

West Virginia Highlands Conservancy
 Post Office Box 306
 Charleston, WV 25321

address service requested

Non-Profit Org.
 US Postage
 Paid
 Permit No. 2883
 Charleston, WV



The Highlands Voice

visit us online at www.wvhhighlands.org

August 2002 Volume 35 Number 8

WOODSMAN, SPARE THAT TREE?

Editor's Note: *In the past the question of the prudence of commercial timbering in the National Forests has been much discussed. In order to offer readers an opportunity to consider various points of view on this question this issue of the Voice presents various articles on that question, including the official position of the United States Forest Service. As always, further discussion, letters, commentary, etc. is welcome.*

THE SCIENTIFIC ARGUMENT

2002

The Honorable President George W. Bush
 The White House
 Washington, DC 20500

Dear Mr. President,

As conservation-minded scientists with many years of experience in biological sciences and ecology, we are writing to bring your attention to the need to protect our National Forests. Logging our National Forests has not only degraded increasingly rare and valuable habitat, but also numerous other services such as recreation and clean water. Our National Forest System was first established over one hundred years ago to bring an end to the reckless destruction that had ravaged wildlife habitat and watersheds. At the time, Congress acknowledged that establishing National Forests would provide America with diverse wildlife, healthy watersheds, and a sustain-

April 16,

able supply of wood products.

Unfortunately, the past emphasis of management has been on logging and the original vision for our National Forests has failed to be fully realized. During the past several decades, our National Forests have suffered from intense commercial logging. Today almost all of our old growth forests are gone and the timber industry has turned our National Forests into a patchwork of clearcuts, logging roads, and devastated habitat. More than 3,000 species of fish and wildlife and 10,000 plant species-- including 230 endangered plant and animal species-- make their home in National Forests. Scientific research has repeatedly reaffirmed the tenet that wildlife need an abundant, healthy, and intact environment to survive. Unless the destruction of fragile ecosystems is immediately reversed through scientifically based restoration and recovery, the damage done to ter-



Continued on p. 3

What's Inside:

Wisdom from President Young	2	How to join	10
The finances of logging	3	Birthday bash	10
What the Forest Service thinks	4	Fall Review	10
Calendar	6	New timber road proposed	11
Congress springs into action	6	Spring Review	11
\$'s to counties from logging	6	Telling a cabinet secretary	
Warbler gets some help	7	to buzz off	12
Trees and flooding	7	Wilderness project	14
Speakers' Bureau	7	Outings schedule	16
All about cougars	8	What the Board has been up to	16

From the Western Slope of the Mountains

by Frank Young

Hundreds of West Virginians wear "I (heart) Mountains" bumper stickers on our vehicles, brief cases, etc. That's an art form for "I love Mountains". Here's why I love mountains:

Allegheny Moon:

Almost nothing excites the senses of a romantic like a full moon. I went to the top of Allegheny Mountain in Tucker County the third week of June to watch the full moon rise. I watched intently as the first edge of the brilliant copper colored lunar disc glided slowly, slowly and up, up from the treetops on faraway North Mountain ridge and over the Potomac South Branch River valley. Within 30 minutes the moon of yonder had risen to bright fullness and was climbing ever higher toward the zenith of the night. Then almost total darkness descended as the sun drew the last flickers of its glow behind the trees over the western horizon behind. That left only the ever brightening moon in front, to the east, brilliant planet Venus behind, in the west, and god and me in between.

Spruce Knob Sunset:

One clear evening in early July the NCCC AmeriCorps trail maintenance crew and Don Gasper and I went to Spruce Knob, the highest point in the state, to watch the sun set. Perhaps no where else in West Virginia does one see such a broad expanse of sky at one time. The sun sets there several minutes later than on the "level". I think maybe we were the last people in eastern West Virginia to see the sun set that evening. The particular spot where the sun dropped from sight that evening was a knob of a distant western mountain ridge. Eerie, it was. The sun set behind this protruding ridgetop knob, but the area just to the left and right was lower, and open. So the sun's corona still shone from around each side of the knob, and over the top, giving the image of this gigantic orange ball of fire just over the horizon- as though the wildfires of the western states were creeping toward the hills of West Virginia. I thought that maybe this was something like what a solar eclipse would look like. Another thought was that the face of god herself was radiating from behind that knob- too bright to look at directly, but just barely peeking out around the mountain knob to give us a peek at her glow.

This is why I love mountains.

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@wvhighlands.org.
 SENIOR VICE PRESIDENT: Judy Rodd, Environmental Services and Education Center 501 Elizabeth St., Charleston, WV 25311, (304)345-7663, roddj@hotmail.com
 VICE PRESIDENT FOR STATE AFFAIRS: Carroll Jett, 397 Claylick Road, Sherman, WV 26164, (304) 273-5247, carrolljett@yahoo.com.
 VICE PRESIDENT FOR FEDERAL AFFAIRS: Peter Shoenfeld, 713 Chesapeake Ave., Silver Spring, MD 20910, (301)587-6197, peter@mountain.net.
 SECRETARY: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, rogers@wvhighlands.org.
 TREASURER: Jacqueline A. Hallinan, 1120 Swan Rd., Charleston, WV 25314, (304)345-3718 home, (304)346-1201 office, hallinan@aol.com .
 PAST PRESIDENT: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com

DIRECTORS-AT-LARGE (Terms expire October 2002)

Bob Gates, 1117 Virginia St.E., Charleston, WV 25301, (304)342-2624, bgates@wwise.org.
 Don Gasper, 4 Ritchie St., Buckhannon, WV 26201, (304)472-3704
 Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989, imagainemew@aol.com
 Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369
 Wendy Radcliff, 8 Hemlock Way, Charleston, WV 25302 (304)346-3965, wradcliff@citynet.net

DIRECTORS-AT-LARGE (Terms expire October 2001)

Sayre Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.com.
 Rafe Pomerance, 2026 Allen Pl., NW, Washington, DC 20009, (202)232-6885, rafepom@aol.com
 Don Garvin, PO Box 666, Buckhannon, WV 26201, (304)472-8716, DSGJr@aol.com.
 Carter Zerbe, 16 Arlington Ct., Charleston, WV 25301, (304)343-3175, scz3667@aol.com.
 Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)372-7501, woodhavenwva@netscape.net.

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY—Virginia Region: Judy Fisher, PO Box 276, Berkeley Springs, WV 26411, (304)258-4974.
PITTSBURGH CLIMBERS: Jean Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.com.
BROOKS BIRD CLUB: Mary Moore Rieffenburger, Rt. 1, Box 253, Elkins, WV 26241, (304)636-4559.
MOUNTAINEER CHAPTER TROUT UNLIMITED: Carl W. Miller, PO Box 4398, Parkersburg, WV 26104, (304)422-5312.
WEST VIRGINIA RIVERS COALITION: Abby Chapple, PO Box 370, Great Cacapon, WV 25422, (304)947-7590, abbyc@aol.com
DOWNSTREAM ALLIANCE: Craig Mains, 137 Hoffman Ave., Morgantown WV 26505, cmains@wvu.edu
FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802.

COMMITTEE CHAIRS

MINING COMMITTEE: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802.
PUBLIC LANDS MANAGEMENT COMMITTEE: Sayre Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.com, Bob Marshall, 201 Virginia St.W., Charleston, WV 25302, (304)345-5518, woodhavenwva@netscape.net.
PUBLICATIONS/OUTREACH COMMITTEE: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989, imagainemew@aol.com
BLACKWATER CANYON COMMITTEE: co-chairs Linda Cooper, 649 Halleck Rd., Morgantown, WV 26505, (304)296-0565 lcooper@hsc.wvu.edu, and Judy Rodd, Environmental Services and Education Center 501 Elizabeth St., Charleston, WV 25311, (304)345-7663, roddj@hotmail.com
LEGISLATIVE COMMITTEE: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)372-7501, woodhavenwva@netscape.net
ENDOWMENT FUND COMMITTEE: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com
RIVERS COMMITTEE: Abby Chapple, PO Box 370, Great Cacapon, WV 25422, (304)947-7590, abbyc@aol.com
HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, rogers@wvhighlands.org.
GERMANY VALLEY COMMITTEE: Rafe Pomerance, 2026 Allen Pl., NW, Washington, DC 20009, (202)232-6885, rafepom@aol.com
OUTINGS COMMITTEE: Jack Slocumb, 511 Washington St., #8, Cumberland, MD 21502, (301)777-8810, jslocumb@prodigy.net

MISCELLANEOUS OFFICES

SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989, imagainemew@aol.com
WEB PAGE: Peter Shoenfeld, 713 Chesapeake Ave., Silver Spring, MD 20910, (301)587-6197, peter@mountain.net.

ADMINISTRATIVE OFFICES

ADMINISTRATIVE ASSISTANT: Dave Saville, PO Box 569, Morgantown, WV 26507, (304)284-9548, daves@labyrinth.net.
HIGHLANDS VOICE EDITOR: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com

The *Highlands Voice* is published monthly by the West Virginia Highlands Conservancy, P.O. Box 306, Charleston, WV 25321. Articles, letters to the editor, graphics, photos, poetry, or other information for publication should be sent to the editor via the internet or by the U.S. Mail by approximately the 30th of each month. Submissions by internet or on a floppy disk are preferred.

The *Highlands Voice* is always printed on recycled paper. Our printer uses 100% post consumer recycled paper when available.

The West Virginia Highlands Conservancy web page is www.wvhighlands.org

CONTINUED FROM P. 1

restrial and aquatic habitat will be irrevocable.

It is now widely recognized that commercial logging has damaged ecosystem health, clean water, and recreational opportunities-- values that are highly appreciated by the American public. The continued logging of our National Forests also wastes American tax dollars and diminishes the possibilities of future economic benefits. The Forest Service and independent economists have estimated that timber accounts for only 2.7 percent of the total values of goods and services derived from the National Forests, while recreation and fish and wildlife produce 84.6 percent. Annually, timber produces roughly \$4 billion per year while recreation, fish and wildlife, clean water, and

unroaded areas provide a combined total of \$224 billion to the American economy each year. When the dramatic values of ecological goods and services are taken into account, it is clear that protecting National Forests creates more economic benefits than continued logging. Moreover, only 4 percent of America's timber supply comes from National Forests.

Timber should no longer be extracted from our National Forests, especially when it comes at the expense of biological diversity and healthy ecosystems. Logging has caused devastating impacts on the ability of our National Forests to provide wildlife habitat and economically valuable goods and services. The loss of biodiversity is the folly our descendants are least likely to forgive us. National Forests are our largest source of wildlife habitat, clean water, and recre-

ation areas. Without protection from further logging, the biological diversity we so greatly need could be lost. Mr. President, we urge you to end the destructive practice of commercial logging in the National Forests and to begin a scientifically based program to restore habitat and native species.

Editor's Note: This letter was signed by Dr. E. O. Wilson, PhD of the Department of Biology, Harvard University, as well as approximately two hundred other scientists. The signatories are from approximately 47 states including West Virginia; most hold PhD degrees and are affiliated with universities. For a complete list, please contact the Editor. The Sierra Club was instrumental in the sending of this letter.

THE FINANCIAL ARGUMENT

By John McFerrin

It has been well known for a long time that the Forest Service loses money on sales of timber from National Forests. Concerns about possible losses were first raised in the late 1970s by the Natural Resources Defense Council. In 1984, several studies using these and other data confirmed the NRDC findings. The Wilderness Society has documented losses since at least 1991 with the losses tending to increase each year.

There is substantial confusion over exactly how much the Forest Service is losing. The Forest Service responded to Congressional concern by beginning to prepare Timber Sales Program Information Reporting System (TSPIRS) reports during the 1980s. In the last such report that the Forest Service did, it reported that in 1998 the Forest Service lost \$126 million on timber sales.

The accuracy of these figures is in doubt. In October, 2001, the General Accounting Office did a review of the Forest Service's timber sale program. It found two things. First, it found that the Forest Service was tardy in its reporting; it had not made its most recent report until two and one half years after the close of the period the report covered. Second, it found that it really didn't make much difference whether the Forest Service filed its reports or not. The accounting was so questionable that the reports could not be relied upon anyway.

Like all good accounting scandals, this is not simply a matter of the accountants not being able to add or using cheap calculators. It is a matter of what is counted and how it is counted. The Forest Service does not count much of the cost of building logging roads or maintaining existing logging roads. Neither does it count mandatory payments which the Forest Service makes to counties where the timber is cut.

What gets counted is to some extent a judgment call. By including some things as expenses but not others, calculating costs

of road building differently, etc. the annual losses for logging in the national forests are somewhere between the Forest Service estimate of a loss of \$126 million and estimates by The Wilderness Society, Taxpayers for Common Sense, The Sierra Club, and the Thoreau Institute which are several times that high. In the most recent year for which data is available, the Forest Service says it lost \$126 million on timber sales. Taxpayers for Common Sense estimates the losses at \$407 million. As the General Accounting Office says, the accounting is so uncertain that it is impossible to tell what the losses are. We just know that it is almost certainly within that range.



Presumably the Forest Service would try to use accounting methods which would be most favorable to it. No thinking agency would report that one of its activities that annoys the recreational users of the forests so much loses money unless it actually loses money. It is probably safe to assume that if even the Forest Service reports that the timber sale program is a money loser then it must lose at least as much as the Forest Service says it does.

The losses are not uniform throughout the National Forest system. Of the one hundred eleven Forests, one hundred and six lose money on the timber sale program. Of the five which show a profit, one is the Monongahela National Forest. In the most recent figures (1998) it showed a profit of \$1.5 million on timber sales. This is based upon calculations by the Taxpayers for Common Sense. Were one to use the methods used by The Wilderness Society, The Sierra Club, or the Thoreau Institute then the result would probably be a loss instead of a profit. The Forest Service

(Continued on p. 4)

THE FINANCIAL ARGUMENT (Continued from p. 3)

accounting methods show a profit of \$2.9 million for the same period.

The sales are below costs at least for the system as a whole and probably for each forest. This does not necessarily mean that the sales should not occur. It only means that they cannot be justified economically. Many contend that the Forest Service has an implicit mandate to provide timber from the National Forests. The 1897 Act that first authorized the sale of timber identified one of the purposes of the forest reserves (now national forests) as "to furnish a continuous supply of timber for the use and necessities of citizens of the United States." The Multiple-Use Sustained-Yield Act of 1960 expanded on this promise by requiring national forest management for sustained yields. Although there have been amendments to the law since then and various Con-

gressional efforts to eliminate or phase out below cost timber sales, this value is still present in the policy of the Forest Service and finds implicit if not explicit support in the law. Whether this is a wise policy or not could be the subject of debate. The only certainty is that the Forest Service loses money on timber sales and cannot justify continuing those sales on economic grounds.

Because below cost timber sales have been a matter of some controversy for decades much has been written about it. For a small sampling of the writing on the subject, visit these web sites: www.taxpayer.net/forest, (Taxpayers for Common Sense); www.americanlands.org (American Lands Alliance); www.cnie.org/NLE/CRS (National Library for the Environment, repository for research by the Congressional Research Service on environmental matters); www.fs.fed.us (Forest Service); www.gao.gov (General Accounting Office). They were the source of most of the information for this article.

THE FOREST SERVICE VIEW from the Forest Service website

The harvest of timber on national forests has captured substantial public attention and become a hotly debated issue in recent years. As an underlying basis for discussions of this issue, it is important to note that the Forest Service is strongly committed to the management of national forests in an environmentally sound manner. The agency's top priority is to maintain and improve the health, diversity, and productivity of forest ecosystems for the enjoyment of current and future generations.

Historical Perspective

Unlike the national parks, which were created primarily to preserve natural beauty and unique outdoor recreation opportunities, the founders of early national forests envisioned them as working forests with multiple objectives. The Organic Administration Act of 1897, under which most national forests were established, states: "No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States..."

Several national forests were created under the Weeks Law of 1911 to restore forests on formerly private lands that had been heavily logged or cleared for agriculture. That law authorized the Secretary of Agriculture to "...examine, locate, and purchase such forested, cutover, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber." Many of today's Eastern national forests were acquired under the Weeks Law. Their healthy condition today can be directly attributed to past reforestation efforts by the Forest Service and partners such as the Civilian Conservation Corps.

Until World War II, the Forest Service primarily focused on watershed protection, forest restoration, and wildfire prevention and suppression. Since there were abundant supplies of private timber, very little national forest logging occurred during this period (see attached chart)



During the post-World War II housing boom national forests were viewed as a ready supply of building material. The increased demand for timber from national forests led to more widespread use of commodity oriented harvesting techniques such as clearcutting. Along with the increased logging that followed, concern over the environment increased. In the 1960's and 1970's,

several laws were enacted to protect forests. Additional laws formalized the concept of "multiple-use," whereby the uses of timber, forage, and water shared equal footing with wildlife

conservation and recreation opportunities. As the attached chart illustrates, timber sales on national forests increased to the 12 billion board foot mark during this period. At the same time, the United States began importing more wood to help meet increasing demand. The country continues to import more wood than it exports.

In the 1970's, concerns about environmental impacts and conflicting uses escalated, leading to increased lawsuits and additional environmental protection measures. As a result, the Forest Service now operates federal timber sales under some of the most substantial and effective environmental protection policies in the world. In response to the public controversy and a greater understanding of how management actions influence the landscape, today's timber sale levels have dropped by two thirds (back to the pre-1950 levels), even though timber demand continues to increase at a rate of about one percent annually. In addition clearcut harvests have been reduced by 80 percent over the last decade.

Approximately 73 percent of the 191 million acres of national forests are considered forested. Of that forested land, 35 percent is available for regularly scheduled timber harvest and about 1/2 of 1 percent of those trees are harvested in any 1 year. The remaining 65 percent of the forested land is designated for non-timber uses, such as wilderness and other areas set aside for recreation, or cannot be harvested due to environmental conditions,

(Continued on p. 5)

(Continued from p. 4)

such as steep slopes and fragile soils. Along with national forest programs, the Forest Service conducts considerable research aimed at finding more effective ways of managing forests in an ecologically sound manner. The knowledge gained from research projects is widely disseminated throughout natural resource management professions and benefits forest management operations throughout the world. In 1910, the Forest Service's Forest Products Laboratory was created with a specific mission of improving forest resource conservation. The lab has helped to substantially reduce wood use and industrial pollution through the development of wood composites (fiberboard, etc.), improved pulping operations, innovations in the use of recycled wood products, and many more. This research and product development is shared freely with private industry and often results in more environmentally sound and economically efficient operations.

National Forest Timber Harvest from an Ecological Perspective

The overriding objective of the Forest Service timber program is to ensure that national forests are managed in an ecologically sustainable manner. For centuries before Europeans settled America, people have used forest resources and influenced the ecological condition of forests through their actions. Along with growing populations and a more affluent society, human influences on forests have increased. This presents a significant challenge for the Forest Service to provide forest resources and experiences within the overriding objective of sustaining ecological integrity. Along with harvesting national forest timber on a sustainable basis, timber sales provide an economic means of managing vegetation.

There are critical environmental reasons to retain timber harvest as a component of national forest management. For example, timber harvest is essential to ongoing recovery efforts for the red-cockaded

woodpecker, an endangered species that lives in mature pine forests of the South. When hardwood trees grow under the larger pines and reach the level where the birds have made their nest cavities, conditions for foraging and access to the cavities become unsuitable. These conditions, if left unchecked, will often stop the woodpeckers from using the cavities, and whole colonies of birds can be lost. Timber sales are being designed to remove the mid-story vegetation without disturbing the colonies, thereby maintaining suitable woodpecker habitat. Restoration efforts have been further aided by using timber sales in the same way to expand the amount of suitable habitat, which encourages the establishment of new woodpecker colonies.



In most cases, our forest ecosystems are in a healthy, functioning condition due to both past active management and environmental protection measures. These forests provide highly diverse and often unique resources, opportunities, and experiences for the American public. In some cases, ecosystems are not functioning in a way that can be sustained without unacceptable risk of losses to wildfire, insects, or diseases. In particular, the long-term exclusion of fire from ecosystems dependent on frequent low-intensity fires, such as Western ponderosa pine ecosystems, has left those sites vulnerable to high-intensity crown fires. The Forest Service is actively managing many of these forests to help restore more acceptable ecological conditions by thinning out the overcrowded fire intolerant tree species and working to restore the low-intensity fire patterns. Sometimes, the thinned trees can be sold to help offset the cost of the restoration project. The Forest Service is closely monitoring these programs to determine the extent of their contribution to the restoration of healthy forests. It is important that the agency

assess ecological situations at the local and landscape levels, establish management objectives based on ecological, social, and economic information, and utilize the best tools available to achieve the established vegetation objectives. In all cases, our overriding objective is to sustain the long-term health of the land. Timber sales, as well as other vegetation management tools such as management-ignited fire or prescribed natural fire, play an important role in this process. Restoration and maintenance of healthy forests is the best way to sustain the health, diversity, and productivity of the land.

Planning for the Future

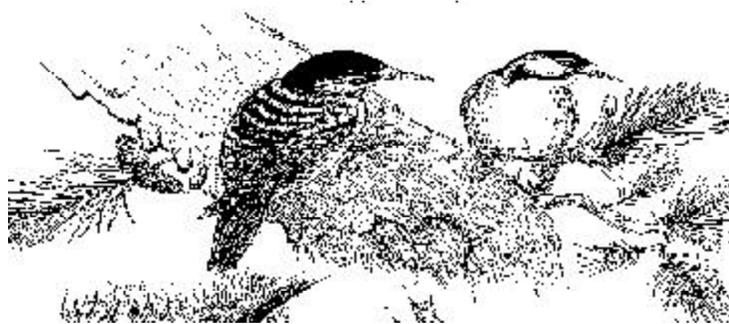
In conformance with the National Forest Management Act (NFMA) of 1976, each national forest develops a comprehensive plan, utilizing substantial public involvement and sound science, to guide future management. The Forest Service is fortunate to have a decade of experience managing forests under the initial set of NFMA plans. Many national forests are now working to revise those plans by addressing inadequacies, new information, changed conditions, and/or new issues or trends. How and where to conduct timber harvest will undoubtedly be a significant issue in many of the plan revisions.

Timber harvest and related issues are extremely important to the future of America's federal forests and there are sharp divisions in public opinion over how they should be resolved. The forest planning process provides an excellent vehicle to assure that all sides of the issues are represented, varied ecological situations are assessed, and related policy and management decisions are based on ecological, social, cultural, and economic considerations.

For comments contact the Forest Management Staff

Date last modified: 04/17/98

Red-cockaded woodpecker



WHAT CONGRESS IS DOING By John McFerrin

Congress has addressed the question of commercial logging on public lands in the National Forest Protection Act of 2001. This Act was introduced into the House of Representatives in early 2001. No action has been taken on it since it was referred to committee in April, 2001. According to the official Congressional web site, this is that it would do:

National Forest Protection and Restoration Act of 2001 - Prohibits commercial logging and timber sales (with specified exceptions) on Federal public lands, with a two-year phase-out for existing contracts. Provides for payment of relinquished contracts.

Directs the Secretaries of Agriculture and the Interior to each: (1) establish a National Heritage Restoration Corps to restore (and monitor) such lands to their natural pre-logging condition; (2) develop National Heritage Restoration Plans and related standards for regional ecological restoration and monitoring.

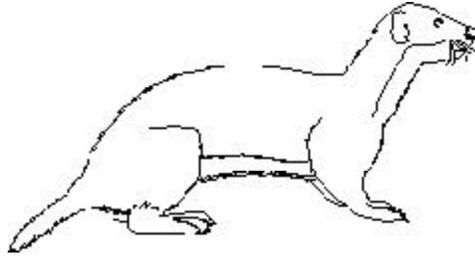
Sets forth provisions respecting forest fire and hazardous fuel reduction.

Provides for worker retraining of eligible persons whose jobs have been lost due to terminated timber and logging contracts. Authorizes the Secretary of Labor to make training grants, including grants for job search and relocation.

Sets forth fund allocation provisions, including amounts for an Environmental Protection Agency investigation of non-wood paper and construction alternatives.

Amends the Secure Rural Schools and Community Self-Determination Act of 2000 to make permanent certain education, transportation, and public purpose payments to States and counties containing Federal land.

Authorizes a private right of action for violations of this Act.



The Act has 121 co-sponsors. None of the co-sponsors is from West Virginia.

MORE ABOUT FINANCING

By John McFerrin

Whether a particular timber sale is profitable or the timber sale program as a whole is profitable has an impact upon the federal treasury and, to some extent, the budget of the Forest Service. There is, however, an impact of the sale of timber that is more directly apparent in West Virginia. That is the payment to counties program.

Twenty five per cent of revenue generated from the sale of resources on national forest land that is returned to counties containing forest land. Present law requires that 80% of the money be used for schools and

the other 20% for roads. The amount received by a county is based on the number of federal acres within its borders.

This payment is different from the payment in lieu of taxes which counties receive. That payment is intended to compensate counties for the taxes they would have received had land not been removed from the tax rolls when it became public land. The payment to counties program depends upon the sale of natural resources from forest land.

In West Virginia, the resources sold are mostly timber. There are some sales of oil and gas and some of gravel but most of the money is from the sale of timber.

In some West Virginia counties the sums received can be substantial. About half of Pocahontas County is part of the Monongahela National Forest. In recent years it received in the neighborhood of \$600,000 annually from the payments to counties program.

Coming Attractions

September 6-8 West Virginia Environmental Council Annual Fall Conference, Bluestone Conference Center

September 21 The WV Native Plant Society annual meeting at Timberline Resort. Hikes are scheduled for Friday, Saturday, and Sunday in the Blackwater/Canaan area. For more information, contact Romie Hughtart 429-7358.

October 10 West Virginia Conference on the Environment: *From the Outhouse to the Statehouse—Dealing with Sewage in West*

Virginia. University of Charleston

October 16 – 19 West Virginia Highlands Conservancy Fall Review, Canaan Valley

October 19 West Virginia Highlands Conservancy Annual Membership Meeting and Fall Board Meeting

January 25, 2003 West Virginia Highlands Conservancy Winter Board Meeting



USFWS Agrees to Consider Petition to list Cerulean Warbler as Threatened

by Frank Young (edit from Southern Appalachian Biodiversity Project press release)

In October 2000, a coalition of environmental organization, including the West Virginia Highlands Conservancy, filed a petition to list the Cerulean Warbler as Threatened under the Endangered Species Act (ESA). However, citing a budgetary crisis, the U.S. Fish and Wildlife Service (FWS) refused to consider the petition, and implemented a moratorium on the listing of new species. This put FWS in conflict with a direct mandate under the ESA to determine whether the listing may be warranted within 90 days of receipt. The Cerulean warbler coalition informed FWS of their intent to file suit if no action was taken within 60 days.

Biodiversity advocates around the country also resisted the listing moratorium, and took FWS to court for repeatedly ignoring citizen petitions to list species. Although the ESA grants limited discretion to FWS, the 9th Circuit Court of Appeals recently ordered FWS to determine the legitimacy of petitions within one year in the Oregon case Biodiversity Legal Foundation v. Badgely.

Facing yet another lawsuit with a high probability of success, this spring FWS informed the Cerulean's petitioners that they would indeed consider the listing petition. While claiming that

a review of their budget found sufficient funding for an initial finding allowed this small step, FWS refused to commit to making a final determination, required within one year or receiving a petition by the ESA.



Marty Bergoffen, Campaign Coordinator of the Southern Appalachian Biodiversity Project, said, "Finally, over a year and half after receiving our petition, FWS is making a ninety-day finding. However, their refusal to commit to ESA compliance beyond the preliminary determination is troubling. We will be watching FWS like a hawk, and we stand ready to file suit should they fail in their ESA duties."

IF FWS makes a positive initial determination on the Cerulean petition, the ESA calls for a status review of the species' chances for survival and, if necessary, propose the species for listing in the Federal Register. "Given that the Cerulean warbler's population has tumbled 70% in the past three decades, we must list the species to prevent its extinction", said Doug Ruley, an attorney representing the Coalition with the Southern Environmental Law Center.

STREAM CHANNELS, CHEARCUTS AND FLOODING BRIEFLY REVISITED

By Don Gasper

The Natural Resources Conservation Service, with other agency assistance, recently published NWCC Note 99-1. It contains some insights which help us understand the connections between clearcuts, stream dynamics, and flooding. Some relevant paragraphs are reproduced here. Note how the second of these three paragraphs describes a stream channel which would be typical immediately below clearcuts of any size that must annually carry over twice as much flow (stream power) as they have in the last eighty years. The "cascading effects" of the first paragraph are detailed briefly in the second paragraph quoted below. The authors end by saying that "sediment waves" or "load" plugs the channel below, destroying its ability to carry water far off site.

The third paragraph notes the relationship between canopy reduction, including clearcuts, and the stress and dynamics of flooding in a watershed.

In addition to the three numbered paragraphs, a paragraph from page 8 of that publication describes channel dynamics in a little more detail.

The NWCC Note 99-1 says:

1. A stream is a complex ecosystem

in which several biological, physical, and chemical processes interact. Changes in any one characteristic or process have cascading effects throughout the system and result in changes to many aspects of the system.

2. Many stream processes are in a delicate balance. For example, stream power, sediment load, and channel roughness must be in balance. Hydrologic changes that increase stream power, if not balanced by greater channel complexity and roughness, result in "hungry" water that erodes banks or the stream bottom. Increases in sediment load beyond the transport capacity of the stream leads to deposition, lateral channel movement into streambanks, and channel widening.

3. Finally, it is important to recognize that streams and flood plains need to operate as a connected system. Flooding is necessary to maintain the flood plain biological community and to relieve the erosive force of flood discharges by reducing the velocity of water. Flooding and bankfull flows are also essential for maintaining the instream physical structure. These events scour out pools, clean coarser substrates (gravel, cobbles, and boulders) of fine sediment, and redistribute woody debris.

On a later page, the Note says

"The river channel and flood plain exist in dynamic equilibrium, having evolved in the present climatic regime and geomorphic setting. The relationship of water and sediment is the basis for the dynamic equilibrium that maintains the form and function of the river channel. The energy of the river (water velocity and depth) should be in balance with the bedload (volume and particle size of the sediment). Any change in the flow regime alters this balance."

SPEAKERS AVAILABLE!!

Does your school, church or civic group need a speaker or program presentation on a variety of environmental issues? Contact Julian Martin 1525 Hampton road, Charleston WV 25314 or imaginemew@aol.com or 304-342-8989.

THE WHOLE SCOOP ON COUGARS

By Helen McGinnis

On August 28, 1980, the late John Gottschalk, retired director of the US Fish and Wildlife Service, was driving with his grandson along Forest Rt. 75 on the Dolly Sods. An animal jumped out of the brush about a half mile away. "He went about 75 or 100 feet and heard us, I presume, because he stopped and looked over his left shoulder. Up to that point I thought it was a big German Shepherd. But when he turned, he didn't have a dog look at all. He turned and slinked off the road in a typical feline posture. We got a good look at the tail: curved, then straightened out and held low." They approached to about three-eighths of a mile before the cat turned off the road. They couldn't find any tracks on the stony road.

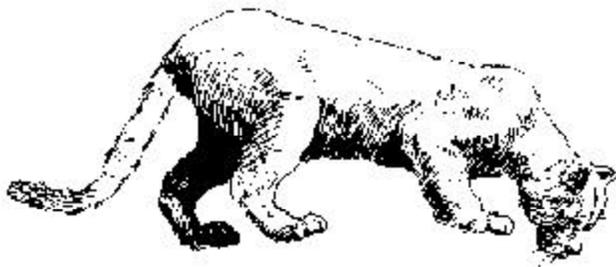
Others claim to have seen the big cats closer up and for longer periods. John Lutz of Baltimore has collected more than 6,000 reports of alleged sightings over a period of more than 30 years. He estimates there are 2,000 to 3,500 wild cougars (AKA puma, mountain lion, panther or catamount) in the East. "Cougars are doing well," he says. "They have made a remarkable comeback." Unfortunately, he has yet to submit a single piece of evidence to a scientist with expertise in cougars.

Ask a natural resource professional or professor of wildlife management at an eastern college or university about sightings, and you are likely to get a different opinion. A few of the reports are probably accurate, they acknowledge, but these cougars are likely former captives that escaped or were deliberately released into the wild.

The Eastern Cougar Foundation takes a more scientific approach than Lutz' group. It was founded in 1998 by Todd Lester, who also set up a web site (www.easterncougar.org) and a listserv. Chris Bolgiano, author of *Mountain Lion: An Unnatural History of Pumas and People*, joined him as Vice President. They assembled a Board of Directors composed of professionals who have worked with cougars. Any possible evidence is submitted to at least one board member for verification. Todd relentlessly searches for evidence in West Virginia. He found and cast tracks in

Wyoming County in 1996. Last year he discovered possible cougar scats in two different areas of the Monongahela National Forest. If DNA analysis proves they are cougar, he may be the only person to come up with three verifications of cougars in the East outside Florida in the last 100 years. Through his web site and other contacts, Lester has collected other verifications of cougars east of the Mississippi River, scattered from New Brunswick to Louisiana.

It's uncertain when cougars were extirpated from the eastern half of North America, if they were, but 1900 plus or minus a couple of decades is likely. In the



1960s, many wildlife experts believed cougars were totally gone from the East, although reported sightings continued to come from almost every state and eastern Canadian provinces. In 1973, Ron Nowak of the US Fish and Wildlife Service and Roy McBride, a Texan who formerly made his living hunting mountain lions with dogs, searched southern Florida. Soon an old female panther was treed. Today the Florida panther is on the Endangered Species list and is making a slow recovery. Unfortunately, its ultimate survival is in doubt because of the unrelenting development of southern Florida.

Natural resource professionals in Michigan have been receiving 50 to 100 credible reports of sightings per year on the Upper Peninsula, and also some from the northern part of the Lower Peninsula. In addition, they had verified at least three track sets. In 1984 a deer hunter wounded a cougar on the Upper Peninsula; it escaped dangling a shattered front leg. The hunter recovered bone chips, which were verified as

cougar by high-resolution electrophoresis. In 2001, Patrick Rusz of the Michigan Wildlife Habitat Foundation and two associates learned how to identify cougar sign and searched promising areas. They found scats, tracks and characteristic deer kills on both the Upper and Lower Peninsulas. This spring Rusz found a cougar skull on the Upper Peninsula.

The documentation of surviving populations in Michigan is one of two recent significant developments related to the eastern cougar. The other was the publication of Melanie Culver's study of cougar DNA in 2000. In 1900, cougars had the widest range of any animal in the Western Hemisphere except humans, from southern South America north into Canada. Culver's sample included Florida panthers and historic specimens from the assumed range of the eastern cougar. She identified six geographic groups or "subspecies," five of them in Central and South America. She could not distinguish the DNA of populations of cougars from anywhere in North America with except for a few on Washington's Olympic Peninsula. She speculates that cougars in North America

were temporarily extirpated during the extinction event that eliminated most large mammals from North America about 10,000 years ago—creatures such as mammoths, mastodons, giant ground sloths, saber-tooth tigers and dire wolves. Cougars only recently recolonized North America.

The implication of Culver's study is that the supposed subspecies that once occurred across the East—the eastern cougar (*Puma concolor cougar*) in the northeast and the Florida panther (*Puma concolor coryi*) in the Southeast—are not real. The assumed ranges of these subspecies were established by Edward A. Goldman in 1946, using now outmoded taxonomic methods.

In the 1990s biologists working with the Florida panther had already compromised its genetic purity. Inbreeding had led to abnormalities such as heart defects and

(Continued on p. 9)

More about cougars
(Continued from p. 8)

infertility. Wild Texas cougars were released and allowed to interbreed with the Florida panthers to increase their genetic diversity.

Wild cougars now in the East have three possible origins: (1) they are escapees or releases from captivity and their descendants; (2) they are descendants of the original populations; (3) they are recent immigrants, probably from the Midwest. They could also have ancestors from all three sources.

Some cougars living in the wild now are definitely derived at least partially from captive stock. A small female killed in Crawford County, Pennsylvania, in 1967 resembled cougars from Central America. It apparently had rickets, a common problem with big cats reared in captivity. A cougar kitten, following its mother and a sibling, was killed on a highway in Floyd County, eastern Kentucky, in June 1997. DNA analysis showed that one parent was of the North American genotype and the other, South American.

Circumstantial evidence that some native cougars may have survived in West Virginia and Pennsylvania is the fact that alleged sightings cluster in the most undeveloped areas. These reports go back into the late 1800s. DNA of scats from Michigan's Upper Peninsula is of the North American type, leading Patrick Rusz to conclude that Michigan cougars are probably natives. No one questions that Florida panthers are largely survivors of the original population.

Cougars are regaining lost range gradually from the Rocky Mountains eastward. They have been recently been documented in the prairie states and provinces, as well as Louisiana, Oklahoma, Arkansas, Missouri, Illi-

nois and Iowa. An infrared triggered remote camera "captured" a cougar at its deer kill just south of Minneapolis on April 27, 2002.



All native cougars east of the Mississippi River are listed as endangered under the Endangered Species Act. However, in a letter to Todd Lester dated June 21, 2000, the Director of the U.S. Fish and Wildlife Service stated: "The Service has been reviewing information on this matter for decades. We acknowledge that occasional sightings of cougars have been reported and that some animals have been recovered, but none of these animals has shown any evidence of belonging to a remnant, wild, breeding population of the eastern cougar. Therefore, the Service's position remains that the eastern cougar is extirpated."

It is impossible to determine if a wild cougar of the North American genotype is

an eastern or a western cougar. A young male may disperse more than 200 miles from its birthplace. Thus within a few centuries cougar genes from the West Coast could mix with those of the East. The Fish and Wildlife Service's reluctance to protect wild cougars in the East is probably related to problems of protecting the habitat of a listed endangered species on federal lands. Actually, habitat is less of a problem for cougars than human intolerance. Their staple prey, deer, is certainly abundant in the East.

A true wilderness has top predators. Many people are advocating wolf restoration, but the prognosis for wolves in the East is poor. Because they live in packs and communicate by howling, they are conspicuous and vulnerable to human "predators." Also, native northeastern wolves were probably a different species than *Canis lupus*, which inhabits the western Great Lakes region and the West. Smaller, more slender, and usually with orange on their muzzles and legs, the wolves of the northeastern United States were probably the same species as the red wolf (*Canis rufus*) of the Southeast. When red wolf packs are fragmented by human persecution, the survivors hybridize with coyotes. The end result of attempts to reintroduce native wolves would be a slight increase in the percentage of wolf genes in eastern coyotes. The cougar, solitary and elusive, has a much better chance of filling the top predator role in our eastern forests.

Trail crew readies for a spelunking trip through the Sinks of Gandy and Stillhouse caves.



Join Now and get a free gift!!



West Virginia Highlands Conservancy
www.wvhighlands.org

We are now offering a wonderful incentive for new membership applications we receive. We have had two beautiful National Geographic book donated to us. Join now, using the form below, for your choice of either of these books as a free gift. Please circle the book you want.

Nature's Medicine: Plants that Heal by Joel L. Swerdlow, Ph.D.

Throughout human history, plants have been our chief source of medicine. The fascinating story that unfolds in this book is much more than a catalog of natural cures. Equal parts scientific inquiry and cultural history, it's nothing less than a chronicle of the healer's art as it evolved from folk remedies to modern science. 400 pages, featuring over 200 full color photographs and an illustrated catalog of 102 healing herbs.

The Emerald Realm, Earth's Precious Rain Forests. Together, earth's tropical rain forests make up a globe-girdling emerald realm that occupies just 5 percent of the world's land area - yet nurtures half its plant and animal species. From this cornucopia pours an array of foods and herbs, medicines and chemicals, and a variety of construction materials. The magnificence, the fragility, the mystery of "the most diverse, the most complex, and the least understood ecosystem on earth" are yours to experience in this 200 page National Geographic book.

Yes! Sign me up.

Name _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ E-Mail _____

Membership categories (circle one)

	<u>Individual</u>	<u>Family</u>	<u>Org</u>
Senior	\$12		
Student	\$12		
Regular	\$15	\$25	\$50
Associate	\$30	\$50	\$100
Sustaining	\$50	\$100	\$200
Patron	\$100	\$200	\$400
Mountaineer	\$200	\$300	\$600

Mail to West Virginia Highlands Conservancy PO Box 306 Charleston, WV 25321

FALL REVIEW PLANNED

This years Fall Review will be held in Canaan Valley October 16-19 (note date change). We will be joining a celebration of Canaan Valley sponsored by the Canaan Valley Institute. Canaan Valley a Heritage Landscape Celebration & Its Environs will be held at the Canaan Valley State Park Lodge.

Featuring: Photographs by Jim Clark and Joe Henry; an exhibit by the West Virginia Historical Art Collection of original 19th century sketches by David Hunter Strother ("Porte Crayon"); a portrayal of Porte Crayon by Noel Tenney; West Virginia crafts exhibits; mountain music; a historical play presented by the Valley Ridge Studio; remarks by Congressman Alan B. Mollohan, and much more.

-Technical Symposium: Wednesday evening, October 16 - Friday afternoon, October 18: Scientific & technical presentations on natural history; geology; fish, birds, and

WING DING OF THE MILLENIUM (So Far)

Sayre Rodman, West Virginia Highlands Conservancy board member since, more or less, the beginning of time celebrated his 80th birthday in early July with a bash put on by Conservancy organizational member the Pittsburgh Climbers. In addition to lots of food there were reminiscences,

wildlife; native plants and forests; climate; and the cultural & economic history of Canaan Valley.

- Open Forum, Public Tours & Celebration: Friday evening, October 18 & all day Saturday October 19: Everything you ever wanted to know about Canaan Valley from Native Americans to skiing: Twenty minuite presentations and question and answer periods throughout the day Saturday on natural history; geology; fish, birds and wildlife; native plants and forests; climate; and the cultural, economic, and recreational history of Canaan Valley; plus afternoon field trips to Thomas & Davis, to the north and south ends of the Valley, through Blackwater Falls State Park, and on the Canaan Valley State Park ski lift; evening barbecue; entertainment by Gandydancer and the Valley Ridge Studio; and historical monologue by "Porte Crayon."

The West Virginia Highlands Conservancy annual membership meeting and Board of Directors meeting will be held on Sunday. Look for complete details and registration information in the September issue of the Highlands Voice.

including a recollection of Sayre's trip to the Grand Tetons in 1981 where he demonstrated what is still considered the definitive moose call.

In lieu of gifts, Sayre asked that his friends and admirers make donations to the endowment fund of the Conservancy.

Monongahela National Forest Hiking Guide

by Allen deHart & Bruce Sundquist

Published by the

West Virginia Highlands Conservancy

The new 7th edition covers:

- more than 200 trails for over 700 miles
- trail scenery, difficulty, condition, distance, elevation, access points, streams and skiing potential.
- detailed topographic maps
 - over 50 photographs
- 5 wilderness Areas totaling 77,965 acres
- 700 miles of streams stocked with bass and trout

send \$14.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy
 PO Box 306 Charleston, WV 25321

Or, visit our website at
www.wvhighlands.org

URGENT ACTION NEEDED ON BLACKWATER CANYON!!

Please contact Byrd and Rockefeller. Ask them not to let Mr. Crites make the Forest Service Trail in Blackwater Canyon Canyon into a logging road!

By Judy Rodd

The statewide group Friends of Blackwater is asking Senators Byrd and Rockefeller to protect a popular scenic and historic trail in the Blackwater Canyon from a destructive commercial logging road.

Timber company owner John Crites has asked the U.S. Forest Service to let Crites turn the Blackwater Canyon Trail (FS 115), located on National Forest land in the Blackwater Canyon, into a commercial logging road. Join us in asking Byrd and Rockefeller to tell the Forest Service to refuse Crites' request. As an adjacent landowner, Mr. Crites may ask to use National Forest land for a private purpose. The proposed logging road would go to a site for which Mr. Crites has filed condominium plans.

The Blackwater Canyon Trail runs for ten miles alongside the Blackwater River. The trail passes over unique cut-stone arches and crosses dozens of dramatic waterfalls. Senator Robert C. Byrd has recognized the Blackwater Canyon as a "unique treasure" of West Virginia. West Virginia Governor Bob Wise has endorsed public protection of the entire Blackwater Canyon; Wise announced in his 2002 State of the State address that he was adding 500 acres to Blackwater Falls State Park.

This is an urgent situation. Everyone who loves the Blackwater Canyon should contact Senators Byrd and Rockefeller right away. **People can send an e-mail or fax from our website at www.saveblackwater.org.** The message is simple: the Forest Service must not turn this popular hiking trail — on our public land

— into an ugly commercial road to condominium sites.

This proposal will degrade endangered species habitat, scenic vistas, and historic structures. It will conflict with recreational users of the trail and the Blackwater River. Mr. Crites logged before without using our public land. Why does he need it now?

The Senators can also be contacted at:

Robert C. Byrd 202-224-3954
email: senator_byrd@byrd.senate.gov

John D. Rockefeller IV 202-224-6472
email: senator@rockefeller.senate.gov

Or mail them at:

The Honorable Robert C. Byrd
United States Senate SH-311
Washington, DC 20510

The Honorable John D. Rockefeller
United States Senate SH-531
Washington, DC 20510

REMINISCING ON THE SPRING REVIEW AND THE WILLIAMS RIVER HEADWATERS

By Don Gasper

The weekend of May 10, 11, and 12 had wonderful weather. Those who came in for Friday had a fire in the Handley Cabin fireplace, and it seemed everyone who came arrived with food. This report could go on and on about the eats, but let's just note Saturday morning started with Dave Saville's buckwheat pancakes and Saturday evening with his cookout and the weekend ended when Bob Marshall showed up with a gallon of barbecue. Kitchen help, though, from the Bob Tate's and the Rogers's should be mentioned. We had 30? people there and the adequate kitchen was busy.

The W.V. Highlands Conservancy had learned the new National Forest Plan was being prepared and asked the U.S.F.S. to tell us about it - and we had asked an experienced representative from Heartwood to assist. He was a lot of help - and he brought a delightful gal with him. Steve Crishbalm from Virginia appeared out of the woods to join us.

Heartwood turned out to furnish the Saturday morning "Birds Before Breakfast" hike expert as well. That was an easy, short, hour long walk, and we heard perhaps 40 different birds - and we learned them all - HA! Our treks and tours began at 9 A.M. We jumped into the food for bag lunches and went in at least 3 directions. The auto tour went to the Falls of Hills Creek, Summit Lake, Cranberry Glades and

Visitor Center. Most folks, though, went to the head of Williams to try to comprehend what the U.S.F.S. had described and planned. We were favored with 4 Forest Service professionals. We worked all day and learned many things. There were at least a dozen of us in this party, and many good questions were asked - and pretty well answered. (A lot of questions were asked even before we left.) Afield, it did seem that there were some good stands of timber. One that was logged had an amazing number of skid roads all around the hillside and through it. One was 50' above, and did have a little eroding soil reaching the one below where it was caught. Most were only 60-80' above one another. The timber road, and the skid trail leading to it, were well vegetated, and the mile of road ditch was in good shape everywhere. (There are several places we've found where such roads, "put to sleep", cause no erosion.) Exotic "weeds" were found on these roads in the interior of the forest. These locked roads make good foot access, smooth and about 10% grade steepness.

We did note in Black Mt. Run, the mouth and above for a mile, that the stream bed was acknowledged to be "destabilized". We looked below in the Williams River itself; and the bank repair proposed there might reflect some "destabilization"; it is a flat reach where rubble and gravel bed-load plugs the channel somewhat.

We thought the stream-side shade trees protected by the U.S.F.S. could become very wonderful and important central components of the larger vast forest above. It would additionally shade and cool the flow for trout, protect the stream from sediment, protect the banks and add fallen wood to the stream - big wood eventually. (It is recognized that tree-topple has often caused the current to be deflected into the bank causing erosion, or become dislodged often gathering to cause even more erosion, but the U.S.F.S. thinks now over time this is desirable.) We appreciated their instruction and honest exchanges.

Saturday evening we had a presentation/discussion with both the Monongahela's Planner and our Heartwood Expert. Both suggested early and clear statement of our issues, and a shepherding them through the 4 year long plan process. The evening ended with a silent auction on about 20 really, really neat items. It was fun; thanks to those that brought stuff, it was a success.

The Sunday Board meeting was also a success - ending as it did with business attended to, a late lunch, and a nice drive home.

GROUPS DECLINE TOKEN MEETING WITH SECRETARY OF INTERIOR

By Vivian Stockman, Ohio Valley Environmental Coalition

Editor's Note: Gale Norton, United States Secretary of the Interior, recently came to West Virginia for a tour of mine sites and meetings with local officials. Amidst a day of meeting with the Coal Association and touring mine sites in the company coal officials and the Corps of Engineers, she offered to meet for thirty minutes with representatives of environmental groups. Here is the letter declining that invitation.

July 31, 2002

Gale Norton, Secretary
U.S. Department of the Interior
1849 C. Street N.W.
Washington, DC 20240

Dear Secretary Norton:

We appreciate your offer, conveyed to us via Roger Calhoun, director of the Charleston field office of the federal Office of Surface Mining (OSM), to meet with West Virginia citizens' groups that are active on coal mining issues. The offer, as we understood it, was that you would meet with us on Thursday, August 1 at 9 a.m. for 30 minutes at a facility in Coonskin Park in Charleston. We understood that you would also fly over mountaintop removal sites with representatives from the Army Corps of Engineers, presumably from the Huntington District.



We must decline to meet with you at this time for the reasons cited below. However, we do extend to you an invitation to meet with coalfield residents, in the coalfields, as soon as can be arranged. We would expect that meeting, complete with ground tours of impacted areas, would take, at the very minimum, half a day. After his tour of a mountaintop removal equipment manufacturer's facilities near Charleston, we extended to the President an invitation to visit the southern coalfields, but our request was turned down, because, we were told, the president was too busy. He did however visit West Virginia again on July 4th, but not the coalfields. Perhaps, given your interest in meeting with us, you can visit with coalfield resident leaders, in the coalfields, on behalf of the President.



But, we cannot meet with you in Charleston on August 1. Thirty minutes is simply not enough time for us to explain to you the day-to-day perils of living in the shadow of mountaintop removal operations. Additionally, we cannot meet with you on that day because the OSM, which you administer as Secretary of the Department of Interior (DOI), has chosen August 1 as the day it will commemorate the 25th anniversary of the federal Surface Mining Control and Reclamation Act (SMCRA).

It has been well publicized that, prior to your appointment to head the DOI, you maintained that SMCRA was unconstitutional. Many of our members have suffered immense hardship for over two decades because SMCRA has gone essentially un-enforced. Still, SMCRA and other laws that ought to rein in the excesses of the coal mining industry have afforded citizens the opportunity to attempt to force regulators to regulate, and to attempt to force the coal industry to obey laws written to protect the health and safety of people everywhere.

Now, the DOI, under your leadership, is bent upon weakening SMCRA. It is frankly a distasteful proposition to us to help you commemorate 25 years of slack enforcement of SMCRA, especially given your push to gut portions of SMCRA and your previous public stance on the Act itself.

For instance, the Bush administration proposes to remove the buffer from the buffer zone rule of SMCRA, a rule that currently says that no land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by surface mining activities. If you should decide to meet with us in the coalfields, you will see that this law is not well enforced, to state it politely. Yet, you would codify the outlaw behavior of the coal industry by eliminating this protection for both citizens and our life support system, that is, the environment.

A citizen lawsuit brought about because of the lax enforcement of coal mining laws forced state and federal agencies to undertake an Environmental Impact Statement (EIS) on mountaintop removal. Thanks to a Freedom of Information request from the Charleston Gazette, citizens have access to the draft of this endlessly delayed EIS.

As you should know, in West Virginia alone, at least 1,000 miles of our biologically crucial headwater streams have been forever obliterated by valley fills. Already, nearly 400,000 acres of the world's most diverse temperate hardwood forests have been permitted for strip mining operations.

Our communities and mountain lifestyles are in danger of extinction. The draft EIS shows that regulators expect mountaintop removal to destroy nearly 230,000 additional acres of our mountains and valleys. The study points out that many more miles of streams will be buried by valley fills, that streams not already buried could be seriously polluted, and that wildlife such as fish and songbirds in our biologically diverse area will likely be lost.

According to conclusions in the draft EIS, "Mountaintop (removal) mining operations in the Appalachian coalfields involve fundamental changes to the region's landscape and terrestrial wildlife habitats. With the increasing size of these operations, a single permit may involve changing thousands of acres of hardwood forest into grassland.

"While the original forest habitat was crossed by flowing streams and was comprised of steep slopes with microhabitats determined by slope, aspect and moisture regimes, the reclaimed mines are often limited in topographic relief, devoid of flowing water, and most commonly dominated by erosion-controlling, herbaceous communities."

We add that the converted herbaceous communities usually include non-native grasses that have further detrimental effects on ecosystems.

You have ignored the warnings of one of your agencies, the U.S. Fish and Wildlife Service, which state that "tremendous destruction of

aquatic and terrestrial habitat" is already occurring as a result of mountaintop removal. Instead of following the true intent of the EIS, which was to seriously study and document the numerous social and environmental impacts of mountaintop removal, you have promoted the notion that the EIS should be used as a vehicle to centralize and streamline the permitting process.

The draft EIS shows us that OSM under DOI envisions one-stop shopping for SMCRA and Clean Water Act laws. We implore you to visit, on the ground, the result of the current permitting process. Southern West Virginia and eastern Kentucky have become the nation's energy sacrifice zones. Why then would you speed up the permitting process?

The EIS studies suggest that variances for post mining land use (PMLU) requirements (variances from the requirements to return the land to a condition capable of supporting its prior use) are not happening as was envisioned. Apparently there are in place mechanisms that would ensure that PMLU occurs as envisioned. Unfortunately, OSM recommends deleting these actions from further consideration in the draft EIS!

Perhaps you could explain this pretzel logic to us upon your visit to the coalfields.

Of course, your participation in the administration's push for a Clean Water Act rule change on the definition of "fill" is of grave concern to us. With this rule change, the administration is rewarding the outlaw behavior of the coal industry, and is attempting to legalize what are currently illegal valley fills at mountaintop removal operations. You essentially maintain that massive valley fills have minimal impact on the environment, including human communities. We, and the U.S. Fish and Wildlife Service, beg to differ. Take just the latest valley fill disaster on July 19, 2002.

According to the West Virginia Department of Environmental Protection (DEP), this particular valley fill is about 900 feet high and 2,000 feet long. An early morning thunderstorm (3 to 3 1/2 inches during a three-hour period) brought disaster to the little community of Winding Shoals Hollow at Lyburn in Logan Co., WV. Huge, rain-saturated chunks of a giant valley fill at Bandmill Coal Corp., owned by Massey Energy, cleaved away from the valley fill and crashed into a sediment pond below. The falling debris completely filled the sediment pond, causing it to overflow and send a tidal wave of sediment-laden water churning down Winding

Shoals Hollow, destroying two homes, damaging about ten others and hurtling 8-10 vehicles downstream. No one was killed, though there were some narrow escapes. This is just one incident. In earlier floods in 2001 and 2002 people were killed and more homes, bridges, roads and schools were destroyed. The DEP (plus, as shown in a study within the draft EIS, both OSM and the Army Corps of Engineers) has concluded that mountaintop removal / valley fill coal mining has increased rainwater runoff, thereby exacerbating flooding. Minimal impact these valley fills are not. The rule change the administration has enacted is completely contrary to the intent of the Clean Water Act.

You also envision delegating MORE regulatory authority to the states. Incredibly, now that the "fill" rule change is finalized, you want to turn over to the states this aspect of permitting mountaintop removal operations. Surely you know that for West Virginia, where politicians have longed been controlled by the coal industry, this would mean a warp-speed increase to the ecocide that is mountaintop removal. Lax as it has been, the federal government has offered us some enforcement help. Sadly and regrettably, you would strip us of even this flimsy safeguard for our property and our lives.

The list of grievances with the failure of SMCRA and other laws and your push to further weaken these laws goes on and on and includes the following:

- Bush Administration capitulation and ties to fossil fuel industries, including the appointment of Stephen Griles to the DOI;
- The failure of state government to adequately rein in the excesses of the coal industry;
- Blasting damages to homes and wells from mountaintop removal operations;
- Failure to control coal and rock dust, which threatens human health;
- Declining mining employment versus record levels of coal extraction;
- Increased flooding due to increased runoff from mountaintop removal operations and the toll on lives and property associated with increased flooding;
- Dangerously incorrect and inadequate mapping of underground mines which, as we have just seen, have serious implications in terms of miners' safety as well as in terms of the safety of the 136 coal sludge impoundments across West Virginia;
- OSM's approval of West Virginia's inadequate bonding system;
- Mountaintop removal's destruction to hardwood and herbaceous understory ecosystems, resulting in future losses of revenue and societal enjoyment;
- Current and future impacts to the entire hydrologic cycle—from surface water to groundwater loss and ruination, including sedimentation and runoff control issues, the failure to address cumulative hydrological impacts of strip mining activities, and the associated loss of current and future revenues related to use and enjoyment of waters;
- The DOI's ecocidal denial of water's incredible value to our very lives;
- The coal industry's failure to carry on contemporaneous "reclamation;"
- The coal industry's failure to "develop" at least 98 percent of strip-mined areas.

Furthermore, if you do in fact flyover mountaintop removal operations, you apparently will do so with the Army Corps of Engineers as your guide. The Corps is the very same agency that has publicly stated it "oozed" into issuing 404 permits for valley fills. The Corps is the agency that suggests razing the most biologically diverse temperate forests on earth, blowing up mountains and then dumping the rubble into streams has only a "minimal" adverse impact on the environment. We suggest you need a different guide and also, we request that a representative chosen by our organizations would accompany you on your flyover.

As residents of the West Virginia coalfields who are greatly harmed by mountaintop removal / valley fill coal mining, and as representatives of organizations working in these areas, we invite you to visit us in the affected areas. We implore you to see first-hand the devastation from mountaintop removal — including the aftermath of recent catastrophic floods in West Virginia and the massive coal slurry impoundment spill in Kentucky in 2000. To arrange a visit please contact any of the undersigned through the OVEC office at 304-522-0246.

We feel confident that in view of the scope of the risks to coalfield residents and the scale of the destruction at hand, it would be insufficient for you to allow only a half hour to meet with us in Charleston, especially on the day the DOI will commemorate the 25th anniversary SMCRA.

Coal River Mountain Watch
Ohio Valley Environmental Coalition
West Virginia Citizen Action Group
West Virginia Environmental Council
West Virginia Highlands Conservancy
West Virginia Rivers Coalition
Citizens Coal Council

Lots of Fun and Useful too!

WILDERNESS PROJECT NEEDS VOLUNTEERS

By Helen McGinnis

In early April wilderness advocates from West Virginia, Pennsylvania and Virginia gathered for a weekend retreat with members of the Wilderness Society to learn how near wilderness areas are designated. This was the kickoff for a campaign to create new wilderness and expand existing areas in Pennsylvania's Allegheny National Forest and West Virginia's Monongahela National Forest (affectionately known as the Mon). The West Virginia Highlands Conservancy and the WV Chapter of the Sierra Club are involved in this effort, as are others.

At least 30 potential new wilderness areas and expansions of Mon's four existing areas need to be evaluated. They include Dolly Sods North, which was purchased by the Forest Service after the Dolly Sods Wilderness Area was designated by Congress. Other potential wilderness areas were identified as part of the RARE II (Roadless and Undeveloped Area Evaluation) process in 1979. In 1983 President Ronald Reagan signed a bill creating the Cranberry Wilderness and the Laurel Fork North and Laurel Fork South Wilderness. The other study areas were released at that time. At least one of them has since been logged.

Some of the remaining unprotected RARE II areas were designated as 6.2 (six two) Opportunity Areas in the 1986 Land and Resource Management Plan for the Mon. The seventeen 6.2 areas have been managed essentially as wilderness, featuring "semiprimitive, nonmotorized settings with opportunity for a variety of dispersed recreation activities" in a largely natural, undisturbed environment. Secondary objectives were to provide "wildlife habi-

tat for species requiring a low level of disturbance" and "protection of watersheds and soils" (Land and Resource Management Plan, p. 183).

Other potential wilderness areas may come from the 80 parcels of land on the Mon in Management Prescription 6.1. The primary purpose of this category is to provide "remote habitat for wildlife species intolerant of disturbance." Secondary purposes: "A semiprimitive and nonmotorized type of recreational environment will be featured. When roads are open to motorized use, semiprimitive motorized experience will be provided; a mix of forest products; a strategy for management of sites reverting from hardwood to conifer (pine and spruce) and the intermingled high site hardwood types" (Land and Resource Management Plan, p. 164).

A third list of potential wilderness areas is a study complete with maps, descriptions and an evaluation chart that Don Gasper prepared. Many of Don's sites coincide with 6.2 and 6.1 areas, but not all.

All of these areas, with one exception, need to be visited and evaluated by volunteers. We are working to integrate these lists, but we already know that three areas are likely to be in the first Mon wilderness bill we hope will be introduced by our West Virginia senators and congressmen: Dolly Sods North, the Spruce Knob Unit of the Spruce Knob-Seneca Rocks National Recreation Area, and an expansion of the Cranberry Wilderness to take in the Little Fork of the Williams River, the Lick Branch and Rough Run. Jim Solley has completed a thorough inventory of the trails of Dolly Sods North, complete with photographs and

GPS positions. We have learned that the Forest Service surveyed the area with GPS in 1995. So this area is well known. The Spruce Knob Unit and Cranberry Wilderness Expansion await your inspection.

Since the April kickoff, an informal committee including Dave Saville, Don Giecek, Jason Walls, Lisa LaCivita and myself, have met to discuss strategy and devise a report form for volunteers to fill out after visiting potential wilderness areas. This form can be emailed or snail mailed to you. Don and Lisa are GIS specialists and will do the mapping.

We have decided we won't recommend wilderness designation for two roadless 6.2 areas, Canaan Mountain and Tea Creek, because they are very popular with mountain bikers. If they were designated as wilderness, mechanized use would be prohibited.

We would especially like people who live near potential wilderness areas to "adopt" them and promote them in their local areas. The Adopt-A-Wilderness approach has been highly successful in other states. Along with hiking and photography, research such as interviews with government employees and old timers is needed.

I will temporarily coordinate the overall study and steer you toward areas that need to be studied. For forms and more information, contact me: Helen McGinnis, PO Box 300, Harman, WV 26270; 304-227-4166; helenmcginnis@meer.net.

WILDERNESS AREAS--WHAT'S IT ALL ABOUT?

By Dave Saville

Wilderness in West Virginia. We've got it. We're the envy of the East. It provides the backbone of a thriving natural resource based tourism economy. But what does that word wilderness mean. And more importantly, how can we ensure it has a future in West Virginia?

It has a legal definition, but it also has a more common definition. The distinction is often made between the two by referring to legal wilderness as possessing a capital, or big "W." The Wilderness Act of 1964 defines Wilderness in part as follows:

"A Wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." "...an area of undeveloped Federal land retaining its primeval character and influence...and managed so as to pre-

serve its natural conditions..."

Senator Byrd had this to say about Wilderness in West Virginia:

"My home state of West Virginia remains wild and wonderful because of Congress' actions. Covered from end to end by the ancient Appalachian Mountains, West Virginia remains, to me, one of the most beautiful one of the most unique of all places and I have seen lot of places throughout the world in my time. It is the most southern of the northern States and the most northern of the Southern states; the most eastern of the Western States and the most western of the eastern States; where the east says good morning to the west, and where Yankee Doodle and Dixie kiss each other good night. The luscious mountains gently roll across that land, providing an elegant sense of mys-

tery to the landscape. The wilderness of my State has given West Virginians a freedom to explore. This freedom has been secured and protected so that future generations—like my baby granddaughter, her children, and her children's children—will be able to say Montani Semper Liberi, Mountaineers are always free!

Four wilderness areas have been designated in West Virginia since the 1964 act. Each area captures and preserves uniquely a beautiful aspect of a State that has, I believe, more than its fair share of native loveliness. God must have been in a spendthrift mood when he made West Virginia!..."The Wilderness Act of 1964 enabled West Virginians to preserve the natural beauty of their State for themselves and for the nation."

So, to be sure, what we have most of here in West Virginia is wilderness, not Wilderness. What Wilderness we do have is a miniscule fragment of what we once had. How miniscule? 78,131 acres, or just 5/100s of 1% (.005%) of West Virginia lands is Wilderness. This represents just 8.5% of the Monongahela National Forest. Well below the national average of 16% for all National Forests.

Why is so little of West Virginia's wilderness Wilderness? Because that is all that we, as citizens of the United States, have ever asked Congress to provide for us. It's that simple. We will not move any lands from wilderness to Wilderness until we ask for it. Ask who? Congress, and of course we have to expect the President to sign the Wilderness bill that Congress gives him.

Why would we want to ask Congress to make more wilderness Wilderness? So that tomorrow and next week, year, century, generation, - we have any wilderness at all. At the rate lands are being developed, strip mined, logged, drilled, paved, mountaintop removed, clear-cut, valley filled, sprawled upon, etc. etc., it should be abundantly evident to anyone with their eyes open, that if wilderness has any values to society at all, if wilderness has any future in West Virginia at all, **we need to act soon and decisively.** Our actions today will determine if our children's, and grandchildren's, lives will be enriched by being able to experience wilderness, or just having the peace of mind knowing that a place such as wilderness still exists. The Wilderness Act of 1964 answers the question, Why? this way:

"In order to assure that an increasing population accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of Congress to secure for the American people of present and future generations the benefits of an enduring resource of Wilderness."

Of course -Why?- is fairly obvious to most people reading this. What is probably not

so obvious is How? How do we go about asking Congress? Or is it telling them? That we want more Wilderness. That we feel Wilderness is a good thing, a thing that enriches our lives, one that only they can provide for us? After all, the primary function of a government is to provide for the citizenry those goods and services that the private sector can not or will not provide. Wilderness is one of them, - one of those things that benefits all of society, that provides for the common good, not the kind of good that only fattens someone's pocketbook. It isn't personal gain or profit that enables, or drives Wilderness protection efforts. It is just the opposite. It is the anti-greed action. It is putting a piece of our National natural resources out of reach from those who would like to capitalize on every square inch of the planet and despoil any landscape no matter how precious, rare, or unique, for their own selfish benefit. It is safeguarding a place that all Americans in this and future generations will be enriched by. "A society is rich in proportion to the number of things it can afford to leave alone"

It seems like such an obvious and natural thing to do. But history tells us otherwise. History doesn't lie to us when it tells us that the heritage of industry is "take it all." History does not lie to us when it tells us that, if the government does not intervene, and protect lands from it, that industry will rape, pillage and plunder every square inch of West Virginia that it can get it's greedy paws on. The heritage of the extractive industries in West Virginia is one of unbridled greed, devastation and destruction, plain and simple. Wilderness is our best defense against this heritage. But How?

We need to ask Congress to pass a West Virginia Wilderness bill.

The West Virginia Highlands Conservancy is undertaking a well coordinated effort to do just that. With the Monongahela National Forest management plan undergoing its first major revision since 1985, **now is the time to act** to increase protections of our precious few acres of lands that we might spare the fate awaiting the rest of the state at the hands of timber barons, coal kings, and development icons.

We all know that far too few acres of our

public lands are currently protected. We have been getting ready for this moment for many years. After several false alarms, the management plan for the Monongahela National Forest is actually going to begin the revision process this year. We're ready! But this has to be a cooperative effort. We need to demonstrate clearly, loudly, and in no uncertain terms, that the people of West Virginia want their National Forest to be more than a mere tree farm. We want the Monongahela National Forest to be a place of beauty, splendor, and ecologic integrity - a **Wild and Wonderful** place!

By working together, by coordinating our efforts with other groups and individuals, the West Virginia Highlands Conservancy will be a formidable force for change. But even we can't do it by ourselves. Wilderness protection efforts will need the endorsement of many more groups and individuals. Quite simply, this is *How* it can, and must, happen. This will be our mission, our challenge. We are confident that our Washington delegation will listen to us, will champion our Wilderness protection efforts, *if*, we can demonstrate broad-based public support. We hope that as our Wilderness campaign moves forward, that you, our members and concerned, involved citizens, will make your voice heard, and will convince others to make theirs heard, and to seek the endorsement of Wilderness by groups you are involved with. Whether it is your church, Rotary Club, County Commission, school, class, watershed association or City Council, we will need everyone of you out there seeking endorsements and joining in our efforts.

Join us, please, in keeping West Virginia a *Wild and Wonderful* place, in transforming our best wilderness areas to Wilderness Areas! The Scoping for our Monongahela National Forest Management Plan has already begun. Now is the time to voice your strong support for more Wilderness on the Mon!

Montani Semper Liberi

Photo by Jonathan Jessup, Copyright Jonathan Jessup



Flow WV Forests Photo © 2002 <http://www.JonathanJessup.com>

West Virginia Mountain Odyssey Schedule

Aug 10 (Sat)— Dolly Sods North dayhike. Meet at Bear Rocks around 11 AM. Contact leader: Jack Slocumb, (301)777-8810, jslocumb@prodigy.net

Aug 17 (Sat)—Explore **Fisher Spring Run Bog**. This large, open and seldom visited bog is just within the Dolly Sods Wilderness. Wildflowers and many plant life forms adapted to bog and high elevation conditions are the focus of this trip. Waterproof boots are a must. Leader: Jonathan Jessup, (703) 204-1372, jonathanjessup@hotmail.com

Aug 31-Sept 2(Sat-Sun/Mon) North Fork Mountain backpack Sat-Sun with Mon. Forest Hiking Guide author Bruce Sundquist. Prior backpacking experience required, carry your own water, 12 miles total. An optional third day will be spent exploring Dolly Sods North. Leader: Bruce Sundquist, (724) 327-8737, bsundquist1@juno.com

Sept 7-8. Ramsay's Draft two-day trip. A unique wilderness area on the Shenandoah Mountain VA/WV line. Leader: Don Gasper, (304)472-3704.

Sept 14 . Dry Fork River-Mozark Mountain Bike Trip. Steep climbs and descents with great scenery on paved and gravel roads. Meets 10 AM at Otter Creek parking lot on Dry Fork. Up Rt 72 below Mozark Mtn, across bridge to Jenningson, and back down on Dry Fork. Swimming/lunch at Gladwin. Then over the ridge and down to Dry Fork again. We will ford the river to get back to the cars completing our 4 hour trip. Leader: Barnes Nugent, (304)284-9548, barnes@geosrv.wvnet.edu.

Sept 21-22. Red Spruce cone picking. We will be picking cones at several locations to help protect, restore, and educate the public about the importance of, the Red Spruce eco-system in West Virginia.. The seeds will be extracted and made available to agencies and others to use in restoration and reclamation projects. Dave Saville, 284-9548, daves@labyrinth.net

Sept 28-29. Dolly Sods North Backpack. Visit Bear Rocks, Raven Ridge, Cabin Mtn, Blackbird Knob on impromptu trails. We'll camp on left fork of Red Creek. Leader: Peter Shoenfeld, (301) 587-6197, peter@mountain.net.

Nov 2. Join us for a 10 +/- mile **hike on Canaan Mountain** utilizing some of its beautiful trails. Though we will be past the peak of fall color, the woods will still be alive with evergreens and flowing brooks. Those wishing to spend the night, may do so at the Canaan campground or the lodge nearby. Contact Susan Bly at sbly@shepherd.edu or (304) 876-5177 or (304) 258-3319 after 7 pm with any questions and for reservation

Almost Anytime. Visit Kayford Mountain south of Charleston to see mountain top removal (MTR) up close and hear Larry Gibson's story about how he saved his mountain, now almost totally surrounded by MTR. Bring a lunch— there is a picnic area on Larry's mountain. Just call Larry or Julian Martin. Leaders: Julian Martin, (304)342-8989, <mailto:Julianjul@aol.com> and Larry Gibson, (304) 586-3287 or (304) 549-3287 cellular.

HIGHLIGHTS OF SUMMER BOARD MEETING

Highlights of the West Virginia Highlands Conservancy's Board of Directors quarterly meeting on July 13 at Otter Creek Cabin in Randolph County:

Actions:

- Nominations—Five WVHC directors and six officers are to be elected this fall. President Frank Young appointed Hugh Rogers, Cindy Rank and Peter Shoenfeld to the Nominations Committee. Please contact them if interested. Nominations are also accepted from the floor.
- Future Focus—This process was initiated last year to set future directions for the Conservancy. A commitment to increase our impact through increased staffing and budget resulted. For this reason, the President appointed a new Organizational Development Committee, concerned with fundraising by the Board.
- Fall Review—The fall review committee was asked to consider re-scheduling the review to Oct. 18-20, in Canaan Valley.
- Mon Forest Logging— A resolution of opposition to all such commercial logging was taken up and referred to the Public Lands Committee for action no later than the winter board meeting.
- Bell Knob Fire Tower—The Conservancy will seek to assist in restoration for public use this Dolly Sods landmark. USFS has been considering conversion to a commercial rental lodging.

Reports:

- Outreach and Communications Committee—Chair Julian

Martin reported an ambitious program of event appearances, bumper sticker and brochure production.

- Mining Committee—Chair Cindy Rank reported on recent developments including new MTR permit applications, despite Judge Haden's recent ruling.
- Blackwater Canyon Committee—Chair Judy Rodd reported that Allegheny Wood Products is seeking an easement to allow use of the Canyon Rail Trail (Tr 115) as an access road to their property on the north bank of the Blackwater River.
- Rivers Committee—Judy Rodd reported on work to oppose Metiki Coal's application to mine under the North Branch of Potomac.
- Trail Work—Carroll Jett sent word of recent/current work at Twin Falls State Park, Blackwater Falls State Park, and the Mon Forest Otter Creek and Seneca Creek areas. We are working with the West Virginia Trails Coalition and NCCC Americorps on trail maintenance and construction.

*Public Lands Committee— Dave Saville reported on several issues, including commercial logging in the Mon Forest, and the Bell Knob Tower as noted above. He also reported efforts related to the Mon Forest Plan Revision, including a land's inventory and new wilderness proposals. We are working with the Sierra Club and the Wilderness Society on this.