



Into the Canyon

Newsletter of Friends of the Cheat

Spring 2007

Rockville Parcel Donated to Friends of the Cheat

Friends of the Cheat has received a donation of a four acre riverside plot located just upstream of the Rockville Bridge on the Big Sandy. It will provide river access for whitewater paddlers and a starting point for hikers in the area. We'll also take steps to control motorized access across the property. ORVs have caused considerable damage to the area over the past decade.

The history of the parcel is complex. When Allegheny Power sold its holdings in the Cheat Canyon and Big Sandy gorges to Allegheny Wood Products in 2004 we assumed that all the property on river right directly across the Rockville Bridge was included in the sale. But Sandy Walbridge did some research in the county courthouse and found two parcels not acquired by AWP. One of these, a half-acre plot owned by Allegheny Power, was purchased by Friends of the Cheat in 2005. Determining ownership of a second four-acre parcel was more elusive. The owner of record, Appalachian Resources, is a name that has stayed in the deed book even though ownership has passed between several companies. The plot was ultimately acquired by Chesapeake Energy when they purchased Columbia Gas Corporation.

Friends of the Cheat contacted Scott Rotruck with Chesapeake Energy. He met with Keith Pitzer and Charlie and Sandy Walbridge at the Rockville property last December. After we explained the importance and potential of the site for outdoor recreation he agreed to help us procure it. Thanks to his energetic support Chesapeake Energy later agreed to donate the property! We are now planning a survey to determine exact property lines before designing a parking area and fencing to control motorized incursions. Construction costs will be met by private donations from outdoorsmen familiar with the area and grants from regional and national organizations familiar with the area's potential.

With this donation paddler access to both the



Scott Rotruck, Chesapeake Energy, Charlie Walbridge, FOC board member and Keith Pitzer, FOC executive director on the historic Rockville bridge after transfer of the deed from Chesapeake Energy to FOC for the 4 acre property on river right.

Cheat Canyon and Big Sandy is secure for the foreseeable future. Friends of the Cheat is proud to have led this effort and appreciates the support of everyone who contributed to it. A special thanks goes to Scott Rotruck and Chesapeake Energy for their vision and generosity in helping us meet our goal.

Friends of the Cheat is planning to construct a parking area to serve paddlers, hikers, and fishermen. We'll also need to construct barriers to prevent the destruction of the surrounding woods by ATVs. The estimated cost is \$10,000. Now it's time for all who know and love the Big Sandy to help us do this. All those who give \$50 or more will receive a "Big Sandy Access Partner" sticker.

Please send your donations to:

Friends of the Cheat
Big Sandy Access Project
119 S. Price Street Suite #206
Kingwood, WV 26537

Or call 304/329-3621 – we take credit cards!



Into the Canyon

Published by:

Friends of the Cheat

119 S.Price St., #206

Kingwood, WV 26537-1478

phone: 304-329-3621

fax: 304-329-3622

web: www.cheat.org

email: foc@cheat.org

Friends of the Cheat Board of Directors

Jim Snyder, Chair and Secretary, Charlie Walbridge, Vice-Chair, Dave Bassage,
Dave and Lena Cerbone, Dan and Janet Lenox, Tom Nutter, Ralph Teter, Troy Titchenell

Friends of the Cheat Staff

Keith Pitzer - executive director, Sally Wilts - office assistant, Jessica Zamias - OSM/VISTA, Doug Ferris - mapping & monitoring

Business Sponsors

Adventure's Edge • Adventuresports Institute of Garrett College • Adventure Sports Center International • Appalachian Wildwaters • Aquafix • Arkley Forestlands • Bishop House B&B • C.E.Bolyard and Son • Tom Brown Construction • Cellular One • Cheat Canyon Campground • Cheat River Outfitters • Cool Runnings • Doppio Coffee • East/West Printing • Firefly Grill • Filtersource • Fluid Kayaks • Grateful Heads Helmets • iPlayOutside.com • Laurel Highlands River Tours • Liquid Logic, LLC • Longhollow Pens • Mario's Fishbowl • WKMM • Monroe's Deli • Mountain Streams and Trails • Mountain Surf • Preston Distributors • Possum Point Productions • Precision Rafting • PS Composites • Pyranha • Rapidstyle • Ribboard, Inc. • Riversport School of Paddling • Rocky Mountain Kayak • George Simms Interiors • SONY • Teter's Campground • Video Veritas • Gail Anderson Vincent • Wavesport • We're Nuts • West Virginia Brewing Company • WFSP • Whitewater Warehouse • Wilderness Voyageurs • Chrissy Zeltner Massage Therapy

Major Funding Supporters

Alpha Associates • Allegheny Power • Bikes Belong • Canaan Valley Institute • Chesapeake Energy • Morgantown Energy Associates • Nisource Environmental Challenge Fund • Oakland Foundation • US Environmental Protection Agency • US Office of Surface Mining • WV Department of Environmental Protection • WV Stream Partners Program

Major Donors with thanks to *all* of our members

Richard Brooks • Peter Bross • Peter Bernstein • Rence & Barbara Callahan • Paul & Betty Connelly • Christopher Earl • Carla Ferris • Robert Gedokah • Ken Gfroerer • Joe Greiner • Carlton Gutschick • Stephen Haid • Edward Hanrahan • Mary Lynn Harden • John Harvey • Rick Herd • Ed Hughes • Pat Kingman • Blakely Lacroix • Greg Lee • Fred Lemke • Dan and Janet Lenox • Jon Maiman • Harry Marinakis • Tom McCloud • Constance Miller • Eloise Milne • Arch Moore • Alfred Murray • Anne and Wayne Nelson • Larry Pethick • Howie Pentony • Keith and Joan Pitzer • Jack Sanders • James Scott • Peter F. Smith • Jan Steckel • Todd Steelman • Keith Strausbaugh • Ann and Cecil Tickamyre • Mac Thornton • Robert Uram • Charlie Walbridge • Fred Wright • Jeff Wright

Organizations

American Canoe Association • American Whitewater • Blue Ridge Voyageurs • Canoe Cruisers Association • Cheat Lake Environmental and Recreation Association • Coopers Rock Foundation • Downstream Alliance • Friends of Deckers Creek • Friends of Laurel Mountain • Greater Baltimore Canoe Club • Harper's Ferry Outdoor Festival • Keel Haulers Canoe Club • Kingwood Junior Women's Club • Monocacy Canoe Club • Philadelphia Canoe Club • Project Wet • Richmond Whitewater Club • River Network • Shavers Fork Coalition • Three Rivers Paddling Club • Trout Unlimited • Upper Monongahela River Association • US Army Corps of Engineers • WV Raptor Rehabilitation Center • WV Rivers Coalition • WV Save Our Streams • WV Trophy Hunters Association • WV Watershed Network • Zoar Valley Paddling Club

Working Upstream

By Keith Pitzer, Executive Director, Friends of the Cheat

I am writing this at the end of the first week of April. We've had beautiful spring weather late in March and the first few days of this week. Now it is in the 20s and snow is on the ground. In total we've had a very mild winter with almost no snow until February. Maybe mother nature is just reminding us of who is in control after all. Or, maybe this is more of the unsettled weather that comes with climate change. So even if we are affecting the weather, we still can't control it. I have plenty of woodpile left, I'll just burn the woodstove some more.

The winter, though mild, was busy. The weather helped us in the field in continuing our water monitoring and mapping of the lower watershed. Doug Ferris' OSM/VISTA term ended in February, but he is staying on as paid staff and will continue to run this ever expanding program. Current funding for his position is from a Targeted Watershed Grant from EPA and later will hopefully be covered by a grant with WVDEP/Non-point source program.

A big surprise came late in the year when Congress passed a re-authorization of the Abandoned Mine Land Program. This is huge. Please read about this on page 10.

An AMD treatment project on Morgan Run was bid out in March and area contractor Bill Bolyard was awarded the contract. We should break ground in June. Another project on Pringle Run is nearing completion of engineering and will go to bid as soon as permitting is completed. These projects, the planning of three more treatment sites as well as intensive work in the Muddy Creek tributaries of Martin, Glade and Fickey have been keeping everyone in the office busy. 2007 should be a banner year for AMD projects.

Our efforts to secure abandoned rail corridors for recreational trails in the area continue. We are in communication with the owner of the Tunnelton to Kingwood corridor and have funding in place for acquisition. The CSX corridor along Cheat Narrows is our primary focus at this time. We are working with area businesses as well as WVDOT

and Congressman Mollohan to develop a public/private partnership approach that could serve business and recreation interests.

Recently, we were able to finalize arrangements for an access site at Rockville on the Big Sandy. This will serve boaters and hikers alike and we're very pleased about this. In case you missed it, read the details on the cover page.

We always mark spring with Cheatfest planning. This is the 13th year for the festival and it has certainly changed in those years. The board and staff of FOC hope the event reflects a lot of the interests of the stakeholders in the watershed. This year will continue with the Art Market and will showcase some alternative energy sources for the first time. The Cheatfest 5K will be in its third year, funds going to the Preston Rail Trail Committee. You can check on these and all things Cheatfest in this issue. See you there!

With spring and summer weather, we will do even more walking of streams, marking AMD sources and planning more projects. To that end we'll be working upstream.

In this issue

Rockville donation.....	1
Donors, partners.....	2
Working Upstream	3
Index	3
Cheatfest	4,5
Cheatfest 5K	6
Sweet Things.....	7
Harpers Ferry Outdoor Festival.....	7
Canyon Endangered Species	8
WVEC Report	9
Outdoor Classroom Update.....	9
AML Re-authorization.....	10
Membership, donations.....	11
Watershed Festival.....	12

Music Lineup for Cheatfest 2007

Our 2007 Cheat River Festival is excited to bring another year of musical talent. This year's music line-up will include:

Skinny Leonards
Herb and Hanson
Young Abe & the Curmudgeonly Old Hickory Winded
Frothy Slosh Band
Keith, Joan & Jake Pitzer
Trent Wagler & the Steelwheels
Half-Time String Band
The Floorwalkers
Stewed Mulligan

All musicians donate their time and talent to benefit Friends of the Cheat.

Gates open at noon with music beginning at 1:30 PM. More information on each of these groups will be posted on our website at www.cheat.org/festival



**Thank
You
2007
Cheat
Festival
Sponsors!**



Allegheny Power
an Allegheny Energy company

The Adventure's Edge

131 Pleasant St, Morgantown WV (304)296-9007



Cheat River Outfitters

"West Virginia's Other Whitewater"tm

Rocky Mountain Kayak

www.rockymountainkayak.com

George Simms Interiors

Morgantown West Virginia

Cellular One

from Dobson Cellular Systems



Friends of the Cheat's 13th Annual Cheat River Festival



Saturday May 5, 2007 • Noon - 11 p.m.

\$15 Adult (under 12 Free with Adult) • **Albright, West Virginia**

Festival Grounds on WV Rt 26 north of Albright, WV ~ 30 miles from Morgantown

Coolers & alcoholic beverages are permitted within our gates, on-site security will card.

Pets are NOT allowed! Please cooperate. NO CAMPING ON-SITE OR IN PARKING AREA

Celebrate the Cheat River

Enjoy these Annual Festival Favorites:

- Traditional, Folk, Bluegrass, Celtic Live Music : **Center Stage**
- Quality Arts & Crafts Booths : **Art Market**
- Paddlesports & Outdoor-interest Vendors : **Festival Market**
- Assorted Fine Food : **Food Court**
- Thrills & Adventure : **Climbing Wall**
- Environmental Education : **Kids Tent**
- Cheat River Watershed & Conservation Education : **Focus Tent**
- Friends of the Cheat Info : **Friends of the Cheat Booth**



Wear rugged shoes!

The site is a woody park like setting.

Bring a blanket or camp chairs

Green Tech Area

Solar Power

Wind Power

Hyrid Cars

New for 2007!

SAVE \$5!
Buy Your
Festival Ticket
thru April

Get Your \$10 Fest Tickets thru April:

Online: www.cheat.org

Kingwood, WV: FOC Office, Sportsmen's Edge

Morgantown, WV: Mountain People's Co-Op,

Blue Moose Cafe, Black Bear Burrito, Fawley Music

Friday May 4
12th Annual
**Cheat Canyon
Downriver Race**
www.cheatriverrace.com



Saturday May 5
3rd Annual
**Cheat Fest 5K
Foot Race**
www.cheat.org

\$5 OFF

Your
Cheat Fest
T-shirt



Redeem with purchase
at Friends of the Cheat booth

spring2007nl

Friends of the Cheat www.cheat.org
119 S Price St•Kingwood WV 26537 304-329-3621

The Third Annual Cheat Fest 5K Race

by Jessica Zamias, OSM VISTA

Come out for a light jog or walk and enjoy the beautiful scenery of Preston County. Race participants get free admission into the Cheat River Festival and the first 100 registrants get a free Cheat Fest 5K race shirt! Winners from each category (listed below) will receive ceramic medallions dyed with EnvironOxide pigment from Acid Mine Drainage. All profits from the race will go to the Preston Rail Trail Committee (PRTC), a local group dedicated to converting abandoned railroad corridors into safe walking/biking trails in Preston County.

Race Details

Date: May 5th 2007

Registration: 8:30-9:45 am

Start Time: 10:00 am

Location: Preston County Country Club

Entry Fee: \$20.00 if registered by April 28th 2007, thereafter \$25.00

Directions from I-68

Take Exit 23 for Bruceton Mills. Turn onto Route 26 South. Continue on Route 26 south for about 12 miles. In Albright you'll pass Albright Exxon Station and Kwik Stop. Turn left onto St. Joe's Road (Route 7/12) immediately before the Cheat River Bridge. Follow St. Joe's Road for approximately 3 miles. Make the right immediately before the intersection with Route 7 at the Caddell Bridge. Follow signs to the Preston Country Club. Signs will be posted directing you to parking and registration.

Directions From Route 7 (Morgantown)

Follow Route 7 South from Morgantown through Kingwood. Immediately after crossing the Cheat River at Caddell Bridge make a left onto St. Joe's Road and another immediate left back underneath Route 7. Follow signs to the Preston Country Club. Signs will be posted directing you to parking and registration.

Race Applications and Additional Information

Can be found on www.cheat.org , www.iplayoutside.com. Race results and photos will be displayed on iplayoutside.com website.

Race course Description

This flat to rolling loop course begins and ends at the Preston County Country Club. There is a slight incline at the start, until runners bear right onto the gently rolling Whetsell Road. At the 1-mile marker Whetsell Road intersects with Country Club Road. Runners will continue left on Whetsell Road as it parallels the rhododendron lined banks of Buffalo Creek. Shortly after crossing Buffalo Creek, runners will spot a turnaround that will direct them back to the intersection with Country Club Road. This time runners will bear left onto Country Club Road. Just beyond the intersection lies the 2-mile marker. From this point on runners will encounter a mostly flat to slightly downhill course. At the next intersection runners will make a right and cruise along the Cheat River until they return to the Preston Country Club, completing the circuit.

Race Categories and Awards

14 and under, 15-18, 19-29, 30-39, 40-49, 50-59, 60-69, 70 and over. The overall awards will be given to top 3 male and female finishers. In addition, the top 3 male and female finishers from each category will receive an award. Once again, the awards are ceramic dyed EnvironOxide medallions. The overall awardees will receive sculpted ceramic bowls that are dyed with EnvironOxide. These awards are crafted by a local potter, Gail Vincent.

5K Sponsors

Without the help of these generous sponsors the 5K race could not have been possible. Thank you for supporting the 5K and the Preston Rail Trail Committee.

Kingwood Pharmacy, Black Bear Burritos, Culligan Water, Road I.D., S & L Realty, [Runners World Magazine](#), Wesbanco, Cellular One, The Book Exchange, Preston Country Club

We are still seeking more sponsorship. If interested please contact Jessica Zamias via e-mail jzamias@cheat.org or via phone 304.329.3621. Contact Jessica Zamias or Aaron Miller at milleram@mail.ab.edu if you have any questions or concerns regarding the race.

Sweet Things

by Jim Snyder, FOC Board Chair

Simple pleasures, pure joy, timeless moments~ yeah, those are some of the reasons I do what I do. I guess I collect them and they are my "motivation in this scene". And, as we all know, "you get those where you get 'em at"- family, friends, and those tiny moments when we realize the world doesn't revolve around us- but has a much more awesome center. We do well to stay focused on this mysterious center where Mother Nature and Father Time roll out the story. That's one of my jobs- to ponder the little questions like... How can a river be ancient and new in the same moment? And water brings life... and kills...? And is there like- a brotherhood of waters? Like families? and the Oceans are the "Big Dance" where they have to hold their own... or get integrated... or evaporate! or whatever.... it all plays out. How can a river be water and rock- but seem alive? How can a river respond to its environment? How can it not? Wondering is a tough job for me and I'm lazy- so I don't ponder these questions often- just on special occasions like this. And it might be more rewarding to embrace the questions than to scrounge for the answers- so I don't put a lot of effort into it. But- why are things the way they are?

My life is the way it is ~because I am inspired. Inspired by the usual suspects. I was honored to be indoctrinated into the International Whitewater Hall of Fame last year and one of my co-inductees was Martin Litton. He was an ancient whitewater guy who was instrumental in keeping dams out of the Grand Canyon a few generations back. I can't do his legend justice in the short space I have- I apologize. At the induction ceremony he said to me, "I don't see what the fuss is all about. I was just doing what I wanted to. And God made me do it!" But still... his "selfishness" left a huge legacy of raw, pristine natural spaces for future generations to "ponder". He did the "right thing" for everybody- had to fight for it a bit too.

Friends of the Cheat is doing the right thing too. The Cheat's water quality is steadily improving. And Keith Pitzer's expert handling of the

many ticklish political aspects of his job and his responsible accounting of administered funds is somewhere beyond exemplary. FOC is just hitting its stride as it goes after Muddy Creek- the Canyon's water-quality-nemesis. So- I'm taking a brief moment to step down as Chair of the Board for a while to cool my jets and get camping again. I wanted to take some time out while things are going so well- and just admire from a distance for a while. I'll be back- and yes Sally- I'll still enjoy helping pick up trash on our Adopt-a-Highway stretch of Rt. 26!

The Cheat River tells on us. It rolls for over 120 miles in remarkable condition- harboring some of the finest whitewater and pastoral settings in the state. The Cheat says, "That's 120 miles of cool people who I really enjoy passing by". And then the pollution from the "Dirty Sisters" and Greens Run and Muddy Creek- just sour the waters. Our greed and need generated the schism. But we can be the medicine- making it ALL right. We're just doin' what we want...

Then- in a generation- there'll be this long clean happy river- alive. And it will live in a long valley full of cool people who really enjoy it passing by. There is some wonderful magic in that. Something closer to the core.... Something like... togetherness.

Mark your calendars for June 16th

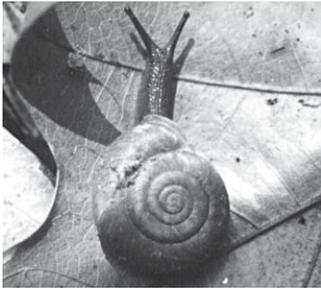
The Harpers Ferry Outdoor Festival is a yearly event held to have fun and raise money for river conservation. All money made from the event is used for putting on the Tim Gavin Race , rodeo and festival and for donation to the following groups: Friends of Blackwater, Friends of the Shenandoah River, WV Rivers Coalition and Friends of the Cheat.

More information at
www.harpersferryoutdoorfestival.org

Cheat Canyon Litigation Settlement is Approved by US District Court

by Paul Wilson (WV Chapter SC Chair) and Erin Chalmers (Sierra Club Environmental Law Program)

In February 2007 a proposal to protect endangered species on land owned by Allegheny Wood Products (AWP) in the Cheat Canyon was approved by a judge in US District Court. In 2005 the WV Chapter of the Sierra Club, Friends of Blackwater and Cheat Lake Environment and Recreation Association, filed a lawsuit claiming that AWP's logging activities would harm the Indiana bat and the Cheat 3-toothed snail in violation of the Endangered Species Act. The primary goal of the litigation was to force AWP to protect the Indiana bat and the Cheat snail, potentially by forcing the company to prepare a "habitat conservation plan" that would require mitigation measures for their logging activities.



Cheat 3-toothed snail. Photo by Ken Hotopp

The lawsuit was scheduled for trial in November 2006, but the court ordered the parties to engage in settlement talks before the trial. As part of those settlement discussions, AWP agreed not to begin logging for that season until after the case settled. AWP had previously logged one tract of its property and had started logging a second tract, but had not begun any logging on a third tract, which contains most of the important snail habitat. After settlement discussions proved productive, the parties moved to vacate the trial date and began trading settlement offers, culminating in a successful proposal that was formally approved by the court on February 5th.

The settlement will ensure that the Indiana bat and Cheat snail are adequately protected, while still allowing for logging to occur on much of AWP's property. The agreement will protect the Indiana bat by restricting logging and road building on Allegheny's property so that disturbance of the bats is minimized. First, under the settlement AWP is prohibited from logging

trees in the spring and fall and from undertaking any road construction in the fall, which are times when the bats are most active near their caves. The proposed agreement will also require that AWP log in a way that leaves a mixed-age forest in order to provide potential roosting habitat and food for bats. AWP also must leave all shagbark hickory trees, which serve as summer roosts for the bat, and must leave 200-foot buffers around any Indiana bat maternity colonies that are discovered.

The settlement also prohibits AWP from conducting any logging or related activities in known occupied snail habitat, potential snail habitat and buffer areas that are delineated under the agreement. The agreement specifically sets aside seven "Cheat snail preserves" on a portion of AWP's property and also creates a team of experts that will develop criteria to be used in delineating other snail habitat on another portion of AWP's property. Allegheny Wood Products will be allowed to commence logging operations on the second tract of its land after an AWP representative walks the land and, after conferring with the West Virginia Department of Natural Resources.

Duane Nichols, the President of Cheat Lake Environment and Recreation Association, is the designated Coordinator and has already met with AWP's designated coordinator to choose a team of experts who are to write the delineation report for future use.

In the third logging, Allegheny must cover all costs incurred in connection with hiring experts to do the snail delineations, but the Sierra Club and its co-plaintiffs have agreed to make "good faith efforts . . . to seek alternative funding for at least half of the costs incurred by the team of experts." We hope to reach out to other conservation groups in West Virginia to build more public support for a successful implementation of the settlement agreement. If you would like to contribute to this effort, please contact Duane Nichols at duane330@aol.com or 304-599-8040.

This settlement represents a victory for protection of two imperiled species and essentially achieves as good a result as could have been achieved through litigation. If we had won the lawsuit, the end result would have been an application by AWP to the U.S. Fish & Wildlife Service for approval of a Habitat Conservation Plan, which would have taken considerable time to develop and would not necessarily ensure any better protection for the species. However, this settlement *immediately* creates a series of reserves and a scientific process for protecting the most important habitat for the Cheat snail.

WVEC Seeks to Increase Citizen Response

By Chuck Wrostok and Don Garvin

The Regular Session of the 78th WV Legislature has just ended and due in large part to the efforts of West Virginia Environmental Council's lobby team, there were significant victories. A lot of citizen support for our lobby team came from folks like you who contacted their legislators after seeing one of WVEC's Action Alerts. The premise here, of course, is that most legislators respond to constituents from their home district. Additionally, since Friends of the Cheat contributes financially to the operation of our lobby team each year, when *you* take action, you are getting better mileage out of the money *your* organization is investing in WVEC.

To subscribe to WVEC's email list go to www.wvecouncil.org/take_action/index.html. You'll receive timely Action Alerts and G.R.E.E.N. Legislative Updates (weekly during the Regular Session) and G.R.E.E.N. newsletters several times throughout the year. This year's lobby team, led by Don Garvin, substantially benefited from increased citizen response and you can help build this response by signing up.

Here's a partial rundown of how the environment fared in Charleston this session:

The Legislature passed **SCR 15**, a requiring the Department of Environmental Protection and the Bureau of Public Health to study the contents of coal slurry, the impacts on groundwater from disposing of it by injection into abandoned coal mine seams, and to assess any potential impacts to the health of coalfield residents. This is a great outcome for an issue that WVEC and the Sludge Safety Project guided through several months of Interim Committee meetings.

The Legislature also passed: **SB 337**, DEP's greenhouse gas inventory bill; **SB 460**, a bill that provides further protections in State Forests from oil and gas drilling operations; **SB 177**, that creates a Division of Energy for developing a comprehensive energy plan for WV; and **HCR 48** that authorizes an Interim Study on funding for land conservation in the state.

WVEC, along with activists from the early "Garbage Wars" days and WV Citizen Action Group, helped kill two terrible solid waste bills: **SB 629** that would have authorized a huge mega-landfill in McDowell County; and **SB 701** that would have abolished the state Solid Waste Management Board and

county Solid Waste Control Authorities, and consolidated that control of solid waste management into the hands of the DEP.

Perhaps the most controversial environmental issue of the legislative session – how many West Virginia rivers and streams would be placed on two protective stream lists – is still up in the air. The controversy revolved around two sets of rules proposed by DEP that would have significantly impacted clean water – for the better – in West Virginia if enacted by the Legislature. Both these rules were strongly opposed by a wall of lobbyists from the usual polluting industries. Therefore, facing the very real possibility that the protective stream lists contained in the rules would be gutted by amendment, Legislative leadership decided not to take formal action on them.

So as it now stands, DEP maintains that because they filed the rules with the Secretary of State's office, the rules go into effect as proposed because the Legislature chose not to act on them. Industry lobbyists are already threatening to take DEP to court over this. Obviously, it may be quite some time before we finally know just how many streams will be included for protection on the two stream lists. And that number may be decided by the courts, not by the Legislature.

A more detailed summary of actions affecting the environment at the Legislature this session is available in our Legislative Wrap-Up, which you can access at our web site, www.wvecouncil.org.

Outdoor Classroom Update

by Jessica Zamias, OSM/VISTA

In January, Friends of the Cheat formed an outdoor classroom committee comprised of community volunteers with a wide variety of backgrounds to help with pavilion planning. The committee consensus was for a 50 by 60 foot, rustic post and beam structure with an enclosed storage room for Cheatfest supplies and FOC's education materials.

The overall vision is for a building that is both functional and attractive, and yet rustic enough that it fits in with the natural surrounding of the festival site. As yet these plans are not engraved in stone and we welcome any new or different ideas.

A recent donation from the P.Pendleton Kennedy Chapter of Trout Unlimited brings our fund total to \$16,000. We are still seeking donations of either money or in-kind services, such as help with the construction of the classroom.

AML Re-Authorization – Update and Outlook by Keith Pitzer, executive director of FOC

The recent re-authorization of the Abandoned Mine Land Program is probably the biggest news affecting reclamation work in Appalachian coal country in forty years.

The Abandoned Mine Land program collects a tax on each ton of coal produced to pay for reclamation of sites mined and left un-reclaimed prior to 1977, when the program first began. This re-authorization brings some profound changes in payout to states with abandoned mine lands and represents the last best chance to get the job done, being paid out completely and expiring in fifteen years.

There are positive and negative aspects to the new AML program. Here are some positives:

- beginning with fiscal '08, payments to states will roughly double and increase over the course of the fifteen years
- this fund is “off budget”, i.e. not subject to appropriations delays, cuts, etc. by Congress
- allows states to “set aside” up to 30% of each year’s payout for water quality treatment, long term operation and maintenance of projects, etc. (previously, this was only 10%)

There are also some negatives, such as:

- only the “set aside” funds apply to water quality projects that affect our rivers and streams
- states are not mandated to set aside any portion of funds for water quality restoration and the amount can change year to year, subject to political pressures within each state
- the tax rate is reduced over time, paying less into the fund
- as large as the program seems when looking at sheer numbers, there is not enough money to address all the problems across Appalachia, and when this program ends in fifteen years, the fund is exhausted with no mechanism for continuance

At the January River of Promise meeting, AML Director Charles Miller spoke about this program. Also in January, I was part of a small group of individuals representing watershed groups that met with WVDEP Secretary Stephanie Timmermeyer, and Ken Ellison, WVDEP Director of Land Reclamation, to ask what re-authorization would mean for stream restoration and watershed funding in West Virginia. On both occasions, what we heard was in general positive, but non-committal as to specifics regarding water quality.

WVDEP and the Governor have agreed to focus on water line extensions to those communities that need public water to replace supplies lost to pre-law mining activities. That will take part of the first three years of increased funding. There is also a commitment to set aside the full 30% for at least the first year. This is the fund that would pay for water quality treatment projects as well as operation and maintenance of those projects. This allows for active treatment as opposed to passive systems. This is as far as program planning was explained to us at that time.

What we have not been told, but have observed, is a dramatic increase in the number of projects being planned. Because the AML program mandates that physical hazards such as highwalls and open portals outrank water quality treatment, the planning prioritizes these sites first. Water quality is necessarily an add-on or secondary component of these projects. One can only wonder if this will bring the commitment and expertise needed to realize the best potential results. The AML branch of the DEP is limited in staff and water treatment experience. It is unrealistic to expect a more than doubling of the budget to be a smooth process.

Since that January meeting, the watershed representatives have continued to communicate among ourselves about what would best serve watershed restoration in West Virginia. Here are some key points of our discussions:

- West Virginia should commit to the full 30% set aside each year of the program
- a significant portion of this should go to build an interest-earning fund that would eventually pay for operation & maintenance of active and passive treatment systems into perpetuity
- a portion of funds should go to a watershed grant program for watershed organizations to fund water treatment projects and monitoring at a local watershed level
- an advisory committee for the 30% set aside fund should be formed and made up of state and federal agency and watershed stakeholder representatives.

This is precisely when and where the watershed community needs to be involved. This is the last best chance for Appalachian coal country to address the blight of unregulated mining on its communities. The stakeholders in these communities should have a role in overcoming the past and planning the future.

Why Get Involved with the Friends of the Cheat?

From its headwaters in Pocahontas County, West Virginia, the Cheat River flows 157 miles to the Pennsylvania state line. In its lower 20 miles the river has been so severely polluted by acid mine drainage that it is effectively dead. Most of this damage is caused by underground and surface coal mines that were abandoned decades ago. The continuing legacy of this pollution has been the loss of fish and wildlife, aesthetic damage, degraded drinking water, and losses to the local economy from diminished recreation activities such as fishing and boating.

Our objective is to foster cooperative efforts by federal and state agencies, private industry, and local landowners to address the severe acid mine drainage problems that paint the Cheat Canyon orange and render it ecologically sterile. We need your support to create a new legacy for the Cheat River. Our membership includes fishermen, paddlers, guides and outfitters; land owners and renters; politicians and activists; geologists and biologists; small businesses and large industries; residents and folks from many states away. We are a diverse group with a common goal. Ours is a vision of a healthy river that provides multiple recreational opportunities and sustains viable local economies.

Help us make that vision a reality. Remember...Rivers carry the lifeblood of the planet... but they should not run red. Restore water quality on the Cheat! Consider making a planned gift to Friends of the Cheat in your estate planning. Making us a beneficiary of a retirement plan, insurance policy or as a bequest can provide you or someone you designate with favorable financial or tax benefits. Become a member by completing the form below or by visiting our website at www.cheat.org.

Yes, I Want to Be a Friend of the Cheat!

Membership and Donation Form

All donations are tax-deductible

Membership includes our newsletter [Into the Canyon](#)

Basic Membership

- Individual/family \$20
- Non-profit Organization \$50
- Business \$100

Supporting Contributors

- Stream Steward* \$100-\$249 includes ball cap with FOC logo and choice of video
- Watershed Watch* \$250 or more includes Tshirt & choice of video

Contribution for Preston Rail-Trail Committee _____ (make check out to Friends of the Cheat)

T-shirt - \$20 Short sleeve (\$15 with \$50 or more donation) \$25 Long sleeve

Size ___ Kids Large ___ Adult Small ___ Medium ___ Large ___ XLarge ___ XXLarge

Choose ___ Cheat Map Shirt or ___ Cheafest shirt Choose ___ Men's style ___ Women's style

Cap - Low Profile Twill Cap with FOC logo. Khaki, dark green, grey, tan \$15.00 _____

Total amount enclosed: \$ _____ Payable to: Friends of the Cheat
119 S. Price Street, Suite 206
Kingwood, WV 26537-1478

Name _____

Address _____

City, State, Zip _____

Email _____



PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO. 35
BRUCETON MILLS,
WV
26525

Friends of the Cheat
119 S.Price Street, Suite 206
Kingwood, WV 26537-1478

ADDRESS SERVICE REQUESTED

Members: The date on your address label shows when your membership expires. Renew to continue your support.



On October 27th Friends of the Cheat hosted a water festival for Bruceton School 4th graders at Camp Roy Weller. Shelley Mitchell, a 4th grade teacher at Bruceton School, coordinated the water festival with Jessica Zamias, an OSM/VISTA from Friends of the Cheat.

The water festival is an annual event that educates students about water awareness. Doug Ferris, also an OSM /VISTA with Friends of the Cheat, led the students on a critter collection at a small pond. In the photo, Brandon Black is on the left and Samuel Reckart admires a large tadpole.