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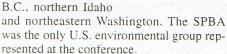
NEWSLETTER OF THE SELKIRK-PRIEST BASIN ASSOCIATION

SUMMER 1998

Mountain caribou still in trouble

SPBA to participate in recovery

SPBA Executive Director Guy Bailey and SPBA Wildlife Committee Head Mark Sprengel attended a two-day conference on mountain caribou in Nel-British Columbia. The conference was sponsored by the International Mountain Caribou Technical Committee as part of its program to further develop and implement a Mountain Caribou recovery plan for Southern



In Idaho, mountain caribou are found in the southern Selkirk Mountains. They are the most endangered large mammal in the United States and are currently listed under the Endangered Species Act as a protected



A YOUNG SELKIRK Mountain cow caribou. There are about 50 of these endagered animals in the Selkirks of North Idaho.

> species. Other than a very small herd of about 13 animals just over the border in Washington, in the Colville National Forest, Idaho has the only other free-roaming mountain caribou herd in the whole United States. The caribou found in Alaska are barren ground caribou – a different ecotype than the mountain caribou. Santa's familiar

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Stimson road appeal upheld

he Forest Service Regional Office in Portland, Ore., upheld on June 16 SPBA's administrative appeal of the Stimson Cost Share Roads Project. Joining us in the appeal were the Pend Oreille Environmental Team, Alliance for the Wild Rockies, The Lands Council and Kettle Range Conservation Group.

The appeal raised many issues including the Forest Service's failure to conduct an Environmental Impact Statement (EIS) for the project which was slated to take place in extremely valuable habitat - critically important for the survival of threatened and endangered species such as grizzly bear. woodland caribou, bull trout and gray wolf.

SPBA also uncovered documents indi-

cating that the Forest Service claims were not factual, and that the project design was driven by a desire to please Stimson Lumber Company at the expense of taxpayers and endangered species. The land is located west of Priest Lake near the Selkirk Crest.

Stopping implementation of this project was a major win, according to SPBA Wildlife Committee Chair Mark Sprengel, since the signed "Conservation Agreement" would have established a dangerous precedent possibly impacting over a million acres of other timber corporation holdings across the Northwest.

SPBA is now urging the Forest Service to take steps to permanently protect the lands in question.

Join us for fun in the sun Aug. 16

Toice your opinion and hear what is going on around the Priest Basin by joining us at this year's Celebasin. SPBA members and friends are invited make that urged - to attend Celebasin on Aug. 16, 1998.

For the first time ever, Celebasin will be held at the Beaver Creek Group Campground located on the west side at the upper end of the lower lake. Turn right on Reeder Bay Road at Nordman and drive to the end of the road, about 10 miles.

Enterance to the group site begins at 2 p.m. with the annual meeting and election of directors beginning shortly after that. This is an overnight campsite; anyone interested in staying over after the Celebasin is welcome. Checkout time will be at 1 p.m. Aug. 17.

Contact the SPBA office at 208/448-2971 if you plan on taking advantage of this free one night of camping. Please consider carpooling whenever possible. Tent pads, tables and horseshoe pits are avail-

SPBA's Chair, Directors and Executive Director have been very busy this last year with legal issues and forestry issues. They will be on hand and happy to discuss the group's activities and accomplishments.

Committee reports will be interesting and - under orders of the organizing chairman - brief! Once the preliminaries are completed, members will have ample opportunity to hobnob with directors, staff and fellow members. The emphasis will be on celebrating, so be prepared to have fun. We will provide food and beverages plus a keg of locally produced micro brew will be on tap. Admission is free.

Invitations and ballots were mailed in July along with the Agenda. Please return ballots by Aug. 12.

Chairman's Message by Joanne Hirabayashi

Taking stock: SPBA after 10 years

t the end of a decade of experience, it's time for SPBA to consider its past history and to peek into that old crystal ball for a glimpse of the future. The mission statement formulated in 1987 called for "wise stewardship" of the Selkirk Priest River Basin: protection of water quality; forestry practices that did not damage the environment or the remaining mixed-species, uneven-aged forest; protection of the plants and animals native to this area, particularly rare and endangered ones; and support for economic resources other than logging in our timber-dependent communities.

Articles in this Sightlines and in recent issues review in detail what has been accomplished in the area of maintaining the water quality of Priest Lake and streams in the watershed, and what we have

done on forestry issues. Varied efforts continue to support the economic growth of local communities. As for wildlife, we have struggled to preserve westslope cutthroat trout, recently listed as threatened (although we may have lost that one due to clearcutting by the Idaho State Land Board. But in the case of other species, they're still here - the bull trout, grizzly bears, caribou (some were sighted in spring) and fisher (one was sighted near the Bear Paw Road last winter). Many of these animal populations are small and the future risks great, but they continue to hold on. It's up to us to help. Who else will?

We can say truthfully that we of SPBA have kept our focus and held to our original commitments. With the support of our membership and well-wishers, and additional foundation funding, SPBA continues to be active in those areas we pledged ourselves to work



Joanne Hirabayashi

for when the organization was founded. Your money - our money - has been spent directly on program and program support, with untold hours of voluntary time by the board, members and friends of SPBA that has led to satisfactory results: the establishment of the Priest Lake Water Management Plan, just for one example; the modification of many timber sales for another: the listing of the grizzly bear as endangered for a third. We are beginning a major effort on behalf of the remaining mountain caribou.

Many times what may appear to be specific local concerns have much larger regional, state or even national implications. Our suit against the Idaho State Land Board and the Huckleberry Bay Development Company for eliminating public easements (i.e. access to Priest Lake) in order to create private docks

for upland property owners, for example, really questions whether the State Land Board has the authority to scrap prior decisions about what previous Boards had granted to the people of Idaho. These are precedent-making issues.

Unfortunately, many of our accomplishments seem to be in the area of preventing major damage. We've lost some battles and won others, but essentially so far the Selkirk-Priest Basin Association continues to be effective, and we have held to our mission as best we are able.

Is it enough to say that an organization is successful and effective simply because it maintains a status quo? In business, success is measured by growth. In environmental organizations, the "big wins" are few and infrequent, and the struggle is never really over.

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Executive Director's Message by Guy Bailey

As issues grow more complex, SPBA responds

ach year, it seems that the issues facing the SPBA as we try to protect and preserve the Selkirk-Priest Basin multiply and grow more complex. In turn, the complexity of the issues we deal with creates a variety of growing new challenges for us as we try to define in each circumstance the specific role to be played by the SPBA in serving its members and the public

As the SPBA become more deeply and intimately involved with the numerous environmental problems facing our small but important neck of the woods, we see that many of the solutions to these problems really spread far outside the boundaries of our threatened basin. Examples of this are found in several of the areas of concern that we are or will be working on in '98 and '99.

The bull trout, which is found in our basin, has recently been listed as a threatened species under the Endangered Species Act. A petition has been filed with the U.S. Fish and Wildlife Service requesting that it also list the westslope cutthroat trout as

threatened. That native fish has also been found historically in our area watersheds. The big questions for us with both of these species are, to what extent do they still exist in our basin and how can we help promote their survival and restoration?

Other threatened or endangered (T&E) animals in our own back yard include the grizzly, the gray wolf and the mountain caribou. The mountain caribou, in fact, is the most endangered large

mammal in the United States and we plan to launch a national campaign this year to help publicize the plight of this noble animal. The rare and elusive lynx also may be soon added to the T&E list—probably in 1999.

All of these critters may live in the Selkirk-Priest Basin, but the geographic boundaries of SPBA's stated area of focus does not limit their wanderings or need for protection to only our basin. As the SPBA



Guy Bailey

trys to deal effectively with the critical issues facing the survival of these important species, we may find ourselves also wandering outside the traditional boundaries of our organization.

Redefining the SPBA's scope of participation in transboundary issues is a very important issue that will require some thoughtful input from our members. This topic will be one of the items we'll discuss at our annual Celebasin meeting

coming up Aug. 16. I encourage all of you to attend so we can get your help in planning for the future of our organization.

Some other very important tasks for us this year include continued oversight of state and federal timber sales and road building, activities in the basin, review of local development projects, evaluation of Idaho's federally mandated list of degraded state watersheds, and scrutiny of local

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Salvage logging slays the forest at Buck Ranch

alf the trees left standing were damaged after logging Unit 7 (44 acres) of the Buck Ranch Timber Sale, according to the Selkirk-Priest Basin Association (SPBA). Normally, there is a concern when 5 percent to 10 percent of remaining trees are damaged after logging. The group decided to look at a sale under the salvage logging rider that exempts timber sales from environmental law and citizen challenge. The members of SPBA, along with Dr. Arthur Partridge, monitored the Priest Lake Ranger District (PLRD) timber sale located in Squaw Valley south of Priest Lake.

"When the Forest Service decides to log the remaining trees in this unit, between 20 percent and 40 percent of the marketable timber will be lost due to rot, insects and blowdown because of this logging damage," stated Dr. Partridge. Partridge is a recently retired Professor of Forestry and Plant Pathology from the University of Idaho and a recognized expert on forest insects and diseases. "In contrast, I surveyed two quarter-acre plots in an adjacent area that was not logged recently and found only about 10 percent of the trees have been damaged either from past logging or by other trees falling on them."

Guy Bailey, the Executive Director for SPBA said that, "In each of the four timber sales we have monitored in recent years on the PLRD, we found excessive damage and serious differences between what the Forest Service said they would do and what actually happened on the ground. The fact that the Timber Sale Administrator allowed over 50 percent of the trees to be damaged in Unit 7 is cause enough for the Priest Lake Ranger District to do a serious review



SPBA MEMBERS ALONG WITH Dr. Arthur Partridge of the University of Idaho, on left survey and discuss the extensive damage done to standing trees at the Bucks Ranch salvage cut.

of their timber sale administration program."

The group monitored two other units of the Buck Ranch timber sale and found that the logging contractor ignored skid trail and road maintenance guidelines and the Forest Service ignored its own environmental documents by failing to designate the required number of protected trees.

"This is just another of the many supposed 'salvage' timber sales I've seen which actually causes more harm than good," Dr. Partridge said. "If the objective of the Forest Service was to improve the stand, then the agency did almost the opposite. They took a young forest recovering from being clearcut 60 years ago, logged it again, and injured 56 percent of the remaining trees in the process. In addition, the FS converted approximately 20 percent of the previously forested area to logging trails. The result is the destruction of forest structure, biological diversity and wildlife habitat."

Volunteer saluted

Here's an SPBA salute to Amy Daniels of Priest River for her six years of managing our trash pick-up along Highway 57. The SPBA's section is 1-mile long in the vicinity of the "high bridge" over the Upper West Branch of the Priest River.

The SPBA also salutes the many volunteers who regularly respond to Amy's call each spring and fall and work hours to fill those orange bags.

Anyone seeking an active role in the many SPBA projects are urged to call (208) 448-2971 or drop by the office in the Rivertown Mall.

Sierra legal fund name changes

he Sierra Club Legal Defense Fund, founded in 1971 to provide the Sierra Club with free legal help, has changed its name to Earthjustice Legal Defense Fund. The name was chosen to reflect the breadth of the Legal Defense Fund's work and the range of clients the organization now serves. Today, in addition to the Sierra Club, the

Legal Defense Fund represents hundreds of clients. from very small, grassroots community groups with specific concerns – such as Homer, Louisana's Citizens Against Nuclear Trash – to very large



national organizations with broad agendas, like the Natural Resources Defense Council, the American Lung Association and, of course, Selkirk-Priest Basin Association (SPBA).

SPBA has worked closely with the Legal Defense Fund since 1993, when we joined with other groups in the case of National Audubon Society V. Babbitt, the Grizzly Bear Recovery

Plan case. The decision in this case requires the Fish and Wildlife Service's to correct legal and biological shortcomings in the Grizzly Bear Recovery Plan for the northern Rocky Mountains.

Commentary: Controversy over state forest lands drags on

After 10 years, Land Board still mighty foe

hen it comes to Priest Lake State Forest, the questions and the controversies never seem to end. Just who does own the beneficial interest in Idaho's school trust lands? Does the State Land Board really manage them in accordance with their legal duties, i.e., for maximum long-term financial returns? Should we believe the things they tell us?

SPBA tries to answer these questions here in *Sightlines*. We all read those Land Board press releases in the local weekly every now and then where J.D. Williams, Land Board member and State Comptroller, and Stan Hamilton, Director of the Department of Lands, try to convince us that everything they do on, with or to school trust lands is for the benefit of "Idaho's school children." We are not so sure.

Following the state Supreme Court's decision in SPBA's landmark case against the Board for mismanaging the lands we learned one thing for certain: Idaho's school children do not have a beneficial interest in the state's school trust lands. Sound strange? We think so, too.

So, the next time Stan Hamilton and the politicians write to tell you about their so-called "sacred trust" to Idaho's school children, remember that they asked the state Supreme Court to reject any duty on their part to the school kids – and the Supreme Court obliged them! They didn't want any legal duty to the school kids; and they don't have any. Period. Using the words "school children" in the press releases is a ruse to make the reading public believe that some high moral purpose guides them in their conduct. It's just a propanganda flag they like to wave, probably to conceal what's really going on.

If not the school kids, who? Well, the high court said school districts are beneficiaries of state school trust lands. School districts? Did they mean like schoolhouses? Or elected School Board members? Nobody really knows, and that was likely the purpose for the court's ruling. But in any event, it wasn't the school kids. Sound strange, again? We think so too. Especially after SPBA reminded the Supreme Court what the framers of the state constitution said when they accepted the lands in trust at Idaho's first constitutional convention. Read the words of the convention's Chairman, Mr. Park:

"Uncle Sam in his liberality has given [these lands] to hold in trust for our children. Now I hold that Congress gave us these lands, not for ourselves, but for our children and our children's children and for future generations of posterity yet unborn."

Hard as it is for us to read this language

and find a grant of a beneficial interest in school trust lands to school districts (whoever and whatever they may be), that's what the high court held.

What happened? The answer is really quite simple.

The Idaho Supreme Court did not identify who were the beneficiaries of Idaho's school trust lands; but they declared in SPBA's case who were not beneficiaries, i.e., the school children. Because, if school kids were declared beneficiaries, then they and their parents would have standing to sue the Land Board for waste and mismanagement of the lands. Giving school kids and/or their parents, or a non-profit such as SPBA or the Parent Teachers Association a legal power or interest over the lands, meant those who currently held it would have to give it up, or share it, at least.

Share power over the lands? No way. And that leads to the next question: Who holds the power currently?

'The conclusion is inescapable that the primary purpose and effect of this legislation is to benefit the timber industry ... [which] constitutes a breach of trust.'

—Jerry Evans, former Superintendent of Public Instruction

Here's our hypothesis: Idaho's common school endowment lands are owned by, and managed for, the benefit of Idaho's elected state officials and their political constituents or clientele, the monied special interests (Big Timber), who make fortunes degrading them (violating the trust) - and who, in turn, use the money to help elect or re-elect them, and the quid pro quo is perpetuated. Land Board members and directors are not interested in or motivated by language in the state Constitution about "long-term financial returns to trust beneficiaries" or Idaho's school children. They're interested in satisfying constituencies. Please the powerful special interests and they'll please you. That's the deal.

What evidence exists to support this theory? We think it's pretty compelling.

It doesn't take a rocket scientist to figure out what Idaho's timber industry might want from state officials who have legal power over 900 million* board feet of our school children's timber.

First, they want the logs and they want

them cheap, and they want to take them without costly constraints that would ordinarily be imposed to protect public or environmental health, safety and welfare. They know the lands do not legally belong to them, but they know how to influence the politicians who control the lands. Control the state officials and you can control the lands. That's simple. You want proof that Idaho's big timber interests influence the beneficial interst in the kids' trust lands? Here's some of the evidence.

Getting the logs and getting them cheap wasn't too hard. Back in 1989, Idaho's timber industry wrote a proposed law that prohibited out-of-state buyers from bidding on state timber sales. They put it in front of their state Legislature, and that law is now codified at I.C. 58-1001. When the bill was being debated in the state Legislature, some interesting things happened. The state Attorney General was asked by the Legislature for an opinion about the constitutionality of the bill. Incredibly, he refused! But a hushed paper that he wrote flatly stated that it would "drastically reduce income to the school endowment fund" in violation of trust duties, and could also violate the trust because it might fail to "protect" the lands over the long term. (That's exactly what SPBA has complained about.)

So why did he refuse to give an opinion if he knew its conclusions would be that the proposed bill violated the trust? Well, let's just say that his refusal fits nicely with our hypothesis. Big Timber wanted this legislation and the Attorney General (an elected Land Board member) didn't want to upset the industry with the trifling matter of its unconstitutionality. Result: No official opinion. In fact, the Attorney General never came to testify at hearings on the bill.

Neither did the Governor, another elected Land Board member, but he did send a spokesman over to the committee who testified in support! The spokesman said this about big timber's bill: "We dance with the one that brung us". Translation: Whatever big timber wants, we'll give them.

With one notable exception, no member of the Land Board offered any testimony at the hearings on this proposed bill even though the minutes of the Idaho House committee hearing debate on the bill declared its purpose was to "maximize financial returns to public wood processors and logging firms." That doesn't sound like the language of the state constitution!

Jerry Evans, the then-state Superintendent of Public Instruction, and the only Land Board member who bothered to show up knew what was happening. He testified: "The conclusion is inescapable that the pri-

mary purpose and effect of this legislation is to benefit the timber industry ... [which] constitutes a breach of trust."

Well, the final result was the bill passed, and now nobody but a qualified Idaho timber company can bid on state logs. So much for trust duties and school children.

And, not surprisingly, the same law operates to make state logs cheap. How? Simple. By closing markets, prices decline. That's a law of economics.

In any event, the result is state logs get sold cheaply, and only to Idaho's big timber interests – proof that they exert influence on the beneficial interest in the lands.

One estimate is this law has cost the school kids as much as \$50 million to date. Guess who gets that money? And the consequences shouldn't be surprising when losses run so big. One can surmise why Idaho is nearly last in the country in per capita spending on its school children.

But that's not all.

Just to discourage anyone, even school districts, from exercising any power over their lands, big timber and Idaho's elected officials got together and passed another

bill, this one requires anybody who wants to challenge a state timber sale in the courts to post a bond of 10 percent on the sale value of the timber. This could easily run \$100,000. They also passed a law prohibiting anyone from challenging Land Board timber sales under the old public trust doctrine. Then they passed a law establishing the Forest Products Commission, the guys who produce the propaganda TV ads telling us how wonderful Idaho's big timber machine is. They also established the Policy Analysis Group that disseminates more propanganda treatises supporting the Land Board's "sacred trust" duties to the state's school children. And if you thought the state Forest Practices Act was the result of informed legislative debate over how best to sustain long-term productivity of state forest lands – well, guess who wrote that?

And these folks aren't above rank intimidation either, just to make sure nobody, but nobody, messes with their control over the lands. When the Idaho Education Association supported SPBA's claim that the school kids owned the beneficial interests in the lands, big timber and the policitians spon-

sored legislation to pull teachers' pay raises! (See Sightlines, Winter 1995, page 6).

Let's return to the questions we asked at the head of this article. Who gets the beneficial interest in Idaho's "sacred" school trust lands? The answer: politicians and the big timber interests that control them.

Is the Land Board really managing the lands for "maximum long-term financial returns to trust beneficiaries"? Not unless that's the same thing as "maximum financial returns to private wood processors and logging firms." Should we believe the Land Board members and directors?

Management of Idaho's school trust lands has everything to do with political advantage and nothing to do with school children or trust obligations. That's all just empty rhetoric – stuff the Land Board writes to perpetuate a great deception on Idaho's citizenry. The next time you read in the local paper about "sacred trust duties" that benefit our state's school children, ask yourself where the estimated millions of dollars in timber revenue went? Then write a Land Board member and ask him.

*Sources available from SPBA

---- VERBATIM

"A species goes out of existence every 20 seconds. Surely a species must come into existence every 20 seconds."

-U.S. Rep. Helen Chenoweth (R-Idaho)

"[Grizzlies] are schizophrenic, manic-depressive animals. I don't want them at all in Idaho."

-U.S. Rep. Helen Chenoweth (R-Idaho) practicing animal psychiatry

Senator Larry Craig said environmentalists have nothing but public criticism for his efforts to rewrite laws governing the Forest Service, and that he would expect nothing else.

-Associated Press-Lewiston, Idaho, May 7, 1998

Advise to President Clinton: "promptly submit the treaty and allow the Senate to kill it."

-Idaho senator Larry Craig on the day after the conclusion of the Kyoto conference to curb greenhouse gas emissions

"The U.S. government is the only property owner I know of that, in effect, pays private companies to despoil its own resources."

-Iowa Representative James Leach on commercial logging in National Forests

Enroll me as a member of the SPBA. If I join during August 1998, I will receive a free subscription to E magazine! If I'm already a member I can still get a subscription by donating \$50 to SPBA's Legal Defense Fund*!

\$50 to SPBA's Legal Defense Fund*!		
<u>Ir</u>	ndividual dues	Couples
Regular:	\$30	\$35
Living Lightly	□ \$20	□ \$25
To help more, I'm enclosing an additional contribution:		
□ \$10	\$25 \$50 other	\$100
I'd like to contribute to the SPBA Legal Defense Fund:		
□ \$10 [\$25 * \$50 other	
NAME		
ADDRESS		
CITY		
STATEZIP		
PHONE		
☐ <i>Yes</i> , I'm interested in volunteering for SPBA work. Call me.		

SELKIRK-PRIEST BASIN ASSOCIATION P.O. BOX 1809 PRIEST RIVER, ID 83856 208/448-2971

Predecessors set the stage for group's beginnings

Editor's note: This is the second part of a story on the history of SPBA during its first decade. This half details the work of early conservation groups in the Basin.

Concerned Residents of Priest Lake

The decision by OPEC in the 1970s to halt the export of petroleum to the United States had consequences that were felt even here in the Selkirk-Priest Basin. The Carter Administration called for the development of co-generated electrical power to local utilities. At Priest Lake it would be sold to Northern Lights.

Taking advantage of this opportunity, a called Independent group Developers (IPD) of Noxon, Mont., in 1982 obtained a preliminary permit from the Federal Energy Regulatory Commission (FERC) to conduct engineering studies along 15 streams in the Eastern watershed entering Priest Lake and Priest River. They sought to construct low-head hydro generating units. Accordingly, the Idaho Department of Lands (IDOL) then allowed IPD to enter its lands for the restricted purpose of engineering studies and the right-ofroad construction to access the waterways.

First entry was along Cougar Creek emptying into Cavanaugh Bay. In violation of its restricted permit, IPD surreptitiously dug a 1,000-foot ditch 3-feet deep for future penstock use. In the process the Cavanaugh Bay water system was completely fouled.

Concurrently a similar violation was discovered high on Hunt Creek where a 3-feet deep ditch 2,000 feet long had been dug.

On the late afternoon of the day these discoveries came to light it was learned that the IPD engineer in charge planned on obtaining a permit the following day from the IDOL office at Cavanaugh Bay to enter Lion Creek presumably for the same purpose.

To prevent this from happening concerned citizens assembled their trucks at the IDOL office where the IPD engineer was advised that movement of equipment would be blockaded. Further engineering plans were called off, and IDOL withheld subsequent permits until the matter was settled.

To unify opposition an association called Concerned Residents of Priest Lake (CRPL) was formed. It was incorporated with a board, Claude Simpson as Chairman and Jules Gindraux as Secretary.

CRPL then participated in a series of public hearings held by the Idaho Department of Water Resources, which resulted in denial of IPD applications in January 1983 and their subsequent bankruptcy. The citizens had prevailed.

Having fulfilled its objective and reason for being, CRPL then regrouped with the same directors and membership and formed the Priest Lake Coalition (PLC) to oppose plans by the Diamond International Corporation to develop Huckleberry Bay. Subsequently. Concerned Residents of Priest Lake disbanded, and by request its files were forwarded to the University of Idaho archives.

Priest Lake Coalition

Early in 1983 and immediately following the IPD hydro threat, D i a m o n d International

Corporation (DIC) announced plans to develop a large scale residential/recreational community at Huckleberry Bay at Priest Lake on land it owned. The proposal was met with widespread alarm and opposition including that of Concerned Residents which immediately formed a new entity, the Priest Lake Coalition (PLC). Harry Batey was elected chairman and Jules Gindraux as Secretary with the same Board as CRPL.

DIC with participation of the State of Idaho Land Board held a series of public meetings in Priest River and Sandpoint attempting to allay public fears and to tout the development's many benefits. Public response both written and in testimony was consistently over 90 percent opposed. The Governor and State Auditor, both Democrats, sided with the public, but were consistently out-voted by the other three members, Republicans, including the Attorney General, who steadfastly supported the developer.

The Priest Lake Coalition together with its legal counsel participated in all hearings and proceedings and coordinated strategy with other involved parties.

Essential to the development was the need for Diamond to acquire Idaho State school endowment sections of land interspersed with its own in the development area to obtain contiguous property from the lakefront to Goblin Knob, a planned ski area. Acquisition would require exchange of school endowment lands for equally valuable land elsewhere. Without consolidation of its property, DIC's development plan would not be viable.

The strategy therefore was to attempt prevention of the land exchange. The attempt did not succeed. The Governor and



USFS WILDLIFE BIOLOGIST Tim Layser, left, addresses SPBA members alongside Wildlife Committee Chair Mark Sprengel at the Priest Lake Ranger District office previous to the animal tracking outing last March. Outings have been popular events during SPBA's history.

State Auditor voted for denial, but were out voted by the other three Board members led by the Attorney General.

Though the Priest Lake Coalition was unsuccessful in preventing the land exchange, its actions and determination influenced Diamond International to abandon its development plans entirely. Diamond then sold the land to Goodale Barbieri Company of Spokane who formed the Huckleberry Bay Company to develop the area.

The Coalition by its actions also created a situation enabling The Nature Conservancy to structure means for transfer of 293 acres at Squaw Bay to Idaho Department of Parks and Recreation.

Having attained success in meeting specifically focused objectives of both CRPL and PLC, it was seen that there was compelling need for continuity, spirit and dedication toward the welfare of the entire Priest River watershed from the Canadian border to the Pend Oreille River.

Activists throughout the basin were recruited to form a new organization for that purpose. Thanks to Barry Rosenberg and others the seed was planted, took root and became Selkirk-Priest Basin Association. Genetic continuity was assured by having on its board several board members of the predecessor organizations, and were guided by the same history and mission statement and by the transfer of membership lists developed over the period commencing in 1982.

Thus, here we are some 10 years later – thanks to our membership, hard efforts of a voluntary and committed board of directors, too many volunteers to mention and many, many generous friends.



Caribou

continued from page 1

reindeer is also a different ecotype.

Mountain Caribou used to be found in Michigan, Minnesota, Wisconsin and Montana, and also in the New England states of Maine, Vermont and New Hampshire. Today, because of habitat destruction from development and logging, hunting and poaching and natural predation, those herds have disappeared. In north Idaho, this regal animal is in extreme danger of extirpation now due to the same threats – logging, poaching, predation and habitat fragmentation. Historically though, the caribou were once found in Idaho as far south as the Salmon River.

In an almost too-late attempt to save the Idaho and Washington herds, a recovery area has been designated for the caribou in the area that the SPBA has historically sought to protect and preserve. Specifically, that area is comprised of the Salmo-Priest Wilderness, parts of the Colville and Panhandle National Forest and parts of state forests on the east side of Priest Lake. Necessary habitat in those places has been fragmented and predation, mostly by mountain lions, combines with that to keep these animals right on the edge of extinction in the United States.

To try to create a stable, self-sustaining population of the caribou in the United States., the International Mountain Caribou Technical Committee was formed several years ago. The committee helps coordinate caribou recovery efforts of, among others, the Idaho Department of Fish and Game, the U.S. Forest Service, the U.S. Fish and Wildlife Service (USF&W), the Washington Department of Fish and Wildlife and the B.C. Ministry of Environment. British Columbia is a partner in the recovery efforts because the health and habitats of their southern caribou herds are also suffering. Another important player in this whole project is Washington State University's Department of Natural Resource Sciences.

One way the involved agencies have tried to enhance and restore the U.S. herds is to implement a herd-augmentation project. Under this program, healthy caribou are captured during the winter in central British Columbia and shipped down to the United States to be added to our herds. Unfortunately, the mortality rate of herd members, after augmentation still keeps the herds from attaining self-sustaining levels. It is hoped that augmentation attempts will be continued until the herds reach healthy and safe levels.

A big threat to the herd-building project is budget. It is unclear at this time whether the USF&W will maintain the funding necessary to support efforts by the recovery

team agencies to continue critical research on habitat threats, predation and herd enlargement. Participation by Fish and Wildlife is of key importance to the success of this program because that agency is the one that brings the great bulk of federal moneys to the recovery program's budget.

As the SPBA looks at ways to get involved with its own projects to help support the efforts of the recovery team agencies, we first plan to try to help put pressure on the Pacific region offices of the USF&W to get that agency to continue its essential financial support of the Caribou Recovery Program. You, as an SPBA member, can assist us here by writing a letter to U.S. Fish & Wildlife Service, Division of Listing and Recovery Region, 1911 N.E. 11th Avenue, Portland, Oregon 97232, expressing your support for the recovery program and the important research being done by Washington State University and the other state and federal agencies involved.

Right now, the SPBA is still studying the very complex issues involved in developing our own participation in the Caribou Recovery Program. We hope to start up a national campaign that will focus on the plight of these terribly endangered, noble animals. Plans are being made to restart the Adopt-A-Caribou Program and set up a website promoting the recovery program. The SPBA would also like to help raise funds for support of the agency research projects. We have already started to build a strong team to work on these tasks, bringing together people both inside and outside of the organization.

If you are interested in becoming part of the SPBA's soon-to-be national caribou recovery project, or if you'd like to help us, the agencies involved and the animals by writing to the USF&W office (address listed above), give us a call to discuss this further. This project promises to be an exciting one.

Caribou family sighted

Movement monitored last spring around Priest Lake

BY KATE BATEY

We can hope that the days are not, after all, numbered for the mountain caribou. I saw a cow, a bull and a 2-year-old calf around Beaver Creek, at the end of April. Bob Harwood, an SPBA member, made plaster casts of some of their hoof prints. Then for the following two weeks Jon Almack, the aerial monitor, heard the signal of the cow across the lake from Beaver Creek and presumed the bull and calf were with her.

The bull, who was transplanted in 1988, did not "go off the air" until 1995. Seven years is a long life for a collar battery. The cow transplanted in 1996 and still tuned in is proving to be a figure to follow. Tim Layser, Forest Service wildlife biologist, says the cow is responding to a "habitat youth pattern," something that hasn't been seen in 50 to 100 years here in the Basin. She repeats, season after season, browsing in the same general locations up and down the mountains and in the flats. She has been observed in past seasons at Elkins, at the library, at the Ranger Station, up here at Beaver Creek and on the East Side. If indeed the cow, the bull and the calf, that are being seen in these locations are the ones I saw, we can expect the 2-year-old to get the idea, and generations will follow.

Before the first caribou were brought down from Canada in 1987, there were fewer than 25 here. The numbers should be augmented to a little over 100 to take them out of endangered designation. There are now about 50 caribou in the basin. The numbers to date suggest we'd have a greater number settling in the way the cow, bull and calf have done. But attrition comes from accidents, poaching, predation and drifting back across the border.

Tim Layser said I could give this bell-wether cow a name. And I'd like to pass that opportunity along to our 10-year-old grandson, Miles, who spends time up here summers and winters. I'd also like to pass along to many generations to come here in the Selkirk Basin the opportunity to experience the delight I felt seeing those three animals and thinking about them ever since.

Post Script: Sadly, we later learned that the cow – pregnant with a healthy fetus – and the calf both were killed, presumably by a mountain lion. This loss was a serious and painful one for those of us who are trying to save this last free-roaming mountain caribou herd.

Congress, Forest Service and the Taxpayers

Alliances shifting with the political tides

By JOANNE HIRABAYASHI

Economics Column

o you never know. In the early years of SPBA's history, the U.S. Forest Service (USFS) was riding roughshod over the public – across the nation – not just us here in the Panhandle. Clearcutting was masked by calling it different names, but it continued, as did blatantly poor logging practices such as dragging trees through and over creeks, and major overcutting. Estimated regrowth was superbly optimistic, on paper.

No one ever mentioned that the cost of building many, many miles of logging roads was borne by taxpayers. "Enviros" (sounds like a lethal disease) were the enemy of the home-building public, and it was they who were costing the country lots and lots of

money by "shutting down the forest."

But the truth eventually won out, and continued pressure and a new, more honest Secretary of Agriculture, have brought the disclosure of how many miles of Forest Service roads have been built at taxpayer expense, and the estimated cost of maintaining them. Also welcome is a willingness on the part of the Forest Service to acknowledge its multiple responsibilities that include service to the general public interests and to preserving the environment, as well as serving the timber industry.

Historically, Forest Service personnel were trained at agricultural, Land Grant colleges; and since the timber industry poured money into the support of these programs, an orientation to serve industry needs was probably to be expected, even though some of

us, perhaps naively, believed in intellectual freedom.

But there is a new scenario. As the present USFS administration begins to be more open with the general public and responsive to its interests, a strong negative reaction, that has emerged from the present, conservative Congress, is being shown most clearly by some of the legislators from the Western states.

"It appears an incredible contradiction. The U.S. Forest Service is under attack for racking up losses that easily exceed \$1 billion

from 1992-94. The latest complaints come from politicians, including U.S. Rep. Helen Chenoweth (R-Idaho), who simultaneously

lean on the Forest Service to sell more timber and build more logging roads." (*Spokesman-Review*, April 26, 1998.)

This is the problem in a nutshell. Washington legislators Slade Gorton and George Nethercutt, Alaska's Don Young and Frank Murkowski and Idaho's Larry Craig and Helen Chenoweth say they are in favor of a lean, mean government budget and fiscal responsibility, but at the same time demand that the USFS maintain or increase timber sales at a significant cost to taxpayers. The only consistency in this is to consistently serve the timber industry.

According to that *Spokesman* article, the USFS lost \$32.17 million in the Panhandle National Forest, not counting the money it spends on putting together timber sales. WE paid for that. Yet, although certain campgrounds in the National Forests are not being maintained this year because of cost, Craig, Chenoweth, Young and Murkowski are causing the USFS to expend a large amount of money and time by demanding that multiple copies of trivial, useless information be sent to their offices. Apparently such demands are made as punishment for suggesting road closures. The Idaho Panhandle forests in the Coeur d'Alene area alone are said to have 11 miles of road per square mile of forest, yet Chenoweth is suggesting that FS road closures will mean economic death to north Idaho.

How to make sense of all this? Add in the factor that although these same legislators tell the public that housing starts will falter for lack of timber, we're selling overseas about a quarter of what we cut. Salvage loggers taking trees damaged from the winter of 1996-97 have had a hard time selling what they've taken out, and the price of saw logs is down.

What should we believe?

All we know for sure is that it's costing us – the taxpayers – money while plundering the environment.

Citizens' rights trampled

State permits Blue Diamond Marina development

BY JULES GINDRAUX

evelopment of Blue Diamond Marina at Cavanaugh Bay on a state lease lot reveals once again the disdain of citizen rights by the Idaho Department of Land (IDL). (See *Sightlines*, Winter/Spring 1998 page 3.)

In late 1996 an application for a zone change for a commercial marina at Cavanaugh Bay was submitted to the Bonner County Planning Department over the signature of the local IDL supervisor. By this action, acceptance of county authority was implied.

Reflecting overwhelming public opposition, the Planning Department and the Bonner County Board of Commissioners

denied the application.

IDL ignored the denial and permitted the marina to proceed with its plans regardless of county land use zoning and relative controls required of the general public. A letter from the Bonner County Planner to IDL in October 1997 related in detail numerous ongoing zoning violations by the marina. A terse response from the IDL Supervisor stated: "The Land Board and endowment lands are not subject to local regulation by Planning and Zoning. Local ordinances simply do not apply."

Consequently, the Blue Diamond Marina has expanded opera-

tions with impunity to include various commercial facilities, all of which are non-conforming to standards and limitations required by the county. In so doing IDL imposes unacceptable double standards.

On the one hand its Priest Lake supervisor had voted on behalf of the State for legislative approval of the Priest Lake Management Program created to protect the quality of the lake as do county zoning ordinances.

On the other hand IDL unilaterally sets its own standards and actions with no discernible concern of compliance with objectives of the Priest Lake Management Program, which it supported. In fact, the IDL supervisor is a member of the Program's steering committee.

By its action IDL undermines the efforts of other state and county governmental entities as well as the public that seeks to abide by democratic procedures for the management of state endowment land and to safeguard the public welfare.

The present State Land Board is now seeking to give itself greater power to bypass the public by removing legislative review of long term leases on endowment land.

SPBA urges concerned citizens to express their views on this matter to the Land Board and elected officials.

Chair

Continued from page 2

Congress has recently proposed, for example, that National

Parks be "motorized" so they can become "self-supporting." National Parks were never intended to provide "road trips." They were meant, as were Wilderness Areas, to offer interested people an experience in nature no longer readily available. Commercial pressures to exploit the environment never end, and sometimes the best that can be done is to hold them back.

SPBA is seen by some in the community as a negative force – always in court, always saying "No." In actuality, we are saying "Yes" to protecting wildlife, protecting the forest, protecting water quality and ultimately the economic health of the region, but that requires saying "No" to such damaging practices as inappropriate development, clearcutting, pollution of streams, houseboat living on Priest Lake.

It's like the stock market: if your financial goals are for long-term investment growth, then you must say no to short-term profit taking. And everything SPBA says

"Yes" to is interconnected. You can't have one without the rest. If the forest is damaged, water quality and species survival is jeopardized.

If you care about a clean lake, you have to care about construction of logging roads. It's a package deal.

SPBA's goals are based on responsibility for a future Selkirk-Priest Basin that in the coming century still includes a unique ecosystem, a healthy mixed forest, pure streams, a large pristine lake, rare native wildlife and an environment that cannot be duplicated or restored once it has been lost.

Exec director

Continued from page 2

agency forest fire and controlled burn management plans.

Assisting in the creation of positive and ecologically sensible economic development plans also continues to be a high priority for us. Recently for example, we've helped with the Priest River Downtown Redevelopment Study by doing grant research to identify potential sources of funds available for downtown revitalization projects.

How many of you folks know that our small but effective organization does all this work with a part-time paid staff of only three people? The staff gets a huge assist from the tireless and dedicated efforts of our SPBA Directors. The directors are unpaid, but still put in long hours every month helping run our programs, networking with other environmental groups, government agencies, advisory committees and foundations, and otherwise assisting with fundraising and public relations activities.

By the way, now might not be the best time to try to make this sales pitch (after just telling you how hard the directors work), but we do have a need to add to our Board of Directors this year. Election of new or additional board members will be in August. If you know of anyone you'd like to nominate, including yourself, call our office or drop by for more information.

To close my column, I'd like to talk about our finances. A couple of weeks ago, we got an updated bill from one of our attorneys for about \$11,000.00! This included a prior unpaid balance for earlier work on the dispute we have with the Huckleberry Bay Development Company as well as current billing for the most recent work done to try to stop the improper development of private docks on our public lakeshore. Our attorney fees are almost at a level that strangles us financially with regards to our ability to do ground level, proactive work designed to protect and preserve our beautiful and threatened basin.

Raising money to pay our attorneys' bills is a necessary but constant and frus-

trating drain on the administration of our public service programs. Membership dues don't even come close to paying both for the lawyers and for our office overhead expenses. Fortunately, several times this year caring and concerned donors came forward to give us hugely helpful economic shots in the arm. Despite these very appreciated and needed donations, we still find ourselves falling way behind in funding our legal battle against a development project that threatens to permanently and adversely change the very nature of the Priest Lake experience for all of us.

If a noisy, crowded Lake Tahoe-style future for our quiet and pristine Priest Lake scares the heck out of you, please help the SPBA stay in this battle by supporting our efforts to fight the over-development and over-commercialization of the wild and scenic treasure that is Priest Lake. Please, send us a tax deductible donation as soon as you've finished reading this *Sightlines*. We will not be able to continue our legal challenges or our service programs without your immediate and generous help.

Loons a no show for second annual loon survey

he SPBA conducted its second annual Priest Lake Loon Survey on July 19. Forest Service biologist Tim Layser and SPBA Wildlife Committe Chair Mark Sprengel gave brief presentations to survey participants and then hit the water, or more precisely, the water hit them. While the day was beautiful, the water was choppy resulting in no loon sightings this year. Seven were sighted last year.

The team was looking for the common loon, a species known to inhabit Priest Lake during the summer. In summer the black-and-white birds are heard in a voice called a falsetto wail, weird yodeling and maniacal, quavering laughter.

Although no loons were found this year, everyone had a good time both on the water and at the SPBA picnic afterwards. Many thanks to all who participated.



SIXTEEN PEOPLE GATHERED July 19 at Priest Lake to give their time, effort and boats to assist the SPRA and the Forest Service to tally the loons at the lake for the second annual loon survey outing. Unfortunately choppy waters made it hard to find the elusive birds.

Public beach dispute continues

SPBA still in the battle vs. Huckleberry Bay Co.

final dismissal of SPBA's suit against the Huckleberry Bay Company (HBC) over the planned-unit development for the Huckleberry Bay and Ridgeview Terrace subdivisions was granted in March by State Court Judge Gary Haman in Coeur d'Alene (see Winter/Spring '98 issue of Sightlines). Thereafter, HBC's attorney filed a motion with that court asking for a judgment against the SPBA for HBC's attorney fees and court costs incurred in defending the subdivision case.

In filing that motion for fees and costs, HBC was essentially attempting to penalize the SPBA for its role as a public watchdog in the case. Even though the case was never decided on its merits against the SPBA, HBC, a wealthy, publicly traded corporation, sought an award of over \$15,000 against our small, non-profit organization.

On April 17, SPBA's attorney Paul Vogel and our Executive Director Guy Bailey traveled to Coeur d'Alene for the hearing on HBC's motion for costs. In court, Attorney Vogel made a unique argument against the HBC's request for an award of court costs and attorney fees. Vogel pointed out to Judge Haman that, even though Idaho has a statute that allows for the award

of costs and fees to a "prevailing party" in a dispute, in our case there had been no "prevailing party" because the case had been dismissed against the SPBA without the court ever ruling on the underlying issues involved in the case.

Judge Haman agreed with Vogel that there was no prevailing party in the SPBA versus HBC case, even though HBC had been successful in getting SPBA's case against it dismissed. Based mostly upon that logic, Judge Haman refused to award HBC the \$15,000 plus judgment it had requested against the SPBA. That denial of costs and fees was a huge victory for the SPBA in its David-versus-Goliath fight with HBC, and we thank attorney Vogel for his masterful and persuasive arguments on SPBA's behalf.

The SPBA continues to press its second suit against HBC as this issue goes to press. In this case, the SPBA is challenging the legality of a decision of the Idaho Department of Lands to allow HBC and/or its property owners to construct private docks on lakefront land that is governed by a public use easement.

Idaho State Public Use Easement No. 240 of 1988, the one at issue here, specifically states that the lakefront easement is

for "The recreational benefit, use and enjoyment of the public and for no other purposes." (See *Sightlines*, Summer '97 and also Winter/Spring '98 articles for the background of this case.)

HBC's disturbing tactic of trying to keep the SPBA's challenges against HBC's questionable development projects from ever seeing the light of day is once again being used in this case. Just like in the subdivision case, HBC has contested the SPBA's right to be in court against it using pretrial procedural attacks. HBC has once again filed a motion to dismiss the case and seems to be working on an attack against the right of the SPBA to represent its members by litigating these types of cases.

It would clearly seem from the pretrial tactics used by HBC, that HBC's preference is to never let the facts behind our claims against it be aired in court at trial. With our legal expenses rising daily, it certainly is questionable whether we will ever be able to show the public just how the Department of Lands ignored its own State Attorney General and gave away the public's exclusive recreational use of valuable beach front in favor of private development. The next hearing in this case is in late August.

Be on the lookout

Bunchberry makes connection in the Basin

By KATE BATEY

here is a Bunchberry Connection. Bunchberry, here in the Basin is not sensitive, nor threatened, nor is it a disjunct species growing outside of its usual habitat. It bears that great little flower face in spring, multiplied in carpets all through our forests. And in the fall it has its red orange berry cluster.

Bunchberry (cornus canadensis, Cornus refers to the horny rhizome out of which the herbaceous top grows) is a miniature flowering dogwood tree in all features except size. The flowers are actually the dark greenish centers while the graceful

white bracts appear as petals just as with the dogwood tree. The meadows of bunchberry are often generously broadcast with the lily queen cup which in the fall has a single Wedgewood blue berry contrasting with the red-orange bunchberry in take-your-breath-away beauty.

The flowering dogwood tree, however, is a sensitive one in our parts. I have seen some coastal disjunct dogwoods over on the Selway. Another coastal disjunct which we have right here among us



at Beaver Creek and perhaps elsewhere in the Basin is the salmonberry. On the coast it is considered a nuisance even though you can bury yourself in tasty berries.

Bunchberry and queen cup are safe, but because they are so attractive they are also a temptation to pick or dig up and take home. Forest Service botanists are out in the field all over, especially each time an area is threatened or disturbed. They check out plants that have been inventoried and may be sensitive or threatened and also discover new not-before-seen plants — perhaps disjuncts. The salmonberry found just a few years

ago was one of these.

It's not hard to apply these terms – sensitive, threatened, even disjunct - to ourselves and play with the botanizing/anthropomorphizing of human individuals, groups and affinities. And then when you add those other terms naturalists use – rare and endangered – oh, well. I found an important connection to the single little bunchberry plant I picked (yes) so I could see it up close in my hand and write about it here.

P.O. Box 1809 Priest River, ID 83856





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

What Members Receive:

- An opportunity to contribute to the well-being of the Basin
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With Affinity, a percentage of every call you make will be donated to the Selkirk-Priest Basin Association.

Make the call to let your long distance dollars help preserve the environment.



A CTIVITIES

Timber Sale Outing

Ome join us for another in our series of walks in the woods. This time we will be monitoring an ongoing Priest Lake Ranger District (PLRD) timber sale. Monitoring Forest Service activities works! It holds the agency accountable and brings about changes in their timber sales program.

Join Mark Sprengel, our Forest Watch staff person, Barry Rosenberg and other SPBA directors, and our intern, Jamie Sparks, as we check the PLRD's compliance with its own logging prescriptions. We will also examine the obvious and not so obvious impacts of logging on our publicly owned forests.

Our previous walks in the woods have been fun and educational. It gives the board and membership a chance to get together in the forest.

If you are interested in joining us this summer write the SPBA at P.O. Box 1809, Priest River, Idaho 83856 or call 208-448-2971 and we will get back to you soon with the details. We are looking forward to seeing you at our monitoring trip!

Celebasin • Sunday, Aug. 16, 1998

See story, page 1, for more information on SPBA's annual gathering.