



CLEARWATER DEFENDER

NEWS OF THE BIG WILD

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FRIENDS OF THE CLEARWATER

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Adios National Forests: The Perfect Storm? **Opinion, Gary Macfarlane**

(The opinion pieces in this newsletter look at the themes of public land marketization, privatization and commodification by focusing on two interlocking aspects: federal legislation and administrative decision making via the so-called collaborative process.) While some efforts to administratively or legislatively change public land governance may be well intended, the collaborative process, as it is currently practiced, poses a great threat to public lands and national forests. There are good forms of collaboration. However, the legislation receiving the greatest congressional attention, and the collaboration that is largely being conducted on national forests, undercuts the legitimate public involvement process and harkens back to the exploitation era of the 1800s.

The commitment to national forest protection and stewardship over the past 20-years has not been positive, regardless of who is in the White House. Legislative efforts to commodify public lands, such as the collection of fees for public recreation, and administrative decisions bowing to the demands of user groups (both motorized and non-motorized) to take over maintenance of infrastructure (like trails) on national forests or other public lands, often slide under the radar screen, or worse, are met with support from many in the conservation community. Indeed, these parties may not be aware of the potential threats. For example, charging fees for hiking changes the relationship between the public and the land management agencies ("pay to play" can become very expensive) for the worse. Another example is that volunteers are not always altruistic in their efforts to build or maintain infrastructure on the national forests. Such volunteers may likely expect deference by the agency to their personal wishes when decisions are made concerning whether or not that infrastructure conflicts with other users or wildlife.

Until recently, more obvious and direct legislative efforts to weaken environmental laws and reduce public involvement opportunities, including administrative efforts to increase commodity extraction levels on public lands, have been met with united opposition from conservationists. That is now changing, at least as it relates to certain legislative efforts and collaborative-based national forest projects.

Legislation

While there have been many efforts to undermine sound conservation efforts on national forests and other public lands, the mid 1990s is a good place to begin understanding the most recent assaults. That is when Congress passed, and then President Clinton signed, the salvage rider. That bill exempted certain "salvage" timber sales from the normal public land processes. It was widely repudiated, and unlike more recent legislation, it had a sunset date. *The Healthy Forests Restoration Act*, an Orwellian name if there ever was one, passed a decade later. This shortchanged public involvement, as well. More recently, the so-called *Collaborative Forest Landscape Restoration Act* (again, an Orwellian term for giant timber sales), though it did not circumvent existing laws, did allow the Forest Service, in particular, to promote collaborative groups, which has resulted in massive timber sales being produced under the guise of collaboration.

The year 2014 saw the Farm Bill, which contained damaging provisions (see *Defender Spring 2015*) and, of all things, a defense bill. The Defense Bill gave away Apache sacred land on the Tonto National Forest to a foreign mining company. It also gave away thousands of acres of the Tongass National Forest, which will undoubtedly be logged soon. Unfortunately, it seems future must-pass defense bills may be the vehicle to pass all sorts of bad public land measures.

See Adios NF page 4



**The 2012 Forest Service planning rule favors
"collaboration" over genuine public involvement**

FOC File Photo

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We will be raffling these generously donated items at our barbeque in East City Park, Moscow on Friday August 28. See page 8 for details. FOC File Photos.



Maria Maggi artwork



NRS river coolers



Commuter bicycle courtesy of Palouse Bicycle Collective

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FRIENDS OF THE CLEARWATER

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Friends of the Clearwater

P.O. Box 9241, Moscow, Idaho 83843

208-882-9755

foc@friendsoftheclearwater.org

www.friendsoftheclearwater.org

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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Ecosystem Defense Director: Gary Macfarlane

Education and Outreach Director: Brett Haverstick

Publication

Layout and Design: Brett Haverstick

Photoshop Extraordinaire: Deb Alperin

Editor: Gary Macfarlane

Copy Editor: Bill Bonney

Many dark sides of collaboration

Opinion, Brett Haverstick

Over the years, FOC and allies have written extensively about why collaborative groups are undemocratic processes that effectively shut out the American public from the decision making process. A strong case can be made that collaboration creates a hierarchy or dual citizenship: the “involved” and the “informed”. If you aren’t invited to participate or paid to be present at meetings, if you don’t have time to commit to all-day meetings, or if you don’t believe in collaborative groups serving as a legitimate decision making tool, then you are more or less regulated to getting information, after the fact.

Much has also been written about *quid pro quo* wilderness resulting from collaborative agreements. In exchange for designated Wilderness (albeit, legislation that may contain special management provisions that conflict with the Wilderness Act), conservationists may acquiesce to land give-aways, increases in logging levels, and greater access for off-road vehicles on other parts of the national forest. Since the formation of the Clearwater Basin Collaborative (CBC), we have certainly observed a dramatic spike in proposed timber harvest on the Nez Perce-Clearwater National Forests.

The inability or unwillingness of conservationists to challenge controversial projects in the region in which they are a collaborative partner has proven troublesome. The *Clear Creek Integrated Restoration Project* on the Nez Perce National Forest proposes to build dozens of miles of new roads and log 85-million board feet in an anadromous watershed that does not meet water quality standards under the current forest plan. As a result, FOC recently filed an objection to the project. The Wilderness Society, however, which is a CBC participant, has been quoted as supporting the project due to its importance to the timber communities and counties they are working with. One needs to ask, at what point does participation in a collaborative working group hinder the ability of a conservation group to fulfill its greater-mission?

The Alliance for the Wild Rockies, Palouse group-Sierra Club, and FOC recently won their legal challenge against the Clearwater National Forest Travel Plan. A federal judge ruled the Forest Service did not adequately protect wildlife habitat and minimize impacts from off-road vehicles. Disappointingly, the 2013 CBC *Agreement and Work Plan* proposed allowing motorized use in the *Cayuse Creek Special Management Area*. The Cayuse Creek drainage, which is part of the Weitas Creek Roadless Area on the Clearwater National Forest, contains important habitat for fish and wildlife. Go figure.

Thanks to the tremendous grassroots efforts of citizens, the highly controversial Upper Lochsa Land Exchange has stalled. FOC has been very critical of the proposal and has, instead, advocated for a complete purchase

option. During that time, I have not observed any of the conservation partners in the CBC oppose or voice much of a concern about the corrupt proposal. That’s probably due to the fact that the Idaho County Commissioners support a land swap (despite strong opposition from people in Idaho County, no less). Keep in mind, it’s the same Idaho County Commissioners leading the charge to have the state “manage” all the federal public lands in Idaho.

The participation of groups like the Wilderness Society, the Idaho Conservation League, Trout Unlimited and the Nature Conservancy in the CBC is compromising the efforts of grassroots groups like FOC and others. More importantly, the collaborative working model is undercutting our public land laws by providing political cover for extractive and other profit-driven industries to plunder the public domain. A century’s worth of achievements by the conservation community is being threatened, if not, destroyed, in a mere matter of years through collaborative deal making.

Please consider renewing your membership or making a tax-deductible donation today to FOC so that we can continue to challenge any ill-conceived projects on the Nez Perce-Clearwater National Forests. We remain steadfast in defending the public wildlands and waterways of the rugged and beautiful Clearwater Basin through the National Environmental Policy Act and other hard fought for public lands laws. A united effort by the conservation community would make more sense and be more efficient in protecting America’s public wildlands heritage.



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FOC File Photo

Adios NF continued from page 1

This year there have been many bad measures introduced by Congress. The ones that generally seek to make logging the dominant value of national forests are discussed below. Representative Raul Labrador introduced *HR 2316*, which would give management of certain national forest land to the states, (anywhere from 200,000-acres up to over 900,000-acres on a national forest) as selected by a committee appointed by the governor. Public involvement laws like the National Environmental Policy Act (NEPA), would not apply, nor would most other environmental laws. For example, 300-foot buffer zones under the Endangered Species Act to protect salmon, steelhead, and bull trout would not apply. Only the state's local forest management laws, which have minimal or no buffers, would apply. This is intended to be a foot in the door in order to steal national forests away from US citizens under the guise of a so-called "pilot project."

HR 2647, The Resilient Federal Forests Act (the only resilient forests seem to be those that are horizontal on log trucks) passed the House recently. This bill would categorically exclude massive timber sales between 5,000 - 15,000-acres from analysis in an environmental assessment or environmental impact statement. Bonding and payment of government attorney fees would be required for citizens who challenge decisions in court, making the constitutional right of judicial redress meaningless and unaffordable. In contrast, if the citizens happen to win, they would not receive attorney fees from the government. The bill would prohibit most watershed improvement projects by requiring local county commissioners to agree to the decommissioning of unnecessary roads on national forests. It would also remove forest plan protections for ancient forests in eastern Oregon and eastern Washington.

HR 2178, introduced by Representative Cathy McMorris Rogers, takes a slightly different approach. It would require the Forest Service to heavily log specific areas (almost 50-million acres of national forests), including roadless areas and streamside protective buffers, regardless of the consequences. Like the other pieces of legislation, it encourages so-called collaboration where the deck is stacked against citizens.

One final House bill, *HR 2644, The National Forest Collaborative Incentives Act*, would essentially replace genuine public involvement, which any citizen can participate in, with a collaborative process only open to limited people. Other bad provisions are similar to those of the bills mentioned above. These House bills are so bad, even the Obama Administration has, in the past, threatened to veto similar versions of some of those bills in the past Congress.

Senator Barrasso's *S 1691* would mandate

unrealistic logging levels, weaken public involvement and unconstitutionally restrict citizen access to judicial redress, much like the House bills. Fortunately, there is no bi-partisan support. That said, bad provisions of any of these bills could creep in when funding bills or other must-pass legislation are considered.

One of the ironies is that this so-called collaborative process has been promoted by some as the antidote to these bad pieces of legislation. It is just the opposite. Collaboration, which involves only certain members of the public, justifies these sorts of anti-public, anti-environment, and anti-democratic legislation. When conservation groups suggest the public role can be reduced or made a *pro forma* exercise in public land decision making, or that the process can include backroom deal making, then the horse is out of the barn.

Unfortunately, backroom collaborative deal making is designed to *de facto* replace real public involvement. This bait and switch has worked with some conservation groups to the degree they supported weakening our nation's bedrock environmental law, the National Environmental Policy Act, in the 2014 Farm Bill. While people can't be faulted for wanting to work things out, those seeking to commodify and marketize our national forests--including the power structure within the Forest Service, itself--have had some measure of success in preying on the good will of naïve conservationists. Such cynicism seems to be the current hallmark of government at every level.

Administrative Decisions

Collaboration seems to have achieved its major goal, at least here locally. Logging levels on the national forests are increasing, in spite of the fact that the Forest Service still is not meeting water quality standards or objectives under its current forest plans.

In light of the collaborative model's failure, several grassroots conservation organizations recently joined together in a collective statement highly critical of this effort. After experiencing serious problems as a participant in the collaborative process, Karen Coulter of Blue Mountains Biodiversity Project, led an effort resulting in a group statement. For a copy of the full statement, including a list of signers to date, see www.bluemountainsbiodiversityproject.org/collective-statement-on-collaborative-group-trends). The statement and press release, which accompanied it, are summarized below.

These collaborative groups (usually initiated by the Forest Service) often allege that they will work toward common ground for all parties involved; will operate on the basis of full consensus; and will be fully inclusive of citizens, with the Forest Service serving an informative role.

Promises are often made that environmentally protective sidebars will be established, respected, and maintained and that the goal is ecologically sound restoration with some economic return for local communities.

In reality, most collaborative groups stopped working toward common ground with biocentric, more ecologically protective groups, and chose to no longer operate by full consensus. Indeed, the over-riding goal has become economic return to local communities and/or the timber industry. These groups are no longer diverse (if they ever were) and the dominant participants tend to be Forest Service staff and others whose vested interest is to increase logging on the national forests.

With Forest Service representatives holding sway, significant scientific controversy over foundational agency assumptions is being glossed over (e.g. as to whether logging really reduces fire “risk”, whether moist-mixed conifer forests are appropriate for fire “risk” reduction, and challenging the idea that all stand replacement fire is ecologically “catastrophic”). Karen Coulter stated, “Dry Ponderosa pine science has been inappropriately applied to moist mixed-conifer forests in order to increase logging. Ironically, more recent research suggests that the dry Ponderosa pine model, which states that high frequency, low intensity fires were the norm, is not accurate elsewhere and may even be too simplistic for Ponderosa pine forests themselves.”

One of the major concerns is the lack of transparency and the fact that these collaborative groups often receive agency funding. According to information received in response to a Freedom of Information Act request, the Clearwater Basin Collaborative spent nearly \$100,000 from the Forest Service for contractor services. The information also revealed the Forest Service allocated nearly \$200,000 to the Clearwater Basin Collaborative and assigned a public affairs officer to the group. As such, grassroots organizations and individuals question whether collaborative groups are, indeed, independent and if they comply with the Federal Advisory Committee Act.

After following or participating in these collaborative processes, the organizations found:

- Most collaborative groups no longer respect or incorporate the perspective, goals, and concerns of diverse groups.
- The collaborative group process is being used by the Forest Service to negate the democratic process of checks and balances, and to rubber-stamp agency projects that may have significant public opposition, violating the intent of the National Environmental Policy Act (NEPA) to provide full public disclosure and full public participation to inform decision-making.



Is state management coming to a national forest near you?

Gerry Snyder Photo

- Many collaborative groups are now backing agency timber sales that clearly violate existing Forest Plan standards and provisions of various laws.
- Collaborative processes divide citizens into two castes (those who can or choose to participate and those who can't, or decide that the NEPA process is the legitimate avenue for public involvement). In contrast, NEPA allows all citizens equal access to the process.
- Collaborative groups violate the spirit of NEPA. These collaborative groups usually come up with decisions, couched as recommendations, before scoping letters go out to the public. As such, NEPA becomes a *pro forma* exercise.
- In essence, collaborative groups are backroom decision-making processes that are disguised as feel-good endeavors, which aid agency decision makers in pushing through massive, ecologically destructive timber sales.

Locally, the Clear Creek timber sale serves as a cautionary example. The *Lewiston Morning Tribune* reported on Clear Creek in February 6, 2015 that it “was created out of talks between officials from the timber industry, conservationists, and government officials known as the Clearwater Basin Collaborative. Those involved in the collaborative welcomed Thursday’s release of the document and said they look forward to ultimate approval later this year, likely in the early part of summer.”

However, Clear Creek does not meet water quality objectives in the current forest plan (Page 3-10 of the *Clear Creek Integrated Restoration Project Final Environmental Impact Statement*). Also, the Forest Service is not monitoring key environmental indicators as it promised the public it

Timber industry granted more control on the Colville National Forest

Guest Opinion Barry Rosenberg

For the first time ever, the Forest Service, in an experimental, historical, and disconcerting move, has turned over the design, layout, implementation, and environmental analysis of timber sales to a private timber company.

The Colville National Forest (CNF) has accepted the one million dollar bid from Vaagen Brothers Lumber Company (Vaagen) for the right to conduct four “A to Z Projects,” a.k.a timber sales, on the Three Rivers Ranger District. The agency claims that it does not have sufficient staff to meet its timber target and hopes to alleviate that problem by giving the bulk of management of its timber sale program to the timber industry. If this sale goes through, there will be two foxes guarding the hen house.

Vaagen has been granted the rights to do the Environmental Assessments, log, decide where and how many trees will be cut, where and how many roads will be built, carry out restoration and reforestation, and just about everything else associated with a timber sale except for the administration and rendering of the final decision—which will be done by the Colville National Forest.

One of the most disturbing aspects of granting a for-profit timber corporation such broad and sweeping powers is that it has the endorsement of three regional environmental organizations: The Lands Council, Conservation Northwest, and the Kettle Range Conservation Group. All are members of the Northeast Washington Forestry Coalition (along with Vaagen), a ten-year-old collaborative group that endorses timber sales on the Colville National Forest in northeast Washington. This precedent setting move also has the support of Congresswoman Cathy McMorris Rodgers (R-WA).

The Draft Environmental Assessment (EA) for the *North Fork Mill Creek Project*, the first of the A to Z timber sales, was released in March 2015. The Proposed Action alternative calls for logging 37.7-million board feet (approximately 7,500 logging truck loads) from 4,581-acres. The logging, will be “designated by prescription”—meaning the loggers will interpret the plan and choose the trees to be cut. The EA also calls for building an extraordinary 30.8-miles of new “temporary” roads and the brushing of 5.9-miles of existing unauthorized roads.

The Mill Creek area is a sacrifice zone suffering from previous and ongoing logging and grazing activities. The EA makes the dubious assertion that this timber sale, including the restoration activities, will result in a net benefit to the environment. This finding is not supported by the documentation in the EA.

The EA avoids mentioning the elephant in the

room—the experimental, radical shift in Forest Service timber management policy. Among its many deficiencies, is that it fails to note that only (19) fish were surveyed in 6.5-miles of the North Fork Mill Creek. The EA does not acknowledge the damage to area streams from cattle intrusion but it does state that 200-additional acres will be created to further cattle grazing opportunities.

The Friends of the Clearwater, the Kootenai Environmental Alliance, the Sierra Club-Upper Columbia River Group, the Alliance for the Wild Rockies, the Native Forest Council, Barry Rosenberg, William and Barbara Egolf and Bruce Yokum signed on to comments opposing the proposed sale and the timber industry take-over.

Editor’s Note: Barry Rosenberg is a former Executive Director of the Kootenai Environmental Alliance.

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would do under the current forest plan. Simply put, the data that are available suggest the wrong-headed proposal to substantially increase logging in the drainage is not sustainable. Indeed, one of the members of the collaborative, the Nez Perce Tribe, filed a formal objection to the sale (so did Friends of the Clearwater, Alliance for the Wild Rockies and others). Another collaborative group member, the Idaho Conservation League, sent a letter of concern over water quality analysis in the Final Environmental Impact Statement.

Rather than promote this phony process, the Forest Service needs to deal honestly with all members of the public. Real cooperation is gained through public trust and accountability, both seriously lacking in the Forest Service today. At the same time, it must be recognized that not all decisions by the Forest Service would be supported by everyone. Democracy and citizen involvement is messy and time-consuming. However, it is the better than backroom-deal making under the ruse of collaboration.

In summary, citizens need to express their views to Congress and the federal agencies. Our rights as citizens are being seriously threatened by an out-of-touch Congress and an inattentive administration. Our public land and national forest natural heritage could be sacrificed on an altar of political wheeling and dealing. You can reach the Capitol switchboard at 202-224-3121 or by visiting senate.gov and house.gov.

Collaborative groups work with timber industry to gut environmental laws

Guest Opinion Mike Garrity

If history has taught us anything, it's that America is a much better place when environmental laws are enforced. We need to make sure that people and organizations whose stated mission is to protect and enforce such laws remain fully committed to that mission. But right now, especially in regard to those lauding collaboration, it's very difficult to tell where some conservation groups stand.

Significant environmental compromises are being made by "collaborative" groups supporting national forest management legislation that negatively impacts wildlife habitat and old-growth forests. Unfortunately, such compromises fail to take into account the vast number of compromises that already have been made over the past century. As one friend put it recently, "They've cut the baby in half for so long they're now down to the toenails."

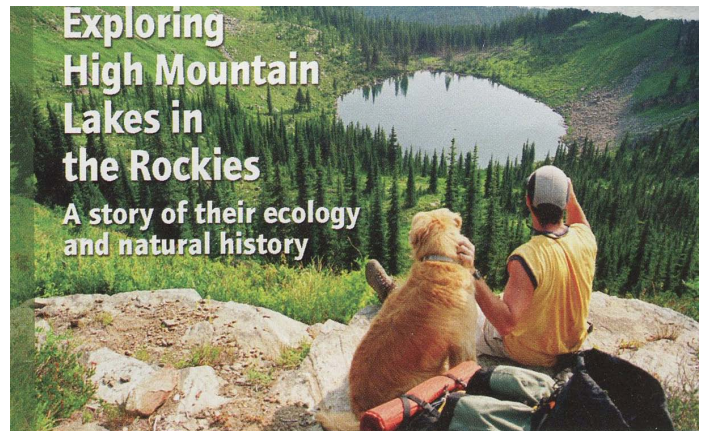
If the "collaborative" groups believe we should eliminate the public participation process and exempt many Montana timber sales from judicial review, they should say so openly to their members and the general public so everyone knows exactly where they stand. If their goal is to protect land and wildlife in a meaningful way, they should speak up in defense of maintaining full public involvement and judicial review in public lands management.

The mission of the Alliance for the Wild Rockies is "to secure ecological integrity of the Wild Rockies bio-region through citizen empowerment and the application of conservation biology, sustainable economic models and environmental law." Enforcing the environmental laws of the United States that apply to public lands management is critical to maintaining ecological integrity.

When our government doesn't follow the requirements of those laws, the Alliance turns to the courts to force federal agencies to follow the law. Our record is clear. Our success in the vast majority of our lawsuits proves beyond a doubt that our claims have merit.

It's clear that corporations want subsidized access to public lands unencumbered by environmental laws. It's more difficult to understand why, when a citizens' group steps forward to see that our nation's laws are enforced, the "collaborative" conservation groups go on a well-financed public relations campaign and their industry "partners" launch statewide attack ads against that group. When the government follows the law, the Alliance supports its actions. When it doesn't, we go to court. That's how democracy works, and that's where we stand.

Editor's Note: Mike Garrity is a fifth-generation Montanan and the Executive Director of the Alliance for the Wild Rockies. www.wildrockiesalliance.org



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Exempting timber sales from judicial review would not only be a loss for our forests but our democracy as well.

FOC File Photo



Friends of the Clearwater is excited to be working with Dr. Fred Rabe on a proposal to designate the Bimerick Meadows area of the Clearwater National Forest as a Research Natural Area (RNA). An official proposal will be submitted to the US Forest Service this winter. If you would like to learn more about the RNA system visit friendsoftheclearwater.org/research-natural-areas.

Thank you to Lighthawk (www.lighthawk.org) for donating a recent flight over the meadows to help us begin collecting information for the proposal. We would also like to thank Alpha One Photography, which provided the picture on the left.

FRIENDS OF THE CLEARWATER CALENDAR OF EVENTS SUMMER 2015

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