

Swan View's News

Winter-Spring 2010



Swan View Coalition
3165 Foothill Road
Kalispell, MT 59901

"Nature and human nature on the same path."

www.swanview.org
www.swanrange.org
swanview@swanview.org

Speak Out for Clean Water and Wildlands

As winter snow melts to feed our streams, lakes and rivers, we have a golden opportunity to protect water quality and fish in the Pacific Northwest. Fish and Wildlife Service has set forth a proposal to designate critical habitat for threatened bull trout that is well worth your support. Please write a short letter by March 15 to secure clean water and habitat that will benefit all fish and wildlife! (Page 2-3).

The Department of Agriculture confirmed our criticism of Senator John Tester's wildlands logging bill, calling its mandated logging levels on two National Forests "unreasonable and unachievable." These concerns have been reiterated by sixteen former leaders and board members of Montana Wilderness Association in a letter critical of MWA's role in crafting the Tester bill and cutting the political deals that are its underpinnings. Your letters to editors of local newspapers can help assure that Tester's bill is either significantly improved or thrown in the trash bin - with the goal to protect Montana's rich legacy of wildlands and conservation. (Page 4).

Much to our disgust, U.S. District Judge Donald Molloy has reversed his earlier decision and is now allowing snowmobiling as late as May 31 on the Flathead National Forest. But we've not given up! (Page 5).

Those of you that visit public lands in the Swan Range and Swan Valley can also help protect habitat for fish, wildlife and quiet recreation by reporting motorized vehicle violations.

We've included a clip-out wallet card in this newsletter so you'll know who to call when you find pickups, snowmobiles or ATVs violating wildlife security areas or trashing streams! (Page 6).

Indeed, the conservation of America's fish and wildlife is only as effective as its citizens are active. As 2010 gets well underway, we

thank you for the letters and emails you write to public officials and for your continued financial support - including meeting Cinnabar Foundation's Challenge Grant in the closing weeks of 2009!

Keith



Bull trout in cold, clean habitat. *Karen Nichols Photo*

Act Now to Protect Bull Trout Habitat!

The U.S. Fish and Wildlife Service released a new proposal of critical habitat for bull trout throughout its five-state range. The proposal includes 21,694 miles of stream habitat in Montana, Idaho, Washington, Oregon and Nevada, 985 miles of marine shoreline in the Olympic peninsula and Puget Sound in western Washington, and 533,426 acres of reservoirs and lakes.

Unlike the previous critical habitat designations that were challenged by Friends of the Wild Swan and Alliance for the Wild Rockies because they were sparse and fragmented, this proposal includes federal lands, reservoirs and unoccupied habitat that is necessary for migration, foraging and adaptation to climate change.

Bull trout need cold, clean water with little fine sediment to successfully spawn and rear. At about two years of age they migrate from their spawning stream and mature in lakes or rivers, traveling as far as 150 miles. They return to their natal stream to spawn but unlike salmon make the journey between stream and lake many times in their life. Their stringent habitat requirements make them an excellent indicator of water quality.

A critical habitat designation that incorporates the five C's: Clean, Cold, Complex, Connected and Comprehensive will facilitate the survival and recovery of bull trout. The current proposal will go a long way towards that goal.



Forest Service logging road #1612 washes toward bull trout spawning beds in 1997. *Forest Service Photo*

Why is critical habitat a big deal? The designation of "critical habitat" for a threatened or endangered species provides another level of protection because the Endangered Species Act prohibits the "adverse modification" of critical habitat. Roads, for example, damage water quality and fish habitat, especially when their culverts plug and the road is washed into streams - as happened in the photo above in 1997 in Rock Creek, a tributary to the important bull trout spawning Quintonkin Creek on the Flathead National Forest.

Recent court rulings on the Flathead National Forest that fail to enforce "mandatory" Forest Plans standards for grizzly bear confirm that management standards cannot stand in place of critical habitat designations - though the government has argued the opposite, denying the designation of critical habitat for threatened grizzly bears for decades.

Support Bull Trout Critical Habitat Today!

Please take a few minutes to contact the Fish and Wildlife Service:

- Let them know that you support the proposed critical habitat designation. If areas are not included but should be, give them as much information as you can about the stream, river or lake - such as bull trout current status and habitat threats.
- Let them know that federal lands **MUST** be included in a final designation. Forest Service and Bureau of Land Management plans are not a surrogate for critical habitat.
- Tell them you support unoccupied habitat in the final designation. Maintaining connectivity or reconnecting core areas is crucial to recovering bull trout.

A comprehensive critical habitat for bull trout provides benefits to other aquatic species and protects or restores water quality for people.

For more information go to: <http://www.fws.gov/pacific/bulltrout>
or <http://wildrockiesalliance.org>

To submit comments by March 15, 2010:

Mail to:

Public Comments Processing
Attn: RIN 1018-AW88
Division of Policy and Directives Mgmt.
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

- or -

On-line:

1. Go to Federal eRulemaking Portal at <http://www.regulations.gov>
2. In the "Enter Keyword or ID" box enter the docket number which is FWSR1-ES-2009-0085. (Don't click "Search" yet).
3. Check the "Open for Comment/Submission" box and then click the Search button.
4. You should then see an icon that reads "Submit a Comment."



Bull Trout in Swan Valley. *Karen Nichols Photo*

Our many thanks to Friends of the Wild Swan and Alliance for the Wild Rockies for over a decade of litigation and perseverance in firstly securing the listing of bull trout as a threatened species and, finally, securing a reasonable proposal for the designation of its critical habitat!

Let's all help make sure a decent proposal becomes an even better designation!

FOWS also contributed to this alert.

Tester's Wildlands Logging Bill Hits Rough Sledding

Senator Jon Tester's wildlands logging bill is deservedly into some rough sledding, especially for mandating that 100,000 acres be logged on two National Forests in Montana over a single decade. Criticism of the bill, from opponents and supporters alike, has come to light since the House Subcommittee on Public Lands and Forests held a hearing on the bill on December 17, 2009.

Department of Agriculture Undersecretary Harris Sherman testified that the bill's mandated logging was "unreasonable and unachievable." He said it would result in "Balkanization" of the National Forests as Senators from other states pass bills mandating logging levels on National Forests in their home states, result in a "first-come, first-serve" rush for federal funding, and compromise the agency's ability to comply with the National Environmental Policy Act (NEPA).

Sixteen former officers and members of Montana Wilderness Association's board of directors noted USDA's objections and wrote Tester to make it clear they could not abide by MWA's support of the bill, adding: "We believe that in recent years, the Montana Wilderness Association has clearly compromised its long-held wildland protection mission and vigilant advocacy . . . quite simply, MWA has lost its way." Former council members also pointed to the discrepancy between MWA's public unconditional support of the bill and MWA's written testimony on the bill, which objected in part to Tester axing some 50,000 acres from the 92,800 acre Wilderness designa-

tion MWA had agreed to in the West Big Hole with local sawmills. To this, the Helena Independent reports, current president Daphne Herling replied MWA "knew compromises and changes to the partnership's proposal would be made, and that MWA and the other partners to the proposal will continue to stand by the legislation."

Similarly, other high-profile conservation groups vocally supporting the bill quietly object in writing to a number of its provisions. The Wilderness Society, for example, wrote in its testimony: "We oppose Congressionally mandated treatment lev-

els in the bill [and we] have concerns that some of the specific language in this section of S. 1470 could effectively undermine the application of NEPA and

its implementing regulations."

Former Forest Service Chief Jack Ward Thomas writes Tester's "approach is flawed, inappropriate, less than fully informed, and has implications for the management of the entire national forest system. It should be debated in that context." Things could get worse as Montana's Representative Denny Rehberg wants Tester to delay the designation of any Wilderness until mandated logging levels are accomplished.

It's a sad state of affairs when "conservation" groups urge public support for mandated logging levels they know are bad for Americans and their public lands! **You can help put an end to this political tomfoolery by writing a letter to the editor of your local newspaper, voicing your opposition to Tester's Forest Jobs and Recreation Act!**



The Absurdity of Late-Season Snowmobiling

U.S. District Judge Donald Molloy initially agreed with our lawsuit and issued an injunction against late-season snowmobiling on the Flathead National Forest after threatened grizzly bear have emerged from their winter dens in March. Now, he has given his blessings to a new biological opinion written by Fish and Wildlife Service and is allowing snowmobiles to run as late as May 31 on some 52,000 acres of grizzly bear habitat - primarily in the northernmost Swan Range.

FWS acknowledges female grizzly bears with young will be harmed if interrupted by snowmobiles as they linger near their den site for a couple months after emergence and that the young may die if they attempt to flee with their mother.

Yet FWS concludes such harm will not jeopardize the continued existence of the species. Molloy concludes "the ESA does not confer upon the action agency an affirmative obligation to promote the recovery of a listed species."

We disagree with Molloy's findings, continue to press for full recovery of the grizzly bear in other lawsuits on the Flathead, and are discussing our options concerning the Flathead's snowmobile plan with our attorneys. And, while we are disappointed that FWS was too timid to stand up for the bear in the face of this absurd late-season snowmobiling proposal, we will be working to see that the matter is fully reviewed as promised in 2011.

FWS requires: "After 5 years of monitoring, the Forest shall, in cooperation with the Service, evaluate each of the 'extended use areas' to determine if 'variable closure dates' are practical, or necessary, to [minimize disturbance to post-denning grizzly bears or damage to vegetation on roads reclaimed to provide grizzly bear security]." In other words, FWS is wanting to take another look at whether snowmobiling should be stopped when bears emerge from their dens or there's not enough snow to protect road revegetation efforts.



Snowmobile rut in Lost Johnny. Forest Service Photo

The photo on this page shows we have an uphill battle to convince the Forest Service it should not let snowmobiles run off-snow. The photo is from a 2009 Forest Service report showing how it repaired a rut in Lost Johnny Basin caused by snowmobiles climb-

ing a hill with inadequate snow. The FS repaired the rut by installing "flapper" water bars intended to allow the snowmobiling to continue up the rut!

To see more damage caused by late-season snowmobiling, see our Snowmobiling's Endless Winter report at <http://www.swanview.org>. See page 6 of that report for how to effectively reclaim damaging snowmobile ruts like the one pictured on this page.

You can help by sending us photos and reports of any damage you find from snowmobiling, including any photos you may be able to take of snowmobile tracks concurrent with tracks of wildlife.

Help Report Motorized Vehicle Abuses of Public Lands

Law enforcement is spread very thin across public lands but can be made more effective through timely citizen reports of questionable or illegal behavior. Cut out and carry the wallet-size card below to help keep the Flathead and Swan areas safe and secure for people and wildlife, or make a similar card for your area.

Your reports will be most helpful if you carry this card along with your cell phone and a small digital camera. Though you may not be able to get a photo of the small license decal on a snowmobile or ATV, you may be able to get a photo of the license plate on the pickup truck from which they were unloaded. It is also helpful to photograph

the road, trail or area closure signs behind which the vehicle trespassed, as well as a photo of the person doing the driving.

Your personal safety comes first, so don't put yourself in harm's way. That is what law enforcement officers are for.

Phone in your information as soon as you can, but know that reports of days-old tracks and trespass can also be helpful for law enforcement to discern patterns and best schedule their patrols.

Road, trail and area closures to motorized vehicles are to protect soils, water quality, vegetation, and quiet habitat for fish, wildlife and people. You can help enforce them while out having fun!



No matter how popular at the county fairgrounds, mud bogging like that above is unlawful on public lands.



fairgrounds, mud bogging like that above
Keith Hammer Photos

To Report Problems on Public Lands:

If currently occurring,

Dial 911 and ask for the law enforcement nearest your location.

Or dial the appropriate law enforcement number on the reverse of this card.

Jack Dittmann - Swan Lake Ranger Dist.
cell 406-260-1511

Brad Treat - Hungry Horse Ranger Dist.
cell 406-250-7365

Bob Field - Glacier View Ranger Dist.
cell 406-250-4994

Ben Chappelow - MT Dept FWP
Assigned to Flathead-Swan DNRC Lands
cell 406-250-2098

Clip this card out, fold it in half, and carry it in your wallet, purse, or daypack - near your cell phone!

How to Make a Donation or Give a Gift Membership

Swan View Coalition relies in large part on member donations to fund its work protecting habitat for fish, wildlife and people. You can help us broaden our membership base by giving Gift Memberships at \$25 each, either on-line or using the donation form below!

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

2. Use your credit card securely on-line at www.swanview.org or www.swanrange.org, by clicking on the Donate Now button!



Groundspring/Network for Good handles your transaction for us and informs us immediately via email of your donation by credit card. If you have other info you want to get to us, such as the names, addresses and greetings you choose for your Gift Memberships, simply email them to keith@swanview.org or mail them to the address in #1, above.

You can also choose to have your credit card donations recur automatically. Simply select the "recurring" option under "frequency." You can edit or cancel your choices of frequency and amount at any future time via your "edit settings" button near the top of the secure donation page. This option allows you to budget your donations over time and saves us time and money by not having to send you "renewal" notices!



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

[] Here's \$25 to cover my minimum dues, newsletters, alerts, and Swan Ranger Reports.

[] Here's \$50 to help restore a bit of peace and quiet to America's public lands.

[] Here's \$100 to help keep forest roads from ending up in America's bull trout streams.

[] Here's \$_____ to help secure grizzly, lynx and wolverine habitat for future generations.

[] Here's \$_____ for _____ Gift Memberships at a minimum of \$25 each. I've included each recipient's name, mailing address, email address, and my greeting on separate paper.

[] As a gift of appreciation for my donation, please send me [] the Swan/Flathead history booklet "The Lineage of Chief Aeneas: A History of People and Place" and/or [] a Swan Ranger patch (circle "hang-loop" or "sew-on").

[] Save paper! Email my newsletters to _____

NAME: _____

ADDRESS: _____

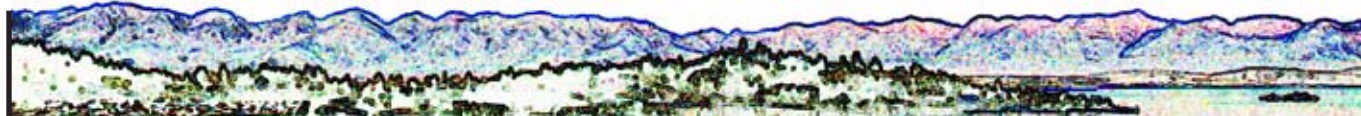
CITY, STATE, ZIP: _____

*Swan View Coalition, Inc.
3165 Foothill Road
Kalispell, MT 59901*

Printed on Recycled Paper

Swan View's News

Winter-Spring 2010



Simple Ways You Can Help Protect Wildlands!

Speak Out for Water Quality and Wildlands!	page 1
Support Bull Trout Critical Habitat Today!	page 2
Tester Wildlands Logging Bill Deserves Criticism!	page 4
Help Us Monitor Late-Season Snowmobiling!	page 5
How to Report Motor Vehicle Abuse of Public Lands!	page 6
How to Make a Donation or Give a Gift Membership!	page 7