

## Lawsuit Likely in State Lands Dispute

**S** PBA IS undertaking its biggest issue ever as it pushes ahead with a challenge to logging on state lands — a challenge that would have statewide repercussions.

In fact, it appears likely SPBA will haul the state to court to stop logging in the Trapper Creek drainage of Upper Priest Lake. It would be the first court challenge ever of a timber sale on state lands, and timber industry machinations aimed at stopping the lawsuit have permeated state government.

In response to the SPBA challenge, the timber industry introduced and pushed through



**GREAT DEBATE.** SPBA's Dave Boswell drives home a point about the Trapper Creek effort as Director Gordon West listens, during a contentious live radio broadcast in Sandpoint. The pair debated a panel of timber industry representatives.

the Legislature a bill — HB 722 — which aims to restrict timber appeals. (See page 7.)

Nonetheless, SPBA is laying the groundwork to take the case to court, if necessary.

SPBA intends to use this case to attack the state's interpretation of its constitutional mandate to manage school endowment lands for the highest financial return — a "mandate" it uses to justify short-term, environmentally and economically damaging management of public lands.

At issue is the Lower Green Bonnet timber sale, which lies in the Trapper Creek drainage.

*Continued on page 6*

## Development Nixed — Again

### Huckleberry Bay Application 'Conditionally Denied'

**T**HE HIGH-DENSITY development proposed for Priest Lake's Huckleberry Bay was tossed back to developer Don Barbieri March 19, when a divided Bonner County Planning and Zoning Commission voted to "conditionally deny" the development.

Although the action was a victory for those opposed to the development, SPBA directors and officers gave the decision a mixed reaction.

"They should have turned it down outright without this 'conditional denial' language," said Director Gordon West. "But the commission attached so many conditions to the application we believe this decision is tantamount to a flat rejection."

tion."

The March 19 decision by the planning commission came a year after Barbieri's Huckleberry Bay Co. applied for the planned unit development on 400 acres it owns at the bay.

The Huckleberry Bay Co. is seeking to build 100 dwelling units split into 60 condominium units on the waterfront, 13 waterfront single-family lots and 27 upper terrace view lots. The company also proposes a store, public boat docks, gas pumps and fire station.

Huckleberry Bay Co. owns 700

adjacent acres, and has not revealed plans for that property. However, company presi-

*Continued on page 5*

**“We believe this decision is tantamount to a flat rejection”**

## SPBA Prevails in Rogers-Mosquito Timber Appeal

**S** PBA'S APPEAL of a large timber sale in the heavily logged Lower West Branch drainage has been upheld, and the sale decision remanded back to Priest Lake District Ranger Al Collotzi.

After acting Forest Supervisor Bill Damon denied SPBA's appeal of the Roger-Mosquito timber sale, SPBA sent the appeal to the Regional Forester's office for a second-level review. SPBA charged Damon did not address all the issues raised in the 49-page appeal.

Deputy Regional Forester John Hughes agreed, and on March 6 remanded the appeal back to Damon with instructions to properly address all the issues raised in SPBA's appeal. In early April, Damon sent the case back to Collotzi with instructions to issue a new decision.

*Continued on page 7*



# *They're Taking Away Your Rights*

**T**HE SPBA MUST HAVE given our state lawmakers and the timber industry interests quite a jolt. After the state Land Board approved the Lower Green Bonnet timber sale in the Trapper Creek drainage, we submitted a petition for rehearing to the Land Board. This petition urges the Board to reconsider the environmental damage caused by past logging in the drainage, and the potential for even more destruction from the planned sale. (A copy of our petition, plus copies of other documents, are available to SPBA members and the public; see opposite page.)

Given our past experience with the timber industry's slick lobbyists, we weren't surprised to learn that at the Feb. 11 meeting of the Land Board, Joe Hinson of the Intermountain Forest Industries Association appeared and urged Board members to delay the sale. Since the Board meets in Boise, we learned of this event by reading transcripts of their meeting. Little did we realize, nor was the Land Board told by Mr. Hinson, that special legislation was being drafted to effectively prevent the SPBA from being able to challenge any timber sale approved by the Land Board.

That legislation — called HB 722, surely one of the most undemocratic and self-serving bills ever drafted — quietly passed through the Legislature and was just as quietly signed by Gov. Cecil Andrus on April 8. The single purpose of this act is to require the SPBA or any citizen or group that seeks a stay or injunction against any Land Board timber decision to post a bond in the amount of 10 percent of the value of the proposed sale.

In their eagerness to shoot down the SPBA appeal, the industry is apparently willing to infringe on everyone's rights. Backers of this type of legislation are willing to create a legal structure that insulates the Land Board from any meaningful public participation — in other words, HB 722 will sacrifice every citizen's fundamental constitutional right of equal access to the courts to seek redress of grievances. It places decisions by our bureaucrats above questioning by mere citizens.

Little did we realize that our Trapper Creek petition would send the timber industry and their select backers in state government to cash in our civil rights in order to secure the timber harvest and protect the Department of Lands from having its



timber cutting program come under public and judicial scrutiny. Interestingly enough, the one and only lawsuit ever brought against the Land Board involving a timber sale was in the 1920s, over a bid procedure. Hardly is their time pre-empted by a deluge of frivolous appeals. At the core of HB 722 is a contempt for our basic civil right, spawned by a panic in the timber industry and the state government over the possibility that SPBA's claims of poor management of state lands might be found correct.

Meanwhile, the Forest Service is brewing up its own attempt to smother public participation. President Bush and Secretary of Agriculture Madigan have announced plans to eliminate the

process by which citizens can appeal USFS decisions on timber sales, grazing permits, roadbuilding, mining claims, oil and gas leases and wildlife projects. The appeal process has been in existence as long as the Forest Service itself; no previous administration has ever sought such radical measures to deny public review of the management of our natural resources.

As a grass-roots organization, SPBA has strenuously questioned the conduct of our government, both state and federal, in two challenges: the state's Lower Green Bonnet sale in the Upper Priest Lake drainage, and the Forest Service's Rogers-Mosquito sale in the Lower West Branch drainage. These appeals are well researched and articulate a number of concerns, especially the failure of state and federal governments to follow their own laws — the laws that were designed to safeguard the environment in the rush to cut down our forests.

Both of these attempts to curtail citizen oversight of our state and federal governments are outrageous. I urge you to take a moment to write the politicians (See *The Letter Drop*, page 5). It's as simple as this: big government and big industry are trying to take away your rights.

*Bruce Brockway*

**Bruce Brockway**  
SPBA Chairman

## *SPBA Wants to Hear From Builders, Architects, Others*

**I**f you're an architect, design consultant, energy consultant, builder, computer specialist, cabinet maker or building supplier, Dave Boswell wants to hear from you.

Boswell, SPBA's development director, is exploring an idea to build a new community-oriented SPBA facility at Coolin, and wants input from members who have design or construction skills.

"The group has reached a point where we recognize the need for a central facility in the Basin, and we want to catalog the human resources available within the membership to get started," he said.

The project currently calls for construction of an SPBA office building that would include a periodicals library and resource data center offering everything from technical environmental data to

information on Basin hiking trails. But Boswell is quick to say the project is really a "clean slate" waiting to be written on. "We want all the ideas we can get," he said.

"What we really need now is assistance of members who have the talents to crystallize the idea."

If you've got something to contribute please call Dave at 509/448-3020. ■



## Twenty Join SPBA's New Affinity Fund Phone Service

**T**WENTY PEOPLE have now joined SPBA's Affinity Fund long-distance service, and are racking up savings on their telephone bills while they help the SPBA:

How much are the savings? Dave Boswell recently switched to the Affinity phone service, and says he saw a "substantial savings" in his first phone bill.

"I bet my bill went down almost 50 percent," said Boswell. "I made 89 long-distance calls last month and my bill was 90 bucks. It averaged less than 15 cents per minute for the long-distance calls I made."

The Affinity Fund is a new fundraising program for SPBA. Members or friends who join Affinity see a full 8 percent of their telephone bill contributed back to SPBA.

But best of all, they'll save money themselves. Rates range from 5 to 61 percent lower than most AT&T, MCI and US Sprint programs.

Additionally, Affinity bills in six-second increments, instead of rounding calls up to the next minute. The six-second billing itself can account for substantial savings.

Phone service through Affinity is the same as any major carrier. There's no diminishment in quality of service. Switching takes only about five minutes to fill out a service request form.

If you'd like to save money on your phone bill — plus make a substantial contribution to SPBA — call or write for more information. In Priest River, call Gordon West at 448-2956; in Sandpoint, Chris Bessler at 263-3573; or in Spokane, Boswell at 509/448-3020. Or write: Selkirk-Priest Basin Association, P.O. Box 181, Coolin, ID 83821. ■

Your Contribution Can Make a Difference

## SPBA to Grant '92 Scholarship

**T**HE YOUNG PEOPLE of the Priest Basin could use your help! SPBA directors this spring will award the second annual SPBA Scholarship to a worthy Priest River Lamanna High student. The goal of the \$1,000 scholarship is to promote excellence in education and support the Priest River community.

Contributions to the Scholarship Fund are now being sought, and anyone who is interested in donating is encouraged to do so.

"The SPBA Scholarship is a very tangible way this group can encourage students in the Priest Basin to further their education," said SPBA Chairman Bruce Brockway. "It's a way for us to contribute something to the community that goes beyond natural resource issues."

Last year the scholarship went to Zeecha Berry, the 1991 salutatorian. Zeecha is the daughter of Mike and Ellen Berry of Priest River, and is now

enrolled in the University of Idaho, where she intends to major in chemical engineering.

Zeecha, who said she is enjoying college despite the challenging math and science classes her major demands, added her thanks to SPBA contributors who made the scholarship possible. "The money really helps," she said. "There's only so much financial aid can really do."

Students who seek the scholarship fill out an application and provide scholastic records, which are then reviewed by an SPBA selection committee. The committee reviews the applicants' college goals, academic achievement level, college aptitude test scores, extracurricular involvement, letters of recommendation and statement of need.

If you can contribute to this worthy cause, please send your donation to: SPBA, Attention: Scholarship Fund, P.O. Box 181, Coolin, ID 83821. ■

## Have a 'Litter Bit' of Fun May 2

**I**T'S TIME to don the work gloves and have a "litter bit" of fun! SPBA wants YOU for some spring cleaning.

The Adopt-A-Highway litter cleanup kicks off the '92 season on Saturday, May 2. The highway litter clean-up is part of the annual "Idaho Is Too Great To Litter" campaign, a statewide effort to keep Idaho beautiful. But even more than that, it is a chance for SPBA members and board members to mingle with one another and have fun while supporting the anti-litter program.

This is SPBA's second year for the lit-

ter clean-up on Highway 57 between mileposts 18.5 and 20.5. It takes the volunteers less than two hours to clean both sides of the two-mile stretch of highway.

The spring clean-up day is scheduled for Saturday, May 2, at 10 a.m. Another pickup date is set for Sunday, Aug. 30. Anyone interested in volunteering should call clean-up coordinator Amy West at 448-2956.

SPBA extends a hearty "thank you" to all who have participated in this program. We hope to see some fresh new faces this year! ■

## SPBA Offers Copies of Issue Documents

**W**ANT MORE detailed knowledge about issues SPBA is working on?

Copies of several documents concerning important Priest Basin issues are available from SPBA, for only the cost of copying and postage.

Here's what's available, and the cost:

- **Lower Green Bonnet Appeal.** SPBA's petition for rehearing before the Land Board, which spells out reasons SPBA opposes this timber sale. 14 pages. \$1.40. Transcripts from Land

Board hearing of Jan. 14. 11 pages, \$1.10. Transcript from Land Board meeting of Feb. 11. 5 pages, 50 cents.

- **Rogers-Mosquito Appeal.** SPBA's appeal document, filed with the Forest Service, describes environmental issues in the timber sale. 38 pages. \$3.80.

- **Huckleberry Bay Co.** Application for development. 19 pages. \$1.90.

Send correct amount, plus \$1.45 postage, to: SPBA, Attention: Copies, Box 181, Coolin, ID 83821. ■



## Basin Hosts Salmonberries

To the Priest Basin's list of "most," "best" or "only" plants and animals, add the salmonberry. The only known population of salmonberry plants in Idaho — scientific name *rubus spectabilis* — was discovered last summer in a drainage on the north-west end of Priest Lake. The salmonberry is indigenous to rain forests on the Pacific Coast, but the northern Basin has a climate zone similar to the coast — and hence, what has been identified as the only "maritime" cedar-hemlock rainforest in the interior U.S. The Basin's salmonberry was

# In the Wind

A compilation of the curious, the humorous and the noteworthy.

thought to have been driven to extinction in the Basin due to habitat destruction caused by logging. The size of the newly discovered population could be as small as 100 square yards, a mere 30 feet by 30 feet. And yes, it too is threatened by recent road building and

habitat loss. Look for more on the salmonberry in future issues of Sightlines.

## Storks Expected

Storks aren't often seen in the Basin, but one is headed for the home of Dave and Jill Cobb. The Cobbs, who are respectively a forester and hydrologist for the Priest Lake Ranger District, are expecting their second baby, and SPBA sends them best wishes (along with the promise we'll be sending the Basin's newest native an association enrollment form). The Cobbs migrated to the Basin a few years ago; Jill sat on the local working committee for Trapper Creek and provided valuable input.

## 'Ghost of the Selkirks' Now Confirmed

In our Summer 1991 issue we reported on a wildlife riddle — the

white-tailed ptarmigan, called the "ghost of the Selkirks" because they had been sighted many times but never confirmed to live here. Long-time resident Earl Chapin saw our story and submitted this report:

**I**HAVE BEEN a serious birder for many years, long enough that people call me if they see something unusual. For this reason I have had many reports of the white-tailed ptarmigan by people who are qualified to know these birds. Over the past 15 years, ptarmigan have been seen for certain on Iron Mountain near Bonners Ferry, Roundtop Mountain above Hope, in the meadows and rocks above Beehive and Little Harrison lakes, on Bald Mountain and in several areas of Schweitzer resort.

I have spent a lot of time hiking in the Selkirk range over the past 40 years and although I have never seen a ptarmigan there, I believe these reports. The last two years have confirmed that the white-tailed ptarmigan lives in the Selkirks.

A friend of mine said in the winter of 1989 he was skiing Schweitzer off Chair 6 and sat down in the snow to eat lunch. He saw something move within 10 feet; it was an all-white ptarmigan, and soon

### White-tailed Ptarmigan Added to State List

they were skiing or riding the chairlifts. They were first seen Dec. 16

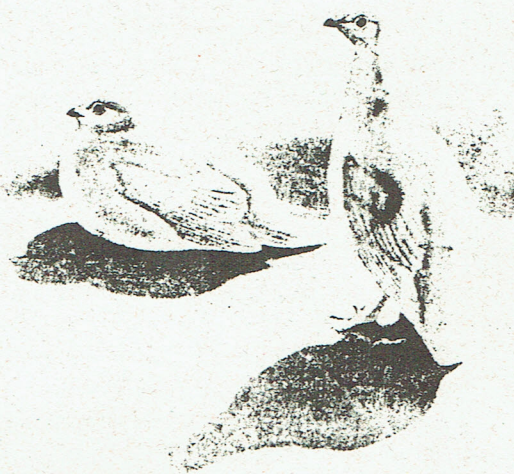
just below Chair 6 by three ski patrol members. There were six all-white birds only a ski-pole away. The patrol and many skiers saw them under chairs 4, 1 and 6, and under the new quad chairlift. For several days, two to six birds sunned themselves and ate gravel at the top of Chair 6.

I have made all the proper reports, and the white-tailed ptarmigan is now confirmed on the State of Idaho bird list.

Myself and five Audubon birders and biologists from around Idaho spent two days in June at Schweitzer and never did find the birds. They do not migrate, so they were there someplace.

As I've come to learn, the birds move down from above timberline to where the timber begins, probably to get out of the wind. As the snow recedes uphill in spring, the birds move up and stay on the snow while they are white. As they turn brown, they stay off the snow. Not only are they hard to see, they will let you almost walk on them before they will fly.

They're here — but they're very hard to see! ■



he realized he had sat in the middle of about six of them. That same winter another friend saw two all-white "grouse" walk under Chair 4.

Then on June 1, 1990, a fellow told me he and his daughter hiked up to the top of Chair 6, sat down to eat lunch, and saw two grouse six feet away. He said they were the same color as the granite rocks and were very small. That is how the ptarmigan should look on June 1.

But the real proof came in the winter of 1990-91. I had reports from about 50 people who saw the ptarmigans while



## 'Gone Politicking

*Other people news: Two men familiar to SPBA are testing the political waters in Kootenai County. Former SPBA Director David Hunt is running for state Representative Seat A in District 3. In the primary, Hunt faces Marv Vandenberg, who was an incumbent in the floterial district that was eliminated by this year's redistricting. The winner of that race will face the only Republican to file, Bob Scates. Meanwhile, SPBA's Huckleberry Bay attorney, Chuck Sheroke, is running for a seat on the Kootenai County Board of Commissioners. That seat is currently held by Republican Bob MacDonald. MacDonald is unopposed in the primary, while Sheroke faces Democrat Fay Harder.*

## THE LETTER DROP

**USFS Timber Appeals.** The Forest Service, under the Bush Administration, plans to eliminate the administrative appeal process — in effect removing citizens' ability to contest USFS decisions without going to court. (See story, page 7.) Only a concerted outcry from citizens can turn back this attack on public participation. Comment deadline is April 27, so get your letter in by then! Write a letter immediately to: Appeals Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

**Comprehensive Plan.** Bonner County has been attempting to rewrite its comprehensive plan for at least eight years now — and in the face of the current heavy growth is letting slide a renewed effort to move the process ahead. The plan should be updated in order to correct inconsistencies and provide clearer and more enforceable planning goals. The planning ordinance needs work, too. Let the commissioners know they can't afford to let this critical project slide any longer! Write Commissioners Dean Stevens, Jim McNall and Susan MacLeod at the Bonner County Courthouse, 215 S. First Avenue, Sandpoint, ID 83864.

# Huck Bay

*Continued from page 1*

dent David Bell told the planning commission at a Jan. 30 public hearing that the company is considering plans for a total of 300 units that would include a resort, nine-hole golf course and other facilities.

At that hearing, SPBA officers and friends provided extensive testimony in opposition to the proposed development. About 80 persons crowded into the commission chambers, pointing out the adverse impacts to water quality, wildlife, esthetic values and the lake's natural character.

SPBA Executive Director Chris Bessler testified the development "clearly violates" the goals and objectives of the county's own Comprehensive Plan, which aims at protecting rural areas. Noted Bessler: "The residents of Bonner County adopted the

Comprehensive Plan long before Mr. Barbieri came along with his proposal to develop the bay and make a lot of money."

At the conclusion of the Jan. 30 hearing, the planning commission decided to table the issue in order to review the record. On March 19 they reconvened.

Although the planning commission is split on this proposal, it did adopt a lengthy set of conclusions drafted by commissioner Linda Tauber. Among those conclusions:

- With regard to the Comprehensive Plan, existing public services for the development, including police, fire and school, are inadequate, and property taxes from the project will not offset the costs of providing these services.

- With regard to natural resources, the development would negatively impact wetlands and recharge areas and will not maintain or enhance wildlife habitat.

- With regard to community development, the development is not in an area of compatible uses and would create residential, commercial and recreational uses in a sensitive area environment.

- The proposal would "maximize value to the applicant, although the cost to the public relative to administration of

any potential conditions has not been addressed."

Despite such conclusions, Tauber's motion that the application be denied failed on a 3-4 vote, with commissioners Tauber, Phil Kuranz and Gil Beyer voting aye and Dale Van Stone, Jim Anderson, Craig Gildersleeve and Brian Orr voting against.

However, when Chairman Van Stone asked for a motion to approve the development, the commissioners decided an approval would require so many conditions they would essentially have to



**DELIBERATING.** Planning Commission members consider the Huckleberry Bay application March 19.

rewrite the application.

Tauber then moved that based upon her conclusions, the application "be conditionally denied and be remanded back to the applicant to correct the deficiencies stated." It passed with all voting aye except Phil Kuranz.

Although Bell refused comment after the decision, the company may return with a revised application for the project, which will be subject once again to public comment.

Nonetheless, said Director West, "without total disregard for their own conclusions, it's really not possible for the planning commission to approve this application." A high-density development, he noted, simply cannot be made compatible with surrounding uses.

Chuck Sheroke, SPBA's attorney for the Huckleberry issue, added that "any delay is good."

"I was pleased that the county has decided to take a more thorough examination of the project," said Sheroke. "When they do, we feel confident the problems inherent in the project will preclude its passage." ■

*SPBA continues to seek donations for its Huckleberry Bay Legal Fund. Your contributions are needed!*



# Trapper

*Continued from page 1*

Since 1967 the Idaho Department of Lands has logged off more than half the commercial forest within the drainage, in addition to the nearly 20 percent burned in forest fires.

Trapper Creek, which hosts one of Idaho's last viable populations of adfluvial west slope cutthroat trout, is already listed as a stream segment of concern. Idaho Fish and Game biologists have asked the sale be postponed a year to study possible catastrophic cumulative effects which erosion and sedimentation from further logging would cause.

On Jan. 14, SPBA Forestry Committee members Barry Rosenberg, David Boswell and Gordon West, along with hydrologist Allen Isaacson, traveled to Boise to oppose the sale before the Idaho Land Board. The Land Board, composed of the state's top elected officials, makes the final decision on IDL actions.

The SPBA contingent asked that the sale be postponed a year to allow IFG to conduct the cumulative effects study. Their presentation included maps showing clearcuts, a video taken during a fly-over of the drainage, and testimony from Isaacson about damage the drainage has suffered. Despite the compelling testimony, the Land Board voted 4-1 to sell the Lower Green Bonnet timber sale without further delay. Only Auditor J.D. Williams voted against the sale.

Following the disappointing trip to Boise, the Forestry Committee sent a petition for rehearing to Boise, outlining the legal implications of IDL's poor stewardship of school endowment lands — particularly the Board's failure to manage its lands for long-term sustainable productivity. The petition for rehearing was filed for SPBA by Sandpoint attorney Paul Vogel.

Meeting again on Feb. 11, the Land Board appeared poised to deny the request for a rehearing when timber industry lobbyist Joe Hinson made an unscheduled appearance and was added to the Board's agenda.

SPBA officials were not present at that meeting, but transcripts from the Feb. 11

## SPBA Advocates Public Access

**SPBA HAS WRITTEN** to Gov. Sandrus, drawing his attention to growing public awareness of the necessity for public participation in land use planning and decision making.

SPBA, along with other environmental groups in the state, is concerned by the bureaucratic veil which shrouds Idaho Department of Lands activities. Of particular concern to the SPBA is that the IDL shift forest management away from short-term management practices and adopt true long-term forestry practices that will sustain forested ecosystems.

The Governor promptly responded, saying he would be interested in public participation as "part of better on-the-ground management of endowment lands." He further provided an IDL document reviewing their procedures.

The Department of Lands document does acknowledge the public has little

chance of knowing when a sale is in the planning or final form prior to Land Board action. While disdaining the Forest Service process as resulting in timber sale "gridlock," the IDL does provide a set of options for better public awareness. Recently, SPBA has begun receiving notice of impending sale activity by the IDL.

Absent from the IDL options is any appeal procedure or meaningful obligation for IDL to reconcile questionable data or conclusions other than their own. No mention is made of SPBA concerns relative to timber cutting practices or the ability of the state to fulfill the constitutional requirement of sustainability. Of special concern to SPBA is the lack of post-Land Board appeal procedures. This goes unmentioned save by the timber industry-supported bill, HB 722, which has succeeded in restricting citizens' ability to appeal (see *Chairman's Message*). ■

meeting show Hinson told the Board it should delay the timber sale for several more weeks "so that (our) legal folks can do their job and get together with the Board's counsel." Hinson also noted "the petition raises some serious questions ... obviously there are some major implications for the state's timber sale inherent in all this."

Although IDL had recommended rejecting SPBA's petition for rehearing, the Board adopted Hinson's request and voted 4-1 to delay for six weeks both the timber sale and consideration of SPBA's petition for hearing.

SPBA believes the introduction of HB 722 in the Legislature only days later is

hardly coincidental. Forestry Committee member Dave Boswell said he believes the dialog between the timber lobby and the Land Board "reeks of collusion."

"The Land Board has a constitutional trust duty to administer the endowment lands with undivided loyalty to the beneficiary," Boswell said. "It's clear from the proceedings whose interests are foremost in the Land Board's mind, and it's not the state school children."

Despite the obstacles erected by the timber industry and Land Board, Rosenberg said SPBA will press on with the challenge to management of state lands.

"Anyone who drives through the forests on the east side of Priest Lake can

see it for themselves. The Department of Lands appears to be liquidating our state forests. It's strictly short-term profiteering, regardless of the long-term damage they cause the forest ecology and local economy," said Rosenberg. "There's no question they've already damaged Trapper Creek, and now they want to log some more. We're going to do our best to stop them." ■

## Trapper Creek Needs Your Help

**T**HE TRAPPER CREEK challenge is the biggest project ever for SPBA. A lawsuit may force a sweeping reinterpretation of IDL's oft-repeated "mandate" to manage state lands for the highest possible financial return — regardless of environmental consequences. Trapper Creek is a strong case which, if successful, will result in changes to state management throughout Idaho.

But a court case is expensive and we need your help! If you're angry at the the liquidation of our public forest lands, you'll never be able to make a contribution that promises more direct results. Donations are tax deductible. Send them to: SPBA, Atten: Trapper Creek Fund, P.O. Box 181, Coolin, ID 83821. ■



# Appeals Process Under Fire

## Bureaucrats, Timber Industry Seek to Smother Public Participation

**T**HE PROCESS by which citizens can have a voice in the management of public lands is under attack by timber industry and public agencies alike.

And citizens who want to defend their ability to participate in public lands management are being called upon to speak up — now.

In one case, the chance for citizen input is past. Over objections from SPBA, other groups and citizens, the Idaho Legislature in early April passed House Bill 722, which requires any citizen or group seeking a court order to postpone a timber sale on state land to post a bond of 10 percent of the value of the sale.

Such bonds can frequently exceed \$25,000. They will make court challenges of state management prohibitively expensive, and effectively bar every citizen's fundamental constitutional right of equal access to the courts.

The bill was drafted by the timber industry, and was written in direct response to the challenge SPBA has raised to the Lower Green Bonnet timber sale. SPBA has filed a petition for hearing before the Idaho Land Board with very strong arguments against the sale (see story on page 1). With the urging of the industry, HB 722 sped through the Legislature in a matter of days — despite an opinion from the Attorney General's office that the bill is likely unconstitutional. It also contained an emergency clause to make it law immediately after approval.

SPBA, the Idaho Conservation League, the American Civil Liberties Union and other groups all opposed HB 722, and may go to court to challenge its constitutionality.

Meanwhile, an even larger threat to public participation has arisen from within the Forest Service. Secretary of

Agriculture Madigan on March 19 unveiled a plan to eliminate the Forest Service appeals process. Such a plan will effectively shut out citizen oversight of Forest Service management.

The Forest Service appeals process allows citizens or groups to question management decisions by the agency without having to go to court. When a district ranger makes a bad decision, for instance, it can be appealed to the forest supervisor, whose decision can then be appealed to the regional supervisor. Decisions such as timber sales, grazing permits, road building, mining and oil and gas leases can all be appealed.

The Forest Service says it wants to eliminate appeals because they are time consuming, costly and delay timber sales. However, the facts are that only 15 percent of all proposed timber sales were appealed in 1990, and only 4 percent of the total timber harvest was delayed due to appeals.

SPBA believes it is more likely the Forest Service wants to eliminate the appeals process — which has been in existence since the Forest Service was created in 1907 — because timber sale appeals by citizens and environmental groups are often upheld, usually because the sales would violate laws that protect the environment.

"It's no wonder they want to do away with appeals, but it is certainly not in the public interest to do so," said SPBA Forestry Committee member Bill Egolf. "To do away with the appeals process is a continuing erosion of our democratic process. It frees government from accountability to the citizens. Once again, a bureaucracy run amok is forgetting that it exists to serve the public will — not vice versa." ■

See "The Letter Drop," page 5.

## Rogers-Mosquito

*Continued from page 1*

Under appeal is the Priest Lake Ranger District's decision to log 7.5 million board feet of timber from the Roger and Mosquito creeks, in the drainage of the Lower West Branch of the Priest River. SPBA, after extensive review of the proposed sale, determined such a large logging job could pose serious environmental dangers to the already degraded drainage. The group therefore appealed, requesting the district carry out a smaller sale of 2.6 million board feet that would protect old growth and not require new roadbuilding.

Damon's initial review of the appeal was insufficient. Although SPBA raised numerous concerns in the appeal, Damon's review answered only two of those issues. SPBA asserted the decision

to select "Alternative E," which provides for the 7.5 MMBF sale, was "prejudiced and predetermined," but Damon dismissed this contention by stating it is common for the Forest Service to begin groundwork on alternatives before they are chosen.

Damon also dismissed SPBA's charge that the Forest Service conducted insufficient analysis of the Lower West Branch fishery. He answered this charge by merely listing the page numbers in the file of the analysis which SPBA contends is inadequate.

All other issues raised by SPBA were ignored. Damon incorrectly states the SPBA was "intimately involved throughout the environmental analysis process," implying that these volunteers somehow failed to force ranger district staff to do a proper job. Rather than address issues, Damon simply stated "the issues you

have raised were adequately considered in the EA (Environmental Assessment) and DN (Decision Notice)." SPBA's appeal, however, points out that threats to old-growth forest and interior wildlife habitat were not analyzed nor even acknowledged to exist.

SPBA Director Gordon West hailed the decision to remand the appeal back to the district as "a victory."

However, added West, "It's not a victory in an 'us versus them' contest, but rather for the Forest Service appeals process and its ability to respond and improve from public comment." He noted that Forest Service staff are usually eager to do their best work, but are often constrained by time and budget.

"We hope upper-level administrators see the light and stop emphasizing quantity of logs over quality of management on our National Forests," West said. ■



# Lake Water Study Wins Funding, But Advisory Team Floundering

THE IDAHO Legislature has approved funding of the Priest Lake water quality study at \$168,000 — the figure recommended by Gov. Cecil Andrus but well below the level sought by SPBA and the agencies charged with conducting the study.

Still, no one is complaining. Although the Division of Environmental Quality had asked \$318,000 for the Priest study, budget writers have been slashing state expenditures across the board due to an anticipated drop in revenues. The Priest study fared better than many projects.

Meantime, the Priest Lake Management Plan Team — the citizen advisory group overseeing the water quality study process — has been floundering. The team has met only once, on Sept. 8, when the proposed budget was discussed.

Despite numerous requests to team

chairman Donald Stratton to call strategy meetings regarding funding, none was held. The team did nothing to promote the study before the Legislature, although some members lobbied individually.

In December, SPBA Director and team member Gordon West invited all team members to participate in an open workshop to look over the Lake Pend Oreille study and management plan. The two-year study which produced the Pend Oreille plan may provide a model for the Priest study and plan.

"I thought it would be a good opportunity to get a jump on our planning," said West. "Most of our efforts will be common sense and can be taken from other plans, like the one for Pend Oreille."

Four of the 12 team members attended the workshop: West, Dean Stevens, Shirley McDonald and Austin Raine. ■

## Comprehensive Plan Rewrite Put On Hold

BONNER COUNTY'S stop-and-go effort to rewrite the county comprehensive plan ground to a halt again this spring, but will hopefully move forward this summer.

Heavy growth in the county has left the planning and building department badly understaffed as it attempts to process building permits. This and other factors have caused planners to delay work on the comprehensive plan.

SPBA has joined an ad-hoc coalition of citizen groups to monitor the plan rewrite process. Coalition members met

with the county commissioners March 24 to urge the plan rewrite be given greater emphasis — pointing out that the very growth the plan is intended to manage is now overwhelming county resources.

Commissioners said a new assistant planner position has been created to work on the plan, plus a secretary position is being added to the planning department to help with the work load.

Citizen subcommittees are still to be formed. SPBA members should watch the media for notice of hearings on the plan, and contribute their comments. ■

## JOIN THE SPBA

Support the Selkirk-Priest  
Basin Association  
by becoming a member!

Our newsletter, funded entirely by member contributions, keeps you informed of natural resource issues within the Priest Basin, and offers regular updates on the efforts of SPBA to promote environmental excellence. Now is time to give to the environment which sustains us all.

Make a contribution; keep *Sightlines* coming regularly. Dues and donations are tax-deductible.

**Enroll me** as a member of the SPBA. Enclosed are my dues:

|                | Individual dues               | Couples                       |
|----------------|-------------------------------|-------------------------------|
| Regular:       | <input type="checkbox"/> \$25 | <input type="checkbox"/> \$30 |
| Limited Income | <input type="checkbox"/> \$15 | <input type="checkbox"/> \$20 |

To help more, I'm enclosing an additional contribution:

☐ \$10 ☐ \$25 ☐ \$50 ☐ \$100

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

☐ **Yes, I'm interested in volunteering for SPBA work. Call me.**

SELKIRK-PRIEST BASIN ASSOCIATION  
P.O. BOX 181  
COOLIN, ID 83821

*Sightlines* is the quarterly newsletter of the Selkirk-Priest Basin Association, P.O. Box 181, Coolin, ID 83821; (208) 448-1813. Copyright 1992 by SPBA: Bruce Brockway, chairman; William Egolf, treasurer. Directors: Harry Batey, Jules Gindraux, Barry Rosenberg, Ted Runberg, Gordon West. Executive Director, Chris Bessler. Development Director, David Boswell. Fundraising Coordinator, Claude Morris. Membership Lists, Karen Shill. SPBA is a non-profit corporation providing environmental oversight and public information for the Priest River Basin of northern Idaho. Third-class postage paid at Coolin, Idaho. Permit No. 2. POSTMASTER: Send address changes to SPBA, P.O. Box 181, Coolin, ID 83821.

**Selkirk-Priest Basin Association**  
P.O. Box 181  
Coolin, ID 83821

Non-Profit Org.  
U.S. Postage

**PAID**

PERMIT NO. 2  
COOLIN, ID