

April 1997

"E"-NOTES
THE NEWSLETTER OF THE
OHIO VALLEY
ENVIRONMENTAL COALITION

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**PARSONS AND WHITTEMORE DOES NOT RENEW THEIR LAND OPTION
WV STILL SPENDING YOUR MONEY TO DEFEND PERMITS!**

Massive pulp mill opposition by citizens has clearly had an impact on Parsons and Whittemore. P\$W failed to renew their March 1 option to buy the site proposed for their mammoth mill. OVEC then asked the WV Air Quality Board to throw out the air pollution permit which the state has granted to Parsons and Whittemore. We also asked for an end to all state action to defend the permit.

Air permits are very site specific because air modeling, which helps determine permit limitations, is based on meteorology and topography of a specific area. American Electric Power is now actively marketing the site to other prospects. No site, no permit, we thought.

On March 14, in response to arguments by OVEC pro bono lawyer Jason Huber, the Air Quality Board agreed to reevaluate the permit in light of the fact that Parsons and Whittemore no longer has a site on which to build the mill. The Board gave P\$W until April 1 to renew their option to buy the land. The company did not do so.

Nevertheless, on April 4, the Board decided to continue to fight our legal appeal of the air permit. This in spite of P&W having no site! The company did nothing more than send a one paragraph letter to Eli McCoy, Director of the Division for Environmental Protection, indicating that they might possibly be still interested in their West Virginia mill plans. According to McCoy, the letter "wasn't worded very strongly one way or the other." Summary judgment hearings on our air

permit appeal will be held on April 21 and 22. (Call the OVEC office if you'd like to attend - [304] 522-0246)

The April 4 Air Board decision to continue defending P\$W's permit was decided by a close vote. Two board members who work for chemical industries voted against throwing out the mill permits. The two citizen representatives voted in favor of throwing out the permit. Ironically, the deciding vote was cast by Don Kuntz, the state Bureau of Health's representative on the Board, who voted with the chemical industry representatives.

How ironic that in spite of an enormous body of scientific research showing that there is no safe level of dioxin, the WV health representative voted to keep fighting for a mill permit that would allow the spewing of dioxin into our air! Even when other countries have banned the use of chlorine-based paper bleaching, instead requiring the use of bleaching technologies that produce no dioxin or organochloride emissions!

It's obvious who our state environmental officials represent, and it's certainly **not** the people and the environment which they're supposed to be protecting. As the cost of political campaigns has skyrocketed, "our" politicians cater to those who paid for their election campaigns - big chemicals, big coal, and big timber. These out of state corporations seem to have more control over "our" politicians and regulators than do the people who actually live here!

(P\$W continued on page 3.)

OVEC'S NON-VIOLENT CIVIL DISOBEDIENCE WORKSHOP A MAJOR SUCCESS

On January 31 and February 1st, about 50 people received non-violent civil disobedience training from Pete Hill of Athens, Ohio. This OVEC workshop was held in response to the fact that OVEC staff heard from people all around the state that if Parsons & Whittemore ever received all of the necessary permits to construct the mill, many were willing to employ peaceful, civil disobedience to try to halt the construction. Obviously, peaceful civil disobedience is an absolute last resort tactic, to be used only if every other avenue to stop an illegal, immoral project has failed.

Pete Hill gave us an excellent, intensive overview. In less time than it takes to say "Stop the Pulp Mill," activists were organized into about 6 "affinity" groups. An affinity group is a wonderful organizing tool; it consists of 6-10 people and can operate independently of other affinity groups while maintaining communication. If you want to know more about how affinity groups work, you'll just have to plan on coming to the next civil disobedience training session!

Pete also discussed the history of non-violent civil disobedience and taught us some valuable concepts about peace-keeping via role playing by simulating what it might be like on the "front lines" at a demonstration. We capped off the training with a civil disobedience scenario/ role-play where activists interacted with law enforcement, the media, antagonists, bureaucrats, etc.

We're very grateful to the Environmental Support Center (Washington, DC) for being the primary funder of this training. We also appreciate the First Congregational Church in Huntington for the use of their facilities. Additional kudos to Eric Fout and Rick Bady who prepared chili for the crowd.

The 2-day event was high-energy and jam-packed with vital information. Everyone expressed a great need and desire to do additional trainings. We especially want to thank Pete Hill for sharing his expertise with us. Let's do this again sometime! We now have another tool in our activist tool-box.

EPA WON'T RELEASE ASHLAND INSPECTION REPORT

Last fall, area residents finally got what we've been asking for years--a full blown inspection of the Ashland Oil refinery by experts in the field. The two-week-long inspection was done by the National Enforcement Inspection Center, part of US EPA, and by engineers from 3 US EPA Regions. The reports from the inspection are now finished and OVEC has requested copies under the Freedom of Information Act. But government agencies can keep documents secret from the public if they are part of an on-going legal battle against the company. Of course with Ashland, everything is an on-going legal battle, so EPA Region 4 has already denied OVEC's request to see what the inspection found. This means that the inspection apparently found serious violations. We've heard that it's likely that the US Department of Justice will also be involved in this case. By getting the Justice Department involved, it may be more likely that strong enforcement will follow.

THANKS JOHN!

Thanks to OVEC board member John Price for organizing OVEC's Earth Day t-shirt design contest for students.



(P\$W continued from page 1.)

OVEC attorney Jason Huber has stated that "The [Division of Environmental Protection] has totally abdicated its independent, objective responsibility as a state agency whose role is to protect the public health and the environment of the state." In a written response to the WV Development Office's letter urging the Air Board to support the mill permits, Jason argued to the Board that "The Development Office's letter is the latest step in its campaign of misinformation and deceit regarding construction of this mill... The Development Office has continually attempted to hide, from the public's scrutinizing eye, its attempts to entice the mill to our state through the use of government subsidies and huge tax breaks... The Development Office lacks any credibility and the board should give its letter no weight in its deliberative process." Many thanks to Jason, who works for the law office of Forman and Crane in Charleston.

HOW DO YOU WANT YOUR TAX DOLLARS TO BE SPENT?

In a March 20, 1997, article by Ken Ward, Jr., the *Charleston Gazette* reported that so far the WV Division of Environmental Protection has spent more than \$90,000 defending Parsons \$ Whittemore's permits from legal appeals brought by OVEC and others. DEP has paid in-house lawyers nearly \$44,000 to defend air and water permits for the mill. DEP attorneys worked more than 1400 hours on the mill water permit between July 1995 and January 1997. The water permit was thrown out in circuit court as illegal, as a result of our legal appeals of that permit. Why did taxpayers have to pay to defend this obviously unlawful permit? (Sincere thanks to OVEC pro bono attorney Perry McDaniel of Charleston law firm Crandall, Pyles and Haviland, who is our lead attorney on the water permit appeal case.)

DEP lawyers have spent another 400 hours on the air permit appeal case, according to agency records obtained under the Freedom of Information Act. In many cases, companies who are seeking permits intervene in permit appeals to defend their interest. In this case, however, Parsons \$ Whittemore let the state do all the work.

Taxpayers are not only footing the legal expenses for this ill-conceived proposal, but also, taxpayer money has been spent on salaries for agency engineers in both the air and water divisions, public hearings on permits, and the public information office for DEP. None of these costs are included in the \$90,000 DEP legal cost estimate.

Members of the Air Board should do what is right for the citizens of West Virginia --vacate P\$W's air permit--and pronounce this project DEAD once and for all. WV's DEP should immediately stop writing another water pollution permit for the mill. Surely, **your** money could be spent more wisely than this!

In related news, Judge Herman G. Canady, Jr. denied a request by the *Charleston Gazette* to release some records concerning tax credits which would be available to Parsons \$ Whittemore. The WV Development Office is withholding five documents claiming that tax records in West Virginia must be kept confidential. Before the end of the recent legislative session, the *Gazette* planned to appeal this ruling to the West Virginia Supreme Court. The *Gazette's* attorney, Patrick McGinley, claimed that the documents do not meet the standards for confidentiality.

In the past, the Supreme Court overturned Canady's rulings concerning correspondence that the Development Office refused to release. It's impossible to predict what will happen now, in light of the new Dirty Development Secrets bill which was just passed by the legislature (see article on page 16).



AIR QUALITY STANDARDS: EPA FINALLY MOVES TO PROTECT HUMAN HEALTH

Health scientists have known since the 1980's that the standards for several key air pollutants are too weak and that people's health is being hurt by levels of pollution that are legal. Recent reports by the American Lung Association and others show that current "safe" levels of ground level ozone are linked with increased hospital admissions for asthma and other respiratory problems. Over 60,000 premature deaths occur each year due to legal levels of particulate matter.

The law of the land on air pollution, the Clean Air Act, specifies that the EPA must periodically review the standards to see if they are actually protecting public health. Under the Reagan administration, the EPA simply ignored this problem. So the American Lung Association and a number of other groups sued the EPA to force them to do what the law says they must.

As a result of the lawsuits, EPA has been forced to propose stricter air standards for ozone and for particulates, two pollutants of concern to people in our Tri-State area. In our region the primary emitters of particulates and the chemical precursors to ozone are electrical utilities, oil refineries, chemical plants and the mining industry. Not surprisingly, these big polluters have launched a multi-million dollar disinformation campaign to block tougher health standards.

The Ohio Valley Environmental Coalition has joined the Public Research Interest Group (Washington, D.C.) in urging President Clinton, and our Senators in Washington, to fight back against the polluters' dirty air campaign. It's essential that EPA issue a final rule that consistently strengthens public health protection for particulates and ozone.

Between 1991 and June 1996, "Dirty air PACs" representing polluting industries contributed \$27 million to Congressional candidates. Now these industries have organized and funded a major attack on EPA's proposed standards. Industry claims there is not enough evidence for health problems at currently legal pollution levels, and that the proposed improvements would cost jobs. Both excuses are false, but are being swallowed hook, line and sinker by polluters' friends in congress and in some media outlets.

WHO WILL DECIDE?

Polluters and their friends often claim that EPA can somehow "make laws" and force industry to do things that elected officials have not voted on. This also is pure propaganda. Congress has the final say on all regulations, and industry has worked hard to confuse the politicians about these complicated issues. EPA has no choice about proposing tougher standards-- the science and the law demand it--but congress can stop it, and Congress might unless they hear from enough people. Many major newspapers have come out in favor of tougher standards, including the New York Times or the Atlanta Constitution.

The American Lung Association and the Natural Resources Defense Council have produced brief and readable summaries of the scientific studies which show human health damage from legal levels of pollution, as well as examples of the propaganda that industry has used to try to confuse people. Contact OVEC's office if you would like copies.

Final EPA standards on ozone and particulates are due to be set in June. If your senators and congresspersons don't hear from you, they will likely be swayed by industry lobbying. But when politicians actually hear from the people, they are less likely to vote against environmental protection. Write your senators and congresspeople and tell them to support tougher air quality standards for ozone and particulates.

Tell your friends to write--the polluters are betting that you won't bother.
Write your senators at: US Senate, Washington DC 20510
Write your congressman at: US House of representatives, Washington DC 20515



ARE LEGAL LEVELS OF POLLUTION MAKING PEOPLE SICK?

The scientific evidence of health effects at legal levels of air pollution has been overwhelming for some time now. For years, studies have shown that on days of high, but legal pollution, thousands of people are sent to emergency rooms with asthma attacks, and that deaths among the elderly and those with respiratory problems actually increase. The issue is literally one of life and death. But as with the cigarette industry, polluters can pay scientists to say that they are not yet convinced--we need more evidence and should wait longer. Just as the cigarette industry will never admit that their product kills people, those who profit by cheaply disposing of their wastes into the air will never admit that there's a problem.



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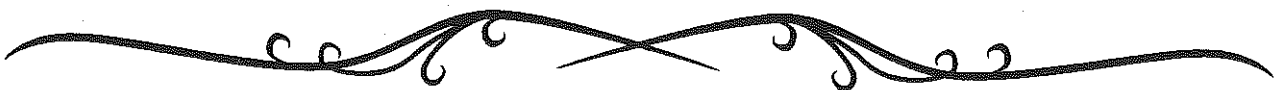
EPA reported that health problems caused by currently legal levels of SO₂ did not appear to be occurring nationwide, but were limited to local areas with industries that produce brief SO₂ bursts. The Tri-State region was used as a case study of SO₂ problems by EPA scientists due to the frequent bursts of high levels of SO₂ from Ashland Oil.

Research has shown that Kenova area residents are correct--these bursts of SO₂ from Ashland's refinery are enough to cause health problems. But since the law only requires agencies to measure 3 and 24 hour averages, there may not be a technical violation. In the late 1980's the SO₂ emissions here were so bad that even the 24 hour standard was violated, and Ashland was dragged (kicking and screaming) into adding more sulfur controls. (OVEC and local activists forced EPA to address the SO₂ violations here.) But even after Ashland's improvements, there were still the brief SO₂ bursts that local residents noticed--they were just too short to count as a legal violation.

So, rather than tighten the SO₂ standard for the whole country, EPA has proposed a five minute "intervention level", which, if exceeded, would require states to act, but would not require extra regulatory burdens on industries that don't have this problem.

Actually, since the intensive air toxics monitoring program by the Tri-State Geographic Initiative began in Kenova WV, even the short term SO₂ problems haven't occurred at Ashland. This shows that Ashland can control the pollution if it wants to. But what will happen when the TGI monitoring is over?

The SO₂ intervention level, if approved, would require agencies nationwide to keep an eye on short term levels of SO₂ even if the long term levels are not exceeded.





WOULD TOUGHER STANDARDS COST TOO MUCH?

Polluting industries have often claimed that stricter standards would put them out of business--but it has almost never happened. In fact, just the opposite is usually true. A host of studies have found that tougher regulations usually lead to more jobs, because it takes more people to do the job right! Of course this means more money for salaries for more workers--this is what industry is opposing. EPA and others have calculated the cost in terms of hospital expenses and lost work time from sickness caused by pollution as opposed to the costs of what it would take for industry to reduce pollution. They found that we now spend many times more on hospital bills to take of sickness caused by legal pollution than it would cost to have cleaner industry. This only takes into account money spent--no value is given to the human suffering involved.



TOUGHER STANDARDS? WHAT WOULD HAPPEN IN THE TRI-STATE AREA?

The proposed standard for particulates would measure particles smaller than the current standards address. So we don't know whether our air would be in violation. But more is known about ozone. In the late 1980's the Tri-State's air was in violation of even the old, weaker ozone standard. Ozone is produced by a reaction between nitrogen oxides and volatile organic chemicals (VOC's). Since we were in "non-attainment" of the ozone standard, the state agencies set about a massive effort to estimate who emits how much of the pollutants that lead to ozone. The process took several years, and by the time the source estimates were complete, the levels of ozone had dropped to below the legal limit.

Why did the ozone levels drop? Different regulators have given different explanations to OVEC. The official explanation is that the problem in the late 1980's was worse than usual due to the hot, dry weather which accelerated the production of ozone. Off the record, regulators say that pressure on

Ashland Oil to fix leaky systems and tanks resulted in a significant decrease in VOC emissions from the refinery. (Again, citizen pressure here made a real difference!)

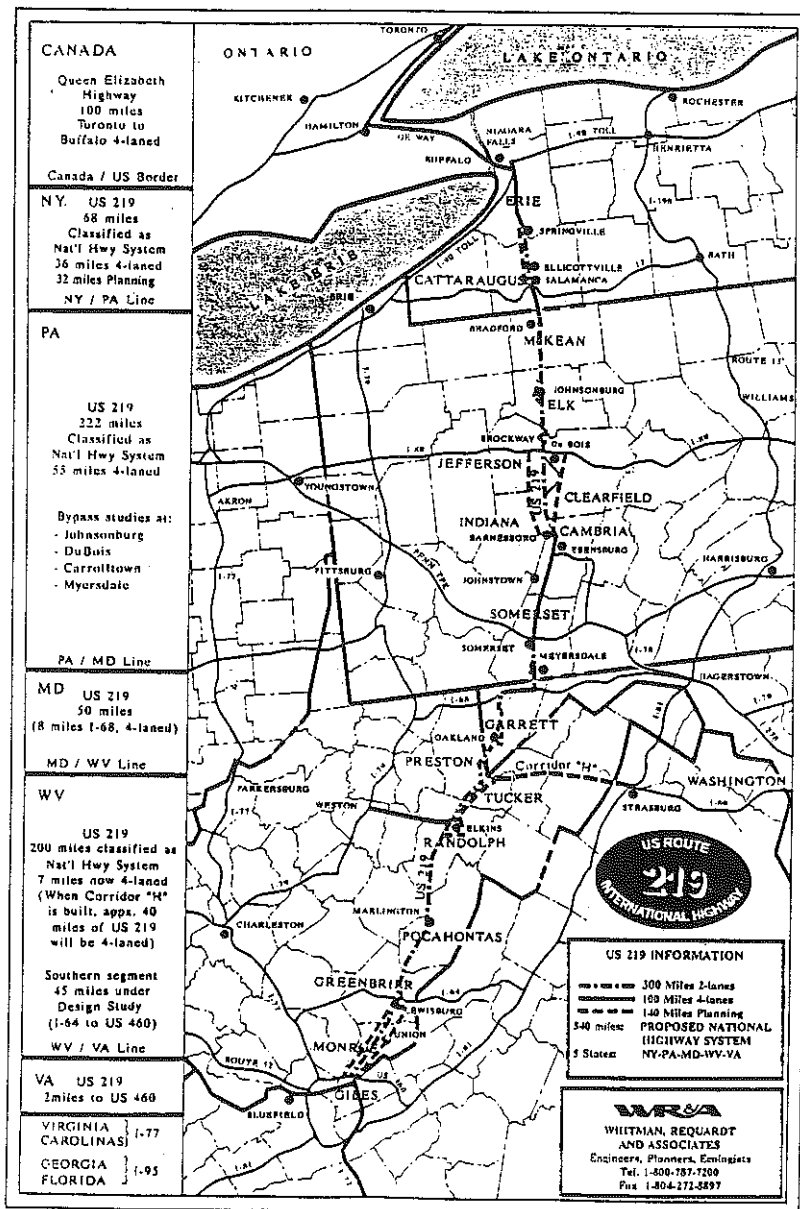
Whatever the cause of the ozone decreases, the levels now are below the current standard, but they sometimes approach the proposed lower standard. If the proposed standards go into effect, it is possible that area industries, and perhaps auto owners, will have to pay more attention to what they spew into the air. (In most areas in the US with ozone problems, auto exhaust is the largest source of chemicals which form ozone. Here in the Tri State, US EPA has determined that industrial emissions are, by far, the biggest problem.)

AS IF ONE FOUR-LANE BOONDOGGLE WASN'T ENOUGH

Most of us are aware of the proposed billion dollar super highway, Corridor H, that would cut a swath from Elkins, WV past Moorefield, that according to the US EPA would decimate high quality streams, destroy pristine forests, damage national forest wilderness areas, and cause untold other environmental impacts. But what about the new proposed expressway, "219 International Trade Corridor," that would connect Toronto, Canada to Florida (See map!!)?

Since August, 1996, members of Congress from New York and four other states have been fighting for federal funding for this highway. Dubbed the "US 219 Coalition," the group's goal is to make extending the four-lane highway a top federal priority in the multi-year highway bill that Congress may enact this year (Buffalo News, August 2, 1996).

Congressional members of the coalition include Representative Alan B. Mollohan, (D-WV). Other members include WV Representatives Bob Wise and Nick Rahall. The coalition also includes congressional representatives from New York, Pennsylvania, Maryland and Virginia.



A memorandum to "Allegheny Front Regional Development Corporation" from its vice president, Tom Cain (4 Park Street, Elkins, WV 26241--phone 304-636-3081), dated February 23, 1996, indicated that this group was working on generating support in the Pennsylvania legislature. What this group wants is:

- a.) "Congressional High Priority Status" for Route 219
- b.) designation of the 219 corridor as an Interstate highway (I-67)
- c.) recognition of the international trade corridor (which includes the QE II Way in Canada as well as Interstates 77, 26, and 95)
- d.) and a revision of the regulations covering highway "enhancements so that our efforts may qualify for funding."

In his memorandum, Mr. Cain states that, "First, we must be sure that our effort is not going to be opposed by any of the state governments." He also indicated that a meeting with former Governor Caperton and former state Secretary of Transportation Fred Van Kirk had been requested.

("Boonoggle" continued on page 8)

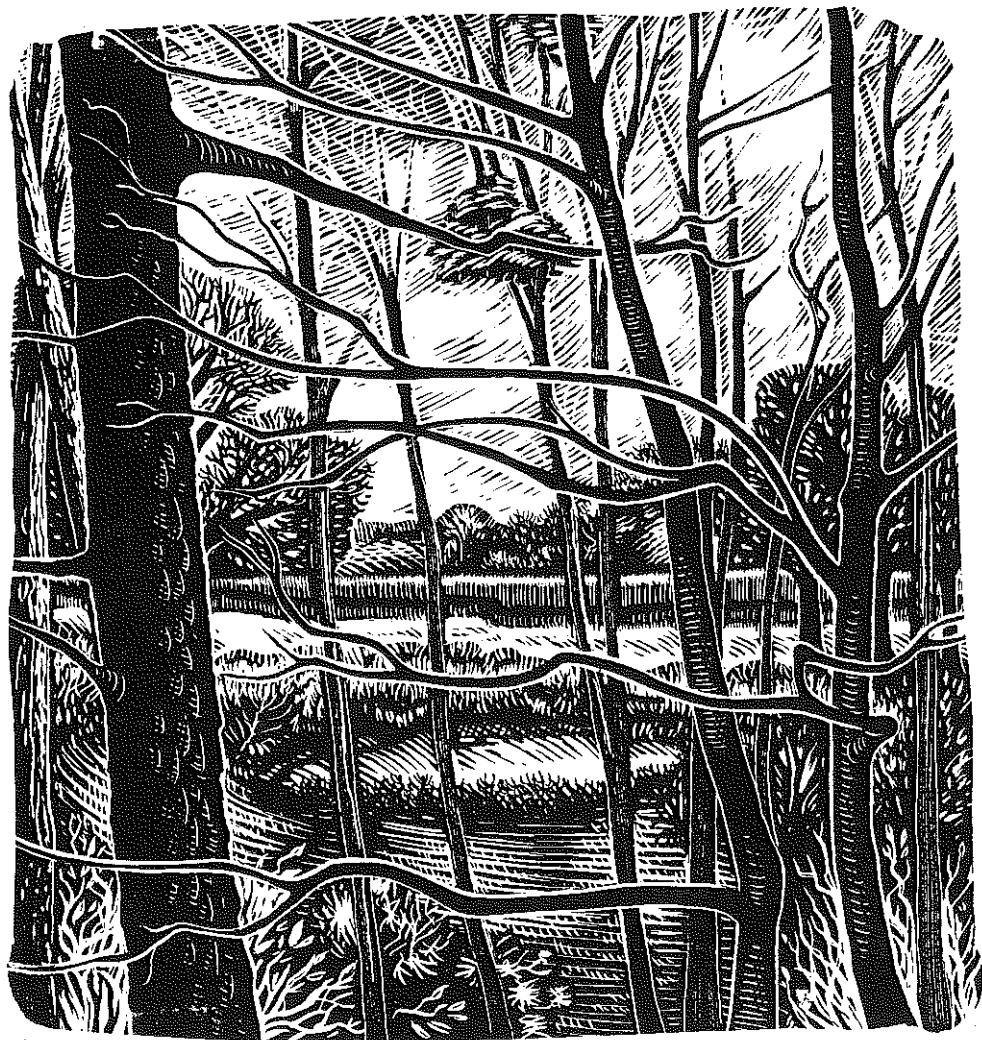
("Boondoggle" continued from page 7)

His memorandum also states, "We must perform the delicate task of changing the proposed design standard without stalling (or derailing) the lengthy process of approval for this vital highway. We must simultaneously build a consensus at the state, the county and the municipal level that the road to be built be designed to provide for the potential of a future international trade corridor."

"Two years ago we were assured that the design standard for Corridor-H could be handled 'administratively.' At our meeting in Charleston, we shall attempt to get that promise renewed, while gaining the state administration's support for granting Interstate status to 219. The support of Greenbrier and Monroe Counties for more than an upgraded 219 is in doubt, leaving the prospect that the 219 International Trade Corridor would turn from 219 at Elkins, run along the already existing portion of Corridor-H to I-79 at Weston."

So there you have it. For at least a year economic developers, politicians and highway folks have been meeting to whip up support for another project aimed to make West Virginia look like all the other paved-over, malled-out, traffic jammed, deforested areas of the country. If this road every flies--kiss good-bye those wonderful feelings you have when you get to Elkins and breathe the cool mountain air.

Who knows how long planners have been working behind closed doors on this one?



NANCY RUTH JACKSON



The Forest for the Trees: Forestry in West Virginia



Excerpts (and a few paraphrases) from the Charleston Gazette's series *The Forest for the Trees*, by Ken Ward Jr. Published in a four month period from September to December 1996. For a copy of this entire series, send \$4 to Ohio Valley Environmental Coalition, 1101 6th Ave. Suite 222, Huntington, WV 25702, or call us at 304-522-0246.

U.S. 19 winds north from the Flatwoods Go-Mart, the Days Inn and the soon-to-be-opened outlet mall. Five miles up the road, past old farmhouses and weathered school bus stop shelters, sits West Virginia's newest timber giant.

The Weyerhaeuser plant dominates a huge clearing bordered by rolling Braxton County hills. It's big enough to cover a football field. Eventually, the plant will chop up 900,000 tons of yellow poplar, sycamore and beech trees every year. It will chip them into flakes, mix them with glue and press them into oriented strand board.

Eighty miles down U.S. 19, Georgia-Pacific Corp.'s new OSB plant towers over the highway at Mount Hope in Fayette County. It gobbles up another 650,000 tons of West Virginia trees each year.

To the north in Buckhannon, Trus-Joist MacMillan chips up another quarter-million tons of trees per year to make construction beams.

Over in Mason County, Parsons & Whittemore Inc. wants to build a \$1 billion pulp mill along the Ohio River. The pulp mill, with its 2.1 million-ton-per-year wood appetite, requires more than 2,000 acres of forest - *an area larger than Blackwater Falls State Park* - every month.

Clearly, the West Virginia timber industry is booming. But historians, environmentalists, recreationists and some in the industry wonder how this will affect the state.

Will the forest be clearcut and the environment devastated as it was 100 years ago? Or have loggers learned from their mistakes? Will industry expansion finally bring factories that create more jobs for people who make things from wood? Or will a stream of trucks continue to haul lumber out of the mountains to North Carolina furniture factories?

An in-depth Charleston Gazette investigation found:

- **The amount of timber cut every year in West Virginia doubled between 1987 and 1994**, to more than 1 billion board feet, according to the state Division of Forestry. **In a few years, it could double again.**

- The new low grade mills chew up wood that might otherwise be used to make furniture, or other "value-added" products that create more jobs and wealth. If the proposed Mason County pulp and paper mill is built, the percentage of the West Virginia timber harvest going to such facilities will more than double, to 44 percent. Many citizens worry that timber is being wasted on chipmills while the furniture industry gets short shrift.

- Loggers in West Virginia remain unregulated. **The state suggests a set of "best management practices", but the loggers don't have to follow them.** The state Division of Forestry, whose main job is to promote the industry, is also supposed to oversee loggers.

- Most scientists agree more attention should be paid to how logging affects biodiversity: the kinds of trees, plants and animals forests contain ... **While trees can often grow back, the delicate ecosystems of fish and wildlife rarely recover to pre-timbering highs.**

- Historians say logging from 1870 to 1920 was extremely harmful to the state's environment and water system. Most believe statewide **clearcutting led to devastating forest fires and widespread flooding.**

- Outdoor enthusiasts and some in the tourism business worry that scarred hillsides and polluted streams will hurt efforts to bring whitewater rafters, skiers and other visitors to West Virginia. With tourism the second largest industry in West Virginia, **many fear that jobs will be lost if the state's forests are ravaged as in the past.**

Industry Supports Clearcutting

Many timbering executives say that West Virginia's forests are due for a trim. Take out the old, junk trees, they say, and you'll make way for new oaks or cherry. They believe that clearcutting much of the state's forests would help the wood products business and the forests.

"Left to itself, it's not really going to improve by most measures," Wayne Barfield, woodlands manager for Westvaco Corp, said. "A diseased, crooked tree that is 60 years old is only going to become a diseased, crooked tree that is 70 years old."

The state Division of Forestry has promoted new chip board and pulp mills for this reason.

Critics disagree. They say the new mills will clearcut the existing forest, then turn them into tree farms of tiny, low-grade timber. To feed the new mills, trees will be cut more often. They won't have time to grow as big. Mature forests with lots of kinds of trees and animals won't have time to develop.

Timber Regulation in W. Va.

Done wrong, logging can devastate streams. Water runoff picks up soil and packs streams with sediment. Fish and other aquatic life can be killed. Banks can be left bare and open to erosion. But like most Appalachian and southern states, West Virginia relies on the good-faith efforts of loggers to protect the environment.

If state regulators look at a coal company permit application and determine the environmental damage from the operation would be too severe, they can deny the application. The state Division of Forestry, which has primary authority over timber operators, can't stop logging before it begins.

Many environmental groups are especially concerned that the Division of Forestry, which is supposed to oversee loggers, is also charged by law with promoting the growth of wood products businesses, like the fox guarding the hen house.

Here are some examples of what Bill Maxey (director of the Division of Forestry) calls "enough regulation to choke a horse":

Timber companies can leave land they log any way they want. There are no requirements for reclamation.

Operators simply file a notice with the Division of Forestry that they plan to cut down trees. The notice can be filed up to three days after the cutting actually started and they do not have to advertise the start of a timber job publicly. There is no avenue for the public to be involved.

Environmental safety procedures are extremely lax. Loggers must only turn in a form on which they check off which of 14 different "best management practices" they plan to follow to prevent water pollution. All are voluntary.

Timber operators might cut down an entire stand of trees without ever seeing a state inspector. There is no requirement for periodic inspections. Forestry Division inspectors are required only to investigate any complaints they receive.

More than 1,300 logging operations have been cited over the last three years for violating West Virginia's timber law. Only one of them has ever been fined.

Oriented strand board

Computer-controlled machines chop up the trees, mix in some glue, and press the trees into thin, flat pieces of a chipboard called oriented strand board, or OSB. In a year's time, Georgia-Pacific can turn 8,000 acres of West Virginia forest into 325 million square feet of OSB, enough to make floors for more than 150,000 homes.

Overcutting of timber in the Pacific Northwest brought logging restrictions (there) that cut off much of the supply of pine forests for plywood. Similar overcutting in some southern states has put a large dent in pine forests that used to feed the pulp and paper industry.

West Virginia, with its tremendous supply of yellow poplar and other medium-density hardwoods would be a tremendous resource for the development of this waning industry. Three mills already built, along with the proposed pulp and paper mill, **could double the percentage of West Virginia trees that are ground up for low-value pulpwood products.**

One of the advantages of making OSB is that one kind of lumber is as good as any another. Chipboard mills can cut the cheapest, least valuable trees for the same returns. Therefore, boosters say the mills will make use of smaller, poor quality "junk" trees, like yellow poplar, that generally aren't valuable enough to take to sawmills for use as furniture. They say cutting the junk trees will open up the forest for good quality hardwoods to grow.

However, **there is no reason for timber companies to take only the less valuable timber and leave the rest.** Leaving timber means that much less profit and with timbering regulation being more suggestion than law, regulatory agencies do not have the clout or inclination to protect the forests.

W.Va. Timbering Increases

Back in August, West Virginia Division of Forestry officials declared that a new study had found state forest growth was "in the green". They concluded that "timber volume in West Virginia forests grew from 67.1 billion board feet in 1987 to an impressive 70 billion board feet in 1995." Sounds great, right? But, while West Virginia's forests have gone through a strong period of growth, the rate of cutting has increased as well. In 1987, 3.7 trees were growing for every one that was cut. However, in 1995, that number had fallen to 1.3.

Some foresters consider this statistic, known as the growth-to-removal ratio, a crucial measure of forest health. The closer the ratio gets to 1 to 1, the closer the state moves toward cutting too many trees.

The change in ratio between 1987 and 1995 didn't get much publicity. But it sparked concern among foresters, the timber industry, the U.S. Forest Service and the few citizens who knew about it. "You can't sustain that kind of change over the next four or five years," said John Peters, project leader for forest inventory analysis in Radnor, Pa. "I'd be concerned."

In the most heavily logged part of the state, the northeastern region, the problem is the most pronounced. In that region, total growth to removal of all species is just 1.14 to 1. For every board foot of oak growing in the northeastern part of the state, 1.6 board feet are lost.

State's History Reveals Bitter Clear-Cutting Legacy

None other than George Washington provided an early description of the untamed forests that greeted the first explorers and settlers of West Virginia.

On Nov. 4, 1770, traveling on the Kanawha River, Washington wrote in his journal, "Just as we came to the hills, we met with a sycamore...of a most extraordinary size, it measuring three feet from the ground, forty-five feet round, lacking two inches; and not fifty yards from it was another, thirty-one feet round."

Nearly 200 years later, Roy B. Clarkson painted a broader picture in his landmark book, "Tumult on the Mountains: Lumbering in West Virginia, 1770-1920". "When the white men first trod the fertile bottomlands along the rivers they saw

immense oaks, walnuts, yellow-poplars or tulip trees, sycamores and other hardwoods," he wrote.

In 1870, two-thirds of West Virginia, roughly 10 million acres, was still covered by native forests. Industrialization, especially the coming of the railroads, changed all that.

Between 1879 and 1912, an estimated 20 billion board feet of lumber was cut in West Virginia. This represented about 8.5 million acres, or 85 percent of West Virginia. In another eight years, the total timber cut in West Virginia reached 30 billion board feet.

Historian Otis Rice wrote that, "By 1920, most of the virgin timber was gone, and the lumber industry began a steady decline. In spite of efforts at reforestation and conservation, timbering and related industries, like coal mining and other extractive industries, left a legacy of depleted resources, scarred terrain and fleeting prosperity." In just a few decades, West Virginia forests that took centuries to grow were permanently leveled. The effects were catastrophic.

Ronald L. Lewis, a professor of history at WVU, wrote, "The cutting of the virgin forest caused the virtual elimination of entire ecological systems, with profound social and environmental consequences. By the 1920s, even the most strident promoters of West Virginia's industrialization had ample reason to contemplate its consequences.

"With the trees gone, the railroads pulled up their tracks and left the mountain population stranded. **When it was all over, the countryside was a forlorn sea of stumps, industrial refuge and commercially devastated people, abandoned to the more forgiving forces of nature.**"

Clarkson was even more blunt and harsh in his 1964 book. "Thus, throughout the State lumbering and its insidious camp follower, fire, reduced the grandeur of the original forest to a rubble of smoking sticks and bare stone," he wrote. "The resultant erosion and lack of flood control have cost millions and greatly reduced the beauty and value of the land.

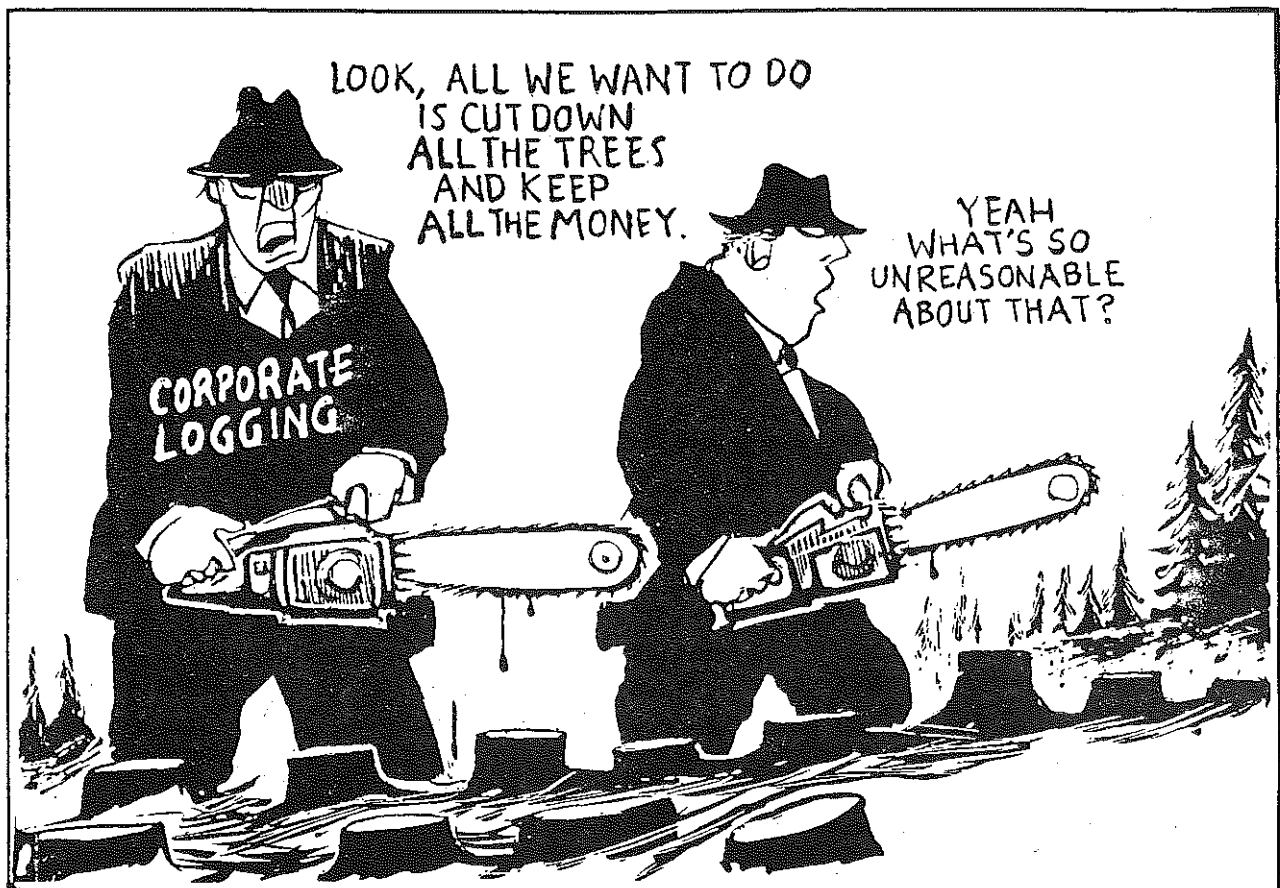
"Who is to blame? - The lumber barons who greedily grew richer as the land was savaged? The politicians who allowed them to pillage the land? **Or the people of the state who sat by and ignored it all?** Future generations will condemn all of them!"

Other Voices

"The (timbering) feeding frenzy in the Pacific Northwest is at an end," said Andy Mahler of the Indiana-based group Heartwood. "The industry has turned itself to the Southeast."

Jim Kotcon (WV Sierra Club) said the state needs to develop industries that manufacture finished wood products rather than just supply other states with wood... Industries that produce finished hardwood products are better for the environment than those that require heavy consumption of wood, Kotcon said. Pulp and paper mills are poor economic generators when compared with furniture manufacturers, he said.

Researchers at Auburn University studied Alabama communities where logging, sawmills or paper plants are the biggest or only employer. They found these communities are among the poorest in their regions. "An alternative view of timber-dependent communities is that they constitute corporate satellites: sources of raw materials which flow out of the community to feed the forest products industry's metropolitan headquarters," the researchers wrote in 1993. "In this view, exploitation of timber dependent communities by industrial centers causes and ensures their persistent underdevelopment."





VICTORY FOR THE WAYNE NATIONAL FOREST

by Matt Peters

"If you don't like environmentalists, put them out of work."

This bumper sticker stands out as even more ironic in light of an amazing turn of events. A major victory for southern Ohio's forests is worthy of major celebration, but far from fearing for my job security at the Buckeye Forest Council, our real work has only just begun.

The decisive victory took place on January 21, in the decision of the 6th Circuit Federal Court of Appeals. In the lawsuit *Sierra Club vs. Jack Ward Thomas et al*, which contested the validity of the Forest Plan for the Wayne National Forest, the panel of judges ruled that "the planning process was improperly predisposed towards clearcutting." The Plan is the ten-year document which guides the Forest Service's management of the forest. Without the Plan, no timber sales or other ecologically damaging activity can be initiated. The Forest Service is expected to initiate the public input process for rewriting the Plan sometime soon. Here is where our real work begins, since what goes into this new Plan will guide Forest Service activity for the next decade or more. The Plan revision process can take up to five years, since a full Environmental Impact Statement (EIS) is necessary.

In the January 21 decision, the panel of judges concluded "The resulting (forest) plan is arbitrary and capricious because it is based on this artificial narrowing of options...The planners failed to recognize that cutting is unlikely to stimulate new and valuable forms of recreation because much of the Wayne has already been cut or developed." The decision also states, "Rather than being a neutral process which determines how the national forests can best meet the needs of the American people, forest planning, as practiced by the Forest Service, is a political process replete with opportunities for the intrusion of bias and abuse... decisions may be made, not because they are in the best interest of the American people but because they benefit the Forest Service's fiscal interest."

With zero cut achieved for the Wayne National Forest, at least for a few years, our attention turns to the planing process for the new Forest Plan. A "Citizens' Alternative" is in the process of being researched and drafted; key features will include wildlife habitat protection, stricter off road vehicle (ORV) regulations, lower road densities, and of course codifying a zero cut policy for the Wayne. Serious consideration of the Wildlands Recovery Strategy for southeast Ohio can also be a part of the discussion, since the federally managed public lands in our state play such a prominent role in that vision.

With the immediate threat of more clearcutting in the Wayne eliminated, we can begin meaningful dialogue on appropriate uses for our forests, both public and private. How can we nurture responsible stewardship on both public and private lands? How can we shift our economic activity from consumption and growth for its own sake to an economy based on steady-state sustainability? Our task now is to find real solutions for ecological recovery, economic sustainability, and corporate responsibility.



NUKES IN SPACE--WHAT WILL THEY THINK OF NEXT?

The following is a letter from OVEC founding member Ronald Goodman to Dr. Peter B. Ulrich, Director of Advanced Technology and Mission Studies Division, at NASA Headquarters. The Cassini Mission's goal is to explore the planet Saturn. A mishap on this mission could threaten all life on the planet. Members are urged to write letters to Dr. Ulrich as well as your members of Congress to express outrage at fueling a rocket with 72 pounds of plutonium.

Dr. Peter B. Ulrich, Director
Advanced Technology and Mission Studies Division
NASA Headquarters
Code S
Washington, D.C. 20546-0001

Re: The planned Cassini rocket to Saturn fueled by Plutonium

Dear Dr. Ulrich:

In order to express my concerns, my objections to using plutonium as a fuel for this space probe, I want to begin with a true story.

In 1982, a journalist interviewed the President of the Ivory Coast. He asked the President why things were going so well in his nation, while in neighboring countries there was famine, inter-tribal conflict and communist infiltration. The President reached for a small statue. On it was an elephant riding on a turtle. The President explained the teaching embodied in that statue: "Power must never go faster than wisdom permits."

I admire NASA's work. The moon landings were extraordinary; the photography of earth; the information about the planets and the galaxies which NASA has gathered is wonderful. I would certainly want to be listed with those who are "pro-space."

But with the introduction of plutonium, of nuclear power into the space program, I take serious issue. It is too dangerous. Catastrophic accidents will come now or sooner or later. The effects of a "worst case" explosion and distribution of plutonium particles upon all life on earth make the risk absolutely unacceptable ever.

I have studied the J.P.L. report that says solar arrays cannot at this time provide a satisfactory alternative. I accept the report. But that means we must wait because we must never allow power to go faster than wisdom permits.

Furthermore, I need to ask: why must we hurry to Saturn? Is there crucial information that will be gained from this launch which is so essential to our lives, that without it we can't go on?

If one was in the position of having to say "we might die from a plutonium explosion, but we will certainly die if we do not quickly learn the secrets which Saturn holds"-- that would present us with a true dilemma, one in which even numerical risk assessments were relevant. But you and I both know that no one is saying that or needs to say that.

The British author, G. K. Chesterton wrote that "a madman is not someone who has lost his reason, but someone who has lost everything except his reason". I hope this doesn't describe NASA scientists. There must be a moral dimension to these decisions, to these choices.

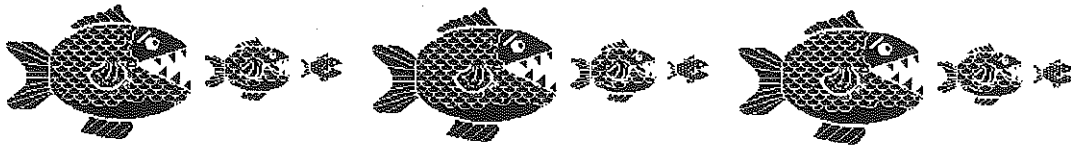
I'm sure NASA has many wonderful studies planned, studies which can be conducted without putting life on earth in terrible danger.

Perhaps we will have to wait 5 years for a technological breakthrough which enables us to safely send probes to Saturn and elsewhere. Good. Fine. Having patience in these matters is a clear and necessary expression of moral consciousness. I hope, therefore, that you can join me in saying, since "power must never go faster than wisdom permits," the Cassini mission must be stopped--for now.

I look forward to receiving your reflections on these issues.

Ronald Goodman

C: Honorable William Clinton, President



ON FISH POLLUTION LIMITS AND THE PULP MILL'S RESURRECTION

by Lew Baker

In the last few weeks the pulp mill's odds of being built have improved. Governor Underwood resurrected a bill in the West Virginia Legislature to protect the Economic Development Office's right to secrecy. It passed and he will sign it. It will soon be illegal for taxpayers to look into this public agency's files. We mere citizens "can't handle the truth". Those files might indicate bribery of politicians and bureaucrats. Those files might document polluters' schemes to land hundreds of millions in corporate welfare or to relax environmental regulations.

On another front, the Air Quality Board's deadline came and went. The AQB had asked P&W to prove it had secured a site to build the mill on or else lose the mill's site-specific air pollution permit. When P&W failed to meet the deadline, the board backed down.

The shenanigans by the Governor, Legislature, Development Office and Air Quality Board are being monitored by other OVEC members. The struggle to keep legal limits on fish pollution on the books in West Virginia has recently been my fight.

In a committee of the Environmental (Water) Quality Board, P&W's efforts to begin reversing court room losses are moving along swimmingly. Industry's request to throw out the state's fish pollution standards has been rubber stamped by WV DEP, WV DNR, and US EPA. Without these fish standards, our fight to protect and eventually clean up the Ohio River will become much harder.

As the token citizen on EQB's "Body Burden" (or "fish pollution") Committee, I have argued the need to keep the fish standards, especially for highly toxic pollutants (like the mill's dioxin) which become greatly concentrated in the food chain. These pollutants can be easily measured at unsafe levels in fish, but not in the water (at least not with currently approved but out-dated water sampling methods). Without fish standards on the books I fear the polluters and their so-called regulators will wriggle free from the truth and then issue the pulp mill's water pollution permit.

In place of the state's fish pollution standards EPA and industry would substitute a complicated equation filled with fudge factors and guesstimates to "back-calculate" water quality from fish pollution. The scientific validity of EPA's substitute for fish standards could easily be argued in court. No wonder industry prefers it to simple, numeric fish pollution limits.

The Body Burden Committee has been toying with the idea of formally approving new water sampling techniques to finally allow detection of minute but unsafe levels of dioxin and other toxics in the water. However, EPA says these new techniques will not be used to enforce water pollution permits. For its part, WV DEP does not plan to use the new techniques to monitor river water quality, even though this could help DEP finally comply with the requirements of the federal Clean Water Act. DEP's position is to instead let industry have the option of using the new water sampling techniques, but not requiring any new measurements of pollution be done or reported. (Sounds like a secret self-audit?)

As the committee's token citizen, I have been out-numbered. **Please help!** The next meeting has been tentatively scheduled for May 7, at 11 AM at the EQB (next door to Wendy's on Washington Street at the State Capitol). Please attend and let your voices be heard. If you can't attend, please submit written comments. To check on the meeting's schedule call Libby Chatfield at EQB at (304) 558-4002.

DIRTY DEVELOPMENT SECRETS BILL PASSES, BY STEALTH

First, some background: In apparent response to widespread citizen anger over WV corporate welfare offers to Parsons and Whittemore, the *Charleston Gazette* sued the WV Development Office to force it to disclose exactly what the state was offering to the pulp mill company. The Development Office used taxpayers' money to fight this suit all the way to the state Supreme Court. The Court ruled that most Development Office financial documents had to be made public.

It's no wonder that the Development Office wanted their offers to Parsons and Whittemore kept secret. In addition to close to a billion dollars of tax breaks and outright giveaways to Parsons and Whittemore, the Development Office offered to: work to close an elementary school next to the former site (this has already taken place); work to weaken WV pollution regulations; assist P\$W in bringing non-union construction workers into WV; and help the company combat WV labor unions. Roland Phillips of the Development Office even ghost wrote letters from Parsons and Whittemore to himself, and then wrote letters back to P\$W responding to his own ghost written letters. The company didn't even have to write their own letters!!!

After this court decision, the Development Office asked state Senator Jack Buckalew to introduce a bill exempting the Development Office from making public their offers of money and assistance to potential businesses. But Buckalew's bill was not put on the legislative agenda. So in response to pressure by Governor Underwood, House leaders attached it as an amendment to another bill. This was done during the last minute legislative rush, so the public had no chance to respond. The bill passed, with some legislators apparently not even knowing they were voting for it!

How appropriate. This bill, which reverses the Supreme Court decision that taxpayers have a right to know how our money is being offered, could only pass by stealth.

The Dirty Development Secrets law has enormous implications for all of us who are working to prevent taxpayers' money from being spent to strip our state's resources, poison our environment, and enrich wealthy outside corporations, while state residents become poorer in every sense of the word. We now are not allowed to know, for example, if "our" government is offering millions of our dollars to entice rapacious coal companies to level more of the state's mountains, and cover more miles of streams with those former mountains.

Please call the OVEC office if you'd like us to hold another peaceful civil disobedience workshop (304-522-0246). We need to know if enough people are interested in attending before we schedule another workshop.

CHEMICAL COMPANY DIRTY SECRETS BILL IS KILLED

Norm Steenstra, Gary Zuckett, and the rest of the WV Environmental Council's lobby team, did an incredible job of making the Dirty Secrets chemical self audit bill the most widely publicized bill of the 1997 legislative session. Of course, they couldn't have done it alone. All of the calls and letters from concerned citizens were essential

in getting the bill killed at the last minute. This bill was greased by lots of chemical company money to WV politicians' election campaigns. Its defeat is a great example of how **the only way to fight the power of organized money is with the power of organized people.**

CUTS IN AID TO PEOPLE IN NEED

Rev. Jeff Allen of Charleston is the lead author of a paper which describes the impacts of cuts in assistance to the poor. Jeff examines how West Virginia's most vulnerable people will be hurt by these cuts. At a time when corporations are getting more and more tax breaks from "our" politicians, poor WV children are literally having food taken out of their mouths. At a time when "our" politicians have given huge tax breaks to coal companies which encourage them to level the state's mountains and destroy miles of streams, the suffering of the poor among us continues to increase. For a copy of this paper, please call the OVEC office.

TAX BREAKS FOR MOUNTAIN MASSACRE

"This (WV) legislative session has provided economic and regulatory incentives for coal companies to do more mountaintop removal. A bill just passed which granted severance tax reductions of 60 - 80% on mining thin seam coal," explains Gary Zuckett, president of the WV Environmental Council. The legislature also approved coal company requests for dramatic reductions in the fees they must pay when they permanently destroy miles of streams by dumping former mountains on top of them. All of this in a mad rush to get as much coal out of the mountains as is humanly possible.

Ashland Coal, based here in Huntington, plans the largest-ever WV mountain massacre project. Twenty story high earth moving equipment will level mountains and annihilate entire stream ecosystems.

Jess Duncan of Boone County says that the coal company blasting he hears from his house has been increasing dramatically recently. Jess reported that on April 17, a contractor related to a Massey Coal operation had an explosion which apparently damaged the school and some homes in Sylvester. "We don't want to see our way of life completely destroyed," he said.

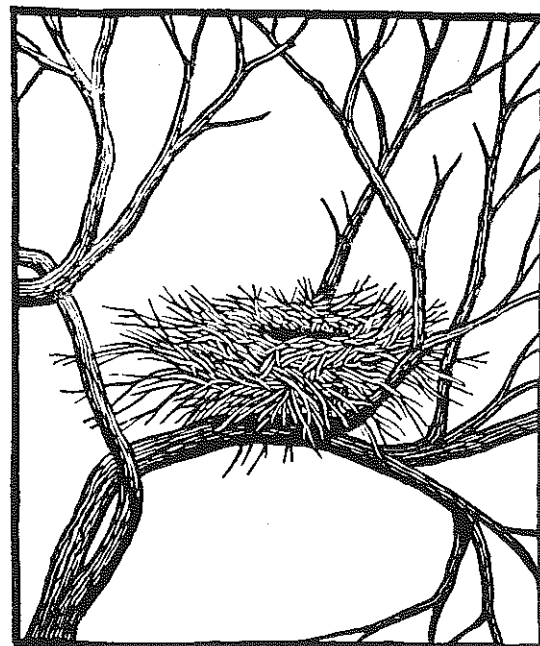
OVEC will sponsor a public forum on mountaintop removal. Come and hear from people who suffer the effects of unbridled coal industry greed, who see their beloved landscapes demolished. Come and see a video and slides which show some of the permanent moonscapes which are being created in our magnificently beautiful state. (See our calendar on last page for details.)

FOREST HEALTH RESEARCH - HELP NEEDED

There is evidence that Appalachian forest trees may be dying at faster than normal rates due to air pollution. The American Forest Action Project is monitoring forests throughout Appalachia in order to find out if in fact the trees subjected to air pollution are dying at faster rates.

To meet the project criteria a forest should have an area of 2.5 acres with 33% of the canopy occupied by trees 120 years old or older and there should not be any evidence of fire, grazing, logging or other human disturbance. Although tree size per age varies with species and site, in general trees over 20 inches in diameter may be close to 120 years old. Five or six trees per acre of over 20 inch diameter could occupy about 33% of the canopy.

If you are aware of any forests which meet the above specifications please contact Alan Rees at: 706-769-1920, leave a message at 614-456-8132, e-mail at jardine@dogwood.botany.uga.edu. Or mail info to 1061 Rankin Rd., Apt 4A, Watkinsville, GA 30677-4902.



TREE HUGGERS' BALL HAS SURPRISE GUEST!

OVEC's annual Tree Huggers' Ball was held March 21 at the Calamity Cafe (1555 3rd Avenue, Huntington, WV). This is one of our major fund raising events of the year. OVEC's Eric Fout has been the chief organizer of this event for the past several years (thanks, Eric). Just prior to the first act, a request came in for a table for six. Former WV democratic gubernatorial nominee, Charlotte Pritt, heard about our party from OVEC member Winnie Fox, and decided to stop in.

Charlotte spoke briefly to the standing-room-only crowd and told people how important it was to stay involved in important West Virginia issues and to keep fighting the good fight. She had high praise for OVEC's environmental work and asked folks to dig as deeply as they could to boost OVEC's local donations (HINT).

This year's bash had a little different twist--a guest appearance by "Little Egypt," a well-known, expert belly dancer who uses her talent for the benefit of others. The crowd was delighted by her grace and charm as she swayed in rhythm to Eastern music accompanied on the drums by Jason Hale, Mike "Mickey D" Ellis, and Siobhan King.

We appreciate "Little Egypt" as well as all the musicians who donated their time and talents for the Tree Huggers' Ball! Our thanks to Blake Sypher, Margaret Moore, and all the members of "Pagan Babies," "Fried Chicken," "Kate's Problem," and "Wonderful Pills."

We'd also like to thank area businesses that contributed items for our raffle. We ask that you show your appreciation by patronizing them. They are:

Kramer's Photo Supply
Renaissance Book Store and Coffee
House

The Old Village Roaster
River Cities Natural Health Center
Southern States

NEW OVEC T-SHIRT AVAILABLE!

A new OVEC t-shirt is available! It's a shirt with a message-"Cherish the Mixed Mesophytic Forest." Designed by a West Virginia artist-environmental activist, Ruth Blackwell Rogers, the 100% unbleached cotton shirt comes with an educational note attached, which tells about the mixed mesophytic forest. The mixed mesophytic is the most biologically diverse hardwood ecosystem on the continent. Timber harvesting in West Virginia, the heart of this forest, has doubled in the past 7 years, and state officials continue to aggressively promote increased logging.

The beautifully drawn and colored shirt is available in either large or extra large and costs \$15.00. All proceeds from the sale of the shirt will be used to help OVEC protect our unique forest ecosystem. Write or call OVEC to order your shirt at: 304-522-0246 or OVEC, 1101 Sixth Ave., Suite 222, Huntington, WV 25701. (The black and white illustration doesn't do the shirt justice!)



RAFFLE!

Buy your raffle ticket and win a \$50 gift certificate towards a night at **Nakiska Chalet** bed and breakfast. Owned by Joyce and Doug Cooper, this b & b is a relaxing mountain haven near Valley Head, WV (outside Elkins near Snowshoe ski resort). Tickets are \$5.00. Our thanks to Joyce and Doug for their contribution to our work.

UPCOMING OVEC EVENTS

May 1 (Thursday), 6:30 PM at the OVEC office building, 1101 6th Ave, Huntington (please use 11th St. entrance). Meeting to discuss forest issues. Please come and participate in making action plans. Remember, this is **your** organization!

May 31 (Saturday), 9AM to 3:15PM, at the First Congregational Church in Huntington, 701 5th Ave. Workshop - **Follow the Money: Values, Economics, and the Environment**. Sponsored by OVEC, the Commission on Religion in Appalachia, and other groups. If you've read this entire newsletter, you can see that the corporate exploitation of our region is increasing, and that our politicians are cooperating with this process of exploitation. What are the roots of these problems? How do we work for change? This participatory workshop will be fun as well as informative! Don't miss it!

June 17, (Tuesday), 7 PM, Huntington. Place to be announced. **Public Forum on Mountain Massacre Strip Mining**. (See article elsewhere in this newsletter.)

Please call the OVEC Office for more info on any of these events - 304-522-0246.

PLEASE SUPPORT OVEC'S WORK - WE DEPEND ON YOUR DONATIONS!

Cut and mail to: OVEC, 1101 6th Ave., Suite 222, Huntington, WV 25701

_____ New member or renewal (Dues: \$10 - \$30, pay what you can)

_____ Donation enclosed

DONATIONS ARE
TAX DEDUCTIBLE

Name _____

Address _____

Phone # _____

For more information, call the OVEC office at 304-522-0246



Ohio Valley Environmental Coalition
1101 6th Ave., Suite 222
Huntington, WV 25701

Copied on unbleached, recycled paper