Celebrate the Cheat!

The First Annual Cheat River Festival *May 6, 1995*

Endangered Rivers Press Conference Participants (from the left): Rick Buckley, US Office of Surface Mining; Dave Bassage, Friends of the Cheat; Rich Bowers, American Whitewater Affiliation; Greg Adolfsen, West Virginia Department of Environmental Protection; Roger Harrison, West Virginia Rivers Coalition; Scott Rotruck, Anker Energy. See article on page five about the Cheat's inclusion on the American Rivers' Top Ten Endangered Rivers List.

Beautiful Blackwater Falls *Janet Cerami*

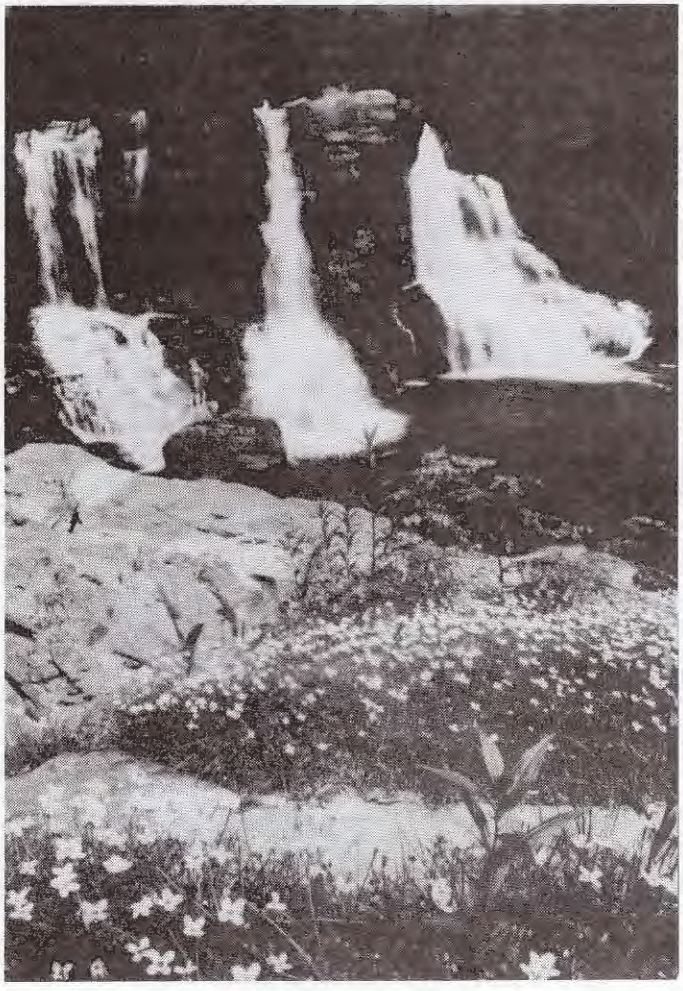


Table of Contents

Who Are the Friends of the Cheat? ..... page two
About the Hosts ..... page three
About Guest Speaker Bob Uram, OSM Director ..... page three
The Muddy Creek Story ..... page four
Cheat River Endangered ..... page five
Preston County Stream Survey Begins Second Year ..... page six
The WV Watershed Conversation & Management Program ..... page seven
Monongehala National Forest Study to be Released ..... page eight
Vote on "Dirty Water" Bill Slated for May 8 ..... page nine
Army Corps Study Underway ..... page ten
WVRC Requests States's Help in Restoring Cheat Tribs ..... page ten
Public Access to the Big Sandy ..... page eleven
Cheat River Festival Sponsors ..... back cover

Printed with the support of the National Park Service Rivers, Trails, and Conservation Assistance Program

Newsletter produced and designed by Mary Kay Heffernan

Who Are the Friends of The Cheat?

By Dave Bassage

Friends of the Cheat is a watershed organization whose mission is to restore, preserve, and promote the outstanding natural qualities of the Cheat River watershed. We are a diverse group with a common goal. Our membership represents paddlers, guides, and outfitters, land owners and renters, politicians and activists, geologists and biologists, small business and big industry, residents and folks from many states away. Our common bond is that we all live, work, and/or recreate in the Cheat watershed and care deeply about the conservation of its diverse and wonderful resources.

Our immediate 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 virtually sterile.

Other issues include ensuring that the Cheat Festival becomes a successful annual event, coordinating the Cheat cleanup, completing a Preston County stream survey to biologically evaluate the health of tributaries, monitoring timber, coal, and other industries, and encouraging the establishment of a healthy local economy based on environmentally beneficial or benign businesses.

All this presents a formidable challenge to a fledgling organization, but initial support has been strong. New attitudes on the part of the coal industry and renewed resolve by regulatory agencies offer fresh hope to a river some "experts" gave up as irretrievably dead long ago.

Coal operators are shifting away from opening new mines in acid producing seams and moving into the reclamation business. Anker Energy, whose president resides next to Cheat Lake, is supporting Friends of the Cheat by providing generators and partial funding for the Festival. More importantly, Anker will be working in conjunction with federal and state agencies and the Friends of the Cheat to take on a major reclamation project on Greens Run, which dumps its acid load into the river across from the festival site.

Although the sources of acid on Greens Run are not the responsibility of Anker, they have chosen to invest several hundred thousand dollars in the effort to demonstrate their commitment to helping restore the watershed and to showcase their expertise in this and future reclamation projects. Anker will be incorporating an evolving technology by using alkaline fly ash, a by-product of the newer, cleaner power plants. Alkaline fly ash forms a soft concrete when mixed with water and shows great promise as a means to isolate highly acidic minerals from the water it conspires with to create the witch's brew that is acid mine drainage (AMD).

FOC and Anker hope that this pilot project will inspire future efforts of the same nature so that in time the Cheat Canyon can once again teem with aquatic life.

FOC is also coordinating efforts by other groups with concerns in the watershed.

The Cheat Lake Environment and Recreation Association (CLEAR) is concerned with water quality and AMD issues affecting Cheat Lake, along with developing public access to the lake, a public beach, primitive campsites, and hiking/biking trails. FOC is represented on the Board of CLEAR.

Downstream Alliance has partially completed a study of all the streams in Preston County to determine their respective ability to support life. FOC plans to help DA complete their study, which will provide valuable baseline data.

The West Virginia Rivers Coalition is co-organizing the Festival and actively pursuing federal protection for the headwaters of the Cheat. WVRC was also the catalyst for the inclusion of the Cheat in American Rivers top ten list of endangered rivers for 1995. FOC and WVRC will continue to work closely together to promote conservation issues in the Cheat.

FOC hopes to coordinate all of these efforts and more into a comprehensive watershed management plan. We envision the future Cheat Canyon to be a multiuse wilderness recreation area, with clear flowing water and access for fishing, camping, hiking, biking, paddling and cross country skiing.

So far much of the efforts of FOC have involved organizational and information gathering activities. There is an incredible amount of work to be done if we are to make a real difference, but a lot of people care and many are willing to direct their energies towards making a positive difference.

Join Friends of the Cheat

We need volunteers to aid in the cause. If you would like to donate your time and/or expertise please contact:

Dave Bassage
Friends of the Cheat
PO Box 182
Bruceton Mills, WV 26525
304-379-3141

Annual memberships: $20

Visit us in the
Friends of the Cheat
and
West Virginia
Rivers Coalition
Focus Tent

Welcome to the First Annual

Cheat River Festival

On the banks of the Cheat River at Muddy Creek near Albright, West Virginia

Hosted by

Friends of the Cheat,
West Virginia Rivers Coalition
and
American Whitewater Affiliation

100% of proceeds will be used to help protection and restoration efforts within the Cheat watershed and will benefit the West Virginia Rivers Coalition and the newly-formed Friends of the Cheat.

About Guest Speaker Bob Uram, OSM Director

A prominent federal government participant in the Cheat River Festival is Bob Uram, Director of the Interior Department's Office of Surface Mining (OSM).

Uram was appointed by President Bill Clinton to run the federal agency in charge of surface coal mine reclamation. Uram's responsibilities include enforcing national standards for preventing mining-related pollution in coal fields. That means working with states and citizen groups on a shared commitment to high environmental standards, emphasizing prevention, and working to clean up lands and streams harmed by coal mining before federal law made the mine operators uniformly responsible as they are today.

Being part of the Cheat River Festival is especially fitting for Uram in light of his creation and promotion of OSM's Appalachian Clean Streams Initiative, which Uram launched last year. The Cheat River is only one of hundreds of streams in Appalachia degraded by acid pollution originating in abandoned coal mine workings.

Cleaning up acid-laden streams won't be easy, quick, or cheap, Uram says. That's why the Appalachian Clean Streams Initiative is bringing together the enthusiasms, work, and dollars of cooperating government agencies at all levels -- federal, state, and local. Even more important, dozens of private sector organizations throughout the region have joined in.

"We are creating a stronger environmental program in Interior's Office of Surface Mining," Uram said. "But when it comes to cleaning up acid-polluted streams, OSM can't do the job alone. By joining forces with others inside and outside the government, we can accomplish things together that none of us could do by ourselves."

Uram said local support -- and funding -- are essential. "President Clinton requested $11 million from Congress to use next year for Appalachian Clean Streams," Uram said. "If Congress OK's that amount, it will be a good start but it obviously won't do the whole job. That's why we are joining forces with EPA, the Corps of Engineers, the West Virginia Department of Environmental Protection, the International Association of Fish and Wildlife Agencies, the West Virginia Rivers Coalition, and many more cooperators -- so that we can multiply our individual efforts by working together for clean streams."

"It may take several years, but if we stick together and work together, we can clean up the Cheat River," Uram said.

The Muddy Creek Story

By Jim Snyder

Near Reckarts Mill in Orr, West Virginia, several tiny runs drop a couple hundred feet to collect in the highest reaches of Muddy Creek. The creek runs quiet and flat for a mile or two and then cascades through a charming Class 3 section in a hunting and fishing club preserve. Mellowing again, the creek grows in size as it passes camps and farms. The water is sparkling pure and full of life. Finally, in its last few miles - where its best rapids lie - Acid Mine Drainage (AMD) seeps in from a number of sites and the creek becomes devoid of life.

But the story doesn't end there. As fate would have it, Muddy Creek pours 24 hours a day, every day of the year, right into the Cheat River above the Canyon that has been popular with whitewater enthusiasts for over two decades. This bad water, coupled with the AMD polluted Greens Run coming in on river left, renders the entire Cheat nearly lifeless for the next dozen miles. The whitewater boaters always accepted the orange stained rocks and bad water quality as an unavoidable unpleasantry. Raft guides joked that customers who got acid water in their mouth might flip out later. And the Cheat was tough enough to make you wonder.

After 50+ years of bad conditions, things took a turn for the worse in early April of 1994. A "mysterious" shift of groundwater from an abandoned mine into a permitted mine - T&T #2 - generated a huge flow of highly acid water that would devastate the life that was fighting to live in the waters of the canyon. The mine's "treatment" ponds were incapable of containing and treating the flow and went into violation for a number of days. They finally avoided a hearing by agreeing to treat the water with their barely adequate systems. Since then, they have pretty much met pH requirements but have severe effluent problems and have averaged over one violation per week. They have to pump and truck sludge from their "settling ponds" daily and numerous slugs of densely rusty water have hit the Cheat. To make matters worse - the fact that they are releasing treated water into the already highly acidic Muddy Creek, already around a pH of 3 (about 10,000 times more acidic that normal), makes even more precipitate occur. Their present input into the Muddy Creek fiasco is highly visible. Unfortunately all that precipitate has to go somewhere and the entire Cheat River floor has been lined with over an inch of rust colored dust that has settled out for over the next 12 miles. Already the upper waters of Cheat Lake, 17 miles downstream, have been affected, (pH levels around 4.5-about 500 times too acidic), and fishermen must resort to fishing stream mouths to find fish in the lake. With time things become worse. More and more precipitate moves farther and farther downstream. The citizens who derive drinking water from Cheat Lake are currently paying the cost of the extra pollution.

The T&T blowout affected whitewater enthusiasts by turning the Cheat River into a bad tasting, eye burning mess. The esthetics hit ground zero and a group of local boaters and residents decided to gather to see what could be done. Thus the *Friends of the Cheat* was born, but that's another story.

Meanwhile, the West Virginia Department of Environmental Protection (WVDEP) entered into long legal battle about T&T's treatment responsibilities and options. One state lawyer took on T&T's high-priced legal firm. Control and ownership issues with larger parent companies have become germane. There is also an ongoing FBI environmental crimes investigation underway. Significant help may come from an Army Corps of Engineers study being done to define the AMD problem and establish remedial feasibility. In the face of all this, another unfortunate huge blowout occurred in March of 1995. An uncontrollable surge of AMD came through the T&T ponds which multiplied the problem yet again. Pumping sludge from the ponds became unnecessary as the high volume flow just washed everything downstream. Although it's possible to blame the .4" of rain that fell in the days just before this second blow-out, it might be linked with a "mysterious" sudden drop in the water levels of the nearby T&T #3 mines. This area often gets rains of .4"+ and we anticipate further atrocities with every storm.

The Cheat is the longest unregulated river in the eastern United States. The canyon is its last feature before it joins the Monongahela River on its way to Pittsburgh. The canyon is so steep and secluded it has remained a near wilderness in spite of passing through a relatively populated area. The entire headwaters of the Cheat are predominately clean, fishable and AMD free. As the river nears its end it picks up acid on the left in the Narrows section from Pringle, Lick, Heather and Morgan Runs to name a few. Finally Greens Run and Muddy Creek turn the entire Cheat River into a killing ground. We're talking about the erasure of thousands of life forms for many miles of river. Most of the AMD is courtesy of abandoned mines. There is a huge abandoned mines reclamation fund hoarded in Washington, D.C. A number of people think the Cheat River AMD problem is exactly what this fund was intended for. At this point it might help to let the coal companies quit paying into this black hole and use the money for their own reclamation developments. At least then we might see some progress.

Muddy Creek is presently a memorial to man's insolence towards his environment. Someday, in the near future, it will be an example of how concerned people can direct energies to rectify past insults to our homelands and playgrounds. These environments won't get better on their own. We, as a people, are experiencing an attitude adjustment. We are reprioritizing our values to establish a proper environment. It won't be easy right away but help is on the way and the present conditions are finally recognized as unacceptable. The fish have a right to inhabit their native waters. Rivers in their natural state are life giving entities. The Cheat River is suffering from a steady feed of poison. The insult has grown old. It's time to make amends.

Cheat River Endangered

Makes national list, ranks 8th among top 10

By Lee Chottiner, The Dominion Post, April 19, 1995

Clarksburg - The Cheat River is endangered - officially.

One of the largest undammed river systems in the United States, the Cheat made the 1995 list of the 10 most endangered rivers published by American Rivers Inc.

Acid mine drainage and a U.S. Army Corps of Engineers proposal to impound the river are two reasons, Roger Harrison, director of the West Virginia Rivers Coalition, said at a news conference Tuesday.

American Rivers, the chief river conservation group in North America, compiled the list. The Cheat made it for the first time and ranks eighth in the top 10.

"It comes as bittersweet news," Harrison said. "The Cheat is an example of how abuse of the river affects the lives and livelihoods of people who live on the river."

Flanked by state and federal officials, conservationists and a mining company executive, Harrison urged a public-private effort to reclaim the Cheat and condemned any dam proposal for the river.

Though the Cheat watershed extends from Pocahontas County to Point Marion, Pa., it's the 11 to 15 miles of waterway from Albright to Cheat Lake where chronic pollution and flood problems have affected the people who live and work there.

At least two blowouts at deep mines along its Muddy Creek tributary this past year have spewed thousands of gallons of acid mine drainage into the river, polluting the water, discoloring the rocks and stinging the eyes of whitewater rafters.

The rafting industry has suffered. According to the state Division of Natural Resources, 20,000 people rafted the Cheat five years ago during the spring season. The number plummeted to 12, 000 last year.

"The Cheat declined dramatically and that is due to the problems which acid mine drainage," said Richard Bowers, spokesman for the Washington, D.C.-based American Whitewater Affiliation, who was at the press conference.

Bowers said the Cheat has declined as a whitewater attraction while whitewater sports have enjoyed a 33 percent increase in popularity nationwide since 1988.

The Corps of Engineers, which is making a $500,000 study of the Cheat River basin, has developed a proposal to build a dam upstream from Rowlesburg and two dry dams on the Shavers and Dry Forks in Tucker County as part of a flood control project for the river.

But Harrison attacked the proposal, saying dams would harm the river's ecology while providing little flood protection.

He reminded reporters that a vast lock and dam system along the Mississippi River failed to hold back massive flooding there.

"They (the dams) give landowners a false sense of security," Harrison said.

John Miklaucic, supervisory civil engineer for the Corps' Pittsburgh District, said dams would mean recreation opportunities for the river as well as a constant water supply. But he doesn't think a dam will be built on the Cheat.

"There's not a lot of support for local flood protection or even impoundments," Miklaucic said by phone from Fairmont, "so any type of project that would come out of the Cheat project will have to have a lot of local support and interest. And at this early point in the study, I don't see it."

While officials at the press conference hammered away at the problems facing the river, they also noted several ways to fight back.

The U.S. Office of Surface Mining and the state have stream restoration projects that could be applied to the Cheat, spokesmen for the OSM and the Division of Environmental Protection said.

Dave Bassage, president of the group Friends of the Cheat, touted the May 6 Cheat River Festival as a way of drawing attention to the river. OSM Director Bob Uram is expected to attend.

And Scott Rotruck, manager of regulatory affairs of Anker Energy Corp., said his company is seeking mine restoration projects in the watershed.

He said mining companies can play a key role in the process because of their treatment and reclamation knowledge. He said reclamation could become profitable business in the area.

But that's not why Anker is interested, "What really got us involved is (Anker President John) Faltis," Rotruck said. "He wanted to do it."

Ten Most Endangered Rivers in the U.S.*

1. Clarks Fork of the Yellowstone River (MT, WY) - most endangered river
2. Los Angeles River (CA) - most endangered urban river
3. Columbia and Snake River System, including the Yakima River (WA, OR, ID)
4. Animas River (CO)
5. Missouri River (IA, KS, MO, MT, NE, ND, SD)
6. Kansas River (KS)
7. Mississippi River (AR, IL, IA, KY, LA, MN, MS, MO, TN, WI)
8. **Cheat River (West Virginia)**
9. Penobscot River (ME)
10. Thorne River (AK)

*Rivers were selected for the list based on the imminence & severity of the threats they face, their national or regional significance and their potential for restoration. American Rivers, a North American conservation organization, compiled the list.

The Preston County Stream Survey Begins Second Year

By Craig Mains

Thanks to the volunteer efforts of members of Downstream Alliance (DA), Preston County may soon have one of the most complete assessments of stream quality of any county in West Virginia. DA members began the stream quality study in the spring of 1994 and have surveyed more than 140 sites to date.

Downstream Alliance, a coalition of several community-based watershed protection groups in north-central West Virginia, initiated the survey because members wanted to get an overall picture of stream quality in Preston County. "We were aware of the general quality of our own local streams, and county-wide we knew certain streams were healthy and of others that were in pretty terrible shape," says Dave Houser, president of Downstream Alliance. "But overall there were a lot of streams that we just didn't have any idea what condition they were in."

DA members had long wished that they had a stream map of the area that was color-coded to show stream quality. "We couldn't find anything like that, so we decided to make our own," Houser says. "We need this type of information to help us identify clean streams that should be protected as well as polluted streams that can be targeted for restoration."

The group is using a biological method, popularized by the Isaac Walton League, that makes use of benthic macroinvertebrates to assess stream quality. Benthic macroinvertebrates are stream-bottom-dwelling organisms that are big enough to be seen with the naked eye and that don't have backbones. They include aquatic insect larvae and nymphs, as well as certain crustaceans, worms and snails.

Volunteers collect the organisms using a kick-seine method. "Basically you kick up the rocks in a one square yard area of the stream bed and let the current wash the organisms into a hand net held on the downstream side," says Gary Graham, one of the survey volunteers. By analyzing the diversity of the organisms present, which have known sensitivities or tolerances to pollution, it is possible to assign a qualitative rating (good, fair, poor, etc.) to the site. The group collects triplicate samples at each site.

The rating for a site is taken to be representative of the quality of a segment of the stream and the color-coded map is constructed little by little from each sample. Houser stresses that because the ratings are based on a one time sampling, the results are not intended to be taken as definitive. "We're simply reporting the results that we got at the time we took the sample," he says. "However, because most the pollution problems we encounter are chronic, we think it's a pretty good approximation of general conditions," Houser adds.

DA supplements the biological data with visual observations and pH, conductivity and temperature measurements, but the stream quality ratings are based entirely on what is living in the streams. Houser and Graham agree that acid mine drainage is the biggest pollution problem, but acid precipitation and domestic sewage are also problems.

For the first year, DA volunteers focused their efforts entirely on the Cheat River watershed. "We started right about the time the T&T mine blew out on Muddy Creek, which really reinforced for us the need to do this kind of survey," says Graham.

Because the kick seine method can only be used in wadeable streams, the group never planned to directly sample the Cheat River. However, a long dry spell in the fall reduced the river to wadeable status. "We were able to take samples in five locations and document the deterioration of the river," says Graham.

"We found good quality in the upstream locations," he says. "But four streams - Pringle, Heath, Lick and Morgan Runs - all add acid mine drainage to the Cheat. By Albright, the quality is poor," Graham continues. "Greens Run and Muddy Creek add a final lethal dose. We didn't find a single living thing in the samples we took in the canyon," he says shaking his head.

DA members are encouraged by the formation of the Friends of the Cheat. "There are a lot of creeks in the area that are just plain hard to get to," says Houser. "We've approached them with a dual strategy of bushwhacking and procrastination," he adds. Friends of the Cheat members, many of whom are kayakers, have offered their assistance with the survey. "A lot of the streams we have left to sample in the Cheat basin are a whole lot easier to get to by kayak than by foot," Houser says.

Graham also welcomes the emergence of the Friends of the Cheat. "This river really needs some friends," he says.

Downstream Alliance plans to continue monitoring in the Cheat watershed and then finish up the rest of the county by the end of the year. For more information on the project, write to Downstream Alliance, c/o 772 Weaver Street, Morgantown, West Virginia 26505, or call 304-292-3463 (evenings).

"All things merge into one, and a river runs through it"
Norman MacLean

"Everything changes and nothing is more vulnereable than the beautiful"
Edward Abbey

"...perhaps our grandsons, having never seen a wild river, will never miss the chance to set a canoe in singing waters..."
Aldo Leopold

WV Watershed Conservation and Management Program

By George Constantz, State River Planner

There is broad agreement that over the last twenty years federal and state environmental laws have improved the quality of West Virginia's surface waters. However, many streams, including several reaches within the Cheat River basin, still fail to support beneficial uses. Because many of these problems result from previously unappreciated cumulative impacts and diffuse (nonpoint) sources of pollution, the WV Department of Commerce, Labor and Environmental Resources (now the WV Bureau of Commerce) initiated the West Virginia Watershed Conservation and Management Program.

The goal of the Watershed Program is to improve the condition of the state's aquatic resources for the benefit of all citizens. These benefits include diversified recreation, economic growth, scientific and educational uses, and the maintenance of public health. The vision is that every stream supports its designated uses.

Because implementing the Watershed Program requires the efforts of several state agencies, a six-person interagency Planning Team was charged with developing a comprehensive plan to manage the state's watersheds. The Planning Team is composed of two people from the WV Division of Environmental Protection (WVDEP), and two each from the Wildlife Resources and Parks and Tourism section of the WV Division of Natural Resources (WVDNR).

To help develop the plan, the Planning Team has relied on the Watershed Advisory Committee, a group of volunteers representing agriculture, business, conservation, forestry, government, industry, labor, mining and tourism stakeholder groups. ("Stakeholder" is defined as a statewide group with a vested interest in the outcome of the process.) In short, the Planning Team has been managing the process, while the Advisory Committee has been providing most of the plan's content.

Between August 1993 and December 1994, the Planning Team worked with the Stakeholders to develop the draft entitled *A Strategic Plan for West Virginia's Watersheds*. The basic relationship between the Planning Team and the Advisory Committee was that the former listened actively to the latter, identifying consensus through repeated sessions of active listening.

A quick reading of the plan reveals an emphasis on voluntary compliance, economic incentives, and public education. Of its fifty strategies, only three would require new regulations, which, before implementation, would be subject to extensive public comment and legislative approval.

In this second year of the Watershed Program, some strategies have been assigned high priority in an operating plan. The following two strategies are being implemented:

(1) Collect, store, manipulate, and communicate watershed data using best available technology, e.g., a publicly accessible computerized geographic information system. With assistance form the WVDEP, such a GIS is being developed at the WVDNR's Operations Center in Elkins. As statewide or local watershed data sets become available, they are being incorporated in the system. The GIS is currently being used as a tool in the implementation of the second strategy, described below.

(2) Help local people determine whether they want to pursue landuse planning; if so, help them organize a local watershed association, prepare their won landuse plans, raise funds, access and share information, use model plans, and meet other needs. Because the Planning Team did not have sufficient resources to simultaneously implement this strategy in all watersheds across the state, they identified two watersheds for model planning projects. The Paint Creek and Blackwater River model watershed projects are currently in straight planning phases. Specifically, through meeting and mailings, the Coordinator is facilitating local Stakeholders' work towards formulating a vision, and identifying issues and strategies for their watersheds.

In conclusion, the Planning Team and Stakeholders share a vision. Every stream will support its designated uses. Every stream will have a local watershed association. Every watershed association will plan for its own rivers. And every watershed plan will reflect locally-driven, bottom-up planning.

For more information contact the West Virginia Division of Natural Resources, PO Box 67, Elkins, West Virginia 26241.

Public Access to the Big Sandy

The American Whitewater Affiliation (AWA), the West Virginia Rivers Coalition (WVRC) and the Friends of the Cheat (FOC) expect to receive a license from the Allegheny Power Service Corporation in the near future that will provide legal parking and public access to the Lower Big Sandy by Rockville, West Virginia.

The Big Sandy is an outstanding whitewater run in Preston County, containing class II-V rapids. However, due to the rugged terrain surrounding County Road 14, there is very little room to accommodate vehicles. As a result, several landowners have expressed frustration over visitors parking on their property or congesting the single lane bridge that spans the river.

In December, AWA, WVRC and FOC met with Allegheny Power -- who owns large tracts of land within the Cheat watershed -- to discuss public parking and access to the Big Sandy. The result is soon to be finalized license which allows the public to legally park on parcels of land along the river right of the Big Sandy in Rockville.

Please call AWA at 301-589-9453 if you would like more information about this licensing agreement.

Monongahela National Forest Rivers Study to be Released

U.S. Forest Service plans to unveil, by mid-June, its long-awaited study of twelve rivers eligible for National Wild and Scenic Rivers designation, according to a Forest Service spokesman.

The release of the draft environmental impact statement for twelve Monongahela National Forest streams, including seven tributaries of the Cheat River, will kick off a 90-day public comment period. Included are recreational gems such as the Laurel and Shavers Forks.

"We are eager to see the contents of the draft and find common ground for protecting the rivers while addressing flooding and private landowner concerns," says Roger Harrison, WVRC Executive Director.

WVRC staff will meet with state and local governments, agriculture interests, private landowners, and sportsmens groups during the public comment period to try to resolve differences regarding designation.

"This river study should be a win-win situation for all," says Harrison. " Too often we get trapped into an 'either/or' scenario when conflicts arise over public lands issues. Fortunately, the Wild and Scenic Rivers Act offers the flexibility to address local concerns while protecting the rivers that flow through public lands."

Flooding has been a paramount problem in the Potomac and Cheat River basins since the Great Flood of 1985 and local officials are anxious to identify solutions. With the help of Senator Robert Byrd, the Army Corps of Engineers has received a $400,000 appropriation to conduct a reconnaissance study to evaluate flood control measures in the Cheat River Basin. WVRC previously reported the Corps preliminary plans for three dams on the Cheat - one large mainstem dam above Rowlesburg and dry dams on the Shavers Fork and Dry Fork. Citing inadequate cost-benefit ratios, the Corps has revised its plans and is now evaluating three "dry" dams in the basin. A dry dam has a reservoir almost empty most of the time, allowing for capacity to absorb flood waters. Thus, the area behind the dam is likely to be large mud flats during low flow periods.

WVRC acknowledges the flooding problems in the basin but believes the lessons learned from the failure of levees during the 1993 Mississippi River flood demonstrates the need to proceed with caution when evaluating flood control measures. "The history of dam and levee failure in America, particularly in the recent Mississippi floods, is proof positive that we need to identify new strategies to protect landowners from flooding and still meet the conservation needs of the river." Harrison says while the WVRC does not support projects that inhibit the free-flow of the river, they could support a variety of less destructive and less expensive measures including the establishment of early warning systems, land-owner participation in the Federal flood insurance program, relocation of land-owners out of the floodplain, and, as a last resort, levees through heavily populated areas.

"In lieu of mainstem dams," states Harrison, "We could support local projects such as the Parsons levee proposal, that accomplish flood control concerns while maintaining the exceptional natural qualities of the rivers."

Opposition to Wild and Scenic designation has been justified on the basis of exaggerating the role of condemnation in the Wild and Scenic Rivers Act. Various articles and paid advertisements have contained considerable misinformation and outright falsehoods including assertions that private landowners would have to "forfeit" their land to the federal government should rivers be designated Wild and Scenic. Ironically, landowners who reside along a designated Wild and Scenic River have more protection from condemnation, not less. The Forest Service currently holds authority to condemn lands within a forest proclamation boundary, including large amounts of private property.

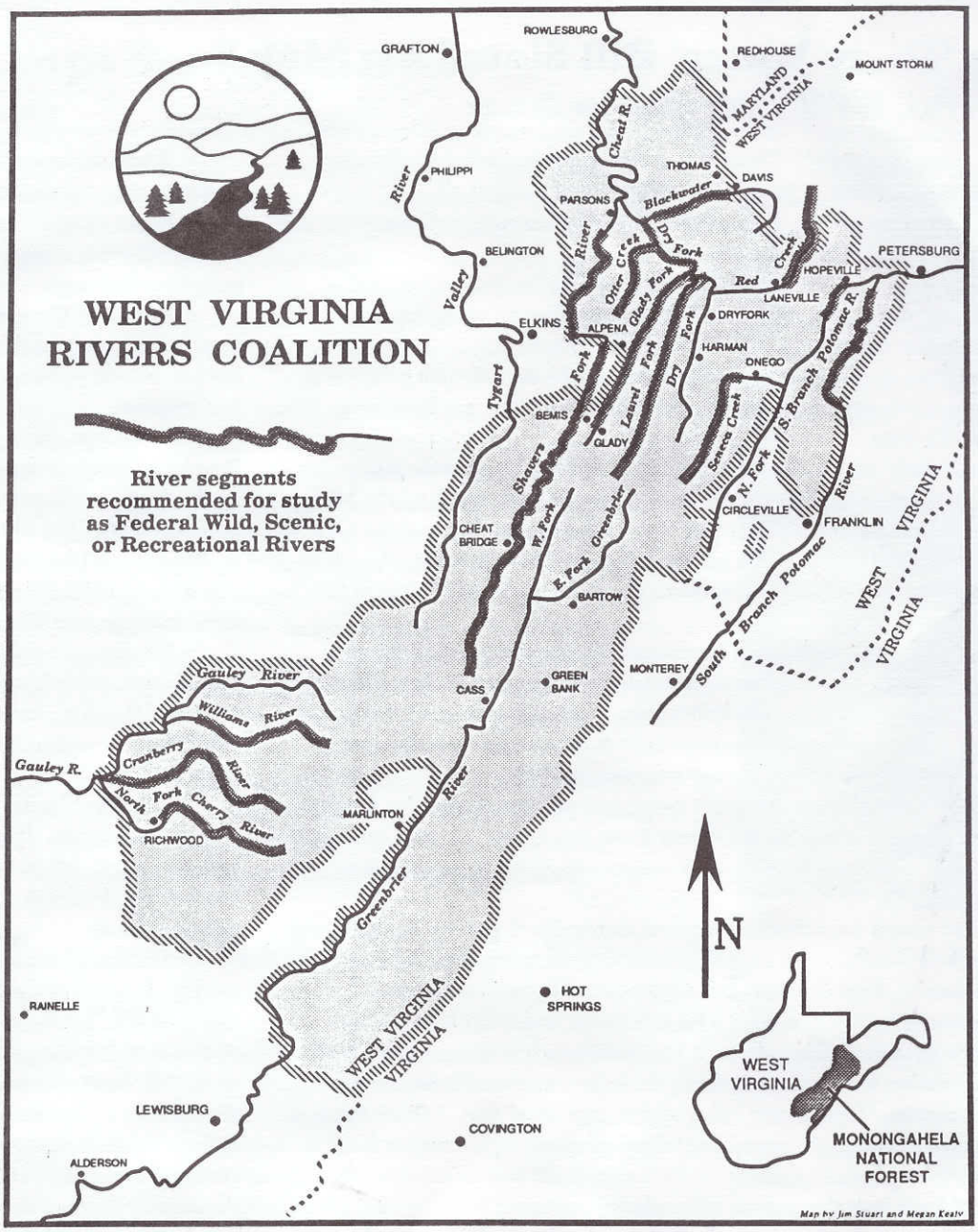
"The odds of condemnation for a private landowner are exponentially greater due to road construction or dam development than National Wild and Scenic Rivers designation," says Harrison. The Wild and Scenic Rivers Act, which contains some of the strongest land-owner protection provisions of any similar legislation, specifically prohibits outright condemnation of land if the federal government already owns more than 50% of land within an eligible river corridor. The vast majority of eligible stream mileage within the river study corridors satisfy the 50% rule.

In the twenty-six year history of the National Wild and Scenic Rivers Act, the Forest Service has rarely exercised eminent domain in the Wild and Scenic Rivers System. The only outright condemnation of land occurred in 1968 along one river, the Eleven Point, in Missouri. Easements, involving no displacement of people, have occurred on 751 acres along three other rivers. Many of those actions were uncontested except to set a price. Since 1980, no land has been condemned, either by fee title or scenic easements.

"These rivers, which flow pre-dominately through publicly owned lands, are the heart and soul of the Potomac Highlands," says Harrison. "They are important for drinking water, recreation and tourism and for quality of life reasons so it's in everybody's interest from farmers and local landowners to sportsmen and downstream communities to protect the river." Presently less than 1% of West Virginia's more than 29,000 miles of rivers and streams are afforded any formal river protection.

The draft Environmental Impact Statement for the Monongahela National Forest Wild and Scenic Rivers study should be available to the public by early June. To receive a copy write to:

Buzz Durham
Public Service Group Leader
MNF Supervisor's Office
200 Sycamore Street
Elkins, WV 26241
or phone (304) 636-1800



Yes, I support the river saving efforts of the West Virginia Rivers Coalition

Name: _____

Street: _____

City:State:Zip: _____

Phone: (h) _____ (w) _____

☐ New ☐ Renewal

MEMBERSHIP CATEGORIES

$20	Regular	_____
$50	Sustaining	_____
$100	River Steward	_____
$250	River Keeper	_____
$500	Mountaineer	_____
$1000	"Almost Heaven" Society	_____
	Other amount	_____

Make your check payable to "**West Virginia RiversCoalition**"
[Your contribution is tax deductible]

Vote on 'Dirty Water' Bill Slated for May 8

by Mary Pat Peck, WVRC Public Education Director

Reauthorization of the 1972 Clean Water Act is overdue, but the bill facing the House of Representatives in May is far worse than nothing at all.

H.R. 961 cleared the House Transportation and Infrastructure Committee April 6. A floor vote is scheduled for May 8.

Sponsored by Rep. Bud Shuster (R-PA), chair of the Transportation and Infrastructure Committee, H.R. 961 would fundamentally change the most successful and effective programs of the Clean Water Act.

If it becomes law, the Chairman Shuster's bill would not only halt progress in cleaning up our nation's waters. It would actually roll back the very hard won gains of the past 23 years.

That is particularly critical for West Virginia and West Virginians. Rivers are our life blood. In these mountains rise rivers that flow through much of the Mid-Atlantic region, ultimately finding their way to the Chesapeake Bay and the Gulf of Mexico. Many of our communities rely on rivers for drinking water. And, they are an essential part of what has made tourism the second largest industry in the Mountain State.

At the same time, even these great headwater streams face serious threats -- from acid mine drainage, polluted runoff, untreated sewage, etc. In fact, West Virginians are so concerned about the state's crisis in sewage treatment that in the last election they authorized major new state debt to finance construction and upgrades for community water and sewage treatment facilities.

Acid mine drainage plagues the state's rivers and streams. It was the destruction from recent mine blow outs on the Cheat River that helped prompt American Rivers to name that outstanding whitewater stream one of the 10 most endangered rivers in North America.

And, polluted runoff from thickly clustered, unregulated, poultry houses along the South Branch of the Potomac has subjected that river to algae blooms and astronomical counts of fecal coliform and streptococcal bacteria colonies.

As any housewife knows, it is takes a lot more time and effort to clean up a mess than to prevent it in the first place. It has taken nearly a quarter century of Clean Water regulation to significantly move the U.S. toward pollution prevention, instead of just clean up. The Shuster bill would reverse all of that. What's more, it would shift the cost of clean up, from those who profit from a polluting activity, to downstream users.

Specific problems with the Shuster bill include:

• Provisions that allow pollution to be "traded," so increased chemical discharges into a stream could be excused by something like a recycling program.

• Encouraging states to base water quality standards on "economic and social considerations," instead of good science. This provision alone will doom West Virginia's streams (and those who rely on them), and the rivers in other states near the lower end of the economic ladder.

• Broad new exceptions to the antidegradation policy of the 1972 Clean Water Act, which protected our remaining pristine waters from new pollution discharges.

• Repeal of the stormwater permitting system and its prevention of not just stream pollution, but erosion and scouring.

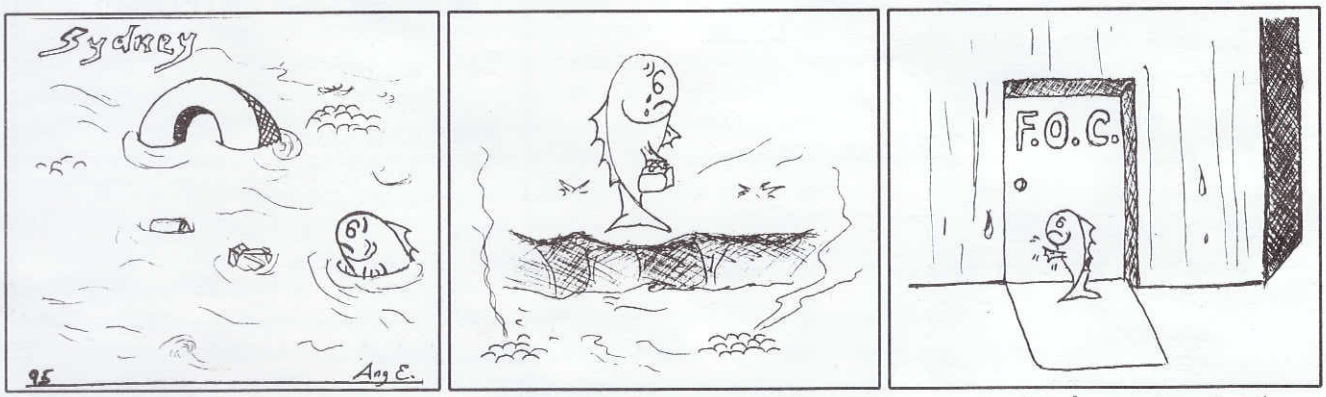
• Provisions that open State Revolving Funds directly to private agribusiness and foresters with no accountability. The Shuster bill makes on-the-ground best management practices completely optional, as long as a "management plan" exists.

• Wiping out wetlands protections, which will subject neighbors to increased flooding, unless federal taxpayers pay wetlands owners not to drain and/or fill.

In fact, the Shuster bill is a terrible piece of legislation. It may save polluters a few dollars today, but will cost our children and our children's children dearly.

Water is not just another commodity. It is one of the basic requirements of life. It may pass through all of our lives, but it cannot belong to any of us. We doom ourselves and future generations if we continue to pollute our water, while destroying the natural systems (rivers and wetlands) that work continually to clean that water.

Let your member of Congress know how you feel about legislation that rolls back 23 years of progress in cleaning up the nation's streams by calling the Congressional switchboard at 202-225-3121.



Poor Sydney's home is trashed... *and getting worse every day...* *now there's people to help!*

Army Corps Study Underway

By Dave Bassage

The U.S. Army Corps of Engineers is currently embarked on a $400,000 reconnaissance study of the Cheat River watershed. Sponsored by Senator Byrd, the study was initiated on November 10, 1994 and is scheduled to last for one year. The primary purpose is to investigate structural and nonstructural measures to reduce flood damages within the Cheat basin. At the request of the West Virginia Departments of Natural Resources and Environmental Protection the study was expanded in December to include potential Acid Mine Drainage (AMD) treatment and abatement projects.

Although the impetus for this study was flood control, much of the initial support has been directed at AMD issues. While dam building can be controversial, AMD abatement has no known opponents. Renewed interest in the issue by federal and state agencies coupled with the three acid blowouts on Muddy Creek in the past year have prompted several members of the study steering committee, including Friends of the Cheat and the West Virginia Rivers Coalition, to stress the importance of AMD abatement to the future of the watershed.

Cheat Lake serves as a depository for the iron sediment and acid that is released into Cheat Canyon. The most recent blowout was registered in the lake by the Morgantown Utility Board both in terms of lowered pH values and greatly increased iron levels. These events will continue to occur until aggressive action is taken to control AMD.

The next step after the reconnaissance study is a feasibility study, followed by implementation. Two critical components to any project, whether flood control or AMD related, are a positive cost benefit ratio and some form of non-federal matching funds. AMD abatement proponents are working on addressing these criteria.

This is the third time that serious consideration has been given to damming the Cheat, one of the largest free flowing rivers in the Eastern U.S.. The first two efforts failed due to public opposition and lack of funding. The new player this time is the state of Pennsylvania, which has offered financial support for possible dam projects.

The Corps has a booth at the festival for the purpose of providing information on potential projects and soliciting public input. Stop by, learn a little, and edpress your views.

WVRC Requests State's Help in Restoring Cheat Tributaries

The West Virginia Rivers Coalition has asked a state agency to consider river restoration projects for two Cheat River tributaries degraded by acid mine drainage.

In a letter to the West Virginia Division of Environmental Protection (DEP), WVRC asked the state agency to give priority to Muddy Creek and Big Sandy Creek under the Governor's Stream Restoration Program. The program, administered by the DEP, seeks to restore streams degraded by acid mine drainage and other coal mining impacts. WVRC is one of a over a dozen representatives from state and federal agencies, conservation groups, and industry who comprise the state stream restoration committee.

The program is currently undertaking restoration projects on the Blackwater River and the Middle Fork of the Tygart River. Big Sandy Creek and Muddy Creek are both currently included in the top ten priority rivers listed for water quality restoration under the Governor's Stream Restoration Program. WVRC's request is to elevate the two tributaries of the lower Cheat River as the program's next project.

"The Cheat River is vital to the economic and ecological health of the region. Moreover, recent recognition of the Cheat on American Rivers' Most Endangered Rivers list confirms the river's importance on a national level as well," says Roger Harrison, WVRC Executive Director, in his letter to DEP Director Dave Callaghan. "Therefore, we respectfully request that the Stream Restoration Committee initiate a comprehensive assessment of restoration possibilities for Muddy Creek and Big Sandy Creek." Other Cheat River tributaries which could receive attention from the state program include Heather, Lick, Morgan Run, Pringle Run, Green's Run, and Bull Run.

While many of the upper reaches of the Cheat watershed are relatively pristine, teaming with native brook trout, the Cheat River below Albright is in direct contrast to the cool, clear forks of the Cheat. The lower Cheat River below Albright has been rendered sterile for decades from past mining; however, two recent mine blowouts from active mining by the T&T Coal Company has added insult to injury. The result is more serious downstream water quality problems and a diminished recreational experience in the Cheat Canyon for the thousands of whitewater rafters and paddlers who flock to the area each Spring.

The Stream Restoration Committee's next meeting is scheduled for mid-May and WVRC's request will be considered at that time.

West Virginia Rivers Coalition
PO Box 606
Buckhannon, WV 26201

Non-Profit Org.
US Postage
PAID
Buckhannon, WV 26201
Permit No. 47