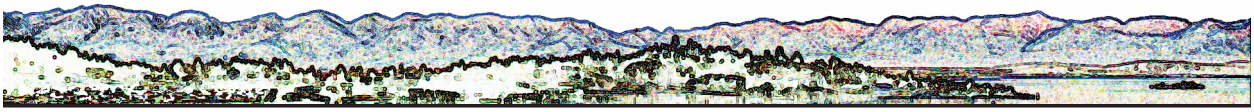
Swan View's News

Summer-Fall 2019



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"Nature and human nature on the same path."

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Public Voice Being Silenced on Public Land Issues!

The good news is that we had a relatively cool and damp summer here in the Flathead, so there was little drought and wildfire smoke to contend with - and there are lots of berries for the bears. The bad news is that assaults on our public lands are rapidly getting worse and some who love the land are playing a tragic part in it.

So we're going to get down to brass tacks in this newsletter about what is going wrong and where conservation is going off the rails. It won't be pretty, but we need to understand the problem before we can fix it.

One page 2 of this newsletter, we describe how the Forest Service is eliminating once bedrock opportunities for the public to review and comment on actions that affect their public lands, so it can more quickly serve private interests.

On page 3, we explain how public-private partnerships are being used to replace the public interest - with payoffs to private interests willing to go along with the government and private industry.

On page 4, we describe the slow but sure way that threats to privatize public lands have resulted in a morphing of conservation from protecting the environment into increasing human development of the environment.

We wrap up the bad news on page 5, describing the trail of broken promises on the Flathead National Forest and how it should undermine public confidence rather than draw in collaborative partners.

We switch to some good news on page 6, providing a sampling of unsolicited praise for our work and announcing our November 3 annual membership meeting, potluck and music jam session!

And finally, on page 7, we announce that Cinnabar Foundation once again is matching our member donations up to $4,000 - so act quickly to double your donation!

We promise good news in our upcoming Holidays newsletter, where we'll describe the path forward to cure the ills described in this newsletter. Stick with us!

Keith

Reading a hard copy newsletter and want to access its linked citations? A pdf version is at http://www.swanview.org

Forest Service Gutting Public Review and Comment!

In June, the Forest Service proposed to redo its rules for implementing the National Environmental Policy Act in order to eliminate public input on 93% of its decisions to log, mine, drill, build roads, and develop recreation on public lands! A primer on NEPA shows how this guts NEPA:

In 1969, Congress passed the NEPA and declared "it is the continuing policy of the Federal Government, in cooperation with the State and local governments, and other concerned public and private organizations . . . to create and maintain the conditions under which man and nature can exist in productive harmony . . ." It established the Council on Environmental Quality (CEQ), which published regulations for the implementation of the NEPA and required each agency to follow suit.

Key provisions of the NEPA and regulations require early notification of the public by federal agencies when they propose actions that may harm the environment. The first step is public scoping, in which the public is invited to help determine the scope of issues that the agency should consider. The next step is for the agency to prepare at least an Environmental Assessment, with a wide range of alternatives that address the issues the public helped identify. The public is then invited to review the EA.

If the agency determines there are significant impacts to the environment, it must prepare a more in-depth Environmental Impact Statement and provide a more lengthy process for the public to comment on the EIS. Only after this public involvement can the agency issue its Decision. Other agency regulations allow the public to Object to the Decision if it still finds it runs afoul of the law - as a final effort to resolve issues before litigation becomes necessary.

CEQ regulations allow agencies to establish "Categorical Exclusions" (CE) for activities "which do not individually or cumulatively have a significant effect on the human environment," excusing those actions from the preparation of an EA or EIS. But the June proposal by the Forest Service greatly expands that list of CE actions to include major logging and road-building projects, among others!

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 220

RIN 0596–AD31

National Environmental Policy Act (NEPA) Compliance

AGENCY: Forest Service, USDA.
ACTION: Proposed rule.

And, the proposed rule would not require any public opportunities for comments and Objections to the CE projects. In other words, the agency can issue as many CEs as it wants by chopping large projects into smaller, CE-sized pieces and claiming they aren't cumulative. The public is left with no process to improve agency decisions. It can only try and stop the agency in court!

We joined others in commenting against the proposed rule and supplemented that joint letter with our own. Hundreds of scientists from across the nation also submitted a letter critical of the proposed rule, four of them from the University of Montana.

The Forest Service is turning NEPA on its head, shutting the general public and independent scientists out of the process. As discussed in the following pages of this newsletter, the Forest Service is now attempting to front-load the NEPA process instead with "collaboration" and public-private partnerships that favor development over conservation.

Public-Private Partnerships
The Trojan Horse of Public Lands Privatization!

In 1997, former Forest Service Chief Jack Ward Thomas told a logging conference he "predicted a 'golden age of conservation' when local environmental groups and timber representatives learn to reach consensus. That will marginalize extremists." So reports the 6/8/97 Daily Inter Lake, with Thomas of course calling those who disagree with the Forest Service "extremists."

He was simply laying out the government's plan to co-opt the environmental movement by getting it to agree with the timber industry. Together they could then politically marginalize those fighting to enforce science and the law. That's what they've done, thanks to the acquiescence of those willing to "go along to get along" with people in power.

The Forest Service began inserting "collaboration" with willing partners ahead of the public scoping process required by NEPA for public lands projects (see previous page). In 2012 it included these provisions for front-loaded collaboration in its Forest Planning Regulations.

The effect has been to provide a very small subset of the American public an early and privileged seat at a table NEPA intended be an even playing field for everyone. This has also biased the science-based interdisciplinary planning process crafted by NEPA, awarding inordinate weight to the desires of a handful of collaborators sitting in a room because they want to get a bigger piece of the public pie.

In 2011, the Forest Service drafted its Public-Private Partnership Strategy that "advocates the expansion of partnerships, strategic alliances, and collaboratives." It noted that things like laws and ethics can be "limiting, particularly as we explore relationships with for-profit entities, issues of endorsement, and relationships with those organizations we also regulate."

The Forest Service has long been partners with the timber industry, using your tax dollars to build logging roads to haul public trees to private sawmills for private profit. Now, the Forest Service is seeking more logging and recreation partners to expand logging and recreational developments.

The Flathead is currently pursuing partnerships with mountain bikers to build 79 miles of additional trails. On trails that have already been built, the Flathead has issued two Special Use Permits to its trail-building partners so they can charge up to $30,000 in entrance fees for trail-running races on those trails.

All this in bear habitat, where experts advise against fast mountain biking and trail running! Yet the Flathead, until we intervened, held no public NEPA process and consulted with no outside bear experts.

While public lands may remain in public ownership, public-private partnerships are the means by which public resources are privatized - be it for logging or recreational development. This is bad news for the conservation of fish and wildlife.

Recreation ≠ Conservation, Endorphins ≠ Enlightenment!

Industry and congress have made repeated attempts to sell or deed public lands over to private enterprises. The conservation community's cry to "keep public lands in public hands," however, has taken a dangerous turn.

The plea to retain public access to public lands has quickly morphed into providing MORE access to public lands as though that automatically enlists more public support to keep public lands public. The result instead is more recreational development and a rapid decline in respect for the needs of fish and wildlife.

Many conservation organizations have quickly gone from helping agencies maintain existing trails into widening those trails and building new trails to accommodate more people and bikes.

There's a lot of money being granted to non-profits that build trails. And the Forest Service is willing to grant them Special Use Permits so they can make money promoting those trails and holding races on those trails.

Add into the mix the increasing desire of many to get more exercise in less time, by trail running and mountain biking instead of hiking, and it's a recipe for disaster. The result is more people on more trails going further distances and disrupting more acres of wildlife habitat.

Add in the commercial promotion of these trails through ill-advised trail running and mountain bike races, and it undercuts interagency programs trying to educate people to not run and bike fast in bear habitat. The result is not conservation nor the promotion of a sound conservation ethic, it is instead reckless recreational development.

Those promoting such trail-building and race promotions brag about the economic benefits to local communities, but they deny responsibility for the effects on wildlife. It is not just bears that are displaced by recreation. Studies on elk displacement confirm that mountain biking impacts are greater than hiking or horseback riding and next in line below motorized vehicles.

Simply put, upgrading existing trails and building new trails runs counter to the conservation of fish and wildlife. It is the same old failed, unsustainable economic model of "more is better" that resulted in our National Forests being over-roaded and over-logged.

What is needed to conserve our public lands and keep them public is to foster a greater appreciation in those who use public lands, including an appreciation for how to minimize their impact and risk to wildlife. Upgrading trails, building new trails and promoting them commercially through races simply puts more people deeper into the landscape after having been taught risky behaviors.

Conservation has taken a turn toward selfish rewards. If not blinded by selfish promotions, people are more than able to selflessly appreciate wildlife habitats and public lands whether they ever visit them or not. It's about quality, not quantity.

Trail of Broken Promises on the Flathead National Forest A Trustworthy Partner?

It is worth taking a look at past promises made by the Flathead National Forest in order to determine whether it is sincere in its partnerships or only seeking political cover for its own agenda. In 2016, the Flathead's Spotted Bear Ranger District issued its Trail Creek Fire Salvage Project after reducing the number and size of logging units to better protect wildlife and deciding to remove a culvert on South Creek that was blocking the upstream passage of juvenile westslope cutthroat trout (FS photo shown here). We Objected but did not litigate the project and returned in 2018 to photograph the results.

We shared our photos with the new District Ranger and went out in the field with him, showing him where the culvert still remained, where one of the logging units was made bigger by amending the contract, and where a couple of earth berms blocking a decommissioned road had been removed and not replaced. To make a long story short, the logs were long ago delivered to the mill but there is no money to remove the culvert. Nor is there money to replace the earth berms guarding the decommissioned road from motorized use. The moral of the story is that the Flathead makes promises to the public in its NEPA documents, pretty much does what it wants afterwards, then fails to charge enough for the public timber to pay for the companion restoration work.

But this is a minor reneging on fish and wildlife protections compared to the Forest-wide road management program. In 1995, the Flathead promised the public and Fish and Wildlife Service it would decommission enough roads to meet the grizzly bear standards in Amendment 19 to its 1985 Forest Plan. By 2018, it had decommissioned 780 miles of its 4,000 mile road system, had decisions already signed to do 110 miles more and said it would need to decommission another 518 miles of old roads to meet Plan standards and avoid harming bears.

The Flathead instead revised its Forest Plan and did away with Amendment 19 altogether, including its limitations on high-use non-motorized trails. The Whitefish Ranger Partnership essentially agreed to go along with this and to increase logging areas in the Whitefish Range by 66% in anticipation of removing ESA protection from grizzly bears. The Flathead included statements by WRP members Montana Wilderness Association and Stoltze Lumber in its 2/1/19 press release, implying the revised Plan had broad public support.

This is the strategy laid out by former Forest Service Chief Jack Ward Thomas and others more than two decades ago: to forge agreements between "environmental" groups and timber representatives in order to marginalize those of us who think the government should be held accountable and kept to its promises (see page 3 of this newsletter). We are in court over the revised Plan for these very reasons.

Meanwhile, collaborators and partners are supporting increased logging and promoting recreational development that knowingly displaces bears, elk and other wildlife. Many of them are sadly doing so under the banner of "conservation."

Unsolicited Praise For Our Work!

"So Happy to see you guys pushing back against hi speed and intensive backcountry recreation in NW Montana!" *Steve P.*

"You've been an inspiration and I appreciate all you do to protect this special place." *Robin S.*

"You're amazing. What a legacy you build week by week and meeting by meeting. Thank you so much." *Jim N.*

"Thanks so much for these photos and updates - I learn a lot by reading them." *Kathy K.*

"Nice opinion letter in the Beacon. Happy to help [with a donation]. All that you do is MUCH appreciated." *Chris G.*

"[Your Swan Crest Crawl is such] a great parody on the unfortunately too frequent adrenaline-charged events." *Jeff J.*

"Excellent press release. Thanks for your work on this issue. I hope it goes well for the bears in particular." *Dawn S.*

"Thank you for sharing this with me. I will submit my input as well." *Edd B.*

"Thanks for your message, you are correct! I am working on a corrected news release now. *Meghan M., Flathead National Forest*

"I hate to think what would be happening on the Flathead [National Forest] without your watchful eye." *George N.*

Annual Membership Meeting and Potluck November 3!

Join us for our Membership Meeting Sunday, November 3, at 4pm! We meet at the Mountain Brook Community Library at 2353 Foothill Road.

We'll spend an hour electing officers, discussing a bit of business, and summarizing the past year's challenges and accomplishments!

Then we'll enjoy a potluck dinner and socializing in a relaxed atmosphere!

Dinner will be followed by a regularly scheduled Swan Range Community Music Jam Session at 6pm for those who wish to stay! You don't have to play an instrument to enjoy this low key get together!

We hope you can join us for a bit of business and a whole lot of FUN!

You can also help us meet our Cinnabar Matching Grant by renewing your membership dues (see next page)!

Your Donations Again Doubled by Cinnabar Foundation!

Cinnabar Foundation has again issued us a Challenge/Matching Grant for $4,000 - **so be among the first to donate to get your money doubled by Cinnabar!**

We rely in large part on member donations to fund our work protecting habitat for fish, wildlife and people. **You can help us broaden our membership by giving Gift Memberships at $25 each,** either on-line or using the form below! **It's easy to join with and help others support our work:**

1. Send a check to Swan View Coalition at 3165 Foothill Road, Kalispell, MT 59901 - or -

2. Use your credit card securely on-line at https://swanviewcoalition.networkforgood.com or by clicking on the Donate Now button at right!

Network for Good handles your transaction securely for us and informs us immediately via email of your donation by credit card. You can also choose to give monthly, quarterly or yearly there to make it easier or more affordable (or change your mind anytime)! If you have other info you want to get to us, such as Gift Membership info, simply email it to keith@swanview.org or mail it to the address in #1, above.

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If there is pink on your mailing label, it means you haven't donated in nearly a year or more. Please make a donation so we can keep sending you our newsletter and continue our work!

[ ] Here's $25 to cover my minimum dues, newsletters, alerts, and Swan Ranger Reports.
[ ] Here's $50 to help restore a bit of peace and quiet to America's public lands.
[ ] Here's $100 to help keep forest roads from ending up in America's bull trout streams.
[ ] Here's $500 to help secure grizzly, lynx and wolverine habitat for future generations.
[ ] Here's $_____ to help save the world, one mountain range and one river at a time!
[ ] Here's $_____ for ____ Gift Memberships at a minimum of $25 each. I've included each recipient's name, mailing address, email address, and my greeting on separate paper.
[ ] As a gift of appreciation for my donation, please send me [ ] the Swan/Flathead history booklet "The Lineage of Chief Aeneas: A History of People and Place" and/or [ ] a Swan Ranger patch (circle "hang-loop" or "sew-on").
[ ] Save paper! Email my newsletters to _____

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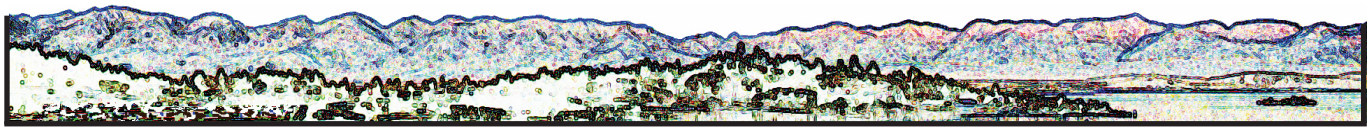
Summer-Fall 2019



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