

Spring 2023

SIGHTLINES

...

A PUBLICATION OF

SELKIRK CONSERVATION ALLIANCE

EST. 1986



The Sackett Case Explained

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BIG THANK YOU TO THE FOLKS AT EVANS BROTHERS COFFEE ROASTERS

SCA is truly grateful to the amazing folks at Evans brothers Coffee Roasters for their support of SCA's work! During the month of September 2023 Evans Brothers Coffee shops in Coeur d'Alene and Sandpoint will be featuring an SCA roast! A percentage of sales from this special roast will be donated to SCA to support our work in the Basin. SCA will host "Deep Dive" Water Quality Protection talks and watershed model demonstrations on Saturday September 2nd at the Sandpoint shop and Saturday September 9th at the CdA shop from 9-11am. Please mark your calendars and come visit us at Evans Brothers! THANK YOU!

FIN-TASTIC BOARD OF DIRECTORS MEMBERS ARE NEEDED !!!

- DO YOU LOVE THE SELKIRK MOUNTAINS?
- ARE YOU PASSIONATE ABOUT CONSERVATION?
- DO YOU WANT TO MAKE A DIFFERENCE?

We Want You!!

**** If interested please submit a letter of interest to anderson@scawild.org Page 2**

PRESIDENT'S MESSAGE

BY: CURT WICKRE, SCA PRESEDENT



Spring is approaching and the passion for environmental concerns in the Priest Lake watershed is heating up faster than the Selkirk Mountain snowpack! The acrimonious debate over the management of the environmental threats to Priest Lake drainage and the lower Priest River has focused on the concept of a proposed Cold Water Bypass. Both the expressed fear of the bypass as well as the fear of further river habitat degradation are actually universal expressions of the shared love we all have for the unique and pristine region in which we live and recreate. The best way to approach the environmental concerns of mitigation and turn fear into appropriate action is through collaborative, rigorous scientific and multi-disciplinary evaluation. After extensive review and debate of the proposed Cold Water Bypass, the SCA published its position on Priest River Mitigation Alternatives in April, 2022. The following position summary explained on our web page has recently been reviewed by the Board and has not changed.

— “ —

SCA is open to discussion and exploration of all management actions that will improve the Lower Priest River environment while maintaining the enormous benefit derived from recreation on and adjacent to the lake itself. The SCA does not feel we can advocate for a cold water bypass until it can be reasonably assured that effects on Priest Lake, in both construction and operation, are held to a minimum and concerns listed herein are addressed.”

— ” —

The SCA outlined concerns include the following deficiencies:

- 1. Hydrological and temperature data on tributary streams and Thorofare modeled for various climate scenarios**
- 2. Ecologic impact to Outlet Bay and silt runoff to Priest River from dredging**
- 3. Potential Outlet Bay current and flow alterations by a bypass**
- 4. Mapping of Lower Priest River cold water recharging by aquifer and tributaries**
- 5. Need for a coordinated management plan linked to seasonal lake pools incorporating Outlet Dam, Cold Water Bypass, and Priest River flows**

Lower Priest River is impaired and at risk of further deterioration. Mitigation efforts should not be delayed. The SCA is pleased to collaborate with the Priest River Watershed Group in their mission to bring groups of differing opinions together to improve the watershed. Can we improve the riparian area along the river banks? Can we improve or increase cold water trout refuge pools? Can known salmonid spawning beds be improved? The SCA is diligently mapping stream temperature profiles throughout the basin to better understand the lake and river hydrology. We are working collaboratively with limnologists, hydrologists and biologists to focus our projects. Please join and support the SCA in uniting all of us who share a passion for the Priest Lake and Priest River Basin in search of the best scientific solutions to the complex issues that face our environment.



PRIEST LAKE SEWER DISTRICT REPORT CARD

BY: DR. JAMES LEA

Each year the Idaho Department of Environmental Quality (IDEQ) requires sewer districts in the state to issue an annual report. In the report, the districts list the volume of wastewater that flowed into the lagoons, the volume of wastewater applied to the irrigated native vegetation, chemical analysis of the wastewater, the presence or absence of bacteria, and whether there have been any permit violations.

To review, each property owner has a septic tank where the initial bacterial treatment occurs. Thereafter wastewater is pumped to sewage lagoons where further bacterial activity removes much of the nitrogen and about 40% of the phosphorus. The lagoons are aerated to accelerate bacterial digestion. Then the wastewater is chlorinated to kill harmful bacteria, such as E coli-, before being irrigated out onto the native vegetation during the growing season.

Last year SCA compared the five major districts around Priest Lake and found considerable differences in performance measures. (Sand Piper Shores was not evaluated because it is very small and is in a unique environment.) To my knowledge, this type of comparative analysis has not been done previously. I think it is a useful exercise so that the district boards know where they stand compared to their peers and so the customers are informed about whether their district is performing adequately.

Last year Outlet Bay clearly outperformed the other districts. Once again this is the case. Their operator, Fritz Broschet, deserves recognition for the excellent job that he does. Not only does he do all the necessary physical work, he even writes the annual report. Ordinarily, the reports are compiled by an overseeing engineering company. Fritz may have never taken an English composition course, but his reports are clear and concise with all the salient information presented in two pages.

Notably absent are pages of boiler plate and filler. Outlet has automated flow meters which remove the human factor in reporting volumes. The volume at Outlet was slightly greater than last year at 14.7 million gallons, a 5% increase. All lab tests were performed in a timely manner and the coliform bacterial count was always absent or very low.

Granite Reeder also performed quite well. There was a modest increase of inflow at 5.8 million gallons, 13% increase. No coliform bacteria were reported. There were no permit violations.

At Kalispell Bay inflow to the lagoons was 7.6 million gallons, a 48% over last year, which would represent a dramatic increase if accurate. Six water samples were done. Of those three were positive for bacteria (>230 coliforms/ml). Nitrogen loading was above permitted levels. The quantity of irrigated wastewater was considerably greater than permitted in September.

At Coolin inflow to the lagoon was 18.5 million gallons. This is 108% greater than last year which is not credible. Either last year, this year or both years must be inaccurate. Nitrogen loading was acceptable and there were no significant levels of bacteria.

After doing a creditable job in the previous year Huckleberry Bay had serious performance issues in 2022. Noncompliance events include:

1. Irrigation took place in April and October which is outside the defined growing season.
2. Inflow to the lagoon was not recorded.
3. There was no testing of chlorine levels.
4. Total coliforms were markedly elevated in September.
5. Lab testing was not done in April, May and October.
6. The irrigation pump was not tested.
7. Lift pump run hours were not recorded.

Here is the direct quote from the engineering firm that submitted the annual report.

"This is probably the most incomplete wastewater reuse permit annual report we have ever submitted. We are in the process of developing enhanced oversight (sic) controls to assure future operations will be in full compliance with all permit activities."

Based on the above I would assign the following grades:

District	Grade:
Outlet Bay.....	A
Kalispell Bay.....	C-
Granite Reeder.....	B
Huckleberry.....	F
Coolin.....	C

DEQ will no doubt issue a notice of permit violation where they have occurred; however, that is as far as it ever goes. It is an example of the illusion of oversight that, at SCA, we have seen time and again with state agencies. This is why we need NGOs to serve as watch dogs to keep the community informed.

It is clear that some of the district boards need to become more involved with operations. Historically the boards have viewed their role primarily as fiduciaries. We all appreciate that someone is looking after the books and running the organization efficiently; however, the board members are going to need to get their hands dirty when their district is under-performing. We need to have at least one board member who understands the chemistry and biology of sewage treatment. We cannot blindly rely on the operator, the contracted engineering company or IDEQ.

At the absolute minimum the districts need to emulate Outlet Bay by getting automated flow meters that measure daily volumes. At midnight every day the automated flow meter at Outlet Bay records a volume and tallies the accumulated flow. Why not remove the human factor so we do not get such distortions of data such as we now observe at Coolin and Kalispell Bay.

Finally the members of Huckleberry Bay district need to get together to pressure their board to ensure that they are compliant with their permit. Not just to satisfy DEQ but to ensure all the residents that their waste is not a public health or environmental threat.

BRANCHES OF TIME

THE LEGACY OF THE SCA LOGO

Through the branches of time, we brought the SCA logo back to some original roots with a splash of spice!

SCA is excited to roll out a new twist on a classic design that encompasses why we do what we do... to protect the land, air, water, forests, and wild things of the unique and majestic Selkirk Mountains!

2023



2016-2022



2003-2016



2001-2003



1991-2001



1986-1991



WELCOME TO OUR NEW SCA BOARD MEMBER

WILLIAM F. GANZ, MD, FACS

SCA is honored to welcome Dr. Bill Ganz as the newest member of SCA's Board of Directors!

Soon to retire from Kootenai Neurosurgery in Coeur d'Alene, ID, Dr. Ganz is keen to step up his involvement locally and join the SCA Board. Dr. Ganz is a longtime lover of the basin whose family has been at Priest Lake since the mid-1950s. Dr. Ganz's father purchased a lakefront lot from the Diamond Match Company in 1958 on the upper east side of Priest Lake. The original family dwellings were two logger's cabins skidded down to their lot from the Logging Camp 11 up on Two Mouth Creek. Dr. Ganz spent many wonderful summers living at the lake doing various jobs and recreating in the Selkirk Mountains. Little Dr. Ganz, his dad and brothers fished the lake, the streams and the many mountain lakes. Dr. Ganz has hiked most of the mountains around Priest Lake and has backpacked through much of the Selkirk range.

Dr. Ganz is quite concerned about, and has stated, "Over the last 20 years, I have noticed the acceleration of logging in the Idaho Endowed Forest Lands managed by the Idaho Department of Lands. I understand that one of the purposes of these lands is to use the lumber resources to help fund education in Idaho. However, these logging projects are not well managed. The logging companies clear-cut large swaths of forest, but do not reseed or replant. They leave the logged areas so clogged with slag to make even hiking through these areas nearly impassable. Many of these logged areas are not visible from the lake, but from the air the amount of logging is astonishing. I do understand that forests are a renewable resource, but they will not renew themselves without better management. This rapid deforestation of the IDL lands affects wildlife, the water quality of the streams and the lake because of habitat loss and erosion which leaches nutrients from the soil. It is obvious that these old growth forests are an important reservoir of carbon sequestration. Late last fall, I rode up the Lion Creek Road and was appalled by the damage done by the logging project conducted last summer. If homeowners and other interested citizens do not get involved then I fear these pristine environments will be damaged beyond repair. These and other concerns motivate me to participate in the Selkirk Conservation Alliance."

As you can see, Dr. Ganz is SCA FAMILY! Please visit our website to read more about Dr. Ganz!



SACKETT VS EPA:

A LANDMARK FEDERAL CASE AT PRIEST LAKE

BY: JANIS HOUGHTON

In 2004 the Sacketts, residents of Priest Lake, purchased a 0.64 acre lot 300 feet from the west shore of Priest Lake. This particular lot is across Kalispell Road from the Kalispell Bay Fen, a large peat-forming wetlands complex, and is separated from Priest Lake on the south by another road and a row of homes fronting the lake. It is a soggy piece of property on which the couple planned to build a home. In May of 2007, after having been granted the required county permits, the Sacketts began back-filling the property with sand and gravel to facilitate building. During this time, representatives of the EPA and Army Corps of Engineers, having learned of the activities, visited the site and informed the Sacketts that their property may contain wetlands that are federally protected and ordered them to cease the filling, absent a permit from the Corps. The site was later investigated by an EPA wetland ecologist and a compliance order was issued, stating the Sacketts' property contained wetlands subject to federal protection under the Clean Water Act (CWA). The couple was told to remove the fill within 5 months and fence the area for three seasons to assist in the reclamation of the land to its natural state. Failure to do so would result in a fine of \$40,000 per day.

The Sacketts refused to comply and in 2008 sued the EPA contending their land did not fall under the jurisdiction of the CWA. The premise of their case is that the lot is not part of the FEN because it is separated from it by Kalispell Road, and therefore, is "nonadjacent" to the wetlands.

Unfortunately, their lot is not the only boggy thing about this story, as the purchase and attempt to

build on this swampy land has resulted in nearly two decades of a legal quagmire. It is now in the hands of the U.S. Supreme Court. The decision the court makes could change the regulatory criteria used in determining the scope of the EPA's jurisdiction not only regarding the Sacketts' property but that of the nation's wetlands as a whole, potentially rendering a significant percentage of our wetlands without federal protection.

To help clear up some of the murkiness of this case it is important to mention and describe the Clean Water Act (CWA) and The Waters of the United States (WOTUS). Established in 1948, the Federal Water Pollution Control Act, underwent many amendments and in 1972 was renamed the Clean Water Act (CWA). Its purpose is "to restore and maintain the chemical, physical, and biological integrity" of the waters of the United States (WOTUS). As a result, the waters that are included in WOTUS are protected by the CWA which establishes water quality standards and governs any discharge of pollutants into these waters.

Part of the quagmire of the Sacketts' case lies in the ambiguity of the definition and interpretation of WOTUS. Initially, WOTUS applied only to navigable waters but later the Army Corps of Engineers expanded the definition to include wetlands that are adjacent to navigable waters and their tributaries. "Adjacent wetlands" included those separated by artificial dikes or barriers from other waters of the U.S. (Would Kalispell Road not be such a barrier?)

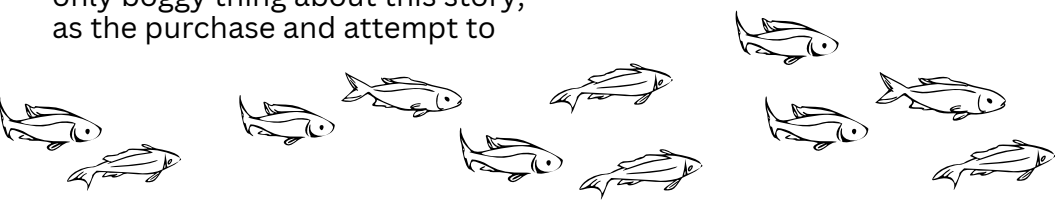
Wetlands often connect to a larger water body such as a lake, stream, or ocean via a nexus. The nexus may contain a visible surface channel of water, which may or may not be continuous. According to the CWA, a nexus exists "where a wetland or other water body, either by itself or in combination with other similar sites, significantly affects the physical, biological, and chemical integrity of the downstream navigable waterway." Whether a continuous surface connection 'needs' to exist is the focus of the argument about which wetlands are to be included in WOTUS, and the crux of the Sacketts' case.

A similar landmark case came before the U.S Supreme Court in 2006 (*Rapanos v. United States*) in which the EPA argued for jurisdiction over wetlands in Michigan that had been filled in for the development of a shopping center. The case ended in a three-way split decision (4-1-4) in favor of the developer, accepting Justice Scalia's conclusion that the scope of WOTUS extends only to "relatively permanent, standing or flowing bodies of water" and to wetlands with a "continuous surface connection" to such permanent waters." Justice Kennedy, although concurring in the ultimate decision for the developer, proposed a different test for wetlands requiring a "significant nexus to navigable waters" and stated that "research needed to be done to prove the wetlands' role in providing and protecting the integrity of the body of water, even when an obvious surface connection doesn't exist."

Unfortunately, since the *Rapanos* case in 2006, there has been much ambiguity in the legal/federal oversight of wetlands, depending on which test is applied: Justice Scalia's or Justice Kennedy's.

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SACKETT VS EPA:

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The Sacketts appealed a 2019 ruling by the district court in favor of the EPA's jurisdiction over their property, and in 2021, the case went before the U.S. 9th Circuit Court of Appeals. The court used the Kennedy test to rule in favor of the EPA, stating that "based on several environmental inspections of the property, the Sacketts' wetlands combined with the similarly situated Fen, significantly affect the chemical, physical, and biological integrity of Priest Lake". Furthermore, "this link creates a "nexus" between the residential property and the nearby lake that – from a regulatory stance – binds the two together and puts the Sacketts' property squarely within the jurisdiction of the Clean Water Act."

The Sacketts' legal team sought review of this decision in the U.S. Supreme Court. Although the Biden administration strongly urged the U.S. Supreme Court not to consider the Sacketts' case because the EPA was currently planning to release a new definition of WOTUS in 2023, the Supreme Court granted review of the Sacketts' case and heard argument in October 2022.

During argument, reliance on the Rapanos case was used by both sides in Sackett v. EPA.

To the north of the Sacketts' property, across Kalispell Road, the Fen drains into an unnamed tributary that feeds Kalispell Creek, flowing southwest of the Sacketts' property and emptying into Priest Lake. The Sacketts have asked for Justice Scalia's test to be used based on the facts that the tributary does not run across their property and their property is separated from the Fen by Kalispell Road. They have stated they want the definition of wetlands and the regulatory parameters of WOTUS to be clearly stated, eliminating any ambiguity that may further impede their attempts to build on their land. The EPA is arguing that Justice Kennedy's test should apply, which would put the Sacketts' property clearly under its jurisdiction; their property part of WOTUS as a wetland that connects to Priest Lake via a significant nexus. The Supreme Court will decide if the 9th Circuit Court used the proper test (Kennedy's test) in determining whether the Sacketts' property is part of WOTUS as a wetland that falls under the EPA's jurisdiction through the CWA, and may release its decision as early as June 2023.

If it is decided that a continuous surface connection to a water body needs to exist in order for a wetland to be included in WOTUS, the Sacketts' property, and many other wetlands properties in the U.S. will no longer fall under federal protection, putting them at greater risk of being destroyed, often through development.

Although this lawsuit seems 'bogged down' in ambiguity, one thing is certain with regards to this small piece of private land tucked away in North Idaho.....The outcome of this case is imperative in the protection of many fragile wetland ecosystems in our nation. Legal semantics have left much hanging in the balance.

EXTRA, EXTRA, READ ALL ABOUT IT!

The Kalispel Tribe supports Selkirk Conservation Alliance's (SCA) Priest Lake and Tributary Streams Citizen Science Volunteer Water Quality Monitoring Programs (CVMP) in 2023!

Selkirk Conservation Alliance is proud to announce that the Kalispel Tribe has donated \$6,000 to support SCA's 2023 water quality monitoring work in the Priest Lake and Priest River Watersheds.

SCA is the ONLY environmental nonprofit whose sole focus of FUNDS, TIME, EXPERTISE, RESEARCH and ADVOCACY encompasses the Priest Lake and Priest River Watersheds!

As an organization, SCA is taking a strategic approach to using participatory science projects to strengthen environmental protection. To that end we have worked to build capacity for community-based participatory science by establishing two robust citizen science water quality monitoring programs in the Priest Lake & Priest River Watersheds. SCA has been conducting water quality monitoring on Priest Lake in conjunction with Idaho Department of Environmental Quality's Citizen Voluntary Monitoring Program (CVMP) since 2008. Through these programs SCA is able to work more effectively with regional natural resource management agencies and the Kalispel Tribe to proactively identify and address the most pressing surface water and groundwater quality threats in our region.

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EXTRA, EXTRA, READ ALL ABOUT IT!

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SCA is the only entity conducting annual water quality monitoring of Priest Lake (18 sites) and regional stream systems (16 sites) and reporting this information to Idaho Department of Environmental Quality (IDEQ), University of Idaho, Idaho Department of Lands (IDL) and the Kalispel Tribe.

SCA is deeply honored to have the support of the Kalispel Tribe and recognizes we are all partners in this work to keep our beloved lakes, rivers, wetlands and other systems healthy and functioning for generations to come.

To learn more about SCA's CVMP work in the Basin please visit our website at www.scawild.org

FULL MOON FUN

BY: PAM DUQUETTE

There are so many special places in the Selkirk Watershed, many well-known, many yet to be experienced, some on land, some on water! For 40 some years an annual kayak/canoe camping trip to the upper Priest Lake has been a must for me. First canoe camping with my kids, and later canoe/kayak camping with friends. A summer cannot go by without one overnight at least, even if it ends up being a solo adventure. Last year, I added a new camp trip, Bartoo Island, on the lower Priest Lake. A full moon night in early October was calling and a willing friend made the trip inevitable. Except for the bald face hornets (that I am extremely allergic to), we had the island and pretty much the lake to ourselves.



It was a calm paddle out on a gorgeous late fall day, allowing us to circumnavigate all the nearby islands, finally finding an easterly facing camp spot on Bartoo. When night closed in and the moon rose up above the hills, the moon glow was telling us the time was right to paddle from camp to and around 4 mile island. It was on the eerie side I must admit, with the water so dark and foreboding, but the moon lit our way! We were happy to safely return to shore and make a fire to warm up by. For me, no overnight trip to the lake is complete without a ritual "night cap" and a morning "wake up call" of a skinny dip in the lake, and this one was no exception. So exhilarating!!!

I was impressed that the island has a "pack in pack out" human waste mandate. How refreshing not to witness toilet paper and its "counter parts" strewn about as it can be elsewhere. We were not able to get the free portable toilet set up the USFS offers at the launch, but I was packing! Yes, I always carry packs of "Biffy in a Jiffy!" If you are not familiar, it (or something like it) is becoming a necessity for kayaking and hiking these days. My friend was a "newby" to the experience, and we had many laughs as he read the directions to try a simulation of what would await him in the morning. Best to be prepared!

Sadly, it was just one evening out, but we had time the next day to hike Kalispell Island. Not surprising to anyone with lake experience, the calm waters of the morning disappeared. In their place were angry waves inching towards our secured kayaks. That I only had a small amount of water in my kayak between launching and struggling to attach my kayak skirt was a miracle. A furious white knuckled paddle ensued! Thankfully the boat launch was in sight!

After a celebratory beer and a pledge to circumnavigate this lake someday, we loaded our kayaks and took off; knowing there would be many more special trips and fond memories to be made in the future!



THOROFARE NIGHTMARE

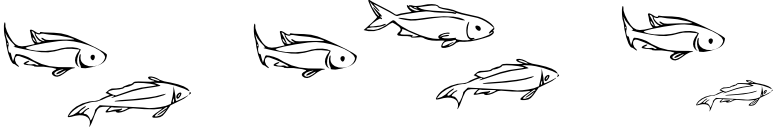
BY:ELEANOR HUGATE JONES

It was meant to be another kayak trip that has become an end of the summer tradition over the past years. Usually on or near Labor Day my sister and I take our last kayak round-trip up the Thorofare and into Caribou Creek. It's an 'only us' time and as usual, it's an early morning expedition - when the waters are calm, with few if any other boaters it's a better chance to see some wildlife - one year a mother moose nursing her baby- a different year a mature bull moose splashing with complete abandonment along the shoreline with occasional turtle families basking in the sun, a soaring osprey or herons posed on shoreline logs - all oblivious to our presence. What would we see this year?

On Labor Day September 2021, we donned our life jackets, and a mandatory whistle around our necks and started out. The forecast called for a day with some sunshine and light wind. It was about 6:15 AM when we waved to some early risers enjoying the morning from their Thorofare dock. Our plan was to paddle as far as possible up Caribou, turn and then head home.

We paddled into Caribou noting that we'd not seen any wildlife and the wind had picked up but very doable given the shelter of the tall trees lining the creek banks. My sister was leading the way up the creek so not much talking. It was obvious the wind suddenly picked up as we could hear it whistling in the treetops. Out of nowhere, I heard a tree fall- and, when I looked ahead, I saw a tree falling from the left toward the creek - where my sister was! I know I screamed 'stop' and at the same time she did! The tree fell across the creek about 15 feet in front of her. I felt frozen in place as I waited for her to turn and we both yelled- while I can't remember our exact words, it meant "Let's get out of here!" Turning back down the creek, the treetops were swishing and trees bending with such force we heard the trunks knocking against each other. It was impossible to talk and 'frantic' is the best description of how we paddled back toward the Thorofare. Both of us knew that in a forest wind storm one should attempt to find a clearing - and in our immediate situation that was absolutely impossible.

The unforgettable forest wind noise just didn't stop, if anything, it intensified. We reached the Thorofare and got as far away from the shorelines as possible. We saw fallen trees that we both knew were not down when we went up! With the wind at our backs from the north I was again trailing, when I reached back with my paddle, and like slow motion my kayak tipped up and left, I was thrown head-first into the water. I was able to upright myself and kicking frantically, I grabbed at my kayak catching the rim with the paddle still in hand. I couldn't touch the bottom so, holding on to the kayak I kicked toward the shoreline until I was standing in water about lower-chest deep. Instinctively, I yelled to my sister who was just approaching the Beaver Creek launch area. Although she had turned and seen my predicament, it was impossible for her to paddle against the wind.



As I look back at this scene, I have no true explanation as to how I did it, but I just knew I had to get back into my kayak, and grabbing the side, somehow I jumped up and pulled myself into the kayak - along with lots of water!

Now to get out of there - out of the blowing wind, avoid falling trees and just get home! I was totally soaked and very cold - with each stroke, my mantra was 'paddle-paddle-just paddle.' Following my sister, I did just that through the S-curves and we got to the beginning of the long stretch toward the Lake. Then came a not-easy-to-describe phenomenon. The wind was blowing, blowing very hard from the North across the Thorofare. Suddenly, on the South side, the water lifted up from the surface in a huge wave - a water-spray wave that rose about 12 feet and then curled back into the Thorofare. We saw it happen twice - we were awed, we were scared - we just kept paddling.

As we paddled toward the entrance and saw from afar the huge lake waves, we knew we had to stop short of our home goal. Pulling our kayaks ashore, our plan was to phone from a Sandpiper Shores friend's home and get a ride back to our Camp. It was just before 8 AM and, being a holiday, it seemed as if everyone was sleeping late - all the houses were dark and no action to be seen as I, sopping wet and bone-chill cold, lagged behind with my sister as she searched for help.

And, wonderful help was found. Guests at a rental, the very ones we had waved- to, after telling us the power was out, offered to take us home. That was a super plan until we met a truck just turning back as fallen trees blocked the one road out. Another family took us in - offering a warm fireplace, hot coffee, a bite to eat and for me comforting warm clothes. While chainsaws worked to open the road, it took several hours before we were back at our camp. A warm shower? Nope. It took five days for our power to be restored after this memorable, make that a phenomenal, summer of 2021 Labor Day storm.

Was it a terrifying experience? Yes. Did I have nightmares? Not exactly but certainly restless nights. Did it keep us from our kayaks? Absolutely not. Furthest from my thoughts as I was pitched over the side was the whistle, but I have lasting and thankful gratitude for my life jacket. It truly "kept my head above water" or do I dare to use the expression "I wouldn't be caught dead without it!"



SWIMMERS, BE CAREFUL WHAT YOU WISH FOR

BY: JON R. MILLER, DIRECTOR & TREASURER

“Whoop, whoop, Brrrr, ooh, ooh,” cried my wife, Solveig, as she plunged into the cold water near the mouth of the Thorofare. Most visitors to Priest Lake have received similar cold shocks at times. I’m less sensitive to cold water than most. I grew up in central Washington and spent weekends and summer camp at glacier-fed Lake Chelan and Lake Wenatchee. My mom and dad let me stay in the water until my lips turned blue. I’ve done “polar bear” plunges over the years, most notably in Icicle Creek in June and Priest Lake one snowy New Years Day. But, alas, aging has made me, too, more sensitive to the cold. I often limit my “swimming” now to floats in warmer, August surface water, supported by a custom noodle device on my chest and shoulders and buoyant Crocs on my feet. Many Priest Lake plungers, especially Solveig, think a warmer lake would be nice. But would it? We must be careful what we wish for.

Like most lakes around the world, except ones fed by rapidly melting glaciers (cooling for the wrong reason), Priest Lake is warming. Since the early 1990s, and more regularly since 2008, SCA’s intrepid scientists, most recently Jim Lea, Stan Miller, Curt Wickre, and Captain Jon Quinn-Hurst, among others, have ventured out in the SCA pontoon boat four times a summer to monitor water quality at various sites on the lake. The massive amount of data accumulated over the years includes observations of temperature at various depths. Recently, SCA Board member Stan Miller organized surface water temperature at one site into what analysts call a monthly time series. In search of a temperature trend, I took this data and enlisted the technical expertise of Professor Eric Stuen, my former colleague and frequent co-author in the College of Business and Economics at the University of Idaho. Eric is an excellent econometrician, an economist who does statistical analysis. While economics has been labeled by some an imperialist social science, because of economists’ forays into other disciplines, this was the first attempt at statistical limnology for both of us.

Using a technique called linear regression analysis, our initial work strongly suggests that Priest Lake surface water is warming at a statistically significant rate. The importance of surface water temperature extends beyond the comfort of swimmers. Warm surface water flows over Outlet Dam into the Lower Priest River, and in hot summer months wreaks havoc on the riverine ecology there. It also encourages algae growth and supports invasive species in the lake. We want a cold lake, and its getting warmer.

To check whether the analysis of water temperature trends by economists passes basic scientific scrutiny, I sent our results to staff limnologists at the Idaho Department of Environmental Quality and to Dr. Frank Wilhelm, Professor of Limnology in the College of Natural Resources at the University of Idaho. All thought our results were interesting and not surprising. Other scientific studies in the region and around the world have found similar results. Of course, they had questions, clarifications, suggestions, and pleas for more data, but they also offered their support, cooperation, and encouragement. As we acquire more data on the Lake, it’s nice to know that these scientific entities value our efforts under the Science Pillar of the SCA mission.

The next time emersion in the Lake takes your breath away, please be thankful for the coldness of the water. Don’t wish for warmer water. Also, think about the scientific efforts you make possible with your membership in and contributions to SCA. We are a valuable part of the scientific community that generates the data and analysis upon which good decisions depend.



SCA CAN WITH USCAN - U. S. CLIMATE ACTION NETWORK

BY: PAM DUQUETTE

Another “feather” in SCA’s cap and a beneficial partnership was formed this year as we were welcomed as a new member to the United States Climate Action Network (USCAN). USCAN’s mission statement “is to build trust and alignments among members to fight climate change in a just and equitable way.”

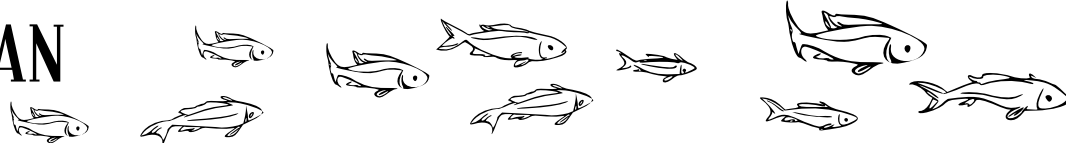
This membership opens up the door for opportunities to collaborate with other national environmental organizations and become a recipient of grant offerings. We know successful grant writing is right up Amy’s “alley,” and vitally important to grass roots organizations. Also with this membership comes a requirement to attend their annual meetings. I was fortunate enough to be willing and available to attend this year’s annual meeting which was in



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SCA Can With USCAN

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New Orleans. Tough duty, but I rose to the occasion! I was surprised to find myself staying on the top 21st floor of Loews Hotel with a view of the city and the mighty Mississippi. Silly me, thinking I would take the stairs as I usually do for exercise! This whole conference experience was compliments of USCAN. They take good care of their members. Lucky me!

The purpose of the 2023 Annual Meeting was basically “to build intersections and relationships....” and to “provide an opportunity to show the power and impact of USCAN and to stand in solidarity with folks working on climate issues locally.” I definitely feel the purpose was achieved. About 150 people representing different environmental groups, ethnicities, and localities from across the nation were in attendance. It was a refreshing, albeit it overwhelming week of sharing, collaborating, and learning. As a new member and a retired person, I felt a bit out of my element as I joined breakout sessions with actively employed members of these various groups. I was made to feel welcome and was delighted to engage with many young activists determined to make a difference in the fight against systems of oppression and climate disasters, all working together for the greater good! Justice, equity, diversity, and inclusion were themes throughout.

Tackling the hard work, we were also treated to amazing local entertainment and presentations; cultural field trips (I even went on a nighttime ghost walking tour); mix and mingle evenings complete with karaoke; short wellness offerings (stretch, massage, quiet rooms, art therapy); and diverse guest speakers. What a week!

Make sure to peruse USCAN’s website to see our Selkirk Conservation Alliance listed among the other member organizations. Their website is waiting for an update as there is a new strategic plan to be shared that was voted on and approved at the meeting. I was happy and proud to represent SCA at this conference!

Adopt-a-Stream Program

BY: ELEANOR HUNGATE-JONES

The Adopt-a-Stream program was introduced in the fall issue of Sightlines 2020 and is a program that evolved from an SCA commitment to focus on water quality. A majority of the Selkirk Basin streams feeding Priest Lake do not meet quality water standards of the Clean Water Act and are temperature impaired – too hot.

Adopt-a-Stream was an invitation to give a financial contribution to a stream flowing into Priest Lake that SCA would scientifically monitor. Realizing that the term adoption comes from an old French word meaning ‘to choose for oneself and to form a relationship’, given 100+ years of our Hungate family living and loving our summers at the north end of the lake, we excitedly ‘adopted’ Lion Creek.

Our relationship began with a financial contribution to buy a Tidbit Sensor - a device necessary for a continuous around-the-year monitoring of stream water temperature, and is used for evaluation and historical data comparison. Our sensor was then strategically placed in Lion Creek by the SCA Stream Dream Team- Jim Lea, Curt Wickre and Stan Miller.

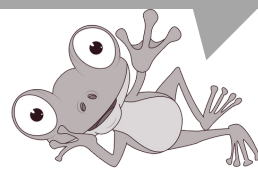
With varying summer schedules, coupled with earlier COVID protocols, this 2022 summer offered some of us the first opportunity to go out with the team as they gathered stream data. We were able visit two sites, the first being Caribou Creek. Given the general curiosity of most humans, the particular rock that a tidbit is exposed underwater isn’t visually marked. Hiking upstream, the team quickly found the device. Interestingly, once out of water it immediately downloads to the laptop being held bankside.

The transferred information includes temperature data taken every 15 minutes for the life of the device.

Now it was time to visit ‘our adopted stream.’ With not-quite-high-enough water boots, Curt entered the creek making his way up to the attached tidbit and began the process of unscrewing the lid to remove the Tidbit. It was gone!!! What? Yes, the tidbit had been removed and the lid screwed back on. Whoa, who could have done that? We’re guessing it wasn’t Big Foot! What a disappointment being unable to add a year of information to our adopted stream. Luckily, the team came prepared and was able to mount a Tidbit Sensor in a new, not to be revealed, location.

The SCA Stream Dream Team will be out again this summer ‘23 checking all 10 creek sites around the Lake. Meanwhile, as creek adoptive parents we have an additional responsibility to visually monitor ‘our creek.’ We can watch for excessive sediment being carried downstream as well as to be aware that logging setbacks rules are being followed. It’s well documented that many of our Eastside streams are not getting as much shade as needed for maintaining water quality. And, all of this can be done as we hike the Lion Creek trails, just for the pleasure or perhaps in search of huckleberries. How glad we are that we were asked to Adopt-a-Stream. Thank you.

It’s not too late to join the SCA Adopt-a-Stream program. There are miles of water to share in each creek - you select your favorite creek, make a donation and contribute to keeping our Selkirk creeks pristine!



"PILLAR" PROGRAM UPDATES :



Education & Advocacy

SCA has three primary Pillar programs; Environmental Education Program, Scientific Research Program, and Environmental Advocacy Program with project activities occurring under each umbrella Pillar program. The following is a bit of an update on some of SCA's recent project work under each Pillar!

Advocacy Program

Citizens play a critical role in public agency oversight. SCA works to monitor the Bonner, Boundary and Pend Oreille county governments, Idaho Department of Water Resources (IDWR), Idaho Department of Lands (IDL), Army Corps of Engineers/Department of the Army (DA), and other regulatory agencies, also local city governments for activities, plans, policies, projects, etc. that would negatively impact regional, land, air, wildlife, forests and water resources. SCA develops and disseminates information, petitions, and sign-on letters, submits technical advice and comments, protests when necessary, and conducts boots-on-the-ground clean-ups and restoration projects. The historic outcome of increased public oversight and awareness of regulatory agency plans, policies, projects, etc. is BETTER land management and stewardship of publically owned natural resources!

SCA has already had a busy year challenging local governments and natural resource management agencies through public engagement and education, direct actions, and good old-fashioned grassroots activism. As unchecked development and poor land use management decisions by local agencies and governments continue to erode what makes this area SO VERY special, our pristine natural environment SCA's watch-dogging and advocacy has helped to make a difference in our neck of the woods. Often, our most impactful work never makes a single headline or trends on social media channels.

Coolin-Chase Lake Wetland Development

From last update: As most of you know, in April of 2021 a 65 acre parcel in the heart of the Coolin Wetland system was awarded to developer Tricore Investments LLC. Despite great public outcry and regional concern for the system, over the course of the last year, this savvy developer was able to subdivide the acreage into 35 new parcels, 26 shoreline parcels and 9 parcels south of Warren Beach Road. SCA and the community have submitted petitions, Letters of Concern, Motions for Reconsideration for Minor Land Division (MLD) approvals citing the many Bonner County Land Use Code violations and on and on....all have been met with a brick wall from the county Planning Department and BOCC. Further, SCA was shocked to learn through a public records request to the Army Corps of Engineers (ACOE) that a fill permit was granted on July 29! The permittee has been permitted by The Corps to discharge 1,449 cubic yards of fill in 0.315 acres of our beloved Coolin Wetlands for the purpose of constructing a driveway and structural fill pad to facilitate the development of a massive 4,080 sq. ft. building. There are some

but unbelievably, the ACOE determined that the project "does not have adverse individual or cumulative impacts on environmental values". SCA has called on The Corps to revoke the permit for numerous egregious permitting application review and processing violations and important considerations. To read SCA's full letter to The Corps, visit our Facebook page. Please contact The Corps (see below for info) and let them know you want NWW-2022-00237: Gravelle - Warren Beach Road Development - REVOKED!

On January 27th, 2023, SCA formally requested that, in addition to revoking the Warren Beach Road development permit, the ACOE completely stop all 404, Nationwide and other permitting in Idaho CLASS I wetland systems. These systems are just TOO RARE and IRREPLACEBLE. Shockingly, the ACOE replied on February 27th stating that there are "NO CLASS I Wetlands in Bonner or Boundary Counties"

To which, SCA said, "OH HECK NO!"

After submitting a public records request and contacting IDFG and the lead author and researcher for the Conservation Data Center - Idaho Wetland Conservation Plans, Chris Murphy, SCA discovered that YES, in fact there are several known CLASS I wetlands in Bonner & Boundary Counties.

CLASS I Wetlands OF HIGHEST CONSERVATION PRIORITY (Bonner & Boundary Counties, Idaho)

ARMSTRONG MEADOWS Class I: Bonner

BOTTLE LAKE Class I: Bonner

CHASE LAKE Class I: Bonner

KANIKSU MARSH Class I: Bonner

LAMBERTSON LAKE Class I: Bonner

MOSQUITO BAY FEN Class I: Bonner

PACKER MEADOWS Class I: Bonner

PERKINS LAKE Class I: Boundary

POTHOLES Class I: Bonner

SMITH CREEK Class I: Boundary

THREE PONDS Class I: Boundary

UPPER PRIEST LAKE FEN Class I: Bonner

On March 20th, SCA submitted another formal request to the ACOE to update their wetland classifications and site maps and exempt permitting in ALL CLASS I wetland systems AND REVOKE the Coolin wetlands - NWW-2022-00237: Gravelle - Warren Beach Road Development permit because it is, in fact, a CLASS I wetland of HIGHEST CONSERVATION PRIORITY!

On March 23 SCA received the following reply from the ACOE "We will review the information Selkirk Conservation Alliance has provided and will provide a response in the coming weeks."

We will keep you all updated as we continue to push back on development in this precious wetland system!

Please write to ACOE and ask them to EXEMPT ALL IDAHO CLASS I wetlands from future permitting!

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The Priest River Watershed Group (PRWG) – Update

SCA is a participant on the Steering Committee of the newly formed (and long time coming) Priest River Watershed Group. The purpose of the PRWG is, according to draft by-laws, to; “Provide a collaborative opportunity for those who live, recreate, work, or are connected to the Priest River Watershed to:

- Build a shared understanding of current conditions in the watershed
- Identify and pursue actions that protect and conserve the watershed, rehabilitate ecological integrity, and maintain and improve recreational and beneficial uses
- Increase the community’s connection to and appreciation of the watershed”

The Priest River Watershed Group is a dynamic collective comprised of individuals who have an interest in the Priest River Watershed and the activities of the PRWG. Anyone can join the group and participate in its activities and events. To become a member, individuals can share their email directly with the PRWG coordinator; Erin Plue (Erin.Plue@tu.org) or facilitator; Alexis Gibson (alexis.gibson.mt@gmail.com), add their contact information to a sign-up sheet at in-person meetings, or register for PRWG webinars.

The Priest River Watershed Group is guided by a Steering Committee. Steering Committee members provide active and collaborative guidance to the watershed group, represent core stakeholder groups and interests in the Basin, and will ensure communication and engagement with their communities. The Steering Committee is currently the decision-making body for the PRWG; decisions may be made with input and guidance from PRWG members when feasible. The Steering Committee currently consists of 14 positions filled by individuals and organizational representatives who were either invited by the PRWG coordinator or self-nominated to participate. The PRWG Steering Committee meets monthly or as often as needed to conduct business and make progress on important issues.

All PRWG meetings will be open to the public and the media and a website (<https://priestriverwg.wordpress.com/>) for the Priest River Watershed Group will be maintained for storing and sharing meeting agendas and minutes, resources, and events. Notes will be taken at all meetings (e.g., Steering Committee, Watershed Group, working group, other public meetings) and made publicly available as soon as they are approved by the Steering Committee. Participants and their affiliation will be included in the notes.

Education Program

One of SCA’s primary mission goals is to educate the public about environmental issues that negatively impact regional air, land, forests, wildlife and water. Our goal is to cultivate an environmentally conscious community of active environmental stewards. We work to educate the community by giving free public talks and lectures & working with regional schools and partnering agencies, groups, associations, etc. to provide supplementary hands-on environmental education to our local youth. In addition, we work hard to keep up to date on issues and educate the community via regional media outlets and our social media platforms; Facebook, Instagram, E-News and our Sightlines newsletters.

APRIL

1st: SCA Deep Dive into Water Quality Protection Presentation for Pend Oreille Master Naturalists

15th: SCA Deep Dive into Water Quality Protection Presentation for Kanisku-Coolin Lions Club

18th: Stratton Elementary – Environmental Education 1st & 3rd grades

22nd: Earth Day-VOLUNTEER OPPORTUNITY

MAY

18TH & 19TH: Bonner Water-Festival

19th: Smithsonian Exhibit Block Party

20TH: HWY 57 Clean-Up VOLUNTEER OPPORTUNITY

25TH: “Living Classroom” – Waterlife Discovery Center Field Trip for 1st grade Northside Elem.

27TH & 28TH: Coolin-Priest Lake Spring Fest

31ST: “Living Classroom” Waterlife Discovery Center Field Trip for Sagle Elem.

JUNE

1ST: “Living Classroom” Waterlife Discovery Center Field Trip for Farmin-Stidwell Elem.

2ND: “Living Classroom” Waterlife Discovery Center Field Trip for Washington Elem.

17TH: 2nd Annual Environmental Film Festival – FRESHWATER and the species that inhabit it!!

JULY

29TH & 30TH : Priest River Timber Days - VOLUNTEER OPPORTUNITY

SEPTEMBER

2ND : Evans Bros. – Community Environmental Education event in Sandpoint

9TH: Evans Bros. – Community Environmental Education event in CDA

21ST- 22ND & 28TH -29TH : “Living Classroom” Trestle Creek Field Trip

For more information on active advocacy work, please contact Amy Anderson at anderson@scawild.org and or visit our website at www.scawild.org

NEPA 101



Final Approval of the National Environment Policy Act of 1969 came on January 1, 1970 when then President Richard Nixon signed it into law. After reconciliation of Senate and House versions, the US Senate approved the act on December 20, 1969. Three days later the House of Representatives approved the act on December 23, 1969. The original versions of NEPA did not contain the provision for any impact assessment. That element came out of the conference committee that drafted the final bill.

Shortly after NEPA was passed, most states adopted their own versions. In some cases these bills were intended to keep the federal government out of state policy, in others they were extensions if the same kinds of protection as NEPA afforded federal projects to state and local projects. In some cases both motivations existed.

The Idaho Environmental Protection and Health Act (date) established the Idaho Department of Environmental Quality. The IDEQ became the state's lead for implementing the requirements of NEPA. The Idaho act does not require environmental review of projects at the state or local level.

Washington State Environmental Policy act, May 10, 1971, established the Washington Department of Ecology to implement NEPA in Washington. The Washington law, in addition to establishing the Agency, also created the requirement for a state environmental review similar to that contained in NEPA.

The State Environmental Policy Act (SEPA) applies to all projects done, permitted or funded by state or local governments.



In general, NEPA did three main things:

- 1)** it established the Council on Environmental Quality as part of the executive branch of government.
- 2)** it established environmental protection as a policy of the federal government.
- 3)** it required federal agencies to consider the impacts of their actions on the environment. Most of the attention given to NEPA revolves around the third element. This is where the requirement for environmental impact review comes in.

The following is a brief overview of the responsibilities under NEPA. The law:

- **Mandates that every federal agency prepare a detailed assessment of the effects of “major Federal actions significantly affecting the quality of the human environment.”**
- **Establishes the need for agencies to consider alternatives to those actions.**
- **Requires the use of an interdisciplinary process in developing alternatives and analyzing environmental effects.**
- **Requires that each agency obtain comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.**
- **Requires that detailed statements and the comments and views of the appropriate Federal, State, tribal, and local agencies be made available to the public.**
- **Provides opportunities for the Public to comment on the environmental analyses that guide federal decision making.**

These responsibilities are usually carried out in the preparation and adoption of an Environmental Impact Statement.

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NEPA 101

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Under NEPA there are three general approaches to the review of actions which might affect the environment: Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements.

Categorical Exclusions are exactly that. No review of the project is done. Construction of a single family house would be one example. In Idaho NEPA would only apply if federal funding like an FHW or VA loan were used for financing. Even then no action would be triggered for a single house unless there were extenuating circumstances. Since Idaho does not require project review no local action would be needed. However, in Washington, where a review of local actions is required under the state act, a state exemption would be required because a local building permit is required.

An Environmental Assessment (EA) might be called for if some impact might be expected. For example: a marina wants to repair or improve a boat launching ramp. A permit from the US Army Corps Engineers is required for any work, in, over or under a navigable water in the US. Consequently, this action requires a federal permit and is covered by NEPA. For this project where there is already a facility in place, it is likely that the review of the project, by regional agency personnel, would result in a "Finding of No Significant Impact," a FONSI. However, if the project involved more than just extending a ramp, that might trigger more detailed review.

An Environmental Impact Statement (EIS) would be required for a project which would likely have a substantial impact on the environment.

If the boat ramp considered above were a completely new facility resulting in the disruption of new shoreline areas or affecting a wetland an EIS could be triggered. Or, if the project described above included riprapping some shoreline to protect the ramp from erosion or other significant change to the existing structure, that would trigger the EIS.

The Environmental Impact Statement is a whole level higher than an EA. There are two major differences. First, while all environmental review requires public notification and accepting public comment, the EIS requires that all "substantive" comments receive a written response in the final EIS. Second, while modern project development would consider various ways to achieve the goal of a project, the EIS requires that alternatives be examined. This includes the "no action" alternative. The no action alternative is almost never selected because the project has been deemed by someone to be economically desirable. Not doing the project would deprive the applicant of the perceived benefit.

Preparing an EIS is an iterative, and thus time consuming, process. After a project is proposed, or a permit applied for, a group of agency representatives and hopefully some interested citizen groups sit down and "scope" the project. They identify potential environmental conflicts of the proposal, identify alternatives to be studied, and possibly delineate mitigation actions. Then the needed studies are conducted and the draft EIS prepared. The draft is then subject to public review and comment. Based on the comments received the Draft may receive only minor changes before being finalized. Sometimes, new alternatives come out of the comments, or scientific studies not included in the draft are identified.

A major rewrite may be in order.

When the EIS is finalized, the agency with responsibility for the project, either its construction or permitting, makes a decision on what action should be taken based on the content of the EIS. Though not required, sometime the approval may identify mitigation for adverse impacts

A couple things need to be noted here. First, the NEPA law only applies to federal agency actions. Only actions of the federal government, or actions that require a federal agency permit are covered. Second, while the law requires that the environmental impacts of a proposed project must be identified and revealed to the public, the law does not prohibit actions that damage the environment; you are still allowed to screw up the environment, you just have to tell people first.

NEPA does not provide for legal review of actions. But, the courts have recognized the right to seek remedies under the Administrative Procedures Act. These cases are not about the impacts, but, involve the adequacy of the level of review for a project.

— “ ————
Questions such as: Is that project really insignificant enough to warrant a FONSI? Or, did that EIS really examine all of the viable alternatives, or just the cheapest?
————— ”



Although freshwater ecosystems are so important, they are the most threatened in the world; freshwater species have seen an 83% decline since 1970—twice the rate experienced within terrestrial or marine. They need our help – they need our voices.

SELKIRK CONSERVATION ALLIANCE



OUR MISSION:

Engage the public in Southern Selkirk resources and land management issues through cooperation, scientific inquiry, education, and economic diversity.