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# The Highlands Voice

The Monthly publication of the West Virginia Highlands Conservancy

Volume 39

Number 2

February, 2006

## COAL AND COMMUNITIES

Comments by Cindy Rank

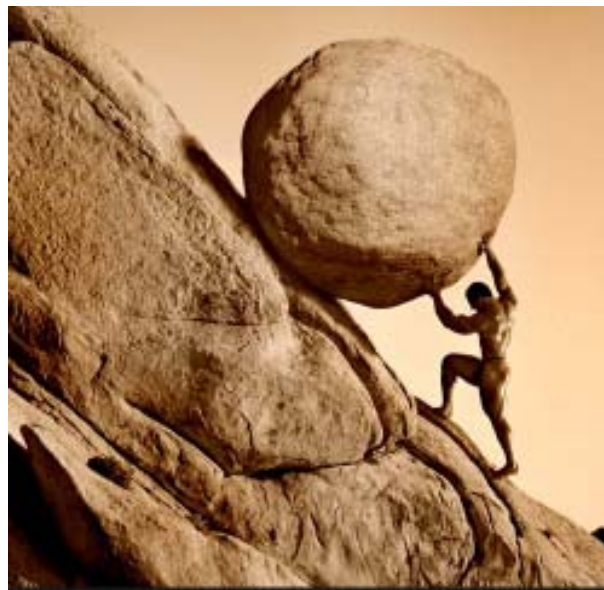
### THE NOT SO DELIBERATIVE OUT-OF-COURT PROCESS

My articles in the VOICE are most often attempts to make a fair and reasonable presentation about the illegal actions in the world of coal mining, and about various efforts by the West Virginia Highlands Conservancy and others to hold industry and the regulatory agencies accountable for their actions.

What is often missing from those articles is the passion and outrage one feels when coming face to face with the blatant disregard for people and the environment as individual coal companies move into an area where mining is planned.

One can only feel outrage when standing on the edge of Larry Gibson's family cemetery and witnessing the gradual disappearance of one ridge after another as far as the

eye can see.... And to know that there are laws that are meant to prevent such wide-spread and complete devastation of our life-support system of mountains, forests and streams.....



However, what has always been even more infuriating is the cold and calculating way that the coal industry goes about dismantling communities while the company works its way through the legal hoops of permitting....

Whether it was the Shaws or Zirkles or Russells at Tenmile on the Buckhannon River, or the Millers along the Mud, or the Barnetts in Artie, or the Weeklys and others in Blair, or the many other communities folks like Bob Gates, Penny Loeb, etc. have captured in a multitude of visual documentaries, the story is still the same: communities are ripped apart, individuals harassed, property and the people who want to hang on to their property are devalued and cast aside like some worthless pieces of trash.

I pass along the following message I

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## ***From the Heart of the Highlands***

by Hugh Rogers

### **Stone, Wind**

**Shavers Fork Quarry Decision:** The state Surface Mine Board has issued a split decision in this important case. One year after the Department of Environmental Protection permitted the limestone mine, the Board agreed with Shavers Fork Coalition and a local landowners' group that the planned valley fill was too large.

The site is above US 33 and the river, five miles east of Elkins. Since the Secretary of Environmental Protection refused to recognize that the scenic water gap, a historic recreation area, was the wrong place for a large new quarry, the citizen groups have been disputing the mining methods and impacts.

Now, they have convinced the Surface Mine Board that there was a less damaging way to do it. The Department had argued that the Quarry Reclamation Act and regulations did not require "minimization of the amount of material placed in a valley fill." The Board "strongly disagreed." According to Margaret Janes of the Appalachian Center for the Economy and the Environment, which represented the appellants, this part of the decision sets a helpful precedent statewide. The size of valley fills affects water quality more than any other factor.

As a result, the company will have to use available mining "spoil" to backfill the highwall after it has completed operations, rather than dump it down the steep north slope of Pond Lick Mountain. This is not to say that the reduced valley fill would be trivial. It will support the haul road and a processing plant. Moreover, two thousand feet of an intermittent stream will be lost.

A majority of the Board voted to weaken the stream buffer zone rule. State law declares that the Department "shall not give approval to quarry within one hundred feet" of any stream, but it allows the rule to be waived if an alteration of topography within the buffer zone would "significantly enhance" land use in the area. In the Department's view, this language was more or less tautological, as if it said you may not quarry along a stream unless quarrying there would enable you to quarry there.

The Board's decision will have the same effect. In its interpretation, the Department is required to consider only the "post-mining land situation." If mining would be more efficient without the buffer zone, the company can go for it. A buffer zone in this case would have split the quarry in two; eliminating the zone would reduce the length of remaining highwall.

Chairman Tom Michael, a former Highlands Conservancy board member, dissented. In his view, before deciding whether to waive the rule, the Department ought to compare the pre-mining land use to the situation upon completion of quarrying. Would a highwall and valley fill amidst planted pine and locust be a "significant enhancement" over a stream in a mature, mixed hardwood forest?

Accentuating the positive, we toast the unanimous decision on the first issue in the case, the valley fill. But mindful of the prospect of more streams to be lost, we do not fill our glasses to the top.

**Wind Power Projects:** After our winter board meeting on January 29, editor John McFerrin, with the usual twinkle in his eye, asked me to write about whether the Highlands Conservancy had changed its policy on wind power. We had just endured a series of close votes, with some abstentions, on our support for the Friends of Beautiful Pendleton County, a citizens' group contesting the Liberty Gap project on Jack Mountain south of Franklin. Everything else we did on wind was unanimous and

**(Continued on p. 10)**

## The Highlands Voice February, 2006 p.2 **Roster of Officers, Board Members and Committee Chairs**

### BOARD OF DIRECTORS

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## ACTION ALERT! HELP PROTECT THE MON'S WILD PLACES!

The Monongahela National Forest recently conducted a comment period for their forest management plan revision. An unprecedented 15,000 individuals commented with well over 90% stating they supported Alternative 3, which recommends the most wilderness designations, instead of Alternative 2, which rolls back protections for many of our wild places on the Mon.

Now its time for West Virginia's congressional delegation to act! **Please write a letter to your representative and both senators** to encourage them to both urge the forest service to recommend more wilderness in their final plan and to introduce legislation that will permanently protect these special places. For more info: [www.wvwild.org](http://www.wvwild.org).

***Below are some talking points but the more you personalize your letter and talk about your own experiences, the more effective it will be!***

**-Please ask the Forest Service** to listen to the many thousands of people who formally commented in favor of Alternative 3 and the wilderness areas it recommends

**-While the areas the Forest Service recommended in Alternative 2 are a good start, several others were neglected including Seneca Creek, Roaring Plains, Cheat Mountain, Big Draft, Cranberry Expansion, Spice Run, Middle Mountain Dolly Sods Expansion and East Fork of Greenbrier. Please sponsor legislation that protects all of these wild and wonderful places**

**-Wilderness areas are important for a variety of reasons including:**

1. They ensure recreational opportunities are protected for future generations
2. They protect important wildlife habitat as well as hunting and fishing rights
3. They protect watersheds and therefore drinking water sources for many nearby communities
4. They contribute greatly to our fast growing tourism economy not only because they are destinations for recreation but they protect the scenic backdrop for the entire region

### **The Honorable Robert C. Byrd**

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The West Virginia Highlands Conservancy web page is [www.wvhighlands.org](http://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.*

# SURROUNDED BY SLUDGE

“Pumping chemicals into the ground that’s killing people—that’s the same thing to me as murder.”

“Their sludge pond is under us and around us, our well is siphoning out of their sludge pond.”

These were some of the comments as people from the Forgotten Communities of Mingo County met to recount their stories. Over 300 families from Rawl, Sprigg, Merrimac and Lick Creek near Williamson in Mingo County are suing Massey Energy’s Rawl Sales and Processing. The families allege that the coal slurry the coal prep plant injected underground for at least eight years has contaminated their wells. The families believe the well water is making many in the community very sick. Most folks don’t drink the water, but no one can afford to use bottled water for bathing and washing. There is no city water.

The Sludge Safety Project is working with families in the Forgotten Communities—

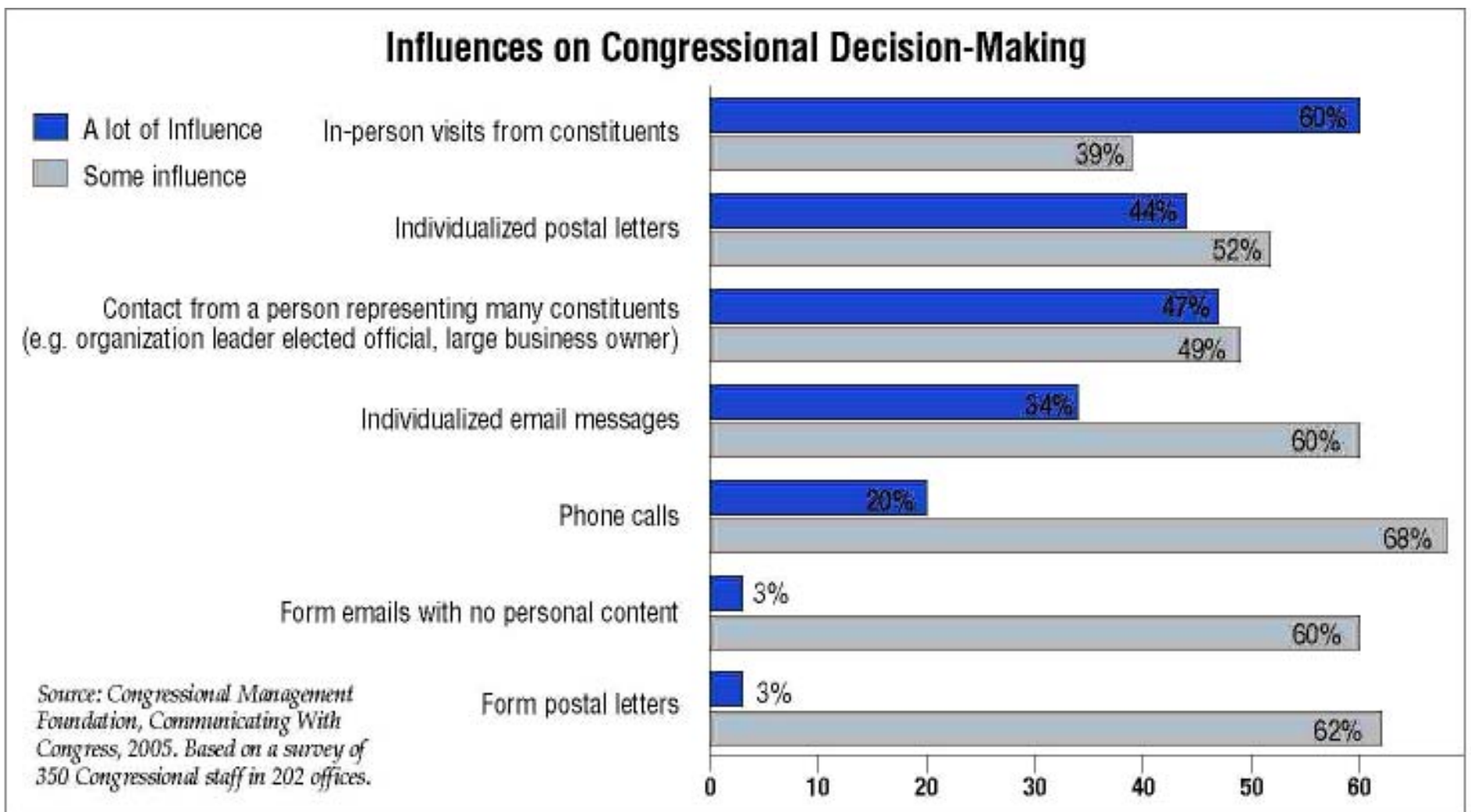
that’s what one resident dubbed them after trying for years to get piped-in city water—to help get their voices heard. We hope that all the attention now focused, rightly, on underground mine safety expands to include safety for communities near mine operations.

Underground injections—a permitted process for storage of coal sludge—into old mines have been recorded since the 1980s. There are 428 issued permits for underground injection of waste from coal mining operations in West Virginia alone, with similar numbers plaguing eastern Kentucky. 338 of those permits are for coal slurry (others are for acid mine drainage sludge, usually the semi-solid material that settles out in acid mine drainage settlement ponds; for untreated acid mine drainage; for surface runoff from an impoundment; or for seepage from an underdrain). We have no idea how many injection points there are that are illegal or that pre-date the Department of Environmental Protection’s Underground Injection

Control program. The Department employs only one person to permit and document all coal-related underground injections in the state.

On another front, there is currently pending in the West Virginia Legislature a Sludge Safety Bill. The bill would prohibit new permits for underground injection of coal waste. It would also prohibit new or expanded coal mine waste impoundments and mandate that the Department of Environmental Protection study the safety and stability of existing impoundments.

We hope that all readers of the Voice will call their Senators and Delegates and ask them to support the Sludge Safety Bill. As we go to press, we don’t have the bill number, so please check our website, [www.sludgesafety.org](http://www.sludgesafety.org) or call 304-522-0246 for information on the bill and on ways you can help the Sludge Safety Project.



*The Nuts and Bolts of the Legal Proceedings***STILL BATTLING WITH THE ARMY****By Cindy Rank**

Included in the October 2005 Voice article titled THE ARMY CORPS MARCHES ON was mention of a legal action filed in September 2005 against the Army Corps of Engineers for issuing a permit to Aracoma Coal for its Camp Branch Surface Mine without sufficient review and consideration of harmful and cumulative impacts to the environment in and around the historic Blair mountain area.

As noted in that article, previous litigation prompted the Corps to begin using individual permits to authorize valley fills at massive strip mines instead of merely using the streamlined Nationwide 21 permit process to rubber-stamp those applications.

Individual permitting requires a company to provide more information, allows for public input during the process and requires that the Corps conduct a more thorough review. Nevertheless, the dozens of applications for Individual Permits this past year, as well as the Corps' review of those applications, have been woefully inadequate.

The West Virginia Highlands Conservancy (WVHC) joined in comments on nearly 40 of those applications. The Corps has since granted many of those permits over our objections, and although we may not be able to challenge each and every one of these permits, some are particularly egregious.

In September 2005 WVHC joined the Ohio Valley Environmental Coalition (OVEC) and Coal River Mountain Watch (CRMW) in a lawsuit challenging the Army Corps of Engineers' permit for the Aracoma Coal Company's Camp Branch Mine in Logan County. The Massey/Elk Run permit for the Black Castle mine in Boone County was added to the original complaint and we have asked to add a third to the complaint. This time it is the Massey/Alex Energy Republic No. 2 mine that further expands the devastation that is visible from the Stanley Heirs' family cemetery on what is left of Kayford Mountain along the Kanawha - Boone - Raleigh county line. *(To arrange a viewing of the site, see the Outings list on page 12 of this issue. Editor)*

The official complaint reads "This case challenges the Corps' failure to acknowledge, evaluate, minimize or meaningfully consider alternatives to the devastating environmental impacts of the permits challenged here. The mining and valley fills at these three mines collectively will destroy over 2,000 acres of land and smother over seven miles of streams. Yet the Corps has neglected to examine in a meaningful way the inevitable damage that will be caused by these mines, or to develop any realistic plan for mitigating that damage."

The complaint states further that the Corps' permits violate the requirement of the National Environmental Policy Act and implementing regulations to analyze the environmental impacts of the permits in a comprehensive Environmental Impact Statement. ... These permits also violate § 404(b) of the Clean Water Act, which requires the Corps to follow EPA guidelines for specifying disposal sites for fill material. In particular, the Corps failed to demonstrate that the discharges will not "cause or contribute to significant degradation" of U.S. waters.

**Deliberative Court Process**

Court procedures are by their very nature slow if only because our judicial system fairly incorporates a time consuming process that allows plaintiffs and defendants alike to file and respond to motion after motion. Delays due to those procedures are to be expected and are understandable, but on the ground the Corps and industry keep on truckin'.

As our legal challenge to the three Corps permits wends its way

through the judicial process, work at the Camp Branch, Black Castle and Republic No. 2 mines is ongoing, including timbering, land clearing, coal removal and/or stream-filling activities.

**Attempt to slow destruction while court considers ....**

On February 1<sup>st</sup> WVHC, OVEC and CRMW ask the Court for a preliminary injunction ordering the U.S. Army Corps of Engineers to rescind its approval for future fill activities at these three large surface mines.

This injunction would hold harmful mining activities to a minimum while the court has time to consider the merits of our original complaint. Unless and until the court agrees to halt the activities while it is considering the merits of the case, the resources we are hoping to protect will be gone.

**Background**

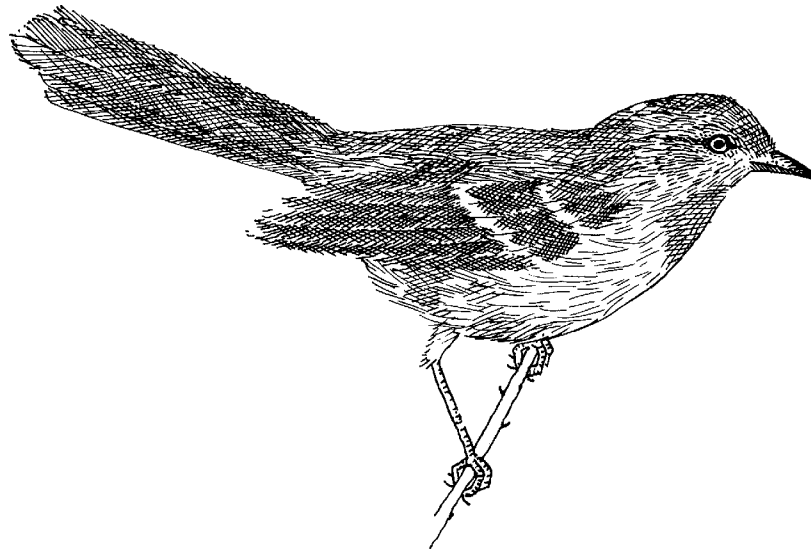
In addition to the individual problems specific to each of these three mines, the motion for Preliminary Injunction also reiterates some of the cumulative impacts that will increase if these three permits are allowed to continue....

"Mountaintop removal and other large-scale surface mining is devastating the environment and communities of many counties in southern West Virginia and

much of central Appalachia. The Programmatic EIS on Mountaintop Mining/Valley Fills in Appalachia ("PEIS") issued in 2005 confirms that valley fills are having significant, cumulative adverse environmental effects:

- Past, present, and future mining in Appalachia may cumulatively impact 1.4 million acres, or 11.5% of the study area. Mining-related valley fills are expected to bury at least 2,400 miles of central Appalachian streams by 2013.
- Mountaintop removal mining causes "fundamental changes to the terrestrial environment," and "significantly affect[s] the landscape mosaic," with post-mining conditions "drastically different" from pre-mining conditions.
- Mining impacts on the nutrient cycling function of headwaters streams "are of great concern."
- Mining impacts to habitat of interior forest bird species could have "extreme ecological significance." Mining could impact 244 terrestrial species, including, for example, 1.2 billion salamanders.
- The loss of the genetic diversity of these affected species has a "disproportionately large impact on the total aquatic genetic diversity of the nation."
- Valley fills are strongly associated with violations of water quality standards for selenium, a toxic metal that bioaccumulates in aquatic life."

[These and other statements can be found in Appendix I (Cumulative Impact Study) of the PEIS. The Draft PEIS is available at <http://www.epa.gov/region3/mtntop/eis.htm>. This Draft EIS was adopted as Final in October 2005 with minor errata.]

**(Continued on p. 6)**

## **Coal and Community (Continued from p. 1)**

received today. (See accompanying box) I've edited it a bit, but it comes from a friend who lives and works in the besieged coalfield communities. I realize it sounds very much like what we heard in 1997 from so many families in Blair when we filed suit to stop the Spruce #1 Pigeonroost mine. .... but this was sent to me today, February 3, 2006.

Wal-Mart and other developers may see the need for the right to condemn property through "eminent domain", but the coal industry has no need of that .... It has more than enough ways to get rid of the people that might stand in their way.

I was in Blair yesterday. It's really something to see what they are doing there. They have moved in and they are taking it! No one is suppose to ask any questions when you put 6 treatment ponds above a community and move the roads and river. This is something you just have to see to believe.

The houses in the community have burnt one after another. The last one was directly beside one family and the fire dept was just going to let it burn until their house started smoking. It was a house that the coal company had bought. It caught on fire in the middle of the night with no utilities hooked up. There have been 6 homes in this immediate area have been bought and destroyed.

One house has a sign next to it that says "keep out we still live here" because of looters stealing from the other houses. Things like windows and doors cabinets, shower/ tub units. Basically disassembling the houses and hauling them away. People call the law and they would not come. Someone was heard to say that the coal company had given this stuff away to get them torn down. When everybody got what they wanted the coal company came in with backhoes and a dumpster and hauled what was left away.

During all of this the looters were stealing from people who still lived there. They actually stole a running air conditioner out of someone's window. What is going on here is bad.

They are even putting a double train track right down the middle of what is now a community. They are building the tracks with the homes there. They are offering rock bottom price for people's homes. They only pay for the square footage of the homes and say that the property is a part of the deal.

The historic road signs in Blair disappeared over night. They are gone..... someone came through and just took them. They are all gone there is not one left.

## **MORE ABOUT BATTLES WITH THE ARMY CORPS (Continued from p. 5)**

### **Pattern of Permitting**

Until a recent decision in OVEC v. Bulen (July 8, 2004), the Corps permitted most large-scale surface mines in West Virginia under nationwide permit 21 (NWP 21) pursuant to §404(e) of the Clean Water Act (CWA). Although the three mines at issue in our current litigation were authorized by individual permits rather than under NWP 21, the permits here are a continuation in a different guise of the agency's past illegal actions.

Unfortunately, these three permits are not isolated actions, but are an indication of how the Corps is likely to treat many of the other individual permits currently being reviewed by the Corps. We believe that if the Court does not intervene, the Corps will continue to abuse the individual permitting process as it has in the three mines challenged.

The Corps has granted at least 30 individual permits since July of 2004 — often without sufficient review and consideration of important environmental resources, the cumulative nature of the activities authorized, or the inadequacy of mitigation measures proposed.

Figures compiled by Margaret Janes of the Appalachian Center for the Economy and the Environment indicate that these 30 permits authorize over 113 fills to bury over 53 more miles of streams at mine sites that will disturb an additional 19,078 acres (over 30 more square miles) of southern WV.

Accordingly, although this action currently challenges only three individual permits, we anticipate that additional future permit challenges may become necessary if the Corps continues its unlawful practices.

(My favorite quote in the press release announcing this most recent action comes from Viv Stockman of OVEC: "Trying to get the Corps of Engineers to follow the law is like trying to nail Jell-O to a wall.....it is awfully hard to make it stick." — How true !)

# APPROVED



**Army Corps of Engineers permit review tool**

## Join Now !!!

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Sustaining	\$100	\$150	\$200
Patron	\$250	\$250	\$500
Mountaineer	\$500	\$750	\$1,000

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### West Virginia Highlands Conservancy Working to Keep West Virginia Wild and Wonderful!

#### Looking Back Forty Years

## FORTY YEARS, BUT FROM WHEN?

By Dave Elkinton

All of us know the date we were born, so the calculation of birthdays is fairly simple. For organizations such as the West Virginia Highlands Conservancy, the exact date of birth may not be quite so precise. Organizations develop first as ideas, then often become informal associations, and finally, they may become officially incorporated through a legal process that is governed by state law. Even later they may choose to become recognized as a charitable organization for tax purposes by the Internal Revenue Service.

In October 2005, we enjoyed the 40th Annual Fall Review. That tradition dates from 1965, the first large gathering under a revivalist's tent on Spruce Knob, where Senator Byrd, Secretary of Interior Stewart Udall, and others held forth on a variety of subjects. But whatever was said pales in comparison to the memory of the generator failing, leaving the entire throng in the dark (and the sound system off). Senator Byrd still talks about it.

To say that this event was sponsored by the West Virginia Highlands Conservancy is a little misleading however, since that organization was still several years away. More properly it can be said the event was jointly sponsored by a wide coalition of groups, many of whom later helped found the Conservancy.

It took two more Fall Reviews, and numerous smaller organizational meetings, before the official birth could be announced. The Charter Board of Directors, meeting with others of like concern for the highlands, established

the organization's name (suggested by Bob Broughton of Pittsburgh), and agreed to a constitution and set of bylaws on January 30, 1967. It would be two years later, February 1, 1969, before the Articles of Incorporation were signed, and nearly another year before they were recorded officially by Secretary of State John D. Rockefeller IV. So we can count either 1967 or 1969 as our birth date.

Interestingly enough, the *Highlands Voice* didn't begin publication until March 1969, when first Editor Bob Burrell circulated Volume 1, Issue 1. (Its numbering has similarly been the subject of several apparent errors, but that's another story.)

Apparently the early consensus was that 1969 was the official date of birth, because the tenth anniversary was celebrated in 1979. The *Highlands Voice* notes that "it was decided to declare 1979 the official birthday," marking ten years since incorporation. That year's Midwinter Workshop included a panel with founding President Tom King and other early leaders participating.

Since then nearly every month a box in the Voice solicits membership, under the headline of "Reasons why you should join ..." Up through February 1986, the Conservancy was described as "a nonprofit organization started in 1969." For reasons unknown, the following month, the description changed to "started in 1967" and has remained so since.

In line with the revised view of our birth, the 20th anniversary was celebrated at Cass

in 1987, this time at a Fall Review, since a mid-winter membership event had been replaced by the Spring Review. Five years later, the 25th anniversary was noted in 1992.

And the mistakes in numbering don't stop there. The old Mid-Winter Workshops, originally held in late January at Blackwater Falls State Park, gave way to the annual Spring Review in 1983. In 2002, less than twenty years later, it was called the 35th annual Spring Review. It may have been the successor to 35 years of weekend events, but it was not the 35th Spring Review.

The above discussion is not meant to be picky, or to point fingers at any individuals or their math skills. In truth the founders may not have expected the early history would matter to anyone. Their concern was, and indeed the focus has remained, to preserve the rivers, wilderness, special places, and other aspects of the highlands against a host of threats to their integrity. Only now, forty years later from whatever date you choose, are we trying to sort out our history.

Over the coming months, as I research the history of this organization, I will share some of my findings "in progress." If you have information I should be aware of, or wish to present a differing viewpoint, please contact me at [daveelkinton@hotmail.com](mailto:daveelkinton@hotmail.com).

# HELP! We Need Your Old Voices

As part of his project to write the history of the Highlands Conservancy, Dave Elkinton needs some copies of some old issues of *The Highlands Voice*. If anyone has, and would loan, the following back issues of the Highlands Voice he would greatly appreciate it.

1969 vol 1, no 4 and on  
 1970 vol 2, all  
 1971 vol 3, all  
 1972 vol 4, no 1,4, 6 and on  
 1973 vol 5, no 4  
 1977 vol 9, no 9  
 1992/93 from vol 25, no 3 to vol 26, no 1  
 2001 vol 34, no 12

These will be very helpful in researching the history of the Highlands Conservancy. Send to Dave Elkinton, 1520 Primrose Lane, Huntingtown, MD 20639. Phone 410-535-6139

Dave has sworn on a stack of old *Voices* to return any issues that anyone sends to him.

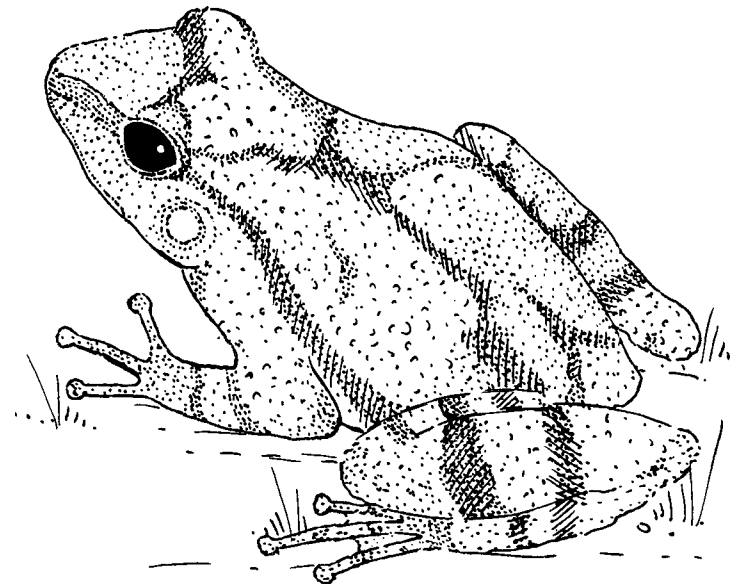
Thank you.

## Mid-Atlantic Renewable Energy Expo at Harford Community College To Be Held On Earth Day

Tired of high energy costs? Interested in learning more about energy options and innovations? On Saturday, April 22, 10 a.m. – 5 p.m., Harford Community College will sponsor the **Mid-Atlantic Renewable Energy Expo**. The event, with both indoor and outdoor venues, will feature exhibitors and experts in renewable energy who will provide films, workshops, and information for a broad audience. Children's activities will also be available.

Harford Community College is located on Rt. 22 and Thomas Run Road in Bel Air, MD. For more details, see <http://www.harford.edu/EnergyExpo/>.

In the name of energy sanity and in honor of Earth Day 2006, come on out!



## YOUR CHANCE TO BECOME BILINGUAL: LEARN FROG IN YOUR SPARE TIME

We are looking for volunteers to help NAAMP, North American Amphibian Monitoring Program, with our annual frog call survey. The survey consists of learning frog calls, taking an online quiz (you can take it as many times as needed) and running a route 3 times throughout the spring/summer. The routes are named for the town in which they start and usually cover about 10 miles. There are 10 stops along the route and at each stop, you listen for frogs to call for 5 min then move onto the next stop. The available routes are listed below. Anyone interested should contact Ashley at [wvnaamp@yahoo.com](mailto:wvnaamp@yahoo.com).

Routes available:

- |                   |                 |                       |
|-------------------|-----------------|-----------------------|
| 1. Parkersburg    | 7. Prince       | 14. Brandywine        |
| 2. Arthurdale     | 8. Worthington  | 15. Jeffrey           |
| 3. Ft. Ashby      | 9. Davis        | 16. Minnehaha Springs |
| 4. Halltown       | 10. Liberty     | 17. Oak Hill          |
| 5. Grimms Landing | 11. Clear Creek | 18. Cowen             |
| 6. Bob White      | 12. Jane Lew    | 19. Marlinton         |
|                   | 13. Mill Creek  |                       |



## BOARD MEETING HIGHLIGHTS

By John McFerrin

The Board meeting was a combination of lively controversy and plodding necessity.

First, the plodding necessity: the Board approved a budget for 2006. Although the budget was as close to being balanced as it has been in years, it was still a deficit budget. We deal with this by requiring committees who wish to spend money to assume the bulk of the responsibility for raising that money. The result is that the budget is effectively balanced; if committees don't raise the money, they don't spend it.

The controversies began with Administrative Assistant Dave Saville's proposal that we consolidate our activities on the Monongahela National Forest (outings, advocacy, trail maintenance, monitoring) in a special part of the Voice and have someone designated to coordinate those activities. In other places groups set up to do this kind of coordination name themselves the Friends of the .....

The Board had all manner of questions. Since the West Virginia Highlands Conservancy already does a lot on the Monongahela National Forest, we are already, in effect, the Friends of the Mon, even if we don't call ourselves that. At the same time, the Mon has lots of other friends, both individual and organizational. WVHC can't very well hold itself out as the Mon's best friend when there are all these other groups and people who are also the Mon's friends. Because WVHC already exists, as do other groups, there was no enthusiasm for creating a new organization to do this work.

It was the sense of the Board that we should organize our work on the Monongahela better. After chewing over the details of how we should do this, the Board passed the problem of how to go about this off to a committee.

While we agreed on the big picture of the need to coordinate our work on the Monongahela National Forest, there was no such agree-

ment on wind power. Although there has never been a single statement of our position on wind farms, one could infer a position from discussions and votes on proposed projects. Our position had been that we would oppose specific wind farms that presented a threat to wildlife (most notably birds and bats) and would oppose those located in "special places" (whatever that means).

At its January, 2006, meeting the Board addressed the Beech Mountain project in Greenbrier County and the Jack Mountain project in Pendleton County. It voted to oppose the Beech Mountain project solely because the developers had not adequately addressed threats to birds and bats. In a closely divided vote, it agreed to make a donation to the Friends of Beautiful Pendleton County to assist it in opposing the Jack Mountain wind project. This is at least arguably a departure from previous positions. For Conservancy president Hugh Rogers' take on where we are going on this issue, see his column on page 2 of this issue.

Equally unsettled was the issue of how we treat trails in the Monongahela National Forest that are not officially recognized by the Forest Service. On the one hand, they exist on the ground. On the other hand, they are not part of the official trail system and the Forest Service discourages their use or creation.

Since the Board did not have to take a position on this issue, it didn't. The issue is, however, looming and may have to be resolved. It may land back in the Board's lap in the context of the next edition of the Hiking Guide.

In addition to these contentious issues, Administrative Assistant Dave Saville gave a report on membership (steadily growing) and Cindy Rank gave us an update on the latest perfidy of the coal industry and the perfunctory efforts of public officials to respond. See page 7 of this issue for details.



US Fish and Wildlife Service/Jo Keller

## PENNSYLVANIA STUDENTS PRODUCE MOUNTAINTOP REMOVAL VIDEO

By Kristy Kasserman

Three Pennsylvania high school students have produced a short film, titled "Bringing Down the Mountains," about mountaintop removal coal mining and its effects. Greensburg Salem High School senior Kaitlyn Walton and juniors Jill Sompel and Stephanie Loughner were moved to begin work on the film after hearing of the issue in an ecology course.

The 14-minute film includes a description of mountaintop removal and concludes with a moving account of what it is like to live near a mountaintop removal strip mine. This video is a great tool for use by those attempt-

ing to educate the public about the social and ecological issues associated with MTR. A screening took place at January's Friends of the Mountains meeting, and Coal River Mountain Watch's Hillary Hosta said the following: "The girls did a great job clearly articulating with pictures and narrative what can be a very complex issue. The piece is concise, to the point and moving."

"Bringing Down the Mountains" will premier Feb. 11 at the West Virginia Energy Gathering. The WVEG is a meeting of young people

from around the state and will include workshops on campus and community issues, brainstorming and network building, and a trip to see an active mountaintop removal site. Youth statewide are encouraged to attend the WVEG, and for more information, please visit [www.climateaction.net/content/wveg/](http://www.climateaction.net/content/wveg/).

Limited copies of Bringing Down the Mountains are available for outreach and educational use. For more information, please email [bringingdownthemountains@yahoo.com](mailto:bringingdownthemountains@yahoo.com).

## MORE THOUGHTS FROM PRESIDENT HUGH (Continued from p. 2)

consistent with our previous position(s).

As I understood it going into the meeting, we, or most of us, had generally favored wind as an alternative energy source, but we had two particular concerns. The first was wildlife impacts, i.e., we were against wind turbines killing bats and birds. We supported continuing research (which had been suspended by Florida Power and Light, the company that owned the Backbone Mountain wind farm) until a way was found to stop that happening. We had intervened in the Beech Ridge (Greenbrier County) permit application process solely on that ground, hoping to condition any permit on cooperation with research.

Second, we were concerned about visual impacts on "special places," which so far had meant parks, wilderness, certain recreation areas and historic sites, mostly within the Monongahela National Forest. On that ground, we had opposed a Rich Mountain (Randolph County) project. Did we stretch our notion of

"special places" by supporting the Pendleton County group? It might be said that since Jack Mountain is less than thirteen miles from Spruce Knob and even closer to Reddish Knob and other "special places" in the George Washington National Forest, we didn't stretch it very far.

A spokesperson for Florida Power and Light once said that any place they might locate a turbine is special to someone. Kansas prairies, Texas plains, Nantucket Sound, the Allegheny Front: all special. The brief history of the proposed Beech Ridge project illustrates the point. The land to be used is currently owned by Westvaco Corporation; much of it has been strip mined and/or timbered. There are few residents in the valley below. Yet that is an undeniably beautiful valley and the residents have generated an impressive show of support, as measured by the letters coming in every day to the Public Service Commission.

On January 17, the New York Times published an opinion piece on this issue by John

Tierney, in which he wrote:

Personally, I'm agnostic on the scenic merits of a wind farm. I can understand why some people hate the sight and others don't. If you equate the turbines with environmental virtue, you may find it a lovely panorama, and you (unlike me) may even be willing to pay higher taxes and electricity bills for it. But this should be a decision made by you and your neighbors—at the local level, not in Washington.

If I were to speculate on how our policy toward wind farms might continue to evolve, I would say the skeptics and those who hate the sight seem to be increasing in number, while those who equate turbines with environmental virtue do not seem to be gaining. Local control and smaller scale operations will be more likely to find support than tax-subsidized mega-projects.

## WHAT ARE THE CUMULATIVE AFFECTS OF INDUSTRIAL WIND TURBINES IN THE MOUNTAINS?

By Larry Thomas

In his State of the Union Address, President Bush addressed our nation's dependence on foreign oil by announcing the Advanced Energy Initiative, a 22 percent increase in clean-energy research at the Department of Energy, pushing for breakthroughs in two vital areas. First, to change how we power our homes and offices through more investment in zero-emission coal-fired plants, revolutionary solar and wind technologies and clean, safe nuclear energy and second to change how we power our automobiles through increased research into better batteries for hybrid and electric cars, and into pollution-free cars that run on hydrogen.

Those are necessary, but I kept waiting to hear one more initiative. Projections for the increases in energy consumption by the year 2030 are staggering. What I was hoping to hear was an initiative to provide for research into and then education of the public in ways to reduce energy consumption. The subject has not appeared in many of the articles that I have found concerning our requirement for energy in the future. We just seem to seek and to fund methods to produce more.

Part of the proposed change in how we power our homes and offices includes greater investment in revolutionary solar and wind technologies. The Mid-Atlantic Region, including the State of West Virginia, is experiencing the investment in wind technology through a large number of industrial wind turbine project placements through-

out the region, applications filed for additional projects and many more on the drawing boards. It is estimated that in excess of 33,000 of the 1.5 Megawatt turbines are necessary to satisfy the Department of Energy goals and state mandated renewable portfolio standards for projected electric consumption in the region for the year 2030.

The West Virginia Public Service Commission is responsible for the review and approval or disapproval of applications for the siting of industrial wind turbine projects in the State of West Virginia. It has published siting application rules and requirements for these industrial projects. In addition, the Public Service Commission has made efforts to safeguard and protect the public interest with special provisions in licenses issued to such projects. While these are admirable efforts, these provisions are inadequate until all appropriate studies are completed concerning the cumulative affect of projects sited throughout the mountains.

Currently licensed projects have had and will continue to have irreversible affects by destroying important wildlife and wildlife habitat (including endangered species), killing huge numbers of bats, destroying highly prized scenic vistas (the viewshed surrounding these projects extends for miles), They will have an impact upon local tourism-dependent economies (in West Virginia tourism is the fastest growing of any industry and in our mountains it is critical to local economies) and

residents by impairment of property values, significant noise pollution created by the rotors and mechanical equipment for residents living in close proximity to the turbines and undue stress to the health and safety of residents living in close proximity of the turbines.

Many federal, state and local officials are extremely concerned with the cumulative affect of siting thousands of these industrial wind turbines in the Mid-Atlantic Region and are proposing moratoriums on future construction to provide time necessary for the completion of all required studies of the cumulative effects of industrial wind power generators and projects on the environment, citizens, state and community economics and the cost effectiveness of wind power as an alternative energy source.

State agencies, which should be involved in these studies, are playing catch-up and by their own admission are not empowered to examine questions concerning these projects and their potential impacts. Even worse, the Public Service Commission is not required to seek the assistance of those same agencies in its review of a proposed project application and the required information provided therein.

It is time to face the tough questions and to find the answers concerning the cumulative affects of industrial wind turbines in our mountains and to determine their affect on the future of West Virginia.

# Balsam Fir Conservation and Restoration in Canaan Valley, West Virginia

The West Virginia Highlands Conservancy has completed the first phase of an ongoing Balsam Fir restoration project.

With the financial support of the Environmental Challenge Fund, the West Virginia Highlands Conservancy has been working for several years for the conservation and restoration of balsam fir. Balsam fir is threatened by over browsing from the un-naturally large deer population and an exotic insect pest, the balsam woolly adelgid. Balsam fir in West Virginia is unique. It has existed for centuries isolated from the southern fraser fir and the northern balsam fir. It is a unique intermediate between its northern and southern cousins. Native "Canaan" balsam is close to being extirpated from our state. Adelgids are killing mature trees, and there is insufficient natural regeneration occurring because deer are browsing the young tender seedlings.

To combat the problem, we have attempted to protect the genetic material of the various stands of fir by seed banking the seed in long-term storage facilities of the Natural Resource Conservation Service. We have constructed numerous deer exclosures that are serving as refuges and research units for the fir. We have also instituted an aggressive program to grow Canaan Valley balsam fir seedlings for restoration projects on both public and private lands.

So far the project has produced the following results:

## Deer Exclosures

The first volunteer fence building weekend was held, August 16-17, 2003. A good turnout of volunteers allowed us to get all the posts braces and supports set for the first exclosure on the Canaan Valley National Wildlife Refuge. August 23-24 the wire fabric and gate were installed completing the first exclosure. 27 people logged a total of 170 volunteer hours, including student groups from 2 colleges, members of the Native Plant Society, Friends of the 500th, and local businesses participating. The second exclosure was built on the Timberline Conservancy the weekends of September 6-7 and 13-14. Timberline Conservancy members logged over 90 hours on the fence.

## Seed Banking

Balsam fir trees generally produce an abundant cone crop every 4-5 years. There was an excellent crop in 1999. We had hoped that 2003 would produce another bumper crop of cones. It didn't, and neither did 2004. It wasn't until August 2005 that we could collect cones.

While we did get a very small amount of seed in 2003, it wasn't until 2005 that significant quantities were harvested. Volunteer outings were held the weekend of August 6&7, 2005. Seed was processed and extracted in December 2005 and is now banked. 9 Volunteers logged a total of 80 hours harvesting cones.

## Adelgid treatments

Took place in November 2003 as planned. The selected stands of trees are scheduled to be re-treated in November 2006.

## Education

Signs have been developed which explain the plight of balsam fir in West Virginia. They also acknowledge the support of the NiSource, Columbia Gas Transmission support of the project. Instead of designing and printing informational brochures, it was decided to make extra signs so each exclosure would have signs. A 4th sign, which can also be used as a spare in case one of the others is damaged, is currently on display at the Wildlife Refuge Visitor's Center.

In addition to the signs, we have had articles about our work published in many publications, including;

*The Highlands Voice* – the newspaper of the West Virginia Highlands Conservancy  
*The Parsons Advocate* – the most widely distributed newspaper in Tucker County  
*Mountain State Sierran* – Newsletter of the West Virginia Chapter Sierra Club  
*Timberdoodle* – newsletter of the Friends of the 500<sup>th</sup>  
*The Inter-Mountain* – Elkins, WV newspaper  
*Tally Sheet* – West Virginia University Division of Forestry newsletter  
*Native Notes* – newsletter of the West Virginia Native Plant Society

## Research

Refuge staff, volunteers and West Virginia DNR have collected baseline data from the exclosure sites, and continue to monitor them.

## Summary

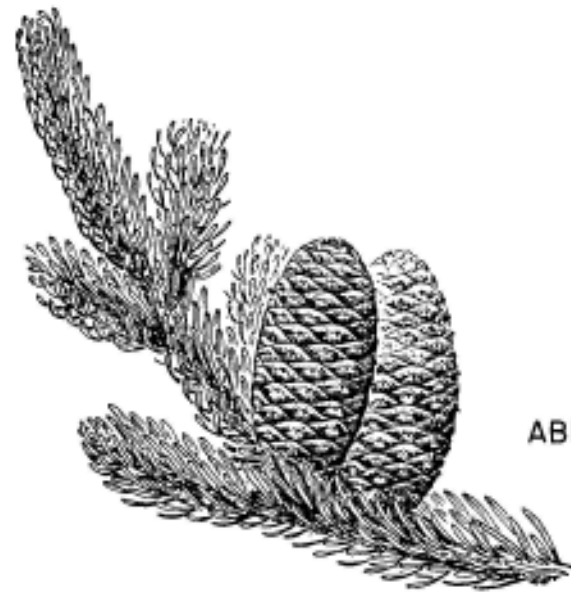
Overall, our Balsam fir conservation project has to be considered a resounding success. We

achieved our goals which were;

- Keep existing seed trees alive by protecting them from the adelgids.
- Protect the young balsam fir trees and seedlings from deer browse pressure.
- Establish areas to educate the public on damage created through deer/herbivore browse and exotic pests.
- Establish a long-term monitoring plan to document regeneration of balsam fir trees.

We generated a lot of enthusiasm from volunteers and other partners in the project. Partnering agencies and organizations include;

USDA Forest Service,  
 Monongahela National Forest  
 US Fish & Wildlife Service, Canaan Valley National Wildlife Refuge  
 Timberline Conservancy  
 The Nature Conservancy  
 The Mountain Institute  
 Canaan Valley State Park  
 Friends of the 500th  
 NRCS Plant Materials Center  
 Quarterpine Farms



West Virginia Native Plant Society  
 Canaan Valley Institute  
 Over 50 volunteers.

## HATS FOR SALE

West Virginia Highlands Conservancy caps for sale. The cap is khaki and the pre-curved visor is forest green. The front of the cap has West Virginia Highlands Conservancy in gold above the I [Heart] Mountains. The heart is red; we and mountains are black. It is soft twill, unstructured, low profile, sewn eyelets, cloth strap with tri-glide buckle closure. \$10 by mail. Make check payable to West Virginia Highlands Conservancy and send to Julian Martin, P.O. Box 306, Charleston, WV 25321-0306.

# West Virginia Mountain Odyssey



## Outings, Education and Beyond

**February 26 Whitegrass Ski Touring Center Cross Country Ski outing.** Weather and snow permitting. From Canaan Valley, we'll climb Cabin Mountain and head into the Dolly Sods Wilderness for a day-long trek on skis. Experienced XC skiers only. Contact Dave Saville 304-284-9548

### **March 18 (Saturday) HIKE Trout Pond**

Come discover another one of WV's secret places. We will explore 11 miles worth of trails in the Trout Pond Recreation Area that borders the VA line. Moderate. Approximately 1100 foot elevation gain/loss. INFO: Contact Susan Bly 304/876-5177 (day) or 304/258-3319 (7:00 pm - 9:00 pm) (sbly@shepherd.edu) for further details.

**April 8&9 Dolly Sods and Canaan Valley Tree Planting.** We'll be planting Red Spruce and Balsam Fir trees at the Canaan Valley National Wildlife Refuge and in the newly acquired Dobbins Slashings area of Dolly Sods. Contact Dave Saville 304-284-9548 daves@labyrinth.net

**April 29&30, Highlands Conservancy's Spring Review.** A weekend of outings special events and workshops. Look in upcoming issues of the Highlands Voice for complete details.

**May 21, proposed Cranberry Wildness addition day hike.** This will be a day-long serious hike through the 12,000 acres being proposed as an addition to the Cranberry Wilderness. Strenuous climbs, stream crossings and maybe some bushwacking. Contact Dave Saville 304-284-9548 daves@labyrinth.net

### **June 24-25 (Saturday – Sunday) BACKPACKING TRIP Spruce Knob, WV**

Explore old railroad logging routes as we basecamp in Camp 4 Low Place. We will explore the abandoned Spruce Mountain trail and railroad grades, encountering vistas of the Seneca Creek backcountry. Approximately 700 foot elevation gain/loss with 12-17 moderate miles. INFO: Contact Susan Bly 304/876-5177 (day) or 304/258-3319 (7:00 pm - 9:00 pm) (sbly@shepherd.edu) for further details.

**July 9, Mount Porte Crayon,** This outing will celebrate the 65th anniversary of the dedication of this mountain in honor of David Hunter Strouther, who, under the pen name Porte Crayon, was one of the earliest explorers to write about his adventures to the West Virginia Highlands. This will be a long and strenuous day hike which will include considerable bushwacking. Contact Dave Saville 304-284-9548 daves@labyrinth.net

**July 30, Sinks of Gandy Caving trip.** A beginners spelunking trip through the famed Sinks of Gandy, where Gandy Creek takes a plunge for a mile-long meander beneath Yokum Knob. We'll also visit nearby Stillhouse Cave. Helmets and 3 sources of light required. Contact Dave Saville 304-284-9548 daves@labyrinth.net.

### **August 19-20 (Saturday – Sunday) HIKE Big Run Waterfall Bushwhack Monongahela National Forest Olson Tower Area**

Explore a stream...closeup and personal by both hiking and "stream whacking" along Big Run. Cool off while hiking up Big Run to explore waterfalls, cascades and dunking holes. Hike 7 moderate/strenuous miles on Saturday and 5 moderate/strenuous miles on Sunday. Previous bushwacking experience a must. Basecamping will take place in the Monongahela National Forest. INFO: Contact Susan Bly 304/876-5177 (day) or 304/258-3319 (7:00 pm - 9:00 pm) (sbly@shepherd.edu) for further details.

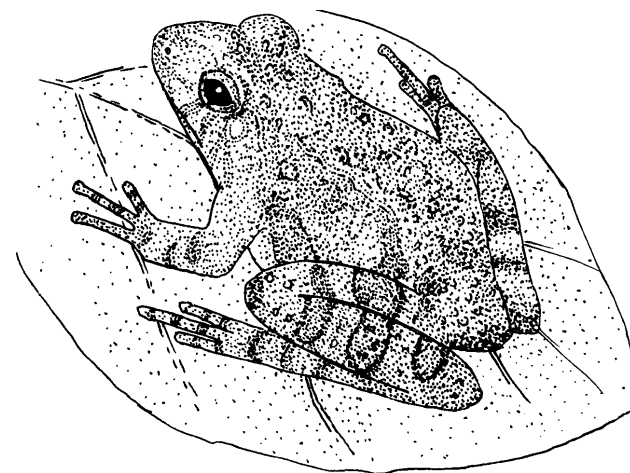
**September (dates to be announced) Tree planting in Canaan Valley.** We'll be planting Red Spruce on the Wildlife Refuge. Contact Dave Saville 304-284-9548 daves@labyrinth.net

**September 16 & 17, Roaring Plains Backpacking trip.** This trip will tour one of the most spectacular areas of the Mon, the proposed Roaring Plains Wilderness area. A serious over night trip covering many miles. Contact Dave Saville 304-284-9548 daves@labyrinth.net

**October 14&15 Red Spruce cone collecting.** Join us for a volunteer opportunity to collect red spruce cones for our important red spruce ecosystem restoration project. Contact Dave Saville 304-284-9548 daves@labyrinth.net

**October 19-26 Highlands Conservancy's 41st annual Fall Review.** Once again we'll be at the historic Cheat Mountain Club for a whole week! Outings, workshops, music, special speakers, and more. Stay tuned!

**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. Contact in advance to schedule a time and date.



### **BUMPER STICKERS**

To get free I (heart) Mountains bumper sticker(s), send a SASE to Julian Martin, 1525 Hampton Road, Charleston, WV 25314. Slip a dollar donation(or more) in the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free—if they can afford a donation that will be gratefully accepted. Cost to WVHC of printing and mailing is \$.25

## MONONGAHELA FOREST HIKING GUIDE

### Monongahela National Forest Hiking Guide

by Allen deHart & Bruce Sundquist

Published by the  
West Virginia  
Highlands Conservancy

The 7th edition covers:

more than 200 trails for over 700 miles  
trail scenery, difficulty, condition, distance, elevation, access points, streams and skiing potential.

detailed topographic maps

over 50 photographs

5 wilderness Areas totaling 77,965 acres

700 miles of streams stocked with bass and trout

send \$14.95 plus \$3.00 shipping to:

**West Virginia Highlands Conservancy**

PO Box 306 Charleston, WV 25321

Or, visit our website at

[www.wvhighlands.org](http://www.wvhighlands.org)

### Compact Disc version of Monongahela National Forest Hiking Guide

WV Highlands Conservancy continues to bring its publications into the computer era with its latest innovation- the publication of the Electronic (CD) version of its famous Monongahela National Forest Hiking Guide, **Allen Dehart, Bruce Sundquist**, 7th Edition, with maps and many other enhancements by WVHC contributor **Jim Solley**

This premier edition of MNF7, on computer disc, includes the text pages as they appear in the printed version of the 7<sup>th</sup> edition in an interactive pdf format. It also includes the following ancillary features, developed by a WVHC dedicated volunteer, and **not available anywhere else:**

- All pages and maps, or even a single page in the new Interactive CD version of the Mon hiking guide can easily be printed and carried along with you on your hike
- All new, full color topographic maps have been created and are included on this CD. They include all points referenced in the text.

Special Features not found in the printed version of the Hiking Guide:

- Interactive pdf format allows you to click on a map reference in the text, and that map centered on that reference comes up.
- Trail mileages between waypoints have been added to the maps.
- Printable, full color, 24K scale topographic maps of the entire Allegheny Trail In the Monongahela National Forest
- Printable, full color, 24K scale topographic maps of many of the popular hiking areas, including Cranberry, Dolly Sods, Otter Creek and many more

**Introductory free shipping & postage offer:**

All this is available to *Highlands Voice* readers for only \$20.00, including postage

To receive the latest in printable hiking trail descriptions and printable topographic trail maps send \$20.00 to:

Hiking Guide CD  
West Virginia Highlands Conservancy  
P.O. Box 306  
Charleston, WV 25321

### T SHIRTS

White, heavy cotton T-Shirts with the I [heart] Mountains slogan on the front. The lettering is blue and the heart is red. Sizes S, M, L, and XL. \$10 total by mail. Send sizes wanted and check made out to West Virginia Highlands Conservancy to:

Julian Martin  
WVHC  
Box 306  
Charleston, WV 25321-0306

### SHIRTS NOW AVAILABLE IN LONG SLEEVE MODEL

We now have I [heart] Mountains long sleeve shirts in sizes S, M, L, XL. The shirt is heavy cotton and white with blue lettering. The heart is red. \$15 total by mail. Send sizes wanted and check made out to West Virginia Highlands Conservancy to:

Julian Martin,  
WVHC, Box 306,  
Charleston, WV 25321-0306

### 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 DEVASTATION!" 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.

## POETRY CORNER

Deep cut North-South etchings in the earth crust  
Freely flows water  
The Cheat.

Through tumbling torrents crash and churn north to  
Follow drops below  
Rowlesburg,

Upstream midst placid pools lies Cheat Valley  
And fertile farms at  
Saint George.

Morning mists enshroud the mystery of  
The historic town,  
Saint George,

No longer awed with recollection of  
Its fine heritage,  
Saint George,

Settled with purpose for eight thousand years  
To be forgotten,  
submerged.

*By Clish McCleaver*



Just because there are buds  
set on the peach tree  
doesn't mean  
it isn't  
dark  
here  
but  
if you  
can dance in  
the dead of winter  
your spring garden is  
waiting just below the frost line

*By John King*

### KEEPING ON

THE SPIRITS OF THE RIGHTEOUS  
ARE HAVING A PRAYER MEETING  
(TENOR, ALTO, SUPRANO, BASS)  
ALL OVER OUR BROWN BURNT GARDENS

BUT HERE ON THIS BIRDLESS  
DEAD OF THE WINTER MOUNTAIN  
IT MAY TAKE MORE THAN MUSIC  
TO SEE US THROUGH  
THE NEXT MONTH OF ICE BANGING  
BONE BREAKING WEARINESS  
WAITING FOR THE BLUE FISH OF PARADISE  
TO SWIM NORTH TO WEST VIRGINIA.

SO LET'S GATHER UP THE CHILDREN  
TAKE THEM TO THE HOLY GROUND  
ASK THE WINER PROPHET FOR A BLESSING  
AND MAYBE OUR EYES WILL SEE SALVATION TOO.

*By John King*

## OUR READERS WRITE

Dear Editor,

First of all I want to thank Hugh Rogers for a good piece on Tier 2.5 streams in The HighlandsVoice.

Second Creek, which is mostly in Monroe County with a small portion in Greenbrier County, fell victim to the last house cleaning of Tier 2.5 streams. Even though our organization is known to have an interest in Second Creek, we were not informed that this action was being taken.

To this date, we have been unable to find anyone in the watershed who knows or is willing to state they had knowledge of the action. We have attempted to contact the Department of

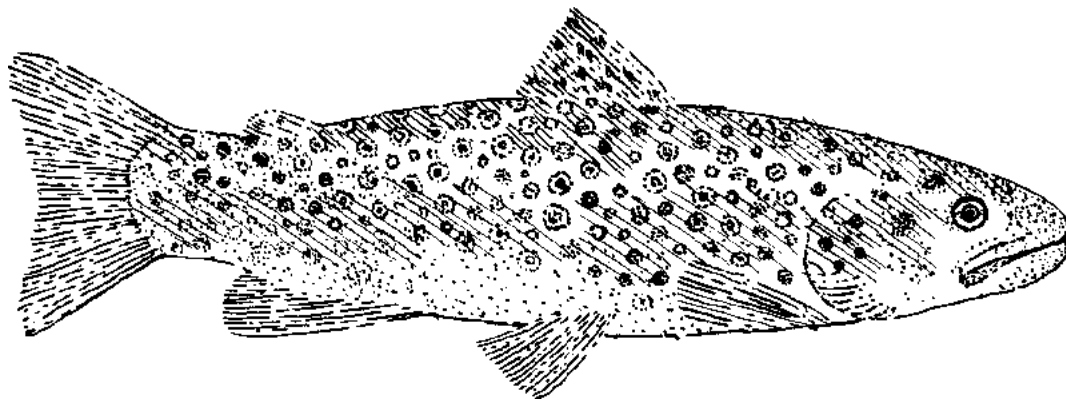
Environmental Protection on the web site where the stream listings are posted with no reaction or response.

Second Creek is unique to our area and could be a mini study for the Greenbrier River due to elevation drop as well as its varied watershed. Some remote stretches as well as tributaries still reproduce trout. There is some agricultural effect but also long stretches of near wilderness. We are working with Stream Partner Grants to perform natural stream restoration as money allows and really think we have a clean, clear and wonderful piece of water.

Can you suggest anyone in the governing agency who will respond to our inquiries as

to why this action was taken? Is it a normal process for these actions to take place with no public knowledge or input? It's very frustrating when agencies, whose salaries we pay, will not respond to taxpayers.

Dennis White, Vice President  
Friends of The Second Creek, Inc.



## WE RESPOND

Hugh Rogers replies:

(1) DEP contact: Dave Bassage, Director of the Office of Innovation, can be reached at 926-3647 or [dbassage@wvdep.org](mailto:dbassage@wvdep.org). Dave was once the director of Friends of the Cheat and he remains a friend of watershed organizations. Your organization will have other contacts at DEP on Stream Partner Grants, etc., but Dave will act as an ombudsman when you think you've hit a stone wall.  
(2) DEP web site: You can now find the reasons why fifty streams were dropped from the first "presumptive" list of Tier 2.5 waters at [http://www.wvdep.org/Docs/9915\\_50\\_removed\\_streams\\_reason](http://www.wvdep.org/Docs/9915_50_removed_streams_reason).

(3) DEP process: Dave put me in touch with Patrick Campbell, Assistant Director of Water and Waste Management, who was very helpful both in answering your specific question and in explaining the general process. He apologized for the agency's failure to respond earlier (by the way, DEP has received thousands of comments and objections on Tier 2.5—no doubt others are waiting for answers). He has sent you a personal letter with the information you requested.

The "presumptive Tier 2.5 list" was put together by the DEP and the DNR (Division of Natural Resources) at the Legislature's direction to act "quickly." DNR supplied information from their fishery surveys and DEP from the West Virginia Stream Condition Index, based on benthic macroinvertebrate populations. Whether the stream was on public land, whether it appeared

on DEP's "reference" list, and other factors were considered. After the public comment period, when the agencies reviewed their work, they found fifty streams out of 444 did not meet the criteria after all. Those were removed for what was called "technical" reasons.

(4) Second Creek: back on the list? Your stream was dropped because DNR biologists could not adequately document trout reproduction there, "although Second Creek is widely known for good trout fishing," as Pat Campbell wrote. "Several other trout streams were affected in this same manner (e.g. Piney Creek, Raleigh County)." So the reason was not bad information but merely insufficient information.

Mr. Campbell offered this encouragement: "Although Second Creek currently lacks the documentation necessary to proceed forward as a presumptive Tier 2.5 water, 60CSR5 does provide a mechanism to nominate streams for Tier 2.5 protection outside of this process. Residents along Preston County's Watkins Run were recently successful in taking a stream through the Tier 2.5 nomination process. I understand that DEP is providing assistance to the Second Creek organization through its Nonpoint Source Program. Additionally DNR may be amenable to conducting fishery surveys to provide more information on possible trout reproduction." Mike Shingleton ([MIKESHINGLETON@WVDNR.gov](mailto:MIKESHINGLETON@WVDNR.gov)) is the person to contact at DNR.

## ANOTHER IETTER

Editor McFerrin,

Your article in the Voice brought back memories of my limited associations with Ed Buck. I first met Mr. Buck standing as official greeter for the lines of persons waiting to enter the Ramp Feed back in the mid-1980s at Richwood High School. Although an imposing personality, Ed Buck was not presumptuous.

When I told Ed of my interest in Cranberry Glades, he volunteered to take Mother and me on a guided tour of the wilderness. He asked no compensation. He genuinely enjoyed the opportunity. He pointed out False Hellebore, Chokeberry, Large Cranberries, and Cottongrass. Sundews are tiny; but, Ed got down to show them to us.

In an article, I believe in the HILLBILLY, which reached us here in Hancock County many years ago, it was reported that Ed Buck had passed away. His final honor was a ride on the back of a fire truck to his final resting place.

Ed Buck represented in many ways the fine people living in our mountains. I shall never forget his hospitality and great character.  
Carl Patsche  
Weirton, WV

# HAPPY BIRTHDAY FOREST SERVICE

By Don Gasper

The Forest Service was created in 1905. Since then it has struggled with the challenge of balancing the use of natural resources and their conservation.

The first chief of the Forest Service was Gifford Pinchot, one of the first professionally trained foresters in the country and a trusted friend of President Teddy Roosevelt. He commanded 500 employees working in 60 forests covering 56 million acres. Pinchot had a vision that shaped the Forest Service and continues to guide it into the future.

He advocated doing "the greatest good of the greatest number in the long run." At the turn of the century timber companies were devastating the nation's forests. Clearcutting on an extremely large scale caused massive erosion.

Huge wildfires, especially in the Great Lakes area, resulted when loggers cut down whole trees, took only the best parts to make lumber, and left the rest. The slash they left behind added so much fuel that if a fire started hundreds of thousands of acres burned.

People were also concerned about running out of wood for home construction and heating needs. In 1891, Congress had passed legislation giving the President power to set aside "Forest Reserves". The federal government, in an effort to conserve the forests, decided to impose regulations on their use.

Pinchot was the administrator of the Forest Reserves. At the time, the idea of "public lands" was bold and controversial. Controls were put on

land and timber barons, railroaders, ranchers and miners. Up until then they had little regulation and could do as they pleased. It created a strong reaction, Pinchot was called a dictator. The new regulations were not well accepted, especially in the West. A lot of these issues are still with us.

In 1905, Pinchot advocated for a transfer of the "Forest Reserves" from the Department of the Interior to the Department of Agriculture's Bureau of Forestry, where it was renamed "The Forest Service". He set forth his philosophy of conservation, justified the new name for the Forest Service and set it on its future course.

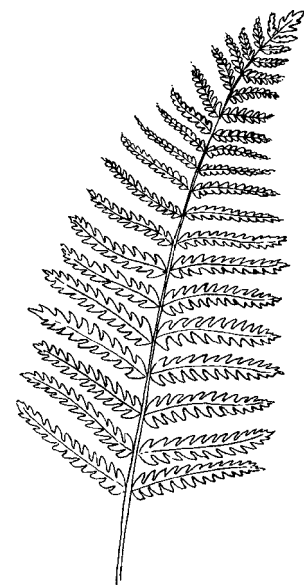
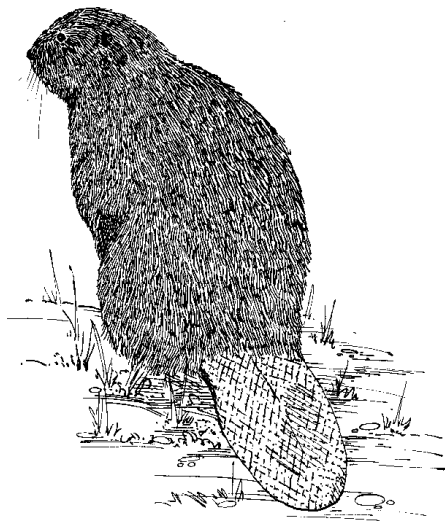
"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people; and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the western states will be largely increased in the near future by the continued steady advance in settlement and development.

"The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value. In the management of each reserve local questions will be decided on local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice; and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run."

Conservation was furthered when President Franklin D. Roosevelt created the Civilian Conservation Corps to tackle the problem of unemployment during the Great Depression. Young men aged 18 to 25 were recruited to work on environmental projects across the country. Over 3,000,000 men served in the popular CCC between 1933 and 1941. Among other things, they planted three billion trees to restore forests that had been decimated by logging. Stream channels were cleared to prevent blockage of flows.

More recently the pendulum swung back toward the environmental conservation era of the last thirty years. People saw value in grasslands and forests. Recreation, open spaces and the scenic beauty of nature became important. People now value healthy forests. Healthy forests provide clean air, clean water, natural beauty and help remove carbon dioxide from the atmosphere. The U.S. Forest Service is finding its way into the twenty-first century.

Today, the Forest Service has 30,000 employees and encompasses 192 million acres, including 155 national forests and 20 national grasslands in 44 states, Puerto Rico, and the Virgin Islands. Today and into the future, the Forest Service must make decisions about how to manage for multiple uses. It's a challenge to change from big resource production to an ecosystem and amenity orientation. How to maintain "the greatest good for the greatest number for the long run" is becoming increasingly complex as they "care for the land and serve the people". The Forest Service is looking for answers in partnerships and collaboration with volunteer, non profit groups, local state and federal agencies, development interests and others. The Forest Service will plan across boundaries and cooperate with neighbors trying for multiple benefits, from multiple resources to find that balance that Pinchot talked about 100 years ago when he talked about the greatest good.



## 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](mailto:imaginemew@aol.com) or 304-342-8989.