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Dear Ms. Murdock,

I am writing to you regarding a shale mining operation which is adjacent to my historic property. This mining operation has recently been licensed by the DEP without going through standard specifications for a cultural resource review by SHPO. I see no compelling reason why this quarry should be exempt from SHPO review, and I am concerned that I was not apprised of its upcoming licensure despite the fact that I have been in regular contact with DEP in regard to this particular quarry.

My property was a part of a larger parcel that included the shale pit in question as a working part of this farm. The Captain David Pugh House was separated from the larger parcel in 1991. The DOH has had permission in writing from the owner to use the pit for road maintenance since 1996. The ongoing disturbance is having an increasingly adverse effect on the view-shed of this property. The area of the pit has expanded significantly in size and has gained a third level since 1999 due to its use by both the DOH and individual private contractors, despite the fact that its placement as a borrow area goes against WVDOTs own advice ([www.wvdot.com/3\\_roadways/3dl\\_borrowarea.htm](http://www.wvdot.com/3_roadways/3dl_borrowarea.htm)) in two ways: it is on a river terrace above a floodplain, and it is quite close to an older house.

I have been corresponding with DEP regarding this surface mining operation since 1999, and they have given me at least five MR-35 Complaint Investigation forms with inconsistent interpretations of how the surface mining law they are supposed to enforce does or does not apply to this site. The most recent form states that this is a "borrow pit" because the material being removed is unspecified and that DEP does not regulate "borrow pits." However, the State's Article 4 Quarry Reclamation Act (22-4-3) clearly defines "Quarrying" as "any breaking of the ground surface in order to facilitate the extraction of minerals" and includes "shale" in its list of minerals.

There are continuing inconsistencies surrounding this site. The quarry recently had two permanent signs placed. The NPDES Storm Water Permit notice calls it the "Clyde Brill Shale Pit", while another one 100 feet away marks the "Hooks Mill Shale Pit Outlet 001." To further confuse things an e-mail from DOT refers to it as the "Oaks Mill" shale pit. I understand there are regional differences in the enforcement of these matters and I'd like to believe that none of this confusion is intentional. However, during a phone conversation I had this spring (April 2005) with a local (Romney) DEP official, I was told he was unaware of any existing permit for this operation. A subsequent call to the Romney DOH office the same day yielded the DEP permit registration number in less than 5 minutes.

I am aware that the State needs materials for road-building and of the DOH's interest in using this shale. I greatly appreciate my local DOH's efforts. They are very responsive to road conditions and do a great job. However, there are other shale quarries near to this one that don't have dwellings near them. I think the DOT's criteria for the location of borrow pits as stated on their website are sound and should be adhered to. Again, this shale quarry does not meet those criteria in more than one respect.

This is a unique property which embodies the story of one patriotic individual as well as that of 19<sup>th</sup> century rural life. In its time it has served as a post-office and as a residence for itinerant schoolteachers. It was the first house in the county to get gas lighting. The millstone from the now-defunct Hook's Mill upstream lies on this property as a commemoration of the disastrous 1936 flood. Since purchasing it as a dilapidated structure in 1998, I have had many visitors and former inhabitants stop by, pleased to see that the house is being lived in and cared for. I have welcomed them in and learned more of the history of the house and of the area as a whole.

I understand that DEP asserts that this is a renewal permit, but I am unaware of any previous application processes. According to letter from a DEP official, there was no permit for this operation as of May 2002. I read the local Hampshire Review newspaper every week and I did not see notification of either the original application or the renewal. Furthermore, as a neighboring landowner with an apparent and well-documented interest in this mining operation, I should have been consulted by the DEP concerning this permit application.

This house and farm have been in existence long before this quarry was even thought of. As one of the very few nationally registered properties in Hampshire county and as a working farm it is an asset to the area and I want it to remain so. I would like the SHPO to review this site to see if the DEP permit is in compliance with state and federal laws protecting historic structures.

I thank you for your attention and any assistance you can provide.

Sincerely,

Kirsten Weiblen