

The Alliance for the Wild Rockies



Wild Times

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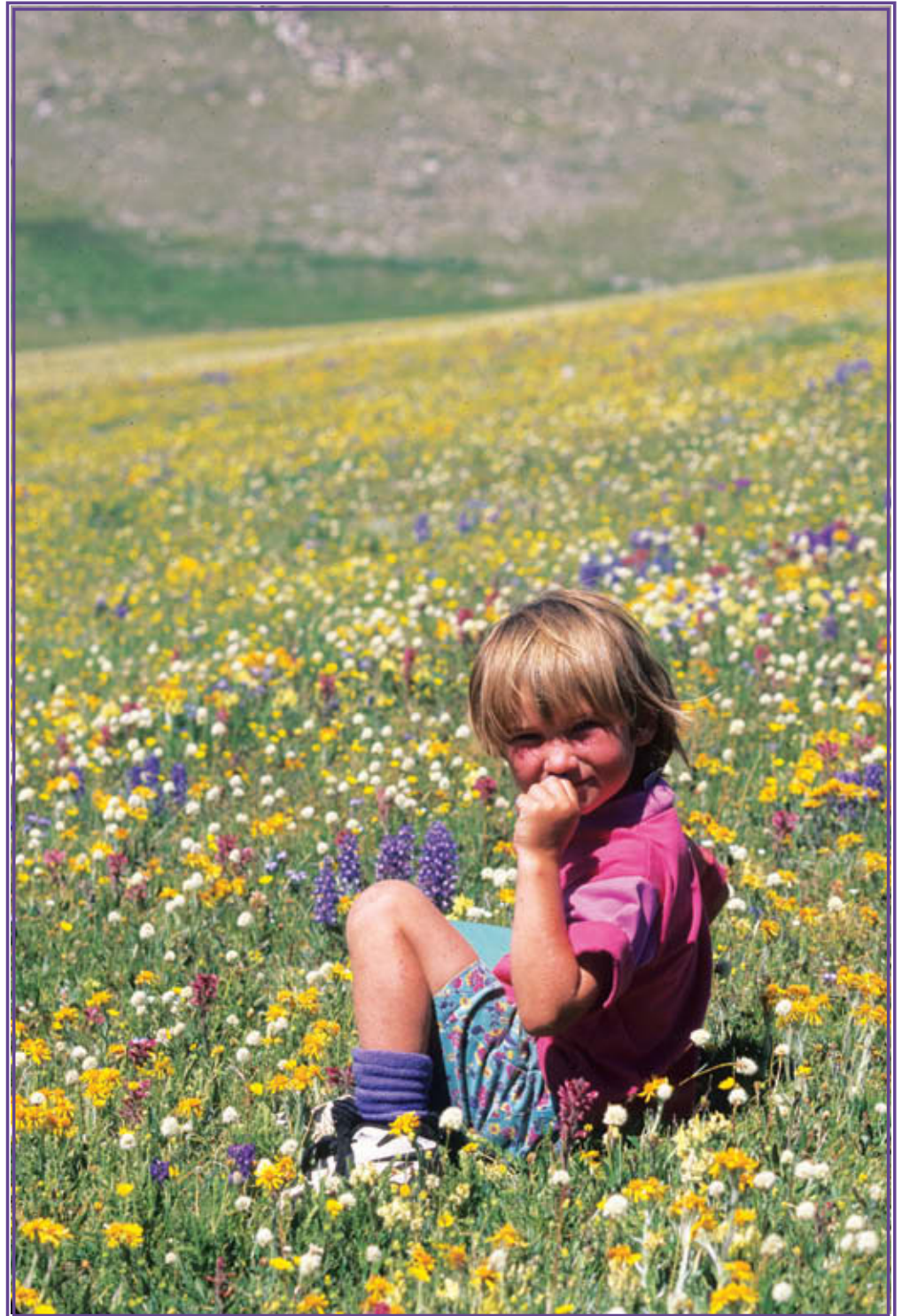
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Mission Statement

To secure the ecological integrity of the Wild Rockies bioregion through citizen empowerment and the application of conservation biology, sustainable economic models and environmental law.

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Executive Director's Report

[editor's note: The Alliance is often criticized for using the judicial system in defense of our last wild lands and the fish and wildlife that rely upon them. In June, the Bozeman Daily Chronicle attacked the Alliance in an editorial for efforts to stop the use of low-level helicopter flights to haze bison back into Yellowstone National Park. This is Executive Director Mike Garrity's response, which ran in the Chronicle on June 15th and was posted to their website http://www.bozemandailychronicle.com/opinions/article_e2bef072-9934-11e0-9f8c-001cc4c03286.html

The future is worth the fight

By Mike Garrity, Executive Director, Alliance for the Wild Rockies

The Bozeman Chronicle recently editorialized against the Alliance for the Wild Rockies for filing a lawsuit to stop helicopter hazing of Yellowstone grizzly bears and too many lawsuits overall. I am sharing this with you because the Chronicle's editorial reflected the opinion of several politicians and less aggressive environmental groups who have also called the Alliance "overzealous environmentalists hell bent on obstructing logging and the effort to tolerate buffalo, wolves and grizzly bears." Nothing could be further from the truth.

The Alliance for the Wild Rockies Wins

To support its claims, the Chronicle cited a General Accounting Office report that found the Alliance challenges more Forest Service logging projects than any group in the nation. Significantly, those who attack us forget to mention that we win about 85 percent of those cases. Simply put, we file lawsuits – and win them -- because the government is breaking the law. Clearly, our successful record protecting grizzly bears, lynx, elk, bull trout, wolves, and old growth forests is what has drawn the ire of those who want to obstruct our efforts.

Senator Tester Removed Wolves from the Endangered Species List

Likewise, the Chronicle and others claim: "The extensive litigation that knotted up wolf management has already prompted Congress to take the unprecedented action of legislating wolves off the endangered species list through a budget bill rider." The truth of the matter is that we won the wolf case in court because a federal judge ruled that the Endangered Species Act does not allow delisting based on political boundaries; instead delisting must be based on science. It was Montana's Senator Jon Tester who slapped a rider on an unrelated appropriation bill to undermine this completely valid and logical court ruling. But again, rather than hold Tester accountable for his "unprecedented action," to delist an endangered species with a rider on a must-pass budget bill, the Chronicle and others have chosen to blame the Alliance because we won a federal court decision based on science and law.

Money-losing Logging Fiscally Irresponsible

Many logging collaborative groups claim that logging is economically beneficial to the public. The Forest Service's own budget reveals that the Forest Service loses over \$1400 per acre on commercial timber sales in the Intermountain West with most timber sales costing taxpayers several million dollars with little in return except the destruction of critical wildlife habitat. If these timber sales actually restored the forest, one might argue that it would be worth the tremendous cost. But given the current national debate over government spending, expensive and destructive timber sales to benefit private corporations are not defensible.

Forests are not "Unhealthy"

The Forest Service, the timber industry and some logging collaborators in the environmental community continue to push the Bush-era concept that we need to log forests or they'll be "unhealthy." But beetles were in the forest eons before European settlers ever set foot on the North American continent. Beetles do not kill all of the trees in the forest and furthermore beetles and forest have evolved together as part of a long-standing natural cycle. A forest with beetle-killed trees is healthy – it's just in transition from what we humans are used to seeing.

Woodpeckers eat beetles as part of Nature's control on the insects and drill holes in dead trees for nesting cavities that are eventually utilized by many other birds and insects such as honey bees. When the dead trees fall, they provide cover and habitat for mice, snowshoe hares and squirrels, which in turn are eaten by pine marten, lynx, goshawks and great gray owls. The downed trees also provide important cover for big game and grizzly bears and a home for ants, an important food source for bears.

Constitutional Rights

The First Amendment to the U.S. Constitution guarantees the right of our nation's citizens to challenge government decisions in court. The Northern Rockies are blessed with an incredible legacy of wildlife and wildlands. The Alliance for the Wild Rockies will not hesitate to exercise our First Amendment rights to go to court when that legacy is threatened and laws are broken. Our members expect us to fight hard for the future – and that's just what we do.

Introduction

Welcome to the Summer 2011 edition of WILD TIMES! And boy, what a wild time it is trying to save just a little of what's left of the greatest places in America.

Mike Garrity, AWR's Executive Director, is prominently featured in this edition as the voice of the Alliance for the Wild Rockies. On timber sales, habitat, and species preservation, Garrity speaks eloquently and fearlessly for the last wildlands in our nation.

He is joined by other environmental heroes who have written for this issue and who struggle to give future generations a chance at a livable world, full of the great diversity of life so many take for granted but that is threatened at every turn these days.

You'll also find interesting news of on-going and breaking issues as Montana and its surrounding states in the Northern Rockies face a new wave of energy exploitation, development, and habitat destruction.

Finally, it bears saying that the fight the Alliance

is putting up does not come free. Every time AWR is forced to go to court, we have to pay our attorneys up front. In many instances, the agencies being sued decide to drop the issue rather than lose, removing any chance that AWR can recoup attorney fees.

The bottom line, however, is that AWR wins... and wins...and wins. And every time we win, another forest is saved from clearcuts, another endangered species gets a better chance at recovery, another stream is saved from sedimentation.

But we can't do it alone. Please, if you can help out with your memberships and donations, we'll appreciate whatever you can give, big or small. It's easy to with our secure online server – or just popping a check in the good old snail mail.

And finally, the forests, birds, bears, lynx and fish can't speak, so on their behalf we'll say a big THANK YOU for all you've done for so long...the fight is far from over, and together we'll continue our work for present and future generations.



Breaking News!

AWR challenges Beaver Creek logging project

As Wild Times went to press, AWR filed a lawsuit in federal court to halt a massive logging and burning project planned for Beaver Creek in the Ashland Ranger District of Eastern Montana.

The project would authorize 1,487 acres of commercial logging, including hundreds of acres of clearcuts, in a 14,053 acre area that the Forest Service itself describes as “an island of Ponderosa pine forest surrounded by range land.” That “island” provides year-long habitat for a permanent elk herd, contains at least six black-tailed prairie dog colonies and the endangered black-footed ferret.

The area has no old growth and the logging, thinning and burning is being illegally passed off as a “fuels reduction project” in a “Wildland Urban Inter

face” under the Bush-era Healthy Forests Restoration Act. But there's a big problem with that since the law requires such projects to be within one and half miles from “at risk communities” and the closest community is Ashland – 17 miles away.

The 5-10 year project will lose \$1 million by the Forest Service's own calculations to destroy habitat, pollute rivers and streams and add another 35 miles of road to an already over-loaded National Forest.

Or, thanks to the effort of AWR and co-Plaintiff Native Ecosystems Council, we can once more turn to the judicial system to stop this highly destructive and blatantly illegal project on our National Forest.



① Forest Service drops Appeal of decision halting road-building and logging in NW Montana Grizzly Bear habitat

The Kootenai National Forest has dropped an Appeal of a federal court ruling that halted three planned road-building and logging projects in occupied grizzly bear habitat in Northwestern Montana.

“We are extremely pleased by this decision which is, quite frankly, one of the most sensible actions the agency has yet taken on this particular project,” reports AWR’s Mike Garrity. “Federal Judge Donald Molloy overwhelmingly upheld our contentions that the project violated the Endangered Species Act, the National Forest Management Act, and the National Environmental Policy Act.”

In his ruling in June of 2010, Judge Molloy not only halted implementation of the illegal federal projects, but ordered the US Forest Service and US Fish and Wildlife Service to complete further environmental analysis and change the project designs to comply with federal laws before the projects could proceed.

The dwindling population of the Cabinet-Yaak grizzly bears inhabits remote mountainous regions in Northwestern Montana and Northern Idaho and, according to the US Fish & Wildlife Service, are almost certainly going extinct. “The agency is ignoring its own science,” added Liz Sedler, a long-time grizzly bear advocate for the Alliance. “The small population of only 45 bears is less than half of the minimum of 100 bears needed to ensure a genetically-stable population. That fails to meet the federal government’s own recovery goal and these projects would only have accelerated the loss of this population of grizzlies.”

Besides the 14 miles of new roads, the three logging proposals would have re-opened 8.5 miles



*Yaak River, Kootenai National Forest, MT
Photo by George Wuerthner*

of closed roads and reconstructed 2.4 miles of existing roads to facilitate almost 4,000 acres of commercial logging in habitat currently occupied by the threatened grizzly bears.

“There are very few grizzly bears left in the Kootenai National Forest,” Garrity said. “So instead of wasting taxpayers’ money defending an illegal timber sale in grizzly bear habitat, we hope the Forest Service will now start working to recover grizzly bear numbers in NW Montana.”



*Grizzly Bear, Ursus arctos horribilis
Photo by George Wuerthner*



② Stopping helicopter bison hazing to protect Yellowstone grizzlies

“We tried to reason with the Forest Service and the Park Service over the low-altitude helicopter flights being used to haze bison in occupied grizzly habitat,” AWR’s Mike Garrity explains. “We cited the legal cases, the rulings of federal judges, and even the agency’s own policies that ban such activities, but they refuse to listen. So now we’re going to court to stop them.”

Garrity says the Alliance filed a 60-day Notice of Intent to Sue as required by federal law on May 11 that exhaustively outlined the case law and illegality of using low-altitude helicopter flights in occupied grizzly bear habitat. The Alliance contends the helicopter flights ‘harm and harass’ grizzly bears in violation of the National Forest Planning Act, the National Environmental Policy Act and the Administrative Procedures Act. The Yellowstone grizzly bear is currently listed as a “threatened species” under the Endangered Species Act and the bison-hazing flights have been conducted over occupied grizzly bear habitat within the Yellowstone Grizzly Bear Recovery Zone.

“The National Park Service, U.S. Forest Service, and Montana Department of Livestock are ignoring both science and law in their continued efforts to herd wild bison back into Yellowstone. But if these bears are not protected on National Park lands and National Forest lands in their own designated Recovery Area, where will they be protected?” Garrity asked.

“We have video footage proving that Yellowstone grizzlies flee in terror when low-level helicopters come into their habitat,” said Garrity. “According to the National Park Service’s own scientific literature review, helicopters cause grizzly bears to panic and flee ‘in nearly all cases’ and the bears never become tolerant of helicopters, even with frequent exposure.”

The National Park Service, U.S. Forest Service, and Montana Department of Livestock have publicly stated that the helicopter flights are necessary to haze wild bison back into Yellowstone National Park so that domestic cattle do not contract diseases from the bison. However, there has never been a documented case of disease transmission from bison to cattle in the wild. “Even worse, the public and private lands in this particular area do not have any active cattle grazing, so the concern over disease transmission is totally unsubstantiated,” Garrity said. “I received an email just this morning from a Horse Butte landowner who, like virtually all of her neighbors, overwhelmingly prefers the presence of bison and grizzly bears to low-level helicopters flying over their homes as if it were a combat zone.” Garrity concluded.

“This has gone on for years and years,” Garrity concluded. “Unbelievably, the Forest Service and the National Park Service now claim they’re not responsible because they’re not doing the helicopter hazing even though U.S. Wildlife Services employees are flying the helicopters. But as everyone knows, the Forest Service and the Park Service control what happens in and on our national forests and national parks. It’s equally well known that the Forest Service has long catered to the timber and livestock industries instead of managing our public lands for the benefit of wildlife and the American citizens. The time has come to put a stop to this abuse -- and that’s exactly what the Alliance for the Wild Rockies intends to do.”



*Grizzly stalking bison, Yellowstone National Park, Wyoming
Photo by Kim Kaiser, courtesy of Buffalo Field Campaign*



③ AWR Challenging Senator Tester's Wolf Delisting Rider

This April Montana's Democrat U.S. Senator Jon Tester colluded with Idaho's Republican Representative Mike Simpson to slap a rider on an unrelated budget bill that effectively removed wolves from Endangered Species Act (ESA) protection and opened the door to the indiscriminate slaughter of hundreds of wolves in the Northern Rockies. The unprecedented move overturned a federal court victory by the Alliance and a dozen other environmental groups that found the government could not selectively delist species from the ESA based on political boundaries. While most of the other groups dropped the issue after the Congressional action, the Alliance decided to fight back.



A member of the Druid Pack in Yellowstone's Lamar Valley. Photo by Dan and Cindy Hartman

"We will not allow the fate of endangered species to be determined by politicians serving special interests," AWR's Mike Garrity says. "These decisions must be based on science, not politics, and Congress has never before removed species from the Endangered Species list by political fiat. There is a well-established legal process that applies to every other species and pure political expediency should not be the driving force over which of our nation's imperiled animals and plants will or will not be protected for future generations."

The Alliance, and co-plaintiffs Friends of the Clearwater, and WildEarth Guardians, charge in their complaint that the delisting rider violates the U.S. Constitution because it specifically repeals a judicial decision without changing the underlying law and prohibits further judicial review. While Congress has the right to make and amend laws, the wolf delisting rider does not amend the Endangered Species Act. Instead, it attempts to circumvent the judicial process by ordering the reinstatement of the 2009 rule that delisted wolves."

"Tester's rider goes against a bedrock principle of our democracy: checks and balances between branches of government," said Nicole Rosmarino of WildEarth Guardians. "Legislators can't pick off specific court decisions they don't like. That's not fair for the wolf, and it's certainly not good for our democracy."

Wolves are now facing drastic policies at the state level. Montana already announced that it will likely allow up to 220 of the 566 wolves in the state to be killed this year. In late April, Idaho passed a law declaring a gray wolf "disaster emergency" that gives the governor broad discretion to allow wolf killing statewide.

Killing proposals at the local level -- the Lolo Elk Management Zone in Idaho and the West Fork of the Bitterroot in Montana -- would permit over half of the resident wolves to be killed. The conservation groups filing the lawsuit against the delisting rider are also challenging those local wolf-killing plans.

"We are doing all we can to hold back the tide of wolf-killing in Montana, Idaho, and elsewhere in the Northern Rockies," said Gary Macfarlane of Friends of the Clearwater, who explained that Idaho's Fish and Game Department are planning on using aerial gunning to immediately begin killing wolves in the Clearwater basin. "This ecologically important species is being unfairly targeted out of ignorance and intolerance and now lack a federal shield from being killed."

There has been widespread concern over tacking policy riders on the budget bill. Oregon Governor John Kitzhaber sent a letter to President Obama in late April stating: "A six-month budget resolution negotiated through backroom discussions is clearly the wrong vehicle to make permanent changes to significant public policy. For nearly 40 years, the Endangered Species Act has assured decisions about our nation's natural heritage are driven by science, fish and wildlife professionals, and public input. Removing protection for an endangered species by congressional mandate, much less through a budget bill, stands in unprecedented contrast to this history. This action erodes the integrity of the ESA, excludes important public involvement, and usurps the agency structure, based on a balancing of executive and legislative branch power, that exists to undertake important decisions affecting America's wildlife."

"We're back in court for two reasons," concluded Garrity. "First and foremost, it's to continue to protect wolves from indiscriminate slaughter. Second, someone has to stand up when the basic tenets of our government are under attack by unscrupulous politicians and that would be the Alliance, Friends of the Clearwater and WildEarth Guardians."



④ Alliance wins appeal: Forest Service reverses decision on Benchmark Project

“We’re pleased to announce that the Forest Service has reversed its decision to proceed with the Benchmark Project,” AWR’s Mike Garrity reports. “This is good news for lynx, grizzlies, goshawks and other old growth dependent species, since the project would have logged habitat critical to those species.”

The Alliance for the Wild Rockies and Native Ecosystems Council appealed the Benchmark timber sale because it authorized 763 acres of logging and burning which they contended violated a host of federal laws as well as the agency’s own Forest Plan.

“Goshawks are in decline in the Northern Rockies and very sensitive to disturbances near their nest sites. There are five known nest sites in the area, which is one of the best in the forest precisely because there hasn’t been much logging done there,” said Sara Johnson, Executive Director of the Native Ecosystems Council. “Contrary to claims by the Forest Service, the proposal would have destroyed lynx habitat by logging winter snowshoe hare habitat and forest edge or ‘ecotone areas’ that have alternate prey for lynx, such as cottontail, jack rabbits and ground squirrels. The logging drives out the prey base for lynx and therefore destroys the area for lynx and other old growth dependent species.”

The decision to proceed with the project was made by Rocky Mountain District Ranger Michael Munoz last December, despite the very specific concerns raised by the Alliance and the Native Ecosystems Council throughout the public review process. The groups then filed an Appeal to the Northern Region Appeals Officer, once again stating their specific concerns and citing violations of National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, the Administrative Procedures Act, and the Lewis & Clark Forest Plan.

On March 22, 2011 the Appeals Review Officer issued an order recommending that District Ranger Munoz’s decision to proceed with the project be reversed, writing “the analysis does not adequately address consistency with the Forest Plan with respect to Management Areas E and H, which is an issue raised by the appellants.”

“We won the Appeal because the decision violated the Forest Plan direction for protecting wildlife in Management area E and H, which says any management activities done in those areas have to benefit wildlife,” Garrity explained. “The Forest Service was trying to use an illegal exception to log lynx critical habitat to remove what it calls ‘fuels.’ But the end result is that the agency is actually removing wildlife habitat. Since the project would have logged and burned lynx, grizzly bear and goshawk habitat, we felt the appeal was necessary and, as it turns out, the Appeals Officer agreed with us.”

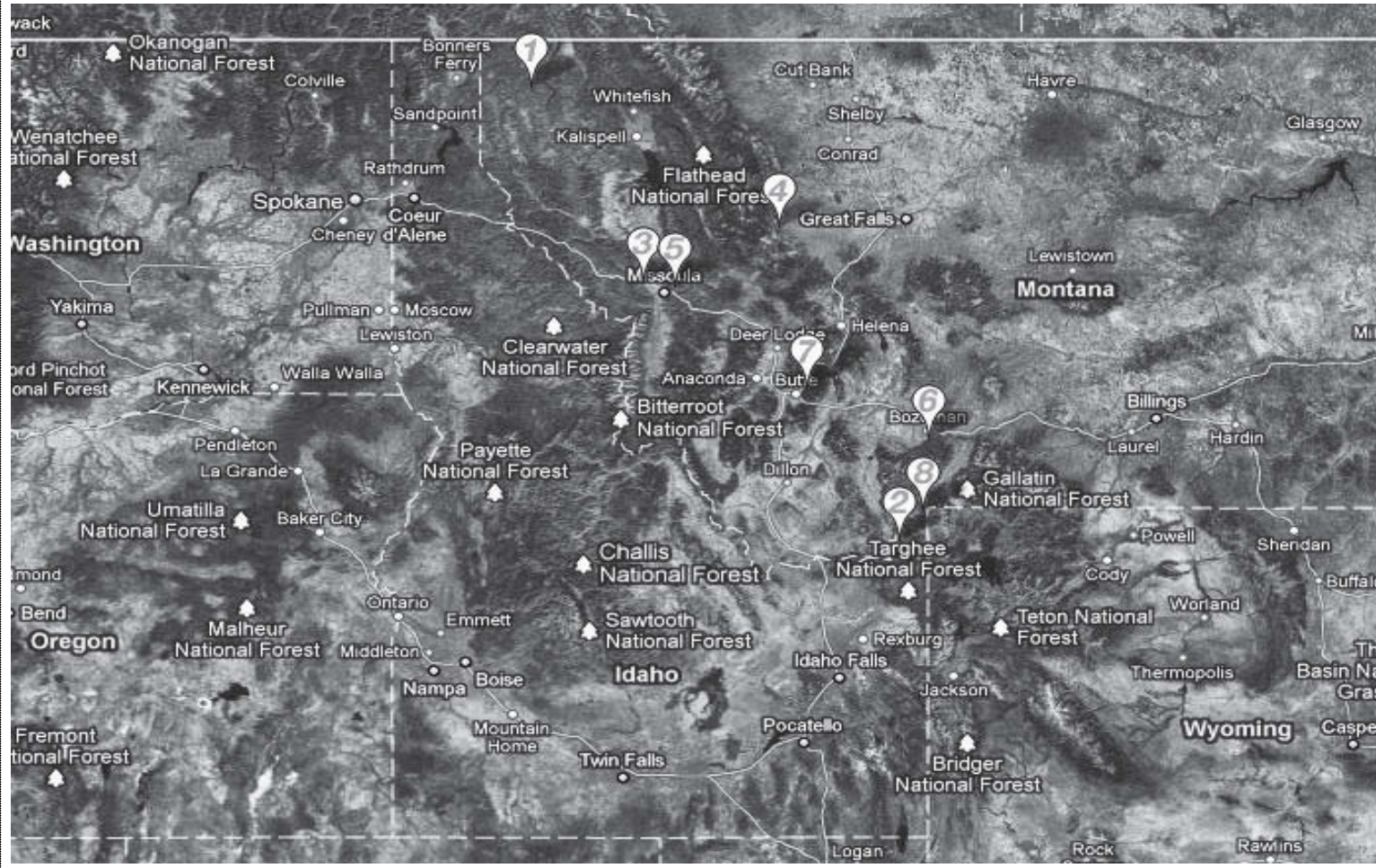
The recommendation to reverse the decision approving the project can be found at http://www.fs.fed.us/appeals/appeals_list.php?r=110100



Towards Arsenic Mountain, Rocky Mountain Front, Lewis & Clark National Forest, Montana. Photo by George Wuerthner



Please refer to map points for record Alliance for the Wild Rockies Victory



⑤ UM'S PROPOSED BIOMASS PLANT: QUESTIONS & CONCERNS

By Matthew Koehler, Ian Lange and John Snively

Last fall news broke that the University of Montana in Missoula was planning to construct a \$16 million wood-burning biomass plant on campus next to the Aber Hall dormitory. UM officials claimed the biomass plant would save UM \$1 million annually and protect Missoula's air quality by reducing emissions over the existing natural gas heating system.

As interested citizens, we researched the proposal and asked questions, many of which went unanswered by UM officials. In March, we conducted an "open records" search of UM's biomass project file, pouring over hundreds of documents and emails between UM officials and representatives of Nexterra, a Canadian biomass boiler manufacturer, and McKinstry, a Seattle

energy services company.

Our search turned up even more troubling questions, especially related to costs, maintenance and emissions. One document stated that the biomass plant would increase emissions of carbon dioxide, nitrogen oxides and volatile organic compounds by 40 percent or more over the existing natural gas system.

We also found a UM biomass grant application that stated: "The Missoula Valley's constrained topography presents ideal research conditions for long term analysis of environmental impacts of efficient woody biomass boiler combustion." Missoula is prone

...Biomass continued on page 9

cent ories.



...Biomass continued from page 8

to severe inversions and air stagnation, especially during winter, when the greatest load would be on the biomass system. Do we really want to risk Missoula's air quality for the sake of research?

It's also been difficult to get an accurate assessment from UM of the biomass plant's up-front and long-term costs, something all Montana taxpayers deserve to know. For starters, we noticed in the project file that in April 2010 the cost of the biomass plant was \$10 million. By July, the cost went to \$14 million. Now it sits at \$16 million. What will the final cost be? UM's financial pro forma also shows that during the first 20 years the biomass plant would need nearly \$10 million for additional operation and maintenance expenses over the existing natural gas system, and another \$17 million for the 20 year period after that.

The pro forma is also troubling in other aspects. It over-estimates the cost of natural gas, while under-estimating the cost of biomass fuel trucked to campus. The pro forma also completely zeros out all natural gas expenses and maintenance costs, although UM now admits that a natural gas boiler would have to be used to augment the biomass system during cold winter days and also from May to September, when the biomass system is too powerful to use.

In May the UM workers who run the campus heating plant voiced collective opposition to the UM wood-burning biomass plant stating publically: "We as individuals have tens of years of work history around biofuel boilers. We do not believe management gave us much credit for our views, experience and opinions. Had they listened, they would not have gone forward with this proposal."

Furthermore, UM heating plant supervisor, Mike Burke, wrote: "There has been a debilitating aspect throughout this whole vetting process

by certain decision-makers – to not let facts get in the way of the agenda. I sang this proposal's virtues for a long while out of a sense of loyalty ... but if this proposal goes south, it will give the University of Montana a black eye. I wouldn't want that to happen. I owe this institution to try and forestall what I consider a calamity."

It is our belief that all of these significant issues need to be fully analyzed and rechecked, not just by the biomass project's supporters, but also by the Board of Regents, independent of McKinstry and UM. At the end of the day, Montana taxpayers deserve accurate, updated financial information from UM concerning all aspects of the biomass plant, including the initial \$16 million price tag and up to \$27 million needed for additional operation and maintenance expenses over forty years. And Missoula's citizens have a right to expect that the University of Montana would not risk Missoula's fragile air quality by needlessly increasing emissions over present levels.

Matthew Koehler is executive director of the WildWest Institute; Ian M. Lange is a professor emeritus, Department of Geosciences at the University of Montana; and Dr. John Snively is a retired dentist. All three live in Missoula.

[editor's note: The Alliance requested and received an administrative review of the health board decision and is awaiting the outcome.]



⑥ Logging Bozeman's Watershed — Round 4

“This is the fourth time the Forest Service has tried to push this same timber sale,” said Mike Garrity, Executive Director of the Alliance for the Wild Rockies. “It’s been successfully challenged four times since the 90s, including our two successful Appeals in the last two years. Simply stated, the agency’s proposal breaks a number of laws and this time around is no different.” The 10-year logging project known as the Bozeman Municipal Watershed (BMW) timber sale authorizes 3,162 acres of logging, including 200 acres within the Gallatin Fringe Inventoried Roadless Area, 1,575 acres of prescribed burning, and 7 miles of new road construction at a cost to taxpayers of over \$6.3 million.

“Federal law only allows the Forest Service to designate land as Wildland Urban Interface if it’s within one mile of homes -- and the Bozeman watershed goes up into roadless areas almost twenty miles,” Garrity explained. “So the Forest Service illegally changed the management designation of the entire watershed to get around the reasons we won last time. But since the Wildland Urban Interface designation effectively amends the Forest Plan in the project area without conducting the proper science, interdisciplinary analysis, and the requirements for public review and comment, it violates the National Forest Management Act, National Environmental Policy Act, and the Administrative Procedures Act.”

The project would log lynx critical habitat, core grizzly bear habitat, remove elk hiding cover in violation of the Forest Plan, and destroy habitat for other old growth dependent species. Plus, the logging and road building will dump sediment into Bozeman and Hyalite Creeks, which are already listed

as ‘impaired,’ meaning they’re not in compliance with state water quality standards or the provisions of the federal Clean Water Act.

Both creeks also contain native Westslope Cutthroat trout, which is listed as a ‘species of special concern’ due to habitat destruction and rapidly declining populations. “The supreme irony of this project,” Garrity added, “is that while Montana’s fish and wildlife agency is spending tons of money struggling to recover the population of this native fish and keep it from being listed as an Endangered Species, the federal government is promoting the primary cause of its decline -- more logging and

sedimentation in its remaining range. Sediment sources from past logging projects should be cleaned up first to protect cutthroat trout and Bozeman’s water supply from harmful sediment pollution.”

Sara Jane Johnson, PhD., of the Native Ecosystems Council, says the Forest Service is converting its management emphasis for the entire area to fuels management “because it promotes logging -- and now, apparently nothing else matters.” The increase in road density will adversely affect not only elk but grizzly bears and lynx, violating the Endangered Species Act. “If we want to recover grizzly bears and lynx and remove them from the Endangered Species list, they need secure habitat on public land. Otherwise they will be forced onto private land where they often end up dead.”

“This is an insane, irrational extinction strategy, not a recovery strategy” Johnson concluded. “The government is supposed to work to protect lynx critical habitat, not destroy it.”



*Hyalite Lake, Gallatin National Forest, Montana
Photo by George Wuerthner*



⑦ **Forest Service Withdraws North Butte Logging Decision**

“We’re pleased to announce that after the Alliance for the Wild Rockies filed a lawsuit, the Forest Service reversed its decision to proceed with the money-losing North Butte Timber Sale which authorized 413 acres of logging and new road construction in the Beaverhead-Deerlodge National Forest,” said AWR’s Mike Garrity. “This is good news for taxpayers and elk as well as lynx, grizzlies, goshawks and other old growth dependent species, since the illegal timber sale would have logged habitat critical to those species.” The Beaverhead-Deerlodge National Forest Supervisor said the agency will now prepare a revised Environmental Assessment.



*Westslope Cutthroat trout, Big Salmon Lake, Bob Marshall Wilderness, MT
Photo by George Wuertner*

The Alliance and Native Ecosystems Council (NEC) filed the suit in February to stop the sale which would have increased road density above well-established thresholds in areas that already fail to meet elk population objectives as well as dumping sediment into Westslope Cutthroat Trout streams and destroying habitat for old growth dependent species.

NEC’s Sara Jane Johnson, PhD., a former Forest Service wildlife biologist, explained the importance of old growth, snag retention, and the interconnectedness of species in the area. “We are happy the Forest Service now concedes that the timber sale was illegal. They want the public to believe that trees killed by beetles need to be removed in order to have a healthy forest. But nothing could be further from the truth. Wildlife and beetles go together.”

“The beetles provide food for woodpeckers that drill holes in trees for nesting cavities that are then used by many other birds,” Johnson concluded. “When the dead trees fall, they provide cover and habitat for mice, snowshoe hares and squirrels, which in turn are eaten by pine marten, lynx, goshawks and great gray owls. The downed trees also provide important cover for big game. All these species can thank the beetles for providing them habitat.”

“We wish that the Forest Service would have actually listened to our concerns when they took public comment instead of forcing us to take them to court,” said Garrity. “But unfortunately the Forest Service is better at clearcutting our National Forests than listening to the public.”



⑧ Saving Lynx Habitat by stopping the Split Creek Timber Sale

Contending that a logging plan prepared by forest officials is based on flawed science that was intentionally altered by a former Bush appointee to favor developers, the Alliance for the Wild Rockies (AWR) and Native Ecosystems Council (NEC) seek to halt the Split Creek timber sale, which is in a 7,000-acre tract of important Canada lynx habitat along the western border of Yellowstone National Park. The lawsuit, filed in U.S. District Court in Idaho, names the U.S. Forest Service, the U.S. Fish and Wildlife Service, and Interior Secretary Ken Salazar as Defendants.

“This case illustrates the long-lasting effect of political manipulation,” AWR’s Mike Garrity notes. “Julie MacDonald, the now-discredited former deputy assistant Secretary of Interior, oversaw the U.S. Fish and Wildlife Service until her resignation in May 2007. She was found to have exerted improper political interference on nearly every decision made on the protection of federally endangered species over her five years at Interior and now we have to deal with the results.”

The period of MacDonald’s influence coincided with the time when forest officials in Eastern Idaho revised their designated lynx habitat and dropped several lynx habitat areas from protection. But in 2009, 39,000 square miles in Maine, Minnesota, Wyoming, Montana, Idaho and Washington were designated as “critical habitat” for lynx.

AWR and NEC say the agency neglected to properly consider the impact the commercial forest-thinning project could have on lynx, its habitat and the federal government’s efforts to recover the species since the logging would force out the snowshoe hare,

the primary prey of lynx during the winter.

“Although these federal agencies are required by the Endangered Species Act to try and recover lynx populations, logging 7,000 acres of critical lynx habitat does just the opposite,” said Dr. Sara Johnson, a former wildlife biologist for the Caribou-Targhee National Forest and NEC’s Director.

“It’s a shame we’re still dealing with Julie MacDonald’s political perfidy almost a decade later,” Garrity concluded. “Especially when you consider it’s the Obama administration continuing those blatantly illegal policies.”



Lynx
Photo by George Wuerthner

WHY WE FIGHT

AWR Vice-President Paul Edwards discusses his new tar sands and megaloads video

If John Muir were alive today he'd be a member of the Alliance for the Wild Rockies. Muir was no armchair environmentalist, he was a radical activist committed to demonstrable results on the land, not to collaboration and consensus. He maintained that the whole natural world was vitally connected and you couldn't damage one essential element of it without damaging it all in ways unknown and unforeseen. He'd be with us.

So would Aldo Leopold. Leopold's passionate connection to the wild world led him, through years of immersion in it and deep, discerning introspection, to the formulation of his watershed Land Ethic: "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." That's the mantra we live by in this organization.

The Alliance is often accused by nature rapists, ecosystem despoilers, and their phony sob sisters of being an uncompromising "obstructionist" organization. What drives them nuts is that we relentlessly attack and beat proposals that are flagrantly criminal -- and so much of what is being done or attempted now in various ways by the Corporate Tyranny that owns America is simply criminal.

One good example is the Alberta Tar Sands obscenity. This incalculably destructive eco-crime has the full backing of both the Canadian and American governments, but organized opposition to it is growing every day.

Meanwhile, Exxon--a major Tar Sands player and extortionist pirate--has cut a deal with Montana's Coalbooy Governor and his Idaho counterpart, Oily Butch Otter, to run monstrous megaloads from the port of Lewistown on narrow Highway 12 along the federally-designated Wild and Scenic Clearwater and Lochsa Rivers. From there the route twists over serpentine Lolo Pass, goes down through Missoula and follows the Blackfoot River to the Rocky Mountain Front then up to the Alberta Tar Sands.

There are administrative challenges and lawsuits under way against the scam in both Idaho and Montana, but there's no telling how they'll play out. So, knowing I had a shot at a known enemy, I decided to try to hit Exxon where they live by doing a video to expose them in all their appalling arrogance. You can see the video here: http://www.youtube.com/watch?v=HoKW771tG_Q

The fight against the massive and continuing destruction of the Tar Sands is as David and Goliath as it gets. But as John Muir would have said, it is directly related and "connected" to the essential mission of the Alliance: We fight the arrogant and irresponsible exercise of concentrated money and power that exploits and abuses the natural world and the people who inhabit it.

Vital ecosystem connections are the essence of the Tar Sands fight and are part and parcel of what the Alliance has been doing with issues like the Northern Rockies Ecosystem Protection Act for decades. We fight the tough fights against very long odds...and we win most of the time.

For exactly that reason, members Muir and Leopold would be proud of us.

[editor's note: On July 19th, conservation groups and Missoula County received a preliminary injunction to stop the megaloads until Montana's Department of Transportation does a more thorough environmental analysis.]



*Dust hangs in the sunset sky above the Suncor Millennium mine, an open-pit north of Fort McMurray, Alberta.
Photo by Peter Essick*



Montana's growing eminent domain debacle

“Eminent domain” is the legal tool used by corporations such as utilities, railroads, and energy companies to condemn and purchase private property they claim to need for their transmission lines, pipelines and railroads. The 2011 Montana Legislature, at the urging of Governor Brian Schweitzer, “clarified” the existing eminent domain law to favor energy corporations seeking to build transmission lines to export power out of state. But two seminal questions remain unanswered: Is there really a “need” for these lines on some of Montana’s most pristine landscapes; and are they truly in the public interest?

The issue arose because a Montana district judge denied a Canadian corporation the right to put its “Montana Alberta” transmission line, to export power to Canada, through private land dotted with tipi rings that have remained undisturbed for more than a century. The property is owned by members of the Little Shell tribe with direct blood ties to the Blackfeet who said they didn’t want to stop the line, but did want it moved away from the historic sites.

The new law will now allow the lines to be built wherever the Canadian or any other corporation wants to build them, tipi rings, historic sites, or any other reason notwithstanding. It will likewise allow NorthWestern Energy to proceed with its planned “MISTI” export power line to Idaho and points south that is now being contested in court by several Montana counties and hundreds of concerned citizens.

Those who argue for the law say that without massive transmission capacity to move the power out of state there will be no incentive to build industrial scale wind farms that will, theoretically, discourage new construction of highly-polluting coal-fired power plants.

But although “meeting the demand” has become the mantra in energy circles, there are other alternatives that make much more sense. Efficiency and conservation are vastly cheaper, faster and less costly than building new generation and landscape-defacing transmission towers and lines simply to provide all the electricity that can possibly be consumed. And since Montana already produces twice as much power as its residents consume, there is no market and hence, no need, for the excess energy in state.

Where public interest is concerned, there is no conceivable way to argue that Montanans will publicly benefit from construction of the export power facilities. An endless march of 150-foot (or larger) towers, their drooping wires and the clearcut access routes beneath them detract from, rather than add to, the public interest.

And finally, what guarantee is there that these lines will be used for transmitting wind power as proponents have claimed? Simply put, there are no guarantees. Given Governor Schweitzer’s continuing promotion of coal, combined with his efforts to develop the massive Otter Creek Coal Tracts, it is just as likely that these lines will be transmitting electricity from mine-mouth, coal-fired generation plants as windpower. A high-voltage transmission system is a conduit which is completely indifferent to the source from which its energy load originates.

The sad truth is that none of this scam has anything to do with public benefit in Montana or anywhere else: it’s about turning public resources into private profit. It’s the same as turning Montana into Asia’s coal cellar and siphoning Alberta’s Tar Sands oil into and across our state in controversial Keystone XL pipeline.

Eminent domain was intended specifically and solely to be used to promote the public good. Energy corporations have never operated on that basis and never will. It’s too bad Governor Schweitzer and the 2011 Legislature didn’t grasp that basic truth.

[AWR Vice-President Paul Edwards owns a historic ranch on the Rocky Mountain Front, home of both the MATL transmission line and the proposed wind farms. We thank him for his first-hand contributions to this article.]



Northern Rockies Ecosystem Protection Act (NREPA) is back!

U.S. Representatives Carolyn Maloney (D-NY) and Raul Grijalva (D-AZ) are preparing to reintroduce the Northern Rockies Ecosystem Protection Act (NREPA) in Congress. NREPA will designate all inventoried roadless areas in the Northern Rockies, some 26 million acres, as wilderness while protecting some of last of America's most beautiful and ecologically important lands -- saving taxpayers' money as it creates restoration jobs.

To preserve the biological integrity of the Northern Rockies ecosystem, NREPA will designate as wilderness areas nearly 7 million acres of federal land in Montana, 9.5 million acres in Idaho, 5 million acres in Wyoming, 750,000 acres in eastern Oregon, and 500,000 acres in eastern Washington. Included in this total are over 3 million acres that will receive wilderness designation in Yellowstone, Glacier and Grand Teton National Parks.

The Northern Rockies are the only place in the lower 48 states where native species and wildlife are protected on public lands that are virtually unchanged since Lewis and Clark saw them more than two centuries ago. Well-documented science tells us that wildlife populations cannot survive for long periods of time on isolated islands of habitat because they eventually inbreed and become more and more genetically weak.

NREPA addresses this by establishing critical biological linkage corridors of habitat that connect the core existing wildlands of the region into one functioning ecological whole, thus preserving the genetic diversity needed for longevity. The lands and waters upon which 59 threatened and endangered species depend are within the area covered by NREPA.

University of Utah's Museum of Natural History Research Curator, William Newmark, submitted Congressional testimony that said we are in the midst of the world's sixth major extinction event and that the only place in the world we have a chance of stopping this extinction is in western North America. He added that ecosystem protection bills like NREPA are by far the most effective ways of reducing species loss in western North America.

Some in the environmental community say NREPA is a good bill -- but claim it is not politically viable. Consider, however, that NREPA is supported

by the former Speaker of the House as well as the former Chairman of the Natural Resources Committee, where all wilderness bills are heard. As an alternative, some of those critics propose that we turn even more roadless areas over to loggers. For example, Montana's junior Senator, Jon Tester, has reintroduced his "Forest Jobs and Recreation Act" that would not only remove Wilderness Study Areas from their currently-protected status, but also open up one million acres of currently roadless lands to logging under the thin excuse that we have to make concessions to the failing timber industry.

The problem is that not only are these roadless lands important for the long term survival of many species, but it would cost taxpayers millions to log them. NREPA offers a better way to create jobs than logging roadless lands by establishing a pilot wildland recovery program. Over 6,000 miles of deteriorating or unused roads will be restored to roadless conditions, providing employment for over 2,000 workers while saving tax-dollars from subsidized development.

NREPA produces more jobs thanks to the habitat restoration work associated with the wildland recovery areas. The cost of this work will be approximately \$130 million over ten years, saving taxpayers \$245 million of the \$375 million projected net loss for logging these areas. Additionally, the Forest Service, in a 2000 report titled "Water and the Forest Service," found that the value of water originating from lands NREPA would protect is at least \$1 billion. It makes no economic sense to lose hundreds of millions of dollars on logging that harms the most valuable commodity our forests produce, clean water.

NREPA saves taxpayers millions of dollars, creates more jobs, provides maximum protection to endangered species habitat, and improves the economic viability of the northern Rockies states. Please contact your representative today and ask him or her to co-sponsor the Northern Rockies Ecosystem Protection Act.

More information about the Northern Rockies Ecosystem Protection Act can be found at <http://www.wildrockies.org/nrepa/>

The bill can be found at <http://thomas.loc.gov/cgi-bin/thomas>





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