Selling Off The Public Land in West Virginia—
A Case for the Opposition

By BRUCE SUNDQUIST

In some ways it is hard to fault the Reagan Administration's move to dispose of some tracts of national forest lands. Certainly there do exist small isolated tracts that have no readily identifiable public value.

But the long-term effects of such a move are most likely to reflect the real motives behind it, rather than the superficial motives. If one were primarily concerned with the efficiency of land management and utilization, one would:

-Sell small isolated tracts that are difficult to manage and buy the small private holdings (within large blocks of public land) that would make management of these larger blocks more efficient;

-Reduce the public usefulness of small isolated tracts of public lands—and review the potential public usefulness of small private holdings within large blocks of public lands;

-Expedite the sale of unneeded public property so it can be put to more productive use—and expedite the acquisition of private tracts that could be put to more efficient use as components of the public land resource base.

-Avoid the sale of large blocks of land in the densely-populated eastern United States where public pressures on these lands are most intense.

If it is clear that, in considering only disposal, and not the acquisition of public lands, the true motives for such disposals are not so much related to efficiency and usefulness as they are related to a philosophical/political desire to 'dismantle' as much of the public domain as one can get away with.

Further evidence of this alternative motive comes from the fact that, on the two largest national forests in the northeastern U.S. (Allegheny in Pennsylvania and Monongahela in West Virginia) a very large fraction of the acreage being considered for sale is in large blocks. The Monongahela National Forest (and the Allegheny National Forest) is within a day's drive of about 30 percent of the people in the U.S. There is every indication that the public presures its public land resources as a vital component of its national heritage.

Within these contexts, disposal of public lands can lead only to public alarm and outrage.

There also is the ostensible motive of reducing the public debt! This trade-off has been considered and executed often in the course of human history. Invariably such actions have led to grief to the seller of the land and benefit to the buyer, e.g., Napoleon's sale of Louisiana and the czar's sale of Alaska — both to finance military ventures. Selling family heirlooms to pay current operating expenses ought to occur only under far more dire straits than those at present.

The tragedy of public land disposal becomes even more apparent when one examines the choice of lands to be sold. Exceptioanlly large percentages of the public domain are to be disposed of in Illinois, Mississippi, Ohio, Oklahoma, etc., where the states were public lands are in exceptionally short supply and where scenery of any kind is even scarcer.

What possible value can there be in making an existing problem worse?

The rugged Monongahela National Forest is one of the most scenic national forests in the densely-populated eastern United States. It is hard to sell off any sizeable block without impacting negatively on some major scenic, natural, or wildlife resource.

Let's look at a few of the large blocks that may be sold from the northern half of the East is forested land. The effects of transferring public forest lands to private should be carefully considered. Private industry tends to harvest timber after its value growth rate has dropped below about 10 percent/year. The 50 percent to 70 percent of the timber value productivity of the land is lost. Timber on national forests, however, is harvested after value-growth rates have fallen below four percent/year. Thus, by harvesting timber that is less immature, the U.S. Forest Service loses much less timber productivity—only 20 percent to 40 percent.

Federal public timber lands also are better managed in terms of scenic, water and wildlife values. Soil values and watershed values—the original rationale for establishing eastern national forests—also are given greater respect and attention under the forest service's management than under private management.

Clearly, the national interests—economic or otherwise—would not be well-served by selling off public timberlands to private ownership.

The current value of resource-recreational public lands in West Virginia vastly exceeds the initial financial investment in those lands. Tax dollars invested in public lands acquisition have represented one of the best, shrewdest and far-sighted investments the public sector has ever made in the nation.

Growing leisure and affluence are likely to make this observation even more apparent in generations to come, even if skyrocketing land values do not. Within that context, the proposed sale of 64 square miles of Monongahela National Forest must be regarded as one of the most backward, near-sighted, irresponsible acts that has come along in a long while.

It's time for all West Virginians who cherish their national heritage of public lands to speak out to their congressional representatives and senators and oppose the squandering of public treasures that the Reagan Administration is trying to impose on the U.S. Forest Service.

Sixty-four square miles is quite a bit of land when you are talking public land. And nationally, the sell-off program could remove about 1000 square miles of land from public access. Much of this land is in areas where public access lands are in short supply. Also, if the current disposal efforts are successful, there is every reason to believe that a long series of similar efforts would follow. The motivation, after all, is not efficiency and usefulness so much as it is dismantlement.

OMS to Determine Right to Mine

in Otter Creek

The federal Office of Surface Mining has been asked to determine if the Otter Creek Coal Co., has the right—under the 1977 Federal Surface Mining Act—to mine coal in the Otter Creek Wilderness.

The coal company contends it has a right to mine the coal and has asked the U.S. Court of Claims to rule on the issue. Before the court makes a ruling, it has instructed the company to hold a determination on its claim from the OSM.

Otter Creek Coal Co., officials have stated that it has a right to mine the coal under the 1977 act because its property was taken without due compensation for the coal reserves beneath the wilderness area. The OSM must determine if the company held a permit for mining the area prior to the 1977 law—which prohibits mining in federal wilderness areas—whether a "taking" of property rights exists.

The company owns 18,379 acres of coal, a majority of the reserves are located under the wilderness area. U.S. Forest Service officials, in the past, have viewed the company's proposal to mine the area as unreasonable because the plan called for several mine openings in Otter Creek and the construction of roads throughout the area, and the construction of a preparation plant at the headwaters of Otter Creek. Forest Service officials contend that the company submitted the proposal so it could say it was denied access to the coal, and therefore be entitled to compensation by the government.

The Forest Service says the company can still mine the coal, but from openings outside Otter Creek.
DLM Found in Violation of Discharge Regulations

On March 17, 1983, the U.S. Environmental Protection Agency issued an order for compliance against the DLM Coal Corporation for failure to maintain pH levels within the allowable range. The order, signed by Peter N. Bibbo, EPA Region III regional administrator, stated that DLM has 30 days to improve its controls to maintain pH levels within the allowable range. The order stated that EPA has ordered DLM to submit a "Plan of Action" showing:

- "Improvements in the methods of applying sodium hydroxide, soda ash or other alkaline agents to better assure meeting permit limits on a consistent basis.
- "More frequent sampling of pH and manganese to maintain a check on treatment efficiency and effluent levels."
The Status of Acid Rain and Clean Water Act Bills

Four separate acid rain bills have been introduced so far this session of Congress. Bills drafted by Sen. George Mitchell (D-Me.)— S 145 — and Rep. Judd Gregg (R-N.H.)—HR 132 — would urge power plants to reduce their sulfur dioxide emissions by 10 million tons in a 32-state area east of the Mississippi.

Bills sponsored by West Virginia Democrats Rep. Nick Rahall (HA 1409) and Sen. Robert Byrd (S 434) would postpone controls, accelerate research and set up a grant program for mitigating the damage to lakes and ecosystems, most likely by neutralizing acid lakes by dumping lime into them.

The Clean Water Act, because of a U.S. Environmental Protection Agency investigation, has been put on the back burner by the Senate Environment committee.

Environmental lobbyists are encouraged by the delay because they hope to add to S 431 an amendment dealing with non-point sources of pollution—runoff from roads and parking lots—and stricter regulations on toxic pollutants.

Industry, faced with a 1984 deadline to develop their methods of using the "best available technology" for cleaning up toxics, is urging the committee to push the legislation through. The steel industry is lining up behind Sen. Jennings Randolph's measure (S 432) which would stretch deadlines by at least three and a half years after passage of the bill.

Agreement Reached to Eliminate Pollution

A tentative agreement has been reached between the state and the New River Company—a Fayette County coal company—for the elimination of pollution in Laurel Creek and the prevention of a possible blowout of water backing up in an abandoned coal mine.

The agreement, reached by the Attorney General's office, the Department of Natural Resources' division of Water Resources and New River, allows the coal company to release water—at a rate not to exceed 10,000 gallons per minute for 60 days—from the Dempsey pump site of the abandoned Lochelly Mine into the Dempsey Branch of Laurel Creek.

Under the agreement, New River is to construct a water treatment facility to monitor and treat discharge from the mine and monitor the effects of the flow on Dempsey Branch and Laurel Creek.

Due to the release, trout stockings of Laurel Creek have been suspended until February 1984.

In September 1978, a blowout from the Lochgelly Mine dumped iron-laden water into Dempsey Branch. New River was ordered to seal the discharge, but mounting pressure behind the seal is threatening another blow-out.

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T-shirt

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Changes at Cranberry

On January 13, 1983, with a stroke of his pen, President Reagan created the second largest National Forest wilderness area east of the Mississippi River—35,550 acre Cranberry Backcountry. Coordinator of the Cranberry Backcountry is the Forest Service, only Minnesota’s Boundary Waters Canoe Area Wilderness is larger. The signing of P.L. 97-466 will end the controversy over whether or not a portion of the Cranberry Backcountry should be set aside as wilderness. This does not mean the controversy will no longer be associated with the wilderness, says Bob Bodine, District Ranger for the Forest Service at Richwood, within whose Ranger District the entire wilderness lies. The Forest Service must now establish the management strategy for the area.

To assist wilderness visitors, a small brochure has been prepared under the Student Conservation Association (SCA) program. They will be camping inside the wilderness to gain information, make visitors more comfortable and perform trail maintenance.

Trailhead information stations will soon be installed at all major entry points into the wilderness. Each station will contain a map, wilderness suggestions and information, and an optional self registration system. Visitors can use this to leave their itinerary, party size and comments. This information will help the Forest Service determine how to manage the area in the future. Bodine said that wilderness management must not allow the destruction of these two characteristics of the wilderness areas—national and solitude.

The SCA volunteers will be removing certain incompatible improvements from the wilderness. Signs which indicate minor runs and streams will be removed. Trail signs with mileages and destinations will be replaced by unainted, unpainted signs which will indicate only the name of the trail. The purpose is to offer wilderness visitors more of a change on their wilderness hike. Bodine said the road up the Middle Fork of the Williams River (FR. 108) and the road up the North Fork of the Cranberry River are now listed as trails. They will be allowed to gradually revegetate with only a narrow foot trail to be maintained.

Wilderness designation of the Cranberry Backcountry as wilderness does not mean that it will not be managed. Many activities are proper and will occur:

- Hunting except for bears since it is in a State Bear Sanctuary
- Fishing, trapping, camping, cross country skiing, and gathering ramps for home use
- Research projects will be carried out provided they contribute to management of the wilderness resource
- The area now offers an excellent opportunity to compare man’s activities elsewhere with an area in natural conditions
- Fires, insect and disease epidemics may be suppressed
- Some activities are no longer compatible with the new designation, including:
  - No mechanical transport such as bikes, wagons and carts.
  - No fish stocking since this practice was not in effect within the area at the time the wilderness was created.
  - No mechanical transport such as bikes, wagons and carts. Bodine said this will require public contacts this fall to acquaint deer hunters with this policy.
  - No use of motors, chainsaws or generators.
  - No logging, mining or other commercial use of the area.
  - No timber stand or wildlife habitat improvement work.
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