Three operating companies of Allegheny Power System, -- Monongahela, West Penn, and Potomac Edison - have filed with the Federal Power Commission for permission to build a pumped-storage generating facility near Davis in Tucker County (see May Newsletter). The major decisions of the Allegheny Power System are made in New York, but about 20-30 per cent of the service of this project is estimated to be for West Virginia consumers, the rest being for consumers in other states.

Briefly, the operation will consist of two reservoirs. The larger one of 7200 acres will be made out of the Blackwater River in most of what is now the Canaan Valley. This reservoir will have a maximum drawdown of four feet and will be impounded by a 65 foot high earth-rock dam at a narrow point between Brown and Canaan Mountains. The reservoir will provide a minimum outlet of 11 cfs into Blackwater River that will assure a flow over Blackwater Falls. During cycling operations, i.e. when water is pumped into the upper reservoir, there will be a change from 169,200 acre feet of storage to 142,800 acre feet or a surface fluctuation of 540 acres.

The upper reservoir of 550 acres will be located somewhere on Cabin Mountain on the Red Creek Drainage. Although the company's prospectus is vague about the exact location, it is known that the site is not within National Forest boundaries. This reservoir will fluctuate 57 feet, will have no recreational value and will be completely fenced off. There will be an access road into it from Davis through what is now fairly inaccessible country.

The power plant will be located on the east shore of the lower reservoir. Most of the power generating facilities and the pressure tunnel connecting the two reservoirs are supposed to be underground, but the appropriate geologic and engineering studies have not yet been made to see if this will be feasible. Transmission of power will be by aerial lines. There is no anticipated temperature change foreseen from operational functions although some will occur due to impoundment. Since power can not be stored, power to run the water back uphill, i.e. from the lower to the upper reservoir will have to come from nearby coal burning, steam generating plants.

Although there are no flood control benefits to be derived from the project, the companies have extensive plans for recreational facilities centered around the lower reservoir. Three units are planned for the project. One will be a visitors' information center, boat docking and launching facility and picnic area located at the upper (southern) end of the reservoir near highway 32. The second unit would also have boating facilities, but would
be primarily a 100 unit camping area. There will be no swimming area due to the anticipated low water temperatures. This area is to be located on the far (eastern) side of the reservoir. The third unit is to consist of three areas between the town of Davis and the proposed site of the lower dam along the Blackwater River. The present road would be improved and parking facilities provided. The total recreational load of the three units at any one time is projected as 1,365. An estimated 225,000 visitor-days annually are projected.

The companies own 21,000 acres of land in the Canaan Valley so no land purchase is foreseen. However, the landscape architectural firm of Scruggs and Hammond are reported to have extensive development plans for much of the rest of the valley on lands not owned by the companies.

* * * *

THE DAVIS POWER PROJECT AS SEEN BY GAME BIOLOGISTS

The lower reservoir without any development will destroy 63.8% of the woodcock habitat in the Canaan Valley. This site is West Virginia's prime woodcock habitat. With additional development planned by Scruggs and Hammond, there would be an additional 36.2% of woodcock habitat lost. The Department of Natural Resources has spent $110,000 and 1,700 man days on woodcock research in the past five years in the Canaan Valley. Many important characteristics and habits were learned from these studies. Fifty per cent of the area is now managed exclusively for woodcock.

The reservoir alone would probably not affect the bear, but when the development of the recreational units are considered together with the new access road, the Canaan State Park and golf course, and the ski slopes, it would mean the end of this animal's habitat in the Canaan Valley.

Although it is impossible to put a dollar sign on recreational values, very conservative loss estimates are given below:

<table>
<thead>
<tr>
<th>Wildlife</th>
<th>Loss Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodcock</td>
<td>500 recreation man days/year</td>
</tr>
<tr>
<td>Turkey</td>
<td>862</td>
</tr>
<tr>
<td>Grouse</td>
<td>400</td>
</tr>
<tr>
<td>Racoon</td>
<td>313 days are available for sport</td>
</tr>
<tr>
<td>Cottontail</td>
<td>3,694 recreation man days/year</td>
</tr>
<tr>
<td>Deer</td>
<td>4,165</td>
</tr>
<tr>
<td>Fur bearers</td>
<td>1,900</td>
</tr>
<tr>
<td>Water fowl</td>
<td>150</td>
</tr>
</tbody>
</table>

The potential for turkey and grouse could triple and for cottontail rabbits it could double. Deer use in terms of game management is about maximum at present. Beavers will be driven out to other streams in the area and flooding of the Canaan Valley Golf Course from beaver invasion (or displacement) activities is predicted. A very low cost loss for 40 years is estimated at $2.3 million for the lake alone and $6.2 million with development. If the DNR had to replace and develop woodcock habitat of comparable quality it would cost $389,000 not including cost of land purchase.
Some of this loss could be made up by managing sub-impoundments on smaller tributary streams for water fowl or attracting geese to the lower reservoir, but it is not anticipated that such waterfowl use could begin to equally compensate for the losses. The upper reservoir would probably affect only the grouse population to any extent.

** ** ** **

THE DAVIS POWER PROJECT AS SEEN BY AN ENGINEER

Allegheny Power System holds land in the same general area in which Virginia Electric Power Company and the Western Maryland Railroad also have coal reserves and power designs. The Allegheny System's holdings in the Canaan Valley were primarily thought to be suitable for constructing a lake to provide cooling water for a large coal-burning steam-electric station. The capital costs were such that it seemed preferable at the time to use Monongahela River coal delivered by barge downstream to stations in Pennsylvania.

With the development of the lake in Canaan Valley for pumped storage, the added cost of the steam-electric project will be attractive for such development. In other words, the reservoir costs, if carried by the pumped storage project, will be saved on the later project. The two uses of the lake would be perfectly compatible; and from the Company's point of view it is probably an ideal economic situation even if not all developed at once.

One way or another the pressure to mine and burn Canaan Valley coal is inevitable unless certain broad alternatives occur. These must develop beyond the local scene because local governments and people generally want the taxes and temporary economic benefits which will accrue from construction and mining operations. Past issues of the Voice have detailed the effects of coal burning in the valley and of the broad implications of coal ownership on wild lands.

What has all of this to do with the pumped storage project now being proposed? On the surface, this looks like a method of producing electricity which has none of the pollution characteristics of the nearby VEPCo units. In addition, the method is supposed to provide recreational benefits for residents and visitors, and it will hide the ugly scars of post industrialization and might even preclude some future strip mining operations.

If we look at the appearance and not the implications, we would agree. Actually, pumped storage electricity results in more pollution somewhere than would an equivalent amount of primary electrical generating capacity. This is because of the inefficiency of the pumping-generating cycle - roughly 75%.

Let us represent the anticipated requirements of electricity on a hypothetical system for a day in the future. From midnight to 6 a.m. the requirements (demand) are 3 units (might be 300,000 kwh/hour or 3 million kwh/hour); from 6 a.m. to Noon the requirements are 5 units; from Noon to 6 p.m., 4 units; and from 6 p.m. to Midnight, 3 units. At the time contemplated, the limits of the system generating capacity will be 4 units. At that future time for which the company is planning, the existing
generating capacity will exceed the requirements by 1 unit of electricity for 12 hours a day, will just equal the requirements for 6 hours, and will be deficient by one unit for 6 hours. In the aggregate the company has enough energy producing capacity for the day, if the requirements were distributed more evenly throughout the day.

Since electricity, as such, cannot be stored, the demands must be met at the time they occur, and so, the company must do something about providing for the period of expected daily deficiency - from 6 a.m. to 12 Noon. One solution would be to install primary capacity of sufficient quantity to meet the anticipated deficiency. The deficiency, amounting to 1 unit, would be met by combustion and pollution at an equivalent rate. If for so called economic reasons the company decides and has a suitable site, it can meet the requirement for its deficiency by storing water instead of electricity. The water would be pumped between 6 p.m. and 6 a.m. at a rate to provide enough water in the upper reservoir to produce the electricity to meet the anticipated deficiency. Since the cycle is approximately 75% efficient, more energy is used for pumping than is recovered in the production period.

Thus if the generators of the pump storage system are utilized for 6 hours at 1 unit of electricity produced, the pumping energy required will be equivalent to 1 unit supplied from the primary system for 8 hours - 6 hours for the energy equivalent and 2 hours to overcome inefficiency losses. The cycle is not conservative.

By this means, the company can supply the demands for electricity with the same primary capacity it had, by utilizing it a longer period of time and by utilizing it more than it would a new conventional installation. The 2 hours additional energy requirement to overcome the loss in the pump generating cycle has to be provided by thermal generation. If a unit is equivalent to 300,000 kwh, then the total additional energy required by this method would be 600,000 kwh. This would be small as a percentage of the daily total energy, but in terms of pollution it would be about as follows:

\[ 600,000 \text{ kwh} \times 1 \text{ pound coal/kwh} = 600,000 \text{ pounds of extra coal/day needed or 300 tons} \]

At 2% sulfur, 300 tons of coal would represent a combustion of 6 tons of sulfur daily.

The pumped storage capacity of the proposed Blackwater station would be 750,000 kw. Assuming it, too, would operate 2 hours a day to provide nothing more than losses in the cycle, the energy requirements would be 2 Hr X 750,000 kw = 1,500,000 kwh requiring the combustion of an additional 750 tons of coal or 15 tons of sulfur per day.

In their own way I'm sure the power companies can justify economically the project they have proposed. Its a case of matching the savings in annual charges on the pumped storage project over steam turbine capacity against the added energy costs of losses encountered in the cycle. They are dealing with differences in very large figures; and these can be quite deceptive.
Turning back to our hypothetical daily load curve, you will recall that there were two choices:

1) Pumped storage capacity to redistribute the demands on steam generating capacity throughout the day so as to meet the daily requirements with an existing amount of prime capacity; or

2) New primary capacity to meet the expected load requirements.

Obviously the first is a cycling situation, and by the nature of the load cycle, is a more or less daily thing. Should, in the course of events, the company lose a large amount of primary capacity for a long period of time - say 6 months as in the case of a boiler explosion or a transformer burn out - they would not find the pumped storage system of any value to meet this long term deficiency. Had they made the second choice, they would be in an infinitely better shape to meet the long term emergency.

In technical terms, the pumped storage plant provides "spinning" reserve to the system, but not installed reserve. There have been warnings of power deficiencies in the east and I think such systems are generally short of reserve capacity. Part of the problem is a lack of management foresight or willingness to pay the price; and technical and production problems have in some cases reduced reserves below the figures conceded by management.

If the cost of providing adequate reserve capacity were cranked into the plans of Allegheny Power System, I doubt that the Blackwater project would be economical as compared to other available methods of providing capacity for the future. I would hope that the need for more basic reserve capacity in the east would be a telling argument with the Federal Power Commission in hearings concerning a license.

If the Conservancy could only sit down with the power company and have them reveal all of their plans and we all of our concerns and work them out together this would be better than a confrontation at FPC hearings. In terms of conservation, economy of natural resources, and ultimate reliability of electric power supply, the project does not appear to be a desirable development.

Charles Morrison - Member of the Conservancy's Air Pollution Advisory Committee

* * * * *

THE DAVIS POWER PROJECT OTHER OBSERVATIONS AND RAMBLINGS

I saw in the Charleston Gazette the other day that the Conservancy was not opposing the project. I don't suppose it is, seeing as how the Board of Directors has not met since the project was announced. The purpose of this issue of the Voice is to give Conservancy members and the Board some of the facts and impressions with which to make a decision.

One of the biggest problems any developer of Canaan Valley will have to face is how to cope with its geography. The area is rather flat and poorly drained, much of it is swampy and wet enough to become open marshes. This
will make sewage disposal by any method very difficult especially if the daily use of the valley even remotely approaches the 25,000 envisioned by some of the "developers"!

Almost no one will want power boats on such a reservoir, but an intensive fight over this aspect is predicted due mainly to the size of the reservoir (7200 acres). By comparison Sutton is only 1,520 acres and Summersville 2,723 acres.

There seems to be a lot of opposition to the access road proposed by the company. Many feel that this should be a gated road not open to the public in order to preserve the character of some of the remaining habitat.

Some would want all of the recreational development at one place for the same reason, but on the other hand, many see no value in a 100 unit campground. Why bother to leave home for that? In many ways, four widely separated 25 unit campgrounds would be far superior as far as the camper is concerned.

There is coal in the valley and it is difficult to envision the owner as not trying to claim it. Coal mining and the recreational values proposed by the applicant are incompatible.

Of course there should be sufficient flows from the reservoir to preserve the biologic and esthetic qualities of the remaining river and Blackwater Falls. Of the last five years cfs flows over the falls were very low (below 10) in 1965 and 1966, but adequate at other times.

If the applicants are not allowed to build their project, many conservationists are concerned that a lot worse things could happen to the valley, e.g. strip mining or over development.

* * * * * *

THE CONSERVANCY LOSES ANOTHER

We were disappointed to hear that our Treasurer, Steve Moler, is leaving the state for greener pastures in North Carolina. Steve is to be complimented for his efforts at building up and watch-dogging our treasury which, thanks to Steve, is in very healthy state. Steve asked me to pass along his thanks to all who helped him and to say "So long, for awhile" to his many Conservancy friends. We in turn wish Steve the best of luck in his new venture and trust that the Mountaineer spirit is stronger than that of the Tarheel and that his stay will not be permanent.

Although he will no longer be treasurer, Steve will still be in the Conservancy. Taking over our banking chores for the rest of the year will be Charlie Carlson. Anybody having money to dispose of or other treasury business can contact Charlie at P.O. Box 131, Charleston 25321.
"NOT ONE ACRE OF WILD LAND IS SAFE"

We have heard a number of rumors that a large eastern power company has many designs on West Virginia wild lands for the purpose of building more dual reservoir, pump-storage units like the one proposed by the Allegheny Power System for Canaan Valley. One of these sights is being planned for the Moorefield River gorge and we understand that an application to the Federal Power Commission is just about ready to go in.

The same company is considering at least four other sites in eastern West Virginia, but the real corker of them all -- are you ready, wilderness fans? -- A lower reservoir on Glady Fork and an upper one on Otter Creek!

Now it seems that there is a big rush on between competing power companies for our wild areas. We have at least three gigantic power companies competing for these areas as well as customers. There is a good deal of talk of predicted power failures and brown outs cleverly placed in the newspapers by power company PR men, yet the same companies spend millions on advertising to create power demands where no need exists. How many times have you been bombarded with "all-electric home" propaganda and the like? Who needs one? The U.S. Corps spends billions on super dams and yet they are not equipped for power production. If we need power so bad, why aren't these dams being equipped with hydro-electric facilities?

We believe that the Federal Power Commission can no longer consider each application separately, but must take a look at the entire power needs, potential, and resources of the whole area. We desperately need some sort of planning or zoning agency for our state which would look at the total picture involving all of the competing interests and their effects on our deteriorating environment and we challenge our governor and legislature to this end and to quit fiddling while we are being drowned.

* * * * *

THE BLUE RIDGE HEARINGS

The Conservancy was represented at Beckley on July 21 for hearings before the Federal Power Commission concerning the Blue Ridge Project on the New River. It was an interesting session. The Conservancy's statement was the sixteenth one in the morning session, and with one exception, none of the sixteen supported the project. The one exception was an attorney for a zoning board in North Carolina who stated that if the project went through that his group would be interested in control of the shore line. All the rest were in one way or another opposed to the project and it was interesting to see how many good reasons there were against it.

People and organizations from North Carolina, Virginia, and West Virginia do not want the project, only Kanawha Valley industries. If the FPC approves the project it will be a case of ignoring the wishes of a vast majority of the people affected in favor of satisfying private interests. The public is being asked to sacrifice a tremendous public resource for the private gain of a very few privileged people. This is America?
The Conservancy is indebted to Mr. Shirley Love of WOAY radio and TV in Oak Hill who put us on his radio interview and his 6:00 p.m. TV newscast to explain our position to the entire southern West Virginia listening audience. We couldn't have bought such a magnificent opportunity.

The overflowing courtroom had standing room only and interest was high. Congressman James Kee opposed the project (hold your applause - he wants the dam at Swiss) as did Kermit McKeever of the DNR parks division. Attorney General Chauncey Browning and his deputy Frank Ellison were there and were greatly encouraged by the showing of public opposition to the ruinous scheme. The heat generated was almost too much for the air conditioning apparatus. (Power companies, please note this potential customer -- the Federal Court Building could use a bigger, better, more powerful, more current consuming air conditioner. What ever happened to the good old days when everyone used to just sweat? I am reminded of pictures taken in 1925 in a similar summer in a similar courtroom at a place called Dayton, Tennessee. The protagonists may be seen with collars off, sleeves rolled up, mopping their brows with one hand, and fanning themselves with the other with fans thoughtfully provided by the local undertaker).

***

THE CHEAT RIVER VALLEY CONSERVANCY

The people of St. George and the surrounding valley have organized themselves into an organization to oppose the construction of the Rowlesburg dam and save their historic homes and farms from becoming useless mudflats. They have legal aid and seem to be prepared to go all the way towards obtaining an injunction against Federal action.

Most of the Class I farm land of Tucker County is located in the beautiful Cheat Valley and if taken over by Federal ownership, the loss in tax revenue to the county would be devastating. The flooding of such historic landmarks would be criminal. Many of the farms have been in the same family for almost 200 years and the people are understandably reluctant to leave. Recently, archeological investigations in the area have revealed extensive prehistoric activities of cultures not known before. Who knows what archeological treasures would be forever drowned by this senseless project?

No economic benefits would accrue to Tucker County from the project. The new organization has an important mission, one that we in the Conservancy should support vigorously. It will be a tough battle. Senator Byrd has viewed this as a pet project of his for sometime and has been exceedingly vocal in his support. Governor Moore is in favor of it and has released $900,000 to get the project rolling. It is no secret that the coal companies are anxiously awaiting its completion so that their barges may be filled heavier in summer runs through the newly enlarged U.S. Corps locks on the Ohio-Monongahela drainage.

The dam is touted as a boon to flood control. How can it be when it will cause a permanent flood in such a beautiful, historic valley?
The Pittsburhers argue that their waterfront industries are more valuable than a few farms and towns in the West Virginia boonies. But is it? Is a steel mill more valuable than an historic town? A piece of vanishing America? Must our whole culture be geared to more and bigger production and power and greater and higher and money and growth and all the Barnum and Bailey superlatives? Monongahela Power wants to flood the Canaan Valley for power, Appalachian Power wants to send horrendous torrents down the New River for power, Island Creek Coal wants to decimate Otter Creek for power, VEPCO wants to fume and flood half the state for power, and the U.S. Corps of Engineers just wants to flood the state in order to prevent flooding. If a dam has to be built at Rowlesburg why couldn't it have been a hydro-electric one like the one on Cheat between Morgantown and Point Marion? Ask the boys in the back room, only they have the answer.

America, if it is to survive as we know it, must soon develop different values and realize that places like St. George are no less valuable than an industry or the stock market reports; that her citizens have the right to live in peace and dignity and free from fear of losing their homes to private greed; and that not every item in our environment can or even should have a dollar sign placed upon it.

The next meeting of the organization will be 8:30 p.m., August 12 at the little community church in St. George. We ask that all Conservancy members in the area attend to see how they can help these sincerely motivated people.

* * * * *

LETTER TO THE EDITOR

Gentlemen:

For sometime I have been horrified and strongly opposed to the construction of the dam in Rowlesburg, on the Cheat River. As a multiple property owner along that magnificent river, I repeatedly opposed the construction of this dam, by mail, to the Corps of Engineers in Pittsburgh, Pennsylvania. Ironically enough, my own home Congressman is Chairman of the Public Works Committee which is responsible for financing this construction.

But as horrifying and shocking as the construction of the Cheat River Dam is, the news in your recent NEWSLETTER that a freeway is planned through the Spruce area Back Country is worse. This is truly a disaster, not only for all of West Virginians, but for yet born and unborn generations of Americans. Not only am I certainly opposed to any type of disturbance of Shavers Fork, but I would certainly hope that our Conservancy would oppose the freeway in toto through this magnificent truly wild area of West Virginia.

Of course, it would:

(1) Destroy the point and romance of the Cass Scenic Railway;
(2) Completely obliterate the romance of Spruce;
(3) Finish the high forest area as a wildlife sanctuary for the bear; and,

(4) Bring in development and access to the area, which would be the final nail in the coffin.

Freeways can be stopped. We in Baltimore have been through such terrible experiences by highway contractors and their governmental friends, and we currently have a planned freeway through Baltimore stopped in its tracks. We have filed suit in the U.S. District Court challenging the right of the Government to finance such a highway, and if you block the financing, you block the road.

I hope you too oppose in toto this freeway.

Thank you.

Sincerely,

Thomas Ward, Attorney
Baltimore, Maryland

Ed. NOTE: Conservancy members are urged again to write letters to Mr. W. O. Comella, Regional Engineer, U.S. Dept. of Transportation, Bureau of Public Roads, 1000 N. Glebe Rd., Arlington, Va. 22201 and the West Virginia Department of Highways protesting the desecration of the Shaver's Fork-Bald Knob area with the Scenic Highway route proposed.

* * * * *

GET YOUR PICKS AND SAWS, IT'S ALL UP FOR GRABS

A special government study panel has urged that control of all federal land - one third of the nation's entire area - be concentrated in a new Department of Natural Resources. The new department would be made up of the Interior Department and the Agriculture Department's Forest Service.

The 19 member panel - known as the Public Land Law Review Commission - also suggests that responsibility for overseeing the new department be delegated to one committee in each house of Congress. It says responsibility for public land has largely fallen to the executive branch because of fragmented Congressional responsibility.

The Commission's report climaxes a five year study. Thirteen of the Commission's members are on the House or Senate Interior Committees. The group reviewed some 3,770 land laws and uncounted regulations dating back to 1792 in the course of its work. The report said the government should reverse its policy of disposing of federal land and hold on to most of it, but it says the federal government should make payments to the states in which federal lands are located in place of the taxes those lands could generate if owned by the state. It also provides for disposal of some federal land for particular resource development purposes.
(3) Finish the high forest area as a wildlife sanctuary for the bear; and,

(4) Bring in development and access to the area, which would be the final nail in the coffin.

Freeways can be stopped. We in Baltimore have been through such terrible experiences by highway contractors and their governmental friends, and we currently have a planned freeway through Baltimore stopped in its tracks. We have filed suit in the U.S. District Court challenging the right of the Government to finance such a highway, and if you block the financing, you block the road.

I hope you too oppose in toto this freeway.

Thank you.

Sincerely,

Thomas Ward, Attorney
Baltimore, Maryland

Ed. NOTE: Conservancy members are urged again to write letters to Mr. W. O. Comella, Regional Engineer, U.S. Dept. of Transportation, Bureau of Public Roads, 1000 N. Glebe Rd., Arlington, Va. 22201 and the West Virginia Department of Highways protesting the desecration of the Shaver's Fork-Bald Knob area with the Scenic Highway route proposed.

* * * * *

GET YOUR PICKS AND SAWS, IT'S ALL UP FOR GRABS

A special government study panel has urged that control of all federal land - one third of the nation's entire area - be concentrated in a new Department of Natural Resources. The new department would be made up of the Interior Department and the Agriculture Department's Forest Service.

The 19 member panel - known as the Public Land Law Review Commission - also suggests that responsibility for overseeing the new department be delegated to one committee in each house of Congress. It says responsibility for public land has largely fallen to the executive branch because of fragmented Congressional responsibility.

The Commission's report climaxes a five year study. Thirteen of the Commission's members are on the House or Senate Interior Committees. The group reviewed some 3,770 land laws and uncounted regulations dating back to 1792 in the course of its work. The report said the government should reverse its policy of disposing of federal land and hold on to most of it, but it says the federal government should make payments to the states in which federal lands are located in place of the taxes those lands could generate if owned by the state. It also provides for disposal of some federal land for particular resource development purposes.
The chairman of the Commission, Wayne Aspinall (D-Colo.) says he plans to start introducing legislation early next year to implement some of the recommendations in the report.

The same Commission has also recommended increases in the harvest of timber and minerals from public lands. In its report, the Commission proposes that all federal forests be controlled by one agency and that a federal timber corporation or division of the agency be set up to manage the most productive timber lands under uniform rules.

The federal government owns nearly 40% of the nation's marketable timber and more than 60% of its softwood saw timber. The Commission suggests that forest units capable of high quality timber production and not uniquely valuable for other uses should be designated as commercial forest land. Secondary uses, such as recreation, could be permitted on the same land.

It recommends that timber be sold at maximum prices and that this money be used to set up a fund which, among other things, could finance more access roads. On the subject of minerals, the Commission proposes a new system for obtaining exclusive mineral prospecting permits on specific lands. A procedure was recommended to permit ownership of the land surface, as well as a system to end long dormant mining claims and remove title clouds.

From Associated Press Releases

* * * * *

INJUNCTION AT OTTER CREEK

Federal Judge Robert E. Maxwell of the Northern Federal Court District of West Virginia has granted the Conservancy a preliminary injunction banning road building and timber sales in the 18,000 acre Otter Creek basin. The injunction was directed against Island Creek Coal Company, owner of most of the mineral rights in the basin, and the U.S. Forest Service. The judge had previously issued three 10-day restraining orders on June 2, June 15, and June 24.

Island Creek had nearly completed the first of five planned temporary roads to take core samples in the basin - a mile long road between the two main forks of Moore Run beginning at the McGowan Mountain Road - when it was stopped by the court.

Island Creek has appealed the preliminary injunction and has asked for a trial, which will probably be held in August. It is expected that there will be an eight month delay before the coal company can resume operations even if the final decision is in favor of the company.

"The problems of law here are immense," the district judge commented. "The questions of law that must be passed upon are significant. I would be inclined to think in my particulars, they are novel." "The continuation of the road building process would effectively . . . destroy the opportunity for judicial review . . . and would in a very real way defile
and upset and perhaps destroy the delicate fragile evidences of nature that are sought to be preserved and upgraded and perpetuated . . . . If the plaintiffs have a right to prevail in the final analysis, if the Environmental Policy Act was Congressional expression that is valid and applicable to the title of this property, if the Multiple Use Act is applicable and viable in the application of this property, then . . . we must be sure that the stay earlier imposed by the temporary restraining order is continued on through the final development of the intricate and highly complex problems of law."

"In other words, we must perpetuate the stay of the temporary order so as to prevent the area from becoming blighted by use, much as we are now in the process of preventing or reclaiming blighted area in strip-mined fields, in the areas of urban renewal projects to clear up living areas that have become blighted."

"Here we are working towards the end of preventing a blight if that is preventable under law."

From Helen McGinnis and the Elkins Intermountain

* * * * *

COMING EVENTS

Sept. 11-13 Monongahela-Cheat District West Virginia Garden Club Conservation Field Trip at Lost River State Park. The theme for this year's outing will be "Our Responsibility: Preserve the Good Earth." For details, contact Sona Smith, 314 Center St., Bridgeport, W. Va. 26330

Sept.? sometime There will be a wilderness meeting held in Elkins for all parties interested in the current status of the Cranberry, Dolly Sods, and Otter Creek Wilderness Areas. For exact details, contact Bruce Sundquist, 210 College Park Dr., Monroeville, Pa. 15146.

Oct. 16-18 The Killorans have just about finalized plans for the Highlands Weekend Review scheduled for Richwood. The theme this year will be "The Highland Scenic Highway." There have been several interesting tours planned and if the weatherman cooperates with some rain ahead of time, there are at least four excellent rivers in the immediate area for the "paddle power" advocates.

The brochures for the Weekend Review will soon be ready and available in quantity to all members and organizations about August 15. Anyone wanting a batch should contact the Killorans at 1605-D Quarrier St., Charleston 25311, stating the quantity desired. Any organization desiring to have literature distributed from the information booth should likewise notify the Killorans by September 15. Exhibits are planned again from noon Oct 17 to noon 18. Please notify the Killorans by the same deadline if your organization would desire to set up an exhibit. A big family dinner is again planned for Saturday night - details will be mailed to you later. Plan now to attend.
"Behind the first range of the Alleghenies where it was crossed by the Fairfax Line, there is another, not quite so high, which is called Cabin Mountain. It forms the eastern rim of the Canaan Valley. Between Cabin Mountain and Dobbin Ridge to the north, the surveyors were in Blackwater country. There is no record of their having seen the spectacular falls, but some members of the party did venture beyond the Potomac to the headwaters of the Youghiogheny. The Canaan Valley is a saucer-like depression, rimmed by mountains, with but one hydrological outlet, the Blackwater River. Within the nearly flat valley the streams meander sluggishly, leaving the ground poorly drained and marshy. In 1746 it was covered with dense forests of spruce and hemlock, under which there was laurel and ivy 'as thick as they can ... grow'. Only with great difficulty could the survey proceed; it took more than four days to cover the seven miles from Cabin Mountain to the Potomac."

"More than likely the Fairfax surveyors were the first white men to visit the Canaan Valley. It was not until the decade of 1760 that others followed . . . ."

"Some scars of ... early industrialization are still to be found along the North Branch. And today, the by-products of modern industry - air and water pollution and defacement of the land - are more evident along the North Branch than anywhere else in the valleys of the Potomac. But there is danger in other parts of the valley as well. Either we cherish this 'Cradle of the Republic' as Gutheim called it, or we let it become stifled by the refuse of unplanned and uncontrolled exploitation."

This month's selection was written by the Conservancy's own Charles Morrison of Hagerstown, Md. The selection is from The Fairfax Line: A Profile in History and Geography and is attractively published by McClain's of Parsons. Mr. Morrison interestingly depicts the original survey of the Fairfax Line from the source of the Conway River in the Shenandoahs to the source of the North Branch of the Potomac. His description of the survey and of the line today is truly a profile in history and geography. Mr. Morrison is a chronicler of our Potomac heritage and has offered his latest book as an attempt to preserve a part of that heritage. This attractive book may be obtained from the author at $1.50 at 1117 Moler Ave., Hagerstown, Md. 21740.
RECENT OUTINGS IN OTTER CREEK AND DOLLY SODS

On July 18-19 Russell Cahill, a staff member of the President's Environmental Council, and Tita Thompson, a staff member of NBC television visited the proposed Otter Creek and Dolly Sods Wilderness Areas. Miss Thompson is doing research on eastern wilderness as part of a planned NBC special on American wilderness that will probably be shown next January.

On June 21-26, Bruce Sundquist led a week-long, nationally advertised backpacking trip into the two areas - three days in Otter Creek and four in Dolly Sods. Twenty-one people from California, Ohio, New York, Pennsylvania, Washington, D.C., North Carolina, Delaware, and Kentucky participated. Probably at least one National Sierra Club trip will be scheduled in West Virginia next summer.

Helen McGinnis

1412 Western Ave.
Morgantown, W.Va. 26505
PRESIDENT'S COMMENTS

Since the Otter Creek situation is now in limbo, so to speak, I think now is a good time to review the entire affair from the beginning.

Last October the Conservancy featured the Otter Creek area in our Highlands Week End Review and proposed that the Forest Service consider giving it consideration as a wilderness area under the Wilderness Act of 1964. They replied that they did not think it was qualified as wilderness under the definition supplied in this act.

The area was the chief topic of discussion at our mid-winter workshop on the first of February 1970. Forest Supervisor Dorrell presented a proposed multiple use plan for Otter Creek and stated that this plan was unnegotiable. Mr. McDonald, a vice-president of Island Creek Coal Company stated that his company had no plans for the coal which underlies much of the area in the foreseeable future. His vision was poor. Two weeks later his company formally announced to the Forest Service that they intended to begin immediate preparations to prospect in the area, this prospecting to take the form of twenty-eight miles of access roads to five core drilling sites.

In late March the Conservancy held a public meeting in Parsons pointing out to the local people that the area was a saleable commodity as it was and far more valuable economically as wilderness than as a timber producing area.

On April 22nd a similar meeting was held in Elkins at which time the Forest Service displayed maps of the proposed core drilling sites and mining operations of Island Creek Coal Company.

On April 30th the Conservancy filed with the Forest Service an appeal to change their multiple use plan for the area and a request for a stay of any further activity within the area until this appeal could be heard and answered. This appeal was drawn up by Fred Anderson in only one week. On May 7th, Congressman Ken Hechler of West Virginia introduced H.R. 17535 which provides for the protection of the Otter Creek area, and two others, under the Wilderness Act.