Keeping the "Wild" in Wonderful West Virginia

by

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ABSTRACT: The story of West Virginia has been told and retold, usually in the positive context of the "march of civilization." Early settlers confronted a vast wilderness and set about taming it. State government has long been a partner in the process, promulgating industrial development and economic expansion through supportive legislation and policy. West Virginians have paid a price for this economic success in the form of environmental degradation. The first victim was the vast West Virginia wilderness. Today, wild nature is viewed as a scarce commodity steeped in historic, cultural, and symbolic value. In response, state officials have made some effort in recent decades to adopt policies to preserve portions of what little remains. Yet there is inevitably a lag time between public sentiment and government action. While change has been slow, the growing popular appreciation of wild nature has forced West Virginia's policy makers to face conservation philosopher Aldo Leopold's question, "whether a still 'higher standard of living' is worth its cost in things natural, wild, and free."

This analysis is organized around three themes. The first is a discussion of the changes that have occurred in the way West Virginians perceive forested wildlands and their relationship to it. Secondly, the evolution and development of state public land management will be examined. Particular focus will be placed on comparing current public attitudes toward wildlands and natural areas with state land policy and management. Thirdly, a policy action agenda is proposed for bridging the disparities between public sentiment and lagging public land policy and management direction.
CHANGING PUBLIC SENTIMENT

West Virginia's abundant natural resources--timber, coal, oil, natural gas--helped fuel the massive 20th century industrial growth that occurred in the United States. Expansion of a resource-based economy, aided and encouraged at every turn by the policies of state government, had three crucial effects on West Virginia. First, while it helped make the United States the world's wealthiest nation, the state itself has invariably ranked near the bottom in personal income, employment, education, and health (Williams 1993). Boosters have from the beginning promised that extraction and export of raw materials would make West Virginia a wealthy state, but it remains, as described by John Alexander Williams, "one of the poorer states, a hewer of wood and a supplier of energy to its richer neighbors." (Williams 1976)

The second crucial effect of unrestrained extraction and export of raw natural resources was the destruction of wilderness. As West Virginia nears the twenty-first century, almost every acre of the state has been altered to some extent by human activity, mainly by agriculture, timber harvesting, mining, and urbanization. This activity has been continually supported by state policies that subsidize the exploitation, rather than the protection, of wild nature. Today, only a tiny fraction of West Virginia's vast primeval forests remain.

Third, immense economic growth and plentiful resources provided the setting for unrestrained business practices among the absentee owners who controlled most of West Virginia's resources. The resulting business abuses of lumber, mining and railroad companies--aided and abetted by state policy--have gained a central place in West Virginia history.

Such policies toward wild nature could not be sustained indefinitely. Resource-intensive economic systems are ultimately self-limiting. By the 1930s, most of West Virginia's landscape had been compromised to some degree by development. Loss of wild conditions
created the perception of wildness as a scarce resource. Rising levels of affluence and education encouraged West Virginians to recognize the non-economic values of nature. Combined with popular dissatisfaction with abuses by big business and absentee landowners, the inevitable result was an erosion of the "growth and progress" mentality that dominated earlier generations.

Thus began a fundamental change in the way West Virginians perceive forested wildlands. The meaning of wild nature, and the role people want it to play in their personal lives and in the life of their community has changed drastically--from the forbidden forest, viewed at best as a commodity and at worst an obstacle to progress, to the late 20th century perspective of a biotic whole providing clean air, water, beauty, and inspiration. Recognition of these values is actually not new. As early as 1911, West Virginia's pioneer conservationist A.B. Brooks mused retrospectively that

> the great forest which surrounded the homes of the pioneers left an indelible mark on their characters. It affected every act of their lives. Its influence was manifested in their manners and customs and conversations. It made [them] more thoughtful and less talkative and superficial; it furnished the inspiration for many of their great works of prose and poetry; and it breathed into them a spirit of freedom and independence. (A.B. Brooks 1911, pp. 45-46)

It's ironic that these benefits were taken for granted until progress did away with them. Only in the past few decades, as we take our repose in a landscape largely transformed to suit our human purposes, has a more positive view of nature emerged as a dominant public sentiment and potent political force. The general trend has been towards preserving the last vestiges of West Virginia's wild landscape.

Since the early twentieth century, a progressive reform movement called utilitarian conservation, or the "wise use" of natural resources, has dominated public environmental policy, both in West Virginia and nationally. The shift in public sentiment occurring today is
the result of two converging forces that challenge the tenets of utilitarian conservation. Those forces are preservationism and biocentrism. Preservationism is unlike utilitarian conservation in that it views nature holistically as an ecosystem, rather than as a stockpile of resources. Under preservationist thinking, nature is not seen simply as an exploitable resource that can be engineered to maximize human benefit, but rather as a synergistic phenomenon that can be irreversibly damaged by human activity.

Nonetheless, like utilitarian conservationism, preservationism is essentially concerned with the question "what can nature do for people?" While preservationists generally reject purely economic values and focus on benefits like, scenic beauty, solitude, escape, and character building it is still a tool to ensure that the full measure of human value is obtained from nature. Probably the best example of the impact of the preservationist argument in state policy is the formation of the state park system.

Biocentrism ideology provides the second challenge to the utilitarian conservation paradigm. Aldo Leopold's "land ethic" illustrates this view. Under biocentric thinking, humans are not viewed as above the rest of creation, but rather as one strand in the web of life. Nature is construed "not as a commodity belonging to us, but as a community to which we belong" (Leopold 1949). Hence, human values are dependent upon these intrinsic values, and must sometimes give way to nature. For instance, a forest would sometimes be left in its wild state as remote habitat for wildlife, even if that means fewer jobs for loggers or innkeepers.

While this holistic view of nature is prevalent in the sciences and increasingly among the lay public, it has barely affected West Virginia's public land policy. For instance, the state natural heritage and non-game wildlife programs have been defended using biocentric rhetoric that recognizes the inherent worth of every individual part of the ecosystem and its
contribution to the healthy functioning of the whole. Yet the program is woefully underfunded as compared to the state's hunting and fishing programs. During the last legislative session, considerable public support was generated for bills that would have increased funding to these programs. The funding schemes were scuttled by business and development interests, mainly the real estate lobby.

Despite these barriers, public support for preservationist/biocentrist public policies towards nature will likely increase in the future. Recent public opinion polls have consistently revealed public willingness to forgo jobs and economic development in favor of nature protection. When reasonable compromises between environmental protection or economic growth cannot be found, Americans overwhelmingly (66 percent) side with nature protection, while only 17 percent favor economic growth (Roper 1992). A solid majority (72 percent) believe that American beliefs and values are the basis of our environmental problems (Continental Group 1982). In West Virginia, the consistent public rejection of large landfills for out-of-state garbage is but one example suggesting a willingness to forgo economic benefits for environmental quality.

It's important to understand that these new pro-nature values do not represent a desire to turn back the clock to some primitive, pre-technological society. Rather, appreciation of amenity values such as wilderness represents an important part of the standard of living of an advanced industrial society; it's an unavoidable consequence of prosperity. Demand for amenity values—whether they be the arts, literature, or wild nature—is linked to affluence, education, and urbanization. As prosperity grows and education levels rise, consumption patterns shift from an emphasis on necessities to conveniences and finally to amenities (Hays 1983).

This shift in values is supported by new technologies that allow people to live near
nature and conveniently access it while still enjoying most modern conveniences. Technology has also produced a array of outdoor leisure products that let people experience nature with greater safety, ease, and mobility. Examples include chair lifts, sunscreen, lightweight equipment, helmets, and hi-tech fabrics that breathe while still keeping out the rain and snow. Technology has also resulted in new activities such as SCUBA diving, mountain biking, and windsurfing that broaden the ways people can experience nature.

A shift in population to urban landscapes free of the harsh realities of life directly dependent on nature has made wilderness seem more appealing. In fact, nature has come to be viewed as an antidote to the problems of urban life. Today, millions of West Virginians and state visitors depend on nature as an escape from the city—a place to be revitalized, renewed, healed. Schools, hospitals, and treatment centers are increasingly turning to nature as an effective alternative educational and treatment model.

As these shifts in public values have occurred, a rift has appeared between the public on one hand and public-land policymakers and managers on the other. Many studies have demonstrated the extent of these differences. Policymakers and managers are consistently more interested in jobs, real estate values, and attracting industry, while the public are far more concerned with environmental quality (Hays 1983). By a solid majority, the public has consistently indicated that the primary job of the Forest Service should be to "preserve trees in their natural state" rather than "try to increase the yield and sales of timber." In contrast, only 38 percent of Forest Service professionals thought that forests should be "preserved in their natural state" (Opinion Research Corporation 1977).

So why the lag between emerging public sentiment and public land policy? Born during the Progressive reform era of the early 20th century, the forestry profession has a long tradition of "wise use," utilitarian conservation. For most of this time, the public has generally
accepted a paternalistic relationship in which the forester automatically knows what is best, both for people and for the land. Although public sentiment towards nature has now changed, public land management remains dedicated the wise-use "gospel of efficiency" in which commodity and economic values dominate (Hays 1959). The professional view persists that resource decisions should be made by the "experts" based on utilitarian formulas of the "greatest good" for society. For decades, this philosophy of conservation has kept democratic processes out of the resource-allocation decision process (Knopp and Caldebeck 1990).

Today, however, the public is less and less willing to be excluded from the resource-allocation process. The call to involve people more directly and meaningfully in decision-making processes has come from two directions (Knopp and Caldebeck 1990). First, the myth of the omnipotent public land manager is being questioned (Behen 1966). Changed public sentiment towards nature has resulted in the perception that public land policy is more closely allied with industry than with the public interest. As a result, the public is increasingly suspicious of decisions that occur in a "black box" that conceals trade-offs and alternatives. Previously, public distrust was reserved for industry; now it is also focused on public officials. Today, the prevalent view is that professional resource managers should assemble data, complete analyses, and describe alternatives, but that they should not make the final policy decisions (Clawson 1975).

Meanwhile, there is a growing belief among managers that better decisions could be made if the public were involved more effectively in the process. Once the premise is accepted that public resource-allocation issues are value-based problems not amenable to technological solutions, then it can be argued that administrators should not make the final policy decisions. In this context, state legislatures across the country, on behalf of the people, have created mechanisms for meaningful and constructive public participation in these public
resource-allocation decisions. Bureaucrats are no longer the decision-makers, but rather facilitators of decision processes in which public involvement is fundamental. In West Virginia, however, these reforms have lagged despite public sentiment for change.

In summary, a dramatic reversal of values has occurred in the way West Virginians perceive and experience nature. This shift away from extractive commodity values towards intangible amenity values is an inevitable consequence of progress. Today, the movement for wildland and natural area protection has clearly emerged from its infancy as a potent political force. Greater affluence, education, and urbanization in coming decades will only intensify these views. As people’s values have changed, distrust has increased towards public resource managers and policy makers whose views appear aligned with industry. The public is less willing to allow the professionals to make the decisions. They increasingly demand decision processes that require formal public participation, the identification of alternative options, and the analysis of the social and environmental impacts of those alternatives. As proof, we need only look at the increasing numbers who show up at public hearings, the proliferation of state environmental organizations, the burgeoning membership in these organizations, and the improved capacity of these groups to mobilize behind environmental issues that arise.

THE EVOLUTION OF PUBLIC LAND MANAGEMENT

Public forest management has a colorful and lengthy tradition. The profession was born during the Progressive movement of the early 20th century as a response to abuses by the resource-extraction industries that laid waste the country’s virgin forests. Popular dissatisfaction with these practices led to new public policies that emphasized conservation. Later, the economic boom that followed World War I led to an enormous escalation in the
demand for the amenity values of nature as people turned to the outdoors for their leisure. In response, additional tracts of cut-over and burned land in the eastern United States—seen as valueless by industry—were incorporated into a public land system made up of national and state forests and parks.

In West Virginia, the Monongahela National Forest, along with most of the state forests and parks were established in this way. Stewardship of these areas has from the start been propelled by the ideology of resource conservation and rational scientific "management." The fundamental purpose underlying management of these areas has been twofold: to provide a sustained yield of natural resources to fuel the economy, and to supply outdoor recreational outlets for West Virginians and out-of-state visitors. State government responded to this demand by purchasing parks and forests and by building scenic highways, trails, lodges, campgrounds, and restaurants.

Several events foreshadowed these actions. In the single year of 1908, one-tenth of West Virginia's land surface burned, and 3 percent of the state's standing timber was destroyed in the fires. Of the 710 fires reported that year, most were caused by sparks or hot coals from locomotives, and the rest by sawmills and limber camps. Hardest hit were Randolph and Tucker counties, but no county in the state entirely escaped that fall's forest fires (WVC Conservation Commission, 1908).

West Virginia's 1908 Conservation Commission was a temporary body inspired partly by the year's devastation, but also by Theodore Roosevelt's 1908 White House conservation conference. Like Roosevelt's initiative, West Virginia's effort focused on commodity concerns by asking "in what way [can] more economy...be practiced without seriously or permanently retarding development" (WVC Conservation Commission, 1908). The commission's proposal for establishing a system of "protective" state-owned parks and forests illustrates both the
disenchantment with the timber industry that was prevalent at the time, and an increasing
desire for the non-economic benefits of nature. This love of nature for its own sake was
conceived, however, as a commercial resort experience that would occur in a manipulated
landscape. In fact, one of the Commission's suggestions was to dam many of West Virginia's
streams, because "large sheets of water in the high mountains where boats could sail, and
fishermen and hunters find attractive recreation, would attract people to resorts there, and the
business of entertaining them might become highly profitable" (WV Conservation Commission,
1908).

Action on these recommendations was delayed until after World War I. By 1925,
however, West Virginia's virgin forests had virtually all been clear-cut, leaving behind a litter of
dry slash and crowns that frequently caught fire. That sobering aftermath of "the great cut"
mobilized public support for the old idea of creating state parks and forests. In 1925, 4,560
acres of cut-over land in Pocahontas County--land which would become Watoga State Park--
was purchased by the West Virginia Game, Fish and Forestry Commission. In 1927, a newly
created Forest, Park, and Conservation Commission recommended that state parks or forests
be created at Coopers Rock (in Monongalia County), Cranberry Glades (Pocahontas County),
Hawks Nest (Fayette County), Pinnacle Rock (Mercer Counter), Blennerhasset Island (Wood
County), and along a strip from White Sulphur Springs to the vicinity of Lewisburg (Greenbrier
County). By that time, the Monongahela National Forest had been established by Congress
and was posed to encompass Seneca Rocks and the Smoke Hole areas. The same 1927
commission also suggested designating a series of state monuments, and a series of state
historical parks of which the Droop Mountain Battlefield (in Braxton County) became the first.

Those recommendations were followed, but not with any haste until the 1930s' New
Deal. At that time, the Civilian Conservation Corps (CCC) provided the labor to build visitor
facilities and trails in the Monongahela National Forest and in state parks and forests. The availability of cost-free labor for state park and forest projects prompted the legislature to create a new Conservation Commission that soon began buying lands at low Depression prices. By the late 1930s, much of today’s 204,412-acre system of parks and forests was already in place. In the 1950s, West Virginia’s state government began selling bonds to finance recreation-development projects on state lands. Lodges at Blackwater Falls and Cacapon (which cost $750,000 each) were soon followed by smaller lodges at Tygart Lake, North Bend and Twin Falls, and eventually by larger lodges at Pipestem and Canaan Valley. Meanwhile, most of the parks and forests were being equipped for tent and trailer camping. By 1958, the number of visitors to the system was nudging two million annually (Where People and Nature Meet, pp. 8-10).

While the attitudes that shaped West Virginia’s public land system have long recognized recreation, they have provided scant protection for wild landscapes. The value of wild nature continues to be construed mostly in economic terms. The overriding tendency has been to see public land as "worth" more when developed than it is worth when left wild. As a result, public land has steadily been converted to economic uses—whether it be commodity use such as timber cutting or amenity use like a ski resort. Economic activities like timbering on state forests and the construction of lodges, golf courses, restaurants, and ski areas on state parks are explicitly encouraged by state policy. Yet, absent from the state’s legal Code or administrative inclination are any mechanisms mandating or even simply allowing the establishment of "natural," "sensitive," "scientific," or "wilderness" areas as components of the system. Also absent are active programs to develop and manage greenways and corridors, state wild and scenic rivers, state trail systems, scenic byways, or urban recreation areas of statewide or region-wide significance.
Creation of a public land system required the establishment of government agencies to manage it. Two world wars, rapid socioeconomic growth, and deterioration of environmental quality further legitimized the growth of these agencies. The utilitarian conservation paradigm has dominated the philosophy of these agencies since their inception. Today, extensive state bureaucracies support this ideology. Private-sector contractors (e.g. timber companies and resort concessionaires) are prominent in the plans of these agencies, benefit from the paradigm, and actively defend the paradigm because it supports their profits. And university programs train technicians both to administer the policies and to work in the industries. All of these interests have thrived, leading to the emergence of a public-resource elite—insulated from public scrutiny—composed of academics, politicians, administrators, and technicians whose central purpose is to implement a utilitarian conservation policy. The result is a system that places more importance on economic benefits than on the protection of wild nature.

From 1933 to 1961, public land management and conservation activity in West Virginia was concentrated in the state Conservation Commission, which encompassed the Divisions of Game and Fish; Parks and Recreation; and Forestry. In 1961 the legislature created a Department of Natural Resources which included these three divisions, along with Water Resources and Reclamation (Acts of the Legislature of West Virginia, Regular Session 1961, Chapter 131 [pp. 520-527] and Chapter 133 [pp. 656-691]).

The 1960s saw the first major federal aid for state parks since the 1930s. Instead of the free labor of the New Deal's CCCs, this new federal aid came in the form of grants and loans from the U.S. Area Redevelopment Administration. West Virginia received $10 million in grants and $18 million in loans, resulting in several new parks including the Cass Scenic Railroad in Greenbrier County. A backlash to these land purchases occurred in 1977 because
separate counties feared losing their tax base by conversion of private land to public ownership. The legislature prohibited any further land acquisitions (even if donated) except what the legislature itself authorized on a case-by-case basis. Very few acquisitions and designations have occurred since then.

In the mid-1980s, the first attempts were made to harness state conservation efforts as an instrument of economic development. Agencies began playing musical chairs as West Virginia's governors have devised, and the legislature has approved, a dance of shifting departmental configurations. In 1985 the legislature largely dismantled the Department of Natural Resources (the old DNR, not to be confused with today's Division of Natural Resources). The old DNR's Division of Forestry was transferred to the Department of Agriculture, where it remained until 1989. Mine reclamation work was transferred in 1985 from the old DNR to a newly-created Department of Energy, where it remained until 1992 when it was subsumed into a new and larger Department of Environmental Protection. The old DNR's Division of Parks and Recreation was transferred in 1985 into a new Department of Commerce, where a Division of Tourism was added to compliment it (Acts of the Legislature of West Virginia, Regular Session 1985, Chapter 41 [pp. 170-180]).

Another flurry of changes occurred in 1989. That year the 1985-1989 Commerce Department was subsumed into a larger Department of Commerce, Labor, and Environmental Resources (Acts of the Legislature, Extraordinary Session 1989, Chapter 3 [pp. 1741-1774]). Within the larger department, a Division of Natural Resources was endowed with some of the functions of the old pre-1985 DNR, including sections for Forestry, Wildlife Resources, and Law Enforcement. But, a year later, other parts of the old pre-1985 DNR were assigned elsewhere through the 1990 Economic Development Act. It created a new Division of Tourism and Parks and demoted the previous Parks and Recreation Division, along with the previous
Tourism Division, to sections within the new division. This new Division was placed within the on-going Department of Commerce, Labor and Environmental Resources, along with the new Division of Natural Resources and the Division of Forestry.

These changes have had a significant impact on public land policy directions in that they effectively reinforce the tendency of these agencies to develop state lands in the name of economic development. Most notably, resource protection efforts--once integrated in one department--are now divided among several departments and divisions. For instance, the Division of Forestry is charged with resource management of the state forests, while the Division of Tourism and Parks has responsibility for the recreation and tourism developments on those forests. Little or no planning and coordination occurs between these agencies. The creation of a Division of Tourism and the eventual merging of this division with Parks has resulted in vigorous new tourism development and promotion, but at the expense of the original mission of park protection.

PROTECTION VERSUS DEVELOPMENT IN THE STATE PARK SYSTEM

Many factors influence the character of West Virginia's public land system--factors such as tradition, political pressures, funding, court decisions, political personalities, and the needs and interests of state residents. The agencies managing the state's forests, parks, and wildlife areas all have legislative mandates to preserve and conserve natural resources for the enjoyment of the state's residents and visitors, but no legislative guidance is given for resolving conflicts between preservation and use. Language calling for the permanent protection of natural, scenic values in their natural condition is compromised and contradicted by other language allowing and/or encouraging resource extraction and facility development. The result is a system run by old-style policy making, insulated from public scrutiny and
dominated by utilitarian conservation ideology—a system that places greater importance on economic benefits than on protecting nature.

The current policy direction of the West Virginia state park system is a case in point. The twofold mission of the system is to "promote conservation by preserving and protecting natural areas of unique or exceptional scenic, scientific, cultural, archaeological or historical significance" and to "provide outdoor recreational opportunities for the citizens of this state and its visitors" (West Virginia Code, Vol. 8 [1989 replacement volume], Chapter 20, #20-1-7 [p. 7]). For decades, managers of the system were able to strike a difficult balance between these two often-conflicting mandates.

In recent years, departmental reorganization and the growing importance of tourism in the state's economy have tipped the scales towards recreation and tourism development, at the expense of wild nature. The 1990 Economic Development Act that linked Parks and Recreation with Tourism reflects this shift. Besides merging these two sections, the Act created a section for Tourism Promotion and Marketing and one for Advertising and Sales within its new Division of Tourism and Parks. Increasingly, parks are viewed not as the last hope for the protection of wild nature, but as an "ecofactory" that produces tourist experiences for upper-middle class customers from Washington D.C., Baltimore, and Philadelphia.

It is interesting to note, however, that this new economic-development responsibility is not spelled out in the state's legal Code or in the mission statements of the Division of Tourism and Parks. Language does exist in the Code that allows construction of facilities such as cabins, lodges, resorts, golf courses, campgrounds, and restaurants. Revenues from these facilities are to be "expended ... for operating, maintaining and improving the system, or for the retirement of park development revenue bonds." This language has been liberally interpreted as permission to elevate economic development over protection. Since more
facility construction means more operating revenue, a steady shift has occurred toward a state park system that fiscally favors resource utilization and development at the expense of protection.

There are several problems with the state park system's current focus on economic development. First, measuring success by financial criteria skews the central preservation and protection mission of the system. When economic decisions drive park plans, intrusive developments compromise the values of unique natural sites and fragile areas. Undesirable development may also occur outside of park boundaries, compounded by the lack of land-use planning and zoning in the state's rural areas.

Development plans for state parks have not been accompanied by environmental impact assessments, inventories of cultural and natural resources, or by the provision of any money for damage mitigation. These activities are not required by state law. Revenue dollars have largely been pumped back into the maintenance of facility developments, leaving little or no money for protection and preservation activities.

This focus on revenue-producing facilities is also exclusionary. Upscale restaurants, high-priced lodges and cabins, marinas, and conference centers wrongly exclude many West Virginians from their investment in public parkland. An incremental shift has occurred away from inexpensive nature-dependent forms of recreation that, unfortunately, don't generate money for the system. The process is leading towards highly developed environments characterized by consumptive, automobile-oriented, and facility/service-dependent values. Visitors seeking wild nature and solitude are displaced to a dwindling supply of remote areas unless they adjust their expectations and behavior to conform to the new conditions. The so-called "need for more facilities" becomes a self-fulfilling prophecy as facility developments attract greater numbers of facility-dependent visitors who, in turn, demand more facilities.
This emphasis on fee-generating facility development is unique to a few state park systems in the eastern United States. Nearly 90 percent of the lodge rooms in U.S. state parks can be found in 7 states - Alabama, Arkansas, Indiana, Kentucky, Ohio, Tennessee, and West Virginia. These states also have been most active in constructing other facilities such as pools, golf courses, restaurants, aerial lifts, marinas, conference facilities, and downhill skiing. The rationale for construction of these facilities revolves around two main arguments: 1) the lack of privately-operated tourism facilities and services outside the parks, and; 2) the need to generate revenue to support operation of the system.

By contrast, most states have chosen to exclude or minimize fee-generating development within state parks, choosing instead to encourage private sector development outside of park boundaries. Protection of the natural and cultural features within the park are the primary goal of management. These features become appealing "focal attractions" that draw visitors to the area. Hospitality services, complementary features, and other visitor services are provided by private-sector providers and local municipalities. By allowing the private sector to own and operate these businesses, the natural and cultural features within the parks can be protected while the overall economic impact to the region is maximized.

PUBLIC INVOLVEMENT AND THE DIVISION OF FORESTRY

Currently, state land managing agencies are not required by law to include meaningful public input in the resource-allocation process. Thus, decisions have generally been left to administrators. However, pressures are increasing for the creation of opportunities for meaningful public involvement in these decisions. Several recent proposals have been scuttled because of public opposition, including the old Division of Forestry's timber-harvesting plans for Kanawha State Forest (which ultimately resulted in a legislative ban on all cutting
there), a proposal to construct a tramway over the Cheat River at Coopers Rock, and last year's legislative attempt to lease several state park operations to private-sector concessions.

The current controversy over a proposal by the Division of Forestry to cut timber in Kumbrabow State Forest is another case in point. The plan calls for a relatively small "selection" cut where only some of the trees would be removed (as opposed to a clear-cut, where all trees are harvested). From an ecological and aesthetic perspective, this method is among the most benign of timbering practices.

Trouble began with the decision process that the Division of Forestry followed at Kumbrabow. The agency sought to establish a traditional paternal relationship with the public. While the public was not allowed to be involved in the decision process, the agency did go out of its way to inform the public of its decision, and to present a solid rationale for the timber cutting. Professionals in the Division of Forestry genuinely believed they were acting with integrity, honesty, and dedication. To their surprise, intense negative public response ensued that has culminated in a lawsuit against the Division.

Where did the Kumbrabow plan go awry? We believe the issue was not, as Forestry officials believe, whether timber ought to be harvested on state forests. Rather, the issue revolves around the process that the Division used to make the decision. The traditional "trust us, we know best" approach used by the Division proved distasteful to the highly interested and involved publics who use the forest. As far as the public could see, no attempt was made to develop alternative plans or to assess the environmental and social impacts of those alternatives. It appeared to the public that no attempt was made to consider amenity values that the public placed on the remote, rugged character of the forest. Thus, a decision process that was once construed as good management was now interpreted as a flippant disregard for citizen opinion.
What will the outcome at Kumbrabow be? Past disputes in West Virginia and around the country suggest that, if not given meaningful opportunity for input, interested publics will "force" their input through litigation and legislation. This was the case at Kanawha State Forest, where citizens angry over Forestry's cutting practices were able to push through a law prohibiting the Division from doing any and all future cutting on that forest. For now, the Kumbrabow logging contract has been postponed, pending the outcome of a lawsuit filed by opponents.

WEST VIRGINIA'S WILDLIFE PROGRAM

Since the passage of the federal Pittman-Robertson Act in 1937 an excise tax has been levied on sporting arms and ammunition. The proceeds go to state wildlife agencies to aid with wildlife management. Also, the federal Dingell-Johnson Act of 1950, and more recent amendments, benefit state fishery management programs by providing revenues derived from a federal excise tax on fishing equipment and boat imports. Matched with state hunting and fishing license sales, these sources have provided the bulk of the funding for the purchase of many state wildlife management areas and forests. These funds also comprise the vast majority of operational funds for the Wildlife and Fisheries Section of the Division of Natural Resources (DNR).

There have been two primary policy outcomes of this dependence on hunting and fishing taxes and licenses. First, a state wildlife program has developed that focuses almost exclusively on game species of fish, mammals, and birds. Game species include rainbow trout, deer, turkey, and black bear. Protection for the vast majority of species happens only indirectly in that, by managing for game habitat, other species may inadvertently benefit. Virtually no funding is expended specifically on protection of non-game fauna such as the
Virginia big-eared bat, the northern flying squirrel, peregrine falcon Cheat Mountain salamander, the wood turtle, and the dozens of species of song birds. Nor are resources available for protection of plants like the harperella, Kates Mountain clover, and running buffalo clover. This policy bias is in part the result of federal and state legislation that limits the way in which these funds can be expended, but it also comes from an agency culture that focuses primarily on hunting and fishing.

The second policy outcome is a tendency in the DNR to view its constituency not as the public in general, but as hunters and anglers in particular. A rationale for this bias can be found in the funding mechanisms: hunters and anglers pay for the programs, and therefore they ought to be the primary recipients of benefits. Environmental groups and non-consumptive recreation users are viewed as freeriders who have little, if any, stake in the agency's activities. Because hikers, campers, and skiers pay few if any fees, no revenue is generated from their activity and the land manager ignores them. A current case in point is the controversy over whether Wild and Scenic River status should be conferred on twelve rivers on the Monongahela National Forest. Initially, the DNR used public forums, news releases, and editorials to discredit the West Virginia Rivers Coalition (the primary advocate for the legislation). The organization was characterized as out-of-state environmental radicals and whitewater boaters who wanted to prohibit hunting and fishing along these rivers. While the rhetoric has subsided and the relationship between the groups has improved, fundamental differences remain.

Growing public sentiment for the amenity and non-consumptive values of wildlife have generally remained unacknowledged by the DNR. The current funding mechanisms and agency culture that focus exclusively on game species provide scant protection for wild nature. As a result, the state's Natural Heritage and Non-Game Wildlife programs remain
virtually unfunded.

A POLICY AGENDA FOR THE WEST VIRGINIA PUBLIC LAND SYSTEM

We need to reconsider the purpose of West Virginia's public land system. Currently, management of the system is insulated from public scrutiny and dominated by utilitarian conservation ideology. The great weight of policy governing the management of state lands has been on maximizing the economic benefits of public lands, often to the detriment of wild nature.

The principal goal of public land management in West Virginia should be protection, with particular attention given to providing an enduring resource of wildness for future generations. Public use and enjoyment of these values is also important, but must be compatible with the protection mission. Private use in the form of resource extraction and facility development pose even greater threats to wild nature, and should only be allowed when they do not reduce public benefits.

Such change in management cannot be achieved without confronting political realities. That is why any legislative reform must change the incentives that motivate the land-managing agencies. Such forms should follow these principles:

1. Establish a "Conservation Passport." Woefully underfunded, is it any surprise that state land-managing agencies give particular attention to activities and uses that generate income for the agency? The Division of Tourism and Parks focuses on visitors who rent lodge rooms or pay green fees. The DNR sees its clientele as the hunters and anglers who buy licenses. The Division of Forestry sells logs to the timber industry. The incentives are all in one direction, toward the exploitation of public lands and away from their protection.
What is needed is a different funding structure. Such a system should harness the overwhelming public sentiment for the protection of wildland values. For example, recreation fees in the form of a "Conservation Passport" offer the best option for including land-based visitors such as hikers, cross-country skiers, and sightseers. On the state's rivers, a boat license requirement would reach canoeists, kayakers, and rafters. A higher fee would exist for rafts used to carry commercial customers. Both the passport (in the form of a windshield sticker) and boat licenses could be purchased by mail or at gas stations and convenience stores, much like hunting and fishing licenses. A portion of revenues generated from lodges, restaurants, conference centers, and golf courses, should also be dedicated to the program, since wildlands were inevitably lost or compromised in the construction of these facilities.

Proceeds would be distribute back to the land-managing agencies based on a formula of visitor use and acreage managed, and would be earmarked for resource protection and for the visitor services needed by these resource-dependent visitors. Such a system would broaden the constituency base of these agencies, eliminate their dependency on income-generating activities, and generally serve to enhance the wildness of public lands. The ultimate goal would be for recreation fee income, combined with the money saved from operating expensive facilities and logging programs, to fund these agencies in their entirety. Only those who use state lands would pay, and their fees would ensure that these areas were managed in the best interest of the land. Non-consumptive recreation users would begin to get the resources and management they need to enjoy the state lands, instead of getting the meager leftovers after the lodge guests and timber companies have been served. With a new emphasis on resource protection, agency resources could be devoted to repairing the damage done by a century of misuse.
2. **Elevate the preservation and protection mission.** Present legislation provides scant guidance to state land managers in their efforts to reconcile preservation and use issues. More explicit statutory and policy language is needed that clearly elevates resource protection and preservation over other uses of state lands. Such language would establish an unambiguous direction for the system and aid significantly in resolving the preservation vs. use conflicts. By elevating the preservation and protection mission, greater attention would be focused on wildland values, which in turn would attract ever-greater numbers of visitors interested in these values. Fees generated from these visitors would then be directed back into further resource preservation and protection activities.

A State Lands Protection Act should spell out a "precautionary principle" designed to prevent and modify agency actions that may have adverse impacts. Such an act would require that activity on state lands be allowed only after it has been clearly determined that the action would not impair any of the values for which the system was established. The Act would assure that the oversight role of the Legislature, too frequently evaded or simply left unexercised, would become a more viable and continuing part of state land stewardship.

3. **Institute Comprehensive Planning Processes.** Comprehensive, systematic, and explicit decision-making frameworks should guide the actions of state land-managing agencies. As part of a State Lands Protection Act, planning frameworks should be established that mandate several components, including meaningful public involvement in the planning process, resource inventories, identification of alternative actions, and environmental impact assessments of the proposed alternatives. Such planning should be carried out at the agency-wide and individual park or forest levels. Creating mechanisms for meaningful public involvement in the decision process should also be stipulated. Access to information is
essential to enable the public to participate meaningfully and effectively in the process. The role of agency officials in the planning process should be that of dispassionate and impartial facilitators.

Under such reforms, the public would no longer view public land policy as more allied with industry and special interests than with public benefits. Trust in public land managers would be enhanced. Also, prospects for successful implementation of programs and activities would be increased, since public interests who may otherwise have impeded the plan would now be included in the process early on.

4. Establish Resource Allocation Ratios. The loss of natural amenity and wildland values is incremental and subtle. If looked at one action at a time, the change can be imperceptible. Yet in ten or twenty or fifty years, even public lands can be modified beyond recognition. In order to limit the amount of acceptable change that will occur on public lands, a "resource allocation ratio" policy should be adopted at the statutory level. This policy should explicitly state the amount of land that will be maintained in its natural condition or for cultural/historic values, and should also state the maximum amount that can be developed for intensive recreation use, resource extraction, roads, and the like.

Different ratios of natural to developed lands could be adopted for different types of units. For instance, natural areas and vacation parks might have 90:10 ratios, while forests and resort parks might have 70:30 ratios. Such an approach would establish a long-term management direction and system image that is clear and understandable. In this way, unambiguous ground rules and guidelines would be established for the long-term management of the resource.
5. **Develop alternative types of land protection units.** Many imaginative strategies can be employed to accomplish wildland protection goals. Primary among these is the need to identify and manage unique areas within state parks, forests, and wildlife management areas as "wilderness," "natural," "scientific," or "sensitive." These areas should be managed with a distinct focus on protecting natural and cultural resources in their unaltered condition for present and future generations. Other innovative types of management units and programs include greenways and corridors, state river and trail programs, scenic byways, and urban recreation areas of statewide or regional significance.

The State Lands Protection Act should direct the Divisions of Tourism and Parks, Forestry, and Natural Resources to determine which lands currently under their jurisdiction are appropriate for inclusion, and make their recommendations to the legislature for final decision. In addition, other areas of unique natural, cultural, scenic, or scientific significance should also be identified and studied as to their suitability for acquisition and inclusion in the system.

6. **Payment in lieu of taxes.** County and local governments often oppose state protection because land is removed from their tax base. In response to this concern, a payment in lieu of taxes system should be adopted whereby a portion of the income generated by user fees would be distributed to counties and local municipalities where state lands are located. Such a program would eliminate a major disincentive to state land acquisition and protection efforts.

7. **Non-consumptive uses tax.** Another option for funding wildlands protection efforts would be a special tax on certain products with the proceeds earmarked for natural area protection. Products used primarily in wildland or natural-area contexts--and therefore the most logical candidates for the tax--include binoculars, bird seed, nature books, cameras, outdoor clothing
and equipment. In addition, real-estate transfer taxes earmarked for public land acquisition have gained nationwide acceptance as a method for preserving and protecting unique areas from urban encroachment. Including non-consumptive users in the funding process would help break agencies of their dependence on hunting and fishing licenses, lodge rentals, and resource extraction.

8. **Develop a natural and cultural resource inventory and research program.** Full funding of the state's natural heritage and cultural heritage inventory programs is crucial to wildland protection. Such information is crucial to all environmental impact assessment efforts. Funding would come from the Conservation Passport or from tax strategies mentioned above.

CONCLUSION

It's hard to imaging West Virginia without it's public land treasures--places like Blackwater Falls, Cathedral, Canaan Valley and Watoga state parks, or Coopers Rock and Kumbrabow state forests. These state lands are, indeed, phenomena of an advanced society. One in four state residents experience these lands each and every year. And it is largely through these lands that most out-of-state visitors acquire their perceptions of West Virginia.

New public attitudes have arisen regarding the role and meaning of West Virginia's public lands. These attitudes emphasize the public lands as places for nature protection and non-consumptive play rather than for commodity production. Yet public land management, with deep roots in the earlier commitments to resource extraction and economic growth, have responded to these changing public values slowly and often with bitter resistance.

In our current task of formulating public land policy in West Virginia, guidance can be found not in the distant past, but in the massive changes in public perception and attitudes
towards public lands. It's time for West Virginians to bring their state land system up to date. Non-consumptive users of the state parks and forests are willing to pay for keeping these lands unspoiled, but they haven't been given the chance to pay the bill. Creating a state land Conservation Passport system would provide them with the opportunity, as would a tax on outdoor equipment.

Furthermore, today's state land managers are equally ready and willing for change. They are ready to exchange their old role as paternalistic policy makers for a new role as facilitators of citizen decision-making. The public support and logistical mechanisms exist for a new vision of the state land system--just waiting for the legislature and the administration to set them in place.

REFERENCES

Acts of the Legislature of West Virginia.


*West Virginia Code.*


