Preparation of Draft Environmental Impact Statement Is Next Step

Forest Service Says All of Greenbrier River Eligible For Inclusion As National Wild and Scenic River

Greenbrier Wild and Scenic River Study: Qualifying Segments and Classifications

All 200 miles of the Greenbrier River — from its twin headwater forks at the extreme northern end of Pocahontas County all the way to Hinton in Summers County — has been determined to qualify for designation as a national wild and scenic river.

That was the announcement made by the U.S. Forest Service last month in a little brochure that whipped the word across the Mountain State, exciting environmentalists and laying out the next steps in the process.

The Forest Service is aiming toward the preparation of a draft environmental impact statement, one which will examine four alternate actions that might be taken in regard to the Greenbrier as well as assess four alternative management schemes should any part of the Greenbrier be designated for inclusion in the system.

As outlined in the brochure, the alternate designative actions are:

- Move for full scenic and recreational designation as outlined in the Forest Service’s current assessment;
- Move for full designation except for a 13-mile segment above Marlinton to permit the construction of a flood reservoir;
- Move for designation only within the Monongahela’s southern boundary near Anthony.

Management options include federal, state, local and cooperative. Already scheduled are three public information meetings, one at 7:30 p.m. at the Pocahontas County Courthouse in Marlinton, the other two the following day at 2 p.m. and 7:30 p.m., respectively at the city building in White Sulphur Springs and the Memorial Building in Hinton.

Following the public information meetings, a draft environmental impact statement and report will be prepared to estimate effects and evaluate alternatives. Following that document’s finalization, it will be submitted to the President and Congress.

Written comments should be mailed before July 22, 1981 to be considered in the preparation of the draft environmental impact statement, the Forest Service said.

SRC-II Topped By Reagan Cuts

MORGANTOWN, W.Va. (AP) — The giant SRC-II synthetic fuels plant near here, designed to light the way to U.S. Energy independence, was officially scuttled Wednesday as an overly expensive beacon.

The governments of the United States, Japan and West Germany, partners in the project, sealed its fate at a meeting in Bonn, West Germany and attributed their action to a “great increase” in anticipated costs.

The demonstration plant, originally scheduled to begin production in late 1984, was the flagship of the Carter administration’s synthetic fuels policy. It was envisioned as the first of perhaps 20-30 coal liquefaction projects.

MORGANTOWN, W.Va. (UPI) — Mounting costs in construction inspired West Virginia, the United States and Japan to terminate the ballyhooed coal conversion plant proposed for West Virginia — SRC-II.

The end of the project was announced Wednesday in a joint communiqué from Bonn, West Germany, in which the trio said: “We were compelled to stop the project ‘at the earliest date possible.’

Environmentalists in West Virginia as well as surrounding states had forged an odd amalgam of individuals and organizations — from mayors to housewives to regional commissioners — who were opposed to the project for a variety of reasons. Aside from the anticipated, hectic pace at which coal would be developed in the state, there were also worries about the by-products of the process. Some of them were known carcinogens and more than half of them were expected to be classified as hazardous wastes without proven means of safe disposal.

Both wire service reports, however, indicated that the demise of the plant could probably be laid at the feet of President Ronald Reagan who withdrew staunch U.S. support in favor of private development elsewhere. While the Synfuels Corporation will have $17 billion at its disposal for energy projects, those projects which require government cost-sharing are expected to be placed at the bottom of the list for funding.

Holly Grove Rebuttal Due at EPA July 8

Holly Grove Citizens Group Pries Loose EPA’s WAPORA Report

After a ten-week delay during which it was presumably preparing a rebuttal to independent, federally-financed assessments of the impact of its proposed strip mine in Upshur County, the Holly Grove Coal Company was slated to meet early this month with representatives of the U.S. Environmental Protection Agency.

The EPA’s Region Three offices in Philadelphia are preparing the nation’s first environmental impact statement on a privately-run coal mine in the east, an EIS that was to have dealt, in its first phase, with the single mine site near Canaan in Upshur County — but from there branch out 40 miles downstream along the branches of the Little Kanawha River where other coal companies are expected to strip the landscape for its feet-thick underlaying of bituminous coal.

A decision on whether or not to issue a federal permit to open that coal mine near the Upshur-Randolph counties’ border had already been delayed for over two months — and was expected to continue to be delayed for at least until July 8, the date of the EPA Holly Grove meeting — to allow time for the coal company to rebut a study (Please turn to page 7)

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Congress Drafting Water Resource Project Proposals

Three billion dollars worth of Congressionally-authorized projects in national parks, forest recreation areas and wildlife refuges — all authorized by previous U.S. Presidents — have been scratched off the Reagan administration’s request for fiscal year 1982, and was expected to start markup of its legislation before the end of June.

The administration has asked for a slight increase in spending in this category, up about $65 million over current spending levels. This would bring the total to almost $2.6 billion for a program which, according to “Leader,” a publication of the National Audubon Society, is largely a part of a political porkbarrel of construction contracts for senators’ and representatives’ home districts.

Bad With the Good

Congress has begun drafting budget proposals for federal Water Development projects during the coming fiscal year.

The House Appropriations Subcommittee on Energy and Water Development has completed hearings on the Reagan Administration’s request for funding for work on dams, canals and irrigation systems during Fiscal 1982, and was expected to start markup of its legislation before the end of June.

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The President's Voice

Spring and summer hint of vacation, and it might be said that is what I have taken from my monthly column. However, the end of vacation suggests a recharge of energy to start back into one's work. I do not believe it has worked for me in this case since once again I am pushing right up against the deadline, if not a little past it.

I am particularly pleased this month to announce that we have been blessed with a fulltime volunteer. Susan Kell, a resident of New Jersey, is a WVU senior in the Parks and Recreation Program and is serving an 8-week internship with the Conservancy.

Together with doing a few tedious administrative odd and ends, she has taken on the fight for the Clean Air Act as her own project, making use of a lot of good information sent to us which has - up until now - been lying under piles of other information on top of my file cabinet.

Susan, along with our Charleston vice president Perry Bryant, will be working closely with the Clean Air Coalition in Washington DC in keeping West Virginians abreast of the battle - and urging persistent and strong support of the Clean Air Act which comes up for renewal in a few months.

Your support for the Act is absolutely essential. And it might be interesting to note that our ever-dependable opponent, Interior Secretary James Watt, will have a dominant role in writing the amendments to the Clean Air Act.

This is occurring because of his appointment as chair of a cabinet subcommittee, the Council on Natural Resources and Environment, giving him some authority over Energy Secretary James Edwards and Environmental Protection Administrator Anne Gorsuch.

It has been said by seeming reliable sources that the Reagan administration "plans to weaken key enforcement provisions of the law, and allow states to control pollution at their own pace."

If you are the least bit concerned about our air, please take time to learn all you can about the upcoming legislative battle and what you can do to help assure a strong, if not better Clean Air Law.

A get-together of concerned folks has been scheduled for 1 p.m. on July 11 at St. John's Church in Charleston. PLEASE ATTEND IF AT ALL POSSIBLE.

If you read the last issue of the "VOICE" you already know that there are real problems with the OSM, and that special attention should be paid to the area by the OSM as each permit application is filed.

In light of the drastic and extremely crippling cuts in the OSM made by Watt, I would venture to say little manpower will be left to pay routine care to this area, let alone "special scrutiny."

It is incomprehensible that the nation's "number 1 environmental officer" plans to cut this regulatory agency's force by 20 percent, leaving our land practically without protection in a time when everyone is becoming energy-paranoid.

Watt and his congressional leaders MUST receive letters of protest to such blatant disregard of the responsibility to assure citizens the best possible protection of their land and water, as well as of sufficient energy. PLEASE WRITE NOW!

The land will be here forever, long after Watt has gone. I would hate to lose it. It also serves as a constant sickening reminder of his inpatient and unbending decisions.

Geoff (that's pronounced "Jeff") is serving as chairman of our Corridor H committee, has been busy putting together some excellent rebuttal to the Draft Environmental Impact Statement, "Appalachian Corridor H."

Of particular interest is his comeback to the economic study in which he concludes it will cost $10,000 for one man, woman and child in the counties affected by Corridor H.

For a family of four, that adds up to $40,000, which, as Geoff pointed out at a recent DOH hearing, would serve the people quite well if the DOH would just simply hand over the cash instead of building a needless highway.

Of course - as DOH engineer John Lett so abruptly informed us - we would always resort to the re-build alternative, giving us "exactly what we've had for the past 20 years for the next 20 years." That's a prospect not so unattractive to me since those wonderful, winding roads take me through the beautiful mountains which give West Virginia its singular appeal, and, I believe, gave it the now national label: "Wild, Wonderful West Virginia."

Before I go I do want to let you know Susan has put together (and very neatly, I might add) an index of "Voice" articles dating from the most recent issue back to August, 1980.

If anyone should want a copy of this reference tool, please let me know, Susan would be more than happy to send one to you.

Hiking Guides — Get Yours

Cranberry - $3.30
Monongahela - $3.50
Plus 50 cents postage for EACH book ordered

Send your name, address, city, state, ZIP, along with a check, money order and an indication of the books you want to:

West Virginia Highlands Conservancy
P.O. Box 506
Fairmont, WV 26554

Not Get Your Voice?

We receive complaints about non-receipt of issues of the "VOICE." Often a paper has been mailed - but to what turns out to be a wrong address. Second-class mail (newspapers) cannot be forwarded. The post office, in most cases, will return the address label to us (at our cost of 25 cents per label) with a corrected address, but they will not send you the paper. Please notify W. Va. Highlands Conservancy, P.O. Box 506, Fairmont, WV 26554 of any changes in your mailing address.

MOVING?

Please attach a mailing label from an old copy of the "VOICE" and give us your new address:

ATTACH OLD LABEL HERE

New Address:

W. Va. Highlands Conservancy
P. O. Box 506
Fairmont, WV 26554
Virginia Residents No Happier With Prospects For Corridor H Than Highlands Conservancy

**Briefs**

**Trek**

A three-day, 31-mile backpacking trip through the mountains of West Virginia — a fund-raising effort by the Appalachian Trail Club, a non-profit environmental organization, has been set for the second weekend in October, the club announced.

The "trek" is open to anyone 14 years of age or older who is in good physical condition. "Trekker's supply their own equipment and food," according to a spokesman for the Charleston-based state chapter. A five-dollar registration fee is charged, and proceeds from the trek will help support the club's trail maintenance efforts.

According to the club, there are 150 miles of hiking trail throughout the state, and the trek will raise funds for the maintenance and promotion of these trails.

**Whisper**

The Whispering Spruce Trail, a half-mile long trail located at the summit of Spruce Knob on the Monongahela National Forest, has been designated as a national recreation trail by R. Max Peterson, chief of the U. S. Forest Service.

The trail, which offers visitors a short, easy hike, takes advantage of openings in the terrain to allow panoramic views of the surrounding country.

Another unique feature of the trail is its variety of vegetation, which is characteristic of forest much farther north.

The area was constructed in 1970, the trail was designed to serve as an interpretive trail for visitors to Spruce Knob. The Spruce Knob-Seneca Rocks National Recreation Area is the highest point in West Virginia, at 4,860 feet above sea level.

The trail is the third trail on the Monongahela to be designated as a national recreation trail. It is open to the public free of charge.

**Prana**

There is a growing awareness of the importance of early diagnosis and treatment of lung cancer, according to John Hartsock, editor of the Virginia Lung Association. The "Trek," a three-day, 31-mile hike through the mountains of West Virginia, is designed to raise funds for lung cancer research.

The "Trek" is open to anyone 14 years of age or older who is in good physical condition. "Trekker's supply their own equipment and food," according to Hartsock.

"The trek is open to anyone 14 years of age or older who is in good physical condition." According to a spokesman for the Charleston-based state chapter. A five-dollar registration fee is charged, and proceeds from the trek will help support the club's trail maintenance efforts.
WASHINGTON — A recent article in the Washington Post on the proposed Davis Power Project at present to upset me. I guess I should have known there would be problems with the plan, but then I have been heard in Washington and this is the first time I’ve been heard that it is a hearing held by the B. S. Senator from West Virginia.

The report, apparently aimed at appeasing residna in the Washington-Baltimore area, who are opposed to the project, offered several positive and unique benefits of the proposed power plant. I wrote a letter to the editor of the Post in an attempt to present additional facts that were cut out of the story, but to date the newspaper has not published my comments.

Tucker is like several other counties in the 2nd Congressional District where much of the land is owned either by the federal or state government and used for parks. In Tucker County, 40 percent of the land falls into that category, and therefore, does not generate any tax revenues for the county.

Location of a power plant there would bring in additional property tax revenues, the bulk of which would overwhelm the costs a power plant would require. We can foresee the day when Tucker County could open a power plant to generate electric energy, comparable to those in Grant, Putnam and Tyler counties where utility plants are now located.

The proposed power plant will be financed totally with private funds — no tax dollars are involved — and Allegheny Power System already owns all the land needed for development of the twin-lake project. Since this is a pumped storage project it will be used to produce electricity to meet peak load demands in the late afternoon and early evening.

As I see it, the project is also a conservationist’s dream come true. It will have a 7,500-acre lake whose shoreline will be protected from commercial development. Access to the lake for boating will be restricted and boats will be limited to small horsepower motors. There will be no racing or water skiing.

Interior Secretary James Watt recognized the values of the Davis project nearly ten years ago when he was a member of the Federal Power Commission, which licensed the project. Many of us see this project as an opportunity to achieve a balance between respect for our environment and the human needs of our people. I’ve been to the area and walked the land where the project will be located. I’m convinced Canaan Valley will still be lovely to behold. In addition, it will become a productive asset for our nation and for the people who live in Tucker County.

Congressman’s Benedick is address is 112 Longworth House Office Building, Washington, D.C. 20515.

Dear Congressman Benedick:

I am writing in regard to the April 29, 1981 “Cleve’s Corner’ that appeared in the Parkersburg Advocate in which your views on the Davis Power Project were expressed.

The Davis Power Project is but one proposal for Canaan Valley, and I would be most surprised if you have not heard a number of times from your constituents about some of the others.

As you may be aware, although it was not immediately apparent from reading your column, Canaan Valley has been the subject of many studies on a variety of its characteristics — its hydrology, soils, climate, its history, geology, plant and animal life; its water quality, its hydroelectric potential and its overall highest and best use for the county in which it is located, for the state of West Virginia and for the nation as a whole.

As a fourth-generation native of Canaan Valley, I have a home, and family members continuing to live there, and as one of the first, official, lay intervenors with the Federal Power Commission (now the FERC), in the Allegheny Power System’s license proceeding for the proposed Canaan Valley power project (as well as now being a party to the court suits that seek to have that action set aside), I have studied all the reports done on the Valley, in detail. I know you are a very busy person and may not have had the opportunity to personally review these documents I want, therefore, to take a few minutes here to bring a few pertinent items, some of which conflict to varying degrees with the impression given by statements in your brief article.

Out-Of-Date Power Projections vs. The Economics of Preservation

Of paramount importance in these studies is the projected power demand as originally presented by APS as justification for the Canaan Valley plant to house large turbines, and that many other viable options are available if and when such need can be confirmed. Equally important is the immense economic power dam. The second is the one made by the U. S. Army Corps of Engineers in response to APS’s application for a Section 404 wetlands permit for this same project. The third is a detailed review conducted by the Department of Interior’s U. S. Fish and Wildlife Service of the Valley’s potential as a federally-managed wildlife refuge. Lastly, the most recently completed study is by the U. S. Department of Energy on APS’s need for additional generating capacity and alternatives to their Canaan Valley project.

Two of these studies, FPC’s and the Corp’s were mandated by federal law and another (DOE’s) was specifically commissioned by Presidential order. There have been other studies as well — by the W. Va. Department of Natural Resources, other divisions of the Department of Interior, the Allegheny Power System, and the U. S. Forest Service to mention but a few.

These studies were all conducted at different times over the last 15 years and for very different reasons and by different agencies with different perspectives.

A tour of the Valley, lengthy and detailed, a number of specially-commissioned studies and ten weeks of hearings spanning a five-year period, both the combined staff of the FPC and later, their administrative law judge, rejected the Davis Power Project as not being in the public interest. In so doing, the administrative law judge stated:

“The specific adverse environmental consequences resulting from the construction of the Davis Power Project will not be overcome by the benefits which may be derived from the lake, from the recreational areas and from the wildlife habitat. This proposal has been conducted in such a manner that the Commission may not be required to consider its environmental consequences in its decision on the project.”

I think it important to further point out that this conclusion was reached before issuance of the authoritative DOL, DOE and Corps reports on the important subjects they studied so thoroughly (more below); and that before this decision was made, all parties took every possible opportunity, even when it involved procedural delays, to present their sides to this federal agency. I might also add that the FPC-FERC really could not have been any more “pro-environmental” in its orientation. In fact, some might contend that the opposite was the case.

Be that as it may, it was only ten months later that the Commission itself (with only three of the five Commissioners sitting, and one of them filling a dissenting opinion) reversed that decision of the FPC-FERC, which license an Alaskan project that it made only cursory mention of the Davis Power Project’s importance to the public as a protected natural area, an alternative...
the FCC is required by law to consider the result that little has been seriously-contested matters raised in our legal challenges of this decision.

Rahab also be recognized, I think, that the license was issued at a particularly troubled time in this nation's history, a time, there is good evidence to believe, which will never repeat itself. By this, I mean just after the Arab oil embargo of 1971 with all the fear and confusion it caused; at a time when our nation's efforts to deal with energy self-sufficiency were mostly em-bryonic; and, of even greater importance, at a time when energy demand was perceived to be permanently fixed and totally inelastic.

But by 1976, as the DOE report emphasizes, elastic changes had occurred, and this figure had dropped to less than one-half of what it had been, two to three percent. Sources (among them utility experts themselves) indicate that a far lower figure is perhaps closer to what actually occurs today.

More, Cheaper Energy Elsewhere: This means that APS's need for additional generating capacity has, for a variety of very important reasons, been reduced more than one-half since the DPP was proposed in 1970. But as your article reflects, APS's need for additional generating capacity has, for a variety of very important reasons, been reduced more than one-half since the DPP was proposed in 1970.

The Economics of Preservation: The matter of the economics of the Davis Power Project and the well-being of the Canaan Valley holds for this is an issue that has been foremost in the minds of all - both as organizations and individuals - who have sought a method for the protection of Canaan Valley. It is fallacious, however, to consider that this is only possible to believe, which will never repeat itself.

The situation in the long run especially, from what it is now to an over-developed, industrial and commercial center, it

Page Five

through flood it - as the above-mentioned studies have clearly above.

Canaan Valley is one of the most highly-prized natural areas in West Virginia. Its location in the beautiful Potomac Valley - and may - and, indeed, find most attractive as another reason for favoring the Valley's development. (A Warning to those who wish to cross the state line to reach the Valley.) I am sure you reference in your column, this and much more is certainly not out of the picture. A consultant's report commissioned in the '60s makes this quite clear, and their behind-the-scenes work since then confirms it even further.

Since your column reflects that you have spent considerable time with the power company discussing their plans, you may be quite familiar with their project to the Valley - and may - and, indeed, find most attractive as another reason for favoring the Valley's development. (A Warning to those who wish to cross the state line to reach the Valley.) I am sure you reference in your column, this and much more is certainly not out of the picture. A consultant's report commissioned in the '60s makes this quite clear, and their behind-the-scenes work since then confirms it even further.

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Watt's Wrong...?

In a few short months Secretary of the Interior James Watt, former head of the Mountain States Legal Foundation which was created to thwart environmental regulations, has:

- Supported the relaxation of strip mining regulations...
- Declared a moratorium on the acquisition of more national parkland, although more people than ever before are now visiting parks...
- Proposed "unlocking" many of the 50 million-plus federal acres under its protection, so that they can be used for mining, timbering and grazing.
- Endorsed proposed legislation that would make it easier for oil and timber interests to prevent Congress from designating any new wilderness areas in national forests...
- Favored opening four areas off the California shore to oil and gas exploration...

"This administration is in the mainstream of the environmental movement..." James Watt (quoted in the May 25, 1981 issue of U.S. News and World Report)

The Highlands Voice - July, 1981

WVHC April Board Meeting

ELKINS, April 15, 1981 - Jeannette Petras, president, called to order the meeting of the board of directors of the W. Va. Highlands Conservancy Sunday at 10 a.m. Roll was called and a quorum was present. It was stated that after board members missed two meetings, a warning of loss of board seat was to be sent.

Max Smith moved (George Warrick seconded) that since the board members had received copies of the minutes that the reading be dispensed with and the minutes approved. Motion carried.

Minutes of the executive committee were read. Jeanette Fitzwilliams moved (Dave Elkinton seconded) that the action of the executive committee be approved. Motion carried.

Treasurer's report: Dave Elkinton presented a budget of expected expenditures for next year. Jean Hodman moved (Max Smith seconded) that the budget be accepted. Motion carried.

Membership report: 533 paid members of which 491 were individual members. 14 organizations, members, three were libraries, and 20 were complimentary (newspapers, Monongahela National Forest and Mountain Stream Outfitters who had previously made a donation). Eleven members did not renew in February.

A discussion was held on sending copies of the Highlands Voice to key legislators and to the other complimentary list. Max Smith moved (Stark Biddle seconded) that the editor of the Voice and the membership chairman be authorized to send complimentary copies of the Voice to persons and/or organizations in a position to help the Conservancy. Motion carried.

A discussion of organizational dues and representatives attending the meeting was held. The discussion was held.

Minutes of the Board of Directors meeting.

TIDEPOOL - FEBRUARY 1981

This month's column is written by Max Smith.

Monongahela National Forest hiking guide: Prishing the new guide will cost $3.300 for 5,000 copies. There are three new outdoors we know about, plus several inquiries. Membership booklets are going out in the guide.

Miscellaneous: A motion was made by Linda Elkinton (Dave Elkinton seconded) that the Conservancy send $100 to the W. Va. Student Public Interest Research Group (SPURG) at W. Va. University for the Ben Lile sky award to be presented to Paul Kaufman posthumously. It was to be given to either Timmy or Todd on Earth Day, April 22, 1981. Motion carried.

The Conservancy was asked to recommend someone for the membership on the state's Water Resources Board, the Reclamation Board of Review, and the Air Pollution Control Board. Any recommendations from board members were to be sent to the president or Larry George.

Concerning the anti-wilderness bill (H.B. 302), Stark Biddle moved (Dave Elkinton seconded) that the Conservancy join with other conservation groups in opposition to the bill. The board approved the resolution by a two-thirds majority. Motion carried.


Summer board meeting: Set for Sunday, July 12, 9 a.m. at the Hadsley Public Hunting and Fishing Area.

Lois Rozier, Conservancy Secretary (with editorial addenda)
Watt Bent on Weakening 1977 Strip Mine Act Despite Court Ruling Granting Broad Powers

Although the U.S. Supreme Court unanimously upheld the constitutionality of broad federal controls of strip mining in a June 15 decision, the U.S. Department of the Interior, under its secretary James Watt, said it has not altered its intention to give individual states more discretion to establish and enforce their local strip mining standards.

Watt has been chipping away at the current regulations by accepting weak settlements in Interior's pending lawsuits — thus setting precedents for future suits — and by negotiating weakened state programs when states have objected to standards that Interior, under the former administration, had required. In addition, the department is preparing regulations to conform to the administration's new interpretations of the Surface Mining and Reclamation Act of 1977.

In West Virginia, Natural Resources director Donald Collins said the U.S. Supreme Court ruling might be a "blessing" for the Mountain State and that Watt's weakening effects would be minimal for the state. The reason for that, he said, is "substantial compliance with the federal act right now and an approximate agreement with the Secretary of the Interior, among other things." The DNRC director also said he felt the "real problem" was "in one state not being allowed to forego reclamation practices in order to have a competitive advantage in the marketplace." This decision will emphasize the need for another state to have strong reclamation laws to implement them, "Colligan said.

"I think it will be, in the long run, an advantage to West Virginia's industry," the Supreme Court's ruling is the latest link in a lengthy history of strip mining fights.

It took Congress six years to pass a federal strip mining law — and lawsuits began even before the ink on the law was dry. The battle remained, and the high court's decision isn't expected to be the last step. While Congress was being challenged by coal mine operators in Virginia and Indiana, in both cases, federal judges struck down major provisions of the law that would have regulated the industry.

The judge in Virginia ruled against provisions of the law which require surface coal miners to restore land to its original contours when they are finished mining.

In Indiana, the judge struck down similar provisions requiring the restoration of mined farmlands to high productivity.

While President Carter was still in office, the administration agreed to negotiate major provisions of the law, but Congress gave it in the strip-mining law.

In opinions penned by Justice Thurgood Marshall, the high court said Congress had acted within its authority in enacting the law. The court also said the law doesn't violate the Tenth Amendment to the Constitution, an amendment which reserves power to the states over matters that aren't specifically delegated to the federal government.

The Justice stepped aside of addressing some issues. The coal mine operators had claimed that the strict controls of the law constituted a "taking" of property without compensation, which is prohibited by the Constitution's Fifth Amendment. The court acknowledged that there wasn't a taking of property, and that the suits were based on theory and didn't allege that any specific land was taken, so they didn't rule on whether a taking might occur through enforcement of the law in some circumstances.

They also said challenges to enforcement procedures that allow fines or give the Interior Secretary the power to halt mining are premature since the challenged parts of the law haven't been enforced.

The regulations for surface coal mining and reclamation — which apply to over 120 coal-producing states — were also challenged by Interior's U.S. office of Surface Mining. The 826-page report established by the federal law has been set as the target date for completion.

The regulations and the legal challenges provide a framework for the protection of the environment from the adverse effects of strip mining.

Industry and the states have criticized the regulations for going far beyond what was a "reasonable interpretation" of the law, resulting in excessive costs and discouraging production. Watt has already said he will try to speed up changes in the federal strip mining program. Among other things, Watt has already said he will try to make changes in the federal strip mining program. Among other things, Watt has already said he will try to make changes in the federal strip mining program. Among other things, Watt has already said he will try to make changes in the federal strip mining program. Among other things, Watt has already said he will try to make changes in the federal strip mining program. Among other things, Watt has already said he will try to make changes in the federal strip mining program. Among other things, Watt has already said he will try to make changes in the federal strip mining program. 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The Broyles bill attacks the national health standards, the very foundation of the Clean Air Act. The current health standards provide a "margin of safety" to protect the health of the more than 30 million Americans who are particularly susceptible to the dangers of air pollution—those over 65 and under 12, pregnant women, and those with such respiratory diseases as emphysema and asthma. The Broyles bill would have the health standards set to protect against "significant risk" of adverse effects without the additional "margin of safety" required under present law.

**Please urge your representative to support the current health standard-setting process.**

**Environment**

The Clean Air Act's program for the Prevention of Significant Deterioration (PSS) allows state and local governments to "budget" future emissions of sulfur oxides and particulates, the pollutants that cause acid rain and impairment. More than 90% of the country, including most of our national parks and wilderness areas, is protected by this inventory program. The Broyles bill would allow no pollution in these now relatively clean areas.

Sulfur emissions from power plants have increased six-fold in the last 40 years, and the acidity of rain in the Northeast has increased ten-fold. Hundreds of lakes in the U.S. and Canada are already dead, mostly because of acid precipitation. Buildings, autos, and statues are being damaged, and acid rain leaches such heavy metals as lead into water supplies, causing a serious threat to public health.

The PSD program is designed to control the potential future increase in these damaging emissions. The program also provides a measure of health and environmental protection beyond that offered by the minimum standards for cities and industrial areas, guarding against serious effects suggested in the scientific literature but not encompassed by the standards. While some of these effects may not yet have been established definitely enough to mandate further pollution reductions in dirty areas, they are sufficient reason for a policy of prevention in clean areas. Finally, the PSD program prevents economic dislocation by reducing the temptation for industry to relocate away from developed areas in order to avoid pollution control requirements.

Industry has attacked the PSD program, claiming that it stops economic and energy development; the National Commission on Air Quality, however, reported that the PSD program will not have that effect, even in the clean air areas or low-income neighborhoods.

**Please urge your representative to see that the PSD program is kept intact.**

**Urban Areas**

Even though 140 million Americans breathe unhealthy air, the Broyles bill would delay the deadlines for achieving the national health standards, and environmentalists support relaxation of the deadlines only for those areas where it is proven that the standards cannot be met.

The Broyles bill eliminates many of the most effective pollution control programs that help protect urban areas, including the requirement that new pollution facilities in dirty areas be equipped with pollution control equipment that meets the "lowest achievable emission rate." This requirement forces the development of more cost-effective equipment and hastens the improvement of air quality.

Also eliminated would be penalties for industries that do not comply with requirements of the Clean Air Act. Enforcement officials are now required to levy a fine against a violating plant that exceeds the control equipment operated by a company by not complying with a standard. This incentive forces industries to choose between the costs of polluting and the costs of complying.

Two other programs that are now mandatory in polluted areas would be made optional by the Broyles bill—Transportation Control Plans to improve mass transit and thereby reduce pollution, and annual inspections of auto emission control systems. Automobiles remain the largest source of air pollution, and experience in several states has shown that significant reductions can be achieved through proper maintenance of auto emission control systems.

**Please urge your representative to support the 1982 deadline for achievement of national health standards.**

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**Benedict Among Broyles Co-Sponsors**

By Susan Kell

**WVHC-WVU Intern**

The debate on the Clean Air Act began in March with the National Commission offering 40 recommendations to "improve and streamline" the act.

According to commission chairman Sen. Gary Hart (D-Col.), the recommendations would "preserve the best features of the law and remove other parts to make it more effective, eliminate what is not working, and add those issues which have been discovered since the Act was adopted."

One of the issues addressed in the recommendations is the problem of acid rain. The commission recommends that new rivers be made to control "acid rain."

A recent complaint to the EPA by Pennsylvania and New York has brought about an increased interest in the importance of the Clean Air Act.

It is hoped that with a reduction of sulphur dioxide in the air (as recommended by the commission), many industries will be forced to use "cleaner fuels," thus reducing air pollution.

**Canaan Paradox**

(Continued from page 5)

Blackwater, one of the most outstanding in the east-west river canonging and others, many of which, the studies indicate, can be given only cursory attention since they cannot be easily quantified in a manner that reflects their present economic values.

These are activities pursued by literally thousands of people each year in Canaan, and, if added, by West Virginians and, indeed, the Catoctins as much or more than by the most affluent suburbs of Washington D.C.

The Corps, perhaps our country's most avid dam-builders (and, here again, not an agency known for its stream- or recreation-designations) in its detailed study which led to the design of the 1971 Corps Section 404 Permit and the Canaan dam, noted the significance of expansive bog community that comprises the major portion of the northern Canaan Valley—a large, contiguous wetland area which some have referred to as "worthless" but which, in fact, are protected under federal law because of the past, massive destruction of such landforms nationwide, wetlands which had been cleared for purification of water and down stream flood protection. The Corps study showed that the Canaan Valley is the largest shrub-sward wetland of the nation. The Corps study showed that the Canaan Valley is the largest shrub-sward wetland of the nation.

The Hopedale and Best Use

The Corps thus confirmed what the U.S. Fish and Wildlife Service also found to be the case in their independent studies of the Valley for federal protection as a national wildlife refuge. The Corps believed that protecting the Canaan Valley was not a bove for a large industrial pool but as a "living museum" of natural history.

And although this may appear on the surface to have very little value to the lay-person, it must be noted that the features of Canaan Valley are of concern to both local and state officials as well as to their interpretive, educational and other uses. Race and unusual plants are a source of some of the most important breakthroughs in disease prevention, and control known to humankind.

Congressman Benedict, there are hundreds, many thousands, in fact, who gave the power dam: that the power is not needed, and that if and when such power may be needed at some time in the future, there are many, very few alternatives without the flooding and destruction of West Virginia's most important natural features.

Adding another $500,000,000 in construction project to APS's system may be good business for APS, but it is quite alarming to consider in this day and age when such a cost would eventually end up on the shoulders of consumers. These factors, in addition to the knowledge that such a project would primarily be used for export purposes — and at the cost of destroy- ing a national priceless natural area that is known and loved by so many West Virginians makes it just too much to ask.

Most sincerely,

Linda Cooper Elkington