

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #7

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1992 AUG 18 PM 3:47

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Division of Forestry TITLE NUMBER: 22

CITE AUTHORITY: 19-1B-4

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 2

TITLE OF RULE BEING FILED AS AN EMERGENCY: Sediment Control During  
Commercial Timber-Harvesting Operations - Licensing

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The Legislature passed the Act at the end of the 1992 session. The Act specifies that the initiation of licensing is to be September 1, 1992. It has taken all summer to get the overall new program organized. Also, the Act specifies (19-1B-4-c) that "The Legislature expressly finds that such legislative rules are the proper subject of emergency legislative rules which may be promulgated in accordance with the provision of section fifteen (29A-3-15), article three, section twenty-nine-a of this Code.

2.80  
Use Additional Sheets If Necessary.

*William H. Gillespie*  
Signature



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES  
OFFICE OF THE SECRETARY

State Capitol, Room R-151  
Charleston, West Virginia 25305-0310  
Telephone: (304) 558-3255  
Fax No.: (304) 558-4983

GASTON CAPERTON  
Governor

JOHN M. RANSON  
Cabinet Secretary

August 18, 1992

Mr. William H. Gillespie  
Administrative Forester  
Division of Forestry  
Guthrie Agriculture Center  
Charleston, West Virginia 25305-0570

RE: Emergency Rule - Title 22, Series 2 (Sediment Control  
During Commercial Timber-Harvesting Operations  
[Licensing])

Dear Bill:

Pursuant to West Virginia Code 5F-2-2(a)(12), I hereby  
consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing  
with the Secretary of State as evidence of my consent.

Sincerely yours,

*John M. Ranson*  
John M. Ranson  
Cabinet Secretary

JMR:mcl

# APPENDIX B

## FISCAL NOTE FOR PROPOSED RULES

Rule Title: Sediment Control During Commercial Timber-Harvesting Operations - Licensing

Type of Rule: X Legislative        Interpretive        Procedural

Agency West Virginia Division of Forestry Address 1900 Kanawha Boulevard, East State Capitol (Guthrie, Bldg. 13), Charleston, WV 25305-0180

| 1. Effect of Proposed Rule | ANNUAL   |          | FISCAL YEAR |             |                                                 |
|----------------------------|----------|----------|-------------|-------------|-------------------------------------------------|
|                            | Increase | Decrease | Current     | Next        | Thereafter                                      |
| Estimated Total Cost       | \$       | \$       | \$ 6,090.00 | \$ 6,090.00 | \$                                              |
| Personal Services          |          |          | \$1,000.00  | \$1,000.00  | Due to inflation, probably 5% per year increase |
| Current Expense            |          |          | \$4,090.00  | \$4,090.00  |                                                 |
| Repairs and Alterations    |          |          |             |             |                                                 |
| Equipment                  |          |          |             |             |                                                 |
| Other                      |          |          | \$1,000.00  | \$1,000.00  |                                                 |

2. Explanation of above estimates: Based upon developing, printing, and distributing 3,500 application forms, including postage for about 1,000 sent directly; computerization of application and licensing procedure and staff time involved, minus supervision.  $1,000 \times 29\text{¢} = \$290.00$ ; printing, \$1,000; secretarial, etc., \$1,000; computerization, \$1,000;  $2,000 \times 29\text{¢} = \$580.00$ . Preparation and distribution of monthly reports \$100/month = \$1,200.

3. Objectives of these rules: To license individuals or firms involved in the conduct of timbering operations; purchase of timber or purchase of logs. The primary objectives are to insure that all logging operations are conducted in an environmentally sound manner, that all applicable State taxes are paid and that a logger certified in safety, sediment control and first aid supervises each job. A 12-person, statewide, industry-legislative-environmental committee worked throughout the summer in preparing these rules.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Will cost less than \$10,000 annually to administer and may result in the collection of \$200,000 additional taxes. May also result in future savings due to less sediment in State streams.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

The impact is on the logging, sawmilling and related industries, such as timber and log buyers. The direct impact will be \$50 per firm or individual involved in such work. There are also several costs involved in certifying loggers, which is a part of licensing. This will approximate \$500.00 per certified logger.

C. Economic Impact on Citizens/Public at Large.

None.

Date: 8-18-92

Signature of Agency Head or Authorized Representative

William H. Gillespie

DATE: August 18, 1992

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Division of Forestry

EMERGENCY RULE TITLE: Sediment Control During Commercial Timber-Harvesting Operations - Licensing.

1. Date of filing: August 18, 1992
2. Statutory authority for promulgating the emergency rule:  
19-1B-4-c
3. Date of filing of proposed legislative rule: August 18, 1992
4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?  
No
5. Has the same or similar emergency rule previously been filed and expired?  
No
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare  
The law goes into effect on September 1, 1992, and without this emergency rule, there are no specific provisions for acquiring, suspending or revoking the licenses called for, especially the latter two. It has taken all summer to get the program to an operable stage.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A 19-1B-4a and c

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8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

The licensing provision of the law is to provide for safety in logging operations, for sediment control and to insure that all firms are paying taxes. The safety training part should reduce logging operation accidents and, consequently, Workers' Compensation claims.

FILED

1992 AUG 18 PM 3 48

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

EMERGENCY

WEST VIRGINIA LEGISLATIVE REGULATIONS  
DIVISION OF FORESTRY  
DEPARTMENT OF COMMERCE,  
LABOR AND ENVIRONMENTAL RESOURCES  
Title 22  
Series 2

SEDIMENT CONTROL DURING COMMERCIAL  
TIMBER-HARVESTING OPERATIONS - LICENSING

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**§22-2-1. General.**

1.1. Scope. - These regulations establish procedures by which the license necessary in West Virginia before a person may conduct timbering operations, purchase timber or buy logs for resale may be acquired, suspended or revoked.

1.2. Authority. - West Virginia Code §19-1B-4.

1.3. Filing Date.

1.4. Effective Date.

**§22-2-2. Definitions.**

2.1. "Best Management Practices" or "BMP's" - means the technically feasible and economically reasonable procedures, as currently used in the state's silvicultural water quality management plan and as are adopted from time to time by the director, upon recommendation of the BMP Committee specified in §19-1B-7(h), used to reduce sedimentation of the waters of the state by soil erosion coming from the establishment and/or use of haul roads, skid roads, log landings, or other activities associated with the commercial harvesting of timber.

2.2. "Certified Logger" - means an individual engaged in the business of severing trees for commercial purposes who has successfully completed the program prescribed by the director to ensure competency in the safe conduct of timbering operations, in first aid, and in the use of BMP's.

2.3. "Chief" - means the administrator of the office of water resources of the division of environmental protection or his or her agent.

2.4. "Commercial" - means that which is done for a wage, fee, commission, agent or profit.

2.5. "Compliance Order" - means a written order of the director specifying how a situation that is contributing, or has the potential to contribute, to soil erosion or water pollution, be corrected; and further specifying a reasonable and practical number of days in which the corrective action(s) must be taken.

2.6. "Conference Panel" - means the entity comprised of those persons selected by the director and the chief, as specified in §19-1B-11-a, and who, upon the request of an aggrieved person or upon petition of the chief, meet to affirm, modify or vacate orders of the director relating to commercial timber harvesting.

2.7. "Director" - means the director, also termed the state administrative forester, of the West Virginia division of forestry or his or her agent.

2.8. "Haul Road" - means a road, other than roads built under an active permit to comply with other laws or regulations, constructed or used for the transportation of logs from a landing to a state road or highway.

2.9. "Landing" - means an area, integral to the logging operation, in or near a forest where logs are first accumulated and/or prepared for loading onto or into carriers for transportation to a wood-processing facility.

2.10. "License" means a document approved by the director and supplied, upon application, to any qualified person engaged in the conduct of timbering operations, or the purchase of timber for harvesting, or the purchase of logs for resale or some combination thereof.

2.11. "Log" - means any portion of a tree which has been severed from the stump and delimbed.

2.12. "Log Buyer" - means any person who buys and/or barterers for logs and who then resells some or all of the logs.

2.13. "Notification of Timbering Operations" - means supplying information about timbering operations to the director, within three days, either before or after, of the beginning of the operation, using a form designed and distributed by the director. If filed after the beginning of the operation, a brief statement shall accompany the notification form giving the reason for not filing earlier.

2.14. "Operator" - means a person who is engaged in the conduct of timbering operations, either independently or under contract to or for someone else. This includes those persons who contract to build skid roads and landings, who contract to skid logs, and who contract to fell trees for other operators.

2.15. "Person" - means any individual or combination of individuals, partnership, corporation, company, society, association, firm, organization, or other business entity.

2.16. "Skid Road" - means a road over which trees and logs are carried or dragged from the point where severed to a landing.

2.17. "Timber Buyer" - means any person who buys and/or barterers for standing or down timber to be used in the manufacture of wood products.

2.18. "Timbering Operations" - means all aspects of logging, including but

not limited to severing and delimbing of trees, cutting of the delimbed tree into logs either at the point of severing or at a landing, the preparation of any skid and haul roads and the skidding or otherwise moving of the logs to landings.

2.19. "Water Pollution Control Act" - means Article 5A, Chapter 20, of the West Virginia Code or the successor citation.

**§22-2-3. License Procurement; Posting of License Number.**

3.1. Any person engaged in timbering operations, timber buying or log buying for resale shall, after September 1, 1992, first procure a license to do so from the director. Licenses may be for a single or for multiple, either two or three, categories.

3.2. Any person applying for a license to engage in timbering operations, timber buying or buying logs for resale shall do so by completing an application form supplied by the director.

3.3. A fee of fifty dollars shall be submitted with each single or multiple category license or license renewal application. There shall be no prorating of the fee for partial year licensing.

3.4. Any person applying for the renewal of a timbering operator, timber buyer or log buyer license shall do so by completing a renewal form on or before June 15 of each year. A renewal form shall be sent by the director to the last known address of the licensee at least thirty days prior to the renewal deadline.

3.5. Licenses not renewed for two successive years shall be deemed vacant and the number shall be available for reassignment.

3.6. Any person found guilty of operating without a license as specified by these regulations shall procure such license before resuming operations.

3.7. A sign, including thereon the name of the operator and the operator's license number, in letters no less than three inches high, shall be in plain view at each active landing on a timbering operation.

**§22-2-4. License Suspension.**

4.1. The license of any operator may be suspended for no less than thirty nor more than ninety days when found to be in violation of the provisions of either the logging sediment control act or the water pollution control act for a second time within any two-year period. Under such circumstances, a single incident, regardless of the number of individual violations cited, shall constitute only a single violation.

4.2. Violations to be considered as cause for license suspension shall include, but not be limited to:

4.2.1. Failure to have timbering operation supervised by a certified logger.

4.2.2. Failure to notify the director, on a form provided by the director, within three days of the beginning of a timbering operation.

- 4.2.3. Providing invalid or misleading information on a notification form.
- 4.2.4. Failure to place a sign, as per 3.7, at the timbering operation.
- 4.2.5. Failure to use appropriate best management practices.
- 4.2.6. Failure to observe compliance orders from the director.
- 4.2.7. Failure to observe a timbering operation suspension order from the director.
- 4.2.8. Interfering with the director's or chiefs access to the operation for inspection purposes during reasonable working hours or for emergencies.

**§22-2-5. License Revocation.**

5.1 The license of any timbering operator, timber buyer or log buyer may be revoked for any of the following reasons:

- 5.1.1. Providing false data on the licensing application.
- 5.1.2. Being found in violation of either the logging sediment control act or the water pollution control act for a third time within any two-year period. Violations to be considered as causes for license revocation shall include, but are not necessarily limited to, the listing in 4.1(a) through 4.1(h) of this regulation.

**§22-2-6. Exceptions.**

6.1. Persons severing evergreen trees for sale during the traditional Christmas season shall be exempt from licensing for that activity.

6.2. Persons severing trees incidental to ground-disturbing construction activities shall be exempt from licensing for that activity provided that the logs so produced are not sold for, or given away for, wood product production purposes.

6.3. Persons severing trees incidental to the construction of access roads, well sites, gathering lines or transportation pipelines shall be exempt for that activity provided that the materials so produced are not sold, or given away, for wood product production purposes.

6.4. Persons severing trees incidental to the construction of highways or public utility rights-of-way or for the maintenance of existing highways or public utility rights-of-way shall be exempt from licensing for that activity providing that the trees so severed are not sold for, or given away for, wood product production purposes.

6.5. Companies regulated by the federal energy regulatory commission shall be exempt from licensing for the severing of trees incidental to the purposes for which they are so regulated.

6.6. An individual severing trees on the individual's own property with the intention of using the logs directly or for the manufacture of wood products for the personal use of the individual or the immediate family of the individual shall be exempt from licensing for that activity, provided that the individual does not have

the severing done by a person whose business is the commercial severing or removal of trees.

6.7. Individuals severing trees occasionally or routinely for sale on their own property, where the gross income realized from the sale of the product; i.e., logs, props, posts, firewood, rails, etc., does not exceed four thousand dollars per annum may obtain a waiver from licensing by applying to the division, on forms provided by the division, for such.

**§22-2-7. Right of Appeal.**

7.1. Any person aggrieved by a decision of the director relative to the licensing of timbering operators, or timber buyers or log buyers purchasing logs for resale shall have the right to appeal the order to the district conference panel who shall, in writing, affirm, modify or vacate the order.

\* Copies of this letter  
are being disbursed  
to various legislators, Gov.,  
and Sec. of State

J. Cooper

9-16-92  
Patty Cottrell  
HC73 Box 58  
Sand Ridge WV 25275

SEP 18 9 33 AM '92

\* Last night I attended a meeting  
at Glatwoods WV where grass roots citizenry  
expressed shock and outrage over these  
pieces of legislation:

|         |         |         |
|---------|---------|---------|
| HB 2813 | SB 409  | HB 4758 |
| HB 2377 | HB 4669 | SB 222  |
| HB 4643 | HB 4188 | HB 4711 |

This net work of legislation appears to  
me to violate the infrastructure of  
both our State and Federal Constitutions.

Three aspects of these bills have  
a common thread that particularly  
concerns me

- 1) "Right of Entry". I've heard this  
referred to a "Gaston's Gestapo".  
YUP That's how I see it, too.
- 2) The provision for "Kangaroo courts".  
These legislations even provide their  
own court systems. Ben Franklin  
would have a coronary if he were  
still here.
- 3) These bills all create a new  
tax system.  
Theres plenty now if it were  
used judiciously.

I know our legislators are people. Surely they must be able to Comprehend what is occurring here. How can our representatives go to a worship service, or peer at themselves in a mirror IF THEY HAVE CONSCIENCES?

When I offend someone, I think about it. Our 1991-1992 legislature should be thinking 24 hours a day.

There are LOTS of concerned, upset people in our state. They need to be listened to and OBEYED.

Lathy Cottrell

SEP 18 9 30 AM '92

I am writing concerning Bill 4669.  
It totally outrageous what you  
propose in Charleston think the people  
of S.C. will stand for.

To begin with the Right of Enter-  
taining happened to the 5<sup>th</sup> Amendment  
in the Constitution? No one in  
W.V. is going to let S.C. and give up  
any of their rights. They have an  
Article of the U.S. So some idiotic  
group with no reason at right wants  
to take some things to give them over, to  
S.C. is the Federal Fund to be re-  
appropriated for some really worth  
while projects or more money for  
educating the smartest group of  
people we have ever had.  
The distribution of Power Law  
operation of the men running  
them have been doing so  
for some time. Now they want  
training, who are what gets the \$60<sup>00</sup>  
that requires? Are you going to require  
the instructor be certified first? By  
whom?

As for the \$4000<sup>00</sup> limit set on pri-  
vate land owner. Do you realize some  
people have their land to create a job  
because there are no public jobs to  
be had? At \$4000<sup>00</sup> you are making  
them work for \$1.36 + \$1.37 an hour  
gross? So they work 7 days a week

8 hrs a day 365 days a year.

People aren't fighting to put food on the table now, we are fighting for the table & the roof over it.

We stand a very good chance of losing our home over this - at less than min. wage the only way we may be able to keep a roof over our head is to file bankruptcy after 33 years of marriage at \$4000. a year - We cut a tree.

The butt-log goes to the mill (if it's good) - next comes a tie log - then

wedge blocks, more cut & last we make fire wood. All that's left

is twigs - say it averages out to \$50.<sup>00</sup> all together - that would let us

cut 20 trees a year - We have 94 acres that's less than a tree an acre -

\$200.00 a year - \$450. land taxes -

10% truck license to haul - \$546.

Gas. on the truck - \$400. for power saw.

That leaves \$2575 payments on our

land is 120.54 a month = \$1470.48

leaves \$114.52 - \$600 for S.S. tax.

= \$14.52 left for State tax - gasoline

& oil to run power saw & live on for the year. Would you care to try it?

We want to clear some old fields to grow home trees, in order to let you see you are trying to force us to burn wood that would be put to better use.

If you would consider setting the limit  
at \$5,000 - 18,000 a year we might be  
able to live with that. Though I do  
want to go on record that I do  
not think there should be a limit  
on what a private land owner  
can make on his/her own property.

Anna Marie Christian  
John Paul Christian

HCR 77 Box 47  
Upper Glades WD. 26266  
Shelster County -

Phone 226-5959.

My comment concerning Bill #4669  
Timber Law is as follows:

1. Landowners should be totally exempt from having to purchase licence to cut anything on their own property.
2. We don't need two licenses to do one job. We have been working for years with one business license and feel that is sufficient.
3. We feel that one fee for being certified for one time is enough. A fee of \$50.00 for renewal is ridiculous. One time is enough!!
4. We feel that people that has been in the timber business for 5 years or longer should have a "grandfather" clause on certification.
5. Fines and penalties are entirely too high for small timber operators. \$500.00 fine would be a very high fine for any violation.
6. The appointed three men committee to enforce fines and penalties to loggers or anyone else is unconstitutional. We have had a court system in this land for sometime now and we feel that it is quite sufficient to enforce laws.
7. If violators should be tried in their own counties or in the county where their jobs are being done this would seem more fair than having them tried in Charleston or in some other district.
8. We are against giving every Tom, Dick, and Harry the right to come on our property this day and time is unsafe and totally against our morals.

We are asking for very few changes in these regulations. I feel these changes are most important to the small timber operators. If our officials would consider the welfare of the people who supported them over the years, it would be easy enough to make these changes. I also feel the laws that have been passed recently on the Timber Bill #4669 and the Contractors Law are unconstitutional.

*Leslie J. Lemon*

304-364-5669

BRAXTON COUNTY TAX STUDY ASSOCIATION  
TIMBERMEN COMMITTEE

Lester L. Lemon  
Bob Wayne  
Marie Singleton

Donnie Dobbins  
Kevin Singleton  
Cam Hudkins

Change limit on what land owners can harvest from own property from \$4,000.00 to \$50,000.00 and be exempt. Landowners should not have to obtain a wavier for this.

Don't need two licenses to do one job. We have been working for years under one license and feel that is sufficient.

Should not have to pay to recertify each year.

Should be "grandfather" clause on certification.

If logger is complying in B.M.P. and mother nature causes erosion, logger should not be penalized.

Any violations upon logger should be handled in their own county or the county where the work is being done.

Fines and penalties are entirely too high for small operators. One fine of \$2,500.00 could put a small logger out of business. A \$500.00 fine would be considered very high for a small three man operator.

The appointed court for the three men committee that has set themselves up to try loggers in violations is unconstitutional. We already have a court system in this country.

# IMPRIMIS

Hillsdale College, Hillsdale, Michigan 49242

July 1991 Volume 20, No. 7

## "Save the Planet, Sacrifice the People: The Environmental Party's Bid for Power"

Edward C. Krug, Soil Scientist

*Editor's Preview: Last November, Hillsdale College's Center for Constructive Alternatives sponsored a week-long seminar that invited nine prominent scientists and environmental analysts to assess the respective track records of government and the private sector in environmental protection. Their unanimous opinion was that government action, usually precipitated by unsound science and media sensationalism, results in massive overregulation and, as in the case of the 1990 Clean Air Act discussed in this issue, billions of wasted dollars. Soil scientist Edward C. Krug observes that such action often makes environmental problems worse and diverts attention from other less publicized but more potent dangers.*

### **Acid Rain and the Clean Air Act: A 40 Billion-Dollar Cover Up**

Every day, millions of dismayed Americans read the news that acid rain is creating an aquatic "silent spring" in the northeastern United States....Thousands of lakes are dead with thousands more soon to die....Acid rain is wiping out our forests. The perception of mounting environmental devastation has created an overwhelming sense of urgency. The feeling is, "For heaven's sake stop talking about it and do something before we kill everything!" *The trouble is, none of this news of impending environmental disaster is true.*

Political activists from the Sierra Club, the National Audubon Society, and other organizations have worked diligently to create the public perception that it is. Some scientists have helped to fuel the flames of panic. In 1980, the U.S. Environmental Protection Agency (EPA) claimed that acid rain had increased the aver-



age acidity of northeastern lakes a hundredfold over the last 40 years. In 1981, the National Research Council claimed that the number of acidified lakes would double by 1990.

But National Acid Precipitation Assessment Program (NAPAP) scientists assigned to research the "problem" realized that the publicly accepted claims of disaster were unsubstantiated. There was simply no scientific assessment of acid rain's effects on which to base claims of disaster, or any claims at all, for that matter. Accordingly, NAPAP spent hundreds of millions of dollars to develop the first census of acid rain's state-of-the-environment. This is what we found for lakes:

1. There are only 240 critically acidic ( $\text{pH} \leq 5.0$ ) lakes out of over 7,000 northeastern lakes; not the thousands claimed.
2. The average lake is as acidic as it was prior to the Industrial Era (some lakes have become more acidic, some have become less acidic over time); not a hundred times more acidic as claimed.

3. Only 35,000 of 200,000,000 acres of eastern lakes are critically acidic.

4. Most of this acidic water is in Florida. Yet the rain in Florida is among the least acidic rain in the eastern U.S.—three times less acidic than in the Adirondacks.

5. The amount of acidic water is not changing with time; thousands of additional lakes are not becoming acidic as claimed.

6. The old Clean Air Act is working:  $\text{SO}_2$  (the principal pollutant that creates acid rain) has been halved—20 million tons rather than 40 million tons per year. The new revisions will make no difference in the amount of acid rain 30-40 years from now.

7. All of the acidic lakes in the northeastern U.S. can be limed for \$500,000 a year compared to billions of dollars for an elaborate government acid rain program.

This is what was found for forests:

1. "Forest decline is extensive in many unpolluted areas of the world, whereas trees in highly polluted areas (i.e., metropolitan areas) are largely unaffected."

2. The nitrogen in acid rain is fertilizing 300,000,000 acres of eastern forest. Such fertilization may have a negative effect for about 0.1 percent of the forest. Enhanced growth by nitrogen fertilization may result in increased winter damage for 3,000,000 acres of high altitude spruce-fir forest.

It is only common sense to conclude, therefore, that an expensive crash program to further accelerate the current rate of reduction of acid rain is not justified.

Yet in major media sources such as *Newsweek* and the *New York Times* political activists passed off as "environmental experts" continue to claim that NAPAP has made no

progress at all. They say that NAPAP was a waste of time: it has only proven that acid rain is the "crisis" it was "known to be" prior to the inception of NAPAP a decade ago. In the few cases where responsible scientists manage to report some of the real facts, it is claimed that NAPAP's results are politically tainted—underrepresenting the effects of acid rain. It was in

saviors. They view the present world order—which places power in the hands of individuals—as foolhardy. They manipulate science and our own institutions to convince us that it is necessary to sacrifice our rights of self-determination for some "greater good" like environmental protection.

Environmentalism has itself become more

being automatically labeled an enemy of Mother Nature? The last group that wants to fight on these uneven terms is the business community. But confrontation cannot be avoided because the Party has targeted free enterprise for extinction.

If one were deliberately trying to create a means to kill free enterprise (and its attendant wealth and freedoms), one could not come up with a better killing machine than the Environmental Party. Indeed, from the very beginning, business and industry learned that fighting back in self-defense is even worse than doing nothing. And, of course, there are those who have decided if you can't beat 'em, join 'em; over half of the financial support received by the Party comes from private-sector foundations.

**"...Congress passed a new Clean Air Act in 1990 in large part to allay manufactured fears of acid rain. What Congress is trying to cover up is the fact that this new legislation will cost our nation, conservatively, \$40 billion a year."**

this atmosphere that Congress passed a new Clean Air Act in 1990 in large part to allay manufactured fears of acid rain. What Congress is trying to cover up is the fact that this new legislation will cost our nation, conservatively, \$40 billion a year.

### **The Rise of the Environmental Party**

**A**cid rain is only one of a dozen manufactured crises ranging from toxic waste to chemical poisoning of food and global warming. Consistently we are led to believe that we must submit to comprehensive regulation by an "elite" of environmental experts if our planet is to be saved. The real crisis, however, appears to lie with these self-proclaimed

than just a cause; it is *the* preeminent American political party. Ron Arnold, author of *Ecology Wars*, reports that the major environmental organizations meet regularly to coordinate their activities. And, according to California Representative William E. Dannemeyer, the top twelve organizations that comprise the base of support for the Environmental Party are *four times bigger than the combined Democratic and Republican parties*:

**"...the top twelve organizations that comprise the base of support for the Environmental Party are *four times bigger than the combined Democratic and Republican parties*..."**

**Edward C. Krug**, director of environmental projects for the Committee for a Constructive Tomorrow (CFACT, P.O. Box 65722, Washington, D.C. 20035), is a former soil scientist for the Illinois State Water Survey. With more than a decade of experience in the field and a Ph.D. in soil science from Rutgers University, he specializes in research on manmade influences on watersheds—influences such as dredging, agriculture, industry, mining and waste disposal. On the college level, he has taught courses in land planning and utilization, and electron microscopy and x-ray microanalysis. He lectures frequently before groups such as the National Press Club, the Air Pollution Control Association, and the American Association for the Advancement of Science. His articles have appeared in *Policy Review*, *Science*, *Nature*, the *Encyclopedia of Earth System Science*, and other publications. In December, Dr. Krug was interviewed during a widely remarked "60 Minutes" program on myths about acid rain, and he will appear on a second "60 Minutes" program this month. ★

"All told, the Environmental Party has an operating budget of \$336.3 million (1988) and a donor base of 12,959,000. That's nearly \$250 million more than the Republican and Democratic parties combined and a donor base of some 10 million persons more!"

### **Free Enterprise: Targeted for Extinction**

About 90 percent of these funds go to support political activities, not environmental improvement. Yet members of the Environmental Party have established themselves as the poor, blue-jeaned, idealistic defenders of the public interest and Planet Earth. Their opponents, usually American businessmen, are portrayed as Darth Vaders in three-piece suits—special interests opposed to the common good.

The Environmental Party is difficult to oppose because it embraces a nominal cause that has no opposition. Who wants foul air, dirty water, and reckless disposal of toxic wastes? Who relishes questioning the Party and

isolation, however, is like manna from heaven: it is principally an off-budget tax. The government is thus perceived as working for the common good, literally for free.

To government, the well-known Environmental Party line is an irresistible siren's song:

"Government must regulate all human activity. The masses must obey the environmental bureaucracy—it knows what is 'best.' Sacrifice must be made for the 'just cause.' There are only 5 to 10 years before it is too late to save the planet from the masses who inhabit it."

And crises are the time-honored formula by which people are persuaded to give up their rights to government.

### **Mass Media: The Party's Other Ally**

It was Aleksandr Solzhenitsyn who observed that "hastiness and superficiality—these are the psychic diseases of the 20th century and more than anywhere else this is manifested in the press." Businessmen would do well to heed Solzhenitsyn's warning, for they have few

enough friends in the media these days. A report of the Media Institute shows that "Television almost never portrays business as a socially useful...activity."

Americans love the underdog. Stories of the "common citizen" battling against unscrupulous capitalists and industrial giants are popular and pay big dividends for the media with little accompanying risk. The myth of the great lobbying power of the "Timber Barons," the "Oil Monopolies" and the "Mining Kings" support the image of a David versus Goliath conflict—the battle between good and evil.

Since the Environmental Party provides an endless source of prepackaged, easy-to-report disasters—clear-cut cases of conflict between good and evil for eager consumption by the public—the Party and the media are natural friends and allies, bonded through mutual self-interest. Together, they bombard the public with a never-ending series of fictitious environmental disasters. Invariably, the businessman and free enterprise are to blame.

The Environmental Party and the mass media also conspire to provide government with a clear mandate to micromanage all aspects of human activity. While scientific truth is not established by vote, political reality is. The Environmental Party, government and mass media represent a triad of self-interest that excludes the public interest. They are succeeding in dismantling democracy and free choice where all previous efforts have failed.

The only way to defeat them is by grassroots activism through private groups like the one I work for—the Committee for a Constructive Tomorrow (CFACT). These groups, though small and often unknown to the general public, can have an important influence on the issues of our time, especially on environmental issues that have become mired in politics and media hype.

#### *Discrediting Science and Government*

But the brilliance of Environmental Party strategy lies in its ongoing attempt to discredit science and government and to persuade the public habitually to place its trust in the proclamations of the Party's political activists. Here are the results of a survey by the Democratic research firm of Marttila & Kiley, and the Republican firm of Market Strategies, Inc. reported in the *Washington Times* last August:

-Only 15 percent of the American public trusts what government scientists say.

-Only 6 percent trusts scientists seen as repre-

senting industry.

-68 percent implicitly believes political activists.

-67 percent agrees with the statement, "Threats to the environment are as serious as environmental groups say they are."

Virtually all scientific research is funded by industry and government. Since the public no longer trusts these sources, it is apt to accept the "good faith" assertions of political activists as fact.



### **The Party's Ruinous Environmental Ethic**

#### *Diverting Attention from Real Dangers*

In 1990, President Bush planted an elm in Indianapolis on Earth Day. He claimed that this tree was a symbol of the environment, and of the "problem" of global warming. The "green" elite that informs the President got part of it right: The elm tree *does* represent a problem—the environmental devastation resulting from the Party's sham-environmental ethic.

The President's elm is also representative of the specific problem faced by our eastern forests: It may soon die. But it will die not from acid rain or air pollution but from Dutch elm disease.

There are 150 million acres of eastern hardwoods that have been assaulted in recent years by a variety of imported diseases and pests. Before the chestnut (the most valuable tree in the eastern forests) was *eliminated* by blight, an enterprising squirrel could have gone from Maine to Georgia on the branches of chestnut trees, coming down only to cross rivers.

Oak, which has replaced much of the elm and chestnut, is being devastated by the gypsy

moth. Beech bark disease from Canada is now making its way across the rest of North America after being introduced into Nova Scotia from Europe.

Meanwhile, the Environmental Party bemoans acid rain's hypothetical risk to about 300,000 acres of high altitude spruce-fir forest from winter injury due to nitrogen fertilization.

Inflated fears about acid rain distract us from being concerned about the remaining 18 million acres of spruce-fir forest that are literally being chewed up by imported insect pests. For example, 90 percent of the mature fir trees in the Southern Appalachians are dead or dying because of the woolly adelgid. The spruce budworm has eaten millions of acres of red spruce in Maine and many more millions of acres in Canada.

While the Environmental Party diverted our attention and resources to acid rain, in 1986 the zebra mussel was introduced into our lakes from Norway. A comparison of the problems represented by acid rain and the zebra muscle is in order:

It is probable that acid rain acts to increase the acidity of naturally acidic, "fishless" waters. It may also acidify a very small percentage of low-productivity waters. But the Party has portrayed lakes that cover a few tens of thousands of acres—most of which we now know to be naturally acidic—as an environmental Armageddon.

The zebra mussel, on the other hand, is enormously proliferate and feeds on the planktonic food base of aquatic ecosystems. It has no natural enemies. In just a few years, it has rapidly spread to eat the planktonic base of the aquatic food chain, decreasing the productivity of tens of millions of acres of water. It has also done billions of dollars of damage to water supply systems and industry. Biologists see no way to prevent the zebra muscle from taking over our more than 100 million acres of high-productivity freshwater.

If the Environmental Party were a genuine champion of the environment, it would not be preoccupied with multibillion-dollar acid rain controls or its other pet concerns like the spotted owl and the snail darter. It would not embrace nominal environmental issues that are used to acquire control over vital industrial activities and it would not ignore greater environmental problems just because they cannot be used to achieve such control.

The truth is that the Environmental Party is dominated by false prophets whose concern for the environment masks their real agenda, which is social engineering, and their ultimate goal, which is power.

## *The Quest for Power*

During the debate over the Clean Air Act of 1990, Senator Daniel Patrick Moynihan pointed to the key problem when dealing with the Environmental Party: the triumph of process over reason. He declared that "environmental legislation created over the last twenty years has typically forbidden any analysis of cost or has demonstrated no concern for it."

The Party is not interested in using logic and science to correctly identify problems, or to decide which responses might do more harm than good. It ruthlessly pursues any legislation that gives it the means not just to control economic activity, but all forms of human behavior. The result is that the Environmental Party has become the absolute secular power of the country. Any activity can be construed as unacceptably damaging to the environment. Pull one fish out of a lake, cut one tree, or plant a field and you can be said to have harmed the environment. If you breathe, you exhale CO<sub>2</sub> and allegedly cause global warming.

The Environmental Party did not acquire power all at once; it took its lead from bureaucracy. Starting with the first federal water pollution law in 1948, government has given itself increasing authority to regulate everything from noise to wildlife. Ron Arnold notes that with the passage of RCRA (the Resources Conservation and Recovery Act of 1976) and "Superfund" (the Comprehensive Environmental Response, Compensation and Liability Act of 1980), government now has the authority to regulate literally every substance in existence.

The Environmental Party has imitated government by gradually expanding control over well known environmental organizations such as the Sierra Club, the National Audubon Society and the National Wildlife Federation. These groups began as bona fide organizations promoting wise use, i.e., conservation of the land, but have abandoned, as former NWF president Ray Arnett and others have testified, conservation education for the more tempting pursuits of political advocacy and lobbying.

## **The New World Order: Color It Green**

### *The Destruction of People*

**W**hat values does the Environmental Party advocate? Ron Arnold states: "America's new-found sensitivity to nature came packaged in a strongly anti-industry, anti-people wrapper. It came with a gut feeling that people are no damn good, that everything we do damages nature and that we must be stopped before we totally destroy the earth." The best-known environmentalist of our time, Dennis Hayes, proclaimed on the first

Earth Day, "We feel that Earth Day has failed if it stops at pollution, if it doesn't serve as a catalyst in [changing] the values of society."

In his 1968 book, *The Population Bomb* (sold by the Sierra Club and endorsed in the foreword by Sierra Club Executive Director David Brower), Dr. Paul Ehrlich called people a "cancer" on the earth. He repeatedly asserted

**"The truth is that the Environmental Party is dominated by false prophets whose concern for the environment masks their real agenda, which is social engineering, and their ultimate goal, which is power."**

that "the battle to feed humanity is already lost." He predicted that the world would run out of food by 1977, after which world population would begin to starve back to two billion by 2025.

To stave off this disaster, Ehrlich prescribed a form of global triage. He claimed that the Third World was hopeless and that we should help it die: specifically, we should increase the death rate by denying food and technology and reduce the birth rate through mandatory birth control and sterilization. The nations that were not beyond hope would have only mandatory birth control. Government experts would decide who could reproduce. In 1968, Ehrlich did not think that we were "mature" enough for this approach—yet.

Now, nearly a quarter of a century later, the world has not come to an end. Undeterred by his awesome capacity for error, however, Ehrlich has republished his thesis (*The Population Explosion*, 1989), merely changing the dates. Incredibly, he has retained his hallowed status as a prophet of the future, even receiving the 1990 MacArthur Foundation genius award.

With the help of Ehrlich and others like him, the Environmental Party is working hard to make its dismal world vision come true. For example, one of the 12 pieces of legislation the Environmental Party uses to rate Washington legislators is a bill to fund the United Nations' program of compulsory sterilization in Third World countries receiving aid.

### *Global Warming: Another Manufactured Crisis*

The U.N.'s alliance with the Environmental Party doesn't end with schemes to kill off or stunt the Third World population; the stated fundamental goal of its international convention on global warming is no less than the development of a statist world government that will control every activity of life in all countries. The leading 17 industrial nations have signed an agreement in principle to implement

such a plan to stave off the alleged horrors of global warming.

Global warming is but another manufactured environmental crisis whose real purpose is social engineering. World-class agronomists, geologists, and environmental scientists of the U.N.'s Intergovernmental Panel on Climate Change (IPCC) find that if global warming

occurs to the degree and extent that the doomsday global warming models predict, it will be of great benefit to the world! What these IPCC data mean for the U.S. alone is an increase of \$12 billion per year in food production, \$30-50 billion per year in water resources, an increase in wood of 80 billion cubic feet, and more than \$500 billion in wood by 2050. (These prospects may be merely academic, however, since a number of scientists admit that if we look at the last fifty years, rather than the century average as is customary, temperatures are not increasing.)

Nevertheless, the well-publicized plans of the U. N. and the Environmental Party require Third World nations to place large areas into "forever wild" nature preserves to prevent their dire and, predictably, false warnings about global warming from coming true. Additionally, these nations will be denied use of their remaining natural resources by the banning of primitive slash-and-burn practices and of modern agricultural and transportation technologies based on fossil fuels—ostensibly to minimize emissions of CO<sub>2</sub>.

The real consequence of such action is to prevent Third World countries from becoming developed. The U.N.'s and the Environmental Party's plan effectively blocks them from following the developed nations through the demographic transition to prosperity and near-zero population growth rates.

The plan is a self-fulfilling prophesy. Underdeveloped nations will remain underdeveloped, and will retain low economic growth, high population rates, poverty, and concomitant environmental devastation.

### *The Party's Hostility Towards God-Centered Religion*

"Beware of false prophets, who come to you in sheep's clothing but inwardly are ravenous wolves. You will know them by their fruits."

Matthew 7:15-16

The Environmental Party has given us a new definition of "social responsibility," one

that has little to do with people and much to do with rainforests, sea turtles, dolphins and spotted owls. It has also given us a new definition of man, one that has important religious significance.

It was the misanthropic core philosophy of the new environmentalism in the 1970s that originally led Reverend Richard Neuhaus (a founder of National Clergy and Laymen Concerned About Vietnam) to write the book, *In Defense of People*, in which he pointed out that this movement puts the "rights of nature" above the "rights of man." Today, we also know that under the Environmental Party's proposed new world order, the lost rights of the many are concentrated into the hands of the "knowing few" who administer "the rights of nature."

The core of this environmental totalitarianism is anti-God, even though some general Judeo-Christian or other religious principles are acknowledged and even venerated by many Environmental Party members.

God and the Environmental Party know that man is a sinner. Both define what sin is. Even though we sin, the loving God views people, science and technology as blessings. Under the loving God, we have free choice. The Party does not love people, science or technology. It wants to replace God with its own authority and eliminate free choice. It worships Creation, but not the Creator.

## Defeating the Environmental Party

The Environmental Party does not respect the sanctity of science. It manipulates science as a tool of persuasion.

It does not respect the sanctity of the environment. It manufactures environmental

"The Party does not respect the sanctity of an individual's right to self-determination. It holds that, given the truth, 'we the people' do not have the ability to make the 'correct' decisions."

crises as a means of gaining control over the resources that support modern civilization. One of the outcomes of this siege on civilization is the destruction of the environment.

The Party does not respect the sanctity of an individual's right to self-determination. It holds that, given the truth, "we the people" do not have the ability to make the "correct" decisions. Only the Party elite have that ability.

The Party views the present world order—which places power in the hands of the people—as dangerous and unacceptable. Its leaders must feel ironic satisfaction in using our own free and democratic institutions to force us through a form of boot camp in which they break us down and remake us in a new "green" image.

Those same leaders know that "the only thing necessary for evil to triumph is for good men to do nothing." Let us prove them right—not by doing nothing—but by defeating the Environmental Party's bid for power. ▲

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# State loggers threaten 3-day protest strike

By Eric Niller  
STAFF WRITER

Small-time loggers across West Virginia are threatening to quit work in protest of a new law they believe is driving them out of business.

Petitions have been circulating in Braxton, Randolph, Upshur and other counties that rely on timbering. Lester L. Lemon wrote in a letter to the Gazette that loggers are considering a three-day work stoppage in October if the law is not repealed.

"If we do not receive a definite decision," Lemon wrote, "we intend to stop working to show our unified stand against this law."

As part of the new law, loggers must learn safety techniques and how to follow a set of "best management practices" to control sediment and erosion on logging roads.

Dick Waybright, president of the West Virginia Forestry Association, said an Elkins logger is circulating a letter that says loggers will be held responsible if wind blows soil into nearby streams and that landowners will have to pay a fee to cut their own wood.

Waybright said both of these assertions are false.

"One operator put out a letter that misquoted several things in the bill," Waybright said. "A lot of this is emotionalism."

Safety workshops run by the state Division of Forestry have attracted 1,000 loggers this summer, according to assistant state forester Bob Whipkey. Workshops throughout the year will focus on management practices.

The petitions ask for a repeal of the existing timbering law, a procedure that doesn't exist under state law. In order to change a law, a new one must be passed.

Waybright attended a meeting Thursday in Braxton County on the timber law, but found speakers railing against taxes, abortion and a new contractors' licensing law.

"It was an anti-everything meeting," Waybright said.

Mike Ross, a Democratic candidate for state Senate in Randolph County, said he isn't organizing the petition drive, but supports the views of the loggers.

"The bill in its present form is not good for the state of West Virginia, especially for small business," Ross said.

Ross, who has championed anti-tax groups in central West Virginia, compared the logging protest to the uproar of the "puppy mill" bill last year. Hunters and rural dog breeders convinced Gov. Gaston Caperton to veto a bill which would have required larger and more spacious kennels for people who breed more than three puppies.

Note: H.B. 4669, The Loggers Sediment Control Act... authorizes PRIMARY enforcement by the DNR with some authority given to the chief of water resources... P. 18 of 1992 Legislative Wrapup.

• More than one Law!

InterLock Legislation:

H.B. 2377 (1991)  
H.B. 4669 (1992)  
H.B. 4643 (1992)  
etc.

• Probably can be issued citations by DNR under 1991 Groundwater Bill (H.B. 2377), but not under the 1992 "Loggers' Bill" (H.B. 4669).

+ This is a "DUMB" statement. Zoning and other Laws passed by the Legislature have been repealed during subsequent years!

# Neither Greenhouse nor Glacier

On April 21, 1968 the *Sunday Telegraph* in London, England published a frightening survey headlined "Strange Case of Climate Shift." Detailing dire forecasts of steadily increasing cold, the article quoted a very stern "climate expert" named Professor Gordon Manley of Lancaster University as follows: "It looks as if 1950 was a peak [in warmth]."

As the *Telegraph* reported, the frightened British professor found an equally disturbed American ally:

[T]here are signs that the glaciers may be advancing again. Dr. James Lodge, of the National Centre for Atmospheric Research in Boulder, Colorado, suggested that this may be the first signs of another ice age on the way.

Less than ten years later in 1977, the U.S. National Academy of Sciences suggested that a new ice age "is upon us." This prestigious body cited "evidence as diverse as the duration of the arctic snow cover, animal migration, sea surface temperatures, and microfossils on the ocean floor."

## Heating Up

By 1989 scientists at the British Meteorological Office and the University of East Anglia were singing a completely different tune. They claimed in a widely publicized February 1989 report that the earth was heating up — on average about one degree Fahrenheit since the start of the 20th Century.

Dr. Phil Jones, a climatologist at East Anglia, said the new findings were consistent with a theory that a buildup of heat-trapping pollutants in the atmosphere is warming the earth, "in much the same way that the glass of a greenhouse traps heat."

Then, in April 1990, an international team of scientists gathered at the United Nations to report as a "virtual certainty" that the earth's

surface is warming dramatically. As reported by the *New York Times*, the scientists were in general agreement that "energy trapped in a greenhouse effect by [industrial] gases will warm the earth by 3 to 8 degrees Fahrenheit within the next 60 years."

## Sensational Myths

Dr. H. Read McGrath is a professional meteorologist with 50 years of experience. Also an aerospace engineer, he is quite upset about sensationalists who continue to predict various kinds of weather-related doom.

McGrath insists, "There is no evidence whatsoever that the atmosphere is either warming or cooling." In addition to studying many years of data compiled by thousands of meteorological stations daily, he cites a 1989 National Oceanic and Atmospheric Administration study that combed through over 93 years of readings from 6,000 meteorological stations. Its conclusion: The atmosphere is neither warming nor cooling.

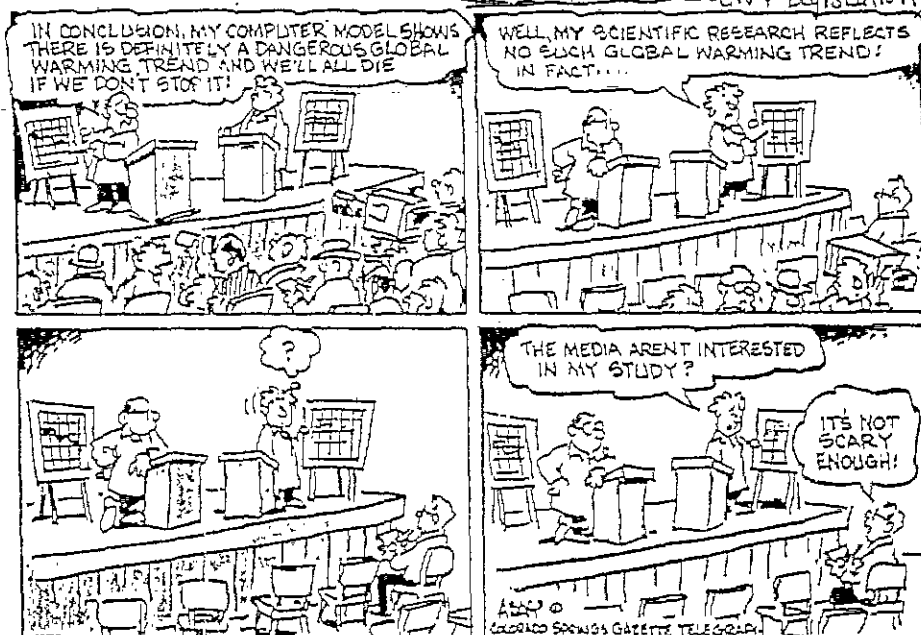
He notes that professional meteorologists in Japan came to the same conclusion after studying data compiled from 14,000 meteorological sta-

tions over the past 100 years.

## No Holes in the Sky

The outspoken Californian also debunks the fright over acid rain and supposed "holes" in the ozone layer caused by emissions of freon and chlorofluorocarbons (CFCs). Yes, there is a minuscule amount of acidity in precipitation traceable to industrial emissions. But it causes no real problem and there is less each year from a high in the 1930s. As for freon and CFCs leading to holes in the earth's ozone layer, "they cannot reach the ozone layer" and are not a problem.

Not alone in dishing out a heaping plateful of scorn for the purveyors of ice age, global warming, or other non-scientific theories, McGrath sums up: "It is clear that for months, and years, the American people and many others have been misled by the environmentalist movement, politicians, and, I regret, the media into accepting the mythologies I have described. I hope [my report] will open the door to honest inquiry at long last, and stop the hysterical, panic institution of special legislation which will destroy us all in not too long a time." ■ (WV Legislation)



There is a BIG DIFFERENCE between responsible environmentalists and environment con artists. The con artists are responsible for the 1991 Groundwater Bill (H.B. 2377) and the so-called clean air act of 1990 (H.B. 2813), both of which are potential disasters! Also, the H.B. 4669 and H.B. 4643 of 1992!

THE NEW AMERICAN / MAY 7, 1991

Sixteenth American Jurisprudence, Second Edition, Section 256 affirms that the "Constitution is the SUPREME law of the land and any statute to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail . . . an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT, and not merely from the date of the decision so branding it . . . an unconstitutional law is void . . . it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and JUSTIFIES NO ACTS PERFORMED UNDER IT.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

H.B. 4669 and subsequent rules filed under it are violations of both our Federal and State Constitutions:

1. The so-called "right of entry" (§19-1B-9) is in violation of citizen safeguards of Article IV of the Federal Bill of Rights and Article III, Section 6 of the WV Bill of Rights. (Nearly identical)
2. The "Creation of Conference Panels; Authority" (§19-1B-11) creates regional courts of jurisdiction which are not found in either Federal or State Constitutions. These appointed non-elected Kangaroo courts of sorts ("Conference panels") are examples of regional government which is in violation of constitutional mandate which creates and sustains elected (not appointed!) magistrates and judges at local and state levels. Additionally, the financial burden is shifted to the accused, many of whom cannot afford to appeal to circuit court; thus effectively violating Article III Section 10 of the WV "Bill of Rights" which guarantees that "No person shall be deprived of life, liberty, or property without due process of law, AND JUDGMENT OF HIS PEERS. The "Conference Panels" are not peer groups; they are regional three-member tribunals appointed and controlled by the appointed heads of the Division of Forestry and DNR (Environmental "Protection").

Many West Virginians have experienced the way the above type appointed "Politburos" function under the Contractors' Licensing Bill (S.B. 409 of 1991) and others: 1. Warning notices from inspectors. 2. Accused told that they would not, because of their cooperative attitude, be fined. 3. Subsequent fines levied against the accused, with no Miranda rights. 4. Accused effectively denied trial by peers.

3. The current H.B. 4669 was fraudulently promoted under the deceptive heading "regulation of the harvesting of timber along Scenic Highways" and grease-rammed through the WV Legislature without public hearings. This degree of arrogance and disregard for the general public during an election year is probably unprecedented--and warrants prosecution of the ring leaders under Section 2384, Title 18, United States Criminal Code, Seditious Conspiracy.

4. The additional regulations proposed subsequent to passage of H.B. 4669 (particularly in the absence of regulatory flexibility legislation) together with increased costs and bureaucratic imposed loss of productive time would mandate a confusing impossible to comply with prison of red tape and financial burden for most wood lot and timber operators. Such a criminal government mandated prison without physical walls or chains effectively nullifies the preamble to our Federal Constitution which guarantees "promotion of the general welfare, and blessings of liberty to ourselves and our posterity." When the preamble is violated, then the reason and purpose of the entire Constitution is compromised!

5. H.B. 4669 and subsequent regulations are simply modern revivals, without regard to racial barriers, of old Jim Crow type laws promulgated by fraudulent environmentalists, and which are illegal under the fourteenth amendment to our Federal Constitution. It now follows logically that the principle of Constitutional Law vs Legislation which is in conflict with the constitution applies:

"When rights secured by the Constitution are involved there can be NO RULE-MAKING OR LEGISLATION WHICH WOULD ABROGATE THEM."

Miranda vs State of Arizona (Key No. 73, 86s CT 1602 of 1966).

@The \$4,000 exclusion is arbitrary and discriminatory. Additionally, the \$4,000 exclusion is too low to provide protection to most small operators, and violates the equal protection provision of the 14th amendment to the U.S. Constitution.

\$5,000 Reasonable!

Respectively,

*James C. Rymer*

James C. Rymer  
Box 329  
St. Marys, WV 26170

Sept. 3, 1992

PLEASE SIGN IF YOU WISH TO MAKE A COMMENT:

- ✓ 1. *Lester H. Lemon*
2. *James C. Rymer*
- ✓ 3. *JACK M. BOONE*
4. *FERRIS J. WHITE*
5. *Hoy Robinson*
6. *Charles B. ~~Butter~~*
7. *Robert ~~Butter~~*
8. *Marie Singleton*
9. *Roger D. Collier*
10. *Margaret Gregory*
11. . . .
12. . . .

L. E. DALRYMPLE

RT#2, P.O. 126

BENS RUN, W. VA.  
26135

SEP 11 1 11 PM '92

My dear Mr. Haskins:

I realize you've had your problems with this administration, and now you've got another. If you have the power to do anything about these new timber laws, I would strongly suggest you do it, and soon!

I don't think you realize this is putting people out of work.

Most of the small operators (like myself & my family) can't afford all of this, we don't timber because we're getting rich, or we like it, we do it to survive, we don't have anything else, except welfare. This is a dirty, dangerous, low paying job, I don't like it but I have to do it. These laws are going to take the food & -

- out of my family's mouths, and by God, I'll not stand still for it.

I am an ex marine Sgt. I served honorably in Vietnam, because this country needed me, so I did my best for my country but at the same time I did it for the state of West Virginia, so the people around me knew where I was from. so I couldn't look weak, because it would make my state look weak also.

And now my state is doing this to me. What kind of land has this become?

you are supposed to be putting people to work, not out of work.

I would really like to know who's idea this is, maybe I could do something for them.

Now I know that West Vacon  
 & the Mead paper Co. is behind  
 this, its big business rooting  
 out the little guy. They simply  
 pulled the strings on these  
 political puppets.

This is all unconstitutional, even  
 the U.S. Constitution. What  
 happened to the right to life,  
liberty and the pursuit of happiness.

Communists may be dead  
 in ~~Europe~~ Europe, but  
 its alive & well in Charleston,  
 West Virginia!

As a U.S. Citizen, and Citizen  
 of West Virginia, I demand this  
 be repealed.

S.E. Dalrymple  
 poor man already.

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000



## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

— Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

September 11, 1992

Mr. L. E. Dalrymple  
Route 2, Box 126  
Bens Run, WV 26135

Dear Mr. Dalrymple:

Thank you for your letter concerning the Division of Forestry's rules pertaining to the logging industry in West Virginia.

As Secretary of State, I have the duty of approving or disapproving an emergency rule that has been filed by an agency. However, I have only the following criteria to base this judgement:

"An emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest."

I have no power to change the law concerning this, so you need to contact your Legislators in order to have the alterations to the law which you desire.

Please do not hesitate to let me know if I can help in any other way.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken Hechler".

Ken Hechler  
Secretary of State

to Judy Cooper:

September 15, 1992  
Clay, West Virginia

Here is my protest letter against H.B. 4669  
By House speaker Chuck Chambers and Delegate J. Martin  
and put through the 1992 legislature with no public  
hearings. this bill needs to be appealed they will  
say they cannot appeal this bill but they can  
and we as citizens of W. VA. needs to do whatever  
we can to see this is done. I cannot be at  
French Creek for the meeting that's scheduled so  
I am writing a list of Delegates & Senators. we here  
at Clay are fighting a fee imposed on us by our  
County Commissioners for ambulance fee we would  
like you or anyone else to come to our hearing  
before Judge Danny Clines September 24, 1992  
at 9 A.M. tho this fee doesn't effect any other  
County the results may effect other Counties later.  
we are not opposed to having the ambulance service  
or paying the 25 dollar a year fee if Coal, timber,  
oil, and Gas pay their share of taxes but we home  
owners pay the bulk of our County taxes while a very  
small amount is paid by owners of coal, timber, oil, Gas.  
this timber Bill is a fee to give increases wages to  
the staff of the Forestry department that will be done  
the first year then the money from the fee will  
go into the general fund of our state of W. VA. and  
OVER

AS Sent to Karson

I got this at Big Otter Community Building where a meeting was held Saturday September 12, 1992 there was many people there any information on our group of clay citizens for fair taxation - get in touch with Lenna Truman phone 587-7445

our group is  
CCFF

EMERGENCY

WEST VIRGINIA LEGISLATIVE REGULATIONS  
DIVISION OF FORESTRY  
DEPARTMENT OF COMMERCE,  
LABOR AND ENVIRONMENTAL RESOURCES

Title 22  
Series 2

SEDIMENT CONTROL DURING COMMERCIAL TIMBER-HARVESTING OPERATIONS

§22-2-1. General.

1.1. Scope. - These regulations establish procedures by which the license necessary in West Virginia before a person may conduct timbering operations, purchase timber or buy logs for resale may be acquired, suspended or revoked.

1.2. Authority. - West Virginia Code §19-1B-4.

1.3. Filing Date.

1.4. Effective Date.

§22-2-2. Definitions.

2.1. "Best Management Practices" or "BMP's" - means the technically feasible and economically reasonable procedures, as currently used in the state's silvicultural water quality management plan and as are adopted from time to time by the director, upon recommendation of the BMP Committee specified in §19-1B-7(h), used to reduce sedimentation of the waters of the state by soil erosion coming from the establishment and/or use of haul roads, skid roads, log landings, or other activities associated with the commercial harvesting of timber.

2.2. "Certified Logger" - means an individual engaged in the business of severing trees for commercial purposes who has successfully completed the program prescribed by the director to ensure competency in the safe conduct of timbering operations, in first aid, and in the use of BMP's.

2.3. "Chief" - means the administrator of the office of water resources of the division of environmental protection or his or her agent.

2.4. "Commercial" - means that which is done for a wage, fee, commission, agent or profit.

Burnsville W.Va.  
Sept. 17 1992

Mr. B. Cooper, Director  
Administrative Law Division  
1900 Kanawha Blvd. E.  
Charleston W.V.

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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Dear Mr. Cooper

I am writing to you in regard to the the Timber Bill that was enacted by the last session of the Legislature.

This bill is totally unacceptable by the Land Owners - Tax Payers of the state and causing more confusion and resentment of government than anything I have ever known before.

To begin with it in effect adjudges all wood lot owners as incompetent to manage their property, and assumes management of same in a bureaucracy of appointed agents who have no interest in the welfare of the owner. It flies in the face of private property rights by stating their agents shall have the right to enter on anyone's land without permission of the owner or the formality of a search warrant. It also prevents a land owner from harvesting his timber without going to a lot of expense to comply with a myriad of laws and being supervised by Big Brother.

The property owners of this state are jealous

of their rights and will not submit to being run over by whomever sees fit to come swoot around and I have heard some say they would not hesitate to use deadly force to repel any such invasion of privacy.

Certainly this law is contrary to our State Constitution and it is imperative that it be repealed before some otherwise good Citizen gets into serious trouble because of it.

very truly yours

James M. Beall  
Burnsville W.V.  
96335

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Carolyn Murphy  
Rt 1 Box 119C  
Chlor, WV 25235

Judy Cooper  
Director Administrative Law Division  
Secretary of State  
1900 Kanawha Blvd. East  
Building 1 Suite 157K  
Charleston, WV 2505

As a concerned citizen of the state of West Virginia I write this letter asking for the repeal of the Timberland Bill (4669). I feel this bill was deceitfully passed and is unnecessary. I feel this bill was passed with little regard of the impact to the small timbermen and economy of this state. The environmental restrictions are too great as well as the fines for the so called violators. I feel the way the bill was passed is unconstitutional and very communistic like. I also think the landowner should be exempt from this bill being allowed to harvest

any amount of timber from his own property. The landowner purchases his property and pays taxes on it. It should belong to him, not the state! Landowners are tired of unfair laws and taxes in this state. That is the reason we left the rule of England to start with. It is time the people in legislature consider the welfare of the common people. Start listening to the voice of the working people, the few lucky enough to have jobs. Our economy is bad enough. We do not need laws to worsen matters. Let common people work without a lot of unnecessary laws and regulations to threaten their well being and means of survival. Environmentalists are overly concerned with everything but the existence of the human race. How long will it be before we are on the endangered species list? Not too long it seems. Please consider the hardships laws and regulations make before being so quick to pass them.

Very Concerned  
Carolyn Murphy