

Your voice matters: West Virginia's finest streams on the chopping block—again!

After several years of pouring taxpayers' dollars into determining how many of West Virginia's streams deserve increased protections, the West Virginia Department of Environmental Protection (WVDEP) has decided to start all over again—recommending only about half the number of streams that it previously said deserved a level of protection, known as Tier 2.5.

For the past few years, state agencies have spent a tremendous amount of resources determining high quality streams throughout the state, including hundreds of native trout waters and creeks flowing through public lands. Unfortunately, industry lobbyists, the WV Farm Bureau, Chamber of Commerce, and a number of other special interests have been undermining this effort every step along the way—and they're not giving up!

These groups have already whittled the Tier 2.5 list from 444 streams to 309. And now—they have used their political influence to pressure state government to whittle the list to a few more than 150 streams. This is an outrage and blatantly puts politics in front of science and policy.

DEP will be releasing the reduced list for public comment in the upcoming weeks. In the meantime, you can also let them hear your voice..

Contact DEP and Governor Manchin and tell them that they should not reduce the number of streams in West Virginia that will receive Tier 2.5 protection. Tell them not to sacrifice the future of clean water in West Virginia for the short-term benefit of a few private interests. Tell them clean water makes economic sense, and it is a resource that we need to leave for future generations.

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DEP drops plan to finalize stream list

By Ken Ward Jr.
Staff writer

State regulators have dropped their plan to finalize a list of protected West Virginia streams, saying they don't want to pick a fight with lawmakers over the issue.

Earlier this year, the Legislature declined to act on the list of more than 300 streams the state Department of Environmental Protection said deserved tougher pollution protections.

DEP Secretary Stephanie Timmermeyer said she planned to finalize the list anyway. Timmermeyer said the DEP had the legal authority to do so.

On Friday, Deputy DEP Secretary Randy Huffman said the agency now plans to start all over.

A new list will be published in draft form. The DEP will accept public comments and then finalize the list. The resulting version will be submitted for legislative review during the 2008 session.

"It was maybe a subversion of the legislative process for us to just go out and file the rule," Huffman said. "It's a legislative process whether you agree or not."

The list in question covers streams that are deemed to qualify for "Tier 2.5" protection under West Virginia's water quality anti-degradation policy.

Under that policy, clean streams are generally supposed to be kept that way. Streams on the Tier 2.5 list could not be degraded by more than 10 percent.

DEP officials had already whittled down the Tier 2.5 list and allowed three separate rounds of public comments. But lawmakers, at the urging of coal companies, timber operators and the Farm Bureau, were slashing dozens of streams from the list.

Originally, the DEP proposed Tier 2.5 protection for about 300 streams, about 4 percent of the waterways in the state, agency officials said.

Don Garvin, lobbyist for the West Virginia Environmental Council, said the DEP's action would help regulated industries gut the stream list.

"It's going to be almost impossible to protect streams in this state," Garvin said.

Huffman said he doesn't believe the DEP ever made a definite decision to move forward without legislative action on the stream list.

"My understanding was that was an option that was on the table at the time," said Huffman, who is running the DEP while Timmermeyer is on maternity leave. "There were a number of options there."

In a March 15 interview, Timmermeyer and DEP spokeswoman Jessica Greathouse said the agency planned to file the final rules, despite legislative inaction.

Timmermeyer cited several state Supreme Court decisions she said supported the DEP's plan.

Under those rulings, she said, lawmakers can approve, reject or amend state agency rules, but she said the Legislature can't veto an agency rule by simply not acting on it at all.

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