EIS in Wonderland
by Hugh Rogers

Three environmental impact statements came before the Conservancy's summer board meeting: Wild and Scenic Rivers, Hughes River dam, and Corridor H. They are wildly (and cynically) different. The Forest Service's Wild and Scenic EIS is a serious attempt to explore several alternatives. The Soil Conservation Service's Hughes River EIS is a throwback to the '70s, when dam builders and roadcutters buzzed in their "real" work to throw a few pages together. (Corridor H's western segment got this treatment in 1975.) The Department of Transportation's Corridor H EIS, now circulating in draft form, weeps the old attitude in a fat new package.

Where are we now? This EIS was "docketed" into a corridor selection phase, with a Supplemental Draft EIS, and an alignment selection phase, with an equally thick SDEIS and technical reports. Now, the department has proposed a Final EIS. You and I have no say on this piece of work, except in court. WVDOT was supposed to respond to our comments on the FEIS. Various agencies get one last crack, refereed by the Federal Highway Administration.

Very soon, FHWA must decide whether to nix off on the 80% federal funding. One clue to the project's extravagance is the cost of the EIS process: so far, WVDOT's consultant, Michael Hames, Jr., Inc., has been given contracts for $14 million.

Where are we now? This is a "technical" answer. After the abstract, legalistic description, I have an answer from inside the process, where affected citizens actually read these thousands of pages and try to understand why the project took this form and what it would do to our lives. Bonni McKeown, president of the Corridor H Alternatives, says, "It's Alive in Wonderland!"

In Wonderland, traffic is what the Corridor requires. There is (or will be) too much traffic in West Virginia that only four lanes will do, but there is (and will still be) so little traffic in Virginia that two lanes will be sufficient. Remember, Virginia's Transportation Planning Board rejected Corridor H, and thus eliminated the four-lane connector to I-81 & I-64. Since that connection was the basis for the project, the Conservancy argued that it must be dispensed with, or, if West Virginia insists on an in-state Corridor (not the Corridor defined by legislation), it would have to rewrite the EIS. Meanwhile, says the WVDOT, the Corridor is whatever we say it is.

In Wonderland, economic development both is and is not the purpose of the project. Opponents struck hard at this rationale. New highway construction does not stimulate business in rural areas. New WVDOT has conceded that its chosen studies found "confounding conclusions relative to positive and negative "economic" impacts on the area. However, it wants to build the confounded thing anyway.

In Wonderland, the last refuge of sconeheads is not patriotism, it is safety. "Well, it is development is confounded, when traffic is thin, when linkage is lost, then the need for improvement on our whole road network is seen as jeopardized by the sphurge on this project, the public turns against it—then the emotional issue of safety is raised as the last rationale. Of course, when road development is approved, WVDOT's sly strategy won't save driv- ers going most places (see page 6)"

Goshawks and Greed - Hard Times for Little Fork
by Bill Ragette

My first visit to Little Fork was on the hottest weekend of the summer. Folks were dropping like flies in Chicago, but by the backside of Little Fork and Lick Branch it was quite pleasant. The easiest way into this part of the Cranberry Backcountry is from the Williams River at the camping area/trailhead at Middle Fork (of the Williams) that leads into the Wilderness proper. Little Fork runs into Middle Fork not very far from Middle Fork's entrance into the Williams. The Little Fork trail follows this lovely stream up to the ridge and connects to the North-South Trail that traverses the Wilderness and the Backcountry.

I arrived late in the afternoon after the Conservancy's summer board meeting. I knew from looking at the Forest Service's maps of the "proposed actions" that most of the 1,000 acres of cutting was to occur in the Lick Branch hollow which drains into the Williams River about a mile to the west of Little Fork. There is no trail into Lick Branch, but using the handy topo maps included in the Hiking Guide I was able to bushwhack along the flood plain, past some interesting wetlands, Lick Branch. Here I threw off my pack and enjoyed its refreshingly pure waters. I was amazed at all the Old Growth occurrences seen in the Lick Branch, the thunber and night in- sects lulled me to sleep.

A tour of the Little Fork Oppo- nent Area (OA) was divided up by Beth Little for the following day. A dozen tree huggers and three Forest Service officers turned out for the tour. Meeting at the parking area at Middle Fork, we discussed the

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Congressional Knives

For as long as I can remember, politicians have promised to cut out waste, fraud, and inefficiency in government. Every President at least as far back as Jimmy Carter has announced an intention to make government more efficient.

Now West Virginia, its people, and such of its fish who manage to survive are about the feel the effect of the drive for "efficiency." The Congressional knives are sharpened to cut out the enforcement of coal mining regulations by the federal Office of Surface Mining.

In West Virginia, as in most other coal mining states, we currently have both a state and a federal agency which is responsible for enforcing the environmental laws at surface and underground mines. The West Virginia Division of Environmental Protection has primary responsibility. It is supposed to inspect coal mines and see that they don't pollute air and water and endanger the lives and property of those living around the mine. The federal Office of Surface Mining has secondary responsibility. If the West Virginia Division of Environmental Protection does not do its job of inspecting mines and enforcing the law, then the Office of Surface Mining can step in and do so.

"Ah-hah" about the Congressional budget cutters. "We have found some duplication in government services. We have both a federal and a state agency doing the same thing. Let's just cut out the ability of the federal Office of Surface Mining to enforce mining laws." This makes it possible to announce that they have saved the taxpayers money while not really diminishing services.

Such an approach ignores history.

If the history of the regulation of mining illustrates one thing it is that we cannot trust the coal industry to behave itself without vigorous regulation and that we cannot trust the state governments of coal producing states to provide that regulation.

At the time Congress passed the federal Surface Mining Control and Reclamation Act in 1977, most states, including West Virginia, which had coal had some sort of system for regulating mining. The result was a mishmash of inconsistent state laws and haphazard enforcement. Citing competition from mines in other states, the coal industry could continually press for lax regulation in its own state. The only way to prevent states from competing to see who could be the most lax in its enforcement was to establish a minimum level of regulation below which states could not fall. The only way to ensure that states would actually enforce those regulations was to allow the federal Office of Surface Mining to step in and enforce the law when states did not.

Although there are coal industry apologists who would argue otherwise, the overwhelming evidence is that the regulation of mining improved after the passage of the federal Surface Mining Control and Reclamation Act in 1977. Even the state officials seem to agree. Whenever citizens complain about the state, the only way to prevent states from competing to see who could be the most lax in its enforcement was to establish a minimum level of regulation below which states could not fall. The only way to ensure that states would actually enforce those regulations was to allow the federal Office of Surface Mining to step in and enforce the law when states did not.

For a more recent example of what West Virginia would do if left to its own devices we have only to look to the late 1980's. Governor Moore came into office waving his bill to create a Department of Energy to both promote and regulate coal mining. He appointed strip miner Kenneth Faerber to head the new agency. With Mr. Moore's approval, Mr. Faerber and his successor Dwight Diats proceed to make a shambles of the program. Anyone could get a permit to mine any coal in any location. Enforcement was casual, to say the least.

It reached the point that the federal Office of Surface Mining threatened to take over enforcement of the mining laws. Facing this threat, the state had no choice but to improve its enforcement. The Office of Surface Mining had saved West Virginia's enforcement program from sliding into complete chaos.

For the most recent example of the need for a federal presence in the (see page 2)
Conservancy Creates Intern Program

The WVHC is considered by many as the matrix of West Virginia's environmental movement. In the past twenty-five years the Conservancy has waged many battles in order to preserve and protect West Virginia's environment, people and culture from destructive governmental policies and callous private corporations. Through these battles the WVHC has learned that the best insurance against future environmental and human catastrophe rests with issue oriented activists and also with the recruitment and education of the future cadre of activists. The WVHC has been very diligent in fulfilling the first element of this equation. However, in recent years the average age of our organization has been creeping upward. This phenomenon is both positive and negative. On the negative side, this statistic reflects a collective wisdom that the WVHC has acquired throughout a quarter of a century of activism. Just the same, it reflects the failure of the WVHC to recruit and encourage young activist to tap the WVHC has learned that the WVHC has acquired wisdom that the WVHC has acquired experience is not necessarily required. This program is designed as both an education and employment opportunity. Morgantown area residency and a reliable source of transportation are required. Wages, Hours, Expenses: The internship will cover ten weeks in the fall and spring semesters, averaging ten work hours per week. The pay shall be five dollars per hour for a total payment of $1,000. The WVHC will cover travel, copying and other job related expenses, not to exceed five hundred dollars over the first ten weeks. Purpose: The purpose of this internship is, as reflected in its title, two-fold. First, the intern will act as the WVHC recruitment coordinator. Second, this internship is designed to provide the intern with an "organizing" education. Recruitment Coordinator Duties: Obviously this aspect of the internship is designed to recruit new members, especially youth, to the WVHC. The intern would be responsible for designing a program, using a variety of media (slide shows, art, video, etc.) which would highlight the accomplishments, history and contributions of the WVHC to protecting West Virginia's environment, people and culture. While this internship program should not focus entirely on appealing people under thirty it should present the WVHC in a manner appealing to young people. The intern would take this program on the road to schools, community centers, union halls, etc. in order to sign up new WVHC members. Other recruitment duties would or could include: updating mailing lists, analyzing trends in membership, encouraging existing members to become more active, etc. The administrative secretary shall act as the intern supervisor for a portion of the internship. Educational Benefits to the Intern: The WVHC, in exchange for the intern recruiting efforts, agrees to spend approximately 1/4 to 1/2 of the 20 weeks educating the intern regarding organizing and activism. This aspect of the internship should remain flexible and will vary according to the issues with which the WVHC is involved. Ideally, each committee, or someone from each committee, will agree to send the intern about their areas of expertise. In addition the President, administrative secretary, and Voice editor will spend time with the intern. For example, the Voice editor could walk the intern through the entire process of publishing one issue. This could include everything from those nagging phone calls to teaching desk top publishing. The mining committee could lead the intern through the intricacies of EM-CRA, public process, and mining litigation. The administrative secretary could train the intern in the nuts and bolts operations of a self-sustaining environmental organization. If the intern lacks organizing and activist experience certain portions of this aspect of the internship could precede her recruitment efforts. This would familiarize the intern with the WVHC and provide the intern with skills necessary for recruiting new members. Internship Evaluation: After twenty weeks the intern will write a brief report highlighting the strengths, weaknesses, educational benefits, etc. which aid the internship in fulfilling its two-fold purpose.

WVHC sues EPA

by Ken Ward from the Charleston Gazette

Two environmental groups and three state residents on Wednesday sued the US Environmental Agency, alleging it's enforcement of water pollution regulations in West Virginia.

Their lawsuit, filed in US District Court in Charleston, grows out of criticism of the proposed Mason County pulp mill.

They argue the potential to scuttle, or at least stall, plans for the controversial $11.1 billion facility.

If allege EPA has failed to enforce the State Division of Environmental Protection to create plans to bring state rivers and streams into compliance with national water quality standards.

The suit states that EPA's failure has "exposed the residents of West Virginia and others to increased cancer risks and other health threats posed by toxics such as dioxin, polynuclear biphenyls (PCBs) and chloroform, as well as toxic levels of metals and domestic sewage in water."

"State and federal agencies have found amounts of these toxic and conventional pollutants in West Virginia's lakes and streams that violate West Virginia's own water quality standards and endanger the health of West Virginia residents," the lawsuit states.

The lawsuit was filed on behalf of Regenia Fout and Thomas E. Keating of Huntington and Bill Reg- ella of Clarksburg, who haveadevoted career to cleaning up the Ohio River.

The lawsuit was filed on behalf of the Ohio Valley Environmental Coalition and the West Virginia Highlands Conservancy by Perry McDaniel, a lawyer with the Charleston firm of Crandall, Pyles, and Havi- lland.

The suit specifically charges that EPA has not required DEP to enforce the Ohio River's standards and instead has allowed the river to can serve as a model for other rivers.

The suit asks for $7 million and seeks to overturn the state's pollution control program.

EPA officials said the suit will not prompt them to revoke the permit to discharge more dioxin form its chlorine dioxide bleach- ing process.

A statement released a week ago, EPA Region III scientists confirmed earlier estimates that the river's water qual- ity standard for dioxin is being viola- ted near the site of Parsons & Whittemore Inc.'s proposed pulp and paper mill.

EPA officials said the finding would not prompt them to revoke the mill's permit to discharge more dioxin form its chlorine dioxide bleach- ing process.

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Basing a decision to select a "no action" alternative for Little Fork on the management goals of the Forest Plan is as justifiable as a decision to maintain black cherry as the dominant species.

From an economic standpoint, it makes the most sense to select an inaccessible area like Little Fork to be left undisturbed. The many miles of road needed just to reach Little Fork, added to the roads within the project area, diminish the return to be realized from timber sales. The maps accompanying the June 9 letter requesting input do not even show the miles of construction and reconstruction of roads extending from Forest Road 427 that are needed to reach the northwest corner of Little Fork in lieu of a bridge across the Williams River. This road construction should be included in the project expense.

The Forest Service does not include the full cost of roads as expenses when figuring the return on timber sales, but capitalizes a large portion of the cost, justifying it on the basis that the road will be used in the future. During the field trip on July 16, we learned that the discovery of threatened and endangered species would change the location of the proposed road near the top of the ridge and southern boundary of Little Fork, and cause logging in the area to be cancelled. Studies on the location of northern flying squirrels continues in the area. With this uncertainty about where logging can occur in Little Fork, and the fact that Little Fork is at "the end of the road", because it is next to the Cranberry Wilderness, the return on the capital investment in many miles of road may never be realized. While on the subject of roads, there is an issue I would like more information about. The (old) Cranberry Bank Country was classified as a RARE II area. Part of Little Fork was within the (old) Cranberry Bank Country. The Forest Service Handbook requires the preparation of an EIS when a proposed project may substantially alter the undeveloped character of an inventoried roadless area. What is the current status of this issue?

The other recreation opportunity that involves Little Fork is the outstanding system of trails radiating from the North South Trail, both...
by Chuck Merritt

One would truly have to be an unusually unappreciative user and/or participant in the outdoor natural bounty of Wild Wonderful West Virginia, not to see the importance of her free flowing streams and rivers.

From the family groups and friends at a reunion or 4th of July riverside barbecue and picnic, to the most austere practitioners of the fly fishers' art, much of the character and identity of the state's culture and history flows from, and is defined by, the rivers and riversides that were here long before the present culture came to dominate the scene.

And I submit that nowhere else in this state and possibly in the entire Mid-Atlantic region of the U.S. do the rivers and riversides play such a role in defining and testing the question, why wild and scenic rivers, as do the twelve study rivers of the Monongahela National Forest.

First, another question. When is a river no longer a river? A river can be polluted and over-crowded. It can have railroads and highways next to it. Houses, farms and even towns and cities can and often do sprout, grow and thrive along rivers. But if a river or stream is dammed and impounded, am I to believe that it is no longer a river? A river no longer a river? A river that is dammed is damned.

Enough rivers have met this fate across this country! The twelve streams in the Monongahela National Forest have threats to them in the form of proposed dams, so to prevent their possible death by impounding is one big reason to say yes to Wild and Scenic Rivers in West Virginia.

Life. All forms of it. Flora and fauna - all connected and flowing along the larger evolutionary river - is a big reason to preserve rivers in their natural state.

Protected wild and scenic rivers, even the more developed, less pristine 'recreational' designated segments preserve the riparian corridor to a degree that animal and plant variation can 'migrate' through and maintain their species diversity and evolutionary viability among distant populations of the same species.

The dominant culture of cities and concrete highways must preserve for the people of that culture, the vital biological diversity of the rest of the life forms on this planet. Rivers and riparian corridors are one of the very best ways to provide the needed paths for biological migration. "We" need the free flowing rivers, and the rest of the biological inhabitants of this Earth need and deserve their use of the rivers too. For the living, and to say no to extinction, say yes to Wild and Scenic Rivers.

Do you like fun and prosperity, both on a reasonable and democratic level? Not subsidized by higher taxes to pass on more debt to our descendents? I would like that too! Free flowing rivers are full of fun at all levels. When the water is up the whitewater boaters are out in force. The gear, food and gas that they and other river users buy through the year helps a diverse and dispersed egalitarian economy.

Trout and bass fishing; sunbathers and picnickers, people camping, hunting, birdwatching, and swimming. All these users have a lot of fun. And all of this more is permitted and encouraged on Wild and Scenic Rivers.

Taxes are not raised by wild and scenic designation, and the management requirements are generally low so the increased costs to government agencies are usually slight. Not so with impoundments or other large scale river-based recreation/economic development projects. Such projects eat up taxes and destroy either directly, or through higher fees and taxes, the more democratic/people-based uses of a natural free flowing river environment. Say yes to fun and Wild and Scenic Rivers for the Mountain State.

Montani Semper Liberi is the motto on our state's Great Seal, depicting a miner and a farmer with their proper tools, products, and dress displayed. Much of the culture and history of what is now West Virginia has "happened along" because of the pathways and riparian corridor benefits that are derived from our state's streams and rivers.

Free flowing rivers have contributed much to this state and it's people. Now the people should begin to repay that debt with protection of the twelve study streams proposed for inclusion in the National Wild and Scenic Rivers System. These streams are here and willing to give more to this state and her citizens and visitors from afar.

If "mountaineers are always free" has any validity as a motto, it is time for the streams and rivers to be acknowledged as valued partners, and therefore deserving of our care and protection.

So, you say, why Wild and Scenic Rivers? The answer is -Yes By God, In and For West Virginia! Note: Chuck Merritt resides within the MNP on the banks of the Shavers Fork - a location that is along a proposed scenic section in the Forest's Wild & Scenic Rivers Study.

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Ask Again... Why Wild & Scenic Rivers for West Virginia?

Little Fork

in the Cranberry Wilderness and the (old) Cranberry B - Country. The rivers in the proposed section for Little Fork - crossing the North South Trail more than once and running parallel to it most of the way, and the extensive logging proposed in proximity to the trail would have a major impact on the routes of trail users on the Kinnsman Mountain, Pocahontas and Frosty Gap Trails during the logging operations; and, therefore, protecting the North South Trail means protecting logging activity in its vicinity.

Even if it is possible to provide better protection for trails from the direct impacts of logging, there is an indirect impact that is difficult to measure, but profound. The experience of walking through a section of tall old trees like the massive columns of a cathedral reaching up to a canopy way overhead so dense that one has difficulty seeing the sky and recognizing the sun through the leaves and trunks that form the roof of the forest. It is a recreational experience of high value that should not be allowed to be dammed.

There are areas like this in Little Fork, and the contrast with areas that are just logged through to carry roads is marked. The value of these areas as a combination of the recreational experience and the contribution to forest health abides over the years in contrast to the timber value which is a one-shot deal every 70 to 80 years, or once a human life-time...

In summary, Little Fork should be left undisturbed during this planning cycle for scientific, economic and recreational reasons, and for mitigation of disturbance to the Cranberry Wilderness.
EIS in Wonderland

(from page 1) In the highlands. They'll continue to use old roads. Even the new road would not be all that safe. The perils of its grade intersections were shown as soon as the 9th Avenue to the Glencore segment opened, when two people were killed in a collision with a heavy truck.

The draft EIS includes a "mitigation Document" and some new sections. One example, called by EPA, Interior, and public interest groups. The longest addition deals with forest fragmentation. Again, as it does on the issue of economic development, WVDOT throws up its hands: "How the additional impacts caused by construction, operation and maintenance of the highway will interact with this mix of stressors [on the forest]...is simply not predictable."

The next step is up to the FHWA. Is that agency in Wonderland too? In 1993, at the interstate planning meeting on corridor selection, FHWA's representative insisted that the highway must have no economic purpose. Since that purpose has been dropped, the agency has been retrofitting the FHWA must decide on the following: Interior and others pointed out that the Shavers Fork would lose its eligibility for scenic designation if the proposed bridges were built. WVDOT's response? "Comment noted."

Shavers Fork is a choke point for ornament. The first battlefield along the river can't be dismissed with a "comment noted." Instead, WVDOT's consultant wants to construct its boundary. The first battle began on July 13, 1861, when the Union army fought retreating Confederates at Kaladar's Farm. Now, WVDOT wants to span Kaladar's farm with a massive bridge. By July, 1995, skirmishes in this second battle had broken out in the State Historic Preservation Office, the National Register of Historic Places, the Advisory Council and National Trust for Historic Preservation. For WVDOT, the terrain is unknown, the stakes are high. If the battlefield's true dimensions are officially recognized, the corridor might have to be moved.

Further east, the Battle of Moorefield is a similar battle. But the ultimate bane of the military metaphor persists: a hundred miles east of that, in Washington, D.C. The line is not quite as clear as they looked last November, just after the Congressional election. Although the House Republican majority doesn't want to pay for old Democratic pork, rebellious elements continue to question the need and cost.

The pro-road group, West Virginians for Corridor H, knows to concentrate on progress. Having more money than people (or sculp­tues), they hired a D.C. public relations firm and put out a press release. Not surprisingly, their sugges­tions about a new study of Appalachian development were quickly re­jected by the study's co-author. But out-of-state members of Congress have been on this and other issues unless we tell them. Can't you join us in Wonderland? Call a member of an appropriation committee today.

Proposed treatments for ailing Little Fork 'Opportunity Area'
Extracted from Beth Little's written response to the Little Fork Scoping Notice

I urge the Forest Service to consider seriously the "no action" alternative for the Little Fork Project Area, as well as alternatives that involve no high disturbance activities such as roads or timbering. The issues and concerns this would address are as follows...

The Cranberry Wilderness, though the largest in the Monongahela Forest, is not really very big. I can walk across it in a few hours, which means it provides a minimal range for the larger wildlife that is intolerant of disturbance. Whatever the appropriate size may be, adding undisturbed area can only help; and Little Fork and Rough Run are the only recently undisturbed areas left adjacent to the Cranberry Wilderness. I am not necessarily advocating expanding the wilderness, because that would preclude some research and recreation activities, as mentioned further below. I think Little Fork, and Rough Run, should have been designated 6.2 areas. They are practically surrounded by the Cranberry Wilderness and Cranberry Back Country 6.2 areas and so can thus complete a natural undisturbed block.

The issue of disturbance adjacent to the Cranberry Wilderness is magnified by the fact that public roads run along more than half its boundary. Even the Cranberry Back County 6.2, which should be undisturbed, has a high degree of forest disturbance because of the numerous facilities. There is daily traffic year round on Forest Roads 102 and 76, and continual human activity at the North Fork drums with generators going to provide electricity, not to mention the conveyos of big trucks bringing in the liming dust during late summer. This level of disturbance is far beyond the expectations of the wilderness advocates who acceded to the boundary change for the North Fork facility and provided input to mitigate the impacts. We were led to believe that weekly maintenance trips would be sufficient, and feel betrayed by the outcome of this project.

One way to mitigate this inappropriate disturbance in the Cranberry Back County 6.2 is to avoid disturbance in Little Fork and Rough Run.

During my comments I raised several issues that are wider than the project area, and I can anticipate a response of "this is outside the scope of this analysis." But the Forest Service has also raised these wider concerns in its letter in the June 9 letter requesting input by referring to learning from new science and using the ecosystem approach so that "we can ensure long term ecosystem health and sustainability."
Summer Vacation

by Norm Steenstra

I spent seven days at Kanawha State Forest last month. I needed to get away from phones and politicians not to hear about what was going on at the Clay Elm timber sale site. We visited the state park a few times to see the need to gather solace from the woods while seeking out some ecological horror story to forget about. It's probably unhealthy that we do it but it also keeps us aware of what's going on.

What's going on at Kanawha is that they are cutting the big, rare trees, trees larger in diameter than the length of my outstretched arms. Trees of the size that one only seems to see on city golf courses anymore. They call it a selective cut. That means they are only cutting the big trees and any smaller trees that are in the way of getting to the big trees.

The WV Division of Forestry are the "experts" that the public must rely on to see that the timbering is done right. These "experts" are allowing mining roads to be cut that sometimes are only separated by half a hundred yards. They leave no beauty strip. The tiny islands of greens between the roads are not immune to timbering as they selectively cut that area too.

There are the same "experts" that totally obliterated a significant section of the Mill Creek hiking trail a few years ago. The trail adjoints the current cut and disappears suddenly at a tangled cleavage. The hiker has no clue as to where the trail once went. The "experts" who permitted the clearcutting of a hiking trail left hikers with two choices - turn around and go back on the way they came or spend an hour climbing over trurops, brush, and debris built/hacking their way across the old cleavage.

As all Voice readers know by now the WV Supreme Court told the citizens of West Virginia that they had no right to comment on public land timber sales engineered by our "experts." That law must be changed. While observing the timber operation on Clay Run it struck me that what we must do is hold our "experts" and the tree cutters to a much higher standard on public lands than we allow on private lands. Perhaps if we demanded more of our "experts" on public land, timbering on State Forests would be less attractive and more expensive to the treecutters.

The key to making it more expensive and less attractive is endowing pressure. I urge Voice readers to visit public land timbering sites and offer to take pictures. Question our "experts." As more of us question their authority and record the fruits of their "expertise" commercial activities on public land will become less attractive.

I visited the timber site on 3 different days. Not even a junk yard dog greeted us on two of those days. Before entering the timber site I informed the Forest Superintendent of my destination. Near the site signs inform the hiker that only authorized persons wearing safety equipment could enter the area.

Those signs really put things in perspective. The WV Supreme Court ruled that we the public could not comment on the timber sale. They implied that we must rely on the "experts," and the first thing our "experts" do is put up signs making it very difficult, if not illegal, to observe what is going on.

Until now I've been kind of proud of the fact that I've never been to jail. I intend to keep going back to Kanawha to watch and learn from my "experts." I will keep a low profile and not be in the way of the actual timber cutters but I will not speak on public land. If I get arrested so be it. The law must be changed. The whole crazy stuff from that gives our "experts" so much power must be changed. The whole corrupt concept of corporate welfare on State Forests must be changed.

Often environmentalists find themselves caught in the middle battle only to lose the war. The loss of the big trees - our big trees - was a battle lost. The Kumbrawoo mine is the same thing because we can win the war even if we lose the battles. Please join me in laying out the plans to ultimately stop commercial timbering on all of our State Forests. One last legacy that we can leave future generations is a system of tree zones scattered around the state.†

†From the heart of the plateau

(from page 2) regulation of coal mining, we need look no further than the June, 1995, hearing in Charleston in which the Office of Surface Mining invited people to suggest ways to address the problem of streams polluted by acid mine drainage.

Representatives of the coal industry showed up. They launched into their standard two part defense: (1) there is no problem, (2) if there is a problem somebody else should have to pay to fix it.

Ordinary citizens - including Cindy Rank, Don Garvin, and me - showed up. They said that there was, indeed, a problem and that we ought to find a solution. The Office of Surface Mining took the position that if they didn't think there was a problem then they wouldn't be here trying to find a solution. A study had shown that West Virginia had a 22 million deficit in its fund which it maintains to pay for remediation of lands damaged by mining. This only includes the costs for land remediation, sealing old mines, restoring strip mined land to its original contour, and planting grass and trees. It does not even include correcting the problem of acid water flowing from coal mines. This sounds like a problem to me, one which the Office of Surface Mining seems interested in addressing.

The truly disheartening position was that taken by the West Virginia Division of Environmental Protection. In a letter to the Office of Surface Mining, stating that it was the policy of the state to see acid mine drainage as a problem and that, if there is, insist that it has no role in solving it. Fish got to swim, birds got to fly. Coal company representatives got to deny responsibility till they die. One can no more blame them for denying responsibility than one can blame a dog for running rabbits or a cow for swatting flies.

The truly disheartening position was that taken by the WV's Congressional Delegation, led by the Honorable Don Young, in a letter to the Office of Surface Mining. They implied that we must rely on the state to solve the problem. The state is the one that gave us the mess, and the state is the one that should be the one to clean it up.

The position of the state is disheartening both because it resembles that of the coal industry and because it ignores reality.

The reality is that we have hundreds of miles of streams being damaged by acid mine drainage. We have hiker's whom cannot fish these streams. We have whitewater rafting companies that complain that their customers don't like paddling in orange water that burns their eyes. It is a reality which is hard to ignore. This is why we still need the Office of Surface Mining. The history of West Virginia's program for regulating mining is to slip backward a time when mining compa­nies could ride roughshod over the land, ripping and tearing as they went with not even the thought to the environment they were doing.

The Office of Surface Mining is one of the forces which checks this tendency. Even with the Office of Surface Mining available to enforce the law when the state fails to do so, West Virginia still has a systems of mining regulation where Director is capable of performing that acid mine drainage and the deficit in our redaction fund must not be serious problems. I shouldn't to think what positions the state would be taking if the Office of Surface Mining were not there.

The enforcement efforts of the Office of Surface Mining are not just a duplication of state efforts. Those actions are not just a luxury which Congressional budget cutters can siphon away as part of their quest for efficiency in government. That enforcement power is what keeps West Virginia's mine regulatory program from taking a long step on the road to ruin.

Join the West Virginia Highlands Conservancy

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<th>Category</th>
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<td>Mountaineer</td>
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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.