

## Lands Lawsuit Near Major Showdown

**B**ATTLE LINES have been drawn and a date set for a major contest in SPBA's unprecedented lawsuit against the Idaho Land Board and state Department of Lands.

SPBA lawyers recently answered the state's motion to dismiss the case by filing a pair of briefs and more than 20 supporting affidavits showing the state's management of school trust forest lands throughout Idaho violates its duties under the law.

The action arises from SPBA's chal-

*Suit asks: Should timber interests or kids benefit from our state lands?*

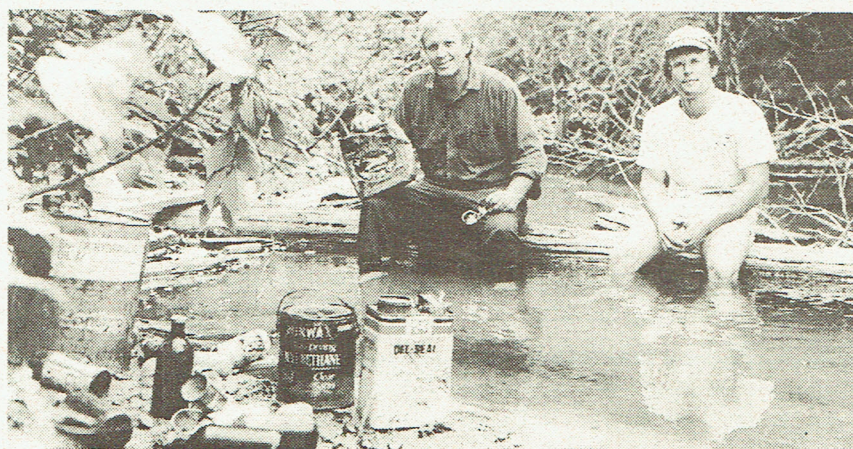
lenge of new logging planned in the Trapper Creek drainage above Upper Priest Lake, where the state has already logged off more than half the acreage, damaging soils, wildlife habitat and the creek's sensitive fisheries. SPBA contends that even more logging could

destroy the ability of the land to produce forests — an argument which, if successful, could lead to reform of Department of Lands management throughout the state.

SPBA filed about 400 pages worth of materials supporting its arguments with the court Oct. 9.

In the first brief, drafted by attorneys Charles "Hoey" Graham, Marc McGregor and Dave Boswell, the group set forth legal arguments that it has standing

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**TRASH PATROL.** SPBA's Bruce Brockway and Mark Bondeson with some fruits of their clean-up labors on the Upper West Branch of the Priest River.

## SPBA Cleans Upper West Branch

**S**PBA members recently gathered at the bridge over the Upper West Branch of the Priest River below Big Meadows to pick up trash dumped into the stream.

Chairman Bruce Brockway and volunteers Mark Bondeson and Bill White walked the stream bank below the bridge for approximately a mile bagging the trash that had lodged in streamside branches and banks.

The trash included automotive products, paint cans and veterinary supplies apparently from a cattle operation, of which there are several in the area.

Brockway observed that this type of unthinking assaults on the environment reveal that some among us "still hold to arrogant and destructive attitudes which allow the dumping of toxic refuse in a beautiful and otherwise clean stream rather than dispose of refuse in a proper way."

Members of SPBA and the public are urged to notify the SPBA for stream clean-up assistance should the need arise.

## SPBA Economic Effort Off to A Promising Start

**S**PBA's Sustainable Economic Development Committee has gotten off to a fast start — but the challenge it faces is major, according to Chairman Ted Runberg and member Margie Hall.

In August the committee held an Economic Forum at Priest Lake, featuring participating panel members from within the Priest Basin. Priest Lake District Ranger Al Collotzi spoke of greater uses for the resources of the forest. Kay Small, who promotes local cottage industries, told the audience of the activities of 200 crafters in the area. Small said a marketing network system is needed.

Triva Barber and Roger Gregory, representing the Priest River Economic Development Corporation and Priest River Chamber of Commerce, spoke of a need to have sustainable economic development in the area.

Among the assets SPBA can draw upon in its effort to support sustainable economic development are a good

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## Chairman's Message

# *It's Our Economy — And Our Future*

**'F**RAGILE" is the word we often use to describe the Priest Basin ecosystem but recently released data reveal we should also regard the basin's economy as fragile. The Idaho Division of Financial Management reports that average wages in Bonner County, once adjusted for inflation, have dropped 17 percent in the past 10 years. The causes are many and reflect the national trend of declining income, but in North Idaho the cutbacks in timber and mining employment are the major ones.

Efforts are being made to offset these lost jobs and dollars and the SPBA is pushing to do its part. Reported elsewhere in this issue of Sightlines is the work of Director Ted Runberg and his committee, who organized the first-ever Sustainable Economic Development Forum, held at Priest Lake in August. We hope to present others in the future. The SPBA formed the Economic Development Committee as a permanent standing committee. Other organizations have also been at work in their own fashion to attract to the Basin enterprises which will build our economy. The work of the Priest River Development Corporation and the Chamber of Commerce are notable for their strong efforts.

Members and friends of SPBA can do a variety of things to assist such efforts. Of particular importance is



for folks living out-of-area but who use the Basin and Priest Lake for recreational purposes to purchase local goods and services when in the area. Those of use living here should spend our dollars locally — in other words, spend those Christmas dollars in local shops this year! And, if you know of a small business looking for a home, the Priest River Industrial Park has vacancies and sure would like to talk about the favorable business climate here.

Members and friends of SPBA need to seek out and offer our good offices and influence to encourage risk-taking entrepreneurs and established businesses who seek a clean and beautiful\* (but fragile) environment to join us and others to create jobs, products and profits.

Our best bet for the future is to acknowledge the nature of economic change in the extractive resource industries and seek a diversified and environmentally friendly economic base to recoup our fragile ecosystems.

*H. Bruce Brockway*

**Bruce Brockway**  
**SPBA Chairman**

## ***Economic***

*Continued from page 1*

employment climate combined with wise use of the natural resources of the area. All speakers would like to see more technical assistance available to the local businesses. Gregory said the Priest River Industrial Park was looking for additional businesses for the park.

Margie Hall spoke of the kinds of industries that might find their way to the Basin. Hall, a former SPBA director, is currently completing her master's degree at the University of Washington, emphasizing rural sustainable economic development. Hall's studies dovetail with the goals of SPBA and the needs of Priest River and the outlying Basin communities for a diverse, sustainable and self-reliant community.

Forum monitor Bill White, also an SPBA member, pointed out the region has inherited almost a "colonial" legacy, where over the years outside interests have removed much of the natural wealth and left little of their gains to help local growth and development.

SPBA's Economic Development Committee is also working on other fronts to help boost a sustainable economy. The SPBA is in contact or working individually with David Morris of the Institute for Maggie Gainer of Gaenert & Associates, specializing in rural community development strategies focusing on waste recycling; David Dougherty of the Clean Washington Center, to help developing products and markets from recycled goods; and Paul Sommers and David Harrison of the Northwest Policy Center, whose expertise is value-added

forestry products.

The SPBA has also sent representatives to the Washington State Recycling Associates Conference in Tacoma in June, the Idaho Futures Forum in Boise in September and the "Economics: Exploring Environmental Investing" forum held in Seattle in October.

SPBA directors have a true commitment to promoting community-based activities which will bring about innovative sustainable economic projects for the Basin. The Basin is rich in human and natural resources — especially resources such as natural beauty, water recreation, mountain recreation and diverse wildlife.

Of all those resources, SPBA can best draw upon human resource through public dialogue to help eventually build sustainable development for the Basin.

## ***Yew Trees Damaged in Logging Near Distillery Bay***

**D**AMAGE to Pacific yew trees at a logging site near Distillery Bay at Priest Lake resulted in the operation being shut down.

The trashing of the trees was discovered Aug. 27 by Roy Keene, executive director of the Public Forestry Foundation of Eugene, Ore., while in the area working with members of the SPBA forestry committee analyzing Idaho Department of Lands harvests in the area.

President George Bush signed into law last March a bill requiring Pacific yew to be harvested or set aside in reserves prior to timber harvests. Also, a Forest Service policy manual requires that yew reserves be established in management areas prior to logging.

The bark of the yew contains a chemical called taxol, which has become an important cancer treatment. Yew trees which grow in the Northwest have subsequently become a carefully managed resource.

Priest Lake District Ranger Al Collotzi shut down the logging operation only after the media in the area — including a television crew from KREM TV in Spokane — were called in to report the event.

Dave Wright, supervisor of the Panhandle National Forests subsequently admitted there were problems with the salvage sale, including an improperly prepared environmental assessment and failure to notify the public of the sale.

The logging crew in the area was "testy" at the shutdown, but tempers cooled when Greg Harty of the Oregon foundation explained to them the value of the yew. The yew trees found in this area are considered quite rare. A low shrub form is more commonly found in the basin, usually in old-growth timber areas.

## ***HBC Plans Rejected Again***

**A** NEW application by the Huckleberry Bay Company for a large scale development at Huckleberry Bay on Priest Lake was given a resounding "no" Aug. 13 by the Bonner County Planning and Zoning Commission.

Despite the unanimity of the denial, the company has appealed the decision to the Bonner County Commissioners. The commission will hear the appeal on Wednesday, Nov. 18, 1:30 p.m. at the Bonner County Courthouse. Once again, SPBA is urging members to attend.

The action came after planning commissioner Linda Tauber moved to deny the HBC application to subdivide 14 waterfront lots and 27 second-tier lots. The denial was based on the public service section of the Bonner County Comprehensive Plan, and Tauber's motion carried unanimously.

The list of specific shortcomings in the latest HBC proposal as cited by the commission was lengthy, ranging from inadequate medical, school and public safety services to traffic congestion concerns and "degradation of an environ-

mentally sensitive and potentially vulnerable area."

The commission further pointed out the proposal would create costs to governmental agencies that would not be offset by property taxes and that the proposal, while able to "increase the value to the applicant," posed costs to the public. The commission concluded that the development, its location and density were not justifiable within the county Comprehensive Plan and failed to adequately assess the cumulative impacts on the environment.

The development proposed by the Huckleberry Bay Company in this application was about half the size of a development rejected by the planning commissioners last March. However, the company has made clear it intends to come back with additional proposals to develop its acreage up to the scale of its original proposal — essentially using a strategy of piecemeal development of the Bay.

Within a week of the negative vote by the planning commission, HBC President David Bell appealed the decision.

## ***River Fisheries Studies Ending***

**I**N JULY, the Idaho Dept. of Water Resources (IDWR) held a public meeting to inform interested persons of the results of a fish habitat study on the main Priest River.

Cindy Robertson of the Idaho Fish and Game (IFG), who conducted the study, concluded that high water temperatures, lack of instream cover, a wide streambed, and a relatively infertile system combine to limit fish production. However, habitat does exist and would be optimized for rainbow and cutthroat trout at a streamflow of 400 cubic feet per second (cfs).

Robertson recommended that a minimum flow of 200 cfs be maintained during the dry months of August and September when flows currently fall below 100 cfs for weeks at a time. Idaho Code sets a minimum streamflow of 60 cfs which occasionally conflicts with a similarly mandated lake level of 3.0 feet at the Outlet Bay gauge. Historical discharges range from a low of 38 cfs in

July of 1951 to 8740 cfs in June of 1974.

Lance Nelson, also of IFG, who led the temperature sampling done by SPBA volunteers, emphasized high water temperatures in July, August, and September did the most to limit the trout populations. Most of the tributaries registered temperatures nearly 10 degrees F lower than the river, but are in too degraded a condition to offer much escape habitat.

The second part of the study is being done by the Army Corps of Engineers and is to attempt to balance needs and beneficial uses between the lake and the river.

The Corps is hosting a meeting Nov. 23, 7:30 p.m. in the Priest River Junior High library to discuss alternatives.

In an average year, the proposed minimum streamflow could be maintained with only a few inches of drawdown in the lake. Higher flows would also allow recreational use of the river to continue all summer. Canoeing becomes impossible during the present low discharges.

# Lawsuit

*Continued from page 1*

to sue by virtue of the fact that its members, as parents of Idaho schoolchildren, are beneficiaries of the trust lands controlled by the Land Board. The lands were granted to Idaho by the federal government upon admission to the Union in 1890 on the condition they benefit public schools. Idaho's constitutional framers accepted the lands and declared the school children beneficiaries.

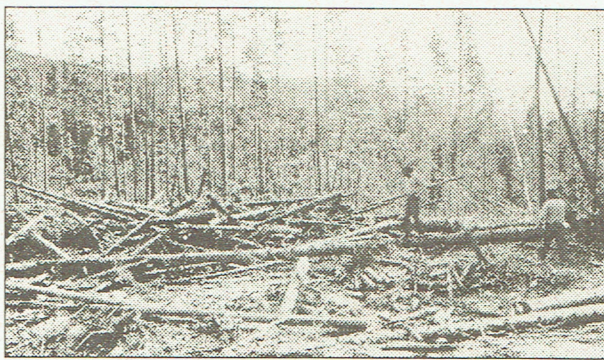
Sandpoint attorney Paul Vogel drafted a second, 70-page brief addressing the issue of whether the Land Board followed its own rules and state law last winter when it rejected the group's petition for review of state forest land management pursuant to established procedural requirements. That issue primarily turns on a thorny legal technicality — whether SPBA's challenge constitutes a "contested case" under the state's Administration Procedures Act.

Vogel argued it does, saying the Land Board unlawfully rejected the group's petition and, among other things, is prohibited from asserting otherwise because it led the group to believe its case was "contested."

SPBA's court filings included statements from several people knowledgeable about the Land Board's activities.

Former state forester Damian Sedney, who managed 23,000 acres of state forest in the Clearwater area, said in an affidavit that he was routinely instructed by his supervisors to massage computer runs to avoid costly slash disposal work.

Sedney also testified at a Land Board



**WASTE AND DEPLETION.** SPBA foresters Greg Harty and Robert Biggs survey a slash pile near Trapper Creek.

meeting in December 1990 that forest management policies and practices on state lands permanently impaired the lands' productive capacity. At that Land Board hearing, Director Stan Hamilton admitted the substance of Sedney's claims but flatly refused to take action to prevent the trust lands' productivity from being wasted.

Also University of Idaho forestry professor Charles McKetta said in his affidavit he was instructed in 1988 to study the effect of a statutory ban on raw log exports from Idaho state lands to mills in adjoining states proposed by the timber industry.

McKetta's undisputed report concluded the school children's trust fund would lose nearly \$1 million a year if the ban was imposed. That report was "suppressed," he said; the ban became law despite a constitutional mandate that the Land Board maximize financial returns to the fund.

In other court filings:

- Expert hydrologist Al Issacson said severe damage in Trapper Creek from

excessive logging threatened to "blow out" the stream, which is now the last documented home for a rare, native species of cut-throat trout.

- Expert forester Greg Harty called the state's management "appalling," saying among other things, that rotation ages were far too short and site indexes were ludicrously overstated.

- Former forest technician Ralph Fulp, who worked state lands at Priest Lake for eight years, said he documented extensive seedling mortality, soil erosion and other regeneration problems on cutover lands.

In all, more than 20 people swore out statements to the effect the Land Board was mismanaging the lands, thereby depriving the state's children of their long-term financial interest in the trust and their natural heritage.

"These statements are compelling evidence the Land Board has surrendered to the timber industry the lands which rightfully belong to the kids," said SPBA Forestry Committee Chairman Bill Egolf. "The timber industry has replaced the children as beneficiaries of these lands."

Although the state Attorney General's office was seeking to delay it, an important hearing in the case was scheduled for Nov. 12 in Idaho District Court in Coeur d'Alene. Watch the next issue of *Sightlines* for results of that hearing.

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