

sight lines

NEWSLETTER OF THE SELKIRK-PRIEST BASIN ASSOCIATION

AUTUMN, 1990

Priest Lake ORW Needs Urgent Action

The issue is simple: Keep the water clean

PRIEST Lake has often been called the cleanest lowland lake in the contiguous U.S. outside of a national park. But a proposal to designate Priest Lake as an "Outstanding Resource Water" — and provide the highest level of protection to its water quality — has roused an acrimonious debate throughout Idaho.

At the heart of criticism about the "ORW" designation is insufficient information about the process for implementing water protection rules — a concern shared by virtually all sides in the debate. Yet some opponents, in particular the timber industry, have launched a campaign to reject the ORW designation even though many others believe the goal of water quality protection is essential.

After weeks of study, Selkirk-Priest Basin Association directors in October announced their support for the Priest

Lake ORW nomination. However, citing poorly defined parameters for implementation of an ORW designation, the SPBA has called upon the supervising government agencies to postpone consideration of the nomination until rules for implementation of ORWs can be established.

A public hearing process is underway (see "Speak Up," below), and the SPBA is asking all interested persons to voice their opinions for the record.

The ORW designation is a brand-new category of water protection in Idaho, created last year by the Idaho Legislature. The legislation which creates the ORW designation states simply that "the water quality

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Photo: C. Bessler/SPBA

PROTECTION, PLEASE. Idaho's purest big lake should stay that way, and the ORW designation can help.

SPEAK UP!

ULTIMATELY the Health and Welfare Board will recommend to the state Legislature whether the Priest Lake ORW nomination should be approved. Those agencies need to hear from you!

Tell them the Priest Lake ORW nomination has your support but insist that the board postpone a recommendation on the nomination until the DEQ prepares the rules for its implementation. *Everyone — including the Board itself — simply needs more information before this decision can be made.*

Written comments will be accepted for the record until Nov.

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Barbieri Tries New Development Plan

IF AT first you don't succeed, try, try again.

That may be a mantra for Don Barbieri's Huckleberry Bay Company, which in mid October applied again for a conditional use permit to build a large-scale development on Priest Lake's Huckleberry Bay.

Earlier this year the Bonner County Commissioners denied permits for a prior version of the Large-Scale Planned Unit Development proposed by Barbieri. That action came after a series of public hearings which aired strong public opposition, with SPBA directors and members providing substantial testimony.

The development proposed earlier by Barbieri included 109 single-family homes plus a conceptual plan including

up to 170 living units, a marina, lodge, resort, restaurant, golf course and more — all of which would have required a county zoning change from rural to recreation zones.

Barbieri's new application, however, proposes a development which would apparently fall within the requirements for rural zoning while pushing the housing density to the maximum allowed.

The Planned Unit Development now proposed by Barbieri would include 100 dwelling units split into 60 cluster units, 13 common beach single-family lots and 27 upper terrace view lots, all placed on 400 acres owned by the company along the bay. Normally the rural zone permits an average of one dwelling per five acres

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Speak Up!

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10. Address letters to: IDHW Board, "ORW" Nomination, Statehouse Mail, Boise, ID 83720

A hearing is being held in Sandpoint 7 p.m. Tuesday, Oct. 30, at the Community Hall, 204 S. First Avenue.

If you care about protecting the clear waters of Priest Lake, speak up now before the opportunity is gone.

Huckleberry Bay

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— which would permit only 80 dwelling units on 400 acres — but the company's plans to cluster living units together might qualify for a 25 percent open space credit and thus a density of 100 units.

While it appears the company's immediate plans for a golf course and resort facilities have been dropped, the company owns an additional 700 acres around the proposed development, "which may be developed at a future date subject to Bonner County approval," the application states.

"We would like to see this application delayed until the Legislature acts upon Priest Lake's ORW nomination, and the county finally acts on the proposed comprehensive plan for Priest Lake," said SPBA Chairman Barry Rosenberg. He noted action on those two issues may "may help ensure we maintain Priest Lake's water quality."

In another action which reflects SPBA concerns that Barbieri's huge Priest Lake acreage will win piecemeal development, the county Commissioners in August gave preliminary plat approval for an eight-lot subdivision on Canoe Point, north of the proposed Huckleberry Bay development.

SPBA Executive Director Chris Bessler and directors Gordon West and David Hunt met with county commissioners prior to final approval of the subdivision and aired concerns.

Commissioners ultimately wrote in a number of conditions for the eight five-acre lots, including specifying individual building setbacks ranging from 70 feet to 95 feet from the shoreline. The developers are also required to retain at least 80 percent of existing vegetation within the setback areas.

AN ORW WHITE PAPER

Priest Lake was nominated for Outstanding Resource Water status by David Hunt, a Coeur d'Alene resident with a home at Coolin. Hunt is a member of the SPBA board of directors but made the nomination as an individual. The Middle Fork Salmon and French Creek are also nominated as ORWs.

SPBA director Gordon West and member William White compiled the following White Paper to provide accurate information on the ORW concept.

History. In the 1970s, in response the deplorable condition of America's lakes, rivers and groundwater, Congress passed the Clean Water Act. Because of pollution pressures from industry and private individuals, most of the water in densely populated areas was unfit to drink — and in some cases unfit for any use.

Priest Lake has remained relatively pristine due to its remoteness from excessive human pressure, and its water still has the rare quality of being drinkable without treatment! But the pressures from human activity are intensifying. In 1989 the Idaho Legislature, as part of an anti-degradation agreement

required by the federal Clean Water Act, created the Outstanding Resource Water designation. The intent of this ORW designation is to give the state a way to protect the quality of certain especially significant waters.

What is an ORW designation? The law passed by the Legislature says, "The water quality of ORWs shall be maintained and protected," and "no person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of that ORW." Further, "Stream segments not designated ORWs that discharge directly into an ORW shall not be subject to the same restrictions as an ORW." And finally, "an existing nonpoint source activity may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW."

What does this mean? The intent of the law is plain: to keep special waters from going the way of the majority of the nation's waters. According to Joe

Nagel, director of the Idaho Division of Environmental Quality, the details of an ORW management plan would be worked out by a consensus process involving all interested parties. Thus it is ludicrous to expect ORW designation to "lock up" all activity at Priest Lake, as suggested by some opponents of the designation. It will be a process of working towards the common goal of keeping Priest Lake water drinkable while maintaining the health of the local economy. As David Hunt has said, "The ORW nomination is not 'anti' anything, it is 'pro' water quality."

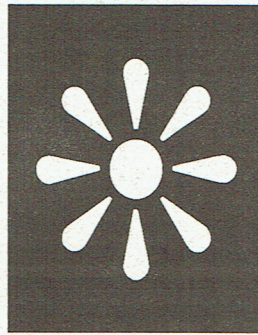
Will an ORW designation help? It is a common misunderstanding that enough regulations are in place and enforced to protect water quality. However, regulations alone are ineffective.

What really counts is awareness and information. The shocking fact is that the body of scientific data on Priest Lake's water is almost nonexistent. In the last few years a small group of volunteers have done limited water quality studies and the DEQ occasionally analyzes water samples for chemical content,

but no useful body of baseline data has been compiled. And without baseline data, regulations cannot be enforced since a quantity of degradation cannot be shown. ORW designation would enhance the monitoring process and create a greater public awareness of pollution.

You can get involved! The public hearing process is being administered by the Idaho Department of Health and Welfare's Division of Environmental Quality, and is well along as *Sightlines* goes to press. (See "Speak Up," page 1.) Written comments will be accepted until Nov. 10. The Health and Welfare Board will digest the public input and send a recommendation to the Idaho Legislature, which after convening in January, will ultimately approve or reject ORW nominations.

The SPBA urges you to send in your opinion. An ORW designation for Priest Lake is an exemplary goal which needs further definition by the Division of Environmental Quality before it can be properly considered.



First 'CeleBasin' a Good Time for a Good Cause

CROSS the Priest Basin with SPBA's first annual celebration, and what do you get?

A "CeleBasin," that's what. And the SPBA's first CeleBasin, held Sept. 9 at Elkins Resort on Priest Lake was a rousing good time that raised a little more than \$3,100 for the group. SPBA Chairman Barry Rosenberg called the CeleBasin "an unqualified success."

The CeleBasin followed the SPBA annual meeting Sept. 8 at Coolin, which included election of directors and an annual report on association activities. Re-elected to the board of directors were

Rosenberg, of Priest River; Dave Boswell of Spokane; Bruce Brockway of Priest River; Kelly Corbin of Spokane; John Crane of Pullman, Wash.; Bill Egolf of Priest River; Jules Gindraux of Coolin; David Hunt of Coeur d'Alene; and Gordon West of Priest River.

At the annual meeting Rosenberg reported that SPBA this summer added its first staff members: Chris Bessler, as part-time executive director; Claude Morris as fundraising consultant; and Ed and Linda Sharman as public relations consultants. Rosenberg said the addition of the new staff "demonstrates the per-

manence of our organization."

Some 200 people attended the CeleBasin, which featured music by Tammy and Mike Wagoner and Aquila Rose, a silent auction, door prizes and a picnic.

Big winner of the day was Brian Miller of Walla Walla, Wash., who won the doorprize of a weekend at Elkins Resort and \$100. A fishing excursion with Priest Lake guide Peggy Mehs went to Kevin Peterson of Green Acres, Wash.

Rosenberg said the CeleBasin is now slated as an annual event and will return "bigger and better" next year as an event to celebrate the Priest Basin.

Photo: Jon Knudson



ALL FOR ONE: CeleBasin celebrants lined up for a group photo at the Sept. 9 event at Elkins Resort on Priest Lake.

Priest Lake ORW

Continued from page 1

of ORWs shall be maintained and protected," and further states that new activities which might lower water quality would be prohibited.

The legislation, though, leaves unanswered questions about what kinds of rules might be created to protect water quality. SPBA Chairman Barry Rosenberg said parameters for ORW designations have simply not yet been drawn up by the state's Division of Environmental Quality. Water quality standards have not been defined, nor have methods of enforcement, funding or monitoring been created.

"All that exists is a goal," said Rosenberg. "With so many questions we can understand why people are concerned, and we're concerned too. Nonetheless, we believe Priest Lake's water quality should be maintained. The ORW is a good tool to do that."

Opposition to the ORW designation has so far been based on fears that it could restrict economic activities upon

which local communities depend, including logging, road-building, grazing and agriculture — activities which create so-called "non-point source pollution." DEQ director Joe Nagel said that "no one knows for sure," whether an ORW designation would preclude those activities. "The only thing the law says to us is water quality can't be allowed to deteriorate from where it is. There are no easy answers."

The regulations which will answer those fears and enact rules governing ORWs are to be developed by the DEQ in a "consensus process" that will involve input from interested parties, including the SPBA. In a meeting in Boise Oct. 16, which included Rosenberg as an SPBA representative, conservationists sat down with mining, agriculture and timber industry spokesmen to begin that process. The first meeting, unfortunately, was "not productive," said Rosenberg — and real work on establishing regulations likely won't come until after public hearings and testimony has been received.

Industry power brokers apparently

feel no need to give ORW designations good-faith consideration and have launched a well-financed lobbying and publicity campaign to deny them out-of-hand. In a "Hot Sheet" flier sent out in September, the Intermountain Forest Industry Association said that while an ORW process is required by federal law, the IFIA has little intent to let them actually be enacted. "The need for a process does not mean that Idaho must actually designate any ORWs to comply with the federal Clean Water Act," the IFIA said. The industry is "absolutely opposed" to the Priest Lake nomination.

The SPBA, even while urging consideration of the nomination be postponed until ORW regulations are in place, has taken the more moderate view, said SPBA Director Gordon West.

"The fact is that the ORW nomination is just the beginning of a process whereby interested parties can come together to forge a management plan to help keep Priest Lake's waters from further degradation — a concept we all can support," said West.

See also the White Paper on page 2.

Grizzly Killing Strikes Blow Against Selkirk Population

TWO Canadian hunters are facing criminal prosecution by international law enforcement officials for allegedly killing a Selkirk Mountain grizzly bear Sept. 16.

The bear, a three-and-a-half-year-old female, was the daughter of Sy, the first grizzly radio-collared in the Selkirks. Researchers found the carcass in the Maryland Creek drainage, just north of the American border but south of British Columbia Highway 3. The area is closed to grizzly bear hunting.

According to Idaho Department of Fish and Game Conservation Officer Wayne Walkinnen, Canadian officials have obtained the bear's hide and will conduct a forensic exam to determine the credibility of the hunters' claim that they acted in self-defense.

"We've recovered the carcass and will examine it for information about the bullet's entry," Walkinnen said.

"At a minimum, we believe charges will be filed against one of the two hunters for failing to report an illegal grizzly bear killing."

Walkinnen described the killing as "serious," saying the bear was the only sub-adult female in the U.S. population.

"She represented the future breeding population for the ecosystem," he said, adding that her death meant a loss of about 10 percent of the females in the Selkirks.

Despite intensified efforts to stem the illegal killings, this latest incident brings

to six the number of radio-collared grizzlies poached in the U.S. Selkirks in the last seven years.

That is the highest rate of human-caused mortality in any grizzly bear ecosystem.

"There is enough good habitat around to support a viable population; the only limiting factor is human-caused fatality," Walkinnen said.

Walkinnen said grizzlies do not breed until they are about six years old and only produce cubs every third year thereafter. Of those, only half are likely to be females.

He said IDFG would take "more drastic action" to protect the bears if another killing occurred this fall or next spring. Options being considered include closure of the Region One bear hunt.

SPBA has urged IDFG to restrict access to the bears' habitat during hunting seasons and to close it altogether in Region One during the critical spring season.

"It seems like we report an illegal bear killing or stories about orphaned cubs every time we get ready to publish our newsletter," said SPBA director David Boswell.

"We've got a critically low population of these bears in the Selkirks, especially the females, and we've got the highest poaching rate anywhere. Those facts alone should be enough to warrant closing off the area during hunting season — at the least," he said.

THE LETTER DROP

Endangered ESA. Oregon Sen. Bob Packwood wants to weaken the Endangered Species Act by making it easier to impanel the so-called "God Committee," a small group of politicians with the life-or-death power to decide if certain species should be exempt from the ESA. SPBA urges readers to write their congressmen denouncing the Packwood bill or any other legislation tampering with the ESA. Please write! This one is big. Write your congressmen, c/o the House of Representatives or U.S. Senate, Washington, D.C. 20510. Send a copy to House Speaker Tom Foley.

Ancient Forest Protection Act. On the other hand, Rep. Jim Jontz has introduced the Ancient Forest Protection Act (HR 4492) and it's gained 127 supporters in the House. This bill would protect the remaining cathedral forests of the Northwest—about 10 percent of what existed originally. While you're writing your congressmen to denounce the Packwood legislation (above), tell them you support the Jontz bill.

Grizzly poached. Grizzly killings threaten the survival of the bear in the Selkirks (see story at left). SPBA supports limiting access to grizzly habitat during hunting season, eliminating the Region One spring bear hunt, mandatory hunter education programs and stiffer penalties for convicted poachers. Write Jerry Conley, Director, IDFG, P.O. Box 25, Boise, ID 83707 and tell him these actions are needed to save the bear.

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