



The Highlands Voice

The Monthly Publication of the West Virginia Highlands Conservancy

Volume 40

Number 9

September, 2007

Change WOULD Make Mountaintop Removal Easier

OFFICE OF SURFACE MINING TO STREAMS: DROP DEAD

By John McFerrin

The United States Office of Surface Mining has proposed modifying (and effectively repealing) what is known as the "buffer zone rule."

This rule has been in effect since 1983. It prohibits mining or mine related land disturbance within one hundred feet of a stream. Under the current rule, coal mining activities cannot disturb land within one hundred feet of streams areas unless water quality and quantity will not be adversely impacted. Since mining so close to streams will inevitably have an impact upon them, the existing buffer zone rule would, if enforced, prohibit such mining.

The proposed amendment would change all that. It would essentially eliminate this protection for streams, particularly when it comes to mountaintop removal mining.

Such a change has enormous impact upon mountaintop removal mining. After the mining industry blows the tops off the mountains to get to the coal it can't just make the rock and dirt disappear. Instead, it dumps it in the streams which run down most valleys, creating a valley fill. The current rule would make fills illegal wherever there is a stream.

In the early days of the buffer zone rule, it had less potential impact on the industry. The mines were smaller; there was less rock and dirt to dispose of. Mines which snaked around the side of a mountain could put back most of the rock and dirt after the coal had been removed. The fills were small and it was possible to avoid most streams.

Now that the mines are bigger and there are whole mountaintops

to be disposed of, the buffer zone rule has become an enormous inconvenience to the industry. While changing its practices to comply with the law was an option, the industry elected to ignore the rule and continue business as usual.

Ignoring the rule had its consequences. Already, nearly 2000 miles of mountain streams in Appalachia have been buried by mountaintop removal waste. The failure to enforce the buffer zone law led to an additional 535 miles of stream impacts nationwide during between 2001 and 2005.

Leaving the rule in place and ignoring it was the option the Office of Surface Mining and the West Virginia Department of Environmental Protection had used in the past. While this has worked for the industry so far, it left open the possibility that somebody might actually succeed in getting the rule enforced. Such a possibility left a cloud over the industry, particularly the mountaintop removal part of it.

So as to eliminate the possibility that someone, someday might actually enforce the law, the Office of Surface Mining noticed that the current buffer zone rule (promulgated during the administration of noted environmental extremist Ronald Reagan) needed to be "clarified." Now it wants to clarify it right out of existence.

Before it can make this clarification, it must consider the environmental impact of the change. The first step was to prepare a draft

(Continued on p. 3)

What's inside

Thoughts from President Hugh	2	Get a Hiking Guide	9	Hiking Dolly Sods	14
Roster of officers	2	Clean Water Protection Act	10	Big barn dance	15
Kanawha State Forest	4	Time to talk to Senator Byrd	10	Wilderness DVD	15
Flying squirrel news	5	Cool water at last	10	Hats and stuff	15
New manager at Canaan	5	Notice of Annual Meeting	11	Pilfered editorials	16
Fall Review	6	Black bear alert	11		
History book hits the streets	7	Outings	12		
More about the buffer zone rule	8	Land preservation	13		
How to join	9	Speakers available	13		

Visit us on the web at
www.wvhighlands.org

A Tale of Two Mansions

Recently, we stopped in Milford, Pennsylvania, at a historic house now owned by the Forest Service and used as a conference center. I was reminded of another grand house close to home that had been put to a similar use. The coincidence of their beginnings and ends belied a contrast between their builders.

Two men, who'd gotten rich as the country industrialized, put up conspicuous homes above towns they considered their own. Here in Elkins, Henry Gassaway Davis, originally from eastern Maryland, built Graceland near the equally impressive home of his son-in-law, Stephen B. Elkins. Davis donated land for the city park directly below and built the church that bears his name. Later, he founded the city hospital and enabled the construction of Davis and Elkins College.

Overlooking Milford, James Pinchot built Grey Towers on the model of a French chateau. He'd been born and raised in Milford; when he returned after twenty-five years in New York, he undertook the town's gentrification. Among other projects, he erected a chapel, a library, and a post office.

Davis was seventy when he moved into Graceland, but still vigorous and active in his businesses. That year, 1893, Davis and Elkins made a million dollars on their railroad. Elkins wrote, "My father-in-law, Senator Davis, had been in the railroad service, and had purchased much land in West Virginia, primarily to get its timber and afterward its coal. While courting my wife and after marriage, I was drawn to that country and perceived its natural advantages."

Father and son-in-law saw eye to eye on how to "get its timber." Davis's biographer, Thomas R. Ross, quoted a history of Tucker County:

[Davis and Elkins], both industrial giants and political powers, were proponents of a policy for the absolute destruction of the forests in Tucker and adjoining counties. Their program was to cut every piece of wood that would make a saw log, mine-prop, or pulpwood and deliberately burn all that remained. . . . They threatened to break the timber leases of lumber companies that refused to go along with their scorched earth policy . . .

In the 1880's, James Pinchot found similar conditions along the Delaware River in eastern Pennsylvania. Pike County had been cut clean. But that had happened, for the most part, during his father's time; that was not how James had made his money. He was able to see the land as well as the town with fresh eyes. To his son, then, James made a startling suggestion. Sixty years afterward, Gifford Pinchot recalled it in the first sentence of his autobiography:

"How would you like to be a forester?" asked my foresighted father one fortunate morning in the summer of 1885, just before I went to college. It was an amazing question for that day and generation . . . When it was asked, not a single American had made Forestry his profession. Not an acre of timberland was being handled under the principles of Forestry anywhere in America.

Nor was forestry taught in this country. After four years at Yale, Gifford Pinchot went to Europe and studied with French and German

(Continued on page 13)

Roster of Officers, Board Members and Committee Chairs

BOARD OF DIRECTORS

PRESIDENT: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662, hugh.rogers@gmail.com
 SENIOR VICE PRESIDENT: Buff Rodman, 32 Crystal Dr., Oakmont, PA 15139; (412) 828-8983; buffrodman@hotmail.com
 VICE PRESIDENT FOR STATE AFFAIRS: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
 VICE PRESIDENT FOR FEDERAL AFFAIRS: Marilyn Shoenfeld, HC 70 Box 553, 23 Sands Springs Lane, Davis, WV 26260, (304) 866-3484, mshoenfeld@mountain.net
 SECRETARY: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733, johnmcferrin@aol.com
 TREASURER: Bob Marshall, 886-Z Divide Ridge Road, Kenna WV 25248 (304)HC 64, Box 281, Hillsboro, WV, 24946 (304) 653-4277
 545-6817, woodhavenwva@netscape.net
 PAST PRESIDENT: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945, fyoung@mountain.net

DIRECTORS-AT-LARGE (Terms expire October 2007)

Bob Henry Baber, P.O. Box 413, Richwood, WV 26261, 304-846-6661
 George Beetham, 2819 Mt. Carmel Ave. #3, Glenside, PA 19038 (267) 252-3748; geobeet@hotmail.com
 Perry Bryant, 1544 Lee St., Charleston, WV 25301 (304)344-1673; perrybryant@suddenlink.net
 Barbara Weaner, Rt. 2, Box 96, Montrose, WV 26283 (304) 478-2123; weaner2@gmail.com
 Carter Zerbe, 16 Arlington Ct., Charleston, WV 25301, (304)343-3175; scz3667@aol.com

DIRECTORS-AT-LARGE (Terms expire October 2008)

Don Gasper, 4 Ritchie St., Buckhannon, WV 26201; (304)472-3704
 Bob Gates, 1117 Virginia St.E., Charleston, WV 25301, (304)342-2624; photonzx@ntelos.net.
 Russ McClain, 64 Wilmoth Run Road, Montrose, WV 26283, (304)637-2201; mcclainw@davisandelkins.edu
 Bill McNeel, 1118 Second Ave., Marlinton, WV 24954, (304)799-4369; wpmcneel@gmail.com
 Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; peter@mountain.net

ORGANIZATIONAL DIRECTORS

NATIONAL SPELEOLOGICAL SOCIETY: Robert (Bob) Handley, HC 67 Box 508 Renick, WV, 24966 497-2266; grbat@ntelos.net
 PITTSBURGH CLIMBERS: Jean Rodman, 32 Crystal Dr., Oakmont, PA 15139, (412)828-8983; jeanrodman@verizon.net
 BROOKS BIRD CLUB: Cindy Ellis, RR 1, Box 163, Red House, WV 25168 (304) 586-4135; ellis_6511@msn.com
 MOUNTAINEER CHAPTER TROUT UNLIMITED: Frank Slider, Rt 1, Box 163-A2, Middlebourne, WV 26149, (304) 758-2500; sliderf@ovis.net
 WEST VIRGINIA RIVERS COALITION: Don Garvin, P.O. Box 666, Buckhannon, WV 26201; (304) 472-8716; DSGJR@aol.com
 DOWNSTREAM ALLIANCE: Craig Mains, 137 Hoffman Ave., Morgantown WV 26505; cmains@wvu.edu
 FRIENDS OF THE LITTLE KANAWHA: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net

COMMITTEE CHAIRS

MINING COMMITTEE: Cindy Rank, HC 78, Box 227, Rock Cave, WV 26234, (304)924-5802; clrank@hughes.net
 PUBLIC LANDS MANAGEMENT COMMITTEE: Bob Marshall, 201 Virginia St.W., Charleston, WV 25302, (304)545-6817; woodhavenwva@netscape.net
 OUTREACH/COMMUNICATIONS COMMITTEE: Julian Martin, 1525 Hampton Rd., Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
 LEGISLATIVE COMMITTEE: Frank Young, Rt. 1, Box 108, Ripley, WV 25271, (304)372-3945; fyoung@mountain.net
 WIND ENERGY COMMITTEE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820; PShoenfeld@gmail.com
 ENDOWMENT FUND COMMITTEE: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733; johnmcferrin@aol.com
 RIVERS COMMITTEE: vacant
 HIGHWAYS COMMITTEE: Hugh Rogers, Moon Run, Kerens, WV 26276, (304)636-2662; hugh.rogers@gmail.com
 OUTINGS COMMITTEE: Jonathan Jessup, 8225 Adenlee Ave. #40, Fairfax, VA 22031, (703) 204-1372; jonathanjessup@hotmail.com

MISCELLANEOUS OFFICES

SPEAKERS BUREAU: Julian Martin, 1525 Hampton Road, Charleston, WV 25314, (304) 342-8989; martinjul@aol.com
 WEB PAGE: Peter Shoenfeld, HC 70, Box 553, Davis, WV 26260, (304) 866-3484, (301) 642-2820 PShoenfeld@gmail.com and Jim Solley, jamesolley@comcast.net

ADMINISTRATIVE OFFICES

ADMINISTRATIVE ASSISTANT: Beth Little HC 64, Box 281, Hillsboro, WV, 24946 (304) 653-4277
 HIGHLANDS VOICE EDITOR: John McFerrin, 114 Beckley Ave., Beckley, WV 25801, (304)252-8733; johnmcferrin@aol.com

More About the Buffer Zone Rule

(Continued from p. 1)

environmental impact study on the elimination of buffer zone protections. It issued this on August 24, 2007, at the same time it presented the proposed rule.

Although the Office of Surface Mining is required by federal law to analyze alternatives to repealing the buffer zone rule, it did not even consider leaving in place and enforcing the existing rule in its analysis of available alternatives.

Because the proposal and the environmental impact statement are still only drafts, citizens still have an opportunity to influence the final rule or even prevent the change altogether. Details on how to do this are in the box on page 3 of this issue.

You can view the proposal at <http://www.regulations.gov/fdmspublic/component/main>. Go there and search for Document ID "OSM-2007-0007-0001"

THE ARGUMENTS SO FAR

The argument about whether the current buffer zone rule prohibits the filling of streams (a prominent feature of mountaintop removal mining) it goes this way:

The citizens, including the West Virginia Highlands Conservancy and various other groups, say that the law prohibits mining within one hundred feet of a stream. If you can't get within one hundred feet of a stream, it is as obvious as a trout in a bucket of milk that you couldn't go into the stream and fill it.

The coal industry/Office of Surface Mining/Department of Environmental Protection argues that the regulations give specifications on how to build a fill. If fills weren't allowed, there would be no reason to have those regulations. Therefore, fills must be allowed in streams.

No, say the citizens. Those regulations would be relevant in places where no streams exist. Where streams exist, the fill construction regulations are irrelevant because the construction of fills is illegal.

This question has never been definitively resolved in court. In the field it has been resolved in favor of filling the streams. While the pen may be mightier than the sword, the bulldozer is mightier than either the pen or the paper upon which the regulations are written.

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 the 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 use 100% post consumer recycled paper when available.

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

HAVING YOUR SAY

To **ask for a formal hearing in the coalfields** Submit your request before 4:30 eastern time on **September 24, 2007** to Dennis G. Rice, Office of Surface Mining Reclamation and Enforcement, US Dept. of Interior, 1951 Constitution Avenue, NW, Washington, DC 20240, Telephone: 202-208-2829; email drice@osmre.gov

Send **written comments** by **October 23, 2007** to:

Identify communication by Docket number 1029-AC04.

You can use the federal rule-making portal at <http://www.regulations.gov>. The rule is listed under the agency name of OSM

By **mail/hand delivery or courier**: OSMRE, Administrative Record, Room 252 SIB, 1951 Constitution Avenue, NW, Washington DC 20240. Please identify comments by RIN 1029-AC04.

What to say? Whatever strikes you as appropriate. If you would like some ideas to get you started, see the story on page 8.

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.

CITIZENS STAND UP FOR KANAWHA STATE FOREST

By Julian Martin

Equitable Resources bulldozed a sixty foot wide, unapproved mile long road through one hundred year old trees in Kanawha State Forest. We reactivated the Kanawha State Forest Coalition (KSFC). This was the coalition that brought about the banning of timbering in Kanawha State Forest a few years ago.

Concerned citizens met with legislators, made telephone calls and wrote letters. As a result, a bill was introduced in the 2007 Legislature to give extra protections against the abuses of oil and gas drillers in Kanawha State Forest. The Legislature expanded the legislation to all publicly owned State Forests.

The bill required the Department of Natural Resources (DNR) to propose rules to the legislature setting conditions upon which oil and gas drillers may build roads and well sites in publicly owned State Forests. The oil and gas industry managed to get removed from the bill mandatory public hearings, the use of native plants in reclamation, a required full inventory of animals and plants and a ban on road "daylighting." Daylighting of the above mentioned Kanawha State Forest road made it a sixty feet wide swath of treeless well lit gloom.

There was a deluge of letters to the DNR from individuals and organizations, including the West Virginia Highlands Conservancy, mainly in support of the new rules.

Most letters asked that native plants be used in reclamation and that plant and animal inventories be included. As a result a rule was included that native plants could be required in reclamation at the discretion of the director of the DNR.

Some of our gains in the new rules include:

A 60-day newspaper notice before a company applies for an oil or gas well permit. The notice will give postal and email addresses where the public may file comments to the DNR.

A forty-five day notice before new oil and gas road construction.

A five-day notice before Routine maintenance of access roads.

Following are a few quotes from some of the many letters to the DNR:

From Ted Armbricht, "...I am a frequent serious hiker in this wonderful asset [Kanawha State Forest]. For industry to uncaringly screw it up is unfortunately typical....If I could add a requirement it would be that the company be directed to provide volunteer trail maintenance hours of their employees including the top management. It would be a penance but it would also create converts to future protection because all who hike in this forest come away awed."

Barbara Bayes wrote, "I live on a farm in Lincoln County. Every water well on my road is ruined because of gas wells....They [gas companies] will compromise our water tables and do everything on the cheap because money is their bottom line."

Carolyn Barker said, "What a travesty to go to an area that once had rare plants blooming, to find it plowed under with a gas or oil well access road, or find that it is now the new site of an oil or gas well. Our forests and parks are gems, diamonds. If we keep allowing others, under the guise of productivity to chip away at these jewels without ac-

countability, soon we will be left with nothing that could even remotely be called extraordinary or beautiful."

Gina Griffith let them know that, "If they need to build a road...make sure their plans are necessary and do not constitute a "taking" from the public. Places in Kanawha State Forest that I once regularly enjoyed have been unfairly and illegally "taken" from me."

And from your own West Virginia Highlands Conservancy, "Our concerns about the impact of timbering in Kumbrabow State Forest in the late 1980's are well documented, as is our involvement in the early 1990's revision of the state forest plans for our public forests through-

out the state. The recent desecration of the Kanawha State Forest caused by the irresponsible actions of oil and gas producers has rekindled our concerns for the wellbeing of all these forests."

The new rules are "proposed rules". The Interim Legislative Rule-Making Review Committee has to approve them. That is not a slam-dunk by any stretch. So please get in touch with these committee members and urge them to approve the rules: Senators Minard (Chair), Boley, Facemyer, Prezioso, Unger, and Fanning (Vice Chair); Delegates Brown (Chair), Burdiss, Overington, Sobonya, Talbott and Miley (Vice Chair). Find

contact information at <http://www.legis.state.wv.us>. Call legislators toll-free at 1-877-565-3447.

One lesson re-learned is that voting is not the end of a citizen's responsibility. We have to follow those we elect into the Capitol and help them do what is right.

"The price of a state forest is eternal vigilance."

Thomas Jefferson (more or less)



BROCHURES

The West Virginia Highlands Conservancy has joined with the Sierra Club, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Rivers Coalition, Appalachian Voices, Kentuckians for the Commonwealth, Keeper of the Mountains Foundation and Christians for the Mountains 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 distribute them.

FLYING SQUIRREL GETS TOUGH!

By Judy Rodd, Director, Friends of Blackwater

Here's good news for the West Virginia Northern Flying Squirrel – and for all of us who love the West Virginia Highlands. Our "SOS! – Save Our Squirrel" Coalition has gained a powerful national ally — and the squirrel has 54 new animal friends, who are joining her fight for survival!

We put together the "SOS!" Coalition in early 2007, after the Interior Department issued a bizarre proposal to remove all endangered species protection from the West Virginia Northern Flying Squirrel. More than 25 groups have joined the Coalition, and we have put together a crack legal and scientific team to defeat this illegal plan.

The squirrel's new ally in her fight for survival is the Tuscon-based Center for Biological Diversity, one of the most cutting-edge advocacy groups in the nation. On August 25, the Center filed a notice of intent to sue the Department of the Interior for political interference with 55 endangered species in 28 states – including West Virginia Northern Flying Squirrel! The notice initiates the largest substantive legal action in the 34-year history of the Endangered Species Act.

"This is the biggest legal challenge against political interference in the history of the Endan-

gered Species Act," said Kieran Suckling, policy director of the Center. "It puts the Bush administration on trial at every level for systematically squelching government scientists and installing a cadre of political hatchet men in positions of power."

Many of the illegal decisions were engineered by former Deputy Assistant Secretary of the Interior Julie MacDonald, who resigned in disgrace following a scathing investigation by the inspector general of misconduct at the Department of the Interior. "The Bush administration has tried to keep a lid on its growing endangered species scandal by scapegoating Julie MacDonald," said Suckling, "but the corruption goes much deeper than one disgraced bureaucrat. It reaches into the White House itself through the Office of Management and Budget. By attacking the problem systematically through this national lawsuit, we will expose just how thoroughly the disdain for science and for wildlife pervades the Bush administration's endangered species program."

Among the 55 species named in the legal filing are the marbled murrelet (CA, OR, WA), Florida manatee (SC to TX), Arctic grayling (MT), West Virginia northern flying squirrel (WV), Cali-

fornia least tern (CA), brown pelican (LA, TX, PR, VI), California red-legged frog (CA), arroyo toad (CA), Mexican garter snake (AZ), piping plover (NC to TX), snowy plover (CA, OR, WA) and Preble's jumping meadow mouse (CO, WY).

Thousands of members of the public have spoken out in comments against the plan. Yours truly, Judy Rodd, testified before the House of Representatives on the squirrel's behalf. To make your official comment and learn more, go to www.saveoursquirrel.com.



New Kid in Town

CANAAN WILDLIFE REFUGE HAS NEW MANAGER

By Jonathan Schafner

This time I'm moving for family and quality of life, I told my wife as we discussed our next move from the Eastern seaboard. No more "if I do this...I'll get that", no looking beyond this job for the next job. I wanted a place where I could watch my children play in the woods and enjoy our love of nature together. When Canaan Valley NWR came open we knew West Virginia was the place for us, and I am thrilled to have been chosen to be a part of a great refuge staff.

As a bit of professional background, I am in my twentieth year as an employee of the U.S. Department of the Interior, having worked for the National Park Service as a Park Ranger at Sequoia/Kings Canyon National Parks, Boston National Historic Park, Lake Mead National Recreation Area, San Juan National Historic Park (Puerto Rico) and Petrified Forest National Park. In 1997 I transferred to the U.S. Fish and Wildlife Service at Kodiak National Wildlife Refuge in Alaska, moved into the management series at Crab Orchard National Wildlife Refuge in Southern Illinois and just recently completed almost five years as the Wildlife Refuge Manager for Prime Hook National Wildlife Refuge on the Delaware Bay.

Mirroring my Interior career has been my twenty year career in the United States Coast Guard Reserves. I am actually writing this article while on Military Leave and in tactical boat forces training in Louisville, Kentucky. I have been mobilized and deployed three times during my career; to New Orleans after 9/11, to Spain at the beginning of the Iraq conflict, and to Portsmouth, VA to assist with hurricane Katrina. I enjoy the diversity of the two professions and although demanding, I derive a great deal satisfaction from both jobs. O.K. that's done...

While my background and education is in natural resources, I view myself as a relationship builder, a facilitator and a bridge between the resources we are entrusted to manage for the American people and the citi-

zens we serve. If our public lands are to survive, they must be relevant to the communities in which they reside. We must be known, appreciated, understood and protected by individuals and groups that are willing to fight for THEIR special place, to insure that future generations will have wildlife and wild places now and forever in their lives.

I am firmly convinced that no refuge, no park, no public lands can survive without a constituency that supports them. We must continue to build this constituency; include our young people; reach out to new audiences; and be completely transparent in our management.

You will find that I will rely heavily on my professional staff and work to continue developing relationships that make Canaan Valley NWR a contributing member of the valley community. My door is open to you anytime you have an idea, a suggestion or a way we can improve our operation.

A vibrant and engaged Friends group is a great refuge ally. I would encourage you to continue your fine work, keep us in check if necessary, and grow to represent a variety of valley users. There is strength in numbers and we will need that strength as we move through our Comprehensive Conservation Plan.

In closing I would like to thank you for welcoming us to your wonderful valley. My wife Shawn-Ann, daughter Simone, son Benjamin and Grandma Kay look forward to meeting you and working together towards a common goal.

Editor's note: Jonathan Schafner is the new manager of the Canaan Valley National Wildlife Refuge. This is his introduction. He included all his phone numbers; he must really want people to call him.

Work: 866-3858 Cell: (302) 841-2790 Home: 636-5372

The West Virginia Highlands Conservancy presents:

**The Annual Fall Review
And
40th Anniversary Celebration
At
Cheat Mountain Club**

October 25-28, 2007

Join us this fall when nature puts on her best party colors and we all gather to celebrate the 40th Anniversary of The West Virginia Highlands Conservancy.

Sitting on the banks of the Shavers Fork of the Cheat River, the historic Cheat Mountain Club has been a welcoming gateway to the great outdoors, and quiet retreat from the outside world, for over a century. Built around hunting, fishing, and wilderness adventure, the CMC continues to provide the best of West Virginia's mountain hospitality with a gracious, comfortable lodge set in a place of spectacular natural beauty. Plan to come! We will have art, outings, presentations, a reunion, a banquet dinner, and lots of fun.

Program details are still coming together, but a tentative itinerary includes:

October 25, Thursday: Afternoon Check-in, evening program and social.

October 26, Friday: Guided outings and hikes to nearby locales, riding one of the area's excursion railroads, fly-fishing on the Shavers Fork, or just relaxing at the lodge. After dinner we will have an evening program with plenty of time to greet old friends and meet new ones.

October 27, Saturday: More guided hikes and outings. In the afternoon we will have a Reunion of veteran Conservancy leaders: Past officers, Voice editors, and issue activists have been invited, and already several have committed to join us. After an Anniversary Banquet Dinner, we will have a panel discussion featuring three leaders from three different decades and issues. Moderated by Rupert Cutler (a founder), the panel will include Bob Burrell (first Voice Editor, and second President), Cindy Rank (past President and mining leader) and Frank Young (past President and wind energy leader).

October 28, Sunday: Possibly more outings and the Highlands Conservancy Board Meeting will begin at 9:30 am.

Lodging:

Space in the CMC Lodge is limited, first come, first serve.

- Double Occupancy room beds are \$40/night
- Beds in the 3rd floor loft (1 King, 4 singles) are \$25/night
- Cost of the rooms in the lodge includes breakfast.

Camping is available on the grounds: \$5.00/person

Learn more about CMC at www.cheatmountainclub.com

Other Nearby Accommodations:

Greenbrier Inn (Bed and Breakfast)

www.greenbrierinn.us

Durbin, WV

(866) 387-2469

The Hermitage Motel

www.hermitagemotel.com

Durbin, WV

(888) 456-4808

Linger Inn Vacation Retreat

<http://www.bbonline.com/wv/lingerin>

Huttonsville, WV

(304) 335-4434

Meals:

Breakfast for folks not staying in the lodge: \$5

Bag Lunches: \$8

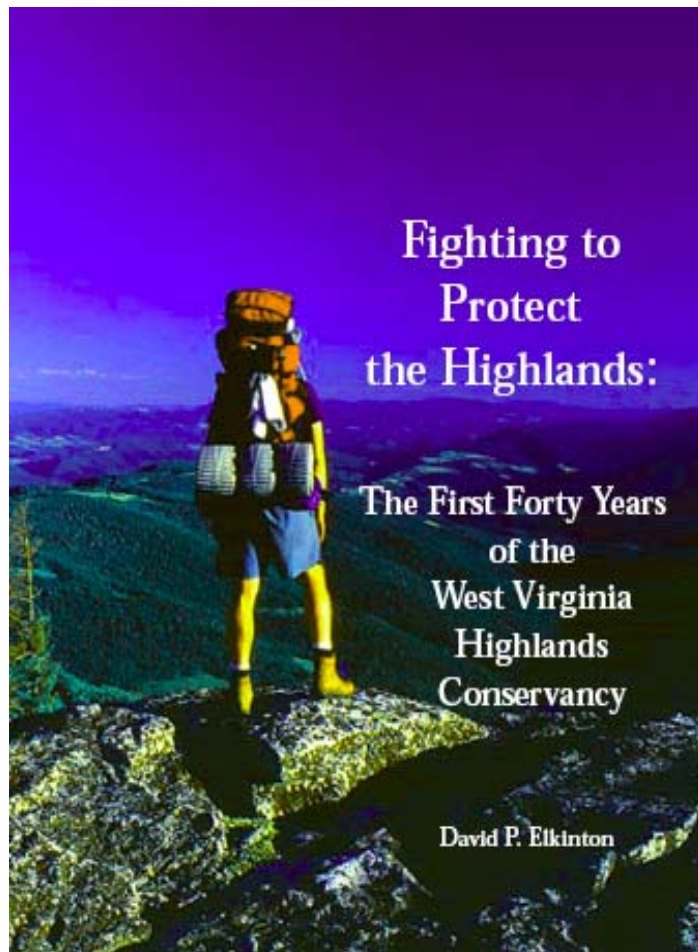
Dinner: \$20

For More Information and Reservations,

Contact Buff Rodman

buffrodman@hotmail.com

(412) 828-8983



RELEASED THIS MONTH!

For the first time, a comprehensive history of West Virginia's most influential activist environmental organization. Author Dave Elkinton, the Conservancy's third president, and a twenty-year board member, not only traces the major issues that have occupied the Conservancy's energy, but profiles more than twenty of its volunteer leaders.

Learn about how the Conservancy stopped road building in Otter Creek, how a Corps of Engineers wetland permit denial

saved Canaan Valley, and why Judge Haden restricted mountaintop removal mining. Also read Sayre Rodman's account of the first running of the Gauley, how college students helped save the Cranberry Wilderness, and why the highlands are under threat as never before.

With a foreword by former congressman Ken Hechler, the book's chapters follow the battle for wilderness preservation, efforts to stop many proposed dams and protect free-flowing rivers, the 25-year struggle to save the Canaan Valley, how the Corridor H highway was successfully re-routed around key environmental landmarks, and concluding with the current controversy over wind farm development. One-third of the text tells the story of the Conservancy's never-ending fight to control the abuses of coal mining, especially mountaintop removal mining. The final chapter examines what makes this small, volunteer-driven organization so successful.

From the cover by photographer Jonathan Jessup to the 48-page index, this book will appeal both to Conservancy members and friends and to anyone interested in the story of how West Virginia's mountains have been protected against the forces of over-development, mismanagement by government, and even greed.

518 pages, 6x9, color cover, published by Pocahontas Press

To order your copy for \$24.95, plus \$3.00 shipping, visit the Conservancy's website, wvhighlands.org, where payment is accepted by credit card and PayPal.

Or write: WVHC, PO Box 306, Charleston, WV 25321.

A FEW SUGGESTIONS OF THINGS TO SAY TO THE OFFICE OF SURFACE MINING ABOUT THE PROPOSED RULE CHANGE

IN DECIDING UPON COMMENTS UPON THE PROPOSED AMENDMENTS TO THE BUFFER ZONE RULE, YOU HAVE A COUPLE OF OPTIONS:

BLUNT AND COLORFUL

Take this rule and shove it!

I know evil when I see it; this is it.

MORE ANALYTICAL

The Bush administration is relentlessly pursuing anti-environmental policies to allow coal companies to continue to bury thousands of miles of streams in Appalachia under enormous piles of rubble created by Mountaintop Removal coal mining.

Mountaintop removal mining takes place in states in the Appalachian region, including West Virginia, Kentucky, southern Virginia and Tennessee.

In this destructive process, entire peaks, mountaintops and ridges are literally blown off in order to reach the coal seams that lie underneath.

The resulting millions of tons of waste rock, dirt, and vegetation are then dumped into the neighboring valleys and streams.

These valley fills bury streams and aquatic habitat under piles of rubble hundreds of feet high, destroying the entire surrounding ecosystem and disrupting nearby communities.

Rather than enforce the law against this kind of destruction, the Bush administration is repealing protections like the buffer zone rule.

The proposed rule changes would eviscerate stream protections that have been in effect for over two decades.

Lapses in the enforcement of the buffer zone rule, which prohibits coal-mining activities from disrupting areas within 100 feet of streams unless those activities in no way impact water quality or quantity, have allowed significantly more than the reported 1200 miles of streams to be buried or degraded by mining waste.

If the new Bush rule goes forward, coal companies will be allowed to dump massive amounts of waste directly into streams, destroying them completely.

According to the U.S. Office of Surface Mining's (OSM) own figures, 1,208 miles of streams in Appalachia were destroyed from 1992 to 2002, and regulators approved 1,603 more valley fills between 2001 and 2005 that will destroy 535 more miles of streams.

Thus, the repeal of the buffer zone rule would allow more than 1,000 miles of streams to be destroyed each decade into the future.

Those actions were taken in defiance of the plain language of the existing rule.

Under the plan announced last week, OSM proposes to change the rule to conform with its deviant behavior rather than requiring the coal industry to comply with the law.

It would exempt from the stream buffer zone rule those very mountaintop removal activities that are most destructive to streams, including "permanent excess spoil fills, and coal waste disposal facilities" — in other words, giant valley fills and sludge-filled lagoons.

OSM impermissibly failed to consider retaining the current buffer zone rule that restricts the dumping of mining waste in all streams, effectively limiting mountaintop removal coal mining.

At a minimum the proposed stream buffer zone rule should be withdrawn and the existing buffer zone rule should be enforced so that intermittent and perennial streams are fully protected.

OSM must honestly assess the cumulative impacts of mountaintop removal. OSM says the impacts from the rule change will be insignificant but ignores the cumulative impacts of mountaintop removal and other mining in central Appalachia.

OSM justifies this conclusion by illogically relying on mitigation to offset the harm caused by the filling of streams while also admitting that mitigation generally doesn't work.

Feel free to take whichever approach you consider the most appropriate or mix and match. Just say something.

BUMPER STICKERS

To get free **I ♥ Mountains** bumper sticker(s), send a SASE to Julian Martin, 1525 Hampton road, Charleston, WV 25314. Slip a dollar donation (or more) in with the SASE and get 2 bumper stickers. Businesses or organizations wishing to provide bumper stickers to their customers/members may have them free. (Of course if they can afford a donation that will be gratefully accepted.)

Also available are the new green-on-white oval **Friends of the Mountains** stickers. Let Julian know which (or both) you want.

T- SHIRTS

White, heavy cotton T-shirts with the **I ♥ Mountains** slogan on the front. The lettering is blue and the heart is red. "West Virginia Highlands Conservancy" in smaller blue letters is included below the slogan. Sizes: S, M, L and XL. **Short sleeve** model is \$10 total by mail; **long sleeve** is \$15. Send sizes wanted and check payable to West Virginia Highlands Conservancy ATTEN: Julian Martin, WVHC, P.O. Box 306, Charleston, WV 25321-0306.

Join Now !!!

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

Membership categories (circle one)

	<u>Individual</u>	<u>Family</u>	<u>Org</u>
Senior	\$ 15		
Student	\$ 15		
Introductory			
Other	\$ 15		
Regular	\$ 25	\$ 35	\$ 50
Associate	\$ 50	\$ 75	\$ 100
Sustaining	\$100	\$ 150	\$ 200
Patron	\$ 250	\$ 500	\$ 500
Mountaineer	\$500	\$ 750	\$ 1000

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

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

The Monongahela National Forest Hiking Guide

By Allen de Hart and Bruce Sundquist

Describes 180 U.S. Forest Service trails (847 miles total) in one of the best (and most popular) areas for hiking, back-packing and ski-touring in this part of the country (1436 sq. miles of national forest in West Virginia's highlands). 6x9" soft cover, 368 pages, 86 pages of maps, 57 photos, full-color cover, Ed.8 (2006)

Send \$14.95 plus \$3.00 shipping to:
West Virginia Highlands Conservancy
P.O. Box 306
Charleston, WV 25321

OR

Order from our website at
www.wvhighlands.org

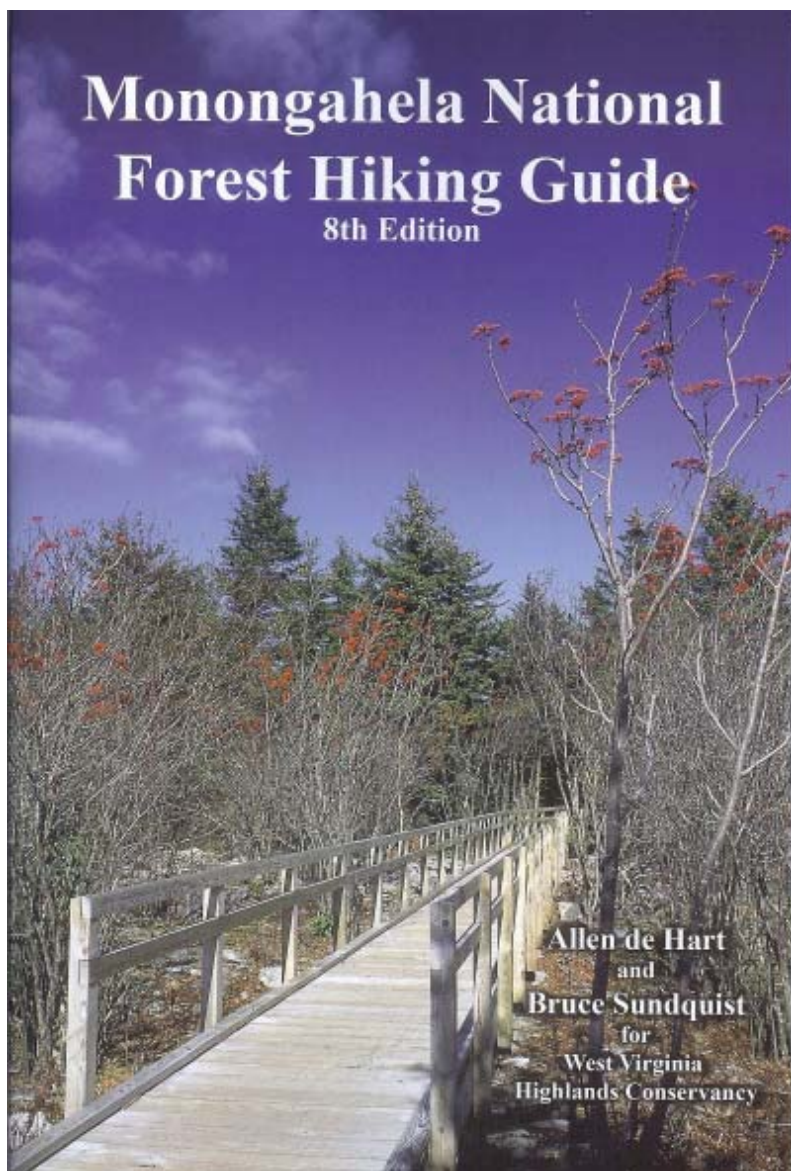
New 8TH Edition Now Available on CD

WV Highlands Conservancy proudly offers an Electronic (CD) version of its famous Monongahela National Forest Hiking Guide (8th Edition), with many added features.

This new CD edition includes the text pages as they appear in the printed version by Allen deHart and Bruce Sundquist in an interactive pdf format. It also includes the following mapping features, developed by WVHC volunteer Jim Solley, and not available anywhere else:

- All pages and maps 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.
- ALL NEW Printable, full color, 24K scale topographic maps of many of the popular hiking areas, including Cranberry, Dolly Sods, Otter Creek and many more

Price: \$20.00 from the same address.



CLEAN WATER PROTECTION ACT GAINS SUPPORT IN CONGRESS

The Clean Water Protection Act, H.R. 2169, continues to make steady progress in Congress. First introduced by Reps. Frank Pallone, Jr. (D-NJ), Christopher Shays (R-CT) in 2003, its support has grown until it now has 92 members of the United States House of Representatives as co-sponsors. When first introduced in 2003 it had 17 co-sponsors. In 2003 it had 53 co-sponsors. It would protect communities and water quality by outlawing the dumping of mining waste into streams.

"Congress meant for the Clean Water Act to protect our nation's water resources; the Administrative rule change endangers those resources," said Rep. Pallone, the author of the legislation. "The dangerous precedent set by the Administration's rule change undermines the Clean Water Act. I've proposed the Clean Water Protection Act so the Bush Administration can no longer use our nation's waterways as dumping grounds for industrial waste."

No member of the West Virginia delegation is listed as a co-sponsor.

The legislation was introduced to address a 2002 executive rule change that altered the longstanding definition of "fill material" in the Clean Water Act. The new definition allows mining waste to be used to fill streams, an attempt to legalize the filling of Appalachian mountain valleys with countless tons of mountaintop removal coal mining waste.

The Clean Water Protection Act would change that definition. It would amend the Federal Water Pollution Control Act (popularly known as the Clean Water Act) to define "fill material" to mean any pollutant that replaces portions of waters of the United States with dry land or that changes the bottom elevation of a water body for any purpose and to exclude any pollutant discharged into the water primarily to dispose of waste.

The bill has been referred to Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure. That subcommittee has not yet taken action on the bill.

Respite for Weary Travelers?

By Bruce Sundquist

Major Discovery on the MNFA unified-field theory? Nope. The Holy Grail? No. The Fountain of Youth? Close enough.

There have been persistent, vague rumors of a spring along North Fork Mountain Trail for over a decade now. But now it seems that there is more than just a rumor. Zach Fowler has been to the spring twice so far (winter and summer), and has given a good description of its whereabouts.

You can find details on the WVHC website in the pages on updates to the Monongahela National Forest Hiking Guide. The spring is about midway along the trail, suggesting that it will eventually enable people to backpack the entire 23.8-mile trail without having to carry two gallons (16 lb.) of water on a cool weekend, or paying for a water drop.

All we need now is more data on how reliable the spring is in dry weather. North Fork Mountain Trail was named the best foot trail in West Virginia by Outdoor Magazine some years ago. A nearly endless array of spectacular views leaves no doubt about its title. .

Action Alert

ASK SEN. BYRD TO INTRODUCE WILDERNESS LEGISLATION NOW

The West Virginia Wilderness Coalition needs your help to permanently protect the Monongahela National Forest's most Wild and Wonderful places. The time is NOW for Congress to introduce Wilderness legislation to protect such special places as Seneca Creek, Roaring Plains and expand the existing Cranberry and Dolly Sods Wilderness Areas.

Please contact our senior Senator Robert C. Byrd and ask him to act to protect these gems. Senator Byrd is the third most powerful U.S. Senator and he has the opportunity to introduce legislation that will keep our most special public lands "wild and wonderful" for future generations to enjoy.

These special areas are currently threatened by out-of-state interests who seek to exploit them. Without the protection of Wilderness designation, the U.S. Forest Service will be powerless to protect them from threats such as industrial energy development and interstate power lines.

The decision to protect wilderness is currently in the hands of West Virginia's Congressional Delegation. The issue is now ready to be acted upon. Citizens have consistently voiced their strong support for more Wilderness on the Mon.

You can quickly and easily contact Senator Byrd through his online web form at http://byrd.senate.gov/byrd_email.html, or by phone at (202) 224-3954. Please tell him now why you want to see wilderness legislation now.

Sample Talking Points

Please introduce wilderness legislation for the Monongahela National Forest. It is critical that we protect not only the areas recommended by the Forest Service, but also areas that citizens' groups and the public at large have identified as important and in need of protection. Key areas like Seneca Creek, East Fork of Greenbrier, the Dolly Sods Expansion, Spice Run and Big Draft must be protected permanently.

Wilderness designation will protect areas from out-of-state special interests.

The Mon is a target for industrial energy development and interstate power lines that the Forest Service will be powerless to prevent otherwise.

Protected public land like wilderness helps diversify and stabilize economies by attracting and retaining new businesses, residents, and a local workforce, in addition to generating travel and tourism, one of the fastest growing sectors of West Virginia's economy.

Wilderness provides unparalleled outdoor recreation opportunities, such as hunting, fishing, hiking, camping, horseback riding, birding and more.



WATCH OUT FOR BEARS!

Officials with the West Virginia Division of Natural Resources, and the Monongahela National Forest are cautioning visitors to the wild lands of the State to be extra aware of black bears this late summer and fall. In recent weeks hikers and campers have reported numerous encounters with bears, many of whom appear to be seeking food. "The late spring frosts killed the flower buds of many species which would otherwise have provided summer food for bears," notes Dick Hall, Supervisor of Game Management for the DNR Wildlife Resources Section. "This lack of 'soft mast' is becoming apparent as bears seek food from humans. The fall 'hard mast' crop of nuts and acorns is likely to also be variable so it is important people realize that bear behavior this year may be different than in years with abundant natural crops."

Visitors to the Dolly Sods area of the Monongahela National Forest have reported seeing many more bears than is common, and several encounters have been tense. Signs alerting hikers have been posted at all of the trail entrances, and changes are being made in how the trash cans at Red Creek Campground are being managed. "Bear-proof trash cans haven't been necessary in this area in the past" noted acting Cheat-Potomac District Ranger Kristine Vollmer, "but we've had several instances lately of bears coming into the campground and rummaging through the existing cans in search of food. We're going to place the cans inside a cage to discourage the bears until we can purchase and install the bear-proof containers."

Officials of both agencies note that there is no substitute for common sense however, and strongly urge people to learn and practice safe food management in bear country. Campers are always safest in hard-sided campers or vehicles rather than in a tent. However, even tent campers can minimize the chance of a negative bear encounter. If camping in the campground ALL food should be stored in the vehicle. A bear can smell even a candy bar inside a tent. Once a meal is concluded the cook-

ing equipment should be immediately washed and it, along with any leftover food should be placed in the vehicle.

Hikers can reduce the possibility of a bear getting into their food by stringing a high line between two trees, at least 10 feet above



ground and hanging food in a bag from the line. The bag should be located at least four feet from the trees on either side. Food can also be suspended in a bag from a line over a tree branch at least 10 feet above ground, and hanging down at least 4 feet from the branch. If there are no trees tall enough to hang food from it is recommended that hikers store their food in tightly closed, hard-shelled containers. To reduce the possibility of an interaction with a bear seeking food, sleeping tents should be placed at least 100 yards away from food storage and cooking areas. Cooking equipment should be cleaned away from the sleeping area and stored with the food.

Hikers are also encouraged to learn how to hike safely in bear country, which includes being sure to make enough noise that the bears are aware people are in the area. If their pack

contains food, hikers should be aware that a hungry bear may pursue the pack even though they might ordinarily simply move away from a person waving at them and making noise. Dropping the pack and moving away from it may diffuse the encounter. Alter your route if the bear is visible but not close. If a black bear approaches officials recommend facing the bear, remaining calm and slowly backing away. If the bear continues to approach it is recommended that people try to scare the bear away by making noise, shouting, waving shirts and other objects to make themselves appear larger. Finally, if a black bear follows through with an attack, which is rare, it is suggested that people fight back using fists, rocks and E.P.A. registered bear pepper spray. It is recommended that pepper spray not be used unless the bear is actually attacking.

"The bottom line is that people enter the natural habitat of black bears when they go into the woods in West Virginia," says Hall. "We can focus on removing problem bears from campgrounds if necessary, but people need to recognize how to keep themselves safe as they enjoy the wild lands of the State. Once a bear has been successful in obtaining food from humans it is more likely to continue to try to do so."

Vollmer echoed the message with the comment that "We'll do the best we can to help campers have a more secure location for their trash at Red Creek Campground, and to sign the trailheads and campground, but we can't keep the bears from searching for food." Both officials cautioned that as the fall approaches bears preparing for hibernation will continue to search for food so people need to exercise extra care as they hike, camp, and hunt this year.

To learn more about safe living and hiking in black bear country, log onto www.bebearaware.org.

Editorial note: This is a press release from the Monongahela National Forest.

Listen Up!

The West Virginia Highlands Conservancy will hold its annual meeting on Sunday, October 28, 2007, at 9:30 a.m. in the dining room of the Cheat Mountain Lodge. This will be in conjunction with the Fall Review. The agenda includes election of Board members as well as any motions or other business which may come before the meeting. All members are urged to attend so as to elect Board members and bring other items of interest before the meeting.

West Virginia Mountain Odyssey



Outings, Education and Beyond

Open Dates: 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 lunch for a picnic on Larry's mountain. Call in advance to schedule. Julian Martin (304) 342-8989; martinjul@aol.com or Larry Gibson (304) 586-3287; (304) 549-3287

Sunday, Sept 9, Cranberry Wilderness Expansion hike – Hike down Fisherman's Trail, cross the Cranberry River and follow it 1/3 mile to the Rough Run Trail, which goes up into the proposed Cranberry Wilderness Expansion. This is a moderately strenuous hike about 6 miles round trip with a river crossing. Fisherman's Trail is a steep climb at the end of the hike. Bring lunch and meet at Summit Lake parking lot at 10:00am. Contact Beth Little to confirm you are coming or to get more info – blittle@citynet.net or 304-653-4277

September 15-17 (Sat – Mon):MNF, WV, Roaring Plains Backpack/Base Camp: Day 1 – Backpack in 2.5 miles on the east segment of the South Prong Tr visiting several vistas along the way and set up a base camp in a pretty hollow next to a stream. Explore a seldom-visited vista of the South Prong drainage. Day 2 – 11 mile day hike over some of the most rugged and beautiful terrain on the east coast. Day 3 – Backpack out from whence we came. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

September 29 & 30 (Sat & Sun) Red Spruce Tree Planting: Canaan Valley National Wildlife Refuge. Help celebrate National Public Lands day by helping to restore the res spruce ecosystem. Meet at the Refuge Headquarters at 10am each day. Bring a lunch, work gloves, dress for the weather. Dave Saville 304-284-9548 dave.saville@wwild.org

October 6 - 8 (Sat-Mon) BACKPACK, Otter Creek Wilderness, WV: Enjoy the fall colors at their max in a justly famous Wilderness. Count yourself among the lucky ones to see brilliant golds, russet reds and rustling rusts as we backpack 20.6 moderate miles in the Wilderness. INFO: Susan Bly (sbly@shepherd.edu) 304/258-3319 7pm - 9pm.

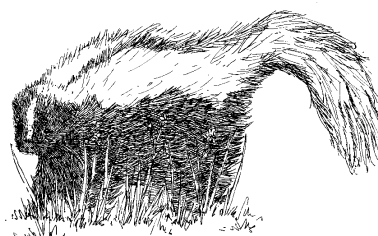
October 6-8 (Sat – Mon Columbus Day): MNF, WV, Cranberry Backcountry Backpacking trip: 31 mile strenuous trek with 4500 ft elevation change utilizing the beautiful Pocahontas and Fork Mt trails. Several vistas. Three miles of road walking required to close the loop. Tentatively, the trek starts at Summit Lake near Richwood. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

Sat, Oct 13. East Fork of Greenbrier proposed Wilderness hike –5 miles of moderate difficulty along scenic East Fork of Greenbrier River in fall colors. Call/ email Beth Little for more info and to confirm at blittle@citynet.net 304-653-4277.

October 13 Lake Sherwood: Day trip to 165 acre lake, particularly beautiful in the fall. Meet in White Sulphur Springs at the intersection of Highway 92 and 60 at 11:00 a.m. We will tour and then drive up Highway 92 to Neola and out 14/1 to the lake for lunch. We will also hike about a mile up a native brook trout stream. Most of us would leave at 5:00 p.m. although there are facilities for those who want to extend their visit. Leader Don Gasper, (304) 472-3704

***October 20-22 (Sat – Mon): GWNF, VA, Cole Mt, Mount Pleasant** Backpacking Trip: Day one – Backpack approximately 4 miles and set up base camp at Cow Camp AT Shelter. Day 2 – day hike approximately 12 moderate miles visiting 3 magnificent vistas: Cole Mt, Mount Pleasant and Pompey Mountain. Day 3 – backpack back down the mountain. Note: Elevation Gain on day one is approximately 2400 feet over 3 miles. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com.

***November 3-4 (Sat – Sun): GWNF, VA, Big Schloss** Overnight Backpack: 12 mile moderate backpacking trip. This may be suitable for novices if you are experienced hikers. The hardest part is a 1400 foot climb over 4 miles on the first day. The short out and back to the primary vista will be packless. Pre-registration required. Contact Mike Juskelis at 410-439-4964 or E-mail at mjuskelis@cablespeed.com. Items with an (*) are VA trips.



More Thoughts From President Hugh (Continued from p. 2)

professors. Back in this country, he crossed paths—and purposes—with the contemporary leaders of forestry here, Carl Schenk and Bernhard Fernow. His justification for the remark that “not a single American” practiced forestry in 1885 must have been that both men were German. Pinchot had from the beginning a politician’s instinct for putting himself out front. It was in government rather than science that he was able to establish the importance of forestry and conservation in the United States.

Between 1900 and 1905, Pinchot co-founded the Society of American Foresters; founded, funded, and taught at the Yale School of Forestry; and with the blessing of President Theodore Roosevelt, oversaw the creation of the US Forest Service within the Department of Agriculture and served as its first chief.

Pinchot’s close connection with the first Roosevelt shows the kind of Republican he was: a trust-busting, land-protecting, Progressive Republican. Henry Davis’s son-in-law Senator Stephen B. Elkins was a Republican

of another sort. For him, politics was business by other means, and preserving the tariff on lumber products was his primary interest. Senator Davis, a lifelong Democrat, also used politics to foster his business, beginning with his first term in the state legislature when he achieved the creation of the new counties of Mineral and Grant. For railroads and other corporations, smaller counties were easier to control.

To his chagrin, Pinchot never made it to the Senate, though he came close a couple of times. He seems to have regarded it almost as a consolation prize that he served two terms as Governor of Pennsylvania. During the second term, from 1931 to 1935, he was called a New Deal Republican; many programs he adopted to cope with the Depression served as models for the Democratic Roosevelt.

Long after he had left the Forest Service, Pinchot continued to write, speak, and lobby on behalf of forestry and conservation. His view expanded beyond the rational harvest-

ing of timber to include the science of ecology. He became not only an early environmentalist, but an effective environmentalist. As his recent biographer Char Miller put it, “his legacy lies in his greening.”

In their politics, philanthropy, and scorched-earth business practices, Davis and Elkins were men of their times. James and Gifford Pinchot proved to be ahead of their times.

Grey Towers and Graceland have been designated National Historic Landmarks. In 1963, the Pinchot family donated Grey Towers to the Forest Service, which administers it cooperatively with the Pinchot Institute for Conservation. In 1939, Davis’s heirs sold Graceland to the Presbyterian Church, which presented it to Davis and Elkins College. In 1996, it was reopened as an inn and conference center in cooperation with the college’s hospitality management program.

ANOTHER LAND PRESERVATION OPTION

By Don Gasper

In an era of sprawl and posting and private development of large closed hunting and fishing areas, and farm-land conversion -citizens for the last year have been given hope for reducing this all prevailing trend. The old Land Trust/Conservation Easement programs supported by federal funding has been **beefed-up**, and show **great** promise. This new law, the Pension Protection Act will change the tax code, and begin to change this dynamic.

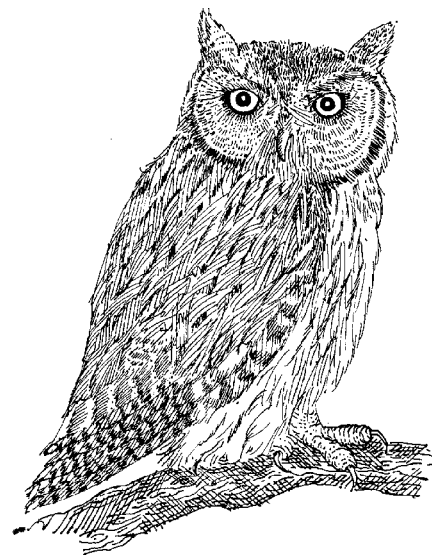
Many landowners would prefer that their property remain a haven for fish and wildlife instead of being developed into a shopping mall or a housing development. Few, however, can afford to simply give it away. For years Congress has encouraged that philanthropy by offering tax relief for land that is either donated or placed in conservation easements. Trusts arrange for the transfer through either a sale or a donation, resulting in a tax deduction for the owner. A conservation easement is different in that the landowner keeps the land and gets a tax break by agreeing to limited or no development. In just the last five years, some 37 million acres of private land have been placed in conservation easements, according to a recent census by the Land Trust Alliance, an umbrella organization. Most of that is open to public hunting and fishing, including some that never was before.

Instead of the land-owner being able to deduct only 30% of the value of their land, now it can be 100%, and this can now be done for 15 years rather than for only 6 years. For details of this, please see www.tpl.org.

This option gives citizens an alternative deal which many landowners would find attractive. This is particularly true for those who do not want to see their property converted, chopped up, or closed. This law will expire in 2007 unless reauthorized. It will cost \$70 million additionally yearly and Congress will need citizen support to continue it. In this year we have seen it work. Citizens, and outdoor organizations

and agencies should write Washington to continue it.

This is stewardship and common ground that citizens and landowners mutually value and understand. Of all the things future generations may inherit, open space will be among the most treasured.



Speakers Available !!!!!

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

A Lot of Looking and News About Trail Maintenance

CIRCLING THE SODS

By Mike Juskelis

Last year we did a grand circumnavigation of “the Sods” in September. This year I wanted to take a group on a similar route, seeing all that the Sods has to offer, but covering some different trails, camping at maybe at least one different location, adding a couple of miles of different trails for a change of pace and then, to add a sense of adventure, hike an unofficial trail shown to me by Jonathan Jessup in October of '04. The Coca-Cola Kid and I hiked it in reverse the following week that year and “marked” it to make it easier to find from the Raven Ridge end but never hiked it again until now. It's not shown on any forest or “store bought” maps but it is there, nonetheless, and relatively easy to follow. It provided even more sweeping views of Dolly Sods North while avoiding the soggy slog up the Dobbin Grade trail. The overall distance of the detour would be about the same but with some additional elevation gain.

I was joined by Hard Core, Gadget Girl, Joe, Everybody Loves Raymond, Indiana Moser, Bev, Kathy and Waffles, Dot.com Oh! And Cody the hiker dog. The views as we climbed up first Bear Rocks Trail and then Raven Ridge to Rocky Ridge were pretty impressive. We were all quite surprised at the amount of trail maintenance that had been done in recent months. First, a pretty nice boardwalk was constructed across a bog between the junction with Dobbin Grade Tr and Red Creek on the Bear Rocks Trail. Some more was added at the crest of the next hill. Then, after the ford of Red Creek the trail was rerouted a few yards to the south before making a hard right up a much more gradual grade to the first crest of the hill than encountered on previous trips. It used to go to the right after the ford with a pretty steep climb to the crest.

When The Forest Service first posted signs at the trail junctions in Dolly Sods North in the fall of '04 they declined to put up signs for the Raven Ridge trail at any trail junction until the far western portion was rerouted off of private property. Since that time it is to the best of my understanding that the state of WV swapped some land in Canaan Valley with the coal mining owners for this adjacent piece of real estate (known, at least in part, to many hikers as Dobbins Slashings). We were quite surprised to find that the Forest Service went through with their plans and cut a trail through a Red Spruce Grove all the way to Rocky Ridge. The reroute is signed at either end and all other “official” trail junctions along Raven Ridge are now also signed.

Finally, the last bit of trail maintenance was the “opening up” of the Mountain Laurel along the entire length of the Rocky Ridge Trail. Until this year you really had to push yourself through it.

The first night we made camp in a dense Red Spruce forest along the banks the left fork of Red Creek. The next morning found us slightly socked in by a light fog. It wanted to rain so badly. You could feel the thickness of the air on your skin. Still we were able to prepare breakfast and break camp before a light drizzle began to fall. We slogged our way up the western end of the Blackbird Knob trail which at times seemed more like stream than a trail. Most of the “slogging” was over after we again turned south on the Big Stonecoal trail. We reached Lion's Head; the vistas did not disappoint.

We made camp at “The Forks”. All signs of the foul weather system were gone by the next morning. We dried our wet gear the best we could, ate breakfast and broke camp. The skies were crystal clear. The final leg of our journey took us up the remainder of the Red Creek trail, a short piece of the Blackbird Knob trail, the Upper Red Creek trail and a smidgen of the eternally soupy Dobbins Grade trail before heading up the

southern portion of the Raven Ridge trail. We looked behind us as we approached the crest of the ridge and were awe-struck by the expansive view around us. We took a refreshing break under some inviting shade trees before continuing.

In just a few more yards we found ourselves at the junction of the “unofficial trail” Jonathan had shown us so long ago. This terminus is somewhat obscured by the woods but is marked by a thin stump on the downhill side and a larger stump just a couple more yards further up Raven Ridge. The trail was obvious once we were on it and the “marks” that the Kid and I left some three years ago near the bottom were still there. Once out in the open the trail once again became easy to follow. It was an old ATV trail. At this end it had been reduced to a single track footpath. As we climbed towards the Bear Rocks trail the surrounds took on the feel of a mini-Raven Ridge with expansive grassy meadows, patches of quaking aspen, blueberry thickets and red spruce forests. As we approached the crest of the hill the trail seemed less discernable if you looked too far ahead but if you continued to look down and kept your feet in the narrow trough of a trail you were on course.

With less than ¼ mile to go to get back to an official trail the group pointed out a classic Dolly Sods event to me. I had been busily studying my GPS unit and following my nose the best I could. A fog bank had quickly rolled over Raven Ridge, slid through the shallow valley we had just traversed, and was about to overtake us. If we got off trail the least bit before it hit us a short easy day could easily become a disaster. My trusty Garmin showed me that we had been walking in an absolutely straight line at that the only waypoint I had loaded marking the trail's junction with the Bear Rocks trail was straight ahead.

The fog wafted over us as we tried to maintain a straight course. As we stared through the fog we could see a swath cut through some spruce trees ... big enough to be an ATV trail. We headed straight for it and soon found ourselves within sight of an official trail marker where the Bear Rocks Trail leaves the ATV trail. From there we descended to Red Creek for a final break. Some ate a snack while others took a refreshing dip. Personally, I just lay back basking in the relief of making it off of that unofficial trail just in the nick of time. I have hiked in Dolly Sods while in the fog previously but never experienced such a sudden change in visibility in my entire life.

We completed the last mile of our trek at a pretty moderate pace. Although we were surrounded by fog we were once again on a well established trail and out of harm's way. I'd like to think we were all just sort of moseying along not in any particular hurry to leave this magical place.



AURORA BARN DANCE

The fourth Annual Aurora Barn Dance in Aurora, West Virginia will take place at the Brookside Farm located behind the Cathedral State Park on Sunday, October 7th (rain or shine) from 3:00 pm to 6:00 pm. Doug Van Gundy will headline a group of musicians performing traditional Appalachian toe-tapping dance music, ballads and banjo tune. And along with a caller, square dancing will again be the highlight of the evening. Everyone is invited to bring a musical instrument for an Open Jam Session beginning at 6:00pm after the performance and dancing.

The Aurora Barn Dance is a fundraiser sponsored by the Aurora Project, Inc. a non-profit community initiative developing a new arts, and education center in Aurora, WV. Founded in 2001, the Aurora Project is revitalizing six historic buildings, adapting them for reuse for their Artists' Residency Program and educational activities.

Tickets for the dance, including the music, food, refreshment, and door prizes are \$10.00 per person (children under 10 are free) and will be available at the door. Red Spruce seedlings donated by WV Highland Conservancy will be available. The fund raisers will benefit the Aurora Project's facilities and programs. Donations will also be accepted. For additional information contact Annie Snyder (304-866-4428) or email auroraproject@frontiernet.net



WILDERNESS DVD AVAILABLE

Christians for the Mountains has available a DVD, "God's Gift of a Wild and Wonderful Land," the story of West Virginia's Monongahela National Forest told from a Christian perspective. To get a free copy of the DVD to share with your friends, church, or organization, send an e-mail to godsgift@christiansforthemountains.org. Please include your name, mailing address, and phone number. Included is a packet of materials that will help you host a showing to friends, family or your organization. This is a very effective way to spread the word about the opportunity to protect additional Wilderness areas on the Mon.

The Monongahela National Forest contains some of the wildest remaining forestlands in the eastern United States. Its native ecosystem gives life to plants and animals and its rugged terrain embraces the headwaters of five major river systems. For decades this forest has provided a fragile oasis for calm, peace, and solitude in a world where these values are increasingly hard to find.

"God's Gift of a Wild and Wonderful Land" uses stunning photography, moving hymnal music, and personal testimonies to articulate the way we feel touched by God in our wilderness experience. Scriptures show that the insights discussed are elaborations of Biblical themes. Abraham, Moses, David, Elijah, John the Baptist, and others had powerful, life-forming experiences in the wilderness. And Jesus also turned to the wilderness.

Christians for the Mountains is a nonprofit, grassroots organization that encourages the preservation of God's Earth and its human communities.

HATS FOR SALE

West Virginia Highlands Conservancy has two models of caps for sale.

One is khaki and the pre-curved visor is forest green. The front of the cap has West Virginia Highlands Conservancy in gold above *We ? Mountains*. The heart is red; and lettering is black.

The other model is tan with a muted green pre-curved visor. The front sports the lovely, in color, logo that appears on the VOICE masthead. Beside the logo is "West Virginia Highlands Conservancy" in green. The lower back of the hat has the *We ♥ Mountains* slogan.

Pictures of both appear on our website www.wvhighlands.org. Both are soft twill, unstructured, low profile with sewn eyelets, cloth strap with tri-glide buckle closure. Cost is \$12 by mail. Make check payable to West Virginia Highlands Conservancy and send to Julian Martin, P.O. Box 306, Charleston, WV 25321-0306



Send us a post card, drop us a line, stating point of view

Please email any poems, letters, commentaries to the VOICE editor at johnmcferrin@aol.com or send real, honest to goodness, mentioned in the United States Constitution mail to WV Highlands Conservancy, PO Box 306, Charleston, WV 25321.

Leave a Legacy of hope for the future

Remember the Highlands Conservancy in your will. Plan now to provide a wild and wonderful future for your children and future generations. Bequests keep our organization strong and will allow your voice to continue to be heard. Your thoughtful planning now will allow us to continue our work to protect wilderness, wildlife, clean air and water and our way of life.

WHAT THE EDITORIALISTS ARE SAYING ABOUT WILDERNESS

From *The Shepherdstown Chronicle*

From *The Charleston Gazette*

Needed: More Wilderness Area in the Mountain State

The Monongahela National Forest in West Virginia boasts some of the finest roadless, wild forest lands in the eastern United States. Over the past three years, thousands of citizens asked the US Forest Service to recommend that Congress protect more areas of the Mon as wilderness.

Protecting federal public lands like the Mon as wilderness helps to diversify and stabilize local economies. It helps attract - and retain - new businesses, residents, and a local work force. It generates travel and tourism, one of the fast growing sectors of our state's economy.

Protecting wilderness also provides great outdoor recreation like hunting, fishing, camping, hiking, birding, horseback riding, cross-country skiing, and whitewater rafting, kayaking, canoeing. Right now only 9 percent of the Mon is permanently protected.

Nearly 13,000 people, a record number, commented on Forest Service plans for the Mon, and over 90 percent of them called for more wilderness than the Forest Service ultimately recommended. Because the Forest Service did not listen to the people, Congress must now act to designate more wilderness on the Mon.

It will be especially critical that Rep. Shelley Moore Capito, Shepherdstown's and Jefferson County's representative in Congress, endorse the Seneca Creek area for wilderness designation because that roadless area lies in her congressional district. Seneca Creek is the scenery from Spruce Knob, the highest point in West Virginia and a great tourist attraction. To log the area would do vast damage beyond the trees themselves.

The Forest Service's new plan for the Mon would strip much of Seneca Creek of its protection from logging that it enjoyed under the former forest plan. Seneca Creek is nearly 24,000 acres of roadless land with an elevation range of 2,520 to 4,744 feet. If designated, it would be the second largest wilderness area in West Virginia. It is the source of Judy Springs and over half of Seneca Creek's summer flow.

Congress should enact wilderness protection for the 15 areas proposed by the West Virginia Wilderness Coalition and the many citizen groups, businesses, and municipalities, including Shepherdstown, that have endorsed those proposals. That will not only keep 'West Virginia wild and wonderful,' but assure that it remains open for business, too.



Wilderness: Nature and the economy

SEVERAL environmental groups, as well as numerous town leaders, business owners, hunters, anglers and even doctors, are urging West Virginia's congressional delegation to bestow protected wilderness status on more areas of Monongahela National Forest.

A coalition of the Sierra Club, Highlands Conservancy and the Wilderness Society combined efforts to push for more long-term protection of "Mon" areas, said Dave Saville, a spokesman for the coalition.

The 14 areas proposed for protection add up to 143,000 acres, out of the total 1 million acres of the federal forest, Saville said. Currently, about 78,000 acres are protected, or about 8 percent of the forest. The average in national forests is 18 percent.

The coalition evaluated the areas based on size, presence of endangered species, quality of trout streams, rare geographic features and the opinions of people — both for and against stricter protection. The coalition settled on areas that are already roadless and largely function as backcountry recreation areas.

"It would keep the areas just like they are," Saville said.

Hunting and fishing would not be affected. The only change would be that the areas would no longer be eligible for possible mining and timbering operations or other developments. Just 3.2 percent of West Virginia's timber comes from the national forest, and the proposed wilderness areas account for 0.5 percent of the state's potential timberland.

Aside from obvious arguments for saving West Virginia's wild places for conservation's sake, there are economic reasons for protecting wilderness:

Many mountain communities rely on clean water from those wild areas. As tourism and the second-home market grow in West Virginia, water is an ever more important draw. In the wilderness areas are some of the best trout streams and ideal areas for backpacking and hiking, activities that draw vacationers and homebuyers the way golf courses did a generation ago. While states east of the Mississippi River contain almost 60 percent of the U.S. population, they hold only 4 percent of land in the National Wilderness Preservation System. Protecting nature serves economic growth in West Virginia.

About 13,000 people responded to the U.S. Forest Service's request for public comments on the government's plan to seek congressional protection of 27,000 more acres. More than 93 percent of those who responded said the Forest Service's plan was too small. Most advocated an extension of Dolly Sods Wilderness area, one not in the Forest Service's original plan.

The proposed areas fall in all three of the state's congressional districts. All three members of Congress have expressed support for protecting more wilderness areas, Saville said.

The coalition's proposal is well-researched and appeals both to West Virginians' love of nature and desire for smart economic development. Even with many other pressing issues, Congress should make time for this matter when it returns from summer recess.