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PSC LIMITS ALLEGHENY FRONT WINDFARM

By Peter Shoenfeld

On August 8, 2002 Nedpower Mount Storm LLC filed an application with the West Virginia Public Service Commission to construct and operate a 200 unit, 300-megawatt wind farm stretching for 14 miles along the Allegheny Front, from Stack Rock to Mt. Pisgah. The application included northern, central and southern sections, as shown in the map below.

On April 2, 2003 the PSC conditionally approved the northern and central sections, but denied this for the southern section, instead suggesting that up to all 200 units could be sited in the northern and central sections, without threatening the economic viability of the project. In denying approval for the southern section, the PSC cited "close proximity to the Dolly Sods Wilderness Area" and noted that it would include turbines "1.24 miles from Bear Rocks."

The PSC's conditional approval included orders for more environmental studies including: (1) a bat biological assessment to assess the potential impact on bats, including the likelihood of an incidental take of the Indiana Bat and the Virginia Big-eared Bat, to determine what future studies or research might be necessary, and to address concerns raised by the U.S. Fish and Wildlife regarding bats, (2) a Golden-winged Warbler habitat study to aid micro-siting before construction, (3) a migration study to determine heavy migration areas; areas where birds descend to feed, etc. for use in final micro-siting before construction, (4) a Spring 2003, and a Fall 2003, migration study during all local climatic conditions and all daily temporal periods, and (5) studies for determi-

nation of the spatial patterns of nocturnal migrating birds and to determine raptor behavior during the next breeding season, and for Winter 2003-2004 residents.

Two additional types of studies are required to be repeated every six months for each phase after completion of construction, and may affect siting of not-yet-constructed turbines: (6) mortality studies for birds and bats, for three years on each phase, and post-construction lighting studies for one year, and (7) for each phase, two post-construction lighting studies at six month intervals.



Other requirements include US Army Corps of Engineers approved wetlands delineation, a historical/archeological significance study, all appropriate environmental permits, and compliance with the Endangered Species Act, the Migratory Bird Act, and the National Environmental Policy Act.

West Virginia Highlands Conservancy Wind Energy Sub-committee chair Peter Shoenfeld told the Charleston Gazette that he was "very happy" with the decision. The committee had been concerned with potential visual impact on Dolly Sods, which would have been severe at outcrops along the eastern edge of the Allegheny Front, for some distance south from Bear Rocks. Removal of the southern section eliminates that severe impact. Also, he was impressed with the PSC's general level of concern for environmental (explicit) and scenic (implicit) impact, as evidenced by their decision document. The Conservancy and Friends

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From the Western Slope of the Mountains

by Frank Young

Pine Hardwoods?

On April 22nd, Earth Day, the Director of the U.S. Office of Surface Mining (OSM) came to southern West Virginia for a media show and photo opportunity.

Having issued a press advisory in advance, OSM Director Jeff Jarrett showed up at an Arch Coal Company strip mining site with TV cameras and news reporters in tow. His mission? To tell the television viewing and newspaper reading public what great reclamation of devastated lands was taking place at mountaintop removal and other strip mining sites in West Virginia.

As TV cameras panned, Arch employees and some students recruited for the day's events were seen planting pine trees seedlings on nearby land. Even Jarrett himself was seen planting a tiny pine tree.

On camera Jarrett babbled almost endlessly about how reclamation was returning lands decimated by strip mining to *hardwood* forest production. He even proclaimed that hardwoods would be harvested there in only 60 years, and in 60 year cycles thereafter. (Never mind that former West Virginia Division of Forestry Director William Gillespie, who has long associations with the timber industry, has repeatedly said that hardwood tree forests will take centuries, if ever, to return to these barren, strip mined lands).

But as I watched this televised charade something just didn't look right. Soon I realized what was wrong. All the seedling trees that the students, the Arch employees and even Jarrett himself were planting were pines, not hardwoods!

So there stands this OSM Director, pine tree in hand and standing among row after row of other planted pines, proclaiming the return of the magnificent hardwood forests so recently ripped from the earth to make way for monster strip mining machines used to remove the "overburden" from the coal, and to shove it into valley fills below.

The ridiculousness of it all was laughable. No oak or walnut or hickory or other hardwood restocking was in evidence. Only pines.

Pine plantations where hardwood forests stood only months earlier are becoming the norm in the southern plateau areas of North Carolina, Tennessee, Kentucky, Virginia and other southern states.

It appears that the barren strip mined land surface of southwestern West Virginia is destined to strain its nutrient free, upside-down surface soils to produce the U.S. Office of Surface Mining's latest test crop- pine hardwoods!



Happy Mothers Day!

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Continued from p. 1

of the Allegheny Front had suggested a need for formal siting criteria, and in its ruling the PSC announced plans for an internal study of the need for these criteria.

The Nedpower project has a contentious history within the WV environmental community. After heated debate at the October board meeting, the West Virginia Highlands Conservancy took no action, other than to recommend siting criteria (see November Voice). Friends of the Allegheny Front, "intervened," i.e., challenged Nedpower's application at the two-day November hearing and with written testimony, with assistance from Friends of Blackwater. Their protest cited fear of negative impacts on residents, tourists, endangered species, wetlands, habitats, and bird migration, and requested a Federal Environmental Impact Statement. Friends of the Allegheny Front is a small organization of residents and landowners from the valley to the immediate east of the central section, where the visual impact will be severe. It is led by Highlands Conservancy member Donna Cook. Friends of Blackwater is a Charleston-based organization that campaigns to protect the Blackwater Canyon. It is led by Highlands Conservancy Senior Vice President Judy Rodd.

As the Voice went to press on May 2, it was learned that Friends of the Allegheny Front had appealed the PSC's decision. No details were yet available.

PSC Chairman James D. Williams dissented from the majority decision to disallow the southern section of the project. His grounds for objection included (1) unfair discrimination, favoring Dolly Sods users vs. residents along the front (2) the subjectivity of visual impact, and (3) the threat this may raise to the economic viability of the project, with attendant loss of economic benefit to the community.

Some concerns persist. In a March 14 letter, the US Fish and Wildlife Service expressed concerns about protection of the WV Northern Flying Squirrel, and questioned the adequacy of Nedpower's then-planned buffer around a location near Helmick Run where the squirrels had been found. Concern was also expressed about possible squirrel populations elsewhere in the project, including the now-eliminated southern section. In early February, Nedpower received a Notice of Violation from Defenders of Wildlife and Friends of Blackwater, under the 60-day statutory notice provision of the Endangered Species Act (ESA). The letter cited several ESA concerns, but was primarily focused on the flying squirrels.

The PSC's Nedpower decision document has been placed on the Highlands Conservancy website at www.wvhighlands.org.

Puzzles W. Va.'s Environmentalists

(Reprinted from *The Inter-Mountain*, August 22, 1992)
 CHARLESTON, W.Va. (AP) — West Virginia environmentalists aren't sure if plans to build power-producing windfills in a scenic mountain region are a dream or a nightmare.
 "This is a divisive issue," said Jim Keaton, president of the area chapter of the Sierra Club.
 "Many of our members believe in the establishment of alternative energy sources, but many also believe in protecting the area's wildlife and aesthetic qualities," Keaton said.
 Kenesach U.S. Windpower, which operates similar operations in Allamore Pass, Calif., presented a proposal in July to the Tucker County Commission to build 150 to 200 wind turbines on mountains overlooking Carcan Valley and a ridge north of the Dolly Sods Wilderness.
 The Sierra Club, which has defended the Carcan Valley area against commercial development, has yet to decide what, if any, action it will take, Keaton said.
 "We're still in the information-gathering stage," he said.
 Other environmental groups say the threat of birds flying into turbine blades is a concern.
 "Wind power and the prospect of having it on the site is very exciting to us," said Cindy Rank, president of the West Virginia Highlands Conservancy. "But the location — hundreds of windfills along the edge of Carcan Valley and the Dolly Sods and in the migratory flight path of hawks and songbirds — that location will be very difficult for us to swallow."
 A topographic map of the proposed windfill locations shows two main lines of 115-foot-tall turbines.
 One would snake for nearly six miles along the crest of Cabin Mountain overlooking northern Carcan Valley. The other follows the Allegheny Front for four miles from the Bear Rocks scenic overlook to a point overlooking a dam at Steady Water Reservoir. Kenesach U.S. Windpower representatives say they are scouting several sites and if there is opposition in West Virginia the wind turbines will be built elsewhere.
 "There's an impression there that this process has gotten ahead of itself," said company Vice President Hap Lillis. "We didn't mean to give the impression that the project is as far along as they seem to think it is."
 Ellis said sites in Virginia and North Carolina are also being considered, but plans to build a plant anywhere are only speculation.
 Kenesach officials for the developers say they plan to provide drawings of what the finished project would look like, so far, only the topographic map has been available.
 Jim Rawson, a planner for the state Division of Natural Resources, said it may all boil down to a question of beauty.
 "There's no water discharge. It doesn't pollute the air. There are no requirements under the Fish and Wildlife Coordination Act and it's going to be located on private property," Rawson said. "It's an aesthetic question."

Same old, same old. The article that appears above is from a 1992 issue of *The Highlands Voice*.

Editorial faux pas

The article in the April issue on threats to Cheat River Canyon was written by Don Hoppe of the Pittsburgh Post Gazette. It was not properly credited to Mr. Hoppe. We apologize to Mr. Hoppe for this omission.

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The West Virginia Highlands Conservancy is a non-profit corporation which has been recognized as a tax exempt organization by the Internal Revenue Service. Its bylaws describe its purpose:

The purposes of the Conservancy shall be to promote, encourage, and work for the conservation-including both preservation and wise use- and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual and economic benefit of present and future generations of West Virginians and Americans.

Receives Lifetime Achievement Award

JOE REIFFENBERGER WINS AWARD

Joseph C. Rieffenberger, retired wildlife biologist for the West Virginia Division of Natural Resources, has received the first Mountaineer Award from the West Virginia Chapter of The Wildlife Society, according to Christopher W. Ryan, President of the West Virginia Chapter of The Wildlife Society. The award is given annually for outstanding lifetime contributions in the field of wildlife education, management or research.

Joe Rieffenberger retired in 1999 with more than 46 years of service for the Division of Natural Resources. He was instrumental in developing and working on the National Forest Program, farm game evaluations, and waterfowl and woodcock research. He, along with wildlife biologist Bob Kletzly, developed some initial research techniques concerning waterfowl and woodcock. He also served and participated in many conservation organizations such as the Brooks Bird Club and Highlands Conservancy. However, his major research focus was the black bear.

Serving as West Virginia's first black bear biologist for more than 28 years, Rieffenberger conducted numerous research projects designed to collect biological data that would later form the foundation for West Virginia's bear hunting seasons. Through countless hours of field and lab work, Rieffenberger designed a hunting season that would allow for the growth and protection of the State Animal while allowing hunters and wildlife enthusiasts to enjoy our bountiful natural resources.

"Joe Rieffenberger's contributions to the sportsmen and citizens of West Virginia have spanned a lifetime," according to Paul Johansen, Assistant Chief in Charge of Game Management for the Wildlife Resources Section of the Division of Natural Resources. "In particular, Joe was one of the first wildlife biologists in West Virginia and helped to further the research and restoration of



the State's natural resources. The citizens of West Virginia will be benefiting from his work for generations to come."

The Wildlife Society is the largest and most active organization of wildlife professionals. Their mission is to enhance the ability of wildlife professionals to conserve diversity, sustain productivity, and ensure responsible use of wildlife resources for the benefit of society.

Mr. Rieffenberger is a past president of the West Virginia Highlands Conservancy and has the great good fortune to be married to present Board member Mary Moore Rieffenberger. He and Mary Moore have been members of the Conservancy ever since there was a Conservancy.

WILDERNESS CAMPAIGN UPDATE

By Matt Keller

As we roll into spring, the West Virginia Wilderness Campaign is picking up steam. Our campaign has three main aspects that help to define the actions we take. Since we will eventually produce a proposal for candidate Wilderness areas, we are taking actions to achieve that end. Since we have already prioritized candidate areas our next step is to do field inventories, which have already begun. This is a necessary step in the process as we need to have detailed on the ground knowledge of each area we hope to write a proposal for. While it can take a good bit of time, it's a great chance to get outside and see some of our state's wildest and most beautiful places. The WV Wilderness Coalition is currently seeking individuals who would like to be involved in doing these field inventories. We can provide you with guidance, maps, data collection sheets and other equipment. We hope to soon schedule training sessions for activists in-

terested in becoming involved in the inventory process. Volunteers will be helping to protect our wild places as well being out enjoying some beautiful country! Contact Matt Keller if you are interested (mattk@tw.s.org, 304-864-5530). We are also doing office-based research on aspects of each area that could complicate Wilderness designation. This is a tedious, time consuming process but fortunately, we have one of West Virginia's foremost Wilderness champions, Helen McGinnis, working away on it.

The second aspect, congressional support, is being addressed at this point by meeting with the West Virginia congressional delegation and other key decision makers to start working with them early on in the process. Their cooperation and input will be critical to our success.

A third component of our campaign is grassroots support. We know that there are thousands of citizens in West Virginia

who support Wilderness. The task at hand is getting information to them and focusing their voices into a single, more powerful one that will speak loudly to decision makers. We will be at various events throughout the Mountain State this summer to connect with Wilderness supporters and through education, create new ones. We are gearing up for other types of outreach as well. We will be traveling throughout the state, giving presentations on Wilderness to various groups. If you have a group that would benefit from a presentation on Wilderness please contact the Matt Keller (info above) to schedule one.

Only by addressing all three of these important components will we be successful in increasing Wilderness acreage on our federal/public lands in West Virginia. It is important that all those who care about wild places in our state get involved and make their voices heard!

DEPARTMENT OF ENVIRONMENTAL PROTECTION WEASELS AROUND MOUNTAINTOP REMOVAL AGREEMENT

By Ken Ward

In early April, 2003, state regulators approved an expansion of more than 700 acres of Arch Coal Inc.'s huge Samples Surface Mine near Cabin Creek. Department of Environmental Protection officials granted the company's Kayford South permit a variance from the "approximate original contour" reclamation rule.

Arch subsidiary Catenary Coal proposed that 28 acres of the operation be reclaimed as a commercial nursery. The rest — more than 680 acres — was approved with a post-mining land use of "fish and wildlife habitat."

There's just one problem: Four years ago, the DEP agreed to stop approving such permits. The West Virginia Highlands Conservancy has written to DEP mining director Matthew Crum to complain about the new Catenary permit.

Conservancy lawyer Joe Lovett told Crum that the permit approval "is a betrayal of your agency's mission. "It turns the clock back to the ... days when operators were free to permanently degrade post-mining mountaintop removal sites despite clear laws passed by Congress and the Legislature to prevent creation of such barren landscapes," Lovett wrote.

"By approving the Kayford South permit application, the Wise administration is permitting coal operators to escape from crucial environmental protection requirements agreed to by the previous administration," Lovett wrote.

Department of Environmental Protection officials defended the Catenary permit. "We believe it complies," said Ken Politan, an assistant chief of permitting at the DEP Division of Mining and Reclamation.

Under the 1977 Surface Mining Control and Reclamation Act, coal operators are generally required to restore mined land to its pre-mining condition. The heart of the law is language that forces companies to reclaim mining operations to their "approximate original contour," or AOC.

Mountaintop removal mines can receive an exemption from this requirement. Companies can leave land flat, or with gently rolling hills, after mining.

But exemptions can only be granted when companies propose detailed plans for developing flattened land for factories, shopping centers, residential neighborhoods or other useful developments.

For more than 20 years, West Virginia regulators approved mountaintop removal permit variances without those required post-mining development plans. Thousands of acres of the state were left flattened, or with gently rolling hills, without the development that was supposed to follow. In 1998, a series of Gazette articles revealed dozens of illegal permits with post-mining land uses such as "fish and wildlife habitat" and "grassland." A study by the U.S. Office of Surface Mining later confirmed those findings.

The conservancy filed suit in U.S. District Court to try to stop this practice.

In 1999, lawyers for former Gov. Cecil Underwood's administration agreed that permits had been improperly issued. They promised to stop the practice, and negotiated a "consent decree" that settled that part of the federal court suit.

U.S. District Judge Charles H. Haden II approved the consent decree in February 2000.

In his Friday letter to DEP, Lovett threatened to return to Haden's

courtroom to seek a contempt order against the agency.

"The most important question facing those of us who negotiated the decree was how to encourage operators to reclaim mountaintop removal operations to economically useful and ecologically healthy sites after mining," Lovett wrote.

"Everyone recognized that if inexpensive and ineffective post-mining land use options like 'fish and wildlife habitat' were allowed as

post-mining uses on the disturbed area of a mine receiving a variance from the general requirement to reclaim the site to AOC, operators would take advantage of such inexpensive options," Lovett wrote.

Lovett wrote that AOC rules that DEP put into effect as part of the settlement don't allow part of a surface mine to be considered AOC while a small portion receives a variance.

Under these rules, Lovett said, operators cannot designate part of a permitted area as a land use eligible for a variance, and leave the other, perhaps much larger, part undeveloped.

Department of Environmental Protection's Crum agreed with Lovett that it doesn't make sense to allow coal companies to obtain variances and develop only very small portions of very large permits.

"There is a great deal of allure to that approach, and I would like very much to require that, but we do not have the authority to require it," Crum said.

Crum noted that Office of Surface Mining officials said in a 2000 report that post-mining development plan requirements applied only to portions of permits that would not be returned to AOC.

"We believe that you can have mixed permits," Crum said. He said that OSM officials had reviewed and approved the Catenary permit application.

In his letter to DEP, Lovett also wrote, "Obviously, there is no need for more degraded fish and wildlife in the state.

"DEP has allowed operators to convert several hundred thousand acres of the most productive and diverse temperate hardwood forest in the world to such useless 'habitat,'" Lovett wrote.

"Neither is there any conceivable need for 28 flat or gently rolling acres in the area for the poorly defined nursery proposed by Catenary since it has created many square miles of flat land which lie barren and unused adjacent to the proposed new mine," he wrote.

Politan said that the nursery proposed for the Catenary site would allow an existing business to expand its market for trees and shrubs.

Lovett wrote that DEP also did not require Catenary to review the new permit area in conjunction with adjacent permits to determine if the combined area meets the AOC rules.

Crum and Lovett were scheduled to meet today to discuss the Catenary permit.

John Snider, a spokesman for Arch Coal, could not be reached for comment Monday.

This story originally appeared in The Charleston Gazette.



Mountain Odyssey at Otter Creek Wilderness

Highlands Conservancy Mountain Odyssey Outing

Outing hosted by Peter Shoenfeld. Trip report written by Eric Shereda. Flower ID by Dave Saville.

(Peter Shoenfeld, Jim Solley, Lee and Phyllis Reger, Eric and Charity Shereda, Dimitri Tundra, Anatoley Zheleznya)

The eight of us met at the Dry Fork/Otter Creek parking area 2 miles south of Hendricks along WV72. After a brief introduction, we loaded up the cars and traveled towards the Condon Run trailhead. The morning was beautiful! Clear skies and plenty of sunshine bode well to the start of the hike. We drove south on WV72 towards the town of Red Creek but turned shy and followed Big Run down to Dry Fork. From there we crossed at Jenningston and headed up Middle Mountain towards Sully. With all of the discussion on the ride over focusing on wind turbines, Peter Shoenfeld opted to take the left fork at Sully. We followed the ridgeline of

feet back to the top of Shavers Mountain. At the top we walked through some stands of huge virgin Hemlock. Dimitri even found one that he could fit inside! Peter said that before too long, the Hemlock will all be gone because of a bug called Hemlock Woolly Adelgid, whose feeding depletes the trees' reserves and causes a 95% mortality rate (Hemlock Woolly Adelgid Newsletter, USDA Forest Service, September, 1996). I noticed a lot of branch tips from the Hemlock (as well as Red Spruce) on the ground and wondered if the same insect caused this. It was dark and moist under the eerie protection of the Hemlocks; indeed, a very beautiful part of the Shavers Mountain Trail.

We made camp just across the Randolph/Tucker County Line in a nice location just short of the Green Mountain Trail junction since the prime campsite overlooking Glady Fork was occupied. We had dinner around a campfire and shared stories from past trips and talked about places we would like to hike. It was a clear, cold night reminding us that just two weekends prior, there was almost two feet of snow on the ground right where we were camping.

In the morning, as we were drying our tents and preparing breakfast, the "invasion" began. Army Rangers, first one, then another, were conducting some sort of orienteering maneuver. All were carrying full rucksacks and fake, orange M-16's to boot. They looked rather bemused to see other people up here actually enjoying themselves.

We broke camp and started toward the bog at the Green Mountain Trail Junction. The part of the bog that we explored was rather grown over compared to some of the bogs I am familiar with at Dolly Sods. In places, the Red Sphagnum Moss was still frozen over giving us solid walking support for a change. The Rhododendron was thick and the Red Spruce trees fought your every move around the edges. I did notice some Teaberry and shared its winter-

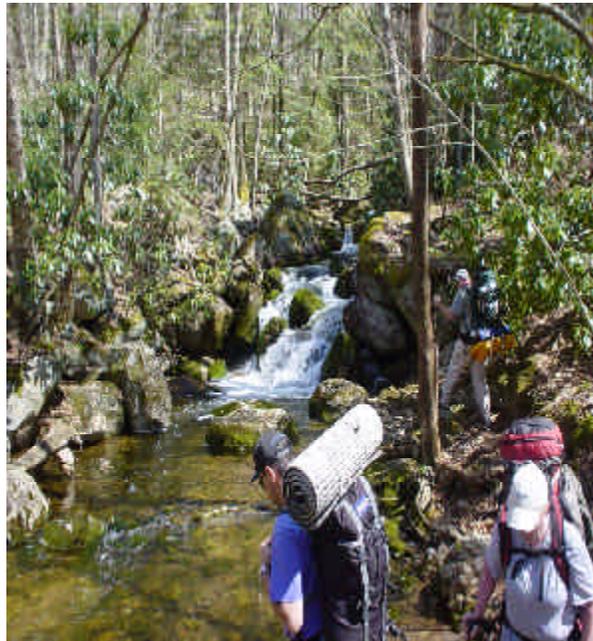


Middle Mountain and Peter showed us where they are planning to build a fan farm on Rich Mountain to the east. As we approached US33 at Wymer, we ran into Jim Solley of the WVHC. Too bad his hatchback got crushed in the process (Sorry Peter, but I had to). Peter said that's what he gets for talking and driving at the same time.

We arrived at the Condon Run trailhead in not much worse shape than we started. We formally introduced ourselves and then Peter tried to weigh our packs down with I "Heart" Mountains bumper stickers and membership applications to the WVHC. From Condon Run trailhead, we crossed a small boggy area and followed Otter Creek for just a wee bit. It was quiet and beautiful along the tea colored water of Otter Creek before Hendrick Camp Trail broke away. It was rather cool and dark under the Hemlocks and Rhododendron with spots of snow here and there. We followed Hendrick Camp Trail for a mile before intersecting Shavers Mountain Trail.

We soon arrived at the junction and started up a series of switchbacks to the top of Shavers Mountain. The woods were rather open along the climb and we could feel the sun beating down on our necks since the leaves weren't out yet. After a brief break at the top, we continued north along the top and eastern front of Shavers Mountain stopping occasionally in an attempt to find overlooks to the east. Along the side of the trail, we spotted bright red berries the size of peas. At first we thought it was Teaberry but it did not have the characteristic wintergreen smell. The Regers correctly identified it as Partridgeberry and we continued on toward Mylius Gap. We had lunch near a spring and refilled our water supplies. You can't beat crisp, cool water from a mountain spring.

We regrouped at the Mylius Gap junction and climbed 400



More on the next page

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We are now offering a wonderful incentive for new membership applications we receive. We have had beautiful National Geographic books donated to us and are offering them as premiums to new members. Join now, using the form below, to get your free gift.

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 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. A \$20.00 value free to new members. **Premium available to new members only.**

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Mail to: West Virginia Highlands Conservancy, P. O. Box 306, Charleston, WV 25321

Otter Creek--The Saga Continues

green fragrance with Dimitri and Anatoley. As we headed back to the trail, one of the Rangers, who had heard us fighting the underbrush, stopped and asked for directions. By then, half of our group had decided to press on and we spent some time backtracking to try and locate them. Unsuccessful, we continued on through some of the thicker and wetter sections of the trip looking for Phyllis's small bootprints. Several places the trail was inundated with tea colored water making it difficult for those in the group with short legs to keep their feet dry. We caught up with the rest of the group at the Possession Camp trail junction. This is a popular site as the Ranger leaders had a base camp/check in station set up here.

After the break, we resumed our leisurely jaunt down the Green Mountain trail. We made the turn where the old railroad grade continues on to the north, adding a cairn in the process since one in our troupe went straight while we were conversing. The trail joined another railroad grade that paralleled a stream and mutually coexisted in some places. We noticed what looked to be

an old 40# rail left behind from the logging days that wasn't recovered. Eventually, we broke away from the stream and gained a little elevation before **The Drop** to Otter Creek.

As we descended toward Otter Creek, the forest opened up into hardwoods again. There were several types of flowers already in bloom this early in the spring. There were tall, bright yellow Trout Lilies with their trout-shaped leaves. We gazed upon pink and white (yellow center) Spring Beauties and Downy Yellow Violets, and wondered why they didn't call them Yellers instead. We also stumbled across a huge patch of ramps, also called wild leaks, around wet areas on the hillside.

At the bottom of the hill we intersected the Otter Creek Trail and dropped our packs for lunch. We ate on top of some big rocks with Otter Creek lapping at our feet. What a spectacular spot to have lunch! The Rangers that passed our spot looked on with envy and continued on their way. We soon followed them and started to get tunnel vision for the trailhead. The walk was nice along

the old railroad grade and was mushy in places. About 2 miles before Otter Creek empties into Dry Fork, I noticed a creek flowing right out of the hillside on the opposite side of Otter Creek. This might not be noticed in the summer with leaves on and I plan to investigate further on another trip when the water is lower. A similar stream, and larger, was flowing from the mountainside near the Otter Creek confluence into Dry Fork.

The arrival at the Dry Fork Bridge was like crossing the finish line of a marathon. With the hike now over, we trudged up the hill and shed our packs and relaxed. We reflected on what a wonderful trip we had among God's creations, and it was then the longing to hike back into the wilderness set in. I'm sure each of us felt the creeks rushing and the brooks babbling, the wind roaring through the Hemlocks, and the silence and stillness of the woods.

OVER TEN THOUSAND PEOPLE TELL FOREST SERVICE TO PROTECT BLACKWATER CANYON TRAIL

Charleston, WV - Thank you all for your comments!!! In just over two months, concerned citizens have sent thousands of individual comments to the United States Forest Service, opposing a proposal to turn the Blackwater Canyon Trail into a commercial logging road. (Although the formal comment period ended February 3, the Service says that they will still receive comments, which can be sent at <http://www.saveblackwater.org/>.)

In case you are new to this issue, here's the background in brief: John Crites, owner of the logging company Allegheny Wood Products, has asked the Forest Service to allow Mr. Crites to turn the ten-mile-long beautiful Canyon Trail -- a premier hiking, biking, and ski trail that is located on public land -- into a commercial logging road.

In January 2003, Friends of Blackwater began a "Keep It Public" campaign -- to tell the Forest Service to protect the Trail and to perform a full environmental impact statement on the logging road proposal.

The latest count, according to the Forest Service, is that more than ten thousand people have sent mail and e-mail on the road proposal. This may be the largest number of comments ever in a Monongahela National Forest comment period.

Following are excerpts from some of the comments:

"I've had the pleasure of riding a mountain bike on this trail twice, and it is beautiful beyond description. It has to be God's prototype for Heaven! Please don't allow Mr. Crites to destroy something that can never be repaired or replaced."

"You are the steward of this forest. Therefore, you carry the burden of our trust. If you do not take the responsibility to stop this latest cut-and-develop frenzy besieging our country, who will? If not now, when?"

"An out-of-state friend once noted that the one picture you could be sure of finding in any West Virginia home was of the Blackwater Canyon. Please take any necessary steps to ensure this treasure is not lost to future generations."

"The very serious nature of John Crites' request must be analyzed by a full EIS. Anything less will be an inadequate response on the part of the Forest Service. As a graduate student in Forestry at Virginia Tech, I certainly support the need to harvest timber; however harvesting it from Blackwater Canyon is not appropriate; converting a popular recreation trail into a logging road is not good forest management, in my opinion."

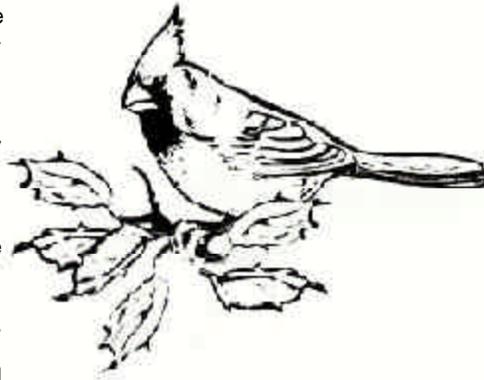
"My family and friends often bike and hike on this trail. It is special to us and we would like to see it preserved so that we and future generations can enjoy it. The Blackwater Canyon area is a jewel for us to treasure. Please consider to study the negative effects that logging would cause."

This huge outpouring of public comment will send a powerful message to all of our officials and political leaders, not just the Forest Service. Our next step will be to see how the Forest Service reacts to these comments. Will the Forest Service do a full environmental impact statement on the road proposal, as the law requires when major issues are involved? Friends of Blackwater will be watching, and we will report, and react -- as soon as there are further developments.

Meanwhile, this Spring would be a great time to hike or bike the beautiful, family-friendly Canyon trail. Call or e-mail us for details. It's a trip you'll never forget!

Finally, let's not forget who made this public comment avalanche possible -- the "Keep It Public" campaign is supported by the West Virginia Sierra Club, West Virginia Citizen Action Group, West Virginia Environmental Council, Ohio Valley Environmental Coalition, the West Virginia League of Women Voters, the American Federation of State, County, and Municipal Employees, West Virginia Highlands Conservancy, West Virginia Interfaith Center for Public Policy, Coalition for Responsible Logging, and Religious Campaign for Forest Preservation, West Virginia Native American Coalition, West Virginia Wildlife Federation, West Virginia Rivers Coalition, West Virginia Whitewater Association, American Rivers, American Lands, the Wilderness Society, with help from the American Hiking Society, West Virginia Rails to Trails Council, and West Virginia Trails Association. Thanks, folks!

You can help us continue this important campaign by donating and volunteering. Contact us at Friends of Blackwater, 501 Elizabeth St., Charleston, WV. 304-345-7663, outreach@saveblackwater.org. Our website is <http://www.saveblackwater.org/>



GOOD STUFF FOR FREE

To get a free **I & Mountains** bumper sticker(s), send a self-addressed, stamped envelope to Julian Martin, 1525 Hampton Rd., Charleston, WV 25314

The Sierra Club, Citizens Coal Council, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Focus(Kentucky), Big Sandy Environmental Coalition(Kentucky), Kentuckians For The Commonwealth and the West Virginia High-

lands Conservancy have put together a new **brochure** entitled "Mountaintop Removal Destroys Our Homeplace STOP THE DEVASTATION!" For a copy send a self addressed stamped envelope to Julian Martin, 1525 Hampton Road, Charleston, WV 25314.

It's not your father's Oldsmobile

NEW AUTOMOBILE TECHNOLOGIES ON THE WAY

By Allan Tweddle, State Coordinator, Republicans for Environmental Protection, www.repamerica.org/state/westvirginia

By Allan Tweddle, State Coordinator, Republicans for Environmental Protection, www.repamerica.org/state/westvirginia

GROWING GREEN ENERGY: The Seeds of Innovation

Our knowledge and awareness of the health and environmental dangers of combustion-produced gaseous and particulate compounds have triggered a research race to find the best fuel solutions and alternatives. We know that zero emission vehicles are technically possible. It is just a matter of whether the various technologies are economically feasible and whether the public will accept the radical changes they involve. As example, there is now a company offering franchises for the systems to modify most existing gasoline engines to run on pure hydrogen. Innovation abounds.

ENGINES OF THE PAST

Like it or not, cars and trucks have definitely taken over from horses, the oldest renewable power source. Gottlieb Daimler is usually credited with the development of the first successful automobile in 1889, using what we think of as a gasoline powered spark-ignited internal combustion (IC) engine. In the early 1900's, there was quite an effort to produce a reliable and inexpensive electric car. These early electric cars were actually more reliable, but politics and salesmanship by the gas buggies won out in the marketplace. The electric car idea went into a long sleep.

The diesel engine also arrived on the scene from Germany, primarily used for heavy loads like trucks, ships and locomotives. Without the need for a spark plug, the diesel gained a reputation for having better fuel mileage, but noisy and a smoky exhaust. The diesel engine remained popular with European manufacturers simply because of its economic benefits. With fuel prices three to five times higher than in the US, diesel engines cost less to operate and last longer between repairs and overhauls. They also have been, until recently, far more polluting than gasoline powered vehicles.

ENGINES OF THE "NOW" FUTURE

Gasoline is much cleaner today, when burned in modern engines than it was just a few years ago. Better mileage is common. Cadillac's powerful Northstar engine gets up to 25 mpg, and the new cars are 97+% cleaner than its ancestors that were lucky to get 10 mpg.

Ethanol: A renewable corn derivative, Ethanol is now in widespread use as an additive in reformulated gasoline. In the big farm states, E85 is used widely. (15% ethanol/85% gasoline) Cleaner, but it has some interesting political baggage we can't get into here.

Diesel engines are under more scrutiny and attack today. The particulate emissions have been clearly identified as carcinogen and asthma triggers. Efforts to reduce the sulphur and particulate emissions have made progress, but the most promising appears to be what is known as biodiesel fuels. Renewable oils, from soybeans and other agricultural sources (even chicken droppings or french-fry oils), all show real promise when combined with diesel fuel. Currently, there are about 200 school buses in West Virginia operating on B20, a 80/20 diesel/bio combination. The drop in emissions is dramatic, and these fuels also lengthen the repair and overhaul cycles. The WV Department of Education is very excited about the bio-diesel experiments that are under way.

There is even a laboratory engine operating on pure B100 that is reported to be cleaner than any gasoline-powered engine. The im-

portance of all of this is the potential real reduction of dependency on foreign oil, lower emissions and a commitment to renewable energy... a truly sustainable approach. Imagine, no oil at all required, not even lubricants!

Hybrids: Hybrids are currently being offered by Toyota and Honda. The Big Three have also announced hybrids in the next year or so. Essentially, hybrids are a marriage of the IC engine and the electric motor to gain the peak operating advantages of both devices. Not a new idea actually, as many motor-generator sets have been on the market for over 75 years in stationary applications. They make sense and should be as, or more, reliable than either the gasoline or diesel powered vehicles. The commercial world is about to see hybrids in daily commercial service. FedEx has announced that they intend to have 25% of their fleet in hybrid trucks delivering packages in 2004, possibly diesel powered.

Fuel Cells: Led by Ballard in Vancouver B.C., all of the major automobile companies are experimenting and hoping to be first in the marketplace with fuel cell-powered products. The fascinating and numerous possibilities of this noiseless and "motionless" (i.e. no moving parts) technology could be the first major technology revolution since the computer chip replaced the typewriter.

Fuel cells take **any** on-board hydrogen source, combine it with oxygen from the air and, through a catalyst, generate electricity and emit water as a discharge. If operated on pure hydrogen, it is a zero emission engine. On other fuels, there will be emissions but far less than the gasoline engine or the diesel on the same fuels. But hydrogen is not available at the corner gasoline station yet, and presents formidable challenges to become so.

EVOLUTION-REVOLUTION: Keep Sowing the Seeds

Believe me, I have only scratched the surface of all that is going on. Some of it will fall by the wayside. Suffice to say that we all should continue to press our elected representatives to tell us where they stand, and what they are doing to encourage and incentivize the commercialization of renewable alternative fuels..

First, letters to the WV Department of Education's Dr. Stewart commending the Director of Transportation, Wayne Clutter, for his leadership is appropriate. Another letter to EPA Director, Governor Christine Todd Whitman, should applaud her announcement that the standards for diesel emissions will be strengthened. Her approach and timing is appropriate and should be embraced by the industry, both users and manufacturers. Politicians and regulators need to hear from us in support of these programs just as much as they should hear our criticisms.

Ask your fuel source when he/she will be offering bio-diesel fuel. BP, Shell and others now are seeking to expand their business in this clean fuel. It may be more expensive, but it will serve your lungs, those of your children and the elderly well. Your diesel engine will find bio-fuel much more tasty too.

After 100+ years of use of petroleum-based fuels for transportation, seeds of renewable energy are starting to sprout all over the globe. Several fascinating trends may be accelerated if, as individuals or as a group, we want to speed up the "growing seasons." Keep on sowing!



BOOK NEWS

Coal: A Human History. By Barbara Freese. Perseus Books, 2003.

Review by Kathleen Parker

You've seen them – coal earrings, coal necklaces, coal bracelets and brooches, offered as souvenirs at gift shops throughout Appalachia. Jewelry made out of coal? Who would like such a thing? The ancient Romans, for one, who found a rich deposit of coal in what is now England. They called it the "best stone in Britain" because it could be carved and polished, made into jewelry for fashionable Romans. This use of coal is just one small anecdote in an interesting history by Barbara Freese. Freese offers "A Human History" of coal, a book exploring not only the science and technology of coal, but its environmental, political, social, and economic impact as well.

Western use of coal emerged in Great Britain. There coal came into broad use as a fuel during the Elizabethan era, when deforestation brought about tremendous fuel shortages. The increased demand for coal spurred development of better mining techniques, especially ways to pump water out of coal shafts. It was mining needs that led to James Watt's development of the steam engine, and consequently to the use of coal to fire iron foundries and the growth of railroads as a way to move coal around the nation. By the mid nineteenth century, British mines produced four-fifths of the world's coal and British foundries produced more iron than the rest of the world's output combined. Cities such as Manchester, whose factories were powered by coal-fired steam turbines, became the first modern industrial societies, with both power and problems abounding.

Of course, North America has its own history of coal, well known in our region. Early explorers noted that it was lying exposed on hillsides and streambeds in the Ohio Valley, but as wood was plentiful, demand for coal stayed minimal until industrialization came to America. Pittsburgh, with its access to coal as well as waterways, grew from a village of 376 residents at the end of the eighteenth century to an industrial city of 6,000 just twenty years later, with over 250 factories serving fuel-intensive industries such as glassmaking and ironworking. Coal operations involved in mining the anthracite coal of eastern Pennsylvania as well as those working the coal fields of the Alleghenies brought about an echo of British industrialization, with the growth of railroads, canals, and factories as well as tech-

nological refinements to make use of coal as fuel.

Freese does not paint the human history of coal as one glorious triumph of civilization. Indeed, she came to learn about coal as an Assistant Attorney General for Minnesota, where she worked to refine and enforce that state's air pollution laws. The problems associated with coal burning and coal mining are well documented in this book. On page one, Freese tells us that England's King Edward I banned the burning of coal in 1306 because of its awful smoke. As fuel scarcities mounted, coal nonetheless became in common use despite its attendant pollution. English writer John Evelyn complained about the smoke in 1661, observing "the City of London resembles the face rather of Mount Aetna, the Court of Vulcan, Stromboli, or the Suburbs of Hell, than an Assembly of Rational Creatures". Like London, cities of the U.S. experienced their own problems with smoke and smog, not the least of them Pittsburgh. In 1860, the smoke in Pittsburgh was enough to horrify even Londoner Anthony Trollope, who called it the blackest place he had ever seen. By 1910, smoke in Pittsburgh was so heavy that streetlights were used even in daytime hours to shed light in the gloom.

Freese reports historical problems associated with coal smoke and public health; smoke and plant life; and smoke and transportation safety. In 1873, a cold thick smog descended on London reducing visibility to a few yards. Carriages crashed into lightposts, Hansom cabs ran over pedestrians, and people fell into canals or onto train tracks. Smoke abatement became a major concern for civic leaders, urged on by women's organizations who were concerned about health, sanitation, and child safety.

In addition to air quality, Freese documents the relationship between coal and a range of social ills, from child labor to economic exploitation to civil unrest to environmental degradation. She reviews the practice of coal mining in China, and the horrendous pollution problems there. And she looks ahead, with some skepticism, to the adoption of "clean coal" technologies such as carbon sequestration that could capture CO₂ from smokestacks. While conceding that there is potential for technological fixes to the air pollution produced by coal, she concludes, "It is, in short, hard to imagine

that we'll ever make the sweeping investments needed to make coal use truly sustainable when we appear to have better, and ultimately probably cheaper, options even among the technologies we already know about. But that still leaves open the question of when we will have the political will to abandon the investment we've already made in coal – and, in places like the United States and China, the investments we continue to make."

This is a tidy book, small enough to hold in one hand and short enough to read over a weekend. Freese doesn't try to include everything there is to say about coal, but to give some sense of how it has impacted our lives. She provides extensive notes and bibliography for those who wish to follow up on particular issues. "Any substance versatile enough to pierce ears in Neolithic China, accessorize togas in ancient Rome, smoke out snakes in Dark Ages Britain, darken paint in prehistoric Pennsylvania, and transform itself chemically into goods ranging from pesticides to perfume, from laughing gas to TNT, probably has still undreamed-of future uses," Freese observes. We will be mining coal for some time to come. Nonetheless, understanding something of its history may help us make wiser decisions about the role of coal in the future.

MORE GOOD STUFF

Still cheap at twice the price

White, heavy cotton (Fruit of The Loom) T-Shirts with the I[heart]MOUNTAINS slogan on the front. The lettering is blue and the heart is red. Sizes S, M, L, XL, XXL, XXXL \$6 plus \$2 postage etc. \$8 total by mail. Send sizes wanted and check made out to Julian Martin to:

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Charleston, WV 25314

Free Speakers

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SENECA CREEK

By Don Gasper



Seneca Creek runs northward from an elevation of 4,000' near Spruce Knob for 11 miles to Whites Run where, near HWY 33, it flows on eastward to the North Fork of South Branch of the Potomac at Seneca Rock. Starting in a flat, headwater beaver area in Slab Camp and Tom Lick Runs, Seneca Creek runs shaded at times but has beaver areas on its main stem and is marginally warm for trout in summer until Judy Spring enters 3 miles below, a half-mile above the beautiful 5 mile gorge that ends in a pasture about 5 miles above Whites Run.

Brook Trout are distributed throughout the headwaters where the summer temperatures are not too warm. Everywhere, except in tiny Beech Run that is cool enough for Brook Trout, Seneca Creek and headwaters are Creek Chub dominated. Wild Rainbow extend several miles from their population at Judy Spring and down through the gorge below. A few Brook Trout are present also.

Judy Spring contributes more flow volume through most of the summer than does Seneca Creek itself above. It is 48 F year round and the gorge does not freeze up over winter. The Creek Chub and other warmer water species are not present in the gorge. Seneca Creek in the pasture near Whites Run below is wide and is warmed and the Creek Chubs and many Potomac fish species dominate up to the first falls. This is the 10' high Seneca Falls, 5 miles up the pasture above Whites Run, where the gorge begins. Some Wild Rainbow and Brook from the gorge, some Brook Trout from Whites Run and nearby tributaries are caught in the pasture as are some stocked larger Rainbow and some Brown Trout. Some say a few gorge Rainbow reach 14 inches here.



The remote gorge is moderately fished, even though it is a 4 mile hike to Judy Spring at the upper end, and it is 5 miles up the pasture to the lower end of the gorge where a landowner posts the trail up the stream. One may have to walk around this posted property. The gorge foot trail is very poor in places. There are about 10 waterfalls over 10' tall. The gorge fishery is based on a harvestable crop available at any time in the summer of about 2,000 Rainbow about 10 inches long. These are in their third summer. Smaller ones (7" and 4") are seldom kept, and 12" Rainbow are very seldom caught. On July 29, 1969 one 11.3" Rainbow in the lower gorge was aged to be in its fourth summer. The weight of all fish at any time is estimated to be 30 lbs./ac. - fairly productive. Above the falls are only Brook and Rainbow Trout, Creek Chubs, Blacknose Dace, and Stonerollers. The Rainbow in the pools in the gorge are hard to catch. You can see 25 in some pools. The inch-long stonefly in the stream is good bait. Many fly fish and catch and release. Royal Wulffs, Parachute Adams, and Gordons, in 12 to 18 sizes, are favorite flies used. It is not over-fished.

The gorge is beautiful, it is the highest quality water on the National Forest, and it is appropriately densely populated with vigorous trout. The catching is often good. Some camp in the gorge, and through its nearly 6 mile length half the time there will be one camp - as often none. It has been included in a book of 100 of the Nation's top trout streams. It was featured in the spring 2000 issue of "Trout" magazine.



West Virginia Mountain Odyssey



Outings, Education and Beyond

Wed. May 14, Hike in Big Schloss Roadless Area in the George Washington National Forest. This gem straddles a high point on the West Virginia/Virginia border in Hardy County. Come out and experience one of the two states' shared treasures. Contact Matt Keller mattk@tws.org

May 17, Sat. Canaan Valley National Wildlife Refuge. Boardwalk/ bridge/trail construction. We will be helping the Friends of the 500th in providing an accessible trail to some wetlands and beaver ponds on the Freeland Tract. This is a volunteer work outing, come dressed for the weather, bring gloves tools etc. All welcome. For more information, contact Dave Saville 304-284-9548 dave@wvhighlands.org

May 31 - June 1, Sat.-Sun. Bushwhack Extreme On North Fork Mountain. Two day backpack trip up then down the steep west slope of North Fork Mountain. Enjoy thousands of vertical feet cascading streams and cliffs in very rugged and remote country. Spectacular views. This is a good chance to explore remote areas of a potential future Wilderness area. No trails. Experienced backpackers who are sure of foot and in good shape, only please. Hosted by Jonathan Jessup. (703)204-1372 jonathanjessup@hotmail.com

June 7, Sat. Ramsay's Draft, VA. Hike this unlogged stream from about noon to 4. About 6 mi., not steep. Meet at Marlinton's River Restaurant at the Bridge at 10 AM, Call Don Gasper, (304)472-3704.

June 7-10, Sat.-Tues. Backpacking, base-camping and hiking on **Red Creek/ Roaring/ Flatrock Plains**- one of the highest, most rugged, and most scenic parts of the West Va. Highlands and Monongahela National Forest. Near the peak of spring colors (azaleas, pink ladyslipper orchids). We will camp on, and explore, the rims of Allegheny Front and Long Run that offer some of the best views (and scenery) in the area - much of it rarely seen. Hopefully we will have time to visit Haystack Knob, Thunderstruck Rock, Mt. Porte Crayon and much of the north Rim of Long Run. Prior backpacking experience required. 16 miles of backpacking. Limit: 10. Contact Bruce Sundquist, 724-327-8737 or bsundquist1@juno.com

June 20-22, Fri-Mon. Spruce Knob Bushwhacking/Backpack Trip. Ever wondered what lay beyond the trail's end? Or how about the "abandoned trail" listing on an older map? Come find out as we bushwhack through spruce and laurel, trying to find our own hidden Shangri-La. Strenuous. Contact Susan Bly at sbly@shepherd.edu or 304-258-3319 between 7:00 and 9:00 pm.

June 21. Canoeing. A flat-water float trip through the 5 mi. long Buckhannon River pool. We may fish; we will paddle. Meet at 11 AM at Sheetz at Corridor H in Buckhannon. Call Don Gasper at (304)472-3704.

June 28-29, Sat.-Sun. - Mountain Laurels Bloom Hikes in Bear Rocks and Dolly Sods Scenic area. Join for one or both days (with camping) to hike in countless acres of open meadows full of flowering mountain laurels. Spectacular mountain views and cool temperatures make for a nice summer escape in West Virginia's best alpine-like country. See web link. Contact Jonathan Jessup. (703)204-1372 jonathanjessup@hotmail.com

July 4-6, Fri.-Sun. - Roaring Plains - Canyons Rim Trail. Explore and witness spectacular, remote, rocky and rarely visited high elevation country. Many excellent views. Be prepared for cool temps and weather extremes. Despite high elevation, climbs are gradual. ~23 miles. Experienced backpackers only please. See photos at <http://www.jonathanjessup.com/rp-set1.html> Hosted by Jonathan Jessup. (703)204-1372 jonathanjessup@hotmail.com

July 12-13, Sat-Sun. Two day backpack trip in **Middle Mountain Roadless Area.** Venture up into a very wild yet little know area of the Mon. We will set just above Anthony Creek and follow the Bear Branch up Middle Mountain and along its spine. Previous backpacking experience required. Contact Matt Keller mattk@tws.org

July 13, Sun. Sinks of Gandy. Walk-crawl-wade-swim almost a mile underground following the Gandy Creek through the mountain. A unique opportunity for an unforgettable adventure. Led by professional geologist and naturalist Barnes Nugent. Suitable for caving novices. Limited to group of 20. Contact Barnes Nugent. (304) 284-9548, barnes@geosrv.wvnet.edu.

July 26-27, Sat-Sun. Two day backpack trip to **Seneca Creek Roadless Area.** Seneca Creek has very high Wilderness potential. Come out and see why! We'll hike the creek and up the flanks of Spruce Mountain for some spectacular views of the WV. Highlands. Prior backpacking experience required. Contact Matt Keller mattk@tws.org

August 8 - 10, Fri-Sun. Dolly Sods Waterways. Looking for a way to cool off this summer? How about dowsing your head under a waterfall in one of WV's premier hiking destinations? Help find swimming holes in Red Creek as we backpack both in and out of the Creek. This trip is moderate to strenuous. Contact Susan Bly at sbly@shepherd.edu or 304-258-3319 between 7:00 and 9:00 pm.

October 4th, Sat. - Roaring Plains - Canyons Rim Trail Day Hike. Explore and witness spectacular, remote, rocky and rarely visited high elevation country. Many excellent views. Be prepared for cool temps and weather extremes. Only one 400ft climb. ~5 miles See photos at <http://www.jonathanjessup.com/rp-set1.html> Hosted by Jonathan Jessup. (703)204-1372 jonathanjessup@hotmail.com

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, imaginemew@aol.com and Larry Gibson, (304) 586-3287 or (304) 549-3287 cellular.

Dave and Matt Go Exploring

NEW WILDERNESS AREA FOR THE CRANBERRY?

By Matt Keller

With nothing but rain having been forecast for the next three days, Dave Saville and I left early on a Wednesday morning for the Cranberry. Our mission: to inventory a potential expansion to the existing Cranberry Wilderness Area with photographs, notes and GPS. Having not been to the Cranberry since I was a boy, I was very excited to get there and experience the region's renowned scenic beauty and wild character. As we pulled into the parking lot next to the gated road through the backcountry, we realized there was a darn good possibility that we would have a beautiful day after all. Thank goodness the weather folks aren't always right!

We hopped on our bikes and pedaled four miles or so up the gated backcountry road to an old logging road/railroad grade near Note Branch. We were evaluating the area to determine if it met the criteria spelled out in The Wilderness Act to be included in the National Wilderness Preservation System. As we followed the grade's switchbacks up the mountain, it became apparent that nature was well on her way to reclaiming this former road, as vegetation was filling in quite nicely. Further up, the road was actually part of the Lick Branch hiking trail for a short jog. In addition to this and other old grades, we needed to check out some areas timbered in the 1960s by

the Forest Service to check on their recovery. We were pleased to find them regenerating quite nicely with a variety of native species (definitely not tree farms!) It was also



U. S. Fish and Wildlife Service/Bob Savannah

nice to see Red Spruce reclaiming the old roads with vigor. Some spots were almost too thick to pass though.

Our explorations on road and trail illustrated how wrong topo maps can be

sometimes. After a little bit of speculation on just where in the heck we were, Dave and I decided to do a bit of bushwacking down the ridge in order to get back to the trail we needed to be on. This led us through some of the most beautiful, undisturbed forest we had seen all day. Red Spruce, Beech and Hemlock towered above the lush green understory of sphagnum moss and various types of lycopodium. Everywhere we went was beautiful and wild but that section was downright magical. At one point, we were standing on top of root, moss and woody debris with an underground stream flowing quite noticeably beneath us. The acoustics provided by the Spruce forest we were in, made it an experience I won't soon forget.

In addition to being a productive 'inventory' hike, this outing was a real eye-opener to the wild and scenic quality of a potential contiguous Cranberry Wilderness addition. This area is highly qualified and highly deserving of being included in the Cranberry Wilderness and the National Wilderness Preservation System as a whole. I recommend hiking the Lick Branch or Rough Run trails which start off of Forest Road 76 in the Cranberry Backcountry. These trails both connect to the North-South trail in the Wilderness as well. Look for a Mountain Odyssey outing to the area sometime this summer.

Monongahela National Forest Hiking Guide

by Allen deHart & Bruce Sundquist

Published by the

West Virginia

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RALEIGH COUNTY WOMAN WINS INTERNATIONAL PRIZE

Raleigh County native and resident Judy Bonds has been honored as one of seven recipients of this year's Goldman Environmental Prize. The prestigious award is given annually to grass-roots environmental heroes from around the globe. The prize includes a no-strings-attached award of \$125,000. As the largest award of its kind, the Goldman Environmental Prize has been called the "Nobel Prize for the Environment."

Other winners this year include two Aborigine elders from the Australian desert for blocking construction of a federal nuclear-waste dump, and a Filipino man who led the campaign to institute the world's first nationwide ban on waste incinerators. A West Virginian won the prize in 1997. Chester resident Terri Swearingen was honored for her fight against the WTI incinerator in East Liverpool, Ohio.

The Goldman Environmental Prize was created in 1990 by civil leaders and philanthropists Richard N. Goldman and his late wife, Rhoda H. Goldman. Richard Goldman founded Goldman Insurance Services in San Francisco. Rhoda Goldman was a descendent of Levi Strauss, founder of the worldwide clothing company. Prize-winners are selected by an international jury from confidential nominations submitted by a worldwide network of environmental organizations and individuals.

Born and raised in the Appalachian Mountains of West Virginia, Judy Bonds, 51, is a coal miner's daughter and the director of Coal River Mountain Watch. Over the past six years, Bonds has emerged as a formidable community leader against mountaintop removal that is steadily ravaging the Appalachian mountain range and forcing neighboring communities, some of whom have lived in the region for generations, to abandon their homes.

In 2001, Bonds and her family became the last residents to evacuate from her own hometown of Marfork Hollow where six generations of her family had lived. Marfork had been virtually destroyed by mountaintop removal mining.

Mountaintop removal mining has also been catastrophic for Appalachia's waterways. Coal companies routinely dump the tons of mountaintop debris into nearby valleys and streams. Today, more than 1,000 miles of Appalachian headwater streams have been completely buried and 300,000 acres of the world's most diverse temperate hardwood forests have been obliterated by so-called "valley fill."

Bonds, who previously had worked as a waitress and manager at Pizza Hut and for convenience stores, now devotes 90 hours a week to protect Appalachia and the people who live there from the ravages of mountaintop removal mining. The catalyst for her activism, she says, was the day her grandson stood in a stream in Coal River Valley with his



Judy Bonds

Photo By Chuck Wrostok Photography

fists full of dead fish and asked, "What's wrong with these fish?"

Since then, her dedication and success as an activist and organizer have made her one of the nation's leading community activists confronting an industry practice that has been called "strip mining on steroids."

Bonds' primary nemesis is Massey Energy, the nation's fifth largest coal producer and the company responsible for the destruction of Marfork and many other Appalachian towns. Richmond, Virginia-based Massey, has one of the worst environmental and safety records in the country. In 2000, it was responsible for the worst environmental disaster in Southeastern history when a slurry spill released over 250 million gallons of coal sludge in Martin County, Kentucky. Massey currently runs numerous mountaintop removal strip mines throughout Appalachia and holds a number of pending permits to mine along the Coal River Valley.

Operating from a small storefront on a shoestring budget, Bonds has scored a number of important victories despite enormous industry opposition. Foremost among them is the critical

partnership she forged with the United Mine Workers Union over overweight coal trucks. Coal trucks routinely bearing twice the legal load barrel down narrow, steep highways and through towns, endangering drivers, beating up the roads and cracking house foundations. The monster trucks have been responsible for fourteen deaths in the past two years, including a brother and sister who were crushed to death when a coal truck forced their vehicle into another oncoming truck. Thanks to the mineworkers' union and community pressure, Bonds and other activists filled a lawsuit against coal operators that will force companies to haul safe and legal loads. Bonds is currently working with activists to launch a national grassroots campaign that asks people to write postcards to the governor of West Virginia pledging that they will not visit the state until oversized coal trucks are banned.

In a testament to her vigilant monitoring of mining-related violations and advocacy efforts, Bonds has also been instrumental in winning important concessions from the State Mining Board, which recently imposed a 30-day suspension on a polluting Massey mine and set tougher protections for local communities against mine blasting.

These victories have come at a price to her personal safety. Bonds routinely receives threatening, anonymous phone calls that intensify whenever she plans a protest. She and other activists have been threatened by armed security guards on Massey's payroll when they show visitors, including journalists, sites that have been devastated by mining.

Bonds is also galvanizing grassroots response to the Fourth U.S. Circuit Court of Appeals ruling on mountaintop removal, which was issued on January 29, 2003. The ruling, based on an appeal brought by the Bush Administration, overturned a landmark federal court ruling that banned mountaintop removal mining on the grounds that it violates the Clean Water Act. Since the new ruling, West Virginia has been bombarded with new mountaintop removal mining permits. Bonds and other local citizens are fighting these permits in the courts.

"When powerful people pursue profits at the expense of human rights and our environment, they have failed as leaders," Bonds has said. "Responsible citizens must step forward, not just to point the way, but to lead the way to a better world."

Highlands Conservancy Spring Review and Board meeting highlights

By Hugh Rogers

Will we see more wind farms in the West Virginia Highlands—or any in Virginia? Even the developers disagree. On Saturday, April 26, nearly two dozen Highlands Conservancy members and guests from three other states showed up for a tour of existing and proposed wind projects. As it happened, we could hardly see the turbines already in place. A cloud had swallowed Backbone Mountain.

The showery weather also affected our view of the Allegheny Front. On top, we walked over grassy old strip mine sites where many of the NedPower turbines would go. But below, along Jordan Run, we couldn't see the face the mountain usually presented. Our hosts there, Friends of the Allegheny Front, asked us to imagine 50-story-tall structures lining the edge for mile after mile.

We heard Jerome Niessen, the president of NedPower, poo-poo the notion that many more projects would be coming on line. In his opinion, there were very few places with Class 5 wind close enough to transmission facilities. Contrast that with what other developers have told Peter Shoenfeld, of our wind power subcommittee: the technology is changing so fast that companies will soon be considering even Class 3 and 4 sites. The danger here can be guessed from the messes left by other energy booms, when companies went belly-up and the mountains were littered with their industrial waste.

The daylong information exchange concluded with dinner and a facilitated discussion at The Mountain Institute's Spruce Knob campus. Dan Boone asked several probing questions about the design of avian impact studies. As a participant in the Backbone Mountain studies, WVHC should take these cautions into account. Frank Young told us that the Legislature had addressed the issue of siting for "wholesale generators," that is, wind farms and others that sell power to the market rather than directly to consumers. The new law instructed the PSC to consider "general public interest" as well as economic factors in the placement of such plants.

Sunday's board meeting at Shot Cherry Cabin below Spruce Knob was dominated by public lands issues.

(a) Roads and Roadless Areas Review: the Monongahela National Forest (MNF) had released a summary, postponing detailed analysis to individual watershed assessments. Don Gasper said nevertheless it was a useful document that listed the primary roads on the Mon, declared which roads were considered necessary and which could be eliminated. It should be helpful for wilderness planning.

(b) Matt Keller, the Wilderness Campaign Coordinator, was introduced. He described a three-part process: research and propose new wildernesses; get grassroots support; get congressional support. So far, potential areas have been prioritized in three categories. Meetings with congressional delegations and state officials will be scheduled soon. A web site, www.wvwild.org, should be up next week.

(c) Leading candidates for wilderness designation include Dolly Sods North, Roaring Plains, Cheat Mountain/Upper Shavers Fork, Seneca Creek, Cranberry Extension, Middle Mountain and Spice Run.

(d) Helen McGinnis has been checking property acquisition records on MNF lands. By the 1930's, when most purchases were made, the mineral rights had been severed. It was difficult and sometimes impossible to track mineral ownership changes since then in the Forest Service records. The Wilderness Committee will seek advice from a geologist on the potential value of privately owned mineral rights.

(e) Dave Saville told us that two important planning documents were still pending: the MNF's Threatened and Endangered Species (TES) amendments, and Canaan Valley National Wildlife Refuge's compatibility determinations.

(f) Among many problems in the draft TES document was its failure

to deal with cumulative impacts. The Fish and Wildlife Service (FWS) had complained that the plan essentially ignored the cerulean warbler. MNF had found lots of good warbler habitat and concluded that the bird was doing well in West Virginia. FWS commented that MNF lands were its prime breeding grounds, indeed the species probably would not survive without them.

(g) Several timber sales were waiting for the final TES amendments, including Cherry River, Glady Fork, Upper Williams River, and Desert Branch. Don reported that the last one had been withdrawn more than once, and continued to have problems. Scientists at the Fernow Experimental Forest had warned that trees may not regenerate there because of poor soil conditions.

(h) Dave lamented the departure from our public lands of two people with whom we had developed good working relationships: Doug Adamo, head of the MNF management plan revision team, had resigned; and Jeff Shryer, manager of the wildlife refuge, had retired.

(i) The balsam fir project will continue this summer with construction of a large new deer enclosure on the refuge.

(j) Enough on the feds—what about state lands? Dave said that \$2 million, the state's share of the Mt. Storm power plant/EPA settlement, would be used for acquisition of Allegheny Power lands in Cheat Canyon and along Big Sandy Creek. AEP said it was seeking bids on the property to determine its fair market value. The Conservation Fund will submit a "competitive bid" by the May 8 deadline.

(k) The Public Lands Committee will meet on May 11, Mother's Day.

Taking a break from heavy public policy discussions, we asked Julian the Red to tell us what was hot in the world of fashion. Julian shed his bright red sweater to reveal a freshly-printed "I [Heart] Mountains" t-shirt. Be the first on your lane to get one!

Cindy Rank noted the failure of the coal industry's effort to pass a sweeping bill that would have changed all DEP mining regulations so they were "no more stringent" than federal rules, thus undermining the settlement terms in the Bragg case. On its own, however, the DEP had already violated part of the Bragg settlement involving post-mining land use, by granting approval of a plan for "fish and wildlife" as the ultimate use of the Kayford South mine lands. WVHC will contest the approval.

Acclamations were in order for Cindy, recently named WV's first Waterkeeper; for Judy Bonds, winner of the "Nobel Prize for the Environment," the Goldman Prize; and for Dave, who organized the wind power tour, dinner, and discussion.



Happy Mothers Day!

REGULATED COAL MINES STILL POLLUTE WEST VIRGINIA STREAMS

Report by the West Virginia Rivers Coalition and the Appalachian Center for Law and the Environment

Elkins, W. Va. - West Virginia's waters are degraded by coal mining operations, and agencies and the public often have no idea what amounts or types of pollutants are actually discharged, say the authors of a new report on West Virginia's coal mines and their permits. Permitted coal mining operations, as well as older abandoned mines, discharge acid mine drainage, sediment, and other toxic pollutants, which together impair more than 2,000 miles of West Virginia's rivers and streams.

Evan Hansen, Director of the West Virginia Rivers Coalition's Permit Analysis Program, and Dr. Margaret Janes, Senior Policy Analyst for The Appalachian Center for the Economy and the Environment, spent months reviewing coal mining permits, relevant regulations and the permitting process in West Virginia. Their report *Coal mining and the Clean Water Act: Why regulated coal mines still pollute West Virginia's streams* is based on this review.

The report documents persistent problems with coal permitting practices in West Virginia. The report also provides recommendations for several agencies that would bring these practices into compliance with Clean Water Act requirements, and for citizens who are concerned about the industry's effects on water quality.

"This report details that coal mining operations receive special treatment from the Department of Environmental Protection when their permits are developed," said report co-author Margaret Janes. "While coal is currently complaining about West Virginia's environmental regulations being too protective and hampering mining, the truth is that coal is regulated less in West Virginia than what is required by federal laws, such as the Clean Water Act."

The West Virginia Department of Environmental Protection (DEP) permits about 12,000 coal-related discharges across the state. However, the essential requirements of these Clean Water Act permits—limits on the discharge of pollutants into streams as well as monitoring of these discharges at important flows—are not consistently applied to the coal mining industry.

Permits limit the amount of pollutants that can be discharged, and are supposed to ensure that water quality standards in receiving streams are met at all times. Because of several deficiencies in permitting practices, permits for coal mine discharges do not always do so.

"Numeric standards are in place for pollutants that are typically discharged from coal operations, such as turbidity as a measure of sediment, iron, manganese, and aluminum," said report co-author Evan Hansen. "However, the West Virginia standards for these pollutants are weaker than federal requirements. Turbidity is perhaps the most egregious example, because the standard explicitly exempts coal mining operations unless they discharge to trout streams. There is no scientific justification for this exemption."

Discharges from coal operations differ from those from most other industries because flows and pollutant concentrations often depend on rainfall. This difference is at the heart of several federal and state regulations, policies, and practices that cause coal-related permits to be weaker than those issued for other industries.

While many types of surface mines do not discharge during dry weather when the most stringent limits are in effect, DEP exempts those same mines when it rains, the very times when discharges are the greatest. These exemptions therefore allow unlimited amounts of pollution to be discharged by nearly every kind of coal mine. Also, the state allows permittees to forego monitoring of exempt pollutants during rainfall events. For that reason, mining companies, regulatory agencies, and the public do not know what is actually being discharged at exactly the times pollution discharges

are the highest.

Another example of coal operations violating federal law is the DEP's practice of commonly permitting mining operations to build sediment ponds directly in streambeds and below valley fills. This practice transforms streams from free-flowing, biologically rich habitats into waste assimilation and treatment systems. About one-third of West Virginia's coal permits have been issued for these instream ponds; all of these permits are illegal and undermine the primary goals of the Clean Water Act.

Many of the DEP's permitting practices do not conform to those required by the Clean Water Act, and therefore do not protect West Virginia's rivers and streams from pollution from coal mines. But DEP does not operate in a vacuum; the West Virginia Environmental Quality Board and the U.S. Environmental Protection Agency also share the responsibility to ensure that coal mining operations are held to minimum federal standards. If these agencies were to simply follow the law, permitted discharges—and West Virginia's rivers and streams—would be cleaner.

There are many reasons why weak permits continue to be written, and improvements must be made. The report lists dozens of recommendations for strengthening the permitting process that are aimed at DEP, the U.S. Environmental Protection Agency, the West Virginia Environmental Quality Board, and citizens' groups.

A copy of the report can be found at www.wvrivers.org/reports.htm or can be emailed by contacting Evan Hansen at 304-291-8205 or 304-319-0042. The West Virginia Rivers Coalition is a statewide nonprofit with a mission seeking the conservation and restoration of West Virginia's exceptional rivers and streams. They have 3,000 members and are located in Elkins. The Appalachian Center for the Economy and the Environment is a regional nonprofit with a mission to promote a clean environment and sustainable economy in Central Appalachia. They are located in Lewisburg.



Happy Mothers Day!

Mark Your Calendar

JUNE 13: WV-CAG's Fundraiser at Coonskin Park Clubhouse, Charleston. Join hundreds of your closest friends and enjoy wonderful food and a strange silent auction, plus a great speaker. We will also honor some of the finest from the progressive community. Mark your calendars!