



CLEARWATER DEFENDER

NEWS OF THE BIG WILD

A PUBLICATION OF
FRIENDS OF THE CLEARWATER

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A Second Chance to Manage Wolves Scientifically

**Suzanne Stone,
Defenders of Wildlife**

On March 28, 2008, the U.S. Fish and Wildlife Service removed federal protection for endangered wolves in our region listed under the Endangered Species Act (ESA). Through their delisting plan, wolves in 88 percent of Wyoming lost all legal protection and, in less than 24 hours, reports confirmed that wolves were being killed on sight. One man claimed that he chased a wolf over 70 miles on snowmobile before shooting the exhausted animal. On that same day, the Idaho state legislature passed a new wolf management provision allowing wolves to be killed simply for being on the same trail shared with livestock. During the next month, Idaho Fish and Game commissioners succumbed to pressure from the Idaho anti-wolf coalition and agreed to permit hunters to kill more than half of our wolf population before the end of this year. As wolf conservationists had warned, associated state plans were entirely insufficient to protect the regional wolf population. Defenders of Wildlife and others, including Friends of the Clearwater, immediately filed an emergency request for an injunction to stop delisting and restore federal protection for wolves. On July 18, 2008, Judge Donald Molloy of the U.S. District Court in Missoula, Montana, granted our preliminary injunction, temporarily placing Northern Rockies wolves back under ESA protection and preventing state hunting seasons from occurring, but not before we lost all the known wolves in southwestern Wyoming. Most, if not all, of these animals and their pups had already been killed.

We gained renewed hope for wolves in our region on October 14, 2008, when the U.S. District Court in Missoula granted the U.S. Fish and Wildlife Service's request to officially withdraw its 2008 delisting rule for Northern Rockies wolves. Wolves are now back on the federal Endangered Species List throughout Idaho, Montana, Oregon, Utah, Washington, and Wyoming.

See Wolves, page 3

The Perils of Post-Fire Logging

The U.S. Forest Service Regularly Harms Your Burned Public Lands

Dick Artley

The vast majority of independent, unbiased scientists nationwide agree that a post-fire, forested landscape is, without a doubt, the most fragile and sensitive to human manipulation. Yet Forest Service policies encourage forest supervisors and rangers to log dead and dying trees from these areas before they lose their monetary value at mills. The agency still emphasizes its misguided, fire suppression-based Smokey Bear campaign, despite scientific evidence to the contrary. Although fire is a disturbance in forests, its benefits are lost when humans capitalize on the opportunity to log a burned landscape. The Forest Service never mentions this fact in the written material that it sends to the public, boasting of the benefits of “mechanically treating the dead and dying trees that are quickly losing their value.”

Science Pertaining to “Salvage” Logging

The most notable scientific paper opposing post-fire logging is a letter that 546 American biological scientists – 72 percent with Ph.D.s – wrote, signed, and sent to Congress on August 1, 2006, in an attempt to head-off legislation that would increase post-fire logging on public lands. The legislation never passed. The following are excerpts from their letter to Congress, which can be accessed along with the names and backgrounds of its authors at: http://www.wilderness.org/Library/Documents/upload/HR4200_ScientistsLetter.pdf.

When we, as scientists, see policies being developed that run counter to the lessons of science, we feel compelled to speak up. Proposed post-disturbance legislation (specifically, the Forest Emergency Recovery and Research Act [HR 4200] and the related Forests for Future Generations Act [S 2079]), crafted as responses to recent fires and other disturbances, are misguided because they distort or ignore recent scientific advances. Under the labels of “recovery” and “restoration,” these bills would speed logging and replanting after natural disturbances.

See Salvage Logging, page 6



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THE CLEARWATER DEFENDER

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

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

The Clearwater Defender welcomes artwork and articles pertaining to the protection of the Greater Salmon-Selway Ecosystem. Articles in the Clearwater Defender do not necessarily reflect the views of Friends of the Clearwater.

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Wolves, continued from page 1

While this legal victory stops the public wolf hunts and indiscriminate killing of wolves in our region for now, the delisting process is now starting over again. This time, the U.S. Fish and Wildlife Service should adhere to its original 1994 minimum recovery plan for gray wolves in the region, which requires that wolves in each of the three recovery areas (central Idaho, northwestern Montana, and the Yellowstone ecosystem) be connected as one “metapopulation.” Packs of wolves need to be able to reach each other in other areas to breed and raise pups without inbreeding. The Service’s own research proved that, at 2004 population levels that were nearly three times higher than the recovery goal of 30 breeding pairs, these wolf subgroups were still not connected. A larger wolf population is clearly needed to ensure the future of wolves in the region.

Wyoming must also change its law that allows unregulated wolf killing in nearly 90 percent of the state. The Service firmly rejected Wyoming’s hostile wolf management plan in 2003, then “flip-flopped without explanation” by approving the plan with “the same deficiencies” in 2007, according to Judge Molloy. But each of the states must improve their wolf management plans to facilitate a sustainable wolf population throughout the region that includes our neighboring states. On the same day this summer, biologists documented a pack of wolves with pups in Washington, and Oregon wolf researchers discovered the state’s first wolf pack and pups since the species was eradicated in the 1930s. Biologists are celebrating these finds because returning wolves indicate that their ecosystems can sustain greater biodiversity of other native species. If we manage wolves responsibly in Idaho, Montana, and Wyoming, we will enable more similar successes in neighboring states.



Northern Rockies Wolf (Canis lupus)

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In the meantime, reinstating federal protection for wolves in the region still lets the states manage wolves. State agencies can still help livestock owners with wolf conflict prevention measures that avoid herd losses and can still kill wolves that switch to preying on livestock. Defenders of Wildlife and other groups will continue to actively work with livestock owners and agencies to help provide the tools and methods that reduce losses to wolves and other native carnivores. Ultimately, we would like wolves relieved of their federal protection and managed by the states in a responsible and sustainable manner. That process should bring together a balance of stakeholders to craft wolf and livestock management plans based on solid science. As Westerners who share a deep respect for our natural resources, we can make this a reality. We have another opportunity to get it right this time.

(Editor’s note: Please comment before November 28 on the Service’s second attempt to delist Northern Rockies wolves. Visit www.friendsoftheclearwater.org/node/619 for more information and a link to the online public comment website.)

Wild Clearwater Happenings

Gary Macfarlane

The last few months have seen important progress for the protection of wild country in the Clearwater region. There is much news to report about local community efforts to safeguard the integrity of our nearby national forests and public lands.

Trading One Problem for Another?

Anyone familiar with the Clearwater National Forest knows that the swath of land east of Powell Ranger Station encompasses a checkerboard pattern of ownership, where each square mile of national forest owned by U.S. citizens alternates with a square mile of private land previously held by Plum Creek Corporation. This arrangement displays the unfortunate legacy of the nineteenth century railroad land grants. For a long time, conservationists have been interested in consolidating this area into public ownership. As documented in the book *Railroads and Clearcuts* by Derrick Jensen, George Draffan, and John Osborn, these lands should have rightly been returned to Americans decades ago. Dr. John Osborn, a well-known Spokane physician and conservationist, has actively campaigned to protect Clearwater wildlands from this source of habitat fragmentation. For more information about the history of checkerboard parcels, visit www.landgrant.org.



*Off-Road Vehicle Damage
on Meadow Creek Trail (Now Closed)*

A few years ago, Tim Blixseth of Western Pacific Timber bought the Plum Creek holdings in the upper Lochsa River watershed. He has purchased checkerboard lands elsewhere and developed them or, in some instances, traded them to the Forest Service, receiving great land deals in the process. According to J. Robb Brady, editorial writer for the Idaho Falls Post Register in 1999, corporations like the one Blixseth owns are “using their clout to influence what happens on the public lands. Developers have been buying timber company lands in critical areas and then holding the Forest Service hostage to their threatened development.” Blixseth recently proposed a land exchange of his 40,000 acres of heavily clearcut upper Lochsa lands for 28,000 acres of Clearwater basin national forests. The Clearwater National Forest has posted preliminary maps of the swap on their website and will generate an environmental impact statement (EIS) to explore options, including an alternative wherein the federal government buys these private lands. Although these Lochsa tracts should revert to public ownership, the goal of associated land exchanges should not be to trade one inholding for another. Some public lands near Elk City identified for the trade would become more inholdings on the Nez Perce National Forest if exchanged. Friends of the Clearwater (FOC) will keep you updated on this issue.

Other Proposals

Alliance for the Wild Rockies and FOC appealed to the Interior Board of Land Appeals a decision by the Bureau of Land Management (BLM) to log in roadless country near Elk City. Although the BLM reduced the size and scope of the Eastside Township timber sale from what was originally proposed, it approved logging in a wildland that could be added to the Selway-Bitterroot Wilderness by the Northern Rockies Ecosystem Protection Act (HR 1975).

In an odd but welcome outcome, Nez Perce National Forest officials and a timber company recently terminated their contract for the Meadow Face timber sale. After devising a supplemental EIS, the agency had resurrected the sale, which FOC, Idaho Sporting Congress, and WildWest Institute (formerly the Ecology Center) had stopped in court. Forest officers also withdrew the Buckhorn Salvage Project near the Hells Canyon Wilderness, after an appeal by Friends of the Clearwater and other conservation organizations. This timber sale would have logged 180 acres burned by the Poe-Cabin wildfire in 2007. From an ecological and watershed protection perspective, salvage sales usually occur at the worst possible time to log: after fires.

See *Happenings*, page 5

*Happenings, continued from page 4***Keeping the Clearwater Clean**

Kamiah resident Ken Jones has led the charge to stop some landfills near his community from polluting the watershed. After sharing his information about landfill violations with FOC, he took the issue all the way to Senator Craig's office, where staff member Jeff Sayre became interested in his concerns. Sayre initiated a revealing multi-agency meeting in August to investigate the situation. Although the expertise of Nez Perce Tribe and Environmental Protection Agency officials was evident during meeting discussions, jurisdictional questions among the state of Idaho, federal government, and Nez Perce Tribe have created a vacuum of responsibility for landfill problems. Transactional records also suggest that state agencies have been negligent in their oversight, approving at least one landfill site in an environmentally inappropriate location. Meeting participants, including Friends of the Clearwater, are exploring possible solutions.

Motorized Madness

Nez Perce National Forest personnel have withdrawn a decision to upgrade trails in the Meadow Creek roadless area that would have allowed increased access for motorized vehicles. The agency also closed Trail 541 to motorized use. Friends of the Clearwater had documented environmental damage from vehicle traffic on the trail (see photo on page 4) and provided this information to Advocates for the West, who filed a lawsuit on behalf the Idaho Conservation League and the Wilderness Society. FOC was preparing to intervene in the case when the Forest Service closed the trail.

Friends of the Clearwater and other conservation organizations have formally requested the Clearwater National Forest to enforce motorized use closures established in sensitive areas by the 1987 Clearwater National Forest plan. These closures have never been implemented or enforced on the ground. We have been monitoring roadless areas and lands vulnerable to motorized use for the last several years to document problems with this lack of enforcement. Although Clearwater forest officials are finally addressing motorized use with their upcoming travel plan proposal, it would open many of the sensitive areas now closed to motorized use under the forest plan. The draft environmental impact statements for the vehicle plans of both the Clearwater and Nez Perce national forests will soon be available for public comment.

For more information about any of these issues, please visit the FOC website at www.friendsoftheclearwater.org.



*James Holt Jr. Documenting Illegal Off-Road Vehicle Trails
(James Holt Photo)*

Roadless Rule, continued from page 9

Wild backcountry lands in Idaho – in their unchanged condition – are a natural treasure for Idahoans and all Americans. These quiet, special places that make Idaho great belong to all of us who have a strong affinity for their rugged beauty. During times of rapid change, citizens need to plan ahead to guard wild refuges where we can escape the noise and crowds of everyday life. The proposed Idaho rule rolls back current protections of the wildlands we hold dear. We cannot allow the federal government and developers to spoil these roadless areas.

One statewide environmental group, the Idaho Conservation League, has indicated that it will accept this newest and greatest threat to our wild habitat, while the Wilderness Society has issued statements that it is displeased with this Forest Service arrangement. Friends of the Clearwater advocates at least maintaining the existing protections of the 2001 Roadless Rule and ideally providing permanent protection for backcountry areas in the region through the Northern Rockies Ecosystem Protection Act (HR 1975). FOC is considering our legal options for challenging the final Idaho rule in the court system – our last remaining hope for protecting our wild heritage from this rule. If you can donate resources to this effort, please contact Friends of the Clearwater staff at foc@friendsoftheclearwater.org or 208-882-9755. For more information about this important issue, see the links provided on the Final Idaho Roadless Rule FOC web page.

Salvage Logging, continued from page 6

Post-Fire Logging Degrades Natural Resources

As noted by scores of scientists, logging in post-fire landscapes degrades soils, causes excessive erosion, delays natural plant and animal succession, and introduces or spreads invasive species (Klock 1975, Potts 1985, Sexton 1994, Maser 1996, Rumbaitis del Rio 2006, DellaSala et al. 2006). It depletes magnesium and calcium in the soil (Brais 2000), can be detrimental to wildlife (Saab 1998), and is not restoration (Noss et al. 2006). Salvage logging may reduce or eliminate biological legacies, modify rare post-disturbance habitats, influence populations, alter community composition, impair natural vegetation recovery, facilitate the colonization of invasive species, alter soil properties and nutrient levels, increase erosion, modify hydrological regimes and aquatic ecosystems, and alter patterns of landscape heterogeneity (Lindenmayer 2006). It can be especially harmful to vegetation: a single post-fire logging operation killed 75 percent of established seedlings (Roy 1956, Sexton 1998, Donato 2006). Even partial salvage can severely impact the plants and wildlife most dependent on post-fire landscapes (Hutto 2006). Salvage logging particularly affects bird species: it may reduce the availability of tall structures used for bird singing perches in post-fire habitats (Wisdom et al. 2000). Black-backed woodpeckers are very susceptible to the negative aspects of salvage logging, due to a combination of life history traits (Thompson et al. 1997). Compared to other woodpecker species, they select nest trees with relatively small diameters at breast height (Mannan et al. 1980, Schreiber and deCalesta 1992, Chambers et al. 1997, Saab et al. 2004, Russell et al. 2007), which are usually the trees cut most during salvage operations.

Many scientists assert that, "Natural post-fire recovery is generally rapid with no deleterious consequences; therefore, active post-fire rehabilitation of any kind is usually not needed and may even be counter-productive" (Strittholt 2004). Thomas (1999) believes that, "Forest managers are increasingly aware of the significance of Aldo Leopold's admonition that,

'to keep every cog and wheel is the first rule of intelligent tinkering.' Dead wood, standing and down, is one of those 'cogs and wheels'." But Power (2006) warns that, "Many of us still see the forest as a warehouse of commercially valuable trees to be extracted, not as a living system that supports us in numerous, other, important ways. Until that changes, we will continue to do economically irrational things to our natural landscapes, while imagining that we are pursuing economic value. That frame of mind unavoidably impoverishes us." Apparently, concludes Strittholt (2005), "It has everything to do with economics for a few and little or nothing to do with forest health. It is time for a real, public debate about post-fire management on public lands."

Solutions for Post-Fire Landscapes

Of course, we all use wood-based products and have some legitimate reasons for cutting green trees on public lands without new road construction. However, we must never allow the logging of burned and dead trees after a wildfire! Many citizens must wonder why the Forest Service "land managers" continue to log post-fire landscapes, despite their full knowledge of what unbiased, independent scientists say and write about the subject. Unless people are very familiar with Forest Service culture, they cannot understand how important "getting the cut out" is to many Forest Service line officers (forest supervisors and rangers). Their next promotion dominates these officials' thoughts and is often best assured by selling our public timber. The agency revolves around its timber program.

Forest Service line officers tell the public that their post-fire timber sales must be sold soon, because the wood loses value as it deteriorates. The agency does not tell the public that fire-dependent, forested ecosystems, far from wildland-urban interfaces, depend on the massive ecological benefits that fire brings. Human manipulation, in the form of roading and logging post-fire landscapes, all but eliminates these benefits.

Clearwater and Nez Perce national forest officials must by law advise the public that they are planning a timber sale, by posting a notice in the legal section, located in the classified ads, of the newspaper of record, which is the Lewiston Morning Tribune for both national forests. To establish standing to appeal a post-fire timber sale, a citizen must provide comments on the sale, in the form of either "scoping" comments early in the process or as comments reviewing environmental analyses prior to a final Forest Service decision. Please speak out against ANY and ALL post-fire timber sales considered by either forest.

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Final Idaho Roadless Rule Compromises Wildlands Integrity

Roadless Area Conservation Final Environmental Impact Statement Endangers Roadless Wildlife Habitat

Steve Paulson

In the Federal Register on October 16, 2008, the U.S. Forest Service published its final rule for managing the pristine roadless areas within the state of Idaho (36 CFR Part 294, Special Areas; Roadless Area Conservation; Applicability to the National Forests in Idaho; Final Rule). This plan activates substantial changes in the ways that the agency will manage these important and rare wild areas. With few modifications, the final rule accepts the state of Idaho's proposal (or the Idaho Rule) to decrease wildlands protections established by the 2001 Roadless Rule, a Clinton administration executive order. The final Idaho Roadless Rule in the Federal Register and the final Environmental Impact Statement (EIS) for "Roadless Area Conservation" can be downloaded at <http://www.roadless.fs.fed.us/idaho.shtml>.

Many wildland advocates from the Friends of the Clearwater (FOC) community turned out in blizzard conditions to testify against the draft EIS of this proposal at Forest Service hearings last January in Orofino. The majority of local testimony in the Clearwater and most regions of the state supported protection of the last, few roadless areas and adamantly opposed this Idaho rule. Most people testified that it would destroy wildlands, damage watersheds, endanger rare wildlife, and create toxic mining waste. Although Idahoans could expect rejection of their advice and public comments by the Bush administration, the resulting final rule is a further travesty to our natural world. The roadless areas potentially affected by this plan shelter remnant populations of our disappearing native wildlife.

The final Idaho EIS and rule advances the state's proposal that assigned each roadless area in Idaho to one of five different categories or "management themes": Wild Land Recreation, the most protective category with 1,479,700 acres, Special Areas of Historic or Tribal Significance on 48,600 acres, Primitive including 1,722,700 acres, Backcountry/Restoration (BCR) at 5,312,900 acres, and General Forest, Rangeland, and Grassland, the most at-risk category of 405,900 acres.

Of the 9,304,300 acres of wildlands previously protected by the 2001 Roadless Rule from road building and development, the Idaho Roadless Rule immediately opens 405,900 acres to extractive uses and road construction. The vast majority of this half a million acres of "real estate," as ex-Appointed-Governor James Risch referred to it during hearings last January, would host highly toxic phosphate mines in the southeastern part of the state. Notably, nearly all abandoned phosphate mines in that region are now Superfund sites administered by the Environmental Protection Agency (EPA) that will continue to emit dangerous carcinogens into our human and natural environment for eons and cost taxpayers many millions of dollars to clean up.

Only 1,479,700 acres of the original 9,304,300 acres of Idaho wildlands would retain protections similar to the 2001 Roadless Rule in their new category of Wild Land Recreation under the Idaho rule. This final plan would open two-thirds of previously protected, ecologically invaluable wildlands – about 5,312,900 acres – to timber cutting, road building, and, in some circumstances, mining. In the state's outrageous doublespeak, this "real estate" category is called Backcountry/Restoration and Backcountry/Community Protection Zone and encompasses many of the Clearwater roadless areas. The remaining acreage is available for logging, road construction, and mining under some admittedly restricted conditions.

See Roadless Rule, page 9

FOC AWARDS

WE RECOGNIZE AND THANK
THE FOLLOWING MEMBERS

CONSERVATIONISTS OF THE YEAR

Dianne and Bill French

CITIZEN ACTIVISTS OF THE YEAR

*Al Poplawsky
and Diane Prorak*

VOLUNTEER OF THE YEAR

Sioux Westervelt

Roadless Rule, continued from page 8

According to the Federal Register notice, the final rule added certain “refinements” to the draft Idaho Rule that somewhat augment limitations on development. However, despite final plan statements like “more protections from development than the 2001 Rule,” these refinements do not actually protect roadless lands at the level that they enjoyed under the 2001 rule. These changes to the draft Idaho Rule concern: 1) The amount and type of roadless areas placed in various management themes; 2) The permissions and restrictions for road construction and reconstruction and timber sale, cutting, and removal in the BCR theme; 3) Management of lands containing phosphate deposits in BCR areas; 4) Tribal interests and future consultations about activities in roadless areas; and 5) Public comment requirements for corrections and modifications.

Nonetheless, the final rule provides more protections from development than its Idaho authors afforded the draft plan on 3.25 million acres within the Wild Land Recreation, Primitive, and Special Areas of Historic or Tribal Significance categories. It also reduces the lands managed under the General Forest, Rangeland, and Grassland theme to 405,900 acres of future EPA Superfund cleanup sites. Accordingly, the Federal Register makes some bold claims about the plan’s sensibility, but the acreage figures of the final EIS do not support these assertions. For example, the register states that, “In sum, [the chosen] Alternative 4 assures retention of the roadless characteristics of approximately 8.5 million acres of roadless lands,” and “Overall, Alternative 4 provides more protections from development than the 2001 Rule alternative on 3.25 million acres of [inventoried roadless areas] IRAs” (Federal Register, 10/16/08, p. 61460). The first quote exemplifies the infamous Bush administration terminology designed for the Arctic National Wildlife Refuge debate, which emphasizes the small-scale “footprints” of drilling rigs and roads, rather than the extensive, cumulative impacts of roads, clearcuts, mines, and toxic plumes. Government officials also attempt to confuse the issue by using the nebulous term “roadless characteristics” instead of the legally meaningful term “wilderness characteristics.” In the latter quote, they exaggerate the development possibilities of the 2001 Roadless Rule and downplay the development potential of the final Idaho rule. Under the 2001 rule, the Forest Service built less than ten miles of road, due to successful litigation by conservationists. The final Idaho Roadless Rule would build hundreds of miles of roads and discourage legal appeals of faulty decisions.

Moreover, the Idaho roadless rule-making process has been plagued by precedent-setting use of laws. Early in the process, the Bush administration asked the Idaho governor to petition the federal government through an obscure administrative clause (5 U.S.C. 553 of the Administrative Procedures Act, 1.28 of title 7) to change the rules directing management of national forest lands in Idaho. Development proponents had never previously employed this law in their onslaught to road, log, and mine our precious roadless wildlife habitat and set dangerous precedents with its use for the rest of the nation’s wild public lands.



Lochsa Slope Roadless Area Addition to the Selway-Bitterroot Wilderness

In conjunction with the finalized Idaho rule, federal agency and state officials recently signed an agreement, the Memorandum of Understanding (MOU) between the State of Idaho and the USDA Forest Service for the National Forests in Idaho. This decision allows the Forest Service to recognize the state of Idaho as a “cooperating agency” and gives the state the right to “perform the duties...in the preparation of [National Environmental Policy Act] NEPA documentation” (http://www.roadless.fs.fed.us/documents/idaho_roadless/id_roadless_mou.pdf, p. 3). The MOU denotes another victory for the Bush administration: privileging state influences on decisions about publicly owned, federally managed lands and thus illegally undermining the authority and interests of other American citizens represented in legitimate public input processes.

See Roadless Rule, page 5

Mines Threaten the Clearwater Basin

Gary Macfarlane

Two mines are currently proposed for the Clearwater basin: one on federal land near Elk City in the South Fork Clearwater drainage and the other on state land near Bovill, Deary, and the Potlatch River, which flows into the Clearwater River about 15 miles above Lewiston.

Many residents of Elk City are worried about the possible impacts of the Buffalo Gulch Mine on water quality and their way of life. The proposed open-pit cyanide heap leach gold mine would occupy a ridge above their domestic wells and springs. The Bureau of Land Management (BLM) has decided to prepare a full environmental impact statement (EIS) and recently concluded a round of public scoping comments. Friends of the Clearwater (FOC) coordinated a comment letter on behalf of Alliance for the Wild Rockies, Earthworks, FOC, Idaho Conservation League, Idaho Rivers United, the Lands Council, Trout Unlimited, Western Watersheds Project, and WildWest Institute. The BLM received over 3,000 comments on this initial phase of the project.

Roger Flynn of Western Mining Action Project has been working with these conservation groups on the legal aspects of this issue. Idaho Conservation League and Earthworks also coordinated several presentations in October by Montana rancher Jon Krutar, who has challenged similar mining operations. Concerned with water quality and safety, Montana citizens banned cyanide heap leach mining in that state through the ballot initiative process in 1998. Elk City Citizens for Clean Water, Friends of the Clearwater, Idaho Rivers United, and Western Watersheds Project co-sponsored Krutar's talks.



*Mine Tailings along the American River near Elk City
(Larry McLaud Photo)*

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Research & Summary Writing

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Examine state & federal wildlife policies

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The BLM has contracted out work on the draft Buffalo Gulch EIS, which may not be completed until next spring or summer. When it is released, the public will have another opportunity to submit comments about the proposed mine. FOC will keep you updated on this issue. If you wish to read the conservation organizations' scoping comment letter to the BLM, please view www.friendsoftheclearwater.org.

The mine proposed by the Canadian company i-minerals near Bovill and Deary would be located northwest of Moose Creek Reservoir. This project would dig a pit in the stream bed of a Moose Creek tributary and destroy some 3,000 feet of the creek. In addition to the destruction of nearby wetlands, other potential problems include negative impacts on water quality, fish habitat, terrestrial wildlife, area recreation and transportation, and the water quantity required to process the mined feldspar, a constituent mineral of clay. Several years ago, graduate students working with Dr. Fred Rabe documented detrimental water quality impacts from other clay mining in the drainage.

See Clearwater Mines, page 11

Clearwater Mines, continued from page 10

The Army Corps of Engineers, in charge of permitting this proposal, indicates that only an environmental assessment (EA) will be prepared for this large mine. Friends of the Clearwater submitted a letter to the Corps and the Idaho Department of Environmental Quality (IDEQ) describing possible mine effects and requesting a full EIS. With so many other federal and state agencies involved, including the Environmental Protection Agency, Marine Fisheries Service, U.S. Fish and Wildlife Service, and Idaho departments of Fish and Game, Lands, and Transportation, it is unclear which agency will prepare an environmental analysis and whether there will be another opportunity for public involvement. Some agencies do not accept public comments on smaller EAs except at the initial stage. For current information, visit the FOC website at www.friendsoftheclearwater.org.

General Mining Law of 1872

Sarah Aguilar

The General Mining Law of 1872 opens an estimated 216 million acres of federal land in the United States for mining, approximately equivalent to one of every eleven acres in the entire U.S. (U.S. Census 2000, Hoskins 2004). As passed by Congress, the law freely allows exploration and purchase of all mineral deposits in public domain lands. The surface of these national lands is usually managed by one of two federal agencies, the Bureau of Land Management (BLM) or the Forest Service (FS). BLM hosts the majority of claims and patents on federal lands, while managing the minerals in both BLM and FS lands.

The 1872 Mining Law directs management of metallic minerals, such as gold, silver, and lead, and nonmetallic minerals like gemstones, mica, asbestos, and fluorspar. All minerals except coal were once managed under the law, until it was modified in 1920 and 1947. The Mineral Leasing Act removed oil, gas, oil shale, geothermal resources, potash, sodium, native asphalt, solid and semisolid bitumen, bituminous rock, and phosphates from its authority in 1920. This law established a leasing system that retains government ownership of federal lands leased by mining interests. In 1947, the Materials Act gained oversight on public lands of sand, gravel, pumice, pumicite, cinders, and ordinary clay, which could be sold under contract or acquired through a free use permit from the federal government.

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The General Mining Law of 1872 relies heavily on the claim and patent system: once an individual or company locates minerals in federal land, they can file a claim with a one-time filing fee of 25 dollars. A claim gives the proprietor rights to the minerals within the boundaries of the claim. Five acres or less of minerals are usually found on a parcel of land. Although the mining law restricts the amount of land issued per claim, it does not limit the amount of claims that one can obtain. Claims are allowed in 19 states, including Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and are designated as either lode or placer claims. In lode claims, mineralization occurs as a vein of ore, while placer claims contain minerals dispersed among particles of sand and gravel. To maintain the rights to a claim, one must spend 100 dollars or more per year on labor or improvements at the site.

After the BLM grants a claim, the proprietor may apply for a patent with a 250-dollar fee and 50 dollars per claim. The applicant must clearly stake the boundaries of the claim and provide proof of over 500 dollars worth of expenditures on site improvements. If no adverse claims exist and the BLM approves, it offers a patent to the claim holder, who can then buy the land and secure full rights to it. Lands with placer claims cost \$2.50 per acre, while lode claim lands are \$5.00 per acre. A moratorium on all new patents took effect on October 1, 1994; the BLM no longer accepts and processes later patent applications.

The U.S. House of Representatives passed a new mining bill, the Hardrock Mining and Reclamation Act of 2007 (HR 2262), on November 1, 2007. This bill proposes changes to the General Mining Law of 1872 and stirs up the decades-old controversy surrounding the law. Advocates of the 1872 Mining Law, typically from the mining industry and corporations, prefer to lift the moratorium on new patents and deregulate the mining system. Opponents of the law believe that it gives public lands away, does not reflect current values and prices of land, and that more regulation within the mining system is necessary. Some argue that the government should end the claim system all together and should institute a leasing system for hardrock minerals similar to the 1920 Mineral Leasing Act. Others claim that only public uses are appropriate for public lands and that all commercial uses of the public domain should end.

Collaborative Process: The Future of Wildlands Conservation or Passing Fad? (Part 1)

Gary Macfarlane and Chris Norden

Some natural resource experts and writers tout so-called collaboration as the latest solution to public land conflicts. Although working together or collaborating is a part of life, we employ the term “collaboration” in this article in a much more specific sense: cooperating with or at the behest of a more powerful interest in exchange for positive publicity or special consideration, including prioritization of one’s own particular goals or agendas. Indeed, many collaboratives that address public lands issues follow this approach, but management decisions made in these circles are not always in the best public interest, notwithstanding their self-generated positive image.

*Friends of the Clearwater
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While proponents claim that collaboratives are open, democratic, and fully inclusive processes, usually only a few people actually participate. Many collaboratives are bare-knuckle political affairs with winners and losers, based more on coercion than on real consensus. In such instances, especially when public lands are at stake, their goal is to divide the spoils. Even though public lands are valued differently by the various represented “interests,” only a few of these (if any!) really speak on behalf of the public interest, which is usually best served by existing public processes, as explored herein. Though purported to end controversy, collaboratives are controversial themselves and deserve much more public scrutiny.

An emerging collaborative in the Clearwater region illustrates these issues. Senator Mike Crapo (R-ID) recently announced the formation of a new collaborative to address public land issues in Idaho’s Clearwater basin. Ironically, this public announcement occurred a few months after the collaborative group had actually formed, largely outside the purview of public awareness.

Debunking the Myth of Win-Win Collaboration

Serious questions surround collaboratives. First, we must recognize that such collaborative processes frequently do not result in any concrete implementation on the ground. They often turn into time sinks for local citizens and activists.

Special interests and/or governments usually propose collaboratives to covertly circumvent their compliance with environmental laws. For example, they may want to overturn court decisions in which citizens prevailed in convincing judges to force federal agencies to follow environmental laws governing how or whether commercial logging, mining, livestock grazing, or developed recreation takes place. In such cases, a collaborative may effectively replace legitimate public processes that already exist to serve the purpose of including and enfranchising citizens in public land management decisions, especially among competing or conflicting interests.

For example, the National Environmental Policy Act (NEPA) requires federal agencies to objectively evaluate a range of options for their proposals and to seek public input on those options before making a decision. Collaborative processes make decisions, couched as “recommendations,” prior to occurrence of this legally mandated analysis. As such, NEPA protocol becomes a pro forma exercise. An excerpt from an article about Crapo’s Clearwater collaborative, written by Eric Barker of the Lewiston Morning Tribune on May 30, 2008, emphasizes this progression:

Tom Tidwell, regional forester in charge of national forests in northern Idaho and western Montana, pledged to work to implement whatever the group comes up with. He said that anything done on Forest Service land will still have to go through the agency’s public process. But he said that having broad agreement up front will make the process smoother. “Whatever comes out of this effort, we are going to be supportive of it,” he said.

In effect, Tidwell tacitly admits that collaborative outcomes will undermine the objective analysis of other alternatives prior to agency decisions, as required by NEPA.

See Collaboration? page 13

Collaboration? *continued from page 12*

Clearwater Collaborative: Same Old Agenda?

Senator Crapo's current collaborative is reminiscent of past efforts to wrest control of public lands from U.S. citizens. The state of Idaho formed a Federal Land Task Force in 2000 that produced a recommendation for a local collaborative to make decisions about the Clearwater and Nez Perce national forests. This maneuver complemented President George W. Bush's plan to submit national forest management to local governmental and forest user control on a pilot basis, a first step toward full privatization of our publicly-owned lands. Environmental groups and concerned citizens successfully opposed this effort. However, some conservation organizations now support Crapo's endeavor, even though it advances the devolution of public land management to local influence.

Participants typically conduct collaborative processes privately: they rarely publicly announce meetings in advance that are ostensibly open to the public. They also avoid media scrutiny except in select circumstances, usually only after they have reached an agreement or conclusion or to announce the formation of such an effort.

What is this Collaborative Supposed to Solve?

Three crucial and interconnected questions can serve to discern the integrity or lack thereof of this particular collaborative process: What is this supposed to solve? Who is invited? and Who is running the show? What exactly the Clearwater Collaborative is supposed to solve remains a mystery. The environmental groups who have been involved want to draft wilderness legislation that would protect some of the roadless areas in the region. However, government documents state that the collaborative's mission is to provide "advice" to the Forest Service. Accordingly, the group appears to be initially addressing administrative issues, such as agreeing in principal to specific timber sale practices, rather than legislative issues like wilderness designation.

Even if a wilderness bill emerged on the collaborative's agenda, the price of consensus on it would likely be considerable. In similar negotiating situations, participants have typically asked wildlands advocates to consent to the weakening, amending, or suspending of existing environmental laws in exchange for agreements designating some wilderness. Several so-called wilderness preservation bills over the last few years have sought to improperly dispose of public lands, weaken the Wilderness Act, and establish other precedent-setting provisions that renege on past commitments to the integrity of wild public lands.

NREPA to the Rescue

Regardless of this collaborative's efforts, a better and more effective vehicle for wilderness protection of Clearwater roadless areas already exists. The proposed Northern Rockies Ecosystem Protection Act (NREPA), HR 1975, commanded a hearing last year and is moving forward in the U.S. House of Representatives. (For more information about NREPA, see www.wildrockiesalliance.org or www.friendsoftheclearwater.org.) The conservation groups involved in Crapo's collaborative, whose support of NREPA is largely tepid, believe that a "deal" should be struck with the participants and that passage of NREPA is doubtful. But imagine what could happen if all those groups promoted NREPA unabashedly! Its proponents argue that starting any large-scale, public lands negotiation process with NREPA, with its ambitious protection goals and broad regional scope, is far more politically astute than agreeing to a more compromised, fragmented, and thus weaker starting point that may become further diluted as it moves through the legislative process. In contrast to a collaborative process focused on dividing public lands so that each insider group gets something it wants, NREPA provides a scientifically defensible vision for present and futures generations' benefits from intact watersheds. Most pertinently, NREPA places the public interest and the needs of native ecosystems first.

(Editor's note: Part 2, the conclusion of this article in the next newsletter, will further investigate the current Clearwater Collaborative.)



Kelly Creek Roadless Area (Gerry Snyder Photo)

FRIENDS OF THE CLEARWATER EXTENDS OUR GRATITUDE TO BUSINESSES THROUGHOUT THE REGION FOR THEIR SUPPORT

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Orchard Farm	Otto's Produce Market	Paradise Creek Bicycles
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Tri-State Store	Twister's Salon	Tye Dye Everything
University City Realty	Wheatberries Bake Shop	Wine Company of Moscow

Weitas Creek Overnight Hike

Sarah Aguilar

The wonderful field trip sponsored by Friends of the Clearwater on July 19 and 20 focused on the Weitas Creek Roadless Area in the Clearwater National Forest. As we hiked approximately four miles from Twelve Mile Saddle to Windy Ridge, the comfortable trail wound above and around the eastern headwaters of the Weitas Creek drainage. The ridge trail offered beautiful vantage points to see into the Cayuse Creek watershed and east to the Bitterroot divide. Along the trail, we identified abundant huckleberry, grouse whortleberry, and fool's huckleberry as well as lodgepole pine, mountain hemlock, subalpine fir, and even white bark pine on the ridges. Snow drifts and patches of snow from last winter's heavy snowfall melted along the trail and offered great insights into the wildlife with which we shared the area. We observed dozens of enormous wolf prints in the snow, some as large as 4 by 4 1/2 inches. As we reached the alpine meadows of Windy Ridge, we saw hairy shasta, lupine, and cat's ear lily. Also covered with extensive fields of beargrass in full bloom, the ridge offered breathtaking views of the snowy Selway Crag peaks to the south. The elk sedge and charcoal-colored basalt formations enhanced the serenity and purity of the wildland scenery.

The next morning, we climbed to the top of a side ridge where, like on Windy Ridge, we could see nearly unbroken, undeveloped, but still mostly unprotected forests in every direction, far into the North Fork Clearwater country and Weitas and Kelly creeks. On the way out, we followed a moose whose tracks dwarfed the wolf's prints in the snow drifts on the trail. We were excited to recognize wildlife in the area, even though we did not come into direct contact with it. Overall, this trip was a great opportunity for members and staff to get to know each other and the roadless areas that we love. We shared not only wild nature and the knowledge we have of it, but the companionship and fellowship of people with a common passion: the Wild Clearwater Country.



A Beautiful Vista in the Weitas Creek Roadless Area

2008 Friends of the Clearwater Annual Membership Meeting

A Good Time Was Had by All in the Clearwater Community

Steve Paulson

The 2008 Friends of the Clearwater (FOC) annual membership meeting on November 7 at the 1912 Center in Moscow was a pleasant, informative, and fun event. The superb potluck was perhaps the best in our 21 years as a group: there were so many selections, I could not sample everything. The tasty mix of vegetarian and meat dishes, casseroles, salads, and desserts was so abundant that some of the mostly organic, home-grown food was carried back to the kitchens where it was lovingly prepared.

From background dinner music to rousing dance tunes, the meeting's music gets better every year. Jeanne McHale and Fritz Knorr sang and played jazz and blues numbers with piano, trumpet, and help from back-up singers and friends. Their rendition of the Sara Palin Blues was unforgettable.

Fred Rabe offered an interesting presentation about roadless areas within the Lochsa drainage. He showed maps with access points of each wildland, panoramic slides of terrain features, and photographs of members and volunteers at outdoor workshops. His lecture even included techniques for measuring the health of creeks and lakes through the presence and balance of certain invertebrate species.

The election of new board members Will Boyd, Jill Johnson, and Fred Rabe combined with the sad good-byes and expressions of gratitude for service to outgoing board members Kate Jaeckel, Julian Matthews, Pamela Scheinost, and Craig Watt. FOC members re-elected Tabitha Brown, Ashley Martens, and Steve Paulson, while Kirstin Eidenbach, James Holt, Chris Norden, and Jim Tarter continue on as board members. If you would like to serve on the board in the future, please contact one of these board members.

This year, FOC presented the Macfarlane Award to Larry McLaud (a.k.a. Lorenzo Trout), another exemplary defender of the Big Wild. As a symbol of our collective gratitude, we also gave him a Pendleton Buffalo Lodge wool blanket. Larry signed the wooden Macfarlane plank and talked about the sacredness of place and other reasons for preserving wildlands.

The variety and quality of silent auction items this year was vast, thanks to donations from local businesses and individual members but especially to Kelly Kingsland, who organized this event. Along with contributions from new and existing members, the auction and meeting provided great support. We thank Liz Boyd for table decorations and arrangements, Louise Todd of Mikey's Gyros for beer and wine bar service, Ashley Martens, Meadow Poplawsky, and Anra Rowley for supervision of the younger attendees, and Jenny Sheneman for logistical and kitchen assistance.

To me, the highlight of the evening was meeting old and new friends and colleagues. The annual membership meeting imparts a visual and emotional recognition that FOC is more than an "environmental group." It is a community of hard-working, fun-loving people who cherish wild lands and wild creatures.

I/WE WILL KEEP THE CLEARWATER COUNTRY WILD THROUGH THIS TAX-DEDUCTIBLE CONTRIBUTION TO FRIENDS OF THE CLEARWATER:

Grizzly \$1,000_____	Wolf \$500_____	Wolverine \$250_____
Salmon \$100_____	Steelhead \$50_____	Trout \$25_____
Coeur d'Alene Salamander \$15_____		Other \$_____

Name: _____

Address: _____

City/State/ZipCode: _____

Phone: _____ Email: _____

Would you like to volunteer? Yes No Area of Interest: _____

FRIENDS OF THE CLEARWATER CALENDAR OF EVENTS

FALL 2008/WINTER 2009

Thursday, December 4

Salmon River Dams: *River Ways* film screening
& Save Our Wild Salmon presentation
University of Idaho, CNR Room 10, Moscow, 7 p.m.

Friday, January 30

Benefit Concert & Dance featuring
Finn Riggins of Hailey & Yarn Owl of Pullman
American Legion cabin, Moscow, 7 p.m.

Friday, December 12

Winter Celebration Potluck
Bring a dinner dish & wildland photos & stories
428 E. Seventh Street, Moscow, 6:30 p.m.

Saturday, February 28

Snowshoe Journey to Location TBA
Donated snowshoe rentals available
Rosauers, 411 N. Main Street, Moscow, 8 a.m.



Roadless Areas in the North Fork Clearwater Basin (Chuck Pezeshki Photo)

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

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