The U.S. Senate and House of Representatives are considering bills to protect “significant natural, scenic, historical, fish and wildlife, and recreational values” in the Potomac River valley.

Although the north bank of the river from Cumberland, MD to Washington, D.C. is protected by the C & O Canal National Historical Park, the south bank has seen developments which threaten the integrity of the river valley and the C & O Canal as a viable outdoor recreation area. Witness the Yogi Bear Jellystone camping area in West Virginia which received some coverage in the VOICE last year. In this case a scenic 400 acre peninsula has been subdivided into about 3,000 camping sites, 800 of which are in the Potomac floodplain. Although the developers of Jellystone had completely inadequate sewage facilities, the State of West Virginia was almost powerless to regulate the development due to weak land use regulations.

Senate Bill 2561, establishing the Potomac River Historical Area in the states of Maryland, Virginia and West Virginia, and a companion bill in the House, H.R. 11875, attempt to forestall such developments in the Potomac River valley.

The Senate Interior Committee held hearings on the bill February 24, and soon thereafter Sen. Jennings Randolph (D-WV) called for public hearings in West Virginia’s eastern panhandle to detect citizen response to the proposed legislation. Although similar legislation has been introduced in Congress for five years, this is the first year the Senate scheduled a hearing.

The C & O Canal Historical Park, a 185-mile long hiking and biking trail, has long been a popular recreation spot for outdoors folk in the Baltimore and Washington areas. The trail follows the historic towpath, and is marked by many interesting sites – locks, aqueducts, buildings, etc. Camping and picnic areas pop up every 6 miles or so.

Naturally, developers oppose the proposed legislation because it eliminates many sites conducive to “plastic” recreation.

WVHC SPRING MEETING

The Spring meeting of the West Virginia Highlands Conservancy Board of Directors will be held April 10, 1976 in Upper Glade at the Webster County High School. Meeting time is 1 P.M.

Any valid resolutions to present, or wishing to be on the agenda for the April meeting should contact Charles Carlson, Box 131, Charleston, WV 25321, before April 10.

Potomac Valley Subject of Congressional Interest

by Lowell Markey

The bills are important because they aim to preserve a natural area, one of very few left in the expanding urban belt surrounding Washington and Baltimore. Pressure for residential, commercial and industrial land has been heavy in the Potomac River valley, and national legislation seems to be the only method for protecting the area involving three states and numerous local governments.

The legislation would enable the Secretary of Interior to accept land within the designated Historical Area by donation, purchase, or transfer. If scenic easement covenants can be worked out between land owners and private owners of land, his power to condemn land would be suspended, meaning that farmland surrounding the river could continue to be productive. Such protective covenants can be transferred to heirs and assigns, as long as the scenic easement is not violated.

On land purchased by the Secretary, the owner could retain lifetime tenancy and use. Outside the boundaries of the Canal and Harpers Ferry National Historical Parks, hunting and trapping would be permitted. The Environmental Protection Agency would be authorized to maintain water quality and supply problems within the proposed Potomac River Historical Area.

Conservancy members, especially those in West Virginia’s eastern panhandle, western Maryland, northern Virginia and the District of Columbia, are encouraged to communicate support of these bills to Congressmen and Senators. It is especially important to let Sen. Randolph know of your concern.

The bills have been strongly supported by both Maryland Senators and Congressman Gilbert Gade, and they deserve our thanks.

CAG to Sue Coal Mines for Water Pollution

The West Virginia Citizen Action Group (WV-CAG) has notified ten coal companies operating 230 illegal mine discharges of their intent to sue the companies for violations of Federal law. WV-CAG is also threatening to sue the EPA for failing to enforce the Federal Water Pollution Control Act at most of West Virginia’s coal mines.

In taking this action, WV-CAG has been joined by the Washington based environmental group, the Natural Resources Defense Council. The groups contend that over 800 West Virginia mine discharges, including those belonging to the ten named companies, have never received the required Federal discharge permits from the EPA. The permits, which had earlier been issued to some 200 West Virginia mine discharges, specify strict water quality limits and monitoring schedules.

WV-CAG spokesperson, Ed Light, explained that, “Due to political or bureaucratic pressures, EPA has virtually halted its effort to bring most of West Virginia’s coal industry into compliance with the Federal Water Act.” Light went on to say, “Not only does this lack of uniform enforcement allow continued water pollution in many of our streams, but it is also highly discriminatory against those mines that are making good faith efforts to comply with Federal permits.”

Legal notification was sent by WV-CAG to Allegheny Mining, Bethlehem Mines, Carbon Fuel, Consolidation Coal, Hawley Coal Mining, King Knob Coal, the Pittston Company, Southern Appalachian Coal, Westmoreland Coal, and R.N. White Contracting. As required under the citizen suit provision of the Federal Water Pollution Control Act, the companies are given 60 days to either get a permit or stop discharging. If their violation persists beyond 60 days, the citizen groups can bring suit against the companies in Federal Court.

HIGHLANDS VOICE DEADLINE

All material submitted for publication in The Highlands Voice must be in the Editor’s hands no later than the 15th of the month for the month’s issue. No manuscripts, photographs or announcements can be accepted for a particular month’s edition after the 15th of that month.

Submit all material to:
Ron Hardway, Editor
The Highlands Voice
Webster Springs, WV 26288
The Election of 1976 will be a crucial one for environmentalists in West Virginia. This is the first election where candidates and the electorate must come to grips with the realities of environmental protection as opposed to economic development. What the people decide will set the pattern for the next four years in West Virginia. We will have either an environment which reflects concern for our natural surroundings, or we will see the quality of the West Virginia Landscape eroded to the point where environmentalism will be merely a theory instead of a practice.

THE HIGHLANDS VOICE has undertaken the task of sampling the opinions of the major candidates for Governor of West Virginia on environmental questions. We hope that by releasing the results of a questionnaire circulated by Conservancy Past-President David Elkins, West Virginia voters will be able to assess accurately each major candidate's views on the environment.

This month we are presenting the views of gubernatorial candidates John Hutchinson, John Rogers and James Sprouse. Next month we will feature Ken Hechler and Jay Rockefeller.

Strip-mining is generally considered the greatest threat to the environment of all the major conservation problems in West Virginia. Do you favor greater restrictions on strip-mining or do you believe our present controls are sufficient?

HUTCHINSON I have held consistently the view that it is impossible to increase surface mine production, as Pennsylvania has done, without the damage to the environment that we have seen in the past and still see in some nearby states. We have proven we can control silt on the strip bench during rains, mine on steep slopes without pushing spoil over the side, eliminate highwalls even on very steep mountains, and bury and compact acid material to eliminate acid and landslide problems for revegetated surface-mined areas. We must have firm and even-handed enforcement of laws to insure that all surface mine operations achieve the same high level of safety and environmental control throughout the State.

ROGERS Present reclamation is a joke. We will have to put some real teeth in the reclamation laws. Also, there have to be more stringent regulations concerning the areas that we permit to be stripped. The ideal area for surface mining would be a pool table.

SPROUSE Strip mining need not be generally considered the greatest threat to the environment if the present surface mine law is firmly and fairly enforced. There are, however, some selective improvements I favor pertaining to prospecting, highwalls, spoil banks and the reclamation board.

Pollution from acid mine drainage from deep mines poses a severe problem for many West Virginia rivers and streams. What steps do you propose to eliminate this problem?

HUTCHINSON I would support creation of a coal waste clean-up program of orphan deep mine problems, similar to Operation Scarlift in Pennsylvania. It would deal with acid mine drainage, burning gob piles, underground mine fires and related problems. Such a program would improve the environment of the coal mining areas, create new jobs, and attract much Federal funding on which we currently miss out. The technology to control such acid discharges exists, and it is unfortunate that West Virginia currently has no program to utilize this technology on a state-wide basis. Consol-State-Federal cooperation on the Dent's Run Watershed shows what is possible.

ROGERS Too many people tend to forget that the ravages of deep mining can be as severe as those of strip mining. We need strong laws concerning the harm to the environment from deep mining, including but not limited to gob piles. Also, we must do something about abandoned mines. This is an area of real problems and must be attacked.

SPROUSE Adequate safeguards to prevent post mining pollution, utilize ARC matching funds to seal off abandoned deep mines; consider deleting sensitive streams from mining activity where adverse impact might occur.

As Governor, would you favor a strong, independent Air Pollution Control Commission, or should this agency be brought under a single umbrella organization consisting of all departments and agencies dealing with environmental problems?

HUTCHINSON I favor a strong, independent Air Pollution Control Commission with the expertise and information-gathering resources necessary to make crucial decisions. Such resources would enable the APC to show industry how to meet Clean Air Act standards without importing out-of-state coal or weakening air quality standards. A strong, independent APCC would give air pollution control the high priority it deserves rather than submerging it within an expanded bureaucracy.

ROGERS I am a firm and complete believer in as much governmental decentralization as possible. One of the great illusions of politics is that centralization is per se good. I do not believe this. I would favor maintaining the autonomy of these agencies with the occasional sharing of staff (e.g. legal) members.

SPROUSE If viable after adequate evaluation, I would prefer a strong, professional umbrella organization dealing with all environmental problems.

Recently the U.S. Bureau of Outdoor Recreation has recommended that the New River Gorge area be included in the Wild and Scenic Rivers System. Do you favor this proposal, or do you favor the plan to establish this area as a National Park?

HUTCHINSON I have publicly opposed construction of the Blue Ridge Dam on the New River. The dam would be harmful to recreation development on New River and should be replaced by plans for a coal-fired power plant, if necessary. As Governor I will do whatever is necessary to prevent construction of the dam.

ROGERS I would favor being as far removed from the federal government as possible. Other than this bias, I do not know enough about the question to comment.

SPROUSE My first position paper of my campaign (attached) is on the historic New River. I favor placing the river in its entirety (North Carolina, Virginia, West Virginia) in the Wild and Scenic Rivers System. I oppose any hydroelectric development on the river, and I oppose hydrogenators at Bluestone Dam at Hinton.

The West Virginia Department of Highways has proceeded with the construction of Appalachian Corridor H east from Elkins against overwhelming advice that severe environmental hazards would result. If you were Governor, would you favor an alternative routing, or...
HUTCHINSON I support preservation of the fish hatchery, whether in its current location or relocated by the State. I also support the expeditious completion of Corridor H. We can preserve the environment and complete the highway. As Governor I will review all highway development plans from an economic, environmental and technical viewpoint. If substantial review is initially made and a consensus reached with all concerned parties, we can minimize the problems that arise when a particular routing is chosen.

ROGERS As Governor, I would declare a general moratorium on the construction of new highways in the state. There would be certain exceptions to this rule, of course, but I do not believe that it is West Virginia's role to provide transit corridors to the people of the East and Mid-west.

SPROUSE I would immediately review plans and construction to date, and if severe environmental hazards are likely I would not hesitate to consider an alternate routing.

The proposed Davis Power Project, which would flood 7,200 acres of the Kanawha Valley for hydroelectric power, is currently before the Federal Power Commission for a license, and the State of West Virginia is a party to the proceeding. Do you favor the development of this $141,000,000 project or the preservation of this unique valley in its natural state?

HUTCHINSON I oppose the concept of pump-storage hydroelectric plants that use more energy than they create. These plants flood valuable land, raise rates with their huge construction costs, and employ very few people. If new generating facilities are needed for electricity in this state, they should be coal-fired. Therefore, I would oppose the Davis Power Project and similar proposals as well.

ROGERS I am against it.

SPROUSE This is a complicated issue because of strong local sentiment for the project. I have not examined the license application or why West Virginia is a party to the proceeding. I generally favor use of West Virginia coal to generate electric power, but I am researching this issue and will have a position paper on it soon.

HUTCHINSON As Mayor of our Capital City I have actively fought requests for major rate increases and efforts to impose the automatic fuel adjustment clause on our citizens. As Governor, I would appoint Public Service Commissioners who would place the public interest first in reviewing any request for rate changes. Basic information on utility rate base and fuel practices must be made easily available to the public. We will not make our consumers subsidize inflated prices for Kentucky, Wyoming, or Utah coal or excessive transportation charges from utility-affiliated transportation companies. Peak load pricing for industries, which can eliminate the justification for peak-load dams like Blue Ridge while increasing coal usage in existing power plants, will be a goal of my administration. I would point out that I have been opposing rate hikes on behalf of the citizens of Charleston for more than three years, long before I ever considered running for governor.

ROGERS It is impossible to regulate these people. I favor the TUA type of approach wherever possible.

SPROUSE Provide for a statewide public defender, provide legal staff to affected departments; assign higher priority and more funds to consumer affairs in AG's office; appoint environmental watchdog to Office of Governor in key staff position; require better coordination of environmental policy making; additional emphasis on environmental advocacy.

HUTCHINSON Changing State Law to require different groups to be represented on a board or commission does not deal with the problem. People are available from most groups who will reflect my views on particular matters. My concern with the environment is reflected by my record and by my active chairmanships of the Environment and Energy Committee of the U.S. Conference of Mayors and the Solid Waste Task Force of the U.S. Conference of Mayors and National League of Cities. My appointments will reflect this concern, they will be independent, and they will be people who will demand a scrupulous review of the environmental impact of every decision made.

ROGERS Absolutely. In fact, I would go so far as to ban people with a specific, vested interest in the subject.

SPROUSE There is a great need for reorganization and restructuring of the state's boards and commissions. There are a number of boards and commissions involved. I am in the process of reviewing them all and will issue a detailed position paper on this subject as soon as the research has been completed.

In the past several years, electric utilities and other utilities have come under increasing scrutiny for their callous and unfair pricing practices, such as the fuel cost adjustment. Would you propose to regulate these monopolies to better serve the public interest?

HUTCHINSON As Mayor of our City I have actively fought requests for major rate increases and efforts to impose the automatic fuel adjustment clause on our citizens. As Governor, I would appoint Public Service Commissioners who would place the public interest first in reviewing any request for rate changes. Basic information on utility rate base and fuel practices must be made easily available to the public. We will not make our consumers subsidize inflated prices for Kentucky, Wyoming, or Utah coal or excessive transportation charges from utility-affiliated transportation companies. Peak load pricing for industries, which can eliminate the justification for peak-load dams like Blue Ridge while increasing coal usage in existing power plants, will be a goal of my administration. I would point out that I have been opposing rate hikes on behalf of the citizens of Charleston for more than three years, long before I ever considered running for governor.

ROGERS It is impossible to regulate these people. I favor the TUA type of approach wherever possible.

SPROUSE Provide for a statewide public defender, provide legal staff to affected departments; assign higher priority and more funds to consumer affairs in AG's office; appoint "environmental watchdog" to Office of Governor in key staff position; require better coordination of environmental policy making; additional emphasis on environmental advocacy.

ROGERS As Governor, I would declare a general moratorium on the construction of new highways in the state. There would be certain exceptions to this rule, of course, but I do not believe that it is West Virginia's role to provide transit corridors to the people of the East and Mid-west.

SPROUSE I would immediately review plans and construction to date, and if severe environmental hazards are likely I would not hesitate to consider an alternate routing.

The proposed Davis Power Project, which would flood 7,200 acres of the Kanawha Valley for hydroelectric power, is currently before the Federal Power Commission for a license, and the State of West Virginia is a party to the proceeding. Do you favor the development of this $141,000,000 project or the preservation of this unique valley in its natural state?

HUTCHINSON I oppose the concept of pump-storage hydroelectric plants that use more energy than they create. These plants flood valuable land, raise rates with their huge construction costs, and employ very few people. If new generating facilities are needed for electricity in this state, they should be coal-fired. Therefore, I would oppose the Davis Power Project and similar proposals as well.

ROGERS I am against it.

SPROUSE This is a complicated issue because of strong local sentiment for the project. I have not examined the license application or why West Virginia is a party to the proceeding. I generally favor use of West Virginia coal to generate electric power, but I am researching this issue and will have a position paper on it soon.

Under state law, many of the appeals boards that review decisions relating to environmental issues are composed of industry representatives. Do you favor changing the law so that environmental-
New River

Denied by the DNR, on February 25, SMA-1739 by Betty Jane Coal Company for 100 acres near the rim of the New River Gorge at Beury Mountain (Beckley Post-Herald, February 26). Protests against this strip came from the Coalition to Save New River, the Three Rivers Chapter of the Izak Walton League, the Fayette Plateau Chamber of Commerce, the Hinton High School Ecology Club, Congressman Ken Hechler, and some 1,000 individuals. Such was the citizen power needed to save 100 acres. In the period February 16-27 the DNR granted permits for 1,240 acres.

Besides benefiting the work for a Wild and Scenic River and/or a National Park on the New River, this denial has also helped combat the argument that re-stripping is good for the land. Observing that this area had been stripped some 20 years ago, Ben Greene, Chief of the DNR Reclamation Division, was quoted as believing that striping “will definitely improve the site” (Beckley Post-Herald, December 18), while Jim Watkins of the Coalition to Save New River pointed out that time had stabilized the site. Now Greene’s Division has come around to the same view, citing “aesthetics and possible water pollution” as reasons not to allow re-stripping.

Duo

Twelve out of the 19 households of Duo signed a letter February 17 to the DNR protesting SMA-1833 by Webster County Coal Company for 125 acres near the isolated community. Several more would have signed if they had been at home the day that James Wall, long-time Duo resident, took the letter around.

The letter reads:

“We the undersigned residents and landowners of Duo, in Greenbrier County, West Virginia, wish to hereby file our objection to the proposed surface mining area by Webster County Coal Company of Wolf Summit, West Virginia, which has applied for a surface mining permit in connection therewith.

Our main object is in connection with the use of haul road No. 2 as indicated on map filed with application for permit, which road, being a narrow road with only a 3 ft hard surface, serves residents of Duo and is used by School Bus and mail truck, and is presently in such condition that additional use by hauling from proposed strip mine operation would render such road impassable.”

Examination of the SMA-1833 file at the DNR reveals numerous irregularities about this application — no preplan, registration fee not deposited with the treasurer of the State of West Virginia, application for one permit in two areas several miles apart, etc. In the period February 2-15 the DNR issued two permits to this company — for 179 acres near Leveysa and 189 acres near Fenwick, both in Nicholas County across the hill from Duo.

Greenbrier

About 50 adults and some children met in Lewisburg on March 5 to form Greenbrier Citizens Concerned about Our Mountains. This group could use contributions of knowledge, time, or money from anyone who loves the hills of Greenbrier. Address is Box 12, Renick, WV 24966.

The meeting viewed Bob Gates’ film, heard Ric McDowell of Save Our Mountains, saw slides of striping in the County, and discussed the strip mine law and tactics for using and changing it. According to a hand-out available at the meeting:

“We want to learn all we can about surface mining. We want to monitor existing mines in this area and help see the law is enforced. We want to study and consider all applications for new surface mining. We want to work for tougher laws and the eventual abolition of strip mining in the mountains. We want to support laws and legislators who will work to protect the environment.”

The impetus for forming the group came from homesteaders in the farming areas of Williamson and Falling Spring districts who have witnessed the unrelenting activities of Sewell Coal Co., a subsidiary of Pittston, around the Big Laurel watershed on the Allegheny Plateau above them. At the end of February Campaign Clean Water sued Sewell Coal for operating five of these strips without water pollution permits. At the same time, the DNR granted a permit to Sewell for a further 380 acres.

The Randolph County Strip Mine Resistance has distributed flyers advertising three strip mine applications in recent months. These were SMA 1657 (Greer Steel, Job Knob near Whitmer), SMA 1720 (LaRosa Fuel, near Cassity), and the infamous SMA 1767 mentioned above. A count of protest letters in these and comparable files showed that response to the flyers was discouragingly poor. Despite the circulation of several hundred flyers on each of these applications, the Greer Steel file contains only 36 protest letters, the LaRosa Fuel file only 12, and the Energy Enterprises file 42, as mentioned. This leads us to question the effectiveness of the flyer distribution.

I have no idea of just what impact a single protest letter, or a deluge of letters, has upon the approval or denial of a permit. But at the very least the letters are read through, and taken into consideration with all other information in the file. As concerned environmentalists, we should be alert to present the Reclamation Division with an alternative point of view to that of the coal companies. The file on SMA 1767 and others seem to indicate that most of us have been too lax in this regard — too willing to let strip mine applications slide through without significant protest.

It seems that we are asked to write another letter at every turn for good causes. But these letters are often the only way we have to affect important decisions on the fate of our environment. In the future we must all be more vigilant and more responsive in protesting the rapidly increasing number of strip mine applications if we are to have any land left to use, enjoy and be proud of.

Bob Mays
Star BL, Box 80
Mabie, WV 26278

---

15 February 1976

Editor, HIGHLANDS VOICE

Dear Sir:

Last Friday [February 13] I spent a couple of hours looking through files of strip mine applications at the DNR’s Reclamation Division in Charleston. I was trying to get information on the strip mines in Randolph County to be used by the Randolph County Strip Mine Resistance. I found some good, but mostly bad news.

First

The Good News: For what it’s worth, the final application by Energy Enterprises, Inc. to open another strip mine on the Shavers Fork (SMA 1767) is for 136 acres, not the 600 acres as advertised in the legal notice.

The Bad News: First of all, the file on SMA 1767 contained only 42 protest letters, including several letters from outside West Virginia. It was surprising to me that this threat to the prosperous and popular Shavers Fork generated such a pitiful amount of formal protest, especially after having been advertised in the December 1975 VOICE and by flyers. Looking through other files at random showed that the dearth of protest letters was not limited to SMA 1767. Many SMA files contain far fewer than 42 protest letters; many contain fewer than five letters.

=strip news not good=

The Randolph County Strip Mine Resistance has distributed flyers advertising three strip mine applications in recent months. These were SMA 1657 (Greer Steel, Job Knob near Whitmer), SMA 1720 (LaRosa Fuel, near Cassity), and the infamous SMA 1767 mentioned above. A count of protest letters in these and comparable files showed that...

=spill number=

At the Conservancy’s Mid-Winter Workshop in January Ed Light, director of Campaign Clean Water, urged all West Virginians concerned with their environment to report oil spills and the like to the Environmental Protection Agency. Should anyone in the future feel the need to report such spills, one can do so by dialing directly to 215-597-8638, and telling whoever answers the phone that one wishes to report a spill.

SOM
Virginia, and considering the tight contest between the Democratic gubernatorial candidates, the 1976 primary may be uncommonly critical for environmentalists. If you register as an independent, you can only vote on non-partisan issues during the primary — you cannot vote for a candidate. It behooves you, therefore, to become (if primary season is a Democrat or Republican. Also, if you are a Democrat you cannot vote for a Republican, and vice versa.

Much of the progress which has been made toward arresting destruction of the environment has resulted from electing political aspirants to public office who have a sincere concern for our land. You may have come to West Virginia from an urban area where your vote seemed unimportant. However, because of West Virginia’s comparatively small population and rural distribution of voters, your vote is indeed important. Please register and take a neighbor with you to the polls.

Any Conservancy member wishing to be placed on the agenda of the April Meeting of the Board of Directors should contact President Charles Carlson, Box 131, Charleston, WV 25321, before April 10.

If you lack the time to participate actively in opposition to strip mining, you may wish to contribute financially to the general fund of SOM. Any donation is appreciated, and all are used to oppose strip mining through communications, educational projects and legal fees.

If you wish to support SOM either actively or financially, or both, please contact SOM at Box 573, Hamlin, W. Va. 25523. Use the coupon below.

In the meantime please read SOM Director Ric McDowell’s answers to questions often asked about strip mining in West Virginia.

---

Q. Aren’t we forced to strip mine because of the energy crisis and the need for coal?

A. According to Russell Train, head of the US Environmental Protection Agency, only 3% of the United States’ coal reserves are strip mineable. In West Virginia alone, a 1974 Sierra Club report showed, there is enough low sulfur, deep mineable coal to meet double the entire country’s needs for the next 75 years. Strip mining provides no solution to the energy crisis.

Q. When stripming comes into an area doesn’t it give a big boost to the local economy?

A. Strip mining operations are short lived. The process is finished in several months compared to the years of a deep mine’s operation. Usually a stripping company brings its own crews with it. The idea that strip mining will provide long term jobs is a myth. Studies have shown that in heavily stripped areas the tax base has decreased as much as 35%. This is because strip mining has ruined the land and the water supplies, and industries will not come into these areas. In the end with lower tax bases the population suffers from a lack of good schools, medical care, and other social services. A report by Charles River Associates showed that a ban on strip mining would bring a more stable coal economy to the state.

Q. If a person owns the mineral rights to his or her property shouldn’t he be allowed to do with it as he chooses? Isn’t it wrong for the government to dictate its use to him?

A. True, too much of our lives today is controlled by the government. The problem with using this argument as a defense for strip mining is that the effects of stripming are usually not controllable to one area. For example the blasting process used to expose coal seams cracks rock layers far under the surface. This cracking causes water supplies to seep deeper through the new fissures and people in areas near strip operations lose their water supplies. Land slides, erosion, and silting of streams—some of the continual by-products of strip mining—are usually impossible to hold in one area. Farms near strip sites have been rendered useless because of these horrors. In fact, if it were possible to contain strip mining’s effects solely to the area where stripping was done, the argument for rights of the property owner would be much stronger. But, containment just isn’t possible. Strong government regulations are needed to protect all of us from strip mining’s ravages.

Q. Doesn’t West Virginia have a strong set of strip mining regulations?

A. Although in comparison with some neighboring states (Ky. Va) West Virginia’s laws seem to have strong laws, they are not nearly adequate enough, and even worse are not enforced. The Department of Natural Resources does not put much pressure on the Division of Reclamations. For too often state inspectors have cozy relationships with strip miners. During the 1975 Inter-Agency Strip Mining Evaluation which three Save Our Mountains members attended it was noted that inspectors were defending actions and policies of the strip miners a little too enthusiastically.

Q. What needs to be done to strengthen the strip mining regulations in West Virginia?

A. Any law which is not strictly enforced is of little use. It behooves us all, therefore, to become knowledgeable about the issues and then to work to change them. Voter registration costs nothing but your time to go to work in opposition to strip mining wherever in the state it occurs. There is no membership fee for belonging to SOM. If one is willing to work in opposition to strip mining, that is necessary to join SOM is to inform headquarters that you are willing to work. Help is needed in areas such as writing protest letters, organizing your community to prevent local strip mining assaults, lobbying in Charleston, or contributing articles to SOM’s newsletter.

---

CLIP THIS COUPON AND MAIL TO:

Save Our Mountains, Inc.
Box 573
Hamlin, W.VA. 25523

Dear Mrs. McMillan: (name)

I wish to donate to SOM. Please place my name on your mailing list.

Clip this coupon and mail to:

Save Our Mountains, Inc.
Box 573
Hamlin, W.VA. 25523

Name
Street
City
Tel.

I wish to donate $ to SOM. Please place my name on your mailing list.
Timber Management Reform Act of 1976: A Review
by Gordon T. Hamrick

On February 4, 1976, West Virginia’s Senator Jennings Randolph introduced in the Senate his long-awaited bill dealing with management practices on national forest lands. Randolph’s bill, S2926, as it is known, is the “Timber Management Reform Act of 1976”, or “TMRA”, for short, was referred jointly to the Committee on Agriculture and Forestry, the Subcommittee on National Forests, and the Subcommittee on Agriculture. “TMRA” was introduced to regulate clear-cutting, even-age management, and type-conversion of national forests; it sets forth more clearly long-term national forest policies, decides which timber resources of the national forests shall henceforth be managed, establishes standards and procedures for protecting soil resources, aesthetic resources, fish and wildlife resources, and the national forest ecosystem; and sets forth certain management practices which regulate clearcutting, even-age management, and type-conversion of national forests; it is the bill Congress was asked to fund for thinning purposes; that certain management practices are harmful to the environment and to the uses of the national forests from which timber may be harvested; and that in order to insure that the national forests are managed on a multiple-use-sustained yield basis, Congress must set forth national forest management standards and procedures that preserve and maintain environmental quality and, at the same time, promote the standards set forth in the Organic Act of 1897 and the Multiple Use-Sustained Yield Act of 1960. S2926 also specifies that nothing contained in the bill shall be construed as amending the Wilderness Act, Wild and Scenic Rivers Act, or the Endangered Species Act of 1973.

Under the provisions of the TMRA, the Secretary of Agriculture shall, within three years after the date of enactment of TMRA, publish in the Federal Register standards for determining those areas of the national forests from which timber may be sold. Sales may be made only from (1) lands that are stable and where slope does not exceed the maximum degree for soil type on which logging roads are to be constructed; (2) lands that are not composed of patches and strings; (3) lands that are capable of regeneration by natural means; (4) lands that are capable of opening a commercial stand of timber; (5) lands that are sufficiently distant from stream banks and other bodies of water and wetlands; (6) lands that will not substantially impair non-timber resources.

Examples of the various forest types found necessary to be contained and such examples shall be identified on maps published and made available to the public. An ample distribution of data of the national forests, all major trees, and snags shall be located throughout the forest, regardless of the maturity or physical condition of such trees. Positive action shall be taken to preserve habitats and populations of native flora and fauna found in the national forests and special attention shall be paid to the requirements of species whose habitats and populations are found in S2926, and other cholorated hydrocarbons shall not be used in the national forests for pest control.

All systems of silviculture are to be considered, with a single exception except that unevenage management in eastern mixed hardwood forests shall be implemented by selective cuttings. Before a sale, an interdisciplinary review of environmental, biological, aesthetic, engineering, and economic impact of the proposed cut must be made. This review may encompass more than a single sale and such a review must consider (1) the

impact on non-timber resources of surrounding areas; (2) the specific cut and design; (3) the roads on soils in the affected area; (4) whether the proposed cut will naturally regenerate within five years and that such regeneration and site improvements will be necessary and at what cost.

Each Multiple Use-Sustained Yield plan shall prepare for the sustainable yield of each range district. Where range districts exceed 500,000 acres, the Secretary shall establish areas of not more than 250,000 acres.

Each Multiple Use-Sustained Yield plan shall state its five-year periodic harvest figures in board feet corrected to softwood and includes payments to the Secretary of Agriculture. If no other officer of the government shall set or cause to be set administratively the amount of timber to be harvested annually. Where quotas or target figures shall be proposed which might encourage a plan to meet such figures.

Multiple Use-Sustained Yield plans shall be prepared for the national forests at the rate of 36 per year. Each plan, upon completion, shall be available to the public six months before adoption. Public hearings shall be held on each plan, both in the immediate area of the forests and in centers of population. Plans, after adoption, shall be reviewed periodically and shall be reviewed ten years.

Management plans for Wilderness Areas, Wild and Scenic Rivers, and roadless areas can, at the option of the Secretary, be deferred until later revisions of the Multiple Use-Sustained Yield plan for the districts in which they are located.

Immature trees may be cut for purposes of thinning, improvement cutting, removal of diseased trees or damaged trees, pest control, forest fires, or even-aging and for special uses such as Christmas trees, habitat improvement, or salvage operations. This action, however, may be used only to supplement normal and required operations and shall not be used as the dominant method of harvesting the timber of any national forest.

Immature trees may also be cut if such trees are cut for the purpose of thinning an area, or for the distribution of age classes in southern pine forests. And, immature trees may be included in an authorized clear cut if the stand of trees in such a cut consists largely of dead, mature, or large trees.

Under the provisions of the TMRA, no tree shall be cut or removed from any national forest unless such a tree has been specifically marked and designated prior to sale. All marking and designating of trees to be cut shall be done by the USDA. All trees cut shall be harvested in accordance with the Federal Register standards for marking and designating the various types of clear-cuts and even-age cuttings. Such standards shall provide for identification of boundaries, the marking of the individual trees to be cut standing, and, at the option of the Forest Service, the identification of the timber for which the purchaser is required to pay. All timber removed from the national forests shall be under the supervision of the USDA. A tally of timber to be cut shall be left standing and shall be made at time of sale preparation.

Within one year of the enactment of the TMRA, the Secretary shall present to Congress a cost-accounting report on the estimated annual and cumulative direct and indirect costs for administering and managing the growth, sale, and reforestation of such national forests.

Counts which would be entitled to payments under one or more of a series of Acts (these are spelled out in S2926) will be counted in lieu of such payments at the rate of 75 cents per acre for each acre of national forest land within the boundaries of the political subdivision.

No contracts shall be entered into after enactment of the TMRA which provides for the cutting of timber in any national forest over a period of more than 36 years. According to the Congressional Record, some earlier contracts have been let for periods ranging from ten to fifty years, have covered more than one million acres of national forest; and have involved as much as $7.5 billion board feet.)
On February 20, 1976 a suit was filed in the Circuit Court of Kanawha County to prevent further damage to Spring Run in Grant County. The plaintiffs are Harrison Shobe of Petersburg and Ernest Nester of Allensville, both of the West Virginia Council of Trout Unlimited. The defendants named are S. Latimer, Jr., Director of the West Virginia Department of Natural Resources and the Dorcas Public Service District. The suit charges that S. Latimer, Jr. does not have the legal authority to allow water from Spring Run to the Dorcas Public Service District. The suit also charges that Harrison Shobe's riparian rights have been violated by the diversion of water by the Dorcas Public Service District.

This lawsuit is the culmination of two and one half years of frustrated efforts to protect the future of Spring Run by the writer and Director Latimer on a compromise solution. Despite written statements from Director Latimer and Governor Moore that Spring Run will be protected, no concrete steps have been taken to prevent the destruction of the stream. Trout Unlimited and Harrison Shobe reluctantly decided that court action was the only hope for Spring Run.

Spring Run is a lime stone stream that rises near Dorcas in Grant County and it is the source of water for the state owned Spring Run Trout Hatchery. The spring and 41 acres of land were purchased by the Conservation Commission of West Virginia in 1945.

In 1957, Harrison Shobe bought a farm on Spring Run for the purpose of developing an outstanding trout fishery. Mr. Shobe's property starts about 1/2 mile below the hatchery and includes about 1 mile of the stream. Since it is a lime stone stream Spring Run is rich in aquatic life and Mr. Shobe went to work to provide hiding places in the stream for big trout. Mr. Shobe spent a lot of time over many years building splash dams and other devices to provide cover. Trout Unlimited members Jerry Burke, Ron Laski, and others have helped Mr. Shobe build and maintain some of the dams.

Mr. Shobe does not stock any trout but his section is heavily populated with rainbow trout. You must own a permit to fish the Shaver's Fork and the other paired sections of the district, but we never got any replies. Perhaps they never provided any answers to anyone. T.J. Eastern Director Jim Brown made a visit to Ellicott's office last February and learned that Ellicott was very pleased that Trout Unlimited was bothering him about the water deal.

On September 29, 1971 Director Latimer signed a contract to sell the Dorcas Public Service District 36,000 gallons of water per day from Spring Run for 49 years. The selling price was $1.00. The contract was signed by Latimer in spite of the fact that he had no power to do so and against the advice of professionals in the Department of Natural Resources.

In the fall of 1973, the Dorcas Public Service District erected a pumphouse at the hatchery and tapped into the 12 inch water line feeding the hatchery. Since that time Dorcas has laid many miles of water line in the rural community of Dorcas. The price that the Department of Natural Resources has paid for this water has increased rapidly but we do not have a good count at this time.

The Dorcas Public Service District locked D.N.R. out of the property, and any product of water being taken cannot be determined. We do have some records that indicate that over 120,000 gallons per day has been taken in some periods. The impact of the water diversion has been very evident during periods of low spring flow.

Starting in August of 1973, Trout Unlimited started trying to get all of the facts concerning this

very strange water deal. Dozens of letter were written over the next 1 1/2 years to Director Latimer, Governor Moore, Asst. Attorney General Frank Ellison and others but no one ever bothered to reply. Phone calls were also totally unsuccessful.

During January of 1975, Ed Crum went to Latimer's office to get a copy of the contract but was told that it illegible. And there has been no reply.

Several letters were sent to Asst. Attorney General Frank Ellison requesting that the Attorney General order the destruction of the contract but we never got any replies. Skip Johnson also questioned Ellison several times about Spring Run and Ellison always stated that he might have something interesting. Ellison never provided any answers to anyone. T.J. Eastern Director Jim Brown made a visit to Ellicott's office last February and learned that Ellicott was very pleased that Trout Unlimited was bothering him about the water deal.

On May 6, 1975 I received a letter from Director Latimer stating that "A meter with timer, shut off valves, and line limiters has been requisitioned and beds will be opened on February 12, 1975. After the successful bidder has been determined and the materials received, the system will be installed as soon as possible. After this has been accomplished we expect that the remainder of your group to accompany the hatchery superintendent when readings are taken or to review the consumption charts." Both Latimer and Governor Moore have never written the letters to other people that they are going to protect Spring Run and that everything is O.K. However, there have been no concrete actions taken to back up those promises.

If the Dorcas Public Service District is allowed to continue taking water at will from Spring Run, it is only a question of time until the outstanding trout fishery in Spring Run will be gone with the wind.

Book Review

**Rare Fish Discovered in Shaver's Fork**

*by Paul Frank - Elkins Inter-Mountain*

A fish that may be the only one of its kind in the world has been discovered on the Shaver's Fork of the Cheat River, high in the mountains above Hartsville, and studies slated for this spring and summer may result in its being designated as a rare and endangered species, according to the W. Va. Department of Natural Resources.

The rare minnow, or mignon as the name is now known, is on the rare and endangered species list of the U.S. Department of Interior, according to officials at the DNR. It would be on the endangered lists of development that would be permitted on the river.

According to a section of the Endangered Species Act, any federal agency must make sure its actions do not endanger the species or its habitat. Environmentalists around the state — including Trout Unlimited, the West Virginia Wildlife Federation and the Insk Burton League — are now expected to look to the minnow as further evidence that the Shaver's Fork watershed is a unique area — unlike anywhere else in the world — and an area that must be preserved.

The tiny minnow — barely as long as its scientific name, Rhiichthys bowseri, was originally described by two scientists, Goldborough and Clark, who found specimens of the minnow-like fish in both the Dry Fork near Harman and at Cheat Bridge.

In 1975, various experts believed the species was a hybrid — a cross between two other kinds of minnows. Some years later, in 1940, another scientist, Raney, found the same "hybrid" at Cheat Bridge again, and he again believed it to be a hybrid. Since 1940 nobody said anything about Rhiichthys bowseri again.

Now, following an August, 1975 stream survey by both biologists of the Wildlife Resources of the DNR, it is believed that the little minnow in fact is a new species.

It is also believed that the fish may be endemic to Shaver's Fork alone, that it may exist nowhere else in the world.

Scientists from the University of Maryland's Appalachian Laboratory wrote: "As of now we would list these specimens as the hybrid...[but] it would seem strange that this hybrid combination would keep occurring over a period of 76 years...Perhaps we could be more comfortable in the bargain." — Joe Basiline

**Budgetary Blues**

**The Cheaps Chargin**

*by Bruce Jarvis*

The Ford Administration's Budget Proposal which has been submitted to Congress contains a $216 million appropriation for the Rowlesburg Dam and Lake in central West Virginia. Since the proposal was made last Rowlesburg, the price tag has soared by $27 million — due to inflation. To date, $3 million have been allocated and most of it spent for planning the project.

The Budget Proposal notes that the Cheat River is "the largest in the Allegheny tributary in the headwaters of the Ohio River." In 1972, after tropical storm Agnes drenched the East Coast, the proposal estimated that a dam at Rowlesburg would have prevented $36 million in damages downstream. If only there had been a dam! The "if only" logic figures heavily in estimating the expected "benefits" of the Rowlesburg Project.

The last paragraph of the proposal, however, states that the Rowlesburg Project is being redesigned to decrease the planned reservoir storage capacity and to reduce "the magnitude of recreational development." What? The two major selling points of the project are the "benefits" and the "recreation." Now, the budget proposal brought in that the reservoir needed to hold a certain volume of water to prevent $49 million in damage in the future may never be built large enough to do just that. Of course, a smaller version could... Also, the promised recreation facilities at the Lake would have no funding. The "rowholes Dam and Lake in central West Virginia, must bear one-half the cost of the recreation facilities — 1/2 = $2.8 million. In addition, the state must pay annually the maintenance cost of the facilities — $470,000 per year. In a letter dated 10 April 1976 the State of West Virginia "declined" to pay its share of the cost of recreation facilities. A Rowlesburg Dam is still a very real possibility, but it may never prevent colossal downstream flood damage or provide much recreational use. Such are the Budgetary Blues. $216 million do not stretch as far as they once did.
West Virginia Highlands Conservancy
Board of Directors

President: Charles Carlton, Box 131, Charleston, W.Va. 25321
Regional Vice Presidents:
Highlands - Lowell Marky, R.D. 1, Keyser, W.Va. 26726
Pittsburgh - Jean Rodman, 32 Crystal Dr., Oakmont, Pa. 15139
Charleston - Nick Losano, 171 Kiowllow Dr., Charleston, W.Va. 25302
Washington - Nicholas Ziegler, 1800 Connecticut Ave., N.W., Wash., D.C. 20009

Secretary: Stauffer Miller, Box 506, Moorefield, W.Va. 26836
Treasurer: Arthur Foley, 810 Gordon Drive, Charleston, W.Va. 25314

Membership Secretary: Marsha Hardway, c/o West Virginia Highlands Conservancy, Box 711, Webster Springs, WV 26288

Voice Editor: Ron Hardway, 206 Union St., Webster Springs, W.Va. 26288

Directors at Large: Terms expire January 1977.

Ellen Snyder, 315 Ridge Ave., Washington, Pa. 15301
Sayre Rodman, 32 Crystal Dr., Oakmont, Pa. 15139
Dave Elliston, Rt. 7, Box 755, Morgantown, W.Va. 26505
Geoff Hechtman, 11453 Washington Plaza West, Reston, Va. 22090
Karen Bird, 410 Davis St., Elkina, W.Va. 26241

Directors at Large: Terms expire January 1978

Linda Elliston, R.7, Box 755, Morgantown, W.Va. 26505
Bruce Jarvis, 24 Bates Rd., Morgantown, W.Va. 26505
Sandy Lindberg, 33 Pleasant Ave., Elkina, W.Va. 26241
Kathy Lively, R.7, Box 601, Elkina, W.Va. 26241
Max Smith, R.7, Box 55, Graflon, W.Va. 26254

Organizational Directors:
a. Kanawha Trail Club: Bruce Bond, Box 4042, Charleston, W.Va. 25304
b. NSS, Virginia Region: Jerry Kyle, 910 Pocahontas Ave., Roanoke, Va. 24070
c. V.W. Wildwater Assoc.: Calvin Smith, Box 1757, Fairmont, W.Va. 26554
d. Isaac Walton League: Don Good, Box 404, Parsons, W.Va. 26247
e. Brooks Bird Club: Chuck Conrad, R.D. 1, Triadelphia, W.Va. 26059
f. Pittsburgh AYH: Bruce Sundquist, 210 College Park Dr., Monroeville, Pa. 15146
h. Sierra Club, Potomac Chapter: Bill Powell, 380 Stewart St., Morgantown, W.Va. 26505
i. Greenbrier Grotto, NSS: Fred Kyle, 910, Pocahontas Ave., Roanoke, Va. 24070
k. NSS, MAR Region: Bobbi Nagy, Star Rd., S. Franklin, W.Va. 26607
l. Pittsburgh Climbers: Bruce Godwin, 621 Gettysburg St., Pittsburgh, Pa. 15225

CONSERVANCY PUBLICATIONS

1. Dolly Sods Management Proposal and trail guide, includes areas adjacent to the Dolly Sods National Wilderness Area. 1973 edition. 75 pages, 4 maps, 8 1/2 x 11. $3.25

The Conservancy no longer publishes and no back copies are available of the Otter Creek Trail Guide. For information on use of Otter Creek National Wilderness Area contact the U.S. Forest Service, Cheat District Ranger, Parsons, W.Va. 26287.


Copies of Dolly Sods Hiking Guide to the Monongahela National Forest may be obtained at one-third discount to stores and clubs. Address inquiries concerning wholesale orders to Bruce Sundquist, 210 College Park Dr., Monroeville, Pa. 15146.

Address all other trail guide orders to the address below. Make checks and money orders payable to WVHC.

TRAIL GUIDES

1. c/o West Virginia Highlands Conservancy Box 711 Webster Springs, W.Va. 26288

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 annihilation only by the care, the work, and, I will say, the love we give our fragile craft.

-Adair Stevenson

□ $6.00 Individual regular
□ $10.00 Individual associate
□ $25.00 Individual sustaining
□ $20.00 Organization regular
□ $35.00 Organization associate
□ $50.00 Organization sustaining

NAME:

ADDRESS:

ZIP

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 PUBLICATIONS


The Conservancy no longer publishes and no back copies are available of the Otter Creek Trail Guide. For information on use of Otter Creek National Wilderness Area contact the U.S. Forest Service, Cheat District Ranger, Parsons, W.Va. 26287.


Copies of Dolly Sods Hiking Guide to the Monongahela National Forest may be obtained at one-third discount to stores and clubs. Address inquiries concerning wholesale orders to Bruce Sundquist, 210 College Park Dr., Monroeville, Pa. 15146.

Address all other trail guide orders to the address below. Make checks and money orders payable to WVHC.

TRAIL GUIDES

1. c/o West Virginia Highlands Conservancy Box 711 Webster Springs, W.Va. 26288

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 annihilation only by the care, the work, and, I will say, the love we give our fragile craft.

-Adair Stevenson

□ $6.00 Individual regular
□ $10.00 Individual associate
□ $25.00 Individual sustaining
□ $20.00 Organization regular
□ $35.00 Organization associate
□ $50.00 Organization sustaining

NAME:

ADDRESS:

ZIP

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

West Virginia Highlands Conservancy
Box 711
Webster Springs, WV 26288