



Clearcuts at Trapper and Caribou Drainages on the east side of upper Priest Lake

Industry Derails Griz Plan

The Forest Service's attempt to enact meaningful protection for grizzly bear habitat west of Priest Lake took a giant step backward in February, when the timber industry and other groups brought political pressure on the agency to reopen a public comment period to allow submission of a new plan drafted by an industry-hired biologist.

The Forest Service was preparing to enact its plan for 125 miles of permanent road closures to secure habitat for the grizzly in the Kalispell-Granite Grizzly Bear Management Unit. The so-called "Alternative D" was one of five management alternatives analyzed by the Priest Lake Ranger District in its 1994 environmental assessment of the area.

The plan for road closures drew more than 400 comments during the 30-day comment period that closed in September. A slender majority of comments

Continued on page 6

Role of politics big unknown

Ruling Closer in State Lands Case

SPBA's legal suit claiming Idaho's Land Board has illegally turned over the state's school trust lands to organized, private timber interests has moved closer to a final decision by six months. Still, a ruling could be a year away.

Last October, after more than two years of legal wrangling, SPBA argued the case to the state's Supreme Court, where final decisions have been known to take as long as 18 months.

"There's nothing to do but wait—and hope," said SPBA attorney David Boswell.

The particular issue argued before the State Supreme Court is whether SPBA even has the "legal standing" to sue, which is the right to challenge the Land Board's conduct in court at all.

Continued on page 3

Environmental Organizations and Forest Service Show Compromise is Possible

Butch Creek Timber Sale Appeals Withdrawn

The SPBA Forestry Committee and two other organizations decided not to appeal the planned Butch Creek Timber Sale near the lower west branch of the Priest River, after a meeting with the Forest Service proved compromise is not impossible.

SPBA decided not to appeal before the Dec. 8, 1994 deadline, and the Inland Empire Public Lands Council

and Ecology Center of Missoula, Mont. withdrew the appeals they had filed.

The organizations' Dec. 22 meeting with Priest Lake District Ranger Kent Dunstan and staff members David Cobb and David Asloson seemed to end on a fairly positive note.

After several hours of discussion and negotiation regarding the appellants' concerns about the sale plan's failure to

secure habitat for wildlife and preserve diversity and viability of timber stands during and following the logging operations, the Forest Service agreed to make some changes.

Short sections of new roads for accessing harvest areas were removed from the plan, and some old roads no longer in use will now be obliterated to prevent further use.

Continued on page 4

Chairman's Message

Money Talks, Public Must Talk Louder

Newsflash! The grizzly bear recovery plan for the Granite/Reeder area has the "public" comment period pried open, after it was closed in late 1994, to accommodate a "grassroots" group's desire to subvert the process for private gain. In this important victory for the "common citizen" we are once again assured that good-faith participation in the National Environmental Policy Act (NEPA) process will get us comfortably steamrolled after the fact.

What happened? The NEPA process defines the method by which federal land management agencies plan, analyze, choose and implement activities such as timber sales, recreational facilities, Endangered Species Act recovery plans, and virtually every action of significance on federal land. It works like this; an action—for example, a timber sale—is proposed with a general description for the interested public to give scoping comments. These concerns are then considered in the development of a range of alternatives. The alternatives are then described in detail and analyzed in an Environmental Assessment (EA). After the ranger decides which alternative will be implemented, a period of time is available to appeal the decision should an interested party believe a serious problem in the alternative was overlooked or if the process was violated. After that period has passed, the project can be implemented.

However, if you are the Intermountain Forest Industries, Association (IFIA), you can creatively skirt the process! You can tell the press that you are a local "grassroots" organization, hire a biologist from east Podunk to discredit accepted science, without offering good science of your own, have the new governor ask the Idaho Fish and Game biologist if he likes his job, get Senators Craig and Kempthorne to attend the party and *shazzam!* you have your own action plan. Didn't even need to bother with the



NEPA process or pay attention to public comments anyway!

What is the new, improved action plan? We don't know for sure, yet. But the IFIA hired biologist told the folks at a Priest Lake Chamber of Commerce meeting what they wanted to hear: we can have it all—roads, logging, human activities of any kind—right in the bears' bedroom. All that needs to be done is beef up education and law enforcement.

At the taxpayers' expense? And for whose benefit?

One thing is certain: money runs the show. I used to have a naive faith that our government did represent the citizens and that we all had an equal voice if we chose to use it. But the last few years have taught me differently, with the Idaho Legislature passing laws barring SPBA from the courts; with the IFIA's not-so-veiled threats to

Idaho teachers' pay raises for wanting to join SPBA in the lawsuit (it worked); for forcing a paid timber representative onto the Priest Lake management plan team; for the denial of our very existence as citizens with rights to challenge our elected officials; and now for pressuring federal agencies to trash the NEPA process by substituting their own pseudo-science and time line. What country is this anyway? It is discouraging.

What to do? We have the right and the responsibility to advocate for our interests. Money and back room political power may have most of the muscle, but it will be our fault if we let them have it all. Speak out!

A handwritten signature in cursive script that reads "Gordon West".

Gordon West
SPBA Chairman

60-Acre Purchase on Hager Lake Saves Boglands

Seven acre Hager Lake, surrounded by wetlands and timber totaling 60 acres in the Kalispell drainage, was purchased last spring by Archie and Mary George, with the aid of The Nature Conservancy.

The Nature Conservancy's long term protection of Hager Lake is a great asset to our continuing efforts to enhance the natural resources in SPBA's Selkirk-Priest Basin.

Mark Elsbree, Assistant Director of the Idaho Nature Conservancy, who works out of the new North Idaho Conservancy office in Coeur d'Alene, notes that 30 percent of what the Conservancy

protects is through private purchases. "There are a lot of people moving up to Idaho who want to protect habitat out there," said Mary George, who lives in Moscow. "This was a unique contribution we could make to protect a special part of the state."

The 60-acre purchase is a biological prize for its bog cranberries, sedges, insect-eating sundews and its abundance of other notable plants, as well as for its crescent of old trees.

All can be affected by even a small change in the temperature and amount of ground water that feeds the lake and wetlands.

A checklist of plants was made 40 years ago by a WSU researcher. Core samples today of the bog show leaves and pollen 700 years old. Such information will go into a guideline aimed at protecting the scattered Panhandle peat bogs.

Other recent North Idaho successes for the Conservancy are purchases of a 200-acre lakefront on Gamlin Lake with pristine wetlands near Sandpoint and protection of three quarters of a mile of Coeur d'Alene Lake frontage.

Goals of environmental excellence that SPBA and the Conservancy have in common help insure a good future for all habitats in the Panhandle.

Pend Oreille Valley Economy Gets Boost from Follow-through Program

Resources — The Outlook

The test of a conference is not just whether participants leave thinking that it was useful, but whether anything really happens afterwards. From that perspective, here are some follow-up notes on the "Future Jobs and Small Business Opportunities for Pend Oreille River Valley Communities" workshops held last October. In two different cases, individuals who were capable of producing items were brought together with others who saw needs, but were unable to meet them. As a result, several small manufacturing operations were created which didn't exist before, and the producers are now seeking out-of-state markets.

On a broader level, a group of individuals from northern Idaho and northwest Montana is working on a plan to set up local "encouragers" in specific areas (which will also include northeastern Washington) to help small businesses, craftpersons and artisans develop products and participate in a network designed to help advertise and market these products. Regional Economic Development Councils are involved in an advisory capacity, and may help with some preliminary funding.

These are small beginnings, granted, but the consequences may be larger than they appear at first glance. First, any new money coming into the community is good money if it involves using local resources effectively and provides jobs for local people. Then there is the less tangible issue of attitude. Hopelessness and inertia are the enemies of small rural areas like ours. If even a few people have taken a risk and seem to be making progress, others may also be encouraged to try. Finally, the passion aroused among local workers over timber sale or real estate development appeals might be diffused if economic growth takes off in new directions.

A core group will meet this month to begin planning a second "Jobs" conference for next fall.

We invite *Sightlines* readers to make this economic issue their concern. With all the expertise and experience and intelligence represented among SPBA members, we know you must have ideas. Write, phone or fax the SPBA office with any suggestions you may think of, on-the-wall or off-the-wall. (Or phone or fax Joanne Hirabayashi at (208)448-2186). Please help! Thanks.

State Lands

Continued from page 1

Boswell is not predicting which way the state Supreme Court will rule given the highly political nature of the case.

"We rely on the legal system to make legal decisions, but this case strikes deep at the heart of Idaho politics and that could be a factor," he said, adding that every court in the country that has considered the issue has held in favor of SPBA's claim. But he also said there's a possibility the Idaho Supreme Court could rule the other way. "If they do, they will be the only court in the land to do so," he said.

Boswell said he's "breathlessly anticipating" how the court explains its ruling if SPBA loses its bid for legal standing to sue. He said multiple grounds were argued in favor of SPBA's standing to sue, including standing as representatives of parents of Idaho school children (the beneficiaries of the trust) and standing as aggrieved citizens who cannot depend on the state's Attorney General to redress breaches of the Board's trust duties because he is conflicted (as a Board member himself) and actively participated in the alleged wrongdoing.

At one point in the October hearing, Boswell pointed directly at Deputy Attorney General Steven Schuster and

Intermountain Forest Industry Association attorney, Steve Thomas. "Right there, your honors, is Exhibit 'A' in our case, that the Board has acted with divided loyalty toward the beneficiaries of these lands," he exclaimed.

"The Board has turned the lands over to big timber because of the political advantage the members reap. I can't imagine a more flagrant demonstration of divided loyalty."

He was referring to the joint appearance of the Land Board and big timber interests at the hearing. He said they came "arm-in-arm and hand-in-hand" to prevent anyone from challenging the way school lands are currently managed. All the immediate demands of private sawmills for cheap wood are met, he said, regardless of the long-term impacts to productivity, school endowment income and other public benefits.

"A trustee breaches a legal duty to his beneficiaries when he acts with divided loyalties," Boswell said. "Here the Board

has turned the lands over to big timber because of the political advantage the members reap. I can't imagine a more flagrant demonstration of divided loyalty."

Boswell suggested the Board showed where its loyalties lie just by showing up at the hearing with big timber interests to argue in its behalf for continuing short-term management practices that result in long term depletion and impairment of the land's productive capacity.

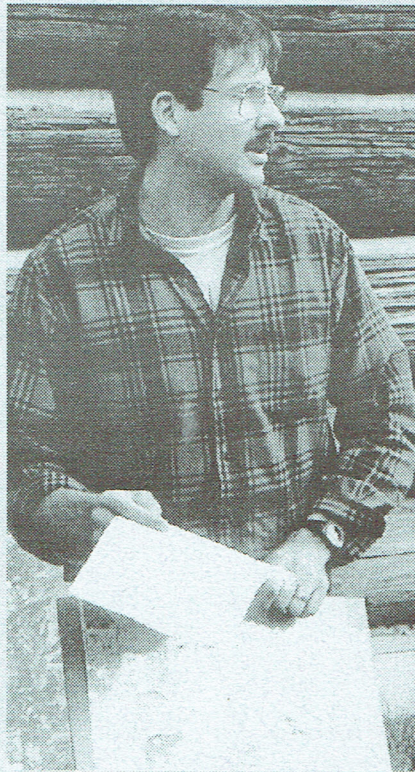
In another recent development, the Land Board in December granted Boise-Cascade a reduction in the interest rate it must pay on purchased, but uncut state timber. "That one cost the kids another \$130,000," Boswell said. "You can add that to the tens of millions of dollars we believe the Land Board has already diverted to the timber industry." He said long as nobody has the right to challenge this so-called 'management,' it's going to be politics—and business—as usual in Idaho. "The Land Board thinks big timber interests are the beneficiaries of the trust. The Supreme Court needs to disabuse them of that notion," he said. "If that's ever going to change, the Court will have to do it now; if they don't, the courthouse door will be closed to everyone forever.

He said that would be a final affirmation that, in fact, big timber interests own the lands.

Round Two for Priest Lake Plans

It's the second round of the Priest Lake Management Plan committee reports, where committee input and public comments will be refined into draft language for the actual management plan. Some meetings occurred as *Sightlines* went to press. The tentative schedule for upcoming meetings is as follows: Construction/Development, Boats, Recreation April 9, Stormwater April 30, and Non-forest Roads, Wastewater May 21. All meetings are to be held at the Priest Lake Elementary School in Lamb Creek at 1 p.m.

There were numerous water quality specialists at the Feb. 19 Timber/Roads meeting, where several problems were discussed and seven actions were proposed as additions to the management plan. Those actions are as follows: 1) Implement pre-operational inspections for all proposed logging and related road construction in the watershed; 2) provide aggressive administration and enforcement of the Stream Alteration Act; 3) provide an information/education program aimed at forest land management (landowners, loggers, purchasers, etc.); 4) secure funding to meet maintenance needs on all forest roads; 5) monitor For-



Dave Cobb, Forest Service forester and Butch Creek sale designer, discusses the sale.

est Practices Act compliance and recommend changes; 6) review staffing needs of agencies and lobby for positions where needed; and 7) implement the current Cumulative Watershed Effects process in conjunction with the Beneficial Use Reconnaissance process on a specified number of Priest Lake watersheds per year.

Butch Creek

Continued from page 1

The silvacultural prescriptions for the planned units to be logged were not changed but additional review and consultation with representatives from SPBA, IEPLC and the EC for units 24-28 were agreed upon.

SPBA was represented by Bill Egolf, and Barry Rosenberg of the Inland Empire Public Lands Council represented both that organization and the Ecology Center.

At the end of the meeting, Rosenberg stated the appeal would be withdrawn and said he was encouraged by the level of cooperation and implications that this sort of negotiation has for the future. SPBA Forestry Committee Chair Bill Egolf said, "The rewarding part of these give-and-take sessions is that it shows compromise can be reached if both parties are willing to give the extra effort and always seek agreements where possible."

All of the actions mentioned above are good except they share a common Achilles heel; they will need permanent funding. The success of the plan ultimately turns on this point. It is not too early to begin discussing this with government representatives. There may be alternative avenues to government funding and the team needs to hear your ideas.

Huckleberry Bay Hearings Set April 11

SPBA lawyers will soon find out whether they'll be allowed to present new court evidence showing alleged procedural improprieties in the battle to develop Huckleberry Bay.

Lawyers Chuck Sheroke and Paul Vogel submitted a Supplemental Notice of Appeal/Petition for Judicial Review requesting the opportunity to add new evidence to the court record that would show the Bonner County Board of Commissioners were out of line when they approved a final plat for planned developmental units of Huckleberry Bay, despite the county Planning and Zoning Commission's unanimous denial of the plan's preliminary plat.

The court's decision on the appeal will be made at an April 11 hearing, which was scheduled during a February status conference.

The two planned developmental units, the Huckleberry Bay Subdivision and the Ridgeview Terrace Subdivision, would contain 41 residential lots on 220 acres. About 157 of those acres would be designated open space, most of which would be devoted to the sewage system for the developments.

SPBA attorneys claim the Board illegally overrode the Planning and Zoning Commission's refusal of the plat, and maintain open meeting laws were violated when one of the commissioners, who was the only one against the planned development and who has since resigned, was excluded from the decision process approving a final plat.

If the supplemental appeal is approved, it will take at least another month before any further hearings take place, as that is how long the county will be given to submit its own supplemental evidence for the trial.

Bear Creek: A Test of Faith in Government

One hundred thirty acres of wetlands at Bear Creek on the eastern shore of Priest Lake is under consideration for development simultaneous with a conservation easement.

On August 20 last year, two Spokane developers, Michael Schmitz and Bill Fanning, submitted to the U.S. Army Corps of Engineers a Plat Environmental Assessment for a 404 Permit Application. The application was for the construction of an 850-foot road across Bear Creek to access single family lakefront dwellings on three 20-acre tracts and one 90-acre tract.

The 404 application included proposed mitigation and enhancement measures to protect and enhance the existing natural environment. It also stated that the applicants were working with the Nature Conservancy to incorporate the 130-acre wet-

land area into a conservation easement.

Prior to making any decision, the Army Corps routinely requests comment from other permitting agencies.

In response, the Idaho Dept. of Fish and Game expressed concern of likely deleterious effects on water quality and flow as a consequence of the road construction.

The U.S. Dept. of Fish and Wildlife expressed criticism that proposed mitigation methods fell short of adequately protecting the sensitive wetland serving as host to a vast array of threatened and endangered wildlife and aquatic species, both resident and migratory. These include, but are not limited to, grizzly bears, wolverines, moose, bull trout, west slope cutthroat trout and wetland vegetation. Of particular note is the "false lily of the valley" found nowhere else in Idaho.

Because the application did not conform to section 401 of the Clean Water Act, it was denied by the Idaho Dept. of Environmental Quality at the suggestion of the Army Corps. Having received denial from another permitting agency, the Army Corps likewise issued denial "without prejudice", which allows consideration of the application as and when it and all other agencies are satisfied that all requirements are fully met.

SPBA, in its response to the Army Corps, deferred judgment until final conclusions are made by all parties.

With all parties acting responsibly together in good faith for the common goal of protecting water quality and protecting an extensive irreplaceable wetland, there is reason for optimism that new, enlightened land management will be established.

Ultimately, Stewardship is an Ethic of Personal Responsibility

Editor's Note: An editing error changed the meaning of a portion of this article published in the Autumn Sightlines. We regret the error, and are here reprinting it in its entirety.

by Mark Eliot

Private Forestry Specialist
Idaho Department of Lands

There has been much written lately about stewardship. In fact, it is hard to pick up any natural resource-type publication without finding some mention of the word. But what is "stewardship?" Webster defines the noun 'steward' as "one who manages another's property."

A college classmate of mine once said that we are all "stewards of the land," and looking back, I tend to agree. The development of a land ethic is something unique to each of us, something that can't be dictated or handed down to us. Aldo Leopold may have said it best when, in 1948, he wrote in the foreword to "A Sand County Almanac:"

Conservation is getting nowhere because it is incompatible with our Abrahmic concept of land. We abuse land because we regard it as a commodity

belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect. There is no other way for land to survive the impact of mechanized man, nor for us to reap from it the esthetic harvest it is capable, under science, of contributing to culture.

That land is a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics. That land yields a cultural harvest is a fact long known, but latterly often forgotten.

In 1993, delivered log prices rose steadily in northern Idaho and prices didn't falter until late first quarter 1994.

With the steady rise in prices came record harvest levels from non-industrial private forest (NIPF) lands in the five northern counties of Idaho (Boundary, Bonner, Kootenai, Shoshone, and Benewah). Prior to commencing commercial activities in the state of Idaho a Notification of Forest Practice must be filed with the Idaho Department of Lands. Last year there were 4203 notifications for that five-county region, and the harvest was

approximately 233.4 million board feet of timber. This does not include the volume harvested on industrial private, federal and state lands. If these recent harvest activities have been well planned and are to be followed by additional appropriate management activities, then the art and science of stewardship may have been properly applied. If, on the other hand, these acres are left inappropriately unmanaged or, perhaps, begin to sprout a healthy crop of "For Sale" signs and are offered for sale as "prime northern Idaho real estate" then the conclusion would default to the pursuit of short-term financial gain at the expense of the resource.

Maybe that is the extent of the land ethic of some individuals and that may have to be accepted, albeit begrudgingly. It must be realized, however, that our actions have implications on future generations. I do not recall either the exact wording or even who spoke the words, but I recently heard something along the lines of "We do not inherit the land from our parents; we borrow it from our children." Perhaps that is an appropriate message to convey stewardship.

The Good Steward

Grizzly

Continued from page 1

avored the road closures; SPBA itself submitted comments in support of Alternative D, noting the road closures were important to stem the No. 1 cause of mortality of the Selkirk bears, namely illegal shooting by hunters and poachers. SPBA also noted the plan left open major roads through the area and would still allow such forest uses as berry picking, hiking, camping, logging and hunting.

However, in February Idaho senators Larry Craig and Dirk Kempthorne wrote the Forest Service to demand that the comment period be reopened to allow submission of an alternative plan drafted by Intermountain Forest Industry Association biologist Seth Diamond. The comment period was subsequently reopened.

"The decision to reopen the comment period is highly irregular and violates the NEPA process," charged Chris Bessler, chair of the SPBA's wildlife committee.

Under Alternative D, 74 percent of the Kalispell-Granite area would be closed off to motorized traffic during the "bear year" from March 15 through November 15 — the period when bears are active.

The IFIA's plan offers only 93 miles of year-round closures, which provides less than 70 percent secured habitat — the figure required by the U.S. Fish and Wildlife Service's grizzly recovery plan. Seasonal road closures would close more than 135 miles in the spring and nearly 120 in fall. There would be no additional summer closures, however.

In addition to the closures, the IFIA plan emphasizes education to reduce grizzly mortalities, via educational work-

shops for the local communities in bear identification and nuisance prevention. While Bessler applauded the call for more education, he said the IFIA's proposal to change "human behavior" is a process that realistically would take many years — far more time than the critically endangered bears have.

He also noted that while education would help prevent accidental deaths, it would do little to stop those who set out with the criminal intent to kill a grizzly. "We've educated many generations of hunters about far more plentiful species, such as elk and moose, yet poaching of those animals continues," he pointed out. "The outright poaching two years ago of 'Sy,' one of the last breeding female grizzlies in the Selkirks, is a perfect example of how roads through grizzly country are just an open door for poachers."

The alternative plan also calls for more enforcement, and the IFIA claims it will foot the bill for one law officer position with "bridge" funding. But while again agreeing that more enforcement is needed, Bessler said adding a single position is unlikely to achieve any real protection for the bear.

"The bottom line is the Selkirk grizzlies are in an emergency status and in danger of imminent extinction," said Bessler. "The best study available says there are as few as 10 bears left. Playing procedural tag with the comment process will delay a critically important step in providing secure habitat for the bears."

The new comment period closed March 17, but if the Forest Service proposes to adopt substantial changes, it will likely open another comment period. SPBA will be issuing a special alert if changes are proposed.

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 1809
PRIEST RIVER, ID 83856

Sightlines is the quarterly newsletter of the Selkirk-Priest Basin Association, P.O. Box 1809, Priest River, ID 83856; (208) 448-2971. Copyright © 1995 by SPBA: Gordon West, chairman; Joanne Hirabayashi, treasurer. Directors: Harry Batey, Chris Bessler, Bruce Brockway, Jules Gindraux, Barry Rosenberg, Ted Runberg. Forestry Committee Chairman, Bill Egolf. Editorial Committee Chairman, Bill White. 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 Priest River, Idaho. Permit No. 27. POSTMASTER: Send address changes to SPBA at the address above.

Selkirk-Priest Basin Association

P.O. Box 1809

Priest River, ID 83856

Non-Profit Org.
U.S. Postage

PAID

PERMIT NO. 27
Priest River, ID

