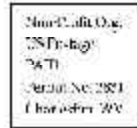


West Virginia Highlands Conservancy
 Tree Office Box 300
 Charleston, WV 25321

address service requested



The Highlands Voice

visit us online at www.wvhighlands.org

July, 2003 Volume 36 Number 7

WINDMILLS IN THE MONONGAHELA NATIONAL FOREST?

Faced with rumors of proposals for windfarms within the Monongahela National Forest, the West Virginia Highlands Conservancy's Wind Energy Committee set out in search of information. Here are the results (such as they are) of that search.

CONSERVANCY FILES FREEDOM OF INFORMATION ACT REQUEST

In an effort to either verify or debunk the rumors of proposed wind farms in the Mon Forest, the Conservancy's Wind Energy Committee submitted a Freedom of Information Act request. Here is the text of that request:

May 21, 2003

USDA Forest Service
 ATTN: Kate Goodrich
 200 Sycamore St.
 Room 500
 Elkins, WV 26241

Dear Kate:

Under the Freedom of Information Act (FOIA), I am requesting access to any records you have of inquiries or applications for use of Monongahela National Forest (MNF) land for the installation or operation of commercial wind energy facilities during the last three years. If there have been such inquiries or applications, I would like the following details:

- (a) whether the inquiry or application was to build and operate a wind energy facility, to bring wind energy equipment

(Continued on page 3)

FOREST SERVICE WON'T SAY

Here is the Forest Service's response:

June 30, 2003

Peter Shoenfeld
 714 Chesapeake Avenue
 Silver Spring, MD 20910

Dear Mr. Shoenfeld:

This is in response to your May 21, 2003, Freedom of Information Act (FOIA) request regarding records relating to inquiries or applications for use of Monongahela National Forest (MNF) land for the installation or operation of commercial wind energy facilities during the last three years.

Personnel of the MNF searched their files and located no applications for development of such facilities on the Forest. Our understanding is that there has been some expression of interest in such development and that the Forest has very limited documents which would be responsive to your request. However, such information is being withheld under the FOIA. Exemption 4 (5 U.S.C. 552(b)(4)(Confidential Business Information). This exemption protects from disclosure commercial or financial information that is privileged or confidential. It is intended to protect both the

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From the Western Slopes

About "Green Energy" Column
by Frank Young

The May and June issues of the Highlands Voice featured a new column series of articles about "green" energy use tips and information about conservation and emerging energy technologies. I hope this series can continue.

These columns' author, Allan Tweddle, is semi-retired from both corporate and self-employment as an engineer who has been involved in both Department of Defense related manufacturing and operations, and private sector environmental remediation and pollution prevention for 40 years. Tweddle styles himself an environmental "ideapreneur". Some of his ideas about innovative energy conservation and breaking technologies appear here.

The Highlands Voice has usually been about hiking, about outrage over this or that environmental abomination, with an occasional book review or discourse on dirt, trees, fish or the like.

Recently I devoted the president's regular column to lobby readers toward preserving the Highlands by so efficiently using energy that common energy production related threats to them (the Highlands) become obsolete. And now we have this new "green energy" series. The casual Voice reader might notice this new approach and wonder how it fits in with what we have always done and continue to do.

I believe that this approach does not contradict, but rather compliments our traditional role. We can both gripe about the excesses and the debauchery of unbridled "growth and development" relating to pursuing energy sources, while advocating ways to lessen energy consumption and development of more benign energy sources and policies.

As I said in an earlier column, one way to decrease and discredit traditional energy sources like coal and oil and other fossil fuels would be to simply make them obsolete through both conservation and development and promotion of clean and green new energy technologies. Indeed, this could turn out to be one of the easiest and most successful ways to accomplish preservation and protection of the highlands we so cherish from energy demand induced debauchery.

Due to computer problems, the usual "green energy" column is not in this, the July issue of the *Highlands Voice*. But I hope that Mr. Tweddle's column can continue, and that Voice readers have a good interest in his column. Let us know what you think.

**Reminder: WV Highlands Conservancy
Summer Board Meeting July 19th**

The Summer Board of Directors meeting of the WV Highlands Conservancy will be held Saturday, July 19th, starting at 9:30 AM. The location, probably at or near Elkins, will be announced on the WVHCBORAD e-mail list serve, and in the pre-meeting packet mailed to Board members.

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: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)372-7501, woodhavenwva@netscape.net
PAST PRESIDENT: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com
DIRECTORS-AT-LARGE (Terms expire October 2003)
Sayre Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983, 73210.540@compuserve.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.
Jonathan Jessup, 8225 Adenlee Ave. #40 Fairfax VA 22031 703-204-1372 jonathanjessup@hotmail.com
George E. Beetham Jr., 2819 Mt. Carmel Ave., #3, Glenside, Pa., 19038; Phone 267-252-3748, geobeet@hotmail.com .
DIRECTORS-AT-LARGE (Terms expire October 2004)
Bob Gates, 1117 Virginia St.E., Charleston, WV 25301, (304)342-2624, bgates@wvwise.org.
Don Gasper, 4 Ritchie St., Buckhannon, WV 26201 , (304)472-3704
Julian Martin, 1525 Hampton Rd., Charleston, WV 25314,(304) 342-8989, imaginemew@aol.com
Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369
Pam Moe, Rt. 1, Box 29B, Kerens, WV 26276, (304) 478-4922, pam_moe@hotmail.com
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
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.
OUTREACH/COMMUNICATIONS COMMITTEE: Julian Martin, , 1525 Hampton Rd., Charleston, WV 25314,(304) 342-8989, imaginemew@aol.com
BLACKWATER CANYON COMMITTEE: co-chairs Linda Cooper, J1 1220 Van Voorhis Road 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: Frank Young, Rt. 1 Box 108, Ripley WV 25271, (304) 372-3945, fyoung@wvhighlands.org
WIND POWER COMMITTEE: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@wvhighlands.org.
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 Jonathan Jessup, 8225 Adenlee Ave. #40, Fairfax VA 22031, phone: (703) 204-1372, jonathanjessup@hotmail.com
MISCELLANEOUS OFFICES
SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989, imaginemew@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

FOIA REQUEST

(Continued from page 1)

- across MNF land, or for some other related purpose (please specify),
- (b) a geographic description of the land involved, including the approximate boundaries of any contemplated wind farm and any maps that may have been prepared,
- (c) the size of the intended facility, in megawatts or number of turbines, if this is known,
- (c) the name of the company or individual inquiring or applying,
- (d) the response of the USFS to the inquiry or application, including any internal correspondence, and
- (e) the present status of the inquiry or application, if it is still active.

I am submitting this request on behalf of the West Virginia Highlands Conservancy, a public interest group. If there are any fees charged for searching or copying the records, please supply the records without informing me of the cost if the fees do not exceed \$200, which I agree to pay. If you deny any part of this request, please cite each specific reason that you think justifies your refusal to release the information.

In addition, I would like to be provided this same information regarding any future inquiries or applications for the next three years. If this will require periodic additional future FOIA requests, please so inform me, and otherwise please provide me this information as it arises.

Please notify me of appeal procedures available under the law. If you have any questions processing this request, you may contact me at the following telephone number: (301)587-6197, or be e-mail at peter@mountain.net.

Sincerely,
Peter Shoenfeld
Chair, Wind Energy Committee
West Virginia Highlands Conservancy

FOREST SERVICE RESPONSE

(Continued from page 1)

interests of individuals submitting proprietary information and the interests of the government in receiving continued access to such data.

Also, you asked to be provided the same information regarding any future inquiries or applications for the next three years. Please note that a FOIA request covers only existing data, not future records. The Forest Service is not required to send new records as they are created because of an earlier FOIA request.

Since no records exist and documents are being withheld, this constitutes an adverse determination, which you may appeal under 5 U.S.C. (a)(6)(A)(i). Any appeal must be made in writing to the Chief, USDA Forest Service, Mail Stop 1143, 1400 Independence Avenue, SW, Washington DC 20250-1143, within 45 days from the date of this letter. The term "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

Sincerely,
Randy Moore
Regional Forester

The Freedom of Information makes exempt from disclosure the following information:

trade secrets and commercial or financial information obtained from a person and privileged or confidential;

5 U.S.C. 552(b)(4)

HEARINGS SCHEDULED ON ENVIRONMENTAL IMPACT STATEMENT FOR MOUNTAINTOP REMOVAL OPERATIONS

The U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Office of Surface Mining, and WV Department of Environmental Protection will hold public hearings on its Draft Programmatic Environmental Impact Statement (EIS) on Mountaintop Mining/Valley Fills in Appalachia.

The hearings will be held on July 22, 2003, at: The Forum at the Hal Rogers Cen-

ter, 101 Bulldog Lane, Hazard, KY and on July 24, 2003, at Charleston Civic Center-Little Theater, 200 Civic Center Drive, Charleston WV. Each of the two public hearings will have two sessions. The first session will be from 2:00 - 5:00 pm and the second session will be 7:00 - 11:00 pm on each day.

These public hearings are being conducted to allow the public to provide oral comments on the draft EIS. The draft EIS

and its associated appendices are posted at the EPA Region III website: <http://www.epa.gov/region3/mtnstop/index.htm>. Copies can also be viewed at local agency offices and public libraries. Copies may also be requested by calling the EPA Region III toll free EIS Request Hotline at 1-800-228-8711.

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 last Friday of each month. You may submit material for publication either to the address listed above or to the address listed for Highlands Voice Editor on the previous page. 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

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.

Longtime Highlands Conservancy Member, Environmental Activist Dies In Plane Crash**A FRIEND REMEMBERED**

By Tom Rodd

Richard DiPretoro, age 54, a long-time member of the West Virginia Highlands Conservancy, was killed in an airplane accident on June 15, 2003, near Greensburg, PA. Richard was piloting a small plane that was taking recreational skydivers aloft. The plane developed engine trouble on take-off and crashed while trying to make an emergency landing. Richard and three passengers died instantaneously; one passenger was taken to the hospital in critical condition.

Richard was raised in Rhode Island, and graduated from Dartmouth College in 1970 with a Bachelor of Science in Geology. He came to West Virginia in 1970 when he moved with several friends from college to live in rural Wetzel County.

In Wetzel County, Richard joined many other "hippie homesteaders" in the "back-to-the-land" movement that experimented with simpler, rural, alternative lifestyles. Richard shared the perception of most homesteaders that the mainstream American culture of consumption, status symbols, and respect for establishment authority was spiritually, morally, politically, ecologically, and economically bankrupt. They initially sought to change that culture through their own lifestyle changes – but as they aged, most also felt called to engage in social action, to advance the better world they dreamt of. In these efforts, their roots remained in the counterculture vision of a more communitarian, convivial society — where mutual aid, affection, hospitality, and sharing are dominant values and virtues. Richard embodied these values. His easy laugh, his cooperative and caring instincts, and his sensitive thoughtfulness will never be forgotten by those who knew him.

Richard became interested in surveying, and after lengthy study and apprenticeship, obtained a surveyor's license. He also worked as a paralegal and as an underground coal miner, operating a roof bolting machine at a large Consolidation Coal Company mine. In the late 70s, Richard enrolled in graduate school at West Virginia University, where he obtained a Master's Degree in Geology.

Richard's study of hydrogeology enabled him to understand how water falls from the sky, soaks into the earth, flows through the earth at various levels, and emerges in springs and lakes, and goes eventually to the sea — there to evaporate and begin the cycle again. His study of geology led him to understand how the various forms of rock, clay, and sand have eroded and compressed and lifted and shifted over time — and how their chemistry affects the water that moves through and over the earth. His master's thesis (more on this topic later) was on the prediction of post-mining drainage quality at surface mine sites.

In the 70s, Richard joined with others in forming West Virginia Mountain Stream Monitors ("MSM"), which worked to prevent stream pollution from coal mine drainage in North Central West Virginia. MSM did innovative stream quality monitoring using chemical testing and also benthic life (stream insect) monitoring, and Richard and MSM were part of several major campaigns to restrict mining in areas where post-mining toxic drainage was likely to result. He was also active in the Highlands Conservancy, and served on the Conservancy Board.

After graduate school, Richard began to work full-time as a consultant on the environmental aspects of mining. He worked exclusively for landowners and citizen and community groups. From the claims of farmers in Western Pennsylvania who lost their springs to longwall mining, to Indian tribes in Utah whose sacred mountain spaces were threatened by arsenic used in gold mines, to West Virginia conservation groups seeking to protect valuable fisheries,

Richard served as the lead geological and hydrological expert and consultant in scores of campaigns.

Richard was one of very few people in the United States with hydrogeological expertise who could and would help citizens in their efforts to protect their property and their communities.

Of course, many people had Richard's qualifications and expert credentials, if not his intelligence and energy. But almost everyone who had Richard's level of credentials and experience chose to make at least part of their living working for mining companies or regulatory agencies (even people working only for universities depend on these companies and agencies for funding.) And the fact is that to enthusiastically help people who are directly challenging a mining company or a regulatory agency means that in the future — for any consultant — the chances of getting work from those companies and agencies is low. So citizens have a terrible time finding independent experts who will assist them.

Richard chose to forego the ordinary route to economic survival in his profession, in order to be able to put his expertise to the service of ordinary citizens. As a result, he scraped by financially — when his intellect and energy would have permitted him to do very well, if he had gone over to "the Dark Side."

But although Richard worked for citizens and communities, and supported their efforts in many ways, he was incorruptible as an expert. He would not reach conclusions just because his clients wanted those conclusions. If there wasn't enough evidence to support his client's position, Richard would say so.

I remember him telling me that early on in his work, he was appearing as a witness in court, and he stretched his testimony just a little bit — to reach the conclusion that the clients wanted. Then, the lawyer on the other side made Richard look like a monkey on cross-examination, because Richard didn't have all of the facts to back up his opinion (although the opinion was probably right.) Richard vowed to never let that happen again. His honor and his reputation for integrity and honesty were much more important to him than winning.

Richard was a tremendous asset in all of the campaigns he worked on. His lively intelligence, and his sweet, curious, generous and loving spirit, made him a beloved friend and colleague to hundreds of people who came to know him in his environmental work — including those who worked on opposing sides.

I met Richard in Morgantown in the early 1980s, where he had settled during graduate school. He was a handsome, slender man of middle height, then with a long "Chinaman's" pigtail hanging down his back. (I don't know exactly when he cut it off; it may have been in the mid-80s, when he began to testify more in court in front of juries.)

I was beginning to practice environmental law. Richard had worked several years earlier as an expert consultant for citizens who were opposing the proposed Omega Mine on the 4-H Camp Road. The citizens opposing the mine said it would cause hundreds of thousands of gallons of toxic mine drainage for decades — but the coal company and their hired experts pooh-poohed the citizens' predictions. The coal company won in court, and the mine opened.

After the mining was completed, millions of gallons of toxic drainage began to flow from the mine — just as Richard and the citizens had prophesied. The citizens hired me and Richard, and sued the coal company and the state regulators, to try to clean up the mess. The citizens "won" this time (as much as they could win, given the mess that was left), and today the State is spending hun-

(Continued from p. 4)

dreds of thousands of dollars each year to treat the toxic discharges from the Omega Mine.

In a life of many accomplishments, I believe that the single greatest personal and professional achievement of Richard's life occurred while he was in graduate school — although he built on that achievement for the rest of his life. That achievement was his proof that surface mine reclamation techniques have little or no effect on the chemical characteristics of post-mining groundwater drainage from the mine site.

Before Richard stepped into the picture in the late 70s, and conducted his field research at about 30 mined-out surface mine sites near Morgantown, all of the professors, coal company experts, and State regulators who dealt with mine land reclamation were operating on the basis of a comforting — but wholly unproven — assumption.

That assumption was that if a surface mine was nicely smoothed over, and if the application of plenty of topsoil and fertilizer grew lovely green grass on the surface of the reclaimed mine site — then, the groundwater drainage that flowed through and came off the mine site would be of acceptable quality. (Richard taught me that a mine in Appalachia will over a year average about a half a gallon a minute per acre of such drainage — which means that a 500-acre mine will put out 15,000 gallons of drainage per hour, 24 hours a day, essentially forever.)

In the 1980s, there were already hundreds of abandoned surface mines in Western Pennsylvania and Northern West Virginia — where the post-mining drainage had a pH of 3 or less (like battery acid), and contained toxic levels of dissolved minerals like iron and aluminum. Because no one really *wanted* to know the truth about mine drainage, no one had studied the cause of this toxic mine drainage in a scientific way.

Before Richard did his work, the coal companies' experts (and their tame regulators and professors in articles and journals) — without any scientific evidence for their belief — blamed all of this toxic drainage on "bad reclamation."

"Trust us," they said. "We can do it right this time," they said, as they sought new permits to mine — sometimes right next to old, polluting mines that were turning the streams orange. "Don't worry," they said. "We'll reclaim it, and the water will be fine." And the regulatory agencies went right along, never questioning the companies' assurances.

Richard decided to question those assurances and assumptions. Richard found a professor who would sponsor his work, and with a meticulously designed project he studied thirty mine sites near Morgantown.

Richard's study didn't look just at whether the surface of the post-mined land was "pretty." He also looked at the chemical composition of the rocks above and below the coal; these rocks are broken up in mining. Richard's hypothesis was that the chemistry of these rocks determines the chemical characteristics of the post-mining drainage.

The study absolutely confirmed the hypothesis. In every case, it was the rock chemistry that made the difference, and the "pretty green cover" was irrelevant. Richard found mines where the abandoned mine was a mess of rubble — like the surface of the moon — but the water coming from the mine site was pure and clean. Why? Because the associated rocks were alkaline shales. And he found mine sites that looked like well-groomed pasture fields — but the drainage from the golf-course-like site was nevertheless toxic battery acid. Why? Acidic sandstone rocks overlay the coal seams.

Richard's scientific work was impeccable; the data were conclusive and compelling. Richard's work blew every piece of wishful-thinking speculation out of the water. His research stopped a huge lie — squarely in its tracks.

Richard's was not only the first study to address the issue —

it was also essentially the last, because his results could not be challenged. Every piece of scientific work on mine reclamation and mine drainage after Richard's work has relied on the basic facts that he nailed down.

The consequences of Richard's work were huge at the time, and they remain powerful today. Even the most blind-eyed regulators have had to face the facts about how acid mine drainage is created. They have had to say "no" to mining proposals where new toxic drainage would be created. And Richard said that he regarded his work in causing a number of mining companies and state regulators to pay huge sums for ongoing mine drainage cleanup as a lasting achievement of his life — because those costs serve as an ongoing deterrent to the creation of new acid mine drainage sources.

Richard's great accomplishments, like the work that I have described, arose from his love for the natural world and for his fellow human beings. And Richard sought to protect the world and the people who live in it with his favorite tool — science.

I don't know when Richard discovered science, but when he did, he found the organizing principle of his life. For many years, Richard lent me his weekly copies of *Science News* after he had read them cover-to-cover (but he wanted them back!). Every issue had news of discoveries in chemistry, biology, physics, and every other discipline, and he enjoyed reading about them all. I remember how much fun it was to sit with him at lunch and marvel at what humankind was learning, seen through his laughing eyes.

Richard brought a methodical and scientific approach to other parts of his life, apart from his work. This is not to say that Richard did not enjoy music, or movies, or warm sands and tropical beaches. He did. His friends from in Wetzel County certainly remember his "party animal" side. But even his approach to hedonism was somewhat scientific. Earlier this year he told me that he had been getting depressed listening to the news while driving in his car (me, too!), so he was embarking on a "project" of "listening to more rock and roll." "I find it elevates my mood," he told me.

Richard had many sides and accomplishments that I do not have room to discuss. His knowledge of the economics, technology, and history of mining was encyclopedic. He became an expert pilot. He traveled to Japan, the Caribbean, and Central America, and studied mining in Germany. He married and built a home and livelihood in Pittsburgh. In the last decade of his life, he helped develop natural gas resources, which he saw as crucial to dealing with global warming. He leaves behind a loving family and friends, and a world that is much better for his being here.

Thank you, Richard. We miss you and we love you.



West Virginia Mountain Odyssey



Outings, Education and Beyond

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 matk@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 matk@tws.org

July 26th through July 29th: Otter Creek, 4 day car camping. Camp at Stuart Park near Elkins. Day 1: Set up camp. Day 2: Hike 9-11 miles. Day 3: 6.5-7 mile shuttle hike on the Allegheny Trail following Beautiful Gladys Fork. Optional dinner out at the Cheat River Inn. Day 4: Break camp. Contact Mike Juskelis, 410-439-4964, mjuskelis@cablespeed.com.

August 2, Sat. The Garden Party at Walnut Farm Join us for 3rd annual Garden Party fundraising event for our Wilderness Campaign 1-6pm. The Walnut Farm is located near Morgantown. Contact Dave Saville for more information or directions. (304) 284-9548 dave@wvhighlands.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.

August 9th: Big Blue/Paddy Run Scouting Trip, Great North Mountain/GWNF, VA-WV. The backbone of the outing is a 7-8 mile moderate shuttle hike on North Mountain starting on the Tuscarora Trail at U.S. 55, East of Wardensville, to the Gerhardt Memorial Shelter, down to Paddy Run to the hike's end on FR93 in the valley between The Great North Mountain and Paddy Mountain. Along the way we will be exploring other trails/roads for possible future hikes. Total mileage for the day may be between 10 and 12. Bring extra water and snacks. Leave Rt. 32/Broken Land Parkway park and ride (bus side) at 8:00. Contact Mike Juskelis at (H) 410-439-4964 or Email at mjuskelis@cablespeed.com

August 15th-17th: Blue Bend Car Camping trip. Three day trip to the Monongahela National Forest, WV. Camp along scenic Anthony Creek under the Hemlocks and surrounded by mountains. Hike Blue Bend Loop trail and Anthony Creek trail. On the way home visit the Hump Back covered bridge and scenic Goshen Pass. Contact Mike Juskelis at 410-439-4964 or Email at mjuskelis@cablespeed.com

August 16, Sat. Volunteer outing. We'll be building exclosures on the Canaan Valley National Wildlife Refuge to protect balsam fir from over browsing by whitetailed deer. Contact Dave Saville (304) 284-9548, dave@wvhighlands.org.

August 16 & 17 Backpack in proposed Cranberry Wilderness Expansion area. Come and see why it deserves wilderness designation. This will be a fairly strenuous 10 mile trip. Bring your bathing suit for a dip in the Cranberry River, or even a fishing pole. Contact Beth Little at blittle@citynet.net or 304-653-4277.

August 23, Sat. Volunteer outing. We'll be finishing up exclosures on the Canaan Valley National Wildlife Refuge to protect balsam fir from over browsing by whitetailed deer. Contact Dave Saville (304) 284-9548, dave@wvhighlands.org.

August 30- Sep 2, 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. 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

September 11th-14th: Tea Creek/Cranberry Wilderness Car Camping Trip. Four day car camping trip to the Monongahela National Forest, WV. Hikes to include a 10 mile circuit hike utilizing trails in and around the Tea Creek Water Shed and a 11 mile shuttle hike along the middle fork of the Williams River in the Cranberry Wilderness. Contact Mike Juskelis, 410-439-4964, mjuskelis@cablespeed.com

October 3rd-6th: Seneca Shadows Car Camping trip. Four day car camping trip. The feature hike is a 5 mile circuit of the Roaring Plains Canyon Rim trail lead by Jonathan Jessup on Oct. 4th. (See <http://www.jonathanjessup.com/rp-set1.html> for pictures) October 5th will feature an 11 mile circuit hike in the Seneca Creek Watershed with several stream crossings. Reservations for the camping sites recommended. Contact Mike Juskelis, 410-439-4964, mjuskelis@cablespeed.com.

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

October 11-13, Sat-Mon. Fall foliage on North Fork Mountain. Exceptional overlooks for a 26 mile backpack. Reservations required. Bad weather dates are October 17-19. Please email Alan M. Aliskovitz at amxa@hotmail.com or call him @724-283-5436

October 23-30, Thurs.-Thurs. Fall Review at Cheat Mountain Club. There will be a full week long slate of outings, workshops, music and fun. Contact Dave Saville (304) 284-9548, dave@wvhighlands.org

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.

BUSHWACKING THE SENECA CREEK BACKCOUNTRY

Hosted by Susan Bly; report by Jonathan Jessup

Spring had finally arrived and our group of six were eager to backpack and bushwhack into Seneca Creek Backcountry. Our group was Susan, our leader, Frank, Jeff, Murat, Kisan and myself, Jonathan. Our goal was a bushwhack beyond the end of Huckleberry Trail on the ridge of Spruce Mountain, West Virginia's highest mountain and then descend into and up Seneca Creek Valley. Our bushwhack was difficult, rewarding, remote and great fun. This wild and free spruce forest is growing and many younger trees in the forest stand in dense thickets. Often we pushed our way through spruce thickets not knowing what is behind them, only to find yet more spruce thickets. Our group had many years of experience in the back woods and that was put to the test. We explored the deepest bowls of remote spruce forests and once again I got a pioneering feeling on a remote mountaintop of The Mountain State. There were no trails, no roads, no hunter stands, no cars, no traffic lights. We had only nature's company, a GPS and each other.



After camping on the edge of an open bog on the ridge of Spruce Mountain, our descent into Seneca Creek the next day was equally rewarding. We had so much spring rains that the creek was healthy in flow and the forest rich in greens. The Upper Falls of Seneca Creek were overflowing with clean water filtered by thousands of acres of uninterrupted forests. We camped at Judy Springs with its constant sound of running water in the background. Our last day the weather broke and blue skies teased us with joyful thoughts of dry gear and better hiking. We once paused on the trail to enjoy a red eft salamander on the trail and not long after our trip was done. We had successfully journeyed into a wonderfully beautiful and scenic corner of West Virginia.

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Photos by Jonathan Jessup. For more photos of the trip, go to jonathanjessup.com/seneca-creek-backcountry-page1.htm

ROCKING AND ROLLING

By Jonathan Jessup

One of the wonderful floral events on the high plateaus in West Virginia is the mountain laurel blooms that arrive in late June of every year. Our trip was of moderate difficulty, allowing for car camping at Red Creek Campground and with an optional second day. Jonathan Jessup led the group of Andrea, Chris, Sheryl, Emilie, Bob, Bruce, Marc, Mark, and Winchester (an English sheepdog).

Bear Rocks gave the group a great foray into the area with gorgeous sweeping views. Each year's bloom varies in intensity, but this year's was a better one than most I remember. The rain held off for the first weekend in a long time to reveal stunning views from Bear Rocks. We saw the rolling hills as well as the steep valleys. The area is home to West Virginia's most alpine-line environment. We could easily see Stack Rock, where a proposed windmill farm would have stood if not for the Public Service Commission's just ruling. From a rocky knob just west of Bear Rocks, a grand view rarely matched in the Highlands you can get perhaps the best perspective of Allegheny Front north and south of the Sods. When you stand there, you will see just how close the giant windmills would have stood. The windmill farm story is to be continued..

We also visited "alligator rock" and maneuvered through the boulder fields with much anticipation of the scenes that lay ahead. Don't lose track of the group of you could get stuck in the thick mountain laurel as one of the group members found out.

The heavy spring rains made some of the areas more challenging to cross. The bogs were mushy and even threatened to steal a few boots. On the second day, the group took their time. We weren't quite ready to leave the glorious views yet. By mid afternoon, the sun was high and hot, so a break on Dobbin Grade at the right fork of Red Creek was just what the group needed to cool off. Even Winchester frolicked in the waters as we all waded and soaked our feet. Afterwards, Jonathan spotted two rare balsam firs in bogs along the historic railroad grade, as we walked north. As we finished the last stretch before we reached the road that led to our cars, we all felt fortunate to have such a glorious weekend.

TRIP TO RAMSEY DRAFT

By Don Gasper

This was a rainy morning with storms expected in that area of the Virginia-West Virginia line.

I walked up about one and one half mile in a drizzle and enjoyed the day. The trail begins right at Highway 250 about thirty miles into Virginia. The first quarter mile is very easy; the next quarter is over a red shale bank and is a little rougher. The next quarter mile is another easy stretch.

I stopped at the first crossing. It was clear, bank-full and looked like Gandy Creek. There was a tent camp there.

There were six cars parked while their occupants hiked in this beautiful old forest. One hemlock thirty four inches in diameter across the trail had been cut for the passage of trail users. It was 220 years old.



WILDERNESS CAMPAIGN GETS ROLLING

By Matt Keller

The West Virginia Wilderness Campaign is about to shift into a new phase. The Coalition has met with decision makers and stakeholders and gotten their input and discussed their concerns about what we are trying to accomplish. We feel the campaign will be successful only if we work collaboratively with a large sampling of those concerned with the fate of the state's wild places.

In that regard, we are off to a great start in building relationships with the congressional delegation and certain land management agencies in the state. In addition to recently meeting with the congressional delegation, we have met with the Division of Natural Resource on what we are trying to accomplish. We will be meeting again with them soon to talk about specific candidate areas and concerns they may have about them. We have established a good working relationship with Clyde Thompson and his staff at the Monongahela National Forest supervisor's office and will be working closely with them throughout the campaign. Hopefully in August, we will have an opportunity to take members of the West Virginia congressional delegation and their staff out to see some of the magnificent areas we are trying to protect.

Our communication with the West Virginia business community is off to a positive start as we have met with Gill Willis of Elk River Touring Center and Chip Chase of Whitegrass Touring Center. If you own or know of a business that is likely to support our work and would like their name (and a link) on our website and in

newsletters and brochures, please contact me (mattk@tw.org, 304-864-5530). We are making steady progress in our field inventories of potential wilderness areas. New folks have recently gotten involved in this process and will be crucial in getting high priority areas completed by summer's end.

It is time to pick up the pace in organizing those who love West Virginia's wild places. It is clear that thousands of people throughout West Virginia and the Mid-Atlantic region want to see more wilderness designated on federal, public lands in West Virginia. While we are interested in communicating with everyone in the state and region interested in protecting these places, we would especially like to hear from those folks who live in Webster, Randolph, Pocahontas, Greenbrier, Tucker, Grant and Pendleton counties. People in those counties who care about our wild places need to join together and speak with one voice that their members of congress will hear loud and clear. If you are interested in getting involved in working locally to protect wild places, please contact me as soon as possible. We will soon be arranging meetings in the aforementioned counties for wilderness advocates to come together and develop strategy to build support and momentum for a wilderness proposal. If you have any questions, comments or concerns regarding the wilderness campaign, please do not hesitate to contact me

Monongahela National Forest Hiking Guide

by Allen deHart & Bruce Sundquist

Published by the

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Wilderness committee in Washington to discuss with our delegation more Wilderness on the Monongahela National Forest. Beth Little, Matt Keller, Brian O'Donnell, Mary Wimmer and Dave Saville.

A MEETING OF THE MINDS ON WILDERNESS

By Matt Keller

I had never been to the Cheat Mountain Club, but from the glowing terms in which my friends and colleagues described it, I figured I was in for a treat. One of the owners, Stephen Kern, had been kind and generous enough to donate some of his allotted days there for a meeting to further our wilderness campaign. Despite all the potential distractions (fly fishing, hiking, paddling, lounging etc.), a large group of wilderness advocates worked diligently in strategizing and planning for our wilderness campaign. We were fortunate enough to get some nice weather of which we used half a day to get out and do inventory work in a potential wilderness area.

Upon arrival, old and new friends spent some time catching up in the beautiful, hand-hewn log lodge that is the Cheat Mountain Club. Soon there after, we got down to business, first getting some new folks up to speed on the progress and status of the wilderness campaign. We spent a good deal of time after that putting together plans to organize on a county by county level: a grassroots approach where people in the state that want more wilderness on federal, public lands can come together and make their voices heard.

That evening, after our brainstorm had been reduced to more of a hazy fog, we headed up the road for a hike in the Mower Tract. This area is a recent USFS acquisition that has two separate roadless areas (divided by the railroad) that have great wilderness potential. The next morning we talked more on strategy and organizing for a hour or two. We had a very informative lecture on GPS technology from Lisa Lacivita after that.

We were able to apply the information we received that afternoon as we headed to the Cheat Mountain 6.2 area to do inventory work. For this, we were mostly interested in checking the condition of a few roads depicted on the map. The question was, are they actual, well used roads that could keep the section from being included in a potential wilderness area or have they

been long neglected and are being reclaimed by nature? What we found was encouraging. A road network listed on the topo map that could have severely limited the size of a potential wilderness turned out to be a three foot wide grassy swath blocked off by a large boulder. It would make a good trail but is nowhere near passable for any sort of vehicle.

The time we spent at the Cheat Mountain Club was highly productive and highly enjoyable. We made a great deal of progress in further planning the wilderness campaign and the strategy we will use to be successful in protecting special wild places that deserve to be wilderness areas. Special thanks to all who gave their valuable time to attend and made this meeting a success.



The minds that met (bodies attached): Dave Saville, Jim Solley, Brian O'Donnell, Max Squires, Mary Wimmer, Lisa Lacivita, Fran Hunt, Ruth Blackwell Rogers, Matt Keller, Beth Little, Jonathan Jessup, Frank Slider, Sam McCormick and Paul Wilson Photo by Jim Sollley

HIGHLANDS CONSERVANCY SEEKS "SPECIAL PLACES"

By Frank Young

The West Virginia Public Service Commission (PSC) has invited the WV Highlands Conservancy and other interested groups to submit comments on siting rules the Commission will be developing for exempt wholesale generator (EWG) electric power facilities. This new siting authority was granted to the PSC by the West Virginia legislature only recently. Instead of the usual "Certificate of Convenience and Necessity" issued to facilities providing regulated rate electricity, EWG generators, which supply power to the unregulated, wholesale markets, will be issued only "Siting Certificates" by the WV PSC.

In developing comments to the PSC, the Highlands Conservancy's wind power/green energy committee is seeking to identify locations that our members and *Voice* readers identify as "special places" and deserving of special consideration in

regards to the impact of electrical power generation facilities.

Power plant facilities could include coal fired, wind powered, solar, hydro or other types of power plants. "Special considerations" for identified special places could include consideration of the discharge of pollutants into the air and streams, noise effects, impacts upon pristine or other "special" viewsheds", or other considerations as may arise.

Some places we already acknowledge as worthy of special consideration include Spruce Knob, Canaan Valley, Wilderness areas, National and State Parks, etc. If your list of special places is especially long, you may want to rank them for your priority (priority 1 sites, priority 2 sites), etc.

Too, we expect to work with other interested "green" individuals and citizen groups in developing our comments to the

PSC. Making comprehensive and inclusive comments to the Commission about power plant siting considerations will be tedious and difficult. The task is compounded by the realization that some parts of some kinds of facility location can be controversial. The committee will endeavor to fairly take all perspectives into consideration and to make comprehensive and inclusive comments to the PSC.

Comments to the PSC are due by August 1st. So time is of some importance on this project we have undertaken. Please promptly send your "special place" list to either Frank Young, WVHC President, at Rt. 1 Box 108, Ripley WV 25271, or e-mail fyong@wvhighlands.org, phone 304-372-3945; or to: Peter Shoenfeld, wind power committee chair, at 713 Chesapeake Ave., Silver Springs MD 20910, phone 301-587-6197.

Don't all these cougars who keep getting sited know they are supposed to be extinct?

THE EASTERN COUGAR: EXTINCT OR NOT?

By Helen McGinnis

This is an update for an article in the August 2002 issue of the *Voice*. I noted then that even though thousands of alleged sightings of cougars have been recorded east of the Mississippi and in eastern Canada, reports that have actually been verified with carcasses or good photographs, videotapes, tracks, scats or characteristic deer kills are few and widely scattered. Chris Bolgiano and co-authors knew of eleven confirmations between 1976 and 2000. (The article is posted at www.magicalliance.org/Cougar/Evidence%20of%20Cougar.htm).

Since last year, I have learned about only two additional confirmations.

(1) Last August, Marc Gauthier found some intriguing hairs caught on a "hair snare" that he had set out on the Gaspé Peninsula of Quebec. Hair snares can be squares of carpet studded with carpet tacks, or Velcro-like substances, impregnated with an attractant that hopefully induces a passing cat to rub against it, leaving some of its hair, roots and all. These hairs can be identified by DNA analysis. They have been used with considerable success in locating lynx and also cougars in the southwestern United States. Dr. Virginia Stroeher, a DNA specialist at Bishop's University in Lennoxville, Quebec, confirmed that the hairs Gauthier submitted were indeed cougar.

(2) Since 1995, people have reported seeing cougars in New Castle County, northern Delaware. Photographs, videotapes and sightings by staff of the Delaware Department of Natural Resources and Environmental Control back up these reports. There are probably at least two—perhaps as many as four—cougars in residence. One was wearing a collar when it was first seen in 1995, so they are probably former captives. They are surviving in a fairly well settled area, living on deer and wild turkeys. So far, none have threatened or attacked people, pets, or livestock (<http://www.communitypub.com/>)

Thirty years ago, wildlife biologists assumed that cougars needed large tracts of relatively road-free land to survive. Delaware indicates that this assumption is false. Another example of the cougar's ability to recover and co-exist with human comes from the Black Hills of South Dakota. Cougars supposedly were numerous in the late 1800s. Bounties were offered for their remains between 1889 and 1966. Evidently the bounties succeeded in eliminating them, because only one cougar was killed between 1906 and 1996. In 1978 they were listed as a state threatened species. Now the species is recovering, perhaps reaching carrying capacity. This is despite the fact that the Black Hills National Forest has a dense network of roads. A roaming cougar can hardly avoid running into second home developments.

Documenting a resident breeding population is a major goal of eastern cougar advo-

catees. With such a population, regular confirmations would be coming from an area, and with a reasonable search effort, investigators should be able to find even more evidence. A resident population would thus be more than a few stragglers or occasional releases of captives that do not survive long. So only Florida and maybe Michigan are the only eastern states with a known resident populations. There is no evidence of breeding in Delaware. Michigan is controversial. The Michigan Department of Natural Resources does not acknowledge the existence of resident populations. Skeptics are awaiting a peer-reviewed paper in a scientific journal or meeting before making up their minds.

Todd Lester is trying to demonstrate the existence of such a population in West Virginia. He is the founder of the Eastern Cougar Foundation (ECF) and a resident of Wyoming County WV. Last year the ECF submitted a proposal for remote cameras to two different foundations. I was one of the people who helped research the proposal. We really didn't expect to be funded, but to our surprise, both the Summerlee and Norcross Foundations accepted our grant requests. In February we met with representatives of the US Forest Service and the WV Department of Natural Resources (the US Fish and Wildlife Service representative couldn't make it) and two professors with first hand experience with big cats (Dr. Dave Maehr, author of *The Florida Panthers: Life and Death of a Vanishing Carnivore*, and Dr. Marcella Kelly, who is using remote cameras to study jaguars in Belize). We drew up a protocol. Todd bought 20 PhotoScout remote cameras, and in April, he set them up in a promising area in the Monongahela National Forest. The cameras have captured many deer as well as raccoons, bears, coyotes, bobcats, hikers, and a turkey hunter—but so far, no cougars. You can read about the project and see some choice wildlife photos on the ECF web site (www.easterncougar.org).

The surprising confirmation from Delaware was turned up by the Eastern Cougar Network, a group of four men who systematically interviewed representatives of state and provincial wildlife agencies in all the states and Canadian provinces east of the Rocky Mountains. They are interested only in confirmations and "probable" sightings that have occurred since 1990. Confirmations are defined as carcasses, hair or scats verified as cougar by DNA analysis, and indisputable videos and photographs. "Probables" include scat verified as cougar by the thin-layer chromatography method, track sets (more than one track left by an individual at about the same time) verified by a qualified professional; a characteristic kill, wounds on an animal or human which are verified as probable cougar by a qualified professional, and a clear sighting by a state or federal wildlife professional. Their findings are summarized in a map (<http://www.easterncougarnet.org/Conclusions.htm>),

which shows that cougar populations are beginning to recover lost territory west of the Mississippi River. Confirmations come from every Midwestern state except Kansas. East of the Mississippi, it's another matter.

The paucity of confirmations in the central Atlantic region—Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia—is surprising. Outside of Delaware, the only confirmation is a set of tracks that Todd Lester found in 1996 in southern West Virginia. (He and others have also collected scats that are awaiting DNA analysis.) Literally thousands of reports of sightings, some of them close up and convincing, have been recorded in the region. Missing, however, are carcasses of road-killed cougars. Vehicle collisions are the number one cause of death for cougars in the Black Hills. They die on highways in Florida and in every western state.

If you ask academics and professionals who study live cougars, almost certainly most will tell you that cougars don't occur in the East. But this "common knowledge" is eroding. At the 7th Mountain Lion Workshop held in this past May in Jackson, Wyoming, Harley Shaw said his own perceptions are changing. Along with Maurice Hornocker, Shaw is one of the pioneers in the scientific study of the mountain lions. He is beginning to think that cougars might be able to co-exist with human in the East. A few real carcasses and photos are showing up. He urged wildlife professionals to support the eastern state wildlife agencies. Right now, he said, the state agencies are "catching holy hell."

The cougar biologists at the workshop agreed that the biggest issue of this century would be habitat preservation and establishment of corridors between suitable habitats. Parts of the West Coast and Intermountain West are exploding with development. When I moved East from California, I had the subconscious perception that the East was all one big city. I suspect some western biologists have a similar erroneous idea. Back East, we know better. We have better cover for hiding and stalking prey than the West, and we have more than enough deer. Eastern forests are more biologically productive than most western forests and thus can support higher densities of prey species. Human populations are declining in many rural areas. Conditions are right for the return of cougars.

The big question is whether easterners will tolerate a large predator. Dr. Lee Fitzhugh of the University of California has been collecting and tabulating reports of cougar attacks in North America for the past 15 years. As of January, cougars had killed sixteen people since 1890. As a potential cause of death, cougars aren't even worth mentioning, but many easterners are worried nonetheless. Cougar advocates and the state agencies have a big education job ahead if they want viable populations of this top predator to become established.

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

CORL Needs Logging Reports

by Frank Young

Has a logging job affected your property, or other property near you? If so, tell us about it. The Coalition For Responsible Logging (CORL) needs to know about poorly managed logging jobs in your area.

CORL has established an "information bank" of citizen complaints about poorly managed logging operations for use in its broadened public awareness campaign about the need for stronger laws affecting logging jobs.

Problems caused by unsound logging practices include mud or silt being washed from logging sites into ditches, roads and streams, unstable and eroding logging roads, logs or log ends and slash (mostly limbs and treetops) placed in areas where they can later be washed into culverts and waterways. CORL also needs to know about unlicensed logging operators and stolen timber.

To be legal, logging sites should have a sign showing the name and the registration number of the logging operator. If this sign is not present, the operation is in violation, and may indicate an unlicensed logging operator.

Please report suspicious logging operations to CORL by contacting: Knight Phillips Associates at 1-800-224-9684, e-mail: lauralive@aol.com. Indicate your name and contact information, and the exact location of the problem logging job. Photos showing details of obvious problems are also most helpful; but photographs need to be identified as to the date and the exact location the photograph was taken.

FLOATING DOWN THE BUCKHANNON RIVER

By Don Gasper

Rain may make a hiking event miserable, but for a river trip, enough water can make it more enjoyable. June 21st may have started with the threat of rain, but two kayakers thought it would be a great day for a float trip down the Buckhannon River. The water was clear despite the many days of showers, and certainly running well for a speedy trip down the river. So even though the day was drizzly, it was worth the trip.

Monongahela National Forest Hiking Guide Photo Cover Opportunity

The West Virginia Highlands Conservancy is looking for a family to model for the production of a new cover photo for the next print run of the Mon Forest Hiking Guide. We are trying to create a photo this fall of a family in a camping setting. The photo needs to be shot by a professional photographer this year and hope that you and your family would volunteer for this wonderful opportunity.

Please contact Jonathan Jessup at 703-204-1372 or by e-mail at jonathaniessup@hotmail.com to learn more.

Office of Surface Mining doesn't mind and close calls go to the Government

COURT APPROVES MINE SUBSIDENCE IN PARKS, CLOSE TO HOMES

The United States Court of Appeals for the District of Columbia has ruled that mine subsidence is not a surface effect of underground mining that would be prohibited in parks and national forests or close to homes, schools, churches, or other buildings.

The federal Surface Mining Control and Reclamation Act prohibits mining in certain locations such as within parks, national forests, or historic sites and within three hundred feet of an occupied dwelling, public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery.

The question before the Court was what the term "mining" meant. There was no doubt that the part of an underground mine where miners go in and out and the coal comes out is included. As a result, this part of a mine cannot be located in parks, etc. or close to homes, etc.

The controversy comes over the parts of the surface which are affected by

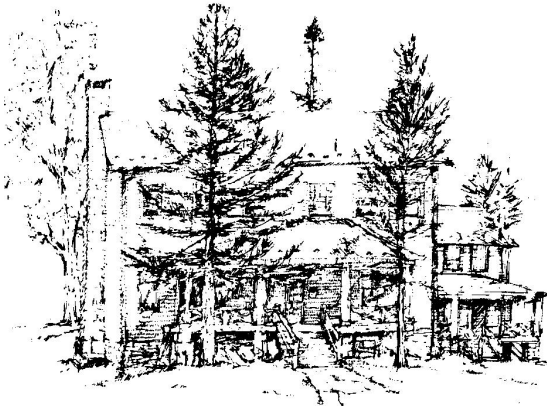
mine subsidence. Mine subsidence is the collapse of the surface as a result of the removal of coal underneath the surface.

The plaintiffs, the Citizens Coal Council, argued that subsidence was a surface effect of underground mining and that, as a result, it should be prohibited in parks, etc. or close to homes, etc. The Office of Surface Mining argued that only areas surrounding the part of the mine where miners go in and out, etc. is included. Under that interpretation, subsidence would be allowed in parks, etc. and close to homes, etc. so long as the mine opening itself was more than three hundred feet from the park, home, etc.

The United States District Court had agreed with the Citizens Coal Council's interpretation.

The Court of Appeals reversed the District Court. In its ruling it said that it could not be sure whether mine subsidence was a surface effect of underground mining that should be prohibited in parks, national for-

ests, etc. or close to homes, etc. The Court reasoned that the Office of Surface Mining was charged with interpreting and enforcing the Surface Mining Control and Reclamation Act. If the Office of Surface Mining thought that the Act allowed subsidence in these locations, then the Act must allow subsidence in these locations. Unless the Court concluded that the agency interpretation was unreasonable, it would defer to the agency interpretation of the law.



**The West Virginia Highlands Conservancy
presents its**

**38th annual
Fall Review**

at

**Cheat Mountain
Club**

October 23-30, 2003

For over 100 years known as a great place for hunting, fishing and wilderness adventure, the Cheat Mountain Club is a special retreat from the outside world- a gracious, quiet, comfortable lodge that fosters contemplation, good talk, and recreational enjoyment in a place of spectacular natural beauty.

This year, as part of the important work we are doing to protect the Monongahela National Forest, we have decided to dedicate an entire week to our 38th annual Fall Review. In the heart of it all, on Cheat Mountain, on the shores of the Shavers Fork of the Cheat River, we'll have workshops, art, lectures, outings, service projects, dignitaries, music, and a whole lot of fun. Details are still being worked out, but mark your calendar for the greatest Fall Review ever! Contact Dave Saville for more information and reservations. dave@wvhighlands.org or 304-284-9548

FOREST NUTRIENT WORKINGS AND ACID RAIN

A lot of the forest information we have on nutrient supplies, and the inputs from "weathering" of rotten rock below and inputs from the air, as well as outputs in stream flow, soil erosion and timber harvest - comes from U.S. Forest Service Researchers in New Hampshire. Many aspects have been summarized by Dr. Gene Likens and 10 others in a 1998 publication, "The Biogeochemistry of Calcium at Hubbard Brook". Part of the paper is briefed here by Don Gasper.

There has been a decline in airborne particulate matter emissions from industrial processes, fuel combustion and solid waste incineration due to the E.P.A.'s administration of the Clean Air Act. The mega-nutrient air-borne Calcium has also declined. Its concentration in rain and snow and its dry deposition has declined steadily since the mid 1970's. During the period from 1940 to 1953 Calcium's annual atmospheric input was 7 times greater than from 1970 to 1993. In these intervals with increasingly acid Acid Rain, the average annual soil loss of available calcium to the stream had increased 1 - 9 times. The weathering of new nutrients released from rotten rock below was estimated to be about 2 pounds/acre/year. Finally, they estimated the nutrients taken up by their growing Beech-Maple forest and held in tree biomass.

The soil was found to have about 260 pounds per acre of plant available calcium, with a turnover rate of only 3 years. From 1940 to 1995 this amounted to roughly a total of 347 pounds per acre depletion of calcium from soils throughout this watershed in these 50 years - or 6 lbs/ac/yr. Stream flow carried away 10 lbs/ac/yr of calcium, on the average between 1963 and 1992. The range was 7 to 13 in this interval.

Atmospheric input (wet and dry) ("bulk" precipitation) averaged 1.5 pounds/acre/year of calcium. The range in this same interval was about plus or minus .7.

With a weathering input of 2 and atmospheric input then of, say 2; the stream flow outputs of 10 far exceeds them with then an annual "impoverishment rate" of easily 5 pounds/acre/year. If this persisted for 50 years, and we have had "Acid Rain" for 50 years driving these leaching pro-

cesses that cause nutrient loss, this amounts to 50 X 5, or 250 pounds/acre total calcium loss. The Eastern Forest is not at "steady state"!

This 250 lbs./ac. is incidentally about equal to the calcium stored in tree trunks. A trunk only clearcut harvest of the entire Eastern Forest would equal over 250 pounds/acre of calcium - as this much has been leached away by Acid Rain. It is a harvest foregone. This is of course an enormous economic loss. Timbering removals today should be recognized as a further site impoverishment. Any proposed harvest now is nutrient-wise it's third - not it's second harvest.

We do have other similar data from North Carolina and from Parsons, W.Va. that enable us to estimate effects throughout the East. For this New Hampshire study the authors state, "Stream flow outputs were 2.2 times and 2.7 times larger than atmospheric and weathering inputs between 1955 to 1975 and from 1976 to 1993." The authors further state, "Atmospheric inputs of strong acid ...have markedly depleted labile pools of calcium from the forest ecosystem."

As it has become less acid, Acid Rain today is no longer quite 10X more acid than originally. The amount of calcium dissolved in stream flow is less today. Less calcium and other nutrients dissolved in stream flow is what you would expect with a less acid Acid Rain less actively dissolving out nutrients from a more impoverished soil and forest floor. Calcium is a major component of alkalinity so alkalinity (a measure of richness) has not improved. The stream pH, a measure of acid intensity, has improved because Acid Rain today is less acid. In New Hampshire the yearly average stream pH went from pH 4.85 in 1963 to pH 5.01 in 1993. (This means the stream is about 1/4 less acid.)

Only a limited recovery of surface waters like this has been found throughout North America and Europe after a clean-up of sulfur and nitrogen emissions - the Authors note. Further they state - "prior to the mid-1950s in the Northeast U.S. the output in stream flow nutrients reflected a balance between uptake of nutrients by the growing

forest, atmospheric input, and the input from weathering. Thus the depletion of calcium from the soil exchange complex was low. Afterward during 1955 to 1975 the soil depletion was 1.4 times greater, and 2 times greater from 1976 to 1993."

A brief statement by the authors, compatible with the foregoing, is given in conclusion. "Comparing ecosystem processes for calcium from 1964 - '69 to 1987 - '92 net biomass storage (forest growth) has decreased by almost 75%, atmospheric deposition of calcium is less than half ("through fall" and "stem flow" is about half), stream export of dissolved calcium has decreased 20%, and net soil release has decreased by about 40% of the 1964 - '69 values." Streams are becoming more sterile. Now 1/4 of West Virginia's purest trout streams have become too pure for trout.

Finally they state "Continued acid deposition will, therefore, cause a further depletion of the exchangeable and organic pools of calcium." This results in greater impoverishment of forests and streams endangering forest health and fish populations throughout the Eastern Forest. We must reduce regional Acid Rain that is caused by air pollution.

A LITTLE GOOD NEWS TODAY!



Tom and Judy Rodd's first grandchild, Liko Foster Lindsey Kern, born to Priscilla Rodd and Deane Kern 6/25/03, 8lbs. 11 oz.



ANOTHER COAL FIRED POWER PLANT PROPOSED FOR MONONGALIA COUNTY

By John Gever and Paula Hunt

"We will help you pollute our air." As crazy as this sounds, West Virginia's Monongalia County has told a private, out-of-state company just that.

GenPower, LLC, a for-profit company based in Needham, Massachusetts, will receive a tax break from Mon County to build a 600-megawatt coal-fired power plant on a ridge-top north of Morgantown near the Pennsylvania border. In order for the power plant to obtain the tax break, Monongalia County will nominally own the power plant. This facility will be the third coal-fired power plant in Mon County and the eighth coal-fired power plant within 25 miles of Morgantown.

The project is now called Longview Power after several name changes. The plant will produce electricity using an updated version of traditional pulverized-coal technology and will sell it on the wholesale market, not directly to consumers. GenPower has built its business on developing merchant electric generating plants through the design, permitting, and financing stages. It then locates another firm to actually build and operate the plants. In effect, GenPower sells the design and permit package to the builder-operator and then disappears. In October 2000, GenPower made an estimated \$200 million on two 600-megawatt power plants it developed in Arkansas and Mississippi.

Plans for the Longview Power plant include relatively large (up to 250 feet high) boiler buildings as well as an emissions stack over 550 feet tall. When placed on the ridge, the top of the stack will be approximately 900 feet above the level of the Monongahela River. Because of its height and location, the emissions stack will be visible up to 20 miles away, including from Cooper's Rock State Forest and parts of Fairmont.

According to the air-permit application on file with the West Virginia Department of Environmental Protection (DEP), Longview Power will add the following toxins to the area's pollution burden each year: over 3000 tons of sulfur dioxide, 2950 tons of carbon monoxide, 2220 tons of nitrogen oxides (NO_x), 512 tons of particulate matter (PM₁₀), 101 tons of volatile organic compounds (including 1.48 tons of benzene), 958 pounds of lead, 934 pounds of arsenic, and 128 pounds of mercury. DEP's air permit application does not require that GenPower estimate carbon dioxide emissions, even though many environmental scientists believe the biggest environmental concern facing the world today is carbon dioxide and global climate change. GenPower estimates that the Longview Power plant will burn well over 2 million tons of coal per year. Therefore, the plant will produce between 1.8 and 5.5 million tons of carbon dioxide per year, depending on the ash content of the coal used.

GenPower's computer modeling shows that air pollution from the Longview Power plant will affect Shenandoah National Park as well as designated wilderness areas such as Dolly Sods and Otter Creek. Pollutants emitted by Longview Power will degrade visibility, damage the environment, and cause human health problems. Adverse health effects will be greatest in children, seniors, and those with existing respiratory ailments such as asthma and emphysema. Coal-burning power plants are a major NO_x source and contribute to ozone production. A study released by the California Air Resources Board in January 2002 showed that ozone not only makes existing asthma worse, it can cause asthma in children.

Speaking of ozone, the county just north of the Longview site, Greene County, Pennsylvania, is already an ozone nonattainment area, and the Morgantown area is close to becoming one. It is possible that the nitrogen oxide emissions from Longview Power will raise ozone levels enough to trigger federal enforcement action in Mon County. Such action could result in restrictions on industrial development and possibly on private cars, motorboats, lawnmowers, gas grills and other devices that contribute to ground-level ozone production. Failure to achieve ozone goals could deprive the area of federal highway funds and other government monies. If Longview Power's nitrogen oxides emissions exacerbate the area's ozone pollution problem to the point of triggering or increasing federal enforcement actions, negative impacts could se-

verely damage the county's economy.

Project Status

GenPower would like to begin construction of the Longview Power plant by early 2004, with completion planned for 2007. To operate, electric generating plants must have a siting certificate from the state Public Service Commission. The requirements to obtain this certificate are currently in flux. These procedures may delay permit issuance, but seldom, if ever, is a certificate denied.

The plant must also obtain a permit from the DEP to emit air pollution (discussed above). A permit application has been submitted to the DEP, and public comment will be accepted by the DEP now (see the end of this article for details on how to comment). The draft air permit is anticipated some time this summer (2003).

What are the alternatives?

We think Monongalia County and Morgantown should foster an environment appealing to non-polluting businesses that create high-wage jobs with good benefits. Ironically, Mon County officials say they agree, but as elsewhere in West Virginia, they cannot say no to Big Coal. Monongalia County must prepare for a post-coal economy, not tie its future to dirty power. Local citizens and environmental groups have tried in vain to convince county officials and GenPower to offset 100% (or more) of Longview Power's emissions from local sources, resulting in no net increase in the area's pollution burden. The tax-break agreement signed in June 2003 could have been creative and could have addressed this and other issues by linking the tax break to actual performance in terms of job creation and air emissions, but instead, the Commissioners caved in to GenPower's demands.

What can you do?

If you are concerned about human health, the environment, or tax fairness, please contact the officials responsible for making the decision to bring this power plant here and tell them, "I oppose this power plant and will oppose any politicians that support it." The Monongalia County Commissioners are John Pyles, Robert Bell, and Asel Kennedy, c/o Monongalia County Courthouse, 243 High Street, Morgantown, WV 26505, Phone: (304) 291-7257, E-mail: moncom@aol.com.

Review GenPower's air-permit application for Longview Power and send comments to John Benedict, Director, WV-DEP Division of Air Quality, 7012 MacCorkle Ave. SE, Charleston, WV 25304. A copy of the permit application is on file at the Morgantown Public Library and is available online (without the correspondence between GenPower and DEP) at www.genpower.net/longview/environmental.html.

Write a letter to the editor of your local newspaper to help educate your neighbors and let the press know the importance of this issue.

For more information (references, maps, updates, etc.) and for other ways to get involved, please contact Citizens for Alternatives to Longview Power at CALP@nolongview.org and visit the following web sites: <http://www.geocities.com/genpowerqa> and <http://www.nolongview.org>. The authors would like to thank Jim Kotcon and Dennis Groce for providing information used in this article.



MISTAKES CORRECTED

The June issue of the *Highlands Voice* had a story with the headline **Fish and Wildlife Service Says Nedpower Wind Farm Needs Better Wildlife Studies**. The overall thrust of the article was that the United States Fish and Wildlife Service had written a letter to the developers of the Nedpower Wind Farm saying that the Public Service Commission should have required NedPower to perform environmental studies before it began construction of the project. Should you wish to review the story, it is still available on the West Virginia Highlands Conservancy's web site, www.wvhighlands.org.

The story originally appeared in *The Charleston Gazette*. Since it appeared, some factual errors have become evident. This is to correct those errors.

The original story said, *"The turbines will rise more than 400 feet above the ridge line along the Allegheny Front, one of the state's most scenic areas. The structures will stretch over 14 miles from Mt. Pisgah south to an area east of the Stony River Reservoir, near the town of Stack Rock."*

The turbines will be about 328 feet high, not more than 400 feet high. This is stated in Nedpower's application, and repeated in the Public Service Commission's ruling which makes it binding. The PSC's ruling disallowed the southern 3-4 miles or so, so that now the project will end near Stony River Dam, several miles north of Stack Rock (just a rock, not a town) The project, as approved, will stretch about 11 miles from the north end, not 14 miles.

The story said: *"[Fish and Wildlife field supervisor] Tolin criticized the PSC for stating that studies about migratory birds can be made after NedPower begins building wind turbines, each of which will be taller than a football field. The Fish and Wildlife Service believes those studies must be done before any construction begins, since survey results might require that some proposed turbines be moved to other sites and that some be eliminated completely. The PSC is only requiring NedPower to conduct six-month post-construction studies about the dangers turbines will pose to birds and endangered flying bats."*

The Public Service Commission's ruling addresses this issue:

(10)Prior to construction, NedPower shall conduct a migration

study to determine heavy migration areas; areas where birds descend to feed, etc. for use in final micro siting of turbines. Id;

(11)Prior to or after commencing construction, NedPower shall conduct both a Spring 2003, and a Fall 2003, migration study during all local climatic conditions and all daily temporal periods. See December 3, 2002, Letter from U.S. Fish and Wildlife Service;

(12)Prior to or after commencing construction, NedPower shall conduct studies for determination of the spatial patterns of nocturnal migrating birds and to determine raptor behavior during the next breeding season after this Order issues, and for Winter 2003-2004 residents. Id.;

Company representatives have openly said that there is no chance that construction will begin before 2004. The PSC ordered studies will be completed by then, the stated objective of the United States Fish and Wildlife Service. The six-month post-construction studies ordered in the ruling are mortality studies intended to measure the extent to which the turbines actually kill birds and bats.

The story says, *"No consideration was given to how the facility will affect property values, tourism and other aspects of the local economy."*

The Public Service Commission's ruling addresses this point: "The Commission has given careful consideration to the disparate public opinion on whether this project is in the public interest. The Commission takes seriously the assertions that the project's close proximity to the treasured State wilderness locations may adversely affect the development of tourism and the second home economy in Grant County. As further explained below, the Commission has special concern regarding the Southern phase of the project. The Commission also takes seriously the opinions of those who believe that growth in employment related to the project as well as increased tax revenues and partnership benefits to local schools, are in the public interest. "

The *Highlands Voice* regrets any confusion that these errors may have caused. Thanks to Peter Shoenfeld, Wind Energy Chair for the West Virginia Highlands Conservancy, for providing these corrections.

FREE BROCHURES

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

Quantities are available for teachers, civic and religious groups and anyone who can get them distributed.

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.

BUMPER STICKERS

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

T SHIRTS

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, L, XL, XXL, XXXL \$6 plus \$2 postage etc. \$8 total by mail. Send sizes wanted and check made out to West Virginia Highlands Conservancy to:

Julian Martin
1525 Hampton Road
Charleston, WV 25314

IS THE WEST VIRGINIA HIGHLANDS CONSERVANCY ANTI-BUSINESS?

Commentary by John McFerrin

From time to time the question arises of whether the West Virginia Highlands Conservancy is "anti-business." Wrapped up with this question is whether or not this is a good thing.

In our society, being anti-business is often equated with being unpatriotic, anti-social, and at least border line immoral. Newspapers regularly report studies of the "business climate" and how West Virginia stacks up against other states. Newscasts report every increase or decrease in the rate of growth of the Gross National Product. CNN constantly devotes a corner of the screen to the stock market. At any time of the day we could tune in and find out if it is going up or down. If it goes down for several days in a row, newscasters treat that as a matter of great consequence. In our society anyone who is indifferent to the fortunes of business would be treated as somewhere between eccentric and downright pathological.

Once we separate out the cultural assumptions inherent in the question of whether or not being anti-business is a good thing, it is easy to see that being anti-business is neither a good nor bad thing. It is just a role that all societies need. In our society, the West Virginia Highlands Conservancy helps play it.

There are two overlapping difficulties with free market capitalism. The first is that it doesn't account for societal costs. Unchecked capitalism would impose most of its costs upon society, mostly in the form of damage to the environment or the workers. The early days of strip mining were unchecked capitalism. There was no thought given to the damage to the environment or to people. Mine the coal the cheapest (at least to the company) way possible; if the things which we all held in common (air, water) were destroyed then that was not accounted for. The companies never had to pay for destroying land and water.

The same thing was true for much manufacturing before water pollution control laws. Instead of absorbing the costs of cleaning the water that came from their factories, they dumped their pollution in the rivers. Instead of the company bearing the costs, society bore the costs in the form of the loss of our rivers.

Environmental laws are efforts to make businesses control and absorb the social costs of their operations. Air pollution laws are supposed to make businesses control what comes from their operations. In that way, the cost of the pollution is borne by the company rather than by those people, plants, etc. who would be harmed by uncon-

trolled pollution. The mining laws are supposed to keep the effects of mining confined to the mine site during mining. After mining, the laws require that the land be restored in a way that makes it as useful to society as it was before mining.

There are, of course, all manner of difficulties with how these laws are administered and never ending controversy over the best way to go about making businesses absorb the social costs of their operations. In theory, however, this is the way it is supposed to work. At least to some extent, it does work that way. Companies now do have pollution control programs. The costs to companies of these programs translates to fewer costs to society in terms of dirtier air and water.

The second, and related, difficulty with free market capitalism is that it has no way of valuing or accounting for aesthetics or wilderness areas or anything that is inherently valuable even if it has no value that can be measured in money. We may try to justify these kinds of things economically by talking about tourism as an industry, etc. As a strictly economic matter, however, there is no way to fully justify lots of things that we hold dear. They are valuable just because they are valuable.

Mountaintop removal strip mining presents one of these kinds of issues. After considering lost future timber production, whatever effect it has on flooding, etc. and weighting these against the value of the coal, the practice might or might not prove beneficial from a purely economic standpoint. Yet even were it beneficial from a purely economic standpoint, many would still oppose it because of the inherent value of the mountains.

It's the same analysis we could do, but don't, with our children. As an economic matter, parenthood is a loser. You feed and water them and send them to school. Unless they turn out to be National Basketball Association prospects who will buy you a new house with their signing bonuses, the most you get back is a new tie on Fathers' Day and a sweater for Christmas. Yet we still pursue parenthood with a passion because children, like mountains, have inherent value, independent of any economic value they might have.

In our society, somebody has to speak up for the things that have no easily measurable economic value. Somebody has to insist that business avoid imposing its costs upon society. That's us. We do it by insisting that laws such as the strip mining law are enforced. We do it by advocating for

more Wilderness areas and for uses in the national forest that emphasize its recreational and scenic qualities.

The core value of business is making money. There's no use calling anybody greedy or complaining about this. That's just the way it is. Given this core value, it will always seek to avoid costs by imposing them on society as a whole. It will always devalue things whose value cannot be measured in money.

The world is, of course, a complicated place. The natural tendencies of business are often curbed by personal values of business owners. West Virginia has lots of businesses who restrain their impact on society not because anybody makes them do it but just because of the personal values of the owners. In our society, the government often acts to curb the natural tendencies of business.

The core value of business remains, however, making money. If society is to work, somebody has to curb that tendency. The West Virginia Highlands Conservancy is made up largely of people who want to see the costs of business borne by those businesses, not imposed upon society. It is made up of people who value the earth not for whatever economic value we can take from but just because it is.

These values inevitably put us in conflict with business. It also gets us labeled "anti-business" with all the implication of a lack of moral fiber that such a term carries in our society. The truth, however, is that this is a necessary role in society. Lots of people speak for the timber companies; somebody has to speak for the trees. That's us. If that makes us anti-business then it is a label we should wear proudly.



"I am the Lorax. I speak for the trees. I speak for the trees, for the trees have no tongues." *The Lorax* by Dr. Seuss.