



# NEW RIVER GORGE NATIONAL RIVER



## ADMINISTRATIVE HISTORY





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*Prepared under cooperative agreement with*

Department of History  
West Virginia University

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Administrative History


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Northeast Region History Program

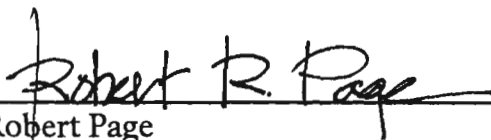
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# TABLE OF CONTENTS

List of Figures	vii
Foreword	xi
Acknowledgments	xiii
Preface	xv
Acronyms	xix
Introduction: The New River Gorge National River: An Old River, a New Kind of National Park	1
Chapter One: Before the New River Gorge National River	11
Introduction	
Overview of Physical and Biological Setting of the New River Gorge	
Early Native American Habitation and Euro-American Settlement	
The Railroad and Industrialization come to the New River Gorge	
Conclusion	
Chapter Two: Early Movement to Protect the New River and its Gorge	37
Introduction	
Appalachian Electric Power and the Blue Ridge Pumped Storage Project Proposal	
Local Community Reaction and Grassroots Opposition in North Carolina	
Final Hearings and Granting License to Blue Ridge Modified Pumped Storage Project	
Grassroots Opposition in West Virginia	
Protection for the New River Gorge	
Conclusion	
Chapter Three: Thinking Small: A National Park in Occupied Territory	63
Introduction	
The Small Park Experiment: Formulation of the 1983 <i>General Management Plan</i>	
NERI Headquarters Takes Shape	
Opening the Land Office: Hint of a Larger Park?	
Selecting a Site for a New NERI Headquarters	
NERI Land Acquisition Process	
Private Development around NERI	
Conclusion	



<b>Chapter Four: The Challenges of Managing a Rapidly Expanding Park: Fundamental Change and its Consequences</b>	<b>97</b>
Introduction	
Designation of Gauley River National Recreation Area and Bluestone National Scenic River	
Park Expansion, Boundary Modifications, and Land Acquisition	
Planning for the Bluestone National Scenic River and Gauley River National Recreation Area	
Keeping Pace with Growth of the Park: NERI Administration adapts to Change of Scale	
Law Enforcement in a Larger Park System	
Emergency Services in a Larger Park System	
Fire Operations in a Larger Park System	
Conclusion	
<b>Chapter Five: Managing NERI Natural Resources</b>	<b>133</b>
Introduction	
Water Flow and Pre-existing Impoundments	
Water Quality, Sewage Treatment, and Acid Mine Drainage	
Water Flow and Protection of Biological Resources	
Water Flow and Recreation	
Renewed Interest in Hydroelectric Power Generation at Bluestone Dam	
Managing Flora and Fauna of New River Gorge National River	
Traditional Uses: Hunting and Gathering in the Gorge	
Controlling Invasive Species in the Gorge	
Threatened and Endangered Species in the Gorge	
Bti, Black Fly, and Integrated Pest Management	
Natural Resource Management in a Larger Park System	
Conclusion	
<b>Chapter Six: Managing NERI Cultural Resources</b>	<b>171</b>
Introduction: Cultural Resource Laws and New River CRM Planning	
The Coal-miners' Story: Management Decisions regarding Kaymoor and Nuttallburg Mines	
The Railroaders' Story: Management Decisions regarding Thurmond	
Conclusion	
<b>Chapter Seven: Recreation Drives the Park: Managing New River Recreational Resources</b>	<b>199</b>
Introduction	
Recreational Management in the <i>General Management Plan</i>	
Managing Recreation on the River: <i>Draft River Management Plan</i>	
Managing Recreation on Land: Plans for Trails and Rock Climbing	
Changing Times in Recreation: Hunt Clubs and Extreme Sports	
Conclusion	

<b>Chapter Eight: Working with Visitors</b>	<b>235</b>
Introduction	
Canyon Rim Visitor Center	
Sandstone Falls	
New River Gorge Bridge	
Grandview and Theatre West Virginia	
Park Access and the New River Parkway	
Conclusion	
<b>Conclusion: National Parks, National Rivers: Special Histories, Peculiar Challenges</b>	<b>271</b>
<b>Research Recommendations</b>	<b>277</b>
<b>Appendices</b>	
A. Major Legislation Affecting New River Gorge National River, Gauley River National Recreation Area, and Bluestone National Scenic River	279
B. New River Timeline	303
C. Staff Structure of the New River Gorge National River, 2004	307
D. Organizational Charts	309
E. Land Acquisition and Boundary Changes in New River National River, Gauley River National Recreation Area, and Bluestone National Scenic River	337
F. Rivers in the National Park System	339
<b>Bibliography</b>	<b>343</b>



## LIST OF FIGURES

Sandstone Falls looking east, New River Gorge National River, West Virginia. Photograph by Gregory A. Good, 2004.	Cover
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### INTRODUCTION

Figure 1. Federally owned lands in West Virginia.	3
Figure 2. Brochure Map of Gauley River National Recreation Area, New River Gorge National River, and Bluestone National Scenic River.	4

### CHAPTER ONE

Figure 3. The "Old State Road."	27
Figure 4. Peter Bowyer established his ferry over the New River in 1798.	28
Figure 5. Map of the New River Gorge, showing Fayetteville to the west, 1861.	29
Figure 6. Map from Chief Justice John Marshall expedition of 1812 along Jackson, Greenbrier, and New Rivers, by Andrew Alexander, 1814.	30
Figure 7. Fayette Station Bridge.	31
Figure 8. "Stretcher's Neck" C&O railroad tunnel.	31
Figure 9. Map of New River Coalfield by Jedediah Hotchkiss, 1880s.	32
Figure 10. Detail from a map by Jedediah Hotchkiss.	33
Figure 11. Survey of 9,138 acres of coal lands on the New.	33
Figure 12. Tip Car, Kaymoor Mine.	34
Figure 13. Safety warning that Kaymoor miners walked under every day.	34
Figure 14. The Kaymoor Mine Powder House.	35

### CHAPTER TWO

Figure 15. Proposed modified Blue Ridge Project.	40
Figure 16. The New River, upstream of Fayette Station Bridge.	55

### CHAPTER THREE

Figure 17. The New River Draft Plan circulated for public comment, 1982.	94
Figure 18. Steve Hastings, Superintendent Joe Kennedy, and Assistant Superintendent Henry Law, early 1990s.	95

### CHAPTER FOUR

Figure 19. Acres federally owned within New River boundaries by year.	103
Figure 20. Map showing the "Boundary Progression at New River up to 2005.	128
Figure 21. Bluestone Wild and Scenic Study Area, 1983.	129
Figure 22. Map of planning units at New River, 1989.	130
Figure 23. Grandview State Park, transferred to the National Park Service in 1990.	131

Figure 24. Sample organization chart from 2004. Courtesy of NERI.	132
---	-----

## CHAPTER FIVE

Figure 25. Wolf Creek seen from Kaymoor Trail, 2006.	169
Figure 26. A view from Kaymoor Trail, 2006.	169
Figure 27. Artificial waterfall cascading onto Kaymoor Trail, 2006.	170
Figure 28. Mine shafts at Kaymoor provide habitat for endangered species of bats, 2006.	170

## CHAPTER SIX

Figure 29. New River Base Map, Historic, 2006.	192
Figure 30. A railroad car near an entrance to Kaymoor Mine, 2006.	193
Figure 31. Safety sign, Kaymoor Mine, 2006.	193
Figure 32. Stairs from Kaymoor mine portal to the tipple, 2006.	194
Figure 33. Coal miners at Kaymoor Mine, 1920-21.	195
Figure 34. Sketch of Kaymoor Tipple, 1982.	196
Figure 35. Warning sign at Kaymoor facilities, 2006.	196
Figure 36. Measured drawings of the Thurmond Depot, 1988.	197

## CHAPTER SEVEN

Figure 37. Appropriate experiences based on how long boaters were in visual contact.	216
Figure 38. Rafters on the New River, near Fayette Station Bridge, 2006.	230
Figure 39. Trail at the National River, 2006.	230
Figure 40. The trails brochure for Canyon Rim, 2006.	231
Figure 41. The Endless Wall, from Cater, <i>New River Gorge: Select Rock Climbs</i> (1997).	232
Figure 42. The Endless Wall from the Kaymoor Trail, 2006.	232
Figure 43. Climbers' Trail, near Fayette Station, 2006.	233
Figure 44. A climbing route at the New River, traced in chalk.	234

## CHAPTER EIGHT

Figure 45. Canyon Rim Visitor Center, 2006.	255
Figure 46. Visitor at Canyon Rim Visitor Center, 2006.	256
Figure 47. Two visitors enjoying the vista at Canyon Rim, 2006.	257
Figure 48. Wayside exhibit at Sandstone Falls, 2004.	258
Figure 49. Boardwalk at Sandstone Falls, 2004.	259
Figure 50. Pavilion at Sandstone Falls, 2004.	260
Figure 51. Sandstone Falls on the New River at sunset, 2004.	261
Figure 52. The New River Gorge Bridge, seen through the girders of the replicated Fayette Station Bridge, 2006.	262
Figure 53. The New River Gorge Bridge, 876 feet above the New River, 2006.	263
Figure 54. View from Grandview Overlook, 2004.	264



Figure 55. Ranger Richard Altare at Grandview Overlook, 2004.	265
Figure 56. Sandstone Visitor Center, 2004.	266
Figure 57. Sandstone Visitor Center is a "green building," 2004.	267
Figure 58. Exhibit space in the Sandstone Visitor Center.	268
Figure 59. Ranger Mark Bollinger with a visitor at Sandstone Visitor Center, 2004.	269
Figure 60. Mark Bollinger showing the in-laid floor map of the National River.	270

## CONCLUSION

Figure 61. Sign at Fayette Station, 2006.	276
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## FOREWORD

In November 1978, Congress passed and President Jimmy Carter signed the National Parks and Recreation Act, commonly known as the Omnibus Act, which authorized twenty new units of the National Park System. Among them was New River Gorge National River, the second national park area in West Virginia and the only one entitled a National River.

With the new park's authorization, the National Park Service was given responsibility for planning, acquiring the land, developing, and managing more than 70,000 acres in an area rich in natural and cultural history and noted for its scenic and recreational opportunities. The chief features were the New River itself, a famed whitewater river, and the scenic gorge through which it flows. The surrounding land, once a major coal-mining area, with associated railroad resources, had a long history of exploitation and development.

The administrative history of New River, together with two associated river parks, Bluestone National Scenic River, and Gauley River National Recreation Area, both authorized by Congress in October 1988, is documented in this study by Gregory A. Good, Ph.D., and Lynn Stasick, Department of History, West Virginia University. The university was engaged by the NPS Northeast Region History Program, through the auspices of the Great Lakes Northern Forest Cooperative Ecosystem Studies Unit, to research and write the administrative history under cooperative agreement. Dr. Good, is Graduate Director of the Department of History, and Ms. Stasick authored a draft of this report in partial fulfillment of the M.A. in Public History. In addition to the long-term NPS goal of recording the history of units of the National Park System, the administrative history project was a key element in the park's new General Management Plan process. The result is a scholarly research report including oral history interviews which record and analyze the legislative history of authorization, land acquisition, and early decades of development and administration.

We would like to thank all those park and regional office staff who contributed to this study, with a note of special appreciation to David Fuerst, the park's cultural resource specialist.

Don Striker  
Superintendent  
New River Gorge National River  
Gauley River National Recreation Area  
Bluestone National Scenic River



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## PREFACE

This report is intended to inform present and future National Park Service personnel concerning the history, challenges, and circumstances surrounding the development of the New River Gorge National River (NERI) and its sister units Gauley River National Recreation Area (GARI) and Bluestone National Scenic River (BLUE). It provides background understanding of the natural and human histories of the area, of how these have related to administration of the park, and of how park administration has developed in interaction with contemporary issues and concerns.

The U.S. Congress established New River Gorge National River in southern West Virginia in 1978 (See Appendix A). People, however, had been discussing establishing a park since the 1960s. Congress sought to protect and conserve roughly 70,000 acres of land along nearly 50 miles of the New River, between Hinton and Fayetteville, WV, and to manage this river section as free-flowing waters. In 1988, this charge was broadened to include the Gauley River National Recreation Area (GARI) and Bluestone National Scenic River (BLUE). Since then NERI personnel have administered all three units together.

This is a scholarly research report. It records events which led to the park's authorization, establishment, and administration as a unit of the National Park System. It is grounded in the history of the region and in social and political issues relevant to the park. The report highlights issues which have affected policy matters and people who have impacted operations in the park. When new administrators come to the New River – or when a new management planning initiative is underway – Park Service staff requires a source that succinctly summarizes how politics and culture, and physical and cultural features of the park, have shaped park management in the past. The park's General Management Plan (GMP) dates to 1982 (final release 1983) and a new management plan is well underway. In addition, a “changing of the superintendent” occurred early in 2007. Hence, a historical account of previous park management, and the origins, history, and rationale for current park practices, fills an immediate need. Issues of current concern include development of adjoining private property, on-going land acquisition, interactions with communities within park boundaries, relatively low funding for cultural resources and park operations, the park's relationships to local communities regarding water quality, and an apparent decrease in local community support for the park compared with strong support when the park was established. An understanding of the development of these issues since the 1970s will facilitate informed deliberation of the new management plan.

Research methods for this report included traditional methods of contemporary and institutional history. Researchers combed the archives of New River Gorge National River, which include more than three hundred linear feet of records. These archives include draft planning documents, correspondence with the public, politicians, and business leaders, operations records, and much more. Some NPS internal reports were located in the library of

the main NERI office in Glen Jean, WV, or in staff offices. Researchers also read extensively in local, state, and national newspapers of record. Although a very useful and large news clipping file is maintained by the park, many other important articles and letters-to-the-editor were located in West Virginia University Libraries in Morgantown. The West Virginia Collection at West Virginia University provided essential background literature. Some relevant sources were found in the Land Office (WASO) at Oak Hill, WV. Of course, increasingly more NPS documents are being published on the worldwide web. Any future administrative history of NERI should go beyond these archival sources to the Northeastern Region office in Philadelphia, PA, and the main records in Washington, DC. The budget for this report did not allow research at these facilities.

In addition to archival and printed sources, researchers conducted oral history interviews with Park Service employees and others associated with the park since the 1960s. Most of these have been transcribed, at least in part, three in their entirety, in accord with the project Scope of Work. These interviewees were identified in conference with Park Service staff. The interviews followed Park Service procedures and the standards of the Oral History Association. The researchers obtained an “Exemption” for these interviews from the Institutional Review Board of West Virginia University. Oral history has subsequently been ruled beyond the scope of Institutional Review Boards. The oral history tapes and transcripts generated during this project will remain at NERI headquarters in Glen Jean, WV, under the care of the Cultural Resource Specialist and the headquarters Librarian.

This report describes how past administrators have resolved management issues and how policy and administration have come to their present state. Chapter 1 briefly describes the pre-history and history of the park area, including industrial development and population growth in the gorge. Chapter 2 focuses on those involved in the early movement to protect the gorge, including local businesspeople, local and state politicians, past park managers, archeologists, scientists, and others. Chapter 3 considers the early years of NERI, during which the National Park Service effectively conducted an experiment at the New River. NPS attempted to manage NERI as a new kind of National Park, in which the vast majority of land remained in private ownership and most of the usual NPS mandate for protection of the resource was to be accomplished by local zoning and conservation easements. This experiment was tried as well at Cape Cod National Seashore and other units which joined the National Park System in the 1960s through 1980s. Chapter 3 narrates NPS relations with local communities and governments, especially concerning the location of the park headquarters, land acquisition policies, and effects of residential development on the park. Chapter 4 concentrates on the aftermath of this experiment, from 1988 on, when NERI and regional NPS staff adjusted to the failure of the trial of minimal ownership. During this phase, which continues as this report is completed in 2007, Park Service managers have accepted and adapted to increasingly rapid land acquisition, driven strongly by the involvement of the West Virginia Congressional delegation. This essential change in the nature of the park has required a much larger park staff and more intensive management. Chapter 4 concludes with a historical discussion of issues associated with the management of

so extensive a park system, especially after the addition of BLUE and GARI to NERI's administrative charge: operations, communication, law enforcement, emergency services, and fire fighting. River management and other natural resource management issues regarding water quality and flow rates are addressed in chapter 5; these issues have concerned businesses (especially the whitewater rafting industry), anglers, and local residents. Chapter 6 discusses the management of cultural resources such as the Kaymoor mine and the town of Thurmond. Chapter 7 addresses the history of recreation management issues, and chapter 8 discusses how policies and activities related to working with park visitors have adjusted to the fundamental change in the nature of the park since 1988: mass public facilities, visitor centers, and overlooks, as well as the management of major events. Hence, the first two chapters elaborate the historical narrative up to the establishment of NERI in 1978, Chapters 3 and 4 on the two fundamentally different approaches to NERI (small presence/major presence), and the remaining four chapters focus their narratives on specific management areas and how those have evolved over the decades since 1978.

The New River Gorge National River, Gauley River National Recreational Area, and Bluestone National Scenic River present a microcosm of many processes of change that the National Park Service overall has adjusted to in the late 20th century. Each park unit has a somewhat different purpose and circumstance – hence the title *Appalachian Rivers Suite: Three National Park System Rivers in West Virginia* – in its own ways different from the traditional national parks of the American West: embedded towns, active railroads, and developed recreational interest groups with expectations built up over years of absentee corporate ownership. Nevertheless, NERI, GARI, and BLUE face the same challenges regarding preservation of their special qualities as all national parks. The park staff has had to deal with diverse issues from environmental quality, natural resource management, and recreational management to cultural resource management, development of adjoining land, and law enforcement. As the park staff grew from only a handful of employees in the early 1980s to scores of employees now, and as NERI assumed the management of GARI and BLUE in 1988, the responsibilities of staff increased dramatically. So did the specialization of staff duties. With specialization, NERI transitioned quickly into a large, hierarchical organization. An important part of this administrative history discusses how Park Service employees have experienced this transition. This cuts across the themes of the different chapters.

The major findings of this report relate to the history of the challenges faced by park administrators. First, park professionals have developed planning documents and overseen their implementation over nearly 30 years, but they certainly have not done this in isolation. The operation of these three park units has been heavily influenced since the beginning by local interests and by the West Virginia Congressional delegation. This influence continues. Second, the authority of the National Park Service over the management of these units has been substantially modulated by agencies of the state government, more so than is usual in the National Park System. Third, as the country's population has grown and diversified, the level of interest in these parks and surrounding lands has grown and changed. Where in

1978, hunting, fishing, and whitewater were the main activities of visitors, by 2007 these have been joined by hiking, biking, rock-climbing, and extreme sports events. Fourth, NERI, GARI, and BLUE have never been isolated from the outside world. Drug production and distribution, second-home development on the edge of the gorge, and insufficient funding for implementation of mandated activities all have had their effects within these park units. They likely will continue to do so.



## ACRONYMS

<b>AEP</b>	Appalachian Electric Power (a subsidiary of American Electric Power)
<b>AMC</b>	Appalachian Mountain Club
<b>ARPA</b>	The Archeological Resources Protection Act (1979)
<b>ASMIS</b>	Archeological Sites Management Information System
<b>ATVs</b>	All-Terrain Vehicles
<b>BASE</b>	<i>Building, Antennae, Span, Earth</i> (jumping)
<b>BLUE</b>	<b>Bluestone National Scenic River</b>
<b>BOR</b>	Bureau of Outdoor Recreation
<b>C&amp;O</b>	Chesapeake and Ohio Railway Company
<b>CMP</b>	<i>Climbing Management Plan</i>
<b>COE</b>	Army Corps of Engineers
<b>CCR</b>	Citizens Concerned about River Road
<b>CRM</b>	Cultural Resource Management
<b>CSX</b>	Railway Company
<b>DCP</b>	<i>Development Concept Plans</i>
<b>DCP/IP</b>	<i>Development Concept Plan/Interpretive Prospectus</i>
<b>DNER</b>	Department of Natural and Economic Resources
<b>DNR</b>	Division of Natural Resources
<b>DOH</b>	Department of Highways
<b>DSC</b>	Denver Service Center
<b>EA</b>	<i>Environmental Assessment</i>
<b>EIS</b>	<i>Environmental Impact Statement</i>
<b>EPA</b>	Environmental Protection Agency
<b>ERMN</b>	Eastern Rivers and Mountains Network
<b>FHA</b>	Federal Highway Administration
<b>FMO</b>	Fire Management Officer
<b>FPC</b>	United States Federal Power Commission
<b>GARI</b>	<b>Gauley River National Recreation Area</b>
<b>GIS</b>	Geographical Information Systems
<b>GMP</b>	<i>General Management Plan</i>
<b>HRS</b>	<i>Historic Resource Study</i>
<b>IHTIA</b>	West Virginia University Institute for the History of Technology and Industrial Archaeology
<b>LAC</b>	Limits of Acceptable Change
<b>LPP</b>	<i>Land Protection Plan</i>
<b>MARO</b>	Mid-Atlantic Regional Office
<b>MDG</b>	<i>Management and Development Guidelines</i>
<b>MOA</b>	<i>MEMORANDUM OF AGREEMENT</i>

<b><i>MOU</i></b>	<i>Memorandum of Understanding</i>
<b>N&amp;W</b>	Norfolk and Western Railroad Company
<b>NEPA</b>	National Environmental Policy Act
<b>NERI</b>	<b>New River Gorge National River</b>
<b>NERO</b>	Northeast Regional Office
<b><i>RMP</i></b>	<i>River Management Plan</i>
<b>NR</b>	National River
<b>NRA</b>	National Recreation Area
<b>NRHP</b>	National Register of Historic Places
<b>NRPA</b>	New River Parkway Authority
<b>SAR</b>	Search and Rescue team
<b>SHPO</b>	State Historic Preservation Office
<b>WASO</b>	Washington Office (NPS)
<b>WVHC</b>	West Virginia Highlands Conservancy
<b>WVSTA</b>	West Virginia Scenic Trails Association
<b>WVU</b>	West Virginia University
<b>WWAB</b>	Whitewater Advisory Board
<b>VPI</b>	Virginia Polytechnic Institute

## INTRODUCTION

### THE NEW RIVER GORGE NATIONAL RIVER AN OLD RIVER, A NEW KIND OF NATIONAL PARK

Mary Pearson is a local West Virginian, born and raised in the coal camps of the New River Gorge in the mid-twentieth century. In 1983, she was among the first people hired at the new New River Gorge National River (New River or NERI). When asked in 2004 to compare the region in her childhood with how it is since the coming of the National Park Service, she said:

There was . . . nothing here. We had nothing to draw people from out of state here. We were on the map, but now, it's so different, we're joining how many other states that have these national parks and national rivers and national sites and memorials. Just like now, we feel like our town is part of this whole National Park System [emphasis added]. It just makes you very, very proud, I think, to be part of it.<sup>1</sup>

Mary Pearson's pride in the park is clear. The exact nature of the park, however, is not a simple story. To give an idea of what kind of "National Park" the New River Gorge National River requires understanding part of the history of the National Park Service.

### BROADENING THE MEANING OF NATIONAL PARKS

The New River Gorge National River is a recent addition to the family of the National Park System. New River Gorge joined the system in 1978, entering as the 306<sup>th</sup> unit, along with 19 other units as part of a Congressional "Omnibus Bill." The twenty units that entered were National Historic Sites, National Historical Parks, a National Historical Park and Reserve, a National Historical Reserve, a Wild and Scenic River, National Scenic Rivers, and National Recreation Areas. New River was the one National River in that bill.<sup>2</sup> (See Figures 1 and 2, maps of West Virginia and of New River area.)

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<sup>1</sup> Mary Pearson, interviewed June 24, 2004, by Lynn Stasick.

<sup>2</sup> James M. Ridenour, *The National Parks Compromised: Pork Barrel Politics and America's Treasures*. Merrillville, IN: ICS Books, 1994, Appendix II, List of National Parks, pp. 219-242. As of 2005, there were 388 units of the National Park System and the list keeps growing. See National Park Service, Harpers Ferry Center, *The National Parks: Shaping the System*, rev. ed. (Harpers Ferry, WV: National Parks Service, 2005). The first edition, by Bureau Historian Barry Mackintosh, appeared in 1985. The revised edition, updated by Bureau Historian Janet McDonnell in 1991, modified again by the Harpers Ferry Center in 2005, is available at [http://www.nps.gov/history/history/online\\_books/shaping/index.htm](http://www.nps.gov/history/history/online_books/shaping/index.htm). The number of units as of 2005 was reported at this web site by Fran P. Mainella, "From the Director." Ridenour was Director of the National Park Service from 1989 to 1993.

The New River Gorge National River is one of only three, four, or five National Rivers, the confusion depending on exactly how one counts rivers in the National Park System. (See Appendix D for a comprehensive list of rivers in the National Park System.) The five are: the Ozark National Scenic Riverways (Missouri, 1964), the Buffalo National River (Arkansas, 1972), the Big South Fork National River and Recreation Area (Kentucky, 1974, assigned to NPS 1976), the New River Gorge National River (1978), and the Mississippi National River and Recreation Area (Minnesota, 1988). Confusion in counting is due perhaps to how these are named: National Scenic Riverways, National River, and National River and Recreation Area. One source also lists the Little River Canyon National Reserve (Alabama, 1992) as a “quasi-National River”!<sup>3</sup> The public may be forgiven if it is confused! There are family resemblances among these designated National Rivers in the ways they are managed, but each has its own characteristics, what people in the NPS refer to as fundamental resources. The authorizing legislation for each National River has elements made to fit its locality and the traditional activities of nearby residents. Not one of them fits neatly into the stereotyped image of a National Park.<sup>4</sup>

The New River Gorge National River and its two sister units – the Gauley River National Recreation Area (NRA) and the Bluestone National Scenic River (NSR) – came to be what they are within the context of changes that were taking place in the National Park System generally in the mid to late 20<sup>th</sup> century. Before 1916, other than Hot Springs, Arkansas, all national parks were in the West and preserved areas of special grandeur: Yellowstone (1872), Sequoia, General Grant, and Yosemite (1890), and Mount Rainier (1899), for example.<sup>5</sup> In the first decade after the National Park Service Act (the “Organic Act”) in 1916, Park Service Director Stephen T. Mather, Interior Secretary Franklin K. Lane, and Mather’s top aide, Horace M. Albright (the second director), maintained a high scenic standard for new parks. Lane issued a policy letter in 1918 that asserted:

In studying new park projects, you should seek to find scenery of supreme and distinctive quality or some natural feature so extraordinary or unique as to be of national interest and importance. . . . The national park system as now constituted should not be lowered in standard, dignity, and prestige by the inclusion of areas which express in less than the highest terms the particular class or kind of exhibit they represent.<sup>6</sup>

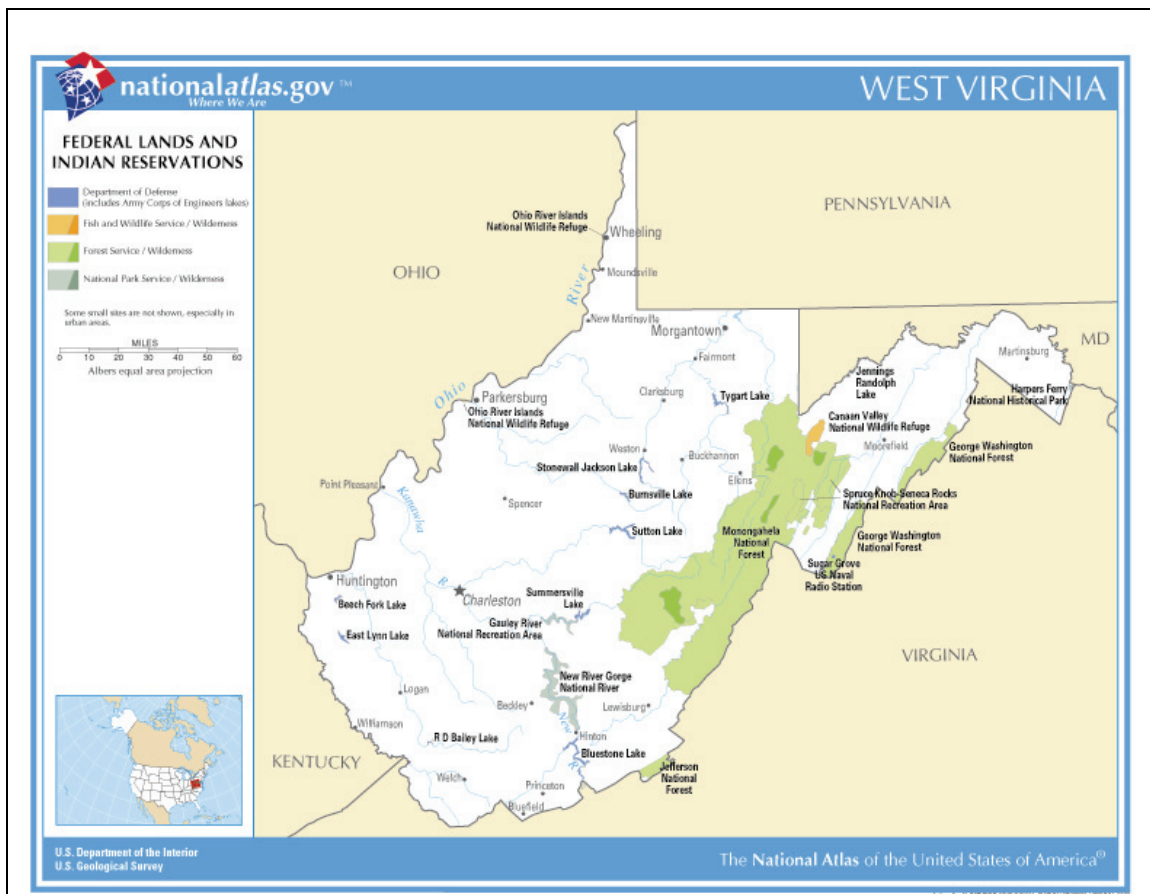
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<sup>3</sup> In the National Park Service, Water Resources Division, *Annual Report* (Washington, DC, 1999), 19. Appendix D of this administrative history includes a more complete listing of rivers in the National Park System and their various classifications. These are discussed elsewhere in this history.

<sup>4</sup> For the rest of this history, capitalization will follow the *Chicago Manual of Style*. That is, the authors capitalize land categories and job titles only if they immediately accompany a specific park unit or person’s name.

<sup>5</sup> Harpers Ferry Center, *Shaping the System*.

<sup>6</sup> Quoted in Harpers Ferry Center, *Shaping the System*, 22.



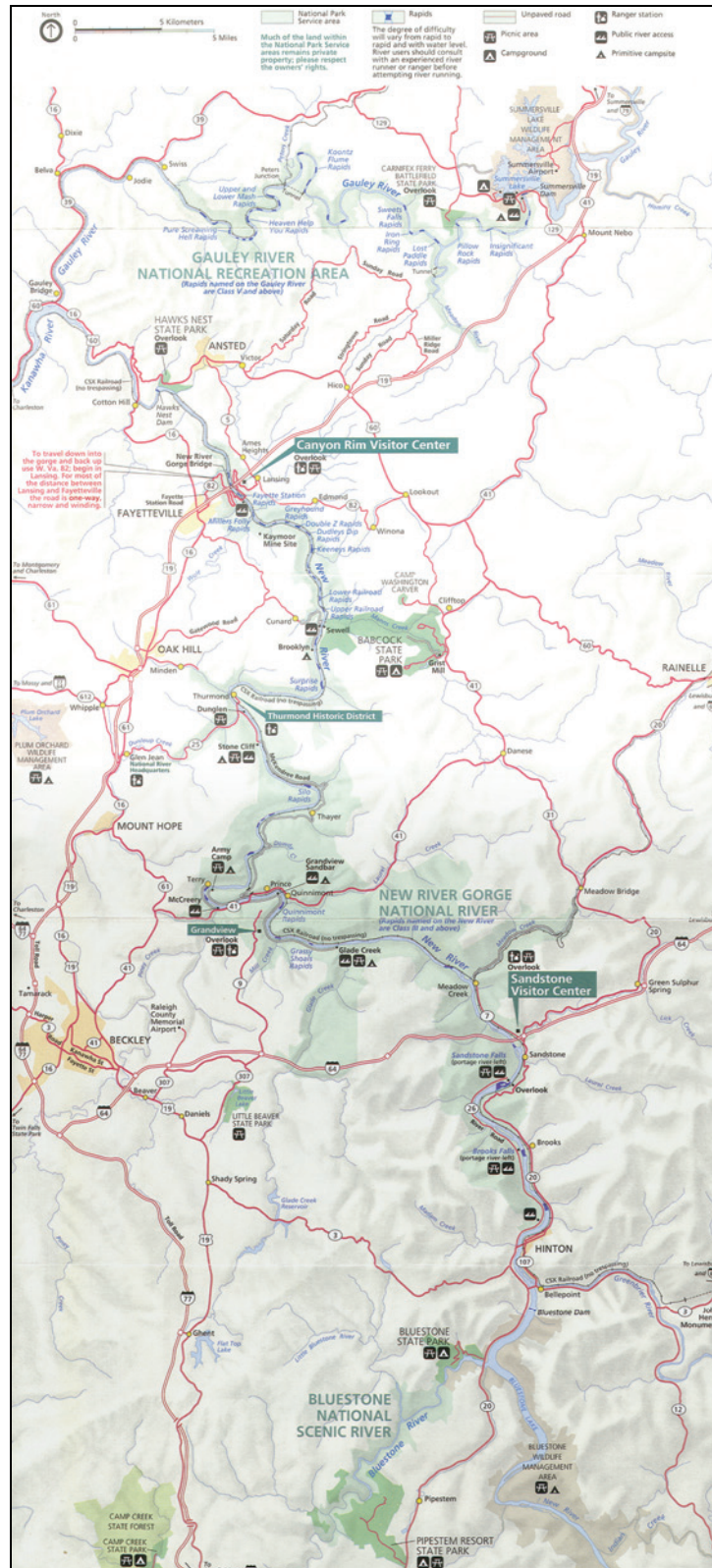
**Figure 1.** Federal Lands in West Virginia, 2003. Courtesy of U.S. Department of the Interior.

Until 1926, the only national park east of the Mississippi River was Acadia (then Lafayette) National Park in Maine. In that year, Congress authorized three more eastern national parks: Great Smoky Mountains (North Carolina and Tennessee, established 1934), Shenandoah (Virginia, established 1935), and Mammoth Cave (Kentucky, established 1941). These came via state purchase and private donation.<sup>7</sup> Shenandoah and Great Smoky Mountains both elicited opposition and controversy from purists with even higher standards than the first NPS directors. These lands had been thoroughly timbered or were dotted with farms and small settlements. They were no longer pristine, but they represented some of the best potential scenery in the East. Only time was needed.

Through the 1930s and 1940s, however, most new National Park Service units in the East emerged from their historical significance, not from their grand scenery. In a massive reorganization ordered by President Franklin Delano Roosevelt in executive orders in 1933,

<sup>7</sup> Harpers Ferry Center, *Shaping the System*, 23.

## Introduction



**Figure 2.** Gauley River National Recreation Area, New River Gorge National River, and Bluestone National Scenic River, 2006. Courtesy of NPS.

the Park Service took responsibility for many battlefields and war memorials, for the National Capital Parks, other War Department properties, and national monuments previously under the Agriculture Department (U.S. Forest Service). This new emphasis on history did not, however, supplant efforts to preserve natural landscapes, even in the East. Congress authorized Isle Royal National Park in Lake Superior in 1931 (established 1940), Everglades National Park in 1934, and Cape Hatteras National Seashore (1937). President Roosevelt used the Antiquities Act (1906) to proclaim Santa Rosa Island National Monument in 1939 (incorporated into Gulf Islands National Seashore in 1971).<sup>8</sup> Most national parks emphasizing natural features, however, were still in the West and most emphasizing historical importance in the East.

The National Park Service experienced an array of countervailing developments after World War II.<sup>9</sup> The many new units of the park system had suffered lack of investment and maintenance during the war and into the early 1950s, when their popularity and visitation were nonetheless increasing dramatically. NPS Director Conrad L. Wirth (1951-1964) initiated Mission 66 to address these deferred needs in time for the 50<sup>th</sup> anniversary of the National Park Service in 1966. Mission 66 emphasized visitor services, including visitor centers, but it also stressed expanded staff training and more proactive resource management, all of which had indirect effects on parks authorized beyond the project's years, including New River Gorge National River.

Another new trend to take off in the 1960s was an increase in the diversity of types of designations within the National Park System.<sup>10</sup> Although NPS embraced the idea of historical parks in the 1930s, along with scenic parkways like the Blue Ridge Parkway, recreational demonstration areas like Bull Run, Virginia, and the first national seashore, new categories did not begin to proliferate until the 1960s. This openness to new kinds of parks and new responsibilities for the National Park Service ultimately made it possible to establish units like New River, Bluestone, and Gauley.

The Park Service struggled with this diversity. In 1964, the Park Service explicitly stated that each park unit would fit one of three categories and be managed accordingly: natural, historical, or recreational.<sup>11</sup> In natural parks, the other two management types were of secondary priority, and so on. Later policies in 1970 and 1972 took this division into finer detail, with various sub or thematic categories, especially in historical and natural parks. Under the leadership of its Director, George B. Hartzog, Jr. (1964-1972),

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<sup>8</sup> Harpers Ferry Center, *Shaping the System*, in chapters "The Reorganization of 1933" and "From the New Deal to War and Peace," 28-45 and 46-63, respectively.

<sup>9</sup> Harpers Ferry Center, *Shaping the System*, in chapter "Mission 66 and the Environmental Era, 1952 through 1972," 64-83.

<sup>10</sup> Harpers Ferry Center, *Shaping the System*, in chapter "Mission 66 and the Environmental Era, 1952 through 1972," 64-83.

<sup>11</sup> Harpers Ferry Center, *Shaping the System*, 66.

the Park Service undertook to fill in the “gaps” in the park system, and Congress and Presidents Lyndon Johnson and Richard Nixon supported this effort.

New tools for the Park Service appeared in the 1960s, too: the Recreation Advisory Council (1963), the Wilderness Act (1964), the Land and Water Conservation Fund (1965, amended 1968), the National Historic Preservation Act (1966), and the National Scenic Rivers Act of 1968. These provided guidelines – or at least opportunities – for “National Recreation Areas,” “Wilderness Areas,” new historic designations, “National Rivers,” “National Scenic Rivers,” and more.

A most significant precedent for New River was set in the authorization in 1961 of the Cape Cod National Seashore.<sup>12</sup> Congress broke ground in two new areas with this authorization. For the first time, it provided significant funding at the outset for land appropriation. At the same time, it restricted condemnation of private, improved property (eminent domain) and urged allowing residents to remain within the park boundaries. The “Cape Cod formula” turned away from the mass relocation of the local population, such as had happened when Shenandoah National Park was established, in order to promote good relations with local communities.

The relevance of Cape Cod to New River and another precedent were pointed out by Superintendents Joe Kennedy (1987-1995) and Pete Hart (1995-2001) in the 1980s and 1990s, as well as by Destry Jarvis, a staffer for the National Parks and Conservation Association. Joe Kennedy had told a staff member “take a look at some of the language and there are some parallels with what was going on with Cape Cod at the time, in terms of federal designation in an area . . . surrounded by communities or including communities.”<sup>13</sup> In 1999, Pete Hart addressed a New River Symposium, saying:

In 1961 the practice of outright purchase of properties for eastern parks matured with the establishment of Cape Cod National Seashore in Massachusetts. There, private lands were purchased primarily from willing sellers to supplement existing Federal and state lands. Important here was the idea that not all “improved” properties would be purchased and park inholders could continue to live on their lands within the park. Local zoning standards approved by the Secretary of the Interior generally limited use of the land to the size and nature of the present dwelling.<sup>14</sup>

Experience at New River taught the National Park Service that this approach has its limitations in areas unfriendly to land-use zoning, as will be seen in chapters 3 and 4. Still, the “Cape Cod formula” influenced the approach to land acquisition initially attempted in New River. The continuing presence of residents within the park is also due to this formula.

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<sup>12</sup> Harpers Ferry Center, *Shaping the System*, 73.

<sup>13</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>14</sup> Pete Hart, “Managing a Non-traditional River Park,” *New River Symposium Proceedings*, April 1999, 1.



Destry Jarvis, who was the legislative director in the 1970s for the National Parks and Conservation Association, wrote much of the legislative language that authorized the New River Gorge National River in 1978. In fact, he had been involved in longer running efforts to save the New River in North Carolina, too. (This is discussed in Chapter 2 in more detail). Jarvis recalled in an interview in 2004 another model on which he had drawn in writing the New River legislation. He had been invited to speak to the local activists in 1978, a few months before the authorizing legislation was voted on in Congress. The locals didn't know whether they should seek a national park or protection under the Wild and Scenic Rivers Act. Jarvis proposed a third alternative they didn't know about:

My idea was "National River," though at the time there was only one such designation, the Buffalo National River in Arkansas and that designation is a national park by another name. Essentially it allows the flexibility to draw the boundary where it should be and write the substantive legislative provisions tailored to the particulars of the given site.<sup>15</sup>

Although Destry's memory was not entirely accurate in 2004 – the Ozark National Scenic Riverways and the Big South Fork National River and Recreation Area also predated the New River National River – his advocacy for the National River designation in 1978 did indeed open the door for a solution in West Virginia.

While clearly the New River Gorge National River emerged in 1978 from a long process with many precedents – especially the Cape Cod National Seashore and the Buffalo River National River – clearly, too, most people involved were unaware of all these details. They simply wanted to save the river and the gorge, which was threatened by dam construction in the upper New River Gorge watershed. This they have done. Other aspects, such as the ins and outs of Congressional political trading, were also beyond the concerns of many supporters of protecting the gorge. These factors also affected the history of this unit of the National Park System and are addressed in later parts of this history.

The New River Gorge National River, at first glance, differs from most other national park units. As a national river, for example, New River's authorizing legislation specifically permitted hunting within the unit's boundaries, in line with local hunting custom. Most traditional national parks prohibited hunting. However, the permission of hunting within the park was not without precedent within the National Park Service. Hunting had centered a controversy in the 1940s over how two National Park Service units in Wyoming should be managed. The U.S. Congress reached a compromise in 1950 when a new, enlarged Grand Teton National Park was established. It combined a former, smaller park of the same name with lands proposed for a Jackson Hole National

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<sup>15</sup> Destry Jarvis, interviewed April 24, 2004, by Lynn Stasick.

Monument. Among other unusual provisions, this act allowed hunting in a national park.<sup>16</sup>

After this, however, the National Park Service used other designations when it wished to allow hunting. The first national river, Ozark National Scenic Riverways, allowed hunting when it was authorized in Arkansas in 1964. George Hartzog (NPS Director, 1964-1972) was charged with overcoming local opposition to this new park unit and saw that this concession would effectively do so.<sup>17</sup>

Likewise, “Recreation Areas,” established beginning in the 1930s under National Park Service jurisdiction, also frequently allowed hunting.<sup>18</sup> This model was followed as well when “National Seashores” and “National Lakeshores” were established in the 1960s and 1970s.<sup>19</sup> With this acceptance of hunting within National Park Service units also came an acknowledgement that “National Recreation Areas” would allow or even encourage management for intensive recreational activity. System-wide, this is a complicated history of compromises and definitions. But it has, up to the writing of this history, produced a set of realities that both the National Park Service and the public must understand.

Hartzog became one of the most forceful directors of the NPS, pushing both the rapid growth of the number of park units across the country and the number of different kinds of units. During his term, 71 new units entered the National Park System. Also during his term, Congress passed the Wilderness Act, the National Historic Preservation Act, the National Trail Systems Act, the National Wild and Scenic Rivers Act, and the General Authorities Act. His was a time of innovation and action in the NPS. Significant precedents during Hartzog’s term included the first national recreation area east of the Mississippi River (Delaware Water Gap, 1965), a mechanism in “Wild and Scenic Rivers” for preserving free-flowing rivers (i.e., blocking dams), national lakeshores, national scenic trails, and national recreational trails. The New River Gorge National River emerged a few years later within this context of flexibility. Within Appalachian culture, permission of hunting appears to be a requirement, and so it is allowed in New River, Gauley River, and Bluestone River.<sup>20</sup> Indeed, Bluestone is largely also a West Virginia Wildlife Management Area.

The history of New River up to the mid-20<sup>th</sup> century intertwined tightly with the history of the United States: from Native land to frontier to industrial revolution; from

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<sup>16</sup> Harpers Ferry Center, *Shaping the System*, 50.

<sup>17</sup> George Hartzog, *Battling for the National Parks* (Mt. Kisco, NY: Moyer Bell Limited, 1988), 59-69.

<sup>18</sup> Harpers Ferry Center, *Shaping the System*, 54, 60. Boulder Dam Recreation Area was the first, although it was not termed a “National Recreation Area,” in 1936. It was later renamed the Lake Mead National Recreation Area in 1947: Harpers Ferry Center, *Shaping the System*, 60.

<sup>19</sup> Harpers Ferry Center, *Shaping the System*, 75.

<sup>20</sup> Harpers Ferry Center, *Shaping the System*, 68-78, 81-83.

rail, coal, and timber to conservation, recreation, and tourism. These changes are narrated in Chapters 1 and 2 of this history. Likewise, the history of New River, Gauley River, and Bluestone River constitutes not merely a parochial, park-centered vision, but also seeks to see these parks in their many relations to American society and to the National Park System.

This hints that the National Park Service administers New River Gorge National River and its sister units within National Park System, but not as “National Parks.” Each of the three has a separate history and special features. Each has developed a separate approach to management. This administrative history attempts to explain how these three units of the National Park System have come to their individual but kindred present situations.



## CHAPTER ONE

# BEFORE THE NEW RIVER GORGE NATIONAL RIVER

## INTRODUCTION

This chapter sets the natural and historical contexts for the debates that established New River Gorge National River (New River or NERI) and associated units.<sup>1</sup> To explain the debates that established the park and the subsequent development of its administration, it will help to understand the significance of natural and cultural resources of the gorge. Generally speaking, physical features have strongly affected the region's natural history and human history. Likewise, the natural history and human history continue to shape the way local residents relate to the park.

This chapter is divided into three sections. The first summarizes the physical and biological features of the New River area. The second provides an overview of pre-historic and historic human habitation and of how this challenging terrain connected to a broader region during this time. The last section examines how the coming of the railroad and industrialization speeded up and directed change in the gorge.

## OVERVIEW OF PHYSICAL AND ENVIRONMENTAL SETTING OF THE NEW RIVER GORGE

The New River begins high in the Blue Ridge Mountains of North Carolina. It flows approximately 340 miles to its terminus at Gauley Bridge, West Virginia, where it merges with the Gauley River to form the Kanawha, a tributary of the Ohio River.<sup>2</sup> The New River flows through a deep gorge in four West Virginia counties: Mercer, Raleigh, Summers, and Fayette.<sup>3</sup> Harlan Unrau writes in his 1996 historic context study of New River:

The physiographic setting of the New River Gorge National River is essentially a 53-mile long rugged trough dissecting the Allegheny Plateau that averages 1,000 feet in

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<sup>1</sup>Destry Jarvis, ed., *The Oldest New River, Debate in the 1970s: National Park or Wild and Scenic River, A Symposium on the Anniversary of the Establishment of the New River Gorge National River, West Virginia, a report on the November 9, 2003, panel proceedings*. Internal NPS document. n.p., 2003.

<sup>2</sup>Michael Mayfield, "The New River as the Old River," *New River Symposium Proceedings* (Wytheville, VA, 1993), 1.

<sup>3</sup>J.T. Peters and H.B. Carden, *History of Fayette County* (Charleston, WV: Jarrett Printing Company, 1926), 8-9.

depth, making it one of the more prominent landforms and one of the most spectacular canyons in the eastern United States. According to geologic records, the New, Gauley, and Kanawha rivers are the remnants of an ancient watercourse called the Teays River. The present New River was the main headwaters of the Teays River . . . The New River is significant because it is the only present-day stream that flows northwestward across the Appalachians. As the river flows north, the average elevation of the ridges above it decreases and the rock dips northward. Hence the river gradually drops 750 feet in elevation between Hinton (at the south end) and Gauley Bridge (at the north end above the boundary of the national river.)<sup>4</sup>

The river flows strongly, and often in the spring it floods dramatically. Although the river long impeded access to the area, it also now attracts tourists and recreationists.

The New River watershed comprises about 6,965 square miles of mostly rural and agricultural land and almost no urban areas.<sup>5</sup> Many major tributaries feed the New, including North and South Forks, Cripple Creek, Reed Creek, Big Reed Island Creek, Little River, Sinking Creek, Big Walker Creek, Wolf Creek, East River, Bluestone River, Indian Creek, and Greenbrier River.<sup>6</sup>

East and south of New River lay the parallel folds of the Ridge and Valley Province, running southwest to northeast. New River is in the Allegheny Plateaus Province, where nearly horizontal rock bedding has produced varied mountains and drainages. About 420 million years ago, high mountains arose east and south of current-day West Virginia<sup>7</sup> (see Figure 5, p. 30). For over 200 million years the New River region alternated between delta and shallow sea, producing interleaved beds of sandstones and shales. In the Pennsylvanian and Mississippian Periods the region endured millions of years as swamps slightly above sea level. In these swamps, decaying tree-sized ferns and horsetails formed coal. The New River coal fields include many high quality seams of low sulfur or “smokeless” bituminous coal. Around 200 million years ago, the modern Appalachians pushed up and West Virginia lifted above the sea. Since then, the main geological force has been erosion, leaving ridgetops defined by limestones and sandstones. About 50 million years ago, a last uplift occurred and the New River carved its steep, 1000-foot deep gorge. Since the New River’s origins in the Teays River system date back to earliest formation of coal, it is the oldest river in the western hemisphere.

Some rocks within New River’s boundaries are shale and siltstones, which produce a soil known as the Calvin-Gilpin association. The Calvin-Gilpin association dominates between Hinton and Meadow Creek, West Virginia. While moderately fertile and able to

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<sup>4</sup> Harlan D. Unrau, *Special History Study/Historic Context Study, New River Gorge National River, West Virginia, Fayette, Raleigh, Summers Counties* (Denver: U.S. Department of Interior, National Park Service, Denver Service Center, 1996), 1-2.

<sup>5</sup> Lynn Sharp, “Water Quality for Teachers in the New River Valley,” *New River Symposium Proceedings* (Boone, NC, 1999), 33.

<sup>6</sup> Sharp, “Water Quality.”

<sup>7</sup> Dudley H. Cardwell, *Geologic History of West Virginia* (Charleston: West Virginia Geological and Economic Survey, 1975), passim.

support tree growth, it easily eroded due to steepness, stoniness, and relatively shallow bedrock. In other areas of New River, other rocks prevail, producing a different soil-type. Known as Steep-Rockland-Dekalb-Gilpin soils, this association comprises upper slopes, ridge tops, and tributaries and dominates between Claremont and the northern national river boundary. Massive sandstone outcrops vary from 1 to 50 feet high. Surrounding soils are rocky, brown, sandy loams.<sup>8</sup>

The physical geography of the river and the geology of the surrounding area have determined many aspects of the gorge and of human interaction with it, including travel routes. The rough terrain and powerful river produced a distinctive flora and fauna, shaped human settlement and transportation patterns, and sheltered natural resources upon which human industry depended.

The New River provided a natural corridor for plants and animals which evolved in North America.<sup>9</sup> The terrain and geology formed by uplift and erosion produced special niches and habitats. Barren rocks, sandy riverbanks, rock crevices, and deep ravines provided unique habitats for specialized communities of plant life such as the 'Flat Rock plant community' at Sandstone Falls, just south of Sandstone.<sup>10</sup>

Flora in the gorge includes both native and introduced species, coastal plain and prairie, and high and low altitude.<sup>11</sup> A. B. Brooks' description of the virgin forests of the gorge in a West Virginia Geological Survey report in 1911 is quite complete:

The topography of Fayette [county] is such as to promote the growth of valuable forests. Originally the low and fertile lands of the Gauley and of the portion of the Great Kanawha within the county were characterized by the abundance of yellow poplar, black and white walnut, white and red oaks, sweet buckeye, basswood, cucumber and white ash, as well as the less valuable sweet gum, sycamore, river birch, honey locust and others. On the clays of the higher areas such species as maples, white oak, and beech predominated, with fringes of hemlock along the water courses and with scattered clumps of pitch pine and scrub pine growing on dry ridges and along the sandstone outcrops.<sup>12</sup>

Also native to the gorge are many trees under the canopy. These include mountain magnolia, sourwood, striped maple, red bud, blue beech, American holly, downy serviceberry, sassafras, flowering dogwood, and Kentucky coffee tree.<sup>13</sup>

Herbaceous flora is also richly abundant. Scientists have identified twenty-eight vegetation types within the national river boundaries.<sup>14</sup> Residents have traditionally used

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<sup>8</sup> Unrau, *New River Gorge*, 3.

<sup>9</sup> Destry Jarvis, *New River Gorge National River: Water Through the National Park Service's Fingers* (Washington, DC: National Parks and Conservation Association, 1987), 2.

<sup>10</sup> William N. Grafton, "Plants and Vegetation of the New River Gorge," *New River Symposium Proceedings* (Beckley, WV, 1982), 71.

<sup>11</sup> Grafton, "Plants and Vegetation," 69.

<sup>12</sup> Grafton, "Plants and Vegetation," 69.

<sup>13</sup> Grafton, "Plants and Vegetation," 70.

<sup>14</sup> Unrau, *New River Gorge*, 3.

many of these plants for medicine, food, and clothing. Some are also endangered species, such as *Spirea*. Ground cover in the gorge varies widely and grows profusely, partially as a product of logging and development since the 1870s. In early spring before leaf-out, the forest floor abounds with herbaceous flowers. William N. Grafton cites twenty-six species, including various trilliums, yellow fawn lily, yellow ladies' slipper, bloodroot, dwarf larkspur, wild blue phlox, spring beauty, rue anemone, blue cohosh, squirrel corn, foam flower, Dutchman's breeches, Jack-in-the-Pulpit, bellworts, plume lily, white clintonia, dwarf crested iris, wild ginger, hepatica, goldenseal, ginseng, mayapple, toothworts, Greek valerian, Virginia waterleaf, small-flowered phacelia, as well as many violet species. Among summer flowers under the canopy are wood nettle, puttyroot, black snakeroot, aconite saxifrage, showy skullcap, leather flower, and early goldenrod. Summer ferns include marginal shield-fern and broad-beech and maidenhair ferns. Christmas ferns and common polypody grow on steep hills throughout the year. Summer and autumn plants includes crane-fly, orchid, starry campion, touch-me-not, richweed, American bellflower, white snakeroot, goldenrods, asters, and yellow leafcup.<sup>15</sup>

Many shrubs also occur in the gorge, including pink azalea, serviceberry, wild blackberries, blueberries, wild grapes, greenbriers, hawthorn, hog peanut, huckleberries, hydrangea, mountain laurel, early meadow rue, rhododendron, wild rose, spicebush, and sumac.<sup>16</sup>

With such diverse flora, a variety of fauna has evolved over geological time. Only modern species are mentioned here. Game animals include black bear, beaver, wild boar, bobcat, eastern cottontail rabbit, white-tailed deer, grey fox, red fox, wild goat, mink, raccoon, opossum, muskrat, fox squirrel, and woodchuck. Smaller mammals include bats, mice, pack and woodrats, masked, smoky, and pygmy shrews, spotted and striped skunks, and long-tailed and least weasels.<sup>17</sup>

Among the sixty (estimates go as high as eighty) or more species of birds found in New River are eastern bluebird, bobwhite, double-crested cormorant, common crows, mourning and rock doves, mallard, black, pintail, gadwall, and wood ducks, geese, bald eagles, peregrine falcons, common and red-throated loons, osprey, mergansers,

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<sup>15</sup> Grafton, "Plants and Vegetation," 70.

<sup>16</sup> Paul D. Marshall & Associates, Inc., *A Cultural Research Project: The New River Gorge National River, West Virginia*, 3 vols. (Charleston, WV, for the National Park Service, 1981), Volume I, *Pre-history*, written and edited by David N. Fuerst, 40. Volume II titled *History, Community, and Architecture*, was written by Paul D. Marshall. Volume III, titled *Prehistory Appendices*, was compiled by David N. Fuerst. The 3-volume report is commonly referred to as *The Marshall Report*.

<sup>17</sup> Fuerst, *The Marshall Report: Pre-history*, I:40.



woodcock, and downy, hairy, pleated, and red-headed woodpeckers, and many songbirds.<sup>18</sup>

The New River also supports amphibians, fish, and reptiles, including toads, green frog and bullfrog, hellbenders, mud puppies, and long-tailed and ravine salamanders. The river itself is home to largemouth bass, rock bass, smallmouth bass, bluegill, bullhead, catfish, crappies, and wall-eyed pike. Most fish are recent additions. Reptiles include northern copperhead, black snake, garter snake, timber rattler, northern pine snake, and spring, box, and spring soft-shell turtles. The river also supports fresh water snails, clams, and mussels.<sup>19</sup>

## EARLY NATIVE AMERICAN AND EURO-AMERICAN SETTLEMENT

New River and the surrounding region evidence Native American habitation dating back at least twelve thousand years. New River and its main tributaries provided corridors for early peoples who followed the spread of the forests, plants, and animals, although the main north-south prehistoric and historic travel routes by-passed the gorge to the east and west of the gorge (e.g., Buffalo and Paint Creek trails).<sup>20</sup> Native American groups inhabiting the lower New River and adjacent regions just prior to Euro-American contact included the Delaware, Shawnee, Tutelo, Saponi, and Mingo.<sup>21</sup> The Cherokee also claimed territory from the Kanawha and New River to the Big Sandy.<sup>22</sup> Because the gorge provided a route between the Ohio Valley and Piedmont Virginia, Native Americans developed an extensive network of trails, providing transportation through dense parkland forest. More prominent trails included Midland, Seneca, Paint Creek, Pocahontas, Guyandotte, and Big Sandy-Tug Fork trails.<sup>23</sup>

The same trails and early historic buffalo traces that provided Native Americans access to the forest and Gorge also provided access for Euro-American fur traders and pioneer settlers crossing the mountains westward. Hunters and traders spread word about the vast, unbroken wilderness west of the Alleghenies. People, anxious for new

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<sup>18</sup> Fuerst, *The Marshall Report: Pre-history*, I:42-43.

<sup>19</sup> Fuerst, *The Marshall Report: Pre-history*, I:43.

<sup>20</sup> David Pollack and George M. Crothers, *Archaeological Overview and Assessment of New River Gorge National River* (two parts). Report prepared by the University of Kentucky, William S. Webb Museum of Kentucky Archeological Survey for the New River Gorge National River, Glen Jean, WV. Research Report No. 8, 2005. Three examples of Native American archeological sites in NERI are: 46 RG-7, McGraw Farm, a late Woodland Indian hamlet site; 46 SU-107, Meadow Creek Bottom, a Paleo-Indian thru Early Woodland site; and 46 FA-148, Molly's Creek Mound. Early to Late Woodland Mound Builders. Information from David N. Fuerst, NERI Cultural Resource Specialist.

<sup>21</sup> Peters and Carden, *History of Fayette County*, 26.

<sup>22</sup> Peters and Carden, *History of Fayette County*, 13.

<sup>23</sup> Fuerst, *The Marshall Report: Pre-history*, I:44.

opportunities, began to establish settlements in the lower New River region in the 1750s.<sup>24</sup>

The first expedition to New River occurred in 1654. According to historian William Sanders, Major Abram Wood, with the authorization of the Virginia House of Burgesses, explored the upper New River region. Wood described it as “a new river of unknown land, where no English had ever been or discovered.” The earliest maps named it Wood’s River, after him.<sup>25</sup>

Governor William Berkeley commissioned the second expedition to New River in 1671. The leader of this expedition, Thomas Batts (or Battes), wrote in his journal:

A commission being granted the Hon. Maj. Gen. Wood for ye finding out of the ebbing and flowing of ye waters behind the mountains in order to the discovery of the South Sea: Thomas Batts, Thomas Wood, Robert Fallen [or Fallam], accompanied by Perachute, a great man of the Appomattox Indians, and Jack Nesan, formerly servant to Majr. Gen. Wood, with five horses set forward from Appomattox town in Va...<sup>26</sup>

They traveled west for 25 days and reached the point along the New River at which their Indian guides advised to go no further. According to Batts’ journal, the Indians said a “numerous and powerful tribe” near there made and sold salt and that “no one who entered into their towns had ever been able to escape.”<sup>27</sup> After the Batts-Wood-Fallam expedition, Gabriel Arthur explored the region in 1674, Thomas Walker in 1750, and Christopher Gist in 1751.<sup>28</sup> Settlers slowly migrated into the area over these next eighty years. The arrival of Colonel James Patton, an Irish immigrant who had obtained an English Crown grant of 120,000 acres west of the Allegheny Mountains, marked the first effort toward commercial settlement. In 1748, he organized a group to locate lands named in the grant. The party consisted of Patton, surveyors John Buckhannon and his son-in-law Charles Campbell, and Dr. Thomas Walker. Along the way, they encountered Charles Sinclair (also spelled St. Clair), known as a “hermit hunter.” Familiar with Indians, he guided the expedition and received a patent of land.<sup>29</sup>

In 1749-1750, Patton and Walker organized the “Loyal Company.” An English Crown grant gave them 800,000 acres west of the Allegheny Mountains and assigned Walker to find suitable sites and promote settlement. In 1750 he found and named the Cumberland Gap and the Cumberland River. Exploring a wide area, the party descended

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<sup>24</sup> Peters and Carden, *History of Fayette County*, 26.

<sup>25</sup> William Sanders, *A New River Heritage* (Parsons, WV: McClain Printing, 1991), 3. A second source discusses Abram (or Abraham) Wood and the New River: Lewis Preston Summers, *History of Southwest Virginia and Washington County* (Richmond, Virginia: J. L. Hill Publishing Company, 1903). Summers (35-36) cautioned that the documentation for Abraham Woods’ exploration was not extant, but that circumstantial evidence indicated it had happened.

<sup>26</sup> Sanders, *A New River Heritage*, 3; quoted in Summers, *History of Southwest Virginia*, 36.

<sup>27</sup> Quoted in Summers, *History of Southwest Virginia*, 37.

<sup>28</sup> David N. Fuerst, NERI, personal communication, 2007. See Jim Wood, *Raleigh County, West Virginia* (Beckley: Raleigh County Historical Society, 1994).

<sup>29</sup> Sanders, *A New River Heritage*, 4.

the New River to the mouth of the “Green Bryer” River. They also crossed Flat Top Mountain as they passed through what are now Mercer and Summers Counties. They called this area Augusta County. By 1754, Walker’s company had located 224 tracts of land consisting of 45,000 acres, which sold quickly.<sup>30</sup>

Other companies were soon organized. One, the Ohio Company, explored the lands between the Monongahela and the Great Kanawha rivers, traversing the New River along the way. Another company, the Greenbrier, received authorization in 1751 to locate 100,000 acres of land on the Greenbrier River.<sup>31</sup> Settlers established one of the earliest settlements on the Greenbrier near present-day Marlinton in 1749. The first settlement recorded in what is now the national river dates to 1798, when Peter Bowyer built a cabin at the mouth of Mann’s Creek, near an ancient Indian ford of the New River. “Bowyer’s Ferry” provided a convenient crossing point, discussed below.

By the late 1760s both the Native Americans and the Virginians sought a definite boundary line. A request went to England, and the government ordered its Superintendent of Indian Affairs, Sir William Johnson, to complete the purchase of all lands from the Alleghenies to the Ohio River. Johnson ordered a Congress to meet at Fort Stanwix, now Rome, NY. Representatives of Virginia, Pennsylvania, and New Jersey attended, as did representatives of the Six Nations of the Iroquois. The delegates met in 1768, with Johnson presiding, and agreed that for about 10,500 pounds, the Natives would cede land (including present-day West Virginia) west of a line beginning at the south bank of the Tennessee River and running with the south bank of the Ohio River to Kittanning above Fort Pitt. Settlement along the New River began with a renewed vigor.<sup>32</sup>

The Treaty of Fort Stanwix did not completely end hostilities between settlers and Native Americans. Tensions grew with the Shawnees living in southern Ohio, who were not signatories to the treaty, and Indian raids became a way of life. During the 1770s, Shawnee frequently raided settlements in present Mercer and Greenbrier Counties. Raids caused the abandonment of many settlements, although by 1800 enough people had settled the area to offer substantial protection. The first federal census of 1790 indicates that some 55,000 lived in present-day West Virginia, and by 1800 the population had risen to 78,000, of which nearly half lived west of the Allegheny Mountains.<sup>33</sup>

Rugged terrain had always made transportation difficult through the New River gorge. The old Buffalo Trail (today’s U.S. 60) and other Indian trails connected the earliest settlers to the eastern states. After the American Revolution, George Washington

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<sup>30</sup> Sanders, *A New River Heritage*, 4.

<sup>31</sup> Peters and Carden, *History of Fayette County*, 79.

<sup>32</sup> Peters and Carden, *History of Fayette County*, 80-81.

<sup>33</sup> Peters and Carden, *History of Fayette County*, 112.

proposed to Virginia Governor Benjamin Henry Harrison to settle beyond the mountains and draw the Ohio Valley into the economic sphere of Virginia. In 1785, the Virginia legislature established the James River Company. Its chief responsibilities were to improve the James and Kanawha Rivers and connect them with a road. In 1786, settlers built a wagon road called “Koontz New Road” from Lewisburg, Greenbrier County, and passed entirely across Fayette County.<sup>34</sup> In 1790, the James River Company completed the “Old State Road,” from the James River to Kanawha Falls. They extended it to the Ohio River by 1800.<sup>35</sup> The “Old State Road” traversed the New River, descended from the uplands of current Babcock State Park south of Mann’s Creek, crossed the New River at Bowyer’s Ferry, and climbed out of the gorge via Cunard to Fayetteville and Cotton Hill. This road tied the gorge to settlements east and west (See Figures 1, 2, and 3.).

General Andrew Lewis led his troops through the area to fight in the Battle of Point Pleasant in 1774 following Shawnee and other Indian group raids on frontier settlements in Greenbrier Valley. John Marshall, Chief Justice of the United States, explored the Greenbrier and New River in 1812 and his surveyor, Andrew Alexander, produced a map of the route in 1814 (Figure 4). The Commonwealth of Virginia financed this survey to examine the possibility of building a canal to connect eastern Virginia to the Kanawha River valley, where settlers had begun salt production shortly after 1800, following a practice of pre-contact Indians in the valley. While the survey ruled out canal construction, Alexander’s map provided the first accurate depiction of the area, and laid the groundwork along with Union and Confederate maps for railroad construction through the gorge between 1871 and 1873. Although a canal was impossible, bateaux navigated the entire New River.<sup>36</sup>

Most early settlers farmed on a small scale to supplement what they obtained in the wild. Game animals were plentiful and trees provided nuts and fruits. Smaller plants such as wild berries and grapes added variety to the pioneer diet. In addition, streams and rivers brimmed with fish. Although many relied on the wild for food, permanent settlers turned increasingly to farming. Corn was ground into meal, served as roasting ears, hominy, mush, and dozens of other dishes. It also provided livestock feed. Later, as acidity of cleared soil adjusted, settlers grew oats, rye, buckwheat, potatoes, beans, squash, pumpkins, and other garden vegetables.<sup>37</sup> They brought some of these from the East and adopted others from the Native Americans.

In 1825 the James River and Kanawha Turnpike was completed as far west as current Charleston, WV. The turnpike extended eastward from Montgomery, along the

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<sup>34</sup> The Koontz family settled in today’s Fayette County, on Koontz Bend, GARI.

<sup>35</sup> Unrau, *New River Gorge*, 110.

<sup>36</sup> William E. Trout III, *The New River Atlas* (Richmond: Virginia Canals and Navigations Society, 1995), 147 p.

<sup>37</sup> Unrau, *New River Gorge*, 111-112.

north bank of the Kanawha River to Gauley Bridge, and then upward onto the plateau just north of the gorge via Ansted, Mountain Cove, Hico, Lookout, Cliff Top, Raven's Eye, and Maywood. Most travelers now went around the gorge rather than through it. The turnpike crossed the Fayette-Greenbrier county line one-half mile west of Rainelle. Today's U.S. 60 (the Midland Trail National Scenic Byway) closely parallels this historic turnpike (or Buffalo Trail).<sup>38</sup>

Caldwell and Surbough established the first stagecoach line between Charleston and Lewisburg on the Turnpike in 1825. As the turnpike moved westward, stagecoach service connected the New River area to Kentucky by 1832. Connection to Cincinnati twice each week went via a steamboat (owned by the stagecoach company) on the Ohio River.<sup>39</sup> Mail contracts soon enabled the company to run daily schedules, and speed increased to over 75 miles per day. Stagecoaches also linked eastward to Lynchburg and Richmond.<sup>40</sup>

There were some thirty stage stands along the James River and the Kanawha Turnpike between Lewisburg and Charleston, the most popular being the Old Stone Tavern, built in 1824 by Francis Tyree before the upgraded road was completed. It sat at the western foot of Big Sewell Mountain in Fayette County, near where the "Old State Road" began its descent on the uplands above Mann's Creek to Bowyer's Ford of the New. At different times during the Civil War the tavern served as the headquarters of Generals Robert E. Lee and William S. Rosecrans. Such prominent historic figures as Henry Clay, Andrew Jackson, and Daniel Webster stayed there.<sup>41</sup> The Sewell Mountain Campaign began with a skirmish at the foot of Big Sewell Mountain on August 14, 1861. About 6,000 Confederate troops under Generals Henry Wise and John Floyd – led by General Lee – faced 5,000 Federal troops, with forays and clashes from Gauley Bridge and Carnifex Ferry in the west to Big Sewell Mountain in the east. During the campaign, the armies courses throughout the New River Gorge area. Finally, in late October General Lee retreated to Richmond in order not to lose too many soldiers.<sup>42</sup>

After completion of the C&O Railroad through the gorge in 1873, it became apparent that the limited roads into the gorge caused great difficulties for travelers, and new construction was proposed. Road building in and around the gorge was a labor-intensive undertaking and prison labor was often used. The Gentry Road, named for its

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<sup>38</sup> Peters and Carden, *History of Fayette County*, 123.

<sup>39</sup> Peters and Carden, *History of Fayette County*, 128.

<sup>40</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:180.

<sup>41</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:168. The Civil War in the New River Gorge region are discussed in: Tim McKinney, *The Civil War in Fayette County, WV* (Charleston, WV: Pictorial History Publications, 1988); *Robert E. Lee at Sewell Mountain, the West Virginia Campaign* (Charleston, WV: Pictorial History Publications, 1990); *Civil War Articles and Related Information in the Fayette Tribune* (Charleston Heights, WV, 1991); and *The Civil War in Greenbrier County, West Virginia* (Charleston, WV: Quarrier Press, 2004).

<sup>42</sup> McKinney, *Robert E. Lee at Sewell Mountain*, 2-7, *passim*.

surveyor (Henry A. Gentry) and later known as the Fayette Station Road, was originally a simple two-and-one-half-mile switchback trail, completed in 1879. Demands for easier access to the town resulted in the Fayette Station Bridge, built in 1889 and replaced in the late 1990s. (Figure 5). The rebuilt bridge is still in use. Prior to the construction of the first bridge, the trip required a sometimes perilous crossing over the river. The Fayette Station Bridge was the first bridge to span the New River Gorge constructed specifically to accommodate road travel.<sup>43</sup>

## THE RAILROAD AND INDUSTRIALIZATION COME TO NEW RIVER GORGE

Virginia joined the railroad boom at its beginning. The General Assembly chartered the Louisa Railroad in 1836 to construct lines in eastern Virginia.<sup>44</sup> By 1850, the Louisa Railroad Company had outgrown its charter and re-organized as the Virginia Central Railroad Company. The new company added roadbed to their eastern lines, but it also turned west, and by 1857 contractors had completed a track nearly to Clifton Forge, high in the mountains. Between 1850 and 1857, they laid 64 miles of track. This financial and physical triumph gave Virginians hope that state rail lines would soon connect with the Ohio River.<sup>45</sup>

The Virginia General Assembly incorporated the Covington and Ohio Railroad in 1853 to construct a line from Clifton Forge to the Ohio River near Point Pleasant. The Board of Public Works hired Charles Fisk, from New York, as chief engineer. The board instructed Fisk to locate the line via White Sulphur Springs, allowing the “genteel people of Virginia to use the area as a resort.”<sup>46</sup>

The Civil War played havoc with the Virginia Central Railroad Company’s plans. Virginia’s trans-Allegheny territory became West Virginia on June 20, 1863, and railroad backers faced a disrupted rail system. During Reconstruction, Virginia’s railroads, including the Virginia Central, integrated with an interstate system controlled by the North, whose growth accelerated due to post-Civil-War expansion of private enterprise. This stimulated southern railroad construction and growing commerce in the Ohio Valley. Virginia completed her plan for a rail line to the Ohio despite the fact that West Virginia would profit from the venture.<sup>47</sup>

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<sup>43</sup> Karen Ebert Allen, “Historic American Engineering Record for the Fayette Station Bridge,” *New River Symposium Proceedings* (Daniels, WV, 1997), 43.

<sup>44</sup> Charles Bias, “Building the Chesapeake and Ohio Railroad Through the New River Gorge,” *New River Symposium Proceedings* (Beckley, WV, 1982), 168.

<sup>45</sup> Bias, “Building the Chesapeake and Ohio Railroad,” 168.

<sup>46</sup> Bias, “Building the Chesapeake and Ohio Railroad,” 169.

<sup>47</sup> Bias, “Building the Chesapeake and Ohio Railroad,” 169.

After the Civil War, the Virginia Board of Public Works divided geographically and politically between West Virginia and Virginia. This separation made it impossible for construction to continue on the Covington and Ohio Railroad. Reorganization consolidated the Virginia Central and the Covington and Ohio Railways into the Chesapeake and Ohio Railroad Company.<sup>48</sup> Construction proceeded well, but in 1878 the C&O was foreclosed and again re-organized, emerging as the Chesapeake and Ohio Railway Company.<sup>49</sup>

The decision to build the C&O through the New River Gorge was a simple one. Geography pre-determined it. The only practical location for the rail bed was along the riverbanks of the Greenbrier and New Rivers. Martin Blume, a local landowner and future owner of Fayette Coal and Coke Company, sold the right of way through his property and the C&O began planning the project in the late 1860s.<sup>50</sup>

In July 1869, work began on the line to White Sulphur Springs, West Virginia, as contractors finished the New River surveys. The C&O divided the West Virginia project into six divisions to expedite the work, including two in the New River Gorge. The First New River Division ran 36 miles along from the mouth of the Greenbrier River to the Great Bend on the New. The 28-mile Second New River Division linked the Great Bend with the headwaters of the Kanawha River, at Gauley Bridge.<sup>51</sup> Colis P. Huntington (1821-1900) oversaw construction of the railroad from Virginia to the Ohio River, where he established the city of Huntington. He played a major role in developing coal mining in southern West Virginia.

Construction problems facing the workers were enormous. Drowning and silicose were constant hazard. The First New River Division had to construct a 1,000 foot-long tunnel at the Great Bend (Figure 6.). This “Great Bend” is called Stretchar’s Neck on early maps.) Slides posed a continual threat to workers’ lives, and frequently halted construction. The Second New River Division’s job was no easier. The men had to lay the track section on a steep mountain among sandstone cliffs. Major excavations were required, costing time and money, and frequently contracts ran behind schedule. By November, 1872, much of the remaining 56 miles of the proposed route lay un-graded. An early winter had also set in, and many men had left the job in November and December, returning home for the holidays. Still, the company managed to complete points of gradation that had been delayed, and by temporarily re-routing the bed around unfinished excavations and embankments, the connecting rails were laid on January 29, 1873, seven miles further west than anticipated and nearly a mile east of the future New

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<sup>48</sup> Bias, “Building the Chesapeake and Ohio Railroad,” 169.

<sup>49</sup> Allen, “Historic American Engineering Record for the Fayette Station Bridge,” 42. See also Ronald B. Eller, *Miners, Mill hands, and Mountaineers: Industrialization of the Appalachian South, 1880-1930* (Knoxville: University of Tennessee Press, 1982).

<sup>50</sup> Allen, “Historic American Engineering Record for the Fayette Station Bridge,” 43.

<sup>51</sup> Bias, “Building the Chesapeake and Ohio Railroad,” 171.

River Bridge. Officials opened the railroad to commercial traffic in March, 1873, and by June, traffic had become regular.<sup>52</sup> On a granite obelisk at S.R. 41 at Quinnimont, Colonel Joseph Beury is honored for shipping the first coal on the C&O out of the Quinnimont mine.

The work did not stop there. It was important to the financial health of the company to complete the permanent grade as soon as possible. Beginning in the late 1880s, the C&O hired a huge workforce laboring night and day to complete cuts and remove slides that occurred during the rainy season.

The C&O constructed important feeder, branch or spur lines up the New River's larger tributaries, linking the railroad with coalfields and virgin timber in the gorge. (Figures 7, 8, and 9) Lines included Mill Creek, Keeney Creek, and Arbuckle Creek Branches. The Keeney Creek Branch Railroad opened the Sewell coal seam around Winona in the 1890s. Loop Creek Branch (completed in 1894) and Laurel Creek Branch (completed in 1904) served Thurmond and Quinnimont. Mann's Creek Railroad served coalmines near Clifftop and Sewell Valley Railroad carried lumber to and from large band mills near Rainelle, Honeydew, and Nallen. The building of branch lines was stimulated as much by potential profits as by the appearance of rival railroads like the Norfolk and Western (N&W) and the Virginian in the Pocahontas coal fields of southwest Virginia and extreme southeast West Virginia. These branch lines led to rapid development of towns like Beckley and Oak Hill.

Unlike the C&O, the N&W realized the potential coal value in the area early, thus establishing a foothold by controlling coal lands and promoting orderly development of the industry. But it was the main trunk of the C&O and its branch lines that opened up the New River Gorge to commercial development.<sup>53</sup> The cultural remains of the railroad are an important reminder of the history of New River.

Timber was a valuable commodity in the gorge. As early as 1835 two small water-powered mills existed in Fayette County, but the arrival of the railroad made large-scale extraction possible. By the 1920s lumbermen had nearly completely harvested some of the best yellow poplar, black walnut, and other tree species growing along the Gauley and Great Kanawha Rivers in Fayette County. The New River posed a problem, flowing too fast for successful floating of logs. Large-scale cutting only began in 1885, after branch lines had been constructed up the tributaries of the New River.<sup>54</sup>

After harvesting, the timber was sawn into boards—in the early 1800s by whip or pit saw. After the log was hewed square, it was hoisted onto a frame with one man on top and another underneath. With a long, two-handled saw, they ripped planks from the log. Innovations such as the portable stove and saw mills introduced later in the nineteenth

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<sup>52</sup> Bias, "Building the Chesapeake and Ohio Railroad," 171-172.

<sup>53</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:174-175.

<sup>54</sup> Peters and Carden, *History of Fayette County*, 315.



century accelerated timber processing in remote areas. The lumber was then transported by branch railroads, 'Dinkie' railroads, overhead tram lines, wooden chutes, horses, or wagon over country roads and trails to points along the C&O for shipment to market.<sup>55</sup>

Completion of the railroad through the gorge allowed construction of great band saw mills in the region, and a boomtown industry grew up overnight. Small mill towns, like Hamlet, dotted the gorge. They flourished as long as the timber held out and then waned and died as mills moved on. Some operations were enormous. The Meadow River Lumber Company, at Rainelle, in Greenbrier County east of the gorge, ran the largest hardwood lumber operation in the world. Another large band saw operation, the Blue Jay Lumber Company, operated along Beaver Creek, west of the gorge in Raleigh County. Two medium-size planning mills operated in the gorge at Hamlet, just upstream from the New River-Glade Creek confluence in Raleigh County and in Summers County at New Richmond (the current Sandstone).<sup>56</sup>

The 150 coal companies operating in the area placed a huge demand on the timber business. Their constant demand for posts, caps, washers, headers, ties, and lumber for tipples, plant buildings, and residential housing, depleted the timber resources at an alarming rate. Timber used by the railroads was also considerable, as was lumber for other markets.<sup>57</sup> An estimate by a conservative lumberman in 1910 put the wood cut in Fayette County at more than 75,000,000 board-feet. Lumbermen harvested mainly oak, poplar, chestnut, basswood, hemlock, beech, and hickory. The Sewell Lumber Company, timbering on New River near Landisburg and Sewell, reported cutting over 32,000 acres of timber before closing the mill in 1929. After sawing the last log, the steam whistles blew constantly indicating the closing of the mill, and within just a few months, Landisburg quickly declined.<sup>58</sup>

New River lies on the eastern flank of the Appalachian coal basin. Thirteen beds contain coal at least 14 inches thick. Three beds are in the Pocahontas Formation, 6 in the New River Formation, and 4 in the Kanawha Formation. The low-sulphur, low-ash (or 'smokeless') bituminous coal produced ranges from low-volatile to high-volatile and is the most abundant mineral resource along the New River.<sup>59</sup>

Through uplift and erosion, outcroppings of coal appeared hundreds of feet above the valley floor, leaving would-be developers to wait until viable transportation became a reality. Entrepreneurs like John Nuttall and Joseph Beury began coal mining in the Sewell seam in 1871 in anticipation of the completion of the C&O railroad. When the

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<sup>55</sup> Peters and Carden, *History of Fayette County*, 315.

<sup>56</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:179-181.

<sup>57</sup> Peters and Carden, *History of Fayette County*, 315.

<sup>58</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:182-183.

<sup>59</sup> C.R. Meissner, Jr., K.J. Englund, and P.C. Mory, "Coal Resources of the New River Gorge, West Virginia," *New River Symposium Proceedings* (Beckley, WV, 1982), 146.

C&O main line was completed through the gorge, large-scale mining began, even though this company did not build branch lines for large-scale coal extraction until the 1880s.<sup>60</sup>

Long before the railroad and the mining industry, people knew of the coal and used it. Dr. Thomas Walker identified the first coal in the area in 1742. In 1817, a seam was discovered in the upper Kanawha Valley, and John Turner, of Pittsburgh, PA, opened a small mine near Malden, downstream from the gorge. He contracted with a local salt maker to burn coal over wood to fuel his operation and soon all the salt manufacturers were doing the same. In 1835, Dr. Samuel P. Hildreth, of Marietta, Ohio, conducted a detailed study of Appalachian coalfields.<sup>61</sup>

The first large coal operations in the gorge were established in 1871 by John Nuttall and Joseph Beury. Beury shipped the first load of coal over the C&O from the Quinnimont mine, deep in the gorge, located up Laurel Creek in Fayette County. Other mines, such as Sewell, Beury, and Nuttallburg, soon opened, and as they did, small communities appeared. By the twentieth century more than a dozen towns existed between Fayette Station and Thurmond.<sup>62</sup> The ‘smokeless’ coal found in the New River Field was valuable for powering steamships, heating cities, and for steel making, especially as coke.

Early operations mined coal either for sale directly or as coke for industry. All valley land was given over to the structures required for coal and coke-processing facilities. Whatever land remained, whether level or sloped, became miners’ dwelling, service, and recreational buildings. To facilitate mining in such limiting terrain, buildings needed to be tightly spaced. Conditions were crowded and coal dust inescapable.<sup>63</sup>

Coal extraction, particularly strip or surface mining, strongly affected New River. It despoiled the natural environment and changed people’s lives in every possible way. Most men working in the new mines came from rural backgrounds, whether they were native Appalachian, immigrant, or southern African-American. Most were first-generation industrial workers with no mining experience.<sup>64</sup>

The company town was a planned, basically paternalistic, company-controlled setting. Subsistence farming had offered independence, but now the miner and his family depended entirely on the coal operator for life’s necessities. Because many towns were isolated, the company provided everything from stores and doctors to schools, theaters, and churches.<sup>65</sup> Miners and their families were captive to the company store, which

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<sup>60</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:197.

<sup>61</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:196-197.

<sup>62</sup> Meissner, Englund, and Mory, “Coal Resources,” 146.

<sup>63</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:250.

<sup>64</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:250.

<sup>65</sup> Marshall, *The Marshall Report: History, Community, and Architecture*, II:250.

made a hefty profit. Prices and interest rates were high and miners faced inescapable debt.<sup>66</sup>

The earliest immigrants to the coal mines of Pennsylvania were British miners, who strongly affected the coal-mining region.<sup>67</sup> They brought families to the towns. The largest immigrant group in the New River field was Italian. Many arrived to help build the railroads and stayed on as miners. Many were skilled masons, who built – or more commonly supervised the African-Americans who built – the coke ovens and other stone structures in the gorge. The Magyars from the Austro-Hungarian Empire comprised the next most populous group and worked almost exclusively as pick-miners. Other representative groups included Germans, Croatians, Slavs, and African-Americans. Native whites continued to move into supervisory or day-wage positions. Eventually, as large numbers of immigrants began populating the area, the native white Americans began moving out either to escape the ethnically mixed coal towns, or to seek higher wages in unionized mines.<sup>68</sup>

In 1880, Thomas Gaylord McKell, a wealthy Ohioan, and his bride, Jean Dun McKell, arrived near Dunloup Creek to investigate land they received as a wedding gift. While there, McKell realized the potential wealth in timber and coal that lay beneath it.<sup>69</sup> McKell bought more land, to add to land his wife already owned. Together they were one of the largest land owners in southern West Virginia. He intended to exploit these resources and tap the money brought in by people and businesses. McKell's family business interests in the area ultimately included a hotel and bank, mercantile operations, and scores of rental properties.<sup>70</sup>

McKell chose Glen Jean, formerly McCoy's Mill, as his town site because it was the first floodplain wide enough for building a bank and other buildings along Dunloup Creek. Moreover, McKell used his resource survey to convince the C&O to construct a short line seven miles up Dunloup Creek to transport his coal and timber. He built a bridge across the New River, connecting his properties at Glen Jean and Dun Glen with the C&O mainline.<sup>71</sup>

McKell's agreement with the C&O required him to build a coal plant large enough to process 1,000 tons of coal a day. To achieve this, he leased property to mine operator Justus Collins, who formed the Collins Colliery Company. Collins opened two drift mouths in a hollow behind town, and when the C&O completed the Dunloup Branch

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<sup>66</sup> Lou Athey, *Kaymoor: A New River Community* (n.p.: Eastern National Park and Monument Association, 1986), 33.

<sup>67</sup> Sharon A. Brown, *NERI Historic Resource Study* (Denver, CO: U.S. Department of the Interior, National Park Service, Denver Service Center, July 1990), 33.

<sup>68</sup> Brown, *NERI Historic Resource Study*, 36. Eller, *Miners, Mill hands, and Mountaineers*, 132-138.

<sup>69</sup> Melody Bragg, *Dunloup Days: Glen Jean to Thurmond: Exciting Times and Precious Memories* (Glen Jean, WV: Glen Jean Historical Society, 1989), 1-2.

<sup>70</sup> Bragg, *Dunloup Days*, 1.

<sup>71</sup> Bragg, *Dunloup Days*, 2.

line in 1893, the mines and plant were ready to begin production. By 1894, Collins operated 100 coke ovens, making this the second biggest mining operation in New River coalfields.<sup>72</sup>

Industry flourished, with additional mines opening along the C&O and its branch lines until the Great Depression. The Depression hit the area hard and coal production dropped. Although coal production had increased 8.5% at Kaymoor Mine in 1929, by 1930 it had dropped 25%. World War II was a boom time for coal, but the bust of the post-war economic downturn closed many mines and out-dated beehive coke ovens. Only some smaller operations continued to function.<sup>73</sup> As the mines along the New played out after World War II, people sought jobs elsewhere, leaving towns and industries behind. Mining in New River has ceased altogether. In recent decades, residents have been abandoning mining towns which once were the center of activity; they have consistently lost population. Many buildings in Thurmond, Glen Jean, and nearby deteriorated. Most were dismantled and hauled away for other uses; others simply collapsed or burned. Soon just small communities survived, with little money and few jobs. In isolated regions, the towns and mining sites are returning to their primitive state and the country there is virtually deserted.<sup>74</sup> Coal industry sites and artifacts make up the most significant and abundant cultural resources in New River. Figures 10, 11, and 12 show some of these sites and artifacts.

## CONCLUSION

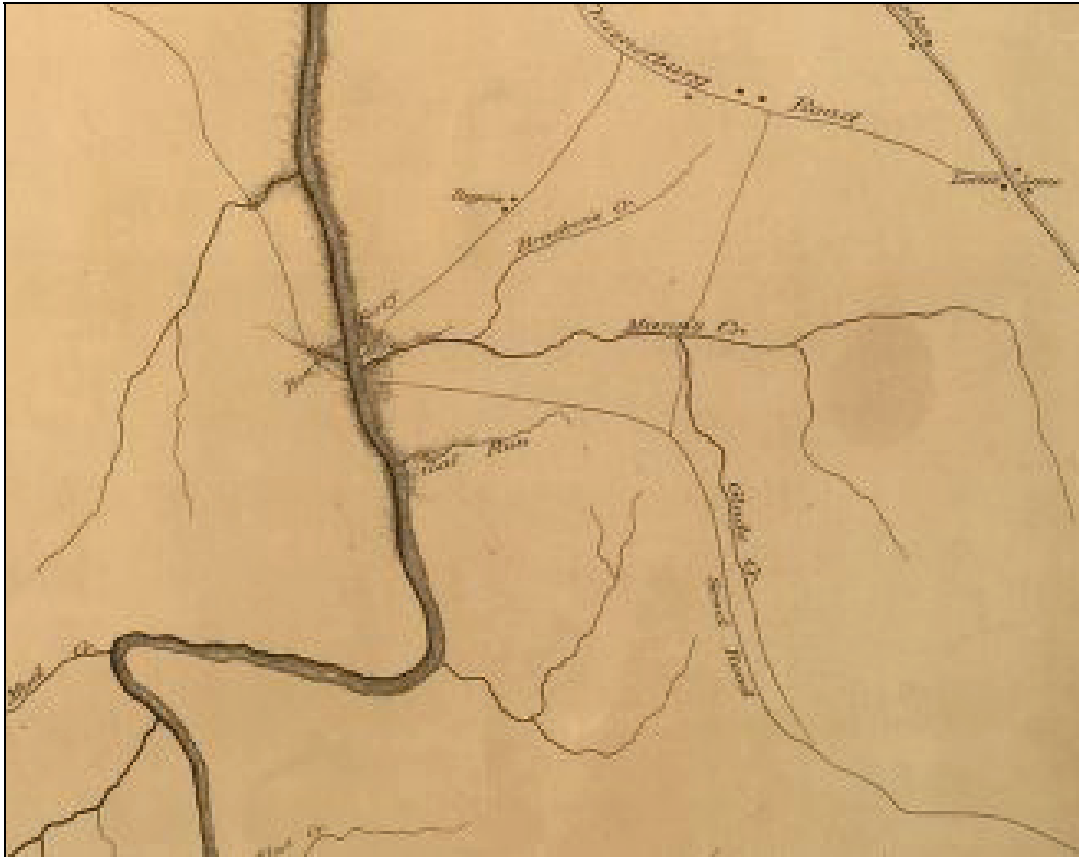
In providing a pre-history of New River, this chapter discussed the river's age and formation, the region's geology, and flora and fauna. It also briefly described Native American and later Euro-American settlement, early modes of transportation, and the arrival of the railroad. Lastly, it examined the development of the timber and coal mining industries. This chapter offered a background to administrative issues that the rest of this report considers. The remaining chapters focus on information more directly germane to the development and implementation of policy.

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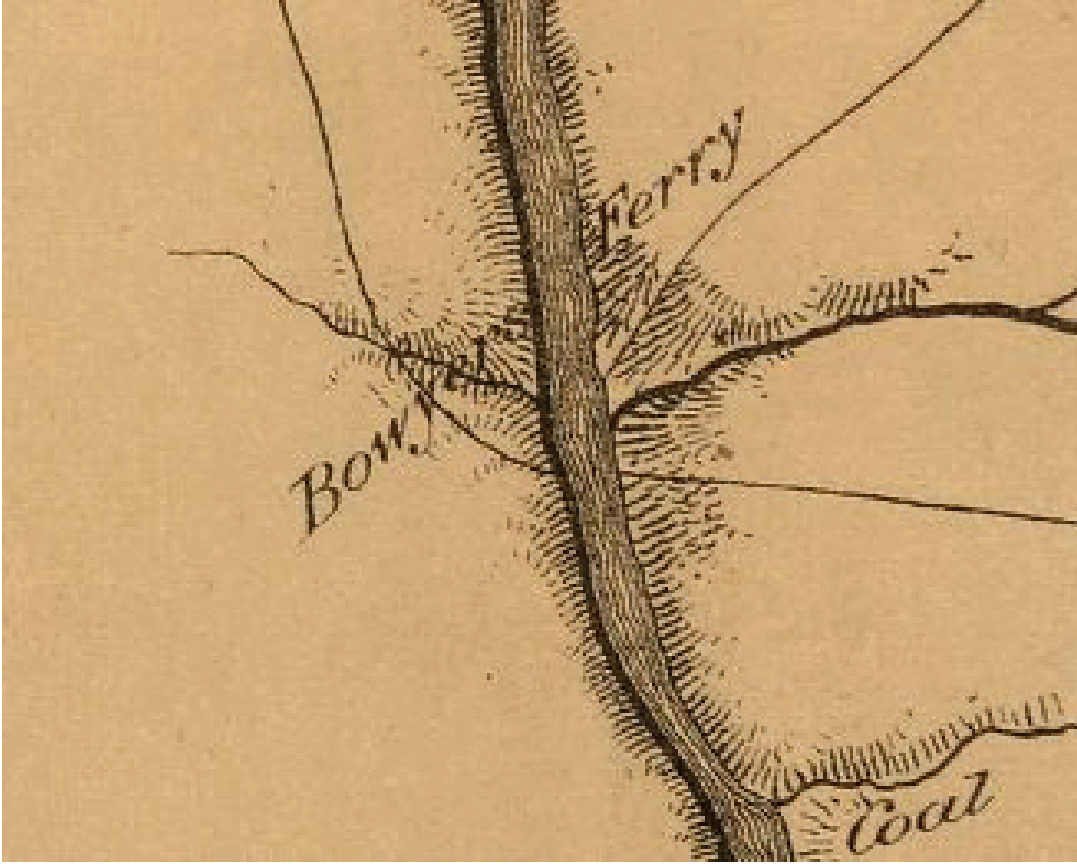
<sup>72</sup> Bragg, *Dunloup Days*, 6.

<sup>73</sup> Athey, *Kaymoor: A New River Community*, 50.

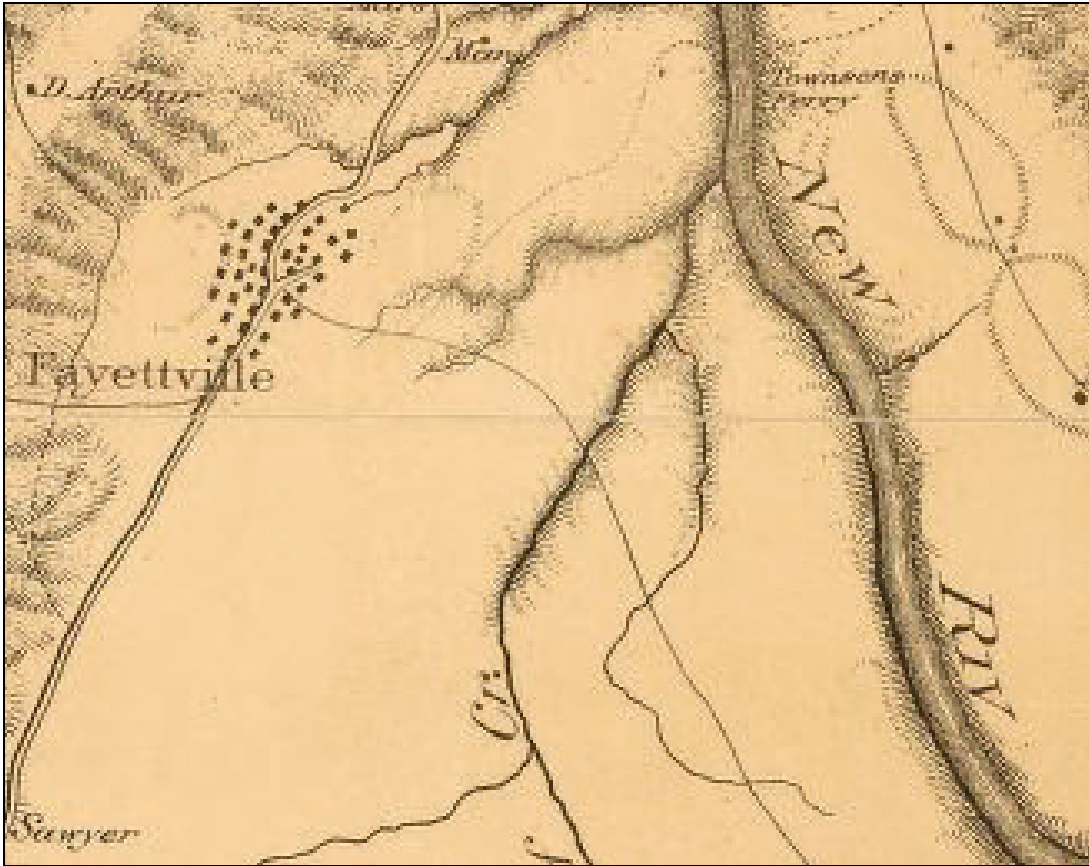
<sup>74</sup> Unrau, *New River Gorge*, 33.



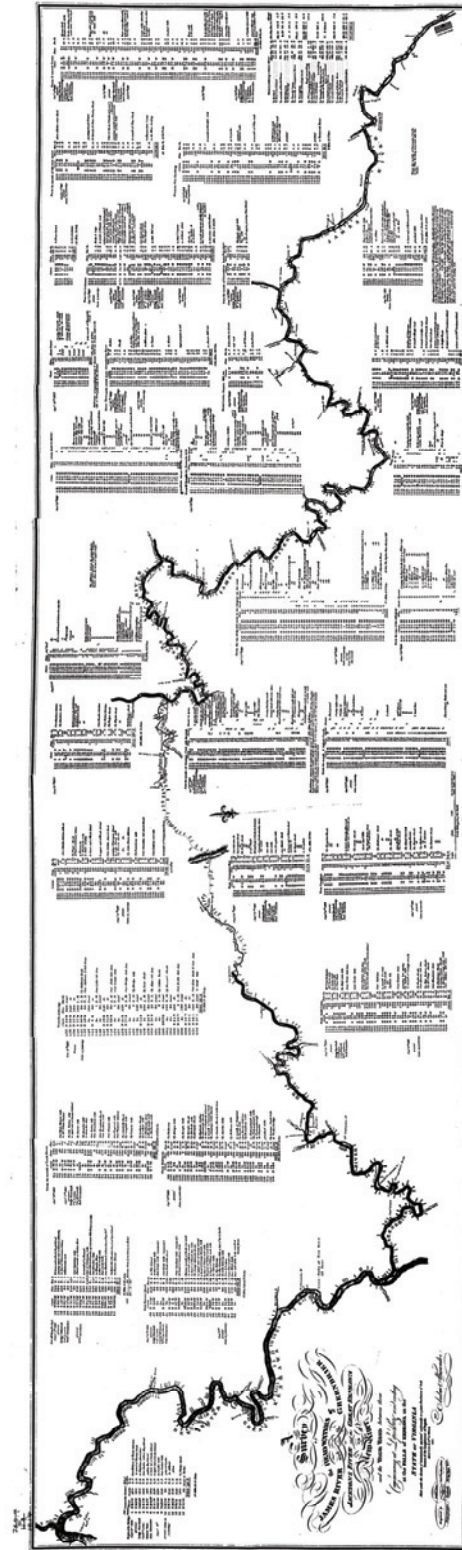
**Figure 3.** The "Old State Road" entered the New River Gorge from the east, descending just south of Mann's Creek to Peter Bowyer's Ferry. From here, it climbed from Cunard to Fayetteville and points west. Map by W.F. Reynolds, W. Margedant, and W. Angelo Powel, 1861. Reference: LC Civil War Maps (2nd ed.), 695. Courtesy of Library of Congress. The reference number refers to the cataloging number of the Library of Congress Civil War map collection.



**Figure 4.** Peter Bowyer established his ferry over the New River in 1798, as a crossing point for the Old State Road. He was the first documented settler in the New River Gorge. Map by W.F. Raynolds, W. Margedant, and W. Angelo Powell, 1861. Reference: LC Civil War Maps (2nd ed.), 695. Courtesy of Library of Congress.



**Figure 5.** Map of the New River Gorge, showing Fayetteville, Virginia, to the west, 1861. Map by W.F. Raynolds, W. Margedant, and W. Angelo Powell. Reference: LC Civil War Maps (2nd ed.), 695. Courtesy of Library of Congress.



**Figure 6.** Map from Chief Justice John Marshall 1812 expedition along the Jackson, Greenbrier, and New Rivers, by Andrew Alexander, 1814. Courtesy of National Park Service.

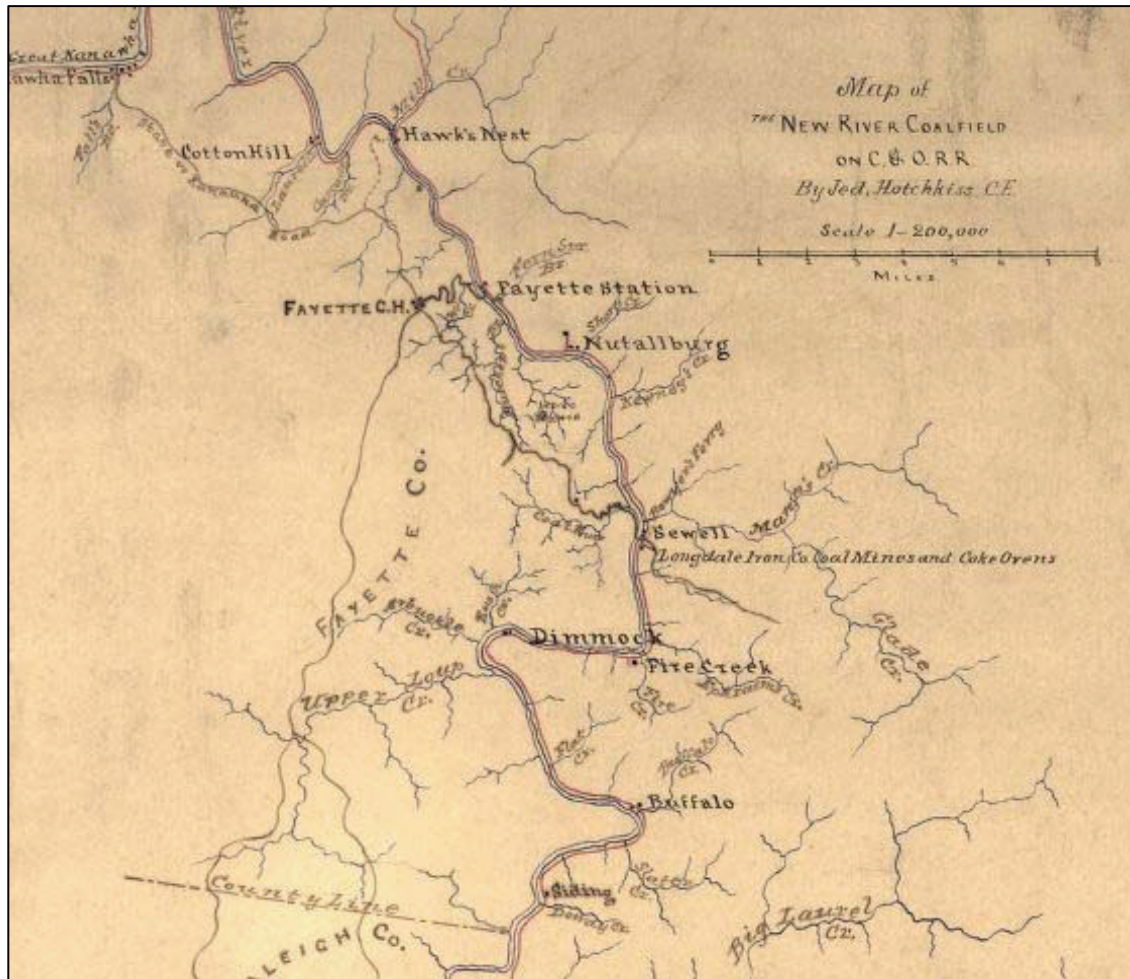




**Figure 7.** Fayette Station Bridge, built in 1889 and replicated late 1990s. Photograph by Gregory A. Good, 2006.

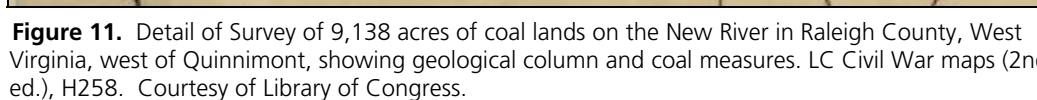
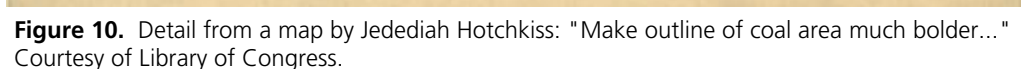


**Figure 8.** "Stretcher's Neck" C&O railroad tunnel downstream at Prince, WV. LC Civil War maps (2<sup>nd</sup> ed.), H258. Courtesy of Library of Congress.



**Figure 9.** Map of New River Coalfield by Jedediah Hotchkiss, 1880s. Reference: LC Civil War maps (2nd ed.), H259. Courtesy of Library of Congress.









**Figure 12.** Tip Car, Kaymoor Mine. Photograph by Gregory A. Good, 2006.



**Figure 13.** Safety warning that Kaymoor miners walked under every day. Photograph by Gregory A. Good, 2006.





**Figure 14.** The Kaymoor Mine Powder House. Photograph by Gregory A. Good, 2006.



## CHAPTER TWO

# EARLY MOVEMENT TO PROTECT THE NEW RIVER AND ITS GORGE

## INTRODUCTION

The rugged terrain of New River Gorge, its diversity of flora and fauna, its cultural and historic resources, and the recreational opportunities it affords, all played roles in early efforts to achieve some type of protection for the gorge. The choice of national river designation came about through a long series of discussions among interested parties. A grassroots coalition formed and pleaded the case for protection of the area in Congress. The initial goal, however, was not protective designation of the gorge in West Virginia, but stopping an engineering project on the Virginia-North Carolina border.

Plans had been proposed in the early 1960s to dam the New River in Virginia, backing up water into North Carolina for pumped storage, the production of hydroelectric power, and the regular flushing of pollution downstream. Proponents called it the Blue Ridge Pumped Storage Project. Many citizens in West Virginia felt that such a dam would negatively affect the gorge. Water flow and quality were major concerns. These West Virginia opponents to the dam joined those in Virginia and North Carolina and helped block the dam before shifting attention toward protection of the New River in West Virginia. The coalition ultimately chose a designation for the New River Gorge that would have a chance of success in Congress.

Chapter 2 examines efforts by Appalachian Electric Power (AEP, a subsidiary of American Electric Power) to build the Blue Ridge Pumped Storage Project and efforts by the grassroots coalition in Virginia, North Carolina, and West Virginia to stop the plan. Powerful forces supported AEP, but prominent politicians came to the coalition's aid. Chapter 2 also describes the shift in focus from the Blue Ridge Project to obtaining a national designation to protect the West Virginia section of New River below the Bluestone Dam. The chapter closes with the debates regarding the best designation for the gorge, how consensus was reached on national river status, and the final push that resulted in national river designation in 1978.

## **APPALACHIAN ELECTRIC POWER AND THE BLUE RIDGE PUMPED STORAGE PROJECT PROPOSAL**

The story of national river designation of New River in West Virginia began in the 1960s in Virginia and North Carolina, but on different terms. Starting in 1962, and for the next fourteen years, protracted battles raged between Appalachian Electric Power Company and its supporters and those opposed to its plans to dam the New River.

In June 1962, AEP applied to the United States Federal Power Commission (FPC) for a two-year, preliminary permit to investigate the possibility of constructing a hydroelectric dam on the Virginia-North Carolina border.<sup>1</sup> On March 11, 1963, the permit was granted and the study began. Nearly two years later on February 27, 1965, AEP filed an application with the FPC to construct a two-dam hydroelectric and pumped storage facility, which it named the Blue Ridge Pumped Storage Project.<sup>2</sup>

According to lawyer and historian Thomas J. Schoenbaum in his book, *The New River Controversy*, a pumped storage facility is unlike conventional hydroelectric dams in that two storage reservoirs must be built. Power is generated at times of peak demand by releasing water from the upper reservoir to turbines at the river; then during slack demand, water is pumped from the lower reservoir to the upper using power from the system itself. At the time, pumped storage facilities such as the Blue Ridge project were considered the solution for problems encountered during times of peak demand. Even though the facility would consume four units of power for every three generated, it would provide a source of instant on, peak demand supply that could be utilized more efficiently than steam electric plants, which are slower to bring on and off line.<sup>3</sup> The net power loss may seem odd, but AEP argued that the utility's load factor was generally improved since pumped storage plants consumed electricity during off peak hours, allowing steam plants to operate on a more continuous basis. As Schoenbaum argued, however, closer analysis proved this unacceptable, since the load factor was not improved by any savings or efficiency. Furthermore, this made the utility a main consumer of its own product. The process would have insured the need for company expansion.<sup>4</sup> The proposed project would have generated a total of 968 mega-watts of electricity from two reservoirs covering a total of 16,600 and 2,850 acres, respectively.

The plan did not initially arouse much concern among local residents. AEP worked to convince local leaders that the project would be beneficial both economically and

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<sup>1</sup> United States of America, Federal Power Commission, Report Opinion 968, June 14, 1974. NERI MPF Misc. 1978-88. Later cited as FPC Report.

<sup>2</sup> Thomas J. Schoenbaum, *The New River Controversy* (Winston-Salem, NC: John F. Blair, 1979), 46.

<sup>3</sup> Schoenbaum, *The New River Controversy*, 84-85.

<sup>4</sup> Schoenbaum, *The New River Controversy*, 85.



recreationally, and most citizens felt that a dam that produced hydro-electric power represented progress. Few protested, and the few who did were largely ignored.<sup>5</sup>

In June 1966, the United States Department of the Interior went before the FPC, which had not yet finished reviewing AEP's plan, and asked to be heard. During that time, the Department of Interior (DOI) was charged with cleaning up pollution in the country's waterways. Because they were concerned with wastes being dumped into the Kanawha River by chemical plants and other industries near Charleston, West Virginia, DOI wanted AEP's reservoirs to include enough storage capacity to be able to release water during times of low flow to dilute pollution in the New and Kanawha Rivers. Its opponents derisively termed this method of dealing with pollution "The solution to pollution is dilution."

The project originally envisioned included 25,000 acre-feet of storage for low flow augmentation. However, in a petition to intervene, the Secretary of the Interior argued that 500,000 acre-feet of storage were necessary to meet Interior's requirement that a project be "best adapted to a comprehensive plan for improving a waterway or waterways."<sup>6</sup>

Hearings held by the FPC in May, October, and November, 1967, showed that to meet the Interior Department's water quality requirements, a much larger facility was needed. In response, AEP submitted a revision in June 1968 proposing to double the storage capacity.<sup>7</sup> AEP's new plan, the Modified Blue Ridge Pumped Storage Project, called for the construction of a combined conventional and pumped storage hydro-electric project on the New River near Galax and Independence, Virginia, and Sparta, North Carolina. The two reservoirs were to lie in Grayson County, Virginia, and in Ashe and Alleghany Counties, North Carolina (Figure 1). Electricity generated would increase from 968 to 1,800 megawatts.<sup>8</sup> The upper reservoir would increase from 16,600 to 26,000 acres, and the lower reservoir from 2,850 to 12,390 acres. Each development was to include a powerhouse, transmission lines, a spillway, and other facilities. The upper dam was to be 1,500 feet long and 300 feet high and the lower, smaller dam 2,000 feet long and 236 feet high.<sup>9</sup> The project would have inundated 44 miles of the main stem of the New River, 27 miles of the South Fork, and 23 miles of the North Fork, flooding hundreds of family farms and some of the richest agricultural lands in the New River upper valley.

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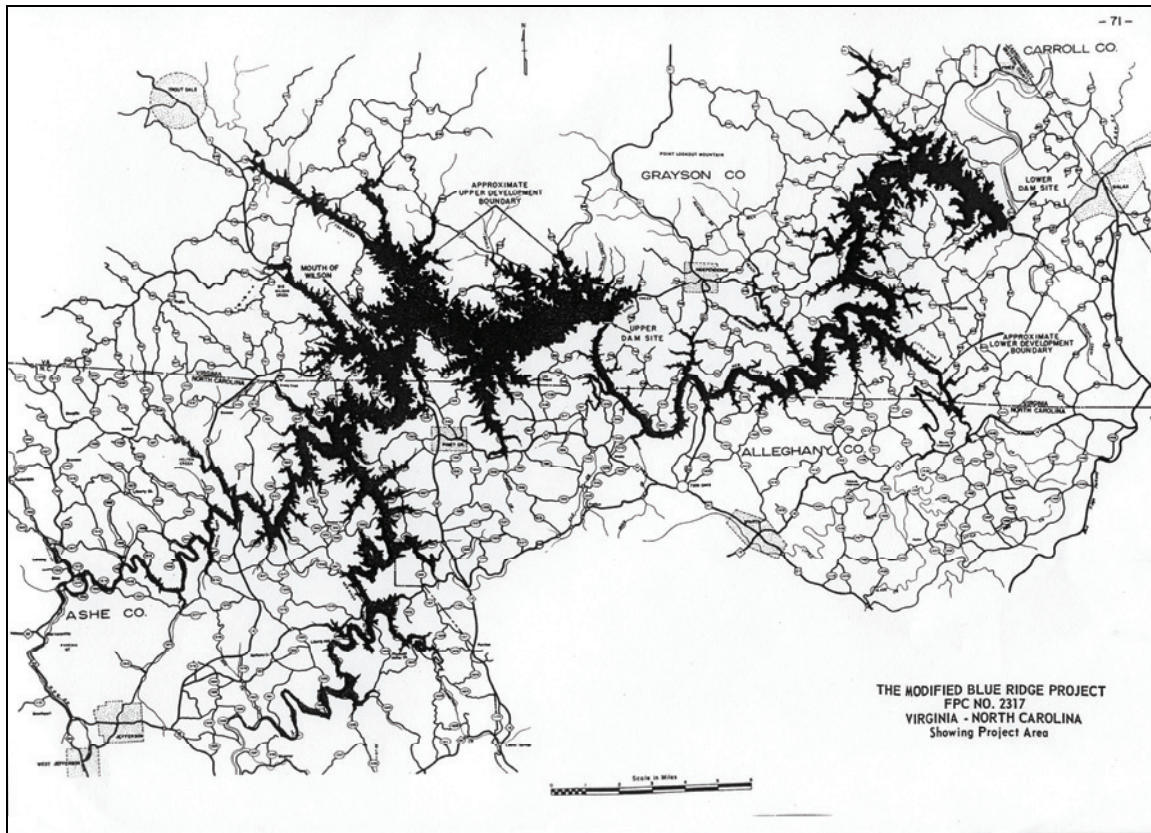
<sup>5</sup> Schoenbaum, *The New River Controversy*, 49.

<sup>6</sup> FPC Report, 4.

<sup>7</sup> Schoenbaum, *New River Controversy*, 49.

<sup>8</sup> FPC Report, 2.

<sup>9</sup> According to Schoenbaum, the project would have consumed 27,900 acres in Grayson County, Virginia, and 5,800 acres and 8,400 acres respectively in Alleghany and Ashe Counties, North Carolina. Approximately 2,700 inhabitants would have been displaced from 893 dwellings, along with 41 summer cabins, 10 industrial sites, 23 commercial facilities, 5 post offices, and 15 churches, in addition to 12 cemeteries. Schoenbaum, *The New River Controversy*, 49-50.



**Figure 15.** Proposed Modified Blue Ridge Project, areas affected. North is up. The border between Virginia and North Carolina is the horizontal line across the center of the figure. Courtesy of *Appalachian Voice*, 2006.

The Agricultural Extension Service estimated the area would have lost \$13,500,000 annually in crop and livestock sales.

AEP sharply disputed this position. To counter the Agricultural Extension Service's estimates, AEP and the FPC launched an ambitious advertising campaign. AEP claimed the project would initially generate about 3,900,000 megawatt hours of electricity, with power production benefits of \$3,145,000 annually. They predicted that an average of 6,230,000 people would visit the project annually for recreational purposes, generating tourist dollars for the region's economy. AEP would donate two state parks, one in Virginia and one in North Carolina, and they said the double reservoir would become one of the most important recreational areas in the southeastern United States, with several million dollars coming in annually by private development spawned by the new visitor influx.<sup>10</sup>

AEP said the project would also provide flood control. They argued:

It will markedly enhance the recreation potential of a portion of Appalachia, and in doing so will be of benefit to the people in the crowded metropolitan areas of much of the eastern United States; and it will encourage economic development in the

<sup>10</sup> Schoenbaum, *The New River Controversy*, 50.

immediate area surrounding the project, as well as provide water benefits downstream where New River flows are periodically in need of augmentation.<sup>11</sup>

The FPC touted a new way of life for the people of the New River Valley, saying:

The recreation potential of the area where the project would be located is enormous. Even now, there are great attractions to visitors, but when water is added, it is destined to become one of the principal recreation areas for the eastern portion of the United States.<sup>12</sup>

AEP elaborated on this theme in a brochure:

Once in existence, the upper Blue Ridge Lake will offer great potential for economic growth. Year 'round and seasonal homes, motels, marinas, and all types of commercial and service facilities will be built around the lake. These facilities will add to the tax base of the counties as well as provide employment and increased sales . . . Finally; Appalachian Power itself will pay millions of dollars of property taxes over the life of its facilities.<sup>13</sup>

Through its aggressive advertising campaign, AEP showed a readiness to fight for the dam. In the company's eyes, it would have enhanced the area economically and provide hydroelectric power and flood control. They felt that the benefits of the dams and lakes would more than offset the loss of agricultural lands.

## **LOCAL COMMUNITY REACTION AND GRASSROOTS OPPOSITION IN NORTH CAROLINA**

Despite AEP's concerted advertising campaign, the announcement of the new, enlarged project did not sit well with the constituents of the upper New River Valley, and produced widespread opposition. Many did not consider AEP's new concept of life in the valley as progressive. Others felt that the recreational and economic potential of the project was an empty promise. They pointed out that the draw-downs for both diluting pollution and generating power would eliminate swimming, since the proposed beach areas would be left high and dry, particularly during the summer months.<sup>14</sup> Some residents believed that the forty-four foot vertical draw down would erode hillsides. They also contended that fluctuations in the water level of the upper reservoir would produce mud flats forty to seventy feet wide, blocking construction of marinas and boat access areas, as well as hindering spawning fish. Still others resented having to provide water to flush pollution from the lower valley far away. Residents felt that those creating pollution should bear the burden of cleaning it up. The Kanawha Valley was badly

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<sup>11</sup> FPC Report, 2.

<sup>12</sup> Schoenbaum, *The New River Controversy*, 50-51.

<sup>13</sup> Schoenbaum, *The New River Controversy*, 51.

<sup>14</sup> Schoenbaum, *The New River Controversy*, 52.

polluted by chemical and other industries, yet communities there were still pursuing new industries for the area. People of the upper New River concluded that they were being asked to give up their ancestral lands to pay for the recklessness of others.<sup>15</sup>

The three affected counties soon produced leaders who opposed the Modified Pumped Storage Project. Two men decided to form the Upper New River Valley Association: Floyd Crouse, a Sparta, North Carolina lawyer, and Lorne Campbell, a conservationist and lawyer from Grayson County. Crouse died of cancer in 1969, but shortly before his death, he asked Sidney Gambill, a tax attorney from Ashe County who had practiced in Pittsburgh, to take his place as president of the association. Gambill did so, and alongside Lorne Campbell, worked against the project for the next eight years.<sup>16</sup>

Initially, those opposed to the plan did not expect to stop it. The FPC held new hearings before Judge William C. Levy in February, June, and July 1969. The Department of the Interior, the Army Corps of Engineers, and the FPC staff all favored the project. However, the state governments of North Carolina and Virginia supported their citizens in arguing against water storage for diluting downstream pollution. In addition, in a letter to the FPC, Governor Bob Scott of North Carolina asked the Corps of Engineers to limit the draw down in the upper reservoir to ten feet to facilitate recreational use.<sup>17</sup>

On October 1, 1969, Judge Levy granted AEP the license for the project. In the decision, he included a provision for 400,000 acre-feet of water storage for diluting pollution in 1975, the first year the project was to begin operation. That figure was increased to 650,000 acre-feet by 1987. He also imposed a ten-foot draw-down limit in the summer months and twelve feet all other times of the year to enhance recreational use.<sup>18</sup>

Virginia and North Carolina filed exceptions to the decision. The FPC then held an oral argument on those exceptions on February 2, 1970. The Attorney General of West Virginia, Chauncey H. Browning, Jr., appeared and asked to intervene. In a radical departure from the views of West Virginia Governor Arch Moore, an avid supporter of the project, Browning stated his objections on the grounds that the release of cold water into the warm water fisheries in the West Virginia section of the New might have an adverse impact on fish populations. He also argued that releasing water to dilute pollution was not only unnecessary, but illegal because of the failure of the downstream industries to provide adequate treatment and disposal of wastes at the site.<sup>19</sup> In an interview with Skip Johnson of the *Charleston (West Virginia) Gazette* the next day, Browning said he “felt the Federal Power Commission was responsive and concerned

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<sup>15</sup> Schoenbaum, *The New River Controversy*, 52.

<sup>16</sup> Schoenbaum, *The New River Controversy*, 53.

<sup>17</sup> Schoenbaum, *The New River Controversy*, 53.

<sup>18</sup> FPC Report, 5.

<sup>19</sup> Schoenbaum, *The New River Controversy*, 54.

about West Virginia's problem with New River in regard to the proposed Blue Ridge Project . . . I'm certain the commission was not aware of the possible adverse effects on the New River [until] Monday's hearing, they are now."<sup>20</sup>

Shortly after the judge's decision, Gambill and Campbell began to seek support of regional and national environmental groups. They persuaded Washington based Izaak Walton League to lend its support through the noted environmental lawyer Edward Berlin. The Conservation Council of Virginia and the West Virginia Natural Resources Council also intervened. The Alleghany Farm Bureau and the North Carolina Farm Bureau joined to oppose the project, as did the Appalachian Research and Defense Fund and the Congress for Appalachian Development.<sup>21</sup>

On February 10, 1970, the Summers County Conservation Club voted unanimously to request the FPC to withhold licensing the Blue Ridge Project until a comprehensive impact study could be conducted on the New and Kanawha Rivers to Charleston, West Virginia. The vote on the resolution came after more than one hundred members heard arguments pro and con. Paul J. Johnson, superintendent of hydro-generation for AEP, argued in favor and Robert Sumner, of the West Virginia Division of Natural Resources (WVDNR), argued against the project. Johnson described the project as "beneficial" and said water flows would cause no appreciable damage downstream. Sumner contended, however, that any flow above an opening of 3 to 3 1/2 gates at Bluestone Dam would halt fishing and boating along the New River.<sup>22</sup>

In June 1970, the West Virginia Highlands Conservancy (WVHC) was invited to appear as a witness under petitions of intervention filed by the West Virginia Division of the Izaak Walton League and the West Virginia Natural Resources Council. A ten-page written testimony was filed by the WVHC with the FPC, and a hearing was scheduled for July 21, in Beckley, West Virginia.<sup>23</sup> Sixteen statements were taken during the morning session including that of the WVHC. All except one opposed the project. The exception was a lawyer representing a North Carolina zoning board who stated that if the project went through his group would be interested in control of the shoreline.<sup>24</sup> In their closing remarks the representatives of the WVHC stated:

People and organizations from North Carolina, Virginia, and West Virginia do not want the project, only Kanawha Valley industries [do]. If the FPC approves the project it will be a case of ignoring the wishes of a vast majority of the people affected in favor of satisfying private interests. The public is being asked to sacrifice a tremendous public resource for the private gain of a very few privileged people. This is America?<sup>25</sup>

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<sup>20</sup> "Blue Ridge Dam Assistance Coming, Browning Believes," *Charleston Gazette*, February 4, 1970, 22.

<sup>21</sup> Schoenbaum, *The New River Controversy*, 55.

<sup>22</sup> "Blue Ridge Plan Delay to be Asked," *Charleston Gazette*, February 11, 1970, 14.

<sup>23</sup> "Showdown at New River," *The Highlands Voice*, June 1970, 1.

<sup>24</sup> "The Blue Ridge Hearings," *The Highlands Voice*, August 1970, 7.

<sup>25</sup> "The Blue Ridge Hearings," *The Highlands Voice*, August 1970, 7.

Despite the remarks of the WVHC, people in positions of power were adamant about obtaining the necessary licensing for the project's construction and forged ahead.

### **FINAL HEARINGS AND GRANTING THE LICENSE TO THE BLUE RIDGE MODIFIED PUMPED STORAGE PROJECT**

Judge Levy held the next hearings in Beckley, West Virginia, and Washington, D.C., in July and December, 1970. Even though opponents of the project came out in force, no one yet expected to stop the project. According to Schoenbaum, even conservation groups were opposed “only to the large scope of the project and the water quality storage component.”<sup>26</sup> Lawyers for the three states involved stated that they only wanted to assure that the project would be “useable and attractive for recreation.”

Although the National Environmental Policy Act (NEPA) took effect January 1, 1970, before the second round of hearings, the FPC did not require AEP to file an environmental impact statement (EIS) until December 1970.<sup>27</sup> AEP submitted a first EIS in January 1971, which the EPA rejected as inadequate. Nevertheless, AEP submitted a similar EIS in April.<sup>28</sup> FPC was also required to submit an EIS.

Levy filed his second decision on June 21, 1971. Called the “Supplemental Initial Decision,” it concluded that the Modified Blue Ridge Project should be licensed, and resolved all outstanding disputes in favor of AEP with two slight modifications. The downstream release rate from the lower reservoir was reduced somewhat in an attempt to mollify West Virginia, and the draw-down rate of the upper reservoir was to be limited to 10 feet throughout the year after 1985.<sup>29</sup>

People in Virginia and North Carolina were outraged. Opponents were particularly angry because Judge Levy, AEP, and the FPC omitted testimony of two scientists from environmental impact statements. Drs. Vinton W. Bacon and David D. Woodbridge, both experts on water quality, had appeared before Levy. They testified that the technology for at source water treatment was available and provided a viable alternative in the Kanawha Valley to the ‘pollution dilution’ approach. When asked in an interview why the information had been ignored, Donald Sander, FPC’s supervisory

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<sup>26</sup> Schoenbaum, *The New River Controversy*, 55.

<sup>27</sup> Robert Seth Woodward Jr., “The Appalachian Power Company Along the New River: The Defeat of the Blue Ridge Project in Historical Perspective,” MA Thesis, Virginia Polytechnic Institute and State University, Blacksburg, Virginia, 2006, 83. Woodward’s thesis includes discussion of primary sources omitted here.

<sup>28</sup> A new edition of Schoenbaum’s book has been published as this administrative history goes to press. Thomas J. Schoenbaum, Sam J. Ervin, and Robert Seth Woodward, *The New River Controversy*, new ed. Contributions to Southern Appalachian Studies, 15 (Jefferson, NC: McFarland & Co., 2007), ix. All references in this administrative history are to the original edition.

<sup>29</sup> Schoenbaum, *The New River Controversy*, 55-56.

council, explained that the adversarial scientific information had been excluded because “there was not enough room [in the document].”<sup>30</sup>

The Attorney General of Virginia, Andrew P. Miller, angered by the omission, filed a brief in August 1971 charging that:

The presiding examiner [Judge Levy] has obviously disregarded the evidence in his efforts to sustain his original decision . . . until such time as there is a showing that there is no adequate treatment for controlling waste at source, any storage for abating that pollution will be illegal as well as inequitable.<sup>31</sup>

Aside from the outrage felt by opponents and Attorney General Miller’s indignation, other forces would soon provide opponents another reprieve.

NEPA required that every agency proposal for a “major federal action having significant impact on the human environment” be the subject of an environmental impact statement in order to ensure that agencies consider cultural and environmental issues, along with economic issues, in coming to any decision.<sup>32</sup>

The FPC was slow to carry out the requirements of the new law. When the U.S. Court of Appeals issued a decision in January 1972 in another FPC case in New York which mirrored the error the FPC had committed in the Blue Ridge proceedings, the decision looked vulnerable. The FPC asked the Supreme Court to reverse the holding, but on October 10, 1972, the Court denied the review and the Blue Ridge Project was remanded to Judge Levy for the third time.<sup>33</sup>

Two months later, in December 1972, the FPC completed a revised Draft Environmental Impact Statement, again recommending approval of the Blue Ridge Project. On July 24 and 25, 1973, Judge Levy held hearings on the project, but it was apparent that the new proceedings and the environmental statement were regarded as mere technicalities that had to be complied with, but nothing had fundamentally changed in the licensing proposal.<sup>34</sup>

Other changes were afoot, however. North Carolina Governor James Holhouser, Jr. had been elected in the 1972 Nixon landslide as the first Republican governor of the state in the twentieth century, and new people in office were ready to look with fresh eyes at state politics. One new official was Robert Finch, a young aide to the assistant secretary of the North Carolina Department of Natural and Economic Resources (DNER). His job was to analyze project impact statements. Upon reading the Blue Ridge statement, an angered Finch pointed out the impact the project would have on the region and recommended the state try to kill it. Art Cooper, Finch’s boss and a nationally

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<sup>30</sup> E.W. Kenworthy, “Pollution Dilution Issue In Blue Ridge Power Plan,” *New York Times*, November 7, 1971.

<sup>31</sup> Kenworthy, “Pollution Dilution.”

<sup>32</sup> Schoenbaum, *The New River Controversy*, 56.

<sup>33</sup> Schoenbaum, *The New River Controversy*, 58.

<sup>34</sup> Schoenbaum, *The New River Controversy*, 60.

known ecologist, agreed and brought the matter to James Harrington, secretary of the DNER. Harrington agreed to investigate further. He met with the main proponents and opponents of the project and came away from the meetings with the feeling that a facility the size of the Blue Ridge Modified Project would damage the economy of the valley.<sup>35</sup> Cooper and Harrington then presented their views to Governor Holhouser and he agreed to oppose construction.

The governor had reason to oppose the project. He had been raised in the town of Boone, North Carolina, near the source of the South Fork of the New River. He knew the people of the region and knew that they opposed the project. But there were political considerations as well. Ashe and Allegheny Counties were among the few counties in the state with strong Republican Parties, so it was in the governor's best interest politically to support the opposition. In addition, AEP did not directly do business in North Carolina, so they had little political influence.<sup>36</sup>

In 1973, Judge Levy again convened a series of hearings on the long festering issue of diluting downstream pollution. The core of the legal question was whether it was feasible for industries around Charleston, West Virginia to treat their wastes adequately. Expert testimony was again offered defending both viewpoints. The Department of the Interior produced studies and witnesses testifying that there was no possible way to control pollution at the source. Environmentalists and the attorneys general from Virginia, West Virginia, and North Carolina provided expert testimony that such technology was available. In his ruling, Judge Levy again found in favor of Interior. In his decision, he wrote that the level of low flow augmentation provided would be a substitute for at source waste treatment and was necessary for the Kanawha River. He reasoned that the necessity for providing water quality storage at Blue Ridge was the major reason for doubling the size of the project to begin with.<sup>37</sup>

Responsibility for administering the nation's water pollution control program shifted from DOI to the newly formed EPA in 1970. On October 18, 1972, Congress passed the Federal Water Pollution Control Amendments. Included in the law was a section addressing 'pollution dilution'. Introduced by North Carolina Senator Sam Ervin (D-North Carolina), it had been designed with such projects as the Blue Ridge in mind. On April 9, 1973, the EPA determined after a review of the Blue Ridge Modified Pumped Storage Project hearing record, and contrary to Judge Levy's earlier ruling, that: "a convincing case has not been made that the capability of providing adequate treatment at the source does not exist." EPA accordingly prohibited any inclusion of storage for improving water quality in the Blue Ridge Project.<sup>38</sup>

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<sup>35</sup> Schoenbaum, *The New River Controversy*, 61.

<sup>36</sup> Schoenbaum, *The New River Controversy*, 62.

<sup>37</sup> Schoenbaum, *The New River Controversy*, 64.

<sup>38</sup> Schoenbaum, *The New River Controversy*, 65.



The EPA decision was legally binding on the FPC, but Judge Levy was undaunted. Although he deleted any references to water quality storage in the licensing proposal, he rejected returning to the original smaller project, and instead, simply found a need to increase the flood control storage capacity from 160,000 acre-feet to 346,000. He also added another new storage requirement of 130,000 acre-feet to improve “fishing and recreation” in the lower valley. He maintained that this was not low flow augmentation for water quality control, but a provision needed to regularize stream flow in the lower basin for the benefit of recreation. On June 14, 1974, the judge issued Opinion and Order No. 968 recommending FPC grant a license to AEP for the purpose of constructing the Blue Ridge Modified Pumped Storage Project.<sup>39</sup>

## GRASSROOTS OPPOSITION IN WEST VIRGINIA

Citizens in Summers, Raleigh, and Fayette Counties, West Virginia, noticed the events unfolding upstream in the early 1970s. They lay between the proposed pumped storage site and the chemical industries of the Kanawha Valley. Jerry Kirk, a resident of Hinton, West Virginia, and one of the first activists in the area, realized early that the Modified Blue Ridge Pumped Storage Project would impact the river and environment he had grown up in. Kirk said:

The straw that broke the camel’s back [was for AEP] to release it, [the stored water] to flush the pollution out of the Kanawha Valley and the chemical complex. Now what that meant . . . was that they were going to start altering flows of the New River. We were going to get extra water through the summer; we didn’t know if it was going to come in spurts, we didn’t know, we just knew that the flows at New River were going to be changed. W.C. and I, [W.C. Parker, another early activist] particularly—some people say we crawled out of rocks under New River—we lived in that river all our lives, we grew up there, and when somebody says to somebody, who grew up on that river and used it like we did, and loved it like we did, “We’re going to change the river, we’re going to take it over” . . . but we decided that if they’re going to take our river they’re going to have to deal with us first.<sup>40</sup>

This attitude by Kirk and others started the grassroots movement to preserve the lower New River in West Virginia. They would not just take lying down what they perceived as the adverse effects of the project. They felt something had to be done to protect the region.

Kirk and others had previously formed a small sportsman’s group in Summers County, but they realized that to become effective lobbyists, they needed more clout. To

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<sup>39</sup> FPC Report.

<sup>40</sup> Jerry Kirk, in Destry Jarvis, ed., *The Oldest New River, Debate in the 1970s: National Park or Wild and Scenic River, A Symposium on the Anniversary of the Establishment of the New River Gorge National River, West Virginia*, a report on the November 9, 2003, panel proceedings. Internal NPS document. N.p., 2003.

that end they affiliated themselves with the Izaak Walton League of America and formed the Three Rivers Chapter with Kirk as its first president. The group began issuing press releases to “advise the public as to what was going on.” John Hodel, publisher of the Beckley newspapers, picked up the story and immediately supported the group’s efforts. Congressman Ken Hechler (D-West Virginia) also quickly gave his support and became instrumental in the movement’s success.<sup>41</sup>

Jim Watkins, another early grassroots member, became involved through neighbors that had been Sierra Club members. They had been following the North Carolina proceedings, and when an effort to block the project failed in Congress, a mock funeral was held in North Carolina. Watkins recalled in an interview:

Ken Hechler asked me if I’d like to go, and of course we went, and the thing that impressed me was there was just no organization . . . no re-organization to try to do something about it. So on the following Monday I called Congressman Hechler’s office, told him I thought it was awful what was going on and I just couldn’t understand why there hadn’t been some kind of a coalition put together to do something about it . . . I guess a half hour later, I get a call from Washington; Congressman [Hechler] said he thought it was a great idea and since it was my idea would I mind chairing the first committee . . . So I opened my mouth at the wrong time and here I am a few years later.<sup>42</sup>

To establish a more substantial power base, the West Virginia group created the Coalition to Save the New River. It originally included Kirk, Parker, Watkins, and Jon Dragan, the owner of the first whitewater rafting company on the lower New River in West Virginia in 1968. They began forming alliances and contacting people opposed to the pumped storage project. Watkins stated that the North Carolina groups were not well organized, “so Kirk and W.C. had some contacts here and there, and we sort of beat the bushes and finally came up with some small groups of people scattered all over the place.”<sup>43</sup>

Through their efforts, the coalition began pulling people together. An organizing committee was formed in Winston-Salem, North Carolina, and a group from West Virginia including Watkins drove down to attend. Watkins described the experience in a 2004 interview:

They thought it was great that people from West Virginia showed up because they weren’t aware that this thing was bigger than just the local area . . . so they finally decided to put together a national committee involving, originally, just Virginia, North Carolina, and West Virginia. The original meeting was held at Hawk’s Nest State Park on the New River. So somewhere back in the original part there were those of us in West Virginia who knew that the gorge would need to be addressed eventually. I think everybody present had that in the back of their mind; that they eventually would like to do something with the gorge protection-wise, but we had to deal with the Blue Ridge Project first.<sup>44</sup>

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<sup>41</sup> Kirk, *Debate in the 1970s*.

<sup>42</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004.

<sup>43</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004.

<sup>44</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004.

The dam project was attracting more attention in West Virginia. Jerry Kirk explained:

We put our organizations together and we began to get publicity. We pounded them, we had letters to the editor, and by golly, one thing after another and the first thing you know, it was pretty significant. Now that was just here in West Virginia, we couldn't do a whole lot from here other than make people aware of it and arouse public opinion. 'Cause these projects were in Virginia and North Carolina, but we had powerful opposition to that. Now when you're talking about American Electric Power Company, and Arch Moore who was governor at the time was 100 per cent in favor of the project, and announced that the State of West Virginia was in favor of those projects, and we had to demonstrate by golly, that that wasn't the case. He may be, but we weren't, and we did draw the sympathy of the state. And it wasn't just the state; there were people from all over the country who got involved in that fight.<sup>45</sup>

Even though Governor Moore solidly favored the modified Blue Ridge plan, it became obvious that many others did not. Through the coalition's mobilization, opposition to the project began to get national attention. E.W. Kenworthy described very succinctly the opposing views held by Donald C. Cook, head of AEP, and the people of the upper New River Valley in the December 8, 1974 Sunday edition of the *New York Times*:

Mister Cook's objective is undisguised, his argument simple . . . He believes that under a free enterprise system, the Government has an obligation to make that [the New River water] available to his company . . . [He] also contends that it [the project] would be a blessing to the valley's residents.

The article then made the point that a majority of the residents didn't see it that way.

Especially the 900 families, between 3,000 and 5,000 people, whose rich ancestral farms would be inundated and who cannot find equivalent farmland nearby at prices they can pay.<sup>46</sup>

Congress had passed the Wild and Scenic Rivers Act in 1968 to protect certain rivers from impoundment, and one day in summer 1973, Sidney Gambill had an idea. Could the New River be declared wild and scenic, thus preventing the FPC from allowing dams to be built? In 1973, Senator Sam Ervin (D-North Carolina), and Congressman Wilmer Mizell (R-North Carolina), introduced bills in the Senate and House of Representatives to require the Department of the Interior to undertake a study to determine whether the New River was suitable for inclusion in the national Wild and Scenic River System. However, the bills came too late to pass, and Congress adjourned in 1973 without acting on them.<sup>47</sup>

On the state level, State Senator Hamilton Horton of North Carolina succeeded in introducing legislation on March 24, 1974. Introduced in both houses of the North

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<sup>45</sup> Kirk, in Jarvis, ed., *Debate in the 1970s*.

<sup>46</sup> E.W. Kenworthy, "The Battle for the Future of the New River," *New York Times*, December 8, 1974.

<sup>47</sup> Schoenbaum, *The New River Controversy*, 68.

Carolina General Assembly, this legislation requested implementation of state wild and scenic designation for a portion of the upper New River. The state decided to include 4.5 miles of the river from the confluence of the North and South Fork, to the Virginia state line. Although it did not have the power to prevent the project, the designation did provide another factor for FPC officials to consider.<sup>48</sup>

North Carolina's action accompanied another effort in Congress. Senator Ervin attempted to introduce a bill in the U.S. Senate. Ervin had joined forces with North Carolina's junior senator, Jesse Helms, a republican, and again tried to propose a feasibility study for including the New River in the federal Wild and Scenic River System. Hearings were held, and after much political wrangling, Governor Holshouser convinced Secretary of the Interior Rogers Morton to support an effort to delay the Blue Ridge Project.<sup>49</sup> Senators Harry F. Byrd, Jr. (D-Virginia, Independent after 1970) and William L. Scott (D-Virginia) declared opposition to the bill, calling it an "ill-conceived attempt to stop Blue Ridge."<sup>50</sup>

On August 1, 1974, Wilmer Mizell presented Kirk's testimony in support of wild and scenic designation before Congress. Mizell described Kirk as a man who lived most of his life in and around the New River and had devoted much of his time to its preservation. He then read comments Kirk had made during a previous meeting into the record.<sup>51</sup>

Speaking on behalf of the Three Rivers Chapter of the Izaak Walton League and the second vice president of the Izaak Walton League, West Virginia State Division, Kirk offered the organization's thoughts regarding wild and scenic protection and the Blue Ridge Project:

To state our official position briefly and bluntly, we want the river left alone, just like it is now. We want no part of the Blue Ridge Project of Appalachian Power Company ... We know from studying the testimony and evidence presented in the Blue Ridge Federal Power Commission hearings, that the proposed modified Blue Ridge dams hold the potential for total destruction of the present natural characteristics of this most unique river which gives so abundantly of water oriented recreation. ... As we see it, we have two choices. We can let it be exploited and ruined by the fickle hand of innate greed of man, or we can preserve and cherish it for ours and future generations. Whichever we choose will tell just what kind of a people and society we really are.<sup>52</sup>

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<sup>48</sup> Schoenbaum, *The New River Controversy*, 68.

<sup>49</sup> Schoenbaum, *The New River Controversy*, 69.

<sup>50</sup> Schoenbaum, *The New River Controversy*, 71.

<sup>51</sup> Congressional Record, 2<sup>nd</sup> Session, 93<sup>rd</sup> Congress, August 1, 1974, Volume 120, Book 20, pp. 26466-26467.

<sup>52</sup> Congressional Record, 2<sup>nd</sup> Session, 93<sup>rd</sup> Congress, August 1, 1974, Volume 120, Book 20, pp. 26466-26467.

Kirk spoke from strength of conviction and with an oratory style reminiscent of naturalist John Muir's sermons on Hetch Hetchy. Muir had once exhorted against those who would flood the Hetch Hetchy valley in Yosemite National Park:

These temple destroyers, devotees of ravaging commercialism, seem to have a perfect contempt for Nature, and instead [sic] of lifting their eyes to the God of the Mountains, lift them to the Almighty Dollar.<sup>53</sup>

Congressional debate on the bill was held December 17, 1974. Ken Hechler represented the people of West Virginia and compared damming the New to dynamiting the pyramids. Others, including Morris Udall, spoke on behalf of preservation, but on December 18, the vote was taken and those in favor of the Blue Ridge Project prevailed. Congress adjourned and did not re-convene until the following January, after the license had taken effect.<sup>54</sup>

On December 20, an article appeared in the *Fayette (West Virginia) Tribune* entitled "Aroused Citizens Prepare to Fight for the New River." The article described a meeting of about thirty citizens that convened in the Federal Building in Beckley, West Virginia, that week. The purpose of the meeting was to map plans to continue the fight to save the New that had begun in North Carolina. The article stated that the "Coalition to Save the New River" meeting had an interesting cross section of Southern West Virginia represented. It included state delegates from Princeton and Beckley, West Virginia, members of the Isaac Walton League of Hinton, Sierra Club members, representatives of the Woodrow Wilson High School Conservation Club, the Fayetteville Conservation Club, representatives of two organizations who used the New River rapids for their Mountain River Tours and Wildwater Unlimited rafting businesses, and a representative of Hechler's office. Hechler's representative relayed a message of support that had been sent to North Carolina Governor James Holshouser, commending him on his stand to block the Blue Ridge Modified Pumped Storage Project and assuring him of the support of West Virginians.<sup>55</sup>

One October day in 1974, two months earlier, Thomas Schoenbaum, the lawyer who had previously suggested wild and scenic designation, conceived a simple solution to stay the FPC from granting AEP its license. He realized that the Wild and Scenic Rivers Act provided an alternative method for establishing a federal scenic river. He noted that:

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<sup>53</sup> Quoted in a classic treatment of environmental history: Roderick Nash, *Wilderness and the American Mind* (New Haven and London: Yale University Press, 1967), 161. Chapter Eight (John Muir, Publicizer, 122-140) and Chapter Ten (Hetch Hetchy, 161-181) provide the context for these comments.

<sup>54</sup> Schoenbaum, *The New River Controversy*, 78.

<sup>55</sup> R.K. Holiday, *Fayette Tribune*, December 20, 1974. MPF, Newspaper Clippings.

Section 2 (a) (ii), Allows the governor of any state to apply to the Department of the Interior to include a river segment within the state as a federal scenic river. The governor must, in his application, certify (1) that the river segment has been designated a scenic river under state law, and (2) that the state has adopted a management plan under which a state agency will manage the river without expense to the United States.<sup>56</sup>

Upon receiving such an application, the Secretary of the Interior was statutorily required to conduct the study, and after months of debate and the filing of several lawsuits, a brief order was handed down. On the last possible day, January 31, 1975, the Court of Appeals agreed to order a stay of AEP's license "pending further order of this court."<sup>57</sup> The tide was turning.

The Committee for the New River had grown to a three-state organization. After the successful passage of the state wild and scenic river designation, Hal Eaton, the organizer of the Virginia chapter, and Jim Watkins, who had founded the West Virginia chapter, met with the people of the North Carolina chapter at their headquarters, and the decision was made to hold a large rally to emphasize the virtues of the river. They agreed that it would rally support.

The Festival of the New, was held July 26, 1975, and was a huge success. The *Beckley (West Virginia) Post-Herald and Register* reported that thousands of visitors had arrived at the Ashe County, North Carolina event. The North Carolina State Police estimated the crowd at five-thousand. The day-long activities included blue grass music, arts and crafts, and a historical pageant depicting the history of the South Fork of the New River from 1751 to 1975.<sup>58</sup> Of particular interest was a large red marker that had been erected on the hillside. If constructed, the dams would have inundated the festival site with two-hundred feet of water. The marker indicated the future surface level if that were to occur.<sup>59</sup> State and national conservation groups, politicians, including Ken Hechler, and musicians and crafts people came from all over. The festival had a tremendous impact on the fight to save the river. It became a celebration of the values the river represented and brought people together as never before.<sup>60</sup>

Despite the feeling of solidarity the festival engendered, the fight to save the river was far from over. Political wrangling continued in and out of the courts, and then in August 1975, the chairman of the anthropology department at Catholic University in Washington, DC, tipped the *Winston-Salem (North Carolina) Journal* that AEP had conducted archeological studies of the proposed dam locations.<sup>61</sup> The people who conducted the studies had found forty-two archeological sites containing numerous

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<sup>56</sup> Schoenbaum, *The New River Controversy*, 91.

<sup>57</sup> Schoenbaum, *The New River Controversy*, 100.

<sup>58</sup> "Thousands Flock to North Carolina Festival," *Beckley Post-Herald Register*, July 27, 1975.

<sup>59</sup> "Thousands Flock to North Carolina Festival."

<sup>60</sup> "Thousands Flock to North Carolina Festival."

<sup>61</sup> It is not clear whether these archeological studies have ever been published.

artifacts, but AEP had not publicized the findings from the studies. AEP's failure to acknowledge or report these findings violated the requirements of NEPA. North Carolina regarded this failure by AEP as just another example of their disregard for the real costs involved in the project.<sup>62</sup>

On March 13, 1976, the new Secretary of the Interior Thomas S. Kleppe announced that he would sign an official order designating the New as a wild and scenic river. But on March 24, the Court of Appeals invoked a stay and said the FPC could proceed with licensing AEP's project. The decision shocked people the length of the New River Valley. It also mobilized them. Appeals were submitted, and the review process gave them more time to garner greater support in Congress. On May 6, Congress debated Scenic Rivers Bill H.R. 13372. This bill recognized "that segment of the New River in North Carolina extends from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia state line" as a Scenic River. It was also designed to block the power project.<sup>63</sup>

The Senate version (S. 158) started moving under pressure from Senator Helms and lobbying by the National Committee. Hearings were held on May 20 and 21, but by June 30, the bill did not have the votes to make it out of the Rules Committee. The National Committee mounted a three-pronged, final effort to save the bill. First, they got their own constituents to generate mail. Second, they sought and obtained national press coverage. Walter Cronkite of CBS, Harry Reasoner of ABC, and David Brinkley of NBC were approached and all agreed to give the movement's efforts coverage, and by mid-July, 1976, the New River controversy was truly a national issue.<sup>64</sup>

The third tactic the National Committee used was to lobby congressmen. They invited congressmen and celebrities to go on canoe trips, and farmers from the New River Valley walked the halls of Congress. By late July, the New River bill was one of the most heavily lobbied measures in the 95<sup>th</sup> Congress.<sup>65</sup>

AEP's failure to disclose the findings of the archeological studies allowed North Carolina and the National Committee to Save the New River to create a broad base of public support. By encouraging the organization of local affiliated chapters across the country, the National Committee was able to generate a tremendous response on behalf of scenic river designation. On August 30, 1976, Senator Ervin described the magnitude of public interest during senate hearings:

Mr. President, my office has been flooded with letters, petitions, pictures, and photographs over the past year with the same message--save the New River. Schoolchildren have composed poems about the New River and newspaper columnists have taken to print again, with the same message—save the New River. Young people

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<sup>62</sup> Schoenbaum, *The New River Controversy*, 124-125.

<sup>63</sup> Schoenbaum, *The New River Controversy*, 162-163.

<sup>64</sup> Schoenbaum, *The New River Controversy*, 167, 169.

<sup>65</sup> Schoenbaum, *The New River Controversy*, 169.

who have just begun to enjoy fishing and canoeing on the New are just as concerned about its preservation as are their parents who have known its pleasures throughout their lives.<sup>66</sup>

In addition to the overwhelming public support Senator Ervin described, the Sierra Club and the Isaac Walton League both featured the New in their publications. By January of 1976 over 150 newspapers nationwide had written editorials in favor of the scenic river plan.<sup>67</sup>

On August 10, 1976, the House passed the New River Bill 311 to 73. On August 30, the Senate took it up and the final vote in favor of passage was 69 to 17. The Blue Ridge Project was dead. At least the North Carolina section of the New now enjoyed the protection of wild and scenic designation. On September 11, 1976, fifty invited supporters of the New River bill, including people of the West Virginia chapter of the Coalition to Save the New River, gathered in the White House Rose Garden to attend the signing of the bill by President Gerald Ford. It was a joyous event. But now that the North Carolina section of the New had been saved, the West Virginia Coalition turned its attention toward gaining some form of protective designation for their section of the valley.<sup>68</sup>

## PROTECTION FOR THE NEW RIVER GORGE

The contacts and experience Jim Watkins and Jerry Kirk gained through their involvement to save the New River in North Carolina were invaluable in their efforts to protect the river in West Virginia (Figure 2). Watkins had been vice president for the National Committee and chairman of the West Virginia group. He won a commitment from the National Committee to lend their support. He said:

We were studying what to do even before the Blue Ridge Project was stopped. There had already been some discussion. We were at a point where it looked like we were probably going to win that one [the Blue Ridge Project]. They started looking at the West Virginia Section because we had got their commitment.<sup>69</sup>

The successful passage of the scenic rivers bill for the New River in North Carolina in September 1976 gave impetus to the movement to protect the New in West Virginia. The National Committee's backing energized the effort and the West Virginia Coalition felt empowered to act.

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<sup>66</sup> *Congressional Record*, Vol. 122, Part 22, 94<sup>th</sup> Congress, Second Session, August 30, 1976, p. 28405.

<sup>67</sup> Schoenbaum, *The New River Controversy*, 131-132.

<sup>68</sup> Schoenbaum, *The New River Controversy*, 178-180.

<sup>69</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004, 4.





**Figure 16.** The New River, upstream of Fayette Station Bridge, 2006. Photograph by Gregory A. Good.

Other events were underway in West Virginia since the early 1970s. According to a 1987 “Narrative History” of the designation of the New as a national river, a joint resolution of the West Virginia House and Senate in 1972 charged the West Virginia DNR to evaluate the recreational potential of the New River Gorge. A year later these bodies passed a second resolution urging the state and federal authorities to cooperate in establishing a national park.<sup>70</sup> According to this narrative, the strongest early support for a focus on recreation and tourism came from the Fayette Plateau Chamber of Commerce in Oak Hill, West Virginia. J.B. Hess, the executive director of the local Chamber, pushed for local newspaper coverage and worked with Senator Jennings Randolph: “assuring the Senator that national park status was the desire of the citizenry living in the New River Gorge area.”<sup>71</sup>

Senator Randolph eagerly supported this proposal and in April 1973 he asked that the federal Bureau of Outdoor Recreation (BOR) help West Virginia’s DNR study national park potential in the gorge. He also introduced Senate Bill 3975 in 1974 to designate New River as a national park. This bill did not succeed.<sup>72</sup> The coalition did not yet include a sufficiently broad consensus among West Virginia’s politicians, especially the Congress

According to the narrative history, Hess also organized local business people into a New River Gorge National Park Committee in 1974. Hess worked with local banker James E. Rust and J. Duvall Schultz, who had proposed a national park as early as 1959 to a U.S. Senate Special Committee on Unemployment. One study completed in 1962 was simply titled “Tourism as a Job Creator – A First Stage Program for the New River Gorge Country.”<sup>73</sup> Clearly, a national park was seen locally and nationally as an opportunity for economic development.<sup>74</sup> By the end of 1974, Hess’s local group completed a long “Comprehensive Plan for Development of New River Gorge National Park,” which enumerated what a national park would require. Their top point was “preserve and augment the natural beauty of the Gorge.” They also recommended a two-lane scenic highway, camping, picnic, and rest areas, hiking and bridle trails, an arboretum of native plants, an outdoor amphitheater, encouragement of whitewater activities, a scenic

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<sup>70</sup> Steven Simpson and Leo McAvoy, “A Narrative History of its Designation as Part of the National Park System,” Final Report FS-North Carolina-1901 (85-07), Appropriate River Recreation Use Study,” January 1987, 3.

<sup>71</sup> Simpson and McAvoy, “A Narrative History,” 3.

<sup>72</sup> Simpson and McAvoy, “A Narrative History,” 4. Randolph’s presentation of the West Virginia legislature’s joint resolutions and request for a national park study: 119 *Cong. Rec.*, 1973, 2195.

<sup>73</sup> Checchi and Co., “Tourism as a Job Creator – A First Stage Program for the New River Gorge Country.” Prepared under contract with the Area Redevelopment Administration. Washington, DC, 1962. Cited in Simpson and McAvoy.

<sup>74</sup> Simpson and McAvoy, “A Narrative History,” 1 and 4. Simpson and McAvoy’s report includes citations of early Congressional Bills, Congressional Hearings, and administrative documents not analyzed in detail here, Appendix A, 22-23.

railroad, an exhibition coal mine, an operating grist mill, and restoration of Thurmond “as an example of the bustling early days of coal mining.” Although Thurmond supported the coal industry, its claim to fame was its railroad history: its history as a railroad town. Local hopes ran high.

Meanwhile, Senator Robert C. Byrd had included \$150,000 funding in the U.S. Department of the Interior budget for FY 1975 to assess the recreational potential of the gorge area. The federal BOR held four public meetings in 1975 in Hinton, Charleston, Fayetteville, and Beckley, West Virginia.<sup>75</sup> According to Simpson and McAvoy, these meetings provided the first opportunity for proponents of national park status and those backing wild and scenic status to get together and express their views. BOR Assistant Regional Director Jack Hauptman stated that the gorge was too developed to be a national park. Still, Senators Byrd and Randolph supported inclusion in the National Park System in some way. Congressman Ken Hechler preferred a national park, but supported wild and scenic status if a park weren’t possible.<sup>76</sup>

W.C. Parker recalled Ken Hechler’s discussion of some sort of designation for the lower New River valley:

We transferred from the Blue Ridge to the national river. We had the momentum as a result of that over there, [their participation in the North Carolina movement] . . . At a hearing in Washington, DC, Ken Hechler expressed to the people of North Carolina that he’d like to have a wild and scenic river status going in the state of West Virginia, so I would say that’s about as early as we were considering that.<sup>77</sup>

Hechler’s suggestion of wild and scenic designation in West Virginia resulted from success in North Carolina and perhaps from BOR public meetings.

Interest in a national park, however, was not dead. Indeed, the BOR report became a focus for continuing debate. Byrd became chair of the Senate Appropriations Subcommittee and scheduled hearings on the BOR report and recommendations in May 1975. The New River Gorge National Park Committee saw a national park as appealing to a broader public. Duvall Schultz doubted the validity of the BOR process. Schultz and other members of the committee convinced Byrd that the local meetings were sidetracked by their focus on the Blue Ridge Project. The committee even obtained a commitment from Senator Byrd to support a national park if locals united behind the idea. One member, James Rust, presciently endorsed a “combination of all three,” that is, national park, national recreation area, and wild and scenic river.<sup>78</sup> Momentum clearly supported some form of federal protection for the lower New River valley.

The deeper everyone looked, the clearer it became that the gorge required some special designation that did not quite fit any of those on the table. The first suggestion of

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<sup>75</sup> Simpson and McAvoy, “A Narrative History,” 6-8.

<sup>76</sup> Simpson and McAvoy, “A Narrative History,” 7-8.

<sup>77</sup> W.C. Parker, in Jarvis, ed., *Debate in the 1970s*.

<sup>78</sup> Simpson and McAvoy, “A Narrative History,” 7-10.

a new alternative seems to have come from Nathaniel Reed, Assistant Secretary of the Interior for Fish, Wildlife, and Parks. In his testimony in May 1975, he suggested that the Ozark National Scenic Riverway (Missouri, authorized 1964) and the Buffalo National River (Arkansas, authorized 1972) provided models for the New River Gorge. John Dragan, operator of a commercial whitewater company and resident in the gorge, also thought that something between a national park and a wild and scenic river would provide the best protection.<sup>79</sup>

To garner support and raise awareness for New River, Parker and others approached the three 1976 West Virginia gubernatorial candidates and questioned them on their opinions. As Parker explained it:

We managed to get all three candidates, Jim Sprouse first. We met with Jim Sprouse in Union, West Virginia and he'd heard all about our river, and he asked us what we'd like to have if he was to become governor. There were twelve of us there, at his home . . . and we told him that we'd like to have him come out against the Blue Ridge Project. He told us to talk to his aide . . . we had him at Thurmond with his back to the river, and took pictures and it hit the papers, then a few days later Jay Rockefeller, who was also a candidate, . . . called Jim Watkins and asked him how he could get himself in a position to be opposed to the Blue Ridge Project. Some time later, Ken Hechler called . . . so sometime later we had three endorsements . . . by the time we started on the national river everybody knew that there was some concern, some love, some interest in the river. I keep going back to the Blue Ridge thing but it helps to understand that we built the platform we needed to accomplish what we accomplished here.<sup>80</sup>

The day in 1974 when Hess, Watkins, and others formed the New River Gorge National Park Committee the focus moved strongly toward protecting the gorge.<sup>81</sup>

The big controversy was not whether to protect the area, but through which federal designation. Different people advocated different designations for different reasons. Parker and Kirk wanted to protect the area because they liked to fish and hunt. It had also been their life-long home. Others were more interested in the economic growth and tourism possible with a national park. The Fayette County Chamber of Commerce and the *Fayette Tribune* editorialized for a national park. National park status would allow development in communities that provide services to visitors. The two groups that emerged both wanted to protect the river; they simply disagreed about the best means.<sup>82</sup> One wanted a designation of wild and scenic as in North Carolina and the other wanted a national park. Despite their differences, the foresight of the two groups seems prescient in retrospect. Real estate development near Fayetteville and along the rim and S.R. 19 since 2000 edge ever closer to the gorge.

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<sup>79</sup> Simpson and McAvoy, "A Narrative History," 10-11.

<sup>80</sup> Jarvis, *Debate in the 1970s*.

<sup>81</sup> Jarvis, *Debate in the 1970s*.

<sup>82</sup> Destry Jarvis, interviewed by Lynn Stasick (telephone), April 23, 2004.

The two designations (national park or wild and scenic river) differ in important ways. The Wild and Scenic Rivers Act of 1968 imposes statutory limitations on land acquisition and specifies no more than a quarter mile of protection from either bank of the river. But the New River is wider than that in places. Destry Jarvis, a Washington, DC, parks management consultant, believed that greater protection was needed:<sup>83</sup>

I was concerned, as were others, that a simple wild and scenic designation would not allow for rim-to-rim protection, and obviously, to me anyway, one of the goals here was rim-to-rim protection. Any new adverse development inside the canyon between the rims would be visually intrusive if not polluting or otherwise damaging to the natural and cultural resources of the place, so I wanted a designation that would reach rim-to-rim.<sup>84</sup>

The people of Fayette County strongly objected to wild and scenic status because they believed that it did not protect their county well enough, and in response, formed the Fayette County National Park Committee (FCNPC), whose slogan was “National Park designation or Nothing.” Congressman Hechler advocated wild and scenic designation and played a pivotal role in the West Virginia Congressional delegation, including encouraging Senator Randolph. However, when asked what they would favor, Hechler and members of Congress said they would not move a bill until there was local consensus. Bills advocating both national park and wild and scenic designation had already been introduced in Congress but they needed that consensus.<sup>85</sup>

New River Gorge, however, did not qualify as a national park because it contained active mines and an active railroad. Nevertheless, people still held out hope, and one group even believed that U.S. Senator Robert Byrd could use his power in Washington to change the rules in order to achieve national park designation. That did not happen.<sup>86</sup> Hearings were held in Washington, DC, chaired by Senator Randolph. People voiced their opinions, but there was no consensus. Again, Senators Byrd and Randolph told the parties that they could not expect conflicting pieces of legislation to get through Congress.

To break the impasse and reach consensus, Doug Maddy, executive director of the Fayette County Chamber of Commerce convened a meeting of all interested parties in August 1977 at the Thurmond, West Virginia church. Dragan, Kirk, and Watkins helped organize the meeting. Among those attending were citizen representatives of Fayette, Summers, and Raleigh Counties, county commissioners, newspaper publishers, members of the Isaac Walton League, and other activist groups.<sup>87</sup>

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<sup>83</sup> Destry Jarvis, interviewed by Lynn Stasick (telephone), April 23, 2004.

<sup>84</sup> Destry Jarvis, interviewed by Lynn Stasick (telephone), April 23, 2004.

<sup>85</sup> Jarvis, *Debate in the 1970s*.

<sup>86</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004.

<sup>87</sup> Destry Jarvis, interviewed by Lynn Stasick (telephone), April 23, 2004.

The meeting needed someone to help the group find common ground. Maddy recalls that a staffer in Washington, DC, recommended Destry Jarvis. When asked what Jarvis' role was, Maddy replied:

I called him a facilitator because that's what he did. He didn't try to impose a position on anybody, he just tried to lay out the alternatives for us and then walk through what each of those [alternatives implied].<sup>88</sup>

At that meeting, Jarvis explained that the National Park Service Organic Act of 1916 has some very philosophical management requirements. He pointed out that the Act specifies that

parks thus established shall be conserved unimpaired for the enjoyment of future generations, but that is about the extent of it. So as each new unit is added to the national park system, the legislation that authorizes that unit writes specific management provisions tailored to that site ... whereas wild and scenic has its own generic legislation that's not part of the National Park Service Organic Act but the Wild and Scenic Rivers Act of 1968.<sup>89</sup>

He made his position clear saying that the NPS Organic Act offered the strongest protection and would be most appropriate for the gorge and the surrounding viewscape. He then introduced an entirely new category for consideration:

My idea was [a] national river [designation], though at the time there was only one such designation, the Buffalo National River in Arkansas, and that designation is a national park by another name. Essentially, it allows flexibility to draw the boundary where it should be and write the substantive legislative provisions which fit the particulars of the given site.<sup>90</sup>

That is, Jarvis re-introduced the idea originally proposed in May 1975 by Nathaniel Reed, Assistant Secretary of the Interior for Fish, Wildlife, and Parks. Hence the Ozark National Scenic Riverway and the Buffalo National River entered discussions of what to do for the New River. Because national river designation fell under the National Park Service Organic Act of 1916, Jarvis thought it might act as an umbrella. It would also allow for the creation of specific provisions tailored to New River Gorge's unique character. Not all advocates for national parks (or NPS employees) saw or see this allowing of exceptional qualities as positive for the system as a whole.

Jarvis's proposal sparked much dialogue at the meeting. He explained that if people kept pushing national park, groups like the National Parks and Conservation Association would oppose it in Congress because the area didn't qualify, whereas national river designation could be fashioned to fit the place. The NPCA and other

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<sup>88</sup> Doug Maddy, interviewed by Lynn Stasick, September 14, 2004.

<sup>89</sup> Destry Jarvis, interviewed by Lynn Stasick, April 23, 2004.

<sup>90</sup> Destry Jarvis, interviewed by Lynn Stasick (telephone), April 23, 2004.

national conservation organizations would support national river status. By the end of the August 1977 session, a fragile agreement had been reached.<sup>91</sup>

The other principal organization active in trying to achieve national river designation was the Isaac Walton League. Kirk and Watkins led the Three Rivers Chapter, and their national conservation director, Maitland Sharpe, had come down and run the river with Jarvis on several occasions. Sharpe became active in the process. Through their Washington office, the League lobbied for designation and testified in favor during the Congressional hearings and was credited with moving the legislation.<sup>92</sup>

Although national river designation gained in popularity by late winter 1978, some locals remained ambivalent. As Jim Watkins recalls:

It might have been the year before the bill was passed [in November 1978] that small pockets [across the area] had some questions [and] I'm sure that was raised in the media, 'Are you sure you want to do it this way?' So somewhere it started to gain some popularity. And then it just sort of snowballed after that. So I think when we finally got the bill introduced in Washington, I don't think there was much opposition to it.<sup>93</sup>

It was becoming increasingly clear that national river designation might be the right decision. At a March 1978 meeting of the FCNPC at the offices of the Chamber of Commerce, J.B. Hess, now chairman of the Chamber's travel committee, stated "we have come to the conclusion that a national park is not going to become a reality." Jarvis, also at the meeting, told the committee that one big step toward resolving problems delaying designation would be if the Chamber advocated a national river rather than a national park.<sup>94</sup> On March 20, the *Fayette Tribune* announced that the Fayette County Chamber of Commerce had unanimously approved the recommendation of national river status. Jim Hess informed board members that the committee recommended that the proposal be presented to the Chamber's directors endorsing national river status as presented by Senator Randolph.<sup>95</sup>

After consensus was reached, the West Virginia congressional delegation introduced legislation in Congress, and the bill began its rounds in committee. However, lawmakers felt they needed to get an opinion from the Department of the Interior before the committee would take the bill up. Phil Burton, a Congressman from California, thought of putting an omnibus bill together. This would combine all legislation relating to the National Park Service and Interior that any member of Congress wanted to pass that year into one piece of legislation. In April 1978, Secretary of the Interior Cecil Andrus sent an official position from the administration to the Congress indicating that

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<sup>91</sup> Destry Jarvis, interviewed by Lynn Stasick (telephone), April 23, 2004.

<sup>92</sup> Destry Jarvis, interviewed by Lynn Stasick (telephone), April 23, 2004.

<sup>93</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004.

<sup>94</sup> "Committee Hears Proposal for New River," *Fayette Tribune*, March 2, 1978, 1.

<sup>95</sup> "Plateau Chamber OKs National River Status for New River Gorge," *Fayette Tribune*, March 20, 1978, 1.

the Carter administration supported national river designation for New River Gorge. It took from April until fall to put the bill together and included 230 separate provisions. Because Congress adjourns late in the fall, it became a race to finish in time.<sup>96</sup>

Senator Robert C. Byrd and others organized an unusual joint House-Senate hearing at the last minute on October 3 to get final input. On October 4, Senator Byrd was ready to take the bill to the floor. It passed the House and went over to the Senate. On October 10, the Senate passed the bill with some minor changes and it then had to return to the House side for them to pass the amended version, which they did on October 13, 1978. On November 10, 1978, President Jimmy Carter signed the bill into law.<sup>97</sup> The New River Gorge National River emerged, as a unit of the National Park System, based on the Ozark National Scenic Riverway and the Buffalo National River. But it had features especially tailored to the situation found in West Virginia. Years of intensive, divided grassroots activism provided the energy. The recent NPS category of national river made it possible. In the end, however, Representative Burton provided the tipping point with his “park barrel” bill of 1978.

## CONCLUSION

The battle for protection for New River Gorge began a hundred miles away with the prevention of the construction of the Blue Ridge Modified Pumped Storage Project in Virginia and North Carolina. Residents the length of the New River valley fought to preserve their ancestral lands and a quieter way of life. With the Blue Ridge project defeated and the North Carolina section of the New River designated Wild and Scenic, the fight re-focused on West Virginia’s New River Gorge. These new actions resulted in the passage in 1978 of the bill authorizing the New River Gorge National River. From that day forward, decisions about the New River would be made in a new context, that of the National Park Service. Actions to be taken regarding natural and cultural resources, recreation, and other issues, would now involve NPS, as well as local residents and other agencies. Following chapters address these new interactions and how they have affected management of these sometimes conflicting interests.

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<sup>96</sup> Doug Maddy, in Jarvis, ed., *Debate in the 1970s*.

<sup>97</sup> Doug Maddy, in Jarvis, ed., *Debate in the 1970s*.



## CHAPTER THREE

# THINKING SMALL: A NATIONAL PARK IN OCCUPIED TERRITORY

## INTRODUCTION

To some outside observers, New River Gorge National River (New River or NERI) got off to a slow start. The authorizing legislation passed through Congress in 1978. For the first few years, National Park Service administrators worked hard at various planning activities. Staff from the Denver Service Center and the Mid-Atlantic Regional Office of the NPS, working with the initial skeleton staff of the park, conducted the public meetings and analysis for the park's first *General Management Plan* (GMP) from 1980 to 1983, and they coordinated background studies by Virginia Tech, the U.S. Geological Survey, the U.S. Fish and Wildlife Service, and others.<sup>1</sup> All these studies required time, of course, but this was partly invisible to the public or the public did not recognize its importance. This chapter examines these planning activities, the process the Park Service used to develop the *General Management Plan* (1983), interaction with other agencies in this process, and the role the public played.

Compounding the apparent delay due to planning, the Park Service decided early on to protect the gorge mainly by easement and zoning, with little actual federal ownership in the gorge. This “small presence” experiment meant that the National Park Service staff was visible mainly at park headquarters and the temporary visitor center at Canyon Rim. This started to change in the late 1980s, when the park shifted to a new emphasis on protecting the gorge through extensive fee-simple acquisition and began significant expansion of staff. Hence, the character of park administration and development in the early 1980s differed fundamentally from that after 1988. This chapter examines the “small presence” period and how the main outlines of park development were shaped by this approach. The succeeding chapter (Chapter 4) concentrates on the period from 1988 on, when rapid growth in federally owned and administered land required a much more elaborated administration.

New River Gorge National River has been a large force in the economy and politics of counties and towns around the gorge. Indeed, without the support of

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<sup>1</sup> See, for example, C. M. Logar, *Projected Economic Impacts of Three Management Plans for the New River Gorge National River 1981-1990* (Morgantown, West Virginia: FEC Associates, 1981); and Paul D. Marshall & Associates, Inc., *A Cultural Research Project: The New River Gorge National River, West Virginia*, 3 vols. (Charleston, West Virginia: for the National Park Service, 1981).

politicians, citizens, and the Chamber of Commerce, New River might never have happened. While support of the national river was strong in the early days, interaction with local communities and governments has not always gone smoothly. Some would say there has been a steady decline in local support for the park.

Local communities have interacted with the park, and disagreed heartily, on three kinds of issues. First, by what means can a national park be established where most of the land is privately owned? By what means can the park acquire land? Second, where will major Park Service facilities be located? In this chapter, the decision to place the Park Headquarters in Glen Jean provides the narrative focus for an issue that has surfaced over visitor centers and other facilities, too. Third, where should the balance point be between protecting the New River Gorge and allowing private development? These questions come down to economic interests, politics, and the mandate of the park. In response, the National Park Service has tried a variety of different means of acquiring land and controlling development. Strategies followed in the early period of New River Gorge differed markedly from those developed later.

## THE SMALL PARK EXPERIMENT

### FORMULATION OF THE 1983 GENERAL MANAGEMENT PLAN

Following the passage of the 1978 legislation (Public Law 95-625) authorizing New River Gorge National River (NERI) in November, 1978, the Mid-Atlantic Regional Office and the NPS Denver Service Center collaborated in a period of information gathering and planning. The authorizing legislation included four general mandates. First, the law required preservation of cultural and natural resources.<sup>2</sup> This was to be achieved through development of studies indicating types and general intensities of development, including visitor circulation and transportation patterns and systems associated with public enjoyment and use of the area. Second, the NPS was to indicate general locations for activities, timing of implementation, and anticipated costs. Thirdly, the Park Service was to identify visitor carrying capacities for all areas where 1978 counts indicated immediate need. Finally, the NPS was to supply indicators of potential boundary changes, and provide explanations for these changes.<sup>3</sup>

The 1981 Park Service document *Revised Task Directive, New River Gorge National River, West Virginia General Management Plan* discussed this process, but pre-planning began in 1980 and was open to citizen input. In spring 1981, the plan was postponed subject

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<sup>2</sup> U.S. Congress, Public Law 95-625, *Congressional Record*, November 10, 1978, 3547.

<sup>3</sup> National Park Service (NPS), *Revised Task Directive, New River Gorge National River, West Virginia, Management Plan*, December, 1981, MPF, Box 5, D18, 3.

to the formulation of new federal land acquisition policies. The process resumed in 1982-1983.<sup>4</sup>

P.L. 95-625 mandated that a general management plan be submitted to Congress no later than November 10, 1981, later amended to November 10, 1982. This required the NPS to address five management areas.<sup>5</sup> First, natural resource issues included management of rare and endangered species, hunting, fishing, and trapping, abandoned mines and subsurface mineral rights, water flow rates and river levels, zoning of all waters and lands, and the identification of potential wilderness designation areas, wetlands, floodplains, and prime and unique farmlands. Secondly, cultural resource issues included management of all cultural resources within the park's boundaries. It recommended implementation of an evaluation process to assess possible inclusion of resources in the "Park Service List of Classified Structures and the National Register of Historic Places." Thirdly, management issues included visitor transportation within the park, interpretive themes and needs, concessions management, river carrying capacities, and the use of permits. Fourthly, general development issues included selection of a site for the park headquarters, location of other maintenance/administrative structures, location of visitor contact stations and interpretive facilities, and location of river access facilities. Finally, the law stated that a land protection plan "shall indicate—(i) the lands and areas which [the Secretary] deems essential to the protection and public enjoyment of the...historic values and objects..." and that the *GMP* would indicate "measures for the preservation of the area's resources..."<sup>6</sup> It would address boundary adjustments, land acquisition needs, zoning management, and land-use management for private lands.<sup>7</sup>

The NPS formulated the *GMP* following its planning guidelines and closely coordinated it with plans in place for nearby state parks. The Park Service and the West Virginia Division of Natural Resources (DNR) worked closely together. The NPS team included a member of the DNR. The Park Service Mid-Atlantic Regional Office and Denver Service Center worked with the West Virginia State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation. The SHPO was also invited to help formulate the plan.<sup>8</sup>

The Park Service held four pre-planning workshops near the park in 1980 in an effort to collect citizen input. The meetings were announced in newspaper advertisements, local radio and television, and a federal register notice. Three-hundred-fifty people and organizations on the park mailing list received planning workbooks. The Park Service held public meetings in Hinton, Fayetteville, Charleston, and Beckley, West Virginia. Nearly one-hundred people responded, and thirty-nine attended the Hinton meeting. The Park Service intended to identify concerns and collect people's ideas as the planning process began. In

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<sup>4</sup> NPS, *Revised Task Directive*, 3.

<sup>5</sup> NPS, *Revised Task Directive*, 5.

<sup>6</sup> NPS, *Revised Task Directive*, Sec 1103 (a) (i) and Sec. 1109 (1).

<sup>7</sup> NPS, *Revised Task Directive*, 5-6.

<sup>8</sup> NPS, *Revised Task Directive*, 7.

June 1980, the assistant manager of the Mid-Atlantic/North-Atlantic Team summarized the results to the Mid-Atlantic regional director.<sup>9</sup>

Jim Carrico, the park's first superintendent, started the workshops, followed by planning team captain Dan Huff. They described the planning process, and provide participants with a pre-planning workbook. They were randomly divided into groups. Discussion leaders were chosen to work through the topics and gain consensus among participants. Planning team members circulated among the groups helping to resolve stalemates. If consensus was not reached, unresolved viewpoints were recorded. After two hours, thirteen teams in four workshops presented their ideas. The information was combined, arranged by topic, and merged with similar ideas.<sup>10</sup>

Participants were encouraged to send personal comments to the Park Service and to give workbooks to friends and neighbors. The *GMP* planning team intended to use response sheets and individual comments to formulate proposals. The following concerns emerged. Travel to the New River Gorge and access within the gorge topped the list. Nearly all thirteen workshop groups recommended better passenger rail service. Visitor activities, recreational and service facilities, information and interpretation, natural and cultural resource management, park boundaries, operations and administration, primitive area management, and timber and mining activities filled it out. Most groups felt that motorized trail use was inappropriate.<sup>11</sup>

In August 1982, the Park Service released the *Draft General Management Plan/Environmental Assessment* (Figure 1.). The document offered a preferred plan and three alternatives. All had several items in common. These included a description of the park's natural and cultural resources, land use and activity patterns, recreational use, and visitor services. Also included in all of them were a plan for studying river carrying capacities and one for private enterprise to provide commercial visitor support services such as restaurants and service stations. The document also outlined hunting and fishing regulations, camping practices, illegal taking of timber, and a land protection strategy for minimizing impacts of access and development.<sup>12</sup>

From August 10 to September 24, 1982 NPS opened the process to public input.<sup>13</sup> The Park Service General Management Planning Team held meetings at which the general public,

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<sup>9</sup> Assistant Manager, Mid-Atlantic/North Atlantic Team, memorandum to Regional Director, Mid-Atlantic Region, June 1980, MPF, Box 1, A3821, 1. No copy of this memo is preserved at NERO-P. The Denver Services Center Assistant Manager was Gerald D. Patten. The Acting Regional Director was James W. Coleman, Jr. It is quite challenging to assign authorship with certainty. Coleman served in a long-term position as Acting Regional Director.

<sup>10</sup> Assistant Manager, MA/NA Team, memo to Regional Director, 2.

<sup>11</sup> Assistant Manager, MA/NA Team, memo to Regional Director, 4-10.

<sup>12</sup> Clif Bobinski, *Planning Documents Report for New River Gorge National River*, August 16, 2004. This is an unpaginated, annotated bibliography in the files at NERI.

<sup>13</sup> NPS, *General Management Plan Summary and Summary of Public Response to Draft Plan*, 1983, 1, 11. Hereafter cited as *GMP* or, if unclear from context, *GMP (NERI)*.

businesses, and special interest groups commented on the proposals. The Park Service solicited and recorded written comments and responded to them.<sup>14</sup>

The community believed proposed reliance on local zoning to accomplish land protection objectives would be ineffective. The draft plan proposed protecting resources on private land through a combination of active monitoring programs, cooperative agreements, and technical assistance for private individuals.<sup>15</sup> However, many citizens felt that zoning would not work and that protection of natural and cultural resources and scenic values would require greater Park Service input.<sup>16</sup> The Planning Team responded that the Park Service realized that low federal involvement would allow resource losses and would not create the traditional park-like atmosphere some people envisioned, but it was the most feasible plan. NPS staff said responsibility lay with communities to work with local government to regulate appropriate use of private lands. NPS suggested that they be notified of potentially incompatible uses.<sup>17</sup>

The Park Service completed the *Draft General Management Plan/Environmental Assessment* in November 1982. It included seven major sections to direct management and development in the park for the next ten to fifteen years. "Management Zoning" described management categories for all land NPS intended to acquire. "Resource Management" described approaches to be used in natural and cultural resource management. "Visitor Use and General Development" dealt with visitor activities and facilities. "Park Operations" included location of administrative and service facilities. "Land Protection" detailed strategies and general guidelines for safeguarding landscapes. This section included acquisition policy for lands necessary to the plan. The section "Costs" assigned costs to each action. Finally, "Implementation Needs" addressed steps needed to make the plan a reality.<sup>18</sup>

In March 1983, the Park Service released the *General Management Plan*. It described management strategies and facilities to be built as indicated in the 1982 *Draft GMP*. It included a feedback section containing public comments on the draft. Copies were available at libraries in Fayette, Raleigh, and Summers Counties, and at park headquarters in Oak Hill. The Park Service circulated a brochure with an overview of the plan.

## NEW RIVER HEADQUARTERS TAKES SHAPE

The story above, based mainly on archival files, is, however, rather lifeless. The clearest impressions of the early years of the New River Gorge National River come from talking to people who were there, from balancing their different perspectives, or at least from placing several testimonies side by side. The personalities of the interviewees and of the people they discuss necessarily color not only the history, but they also colored what happened in the

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<sup>14</sup> *GMP*, 8.

<sup>15</sup> *GMP*, 2.

<sup>16</sup> *GMP*, 8.

<sup>17</sup> *GMP*, 10.

<sup>18</sup> *GMP*, 2-3.

park at the time.<sup>19</sup> The first two superintendents, Jim Carrico (1980 to 1985) and Joe Kennedy (1986 to 1995) had distinct personalities that strongly affected the park's history.

A few individuals are still available for interviews who worked for the New River Gorge National River in the early 1980s. Peggy Maddy, who in 2006 was still a contracting specialist at the park, provided some of the most detailed stories of early days in the park. She started work for New River in 1984, just before the second superintendent, Joe Kennedy, replaced Jim Carrico. Although she only worked with Carrico for about a year, she formed an impression of him and heard stories from the other staff of the early days. Margaret Garvin, administrative technician, had been with Jim Carrico from the very first and she and Peggy Maddy worked side by side for over five years.<sup>20</sup>

The first "office" of New River Gorge National River opened in the basement of Jim Carrico's home in 1981. The local presence of the National Park Service was very small. There was no land base, since the original idea was to protect the gorge mostly through local zoning and protective easements on private land. There were no trails, no developed campgrounds, no visitors centers.<sup>21</sup> Superintendent Carrico and Margaret Garvin for the first few years provided local coordination for the Park Service planners who came in from the Regional Office, the Washington Office, or the Denver Service Center. There was no other staff at first.

By 1983, half a dozen employees worked at the Headquarters, above a Bible book store and a flower shop on the main street in Oak Hill. Mary Pearson, who still worked for the Park Service in 2004 in Oak Hill, started work in that office in October 1983, as a temporary clerk-typist. She recalled there being the superintendent (Jim Carrico), the assistant superintendent (Bob Whitman), the management assistant (Margaret Garvin), a chief ranger, a chief of interpretation, and herself. She remembered that "back in the olden days" there wasn't a Maintenance Division and that when one was instituted, she at first didn't understand the need for it. From that core, the staff of the New River Gorge National River grew.<sup>22</sup>

Pearson described the reaction of local people to the park. She said that she was surprised when she first started in the office that some people had never heard of the New River Gorge National River: "After that, each year more and more people became familiar with who we were, what we were doing here. The ones I talked to thought, oh, it was just wonderful. But it was just like a little while catching on, like anything brand new."<sup>23</sup>

By 1985, Peggy Maddy recalled there were about twenty employees. While most of these worked directly under Carrico as park employees, a new Park Service unit opened in Oak Hill, the Land Office, discussed below. The maintenance staff consisted of Bob Schenck

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<sup>19</sup> For a detailed "Time Line of the New River Gorge and the National River," see Appendix A.

<sup>20</sup> Peggy Maddy (Contract Specialist), interviewed November 17, 2006, by Gregory A. Good. Garvin retired before the 1991 move of the headquarters to Glen Jean.

<sup>21</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.

<sup>22</sup> Mary Pearson, Legal Instruments Examiner, interviewed June 24, 2004, by Lynn Stasick.

<sup>23</sup> Mary Pearson, Legal Instruments Examiner, interviewed June 24, 2004, by Lynn Stasick.

and two workers, plus “Green Thumb” seasonal employees, on a senior citizen program. Schenck, a landscape architect, had been a member of the Wild and Scenic Rivers study team of the BOR/NPS and served as an Outdoor Recreation Planner.<sup>24</sup> Since the Park Service owned little land in the 1980s, there wasn’t much to take care of: only the offices in Oak Hill and a visitor center in temporary buildings on West Virginia Department of Highways land at the north end of the New River Gorge Bridge. The Park Service took over staffing this visitor center from the West Virginia Department of Highways in 1983.<sup>25</sup> In the early days, the chief ranger was in charge of law enforcement for the entire park, as well as the Natural Resource Management team, including Dave Reynolds (at New River 1982 to 1987).<sup>26</sup>

In any unit of the National Park System, the superintendent strongly shapes the character of the park during his or her time. Jim Carrico certainly did. Peggy Maddy came to the park from working for the U.S. Army. She said: “It just was a different kind of atmosphere.” Everyone was relaxed, not formal, and on a first name basis. She liked it so much that she gave up a permanent GS-6 job for, initially, a temporary GS-4. She moved up almost right away to be Carrico’s secretary. In such a small, and increasingly crowded, office, she rubbed shoulders with everyone and was involved in a variety of functions. Among other things, she typed the *Land Protection Plan*.<sup>27</sup> It was at this time that the park received its first two IBM computers.

Other people remember Jim Carrico a bit differently. Destry Jarvis, who in the early 1980s was the Legislative Director of the National Parks and Conservation Association, reflected that he thought Carrico had been the wrong personality to start up this particular new park.

NERI had total local support, and what struck me at the time and what frustrated me at the time, in the NPS . . . a superintendent, the chief manager of the place in the park system, is pretty powerful, becomes a pretty powerful player in the local community. They have a lot of autonomy, they have a lot of decision making, they have a lot of money and make things happen or not depending on their particular personality, and I couldn’t understand this. I certainly told them as did others that they put a superintendent in that was the nicest guy you’d ever want to meet. Real easy-going, real laid back, you know, I’m here to help, I want to get along with everybody. I’m gonna make things happen at the right time and we’re gonna get together and do good things and do them together and blah, blah, and he was very slow.<sup>28</sup>

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<sup>24</sup> Clifton Tobias, comment on draft of this administrative history, 2006.

<sup>25</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.

<sup>26</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good. Reynolds as of 2005 was the Deputy Associate Regional Director for Natural Resources and Science, Northeast Region. Memo, Deputy Associate Regional Director, Northeast Region, to Historian, Northeast Region, December 23, 2005.

<sup>27</sup> Note that the *Land Protection Plan* was finalized in July 1984. Remembering exact dates is one of the hardest parts of oral history. Possibly 1985 is the year that Peggy Maddy became a permanent employee of NERI and she may have worked as a temporary hire in 1984.

<sup>28</sup> Destry Jarvis, former Legislative Director, National Parks and Conservation Association, interviewed April 23, 2004, by Lynn Stasick.

In Carrico's defense, Jarvis may not have been aware of the constraints he operated under, and his memory no doubt reflects how he thought things should be done. Another activist involved in establishing the park, Jim Watkins, recalled that as a local he had his best access to Jim Carrico of all the superintendents. "Jim would sit over beers and talk out the issues," Watkins said. "He was the right guy they sent here in the first place."<sup>29</sup>

Jim Carrico moved on to become the superintendent of Big Bend National Park in Texas from 1986 to 1990, and as of 2006 owned the guiding company Desert Sports in the Big Bend area.<sup>30</sup>

Joe Kennedy came in as superintendent, from 1986 to 1995. Peggy Maddy remembered: "We had some good times with Joe Kennedy."<sup>31</sup> When he arrived, the second floor office was crammed with about twenty people, and the Land Office then had five employees.<sup>32</sup> Even with this modest expansion, Peggy Maddy remembered it was still sort of a family. "Up there [in Oak Hill] everybody worked together, whatever project it didn't matter what division, it didn't matter where the funds came from. Everybody jumped in and did it."<sup>33</sup>

An indication of the light atmosphere was Kennedy's sexual harassment "policy." The stairs to the office were steep. According to Maddy, Kennedy said: "If anybody misbehaved we could push them down the stairs and he would swear they fell." She said it was just an office joke, of course, but Kennedy was a laid-back person, a "good old boy kind of guy, but extremely sharp."

In the late 1980s, Kennedy encouraged "cross-training." Law enforcement ranger Cindi Braddy took headquarters personal out on patrol. They all went to a different part of the park every month to "see what's there." When New River got the Mary Ingles Trail, everyone took a day and hiked it. And the maintenance staff sponsored river rafting days. Even after 1991, when the Oak Hill office closed and the staff moved into a newly constructed headquarters in Glen Jean, some playfulness continued. Kennedy always kept his walking stick and cigar handy since he walked the trails all the time. Maddy indicated that he walked not only to get to know the park, but also to burn off frustration from the political nature of the job. So, since it was a non-smoking building, the workers built him a shelf just outside the door for his cigar and walking stick. In return, he loaded staff into a government vehicle and took them all to a local Chinese restaurant, on orders that "everyone has to talk business."<sup>34</sup>

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<sup>29</sup> Jim Watkins, local leader in the Isaac Walton League, interviewed September 10, 2004, by Lynn Stasick. The roles of Jarvis and Watkins are examined more in Chapter Two.

<sup>30</sup> See <http://www.desertsportstx.com/>.

<sup>31</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.

<sup>32</sup> Mary Pearson, interviewed June 24, 2004, by Lynn Stasick.

<sup>33</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.

<sup>34</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.



Kennedy's efforts to maintain the small-park atmosphere of the days of the New River Gorge National River, however, indicated that in fact fundamental change had already begun. Once, during the transitional period, the maintenance staff built three rocking chairs of dramatically different size to accommodate Superintendent Kennedy, Assistant Superintendent Henry Law, and two other employees (Figure 2.). This mood soon passed. By the late 1980s the staff was too large to fit in one office, the pressure for more land acquisition was growing, and the on-the-ground responsibilities were increasing. The park was about to become a much bigger, more complicated park.

### **OPENING OF THE LAND OFFICE: HINT OF A LARGER PARK?**

Through the influence of Senator Robert C. Byrd (West Virginia-D), as head of the U.S. Senate Appropriations Committee, Congress funded the Land Office in Oak Hill, West Virginia, with regional responsibilities. Steve Blackburn set up the Land Office in 1984 and 1985, just down the street from the Bible book store.<sup>35</sup> Mary Pearson, on the advice of park Assistant Superintendent Bob Whitman, applied to be Blackburn's first realty clerk.<sup>36</sup> The Land Office mixed together employees of WASO (Washington Office) and the Mid-Atlantic Regional Office (MARO), all answering to supervisors outside of West Virginia.<sup>37</sup> Nevertheless, they worked closely with the New River staffers, who were, after all, a lot nearer than the national and regional offices. Some of them – like Mary Pearson – were locals, with experience working with local government.

When the Land Office opened officially in Oak Hill in February 1985, this heralded predictably strong interactions between the Park Service and the local population around the complex issues of property. As Pearson recalled in her 2004 interview, it was an exciting time:

That's when I had a chance, the first time in my life, to review title policies, which I still do now, here. And learn about the acquisition process, the acquisition of land, of real estate, for the Park Service, for the New River Gorge. And of course for Gauley.... And I found it very, very interesting, very fascinating, and a lot of learning, and you know we learned something new every day. So we had a land acquisition officer in the Lands Office when it was established, and I was a realty clerk, and we had one realty specialist, who did the negotiating with the land owners, and we had one appraiser who appraised the land, and everything fell into place. From the beginning, I was new to all this. I had never worked anything related to titles, anything about title insurance, title insurance policy... And of course you learn every day, and you know you're part of this, almost like history in the making. I grew up back here, and that was of course way, way before New River Gorge or the bridge and little did you know that later on in your life you

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<sup>35</sup> Mary Pearson (NERI Legal Instruments Examiner), interviewed June 24, 2004, by Lynn Stasick.

<sup>36</sup> See Chapter Seven of this administrative history.

<sup>37</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good. Later history of the Lands Office is treated in Chapter Seven.

would become a small part of that history, right in the making... It just makes you feel like it's all worth it. I'm just so glad that I could be part of this.<sup>38</sup>

Mary Pearson, who grew up in coal camps in the New River Gorge, typifies the part of the local population that embraced the new park and what it could do for the area. But of course, not everyone felt that way.

As Pearson described it, the process of property acquisition proceeded systematically and slowly. All purchases were and are from willing sellers: small ones of a quarter acre, large ones approaching 8,000 acres. Sometimes property owners approached the Park Service, and sometimes communication was "by word of mouth." But after the process had started, she said:

Everything has to be documented, just the way it should be. I mean, it's not like you go talk to the landowner or you call him on the phone and he agrees to sell his land. Once you have it appraised, you let him know how much it is, what the value is. We have to do offers, we have to send letters. Every single step, and it's a long drawn-out process.<sup>39</sup>

In fact, other steps intervened. Hazmat surveys and clean-ups, if needed, had to be completed. One Land Office employee determined if the property was inside the boundary of the park. Another, the land acquisition officer, conducted an appraisal, sent a "Just Compensation" letter, and negotiated with the land owner, if necessary. Then letters and memos flowed, to regional offices, Washington offices, and to the superintendent. This process could take months or years. The Park Service purchased large tracts of land at lower per acre cost in the 1980s and 1990s. Since about 2000, more recent purchases have included smaller, developed tracts, at a higher unit price.

## SELECTING A SITE FOR A NEW NEW RIVER HEADQUARTERS

Public Law 95-625, which created New River George in 1978, gave only general direction relating to park facilities. It stated that within three years, the park would develop a general management plan indicating

types and general intensities of development ... associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs...<sup>40</sup>

The 1983 *General Management Plan* (GMP) stated that New River Gorge headquarters would operate "in leased space in or near Oak Hill."<sup>41</sup> The plan assigned the

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<sup>38</sup> Mary Pearson (NERI Legal Instruments Examiner), interviewed by Lynn Stasick, June 24, 2004.

<sup>39</sup> Mary Pearson, interviewed by Lynn Stasick, June 24, 2004.

<sup>40</sup> U.S. Congress, Public Law 95-625, Section 1109 (2), *Congressional Record*, November 10, 1978, 3547.

<sup>41</sup> NPS, *Draft General Management Plan Summary*, 1982, 27. James Carrico, Legislative Support Data, May 19, 1986, MPF, Box 23, W3823.

superintendent, division chiefs, and their staff to this headquarters “to consolidate management functions and promote effective communication within the agency, with outside agencies, and with the public.”<sup>42</sup>

NPS established its first office, accordingly, in rented space in downtown Oak Hill. But between 1978 and 1986 the number of park employees grew to twenty-one. The rooms over a flower shop and Bible book store on Main Street became very cramped.<sup>43</sup> In a 2004 interview, retired New River Executive Secretary Edith Bailey described the condition of the offices when she arrived in 1987:

I would say everything was still in a primitive state. There really hadn’t been a lot of improvements to the building. . . It was very cold in there in the winter time and very hot in the summer time. We had all of our employees that were just sitting very close to each other, and we had four maintenance employees—four or five maintenance employees.<sup>44</sup>

In response to these conditions, New River conducted a survey to select a permanent headquarters site. After careful consideration, the Park Service determined Oak Hill offered no adequate property for a permanent facility.<sup>45</sup> In February 1986 the Park Service planning team recommended locating park headquarters four miles south of Oak Hill in Glen Jean.<sup>46</sup> NPS’s Division of Legislation—responsible for land acquisition—requested supporting data gathered during the survey. In May, Superintendent James W. Carrico sent the document to the division. It described and defended the proposed selection of Glen Jean as the likely new headquarters site, reviewed positions of state and local governments toward the proposal, the position of landowners who might be affected, and summarized special problems.<sup>47</sup>

The proposal authorized a ten-acre site on a former ball field within the town, across the street from the Bank of Glen Jean, as the permanent headquarters for New River, despite a finding of potential flooding of Dunloup Creek identified in a 1971 USDA report. The justification for the site selection included a list of twelve favorable items. Access was a concern, and the data indicated that Glen Jean provided safe and convenient entry and exit from S.R. 16/19. Signage to the site from the highway would also be easy. The location provided adequate land to accommodate staff and visitor parking and park vehicles. It also provided enough room for the maintenance facility to have separate access for low visibility and adequate land to accommodate office staff, training and conference space, and a visitor reception area.<sup>48</sup> Moreover, the Bank of

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<sup>42</sup> *GMP*, 27.

<sup>43</sup> Edith Bailey, retired NERI Executive Secretary, interviewed by Lynn Stasick, June 25, 2004; Peggy Maddy, interviewed by Gregory A. Good, November 17, 2006.

<sup>44</sup> Peggy Maddy, interviewed by Gregory A. Good, November 17, 2006.

<sup>45</sup> Draft Hearing Statement: Glen Jean, June 3, 1986, MPF, Box 23, W3823.

<sup>46</sup> “River Boss Wants to Scrap Glen Jean Site,” *Fayette Tribune*, August 20, 1987.

<sup>47</sup> Legislative Support Data, May 19, 1986, MPF, Box 23, W3823.

<sup>48</sup> Legislative Support Data, May 19, 1986, MPF, Box 23, W3823.

Glen Jean had been placed on the National Register of Historic Places in 1983 and archeological compliance work was underway by Louis Berger and Associates as late as 1987.<sup>49</sup>

The report said the proposed site allowed minimal visual impact of the headquarters and the setting was as natural as possible, consistent with security. The proposed site was convenient to municipal water and sewer service. The report stated, lastly, that both state and local government officials supported the proposal as did the majority of the residents in Glen Jean.<sup>50</sup>

In February 1987, Joe Kennedy replaced James Carrico as superintendent. (Robert L. Whitman was acting superintendent from mid-September 1986 through January 1987 (between Carrico and Kennedy.) Within a few months of his arrival, Kennedy became very frustrated with the conditions in the Oak Hill office, the slow pace of the site-selection process, and the possible choice of Glen Jean as the headquarters site. Despite the legislative data report, some residents in Glen Jean opposed the Park Service plan and some had refused to sell their property, causing delays. Edith Bailey remembered Kennedy's dismay with the situation:

I think at that time, when he [Kennedy] first came here, headquarters was the main issue. It had been in the planning stage for quite a while and we were so cramped up in those offices, and he really wanted it to take place, and one of the things that did take place was he wanted to have the site moved from Glen Jean to Burnwood [a campground near Lansing and Canyon Rim]. He had worked with the regional office and that was what he wanted to do.<sup>51</sup>

The legislative data report indicated that there did “not appear to be any problems related to the [Glen Jean] site.”<sup>52</sup> Superintendent Kennedy felt differently. Glen Jean sits at the convergence of Dunloup and White Oak Creeks. During high water, this is a flood plain. Kennedy felt that the Burnwood Campground, located on higher ground, was a better location.<sup>53</sup>

In a memorandum to the Regional Director of the Mid-Atlantic Region, Kennedy revealed his feelings:

We recommend that the headquarters site be relocated to the former Burnwood campground site. This requires considerable re-studying and reappraisal of our situation by New River Gorge National River, Mid-Atlantic Region, and the Denver Service Center.<sup>54</sup>

He listed the following reasons:

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<sup>49</sup> Written communication, NERI Cultural Resource Specialist David N. Fuerst, 2006.

<sup>50</sup> Written communication, NERI Cultural Resource Specialist David N. Fuerst, 2006.

<sup>51</sup> Edith Bailey, interviewed by Lynn Stasick, June 25, 2004.

<sup>52</sup> Legislative Support Data, May 19, 1986, MPF, Box 23 W3823.

<sup>53</sup> “River Boss Wants to Scrap Glen Jean site,” *Fayette Tribune*, August 20, 1987.

<sup>54</sup> Memo, Superintendent Joe Kennedy to the Regional Director, September 16, 1987, MPF, Box 18, 4780.

We don't own all the property in Glen Jean. One owner ([Tract] 173-07) says she'll never sell to the government. Tract 173-06 is appraised at \$13,000 and he [another owner] is asking \$35,000...the local population sees us as an "Urban Renewal" agency. Should we be? Is that good or bad...we're squeezed in at Glen Jean on a peninsula with flowing creeks on three sides. These flood regularly and the local population expects us to control these floods. This would be a long-term cost to the government which we wouldn't need to consider at Burnwood... Glen Jean flooded last spring and will continue to flood on a regular basis. The lawns and parking lots would be unusable for days at a time. We'd have to wade through mud and water to get to our (raised) offices. Foundations at Glen Jean are costly; [the] Denver Service Center can provide figures for raising the foundation for the headquarters building. The soils are homogeneous silt. This is not the best soil for building footings...the whole idea of constructing a \$4,210,000 government facility in a flood plain seems unrealistic.<sup>55</sup>

In November 1986 Thomas O. Purkey, a hydraulic engineer, wrote the NPS Denver Service Center confirming Kennedy's concerns. Purkey, hired by the park to conduct a preliminary site study, stated that hydrologic and hydraulic data used in an analysis of Dunloup Creek watershed demonstrated that the proposed headquarters would be flooded about every 4 years. He suggested that while dredging on Dunloup may have decreased the danger of smaller floods, this hardly affected larger floods. He closed the letter with this admonition:

Be advised that filling in the flood plain to raise the complex has the potential to increase flood levels. A thorough hydraulic study would be necessary to determine this potential.<sup>56</sup>

Despite this cautionary report, park Chief of Maintenance Bob Schenck certified that the site was not in a flood plain.<sup>57</sup>

Superintendent Kennedy saw other problems with Glen Jean. He felt traffic patterns created would be "horrendous" there:

Instead of our move to Glen Jean alleviating the problem, we would be exacerbating it. In the future we will be encouraging more people to come to Thurmond, and driving through a bottleneck at Glen Jean. This becomes evident when you look at the plan for the area.<sup>58</sup>

Kennedy also offered his reasons for supporting the Burnwood Campground site as his choice:

We have an ideal headquarters site at the former Burnwood Campground...we own over forty acres in fee simple, [the] site has low archeological potential, [and] drainage and soil at Burnwood are excellent for building purposes...[there is] easy entrance and exit to U.S. 19, entrance and exit from [the] same highway at Glen Jean is dangerous...[there is] plenty of room for expansion if we manage the Gauley, Meadow,

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<sup>55</sup> Memo, Kennedy to the Regional Director, 1.

<sup>56</sup> Letter, Thomas O. Purkey to Kenneth Raithel, Jr., November 13, 1986, MPF, D18, 4780.

<sup>57</sup> Peggy Maddy, interviewed by Gregory A. Good, November 17, 2006.

<sup>58</sup> Memo, Kennedy to Regional Director, 2.

and Bluestone Rivers...[and] we also may, in the future manage other state parks and, if so, would need additional administrative space.<sup>59</sup>

Kennedy explained his position in an August 21, 1987 interview to Beckley *Register-Herald* staff writer John Blankenship:

I need a headquarters. We didn't have one when I got here and we still don't have it. I'm making the proposal to my superior in Philadelphia in support of the move [to Burnwood]. I don't have all the plusses and minuses, and I have to consider both sites and the economics of the situation...the plans are completed for the Glen Jean site headquarters, and I would propose that the buildings be moved to Burnwood without changing their design...I wouldn't want them re-designed. I won't waste any of the planning that's gone into the project.<sup>60</sup>

The *Register-Herald* article sparked public comment almost immediately and spawned a letter writing campaign in Glen Jean. Residents expressed their disapproval of Kennedy's actions to local, state, and federal officials.<sup>61</sup> In a letter to the editor of the *Fayette Tribune*, Glen Jean

Who is Joe Kennedy? The people of Glen Jean have never heard of him. Who does he resident "Patriotic" Pug Warden asked: know in Burnwood? We have never heard of it...to the people of Glen Jean, please do not stand still and let this one man make a decision to move the National Park Service headquarters to Burnwood.<sup>62</sup>

But along with his plea, Warden's letter inadvertently supported Kennedy's fear that Glen Jean residents viewed the Park Service as an urban renewal, flood-control program. Warden's letter continued:

There has already been much money spent to get it [the headquarters] underway. The town has been flooded several times because of failure to acquire small sections of property...there has been extensive surveying and the creek has been poorly dredged. We will be continually flooded if we do not agree to let them acquire property they need at a reasonable price. Think of the future of the children here. Ask the county court for the original plans to reroute the creek below my home and the Wills home, and [think] of the many hours the engineers spent making maps and bridges to reroute the creek.<sup>63</sup>

Warden's misunderstanding of the effect of dredging on flood abatement remains common.

The Beckley *Register-Herald* ran an article on September 2, 1987 entitled "Glen Jean Likely Site." In the article, James Coleman, NPS Regional Director in Philadelphia, responded to Kennedy's comments. Coleman stated that despite some agency problems

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<sup>59</sup> Memo, Kennedy to the Regional Director, 1-2.

<sup>60</sup> "River Park Head Proposes Moving Headquarters Site," *Register-Herald*, August 21, 1987.

<sup>61</sup> "Glen Jean Headquarters Confirmed," *Fayette Tribune*, September 24, 1987.

<sup>62</sup> Pug Warden, "Glen Jean, Let's Not Let One Man Take the Headquarters Away," *Fayette Tribune*, August 27, 1987.

<sup>63</sup> Pug Warden, "Glen Jean, Let's Not Let One Man Take the Headquarters Away."

in the final land acquisition process, “Glen Jean will probably be the site of the Gorge’s headquarters.”<sup>64</sup>

Coleman’s announcement created even greater public reaction in Fayette County. In a letter to the editor of the *Fayette Tribune*, Hico resident June Zimmerman supported Kennedy:

I think the Regional Director Jim Coleman should take the advice of his area National Park Service supervisor [sic, superintendent], Joe Kennedy, in the placement of the national park headquarters. Since the park already owns over 40 acres at the Burnwood Campgrounds, why spend the taxpayer’s money so foolishly. . . why not have the headquarters at the site of the New River Gorge Bridge, along with the information center, and the overlook, not to mention the New River itself?<sup>65</sup>

Others agreed. Along with Zimmerman’s letter, the editor published Lansing resident Jim Kristy’s assessment of the situation:

[I have] polled several people in the Oak Hill-Fayetteville-Ansted-Montgomery area, plus numerous out-of-state visitors, and they were all unanimous about having the new headquarters building located at Burnwood Campgrounds, “The Gateway to the New River Gorge.” It seems to me that up ‘till now, that no one has had the backbone to recommend the proper place for the headquarters building. Go for it Joe Kennedy! Go for it Smokin’ Joe! You have the backing of the majority of the people of Fayette County and the country behind you.<sup>66</sup>

Kristy’s interpretation of the unofficial poll may have indicated that most Fayette County residents were behind Kennedy’s efforts, but two major players were not. Senators Robert Byrd and John Rockefeller had both come out soundly for Glen Jean early in the selection process. As early as 1986, they introduced legislation to secure land there for park headquarters. On October 3, 1986 the senators introduced an amendment to Congress. Byrd said:

While Glen Jean is ideally located near the midpoint of the National River and is just off a major highway that parallels the river, the selected site is outside the park boundaries authorized by Public Law 95-625. The amendment which we are sponsoring would permit the Park Service to construct this necessary facility in their preferred location.<sup>67</sup>

Senator Byrd had actively supported previous appropriations: \$250,000 for preliminary headquarters building designs and \$300,000 for site acquisition. He ultimately offered a successful amendment to the Senate FY87 Interior and Related Agencies Appropriations

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<sup>64</sup> “Glen Jean Likely Site,” *Beckley Register /Herald*, September 2, 1987.

<sup>65</sup> “Kennedy Should Recommend Burnwood as Headquarters,” *The Fayette Tribune*, September 10, 1987.

<sup>66</sup> “Kennedy Should Recommend Burnwood as Headquarters.”

<sup>67</sup> *Congressional Record*, October 3, 1986, 28466.

bill in late 1986 for \$2,600,000 for constructing the headquarters and maintenance facilities.<sup>68</sup>

But why were Senators Rockefeller and Byrd so interested in having the headquarters located in Glen Jean? Edith Bailey offered an explanation:

There were some folks in Glen Jean that had spoken with him [Senator Byrd] and been to his office. As I recall, they had really been putting pressure on him. They really wanted it [the headquarters] here in Glen Jean. 'Cause they lived in this area, worked in this area, and they said it would be a big boon for them.<sup>69</sup>

Peggy Maddy recalled too that Glen Jean residents “lobbied hard and heavy with the Congressional people. . .”.<sup>70</sup> According to Bailey, Kennedy continued to protest until Senator Byrd finally said: “[I] don’t want to hear anymore about it, it will be in Glen Jean.”<sup>71</sup> According to Maddy, Regional Director Jim Coleman “pointedly said and not very politely to Joe Kennedy to shut up. It will be here.”<sup>72</sup>

In a press release issued on September 22, 1987, the Park Service announced its decision: “After evaluating the pros and cons of Kennedy’s Burnwood site proposal, the decision was made to remain in Glen Jean.” NPS decided to act even though three properties in Glen Jean were not acquired. The most difficult acquisition involved 0.15 acres owned by a former resident who wanted to dedicate the property as a memorial to her late mother. Park Service land acquisition officer John Reed said construction would probably begin despite the continuing problems.<sup>73</sup>

When he received the decision, Superintendent Kennedy released the information immediately to eliminate any on-going debate, and indicated he was anxious to see the project underway.<sup>74</sup> The residents of Glen Jean responsible for the letter writing campaign were ecstatic. George Bragg wrote:

Just a few lines to publicly congratulate the National Park Service for its confirmation of the Glen Jean site as home for its new headquarters. Truly, this decision will best serve the interests of the public for many years to come. . . I want to thank. . . every one of the approximately 500 people who signed petition-styled letters to the various Senators and Congressmen involved. . . now let’s get to work and get Joe Kennedy (who by the way, really is a nice fellow) into his new office buildings.<sup>75</sup>

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<sup>68</sup> NERI News Release, “National Park Service Headquarters Site Plan Approved,” September 9, 1986.

<sup>69</sup> Edith Bailey, interviewed by Lynn Stasick, June 25, 2004. In fact, the boon never materialized.

<sup>70</sup> Peggy Maddy, interviewed by Gregory A. Good, November 17, 2006.

<sup>71</sup> Edith Bailey, interviewed by Lynn Stasick, June 25, 2004.

<sup>72</sup> Peggy Maddy, interviewed by Gregory A. Good, November 17, 2006.

<sup>73</sup> “Glen Jean Headquarters Confirmed,” *Fayette Tribune*, September 24, 1987.

<sup>74</sup> “Glen Jean Headquarters Confirmed.”

<sup>75</sup> “Congratulations to National Park Service on Glen Jean Site,” *Fayette Tribune*, September 28, 1987.



In January 1988 Kennedy announced that funding for the new headquarters was available and construction would begin soon. Even though NPS hadn't yet acquired three properties, he said he would direct the architectural and engineering firm to revise its construction specifications to begin work. NPS would let bids in February and begin construction in July.<sup>76</sup> According to Peggy Maddy, the first action was a \$100,000 change order to raise the facility to offer some protection from flooding.<sup>77</sup>

Construction began on schedule. On August 27 NPS held a groundbreaking ceremony. Senator Robert Byrd, Representative Nick Joe Rahall, and Alec Gould, Assistant Regional Director of the National Park Service, were present. Byrd celebrated the God-given beauty of the area and its potential as a tourist attraction. Rahall echoed the theme saying, "We can make West Virginia a tourism Mecca. . .the park would be the crown jewel, the springboard for tourism in West Virginia."<sup>78</sup>

In late September 1989, Joe Kennedy announced that except for some minor problems, New River Gorge headquarters at Glen Jean was nearly finished with the probable date for completion and occupancy set for early November.<sup>79</sup> On December 10, 1989, NPS formally dedicated the headquarters at Glen Jean. The *Fayette Tribune* reported that the headquarters seemed to "make visitors feel immediately welcome while issuing a call to return," and said:

This complex itself seems to have begun a revitalization of Glen Jean. . .for those who were here from the start, development of the New River Gorge National River may seem a long, slow, ride. . .It will be many more years before the park begins to approach its potential as an economic catalyst. . .[but] once inside that sparkling headquarters [it] gives us more and more reason to believe that an economic upturn can indeed be accomplished on the wings of New River Gorge National River.<sup>80</sup>

Public and political pressure combined to establish New River Gorge headquarters in Glen Jean over Kennedy's objections. But a few years later, his fears about building the facility in a flood plain came true. Twice in July 2001 the complex flooded. In one instance the water entered the adjacent Bank of Glen Jean building, with NPS offices. According to Park Service GIS specialist Andrew Steel, high water cut off part of the property, prompting the use of military vehicles to transport people from flooded areas to safety. And although less severe, the complex flooded again in 2003.<sup>81</sup>

After the move of the Headquarters to Glen Jean, the close collaboration within the office and active exploration of the park by the staff began to fade. According to Peggy Maddy: "There's not the camaraderie there used to be. We all knew this would

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<sup>76</sup> "Park Letting Bids," *Fayette Tribune*, January 4, 1987.

<sup>77</sup> Peggy Maddy, interviewed by Gregory A. Good, November 17, 2006.

<sup>78</sup> "NPS Breaks Ground for Glen Jean Headquarters," *Fayette Tribune*, August 29, 1988.

<sup>79</sup> "Park Service Headquarters at Glen Jean Nearly Finished," *Register-Herald*, September, 29, 1989.

<sup>80</sup> "NPS Headquarters Displays Intentions," *Fayette Tribune*, December 14, 1989.

<sup>81</sup> Andrew Steel, NERI GIS specialist, interviewed by Lynn Stasick, August 9, 2005.

happen, and it did.”<sup>82</sup> With the move to Glen Jean, specialization now had room to take hold and indeed it had to. It happened gradually, of course. Within a year of moving to Glen Jean, another wing was designed and was soon built to house another group of Park Service employees who worked for the Denver Service Center. The DSC employees took on the detailed planning of *Development Concept Plans* for many projects in the park. Moreover, the New River park staff also began scoping (with help from other DSC staff) for *General Management Plans* for the two new units, the Gauley River National Recreational Area and the Bluestone River National Scenic Area. The flurry of activity was taking off. The increase in administration activity, however, is a topic for Chapter 4.

## NEW RIVER LAND ACQUISITION PROCESS

When the New River Gorge National River was authorized in 1978, the intent was that the Park Service would own only a small percentage of the acreage within its boundaries and that easements and zoning of private land would suffice to protect the scenic values of the gorge. As the park took shape in the early 1980s, this approach was reinforced by the general attitude prevailing under Secretary of the Interior James Watt that the federal presence and ownership in the national parks needed to be minimal at most. New River’s *General Management Plan*, finalized in 1983, called for the Park Service to own no more than a few thousand acres. New River owned a few hundred at the time.<sup>83</sup>

Nevertheless, the 1978 law authorizing the park – Section 1102 (a) of Public Law 95-625 – spelled out how New River could acquire private land.

Within the boundaries of the New River Gorge National River, the Secretary [of the Interior] may acquire lands and water or interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange. . . . The authority of the Secretary to condemn in fee, improved properties as defined in subsection (c) of this section shall not be invoked as long as the owner of such improved property holds and uses it in a manner compatible with the purposes of this title. The Secretary may acquire any such improved property without the consent of the owner whenever he finds that such property has undergone, since January 1, 1978, or is imminently about to undergo changes in land use which are incompatible with the purposes of the national river.<sup>84</sup>

Section 1102 (b) authorized the Secretary to work with organizations or individuals to ‘mark or interpret properties of significance to the history of the gorge area.’ Section 1102 (c) defined the term “improved property” and outlined rights of use and

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<sup>82</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.

<sup>83</sup> In addition to the *GMP*, see: Lorrie Sprague, interviewed by Gregory A. Good, November 18, 2006.

<sup>84</sup> Public Law 95-625, November 10, 1978, 85.

occupancy, term, and fair market value.<sup>85</sup> Section (d) defined the right of use and occupancy, fair market value, and rights regarding termination notification. Taken together, these four detailed clauses defined terms for private ownership within the park and for relations between the park and landowners. They did not, however, dictate detailed policy toward land protection. That required elaboration.

The law authorizing the park required a *Land Protection Plan* for this purpose. The Park Service released the *Draft Land Protection Plan: New River Gorge National River (LPP)* in January 1984.<sup>86</sup> NPS mailed approximately 1,000 copies to landowners, federal, state, and local officials, conservation organizations, river user groups, and the media. A sixty-day public comment period lasted until April 9, 1984. NPS held six public meetings around the gorge and three all-day open house events in Hinton. Roughly 260 people participated in these events. Many individuals also visited the headquarters to discuss the plan and view maps.<sup>87</sup>

Release of the draft drew a response from Beckley Newspapers Incorporated, in which staff writer Phil Kabler predicted that the people in the area would reject the plan. He wrote:

A proposed New River Gorge National River protection plan won't please owners unhappy with land-use restrictions imposed by the Park Service; the plan is virtually identical to the controversial general management plan. That plan outlines restrictions for use of more than 56,000 acres of privately owned property within the national park boundaries. Some outspoken landowners and managers complain the rules take away the right to use and develop land without compensating for the loss.<sup>88</sup>

Kabler said that the first priority of both plans was to purchase riverside property and other land with significant natural and cultural resources, such as Sandstone Falls State Park.<sup>89</sup> When the draft was released, the park owned only 540 acres of 62,023 acres (less than 1%) within park boundaries.<sup>90</sup> By 2006 the park owned 52,192 acres of 72,189 (72%) within its boundaries.<sup>91</sup> Kabler said the plans both called for restricting land use through easements and zoning, which he said "is just the stuff that upsets owners and managers."<sup>92</sup>

Most vocal of the land plan opponents was Dan P. James, manager of American King Coal, who complained, "They're taking away our right to use the land and develop

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<sup>85</sup> Public Law 95-625, November 10, 1978, 85.

<sup>86</sup> Clif Bobinski, *Planning Documents Report: New River Gorge National River*, 2004, 7.

<sup>87</sup> Memo, Superintendent James W. Carrico regarding the final *Land Protection Plan*, July 1984, MPF, Miscellaneous Files.

<sup>88</sup> Phil Kabler, "Land Protection Plans Similar," *Beckley Newspapers Inc.*, June 13, 1983.

<sup>89</sup> Kabler, "Land Protection Plans Similar." See Chapter Six. Note that West Virginia state law did not permit the state to sell Sandstone Falls State Park to the National Park Service.

<sup>90</sup> "New River Protection Plan Proposed," *The Charleston Gazette*, February 10, 1984.

<sup>91</sup> Written comments, David N. Fuerst, 2006.

<sup>92</sup> "Land Protection," *Beckley News*, June 13, 1983.

it. If you take away that right, you must pay for it. If you can't afford it, you can't take it through some other means."<sup>93</sup>

Park Superintendent Carrico responded:

The land protection draft plan offers no magical solutions...similarities to the management plan aren't surprising, since the report was prepared shortly after the other...we had the advantage of preparing the general management plan knowing pretty much the philosophy of the land protection plan.<sup>94</sup>

It is perhaps ironic that provisions meant to de-emphasize federal ownership resulted in property rights complaints.

Despite the complaints of James and others, the Park Service approved the *Land Protection Plan* (LPP) with just a few modifications and released it in July 1984.<sup>95</sup> The Park Service stated it "had made every effort to make the plan simple and concise, to provide for public participation, and to evaluate thoroughly the alternatives available for land protection requirements."<sup>96</sup>

The section "Planned Resource Protection and Visitor Use" outlined the general objectives of the *LPP*, including preserving and protecting the park as a scenic, free-flowing stream and interpreting its significance as a migration and transportation route through the Appalachians for plants, animals, and people. It emphasized natural processes and native species. It stressed preserving cultural resources as required by federal laws. Finally, it allowed people to enjoy the resources of the park.<sup>97</sup>

The Park Service classified federal lands within the park. The *GMP* described three zones. The Natural Zone was to remain mostly undeveloped, managed to conserve natural and scenic resources. It allowed visitor uses with no adverse impacts. The Historic Zone included known cultural resources warranting protection. The Development Zone included developed land and land to be developed with Park Service facilities.<sup>98</sup> Although much land within park boundaries remained privately owned, not subject to NPS zoning, the Park Service hoped to encourage private uses compatible with activities on adjacent federal lands.<sup>99</sup>

NPS planned to employ seven methods for resource protection in the gorge. The effectiveness of individual land protection methods would depend on such factors as relative cost, state and local government support, landowner commitment to resource

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<sup>93</sup> "Land Protection."

<sup>94</sup> "Land Protection."

<sup>95</sup> Memo, Carrico, July 1984, MPF, Miscellaneous Files.

<sup>96</sup> National Park Service, *Land Protection Plan: New River Gorge National River*, July, 1984, 1.

<sup>97</sup> National Park Service, *Land Protection Plan*, 9.

<sup>98</sup> National Park Service, *Land Protection Plan*, 10.

<sup>99</sup> National Park Service, *Land Protection Plan*, 10.

protection, severity of threats to resources, and the Park Service's ability to protect resources and manage visitor use through existing regulations.<sup>100</sup>

The first protection alternative used existing state, local, and federal authorities to protect National River resources. The Surface Mining Control and Reclamation Act of 1977, the exercise of non-federal oil and gas rights where access through lands or waters was controlled by the United States, the Clean Water Act, and the Economic Recovery Tax Act of 1981 provided the best legal means of control.<sup>101</sup>

The Park Service defined zoning, the second alternative, as the division of a municipality or county into districts for regulating use of land. Local governments, NPS thought, would use zoning to guide development and protect interests of property owners from harm due to use of adjacent lands. Zoning would regulate the size and location of buildings, size of lots, and location, size, and type of signs and billboards. It would separate or encourage residential, commercial, and industrial uses, preserve the integrity of historic districts, and encourage agriculture, forestry, and open space.<sup>102</sup> The Park Service did not anticipate that local interests, including municipalities, would promote development rather than protect existing land and resources. Local zoning boards have ironically supported development near many national parks that have become successful commodities—places people want to live near.

When NPS released the *LPP* in 1984, only Fayette County had zoning ordinances covering the area within park boundaries. A Land Conservation District protected most of that area, restricting land use to agricultural, parks and recreation, governmental or public utility structures, and single family residential with a 3-acre minimum lot size. The Park Service hoped the other two counties affected—portions of Raleigh and Summers—would also enact ordinances.<sup>103</sup> (After 2004, it became clear that zoning in Fayette County could not protect the New River Gorge from rim to rim. The county's Board of Zoning Appeals has granted variances to developers whose plans project homes that would be visible within the gorge. See below.)

The third protection alternative involved negotiating cooperative agreements between NPS and others to protect non-federal lands. The Park Service planned to offer assistance for preserving historic sites and for allowing public access. NPS also planned to offer interpretation on private sites. The major advantages to cooperative agreements were the protection and public access to cultural resources without the cost of federal acquisition. However, the major disadvantage was that either party could terminate agreements relatively easily.<sup>104</sup>

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<sup>100</sup> National Park Service, *Land Protection Plan*, 17.

<sup>101</sup> National Park Service, *Land Protection Plan*, 18.

<sup>102</sup> National Park Service, *Land Protection Plan*, 19.

<sup>103</sup> National Park Service, *Land Protection Plan*, 19.

<sup>104</sup> National Park Service, *Land Protection Plan*, 21.

The fourth method of protection—leasing—provided possibilities to protect resources for longer periods of time or as interim techniques, pending acquisition of the property. NPS felt that leasing significantly protected resources and use of facilities less expensively than acquisition, while land remained in private ownership and on local tax rolls. A disadvantage was that leases were not automatically renewable. They did not provide endless protection.<sup>105</sup> This method was never implemented.

Easements constituted a fifth alternative. An easement legally binds present and future property owners. NPS can obtain easements either through purchase or donation, but the property under easement remains in private hands and on the tax rolls. Easements place restrictions on development and use, but they assure concord between private uses and public uses consistent with park goals. The Park Service planned to employ easements to protect scenic resources, prevent incompatible land uses, and assure public access. Federal acquisition of easements can restrict extraction of resources; acquire rights-of-way for trail construction and maintenance and public access across private property; and encourage continued farming through acquisition of development rights.<sup>106</sup>

A protection alternative that had limited application in New River was the use of purchase-sellback agreements. In this, NPS purchases land, places certain property restrictions on the deed for resource protection, and sells or leases back the land to a private party, subject to the restrictions imposed.<sup>107</sup>

In certain situations, the Park Service could use the sixth alternative, surface acquisition, to protect land more cost-effectively. When a landowner might lose significant surface property rights through concentrated public use or the protection of scenic resources, both parties might prefer surface acquisition with private retention of mineral rights. Future surface disturbance caused by exercise of outstanding mineral rights, however, could adversely affect land protection.<sup>108</sup>

The Park Service felt that the final alternative—fee-simple acquisition—would generally be the most effective method for protecting resources. Fee-simple title transfers all rights of ownership in the land and, therefore, provides the greatest possibilities to protect resources, provide visitor uses, and develop facilities. Both fee-simple and surface acquisition are possible through purchase, donation, or bargain sale. NPS can use the fee-simple alternative: when property is required to develop park facilities, when resources are adversely affected by unregulated public use, when NPS management plans would produce heavy public use, when a natural condition requires preservation, and when significant cultural sites require stabilization and interpretation.

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<sup>105</sup> National Park Service, *Land Protection Plan*, 22.

<sup>106</sup> National Park Service, *Land Protection Plan*, 22.

<sup>107</sup> National Park Service, *Land Protection Plan*, 23.

<sup>108</sup> National Park Service, *Land Protection Plan*, 24.

NPS might use fee-simple acquisition when exercise of privately owned mineral rights would produce unacceptable impacts to natural, scenic, or cultural resources, or when NPS could not adequately protect resources by any other method.<sup>109</sup>

Although the 1978 authorization legislation permitted the National Park Service to use condemnation or eminent domain under some circumstances, the *LPP* did not elaborate on this alternative. In fact, park staff members believed for many years that condemnation was prohibited. Peggy Maddy, who worked for the park from 1985, reflected in 2006: “And I’ve always been told that we did not have eminent domain and now I have found out in the last couple years we did, but we chose not to exercise it at all.”<sup>110</sup>

Mary Pearson, in her 2004 interview, commented:

Oh, the land acquisition policies, . . . I still get calls about that. . . . The main thing . . . is their . . . not knowing or not realizing or not working with the Lands Office or the Park Service, these people will write up, oh, they’re going to take my land. We don’t do that. We do not condemn land back here, as far as that goes, because Senator Byrd . . . we have never condemned land. You know, you’ve heard of condemnation of land in other places. But we do not have, I guess you could say, we do not have that authority.<sup>111</sup>

Superintendent Cal Hite (in 2004) and Public Information Officer Lorrie Sprague (2006) clarified this matter by pointing out respectively that that with fifty or sixty willing sellers at any given time there was no need to condemn land<sup>112</sup> and, secondly, that

It’s only politically prohibited. We have the legal authority to condemn land. It’s even specified in the 78 legislation for New River, there are very specific conditions under which the secretary of the interior, i.e., the Park Service, could condemn land if uses were proposed that were incompatible with the uses for which the area was established, but that authority was never exercised. It was always understood that Senator Byrd had made that very clear that the Park Service would not do any condemnation.<sup>113</sup>

The Park Service listed a general order of protection priorities in the *LPP* to govern land acquisition, based on legislative mandates, significance of resources, existing levels of protection, current and anticipated levels of visitor use, topography, access, and NPS proposals for facility development. Property proposed for river access, visitor use, property needed for development of facilities, or properties containing outstanding cultural or natural resources headed the list. Others included in order of priority: other significant cultural resources, other lands comprising the river’s natural corridor, state-

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<sup>109</sup> National Park Service, *Land Protection Plan*, 25.

<sup>110</sup> Peggy Maddy, interview by Gregory A. Good, November 17, 2007.

<sup>111</sup> Mary Pearson, interview by Lynn Stasick, June 25, 2004.

<sup>112</sup> Cal Hite, former NERI Superintendent, interview by Lynn Stasick, June 21, 2004.

<sup>113</sup> Lorrie Sprague, park Public Information Officer, interview by Gregory A. Good, November 18, 2007.

owned properties outside Babcock and Grandview State Parks, and properties within established communities.<sup>114</sup>

To expedite land acquisition, the park moved quickly to set up a Lands Office. Mary Pearson, legal instruments examiner, recalled in 2004:

I got to go up to Philadelphia to our main Lands Office. This was in 83, still in 83...and so then the Lands Office was officially established in 84, and we actually started operations in the beginning, about February 85, and that was down the street here [Oak Hill] past where the headquarters was. So I was the first one to apply for a job here and I got the job as a realty clerk.<sup>115</sup>

Pearson said the office also employed a land acquisition officer, a realty specialist, and an appraiser. The process for any parcel required a long time for research, appraisal, negotiation, and documentation. As she described it:

The process of land acquisition is a very long and involved process, from beginning to end. Everything has to be documented, just the way it should be. I mean, it's not like you go talk to the landowner or you call him on the phone and he agrees to sell his land. Once you have it appraised, you let him know how much it is, what the value is. We have to do offers, we have to send letters. Every single step, and it's a long drawn-out process. Whereas, when you have your file, you can look there and see when a negotiation started with a land owner, when we sent them an offer, which is actually a contract between them and the government. And everything has to be so so. And I just found it very fascinating...didn't have a chance to get bored or anything and it's still the same now.<sup>116</sup>

By summer 1988, four years after NPS implemented the *LPP*, New River admitted the plan to rely on easements and zoning was not working. NPS had early suspected problems might arise. The *LPP* was too optimistic about the willingness of local government to enact zoning. In discussing the easement alternative, the 1984 *LPP* anticipated, also, that private owners would be willing give up flexibility of land use through federal acquisition of easements.<sup>117</sup>

Superintendent Kennedy described the four-year results of the *LPP* in a July 19, 1988 letter to the Regional Director of the Mid-Atlantic Region:

When the *Land Acquisition (sic) Plan for New River Gorge National River* was approved in 1984, it was based on the expectation that less-than-fee techniques would satisfactorily protect the majority of the resources of the New River, particularly the scenic and largely unprotected Gorge walls. The *Land Protection Plan* proposed only small amounts of acquisition, with the remaining view shed to be protected through zoning and restrictive easements. Our experience has shown us that this is just not happening. We have found very few property owners willing to retain a partial interest

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<sup>114</sup> NPS, *Land Protection Plan: New River Gorge National River*, July, 1984, 27.

<sup>115</sup> Mary Pearson (NERI Legal Instruments Examiner), interviewed by Lynn Stasick, June 24, 2004.

<sup>116</sup> Mary Pearson (NERI Legal Instruments Examiner), interviewed by Lynn Stasick, June 24, 2004.

<sup>117</sup> *Land Protection Plan*, 23.



in their properties, once they have been informed by the National Park Service that home-building, coal mining, or timbering will not be allowed. Additionally, the hope that other counties would follow the lead of Fayette County and adopt zoning regulations has not been realized. As a result, we are undertaking the preparation of a new land protection plan that will rely more heavily on other land protection measures, including fee acquisition.<sup>118</sup>

Previous NPS policies mandated that any transaction that did not conform exactly to the listing identified in Appendix 3 of the *LPP* required signed approval of the Regional Director. However, some land transactions that were technically deviations from the *LPP* listing actually followed its text and direction. For example, unforeseen circumstances might cause the substitution of a river access to another location. Since the park was developing the same kinds of facilities, only in a different location, Kennedy and others felt that this should not be considered a deviation.<sup>119</sup>

While Jim Carrico was park superintendent, with his staff of only twenty, the incentive not to acquire land was strong. Peggy Maddy recalled that Superintendent Carrico had been approached by the State of West Virginia, asking the park to take over Camp Washington-Carver and possibly several state parks around the gorge. Camp Washington-Carver had served a historic role for African-American youth, having been established in 1942 as the “West Virginia Negro 4-H Camp.” Its name was later changed to honor Booker T. Washington and George Washington Carver. Maddy recalled in 2006 that Superintendent Carrico turned down the offer, saying: “No way, we have not the staff to take care of it. We cannot take on anything right now.”<sup>120</sup> Increases in staff numbers in the late 1980s made other expansions feasible.

Lorrie Sprague (park Public Information Officer in 2006), started working for Joe Kennedy as a management assistant in 1990. She remembered Kennedy’s impression of the original acquisition policy and its ineffectiveness in an interview in 2006.

They were proposing that what we needed to do to protect resources could be done via agreements with land owners and local officials, i.e., zoning regulations. Well that turned out to be a bad idea, because that was not something that anybody was interested in, in any of the three counties. In fact, Joe Kennedy told me and others on more than one occasion of his attempts to follow that mandate in the legislation and go to the county offices, and say, ‘We were directed by federal law to work with you to make sure that your zoning will protect areas adjacent to our boundary. Can we sit and talk?’ They literally threw him out of a meeting in Raleigh County. His words were, ‘I got the message. I didn’t go back.’<sup>121</sup>

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<sup>118</sup> Memorandum, Superintendent Joe Kennedy to the Regional Director, Mid-Atlantic Region, July 19, 1988, MPF, Box 15, L1425.

<sup>119</sup> Memo, Kennedy to Regional Director, MARO, July 19, 1984.

<sup>120</sup> See: [http://www.marshall.edu/library/speccoll/virtual\\_museum/cwc/default.asp](http://www.marshall.edu/library/speccoll/virtual_museum/cwc/default.asp). Peggy Maddy, interviewed November 18, 2006, by Gregory A. Good.

<sup>121</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

In 1988 Congress showed intense interest in moving forward with acquiring land for New River. Because of shortcomings in the 1984 *LPP*, the Park Service issued amendments to use while developing a new land protection plan. To rectify the shortcomings of the deviation rule, NPS decided not to consider acquisition of full fee-simple title a deviation from easement or zoning if a property owner would not sell a partial interest, or if the sale of partial property interests would create an uneconomic parcel remnant. Similarly, if the landowner demonstrated that continued private ownership of the parcel constituted a hardship, NPS would consider fee acquisition appropriate.<sup>122</sup> Fee simple and fee acquisition essentially mean that the NPS directly purchased the property and all rights, i.e., a right in law to unconstrained use of land.

Another change stipulated that when the park required a property for river access or other public use as specified in planning documents such as the *GMP*, it would not be a deviation to acquire it by fee-simple methods. This change also applied to properties affecting scenery and parcels bordering the river. Other exemptions included the substitution of one property for another designated for a planned park use, or when properties adjacent to park-owned land became available and acquisition would further protect critical resources or measurably enhance visitor facilities. If a proposed land acquisition did not fit the framework of the new amendments, the Park Service stipulated it would continue to treat this as an *LPP* deviation requiring the regional director's approval. Despite previous lack of success, NPS intended mainly to encourage use of easements rather than full-fee acquisition, authorizing deviations only after rejection of easements.<sup>123</sup>

NPS never revised the *LPP*, and through the years New River shifted land acquisition almost entirely from emphasizing easements, zoning, and cooperative agreements to fee acquisition.<sup>124</sup> Gradually administrators understood and accepted that the easement approach did not work out as the framers had envisioned. The lack of an explicit revision of the *LPP* produced complacency and a reactive approach to land developments along the canyon rim near the New River Gorge Bridge.<sup>125</sup>

The discussion of intensive land acquisition from 1988 until the early 2000s continues in Chapter 4, where the effects of this rapid growth on park management are examined. Clearly, however, with the establishment of the Land Office in Oak Hill and an office of the Denver Service Center within park Headquarters, by the late 1980s the New River Gorge was poised for rapid growth of ownership and responsibility.

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<sup>122</sup> Memo, Kennedy to Regional Director, MARO, July 19, 1984.

<sup>123</sup> Memo, Kennedy to Regional Director, MARO, July 19, 1984.

<sup>124</sup> Bobinski, *Planning Documents*, August, 2004.

<sup>125</sup> Comments of David N. Fuerst on a draft of this administrative history, 2006.

## PRIVATE DEVELOPMENT AROUND NEW RIVER

The Park Service expressed great concern in the 1983 *GMP* about potential uncontrolled growth on privately owned, undeveloped lands in and around the park that might attract new visitor-oriented services and new residents. NPS was also concerned that owners might convert developed lands to more intensive uses. The Park Service feared that uncontrolled growth could change both the local lifestyle and the rural character of the gorge. It anticipated growth in settlements, in lands adjacent to settlements, and in lands along the park boundary and major access roads characterized by visible, tourist-oriented development.<sup>126</sup> Events since 2000 have justified earlier Park Service concerns.

NPS originally planned to acquire as little land as possible through fee-simple acquisition, but rather to rely on leases, easements, zoning, and other methods. The *GMP* recommended land-use management approaches based on the Congressional request that NPS work with local agencies to achieve private land use compatible with the national river objectives.<sup>127</sup>

The *GMP* recommended that the Fayette County Commission continue enforcing its land conservation district in its zoning ordinance and follow the purposes, goals, and management objectives related to that district. It also allowed local, state, regional, or federal management of land.<sup>128</sup> Although the *GMP* expressed Park Service concerns regarding potential for uncontrolled growth, it also encouraged private enterprise to build visitor-service facilities such as grocery stores, gas stations, restaurants, and motels to accommodate the visiting public.<sup>129</sup>

The park and the area surrounding it have grown tremendously since release of the first *GMP* in 1983. Oak Hill, Fayetteville, Summersville, and other towns have enjoyed the economic benefits increased tourism offers. Retired park Executive Secretary Edith Bailey agreed:

Overall, I think they [the National Park Service] were good for the community. I think it was good for the state, and I think other folks have felt that way, especially because we have so much tourism in this area now, and if it hadn't been for the whitewater rafting we wouldn't have any of that tourism. I don't know anything that would have drawn folks in.<sup>130</sup>

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<sup>126</sup> *GMP*, 31.

<sup>127</sup> *GMP*, 32.

<sup>128</sup> *GMP*, 31.

<sup>129</sup> *GMP*, 2.

<sup>130</sup> Edith Bailey, interviewed by Lynn Stasick, June 25, 2004, 2.

Recent examples illustrate problems associated with private development and some of the ways New River has addressed these. In January 2005, Land Resource Companies (LRC, also known as Roaring River Development), a private development corporation based in Atlanta, Georgia, submitted an application to the Fayette County Zoning Commission for a variance to develop a gated community of 2,200 homes on 4,300 acres of land near the rim of New River Gorge. The proposal included 613 acres of private land within the park. LRC needed a variance because this land was within Fayette County's Land Conservation District; they requested a re-zoning from conservation to planned development. Public outcry was swift. Many people attended the Commission meeting to object to developing in this location.

The Park Service, charged by Public Law 95-625 to conserve the scenic values of the gorge, tried to anticipate situations such as this. Using all of the tools it has, NPS has had to do its best within its fiscal reality. One tool useful in this instance was an adjustment of the park's boundary. In 1992 the park was concerned that in the area near Kaymoor Top several sections of the canyon rim lay outside the park's boundary, as did a trail that crossed private land. Congress passed a requested boundary change, which brought the 613 acres involved in the variance request into the park, along with another 649 acres owned by Berwind Land Company.<sup>131</sup> These tracts remained privately owned, but the action declared their importance to the New River Gorge National River. In 2005, the Park Service generated a computer graphic to show the Zoning Commission how visible the proposed development would be from overlooks within the gorge and from Babcock State Park. That is, the Park Service combined technical expertise and existing regulation to address the issue.<sup>132</sup> NPS expressed its concern that the development would have significant visual and ecological impacts on the park and the public.

In February 2005 LRC representatives talked with critics of their plans. The company withdrew its application and expressed interest in discussing acquisition of the 613 acres by NPS. In July 2005 LRC announced that it had given earnest money to the Rush Creek Land Company to purchase nearly 4,000 acres to construct Roaring Acres,

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<sup>131</sup> Rep. Nick Rahall introduced H.R. 3858 on March 26, 2002. It passed on June 24. The bill indicated that the owners of these tracts and several others were "willing sellers" and it authorized appropriations over several years so that land brought within the boundaries of the park until NPS ultimately acquired it. See the "Daily Floor Briefing" of the Office of Committee Relations, House Republican Conference, at <http://www.gop.gov/committeecentral/docs/pubs/DailyFloorBriefing/107/1/print/20020624dfb.htm>. It remains unclear why President George W. Bush did not sign this bill until December 17, 2002.

<sup>132</sup> "Housing Development Threatens New River Gorge," *Highlands Voice*, February 2005. Available at <http://www.wvhighlands.org/VoiceFeb05.pdf>.

its gated community.<sup>133</sup> In late August, the Fayette County Commission approved the project.<sup>134</sup> The developers emphasized the taxes the project would generate and portrayed it as environmentally benign. A study by the Bureau of Business and Economic Research at West Virginia University estimated the economic impact. The main interest of the Park Service, however, was the impact on the national river.

A similar situation at the northern end of the park underscores the importance of an effective land protection plan and an adequate budget for the park. Gary Driggs introduced plans in August 2005 to develop portions of his property, starting underneath the New River Gorge Bridge and running for six miles toward Hawks Nest State Park. He announced plans to build 550 homes on 1,400 acres he bought from several whitewater rafting company owners.<sup>135</sup>

Park Superintendent Calvin Hite and his staff met with developers of these projects many times. Hite said he was not opposed to development but admitted his concerns for the impact development would have on the park:

I can't limit my concerns to a few overlooks. This is a relatively young park and we have to think of the scenic impacts in the future too. These are the most critical decisions being made in the park during my term. What happens in Fayette County and Fayetteville during the month [August 2005] may have a bigger impact on us than anything we are doing in our formal planning process for the park. When you chip away at the fringes of the park, that starts the developmental pressure.<sup>136</sup>

Superintendent Hite then quoted Fayette County Commission President Matthew Wender saying, "Once you start development, it's hard to stop." At a Commission meeting Wender garnered support in the community after saying that "the change in the Gorge will be evident, and it will be forever."<sup>137</sup> In one vote, Wender was the only commissioner to vote to protect the park. In October, Superintendent Hite submitted a letter to the Fayetteville Planning Commission, laying out reasons for NPS's concern about Driggs' development. In this letter, Hite wrote:

The preservation of the New River Gorge National River and other public lands will only become increasingly valuable as Americans look for those few remaining sanctuaries where they can find [not] only quality outdoor recreational opportunities,

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<sup>133</sup> "The Future of the Gorge: Developers Pledge Minimal Impact as Zoning Decision Nears," *Gazette-Mail*, August 7, 2005.

<sup>134</sup> "\$1.1 billion Roaring River project approved by Fayette County Commission," *West Virginia INC Online*, August 24, 2005, available at <http://www.wvinconline.com/news/news/150.aspx>. LRC sent out a press release on August 17, 2005, available at <http://biz.yahoo.com/prnews/050817/clw036.html?v=20>.

<sup>135</sup> "Future of Gorge," *Gazette-Mail*, August 7, 2005. These events continue to unfold: Susan Williams, "The Thin Green Line: Bridge View Estates' very name poses question regarding development along New River Gorge," *Charleston Gazette*, October 23, 2005, available at <http://www.wvgazette.com/section/News/2005102231?pt=0>.

<sup>136</sup> "Future of Gorge," *Gazette-Mail*, August 7, 2005.

<sup>137</sup> "Future of Gorge."

but unspoiled areas for relaxation, solitude and spiritual renewal in a way few man-made places can provide.<sup>138</sup>

Many area residents also expressed concern about the number of trees that developers would cut, about water, sewage, and so on. Joy Oakes, regional director of the National Parks and Conservation Association said: "The New River is a treasure that can easily be diminished. This is truly a national resource under the care of West Virginia. Up until now, the county has done a good job."<sup>139</sup> Local resident Kathryn Hoffman said she fears development will be "killing the goose that laid the golden egg. They need to pull back. The longer the Gorge stays undeveloped, the more valuable it becomes. The Gorge is one of the last great wilderness areas."<sup>140</sup>

The builders expressed their feeling that development was inevitable, but the decision was with local government.<sup>141</sup> These two instances indicate the on-going challenge that the Park Service faces to protect the New River Gorge. In the planning process underway as this history is being written, according to Lorrie Sprague, consideration will be given to how to be prepared to fend off such pressures in the future and preserve the New River Gorge for succeeding generations. Specifically, she said that these rim developments spurred consideration of boundary changes to have "enough land to protect tributary watersheds,... vistas, to be able to tell stories and have all the pieces in place to the story that you want to tell."<sup>142</sup>

## CONCLUSION

The heart of the New River Gorge National River snakes along for over 50 miles either side of the river, reaching from rim to rim. The protection of the view shed of the gorge is essential to the identity of the park and to its value for the public. Given this, the main question for the future of the park is: How can the Park Service preserve this land and all the values it entails into the future? Whether the answers lie in easements or fee-simple purchase or some other means depend on historical contingencies, both within the federal government and within the local culture. In the 1980s, the experimental testing of minimal federal ownership was honestly tried and it did not succeed. The preference of local land owners for outright federal acquisition was demonstrated.

The land acquisition process outlined in the 1984 *LPP* relied less on fee acquisition than it did on the use of zoning, easements, cooperative agreements, surface acquisition and other means. The Park Service adopted this approach partly because of the

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<sup>138</sup> Susan Williams, "Thin Green Line," *Charleston Gazette*, October 23, 2005.

<sup>139</sup> "Future of Gorge," *Gazette-Mail*, August 7, 2005.

<sup>140</sup> "Future of Gorge."

<sup>141</sup> "Future of Gorge"

<sup>142</sup> Lorrie Sprague, interviewed by Gregory A. Good, November 18, 2006.

commitments of Secretary of the Interior James Watt and other political appointees, but also partly because the New River Gorge National River – located in an eastern section of the country, with towns, farms, mining, and an active railroad – had somehow to accommodate this reality. The same approach had been used by the Park Service at the Cape Cod National Seashore. Lorrie Sprague remembered Superintendent Kennedy told her that there were parallels between Cape Cod language and language in the 1978 authorization of New River Gorge.<sup>143</sup> In fact, Destry Jarvis had explicitly used Cape Cod as his model in drafting the language of the 1978 legislation.<sup>144</sup> But by 1988, the *LPP* as written clearly was not working. NPS made amendments until it could develop a new *LPP*, but that never occurred. Nevertheless, since then fee acquisition has been the major mode of acquiring property.

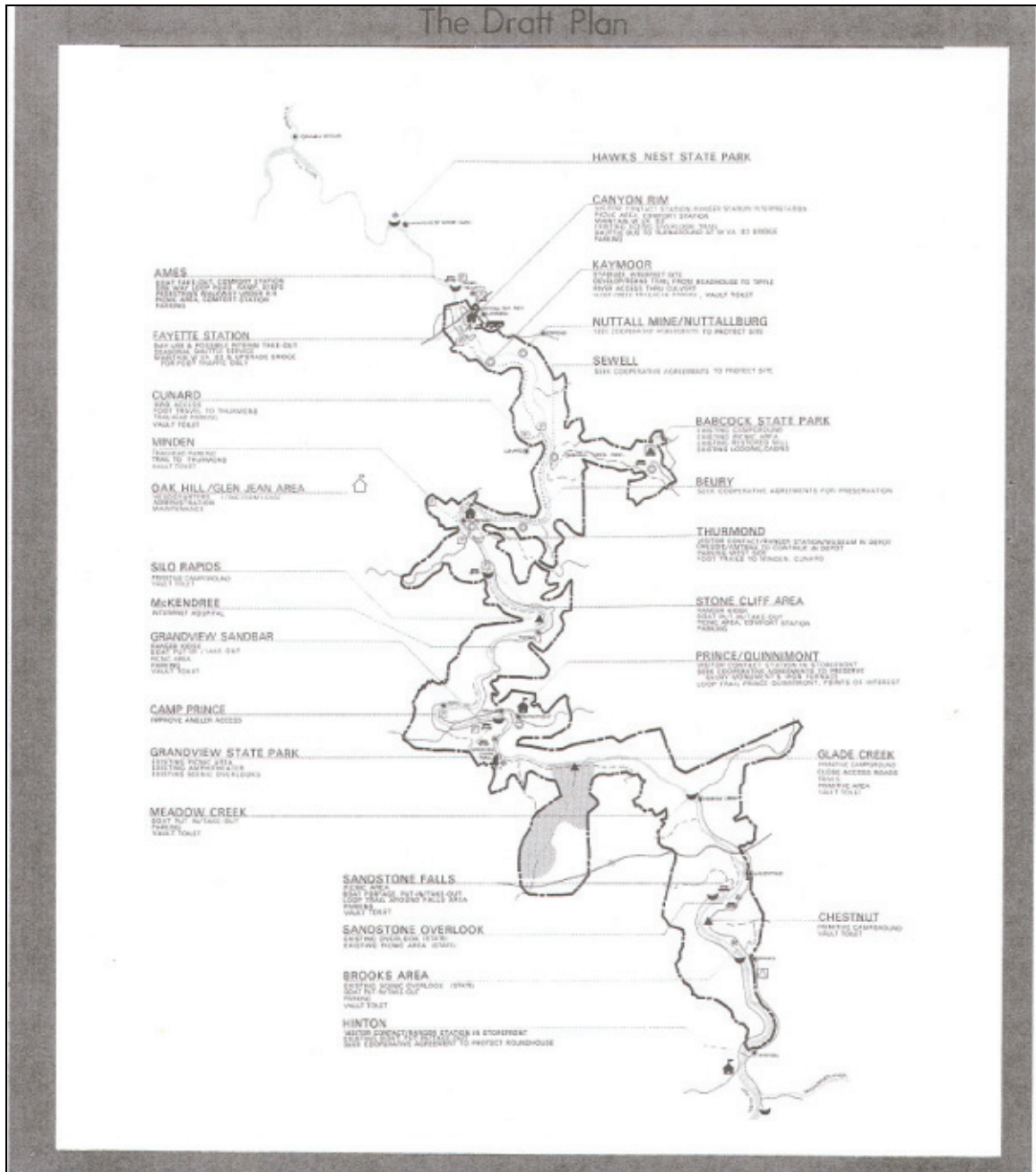
Because of crowded conditions in park headquarters in Oak Hill, the Park Service planning team in charge of improving headquarters sought a new location. They selected Glen Jean as the site for the new headquarters in 1986. Despite the objections of Superintendent Joe Kennedy that the proposed site was in a flood plain, NPS did not reconsider its decision, under pressure from the West Virginia Congressional delegation. The building dedication took place December 10, 1989. Since then, the headquarters has flooded three times; twice in 2001 and once again in 2003. Although it is always challenging to base decisions on technical analysis and to exclude politics, the decision to ignore a hydrological study because of pressure from constituents will continue to have consequences in the future.

Development, resource protection, and compatible land use were concerns expressed by park planners in the *GMP*. Use of the park and development of the surrounding area have increased tremendously since the park's designation in 1978. Due in part to the slow pace of the land acquisition process by the Park Service, developers have managed to purchase land in the park and along its borders. Weaknesses in land protection—in tools available and in funding—have allowed encroachments to cross the boundary of the park. Chapter 4 continues the discussion of land acquisition for the New River Gorge National River and of special resource protection needs, as well as how rapid growth of the park affected park operations: law enforcement, emergency services, wildland firefighting, and managing an extended park.

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<sup>143</sup> Lorrie Sprague, interviewed by Gregory A. Good, November 18, 2006.

<sup>144</sup> Destry Jarvis, interviewed by Lynn Stasick, April 23, 2004.



**Figure 17.** The New River Draft Plan circulated for public comment, 1982. Courtesy of New River Gorge National River.





**Figure 18.** Chief of Maintenance Steve Hastings, Superintendent Joe Kennedy, and Assistant Superintendent Henry Law in their “personally- sized” chairs, early 1990s, at a staff event at Dun Glen maintenance area. Courtesy of New River Gorge National River.



## CHAPTER FOUR

# **THE CHALLENGES OF MANAGING A QUICKLY EXPANDING PARK: FUNDAMENTAL CHANGE AND ITS CONSEQUENCES**

### INTRODUCTION

The year 1988 witnessed dramatic change at the New River Gorge National River, a change in direction that had far-reaching ramifications. With the realization that easements and zoning did not adequately protect the gorge, a corner was turned and there was no going back. The West Virginia Congressional delegation, especially Senator Byrd and Representative Rahall, began authorizing both extensive land purchases in fee simple and also the earmarking of large, line-item projects. The park superintendent and staff had to find ways to manage a park in a period of rapid growth. This chapter follows the adjustments made at the New River Gorge in land acquisition, planning for new park units, administration, and law enforcement and other emergency services. Subsequent chapters examine how this change of scale affected visitor services, interpretation, and natural and cultural resource management.

In addition to accelerated acquisition of private land by New River, the 1988 designation of Bluestone National Scenic River (BLUE) and of Gauley River National Recreation Area (Gauley River or GARI) expanded the administrative responsibilities of New River. The additional mandates imposed difficult issues of distance and size and special resource protection needs. The park also assumed responsibility for Grandview State Park and Sandstone Falls State Park during this time. The addition of the Bluestone and Gauley Rivers and the two former state parks re-emphasized questions about park expansion, park boundary modifications, and land acquisition. With each acquisition came the management of new recreational, cultural, and natural resources. This affected park planning, law enforcement, interpretative activities, maintenance, and other aspects of park management.

As the park expanded in the late 1980s and 1990s, the steep terrain and sparse road system of the New River Gorge National River presented park managers with complex operational challenges. Some areas of the gorge were only accessible by foot, helicopter, or kayak. Monitoring the diversity of visitor activities that occurred simultaneously throughout the park, coupled with search and rescue, providing medical services, and wildland firefighting, all posed difficult problems. Moreover, the distance from Hawks Nest, the northernmost point of the park, to Hinton, the southernmost point, was 52

miles and required about 90 minutes to drive. This chapter discusses how New River developed park operations in response to these challenges.

## **DESIGNATION OF GAULEY RIVER NATIONAL RECREATION AREA AND BLUESTONE NATIONAL SCENIC RIVER**

In 1979 the Park Service began a study of the Bluestone, Greenbrier, and Gauley Rivers in West Virginia to prepare a report on their possible nomination to the National Wild and Scenic Rivers system. Congress passed the authorizations into law with the enactment of the National Parks and Recreation Act of 1978 (Public Law 95-625). This was the same enabling legislation authorizing the New River Gorge National River designation.<sup>1</sup> This law committed the Park Service to study these “three principal tributaries of the New River in West Virginia.”<sup>2</sup> The Park Service published the *Final Wild and Scenic River Study: Bluestone River* in 1983. The study found:

The lower 25.5 miles of the Bluestone River flows through a scenic, rugged V-shaped valley and is a good example of a river gorge [located] in a humid, mid-latitude climatic region with luxuriant vegetation. The gorge is [a] well-defined geologic feature. Its outstanding scenic quality is due chiefly to the canyon profile.”<sup>3</sup>

The study described adjoining public lands.

The lower 10 miles of the Bluestone is bordered by two state parks and a public hunting and fishing area. Pipestem State Park provides a year-round resort type facility and Bluestone State Park offers the normal range of recreation facilities.<sup>4</sup>

The entire segment of river corridor under study was 60 miles long. The work determined that all 25.5 miles of the Bluestone River above the impoundment of Bluestone Lake was eligible for designation under National Wild and Scenic Rivers, while a segment upstream of Pipestone State Park was not, nor was one from Bluestone Dam to the Greenbrier River.<sup>5</sup> NPS concluded that the eligible section would be classified as “scenic,” which is defined as “those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive, and shorelines largely undeveloped, but accessible in places by roads.” The study cited the Bluestone’s

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<sup>1</sup> “Rivers and Streams: Bluestone, Greenbrier, and Gauley Rivers Evaluated,” *Highlands Voice*, October 1979.

<sup>2</sup> U.S. Congress, Public Law 95-625, Section 1108, *Congressional Record*, November 10, 1978, 3547.

<sup>3</sup> National Park Service, *Final Wild and Scenic River Study: Bluestone River, West Virginia*, August 1983.

<sup>4</sup> *Wild and Scenic River Study: Bluestone River*, 9.

<sup>5</sup> *Wild and Scenic River Study: Bluestone River*, 10.

“remarkable scenic, recreational, and fish and wildlife values,” and its normal water flow and level, which allowed water-related activities on it.<sup>6</sup>

The study classed the Gauley as a National Recreational River among “rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.”<sup>7</sup> The purpose of the designation, according to the *General Management Plan/The Final Environmental Impact Statement/Land Protection Plan of the Gauley River National Recreation Area* was

to ensure the protection and preservation of the scenic, recreational, geological, fish and wildlife, and cultural resources of the area. Its future should be to protect its rugged natural features and scenic and cultural values while providing opportunities for water and land-based recreational activities.<sup>8</sup>

Congressional Representative Nick Rahall (D-4<sup>th</sup> district) addressed his support of river protection to members of the West Virginia Highlands Conservancy at their Spring Review in 1986. He announced plans for an “Omnibus West Virginia Rivers Bill, called “The West Virginia National Interest River Conservation Act.” He introduced the bill during the first session of the 100<sup>th</sup> Congress.<sup>9</sup> The bill was significant because three components directly affected New River. It provided Wild and Scenic River designation for the Bluestone River, National Recreation Area status for the Gauley River and Meadow River, and sanctioned boundary modifications for New River. The Wild and Scenic River designation included a section of the Bluestone River from Eads Mill in Mercer County through Pipestem State Park, and Bluestone State Park, and then flowing into Bluestone Lake. Rahall stated that, “this segment of the river possesses outstanding scenic, recreational, and wildlife values which make it worthy of protection.” The Gauley River National Recreation Area would stretch from the tailwaters of Summersville Dam, past Peter’s Creek, and end near Swiss, WV.<sup>10</sup>

Some parties initially opposed the bill. West Virginia Chamber of Commerce President John Hurd mailed a resolution by their board of directors expressing its dissatisfaction with the bill. The Chamber felt that federal control of West Virginia rivers was “unjustified and not in the best interest of the state and its people.” The board also claimed that National River designation “[carried] with it direct and indirect restrictions on mining, timber harvesting, and manufacturing both within and adjacent to the designated area, and air and water quality laws which limit commerce far beyond the

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<sup>6</sup> *Wild and Scenic River Study: Bluestone River*, 11.

<sup>7</sup> *Wild and Scenic River Study: Bluestone River*, 11.

<sup>8</sup> National Park Service, *General Management Plan/Final Environmental Impact Statement/ Land Protection Plan, Volume 1: Gauley River National Recreation Area*, 1996, 10.

<sup>9</sup> “Rahall Announces River Bill Protection for Gauley and Bluestone Rivers,” *Highlands Voice*, May 1986.

<sup>10</sup> “Rahall Announces River Bill Protection.”

designated area.”<sup>11</sup> Evidently Hurd did not understand that the Corps of Engineers had and has jurisdiction over navigable rivers.<sup>12</sup>

Late in the 1988 session, Congress passed the West Virginia National Interest Rivers Act. The Senate bill eliminated the Greenbrier River, part of the original study, due to the question of federal control in a valley with so much private ownership. Prior to the bill’s passage, Senator Jay Rockefeller held a number of public meetings in Pocahontas and Greenbrier Counties to allow citizen participation in the process, where this objection and others were raised.<sup>13</sup> Local concern for possible future construction of dams for flood control on the Greenbrier River was strongly expressed. Nevertheless, the bill created one of the largest networks of protected, free-flowing rivers in the country.<sup>14</sup>

## **PARK EXPANSION, BOUNDARY MODIFICATIONS, AND LAND ACQUISITION**

As discussed in Chapter Three, the New River *General Management Plan (GMP)* sought to protect land in New River Gorge through leases, easements, surface acquisition, cooperative agreements, and where necessary, limited fee-simple acquisition. Overall, the *GMP* suggested nineteen specific, desirable property acquisitions in 1983.<sup>15</sup> Boundary adjustments recommended in the *GMP*, however, would reduce the park by ten percent.<sup>16</sup> As of 1983, NPS owned 538 acres of the 62,023 within park boundaries. The *GMP* (and the *Land Protection Plan* released in 1984) projected that protecting the gorge would require buying only 10,500 acres in fee simple, acquiring easements on 2,500 acres, and receiving 225 acres from West Virginia and 1,200 acres from private owners through donation. The Park Service optimistically thought zoning and land-use planning through local governments would protect the land remaining in private hands.<sup>17</sup> Figure 1 illustrates the history of land acquisition and “Boundary Progression” at New River up to 2005.

In 1987, the Department of the Interior changed its land protection policies and as a result, delayed New River’s land acquisition process. Destry Jarvis, of the National

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<sup>11</sup> “Gauley River National Status Opposed,” *Highlands Voice*, October 1986.

<sup>12</sup> Comment of David N. Fuerst on a draft of this administrative history, 2007. Dr. Clifford Tobias notes that the Park Service has jurisdiction over the surface of the Upper Delaware River at UPDE, 2007.

<sup>13</sup> “River Bill Bobs Along,” *Highlands Voice*, August 1988.

<sup>14</sup> “WV Rivers Bill Protects Gauley, Meadow, and Bluestone Rivers,” *Highlands Voice*, November 1988.

<sup>15</sup> *GMP (NERI)*, 33-38.

<sup>16</sup> *GMP (NERI)*, 43.

<sup>17</sup> *GMP (NERI)*, 30-31.

Parks Conservation Association (NPCA), submitted a report to NPS critiquing the slow land acquisition process. An NPS official responded:<sup>18</sup>

Many corporate landowners are not interested in selling easements on their land to the National Park Service. Nevertheless, the NPS is committed to pursuing easement and zoning options before it can consider entering into negotiations for fee purchases of land. It takes a long time to carry out these processes and we agree that can be frustrating. Still, our land protection process is fiscally responsible and, in these times, we can do no less.<sup>19</sup>

In 1988, New River spokesman Andy Kardos stated optimistically: “This year should be a turning point [for the park’s land protection policies]. We’ve never had this much money before.” Congress had designated over 4 million dollars to plan and construct park facilities. What was left over would be put toward land acquisition.<sup>20</sup>

As of 1988, the National Park Service only owned 16,000 acres of New River’s designated area of approximately 62,500 acres. Kardos justified the slow pace:

People criticize the Park Service sometimes for not moving quickly enough, but it’s normal that once a park is established that it takes a few years to reach the next level of “uncontrolled development.” I’ve seen areas where people wanted tourism, but they ended up burying the very thing that would attract tourists.<sup>21</sup>

After the Bluestone River and Gauley River designations, confusion arose regarding boundary modifications of New River and other NPS units. In response, NPS published the *Criteria for Boundary Adjustments* in 1991. The document listed five criteria to guide park personnel in determining future boundary adjustments.<sup>22</sup> The first three criteria addressed the “quality and character of the resources within or adjacent to the current park boundary.” First, were there important resources “integral” to the existing park but outside its borders? The second criterion addressed operational and management issues. Would an adjustment improve access or boundary identification? Better boundaries followed clear natural or human features, not arbitrary property lines. Better boundaries could facilitate cost-effective administration. Criterion three was to protect park resources from activities on adjacent lands. While the first criterion was not necessary, criteria two and three had to be present for NPS approval.<sup>23</sup>

Criterion four required that NPS be able to administer added lands. Their size, configuration, ownership, cost, and other factors could not present impractical

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<sup>18</sup> National Parks and Conservation Association, Report; letter, National Park Service to Paul C. Pritchard (president, National Parks and Conservation Association), June 17, 1987. NP & Conservation Association A22 MPF Box #1.

<sup>19</sup> NPCA, Report.

<sup>20</sup> News Brief, “Land Acquisition for NRGNR,” May 1988.

<sup>21</sup> “Land Acquisition,” 7.

<sup>22</sup> National Park Service, *Criteria for Boundary Adjustments: Supplement to Planning Process Guideline (NPS-2)*, 1991, MPF L1417 Box #46.

<sup>23</sup> National Park Service, *Criteria for Boundary Adjustments*.

difficulties. According to criterion five, the lack of an alternative for managing and protecting resources argued in favor of a property coming under Park Service administration.<sup>24</sup>

Superintendent Joe Kennedy oversaw the transition into more rapid land acquisition within these guidelines.<sup>25</sup> The Gauley and the Bluestone came under New River administration during his watch, from 1986 to 1995. Figure 2 shows that the process of planning for designation of the Bluestone National Scenic River was underway in 1983. Kennedy's strategy, according to Andy Steel in an interview in 2006, was: "Buy it, don't worry about what it is or where it is, just buy it. We'll figure it out later."<sup>26</sup> In 1988, in addition to the Bluestone and the Gauley being brought in, New River's boundary was changed. According to Steel, about 5,000 acres came in and 5,000 were excluded, with a net gain of about 500 acres. Figure 3 shows the four planning units into which the Park Service divided New River in 1989. As Mary Pearson – who worked in the Land Office starting in 1983 – said in 2004:

I remember back in the 80s, early 90s, we had another LAO here – Land Acquisition Officer – the money, it was there. All they said was "Buy land, buy land. We've got the money, here, buy land, buy land." Well, we just couldn't buy it fast enough. We couldn't get everything fast enough.<sup>27</sup>

Peggy Maddy agreed that a major change occurred when Kennedy was superintendent: "We were buying land everywhere."<sup>28</sup> Cal Hite, who was the park's superintendent from 2001 to 2007, commented that land acquisition proceeded at such a pace from the late 1980s on that "the Philadelphia Regional Office established a satellite office in Oak Hill, West Virginia, to deal primarily with the New River and ultimately the Gauley once it came on line."<sup>29</sup> That is, the Land Office in Oak Hill began operation. In fact, Superintendent Hite said that increased land acquisition was the biggest deviation from the 1983 *General Management Plan*.

The biggest place where we altered from that [1983] *GMP* was in land acquisition. We have acquired a lot more land than what that *GMP* called for ... The present park boundary encompasses about 72,000 acres and we've acquired about 51,000 of it so far ... The original *GMP* recommended little land acquisition and recommended reliance on local land use regulations ... zoning and easements. Within five or less years it was clear that wasn't going to work. Congress began to appropriate money to buy the land and protect it ... well beyond the ceiling in the *GMP*.<sup>30</sup>

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<sup>24</sup> National Park Service, *Criteria for Boundary Adjustments*.

<sup>25</sup> Joe Kennedy, the second superintendent, died not long after retiring to North Carolina.

<sup>26</sup> Andrew Steel, interviewed by Gregory A. Good, November 17, 2006.

<sup>27</sup> Mary Pearson, interviewed by Lynn Stasick, June 24, 2004.

<sup>28</sup> Peggy Maddy, interviewed by Gregory A. Good, November 17, 2006.

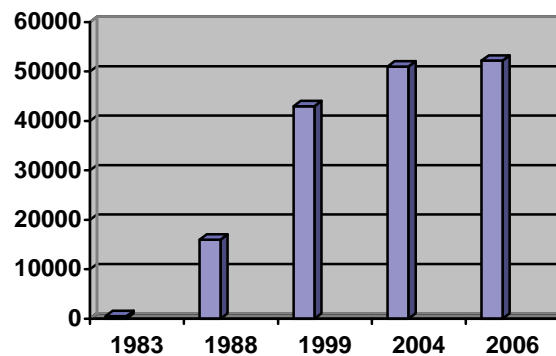
<sup>29</sup> Calvin Hite, interviewed by Lynn Stasick, June 21, 2004.

<sup>30</sup> Calvin Hite, interviewed by Lynn Stasick, June 21, 2004.



During his campaign for president in 1992, candidate Bill Clinton promised to support increased parklands. Instead, to the dismay of park officials and environmental activists around the country, he proposed to designate funding that was substantially lower than what President George H.W. Bush had spent during the preceding term. Bush spent \$366 million on new parkland, whereas Clinton proposed spending only \$209 million in fiscal 1994. The administration stated it wanted to focus on upkeep of government property instead of buying more. Those advocating park expansion at New river felt the best route was to purchase available private land within park boundaries to prevent anyone destroying the gorge's natural and cultural resources. In the *Beckley Register-Herald*, Liz Raisbeck, vice president of the National Audubon Society, stated, "Our feeling is that there are so many threatened places that if they are not bought up quickly, they are gone forever."<sup>31</sup>

Year	Acreage	%
1983	538	<1%
1988	16,000	25%
1999	43,000	61%
2004	51,000	70%
2006	52,200	72%



**Figure 19.** Acres federally owned within New River boundaries by year, with percentage of ownership within boundaries.

<sup>31</sup> Rita Beamish, "Decrease in Park Land Purchases Proposed," *The Register Herald*, April 8, 1993.

In May 1998, the park acquired its “most significant parcel of land located within park boundaries still in private ownership,” 1,021 acres. This sale by the trustees of the Nuttall Estate protected miles of viewshed along the Endless Wall and a popular rock climbing area, as well as Nuttallburg, an important, abandoned coal-mining facility, which is now listed on the National Register of Historic Places based on its national significance. As with any land acquisition, the NPS became responsible for managing the property consistent with park policy and regulations. This often required changes in the way area residents were accustomed to using the property, and led to occasional misunderstandings.<sup>32</sup> In 1998, in the *Hinton News*, New River Superintendent Pete Hart reflected on trends affecting lands in the hands of private owners:

More and more private land is now posted to prohibit trespassing. Many large holdings of timber and coal companies are no longer available as “free land”--where people traditionally hunted, fished, and camped without having to ask permission. As these farms are sold and the private lands are posted, more and more people are realizing the value of public land.<sup>33</sup>

The Park System Project analyzed the boundaries of New River, as it did for all Park Service land throughout the country. The Project report discussed boundary modifications including the river from Fayette Station to Gauley Bridge, the area downstream from Cunard, the area south of Babcock State Park, Glade Creek, and Meadow Creek.<sup>34</sup> A member of the Project addressed Congress in 2002 concerning a bill to acquire critical land on the canyon rim for New River:

This legislation proposes to adjust the boundary of New River Gorge National River to include seven tracts of land encompassing 1,962 acres. The addition of these lands within the park’s boundary would complete the rim-to-rim acquisition of lands on both sides of the gorge, permanently protecting its outstanding scenery in accordance with the legislation that originally designated the park.”<sup>35</sup>

All the land within the 2002 boundary modification was privately owned and all the landowners were willing to sell to NPS. The land quality varied, as some parcels were steeply wooded slopes within the gorge and others were popular tourist attractions with

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<sup>32</sup> “Endless Wall Acquisition Enhances Public Lands,” *The Register Herald: Leisure Guide*, July 1998. Superintendent Pete Hart discussed the acquisition in “The View from Endless Wall,” *Riverwatch*, June 1998. Available on line at [http://www.nps.gov/neri/riverwatch\\_0698.htm](http://www.nps.gov/neri/riverwatch_0698.htm).

<sup>33</sup> Pete Hart, “Riverwatch: Land Acquisition by State and Federal Government,” *The Hinton News*, April 7, 1998.

<sup>34</sup> NPCA Report; letter, National Park Service to Paul C. Pritchard, June 17, 1987. N.P. & Conservation Association A22 MPF Box #1.

<sup>35</sup> Statement of Katherine Stevenson (Associate Director for Cultural Resource Stewardship and Partnerships, National Park Service, Department of the Interior), before the Subcommittee on National Parks, Recreation and Public Lands of the House Committee on Resources, concerning H.R. 3858, the New River Gorge Boundary Act of 2002, May 16, 2002, <http://www.nps.gov/legal/testimony/107th/rivegorg.htm>.

climbing and hiking throughout.<sup>36</sup> The acquisitions were never completed. Significant parts of this land are now a center of controversy and impending development. The opportunity to complete these acquisitions has slipped away.

## **PLANNING FOR THE BLUESTONE NATIONAL SCENIC RIVER AND GAULEY RIVER NATIONAL RECREATION AREA**

With designation of Gauley River National Recreation Area and Bluestone National Scenic River in 1988, the planning obligations for New River, regional, and Denver Service Center (DSC) staff increased dramatically. This level of planning required more people and a higher level of specialization at New River.

Assistance came in many forms. In the early 1990s Congressional earmarks had built a DSC satellite office in Glen Jean, attached to park headquarters. Mike Hunter's staff in this satellite office coordinated with park staff and regional staff to produce a series of *Development Concept Plans* for specific projects in New River itself. These *DCPs* concerned projects that were meant to be accomplishable within a timeframe of a decade or two. Moreover, the Land Office had a full complement of six throughout the 1990s to handle the forty to sixty acquisition files that were open at any given moment.<sup>37</sup>

In 1990 Lorrie Sprague was hired first in a fire mapping position, working for the chief ranger. Within a few months she shifted to management assistant, working directly for Superintendent Joe Kennedy. While Kennedy focused his attention on New River and its *DCPs*, he called Sprague his person for the Gauley and the Bluestone. Her position was to be liaison for New River staff and to work directly with teams that flew in from the Denver Service Center main office to undertake planning for Gauley River and Bluestone River.<sup>38</sup>

Although some New River staff participated in early scoping for the Gauley River and Bluestone River *General Management Plans*, Sprague and the Denver staff oversaw most of this planning. Linda Romola, the team captain, worked out of Denver and she brought her own staff with her. As Sprague recalled in her 2006 interview, few park people could be very involved with these efforts because: "they were so up to their eyeballs" in their *DCPs* for New River. She continued: "I mean, it was not uncommon to sometimes have two or three teams in the Park at the same time. ... It was quite the maelstrom sometimes of people coming and going."<sup>39</sup> Scoping started simultaneously in

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<sup>36</sup> Statement of Katherine Stevenson.

<sup>37</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good and June 21, 2004 by Lynn Stasick.

<sup>38</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>39</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

1990 for both Bluestone River and Gauley River, but Romola soon realized that these units were too different and she established two separate teams.

Planning for Bluestone River hit a snag very quickly. Upstream of the low-water pool on the Bluestone reservoir, the West Virginia DNR had a lease with the previous federal agency with jurisdiction, the Army Corps of Engineers (Corps), to operate a Wildlife Management Area. For example, the DNR had maintained “wildlife plots” for years by mowing and brushing open areas. When Bluestone River was authorized in 1988, the Park Service effectively became the ‘landlord’ to the DNR, “pursuant to the terms of the lease.” Because the Corps is more at ease with multiple-use management and the Park Service tends more toward preservation, some state personnel were uneasy with the change. Sprague and other Park Service employees read the language of the lease and expected the DNR to come to the Park Service for approval or disapproval of their management actions. The DNR “chafed under that.”<sup>40</sup>

Sprague and Natural Resource Specialist Ken Stephens suspected that despite differences in agency orientation, the Corps had not simply rubber stamped DNR plans. They visited the district office of the Corps in Huntington and found correspondence in the files indicating that the Corps had indeed placed limitations on DNR actions. Sprague stated:

What it really amounted to [was] they [the DNR] were scared that the National Park Service was somehow going to turn these areas into places where people couldn’t hunt or not allow the DNR to do any of their wildlife management habitat manipulation. . . . One of the issues was whether they could make changes to a timber stand. But that was one of the things that we drew the line on. We said, . . . we’re not in the timber management business, but we will allow you to maintain the clearings [wildlife plots] that you’ve already got.<sup>41</sup>

The Park Service was dimly perceived as a threat to the DNR.

Congressman Rahall brought Park Service and Corps staff to his office in Washington, DC, in the late 1990s to effect an understanding regarding the lease. Superintendent Pete Hart, Sprague, and Stephens represented the Park Service and Curtis Taylor and another the Corps. The lease between the state and federal government was set to expire in 2000 and needed to be re-negotiated. They decided on a short-term lease of five or ten years.<sup>42</sup>

Sprague reflected in her interview in 2006 that she saw the root of this problem with the DNR as “classic state’s rights versus federal.” The DNR thought they had legislative language in place to protect them on the Bluestone River. They later told Sprague that they hadn’t done their homework and read the language of the lease with sufficient care. That phrase “pursuant to the terms” could not be glossed over. Also, the

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<sup>40</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>41</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>42</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

law authorizing Bluestone River specifically mentioned co-management by the NPS and DNR.<sup>43</sup> Still, the *General Management Plan* for the Bluestone National Scenic River came “to a blinding halt.”<sup>44</sup> As of 2007, this plan still had not been written. The Park Service built a pedestrian bridge, installed some signs, and built a parking lot at the former town site of Lilly, but did little more. As of 2007, the New River interpretive staff continued to conduct a short hike some Saturday mornings during the summer as of 2006, but little else.<sup>45</sup>

The situation in Gauley River National Recreation Area in the 1990s was much different. Less than 10% of the land within the designated boundaries was federally owned. (By 2004, 3,560 acres were federally owned of 11,507 total acres, or 30.4%). Moreover, while Bluestone had few visitors, the Gauley was one of the most popular whitewater rivers in the United States. This necessitated a different approach to the *General Management Plan*. Linda Romola’s Denver team worked with Lorrie Sprague and a few of her staff. Sprague did logistics for staff meetings, public meetings, focus group meetings, meetings with whitewater outfitters, etc. The legislation for the Gauley River specified that there would be a Citizens Advisory Committee, under the Federal Advisory Committee Act (FACA). Closed-door meetings were prohibited. While Sprague made all the arrangements and did her best to bring in a diverse public, Superintendent Joe Kennedy convened the meetings. Careful notes and recordings were made.<sup>46</sup>

According to Sprague, meeting after meeting focused on the Fisherman’s Trail, which she described as a fish stocking road. This, too, was a matter of contention with the DNR, which wanted to see the road improved for their use. Sprague recalled: “Fortunately this was one issue that [Congressman] Rahall stood firm on with the Park Service and said that, no, we did not dedicate the Gauley to build more roads.”<sup>47</sup>

Sprague was surprised that few other major issues came up during planning. Public access could have been raised since all the bank was privately owned between the put-in and take-out points until 2005. Intermediate landing spots were owned mostly by commercial rafting companies.<sup>48</sup>

The Park Service released its *General Management Plan* for the Gauley in 1996. Like the New River *GMP*, released in 1983, the Gauley River *GMP* laid out the general approach to be taken in managing Gauley River. It specified six different zones to consider in planning: Outstanding Natural Feature Zone, Resource Management Zone, Development Zone, Historic Zone, Special Use Zone, and Areas of Potential NRA

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<sup>43</sup> Comment by David N. Fuerst on draft of administrative history, 2007.

<sup>44</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>45</sup> Lynn Loetterle, interviewed November 18, 2006, by Gregory A. Good.

<sup>46</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>47</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>48</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

Boundary Adjustments. But it left detailed solutions for later plans, especially the Gauley River *Development Concept Plans*(DCP). The Gauley River *GMP* addressed issues like inner gorge access, a problem familiar from the New River Gorge. It stated:

Getting to the Gauley and Bluestone Rivers compromises the possible activities sought by its visitors. While the absence of development is a spectacular feature of the area, the lack of public access, facilities, and ownership prevents the public from participating in those activities for which the area is well-suited.<sup>49</sup>

Another problem familiar from New River was the existence of the remnants of drift and strip mine operations within the gorge. Dangerous openings, spoil piles, and structures remained behind. The continued use of the railroad along the lower Gauley created rock fall dangers.<sup>50</sup>

The *Development Concept Plan* process did not begin until 2001-2002, under a new superintendent, Cal Hite, and a new deputy superintendent, Debbie Darden. The Park Service had originally intended to produce three *DCP*'s for the Gauley River National Recreation Area, but because of delays and the need for urgent action, these were combined into a single *DCP*. Two major issues, linked to each other, had emerged since the *GMP*. During the *GMP* process a railroad was active down the Meadow River as far as Swiss on the Gauley River. This corridor was now abandoned and the tracks taken out, as part of a dispute between different rail companies which all used the same tracks. Sprague and others in the Park Service saw a possible rail-trail, which would add a new dimension to visitors' activities. Some local residents, however, began actively using the old rail bed as an ATV trail. Ownership was a checkerboard. CSX sold the Park Service five parcels (6 of 14 miles), all the interests it owned, but it wasn't always fee simple.<sup>51</sup> Others owned some interests in the corridor. As of 2006, the Park Service was still piecing together federal ownership of the corridor.<sup>52</sup>

Meanwhile, ATV use heated up as an issue. Gary Hartley, chief ranger for visitor and resource protection since 2000, stated in his interview in 2004 that word had come down from Representative Rahall's office that he did not support the Park Service intent to ban ATVs on the Gauley. Hartley said: "We thought there was probably a movement afoot and we would all of a sudden wake up one morning and find out that legislation had been passed 'Thou shalt have ATV use.'"<sup>53</sup> But then river groups started rallying and writing against ATV use along the Gauley because it was in the top 10 whitewater rivers in the world and number 2 in North America, just behind the Colorado River. Having two groups contact Congressman Rahall from opposite sides of the issue placed him "in the middle of the fence."

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<sup>49</sup> *GMP (GARI)*, 10.

<sup>50</sup> *GMP (GARI)* is discussed at <http://www.nps.gov/gari/gauleydcg.htm>.

<sup>51</sup> Calvin Hite, interviewed June 21, 2004, by Lynn Stasick.

<sup>52</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>53</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

NPS released Gauley River's *Development Concept Plan*, for the public in 2003. The *DCP* laid out alternatives, which it made more accessible through both a print version and on the web.<sup>54</sup> American Whitewater, which had helped advocate for the Gauley National Recreational River, involved itself in both the *GMP* process in 1996 and in the *DCP* process in 2003 and 2004. They announced the first public meeting to discuss the environmental assessment for the *DCP* on September 23, 2003 at the Midland Trail High School, in Hico, WV.<sup>55</sup> Public comments were taken into account. The *DCP* for Gauley River National Recreation Area was finished and sent up the line to the Washington Office, where as of November, 2006, it still awaited funding. Approval and implementation of the Gauley River *DCP*, in part or in whole, will occur beyond the time frame of this history.

### **KEEPING PACE WITH GROWTH OF THE PARK: NEW RIVER ADMINISTRATION ADAPTS TO CHANGE OF SCALE**

The growth of New River, Gauley River, and Bluestone River can be tracked in many ways: acres under federal jurisdiction, number of employees, budget amounts. When the changed direction took hold under Superintendent Joe Kennedy in the late 1980s, it affected not only the numbers, but the nature of the three river park units. Along with more land, came more resources to manage. Along with more staff, came more levels and channels of organization. Along with more money, came more projects to plan and execute. Once again, the stories of the participants tell these stories best.

In addition to the rapid land purchases discussed above, a lot of construction projects were underway during Kennedy's nine years as superintendent. Planning and discussions for a New River Parkway in the southern part of the park were ongoing. The headquarters in Glen Jean and the Denver Service Center wing were built. The bank at Glen Jean was restored and became a visitor center for a few years. Canyon Rim Visitor Center was built, along with an impressive boardwalk, steps, and viewing platforms overlooking the New River Bridge. The Thurmond Depot was restored and used as a seasonal visitor contact point. And planning for Kaymoor Mine, trails, water quality, and many other actions were taken (See Appendix 1).

During the time of Superintendents Carrico and Kennedy, the northern half of New River received more attention than did the southern. As Sprague expressed it, most of the staff lived in Fayetteville and Oak Hill and it was natural that they focused on what was right in front of them: the New River Bridge, Canyon Rim Visitor Center, Glen Jean,

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<sup>54</sup> *Gauley River NRA News*, February 2004, and on the web at [http://www.nps.gov/gari/graphics/garidcp\\_news\\_feb2004.pdf](http://www.nps.gov/gari/graphics/garidcp_news_feb2004.pdf).

<sup>55</sup> American Whitewater published a web newsletter discussing the *Development Concept Plan*, available at <http://www.americanwhitewater.org/archive/article/945/>.

Thurmond. Sprague felt that Superintendent Kennedy had always used the drawn-out planning for the New River Parkway “as his reason for not doing anything in the south end.”<sup>56</sup> One project he did propose, a visitor center at Sandstone Falls, was strongly criticized by park natural resources staff and others because of a unique flatrock plant community that thrives there. Sprague described this as a “palace revolt” and said that Kennedy backed down, saying he had enough to do on the north end with Kaymoor, Thurmond, and Fayette Station. Still, she thought more could have been done, especially for Hinton, such as treating it as a “mini-Harpers Ferry.”

Every New River staff member interviewed for this history reported, with varying emphases, that in the late 1990s the park had difficulty keeping up with growth. Lorrie Sprague reflected that the West Virginia Congressional delegation – Senator Byrd particularly – surprised the New River administration by coming through with funding for almost every priority project they requested.<sup>57</sup> She also agreed with Superintendent Cal Hite’s perception that during the late 1990s the park simply didn’t have the right people in place to implement projects and “make the cash flow.” Hite observed that the double challenge faced by Superintendent Pete Hart and his staff of managing daily operations for three National Park units and of implementing new projects overwhelmed the skills of the people in place.

Cal Hite stated in his 2004 interview that when he became superintendent in 2001, many of the earmarked projects went back as early as 1998, but that the funding had not been moved and many projects had not been started. His supervisor in the Northeast Regional Office told him to “move this money” before the sources pulled it back because, in fact, pre-1998 funding that had not been spent had already been withdrawn.<sup>58</sup> Hite cautioned that this was “through no fault of the staff here.” Perhaps he was being diplomatic.

According to Sprague, these “scores and scores” of projects earmarked by Senator Byrd included planning, construction, and research projects, many made necessary by expansion of the land base. Clearing this backlog, she said, constituted Superintendent Hite’s main challenge when he arrived in 2001. Hite indicated that many of these projects involved Kaymoor and Thurmond and other cultural resources, which will be discussed in more depth in Chapter 6.<sup>59</sup>

Peggy Maddy, who had worked at the park under every superintendent, recalled the episode a little more pointedly, but not unkindly. She remembered Superintendent

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<sup>56</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>57</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good.

<sup>58</sup> Calvin Hite, interviewed June 21, 2004, by Lynn Stasick. Peggy Maddy, in her interview of November 17, 2006, described the reaction of a staff member rather poignantly: Region came and “literally took the money” and she sat there and cried. Interview by Gregory A. Good.

<sup>59</sup> Lorrie Sprague, interviewed November 18, 2006, by Gregory A. Good; and Calvin Hite, interviewed June 21, 2004, by Lynn Stasick.



Pete Hart as more distant than Carrico and Kennedy had been, and less involved in daily operations. She said he focused on the politics and delegated the earmarked, line-item projects to the deputy superintendent, administrative officer, and others. She commented on some of these: one was “wrong man, wrong job”; another made intemperate critical comments in public; and another was a “hardship move” to New River. She recalled one long-time manager reflecting that one of these people “didn’t have a chance.” Another of these individuals was, according to Maddy, a self-described “small park mentality” in a rapidly growing park.<sup>60</sup>

When Cal Hite became superintendent in 2001, a transition in top staff occurred. Debby Darden came from Gettysburg National Military Park to become deputy superintendent and together they worked with park staff to catch up on the more than one hundred line-item projects that were backlogged. Only a few months into that process, however, the 2001 floods hit and caused extensive damage around the park. The headquarters and the bank in Glen Jean flooded and landslides washed out a trail and the Cunard Road. Fortunately the park had \$7 million in federal highway funds, but the repairs required a significant investment of personnel and effort. According to Hite, the park was still catching up with emergency repairs in 2004.<sup>61</sup>

Along with increased earmarking of special projects for New River, Gauley River, and Bluestone, came increased “Congressional oversight,” i.e., Congressionally mandated management actions. As Chief Ranger Gary Hartley put it in 2004, the New River was “one of the few parks I’ve worked in that’s had so much legislation affecting it, over the years, for so long. It certainly shows the Congressional oversight that is involved with the park here.”<sup>62</sup> This involvement started in the 1978 authorization legislation for New River, which included one short phrase that has kept the Park Service from regulating the most obvious activity on the New River: commercial rafting. The act specified that the Park Service would not regulate “watercraft services.” Commercial rafting, jet-boat tours, photographers working for the rafting companies, etc.: all of this was placed outside the Park Service. This situation was very unlike in the Grand Canyon, and its 1978 companion riverine park, Upper Delaware Scenic and Recreational River, where the Park Service regulates the river and similar services. On the New River, commercial rafting companies are regulated by the West Virginia Whitewater Commission. Twenty rafting companies each have one or more license, with each license allowing a company to place a certain number of customers on the river each day. Hartley commented that some companies have put a few hundred customers out per day and that altogether 250,000 or more people have rafted the river per year, leading to

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<sup>60</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.

<sup>61</sup> Calvin Hite, interviewed June 21, 2004, by Lynn Stasick.

<sup>62</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

severe crowding at the entrances to rapids. The inability of the Park Service to manage this situation originated in legislation.

While frequently the original intent is embodied in the authorizing legislation for a National Park unit, this degree of continuing, detailed prescription of management was perceived as unusual by the professional staff. Hartley listed a series of interventions that have affected or limited management decisions by professional staff. When the Park Service was developing its *River Management Plan* for the New River in the 1980s, word “came down from the Congressional delegation to ‘cease and desist’.”<sup>63</sup> Likewise, Congressional actions dictated that the Park Service would allow West Virginia to spray for black flies, to stock exotic trout species in Glade Creek, and to improve a road into Keeney’s Creek. The Park Service would not have taken these actions without a requirement to do so. As Natural Resource Manager Ken Stephens said in 2006: “There wasn’t any *overt* action we needed to take. We just needed to stop.”<sup>64</sup> In 2003, Congress intervened in the regulation of hunting within the park. Speaking of the black fly issue, but in a sentiment broadly applicable here, Ranger Hartley said: “It gives you an idea of the legislative oversight that this park has, and the Park Service, that they could actually do that. He continued:

It makes it a rather challenging position for the superintendent to be in, because you just do that.” He continued: don’t have legislation to go on from the past. You always have to keep your eyes open for new legislation, that’s going to change. It seems that this park is managed in part by legislation, meaning that when a major issue comes up, that the Park Service and the superintendent and of course the management team here have to be real wary that legislation doesn’t get passed.<sup>65</sup>

Ranger Hartley and his staff produced a “jurisdictional compendium” of all Congressional actions, court decisions, and other documents that have impacted management of New River and the other two park units. The compendium illustrates the political complexity of management of these parks.<sup>66</sup>

Natural Resource Manager Ken Stephens had a second, long-term perspective on this.

[T]his is a very political park. But it seems to be so far, if you had to say, it would be on the plus side of the politics. We’ve gotten legislation we didn’t need, didn’t want, and it hasn’t helped. But overall it’s been very positive, they’ve been there trying to support us when we’d identified a problem or an issue or a need, they’ve tried to support us. Now they’re not always successful . . . Rahall’s got a lot of seniority, Byrd’s been around a couple of years. And so obviously they have some weight when they ask for something. I think overall it’s been positive, but we’ve had some legislation that was not helpful.<sup>67</sup>

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<sup>63</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick. See Chapter Five for a more detailed discussion of the *River Management Plan*.

<sup>64</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>65</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

<sup>66</sup> According to Hartley, this document is on file at NERI headquarters. The researchers did not examine it.

<sup>67</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

Superintendent Cal Hite emphasized two major problems brought on by the rapid growth of New River, Gauley River, and Bluestone River and by budgetary constraint in the Park System nationwide since 1990. First, land acquisition brought with it resources (especially cultural) that required immediate attention. The superintendent had two ways to handle these needs: within the park's operating budget, or through seeking special construction funds. At the same time, the federal budget mandated salary increases without providing adequate additional funding. Superintendent Hite was deeply troubled by this. He said: "It's bound to break." His approach was to operate on "lapses." That is, when a position went vacant, he left it vacant (sometimes for years) to save money. When Hite was interviewed in 2004, there were eleven full time positions lapsed out of roughly 105 full-time positions.<sup>68</sup>

During Cal Hite's tenure as superintendent (2001 to 2007), the park hired a few more specialists, notably a geologist and a wildlife biologist. But the park personnel continued to be stretched thinly throughout the New River Gorge National River, the Gauley River National Recreation Area, and the Bluestone National Scenic River. Two major lasting legacies of the period of rapid growth within these parks have been (1) more complex organization to manage an increasing land base and number of projects and (2) the continuing challenge to fulfill these duties with a staff that is at best stable but growing insufficiently to meet all of the needs. This point is well illustrated in the next section, with a closer look at the development of law enforcement at the park.

## **LAW ENFORCEMENT IN A LARGER PARK SYSTEM**

Some of the most challenging problems park staff faced immediately upon designation of the park was monitoring visitor activities, law enforcement, emergency services, and fire management. The New River has typically supported more than twenty active commercial rafting companies and seen tens of thousands of private boaters annually. Thousands of people have climbed the 1600 rock routes along the gorge wall. Fishing, hunting, camping, hiking, and mountain biking have drawn thousands of additional visitors each year. And more park visitors have recreated along the Gauley and Bluestone Rivers. While the order of magnitude is greater today, park staff have faced problems related to this dispersed activity since the park's founding.

New River's *GMP* outlined hopeful NPS directives in 1983 regarding emergency capabilities, including law enforcement, emergency services, and fire control:

The National Park Service will develop and maintain adequate emergency capabilities (personnel, equipment, and training) . . . to ensure the protection of visitors, resources, and the NPS facilities on federal land within the boundary.<sup>69</sup>

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<sup>68</sup> Calvin Hite, interviewed June 21, 2004, by Lynn Stasick.

<sup>69</sup> *GMP*, (NERI) 28.

Continuing, the *GMP* spelled out some of the factors that hindered achieving this goal:

However, the National River's irregular boundary, limited road access, and mixture of federal, state, and private land ownership will require cooperative efforts to provide adequate levels of protection and emergency services on other lands within the park; the NPS will take the initiative to develop such necessary agreements and cooperative working relationships.<sup>70</sup>

As the *GMP* noted, the fragmented ownership, unmarked park boundaries, and many private in-holdings made it difficult for park staff and visitors alike to tell where the park ended and private land began.<sup>71</sup> Even before rapid expansion began in the late 1980s, the Park Service did not keep up with marking boundary modifications. Because of this and the time it takes to travel to the different parks, Park Service staff faced extraordinary difficulties monitoring activity and enforcing regulations.

The *GMP* recommended that NPS staff seek to alleviate these problems by working with local law enforcement. The park has signed a number of Memoranda of Understanding (MOU) or Memoranda of Agreement (MOA) with local and state agencies.<sup>72</sup> They signed one MOA with the West Virginia State Police (WVSP) in 1996. The agreement read in part: "Whereas, it is the mutual desire of the NPS and WVSP to work cooperatively in law enforcement and emergency services for the common purpose of providing emergency response to public safety requirements within NERI. . . ."<sup>73</sup> The park made mutual-aid agreements with local sheriff departments and the DNR. *Structural Fire Protection and Wildland Fire Protection* called for agreements with local, volunteer fire departments and the expansion of existing agreements with the DNR. The park began to participate in the local 911 system. Finally, search and rescue called for agreements with the state police and local sheriff departments.<sup>74</sup>

With New River's establishment, the park quickly addressed the need for a visitor safety program, defining NPS objectives and policies. The park released a *Documented Safety Program* in 1983, and addressed interim visitor safety measures.

Until such a time as the park develops visitor use facilities and implements field operations involving significant opportunities for public contact, NPS visitor safety responsibilities will be carried out primarily through other sources such as the West Virginia Department of Natural Resources, commercial outfitters, local boating organizations and local news media. Employees who do provide information to visitors concerning recreation opportunities and points of interest will stress the fact that significant hazards exist in areas which lack developed facilities. Supervisors will emphasize to employees the need to prevent visitor injuries through recognizing and

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<sup>70</sup> *GMP*, (NERI) 28.

<sup>71</sup> Only 538 acres were initially federal within NERI's boundaries (*GMP*, 30) and even today only 60% of the land is federally owned.

<sup>72</sup> National Park Service, *Draft Guidelines on Special Park Use* (NPS-53), MPF A5621, Folder NPS Permanent Guidelines Box #2.

<sup>73</sup> *Memorandum of Agreement Between National Park Service and the West Virginia State Police*, MPF A44 MOU 1996.

<sup>74</sup> *GMP* (NERI), p. 47.

correcting hazardous conditions and providing appropriate safety messages to the public.

An emergency medical services program will be maintained to provide transportation of the sick and injured and emergency pre-hospital care, which may range from minor first aid to advanced life support in various environmental settings.<sup>75</sup>

The potential for emergencies throughout the park involving whitewater, hiking, rock climbing, driving, and other activities was significant. Numerous natural hazards existed. The park needed to plan in detail how NPS staff could respond to emergencies.<sup>76</sup>

The 1983 *Documented Safety Program* provided a framework for a systematic approach to emergencies. The chief of park law enforcement was designated Park Safety Officer, responsible for directing park safety policies. The concurrent jurisdiction established within New River gave park rangers power under state and federal law to enforce laws in the park. But sometimes calls to crime scenes took rangers outside the park. Gary Hartley explained what happens then:

We're in and out of the park so much, if you see a crime being committed you have to say, "Sorry this is not my jurisdiction." Because of this, we were getting deputized by all the county sheriffs... at one point we had five deputizations. At least then we could detain and hold someone, and in an emergency, they [other law enforcement agencies] could call us.<sup>77</sup>

Staffing in law enforcement in park in the 1980s was low, no more than half a dozen in peak season, including temporary summer hires. Also, early rangers were not so specialized, often mixing education and enforcement. Among the earliest rangers were Rick Brown, who started in 1985; another, Duncan Holler, began in 1989. Jason Houck, as Chief Ranger, worked out of headquarters in Oak Hill through much of the 1980s. For the other rangers, they were normally assigned either to the North District or the South District. During this period, although the New River administration took responsibility for Sandstone Falls State Park in 1986, the Gauley and the Bluestone Rivers in 1988, and Grandview State Park in 1990, the law enforcement staff remained static.<sup>78</sup> See Figure 5, which mapped the cultural resources at Grandview for which the Park Service had accepted responsibility.

A big jump in staffing and in organization of law enforcement occurred in 1992, when the number of people in law enforcement roughly tripled. Bill Blake was chief ranger at this time. Duncan Holler directed the South District and Rick Brown the North. Each of these Districts was divided into two Sub-Districts. Each Sub-District had a regular ranger and three or four seasonal rangers. For example, in the Hinton Sub-District in the South District, Dave Bartlett was in charge and in the Grandview Sub-

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<sup>75</sup> National Park Service, *Documented Safety Program*, MPF A7615 Health and Safety, 1978-1988.

<sup>76</sup> National Park Service, *Emergency Operation Plan*. MPF A7619 Box #60, 1993.

<sup>77</sup> Gary Hartley, interview by Lynn Stasick, June 22, 2004.

<sup>78</sup> Gary Hartley (Chief Ranger), interviewed June 22, 2004, by Lynn Stasick. Andy Steel (GIS Technician), interviewed November 17, 2006, by Gregory A. Good.

District, Dennis Wyland performed this role. Likewise, in the North District, Greg Malcolm and Kinsey Shilling each directed seasonal rangers. In one year the park went from six rangers (counting permanent and seasonal) to have seven permanent rangers and between twelve and sixteen seasonals, or as many as twenty-three in peak season.<sup>79</sup> As of 2004, Superintendent Calvin Hite reported that fifteen enforcement rangers covered Gauley River, New River, and Bluestone River, a decrease since the 1990s, again despite increasing park usage.<sup>80</sup> Gary Hartley, who started as chief ranger for visitor and protective service in 2000, reported in 2004 that he had fourteen commissioned rangers plus seasonals, assistants, and fire management, for a total of 20 or 25 in peak season. But some of these had non-enforcement duties. He stated:

That sounds like a lot, but that's *three* parks, so they're going all the way down to the Bluestone. And what a lot of people forget is, that when you're trying to do that seven days a week, with two shifts a day, that basically ends up to that's one person on in the north and one person on in the south on many of the days ... That's a lot of territory to cover for one person.<sup>81</sup>

He did state that New River "bulks up" law enforcement on weekends so the rangers have back up available, with two on the day shift and two on the night shift. Figure 6 provides an overview of staff organization at New River as of 2004, and Appendix C provides a complete set of organizational charts for that year.

Throughout the park's history, the seasonal ranger position often has meant river patrol and it has operated as a proving ground for many who went on to become permanent rangers. Greg Malcolm, Sandy Sheck, and Brian Hunter all started on the river.<sup>82</sup> Likewise, some who started as seasonal interpreters later moved into law enforcement, including Dave Bartlett and Chris Shrader.<sup>83</sup>

Andy Steel started on seasonal river patrol in 1992, under Dave Bartlett in the Hinton Sub-District. For three or four seasons, Steel devoted two or three days per week to river duties: checking fishing licenses and creel counts, educating campers, keeping statistics, helping park users out of difficult challenges, and sometimes pulling them out of the river. In 1996, Andy Steel became permanent, along with about a third of the other seasonals in the New River.<sup>84</sup>

Steel described law enforcement issues through the 1990s as varied. Vandalism was expected, but it had been high since the park's beginning. Vandals, mainly young people, attacked signs, gates, and structures, because they didn't like restrictions. Other enforcement issues, Steel related, depended partly on district. In the North District,

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<sup>79</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>80</sup> Calvin Hite (Superintendent), interviewed June 21, 2004, by Lynn Stasick.

<sup>81</sup> Gary Hartley (Chief Ranger), interviewed June 22, 2004, by Lynn Stasick.

<sup>82</sup> Peggy Maddy (Contracting Specialist), interviewed November 17, 2006, by Gregory A. Good.

<sup>83</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>84</sup> As of 2007, Andy Steel was the park's Geographic Information Systems (GIS) Specialist.

where most visitors were tourists, car break-ins were common. Steel's duties included stake-outs, up in the woods above parking areas for boaters or rock-climbers, keeping watch through binoculars. Only a few break-in thieves were ever caught. In the South District, where local visitors have predominated, a lot of "subsistence timber thieving" has occurred. This has varied from illegal cutting of firewood for homes to more ambitious crimes. In the Clay Creek area in the 1980s a timber thief was convicted and fined triple the value of the timber. In the mid-1990s, some young men took 49 large oaks from federal land, but despite strong evidence the case did not go to court. In the late 1990s, another dozen large cherry trees were taken. More creatively yet, in 2005 thieves dismantled an entire house on park land along Meadow Creek board-by-board to steal the chestnut boards.<sup>85</sup>

Successful prosecution has been another matter. The courts often felt they had more serious problems than vandals. Although the Park Service has taken timber thieving very seriously, since it has been charged to protect the resources in the park, local courts have often seen this as a property crime, thus the triple-timber value assessment above. In the case above of 49 stolen oaks, the U.S. Attorneys inexplicably would not take the case. Some cases were still pending when Steel was interviewed in 2006. In another case in the early 2000s, a timber company re-opened a half-mile road, for use as a skid road, to a timber stand they owned, but it crossed park property. The Federal Court in Beckley, West Virginia, awarded a large settlement to the Park Service, not based on timber value. Steel reflected in his interview that local attitudes toward park land and park trees could be traced back to the old "company land" mentality, when the companies didn't care if a few trees were taken. He suspected that more timber thieving occurs than is realized.<sup>86</sup>

An increasing problem in the New River and Gauley River units, especially, has been the use of All-Terrain Vehicles (ATVs). Like other national parks, New River early prohibited ATVs within its boundaries. As Chief Ranger Gary Hartley noted in 2004, he suspected that an overflight would show twice as many illegal ATV trails as designated hiking and biking trails in the New River unit. "Every day there's people out there on their ATVs crashing through the brush, busting new trails into areas." Even fines up to \$5,000 don't deter ATV use, because the Park Service rarely catches violators. Hartley asked: "How can you catch an ATV when they don't have a license plate and can disappear in the woods? It's not like you can follow them. Once they see you coming there is no way you can catch them."<sup>87</sup> Hartley said one larger ranger has had some success by hiding at narrow passages, grabbing the handlebars, and removing the keys.

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<sup>85</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>86</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>87</sup> Gary Hartley (NERI Chief Ranger), interview conducted by Lynn Stasick, June 22, 2004.

Alcohol was also an issue, especially in the early days of the park. Some older park personnel recalled when pick-up trucks full of beer kegs would arrive at Army Camp campground and people would party and drink for days. According to Park Service employee Jennifer Anderson, who took the testimony, a visitor signed a complaint concerning Army Camp in 1988:

Extreme discontent about the lack of NPS patrols at Army Camp on the weekend. He told of weekend parties involving “hippies” drinking beer and liquor, smoking dope, throwing trash, and using Army Camp as a portable *[sic]* toilet. He also expressed concern about young children playing in the area and the “drunks speeding down the road.”<sup>88</sup>

Similar problems at the campground at Sandstone Falls State Park led the NPS to convert it to a day-use picnic area when the state donated the park to New River. It became too dangerous for park rangers to maintain order. The problems finally resulted in a closing of its campground and the prohibition of alcoholic beverages at select park campgrounds.<sup>89</sup>

Dave Bartlett told Andy Steel of a very different sort of enforcement issue originating in the “company land” attitude. Before Steel joined the park in 1992, a local family followed a seasonal migration pattern, coming down to a particular spot by the river every summer. They would put the car up on blocks, mow a patch of lawn, pen their hogs beside the camp, and settle in. They were a large family, and a colorful one, but they didn’t cause any trouble beyond taking over the camping area.

That was enough. No visitors to the area could find a camping spot. Clashes ensued. So the Park Service initiated a two-week camping restriction. The family began spending two weeks at Sandstone Falls Campground, then two at Army Camp. Or alternate members of the family signed up for successive two-week intervals and they stayed put.

Worse problems occurred with other clashes between local and visiting users. Alcohol frequently fueled the conflicts. Stone Cliff Campground was especially notorious for drinking and park staff did not recommend it to visiting families. Dave Bartlett, Andy Steel, and a state police officer visited Stone Cliff once when a couple and others with them were reported to be having a knock-down, drawn-out fight. Witnesses said one person “clocked a man in the back of the head with a lantern,” but the alleged pugilants denied to the rangers and officer that anything was wrong. Nevertheless, Bartlett, Steel and the officer ticketed them and asked them to leave.<sup>90</sup> In 1998, Superintendent Pete Hart related, “several troubling incidents disrupted Stone Cliff resulting in a near riot between two large feuding families involving numerous weapons,

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<sup>88</sup> National Park Service, Complaint Filed by Gilbert Smith, June 14, 1988, MPF, Box 1, A36.

<sup>89</sup> Gary Hartley, interview by Lynn Stasick, June 22, 2004.

<sup>90</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.



and culminating in several injuries and arrests.”<sup>91</sup> After that and other alcohol problems, New River prohibited drinking at Stone Cliff in 1999.

Because the park is rural, elongated, and isolated, park and other enforcement officials have had difficulty with drug interdiction, too. In the past, people have cultivated marijuana, dealt drugs, and operated narcotics labs on park property. In one case, people were bringing drugs from Philadelphia and New York and dropping them off at the Thurmond train station in the gorge for local distribution. The discovery of 421 marijuana plants in 1990 caused considerable concern among both park rangers and local law enforcement.<sup>92</sup>

In 1991, an interesting technique emerged. The Park Service, Fayette Drug-Free Committee, and several local companies obtained a German Shepherd, named Kiwi, raised and trained in Czechoslovakia, for the Fayette County Sheriff Department. Not only was the dog trained to locate illegal drugs and track and detain criminals, it was also trained to track and protect missing persons. Bill Blake, chief ranger for the park at the time, explained that the driving force in obtaining the animal was that law enforcement had found over one million dollars in marijuana plants within the park, and people hoped that the dog would help eradicate the problem.<sup>93</sup>

One surprising location for drug and alcohol problems, however, was not in an unwatched, distant corner of the park, but in Glen Jean. In 1999, local resident Harold Bragg complained several times to park officials that drug dealing and alcohol consumption were occurring within sight of park headquarters.

I appreciate your letter of 10 June, 1999 addressing my concerns of drug and alcohol use in the area of the National Park Service Headquarters in Glen Jean. As comforting as your letter is, I remain quite concerned about the openness of the violations of alcohol use on NPS land and the apparent lack of enforcement of the regulation banning such use. The two NPS parking areas immediately adjacent to the bridge entering Glen Jean from Route 16/61 are popular areas for both alcohol use and drug dealing. The grassy lot on the right has been used almost daily for the last year as a site for passing the bottle around, while the left side lot is used for drug dealing and drug meetings . . . I am aware that the NPS does not have jurisdiction to enforce their regulations on private lands within the boundary of the New River Gorge National River. Problems on such property as the vacant lot adjacent to the post office in Glen Jean have been referred to the Fayette County Sheriff's Department and /or the West Virginia State Police.<sup>94</sup>

Indeed, Mr. Bragg was correct. The park headquarters parking lot became a favorite site for the drug trade, both marijuana and meth-amphetamine. The community knew it and resented it. Chris Shrader, who had moved from interpreter at New River in the late 1980s to law enforcement and then to be the park's criminal investigator, worked

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<sup>91</sup> Pete Hart, "Managing a Non-traditional Park," *New River Symposium Proceedings* (Beckley, WV, April 1999), 1-9, on 7-8.

<sup>92</sup> Gary Hartley, interview by Lynn Stasick, June 22, 2004.

<sup>93</sup> "Fayette Canine Quickly Earning Celebrity Status," *The Fayette Nicholas Report*, April 17, 1991.

<sup>94</sup> Letter, Harold D. Bragg to NERI Superintendent Pete Hart, June 12, 1999, MPF, Box 1, A36.

closely with the local Drug Task Force to change this situation. He set up video cameras in parked cars and in nearby buildings. After a big bust, the parking lot was no longer an active site.<sup>95</sup> Nevertheless, drug problems have not been eliminated and continue to challenge park personnel.

## **EMERGENCY SERVICES IN A LARGER PARK SYSTEM**

Andy Steel recalled in his interview in 2006 that when in 1992 he participated in search and rescue as a seasonal ranger, local volunteer fire departments did not view the Park Service favorably. They saw the Park Service as the “new kids with big equipment” that wasn’t needed. Relations gradually improved as they worked together, with several key incidents or developments helping along the way. The operation of a joint-command by Ranger Dave Bartlett and a local fire chief for a drowning at Sandstone Falls in the mid-1990s helped. Another time one canoeist washed over the falls and another nearly did and clung to a rock atop the falls. Night fell and communications were impossible because of the roaring falls. They couldn’t use a helicopter, and even shutting down Bluestone Dam and going up with a motor boat could not effect the rescue. Finally, Ranger Kinsey Shilling went over on a rope and the canoeist was brought to land.<sup>96</sup>

As often is the case, a particular individual can help turn perceptions around. In the early 1990s, Charles Mitchum, who worked as a ranger at Grandview in 2006, joined park law enforcement, after retiring from the West Virginia State Police. He had been involved locally for years and had credibility. He helped the Park Service build connections to local emergency services. As Andy Steel reflected, “Things happened around him.” He received an award for saving a Hinton police officer and he saved two people in the 2001 floods in Thayer, when Buffalo Creek washed their house off its foundation. Meanwhile, he watched bridges above and below him being washed away.<sup>97</sup>

According to Steel, most rafting companies have been nearly self-sufficient in search and rescue. The Park Service mainly has rescued fishermen, swimmers, and people who don’t understand the power of the river. Not unusual was the following rescue. A man, woman, and their young daughter were floating the river in a bayou canoe, not really made for white water. The canoe flipped and the three of them clung to a rock in the middle of the river. As night fell, the man swam to shore, hiked out in the dark, got a fisherman to help, and ultimately the Park Service completed the rescue.

Fatalities on the New River and Gauley River have indeed occurred, some by accident, many suicides. A teenager from Virginia died in 2004 when she was entrapped

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<sup>95</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>96</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>97</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

under a rock during a commercial rafting trip.<sup>98</sup> Steve Cruikshank, director of Fayette County Emergency Services, told a reporter that commercial rafting fatalities on the river had been rare.

The last one that I can recall was 12 or 15 years ago. I've been in the position for 19 years now, and I can only remember . . . three or four. In reality it's more dangerous driving here than going down the river. The guys who lead these rafting expeditions are pretty skilled.<sup>99</sup>

Other users, however, have a worse record. Steel has helped in the recovery of fourteen bodies, that is, all except a few of the deaths since he began in 1992. Some of these were the customers of rafting companies mentioned by Cruikshank, but they were mostly anglers, private boaters, and people who slipped in and were swept away by the river.<sup>100</sup>

With the growing popularity of the New River Gorge as a destination for rock climbers, accidents on the cliff faces also have occurred. Most, however, have not required Park Service assistance in rescue: falls at the base of the cliff, twisted limbs, abrasions, and bruises. The Park Service is not called in unless it is a serious incident and this happens only once or twice a year. Only one climbing fatality had occurred in the park up to 2006, when a solo climber tripped over his duffle bag at the top of a rock face and fell over.<sup>101</sup>

One early idea for quickly transporting search-and-rescue personnel to accident sites and for quickly transporting victims out came from outside the NPS. Dave Arnold of Class IV River Runners suggested in 1985 that each rafting company owner acquire a vehicle that could run on the CSX tracks through the gorge. In a letter to Acting Superintendent Bob Whiteman, Arnold wrote:

The isolated nature of the gorge creates problems for fast evacuation. In the past, CSX Corporation has been extremely helpful by providing men, vehicles, and down-time without charge. I believe it is time the NPS took this monkey off their back. As usage by rafters, hikers, fishermen, kayakers, etc. continues to increase, the accident rate will also rise.<sup>102</sup>

Preliminary discussion began in December 1985 between the Park Service and the railroad. A CSX division manager agreed that such a vehicle would [provide a] "very effective way of removing persons during emergency situations within the river corridor." He did not agree however, with the idea that non-railroad employees would qualify to operate the vehicle. He argued that individuals driving the vehicle on CSX tracks had to thoroughly know railroad operating rules and procedures and know the

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<sup>98</sup> Matthew Hill, "Va. Resident Trapped under Rock after Boat Overturned," *Register-Herald*, July 1, 2004.

<sup>99</sup> Hill, "Va. Resident Trapped under Rock."

<sup>100</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>101</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>102</sup> *GMP (GARI)*, 15.

physical characteristics of the gorge itself. He doubted that a non-railroad employee could stay current on knowledge and procedures to operate such a vehicle safely. This impasse kept this idea from reaching its fruition.<sup>103</sup>

Another issue for emergency response involved maintaining communication throughout the park. The 1983 *GMP* required the park to

maintain a radio communication system capable of meeting routine and emergency operational needs; repeater sites will be established and maintained outside the national river boundary and cross-communication capabilities may be developed with cooperating agencies.<sup>104</sup>

But by 1990 the communication system still was problematic. Its ineffectiveness was obvious since only half of the park had radio coverage between rangers and headquarters.<sup>105</sup> Moreover, the geography required that many rescue efforts be conducted through relay communication. For example, on June 15, 1998, a group of rafters discovered a kayaker's body. The raft guide contacted his company, North American Whitewater Outfitters, and they sent word to New River headquarters. Communication required 45 minutes. The park service responded by sending a helicopter.<sup>106</sup>

New River created the *Emergency Operation Plan: Command System and Operational Checklists* in 1993 in response to a perceived weakening in the chain of emergency response. While many park personnel felt the park handled minor emergencies adequately, the park was concerned that the system might strain under more serious situations. New River needed to be ready for wildland or structural fires, floods, multiple-injury accidents, or a major plane wreck with survivors.<sup>107</sup>

The *Emergency Operation Plan* specified that park's chain-of-command have fourteen positions, each with a part in responding to emergencies within park boundaries. The plan placed the chief ranger in charge of all visitor protection duties, including emergency operations and conducting board-of-inquiry investigations in cases of fatalities. It made district rangers accountable to the chief ranger and responsible for day-to-day visitor protection within his or her jurisdiction. Others became accountable for wildland fire, emergency medical services, search and rescue, law enforcement equipment, and prompt execution of the *Emergency Operations Plan* within his or her respective area. Thus the chain-of-command was consecutively applied throughout the fourteen positions.<sup>108</sup>

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<sup>103</sup> Memo, NERI to Senator Robert C. Byrd, October 28, 1986, MPF A3815.

<sup>104</sup> *GMP (NERI)*, 28.

<sup>105</sup> *Memorandum: Visitor Contacts*, MPF A7615 Box #26 File #2, 1990.

<sup>106</sup> "Kayaker's Body Found in Rapids," *Charleston Daily Mail*, June 15, 1998.

<sup>107</sup> National Park Service, *Emergency Operation Plan*. MPF A7619 Box #60, 1993.

<sup>108</sup> National Park Service, *Emergency Operation Plan*. MPF A7619 Box #60, 1993.

By this plan, all park personnel could act quickly and efficiently in an emergency. All emergency calls that originated within the park were to be dispatched via the Raleigh County Emergency Operations Center located in Beckley. The dispatch system was a twenty-four hour facility and maintained contact with rangers at all times, given availability of contact.<sup>109</sup>

To get from one part of the park to another has always involved long drives on roads outside the park, since no road runs the length of the park. This can be dangerous when responding to complaints and emergency situations. Grandview is a good example. The Park Service *Emergency Operation Plan*, released in 1993 (see just below), indicates that

Grandview is within two air miles of an area known as Army Camp. [Yet] it takes twenty-seven miles of driving and forty-five minutes or more for a patrol ranger to go from one to the other. During most of the travel time the patrol ranger is out of the park [boundaries].<sup>110</sup>

Although there is a steep, rough administrative road from the Grandview maintenance area into the gorge, to the bridge over the New River to Prince, patrol rangers more often use the longer, paved route described above, a reasonable choice.<sup>111</sup>

About the same time, in 1990, a movement began to establish the New River Gorge National River Search and Rescue team (SAR). The increase in rock-climbing required a technical response team. The Park Service hosted a 3-day training course with North District Ranger Rick Brown and a park ranger from Voyageurs National Park to develop a team. Hugh Doughner, considered the most talented technical rescuer in the country at the time, conducted the course.<sup>112</sup>

Efforts to make search-and-rescue more effective continued in 1995. NPS placed emergency backboards along the New and Gauley Rivers. Since companion boaters conducted most rescues, these boards were for public use. NPS ‘flagged’ each backboard location.<sup>113</sup> NPS kept the boards out from April 1 until the end of the Gauley whitewater season, when they removed and stored them for the winter. Because the boards were expensive, NPS placed only seventeen on the New River and eleven on the Gauley. The Park Service asked people using the boards to contact the Canyon District Office to record the event and retrieve the board.<sup>114</sup>

Emergency services in New River Gorge National River, and Gauley River and Bluestone River, have changed significantly since the beginning. Staffing has increased

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<sup>109</sup> National Park Service, *Emergency Operation Plan*. MPF A7619 Box #60, 1993.

<sup>110</sup> National Park Service, *Emergency Operation Plan*, MPF A7619 Box #60, 1993.

<sup>111</sup> National Park Service, *Emergency Operation Plan*. MPF A7619 Box #60, 1993.

<sup>112</sup> National Park Service, Memorandum, MPF A7615 Box #26, File #2, 1990.

<sup>113</sup> *GMP (GARI)*, 15.

<sup>114</sup> Letter, Rick Brown (North District Ranger) to Whitewater Outfitters, April 21, 1995, MPF A7615 Box #73.

and organization has improved. With time, Park Service personnel have worked more closely with local first responders and also with private boaters and the employees of commercial rafting companies. Although the terrain presents the same formidable challenges as ever, these changes, along with the adoption of cellular telephones, have helped to improve the situation.

## **FIRE OPERATIONS IN A LARGER PARK SYSTEM**

Except for one dramatic fire of 300,000 acres that threatened the Gauley River National Recreation Area and the New River Gorge National River in 1991, most fires on the three parks have been rather minor. In the U.S. House of Representatives, Congressman Nick Rahall praised the firefighters who came to help fight the 1991 fire, supplied by the Park Service, Forest Service, Fish and Wildlife Service, and Bureau of Indian Affairs, saying:

The Federal response to the fire did not simply benefit the two units of the National Park System in southern West Virginia. The state and local fire-fighting effort was greatly enhanced by the Federal presence. For example, I am convinced that without the work of the Federal interagency fire team, the town of Ansted in Fayette County would be in flames.<sup>115</sup>

Only two naturally caused fires have ever occurred, both generated by single lightning strikes to trees. Most fires have been human-caused, and most of those by sparks flying from burrs on the active railroads.<sup>116</sup>

Before the big 1991 fire and the resulting official reactions, seasonal rangers often concentrated on law enforcement for seven months of the year and moved to a fire position for five months. By 1995, the Department of the Interior expressed concerns that the park's wildland fire program required professional, managerial oversight and stated:

It is now recognized by those who have studied the issue that New River Gorge National River, and its two companion parks, the Gauley River National Recreation Area and the Bluestone National Scenic River, present one of the most significant and challenging fire programs in this region and, perhaps, one of the most significant in the east.<sup>117</sup>

Interior feared that without a full-time Fire Management Officer (FMO), the park could not meet the needs of a fire management plan and oversight of a prescribed fire program. Interior also worried that the park could not guide, train, and meet qualifications for 50

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<sup>115</sup> *Congressional Record*, Vol. 137, Pt. 21 p. 30401-32076, 102<sup>nd</sup> Congress, 1<sup>st</sup> Session, Nov. 6, 1991-Nov. 13, 1991.

<sup>116</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>117</sup> National Park Service, *Fire Program*, MPF Y14, Box #74, 1995.

or more firefighters. Hence the regional FMO instructed New River to create a full-time professional position to address the issues of implementing and sustaining a fire suppression/prevention program.<sup>118</sup>

In 1996, three law enforcement positions changed permanently to fire operations, including Andy Steel and Dave Bartlett, Bartlett as fire management officer.<sup>119</sup> Fire fighters on the parks have not been “on call” in the National Park Service since it was determined that this conflicted with personnel policies nationwide. Rather, fire officers have worked regular assignments. Some also chose to be put on a call-out list if they were willing to accept extra assignments. The call-out list was regionalized, hierarchical, and prioritized according to a set protocol.<sup>120</sup>

Communication for fire officers, like law enforcement rangers, originally was by radio or beepers, and later by cell phones when they became available.<sup>121</sup> The use of Geographical Information Systems (GIS) in New River and its sister parks started within the fire management team, unlike in most parks, where it entered through natural resource teams. When in 1996 Dave Bartlett heard of GIS training and funding for computer equipment, he sent Andy Steel for the training. Steel later attended a second course. He gradually expanded the use of GIS from mapping park boundaries and searching out remote parcels to installing backcountry boundary signs on illegal ATV trails and registering the positions of signs and structures into the property files. The use of GIS spread to law enforcement, and into general use. Keeping up with the rapid acquisition of land in the 1990s challenged everyone, but Andy Steel’s energetic efforts to map the park and to increase the utility of GIS quickly became essential to every division of the park.

The Park Service created *Wildland Fire Management: Director’s Order #18* in 1998. They spent a year reviewing and revising a plan that would effectively meet the needs of New River’s fire situation.<sup>122</sup> Their fire management statement of purpose indicated that

wildland fire may contribute [to] or hinder the achievement of park management objectives. Therefore, park fire management programs will be designed to meet resource management objectives prescribed for the various areas of the park and to ensure that firefighters and public safety are not compromised.<sup>123</sup>

Since then, controlled burns have been used to manage risk, such as at Camp Brookside in the early 2000s. Wildfire Associates, Colorado, prepared the *Wildland Fire Management Plan for New River National River, Bluestone National Scenic River, Gauley*

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<sup>118</sup> Letter, Department of Interior to NERI, MPF Y14, Box #74, 1995.

<sup>119</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>120</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>121</sup> Andy Steel, interviewed November 17, 2006, by Gregory A. Good.

<sup>122</sup> National Park Service, *Director’s Order #18: Wildland Fire Management*, February 23, 1998.

<sup>123</sup> National Park Service, *Director’s Order #18: Wildland Fire Management*.

*River National Recreation Area* for New River, released in 2005.<sup>124</sup> It remains to be seen how this recent report will affect fire management in the park, but in any case, experience and reflection have produced a detailed plan.

## CONCLUSION

From its beginning in 1978, New River Gorge National River has challenged Park Service personnel. Its remoteness, poor roads, and grandeur have made the national river a difficult park to patrol and administer. Communication, law enforcement, search and rescue, and fire protection all face these same logistical problems. Inclusion of the Bluestone National Scenic River and the Gauley River National Recreation Area and two former state parks within New River's charge has exacerbated these problems. The establishment of Gauley River and Bluestone River also required new rounds of planning like those on-going for New River itself. A *GMP* for Gauley appeared in 1996 and a *Development Concept Plan* took the process further in 2002. The patchwork of private and public ownership within park boundaries made it difficult for the Park Service to meet its main charge from Public Law 95-625: to protect the resources of the gorge. NPS faced difficulties in protecting resources through easements and donations, approaches they tried first before the park began to acquire more land by fee. This slowed acquisition. Thurmond provided a good example of these difficulties. The Nuttall acquisition, on the other hand, yielded a success story in 1998.

Inner gorge access has posed, and continues to pose, difficult problems for monitoring visitor activities and law enforcement. Illegal use of ATVs, drugs and alcohol have been primary issues for law enforcement. Poor inner gorge access and poor communications also posed problems for wildland firefighting and search-and-rescue efforts. The Park Service entered into cooperative agreements with local and state agencies to better manage enforcement and rangers were deputized for multiple jurisdictions. Later West Virginia law was changed to designate rangers as "Peace Officers" under West Virginia code, providing them far greater enforcement capabilities.<sup>125</sup> It also has developed progressively more proactive plans for responding to criminal actions, accidents, and forest fires. No longer is it enough to warn park visitors that it's dangerous on the river or atop a cliff. Now the park has to have a plan in place for responding to any eventuality. Certainly, more remains to be done, but the New River Gorge National River has proceeded from bare sketches of management plans,

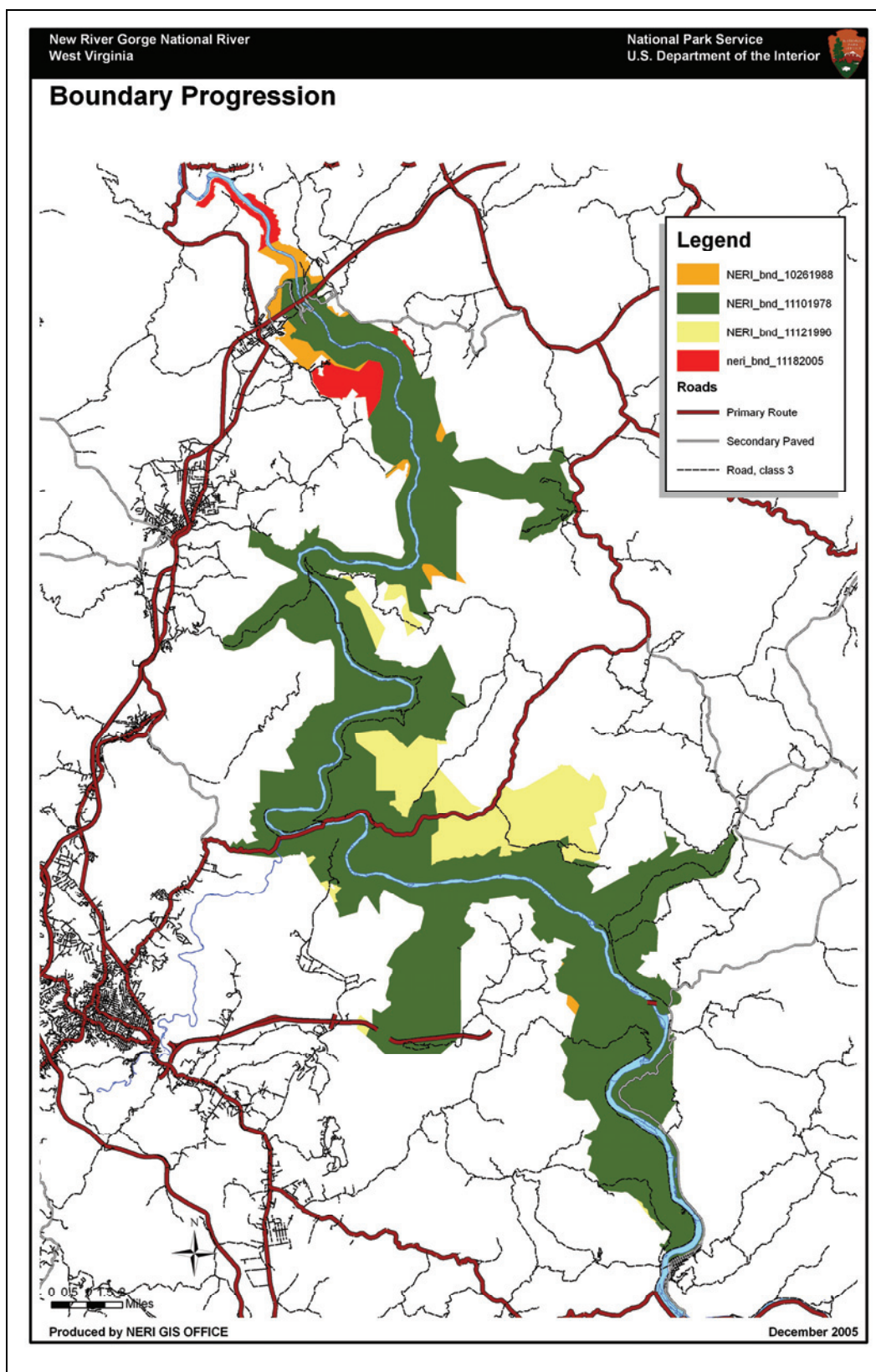
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<sup>124</sup> Wildfire Associates, *Wildland Fire Management Plan: New River National River, Bluestone National Scenic River, Gauley River National Recreation Area* (For the National Park Service, March 2005). This report is available on the web at [http://www.nps.gov/neri/pdf/fmp/NERIFMP\\_FINAL.pdf](http://www.nps.gov/neri/pdf/fmp/NERIFMP_FINAL.pdf).

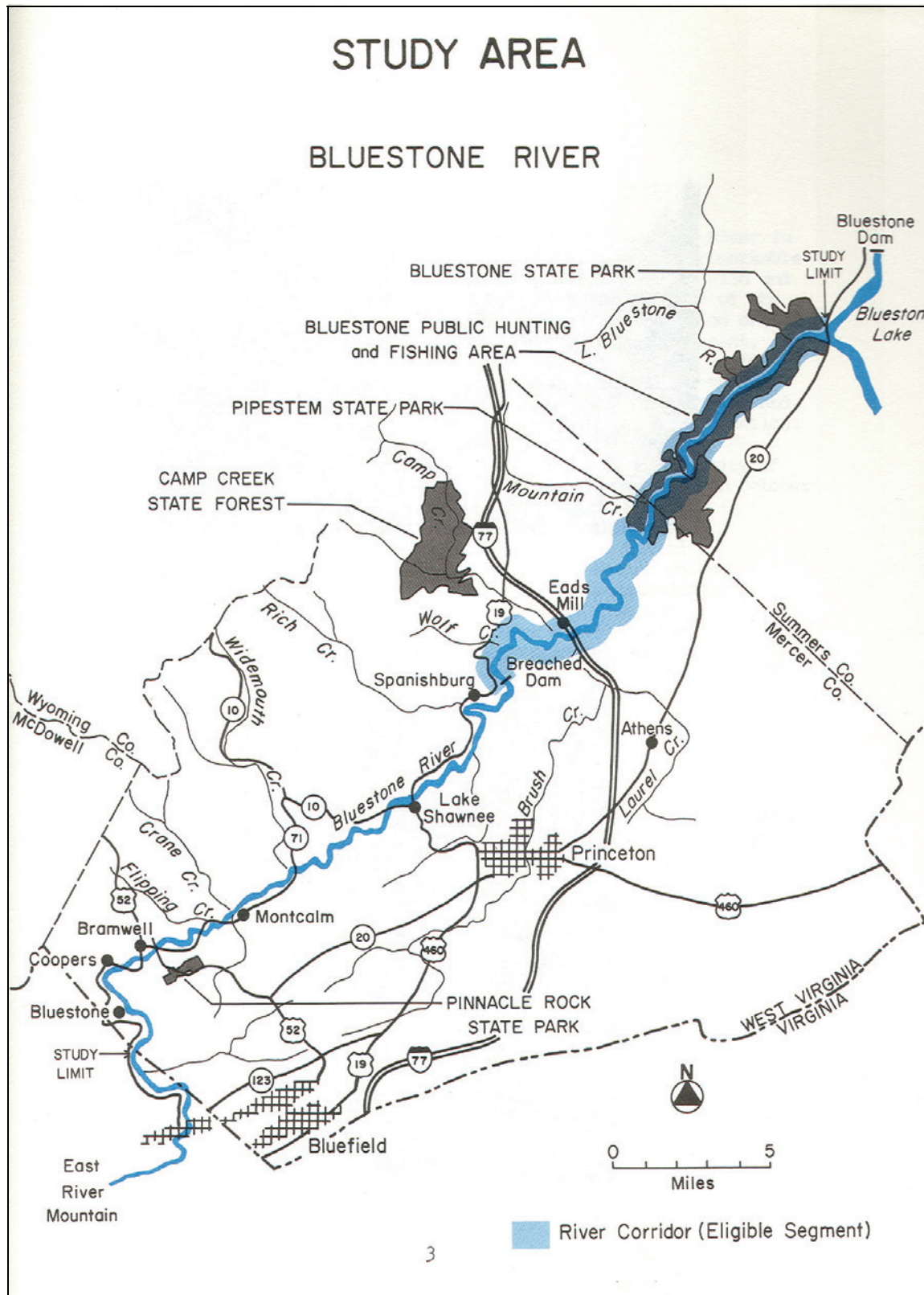
<sup>125</sup> Gary Hartley, interviewed by Lynn Stasick, June 22, 2004.



through exhaustive analysis of problems and challenges, to very detailed plans regarding many of the most important and pervasive issues commonly faced.

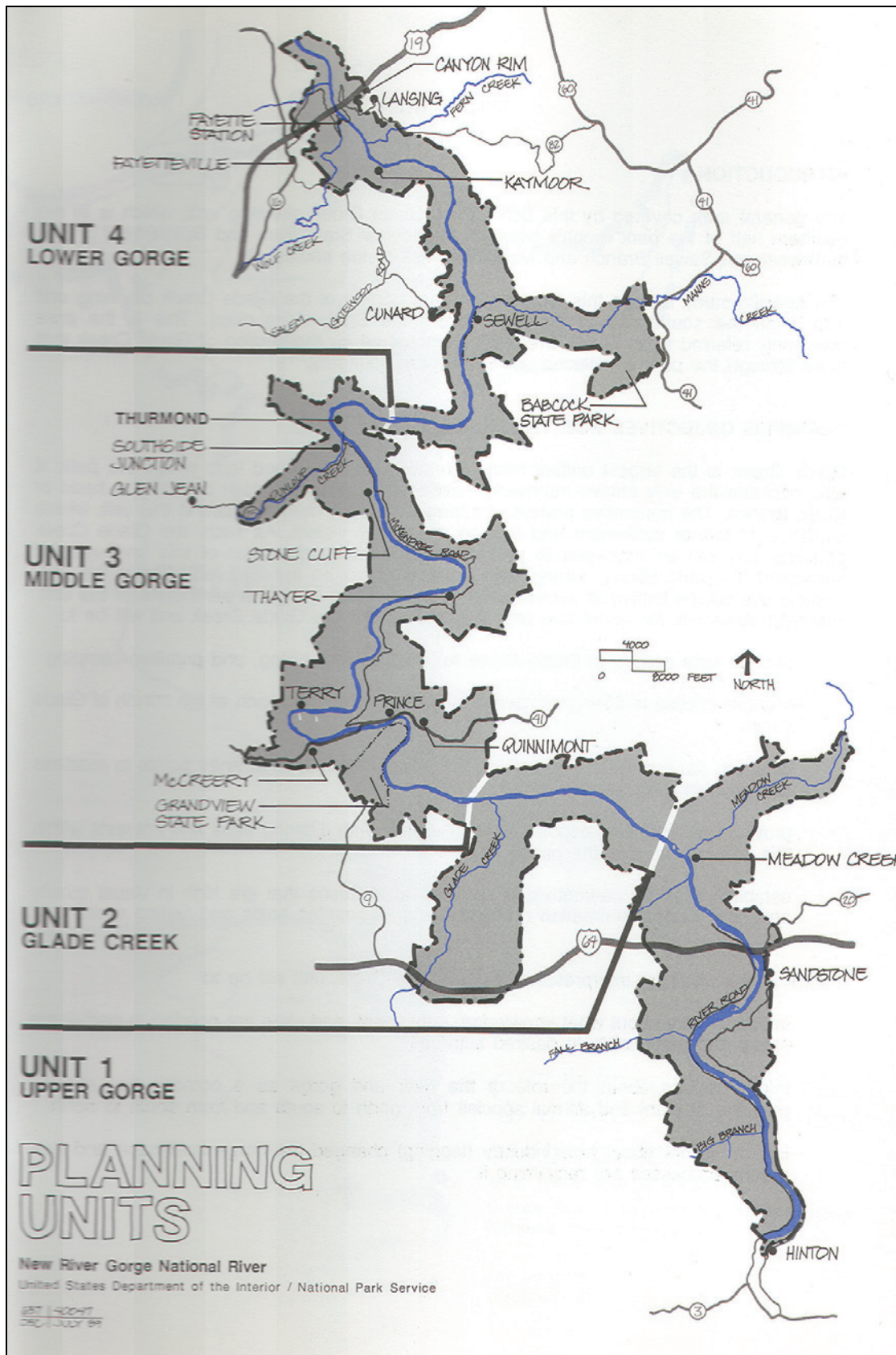


**Figure 20.** Map showing the “Boundary Progression at New River up to 2005. Courtesy of New River Gorge National River.

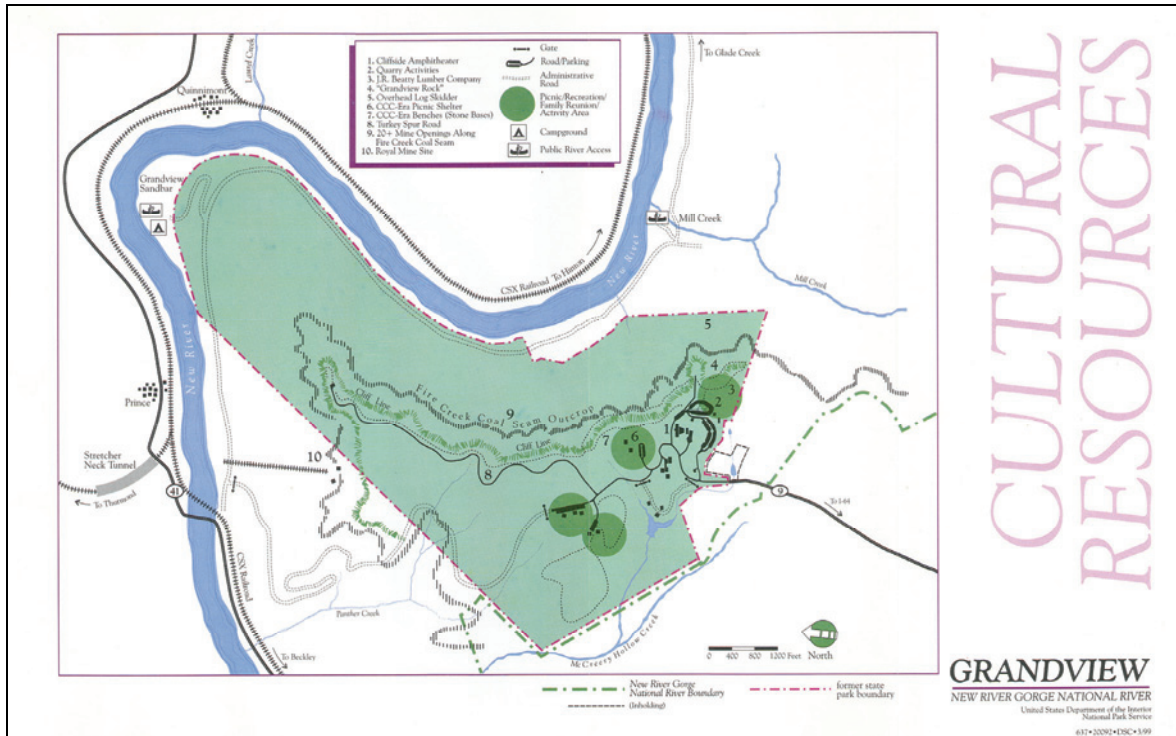


**Figure 21.** Bluestone Wild and Scenic Study Area, 1983. Courtesy of New River Gorge National River.

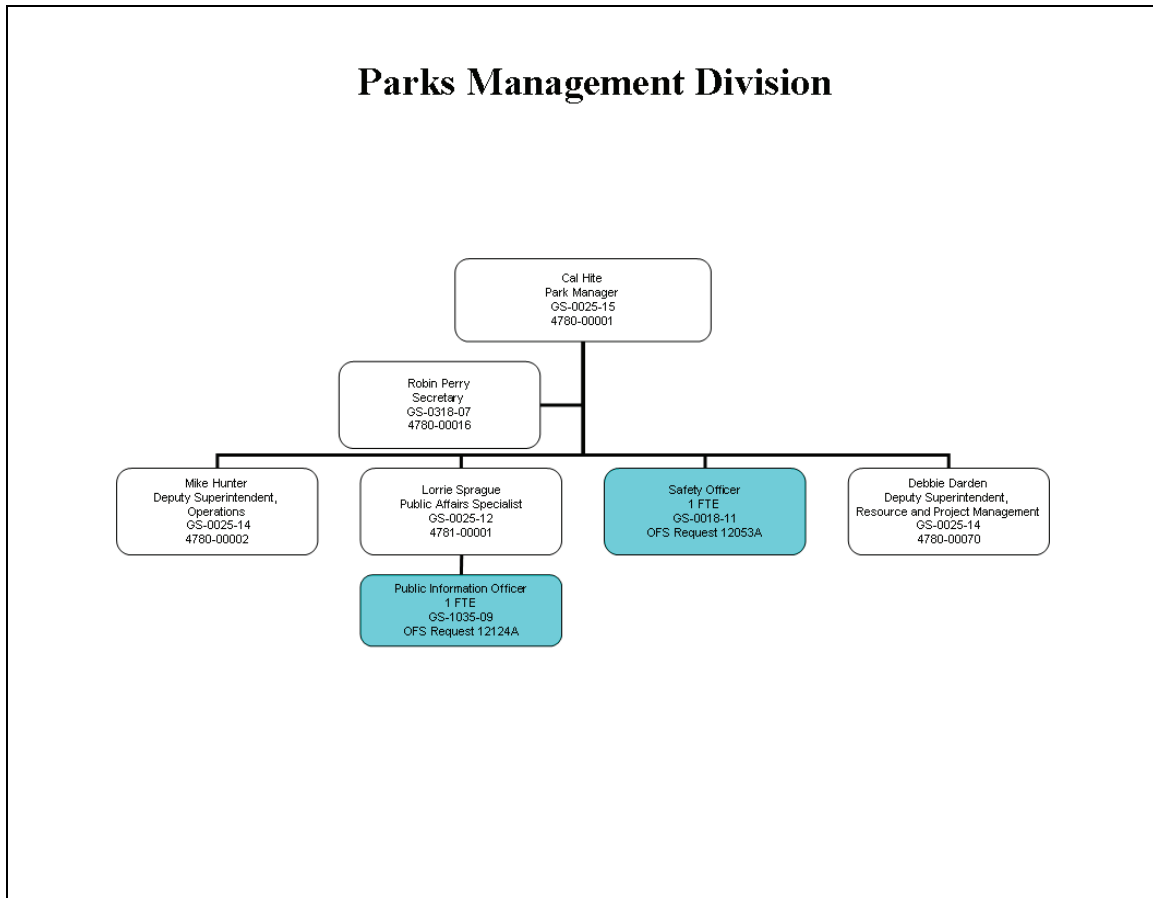




**Figure 22.** Map of planning units at New River, 1989. Courtesy of New River Gorge National River.



**Figure 23.** With each land acquisition, or in this case a donation from the state of West Virginia, came the tasks of planning and management. The state transferred Grandview to the National Park Service in 1990, but in 1999 the planning was still underway. Courtesy of New River Gorge National River.



**Figure 24.** This sample organization chart from 2004 illustrates the highest level of organization within New River. This chart was followed by and elaborated by 29 more. These are all reproduced from the originals in Appendix C. Courtesy of New River Gorge National River.

## CHAPTER FIVE

# MANAGING NERI NATURAL RESOURCES

## INTRODUCTION

When Ken Stephens started at the New River Gorge National River in 1992, the natural resources staff consisted of himself (as supervisory natural resource specialist, Division Chief of Natural Resources) and one biologist. Staffing for natural resources hadn't changed since the 1980s, when David Reynolds had been in charge of this function. Stephens, however, came just as the growth of the park and its staff was taking off. He reflected in 2006:

Today, we have my position and we have four, what I call, subject matter experts: a wildlife biologist, a veg [i.e., vegetation] specialist, a fisheries biologist, and a geologist. We have two technicians that work full-time. And occasionally we'll have some seasonal staff, but typically we rely on student interns from various local colleges and VIPs [Volunteers in Parks].<sup>1</sup>

But, he asked, has the staff grown enough to manage the increasing land base and responsibilities of the New River, Gauley River, and Bluestone River? Has it kept pace with the increased reporting requirements of the Washington Office (WASO) and the regional office (Northeast Regional Office, NERO)? No, he said in his 2006 interview: "I don't think any division here has kept pace." This chapter narrates the stories behind the efforts to protect natural resources in these three park units, both in the "small park" period and during the rapid growth of the 1990s and later.

The 1978 law authorizing the New River Gorge as a unit of the National Park System included requirements regarding conservation of natural, scenic, and cultural features in and around the gorge. It encouraged interpretation of those resources for the visiting public and preserving the free-flowing river to provide enjoyment to future generations. The NPS thus has had dual roles whose policy mandates potentially conflict. It must protect the river in its natural state, but it must also provide for recreational use and public enjoyment. Since any use may affect a resource, the NPS has had to decide how much change is acceptable. Administrators have based management decisions on legal and policy mandates, on analyses of impacts of recreation on resources, and on input from users.<sup>2</sup> The responsibility to preserve natural resources has

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<sup>1</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>2</sup> Joseph W. Roggenbuck, "Norms of New River Gorge (WV) Boaters About Appropriate River Use Conditions," *New River Gorge Symposium Proceedings* (Boone, NC, 1984), 134.

vied with the need to manage cultural resources as well. Natural areas in the park frequently have some cultural features or recreational interest.

The New River represents a “natural corridor” linking the Ohio Valley to Piedmont Virginia and places further south. As described in Chapter 1, it was part of a great system of Indian trails,<sup>3</sup> and for 12,000 years the region has provided humankind with the resources necessary for survival. Its abundant fish, game, and flora provided early inhabitants with food and shelter, but the dissected terrain, deep canyons, and wild rapids long impeded travel, settlement, and exploitation of the natural resources.<sup>4</sup> Not until the railroad came through in 1873 could people cut the region’s timber and transport the timber and the area’s coal to market. This brought an explosion of industry and settlement which produced many cultural remains visible today. Industrialization has profoundly affected the region’s natural resources, too. Although forests cover the park today, this is no pristine landscape.

This chapter examines Park Service actions regarding protection of these natural resources and restoration of resources impacted by industrial society. It discusses goals the *General Management Plan* established regarding water quality, dams for flood control or hydroelectric power generation, and continuous flow of the river. The chapter examines other resource policy questions as well, including plant and animal populations; ‘Threatened and Endangered’ species; fish, black flies and *Bacillus thuringiensis israelensis* (Bti); and relations between the NPS and West Virginia state agencies, especially the Division (later Department) of Natural Resources (DNR) and the Department of Environmental Protection (DEP). How New River’s natural resource staff interacted with the public, how they responded to particular issues, to growth of the parks, and to increasing responsibilities, form the heart of this discussion.

## WATER FLOW AND PRE-EXISTING IMPOUNDMENTS

A complicating factor for managing water quality in New River originated in two dams built upstream on the New River before the park was authorized. Private interests built the Claytor Dam near Radford, Virginia, between 1937 and 1939. This hydroelectric dam was designed to produce 76,000 kilowatts of electricity.<sup>5</sup> The Army Corps of Engineers completed the Bluestone Dam, just upstream of Hinton, in 1948. How was the National Park Service to deal with these pre-existing structures, with their mandates

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<sup>3</sup> Paul D. Marshall & Associates, Inc., *A Cultural Research Project: The New River Gorge National River, West Virginia*, 3 vols. (Charleston, WV, for the National Park Service, 1981), Vol. I, *Pre-history*, written and edited by David N. Fuerst, 40. Volume II titled *History, Community, and Architecture*, was written by Paul D. Marshall. Volume III, titled *Prehistory Appendices*, was compiled by David N. Fuerst. The 3-volume report is commonly referred to as *The Marshall Report*. The passage cited here is 1:44.

<sup>4</sup> Fuerst, *The Marshall Report: Pre-history*, I:3.

<sup>5</sup> See: <http://www.lrh.usace.army.mil/about/history/bluestone/design/>.



antithetical to those of the National Park Service? The needs of power generation and flood control do not promote a natural regime in the park. Before discussing the development of management objectives for water quality in New River, it is important to understand the origin of these two dams.

The Appalachian Power Company completed Claytor Dam in 1939, creating 21-mile long Claytor Lake. The intent of the company was to use the impounded waters – 4,500-acres – to generate electricity. The 1930s witnessed dramatic enthusiasm for hydroelectric power generation, especially for rural areas, on the parts of both the government and private companies. In fact, Claytor Dam was the second hydroelectric dam on the New River, the first being at Hawks Nest, just downstream of the future New River Gorge National River. Because the Claytor Dam generated electricity to meet peak demands throughout the power grid, the level of the New River downstream often rose or fell 2 or 3 feet in a short period, and could catch anglers or boaters downstream off guard. To this day, recreationists are advised to be alert and assume such changes in water level will occur.<sup>6</sup> Water released from Claytor Dam flows downstream about 25 miles where it enters Bluestone Reservoir, an impoundment held back by a dam with a different history, starting in floods.

Flooding of the New River presented problems through the years. Floods on the New have frequently affected the Kanawha River downstream. In 1861 the Kanawha River rose at the rate of four feet per hour, wiping away most of the salt industry's boats, wharves, and buildings. The industry never fully recovered. The greatest flood ever recorded came in 1878. It scoured the Kanawha Valley, taking farmhouses, buildings, and the county courthouse with all its records. Flood conditions occurred on the Kanawha River roughly every two years in the twentieth century.<sup>7</sup>

People wanted some kind of flood control. As early as 1906, Summers County residents tried to control flooding on the New by building a dike upstream of Hinton, but it proved inadequate. Two years later, the federal government considered flood control for the entire Ohio Valley, including the New, and the Army Corps of Engineers (COE) conducted a five-year survey of flow rates.<sup>8</sup> They detailed flood levels, low 'tides', spring and fall freshets, and winter and summer stages. From flow numbers they calculated the potential contributions from each watershed into the Ohio River.<sup>9</sup>

In 1912, Appalachian Electric Power Company began surveys at Bull Falls near Hinton for a hydroelectric power dam. They planned to supply electricity to Virginia and Southern West Virginia and began acquiring property. In 1935 the COE established

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<sup>6</sup> See: <http://www.dgif.virginia.gov/fishing/waterbodies/display.asp?id=163&section=maps>.

<sup>7</sup> James E. Casto, "Bluestone Dam Celebrates 50 Years of Flood Control and Outdoor Recreation," *Wonderful West Virginia*, May, 1999, 3(5):21.

<sup>8</sup> J.L. Perry, *History of Bluestone Dam* (Hinton, WV, 1948), 1.

<sup>9</sup> Don Mills, *Bluestone Dam*, for the Summers County Historical Society (Marceline, OH: Walsworth Press, 1984), 38.

an office in Hinton to investigate construction of a dam by the government. They submitted their findings in 1936, choosing a site approximately one mile above the confluence of the New and Greenbrier Rivers, and three miles above the Chesapeake and Ohio railroad station in Hinton.<sup>10</sup>

President Franklin Delano Roosevelt authorized the Bluestone Dam Project in 1936 with modifications. Originally proposed as a flood-control dam, the new plans added hydroelectric power capabilities. Congress included the project in the Federal Flood Control Bills of 1936 and 1938. AEP opposed both bills and twice a federal judge halted government land acquisitions. The second case reached the U.S. Court of Appeals in Richmond in 1941. The appeals court reversed the lower court's finding, effectively opening the way for the federal government to acquire and condemn land.<sup>11</sup>

In January 1942 the contract for the dam was awarded to the Dravo Corporation of Pittsburgh, which immediately began construction. In August 1942 the U.S. War Board suspended work on the project due to World War II, but in 1945 President Harry Truman signed the Deficiency Appropriation Bill, which included \$3,000,000 for the dam; work resumed in 1946.<sup>12</sup>

The dam went into service in December 1948, but without the hydroelectric capacity. In 1943, hydroelectric-power generation had been shelved in favor of using the reservoir's full potential to control floods. The dam soon proved its effectiveness. The Huntington District Office of the COE reported that in December 1950 the dam blocked the path of a major flood. According to Corps engineer Dr. Leland R. Johnson, the dam knocked four feet off the crest at Hinton and ten feet at Charleston, saving both towns. Within twelve years of its creation, the Corps estimated that the Bluestone Dam averted flood damages over twice the cost of construction.<sup>13</sup>

## WATER QUALITY, SEWAGE TREATMENT, AND ACID MINE DRAINAGE

Water quality stands at the center of the New River Gorge National River. As Ken Stephens said in a 2006 interview: "And then the water quality program was obviously one of our first initiatives because what's our primary resource? It's the river."<sup>14</sup> Indeed, it is both the political and the scientific center of managing this National River.

P.L. 95-625 (1978) required NPS to develop a water quality monitoring plan within the original 53-mile section of the river under its jurisdiction. This law also required the Park Service to monitor water quality of tributary streams to prevent public health

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<sup>10</sup> Mills, *Bluestone Dam*, 38.

<sup>11</sup> Mills, *Bluestone Dam*, 38.

<sup>12</sup> Perry, *History of the Bluestone Dam*, 24.

<sup>13</sup> Casto, "Bluestone Dam Celebrates 50 years," 22.

<sup>14</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

problems or loss of recreational values.<sup>15</sup> Water quality played an important role in health and viability from the park's beginning. Harvey Doerksen described management of water resources as one of the most frustrating problems since managers only partially control the resource.<sup>16</sup> This was certainly true in New River, where three major factors impacted water quality within the national river: untreated or partially treated household or municipal sewage, abandoned mine lands (AML), and dams on the New River upstream of the park.

Management of water resources in New River rested at first on policies developed by NPS for parks established before New River in 1978. The post-1930s expansion of the National Park System included several new units with rivers whose waters originated outside park boundaries. Park managers realized their responsibility to protect rivers was not easy when they had little control over upstream waters. Upstream pollution sources and water releases caused dramatic changes in characteristics of rivers.<sup>17</sup>

Water management in New River also depended on policies developed for the New River before establishment of the park. In 1974, the U.S. EPA released an assessment of the water quality of the New River basin and its tributaries. Of the 1,887.6 miles of streams, 651.3 miles did not meet water quality standards for recreational use. Although upstream pollution and acid mine drainage were contributing factors to the pollution, the principal water quality problem came from inadequately treated domestic sewage.<sup>18</sup>

That year municipal water systems in the area served 250,000 people, but most had inadequate waste treatment facilities. Approximately twenty communities had no treatment plants whatsoever, and most of those with primary or secondary treatment systems provided inadequate chlorination. In addition, the semi-urban/rural development then and now prevalent in the basin resulted in significant domestic waste loads on no municipal system.<sup>19</sup>

Jim Watkins, the first chairman of the Coalition to Save the New River, reflected on the situation in 2004.

One of the problems the environmental community had with the New River was we didn't know what was floated into the river. There were a lot of people that lived along

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<sup>15</sup> Donald J. Orth and Louis A. Helfrich, "Indices of Water Quality for the New River Gorge National River and its Tributaries," *New River Symposium Proceedings* (Blacksburg, VA, 1983), 1.

<sup>16</sup> Harvey Doerksen, "Water, Politics, and Ideology: An Overview of Water Resources Management," *Public Administration Review*, September-October 37 (1977): 444-448.

<sup>17</sup> David W. Reynolds, "Managing Impounded Streams: A Case Study of the New River Gorge National River," National Park Service, Main Park Files, Box 21, N3617, [ND, ca. 1986], 1-16, on 8.

<sup>18</sup> U.S. Environmental Protection Agency (EPA), Internal Report, MPF Box 1, Miscellaneous Correspondence, 1-2.

<sup>19</sup> EPA, Internal Report, Memo from Roland W. Schrecongost, Director, Wheeling Field Office, to EPA, MPF Box 1, Miscellaneous Correspondence, 3.

the river that just had a hose running down their backyard and into the river . . . some people had septic systems, and some people had septic systems that didn't work.<sup>20</sup>

The 1974 EPA report indicated that discharge of raw, inadequately treated wastes resulted in high fecal coliform concentrations, high biochemical oxygen demand, and floating and suspended solids and odor. In predicting water quality in future years, the EPA recommended coordinated efforts involving federal, state, and local governments in the construction of waste-treatment facilities throughout the basin. EPA suggested that pollution from abandoned mines and non-point sources resulting from poor land-use practices would be a continuing problem and was expected to "be the dominant factor affecting water quality for many years to come."<sup>21</sup>

With park designation, the Park Service became involved in managing the pollution problem. Water samples collected between 1980 and 1984 often had high fecal coliform content.<sup>22</sup> Although fecal coliform bacteria do not generally cause disease, they provide a strong indication of the presence of other organisms, less easily detected, that do. They provide a standard indicator of water quality, including a quantitative measure for waters allowing recreational contact with the water. Trial measures by Park Service personnel and through the U.S. Department of Agriculture's Appalachian Soil and Water Research Station in Beckley, WV, "produced mixed results." Partly because the 1986 data was inconsistent and partly because of personnel changes at New River, the Park Service contracted with the West Virginia DNR in 1987 to conduct fecal coliform studies. Samples were taken five times per month at fourteen sites in 1987 and at fifteen from April through September 1988 during the recreational high season.<sup>23</sup> By 1989, the Park Service requested that the DNR sample with less frequency but at more locations. In 1990 the Park Service brought the sampling and monitoring program in-house at the new Glen Jean park headquarters and in 1991 installed a well outfitted Water Resources Laboratory, collaborating again with the USDA lab in Beckley.<sup>24</sup> With these new facilities, a new monitoring group was soon in place, including Lisa Wilson and Kathy Oney. Also, New River extended the program in 1991 to include the Bluestone and Gauley River units.<sup>25</sup>

The DNR report, published in May 1989, indicated that most of the river within New River contained relatively low levels of coliform during peak season. Many

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<sup>20</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004.

<sup>21</sup> EPA, Internal Report, MPF Box 1, Miscellaneous Correspondence, 13.

<sup>22</sup> D.M. Wood, *New River Gorge National River Water Studies Summary 1980-1986*. West Virginia Division of Natural Resources, Charleston, WV, 1990; and Lisa Wilson and Jesse M. Purvis, *Water Quality Monitoring Program 1998-2000* (Glen Jean, WV: National Park Service, March 2003), 1-2.

<sup>23</sup> WV Division of Natural Resources (DNR), [Untitled Document], 1989, MPF, Box 38, N3617, ii.

<sup>24</sup> Robert J. Sullivan, *Bluestone National Scenic River and Gauley River National Recreation Area: Water Quality Monitoring Program* (National Park Service, March 1993), 36 p., on 1-3.

<sup>25</sup> The names of others involved in the NPS program are seen in the reports from the period, on file at NERI: S. Gibson, S.W. Hebner, D. Schmidt, and Robert J. Sullivan.

tributaries, however, did not fare so well. Towns such as Fayetteville delayed compliance with water quality standards for years while the communities grew in response to increased tourism. Even though the Fayetteville sewage plant was well designed when it was built in the late 1960s, it could not handle the increasing effluent. This effluent sometimes exceeded three times that for which the facility was designed. Tributaries became grossly polluted with the red midge larvae, sewage fungus, and foam—all indicators of heavy organic pollution.<sup>26</sup> The highest pollution levels occurred just below the Hinton sewage treatment plant, the Meadow Creek access site, Marr Branch, Piney Creek, Arbuckle Creek, Wolf Creek, and Dunloup Creek. The DNR report indicated that Piney, Arbuckle, and Dunloup Creeks were the worst, “sorely polluted by sewage.”<sup>27</sup> Wolf Creek is shown in Figure 1. They recommended that NPS post signs at public access sites with a warning that the water was not potable and that the NPS instruct the rafting companies to inform their clients of the dangers as well. DNR recommended the measures stay in effect until the communities within the watershed installed adequate sewage treatment facilities.<sup>28</sup>

The NPS and communities alike tried to improve sewage disposal. Meadow Creek constructed a new sewage treatment plant in the 1980s, and ground was broken in 1990 in Hinton for an expanded plant with a secondary treatment facility.<sup>29</sup> In 1992, the Fayette County Health Department began making on-site inspections of septic systems, especially near waterways. Citizens whose systems were in violation were required to eliminate health hazards or pay a monthly fee to connect to a public system.<sup>30</sup> Fayetteville built its new Marbranch facility in 1994.<sup>31</sup>

Pollution from sewage continued, even though strides were made to clean up the basin and reduce fecal coliform levels. In 1991, a man whose wife had accidentally fallen into the river while picnicking near Thurmond filed a five-million-dollar lawsuit against the NPS and EPA. Toxins from the river caused her to develop a lung infection which ultimately took her life.<sup>32</sup> And in a letter to the NPS in 1994, a landowner at Sandstone expressed his dismay that:

In this day and age we still have raw sewage being dumped into the New River at Sandstone on a daily basis . . . It would be interesting to know what the reaction of the tourist using this beautiful river would be if they (sic) were aware of this serious health and sanitation problem.<sup>33</sup>

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<sup>26</sup> West Virginia DNR, *New River Gorge National River Fecal Coliform Study*, 1989, MPF, Box 38, N3617, 39.

<sup>27</sup> DNR, *New River Gorge National River Fecal Coliform Study*, 39.

<sup>28</sup> DNR, *New River Gorge National River Fecal Coliform Study*, 40.

<sup>29</sup> NPS, Internal Memorandum, MPF, Box 38, N3617, 2.

<sup>30</sup> “Push for Clean Water Turned Up,” *Fayette County Tribune*, September 17, 1992.

<sup>31</sup> Randy Atwell, Manager, Marbranch Sewage Facility, interviewed by Lynn Stasick, July 13, 2005.

<sup>32</sup> “Lawsuit Filed Over 1991 New River Death,” *Beckley Register-Herald*, September 22, 1993.

<sup>33</sup> Dan Gillian, Letter to the Superintendent, NERI, May 27, 1994, MPF, Box 68, A3615.

This Sandstone resident was not alone in his observations and concerns. People all over the region were still living with the dangers that accompany untreated sewage. *The Register-Herald* in Beckley ran an article in April 1998 reporting that raw sewage was still finding its way into the New River from several small communities in Raleigh and Summers Counties, prompting the concern of officials and citizens alike.<sup>34</sup>

Despite the on-going problems, people interviewed for this administrative history generally agreed that the environmental quality in the basin has improved greatly since it became part of the National Park System. Jim Watkins said:

[It] took somebody like the Park Service to find out what it was [the pollution problems] and then start dealing with it. As far as the [water] quality goes, I think the quality is better than it's ever been.<sup>35</sup>

Jim Watkins' words have been verified through fecal coliform studies conducted by the DNR. Their 1989 report indicated that

Except for a few local areas along New River's banks, most of the stretch of the river that lies within NRGNR contains relatively low levels of FC [fecal coliform] concentrations during most of the peak, water-based recreation season of April through September.<sup>36</sup>

Park Service concerns for water quality have produced other cooperative agreements with this agency to reduce trash and control pollution and runoff in the gorge. In February 1992, Superintendent Joe Kennedy signed an agreement with J. Edward Hamrick III, Director of the WV DNR, to clean up an illegal dump site along the New River. In a memorandum to the Regional Chief of Contracting and Property Management for the Mid-Atlantic Region, Kennedy explained:

The State of West Virginia has successfully removed various illegal dumps within the New River Boundary at no cost to the Federal Government. Due to the difficulty of this particular dump, the state is requesting financial assistance from the National Park Service. We have evaluated all possible alternatives for dump removal and have determined that this cooperative agreement will be the most economical method of completing the project.<sup>37</sup>

The large, open dump, near Cunard in Fayette County, extended into Coal Run, a tributary of the New River. At the base of an eighty-foot cliff, cleanup was only possible from the top.<sup>38</sup>

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<sup>34</sup> "Tainted New River Concerns Residents," *Beckley Register-Herald*, April 1, 1998.

<sup>35</sup> Jim Watkins, interviewed by Lynn Stasick, September 10, 2004.

<sup>36</sup> DNR, *New River Gorge National River Fecal Coliform Study*, 1989, 39.

<sup>37</sup> Joe Kennedy to the Regional Chief, Contracting and Property Management Division, Mid-Atlantic Region, Cooperative Agreement with State of West Virginia, February, 1992, MPF, Box 49, A44, 1 and 4.

<sup>38</sup> Kennedy to Regional Chief.

The Cunard cleanup project convinced Jim Watkins that the Park Service had been a good neighbor. Parks consultant Destry Jarvis expressed caution because of the nature of the problem the Park Service faced:

[The New] is a high flow river naturally, so there is a need then and now to monitor water quality and control use if it gets bad. That's as true of the Colorado River through the Grand Canyon, or the Shenandoah River in Virginia, or the Ohio downstream from the New. It's just an unfortunate fact of life.<sup>39</sup>

Most people agreed that the region came a long way in controlling the discharge of raw sewage into the New River. Watershed groups had formed for some creeks, including Paint Creek. People also agreed that the Park Service played a large part in the process. Tributaries like Dunloup, Arbuckle, and Piney Creeks still pose problems, however, and work must continue to ameliorate the situation. Indeed, a Park Service report issued in 2003 indicated many tributaries of the New River to be “unsatisfactory for contact recreation”: Madam Creek, Arbuckle Creek, Keeney Creek, and Marr Branch particularly. Regarding Keeney Creek, the report stated:

Monitoring of Keeney Creek water quality indicates a substantial and continuous source, or sources, of fecal material entering the stream. Residences in the communities of Winona, Lookout, and Divide, all without a centralized wastewater treatment facility, are likely sources of this chronic contamination. General apathy towards the stream is indicated by the amount of solid waste, mostly household trash, regularly noted at the monitoring site. Keeney Creek should be considered a definite health risk to those coming into contact with its waters.<sup>40</sup>

Nevertheless, communities and the Park Service alike have addressed these problems over the years and management plans have been developed to bring the watersheds of the three park units closer to the desired, pre-industrial condition. All parties realize there is still much work to be done. The Park Service issued a comprehensive plan in 2002: *Water Resources Management Plan: New River Gorge National River, Gauley River National Recreation Area, Bluestone National Scenic River, West Virginia*.<sup>41</sup> The report recommended dozens of high priority projects, ranging from microbiological and epidemiological studies to outreach to anglers regarding release of bait-bucket fish and the study of rare plant communities.

Abandoned mine land also impacted water quality in the New River. Acid mine drainage (AMD) has not been as much of a problem here as it has been in other parts of Appalachia for several reasons. Coal in the New River watershed, generally, is low sulfur, so it does not always produce highly acidic conditions. Moreover, the watershed

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<sup>39</sup> Destry Jarvis, interviewed by Lynn Stasick, April 23, 2004.

<sup>40</sup> Lisa Wilson and Jesse M. Purvis, *Water Quality Monitoring Program 1998-2000* (Glen Jean, WV: National Park Service, March 2003), 49-50.

<sup>41</sup> Jesse M. Purvis, *Water Resources Management Plan: New River Gorge National River, Gauley River National Recreation Area, Bluestone National Scenic River, West Virginia* (Glen Jean, WV: National Park Service, December 2002).

includes significant limestone deposits, providing buffering. Still, the 2002 *Water Resources Management Plan* addressed one particularly important tributary of the New River with AMD impacts: Wolf Creek. This creek flows through Oak Hill and Fayetteville, emptying into the New River at Fayette Station. About 200,000 whitewater boaters take out at its mouth every year. Water in Wolf Creek just downstream of a coal gob pile, the remainders of an abandoned mine, is often less than pH 3. No life from before the coal mining remains in the creek. Fayetteville, which had depended on the creek for much of its water, had to find a new source. The 2002 *Water Resources Management Plan* noted that a trust fund has been established to remediate and manage this situation. recommended that the park establish baseline conditions and monitor water quality and aquatic life – with the goal to return the creek and its life to the condition of the “outstanding natural” resources New River’s 1978 authorizing legislation charged the Park Service with conserving.<sup>42</sup>

## WATER FLOW AND PROTECTION OF BIOLOGICAL RESOURCES

When Congress authorized New River in 1978, the park’s managers inherited the effects of these two upstream dams on the New River within the gorge. David Reynolds, the natural resource manager at the park from 1982 to 1987, wrote a report in 1986 concerning how he and other Park Service employees established management objectives for the New River Gorge National River and how they implemented these objectives.<sup>43</sup> The water flowing into the gorge was controlled mainly by the Bluestone Dam, the purpose of which was flood control. Hence, releases from this dam might have been expected to follow heavy rainfall. These would be seasonal, or at least infrequent. But the Claytor Dam complicated this. In order to generate electricity during peak periods, Claytor Dam released surges of water almost daily. These surges produced fluctuations of river level *below* Bluestone Dam of as much as 2 feet. As David Reynolds wrote in 1986:

Thus a large percentage of the releases from Bluestone have no relationship to natural conditions in the New River watershed itself and result in widely fluctuating artificial flows on the National River.<sup>44</sup>

Nevertheless, as natural resource manager for the park, Reynolds needed to develop a management policy for the river within the park. Such a policy had to take into account the “intent of Congress” regarding management of the river, but it also had to somehow deal with the conflicting goals of the two dams upstream.

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<sup>42</sup> Jesse M. Purvis, *Water Resources Management Plan*, 193-194.

<sup>43</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 3.

<sup>44</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 4.



Normally, the authorizing legislation for a unit of the National Park System includes specific language to guide management of that unit. The authorizing legislation of New River, however, was not as detailed as usual. This was partly because the bill was written quickly during the rush of assembling the 1978 Parks Omnibus Bill, but it was also due partly to politics. Reynolds quoted Section 1110 of PL 95-625, the section he judged to provide the clearest guidance:

The Secretary of the Army shall cooperate with the Secretary of the Interior concerning the water requirements of the national river. The Secretary of the Army shall provide for release of water from the Bluestone Lake project consistent with that project's purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river.<sup>45</sup>

As Reynolds stated, this language was not specific enough. The Corps of Engineers could still manage Bluestone Dam with emphasis on the goals of flood control and power generation, while the Park Service stressed the charge to protect “the biological resources and recreational use of the national river.” Reynolds cited evidence that biological communities downstream had indeed changed since construction of the dam.

Reynolds described the task of Park Service staff who arrived at the New River Gorge in 1979 to begin crafting a policy for the new park. First, they needed to figure out what Congress meant by Section 1110. Second, they needed to fit it with other laws into a policy. Lastly, they needed to work with the Corps, the WV DNR, and the Fish and Wildlife Service “to determine the most appropriate flow regime for Bluestone Dam.”<sup>46</sup> But it turned out to be more difficult than this. Why?

Destry Jarvis, who wrote most of PL 95-625, explained to Reynolds in correspondence that the conflicting directives in Section 1110 were not in his original wording. In particular, the words “... consistent with that project's purposes and activities...” were not his. This phrase, Jarvis wrote, came from a Corps official, at the request and insistence of Senator Jennings Randolph. According to Jarvis, the National Parks and Conservation Association and the local activists who had fought to establish New River protested, but to no avail.<sup>47</sup> As a result, the Park Service and the Corps each pointed to a different phrase in this law, the Park Service emphasizing protection of biological resources and recreation, the Corps emphasizing flood control – and their legal right to re-consider power generation at a later time.

Reynolds posed the management question this way: How can the Park Service preserve the natural values described in the authorizing legislation when the Claytor and Bluestone Dams have produced such an “unnatural” system? He answered this way. The goal cannot be to restore the river to its “natural state” since that would be impossible.

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<sup>45</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 5.

<sup>46</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 6.

<sup>47</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 7.

Rather, the manager should specify river characteristics that “resemble as closely as possible the historic, pre-impoundment river” and develop a management program that preserves that system.<sup>48</sup> That is, the manager must identify species and conditions to be preserved and then choose actions that will achieve that goal. The initial problem in the New River Gorge was that no one knew what the river was like before the dams, or what species had been there. Before policy could be decided, baseline data was needed. In 1983-1984 the Virginia Cooperative Fish and Wildlife Unit at Virginia Tech conducted an “Assessment of Biological Resources and Habitats in the New River,” which identified the fish, mussels, and other vertebrate populations in the gorge. The U.S. Fish and Wildlife Service constructed aquatic and riparian habitat maps for low, optimum, and high flows. The Park Service’s Water Resources Laboratory evaluated historic stream flow data from before and after the construction of the dams. The Corps studied changes in water quality caused by impoundments and how these affect biota. And lastly, the West Virginia DNR studied “fishability” at different flow rates. With this baseline data, it was time to consider management strategies.<sup>49</sup> The process Reynolds then described was a negotiation among these different agencies, recognizing that each agency had its own priorities. Even though management decisions depended on hard data, Reynolds cautioned that:

Political realities dictate that compromise will probably be necessary regardless of Congressional mandates. It is important that the needs and “bottom line” of other concerned agencies are well understood prior to negotiations and that the NPS negotiator is well-versed in the technical and political aspects of the issue.<sup>50</sup>

Protection of biological resources in this inter-agency negotiation was not a straightforward process, nor could the Park Service prevail without compromise.

## WATER FLOW AND RECREATION

The issue of water flow in the gorge, prominent in the debates of the 1970s, continued to be important after 1978. The best sections of the New River for white water rafting and other recreational activities are in the north end of New River between the Cunard access point and the New River Gorge Bridge. By 1981, the public’s concern was rising regarding river flow. Several rafting companies had openly expressed fears in the *Fayette Tribune* that more water came down the river during off hours when it was not beneficial to the rafting companies and the public.<sup>51</sup> To the outfitters, this directly contradicted the authorizing legislation for the national river, which required the Corps

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<sup>48</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 10.

<sup>49</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 10-13.

<sup>50</sup> David W. Reynolds, “Managing Impounded Streams,” [1986], 15.

<sup>51</sup> “New Bluestone Dam Survey Concerns Whitewater Firms,” *Fayette Tribune*, September 10, 1981.

to provide suitable flow releases for downstream recreation when consistent with other project purposes.<sup>52</sup> To study the problem, Jim Carrico, then superintendent of the park, met with Corps engineers to discuss a plan to meet the needs of the outfitters.<sup>53</sup>

There were problems. For instance, engineers investigated flow-modification in 1990 to consider possible water-storage reallocation as a means for improving project services. A higher pool level would resolve some recreation problems both at Bluestone Lake and downstream. But the study found that a rise in the pool behind Bluestone Dam would cause water quality problems during low-flow periods. Also, because the lower reach of Bluestone River is a National Wild and Scenic River, the Bluestone pool level could not be raised, since the raised pool would permanently inundate part of the Scenic River.<sup>54</sup>

There were communication problems between the public and the Corps as well. Outfitter Jon Dragan wrote a letter to Colonel James Higman in April 1981, expressing his concerns for the health of the up-coming white water recreation season:

The cause for our concern is a phone call made this morning to the Bluestone Project at which time I was informed as to the number of gates that were open, but could not obtain any information as to a proposed schedule, in order to safely operate our business. . . . I would hope that information as to the probability of water flow would be obtainable a minimum of 24 hours in advance. As the whitewater industry has grown in the last ten years, and particularly here on the New River with the safety and lives of so many guests directly affected, I would hope that a closer working relationship with the Corps of Engineers might be established at the Bluestone Project.<sup>55</sup>

Dragan stated in an interview in 2004 that things had gotten better over the years. He said of the DNR and NPS:

Yeah, they really have [responded] I'm going to give them a B+. They realize that the rafting industry is a mover and a shaker; it generates 75 to 80 million bucks a year. They're responsive to it . . . unless they're asking for the moon, I can honestly say that the NPS and DNR have been extremely responsive to the wishes and wants of the outfitters . . . They've done well on that one, like I said, I give them a B+.<sup>56</sup>

Since the 1970s the rafting business has become an integral part of the economic health of the New River Gorge. The Park Service and Army Corps of Engineers have sought to overcome problems of water release and communications in an effort to keep the rafting businesses and thus this part of the economy healthy. Moreover, overall the Park Service has actively affected a range of water resource issues in the New River watershed.

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<sup>52</sup> U.S. Army Corps of Engineers, *Bluestone Lake Flow Management Study, West Virginia: Plan of Study* (N.p., N.d.), MPF, Box 27, D18, 2.

<sup>53</sup> *Fayette Tribune*, September 10, 1981.

<sup>54</sup> U.S. Army Corps of Engineers, *Bluestone Lake Study*, MPF, Box 27, D18, 2-3.

<sup>55</sup> Jon Dragan, Letter to NPS, April 16, 1981, MPF, Box 19, L5423.

<sup>56</sup> Jon Dragan, interviewed by Lynn Stasick, September 9, 2004.

## RENEWED INTEREST IN HYDROELECTRIC POWER GENERATION AT BLUESTONE DAM

Although power generation at Bluestone Dam was shelved in 1943 as a wartime decision, the idea never really died. Parks consultant Destry Jarvis has pointed out that even in the 1970s, as debates over park designation were ongoing, people envisioned hydroelectric power at Bluestone. “There was, and still is, a constituency that would like to put power in the pen-stocks at Bluestone Dam.”<sup>57</sup> In the early 1980s, the COE issued a document titled, *Scope of Services, a Proposed Study of the Impacts Hydroelectric Generation Facility at Bluestone Dam on Recreational Activities/Economics*.<sup>58</sup> Jarvis, who was then Director of Federal Activities for the National Parks and Conservation Association in Washington, DC, criticized the proposed study as being “. . .so seriously flawed that we must insist on its retraction and extensive revision.” Jarvis wrote to Brigadier General Richard S. Kem, Division Engineer in Cincinnati, Ohio, that the “Scope of Services” failed to acknowledge the existence of the New as a National River, and completely overlooked the provisions of law which the Corps was compelled to address if it proceeded with the project. He suggested the Corps instruct the District Office in Huntington to withdraw the Scope immediately and acknowledge the National River’s existence and the requirements this imposed regarding modification of the Bluestone Dam.<sup>59</sup>

In 1990, during a special meeting of Hinton city council, Mayor James A. Leslie announced plans to work with Philippi and White Sulphur Springs, WV, to bring hydroelectric power to Bluestone. They formed the Tri-Cities Power Authority. The mayor indicated the project would focus on hydroelectric power production and exclude pumped storage or anything else that “would destroy the lake.” He projected completion within three years.<sup>60</sup>

Mayor Leslie’s time frame proved too optimistic. By 1993, the issue was being debated in Washington. A *Hinton Times* article articulated four concerns raised by the NPS and the U.S. Fish and Wildlife Service (FWS) in response to a federal study on the proposal. Both agencies questioned the effects a rise in pool elevation would have on Bluestone Lake and upstream. They were concerned with flood zones, fish killed through the turbines, the possibility of an uneven flow of water downstream, and its effect on wading fishermen. Leslie suggested that the number of fish killed could be addressed by agreeing to re-stock the river. He indicated that uneven water flow would

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<sup>57</sup> Destry Jarvis, interviewed by Lynn Stasick, April 23, 2004.

<sup>58</sup> U.S. Army Corps of Engineers, *Scope of Services, Proposed Study of the Impacts of a Hydroelectric Generation Facility at Bluestone Dam on Recreational Activities/Economics* (N.p., N.d.) MPF.

<sup>59</sup> Destry Jarvis, Letter to the Army Corps of Engineers, April 12, 1982, MPF, Box 19, L7423, 1-2.

<sup>60</sup> *Hinton News*, January 9, 1990, MPF, Box 27, D18.

not be an issue since the plant would operate on the “natural flow of the river.” He said, “It’s not going to be pulsating, but we have to prove that. That’s what the study is for.”<sup>61</sup>

In July 1994 the Corps released a document titled *The Reconnaissance Level Evaluation Report for the Bluestone Lake Hydropower Study*, which offered three plans. The first proposed maintaining the pool level at summer elevation. The second increased the pool level by 11 feet. The third called for no action at all.<sup>62</sup>

The Park Service made it clear that the report inadequately examined potential conflicts with park-enabling legislation, park resources, park facilities, and visitor use. More in-depth studies were required to clarify the impacts. NPS staff cared especially about potential impacts on fisheries and aquatic resources, both in the lake and downstream, in the second scenario of raising the pool level 11 feet. Water flow was also a concern. The Park Service noted that Public Law 95-625 required the Corps to “cooperate with the NPS in providing for release of water from the Bluestone project, consistent with purposes and activities, in sufficient quantity and in such a manner as to facilitate protection of biological resources and recreation use of the national river.”<sup>63</sup>

By 2003, the Tri-Cities Power Authority had signed an agreement with the Corps to develop power at Bluestone Dam. The contract stipulated that Tri-Cities would, in conjunction with the Corps, “undertake to develop hydroelectric at Bluestone according to environmental and other laws . . .”<sup>64</sup> By 2005, the parties negotiated agreements to satisfy the requirements of the National Environmental Policy Act (NEPA) and accomplish design and construction activities. In 2006 the hydroelectric facility was completed and includes a system to collect and remove logs, tires, and other debris, which previously passed through the Bluestone Dam and downstream into New River.<sup>65</sup>

## MANAGING FLORA AND FAUNA OF NEW RIVER GORGE NATIONAL RIVER

Clearing fields for agriculture, timbering, and coal mining in the nineteenth and twentieth centuries greatly altered both flora and fauna in and around New River Gorge. Farmers fragmented forests, hunted animals, and gathered plants. They also introduced new species, as did the railroads later. Some trees were clear-cut while others were selectively harvested. Large animals like the woodland bison, mountain lion, elk, and whitetail deer approached extinction with habitat destruction and hunting. From the

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<sup>61</sup> *Hinton News*, November 23, 1993, MPF, Box 65, L7423.

<sup>62</sup> U.S. Army Corps of Engineers, *Reconnaissance Level Draft Report: Bluestone Lake, Hydropower Study* (July, 1994), MPF, Box 70, L7423.

<sup>63</sup> Sutton Epps, NPS, letter to the Planning Division of the U.S. Army Corps of Engineers, September 9, 1994, 1-2. MPF.

<sup>64</sup> “Hinton Hydro Pact Signed,” *Charleston Gazette*, April 20, 2003.

<sup>65</sup> U.S. Army Corps of Engineers, Huntington District Web Page, *Bluestone Hydropower: Events and Announcements*. Accessed October 21, 2004.

mid-twentieth century on, however, much of the area had reverted into mature forest stands, and again the area had become an important wildlife habitat. But the mix of plants and animals differs from that of two centuries ago. With creation of New River in 1978, park staff inherited this changed flora and fauna and a complex set of management challenges. Figure 2 shows a typical landscape, half-way up the gorge walls on the Kaymoor Trail. Figure 3 shows an artificial waterfall along Kaymoor Trail, illustrating the wet environment in the gorge.

Whether considering flora or fauna, park management must face three major issues. First is the question of “traditional uses”: hunting, trapping, fishing, and gathering of wild products for home use or commerce. Second is that of introduced species: exotics or invasive species. Lastly, managers are confronted with threatened and endangered species and how to deal with them. All three topics acquired a new perspective after the park was established. Now the National Park Service was a major actor in West Virginia, and both its general policies and those particular to the New River Gorge National River weighed heavily in deciding how to manage plants and animals.

### TRADITIONAL USES: HUNTING AND GATHERING IN THE GORGE

The development of policies affecting traditional use of common species in the park originates in Public Law 95-625, the Act of Congress that created the National River in 1978. Section 1106 allowed the Secretary of the Interior to permit hunting and fishing,

On lands and waters under his jurisdiction within the boundaries of the New River in accordance with applicable Federal and State Laws, and he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.<sup>66</sup>

In May 1980, the Park Service conducted four public workshops to identify concerns and collect citizens’ ideas at the beginning of the general management planning process. Natural resource management was one of the topics discussed. Some groups felt hunting should be continued with some constraints. Others preferred no hunting at all, but most people agreed that fishing should continue.<sup>67</sup>

The Park Service considered this input in drafting the 1983 *GMP*, and when released, it recommended that recreational hunting and fishing regulations continue under state control with no additional federal licenses. Hunting was specifically

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<sup>66</sup> Public Law 95-625, *Congressional Record*, November 10, 1978, 3547.

<sup>67</sup> Assistant Manager, Mid-Atlantic/North Atlantic Team, NPS, memorandum to Regional Director, Mid-Atlantic Region, June 1980, MPF, Box 1, A3821, 1.

authorized as a discretionary activity at New River by its enabling legislation (16USC 460M-20) and became effective December 19, 1983. Because West Virginia hunting seasons generally fall during periods when other visitor pursuits are at a minimum, the Park Service deemed hunting an activity consistent with public safety and enjoyment because of the protections afforded by applicable West Virginia statutes and regulations.<sup>68</sup>

In 1984, trapping was prohibited on the New River. The year before, the Park Service had decreed a ban on all hunting and trapping activities on all federally owned lands in the nation where such activities were not specifically authorized by Congress. The agency reasoned that hunting and trapping weren't compatible with the preservation of natural resources. The federal legislation specific to the New River, however, stipulated that hunting was allowed, but did not mention trapping.<sup>69</sup>

The public was confused, thinking that not only trapping would be banned in the park, but hunting as well. In a letter to then President Ronald Reagan, a citizen of Parkersburg, expressed his concerns, reflecting the confusion:

Currently there has been action taken by individuals to stop hunting and trapping on certain parks known as National Recreation Areas. . . I speak for one area in particular named New River Gorge, where many a mountaineer has financed their meek income by trapping to provide a living for their family! These people are proud hard-working people who are willing to work. . . Hunting and trapping has been proven through time and time again to be the nucleus in wildlife management and population and disease control.<sup>70</sup>

Despite public confusion, hunting was never banned in the New River Gorge. The mixed forests and rugged terrain of the park provide habitats for a wide range of species sought by hunters: squirrel, deer, rabbit, grouse, woodchuck, raccoon, fox, turkey, and black bear, as well as coyote, which is classified as a nuisance. Even though the National Rifle Association (NRA) filed a suit in 1983 challenging the hunting-trapping restriction on a national level, the ban on trapping in the park went into effect on January 15, 1984. As of 2007, Title 36, Chapter 2.2 of the Code of Federal Regulations stipulated that trapping is not allowed on federally owned lands or federally controlled waters within National River boundaries.<sup>71</sup> Mammals traditionally obtained by trapping — including otter, weasel, mink, beaver, and muskrat — are relatively untouched in New River.<sup>72</sup>

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<sup>68</sup> Acting Associate Director, Management and Operations, Mid-Atlantic Region, NPS, memorandum, November, 30, 1983, 4, MPF, Box 23, W42.

<sup>69</sup> "New River Park Land Trapping Ban in Effect," *Charleston Gazette*, January 24, 1985.

<sup>70</sup> Letter to President Reagan, from Steve Powell, June 17, 1984, MPF, Box 23, W42, 1.

<sup>71</sup> Code of Federal Regulations, Title 36, Chapter 2.2, "Compendium of Designations, Closures, Request Requirements, and Other Restrictions Imposed under the Discretionary Authority of the Superintendent, NERI," September 17, 2004.

<sup>72</sup> NPS, "Interim Land Protection Plan, Gauley River National Recreation Area," September, 1990, 5.

Probably the animals most often encountered in the National River are fish. The New River and its tributaries comprise the largest and most significant warm-water fishery in West Virginia. These waters support largemouth, spotted, and smallmouth bass, catfish, muskellunge, walleye, crappie, and sunfish, most of which are non-native species.<sup>73</sup> The 1983 *GMP* recommended that the Park Service and WV DNR continue the fish stocking program previously in place, but rates, methods, and/or species stocked might be altered by the DNR in consultation with the Park Service to conserve habitat or other organisms. Both agencies also reserved the right to prohibit fishing in certain waters at certain times to protect spawning grounds, or to protect rare, threatened, or endangered plants and animals in the waters or adjacent habitat.<sup>74</sup>

The Park Service realized that fishing was a well established, traditional activity in the area long before 1978. Indeed, fishing was a subsistence activity from pioneer times until the early twentieth century. Not only was fishing not contrary to federal law, but it was specifically authorized by New River's enabling legislation. Fishing was consistent with public enjoyment and sound resource management principles. This sensitivity prompted NPS to institute revisions to federal law to allow continuation of traditional New River fishing methods. The revisions permitted use of trotlines, the traditional method of catching catfish, the use of netting, and the collection and use of crayfish and hellgrammites for bait.<sup>75</sup>

The *GMP* indicated that hunting and fishing would continue under state regulation, and no additional federal license would be required. The NPS intended to provide greater access for float fishermen through the construction of more boat launches and associated support facilities, and planned to provide bank fishermen access to significant amounts of federally owned land along the riverbanks from which to fish without being in trespass.<sup>76</sup>

Accuracy requires mention again of two instances in which local interest trumped the preferences of professional Park Service managers. (This was discussed in more detail in Chapter 4.) The WV DNR wanted to stock streams within the park boundaries, in particular, Glade Creek. That is, the DNR wanted to stock exotic trout species and Park Service managers at New River, especially Ken Stephens, strongly opposed the action. This situation was resolved in favor of the DNR by action in Congress. Likewise, Congressional action provided for motorized access to Keeney's Creek, against the preference of park managers to preserve a more primitive condition in this remote area of the gorge.

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<sup>73</sup> NPS, *Draft Development Concept Plan/Environmental Assessment, Teays New River Gorge* (August, 24, 1993), 41.

<sup>74</sup> NPS, *GMP (NERI)*, 1983, 15.

<sup>75</sup> Acting Associate Regional Director, Management and Operations, Mid-Atlantic Region, NPS, memorandum, November 30, 1983, 1-2.

<sup>76</sup> NPS, *GMP (NERI)*, 1983, 18.



Various catch-and-release areas have been established in the park, such as just downstream of Sandstone, West Virginia. Commercially guiding fishing trips have become common. Indeed, fishing remains the park's highest participation recreational activity.<sup>77</sup>

In its 1983 *GMP*, the Park Service addressed traditional use of plants, too. Planners needed to strike a balance between traditional use and protection of the flora of the gorge. The gathering of edible plants for private consumption was permitted, but regulations prohibited all commercial gathering, collecting, or harvesting of plant materials (including timber harvest) on federal lands.<sup>78</sup> Enforcement was difficult and sometimes seemingly unfair, especially to a people who in many cases had lived for generations in the area. Raft company owner Jon Dragan recalled one particular incident.

It's just my opinion, but I think they're trying to run it [the park] like they run Yellowstone or Yosemite or anything else. Ain't going to happen. When they stop a sixty-five year old couple on the Barry Mountain Road inside the park picking blackberries and ask them how many quarts they have. [expletive] Come on, that's harassment. Do they have the right to do it? Yes, but who really cares. They're not selling them; they're taking them home and making preserves. ... Well, they finally realized that they're not going to run over these people. In other words, they need to cooperate. You have some key people in here right now who want to make this work, so-to-speak, and want to make it go with the flow.<sup>79</sup>

Because it is difficult to police the park, poaching of plants for commercial use has been a problem. Of particular interest to thieves is the Royal Paulownia (*P. Tomentosa*) tree. An exotic, native to China, it was introduced into the United States about 1834 and rapidly spread throughout the south. Its seedpods were used as packing material in boxes and residents of mining towns along the railroad lines planted it as an ornamental. The tree can grow to 6 feet in diameter and 105 feet tall. It is light and strong, and is prized in Japan, where it is fashioned into rice pots, bowls, spoons, musical instruments, music boxes, and religious furniture.<sup>80</sup>

Several people have been arrested, charged, and convicted for poaching the tree in and around Park Service lands,<sup>81</sup> but there is a curious twist to the story. The Paulownia is included on the NPS list of noxious trees slated for eradication, yet the harvesting of any flora on Park Service land for commercial purposes is prohibited. With the Paulownia, the question of plant and animal management shifts to invasive species.

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<sup>77</sup> Comment by David N. Fuerst on a draft of this administrative history, 2007.

<sup>78</sup> *GMP*, 12.

<sup>79</sup> Jon Dragan, interviewed by Lynn Stasick, September 9, 2004.

<sup>80</sup> "Area Tree Thieves Selective," *Post Herald*, January 31, 1983.

<sup>81</sup> "Area Tree Thieves Selective."

## CONTROLLING INVASIVE SPECIES IN THE GORGE

The 1983 *GMP* proposed research on the relationships between native and exotic species. In concert with the DNR, the NPS planned to cooperatively control or remove populations of exotic organisms. This they suggested could entail physical removal, chemical control, habitat manipulation, or other methodologies. The efforts would be designed to protect threatened native species, ecosystems, or to reduce damage to cultural resources.<sup>82</sup>

Eradication of invasive trees, however, presents special problems for Cultural Resource management. David N. Fuerst, park Cultural Resource Specialist, understands the adverse effects eradication can have on cultural resources despite best intentions. He explained the difficulties involved with a single tree growing up through one of the area's beehive coke ovens.

[Removing the tree] is a good idea, but what happens is that you open up the ground. Now nature begins its succession, which is the introduction of plants that go through different historical stages. You have grasses and weeds, then multi-flora rose, or any other invasive. Japanese knot-weed (another exotic) likes the disturbed soil... you have vigorous roots being sent out, [and] the next thing you know they're wedging themselves down in worse than the [previous] flora.<sup>83</sup>

Fuerst suggested a possible solution:

What [is] really needed, [if] you're going to cut a tree down here or there, [is to] plant some canopy trees right away so when they grow up some canopy shading will occur, and that will deter invasive plants [from] coming. Japanese knot-weed wants to be right out in the open; it doesn't want to be under a shaded area. It doesn't grow that well [there]. Same with multi-flora rose, you'll have trees to compete with all that.<sup>84</sup>

The Park Service has begun attacking the problem of invasive species in specific locations around the park. During the Kaymoor mine-site stabilization in 1991, crews cleared kudzu and other exotics from remaining structures, and seeded the areas to prevent re-introduction.<sup>85</sup> The Park Service instituted a kudzu eradication program at Thurmond Depot, which has exposed previously unknown sheds and foundations.<sup>86</sup> Calvin Hite, the park superintendent until January 2007, said in an interview that the eradication of a three-acre plot of kudzu in Thurmond was a major undertaking. With

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<sup>82</sup> *GMP*, 12 and 15.

<sup>83</sup> David N. Fuerst, interviewed by Lynn Stasick, September 10, 2004.

<sup>84</sup> David N. Fuerst, interviewed by Lynn Stasick, September 10, 2004.

<sup>85</sup> NPS, *Semi-Monthly Report from the Institute for the History of Technology and Industrial Archeology*, April 5, 1991, MPF, Box 43, D18.

<sup>86</sup> Michael E. Workman, Lee R. Maddex, and Dan J. Bonenberger, *New River Gorge National River Historic Resource Study (NERI-02-038 HRS)*. Report prepared by the Institute for the History of Technology and Industrial Archaeology, West Virginia University and submitted to the New River Gorge National River, Glen Jean, WV through the U.S. Department of Interior Cooperative Agreement No. H0001010032, 2005, 47.

the help of the West Virginia Citizen's Conservation Corps, the NPS staff stopped the entire patch. Hite pointed out however, that the kudzu grows in many places throughout the park.<sup>87</sup>

## THREATENED AND ENDANGERED SPECIES IN THE GORGE

Related to the introduction of exotic species and to habitat change is the third question, management of threatened and endangered species. Plant and animal populations found in New River result from centuries of change in natural and cultural factors. New River's course through the Appalachians provides ideal habitats for a wide variety of species. The area from Glen Lyn, Virginia, along the New River through West Virginia is the northern limit for southern species and the southern boundary for many northern species. The intersection of southern and northern flora has been reinforced by animal, bird, and human migration through the area. These mobile agents have carried plant species with them, both wittingly and unwittingly, and contributed to the present diversity of vegetation in the region.<sup>88</sup> They have also introduced non-native species that have threatened some native species.

The 1983 *GMP* mandated the NPS, with the DNR, to identify the occurrence, distribution, and critical habitat requirements of federally listed threatened or endangered species in the National River and to initiate programs to benefit them. It called for the agencies to research critical habitat needs, methods of manipulation in favor of rare organisms, removal of exotic competitors, restrictions on use and disturbance of habitat area, and to monitor populations.<sup>89</sup> Because of its position at a crossroads, a number of species found in the park are considered rare in West Virginia.<sup>90</sup>

Several rare plant surveys were conducted in the park in the 1980s and 1990s by the West Virginia Natural Heritage Program. Botanists tried to relocate historically recorded species and new populations of rare species. An NPS-DNR study in 1985 indicated that of the seventy-four rare plants likely to occur in the region, investigators found thirty-three within the park.<sup>91</sup> As of 1995, the total reached fifty-four.<sup>92</sup> The list of plants includes those considered naturally occurring species which are infrequently

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<sup>87</sup> Calvin Hite, interviewed by Lynn Stasick, June 21, 2004.

<sup>88</sup> U.S. Department of the Interior, *New River Wild and Scenic River Study*, 1994, MPF, Box 71, W3815, 14.

<sup>89</sup> *GMP*, 15.

<sup>90</sup> Dale W. Suiter and Dan K. Evans, "Vascular Flora of New River Gorge National River, West Virginia, Rare Species and Plant Migrations," *New River Symposium Proceedings* (Daniels, WV, 1995), 146.

<sup>91</sup> Garrie D. Rouse, "Rare Plants of the New River Gorge: A Preliminary Report," *New River Symposium Proceedings* (Pipestem, WV, 1985), 37.

<sup>92</sup> Suiter and Evans, "Vascular Flora," 146.

found in West Virginia, and, because of their low population levels, could be lost without proper management and awareness.<sup>93</sup>

In September 1984 the NPS and the DNR agreed to study rare plants of the park. Garrie D. Rouse, a biologist in the Wildlife Resources Division of the DNR, reviewed an extensive literature before the 1985 field season. He included works by Lawrence W. Nuttall, the late 19<sup>th</sup> century owner of the Nuttallburg mine and collector of thousands of plant specimens from the gorge; Violet S. Phillips, who surveyed the botany of the New River between 1965 and 1968 for her doctoral degree from West Virginia University, and botanical studies by William Grafton and Claude McGraw. Grafton's efforts resulted in the *Literature Review of Geology/Soils, Plant and Animal Information Pertinent to the New River Gorge National River, West Virginia*, which has contributed significantly to botanical knowledge in the area.<sup>94</sup>

More importantly, Rouse searched the West Virginia University herbarium to document existing records and formulate new ones. He used the updated information to compile a preliminary list of plants occurring or likely to occur within the park. Previously documented rare plant sites were surveyed along with un-explored habitat. Additionally, he evaluated each rare plant species according to its rarity within the state and globally.<sup>95</sup> The findings indicated that although much important work had been conducted by area botanists, a great deal more needed to be completed in order for rare plant species data to be incorporated into land-use planning processes.<sup>96</sup> During an April 1986 "New River Symposium" presentation, Rouse indicated that several unique plant communities had been identified, but additional sectors remained to be surveyed later that season.<sup>97</sup>

From September 1992 until October 1994, Dale W. Suiter and Dan K. Evans (Department of Biological Sciences, Marshall University) conducted a study of vascular flora in the park. New River Natural Resource Specialist Ken Stephens coordinated the project and the NPS funded it through a cooperative agreement with Marshall University. The researchers planned to compile a catalogue of new and existing New River flora, document plant migration routes, describe vascular plant communities, and compare the New River flora to the West Virginia Natural Heritage database to determine rarity on a global scale and within West Virginia. In addition, they compared the flora to three other river gorges in the nation.<sup>98</sup> Past studies such as these,

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<sup>93</sup> Rouse, "Rare Plants," 37.

<sup>94</sup> Rouse, "Rare Plants," 37-38.

<sup>95</sup> Rouse, "Rare Plants," 38-39.

<sup>96</sup> Rouse, "Rare Plants," 39.

<sup>97</sup> Garrie D. Rouse, "Rare Plants of the New River Gorge National River," *New River Symposium Proceedings* (Wytheville, VA, 1986), 127.

<sup>98</sup> Suiter and Evans, "Vascular Flora of the New River Gorge," 146.

supplemented by future research, can indicate changes and trends in plant populations within the New River.

New River is within the range of several federally listed, endangered animal species including bald eagle, peregrine falcon, Indiana bat, and Virginia big-eared bat. This habitat can also support the eastern cougar, although the original population is almost definitely extinct.<sup>99</sup> The coyote, which had also disappeared from this range, returned in the late 20<sup>th</sup> century. Although West Virginia does not have threatened or endangered species legislation beyond the federal law, NPS policy takes into account any state species of special concern and treats it as it would a federally listed species.<sup>100</sup>

The case of the two endangered species of bats makes several interesting points. Park staff knew the park was in the range of the Indiana bat and the Virginia big-eared bat. Some may have suspected their presence. Not until after 2000, however, with the hiring of park Wildlife Biologist Matt Varner was their presence in the gorge confirmed (See Figure 4.). According to Natural Resource Manager Ken Stephens, the Park Service had been closing off abandoned mine portals since 1988 to promote visitor safety and to protect bats generally.

We were putting bat gates on some of these mine portals. We knew we had bats. We didn't know what kind of bats they were. So we were gating these portals to protect an important element in our overall resource base. But at the same time we were closing, doing some traditional closures just because they presented some safety hazards.<sup>101</sup>

He continued:

With our new wildlife biologist, he's been having to go out and expand that knowledge base on their distribution in the gorge and the likely places they might be wintering. We found them back in 2002. We had a contract to do a bat inventory.... Our wildlife biologist has really given us a lot more information, what we need to do to manage the species, or to manage the habitat to support the species.<sup>102</sup>

The presence of these two endangered species in the gorge, and in more parts of the gorge, provided further evidence of the importance of the presence of the National Park Service. One priority that differentiates the Park Service from other government wildlife agencies is the high value it places on preservation of resources. This simultaneously demonstrated the importance of a wildlife biologist to the park.

One of the most interesting programs undertaken by New River regarding threatened and endangered species was peregrine falcon restoration. The peregrine falcon, a bird of prey, was listed as an endangered species in 1970. By the mid-1960s, no peregrines were breeding east of the Mississippi River and western populations were declining steeply. Begun in 1975, the program sought to re-establish nesting populations

<sup>99</sup> U.S. Department of Interior, *New River Wild and Scenic River Study* (1994), 4. MPF.

<sup>100</sup> NPS, *Draft Development Concept Plan/Environmental Assessment, Teays New River Gorge* (August 24, 1993), 42. MPF.

<sup>101</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>102</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

in the eastern U.S. In 1987, the Park Service undertook the Peregrine Falcon Reintroduction Project at New River in conjunction with the Peregrine Fund and the West Virginia DNR. Founded in 1970 by a Cornell University ornithology professor, the Fund's mission is to help restore raptor populations around the world.<sup>103</sup> Partly through its aid, fledgling falcons were brought to the Endless Wall section of the gorge from a breeding center in Idaho between 1987 and 1990.<sup>104</sup>

Volunteerism in the project was encouraged. The NPS asked residents to call the Park Service if they sighted a peregrine falcon, or to volunteer for monitoring activities. In 1990, DNR's Non-game Wildlife Program organized the first "Cliffwatch" for March 31. The organizer, Craig W. Stihler, wildlife biologist for DNR's Wildlife Resources Division, called on Park Service personnel and the public alike to look for returning and potentially nesting falcons.<sup>105</sup> The program was a success. Although no nesting pairs were observed, 28 of the 30 peregrine fledglings released in 1987 were counted.<sup>106</sup>

After the four-year program ended in 1990, over a decade passed with no efforts to introduce more peregrine falcons. The staff at New River continued to survey and monitor for returning peregrines up to 1995. After this, monitoring was reduced to an annual one-day Cliff watch in cooperation with the WV DNR. Although peregrine falcons were observed in the gorge after 1995, no nests were ever found. Surveys were undertaken in 2001 and 2002 in a renewed effort to find peregrines in the gorge. Natural Resource Manager Ken Stephens stated in his interview in 2006: "We've had a number of programs here. Peregrine falcons is number one."<sup>107</sup> Varner and others confirmed sightings between Beauty Mountain and the Endless Wall in Fayette County near the New River Gorge Bridge and an employee of the Bureau of Land Management spotted a falcon sitting on the New River Gorge Bridge.<sup>108</sup>

Meanwhile the peregrine falcon was removed from the endangered species list in 1999.<sup>109</sup> New River nevertheless re-started its efforts to establish nesting birds within the park. New River Natural Resource Division Chief Ken Stephens explained that this was based on the gorge being within the falcon's natural habitat range: "That's where the function of that species is most important, in their natural range."<sup>110</sup> Jack Wallace, with the West Virginia DNR, stated in 2006 that peregrine falcons are still extremely rare in Appalachia.<sup>111</sup>

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<sup>103</sup> Peregrine Fund Web Site, [www.peregrinefund.org/about\\_us.asp](http://www.peregrinefund.org/about_us.asp), accessed February 26, 2005.

<sup>104</sup> See: [www.nps.gov/neri/news-020403.htm](http://www.nps.gov/neri/news-020403.htm), accessed February 2, 2005, 2.

<sup>105</sup> Craig W. Stihler, DNR, letter to NPS, March 14, 1990, MPF, Box 38, N1621.

<sup>106</sup> See: [www.nps.gov/neri/news-020403.htm](http://www.nps.gov/neri/news-020403.htm).

<sup>107</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>108</sup> See: [www.nps.gov/neri/news-020403.htm](http://www.nps.gov/neri/news-020403.htm).

<sup>109</sup> See: [http://peregrinefund.org/press\\_full.asp?id=72&category=Peregrine%20Falcon](http://peregrinefund.org/press_full.asp?id=72&category=Peregrine%20Falcon).

<sup>110</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>111</sup> "Things are Looking Up: Peregrine Falcons get another Chance," *West Virginia Wildlife* 6(2) (Summer 2006): 24-25.

Several factors came together starting in 2003 to re-establish the peregrine hacking project. The presence of a full-time wildlife biologist in the park for the first time was critical. Stephens observed that although New River had technicians and others in the past who were knowledgeable about wildlife, Matt Varner was the first full-time staff person in this subject: “without him being here we would not have been able to take advantage of that restoration program.”<sup>112</sup> Another factor was the purchase of the magnificent Endless Wall in 1998, as part of the Nuttall Estate acquisition.<sup>113</sup> With the land and a wildlife biologist, funding and volunteer assistance from the Peregrine Fund, the ACCESS Fund, and the Center for Conservation Biology at the College of William and Mary, the New River Gorge joined a number of other sites in the southern Appalachians where young peregrines could be released again.<sup>114</sup> In 2006, 15 peregrine falcons were released along the New River, with a goal of about 45 over a 3 to 5 year trial.<sup>115</sup>

One new collaborator in the project was the ACCESS Fund, an organization which aids rock climbers. Fearing nesting would be disturbed by recreationists, NPS (with the cooperation of the ACCESS Fund) asked the public to hike and climb elsewhere in the gorge. That particular effort did not fully succeed: Falcon researchers found that visitors did not observe the voluntary closure of the Beauty Mountain/Endless Wall area, even though the Park Service had offered a list of alternatives on its website.<sup>116</sup>

The Park Service has taken an active role in the preservation of rare animal species in the gorge. In its efforts it has asked for and received the cooperation of the public as well as institutions such as the Peregrine Fund in helping with its endeavors to preserve and protect rare species.<sup>117</sup> There are times when access to certain areas of the gorge must be denied to the visiting public as a matter of conservation. This exemplifies the problem the Park Service sometimes faces when trying to meet its dual mandates to conserve and interpret the outstanding natural resources in the park while at the same time providing access to the visiting public.

## BTI, BLACK FLY, AND INTEGRATED PEST MANAGEMENT

One of the longest running controversies involving New River was the proposed use of *Bacillus thuringiensis israelensis* (Bti) to control the “black fly” population. Among

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<sup>112</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>113</sup> See Appendix 5.

<sup>114</sup> See Bryan D. Watts, *An investigation of cliffs and cliff-nesting birds in the southern Appalachians with an emphasis on the Peregrine Falcon*, Center for Conservation Biology Technical Report Series, CCBTR-06-14 (Williamsburg, VA: College of William and Mary, 2006).

<sup>115</sup> “Things are Looking Up: Peregrine Falcons get another Chance,” *West Virginia Wildlife*, 24-25.

<sup>116</sup> Ken Stephens, 2005, written comments on first draft of this administrative history.

<sup>117</sup> See: [www.nps.gov/neri/news-020403.htm](http://www.nps.gov/neri/news-020403.htm).

the concerns were the effects this control might have on the fish population. *Simulium jenningsi* should not to be confused with the black flies of Canada and New England. Known as *Simulium venustum*, they are nastier biters than those found along the New and its tributaries. Nonetheless, many people considered *S. jenningsi* a serious nuisance in the area. Public concern surrounding the issue of spraying inspired debates involving the Park Service, the Environmental Protection Agency, the West Virginia DNR, environmentalists, and others concerning Bti's safety.

In 1980, James Amrine, a forensic entomologist at West Virginia University, studied the black-fly problem at the WVU Agriculture School, and suggested using Bti to control the insects. Black-fly larvae die when they ingest Bti. Amrine believed that poor water quality due to acid mine drainage had kept the black fly population low, but as water quality improved, the insect population exploded.<sup>118</sup> One particularly bad section was just below the Bluestone Dam. Amrine estimated that up to 8,000 larvae had been collected from 36 inches of river weed on the shallow river bottom.<sup>119</sup> The problem was also severe along the New River between Hinton and Sandstone, as well as in Beckley, Prince, Thurmond, Fayetteville, Brooks, Meadow Creek, and at several state parks.<sup>120</sup>

The public responded. Guests at the Greenbrier Resort in White Sulphur Springs and the Glade Springs Resort complained that swarms of flies on the golf course fairways were becoming unbearable.<sup>121</sup> Black flies were seen as a regional problem. The opinion page of the *Raleigh Register* on November 8, 1981, stated, "The gnats are hurting southern West Virginia. Not only do they leave a bad impression on tourists and other visitors, but residents of the New River counties are similarly affected."<sup>122</sup> A group calling itself Citizens Against Gnats was formed in Raleigh County to lobby the city commission in favor of spraying. Other citizens, however, expressed opposite feelings. They did not consider the flies a nuisance, and strongly objected to pesticide use along the New River.<sup>123</sup>

Individual communities had either tried or considered programs to control adult black fly populations locally through spraying, but Amrine thought it an ineffective method.<sup>124</sup> Amrine believed the best way to treat the problem was to attack the larvae. His research had indicated that Bti microbes poisoned the larvae when ingested. He was also convinced that Bti was safe because the microbe only works with the high pH qualities found in the black fly's digestive tract. He felt it wouldn't be harmful to fish,

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<sup>118</sup> "Black Fly Solution Not Just A Swat Away," *Charleston Gazette*, June 14, 1981.

<sup>119</sup> "DNR Biologists Question Gnat Spraying," *Raleigh Register*, April 1, 1980.

<sup>120</sup> "Black Fly Solution Not Just a Swat Away," *Charleston Gazette*, June 14, 1981.

<sup>121</sup> "Gnat-Killing Idea for New River Opposed," *Charleston Gazette*, June 30, 1981, MPR, Newspaper Clippings.

<sup>122</sup> "Fight the Gnats Now," *Raleigh Herald*, November 8, 1981.

<sup>123</sup> J. Reese Voshell, Jr., "The Ecology of Black Flies in the New River and its Major Tributaries in Southern West Virginia," *New River Gorge Symposium Proceedings* (Boone, NC, 1984), 221.

<sup>124</sup> "Gnat Killing," *Charleston Gazette*, June 30, 1981.



humans, or other animals which have highly acidic compositions. “If we were to treat the river two or three times a year, we wouldn’t have this problem,” he said.<sup>125</sup>

Others were not so sure. David Robinson, of the West Virginia DNR’s water division, thought there was not enough scientific data to determine the potential adverse impacts of Bti spraying on the river.

Our wildlife division’s position, which is supported by the EPA and the NPS, is that the New River is certainly not a suitable place to conduct experiments because it is extremely valuable . . . that is not the way to go about it . . . We’ve consulted with other universities and they generally supported our position. It is too much risk to take.<sup>126</sup>

Robinson added that the DNR was not convinced the prime source of the flies was the New River. They were also unsure that the bacterium wouldn’t eliminate other insects along with the black flies. He said if that occurred, the fish population could then possibly suffer from lack of food.<sup>127</sup>

In 1983 the DNR conducted two studies to evaluate feeding habits of fish in the New River, with an emphasis on black-fly consumption and to determine the fly population in a 25-mile radius of Hinton. Analysis of data suggested that black flies were a significant food component of fish in the New River, comprising 22% of their total diet. Wherever they were found in great numbers, the flies represented an important food source. They were also found to be an important food item in the diets of the predacious aquatic insects, which are likewise consumed. The researchers felt that controlling the flies in the river would reduce the populations of predacious insects and that no other insect would occupy the niche vacated by the black flies. They concluded that control treatments significantly reduced the fly population could also affect the fishery below Bluestone Dam.<sup>128</sup>

In March 1983 DNR director David Callaghan approved a program to begin controlling the black fly population. He approved it even though studies clearly showed that aquatic resources could be damaged. Callaghan added that the decision had been made understanding that there often must be a trade-off of resource protection for human needs.<sup>129</sup> Politics had apparently trumped science.

Nevertheless, in June 1983 the NPS denied WVU a permit to apply Bti in the area. The Park Service cited several reasons. They cited studies of the potential health impact of black flies on residents of the area which indicated that the flies were a nuisance, but not a public health hazard. They also cited the potential impact of Bti on the New River’s

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<sup>125</sup> “Black Fly Solution,” *Charleston Gazette*, June 14, 1981.

<sup>126</sup> “Black Fly Solution,” *Charleston Gazette*, June 14, 1981.

<sup>127</sup> “Black Fly Solution,” *Charleston Gazette*, June 14, 1981.

<sup>128</sup> Lloyd Hess, “Preliminary Analysis of the Food Habits of Some New River Fishes, With Emphasis on Black Fly Utilization,” *New River Symposium Proceedings* (Blacksburg, VA, 1983), 15.

<sup>129</sup> “DNR OKs Program to Kill Black Flies,” *Beckley Post Herald*, March 3, 1983.

flora and fauna, and the role the flies played in the river's ecology, principally in the food chain for game fish. The NPS issued a statement from its Philadelphia office saying that

An important consideration was management policies which state that populations of native insects be allowed to function unimpeded except where control is desired. But the federal Center for Disease Control in Atlanta and the West Virginia Health Department both determined that the flies constitute a nuisance, but not a health hazard.<sup>130</sup>

Public outcry was swift. The same day the article appeared announcing the NPS decision, WV Congressman Nick Rahall came out firmly against the position of the Park Service Regional Office. Rahall's aide, Mike Serpe, repeated the representative's assertion that supporters of Bti should have the right to appeal the decision blocking a control program. Rahall vowed to act as a spokesman for Citizens Against Gnats, which had enlisted his assistance the previous February.<sup>131</sup>

The debates continued for several years. In April 1986, public pressure sparked Governor Arch Moore to order the DNR to begin the Bti application program despite the protestations of several environmental groups.<sup>132</sup> On May 5, 1986, spraying began.<sup>133</sup> The program was halted in 1987 due to the state's lack of financial resources, causing more public outcry. One concerned citizen expressed his views to park Superintendent Joe Kennedy. "I suggest that since the river is under your control, that your funds should be expended for black fly control."<sup>134</sup>

Meanwhile, the National Park Service and the State of West Virginia went to court because the state challenged the NPS authority to require the state to apply for the permit to use pesticides to control black flies on the New River (United States of America versus Arch Moore). The court found in favor of the NPS based on the U.S. Constitution's Supremacy Clause. This court ruling is often used by NPS solicitors in developing arguments and position papers for other cases where state and federal wildlife management issues are in conflict.<sup>135</sup> Specifically, the court issued an injunction in 1987 to prohibit Bti spraying within the boundaries of the park, finding that the Park Service had authority on lands within the boundary, whether or not in federal ownership. The injunction also affirmed that the Park Service had authority over wildlife, including black flies. Soon after the Supreme Court decision, however, federal legislation passed in July 1987 saying the park would allow the state to spray for black

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<sup>130</sup> "Fly Poisoning Scuttled by Park Service," *Charleston Gazette*, June 10, 1983.

<sup>131</sup> "Rahall Vows to Fight on in Efforts to Treat River," *Beckley Post Herald*, June 10, 1983.

<sup>132</sup> "Moore OKs Proposal to Combat Black Flies," *Charleston Gazette*, April 12, 1986

<sup>133</sup> "Bti Program Begins Despite Protests," *West Virginia Highlands Conservancy (Newsletter)*, May 5, 1986.

<sup>134</sup> Michael R. Ward, letter to the Superintendent, NERI, October 2, 1987, MPF, Box 1, 3815.

<sup>135</sup> David W. Reynolds (Deputy Associate Director, Natural Resources and Sciences, Northeast Region), Memo to Historian, Northeast Region, December 23, 2005. Reynolds managed the black fly controversy for NERI in the 1980s and in 2005 was the Deputy Associate Regional Director for Natural Resources and Science, Northeast Region.

flies.<sup>136</sup> Specifically, this law approved the DNR spraying program as an 8-year “demonstration project.”

No additional analyses, proposals, or approvals will be required for the State to conduct similar pesticide application programs during the period of the demonstration project provided herein. The State shall notify the National Park Service of its planned annual program at least ninety days in advance of spraying, and shall consider the recommendations provided by the National Park Service, the United States Fish and Wildlife Service, and other parties in the conduct of the pesticide application program. The State shall also enter into an indemnity agreement with the National Park Service which will protect the Service from all tort claims which might arise from the State's spraying program. The State and the National Park Service shall jointly conduct a monitoring program on the effects of the pesticide application, including the impact on natural, cultural and recreational values of the National River.<sup>137</sup>

In 1987, President Reagan signed a Supplemental Appropriations Bill which included this approval for the WV DNR to carry out its black fly control program within New River Gorge National River. Representative Rahall and the West Virginia Congressional delegation circumvented the court decision and the requirements of the National Environmental Policy Act.<sup>138</sup> Chief Ranger Gary Hartley stated in 2004: “It gives you an idea of the legislative oversight that this park has, and the Park Service, that they [the West Virginia Congressional delegation] could actually do that.”<sup>139</sup>

As a result, on April 25, 1988, Superintendent Kennedy entered into a memorandum of understanding (MOU) with the DNR to re-institute the application program. The MOU called for the application of Bti for a period of eight years unless within that time the chemical was removed from the federal list of pesticides approved by the EPA.<sup>140</sup> In 1989 the state legislature appropriated \$230,000 and that same amount again for 1990-1991 toward eradication efforts.<sup>141</sup>

Because of concerns about the possible impacts of Bti on aquatic life, the Park Service contracted with Virginia Polytechnic Institute and State University (Virginia Tech) in 1988 to conduct an ecological monitoring program.<sup>142</sup> The technical term for the monitoring project was LTEMs: Long-term Ecological Monitoring System. Between 1988 and 1990, Virginia Tech collected data and developed an appropriate sampling protocol. Early results were not conclusive, but the program had started and it became part of the duties of park staff in the 1990s and later to monitor the program. This is discussed further in the narrative below.

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<sup>136</sup> 101 STAT. 416 Public Law 100-71-JULY 11, 1987.

<sup>137</sup> 101 STAT. 416 Public Law 100-71-JULY 11, 1987.

<sup>138</sup> Ken Stephens, written comments on first draft of this administrative history, 2005.

<sup>139</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick. Some of these events are detailed in comments from Ken Stephens, written in response to the first draft of this administrative history, 2005.

<sup>140</sup> National Park Service, “Memorandum of Agreement,” April 25, 1988, MPF, Box 2, A44.

<sup>141</sup> “New River Fly-Spraying Program Continues a Question-filled Issue,” *Charleston Gazette Mail*, March 18, 1990.

<sup>142</sup> “New River Fly,” *Charleston Gazette Mail*, March 18, 1990.

Another larger context for control of black flies in New River was a comprehensive approach to the control of invasive faunal species. Ken Stephens mentioned in the 2006 interview that the National Park Service generally emphasized Integrated Pest Management. In particular, at the New River focus was on two species that attack important native trees: the gypsy moth and the hemlock woolly adelgid. He said that the park and the state agencies were working “hand-in-hand” on these two problems.<sup>143</sup>

## NATURAL RESOURCE MANAGEMENT IN A LARGER PARK SYSTEM

Throughout the 1980s, the small staff of the New River Gorge National River accomplished a great deal. With only a superintendent, an administrative assistant, a chief ranger, a maintenance chief, an interpretive chief, and at most a few permanent or even temporary staff in each division, the park staff had worked hard and collaboratively with the Mid-Atlantic Regional Office in Philadelphia, the Denver Service Center, and the Washington Office. They produced a *General Management Plan* (1983), a *Land Protection Plan* (1983), an *Interpretation Program Plan* (1989), and a *Draft River Management Plan*, which was shelved for reasons explored elsewhere in this history. The natural resource manager for most of the 1980s, Dave Reynolds, also oversaw discussions with West Virginia officials over black fly management, fisheries management, and much more.<sup>144</sup>

As the land acquisition program ramped up in the late 1980s and 1990s, however, a larger team and even more intensive strategies were required to keep up with the new territory coming under the administration of the National Park Service in the New, Gauley, and Bluestone watersheds (see Chapter 4 on land acquisition). As Ken Stephens related above, a fundamental change occurred when he was hired in 1992 as natural resource manager for New River, Gauley River, and Bluestone. As Stephens himself stated, while he was proud to have played a role in this transition, in a sense the situation demanded the change.<sup>145</sup> In 2006 he reflected on his innocence of the situation that he had come to:

I didn't understand the growth that was going on in New River, because I was just kind of plopped down in it, you know, the growth of acquiring new positions, the growth of land acquisition had begun to accelerate, we were in the middle of that acceleration process. And then of course, the project dollars that were generated for visitor access and new trails and roads and bridges was just, you know, . . . all just happening. It looked like standard operating procedures. I did not understand how it had jumped proportionately above what they had done in the past...<sup>146</sup>

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<sup>143</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>144</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>145</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>146</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

Indeed, he said it was an exciting time – a comment mirrored by Peggy Maddy, Lorrie Sprague, Andy Steel, and others who were hired in the early 1990s. One can sense the challenge the staff felt at that time in their memories. Stephens remembered that Joe Kennedy was superintendent, but that he didn't usually deal directly with him. Stephens' immediate supervisor was Chief Ranger Bill Blake:

This was a fantastic team, you know, from the superintendent down to the seasonals, everybody seemed to be, the division chiefs seemed to be really working well, in a cohesive fashion. Under the superintendent's leadership, we had the latitude. We were starting new programs. We weren't trying to take an existing program and mold it to a new crisis or a new initiative. We had brand new programs. We were free to establish them, to design them, to meet on-the-ground needs, and we had the money to do it.<sup>147</sup>

Stephens did say, however, that looking back after 14 years, he probably should have been having more fun! But, as in any demanding job, he felt the pressures instead.

Ken Stephens' impressions of Bill Blake and Joe Kennedy are important because they fill in blanks from the testimonies of others, or they modify them somewhat. He interacted the most with Blake, whom he had known before. He saw Blake as a highly intelligent extrovert who got things done. He "had a lot of insight on anticipating potential problems, issues, needs, operational shortfalls."<sup>148</sup> He didn't have nearly the same interaction with Superintendent Joe Kennedy because Blake did that for him. Blake had the trust of the superintendent. "Without him [Blake], I probably could not have been as successful as I was." Stephens saw Superintendent Kennedy in 2006 as

... a throw-back to the early days of the National Park Service. Superintendents, he's there, I mean he's obviously the ultimate park authority, but the division chiefs are responsible for managing their programs, with his approval and guidance. It didn't appear to me, he didn't offer a lot of hands-on guidance. You know, he was a political animal. That's the only way I could describe it.<sup>149</sup>

He had to interact with the Congressional delegation. Given Superintendent Kennedy's forceful opposition to locating the park headquarters in Glen Jean, it is clearly not accurate to conclude he did the delegation's bidding without question. But Stephens was correct that he balanced between the park and Capitol Hill. There was room for Natural Resource Manager Ken Stephens, Administrative Assistant Lorrie Sprague, and (many different titles) Peggy Maddy, to perceive very different sides to Superintendent Kennedy.

When Ken Stephens arrived, he did inherit the on-going programs in water quality and the LTEMs monitoring of black flies. Spraying for black flies by the West Virginia DNR (and later by other state agencies) had been underway since the mid 1980s and the LTEMs monitoring program, designed by Virginia Tech researchers, since 1988.

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<sup>147</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>148</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>149</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

Stephens described the black fly issue as an “on-going tug-of-war.” Although he disagreed about the need for the program, he described a professional interaction between his staff and the DNR, as a complex situation that mixed science, politics, policy, and public perception. As he described it, the Park Service was working under mandate from the Congressional delegation. The DNR sprayed for black flies, the Virginia Tech researchers monitored biological effects of the spraying, and the Park Service staff coordinated and evaluated. He described a cordial collaboration with the state:

It was just a very positive working relationship, one of the few projects where we and DNR, the other state agency that was involved in this, we were on the same page as far as our concern about the potential impacts to the resource.<sup>150</sup>

He did note, however, that the state was concerned mainly about game fish while he and his staff thought “it could interrupt the biological integrity of the river. You know, it’s a philosophical argument as much as it is a biological argument.” While some scientists or policy makers might disagree with this, it is an honest judgment by one who has participated in the full process.

In a news article on LTEMs in 1997, then Superintendent Pete Hart stated: [The purpose of the LTEMs is to] determine whether the Bti is removing an important link in the food chain. . . . The LTEMs study has been underway for 10 years, and although all the information has not been analyzed, it appears that Bti spraying is not having any measurable effects on the aquatic organisms living in the New River.<sup>151</sup>

Stephens in 2006 highlighted a spin-off of LTEMs and the black fly program. The “monitoring protocols” for the effects of spraying for black flies required keeping track of fish, aquatic plants, water quality, and macro-invertebrates. Specifically, sampling parameters examined water quality (discharge, pH, temperature, dissolved Oxygen, etc.) and biological factors (periphyton, phytoplankton, macrophytes, macroinvertebrates, and fishes).<sup>152</sup>

In 1991, New River staff replaced Virginia Tech personnel as the main LTEMs field investigators. Park staff followed the protocols established by the Virginia Tech personnel and issued reports. Some of these staff were temporary hires, but in 1992-1993 two technicians were hired full time to continue monitoring. In the mid-1990s, as the first authorization for applying Bti was to expire, the Park Service and the West Virginia Department of Environmental Protection negotiated a new Memorandum of Understanding. Moreover, results presented orally by Dr. Reese Voshell (Virginia Tech) indicated no immediate adverse effects in New River macroinvertebrates or fish attributable to Bti. His results were strongly supported by statistical analysis. Based on

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<sup>150</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>151</sup> “National Park Service Concentrating on Monitoring Black Fly Program,” *Fayette Tribune*, August 11, 1997.

<sup>152</sup> Ken Stephens, written comments on the first draft of this administrative history, 2005.

this, Northeast Region Chief Scientist John Karish concluded that Bti application was acceptable. Although National Park Service policy clearly prohibited human activities to control naturally occurring populations that did not evidence a health risk, a mitigating factor allowed such intervention. The mitigating factor was the Bluestone Dam. The nutrient loading due to the dam meant that native wildlife could be actively managed.<sup>153</sup>

A program initially opposed by the Park Service and environmentalists ultimately produced a wealth of understanding of the New River ecosystem. Moreover, it had been found, surprisingly, that the only organism significantly affected in the New River Gorge system was the black fly. Ken Stephens stated in 2006:

I think early on, yeah, we thought there was going to be a measurable [effect], we didn't know how specifically the black fly contributed in the column in the food chain. Where it fit in there, what was the proportion of it in the diets of – in particular for the state side of it – the game fish. But they've done the analysis, although it's an important product, it's an important prey species, obviously it was not as important as we originally anticipated. We thought it would have a measurable impact – an unacceptable impact – we could determine that. But it's basically unmeasurable, except from a black fly perspective.<sup>154</sup>

Stephens knew from the data that fish populations had not been affected, but he also realized that some local anglers would never be convinced of that. Interestingly, this was not because he supported the program. He concluded: "It's an unnecessary program and it doesn't really contribute to improving the environmental quality of the park or anything."<sup>155</sup> As he saw it, the increase of black fly population in the later 20<sup>th</sup> century was due entirely to the construction of the Bluestone Dam and the nutrient field that it produced and which supported black fly larva. The MOU was signed with the WV DEP in 1996, and again in 2002 for a term of five years.<sup>156</sup>

In 2004, West Virginia DNR Director Ron Potesta reported that continued spraying had realized about a 95% black fly kill ratio. Tests conducted by the agency corroborated the LTEMs indication that no adverse effects had been noted in other insect species. But concerns were not completely eliminated. Fish biologists had expressed fears that the sprayings could indeed kill other insects that make up an important part of the food chain for game fish. They pointed to a Canadian experiment which supported this conclusion.<sup>157</sup> Even though purposeful overdoses were

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<sup>153</sup> Ken Stephens, written comments on the first draft of this administrative history, 2005.

<sup>154</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>155</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>156</sup> Ken Stephens, written comments on the first draft of this administrative history, 2005.

<sup>157</sup> Timothy Boulton, "Responses of nontarget Lepidoptera to Foray 48b *Bacillus thuringiensis* var. kurstaki on Vancouver Island, British Columbia, Canada," *Environmental Toxicology and Chemistry* 23 (May 2004): 1297-1304; and M.I. Bellocq, J.F. Bendell, and B.L. Cadogan. "Effects of the insecticide *Bacillus thuringiensis* on *Sorex cinereus* (masked shrew) populations, diets, and prey selection in a jack pine plantation in northern Ontario." *Canadian Journal of Zoology* 70 (1992): 505-510.

administered, the experiment demonstrated the possibilities for devastation of insect populations other than the black fly and an impact on the entire food chain.<sup>158</sup>

Another issue that Dave Reynolds and others were certainly well aware of before Ken Stephens arrived in 1992 was water quality. Indeed, water quality centered the concerns about the New River since the days of the pumped-storage controversy. Stephens acknowledged that people before him had started the programs to monitor bacteria due to untreated sewage, as well as the effluent from abandoned coal mines. It took the staff growth of the 1990s, however, to implement these programs more fully. Stephens said:

We have three full-time FTE dedicated to it. That's not enough, but three. And that is one program area that we do manage<sup>159</sup> to stretch ourselves from the New to the Gauley to the Blue. It covers all three of them.

Stephens was careful to credit colleagues who had implemented this and other programs. He described himself as a manager (Title: Division Chief, Natural Resources), who had the good fortune to hire Fisheries Biologist Jesse Purvis, Wildlife Biologist Matt Varner, Geologist Gene Clare, Vegetation Specialist and Biologist John Perez, Biological Technicians Kathy Oney and Lisa Wilson (both since 1992 or 1993), and Biological Technician Sammy Pugh, who has since taken a similar job with the Office of Surface Mining.

Stephens described himself in his interview as a manager, not a scientist. Two trends had increased the credibility of scientific work done in southern West Virginia in the 1990s and early 21<sup>st</sup> century. First, the hiring of subject specialists just noted; second, the increasing importance of collaboration with people from outside the park itself. Consultants, especially from universities, had worked in the New River Gorge National River since its authorization. But in the 1990s, efforts intensified in the National Park Service generally to coordinate research at the regional level. As Stephens noted, other than the increase in staff, the main thing that changed in research projects since the early 1990s was: "Accountability. We are reporting on our activities, it's much more integrating with the regional and WASO requirements."<sup>160</sup>

The regional integration of scientific research, however, has gone beyond accounting for dollars and time. Since Stephens started at New River, the Park Service started an Eastern Rivers and Mountains Network to coordinate research in the region. The network involved staff in the parks in the region, the Northeast Region Chief Scientist John Karish, Matt Marshall (Coordinator of ERMN), and professors from numerous universities. Dr. Tom Pauley (Marshall University) has researched birds, reptiles, amphibians, and mammals in New River and its sister parks. Dr. Stuart Welsh

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<sup>158</sup> "10 More Bti Sprayings for Black Flies Planned," *Charleston Gazette*, May 28, 2004.

<sup>159</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

<sup>160</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.



(WVU) has researched fish, Dr. Jay Stauffer (Penn State) fish, Dr. Steven Castleberry (University of Georgia) mammals, Dr. Petra Wood (WVU) mammals, and so on.<sup>161</sup> Some ERMN projects have also been undertaken by Park Service scientists from other units. For example, a researcher from George Washington Memorial Parkway and another from Santa Monica Mountains National Recreation Area produced a study of paleontological resources across the Northeast Region (including New River, Gawley, and Bluestone) in 2004.<sup>162</sup> As Stephens stated:

I think the more rigorous science program has been a major benefit of that kind of regional oversight, in particular, science and the parks have all benefited from that. It's a National Park Service initiative, but the money and the programs they filter down to the regions and then to the parks. That's a plus. That has short-term, long-term benefits. If we had it to do over, there's a lot more requirements for submitting proposals, a lot more requirements for getting funding, that's the kind of oversight we need to make sure that we're doing the science and not just getting out in the field.<sup>163</sup>

"This oversight and coordination," he said, "is system wide. No one is picking on NERI!"

## CONCLUSION

The Park Service faces a difficult task. It has, on one hand, the responsibility to protect the New River in its natural state, or something close to it, as mandated in the 1978 enabling legislation. But it must also provide recreational opportunities for the public's enjoyment. In doing so, the NPS faces the problem of protecting New River natural and cultural resources from damage, vandalism, and destruction, while allowing public access. To manage such a large and inaccessible park requires combined efforts of state and federal agencies.

Over the years, the NPS has worked with the West Virginia DNR and DEP when dealing with issues relating to water quality and flow, flood control and hydroelectric power, animal and plant populations, and a range of other issues. They have often disagreed, but overall they have worked well together to conserve natural resources.

The management and protection of the natural resources in New River is essential to the continued health of the park. Good working relationships between the NPS and other state and federal agencies are necessary to protect the flora, fauna, and fish populations. Issues such as water quality, pumped-storage, flood control, the continuous flow of the river, and hydroelectric power have been and continue to be issues of

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<sup>161</sup> See: <http://www.nature.nps.gov/im/units/ermn/inventory.htm#birds>.

<sup>162</sup> Alison L. Koch and Vincent L. Santucci, *Paleontological Resource Inventory and Monitoring: Eastern Rivers and Mountains Network*. National Park Service, TIC #D-265, June 2004. Available on line at <http://www.nature.nps.gov>.

<sup>163</sup> Ken Stephens, interviewed November 16, 2006, by Gregory A. Good.

concern to many citizens. The protection of endangered species is also on the minds of many, and requires careful study and intra-agency cooperation.



**Figure 25.** Wolf Creek, seen from Kaymoor Trail, 2006. This seemingly wild creek drains the Fayetteville area and experiences significant pollution problems. Photograph by Gregory A. Good.



**Figure 26.** A view from Kaymoor Trail, 2006. Photograph by Gregory A. Good.





**Figure 27.** This artificial waterfall cascades onto Kaymoor Trail, 2006. Photograph by Gregory A. Good.



**Figure 28.** In 2000, NERI wildlife biologist Matt Varner discovered that old mine shafts provide habitat for two endangered species of bats, the Indiana bat and the Virginia big-eared bat. These bat grates, however, were installed earlier to protect visitors from dangerous conditions. Photograph by Gregory A. Good.

## CHAPTER SIX

### MANAGING NERI CULTURAL RESOURCES

#### CULTURAL RESOURCE LAWS AND CRM PLANNING

The management of cultural resources in the New River Gorge National River has challenged the National Park Service since the authorization of the park in 1978. The challenge sprang from the combination of the extremely deteriorated post-industrial condition of coal, rail, and domestic and commercial structures and the necessarily deliberate, restrained process of cultural resource management (CRM) within Park Service guidelines. Preserving a coal or rail town is a complicated process.

This chapter discusses selected cultural resources in New River, the debates surrounding their preservation, and decisions that formed New River administrative policies regarding visitor access, safety, and interpretation. The chapter begins with a general discussion of federal cultural resource law and its relation to early park management. Then it briefly discusses archeology at the park. The chapter focuses on the specific historic sites of Kaymoor and Nuttallburg mines, the towns of Thurmond and Fayette Station, and remains of associated railroads, coke ovens, and other structures. For the planning process underway in 2006, a map of historic resources in the park was produced (See Figure 1.). Because these resources are important to people living in the region today, their concerns have affected management decisions. The public's interaction with park staff continues.

Management of cultural resources in New River has developed gradually since 1978. Federal laws such as the National Historic Preservation Act (NHPA 1966, as amended) and Archeological Resources Protection Act (ARPA 1979) require due consideration of cultural resources. When a project involves federal funds or permitting, Section 106 of NHPA requires that its effects on resources eligible for the National Register of Historic Places (NRHP) must be examined.<sup>1</sup> Beyond compliance with these and other regulations, NPS directly manages, protects, and interprets cultural resources for the public. NPS has developed extensive guidelines to meet this expanded charge.<sup>2</sup>

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<sup>1</sup> See: Advisory Council on Historic Preservation, *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, <http://www.achp.gov/citizensguide.html>, accessed September 20, 2005.

<sup>2</sup> See, for example: National Park Service, *Cultural Resource Management Guideline* (Washington, DC: National Park Service, Release No. 5, 1997). Available at: [http://www.cr.nps.gov/history/online\\_books/nps28/28contents.htm](http://www.cr.nps.gov/history/online_books/nps28/28contents.htm). This document discusses cultural resource types, levels of significance, and the need to integrate research, planning, and stewardship. Accessed September 20, 2005.

New River's enabling act (Public Law 95-625, 1978) and successive management documents have shaped policy decisions toward needs of cultural resources specific to the gorge. Public Law 95-625 included among the purposes for establishing New River "conserving and interpreting outstanding . . . historic values and objects in and around" the gorge."<sup>3</sup> It authorized marking and interpreting historically significant properties, including private properties (through cooperative agreements). The law required the Secretary of the Interior to submit a plan to Congress within two years, detailing (among other things) which resources in the park were "essential to the protection and public enjoyment of . . . historic values and objects."<sup>4</sup> Within three years, the Secretary was to submit a management plan including "measures for the preservation of the area's resources."<sup>5</sup>

The *Draft General Management Plan (Draft GMP)* appeared in 1982.<sup>6</sup> It called for protecting both prehistoric and historic cultural sites in and around the park. The *GMP* set preliminary priorities for preservation and discussed levels of treatment appropriate to each. Highest priorities included Kaymoor Mine and Lower Kaymoor, Thurmond's railroad depot, and Hinton's roundhouse. The *GMP* mentioned direct NPS ownership of only a few sites, and promised a "cooperative approach" with private landowners (e.g., CSX), volunteers, and state and local agencies to protect sites that it did not own. Some sites would be "acquired, stabilized, and interpreted."<sup>7</sup> Objects would be collected, described, and curated. The *GMP* made only a few specific recommendations, to be examined below.

The Park Service outlined a research program in the *GMP* stating that, "the primary value of many of the cultural resources in the New River Gorge is their potential to yield information important in the study of history and pre-history."<sup>8</sup> The possibility of losing cultural resources prompted NPS to plan to record sites in danger of demise. When no cooperative agreement or acquisition was possible and the landowner might remove or neglect a resource, NPS intended to encourage documenting the site.<sup>9</sup> The plan stated that recording was often the most effective form of preservation, and also recommended a continuing oral history project.

NPS mandates and guidelines since 1982 have considered how best to both preserve cultural resources and allow the public to enjoy them. The 1982 *GMP* was designed to improve access opportunities to the park and to direct protection and

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<sup>3</sup> U.S. Congress, Public Law 95-625, Sec. 1101, *Congressional Record*, November 10, 1978, 3547.

<sup>4</sup> Public Law 95-625, Sec. 1103 (a) (i).

<sup>5</sup> Public Law 95-625, Sec. 1103 (a) (i).

<sup>6</sup> National Park Service, *Draft General Management Plan [NERI]*, November, 1982. The final report appeared in March 1983: NPS, *General Management Plan Summary and Summary of Public Response to Draft Plan*, 1983.

<sup>7</sup> *GMP*, 16-18.

<sup>8</sup> *GMP*, 18.

<sup>9</sup> *GMP*, 16.

interpretation of natural, cultural, and scenic values for which the park was established. However, it did not evaluate park resources and visitor activity opportunities with adequate detail. So these guidelines have continued to evolve.<sup>10</sup>

In 1988, personnel of the Denver Service Center of the Park Service wrote a more specific planning report for the management and development of the National River. It outlined goals and priorities within a philosophical framework for site-specific planning.<sup>11</sup> Entitled *Management and Development Guidelines for New River Gorge National River, West Virginia* (MDG, November 1988), the document differed somewhat from the GMP regarding the park's purpose, significance, interpretative themes, and management objectives and issues. A longer report by the same authors, *Management and Development Guidelines, New River Gorge National River, West Virginia: Reference Material* (MDG Reference Material, December 1988) evaluated twenty sites in the park for their condition and value for recreation and interpretation.<sup>12</sup> Neither of these documents, however, were submitted to the WV SHPO nor to the national Advisory Council on Historic Preservation, which would be required by Section 106 of the National Historic Preservation Act if either of these documents had become an action document.<sup>13</sup> The MDG documents apparently involved only DSC staff. No evidence has been found that personnel at the park or the regional offices were involved.

Both the GMP and MDG documents, nevertheless, recommended stabilization and preservation of remaining resources in the gorge. Some of the goals outlined in the report have been achieved, but others have not, resulting in the loss of some important structures at Kaymoor in particular. Other resources originally planned for adaptive re-use now sit boarded and empty. The lack of baseline information also profoundly impacted management decisions. The policy debates both within the Park Service and with the public, resulted in a plan that has been only partially realized.

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<sup>10</sup> National Park Service, *National Park Service Management Policies*, 1988 MPF, 1977-78, A64.

<sup>11</sup> U.S. Department of the Interior, National Park Service, Denver Service Center, *Management and Development Guidelines for New River Gorge National River, West Virginia*, 1988, MPF, Box 3, A64, 1. This 8-page document was released in November 1988. It was soon followed by another Denver Service Center document: *Management and Development Guidelines, New River Gorge National River, West Virginia: Reference Material*. U.S. Department of the Interior, National Park Service, Denver Service Center, December 1988. The latter document included the former and a section "Analysis of Specific Visitor Use Sites."

<sup>12</sup> Clif Bobinski, *Planning Documents Report for New River Gorge National River*, August 16, 2004. This document is unpaginated, annotated bibliography. The information in the text is summarized in these annotations.

<sup>13</sup> Comments on draft of this administrative history by Clifford Tobias, Historian, Northeast Regional Office, Philadelphia (NERO-P), National Park Service, 2006. In 1988, Dr. Tobias was the Mid-Atlantic Regional 106 Compliance Coordinator and would have been part of consultations to amend the Draft GMP. No documentation exists that either MDG document was reviewed by the WV SHPO or the regional office.

Historic preservation takes many forms. The possibilities range from simply recording a site to full restoration. It is impractical, if not impossible, to preserve every coke oven and building in the New River Gorge. NPS decisions regarding the treatment of sites have depended on available resources, significance of the site, and level of interpretation planned.<sup>14</sup> In a 2004 interview, park Cultural Resource Specialist David N. Fuerst discussed stabilization and preservation issues in the gorge:

Well that's a curious thing see, you can't stabilize everything. Stabilization is almost a temporary thing. If you think about it, you're stabilizing it until perhaps you do something more. Buildings that are in use, you can see there's a utility to stabilizing. Like in Thurmond, we stabilized buildings and put new roofs on the houses. Now once you have a roof on it, it keeps the walls from decaying or the foundation [from decaying]. But an historic or archeological resource like a foundation or coke oven . . . we have thousands of coke ovens . . . to say you're going to spend money to stabilize every one of them is ludicrous, I mean there's no money to do that, and really what's the point? So what I guess I'm really trying to get at is that as an archeologist and historian, what I try to do is manage an archeological process . . . you have to be selective and really go back to the point of what the park is about, and that is to interpret a story for the public. Not to preserve everything in place, and there are purists in the Park Service, purists who will say I have to. Every time I run into a situation or I walk through the woods and I see a collapsed coke oven, so now I've got to spend money. That isn't really reasonable.<sup>15</sup>

The extent to which a particular site is preserved (if at all) depends on many factors: the frequency of such sites, a site's importance to the New River story (i.e., interpretive goals), balance with other park goals, accessibility, and finally, budget. Cultural resource management competes directly with, for example, natural resource protection and recreation for funds and priority.

When the Park Service released the draft *GMP* in 1982, 34 out of a total of 288 prehistoric archeological sites potentially eligible for the National Register were known to exist within park boundaries, many of these on private land.<sup>16</sup> These sites were cataloged in the *Marshall Report* in 1981. Such sites were vulnerable to vandalism and were treated differently than historic sites. The *GMP* stated directly that Park Service policy in New River was not to acquire known sites “solely for the purposes of preservation or interpretation.” Policy instead emphasized protecting these sites by “directing visitor use and development away” from them. Only if a site were threatened did the *GMP* recommend action. In this case, New River could acquire a site or otherwise protect it.

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<sup>14</sup> Paul D. Marshall & Associates, Inc., *A Cultural Research Project: The New River Gorge National River, West Virginia*, 3 vols. (Charleston, WV, for the National Park Service, 1981), Vol. I, *Prehistory*, written and edited by David N. Fuerst, 40. Volume II titled *History, Community, and Architecture*, was written by Paul D. Marshall. Volume III, titled *Prehistory Appendices*, was compiled by David N. Fuerst. The 3-volume report is commonly referred to as *The Marshall Report*. The passage cited here is 2:299.

<sup>15</sup> David N. Fuerst, interviewed September 10, 2004, by Lynn Stasick.

<sup>16</sup> *GMP*, 17.



New River poses difficult problems when dealing with prehistoric sites. There are perhaps thousands of them, many buried in forested areas on preferred locations throughout the park.<sup>17</sup> Park Service policy is not to actively excavate sites, but simply to identify and preserve them in good condition. Research centers on prehistoric land use, chronology, settlement, subsistence, burial patterns, and cultural affiliation. It is integrated with GIS resources.<sup>18</sup>

But when any development includes soil disturbance, e.g., the construction of a set of steps at Stone Cliff, the park cultural resource specialist excavates the area for artifacts. This action is required by Section 106 of the National Historic Preservation Act (NHPA, 1966, AS amended). It is also mandated in the 1982 *GMP*. The Archeological Resources Protection Act (ARPA, 1979) defines “archeological resource” as “any material remains of human life or activities which are at least 100 years of age, and which are of archeological interest.” It also defines “of archeological interest” as “capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics.”<sup>19</sup>

There are different components to the historic preservation of archeological sites in New River. First is inventory and documentation. The Park Service uses a software package called Archeological Sites Management Information System (ASMIS) to document the condition and character of known prehistoric and historic sites. This program allows the cultural resource specialist to keep track of sites through a system of numbers. Numbers are site specific and are part of the site name that is filed with the WV SHPO, who in turn provide a trinomial number upon the submission of a site registration form. The records are protected and not available to the public.<sup>20</sup> This preserves the sites and protects them from looting. The second component of managing archeological sites is the retrieval and cataloging of artifacts. Objects found are accessioned, cataloged, and curated in the New River museum collections at park headquarters in Glen Jean. The final component preserves the site itself in coordination with the park’s law enforcement staff. Even though artifacts may have been removed, most sites are not totally destroyed and usually offer something for the archeologist and historian to interpret with respect to their potential eligibility to the National Register.<sup>21</sup>

Many historic properties related to the coal industry, railroading, timbering, and early settlements now qualify as archeological sites under ARPA, being over 100 years old. Historical archeology generally, and in the gorge particularly, can reveal much about

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<sup>17</sup> David N. Fuerst, interviewed December 22, 2004, by Lynn Stasick.

<sup>18</sup> Comments by David N. Fuerst on a draft of this administrative history, 2007.

<sup>19</sup> U.S. Department of the Interior, Regulations 43 CFR 7.3 (a-b). This is discussed in Thomas F. King, *Cultural Resource Laws & Practice: An Introductory Guide* (Walnut Creek, CA: Altamira Press, 1998), 197-199.

<sup>20</sup> David N. Fuerst, interviewed December 22, 2004, by Lynn Stasick.

<sup>21</sup> David N. Fuerst, interviewed December 22, 2004, by Lynn Stasick.

daily life. But the remains have existed in damp conditions and are often in ruin. Many structures were designed to meet short-term business objectives. People also salvaged and re-used many coal company houses and structures in the gorge. Fire destroyed some and absentee owners neglected others, which gradually decayed.<sup>22</sup>

Some sites in the gorge relate to industrial and transportation activities. Many historic resources have been cleared away for modern operations in these places. Mining sites like Kaymoor, Sewell, and Nuttallburg, which operated for the longest period, have the most extensive ruins in the park.<sup>23</sup>

Some structures such as coke ovens and tipples have weathered better through the years than have frame houses and business structures. But they too have suffered. Effects of vandalism, salvage, amateur artifact collecting, and destruction by environmental factors have taken their toll. In the mid 1990s, the West Virginia SHPO estimated that extant ruins of most coal towns and mining sites in the gorge represented only 10 to 20 percent of the original fabric. Some structures survive relatively intact, but many mines and towns have disappeared entirely, returning seemingly to nature.<sup>24</sup>

A 2004 draft report, *Historic Resource Study (HRS)*, by the Institute for the History of Technology and Industrial Archaeology (IHTIA) at West Virginia University documented conditions of cultural resources in New River. Some sites were hidden by kudzu, but the report described the condition of accessible sites, their significance, and recommendations of how to manage them in the future.<sup>25</sup> This report, while it recommends some actions, primarily provides a resource for future policy decisions regarding both prehistoric and historical archeology.

## THE COAL MINERS' STORY: MANAGEMENT DECISIONS REGARDING KAYMOOR AND NUTTALLBURG MINES

Debates regarding the Kaymoor and Nuttallburg Mines and town sites, and the towns of Thurmond and Fayette Station exemplify the problems the Park Service faces

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<sup>22</sup> Harlan D. Unrau, *Special History Study/Historic Context Study, New River Gorge National River, West Virginia, Fayette, Raleigh, Summers Counties* (Denver: U.S. Department of Interior, National Park Service, Denver Service Center, 1996), 43. Historic context studies provide a basis for determining historic significance as documented in a property's nomination to the National Register of Historic Places.

<sup>23</sup> Unrau, *The New River Gorge*, 44.

<sup>24</sup> Unrau, *The New River Gorge*, 44.

<sup>25</sup> Michael E. Workman, Lee R. Maddex, and Dan J. Bonenberger, *New River Gorge National River Historic Resource Study (NERI-02-038)*. Report prepared by the Institute for the History of Technology and Industrial Archaeology, West Virginia University and submitted to the New River Gorge National River, Glen Jean, WV through the U.S. Department of Interior Cooperative Agreement No. H0001010032. 2005, 132 p., on 47. This study makes case-by-case recommendations for further actions on dozens of historic sites in NERI.

when dealing with historic resource preservation issues while meeting other objectives of the park.

Dr. Sharon A. Brown of the Denver Service Center prepared the nomination of the Kaymoor mine site for the National Register in 1990. The nomination was part of her *Historic Resource Study, Kay Moor, New River Gorge National River, West Virginia* (1990).<sup>26</sup> Kaymoor was listed based on its statewide significance. The original intention was to nominate the property at the National Level of Significance, but the lack of a statewide data base of historic coal mines, let alone a nationwide list, made that approach impractical.

Kaymoor conducted one of the longest, continuous mining operations in the region. The Low Moor Company opened Kaymoor in 1899 to obtain coke for its iron furnaces in Covington, Virginia. Kaymoor 1 and 2, on the South Branch of the Chesapeake and Ohio Railroad, tapped the Sewell coal seam.<sup>27</sup> In the early 1900s, the mine employed between 1200 and 1500 workers digging coal and operated two-hundred coke ovens.<sup>28</sup> The site included a powerhouse, head house, powder house, tippie, three inclines, an electrical shop, and a coal processing plant.<sup>29</sup> The photographs in Figures 2 and 3 were taken at the main entrance to the mine.

Kaymoor was a two-town operation. Kaymoor Top sat 1,920 feet above Kaymoor Bottom, on the valley floor, with the mine about 500 feet up the slope. An 18-passenger tram carried people up and down the hillside. The seats were tilted so passengers rode level. There was no way out of the valley except by train or foot.<sup>30</sup> Kaymoor Bottom, on a bench near the river, consisted of sixty houses, two churches, two racially segregated schools, post office, hotel, theater, and pool room. Low Moor operated Kaymoor until 1924, when they sold to the New River and Pocahontas Consolidated Coal Company. This company built a new processing plant which stayed in operation until 1952.<sup>31</sup>

The 1988 *MDG Reference Material* section on Kaymoor reported ruins of coke ovens, head house, processing plant, power house, incline track, foundations, conveyor system, walkways, steps, and trails. They agreed with the SHPO concerning the loss of interpretive fabric through resource deterioration. Site safety was problematic. The report recommended that resource management include vegetation and erosion control,

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<sup>26</sup> Sharon A. Brown, *Historic Resource Study, Kaymoor, New River Gorge National River, West Virginia* (Denver: U.S. Department of the Interior, National Park Service, Denver Service Center, July 1990).

<sup>27</sup> Workman, et al., *Historic Resource Study*, 35.

<sup>28</sup> Memorandum, NERI Superintendent James W. Carrico to Regional Director, July 26, 1985, MPF, Box 2, A42.

<sup>29</sup> Workman, et al., *Historic Resource Study*, 35.

<sup>30</sup> Marshall, *Marshall Report*, 2:296.

<sup>31</sup> Workman, et al., *Historic Resource Study*, 35.

stabilization of cultural resources at the mine and bottom sites only, protection from vandalism, and construction of an access trail.<sup>32</sup>

The IHTIA team visited Kaymoor in 2003 and reported that the site included structures, ruins, and objects placed on the National Register in 1990, but considerable deterioration had occurred. Despite stabilization, the head house had collapsed and the preparation plant had fallen over. This draft study recommended stabilizing and making the site safe as soon as possible. Assessment of the head house and tippie suggested that they were not salvageable as a whole, but that some elements valuable to interpretation could be preserved.<sup>33</sup>

The 1982 *GMP* indicated that Kaymoor would become the “focal point for early day coal mining technology and mining history.” In 1990 the DSC undertook a site study including development concepts and environmental assessments. The *Development Concept Plan, Kaymoor, New River Gorge National River, West Virginia* appeared in June 1992.<sup>34</sup> Four alternatives presented options ranging from no action to complete restoration. The Park Service chose an alternative that involved extensive restoration. The plan included foot trails, stairs, access to the mine entrance, and a tram or people carrier to enable all people, including the elderly and infirm, to visit the ridge, mine, and bottom sites.<sup>35</sup>

In December 1990, the Park Service hosted a public hearing and outlined the draft plan. They then altered the plan, based on public comments. Cost, engineering difficulties, and resource preservation issues produced a hybrid plan.

Public response was mixed. A letter from Henry W. Battle, the great grandson of James Kay (whose name the site carries, Kaymoor) expressed his views and those of several relatives.

I am [also] encouraged by what I judge would be an acceptable consensus of the December 13 meeting: stabilize and preserve first, then restore and provide modest foot and work vehicle access as funds allow, but add nothing to the site itself. . . we strongly believe an elaborate and expensive effort to attract the casual tourist to the actual Kaymoor premises will run the risk of being self-defeating by 1) threatening the availability of funds for other projects which have their own advocates, and 2) requiring on-going protection.<sup>36</sup>

Mr. Battle’s feelings were reflected by the state as well. West Virginia Deputy SHPO William G. Farrar wrote park Superintendent Joe Kennedy opposing a tram or funicular incline at the site. Citing the National Historic Preservation Act of 1966, he stated that the incline would adversely affect the integrity of the historic landscape. Another fear

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<sup>32</sup> NPS, *Management and Development Guidelines: Reference Material*, 21.

<sup>33</sup> Workman, et al., *Historic Resource Study*, 36.

<sup>34</sup> *Development Concept Plan, Kaymoor*.

<sup>35</sup> Workman, et al., *Historic Resource Study*, 14.

<sup>36</sup> Letter, Henry W. Battle, MPF, Box 33, D18, January 2, 1990, 1.

was an increase in litter and petty vandalism if parking for twenty-five cars at the trailhead went ahead as planned. He encouraged stabilization of the site rather than restoration of as many structures as possible, including the tipple and power house. Farrar reasoned that although public support of the tram would encourage visitation, it would also have negative consequences. Farrar wrote that:

Stabilization of the site would preserve the coal history of Kaymoor which is essentially the goal of the public. The history of the site can be sufficiently presented with appropriate interpretation at the Visitor Center and markers at Kaymoor.<sup>37</sup>

In essence, Mr. Battle and the Deputy SHPO felt that viewing Kaymoor from afar would sufficiently interpret the mine's history while preventing negative impacts to the site.

Others disagreed. Verl Akers, a former Kaymoor resident and employee of the mines, favored the plan for extensive restoration of the tram and other facilities vital to the mining operation. He felt that he and other interested people could only appreciate the site with proper access.<sup>38</sup> Jon Dragan, owner of Dragan Diversified and Whitewater Unlimited, echoed Mr. Akers' sentiments. He wrote the Park Service in December 1990:

I was somewhat dismayed to learn that the National Park Service does not intend to develop the Kaymoor complex in its entirety. . . I would like to state for the record that there are many people here in Fayette County who are not able to walk the trail, and many of the visitors who would not come to such a worthwhile complex. . . be that as it may, I would urge that whatever restoration or reconstruction that is done in the area is made available to all people, and that some form of conveyance of transportation will be necessary and should be necessary so that people of all ages and from all walks of life will be able to enjoy the interpretative experience planned by the National Park Service at Kaymoor.<sup>39</sup>

Mr. Dragan's letter indicates the problems the Park Service faces when making policy decisions. Trying to satisfy the varying interests of the public complicates the process of reaching consensus. The history of visitor access to the tipple and coke ovens has shown that the more than 800 stairs keep many people away.

Debate continued within the Park Service itself. In a letter to the Mid-Atlantic Regional Director, Superintendent Kennedy observed that many suggested treatments would be difficult because of access problems.

One of our major concerns is how to access the area for maintenance after all work is completed. Access for visitors is one thing, but access for equipment and maintenance workers is quite another . . . we should always consider the operational costs as well as the construction costs when considering these alternatives. The operational costs should include visitor services and resource protection as well as preservation/maintenance. . . many of the structures if restored would have the same maintenance problems they had before they deteriorated to their present condition. They weren't constructed to last forever . . . we also have concerns proposing any kind of haulage for the visitors. What would it cost to operate? Who would be responsible for

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<sup>37</sup> Letter, William G. Farrar (SHPO), MPF, Box 33, D18, December 18, 1990, 1-2.

<sup>38</sup> Letter, Verl Akers, MPF, Box 33, D18, December 26, 1990, 1.

<sup>39</sup> Letter, Jon Dragan, MPF, Box 33, D18, December 15, 1990, 1.

safety and maintenance? Would it become an attraction rather than the historical remains of the site?<sup>40</sup>

Superintendent Kennedy's concerns reflect another difficult element involved in the Park Service decision-making process. Kaymoor Mine presented a logistical nightmare for park vehicles and maintenance, an aspect the public didn't consider in their input.

Kennedy also said that opening a mine entry would be out of the question, even though this was an early suggestion. After installing bat grills on other mines of the same vintage in the area, cave-ins occurred that would have killed anyone standing underneath. Opening a mine entry would just be too dangerous. He agreed with the Deputy SHPO officer that viewing the site from the opposite rim of the canyon was a good idea and he thought it had not been given enough consideration. He noted that the Park Service didn't own much of the land around Kaymoor, severely limiting access.<sup>41</sup>

There were other debates within the Park Service. Especially notable was the proposed "ghosting" at Kaymoor. Under one DSC alternative this envisioned the erection of structural outlines (skeleton trusses, with no roofs or walls) of four ruined structures in the manner of Benjamin Franklin's House at Franklin Court in Independence National Historical Park, Philadelphia. The latter project was a very controversial approach to historic preservation and interpretation, but it was successful – an award-winning example of NPS planning. However, Regional Historical Architect Thomas McGrath objected to ghosting at Kaymoor, and Regional Director James Coleman, Jr., accepted his position. The park, too, opposed ghosting. As a result MARO questioned "ghosting for interpretation only; perhaps ghosting may be an element of necessary stabilization. Accordingly, we recommend deleting all the ghost structures [from the Draft Study of Development Concept Alternatives/Environmental Assessment, Kaymoor]".<sup>42</sup>

James M. Ridenour, director of the National Park Service, visited New River Gorge National River in May 1991. He came to open the Canyon Rim Visitor Center, but he also rafted the New River and visited Kaymoor and other projects.<sup>43</sup> Shortly after his visit, Ridenour wrote informally to District Ranger Don Kodak, noting the interpretive

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<sup>40</sup> Memorandum, Joe Kennedy to Regional Director, Mid-Atlantic Region, MPF, Box 33, D18, April 11, 1990, 1. The original memorandum is (as of November 2006) at NERO-P, but is to be accessioned to NARA. This memorandum is in file "NERI 106 File Kay Moor Dev. Con. Plan #128 [the project's Form 10-238 budget 'Package Number']," MAR/NERO-P Section 106 Compliance Files, NERO-P.

<sup>41</sup> Kennedy, MPF, Box 33, D18, 2.

<sup>42</sup> Memorandum, Regional Director, MARO, MPF, Box 33, D18, April 11, 1990, 1. The original memorandum is (as of November 2006) at NERO-P, but is to be accessioned to NARA. This memorandum is in file "NERI 106 File Kay Moor Dev. Con. Plan #128 [the project's Form 10-238 budget 'Package Number']," MAR/NERO-P Section 106 Compliance Files, NERO-P.

<sup>43</sup> James M. Ridenour. *The National Parks Compromised: Pork Barrel Politics & America's Treasures* (Merrillville, IN: ICS Books, Inc., 1994), 81-89.

potential of both of Thurmond and Kaymoor. He also expressed concerns about the development costs and access problems:

I wonder if the size of the dollar commitment to doing everything that I have heard described for the area would be justified in terms of the tourism potential. It is too bad that there isn't an easier way to access that property and provide interpretation, at a cost that would be reasonable in terms of the benefit. Perhaps some additional creative thinking will come up with some possibilities.<sup>44</sup>

This letter illustrates that the planning challenges posed by Kaymoor (and Thurmond) were known at the highest levels in the National Park Service.

When ghosting appeared in a later draft, despite agreement at the final project review meeting at DSC that it would be dropped, the MARO Park Historic Preservation Division continued to object. Ultimately, ghosting was not mentioned in the final *Development Concept Plan*.<sup>45</sup>

The final plan appeared in June 1992. It recommended stabilization of remaining structures, insuring public safety, interpretation, and visitor facilities. It outlined an alternative to the original ideas involving access. Instead of a tram, it proposed an improved access road to the trailhead at Kaymoor Top. It also recommended improved maintenance access, reconditioning of remaining historic stairs, and provision of access to the river.<sup>46</sup>

The head house, monitor, and tipple continued to deteriorate. They became too dangerous and had to be destroyed. The largest of the structures, the tipple, could have fallen on the active CSX railroad. The park set charges and collapsed the tipple in March 1999. A site cleanup was completed, and fencing was placed around the tipple and power house. Several structures were stabilized, including the powder house and Low Moor Fan house. NPS acquired property needed for the Kaymoor trailhead and parking lot, and those projects were completed. Access to the mine site was improved, but the historic concrete and masonry stairs between Kaymoor Top and the mine portals were not upgraded. However, a new set of stairs from the mine to the bottom was constructed (Figure 4).<sup>47</sup> Although many structures were lost to deterioration, enough remains to allow the telling of the miners' story. Surprisingly rich records remain to suggest the character of their lives (Figure 5). Today, visitors find few facilities at the site. There are portable toilets at Kaymoor Top but not at the mine openings or tipple level (Figure 6).

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<sup>44</sup> Informal letter, James M. Ridenour (Director, National Park Service) to Don Kodak (District Ranger), May 29, 1991. A photocopy of this letter is in: MARO, MPF, Box 33, D18, April 11, 1990, 1, file "NERI 106 File Kay Moor Dev. Con. Plan #128 [the project's Form 10-238 budget 'Package Number']," MAR/NERO-P Section 106 Compliance Files, NERO-P.

<sup>45</sup> Comments on draft administrative history, Dr. Clifford Tobias, Regional Historian, NERO-P, formerly MARO. Dr. Tobias kept notes of the Kaymoor Draft DCP review meeting at MARO, and compiled the official review comments to DSC for the Regional Director.

<sup>46</sup> Bobinski, *Planning Documents Report*, 14.

<sup>47</sup> Bobinski, *Planning Documents Report*, 14.

Signs and fences at Kaymoor Bottom protect visitors from hazards (Figure 7). The Park Service installed interpretive displays along the trail and at Kaymoor Top, and the Canyon Rim Visitor Center shows a coal-mining video daily.<sup>48</sup>

Some people, such as park consultant Destry Jarvis, feel that stabilization efforts were too little and came too late at Kaymoor and other sites as well:

Another big complaint on my part, certainly in the first ten years, probably the first twenty years was their [the Park Service's] obsession, or singular focus on the river and the natural aspects of the park, and largely ignoring or certainly not paying enough attention to stabilize and retain the cultural resources. There was a fabulous coal tippie and chute down the side of the canyon at Kaymoor that would have been, I mean it would have been a bear to stabilize properly and make safe...[but it would have been] a great story to tell.<sup>49</sup>

Mr. Jarvis's comments again reflect the problems the Park Service faces when trying to satisfy simultaneously mandates in the 1982 *GMP* and public desires. All actions require money and consensus, two commodities that are sometimes difficult to obtain.

While Mr. Jarvis's comments were well intentioned, he did not know the full extent of the actions undertaken by the Park Service. Although it may be debated how much more could have been done over the decades, numerous professionals at the park, regional office, and the Denver Service Center devoted much of their careers to identification, recordation, and preservation of the park's cultural resources. An aggressive preservation program at Kaymoor alone would have incurred a large cost for a relatively small number of visitors. When NPS Director Ridenour visited the park in 1991, he recognized this imbalance.<sup>50</sup> Nevertheless, David N. Fuerst felt that Kaymoor, as a historic property, warranted more active preservation.<sup>51</sup>

The Nuttallburg mine, begun by John Nuttall, employed miners from up and down the gorge. Miners owned their own homes atop the mountain in the Lansing-Edmond and Winona-Lookout areas and along the river to South Caperton. In the valley Nuttallburg included about 110 houses, four general stores, a train depot, a butcher, barber, shoemaker, physician, two telegraph operators, postmaster, and a brass band. By 1923, two more general stores, another physician, a railway express agency office, post office, and notary served the community.<sup>52</sup> In addition to the towns, the Nuttallburg mine site had a scale house and scales, a drum house, blacksmith shop, carpenter shop, slate dump, and tippie.<sup>53</sup>

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<sup>48</sup> Bobinski, *Planning Documents Report*, 14.

<sup>49</sup> Destry Jarvis, interview, April 23, 2004, conducted by Lynn Stasick.

<sup>50</sup> Informal letter, James M. Ridenour to District Ranger Don Kodak, 29 May 1991. See note 44, above.

<sup>51</sup> Comments by David N. Fuerst on draft administrative history, 2007.

<sup>52</sup> Marshall, *The Marshall Report*, II:295.

<sup>53</sup> Marshall, *The Marshall Report*, II:294-295.



Although not included in the boundary of the recently listed Nuttallburg mine and town site, Nuttall located his first operation at the Old Keeney's Creek Mine, situated on the hillside on the north side of the confluence of Keeney's Creek and the New River.<sup>54</sup> Begun before the C&O railroad was completed in 1873, it was the second mine to ship coal from the region. Soon he opened the Nuttallburg mine on nearby Short Creek. With eighty coke ovens, the two mines employed over two hundred men. Famous for its "smokeless" Sewell seam coal, by 1880 the Nuttallburg Coal Company was the largest producer in the New River field and continued to grow. Nuttallburg Coal and Coke Company opened a third mine later near Fern Creek, and built the seven-mile Keeney's Creek branch railroad in the early 1890s.<sup>55</sup> Nuttall continued to acquire property and eventually owned 3½ miles of river frontage and a vast estate that extended well back on the plateau above the river, much of which is still part of the Nuttall estate.<sup>56</sup>

Early developers in the New River coal fields dealt with engineering situations as they arose.<sup>57</sup> In 1899, a wire suspension, pedestrian bridge was built across the New River to South Nuttallburg by the Roebling company, under the sons of John Augustus Roebling, the designer of the Brooklyn Bridge. As at Kaymoor, steep terrain posed problems for the Nuttallburg mine. To get coal from the tipple to the C&O mainline below, Nuttall initially used a ten-ton, steel-tube mechanism known as a "monitor," with a door at the lower end. The tube traveled between the headhouse and tipple below. The door automatically tripped open to release its load upon striking the tipple, and a full car, by its loaded descent, pulled an empty car back up the mountainside. A worker known as a drumrunner rode the monitor, and regulated the speed of the trip with a long brake lever.<sup>58</sup> Late in the nineteenth century Nuttall replaced this system with one with coal cars.<sup>59</sup>

The Nuttall family controlled the coal company until 1908. Purchased and reorganized as the Nuttallburg Smokeless Fuel Company in 1913, Henry Ford bought it through his newly formed Fordson Coal Company in 1920 and replaced Nuttall's conveyor with an innovative "rope and button" system.<sup>60</sup> The Maryland New River Coal Company purchased the lease in 1928. The mine operated intermittently until 1958, when it closed forever.

The 1988 *Management and Development Guidelines* indicated that the Nuttallburg site included the ruins and foundations of a few houses, a tipple, an incline, and some coke ovens. Since no assessment of the condition or significance of the structures was

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<sup>54</sup> John Nuttall, *Trees Above and Coal Below* (San Diego, CA: Neyenesch Printers, 1961).

<sup>55</sup> Unrau, *New River Gorge*, 26.

<sup>56</sup> Unrau, *New River Gorge*, 26.

<sup>57</sup> Unrau, *New River Gorge*, 31.

<sup>58</sup> Unrau, *New River Gorge*, 31.

<sup>59</sup> Comments by David N. Fuerst on draft administrative history, 2007.

<sup>60</sup> Comments by David N. Fuerst on draft administrative history, 2007.

available to indicate importance to the interpretive story, the report recommended additional inventory and evaluation of extant resources.<sup>61</sup>

The Park Service acquired the land and cultural remains of Nuttallburg in 1998, and WVU's Institute for the History of Technology and Industrial Archaeology (IHTIA) re-assessed their physical condition in 2003-2004.<sup>62</sup> The IHTIA report described suspension bridge towers, ruins of domestic structures and of a weigh station, coke ovens, head house (which has collapsed), and a standing tippie and conveyor dating to the 1920s. The report judged the site significant on both national and regional or state levels. Nuttallburg, one of the earliest mines and settlements in the region, is closely associated with its pioneer operator, John Nuttall, and with automobile innovator Henry Ford. The study reports that today, the location offers a colliery site with most of the industrial elements still existent.<sup>63</sup>

According to David N. Fuerst, just after the park's inception the NPS identified historic coal-mining towns like Sewell and Kaymoor for potential preservation, but Nuttallburg did not receive the as much attention. Although the "Nuttall Mine structures and conveyor" were not included in the *GMP*'s section on "Acquisition of Essential Areas," the property was listed in the next section, "Areas of Special Concern." The *GMP* commented that Nuttallburg was "considered to be important because of cultural resources and/or scenic values." It was marked (but not named) in the accompanying map of "Areas of Special Concern." The *GMP* listed Nuttallburg (both the town and the mining structures) among "Significant Historical Resources." On January 8, 1991, Linda Romola told Dr. Tobias that the WV SHPO considered Nuttall to be more important than Kaymoor.<sup>64</sup> Since 2005 the Park Service started assessing its significance based on IHTIA's report. In addition, Senator Robert Byrd has secured several million dollars toward preservation of the site.

The NPS would like to develop Nuttallburg as a heritage tourist destination and is presently negotiating with local landowners to turn over an abandoned road to the Park Service to access the mine's head-house.<sup>65</sup> The site is eligible for inclusion in the National Register of Historic Places, and the NPS hired Icon Architecture, the same firm that prepared the Kaymoor nomination, to draw up a nomination for Nuttallburg.<sup>66</sup> The park's Cultural Resource Specialist, David N. Fuerst, co-authored this nomination. Nuttallburg is nationally significant based on its largely intact conveyor system, which

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<sup>61</sup> NPS, *Management and Development Guidelines*, 13.

<sup>62</sup> Bobinski, *Planning Documents Report*, 8.

<sup>63</sup> Bobinski, *Planning Documents Report*, 8.

<sup>64</sup> *GMP*, 33, 38, 41 (map), 71 (map), 73-74; Tobias' copy of the *GMP*, annotated on 74 with Romola's statement, NER Cultural Resources Bibliography (CRBIB) files, NERI Box 1, NERI-00-01, CRBIB #402200, copy 2, NERO-P.

<sup>65</sup> David N. Fuerst, interviewed December 24, 2004, by Lynn Stasick.

<sup>66</sup> Alan Rowe, West Virginia State Historic Preservation Officer, interviewed February 18, 2005, by Lynn Stasick.

was built by Henry Ford. The town's association to John Nuttall and the Keeney's Creek Branch Railroad through it are also regionally significant.

## **THE RAILROADERS' STORY MANAGEMENT DECISIONS REGARDING THURMOND**

In September 1985 park Superintendent James Carrico wrote a memorandum to the NPS regional director expressing his sentiments toward Thurmond. He included a background/problem statement regarding the town and its past. He described remaining structures and the importance of retaining their integrity because of their historic significance:

There are sixteen pivotal structures with extremely high historical integrity, and of first importance to the historic district. These include a church, eight residences, commercial buildings, and the Thurmond [train] station and engine house. . . [because] one of the major cultural stories of New River Gorge National River is railroading. . . the Thurmond Passenger/Depot Station and engine repair house would be a great loss to the composite railroading resources of the New River. The structures are not only needed for the historic scene, but to bring people to the actual site of the historic depot and to tell the New River railroading story there.<sup>67</sup>

Dr. R. Eugene Harper of West Virginia's Charleston University, formerly known as Morris Harvey College, wrote a nomination of Thurmond to the National Register of Historic Places at the behest of the Park Service. Thurmond was placed on the National Register January 27, 1984.

Thurmond lies along the New River near the center of Fayette County, sixty miles from Charleston, on a narrow floodplain, deep in the gorge across from the mouth of Dunloup Creek. Thurmond is about six miles from park headquarters in Glen Jean, West Virginia. With the coming of the C&O Railway in 1873, the town became a railroad assembly yard, and soon, an industrial town. Incorporated in 1900, it became a hub of railroad activity. The town had not a single street, yet boasted two banks, two hotels, and a vibrant commercial block, all within ten feet of the railroad tracks.<sup>68</sup>

In its heyday, more than 150 men worked out of Thurmond. Until the Depression, it was one of the most active and thriving towns in the state. At one time more freight was handled through Thurmond for the C&O than any depot between Richmond and Cincinnati, and Thurmond produced significant revenue. Three shifts worked the engine house and repair shop and thousands of people passed through town yearly. By

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<sup>67</sup> Letter, Carrico, September 10, 1985, MPF, Box 11, File 30.

<sup>68</sup> Letter, Carrico, September 10, 1985.

1900 twenty passenger trains a day ran, six of which were first class or “fast trains,” and all stopped in Thurmond.<sup>69</sup>

Part of Thurmond’s popularity lay just across the river near an area called South Side Junction, or Dun Glen. Thomas McKell opened the Dun Glen Hotel in 1901 on the present site of the park ranger station, bunkhouse, and machine shop. Providing one hundred rooms, it was considered one of the finest hotels in the country. Next to the hotel was a powerhouse, which was connected to the Thurmond railroad bridge by a viaduct over Dunloup Creek. The hotel, however, was not part of Thurmond, but was part of the town of Glen Jean.<sup>70</sup> Unlike Thurmond, Glen Jean allowed gambling and alcohol, and people passing through the region flocked to the Dun Glen for its luxury, gambling parlors, and fine food and drink. Urban legend has it that a poker game in one of its parlors lasted fourteen years, and the bar never closed from its opening in 1901 until prohibition. It burned to the ground mysteriously in 1930.<sup>71</sup> Two individuals hired by the owner of the Lafayette Hotel in Thurmond were later convicted of arson and sent to prison. A portion of the Dun Glen building next to the park’s maintenance building has been re-roofed, an extension to which was used as a ranger station until recently.

The 1988 Park Service *Management and Development Guidelines* stated Thurmond had a depot, engine house, post office, and two water towers.<sup>72</sup> Various sheds and railroad yard features, inactive sidings, a C&O active mainline railroad, a coaling tower, three three-story commercial buildings, and an old hotel and turntable site still existed. The report noted that appropriate levels for the preservation of the historic structures and landscape had yet to be determined along with appropriate levels of development for visitor use. There was also concern for the safety of the visiting public with an active railroad running through the town.<sup>73</sup>

The historic context study that was produced by Harlan Unrau for the Park Service in 1996 indicated that Thurmond contained the only remaining major, intact railroad resources within the park. He felt that the extant commercial structures in town reflected the significance of Thurmond as a thriving business center during the heyday of coal mining and railroad operations in the gorge from the 1870s to the 1930s.<sup>74</sup>

In 1992 the Park Service released the final plan for the preservation and interpretation of the town. The *Development Concept Plan/Interpretive Prospectus*-

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<sup>69</sup> “Thurmond, Once Thriving Port of Entry, Now but a Shadow of Fabled History,” *Fayette Tribune*, October 28, 1974, MPF, Newspaper Clippings.

<sup>70</sup> For more on the story of the Dun Glen Hotel, see Melody Bragg, *Dunloup Days: Glen Jean to Thurmond: Exciting Times, Precious Memories* (Bridgeview, IL: Southside Imprinting, Inc., for the Glen Jean Historical Society, 1989).

<sup>71</sup> Melody E. Bragg, “Glen Jean and the McKells,” *New River Symposium Proceedings* (Oak Hill, WV, 1988), 135.

<sup>72</sup> NPS, *Management and Development Guidelines*, 26.

<sup>73</sup> NPS, *Management and Development Guidelines*, 26.

<sup>74</sup> Unrau, *New River Gorge*, 70.

*Thurmond/New River Gorge* (DCP/IP) served as the final development concept.<sup>75</sup> The 1989 draft plan, *Development Concept Plan/Interpretive Prospectus, Environmental Assessment*, offered three alternatives—A, B, C—to preserve, promote, and interpret the town. A fourth alternative (D) was offered as the no-action choice and involved stabilization measures but no interpretation.<sup>76</sup>

The planning objectives of the 1992 DCP/IP included protecting historic resources in Thurmond and natural resources and scenic integrity of the gorge, so that the history of railroading and the transportation of coal in the New River could be interpreted. The plan also called for providing opportunities to improve the economic viability of the town and surrounding area without adversely affecting the integrity of the cultural landscape and significant resources.<sup>77</sup>

Among the initial planning concerns was the need to provide visitor access and circulation while safely separating visitors from railroad operations. The Park Service also needed to evaluate the deterioration of historic buildings, bridges, and railroad yard features and determine appropriate levels of treatment. How much change should be allowed? How could the NPS minimize intrusions to the physical character of the town and view shed? Vandalism and insuring the privacy of the citizens living on the hill above town were also concerns.

After the public and Park Service reviewed the draft plan, NPS selected Alternative C as the best one to preserve and interpret the town. It required completion of preservation treatments to protect remaining structures in the rail yard and commercial row, installation of safety fencing in the rail yard, establishment of interpretive programs, improvement of the Thurmond-Minden trail, development of a trail connecting Cunard, and development of park operations and support facilities at Southside Junction.<sup>78</sup>

NPS plans for Thurmond were grand, and some people in and out of the Park Service thought they were so grand as to be unrealistic. Cultural Resource Specialist David N. Fuerst—who wrote an amended DCP/IP for Thurmond in 2000—stated:

You have to look at what they thought would be developed...they thought Thurmond was going to be like Steam Town [Pennsylvania] because Thurmond is a railroad town. When you look back at the stuff, you see all these presumptions that are made, about what they see as the assets for these towns. People looked at Thurmond and thought they could get twenty or thirty thousand people down there, down this little road every year, RVs and everything else. They [thought they would] have cooperation from CSX to develop the safety of people crossing the railroad tracks. Well all those things were a pipe dream in a way, and so they didn't happen.<sup>79</sup>

Were the plans envisioned by the Park Service unrealistic?

<sup>75</sup> Bobinski, *Planning Documents Report*, 16.

<sup>76</sup> Bobinski, *Planning Documents Report*, 16.

<sup>77</sup> Letter, NERI Superintendent Joe Kennedy, MPF, Box 63, D18, September 13, 1993, 4.

<sup>78</sup> Bobinski, *Planning Documents Report*, 16.

<sup>79</sup> David N. Fuerst, interview conducted by Lynn Stasick, 14.

Some people not only believe the plans were unrealistic, but that the Park Service did not deliver on promises actually made, resulting in the town's deterioration. The late Jon Dragan, whose wife, Melanie, is presently Thurmond's mayor, discussed a meeting he attended with Park Service and other officials:

Oh God, this was going to be another Harper's Ferry. Literally, I remember being at that meeting at the Banker's Club where there were state representatives, Park Service representatives, people out of Washington D.C. "Yes sir Jon, don't you worry about this. We got the train coming through; we're going to do this." We were told when they bought the property from us that... I said what are you going to do with it? 'Cause we really didn't want to sell it. [They said:] 'We're going to restore the old stuff; it's going to be like a little training center for people... Hell, all they did was buy the people out and board up the houses. I realize they're not private enterprise, but it just seems like every time we get promised something, it just doesn't happen, or it doesn't happen to the extent that we are promised it would happen... the same thing with Kaymoor.<sup>80</sup>

A planning and interpretation document prepared in 1993 described Thurmond depot (Figure 8), commercial row, and engine house as intrinsic to the viability of the town as a historic resource for the visiting public:

The relationship of these three components has been compared to a three-legged stool; where all three members are needed to support the whole weight of the plan's objectives. Protection of the historic character and integrity of the town of Thurmond is the primary resource management objective. Preservation and adaptive use of the historic structures for visitor uses will set a stage to tell the entire history of the town's growth, commercial success, and eventual decline.<sup>81</sup>

Even though the Park Service realized the value in preserving the depot, engine house, and commercial row to telling the story of Thurmond, other people viewed the structures in a different light.

The Park Service hoped for cooperation to preserve Thurmond, but the loss of several structures caused them to revise the 1992 DCP/IP in 2000. David N. Fuerst has stated that NPS based the plan on some unrealistic assumptions. The Park Service hoped CSX Corporation would help develop the town, but that didn't happen. CSX hauls freight; it does not manage cultural resources. CSX also cared and cares about liability along its lines. They felt that old structures along the tracks and people's need to cross an active rail line into Thurmond posed great dangers.<sup>82</sup> Fuerst concluded that the Park Service didn't adequately think the plan through.

For example, the commercial row which was the main business location in Thurmond historically... you step out of those buildings literally two steps and you're on CSX property... the people that would run the businesses seasonally [in Banker's Row] to make a profit, would be constantly dealing [with danger]... and why would CSX want to encourage lawsuits?

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<sup>80</sup> Jon Dragan, interview conducted by Lynn Stasick, 18.

<sup>81</sup> NPS, *Planning and Interpretation Background*, MPF, Box 36, D18, October 1993, 1-2.

<sup>82</sup> David N. Fuerst, interviewed December 24, 2004 by Lynn Stasick.

The Park Service saw the buildings in Thurmond as cultural resources to be preserved; CSX saw them as liabilities to dispose of. Communications between the two was less than satisfactory and, according to Fuerst in 2007, still is.

In a March 1983 letter to John T. Collinson, President of CSX, Acting park Superintendent William E. Cox wrote of his dismay at the razing of a building:

Today we were chagrined to learn of the demolition of the historic C&O Railway bunkhouse at Thurmond. The bunkhouse is important to the historical integrity of the Thurmond railroad district. . .as we have indicated before, we would prefer that the structures in the National River be left in place as they are historically and architecturally significant. . .this demolition was so sudden that there was no chance to communicate with the appropriate officials. If other structures are to be torn down, as we understand they are to be, then we would ask for permission and notification to record for posterity these structures and take measured drawings and photographs.<sup>83</sup>

Even though the bunkhouse had been demolished without advance notice to NPS, NPS began negotiating with CSX to purchase some of their Thurmond property, doing so in April 1989.

In August 1996 one of the “three legs of the stool” the Park Service had spoken about collapsed. While negotiating to purchase the engine house, it caught fire and burned to the ground. In trying to portray this positively, park Superintendent Joe Kennedy said: “although the plans for developing Thurmond may have to be tweaked a bit, the NPS is going ahead with work on the surviving depot and commercial buildings.”<sup>84</sup> But David N. Fuerst thought differently of the loss in hindsight. “When one building burned down, the machine house [engine house] which was the center of the district. . .when it burned down, it took the guts right out of it [the district], it took the wind right out of the sails.”<sup>85</sup>

The fire did indeed change the Park Service’s direction toward preserving Thurmond. In 1999 they scaled back plans, citing problems with further land acquisition. This approach resulted in a serious deterioration of park-owned buildings and structures in the town, including the Fatty Libscomb boarding house at the north end of town.<sup>86</sup> Superintendent Pete Hart said that CSX owned property along the tracks wanted by the Park Service and was unwilling to sell.<sup>87</sup> The original Thurmond plan projected expending 35 million dollars, but an article in the *Charleston Gazette* in February 2000 said the Park Service had reduced the budget to 1.1 million dollars, largely for stabilizing

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<sup>83</sup> Letter, William E. Cox, MPF, Box 11, H30, March 1, 2004, 1.

<sup>84</sup> “Thurmond Fire Crimps NPS Plans,” *Fayette Tribune*, August 26, 1993. In NERI Newspaper Clippings.

<sup>85</sup> David N. Fuerst, interviewed December 24, 2004 by Lynn Stasick.

<sup>86</sup> Comments by David N. Fuerst on draft administrative history, 2007.

<sup>87</sup> “National Park Service Scales Back Plans for Historical Town,” *Fayette Tribune*, April 29, 1999. In NERI Newspaper Clippings.

buildings.<sup>88</sup> Destry Jarvis echoed Jon Dragan's sentiments regarding the scaled-back plan:

[The Park Service] did buy and stabilize Banker's Row, but they're all boarded up. [The buildings are] representative of the era and the history which is important down there...they should be adaptively re-used.<sup>89</sup>

In sum, there was and still is no workable plan for Thurmond.<sup>90</sup> The Thurmond Visitor Center is now open seasonally, interpretive signs have been placed around town, and Banker's Row and several houses on the hill have been stabilized. David N. Fuerst has suggested that rather than treating Thurmond as a great tourist attraction, it might be more realistic to treat it like a basic historic district and discovery site.<sup>91</sup>

Two other towns, Fayette and South Fayette, appeared east and west of the river shortly after the coming of the railroad. Primarily coal towns, they owed their existence to the railroad. Local resident Martin Blume traded a portion of his property on the east side of the river to the C&O as a right-of-way in exchange for passenger rights. Shortly after, he founded the Fayette Coal & Coke Company and opened the Fayette Mine. A post office came in 1875, and by 1910 the population reached 400.<sup>92</sup>

Across the river, the opening of Low Moor Iron Company mine created South Fayette. An iron truss bridge connected the towns in 1889, improving an early road in Fayette County. Soon thereafter C&O built a freight/passenger depot that became one of the largest facilities along the rail line. The railroad built the section foreman's house in 1905. Now known as the Cole House, it qualified for the National Register of Historic Places in 1992.<sup>93</sup> The depot and freight house were demolished in the 1960s, and the foreman's house was razed in the late 1990s.

The 1988 *Management and Development Guidelines* did not describe the remains of the Fayette Station site. It only commented that from the viewpoint of interpretation, the area represented the post-industrial decline of coal and urban development on the rim and plateau, abandonment of communities in the gorge, and development of transportation across the river.<sup>94</sup>

Fieldwork in 2004 by IHTIA indicated no historic resources on either side of the river in the immediate area of the bridge. Ruins of the Fayette Station tipple and coke ovens, however, stand along the CSX tracks on river right, just upstream from there. A new Fayette Station Bridge was fabricated in the late 1990s with all new steel, and

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<sup>88</sup> "Thurmond Restoration Plan Thwarted by Lack of Funding," *Charleston Gazette*, February 14, 2000. In NERI Newspaper Clippings.

<sup>89</sup> Destry Jarvis, interview conducted April 23, 2004, by Lynn Stasick.

<sup>90</sup> Comments by David N. Fuerst on draft administrative history, 2007.

<sup>91</sup> Destry Jarvis, interview conducted April 23, 2004, by Lynn Stasick.

<sup>92</sup> Unrau, *New River Gorge*, 75.

<sup>93</sup> Unrau, *New River Gorge*, 75.

<sup>94</sup> NPS, *Management and Development Guidelines*, 16.



although representative of the original bridge, it has little historic value. Coupled with the loss of the Cole House, the historic integrity of the area has been greatly reduced.<sup>95</sup>

## CONCLUSION

New River faces difficult problems in cultural resource management. The active railroad through the gorge presents problems of safety and liability, and competing interests all have a different view of what should be preserved and to what extent preservation efforts should be carried out. Many people feel the NPS has done too little, too late in the preservation of sites like Kaymoor and Thurmond. But even though people like Destry Jarvis and Jon Dragan have said the Park Service did not do enough, both have also said that today the NPS is doing a better job. Jarvis commented: "...I would say they [the Park Service] are still putting far too much emphasis on the natural rather than the cultural, but the NPS has done a lot better job I think in the last ten years than they did in the first twenty [regarding cultural resource management]."<sup>96</sup> Indeed, since 2002 the park's historic architect, Richard Segar, has successfully stabilized historic buildings in Thurmond and other places.<sup>97</sup>

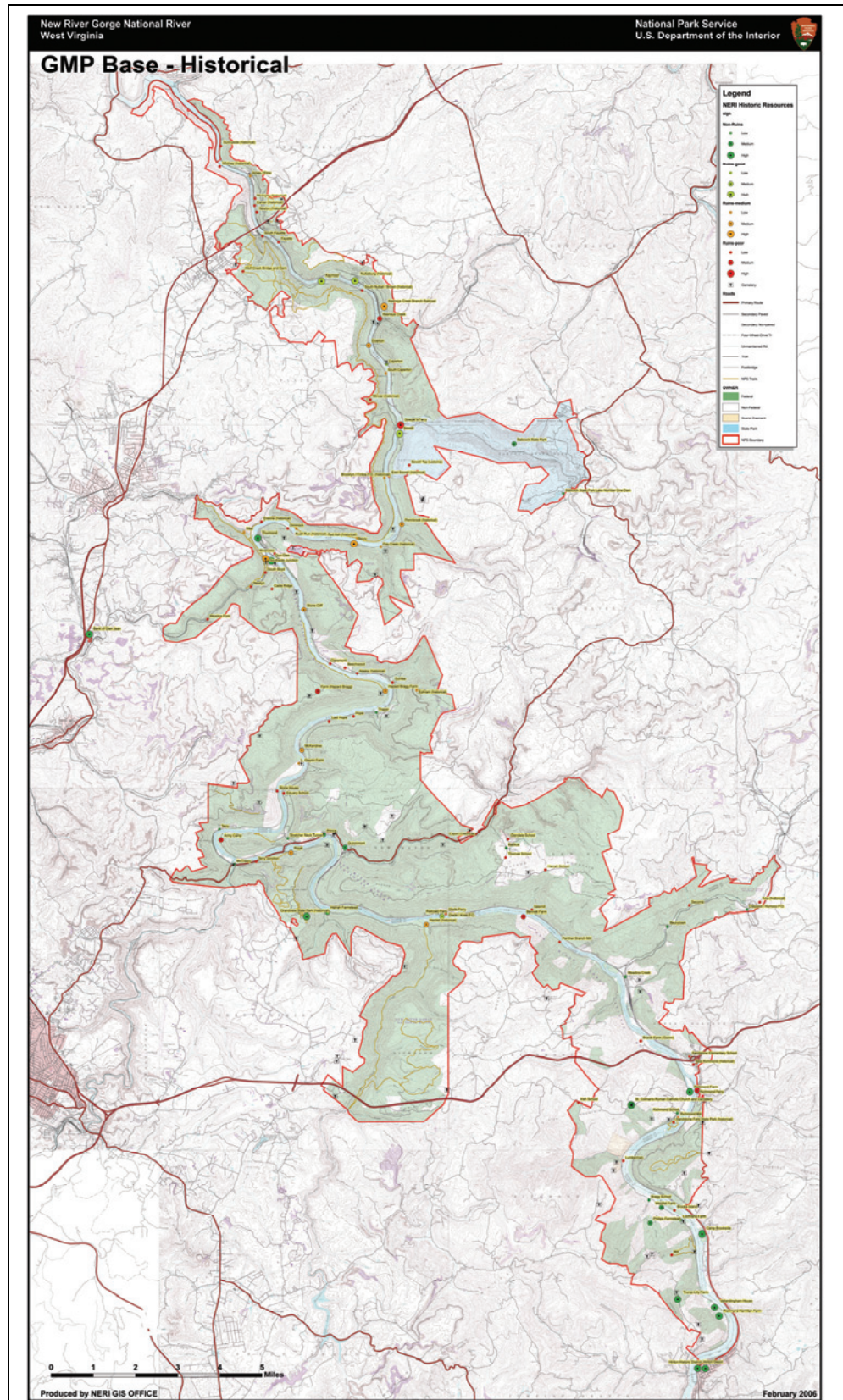
This chapter summarized over 25 years of administrative action toward archeological and historic resources in the park. Special attention focused on resources related directly to the stated purposes of the National River and to the interpretive themes of coalmining and railroading history in the New River Gorge. The chapter noted that NPS has been slow to act and that resources have therefore been lost. It also noted that different decisions were made regarding different sites, such as Thurmond and Fayette Station. This inconsistency is not justified on a basis of policy. Lastly, it noted the lack of attention paid to pre-history and settlement era history in the interpretive goals of the park.

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<sup>95</sup> Workman, et al., *Historic Resource Study*, 49.

<sup>96</sup> Destry Jarvis, interview conducted April 23, 2004, by Lynn Stasick.

<sup>97</sup> Comments by David N. Fuerst on draft administrative history, 2007.



**Figure 29.** New River Base Map, Historic, 2006. Legible in enlarged electronic version.  
Courtesy of New River Gorge National River.





**Figure 30.** The railroad car on the left sits at an entrance to the Kaymoor Mine. Note the "Safety Board" on the right, 2006. Photograph by Gregory A. Good.



**Figure 31.** The sign reminded miners of their reason for working safely, 2006. Photograph by Gregory A. Good.



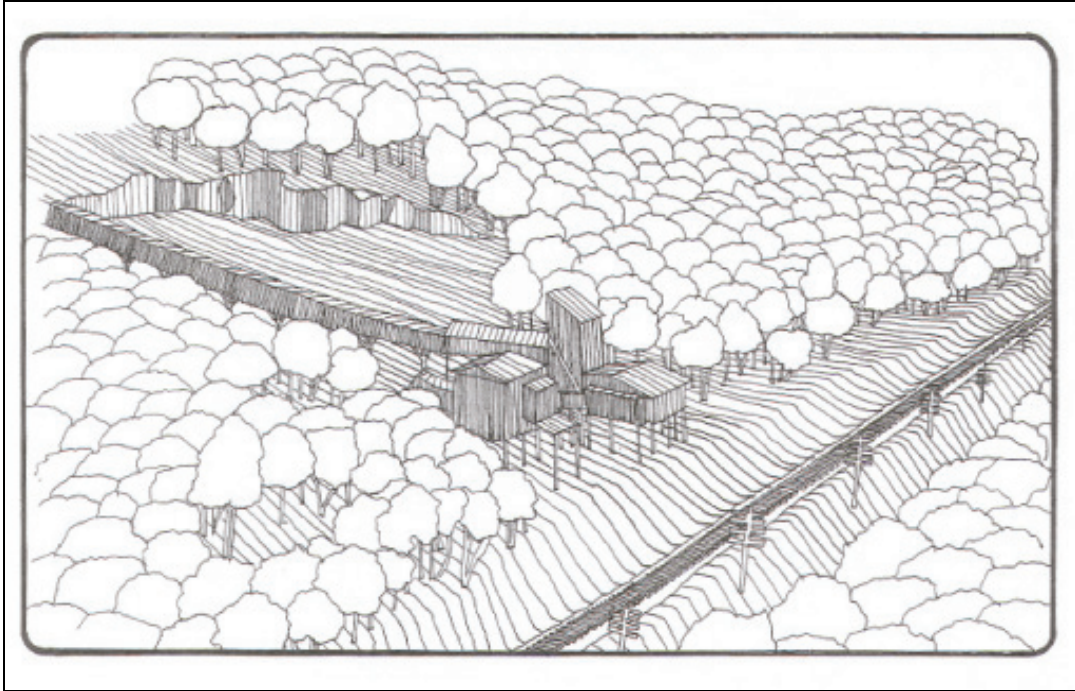


**The Figure 32.** NPS built an impressive set of more than 800 stairs to take visitors from Kaymoor mine portal to the tipple at the bottom of the gorge. Photograph by Gregory A. Good, 2006.



**Figure 33.** Coal miners at Kaymoor Mine, 1920-21. Front Row Kneeling (left to right): Harry Garten, Ed Cunningham, Vaughn "Jack" Sanger (son of John Sanger who died in a mining accident of a broken back, married Mabel Lavinder, daughter of Lewis Marshall Lavinder), Marion Wright, Howard Klingham, Skeezi the Russian (returned to his native land and was killed there in the turbulent 1920s), Clarence Epperley (may be connected to the Lavinders thru the Penningtons of Fayette County). Back Row Standing: Hazel McDaniel, William Swanigan Sr. (may also be connected to the Lavinders thru the Penningtons of Fayette County, Clifford Lavinder Sr. (died November 1922 from complications of a gunshot wound to the head related to his activities during the West Virginia Mine Wars), Evert Pennington (married Rosie Swanigan, Everts little sister Pearl married Walter Lavinder grandson of Lewis Marshall Lavinder), William Joe Smith, H. F. Cavendish, Lewis Marshall Lavinder (Patriarch of the Lavinder clan of Fayette County, West Virginia. He and his sons were involved in the West Virginia Mine Wars. Most of his sons were coal miners at one time or another. Great-Great grandfather of Dan Cook), John Peter Law, and Jim Reed. Permission of Dan Cook, heir.

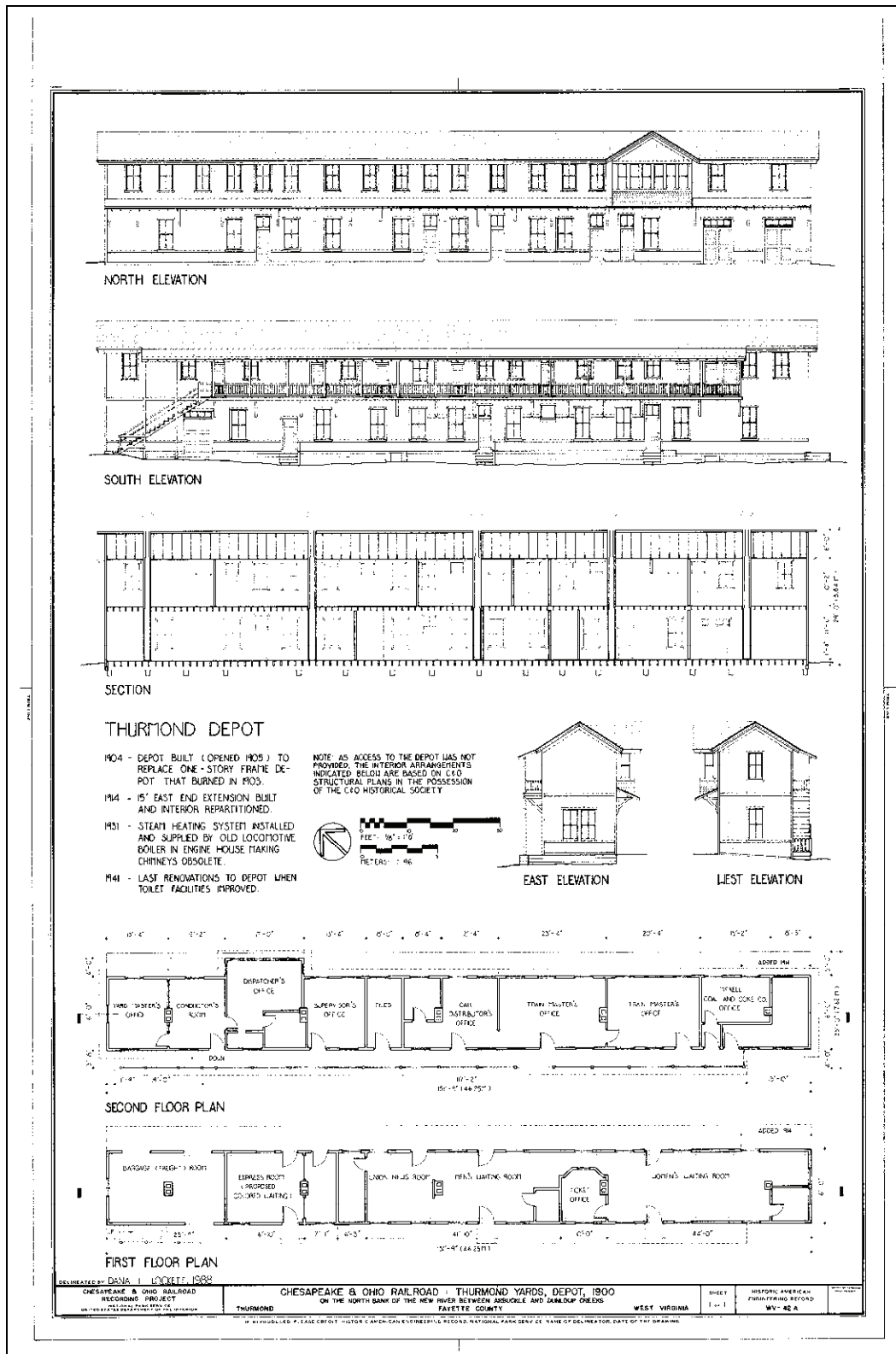




**Figure 34.** Sketch of Kaymoor Mine tipple and lower conveyor, 1982, in New River Draft *GMP*, circulated to the public in 1982. Courtesy of New River Gorge National River.



**Figure 35.** Warning Sign, 2006. Kaymoor facilities had deteriorated so badly, NPS recorded the site, demolished the most dangerous structures, and fenced off remaining hazards. Photograph by Gregory A. Good, 2006.



**Figure 36.** Measured drawings of the Thurmond Depot, completed as part of the National Park Service's Chesapeake and Ohio Recording Project, HABS/HAER, 1988.





## CHAPTER SEVEN

# RECREATION DRIVES THE PARK MANAGING RECREATIONAL RESOURCES

## INTRODUCTION

The New River Gorge National River owes its existence largely to the interest and actions of recreationists. Canoeists, kayakers, and whitewater rafters in the 1960s and 1970s discovered the New River Gorge with a vengeance. By 1968, the first commercial rafting company was operating on the New River (see Chapter 2). Beyond that, the gorge had hosted hunters and anglers for decades. It is no surprise that recreation had been in many ways at the center of the administrative history of the park.

Visitors to the New River Gorge National River have exhibited great imagination in their activities since the park's inception, broadening the meaning of "recreational resources" far beyond the needs of traditional activities like hunting and fishing and even whitewater activities. Public Law 95-625, which established the park, only addressed recreational management generally. The National River was to be "for the benefit and enjoyment of present and future generations [and for] interpreting outstanding natural, scenic, and historic values and objects."<sup>1</sup> The law referred explicitly to "recreation" only twice. It stated that dams above or below the National River may be licensed only if they did not "invade the area or diminish the scenic, recreation, and fish and wildlife values" of the park.<sup>2</sup> Secondly, referring to cooperation with the Army Corps of Engineers at Bluestone Lake, the law required water release "in such a manner to facilitate. . . recreational use of the national river."<sup>3</sup> Nevertheless, Public Law 95-625 clearly promoted the development of policies to administer recreational activities, including particularly sightseeing, hunting, fishing, and boating. The phrase "public use and enjoyment" required elaboration in the coming years.

This chapter examines the history of management practices relating to recreational resources in the park: recreation management in the General Management Plan, in the Draft River Management Plan, and in research and policies related to land use pressures, trail development and management, and the Climbing Management Plan. Some research

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<sup>1</sup> U.S. Congress, Public Law 95-625, Sec. 1101, *Congressional Record*, November 10, 1978, 3547. See also Harlan D. Unrau, *The New River Gorge: Special Historic Study/Historic Context Study* (Denver: U.S. Department of the Interior, National Park Service, Denver Service Center, 1996), 170.

<sup>2</sup> Public Law 95-625, Sec. 1107.

<sup>3</sup> Public Law 95-625, Sec. 1108.

studies have been conducted within the NPS and others by contractors or academics. When possible, this chapter examines policy debates and associated issues. It also examines the history of public involvement in these matters. User conflict occurred in several contexts and is discussed both relating to the river and to trails. One overarching form of user conflict has involved interaction between traditional user groups and newer types of users who have appeared since 1978. The chapter closes with a look at park management's attempts to treat the park as a multiple-use recreation destination.

## RECREATIONAL MANAGEMENT IN THE *GENERAL MANAGEMENT PLAN*

The establishment of New River National River (NR) brought southern West Virginia to national attention. Creation of the park and completion of Interstate 64, U.S. 19, and the New River Gorge Bridge attracted visitors to enjoy the recreational activities New River offered. Growing interest in heritage tourism attracted other visitors. The Park Service projected visitation to the gorge would double from one to two million between 1980 and 1990.<sup>4</sup> With steadily rising numbers, the park needed to develop policies to regulate what visitors did once they arrived in the park.

The goals of the *Draft General Management Plan (GMP)* (1982, final approval 1983) included the development of opportunities for visitors to recreate in many different ways. The *GMP* acknowledged that some visitors came with just one activity in mind, maybe whitewater, but that others came for a variety of recreational activities. These included enjoying “scenery, water, forests, history, geology, and wildlife... fishing, hiking, camping, and sightseeing.”<sup>5</sup> The Park Service intended to enhance the experience of these traditional users by building facilities and providing information they needed. Boat launch areas, trails, and shoreline camping were planned. Hunting and fishing, two traditional recreations in the gorge, were to continue, a policy adopted early to build the coalition for the park (see chapter 2). Indeed, the *GMP* promised to enhance these activities “significantly” by providing greater access. Meanwhile, the Park Service was at least minimally aware that “new or unusual forms of recreation (such as hang gliding, rock climbing, dirt bicycling)” were around, although it saw them more as management challenges than as recreations to be permitted or enhanced.<sup>6</sup>

The Park Service had been preparing for the *GMP* since the 1978 creation of the park. In 1981, Acting Superintendent James W. Carrico released the *Recreational Use*

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<sup>4</sup> National Park Service, *Draft General Management Plan* (November, 1982), 97 p. The final report appeared in March 1983: NPS, *General Management Plan Summary and Summary of Public Response to Draft Plan* (1983), 26, 83.

<sup>5</sup> *GMP*; Unrau, *New River Gorge*, 171.

<sup>6</sup> *GMP*, 18: “[These] will be managed to avoid problems of visitor safety, conflicts between uses, or resource impacts.”

*Survey/Creel Census* done for the National Park Service partly in-house and partly by the WV Division of Wildlife Resources of the then Department of Natural Resources (DNR). The DNR collected information between April and November 1980 from Hinton to Meadow River; The park collected information in 1981 at Fayette Station.<sup>7</sup> A *Fisherman-Floater Conflict Study* completed in 1982 was included in the *River Recreation Behavior Study*.<sup>8</sup> The park also drew on data from Babcock and Grandview State Parks.<sup>9</sup> Overall usage ca. 1980 was 1,022,000, with 60% at the state parks, 10% on the river, and 30% on land. These figures—which distinguished levels for commercial and noncommercial boating, fishing, swimming, sightseeing, camping, picnicking, hiking, and hunting—provided an empirical basis for policy decisions.

The 1983 *GMP* outlined Park Service intentions regarding visitor use and general development. It divided activities into river-based and land-based, a clear and useful division.<sup>10</sup> For each type of activity, it drew on data of existing conditions and NPS goals and criteria. For each, the *GMP* discussed possible acquisitions and facility development. The Park Service also based recreational decisions on the park's three Management Zones.<sup>11</sup> In "Natural Zones," natural resource conservation was paramount. Recreation was permitted if it had no adverse impact on the resource. In "Historic Zones," the Park Service could allow recreation in the form of visitation if it could protect cultural resources. "Development Zones" promoted a concentration of visitor use at "visitor contact stations," picnic areas, campgrounds, boat launches, etc., or along "Access and Circulation Subzones" such as trails and roads.

A closer look at how each recreational activity was treated in the *GMP* illuminates interactions with the public. River users included anglers, commercial rafting companies, private boaters, and swimmers. Several times the *GMP* stressed the importance of the New River as a warm water fishery, especially for smallmouth bass. However, the New and its tributaries also supported at least 58 species of fish, along with crayfish and freshwater mollusks.<sup>12</sup> The *GMP* reported that the DNR had found that the most popular fishing stretch was between Hinton and Meadow Creek and that in 1969 43,000 anglers fished a short stretch near Hinton. While anglers fished the middle and lower gorge, numbers were low because of difficult access. In 1980 the DNR found 29,500 anglers between Hinton and Meadow Creek. The *GMP* pointed out this was likely an

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<sup>7</sup> "New River Recreational Use Survey/Creel Census Done," *The Fayette Tribune*, Thursday, July 9, 1981.

<sup>8</sup> *Fisherman-Floater Conflict Study*, (interim report), pre-July 1, 1983, MPF, Box 18, L7423. Although 70% of anglers thought they had a right to cross private land to reach the river, most thought more public land should be acquired.

<sup>9</sup> *GMP*, 26, 82-83. NPS realized that the counts were imperfect and reported this in the *GMP*.

<sup>10</sup> *GMP*, 19-25.

<sup>11</sup> *GMP*, 11.

<sup>12</sup> *GMP*, 63-64, 81. The *GMP* cites a study in 1980 that found 58 species of fish, 6 of crayfish, and 6 of mollusks. It cites another which suggested the likelihood of a higher count.

undercount, since the DNR did not count anglers along the other 30 miles of park river, nor at night or off-season.<sup>13</sup>

The most popular river activity was becoming commercial whitewater rafting (Figure 1). Begun on the New River in 1969 by entrepreneur Jon Dragan, the industry had grown significantly by the 1980s. In 1981, New River reported 55,000 commercial boaters and 7,000 private boaters, compared with 29,500 anglers. The Thurmond-Fayette Station run was especially popular, as “among the wildest stretches of water in the eastern United States.”<sup>14</sup> Swimmers accounted for 8,500.<sup>15</sup>

The *GMP* cited one statistic to indicate the growth of commercial rafting: from one outfitter in 1969 to four in 1976. By 1982 the industry had grown to 22 outfitters. Clearly crowding was increasing and someone needed to manage commercial rafting. In 1981 the WV legislature created a temporary Whitewater Advisory Board (WWAB) to regulate whitewater rafting on several state rivers, including the New.

In 1982, the NPS and DNR signed a Memorandum of Agreement to jointly manage whitewater activities. This interaction lasted beyond the *GMP* release in 1983, as detailed in the section below on the *Draft River Management Plan*. The *GMP* stated explicitly that river use was to be “managed jointly” by the park and the DNR. If there were jurisdictional tensions, New River conceded. Joint management meant “under the state’s existing management system.”<sup>16</sup> The Park Service nevertheless introduced some of its goals: to provide for “high quality river recreation experiences” and to minimize “adverse impacts on the natural, cultural, and scenic qualities of the river environment.”<sup>17</sup> These criteria arose in federal legislation and had no precedent in state requirements.

The *GMP* introduced another critical concept that would shape the *River Management Plan (RMP)* process a few years later: carrying capacity.<sup>18</sup> In the *GMP* this meant only a “realistic level of visitor use,” a balance of the visitor’s experience and preserving natural and cultural resources. Preliminary to the *RMP* process, the *GMP* prescribed studies of user attitudes, level of river use, physical, ecological, and social factors. It required studies of all user groups, including several types of anglers and boaters. The goal, it said, was to minimize conflicts between different user groups and eliminate environmental damage. While the *GMP* indicated the river management plan was to be completed by 1984, this was not possible and did not occur.

The *GMP* argued that the geography of the gorge would itself minimize user conflicts and provide the expected experience. The NPS recognized existing user

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<sup>13</sup> *GMP*, 83.

<sup>14</sup> *GMP*, 79.

<sup>15</sup> *GMP*, 83.

<sup>16</sup> *GMP*, 19.

<sup>17</sup> *GMP*, 19.

<sup>18</sup> *GMP*, 19.

conflicts among commercial outfitters, anglers, and private boaters and promised to “work to resolve” such conflicts. It offered to facilitate discussions among outfitters. Safety was, necessarily, a special concern. The NPS pointed to safety as a reason to address user conflicts and offered to introduce a comprehensive safety program.<sup>19</sup>

An important reason for the *GMP* was to direct land acquisition based on need. River use indicated needs for river access points under public control. At that time few river access points were available. To address this problem, the *GMP* recommended acquisition of land or development of facilities at Ames, Fayette Station, Stone Cliff, Brooks Falls, Sandstone Falls, Meadow Creek, and Grandview Sandbar. Partly because some of these depended on “willing sellers” and partly because of other contingencies, these were not all realized.<sup>20</sup>

New River’s *GMP* also discussed land-based recreation.<sup>21</sup> Existing conditions demonstrated user demand, but also inadequate facilities. The 1980 visitation figures showed that of the 316,000 visitors involved in land-based recreation, 300,000 were for sightseeing (95%), 10,000 for camping (3%), 4,000 for picnicking (1%), 1,500 for hiking, and for 500 hunting.<sup>22</sup> Yet the park had no maintained campgrounds. The *GMP* also noted significant impacts of private campgrounds on the landscape. Although many of the former mine bench roads and abandoned rail lines were passable, the only maintained hiking trails were in Babcock State Park and the former Sandstone Falls and Grandview state parks. Heavy vegetation, uncertainty about ownership in places, deteriorated conditions, and an active railroad hindered hiking in the park. The report noted that rock climbing occurred but said there was little interest in the sport and “the sandstone rocks provide rather unstable support.”<sup>23</sup> Still, its popularity was increasing and some rafting outfitters offered climbing instruction.

Given the high interest in sightseeing, the *GMP* noted that scenery was “an outstanding resource” of the gorge. It described how the gorge changed character, stated developments along it were not “overly intrusive,” and that towns and other features “become interesting details in miniature.”<sup>24</sup> NPS used field observations and computerized mapping to inventory and classify scenic resources. They investigated over 200 viewpoints and classed them into five categories: highly visible land, visible land, scenic landscape features, focal points, and visual intrusions. By listing and describing these viewpoints, the park was preparing to manage scenic resources “to strongly protect highly visible land and scenic landscape features, moderately protect visible land and

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<sup>19</sup> *GMP*, 19.

<sup>20</sup> *GMP*, 19-20.

<sup>21</sup> *GMP*, 20-25.

<sup>22</sup> *GMP*, 83.

<sup>23</sup> *GMP*, 80-81.

<sup>24</sup> *GMP*, 65.

focal points, and mitigate visual intrusions.”<sup>25</sup> Air quality was a special concern because it hindered the most popular recreation in the park, sightseeing.

The low level of hunting in the gorge was notable. The *GMP* said the “low-though-consistent hunting pressure” was due to relatively low numbers of deer and turkey in the gorge and the DNR’s restricted hunting season on these in this area. The most popular game animals in the gorge were rabbit and squirrel. Trapping occurred in the park at that time, mainly of muskrat, regulated by the DNR.<sup>26</sup> However, new federal regulations ended trapping on the park and other NPS lands.<sup>27</sup>

The *GMP* offered suggestions related to nine forms of recreation away from the river: sightseeing, picnicking, trail use (mainly hiking, but some biking), camping, privately provided services, interpretation of cultural resources, train excursions, automobile access or shuttle-bus access to Fayette Station and some four-wheel-drive-only roads, and some form of motorized access to Sandstone Falls from the not-yet-completed I-64.<sup>28</sup> The possibilities for land-based recreation received only a fraction of the attention received by river-based recreation.

Given the prominence of sightseeing, the *GMP* recommended upgrading viewpoints at Sandstone Falls and Brooks Island and encouraging use of McKendree Road (Thurmond to Prince Road).<sup>29</sup> The park pledged to explore pedestrian use of the catwalk under the New River Bridge, build a visitor center at Canyon Rim, provide a seasonal shuttle bus to Fayette Station, and upgrade the 1889 bridge there for pedestrian use. The need to protect scenic resources drove land acquisition and boundary changes.<sup>30</sup> The *GMP* required completion of a *Land Protection Plan* by 1983, to update a plan produced in 1980.<sup>31</sup>

To enhance picnicking opportunities, the park committed to build picnic areas at the Fayette Station (\$40,000), Canyon Rim (\$218,000), Ames (\$36,000), Grandview Sandbar (\$7,000), Stone Cliff (\$10,000), and Sandstone Falls State Park (\$22,000). After the state donated Sandstone Falls to the NPS, NPS converted its campground to a day-use picnic area.<sup>32</sup>

To enhance trail opportunities, the *GMP* proposed a trail link from Wolf Creek off old Route 82 (near South Fayette) to Kaymoor and Cunard, along with two trails on site and to connect, brush, and realign the old railroad grade from Cunard to Thurmond, a 14-mile trail for hiker and horse use. It recommended clearing or building other trails,

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<sup>25</sup> *GMP*, 66.

<sup>26</sup> *GMP*, 63.

<sup>27</sup> *GMP*, 15.

<sup>28</sup> *GMP*, 18-25.

<sup>29</sup> *GMP*, 20-23.

<sup>30</sup> *GMP*, 33-43.

<sup>31</sup> *GMP*, 29.

<sup>32</sup> *GMP*, 20-23, 44-45.

including a railroad grade from Minden to Thurmond, trails at Glade Creek, Sandstone Falls, and Canyon Rim. Other trails, the report said, would follow.<sup>33</sup> The *GMP* mentioned horse use for South Fayette to Thurmond, Minden-Thurmond railroad, and Glade Creek, where some roads would be converted to trails. The park anticipated 4 miles of dedicated hiking trails and 20 miles for hikers and horse riders.<sup>34</sup> The *GMP* did not explicitly state it would build or maintain these trails for mountain bike use. Most importantly, the *GMP* required a *Study and Plan for Hiking Trails*, to tie together the 20 trails in the gorge and produce a management plan.<sup>35</sup>

All enhancements planned for camping were to be 'primitive'. The *GMP* recommended building 20 sites at Glade Creek, 20 at Chestnut (exact location not now known), and 20 near Silo Rapids (1.2 miles downstream of Thayer, 36 miles below Bluestone dam).<sup>36</sup> The plan permitted dispersed riverside camping on federal land and encouraged most campers to seek out state park or private campgrounds outside the park.<sup>37</sup> Babcock State Park, for example, maintains a 52-unit campground, in addition to cabins.

The *GMP* considered one last element of land-based recreation, interpretation of natural and cultural resources. Many visitors to national parks enjoy learning about nature and history. Hence interpretation encompassed much of the plan at the park. The *GMP* specified several themes. Natural history themes included the geology of the gorge, mineral deposition, and vegetation. Cultural history themes included prehistoric and historic human occupation, railroad and mining history, and the rise and fall of river communities. The Park Service planned to provide lectures, guided hikes, exhibits, brochures, and other media. It planned to concentrate these interpretive services at visitor contact stations, boater access points, trailheads, and at historical sites.<sup>38</sup> Kaymoor mine and town sites, for example, were focal points for interpretation of New River heritage.

The Park Service began implementing the *General Management Plan* in 1983. Managers were as optimistic about quick completion of recreation plans as they were in other areas. Nevertheless, they were clear about many of the steps necessary to implementation. Planning required studies: a *Resource Management Plan*, *Interpretive Prospectus*, *Study Plan for Hiking Trails*, *Draft River Management Plan*, and *Land Protection Plan*. The *GMP* did not anticipate the need to plan for mountain bikes or rock climbing, but these needs were soon realized. The first story to unfold relates to river recreation.

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<sup>33</sup> *GMP*, 23-24.

<sup>34</sup> *GMP*, 45.

<sup>35</sup> *GMP*, 47.

<sup>36</sup> *GMP*, 44-45.

<sup>37</sup> *GMP*, 23.

<sup>38</sup> *GMP*, 25-26.

## MANAGING RECREATION ON THE RIVER THE *DRAFT RIVER MANAGEMENT PLAN*

Destry Jarvis, who played a significant role during park designation, called the *GMP* “a serious disappointment.”<sup>39</sup> Many local community members shared Destry’s opinion and wanted to see a better plan for the actual management of the river. The *General Management Plan*, according to him, did not address specific issues of river use. The *Draft River Management Plan* provided an opportunity to go further. The main purpose of the *Draft RMP* would be to assess types, levels, and impacts of land and water-based recreation appropriate for the national river.<sup>40</sup>

The Park Service announced in the 1983 *GMP* that planning for river recreation would be completed by 1984. This became 1985, then ultimately 1987, partly because of a change of superintendent at the park. Superintendent James Carrico wrote in May 1984 that the *River Management Plan* would be completed in early 1985. It would provide opportunities for high quality and safe recreational experiences, he said, and minimize impacts on natural, cultural, and scenic qualities of the gorge. It would consider a wide range of recreations. He wrote that the *RMP* would include proposals for rules and regulations to meet this goal.<sup>41</sup>

David Reynolds, who worked at the park in natural resource management from 1982 to 1987, was in charge of developing the *RMP*.<sup>42</sup> The *RMP* planning process included research and significant public involvement. Through these, the NPS would determine the number of users to permit on the river, the relative numbers of private and commercial users, and what motorized craft/raft use regulations might be necessary. They also wanted input on dispersed/designated campsite use, river access improvements, litter and sanitation, and other issues that might arise during the group process.<sup>43</sup>

In addition, the Park Service wanted the DNR to help develop joint strategies for enforcing commercial trip limits. Superintendent Carrico also indicated his desire for

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<sup>39</sup> “*The Latest Word*,” 1982 unattributed newspaper clipping, Main Park Files, D18 Box 9.

<sup>40</sup> *Draft River Management Plan*, 1987, Internal Report, Main Park Files, iv. Letter, Superintendent James Carrico to David L. Brown, Executive Director, River Outfitters Association, Oak Hill, May 21, 1984, MPF, Box 17, L34.

<sup>41</sup> Letter, Superintendent James Carrico to Ron Potesta, Chairman of the (West Virginia) White Water Advisory Board, May 21, 1984, MPF, A20, 1978-1988 (collective file).

<sup>42</sup> David W. Reynolds (Deputy Associate Director, Natural Resources and Sciences, Northeast Region), Memo to Historian, Northeast Region, December 23, 2005. Reynolds’ comments concern a first draft of this administrative history.

<sup>43</sup> Letter, Carrico to Ronald R. Potesta, Director, West Virginia Department of Natural Resources, December 17, 1985, MPF, Box 2, A44.



formal NPS participation on the West Virginia Whitewater Advisory Board to insure notification and representation at all meetings where park issues were considered.<sup>44</sup>

To produce the *RMP*, data was needed. As early as 1984, NPS contracted with Virginia Polytechnic Institute (VPI or Virginia Tech) and State University's Department of Forestry to research appropriate river use conditions. The study required public involvement to determine acceptable recreational use limits.<sup>45</sup> NPS often bases decisions regarding acceptable impacts on a resource on the concept "carrying capacity." In visitor use terminology this refers to the number of visitors an area can support before unacceptable effects occur.

Researchers defined four types of carrying capacities of recreational activities: physical, ecological, facilities, and social. The physical carrying capacity for recreational boating, for example, is how many boats can safely float down a river at one time. This is largely determined by the river's width, depth, configuration, and flow patterns. Ecological carrying capacity refers to changes in the ecosystem, including drops in water quality, destruction of vegetation, and soil compaction at riverbank river access points. Facilities carrying capacity refers to structures or developments needed to provide access to the river: roads, parking lots, and put-ins and take-outs.<sup>46</sup> Carrying capacity generally is ambiguous, but social carrying capacity presents particular challenges. For the concept to operate, boaters must agree about the expected river experience and about appropriate levels of those experiences.<sup>47</sup>

Quality recreational experiences for different river users vary widely.<sup>48</sup> One boater may seek solitude through a leisurely boat trip, while another may seek social companionship, and yet another may seek the thrill of challenging whitewater. The capacity of a river to accommodate such activities differs; therefore resource managers must judge what kind of experience or combinations of experiences can be provided.<sup>49</sup> These decisions sometimes lead to conflict among user groups.

The 1984 VPI study indicated that 92% of boaters in the park were commercial, while 8% were private boaters in canoes, kayaks, and rafts. Nearly all river use occurred between April and September, and about 72% occurred between Memorial Day and

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<sup>44</sup> Letter, Carrico to Potesta, December 17, 1985.

<sup>45</sup> Joseph W. Roggenbuck and Steven P. Bange, "Norms of New River Gorge Boaters About Appropriate River Use Conditions," *New River Symposium Proceedings* (Boone, NC, 1984), 133.

<sup>46</sup> Roggenbuck and Bange, "Norms of New River Users," 134. Another study on the Gauley River was: Franklin E. Boteler, *A Study of Safety and Carrying Capacity Concerns Associated with the Commercial Rafting Industry Use of the Gauley River, West Virginia* (National Park Service, 1985), 437 p.

<sup>47</sup> Roggenbuck and Bange, "Norms of New River Users," 135.

<sup>48</sup> Roggenbuck and Bange, "Norms of New River Users," 135.

<sup>49</sup> Roggenbuck and Bange, "Norms of New River Users," 135.

Labor Day. Most boat trips began by mid-morning and left the river by mid to late afternoon.<sup>50</sup>

The study suggested that some boaters perceived problems connected with overuse. The problems were concentrated in the 15-mile stretch of the lower New River on summer weekends. Fifty percent of boaters said they saw too many people. A majority said they expected a more wilderness-like, whitewater experience than they received.<sup>51</sup>

Realizing the potential environmental impacts of increasing activity, the Park Service and DNR re-evaluated river use in 1985. On December 17, 1985, park Superintendent Carrico expressed his concerns and suggested a plan of action to the DNR director:

We [NPS managers and the DNR] have reached a point in the development of the New River Gorge National River and the management of river activities where we need to re-evaluate the future direction of our cooperative effort and assess the best methods and processes by which we can achieve our mutual and desired goals.<sup>52</sup>

In the letter, Carrico outlined management plans as stipulated by the Park Service:

In order to enhance visitor enjoyment and safety, and to preserve environmental quality, the National Park Service will regulate the use of rivers as necessary within units of the National Park Service.

Using scientific research and other applicable data, the Service will establish the level of boating and related use that each river system can sustain without causing unacceptable changes in the ecosystem or the degradation of the environment or the park experience.

A river management plan will be developed for each unit of the National Park System having significant river use or the potential for such use.<sup>53</sup>

The proposed Park Service plan was timely. Increasingly rafters and kayakers floating the river were conflicting with traditional users. Tempers were rising. In July, 1985, in an editorial in the *Beckley Register-Herald*, local Samuel J. Cologrosso complained of an incident that he and friends had experienced:

We all know in Southern West Virginia that the New River provides some of the best fishing in the state. But because of inconsiderate rafters and kayakers, local fishermen are having a very hard time having any luck. Rafters will get right in front of you and have their battles between rafts, making so much noise and causing such disturbance that if any kind of fish were in the area, they would be long gone. I know of one instance in which several kayakers came within four feet of fishing lines and had the nerve to ask--or should I say tell--us to reel in the lines so they could start back up the rapid they

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<sup>50</sup> Roggenbuck and Bange, "Norms of New River Users," 136.

<sup>51</sup> Roggenbuck and Bange, "Norms of New River Users," 144.

<sup>52</sup> Letter, Carrico to Potesta, December 17, 1985.

<sup>53</sup> Letter, Carrico to Potesta, December 17, 1985.

had just passed through. Needless to say the lines were not reeled in and the kayakers can count themselves lucky they did not get a good sized river rock right in their head.<sup>54</sup>

Mr. Cologrosso prefaced his story by saying he realized whitewater rafting contributed to the area's economy. But he wondered how far local West Virginians would have to go to satisfy the rafting industry.<sup>55</sup> Presaging a problem the park would take on when the Gauley River was brought under park management in 1988 (see Chapter 8), Mr. Cologrosso also voiced a second complaint about water levels on the Gauley River during Fourth-of-July week.

Everyone in West Virginia knows this week is during miner's vacation . . . Over the entire week of the Fourth the water level of Summersville Lake dropped to the point that at least one of the lake's boat ramps had to be closed. Also, parts of the marina had to be closed and people had to remove their boats. Boating is a major pastime in this area. We have a lot of money invested in our boats and we do not like to wade mud six inches deep in order to enjoy them.<sup>56</sup>

According to the article, Army Corps of Engineers employees could not explain the low levels to Mr. Cologrosso, but he was told by some that it was because the rafters wanted to run the Gauley River over the holiday. Once more, he asked:

Again, how far do the local people . . . have to bend to satisfy these rafters . . . Sirs, I would like to ask you if anything could be done so local people to this area do not have to suffer just to please the whitewater companies.<sup>57</sup>

Mr. Cologrosso's sentiments reflect the differing expectations of traditional and new recreational users in the area and the management difficulties these presented. Local anglers, rafters, and the Park Service needed to look for compromise.

The WV legislature created the Whitewater Advisory Board (WWAB) in 1981 as an interim committee to deal with increased whitewater rafting. The WWAB held meetings in October and November 1985 concerning appropriate river-use levels. Acting park Superintendent Robert L. Whitman wrote the Board in October that NPS would initiate river management planning in FY 1986, and that thereafter, if the WWAB retained the responsibility for establishing operational river-use levels, NPS would continue to supply information resulting from the management plan and other river management studies.<sup>58</sup> However, Whitman thought not enough information was yet available for the Park Service to offer reliable recommendations on river-use levels.

The National Park Service has not acquired sufficient scientific data necessary to recommend to the Whitewater Advisory Board a total supportable number [of daily river users] which would vary from the DNR process upon which the current number is

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<sup>54</sup> "Our Readers Speak: Rafters, Kayakers Trying to Take Over River, Lake," *Beckley Register-Herald*, July, 14, 1985, MPF, Box 1, A20.

<sup>55</sup> "Our Readers Speak."

<sup>56</sup> "Our Readers Speak."

<sup>57</sup> "Our Readers Speak."

<sup>58</sup> Letter, Whitman to Potesta, October 9, 1985, MPF, Box 1, A20, 1-2.

based. Our concerns at this time are to assure that the health and safety of all river participants is adequately protected . . . that the economic viability of the rafting industry not be jeopardized as a result of an “interim final” number, and that the concerns and interests of private paddlers be adequately addressed during deliberations.<sup>59</sup>

On January 24, 1986, Senator Dan Tonkovich introduced Senate Bill (SB) 340 in the state legislature to amend the original bill, establish WWAB permanently, and add the commissioner of the Department of Commerce to the Board. Concurrently, a bill before the House called for the Board’s abolition.

SB 340 required special studies to establish whitewater-rafting zones. The legislature also instructed the DNR director to “restrict, deny, or postpone” the issuance of licenses to additional whitewater outfitters until the WWAB could promulgate appropriate rules and regulations.<sup>60</sup> The bill included minimum safety requirements for equipment and criteria for limiting or increasing the number of commercial whitewater outfitters, of rafts, and of persons transported by rafts.<sup>61</sup> Issues of concern included overcrowding, environmental damage, and safety. SB 340 passed the legislature March 6, 1986.<sup>62</sup>

On November 12, 1986, DNR Director Ronald W. Potesta appeared before a joint meeting of the Natural Resources and Government Organization Committees of the WV House “Concerning Whitewater Rafting.” He endorsed House Bill (HB) 1485 and HB 1583 and opposed HB 1540. HB 1485 sought to designate a commissioner for the WWAB as required by Senate Bill 340. HB 1583 would establish the Whitewater Rafting Responsibility Act (WWRRA). Modeled after similar legislation enacted for the skiing industry, the bill set rules for whitewater outfitters and passengers and a legal framework within which the industry could grow, while protecting the safety of its passengers. HB 1540 sought to repeal the code section enabling the WWAB as an agency responsible for regulating the whitewater rafting industry.<sup>63</sup>

Director Potesta reported that since passage of SB 340, the DNR and the WWAB had complied with and fulfilled its requirements. Section 23a required the director of the DNR to designate four whitewater zones, appoint and convene the board, complete the studies set forth in the section, and promulgate rules and regulations approved by the legislature.<sup>64</sup>

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<sup>59</sup> Letter, Whitman to Potesta, October 9, 1985.

<sup>60</sup> Introduction of Senate Bill 340, January 24, 1986, MPF, Box 1, A20.

<sup>61</sup> Letter, Carrico to Potesta, December 17, 1985, MPF, Box 1978-1988, A20, 1.

<sup>62</sup> Passage of Senate Bill 340, March 6, 1986, MPF, 1978-1988, A3815.

<sup>63</sup> Frank M. Lukacs Jr., “Statement to the House of Delegates, Committee on Agriculture and Natural Resources,” February 12, 1986, MPF, Box 1, A20, 2.

<sup>64</sup> Ronald R. Potesta (Director, Department of Natural Resources), “Statement to the House Natural Resources Committee and the House Government Organization Committee Concerning Whitewater Rafting,” November, 12, 1986, MPF, 1978-1988, A20, 2.

Several months prior to Director Potesta's appearance before the House Whitewater Rafting Committee, Frank M. Lukacs, president of North American River Runners, based in Hico, testified before the House Committee on Agriculture and Natural Resources. He too supported HB 1583 and 1485, and opposed HB 1540. Against HB 1540 he said:

By far the most significant of these proposals [the three bills] is HB 1540 which would repeal the code section establishing the Advisory Board as the agency responsible for regulating the whitewater rafting industry. While I have not always been in complete agreement with the actions of the Advisory Board, I am convinced that it is in the best interest of West Virginia and the whitewater rafting industry to have a mechanism in place through which whitewater rafting can be regulated. The Advisory Board achieves this objective through an open process that assures input from all interested persons. It may be that the Advisory Board has not yet solved the industry's problems in a way that makes us all happy. It has, however, acted in the best interest of the industry as a whole and it deserves a chance to continue with its efforts.<sup>65</sup>

Both Mr. Lukacs and Mr. Potesta got their wishes. House Bill 1540 was eventually defeated and the other two bills passed.

When the WWAB decided on appropriate use levels in 1986, three West Virginia whitewater streams were affected, including the New River from Thurmond to Fayette Station.<sup>66</sup> In setting limits, the Board took into account the results of three river studies conducted by the DNR and the testimony of expert witnesses from the academic, regulatory, and rafting communities.<sup>67</sup>

The Board's assessments of the combined testimony produced four general conclusions. First, rafting was statistically a very safe activity, but under certain conditions potential problems could arise. Crowding and congestion did occur, but often were more subjective than measurable.<sup>68</sup> Outfitters and private river users generally could manage crowding themselves and lessen its effects. Finally, they concluded that carrying capacity is a dynamic concept; numerical definitions required sound judgment as well as measurement of river flows, trip times, raft intervals, and other variables.<sup>69</sup>

During the meetings, the DNR recommended the WWAB set the daily use limit on the New at 1,200 to 1,500 people per day. Many private users supported this number, while commercial rafting companies argued for 2,400 rafters per day. The Board ultimately limited this to 2,200 people in the early season and 1,800 in later summer when

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<sup>65</sup> Frank M. Lukacs, February 12, 1986, MPF, Box 1, A20, 1-2.

<sup>66</sup> Michael A. Fotos (Deputy Director, West Virginia Department of Natural Resources), *Summary of Issues and Limits for the Lower New, Upper Gauley, and Cheat Rivers*, February 1986, MPF, Box 1, A20, 3.

<sup>67</sup> Fotos, *Summary of Issues and Limits*, 1.

<sup>68</sup> Fotos, *Summary of Issues and Limits*, 1.

<sup>69</sup> Fotos, *Summary of Issues and Limits*, 3.

water levels were lower. In explaining the decision, Michael Fotos, DNR Deputy Director, said:

The New River has more complex economic issues and competing user groups than any other whitewater rafting industry in the state. The New is the 'bread and butter' of the whitewater rafting industry in West Virginia. It carries the most customers, has the longest season, has the greatest history of use, and has the most reliable water flows. In addition, it is a Mecca for thousands of private users--campers, fishermen and private kayakers and rafters.... Total commercial rafting on the New River has grown from 63,000 in 1983, to over 81,000 commercial customers in 1985. However, crowding on the river is not due solely to this growth. Crowding rather is a result of the concentration of commercial traffic on Saturdays, Sundays, and holidays in May, June, and July. In the later summer, crowding is a result of increased private use and the low flows associated with long stretches of dry weather.<sup>70</sup>

Fotos said the Board's decision to limit river use to those numbers "reflected a compromise of the many recommendations it [WWAB] received."<sup>71</sup> The WWAB compromised further. Since crowding was only a problem on Saturdays, Sundays, and certain federal holidays, the limits only applied to those days. It explicitly recommended excluding non-federal holiday weekdays, all days before Memorial Day, and all days after Labor Day from license limitations.<sup>72</sup>

The decision displeased some park Superintendent Carrico expressed his dismay in two letters to Potesta, chairman of the WWAB. He wrote:

As you know, the West Virginia Department of Natural Resources and the National Park Service entered into a Memorandum of Understanding (MOU) for New River on November 29, 1982. It is the intent of this memorandum to recognize the mutual interest and the concurrent responsibility and jurisdiction of the Department and the Park Service to manage commercial whitewater activities on New River Gorge National River in accordance to the terms and conditions provided [by] law and those agreed to in the memorandum.<sup>73</sup>

In a second letter dated the same day, Carrico wrote:

The most recent Whitewater Advisory Board decision that makes numbers applicable on the New River on Saturdays and holidays does not move the Board toward completion of its mandate.... A case can be made, in truth, that the recent decision directly contradicts the Legislature's 1981 finding.<sup>74</sup>

That the recent increase in the number of persons engaging in the sport of whitewater rafting has resulted in overcrowding, safety and ecological problems along areas and portions of rivers and waters in this state necessitating the study, investigation, and regulation of whitewater rafting to promote the safe and equitable enjoyment of this sport by all persons seeking to engage in it as a recreational activity.<sup>75</sup>

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<sup>70</sup> Fotos, *Summary of Issues and Limits*, 2-3.

<sup>71</sup> Fotos, *Summary of Issues and Limits*, 3.

<sup>72</sup> Fotos, *Summary of Issues and Limits*, 3.

<sup>73</sup> Letter, Carrico to Potesta, December 17, 1985.

<sup>74</sup> Letter, Carrico to Potesta, December 17, 1985.

<sup>75</sup> Letter, Carrico to Potesta, December 17, 1985.

Carrico continued:

In previous meetings, the Advisory Board agreed to a two year study period during which time a maximum carrying capacity was established, i.e. Memorial Day through July 15, 2,200 persons per day; July 16 through Labor Day, 1,800 persons per day. . . the National Park Service continues to support this position. . . . By defining peak days to mean only Saturdays, Sundays and Federal holidays and only the time period between 8:00a.m. and 1:00 p.m., the Board has effectively circumvented the intent of the two year study.<sup>76</sup>

Compromise of the study was not Carrico's only concern. He felt that the new peak day definition would tempt both large and small outfitters to over-book with the knowledge that excess customers did not need to be counted if identified as taking early or late trips. He pointed out that several companies started most of their trips prior to 8 a.m. Despite the WWAB's decision, the Park Service continued with its river management planning effort.

In preparing the *River Management Plan*, the Park Service proposed to use a Limits of Acceptable Change (LAC) process.<sup>77</sup> This process was developed to clarify planning for wilderness and river management, as well as other aspects of park systems. Scientists and resource managers had found that social values played important roles in determining river carrying capacity. But carrying capacity also was based on when irreversible resource damage occurs. The LAC model included these values in professional resource management planning.<sup>78</sup>

Rather than focusing on river-use levels per se, LAC focused on management of conditions. Working with the public, managing authorities (in this case the Park Service and the DNR) were to determine what conditions were most appropriate for the area and then implement management actions to meet desired conditions. The challenge was not to prevent human-induced change, but to decide how much change to allow and how to control it.<sup>79</sup>

A nine-step decision-making model was formulated to begin the LAC planning process. Step one involved forming a Citizen Task Force, which was to ensure that anyone interested in management of the park was represented and could pass on information on the plan's progress to groups they represented. The Task Force was also to gather information and comments for review, incorporate the comments and suggestions into the final plan, and write sections of the *RMP* with an independent facilitator, hired by the NPS, using the LAC process.<sup>80</sup>

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<sup>76</sup> Letter, Carrico to Potesta, December 17, 1985.

<sup>77</sup> Letter, Carrico to Potesta, December 17, 1985.

<sup>78</sup> National Park Service, *Draft River Management Plan for New River Gorge National River* (June, 1987), 7-8.

<sup>79</sup> *Draft RMP*, 8.

<sup>80</sup> *Draft RMP*, 8.

The second and third steps were to inventory existing conditions and identify community issues and concerns. Step four was to develop a plan of prescriptive management objectives, identifying physical, biological, and social conditions within the impacted areas.

The next two steps (5, 6) were to develop indicators and standards and measurable reference points for monitoring conditions. Step 7 was to monitor the river. The final two steps required comparing the standards to the conditions to see if they fell within acceptable limits, and if not, to implement a management program to achieve the desired results.<sup>81</sup>

Forty-three interest groups were invited to nominate their representatives for the Task Force. NPS identified the groups through past involvement with the river, DNR suggestions, the program facilitator, and scientists involved with other river management plans. To represent the public fairly, four additional people were asked to join the Task Force: three residents (of Prince, Thurmond, and Sandstone) and a reporter for the *Fayette County Tribune*.<sup>82</sup>

On February 7, 1986, the LAC process and the *RMP* goals were presented to the WWAB. Board members were each given a three-page handout outlining the LAC process. NPS personnel and the facilitator remained throughout the meeting to take any comments and answer questions.

The following month, all licensed rafting companies were invited to attend an NPS-sponsored meeting. The LAC process was explained by the facilitator, and three individuals were selected to represent rafting-company interests on the Task Force.<sup>83</sup>

In early June, two meetings were held at the Hinton Memorial Building and the Sandstone Volunteer Fire Department to collect suggestions and to prioritize public concerns. The facilitator briefly outlined the purpose of the *RMP* and then divided attendees into groups of six to nine. NPS personnel and the facilitator acted as group leaders and solicited ideas and areas of concern within each group. The members then discussed the ideas raised. Group leaders asked each member to select the five most important concerns from the list and write each idea on a separate note card. Members were then asked to rank the cards from most to least important.<sup>84</sup>

One hundred and three people attended the meetings. The groups listed 337 responses for the Task Force. Content analysis was used to divide the responses into 14 categories. The development of tourism facilities, including camping and trail opportunities, were the top issues. Third through fifth priorities were inner park access, general resource and water quality protection, and solid waste and litter disposal.

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<sup>81</sup> *Draft RMP*, 8-9.

<sup>82</sup> *Draft RMP*, 10.

<sup>83</sup> *Draft RMP*, 11.

<sup>84</sup> *Draft RMP*, 15.



Remaining categories included interpretation/information services, boating issues, law enforcement, fishing, hunting and wildlife extraction, insect control, user safety, dam release, user fees, and inter-agency coordination. The final category was simply listed as “other.”<sup>85</sup> From this, the 45-member Citizen Task Force developed 62 prescriptive management objectives. Park development, maintenance, natural resource protection, appropriate levels of recreational use, and park operations were all included.<sup>86</sup>

In 1986, the Task Force met for a final review of all the prescriptive objectives. The NPS reorganized them and added several more. The Task Force organized the list under four major categories: Park Development, Park Maintenance, Park Operations and Natural Resource Protections, and Appropriate Recreation Use.<sup>87</sup> The Park Service completed the *Draft River Management Plan for New River Gorge National River* in June 1987.<sup>88</sup>

To determine appropriate levels of boating, objective 62 suggested four different management zones. In designating appropriate boating opportunities for the zones, the Task Force listed potential types of appropriate user experiences.<sup>89</sup> Their indicators considered percent of time boaters would be in visual contact, then assigned a standard for each section of river and day of the week. Possible management actions ranged from increased communication to more restrictive methods including launch windows.<sup>90</sup>

The Task Force suggested a list of appropriate experiences based on how long boaters were in visual contact for each zone. The first of the four zones stretched from Hinton to Sandstone; the second from Sandstone to Prince; the third from Prince to Thurmond; and the fourth from Thurmond to the downstream boundary of the park.<sup>91</sup> Each zone specified a different level of contact and subsequent type of experience. Level A indicated zero contact; level B a personal, highly natural experience with less than 25% contact; level C included some stops and was designed to include a historical, cultural, and scenic experience with 50% maximum contact time; and level D was designated a social experience where queues were acceptable and 100% contact time expected. The zones were broken up into weekday/weekend experience levels and peak-use/outside-peak-use-season experience levels. Peak season was stated to be Memorial Day through Labor Day.<sup>92</sup>

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<sup>85</sup> *Draft RMP*, 17.

<sup>86</sup> Clif Bobinski, *Planning Documents Report for New River Gorge National River* (August 16, 2004), 23.

<sup>87</sup> *Draft RMP*, 19.

<sup>88</sup> Bobinski, *Planning Documents*, 23.

<sup>89</sup> *Draft RMP*, 27.

<sup>90</sup> Bobinski, *Planning Documents*, 23.

<sup>91</sup> *Draft RMP*, 27.

<sup>92</sup> *Draft RMP*, 27.

ZONE	Peak season, weekday experience levels	Peak season, weekend	Outside Peak season weekdays	Outside Peak Season weekends
1. Hinton to Sandstone	C (<50% contact)	C and D		
2. Sandstone to Prince	B (<25% contact)	C	A (zero contact)	A
3. Prince to Thurmond	C	D (100% contact)		
4. Thurmond to Fayette Station	T, W, Th: B M, F: C	D	B	C

**Figure 37.** Appropriate experiences based on how long boaters were in visual contact for each zone.

During weekdays, Zone 1 from Hinton to Sandstone was considered level C, and C and D on weekends. Zone 2 from Sandstone to Prince was categorized as level B during the week and level C during weekends in peak season. Outside peak season it was considered level A all week long. During peak season, Zone 3 from Prince to Thurmond was level C on weekdays and level D on weekends. The Park Service generally recommended it for families and Girl and Boy Scout troops.<sup>93</sup>

The NPS applied more complex criteria to the section from Thurmond to the downstream boundary. During peak season, Mondays and Fridays were classed as level C and the other three weekdays as level B. Saturdays and Sundays were classed level D. Outside peak season, weekdays were level B and weekends level C.<sup>94</sup>

One goal of the plan was to inform private boaters when they could traverse sections of the river with less contact with commercial outfitters. Commercial restrictions including the use of Cunard and reduced user numbers were considerations. The whitewater outfitters strongly opposed restricting the number of people permitted on the river.<sup>95</sup>

The question of limits shifted to the U.S. Congress next. Public Law 100-534, the West Virginia National Interest River Conservation Act of 1987, Title IV, Sec. 402 stipulated that:

The Secretary of the Interior shall enter into a cooperative agreement with the State of West Virginia providing for the State's regulation, in accordance with State law, of persons providing recreational watercraft services on units of the National Park System and components of the National Wild and Scenic Rivers System subject to this Act.

With passage of Public Law 100-534 any attempt to coordinate appropriate river use levels ceased and the *Draft RMP* was never finalized, although Fayette Station, Sandstone Falls, Stone Cliff, and other recreational projects were completed.<sup>96</sup>

<sup>93</sup> *Draft RMP*, 28.

<sup>94</sup> *Draft RMP*, 28.

<sup>95</sup> Bobinski, *Planning Documents*, 23.

<sup>96</sup> Bobinski, *Planning Documents*, 24.

Superintendent Jim Carrico began the river management planning process in 1984 with the *RMP* as the goal, but he transferred out of the park before it was finished. Incoming Superintendent Joe Kennedy decided to “shelve the plan” and not put it out for public comment in 1987. David Reynolds recalled in 2005 that one apparent factor was complaints to Congressman Nick Rahall from some commercial rafting companies. Because of this one interest, an *RMP* that addressed many other important matters – river access issues, fisherman-rafter and kayaker issues, and litter – was not finalized.<sup>97</sup>

Studies of river recreation in New River continued in the 1990s. Y.-F. Leung and J. L. Marion discussed environmental impact at recreation sites along five rivers, including the New and Gauley, from 1995 fieldwork.<sup>98</sup> Steven Whisman and his colleagues undertook several projects for the West Virginia Whitewater Commission. He published an updated LAC study of the New, Gauley, and other rivers on the web.<sup>99</sup> He also submitted a summary report on social indicators on West Virginia rivers to the White Water Commission.<sup>100</sup>

Despite conflicts, the Park Service, DNR, and rafting companies have maintained a sound working relationship. In a 2004 interview, Jon Dragan commented on the responsiveness of NPS and the DNR to the needs of whitewater companies:

Yeah, they really have . . . I'm sure they eat some crow that they [the rafting companies] don't like. But unless they're asking for the moon, I can honestly say that the Park Service and the DNR have been extremely responsive to the wishes and wants of the outfitters.<sup>101</sup>

And when asked if he felt that most obstacles that had arisen had been worked out fairly between the outfitters and the Park Service, Dragan said, “Yeah, that's true, that's fair, that really is. They've done well; they have done well on that one.”<sup>102</sup>

Dragan's remarks do not suggest that the outfitters have approved every Park Service or DNR policy decision. Even though he sold the beach at Stone Cliff and the

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<sup>97</sup> David W. Reynolds (Deputy Associate Director, Natural Resources and Sciences, Northeast Region), Memo to Historian, Northeast Region, December 23, 2005.

<sup>98</sup> Y.-F. Leung and J. L. Marion, “River recreation impacts: A survey of day and overnight whitewater use sites along five West Virginia rivers,” in *Beyond the Banks: Proceedings of the 3rd Biennial RMS Symposium on River Management and Planning, June 20-23, 1996, Columbus, OH* (Missoula, MT: River Management Society, 1997), 135-143.

<sup>99</sup> Steven A. Whisman, “Limits of Acceptable Change Management Plan: A Summary of LAC Indicators for Commercial Rafting Use of West Virginia Rivers, 1998 Annual Report,” 49 p., available in PDF format at [http://www.wvdnr.gov/LEnforce/White/RiverMgt/98lac\\_rpt.pdf](http://www.wvdnr.gov/LEnforce/White/RiverMgt/98lac_rpt.pdf), accessed September 25, 2005.

<sup>100</sup> S. A. Whisman and S. J. Hollenhorst, *Summary of resource and social indicators on the Gauley, New, Cheat, Shenandoah, and Tygart Valley Rivers in West Virginia, WV* (1998). Final project report submitted to the West Virginia Whitewater Commission.

<sup>101</sup> Jon Dragan, interviewed by Lynn Stasick, September 9, 2004.

<sup>102</sup> Jon Dragan, interviewed by Lynn Stasick, September 9, 2004.

land at Fayette Station to the Park Service as put-ins and take-outs, he did not entirely approve of opening a put-in/take-out point at Cunard:

I think the outfitters like it . . . They put in at Cunard and that's a mixed bag . . . [Well] I think it cheapened the trip. Before it was from Thurmond to Fayette Station, it pretty much took six to eight hours. Now you can skip all that and just go down and do the rapids. If they had not put in at Cunard I think you'd ultimately have a better raft trip. That's my own personal opinion, that's not what the majority of outfitters think. Outfitters like it because it breaks up the river.<sup>103</sup>

The put-in at Cunard, however, was not a Park Service decision. Congress mandated it in 1988.<sup>104</sup> But Dragan realized that the industry changed largely because the public demanded it:

[In the 1960s] we used to leave at seven o'clock in the morning if you wanted to go on a raft trip with the old Wildwater Expeditions. You be there at seven, we'll have a cup of coffee and donut, or biscuit and gravy, and we'll spend the whole day on the river and get off at five o'clock. We'd stop and go to the ghost towns. . .and walk up a couple of side creeks. It was an adventure, you know? Now its slam bam, your check cleared the bank, get in the raft, thank you very much, don't want lunch, okay, thank you very much, you'd like a cold drink? Okay, it's two o'clock, don't miss the NASCAR.<sup>105</sup>

Management of river-based recreation continues to evolve.

## **MANAGING RECREATION ON LAND PLANS FOR TRAILS AND ROCK CLIMBING**

The story now shifts to developments in land-based recreation after the 1983 *GMP*. Jon Dragan's observation that public demand had changed park use was not confined to whitewater rafting. Other forms of recreation were becoming increasingly popular, and the NPS needed to develop policies to deal with increasing and increasingly varied activity. Sightseeing, hunting, camping, and picnicking numbered among traditional land-based recreations. But after the mid-1980s, hiking, horseback riding, mountain biking, and rock climbing also become popular. Some enthusiasts pushed recreation to new limits, and in response, the Park Service had to decide about extreme sports like base-jumping and bungee jumping. This superposition of new activities on old ones meant that policy decisions became more complicated as more users took advantage of the park.

The 1983 *GMP* anticipated public involvement in decisions regarding land-based recreational opportunities. The plan included some detailed studies of scenery as a

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<sup>103</sup> Jon Dragan, interviewed by Lynn Stasick, September 9, 2004.

<sup>104</sup> Written comments on draft of this administrative history by Lorrie Sprague (NERI Public Affairs Officer).

<sup>105</sup> Jon Dragan, interview conducted by Lynn Stasick, September 9, 2004.

resource, indicating that the Park Service intended to protect the source of the park's favorite visitor activity, sight-seeing. The *Draft RMP*, released in 1987, indicated that over 315,000 people visited the Canyon Rim Overlook in 1986 to view the gorge and the New River Gorge Bridge. In contrast, it estimated 85,000 people had boated the park section of the river the same year.<sup>106</sup> The most popular scenic views were Canyon Rim, Beauty Mountain, and Grandview State Park. For those interested in historic remains, the most popular sites were Thurmond, and the Kaymoor and Sewell mines.<sup>107</sup>

When the *Draft RMP* was released, picnicking occurred primarily in easily accessible areas. Canyon Rim and Sandstone Falls were both popular spots, and the NPS estimated that 4,000 people took advantage of picnic sites.<sup>108</sup> This number matched the 4,000 reported in the *GMP* and it is not clear if this was based on new or old data. Few of the new picnic facilities recommended in the *GMP* had yet been built.

As noted earlier, the *GMP* called for, but did not elaborate, the development of a trail plan. Park managers, like most people in the mid-1980s, thought trails were for hikers or horseback riders. Of the few trails the *GMP* recommended, the one from Wolf Creek (South Fayette) to Kaymoor (now the Kaymoor Trail) and that from Cunard to Kaymoor (today the Cunard-Kaymoor Trail) were cleared by 1987. The *GMP* had called for this whole length to be maintained for hikers and horseback riders. Also, the Minden Railroad had become the Thurmond-Minden Trail. In 1987, only these two trails, both part of the Mary Draper Ingles Trail, crossed federal land within the park.<sup>109</sup> User-defined, informal trails abounded, but these were not officially maintained. As public responses to the Citizen Task Force made clear in 1986, trails ranked high in citizens' minds and they expected the Park Service to go much further.

Although some hiking and horseback riding occurred within the gorge traditionally, the rough terrain limited where hikers and riders could safely travel. Moreover, the gorge had never been a focus of long-distance backpacking or of extensive recreational riding. But as early as 1985, the newly formed Summers County Horsemen's Association suggested the development of a bridle trail "for the pleasure and historic riding along the New River Gorge."<sup>110</sup> To establish a bridle path in the gorge, the Horsemen's Association invited DNR officers to dinner and a discussion of their proposal. The effort did not work. In response, DNR sent a letter to the Association (copied to the park) expressing DNR's opposition to the proposal:

The [bridle path] proposal includes overnight stopovers with riding horses at Bluestone State Park, Sandstone Falls State Park, Grandview State Park, and ending at Hawks Nest

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<sup>106</sup> *Draft RMP*, 2.

<sup>107</sup> *Draft RMP*, 2.

<sup>108</sup> *Draft RMP*, 5.

<sup>109</sup> *Draft RMP*, 5.

<sup>110</sup> Elizabeth Thrush, "Summers Resident Proposing New River Gorge Bridal Trail," *Fayette Tribune*, April 15, 1985.

State Park. Currently, there are no horseback riding facilities or riding trails on any of the aforementioned parks. Without facilities and riding trails, it would not be possible to use these areas since there would be a conflict with other current recreation pursuits . . . Additionally, since the proposed bridle path traverses the New River National Scenic River Area (sic), it would be necessary to coordinate any such proposal with the National Park Service . . . Existing state parks bordering on the New River are relatively small in acreage and extensively developed. Horseback riding is not a planned activity on these areas, and therefore, would conflict with long established public uses. All of our state parks have Master Development Plans and we try to adhere to these plans.<sup>111</sup>

Clearly, West Virginia's DNR was not sympathetic to equestrian recreationalists along the New River.

New River's 1987 *Draft River Management Plan* addressed horseback riding. Like the *GMP*, the *RMP* allowed riders access to the gorge. Twenty miles of trails discussed in 1983 were to accommodate both hikers and horses. The *Draft RMP* recommended separation of hiking and equestrian trails whenever practical to minimize user conflict. Although in 1985 the superintendent stated that the Park Service had no plan to establish a dedicated riding trail within the park, the *Draft RMP* still suggested a bridle trail the length of the park.<sup>112</sup> The *Draft RMP* foresaw problems with terrain and with crossing private land within park boundaries and noted that NPS needed to develop areas for loading horses. The *Draft RMP* projected the completion of planning for a bridle trail by 1991 and starting construction by 1993.<sup>113</sup>

One of the prescriptive objectives of the *Draft RMP* called for the development of an integrated, park-wide trail plan by 1991. It sought participation by the West Virginia Scenic Trails Association (WVSTA), the Horsemen's Association, and other trail users. The NPS prioritized the *Trail Plan* in 1987 as a 2 on a 3-point scale, mainly because of staffing and budget limits.<sup>114</sup> In 1989, the Park Service's Denver office assembled an initial trail concept plan and presented it as the *Trail Plan*. It identified four separate units in the system: the Mary Draper Ingles trail, nine spur trails, trails constructed at major tourist facilities including Sandstone Boardwalk and the Thurmond-Minden Trail, and pre-existing primitive trails.<sup>115</sup>

In 1990, the Appalachian Mountain Club (AMC) signed a cooperative agreement with the Park Service to field check existing and potential trails, and other specific trail segment proposals. Also in 1990, Superintendent Joe Kennedy corresponded with John D. Linahan, superintendent of Buffalo National River, Arkansas, about its policies on

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<sup>111</sup> Letter, WV DNR to Deborah L. Lowe (Secretary, Summers County Horsemen's Association), March 28, 1985, MPF, Box 1, 3815.

<sup>112</sup> *Draft RMP*.

<sup>113</sup> *Draft RMP*.

<sup>114</sup> *Draft RMP*, 50.

<sup>115</sup> Bobinski, *Planning Documents*, 26.

horse use, stating that the park's policies regarding horses were under review.<sup>116</sup> Linahan replied that Buffalo River had one campground designated exclusively for visitors with horses and others were being considered. All commercial operations dealing with horseback riding required a commercial license.<sup>117</sup> Both parks considered standards for maximum group size, number of stock per trip, use of park roads, picketing stock, removal of feces, use of vehicle support for overnight trips, carrying feed, and overnight camping associated with commercial horse use.

Horseback riders, fearing the banning of horseback riding in the park, flooded the park with comments. Doug Wood, of WVSTA, questioned "why the National Park Service restricted the club [AMC] from studying the potential for development of equestrian trails and of trails over private lands which lie within the national river boundary."<sup>118</sup> Wood saw horseback riding as a historical use of the land. Many others, however, shared NPS's view that horses caused adverse impacts, including being the primary cause of girdling of trees (removing a band of bark around a tree).

The AMC's research considered topography, flora, fauna, endangered species, and historic resources. In 1992, later than scheduled in the *Draft River Management Plan*, park Superintendent Kennedy released a draft of the *Trail Plan* and requested public comments. The AMC recommended 38 trails totaling over 62 miles.<sup>119</sup> Peter Jensen, et al., published *A Trail Development Plan for the New River Gorge National River* for the Park Service in 1993.<sup>120</sup> They recommended that New River develop equestrian, hiking, mountain biking, interpretive, and wheelchair-accessible trails—a multiple-use trail system. It would feature self-guided interpretative facilities and programs for trail information, education, and monitoring.<sup>121</sup>

The *Trail Plan*, however, did not recommend extensive bridle trail facilities. Horse riders are currently allowed on abandoned roads, gravel bars, and backcountry trails unless stated otherwise. Most trails and developed areas do not allow horse use. No prominence is given to horse use on the park web site nor in printed literature. Commercial horse use including horse packing is allowed in the park, but this requires an Incidental Business Permit and larger groups require a Special Use Permit. Although horse use was originally proposed for the Kaymoor Trail and for trails in the Glade Creek watershed, ultimately use of these trails was restricted to hiking.

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<sup>116</sup> Memo, John Linahan (Superintendent, Buffalo National River) to Joe Kennedy (Superintendent, NERI), November 1, 1990.

<sup>117</sup> Memo, Linahan to Kennedy, November 1, 1990.

<sup>118</sup> Letter, Doug Wood (WVSTA) to Joe Kennedy, April 1, 1992.

<sup>119</sup> Bobinski, *Planning Documents*, 26. Counting exact numbers of trails depends on how segments are treated.

<sup>120</sup> Peter Jensen, Dennis Regan, and Jeffrey L. Marion, *A Trail Development Plan for the New River Gorge National River* (Philadelphia, PA: NPS Mid-Atlantic Region, 1993).

<sup>121</sup> Bobinski, *Planning Documents*, 26.

By the 1990s, the park recognized over 74 miles of trails comprising 34 trail units. Some were multiple-use trails with trailheads offering portable toilets, signage, and interpretive information (Figure 2). The informal trails created by hikers, bikers, and rock climbers had grown dramatically. This growth caused the Park Service to evaluate each trail on a case-by-case basis for inclusion in the trail network.<sup>122</sup> Brochures were produced for trails in different parts of the National River (Figure 3).

Throughout the 1990s trails in the park were gradually constructed or re-conditioned. Trails at Canyon Rim and at former Grandview and Sandstone Falls State Parks were up-graded for expected heavy day-use. Sandstone Falls required extensive construction of boardwalks, especially to provide access for users of wheelchairs. Mountain biking presented an issue that was not considered extensively in 1983 by the Park Service, but which needed to be accommodated in the park. Today, the Thurmond-Minden Trail, Cunard-Kaymoor Trail, Brooklyn-Southside Junction Trail, and service roads throughout the park provide recreational options for mountain bikers. According to the current web site, the park allows bicycle use on all open roads, including park administrative roads: the Cunard-Kaymoor (5 miles), Brooklyn-Southside Junction (6 miles), Thurmond-Minden (3.2 miles), Stonecliff (4 miles), and Bluestone Turnpike (8 miles). Most of these “administrative roads” (total 26.2 miles) are also listed as bike trails.<sup>123</sup>

Many other trails are restricted to hikers only. Besides the day-use trails and the Glade Creek system noted above, trails to overlooks and climbing areas and steeper trails are often restricted: the Liang, Long Point, Endless Wall, and Kaymoor Miner’s Trails, for example. A 2005 park report on natural resource damage indicates that horse trails increase “soil erosion, muddiness, and gradual trail widening. . .”.<sup>124</sup> The report states that biking potentially has the same effects and it recommends careful site selection for such trails. The history of policies towards trails in the park is not finished.

Rock climbing, barely mentioned in the 1983 *General Management Plan*, had become “an appropriate recreational use” in the 1987 *Draft River Management Plan*. Initially, climbing within New River was concentrated on the northeast side of the river

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<sup>122</sup> Bobinski, *Planning Documents*, 26.

<sup>123</sup> <http://www.nps.gov/neri/bktrails.htm>, accessed 1 November 2005. Contradictions and differences between different pages on the NERI web site need to be reconciled by NERI managers. For example, the Bluestone Turnpike does not appear on the bike trails map and it is noted as a hiking trail on the list of trails at <http://www.nps.gov/neri/trails.htm>. But at <http://www.nps.gov/blue/pphtml/activities.html> mountain biking appears as a recommended use of the trail. A systematic review of information made available to the public is recommended, and perhaps of policies.

<sup>124</sup> *Park-wide Perceived or Potential Threats to Natural Resources at New River Gorge National River* (Philadelphia, PA: NPS, Northeast Region, Natural Resource Stewardship and Science, 2005), NPS-D201, December 2004 (Revised March 2005), 88-89, 89 p. A pdf file of this report is at: [http://www.nps.gov/nero/science/FINAL/NERI\\_Assess/NERI\\_Assessment4.pdf](http://www.nps.gov/nero/science/FINAL/NERI_Assess/NERI_Assessment4.pdf), accessed October 18, 2005.



between Lansing and Beauty Mountain. According to the *Draft RMP*, rock climbing was becoming increasingly popular, and 100 to 200 people often climbed in that area on summer weekends.<sup>125</sup> The *Draft RMP* called for the Park Service to work closely with climbing groups to establish a volunteer search and rescue team, and to establish specific guidelines for commercial climbers.<sup>126</sup>

The first recorded climb in the gorge occurred in 1975. The extensive escarpment that rims much of the western portion of the gorge is composed of Nuttall sandstone, which is renowned by climbers as some of the finest quality climbing rocks in North America.<sup>127</sup> This reputation counters the statement in the 1983 *GMP* that “the sandstone rocks provide rather unstable support.”<sup>128</sup> In 1977 and 1978, routes were established at the North Bridge Wall, Junkyard Wall, and Beauty Mountain. In 1979 the Endless Wall became accessible.<sup>129</sup> The rising popularity of this area ushered in the “New Age” of climbing in 1983.<sup>130</sup>

The late 1980s brought new technology and attitudes to climbing in the gorge. Earlier climbers practiced clean climbing, i.e., they removed equipment used for the climb when through. Increasingly, climbers practiced ‘sport climbing’, leaving bolts permanently installed in the rock face for future climbs. Battery-powered drills replaced old hand-held star drills, cutting drilling time from roughly one-half hour to fifteen seconds per bolt, making the job quick and efficient.<sup>131</sup> The first New River climbing guidebook (issued in the 1980s) listed about 30 bolts. By 1991, the number grew to 2,000. The 1993 guidebook listed 452 sport climbs and estimated around 4,000 bolts.<sup>132</sup> In 1995, the Park Service banned the use of power drills in the park because of concern about possible resource impacts from the sudden increase in new routes. The use of hand drills was still permitted. The ban on power drills was very effective in controlling the proliferation of fixed anchors on NPS property, and limited the creation of new routes.<sup>133</sup> Since the 1990s, several new guidebooks have appeared, including ones with

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<sup>125</sup> *Draft RMP*, 5.

<sup>126</sup> *Draft RMP*.

<sup>127</sup> National Park Service, *Draft Climbing Management Plan/Environmental Assessment*, May 2003, NERI Headquarters Library, Glen Jean, West Virginia, 3.

<sup>128</sup> *GMP*, 80-81.

<sup>129</sup> David Rapp, *A Climbing Summary: Uses and Impacts at New River Gorge National River, Gauley River National Recreation Area, Meadow Wild and Scenic River*, July 15, 1993, MPF, Box 65, L3423, 2-3.

<sup>130</sup> *Draft Climbing Plan*, 2. The final report, released April 2005, is U.S. Department of the Interior, NPS, *Climbing Management Plan/Environmental Assessment, New River Gorge National River, West Virginia* (Denver, CO: Denver Service Center, April, 2005). It is available at [http://www.nps.gov/neri/pdf/neri\\_finalcmp.pdf](http://www.nps.gov/neri/pdf/neri_finalcmp.pdf).

<sup>131</sup> Rapp, *A Climbing Summary*, 2.

<sup>132</sup> Rapp, *A Climbing Summary*, 2.

<sup>133</sup> *Draft Climbing Plan*, 11.

details on climbs on the Endless Wall (Figures 4 and 5).<sup>134</sup>

By the early 1990s, problems developed between climbers and landowners. Several conflicts occurred at the south end of Beauty Mountain, resulting in the closure of the area to climbers. Local climbers asked all climbers to avoid Meadow River to avert conflict there as well. In 1993, the latest climbing guidebook listed 1,232 climbs, of which one third were situated on private lands, leaving climbing in those areas up to property owners.<sup>135</sup>

In 1988, the American Alpine Club Access Committee (ACCESS) and a local climbing group met with Park Service members to discuss issues of land acquisition. Stuart Pregnall, an ACCESS member, discussed some of the problems climbers were facing in a letter to park Superintendent Joe Kennedy.

The main issue facing climbers at the New River at the present time is preservation of recreation access. As you know, climbing has been taking place at the New River for many years. Land owners have either overlooked our presence or been unaware of the various recreation activities. But now that increased numbers of climbers and others are visiting the area, it is inevitable that there may be occasional access complications. . . . I believe that there are many benefits to be gained by securing recreation access for other park visitors besides just climbers. Over the years, various climbers and other outdoorsmen have established a virtual loop system that traverses the rim of the gorge to the Visitor's Center upriver to Beauty Mountain and back. Some of this trail is presently too rough for casual hiker's use, but there are certainly parts of it that are very pleasant walking.<sup>136</sup>

Mr. Pregnall's observations regarding increasing numbers of climbers and other visitors to the park caused the climbing groups and the Park Service to consider actions aimed toward ameliorating the situation.

By 2000, the success of rock climbing in the park resulted in overcrowding. On some of the easy-to-reach, beginner routes—such as the Bridge Buttress and Graveyard Wall—groups of people were climbing dangerously close to others right over top of them. In November, 2000, a group of climbers and climbing outfitters met with the park to discuss the future of rock climbing in the gorge. They discussed four issues: how to limit the impact of climbing on the ecology and historic sites in the gorge, determining the appropriate role of commercial outfitters who then numbered 15, deciding whether new parking areas and access points were needed, and establishing an interpretive/educational program to benefit all park visitors.<sup>137</sup> Trail construction in climbing areas was a high priority (Figure 6).

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<sup>134</sup> For example, Steve Cater, *New River Gorge: Select Rock Climbs* (Fayetteville, WV: King Coal Propaganda, 1997).

<sup>135</sup> Rapp, *A Climbing Summary*, 5.

<sup>136</sup> Letter, Stuart Pregnall (American Alpine Club, Access Committee) to Joe Kennedy (Superintendent, NERI), February 12, 1988, MPF, Box 17, L34, 2.

<sup>137</sup> "Success of Rock Climbing is Overcrowding," *Charleston Gazette*, November, 2000.

The goals of the plan were to protect the park's natural and cultural resources while continuing to provide a high-quality rock-climbing experience (Figure 7). To achieve the goals, the Park Service intended to build partnerships with climbers, climbing groups, and commercial organizations to manage climbing. While developing the plan, NPS solicited extensive input from climbers and the public generally, and from commercial outfitters.<sup>138</sup> The Park Service conducted public meetings in October 2000 and April 2001. It also mailed a newsletter to the park mailing list, soliciting input on management of climbing in November 2000.<sup>139</sup> During 2001 and 2002 NPS staff analyzed this information and the park released the *Draft Climbing Management Plan, Environmental Assessment* in May 2003.<sup>140</sup>

The *Draft CMP* described and mapped current climbing locations and identified a preferred alternative to resolve conflicts. It recommended improvements to ladders and access trails, the designation of group climbing areas, and a determination of the use of fixed anchors and chalk. The plan also recommended an outreach program to foster safe climbing, a leave-no-trace ethic, and a partnering program. To protect Peregrine Falcon habitats, it suggested a voluntary compliance program and/or preemptive closure of climbing areas be instituted.<sup>141</sup> The park released the final report, *Climbing Management Plan/Environmental Assessment, New River Gorge National River, West Virginia*, in April 2005, including an extensive appendix of public input.

## CHANGING TIMES IN RECREATION: HUNT CLUBS AND EXTREME SPORTS

During the 1990s two new trends started becoming evident in recreational use at the New River Gorge National River and the Gauley River National Recreation Area. Both trends were, in a sense, due partly to events beyond the park boundaries. The first affected the older, traditional users of park lands, hunters. The second brought a heightened sense of excitement and a new population of users, people involved in competitive, extreme sports.

Hunters had visited lands in and around the gorge since long before the authorization of the park. During the many generations when the land was owned by coal, rail, timber, and other large corporate interests, hunters had been accustomed to going where they pleased, when they pleased. They thought of it as unrestricted public land. This began to change as land-holders started leasing their lands to private hunt clubs. More and more land around the park gradually became off-limits to local and regional hunters. Chief Ranger Gary Hartley commented in 2004:

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<sup>138</sup> *Draft Climbing Plan*, 3.

<sup>139</sup> NERI, *Climbing Management Plan/Environmental Assessment*, 8-9.

<sup>140</sup> Bobinski, *Planning Documents*, 24.

<sup>141</sup> Bobinski, *Planning Documents*, 24-25.

Where traditionally people have hunted for years and years and years, now all of a sudden, a few people get together, it's now a private hunt club. It's posted as 'No Trespassing' and you've got to pay money to join the hunt club. And sometimes they have limited membership so it's just their land. We've seen several of these hunt clubs growing up and taking *large* portions of land around the park.<sup>142</sup>

The increase of hunt clubs, added to the rapid rise of residential development around the park, has led to a change of heart among some local residents about federal ownership of land. The park has become more important as a place for hunters. Hartley said that he had witnessed a big change in attitude since 2000.

I've seen a change just in the time I've been here between some of the old timers who were "Well, we don't like that government land, they have all these regulations and tell you what to do" to now I've got them coming in here and going: "Well, I wish the government would buy more land, because then it would be open for me to hunt."<sup>143</sup>

This trend, of course, could only occur at this park and the small handful of National Park System units which permit hunting. The vast majority of national parks do not.

The other new trend emerging since 2000 – extreme sports – had precedents at the New River Gorge. The big activities since the 1970s in the gorge were white-water rafting and kayaking, rock climbing, and – on Bridge Day at least – BASE jumping. BASE jumping (*B*uilding, *A*ntennae, *S*pan, *E*arth) at the New River Gorge has meant parachuting off the New River Bridge. (This is discussed more fully in Chapter 8.). These highly active sports naturally attracted energetic and sometimes competitive practitioners. A corner was turned, however, as national and international magazines started to recognize the attractions of the gorge and as local companies and the Chamber of Commerce began sponsoring and promoting large competitions.

Just weeks after terrorists crashed airliners into the World Trade Center in New York City on September 11, 2001, the world rafting championships were held at the New River. Ironically, they had been scheduled for a river in South America, but they were shifted because of political instability there. Although 9/11 didn't stop the event at the New, it did restrict it: Kayaking events were cancelled since competitors could not fly in their boats. Nevertheless, this event had never been held in the United States before, so holding it at the New and Gauley Rivers attracted a lot of attention. The best teams came from Germany, Czechoslovakia, Canada, Britain, and elsewhere. Events included one-on-one double elimination sprints, a slalom course, and, as a grand finale, a shot-gun start, all-in-together, downstream race the full length of the Gauley NRA, with double the usual cubic-feet-per-second flow (4000 instead of 2000 cfs). With palpable excitement, Gary Hartley recounted this transforming event.

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<sup>142</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

<sup>143</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

Although the Park Service certainly has provided the venues for extreme sports events and permits them and oversees rescues, it has not promoted them. Magazines have contributed. *Sports Illustrated* in 2004 had a full spread on sport climbing in the gorge. *National Geographic* selected the New River Gorge as one of four “Best Adventures” in 2003, along with Yosemite National Park. *Climbing* magazine featured the gorge on its cover and rated the climbing there as one of the best crags in the country.<sup>144</sup>

One voluntary, recreational organization has worked closely with the Park Service on an important event. The New River Alliance of Climbers (NRAC) organized the East Coast Climbers Rendezvous, beginning in 2003. Several hundred climbers have attended this event, making it the largest gathering of rock climbers on the east coast. Because NRAC has volunteered time for trail construction and steep slope rehabilitation, the park let them use the Burnwood shelters for the event.<sup>145</sup>

Moreover, the bigger commercial whitewater rafting companies began promoting multi-day, multi-activity package trips. Likewise, they have helped organize multi-event competitions such as Captain Thurmond’s Challenge. This event, started in the 1990s, has included a bicycle leg to Cunard, rafts or kayaks to Fayette Station, and a run up out of the gorge to Fayetteville. Even Superintendent Pete Hart entered in the late 90s as a runner on a team with two other competitors.

Following in the wake of this annual, anticipated event have been several others. ACE Rafting Company and Nissan have organized a formal triathlon, including a swimming leg from Stone Cliff to Thurmond. The Park Service has provided a “sweep” at the end of the race, i.e., a staff member travels the race route to be certain no competitor has been left behind. A bigger management challenge, however, has been the “Endorphin Fix.” This event lasts three full days, 24 hours per day, much like the well known Eco-Challenge. It includes high-lines over creeks, running, orienteering, kayaking, etc. As Ranger Hartley put it, these events have “changed the park a little bit” in its relations with the community. While promotion and organization is done by private interests or the Chamber, the Park Service must be involved. In his 2004 interview, Hartley contrasted such events with the more casual tourists and the change in management this brings.

In one way, . . . we want to support promoting the park and getting people here, but in another way, it’s certainly much easier to manage the park when they’re *not* here. [laughter] You know, when they just come here as normal visitors, they come to the visitor center, they walk out to the overlook, they look at the gorge *from* the overlook, they go back to their cars and leave. It’s much easier than having somebody in the park for twenty-four hours a day, for several days, racing and biking and hiking and climbing. But as far as a creative economy in West Virginia and trying to promote a *green*

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<sup>144</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

<sup>145</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

economy, you know, bringing in tourism and showing that parks are valuable and sustainable and it can bring folks in, it's an interesting management trend that we are seeing with the extreme sports in the national parks.<sup>146</sup>

Ranger Hartley made it clear that he enjoyed the challenge of management of these exciting events and that he was glad to have them in the parks where he oversaw law enforcement and search and rescue.

Just as mountain biking was not anticipated in the 1983 *GMP*, these organized competitions came along as an unexpectedly important part of recreational activity on the New River and its sister units. To the credit of the National Park Service, its staff continually has adjusted to these new developments, while bearing in mind that their primary goal is preservation of the land and its resources. More challenges will certainly emerge in future years.

## CONCLUSION

Recreational demands on the New River Gorge National River and the Gauley River National Recreation Area – not so much on the Bluestone National Scenic River – increased dramatically during the 1990s and after 2000. The increased demand is not just a matter of numbers, but also concerns the kinds of activities visitors engage in.

The development of Park Service recreational management policies resulted from increased user demand on park resources. The completion of the I-64 corridor, U.S. 19, and New River Gorge Bridge opened the way for greater numbers of visitors, who came to whitewater raft, sightsee, mountain bike, rock climb, and hike. These new user activities were superimposed on the more traditional activities of hunting and fishing. In some instances, this caused conflict, resulting in new park policies.

As area recreationists have noted as needing attention is information offered to the public. Brochures and web-based information are incomplete, ambiguous, or even contradictory regarding questions like horse use, trails allowing mountain biking, or available camping facilities. While the Park Service has made progress communicating with the public, more remains to be done.

With recreation concentrated on the New River, trails, and other limited areas, user conflicts have been inevitable and have required active management. Anglers and boaters, mountain bikers and hikers, heritage tourists and other recreationists: all share limited resources to different ends. This has presented continuing management problems.

Through the years the Park Service has worked closely with the West Virginia DNR, state parks, and the Whitewater Advisory Board (WWAB). It has also engaged the

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<sup>146</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.

public in the decision-making process on the development of the river, trail, and climbing plans. The WWAB also sought public input prior to making its decision regarding river use levels. In all cases, the DNR, the Park Service, and the WWAB have demonstrated their belief that public comment is vital to the park's planning process.

This story illustrates that new generations introduce new recreational activities and demands. The charge to the Park Service to help the public use and enjoy the New River Gorge National River requires park managers to consider these new recreations in planning park management. Mountain biking and rock climbing were not considered extensively in 1978 or 1983, but as these activities have grown in popularity, so has park's attention to their management.

Since the 1990s, New River Gorge National River (and to a lesser extent, the Gauley and Bluestone units) have witnessed a dramatic increase in extreme sports activity and in commercial use. After 2000, the parks required a position specializing in issuing permits for tours, guide services for rock climbing, competitive events, etc. The number of permits tripled between 2000 and 2004. As Gary Hartley said in his 2004 interview: "I think it's one of the areas that will be a driver for this park in the future."<sup>147</sup> One perspective on this is that the region is experiencing a transformation to a "green" economy, based on sustainable tourism and recreational activity. The presence of the New, Gauley, and Bluestone NPS units has certainly contributed to this transformation. The National Park Service has also had to adjust to this change.

This places these National Park Service units of southern West Virginia in a peculiar situation. More popular than ever, visited more frequently than ever and for a greater variety of activities, these park units have gradually become integral to and essential to the economy of the area. The parks are more visible nationally and even internationally than ever before. Even traditional users such as hunters and anglers increasingly appreciate the necessity of public lands for their activities. And yet, as pressures on land use have increased yearly, suspicion of the intentions of state and national government agencies remain. This essential tension between the National Park System and its various publics will continue to condition management decisions at the New River Gorge and its sister units into the next generation.

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<sup>147</sup> Gary Hartley, interviewed June 22, 2004, by Lynn Stasick.



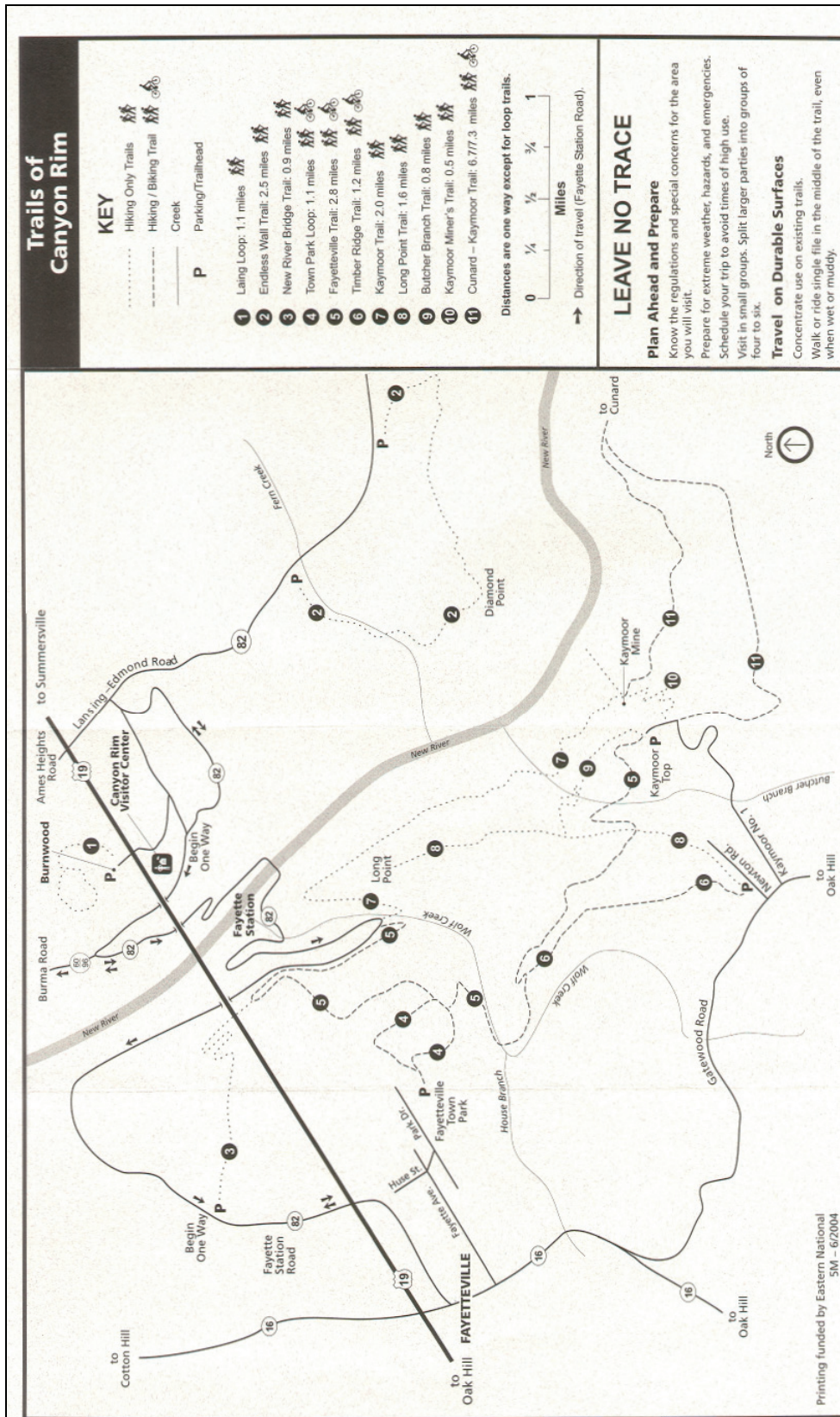


**Figure 38.** Rafters on the New River, just above Fayette Station Bridge, 2006. Photograph by Gregory A. Good



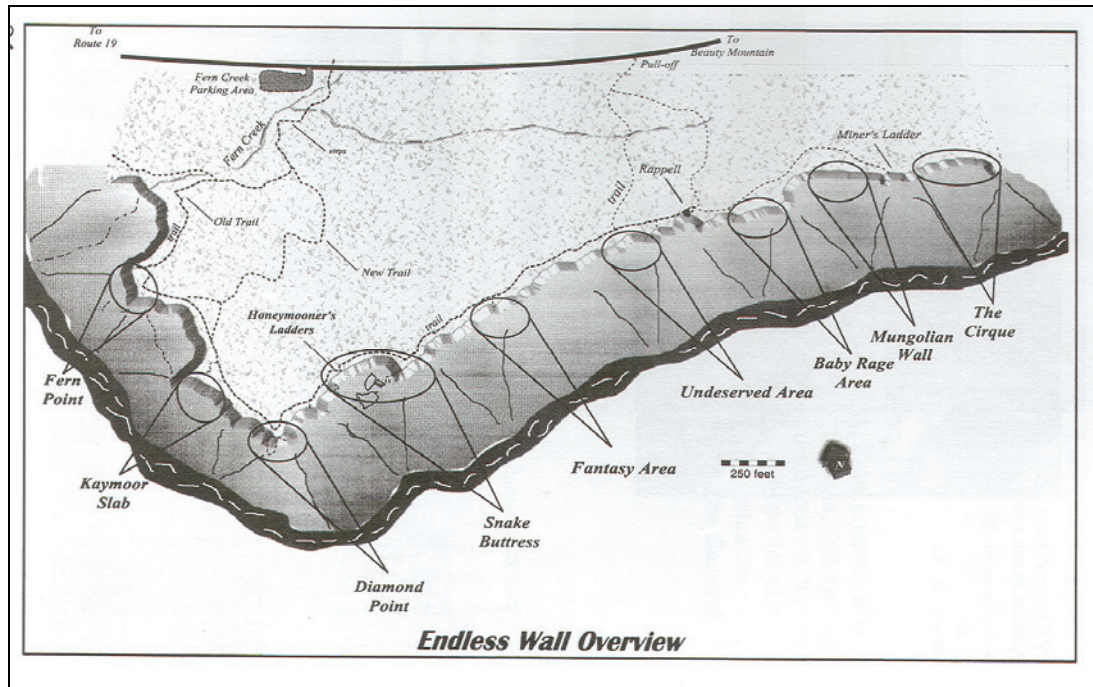
**Figure 39.** Trails at the National River are clearly marked and generally in good repair, 2006. Photograph by Gregory A. Good.





**Figure 40.** The trails brochure for Canyon Rim, including Kaymoor area. Courtesy of New River Gorge National River.





**Figure 41.** Overview of the Endless Wall, from Cater, 1997, 34. Permission of the author.



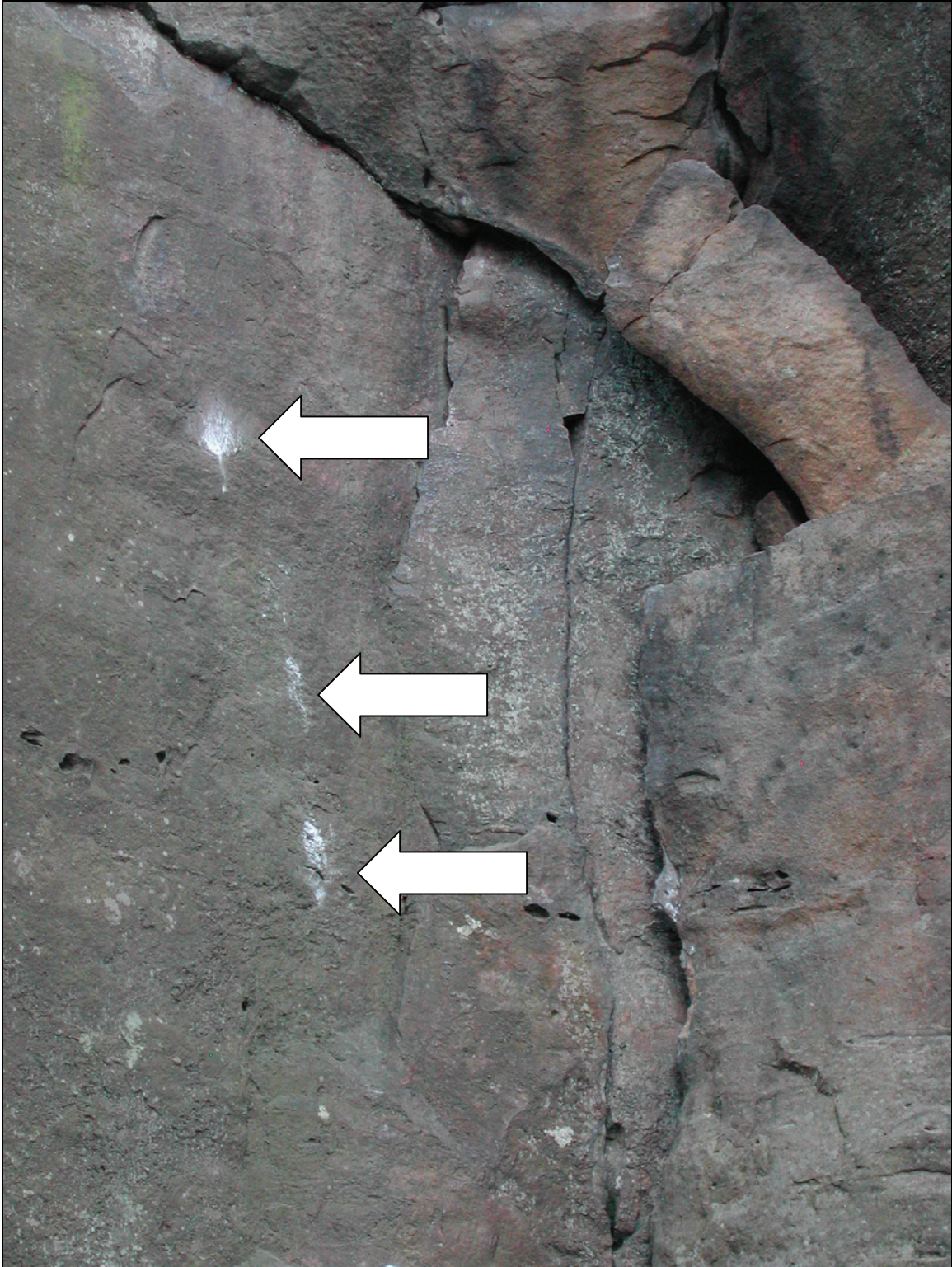
**Figure 42.** The Endless Wall, seen through the afternoon haze from the Kaymoor Trail, on the west side of the gorge, 2006. Photograph by Gregory A. Good.





**Figure 43.** Climbers' Trail, near Fayette Station, under the New River Gorge Bridge, 2006. Climbing areas often experience heavy trail erosion, which requires robust trail construction. Photograph by Gregory A. Good.





**Figure 44.** A climbing route at the New River, traced in chalk, used by climbers to improve friction, 2006.  
Photograph by Gregory A. Good.

## CHAPTER EIGHT

# WORKING WITH VISITORS

## INTRODUCTION

When the New River Gorge National River was authorized in 1978, the visiting public consisted of two primary groups: traditional users (mostly local) and white water enthusiasts (largely coming from a distance). These two groups remained important through the 1980s and 90s and into the new century, but other visitors have joined them. New users have included rock climbers, hikers, and people interested in heritage tourism. Moreover, as private lands surrounding the park have moved progressively more toward second-home development and private hunt clubs, even traditional users such as hunters and anglers have adjusted both their attitudes toward the park and their activities. The Park Service staff has adjusted its policies and activities to meet these diverse needs.

As New River has developed, and as Gauley River and Bluestone River have claimed more attention of managers, policy issues have arisen over cultural and sporting events and the development of park facilities to accommodate large-scale park visitation. Certain locations attract the most visitors: visitor centers, put-in/take-out points on the New and Gauley Rivers, and former state parks that were incorporated into the park in the 1980s and 1990s, for example. This chapter explores the dynamics of policy development and conflict resolution concerning issues like placement of visitor centers such as Canyon Rim, the construction of stairs and overlooks at Canyon Rim, the boardwalk at Sandstone Falls, and determining functions of those facilities. Other issues have surrounded Bridge Day, the biggest event of the year at the park. The festival's development, legal questions about BASE-jumping and bridge trespass, and questions about allowing pedestrians on the catwalk under the bridge have all been controversial. BASE-jumping involves individuals with parachutes, jumping from fixed objects, such as the New River Gorge Bridge. Other "extreme sports" have become more and more popular in the park since the 1990s and have stretched the efforts of law enforcement and visitor services more each year.

Other large crowd events include Theatre West Virginia at former Grandview State Park (now simply Grandview) every summer. The transfer of Grandview to Park Service authority presented (and still presents) administrative challenges. Lastly, access by car within the park has been difficult since the park was created in 1978. Although tourists can motor through the park following an "auto-tour," roads on the steep sides of the

gorge are difficult to maintain and the as-yet uncompleted New River Parkway along S.R. 26 (River Road), which passes by Sandstone Falls, has been very controversial.

These issues provide the major contexts within which the Park Service has addressed issues of mass tourism. The completion of I-64, foreseen when the park was created in 1978, would surely increase the number of tourists, at the same time that sporting and cultural events were being developed by NPS, the West Virginia governor and state Division of Highways, and Theatre West Virginia. Long-term goals for land-based recreation, and the means to achieve them, had to be planned. First efforts in this direction, laid out in the 1983 General Management Plan, set the stage for many more decisions.<sup>1</sup>

The NPS planned in the *GMP* to facilitate mass tourism through combined federal, state, and private developments. Private developers were to be responsible for providing lodging. The automobile continued to be the major mode of access to New River Gorge. Initially the park planned the most use for the park's northern end because of better roads there, but the completion of I-64 made the southern end more accessible.<sup>2</sup> NPS planned to use the Thurmond-to-Prince Road through Thayer and the former McKendree Hospital site (the McKendree Road, S.R. 25) for inner gorge sightseeing. It also planned to develop Canyon Rim, Fayette Station, and other areas for picnicking, fishing, and sightseeing.<sup>3</sup> But the 1983 *GMP* left many issues of mass tourism unresolved. This chapter addresses the history of these issues.

## CANYON RIM VISITOR CENTER

One of the first issues the Park Service addressed after New River received National River designation was placement of visitor centers and contact stations. In April 1980, West Virginia DOH informed NPS that the WV DNR would no longer supervise the Canyon Rim site, a property owned by DOH. DNR also withdrew its previous plans to acquire land and develop a state park in the vicinity. NPS responded that preliminary planning reports indicated the site was the best location in the National River for providing information about the park and services and facilities for the traveling public.<sup>4</sup>

The Acting Regional Director of the National Park Service Mid-Atlantic Region, James W. Coleman, Jr., urged DOH Commissioner Charles L. Miller to donate the land

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<sup>1</sup> NPS, *General Management Plan Summary and Summary of Public Response to Draft Plan*, 1983.

<sup>2</sup> *GMP*, 20.

<sup>3</sup> *GMP*, 20.

<sup>4</sup> Letter, James W. Coleman Jr. (Acting Regional Director, NPS Mid-Atlantic Region) to Charles L. Miller (Commissioner, WVDOH), April 11, 1980.

to NPS for developing a visitor contact station on the site.<sup>5</sup> In late April, 1980, Commissioner Miller indicated that DOH favored the land transfer. DOH Right-of-Way Division then developed a donation deed and agreement and donated the ten-acre property.<sup>6</sup>

In 1983, NPS established a rudimentary visitor center on the site. The facility included two pre-fabricated buildings: a small visitor center in one, basic restroom facilities in the other. The site included three overlook platforms, allowing visitors a view of the gorge and bridge. The center primarily oriented and informed travelers on US 19 about regional attractions, park activities, and the location of facilities.<sup>7</sup>

By 1987, the Park Service realized that the Canyon Rim facility was inadequate. Over 177,000 people visited the center that year for information and the view. Inadequate water supply and sewage treatment especially concerned NPS. The existing sewage system only had a capacity of 6,000 gallons per day, and water was trucked in for sanitary use. There was no drinking water.<sup>8</sup>

The NPS released a new *Draft Development Concept Plan* for public review in June 1988, drawn up by the Denver Service Center. It sent releases to local news media about the study and mailed 125 copies to agencies, groups, and individuals on the Park Service mailing list. NPS held a public meeting on June 30 at the Chamber of Commerce Office in Oak Hill and between 35 and 40 people attended.<sup>9</sup>

The meeting described the NPS process used to create the four alternatives offered and why the Park Service favored Alternative B. The plan included an 8,700-square-foot visitor center with orientation information, interpretative exhibits, audiovisual programs, a bookstore, office space, and restrooms.<sup>10</sup> There would be an 80-seat auditorium and alcoves for films. In fall 1989, NPS awarded a \$5.3 million contract to Corte Construction Services of Bluefield, Virginia, the same firm hired to build the park headquarters in Glen Jean. Outside facilities would include more restrooms, parking spaces for 160 vehicles, a picnic area, walkway, and new overlook platforms.<sup>11</sup>

On May 23, 1991, the new center opened to the public (Figure 1). Celebrations included special displays and working exhibits. U.S. Senator Robert C. Byrd and James M. Ridenour, Director of the National Park Service, participated in the opening.<sup>12</sup> Senator Byrd's presence indicated both his involvement and how much importance he saw in the national river. Local artisans and craftspeople displayed their products.

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<sup>5</sup> Letter, Coleman to Miller, April 11, 1980.

<sup>6</sup> Letter, Miller to Coleman, April 23, 1980, MPF, Files 1977-1988, A44.

<sup>7</sup> NPS, *Draft Development Concept Plan* [Canyon Rim Visitor Center], 1988, 3.

<sup>8</sup> NPS, *Draft Development Concept Plan* [Canyon Rim Visitor Center], 6.

<sup>9</sup> NPS, *Development Concept Plan: Public Responses*, 1.

<sup>10</sup> NPS, *Development Concept Plan*, 29.

<sup>11</sup> "Visitor Center Contract for \$5.3 Million Let," *Fayette Tribune*, October 5, 1989.

<sup>12</sup> James M. Ridenour, *The National Parks Compromised: Pork Barrel Politics & America's Treasures*. Merrillville, IN: ICS Books, Inc., 1994, pp. 81-89.

Despite the celebration, there was some opposition to the project. One particular skeptic labeled the facility “an over-priced rest stop.”<sup>13</sup> Others felt that by creating such an impressive, durable, and functional information center, NPS had shown more than simple “good faith” in their treatment of the New River Gorge. Canyon Rim represented a Park Service belief in the importance of the river and its lasting commitment to the preservation of the gorge.<sup>14</sup> Indeed, Canyon Rim Visitor Center received a design award for its architecture. Built of sandstone and red oak, it was meant to harmonize with the landscape of the gorge (Figures 2 and 3).

## SANDSTONE FALLS

The acquisition of Sandstone Falls and Grandview State Parks as donations from the State of West Virginia both resulted from construction of I-64 and the proposed New River Parkway. In 1975, Sandstone Falls had been included in a planned 50,000-acre scenic corridor on the New River between Bluestone Dam and Gauley Bridge. A four-month study, conducted by the Federal Bureau of Outdoor Recreation, indicated that the area did not qualify either as a national park or national recreation area.<sup>15</sup> In the 1970s West Virginia designated Sandstone Falls as a 110-acre state park and developed riverfront, day-use, and picnic facilities. When Public Law 95-625 authorized New River in 1978, Section 1102(a) enabled possible donation of state-owned land, including Sandstone Falls, into the park.<sup>16</sup>

Noting Sandstone Falls’ high scenic significance, in 1985 NPS requested the state to allow them control of the park. NPS wished to bring the property up to Park Service standards. In a letter in March 1985, Douglas D. Ritchey, Superintendent of Pipestem State Park, expressed his pleasure to his regional director about a meeting he had with NPS staff, which produced a cooperative agreement on the park.<sup>17</sup> The state agreed to a one-year lease with NPS to allow improvements at Sandstone Falls before final NPS acquisition occurred. Work was to be completed before coal miners’ vacations in summer 1985. The DNR supported the transfer and called for more money to be budgeted toward the improvements to help prevent vandalism and littering, serious problems at the park.

In the late 1980s, park Superintendent Joe Kennedy proposed that the Park Service locate the visitor center for the southern half of the national river at Sandstone Falls. The remains of the raceway of the early nineteenth-century Richmond Grist Mill

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<sup>13</sup> “Canyon Rim,” *Register-Herald*, May 25, 1991.

<sup>14</sup> “Canyon Rim.”

<sup>15</sup> “Sandstone Park Included in New River Gorge Plan,” *Hinton Daily News*, January 9, 1975.

<sup>16</sup> U.S. Congress, Public Law 95-625, *Congressional Record*, November 10, 1978, 3547.

<sup>17</sup> Letter, Superintendent Pipestem State Park to District Administrator, West Virginia, March 15, 1985, “Sandstone Falls State Park,” Main Park Files Box 2, File A44.



are at the Falls. According to Lorrie Sprague, whose husband, Duncan Holler, was a ranger in the south district of the park at the time, there was a “palace revolt.” The other staff at the park staunchly opposed a visitor center in the environmentally sensitive area.<sup>18</sup> The Flat Rock plant community took priority and Kennedy backed down.

In 1991 the *Environmental Assessment-Proposed Boardwalk and Trail Construction, Sandstone Falls, New River Gorge National River-Draft* (NPS D-58) was prepared by the NPS Denver Service Center. The plan provided four alternatives for allowing access to the falls while providing suitable spots for viewing. NPS opened a public comment period to June 15, 1991.<sup>19</sup> Following the comment period, alternative two was selected. The plan called for construction of a bridge between the parking lot and the first of two islands. An existing boardwalk would then extend to a viewing platform on the second island (Figures 4, 5, and 6).<sup>20</sup>

The boardwalk’s easy accessibility provided the best viewing opportunity while reducing visitors’ desires to wander onto the islands, possibly damaging rare plants and riparian habitat. The design of the handrails also discouraged wandering. Still, NPS realized that some visitors would cross to the fifth island to gain a better view of the falls (Figure 7) and to fish the riverbanks.<sup>21</sup>

The Park Service approached the project carefully. Prior to construction, NPS and the West Virginia Natural Heritage Program surveyed the boardwalk alignment to prevent disturbance of state record trees and rare plants. All materials were transported to the new site using the existing boardwalk and the proposed new boardwalk alignment. To protect rare species, heavy equipment was prohibited on the islands. Construction occurred during low-water periods and silt fences and hay bales minimized runoff. NPS was also concerned that the viewing platform on the second island not be visually intrusive to canoeists, boaters, and those viewing the falls from the S.R. 20 overlook. Hence the platform was situated under the existing tree canopy and surrounded by trees. Sandstone Falls today has this viewing platform and boardwalk, a protected Flat Rock plant community, interpretive signage, fishing, picnic areas, and the remnant of a mill race, which Chief Justice Marshall documented on his 1814 map.

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<sup>18</sup> Lorrie Sprague, interviewed November 17, 2006, by Gregory A. Good.

<sup>19</sup> Clif Bobinski, *Planning Documents Report for New River Gorge National River*, August 16, 2004, 22.

<sup>20</sup> Bobinski, *Planning Documents*, 22.

<sup>21</sup> National Park Service, *Environmental Assessment: Proposed Boardwalk and Trail Construction, Sandstone Falls, New River Gorge National River, West Virginia* (Denver: Department of the Interior, National Park Service, Denver Service Center, April, 1991), 11.

## NEW RIVER GORGE BRIDGE

The New River Gorge Bridge reduced the travel time across the gorge from forty-five minutes down and up narrow winding roads to less than two minutes.<sup>22</sup> Inevitably, such a dramatic bridge (Figures 8 and 9)—876 feet above the river, spanning the gorge in one, 1700-foot long, graceful arch—was bound to attract attention.<sup>23</sup> Governor John D. Rockefeller IV presided over the official opening on October 22, 1977. The bridge was closed to traffic to allow thousands of visitors a chance to enjoy the view and inspect the bridge more closely.<sup>24</sup> Although this was meant to happen just once, Bridge Day was so popular that it became an annual event.

The first official Bridge Day was celebrated in Fayetteville on November 8, 1980. Although people had “BASE jumped” from the bridge surreptitiously and unofficially since 1979, parachutists became “official” on that day. In 1979, two parachutists jumped from an airplane onto the bridge, five parachutists jumped from the bridge into the gorge, and 5,500 certificates were given to people who took the 3,000-foot walk across the bridge.<sup>25</sup> The festival is now celebrated on the third Saturday in October to commemorate the structure’s October 1977 completion.<sup>26</sup> In over a quarter century, Bridge Day was cancelled only in 2001, because of the 9/11 terrorist attacks.

Each year Bridge Day has grown in popularity. The event has not only become West Virginia’s largest one-day festival, but also one of America’s top one hundred festivals. According to Chief Ranger Gary Hartley, interviewed in 2004, about 100,000 people have attended the event annually since 2001. The only change when Bridge Day returned in 2002 was that no traffic was permitted to cross the bridge during the event.

The bridge also has enjoyed the distinction for more than 25 years of being one of only a few legal BASE jumping sites in the country. Members of BASE, a national jump group, hold their annual convention there. In 1981, 28 rappellers and 10 parachutists participated in the event. By 1984, 300 hundred BASE members had leapt from the bridge, and in 1986, an additional 100 participated. People now come from the world over to jump.<sup>27</sup>

Pursuant to federal regulations, National Park Service Policy usually prohibits BASE jumping in its parks, but it is legal at the New River. In an interview with the head of park enforcement, Chief Ranger Gary Hartley explained this situation. In 2001, when park officials signed management policies, BASE-jumping was included despite Park

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<sup>22</sup> <http://www.officialbridgeday.com/facts.html>.

<sup>23</sup> The total bridge length is 3030 feet.

<sup>24</sup> <http://members.citynet.net/skydiver/>. This site, maintained by an early BASE jumper (Jerry Waters), differs in a few details from the “official” site.

<sup>25</sup> <http://www.officialbridgeday.com/facts.html>.

<sup>26</sup> <http://www.nps.gov/neri/bridgeday.htm>.

<sup>27</sup> <http://www.officialbridgeday.com/facts.html>.

Service policy. This action sparked an investigation. But federal regulations included a clause stating that BASE-jumping could be sanctioned if the park superintendent issued a permit. Park officials drew up a proposal pointing this out to NPS officials. Hartley said that when notified, the Park Service director immediately issued a waiver specifically allowing BASE-jumping at New River Gorge, but on Bridge Day only.<sup>28</sup>

Even though the Park Service is inextricably tied to the festival, the bridge and event both fall under the jurisdiction of the WV DOH. But planning is a logistical nightmare and takes the combined efforts of NPS, state and local police, WV DOH, fire and rescue units, and local planning groups including Fayette Chamber of Commerce and Bridge Day Commission.<sup>29</sup>

Hundreds of jumpers arrive at the festival intending to make as many jumps as possible over the six hours allotted. Jumpers who make a safe, dry landing, travel up the Fayette Station Road as fast as possible to stand in line to jump again.<sup>30</sup> Because of this, conflicts between user groups have arisen. Jumpers' needs have conflicted with the rafting companies, nearly 30 in all, who vie for use of the crowded narrow road to capitalize on the day's activities by getting more rafters to the river. And both groups have conflicted with Park Service and police search and rescue efforts.<sup>31</sup> To compound the problem, there have been drivers crossing the bridge who inadvertently were caught in traffic jams on U.S. 19. In addition, coordinating the needs of dozens of rappellers hanging from the bridge for the day has had to be figured in.<sup>32</sup>

In 1983, the death of a 25-year-old U.S. Army officer threatened Bridge Day's future. A jumper had missed the river and landed on the rocks in 1980 and was treated for facial lacerations, but prior to the 1983 death, the only other bridge-related fatality was a suicide. On the October 9<sup>th</sup> Bridge Day, Second Lieutenant Michael Glenn Williams (from Alabama) jumped from the bridge. Witnesses said Williams opened both his main and emergency parachutes before hitting the water. The dual deployment indicated a problem. The river's current then dragged the two full canopies downstream, trailing the man behind for nearly a mile before rescue workers could reach him.<sup>33</sup> A paramedic watching the incident said that at some point the victim submerged beneath the parachutes. The water dragged him under for nearly fifteen minutes.<sup>34</sup> Williams' death prompted WV DOH to consider banning jumping. And when legal questions arose after jump rules and DOH examined its policies, Gary Chernenko, DOH spokesman, offered the department's position in a *Register-Herald* interview:

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<sup>28</sup> Gary Hartley, Chief of Enforcement, NERI, Interviewed June 22, 2004, by Lynn Stasick.

<sup>29</sup> Susan Williams, "Bridge Day Planners Juggle Jumpers, Rafters, Traffic Needs," *Charleston Gazette*, September 16, 1993.

<sup>30</sup> Williams, "Bridge Day Planners Juggle Jumpers."

<sup>31</sup> Williams, "Bridge Day Planners Juggle Jumpers."

<sup>32</sup> Williams, "Bridge Day Planners Juggle Jumpers."

<sup>33</sup> Tom Kukucka, "Bridge Parachutist Drowns After Jump," *Charleston Gazette-Mail*, October 9, 1983.

<sup>34</sup> Terri Thornton, "DOH Eyes Ways to Halt Bridge Jumps," *Register-Herald*, October 12, 1983.

We [the DOH] have never sanctioned it [BASE jumping] and we have been opposed to it ever since the trend caught on. I understand they [jumpers] do it when it's not Bridge Day. But we're not a police agency. We don't have any powers of arrest.<sup>35</sup>

The *Register-Herald* article echoed Chernenko's concerns regarding legal jurisdiction. Staff writer Terri Thornton noted that although state laws prohibit bridge trespass, each year police bent the rules by closing off one lane of the bridge to vehicular traffic. Thornton maintained that this allowed thousands of people free trespass, thus providing anyone the opportunity to surreptitiously jump.<sup>36</sup>

Within a week of the tragedy, Governor Rockefeller said he would consider introducing legislation to ban parachuting during Bridge Day. He issued an announcement, saying:

It's true that 400 or so people jumped [last Saturday] and that some people even came from foreign countries to jump...and that that's a scene of an incredible jumping opportunity, but there was a tragedy, there were the injuries...I feel I have a human and moral responsibility on this...a sense of watching over things.<sup>37</sup>

The governor acknowledged that outlawing parachuting entirely might harm the festival, since BASE-jumping was its biggest attraction. "It's a difficult relation," he said. "A lot of people come to watch just that."<sup>38</sup> But some festival planners saw no problem with the activity.

Doug Maddy, director of the Fayette/Plateau Chamber of Commerce, stated he saw nothing wrong with bridge jumping and resented how the press and broadcast media had covered the tragedy. "We had a tragic thing happen on Saturday. There's no doubt about it...but all they [journalists] could talk about was this bad aspect of this grand and glorious event."<sup>39</sup> In an interview with the *Register-Herald*, Maddy cited one story reporting both the drowning and the death of a 15-year-old boy in a hunting accident in Wyoming County:

If sky-divers are stopped, it would be like trying to stop people from hunting, or white water rafting, or canoeing. Hunting is dangerous. Should we outlaw hunting? Canoeing is dangerous. The New River is dangerous. People have a certain amount of freedom to do things that they want to do...These people absolutely love what they are doing. It's a sport just like deer hunting. I've got an enormous amount of remorse that someone died. But I feel terrible about this 15-year-old boy being killed squirrel hunting.<sup>40</sup>

Contrary to Doug Maddy's assertion, not all newspapers gave Bridge Day bad press. Charles Conner, publisher of the *Register-Herald*, agreed with Maddy about BASE-

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<sup>35</sup> Thornton, "DOH Eyes Ways to Halt Bridge Jumps"

<sup>36</sup> Thornton, "DOH Eyes Ways to Halt Bridge Jumps."

<sup>37</sup> Bob Stiegel, "Rockefeller May Consider Ban on Jumps," *Register-Herald*, October 14, 1983.

<sup>38</sup> Stiegel, "Rockefeller May Consider Ban on Jumps."

<sup>39</sup> Terri Thornton, "DOH Eyes Ways to Halt Bridge Jumps," *Register-Herald*, October 12, 1983.

<sup>40</sup> Doug Maddy, "Publisher's View, Let the Skydivers Jump," *Register-Herald*, November 22, 1983.

jumping. In a November 1983 editorial entitled “Let the Sky Divers Jump,” Conner pointed out that when a young schoolteacher drowned while rafting down the New River several years before, no controversy followed. In the article, he asked and answered his own question.

Did anyone suggest that whitewater be banned? No. Everyone who pays for the privilege of this big thrill knows that risk is involved. . . . As for risk, we put our lives on the line every time we drive to Charleston on the West Virginia Turnpike. We do it so often though, that we are accustomed to the risk.<sup>41</sup>

Maddy’s and Conner’s comments were not taken lightly. Everyone knew that Bridge Day brought thousands of people to the park. The influx of tourists brought business to the rafting companies, restaurants, bars, retail stores, hotels, and other businesses. Banning the event would have been an enormous blow to the festival and to the local economy.

Governor Rockefeller scheduled a meeting with DOH Commissioner Charles Miller, but the Commissioner had already met with DOH staff lawyers. They interpreted state code on trespassing as sufficient to preclude jumping off the bridge. They reasoned that even though there was no state law prohibiting jumping, walking on the bridge was illegal. DOH spokesman Gary Chernenko reiterated that the DOH had opposed bridge jumping from the beginning, but had no enforcement powers to prevent it, relying instead on police for enforcement.<sup>42</sup>

The DOH, however, did not prevail. At Bridge Day in 1984, the *Register Herald* reported 100,000 spectators and 200 jumpers. Jump magazine reported 248 registered jumpers. Since 2001, this celebration has broadened to include “Taste of Bridge Day” and other events in nearby Fayetteville.<sup>43</sup> In 2005, 829 jumps occurred and television networks broadcast the event live to over a million viewers.<sup>44</sup>

The possibility of providing visitor access under the New River Bridge was included in the land-based recreation plans outlined in the 1983 *GMP*.<sup>45</sup> NPS suggested using the catwalk underneath the bridge as another vantage point for inner gorge sightseeing. It planned to investigate the matter further, but made no progress through the 1980s and 1990s. In 2000, Matthew Darpli, an Oak Hill resident and owner of Bridge Climb USA, proposed offering guided walks under the bridge. Darpli argued that a company in Australia provided such tours across the arches of Sydney Harbor Bridge with tremendous success. The 9/11 terrorist destruction of New York’s World Trade Towers in 2001, however, changed perspectives on this idea. Access under the bridge became a security matter. Nevertheless, Darpli returned in 2002 proposing guided walks for a fee of \$60.00 per person. He also proposed offering souvenirs and photo

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<sup>41</sup> Maddy, “Publisher’s View, Let the Skydivers Jump.”

<sup>42</sup> Terri Thornton, “DOH Unable to Halt Jumps From Bridge,” *Register-Herald*, October 20, 1983.

<sup>43</sup> See: <http://www.bridgeday.info/>. Site maintained by jumpers.

<sup>44</sup> <http://www.bridgeday.info/>.

<sup>45</sup> *GMP*, 20.

opportunities. Tour groups of twenty people would cross the catwalk with two guides per group.<sup>46</sup>

Darpli's estimated yearly profits of between \$700,000 and \$1,300,000 sparked interest among Fayette County politicians. He had not included sharing of revenue with the state or county. Delegate John Pino (D-Fayette County) met with Deputy Highway Commissioner Norman Roush to discuss the enterprise. In addition to the revenue issue, Pino expressed concerns about safety, liability, and security. Nothing, however, has come of this proposal. Still, the view of the gorge and the New River Bridge from Canyon Rim provide the most popular single sight in the park.

## GRANDVIEW AND THEATRE WEST VIRGINIA

Grandview, formerly a state park established in 1939, sits on the canyon rim overlooking the New River, 1400 feet above Prince and Quinnimont, in the middle of the gorge (Figures 10 and 11). The rocks and spectacular Rhododendron blooms attracted local picnickers for decades before this part of the New River Gorge rim became a state park. Hikers roamed its five miles of foot trails. In the 1960s, Grandview's Cliffside Amphitheatre began hosting annual, summer, outdoor dramas: "Honey in the Rock" and "Hatfields and McCoys." These plays, operated by Theatre West Virginia, became very popular tourist draws after the opening of I-64 in the 1980s.<sup>47</sup> The state park also had playgrounds, a ball field, overlooks, maintenance facilities, a ranger station, and exhibits.

In 1990, NPS added the 890-acre park to New River. Although not included in the 1982 *GMP*, it was within the original park boundary. One of the state's most popular parks, the facility was nonetheless failing due to inadequate state funding. The state's donation of Grandview to the Park Service was not easy and was the subject of much public debate. Proposed NPS control of the park and construction of new visitor facilities alarmed some citizens.<sup>48</sup> Throughout 1989, state and NPS representatives discussed the acquisition with the public.

Newspaper articles, letters to the editor, and editorials offered opposing views of NPS management of Grandview. Some felt Grandview was one of the state's best facilities and should be retained, but others pointed to needed maintenance of infrastructure. NPS control would transfer the financial burden for upkeep from state to federal government.<sup>49</sup> Further controversy arose over a proposal to donate the park to

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<sup>46</sup> Fanny Seiler, "Legislators Question Gorge Catwalk Plan," *Charleston Gazette*, March 14, 2002.

<sup>47</sup> "Grandview State Park Transferred from State of West Virginia to the National Park Service," June 29, 1990. Main Park Files, Box 33, File D18 Grandview.

<sup>48</sup> Main Park Files, Box 61, File D18. Summary iii-16, page iii.

<sup>49</sup> "Question and Answer Responses," *Register-Herald*, March 22, 1989.

the NPS. Many people felt that donation would be unfair to the state's citizens. The NPS had paid large sums of money to some private landowners for the acquisition of park property, and people felt that since the state was impoverished, the Park Service should pay for Grandview, too.

However, a clause in Public Law 95-625 specified that: "Lands owned by the State of West Virginia or a political subdivision thereof may be acquired by donation only."<sup>50</sup> Local representatives endorsed donation of the park to promote Theatre West Virginia's popular productions. NPS initially agreed to lease the amphitheater to Theatre West Virginia for one dollar per year for twenty years.<sup>51</sup> State Senator Tracy Hylton (D-Raleigh County) sponsored Senate Bill 3 to enact this agreement and Delegate Jack Roop (D-Raleigh County) helped Hylton introduce it into the House, with support from the Natural Resources Commerce Committee.<sup>52</sup> The bill cleared this committee on March 17, 1989, but then had to pass through other committees before going to the full chamber. The Senate Natural Resources Committee approved it, followed by the Finance Committee. The idea appealed to the Finance Committee because it would save the state more than \$100,000 a year. The main obstacle was an agreement with Theatre West Virginia, but after several revisions, a lease acceptable to all parties was finally negotiated.<sup>53</sup>

During the spring of 1989, Governor Gaston Caperton signed the bill, enabling the transfer of Grandview. The governor was not convinced the plan was sound, so the bill included a provision giving the state a year to investigate the idea.<sup>54</sup> The state called a public hearing to discuss the transfer. More than forty residents attended. Some citizens expressed concerns regarding NPS management policies, but few opposed the plan.<sup>55</sup> Delegate Roop and Senator Hylton pointed out that the transfer would promote greater employment and economic growth.<sup>56</sup>

Many citizens in favor of NPS control agreed with Roop and Hylton, and compared the proposed progress at Grandview with the progress made at Canyon Rim Visitor Center. Local residents wanted basic modern facilities, including running water and upgraded sewage.<sup>57</sup> They felt that federal administration of Grandview would increase tourism.<sup>58</sup>

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<sup>50</sup> U.S. Congress, Public Law 95-625, Section 102 (a), *Congressional Record*, November 10, 1978, 3547.

<sup>51</sup> Howard C. Mayes, "Why 'Give' Grandview to National Park Service?" *Register-Herald*, March 8, 1989.

<sup>52</sup> Debra Legg, "Senate Still Probing Grandview Transfer," *Register-Herald*, March 16, 1989.

<sup>53</sup> Debra Legg, "Senate Committee Approves Transfer of Grandview Bill," *Register-Herald*, March 17, 1989.

<sup>54</sup> Debra Legg, "Caperton Signs Park Bill," *Register-Herald*, April 27, 1989.

<sup>55</sup> "Senate Still Probing," *Register-Herald*, March 16, 1989.

<sup>56</sup> Brian Bowling, "Friendly Grandview Hearing a Break for Officials," *Register-Herald*, December 14, 1989.

<sup>57</sup> Lorraine Carper, "Grandview Would Benefit Under NPS," *Register-Herald*, April 12, 1989.

<sup>58</sup> "Q & A Responses," *Register-Herald*, March 22, 1989.

In March 1990, Hylton and Roop successfully pushed the legislation allowing transfer of Grandview to NPS.<sup>59</sup> As part of the plan, West Virginia's Department of Commerce operated the park until September 30, 1990, with the Park Service assuming management responsibility on October 30.<sup>60</sup> The superintendent of Grandview State Park, Hunter Boggs, was hired to work for NPS in the same capacity after the transfer.

After the transfer, park Superintendent Joe Kennedy improved safety and maintenance practices at the park. His first priorities were facilities at Theatre West Virginia, including wiring and plumbing. Kennedy's concerns were not unfounded. On October 27, 1990, a fire caused by faulty electrical wiring in the concessions area destroyed about two-thirds of the amphitheater's bleachers, its roof, the main ticket area, and the visitor center. Losses were estimated at \$300,000, including damage to the sound and lighting systems and concession equipment.<sup>61</sup> Almost at once, controversy arose over insurance coverage because of the transfer from state to federal administration. Regardless, repairs began immediately. NPS and Theatre West Virginia officials expressed the hope that the amphitheater would open in time for the 1991 season.<sup>62</sup>

The real property losses from the fire totaled \$197,000. The insurance company offered \$100,000. Following legal counsel, Theatre West Virginia accepted the payment. Neither the transfer agreement nor the lease adequately addressed insurance matters. Some park officials questioned whether Theatre West Virginia could legally act as an agent for the federal government in accepting the offer. It was also unclear if the federal government was obligated to try to recover the \$97,000 shortfall. The park sent the questions to the Regional Director of the Mid-Atlantic Region.<sup>63</sup> A central question was how such issues would be addressed in the future.

The Park Service initiated a planning effort to resolve this and other matters at Grandview. In October 1993, the Park Service released the *Draft Development Concept Plan, Environmental Assessment, Interpretive Prospectus: Grandview, New River Gorge National River, West Virginia*. The plan offered five alternatives. The no-action alternative continued to operate Grandview as it had been. The second alternative focused on up-grading visitor facilities and establishing a cultural heritage program with an interpretive staff. It also up-graded park infrastructure. Alternative three focused on developing Grandview's infrastructure: a new roof on the Cliffside amphitheater, road improvements, and offices and space for interpretive rangers. The fourth alternative called for upgrading infrastructure and for constructing a cultural heritage center for

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<sup>59</sup> Bill Byrd, "Grandview Transfer," *Register-Herald*, March 9, 1990.

<sup>60</sup> "Grandview State Park Transferred from State of West Virginia to the National Park Service," June 29, 1990. Main Park Files, Box 33, File D18 Grandview.

<sup>61</sup> "Grandview State Park Transferred."

<sup>62</sup> Dawn C. Wolfe, "Theater group Unclear About Damage Coverage for Grandview Facility," *Register-Herald*, December 28, 1990.

<sup>63</sup> Memorandum, Superintendent, NERI, to Regional Director, Mid-Atlantic Region, June 27, 1991. Main Park Files, Box 42, D18 Grandview.



interpretation of central Appalachian culture. The fifth alternative would have made Grandview the central location for support for cultural activities there and around the park, along with improvements to infrastructure.<sup>64</sup>

The final plan combined elements of alternatives 2 and 4 offered in the Draft Grandview Plan. NPS delayed action on the proposal until Tamarack Arts and Crafts Center near Beckley had completed its first full year of operation in June, 1997. The final *Development Concept Plan, Interpretive Prospectus, Environmental Assessment: Grandview, New River Gorge National River, West Virginia, (DCP/IP/EA)* was released in March 1999. The final plan called for expanded, improved visitor facilities and infrastructure and for additional staff to operate a visitor contact station, improvements to the trail system, and installation of a 12-kilovolt power line.<sup>65</sup> According to Peggy Maddy, Superintendent Kennedy envisioned a cultural center for Appalachian crafts at Grandview.<sup>66</sup>

As of 2004, a sewage treatment facility had been constructed for Grandview Theatre, but the rest of the park remained on the old septic system. The park has re-surfaced the parking areas and upgraded the administrative road. The trail system remains unimproved, and presently, no action has been taken on the power line.

## PARK ACCESS AND THE NEW RIVER PARKWAY

The development of I-64 greatly eased access to the park. NPS intended to use the Interstate to its advantage within the park, even if it meant acquiring more land outside park boundaries. The development of better park access also appealed to some citizens, who believed roads used by nearby residents would be improved.

In 1985, residents of Raleigh and Summers Counties formed a locally based committee to oversee the planning of a scenic route between the I-64 interchange at Sandstone and Pipestem State Park. Bill Brezinski, a Summers County businessman, chaired the committee and strongly advocated the parkway.<sup>67</sup> On May 2, 1985, Governor Arch Moore signed West Virginia House Bill 4353, formally creating New River Parkway Authority (NRPA). The legislation called for the authority to coordinate with governmental agencies, public and private corporations, organizations, and individuals to implement projects designed to improve public access, encourage tourism, and enhance the beauty of the valley.

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<sup>64</sup> NPS, *Draft Development Concept Plan: Environmental Assessment, Interpretive Prospectus*, Library, New River Gorge National River, October, 1993, 50-57.

<sup>65</sup> Bobinski, *Planning Documents*, 19-20.

<sup>66</sup> Peggy Maddy, interviewed November 17, 2006, by Gregory A. Good.

<sup>67</sup> Bob Stiegel, "Parkway Committee Proposed," *Register-Herald*, February 6, 1985.

NPS gave \$40,000 to the newly formed NRPA to develop plans for the new road. Summers and Raleigh Counties provided office space and furniture. In September 1986, NRPA met in Hinton to develop a concept document. When they formulated the plan, I-64 was still under construction. Authority members believed that completion of the Interstate would provide the opportunity to add a park-like road along the river, taking advantage of the area's recreational, scenic, and cultural resources. More importantly, it believed the Parkway would increase jobs and bring economic development to the area.<sup>68</sup> In 1987, the federal government authorized \$17.6 million more for NRPA to design and construct the New River Parkway as a demonstration project. The state was to provide 20 percent of this sum.<sup>69</sup>

Early in the study, NRPA considered preferences of affected landowners and the number of tourists likely to use the road. They also analyzed the project's possible economic impact on state parks and Hinton and its effects on scenic and environmental qualities in the interchange area.<sup>70</sup> An archeological and historical baseline study was undertaken.<sup>71</sup> NRPA completed its initial work in 1987 and released the New River Parkway Concept Plan. It recommended a touring parkway designed to encourage tourism-related development, while maintaining the rural character and private land-ownership patterns along the parkway route. In order to preserve the rural flavor, the plan recommended retaining the narrow road and meandering curves that molded it to the landscape. The authority felt this would encourage drivers to proceed at a more leisurely pace.<sup>72</sup> The proposed route ran from I-64, crossing over the New River to S.R. 26, or River Road, to WV 20 south to Pipestem and beyond.<sup>73</sup>

The plan proposed that WV DOH engineer the parkway and determine its design and location. In 1988, DOH presented its evaluations to NRPA. DOH suggested three alignments. The plan included two 50 mph designs and a 40 mph alternative. Each plan had advantages and disadvantages, but all three disrupted the natural terrain and wandered far from the project's initial intent.<sup>74</sup>

Public outcry was swift. By mid-1988, citizens expressed concerns that DOH had transformed the original plan into an entirely new project designed to wipe out as many

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<sup>68</sup> "New River Parkway Concept Plan," MPF, Box 2, September, 1986.

<sup>69</sup> "The New River Parkway: A Good Idea Gone Wrong," *Highlands Voice*, January 1991, 8.

<sup>70</sup> Fred Long, "New River Parkway Road Development Begins, \$40,000 Award to Finance Study," *Hinton News*, September 17, 1985.

<sup>71</sup> C. Whyte Jr. C. *Preliminary Archeological Survey New River Parkway Raleigh and Summers County, West Virginia* (Charleston, WV: West Virginia Department of Highways and Federal Highways Administration, 1991). Another study was done a few years later: Michael Baker Jr. *Cultural Resources Draft Technical Report for the Proposed New River Parkway Draft Environmental Impact Statement, Interstate 64 to Hinton*, 3 vols. (Blacksburg VA: Virginia Polytechnic Institute, 1996).

<sup>72</sup> "A Good Idea Gone Wrong," *Highlands Voice*, 8.

<sup>73</sup> Teresa Swartz Roberts, "Residents Fear Loss of Homes to Parkway Route," *Register-Herald*, July 22, 1988, 1-2.

<sup>74</sup> "A Good Idea Gone Wrong," *Highlands Voice*, 8.

residents as possible.<sup>75</sup> This public mistrust fueled the simultaneous controversy about transfer of Grandview State Park to NPS. Citizens fighting federal administration of the park and the parkway felt the federal government already had enough control in the area. People feared for their private lands. Earnest Matheny responded with sarcasm to a Register-Herald question on the matter of NPS land acquisition generally:

Hooray for our great representatives—the same kind gave away the Panama Canal, so why not West Virginia? Its [*sic*] just part of the great state we love and hold dear. . . Why can't the people see what they are doing to us and our state? No, don't give it [Grandview] to the feds. Let's keep it where it belongs. Keep it here where all of us can say it belongs to us.<sup>76</sup>

Matheny's concern for the loss of Grandview to federal control echoed the sentiments now shared by many residents regarding DOH's parkway plan. In July 1988 a group of residents formed Citizens Concerned about River Road (CCRR).<sup>77</sup> The organization's mission was two-fold: to review and fully understand DOH's parkway drawings and to stop development that would negatively affect people. The group complained that the Park Service was using the parkway project as a tool to expedite the removal of residences along the route. Despite their accusations, they said they would rather see the NPS than the DOH or NRPA control the parkway.<sup>78</sup>

In July 1988 NRPA held a public meeting at Concord College in Athens. CCRR sent representatives and expressed their fears that the road would cut through their homes. James Flanagan, a member of CCRR, said, "We're not against the parkway, we just don't want our homes destroyed. . . We're not against progress, but this isn't progress, this is a nuisance."<sup>79</sup> He also expressed CCRR's concerns that, no matter what the posted speed limit might be, so straight, level a roadway would encourage speeding and increased through-traffic. Drivers would prefer the scenic route to the curving, two-lane WV 20, along the opposite mountain.<sup>80</sup>

Citizen complaints were not the only obstacle to the project. In early April 1989 the Department of the Interior sent DOH Commissioner Fred Van Kirk a letter expressing its concerns. The Department of the Interior wanted assurances that DOH would absolutely minimize deposition of fill into the New River and that the 40-mile alignment would follow existing contours to minimize impact to natural and cultural resources.

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<sup>75</sup> Joyce Cooper, "Parkway," *Charleston Gazette*, July 6, 1988, Main Park Files Box 8 File D18.

<sup>76</sup> Earnest Matheny "Q & A Responses," *Register-Herald*, March 22, 1989.

<sup>77</sup> "A Good Idea Gone Wrong," *Highlands Voice*, 8.

<sup>78</sup> Memorandum, South District Ranger to Superintendent, NERI, "Concerning the organizational meeting of Citizens to Save," Main Park Files Box 8 File D18, July 11, 1988.

<sup>79</sup> "Residents Fear," *Register-Herald*, July, 22, 1988, 2.

<sup>80</sup> "A Good Idea Gone Wrong," *Highlands Voice*, 8.

Interior also said a limited access parkway that allowed maximum user access to the river was the most desirable option.<sup>81</sup>

The Environmental Protection Agency (EPA) criticized the project, too. EPA stated that the parkway might degrade an outstanding and unique natural resource and have negative social impacts. EPA engineers said the project as planned would involve extensive cut-and-fill areas even with moderate speed design, and this would violate EPA's anti-degradation policies.<sup>82</sup>

Greene A. Jones (Director of Environmental Services Division at EPA) expressed these concerns to Colonel Thomas E. Farwell (District Engineer for the Huntington office of the Army Corps of Engineers) and offered three alternate solutions.

EPA believes this project will yield significant environmental consequences to the New River Gorge . . . EPA would likely recommend denial of any Section 10 or 404 permits that would be necessary to implement the proposed project as it is now designed. . . The ten mile stretch of the river that the proposed highway will impact is one of the most important natural resources in the state. This stretch of river supports a million dollar bait industry that in turn supports a highly productive and heavily utilized fresh water fishery. . . The New River is [also] known for its migratory duck populations, and its hillsides are renowned for their wild turkey populations. . . The topography and steep wooded hillsides make this an unusual and visually captivating area. . . The proposed project will have an adverse impact on this resource in several ways. First and foremost is the loss of riparian habitat and riffle and pool complex areas. These areas are proposed to be either cut or filled and replaced with highway surface or a steep rip-rap bank. Forested banks that provide shading to the near-shore area will be removed. Forested wetlands and aquatic habitat, including spawning, feeding, and nursery areas will be filled. The 404 (b) (1) guidelines clearly prohibit this type of activity where practicable. . . Secondary impacts will include higher traffic levels and greater emissions of hydrocarbons, CO<sub>2</sub>, NO<sub>x</sub>, and SO<sub>x</sub>. The higher traffic volume may result in more difficult and competing access conflicts for users of the river, especially during the spring and fall seasons. . . EPA believes practicable alternatives do exist.<sup>83</sup>

Jones offered three alternatives the EPA felt would mitigate many of the negative environmental impacts. The no-build alternative avoided condemnation of houses and the danger of degradation to the natural and cultural resources. Alternative two called for a project utilizing the existing footprint and grading of Route 26. This would widen the paved road to two lanes and give it a parkway appearance while eliminating much of the cut and fill necessary in the DOH plan. The third alternative utilized Route 20 on the east side of the river. EPA preferred Alternative 3. The agency suggested that with some grading and overlook improvements, the road, which rises to 600 feet above the river at its northern end, would provide spectacular views of the gorge. Considerations of

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<sup>81</sup> Letter, James W. Coleman, Jr. (Regional Director, NPS) to Fred Van Kirk (Commissioner, WV DOH), March 24, 1989, Main Park Files Box 33, File D18, four pages.

<sup>82</sup> Letter, Greene A. Jones (Director, Environmental Services Director, Environmental Protection Agency) to Colonel Thomas G. Farwell (District Engineer, Huntington Office, Army Corps of Engineers), MPF, Box 33, D18, April 6, 1989.

<sup>83</sup> Letter, Jones to Farwell, April 6, 1989.

through traffic at Hinton and of truck traffic also influenced EPA support of Alternative 3. EPA believed alternatives existed to passing through Hinton, including terminating the scenic status of the highway at the town limits. Because DOH's plan did not comply with Section 404 (b) (1) guidelines and was inappropriate for the park and the surrounding area, EPA recommended the Army Corps deny any permits stemming from the project.<sup>84</sup>

In March 1991, DOH Commissioner Van Kirk responded to a letter from Senator Robert Byrd's office asking about progress on the parkway. Between 1989 and March 1991, DOH had written an Environmental Impact Statement (EIS) on the project. The EIS thoroughly analyzed WV 20 as a possible location. Van Kirk rejected Route 20 as the best alternative and listed the following reasons. A railroad along the road severely restricted river access from WV 20, up-grading the road would cause a 30-mile detour to reach Hinton, and existing steep grades and sharp curves on WV 20 would be difficult for campers and travel trailers to negotiate. Van Kirk also wrote that there was insufficient river and floodplain access on that side of the river and that traffic would be forced to negotiate Hinton's narrow, one-way streets to cross to the west side of the river. The EIS also stated WV 20 did not meet NPS's definition of a parkway.<sup>85</sup> NPS criteria required the road be designated for noncommercial, recreational use, avoid unsightly buildings and other roadside developments that marred WV 20, and bypass built-up communities to avoid congestion.<sup>86</sup>

In September, 1991, NRPA released its *New River Parkway Concept Plan*. The document resulted from their collaboration with VPI, Southern West Virginia Research Associates, and WV DOH. It proposed to "articulate the regional and national vision for the creation of a New River parkway from I-64 to Interstate 77 through the middle New River basin."<sup>87</sup>

The plan followed eight objectives. First, it envisioned a cooperative venture among private and public interests at all levels of organization. Second, NRPA believed the road would bring economic development to the area. Third, it would improve public access to the river and other features while protecting property rights. Fourth, the parkway would fit "sensitively and harmoniously into the diverse landscapes of the region." The last four goals involved protection and management of natural resources, protection and enhancement of aesthetic resources, protection and management of cultural and historic resources, and enhancement of recreational resources.<sup>88</sup>

In October 1993, Democratic Congressman Nick Rahall introduced legislation to facilitate the project into the US House of Representatives. Rahall feared that yet another

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<sup>84</sup> Letter, Jones to Farwell, April 6, 1989.

<sup>85</sup> New River Parkway Authority, *New River Parkway Concept Plan*, January 1991, 7.

<sup>86</sup> Letter, Fred Van Kirk to Senator Robert C. Byrd, March 4, 1991, MPF, Box 43, File D18, 1-2.

<sup>87</sup> NRPA, *Parkway Concept Plan*, 1.

<sup>88</sup> NRPA, *Parkway Concept Plan*, 79-81.

EIS would further delay the project.<sup>89</sup> He could not have been more correct. Controversy followed both the legislation and the plan. Repeated project delays made some of the studies obsolete. Four years passed. In April 1997 the *Hinton News* reported preparation of another EIS, ten years after the project began. Proponents hoped that DOH could finish the Final Environmental Impact Statement, record of decision, final design, and land acquisition by spring 1998.<sup>90</sup>

In late April 1998 DOH offered the Draft Environmental Impact Study to the public. As part of the process, DOH held a public information meeting April 30 and a public hearing May 14 at the Summers County Memorial Building. The plan offered three alternatives and a no-build option. DOH representatives and their consultants were present to explain the alternatives, with a court reporter to document the meeting in Hinton.<sup>91</sup>

In December 1998 NRPA selected the route for the parkway. The alignment crossed the New River near the community of Sandstone and closely followed S.R. 26 (River Road) along the west bank in Raleigh County to the community of Brooklin at the mouth of Madam's Creek across from Hinton. According to NRPA planning director, Doug Tolbert, "the west side was chosen because it provides the best access to the important resources in the parkway corridor...properly implemented, it [the parkway] also afforded the greatest opportunity to preserve and protect these resources from degradation and uncontrolled development."<sup>92</sup>

Public controversy soon erupted. The conflict centered around DOH's decision to acquire all land between River Road and the New River, forcing people off the river bank and affecting fifty-three landowners. Bill Brezinski, who had been on NRPA's board for its entire sixteen years, said the road would probably not be constructed unless authorities acquired the land between the road and the riverbank. State and federal officials wanted the additional property to maintain scenic and environmental standards benefiting the parkway. Addressing the acquisition plans, Brezinski said that "if the current owners were immortal, [I] would not support taking their land...[but] the next owner may not protect it and care for it as well, which would ruin the road's attraction."<sup>93</sup>

During a meeting with the Raleigh County Commission in December, 1999, NRPA member Robert Sayre further inflamed public sentiment with his comment that none of the property owners in question actually lived in the region permanently, but used temporary cabins, trailers, "and the like." He agreed with Brezinski that if the property

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<sup>89</sup> "Parkway Legislation Moving Slowly Through Congress," *Register-Herald*, October 27, 1993, MPF, Box 55, D18.

<sup>90</sup> "New River Parkway, April 6 = 10 Years in the Making," *Hinton News*, April 8, 1997.

<sup>91</sup> "New River Parkway Study Completed," *Hinton News*, April 28, 1998.

<sup>92</sup> "Authority Selects Preferred Route for Parkway," *Hinton News*, December 15, 1998.

<sup>93</sup> "Progress-Property Conflict at Heart of Parkway Controversy," *Register-Herald*, September 10, 1999.

was not acquired, federal agencies would not approve an EIS or release highway funds for construction.<sup>94</sup>

Sayre's comments angered River Road residents. Jo Ann Roach, one of those who would lose property, said she and others supported road improvements, and even a scenic highway, but citizens felt that the project had turned into a governmental land grab.<sup>95</sup> Two days later, NRPA director Tolbert stated: "I don't think Mr. Sayre intended to offend anyone...[Mr.] Sayre's appearance was [intended] to promote goodwill and garner support for the commission." Tolbert said Sayre's statement was incorrect and that several property owners were full-time residents.<sup>96</sup>

Residents organized *en masse*, and because of their efforts, the DOH backed down. Further debate resulted in promoting a supplemental Draft EIS identifying a new range of alternatives for road construction intended to satisfy federal agencies and minimize the impact to landowners.<sup>97</sup> In May 2002, DOH held a public hearing on the proposed project to air their intentions on private property acquisition. The plan called would keep the parkway within the confines of the Right-of-Way (ROW) for S.R. 26 and acquire land from willing sellers only. The DOH estimated that seventeen dwellings, seasonal and permanent, would have to be relocated or removed, but the department would proceed with due diligence in its design and engineering to reduce potential impact.<sup>98</sup>

In spring 2004 the Federal Highway Administration (FHA) finally approved the project for design and construction. Tolbert said that until then the project was still up in the air, but, "with that signature, the project is a go."<sup>99</sup> But FHA approval has not stemmed the controversy. On their website, the advocacy group New River Friends cautions people about the trustworthiness of federal agencies.

The good news is that New River Friends, along with a grass-roots coalition of people, refused to take the government's 1999 plan without a fight. As a result, the government was forced to revise its plan. The latest plan announced in March 2004 now takes only the land necessary to build the road. Though we continue to have some grave concerns about implementation of the plan and how it will be used to drive people out of the valley/limit their livelihoods, this is a step in the right direction. We must be cautious though to ensure this is not a Trojan victory.<sup>100</sup>

As it stood in 2005, the New River Parkway was slated for construction, but some residents of River Road and groups like New River Friends still mistrusted NPS motives.

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<sup>94</sup> "Scenic Parkway Plan Moves Forward," *Register-Herald*, December 8, 1999.

<sup>95</sup> "Progress-Property," *Register-Herald*, September 10, 1999.

<sup>96</sup> "Parkway Director Clarifies Board Member's Comments," *Register-Herald*, December 9, 1999.

<sup>97</sup> "Parkway Director Clarifies Board Member's Comments."

<sup>98</sup> "Parkway, With Property Issues Resolved, DOH Should Build New Road," *Register-Herald*, May, 12, 2002.

<sup>99</sup> "New River Parkway Project at Last a Go," *Fayette Tribune*, April 20, 2004.

<sup>100</sup> New River Friends, [www.newriverfriends.org/background.htm](http://www.newriverfriends.org/background.htm). Accessed April 2, 2005.

## CONCLUSION

The New River Gorge National River, the Bluestone National Scenic River, and the Gauley River National Recreation Area experienced significant increases in visits from the public during the 1990s and later. As new visitor centers opened at Canyon Rim in 1991 and Sandstone in 2004 (Figures 12-16), and at Grandview and Thurmond on a seasonal basis, and as activities in the park became better known and more diverse, the park staff provided more information and support.

Issues concerning visitor centers, state parks, mass events, and the New River Parkway that have arisen as the park has developed have posed difficult problems for Park Service managers. Some issues, including placement and development of Canyon Rim Visitor Center, have been resolved; others such as improved park access have not. For example, NPS and West Virginia worked out the transfer of Sandstone Falls amicably. The Park Service then constructed a multimillion dollar handicapped accessible boardwalk to the falls, but automobile access to the area still requires the visiting public to travel nearly ten miles from the I-64 interchange to Hinton, and the same distance down the other side of the river on a narrow, neglected, two-lane road to reach the walkway.

The New River Gorge Bridge continues to draw many tourists. Bridge Day, the biggest event of the year at the park and indeed perhaps in West Virginia, was nearly cancelled due to the death of a jumper in 1983. Each year, 100,000 people or more come to witness the event, and it takes the combined efforts of the Park Service and many state and local officials all working in concert for the event to take place. As new events join the festival, NPS will have more decisions to make. Included in the 1983 *GMP* was a provision for public access to the catwalk underneath the bridge. But since the destruction of the World Trade Center Towers in New York City in 2001 by terrorists, the wisdom of allowing public access under the bridge has come into question.

The controversy over the New River Parkway has spanned a period of over twenty years, and the road has yet to be constructed. People are now sensitive to the intentions of federal and state governments regarding personal property rights. Because of this, groups like New River Friends keep a constant vigil on the actions of the DOH, NPS, and NRPA, unsure of the agencies' plans for the area.





**Figure 45.** Canyon Rim Visitor Center, 2006. Photograph by Gregory A. Good.



**Figure 46.** Visitor watching history video at Canyon Rim Visitor Center, 2006. Photograph by Gregory A. Good.





**Figure 47.** Two visitors enjoying the vista into New River Gorge at Canyon Rim Visitor Center, 2006. Photograph by Gregory A. Good.



**Figure 48.** Wayside exhibit at Sandstone Falls boardwalk, 2004. Photograph by Gregory A. Good.





**Figure 49.** Boardwalk at Sandstone Falls, 2004. Photograph by Gregory A. Good.



**Figure 50.** Pavilion at the end of the boardwalk at Sandstone Falls on the New River, 2004. Photograph by Gregory A. Good.





**Figure 51.** Sandstone Falls on the New River at sunset, 2004. Photograph by Gregory A. Good.



**Figure 52.** The New River Gorge Bridge, seen through the girders of the reconstructed Fayette Station Bridge, 2006. Photograph by Gregory A. Good.





**Figure 53.** The New River Gorge Bridge, 876 feet above the New River, 2006. Photograph by Gregory A. Good.



**Figure 54.** View toward Quinnimont from Grandview Overlook, 2004. Photograph by Gregory A. Good.





**Figure 55.** Ranger Richard Altare takes group photo of tourists at Grandview Overlook, 2004. Photograph by Gregory A. Good.



**Figure 56.** Sandstone Visitor Center, located just off I-64, 2004. Photograph by Gregory A. Good.





**Figure 57.** Sandstone Visitor Center is a "green building," including the reflective roof, locally sourced materials, certified wood, and careful attention to storm water runoff, 2004. Photograph by Gregory A. Good.



**Figure 58.** The exhibit space in the Sandstone Visitor Center mimics the outlines of the New River Gorge, 2004. Photograph by Gregory A. Good.





**Figure 59.** Ranger Mark Bollinger assisting a visitor at Sandstone Visitor Center, 2004. Photograph by Gregory A. Good.



**Figure 60.** Mark Bollinger showing the in-laid floor map of the National River to Dr. Barbara Rasmussen (West Virginia University) and graduate students in Cultural Resource Management, 2004. Photograph by Gregory A. Good.



## CONCLUSION

### NATIONAL PARKS, NATIONAL RIVERS SPECIAL HISTORIES, PECULIAR CHALLENGES

In January 2001, National Park Service Historian Janet A. McDonnell published “The National Park Service Looks toward the 21<sup>st</sup> Century: The 1988 General Superintendents Conference and Discovery 2000,” a retrospective on two events that have had important consequences for all national park units, including the New River Gorge National River, the Gauley River National Recreation Area, and the Bluestone National Scenic River. Two major themes in her article were the extraordinary increase of scale of National Park Service activities in every respect in recent decades and the immersion of the Park Service in the political and economic climates of the United States.<sup>1</sup>

Dr. McDonnell’s enumeration of problems faced by the Park Service generally mirrored pressures faced specifically at New River, Gauley, and Bluestone: “development around park borders, invasive non-native species, air pollution, and deteriorating roads and facilities.” While it’s easy for managers in a park to lose sight of this broad, national context in dealing with the many, crying issues and problems that pop up every day, in fact, the New River and its sister units are part of a national system of hundreds of park units that face similar difficulties continuously. Still, change of scale has been as real in New River as it has in any national park. And “Congressional mandates” have been as active here as anywhere in the country – maybe more so. A symbol of the pressure of private development on New River is the sign shown in Figure 1, which was found posted at Fayette Station, in the heart of New River Gorge National River. That the developer has mistakenly called the New River Gorge a national park indicates a possible lack of understanding. But it also reflects a reality that NPS units feel across the country.

One of the issues peculiar to the Park Service that Dr. McDonnell emphasized merits further consideration for these southern West Virginia units of the National Park Service. She noted that: “A strong thread running through both meetings was the continued conflict between two Park Service missions: recreation and preserving resources.” This seeming tension in mission has occupied Park Service personnel, and it

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<sup>1</sup> Janet A. McDonnell, “The National Park Service Looks toward the 21<sup>st</sup> Century: The 1988 General Superintendents Conference and Discovery 2000,” held January 2001, found at <http://www.cr.nps.gov/history/hisnps/NPSThinking/suptreport.htm>.

has been on the minds of managers in the New River Gorge as elsewhere in the system. In her 2006 interview, New River Public Information Officer Lorrie Sprague denied the “myth of the dual mission,” that “we have to do this balancing act. Well, that’s really not true.”<sup>2</sup>

Every superintendent of a National Park System unit and his or her administrative staff starts the job facing definite challenges. At the New River, the new park superintendent, Don Striker, took office in 2007. His clear challenges included budgetary constraints, existing needs in cultural and natural resource management that have not yet been met, continuing Congressional mandates, the prospect of a significant turnover in top-level staff, and private real estate development pressures on land adjacent to the park. Some of these challenges are system-wide, such as the need to balance daily operations against new projects. These problems have long been present. But other challenges, such as dealing with canyon-rim development and its local political support are new since 2000. The NPS administrators of these three units of the National Park Service, and their constituents and Congressional supporters, must face these challenges squarely. As Lorrie Sprague stated emphatically in her interview, the national parks should occupy a place toward the end of the spectrum that emphasizes protection and preservation. She decried the “myth of a dual mission” and argued that the Park Service has a primary mission to preserve the New River Gorge, the Gauley River, and the Bluestone River. Public enjoyment, she said, is a secondary mission. Plenty of other agencies stress multiple uses: the USDA Forest Service, the Bureau of Land Management, the U.S. Army Corps of Engineers. As she concluded her testimony: “The idea that we [the National Park Service] can’t be all things to all people is something that we need not be ashamed of.” The primary mission in New River, Gauley, and Bluestone is protection. Future superintendents will face significant difficulties in keeping to this charge, but they must.

The challenge of scale has taken many forms in New River country. As Chief Ranger Gary Hartley stressed in his interview in 2004, his law enforcement unit not only must deal with the hunters, anglers, boaters, and “rest-stop tourists” that were most frequently encountered in the park in the 1980s. Since the early 1990s, more visitors have been staying for more than a single day visit and their activities have broadened and intensified. Hunters, anglers, and boaters have been joined by mountain bikers, hikers, trail runners, rock climbers, heritage tourists, and more. Organized extreme sports events don’t only happen on Bridge Day anymore. Beyond this, Ranger Hartley’s enforcement officers have chased timber thieves and historic house dismantlers, growers of marijuana and cocaine and methamphetamine distributors, quelled domestic disputes and helped in search and rescue. Since the early 1990s, these broader developments from

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<sup>2</sup> Lorrie Sprague, interviewed November 17, 2006, by Gregory A. Good.

American society at large have impinged ever more forcefully on the “sanctuary” and solitude of these national park units.

Another issue of scale has been economic. As the country experienced simultaneously an economic boom in the late 1990s and early 2000s and the first wave of baby-boom retirements, scenic areas like New River country have witnessed a rush of second-home and retirement-home development, often on the very doorsteps of National Park System units like the New River Gorge. While this may not have taken the Park Service by surprise, it has indeed erupted on West Virginians somewhat unexpectedly. Within a single generation, the land around the New River Gorge National River went from post-industrial under-appreciation – almost a malaise – to being so desirable that its development threatens the very qualities of life that have attracted people to this region for the paradoxically co-existing thrill of the rapids and the peace of the forested mountains. To protect New River, Gauley, and Bluestone will require more pro-active planning and action than even in the post-1988 boom in the growth of these parks. This is a new era in the history of the National Park Service in southern West Virginia and it will require an invigoration similar to that experienced in the first transition from “small park” to “big park,” but perhaps at a scale magnified to match the external factors impinging on the parks.

Another factor that influenced New River Gorge and the other units came from the Presidents and Congress and from the overarching National Park Service administration. New River’s original “small park” approach originated in national politics. As Dr. McDonnell noted in reporting about the 1988 superintendents meeting, a Democratic Congressman addressed the meeting, asserting that “the Reagan administration had muzzled Park Service professionals and starved the Service of funds.” New River did not, perhaps, suffer as much as Park Service units in other states, thanks to the prominence of the Congressional delegation, especially Senator Byrd and Representative Rahall. Nevertheless, New River endured a minimalist approach until 1988 and then underwent a transformation to a more expansive attitude with the administration of President George H.W. Bush (1989-1993) and the back-to-back administrations of President Bill Clinton (1993-2001). Perhaps this can be attributed to increasing economic vitality or to less powerful opposition to the goals of the West Virginia Congressional delegation among other political powers in Washington. That is for others to decide.

In any case, the administration of the New River Gorge National River accommodated throughout its history with management from Capitol Hill. We have already reviewed, especially in Chapters 4 and 5, how West Virginia’s representatives and senators actively participated in, guided, or prescribed decisions concerning management of the New River Gorge National River and its two sister units through specific actions affecting trout stocking, road construction, black fly management, and so

on. Larger Congressional and Park Service actions have affected parks across the country in ways not visible to the general public. Superintendent Calvin Hite, who left New River in early 2007, enumerated a long list of such challenges facing the next person to take his position.

Superintendent Hite commented in 2004 that New River was better off than most national parks when it came to construction funding. Indeed, New River's construction budget has increased every year since the park's inception.<sup>3</sup> However, this had to be balanced against the relative shortage of operational dollars. This highlights a trend that may have been stronger at New River Gorge than in many other national parks, but it was certainly pronounced over the last three decades in New River. The professional staff has continually had to react to appropriations for new construction or acquisition, at a pace beyond what the existing staff could meet. Meanwhile, other needs went unmet. This was especially true with regard to cultural resources, which tended to be old, in poor condition, and perhaps even in dangerous dilapidation and neglect.

As Superintendent Hite explained, the park can't complete the projects without enough staff. The Denver Service Center had helped in the past, he said, but in the years prior to 2004 it had been cut in half. Hite noted that since he came to New River in 2001 the percentage of the operating budget dedicated to employees had been 90%, with less than 10% for utilities and fuel for vehicles. The cost of retirement benefits had risen over ten or fifteen years from 12% to 40%. New River, like many national parks, had had to deal simultaneously with rangers in all categories "topping out" at GS9 and with increased costs that were not met by increased budget. Superintendent Hite stated that while this situation was "at a crisis level" across the system, New River was not in crisis yet. It had hidden its cutbacks and economies pretty effectively from the public, largely by operating on lapses, i.e., by leaving positions vacant for a time to shift money elsewhere. He said that every park had less buying power than in the past and was losing positions. Congress, he said, was aware of the problem.<sup>4</sup>

In some ways, however, West Virginia's three river parks differ markedly from the rest of the National Park System, or at least, they have special characteristics rooted in history. That is, the industrial history of the New River Gorge and the cultural history of how the local population related to the land before the national river was designated in 1978 continue to affect park management. With each new land acquisition come more remains of coal mines or housing in need of attention, possible preservation if historic, or removal if not. With changing boundaries, neither the public nor the park staff can always be entirely certain of who can be where, doing what. And because hunting and harvesting wild products have been part of local culture for generations, activities are

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<sup>3</sup> Comment by David N. Fuerst on draft of this administrative history, 2007.

<sup>4</sup> Calvin Hite, interviewed June 21, 2004, by Lynn Stasick.

permitted in the New River Gorge National River that are prohibited in most other National Park System units. These historical differences present peculiar challenges.

Lastly, these three units of the National Park System encapsulate the diversity of river parks that have entered the system since the 1960s. The New River Gorge National River preserves a complex mix of cultural resources, natural resources, recreational opportunities, and scenery, not to mention the theater operation at Grandview. New River serves the casual sightseer, the fiercely independent kayaker or rock climber, and the mass tourism of rafting and guided climbing. Moreover, New River staff maintain extensive facilities at Canyon Rim, Glen Jean, Thurmond, Sandstone Visitor Center, Sandstone Falls, Grandview, and several campgrounds and river put-ins. Meanwhile, the Gauley River National Recreation Area involves a much lower proportion of federal land ownership and no facilities other than a put-in at the tail-waters of Summersville Dam and a take-out at the low end of the NRA. As its NRA status indicates, GARI focuses tightly on recreational boating and lacks the diversity of New River. Lastly, Bluestone National Scenic River is not a popular boating river, and its primary function is to preserve a beautiful landscape while cooperating with the West Virginia DNR in wildlife management and with adjoining Pipestem State Park and Bluestone State Park in visitor services. The only Park Service “facility” in BLUE is a pedestrian bridge and an adjoining parking lot.

Because of these different purposes, each of these three units faces its own set of management challenges. New River and Gauley River face heavy visitation pressure, while Bluestone sees lower use. Bluestone is surrounded by state-owned land and so does not face the development pressure that New River does. Gauley requires close attention during periods of peak river activity, but then also requires close communication between park service managers and commercial rafting companies, not to mention the U.S. Army Corps of Engineers, which manages the Summersville Dam.

As these three parks continue to evolve in the coming decades, some new challenges are sure to arise. But many of the issues will contain echoes from the past. Issues of the 1980s and 1990s like black fly controls, or the hacking of peregrine falcons, or the stabilization and interpretation of cultural resources, or relations with West Virginia state agencies, are sure to come back again in a somewhat different form. The authors hope that this administrative history has provided useful insights into how New River, Gauley, and Bluestone have come to their current situations, and how Park Service managers have dealt with the challenges of management in the past.



**Figure 61.** Sign at Fayette Station, symptomatic of the problem New River faces with adjacent private development. Photograph by Gregory A. Good.

## RESEARCH RECOMMENDATIONS

Recommendations concern issues related to provision of resources necessary for preserving and telling the history of New River, Gauley, and Bluestone.

- Provide better storage facilities for various park records now housed in the Bank of Glen Jean, across the street from park headquarters, in a building that lies in the flood plain.
- These files would benefit from conservation and cataloging.
- Consolidation of current working files with the park archives should be undertaken systematically.
- The cultural resource collections of the park have not yet received adequate attention.
- Update the administrative history of the park on a regular basis similar to that for master plan updates.
- Consider employment of university student interns for carefully limited projects such as accessioning, cataloging, records conservation, etc.
- Future contracts for extending this administrative history must include sufficient funding to allow research at the National Archives, at the Washington offices of the National Park Service, and in the Northeast Regional office in Philadelphia.
- More oral history interviews should be conducted with park professionals who were present in NERI and its sister units in the 1980s and 1990s: David Reynolds, Mike Hunter, and Jim Carrico, for example. Peggy Maddy, who began working at NERI in 1985 and as of early 2007 was still working in the headquarters, has kept in touch with many early New River workers and can provide contact information.
- Oral history interviews with NPS personnel in the Washington and Philadelphia offices during the history of the park should also be conducted.
- The roles and participation of the Citizens Advisory Committee in planning for GARI should be further investigated.
- Two themes that should be explored more fully than was possible in this report include the development of the interpretive and maintenance programs in the parks.
- The budget for any future administrative history must reflect more adequately the actual level of effort required.





APPENDIX A

**MAJOR LEGISLATION AFFECTING NEW RIVER GORGE NATIONAL  
RIVER, GAULEY RIVER NATIONAL RECREATION AREA, AND  
BLUESTONE NATIONAL SCENIC RIVER**

92 STAT. 3545

PUBLIC LAW 95-625—NOV. 10, 1978

## TITLE XI—NEW RIVER GORGE NATIONAL RIVER

Establishment  
and  
administration.  
16 USC  
460m-15.

SEC. 1101. For the purpose of conserving and interpreting outstanding natural, scenic, and historic values and objects in and around the New River Gorge and preserving as a free-flowing stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish and administer the New River Gorge National River. The Secretary shall administer, protect, and develop the national river in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the preservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this title. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed New River Gorge National River" numbered NERI-20,002, dated July 1978, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Boundary  
description,  
availability for  
public inspection.

Acquisition of  
lands, waters, or  
interests.  
16 USC  
460m-16.

SEC. 1102. (a) Within the boundaries of the New River Gorge National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange. Lands owned by the State of West Virginia or a political subdivision thereof may be acquired by donation only. The authority of the Secretary to condemn in fee, improved properties as defined in subsection (c) of this section shall not be invoked as long as the owner of such improved property holds and uses it in a manner compatible with the purposes of this title. The Secretary may acquire any such improved property without the consent of the owner whenever he finds that such property has undergone, since January 1, 1978, or is imminently about to undergo, changes in land use which are incompatible with the purposes of the national river. The Secretary may acquire less than fee interest in any improved or unimproved property within the boundaries of the national river.

Non-federally  
owned lands.

(b) On non-federally owned lands within the national river boundaries, the Secretary is authorized to enter into cooperative agreements with organizations or individuals to mark or interpret properties of significance to the history of the Gorge area.

"Improved  
property."

(c) For the purposes of this Act, the term "improved property" means (i) a detached single family dwelling, the construction of which was begun before January 1, 1977 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property devel-

oped for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1977, or (iii) commercial and small business properties which were so used on or before January 1, 1977, the purpose of which is determined by the Secretary to contribute to visitor use and enjoyment of the national river. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1977, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

(d) The owner of an improved property, as defined in this title, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential, or agricultural purposes, or the continuation of existing commercial operations, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value of the property on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this title, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

Right of use and occupancy, term.

Fair market value.

Termination, notification.

Sec. 1103. (a) Within two years from the date of enactment of this title, the Secretary shall submit, in writing, to the House Committee on Interior and Insular Affairs, the Senate Committee on Energy and Natural Resources and the Committees on Appropriations of the United States Congress, a detailed plan which shall indicate—

Plan, submittal to congressional committees.  
16 USC  
460m-17.

(i) the lands and areas which he deems essential to the protection and public enjoyment of the natural, scenic, and historic values and objects of this national river;

(ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this national river;

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing four fiscal years; and

(iv) the feasibility and suitability of including within the boundaries of the national river, the section of the New River from Fayetteville to Gauley Bridge, and reasons therefor.

Sec. 1104. The Secretary shall on his own initiative, or at the request of any local government having jurisdiction over land located in or adjacent to the Gorge area, assist and consult with the appropriate officials and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this title. In providing assistance pursuant to this section, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

Zoning laws and ordinances, establishment assistance.  
16 USC  
460m-18.

(1) have the effect of restricting incompatible commercial and industrial use of all real property in or adjacent to the Gorge area;



Mining, prohibition and limitation. 16 USC 460m-19.	<p>(2) aid in preserving the character of the Gorge area by appropriate restrictions on the use of real property in the vicinity, including, but not limited to, restrictions upon building and construction of all types; signs and billboards; the burning of cover; cutting of timber; removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the esthetic character of the Gorge area; and</p> <p>(3) have the effect of providing that the Secretary shall receive advance notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.</p> <p>SEC. 1105. (a) Notwithstanding any other provision of law, no surface mining of any kind shall be permitted on federally owned lands within the boundary of the national river where the subsurface estate is not federally owned. Underground mining on such lands may be permitted by the Secretary only if—</p> <p>(1) the mining operation will have no significant adverse impact on the public use and enjoyment of the national river;</p> <p>(2) the mining operation will disturb the minimum amount of surface necessary to extract the mineral; and</p> <p>(3) the surface is not significantly disturbed, unless there is no technologically feasible alternative.</p>
Timber harvesting.	<p>(b) The harvesting of timber on federally owned lands within the national river boundary is prohibited, except insofar as it is necessary for the Secretary to remove trees for river access, historic sites, primitive campgrounds, scenic vistas, or as may be necessary from time to time for reasons of public health and safety.</p>
Recovery.	<p>(c) The owner of a mineral estate subject to this section who believes he has suffered a loss by operation of this section, may bring an action only in a United States district court to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution.</p>
Hunting and fishing zones, designation. 16 USC 460m-20.	<p>SEC. 1106. The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the New River Gorge National River in accordance with applicable Federal and State laws, and he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.</p>
Rules and regulations, consultation.	<p>SEC. 1107. The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), on or directly affecting the New River Gorge National River, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the New River Gorge</p>
New River Gorge National River, project work prohibition. 16 USC 460m-21.	

National River or on any stream tributary thereto which will not invade the area or diminish the scenic, recreation, and fish and wildlife values present in the area on the date of this section. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction on any such project whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention to do so at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this section and would effect the national river and the values to be protected by it under this section.

Advisement to Secretary and report to Congress.

SEC. 1108. Section 5(a) of the Act of October 2, 1968 (82 Stat. 910) is hereby amended to provide for study of three principal tributaries of the New River in West Virginia, by adding the following new paragraphs:

New River, W. Va., tributaries study.  
16 USC 1276.

"(73) BLUESTONE, WEST VIRGINIA.—From its headwaters to its confluence with the New.

"(74) GAULEY, WEST VIRGINIA.—Including the tributaries of the Meadow and the Cranberry, from the headwaters to its confluence with the New.

"(75) GREENBRIER, WEST VIRGINIA.—From its headwaters to its confluence with the New."

SEC. 1109. Within three years from the date of enactment of this title, the Secretary shall develop and transmit to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, a general management plan for the protection and development of the national river consistent with the purposes of this title, indicating—

General management plan, submittal to congressional committees.  
16 USC 460m-22.

- (1) measures for the preservation of the area's resources;
- (2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;
- (3) identification of and implementation commitments for visitor carrying capacities for all areas of the unit; and
- (4) indications of potential modifications to the external boundaries of the unit, and the reasons therefor.

SEC. 1110. The Secretary of the Army shall cooperate with the Secretary of the Interior concerning the water requirements of the national river. The Secretary of the Army shall provide for release of water from the Bluestone Lake project consistent with that project's purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river.

Cooperation.  
16 USC 460m-23.

SEC. 1111. For the purposes of part C of the Clean Air Act, the State may redesignate the national river only as class I or class II.

16 USC 460m-24.  
42 USC 7470 et seq.

SEC. 1112. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this title, but not to exceed \$20,000,000 for the acquisition of lands and interests in lands, and not to exceed \$500,000 for development.

Appropriation authorization.  
16 USC 460m-25.



102 STAT. 2708

PUBLIC LAW 100-534—OCT. 26, 1988

16 USC 460m-15 note. SEC. 404. CONSOLIDATED MANAGEMENT.

In order to achieve the maximum economy and efficiency of operations in the administration of the National Park System units established or expanded pursuant to this Act, the Secretary shall consolidate offices and personnel administering all such units to the extent practicable and shall utilize the existing facilities of the New River Gorge National River to the extent practicable.

16 USC 460m-15 note. SEC. 405. NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

Any new spending authority which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts.

#### TITLE V—TECHNICAL CHANGE TO WILD AND SCENIC RIVERS ACT

SEC. 501. ACREAGE LIMITATIONS.

Notwithstanding the provisions of section 501(b)(1)(B) of Public Law 99-590, section 3(b) of the Wild and Scenic River Act (16 U.S.C. 1274(b)) is amended to read as follows:

“(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)), establish detailed boundaries therefor (which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river); and determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments.

“Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.”.

Approved October 26, 1988.

Federal  
Register,  
Publication.

#### LEGISLATIVE HISTORY—H.R. 900:

HOUSE REPORTS: No. 100-106 (Comm. on Interior and Insular Affairs).  
SENATE REPORTS: No. 100-481 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD:

Vol. 133 (1987): May 27, considered and passed House.

Vol. 134 (1988): Sept. 8, considered and passed Senate, amended.

Oct. 3, 4, House concurred in Senate amendment with an amendment.

Oct. 7, Senate concurred in House amendment.

PUBLIC LAW 100-534—OCT. 26, 1988

102 STAT. 2699

Public Law 100-534  
100th Congress

## An Act

To protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes.

Oct. 26, 1988  
[H.R. 900]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “West Virginia National Interest River Conservation Act of 1987”.

West Virginia  
National  
Interest River  
Conservation  
Act of 1987.  
National Park  
System.  
16 USC 460m-15  
note.

## TABLE OF CONTENTS

- Sec. 1. Short title and table of contents.  
Sec. 2. Findings and purposes.

## TITLE I—NEW RIVER GORGE NATIONAL RIVER

- Sec. 101. Boundary modification.  
Sec. 102. Cooperative agreements with State.  
Sec. 103. Improvement of access at Cunard.  
Sec. 104. Flow management.  
Sec. 105. Visitor facility.

## TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

- Sec. 201. Establishment.  
Sec. 202. Administration.  
Sec. 203. Miscellaneous.  
Sec. 204. Authorization of appropriations.  
Sec. 205. Special conditions.  
Sec. 206. Advisory committee.

## TITLE III—BLUESTONE NATIONAL SCENIC RIVER

- Sec. 301. Designation of Lower Bluestone River.

## TITLE IV—GENERAL PROVISIONS

- Sec. 401. Coordination among recreational resources.  
Sec. 402. Special provisions.  
Sec. 403. Public awareness program.  
Sec. 404. Consolidated management.  
Sec. 405. New spending authority subject to appropriations.

## TITLE V—TECHNICAL CHANGE TO WILD AND SCENIC RIVERS ACT

- Sec. 501. Acreage limitations.

## SEC. 2. FINDINGS AND PURPOSE.

16 USC 460m-15  
note.

## (a) FINDINGS.—The Congress finds that—

(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River have been preserved and enhanced by its inclusion in the National Park System.

(2) The establishment of the New River Gorge National River has provided the basis for increased recreation and tourism



activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.

(3) Certain boundary modifications to the New River Gorge National River are necessary to further protect the scenic resources within the river's visual corridor and to provide for better management of the national park unit.

(4) Several tributaries of the New River in West Virginia also possess remarkable and outstanding features of national significance. The segment of the Gauley River below Summersville Dam has gained national recognition as a premier whitewater recreation resource. The lower section of the Bluestone River and the lower section of the Meadow River possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Portions of several of the New River tributaries, including segments of the Gauley River, the Meadow River, and the Bluestone River are suitable for inclusion in the National Park System or the National Wild and Scenic Rivers System.

(6) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia and to enhance recreational opportunities available on the free-flowing segments.

(b) PURPOSE.—The purpose of this Act is to provide for the protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.

#### TITLE I—NEW RIVER GORGE NATIONAL RIVER

##### SEC. 101. BOUNDARY MODIFICATION.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended by striking out "NERI-20,002, dated July 1978" and substituting "NERI-80,023, dated January 1987".

##### SEC. 102. COOPERATIVE AGREEMENTS WITH STATE.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

##### "SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

"In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable or non-reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies."

##### SEC. 103. IMPROVEMENT OF ACCESS AT CUNARD.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

##### "SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

"(a) DEVELOPMENT AND IMPROVEMENT.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction

shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

"(b) INTERIM MEASURES.—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is less than three thousand cubic feet per second."

##### SEC. 104. FLOW MANAGEMENT.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end:

##### "SEC. 1115. FLOW MANAGEMENT.

"(a) FINDINGS.—The Congress finds that adjustments of flows from Bluestone Lake project during periods of low flow are necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

"(b) REPORT TO CONGRESS REQUIRED.—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives not later than December 31, 1989. Before submission of the report to these Committees, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

"(c) CONTENTS OF STUDY.—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake project during periods when flows from the lake are less than three thousand cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

"(d) TEST PROCEDURES.—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake project during twenty-four-hour periods during the summer of 1989 when flows are less than three thousand cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake project which permit flows higher than the twenty-four-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the

1 USC 460m-26.  
law  
enforcement  
and crime.

1 USC 460m-27.  
real property,  
law enforcement,  
public health  
and safety.



102 STAT. 2702

PUBLIC LAW 100-534—OCT. 26, 1988

PUBLIC LAW 100-534—OCT. 26, 1988

102

effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than one thousand seven hundred cubic feet per second and no test shall reduce flows below that level."

#### SEC. 105. VISITOR FACILITY.

Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15 and following) is amended by adding the following new section at the end thereof:

#### "SEC. 1116. GLADE CREEK VISITOR FACILITY.

"In order to provide for public use and enjoyment of the scenic and natural resources of the New River Gorge National River and in order to provide public information to visitors with respect to the national river and associated State parklands, the Secretary is authorized and directed to construct a scenic overlook and visitor information facility at a suitable location accessible from Interstate 64 in the vicinity of Glade Creek within the boundary of the national river. There is authorized to be appropriated such sums as may be necessary to carry out construction (including all related planning and design) of the scenic overlook and visitor information facility."

16 USC 460m-29.  
Public  
information.

Appropriation  
authorization.

#### TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

#### SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the scenic, recreational, geological, and fish and wildlife resources of the Gauley River and its tributary, the Meadow River, there is hereby established the Gauley River National Recreation Area (hereinafter in this Act referred to as the "recreation area").

(b) AREA INCLUDED.—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Gauley River National Recreation Area", numbered NRA-GR/20,000A and dated July 1987 and on the boundary map depicting the Meadow River, numbered WSR-MEA/20,000A and dated July 1988. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) BOUNDARY MODIFICATIONS.—Within five years after the enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report containing any boundary modifications which the Secretary recommends, together with the reasons therefor.

#### SEC. 202. ADMINISTRATION.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4).  
(b) HUNTING AND FISHING; FISH STOCKING.—The Secretary shall permit hunting, trapping and fishing on lands and waters within the recreation area in accordance with applicable Federal and State

laws. The Secretary may, after consultation with the State of West Virginia Department of Natural Resources, designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife habitat or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. The Secretary shall permit the State of West Virginia to undertake or continue fish stocking activities carried out by the State in consultation with the Secretary on waters within the boundaries of the recreation area. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of West Virginia with respect to fish and wildlife.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the recreation area the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) APPLICATION OF OTHER PROVISIONS.—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions.

#### (e) RECREATIONAL ACCESS.—

(1) EXISTING PUBLIC ROADS.—The Secretary may enter into a cooperative agreement with the State of West Virginia under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way within the boundaries of the national recreation area to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would not unreasonably diminish the scenic and natural values of the area.

(2) FACILITIES ADJACENT TO DAM.—In order to accommodate visitation to the recreation area, the Secretary shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and provide river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not provided pursuant to section 205 and such facilities are within the boundaries of the recreation area. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

(3) OTHER LOCATIONS.—In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands to construct such parking and related facilities at other appropriate locations outside the boundaries of, but within one mile of the recreation area as may be necessary and appropriate. Any such lands shall be managed in accordance with the management provisions for the recreation area as defined in subsection (a).

(f) PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.—After consultation with any other Federal agency managing lands and waters within or contiguous to the recreation area, the Secretary shall



enter into a memorandum of understanding with such other Federal agency to identify those areas within the recreation area which are (1) under the administrative jurisdiction of such other agency; (2) directly related to the operation of the Summersville project; and (3) essential to the operation of such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

#### SEC. 293. MISCELLANEOUS.

(a) **LANDS AND WATERS.**—The Secretary may acquire lands or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(b) **JURISDICTION.**—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not identified under section 202 as directly related to the Summersville project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary.

(c) **PROTECTION OF EXISTING PROJECT.**—Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary to facilitate and enhance whitewater recreational use and other recreational use of the recreation area.

#### SEC. 294. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this title.

#### SEC. 295. SPECIAL CONDITIONS.

(a) **NEW PROJECT CONSTRUCTION.**—If, after the enactment of this Act, any department, agency, instrumentality or person commences construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project at or in conjunction with the Summersville project, the department, agency, instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction.

(b) **ADVERSE EFFECTS ON THE RECREATION AREA.**—If any such new project referred to in subsection (a) will create a direct, physical, adverse effect on access to the recreation area immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for

<sup>1</sup> 16 USC 3604w-2, title and property.

<sup>2</sup> 16 USC 3604w-3.

<sup>3</sup> 16 USC 3604w-4, terms.

whitewater recreation and other recreational use of the recreation area, the department, agency, instrumentality or person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the Secretary.

(c) **NEW PROJECT PERMITS.**—The terms and conditions referred to in this section shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 202(d), except that during the four-year period after the enactment of this Act, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of August 8, 1988, if such project complies with this section. If such project is licensed within such four-year period, the Secretary shall modify the boundary map referred to in section 201 to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point five hundred and fifty feet downstream of the existing valve house and one thousand two hundred feet (measured along the river bank) upstream of United States Geological Survey Gauge Numbered 03189600, except in making the modification the Secretary shall maintain within the boundary of the recreation area those lands identified in the boundary map referred to in section 201 which are not necessary to the operation of such project.

#### SEC. 296. ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—There is hereby established the Gauley River National Recreation Area Advisory Committee (hereinafter in this Act referred to as the "Advisory Committee"). The Advisory Committee shall be composed of fifteen members appointed by the Secretary to serve for terms of two years. Any member of the Advisory Committee may serve after the expiration of his term until a successor is appointed. Any member of the Advisory Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

(b) **MANAGEMENT AND DEVELOPMENT ISSUES.**—The Secretary, or his designee, shall meet on a regular basis and consult with the Advisory Committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

(c) **EXPENSES.**—Members of the Advisory Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) **MEMBERSHIP.**—The Secretary shall appoint members to the Advisory Committee as follows:

- (1) one member to represent other departments or agencies of the United States administering lands affected by the recreation area, to be appointed from among persons nominated by the head of such department or agency;
- (2) two members to represent the State Department of Natural Resources, to be appointed from among persons nominated by the Governor of the State of West Virginia;
- (3) one member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of West Virginia;



- (4) three members to represent the commercial whitewater rafting industry in West Virginia;
  - (5) one member to represent noncommercial whitewater boating organizations;
  - (6) one member to represent conservation organizations in West Virginia;
  - (7) one member to represent individuals engaged in game fishing in West Virginia;
  - (8) one member to represent the Nicholas County Chamber of Commerce;
  - (9) one member to represent the Fayette County Chamber of Commerce;
  - (10) one member to represent recreational users of Summersville Lake; and
  - (11) two members to represent local citizens or citizens groups which are concerned with the Gauley River or own lands included within the boundaries of the recreation area.
- (c) **TERMINATION; CHARTER.**—The Advisory Committee shall terminate on the date ten years after the enactment of this Act notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Advisory Committee.

### TITLE III—BLUESTONE NATIONAL SCENIC RIVER

#### SEC. 201. DESIGNATION OF LOWER BLUESTONE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) **BLUESTONE, West Virginia.**—The segment in Mercer and Summers Counties, West Virginia, from a point approximately two miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake as depicted on the boundary map entitled 'Bluestone Wild and Scenic River', numbered WSR-BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. In carrying out the requirements of subsection (b) of this section, the Secretary shall consult with State and local governments and the interested public. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph. Jurisdiction over all lands and improvements on such lands owned by the United States within the boundaries of the segment designated under this paragraph is hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted

in the lease agreement as in effect on the enactment of this paragraph, and such management may be continued pursuant to renewal of such lease agreement. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph."

### TITLE IV—GENERAL PROVISIONS

#### SEC. 401. COORDINATION AMONG RECREATIONAL RESOURCES.

Subject to existing authority, the Secretary of the Interior shall cooperate with, and assist, any regional authority comprised of representatives of West Virginia State authorities and local government authorities in or any combination of the foregoing Nicholas, Fayette, Raleigh, Summers, Greenbrier, and Mercer Counties, West Virginia, for the purposes of providing for coordinated development and promotion of recreation resources of regional or national significance which are located in southern West Virginia and management by State or Federal agencies, including State, local and National Park System units, State and National Forest System units, and historic sites.

#### SEC. 402. SPECIAL PROVISIONS.

Subject to his responsibilities to protect the natural resources of the National Park System, the Secretary of the Interior shall enter into a cooperative agreement with the State of West Virginia providing for the State's regulation, in accordance with State law, of persons providing commercial recreational watercraft services on units of the National Park System and components of the National Wild and Scenic Rivers System subject to this Act.

#### SEC. 403. PUBLIC AWARENESS PROGRAM.

The Secretary of the Interior shall establish a public awareness program to be carried out in Mercer, Nicholas, and Greenbrier Counties, West Virginia, in cooperation with State and local agencies, landowners, and other concerned organizations. The program shall be designed to further public understanding of the effects of designation as components of the National Wild and Scenic Rivers System of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August 1983 but which were not designated by this Act as units of such system. By December 31, 1992, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate describing the program undertaken pursuant to this section. Section 7(b) of the Wild and Scenic Rivers Act shall continue to apply to the segments subject to this section until December 31, 1992.

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1281

the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

SEC. 146. In addition to amounts provided to the Department of the Interior in this Act, \$5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 147. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA. Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by inserting after "map" the following: "and the approximately 10 acres of land in Clark County, Nevada, described as the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian".

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION. The first section of Public Law 94-545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and  
(2) by adding at the end the following:

"(c) ACQUISITION OF ADDITIONAL LAND.—

"(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

"(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled "Congaree National Park Boundary Map", numbered 178/80015, and dated August 2003.

"(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

"(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

"(6) EFFECT.—Nothing in this section—

"(A) affects the use of private land adjacent to the monument;

"(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

"(C) negatively affects the economic development of the areas surrounding the monument.

"(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres."

SEC. 149. Section 104 (16 U.S.C. 1374) is amended in subsection (c)(5)(D) by striking "the date of the enactment of the Marine Mammal Protection Act Amendments of 1994" and inserting "February 18, 1997".

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National

16 USC 431 note.

Regulations.  
16 USC 460m-20  
note.



PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4093

Public Law 104-333  
104th Congress

An Act

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996  
[H.R. 4236]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Omnibus Parks and Public Lands Management Act of 1996".

Omnibus Parks  
and Public Lands  
Management Act  
of 1996.  
16 USC 1 note.

Sec. 1. Short title and table of contents.

DIVISION I

TITLE I—THE PRESIDIO OF SAN FRANCISCO

- Sec. 101. Findings.
- Sec. 102. Authority and responsibility of the Secretary of the Interior.
- Sec. 103. Establishment of the Presidio Trust.
- Sec. 104. Duties and authorities of the Trust.
- Sec. 105. Limitations on funding.
- Sec. 106. General Accounting Office study.

TITLE II—BOUNDARY ADJUSTMENTS AND CONVEYANCES

- Sec. 201. Yucca House National Monument boundary adjustment.
- Sec. 202. Zion National Park boundary adjustment.
- Sec. 203. Pictured Rocks National Lakeshore boundary adjustment.
- Sec. 204. Independence National Historical Park boundary adjustment.
- Sec. 205. Craters of the Moon National Monument boundary adjustment.
- Sec. 206. Hagerman Fossil Beds National Monument boundary adjustment.
- Sec. 207. Wupatki National Monument boundary adjustment.
- Sec. 208. Walnut Canyon National Monument boundary modification.
- Sec. 209. Butte County, California land conveyance.
- Sec. 210. Taos Pueblo land transfer.
- Sec. 211. Colonial National Historical Park.
- Sec. 212. Cuprum, Idaho relief.
- Sec. 213. Relinquishment of interest.
- Sec. 214. Modoc National Forest.
- Sec. 215. Conveyance to City of Sumpter, Oregon.
- Sec. 216. Cumberland Gap National Historical Park.
- Sec. 217. Alpine School District.
- Sec. 218. Merced Irrigation District land exchange.
- Sec. 219. Father Aull site transfer.
- Sec. 220. Coastal Barrier Resources System.
- Sec. 221. Conveyance to Del Norte County Unified School District.

TITLE III—EXCHANGES

- Sec. 301. Targhee National Forest land exchange.
- Sec. 302. Anaktuvuk Pass land exchange.
- Sec. 303. Alaska Peninsula subsurface consolidation.
- Sec. 304. Snowbasin Land Exchange Act.
- Sec. 305. Arkansas and Oklahoma land exchange.
- Sec. 306. Big Thicket National Preserve.
- Sec. 307. Lost Creek land exchange.
- Sec. 308. Cleveland National Forest land exchange.

110 STAT. 4094

PUBLIC LAW 104-333—NOV. 12, 1996

- Sec. 309. Sand Hollow land exchange.
- Sec. 310. Bureau of Land Management authorization for fiscal years 1997 through 2002.
- Sec. 311. Kenai Natives Association land exchange.

#### TITLE IV—RIVERS AND TRAILS

- Sec. 401. Rio Puerco watershed.
- Sec. 402. Old Spanish Trail.
- Sec. 403. Great Western Scenic Trail.
- Sec. 404. Hanford Reach Preservation.
- Sec. 405. Lamprey Wild and Scenic River.
- Sec. 406. West Virginia National Rivers Amendments of 1996.
- Sec. 407. Technical amendment to the Wild and Scenic Rivers Act.
- Sec. 408. Protection of North St. Vrain Creek, Colorado.

#### TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

- Sec. 501. The Selma to Montgomery National Historic Trail.
- Sec. 502. Vancouver National Historic Reserve.
- Sec. 503. Extension of Kaloiko-Honokohau Advisory Commission.
- Sec. 504. Amendment to Boston National Historic Park Act.
- Sec. 505. Women's Rights National Historic Park.
- Sec. 506. Black Patriots Memorial Extension.
- Sec. 507. Historically black colleges and universities historic building restoration and preservation.
- Sec. 508. Memorial to Martin Luther King, Jr.
- Sec. 509. Advisory Council on Historic Preservation reauthorization.
- Sec. 510. Great Falls Historic District, New Jersey.
- Sec. 511. New Bedford National Historic Landmark District.
- Sec. 512. Nicodemus National Historic Site.
- Sec. 513. Unalaska.
- Sec. 514. Japanese American Patriotism Memorial.
- Sec. 515. Manzanar National Historic Site.
- Sec. 516. Recognition and designation of the AIDS Memorial Grove as national memorial.

#### TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

- Sec. 601. United States Civil War Center.
- Sec. 602. Corinth, Mississippi, Battlefield Act.
- Sec. 603. Revolutionary War and War of 1812 Historic Preservation Study.
- Sec. 604. American battlefield protection program.
- Sec. 605. Chickamauga and Chattanooga National Military Parks.
- Sec. 606. Shenandoah Valley battlefields.
- Sec. 607. Washita Battlefield.

#### TITLE VII—FEES

- Sec. 701. Ski area permit rental charge.
- Sec. 702. Delaware Water Gap.
- Sec. 703. Glacier Bay National Park.

#### TITLE VIII—MISCELLANEOUS ADMINISTRATIVE AND MANAGEMENT PROVISIONS

- Sec. 801. Limitation on park buildings.
- Sec. 802. Appropriations for transportation of children.
- Sec. 803. Feral burros and horses.
- Sec. 804. Authorities of the Secretary of the Interior relating to museums.
- Sec. 805. Volunteers in parks increase.
- Sec. 806. Carl Garner Federal Lands Cleanup Day.
- Sec. 807. Fort Pulaski National Monument, Georgia.
- Sec. 808. Laura C. Hudson Visitor Center.
- Sec. 809. Robert J. Lagomarsino Visitor Center.
- Sec. 810. Expenditure of funds outside authorized boundary of Rocky Mountain National Park.
- Sec. 811. Dayton aviation.
- Sec. 812. Prohibition on certain transfers of national forest lands.
- Sec. 813. Grand Lake Cemetery.
- Sec. 814. National Park Service administrative reform.
- Sec. 815. William B. Smullin Visitor Center.
- Sec. 816. Calumet Ecological Park.
- Sec. 817. Acquisition of certain property on Santa Cruz Island.
- Sec. 818. National Park Agreements.

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4095

TITLE IX—HERITAGE AREAS

- Sec. 901. Blackstone River Valley National Heritage Corridor.
- Sec. 902. Illinois and Michigan Canal National Heritage Corridor.

TITLE X—MISCELLANEOUS

Subtitle A—Tallgrass Prairie National Preserve

- Sec. 1001. Short title.
- Sec. 1002. Findings and purposes.
- Sec. 1003. Definitions.
- Sec. 1004. Establishment of Tallgrass Prairie National Preserve.
- Sec. 1005. Administration of National Preserve.
- Sec. 1006. Limited authority to acquire.
- Sec. 1007. Advisory Committee.
- Sec. 1008. Restriction on authority.
- Sec. 1009. Authorization of appropriations.

Subtitle B—Sterling Forest

- Sec. 1011. Palisades Interstate Park Commission.

Subtitle C—Additional Provisions

- Sec. 1021. Recreation lakes.
- Sec. 1022. Bisti/De-Na-Zin Wilderness expansion and fossil forest protection.
- Sec. 1023. Opal Creek Wilderness and Scenic Recreation Area.
- Sec. 1024. Upper Klamath Basin ecological restoration projects.
- Sec. 1025. Deschutes Basin ecosystem restoration projects.
- Sec. 1026. Bull Run protection.
- Sec. 1027. Oregon Islands Wilderness, additions.
- Sec. 1028. Umpqua River land exchange study: policy and direction.
- Sec. 1029. Boston Harbor Islands Recreation Area.
- Sec. 1030. Natchez National Historical Park.
- Sec. 1031. Substitution of timber for canceled timber sale.
- Sec. 1032. Rural electric and telephone facilities.
- Sec. 1033. Federal borough recognition.
- Sec. 1034. Extension of statute of limitations.
- Sec. 1035. Regulation of fishing in certain waters of Alaska.
- Sec. 1036. Credit for reconveyance.
- Sec. 1037. Radio site report.

TITLE XI—CALIFORNIA BAY DELTA ENVIRONMENTAL ENHANCEMENT

- Sec. 1101. Program funding.

DIVISION II

TITLE I—NATIONAL COAL HERITAGE AREA

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Establishment.
- Sec. 104. Contractual agreement.
- Sec. 105. Eligible resources.
- Sec. 106. Coal heritage management plan.
- Sec. 107. Sunset.
- Sec. 108. Authorization of appropriations.

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA

- Sec. 201. Findings and purposes.
- Sec. 202. Definitions.
- Sec. 203. Tennessee Civil War Heritage Area.
- Sec. 204. Compact.
- Sec. 205. Management.
- Sec. 206. Duties and authorities of Secretary.
- Sec. 207. Savings provisions.
- Sec. 208. Sunset.
- Sec. 209. Authorization of appropriations.

TITLE III—AUGUSTA CANAL NATIONAL HERITAGE AREA

- Sec. 301. Findings.
- Sec. 302. Purpose.
- Sec. 303. Designation of Augusta Canal National Heritage Area.
- Sec. 304. Management.



PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4149

## SEC. 405. LAMPREY WILD AND SCENIC RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end thereof:

"( ) LAMPREY RIVER, NEW HAMPSHIRE.—The 11.5-mile segment extending from the southern Lee town line to the confluence with the Piscassic River in the vicinity of the Durham-Newmarket town line (hereinafter in this paragraph referred to as the 'segment') as a recreational river. The segment shall be administered by the Secretary of the Interior through cooperation agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the towns of Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act."

## (b) MANAGEMENT.—

(1) COMMITTEE.—The Secretary of the Interior shall coordinate his management responsibilities under this Act with respect to the segment designated by subsection (a) with the Lamprey River Advisory Committee established pursuant to New Hampshire RSA 483.

(2) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of Durham, Lee, and Newmarket, New Hampshire, including provisions for conservation of shorelands, floodplains, and wetlands associated with the segment, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act, and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Lamprey River Management Plan.

(c) UPSTREAM SEGMENT.—Upon request by the town of Epping, which abuts an additional 12 miles of river found eligible for designation as a recreational river, the Secretary of the Interior shall offer assistance regarding continued involvement of the town of Epping in the implementation of the Lamprey River Management Plan and in consideration of potential future addition of that portion of the river within Epping as a component of the Wild and Scenic Rivers System.

## SEC. 406. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996.

(a) AMENDMENTS PERTAINING TO THE NEW RIVER GORGE NATIONAL RIVER.—

(1) BOUNDARIES.—Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended by striking out "NERI-80,023, dated January 1987" and inserting "NERI-80,028A, dated March 1996".

(2) FISH AND WILDLIFE MANAGEMENT.—Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended by adding the following at the end thereof:

16 USC 1274  
note.

110 STAT. 4150

PUBLIC LAW 104-333—NOV. 12, 1996

"The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife."

(3) CONFORMING AMENDMENTS.—Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15 et seq.) is amended by adding the following new section at the end thereof:

16 USC  
460m-30.

**"SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.**

"(a) COOPERATIVE AGREEMENTS.—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

"(b) REMNANT LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area."

16 USC  
460m-29a.

(b) VISITOR CENTER.—The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

**(c) AMENDMENTS PERTAINING TO THE GAULEY RIVER NATIONAL RECREATION AREA.—**

(1) TECHNICAL AMENDMENT.—Section 205(c) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-4(c)) is amended by adding the following at the end thereof: "If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect."

(2) GAULEY ACCESS.—Section 202(e) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-1(e)) is amended by adding the following new paragraph at the end thereof:

"(4) ACCESS TO RIVER.—(A) In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4151

of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.

"(B) If necessary, in the discretion of the Secretary, in order to minimize environmental impacts, including visual impacts, within portions of the recreation area immediately adjacent to the river, the Secretary may, by contract or otherwise, provide transportation services for noncommercial visitors, at reasonable cost, between such parking facilities and the river.

"(C) Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize, pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area."

(d) AMENDMENTS PERTAINING TO THE BLUESTONE NATIONAL SCENIC RIVER.—

(1) BOUNDARIES.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by striking out "WSR-BLU/20,000, and dated January 1987" and inserting "BLUE-80,005, dated May 1996".

(2) PUBLIC ACCESS.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by adding the following at the end thereof: "In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may, with the consent of the owner thereof, negotiate a memorandum of understanding or cooperative agreement, or acquire not more than 10 acres of lands or interests in such lands, or both, as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill."

SEC. 407. TECHNICAL AMENDMENT TO THE WILD AND SCENIC RIVERS ACT.

(a) NUMBERING OF PARAGRAPHS.—The unnumbered paragraphs in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), relating to each of the following river segments, are each amended by numbering such paragraphs as follows:

River:	Paragraph Number
East Fork of Jemez, New Mexico .....	(109)
Pecos River, New Mexico .....	(110)
Smith River, California .....	(111)
Middle Fork Smith River, California .....	(112)
North Fork Smith River, California .....	(113)
Siskiyou Fork Smith River, California .....	(114)
South Fork Smith River, California .....	(115)
Clarks Fork, Wyoming .....	(116)
Niobrara, Nebraska .....	(117)
Missouri River, Nebraska and South Dakota .....	(118)
Bear Creek, Michigan .....	(119)
Black, Michigan .....	(120)



PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4153

Delaware River, Pennsylvania and New Jersey .....	(133)
New River, West Virginia and Virginia .....	(134)
Rio Grande, New Mexico .....	(135)

**SEC. 408. PROTECTION OF NORTH ST. VRAIN CREEK, COLORADO.**

(a) NORTH ST. VRAIN CREEK AND ADJACENT LANDS.—The Act of January 26, 1915, establishing Rocky Mountain National Park (38 Stat. 798; 16 U.S.C. 191 et seq.), is amended by adding the following new section at the end thereof:

**“SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.**

16 USC 195a.

“Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gauging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.”.

**(b) ENCOURAGEMENT OF EXCHANGES.—**16 USC 192b-9  
note.

(1) LANDS INSIDE ROCKY MOUNTAIN NATIONAL PARK.—Promptly following enactment of this Act, the Secretary of the Interior shall seek to acquire by donation or exchange those lands within the boundaries of Rocky Mountain National Park owned by the city of Longmont, Colorado, that are referred to in section 111(d) of the Act commonly referred to as the “Colorado Wilderness Act of 1980” (Public Law 96-560; 94 Stat. 3272; 16 U.S.C. 192b-9(d)).

(2) OTHER LANDS.—The Secretary of Agriculture shall immediately and actively pursue negotiations with the city of Longmont, Colorado, concerning the city’s proposed exchange of lands owned by the city and located in and near Coulson Gulch for other lands owned by the United States. The Secretary shall report to Congress 2 calendar years after the date of enactment of this Act, and every 2 years thereafter on the progress of such negotiations until negotiations are complete.

Reports.

## TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

**SEC. 501. THE SELMA TO MONTGOMERY NATIONAL HISTORIC TRAIL.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following new paragraph:

“( ) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled “Selma to Montgomery” and dated April 1993. Maps depicting the route shall be on file and available for public inspection

PUBLIC LAW 104-333—NOV. 12, 1996

110 STAT. 4243

**DIVISION II**  
**TITLE I—NATIONAL COAL HERITAGE**  
**AREA**

National Coal  
Heritage Area  
Act of 1996.  
West Virginia.  
16 USC 461 note.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “National Coal Heritage Area Act of 1996”.

**SEC. 102. FINDINGS.**

(a) **FINDINGS.**—The Congress finds as follows:

(1) Certain events that led to the development of southern West Virginia's coalfields during the latter part of the 19th Century and the early part of the current century are of national historic and cultural significance in terms of their contribution to the industrialization of the United States, the organization of workers into trade unions, and the unique culture of the Appalachian Region.

(2) It is in the national interest to preserve and protect physical remnants of this era for the education and benefit of present and future generations.

(3) There is a need to provide assistance for the preservation and promotion of those vestiges of southern West Virginia's coal heritage which have outstanding cultural, historic, and architectural value.

**SEC. 103. ESTABLISHMENT.**

(a) **IN GENERAL.**—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain lands and structures with unique and significant historic and cultural value associated with the coal mining heritage of the State of West Virginia and the Nation, there is hereby established the National Coal Heritage Area (hereafter in this title referred to as the “Area”).

(b) **BOUNDARIES.**—The Area shall be comprised of the counties in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100-699.

(c) **ADMINISTRATION.**—The Area shall be administered in accordance with this title.

**SEC. 104. CONTRACTUAL AGREEMENT.**

The Secretary of the Interior (hereafter in this title referred to as the “Secretary”) is authorized to enter into a contractual agreement with the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, pursuant to which the Secretary shall assist the State of West Virginia, its units of local government, and nonprofit organizations in each of the following:

(1) The development and implementation of integrated cultural, historical, and land resource management policies and programs in order to retain, enhance, and interpret the significant values of the lands, water, and structures of the Area.

(2) The preservation, restoration, maintenance, operation, interpretation, and promotion of buildings, structures, facilities,



110 STAT. 4244

PUBLIC LAW 104-333—NOV. 12, 1996

sites, and points of interest for public use that possess cultural, historical, and architectural values associated with the coal mining heritage of the Area.

(3) The coordination of activities by Federal, State, and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization.

(4) The development of guidelines and standards for projects, consistent with standards established by the National Park Service, for the preservation and restoration of historic properties, including interpretative methods, that will further history preservation in the region.

**SEC. 105. ELIGIBLE RESOURCES.**

The resources eligible for the assistance under paragraphs (2) and (5) of section 104 shall include those set forth in appendix D of the study by the National Park Service, dated 1993, entitled "A Coal Mining Heritage Study: Southern West Virginia", conducted pursuant to title VI of Public Law 100-699. Priority consideration shall be given to those sites listed as "Conservation Priorities" and "Important Historic Resources" as depicted on the map entitled "Study Area: Historic Resources" in such study.

**SEC. 106. COAL HERITAGE MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) set forth the integrated cultural, historical, and land resource management policies and programs referred to in section 104;

(2) describe the guidelines and standards for projects referred to in section 104; and

(3) set forth the responsibilities of the State of West Virginia, units of local government, nonprofit entities, or Secretary to administer any properties acquired pursuant to section 104.

(b) **PLAN APPROVAL.**—The Secretary shall approve the plan submitted under subsection (a) unless he determines that it would meet the objectives of this title.

**SEC. 107. SUNSET.**

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

**SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Area under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

PUBLIC LAW 107-356—DEC. 17, 2002

116 STAT. 3013

Public Law 107-356  
107th Congress

An Act

To modify the boundaries of the New River Gorge National River, West Virginia.

Dec. 17, 2002  
[H.R. 3858]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

New River Gorge  
Boundary Act of  
2002.  
16 USC 460m-15  
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “New River Gorge Boundary  
Act of 2002”.

SEC. 2. NEW RIVER GORGE NATIONAL RIVER BOUNDARY MODIFICA-  
TIONS.

(a) BOUNDARY MODIFICATION.—Section 1101 of the National  
Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended  
by striking “NERI-80,028A, dated March 1996” and inserting  
“NERI 80,034, dated May 2001”.

16 USC 460m-15  
note.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior shall com-  
plete a fee simple land exchange in the vicinity of Beauty  
Mountain, Fayette County, West Virginia, to acquire a tract  
of land identified as NERI Tract Number 150-07 that lies  
adjacent to the boundary of the New River Gorge National  
River in exchange for a tract of land identified as NERI Tract  
Number 150-08 located within such boundary.

(2) TREATMENT OF EXCHANGED LANDS.—Upon the comple-  
tion of such land exchange—

(A) the land acquired by the United States in the  
exchange shall be included in the boundaries, and adminis-  
tered as part, of the New River Gorge National River;  
and

(B) the land conveyed by the United States in the  
exchange shall be excluded from the boundaries, and shall  
not be administered as part, of the New River Gorge  
National River.

Approved December 17, 2002.

LEGISLATIVE HISTORY—H.R. 3858:

HOUSE REPORTS: No. 107-509 (Comm. on Resources).  
CONGRESSIONAL RECORD, Vol. 148 (2002):  
June 24, considered and passed House.  
Nov. 19, considered and passed Senate.

○



117 STAT. 1282

PUBLIC LAW 108-108—NOV. 10, 2003

River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$269,710,000, to remain available until expended: *Provided*, That of the funds provided, \$52,359,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

Notification.

Grants.

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$308,140,000, to remain available until expended, as authorized by law of which \$64,934,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: *Provided further*, That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further*, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: *Provided further*, That notwithstanding any other provision of law, of the funds provided under this heading, \$500,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106-283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,382,916,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land

PUBLIC LAW 108-108—NOV. 10, 2003

117 STAT. 1241

Public Law 108-108  
108th Congress

## An Act

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2004, and for other purposes.Nov. 10, 2003  
[H.R. 2691]*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,* That the  
following sums are appropriated, out of any money in the Treasury  
not otherwise appropriated, for the Department of the Interior  
and related agencies for the fiscal year ending September 30, 2004,  
and for other purposes, namely:Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2004.

## TITLE I—DEPARTMENT OF THE INTERIOR

## BUREAU OF LAND MANAGEMENT

## MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$850,321,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; \$2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487; (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$850,321,000; and \$2,000,000, to remain available until expended, from communication site rental

## APPENDIX B

### NEW RIVER TIMELINE

420 mya	(420 million years ago) High mountains rose to towering heights, east of future West Virginia. For 200 million years that region alternated between shallow sea, swamp, and delta.
200 mya	Massive uplift produced the Appalachian Mountains.
50 mya	A last uplift occurred. The New River began cutting its gorge.
12,000 ya	First Native American presence in the gorge.
ca. 1650	Delaware, Shawnee, Tutelo, Saponi, and Mingo occupied the region of the New River. Cherokees claimed possession.
1654	Major Abram Wood conducted first expedition to the lower New River, on authorization by the Virginia House of Burgesses.
1674	Henry Batts-Thomas Wood-Robert Fallam expedition led to scatter settlement over the next 80 years.
1750s	Several land speculators arrived in the region to begin first commercial settlements.
1790	James River Company built the Old State Road from the James River in eastern Virginia to Kanawha Falls, crossing the New River at the mouth of Mann's Creek.
1798	First settlement along what is now the national river at the mouth Mann's Creek by Peter Bowyer, who established Bowyer's Ferry.
1814	Andrew Alexander produced the first map of the Greenbrier and New Rivers.
1871	John Nuttall and Joseph Beury began coal mining in the Sewell seam.
1873	Chesapeake and Ohio Railroad completed through the gorge.
1879	Fayette Station Road completed from the New River up to the James River and Kanawha Turnpike.
1881	Thomas Gaylord McKell and his bride Jean Dun McKell arrive from Ohio, found Glen Jean.
1889	Fayette Station Bridge completed, the first bridge over the New River in the gorge.
1890s	Branch railway lines built up tributaries of the New River. Extensive timbering and coal mining soon followed. Dunloop Branch Line completed in 1893.
1899	Kaymoor mine opened
1930s	The Great Depression hits coal mining in the New River gorge hard

1940s	World War II a boom time for coal mines in the gorge
1948	Bluestone Dam begins operation upstream from New River gorge
June 1962	American Electrical Power applied for a two-year permit to investigate the possibility of a dam on the New River.
February 1965	AEP applied to construct the Blue Ridge Pumped Storage Project.
June 1968	AEP proposed greatly expanded Blue Ridge Pumped Storage Project, with dams in Virginia and North Carolina.
1968	Upper New River Valley Association formed to oppose AEP's plans.
1968	Congress passed the Wild and Scenic Rivers Act.
1969	Jon Dragan began first commercial whitewater rafting company in the New River gorge.
1970	Summers County Conservation Club, West Virginia Highlands Conservancy, Izaak Walton League, Conservation Council of Virginia, Alleghany Farm Bureau, North Carolina Farm Bureau, Appalachian Research and Defense Fund, the Congress for Appalachian Development, and the West Virginia Natural Resources Council opposed AEP's plans.
1970	National Environmental Policy Act (NEPA) took effect, requiring environmental impact studies for major projects.
ca. 1970	Coalition to Save the New River formed in West Virginia and the National Committee to Save the New River formed.
1973	Bills in Congress to require the Department of the Interior to study whether the New River was suitable for inclusion in the wild and scenic river system. The bills did not pass.
1974	Fayette County, WV, Chamber of Commerce formed the New River Gorge National Park Committee
1974	US Environmental Protection Agency released report showing that 651.3 miles of the New River and its tributaries did not meet water quality standards for recreational use.
July 1975	Festival of the New held in Ashe County, NC
July 1976	Walter Cronkite and other national news anchors made the Blue Ridge Project and the New River controversy a national story
August 1976	After years of debate, the Blue Ridge Project in North Carolina on the New died, allowing the West Virginia Coalition to focus attention on the West Virginia part of the New River Gorge.
Summer 1976	Ken Hechler and others explored the possibility of wild and scenic designation for the New River in West Virginia
September 11, 1976	President Gerald Ford signed legislation designating the New River in North Carolina a Wild and Scenic River
August 1977	Meeting at a church in Thurmond, WV, Destry Jarvis introduced the new idea of national river status for the New River Gorge rather than wild and scenic river or national park status

October 1977	Opening of 1700-foot span New River Gorge Bridge.
Spring 1978	Local consensus achieved for national river status for the New River Gorge.
November 1978	President Jimmy Carter signs legislation creating the New River Gorge National River, Public Law 95-625.
1979	Archeological Resources Protection Act (ARPA) passed by Congress.
1980	Four pre-planning public workshops held in region around NERI.
1980	West Virginia Department of Highways donated land for Canyon Rim Visitor Center to the Park Service.
1980	Black Fly/Bti controversy begins.
November 1980	First official Bridge Day held in Fayetteville, West Virginia.
1981	Jim Carrico, the first Superintendent of New River Gorge National River, begins operations in the basement of his house.
1981	West Virginia legislature created the White Water Advisory Board.
1981	Revised Task Directive, New River Gorge National River.
July 1981	NERI <i>Land Protection Plan</i> approved.
November 1982	NERI <i>General Management Plan</i> completed and signed.
1983	Bank of Glen Jean placed on the National Register of Historic Places.
1983	Temporary Canyon Rim Visitors Center opened.
1984	Park Service completed <i>Documented Safety Program</i> for NERI.
1984	Thurmond placed on National Register of Historic Places.
July 1984	Park Service released <i>Land Protection Plan: New River Gorge National River, West Virginia (LPP)</i> .
1985	West Virginia created the New River Parkway Authority (NRPA).
1986	Joe Kennedy becomes NERI's second Superintendent.
1986	West Virginia donated Sandstone Falls State Park to NERI.
May 1986	Bti application to control black flies begins.
1987	NRPA released its first <i>New River Parkway Concept Plan</i> .
1987	Official announcement of decision to build a new headquarters for NERI in Glen Jean.
June 1987	Park Service releases <i>Draft River Management Plan for New River Gorge National River</i> .
July 1987	Planning for New Canyon Rim Visitors Center begins.
1988	With the West Virginia National Interest Rivers Act Congress created the Bluestone National Scenic River (BLUE) and Gauley River National Recreation Area (GARI) under NERI administration.
1988, 1996, 2002	Boundary changes and land acquisition bring total park area to 72,189 acres.

December 1989	New NERI headquarters at Glen Jean dedicated and occupied.
1990	West Virginia donated Grandview State Park to the Park Service to be managed by NERI.
November 1990	Kaymoor Mine placed on National Register of Historic Places.
1991	NRPA released its second <i>New River Parkway Concept Plan</i> .
1991	Park Service released <i>Criteria for Boundary Adjustments</i> to guide future changes of NERI boundaries.
May 1991	Permanent Canyon Rim Visitor Center opened.
June 1992	Release of Development Concept Plan, Kaymoor.
1993	Park Service completed <i>Emergency Operation Plan</i> for NERI
1993	Park Service released <i>A Trail Development Plan for the New River Gorge National River</i> .
1994	Restoration of Thurmond Depot, a key railroad center for the C&O Railroad.
July 1994	US Army Corps of Engineers released <i>The Reconnaissance Level Evaluation Report for the Bluestone Lake Hydropower Study</i> .
May 1995	Thurmond Depot Visitor Center opened.
1997	Park Service released <i>General Management Plan</i> for the Gauley River National Recreation Area.
1998	Park Service completed <i>Wildland Fire Management: Director's Order #18</i> for management of fire in NERI, GARI, and BLUE.
1998	NPS acquired land (1,021 acres) and cultural remains of Nuttallburg.
July 2001	Park headquarters in Glen Jean flooded twice.
2002	Spraying of Bti began again.
2002	Combined <i>Development Concept Plan</i> completed for Gauley River
May 2003	NERI released <i>Draft Climbing Management Plan, Environmental Assessment</i> .
2003	Sandstone Visitors Center opened.
2004	Federal Highway Administration approved the New River Parkway for design and construction.
2005	Park Service received <i>Wildland Fire Management Plan for New River National River, Bluestone National Scenic River, Gauley River National Recreation Area</i> , written by Wildfire Associates.
January 2005	Land Resource Companies (LRC) submitted plans to the Fayette County Zoning Commission for a large residential development adjoining NERI.

## APPENDIX C

### STAFF STRUCTURE OF NEW RIVER GORGE NATIONAL RIVER

#### SUPERINTENDENTS

1980-1986	James Carrico
1987-1995	Joe Kennedy
1995-2001	Pete Hart
2001-2007	Calvin Hite
2007-	Don Striker
89 Permanent employees and 43 seasonal (2006)	

#### CHAIN OF COMMAND

Management  
Administration  
Maintenance  
Resource managers  
Visitor Protection/law enforcement  
Interpretation and Visitor Services

1. Superintendent, administrative head of NERI, the Superintendent is responsible to the Regional Director for all park operations. Delegates full authority on a park-wide basis to the Chief Ranger for all emergency operations.
2. Assistant Superintendent, operational leader, responsible for management of NERI in the absence of the Superintendent.
3. Chief Ranger, head of the Division of Resource Management and Visitor Protection, responsible to the Superintendent on a park-wide basis.
4. District Rangers, responsible to the Chief Ranger for the day-to-day visitor protection operation, includes responsibility for maintaining wildland fire, EMS, SAR, and law enforcement equipment for the execution of the Emergency Operations Plan.
5. Subdistrict Rangers, responsible to supervisors for the implementation of the Operation Plans and day-to-day emergency operations of subdistricts.
6. Chief of Maintenance, responsible to the Assistant Superintendent for maintenance operations in NERI.



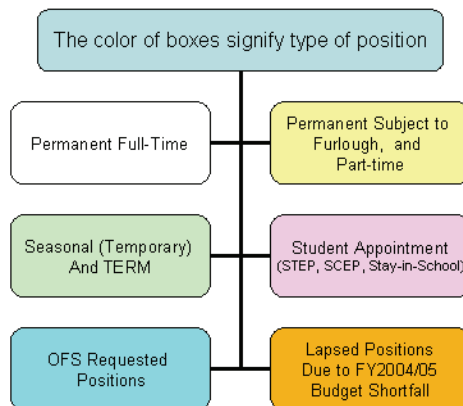
7. General Foreman, responsible to the Chief of Maintenance for day-to-day maintenance operations.
8. Administrative Officer, responsible to the Superintendent for administrative functions of NERI, provides needed expertise and personnel to purchase and lease supplies, acquire emergency funding, hire emergency personnel, assist with dispatch operations, and designate which park building can serve as temporary shelter.
9. Chief Park Naturalist, responsible to the Superintendent for administration of the interpretive functions. During emergency operations will provide the Incident commander supplies, personnel and technical expertise.
10. Dispatcher, responsible to the Chief Ranger or designee for coordinating radio traffic and dispatching necessary personnel to emergencies upon evaluation by the Chief Ranger/and or Incident Commander.

## APPENDIX D

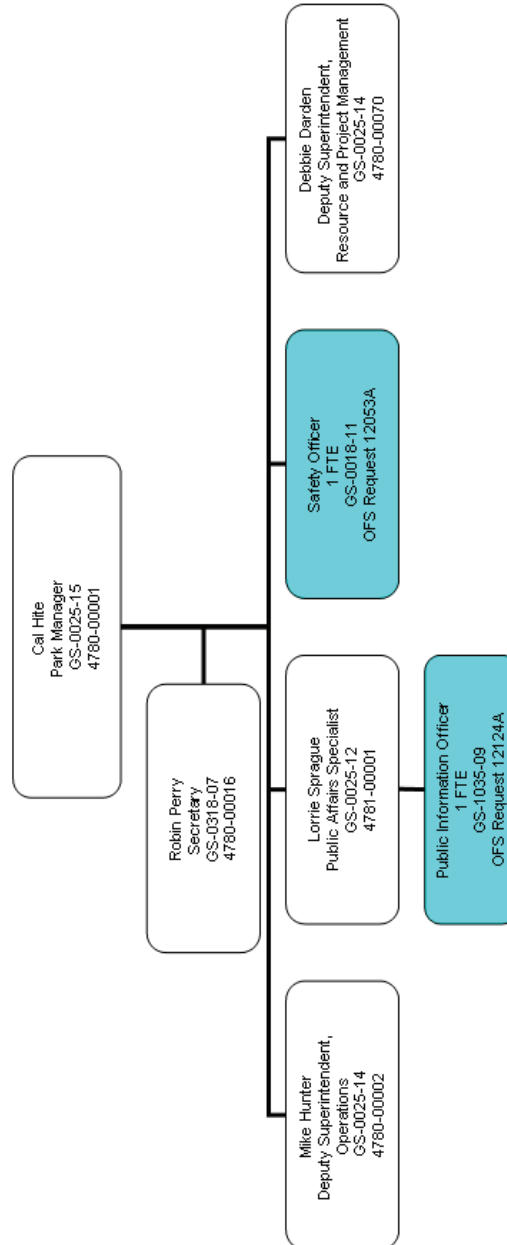
### ORGANIZATIONAL CHARTS

The organizational charts on the following pages are from an internal NERI document, reflecting the staff structure as of 2005.

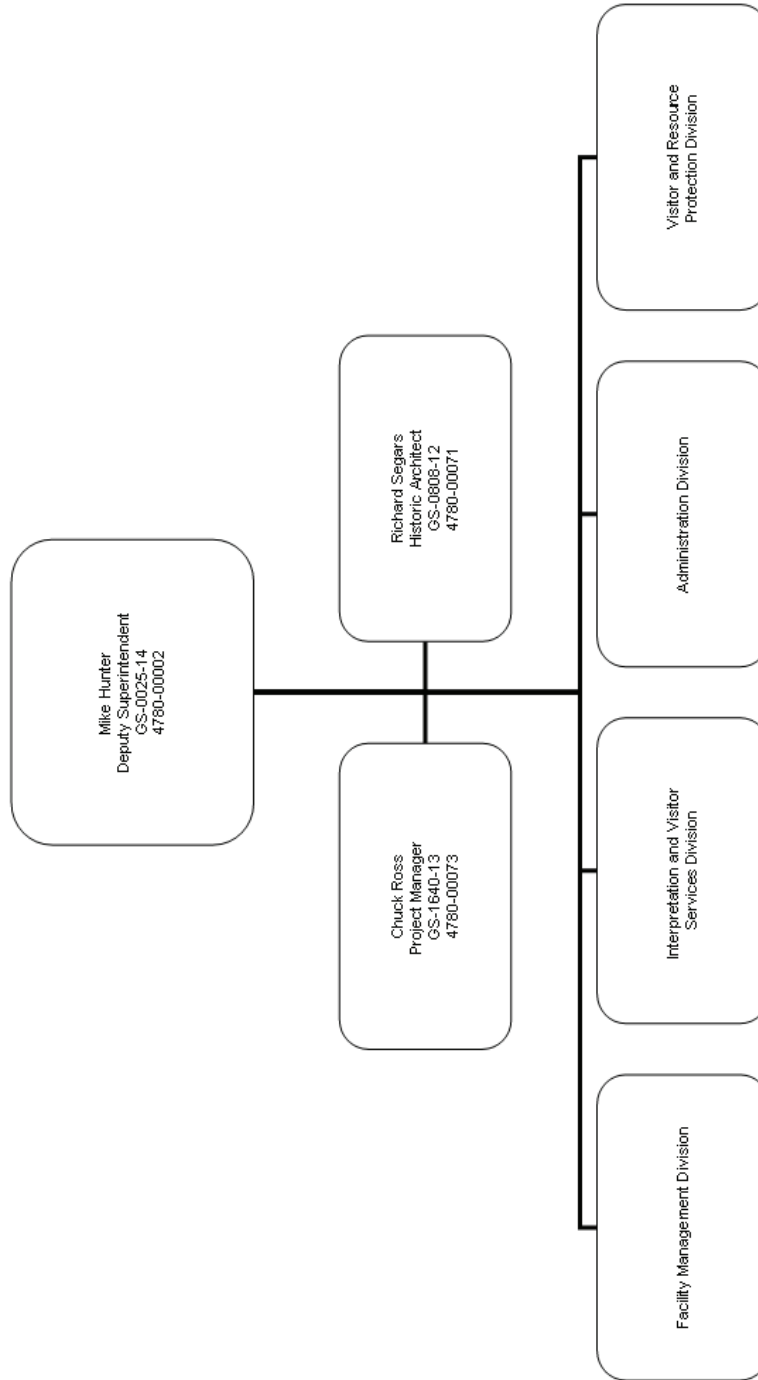
#### Organization Chart Key



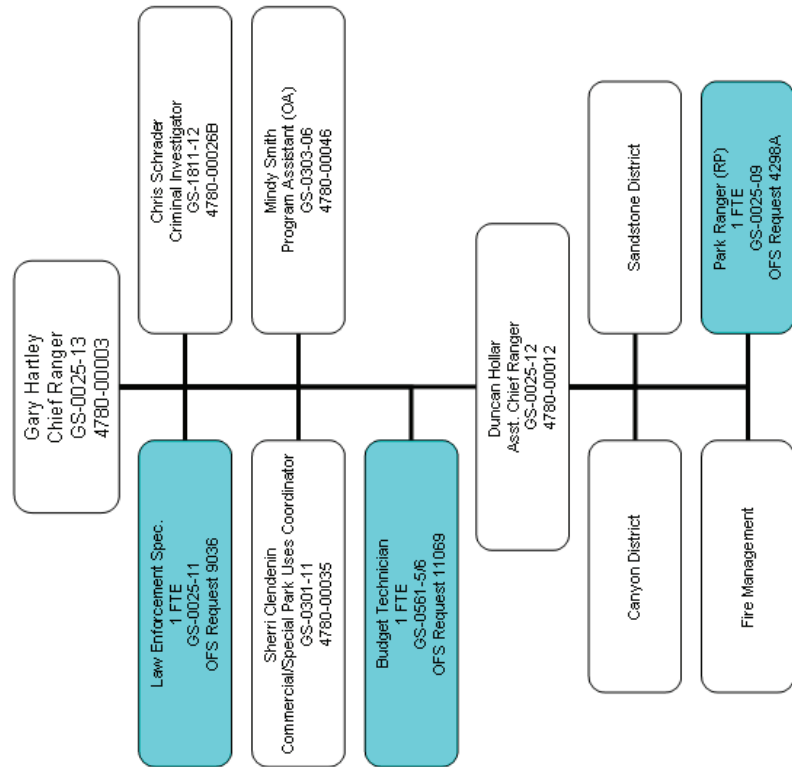
## Parks Management Division



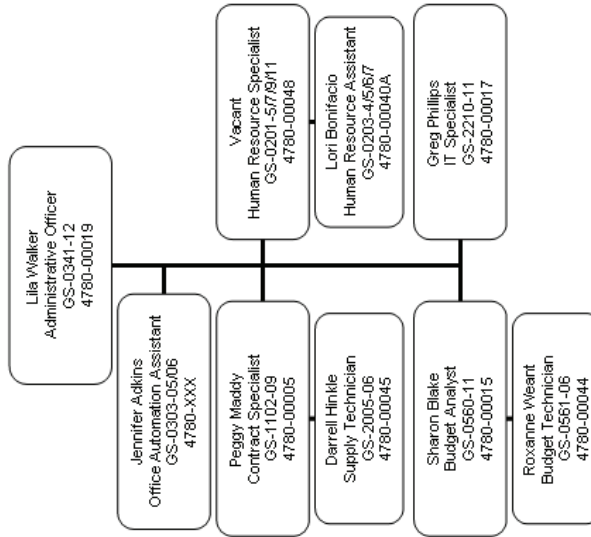
## Operations Management



## Resource and Visitor Protection Division

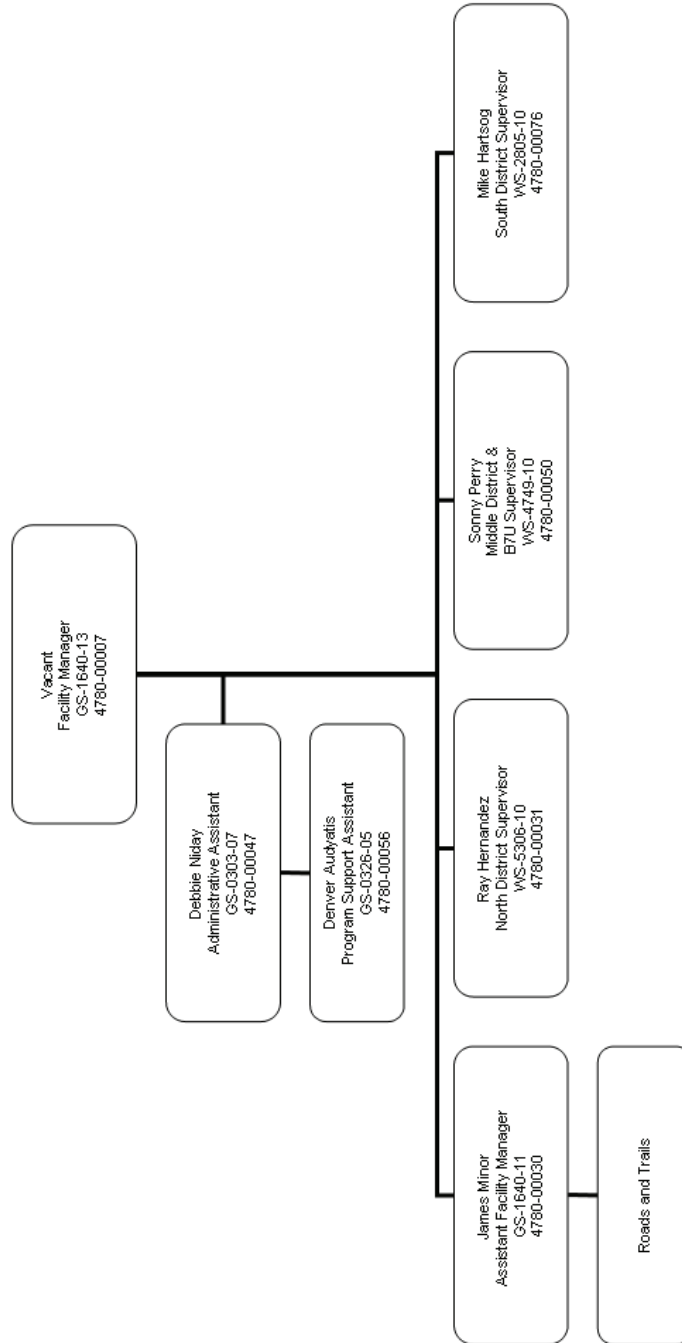


# Administration Division



Updated 2/1/2005 LLW

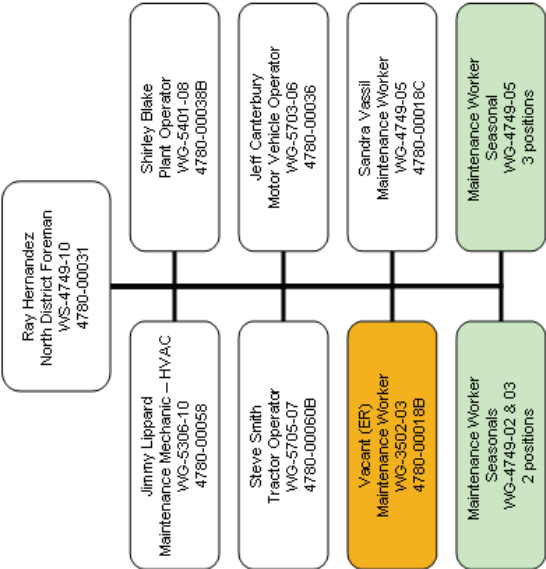
## Facility Management Division



Updated 6/7/2004 LLW

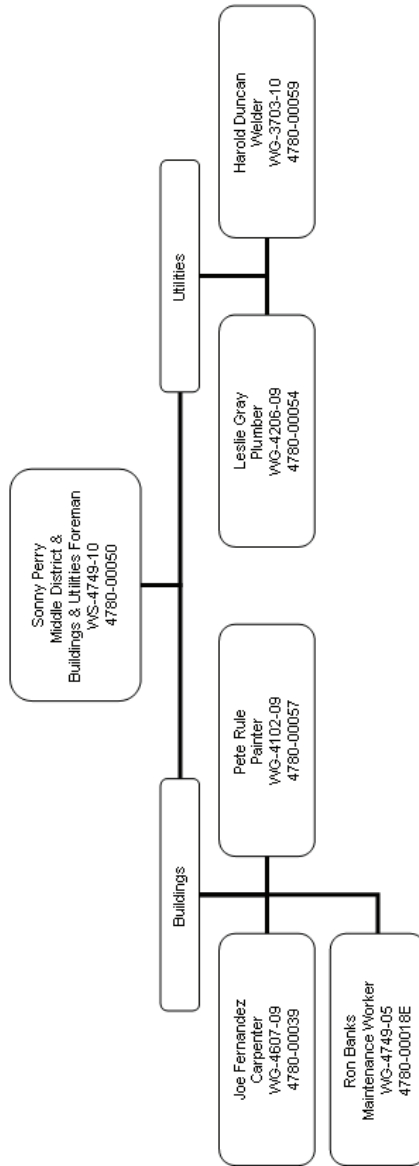


# Facility Management Division – North District



Updated 2/7/2005 LLW

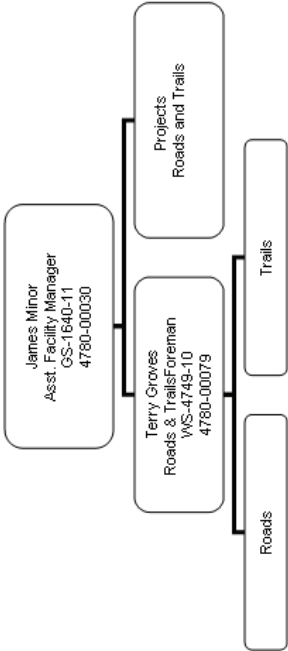
## Facility Management Division – Buildings & Utilities



**Facility Management Division – Middle District**

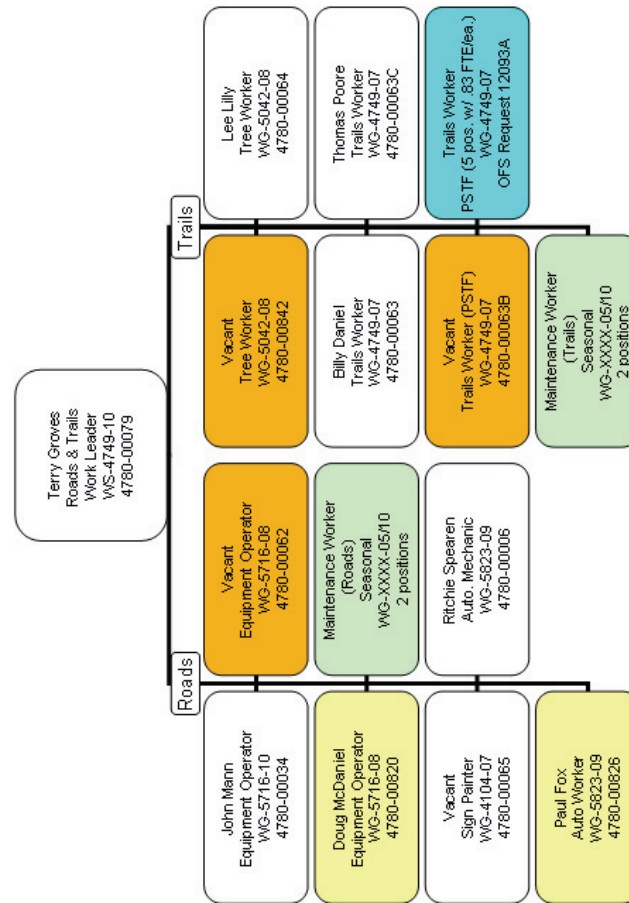


# Facility Management Division – Roads & Trails



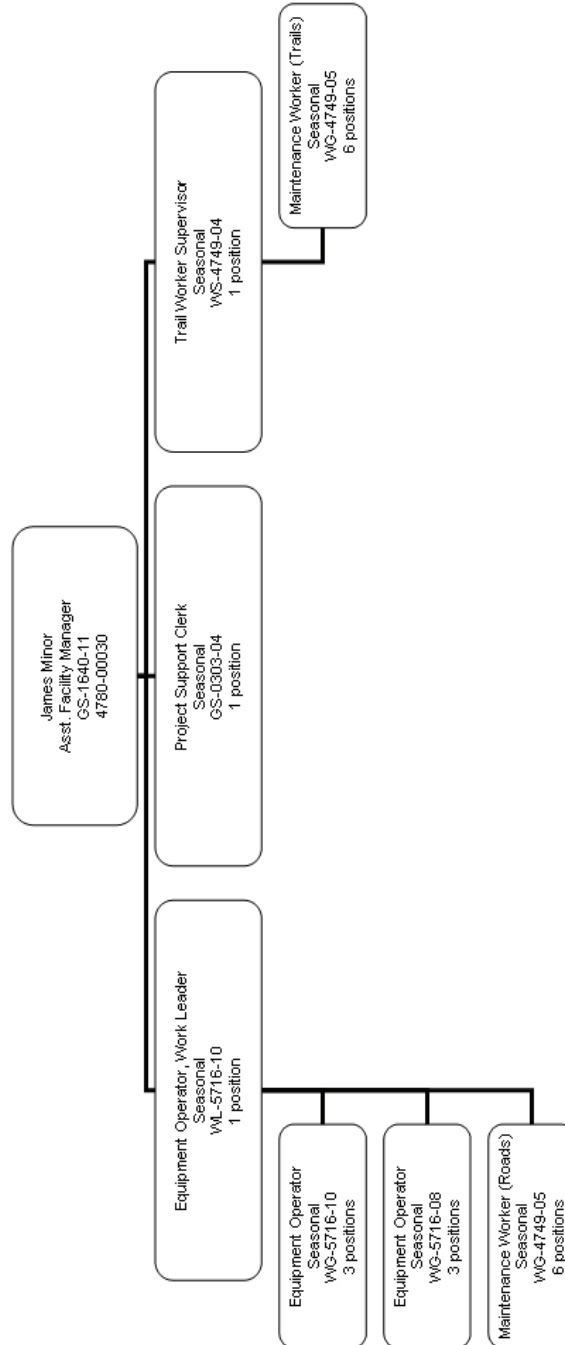
Updated 2/7/2005 LLW

## Facility Management Division – Roads & Trails (cont)



Updated 2/7/2005 LLW

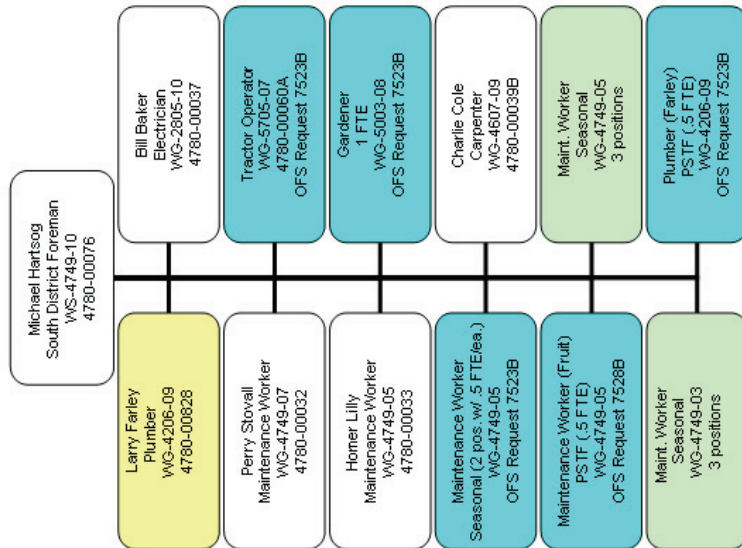
# **Facility Management Division – Roads & Trails (cont)** **Projects Roads and Trails**



This organization chart will be used to make three separate work crews

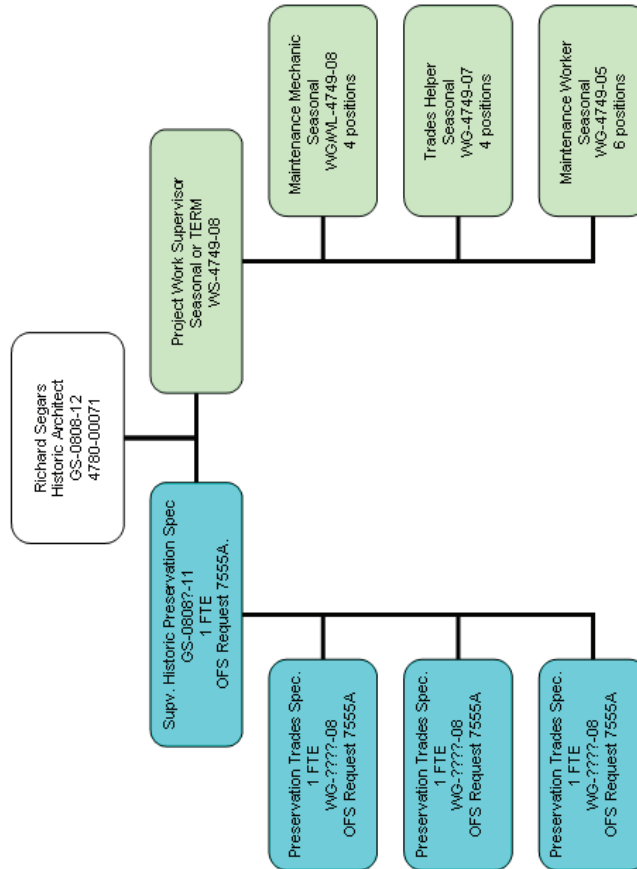
Updated 2/1/2005 LLW

## Facility Management Division – South District

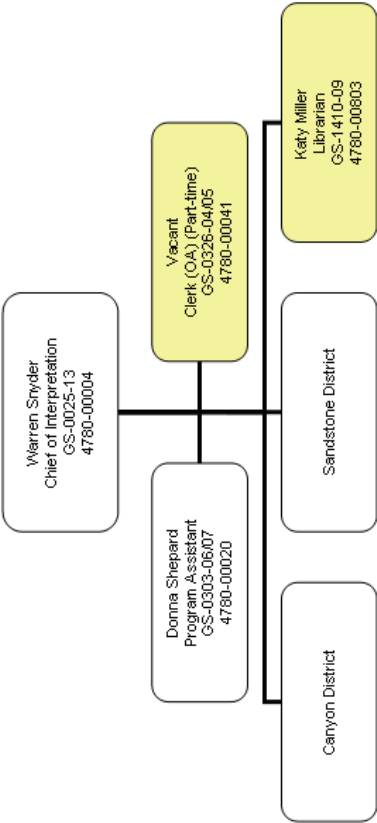




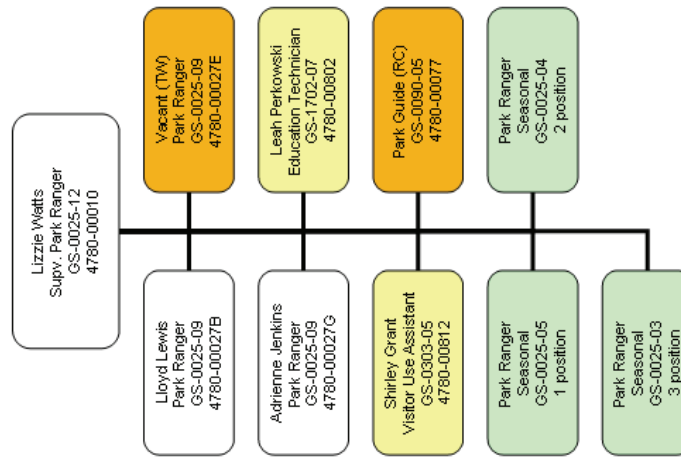
# Facility Management Division – Project Crew Cultural Resources



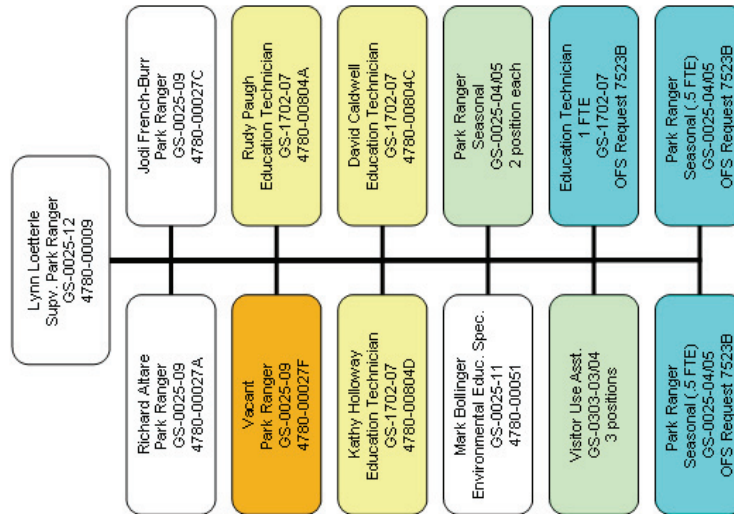
Interpretation and Visitor Services Division



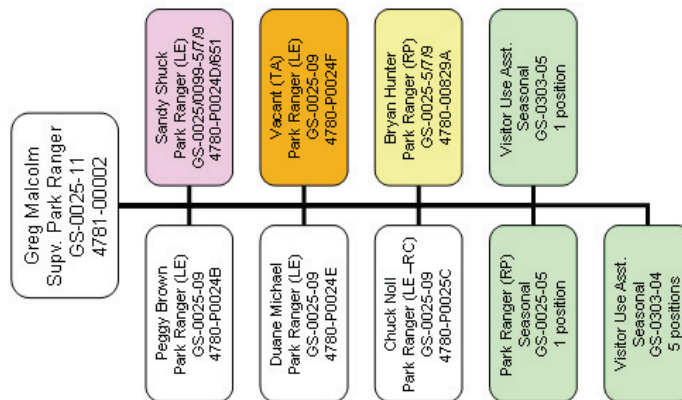
## Interpretation and Visitor Services – Canyon District



## Interpretation and Visitor Services – Sandstone District

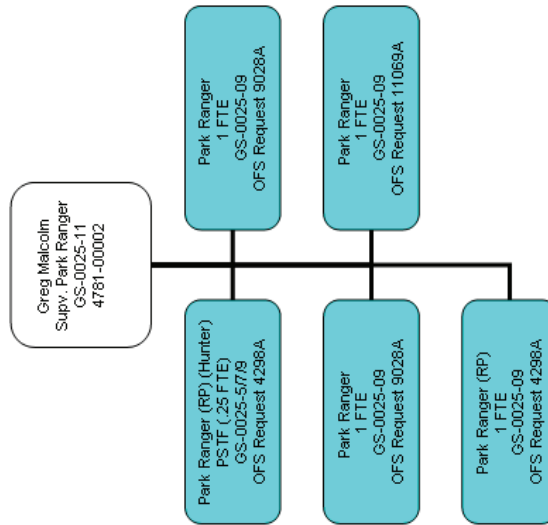


## Resource and Visitor Protection Division – Canyon District

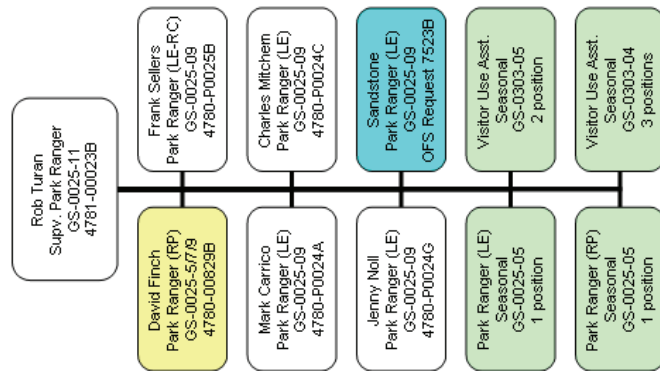


Updated 2/7/2005 LLW

## Resource and Visitor Protection Division – Canyon District (continued)

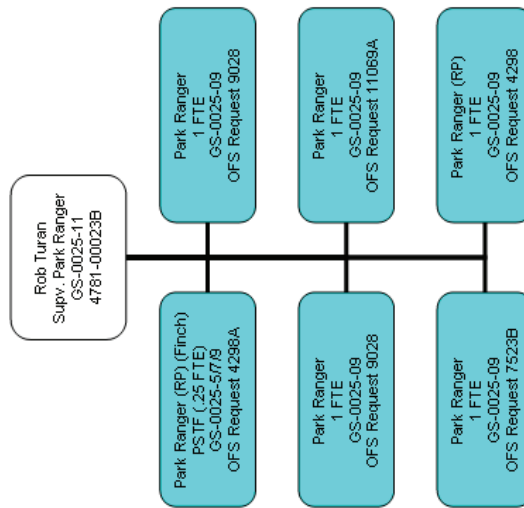


# **Visitor and Resource Protection Division – Sandstone District**

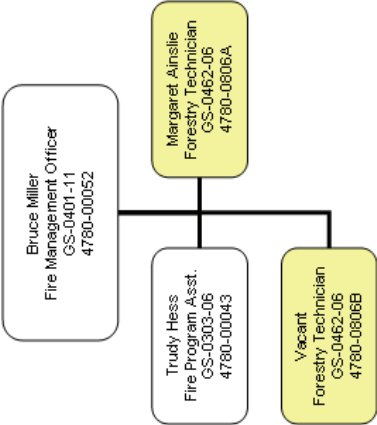




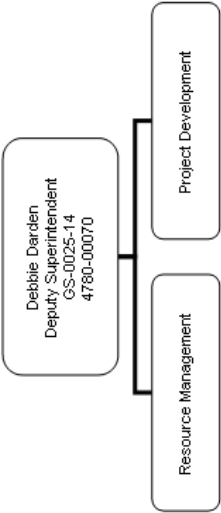
## Visitor and Resource Protection Division – Sandstone District (cont)



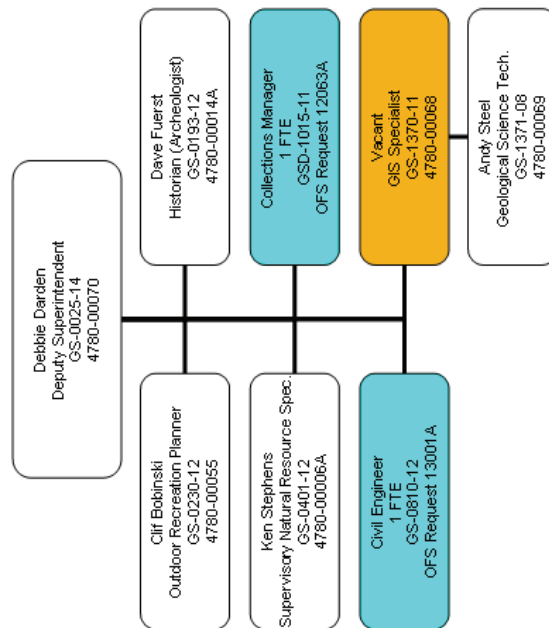
**Resource and Visitor Protection Division – Fire  
Management**



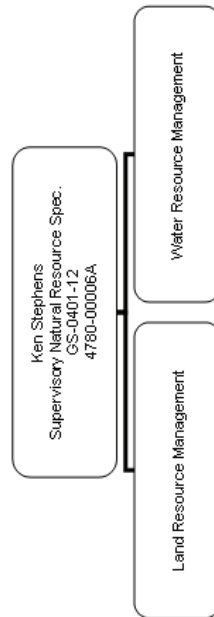
# Resource and Project Management Operations



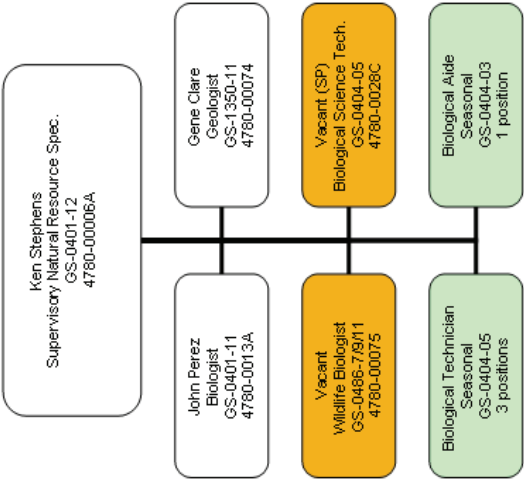
## Resource and Project Management Operations – Project Development



## Resource and Project Management Operations – Resource Management

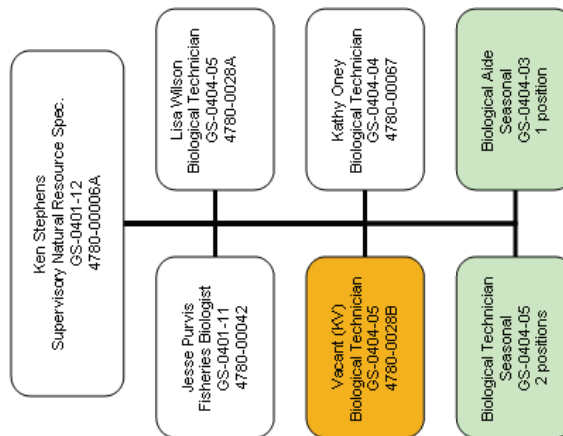


# Resource and Project Management Operations – Land Resource Management



Updated 2/7/2005 LLW

## Resource and Project Management Operations – Water Resource Management



Updated 2/7/2005 LLW





## APPENDIX E

### LAND ACQUISITION AND BOUNDARY CHANGES IN NEW RIVER GORGE NATIONAL RIVER, GAULEY RIVER NATIONAL RECREATION AREA, AND BLUESTONE NATIONAL SCENIC RIVER

- 1978 New River Gorge National River authorized. Minimal acreage owned, but 62,000 within boundaries. Authorized Nov. 10, 1978.
- 1983 The *General Management Plan* states that NERI has 538 acres in federal ownership and aims ultimately to own 10,500 acres in fee simple.
- 1988 West Virginia National Interest Rivers Act: Bluestone National Scenic River and Gauley National Recreational Area. This Act also included the 1988 boundary changes for the New River Gorge National River.<sup>1</sup>
- 1988 Boundary change of NERI. Brought roughly 5000 new acres in, cut out roughly 5000 acres previously in. Net gain of 500 acres within boundaries. Congress authorized this boundary change on October 26, 1988.
- **Bluestone:** This scenic river preserves relatively unspoiled land in southwest West Virginia and contains natural and historic features of the Appalachian plateau. In its 10.5 miles the lower Bluestone River offers excellent fishing, hiking, boating, and scenery. Pipestem and Bluestone State Parks and Bluestone Wildlife Management Area are located along this segment of the river. NO FEDERAL FACILITIES. Authorized Oct. 26, 1988. Boundary change: Nov. 12, 1996. *Acreage—4,309.51 Federal: 3,032 Nonfederal: 1,277.51.*
  - **Gauley:** The 25.5 miles of the Gauley River and the 5.5 miles of the Meadow River pass through scenic gorges and valleys containing a wide variety of natural and cultural features. The Gauley River contains several Class V+ rapids, making it one of the most adventurous whitewater boating rivers in the East. Both rivers also provide excellent fishing opportunities. LIMITED FEDERAL FACILITIES. Authorized Oct. 26, 1988. *Acreage—11,506.95 Federal: 4,283.12 Nonfederal: 7,223.83* (source: some non-NPS web site)
- 1990 Grandview State Park is transferred to NERI administration.
- 1996 Boundary change brings additional 7,000 acres within the boundary. This is the biggest addition to the park to date.(source: Andy Steel OHI). NB., this does not add to federal ownership. Congress authorized this boundary change on November 12, 1996. The Ward Tract, I believe, was within this new boundary, but the purchase didn't go through until 2003.
- 1998 Purchase of the Nuttall property, 1021 acres, including most of the “Endless Wall” climbing area and the cultural remains of Nuttallburg (sources: Hart, 1999, p. 6; Cal Hite, OHI).

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<sup>1</sup> West Virginia National Interest River Conservation Act of 1988: report to accompany H.R. 900. US Senate, One Hundredth Congress, Second Session, August 11, 1988, Report 100-481.

- 2002** Boundary changes and land acquisition bring total area within park boundary to 72,189 acres. Boundary extended north of New River Bridge to Hawks Nest State Park. Congress authorized this boundary change on December 17, 2002. *Acreage*—72,189.49 *Federal*: 52,197.16 *Nonfederal*: 19,992.33. Andy Steel mapped the 500 acres of Brush Creek and Berwyn Land Company land within this area, but that land was still in negotiation as of 2006. (source Andy Steel OHI). According to the Republican Study Committee, *Legislative Bulletin*, June 24, 2002, Congressman Rahall's H.R. 3858, the New River Gorge Boundary Act, would modify the boundaries and "the bill would add to the National River six tracts of land (totaling 1,962 acres) held by five willing sellers. This addition would result in an approximately 3% increase in the size of the park." It would also allow a land exchange (a third of an acre for a third of an acre) that "would resolve a boundary issue in which half of a private home was inside the park and the other half was on private land." The report in the *Legislative Bulletin* stated that Bush Administration's NPS representative said it was "unable to support H.R. 3858 in its entirety." Specifically, it supported the land-exchange but neither the land acquisition or the boundary adjustment. [I'm not sure of exactly what passed later in 2002. A modified bill?]
- 2003** The Forestland Group, LLC, (now Heartwood Forest Land Fund) announced in September that it sold the 6,746-acre Ward Tract to the National Park Service, with the strong support of the "strong support of the West Virginia Congressional delegation under the leadership of Senator Robert Byrd." (source: [www.forestlandgroup.com/news\\_9-01-03.html](http://www.forestlandgroup.com/news_9-01-03.html)). The Ward Tract was already within the boundaries as adjusted in 1996.

## APPENDIX F

### RIVERS IN THE NATIONAL PARK SYSTEM

As of June 5, 2007, the following statement and list appeared on the National Park Service, Rivers Website, <http://www.nps.gov/ncrc/portals/rivers/projpg/nana1.htm>:

The National Park Service (NPS) protects, conserves, recognizes, or manages rivers with various government agencies and private groups in a number of ways. Hundreds of rivers are located in the national parks and other NPS sites, protecting both the river and land areas surrounding them. Battlefield parks, seashores, parkways, and trails are other designations to preserve and interpret America's heritage. In fact, the Park Service has 20 classifications of its 379 sites, several of which are specific to rivers. The authority and legislation for each designation indicates the protection and uses specific to that river. Sometimes protections overlap (e.g.: designated Wild and Scenic Rivers may be within the National Park units). Examples of National Parks with rivers.

Below is a list of river designation, protection, and recognition types with examples:

#### NATIONAL PARKS WHICH INCLUDE RIVERS

- Katmai NP (Brooks R)(AK)
- Mammoth Cave NP (Green & Nolin R) (KY)
- Theodore Roosevelt NP (Little Missouri R) (ND)
- Great Smoky Mountains NP (Pigeon R) (TN, NC)
- North Cascades NP (Stehekin R) (WA)
- Shenendoah NP (Rapidan R, etc.) (VA)

#### RIVER CENTERED PARK

Certain national park areas which protect and maintain rivers or river segments as their central features; for example, the Colorado River is a main element in the Grand Canyon National Park. Examples of river centered parks.

- Grand Canyon NP (Colorado R) (AZ)
- Black Canyon of the Gunnison NP (Gunnison R) (CO)
- Dinosaur NP (Yampa R, Green R) (CO,UT)
- Big Bend NP (Rio Grande R) (TX)
- Arches NP (Colorado R) (UT)

- ° Canyonlands NP (Colorado R, Green R) (UT)
- ° Cuyahoga Valley NP (Cuyahoga R) (OH)

## NATIONAL RECREATION AREA

Is designated by Congress and provides opportunities for visitors to partake in recreational activities such as swimming, boating, hiking, and camping. Of the 19 NRA's, several have rivers as their central features. NRA's designations are established in naturally outstanding areas. Most emphasize both water based and non water based recreational opportunities (this list includes only free-flowing river valleys, not rivers impounded as reservoirs).

Examples of National Recreation Areas.

- ° Chattahoochee NRA (Chattahoochee R) (GA)
- ° Delaware Water Gap NRA (Middle Delaware NSR) (PA/NJ)
- ° Gauley River NRA (Gauley R & Meadow R) (WV)

## NATIONAL RIVER

Is designated by Congress and is a river preserved with its surrounding environments, essentially as a park. The Ozark National Scenic Riverways is the Nation's first and only scenic waterway, protecting 134 miles of Current and Jacks Fork Rivers, it includes 19 historic or archaeological sites. Examples of National Rivers.

- ° Buffalo River NR (AR)
- ° New River Gorge NR (WV)
- ° Ozark National Scenic Riverways (MO)

## NATIONAL RIVER AND RECREATION AREA

Combines the attributes of National Rivers and National Recreation Areas. Examples of NRRAs.

- ° Big South Fork NRR (KY)
- ° Mississippi NRR (MN)

## WILD & SCENIC RIVER

Designated by Congress, these rivers are free flowing and protected from damaging development and use. They must contain outstandingly remarkable scenic, geologic, fish and wildlife, cultural or similar qualities. A total of 156 rivers have wild and scenic status, with the National Park Service managing 32. Five of the rivers-The Farmington, SuAsCo, Lamprey, Maurice and Wolf Rivers-are cooperatively managed, by states, localities, and the National Park Service. Examples of Wild & Scenic Rivers.

- Alagnak R (AK)
- Alatna R (AK)
- Aniakchak R (AK)
- Charley R (AK)
- Chilikadrotna R (AK)
- John R (AK)
- Kobuk R (AK)
- Mulchatna R (AK)
- N.Fork Koyukuk R (AK)
- Noatak R (AK)
- Salmon R (AK)
- Tinayguk R (AK)
- Tlikakila R (AK)
- Kings R (CA)
- Kern R (CA)
- Klamath R (CA)
- Merced R (CA)
- Tuolumne R (CA)
- Cache la Poudre R (CO)
- Farmington (NW&S) R (CT)
- Sudbury, Assabet, & Concord R (MA)
- Missouri R (NE,SD)
- Niobara N. Scenic Riverway (NE)
- Lamprey W & S R (NH)
- Great Egg Harbor S & R R (NJ)
- Maurice S & R R (NJ)
- Delaware R: MIDE (PA/NJ), UPDE (PA/NY), Lower Delaware W & S (PA/NJ)
- Obed R (TN)
- Rio Grande R (TX)
- Saint Croix R (WI)
- Wolf R (WI)
- Bluestone NSR (WV)
- White Clay Creek W & S R (PA/DE)

## NATIONAL NATURAL LANDMARK

Recognizes and encourages the protection of extraordinary and nationally significant natural areas. While maintaining outstanding features in their physiographic region, these landmarks must represent and maintain a biotic community or geologic feature. A number provide protection to significant river features. Examples of National Natural Landmark.

- Aniakchak Caldera (Aniakchak R) (AK)
- Lake George (Knik R) (AK)
- Sheep Rock (Snake R) (ID)

- ° Big Springs (Henrys Fork R) (ID)
- ° Green Ash-Overcup Oak-Sweetgum Research Natural Areas (Mississippi R) (MS)
- ° Fort Randall Eagle Roost (Missouri R) (SD)
- ° Bose Lake Hemlock Hardwoods (Eagle R) (WI)
- ° Kickapoo River Natural Area (Kickapoo R) (WI)

## NATIONWIDE RIVERS INVENTORY (NRI)

Is a listing, maintained by the National Park Service, of more than 3400 free flowing rivers segments believed to have outstanding and remarkable values (including scenic, recreational, geologic, fish, wildlife, prehistoric/historic and other values), making them potentially eligible for a Wild and Scenic designation. Federal Agencies evaluate potential eligibility of NRI segments on lands that they manage. Private land rivers have not gone through the potential eligibility study process.

## AMERICAN HERITAGE RIVER:

**A DESIGNATION ESTABLISHED BY PRESIDENT CLINTON IN 1998. THE PRIMARY OBJECTIVES OF THE AMERICAN HERITAGE RIVER DESIGNATION ARE ECONOMIC REVITALIZATION, NATURAL RESOURCES & ENVIRONMENTAL PROTECTION, AND CULTURAL & HISTORIC PRESERVATION. THESE RIVERS, AS A GROUP SERVE TO REPRESENT THE NATURAL, CULTURAL, HISTORIC, SOCIAL AND ECONOMIC DIVERSITY OF AMERICA. THE GOAL IS TO DEMONSTRATE THAT PEOPLE AND NATURE CAN LIVE TOGETHER IN PRODUCTIVE HARMONY. SOME 20 FEDERAL AGENCIES ARE PARTNERING TO ASSIST THESE RIVERS. THE NATIONAL PARK SERVICE IS INVOLVED IN SOME WAY WITH ALL 14 AMERICAN HERITAGE RIVERS. EXAMPLES OF AMERICAN HERITAGE RIVERS.**

- ° Connecticut R (CT,VT,NH, MA)
- ° Potomac R (DC, VA, MD, PA,WV)
- ° St. Johns R ( FL)
- ° Hanalei R (HI)
- ° Upper Mississippi R (IA,IL,MN,MO)
- ° Lower Mississippi R (LA,TN)
- ° Blackstone & Woonasquatucket R (MA/RI)
- ° Detroit R (MI)
- ° New River (NC,VA,WV)
- ° Hudson R (NY)
- ° Cuyahoga R ( OH)
- ° Willamette R (OR)
- ° Upper Susquehanna & Lackawanna R (PA)
- ° Rio Grande R (TX)



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