T&T Hits The Skids

Mining Matters

DEP To Pay For Yet Another Coal Fiasco

For those of you who may be keeping score or making lists, T&T Fuels is the latest in the long line of coal companies to go broke and leave the state holding the bag.

Attention to the problems at T&T began in earnest back in the Spring of 1994 when torrents of acid mine drainage (AMD) broke loose from the hillside mine portals and some 800 gallons per minute of rusty red mine drainage poured into Muddy Creek and on into a favorite whitewater rafting area of the Cheat River near Albright in Preston County WV.

As luck would have it, a raft guide captured the event in full color and showed it at the first statewide Rivers Conference in Morgantown thus capturing the attention of the multitude and triggering an outpouring of concern the likes of which is rarely seen.

The past year has been filled with state and federal actions and investigations pursuing the company and its representatives for solutions to the problem — and the money to pay for them. Now T&T has declared bankruptcy, leaving hundreds of thousands of dollars in unpaid property taxes and reportedly Workers Compensation does as well, and has forfeited its meager $10,000 bond, leaving the state of WV with an estimated water treatment cost’s of $3/2 million per year.

So ends the NEW news, i.e. “T&T” is a new name.

The rest is history. Be it T&T, DLM, F&M or Omega, WV’s response has become all too familiar: big problem, big expense, (and most importantly) BIG NEWS, therefore the state acts.

But, how the state acts and what WV DEP says about those actions tells the larger story about the official WV DEP attitude toward permitting, bonding and water treatment in acid areas — especially in those areas with problems that are less in the public eye than T&T.

WATER TREATMENT / BOND POOL / FORFEITED SITES

What is DEP saying by it’s actions at T&T, and by the words of it’s agents interviewed for an article in The Dominion Post newspaper?

In the state admitting that it has a legal mandate under federal and state law to treat water at forfeited mine sites? NO, but it will step in as it has at F&M etc., because it feels some sort of “moral” imperative. READ: There’s too much publicity to ignore this one.

In the state going to treat the discharge so that it meets the same water quality standards required in the company’s permits? NO, no indication of that either. READ: As long as the agency does something, it can say that it’s better than nothing.

In the state admitting that this might be the straw that finally breaks the back of the bond pool/Special Reclamation Fund? NOPE. DEP still says the fund is solvent. READ: DEP believes they have no legal requirement to treat water or to treat to standards and that there is, therefore, no liability for those measures. Consequently, what monies are spent for water treatment is pure gray.

With thinking like that, how can the fund be anything BUT solvent? It’s an interesting point of view that the state maintains, but it’s flat-out illegal. The Federal Office of Surface Mining (see page 8)...

Another Contract on Corridor H

by Hugh Rogers

If you haven’t been reading the Charleston Gazette recently, you’ve missed the fun with the Division of Highways’ cut-and-dry process. Word got around that a D.C. firm had been hired to double-check the Corridor H Environmental Impact Statement, for which we have already paid $10 million. First, DOH admitted hiring Cutler & Stanfield but denied knowing how much the firm would be paid. Then DOH’s own legal office gave us a hint: Cutler & Stanfield would be paid by the hour. The rate was still unknown.

Two days later, after a Freedom of Information Act request, reporter Ken Ward was able to read the contract himself. The top rate, for partner Elliot Cutler, was $325 per hour. The Maximum fee on this contract is $83,000—but this is not likely to be the only contract with Cutler & Stanfield. This contract is only for “review”; supposing Cutler & Stanfield is hired to defend the project’s environmental compliance, the sky is the limit.

Some language in the contract was puzzling to those who have been following the Corridor H issue: Why would Cutler & Stanfield be asked to deal with “land acquisition”? The answer came five days later. DOH’s legal staff must have researched state law to learn that outside law firms may be hired. The commission clearly has the authority to hire additional lawyers for--land acquisition. Why not tack on those magic words to a contract for environmental review?

Unfortunately, the contract failed to require Cutler & Stanfield to perform construction or repair work. Perhaps the lawyers balked: “All right, if you insist, we’ll do a little land acquisition, but absolutely no construction or repair?” This omission has come to the attention of the director of the state’s Purchasing Division, who is supposed to review all of DOH’s contracts except those dealing with construction & repair. Now the Attorney General’s office is looking into the matter.

DOH seems to operate on the theory that one embarrassing news story is never enough. At the Gazette, unsympathetic editors wrote that DOH officials (see page 2)
Scrabble

I love words. Scrabble is my favorite game. I have two unabridged dictionaries, a Scrabble dictionary, and the Oxford English Dictionary. As new volumes of the Dictionary of American Regional English are published, I add them to my set. In college I took an entire course in etymology, the study of words and word origins.

Love of words is another reason to be offended by the "Wire" Use movement.

"Wire" has been part of English for as long as there has been English. The Oxford English Dictionary cites a use in which it dates its first appearance in print at approximately 1,000 A.D. In all that time it has meant proceeding from sound judgment and good sense. It has never meant "rip up resources as fast as you can in the way that makes the most money in the least amount of time".

Yet that is what the "Wire" Use movement suggests. With substantial funding from mining and timber interests, the "Wire Use" movement lobbies, cajoles, and lobbies, all with the goal of rolling back environmental laws and opening up lands for mineral extraction, over-grazing, and over-logging. It opposes such things as increasing grazing fees on public lands so that they will approximate the cost to graze cattle on private land. It opposes such things as ecosystem management in Yellowstone National Park. It supports the continued sale (give away in more like it) of minerals from public lands at ridiculously low prices.

It is true, of course, that nature has to be "used" in some way. People cannot exist in a state of pure nature. Our nearly hairless bodies, dull sense of smell, and weak eyesight make it necessary that we alter nature in some way to survive. We have to build houses, make clothes, and use the other technology available to us. While mankind did at one time live by hunting and gathering, it was a brutal and mean existence to which I have no interest in returning.

Yet at the same time, our use of natural things must be wise. It must proceed from sound judgment and good sense. It must be use at a rate which can be maintained. It must be use which nurtures and sustains the earth just as the earth nurtures and sustains us. It must be a wise use.

Let the "Wire Use" movement find themselves another word. Let them call themselves the "Unwise Use" movement. Let them call themselves the "Future Be Damned, I Want It Now!" movement. Just don't let them label themselves with a word which for a thousand years has meant proceeding from sound judgment and good sense.

To allow that debases the language just as their policies seek to debase the land.

Corridor H

(from page 1) "must either be lying or stupid." Here's another possibility: in their twisted way, DOH may be trying to save us from a stupid project.

Cutter A. Standiford represented the Disney company when it proposed to build a history theme park on I-66 in Virginia. Did the D.C. lawyers advise Disney to give up that land acquisition? Can they persuade DOH to do the same $10 million has bought an EIS that DOH is still reluctant to release. For $85,000, we could bet an environmental review that says Corridor H is a disaster. Memo to Purchasing Division: cheap contract. Pay it.
Dear Editor,

I had the occasion to explore the John Hawes-Davia controversy surrounding the proliferation of chip mills in the valley this summer. I was struck by the number of residents of many of those areas. Although I have no doubt that the MFNP would vigorously deny such speculation, the logging roads and clearcuts do not let it escape. I visited the Little Fork project set to begin in the berries, the Cranberry Wilderness and the Cranberry Wilderness and the Cranberry Wilderness all have had major logging operations around their perimeter areas in the last 10 years, with more obviously on the way. If nothing else this is conclusive proof that the MFNP believes that those wild areas are still big enough already and should not be allowed to grow any larger. Perhaps the presence of blocks of unmanaged land is almost too much for them to bear, and they feel compelled to surround such land with new and improved forests that they can control and manipulate to their heart's desire.

As shortighted and ho­mo­centric as those past timber sales have been, it appears that the Little Fork project may set a new standard of logging dead­hand­ery for the modern MFNP. Not only does this boondoggle border the largest, wettest woodland in the South, but it dramatically changes the highest and steepest area of the valley. And the state­line Central Appalachian for­ests that matter! Even if the Little Fork project is a lit­tle­scale experimentation, the sensitive region it would still be a very poor candidate for Forest ex­plo­itation, as it is a narrow, steep­ed valley that is undoubtedly going to be quite expensive to log out and highly vulnerable to ero­sion afterwards. But of course the Forest Service never seems to let mere facts get in the way of the caterpillars and chain saws, just as they routinely dismiss public的意见 that are contrary to their plans, even those firmly supported by conservation biology.

It is unfortunately becoming increasingly difficult to have any respect for the way the Forest Ser­vice attempts to isolate current wild­land exploitation, and his range in­to old growth. Such an option, how­ever, is in clear­ly an anachronism to the current MFNP hierarchy. Over the past de­cade Forest Supervisor Jim Page and his ranger have been engaged in what appears to be a systematic attempt to isolate current wild­land exploitation.

Southbound

A video documentary by Doug Hawes-Davia

Southbound documents the quiet move, over the last several years, by multi-national wood prod­ucts companies from the heavily logged National Forests in the Pa­rri­nose Northwest to the mostly pri­vately-owned, recovering forests of the southeastern United States. The video examines the controver­sity surrounding the proliferation of high-capacity chip mills, which are used to convert the diverse hard­wood forests of the region to raw wood fiber for export. As these companies race to fill global de­mand for paper and lumber, utili­zation of these forests to protect rare wild­land habitats has been a major point of contention.

The video features interviews with residents of the area, who express their concerns about the impact of these mills on the local environment and their communities. It also highlights the efforts of environmental groups and communities to resist the spread of these mills and protect the remaining wild­land forests.

About that URL

A few folks have had trouble accessing the WVHC WWW website using the URL in the last issue of the VOICE. All you have to do is add "2" to the end of the address or - http://www.marlshall.edu/~eaglet2/.

Other Websites

National Biological Survey

My latest favorite website is the National Biological Service's (NBS) Breeding Bird Survey at http://www.nmbs-bbs.org. Here you can find maps of hundreds of species' territories, population trends, as well as pictures and songs of the birds.

WVHC's Board of Directors Winter Meeting will be in Charleston on Saturday, January 13th. Spring Review will be on the weekend of May 17-19. All members are welcome to both meetings. Call Richard DiPietro and watch future VOICES for more information. Please mark out those dates on your calendars right now.

MINING EXCHANGE ON THE INTERNET

(This is the extracted from the welcome message for the mining exchange)

Hi and welcome to mining exchange, an international forum established to help people resist unsafe mining in “their” neighborhood. Subscribers to mining-exchange share information about resistance strategies, mining, and mining companies.

To post information to everyone on the list, send your message to mining-exchange@igc.apc.org. Information posted by subscribers to mining-exchange includes (but is not necessarily limited to):

1. What people/groups are doing in their community to resist mining
2. Discussion/documentation of any of the following activities by mining companies:
   a. Violation of environmental regulations
   b. Violation of mining permits
   c. Abandonment of mine properties

3. Mining companies:
   a. Parent companies, subsidiaries, directors, officers, corporate owners, and individual owners, etc...
   b. Sustainable alternatives to mining
   c. To effectively replace, reduce, reuse and recycle

Would you like to share information about mining? Would you like to receive information about mining?

If you are an authority in a field related to mining, would you be willing to be a contact when information from an expert in that field is needed? Send your requests and your information about mining to mining-exchange@igc.apc.org.

*People have the power to re­ject, refuse, resist, and even to sue.* Pati Smith

Subscribe to the mining-ex­change by posting the message “subscribe mining-exchange” to the email address majordomo@igc.apc.org.
Where the Wild Things Are

The WV DNR's Natural Heritage Program tracks many hundreds of species of plants and animals that are rare and uncommon. All of them have less than 100 populations in the state. The list includes species that may be common in adjoining states. This causes the number of species tracked in border counties to be larger, but its still obvious that the counties of the highlands, and in the National Forest are where most of the rare species live. This is another reason why commercial logging should be prohibited from the Monongahela, except where it may be necessary for rare species protection.

The Companies

Companies actively logging in the Monongahela National Forest and the total board feet they have purchased:

- Georgia Pacific Corp., Richwood, WV - 18,131 MBF
- W. M. Cramer Lumber Co., Rt 1 Box 503, Marlinton, WV 24954 - 14,846 MBF
- BA Millman Lbr & Mfg. Co., Ronceverte, WV - 12,922 MBF
- Honke Brothers, Montanye, VA 24465 - 12,245 MBF
- Mongold Lumber Enterprises, Inc., Rt 1 Box 5, Elkins, WV - 9,577 MBF
- Interstate Hardwoods, Inc., PO Box 7, Bartow, WV 24920 - 8,379 MBF
- Leslie Bros. Lumber, Covington, WV - 6,099 MBF
- Wood Products, Oakland, MD - 5,870 MBF
- Allegheny Wood Products, PO Box 867, Petersburg, WV 26847 - 5,296 MBF
- Judy's Fencecraft, Bartow, WV - 4,600 MBF
- Jim Hamer Co., Kenova, WV - 4,148 MBF
- Dixon Lumber Co., PO Box 907, 132 Boyer Rd, Galax, VA - 4,141 MBF
- Allegheny Hardwoods, Petersburg, WV - 2,400MBF
- Ronco Meyers, Bartow, WV - 2,300 MBF
- Richard Coomba, Marlinton, WV - 1,827 MBF
- Taylor Logging, Wilson, PA and Lewisburg, WV - 1,800 MBF
- Sherman Kinkaid, Neola, WV - 1,776 MBF
- John C Bradley, Covington, VA - 1,728 MBF
- Mill Creek Mill Supply, Beverly, WV - 1,000 MBF

Tis the Season To Be Green

or environmentally friendly Christmas gifts

Gift Membership - special price for gift memberships only - $12
WVHC Conservancy Hiking Guide - $12.95

Guide and Gift Membership - $22
Support the Conservancy’s work and educate your friends (or enemies).

Contact Richard diPretoro 264 High St. Morgantown, WV 26505
Phone (304) 296-8963, Fax 296-8623
Here it is, all the timber cutting currently underway in the Monongahelas. 127,157,000 Board Feet under the chain saw. Lots of acres and lots of board feet, lots of disturbed habitat. Go check out a few logging jobs on your next hiking trip. Contact the local ranger districts to find out exact their locations.

Does it make sense to cut so much timber from public lands? Should we be cutting any?

All data from the US Forest Service. I’d like to thank each of the ranger districts in the Monongahelas National Forest for so amiably providing the information. Even though I kept requesting more information about the sales (and hope to continue) my contacts in the offices were always glad to help.

<table>
<thead>
<tr>
<th>Sale Name</th>
<th>Opportunity Area</th>
<th>Volume in MM BF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marlinton Ranger District</td>
<td></td>
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<tr>
<td>(1) Upper Williams Sale</td>
<td>(Williams R West OA #43.007)</td>
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<td>(2) Spice Run Sale</td>
<td>(Upper Beaverlck OA #66.161)</td>
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<td>(3) Spive Run Sale</td>
<td>(Stilwell OA #46.114)</td>
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<td>(4) Buckley Sale</td>
<td>(Buckley Mtn OA #46.116)</td>
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<td>(5) Webster Sale</td>
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<td>(6) Warwick Run Sale</td>
<td>(Cleveclck OA #46.111)</td>
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<td>(7) Broken Ridge Sale</td>
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<td>(10) Ten Mile Sale</td>
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<td>(11) Highpine Sale</td>
<td>(Highpine Mtn OA #46.117)</td>
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<td>(13) Hopkins Pine Sale</td>
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<td>(14) Warehouse Pine Sale</td>
<td>(Lower Middle Mtn. OA #66.164)</td>
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<td>(15) Seven Mile</td>
<td>(Upper Anthony OA #66.162 closed)</td>
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<td>Marlinton Total</td>
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Greenbrier Ranger District

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<tr>
<td>(16) Burner Mountain Sale</td>
<td>(same nameOA #36.115)</td>
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<tr>
<td>(17) Backfork Sale</td>
<td>(Chantina Ridge OA #39.106)</td>
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<tr>
<td>(18) Buffalo Ridge Sale</td>
<td>(Buffalo OA #36.121)</td>
<td>2.5</td>
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<tr>
<td>(19) Carr Run</td>
<td>(Beavermount OA #33.002)</td>
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<tr>
<td>(20) Crawford Sale</td>
<td>(Wood Run OA #33.005)</td>
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<tr>
<td>(21) Elberer Run Sale</td>
<td>(Elberer Run OA #36.122)</td>
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<td>(22) Grassly Ridge Sale</td>
<td>(Mountain Lick OA #36.114)</td>
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<td>(23) John's Run Sale</td>
<td>(Burner Mountain OA #38.115)</td>
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<tr>
<td>(24) Laurel Lick Sale</td>
<td>(McCreary Ridge OA #36.101)</td>
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<tr>
<td>(25) Little Beech Mountain Sale</td>
<td>(Little Bench Mountain OA #36.103)</td>
<td>3.6</td>
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<tr>
<td>(26) Mullens Run Sale</td>
<td>(Big's En OA #36.112)</td>
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<tr>
<td>(27) Saulsbury Run Sale</td>
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<td>(28) Span Oak Sale</td>
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<td>(29) Hawkesville Hollow Sale</td>
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<td>(30) Sugar Camp Sale</td>
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<td>(31) Little River Norway SpruceSale</td>
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<td>Greenbrier Total</td>
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Gauley Ranger District

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<td>(33) Curtain Run</td>
<td>(Hodacom OA #23.005)</td>
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<td>(34) Music Run</td>
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<td>(Briery Knob OA #23.007)</td>
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<td>(Briery Knob OA #23.007)</td>
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<td>(37) Pentree Den</td>
<td>(Sawyer Run OA #23.002)</td>
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<td>(38) Queen Branch</td>
<td>(Sawyers Den OA #22.001)</td>
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<td>(39) Hunter Haven</td>
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<td>(40) Holcomb Ridge</td>
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<td>(41) Perry Ridge</td>
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<td>(42) Craig Run</td>
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<td>(Red Oak South OA #26.104)</td>
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<td>(44) Johnson Run</td>
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<td>(45) Old Trail</td>
<td>(Sawyer Run OA #23.002)</td>
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<td>(46) Foretree</td>
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<td>(47) Jakeman</td>
<td>(Holcom OA #23.005/</td>
<td>Cherry River OA #23.006)</td>
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Gauley Total                  |                  | 49,304,000 Board Feet |

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<th>Purchase District</th>
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<td>Potomac Ranger District</td>
<td>1,580,000 Board Feet</td>
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MMBF, MBF and Board Feet

1 Board Foot = 144 cubic inches of wood, or a board 1" by 6" by 2'.

MMBF = 1,000,000 Board feet or 1,000 MBF.

The Old Growth harvested out of Dolly Sods around the turn of the century produced over 50,000 B.F. per acre. WV Division of Forestry considers forests harvestable when over 2,500 B.F. per acre can be harvested. Clearcutting in mature stands will produce 10 to 15 MBF per acre. A good rule of thumb for the Monongahelas is that each 10,000 B.F. will require 1 acre of woods. The 127,157,000 B.F. currently being logged in the Mon will require approximately 12,716 acres that much lumber.

Chesapeake Total | 10,369,000 Board Feet |

Potomac Total | 1,580,000 Board Feet |

Total Board Feet of all active timber sales - 127,157,000 B.F.
Forest Service Road Goes Full Circle

By Dave W. Saville

This is the story about a wilderness trail. That's how it begins and that is how it will end. It now has an official name, North Fork Trail, and travel is by foot, but traveling along the North Fork of the Cranberry River has been done in many different ways over the years. Native Americans used these lands although no permanent settlements are known to have existed. Early settlers began coming into the area in the mid 1700s, but it wasn't until this century that the people using these lands began having a serious impact on them.

"The precipitous banks and dense undergrowth prohibited travel except directly in the river's bed," from The Last Forest, this is how O.D. McNeill describes traveling on the North Fork in the 1890s. Time will tell if the trail along this stream will endure as a chapter of a century ago, but its well on its way, back to the wilderness.

The Black Mountain and Lumber Company began purchasing lands in Pocahontas, Greenbrier and Nicholas Counties in 1895. This truly was, as the title of McNeill's book would indicate, the last forest. While most of the surrounding lands in this and other states had long been timbered, the steep terrain of the highlands made their timber inaccessible. The mountainous areas of West Virginia finally came under assault with the advent of the geared locomotives. The Shay engines, with their all wheel drive, could climb these hills and negotiate the tight turns that the railroads required to reach into the mountains and valleys of the highland region. By the turn of the century, lumber companies had turned their attention to these, the last reserves of timber in the eastern United States.

The Cherry River Lumber Company was one of the biggest. They established their big, triple band mill in Richwood, and began their woods operations on the Cherry River by 1901. Within 10 years, the Cherry River basin was logged out, and by 1910 they turned their attention to the Cranberry River. A "new 10 year town" Dogway, was established on the Cranberry at the Dogway Fork re- placing North Bend on the North Fork of the Cherry. These towns served as outposts for woods management and equipment maintenance. Logs from the Cranberry River were hauled over Enionico Mountain and down the North Fork of the Cherry River to Richwood. The Mills of the Cherry River Lumber and Lumber Company would saw the amount of timber from 25-30 acres of virgin forest each day. At this rate, it was estimated that the Cranberry River was cut in less than 10 years. By 1920, operations had begun on the North Fork of the Cranberry River and the next 10 year town was built on the same fork. In its peak year of 1929, it produced over 100,000,000 board feet of high grade lumber.

To get to the timber to the mill in Richwood required an extensive rail system that eventually covered over 300 miles. The company usually had between 70-90 miles of track down at a given time. They took up old spurs and laid new ones at a rate of 15-20 miles each year. Building the railroad grades was done mostly by hand with pick and shovels and crews of 25-30 men who cut a mile of grade in 5 weeks. These gangs of "Gandy Dancers" were expert at building rail lines and bridging rivers and creeks. Often it was easier to lay a trestle up the stream bed than to cut a grade. Even large streams were crossed at will. Steam powered Barnhart log loaders were used to extract crippling and place the connecting stringers. The jobs of hundreds of men were dependent on a regular supply of logs to the mill, this kept the pressure on all aspects of the woods operation.

The railroad lines often went up both sides of the Cranberry River. Every tributary of any size had a spur going up it. These spurs would often switch back and forth between higher portions of the surrounding hills. Teams of horses were used to drag the logs off the hillside, and were eventually augmented by steam skidders. Portable "lobbies" or camps dotted the valleys and housed hundreds of men. As the railroad was extended up the Cranberry, it naturally had a spur going up both the North and South Forks. It was the spur following the North Fork that eventually became the foundation for Forest Service Road 76.

In 1933, then President Franklin Roosevelt allocated $20 million for forest acquisition. From this allocation the Forest Service purchased just over 135,000 acres from the Cherry River Lumber and Lumber Company at $2.50 per acre. This purchase included most of the Cranberry River Watershed, and much of the Cherry and Williams River also. This land was all cut-over and much of it burned in the Black Mountain Fire of 1930 and the Three Forks Fire in 1936. The purchase created a whole Ranger District (Gauley) in one fell swoop. It was necessary to extend the Proclamation Boundary, or purchase area, south and west to do this, the new boundary included the present Gauley, Marlinton, and White Sulphur Districts.

Forest fire control was a major concern on the forest in those early days. The thing usually done after purchase was to build roads to make the remote areas accessible to transport men and equipment to fight fires. At the time of the Great Depression, this was accomplished by using Civil Conservation Corps (CCC) labor. CCC Camp Cranberry was located half way up the Cranberry River with a spike camp located at the forks of Cranberry. Among the numerous accomplishments of these workers was building many of the Forest Service Roads in the new Gauley Ranger District. Since the area was already riddled with railroad grades, much of the work was already done. Unlike the railroad grades however, the Forest Service roads couldn't cross the streams regularly and couldn't use the stream bed either. This necessitated cutting many new grades to stay on one side of the stream or the other.

The old Cherry River Boom and Lumber Companies spur line up the North Fork of the Cranberry River became part of Forest Service Road 76. The road traveled from Richwood, over Hinkle Mountain to Woodbine, up the Cranberry River, followed the North Fork, over Black Mountain and down to the Williams River at Handly. Improvements of the original RR grade included road widening, installing steel culvert pipes (18" to 4" in diameter) with stone drop, or sluice, boxes and a steel I-beam bridge where the road makes its only North Fork crossing. The North Fork segment of PF 76 was never opened to the public. It was part of a network of gated Forest Service roads in what came to be called the "Cranberry Backcountry" and was to be used for "infras- tantaneous use only." That is until the passage of the Eastern Wilderness Act in 1973.

The landmark conservation legislation known as the Eastern Wilderness Act was passed in 1975 by a frustrated congress. Eleven years had passed since the passage of the Wilderness Act, and still no Wilderness had been designated in the eastern United States. It said in the more populous eastern half of the United States, there is an urgent need to identify, study, designate and preserve areas for

1996 Legislative Session Full of Unknowns

The uncertainty of the political plans of Speaker of the House Chuck Chambers, an election year and a decidedly more conservative legislature make it very difficult to predict the fate of "Green legislation" this year. The West Virginia Environmental Council, the umbrella coalition of nearly all the environmental groups in the state will again field a team of citizen lobbyists at the capitol.

The Council Board has major representations from the three land conservancies with 6 Conservancy Board members also serving on the Conservancy Board. Major issues that are likely to be addressed include "Brownfields", timbering on State Forests, Dioxin testing for dairy and meat products, drinking water regulations, increased timber severance taxes and a bill to force lobby- ists to disclose who and what they are being paid.

That's a full plate without the big one! As a result of Judge Stumpf's ruling on the unconstitutionality of our solid waste laws the policy on how we handle waste in our State is still in a radical weakening by the solid waste lobby. The West Virginia Environmental Council with major support from the WV Highlands Conservancy publishes a weekly legislative update of environmental issues during the 8 week session. This page update is unique to any statewide environmental lobby effort in the country and is an excellent way to keep up with the ever changing political scene in Charleston. To order a free sample copy, just call the WVVEC at 346-9591. Membership to the Council which includes 8 legislative updates and 8 to 10 monthly "GREEN" newsletters is $25 per year. For more information: write WVVEC, 1324 Virginia Street East, Charleston, WV 25301.
Central Appalachian Ecological Integrity Forum

January 26-28, 1996 at Massanetta Springs, Virginia

The two issues of the VOICE contained more info on this important conference. Here’s a reminder and a piece of additional context:

...and the wilderness... FS 76 was, for the most part, abandoned in 1975.

The process of removing the most obtrusive culvert pipes in the wilderness took water from the Left Fork of the North Fork under FS 76. Lee Workman from dr. with the skills from a lifetime of draft animal experience and two beautiful Fenchere horses named Barb and Queen made an easy task of skidding these huge pipes to the top of Black Mountain. A small sled was used and the snow moved over to make the load glide to the top of the mountain with ease under the power of the team. These pipes had been washed out for years and were extremely unsightly and even dangerous as you had to climb over them as you hiked along the trail. It was a good day for the wilderness when they were finally removed. There are still hundreds more pipes left under these roads, and as help is available, hopefully more of these will be removed.

The task still remaining is the removal of the North Fork Bridge. The roadbed has been washed away above and below the structure, making the task that much more challenging. Air lifting the bridge is one of the few options left, but it is a job that must be done before it is too late. In 1995, the first attempt to tackle this job failed. Again, with the help of volunteers, the tar surface and wooden decking were removed from the steel I-beams. The wilderness designation makes use of power tools or mechanical transportation. This necessitated walking the 1.5 miles to the site and using hand tools to do the dismantling. Negotiations are currently underway to have a military operation airlift the materials out of the wilderness.

The North Fork Trail is still on its journey from wilderness to wilderness. A "wilderness," according to the Act, is some contrast to those areas where man and his own works dominate the landscape. We can never totally erase the signs of man’s presence, but removing the most obtrusive will reduce the impact on wilderness visitors and hopefully increase the overall quality of the Cranberry as a superb wilderness resource.

Dave Saville is a research assistant in the Biology Department at Wheeling Jesuit College. He spent 2 years as the Wilderness Ranger for the USDA Forest Service at the Cranberry Wilderness.

Little Fork

Bill Schiffer, Forest Ranger for the Guylez District, said that they are still proceeding with the Little Fork OA analysis (the 1000 acre timber 'harvest' adjacent to the Cranberry Wilderness), but at a slower pace than originally hoped. Perhaps this is due to the mountain of comments your group sent in. He expects the Environmental Assessment to be released this winter. Don’t go away.

Monongahela National Forest Hiking Guide Makes a Great Gift

The Monongahela National Forest Hiking Guide is bigger and better than ever, with 368 pages, 96 pages of maps, 49 photographs, 177 trails totalling 812 miles, and a full color cover. West Virginia Highlands Conservation is the publisher. Author is 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. The Guide also provides information for ski-touring and backpacking.

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 - Ogee 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 $12.95 (this includes $3.00 first class shipping) to West Virginia Highlands Conservancy PO Box 596 Charleston, WV 25321

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:
T&T Hits The Skids

(from page 1) OSM continues to say no in every evaluation of the state program and in it's newly clarified regulations, several levels of the judicial system have ruled as much - including the Supreme Court of West Virginia, etc. but the state persists.

But true, enforcement is often only a response to extensive media exposure rather than a fulfillment of any mandatory duties under the law. So, for all intents and purposes, the magic formula for enforcement, especially but not exclusively, where mining interests are concerned is: Publicity + Facts - Privilege - Fines = Adequate Enforcement (sometimes).

(Believing, as I do, that safety, security and survival of the human race lies in our ability to learn to do more with less, and that the survival of humanity depends on the same Three It's that are basic to the survival of the world. REDUCE consumption, REDUCE pollution, REDUCE force. I have never been one to look for redemption in some unknown candy bar, sweptstakes, or - god forbid - that heroin tax on the poor know as the lottery.

But realizing the power of the publicist, I've secretly begun to hasten, after a visit from Ed McMath, that is, last year's incarnation of the benevolent Millennium of the popular TV series of several years ago. - a million dollar trust fund could do to help those horror stories that never quite achieve widespread attention of the media.

PERMITTING AND BONDING

And what does the state's action at T&T say anything about the attitude toward permitting and bonding in general areas?

- Is the state adjusting bonds at current operations where acid is known to be a problem and treatment costs are currently borne by the permitted company? No, DEP refused to accept the fact that water quality is only a part of the "reallocation" required by law to be covered by the bond. DEP didn't adjust T&T's bond when it became obvious that $10,000 just wouldn't cover more than a couple of days of treatment. Nor has DEP increased bonds at other acid producing sites either. There is a better that even chance the each of these operations will eventually go the route of T&T and the rest.

- (Nearly two years ago WVHC submitted a request for a listing of the currently permitted sites where acid is a problem. Our hope was that estimates for treatment at those acid sources could be included in the liability picture for the pond pool. The list exists but WVHC has yet to receive a response. - Oh, for that million 5 trust fund to afford full time attention to following all these details as well)

- Is the state currently permitting new operations that will produce acid and eventually end up in the T&T-DLM-FARM alphabet soup list of forfeitures? DEP says no, and insists that mines like T&T are a thing of the past. Yet, this idea of "the past" can be a slippery devil because it seems to be unfocused on a regular basis as "the day before yesterday". In fact, DEP has recently permitted some mines in acid areas (e.g. a Patriot mine in Preston county, Nepco in Minnesota county, etc.) relying on the assumption that the most recent prediction, handling and closure techniques will be adequate to prevent those evil AMD EScapes of "the past".

However, for anyone with a memory that functions beyond yester-

- But that's not hard to recall that the DLM's, T&M's and Omega's were all granted in recent times relying on those same hopeful assumptions about the latest in mining techniques - not to mention the Island Creek Tennesales, the Kittle Flats and a whole slew of other operations permitted in the early, mid and late '80's that are out there causing death and destruction..

The bottom line, if history is a good indicator?

To put it simply, today's list of best technology promises permits to be tomorrow's list of forfeitures.

The state's liabilities continue to climb; enforcement in the field struggles to keep up; enforcement from the top turns a blind eye to all but the problem sites that hit hard in the nucleus or those the coal associations disavow as "renegade" and hence expendable. OSM wings it's hands fearing that West is looking over it's shoulder; industry smirks at union employment declines and prof-

BOYCOTT SHELL OIL

from Sierra Club Action #139 - Responding to the Execution of Saro-Wiwa

The Nov 10 execution of Nige-

- ria's environmentalist Ken Saro-Wiwa and eight other citizen activists, stunned environmental and human rights advocates across America. We were outraged that a multinational oil company could be allowed to develop such a brutal military regime while repeatedly denying re-
sponsibility for its shocking pollution. Americans were additionally outraged that the Nigerian government could completely ignore international calls for amnesty. The last line of environmental resistance that we thought would be mobilized U.S. citizens to respond followed the increasingly successful tactics of survivors of the Biafra rubber strike and the 28 members of Chico Mendez's Forest

Like Chico Mendez, Ken Saro-

- Wiwa has become an influential environmentalist in his own right. His struggle to halt the massive destruction the Shell Oil Company is causing in the Ogoni people's lands has earned him massive international support and lesiion.

Join the West Virginia Highlands Conservancy

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Kxd, with Senators Lessons Feingold, Jeffords, Simon, Pell, Wellstone, McCaig, and Gregg, introduced S.414, a bill to "Impose Sanctions Against Nigeria." It closely follows the actions endorsed by the Sierra Club board. Among other things, the bill calls for an embargo on the sale or distribution of any crude oil or refined petroleum product from Nigeria, the prohibition of new investment in Nigeria, the freezing of Nigerian assets, and for banning Nigeria's participation in the 1996 Summer Olympic Games.

"ACTION:" Write to the Presi-

dent of Shell Oil Company, Philip J. Carroll, P.O. Box 2463, Houston, TX 77252. Fax: (713) 241-4044. Tel: 1-800-753-6330. Write to your local congressmen. Urge them to support S. 1419, a bill to impose sanctions against Nigeria. The U.S. must show the rest of the world that we will not give financial support to brutal military regimes. For more information on writing a copy of S. 1419, contact: Stephen Mills, Human Rights and Environment Campaign Director, Sierra Club, 400 G St. NE, Washington, DC 20002 (202) 675-6691.

Email: stephen.mills@sierraclub.org

From the beginning, Shell U.S.

has denied any responsibility in Nige-

- ria. They have tried to hide behind the company's diversification. The fact is, both Shell U.S. and Shell Nigeria have the same parent company, the Nether-

- lands-based Royal Dutch Shell. The fact is, nearly 50% of the oil Nigeria exports is distributed in the U.S. - by Shell Oil. The fact is, the Chairman of the Board of Shell U.S. is Mr. C.J.A. Hakimt, the President of Royal Dutch Shell. There is a direct connection - at the gas pump.

The End?

To Stop it, call your Senator. Urge them to support S. 1419, a bill to impose sanctions against Nigeria. The U.S. must show the rest of the world that we will not give financial support to brutal military regimes. For more information on writing a copy of S. 1419, contact: Stephen Mills, Human Rights and Environment Campaign Director, Sierra Club, 400 G St. NE, Washington, DC 20002 (202) 675-6691.

Email: stephen.mills@sierraclub.org

Delpinium exaltatum

...also known as tall lark-

- Lug. With less than 100 colonies of this plant in the world (a 'CR' status by the Nature Conservancy) and but 12 in our state, Del-

- pinium (Delphinium plant - from the shape of its flowers) exaltatum should receive federal protection. At the present time it is one of the over 3,000 species that the Fish and Wildlife Service has had to put on the shelf due to lack of resources. Of course, the current Congress has been quite busy trying to reduce funding for the agency even more.

Tall Larkspur has been lo-

- cated in the following WV Coun-

- ties - Hampshire, Greenbrier - 2 locations, Mineral - 2, Pendleton - 3, Grant - 2, Hardy, Monong. Pop-

ulations size range from 2 individu-

als to 100 over a half acre near some of those colonies. The plant likes long-term nurse woods, but has also been found in woods under sandstone. 