



History of SPBA spans a decade

Founders still share vision for Priest Lake Basin

BY BARRY ROSENBERG

On a beautiful summer's day in 1986, eight residents of the Priest River basin gathered on the porch of Bruce Brockways's home located in the drainage of the Lower West Branch of the Priest River. They shared a reverence and awe for the profoundly unique quality of the Priest River ecosystem, and concern that these qualities were being lost by the onset of human-caused degradation. They dedicated themselves that day to the protection and enhancement of the natural character of the Selkirk-Priest Basin, from the Canadian border to the Pend Oreille River.

Almost all of those attending that first meeting are still affiliated with the SPBA, many still serving as Board members. Besides Bruce, those in attendance includ-

ed Bill Egolf, Gerry Lindquist, Jules Gindraux, Dave Boswell, John Salmon, Joanne Hirabayashi and Barry Rosenberg. All, with the exception of Gerry and Joanne, who was living in California at the time, committed to serve on the Board. They voted Barry Rosenberg as the organization's first chairperson. In the course of 10-plus years that position has been shared by five people: Bruce Brockway, Gordon West, Harry Batey and, now, Joanne Hirabayashi.

The SPBA evolved from two previous organizations formed in response to threats to Priest Lake, Idaho's crown jewel. The Concerned Citizens of Priest Lake formed to stop a hastily and ill-conceived hydro electric project planned for Hunt Creek. They were successful. Jules Gindraux and Harry Batey, who organized the Concerned

Citizens, were also the founders and leaders of the Priest Lake Coalition, an organization dedicated to prevent an even greater threat to the Lake: a land trade between the State of Idaho and the Diamond International Corporation. The trade would give Diamond control of extensive state-owned acreage along the lake and enable them to develop a large resort – with housing units for up to 19,000 people – on the shores of Priest Lake at Huckleberry Bay. Despite massive public opposition – at public hearings, more than 80 percent of testimony opposed the land trade – the Idaho Land Board approved the trade. But the coalition's campaign succeeded in convincing Sir James Goldsmith, the owner of Diamond International, not to proceed with plans

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Group submits comments

Roads in proposed salvage project problematic

The SPBA submitted comments Jan. 29 listing the group's concerns on the Priest Lake Ranger District's Winter Damage Salvage Project. The project proposes to "salvage" trees that were damaged by heavy snow during the winter of 1996-97.

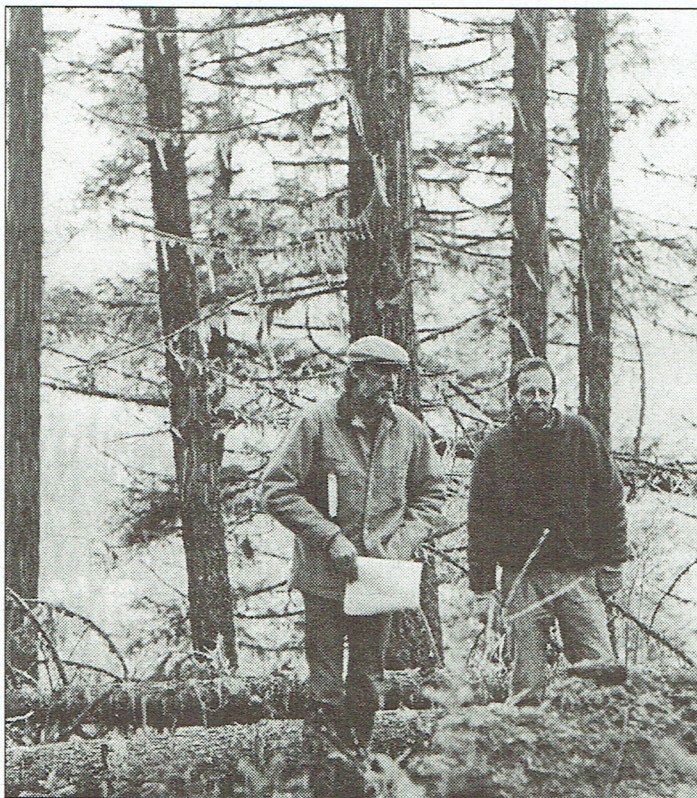
SPBA has a number of reservations about the wisdom of implementing this project. Of primary concern is the extremely high road density in the analysis area. In some cases, existing densities are twice as high as recognized "thresholds of concern." These roads are, by the Forest Service's own admission, already negatively impacting area fisheries, streams and endangered and sensitive species found in the project area.

While the Forest Service lists a number of roads that should be obliterated, the agency has made no firm commitment to actually remove these problem roads. SPBA's position is ALL destructive roads that are a threat to public property should be removed.

The Forest Service environmental assessment states that the "salvage" of damaged trees is necessary to prevent an epidemic of bark beetles. However the Forest Service admits that it is too late to prevent the spring hatch of Douglas fir bark beetles, and the agency proposal to install "pheromone" traps to head off an epidemic is problematic.

Another Forest Service rationale is the reduction of fuels. By logging, the agency argues, the risks of catastrophic fire are

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SPBA DIRECTORS Barry Rosenberg and Mark Sprengel look over a proposed salvage sale job.

Chairman's Message

Land Board new adversary for public

Since our last issue of *Sightlines* some staff changes have occurred. SPBA regretfully announces the resignation of former Executive Director Kevin Watson, who left us last October to work full-time at Petal Talk, the flower shop he and his wife, Karen, started in Sandpoint last summer. Go well Kevin and Karen. We wish you all the best!

Our new Executive Director, whom we were pleased to have join us in December 1997, is Guy Bailey, formerly from Arizona, an attorney, a university professor and a retired federal magistrate, who has been a Sandpoint resident for the last two years. Guy brings us new strengths and new perspectives, and we confidently look forward to his forthcoming contributions.

And last, but not at all least, we welcome Marilyn "Mikki" Ravenscroft, our new secretary since last October. They say that behind every successful executive is an exceptional secretary. Now, behind our organization, is Mikki, sharp and smart. Her real title is Executive Assistant, and she deserves it.

Welcome Guy and Mikki.

And I am the new SPBA chair of the board of directors, replacing beloved and knowledgeable Harry Batey. I will try my best to do as well as our previous chairs have done.

In the past SPBA has gone toe-to-toe with the timber industry and the Forest Service over inappropriate or improperly planned and executed logging sales. But a new, significant adversary to the health and well-being of basin ecology has been emerging: the Idaho State Land Board, (ISLB) and to a lesser extent, the Idaho



Department of Lands.

Although SPBA's focus is geographically narrow, the issues we tackle may turn out to be statewide or even national in implication. For some years now, the SPBA has been trying to hold the ISLB accountable for its actions. Take for example, ISLB's collusion with the Huckleberry Bay Company to reinterpret the public easement agreed upon in 1988. (See story, opposite page, and "Litigation Updates," page 7.)

It might appear that this issue is simply one of public access to a Priest Lake beach, but the fight extends much further to the very nature of how an "imperial" land board makes a decision to favor a developer at the public's expense.

The ISLB is now proposing that it needs to be free from legislative as well as public oversight, and it declares itself above and not bound by any county zoning restrictions, for example. The ISLB wishes to place itself as "untouchable." The legal implications and the precedent set in resolving these issues or any issue involving the Land Board reach far beyond the state of Idaho.

As far as we know, the SPBA is the only organization to confront the Idaho State Land Board about its immunity to public regulation. Talk about David and Goliath!

Joanne Hirabayashi

— Joanne Hirabayashi

Serving the SPBA as executive director an honor

Greetings from Guy Bailey, your new SPBA executive director! I'm a relatively recent addition to this beautiful area from Arizona's mountain country where I formerly worked as an attorney in private practice, a university professor, and a federal court Magistrate Judge. I taught courses in law, management and accounting for about 10 years at Northern Arizona University, a Big Sky Conference School in Flagstaff.

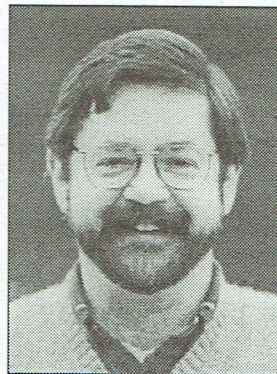
One of the nice things about teaching was having summers off. My wife and I used that freedom to explore the Pacific Northwest for three months each year. About four years ago, we discovered North Idaho's unique and scenic panhandle forests, and decided to move here.

It is an honor and a privilege for me to now be working for the board of directors and members of the SPBA as the coordinator of your projects and activities. In the past year, while working as a volunteer for other groups in North Idaho, I've attended several training seminars on non-profit management, fund raising, and grant writing. These newly acquired skills should help me serve the SPBA more effectively.

One of the most important tasks and

biggest challenges facing me in 1998 will be fund raising. The SPBA membership can be proud of the work done by the board and other hard-working volunteers in 1997. Still, many of our efforts must be continually funded. Yes, it's a little embarrassing for me to introduce myself in one breath and then turn around and plead for money with the next.

Even though the SPBA has received generous grant funding from private foundations in the past, we continue to struggle in finding money for general office operations and litigation expenses. These are two areas that are essential to this organization in carrying out its mission to protect and preserve the basin. Unfortunately, the Ruth Mott Fund Foundation, a key source of operating funds for SPBA for several years, is defunct. This leaves a large hole in our '98 budget. We will, of course, be writing grant requests for operating moneys to try to make up for this loss. I must point out that requests for operating funds are given a low priority by most



donor foundations. Their thinking is that the members of an organization such as ours must be seen supporting its base of operations before any outside group will step forward to help with specific project costs. Thus, the generosity of SPBA's membership and other contributors is important.

Our biggest financial challenge in 1998 is going to be covering high legal bills.

The SPBA has filed legal challenges to what we believe are improper attempts to privately develop public shorelines at Huckleberry Bay. (See story, opposite page.) Litigation initiated by the SPBA in cases of this sort represents our members' and the general public's best interests as people who are genuinely concerned with the quality of their personal experiences in and around pristine Priest Lake and minimizing environmental impacts.

It should frighten all of us to consider what the lake area would be like today if

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HBC held at bay

Company presses plans for private docks

The Huckleberry Bay Company (HBC) continues to press its plans to construct private docks on the beaches at the bay that are set aside for recreational purposes of the general public.

"The SPBA continues to resist the HBC schemes," stated SPBA Director Jules Gindraux. "We will continue to defend Priest Lake's one-of-a-kind legacy by whatever means available, including the courts of law to prevent HBC's efforts to subvert established rights protecting the public's recreational easement to the beaches at the bay from the financial self-interest of HBC," said Gindraux.

SPBA is contesting the State Land Board's approval of private docks for upland land owners at HBC's large-scale development at the bay. The approval was given despite the State Attorney General's opinion that the docks are an illegal encroachment on the public's rights. The usurpation of the public's use of the beaches was crafted by members of the State Land Board together with representatives of HBC. Neither the SPBA nor the general public were consulted or invited to participate in the decision-making process of the State Land Board.

SPBA is challenging the legality of a subsequent decision by the Idaho Department of Lands to permit the construction of the docks at about every 300 feet on the easement. Idaho State Public Use Easement No. 240 of 1988 specifically states that the easement is for "the recreational benefit, use and enjoyment of the public and for no other purposes." (See also *Sightlines* summer 1997 for additional information.)

SPBA is also contesting a proposed approval of docks on the Public Use Easement to the south of Huckleberry Bay as an additional encroachment upon public use rights. SPBA has filed an appeal challeng-

ing the legality of the Land Board's action. Significantly, District Court Judge James Michaud at a recent hearing questioned the authority of the Land Board to unilaterally and arbitrarily override an established Idaho State Permit. SPBA legal council Paul Vogel, while addressing the court, observed that the proposal is contrary to both the Public Trust Doctrine and the Idaho Lake Protection Act.

A further hearing is scheduled for March 11, 1998, in the District Court of Judge Michaud in Sandpoint. The posture exhibited by the actions of the Idaho Land Board is a matter of considerable concern, if not alarm. Beyond favoritism to a developer, a recent Department of Lands declaration is considerably more telling by making the claim of absolute hegemony over control of land use administered by the Department of Lands, by excluding public opinion and the application of standing land use controls.

A recent letter from the Department of Lands to the Bonner County Planning Department states "the Land Board and endowment lands are not subject to regulation by local planning and zoning, nor are (property) lessees subject to local regulation by planning and zoning. Local ordinances simply do not apply."

If the spirit and intent of the Idaho-legislated Priest Lake Management Plan Program, the Idaho Lake Protection Act and the Idaho Water Resources Priest River Basin Plan supported by local ordinances and best management practices are in turn not supported by the Department of Lands, established objectives will be sabotaged as well as the will of the people of Idaho.

Finally, SPBA notes that Rep. Jim Stoicheff, D-Sandpoint, has recently introduced legislation to provide better oversight of Land Board decisions by the state Legislature on matters of long-term commercial leases, e.g. Blue Diamond Marina lease. Predictably, Land Board members are seeking less oversight and control by the Legislature while the Stoicheff bill would hold them to the same review as all other agencies of the state.

The magnitude of this situation with far-flung implications calls for a strong response from all of us in the basin and elsewhere. Please communicate your feelings by letter before March 11 to the Land Board in Boise and to our area's legislative representatives: Sen. Shawn Keough, Reps. Stoicheff and John Campbell at the Idaho State Legislature, State Capitol Building, P.O. Box 83720, Boise, Idaho 83720-0038, or plan on attending the hearing.

Donate to the SPBA and receive Green Pages

The SPBA has gotten a special bulk order rate for purchasing copies of the National Green Pages, a country-wide directory published annually by Co-op America listing over 1,500 socially and environmentally responsible businesses and products.

For a mere \$10 donated to the SPBA, we'll send you a current copy of this wonderfully helpful shopping guide. Call or write us soon if you're interested in receiving this gift, or if you'd like it sent as a present to someone else.

----- VERBATIM -----

“From the viewpoint of an environmentalist, the state of environmental law and its administration in Idaho is the pits. Idaho political leaders in Congress, the Legislature and now the Administration are anti-environment. In national surveys by environmental organizations, Idaho is ranked at the bottom in state support for environmental organizations, just as for education.”

Source: "Keeping Idaho Brown" by Scott W. Reed, a Coeur d'Alene attorney
The Advocate (Idaho State Bar Association publication), June 1997

First decade

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to develop the area around Huckleberry Bay.

The founding members spent quite a bit of time searching for a name for our new organization – one that would encompass not only Priest Lake but the whole of the Priest River Basin, and would capture the dramatic beauty of the area while defining its boundaries. R.G. Wright, a founding member, suggested a name which satisfied these criteria, and the Selkirk-Priest Basin Association was formed.

In 1987 the SPBA applied for, and received corporate status from the state of Idaho, and in 1989 it received its 501(c)3 non-profit status from the IRS.

I doubt any of the founding board and members would have imagined that our small grassroots group would wield so much influence in providing ecosystem protection and shaping the future of the Selkirk-Priest Basin and beyond. What we have been able to accomplish, not the least of it being able to sustain the SPBA for 10 years, is due to a committed board and a wonderfully supportive membership.

Meantime, board members, many of whom had full-time jobs, could not keep up with their issue work and do the administrative work necessary to keep the organization functioning efficiently. As the issues became more complex and we started getting involved in litigation, we realized we would need paid staff. Thus, in 1990 we created a part-time executive director position. Today, Guy Bailey serves as our part-time executive director, and Mikki Ravenscroft is our half-time office manager.

What have these 10 years wrought? One of the first accomplishments was the creation of our newsletter, *Sightlines*. David Boswell, an experienced newspaper publisher and a founding director, conceived and designed *Sightlines*. At the time, its original and fresh approach set the standard for non-profit newsletters, and *Sightlines* is still recognized as one of the best non-profit newsletters in our region. *Sightlines* was not only well-received by our members, it is an important vehicle for the presentation of ecological information about the Basin to the public, and has been an important source of generating new members.

Sightlines continues to be an outstanding publication, largely due to the hard work of Bill White, a retired university communication professor, who has shouldered the burden as chair of the Editorial Committee since 1991. After years of playing various important roles within the organization, Bill finally agreed, last year, to become a member of the Board.

To detail all of the activities our organization has been involved in these past 10 years

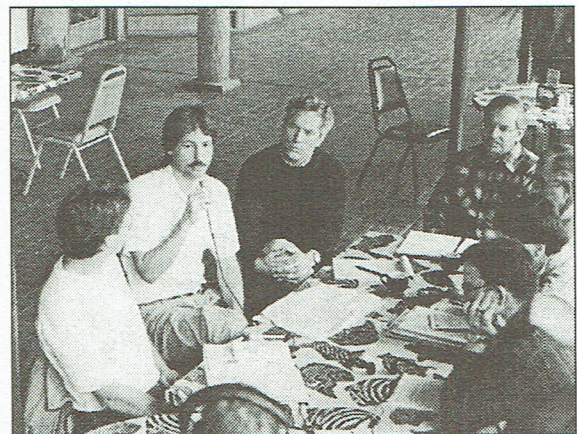
would fill this issue of *Sightlines* twice over, so I will only highlight most of our involvement, elaborating on some of our most significant achievements.

Forestry

The Forestry Committee has been busy providing oversight and close scrutiny to Forest Service (FS) and Idaho Department of Lands (IDL) logging and road building in the Basin. Although we have been successful on many occasions, we learned a painful lesson over the years: politics can reverse any right decision. Even when Forest Service and the courts have upheld our claims against destructive timber sales, the Idaho Legislature and current U.S. Congress are under the influence of transnational timber corporations.

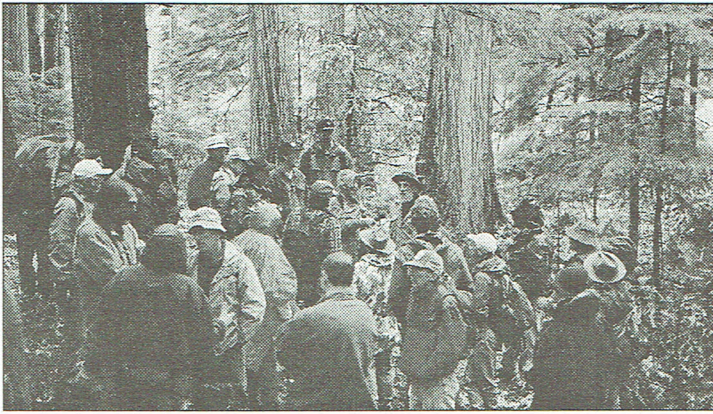
Our oversight of the Forest Service has helped achieve a significant reduction – approximately 60 percent – of destructive timber sales and road building activities in the Basin these last 10 years. Through our comments and working relationship with the officials at the Priest Lake Ranger Station, we have been able to convince the district to withdraw several logging proposals while still in the planning stage.

We were forced to appeal only one timber sale: Rogers Mosquito in the Lower West Branch Drainage. We ended up appealing various versions of the sale three times, and each time the Forest Service acknowledged the merits of our arguments by withdrawing the sale. Unfortunately, politics intervened in the form of the 1995 Salvage Rider – also known as the Lawless Logging Bill. The Forest Service tagged the name "Salvage" onto the sale which made it immune from citizen oversight and compliance with environmental laws. On a positive note, the Forest Service chose the alternative SPBA had proposed as a compromise when it originally appealed the sale, reducing the amount of logging by about 70 percent of the original proposal, and removing the new road construction.



THE WELCOME SIGN goes up for the '91 CeleBasin at Elkins Resort, top, with help from the Mike Waggoner on the ladder. The annual gathering is held each August. Above, the SPBA and the timber industry face off during *Speak Up North Idaho*, a radio talk show, in March 1992. While our first executive director, Chris Bessler speaks, directors Gordon West, left, and Dave Boswell, right, listen. Roger Jansson, state forester at Priest Lake, sits at the head of the table, while on the right side of the table, timber industry officials look on.

Perhaps one of the most satisfying and far reaching successes enjoyed by the SPBA on behalf of the forest, was the protection of about 1,000 acres of old growth in the Upper Priest River Drainage. The Forest Service proposed clear-cutting the whole area. We sent an alert to our members, hosted an on-site press conference with the Spokane Chapter of the Audubon Society, and received strong support from the Spokane chapters of the Sierra Club and the Mountaineers. Within two weeks of the media coverage, the Priest Lake Ranger District received over 550 letters and an untold number of phone calls opposing any logging of old growth in the Upper Priest River area. All this culminated in the protection of what is considered the largest contiguous old-growth forest left in the



AT THE OLD GROWTH TOUR last fall, a group hiked through the area of ancient cedars in the Upper Priest River drainage that SPBA helped save from logging.

Inland Northwest. It also prompted the Forest Service to stop logging old-growth forests throughout north Idaho until they completed an old growth inventory. That inventory revealed that they had over logged the old-growth forests on FS managed land, and set aside for protection much of what remained.

The SPBA also posed an historic challenge to the state of Idaho in their management of Idaho's forests. We are the first conservation organization in Idaho to challenge an Idaho Department of Lands timber sale. We claimed that the proposed Lower Green Bonnet Timber sale, located in the Trapper Creek drainage of Upper Priest Lake, primarily benefited the timber industry instead of the constitutionally mandated beneficiaries of Idaho's state forests: the state's public school system. We claimed that the state is removing trees at an unsustainable rate, and the sale posed a threat to the bull trout (proposed for listing) and native westslope-cutthroat trout populations of Trapper Creek.

Representatives of the SPBA went to Boise and appeared before the Land Board requesting that the sale be postponed for a year to allow the Idaho Fish and Game to conduct a study on the potential effects of the sale on Trapper Creek's rare, native bull trout and and westslope trout populations. The Land Board refused our request.

The timber industry saw our involvement in state timber sale issues as a very real threat. Joe Hinson, their chief lobbyist, wrote a bill that required that citizens post a bond when they requested an injunction of state timber sales during a court challenge. The bond would be assessed at 10 percent of the timber sale's gross value, and forfeited if the courts ruled against the plaintiffs. The cost of such a bond could easily exceed \$100,000.

The Idaho Legislature, notorious for its industry bias, quickly passed the bill into law. The timber industry was not satisfied that the bond would be a sufficient deter-

rent and had Hinson deliver another bill which completely prohibits any legal challenge of Land Board timber sale decisions except by school districts. That bill also passed.

Undaunted by this unconstitutional legislation, the SPBA, working with attorneys Hoey Graham, Paul Vogel, David Boswell and Mark McGregor, filed

suit against the State for their proposed plan to log the Lower Green Bonnet Timber Sale. We were able to proceed with the suit because of generous financial contributions from our members, and the W. Alton Jones, Bullet and Ruth Mott Foundations. Since our involvement in the sale preceded the aforementioned laws, the courts heard our case.

We received an adverse ruling in District Court and appealed our case to the Idaho Supreme Court. In a momentous decision, the Court sustained our appeal, based upon testimony provided by hydrologist Allan Isaacson. Isaacson raised the question that the proposed sale could significantly degrade Trapper Creek and thus violate the Public Trust Doctrine. The Doctrine provides environmental protection to any navigable waterway, and by definition, Trapper Creek is considered navigable.

The response from the timber corporations was predictable. Once again Hinson went to the Legislature with a bill that proposed to remove the authority of Public Trust Doctrine as it pertains to Land Board timber sales. The Legislature passed the bill, despite warnings by its own Attorney General that it could be unconstitutional. Since we were not granted an injunction, the Lower Green Bonnet Timber sale had been almost completely logged by the time we received the State Supreme Court ruling. We decided not to pursue the matter further. The standing we were granted under the Public Trust Doctrine would only apply to this lawsuit, since the Legislature invalidated that law as it applies to State timber sales.

Today the Forestry Committee is working on several pending Forest Service timber sales including Lakeface Lamb, Kalispell, and the Winter Damage timber sales of last year.

Future issues of *Sightlines* will recount other aspects of SPBA's efforts and accomplishments during the last decade.

State rep pushes bill to cut out dissenting groups

Rep. John Campbell, R-Sandpoint, is sponsoring a bill to exclude anyone at legal odds with the state of Idaho from participating in official groups working to restore water quality. Members of the Selkirk Priest Basin Association, which has sued the state, could lose their seats on watershed advisory groups for Priest Lake and Lake Pend Oreille. Members of the SPBA Board of Directors read the news about the bill in the Feb. 17, 1998, issue of *Idaho Spokesman-Review* in disbelief.

"The SPBA has been the target of the extractive industries and their extremist politicians in the state Legislature several times in the past but this is an all time low," said SPBA Water Quality Chair Jules Gindraux.

Bill White, SPBA's Editorial Chairman, added, "To exclude citizens who have contested the conduct of the state in the past from the debate on water quality and pollution in the 962 degraded streams and rivers within the state and the bull trout recovery plan would simply be anti-democratic. To be excluded from civic service because of a perceived failure to pass an ideological litmus test designed by the state's politicians and bureaucrats, is out of chapter one of the totalitarians' handbook."

The legislation is in the early stages of the legislative process. SPBA members and friends are urged to phone or write their legislators and express their feelings on Rep. Campbell's proposed law.

SPBA Wish List

The following contributions would be of great value to the SPBA. Can you help us with your tax-deductible gift?

- Shelves for our new office
- File cabinets
- IBM compatible computer equipment
- IBM printer
- Summer housing for our interns
- Carpet sweeper
- Small table to support copier

Thanks!

Expertise of Sprengel, Bailey sought by groups

Board member Mark Sprengel attended in January a three-day Forest Service fire officers' conference at Hill's Resort at Priest Lake. The Forest Service invited Sprengel to make a presentation on the subject of fire management.

Sprengel shared his vision on the future of our National Forests, stressing that the value of public land will, in coming years, be seen as refuge to protect biological diversity and functioning ecosystems. "Prescribed fire," he said, "will be accorded a much larger role in the future as a tool to achieve this end."

He went on to emphasize that in a highly technological and industrial society experiencing exponential population growth, the major crisis of the future is almost certainly going to be the loss of species and healthy ecosystems. "The bottom line is, the Forest Service must protect the land which has been placed in its trust. Putting fire back into these ecosystems is necessary to achieve that end," Sprengel said. On Feb. 4 and 5 Sprengel also participated in a Forest Service workshop on the development of a mid-scale, fire-

hazard risk assessment model in Coeur d'Alene, Idaho.

Similarly, our new Executive Director Guy Bailey has been getting out and spreading goodwill for the SPBA. Bailey met in January with the combined Rotary Clubs of Priest River, Oldtown and Newport to present them with information on an economic development grant program created by the founding family of the Great Northern Railroad. Bailey encouraged club members to create a steering committee to bring community groups together to plan a strategy for competing for the program's \$112 million in grant funds available to economically depressed rural communities.

Bailey also met in February with city representatives from Oldtown and Priest River, Priest River's Downtown Revitalization Planner Steve Klatt, Director of Woodnet Kay Small and other local community leaders to discuss economic revitalization grant sources. These meetings are part of SPBA's new Economic Development outreach program for 1998 in which Bailey will continue to share grant information business revitalization groups.

Honesty is truly the best policy for taxpayers

Finally the U.S. Forest Service (USFS) publicly admits what environmentalists have been pointing out for years: that most timber sales require roadbuilding; that taxpayers are required to pay for these roads; and that the USFS has been losing money on timber sales overall – \$472 million in 1996 alone – rather than generating income.

It's time now to take the next step into economic reality and inquire further into the true costs of logging in the national forests. Take clearcutting as just one, simple example. It is well documented that road-building and clearcutting on hillside forests in Idaho and Montana have been responsible for major and minor landslides, with cumulative and sometimes devastating effects on water quality, stream and river sedimentation and pollution, destruction of fish habitat, road damage, not to mention restricting regrowth of forests that were supposedly "renewing" themselves in readiness for further "harvesting."

Is there a cost to all those various forms of damage? Costs of road repair? Loss of fish reproduction and habitat? Loss to the recreational and guiding businesses, and local outdoor gear stores? Loss of tourist dollars? Will the public spend money to come into a national forest area to view

Economics Column

clearcuts and mudslides? And perhaps more subtle costs, such as additional water filtration devices, both public and private for communities downstream from major slides? What about those businesses or entrepreneurs, or the retirees who might have moved into an area for recreational or esthetic reasons, but now won't? Obviously there are costs involved. Who pays? Why, the taxpayer of course.

Conventional economics takes a highly simplistic view of profit and loss when it comes to evaluating the cost of altering an environment or an ecological system through logging in the forests. Trees felled generate dollars in profit from sales minus the various dollars expended in getting the trees onto the market. All the related costs arising from environmental damage such as those from clearcutting listed above "don't count" because 1) they're more complicated to calculate; and 2) they aren't the same every year. We can't buy and sell fish habitat in the national forests, so the cost of its destruction is ignored.

But the truth is that those are real dollars that are lost or have to be paid out eventually; and those real dollars come from the

pockets of every taxpayer, just as do the dollars paid to subsidize the building of forest service roads. A further truth is that prevention is far less costly than cleaning up after the damage is done.

After acknowledging the losses associated with road building as a part of timber sales, the Forest Service now wishes to impose a short moratorium – 18 months – on the logging of roadless areas of over 5,000 acres while it evaluates whether to maintain or retire various parts of its 440,000-mile road network. The cost of maintaining the roads is estimated to be \$10 billion. It appears that the USFS is trying to be honest with the American public, and we should support its effort.

However, most legislators from the Western states are violently against this moratorium. Recently Congress narrowly rejected a proposal to have the timber industry pay for the roads they build in the national forests. The same legislators are now opposing the roadbuilding moratorium. They talk about job loss, but the real issue has to do with profit and fiscal accountability. These people need to be reminded of realities in forest economics. Should our legislators be representing the timber industry or the taxpayer?

– Joanne Hirabayashi

Salvage sale

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reduced. This contention however, is highly debatable, especially considering the scope and focus of this project. SPBA's comments stress that the agency should consider ALL ecological concerns before initiating a project with such questionable bene-

fits. We noted, for instance, that logging in the area will definitely impact sensitive wildlife species like lynx, fisher, pine marten, goshawk and black-backed woodpeckers. Endangered gray wolves would also be put at risk if roads were opened.

We pointed out that risks to soils, noxious weed encroachment, wildlife habitat destruction and cumulative effects issues also merit detailed scrutiny. SPBA believes,

however, the overriding issue is the Forest Service's reluctance to significantly address the road problem. The Interior Columbia Basin Ecosystem Management Project strongly stresses the need for the agency to reduce road impacts on public land.

SPBA will continue to insist that the Forest Service follow its own scientists' recommendations before embarking on further logging projects.

Litigation update

Huckleberry Bay related lawsuits still pending

The SPBA is involved in several cases that are being litigated in the District Court for Bonner County, Idaho. All cases relate to development by the Huckleberry Bay Company (HBC). The initial case, and the one that has been pending for the longest time, is Bonner County Case No. CV-93-00924. This case involved an appeal to the District Court of the decision of the Board of County Commissioners approving the Huckleberry Bay and Ridgeview Terrace Subdivisions.

This case was taken under advisement by Judge Haman in April 1995 after the County and HBC filed a motion to dismiss the appeal for lack of standing. Although the Judge issued a decision on Feb. 5, 1996, the decision was not released until July 1996 on the basis that the Court file had disappeared.

Thereafter, SPBA filed a motion for stay/preliminary injunction. However, before that motion could be heard, Huckleberry Bay filed yet another motion to dismiss the action. The basis for the most recent motion to dismiss was the allegation that a July 11, 1996, decision of the Planning and Zoning Commission with regards to a conditional use permit approving a planned unit development rendered the original appeal moot. This motion was filed on March 18, 1997. SPBA filed memorandums in opposition to the motion in June 1997. Judge Haman heard oral argument on the motion in Coeur d'Alene on June 18, 1997. The matter has been under advisement since that time.

As this newsletter was going to press, Judge Haman finally announced his decision on the Motion to Dismiss. That motion was granted against SPBA on March 3, 1998, essentially on the basis of mootness. The rationale was that the commissioner's 1996 approval of the entire new Huckleberry Bay planned unit development, which

re-included the contested Ridgeview Terrace and Huckleberry Bay subdivisions, should also have been appealed to the District Court by SPBA. Even though SPBA did appeal the Planning Commission's original approval of these two subdivisions to the Board of Commissioners, and also appealed their approval in District Court, these expensive and time-consuming actions apparently were not enough.

The other litigation SPBA is involved in relates to the decision of the Idaho Department of Lands to renegotiate the recreational easement with the Huckleberry Bay Company. This litigation has mushroomed due to the number of dock application permits that have been filed by owners of lots at the Huckleberry Bay Subdivision. The first action, filed as Bonner County Case No. CV-97-01076, contains two causes of action. One is a petition for judicial review, pursuant to the Administrative Procedures Act (APA), seeking reversal of the renegotiated easement. The second cause of action is one filed as a petition for declaratory judgment, also seeking the same relief.

SPBA's argument, basically, is that the scope of the recreational easement needs to be determined by the facts and circumstances at the time it was adopted. At that time HBC was on record as stating that there would be no development in Huckleberry Bay. However, after receiving subdivision approval, it became apparent that the lot owners and HBC believed that the recreational easement did not preclude the construction of individual docks appurtenant to the lakefront lots.

SPBA believes that construction of the docks is contrary to the terms of the easement on the basis that the easement is for the sole recreational benefit and use of the public; by allowing private docks, the public's right to use the beachfront will be impaired. Additionally, and perhaps the

stronger argument, is the fact that the Land Board acts as trustee, holding the beneficial interest in the easement for the public. It was clear the Land Board did not consult the public – or listen to SPBA's protestations – and cut a private deal with HBC.

HBC has intervened in this case, and it has now become apparent that it will be necessary for SPBA to move to amend the petition for declaratory judgment to name all individuals who hold an interest in land that is burdened by the easement. HBC and the state have filed a motion to dismiss the petition for declaratory judgment arguing that the only cause of action can be under the Administrative Procedures Act. SPBA has filed a motion to amend the petition for declaratory judgment to name additional parties. Both of these matters have been set for hearing on March 11, 1998. All briefing on the APA action has been held in abeyance until resolution of the motion to dismiss the declaration judgment action.

More significantly is the fact that SPBA was able to obtain a stay under the APA action. The stay precludes the Department of Lands from approving any further dock-application permits until resolution of the appeal. The remaining actions, relating to the dock application permits, were filed as a result of the Department of Lands' approving two dock-application permits in the Huckleberry Bay Subdivision. Pursuant to a stipulation with the State of Idaho and HBC, action on the individual dock application permits has been stayed until resolution of the first lawsuit.

Lead counsel for SPBA in the actions relating to renegotiation of the easement is Charles L. Graham of Moscow. Paul Vogel of Sandpoint serves a co-counsel. Counsel for SPBA in the case challenging approval of the Huckleberry Bay and Ridgeview Terrace Subdivisions are Vogel and Chuck Sheroke of Coeur d'Alene.

Director's message

Continued from page 2

the SPBA and its predecessors had never had the courage to engage in the assistance of legal counsel to defend the rights of the public and the important interests of SPBA members. Without a healthy legal defense fund though, we all lose a very necessary and effective weapon from our arsenal. Thus, we have to fall back upon our dedicated members and ask you to dig deeply into your wallets and send us help.

The good news is that each of us can rediscover the power of the individual, as it is multiplied by concerted citizen action, to ensure the proper, healthy stewardship of

the Priest Lake Basin through SPBA's Priest Lake Legal Defense Fund. We are all the primary stakeholders in struggles involving critical and controversial issues. As we celebrate the 10th anniversary of the SPBA, you can help reinvigorate the momentum of this organization and keep its voice heard by participating in this crucial quest for support.

My last comment – for now at least – on our fund-raising efforts is that the SPBA is a membership-run organization. The Board of Directors' decision-making process should reflect your needs, concerns, comments and opinions. For that to happen though, the Board and I need to hear from you as often as possible. We need to know

whether we are adequately addressing the issues that you feel are important in this watershed.

One way of taking your "vote" is to measure the response we get to fund-raising requests for specific projects, such as our current legal battles. So please, when you get a few minutes to think about all of this, drop us a line at: P.O. Box 1809, Priest River, ID 83856 or call us here at the office at (208) 448-2971.

Our office is staffed usually Mondays, Wednesdays and Fridays from about 9 a.m. until 2 p.m. Contributions are tax deductible. Thank you for your interest and support. I look forward to working with all of you in 1998.

Selkirk-Priest Basin Association

P.O. Box 1809

Priest River, ID 83856

Non-Profit Org.

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The SPBA is very pleased to offer an **added bonus** for our members and supportive donors. Join SPBA during the **next three months** at a special rate of \$30* or donate an additional amount of \$50 to our Legal Defense Fund, and we will give you a **FREE one-year subscription to E**, the independent, award-winning environmental magazine! (a \$20 value). *E* is written for people just like YOU – people who cherish their pristine waterways and who treasure the high quality of their outdoor experiences in our wild and beautiful forests. If you have concerns about preserving your natural inheritance and protecting your Priest Basin lifestyle, **this magazine is for you.**

Every issue of *E* is packed full of up-to-date news and feature stories on key environmental issues and trends. **Plus**, *E* provides you with valuable information and tips for a common-sense and practical approach to environmental stewardship.

You can **help the SPBA** in its mission to protect and enhance the natural character and purity of the Selkirk-Priest watershed **and reward yourself**, your family or friends with six issues a year of a stimulating and informative magazine by taking advantage of this complimentary subscription offer (a \$20 value!).

Or, you may choose to have your subscription designated as a gift and have it sent to a friend or family member. You may also pay for a separate membership for a friend or family member and make them a gift of *both* the SPBA membership and *E* magazine! Any way you look at this offer, *you can't lose.*

YES, I WANT TO SUPPORT THE ACTIVITIES OF THE SPBA AND TAKE ADVANTAGE OF THIS SPECIAL OFFER!

Enclosed is: ☐ \$30 Individual* ☐ \$35 Family membership*

☐ \$50 or more (____) additional support for SPBA

☐ New member ☐ Continuing member

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Membership is for ☐ Self ☐ Gift

Name/address if ☐ Gift membership or ☐ Gift subscription only

(Name) _____

(Address) _____

☐ I'm enclosing a donation of \$50 or more but I'd rather not receive *E* magazine at this time, thank you.

HURRY! Offer Only Good During March, April and May '98!

Rock Creek comment period extended

You still have time to file your comments on Asarco's proposed Rock Creek Mine project with the Forest Service, Corps of Engineers or Montana Department of Environmental Quality. The deadline for voicing your opinion on a mine that promises to discharge 3 million gallons of waste daily into the Clark Fork River, and thus into Lake Pend Oreille and the Pend Oreille River, has been extended to April 10, 1998. Call our office for agency addresses or further information, or call the Rock Creek Alliance at (208) 265-8272.

C A L E N D A R

Saturday, March 21, 1998

Mark Sprengel, SPBA's Wildlife Committee chair, will lead an outing, "Identifying Wild Animal Tracks," in the Priest Lake area. Our instructor for this free, four-hour Saturday adventure will be USFS wildlife biologist Tim Layser. Participation is limited to 25 people. Please call our office at (208) 448-2971 for more information and to reserve your space.

Saturday, April 11, 1998

Earth Day. Schools and service organizations in the basin vicinity seeking an SPBA guest speaker should contact the organization for details and availability. Phone 448-2971.