



# CLEARWATER DEFENDER

## NEWS OF THE BIG WILD

A PUBLICATION OF  
FRIENDS OF THE CLEARWATER

ISSUED QUARTERLY  
FALL 2016, NO.3

### **Troubling timber sales, new proposed forest fees, and the lame-duck session of Congress** Gary Macfarlane

Kudos to the Nez Perce Tribe for filing suit on the Clear Creek Timber Sale. The result was the Forest Service withdrew the decision. As reported in past *Defenders*, the Clear Creek Timber Sale was a so-called collaborative effort from the Clearwater Basin Collaborative whose goal is to “significantly increase” logging on the Nez Perce and Clearwater National Forests. Our newsletters have also documented serious problems with how collaborative groups may help facilitate circumvention of environmental and public involvement laws. FOC was prepared to litigate when the Forest Service withdrew the Clear Creek decision.

According to an article on August 20, 2016, written by Eric Barker of the *Lewiston Morning Tribune*, the Clear Creek environmental documentation, “included faulty sediment analysis that will require the agency to conduct a supplemental environmental impact statement, which will take about a year to complete.” The article further noted, “She {Forest Supervisor Cheryl Probert} said agency officials reviewing the project found some errors in a computer model used to estimate the amount of sediment that could leach into streams from the logging and restoration work.”

The backstory is the faults in the sediment model apparently occurred when the model was transferred from an old program into a spreadsheet format a few years ago. The upshot is the model was changed so it underrepresented sediment from roads and road cuts and overrepresented sediment reduction measures. In discussions that Friends of the Clearwater had with Forest Service personnel, we were told these faults appear to be inadvertent errors made during the transfer.

The Forest Service has made corrections to the model on recent salvage sales. We were told the sales were greatly reduced in size because of the reconfigured spreadsheet sediment model and the concerns raised by FOC and others. This was a better result than what was originally planned. However, there are other sales that have been logged which have been more damaging than the environmental documentation had claimed. The agency needs to address and recognize the cumulative impacts from this problem.



**A look into the West Fork Crooked Roadless Area. The Orogrande Timber Sale would partially log in the roadless area, just outside the view of this picture.**

FOC File Photo

Whether the Forest Service makes any substantive changes to the Clear Creek sale as a result of the new model remains to be seen. We will keep following this issue.

FOC filed a lawsuit against the Orogrande Timber Sale. This sale would build roads and log in an inventoried roadless area that could be an addition to the Gospel-Hump Wilderness. Our lawsuit challenges the roadless analysis. The Forest Service alleges no real impacts on wilderness character or roadless characteristics. Yet past timber sales, including those that were done via helicopter, which had less of an impact were judged by the Forest Service to have significant impact after-the-fact. Because the Forest Service has been so inconsistent in its analysis of impacts in roadless areas in recent years, we felt this lawsuit was necessary in our effort to protect undeveloped areas.

See forest fees page 4

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***Never Give Up on the Sagebrush Sea***  
**Book Review by Brett Haverstick**

The author, Richard Howard, takes us on a wonderful journey through Idaho, including personal stories from the Owyhee Desert, the Salmon, Snake and Clearwater Rivers, the White Cloud and Sawtooth Mountains and the City of Rocks. *Never give Up on the Sagebrush Sea* is an entertaining blend of short fiction and non-fiction stories and poetry, which reveals the author’s passion for hawking, fishing, boating, mountaineering, writing, traveling, history, biology and archaeology.

Quite the adventurer, and always curious, Mr. Howard’s writing also takes us to the First International Czech Falconry Meet, the Chauvet and Lascaux caves of France, the Patagonia Mountains of Argentina, and the islands of Indonesia.

Below is a picture of Mr. Howard, a native Idahoan, in front of the atlatl exhibit he helped develop for the Idaho State Natural History Museum in Pocatello, Idaho.



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**FRIENDS OF THE CLEARWATER**

THE CLEARWATER DEFENDER  
 IS A PUBLICATION OF:

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Friends of the Clearwater, a recognized nonprofit organization since 1987, defends the Clearwater Bioregion’s wildlands and biodiversity through a Forest Watch program, litigation, grassroots public involvement, outreach, and education. The Wild Clearwater Country, the northern half of central Idaho’s *Big Wild*, contains many unprotected roadless areas and wild rivers and provides crucial habitat for countless, rare, plant and animal species. Friends of the Clearwater strives to protect these areas, restore degraded habitats, preserve viable populations of native species, recognize national and international wildlife corridors, and bring an end to industrialization on public lands.

Friends of the Clearwater is a 501(c)(3) non-profit organization. All contributions to Friends of the Clearwater are tax-deductible.

The *Clearwater Defender* welcomes artwork and articles pertaining to the protection of the *Big Wild*. Articles in the *Clearwater Defender* do not necessarily reflect the views of Friends of the Clearwater.

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## Happy to support FOC Cay & Ron Marquart

As most of you know, once you reach the age of 70 1/2, you have to take out a certain portion of your IRA and pay federal tax on it. My wife and I were surprised to find out that we could directly transfer, tax free, up to \$100,000 per year to an eligible charity. Our tax consultant informed us that this option can be used for distributions from IRAs, regardless of whether the owners itemize their deductions. Distributions from employer-sponsored retirement plans, including SIMPLE IRA plans and simplified employee pension (SEP) plans, are not eligible. To qualify, the funds must be transferred directly by the IRA trustee to the eligible charity. Distributed amounts are excluded from the IRA owner's income. No deduction may be taken for the charitable contribution.

Not all charities are eligible. For example, donor-advised funds and supporting organizations are not eligible recipients. Amounts transferred to a charity from an IRA are counted in determining whether the owner has met the IRA's required minimum distribution (RMD).

We were pleased to find out that Friends of the Clearwater qualified as an eligible charity and instructed our money manager (our IRA trustee) to send a check to this amazing conservation organization. If you are 70 1/2, please contact your tax consultant or money manager and ask if you could do the same!



**Editor's Note: Friends of the Clearwater is very fortunate to have Ron and Cay as members. Along with financial support, they are both very giving of their time. Ron recently joined staff member Ashley Lipscomb for a program in Missoula, MT. Ron and Cay were also kind enough to host a party earlier this year at their house in Boise in an effort to recruit new members for us. All of the photos on this page were taken by Ron on recent backpacking trips into the Meadow Creek Roadless Area.**





## Fees, the Wreckreation Agenda and Forest Plan Revision

For a few decades, corporate interests have been trying to turn public wildlands managed by the US Forest Service and Bureau of Land Management into a cash cow for the recreation industry. Sadly, this program is well on its way to privatizing, marketizing and commodifying outdoor recreation, amounting to a disneyfication of nature so that it is no longer wild.

One of the more important tools within industry's arsenal is expanding the fee program on National Forests and public lands. While it is reasonable to expect the Forest Service to charge modest fees for campgrounds that offer amenities, the trend is toward developing more primitive campgrounds into fee sites or charging fees for primitive camping. This is a vicious cycle; more development justifies more fees, which justifies more development. A researcher called this the "spiral of expectation" – the idea being the more you pay, the more you expect, the more it costs to meet that expectation, the higher the fees must be in order to meet that higher expectation. Private businesses benefit from the expansion of the fee program. About 80% of the most developed National Forest campgrounds, built by US taxpayers, are now run by private companies, effectively making them private land. Private businesses don't yet run campgrounds or other recreation sites on the Nez Perce and Clearwater National Forests, but a private company does all the online reservations and charges fees for that transaction.

This expanding fee program is a step in the wrong direction in part because it changes the relationship between the agency and the public to one of business and consumer rather than public service and citizen. This is the goal of the industry, to have all recreation on the National Forests be a marketable experience, or pay-to-play, so outfitters, concessionaires, guides and others can "sell" to the consuming public an expanded range of recreation products, goods, services and experiences.

The industry and the agency claimed the expanded fee program (the Fee Demo program first implemented in 1997) would increase the recreation budget and lead to better maintenance of recreation sites. That has not proven to be the case. Sadly, the public is expected to pay higher prices for a public good while private extractive industries—grazing, mining and logging—are subsidized by our tax dollars on National Forests.

Closely tied to expanding fees is the Forest Service's Recreation Facility Analysis program. This process, which sidesteps requirements of the National Environmental Policy Act, is designed to determine what developed rec-

reation sites are needed. The Forest Service has decided to drastically increase the number of developed sites in two ways: by declaring many dispersed sites as developed; and by declaring unneeded administrative structures as recreation sites on the Nez Perce and Clearwater National Forests.



The major problem with the old administrative sites is they are being converted to rental cabins without public involvement under the National Environmental Policy Act. Many of those cabins and lookouts are deep in roadless areas and making them rental sites would conflict with the potential for future wilderness designation. No administrative sites should be changed to recreation sites until the forest plan is revised. That is the proper venue where the allocation of roadless areas and recommended wilderness is made. Places like Meadow Creek and other additions to the Selway-Bitterroot Wilderness, Weitas Creek, and Mallard-Larkins could be removed from wilderness consideration if this process goes forward. Regardless, the Forest Service must do a proper analysis under the National Environmental Policy Act on the impacts of this change.

Two organizations that are leading the effort against commodifying our public lands are Western Slope No-Fee Coalition and Wild Wilderness. Their respective websites are [westernslopenofee.org](http://westernslopenofee.org) and [wildwilderness.org](http://wildwilderness.org)



**Gold Meadows Cabin, Lochsa Face Roadless Area  
Selway-Bitterroot Wilderness Addition**

FOC File Photo

### Citizen Monitoring

Thanks to all the FOC members and volunteers who helped participate in our monitoring program this past season. Monitoring helps in our efforts to keep the Clearwater wild. This year several timber sales, proposed sales, and foot trails were monitored. If you are interested in going out in the field and helping with this effort, please call the FOC office at 208-882-9755.



FOC File Photo

### Suction Dredging Compliance and Travel Plans

In a bit of good news, it appears that unlike last year the suction dredge miners generally followed regulations this year on the South Fork Clearwater, such as they are. Nonetheless, suction dredging remains a threat to fish and other aquatic species. We are awaiting on a final decision from the BLM on our request for review before considering any legal options we may have.

There is nothing much new to report on travel plans. We are awaiting final decisions on the Nez Perce and part of the Clearwater National Forests travel plans. The Forest Service also announced it will do a supplemental environmental impact statement as a result of the FOC, AWR and Sierra Club legal victory against the Clearwater travel plan. However, due to agency staffing problems, we don't know when that will be finalized.

### Lame Ducks and Other Potential Disasters

As reported in the last *Defender*, Congress is considering a plethora of bad bills that privatize public lands in various ways. These range from bills designed by the outdoor recreation (wreckreation) industry, to those by the logging industry to bills that effectively repeal the Wilderness Act. At this time, it is too early to tell whether any of these bills would be seriously considered for passage. The lame-duck session of Congress could result in some of these bad bills being tacked onto pieces of last-minute funding or other legislation. We will be sending out email alerts and posting information on the front page of our website if and when there is an opportunity for citizens to weigh in.

### Passing of a friend Gary Macfarlane

Michael Frome (1920 - 2016), author, wilderness advocate and father of environmental journalism, passed away recently. He was 96. He wrote over 20 books including *Whose Woods These Are: The Story of the National Forests* (a book I read as a young child), *Battle for the Wilderness* and his autobiography, *Rebel on the Road: And Why I Was Never Neutral*.

He had a strong connection to the University of Idaho and Moscow. He was a visiting professor here during the 1980s. He returned a little over a decade ago to give a presentation to a packed crowd. I also fondly remember a trip I took with him to Canyonlands National Park in the mid 80s.

Michael had a particular love for national parks and Wilderness. Often called the conscience of the conservation community, he was a sharp critic of the National Park Service and other federal agencies when they failed in their duties to our public wildlands. He also called the conservation organizations to task as well. He had a particular love of groups like Wilderness Watch, Western Lands Project, Wild Wilderness and Friends of the Clearwater because of our steadfast support for wild country. Perhaps the best tribute to his memory is one of his quotes: *Above all its definitions and uses, Wilderness is sacred space, with sacred powers, the heart of a moral world*. Bon voyage, Michael.



**Michael Frome**

**May 25, 1920 – September 4, 2016**



## 2nd Annual Free the Snake Flotilla Guest Opinion, Elliott Moffett Nimiipuu Protecting the Environment

The purpose of this writing is to convey my thoughts and comment on the Free the Snake Flotilla. I am a member of the Nez Perce Tribe. We call ourselves, Nimiipuu which translates to “the people.” The Nimiipuu have lived in this part of North America for millennia. We have sustained our life ways for thousands of years.

I joined these organizations because they will help me and others give voice to the issues which are facing everyone who lives, works, and plays in Nimiipuu Country, I’ll call it for now. I am on the Board of FOC and am the president and co-founder of Nimiipuu Protecting the Environment (NPtE). NPtE is a non-profit organization, like FOC, except we are a more recent development. I appreciate FOC because of the good work it has accomplished which includes Nez Perce Country.

I was glad to have helped to organize and participated in the Flotilla on the Snake River and at Chief Timothy Park, also on the Snake River. My family was also involved in the Flotilla. I was honored also to have participated in this event as it is so important for us to express our feelings and values about the River and how we treat the River, the biodiversity and ecosystems on and surrounding the Rivers.

As a people we may be considered to be River People. I am an up-river Nez Perce. Our people know what this means, and reflects the importance we place on rights and responsibilities involved with protections of and uses of the River corridors. We take our responsibilities very seriously. We recently completed a study conducted by NPtE and our affiliates to study the uses and importance of the upper Rivers, like the Selway and Lochsa. The purpose of this article, however, was not to catalog the importance of the Lochsa in our culture.

The Snake River also has vital importance to the Nimiipuu. Not only has the Nimiipuu been River People, but we also relied on the bounty it has provided most notably in being central to the anadromous fisheries, like the Pacific Salmon. The Nimiipuu through its governing bodies has entered into negotiations and consummated Treaties with the U. S. of A. Treaties are agreements between countries, and according to the U. S. Constitution are the Supreme Law of the Land.

The Treaties with the U. S. guaranteed the reservations would be a permanent home land for the Nimiipuu, and certain activities would be protected like fishing for Salmon. However, the Treaties have not been adhered to, and we have seen steady decline in the fisheries runs and a degradation to the environment in and around the Rivers to help keep fishery resources strong and healthy. The



First Nations people paddle a hand-carved canoe at the flotilla  
Mike Beiser Photo Credit

federal government has not kept up its end of the bargain, and therefore, the NPtE, is seeing to it that the Treaties are respected, honored and implemented.

The governing body of the Nez Perce has also taken responsibility to protect fisheries by adjudicating the management of the fisheries. One federal court case, evidenced the misguided approach to fisheries management by review of biological opinions and results of those opinions on fisheries’ management by declaring they have been less than satisfactory, because for one, they did not consider the breaching of the four lower Snake River dams, which have impeded the fishery runs.

Tribal people and allies have recognized this fact for years, but it is only recently that we now have a federal court system that has directly put it to the federal agencies to look at breaching the dams as a viable alternative to fisheries’ management.

The Flotilla was to gather like-minded activists together to develop and implement strategies to accomplish what the federal government has failed to do: improve the environment and therefore give a better opportunity for our salmon brothers and sisters to survive and thrive.

I appreciated the work of NPtE, and all the other folks, groups and organizations to make this year’s Flotilla a success. Now the work continues as we “switch gears” to rev-up our engines to advocate for the removal or breaching of the four lower Snake River dams. No alternative exists which will accomplish this goal. The federal and state agencies have failed to improve the salmon runs. There are no economic reasons to keep intact the dams, which make no sense. It is the height of craziness to assume that continuing the same fisheries’ management regimes will result in different salmon run improvements.

We must act now. We look to work with those like-minded individuals, groups, organizations, companies and others who want a cleaner environment, a free running river, and healthier fisheries. We find the best way to accomplish these results is to breach the dams. Please look towards FOC and NPtE internet postings for activities meant to accomplish these acts for our River.

## Speak out for wild salmon & steelhead

### Guest Opinion, Sam Mace

### Save Our Wild Salmon

Federal agencies in the Northwest charged with protecting endangered wild salmon and steelhead from the lethal impacts of federal dams in the Columbia and Snake rivers are in the process of holding fifteen public scoping meetings this fall in Washington State, Oregon, Idaho and Montana.

These meetings represent the first phase of a court-ordered review under the National Environmental Policy Act (NEPA) of salmon restoration alternatives in the Columbia and Snake Rivers. This spring, the U.S. District Court in Portland, OR. issued a strongly-worded opinion that found the agencies' latest plan inadequate and illegal -- in violation of both the Endangered Species Act and NEPA.

This is the fifth plan to be ruled illegal by three judges across twenty years. The judge admonished the agencies for dragging their feet for twenty years on getting a legal plan implemented, for failing to address the impacts of climate change and for basing their plan on unreliable



FOC Photo Credit

habitat mitigation projects and strongly urged them to include removal of the lower Snake River dams as one of their alternatives.

**We need to push the agencies to choose dam removal as the preferred alternative.** Attending a meeting near you and getting comments in before January 17 is critical. Unfortunately, the agencies have been given until 2020 to come up with their draft plan. Salmon advocates need to keep the pressure on elected leaders to lay the groundwork for dam removal and move more quickly.

Upcoming scoping include Spokane and Lewiston on November 14 and 16 from 4:00 - 7:00 pm. A hearing is scheduled in Boise on November 29. Please visit [freethesnake.com/action](http://freethesnake.com/action) to learn about the date and location of other scheduled hearings.

I won't lie -- the federal agencies have not set up the meetings to truly engage the public or be upfront as to what's at stake. The meetings are set up with placards and information stations where you can ask questions. A couple computers and a stenographer are provided to take comment.

A citizen walking in uninformed would have no idea these hearings are occurring because a judge ordered them and because the agencies have failed at their job to restore wild salmon. You would never know that dam removal was on the table. **This is why we need you to show up and be heard!**

To get the public's voice heard we are organizing events around the meetings. For the Spokane hearing we will have a rally and press conference at the Howard Street Fountain at 3:30 and then walk up to the hearing at the historic Davenport. Conservation and fishing groups are hosting a salmon celebration at the Post Street Ale House across from the hotel from 6:00 – 8:00 where people can learn more about what dam removal would bring our region. For more information contact me at [sam@wildsalmon.org](mailto:sam@wildsalmon.org)

Come early to the Lewiston hearing at the Red Lion Hotel for a 4:00 pm press conference and rally. After walking through the agencies' meeting, visit fishing and conservation groups in the Port 2 Conference Room in the main hotel lobby and get the real facts. We will have historic photos of the free-flowing river, renditions of what the Lewiston waterfront could look like with a free-flowing river, and information tables. For more info contact Brett at [foc@friendsoftheclearwater.org](mailto:foc@friendsoftheclearwater.org). Let's Free the Snake!



Richard Howard Photo Credit



2nd Annual Free the Snake Flotilla Mike Beiser Photo Credit



## FOC Annual Meeting & Gathering Ashley Lipscomb

Many folks had the distinguished opportunity to share the Great Room of the 1912 Center with powerful land and water protectors at Friends of the Clearwater's Annual Meeting and Gathering this past November. The event gives us an opportunity to celebrate the collective efforts of many who give of their time and knowledge to the most important issues facing the natural world.

This year we honored Janine Blaeloch, former executive director of Western Lands Project, with the Macfarlane Plank Award. She shared about the need to expose and stop the silent land grabs happening across the United States. Janine shared effective tools to halt land trades, such as the Upper Lochsa Land Exchange, and connected FOC with important policy experts within the federal agencies responsible for the federal lands program. She also advocated for alternative power sources to be established within our living centers as opposed to building energy farms in sensitive ecosystems on public lands. Thank you, Janine, for exposing issues that fly under the radar. Western Lands Project now lives under WildEarth Guardians organizational umbrella.

Gary Dorr received our Activist of the Year award for his endless pressure applied to stop large-scale, destructive projects including the Keystone XL Pipeline and the Dakota Access Pipeline. He reminded us once *Grandmother Water* is compromised by the *Black Snake* weaving under- and over-ground, people will be on the move in search of more clean water. These are national issues that affect us all. Thank you, Gary, for sharing ways we should work together to support indigenous communities on the frontlines. Human and ecosystem violations should never go unchallenged.

The Western Slope No-Fee Coalition received our Conservation Group of the Year award for staying on top of "pay-to-play" initiatives on public lands from a non-partisan viewpoint. We've been witnessing these proposed fees crop up through the administrative process for quite some time as federal agencies feel the pressure from diminishing funding from the government. This could ultimately lead to the privatization of public lands. Thanks to Kitty Benzar for strengthening our stance as we see this issue rearing its head on the Nez Perce and Clearwater National Forests.

And a huge thank you to everyone who provided a delicious dish to share for the potluck, bid on silent auction items, and added lively conversation to the gathering. We are especially grateful to those who decorated the Great Room, washed a load of dishes, and helped us put another great Annual Meeting and Gathering in the books!

### Thank you for a great silent auction! (Apologies if we left anyone out)

Kenworthy Performing Arts Centre, Allegra, Tye-Dye Everything, Hyperspud Sports, Glasspchemy, Brused Books, Cowgirl Chocolates, Palouse Bicycle Collective, Wack A Doos, Hodgin's, Mikey's Gyros, La Casa Lopez, Peck's Shoe Clinic, Paradise Ridge CD's & Tapes, Tiny Crow Framing, One World Cafe, Palouse Ocularium, Buy the Dozen Donuts, Read It Again, Winger's, Lamadrid Mexican Restaurant, Howard Hughes Video, Maialina Pizzeria Napoletana, Moscow Yoga Center, Erik Stauber, Molly Klingler, Diane Albright, Belinda Rhodes, Sanja Roje, Julene Ewert, Karen Shumaker, Tim Hatten, Teresa Baker, Antone Holmquist, Richard Howard, Bobbi Kelly, Alison Meyer, Kelly Kingsland, Mike Beiser, David Hall, Matt Kitterman, Mike & Deb Alperin, Laurene Sorensen, Rifka Helton, Northwest River Supply, Last Frontier Pizza Co.



Thank you Janine Blaeloch for decades of great work!



Thanks for another successful year in protecting Clearwater Country!





FOC File Photo

**Big thank you to  
Henry C. & the Willards!**

For the past two years, one of Moscow’s best local bands, Henry C. & the Willards, have played a Halloween benefit concert for Friends of the Clearwater. We want to thank Henry, Jeanne, Doug, Donna and Nels for sacrificing their time, energy and talent to support our work to protect the spectacular wildlands of the Clearwater Basin. This year’s Halloween concert at the American Legion Cabin was a lot of fun! Thank you to everyone that attended!

Henry C. & the Willards also played at the 2016 Free the Snake Flotilla, along with the Smackout Pack, which is from Spokane, WA. FOC and others from the conservation community are grateful and fortunate to have musicians that help us keep it wild. You rock!

**We were just accepted into the 2016 Alternative Giving Market of the Palouse!**  
**Thursday, Dec. 1st**  
**4:00-8:00 PM, 1912 Center**

Give meaningful gifts for the holidays while supporting 32 local nonprofits!

Shop online at [agmpalouse.org](http://agmpalouse.org)  
 Nov. 25- Dec. 10

Friends of the Clearwater is fortunate to participate in the 8th Annual Alternative Giving Market of the Palouse! We are offering the below gift cards. All proceeds support FOC programming.

***\$5.00 Protect watersheds and water quality in the Clearwater Basin***

***\$10.00 Protect old growth forests from being logged in the Clearwater Basin***

***\$10.00 Protect wolverine habitat in the Clearwater Basin***

***\$20.00 Keep megaloads from traveling on Highway 12 in the Clearwater Basin***

***\$ (Any Amount) Remove the four lower Snake River dams and restore wild salmon populations to the Clearwater Basin***

Besides the main gift-giving event on Thursday December 1 at the 1912 Center in Moscow, you can also purchase gift cards at the Winer Market on Saturday December 3 and December 10 between 10:00 - 2:00 pm at the 1912 Center, which is located at 412 E. Third Street. You can also support FOC and other non-profits around the Palouse by purchasing a gift card on-line at [agmpalouse.org](http://agmpalouse.org) between November 25 - December 10.

Thank you to all the volunteers that make the Alternative Giving Market of the Palouse possible, and thank you for considering supporting FOC this holiday season!

**FOC is very thankful for the support of the following charitable foundations:**

- Longhill Foundation
- The Maki Foundation
- New-Land Foundation
- Horn Family Foundation
- Leiter Family Foundation
- Clif Bar Family Foundation
- Norcross Wildlife Foundation
- Latah County Community Foundation
- Robert L. Crowell Charitable Fund
- Community Foundation of New Jersey

## Idaho Transportation Department rears its ugly head again

**Brett Haverstick**

On September 7, the Idaho Transportation Department (ITD) issued a news release stating that there would be a public hearing later that month to gather feedback on a proposed state rule that would “regulate” future megaloads traveling through the Nez Perce homeland and the scenic Highway 12 corridor. A common reaction was #&%?!

The state is proposing that the “interim criteria” offered by the Forest Service in 2013 (the FS have never officially adopted the criteria) will serve as the permanent regulations that future megaload shipments traveling through the scenic corridor will adhere to. Any megaload that falls within the criteria would require Forest Service approval:

- Exceed 16 feet in width or 150-feet in length
- Require longer than 12-hours to travel through the Wild and Scenic River Corridor and National Forest (the section of U.S. 12 that is from Milepost 74 to Milepost 174)
- Require physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance

The September public hearing took place at the ITD headquarters in Boise, with video-conferencing opportunities at every department district throughout the state. Friends of the Clearwater and others carpooled to the Lewiston District 2 office to deliver comments.

The hearing was well attended in Lewiston, with various members of the Nez Perce Tribe in attendance, as well as representatives of the Palouse Environmental Sustainability Coalition, Nimiipuu Protecting the Environment, FOC and other concerned citizens. An employee of the Forest Service attended, too. Upon asking that individual if she intended on delivering a comment, she replied to me, no, that they were attending mostly for educational purposes - ITD had not contacted the Forest Service about the proposed rule!

You may recall that Federal Judge Lynn B. Winmill issued an injunction in 2013 for plaintiffs Nez Perce Tribe and Idaho Rivers United. The court ruled that the Forest Service must issue a Closure Order for the Wild & Scenic Middle Fork Clearwater & Lochsa River corridor, and for the order to remain in effect until the agency completed a values study, and consults with the Nez Perce tribal government. As we speak, the closure order is still in place, consultation is ongoing, and it is unclear if an adequate study by the Forest Service has been completed. One thing is bla-

tantly clear, however. The state of Idaho is frustrated with the current legal process, and the necessary time that it takes to settle this highly important federal matter.

Approximately 20 individuals delivered comments via video-conferencing at the hearing in Lewiston. A commissioner for the Port of Lewiston was the only person to express support for the proposed state rule (no surprise). Every other comment expressed disappointment, disgust and frustration over the state wasting taxpayer time and money to try and create a rule that changes nothing. The state has no jurisdiction over the federal court mandate.

Citizens also expressed what they felt was a complete disregard of the Nez Perce Tribe by the state of Idaho for proposing a rule while court-ordered government to government consultation is still taking place. An individual pointed out that the state also back-handed the Tribe a few years ago when they issued a permit for Omega Morgan megaloads to travel on Highway 12, (and through the Nez -



**Public opposition to megaloads traveling Highway 12 remains fierce**  
FOC File Photo

Perce Reservation), despite the fact that the Tribe had recently adopted a resolution banning any such loads to travel through their land.

The morning of the public hearing, the Nez Perce Tribe issued a news release stating that the injunction granted by the federal courts is still in place, and ITD’s proposed rule “is at this time ineffectual.” The news release went on to say that ITD had made no effort to contact the Tribe before unilaterally proposing the new rule (yes, that’s right! the state did not contact the Forest Service *or* the Tribe about the proposal), and that they “strongly disagreed” with the state’s assertion that the plaintiffs “have no apparent motivation to pursue a resolution” to the matter. The Tribe also reiterated their opposition to the Clearwater and Lochsa River corridor from becoming an industrial corridor.

Thank you to everyone that took the time to comment on the ridiculous proposal put forth by the state of Idaho. We will keep you informed on this issue as the situation develops. Please visit our website for timely updates. Another thing you can do is advocate for the breaching of the four deadbeat dams on the lower Snake River. No dams equates to no barges, which, results in no megaloads in the Clearwater!



**An ode to a megaload**  
**Anonymous**

They came with Tonka-like trucks saying  
 Look what we can do,  
 Haul this hunk of metal with a flip of a hydraulic switch  
 And steadily we will move.

But slow your roll, this is not the place  
 The first of our wild and scenic corridors  
 Should not be devalued, nor its designation disgraced.

With a court decision still in consultation and mediation,  
 ITD is attempting an administrative rule,  
 Merely for corporations to make a policy recommendation.

Comments soon flooded in from governments,  
 big corporations and citizens at-large  
 While Nickel Brothers, Emmert, and Omega Morgan  
 vie for permission,  
 Tidewater is waiting, ready to barge.

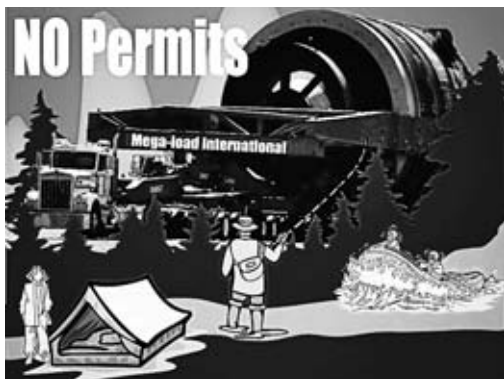
An overwhelming “NO Means No” cannot be ignored,  
 With one false move, how could it be restored?

If an over-legal load crosses the unforgiving fog line,  
 Our ecosystems will immediately bear the cost,  
 But imagine what will be lost in the larger timeline.

Make the 2013 Omega-load,  
 The last and the end.



Roger Inghram Photo Credit

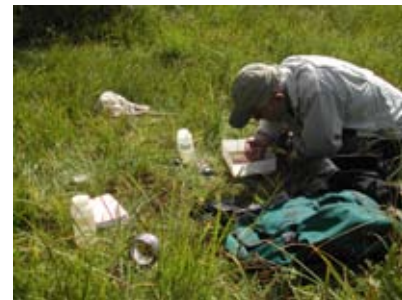


Borg Hendrickson Graphic

**Happy Birthday Fred Rabe!**  
**Brett Haverstick**

Our community celebrated the 90th birthday of Dr. Fred Rabe on Saturday October 22. Over fifty people attended a lively party at the Best Western in Moscow. Food, drinks, music and camaraderie filled the air. A combination of friends, family and former colleagues packed the room to honor a great individual, scientist and conservationist.

Friends of the Clearwater is incredibly fortunate to have worked with Fred for the past decade to educate and advocate for the permanent protection of irreplaceable road-less areas found in the Clearwater Basin. Together, we have produced booklets on Weitas Creek, Pot Mountain, Upper North Fork, Hoodoo, and the Mallard-Larkins, as well as a publication about the North Fork Clearwater drainage.



FOC File Photo

We have also been fortunate to work with Fred to submit proposals for the establishment of Research Natural Areas (RNA) on the National Forests. A workshop and field trip with Fred in 2010 - 2011 led to the successful designation of the unique 49 Meadows as a RNA on the Idaho Panhandle National Forest. Most recently we submitted a proposal to protect Bimerick Meadows as a RNA on the Nez Perce-Clearwater National Forests. The Forest Service is also currently considering the establishment of a RNA in the upper portions of the Hemlock Creek drainage, which is an important tributary of Weitas Creek. Fred Rabe and Juanita Lichthardt collected the data for that proposal years ago.

All of us at Friends of the Clearwater wish Fred a very happy birthday, with many more to come! Thank you for being a champion of Wild Clearwater Country!

CONSIDER GIVING SOMEONE A MEMBERSHIP  
 TO FOC THIS HOLIDAY SEASON!  
 ANNUAL MEMBERSHIP IS \$25.00

**[friendsoftheclearwater.org/get-involved](http://friendsoftheclearwater.org/get-involved)**

INCLUDES FREE SUBSCRIPTION TO  
 THE DEFENDER AND OTHER IMPORTANT MAILINGS!



Hundreds of boaters took to the water for the 2nd Annual Free the Snake Flotilla in Clarkston, Washington with a clear message that it is past time to breach the four lower Snake River dams. Photo Credit Backbone Campaign and The Other 98%

FRIENDS OF THE CLEARWATER CALENDAR OF EVENTS

LOLO PASS WINTER ADVENTURE W/PALOUSE - SIERRA CLUB

**Saturday February 4, 2017**

SNOWSHOEING, CROSS-COUNTRY SKIING, DINNER AT LOCHSA LODGE

WINE & WILDERNESS

**Saturday March 25, 2017**

3-COURSE DINNER, WINES FROM ANDERSON VALLEY, CA.

LIMITED SEATING, REGISTRATION REQUIRED, \$65 PER SEAT

**Friends of the Clearwater**  
P.O. Box 9241  
Moscow, Idaho 83843

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