Mon Forest rivers eligible for Wild, Scenic designation

U.S. Forest Service has found 12 mountain rivers within West Virginia's Monongahela National Forest eligible for inclusion in the National Wild and Scenic Rivers system.

Mon on August 15-21 at Davis & Elkins...
The Awakening Giant

I followed a tandem log truck down our county road the other day.

(‘It’s not a bad road — it’s not a great road either, but if you’re careful and know where the holes are, and remember when the humps drop away so severely from the ruts that you can’t pass oncoming traffic without dropping your wheels into a deep ditch, and watch out for deer at the appropriate times and respect the blind curves, things are usually OK.’)

The big truck lumbered and swayed it’s way down the hill ahead of me. It’s front end, loaded with 16-20 foot logs, would rise above the rest then sink below as the back end, loaded with 10-12 foot logs moved over the same high spot.

I marveled not only at the drivers ability to navigate the road, not only at the roads ability to withstand the weight, but also at the color, size, shape and texture of the logs. They were ’the giant redwoods or sequoias of the Pacific northwest, but they’re to the sawtimber of West Virginia, the trees that blanket most of our hills, the trees that have come of age and are now valuable at market.

...And Prince Timbo is coming of age along with the trees.

But, with green on all sides of me and memorized by the bobbing and swaying of the tandem ahead I began to think that maybe there was more truth in the words of the timber lobbyists this past legislative session than i gave them credit for. ...Surely harvesting timber is as less cause for concern than some other extractive activities.

My fantasizing ended abruptly and reality regained control when a nearby creek reminded me of several recent events nearby that confirmed my doubts about the reassuring line: “trust us, the voluntary registration and BMP program is working.”

The first time I saw mud in this creek a few months ago, I made one unsuccessful phone call, but didn’t follow through. The next time I saw the mud flowing, a few weeks later, I called again. The former checked on the logging site up the hill and advised the operator of a pond and other corrective actions that were needed.

It’s not an unfamiliar scenario: no registration, limited use of Best Management Practices (BMP’s), no requirements for prior planning or approval, no regulatory authority that approves, monitors or enforces compliance, no action whatsoever until pollution occurs and then action at that point only if someone happens to see the pollution and is willing to report it to the local divisions of forestry or water resources.

What happens, one might ask when the operation is out in the middle of a vast stretch of wooded hillsides devoid of human inhabitants? Is it Smokey the Bear who is then responsible for activating this process by spotting and reporting violations??

The June issue of the VOICE detailed another nearby event: the cyanide pollution from a improperly placed and overfilled septic pit that has killed trees down a steep hillside and scourred the Little Kanawha for a mile or so below the operation. BMP’s are on the books to prevent such problems, but were not used while this pile continued to expand the past three years.

The problem had been going on for months, but it only came to light when a fisherman stumbled upon the pollution and reported it.

And then there is our neighbor who sold the 75-100 year old oaks on his property this year. The sound of heavy log trucks grinding up out of the valley filled the air for weeks in late spring as a couple hundred veneer logs were carried off.

I kept hoping the relatively decent shape of the haul as it entered the county road was indicative of proper use of BMP’s and thoughtful planning....Finally, overcome with curiosity, I hiked down the road in late June.

It continued to be somewhat innocuous for several hundred feet down the hill. Then came the switchback, the deeply ruted roads below, the mounds of earth and slash dug out of the way into the trees and the landing scoured and cut into the hillside. The stream below was only damp in the unusually dry May-June weather of 1991, but it was two inches thick with earth that had moved down from the hill above.

It wasn’t as bad (or as big) as some operations, but, as many others, it was unnecessarily destructive: unused, ungraded, unclaimed, and yes, unengineered as well.

I remain convinced that there is GREAT contrast between the measuring stories of the timber lobbyists in Charleston and the disturbing scenes at a significant number of operations out here off the beaten path.

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from the heart of the mountains —

by Cindy Rank

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Dear Editor,

I believe the coal industry has too much political and economic clout to ever be effectively regulated by state government.

I recently read a well-documented and thoroughly researched book by David Alan Corbin, entitled Life, Work and Rebellion in the Coal Fields. Available through All-Angellion Books in Charleston, this book is an excellent source of material for those interested in the history of the coal industry and its relationship with West Virginia state and local government. It was particularly interesting to read about the influence which the coal industry had over state government in the first quarter of the twentieth century, and to compare with that situation as it exists today.

For example, in the early part of this century in Logan County, Walter Tumore was a coal operator and chairman of the Democrat party. The Democrat sheriff and political boss was also in the pay of the coal operators. Over in Fayette County, "King Samuel" Dixon, president of New River Coal Company, was the Republican boss, and he ran that county.

During one year, Dixon appointed three coroner's juries to investigate three separate fatal mine explosions. All 15 appointments were coal company officials.

In 1913, five members of the state legislature were paid $500 for taking bribes from a coal operator who happened to be a candidate for U.S. Senate. Criminally, he was also another coal operator.

The New York Press commented editorially that "the political affairs of West Virginia are dominated by a band of financial adventurers. Men of great capital have bought the coal and timber lands and rule their domain like barons."

- After months of hearings, the United States Senate released a report which denounced both the Governor and the coal operators for numerous violations of "the U.S. Constitution, West Virginia laws, and human decency."

Now, more than a half century later, our immediate past governor (a Republican) is in federal prison for, among other things, accepting several hundred thousand dollars in slush money from a coal operator. According to media accounts, they conducted clandestine nocturnal meetings at the Charleston city dump. The same coal operator apparently contributed generously to his predecessor's political opponents (a Democrat).

The federal government has now served notice that it intends to take over enforcement of several aspects of our mine regulatory program, due to the consistent refusal by the state to enforce its own laws. In the midst of this controversy, our current governor (a Democrat) flies off to Pittsburgh to meet with a group of coal operators who are expected to kick in $1,000 apiece for the privilege. The point is that the political influence of the coal industry is pervasive in both major political parties — always has been. Our election laws are structured so as to effectively outlaw any third party reform efforts by denying access to the ballot. We don't have the privilege of voter initiative and referendum.

In short, a federal takeover of the regulatory process is the only apparent source of protection we have from the coal mining industry, short of an insurrection — and that has already been tried.

There is a folk saying which has circulated around these hills for as long as I can remember. "The first 100 feet of anybody's socks is to ya'—that's HIS fault. But the next time he 'socks it to ya'—that's your fault." The analogy is clear. The first hundred years of plunder by the coal industry was THEIR fault. But now, if we permit it to continue, the next hundred years will be OUR OWN fault.

Over the next several months, the industry will be trying to sell the citizenry on the concept of a "New King Coal." But, I think Tom Rodd and Larry Harless have been right all along. We don't need a "New King Coal," and we sure don't want the "Old King Coal." How about "citizen coal"? "Citizen Coal" (as opposed to King Coal) would be expected to obey the law, pay his taxes, and in general perform his civic duties, JUST LIKE THE REST OF US.

If we buy into some sort of compromise (cop out, in other words) we will probably get a brief respite of six months or a year, during which the industry will make a half-hearted attempt to play by the rules. But they will soon return to their destructive orgy, running roughshod over the land and people.

The pattern of "progress" is predictable. Depleting the resources from one area, they'll move on to the next hollow, where the destructive process begins anew under a different corporate name — leaving behind a legacy of broken hearts, environmental nightmares, and unpaid bills.

Carroll Jett
Sherman, WV

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Dear Editor:

The letter from Rod Knight in the June issue about the various areas in the Monongahela National Forest prompted me to write to you. We have hike all those trails he mentioned.

As a former West Virginian (42 and prior), I can't say enough about the scenic beauty of the area. In early October of the last five years I have taken a weekend or ten days of hiking in the areas from Elkis and Lewisback.

When the autumn colors are exactly right the two most scenic spots in the state are the headquarters of Babcock State Park and the Blackwater Canyon from the point at the lodge. I always make it a point to go to Waitoga, Dolley Soda, Spruce Knob and Seneca Rocks. I never tire of enjoying the wonderful fall colors.

Bob

---

Dear Mr. Holloway,

On May 22, 1991, while in my boat on the Greenbrier River near the old Route 60 bridge at Caldwell, I noticed several large oil slicks with red pigment on the surface of the water. Upon removing my boat, I found the residue along the entire length of the boat.

On May 29, 1991, I discovered the source of this contamination was the painting of the 1st 64 bridge. I found numerous signs of contamination such as seen in the photos enclosed. Obviously the water level had dropped since the spill took place so one can imagine the quantity of paint that had to be floating in the water to have left such marks. On this day the painting crew had completed the sandblasting and priming (red paint) operation. It was obvious no system to remove the waste or overspray had been used. Along with paint residue on the surface of the water, the river bottom was and is now covered with blasting compound and old paint. The crew now was spraying a finishing coat of aluminum paint, the overspray drifting down to the water where it appeared as a light haze on the water.

Upon returning home I called DNR Hotline and spoke with Ron Sandy. He assured me that a field officer would check it out and some action would be taken. Days later, I discovered the painting continued as before. On June 4, I called Ron Sandy again. He told me the Department of Highways had assured him that the job had been closed down until proper protection was installed. On June 5, I called the DNR office in Beckley and later met with Larry Gilbert (DNR) at the bridge. He was concerned and helpful and instructed the crew to not paint over the water until protection was installed.

Over the next week I observed the painting continue but up to a line drawn vertically from the very edge of the water some 50 feet above the water. It should be obvious that overspray does not drop in a straight line but drifts — by my observation, 75 feet or more in this situation.

Most of the damage has unfortunately already occurred. Hopefully some percentage of the paint now being applied will be prevented from going into the river. Beneath the bridge on the river bottom remains large quantities of sandblasting waste. I would like to know if this will be cleaned up. I have been told by personnel at the DNR that it is unlikely that this waste will be cleaned up or that there will be a fine imposed. Surely this will happen again and again unless some positive action is taken.

I am asking you that in your official capacity make sure that a fine is imposed and that what waste is still retrievable be retrieved as soon as possible.

The favor of a response to this letter will be much appreciated. If I can be of any assistance please feel free to contact me. Thank you very much for your time.

Sincerely,

Joshua Lipton

---

On Holloway's Senate stationery

To: Joshua Lipton

Subject: Polluting Greenbrier River

If more citizens were concerned about our environment, as you are, our state truly would be unblemished. If more legislators had thoughts and actions anticipated, we would have law enforced that would expunge the open Johnny's, the filthy groundwater conditions, the leaking landfill operations, the acid waters and the lead and copper contents in our water systems.

State employees or private contractors, whatever, have no business in dumping paint into the beautiful Greenbrier River.

The photos you sent looked good enough to run the contents, but unfortunately even the blue, pink and reddish brown represent a church militant for greasing up the river, killing its beauty.

I cannot add to the substance of the June 14 letter that you sent to me, and I am going to share the contents of your letter with many state officials. Those who have played havoc and maculated the Greenbrier do need to pay a fine, but even more important, this type of incidence should not be allowed to happen again.

Sincerely,

Harold G. Paxton
Solid Waste Shenanigans in Harrison County

by Carroll Jett

Remember the phrase "nattering nabobs of negativity?" Remember Spiro Agnew?

As near as I can tell, people generally fall into one of two categories with respect to Spiro — those who don't remember him, and those who wish they didn't.

Spiro was Richard Nixon's vice-president and a "bitchin' man." His job was to launch linguistic counter-attacks and heap verbal abuse upon political enemies of Richard Nixon, foreign or domestic, real or imagined. He used to sport some fairly decent domagery, and, if you accept the premise that Nixon needed a bitchin' man, he couldn't have done much better than Spiro.

Spiro apparently coined the phrase "nattering nabobs of negativity." In any event, I'm willing to give him credit for it, since I've never heard it used by anyone else. I don't recall the exact scenario in which the terms were used, but some tedious news reporter or newser probably either impinged the character and questioned the motives of Mr. Nixon.

With the unimportant departure of Mr. Agnew from the public scene, this illustrative phrase apparently attached itself to who knows what somewhere in the abyss of my mind. To this day, when I flip on the boob tube and see some political figure trying vainly to ad-lib an adlib, or feigning righteous indignation with the sincerity of Rodney Dangerfield, I remember. In my mind's eye, I can still see Spiro. And my mind's mouth mutters, "Woody Spiro were here, he'd know what to say."

A recent front page article in the Clarksburg Exponent-Telegram by Edwin Sweeney has so inspired me that I would like to place his name in nomination for the "nattering nabob" award. These awards are reserved for those who possess that innate audacity to question the motivations of public policy makers and ferret out the truth.

Sweeney's article dealt with the uproar created in Harrison County after H. David Cutlip, chairman of the county Solid Waste Authority, engineered a decision by the SWA to increase landfill taxes by several acres and Meadowtown's volume to 15,000 tons a month.

According to Sweeney's article, Cutlip (in violation of West Virginia's open meeting law) recessed the open meeting and convened a secret meeting with two other authority members prior to taking the vote by "secret ballot." After the secret meeting, Cutlip's three member majority returned to the open meeting and voted to approve the afore-mentioned items. (The fourth member did not vote and the fifth member resigned.)

When questioned about the propriety of the whole matter, Cutlip "seemed puzzled that the vote had caused so much controversy." It is understandable, I suppose, that he would be puzzled. Great pains had been taken to prevent this sort of "impropriety." Again, according to Sweeney's article, the SWA "heard Delegate Percy Ashcraft, whose public relations firm in PCA Consultants, do two press releases concerning its decision." Problem was, the results of the secret ballot were released before it was taken. You just can't stress too much the importance of timing in these matters.

Although Cutlip said he had no connections with any landfill, our nominee for the "nattering nabob of negativity" award did not accept this statement on face value. Sweeney's article revealed that Cutlip apparently is involved with corporations whose members include a leading proponent of the ill-fated Barbour County mega-dump and a state senator whose vote effectively killed the comprehensive solid waste bill which our enviro-lobbyist heroes fought so hard for this year. (Incidentally, that battle ain't over yet — but, I digress.)

I won't bore our readers with all the intricate details of those corporate connections, but if anyone is interested enough to send a SASE (Pl 1, Box 22, Sherman, WV 26173), I'll send a copy of Sweeney's article. The gist of his contention is that corporations which share the same P.O. Box, telephone number, and/or have the same people on their boards of directors are "connected."

The person referred to as the proponent of the John Falts Barbour County dump is James R. Christie. Christie was named by Governor Caperton to be the first Super-Secretary of Commerce, Labor, and Environmental Resources. Part of his area of responsibility in this job was to oversee all the various environmental regulatory agencies of state government. He apparently left state government in order to spend more time promoting the dump.

Another interesting connection made by our nominee was with Earl Young of Operational Security and Investigations, Inc. (OSI). OSI also shares a P.O. Box and telephone number with a company of which Cutlip is president.

Earl is well-known to our WVHC member who have been actively involved in opposition to the LCS/Chambers dump in Berkeley County. Young was recently charged with battery in Berkeley County Magistrate Court for allegedly hitting a woman during a confrontion there. See additional story and photos of LCS/Chambers development elsewhere in this issue of the Voice.

Let's all give Sweeney a hand.

Find out when your county SWA meets and make plans to attend. You don't have to have a particular ax to grind and you don't have to say anything. Your mere presence can be very helpful. Apathy is probably the single worst enemy of good government.

Life in the Trash Lane....

Guard and dog patrol the road into LCS/Chambers dump in Berkeley County.

Condules of trash trucks clog country roads in Berkeley County.

In Berkeley County

Citizens turned out in Berkeley County recently to greet their new corporate neighbors. Photos picture the scene as caravans of out-of-state garbage is hauled along a narrow country road enroute to the recently opened LCS/Chambers garbage dump.

No matter how much is spent on media hype about being good corporate neighbors, area residents think living with a landfill is the pits.
Conference will focus on restoring wilderness, ecological sanity to the Appalachians

The Central Appalachian Preserve Appalachian Wilderness Conference Restoring Big Wilderness and Ecological Sanity to the Appalachians and Beyond: Strategies and Actions, will be Sept. 13-15 at James Madison University, Harrisonburg.

"Some of your members and readers might be interested in our upcoming conference in which we will call for the re-wilding of the Tri-State area by increasing citizen activism.

"In December, the U.S. Environmental Protection Agency released a two-year study which reported that the Tri-State area has serious air-quality problems which appear to be harming human health and the environment."

"We're eager to involve as many West Virginians as possible in a big push to restore the Monongahela and vicinity, including Canaan Valley.

"Among an "exciting group of participants," the conference will be: David Brower, founder, Friends of the Earth and Earth Island Institute; Jeff DeLeonis, founder, Association of Forest Service Employees for Environmental Ethics (AFSEE); Jeff Elliott, PAW co-founder and conservation biologist; Gary Lundberg, Alliance for a Paving Monorail, former petroleum industry analyst.

"We believe that a much larger citizen's movement supporting cleaner air is necessary to insure responsible solutions to the Tri-State's air pollution problems. Changes can be made which will decrease human health risks and make our area more attractive to clean businesses, without jeopardizing existing industrial jobs," Bady said.

"The Tri-State area is unique," said OVEC member Brian Hagenbuch, "so that citizens concerned about pollution must deal with different local, state, and regional bureaucracies of three states. W. Alton Jones funding provides OVEC the opportunity to centralize efforts and commit substantial time and resources towards our goal of a cleaner, healthier Tri-State environment."

"Hagenbuch will co-direct the project. To learn more about Tri-State air issues, or join OVEC, write to OVEC, P.O. Box 970, Pocotertnil, Ohio 45669."
Enviro-radicals or Eco-terrorism?

Do you know which is which? Who is who?

by Brian Hagenbuch

I was recently labeled an "enviro-radical" by the Ashland Oil Employee Action Group, Inc. (AOEAG). The AOEAG is a fanatical right-wing industry employee group closely associated with Ashland Oil, Inc. Those more closely in tune with AOEAG activities realize it is a company-paid public relations vigilante on a one-man crusade with crusade with "Owellsian" consequences for the KY-WV-OH Tri-State.

The AOEAG frequently publishes an "official" newsletter which in their words is "unauthorized, unprecedentedly truthful publication by and for Ashland Oil employees" called The Yeller (not to be confused with the much more highly credible, factual and entertaining Marquette Voice). Because the term "radical" has such potentially negative connotations and has been over-used by pro-business and industry folks against against eco-radical environmentalists, it is hard to get to the radical (adj.), of or from the root, fundamental meaning of the term, and whether the description was truly accurate.

Webster's Dictionary defines "radical" as one who favors basic change, as in social or economic structure (n.). Simple as that.

This rather neutral definition does not suggest any active or passive methods used to bring about that change. Nor does it imply in which political direction the change is to occur.

Thus, any lobbyist at the State Capitol, representing any interest in any legislation (left, right, progressive or regressive) could be deemed "radical." That's right, next time you are your favorite industry lobbyist, call them a radical! Then watch the sweat bead up on their foreheads as they search vainly for a hole in which to dig themselves.

While radical can be applied to those working on a multitude of different issues, let's look more closely at the "enviro-radical." Treaty Webster's defines an "environmentalist" as a "person working to solve environmental problems, (such as) air and water pollution." While in the dictionary, I am left with the impression that an "enviro-radical" is one who is working to solve environmental problems by making basic changes in the pay the problems are dealt, and none of us, let us say, "tree-hugging, communist-type pinko liberals" under the watchful scrutiny of the AOEAG, or Big Oil corporations.

But articles by this method does not mention how that change is brought about. For the most part, citizens must rely on letters to legislators and the media, non-violent rallies and the ballot box.

Call our friends from King Coal, the Chamber of Commerce, and the WV Manufacturers Association "enviro-radicals" and watch them start to quiver uncontrollably. After all, King Coal, the CLEC, and WVMA are working hard to increase their "rights" to pollute, while easing their "responsibilities" to clean up, thus "solving" their environmental charges by making it society's nightmare.

On the other hand, as a person who is interested in protecting the long-term sustainability of the Earth's resources for future generations, I guess the AOEAG description is fitting of me and most readers of the Marquette Voice (No insult intended).

Quite recently, many environmentalists have also been called "eco-terrorists." Now this is a term in which I must adamantly disagree. Webster's defines "terrorist" as one who uses "force, threat, or intense fear to intimidate, especially (with regards to) political policy." Thus, an "eco-terrorist" could include those groups who resort to job blackmail, economic impoverishment, and other aggressive or subliminal tactics to coerce legislation into "pro-industry" policies, despite their environmental/public health ramifications.

The so-called "intimidation" politicians receive from distrustful mothers trying to protect their children from the harmful effects of hazardous air and water pollution can at best be considered that first things. Ultimately, our goal is to ignore these concerns, after all it's only one hysterical voter.

A popular example of "ecorevision" is tree-spiking. Although I do not condone tree-spiking, those who partake in the activity are accused of being terrorists. Oh contrary! Their activities do not harm the trees, in fact, it may just save them from a chainsaw massacre. Nor do those activities disturb the natural ecological balance of the forest, which is what those activists are trying to protect.

Except in the political sense, I would not call tree-sappers "enviro-radicals," either. Their efforts are meant to protect and conserve what is already there. "If it ain't broke, don't fix it!" to borrow an over-used cliche. Conserve! Conservationist! Now there's a word that may fit out there. "Who cares" (as in political). "Chau" or "tata" is "tree-spiker," "conservationist," and "conservative" under the same political umbrella?

Well, maybe on paper, but certainly not in the current political arena. Remember Teddy Roosevelt, arch conservative and conservationist, who led the fight to preserve American wildlife? Where has the heart and soul of the conservative party gone? They're being led by their wallets! Oh, I can feel the flames from the flaring nostrils of my right-wing friends just who is this so-called "conservative" (as in political). What is "conservative" (as in political), "consistent," which is defined as "to keep on becoming, damaged, lost or vanished (v.); saved (n.)."

So, by definition, can we not include "tree-spiker," "conservationist," and "conservative" under the same political umbrella?

Yes, the "enviro-radicals" are the "en vito-radicals" or "eco-terrorism." Force, threats, coercion, and intimidation are not in my personal dictionary, nor that of other environmentalists. The growing political clout of environmentalists is partly just in numbers. This is certainly no match against the financial, legal, and political strength of corporate associations, and their myriad thrones of three-piece suits and lobbyists (talk about intimidation). Do other "eco-terrorism" exist besides the timber industry?

Amid a public hearing on an environmental issue and find out. At a recent Water Resources Board hearing on setting a dioxide standard, one industry lawyer argued that the state needed to relax the federal standard in order to compete in lucrative businesses (more polluters) into the state. That's economic: Money talking. Not in my opinion...

"No special favor or political um­ her?" I may paraphrase a well-known verse.

Other industries, hiding behind a shadowy corporate veil, try to lobby the public by using lawsuits, harassment, or public ridicule (the AOEAG efforts) on them! Some try to pretend they are good corporate neighbors by donating tax dollars to local community groups, schools, and governments as if trying to redeem themselves for past of present environmental sins. Tell them their smokestacks are fading!

In the end, it is important that a balance must be struck between the divergent fields of economics and the environment. Yes, the "enviro-radicals" and "eco-terrorism" are important components in the political decision-making process. Their presence is essential in maintaining the balance. Tipping the scales too far in either direction can have catastrophic impacts on long-term environmental and economic stability of a region. Wisful thinking says that politicians will put long-term, pro­gressive, visionary ideas into practice to conserve our precious natural resources for future generations to use and enjoy.

Now, will the real "enviro-radical" and "eco-terrorist" please stand up and be identified!

Brian E. Hagenbuch
Confused Enviro-radical

August Voice deadline
Is Aug. 15

Help keep all of us informed of the environmental issues facing you in your neck of the woods, or simply share your dreams of the beautiful earth and the joy of nature to give us all strength to carry on the work to keep it going. You know the drill; photos, thoughts, sketches, etc. are always welcome (to be honest, they are craved). Send your literary or visual contributions to:
Mary P. Reader
36 Meade Street
Buckhannon, WV 26201
The Downstream Alliance -- A new concept

(From the Mountain Stream Monitors newsletter)

In September 1990, at the suggestion of Mountain Stream Monitors (MSM), representatives of seven watershed associations in northern West Virginia met and decided to form a coalition.

The Downstream Alliance's purpose is to preserve and protect the environment in communities in Northern West Virginia, especially from damage due to coal mining operations. The Alliance has incorporated and is going to seek tax-exempt status so that in the future they may apply for grants.

The coalition includes Laurel Run Watershed Conservation Association, Laurel Mountain/Fellowsville Area Community Watershed Association, 4-H Road Community Association, and residents of Roaring Creek and Pricketts Creek.

Watershed representatives of these organisations include: Sandy Creek and Laurel Run:5 in Preston County, Laurel Run; 8 in Monongalia County, and Laurel Run: 8 in Taylor County, Pricketts Creek in Marion County, Owl and Booth creeks in Monongalia County.

The Omega Settlement

The 4-H Road Community Association announced a $1.2 million settlement with Omega Mining on May 21, 1991. The association sued Omega for a severe acid mine drainage problem that resulted in the killing of fish, polluted wells, and stained stream creeks. Acid from West Virginia coal from Omega's deep mine, located in Monongalia County near Owl, Booth and Cobun creeks.

MSM's Tom Rodd represented the association with Fairmont lawyer Bob Cohen.

In 1983, before Omega's application was approved or mining operations were begun, MSM's Richard Diphren predicted the mine would cause problems. Some of the Department of Natural Resources' (DNR) own experts also predicted the Omega mine would cause major environmental problems. During the public comment period, Joan Sims and her neighbors asked DNR to deny the permit, but it was issued anyway. Six years later, millions of gallons of highly acidic water began seeping out of the mine.

The law requires coal companies to carry liability insurance for damages caused by pollution. Rodd argued that this liability insurance covers the costs of abating the pollution. The insurance companies apparently thought the claim was strong enough.

A Message from "Mateauan"

by Mike Withers and Phil Rossano
Mountaineer Chapter, Trout Unlimited

(White writes in the first person, the article is the collaborative reflections of both writers after seeing the movie Mattewan.)

Who is the enemy of our environment? Who is the enemy of the economy? Who is the real enemy of West Virginia?

After viewing a movie of early mine wars in the southern counties of our state, I realized a striking similarity to the battles we are waging today. Two-gun Sid Hatfield did not belong to Trout Unlimited, but...

In the movie Mattewan, the Badwin Felts were the bad guys for misleading the miners. I had empathy for the poor miners and my anger was focused on the coal mine guards.

After much reflection, I realized that I had been duped and that the Baldwin thugs were not the real evil. The real enemy, corporate greed, was far removed from the streets of Mattewan and the boundaries of West Virginia. I was the management and executives of the out-of-state corporations who hired the Baldwin thugs, and it was those corporations who created the deplorable conditions of the mining towns.

As the corporations searched for more profit and demand greater production with less pay, trouble and discontent flared in mining camps like Mattewan.

These conditions revealed the inherent injustices of isolated people. They deliberately blocked black from the south, and Italians from Ellis Island who would have difficulty mining and working with the native West Virginians. It was unlikely these divergent groups would join forces against them. In early Mattewan, the intergroup problem was lack of unity.

If the citizens of West Virginia are to have hope for a brighter future, they must overcome prejudice and difference, and unite as finally did the miners in Mattewan. They must stop listening to the divisive messages channeled out in corporate board rooms. They must use common sense and look at the history of our state.

The Highlands Voice, July 1991 — Page 7

Another mining company leaves dead creeks and streams

The Laurel Mountain/Fellowsville Area Clean Watershed Association (a member of the Downstream Alliance) has charged the F&M Coal Company with creation of an environmental disaster in their community. Streams as far as 10 miles downstream from the F&M coal mines exhibit the classic symptoms of acid mine drainage: low pH, orange color, and decreased or non-existent aquatic life.

F&M denied that their mine is at fault. They claimed old deep mines in the vicinity are the source of the acid mine drainage. Association members give three reasons why that claim is ridiculous.

First, there has been no mining on Laurel Mountain since the 1950s, but acid mine drainage problem developed in 1987.

Second, the company did not take over the previously abandoned mine done by DNR in 1984. Concluded streams were in good condition. No sources of severe AMD were found. Clearly something happened between 1984 and 1987 to change the geology of the area enough to create new sources of acid mine drainage. The most likely explanation is the F&M mine which began operations in 1984.

Third, a 1989 DOE/OSM study pinpointed F&M's mines as the source of the new AMD. State and federal regulators need to step in and demand that the disaster created by F&M be cleaned up, said David Houser, spokesperson for Laurel Mountain/Fellowsville Area Clean Watershed Association.

F&M coal recently declared bankruptcy, and the association is a creditor in the F&M bankruptcy case. The association is now assessing the cost of water treatment and damages. Early estimates put the figure at more than a million dollars.

Tom Rodd, MSM's legal advisor, has a positive outlook. "It may take a couple of years, but we are going to continue. We are going to continue to fight for this," Rodd said.

We no longer buy the old argument of jobs versus ecology. The few workers remaining in the extractive industries realize the enemy of the working man is also the enemy of the environment.

The real enemy is the way of the past. Are we going to continue with the mistakes of the past and listen to the same corporate spokesmen who have taken so much but have given little in return for the losses and damage? If we are, the environment, we must save the environment. We must support broad-based citizen coalitions. If we are going to save this state, these new coalitions must force coal and timber to operate as good citizens interested in the long-term for water and land. These industries must go beyond that scan of coal or that scan of timber. The extractive industries have found it difficult to practice good citizenship voluntarily.

What is it that they should do? They should pay their fair share of taxes and should employ West Virginians in an environmentally sound and physically safe work area.

That would be the basis on which to build a diversified economy and provide a real future for our state. Stewardship at last.

(reprinted from The Mountaineer Monitor, the Voice of the Mountaineer Chapter of Trout Unlimited.)
1991 Conference on Environment, Oct. 3, 4; focus is on waste prevention and management

CHARLESTON — The seventh annual Conference on the Environment will be Thursday and Friday, Oct. 3-4 at the Charleston Civic Center. Conference topic is: "West Virginia Waste: What's to Become of It?"

The Conference on the Environment has developed into a unique partnership where industry, environmental activists, and government work together to plan and inform each other on ways to protect the environment and, at the same time, maintain West Virginia's economy. Each year our numbers have grown larger and our understanding of each other's viewpoint has been enhanced," said Patrick Gallagher, chairman of the 1991 conference.

The keynote panel includes Don Clay, EPA Assistant Administrator, Allen Hershkowitz, National Resources Defense Council, and Bruce Karrh, DuPont Assistant Director of Safety, Health and Environment.

Joel Makower, author of "The Green Consumer," and Dr. Han Srinivasan, Department of Marketing at the University of Connecticut are among panelists who will discuss "Packaging and Marketing."

West Virginia Waste Prevention and Management will be discussed by Jack Martin, West Virginia Solid Waste Management Board, Chuck Chambers, Speaker of the West Virginia House of Delegates, Jerry Englert, Winfield Industries, Timothy Laraway, Mid-American Waste Systems Inc., and Martha Huffman, West County Solid Waste Authority.

A workshop, "Ethical Decisions in Waste Management and Prevention," will be held during the second day of the Conference. Industries, companies, and organizations that wish to demonstrate how they prevent and manage waste, or how they help their community with waste disposal are encouraged to join other exhibitors at the Conference.

As is customary, scholarships are being offered to environmental groups across the state. If you are interested in attending the Conference on the Environment, contact Cindy Rank, (304) 924-5802 or 924-6262 and leave a message. The annual Conference on the Environment is sponsored by the West Virginia Environmental Institute, an organization of industry, environmentalists, and government, which has evolved from past Conferences. The Institute works toward achieving a balance in environmental and economic policies.

For more information contact: Cindy Rank, (304) 924-5802, or Mary Wimmer, W.Va. Sierra Club, P.O.Box 4142, Morgantown, WV 26504.

from the heart

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The timber industry may potentially be a gentler, kinder spirit than any strip mining that gouges off mountain tops and shoves them into valleys below, or causes streams to run red with acid.

Nonetheless, the timber industry is an awakening giant that promises to turn roughshod over the state for years to come unless we have improved protection measures in place. The administration's current position of urging registration for tax purposes only is a laughable but limited venture. Effective soil erosion control laws, mandatory use of Best Management Practices and strong enforcement of both are needed.

The present practice of throwing away one resource (soil) and polluting another (water) while harvesting another (trees) is just not acceptable.