The Two Faces of the Cranberry Back Country

THREE FORKS OF WILLIAMS

NORTH FORK OF CRANBERRY

BIG BRANCH RUN

MIDDLE FORK OF WILLIAMS

JOHNSON BRANCH

COVE RUN
The McDowell County Autumn Olive Festival

The West Virginia Department of Natural Resources is a great organization for putting itself on the back. Of course, if it is going to receive any part at all, it must administer them itself.

The biggest self-congratulatory feat of them all was held this past August in southern West Virginia. This one is an annual tour of strip mines, past and present, whose purpose is to demonstrate to everyone in the DNR and the strip mining industry that they’re all a pretty decent bunch of fellows who are trying like hell to do a socially acceptable job in a business that has no redeeming social value. To avoid probable embarrassment the general public, while not prohibited from attending, is not encouraged.

Nevertheless representatives of the press do tag along to observe and record the bacchanalian toasts. Occasionally a private citizen manages to sneak in and drop a thorn or two among the pond of lilacs.

What the VOICE is presenting here is a reprint from the RALEIGH REGISTER concerning the 1975 stripping tour, and a series of provoking letters from and to Ric McDowell, Secretary of the stripping abolition society called Save Our Mountains (SOM). We must do it this way because the VOICE was not invited to attend the tour, and we did not know it had occurred until reports after the fact found their way into print in other newspapers.

All things considered our coverage of this event is probably better than it would have been had we attended the festival. We have access to some behind-the-scenes maneuvering as well as an eye-witness account of the tour, neither of which is sarcastic.

DNR Hosts Annual Strip Tour
by Deborah Baker
Register Reporter

This year’s interagency tour of state strip mines was “bigger and better than ever.” So the experts said, was the striping.

Some of the non-experts weren’t quite so impressed.

As Consolidation Coal Co. officials extolled the virtues of using the valleyfill method to rearrange 20 million cubic yards of dirt that used to be two mountains, Judy Roach looked around and sighed.


Consol officials failed to note that their job at Burea hollow in McDowell County visited Thursday by the state Department of Natural Resources-sponsored tour had generated considerable publicity last year when the company forced a dozen families out of their homes to make way for the striping.

But it was not human cost being figured this week by nearly a hundred representatives of state and federal agencies, coal companies, engineering firms, and the like.

This week-long tour of 20 sites was to provide “an excellent crosssection of surface mining and reclamation activity in West Virginia,” according to a pre-tour memorandum from state reclamation chief Ben Greene.

“More people, more interest, more participation,” was the idea behind it, but said only a third of the registrants.

But representatives of anti-stripping groups were not so sure it was the right people.

“We wish that the tour had been more of a public thing,” complained Putnam Countyan Rick McDowell, an officer of the statewide Save Our Mountains. “We had to hedge before we were allowed to come.

The tour was not publicized, and McDowell said when he found out about it a week ago he be called DNR and was told the registration deadline had passed.

“It’s up to you to get your registration in on time,” he was told.

McDowell says it was not until DNR was contacted by State Senator Warren McGraw (D-W.Va.) and Rep. Ken Hechler (D-W.Va.) that he was given okay. He was McGraw’s official representative on the trip.

“DNR is part of our government, part of the people. Why is there such a secrecy thing?”

Asked why Save Our Mountains and other environmental organizations were not invited, Greene responded: “We don’t want it to be a tourist attraction. We’re not promoting a cause.

He claimed that the group “knew about the tour but never made their wishes known till last Wednesday.”

Anyway, he concluded, Save Our Mountains is a “political” rather than a technical group.

Greene insisted that the focus of the week was technical: participants were divided into 11 committees according to their fields of expertise to take a look at some facets of striping including drainage, haul roads, slope stability, vegetation, and future land use.

But the tour had much more the aura of a sightseeing trip.

At the three southern West Virginia sites the Register visited a few tour members were busy testing soil and water or checking the progress of vegetation growth reclaimed land.

But most tour members milled around talking with one another and watching activity on the working jobs.

The air of camaraderie was another concern of the few anti-stripping representatives.

McDowell and Ms. Roach noted the apparent continous between operators and the inspectors for DNR charged with making sure the sites comply with the law.

“It’s obvious the relationship between DNR and the (strip mine) owners is an advocacy situation - I think that’s impelling,” said Ms. Roach.

“There were too many inspectors defending what was happening on the sites,” McDowell agreed.

They plan to submit a written report to DNR suggesting that inspectors rotate strip jobs to which they’re assigned, rather than overseeing the same job for a long period of time.

They will also suggest the DNR solicit more participation from citizens’ groups on next year’s tour.

And next year we’ll bring along some dedicated people so we can analyze those pretty ponds,” McDowell vowed.

The southern portion of the tour included two showcase strip jobs: Vescelle and Gregan’s Pisgah Creek site off Sullivan Road, and Perry and Hy tus job for Canoe Mill Coal Co. near Welch.

The mammoth mountain-top removal job near Sullivan is only a small part of the Vescelle construction empire, but it features the latest in techniques and machinery and some of the best roads around.

Tour participants watched the ceaseless activity of trucks and dozers while one state helicopter and three company choppers whirled overhead. “That’s a million dollars worth of helicopters,” noted one DNR inspector.

The first coal was hauled from the job in March, and it’s slated to produce for four years.

Jim White, who is in charge of the job, was asked the future plans for the site owned by Beaver Land Co.

“I like to think it’s a housing development, but it’s difficult to get Beaver Land to say what they’ll do with it,” he replied. A golf course has also been mentioned.

The Pisgah Creek job was the one chosen by DNR to show high school students when the agency sponsored a weekend in April for conservation clubs throughout the state.

Perry and Hy tus’ job in McDowell sported ducks in a drainage pond and a field full of baled hay on flat land where a mountain-top had been.

“Dummys, coffee and soft drinks were provided, and Tracy Jr. - called Warren - talked about the job he is in charge of.

Noting that there was “more level land here than anywhere in McDowell County,” young Hy tus boasted that the reclaimed strip job is referred to by some local residents as the “eighth wonder of the world.”

The particular field has been given to the county Board of Education by Pocahontas Land Co., Canoe Mill, and Perry and Hy tus, for construction of a consolidated high school for Welch and Gary.
The Nightwatch Voice

page 5

DNR inspector Emsly Centzell noted enthusiastically that when the operation is finished, there will be a considerable amount of land to develop. "Probably the majority of the town of Welch will set up here some day" he predicted.

Reclamation work was in progress at part of the site, where former homes wereunny, filled with soil, fertilizer and mud for the spectators.

The week-long tour drew profuse praise from participants for stripping in the state and for the DNR's role in putting the tour together.

Dr. David Maneval, a mining engineer and scientist advisor for the Appalachian Regional Commission and former vice president of the Arts for the state of Pennsylvania, said that of the sight foremost coal producing states, "West Virginia does one of the better jobs of reclamation."

He said the reclamation he saw here was better than reclamation he looked at recently in Alabama. "Apparently the companies are being able to meet the regulations and still make money," he observed. Maneval led a team of ARC staffers consisting of four economists and a summer intern, and said the tour would serve as a training exercise for new staff members to familiarize them with stripping.

Robert Mallary, a teacher of computer graphics at the University of Kentucky, was a sculptor, said the strippers "are doing better than I anticipated. They have the environmental side pretty well down." Mallary and some colleagues have a great from the National Park Service for "visual design of surface mine rehabilitation" - finding ways to improve the appearance of reclaimed jobs. He thinks coal companies and landscape architects should have input into the job of reclaiming stripped land.

The Register asked Mallary if the Coalon job surrounding him - acre after acre of disturbed earth - offended Virginius. He denied it. "It's kind of an earth sculpture," he enthused, "an image of disruption. "It's exciting violent," he said, "but disturbing."

Drums aside, tour members undoubtedly appreciated the amenities. Trucks sprinkled water to keep dust down, the dead and drive vehicles wound up the strip roads. Law enforcement officers of all descriptions stopped traffic in several spots so the tour could move through quickly.

And they got a taste of the what lies ahead for the Tracy Hylton - owned Ramsda Inn in Beckley, The West Virginia Surface Mining and Reclamation Association hosted a cocktail party.

It was billed as a "technical session."".

August 12, 1975

Dennis Boyle

Department of Natural Resources
1800 West Virginia St.
Charleston, WV 25305

Dear Dennis,

Here are a few thoughts I've mumbled over the interagency tour.

(1) I feel that the socio-economic impact of surface mining is a very important area, but agree with you that it is quite difficult to cover in any depth while on the tour. My recommendation would be that the committee to cover this area would meet 3 or 4 weeks before tour so the topic could be covered in stripped surface mining operations in advance and would be pitched up when the tour came through. I also think that citizens living in the mining that are being mined could be invited for input into this.

(2) I would like to see the tour open up more to citizens, while still including the experts it does. People who are critical of surface mining sometimes speak out of ignorance. By allowing them to be a part of the tour they could be educated.

(3) There were no sessions in Charleston when controversial issues were raised, discussion was equated. I realize that there was a time element involved, but failure to talk about it, I feel, the DNR was attempting to gloss over things.

(4) Finally I feel that inspectors should rotate away from the mining areas rather than staying on one site. Too often they seemed to defend the job and

work done with a loyalty too close to the operators. I hope these ideas will be helpful to you. Please let me know if I can offer any assistance.

Sincerely,

Dwayne, Boyle Secretary
Save Our Mountains
Box 873
Charleston, WV 25302

Ric McGowen, Secretary
Save Our Mountains
Box 873
Charleston, WV 25323

Dear Ric:

Thank you for your views regarding the socioeconomic impact of surface mining in West Virginia. I discussed similar views with Ben Greene during and after the tour and he assured me that he would bring them into consideration when planning next year's tour.

Enclosed is our committee's report, "Surface Mining in West Virginia: An Overall Perspective."

I will forward a copy of your letter to Ben for further attention.

Cordially yours,

Dennis L. Boyle

Administrative Assistant

COMMITTEE PERSONS:

Dennis Boyle, chairman, Ira S. Latimer, Raynold Rice, Al Curry, Kline Boleing, Jeff Herhold, Dave Maneval, and Ben Lusk

Surface Mining in West Virginia: An Overall Perspective

This committee was to evaluate the overall perspective of surface mining in West Virginia from a socio-economic viewpoint.

(1) The superficiality of surface mining of coal has become an efficient method for procuring an energy resource that has not been, nor need it be justified on as yet.

(2) The 1974, surface and superficial mining accounted for 19.2 percent of West Virginia's total coal production of 101,712,980 tons. In comparison, surface and superficial mining accounted for 7.0 percent of the nation's total coal production, or 9.4 percent of our nation's energy supply. Given our energy supply-demand balance, this is an essential component of our energy diet.

Although surface mining is capital intensive, its direct labor-requirements are less than those of deep mining. In West Virginia, the surface mining industry directly employs 4,626 men compared to 41,613 in deep mines.

The efficiency of the surface mining industry is evidenced by the fact that in 1974, this industry produced 25.5 tons of coal per man day compared to the 9.3 tons per man day produced from deep mines.

In general from the seventeen sites we visited, our committee noted the following:

- Each strip site employed an average of thirty persons.
- Employees earned between $6.25 and $7.00 an hour, which is an average of $10,000 to $15,000 annually.
- All employees were local, living within an estimated thirty mile radius of their job.
- Based on West Virginia's average acreage per ton of coal ($21.50), for every ton of stripped coal, approximately 75 cents goes to the State as a Business and Occupation Tax (21.50 \* 0.35 = 75) and approximately 5.7 cents goes to the County Producing and Municipal Funds (21.50 \* 0.35 = 75) 75% County Producing Fund, 25% County Municipal Fund.

In 1974, the West Virginia surface mining industry paid the State approximately $14,645,000 (19,537,961 x 0.35) in a Business and Occupation Tax and approximately $723,000 (19,537,961 x .079) went to the County Producing and Municipal Funds - only in effect for six months - for an approximate total of $15,368,000.

- Surface operators sold the coal for between $17 and $25 per ton.

-Meade: The northern "them" coal was marketed to local utilities on a "spot-market basis" while, the southern "metallurgical" coal was transported to the Midwest by rail and long-term contracts.

- Equipment, power, fuel, and supplies were purchased from surrounding communities.

- Since most of the mining was Rit and some were, recruited from a diversified highway construction project.

This has resulted in their coal with deep mined coal, so utilities could burn it and be in compliance with the Clean Air Act.

Due to the temporary environmental disruption caused by surface mining, it is difficult to perceive any immediate aesthetic benefits derived from the industry. However, a majority of the sites which we visited had been in operation and utilized up-to-date reclamation techniques making them more aesthetically pleasing than the once abandoned strip operations.

Due to insufficient time, the committee had no chance to talk to area residents; however, according to coal officials, protest letters regarding surface mine operations ranged from one to thirty per site. After coal operations had convened, the protest sites that created much public controversy was Consolidation Coal Company's Coal Bank operation located approximately one mile southeast of Richwood, West Virginia. One Coal official noted, that this operation was delayed six months due to public protest. Accorded to this official, the company had to use a more powerful explosive which forced them to evacuate the hollow of all the inhabitants, some of whom had been living on Consol land while leasing homes from the Northfork Land Company for $30.00 per year.

Farming, like surface mining, employs a limited number of people on that land which is used by a vast majority of our citizens. Yet no one disputes the fact that farming is necessary. Given more effective regulations, continued enforcement of these regulations and no reclamation (considering possible future productive use), surface mining could also become an accepted social environment. Since a commitment to the future, the surface mining industry needs to absorb the intergenerational insecurity that has been reenacted for the past. Future generations must not be confronted with the abandoned strip sites and "gobs" that our generation faces. By bringing intergenerational fairness to the current situation there might be a hope for future generations could view surface mining as an environmentally acceptable method of procuring coal.

August 20th, 1975

Dennis Boyle

Administrative Assistant

Department of Natural Resources

Charleston, W.Va. 23005

Dear Dennis:

Thank you for your letter and copy of the final report. I haven't had time to read your comments about the need to take care of much of the research about socio-economic aspects of surface mining before the tour begins were not included in the report. Nor were mine safety, the inspector and more citizen participation in the tour. You mentioned that you discussed these ideas with Ben Greene. However, I do believe that the impact if they were included in the "official findings" rather than submitted as a letter from me. I was under the impression that there were more people on the committee, I was assigned to it while on the tour, yet am not listed as one of the members.

Meat bewildering of all to me is the third page of the report. It seems so hastily a defense of strip mining. By comparing surface mining to farming, you open yourself up to all sorts of further possible comparisons. For example: farming does not contribute carcinogenic waste. The same cannot always be said of strip mining. Surface mining has a great deal of difference as the other points made it seem to be a more sure and shorter trend enforcement much. I'd also minish much of the final part of the paragraph on "intergenerational fairness."

I am looking forward to seeing the total evaluation for the tour and will be interested in hirr. Greene's implementation of suggestions coming out of this year's
Corridor H Not the Only Threat to Shavers Fork

In essence, one man has controlled the destiny of this once magnificent river, he has apparently influenced those directly or indirectly who would be in position to enforce controls on his activities, and he has thwarted the interests of a vast number of West Virginians. His method is to set up a number of smaller companies to do his bidding or else lease parts of his vast holdings to such small companies. The combined effects of all these operations is disastrous. The companies' names appear in the papers, but never the name of the one ultimately responsible.

DNR fish biologist Don Phares gives the Shavers Fork another ten years at the current rate of degradation. I seldom disagree with Don and I know better than to disagree with an expert, but I think Don was much too charitable in his estimate. I don't think it will last half that time. Take a gander at the following activities between Snowshoe and U.S. Route 250.

1. Two logging operations by separate firms.
2. Lang Brothers strip mine near Black Run. Original appeal denied, later overturned by Reclamation Board. New permit approved, but subject to new requirements. Doubt exists if final approval has been made, but three truckloads of coal have recently come from there.
3. Construction of RR siding at same site.
4. Thermo-fossil Industries strip mine between First Fork and Fish Hatchery Run.
5. Joe Burbird strip mine application. Has this lapsed and what is its status?
6. Energy Enterprises strip mine permit originally denied. Later granted by DNR Director Latimer because of "lack of evidence for denial."
7. A new road is being cut in this area into a level not covered by the permit. Extends almost to river level.
8. Head of Red Run, Lang Bros., are supposed to be finishing up a reclamation mess left by the hop, skip, and jump firm of Kelby Creek Coal Co.
9. New Era Resources is building a coal washer. They were given a cease and desist order by DNR, but they kept building (pouring foundations, etc.) anyway. No permits applied for. Four acres leveled, drainage begun.
10. Same outfit is supposed to be moving a state road at their own expense. On the spot observation shows the road to be poorly surfaced and not in keeping with currently acceptable forestry standards.

Now add to the entire collective mess the remains of over 30 years of unreclaimed strip mines on Grace property, the secretive operations of the Gamble deep mines, the utter desecration of Fort Milroy, and similar activities and we begin to get a picture of how a great river is being slowly strangled.

I will be the first to admit that there may be minor errors in the above list, but in total substance it is correct. We need more monitors for this area and we need members living in the Charleston area to extract information from Reclamation Division files. We do need area people to obtain information from Court House files. If you would like to participate actively in saving Shavers Fork from this ruin, please contact the overlooker.

Why don't the governmental agencies help us? When violations occur they are not prosecuted. Water Resources Division of DNR claims that they do not have any of their own lawyers and get poor cooperation from the Attorney General's office. The Attorney General's office claims that when they have to back up a DNR decision, they are given very little information from DNR. The biggest enemy of the river is the government of area not covered well by state law. We have been pointing this out to the Director ever since the current strip mine regulations were passed around for comment, but we have never been acknowledged. Water quality is being monitored by DNR, but the results of the tests are not made available to all. It seems as if they are taking a look at them. Instead of entering the data into a computerized data base accessible by other agencies such as the USGS or the Forest Service, they simply go into a closed, in-house file where they will probably reside forever unless some nosy outfit like the Highlands Conservancy demands their release.

Morale is low in the Water Resources Division and the resignations of key inspectors, engineers, chemist, geologist, and planners have become epidemic during the past few months. They have simply thrown up their hands at the bureaucratic miracle of what should be the strongest regulatory arm of state government. Some awfully good and conscientious people have become so frustrated at watching great rivers like Barb Fork and Shavers Fork go down the drain that they have all sought employment elsewhere, usually with a coal company. Now that isn't so bad if it is for one of the largest outfits that at least try to do a good job (like the Ohio Power Company's new plant on the Tygart), but these little shoe string companies that are ruining Shavers Fork aren't about to hire a quality control man. What is absolutely criminal is the number of years of experience lost to the state from these men who have worked so long for Water Resources.
### ADVANCE REGISTRATION AND BANQUET RESERVATION

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- I will be taking one of the tours on Saturday, October 18, and I wish to reserve place(s) at the banquet, Oct. 18, at 6:00 P.M. at the Richwood Elementary School. ($6.00 per person).
- I will not be taking a tour, but please reserve place(s) for me at the banquet. ($4.00 per person)
- I will be taking a tour, but I will not be at the banquet. ($1.00 per person)

Make checks or money orders payable to The West Virginia Highlands Conservancy. Mail your check and the coupon to Charles Carlson, Box 131, Charleston, WV 25321, BEFORE OCTOBER 13, 1976.

### The Readers’ Voice

**Editor**
The Highlands Voice
206 Union St.
Webster Springs, WV 26288

**Dear Friends,**

I just got around to reaching Nicholas Zvegintzov’s piece on Sugar Lane in the July issue of THE VOICE. It was an excellent description of our local fight against the strippers—really the very best thing I have seen in print on it. I expect that the court battles will take a long time. Both sides intend (I believe) to take it to the Supreme Court. Your readers will have a good understanding of it from the July article, and I hope you continue to carry it.

Enclosed is $3.00 for a copy of the “Hiking Guide to the Monongahela National Forest.” The place on North Fork Mountain was a real turn-on.

**P.S.,**

**Bob Cohen**

**EDITORS NOTE:** Bob Cohen is one of the attorneys representing the community of Sugar Lane in its suit against the State of West Virginia to prevent strip mining in the community.

### JOIN THE WEST VIRGINIA HIGHLANDS CONSERVANCY

We travel together, passengers on a little space ship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace preserved from violation only by the care, the work, and, I will say, the love we give our fragile craft. —Adal Stevenson

- $5.00 Individual regular
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- $25.00 Individual sustaining
- $20.00 Organization regular
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**NAME:**

**ADDRESS:**

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Make checks payable to “West Virginia Highlands Conservancy.” Mail membership form and dues to:

West Virginia Highlands Conservancy
Box 711
Webster Springs, WV 26288

### CONSERVANCY HAS NEW ADDRESS

The West Virginia Highlands Conservancy has adopted a post office box for its headquarters. All correspondence, inquiries, address changes, membership applications and trail guide orders should be directed to:

West Virginia Highlands Conservancy
Box 711
Webster Springs, WV 26288

Correspondence intended for individual Conservancy officers may be directed to the above address, or sent directly to the officers at the addresses listed below:

### CONSERVANCY OFFICERS

- **President:** Charles Carlson, Box 131; Charleston, WV 25321
- **Vice President:** Highlanda Lowell Markay; RFD #1, Box 99-A; Keyser, WV 26726
- **Secretary:** Nick Lazos; 1025 Grosecup Ave.; Dunbar, WV 25064
- **Treasurer:** Bob Farrell; RFD #1; Oakmont, PA 15139
- **Board Chairmen:** Bob Barrett; 1412 Western AVE.; Morgantown, WV 26502

The address is now 9.5" x 9". It costs $2 and can be ordered from the address below.

**The Otter Creek Guide and the Cranberry Back Country Management Plan** are now out-of-print and unavailable.

2. Hiking Guide to the Monongahela National Forest $4.00

These may be ordered from:

West Virginia Highlands Conservancy
Box 711
Webster Springs, WV 26288

Copies available at $2 discount to students.

### CONSERVANCY PUBLICATIONS