



# The Clearwater DEFENDER

A quarterly publication of the Friends of the Clearwater | Summer 2022

## Win! Two massive projects paused on the Nez Perce National Forest

Hungry Ridge and End of the World Projects did not adequately measure or protect old-growth stands in the project area, says Judge. **Pg. 3**

## How a seldom-seen flower saved the North Fork

One biologist journeys into the canyons of the Clearwater to find - and pay respects to - the elusive bank monkeyflower. **Pg. 6**

## Win! Wolverine are a candidate for ESA protections ...again

USFWS has a chance to save this species, or procrastinate to its extinction. **Pg. 4**

## A first-hand look into the "snag forest"

Visiting activists explore the post-fire landscape of Meadow Creek.

**Pg. 8**



**Friends of the Clearwater**  
Keeping Idaho's Clearwater Basin Wild

Nonprofit  
Organization  
U.S. POSTAGE PAID  
Permit #470  
Moscow, ID

Friends of the Clearwater  
PO Box 9241  
Moscow, ID 83843



**Friends of the Clearwater**  
*Keeping Idaho's Clearwater Basin Wild*

Friends of the Clearwater  
 P.O. Box 9241, Moscow, Idaho 83843  
 208-882-9755  
[foc@friendsoftheclearwater.org](mailto:foc@friendsoftheclearwater.org)  
[friendsoftheclearwater.org](http://friendsoftheclearwater.org)

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

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

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

**Board of Directors**

Harry Jageman	Tanya Gale
Steve Paulson	Beth Hoots
Julian Matthews	Chris Norden
Brett Haverstick	Lynne Nelson
Gary Macfarlane	

**Advisory Board**

Chuck Pezeshki - Ashley Martens - Fred Rabe

**Staff Members**

Montana Policy Director: Jeff Juel  
 Staff Attorney: Katie Bilodeau  
 Member and Development Director: Paul Busch

**Publication**

Layout & Design: Paul Busch  
 Editors: Katie Bilodeau and Jeff Juel  
 Copy Editors: Tanya Gale, Terry Yackley

**INSIDE THIS ISSUE**

PAGE 3: HUNGRY RIDGE - END OF THE WORLD VICTORY

PAGE 4: WOLVERINE WIN

PAGE 5: WOLF POPULATION ESTIMATES

PAGE 6: THE BANK MONKEYFLOWER

PAGE 8: EXPLORING A SNAG FOREST

PAGE 9: CONDITIONS-BASED ANALYSIS

PAGE 10: OLD GROWTH INVENTORY

PAGE 11: COYOTE'S COMIC

**Thank you to the following foundations and organizations for their generous support:**

Charlotte-Martin Foundation, New-Land Foundation, The Horn Foundation, The Robert L. Crowell Fund of the New Jersey Community Foundation, Network for Good, The Leiter Family Foundation, Clif Bar Family Foundation, Maki Foundation, Fund for Wild Nature, Mary and Charles Sethness Charitable Foundation, New York Community Foundation, Elbridge and Evelyn Stuart Foundation, The Oregon County Community Foundation, Committee for Idaho's High Desert, and the Latah Wildlife Association!

**EXPLORE CLEARWATER COUNTRY THROUGH OUR WEBSITE**  
[friendsoftheclearwater.org](http://friendsoftheclearwater.org)

**FOC Event Schedule!**

**Wine and Wilderness**

9/10/22 - St. Mark's Church - Moscow

Our annual wine-tasting is back on! Remarkable Paso Robles wines, a three-course meal including locally-sourced beef tri-tip, and an auction of wines and the photography of FOC member Bill Voxman.

Cost is \$75 per person, please contact the office for more info. Only 24 seats available so please RSVP promptly.

**Buffalo Field Campaign Anniversary Event**

10/6/22 - One World Cafe - Moscow

For 25 years, BFC has advocated for the American Buffalo, often from the very front lines outside Yellowstone National Park.

Hear about their work and listen to traditional Tribal flute playing. It is free, open to the public, and starts at 7pm.

**Annual November Meeting**

11/5/22 - 1912 Center - Moscow

Our annual meeting will be live and in person once again! Please save the date and reach out if you have items to donate for our silent auction.

**Clearwater Country Report**

Receive monthly action alerts and comment on proposals on the Nez Perce-Clearwater National Forests  
[friendsoftheclearwater.org/get-e-news/](http://friendsoftheclearwater.org/get-e-news/)

We are testing out this new newsletter format. If you have any thoughts on the change (positive or negative) please share your thoughts with us!

# Hungry Ridge - End of the World Victory!

## Reprieve for Old-Growth Ecosystems in the Salmon-Clearwater Divide

By Jeff Juel

On June 24, the U.S. District Court of Idaho ruled on a Friends of the Clearwater lawsuit, halting the “End Of The World” and “Hungry Ridge” timber sale projects on the Salmon-Clearwater Divide of the Nez Perce-Clearwater National Forests. The court agreed with our claim that the U.S. Forest Service is failing to maintain minimum amounts of old-growth forests, as required by the 1987 land management plan (Forest Plan) written for the Nez Perce National Forest (NPNF). Our attorney is Bryan Hurlbutt of the public interest environmental law firm Advocates for the West.

The Salmon-Clearwater Divide is the mountainous, forested ridge rising between the Salmon River and the South Fork Clearwater

River between Grangeville, Idaho, and the Gospel Hump Wilderness. The Forest Service made final decisions on End Of The World and Hungry Ridge in 2021, authorizing logging over 40 square miles to generate more than 317 million board feet of timber (over 60 thousand log truck loads). More than 11 square miles would be logged with clearcutting or similar methods over a ten-year period.

Both projects would log “old growth”, a forest condition consisting of large old trees, snags, layered canopies and significant large woody debris on the forest floor. Naturally resilient and biologically diverse, old-growth forests are crucial to wildlife species in the northern Rockies including the lynx, fisher, marten, pileated woodpecker, and goshawk. Elk, moose, deer, owls, black and



FOC members surveying the steep slopes of John's Creek. Note the blackened trunks of ponderosas that withstood wildfire. Will Boyd photo.

grizzly bears, steelhead, salmon, and bull trout also use important habitat components of old growth. After clearcutting, it takes at least 150 years for old growth wildlife habitat to reestablish, which means it is effectively a nonrenewable resource.

The Forest Plan calls for maintaining no less than 10% of the Forest in an old-growth habitat condition, an amount much less than what existed before logging began in the early 20th Century. In the face of continued industrial logging, FOC is concerned that setting such a low forestwide minimum threatens the long-term persistence of old-growth associated wildlife. Our fears are intensified because the agency has failed to monitor population trends of associated wildlife over the years, as required in the Forest Plan.

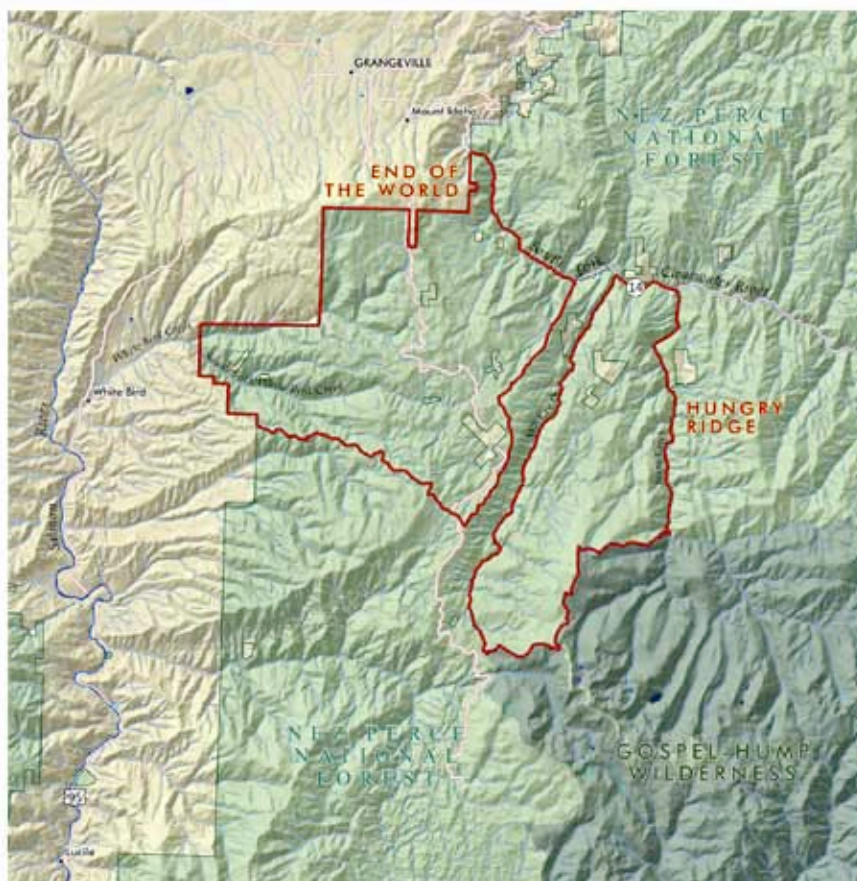
The NPNF Forest Plan requires the Forest Service to “Inventory, Survey and Delineate Old-Growth Habitat” and this was to be accomplished by 1990. In early 2020, before the Forest Service issued decisions on End Of The World and Hungry Ridge, FOC requested documentation of the complete inventory of old growth for the NPNF, intending to calculate forestwide old-growth acreage and map it for public display. We received a database from the Forest Service; however, because of ambiguities in the data and since our calculations showed less than one percent old growth on the entire NPNF, we assumed our figures were incorrect. So we requested a meeting with the Forest Service to learn how to properly interpret the data. Unfortunately, agency officials assumed we were

only inquiring about old growth in the End Of The World and Hungry Ridge project areas, and invited only a few project team members. We then requested a follow-up meeting with the appropriate Forest Service staff who could explain the forestwide inventory. At that point, Forest Supervisor Cheryl Probert refused, saying she had higher priorities than meeting with FOC. Such as meeting with attorneys, perhaps?

The court's decision was focused more narrowly than on the forestwide old-growth inventory. Since maintaining viable populations of wildlife requires their habitats to be well-distributed across the landscape, the Forest Plan also requires a minimum of 5% old growth be maintained in smaller landscape units called Old Growth Analysis Areas (OGAAs). The court agreed with our claim that the Forest Service was not demonstrating management consistency with the Forest Plan minimum requirement for some of the OGAAAs that intersect with the two project areas.

To arrive at this conclusion, the court agreed with our claim that the agency was using a flawed definition of old growth in at least two ways. First, the Forest Service used a definition not contemplated in the Forest Plan, effectively inflating old-growth amounts in OGAAAs above what could be verified using only the Forest Plan definition. In other words, they used lower quality habitat to meet minimums. Second, the court rejected the Forest Service's contention that the entirety of Forest Plan Management Area 20,

(cont'd page 7)



Scale: 0 2.5 5 Miles  
0 2.5 5 Kilometers  
1:250,000  
Data Sources: United States Geological Survey, Landfire, Conservation Geography  
Produced by Conservation Geography for Advocates for the West © 2021  
www.congeo.org - www.advocatesforthewest.org



The project areas, map courtesy of Advocates for the West. Between the two massive projects is the current Doc Denny sale.

# Win for wolverines in court, but a fight far from over.

By Katie Bilodeau

In May 2022 a federal district court in Montana reinstated the wolverine as a candidate for listing under the Endangered Species Act (ESA) and instructed the US Fish and Wildlife Service (USFWS) to complete a more thorough analysis and, within 18 months, make another decision on whether to list the wolverine under the ESA. The protracted fight to protect the wolverine's future is now a generation old.

Wolverines need colder temperatures and deep snow where they can den and protect their kits. Wolverines also need large, unroaded wildlands and connectivity between those areas. These habitat requirements have all decreased since groups first petitioned for ESA protection, and warming temperatures increasingly threaten this species. Until global temperatures stabilize, or high-elevation wolverine habitat is fully protected, their decline will continue, rendering the USFWS actions to date alarmingly irresponsible.

Efforts to first protect the wolverine started over two decades ago, and litigation has marked every stage of the listing process because of the USFWS's bad decisions or utter failure to make any decision. Conservation groups, including Friends of the Clearwater, first petitioned the USFWS to list the wolverine in 2000. Under the Endangered Species Act, when the agency receives such a petition, it must decide within 90 days—a "90-day finding"—whether there is substantial scientific or commercial information that warrants a deeper investigation. If the listing petition is supported by substantial information, the agency then has 12 months to conduct a species review and decide to list or not to list—a "12-month finding" or "listing decision." The agency can list species' subpopulations at risk, down to a "distinct population segment." And for every decision or failure to make one, the ESA allows citizens to sue for relief in federal court. Knowing this basic process, the saga of the wolverine is efficiently recounted with the bulleted timeline at right.

## Timeline of wolverine protections

### 2000

Conservation groups, including Friends of the Clearwater, petitioned the USFWS to list the wolverine and protect it under the ESA

### 2002

Conservation groups sued the USFWS after waiting two years for the 90-day 2000 finding.

### 2003

USFWS issued a 90-day finding that the petition does not have substantial information that would warrant a 12-month listing decision, and denies any further consideration to protect wolverines under the ESA.

### 2005

Conservation groups sued the USFWS on this 90-day finding.

### 2006

Court found agency's 90-day finding to be unlawful and ordered a 12-month species review to determine whether the wolverine should be listed. Court set a date in early 2008 by which a 12-month listing decision is due.

### 2008

USFWS published 12-month listing decision, denying the wolverine ESA protections because it did not qualify as a proper subpopulation under the law, and thus could not be an entity to list. Later in 2008 conservation groups sued on this decision.

### 2009

USFWS agreed to settle the case by voluntarily taking another look at the 12-month listing decision and issuing a new one by 2010.

### 2010

USFWS issued a finding that the wolverine in the Lower 48 was a subpopulation that could and should be listed, but the agency said listing in 2010 was precluded because there were higher-priority species to list.

### 2011

Through an entirely separate court settlement in another lawsuit on a chronic backlog of listing determinations for various species, USFWS committed to submit, to the Federal Register, a proposed listing rule for the wolverine by 2013.

### 2013

USFWS proposed a rule to list the wolverine as threatened under the ESA.

### 2014

USFWS took a six-month extension to solicit additional data, citing several states' and a few scientists' disagreement with the scientific information in the 2013 proposed rule. After this review, the USFWS decided to withdraw the 2013 proposed rule to list the wolverine in the Lower 48. After the new decision, conservation organizations sued on USFWS decision to withdraw proposed ESA-listing for wolverine.

### 2016

Court found that the USFWS erred in scrapping the proposed listing rule. The Court vacated the USFWS's decision and remanded the question of whether to list the wolverine back to the agency for consideration as soon as possible.

### 2020 - March

After waiting several years for the USFWS to act, conservation organizations, including Friends of the Clearwater, sued again for the agency's failure to make a timely decision on listing the wolverine under the ESA. Rather than defend itself in Court, the USFWS settled, promising a final listing decision by August 2020.

### 2020 - October

USFWS published its decision, again to withdraw the 2013 proposed listing rule, again denying wolverine protection under the ESA. Conservation organizations sued December 2020, which is the present case, and resulted in the Court's May 2022 decision.

(cont'd on page 11)



A wolverine in snow, USFWS photo

Studies estimate the American population of wolverine will lose upwards of 60% of their snowbank denning habitat due to global warming.

# How many wolves are in Idaho and Montana?

## Poor science obscures crucial information

By Paul Busch

In the spring 2022 edition of the Defender, I wrote a story about where wolves are (and are not) protected throughout the US. The problem with that story is that I trusted a very important statistic that is based in very poor science. I parroted the claim that some ~1500 wolves live in Idaho and ~800 live in Montana. This is almost certainly inaccurate.

Before we look at the number of wolves, a refresher on counting.

### How to Count Things

A census (like the U.S. census) is an exact count of a population. California condors, one of the rarest American birds, are subject to a census. Because condors are conspicuous (condors soar on 9-foot wingspans) and individually distinguishable (USFWS tag every bird with a number on its wing), and have very slow reproductive cycles, it's possible to know exactly how many exist on the planet. They even have a condor studbook with the family history of all living birds, descendants of the surviving 27 captured by 1987. In 2021, the USFWS published their yearly condor census, which totaled 537.

A census of rock pigeons would be impossible. They live throughout the planet, reproduce quickly, and look nearly identical. An estimate would be necessary, even for small cities like Spokane.

Crucially, even an estimate of pigeons in Spokane may not even help us estimate the population in Spokane County. If we used the density of pigeons per square mile of Spokane to estimate rural areas, we would probably estimate tens of thousands more pigeons than actually exist, because the conditions for their survival (ledges to nest on, accessible food from human waste, etc.) are more concentrated in cities.

These kind of errors in sampling are called bias. We can never eradicate bias, but we can use consistent and well-established methodology to have accurate and verifiable estimates.

Wolves in Idaho and Montana are currently estimated using significantly biased sampling methods, leading to the potential for

dramatic over- or under- counting. Based on the reports from the two state agencies, the situation agencies depict for wolves in the Northern Rockies is a stable one. This may – or may not be – the case. We simply don't have an accurate estimate.

### Idaho Wolves



A prominent sign on Highway 12. Some locals would prefer extinction. FOC file photo.

The method used for estimating wolf populations in Idaho is a “space-to-event” model. In our pigeon example, the amount of space between individual pigeon sightings would provide us information about the density of pigeons. More sightings, and less time and space between sightings, usually means more animals.

Wolves are much different than pigeons. They are rare, shy of humans, pack-oriented, and travel large distances in remote country. IDFG uses motion-activated camera traps throughout the state. However, there are significant problems in their methodology that increase bias.

- Cameras were activated by motion, rather than time interval.
- Cameras were placed near to known denning sites, not randomly

This is the same as going to Spokane to photograph pigeons. You know you'll find them, and using that data for other regions doesn't make sense. Even with the added benefit of photographing near denning sites, some 63% of cameras documented no wolves in the two-year IDFG study (see Idaho

State Wildlife Research Report 2021). It is very likely that had the proper methodology been used, cameras would have documented even fewer wolves.

Individual wolves are also difficult to distinguish. There is a possibility that some wolves were double-counted or half-counted, and those mistakes are not possible to correct. We just don't know how many wolves survive in Idaho.

### Montana Wolves

The Montana Department of Fish, Wildlife, and Parks (MFWP) model is pretty complicated. MFWP uses wolf sightings to estimate occupied range. Occupied range is then divided by average pack territory to give us an estimated number of packs. Then the estimated number of packs is multiplied by an average pack size to estimate the number of individual wolves.

Every step of this process compounds whatever error the previous step had. And since the underlying hard data that MFWP uses is so sketchy (the occupied territory metric is based on anecdotal reporting from sportsmen and biologists) it's very hard to see the estimate having a level of precision needed for preventing serious population decline, or genetic bottlenecks, or both.

This is especially troubling because wolves behavior is so adaptable. If the breeding pair of a pack is shot, for example, some packs completely disperse while others reproduce at higher rates, or interbreed

with coyotes.

The fact that wolf behavior is so flexible and the impact humans have on wolves is so intensive should really call into question Montana's reliance on data-scarce modeling.

### Wolf Population Trends

Idaho and Montana politicians have dramatically redoubled the war on wolves in the last year. While state wildlife agencies expressed frustration with this direct meddling in management policy, ultimately they enforce, rather than write, the law.

The public outcry over these brutal wolf policies has been retorted with two claims from State agencies:

1. That the wolf population in Idaho and Montana is stable
2. That the number of wolves killed is not increasing, so greater protections are unwarranted.

I hope this article has shown how little reliable evidence exists for claim 1. As for claim 2, a scientific perspective (and a little common sense) can go a long way.

Let's say you're picking apples from the tree in your yard. At the beginning it may take you five minutes to pick 50 apples. Pretty soon all of the easy-to-reach apples are already picked. Using a step-ladder, five minutes of picking also yields 50 apples. Eventually only the highest apples remain, requiring a very large ladder, or a long picker, or actually climbing the tree. Now five minutes of picking yields only 15 apples, and it's clear the apples are running out.

This illustrates catch-per-unit effort, or CPUE. If the effort that hunters and trappers exert to hunt wolves increases but the number of wolves harvested is the same, then there is a real possibility that there are simply fewer wolves to be caught.

Unlimited tags, fewer regulations, and high bounties could be the ladders reaching into the treetops toward rarer and rarer apples.

But how would we know? Idaho and Montana have done an inadequate job keeping track of this remarkable and misjudged icon of the wilderness. It's not hyperbolic to say that we need accurate numbers or we need federal management. It looks like Idaho and Montana have chosen already.

# The tale of the bank monkeyflower: Humble resident of the Clearwater

By Jeremiah Busch

## Motivations

The forested lands that feed the Clearwater River are truly special. Chances are you have sought out the Clearwater's forests for a wide variety of reasons: the solace of old growth, the rhythms of wild rivers, or the quiet brush of snow on cedar bough. Such experiences hum. With all that

*"Seeking hard-to-find organisms allows one to live as a sort of private detective."*

is transpiring in the world beyond our control, I carved out some time for a small adventure of my own – to find the elusive bank monkeyflower (also known as the North Idaho monkeyflower).

This little plant is found largely within forests of the Clearwater and nowhere else. While the bank monkeyflower is well regarded as a unique, albeit rare, member of the flora, it has also played an important role in human struggles over the fate of the Clearwater's forests. The story of how a diminutive herb influenced an entire ecosystem is a compelling tale for the telling.

For my part, I was drawn to the story of the bank monkeyflower because I have a soft spot for the small, the overlooked, and the otherwise downtrodden. I have also studied plants for most of my life. During that time, I have tried to understand the ecology and evolution of plants, especially those that are naturally rare. I believe the

lessons we learn from understanding small populations and rare species will only become more important if our society continues to destroy the world upon which we depend. Beyond this very basic motivation, seeking out hard-to-find organisms allows one to live as a sort of private detective. You get to read historical documents, pour over maps, and constantly remind yourself to view the world from a

plant's perspective. Most of the over 100 species of monkeyflowers are native to western North America. The story of a monkeyflower is therefore a story of the American West, and in this regard the bank monkeyflower does not disappoint.

## How a single species preserved forests of the Clearwater

All creatures are living residents of an ecosystem, and forests of the Clearwater have been, and continue to be, assaulted by the buzzsaw of progress. Logging boils down to a whole lot of habitat destruction, and species that are naturally rare (or have become rare) are the most vulnerable. Some of the most effective arguments against logging projects stem from that fact that grizzly bears, fisher, wolverine,

and steelhead may be harmed to point that they experience extinction – an irreversible loss of nature's diversity. In this vein, concerns were raised in 1989 by Steve Paulson (the founder of Friends of the Clearwater) that logging and road-building activities near Clearwater National Forest rivers were destroying the naturally rare bank monkeyflower's habitat.

Steve's petition to consider bank monkeyflower as an endangered species necessitated an intensive search by Forest Service botanists for it throughout the river canyons of the Clearwater National Forest. This put the brakes on a plan by the Forest Service to build a road leading to the very edge of slack water in the North Fork of the Clearwater (55 miles upstream from Dworshak Reservoir).

Such a road would have allowed many trees to be cheaply transported downstream to the mill. Moreover, the proposed road would have been built through the Aquarius



The elusive bank monkeyflower.  
Jeremiah Busch photo.

Research Natural Area (RNA), a pocket of forest that is unique in the Northern Rockies because it harbors so many species typically found in coastal rain forests, in addition to several that were previously unknown to science. Given these and other serious worries, the Forest Service had to scrap plans to construct the slack water road. Concerns about the tiny bank monkeyflower were part of a chorus of doubts which, in sum, the Forest Service simply could not ignore. It is difficult to know exactly how much this decision has insulated the North Fork of the Clearwater from logging, but the slack water road would have undoubtedly triggered the loss of trees on a massive scale. The wild character of the North Fork, including the vast Mallard-Larkins, Pot Mountain, and

Bighorn-Weitas roadless areas, owes at least part of its survival to the bank monkeyflower – a humble forest resident who eludes even those who seek to find it.

To really appreciate these impacts, it is worth reading Steve Paulson's letter to the editor of the Lewiston Tribune at that time:

*"Is it true that the Bank Monkeyflower stopped taxpayers from building another welfare logging road for the timber industry?"*

*What irony! The great grizzly bear that was seen on Isabella Point last spring couldn't stop the road. The mighty elk couldn't stop it. The nation's endangered symbol, the bald eagle couldn't save it for winter range. The grey wolf, which was sited in the area couldn't stop it. The fierce wolverine nor the rare fisher that live there had any influence over the road. The sensitive Coeur d'Alene salamander, the 15 other rare plants, the rare fern ecology or the unnamed insects couldn't stop it. The last 4 unroaded miles of the North Fork of the Clearwater River wasn't enough. The US Fish and Wildlife Service, the National Park system, the Corps of Engineers, or the regional office of the Forest Service tried and couldn't. The Friends of the Clearwater, the Sierra Club, the Idaho Conservation League, the Wilderness Society, the Nature Conservancy, and all the environmentalists and botanists in the area couldn't stop the road.*

*It was a little white flower nobody ever heard of, the Bank Monkeyflower.*

*Long live the Bank Monkeyflower!"*



An American avocet in the North Fork. Paul Busch photo.

(cont'd next page)



*A Coeur d'Alene salamander found below a waterfall.  
Paul Busch photo.*

(cont'd from previous page)

## The life of bank monkeyflower

If you ever want to find the bank monkeyflower, you must understand that it is a narrow specialist. The species is nearly entirely restricted to river canyons of the Clearwater, though historical records also suggest it occurs near Lake Coeur d'Alene and in northeastern Oregon. Most recent sightings since 1990 occurred on the

bright summer day. As you can see, two lobes hover atop the flower tube's opening, reminiscent of monkey's ears, hence the common name "monkeyflower." Maybe 20 plants – most of them less than 3 inches tall – were scattered across the hillside with open flowers. Even though I was hunting for the species in earnest, this gathering of plants escaped my notice as I stepped over them. I owe a debt of gratitude to more careful botanists (thanks Sierra, Thomas, and Shelby!) for pointing them out.

## "Long live the bank monkeyflower!"

North Fork of the Clearwater, the Selway, the St. Joe, and Elk Rivers. Plants live and die in a single year, emerging in the spring from pockets of moist, fine gravel on eroding slopes of river canyons. Lucky survivors eke out a flower or two between May and July. Descriptions of this species often note that it is associated with regular disturbance by elk. To be honest, this seemed a bit fantastical to me, conjuring a far-fetched notion that the plant requires water trapped in the hoof prints left behind by lumbering elk.

I am a bit less skeptical these days. After striking out in my search above Selway Falls and numerous sites along the North Fork of the Clearwater, I found bank monkeyflower growing among signs of elk across a lucky, southward-facing slope high above Elk River. The picture you see here was taken near the middle falls of Elk River on July 5th, a gloriously warm and

## Reflections

When my search for bank monkeyflower was in its earliest stages and barely more than a conversation, I had the great luck to head into the Clearwater with FOC staff member Paul Busch and FOC board member Steve Paulson. We hiked through the Aquarius RNA during the first weekend of June. It was a rainy, quiet, and rejuvenating introduction to summer. We did not find bank monkeyflower, but we experienced so much more.

I had never walked that section of rainforest, but the towering cedars and crowds of ferns stood silent watch as we wandered. I had never heard the cracks of boulders smashing river rocks as they tumbled through a raging and swollen North Fork, but those sounds echo even today. I had never held a Coeur d'Alene salamander in my hands, feeling its gentle toes saunter

(Nez Perce Win, cont'd from page 3)

lands delineated as when the agency finalized the Forest Plan in 1987, should count towards meeting the 5% OGAA requirement. This contention flies in the face of the plain language in the Forest Plan ("Approximately half of the area ...is comprised of immature stands (40-80 years) that will provide for replacement old-growth habitat"). And this is where the court caught the Forest Service lying to the public: "Here, while the Forest Service's NEPA documents indicate it used aerial photos, stand exam information, previous land uses, and personal knowledge to verify stand conditions

in MA20, the Court cannot find any evidence in the record demonstrating that it did so other than its bare assurances."

Logging has depleted and highly fragmented the original extent of old-growth habitat in the NPNF and all across national forests in the lower 48 states. The remaining old growth is crucial for serving shared public values associated with old-growth ecosystems, such as biological diversity, wildlife habitat, carbon sequestration, recreation, aesthetics, soil productivity, clean water and fish habitat. The End of the World and Hungry Ridge timber sales exemplify the Forest Service's improper prioritization of timber production above other values.

Mature and old forests also store disproportionately massive amounts of carbon, helping to moderate the effects of climate change. A study in eastern Oregon determined that the largest 3% of trees account for 42% of carbon storage in forests. Other studies reveal that logging mature and old forests elevates atmospheric carbon emissions over many decades, if not centuries, above amounts emitted naturally even from wildfires and other natural causes.

The court rejected several of our other claims including those relating to steelhead and fish habitat in general, effects on grizzly bears, scientific issues relating to wildfire, and cumulative impacts not related to old growth. And so in enjoining End of the World and Hungry Ridge timber sales, the court only ordered the Forest Service to accurately identify old-growth stands and comply with all Forest Plan old growth standards before writing or updating Environmental Impact Statements.

As of this writing, it remains to be seen how the Forest Service will react to the court's decision. It could attempt to patch up the deficiencies identified by the court and bring them back, by supplementing the Hungry Ridge Environmental Impact Statement (EIS) and preparing an EIS for End Of The World where it previously only prepared a less detailed Environmental Assessment. In that case, public comments and another round of the objection process would ensue, likely taking many months to well over a year, followed by a petition the court to lift the injunction. Or the agency could resist this injunction in the court of appeals, which could also take many months. Regardless of what the Forest Service does to push its logging agenda, FOC will be there to fight for our forest ecosystems.



*Red Alders, like the one above, are a coastal species, and found in great numbers in the Aquarius Natural Research Area, Paul Busch photo.*

across my skin, but I will not soon forget it. I could go on, but the words would just get in the way. Regardless, I look forward to visiting the Clearwater in the fall, when it will be possible to once again appreciate Steve's wisdom shared by a campfire: "It was always about much more than the bank monkeyflower."

# Blazing through the burn

By Jennifer Mamola and MarieClaire Egbert

We at the John Muir Project (JMP) are dedicated to the ecological management of our federal public forestlands; MC whips up groovy educational material for the general public through social media and other avenues, while Jenn informs Congress of the latest independent science from not just their boss, but the multitude of phenomenal grassroots groups JMP works with to fight in keeping our National Forests standing.

So when Friends of the Clearwater (FOC) requested our presence to rove around the Meadow Creek Inventoried Roadless Area, we asked: when!? We're always grateful for more boots-on-the-ground experience to explore our beloved public lands. Especially when it's to traverse outside and get a better sense of post-fire habitat that was left mostly unscathed by human intervention and damaging fire-phobic management strategies like salvage logging.

We were warned that the weather might be all over the map since our collective schedules could only make early June work, but we were prepared with the appropriate attire and layers. But to our surprise it was a sublime 80 degrees during our first day of car camping at Slims Camp. Where we spent the day surveying for bank monkeyflowers with Jeremiah Busch (see page 6) and later swapping stories by the campfire.

Knowing the weather could turn at any point, waking up to rain the next morning wasn't terribly shocking; the pep in our step remained as we shook off the rain from our tents and packed up. Relishing the thought of gallivanting through the backcountry while discussing forests and fire that regenerates them, we set out amongst the overcast sky in search of the 10-mile marker for our home for the next two days.

The first few miles seemed to

*"[Post-fire habitats] should be celebrated and protected as much as old growth."*

breeze by, with a light mist lingering about as we bushwhacked through the fairly flat terrain. It didn't take us long to be fully immersed in the snag forest from the Wash fire of 2015 – the stark contrast between the green regeneration and charcoal snags was mesmerizing. Death begets new life, afterall. Stopping to survey the naturally occurring dams and eddies that collected along Meadow 'Creek'. A river if we ever saw one, but such bodies of water are clearly classified differently in the Gem State.

It was such a treat to start to climb above the roaring Meadow Creek to better hear all the birds in all their harmonious

glory – meandering through the wilderness really helps remind us how small we are in the grand scheme of things. We were delighted to observe some bones, fur, and tracks left behind by the creatures that call Meadow Creek home. The copious

amounts of conifers poking out from the shrubs was astonishing, along with the captivating array of colors in the wildflowers that covered the mountain side! Standing along the peak of the trail and looking out gave us such a humbling feeling, taking in

the awe of nature and seeing its ability to adapt and retain its beauty through the transformative power of wildfire.

Wildfire is a powerfully restorative in fire-adapted ecosystems, the snag habitats that arise from the flames are ecological treasures teaming with dynamic vegetation and wildlife – these areas should be celebrated and protected as much as old growth, considering that fact that these areas are what usher in the new era of old growth that we're in such desperate need of. A Nature's Phoenix if you will.

It was exhilarating to see the abundance of life that surrounded us. And after scurrying across many downed trees and clinging to parts of a washed out trail, we arrived at where we collectively decided would be our home for the remainder of our stay. We were so tired we didn't even bother with the craft beer we packed-in or the delicious meals so much thought had gone into. The humanity! But the rainfall began to pick up speed, so dry-ish clothes and our sleeping bags were calling our names as there was no dry spot to seek shelter or reprieve from the precipitation.

What went from a constant drizzle started to gain speed into the night and eventually woke us up with cracks and rumbles of lightning and thunder. So unfortunately our adventure was cut short as we decided not to risk the trail completely washing out and possibly being stuck in the backcountry. Apparently, Idaho had more rain that weekend than it typically does in the month of June, so good thing we collectively agreed to try again next

(cont'd next page)



Paintbrush, pentstemon and shrubs cover the landscape, Mamola photo.



Beargrass and thimbleberry in the snag forest, Mamola photo.



Heading home, the team takes a break with local wildlife, anonymous photographer.



(cont'd from previous page) time.

So out we trekked, back up the ridge, under the waterfalls, through the bird song greenery, over the fields of wildflowers, back to base camp. For as long as our exit felt, we were still thrilled to be out amongst the snags and the stellar habitat it provides.

We each got ourselves into the driest clothes we could salvage from our packs, and

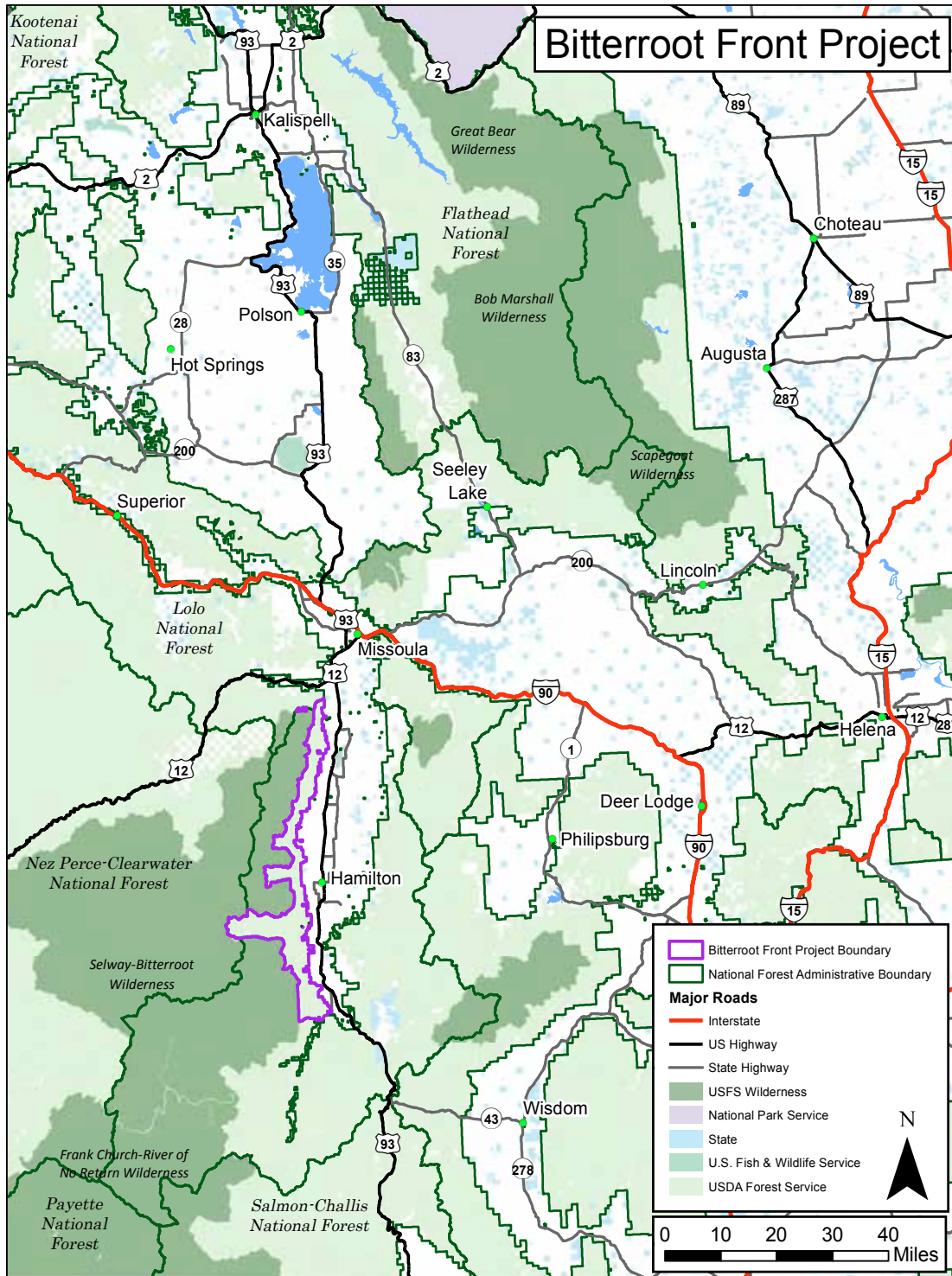
then with heavy hearts parted ways, sending Jeff back to Missoula, and Katie taking us back to Moscow to dry out before our expedition to the Golden State.

Thanks to our amazing companions, who earned their trail names of "Trail Blazer" Jeff & "The Guardian of the Snails" Katie we had a fantastic time savoring the moment during our Meadow Creek

adventure amongst the snags and plethora of post-fire regeneration! We're so grateful to call them colleagues, hiking buds, and hopefully friends at this point. We hope our shared experience will drive your curiosity and interest to go explore these gorgeous areas, especially some post-fire habitat, yourself or even join Friends of the Clearwater on a frolic in the woods!

Please check out the great work Jennifer and MarieClaire are doing at [johnmuirproject.org](http://johnmuirproject.org)

*Editor's note: Meadow creek is one of the largest inventoried roadless areas of the Clearwater. While it meets all the criteria for wilderness designation, it remains at risk from industrial development. The proposed Northern Rockies Ecosystem Protection Act (NREPA) would designate these wildlands (and much more) as wilderness.*



Straight south from Missoula (center left) lies the Bitterroot Valley. The entire eastern slope of the Bitterroots outside of wilderness (purple) is the proposed project.

## Conditions-Based Analysis

### Yet another Forest Service scam to evade environmental laws

By Jeff Juel

In April of 2022, the Forest Service publicly released details on the "Bitterroot Front Project", a management proposal "to address the wildfire risk to out communities and promote forest restoration" on the Bitterroot National Forest (BNF) in Montana. The project area includes almost all national forest lands from the BNF boundary just west of the Bitterroot River extending up to the boundary of the Selway-Bitterroot Wilderness.

What is new about this proposal is not that the Forest Service is raising the specter of wildfire to get the public to swallow industrial-scale logging as acceptable management. Nor is it new that the proposal is being promoted under dubious claims that this logging, much of it clearcutting, would somehow "restore" the Forest. Nor are the other euphemisms the FS is using for logging (e.g., make forests more "resilient" to the forces of nature) to smokescreen Smokey's timber agenda anything new. It is also not a novelty that the Forest Service is targeting nearly 86 square miles (including 13,245 acres within Inventoried Roadless Areas) for logging while only documenting its environmental impacts in a brief Environmental

Assessment (EA) rather than conducting a thorough analysis in an Environmental Impact Statement (EIS).

Nor is it even slightly unusual that the Forest Service is planning to violate standards adopted into the original 1987 BNF Forest Plan—commitments made to protect old growth, soil productivity, elk habitat, and other aspects of biological diversity. No, it's been routine over the past 10-15 years for the agency to write such "project-specific amendments" into logging plans for the BNF.

What is new is the Bitterroot Front is the agency's first foray into "conditions-based analysis" in the Big Wild. Under conditions-based analysis (CBA), the Forest Service would be making a final decision to authorize management activities in general locations and intensities before informing the public—or even determining for themselves—the specifics of project plans. Normally the detailed information is disclosed in documents prepared under the National Environmental Policy Act (NEPA), such as in an Environmental Impact Statement (EIS) or in a less detailed Environmental Assessment (EA).

The decision docu-

(cont'd next page)

(cont'd from previous page)

ment will not identify which type of logging (thinning, clearcutting, etc.) is being proposed for any specific area that is allegedly not “resilient.” Or that is allegedly experiencing an “epidemic of insects and disease.” Or that is risking “catastrophic wildfire” to private property or presumably, firefighters. Or if the specific area will be burned rather than logged. They just somehow know it “needs treatment.” Because. No need for specialists to verify such alleged conditions actually exist.

However, lacking specific project details, impacts on the numerous attributes of the forest ecosystem cannot genuinely be analyzed or disclosed in the EA, nor can alternative courses of actions be given due consideration as NEPA requires.

Under another CBA proposal on the Lolo National Forest—well

after the decision is signed—the Forest Service says that every year agency specialists would choose which areas to “treat”, decide how to “treat” them, determine where and how much road building and upgrading would be needed, inform resource specialists so they can conduct the site-specific surveys to observe conditions relating to their areas of expertise, insure that the activities are consistent with the Forest Plan and the general parameters in the EA (and if they do exceed those parameters, write justifications explaining why it wouldn't really be relevant anyway), and then finally share all such information with the public. Share, that is, unless they simply doesn't want to because the new “analysis” is poorly done, shows this year's annual activities are not really consistent with the EA or threatens to violate other laws. Not, mind you, that the public would have any leverage,

besides hiring a lawyer, to actually influence anything or enforce compliance with laws. This is because there is no comment, appeal, or objection process in the regulations that apply to this post-decision CBA situation. In other words, there would be no feasible way to hold the agency accountable to the public.

So with the NEPA process largely being sidestepped, the agency would be denying the public its opportunity for fully informed participation in the process of deciding what management is appropriate for the BNF.

So, why is the agency inviting litigation on potential claims that CBA would be a violation of NEPA? This writer believes the agency is coming under increasing political pressure, to both produce timber and act like it can address the growing wildfire issue, with fewer appropriated dollars for everything but firefighting. So the For-

est Service is forced to propose vaguely described management actions over bigger and bigger landscapes despite NEPA compliance—and therefore the public interest—being shortchanged. For example, with the Rim Country 4FRI plan in Arizona, up to 953,130 acres across multiple national forests are alleged to need “treatments” over a 20-year period using CBA. That is an area of land larger than any one of over 30 individual U.S. national forests!

With support from its members and supporters, Friends of the Clearwater will be scrutinizing Bitterroot Front and any other CBA proposal the Forest Service attempts to bring to the Big Wild. Along with our grassroots allies, we will find a way to maintain the kind of influence over the national forests that the promise of democracy provides citizens through NEPA and other environmental laws.

## ***Bureau of Land Management and Forest Service to Define and Inventory Old Growth and Mature Forests***

*Pursuing sensible conservation and climate policies or mere political posturing?*

By Jeff Juel

On July 15 the Biden Administration published a Request For Information (RFI) in the Federal Register, seeking input on the development of a definition for old-growth and mature forests on Federal lands and requesting public input on a series of questions.

Responses to the RFI will assist the Forest Service and Bureau of Land Management (BLM) to make progress toward implementing President Biden's April 22, 2022 Executive Order (E.O.) 14072: “Strengthening the Nation's Forests, Communities, and Local Economies.” E.O. 14072 “calls on the Secretaries of Agriculture and the Interior, within one year, to define, identify, and complete an inventory of old-growth and mature forests on Federal lands, accounting for regional and ecological variations, as appropriate, and making the inventory publicly available.” The E.O. 14072 also sets other policy direction including “development of policies to institutionalize climate-smart management and conservation strategies that address threats to mature and old-growth forests on Federal land.”

Although the Biden Administration's pursuit of conservation goals in E.O. 14072 is laudable, in calling for old-growth definitions and inventories the RFI is largely reinventing the wheel. It quotes a generic old-growth definition

from the Forest Service Chief's 1989 letter to Regional Foresters entitled “Position Statement on National Forest Old Growth Values.” Yet the RFI omits other highly relevant direction from that letter, most notably being: “Regions with support from Research shall continue to develop forest type old growth definitions, conduct old growth inventories, develop and implement silvicultural practices to maintain or establish desired old growth values, and explore the concept of ecosystem management on a landscape basis.”

So regional definitions of old growth on national forests were developed many years ago. The inventories' scientific veracity might be debated, which to its credit the RFI invites, however the purpose of the regional definitions was for use in completing inventories. But this is where agency obstructionism and failure kicked in. In short, E.O. 14072 would not need to direct the Forest Service to conduct old-growth inventories if the agency had done what it was mandated to do 33 years ago.

The Forest Service's Northern Region national forests provide an example of an agency replete with noncompliance and inconsistency. To this day the inventory status differs from Forest to Forest, with varying levels of completion. Prime examples of agency foot-dragging in inventorying old growth include the actions of the Nez Perce-Clearwater

National Forests and its supervisor, Cheryl Probert (see the article in this issue: “Hungry Ridge - End Of The World Victory!”). And in another display of agency intransigence, this July Forest Supervisor Matt Anderson of the Bitterroot National Forest publicly stated his refusal to conduct the inventory required by E.O. 14072. In the context of a Forest Plan Amendment specific to old growth, he states: “Due to the dynamic nature of stand progression, a forest-wide stand delineation of old growth will not be provided. Old growth is not a static state; natural disturbances such as windstorms, wildfire, insects and diseases can move a stand from one successional stage to another.” Since he claims the Forest Plan amendment “will also comport with Executive Order 14072, which provides agency-wide direction for an inventory of old growth and mature forest” apparently he believes he needs none of the public input sought by the RFI to manage the Bitterroot National Forest.

In the absence of genuine leadership by the Biden Administration, the actions of supervisors Probert and Anderson speak volumes to what we might expect of mature and old-growth inventories resulting from the Executive Order. We are forced to ask: Who is really in charge here? A couple of rogue forest supervisors or the President of the United States? The Forest Service and BLM will be kicking and screaming to avoid

“making the inventory publicly available” as required by the E.O. Further, for decades these agencies have been pumping out propaganda to instill fear of forests (“risk of catastrophic fire”) and characterize them as unhealthy (too dense”, “infested with insects” etc.), or otherwise aesthetically distasteful so citizens don't challenge agency logging agendas. The bureaucrats don't want citizens to visit their forests and learn for themselves how “old growth is valuable for a whole host of resource reasons such as habitat for certain animal and plants, for aesthetics, for spiritual reasons, for environmental protection, for research purposes, for production of unique resources such as very large trees” (quoting from the 1989 Chief's Position Statement on National Forest Old Growth Values).

The RFI requests input on five questions. However, from our perspective the questions fail to place mature and old-growth forests in the proper ecosystem context, as we explain in our comment letter readers may access on the FOC website:

<https://www.friendsoftheclearwater.org/usda-doi-old-growth-comments/>

Our letter asserts that the criteria must capture the wide range of traditional publicly shared values, to restore a balance from the current situation where the value of timber from mature and old forests dominates. In other words, the criteria must emphasize priorities such as “... habitat for certain animal and plants, for aesthetics, for spiritual reasons, for environmental protection, for research purposes, for production of unique resources

(cont'd next page)

(cont'd from previous page)

such as very large trees.” (1989 Chief’s Position Statement).

It takes old growth at least 150 years to develop, depending on geographic location. However this doesn’t mean that stands of young trees—even seedlings—have no bearing on old-growth values for the purposes of E.O. 14072. Forest stands are components of old-growth ecosystems, and recognition of the complexity of ecosystems must be a part of the framework. To meet the conservation goals of E.O. 14072 the framework must value habitat diversity and landscape connectivity from a conservation biology perspective.

One value the Chief’s Position Statement did not anticipate is forests’ contributions toward a stable climate. Given the dire climate crisis in which we find ourselves, and in order to serve all other values, the overarching criteria must examine

www.friendsoftheclearwater.org/old-growth-report/) explains why the proper context for a definition of old growth extends to Old-growth ecosystems and old-growth landscapes. In essence, in carrying out E.O. 14072 the federal government must prioritize conservation and restoration actions to remove human-caused impediments to the recovery of fully functioning ecosystems. This will assist in recovery of forest ecosystems to a condition for best expressing their carbon sequestration potential and natural resilience, featuring abundant, well-distributed old growth along with clean water, clean air, recovered populations of rare and endangered species, and where people may find aesthetic appreciation, spiritual

*“The Forest Service and BLM will be kicking and screaming to avoid “making the [old growth] inventory publicly available” as required by the E.O.”*

the carbon sequestration potential of the landscapes and ecosystems within which old growth and mature forests are found. The framework must recognize the need to highly prioritize immediate preservation of forest areas exhibiting high levels of stored carbon, because they are under imminent threat from the usual suite of commercial extractive activities that government agencies enable. These important areas include forest conditions not necessarily meeting a definition of old-growth or mature forests. To exclude burned forests, for example, could enable logging large dead trees—which store a lot of carbon above and below ground. It also harms a fragile ecosystem status and undervalues the critical ecological benefits of wildland fire.

The FOC policy paper “Management of Old Growth in the U.S. Northern Rocky Mountains” (also on our website: <https://>

renewal, and a sense of full cultural connection and belonging to a place.

Extraction and commercial exploitation of resources as practiced on our federal lands for over a century has reduced the provision of the full, natural suite of ecosystem services that make human civilization possible. In other words, resource extraction is cutting strands in the web of life and inevitably reduces natural ecological resilience, threatening human survival and a vast number of other species. If the Biden Administration is to lead on addressing the climate crisis, it must halt logging, mining, grazing, and other resource extraction on public lands because, as the science shows, those activities heavily contribute to worsening the climate and biodiversity crises we now face.

(Wolverine cont'd from page 4)

After conservation organizations submitted their brief in November 2021, arguing why the USFWS acted unlawfully, the agency did not defend its action with a response brief. Rather, the USFWS submitted a motion to voluntarily remand the case and reconsider its decision, asking the Court to remand the matter without vacating the 2020 decision.

Vacating an agency’s decision—“vacature”—is judicial speak for when a court sets aside, or essentially erases the agency decision, instructing the agency to redo its analysis and decision all over again. This is the usual outcome of public-land and environmental law litigation—the court sets aside logging projects, telling the Forest Service to redo what was unlawful and make a new decision; or courts throw out a decision to deny a species protection under the ESA when made unlawfully. But occasionally, even after a court has found that the agency has failed to comply with an environmental law, the court will leave the agency’s decision intact. Instead, the court will instruct the agency to add to the analysis or process that resulted in that decision.

To use a baseball analogy, the 2013 proposed listing rule put the wolverine in the batting order for ESA protection, but the 2014 rule ejected the wolverine from the game and sent it to the clubhouse—the USFWS would no longer consider the species for ESA protection. When the Court set aside the 2014 rule, it inserted the wolverine back in the lineup. When the USFWS made its 2020 decision, however, it

again ejected the wolverine back from the game. When the USFWS agreed to reconsider its 2020 decision, the question became one of what happens to the wolverine while that happens. Should the wolverine return to the batting order for ESA protection, or remain in the clubhouse while the USFWS reconsiders what to do?

The USFWS in this case requested the Court to leave the wolverine in the clubhouse, arguing that the agency’s (unlawful) decision to deny ESA protection to the wolverine should remain intact while the agency considered science that the agency ignored when issuing the 2020 decision—issues causing FOC and its allies to sue in December of 2020. In May of 2022, the Court granted the USFWS’s motion for voluntary remand, but vacated the agency 2020 decision not to list the wolverine—the Court put the wolverine back in the batting order as a candidate species for listing under the ESA. As a candidate species, federal agencies will have to consult the USFWS for federal activities—such as logging projects—which means the agency has to consider the project’s impact on wolverines in a way that agency would not have had to if the USFWS’s 2020 decision to eject the wolverine from the game remained in place while the agency made a new decision. Finally, the Court imposed an 18-month deadline for the agency to make a new listing determination for the wolverine.

The ball is in again in the USFWS’s hand to make a new decision with better analysis. Hopefully the next decision invites the wolverine up to bat, protecting the species by listing it under the Endangered Species Act.

### Coyote’s Comics: Modeling



# FOC Field Monitoring CREATURE CATALOGUE 2022

*In summer the Clearwater is at its most accessible - and its most vulnerable.*

**Field monitoring** is a core part of our work. Getting boots (and note pads, cameras, bear spray, first aid kits...) on the ground is often the only way to know if our government is keeping their word on managing our public lands.

We hope to purchase two field cameras to identify wildlife. They are \$599 each, so we need some help to finance it.

Any funds we are fortunate enough to raise beyond the price of the cameras will help with operating expenses, especially monitoring, reports, and analysis we deliver to the Forest Service in response to proposed logging projects.

**Please donate by mailing in one of these rare species "sightings" with your donation of the same amount in the included envelope!**

**Thank you!**



**\$10**

**MONARCH BUTTERFLY**



**\$25**

**HARLEQUIN DUCK**



**\$50**

**Coeur d'Alene  
SALAMANDER**



**\$75**

**WOLVERINE**



**\$100**

**GOSHAWK**



**\$250**

**MOUNTAIN  
GOAT**



**\$500**

**"JUNE HOG"  
CHINOOK**



**\$1000**

**MAMA GRIZZLY**