OSM receives comments on DOE bill at public hearing

By John Purbaugh

Results of a review of the new West Virginia Department of Energy act should be announced by Office of Surface Mining officials before July 11. At a well-attended public hearing June 16, OSM officials listened to public comments on the substantive inadequacy of the bill compared to federal law.

Representatives of all major conservation action organizations in West Virginia were present and criticized the bill in three primary areas: 1) the lack of a conflict of interest requirement applicable to the DOE commissioners, 2) the reduction of environmental performance standards and bonding requirements for mines of 2 acres or less, and 3) the loss of civil service coverage for department heads in the new agency.

Ed Hayne and John Richard spoke on behalf of the Kanawha Valley Chapter and the West Virginia Council, respectively, of Trout Unlimited. They objected to the fragmentation of water pollution permitting authority caused by the act.

Becky Cahn, president of the League of Women Voters of West Virginia, focused her remarks on concerns with the 2 acre exemption. John Purbaugh, representing the Conservancy, pointed out numerous technical flaws in the bill and called for OSM to require correction by the Legislature either before July 11, or within 3 months.

Larry George, Conservancy president, also spoke on behalf of the Washington, D.C. based Environmental Policy Institute and pointed out the national implications of the situation since OSM is being audited by the Government Accounting Office and several congressional oversight committees.

Perry Bryant, acting director of the West Virginia Citizen Action Group, briefly recounted the bill’s history and forcefully stated the need for strengthened OSM oversight in West Virginia.

Other individuals and organizations including the Sierra Club and the Communications Workers of America also spoke out on the conflict of interest and civil service issues.

Ben Green, an official from the West Virginia Surface Mining and Reclamation Association, defended the bill and disputed the major points made by the environmental groups.

Options open to OSM include: 1) disapproving the entire surface mining section of the bill, 2) approving the entire bill, and 3) disapproving only those sections with deficiencies in essential areas (such as conflict of interest) and allowing the rest of the bill to go into effect. A decision should be announced by July 11.

General permit proposed for oil and gas industry

By John McFerrin

The issuing of general rather than individual permits for the oil and gas industry in West Virginia has been proposed by the division of water resources of the West Virginia Department of Natural Resources.

If the general permit is approved it will take the place of individual permits which state and federal water pollution control statutes presently require for each drilling operation.

For several years, both state and federal laws have required oil and gas operations to obtain a National Pollutant Discharge Elimination System (NPDES) permit before discharging waste water from drilling sites. In spite of the approximately 3,500 wells drilled in West Virginia each year, however, almost none of the oil and gas companies apply for or obtain these permits.

Although disposal techniques vary within the industry, this has resulted in discharge of water from the drilling operations in a haphazard and uncontrolled way.

The components of the waste water differ from site to site. Most common are chlorides, iron, aluminum, manganese, and barium. Other metals found are cadmium, vanadium, boron, beryllium, lead, molybdenum, tin, cobalt, chromium, copper, nickel, titanium, zinc and mercury. The waste can also contain crude oil, toluene, benzene, xylene and ethylbenzene.

DRR officials say the division of water resources does not have the resources to review individual applications from all oil and gas operations. The general permit has been suggested as a response to this problem.

The general permit would relieve the industry of the obligation to apply for and receive individual, site-specific permits. Other persons and industries discharging waste into the waters of West Virginia are required to apply for and receive individual permit authorizing the discharge.

Two principal discharge methods not previously legally available would be allowed with the general permit. These include discharge of waste water into streams and land application of waste water.

DRR officials say the rate of discharge into streams would be slow enough to dilute the waste, preventing adverse effects on the stream.

At a public hearing June 13, the DRR board comments from oil industry representatives and citizens. Criticisms from citizen's groups included the following:

- No provision for notice to the landowner of planned discharges.
- Compliance with the terms of the general permit would require a degree of diligence and expertise the industry has never demonstrated.
- Some toxic and potentially toxic materials not addressed by the permit are contained in the waste water.
- State sanction is granted to activities such as sand application which are not often allowed under oil and gas leases or severance deeds.
- The problem of breaking and overfilling of pits holding the waste water is not addressed.

Comments on the general permit proposal were accepted by the DRR until June 24. The U.S. Environmental Protection Agency is also reviewing the proposal.

A final decision on whether the general permit will be issued is expected in August.

Controversy

H

The story continues

By Geoff Green

Corridor H, a four-lane highway proposed to tame the wild and wonderful highlands of West Virginia, is providing lots of entertainment for aficionados of argument. If the "wilderness freaks stopping jobs and progress" banding is getting stale, check out the more subtle controversy concerning Corridor H on each side.

At the May West Virginia Highlands Conservancy board meeting, President Larry George came out for Conservancy support of the Parsons route. Current stance of the board is in favor of the no-build alternative with the Parsons route the preferred alternative of the build schemes. This is a position from which the board has not wavered in nearly a decade (although initial
Acid rain accuracy is vital

(Editor's note: The following editorial disputing facts presented in the article about acid rain in the May 1985 Voice appeared in the State Journal May 20. It is reprinted with permission of Robert Palen, publisher of the State Journal. Following the editorial is WVHC president Larry George's response)

By Norman Kilpatrick

Larry George has been appointed to the National Coal Council, as reported in the State Journal and the Highlands Voice News.

George is president of the West Virginia Highlands Conservancy, a well-known Mountain State environmental group.

Because earlier appointments to the council were people with industry backgrounds, George's appointment by U.S. Energy Secretary James P. Tower III to the National Coal Council has been widely reported.

What is not understood is the 21st page article on acid rain that appeared in the same edition of that organization's newspaper announcing George's appointment.

The article was written by one Sandy Fosbrooke, stated to be a "Conservancy member and graduate student at West Virginia University."

A major point in the article is what he called "false fears." Acid rain, claims the article, is not a problem. Instead, switching to low-sulfur coal or requiring power plants to install scrubber technology is the correct solution.

The intent of the Voice article written by WVU graduate student Sandy Fosbrooke was to present an overview of acid precipitation issues without advocating a specific public policy. The Conservancy has maintained the Voice as an open forum and invites the submission of letters and articles representing various viewpoints on natural resources issues affecting West Virginia.

Acid precipitation is a complex and compelling West Virginia issue which presents overwhelming implications for the conservation and natural resources. Under these circumstances, all viewpoints are deserving of discussion in a public forum. Larry George will continue to present an opportunity for doing so.

As Mr. Kilpatrick noted, I was recently appointed by U.S. Secretary of Energy John Herrington to the National Coal Council to serve as an advisor to the Reagan administration on coal policy. As an attorney, civil engineer, and conservationist I am looking forward to serving on the Council and will appreciate any input the State Journal or its readers may offer regarding acid precipitation or other matters of national coal policy.

Larry George

WVHC president

Consortry president responds

TO THE EDITOR:

I wish to respond to Norman Kilpatrick's May 21 column in which he questioned the accuracy of an article appearing on the same page entitled "Acid precipitation." The Voice has been published monthly since 1967 by the West Virginia Highlands Conservancy, a state conservation organization.

Mr. Kilpatrick's column represents that the article contained inaccurate claims that (a) switching to low sulfur coal by utilities would shift acid rain from eastern states to the Northern Plains/Rocky Mountain states, and (b) scrubber technology would not increase electric utility rates.

Such information would at least partially flunk, if not totally incorrect. Fortunately, it was not the intent of the Voice article to make such assertions.

Instead, the discussion of shifting utility coal demand from eastern to western states was only anecdotal and not concrete in nature. Further, regarding the impact of scrubbers on utility rates the author has misspelled the generally presented opposing viewpoints. Advocating neither, and forthrightly observed that there is considerable debate about the cost effectiveness of utilizing scrubber technology.

Sincerely yours,

Joan Winter

President, WVHC

Winter resigns as 'Washington' Vice President

Open letter to the WVHC Board:

This letter is to notify you that on July 1, 1985 I will have resigned from my position as Vice President for Federal Affairs. I have accepted a 6-month, full-time position with a national conservation organization here in the Washington area. I expect that the press will lead me to anticipate that I will not be able to effectively carry out the responsibilities of a Conservancy vice president and therefore I must resign.

I have been privileged to have enjoyed my past two years with the Conservancy. I value your support and I look forward to working with you all again at the October board meeting.

Sincerely yours,

Joan Winter
The Highlands Voice

Mining operation poses threat to Panther State Forest
By John McFerron

The New Windward Coal Company of Jasper, McDowell county, has applied for a permit to open an underground coal mine that poses a potential threat to Panther State Forest. Although the mine will be located outside the forest, the road to and from it passes through the forest for approximately 3,000 feet.

Coal trucks would pass through the proposed mine site, and the road would be used to shuttle workers, fuel, and supplies to the mine. This could have negative impacts on the forest, including increased traffic and potential damage to the roads and forest soil.

In addition, road construction would be required to provide access for the mine. This could result in habitat loss and fragmentation for wildlife, as well as increased erosion and water quality issues.

There is substantial question of the legality of such an operation, especially since no Environmental Impact Statement has been prepared. There are objections that there is no authorization of the U.S. Forest Service to conduct mining within the forest. It is also known that the company has applied for a permit to open a surface mine on state land in the same area.

On March 5, the Mining and Reclamation Methods section of the West Virginia Department of Natural Resources (WVDNR) held a public hearing on the West Windward Coal Company's application for a permit to conduct mining operations at the proposed site. The public hearing was conducted to allow for public input and concerns to be addressed.

The public hearing began at 9 a.m. and lasted until noon. The meeting was held at the West Virginia Highlands Conservation, Suite 201, 1206 Virginia St. E., Charleston WV 25301.

There were several presentations made by various individuals and groups. The presentations included a discussion of the potential impacts of the proposed mining operations, as well as concerns regarding the legality of the permit application. There were also discussions about alternative methods of energy production that would be less damaging to the environment.

The meeting concluded with a public forum, allowing individuals and groups to express their concerns and ask questions of the presenters. The public was encouraged to submit comments and feedback on the proposed mining operations.

The WVDNR is currently reviewing the permit application and will make a decision on whether to approve the permit in the near future. The agency will consider all public input and concerns before making a final decision.

Conservation Forum Progresses

By Linda Winter

The West Virginia Conservation Forum (see Voice, February 1983) held its second meeting May 11 in Buckhannon, WV. Representatives from the Rockefeller, Southern, and Calhoun Counties were present.

The forum covered topics such as the potential impacts of strip mining on the environment, the role of conservation groups in the region, and the importance of public participation in decision-making processes.

A productive discussion centered around the recently published directory of member groups, the new WV Department of Natural Resources, and future directions for the forum.

The forum agreed to sponsor a legislative workshop on WVWAG's Perry Bryant said, "Given the results of the 1985 legislative session, there is a definite need for the conservation community to be better prepared for the next legislative session."

The workshop will be Saturday, December 7, and will be open to all interested conservation groups. Details will be published in the October or November issue of the Voice.

Woodcock prints for sale by Conservancy

Approximately 35 prints of Karl Badgley's American Woodcock drawing which is dedicated to the Canaan Valley Alliance are now for sale by the Highlands Conservancy.

Badgley, a prominent wildlife artist, donated the prints to the Alliance to aid in their efforts to cultivate a bird refuge in Canaan Valley. The Conservancy in turn sold the prints when the Alliance was dissolved early this year.

Former Governor John Dalton was the private sector co-chairman with Secretary Herrington as the federal co-chairman. Dalton will make appointments to the administrative, technical, and policy committees which will carry on the real work of the organization which should start in late summer.

It is too early to determine what impact, if any, I can have upon the Council's recommendations, said former Governor John Dalton. However, I am looking forward to serving on what has become a fairly distinguished committee and it should be a very interesting experience.

Revisions expected in MNF Draft Plan

Early indications from the professional staff at the U.S. Forest Service seem to suggest that the agency is leaning toward modifying its Draft Management Plan for the Monongahela National Forest. The agency is expected to make the initial policy decisions this month concerning the general direction of forest management should take, with specific long-term goals for timbering, roads, conifer conversion, and other matters to be developed by the planning staff.

It has been a popular belief among conservationists that the threefold and greatly increased in size over recent years, the new MNF Draft Plan will be a milestone in the development of a comprehensive management plan for the Monongahela National Forest. The revised draft plan is scheduled to be completed by the end of the year.

By Larry George

The Conservancy lost one of its most effective and active officers this month when Linda Winter, WVHC Vice President for Federal Affairs, received a promotion to an executive position with the national office of the National Wildlife Federation where she will specialize in wildlife and public lands management issues.

Linda held the "Washington" vice president's post for more than two years and she was a key member of the staff responsible for developing and implementing the Conservancy's advocacy before Congress and the Reagan Administration. She continued the WVHC's longstanding reputation as one of the very few state conservation organizations in the nation which can be affected by the administration.

The Conservancy has been blessed with a series of effective and capable Washington vice presidents including Nick Ziegfontov and Stark Biddle. Linda carried on this tradition with ease.

We all wish Linda the best of luck in her new role as a professional conservationist and I know we will be able to count on her support and assistance in the future.

Caucus Council members met in Washington

I experienced one of my greater surprises this year when in April I learned that U.S. Secretary of Energy John Herrington had appointed me to the National Policy Council. I had been nominated for the post by U.S. Rep. Nick Rahall and Senator Robert C. Byrd last January but had not really expected the appointment.

The council was created by the Reagan Administration last October to serve in an advisory capacity on a variety of coal issues including transportation, environmental, technological, and marketing concerns. The Council has now grown to include 110 members and its expected to have a two to three million dollar budget to conduct technical, economic and public policy analysis at the request of the Secretary of Energy.

The Council's organizational meeting was held June 10 and its membership is essentially a who's who of CEO's and Board Members of Fortune 500 coal, railroad and utility companies. Several university and public officials, including Lawrence Berning, Mayor. Minneapolis; a staff member of the National Resources Defense Council, was appointed to the committee.

I became very apparent shortly after arriving at the meeting that I was the only representative of a conservation organization on the Council. This observation was reinforced when the seating arrangement left me surrounded by the chairman of the New England Electric Power System, the CEO's of two independent coal companies and E. Morgan Massey, president of A.T. Massey Coal Company. Although UMWA President Rich Trumka is a Council member, he did not attend and sent an alternate.

The first meeting consisted entirely of administrative matters. Former Virginia Governor John Dalton was elected the private sector co-chairman with Secretary Herrington as the federal co-chairman. Dalton will make appointments to the various administrative, technical and policy committees which will carry on the real work of the organization which should start in late summer.

It is too early to determine what impact, if any, I can have upon the Council's recommendations, said former Governor John Dalton. However, I am looking forward to serving on what has become a fairly distinguished committee and it should be a very interesting experience.
Environmentalists express opinions in WVU survey

Attitudes of West Virginia environmental and energy group leaders toward resource development in general and electricity generation and export in particular are explored in a new report released by the West Virginia University Energy Research Center.

The report is the result of a survey project entitled "An integrated assessment of electricity exports from West Virginia" that also examines resource relationships among environmental groups in the state.

Following the summer and fall of 1984, the survey solicited opinions from spokespersons from 16 organizations in West Virginia. Although not every environmental group in the state was included in the survey, researchers said the major groups were represented.

The person contacted from each organization—nor necessarily the leader or official spokesperson, was asked to complete an interview questionnaire.

Organizations participating in the survey are listed in Table 1. They include environmental interest groups, which represent environmentalists and naturalist organizations such as Audubon Society, energy-consumer organizations such as West Virginia Citizen's Action Group, and health organizations such as The West Virginia Lung Association.

Attitudes toward energy development

In answer to questions about energy resource development in West Virginia, most respondents said they were not opposed to economic growth as a societal goal although they indicated that growth should not override other goals.

Approximately three-fourths of those questioned favored the state's recent decision to export state coal, but all said they saw no need for additional generating capacity in the Northeastern U.S.

The survey also sought opinions on the environmental consequences of existing and potential energy facilities. The goal was to identify problems associated with various energy sources and potential solutions.

Results indicated that nuclear-based energy systems are perceived to pose the greatest catastrophic and chronic threats to West Virginia. No region in the state was seen as an acceptable site for a nuclear power plant. Most respondents said additional coal-fired plants were preferable to construction of nuclear facilities.

"Clean-burning coal-fired plants are infinitely safer and cheaper than any "nuclear power plants," one environmentalist said.

Acid rain was cited as a significant problem of coal combustion but more than two-thirds said they believed coal combustion could be conducted environmentally sound manner. Eighteen percent of those questioned said coal combustion is never conducted in an environmentally acceptable manner.

Coal slurry pipelines are expected to have greater chronic impacts on the state than high voltage transmission lines, according to survey respondents.

Hazardous waste disposal, acid mine drainage, and acid rain are seen by environmental leaders as the most critical and pressing problems facing West Virginia.

To one respondent, significant environmental problems in West Virginia include "increased erosion, soil erosion, and acidification, gasoline spills, radioactive waste, acid rain, road hazards caused by speeding, overloading trucks; disappearing of wetlands, the loss of water resources, and the deterioration of water quality downstream from the plants."

Relationships among environmental groups

In addition to specific questions about energy resource and environmental impacts of various energy development strategies, the survey also sought to identify groups perceived as key contacts for information about specific issues by other groups.

Groups contacted in the survey focus on a wide range of energy and environmental issues. Some target specific problems such as the protection of cold water habitat, while others are interested in a broad range of problems. Advocacy, monitoring and oversight, public education, and research are among the activities undertaken by the organizations included in this study.

Spokespersons for each group were asked to identify: groups they would contact to get information about specific energy or environmental topics from this information; researchers attempted to identify the level of expertise certain groups are perceived to possess in these areas.

When leaders were asked which organization they would go to with questions about technical aspects of an energy facility, for example, the most common answer was APPAL-RED. Other groups cited as sources of technical information on this subject were Citizen's Action Group, League of Women Voters, and the Appropriate Technology Group.

For information about air pollution equipment and technology to the organizations viewed as having the most expertise were the Citizen's Action Group and CHOREE, APPAL-RED, and the Appropriate Technology Group were also respected for their knowledge on this subject.

Mountain Steward Monitor's is the group most frequently mentioned as the source of information on water availability, water quality, and water pollution control technology. This organization is viewed as having a high degree of expertise with respect to water questions and is very well known to other environmental groups.

Trot Unlimited and Citizen's Action Group were also cited for water resources information.

Researchers also formulated a cohesion index which indicates the degree of mutual interest in changing about a certain topic. A high cohesion index for water resource questions suggests that water quality issues are a prime concern for many environmental groups.

The report points out that this finding is not surprising because water quality issues such as acid mine drainage, suspended solids, and point and non-point sources of water pollution have been one of the major concerns in West Virginia groups.

Three groups, APPAL-RED, Mountain Steward Monitor's, and Citizen's Action Group, are the main sources of information for other environmental groups in the state, according to the report.

Report conclusions

Although results presented in this report are preliminary, they will serve as the basis for a more comprehensive sampling of environmental organizations in the future.

The groups included in the study play an important role in educating the public on environmental issues, monitoring the enforcement of state and federal regulations, and bringing environmental issues to theattention of elected officials.

For these reasons, the report concludes that these groups have a vital role in planning for energy development facilities in West Virginia.

Changes and challenges to Park System examined by Conservation Foundation

By Alan Smith

National Parks in the US are not adequately prepared for the future according to a recent report by the Conservation Foundation.

The report, "National Parks for a New Generation," is part of the mandate given to CORR (Conservation Resources Review) a few years ago.

Three broad actions are needed to preserve park resources and to respond to rising public expectations, according to the report. These include: 1) A comprehensive program to protect park resources; 2) special attention to historic and cultural resources; and 3) a campaign to counter external pressures on the parks.

The report is a full review of the findings and recommendations included in this important new book later this year.

Copies of the book are available for $19.95 plus a $2 shipping and handling fee. To order, write the Conservation Foundation, 1717 Massachusetts Ave., N.W., Washington, D.C. 20036.

WVHC Board meets at The Current Sunday, July 21

The West Virginia Highlands Conservancy Board of Directors will meet at 9 a.m., July 21 at The Current near Hillaboro in Pocahontas County. The meeting will be completed by noon or as soon thereafter as possible. Some WVHC Committees are planning meetings on Saturday evening and a Saturday afternoon field trip may be organized by the Outings Committee. Agenda items should be forward to Larry George by July 12.

The Current is a bed and breakfast inn recently opened by former WVHC Cranberry Coordinator Leslie McCarty. It is located five miles east of Hillaboro on the Grumblor River at Bead. The Current operates as a summer inn offering semi-vegetarian fare, featuring garden fresh and home-canned foods including honey, fruit, vegetables and herbs.

The Current also offers outdoor enthusiasts facilities for canoeing and paddling. Reservations for meals, lodging and/or camping should be made directly to Leslie at Box 64, Hillaboro, WV 26258. Phone 304/653-4722. Costs at the Current are as follows:

<table>
<thead>
<tr>
<th><strong>WVHC Board meets at The Current Sunday, July 21</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Camping</strong></td>
</tr>
<tr>
<td>Bed &amp; Breakfast (Couples)</td>
</tr>
<tr>
<td>Bed &amp; Breakfast (Single)</td>
</tr>
<tr>
<td>Lunch</td>
</tr>
<tr>
<td>Dinner</td>
</tr>
</tbody>
</table>
Plan response digested by FS

Monongahela National Forest personnel have compiled all the comments about the Draft Management Plan and are now working toward making the plan. They are responding to the questions raised by the public, according to Gil Churchill, Forest Supervisor.

Results of the analysis indicated that seven major decisions had to be made before specific recommendations and changes could be formulated. Those decisions will determine the basic course of action to be taken in various areas of forest management.

Churchill identified the following subjects as those requiring a policy decision by MNR planners:

1. Whether development suggested in the Draft Plan threaten the public's conception of the forest as a special place.
2. How many new roads are desirable in the forest and where they should be located.
3. How much timber cutting should be done.
4. What to do about coal losses.
5. Whether a cutline conversion is desirable.
6. What mix of management practices should be maintained across the forest.
7. Legitimacy of legal and formal questions.

Churchill said decisions on these questions will be made sometime in July. Then MNR personnel will follow the suggested policy in making specific recommendations for revising the Draft Plan to meet those.

“Those comments we received formed a good base for making changes in the plan,” Churchill said. “It was a much better balanced data base than we thought.”

Prognosis to the plan is much higher than to any other plan put forth by forest personnel. The last plan, in 1976, generated only 250 comments compared to the 3,507 comments about the current plan.

In total, the current plan generated 1,500 comments. The Wild and Scenic River Study 40 and the Highlands Scenic Highway only 29. Churchill said.

Coopers climbing ban case to be decided this summer

The fate of a ban on rock climbing in Coopers Rock State Forest is due to be decided this summer. The ban, proclaimed last fall by the Virginia Highlands Conservancy and two other non-profit organizations, has been subject to a summary judgement.

The Conservancy filed suit against the DNR. The case, which was filed by a group of citizens opposed to the ban, is one of the most popular areas for this sport in the state.

Conservancy lawyers have filed a memorandum opposing the request for a summary judgement. The court will probably decide the case sometime this summer. The Conservancy has argued against a summary judgement on the grounds that the DNR has not proven the legal correctness of its proposed ban. The Conservancy will take another look at such issues of fact are still in dispute.

DNR officials have defended the ban by citing other activities which are restricted on state lands in the interest of efficient and proper management and application of the state recreational system for the public’s welfare and benefit.

DNR officials have not allowed bottling, canoe or boat or swimming pool areas. Limiting the number of people occupying the same area during quiet hours is campground.

The Conservancy argues, however, that the DNR has not proved the ban is in fact similar to other restrictions or that approved procedure was followed in issuing the ban.

Unlike violation of other restrictions cited by the DNR, violation of the rock climbing ban will not result in a fine. In addition, no penalties are set down for violation of the ban. Thus the rock climbing ban is not the same as the other restrictions.

The procedure followed in issuing the ban is also a matter of contention. State law calls for public review and comment on proposed rules, but no such public support was given before the Coopers Rock ban was imposed.

Nonpoint source pollution problems studied by DNR

Areas for study on nonpoint source pollution problems have been identified by the West Virginia Department of Natural Resources.

A one-year sediment assessment and clean-up project will be conducted in the Elk River watershed and another study, pertaining to oil and gas activities will be conducted in Ritchie County according to an announcement by the Protection of the division of water resources. Site-specific animal waste problems in the eastern Panhandle also will be studied.

The Elk River study is a joint venture between the DNR and the U.S. Geological Survey. Researchers hope to identify nonpoint pollution problems, sources, and responsible parties and to correct the problems through voluntary cooperation or appropriate enforcement actions.

Sampling for flow and suspended sediments at established sampling stations will be conducted for one-year period. Samples are currently collected at three locations on the Elk mainstem and 14 locations on major tributaries of the river. One location is Ritchie. It is more specific, aiming to observe and assess erosion and sediment resulting from oil and gas developments. A common interest in preserving and protecting the land and streams from problems associated with oil and gas industries prompted this investigation which is a cooperation effort between the DNR, Soil Conservation Service and the Little Kanawha Soil Conservation District.

Comparisons of soil erosion and sedimentation problems in areas with and without drilling activities will be made to determine what effect, if any, drilling activities have.

A report providing results, listing the practices used and not used, and recommending changes in erosion control practices will be prepared at the conclusion of the study.

Animal waste problems will be studied on tributaries of the Shenandoah River in the eastern Panhandle. High nitrate levels in ground and surface water in that area prompted this study which will be conducted over a three-year period.

The goal is to determine what effect the installation of 10 animal waste treatment facilities in the area will have on an agricultural nonpoint source pollution. The information was obtained from an article in the April 1985 issue of "Mainstream" which provides up-to-date information about the division of water resources.

Help the Conservancy. JOIN!!

Secretory of State Ken Hechler has also decided the procedure. The Secretary records all rules proposed by executive agencies of state government and ensures that regulations in the Administrative Procedures Act are followed. This act calls for state agencies to give the public an opportunity to participate in the process to the public to allow input in the formulation of rules.

Hechler has stated that no notice of the DNR rock climbing ban was filed with his office and thus the procedure was not followed.

In addition to disputing the legality of the DNR’s action in imposing the ban, the Conservancy disputes the facts used by the DNR to justify the ban.

DNR officials cited the presence of the rare flat spined three-toothed leaf snail as a reason for restricting rock climbing in the forest. While concern for the survival of this small is real and not disputed by the Conservancy, it is unclear what damage rock climbing can do, as distinguished from other activities such as hiking.

DNR’s heavy trampling of the leaf litter, known to be rich in life and plant life, is certainly not the only activity resulting in trampling of the leaf litter.

Conservancy lawyers also comment that the actual range of the snail is unclear. Although the DNR has cited the snail’s rare status as a reason for prohibiting rock climbing, the actual range has not yet been determined. Officials have said, however, that they hope the snail is found to be rare because imposing restrictions at the overlook area would be impractical.

The Conservancy also asks the factual basis of safety questions cited as reasons for the ban. Safety factors present in rock climbing are also present in other hazardous recreational activities such as white water rafting, hunting and skiing, to name a few. Few other outdoor pursuits have the same level of activity exist, despite the dangers involved.

Protection of the public's right to review and comment on proposed rules is the Conservancy’s main objective in pursuing this litigation. No notice has been taken by the Conservancy on the merits of banning rock climbing at Coopers Rock.

Comming Up...

—July 21 WVHC Summer Board Meeting. At the Current near Hillsboro. Call the Conservancy office (344-8833) for more information.

—July 20 Visit to ShamboldonSprings. The Nature Conservancy. Meet at 10 a.m. at the east side of the St. Rt. 9 bridge, across the Shenandoah River approximately 4 miles east of Charles Town.


—Various dates through the summer. West Virginia Highlands Photography workshops in Canaan Valley by Fred and Dorothy Busk. Contact: WV Highlands Photography Workshops, Red Creek, WV 26289.
Public responds to problems at town meetings

By Tom Michael

At its spring meeting the West Virginia Highlands Conservancy Board of Directors voted to participate in a series of town meetings designed to make legislators aware of problems with the Department of Energy bill. At the same time WVHC requested review of the legislation by the Federal Office of Surface Mining. Problems with the bill which prompted these actions have been discussed in previous Voice articles.

The town meetings were intended to provide legislators with information about environmental concerns with the new agency so when the bill came before them again they would have the necessary background.

Meetings have been held in Clarksburg and Morgantown. The Clarksburg meeting on May 22 was sponsored by WVHC, Trout Unlimited, WV Citizens Action Group, and the United Mineworkers of America-COMPA, District 31. The Morgantown meeting on June 6 was sponsored by the same groups and also by the Mountain Audubon Society and the League of Women Voters.

Controversy H...

(Continued from Page 1)

Two delegates, Floyd Fullen and Joe Minard, and fifty citizens attended the Clarksburg meeting. Mr. Fullen voted against the bill while Mr. Minard voted for it. Fullen pointed out that the House leadership had worked hand in hand on the Governor's original bill in the face of environmental and safety concerns but still streamlined the permitting process. Unfortunately the improved bill fell victim to last minute political maneuvering. Minard defended the bill as necessary to improve the state's business climate. However, Mike Burdies of the UMWA pointed out that there are already 1,400 fully permitted mines which are not operating. Minard conceded that the coal market, not the permitting procedure, was the real problem. He also acknowledged there were errors in the bill which would need correction.

CAG representative Anne Romanse presented a petition for the Legislature to call itself back into session to address the problems with the bill. Fullen signed the petition but Minard declined. Approximately 100 citizens and three delegates, Shelby Learry, Florence Morrow and Larry Schifano, attended the Morgantown meeting.

Left was on the House committee which drafted an improved version of the Governor's bill. She voted against the DOE bill which was passed in the House. She said the Legislature gets another chance at the legislation.

Morrow said she was an environmentalist and did not have voted for the DOE bill if she thought it would harm the environment. She expressed a willingness to reconsider the bill if it comes before the Legislature again.

In the face of the DOE bill, urgency, that nothing had actually changed. Mary Wimmer of the Sierra Club challenged him by asking, "If nothing was changed, why did anything happen?"

Schifano's attack on those present eventually alienated the crowd and at one point about 20 UMWA members walked out of the meeting. Perry Bryant of CAG and WVHC said he was encouraged by the citizen response. He also expressed hope to those delegates who attended the meetings.

Additional town meetings are planned for Charleston and the southern coal fields.

Help needed in membership drive and with Voice articles

Efforts to increase the Conservancy's membership are continuing as brochures are out to people from other conservation-oriented organizations.

Passing along copies of the Voice to potential members is a good way members can let others know what issues we are addressing and that we need their help and support.

If you know anyone who may be interested in joining the Conservancy please write their names and addresses on the form below and send it to the Conservancy office.

The Voice also needs your help - we need interesting articles about things people do in the great outdoors. When you get home from your canoe, hiking, climbing or caving trips take a few minutes to write a short story about your adventures to share with Voice readers. The editor can keep up with the issues and topics of concern but is dependent on YOU - the members - to help make the Voice more interesting.

As you can see from this issue, the Voice is also usefulness on photographs which all good newspapers are usually full of. Not being a photographer, the editor must depend on contributions from others to give some visual appeal to the Voice. If you take your camera along on your summer trips remember the Voice when you get those snaps back!

Yet at this time, the board appears to be most influenced by those who think any kind of four-lane in the corridor area is worth the cost. The Highlands Committee chair Geoff Green hopes that on the issue. He's pushed out that existing highway could be upgraded at a fraction of the financial and environmental cost of a new road. The two portions of corridor H links major transportation centers, that there are no specific benefits guaranteed by construction, that most tourists and sporting facilities are already over utilized. He's concerned that the unique qualities of the highlands will be degraded by the project.

Actually nobody has come out in favor of completing the corridor yet. Most of all environmental organizations and the West Virginia Department of Natural Resources have a similar position: that being the "no build" scheme as the preferred alternative and a Parsons route being the best of the rest.

At the July WVHC board meeting, Green, just a formality that the WVHC would support a decision by the State to select a northern route for the project, should the State do so.

"This will be a watershed vote," Green said. "Please let your opinion be known.

Meanwhile back at the office, the bulldozer of progress has apparently been thrust back temporarily. Rumor has it that the current preferred corridor location is subject to review by the Moore administration. As it stands now, the original southern route has been selected as the "preferred" alternative. The Conservancy's support of a northern route might help tip the scales if the rumor is true.

In another switch, indicating the polemics continues within the governor, there's some talk that Corridor H is being designed for the Seneca Rocks National Recreation Area, requiring changes in the Draft Environmental Impact Statement. The Spruce Knob National Recreation Area is being skirted by the planned corridor. The draft EIS has been pulled back again, with no deadline set.

Tucker county remains an oasis in Controversy H... Generally, it would expect Tucker countians to be pro-anything that even hints of development, yet the area remains curiously silent. The Highlands conservation would welcome information giving some insight into Tucker county's position on Corridor H.

Late update on DOE bill

A June 23 Sunday Gazette-Mail story reports that a letter from the Environmental Protection Agency to Governor Arch Moore states that he does not have authority to transfer to the DOE the federally approved water pollution program.

Approval for the program within the DNR was given in May after two years of consideration. The program was transferred from the water resources division to the department's division of land use and conservation.

When the DOE bill becomes effective, however, the reclamation division will be disbanded. By default the water pollution program will probably end up under the PUMA's water resources division, according to John Purbaugh, Conservancy member.

DNR director Ron Posteta said, however, that the transfer of the program will be just a formality and that he attaches no particular significance to the caution in the letter.
NEWS BRIEFS

(THE HIGHLANDS VOICE)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)

(1995)
Natural history guides available

Ferns are often the most difficult plants to identify and many people don't attempt to do so preferring instead to concentrate on more colorful plants such as wildflowers. In addition it is often hard to find a simple identification guide to ferns in a particular area.

A new booklet published by the West Virginia University Extension Service should make fern identification in West Virginia a little easier.

One of a new series of natural history booklets produced by the extension service, "Introduction to Ferns of West Virginia" provides illustrations and descriptions of 41 common ferns and allied species found in the state. Information on basic fern biology and a comprehensive fern checklist is also included.

The fern booklet and "Winter Birds of West Virginia" are currently available and four others in the series will be finished soon.

Descriptive and Illustrations of 54 birds found in West Virginia in the winter included in the bird booklet along with a comprehensive checklist of winter birds.

All the booklets contain nontechnical, easy-to-understand information and are suitable for anyone interested in the natural history of West Virginia.

WVHC seeks new 'Washington' vice president

By Larry George

West Virginia Highlands Conservancy Vice President for Federal Affairs Linda Winter has resigned effective July 1 to accept a professional staff position with the National Wildlife Federation. Conservancy President Larry W. George is seeking individuals interested in serving in this post, traditionally held by a resident of the metro Washington, D.C. area.

The vice president for federal affairs is responsible for Conservancy contacts with the state’s Congressional delegation, developing and managing strategies to influence legislation and Administration policy and liaison with national conservation organizations. This office plays a leading role in natural resources legislation, appropriations, and policy initiatives of national significance. There is substantial interaction with members of Congress, Administration policymakers and their staffs.

As a member of the WVHC Board of Directors, the vice president for federal affairs is expected to attend quarterly Board meetings, usually in eastern West Virginia. This position will be appointed for the unexpired term through October 13, 1985 at which time it is subject to the membership at the WVHC annual meeting.

How your Member of Congress voted on environmental issues

By Linda Winter

How our congressional representatives vote on environmental issues is a key indicator of how important these issues are to them. It also allows us to judge how helpful particular representatives are to organizations such as the West Virginia Highlands Conservancy.

Each year the League of Conservation Voters publishes charts showing the floor votes of all members of the House and Senate on the most crucial environmental and energy issues. LCV is a national, non-partisan political committee which works to elect conservation-minded candidates to office.

Issues covered by LCV’s charts include water pollution funding, synthetic fuels, wilderness, toxic waste, Superfund, water projects, energy conservation, etc.

The chart below shows how often your members of Congress voted for environmental legislation. The scores represent the percentage of times each member made the environmentally correct vote. One hundred percent is the highest possible score.

<table>
<thead>
<tr>
<th>Year</th>
<th>83/84</th>
<th>82</th>
<th>81</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senators: Byrd (D)</td>
<td>51</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Randolph (D)</td>
<td>61</td>
<td>62</td>
<td>56</td>
</tr>
<tr>
<td>Representatives:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mollohan (D-1)</td>
<td>90</td>
<td>53</td>
<td>46</td>
</tr>
<tr>
<td>Staggers (D-2)</td>
<td>91</td>
<td>71</td>
<td>71</td>
</tr>
<tr>
<td>Wise (D-3)</td>
<td>80</td>
<td>93</td>
<td>93</td>
</tr>
<tr>
<td>Rahall (D-4)</td>
<td>66</td>
<td>53</td>
<td>56</td>
</tr>
</tbody>
</table>

*Scores were not compiled for the Senate floor votes in 1983 but are combined with the voting record for 1984.


St. Croix poster available

June was American Rivers Month and as usual, production of a beautiful poster was sponsored by the American Rivers Conservancy Council.

The subject of this year’s poster is the St. Croix National Scenic Riverway along the Minnesota-Wisconsin border.

River Conservation Committee chairman Ray Ratliff has 12 copies of the poster which are available free to any interested Conservancy member. The posters are folded but unfolded and they would probably get some unfolded ones later this summer.

For your free copy of the St. Croix poster write to Chris Leichliter, Executive Assistant, WVHC Office, Suite 201, 1206 Virginia St., East, Charleston, WV 25301. But hurry, there are only 12 available!