

THE SALMON-SELWAY DEFENDER

NEWS OF THE BIG WILD

Friends of the Clearwater
February, 1997

LOGGING HALTED AT COVE/MALLARD

Idaho Sporting Congress
forces deal, stops sales until

by Marc Fink

June 15

As the snowfall accumulates, the most popular activist destination in Central Idaho remains quiet. Despite years of relentless Forest Service efforts to intensely log the Cove/Mallard region, all logging is currently prohibited for the winter months. For at least the short term, wildlife can bury into the snow and sleep in peace, while the endangered fish populations can be assured of no immediate additional sediment settling into their vanishing habitat.

In 1990, the Nez Perce National Forest proposed to construct 145 miles of new roads and log 81 million board feet of timber in a critical roadless area in Central Idaho, now commonly referred to as the "Cove/Mallard Timber Sales". Despite the known importance of this roadless area for fish and wildlife habitat, the Forest Service decided to again help satisfy the "short-term demands for timber", and to continue on its quest for "an equal distribution of timber age classes on suitable lands". (In other words, keep timber production as the primary use, and continue to log away all natural diversity within our forests.)

The Idaho Sporting Congress (ISC) originally filed suit to challenge the sales in 1993, due in part to the failure of the Forest Service to consult with the National Marine Fisheries Service (NMFS) under the Endangered Species Act (ESA) after the 1992 listing of the Snake River chinook salmon as a threatened species. The suit also challenged the adequacy of the original 1990 environmental analysis, alleging violations of numerous environmental laws. In February, 1994, the Federal District Court formally ruled against the ISC, thereby lifting the temporary injunction, and logging was again allowed to proceed.

The Ninth Circuit Court of Appeals affirmed the lower court decision in June, 1996. The Court basically determined that the Forest Service did take the required "hard look" at all environmental concerns within the 1990 analysis. And, even though the salmon had been officially listed as a threatened species, the Court concluded that this was not "significant" new information, as the listing

"changed the legal status of salmon, but did not change the biological status." (Now you can see where law school can take you.)

The Forest Service did formally consult with NMFS in 1994, which led to the issuance of a Biological Opinion in August, 1994. Within the Opinion, NMFS determined that activities within the area would likely result in the "incidental taking" of protected salmon. Therefore, the Opinion sets forth mandatory terms and conditions to minimize effects on the salmon. Because the Forest Service has clearly not complied with a number of these terms and conditions, in violation of the ESA, ISC again filed suit in January 1995. This case is known as Cove II.

In spring, 1996, ISC significantly amended the Cove II complaint to add additional claims under the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Clean Water Act (CWA). Two primary issues, besides the ESA "incidental take" claims) will eventually be before the court. First, in the 1990 analysis, it was assumed that sediment levels in Big and

Little Mallard Creeks were near natural levels. Therefore, while it was admitted that significant amounts of sediment would enter these streams as a result of the proposed logging, the public was ensured that Idaho's water quality standards would be protected.

However, in 1994, the state of Idaho was forced (through a lawsuit by ISC) to formally list both Big and Little Mallard Creeks as "water quality limited" for sediment, meaning that sediment is now already present in the streams at levels that harm beneficial uses, including fisheries. Idaho's water quality standards prohibit the further impairment of water quality limited streams, and yet the Forest Service plans to continue to add significant amounts of sediment into Big and Little Mallard Creeks, in violation of the Clean Water Act.

The third main issue dates back to the original 1990 analysis, in which the Forest Service clearly admits that if they do not follow the proposed harvest schedules, much of

(please see *Logging Halted*, p. 7)

BATTLE FOR WHITE SAND

Keystone to Upper Lochsa Threatened

Webster's dictionary defines "keystone" as "the wedge-shaped piece at the crown of an arch that locks the other pieces in place." Had Noah Webster known about watershed health, he might have used White Sand Creek, one of the two primary upper Lochsa River tributaries, as an example. Setting on the Clearwater National Forest's eastern edge, White Sand Creek is the keystone of the upper Lochsa.

Flowing icy clear off the Bitterroot Crest, from mountains with names like Ranger Peak, Hidden Peak, and Diablo Mountain, White Sand Creek incises a canyon over a thousand feet deep through the granite heart of the Idaho Batholith. Draining over 150 square miles, White Sand Creek feeds clean, cold water into the entire Clearwater system throughout the year, providing a home for spawning chinook, steelhead, bull and cut-throat trout that still course its waters. Rare harlequin ducks nest here, using the riverbanks in May and June to nest and raise their ducklings. Wolves pass through the area, and White Sand Creek will serve as a critical refuge for grizzly bears when they return to Idaho. One can still feel sweet loneliness and hope for a beautiful world standing at the Beaver Ridge lookout overlooking the river's

canyons.

All this is coming abruptly to an end. The lodgepole, the old-growth Douglas fir forest and the high mountain meadows will feel the blade of the bulldozer and the frenetic wrath of industrialized stupidity as the Forest Service attempts to execute its twenty-five million board foot timber sale, the White Sand Ecosystem Management project. Dressed up in buzzwords, the Forest Service will clearcut large swaths of timber along Colt Creek, a major White Sand tributary, and on top of the canyon breaks as well. The draft EIS was watched and protested by many along its long, twisted four year path, and the final EIS for the project was appealed by the Ecology Center, Clearwater Biodiversity Project, the Idaho Conservation League, Friends of the Clearwater, and Al Espinosa, former fisheries

(please see *White Sand*, p. 3)



An inadequate slash filter displays the enormous sediment load discovered at Jack Creek Road in June of 1996.

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ONLY THE EARTH LASTS FOREVER

There have been several changes with the Salmon/Selway Defender. The Moscow office is operating with its usual winter-skeleton crew to continue the never-ending work of writing appeals, monitoring timber sales, grazing and mining activities, as well as networking and organizing for the next season's activities.

The Coalition member-group, Friends of the Clearwater (FOC) has taken on responsibility for publishing the Salmon/Selway Defender. FOC is a totally volunteer effort of self-funded, grass-roots activists united around biological diversity issues. We recently obtained tax deductible, 501(c)(3), status with the IRS, and have received generous grants from Patagonia, Maki Foundation, and Mennen Foundation. Our plan is to continue seeking funding sources that will eventually meet our expenses, and expand effectiveness.

We have an impressive track-record utilizing the National Environmental Policy Act, the National Forest Management Act, and the Endangered Species Act to halt timber sales. We've set the Forest Service's plans back on at least nine timber sale appeals (which is approaching 100 million board feet of timber), written appeals on many more, and influenced even more reductions to the "cut" by raising public awareness of this destruction. FOC has conducted biological research on rare animals and plants. For example, in 1988 we discovered an unknown population of the Bank Monkeyflower and petitioned the U.S. Fish and Wildlife Service to upgrade this rare dicotyledon's status on the Endangered Species list. This petition, among other things, led

PLEASE JOIN FRIENDS OF THE CLEARWATER

As a relatively new organization, Friends of the Clearwater is especially dependent on the support of concerned citizens. Although our initial grant-writing has been fairly successful, that only gets us so far. While specific projects are funded, our general support must come from our members.

Unlike some large organizations, we operate on a shoestring. Membership won't get you a tote bag or a coffee mug, not even a T-shirt or a bumper sticker. What it will do is support the preservation of the Greater Salmon-Selway Ecosystem, the largest and most vibrant wildlands complex in the lower 48.

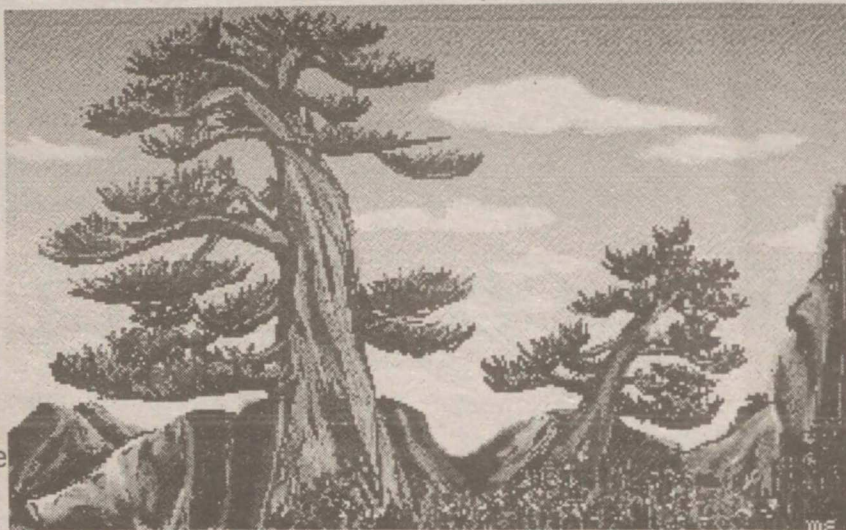
The Salmon-Selway occupies most of central Idaho, and contains the two largest designated Wilderness Areas in the contiguous U.S. It is home to every species that lived here before the white man came. But much of it is unprotected. The Salmon-Selway urgently needs your support to survive intact.

Friends of the Clearwater is at the forefront of defending this beautiful land. Our Forest Watch program actively defends this place, through legal and administrative means, and through public outreach and education. Our involvement in the Cove/Mallard campaign has been instrumental in gathering data for the lawsuit which has temporarily halted the Cove/Mallard timber sales, and may yet shut them down for good.

So please fill out and mail in the membership form you'll find on p. 7, along with a tax-deductible check made out to Friends of the Clearwater. Your support is crucial if we are to protect Cove/Mallard and all the other beautiful places that make up America's Last Big Wild.

A letter from the editors

to an unprecedented "no action" decision on the destructive Dworshak Connector Road (Clearwater National Forest). In 1990 FOC researched population densities for the rare and declining Couer d'Alene Salamander and petitioned for Endangered Species Act listing. FOC extensively studied the population of the Gray Wolf in central Idaho prior to the government's reintroduction and de-listing.



FOC commented on the Cove and Mallard Environmental Impact Statements, and filed "intervenor status" on the Idaho Sporting Congress's appeal against these awful sales. This argument focused on the illegal effects of these timber sales on gray wolf habitat. FOC was a charter member of the Roadless Area Rescue Expedition (RARE) which first attempted to raise awareness of the Cove/Mallard timber sales. RARE succeeded in attracting the attention of the original defenders, most notably the Ancient Forest Bus Brigade and about 30 brave Earth Firsters. Since that time, FOC has been involved with logistical and office support, as well as timber sale monitoring for the Cove/Mallard campaign, in addition to its Forest Watch activities.

We envision a quarterly publishing of news items which report on events of interest to people who are concerned about this rare gem, the largest remaining, under-protected, fragile, and wildest ecosystem in the lower 48 states, the Greater Salmon/Selway Ecosystem. Please consider this an invitation to submit articles and art for publication, as well as donations for support.

Other Groups Involved in Defending the Salmon-Selway

Obviously, we can't fit all the groups in here that we'd like to mention. So here's a partial list, with more to follow next issue.

Cold Mountain, Cold Rivers
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Missoula, MT 59807
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Cove/Mallard Coalition
PO Box 8968
Moscow, ID 83843
(208) 882-9755
cove@moscow.com

Idaho Sporting Congress
PO Box 4264
Boise, ID 83711
(208) 336-7222

Inland Empire Public Lands Council
PO Box 2174
Spokane, WA 99210
(509) 838-4912

Northern Rockies Preservation Project
PO Box 625
Boise, ID 83701
(208)345-8077

Seeds of Peace
PO Box 31076
Flagstaff, AZ 86003
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Friends of the Clearwater is devoted to the protection of Idaho's Greater Salmon-Selway Ecosystem, the largest relatively intact wild-area left in the lower 48 states. This undiscovered gem on America's public lands contains many unprotected roadless areas and provides crucial habitat for countless species. Friends of the Clearwater helps defend this ecosystem through an aggressive Forest Watch program, with a proven track record in monitoring and appealing timber sales. Friends of the Clearwater is a 501(c)(3) non-profit organization. All contributions to Friends of the Clearwater are tax-deductible.

Editorial staff for this issue was: Mike Bowersox, Amy Margozewitz, Greg Mullen, Steve Paulson, and Natalie Shapiro.

Photo Credits:

p. 1- Natalie Shapiro

p. 3- Chuck Pezeshki

p. 4- Cathie Chaos

p. 6- Natalie Shapiro

photo in masthead-

Peggy Sue McRae

The Salmon-Selway Defender welcomes contributions of artwork and articles pertaining to the protection of the Greater Salmon-Selway ecosystem. Submissions can be mailed to the address listed above. Submissions may also be accepted by e-mail. Please contact us to arrange technical details.

Friends of the Clearwater would like to thank Patagonia, the Maki Foundation, and the Mennen Foundation. Their generous support has allowed our new organization to get off the ground and get our feet under us. Thank you for taking a chance on us.

Friends of the Clearwater FOREST WATCH

FOC'S FOREST MONITORING PROJECT

by Gary Macfarlane

As weak as this nation's environmental laws are, they could have an effect correcting the destruction of our natural world. Unfortunately, the public agencies like the Forest Service frequently ignore these laws, showing unconscionable contempt for the environment and the citizens of this country. This is why we must monitor agency activity.

Friends of the Clearwater (FOC) received a generous \$3,000 grant from Patagonia to monitor Forest Service activity. This has allowed us to purchase a video camcorder, film, and provide travel expenses for volunteers watching timber sales. The results have been stunning!

One of our first projects was to monitor the controversial Cove/Mallard timber sales. In cooperation with several other organizations—Seeds of Peace, The Ecology Center, Inland Empire Public Lands Council, Alliance for the Wild Rockies, Clearwater Biodiversity Project, Cold Mountain/Cold Rivers, and the Idaho Sporting Congress—we have obtained extensive documentation showing exactly where the Forest Service has allowed environmental laws to be ignored. We will share this data with anyone who requests it from FOC (address page 2).

The Forest Service has promised through the legally-binding Cove/Mallard environmental documents that the destruction in Cove/Mallard would be mitigated by implementing specific requirements supposedly designed to protect water and wildlife. Our monitoring has proven the Forest Service has routinely violated these requirements. Among other violations, the agency has allowed trees to be cut much closer to streams than is legal and snags (standing dead trees reserved for wildlife) to be reduced below the legal density. The agency promised "no effect" on streams, yet we have documented extreme sedimentation in the portion of Cove Mallard that has been roaded.

Another part of the Cove/Mallard monitoring project has been obtaining information, through the Freedom of Information Act. What we have found is a sordid tale of Forest Service deception! Documents from the Nez Perce National Forest's own files prove that environmental laws have been ignored in Cove/Mallard. Reports by agency specialists have

documented serious violations. The agency has also failed to monitor water quality, as required by law.

Several organizations submitted this information in a report to the Department of Agriculture (which oversees the Forest Service) and the National Marine Fisheries Service (which has jurisdiction over the endangered salmon). We have had no formal response.

This information was used in a lawsuit by the Idaho Sporting Congress before the Idaho Federal District Court. The result was a victory! The court has ordered a stop on logging or road building until mid-June of 1997. (see related article on page 1).

Last season's Cove/Mallard monitoring project was completed with a workshop attended by students from the Sierra Institute. FOC volunteers showed the students how to conduct citizen monitoring of timber sale contracts. This information can now be used by these students in their own regions.

On the Clearwater National Forest, FOC (along with the Ecology Center, Clearwater Biodiversity Project, and Idaho Conservation League) has monitored several timber sales. In every instance, we found violations of the timber sale contracts. This information will be valuable in the effort to protect roadless areas on the Clearwater from disastrous timber sales.

On the Payette National Forest, the Idaho Sporting Congress used FOC's video camcorder to record violations of a salvage sale in the heart of the previously unroaded French Creek /Patrick Butte proposed wilderness. In one of the most bizarre twists of agency double speak, the Forest Service declared that the dead trees were "green dead" trees. This lie was debunked in the media by forest disease expert Dr. Art Partridge from the University of Idaho.

It's obvious that monitoring will be an effective tool to protect our national forests. The information obtained is an important tool in informing the public about how their national forests are being abused by those charged with their protection. Here in north-central Idaho, monitoring has been a cooperative effort between many committed individuals and organizations. With the grant from Patagonia, our volunteers will monitor timber sales into 1998.

ENDANGERED AREAS IN THE GREATER SALMON-SELWAY

White Sand and Cove/Mallard are only two of the many beautiful and biologically important areas which are targeted for timber sales in the Greater Salmon-Selway Ecosystem. This is a brief and incomplete list of some other areas which merit preservation.

Mosquito-Fly. This project may destroy the Mosquito-Fly roadless area, on the St. Joe Ranger District of the Idaho Panhandle National Forests and in the St. Joe Wild and Scenic River corridor. The Forest Service has just implemented a land exchange with Plum Creek in this area. The previous checkerboard pattern of ownership has been replaced by federal ownership of the entire roadless area. A broad range of proposals for managing this area include 10.7 miles of new roads to harvest 7.4 million board-feet of timber at one extreme, and watershed restoration with no logging or roadbuilding at the other. The St. Joe is currently preparing a Final Environmental Impact Statement, which is expected to come out in April.

Fishbate. This sale proposes to harvest 14 million board feet of sawlogs and 9 million board feet of pulp (supposedly dead and dying white pine) from existing roads. This sale was successfully appealed by Friends and others in 1992, when it was called the Sneaky-Sheep Timber Sale. At that time, it was a pivotal appeal. It helped to shut the Clearwater National Forest's timber pipeline down, from 170 million board feet per year to less than 25 million Board feet in 1993. But now, it's come back with a new name. Fishbate's 23 million board feet is a lot of wood to take from the already "roaded front". The decision has already been made to "harvest" Fishbate, and appeals are due before March 15th.

White Sand (cont. from pg. 1)

biologist for the Clearwater National Forest.

Landslide and flood events occurred throughout the Clearwater river basin, of which the Lochsa is a main tributary, during the winter of 1995-1996. Logging roads collapsed into White Sand Creek's adjacent sister watersheds: Brushy Fork, Crooked Fork, Papoose Creek and Squaw Creek. Separated by only a few ridge lines and the devastating legacy of clearcutting and road building, these streams fared far worse than White Sand, which has seen little road construction or logging. But even though the conditions in the Upper Lochsa have dramatically changed for the worse from the past year, making White Sand Creek's clear waters more important than ever for maintaining ecosystem health in the entire sub-basin, the Forest Service is living in denial of its destructive practices and moving ahead with the White Sand project. The sale will probably be sold sometime this summer.

In order to appreciate White Sand Creek, a person should visit. The drainage is conveniently located off U.S. Highway 12 to the south of Lolo Pass, just two hours from Missoula. Driving up Savage Pass road toward Elk Summit takes one into the heart of the land and the border to the Selway-Bitterroot Wilderness. Drive down Colt Creek and start walking along the creek—this is the dark, wild heart of Idaho at its finest. Smell the giant white pines; cool your feet in its cold waters. Pray for a return of rationality and decency to a barbaric agency.

Write letters today to Dan Glickman, Secretary of Agriculture, and Jim Lyons, Undersecretary of Agriculture in charge of the Forest Service. Tell them that the White Sand Ecosystem Management project should be withdrawn and the area should be set aside as a strategic reserve for aquatic species. Tell them it is godawful beautiful and a sacrilege to be destroyed. And contribute to the White Sand Legal Defense Fund/Friends of the Clearwater, or the Ecology Center in Missoula. We're going to the mat on this one. And come, visit and hike this area before it's too late.

Chuck Pezeshki, Director
Clearwater Biodiversity Project
1031 Spring Valley Rd.
Troy, ID 83871

Ranger Peak towers over the White Sand drainage in central Idaho's Clearwater National Forest. An upcoming lawsuit may save this endangered roadless area, but many other roadless areas are threatened across the Greater Salmon-Selway Ecosystem.



White Pine. This timber sale on the Palouse District of the Clearwater National Forest was successfully appealed by Friends and others in 1994. This appeal was remarkable because it was the only appeal that was successful in all of Region 1 of the USFS (Montana and northern Idaho) since the Appeal Regulations were "modified" by the USFS in 1992. The present plan is to log 10 million board feet and construct 9.3 miles of new road. The Final Environmental Impact Statement is expected in April.

A SUMMER OF ACTION!

by Grumblesox

The campaign to save Cove/Mallard from roads and clear-cuts took a giant leap in the right direction this summer.

We started on June 3rd in a mellow and conciliatory fashion by marching on a ten day, 150 mile walk from Moscow, Idaho to the Nez Perce National Forest (NPNF) Supervisor's Office in Grangeville. The walk's purpose was to educate the public about the NPNF's plan to log and build roads in the unprotected Cove Mallard area. We talked to folks about the issues, receiving some support with a few threats along the way.

The highlight of the walk was our annual softball game with the Nez Perce Express team. We lost, as usual, but made some new friends and shared a supper together.

At the end of the walk, we tried to arrange a meeting with the new NPNF Supervisor, Coy Jemmett, to discuss our evidence of illegal logging practices (see related article, p. 3) in the Cove Mallard timber sales. He did not present himself, although plenty of cops did. We passed on our written allegations to his assistant, and requested a hearing before any road construction or logging commenced. Unknown to us, at the time that we presented our carefully documented violations, the road contractor was trying to complete the Jack Creek Road. This road construction commenced illegally, three days before the end of

the mandated work closure for the elk calving season.

At this time, a few brave people stayed in the area to monitor road work and to do what they could to slow road construction in the pristine Mallard roadless area. Most of the protesters headed to Montana for the Ruckus Society Action Camp, a marvelous workshop for Non-Violent Civil-Disobedience training. At the end of the Action Camp, protesters flooded back to central Idaho renewed with the intent of stopping road construction at Jack Creek.

The new arrivals rolled into base camp on June 25, equipment in hand. After getting reconnaissance reports, an action was planned for the night of June 27. The scouting crews found that the road contractor had pulled out that day. Further scouting discovered that the road was not finished! Our consensus was: take the road back, for the wild.

At about 10 PM we rolled out of base-camp jammed into a single vehicle, all 17 of us and our stuff. We arrived in the middle of a rain storm, quickly hiking to the action-site on Jack Road. By sun-rise the next morning two 35 foot pole-tripods, complete with platforms, supplies, two brave folks, and a support camp now sat on either side of the gate. The tripods effectively blocked all access to Jack Creek road!

The next morning two Freddie cops arrived, giving us a "Ten" for our efforts. They did nothing about the blockade, a decision that they perhaps are even now regretting. We had succeeded! Jack Road was ours! We occupied the only way in!

The days ticked off to the start of the Round River Rendezvous (RRR). The Earth First! national gathering was a short two-mile hike from

"USFS: Straighten Up Your Act. The Road Ends Here!" The Culvert Wall blockades the beginning of the Jack Creek Road.

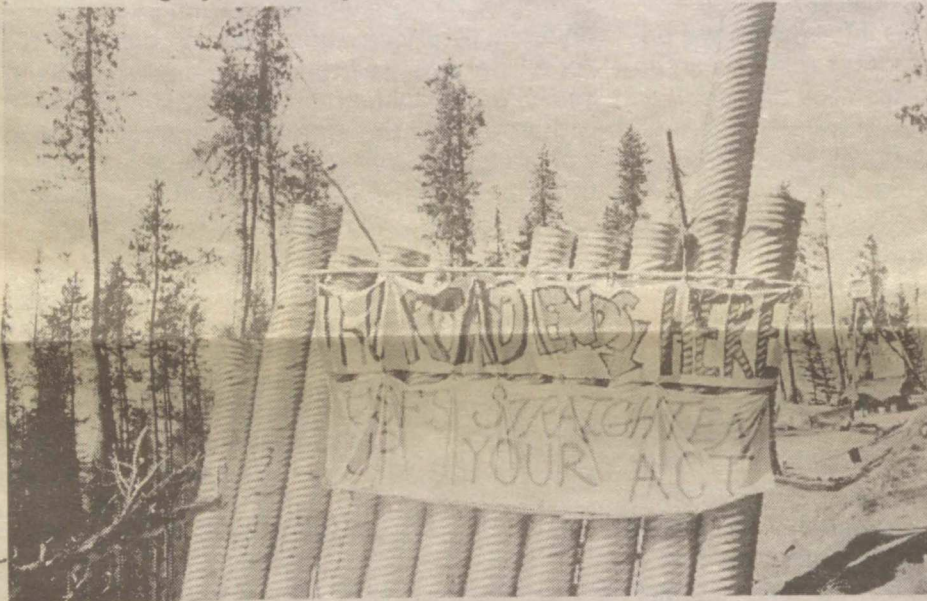
the newly created Jack Squat. New stuff in the road popped-up like mushrooms. By the time the RRR started on June 30, Jack Road had been transformed. As you walked toward the start of the road, you had to skirt around two substantial slash-pile barricades. Your next barrier was a vertical wall of culverts, snugly buried vertically across the road. After passing the culvert barricade, you arrived in Jack Squat. The road through Jack Squat was complemented by a communal cooking fire, a makeshift Dragon lock-down structure, two tri-pods, a bi-pod, and a convenient outhouse around the bend in the middle of the reclaimed road.

Meanwhile nearby, the RRR was kicking into high and spirited gear. Workshops on Cove/Mallard, Warner Creek, the Cascades, and other threatened spots were held daily. Each day hundreds came out to visit and admire Jack Squat and the defenders of Cove Mallard. Each night hundreds of the endangered Salmon/Selway Pink Bunnies descended on Jack Road, reclaiming their wilderness that the road destroyed. The bunnies relished their work, often times serenaded by guitars and voices raised in defiance. At the end of RRR, the Jack Road had many new features, including the log cabin, the tank trap, Controversy Creek, Bull Winkle, Culvert Wall, and other unnamed barricades.

On July 8, about 75 activists descended on the Red River Ranger Station, demanding the illegal Cove/Mallard timber sales be stopped. The cops showed up. A Freddie was sent out to answer questions. No arrests took place. People left the Salmon/Selway on other errands.

One group kicked-off the Wild Rockies Summer Tour. Starting on the Payette National Forest, activists documented that Boise Cascade Company was hauling live trees from the notorious French Creek salvage sales. The Tour's next stop was in Boise, Idaho. On a Wednesday, during the popular "Alive at 5" Street Fair, four activists hung a huge banner from a building in front of the Boise Cascade International Headquarters, emblazoned with the message, "Stop Salvage Logging Now". After holding out for four hours, they were arrested and carted away. Their trial is scheduled for late February.

The folks back at Jack Squat held their position and waited for the Freddies. They did not come throughout the month of July. We had (please see Action, p. 6)



COURT RULES AGAINST CLOSURE ORDERS

Fate of Activists Awaiting Sentences Unknown

by Grumblesox

These are strange and confusing times in Idaho. Shocking events are taking place! Federal District Judge Lodge has ruled against the constitutionality of a 1995 closure order. On January 14, 1997, Judge Lodge had a revelation. He overturned the Dirty Dozen's convictions on violating a closure order during a blockade of the Jack Road at Cove/Mallard in August of 1995. Lodge found that the closure order was unconstitutional and a violation of First Amendment rights. He ruled that the closure order was unconstitutional because the US Forest Service had no "standards and conditions" in granting any permits to enter the closed area. Judge Lodge wisely ruled that leaving such decisions up to the arbitrary whims of the Nez Perce National Forest was dangerous and unconstitutional. The strange part is that Lodge is the same judge who convicted and sentenced numerous activists in 1993 for violating a closure order which was even more arbitrary than the 1995 closure.

In related news, the "Filthy Five" appeared before Judge Williams for sentencing on January 22. The Five were busted for a 40 day blockade and occupation of the Jack Road on August 7, 1996. (see related story, above) All five were convicted of violating a closure order. Three of these were also convicted of "maintaining a structure". Williams started the

hearing by mentioning Judge Lodge's decision and the possible impact on his guilty verdicts. Surprisingly, the Judge refused to throw out the closure violations. Instead he asked both the defense and prosecution to submit briefs on the issue in 15 days. Sometime after that, he will decide the correctness of his earlier verdict. The Judge then had to listen to defendant's cynical "pre-sentencing statements". Instead of apologizing or saying they would never do it again (as is expected during these statements), each defendant spoke unfavorably about the illegalities of the Forest Service, the Government, and the Judge. Each defendant compassionately defended their actions and raised their voices for the creatures, trees, plants, and fish. They all vowed to continue defending Cove/Mallard from the Forest Service and their contractors. The judge also had to hear testimony of numerous violations of the Endangered Species Act, the Clean Water Act, the National Environmental Policy Act, and the National Forest Management Act. He was also forced to listen to how each of the defendants had submitted documentation of environmental violations to the Forest Service and other Federal agencies. His response was predictable: stony and hostile silence. Judge Williams then gave the defendants a lecture on following the law. He accused the Five of taking the law into their own hands and destroying a good road in the process.

The pre-sentence reports produced by the U.S. Probation Office recommended that each defendant collectively or singly pay the road contractor \$5,700 in restitution for road damage, even though no one was charged with destroying the road. This pre-sentencing report justified harsh sentences by saying it would "deter" others protesting at Cove/Mallard. It asked for 90 days of jail and restitution for Zak and Michael. It requested "only" 60 days and restitution for first time offenders, Forrest, Rachel, and Sean.

Ihor Mezereck of Nez Perce National Forest said that he would continue to issue closure orders. He added that they would study Judge Lodge's reversal of a closure order and attempt to comply.

What does this ruling mean to the activist defending National Forests? It could mean the end of all closure orders until the regulations are re-written. To challenge a closure, we suggest that you first apply to enter any closed area. Make sure to get copies of your request and their answer. Then, use Lodge's order in court when you go to trial. If you're on trial or appealing a closure conviction or you just want a copy of the order, contact the Cove/Mallard Coalition. Please include a couple of dollars. The document is 20 pages long and will cost a bit to send.

BATTLE FOR PUBLIC LANDS HEATS UP

State-Sponsored Land Grab in the Works

by Donna Anderson

Fish cannot survive in Charles W. McKetta's streams. He likes it that way.

McKetta, Professor of Forest Resources at University of Idaho, owns 360 acres of timberland. Every six years he logs 50 percent of his property, right up to stream's edge.

McKetta who specializes in forest economics says he doesn't want fish in his streams. "If I restore the watershed and fish return, I'll lose 10 percent profit from my timber harvest," explaining that environmental laws are to blame.

"Land owners are practicing very perverse behavior because of current restrictions," McKetta said, adding "The United States has gone far enough in both private and public land-use regulations."

"All federal public lands should be transferred to state management, including national parks like Yellowstone and Yosemite," says McKetta. "This will give decision-making power to local interests, where it belongs."

"The private sector is losing an incredible amount of opportunity under our current laws," McKetta says. Many Americans agree.

"We don't need to surrender our private property and public access rights in order to protect the environment," Clark L. Collins wrote in a 1995 4X4 Land Issues article, Why All The Fuss?

In a recent effort to weaken the Forest Service and to secure state management of federal lands, Senator Larry Craig, R-Idaho, opened the door to private timber interests, encouraging a \$250 million lawsuit against the US Forest Service.

"The Forest Service has no money to pay these claims," said Craig, "This suit will severely hinder management of local forests since it represents 25 percent of their funding."

"In the end, it will be tax payers who will pay," said Jo Ellen Force, Professor of Forest Resources, University of Idaho. "We will all pay in reduced access to federal lands because of forced reduction in management funds brought on by this kind of action."

"Many people are unable to recognize the obvious," says Force. "We tax payers are the government." What affects our government affects us all, she said.

McKetta said the best-case scenario for all US public lands is to sell them to private interests. "It's a simple matter of defining what purpose our public lands serve," said McKetta. "We should not reserve land simply to subsidize public recreation or scientific research."

These lands should be used for commodity production, plain and simple, he said.

On the public's need for recreation, McKetta said, "Recreation will still be available, it will just be privatized." He said scientific research can be done on private land as well.

"There is no value in a protected overgrown forest," said McKetta. "Boise Cascade's land holdings are much more aesthetically pleasing and much more functional," he said, "Wilderness must be thinned to survive."

Not everyone agrees.

"There is a tremendous flow of benefits to all Americans by preserving public lands," said Edwin E. Krumpke, Professor of Resource Recreation and Tourism, University of Idaho.

"States have a proven track-record. They cannot manage federal lands," said Krumpke. "Little by little, states are forced to sell the land they manage to private interests." Many eastern states have already sold as much as 70 percent of the public's land, he said.

"This movement to eliminate federal land management is nothing more than a private land grab," said Krumpke. "People like to think that localizing management power will increase local benefits." This is not true, he said.

In patriotic, almost religious, fervor reminiscent of Shay's Rebellion in 1796, Americans are polarized in the diversity of this issue.

Congresswoman Helen Chenoweth, R-Idaho, has taken the war on the public lands literally. She is quoted in the Idaho Spokesman Review as saying during her first term in the 104th congress, "We are in a battle today that is far more insidious and dangerous as far as conquering our people and our soul than we

have ever faced before". She told an Idaho church group in reference to federal management of public land, "Our land has been taken. It's time we reclaim our land."

Shay's Rebellion, a violent uprising of 1,200 farmers angry over conditions in

Massachusetts in 1796, prompted Thomas Jefferson to express the view that "A little rebellion now and then is a good thing for America," written in a letter to James Madison January 30, 1797. "It is a medicine necessary for the sound health of government."

Who, exactly is rebelling in these modern-day land issues?

According to Krumpke, it is people who practice greed at the expense of the public.

"Some individuals want to control what rightfully belongs to all Americans," said Krumpke. The pendulum has swung back and forth on this issue for 200 years, most recently in the Sagebrush Rebellion of 1979, he said.

In 1979 the Nevada Legislature demanded federal government transfer 50 million acres of federal land to the state. At first the movement consisted of public land ranchers and soon grew to include timber and energy interests and off-road vehicle groups.

In 1980, presidential candidate Ronald Reagan declared he was a Sagebrush Rebel. Upon taking office he appointed self-described 'arch-rebel' James Watt as his Secretary of Interior.

Sagebrush Rebels worked on states' rights. Opponents stressed that public lands, after transfer, were likely to be sold to the highest bidder.

This rebellion failed when local private interests recognized the highest bidder could easily be foreign interests. Locals feared that foreign corporations would not offer the same low-cost land use the federal government was providing.

According to Ralph Maughan and Douglas Nilson, in a 1993 essay entitled *What's Old and What's New About the Wise Use Movement*, "The Sagebrush Rebellion lost to the opposition when it lost public support." "Few people believe this recent push for state transfer of public lands is made by local interests," said Krumpke, "Most know it is an at-

tempt to liquidate public lands for corporate profit," he said.

"What locals are forgetting is the abysmal record these corporations have," said Krumpke, "They are notorious for being fickle with the communities they operate in."

"In up and down fashion, they pull their operation out of a community at the first sign of red ink, no matter where the red ink appears," Krumpke said, referring to foreign markets. "Not only do they leave behind high unemployment, they leave our land denuded and wildlife habitat destroyed."

Robert F. Kennedy, Jr., of the National Resource Defense Council in Washington, DC., is equally concerned, stating, "The agenda of the 104th and 105th congress to enact these amendments to our constitution threaten much more than our public lands."

"H.R. 9 is essentially the fine print in the Contract With America. Our 105th stands ready to dismantle the legal structure using H.R. 9, underpinning all environmental success this country has experienced since 1970, when President Richard M. Nixon signed into law the National Environmental Policy Act," said Kennedy.

H.R. 9 was basically an omnibus bill, introduced in 1995 and embodying the Republican "Contract With America". It is indexed under more than 240 topics, ranging from administrative procedure, to civil liberties, to endangered species, to urban affairs.

"Transferring management of federal public land to states is only the tip of the iceberg," Kennedy said, "This move along with the rest of the Contract With America in the guise of H.R. 9 will render our current environmental laws unenforceable."

Never in the history of the US has the public's land been more threatened than by our current congress, according to Kennedy. "H.R. 9 is being sped through congress in record time with little opportunity for scrutiny, shaped by sound bite, not by hearings and documentation," he said in a speech given last year at Washington State University.

Craig's most recent Forest Land Management bill will be presented to congress this spring. According to Force, it will be available to the public on the Internet.

"I've been working with the Forest Service for many decades," said Krumpke. "I've seen this issue come and go time and again. I feel confident this agenda will not be amended," he said in reference to the public's power over elected officials.

Kennedy is less confident.

"The 104th and 105th Congresses are aggressively driven to achieve this agenda with or without public consent," Kennedy said.

"We, the people should not underestimate the power of this congress," said Kennedy. "People must acknowledge the facts and fine print of H.R. 9 and review all bills presented. We must overcome apathy and participate in the legislative process if we are to retain our natural resources and ensure a safe and healthy human environment," said Kennedy.

McKetta said it best, "It's a simple matter of defining what purpose our public lands serve." Only one question remains. Who will author the public's definition?

"Wilderness must be thinned to survive," said McKetta.

"The 104th and 105th Congresses are aggressively driven to achieve this agenda, with or without public consent," Kennedy said.

The View from Noble Road

Cutting unit #11 in the Noble Timber Sale, one of nine sales proposed for the Cove/Mallard area, has been reduced to slash piles and stumps. Grassroots activists come from around the country to defend this place, putting their bodies on the line. Lawyers battle in the courtroom, while other activists monitor the sales, catching the Forest Service breaking the law to "get the cut out". All this effort is paying off: The sales should have been finished in 1995, but are currently less than 15% complete. While it may be too late for unit 11, more than a hundred and fifty other units have been granted a temporary reprieve from the saws.



Action (cont. from p.4)

experienced several menacing fly-overs by helicopters. The only word from the Freddie's was that nothing illegal was happening, perhaps because they were not building their illegal road or clearing virgin forest.

On August 3rd, the Forest Service secretly issued a closure order for the Jack Creek Timber Sale area. In the pre-dawn hours of August 7, forty cops (including U.S. Marshals, U.S. Forest Service, Idaho County Sheriff's Department, State Police, Department of Corrections, and Idaho Fish and Game) confronted the fifteen defenders of Jack Squat. They brought along automatic rifles, and a very destructive excavator/tractor. Allowing us to break camp and move up the hill, they began destroying the Dragon with a diamond-tipped grinder. They cut the hood of the Dragon away barely inches from its occupant-protester, Forrest. Later he removed himself and was promptly arrested.

In the mean time, that nasty excavator extracted the Culvert Wall and moved into Jack Squat. The Feds descended on Zak's tripod. Removing chicken wire and nails from the base, they cut two feet off the front leg, then tried to lower the thing to the ground. As one would guess, the Freddie's blew it, losing control and letting the structure fall the last ten feet to the ground. By some miracle Zak was relatively unharmed. The cops moved on to use the same tactic on Rachel's tripod. Thinking quickly, Rachel climbed into the crotch of her tripod. The excavator then cut down all of her supplies. The excavator then tracked through a clearcut and clanked off to confront the bunnies' barricades. The cops and the support people sat down to wait while the Feds called for a cherry picker to deal with the final two occupied obstacles in their way, a bi-pod and a tri-pod. As the afternoon wore on, the Feds (under Special Agent Merckely's direction) began to dangerously move and play around with Sean's bi-pod cables. This activity stopped as soon as the media arrived. After the media left, the cops were back at those cables. In addition, they ran up the hill and moved our support team back to a point where we could not see our friends who were blockading the road. Having seen enough evidence of the Fed's concern for our sitters, Mike descended back down the hill. Despite

threatening yells from the cops to get back, he kept descending, declaring that he "only wanted to watch". Mike was promptly arrested and handcuffed to a lodge-pole pine tree. At least he could see his friends.

The Freddie's miraculously moved all of Sean's support cables to one side of the gate without killing him. Ranger Ed Wood was on hand to shake Rachel's tripod every time he walked by, and to feed the press his usual babble of lies. Hours later, the cherry-picker arrived and plucked Rachel and Sean from their barricades. Jack Squat was no more.

We can still rejoice that we had held off the Forest Service and their contractors for forty days. The Squat was the most successful action ever taken in the Northern Rockies! The five defendants (Mike, Rachel, Zak, Forest, and Sean) were all found guilty in November and now await sentencing. (see related article, this page)

The next action took place during Wild Rockies Week, the third week in August. Early the morning of the 20th, naked and painted wood fairies blocked gravel trucks off and on for several hours. This brought out the cops again. More serious acts were yet to come. In the early morning hours of August 21, workers found access to Jack Creek Road again blocked by Zap and Kevin. The two were attached to the front gate by lock boxes. Several hours later they were removed and carted off to jail. The two were eventually released with a small fine and a promise to stay out of Idaho County for 6 months.

On September 12 we won a major victory! The Forest Service and their contractors agreed in court to not log or build roads in Cove/Mallard until June 15, 1997 (see related article, p. 1). This was the result of numerous hours of work by the Idaho Sporting Congress's legal team and Cove/Mallard activists who amassed the evidence for another law suit.

The fight is not over, even if Cove/Mallard is saved we will chose another roadless area in the Greater Salmon/Selway Ecosystem to defend. We will not stop until the largest roadless area in the lower 48 states is protected. Contact the office for how you can help. Finally we would like to thank Seeds of Peace, Redwood Action Team, those who helped defend Jack Squat, and the two folks who were willing to risk arrest to get the whole gig started.

GRASSROOTS

GRASSROOTS is a new feature of the Salmon-Selway Defender. We dedicate this space to grassroots activist groups that are outstanding in the field of preserving forests and biodiversity.

The Blue Mountains Biodiversity Project, a project of the League of Wilderness Defenders is dedicated to protecting biodiversity and wildlife habitat in the Blue Mountains of eastern Oregon and the greater Northwest region.

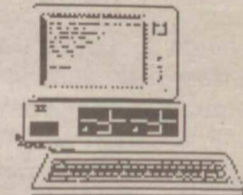
On the local level we focus primarily on federal agency mismanagement of the beautifully wild Umatilla and Malheur National Forests and the Prineville District of the Bureau of Land Management, with emphases on "salvage" logging, herbicide use, "Animal Damage Control", public lands livestock grazing, oil and gas leasing, predator hunting, and mining. On a larger scale, we are working to end corporate dominance over natural ecosystems and communities and to change the suicidal value-systems that perpetuate the destruction of the Earth which destroys equality, diversity and community among people. We have a summer-intern program for training volunteers to be active on these issues which involves both field work and office/legal skills.

The Blue Mountains Biodiversity Project conducts outreach to the local community (primarily white and dependent on jobs related to natural resource extraction). Our newspaper, the "Pacific Mountain Wildcat" has a distribution of 6,000 copies across the Northwestern states, primarily in rural areas. The "Wildcat" has interesting contributors from throughout the Pacific Mountain Alliance. We also present slide-shows to schools, communities, regional conferences and gatherings.

We are part of a growing national movement that is moving beyond the matador's capes of unresponsive government agencies or the futile powerlessness of scapegoating each other. Instead we are encouraging people to join us in directly challenging the root causes of both environmental devastation and social injustice, the strangle-hold of large corporations over us through repressive technology, media manipulation and misuse of the legal system.

The Blue Mountains Biodiversity Project employs a small staff which works for below-poverty level stipends, doing enough work to keep a much larger group busy full time. We welcome donations (made out to the League of Wilderness Defenders) and offers of assistance in our work. We are currently looking for a qualified "office organizer" willing to work with us and living in our tipis without electricity or running water. The stipend is \$500. per month.

For more information, contact the Blue Mountains Biodiversity Project at: HCR-82, Fossil, OR 97830 or (541)468-2028.



INTERNET TIP:

Senator Larry Craig will introduce his Public Lands Management Responsibility and Accountability Restoration Act of 1997 in the spring of this year. The bill, along with a section-by-section analysis prepared by Congressional staffers, is available to the public at Senator Craig's homepage on the World Wide Web. They can be downloaded in .zip format. They can be found at:

<http://www.senate.gov/~craig/plmrara.htm>

LOGGING HALTED

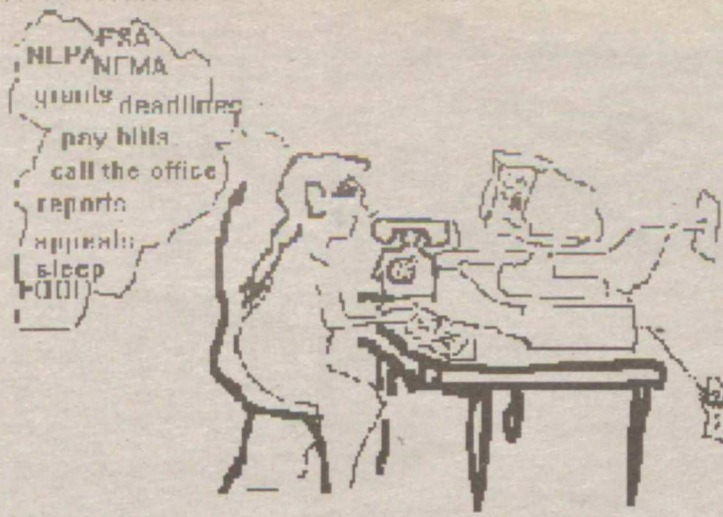
(cont. from pg. 1)

that analysis will no longer be valid. As stated within the 1990 Cove Record of Decision, "No latitude exists to alter the sale schedules without significantly changing overall environmental impacts. Most of the fish, water quality, and wildlife analysis would have to be redone if the sale schedules were changed." Thanks to the many determined activists who cannot seem to stay away from this area, and thanks to the temporary injunction granted in Cove I, the Forest Service has not even come close to complying with the proposed schedules, and yet has failed to revisit the old 1990 analysis.

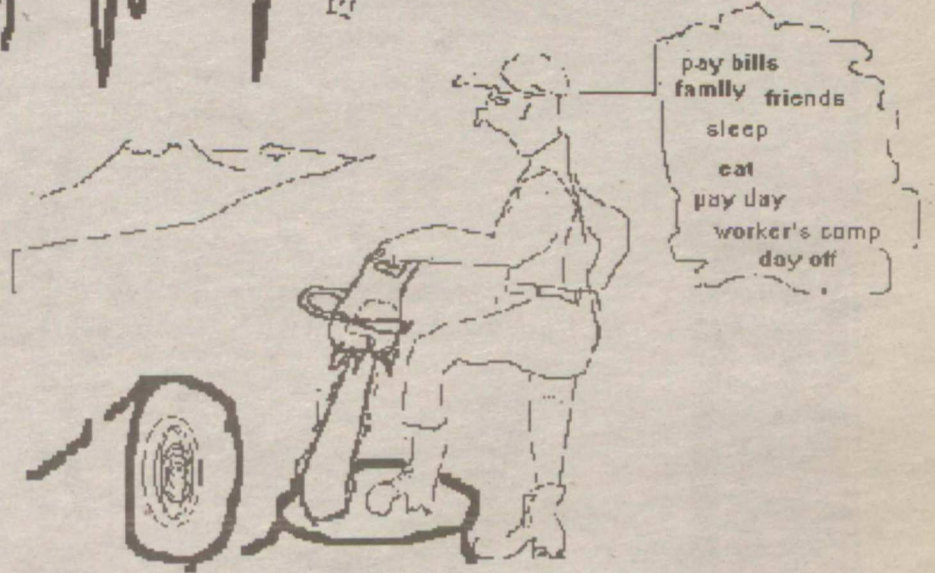
On September 12, 1996, ISC marched into Federal District Court in Boise, ready to argue why a temporary injunction was again needed to stop logging until all arguments could be heard. Minutes before the hearing, ISC was approached by the Forest Service attorneys and all sides were able to reach an agreement. No logging or road-building may occur in the Cove/Mallard timber sale areas until June 15, 1997, unless ISC is given 60 days notice prior to the commencement of the planned activities. In the meantime, ISC and the Forest Service will have the winter to place their arguments before the court, without the threat of on-going logging.

ISC has filed its arguments for summary judgment, but the motion has been stayed, pending the outcome of a simultaneously filed motion to amend the complaint. Hopefully all briefs will be filed within the next couple of months, with a hearing to hopefully occur in early spring, 1997. Meanwhile, activists may spend the winter months warming bones and fattening stomachs, ready for yet another round in defense of the Big Wild.

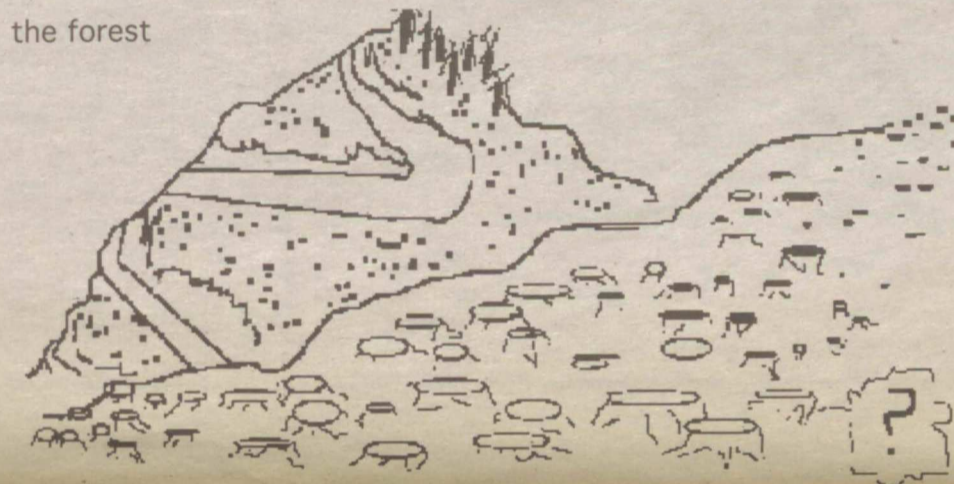
(Questions, criticisms or donations can be directed to attorney Marc Fink, at (208)345-8077.)



the forest activist



the forest worker



the forest

Friends of the Clearwater MEMBERSHIP FORM

YES, I want to join Friends of the Clearwater, and help defend the Last Big Wild in the lower 48 states. Here's my tax-deductible membership contribution:

- \$15 Senior/Student
- \$25 Individual
- \$35 Family
- \$50 Supporter
- \$100 Patron
- \$ _____

I'm not ready to join FOC right now, but I am concerned about the future of Idaho's wildlands. Enclosed is a contribution to help protect our wilderness heritage.

NAME: _____

Street Address: _____

City: _____ State: _____ ZIP: _____

Phone: _____

E-mail: _____

Comments: _____

Friends of the Clearwater
PO Box 9241 Moscow, ID 83843
(208)882-9755 foc@clearwater.net

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

Address Correction Requested

Moscow, ID 83843

PO Box 9241

Friends of the Clearwater

NEWS OF THE BIG WILD

THE SALMON-SELWAY BATTLE

EVERY PART OF THIS EARTH IS SACRED TO MY PEOPLE. EVERY SHINING PINE NEEDLE, EVERY SANDY SHORE, EVERY MIST IN THE DARK WOODS, EVERY CLEARING, AND HUMMING INSECT IS HOLY IN THE MEMORY AND EXPERIENCE OF MY PEOPLE.

-CHIEF SEATTLE

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83843
permit #
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Two Timber Sales Too Terrible to Ignore...

COVE/MALLARD



WHY ALL THE FUSS?

• Cove/Mallard sits in a notch between three federal wilderness areas: the River of No Return, the largest designated wilderness in the lower 48; the Selway-Bitterroot; and the Gospel Hump. It is contiguous to the River of No Return and Gospel Hump, thus forming a vital wildlife corridor.

• The project was planned to take six years and cost American taxpayers six million dollars in road-building subsidies and deficit timber sales. In 1997, when the project should be done, it is less than 15% complete.

• Cove/Mallard is part of the Central Idaho Grizzly and Wolf Recovery Areas and has irrefutable wolf activity. The USFS has documented evidence of 92 wolf sightings in the Cove/Mallard project assessment area. Idaho Fish and Game rates the elk herds as premier, another indication the area is excellent wolf habitat.

• The Cove and Mallard Roadless Areas encompass 76,000 acres and are part of the Greater Salmon-Selway Ecosystem (GSSE), the largest tract of unlogged primary forest in the continental US.

• The Cove/Mallard Timber Sales call for building 145 miles of new roads in nine different drainages to cut 81 million board feet of timber in 200 clearcuts—enough to fill 16,000 log trucks.



• Numerous rare, sensitive and threatened wildlife species are still found in Cove/Mallard, including bull trout, Chinook salmon, steelhead, westslope cutthroat trout, fisher, marten, lynx, wolverine, gray wolf, bald and golden eagles, boreal and flammulated owls, northern goshawk, and winter wren.



To learn more about Cove/Mallard, please contact the Cove/Mallard Coalition
PO Box 8968 Moscow, ID 83843

(please copy and distribute)