

Agreement Reached for Cedar Swap

IT LOOKS as if 520 acres of old-growth cedars at the top end of Upper Priest Lake will be spared the chainsaw. Early in April an agreement was reached between Mark Brinkmeyer, owner of the Riley Creek Lumber Company in Laclede (between Priest River and Sandpoint) and the Forest Service.

The lumber company will receive 2,305 acres of Forest Service timber lands valued at \$8.7 million for the 520 acres. Brinkmeyer purchased the land for less than 2 million dollars in 1992. Brinkmeyer stands to make around \$7 million dollars on the swap.

Two public comment periods and an environmental assessment are planned before the deal can close later this year.

Reaction from the public and environmental groups was immediate when Brinkmeyer first purchased the cedars: To cut these trees (most of the mature

ones in the 1,000-1,500 year old range) was simply out of the question. No amount of money could justify this level of destruction and desecration of trees, grizzly bear, and caribou recovery area with exceptional wetlands.

Even a spokesman for the Idaho Forest Products Association was moved to remark, "Anybody with two eyes over the age of six would have to realize this is an unique ecological place... most people in the industry would say that's the kind of place that should be set aside."

SPBA and other environmental organizations have strongly urged the parties to come to agreement to save the cedars from being logged.

SPBA's Editorial Chairman, Bill White did express concern however, over what is a new trend by the extractive industries.

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SPBA CHAIRMAN Harry Batey admires an ancient cedar at upper Priest Lake.

HBC Receives an Additional Bite of the Bay

Agreement in principle ignores 1988 agreement

THE HUCKLEBERRY BAY COMPANY and the State Land Board in mid-April signed an agreement in principle that will allow the company to construct at least seven private docks and three large community docks at the bay.

They will be placed on shoreline beaches that had been set aside for the exclusive use of the general public, but this newest agreement will allow the general public to use "the end" portion of two of the three community docks. All of the other docks are for the exclusive use of 82 shoreline and upper land owners at the bay.

In addition HBC plans a marina and docks on a riparian easement they obtained from the state in 1988. That same agreement set aside 5700 feet of shoreline to upland depth of 100 feet for the "recreational benefit, use, and enjoyment of the public, and for no other purpose..." In addition HBC is to provide three public access points over their land for the public to reach the shoreline.

The HBC late last year argued that the 1988 agreement was flawed and that they could construct as many as 67 docks on the public access beaches. The state Attorney General's office reviewed the HBC claim in January 1997 and concluded:

Thus the express language of the easement, and the clear intention of the parties at the time the easement was amended in 1988, demonstrate that HBC has retained its riparian rights only within the designated 700 foot strip, and has relinquished its rights to construct docks on the remainder of the easement area.

The legal review and negative findings on the HBC application by the Attorney General would seem to end the matter but the HBC appeared at the Idaho State Land Board in February and asked to be allowed to construct the private docks regardless of the terms of the easement and the Attorney General's findings.

The SPBA intervened on behalf of our members and the general public calling on the State Land Board to uphold the

agreements made with HBC in 1988 and as validated by the Attorney General's opinion in the matter. The Land Board however, elected to honor the HBC request and the details of the agreement are being worked out.

Jules Gendruax, SPBA's Water Quality Committee Chair is worried however, "HBC and the Land Board are now ripping-off the public with private docks on public beaches at Huckleberry Bay in contravention of legal agreements and public testimony by Don Barbieri, chief executive of HBC. (see verbatim column) Their purpose is obvious: they can wring a few hundred thousand or million dollars more from buyers of their real estate above the public beaches by using the public's recreational easement for private use with a very small bone thrown in for the public.

What HBC was unable to gain via the state legal structure, they were able to gain from the politicians on the land board with a history of poor management of the public's lands."

Chairman's Message

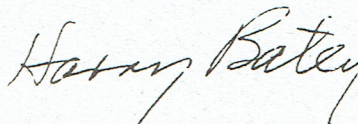
A Winter to Remember and New Challenges

MANY WILL REMEMBER the winter of 1996-97. They will choose a variety of "mosts" or "worsts." Kate and Harry Batey will remember: Having to leave home (no power and no telephone), incredible beauty, loss of the world from snow berms, SPBA tensions (the legal fund had been consumed), furlough talk for our great staff, and the moving generosity of members who kept us afloat. We have survived the winter's crisis and now brace ourselves for the challenges of the coming thaw. The melt-down will affect more than our over abundant snow. There will be new law suits, new Bonner County challenges.



tion. Such an organization was called for in the Priest Lake Management Plan — approved by the state legislature in 1996. The organization recently elected Larry Stanley to lead the group.

They hit the ground running to hold the line on a very unwise scheme to develop the Blue Diamond Marina at Cavanaugh Bay. SPBA has chipped in where we can but above all we wish them well and look forward to working with the Association on lake issues. An account of the Blue Diamond development is included in this issue of *Sightlines*.



Harry Batey
SPBA Chairman

Thanks to all who helped to meet our emergency.

To nearly paraphrase an American icon: The price of maintaining the quality of Priest Lake and the beauty of the Selkirk-Priest Basin is eternal vigilance and expenditure.

We take great pleasure in the coming together of the residents and friends of Priest Lake who have organized the Priest Lake Associa-

To Make an Impact, We Need Participants

THE MASTHEAD says Spring, but the snow is hip-deep in the Basin and has been making living conditions difficult for some residents since mid-November. Even if you enjoy winter sports, the winter here has been challenging for man and beast.

Sometimes it's hard to appreciate what's happening if you don't see the immediate effects — even if it does directly affect you. I think that applies to our organization, the Basin and politics. Since the last issue of *Sightlines* we have new elected officials in office, new developments in the county and exciting developments in the organization.

Bonner County commissioners have abolished the Building and Safety Department and are displaying a tendency to barely heed public opinion. Although meeting the legal requirements, the Planning & Zoning Department has also publicized and scheduled meetings in such a manner as to cause me to question their intent. (The meeting notice for the public hearing on Huckleberry Bay Company's Southshore Addition ran on Christmas Eve in the legal section of the Bonner County Daily Bee and was posted at the Coolin "Mall".) The results are developments that will forever change the face of Priest Lake. It's becoming obvious that the public has to pay very close attention to what's happening in Bonner County.

As an organization, we are doing everything we can to address these issues — and

your support is vital. Many of you have



recently sent financial contributions and mailed letters expressing your opinions on the Forest Service proposal to log the lake-face and on HBC's development plans. We appreciate it and please know that it all makes a difference. If we make our voices heard early enough in the process, perhaps we can avoid expensive and time-consuming litigation which should be the last resort.

If we're to have an impact, we need to grow. Please take a membership form and ask a friend to join — now. The more people, the louder our voice with the added benefit of a broader financial base. SPBA members have proven to be generous but when I was planning our budget for '97, it became obvious that a higher percentage of our budget needs to come from our membership. We've been fairly successful in obtaining grants, but the competition is keen for foundation dollars and we can't rely on this source. If you're concerned about the Basin, especially new developments on Priest Lake, we need your financial support.

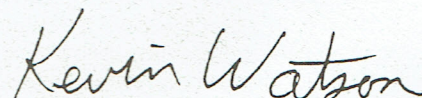
One loyal SPBA couple recently came through with a generous gift of stock (with good growth potential) currently valued at \$4,000! This is the type of gift we need to set aside in a reserve fund, and that is our intention. Please call if you would like to make a similar gift — it can also save taxes!

I would also like to acknowledge the Global Environmental Project Institute (GEPI) and Patagonia for their grants and Coldwater Creek for their donation. THANK YOU!

In terms of our organization's ability to respond to threats to the Basin, please send us your fax number or e-mail address if you would like to receive immediate member alerts. It's a fast, inexpensive method of mobilizing support.

We're making progress on our web site and I'm going to break a rule by giving you the address before it's operational. I'm providing the address in advance because too much time will elapse before our next issue and I expect we'll be posting some critical information in the near future. The address is: <http://www.infi.net~bulrich/spba/>

Although sometimes it's hard to see immediate results, your membership dues are providing a good return. If you desire a higher return, I urge you be an active member. SPBA operates with a volunteer board, a part-time administrative assistant (Cindy Endahl) and I am a part-time executive director. We need your participation, and are working to develop programs that enable you to better enjoy and preserve this unique part of the earth.



Kevin Watson
Executive Director

Logging Rider: Legal Vandalism

IDAHO SENATOR LARRY CRAIG'S notorious Salvage Logging Rider—better known as the Lawless Logging Rider—allowed the Forest Service to offer timber sales that did not need to conform to environmental laws nor be subject to citizen oversight or the appeal process. The result was a nationwide sell off of timber from federal lands. The rider terminated on December 31, 1996 but the cutting will go on for years to come.

Senator Craig is now proposing a new forest bill that is generating a renewed wave of public opposition. The bill titled Public Land Management Responsibility and Accountability Restoration Act is also known as the Timber Industry Loopholes for Logging, and reflects the wish list of the special interests that contributed so generously to Craig's 1996 Senate reelection campaign. The bill incorporates 23 of 28 recommendations made by the American Forest and Paper Association says Kevin Kirchner of the Sierra Club Legal Defense Fund.

The bill would make it easier for federal officials to hold closed meetings with timber and mining companies, exempt the Forest Service and BLM from consulting on endangered species and give the agencies the right to impose \$10,000 fines on people who file appeals that are deemed "frivolous," according to the *High Country News*.

Selkirk-Priest Basin Association spokesman, Charles Graham testified at a Senate hearing in Washington DC in early March on the organization's concerns.

Graham noted the Craig bill is founded on provincial arrogance and specifically attacked the provision that will allow states to manage some or all of the federal lands within their borders. Graham reviewed the sequence of events in Idaho that has removed the public from meaningful input regarding state lands, and the state's record of cutting public timber lands at unsustainable rates.

Graham provided the Congressional panel with the following chronology of events which outlines the politics of state timber management at the expense of SPBA and citizens of the state.

Chronology of Events

APRIL 1990 — Lower Green Bonnet Timber Sale, Trapper Creek drainage, eastside of Upper Priest Lake, proposed by Idaho Dept. Of Lands.

DEC. 23, 1991 — Selkirk-Priest Basin Assoc. requests hearing before State Board of Land commissioners (Land Board) opposing the sale, stating water quality and cumulative effects concerns.

JAN. 14, 1992 — Land Board meets, SPBA is heard, sale is approved.

FEB. 3, 1992 — SPBA petitions for rehearing under Admin. Proc. Act

FEB. 11, 1992 — Land Board meets to consider SPBA petition for rehearing, without notice to SPBA. Board discusses likelihood of suit if petition is denied. Joe Hinson, Exec. VP of Idaho Forest Industries Association (IFIA) — not on the agenda. Hinson requests delay in sale and delay in decision on petition. Land Board agrees to delay for 6 weeks.

LATE FEB. 1992 — IFIA drafts and introduces HB 722 in Idaho legislature, requiring bond in amount of 20% of sale value to be posted by any party seeking a stay or injunction against a state lands timber sale.

APR. 8, 1992 — Governor signs HB 722 with emergency provision to take immediate effect.

APR. 21, 1992 — Board denies SPBA petition; approves sale. SPBA files suit in late April 1992 to avoid the bonding requirement. The suit includes claims for review under APA, mismanagement of public school endowment lands, breach of trust, violation of interests under the public trust doctrine.

1993 LEGISLATIVE SESSION — IFIA introduces and legislature passes amendment to L.C. Section 58-405. Decisions by the State Board of Land Commissioners to dispose of timber shall not receive judicial review pursuant to the Administrative Procedure Act

'LAWLESS LOGGING'

During the span of 18 months Senator Craig and Gorton's Salvage Rider, (aka Lawless Logging Bill) the Forest Service was directed to offer sales without standard environmental review while eliminating public involvement and oversight. The following reveals the extent of timber cutting in the Priest Basin.

Total timber sales in Priest Basin,

July 1995 to December 31, 1996 — life span of the Salvage Rider.

- Salvage Rider Sales: 16
- Standard Sales: 6
- Total Sales: 22

Volume of Board Feet

- Salvage Rider: 11,700,000
- Standard Sales: 1,500,000
- Total: 12,200,000

Acres of Public Forest Lands Logged:

- Salvage Rider: 2,180
- Standard Sales: 525
- Total: 2,705

Source: USFS, Priest Lake Station

JULY 1995 — Idaho Supreme Court rules that SPBA has standing under the public trust doctrine—if timber sale damages public trust resources (navigable streams as defined by state law) activities causing damage can be challenged.

1996 LEGISLATIVE SESSION — IFIA drafts and introduces two bills:

1. HB 794 - rewrites the public trust doctrine. The public trust doctrine shall not apply to the management or disposition of lands held for the benefit of the endowed institutions.

2. SB 1393 - devotion of lands adjacent to Idaho's large lakes to public use does not apply to public school endowment lands (the timberlands.)

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VERBATIM

“I think from a planner's perspective again is, you don't tend to get quality development or even quality public space if you end up with a proliferation of docks and a proliferation of shoreline improvements and maybe it would lessen the quality of the shoreline here. And, from a developer's perspective, probably even lessen the quality of whatever future development would happen in the whole project.”

— Don Barbieri, Huckleberry Bay Company

Testimony to State Land Board, October 1988

Grizz Agreement Reached

Judge expected to approve settlement

ON MARCH 31, a settlement agreement was reached in our lawsuit filed against the U.S. Fish and Wildlife Service (FWS) in United State District Court in Washington DC. The revised agreement is expected to be approved by District Court Judge Paul L. Friedman.

Represented by the Sierra Club Legal Defense Fund, SPBA was a plaintiff along with 19 other groups and individuals in a 1993 suit challenging the FWS's Grizzly Bear Recovery Plan.

In the suit, we charged that the plan did not provide adequate protection for grizzly bears and indeed, would likely lead to their eventual extinction. We alleged the plan ignored ongoing habitat degradation and that census methodology was so seriously flawed that inflated population counts could result.

In September 1995, in a significant victory, Judge Friedman ruled that the grizzly recovery plan failed to establish "objective, measurable criteria" for delisting the bear under the provisions of the Endangered Species Act.

The court's ruling supported our contention that the plan did not adequately address loss of habitat or provide a reliable

method of counting bear populations.

In a subsequent settlement agreement reached late last year, the FWS agreed to consult with environmental organizations and non-agency scientists before developing recovery criteria for grizzly habitat. This agreement ensured that the FWS would not be able to delist the bear as a threatened species unless adequate habitat exists to maintain a fully recovered population. The agency also agreed to not challenge the court's ruling that their census methodology was unreliable.

In February, we learned that Judge Friedman refused to approve the settlement agreement. At issue was the possible application of the ruling to recovery planning for other species. Because of the precedent setting nature of the case, litigants had asked the court to "vacate" certain portions of the opinion. The judge declined to do so, essentially arguing that the "precedent" was public property. He did however, offer suggestions as to how a settlement acceptable to the court might be reached. This led to the revised agreement — which is nearly identical to our original settlement.

Legal Vandalism

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The chronology clearly reveals how the citizens of Idaho have been excluded from timber-cutting decisions on State lands or access to the courts for relief. Thus, the provisions in the latest Craig forest bill for the state to gain control of Federal forest lands is seen as ominous.

SPBA Forest Committee member Gordon West stated, "Senator Craig's voting record in the last Congress speaks for itself — he is anti-environment. Both he and Rep. Chenoweth were consistent in voting for every bill seeking to weaken land, air and water laws. His latest forest bill is even worse than his Lawless Logging bill, especially the provisions for the State to gain control of Federal forest lands."

VOTING RECORD OF SENATOR CRAIG (R)

Key Votes:

Approve Salvage Logging Rider: Yes
Restrict Public's Right to Know Toxic Releases: Yes
Cut Funding for Endangered Species: Yes
Open Arctic National Wildlife Refuge to Oil Drilling: Yes
Cut Funding for EPA: Yes

League of Conservation Voters Rating: 0

Total PAC Receipts: \$558,940

PAC \$\$\$ from Leading Polluters: \$61,000

Figures as of Oct. 1996

Sources available from SPBA

Extractive Industry Extracts Taxpayer Dollars

SENATOR LARRY CRAIG (R, ID) held a hearing in Coeur d' Alene recently, seeking public response to his proposed Senate Bill to overhaul the Forest Service and revise many environmental regulations. Since the participants were carefully pre-selected, what he clearly wanted was confirmation of his pro-timber industry views, not dialogue. Among other things, his bill would greatly decrease public participation in the management of the national forests.

Why is it so important to choke off debate about logging in the national forests? Environmental issues are repeatedly shown to rank high on the list of public concerns. Why shouldn't the public have a voice in deciding how our own forest should be managed?

Because these days the timber industry is living in fantasy-land. Their fantasy, which they urgently need the public to buy into, is that logging and mills are the major economic base for small towns in forest areas. A vote for logging is a vote to strengthen rural economies, right?

Time for a reality check These are the issues to consider - Jobs: In 1964, 4.5 workers were employed to produce one million board feet of lumber; in 1994, only 2 workers were needed. Technological advances in the industry are a major cause of job loss, not environmental constraints. Decades of overcutting have also seriously reduced employment. Various studies now prove that the major loss of jobs in the timber industry took place between 1947 and 1962. By then most of the bigger trees were gone, and the mills required to process them had closed down. Environmental protection regulations were not even in place during that period. Export of raw logs to Asia has been another cause for mill job loss.

Part two of the fantasy has to do with the actual costs of logging to the American taxpayer. The timber industry has insisted that logging in the national forests brings a substantial economic return to the country. However, it is no secret that logging requires road building, or that there are more miles of logging roads than there are of national highways in the U.S. Who pays for these roads? The taxpayer, not the timber industry. Through accounting agreements with the Forest Service, the industry does not have to bear the cost of building the roads they need to take out the publicly owned timber they are profiting from. Taxpayer subsidy to the timber industry runs about \$350,000,000 per year. (We won't even consider here the economics of repairing stream degradation or mudslides caused by improper road placement.) It is less well known that the FS is required to return 25% of their income from logging back to the states involved — fair, certainly, but it means that 25% of what could have been considered income, isn't. This is like working out a family budget and deciding not to include the cost of housing, and counting IRS withholding as spendable cash.

To summarize, the timber industry has already ceased to be a mainstay of rural economies; and if allowed to drop what is left of our national forests, the timber industry will take the profit, thank you, and taxpayers must eat a share of the costs.

So what is currently the real economic base for Inland Northwest communities? It's a fascinating story we'll take up in Part II. (Sources for information are available by calling the SPBA office at (208) 448-2971.)

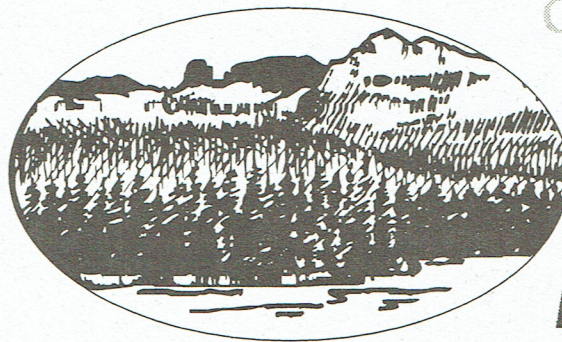
— Joanne Hirabayashi

On behalf of

woodland caribou

1,500 year-old
CEDARS

elk



bull trout

griZZly bear

lynx

moose

whitetail
deer

Priest Lake

cutthroat **TROUT**

Join the SPBA!

THE SELKIRK-PRIEST BASIN in northern Idaho and eastern Washington is one of the most unique and biologically diverse regions in the lower 48 states. Life flourishes in its mountains, streams, lakes and old-growth forests. The very qualities that make it home to wildlife — an abundance of pure water, clean air and quiet — make it attractive to humans as well.

Since 1987, the Selkirk-Priest Basin Association (SPBA) has sought to protect the forests, waters and ecology of the Selkirk-Priest Basin Watershed. SPBA is a prime example of a local grass-roots conservation organization that has made a significant difference in a critical area.

It takes time, effort, organization and financial support to be successful — that's why we urge you to fill out our membership application and return it to us today with your dues. There are many fine conservation organizations in the Northwest and we applaud their work, but the SPBA is the only organization dedicated to addressing the multiple issues in this very special region and we need your help.

If you're already a member, please pass this application on to a friend or consider making a gift of a membership to someone else who values and takes pleasure in the Basin. Our newsletter *Sightlines* will keep you updated on natural resource issues in the Basin and our new web site will soon be providing information, too.

Please enroll me

as a member of the Selkirk-Priest Basin Association. Enclosed are my annual membership dues as checked below:

	Individual Dues	Joint Dues	
Regular	<input type="checkbox"/> \$25.00	<input type="checkbox"/> \$30.00	
Living Lightly	<input type="checkbox"/> \$15.00	<input type="checkbox"/> \$20.00	
To help more, I'm enclosing an additional contribution:	<input type="checkbox"/> \$10 <input type="checkbox"/> \$25 <input type="checkbox"/> \$50 <input type="checkbox"/> \$100 <input type="checkbox"/> \$500 <input type="checkbox"/> Other		



Name(s) _____ Date _____

Winter Address _____ State _____ ZIP _____

Winter Home Phone () _____ Winter Work Phone () _____

Summer Address _____ State _____ ZIP _____

Summer Home Phone () _____ Summer Work Phone () _____

FAX# () _____ E-mail address _____

I am available to participate actively in the following (please circle all that apply):

- A. Telephoning B. Mailings/envelope stuffing C. Clerical Assistance D. Field Work E. Water Monitoring
F. Legal Assistance G. Research H. Writing I. Photography J. Lecturing K. Graphics L. Fundraising
M. Adopted Mile Litter Pickup Z. Other _____

I am most interested in or concerned about (please circle all that apply):

- A. Fisheries B. Wildlife & Habitat Protection C. Recreation Potential D. Water Quality E. Scenic Quality
F. Road Construction & Management G. Economic Impacts H. Timber Harvest Levels I. Deficit Timber Sales
J. New Resort Developments K. Timber Harvest Methods L. Old Growth Forests Z. Other _____

SPBA is a non-profit, 501 (c)(3) corporation. Your contribution is tax-deductible

Mail to: Selkirk-Priest Basin Association, P.O. Box 1809 Priest River, ID 83856

The Selkirk-Priest Basin Association

A Grass-Roots Organization With a History of Success

THE SELKIRK-PRIEST BASIN ASSOCIATION has been providing environmental oversight and public education since 1987. Balancing the long-term welfare of the natural environment with human needs can be a challenge — but it is possible.

For example, we have not attempted to eliminate all logging on public lands but have emphasized long-term sustainability and management practices that minimize the impact to the environment. Sound practices are essential to the health and well-being of our communities and environment.

We have also helped focus attention on issues that affect the Basin. The issues are frequently complex and driven by outside sources, state and national politics. By providing information, SPBA helps residents and guests better understand the long-term environmental, economic and health consequences.

SPBA operates very efficiently with a volunteer board and two part-time paid staff members. We are funded by member dues, contributions and grants. Issues are organized by committee which include forests, water quality, wildlife, economics and editorial.

The Selkirk-Priest Basin Association has a history of success and our accomplishments include:

• **PRIEST LAKE MANAGEMENT PLAN**

The goal of the plan is to protect the high quality lakes and streams in the watershed and was adopted by the Idaho Legislature in 1996. SPBA members took the lead in initiating this plan years ago and helped lobby the legislature to make it a reality.

• **FORESTRY ISSUES**

SPBA's principals were among the first to successfully petition for complete withdrawal of a timber sale on the 2.5 million acre Idaho Panhandle National Forest (1985). Our scrutiny of Idaho Department of Lands has resulted in a significant reduction of clearcuts and better road building and maintenance.

• **OLD GROWTH INVENTORY**

In response to a proposal for logging a 1,200 acre stand of old growth at Priest Lake, SPBA (aided by members of the Audubon Society) forced an inventory of old growth forests. This led to an inventory of all old growth in the Idaho Panhandle National Forests.

• **ECONOMIC DEVELOPMENT**

Developing an enduring and ecologically sound economy with wide-spread public support is critical to our mission. SPBA representatives have helped plan and organize job conferences and SPBA has sponsored presentations by a resource economist.

• **WILDLIFE SUPPORT**

Through our member newsletter, *Sightlines*, the Wildlife Committee gathered funds to: offer a reward for information on poaching of a grizzly bear; and, purchase a special infrared wildlife camera to help Forest Service biologists document the presence of rare and endangered species in the Basin. We are also participating in a loon survey and restocking nesting boxes.

• **COMMUNITY INVOLVEMENT**

SPBA has awarded scholarships to local high school graduates and "adopted" a two-mile stretch of Highway 57 where volunteers remove litter.

• **CHALLENGING the State on Behalf of the Public**

SPBA is the first and only conservation organization in the state to ever sue the Idaho State Land board over their highly controversial timber sale program. This was after repeated attempts at negotiation over three years.

The last suit was dismissed because the '96 Idaho Legislature drafted legislation that exempted endowment lands from the Public Trust Doctrine — the hook by which SPBA had been granted standing.

Because of our efforts, environmental groups in other western states may now be able to take advantage of the precedent SPBA set in obtaining standing.

SPBA

- Serves as a monitor when you're not available
- Pools resources for more impact
- Has a history of success
- Is local — you can see your money at work
- Protects important resources
- Is the only group dedicated to addressing multiple issues in the Basin

SPBA

Members receive:

- An opportunity to contribute to the well-being of the Basin
- An opportunity to become an Affinity member and save money on long-distance charges
- A subscription to our newsletter, *Sightlines*

Blue Diamond Marina Denied Variance, Zone Change

Unusual events raise questions about procedures at Planning & Zoning Dept.

ON MARCH 6, 1997 the Bonner County Planning and Zoning Commission held a hearing regarding a request from George and Carolyn Deshler, owners of Blue Diamond Marina, for a variance from waterfront setback requirements. The hearing was continued until March 20 when it was denied by the Commission.

According to the P & Z staff report, it was for a 13-foot setback from Priest Lake for a single-family dwelling where a 40-foot setback is required. What's interesting is that at the time of the hearing, the structure was already built, housing a marina office with space for paying guests — in an area with rural zoning status.

Blue Diamond Marina is located east of Coolin on Cavanaugh Bay on Idaho Department of Lands property.

Plans had called for two rental structures, one two-unit and one four-unit, a bath house and boater's lounge and self-contained RV camping. The master plan indicated it could ultimately serve up to 150 people on-site, overnight — with the majority aboard boats. The conditional use permit application included operation seven days a week on a year 'round basis.

Events surrounding Blue Diamond Marina's proposed expansion raises questions about appropriate development at Priest Lake and about the process by which the Bonner County Planning and Zoning Department has permitted such a structure to be built.

In March of 1995 the applicant attempted to apply for a variance but was told by the Planning and Zoning Department that a variance was not required and was issued a building permit. This was because the setback of the existing single-family structure (a small single-story cabin) was 10 feet. Because the setback of new residence would be 13 feet, the new structure's non-conformity would be reduced and was permitted. Based on this instruction, the appli-

cant removed the existing dwelling and constructed a new, larger two-story residence/office with space for paying guests.

"I couldn't believe that a permit was granted," said Loel Fenwick, M.D., the adjacent property owner. "It's generally well-known among lake residents that it's difficult to obtain a variance, people are careful when they alter existing structures so it meets grandfather requirements. The old structure wasn't enlarged or altered, it was razed and a grandfather clause isn't applicable."

In fact, Bonner County code is very clear that this type of action is not permitted.

According to Fenwick who is also active in the Priest Lake Association (PLA), it was only after he voiced his objections to the building did Blue Diamond apply for a variance — after the building was already built.

Scott Reed, an attorney who represented PLA at the variance hearing pointed out that approval of an application that violates the law could have serious legal consequences. It was also pointed out that they weren't asking the structure be torn down — which would probably happen in other parts of the country.

During the hearing, SPBA Executive Director Kevin Watson also urged the commissioners to deny the variance citing the potential impact on wildlife and Priest Lake.

"Just look at Idaho Fish and Game's comments, they sent two letters voicing their concerns because of the value to wildlife and potential impact to water quality," said Watson. "They recommended the permit be denied. Of course, the Planning and Zoning Department didn't tell them the whole story — that the building was already built."

A review of the file at P & Z reveals the variance application was sent to reviewing agencies in December of 1996 for recommendations. No mention was made that the

structure was already built and in use.

Watson also noted that if the variance had been approved, it would have set a precedent for other developers — in effect it would have been saying you can build what you want, where you want and we'll approve it.

Hearings were also held on April 3 for a zone change (from rural to recreational) and a conditional use permit (CUP). During the hearings, considerable testimony was heard from the public opposing the zone change and CUP.

During the hearings, Dr. Fenwick pointed out that the only access road for the new commercial development (which would facilitate up to 150 on-site users) would run through Tanglefoot Wildlife Refuge. The resulting traffic would have an enormous, adverse impact on the refuge.

Fortunately, the Planning & Zoning Commissioners followed the rules, weighed the evidence, listened to the public and exercised good judgement. As a result the request for a zone change and CUP were denied.

"When it comes to protecting the land and water, good planning and zoning practices are essential," stated Watson. "But the unusual events that have surrounded this development raise some disturbing questions. It appears the public needs to pay special attention to development proposals to make sure this sort of thing doesn't happen again. It hurts our county's reputation with other state agencies and the citizens of Bonner County who do their best and try to follow the rules."

A hearing on the zone change is now scheduled for April 24 before Bonner County Commissioners who can accept or deny the Planning & Zoning Commission's recommendations.

EDITOR'S NOTE: As we were going to press, Bonner County commissioners denied the zone change!

BONNER COUNTY CONTACTS

Your comments count!

Public comments are a powerful force when it comes to variances, zone change requests and conditional use permits. Here are the addresses and telephone numbers for Bonner County officials, please contact them and voice your opinion on relevant issues in Bonner County.

Bonner County Commissioners:

Bud Mueller, Dale Van Stone and Larry Allen
Bonner County Court House
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Agreement *Continued from page 1*

Said White, "We certainly favor this swap to save the priceless cedars but recognize this a small example of a new form of greenmail whereby a company makes mining claims or land purchases in pristine areas next to Forest Service land or National Parks. They then threaten the government to either buy them out at excess profits or they will rape and pillage the land.

This has recently been the case by Noranda Mining Company next to Yellowstone Park, Pacific Redwood Company in California's redwood country and now in the Basin. Riley Creek Lumber Company, on an investment of less than \$2 million, is able to realize about \$7 million in profits at the taxpayers expense in about five years using 1,000-1,500 year old cedars as hostages."

BOOK REVIEW

Tree Huggers by Kathie Durbin

A just published book about the Northwest woods wars should make us all angry enough to keep battling with renewed vigor. *Tree Huggers* by Kathie Durbin recounts the battle to preserve Northwest national forests beginning with the roots of the conflict just after World War II and following it through the 1995 salvage rider and its current devastating effects.

Durbin, a highly respected reporter, covered the woods wars for Portland's daily newspaper, *The Oregonian*, from 1989 to 1994. Although she concentrates on the spotted owl forests west of the

Cascades, Durbin follows the story into the east side woods and the Interior Columbia Basin Ecosystem Management Project.

She provides a closeup look at the people, the strategy and the tactics of the environmental groups, the timber industry and the government both in the region and in Washington, D.C.

The book is, **Tree Huggers, Victory, Defeat and Renewal in the Northwest Ancient Forest Campaign**, published by The Mountaineers, Seattle, \$24.95. Everyone who ever loved a forest should read it.

— Roberta Ulrich



WINTER '96-'97 Spending the winter in the Priest Basin occasioned a lot of time and effort. Bob Denver at the Intermountain Forest and Range Experiment Station, located the following records for snow accumulation* between the town of Priest River and Coolin on the East Side Road.

- From Nov. 16 to early March — 174 inches
- Previous record (1949-50) — 153 inches
- Fifty-year average — 88 inches

*Water content about 33 % of snowpack

SPBA Wish List

The following items would be of great value to SPBA. Can you help? (Contributions are tax-deductible.)

- A late-model Apple computer with at least 8 MB of RAM
- High-speed modem
- Video camera

Sightlines Underwriters: We are looking for SPBA members who would like to underwrite individual issues of *Sightlines*. The minimum cost per issue is \$500 and your donation is tax-deductible. More than 600 issues are mailed to members, media representatives and interested parties. Hundreds more are distributed in Bonner County and Spokane.

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