



West Virginia Environmental Council's

# Green Legislative Update

Published Weekly During West Virginia's Legislative Session

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## Under the Dome

By Donald S. Garvin, Jr.  
WVEC Legislative Coordinator

### Week 8 – Whine, Whine, Whine . . .

My “Whiner of the Year” award has to go to State Senator Sarah Minear (R-Tucker) who claimed last week that members of the environmental community had made death threats against her.

Poor Sarah. There seems to be no limit to the bad bile in this Senator’s body. Her hatred for anything “green” oozes from every public statement she makes.

Environmentalists, environmental regulations, the EPA, clean air, clean water, all these things really make her blood boil. She has a particular distaste for public lands, like National Forests and National Parks.

Last week’s display of Sarah’s paranoia does not surprise me. Several years ago she made similar charges about Trout Unlimited members at a public hearing about antidegradation rules. At that time she claimed that TU members had threatened to loosen the lugnuts on her car tires.

Come on Sarah, get a grip.

Your “lugnuts” are already too loose.

Elsewhere this session the capitol hallways are filled with a cacophony of whiners.

Leading the charge, as usual, are the lobbyists for the extractive industries. This year most of their whines concern money. After the special session they weren’t happy with the Governor’s proposal to fix the workers’ comp deficit with increased severance taxes on the natural resources they exploit. After all, they paid big money to get this Governor elected.

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## Clean Elections Bill Dies Undeserved Death

By Julie Archer, WV-CAG

Late last Friday, the Senate Judiciary Committee took up SB 247, the WV Public Campaign Financing Act, which would have established a pilot project to provide full public financing for legislative candidates in two Senate and three single member Delegate district.

The good news is the bill was passed out by the Judiciary Committee, but was not taken up Finance Committee in advance of the deadline for bills to be out of committee in the house of origin.

While we are certainly disappointed that we won’t have a pilot project in place for next year’s elections, the Clean Elections concept continued to make progress in the legislature as the bill was approved by both Judiciary Committees. We will continue to work with our supporters in the Legislature, as well as Secretary of State Betty Ireland to move forward with this much needed reform.

In the meantime, we remain optimistic about the passage of SB 245, which would reign in 527 groups and require disclosure by the sponsors of “sham” issue ads and other electioneering communications that currently escape regulation because they stop short of advocating a candidate’s election or defeat.

The bill would also prohibit groups that sponsor such ads from accepting contributions totaling more than \$1,000 per election. The bill was passed unanimously by the Senate. SB 245 now goes before the House Judiciary Committee.



# 16th Annual E~Day a Success!

Thanks to all organizations, groups, sustainable businesses and individuals who attended **E-Day at the Capitol** and the **E~Day Reception / Award Ceremony** this year! We had a wonderful turnout! We will offer an E~Day! review in the **Legislative Wrap Up** newsletter being issued later in the month. Time and space just doesn't allow us to do this event justice in this issue.

Congratulations again to Dave Saville, Myra Bonhage-Hale, Libby Chatfield, Judy Rodd, and Maria Gunnoe - our 2005 Award Recipients. Thank you for all you do for West Virginia and planet Earth!

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## Coal Rally Face Off

Thursday was the annual "Friends of Coal" day at the capitol, but this year's rally had some competition, as coal field residents and activists with the "Mountain Justice Summer" campaign held a demonstration against mountaintop removal mining immediately following the pro-coal rally.

Governor Joe Manchin attended the "Friends of Coal" rally and introduced himself by saying, "My name is Joe Manchin and I'm a friend of coal." Later, he said, "You do have a friend . . . friends who want you to do well."

Chris Hamilton, vice president of the WV Coal Association, singled out Ken Hechler to the crowd as a politician who is a nemesis to coal mining.

Needless to say, neither the Governor nor Hamilton attended the "Mountain Justice Summer" rally.

An estimated 300 to 500 people were in the crowd for the pro-coal rally, while about 40 people were on hand for the anti-mountaintop removal rally to kick off a summer of nonviolent protest of the mining practice.

EarthFirst!, a national environmental group, is planning a four-month campaign called "Mountain Justice Summer." West Virginia groups such as Coal River Mountain Watch and OVEC are also participating in the effort.

Elaine Purkey, a Southern West Virginia singer, entertained the environmental group. She dedicated a pro-union song to any coal miners in the crowd. Not all miners are comfortable with mountaintop removal, she said.

"My husband is a third-generation coal miner," she said. "He doesn't agree with this garbage, either."

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### From the editor ...

This is the last **Legislative Update** until after the session (which ends April 9.) We will issue a **Legislative Wrap Up** mid-April with all the final details. In the meantime, for those who are on our e-list serve, please be looking for any Action Alerts sent out by Don Alexander, our List Serve Coordinator, from the lobby team.

For those not on our e-list, please feel free to call the WVEC office, (304) 346-5905 for information on a particular bill(s) you may be following. Listed below are the legislative contact numbers to call as well.

We are not planning a final night "End of the Session" gathering due to E~Day occurring so late in the session this year and the hectic pace the lobby team must keep through midnight on the 9th.

### Legislative Session 2005 Information Sources:

#### Legislative Reference & Information Center:

MB-27, Bld. 1 - State Capitol Complex, Charleston WV 25305

**WV Legislative web-site:** [www.legis.state.wv.us](http://www.legis.state.wv.us) (For bill tracking, bulletin board (journals), legislators' e-mails.)

**To Call Toll Free:** 1-877-565-3447 or local Charleston area: (304) 347-4836

**WV Environmental Council Web-site:** [www.wvecouncil.org](http://www.wvecouncil.org)

**Ohio Valley Environmental Coalition:** If you want to easily get the latest news during the legislative session, check

[www.ohvec.org/ovec\\_news.html](http://www.ohvec.org/ovec_news.html) and [www.ohvec.org/news\\_gen.html](http://www.ohvec.org/news_gen.html) daily.

Every morning, OVEC checks scores of news sources and post links to make it easier for you to stay informed.

*Green Legislative Update*

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*Legislative Update* welcomes letters, articles, and art work from readers and reserves the right to edit or reject submissions. Please send materials (preferably on disk) to:

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## Under the Dome

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So they have spent the better part of this session whining to get the money back. It looks like the timber industry will succeed in getting their severance taxes reduced by two-thirds! The Coal Boys are going to court to get back millions of dollars they have paid in severance taxes on coal they export, and there are several new proposals in the legislature for additional coal severance tax relief.

Even the oil and gas industry is whining for severance tax relief, and this in a period of record high natural gas prices.

Unfortunately, all this whining pays off here in Charleston.

After years of constant and incessant whining, the water polluters in West Virginia (led by the Farm Bureau and the Chamber of Commerce) appear to have succeeded in getting the legislature to eliminate the Environmental Quality Board as the agency that sets our water quality standards.

We have fought this battle for three years now, in an effort to defend the open and independent EQB process for determining how clean – or dirty – our water should be.

Even our legislators themselves have gotten caught up in the whining, crying crocodile tears and complaining that this independent board snubs and ignores them. Apparently, what the legislature and their industry supporters really want is a process they can control from start to finish, and an end result that they can guarantee.

Unfortunately for us, at this hour the West Virginia legislature appears poised to transfer EQB's rulemaking authority to DEP, an agency whose culture is one of making policy decisions on environmental regulations by cutting deals with industry and lawmakers in the stairwells at the capitol.

And that's my whine for this session.

Remember to keep your bird feeders full this week, so you can witness the wonderful spring transformation of our truly fine-feathered friends.

**"It's a jungle out there .....  
disorder and confusion  
everywhere ....."**

## House Removes Protection for Native Trout Stream

By Conni Gratop Lewis

On Wednesday, Del. Virginia Mahan put up a valiant fight to uphold the integrity of both rulemaking and citizen participation in water quality issues.

As those who remember the anti-deg fight of a few years ago will recall, the environmental community fought hard to protect special streams from degradation or even the possibility of degradation. The result was the creation of a Tier 2.5 designation for waters of special concern. Streams that were not on the initial "presumptive" list of Tier 2.5 waters may be nominated for that designation by undergoing a complex and thorough nomination process.

Last year two streams in Preston County were nominated for Tier 2.5 protection, *at the request* of landowners along the stream. These were the first streams nominated under the provisions of the state's new antidegradation plan. It was a lengthy and open process that resulted in EQB approval of both streams in this year's water quality standards rule.

But one of the streams, Fill Hollow Creek, also runs through land owned by a timber company, and their lobbyists worked diligently and successfully to delete this naturally reproducing trout stream from the Tier 2.5 list. Of course, they had to lie about how the process worked, and the ability of the timber company to get its points across in the public hearing process. And don't forget, timbering activities are totally exempt from antidegradation provisions in the first place.

Which brings us back to Del. Mahan. She spoke in committee against this deletion and again on the floor. It is highly unusual for the Rule Making chair to have to defend the integrity of her committee's work on the House floor. Not to mention the biological integrity of a trout stream. But she did, and did so with grace and eloquence.

Unfortunately, she lost on the House floor in a voice vote. At least the Senate did a better job of protecting both the process and the trout. The Senate version kept both streams in Tier 2.5. Now we will have to wait and see which version prevails.

**"The pursuit of balance can  
create imbalance, because sometimes  
some thing is true."**

*Dan Okrent, editor Boston Globe*

# Water quality board opposes weaker pollution rules

(From article by Ken Ward Jr., - Staff writer for the *Charleston Gazette* ~ April 01, 2005)

As lawmakers appear poised to strip the state Environmental Quality Board of its rulemaking authority, board members on Thursday took one last shot at opposing efforts to weaken the state's water pollution rules.

Board members refused to endorse a legislative-ordered elimination of a statewide water quality limit for the toxic metal manganese. The change was sought by coal industry lobbyists, and added to a bill last year that made several other industry-backed changes to state water rules.

"I see this as being an issue that, as a board, we would be unwise to endorse," said Ed Snyder, a Shepherd University scientist and chairman of the board.

In ordering the manganese change, lawmakers added to growing tension between themselves and the board members. The move helped set up — for the third year in a row — a battle over industry efforts to move water rulemaking duties from the board to the state Department of Environmental Protection.

On Tuesday, legislation to move rulemaking to DEP was approved in the Senate. The bill (S287) is on amendment stage on the House floor today.

This year, the legislation has support from DEP Secretary Stephanie Timmermeyer, despite Gov. Joe Manchin's campaign promise to leave the board's duties intact. Unlike the board, which holds all of its meetings in public, the DEP would be allowed under the bill to meet privately with companies seeking site-specific weakening of water quality limits.

On the manganese issue, DEP supported the industry-sought rule change. The state Bureau for Public Health and West Virginia-American Water questioned the move, as did at least eight state environmental organizations.

"It could significantly increase the in-stream level of manganese," wrote West Virginia-American Water director of water quality Thomas Holbrook.

"Increased levels of manganese can pose the burden of additional treatment costs on selected water purveyors," Holbrook wrote. "In this case, the result is only a shifting of cost away from the discharger to the customers of the water utility."

During a meeting in Charleston Thursday morning, Snyder said that the board would respond to public comments on the manganese proposal, but not provide a scientific rationale to support the change.

The board move could create problems in winning U.S. Environmental Protection Agency approval of the

manganese change. In 2003, EPA rejected a similar change because federal officials said that state did not submit a scientific rationale.

Late last year, EPA said it was "deferring action" on the latest manganese language while the agency "evaluates and collects additional information sufficient to finalize a decision." Manganese is a metal that can be discharged when coal is mined. It is not generally considered dangerous to fish or human health.

But, in fairly low amounts, manganese can stain laundry brown and make water taste bad. EPA says that concentrations of manganese as low as 150 parts per billion can cause these problems. Currently, West Virginia limits manganese to 1,000 parts per billion in most waterways.

The coal industry proposal would apply that limit only within a five-mile zone upstream of city drinking water intakes.

In December, EPA deferred a decision on that proposal after the board submitted a coal industry-written rationale document as the state's explanation for the change. Before that, board members had asked legislative leaders for whatever scientific evidence lawmakers used in writing the proposal. In response, Senate Judiciary Chairman Jeff Kessler, D-Marshall, suggested that the board simply give EPA the coal industry's rationale document.

In February and March, the board held a second public comment period on the legislative-ordered rule change. Board members met Thursday to discuss the comments. The meeting lasted only about 20 minutes, and included no substantive discussion of any of the comments.

Board member Scott Simonton said that he read the comments, but felt that the board should simply forward the Legislature's rule and the comments to EPA.

"We're not acting on these, really," Simonton said. "We're just the middle man in this."

Board member Cameron Hackney said that the manganese change would not have been sought if the board would eliminate its practice of trying to keep all streams statewide clean enough to supply drinking water.

Hackney, who twice mistakenly said the rule changes state standards for "magnesium," said that policy puts an "undue burden on industry."

Snyder responded that the manganese change "removes the burden from the producers of a pollutant and places the burden on the users of the water."

Also, Snyder said that his disagreement with Hackney on the issue shows that the board fosters open discussion of water quality matters.

"By having a board dealing with rules, you get these varying opinions," Snyder said. "Sometimes we disagree. We offer a broader view of the issues than may be occurring in the near future."

# DEP Insists on Rollbacks on Air Rules

By Jim Kotcon and Allan Tweddle

West Virginians who want to breathe clean air are in crisis, and the WV Department of Environmental Protection is in denial. And those of us struggling to breathe, including 19,642 children with pediatric asthma, want to know why?

Air pollution levels are so high that the US-EPA in December designated all or parts of 15 counties as failing to meet minimum health standards for fine particle pollution and ozone pollution.

These “nonattainment” designations mean it is not safe to breathe the air. As a result, Charleston, Huntington, Parkersburg, Wheeling, Fairmont, and other areas with such designations will also endure restrictions on economic development, highway funding, and more.

Meanwhile, the Bush Administration has been pushing for changes in air rules that would allow *increased* pollution emission from industries, even in areas that already violate health standards. These “New Source Review” rules create a variety of exemptions for polluters and make it harder for enforcement agencies to catch violators.

The National Academy of Sciences concluded that, contrary to assertions of supporters, the changes would allow more pollution than existing rules. Those rules are also being challenged in court by several states and organizations because they would violate the Clean Air Act and make it harder to protect our health from dangerous pollution. (1,667,879 West Virginians live within the 30-mile impact zone of the power plants that will benefit from these proposed new rules. 398,632 are children.)

In spite of this, the WV DEP asked our Legislature to adopt these same loopholes for polluters again in this year’s session.

Some years ago, the Legislature wisely rejected a so-called “Bubble Bill” which would allow facilities to shift emissions from one smokestack to another without a permit change. These kinds of numbers games allow spikes of releases to go unnoticed. It is the spikes in pollution that usually cause asthma attacks.

Back then, DEP opposed this shell game because it would make monitoring and enforcement an impossible task. But under the proposed rollbacks, DEP is now supporting a “Plant-wide Applicability Limit”, the same bad idea under a new name. In testimony before the House Judiciary Committee during the current 2005 session, DEP staff was unable to explain how anyone could effectively

monitor compliance with pollution limits under this rule change.

Numerous other loopholes and exemptions are included in the proposed changes, carefully hidden in pages of technical language so complex that legislators throw up their hands in frustration. Yet DEP insists that these are just minor technical and permit changes intended to provide clarity and certainty. What irony!

If DEP was unable or unwilling to explain these rules, the Legislature was faced with a choice. They can kowtow to DEP’s arrogance and approve the rules without understanding the impact of their vote. Or they could have rejected the rules, protect West Virginia’s air quality, and face the voters with a clear conscience.

If this was a typical minor revision of technical details, it might not make much difference in the long run. But the EPA’s nonattainment designations make this issue important. Nonattainment designations are a clear notice of the threat to human health. They carry serious penalties because real people are suffering real health effects from pollution.

Nonattainment designations protect us. Many old plants like John Amos, Fort Martin, Kammer, and others have been exempted from modern emissions standards because they were built before those rules took effect. In spite of years of complaints, the plants claimed they were operating legally and no one could force them to clean up.

Because of the new nonattainment designations, citizens now have the legal basis for insisting on installing modern pollution controls. Not only does that mean cleaner air, and healthier children, it means hundreds of new construction jobs. Everybody wins!

But just as we are about to make progress, the DEP’s rule changes create so many complex loopholes that enforcement becomes almost impossible. They allow plants that ought to be reducing emissions to increase their pollution discharges, and still claim that they “meet all legal requirements”.

Why? DEP claims that these rule changes are federal requirements. But the proposed new rules are LESS stringent than the existing rules. States always have the right to be more protective than a federal rule, so this excuse is just not credible.

Because of the nonattainment designations, now is clearly the time to clean up the power plants. Instead, DEP has picked the worst possible time to rollback the rules that could protect us from continued pollution. Did the Legislature fall for it?

Yes they did. And so now, one must ask how will the legislators explain the increased exposure to the asthmatic children in their districts?

*“Bizarre and Surreal” . . .*

## **Senator Reports Death Threat**

*(The following is from a March 27 Charleston Gazette article by staff writer Paul J. Nyden)*

When Judy Rodd and Jennifer Hughes, leaders of Friends of Blackwater, met with Sen. Sarah Minear, R-Tucker, last week, Minear told them a member of their group had threatened her life and the lives of three other people.

Minear told them she reported the alleged threats to the Federal Bureau of Investigation.

Rodd and Hughes had the Tuesday meeting with Minear at her Statehouse office to ask her to back legislation that would fund a study about the economic advantages of creating a new national park in the Tucker-Randolph county area. Minear vehemently opposes legislation to fund the proposed study.

On Friday, Rodd and Hughes mailed a notarized affidavit to the FBI stating they have no knowledge of anyone from their group making such threats.

On Friday, Minear confirmed that she told Rodd and Hughes that someone is threatening her life.

“I didn’t name anybody. But it is a dangerous situation. I do not want to comment on it,” Minear said. “I don’t have any comment on what she [Rodd] said.”

Asked who made the threats, Minear replied, “She [Rodd] is not going to flush it out. I don’t want to be quoted on saying anything about this.”

Rodd, a longtime environmental activist, said: “In my 30 years of community involvement and working on various issues, this is the most bizarre incident I have ever run into. The 30-minute meeting with Senator Minear was bizarre and surreal.”

Earlier this month, Sen. John Yoder, R-Jefferson, introduced the resolution Minear opposes. Yoder’s legislation calls for a “study” about the potential economic value of creating a new national park in the Allegheny Highlands . . .

. . . Minear spoke against the Yoder resolution on the Senate floor, commenting, “I call it surrendering our authority and rights to the federal government.”

Last week, Minear told Rodd and Hughes, the FBI affidavit states, “that we were liars, claiming that all of the economic information contained in our literature was false.”

“At some point in the conversation, Minear said that there had been threats made to her life and the lives of three other people.

“We asked her to explain what she was talking about, and she said: ‘Oh, you know exactly what I’m talking about.’ When we assured her that we had no idea what she was talking about, she said: ‘Yes, you do.’”

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When Rodd asked Minear who was making the alleged threats, Minear said it was a member of Friends of Blackwater.

“We again pressed her for more details,” the affidavit continued, “and she said: ‘You know exactly who it is and what they did.’ She also stated that the police and the FBI had been notified and that they were currently investigating the incident.”

Bill Crowley, a spokesman for the FBI’s regional office in Pittsburgh, did not return a telephone call on Friday asking about Minear’s allegations. Tucker County Deputy Sheriff Dave Gidley said on Saturday that he knows of no investigation his four-man department is conducting related to Minear’s charges.

During the Tuesday meeting, Minear repeatedly told Rodd and Hughes that they “had knowledge of the death threats or were somehow involved. No matter how many times we asked or how many different ways we asked, Sen. Minear flatly refused to give us any details whatsoever about these alleged death threats,” the affidavit stated.

After receiving a copy of the Rodd-Hughes affidavit on Friday, Minear had no additional comments.

Rodd said, “I shudder to think that an elected official would make this up and implicate me in a plot to commit murder.

“Is she seeking to undermine pending legislation by implying my organization is involved in violent criminal activity? I am a Quaker. I don’t condone violence. I find Senator Minear’s statements repugnant and insulting,” Rodd said.

## **Fact o’ Sludge**

Which is the world’s fourth highest dam? It’s the Brushy Fork dam, which holds back BILLIONS of gallons of coal sludge impounded by the Marfork Coal company.

At 900’, this Massey Energy monstrosity, ranks as the world’s fourth highest dam, just behind the Rogun Dam (1099’) and the Nurek Dam (984’), both in Vakhsh, Tajikista; and Grande Dixence, Dixence, Switzerland (935’).

Brushy Fork is the tallest dam in North America, surpassing Oroville Dam, Feather, CA (770’) and Hoover Dam on the CO, AZ, NV border (723’).

Interestingly, Brushy Fork does not appear in the US Army Corps of Engineers National Inventory of Dams.

Please call your state legislators to tell them you want: 1) The most dangerous impoundments shut down and reclaimed. 2) A ban on new coal sludge impoundments. 3) Coal companies to use alternative methods of coal waste disposal. 4) To know just what chemicals are in coal sludge impoundments.

Please visit [www.sludgesafety.org](http://www.sludgesafety.org). Click on the “contact your legislators”- tab to follow I think to postcards you can print and send.

# Wilderness Resolutions Make Outlandish Claims

By Mary Wimmer

*(This article first appeared in the March 30 Charleston Gazette. Mary Wimmer is a long-time WVEC member, Sierra Clubber, and a leader of the West Virginia Wilderness Coalition).*

If you ever need a reminder about the importance of wild land to West Virginia's way of life, look no further than the license plate on the vehicle in front of you. West Virginians are united in our desire to keep our state "wild and wonderful."

One option for conserving wild places, for federal land only, is through an official Wilderness designation. Wilderness is a simple tool to help us keep West Virginia's well-loved natural areas just the way they are. Dolly Sods, Otter Creek, Cranberry and Laurel Fork Wilderness areas have become central attractions for us and for visitors from the entire region.

In the Legislature, two similar and controversial resolutions appeared, one in the House (HCR49) and one in the Senate (SCR67). If passed, they would put the Legislature on record opposing Wilderness as a way of protecting the special wild areas remaining in our Monongahela National Forest. These resolutions fly in the face of the majority of West Virginians who don't oppose Wilderness. They are also riddled with errors and misleading statements about what Wilderness designation is, what it does and does not allow, and who has formally voiced opposition to new Wilderness designations. Their goal is to incite fear toward Wilderness!

Here are a few of the outlandish statements found in HCR49 and SCR67:

"Local municipalities and other public jurisdictions in West Virginia have had their educational, public safety and transportation infrastructure deprived of timber revenue payments-in-lieu totaling hundreds of millions of dollars due to the unwarranted actions of political activists dedicated to forest abandonment."

This is wrong. Wilderness designation involves no change in land ownership, thus it has no impact on private lands or property taxes. Importantly, Wilderness designation has no impact on the payments to counties from the federal government, which are based on two things: the percentage of that county that is federally owned, and a fixed payment for national forest timber based upon past harvests, which stays the same regardless

of future timbering. Wilderness designation does not change either of these.

Another bogus declaration: "Federal wilderness designation will forever deprive West Virginians and the nonresident visiting public of nearly all economically productive uses and reasonable access to recreational opportunities in the Monongahela National Forest."

This is not true. First, no public roads, open or seasonal, would be closed by proposed new Wilderness areas, and the thousands of miles of roads that exist within "the Mon" provide plenty of access, even to our Wilderness areas!

In terms of economics, West Virginia University researchers recently reported that the state's travel and tourism industry has been far outpacing the timber and mining industries in growth over the past 10 to 15 years. Our Wilderness recreation opportunities, while costing little to maintain, add the more primitive end to our outdoor recreation offerings, complementing the more developed sites nearby, like Seneca Rocks, state parks, private ski areas and biking and whitewater businesses. We have it all in West Virginia! The added diversity creates a healthy travel and tourism industry that is still growing.

What is true is that, recognizing the important economic benefits wilderness provides, dozens of local businesses, including restaurants, inns, bike shops, garages, outfitters, bookstores and galleries, have publicly called for additional Wilderness designation in West Virginia's Monongahela National Forest.

But the resolutions say: "Imposing additional wilderness would diminish the biological diversity of the Monongahela National Forest's wildlife habitat types, due to the prohibition of all wildlife habitat and timber management."

Is it not rather absurd to say that natural forces cannot generate biological diversity? Think about the rich, old forests and abundance of wildlife and trout-filled streams that covered West Virginia before humans leveled those forests early last century. Furthermore, wildlife management is specifically allowed in the Wilderness Act, especially to restore native species when impacted by human activity. A good example would be restoring our native trout streams from the impacts of acid rain, why many Trout Unlimited folks have gone on record supporting more Wilderness, great for watershed protection.

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## Wilderness Resolutions Make Outlandish Claims

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Finally, the real upshot: Is Wilderness truly the threat to West Virginia's timber industry that it is made out to be in these resolutions? Let's ask first what is the most land in West Virginia that could become Wilderness, compared to that potentially available for timber production.

Wilderness can only be designated on federally owned public land that meets certain criteria, such as size and natural integrity.

Most of West Virginia's federal land is the Monongahela National Forest, whose 917,000 acres cover 6 percent of the state. Most of that 6 percent, however, is unsuitable for Wilderness designation due to impacts from timbering, mining, gas drilling and other developments, with all the associated roads.

The West Virginia Wilderness Coalition ([www.wvwild.org](http://www.wvwild.org)) is proposing that 143,000 acres in the Mon be added to our current Wilderness, for a total of 220,000 acres. Thus, Wilderness would occupy less than 1.5 percent of the state's 15.4 million acres (and three-fourths of the Mon itself would remain non-Wilderness).

At the same time, nearly 80 percent of West Virginia is forested, with more than 95 percent of the state's timber harvest coming from corporate or private lands.

The inescapable conclusion to be drawn from these facts is that new Wilderness will have no significant impact on the state's timber industry.

Last year, two of our distinguished congressmen, Sen. Robert Byrd and Rep. Nick Rahall, received major national awards recognizing the work they have done in supporting Wilderness protection of wild lands in West Virginia and the rest of the nation. It is an insult to their grand legacy to consider passing resolutions like HCR49 and SCR67.

This week, some senators and delegates reportedly are pulling back from the proposals. That's good. These resolutions, and especially the lack of thinking behind them, need to be buried deep.



## Thousands of Cans Descend Upon Capitol

By Linda Mallet, [linda@wvcag.org](mailto:linda@wvcag.org)

On Wednesday lobbyists, state workers and E-Day attendees enjoyed free water **and** got 10-cents when they brought their empties to the second annual Deposit Day. Held in conjunction with the WVEC's E-Day, Deposit Day was all about raising awareness for a WV Bottle Bill. At our mini redemption center at the Capitol, we collected over 3,000 containers! Students from Fairmont State, Shepherdstown, WVU-Parkersburg and WVU in Morgantown were on-hand to help us make this day a success.

The group from Morgantown brought thousands of containers down in a U-Haul and placed the bags on the Capitol lawn in the shape of West Virginia! It certainly got the attention of Capitol employees who were strolling by to enjoy the 75 degree day.

Special thanks go out to Jamie Barnard and Ted Stuart from Parkersburg for staffing our table and for lugging cart after cart of cans and bottles. They even provided curbside service for one recycler who brought in cases of glass bottles.

Also, kudos to the students from Morgantown, led by Laura Wright and Corey Bonasso, who took time out from their class schedule to get a grant for the U-Haul and coordinate transporting the containers all the way to the state Capitol. It was so great to have the participation of these students from all over the state!

While we didn't get a Bottle Bill passed this year, please know that the issue is being talked about at the Capitol and that legislators are taking note when they get your calls.

And, thanks to you, momentum continues to build! The Cabell County Solid Waste Authority passed a resolution of support just last week. Please help us sustain this important energy and thanks!

"The problems of the planet arise not from the poor, for whom education is the answer. They arise from the well-educated, for whom self-interest is the problem."

*William Sloan Coffin*





# Calendar of Events



**April 2 & 3: Webster Wildwater Weekend.** Events include a downriver race, slalom race, fun floats. After-race party Saturday evening at camp Caesar.

**Saturday, April 2:** 8:00 - 5:00: Baker's Island. Vendors, music, race headquarters & various madness. Race Registration: 8:00 - 11:00  
12 Noon - Location to be announced, Downriver Race begins (Elk River or Back Fork of Elk - depending on water flow.)  
2:00 River slalom race, Elk River  
8:00 p.m. - After race party at Camp Caesar

**Sunday, April 3:** 10:00 a.m., Baker's Island - Fun floats, Hiking for those not inclined to paddle.  
**For more information:** (304) 847-2145 or (304) 847-5449 (evenings) or [wca@websterwv.com](mailto:wca@websterwv.com).

**April 9:** Last day of the legislative session.

**April 16-18: Camp & Hiking Excursion (Part of WV Mountain Odyssey 2005).** Camp at Seneca Shadows. Day 1 - Hike to the top of Seneca Rocks. Day 2 - Moderate 10 mile shuttle hike to Chimney Rocks. Day 3 - Break camp and head home. Reservations recommended.

**For more information and reservations:** Mike Juskelis - (410) 439-4964 or [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com).

**April 22: Earth Day!** Stay tuned to *Legislative Update* and *G.R.E.E.N. newsletter* and WVEC website: [www.wvecouncil.org](http://www.wvecouncil.org) for list of events from around the state and region.

**April 22: Mon Earth Concert.** - Met Theater, WVU Morgantown. 2nd annual Mon Earth event! Begins at 7:30 pm. Benefits *Friends of the Cheat* and other groups.  
**For more information:** [www.mon-earth.org](http://www.mon-earth.org)

**April 23: Earth Day Celebration.** Join WVEC, and other environmental organizations, artists, sustainable small business to celebrate Earth Day. *Charleston, WV*  
**To participate & information contact:** Denise Poole, [deniseap@earthlink.net](mailto:deniseap@earthlink.net).

**April 23: Earth Day Celebration!** Concord University, Athens WV. Display tables, demonstrations and live music. From 12 noon till 10:00 pm.

**For more information:** Laurie McKinney - Llynium Entertainments. (304) 320-8833 or [llynium@yahoo.com](mailto:llynium@yahoo.com)

**April 29: WV-CAG Annual Spring Dinner,** Coonskin Park Clubhouse. Doors open at 5:30. Keynote speaker ~ Billy Jack Gregg, Public Service Commission Consumer Advocate. Awardees ~ Senator Robert C. Byrd, Dave McMahon and Michael Lipton. Great food, music and silent auction. Tickets \$35/person or \$60/couple.

**For more information contact:** Contact 346-5891 or [linda@wvcag.org](mailto:linda@wvcag.org) for more info.

**May 7: Screening of "The Appalachians".** Cultural Center in Charleston, beginning at 7 p.m. John Lilly, editor of "Goldenseal" will emcee, introducing the film's producer, Mari-Lyn Evans, Kay Goodwin, Troy Body and others. After remarks from guests, there will be a 30-40 minute performance by the group *Gandydancer*. There will be a reception following the screening in the Great Hall, with live music and refreshments.

**June 11 & 12: Dolly Sods North/Dolly Sods Backpack - Mon National Forest - (part of WV Mountain Odyssey 2005.)** 14 mile moderate Backpack with sweeping views, vistas, streams & waterfalls. Will try to hike 7 miles each day. For more information: Mike Juskelis, (410) 439-4964 or [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com).

**June 25: Third Annual Lavender & More Fair!** LaPaix Herb Farm, Alum Bridge, WV (Lewis County.) Featuring a variety of Workshops, Walks, Booths, Culinary Delights and much more! Silent Auction with proceeds going in support of *Sustainable Living For West Virginia* organization.  
**For more information contact:** Myra Bonhage-Hale, [lapaix1@westvirginia.net](mailto:lapaix1@westvirginia.net) or (304) 269-7681.



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## Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: (304) 346-5905 [www.wvecouncil.org](http://www.wvecouncil.org)

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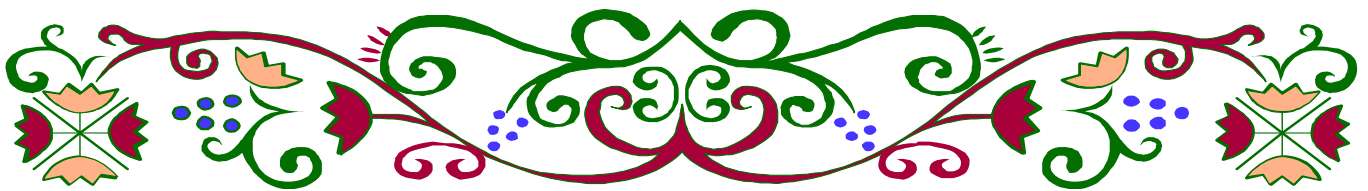
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# Happy Spring!

*.....from the West Virginia Environmental Council!*