What Will It Take?

by Chuck Merritt

We here at Corridor H Alternatives have from the beginning of this pressure cooker, known as the Corridor H fight, been saying and pointing out to the powers that be, the common sense positions and concerns that are so readily apparent about building or not building this four-lane highway. We have dug and researched into the various fields and specialties that make up the issues pertaining to the highway. We have educated ourselves and others as to the realities and the illusions that are both part of the project.

In the beginning it seemed that we were definitely on the outside of the action, shouting to be heard as the pro-highway machine lurched inevitably outward. As we educated ourselves and discovered the 'process', we found forums and ways to be heard. We made our points and position known to the others within the process. We have tried to keep the lines of communication open to the political leaders that are in-large opposed to our point of view. And we have sought out new political friends wherever they might be found.

We have played by the rules of the process. Activist citizens in the best sense and meaning of the words. Unpaid all, and going deeper in debt as the legal bills mounted up.

The pro-highway paid consultants, state highway departments and the self-possessed omnipotent political powers arrayed behind the building of Corridor H play the process game by a different set of rules. When the corridor selection process called for public comment two years ago, Michael Baker and the WV DOT raged the clock and trumpeted the falsely counted results as a victory. When CHA and others participated in the Alignment selection continue period this spring and an honest count of the results showed that now 89% of those responding opposed any four-lane construction at all, this was very unimportant and this part of the process was declared "not a popularity contest!" We had learned much and they did not like what they heard.

The process allows examination of important projects like Corridor H at various times during their development. Both EPA and USF&WS had previously, during scoping and corridor selection phases, allowed the highway to go forward in the process. But as the science and data came in and the illusionary economic benefits were tested forward by WV DOT and Michael Baker, Inc., they both found the project increasingly unpalatable. But it is, so far, the EPA that has been taken to the "bad agency" woodshed and given a whipping. EPA and its Region III Administrator, Peter Kostmayr, refused to give Corridor H an EU-2 rating - environmentally unsatisfactory with (see page 3)

EPA Draft Report cites many problems with Corridor H

By Ken Ward Jr.

from the Sunday Gazette-Mail

Scientists and technical experts from the U.S. Environmental Protection Agency concluded that Corridor H from Elkkins to Virginia should not be built, records obtained under the Freedom of Information Act show.

EPA Region III in Philadelphia rated the $1 billion superhighway as "environmentally unsatisfactory" - the lowest grade possible - according to the government documents obtained late last week.

Completion of the final, 114-mile leg of the Appalachian Regional Commission highway system would decimate high-quality streams, destroy pristine forests and cause untold other environmental damage, EPA scientists believe.

Perhaps more importantly, EPA officials found highway planners have little data to support their estimates that Corridor H will create jobs and promote local economic growth in West Virginia, Virginia and Maryland.


Regional Administrator Peter Kostmayr refused to sign a watered-down rating of Corridor H and was later told he would be replaced by June 1.

EPA staff in the regional office prepared their detailed technical report, as they are required to by law, based on a review of a thick draft Environmental Impact Statement and hundreds of pages of accompanying documents.

The state Division of Highways and its consultant, Michael Baker Jr. Inc., prepared the draft EIS and supporting technical reports to help choose an alignment for the road along a 2,000 foot wide corridor approved two years ago.

The National Environmental Policy Act requires such documents be prepared. These documents can provide a cost-benefit analysis of most all major federal projects.

But according to the EPA staff's technical review, highway planners made "incomplete or insubstantial assumptions (which) tended to underestimate potential environmental impacts or overestimate economic impacts."

Among the examples cited by the EPA staff report:

Despite job gain estimates, the highway planners put little in their EIS to document potential environmental impacts of predicted increases in manufacturing plants, timber operations, tourism and the already booming poultry industry.

"The concerns which we have been verbally advised of are issues which can be addressed through a negotiated process and mitigated during actual construction," Miller wrote.

The concerns of disruption to a major environmentally sensitive ecosystem is a sensitive issue which can never be resolved to the satisfaction of persons with strong environmental beliefs." Miller wrote. "It is an issue, however, which we will address using the best practices available, during construction and maintenance of Corridor H."

The next day, Caperton, who clashed with Kostmayr over the proposed Mason County pulp mill, wrote to Browner that "Once again Regional Administrator Kostmayr is trying to stop progress in West Virginia."

"Corridor H is a (see page 7)
Does West Virginia really take environmental values seriously? We are about to find out.

Thirty years ago, environmental values were not even a part of the discussion of government actions. If the government thought it ought to build a road, a dam, or anything else it simply went ahead. There was no thought about how this dam, road, or whatever might affect the environment. Even in those pre-Nike-commercial days, the government just did it.

Then came the National Environmental Policy Act. It required that the government consider the environmental effects of its actions. The Act itself didn't actually require that government avoid adverse environmental effects. It made the cheery assumption that the government would only damage the environment out of ignorance. It assumed that once we had studied the problem and found out that a project would have adverse environmental effects we would, of course, avoid that project.

Now almost thirty years have passed since the passage of the National Environmental Policy Act. Other environmental laws have been enacted. The environment has become a part of our public discussions. We all call ourselves environmentalists. We want to be.

Even though we now all call ourselves environmentalists, has anything really changed? The response to the recent environmental evaluation of the proposal to build Corridor H makes me wonder.

Even though the evaluation took a long time, the evaluation of the environmental effects of building Corridor H did what it was supposed to: it considered alternative routes; it surveyed streams and forests along the routes; it considered the effects on wildlife. In short, it told us what the environmental effects would be.

Those environmental effects were exactly what the Conservancy and many other people had been saying for a long time. The environmental effects of Corridor H will be awful. After the environmental studies required by the National Environmental Policy Act were finished, the United States Environmental Protection Agency rated the proposed highway "environmentally unsatisfactory". This is the lowest rating the Agency has.

But has this rating of "environmentally unsatisfactory" done anything to affect our public officials? Have we, as the National Environmental Policy Act assumed we would, looked at the devastating environmental consequences and decided not to proceed? Not that I can tell. So far as I can see, the collective response of our public officials has been, "Thank you for your input. We are all environmentalists so we appreciate it. Now fire up those bulldozers, boys. We've got a road to build!"

All this causes me to wonder. Are we serious about environmental protection? Do we look at environmental consequences because we want to avoid them? Or is this all a big charade we go through so that we as a society can go on calling ourselves environmentalists?

If our political leaders have the courage to act on the recommendations of the Environmental Protection Agency and avoid building Corridor H, then we will know that the National Environmental Policy Act means something and that we really want to discover adverse environmental consequences so that we can avoid them. If, on the other hand, we simply ignore the documented environmental consequences of Corridor H and plunge ahead, it will tell us something else. It will tell us that the entire process of studying the environmental consequences is a cruel joke that enables us to go on pretending that we care about the environment.

In other words, through the decision on Corridor H we will find out if West Virginia is serious about environmental values. I am waiting to find out.
Phil Scott on April 21, 1995.

As editor of the Gazette, Scott leads the editorial board of the WV Environment Report, a newsletter that covers environmental issues in the state. Scott has been a prominent figure in the environmental movement in West Virginia, and his work has been recognized with numerous awards and honors.

Students Celebrate Earth Day

For the 23rd anniversary of Earth Day, the Elkins chapter of the state-wide Student Environmental Network (SEN) sponsored an afternoon of educational environmental presentations for the juniors and seniors of Elkins High School on Thursday, April 20.

"While Earth Day is actually on April 22nd, we wanted to celebrate the event in our school and provide some interesting environmental offerings for our peers," stated Tracy Wills, SEN coordinator of the event.

Ron and Wendy Peronne of the Three Rivers Raptor Center in Glen Hope, brought in a number of birds of prey that they are in the process of rehabilitating and/or use for educational purposes.

Wulf specialist Mike Milkert, from Red House, used for the first time a young male wulf he recently acquired to talk about this species' behavior and characteristics. The wolf, once a West Virginia native species, is now extinct in this state. Local DNR Non-Game Wildlife biologist, Scott Butterworth, talked and showed slides about non-tropical birds and their migration patterns. Charlotte Pritt, a 1996 gubernatorial candidate, spoke about student empowerment and the history of environmental awareness in W. Va. Relative to this, she shared some of her experiences as a former teacher and state legislator.

The Highlands Voice, May 1995 - Page 3
**Monongahela National Forest NEPA Quarterly**

The new Quarterly has just ar- rived. I had to make a special re- quest to get mine. Kate Goodrich (504-348-1988), a responsible person for the mailing list said I should have received one (I didn't), but was kind enough to send me another. Unfortunately it lists a lot of projects too late to get involved in, but there are a few that are still in the early stages and you can get involved in protecting your National Forest. Call Kate for your own copy. Call me if anything sparks your interest and will figure something out. - Bill Raguse 312-421 3517 - Match the letter before each project with the one on the map!

**Potomac Ranger District**

The two big timber sales for this district have already passed the stage where you can get involved (legally anyway) - One is (A) Grassytown Mountain Project ($56.107). Trust Unlimited appealed this decision because Elk Run is already carrying too much sedimentation for all the other projects its had to suffer, but the decision was denied. The other is the (B) Quecita Project ($53.009) - the decision is expected on this in July.

Red Creek Stables Oatfitter - Red Creek Stables, near Lanville wants a permit to provide horses and guide services in the Flat Rock Run area and into the area north of Dolly Sods. Actually they have been doing this for a number of years, but the forest service finally admitted they need a permit for this commercial activity. Areas involved include Wills Creek Knob ($53.001), Dolly Sods Scenic Area ($58.031), Red Creek ($56.102), and the Flat Rock Reservoir Plan ($56.203). The outfitter has decided to resubmit a revised application, so there's still time to get involved in this one.

Seneca Rock Outfitters Guide - Generally the same deal - a permit for commercial guiding to use Seneca Rocks ($57.001). The decision date is 6/95, but the decision date is still in question if you have any concerns.

**Two Range Allotment Plans** - the first along (C) Strader Run ($53.005) to extend the grazing for ten more years is in the decision stage, but the grazing in (D) Smoke Hole ($56.202) - (Wait this is a 6.2 - no vegetation management area!!) is a temporary permit and is still in the scoping stage with comments due by June. Call Kate to keep cows out of the Smoke Hole!!

Grassy Creek East Road Extension ($53.006) - This is a strange bird. Evidently the timber decision is signed sealed and delivered (1991), but now the FS wants to build an entirely different road to access the timber. The road will be a new construction and will go north from Spruce Knob into the Brashy Run Drainage. The freedon say they will not revisit the timber cut decision, but it seems to me that this new wrinkle will change the cumulative impacts and they may be forced to re do the Environmental assessment of the project. Scoping starts in May with their decision planned for June.

**Timberline Ski Area/Salesmaster Run (Wees Knob $53.001).** Evidently the ski run the freedons gave to the residents on Cabin Mountain actually does impact the population of Mountain salamander living there. But don't worry they are going to study it some more and see if they can find some way to have their skiing and their salamanders too!

Scoping is now, the Comments are due by June '95. Call em up today!

**Chest Ranger District**

304 478 3251 PO Box 368 Parsons, WV 26287

(L) Clifton Run Project Area ($13.010)

Vegetation Management (timbers sales), wildlife habitat management, road construction/road easing.

EA completed, now in comment period. Decision Date May

**Greenbrier Ranger District**

304 456 3335 PO Box 67 Barlow, WV 24920

(T) Beaverdam Ridge ($33.002)

Timber Sale/Vegetation Management

Decision April 20, 1995 Implementation July 95

(U) Franklin Mountain ($36.117)

Timber Sales - clearcuts. Comments now through July 95, Decision August

(V) Upper Tygart Valley ($36.118)

Timber sale/ Wildlife Habitat Improvement - clearcuts

Scoping starts June 1, Comments due July, Decision - December 12, 1995

(W) Burner Settlement ($33.006)

Timber Sale/Wildlife Habitat Improvement

Comments due - May 95 Decision Date October '95.

(X) Rich Mountains

Timber Sale/wildlife habitat improvement

Scoping starts July '95, Comments Due - August

**Gauley Ranger District**

304 846 2655 PO Box 110 Richwood, WV 26261

(P) Gauley Project Area ($264.01)

Vegetation Management (timbers sales), wildlife habitat management, road construction/reconstruction

PNMA now, Comments due August, Decision January 1996

(Q) Little Fork Project Area ($22.002)- Adjacent to Cranberry Wilderness

Vegetation Management (timbers sales), wildlife habitat management (create openings - clearcuts), road construction/reconstruction

NFMA now, Comments due August, Decision January 1996

Blackwater trail ($16.102, #13.009)

Trail reconstruction Projects - (M)

The two big projects are still listed as (M) Blackwater trail ($16.102, #16.052, #16.053)

Grasping allotments - (O) Watch ford/Vickers Allotment Plan in McGowan Mountain ($16.104) and in Spruce ($18.001) - revisit grazing permit for a minimum of 40 cows.

Comments due October, Decision January 1996

**Little Fork Project Area ($22.002)**

Vegetation Management (timbers sales), wildlife habitat management, road construction/reconstruction

PNMA now, Comments due August, Decision January 1996

**Spruce Knob Project**

1-1 Timberline Sale Area/Salamander Run (Wees Knob $53.001)

Evidently the ski run the freedon gave to the residents on Cabin Mountain actually does impact the population of Mountain salamander living there. But don't worry they are going to study it some more and see if they can find some way to have their skiing and their salamanders too!

Scoping is now, the Comments are due by June '95. Call em up today!

**Richwood Project Area ($22.001)**

Vegetation Management (timbers sales), wildlife habitat management, road construction/reconstruction

EA completed, now in comment period. Decision Date May

**Cabin Mountain Project Area ($36.102)**

(111) Timberline Ski Area/Salesmaster Run (West Knob $53.001)

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**Hocking Hill Project Area ($22.001)**

Vegetation Management (timbers sales), wildlife habitat management, road construction/reconstruction

EA completed, now in comment period. Decision Date May

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Taylor and Gorton Attempt to Deliver the National Forests to the Timber Industry

This will effect the Monongahela National Forest Too!

by Laura Anne Carlson - from the latest Heartwood Action Alert.

Amendments to the Congressional resolution bills contain broad, sweeping language that could allow unrestricted logging on federal lands. These sales would be known as "salvage sales" to be done in the name of "forest health". The Gorton amendment defines a salvage timber sale as a sale "for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affecting a road or Trinity unsuitable for fire or insect attack, and includes the removal of associated projects are subject to review by almost any stand of timber as potential salvage, Any forest administered by the Forest Service (US) or the Bureau of Land Management (BLM) could be logged under this definition of salvage.

The agency administering these "salvage sales" would not be required to comply with the standard administrative procedures for agency action (e.g., the scoping and appeals process for Forest Service decisions), or with the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the Clean Water Act, or any other federal, state, or local laws.

In regard to judicial review of these sales, the Gorton Amendment further states, "no further remaining or preliminary injunction shall be issued by any court of the United States with respect to such entry or property, unless timber sale offered under, the salvage provisions outlined above. A petition for injunction is allowed only if it has been determined that the decision to proceed... the sale was arbitrary, capricious, or otherwise not in accorduence with law." With such a broad and arbitrary definition of salvage, and a provision denying the applicability of any other federal laws, this determination seems highly unlikely.

In short, the authors of these amendments have opened up the National Forests and BLM lands to unrestricted logging, and closed all avenues of citizen oversight and participation in the decision making process. Though the legislation is being touted by its sponsors as the solution to the so-called "forest health crisis" that allegedly caused the worst Western forest fires of last summer, there is nothing in these amendments which restricts the use of this definition of salvage timber to Western forests. The Taylor amendment mandates an additional 65 billion hectares of federal land and over and above the targets defined in individual forest plans, be cut off FS and BLM-administered lands in the next two years. That amounts to about double the currently defined allowable cut. Even the Forest Service and the BLM have stated that this goal cannot possibly be responsibly met. If passed as written, this bill could dramatically reduce or constrict the legal rights or remedies of any member of the public to contest, review, or challenge any action of the FS or BLM.

There will be another three projects that the agency will see the forest service sale these projects.

This is a perfect example of the "reorganization" bill which gives millions of tax dollars to an industry that regis... year, and insulates federal bureaucrats from the law. Tell your friends that this initiative, a bill which is purported to save taxpayers money, could easily cost taxpayers over $1 billion to implement. The Congressional switchboard number is 202-225-3121.

CALL CLINTON! Tell him the time to act is now. The American people will not sit idly by while Congress takes away their rights and dena...ments, and insulates federal bureaucrats from the law. Call the White House at 202-456-1111. Fax (202) 456-2883. E-mail to president@whitehouse.gov. Send cards and letters to: President Bill Clinton 1600 Pennsylvania Ave, NW Washington, DC 20500

A Reply To "Takings" Legislation

by Tom Rodd

Here's an idea for some law we could write in West Virginia. To balance the recent "takings" legislation:

1. "Givings mechanism" shall mean:
   a. tax credits;
   b. highway construction or improvement;
   c. loans at below-market rates;
   d. reduction of penalties or fines;
   e. any other similar activities or procedures for conferring financial benefits.

2. "Givings Pals" shall mean a panel of six persons, one appointed by the Governor, one by the Chief Justice of the Supreme Court, one by the Attorney General, one by the Speaker of the House, one by the President of the Senate, and one by the Treasurer, to serve five-year terms. Members shall be appointed within thirty days of the effective date of this bill. Three members shall be male, three shall be female. The panel shall have the power to issue subpoenas for testimony and documents, to hire counsel and administra.

NEPA announcements come out we will see another three projects al ready completed - whoops, too late for you to become involved. The projects were (via) Paddy Kabluk (846.107.20) Buckley Mountain (846.116.16), (AA) Elk Mtn Timber Sale (846.111)

'Is Better to Give Than Receive?'

by Tom Rodd

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Army Corps of Engineers have announced a request for input on a proposed ordnance and waste removal project at the Dolly Sods Wilderness to reduce the risk to the public and enviroment from unexploded ordnance. The Dolly Sods Wilderness is a 2 million plus acre Smoke Area during WW II. Even though the area was searched after the war, at least 20 pieces of ordnance have been found in recent years. Thirteen of these were found during a 1991 feasibility study where 281 acres were searched with magnetometers. One piece was found close to a fire pit and could have been detonated by a fire, if the pit were much closer to the ordnance. The Corps is proposing to search all trails in the Red Creek Valley for their entire length and for 20 feet on each sides and also in cleared areas used for camping. If searching indicates metal present, excavation will occur by hand to a depth of one foot along trails, 4 feet in campsites. If ordnance is found it will be detonated in place. The idea is to reduce the chance that visitors to the area will accidentally detonate the ordnance. The Army says the work will be conducted with other agencies to avoid or mitigate impacts to archaeologically significant areas, sensitive plants, and animal habitats. No motorized vehi­cles will be used in the project and disturbed areas will be covered with leaves and other materials to min­imize disturbance and erosion. If you wish to make comments or to be in­formed of the progress of the project contact the US Army Corps of Engineers ATTN: CEORHPD-B(Mr. A. B. Bor­ger) 502 Eighth Street, Huntington, WV 25701-2070 304-529-5712

Dolly Sods Wilderness, Ordinance Removal Project

Over Memorial Day Weekend, hundreds of forest activists from California to North Carolina (including lots from WV, I hope) will be meeting at Bluestone Conference Center in Hinton WV to teach, learn and ex­change information about the Central Appalachians and the fight to return the Public and Private forests of the Central Hardwood region to their former state of grandeur.

By dozens of workshops, the council will feature presentations by experts in the fields of Eco­logical Engineering of the Central Appa­chians; by Dr. Linda Butter about the incred­ible plant diversity and the efforts of Gypsy Moth Control, and Dr. Orie Louis about his research into the deteriorating health of our hardwood forests.

Activities for kids and hikers with nature appreciation are planned for the entire weekend. The goal is to meet on Friday night at the Highlands Voice, May 1995 - Page 5

Heartwood's 5th Annual Forest Council

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Governor's State-Owned Forest Advisory Committee

Mountains: Draft Planning Guidelines

by Rogette

Next round - the Forest Management Review Commission

Well folks, the guidelines are certainly not as good as we'd like them; but as Vicki Douglass said, "They're light years ahead of what we currently have." The main problem is to keep them from being degraded as they go through the Forest Management Review Commission (FMRC). As you look at the names on the Commission (will list them next issue) you'll see the names of several officials with strong support for the timber industry. That's one reason of them all living a better life. Their mission is to maximize and expand the wood products industry.

Now that doesn't mean they can't support a science based approach to management of the few acres in the state forest system. Certainly the public input is minimal. Considering that the Commission is supposed to insure some public input into the planning and project processes, its hard to see how they could weaken the guidelines and still meet the Governor's goal of managing the forests for all West Virginians. But several members of the committee have repeatedly stated that they don't see any need for (too simplistic) public input. I'm afraid they just don't get it, but they do have influence.

We all need to contact our delegations and senators on the committee, tell them that although we are not satisfied with the guidelines and feel that they are too weak to protect the forest, we see them as a compromise that should not be weakened at all.

So what are the guidelines? First of all the committee finally agreed to hold a public hearing on each individual state forest. Ten comments will be accepted and the Division of Forestry must respond to all substantive comments. They are true for the specific stage of the process. In this case the public hearing will be included with a tour of the project area.

Although the DOF won't maintain a mailing list to notify those interested parties, the availability of the draft Forest Plans will be advertised in a local and state Alamco paper for two consecutive weeks. The DOF will also send out news releases about the availability of the plans. The hearing

I was told the Conservancy would become a recipient of the news releases simply by requesting to on their distribution list.

Each state parks will delineate those areas that are permanently set aside. You get to comment on this and perhaps get it expanded if a good enough case is made. Yet just because some area is not set aside at this time, it doesn't force it to be cut at a later date. As prescriptions are written for the "working" forest outside of these "set aside" timbering is only one of several ways of treating forest area. A prescription can be written (although it won't happen too often under current conditions) to have an area are.

OK, what's bad about the plans? First, the plans are created within the Division of Forestry with comments solicited only from other state agencies. No groups, academics, no one's opinion outside of government is considered for their input as to the best stage of the use of the various State Forests. Several committee members suggested the formation of a Forest Advisory Board for each forest, consisting of users and local residents. This didn't happen. The public was not allowed to accomply when the public gets to see this document. This suggests that the comments can't be changed at the last minute, but will take a strong and studied pressure from citizens.

In addition to the public hearings currently allowed only as research, creation of wildlife plots or for the salvage of trees damaged by storm, fire or insect or disease. We must 'trust' them; not to abuse this. Bob Whippley, chief of state forests, and he would not abuse a public trust and all have documented for any decision to reuse. Actually this is an improvement over the federal clearcutting guidelines. In the Monongahela clearcutting in some areas is the dominant method of "tree harvest." Wetland and riparian areas will be protected by a 100 ft buffer which will be no-cuts or very limited. I was unable to strike the very limited cut, but once again I was assured it would not be abused and only used where utterly necessary. Depending on the way this guidance is implemented it could give more protection then the new "Riparian Management" being touted for the Monongahela Plan Amendment.

Up to twenty five percent of proceeds from the sale of forest products can be returned to the forest. I fought long and hard to make it 100%, but the reality is that the Division of Forestry absolutely depends on this money for the ongoing fight from forest fires.

This last legislative session the Division of Forestry received all of the timber severance tax, which still does not meet all their expenses. This seems very odd to me, but they rolled out the numbers, figure they can't make the wood products industry was interested in allowing the Severance tax rate to increase, but the Governor would have none of it. Strange!

I usually dug in my heels at certain statements I could never agree to, and was able to get them removed. They are not important as to policy, so I was able to have them.

Sophie's Choice or Win-Win At Cooper's Rock?

by Tom Rodd

Cooper's Rock State Forest, about 12,000 acres east of Morgantown overlooking Cheat Lake, is the subject of a novel scheme to drill up to fifty gas wells in the Forest. Alamco Corporation and the West Virginia Public Land Corporation are negotiating to swap 2,000 adjoining acres of privately owned land, for the ownership of the gas under the Forest, and the associated drilling rights.

The private land Alamco is offering to swap to the state for the gas is the southwest side of the Cheat Canyon, and contains the "viewshed" from the famous Coopers Rock Overlook. One observer called this proposal: a "Sophie's Choice": lose the deep-woods forest to a network of gas wells, access roads and pipelines — or lose the chance to acquire a large amount of important land for long-term preservation — including some sites where the threatened three-toothed snail lives. Others say the proposal could be a "win-win" scenario for the public and for the gas company.

The "win-win" scheme is not certain. While the Public Land Corporation can swap land "value for value", other sections of the law require onerous bidding for all gas development on public lands, and prohibit the severance of minerals from the surface.

The Coopers Rock Foundation, a private group with many members who are active in environmental and community protection, has not yet taken a formal position on the land-for-gas proposal. Nor has the Forestry Department at West Virginia University, which has a 99-year lease on much of the Forest, and the Forestry and associated drilling rights.

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Alamco has tried hard to emphasize that it will modify its practices as much as possible, to minimize adverse impacts to the Forest. Alamco also says that if this deal doesn't go through, the Forest will be developed within the year for condominiums. This has been said before, and not yet come true. The state has been trying to buy the viewsheds for several years, and has appropriated $600,000 for the purchase of the land. So when Chuck Young — the man who has insisted on a much higher price. Charleston attorney David Flannery is representing Alamco.

Forest fragmentation, injury to deep-woods habitat, reduced recreation experience, damage to historical artifacts, and inappropriate road use are among the many concerns for public lands? have expressed. For many frequent Forest visitors — hunters, fishers, hikers, bikers, birders, etc. — the "viewshed" is not the most significant value of the Forest. University teachers and scientists are very concerned that the proposed drilling and attendant development will change the Forest so much that experiments that have been going on for decades will be made useless. Also troubling to some is the "mury up" message that Alamco is presenting — people feel that haste can more easily lead to regrettable decisions.

Some Forest lovers feel that the uncertain risk, of "a view" that includes condominiums, is not worth the giving up the undisturbed naturalness of the Forest to a network of walls, roads, and pipelines for generations.

Others, including many who have worked for years to acquire and protect the viewsheds from development, feel that a last chance to do so may be lost. Some people believe that the gas under the Forest will probably eventually be extracted, and this is the last chance to see that it is done right and under strict limits and public oversight. The land to be gained for the Forest is of great value, but few acres can be a significant and valuable addition to public lands, in an area near Morgantown that is seeing significant deforestation pressure. Many people see gas drilling and development as relatively benign — and this proposal as a chance for "environmentalists" to say "win-win" situation with industry.

Many Forest lovers and users are undecided, and want to see what protections are possible, before they express a final opinion. There is little chance that the state will approve the deal, if large numbers of local Forest lovers and users are opposed. Alamco is now proposing that all drilling plans be approved first by an independent panel, which would be a novel approach. This proposal hasn't been produced in writing yet.

The Coopers Rock Foundation sponsored a public forum in Morgantown on April 27, 100 people attended. One forum participant said that if Alamco will go to try to meet public concerns will ultimately depend on whether Forest lovers and users are willing to "say no" — to any deal that does not absolutely protect critical forest values and users — even though "buying out" may mean losing the opportunity to acquire the viewshed property for now.

Other questions are — what about other gas companies — what might they offer? Is the proposed a foot in the door for "swapping" the gas and oil under other public lands?

"Sophie's Choice? Or "win-win"? What do you think?

The Public Land Corporation is planning a public hearing on the proposal during the first week of June, at Mount Chateau on Cheat Lake. Comments on the proposal can be sent to Coopers Rock Foundation, Box 305, Morgantown, WV, or to the Public Land Corporation at the State Capitol in Charleston. For more information, contact Adam Polinsky, 304-296-0533.

The following was added by WYBC. Their monthly meetings are open to the public and we would most likely benefit from a large showing. So here's your chance: Call (304-2571) for a copy of the guidelines, study them and get ready to lobby the folks on the Coopers Rock and attend their meetings. Thankfully Vicki Douglass, who has done great work (and I hate it to admit it as has most of the committee) getting the guidelines drawn up, is now on the FMRC and will be our best asset in seeing the guidelines dilute in the FMRC. If things go smoothly we will have the first plan to review (The Greenbrier State Forest Plan) in 2 to 3 months. So get down and visit the forest. Barbara Brestook, forester for Greenbriar, said they found the rare black margined sedge along Young's trail, see if you can find it yourself.
A Letter To Carol Browner

April 18, 1995
Carol Browner
Administrator
U.S. Environmental Protection Agency
Washington, D.C., 20460

RE: Peter Kostmayer
Dear Ms. Browner,

Rumors are rampant and newspaper articles confirm that you have fired Peter Kostmayer as Regional Administrator of EPA Region III in Philadelphia. We, the public, may never know the complete details of your decision, but the severity of the action demands an immediate response of outrage and incredulity.

Outrage because Peter Kostmayer has been a tribute to your agency, to the Clinton administration and to the people who live within the confines of Region III. He has been a public servant who is committed to honest, fair and in-depth evaluation of the environmental and economic questions that face the region today, a man dedicated to the goals of the clean water act and pledged to achieve the greatest degree of protection the law and economics will allow, someone with backbone enough to support the agency's dedicated technical people, and gutsy enough to seek the opinion and input of all points of view - truly an exception and an inspiration to those who have come to expect much less of a person in his position. Incredulity because your office has proclaimed how dedicated EPA is to reinvigorating the process, to moving forward hand in hand with all interested parties and without the historically skewed politics-as-usual. It was clear to me from your presentations at the National Goals Roundtable discussion in Philadelphia, January 1994, that your preferred course of operation is to work closely with states and industry to resolve problems amicably. But you also indicated that such actions would not be made at the expense of viability, the environment or the equitable application and enforcement of federal law and regulations.

For you to undermine the efforts of a strong but fair administrator, and now to fire him because of the political hot potatoes he is willing to address in a straightforward manner counts to everything EPA had to create and do certainly flies in the face of all that the Clinton administration is supposed to stand for. Just as industry S.L.A.P.P. suits have a chilling effect on citizens who challenge industry, your firing of Peter Kostmayer is sure to have a chilling effect on all agency personnel - in all agencies, not just EPA.

It is being said that political pressure was brought to bear in your decision. I do not question the loyalty and devotion of Senators Byrd and Rockefeller, but rest assured that if they or others encouraged this firing, they have not, in this instance, acted in the best interests of the people or the state of West Virginia - or any of the states in Region III.

You would not have had to go far to find a great deal of support for Mr. Kostmayer. We are truly sorry and greatly disappointed that you did not.

Members of the West Virginia Highlands Conservancy have met with Mr. Kostmayer on several occasions to discuss a wide variety of issues. He has always been forthright and honest whether or not we agreed with his positions. His firing is a blow to the growing confidence WVHC and other environmental and citizen groups had begun to feel toward EPA and this administration.

Sincerely,
but with deep regret,

Cindy Rank, Mining Chair and Immediate Past President

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Division of Forestry
looking for volunteers
to help catalog spe­cies in state forests.

Would you assist in identifying the birds, plants, bugs, invertebrates and whatever of the nine state forests, then the WV Division of Forestry would like your help. Contact

Steve Maxey, 1909 Kanawha Blvd., Charleston, WV 25305 (304) 558-2788, or call the Supervisor at your local Forest and get in touch with the Forest

for that forest.

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The Highlands Voice, May 1995 - Page 7

Monongahela National Forest Hiking Guide Now Out

Edition 6 of Monongahela National Forest Hiking Guide is now available. This edition is bigger and better than ever, with 568 pages, 96 pages of maps, 40 photographs, 177 trails totaling 812 miles, and a new full color cover. West Virginia Highlands Conservancy is the publisher. Authors are Allen de Hart and Bruce Sundquist (same as edition 5). Allen has hiked all the trails of the Monongahela N.F. over the past few years. Bruce was the editor for the first four editions. The hiking community and the U.S. Forest Service provided trail reports and photographs. Edition 6, like edition 5, also provides information for skiing and backpaking.

The growing throngs of visitors and the public at large regard the Monongahela National Forest as a 'Special Place'. And indeed it is. The hiking, backpacking, and ski-touring opportunities it provides are among the best in the eastern U.S. The more outstanding areas are becoming known far and wide - Otter Creek Wilderness, Dolly Sods Wilderness, Flatrock Plains, Roaring Plains, Blackwater Canyon, Spruce Knob, North Fork Mountain, Shaver's Mountain, Laurel Fork Wilderness, Cranberry Back Country, Cranberry Wilderness, among others.

Profits from the sale of these guides support a wide variety of worthy environmental projects in the West Virginia Highlands Conservancy. To order your copy of Edition 6 of Monongahela National Forest Hiking Guide, send $12.85 (this includes $2.90 first class shipping) to West Virginia Highlands Conservancy PO Box 506 Charleston, WV 25321

West Virginia residents must add $.60 sales tax. (total of $13.45)

I have included a check or money order for the amount of $_________ to WVHC for ________ copies of the Monongahela National Forest Hiking Guide.

Name:___________________________
Address:_______________________
City, State, Zip:__________________

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Problems with Corridor H

(from page 1) Vital highway for our state, and the noise for this project has been approved by Senator Byrd," Caperton wrote. "It is one of his most important projects. Any help you can give me on this project would be greatly appreciated." Powerful U.S. Senator Robert C. Byrd, who has fanned millions in federal money for Corridor H, insisted in his own letter to Brown that he "in no way [wished] to influence the ongoing environmental review for the project."

But, Byrd added in a Feb. 22 letter written on Senate Appropriations Committee letterhead, "my objective is to ask you...to ensure the integrity of the environmental review process by seeing to it that no prejudicial determinations are made while the environmental review process is ongoing."

Sen. Jay Rockefeller, also D-W.Va., talked to Brownover the phone and sent Kostmayer a nine-page letter that went much farther in promoting construction of the highway. Rockefeller listed the three projects and forwarded them with a note that the projects had been given Corridor H status. He asked Kostmayer to ensure that environmental impacts were assessed and included in the agencies providing environmental reviews for the project.

"There were letters, Byrd and Rockefeller issued separate news releases to tout a revised EPA evaluation they and concluded Corridor H would create only minimal environmental problems that could be easily mitigated."

"In a March 24 letter, Brownover assistant Steven Herman reported that EPA had given Corridor H the rating of "environmental objections," which means "significant environmental impacts have been identified that must be avoided in order to provide adequate environmental protection."

Herman cited much more general concerns about soil drainage, waste materials disposed of, crop and forest damage, and the letter mentions EPA biological comments, but those have never been provided to the state or federal highway officials.

"EPA believes that the success of this project is dependent upon the development and implementation of corrective measures as part of a strong commitment to a comprehensive mitigation strategy," Herman wrote.

EPA Region III is prepared to present and discuss these with you and the WV DOH as our agencies work together to bring the final EIS to closure," he wrote.
OSM Responds (Sort Of) To Clean Water Complaints

Reports from the Mining Committee - by Cindy Rank

On April 18, 1995 the federal Office of Surface Mining (OSM) issued its first official response to the Notice of Intent to Sue (NOI) and Citizen Complaints from WVWIC and the National Wildlife Federation (NWF) re: enforcement of the Clean Water Act under the WV surface mine regulatory program approved pursuant to the federal Surface Marine Act of 1977 (SMCRA).

Sent from OSM's Eastern Support Center in Pittsburgh, PA, the letter "does not constitute a final decision" but is described as a "status report" on the agency's "intensive course of action" concerning the allegations in the NOI and the accompanying citizen complaint filed on January 30, 1995.

The letter states that "improvements are in the pipeline," and that OSM has undertaken a comprehensive and thorough review of our assertions, "has operated in good faith to address the allegations seriously and deliberately," and has arrived at several tentative policy decisions.

However, the letter goes on to say, the adoption of many positions asserted by WVWIC and NWF "will be a departure from the agency's long-standing approach to these issues," and that "while OSM, in consultation with other interested parties, has clarified the appropriate standard against which to measure the states' actions, it is premature for the agency to evaluate the performance of OSM or any other State regulatory authority with respect to enforcement of the CWA requirement."

OSM, therefore, intends to solicit comments on its actions to the public, coal industry, environmental advocacy groups, States, and others on these tentative policy positions in a manner described in a forthcoming "outreach implementation plan." The outreach and final decisions are expected to take approximately 180 days.

As for the substantive issues involved in the complaints and NOI, a one and half page shemp and "summary of tentative policies" is attached to the April 18th letter. As stated in the summary, the policies pretty much follow and agree with most of the positions asserted by WVWIC and NWF.

While it's always difficult to understand letters from agencies that are trying to walk the fine line between enforcing the law on the one hand and not offending industry and the powers that be on the other, a probably accurate interpretation of OSM's April 18th response is as follows:

Dear WVWIC...We've read your complaints and, after careful and comprehensive review, agree that the positions you assert are true and accurate according to the law. However, we have never really insisted that anyone fully implement the law in the past and to do so now will probably cause a heap of trouble. We are, therefore, testing the waters by issuing to all interested parties our tentative positions on your major concerns. After everyone has had a chance to review and chew over our suggestions, we'll get back to you with the positions we think we can afford to support...Thanks for your interest and concern. Love, OSM.

N.B.: It is important to note that OSM's position on the major issues regarding) 1) the adequacy of site-specific bonds and the Special Reclamation Fund (bond pool) and 2) the treatment of acid mine drainage at bond forfeiture sites are not addressed in the tentative policies summary that accompanies the letter. These issues, the letter states, "are being addressed in the context of OSM's review of a pending amendment to the WV program."

Readers of the VOICE will remember that OSM field office has in the past consistently agreed with our assessment of both the inadequacy of WVWIC's bond program and the state's failure to carry out its mandatory duty to treat acid water at forfeiture sites (a duty also confirmed by the WV Supreme Court last summer). The current agency review of the WV program is expected to affirm these positions as well, but results of the program amendment review have been expected for months, and have yet to see the light of day.

(Anyone wishing a copy of the actual letter and accompanying tentative policies summary should contact Richard di Pruzzo in the WVWIC Morgantown office at 264 High Street, Morgantown, WV 26505, or phone: 304-296-8963.)

Will They Remain Green Rolling Hills?

by Jason Hadbrett
Director/Producer: Doug Hayes-Davis
Video/Photo: Eric Gravley
Soundtrack: Ned Modell and the Sawanna Band

ECology Center Productions (101 E. Broadway, Suite 601, Missoula, MT 59802, 406-728-5733) VHS 20 minutes, $15

1. My sympathies, for these men are trying to live out an American nightmare which our system of schools and our voices of government never said they would fail. There is not the raw material in the woods, or beyond, to make all of us rich. And in striving for it, we will only make ourselves, all of us, poor.

Early Lopez The Rediscovery of North America.

From the initial grading of the log to the sharpening of the chainsaw, blade, Green Rolling Hills documents the causal history and potential impacts of the proposed largest pulp mill in North America slated for the day Ohio River town of Apple Grove, West Virginia.

Clearly improving on his first video, The Element of Doom, Doug Hayes-Davis once again takes a pressing environmental and social issue and digs as objectively as possible to its root. Interviews with Assistant Secretary of Agriculture Tom Lyons, West Virginia Governor William Manness, local forest advocate Jean Fout, Norm Steenstra, Joe Hanchatee, and dead-but-treasure clips of logs allow the viewer to decide the fate of the regenerating forests of West Virginia and, indeed, the entire planet. Words of Mike McClaran (April 92, Atlantic Monthly), "This unintentional and mostly unreported curse of the needs to be cut."

The author and West Virginia have regenerated since the devastation at the end of the last century. Despite formation of three National Forests in the region, most of this

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Membership Benefits

* 1 year subscription to the Highlands Voice
* Special meetings with workshops and speakers
* Representation through WVHC efforts to monitor legislative and agency activity

The WVHC, at age 28, is the oldest environmental group in West Virginia. The Conservancy has been influential in protecting and preserving WV's natural heritage. Your support will help WVHC to continue its efforts.