



CLEARWATER DEFENDER

NEWS OF THE BIG WILD

A PUBLICATION OF
FRIENDS OF THE CLEARWATER

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FIRE LINES LEAVE DESTRUCTIVE WAKE IN LOLO CREEK



On the heels of the Lolo Insects and Disease Project (“Lolo Project”) steelhead victory

By Katie Bilodeau

The largest log deck near the Snow Creek fire area. Katie Bilodeau photo.

In FOC’s last Defender issue (Summer 2021), we discussed Alliance for the Wild Rockies (AWR) and our court victory on the Lolo Project. In that logging project, the Forest Service and the National Oceanic and Atmospheric Administration (NOAA) together concluded that 2,644 acres of clearcut-like logging, hauling those logs away along critical habitat, and 16.5 miles of new logging roads would not jeopardize the existence of Lolo Creek steelhead. However, the agencies relied on high 2015-2016 numbers, which were very outdated from the historically low population levels that existed by the time the Forest Service approved the logging in 2019. The court ordered the Forest Service to re-consult with NOAA on whether impacts from roadwork, logging, and hauling would jeopardize the Lolo Creek steelhead.

New science and information since the 2019 decision to log prompted FOC, in partnership with AWR, to submit more information to these agencies. Shortly after the court halted logging, the forest supervisor indicated to the news media that the Forest Service was going to work with NOAA in order to continue this logging project. Only through a Freedom of Information Act for maps of one of the timber sales advertised in October could FOC

discern it to be a sale from the Lolo Project, slated to be sold as early as April. It would seem despite the dire new information on steelhead, Nez Perce-Clearwater supervisor Cheryl Probert assumes that this project will ultimately move forward as originally planned.

Thinking of re-consultation as simply a bureaucratic hoop to jump to resume logging misguidedly diminishes a statute meant to protect species approaching the brink of disappearing.

Re-consultation for the Lolo Project is the opportunity to truly analyze the impacts of logging, roadwork, and hauling on a struggling subpopulation of steelhead. Although there will be no public comment on re-consultation, FOC and AWR submitted new science and information to NOAA and the Forest Service, including information that we collected from on-the-ground monitoring in the area. Below is a small recap of what we have provided to the agencies thus far.

There is new scientific information available. Steelhead returns are again at all-time lows. Earlier this year, fisheries scientists with the Nez Perce Tribe presented their scientific conclusions to the Northwest Power and Conservation Council. The Tribe noted that the Lolo Creek subpopulation of steelhead was critically low, predicting this subpopulation to hit a quasi—

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Friends of the Clearwater
Keeping Idaho's Clearwater Basin Wild

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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.

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THE PLANK AWARD: AL ESPINOSA

BY STEVE PAULSON

Al Espinosa was honored at this year’s annual meeting by adding his name to the Friends of the Clearwater’s Macfarlane Plank.

The Macfarlane Plank is an honor plank, carved from salvaged Pacific Yew and signed every year since 2006 by some remarkable wild land and wild animal preservationists. The people signing this Plank have sacrificed personally and professionally, while working to protect our wild lands, biodiversity and natural processes. None have received adequate recognition for their important work. It is worth mentioning that Al is the first person with Hispanic heritage to receive this award.



Al in his natural habitat. FOC File Photo.

Al Espinosa has been fighting to protect our dwindling natural resources since he graduated from Humboldt State University in 1962, obtaining advanced degrees researching Steelhead trout, Kokanee salmon and other Endangered Species. He started working with the Clearwater National Forest in 1973, as the Forest Fisheries Biologist, and became well-known as a fierce advocate for native fish and their wild habitat, but remarkably, not for timber production. Retiring from this challenging and tenuous gig in 1993, he continued to advocate for salmonoids by consulting with environmental organizations and tribal governments, joining FOC in 2008 and eventually becoming a respected and loved Board member.

ON THE PLANK

- | | |
|-------------------------|--------------------------|
| 2006 - Gary Macfarlane | 2014 - Karen Coulter |
| 2007 - Stuart Brandborg | 2015 - Keith Hammer |
| 2008 - Larry McClaud | 2016 - Janine Blaeloch |
| 2009 - Barry Rosenberg | 2017 - Louisa Willcox |
| 2010 - Fred Rabe | 2018 - Arlene Montgomery |
| 2011 - George Nickas | 2019 - Kristin Ruether |
| 2012 - Liz Sedler | 2020 - Larry Campbell |
| 2013 - Jeff Juel | 2021- Al Espinosa |

LESLIE EINHAUS, IN MEMORIAM

BY GARY MACFARLANE



Photo Courtesy of Hillier Funeral Home

Leslie Einhaus (1977 to 2021) was a joy to be around. She loved the Clearwater Country, a fine trait she shared with her late father, and four-legged furry critters. She was a former board member of Friends of the Clearwater, and a talented writer and journalist. Besides serving as a board member for FOC, she also served two terms on the Idaho Humanities Council.

Born in Texas, she attended high school in Lewiston, Idaho where she was active in student government and the newspaper. She graduated with honors from Lewis Clark State College in communications arts and journalism. While there, she was a writer and editor of the Pathfinder, the student newspaper. After graduation, she worked for the Lewiston Morning Tribune as a writer and reporter.

For nearly a decade, Leslie worked for the University of Idaho as a writer and editor for Communications and Marketing department. I would take advantage of her writing and editorial skills. During that time, while she served on FOC’s board, I remember several events held at her place in Moscow, Idaho. She had a great sense of humor. She enjoyed a snowshoe or hike with her dog, Bridger, or with her friends.

A little over ten years ago she returned to Texas with her mother to deal with a chronic medical issue. She wrote a blog—The Healing Redhead--about her medical experiences (still online as of press time). She had a personal memoir/essay published in a book entitled, Silence Kills: Speaking Out and Saving Lives, edited by Lee Gutkind. Yes indeed, the Lee Gutkind of Creative Non Fiction fame.

She died far too young. I will remember her fondly.

FORCING THE U.S. FISH AND WILDLIFE SERVICE TO PROTECT BITTERROOT GRIZZLY BEARS

BY JEFF JUEL

On November 5, environmental groups Alliance for the Wild Rockies and Native Ecosystems Council filed a Complaint in the U.S. District Court of Montana, seeking to compel the U.S. Fish & Wildlife Service (FWS) to take definitive action to recover grizzly bears in the Bitterroot Ecosystem of Idaho and Montana.

The Grizzly Bear Recovery Plan, which FWS finalized in 1982, called for the evaluation of the Bitterroot Ecosystem as a potential recovery area. Subsequently, an interagency team of grizzly bear scientists concluded the area provided suitable habitat and could support 200 to 400 grizzly bears, even though decades had passed since the last documented presence. FWS revised its Recovery Plan in 1993 and produced the Bitterroot Ecosystem Recovery Plan Chapter (Bitterroot Supplement) in 1996.

To implement the Bitterroot Supplement the FWS produced an Environmental Impact Statement (EIS) that evaluated several alternatives, including their preferred option—establishing an experimental, nonessential population by transporting captured grizzly bears. Under that alternative, translocated bears would not have the full protection of the Endangered Species Act, which is why many environmentalists opposed it. Another alternative, dubbed “No Action,” still included definitive actions to support natural recovery. Twenty-one years ago the FWS published a Record of Decision, (Rule) choosing their preferred alternative.

“FWS has chosen to sit on the sidelines and do practically nothing.”

In January 2001 the state of Idaho filed a lawsuit seeking to prevent translocation of bears. Completely caving to political pressure, FWS then issued a new draft Rule in June of 2001, “...proposing to select the No Action Alternative (and) requesting public comments on this action. After receipt and review of all comments, the Service will make a final decision with regard to this proposal.” Yet the FWS never made a final decision, and never adopted a new Final Rule. It didn’t even rescind its original Rule, even though it delayed indefinitely all translocation efforts. So in terms of Bitterroot Ecosystem (BE) grizzly recovery, the FWS has chosen to sit on the sidelines and do practically nothing.

Just this past March, FWS issued a “5-Year Status Review for Grizzly Bears” which finds that the grizzly bear population in the lower 48 states is likely to become in danger of extinction within the foreseeable future throughout all of its range, and that “viability for the grizzly bear in the lower-48 States as a whole



Grizzly bears in Yellowstone National Park, USFW Photo.

only increases under ...future scenarios, which rely on increases in conservation efforts such that the [Bitterroot Ecosystem] and North Cascades support resilient populations.” In other words, true recovery of the Threatened grizzly population cannot happen without recovery of a robust population in the Bitterroot Ecosystem.

The FWS’s Grizzly Bear Recovery Program 2020 Annual Report states: “grizzly bears have increasingly been confirmed nearby and within the [Bitterroot Ecosystem]” Still, the number of grizzlies is far below the 200-400 scientists have said the ecosystem can support.

By never finalizing its 2001 Proposed Rule (which would have meant selecting the FEIS’s No Action alternative), the FWS avoided a commitment to deal with situations that arose as bears began finding their way into the BE, and more specifically to proactively “evaluate the adequacy of land-use restrictions to protect suitable grizzly bear habitat within the Bitterroot recovery zone and within potential linkage zones to other occupied recovery zones.” Friends of the Clearwater staff attended the most recent meeting of BE Subcommittee of the Interagency Grizzly Bear Committee in October. Except for some initiatives to minimize bear attractants, we observed no government initiatives for improving grizzly habitat security on national forest lands.

At this point, it is worth remembering that the managers at the Nez Perce-Clearwater National Forest, who oversee most of the northern BE, are proposing to weaken—not strengthen—habitat protections as evidenced by the 2019 draft revision of their land management plan.

Plaintiffs in this new lawsuit assert the FWS has illegally delayed making a final decision on their 2001 draft Proposal. However, plaintiffs ask the court compel the FWS to prepare a Supplemental EIS, based upon new science and other information that has arisen since 2000,



to strengthen their Final Rule for the BE. The results of this litigation may result in a new opportunity for public comments on grizzly bear recovery efforts in the BE. In any case, we'll keep you informed!

COURT SLAMS GOVERNMENT ROAD INVENTORY; GRIZZLY GROUPS CHEER

BY JEFF JUEL

Lessons from the Ninemile Valley grizzly bears and the Lolo National Forest's Soldier-Butler timber sale in Montana.

On October 5, Judge Christensen of the U.S. District Court of Montana issued an Order reversing the Forest Service's approval of the Soldier-Butler timber sale in the Ninemile Ranger District of the Lolo National Forest. The Flathead-Lolo-Bitterroot Citizen Task Force and Alliance for the Wild Rockies are challenging this massive roadbuilding and logging project.

The Judge found the U.S. Fish & Wildlife Service (FWS) Biological Opinion for grizzly bears was based on a faulty "baseline conditions" analysis, which ignored more than 170 miles of existing roads—therefore violating the Endangered Species Act (ESA). Grizzly bears are listed as a Threatened species under the ESA. Biological Opinions are written as part of the ESA Section 7 consultation process when government agency actions are deemed likely to harm listed species or their habitat. The Court ruled the Forest Service must reinitiate its consultation with the FWS, using an accurate road inventory in its baseline conditions.

The root of the problem is the Forest Service, whose Environmental Assessment failed to fully consider the implications of its discovery of 137 miles of previously uninventoried roads on national forest lands in the proj-

ect area. These are mostly old logging roads from past decades, not being maintained but still causing many of the same ecological impacts as open and other inventoried roads. This situation was compounded by their decision to renege on a commitment to decommission 37 other miles of roads as part of a previous timber sale project.

Scientific evidence is quite clear: forest roads and their associated human activities are the main factors obstructing grizzly bear survival and recovery.

In a news release, Task Force President Patty Ames said "Grizzly bears are finally getting the due diligence they deserve in the Ninemile. This area is critical to regional recovery of grizzly bears, including reestablishment in the Bitterroot Ecosystem. Now the Forest Service must account for the impact of all roads on grizzly bear survival and habitat use and use the best available scientific information."

This case has important implications for the Wild Clearwater Country. The Soldier-Butler timber sale is proposed for the Ninemile Demographic Connectivity Area (DCA), a unit of geography designated under the Conservation Strategy for the Northern Continental Divide Ecosystem. The DCA must be managed to facilitate grizzly bear habitat connectivity between that Recovery Area and the Bitterroot Ecosystem Recovery Area, which is largely encompassed by the Wild Clearwater Country. Existing high road densities impede grizzlies attempting to move through and survive inside the Ninemile DCA. By ignoring these 170 miles of roads, the Forest Service fails to provide habitat protections under the Lolo Forest Plan, and harms the prospects for grizzly bear recovery in the Wild Clearwater Country. Habitat conditions in this DCA and in other habitat connectivity zones outside of official recovery areas are investigated in a 2021 report by researchers Mike Bader and Paul Sieracki ("Grizzly bear denning habitat and demographic connectivity in northern Idaho and western Montana").

Friends of the Clearwater raises similar concerns in our litigation on the huge Hungry Ridge and End of the World timber sales on the Nez Perce-Clearwater National Forest, in the Salmon-Clearwater Divide area of the Salmon River Ranger District. In that case, the Forest Service pretends its industrial road building and logging activities won't have any effect on grizzly bear recovery. Even though the Forest is historic grizzly bear habitat, and grizzly bears have recently been documented in and around these project areas, the Forest Service portrays them as mere transients, and refuses to undertake ESA consultation with the FWS.

The implications of all these timber sales is clear: the U.S. Forest Service does not willingly comply with the Endangered Species Act. It requires actions by citizens and groups such as Friends of the Clearwater, the Flathead-Lolo-Bitterroot Citizen Task Force, and Alliance for the Wild Rockies to enforce the law. We thank you for supporting us as we carry out this important part of our mission!

THE USDA CLIMATE PLAN IS BAD SCIENCE

BY KATIE BILODEAU

Can you teach an old US Department of Agriculture new tricks, especially when that new trick is protecting large and mature trees from logging as a climate-action strategy?

One of President Biden's first actions in office was his Executive Order on Tackling the Climate Crisis at Home and Abroad. In March 2021, the US Department of Agriculture (USDA), complying with that executive order, requested public comment on USDA strategies to combat global warming. That notice, however, asked loaded questions about biofuels, fire, and the ever elusive "forest health," where the blessing the USDA appeared to seek from the public was "logging." FOC authored a comment correcting these misguided ideas with the best science available. Sixteen individuals or groups joined our comment. We asked the USDA to let the science drive the policy, and discussed how retiring grazing on our public lands and protecting the old and mature forests could positively and significantly impact the current climate trajectory.

The USDA's climate-action plan, published this past August, ignored these suggestions. The plan ignored preserving large old trees in favor of "active forest management," one of the crop-driven USDA and Forest Service's many logging euphemisms. Timber sales are fancied with Orwellian names: on the Nez-Clear, the "Lolo Insects and Disease Project" would intensively log 2,644 acres, eliminating many perfectly healthy trees; the "Clear Creek Integrated Restoration Project" proposes

"...neither logging nor grazing make forests or soils healthier, nor does it better equip our public land to handle warming global temperatures."

over 3,562 acres of clearcut-like openings, where restoration would really only partially mitigate the logging proposed. "Active forest management" eliminates mature and large trees. But, logging wasn't the only impactful strategy that the USDA ignored.

The USDA's climate-action plan also failed to address or discuss the adverse climate impacts of grazing. Instead of retiring or reducing grazing, the USDA mentioned a preference for "prescribed grazing." "Prescribed grazing" is another Orwellian concept because grazed areas only recover when rested from the impacts of cattle. This is like your doctor prescribing sugar instead of rec-

ommending you avoid sweets. We stand at a juncture where science shows us we cannot have it all. Despite the story that the livestock and timber industries—and the USDA beholden to them—desperately want to be true so business-as-usual looks heroic, neither logging nor grazing make forests or soils healthier, nor does it better equip our public land to handle warming global temperatures. FOC, joined by 15 conservation allies, commented on the USDA's climate-action plan, correcting this wishful industry-driven narrative with some of the best science available. We focused our comments on the significant climate strategies we could employ on the public's national forests.

1. Climate-smart care for national forests is proforestation, the idea that we have to protect standing forests.

Old and large trees sequester more carbon than seedlings. Currently, the biggest carbon emitter on national forests is logging—logging emits more carbon than wildfire on our national forests. Logging will end the life of an old tree that otherwise would have been continuing to stand in the forest for years, sequestering carbon. Even a dead tree killed by insects, disease, or other natural causes, stores more carbon than logging. While logging and milling will send over half of the carbon stored into the atmosphere in a very short time frame, dead trees release stored carbon slowly on a time delay, creating biodiversity and cycling nutrients all the while. Oh, and taxpayers subsidize logging, so USDA has made us complicit in this climate foolishness by forcing us to finance it.

2. Climate-smart care for national forests means retiring grazing on public lands.

Livestock significantly contribute to greenhouse gases—the Food and Agriculture Organization estimates that livestock digestion makes up two thirds of the livestock sector's emissions, and the livestock sector's total emissions make up 14.5% of global greenhouse gas emissions. Livestock disturb grasses and soils that store carbon, denude areas of vegetation to cause stream temperatures to rise, and drink water that can exacerbate drought impacts. Oh, and taxpayers also subsidize grazing on public lands. So here, too, the USDA has made us complicit in this climate foolishness by forcing us to finance it.

We can't talk about forests and climate without talking about fire because of the longer fire seasons emerging and also because fire currently is the government's go-to justification for logging. Our comments to the USDA offered the best science on this, too. Science has found nothing more effective in protecting forest-adjacent homes from wildfire than working within the first 130 feet of the house, such as keeping vegetation cleared away, installing metal roofs, and keeping the house and

its surrounding area free from flammable detritus. Logging miles away on public lands will not save homes. It also won't mitigate high-severity wildfire.

Logging indirectly contributes to high-severity wildfire instead of directly mitigating it. Fuels are a secondary driver of wildfire—climate and weather are the primary driver. If climate and weather have created the conditions for a high-severity fire, a secondary driver cannot stop that. For lower-severity fire, where the science is controversial on the efficacy of thinning, scientists have calculated about a five-percent chance that a thinned area of forest will geographically overlap with wildfire during the two decades where it might have been effective. While thinning doesn't mitigate high-severity wildfire, it can indirectly increase the risk for it.

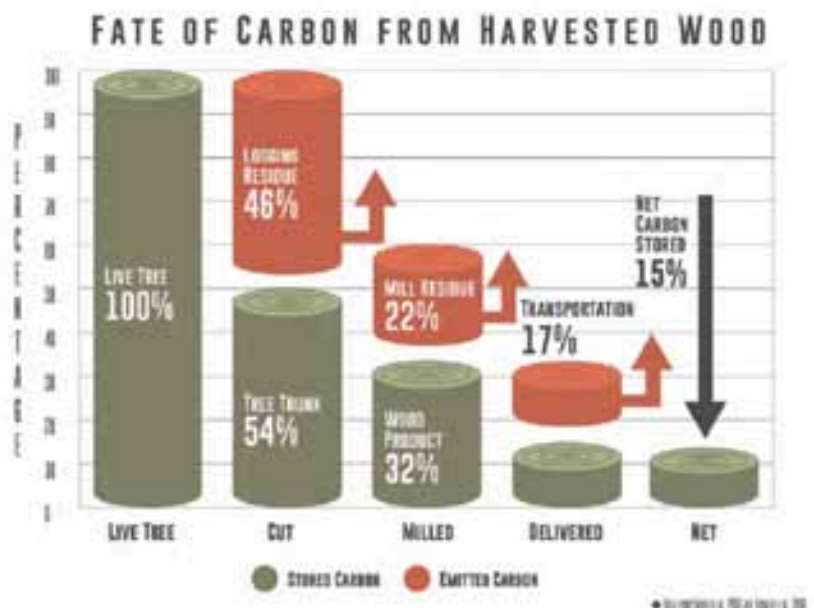
er, closed canopy forests. And, some places are reaching temperatures where seedlings planted post logging may not be able to thrive. Science points to protecting our forests from logging as a climate-strategy.

In the first half of November, the Council on Environmental Quality invited public comment on all agencies' action plans. FOC and our signing partners provided CEQ a copy of the letter we sent to the USDA, and critiqued the disappointing and counteractive business-as-usual for logging and grazing on public land. We asked CEQ to reject the USDA's climate action plan and recommend to President Biden that he impose these strategies on the executive department and agency supposedly under his control. We hope for action from the CEQ—in-deed, we are running out of time.



Research on forest carbon suggests that logging is significantly more of a “carbon cost” than letting forests burn. In the above images, the snags of burned trees in the Selway (Brett Haverstick, right) will remain as captured carbon for decades, while most of the large cedar tree (left, FOC file photo), while burned superficially, probably entered the atmosphere during logging.

Thinning, like all logging, increase carbon emissions. Carbon emissions contribute to global warming and weather that drives the high-intensity wildfire. So thinning, ironically, feeds the primary driver of high-severity fire. Additionally, scientists are finding that actively managed areas are providing a secondary factor that might increase the risk of severe fires. Where mature forests have different sizes of trees, managed areas previously clearcut have similar sizes and ages of trees. At 20 years old, these tree branches overlap each other. Where old forests have closed canopies and higher moisture content on the forest floor, managed areas have more sunlight exposure and dryer forest floors. And spaces between trees create gaps for wind (the “weather” part of the primary driver of wildfire). As the fire seasons lengthen with warmer temperatures, science is showing us that active management is no match for old-



Graphic courtesy of the the John Muir Project

continued from front page

—extinction threshold by 2025. Quasi-extinction means that there may not be enough spawning fish for the Lolo Creek subpopulation to exist. In 2020, scientists elsewhere in the Pacific—published a study suggesting that logging impacts might live on in the watershed for up to 40 years. The Lolo Creek watershed not only has a logging legacy likely still impacting conditions, but more logging could impact habitat for decades. Steelhead don't have that kind of time. Researchers have also recently found that the variety of threats steelhead face, which include logging impacts, are cumulatively impacting steelhead to have low marine survival and low freshwater productivity. Finally, scientists have recently considered global warming's additive effects to Snake River steelhead, finding this species highly vulnerable in terms of their exposure and sensitivity to warming temperatures.

withdrew it from public posting.

The new on-the-ground conditions we found in the Lolo Project included a crumbling road that needs repair, several log decks of timber, from cutting a fire line, waiting to be sold, and a fire line plowed through and paralleled a creek.

FOC staff found a crumbling road. When FOC staff drove along Road Forest System Road 100, a road that the timber companies could be expected to use to transport the trees cut from the Lolo project's logging contracts, staff came across the lane closest to the slope broken, and a largely non-vegetative and steep slope between the broken asphalt slabs and Lolo Creek, which is critical steelhead habitat. Staff's visit was late October, so if the road was not fixed before winter, the wet season's precipitation could be expected to deliver some sediment into Lolo Creek. Sediment is steelhead kryptonite be-



A large fire deck between Mud and Molly Creeks. Paul Busch photo

This past summer's Forest Service activities have prompted FOC to visit the area to ground-truth new underlying conditions as well. This past summer, several fires burned across Wild Clearwater Country, including the Snow Creek Fire within the boundaries of the Lolo Project. In an October 2021 timber sale announcement, the Forest Service posted a forest-wide map of "fire decks" where it planned to sell trees cut from fire-related activities. A "deck" of trees is where trees are stacked up in a group until they can be removed. There were four fire decks mapped in the Lolo Project area.

Forest Service silence on the activities and ground conditions sent FOC into the field. When FOC asked about trees cut in this area during fire-related activities, Forest Supervisor Probert said that the map we had was a "draft internal document" and would only state that the Forest Service had no plans for post-fire harvest. Then, the Forest Service took down that fire-deck map from their website. So FOC staff took a field trip to monitor the area, using the rudimentary map we had saved before the Forest Service



Fire break near Lynx Creek, Paul Busch photo.

cause it fills in the spaces between rocks where steelhead lay eggs and where newly hatched steelhead can hide from predators.

FOC staff found fire decks from fire-related activities. Staff also observed and documented signs posted on all log decks read “Timber Sale Area, NO Firewood Cutting Allowed.” The picture published with this article (PA180203) was the largest fire deck we found. As you can see from the perspective a 5’8” human provides, the Forest Service cut some larger, older trees in the name of fire. The locations where logging happened for fire-related activities are distinct from the Lolo Project logging units, so this logging would be additive in impacts to the 2,600+ acres of logging approved. FOC staff found some log decks along roads that, in their condition, would probably need some kind of upgrade to accommodate logging trucks. Additionally, the proposed haul routes run along critical steelhead habitat outside of the national forest boundary, which means that hauling these extra trees may also impact steelhead.

FOC found a significant fire line about a quarter mile up the road from the fire deck pictured. This fire line plowed through Lynx Creek, denuding it of vegetation. Because this area is also an active grazing unit, we found cow tracks along bare section of creek. The fire line, once it crossed Lynx Creek, turned and followed the creek up its gradient. Because of time constraints, FOC staff could only follow the fire line one-half mile, but staff mapped that line with the GPS coordinates from pictures taken. While Lynx Creek itself is not critical steelhead habitat, it is a year-round creek that flows into Yakus Creek, which is critical



Headwaters of Lynx Creek, driven over. Paul Busch photo



Large trees to be sold (above) and oil in Lynx Creek (below)
Katie Bilodeau photos



steelhead habitat. Erosion and sediment could run off of this upturned soil ripping through a creek and a fire line that parallels the creek.

FOC is also working to figure out the scale and details the Forest Service’s work in reaction to the Snow Creek Fire. Fire-related activities are classified as urgent actions, and are thus different from logging projects in that they are excused from the public disclosure of information and opportunity to comment normally afforded under the National Environmental Policy Act. For that reason, FOC also submitted a Freedom of Information Act request to learn more about the scope of the activities done in the Snow Creek Fire in the Lolo Project area this past summer.

The above represent that comments and materials that FOC and AWR provided to NOAA and the Forest Service. We hope to see the agencies engage with this science and on-the-ground activities, as this project may have a more profound impact on steelhead than previously thought with an increasing risk of extinction than previous years.

Membership and general donations financed FOC’s ability to send staff to the Lolo Project area to ground-truth existing conditions as well as to provide that information and the newest science to the agencies. Thank you to our members for their continued support.

KEYSTONE CARNIVORES

BY GARY MACFARLANE

Over the past two or three decades, there has been some interesting scientific research into the importance of large carnivores and their impact on ecosystems. While not entirely settled science—predator/prey relationships can be complicated—some of the research suggests the importance large mammalian carnivores have in regulating the ecosystem. Much research that has been done on wolves and carnivores in other places in the US Northern Rockies might also be applicable to the Clearwater. That research suggests that wolves in particular help regulate ungulate numbers and/or impacts and that, in turn, supports watershed health by preventing overutilization of forage species. Research also suggests predators and scavengers can reduce the spread of illnesses like chronic wasting disease (CWD) which was discovered in Idaho for the first time last month.

“In Idaho, a person can now kill as many wolves as they want.”

However, recent laws passed by the Idaho and Montana state legislatures to kill many more wolves could possibly undue benefits wolves provide to the ecosystem. These laws could also negatively affect other carnivores directly.

What the laws do is remove most “fair chase” or “ethical” constraints on wolves that apply to every other “game” species. In Idaho, a person can kill as many wolves as they want, a bounty has been set up compensating professional killers, hunting and trapping are allowed year-long, and night hunting is allowed among other changes. The legislature even permitted aerial hunting of wolves, but that runs afoul of federal law so it can’t legally be implemented and is not included in the latest regulations.



A lynx in the Lochsa, Dan Davis photo

Because of the legal agreements in place at the time wolves were delisted from the Endangered Species Act, the State of Idaho can’t legally allow killing of all of the wolves. But, if recent population estimates are accurate, the new laws would permit and seem to approve killing up to ninety percent of the wolves currently in the state. Wolves have learned to avoid humans, but humans free of normal legal constraints may decimate the population. Nonetheless, the new pogrom will likely have a

profound impact on the social organization of wolves.

Research also shows that the management envisioned by the new laws won’t solve depredation of wolves on domestic livestock grazing on public lands. It may increase predation by wolves on domestic sheep and cattle—packs whose breeding pair are killed tend to disperse and target easier prey, like livestock.

Conservationists have been working to counter these cruel, wasteful, and stupid laws. Friends of the Clearwater (FOC) and many other groups joined in a formal petition under the Administrative Procedures Act, authored by EarthJustice of Bozeman Montana, to the



Grey wolf, USFWS photo

Forest Service, pointing out that the new laws violate the Wilderness Act and the agency needs to take measures in Wilderness to preserve wilderness character and to prevent the commercialization of Wilderness. If the agency does not act, it could result in legal action.

As a result of the Idaho and Montana laws, two formal petitions to relist wolves under the Endangered Species Act have been filed with the US Fish and Wildlife Service. FOC joined one, authored by Western Watersheds Project. The US Fish and Wildlife Service, recognizing the potential danger to the wolf populations in the two states, is undertaking the 12-month finding process, which means it may be warranted for relisting under the Endangered Species Act.

Trapping, too, could pose a greater threat. EarthJustice filed to sue the States of Idaho under the Endangered Species Act on behalf of several groups including FOC. This is based upon the danger that increased trapping and snaring for wolves presents to other endangered species like lynx and grizzlies. As of printing, there is no court date set.

The recent laws passed by Idaho (and Montana), are a big backward step toward the 1800s. Regulations that allowed too many wolves to be killed in Wisconsin were overturned in court. We are working with many others toward a similar outcome here.

SALMON RECOVERY UPDATE: A PATH FORWARD?

BY GARY MACFARLANE

Removal of the lower Snake River dams has been recognized for the past 30 years as essential for long term survival of salmon, steelhead, and Pacific lamprey—often referred to as anadromous or ocean going fish—in Idaho. Even in the mid-1900s, before the dams were approved, fishery scientists realized the threat that dams would have to fish populations. Hatcheries became the political solution to allow the dams to be built, but they have produced their own threats to long-term viability of anadromous fish in Idaho.

The science has become even clearer over the past 30 years. The dams need to come out, and relatively soon, if anadromous fish are to survive. After looking at the issue in detail, in early 2021 Congressman Simpson (R ID, whose district is in southeastern Idaho) came out with a big and complex proposal (he calls it a concept) that would remove the lower Snake River dams. However, this concept contains some precedential and potentially very harmful provisions as well (see the early Spring 2021 Defender for more on his proposal).

The reaction from other Northwest politicians to Congressman Simpson, with a couple of exceptions, has been indifference or opposition. Congressman Blumenauer (D OR) and Oregon Governor Kate Brown (D) have engaged with Congressman Simpson and generally support his concept, though there are details with which there is disagreement. For example, Congressman Blumenauer stated in a joint webinar with Congressman Simpson that he did not support the precedential and harmful provisions that exempt compliance with major environmental laws for 35 years.

Two recent events might shed light on a path forward. First is the ongoing litigation against the plan for the lower Snake River dams by the Trump Administration. It is being defended by the Biden Administration, but it is on pause until July 31 of 2022. This was agreed to by both the plaintiffs and the defendants as a way to

see if a resolution could be reached. On the face of it, that seems strange as to why the plaintiffs would agree, given that time is of the essence as salmon and steelhead are in extreme peril from the dams and the new biological opinion is as indefensible as those that have been overturned by the Courts in the past. But taken in context with the second event, could there be some political will to actually do something?

The second event is this: Governor Jay Inslee (D) and Senator Patty Murray (D WA) came up with a federal/state process to restore salmon runs, including looking at removing four dams on the lower Snake River in Washington. This would involve looking at costs, benefits, and how/whether various interests could be met with dam removal. Interestingly, and maybe not coincidentally, the deadline for both the litigation pause and the process is mid July 2022.

With politicians from Washington now at least acknowledging the problem of the lower Snake River dams (though not committing to their removal), there may be an opportunity to move dam breaching forward and also make sure no harmful provisions are in legislation that could potentially undercut the benefits of dam breaching. The scenario we should insist on in this upcoming process would be a firm commitment to remove the lower Snake River dams without harmful provisions. Congressman Simpson, Congressman Blumenauer, Governor Brown, Governor Inslee, and Senator Murray have the opportunity work together and make this happen.

Editors Note:

Though the Wild Clearwater is not in Congressman Simpson's District, we recently met with a staff member from Congressman's office to learn about what the Congressman thought of Senator Murray and Governor Inslee's process and how that might affect Congressman Simpson's concept, particularly the parts that are highly problematic. We were told Congressman Simpson is open to changes in his concept. We all need to push for dam breaching AND make sure any legislation excludes harmful provisions.



Snake River near Lewiston, FOC file photo

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