



CLEARWATER DEFENDER

NEWS OF THE BIG WILD

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FRIENDS OF THE CLEARWATER

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The Roadless Report: Analyzing the Impacts of Two Roadless Rules on Forested Wildlands Katie Bilodeau

Editor's Note: FOC has spent the last two years studying, analyzing, giving presentations, and writing a report on how poorly the Idaho and National Roadless Rules are protecting roadless areas from logging. Below is the executive summary. The full report can be found at friendsoftheclearwater.org

Only a fraction of the nation's public, forested wildlands - 4 percent of the United States - remain wild today. The Forest Service, the agency that manages national forests, manages two types of undeveloped wildlands within its jurisdiction. The first is Wilderness, which are areas designated by Congress under the Wilderness Act and protected by the statute's substantive requirements. The second is roadless areas (approximately 2.4 percent of U.S. land base), which are vulnerable to development from activities such as logging or road-building. Roadless characteristics are the exact same qualities that define Wilderness. Threats to these qualities include logging and constructing roads, both of which can fragment roadless landscapes and immediately eliminate roadless characteristics for generations. Outside of Alaska with its massive Tongass and Chugach National Forests, Idaho has the second largest and Montana the third largest roadless acreage. Idaho national forests have about nine million acres of roadless areas, 16 percent of the nation's roadless base. Montana national forests have about six million acres, 11 percent of the nation's roadless base.

The 2001 Roadless Area Conservation Rule ("National Roadless Rule") and the Idaho Roadless Rule govern the states with the three largest roadless bases. The Forest Service, under the Clinton Administration, created the National Roadless Rule in response to strong public sentiment for protecting these areas and the clean water, the biological diversity, the forest health, and the recreational opportunities that roadless areas provide. The Bush Administration created a state-petitions process for each state to develop its own roadless rule, and before the Ninth Circuit set aside the process for violating several laws, the Forest Service published the Idaho Roadless Rule. Even after finding the state-petitions process unlawful, the Ninth Circuit later upheld



Meadow Creek Roadless Area, Ron Marquart Photo Credit

the Idaho Roadless Rule.

With the National Roadless Rule in place for about 18 years and the Idaho Roadless Rule in place for about 10 years, we asked how well the National Roadless Rule and the Idaho Roadless Rule protect roadless areas in practice. We focused on Montana (governed by the National Roadless Rule) and Idaho (governed by the Idaho Roadless Rule). We first compared the rules to each other. The National Roadless Rule proclaims a prohibition on logging in roadless areas with four exceptions. The Idaho Roadless Rule divides roadless areas into a five-theme spectrum and allows logging activities that accordingly vary from more restrictive to not restrictive. In reviewing the rule's express language, four of Idaho's five themes impose less restrictions on logging than the National Roadless Rule, which amounts to the potential for more logging under the Idaho Roadless Rule in 84 percent of Idaho's roadless areas. Additionally, while the National Roadless Rule allows a national forest to augment protection for any roadless area, the Idaho Roadless Rule forbids enhancing protection for any roadless area in Idaho.

The Forest Service provided us two spreadsheets that contained a preliminary accounting of logging in roadless areas in Montana and Idaho since 2010. This preliminary accounting identified the projects with roadless logging, and we found and examined the environmental analyses that authorized many of those projects. Friends of the Clearwater, a small forest-watchdog and educational nonprofit that monitors the wild Clearwater Basin in North Central Idaho, has on file most - if not all - projects over the last 30 years that proposed some logging in roadless areas on the Nez Perce and Clearwater National Forests, which encompass much of

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Friends of the Clearwater

Keeping Idaho's Clearwater Basin Wild

THE CLEARWATER DEFENDER

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Friends of the Clearwater, a recognized non-profit organization since 1987, defends the Clearwater Bioregion's wildlands and biodiversity through a Forest Watch program, litigation, grassroots public involvement, 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.

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

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

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Adios National Forests: To D.C. and Back

Gary Macfarlane

Into the Swamp

Katie Bilodeau and I had the chance to visit Washington D.C. to meet with staff of some members of Congress in early February. The 2018 election made changes to the House of Representatives that we hope will be more amenable to conservation of national forest wildlands. We joined members of the staff of Wilderness Watch who had arranged for many of the meetings. We did have friendly meetings from the staffs of both Congressman Fulcher and Congressman Simpson from Idaho, though we all recognize that there will be differences. Meetings with key members on the House Natural Resource Committee proved to be revealing. There is new excitement about tackling issues like climate change; intact forests will play a role in those discussions and efforts.

While there is positive direction, we were disappointed to learn that the House was not amendable to changes in a public lands omnibus bill, a vestige of the last Congress, which the Senate passed in February 2019. It contains several bad provisions, including land giveaways, weakening of national park wildlife protections, and weakening of wilderness protections. While there were some positive aspects of this bill, the negative aspects should have been removed.

Some staff members were very interested in our roadless report (see the lead article in this newsletter) that showed how both the national and Idaho roadless rules are not providing needed or promised protection to these wildlands. As such, efforts to codify those rules in Congress, unless changes are made, would be fruitless. We also presented information on the abuses of the euphemistically named Healthy Forest Restoration Act (HFRA), which allows great increases in logging on national forests by severely curtailing public involvement and environmental review. In fact, in one document, the Forest Service itself claims more than double the upper target amount has been “treated” (logged/thinned) for hazardous fuels and ecosystem purposes. Thus, the law is no longer needed given that information. (FOC wrote about this in our *Clearwater Defender Winter 2018*).

Back in the Clearwater

Speaking of the HFRA, Friends of the Clearwater joined with Friends of Rapid River in a lawsuit against the Windy-Shingle Timber Sale on the Nez Perce National Forest. This large sale was approved under the HFRA and contains important elk, old growth, salmon and steelhead habitat. All the various legal submissions will be completed by mid-May and then it will be up to the court to schedule a hearing and/or make a decision. Another sale, the Red Moose,

was recently approved under the HFRA as well. Thanks to concerns expressed during the limited public involvement process, the proposed roadless and riparian area logging units were dropped. However, there are still problems with this sale. Many other timber sales are also proposed. Stay tuned for details about what you can do to keep our national forests intact.

The past field seasons yielded some important results. We will be finishing documentation on three separate projects—general monitoring, post-fire monitoring, and campground food/waste security for bears—in the near future. Stay tuned.

A gold mine will be supposedly opening soon on private land surrounded by the Nez Perce National Forest in the South Fork Clearwater drainage near Elk City. Since we were aware of no environmental analysis done on this mine, we sent an inquiry to the Bureau of Land Management (BLM) and the Forest Service about the mine, asking about impacts that might occur on public lands and the use of roads administered by the BLM or Forest Service for this effort. The lack of any agency involvement is disturbing because there will be impacts to public lands and national forests if the mine is actually developed (NOTE: Many proposed mines don't ever become developed due to the lack of easily recoverable precious metals and/or financial realities). BLM promptly replied to our inquiry saying that the Forest Service would handle any road issues. BLM also informed us it had sent back an exploration proposal, also near near Elk City, from the same foreign company (located in Sweden) for being incomplete.

Lastly, the forest plan revision process for the Nez Perce and Clearwater National Forests has been delayed due to the government shutdown. The new target date for a draft plan and Environmental Impact Statement for public input is September after Labor Day. We have heard of several projected deadlines that have come and gone since 1994 (this is not a typo) though it does seem the Forest Service is closer than previous efforts to issuing a new draft plan. However, Cheryl Probert, the Forest Supervisor, has been assigned to be acting supervisor on the Kootenai National Forest for a period of time. Her deputy, Kurt Steele, who was recently the acting supervisor on the Bitterroot National Forest, will be the acting supervisor on the Nez Perce and Clearwater National Forests. Three of the planning team members for the Nez Perce and Clearwater forest plan have retired or moved to other jobs. This game of musical chairs may go on for some time.

Further, the Washington D.C. office of the Forest Service tends to act slowly under this administration except when it comes to logging national forests. Thus, even if the local and regional Forest Service staff are able to complete their work on a new forest plan under the new deadline, the D.C. office may slow things down even more. Given what we understand the direction the plan will likely take, dying in the Swamp may be the best result.

Roadless Rules con't, page 1

the Clearwater Basin. We found that the National Roadless Rule initially stopped roadless logging entirely in the Nez Perce and Clearwater National Forests, but that the Idaho Roadless Rule reversed that. In the 1990s, the Forest Service logged over 6,000 acres in roadless areas. When the Forest Service first implemented the National Roadless Rule in 2001 and until 2008, no logging occurred on these two forests. Since the 2008 Idaho Roadless Rule, however, the Forest Service has authorized logging on over 1,000 acres of roadless areas in the Nez Perce-Clearwater National Forests alone, often in the name of “forest health.” Across Idaho, the Forest Service reported roadless logging in preliminary numbers ranging up to 18,000 acres of roadless areas. While the Idaho Roadless Rule is structured for increased logging, the National Roadless Rule has four exceptions. We found the Forest Service, while not choosing to log roadless areas in the Nez Perce and Clearwater National Forests when the National Roadless Rule governed (2001-2008), has spent the last decade regularly applying those exceptions in Montana.

In the past decade, the Forest Service has authorized a considerable amount of logging in Montana roadless areas under the National Roadless Rule. The Forest Service disclosed preliminary figures, enumerating that it authorized approximately 33,000 acres of roadless logging from 2010 to 2018. The Forest Service fit these logging projects under one of the four exceptions to the National Roadless Rule’s prohibition on logging. In approximately two-thirds of these projects, the Forest Service applied the exception for “stewardship-purpose” tree cutting to “restore” ecosystems.

The Forest Service’s quality of discourse, in terms of concluding how logging impacts roadless characteristics, has shifted over time, further facilitating logging in roadless areas. Prior to the National Roadless Rule, 1990s Forest Service project-specific environmental analyses in Idaho’s Nez Perce and Clearwater National Forests recognized that logging degraded and eliminated roadless characteristics. The agency held that timber harvest modified natural processes, shelterwood logging created unnatural disturbances in the landscape, and cutting trees, which generated features such as stumps, created signs of human alteration. Even in the environmental analyses for the National Roadless Rule and the Idaho Roadless Rule, the Forest Service recognized generally that logging and road construction can potentially eliminate roadless characteristics.

Despite the Forest Service’s earlier position, the agency occasionally reversed its conclusions about the harm of logging after the advent of the National Roadless Rule. Between 2001 and 2008 in Idaho, the Forest Service sometimes concluded in its environmental analyses, as it had in the 1990s, that logging would degrade roadless characteristics. However, sometimes during these seven years, the Forest Service concluded that roadless characteristics might be improved by logging, specifically in reducing the potential

for stand-replacing wildfire by removing dead or dying trees from the natural ecosystem. If the Forest Service could assert that ecosystems would be improved with logging, the Forest Service could apply an exception under the National Roadless Rule and cut trees in a roadless area. The Idaho Roadless Rule adopted this “stewardship purpose” logging exception for themes that govern most of Idaho’s roadless base. After the Idaho Roadless Rule began to govern roadless areas in Idaho, we have seen this flip in reasoning solidify, with the Forest Service commonly concluding that logging in a roadless area will often have neutral or beneficial impacts to roadless characteristics.



FOC Photo

Forest Service must think that road building and logging in roadless areas is good for grizzly bear recovery.

With the new conclusion that logging augments roadless characteristics, the Forest Service is able to exploit logging exceptions under the National Roadless Rule and logging permissions under the Idaho Roadless Rule. The Forest Service in Montana and Idaho, post 2010, similarly analyze the impacts of logging on roadless characteristics. Regardless of which rule governs, below are several examples of the reasoning that the Forest Service employs to conclude that logging will either not impact or beneficially impact roadless characteristics. The Forest Service argues that (1) taking no action will adversely impact roadless characteristics; (2) logging inflicts only temporary, short-term effects on roadless characteristics; (3) there will be minimal impacts (even while considering other roadless areas with evidence of similar timber harvests to have demonstrably impaired roadless characteristics); (4) a little more detriment is negligible if there is already evidence of any prior human activities; and (5) intense logging on a small part of the roadless area will not, on average, impact the whole roadless area.

Science fleshes out the fallacy of some of this reasoning. Peer-reviewed science establishes that natural tree death - regardless of its cause - is a process by which forests renew and exists in healthy forests and their ecosystems. Severe fires are part of the natural history of some forests, specifically those in northern Rocky Mountains of Idaho and Montana. Forests in the western United States generally have not experienced more fires as a direct result of bark beetle activity. Global warming - not the Forest Service’s history of

fire suppression - greatly influences fire seasons. Even with global warming, older unlogged forests, which include many roadless areas, have been found to burn less severely than thinned forests, which tend to dry out from openings created by thinning projects.

Time fleshes out the fallacy of the remaining reasoning. When the Forest Service revises forest plans, we found a pattern where the agency drops isolated acreage from its roadless inventory and wilderness-recommendation process due to evidence of timber harvest. The Forest Service Handbook directs the agency to identify a basic potential-wilderness inventory; the agency can include areas where logging has occurred if improvements are not substantially noticeable. The Forest Service will also use this criterion to update its roadless inventory. In two different forest plans, the Forest Service dropped the roadless acres where timber harvest had occurred because at the time of review, those portions of roadless areas did not meet the criteria for potential wilderness or espoused roadless characteristics.

In conclusion, neither the National Roadless Rule nor the Idaho Roadless Rule are protecting roadless areas from logging. The Forest Service appears to be exploiting exceptions and permissions in both rules, and the Forest Service's environmental analyses have shifted to justify uti-

lizing the exceptions in an unchecked manner. Given these rules - particularly the National Roadless Rule - are not as protective as we thought, there needs to be a substantive review of both rules and of the remaining roadless areas in the United States. Additionally, the public and the government need to engage in a thoughtful discourse about whether protecting roadless areas is a priority and, if so, how to effectively do that.



FOC Photo

Places like the Pot Mountain Roadless Area (above) on the Clearwater National Forest are not protected from development under the Idaho Roadless Rule.

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☐ Ashley, let's meet for coffee and talk more about this!

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Winter Benefit with Henry C. & the Willards Brett Haverstick

This February the local Moscow band Henry C. & the Willards played a benefit concert for FOC. The benefit took place in one of our downtown coffee shops, One World Cafe. The mood was light and friendly, with some new faces and old. Cafe staff were helpful as usual, and everyone in attendance seemed to enjoy the music and conversation. All proceeds raised during the evening benefitted FOC's public lands programming.

The band consists of Henry Willard on lead guitar and vocals, Jeanne McHale on keyboard and vocals, Donna Holmes - Parks on vocals, and Doug Park on bass. We cannot thank Henry, Jeanne, Donna and Doug enough for taking time out of their schedule to support our continued efforts to keep the Clearwater Basin wild. This was the fourth fundraiser that the band has done for us.

Henry C. & the Willards have played approximately two dozen benefits for various non-profits and charitable causes on the Palouse over the last few years. You can learn more about their efforts by visiting the band's website at henrycandthewillards.com.



Henry Willard tuning up before the show.



Jeanne, Doug, Donna and Henry (left to right).

Winter Outing with Palouse - Sierra Club Guest Opinion, Jeanne Leffingwell

Truth be told, the reason I'd been thinking about getting more involved in our local Sierra Club or the Friends of the Clearwater was to check out those joint outings they organize two or three times a year. I kept reading about them in their newsletters, and they looked like a lot of fun. Since I never get out of town enough if left to my own planning, I decided to sign up for the January 12 - 13 winter outing at Palouse Divide Lodge.

The lodge is located off the *White Pine Scenic Byway*, and about a 45-minute excursion from Moscow. Impeccably kept by owners Lane and Shirley Hathoway, this year-round retreat, gallery and gift shop is an artsy feast for the eyes. It is surrounded by national forest and is popular in the winter for day trips on snowshoes or cross-country skis.

Several of the 18 - 20 participants went up to the lodge on Friday afternoon, myself among them, and enjoyed things like a jaunt up to the fire lookout, visting the warming hut or relaxing by the fireplace(s) in the lodge.

After the Saturday participants arrived, everyone headed out to the Divide, sun shining and lunches packed, and split into two groups before hitting the trails. After surveying the crust and ice, I decided to snowshoe instead of cross-country ski.

Our group took breaks along the way to discuss trees, animal tracks and scat, along with deciding on a good lunch spot. No one wanted to head back to the lodge after lunch so we continued up the trail until finally reaching the glorious views at the saddle of East Dennis Mountain.

I was the first one from our group to return to the lodge because my socks and boots were wet - I was the silly one who forgot ankle gaitors and waterproof footwear! Besides warming my feet, I received a report from the brave souls who strapped on skis to climb a different trail: "Conditions were questionable, but we did manage to spend 2.5 hours on skis and actually had fun at times. A broken binding necessitated a premature group return, but that left plenty of time for everyone to enjoy an extended happy hour."

Following dinner most of us settled in for an evening program with FOC's Gary Macfarlane and Katie Bilodeau. They shared an informative slide show about the Forest Service's "proposed treatment units" on the Palouse Ranger District of the Clearwater National Forest. Much of the White Pine Timber Sale would occur near the lodge and the scenic byway. Gary and Katie also informed us that the project is being expedited, which effectively means a shorter opportunity for stakeholder input. Note to the Forest Service: these lands belong to all of us, not just logging interests.

Though a couple people had to head back home after the program, the more fortunate of us got to visit some

more, before finally retiring for the night under handmade quilts in our cozy private rooms.

We enjoyed a fine breakfast the next morning, and after that were free to do whatever we wanted. My friend Janet and I were in no hurry to end our respective retreats, so we savored another snowshoe outing before heading home. I will definitely sign up again next year - and bring the proper footwear!

Editor's Note: Our next outing with Palouse - Sierra Club is this summer. We will announce the dates soon.



The snowshoe group and the cross-country ski group (not in the picture) explored the East-West Dennis Loop.

Antone Holmquist Photo Credit



The sunshine on the south-facing slope kept everyone warm for the most part all afternoon.

Jeanne Leffingwell Photo Credit



Everyone relaxed by the fireplace in the lodge before dinner and the evening program.

FOC Photo

2019 SPRING EVENTS

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GRIZZLY BEAR RECOVERY
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THURSDAY APRIL 11

7:00PM ARTS WORKSHOP

1912 CENTER, MOSCOW



Donal Wilkinson Photo Credit

Lost Friend - Passing of Donal Wilkinson Brett Haverstick

The world lost a kind and loving person with the passing of Donal Wilkinson this winter. I first met Donal in 2010 not long after I was hired by FOC. Donal was very active in the greater-Moscow community and I crossed paths with him quite frequently. He was also a member of Friends of the Clearwater.

My greatest admiration for Donal was his work with youth in the region. His free spirit and natural ability to connect with children allowed him to succeed with adventure camps and other initiatives he was involved with. Donal invested a lot of time in youth and people in general, and he had a lot of friends as a result.

I am grateful that I saw Donal at the Moscow Food Co-Op a few days before his passing. His warm smile and big heart will always be remembered. On behalf of our staff and Board of Directors, we share our condolences with his family and friends.

Let's fill the Cache!

A stable organization is prepared for financially lean times just like a beaver caches away woody debris for later.

The Clearwater Cache is a new fund to build a 6-month reserve to ensure FOC continues to be the leading voice for all things wild in the Clearwater Basin.

So, stash your cash! Give the gift of stock, donate through your IRA (instead of giving it to the government), leave a bequest, or making a simple one-time donation.

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