an environmental agency for West Virginians. The political context in which these issues are resolved may well prohibit their ever being more than dreams. Political leaders who find it necessary to take a position on such issues will at least be forced to weigh them and to assess whether they serve the state's interests.

Good luck.

Sincerely,
John Purbaugh

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"Night" produced light

A remembrance of Harry Caudill

by Frank Young

"He was very well respected in his community by people all across the board, even by those opposed to what he stood for; he was likable but independent....., kind of a good ol' boy in some ways," West Virginia author Denise Giardina said of the late Harry Caudill, author of "Night Comes to the Cumberlands," and many other works about the economic exploitation and environmental mayhem against Appalachian people and their lands -lands which produced prodigious amounts of resources and great wealth, but left a wake of extreme poverty and environmental debauchery in the Appalachian region.

Caudill, 68, of Whitesburg, Kentucky, died Thursday, Nov. 30 after a long battle with poor health, which according to a long-time friend, included Parkinson's disease. Caudill was a lawyer, university teacher and state legislator, in addition to being an accomplished author.

I used to hang out at the "Lock, Stock and Barrel" restaurant in Williamson, W.Va.

I basked in the liberal and progressive atmosphere of that establishment — originally a "War on Poverty" project for training restaurant workers. But, following a strike by restaurant workers, the facility was eventually sold to Jerry Hildebrand and another entrepreneur whose name now escapes me.

Anyhow, while basking in the pro-environment, pro-union atmosphere of the "Barrell," it was about 1972 I believe, I was introduced to Caudill's book, "Night Comes to the Cumberlands."

Other than my own observations of strip-mined land, mostly from public highways, and a small amount of strip mining in the hills on Tupper Creek, Kanawha County, where I was born and hunted, I was largely ignorant of the ravages of industry on Appalachia.

I had taken passing note of one person, who was later to become known as the turncoat strip-mine abolitionist, Jay Rockefeller. But "Night Comes to the Cumberlands" shed a brilliant light on the ever-darkening plateau region of eastern Kentucky in particular, and the Appalachian coalfields in general.

In that, the most famous of his writings, Caudill described how northern and eastern capitalists in the late 1800's, employed beguiling timber, mineral and land buyers to virtually swindle the unlearned and economically unsophisticated native mountaineers of nearly all their holdings which were soon to become very valuable in the economic revolution to follow.

"Night Comes to the Cumberlands" described in stark detail the company towns, the company store, the company scrip, and the companies' desecration of the environment which accompanies the development of the timber and coal industries of the region.

So complete was the environmental devastation, that in less than 50 year starting in the late 1800's, also destroyed was the ability of native mountaineers to maintain the subsistence lifestyle of the 18th and 19th centuries, which was based primarily on hunting and agriculture.

The region's inhabitants were then almost totally dependent upon the exploitive capitalists for survival. Their survival, in many respects, became no better than slavery.

By publishing "Night Comes to the Cumberlands," Caudill inspired many to act to try to overcome the impoverishment, and the reasons for that impoverishment, of the Appalachian region.

The "War on Poverty," begun during the Lyndon Johnson presidential years, is said to have been developed as a direct result of Caudill's publication of that book.

My own appetite for social concern was whetted by my reading of "Night Comes to the Cumberlands." Later, in the 1980's, I read such works as "Storming Heaven," by Denise Giardina and "Life, Work and Rebellion in the Coalfields," by David Corbin. I suspected that they, too, might have been inspired by Caudill's work.

I telephoned Denise Giardina on the Monday evening after Caudill's death. She didn't know me at all. But she readily confirmed that she, too, was enormously motivated by "Night Comes to the Cumberlands."

She told me how, having received the book from her mother as a Christmas present, she was inspired by it's revelation. Giardina indicated that, had it not been for Caudill's work, she may never have gone on to develop her own works, which reveal more personal accounts of specific hardships and atrocities against specific personalities, as she did in "Storming Heaven."

On Sunday, Dec. 2, at the Unitarian-Universalist Church in Charleston, I was moved as Charleston attorney and social justice advocate Jack Hickock lit a candle for and made a statement in memory of Harry Caudill.

Somehow, as Hickock made his way to the chalice lighting table, I sensed that he would light a candle for Harry Caudill. Hickock and I aren't particularly close, but we both had the same thoughts in mind that Sunday morning.

Having listened to Denise Giardina, to Jack Hickock, and to others opening their hearts in recent days, I now know that my two decades-long feelings of inspiring enchantment with Harry Caudill's revelations of the economic and environmental rape at the hands of unholy exploiters is widely shared.

Slowly, slowly, but ever so surely, Appalachia may become a better place because of Harry Caudill. We owe him our best

Making time to see the trees

A book review

by M. J. McCormick

Red Oaks and Black Birches: The Science and Lore of Trees by Rebecca Rupp; 1990, Storey/Garden Way Publishing; Pownal, Vermont. 18.95 HC, \$10.95 PB.

Many of us involved in environmental issues have a tendency to view the world from one step back in order to see the big picture.

We marvel at the delicate balance between interdependent species. We mobilize to protect the integrity of entire ecosystems such as Dolly Sods, Canaan Valley, Cranberry Back Country. We strive for the reversal of global warming.

In fact, occasionally, we could be accused (popular platitudes notwithstanding) of not seeing the trees for the forest, or at least not having time to see the trees.

To remedy this dire situation, and fill several leisure hours with delightful reading, I recommend Rebecca Rupp's latest book: *Red Oaks and Black Birches*.

Rupp approaches this work with both the scientific eye of a Ph.D. in Biology and a fancy for finding factual truffles.

Those of us who may have dozed off during boring, cut-and-dried botany lessons in high school, will suddenly be awakened by Rupp's witty and understandable explanations of basic botanical functions — including a lucid discussion of just why leaves are green. (*Good enough to satisfy even the worst "why-child" in all of us!*)

However, the entertainment doesn't end with mere classroom studies. *Red Oaks and Black Birches* also explores our historical and cultural interaction with trees on a genus by genus basis.

She includes narrations of history and legend that will fascinate everyone and, no doubt, impress a few college professors if included in a term paper. (I wish I had known that Beowulf carried a spear made of ash when I was taking Old English literature! Something like that would have booted up by GPA.)

And imagine the social hit you'll make at the next dinner party when you tell the story of the first non-Native discovery of the coastal redwoods — by a Chinese sea-trader who landed on the coast of California after have been set off course by a cockroach wedged under the ship's compass.

The cooks among us might be able to gain fame and acclaim by duplicating Mr. Thomas Alva Edison's prize-winning recipe for hickory nut cake.

Seemingly, no avenue went untraveled, nor book unread in the research for this newest volume (not much of an exaggeration on my part considering the eleven-page bibliography included at the end.)

Rebecca Rupp's *Red Oaks and Black Birches* is both knowledgeable and entertaining, witty and informative. It should be on everyone's "Must Read" list.

The 1991 Session of the West Virginia Legislature will get underway in early January. You can stay on top of what the Legislature is doing by subscribing now to G.R.E.E.N., a newsletter for friends of the West Virginia Environmental Council.

G.R.E.E.N. is published monthly, except during the Legislative Session, when subscribers receive the weekly Legislative Update.

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Treat yourself to something wonderful

from the editor

Paul Connett's parting advice to folks at the Dec. 2 workshop in Charleston was "HAVE FUN. If you're miserable, you're no good to anyone."

So, in the spirit of fun, I'll recommend a wonderful bit of music.

If you haven't heard it, *Pieces of Heart* by Kate Long is a terrific tape of Kate's own songs. It's probably too late to order for Christmas, but the tape is a marvelous gift of words and music for you or someone you care about.

Many of you may be far ahead of me in seeing and hearing this tape, since Kate is a long-time member of the Highland's Conservancy

I was introduced to *Pieces of Heart* by a friend and co-worker. He loaned it to me while I was struggling to write, as part of a series on Domestic Violence, an interview with a woman now

serving a life sentence at Pruntytown for the shooting death of her husband.

I wanted to play Kate's song *Don't Tell Me Just Pick Up and Leave* for every magistrate, deputy, judge and attorney who punctuated our conversations on domestic violence with "I don't understand why they don't just leave" and "There's nothing I can do. They just go back to him again."

While I started with that song, by the time I heard *Pieces of Heart* for the third time, I was hooked on Kate's other songs. They are in turn delightful, sad, infuriating, funny, and thoughtful.

Each is a nugget of life, (truly a piece of heart), a snap shot of someone in the midst of a day's joys or trials. I can't think of a single song

See Treat, page 8

WVDOH reopens process on Corridor H

Route sought between Elkins and I-81 in Virginia

submitted by
Cindy Rank

ELKINS -- The West Virginia Department of Transportation, Division of Highways, (WVDOT/DOH), in consultation with the Federal Highway Administration (FHWA), intends to prepare a supplement to the 1981 Appalachian Corridor H Draft Environmental Impact Statement (DEIS). A Notice of Intent was published in the Sept. 21, 1990 issue of the Federal Register, page 38894. A resource agency scoping meeting was held at the W.Va. Department of Natural Resources (DNR) Operations Center in Elkins, Oct. 30, 1990.

Scoping meeting purpose
The scoping meeting provides a

setting to receive resource agency guidance in the development of the Supplemental DEIS (SDEIS). Included in that guidance is identification of significant and insignificant issues and the related analyses required for the successful completion of the SDEIS.

Project Description

The proposed project consists of constructing approximately 110 to 130 miles of highway to complete Corridor H of the Appalachian Development Highway System in northeastern West Virginia to Interstate 81 as shown on the map at right. The original DEIS for the proposed project was approved on March 13, 1981.

As proposed, Corridor H will pro-

vide a divided, four-lane highway with partial control of access on new and existing locations between the towns of Elkins, W.Va. and either Strasburg or Winchester, Va. The Corridor H study area includes portions of the West Virginia counties of Grant, Hampshire, Hardy, Mineral, Pendleton, Randolph, and Tucker, and the Virginia counties of Frederick and Shenandoah.

Project Need

As prescribed by the 1965 Appalachian Regional Development Act, the corridor system is intended to open up the Appalachian highlands region for development potential where commerce and communications have been inhibited by lack of adequate access and transportation.

Shortcomings of the Purpose and Needs section of the original DEIS were acknowledged at the scoping meeting. Consultants with Baker Engineers, who have been hired to do the environmental work on the SDEIS, noted that the days of the short two-cent Purpose and Needs Sections are over. Ben Hark of WVDOH emphasized that a new, detailed Purpose and Needs statement will be a major emphasis in the SDEIS effort.

Project Status

In 1981, following the circulation of the Corridor H DEIS and the resource agency/public review and comment period, DOH selected Scheme A as the preferred alignment. Since that time, several additional studies have focused on potential

impacts of Scheme A.

* In 1984 the Environmental Protection Agency (EPA) did a *Cooperative Agency Study: Stream and Wildlife Impacts Associated with Corridor H in West Virginia*.

* In 1984, the DOH did two studies: *Archaeological Survey and Testing Operations Within Portions of the Proposed Appalachian Corridor H, West Virginia* and *Environmental Review: Location Phase Reevaluation for Appalachian Corridor H*.

Sensitive resources within the corridor of Scheme A have been the focus of numerous field reviews, and comments from resource agencies and the public.

No Final Environmental Impact Statement (FEIS) was ever prepared.

Evolution of the Corridor H DEIS since 1981 -- Reevaluation

A written reevaluation of a DEIS is required if the FHWA has not received an acceptable FEIS within three years from the date of the DEIS circulation. (Federal Highway Administration Regulation 23 CFR 771.129 (a))

In accordance with the regulation, in June 1990 DOH initiated preparation of a written reevaluation of the 1981 Appalachian Corridor H DEIS.

The objective of this reevaluation was:

1) to identify changes which have occurred since the 1981 circulation of the DEIS, and

2) to determine whether or not those changes are significant enough to warrant the preparation of a SDEIS.

The reevaluation focused on the changes in the project's surroundings and impacts, as well as issues which have arisen since the DEIS circulation.

A. The first task of the 1990 Reevaluation effort required bringing the project up-to-date in light of past and present legislative and procedural requirements. This included an inventory of existing resources, review of project files and documentation, and identification of major issues and controversies surrounding the proposed project.

Review of correspondence received by the DOH from the public and resource agencies revealed that a majority of those who corresponded expressed an alignment preference.

Approximately 45 percent of the letters received identified a preference for the two northern alignments (Scheme D and/or E.) Of those who preferred the northern alignments, nearly 80 percent based their preference on either aquatic resources and/or economic-development issues.

Of the letters that mentioned a specific issue, nearly 55 percent were concerned with either economic development or parks and recreation issues.

Documentation of this first Reevaluation effort is contained in the July 17, 1990 *Appalachian Corridor H DEIS Reevaluation: Task 1 Project Update Report*.

B. The second task of the 1990 Reevaluation effort involved assessing which issues require either primary or secondary efforts during the course of the Reevaluation. Based on guidance provided in the FHWA Technical Advisory T 6640.8A, issues were assessed with regard to the following questions:

1) What specific changes in regulatory and procedural requirements have occurred since 1981?

2) What is the sentiment from resource agencies and the public reflected in both activities and correspondence received since 1981?

3) Based on the above information, what issues should be either a primary or secondary focus in the environmental analysis and reevaluation?

The results of the Task 2 Report indicated that since circulation of the DEIS in 1981, significant changes have been made in many of the regulatory and procedural requirements. Some of identified areas include wetlands, farmlands, water quality, hazardous waste, air quality, noise, threatened and endangered species, cultural resources and traffic and transportation.

The summary of this review showed that more than 65 percent of the issues would need to be reevaluated in-depth on the basis of significant regulatory and procedural changes and/or on the basis of agency and public comment.

Documentation of this second Reevaluation effort is contained in the August 24, 1990 *Appalachian Cor-*

ridor H DEIS Reevaluation: Task 2 Issues Assessment Report.

Based on the results of the Task 1 and 2 Reports, the DOH and FHWA agreed that changes and concern about the issues were significant enough to warrant the preparation of a Supplemental Draft Environmental Impact Statement.

SDEIS Evaluation

The SDEIS will reevaluate the impacts of each of the original DEIS-proposed schemes, subalternatives, and some new, not previously studied subalternatives with regard to current information, regulations, and procedural requirements.

The significant issues identified through the scoping process will be assessed based on a corridor width of approximately 2,000 feet.

The purpose of establishing the 2,000-foot corridor width is to provide an opportunity to better define the proposed alignment within the

corridors in light of the sensitive resources identified. The actual right-of-way will be no less than 150 feet wide, and possibly 250 or 300 feet wide.

SDEIS Objectives

It is the goal of the DOH and FHWA to prepare a SDEIS which provides adequate documentation so that a preferred corridor can be selected.

"Scheme A is not a recommended Alternative," stressed Ben Hark. "It was in 1984, but we're starting over. We want to evaluate all the schemes and corridors and come up with a new recommended corridor. It may or may not be Scheme A. The point of view of the Division of Highways is to come up with an unbiased, new evaluation."

The SDEIS will be a new, stand-alone document and is scheduled for circulation somewhere around the first quarter of 1992. At that time, DOH will recommend their preferred corridor. Once the SDEIS is approved by the Federal Highway Administration it will be released for circulation and a series of public hearings and public meetings will be held.

After this series of meetings and hearings, a Final EIS (FEIS) will be prepared which will also contain the preferred corridor. Once the corridor has been selected, is contained in the FEIS and that document is approved, a Design Report will be prepared. This will include the detailed engineering studies that will be done within the 2,000 foot preferred corridor. Once the Design Report work is complete, the eventual development of contract plans and subsequent construction will begin.

Overheard at the scoping meeting....

"I suppose if you're going to build a highway across this section of West Virginia, it is about the worst thing you could do. It's like one vast natural resource area with various geological types of structures. It's like one vast wildlife refuge. ... You certainly have your work cut out for you."

Richard Sobol, U.S. Army Corps of Engineers

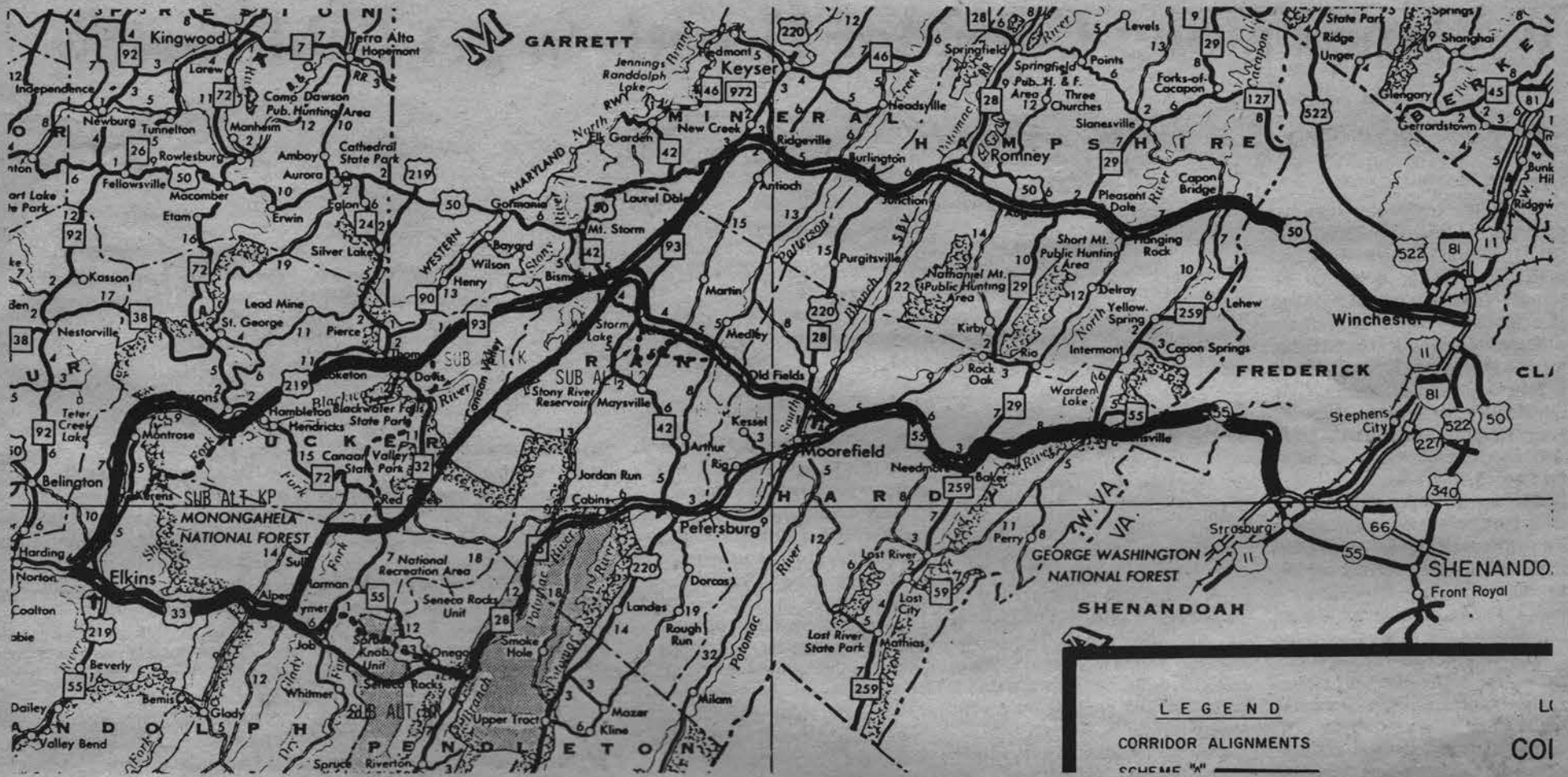
"Schemes B and C (through Canaan Valley)...I would almost put those in the category of 'surely you jest!'"

Bill Grafton, W.V.U. Extension Service

Question: Will they want the money back from the State of West Virginia should the constructed seven-mile section from Canfield to Bowden not be utilized as part of Corridor H?

Answer: "NO! ... We are not locked into Scheme A. Let me emphasize that the Division of Highways is not locked into Scheme A. Enough time has gone by since its construction."

W. Thomas Kelley, Asst. Division Administrator, W.Va. Division, Federal Highway Administration



Letter to DOH Commissioner Fred VanKirk

November 30, 1990

Fred VanKirk, Commissioner
 State Highways Engineer
 W.V. Division of Highways
 State Capitol Complex, Bldg 5
 Charleston, WV 25305

Re: Corridor H/Elkins to Va.
 Scoping for SDEIS

Dear Commissioner VanKirk,

As you well know from correspondence and comments in Division of Highways files, the W.V. Highlands Conservancy (WVHC) has been intensely interested in Corridor H since the early 1970's.

Rumors about the resurrection of Corridor H East of Elkins, W.V. earlier this year have caused many of our members, as well as others in the environmental community, to become concerned that the Division of Highways might proceed with the Southern Route without any update or review of information gathered since 1981.

We are pleased that additional studies and reevaluation efforts have resulted in a decision to prepare a Supplement to the Draft Environmental Impact Statement of 1981. We are grateful for the opportunity to participate in the Scoping Meeting that took place in Elkins on October 30th, and would encourage additional meetings with the groups present that day in the development of the SDEIS.

I submit the following as highlights of the concerns that the WVHC considers important enough to be included in the SDEIS process.

1) As you know, we have always questioned the NEED for a new highway through the area East of Elkins. Historically WVHC has favored the "no build" alternative for Corridor H. Although we question that this is a practical or realistic option at this point in time, especially with both our State Senators boasting their support of the project in current campaign efforts, we are encouraged to hear that the "PURPOSE AND NEED" for a new highway (or for an upgrade of existing roads) is to receive major emphasis in the Supplemental DEIS process. We strongly support efforts in this regard.

2) An upgrade of existing roads from Elkins to Virginia was suggested by the DOH in 1985 as a possible alternative to

constructing a new four-lane highway. At that time WVHC, without taking a position on the merits of the suggestion, did affirm our interest in studying such a proposal. We repeat here our interest in investigating the impacts of this alternative, and recommend that it receive full and equal review in the SDEIS.

3) The Northern Route (Alternative E) with a recommended sub alternate route from Rt. 93 to Rt. 50 near Mt. Storm has recently received the support of a coalition of statewide Conservation-Sports-Environmental groups. The WVHC is part of this coalition and we urge consideration of this suggestion.

4) No alternative that carves through Canaan Valley and the future Canaan Valley Wildlife Refuge will be acceptable to WVHC.

5) Impacts to valuable natural resources and resource areas will occur along any routes through this part of W.V. These impacts must be examined carefully. Of particular concern to the WVHC are the Bowden Fish Hatchery, the Monongahela National Forest as a whole, Seneca Rocks, Lost River, Cacapon River, trout streams and other natural habitat areas for wildlife and other flora and fauna, especially threatened and endangered species. In studying impacts to these areas the following are of particular importance.

* The full and true cost of environmental protection (and/or mitigation where unavoidable) in all areas must be clearly stated and adequately factored into the evaluation of each route.

* Visual and noise impacts must be included in these costs and assessments.

* Impacts to wetlands must be taken seriously. The recent decision by the W.V. DOH to proceed with construction of Corridor H through two of the larger wetland areas between Buckhannon and Elkins when reasonable alternatives had been proposed causes us great concern that adequate measures to avoid wetlands east of Elkins might not be afforded full attention.

6) Additional considerations of concern to WVHC are as follows. (Many of these were referred to at the October scoping meeting.)

* Although specific design features will be treated in the more detailed engineering studies for the final Design Report done for the chosen alternative, some consideration must be given at this stage to actual width of the road, right-of-ways, at grade access, possible tree-lined portions of the highway, visual

quality of road sides and exit areas (e.g. signs, billboards, bright lights), etc.

* Local government and agency planning in the counties and towns along the proposed routes must be included and fairly evaluated. Economic impacts, as well as changes in lifestyles, and the ability of current infrastructures to absorb or handle the increased flow of traffic, visitors, etc. have to be part of the SDEIS.

* All prior commitments should be clearly listed and explanation given for whatever influence or weight is afforded to these existing agreements. Two examples come to mind:

a) The already completed 6-7 mile stretch of four-lane from Elkins to Bowden. Mr. W. Thomas Kelley of the W.V. Division of the Federal Highway Administration stated on October 30th that payback of monies for that construction would not be required if a route other than Alternative A is chosen. This should be made clear in the SDEIS.

b) The existence of a "construction status" drawing that shows a 5.9 mile section for Corridor H from Bowden to Wymer in "Final Design (Contract Plans)" with an estimated construction start date of 4/92, and estimated completion date of 4/94 and an estimated construction cost of \$43,147,000 makes us question how truly open this process is and just how willing the Division of Highways is to consider any alternatives other than the Southern Route (Alternative A).

* Maintenance cost is an issue that should be addressed in the SDEIS. If I correctly understood comments at the October 30th meeting, monies will be available for construction, but funding for maintenance will be the responsibility of an already overburdened and underfunded State Division of Highways.

7) Finally, many previous comments by individuals, groups and agencies prior to and following the original DEIS are still valid today and should be included at least by reference if not in detail in the SDEIS.

We thank you for accepting our input at this point in time, and look forward to further review and comment in the months to come.

Sincerely,
 Cindy Rank
 Rt. 1, Box 227
 Rock Cave, WV 26234
 924-5802 or 6263

Wetlands along Corridor H path to get field review

Buckhannon to Elkins route gets more study

by Ken Spence

BUCKHANNON — Resource agencies and Division of Highways (DOH) officials have agreed to a field review of wetlands located on the Corridor H route between Elkins and Buckhannon.

Representatives of U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service, W. Va. Division of Natural Resources (DNR), Army Corps of Engineers and DOH will attend the field review scheduled for Dec. 18.

The agency representatives met Dec. 4 in Charleston to try to resolve a controversy that arose when DOH requested a permit for the original Corridor H routing, despite the impact it would have on about 40 acres of wetlands.

The resource agencies had not received the DOH alternative route analysis prior to public announcement of the route.

The route analysis was available before the Dec. 4 meeting, said Gene Homyak, Chief of Regulatory Branch



for the Army Corps of Engineers. More information is still needed from the DOH for the Corps to make a decision on the permit, Homyak said. "We've narrowed it down a little. They know what is expected. They seem cooperative," he said. An initial informal evaluation of the wetland quality will be made at the Dec. 18 field review. They will be followed if necessary by more formal methods, including habitat evaluation procedure and wetland evaluation technique. "We will use the principles of these techniques and professional judgment," said John Schmidt biologist

with Fish and Wildlife. "If we can't come to agreement we will then use a more formal procedure," he said. This evaluation will affect how much acreage of wetlands would have to be created to mitigate the impact of road construction if the announced route is actually pursued. Much concern has been expressed about the time and cost involved in rerouting the highway to avoid the wetlands. Time and additional costs will be involved whatever decision is made about routing, said Schmidt of Fish and Wildlife. If the original routing is chosen, the costs will be incurred to

design and replace the impacted wetlands, he said. Schmidt also said he did not believe all right-of-way had been purchased between Elkins and Buckhannon on the original route. Federal funding for the highway has been assured, Schmidt said. Once a decision is made, DOH will then have to present a cost analysis which includes the mitigation costs. "The DOH has not factored in the cost of mitigation," said John Forren of the EPA. Other factors can make mitigation more costly than it would first seem

to be, he said. "Difficulty of finding sites, poor success rates, and lag time between creation of a wetland and plant growth" are some of the problems, Forren said. Those involved seem to feel a decision on routing is not too far off. "Based on that [results of field review] we hope to have a decision soon," said Norm Raush, DOH chief engineer for development. "I expect a formal decision will be made right after the first of the year," said Roger Anderson, supervisor of environmental review for the DNR.

LETTER TO THE EDITOR

Dear Editor:
In the November Voice, a letter from Norman Kilpatrick, Director of the Surface Mining Research Laboratory, enlightens us with the statement "Most coal operators are business people." I wonder how many years it took Mr. Kilpatrick to figure that one out.
Then Mr. Kilpatrick proceeds to defend against the statement that hardwood forests can't be grown on mined lands. But a related story, submitted by Mr. Kilpatrick, and which appeared in the Voice right beside his letter, addresses white and yellow pine seedlings used in reclamation of mined lands.
How does an article dealing with the merits of "containerized" versus "bare root" pine seedlings support the notion of hardwoods growing well on coal mined lands? It beats me.
Then, Mr. Kilpatrick says that a good question needing an answer is, "What is wrong with profit?"
As a high school and college student I was exposed to a lot of business propaganda about the need for profit. Almost always, "profit" is linked to a need for "growth." I believe that sometimes legitimate profit can be pragmatically defended. But I find it ironic and amazing that the coal industry, as represented by Mr. Kilpatrick, would dare be the one to ask, "what is wrong with profit?"
The corporate system, especially in the energy industry, is based on a competitive struggle to exploit people

and natural resources for profit and growth. This dynamic of endless growth is incompatible with ecological sustainability and fosters greed and domination in society.
In other words, what is wrong with profit is that it is the unearned dividend of someone else's labor and/or by unsustainable consumption and ecological degradation.
Under our present energy and economic system, to sustain profit and growth, something dies, something is polluted, non-renewable resources are consumed with little planning for what we will do after their depletion, something is wasted, government is corrupted, and the people and the environmental life support system they depend upon are debauched in the name of corporate profit.
In West Virginia, as in many energy extraction centers, the profit does not even go to the people of the exploited area. The profit goes to absentee owners whose entitlement to claim the resources is in serious doubt, the corporate controlled government protection notwithstanding. (i.e. — broadform deeds, beguiling mineral buyers, payment of bribes to political controllers, ballot box manipulation, and a host of other social atrocities documented in such works as "Storming Heaven" by Denise Giardina, "Night Comes to the Cumberlands" by Harry Caudill, and "Life, Work and Rebellion in the Coalfields" by David Corbin, and by

others.)
So all-consuming and exploitive is the quest for corporate profit that a growing argument for public ownership of energy resources and their recovery is developing. There is much to be said in favor of revolutionary energy management changes as a result of corporate profit driven excesses.
A reasonable case can be made for an ecological economic system that is based on democratic and decentralized cooperatives or other forms of public ownerships and control.
The concept that the earth and its natural systems cannot be "owned" is not unreasonable. Concepts of ownership are temporary, at best; they ought only to be employed in the context of stewardship and social and ecological responsibility.
For corporations to "profit," the ecosystem must give up an amount of the biological capital on which all life is based. As long as competition for profits and growth is the regulatory mechanism of our economy, competition will force corporate enterprises, as a matter of profitability and survival, to externalize production costs as much as possible onto the environment.
That, Mr. Kilpatrick, is what is wrong with profit.
Sincerely,
Franklin D. Young

Tee-shirts and hats with the West Virginia Highlands Conservancy logo are now available in pink, red, light blue, navy blue, green, yellow. Hat are also available in brown.
Tee-shirts are \$7, and are available in small, medium, large and extra large. Hats are \$4. One size fits all. Please include 50 cents for each item ordered to help with the cost of postage.
To order hats or tee-shirts, write to Carroll Jett, Route 1, Box 22, Sherman, WV 26173.

Streams from page 1

have polluted trout-bearing Muddy Creek. This was a joint project with Trout Unlimited.
Hobar Mining's permit was revoked because its chief operator was the owner of Daugherty Mining, which recently forfeited reclamation bonds for more than 500 acres — all of which are creating millions of gallons of toxic acid mine drainage.
Living Streams has also abated acid mine drainage at various mining sites such as the Omega and Uphold mining operations.
Contrary to the claims made by

some coal mining spokesmen, Living Streams does not want to stop coal mining — just new sources of toxic acid mine drainage. Living Streams want to preserve the beauty that will attract people and industries to West Virginia.
Some day acid mine drainage will only be described in history books. Children will ask their grandparents, "What did acid mine drainage look like?" That is the dream and the goal of Living Streams.
For more information, contact Joan Sims at 296-8611.

The continuing saga of who will manage DOE, and how

The November 1990 issue of *The Voice* contained a letter from Highlands Conservancy President Cindy Rank to Governor Gaston Caperton about the firing of Larry George as commissioner of the Division of Energy and subsequent appointment of Robert Gillespie to the post. Below is the governor's response.

Just before presstime in November, Gillespie declined the appointment as DOE chief. Early this month the governor named E.W. Wayland to the post. At right and below are two reports on the appointment that appeared in *The Charleston Gazette*.

State of West Virginia
Office of the Governor
Charleston 25305
November 29, 1990

Ms. Cindy Rank
Route 1, Box 227
Rock Cave, WV 26234

Dear Ms. Rank:

Thank you for your letter concerning former Energy Commissioner Larry W. George. Mr. George is a very talented and capable lawyer for whom I have great respect, but I felt that he was not the best person to direct that vital agency.

As Governor, it is my responsibility to ensure that every state agency is being administered in the most effective and efficient manner, and I take that responsibility very seriously. The Division of Energy (DOE) has an important regulatory responsibility, and I am deeply committed to finding the best possible administrator to fill that position.

Please know that despite the current transition at the DOE, my administration remains committed to environmental issues. We need to work together in this endeavor. As the 1991 legislative session approaches, I hope that you will work with my administration and the West Virginia Legislature to formulate the best possible environmental program.

Again, thank you for your comments and your concern about the Division of Energy. I look forward to working with you in our continuing effort to protect West Virginia's environment.

Sincerely,
Gaston Caperton
Governor

FMC trouble-shooter new DOE chief

by Phil Kabler

During his tenure with FMC Corp., E.W. "Woody" Wayland has been the company's trouble-shooter, assigned to manage plants with personnel or technical problems — a background that may come in handy in his newest job.

Wayland, who was manager of FMC's South Charleston plant from 1981 to 1986, will become commissioner of the state Division of Energy Jan. 2.

Gov. Gaston Caperton's press office announced the appointment Monday (Dec. 3). Wayland, who will retire as general manager of the FMC Paradise Peak gold mine in Nevada at the end of the year, is Caperton's fourth appointee to head the controversial state agency.

Wayland's appointment was one of the three personnel changes in the Caperton administration announced Monday....

...Wayland, in a telephone interview from the mine operation, which is about 130 miles southeast of Reno, said he is coming to the DOE post with his eyes open.

Wayland, who subscribes to the *Gazette* by mail, cited a column describing the commissioner's job as the second hottest seat in the state, saying, "I realize it. It's very controversial. There are a lot of different things to balance there."

The new DOE commissioner said he hopes to improve morale at DOE, in part, by employing the same strategies he has used when assigned to troubled FMC plants.

Even at troubled organizations, he said, there are usually a number of dedicated employees who quietly do their jobs, and said he intends to seek out those people at DOE.

Despite his background in industry, Wayland said he won't play favorites.

"You've got to keep your primary focus in mind," he said. "The focus of the division is protecting the environment and the health and safety of the miners, while overseeing the healthy growth of the industry."

Wayland said he hopes to reassure environmentalists that he has, and will continue, to respect environmental concerns.

He called Paradise Peak, a gold and silver strip mine, a "model operation" that recently passed the one-year mark without a lost-time accident.

"It wasn't that way when I got here," he said.

He declined to discuss prospects for DOE administrative assistant Bolts Willis, a former United Mine Workers official whose disagreements with former DOE Commissioner Larry George reportedly hastened George's demotion and resignation last month.

"I haven't met the guy. I'll have to do that first," Wayland said. "I try not to go on hearsay. There's always two sides to everything."

Wayland, who was active in civic and business organizations during his five years in Charleston, said he met Caperton through those groups and became friends when he succeeded Caperton as United Way chairman in 1984.

"I respected him for his outstanding civil and business leadership," Wayland said.

Wayland said he had stayed in touch with Caperton and they had informal talks about him coming back to West Virginia after he retired from FMC.

He and Caperton began seriously talking about the commissioner's post after West Virginia Tech President Robert Gillespie turned down the job in mid-November, citing intense media scrutiny.

"I've always had a good relationship with the press," said Wayland, who dealt with the media regularly as manager of the South Charleston plant. "My philosophy is that many people don't get into governmental jobs because they're afraid of the press. I may be ignorant about that, but I don't think the press is something to fear."

(reprinted from *The Charleston Gazette*, Tuesday, Dec. 4, 1990)

Reaction about Wayland mixed

by Paul Nyden

Environmental groups expressed dismay Monday that Gov. Gaston Caperton failed to consult them before naming E.W. Wayland as the state's new energy commissioner. Wayland is now general manager of a non-union gold mine in Nevada.

Cindy Rank, president of the West Virginia Highlands Conservancy, said, "I don't think we need a personnel manager or a referee at DOE. We need someone with substantial knowledge and understanding of both the law and the problems at the agency. I am deeply concerned. Mr. Wayland may be just great. But I have not heard anything yet that would convince me of that."

Mark Polen, vice president of the West Virginia Coal Association, welcomed the announcement. "We heard about it from the fax machine, just like everyone else," he said on Monday.

"We applaud the governor for his decision in bringing a much needed element of stability back to the energy department," Polen said. "We look forward to working with Mr. Wayland. It appears he has a real solid labor-management background. He obviously has a practical working knowledge of health and safety and environmental regulations, as well as management skills."

United Mine Workers spokesman John Duray said, "The union is not familiar with Mr. Wayland. But we look forward to working with anyone who believes, as we do, that improving the health and safety of West Virginia coal miners should be among the state's top priorities."

Ben Greene, president of the Mining and Reclamation Association, said he "got the news on the radio driving home. ...I trust he will come in and bring some stability and outstanding management to the agency. I hope the coal industry can look forward to fair and equitable treatment. ...We wish Mr. Wayland well in getting us to that point."

The announcement also came as a surprise to Rep. Nick J. Rahall, D-W.Va., chairman of the House Subcommittee on Mining and the Environment. Jim Zola, the subcommittee's chief staff member, said his office was not familiar with Wayland.

Wayland, who is 64, has been general manager of the FMC Gold Company's Paradise Peak Mine in Nevada since February 1989. The mine is one of the largest gold and silver mines in North America.

Modern gold mines use cyanide, a highly toxic chemical, to extract minute quantities of gold and silver from tons of ore. The cyanide is either sprinkled over huge mounds of ore or mixed with ore in crushing mills. The waste cyanide is then dumped into tailings ponds.

Zola said, "Cyanide leaching is one of the most environmentally devastating practices we have come across. After gold is leached out of those ore piles, the rubble looks like something you would find on the surface of Venus."

Philip Hocker, president of the Mineral Policy Center in Washington, D.C., said Monday, "The Paradise Peak mine has a substantial history of problems with cyanide. ...There have been more than 1,600 deaths of migratory birds. This is not a problem which is unique to Paradise Peak. But it seems to be the mine where it first showed up."

Most of the birds were killed in 1986, before Wayland became general manager. Today, Paradise Peak uses huge nets to keep birds away from the pond. Wayland said Monday, "We are looked at as being a model operation today. You can't operate for long if you don't respect the environment."

Wayland also said he has experience with both union and non-union employees. "We are non-union here. We have participative management. ...This is a caring organization for its employees. To me, it doesn't make any difference if you treat people right."

Patrick C. McGinley, a West Virginia University law professor, said, "It is difficult to believe the governor could not appoint an energy commissioner who doesn't have strong ties to industry."

Norm Steenstra, West Virginia Environmental Council coordinator, said, "I can't say anything about him. I have never heard of him. But coming from FMC and the gold-mining industry points to a certain perspective on the environment."

Wayland managed the FMC Corp.'s chemical facilities in South Charleston between 1981 and 1986, when most of them closed. Between 1986 and 1989, Wayland was plant manager for the Lithium Corp. of America, an FMC subsidiary that processed ore from local mines in Bessemer City, N.C.

(reprinted from *The Charleston Gazette*, Tuesday, Dec. 4, 1990)

Incinerator

— from page 1

questions." When confronted by solid waste, Connett said, the only right question is how to avoid creating it.

In the hierarchy of solid waste management, Connett said, reducing the amount of waste must be the first step, followed by re-use of products, recycling, composting, energy recovery and landfilling.

"In fact," Connett said, "composting may come before recycling."

Among smart polluters, recycling has become something they "love to love," Connett said.

"A test for their real love of recycling — see if they mention composting," Connett said. "The biggest threat to incinerators is composting. An incinerator will devour a recycling program."

If a landfill is the last step in the waste management stream, cost encourages re-use, recycling and composting. In contrast, Connett said, the cost of siting an incinerator is so great, that it can only be paid back by operating the incinerator all the time. The incentive is to make and destroy more. Waste is encouraged.

Problems abound even with the incineration of household waste, Connett said. Incinerators yield toxic metal and dioxin emissions which have a long-term, cumulative effect on agriculture. Ash disposal is a problem. The incinerator itself is expen-

What is waste?

- * Man-made problem.
- * Misplaced resources.
- * A verb, not a noun.
- * The visible face of inefficiency.
- * Evidence that we are doing something wrong.
- * A boat-load of consultants going over Niagara Falls...with three empty seats.

from Paul Connett

sive and so is ash disposal.

"It is not a long-term global solution," Connett said. "If we're going to spend that kind of money, we could perfect a recovery, not a destruction, system."

It requires commonsense and creativity to develop a technological society that is sustainable, Connett said. We have to be responsible for un-making waste.

"It must cost more to be a slob. If we pay more for what is not compostable and non-recyclable, only the rich can afford to eat off plastic," Connett said.

Treat — from page 1

that didn't seem written for someone I know.

Though I write for a living, I usually stick as close as I can to "hard" news. It is easier to deal with facts, than to try to find words that capture emotions without sentimentality.

Kate does more than manage that feat with this tape. She has written (and sings) these wonderful songs, full of life.

The tape is available from: Pieces of Heart, P.O. Box 2455, Charleston, WV 25329. Cost: 1-3 tapes, \$10 apiece; 4-9 tapes, \$9 apiece; 10 or more, \$8 apiece.

Grant

— from page 1

Longwall mining as practiced in the United States does not provide for any support after the coal has been extracted, so subsidence is expected. The intentional subsidence causes severe disruption of both surface and ground water and damage to surface structures.

Research on "full-extraction coal mining" practice in England, Germany, Russia and other European countries indicates problems associated with subsidence may not have been as severe there as in the Appalachian coal fields in the United States.

The pair will use the German Marshall Fund fellowship to study European policy, economic incentives, technology and cost-effective control measures to learn how environmental impacts are prevented or minimized.

In light of a recent federal court decision by District Court Judge Thomas Flannery, new federal and state regulations will be written in the next few years, diPretoro said, to govern a coal operator's responsibility to repair structures damaged by subsidence.

Timely study of European ideas and experience will provide valuable

information to be injected in to the process of developing new regulations, diPretoro said.

As a consulting geologist, diPretoro specializes in the environmental effects of coal mining, particularly in predicting, identifying, and evaluating disruptions of wells, springs, streams and ponds from underground coal mine operations and subsidence.

Shostak specializes in environmental litigation with a particular emphasis on coal mining regulation in the Appalachian coal fields. He has been involved in challenges to the use of longwall mining under broad form deeds in Ohio and Pennsylvania and frequently testifies in legislatures on proposed statutes relating to coal mining.

The German Marshall Fund is an independent American institution created in 1972 to stimulate exchanges of practical experience between the United States and European countries on common problems confronting modern industrial societies. The German Marshall Fund was created by a gift from the German people as a memorial to the Marshall Plan.

*Merry Christmas
and Happy New Year*

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Mail to: P.O. Box 306, Charleston, WV 25321

The Hiking Guide is a great year-round gift

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- * 39 black and white scenic photos;
- * hiking and safety tip; and
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