

THE WILD CASCADES

THE JOURNAL OF THE NORTH CASCADES CONSERVATION COUNCIL

SPRING 2013



In This Issue

- 3 **President's report** — Karl Forsgaard
- 4 **Upcoming Events:** Explore your North Cascades National Park; Celebrate National Public Lands Day with a NCCC work party
- 5 **NCCC testifies against HB 1632**
- 6 **NCCC Actions:** October 2012 – May 2013
- 8 **Our sincere apologies**
North Cascades fish stocking legislation – again — David Fluharty
- 9 **Lands Commissioner Goldmark visits Middle Fork Snoqualmie** — Rick McGuire
Two reasons to celebrate: Non-motorized recreation and roadless wilderness
- 10 **Trail milestones at Reiter Forest** — Karl Forsgaard
- 11 **DNR volunteer work party**
- 12 **Decisions for the Stehekin River Corridor Implementation Plan** — Dave Fluharty
- 13 **Washington Trails Association releases *State of Access Report*** — Ed Henderson
Letter from Stehekin: the October 20, 2003 flood — Ann McConnell
- 15 **Suiattle River Road bidding process begins**
- 16 **Pollution Control Hearings Board hears arguments on Similkameen Falls** — Rich Bowers and John Osborn
- 18 **Corvid's eye**
- 19 **Yakima Plan: Not yet shovel-ready** — Karl Forsgaard
- 21 **New group looking at dammed lake storage capacity**
- 22 **Updates**
Wolf pack confirmed in Chelan County
- 23 **Membership form**

COVER: *Kulsban wildflowers.* — TOM HAMMOND PHOTO

The Wild Cascades

Journal of the North Cascades Conservation Council

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THE NORTH CASCADES

CONSERVATION COUNCIL was formed in 1957 "To protect and preserve the North Cascades' scenic, scientific, recreational, educational, and wilderness values." Continuing this mission, NCCC keeps government officials, environmental organizations, and the general public informed about issues affecting the Greater North Cascades Ecosystem. Action is pursued through administrative, legal, and public participation channels to protect the lands, waters, plants and wildlife.

Over the past half century NCCC has led or participated in campaigns to create the North Cascades National Park Complex, Glacier Peak Wilderness, and other units of the National Wilderness System from the W.O. Douglas Wilderness north to the Alpine Lakes Wilderness, the Henry M. Jackson Wilderness, the Chelan-Sawtooth Wilderness, the Wild Sky Wilderness and others. Among its most dramatic victories has been working with British Columbia allies to block the raising of Ross Dam, which would have drowned Big Beaver Valley.

NCCC is supported by member dues and private donations. These contributions support the full range of the Council's activities, including publication of *The Wild Cascades*. As a 501(c)(3) organization, all contributions are fully tax deductible to the extent allowed by law. Membership dues for one year are: Living Lightly/Student \$10; Individual \$30; Family \$50; Sustaining \$100.

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Founded in 1957
SEATTLE, WASHINGTON

The President's Report

Spring 2013

Like many readers of this magazine, I was greatly affected by my earliest National Park experiences (mine were at Valley Forge and Yosemite). Recently I felt fortunate to spend an evening with the National Park Service. Hosted by the National Parks Conservation Association and Olympic Park Associates at The Mountaineers clubhouse, several Park Service officials gathered with representatives of local conservation organizations to discuss issues that are facing our park managers.

I had the pleasure of meeting Karen Taylor-Goodrich, new Superintendent of the North Cascades National Park Complex; Sarah Creachbaum, new Superintendent of Olympic National Park; and Tracy Swartout, new Deputy Superintendent of Mount Rainier National Park. And it was good to see Chip Jenkins in his new role as Deputy Regional Director for Resource Stewardship and Planning.

Not surprisingly, we discussed the impact on Park operations of reduced funding caused by sequestration. In addition to budget and staffing reductions, Park staff must contend with widespread public expectations of continued maintenance of access to favorite sites, which often conflicts with expectations that the natural, wild quality of the resource will be maintained.

There is concern about recruitment of the next generation of young leaders who want to work for the Park Service, and the National Parks' relevance to a rapidly changing demographic. Education programs are important, and we brainstormed ways to improve them. Partnerships with nonprofits and volunteers are likewise important to the Parks. The North Cascades superintendent expressed gratitude for the work of North Cascades Institute (NCI) and the Skagit Environmental Endowment Commission (SEEC).

We talked of climate change, and the prospect of a Joshua Tree National Park without Joshua trees, a Sequoia National Park without sequoias, a Glacier National Park without glaciers. The news is not all gloomy, for we are seeing the return of wolves and wolverines in the Cascades. We were cheered by Park Service planning for future reintroductions of fishers in the Cascades. Given the many recent washouts of roads built in the wrong places, it was good to hear the Park Service recognize that roads and facilities should not be built "where the river wants to be."

As the evening drew to a close, we talked about ramping up preparations for local celebrations of the 50th anniversary of the Wilderness Act in 2014. If you are interested in getting involved in planning the celebration, write to ncccin-fo@northcascades.org.

Karl F. Forsgaard
Karl Forsgaard

Explore your **North Cascades National Park**

At REI in Seattle, meet the new Park Superintendent

WHEN: Friday June 14, 4:30 pm – 8:00 pm
WHERE: REI flagship store, 222 Yale Avenue N, Seattle
HOSTED BY: North Cascades Conservation Council



- Chat with **Karen Taylor-Goodrich**, new Superintendent of North Cascades National Park
- Catch up with fellow outdoor enthusiasts, NCCC members, board members, and volunteers as you meet other NOCA Park staff
- Update your summer to-do list as you learn more about backcountry camping and trails, hiking, mountaineering, wildlife (*wolves! bears! wolverines!*) and other natural and cultural resources from Park staff.

A North Cascades National Park informational program will be presented at 5:00 PM and repeated at 6:00 and 7:00 PM, with plenty of time in between for complimentary food, beverages, and conversation with National Park staff and NCCC members.

Please RSVP to ncccorg@gmail.com

Celebrate National Public Lands Day with a NCCC work party



WHAT: NCCC-National Park Service Work Party
WHEN: Saturday, September 28, 2013
WHERE: Vicinity of Cascade Pass
WHAT: Tackling a yet-to-be-determined assignment from the Park Service

- Enjoy a weekend in the wilderness and lend a hand to important habitat restoration.
- Camp at one of the campgrounds along the Cascade River road, or try the accommodations at the North Cascades Institute. Check the NCI website (ncascades.org/signup/programs/base-camp) for availability.
- Watch *The Catalyst* for more details about this project.

NCCC testifies against HB 1632

In its testimony before the House Transportation Committee on February 11, 2013, NCCC opposed HB 1632, which would allow 4-wheeled all-terrain vehicles (ATVs) on paved streets, roads and highways with speed limits of 35 miles per hour or less. Following public testimony, the bill was revised and reintroduced into the Special Legislative Session on May 13, 2013.

We oppose this bill due to its negative impacts on public safety, as well as its negative impacts on waters, soils, vegetation, wildlife, and quiet recreation on our public lands.

It would allow ATVs on the streets during rush hour in densely populated small cities and unincorporated areas, with negative impacts on the safety of local residents driving on public roads, as well as the safety of the ATV riders. And what about pedestrian safety?

A year ago, the Washington State Patrol testified against the prior version of this bill, as stated in the Bill Report:

The WSP continues to have concerns about the safety of mixing ATVs and general traffic. These vehicles already are responsible for deaths on public roadways and they are not even allowed to be operated on public roads at this time. This will open up the roads and will likely lead to chaos. The provisions regarding local government authority to open public roads to all ORVs is unclear as it relates to ATVs licensed under this bill. This will lead to

confusion for law enforcement and the public as to where an ATV can legally be operated. You will be sacrificing safety if you adopt this bill.

The ATV industry has mounted a campaign to improve the image of ATVs by emphasizing safe riding. They list the “golden rules” of ATV riding, including: “**Never ride on a public road.**” In other words, the ATV industry acknowledges that putting ATVs on public roads is unsafe.

Section 19 of HB 1632 exempts ATV riders from the State law requiring vehicle drivers to have liability insurance.

This bill raises many other impacts and issues beyond just ATVs on paved roads.

This bill will make it easier for ATVs to illegally access public lands. Public lands managers will be unable to patrol the lands that are illegally accessed, and thrill seekers will create new illegal trails, including streambeds. ATV riders’ temptation or incentive to enter roadside lands illegally will be increased by the ATVs’ concern for their own safety or comfort as they are passed by much larger vehicles on the streets, roads and highways – the ATVs are more vulnerable than cars and trucks. When the width of the road’s shoulder decreases and the vehicle encounters get closer and scarier, ATVs will look to escape to an easier, safer, less-traveled route or place, especially if it is undeveloped land with no police presence.

In many undeveloped, wild lands used by hikers, lack of legal parking for ATVs is a real-world limitation on ATV use. ATV

trailers in the wrong places can be easily spotted by law enforcement officials who merely patrol the roads (because they do not have time or bandwidth to be out on the trails). But when ATVs can enter the hiker-horse trail system from a street, road or highway without leaving a telltale ATV trailer at the trailhead or trail crossing, they can go undetected by law enforcement, which will encourage trespassers who know they are less likely to get cited. Then the ATVs displace hikers and horses from the trails in those areas.

*The NCCC
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Section 5 of HB 1632 provides that a city with a population of over 15,000 must “opt-in” (ATVs cannot ride on the streets of such cities unless the city consents by ordinance), while on the other hand, a city with a population of less than 15,000 must “opt-out” (ATVs *must be allowed* on the streets of such cities unless the city passes an ordinance designating specific streets as “unsuitable” for ATVs). All other public roadways with speed limits of 35 MPH or less would be open to ATVs, i.e., any such roads, streets or highways that are *outside of cities* will be open to ATVs.

These “opt-out” provisions need to be changed so that any authorization for



Approaching Cascade Pass.

— PHILIP FENNER



NCCC Actions

OCTOBER 2012
— MAY 2013

*Advocacy carried out
by dedicated NCCC
volunteers in the last
eight months to protect
and preserve the North
Cascades' lands, waters,
plants, and wildlife.*



EXPANDING, ESTABLISHING, AND PROTECTING WILDERNESS AREAS

Why it matters: federal land designation as Wilderness and Park is the gold standard of ecosystem protection, precluding most damaging industrial and commercial exploitation.

- Met with North Cascades National Park staff at Thunder Creek to celebrate the newest federal Wilderness in Washington, the Thunder Creek addition to the Stephen Mather Wilderness within the Ross Lake National Recreation Area.
- Joined other environmental groups in signing a letter urging Congress to take action on wilderness bills currently awaiting passage, in a session in which Congress did not pass one wilderness bill.
- Participated in preliminary local planning for celebration of the Wilderness Act's 50th Anniversary in 2014.
- Provided input to Mountaineers Books on forthcoming North Cascades book to feature entire North Cascades ecosystem, beyond the park boundary, and a profile of Polly Dyer.



PROMOTING ENVIRONMENTALLY SOUND RECREATION IN WILD AREAS

Why it matters: balancing access with economics and Wilderness preservation, we evaluate motorized use and places where it needs to be limited to reduce land impacts and recurring road repair costs.

- Led conservation community participation in the Yakima Plan's lands workgroup series of meetings (the so-called "Ross Process") which adopted some of our proposals to make the Yakima Plan's National Recreation Area proposal less bad.
- Led conservation community participation in the State Department of Natural Resources planning process to design a non-motorized trail system in Reiter Forest. Submitted SEPA comments and mobilized attendance at DNR's SEPA public meeting.
- Submitted testimony in the State Legislature to oppose SB 5513/HB1632 that would allow All-Terrain Vehicles on streets, roads and highways with speed limits of up to 35 mph.
- Submitted comments to Okanogan-Wenatchee National Forest to protest illegal tree-cutting by North Cascades Heli-Skiing on Silver Star Mountain.
- Attended North Cascades Institute's meet and greet for NOCA superintendent Karen Taylor-Goodrich and Erin Uloth, new district ranger for the Mount Baker-Snoqualmie National Forest.



PROTECTING ANCIENT FORESTS AND PROMOTING RESPONSIBLE FOREST MANAGEMENT

Why it matters: like real estate, they're just not making ancient forest anymore. We seek to restore watersheds and fisheries damaged from decades of heavy logging and road building and protect significant forests from degradation.

- ✓ Testified in the State Legislature against proposed new Bumping Lake dam that would flood 1,000 acres of ancient forest, including Critical Habitat for the northern spotted owl; assisted Friends of Bumping Lake with fundraising.

- ✓ Obtained confirmation from Mt. Baker-Snoqualmie National Forest and FHWA that in response to public comments (**including NCCC's**), they narrowed the clear zone (width) of the Suiattle River Road re-route corridor, and moved its path, so that fewer old trees would be cut.

- ✓ Helped organize a meeting of Seattle-area conservation organizations to be briefed by Chelan County regarding the new Icicle Workgroup, which is looking at increasing the storage capacity of dammed lakes inside Alpine Lakes Wilderness.



PROTECTING WILDLIFE AND HABITAT

Why it matters: from microscopic fungi to top predators, the wilderness ecosystem's living members are interdependent, so keeping viable populations of each species is essential to preserve the ecosystem for future generations.

- ✓ Worked with North Cascades National Park staff to organize a volunteer work party at Diablo Overlook in Ross Lake National Recreation Area in October 2012, and began planning another one for September 28, 2013 near Cascade Pass in the Park.
- ✓ Participated as a co-appellant in the six-day Enloe Dam / Similkameen Falls trial to oppose the de-watering of the Falls, and also helped with fundraising to pay for expert witnesses.
- ✓ Participated in public meeting held by Snohomish PUD regarding its proposed Sunset Falls project on the Skykomish River.
- ✓ Participated in a U.S. Fish & Wildlife Service webinar on wolverine recovery in the Cascades.
- ✓ Signed a thank-you letter to Senator Murray on behalf of Washington Watershed Restoration Initiative (WWRI) for including legacy roads and trails in the Senate Budget.

***Combined
Fund Drive
adds to
NCCC
bottom line***

Many thanks to the 25 (twenty-five!!) state employees who pledged to NCCC through the Combined Fund Drive this winter. Your generosity is deeply appreciated and makes a difference in NCCC financials.

If you're a state employee who hasn't pledged yet, please consider NCCC. State employees from Colfax to Forks and Anatone to Blaine—including employees of the University of Washington—can contribute by designating your Combined Fund Drive donation for NCCC!

North Cascades fish stocking legislation – again

By David Fluharty

Representative Doc Hastings, Chair of the Parks and Resources Committee of the US House of Representatives, has again introduced legislation “authorizing” the National Park Service to allow fish stocking in North Cascades National Park. Amazingly the Bill [HR 1158] has sailed through the Committee unanimously despite being a direct repudiation of national policy of the NPS to ban fish stocking in naturally barren lakes and despite nearly a decade of research and analysis that resulted in the NPS ceasing the practice in North Cascades National Park in 2009 and beginning a long process of restoring high mountain lake ecosystems.

NCCC has supported the research, analysis and decision by the NPS to cease fish stocking because it stops putting alien species into mountain lakes that are normally fishless.* Fishless but not without important amphibians whose very existence is threatened by the introduction of non-native predatory fish. This policy also decreases the impact of fishing on the fragile shorelines of mountain lakes.

What would this legislation direct the Secretary of Interior to do?

1. Violate national policy of the NPS.
2. Stock non-native fish in 42 lakes in North Cascades National Park [even under the previous variance, no more than 14 lakes were to be stocked].
3. Require the Secretary to coordinate with the State of Washington.
4. Monitor the impacts of fish stocking and report results to Congress every five years [odd, because nearly a decade of research and assessment already has shown that fish stocking impairs high lake ecosystems].

5. Stock only fish native to the relevant slope of the Cascades and stock with “non-reproducing” fish [note that there are no fish native to these naturally barren lakes and use of sterile fish means very expensive “unnatural” practices to maintain fish stocks].

*What is disturbing...
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What is disturbing about this legislation is that it seems to rely on the NPS discretion in how to scientifically manage fish stocking in these lakes, while ignoring the fact that the NPS has already determined fish stocking to impair high mountain lakes. Further, it ignores the NPS Record of Decision which includes measures to restore the high mountain lakes damaged by previous fish stocking in the region.

To its credit, the NPS has been implementing its High Lakes Management Plan since 2009 by not permitting fish stocking as well as working to restore some lakes in the North Cascades NPS Complex as time and resources allow. It is disconcerting to have this repeated effort by one member of Congress to do an end run on the NPS.

Why are we in this pickle, you might wonder? It is because a former National Park Superintendent chose to override the recommendations of his own natural resource planning efforts and throw the decision back to Congress by asking if it was the intent of Congress to allow fish stocking. The answer from Congress for the last 4 years has been no. When will that answer be final? How much can one powerful member of Congress do to push this non-productive legislation year after year? Why should NCCC and other conservation organizations have to spend time, energy and resources to support the NPS in its mission?

*It is important to note NCCC challenged the policy of North Cascades NP to allow fish stocking as part of the General Management Plan for the Park. In the 1991 Consent Decree settling the NCCC law suit, the NPS agreed to perform extensive research on high lakes ecosystems in the North Cascades to determine the impacts of fish stocking. This led to nearly a decade of research and assessment – the results of which may be found on the NOCA Management website – and the determination by the NPS to stop fish stocking in the Park Complex.

Our sincere apologies!

“Chip” PALMER Jenkins is the new deputy regional director for resource stewardship and planning for the National Park Service Pacific West Region—not “Chip” CONNER Jenkins, as we incorrectly asserted in our Winter 2013 issue. Our deepest apologies to Chip for our mistake. We strive to get our facts straight, and we’re especially embarrassed at this slip-up, considering what a great person and leader Chip is.

Lands Commissioner Goldmark visits Middle Fork Snoqualmie

by Rick McGuire

On April 23 2013, NCCC members accompanied Washington Lands Commissioner Peter Goldmark on an “inspection tour” of forests protected by him in the Middle Fork Snoqualmie and expanded Mt. Si Natural Resource Conservation Areas (NRCAs.) After weeks of rain, clear skies and dry vegetation were welcomed by all.

Stories are told around tree lovers’ campfires about visits by elected officials to public lands and forests. Such visits do not happen every day, and can be memorable. There is always the chance for some sort of small awkwardness, such as footwear more suited to the old and marbled halls of power than to old forests, or someone having to try a little too hard to convince his hosts that he would really rather be out touring a bog than on the golf course.

But a preference for cigars and martinis over spruces and maples is not necessar-

ily a cause for alarm. Some of the greatest conservationist politicians in the Northwest have also been great indoorsmen. Even if one’s guest prefers ancient vintages to ancient forest, the objective is always the same, to show what is really out there, and above all to have a good time.

That was easily accomplished as Commissioner Goldmark set out, off trail, into the Middle Fork claylands, an area of unusual old forests that became public land when acquired by the Department of Natural Resources in a 1997 land exchange, then later protected as NRCA by Goldmark in 2009. Goldmark grew up on (and still runs) a cattle ranch in Okanogan county. Entirely at home in the outdoors, he was undeterred by some of the thicker brush the Cascades have to offer. Never was there a better day for enjoying the Middle Fork’s old forests, with leaves just coming out, trilliums blooming, and great, wide spreading maples in full flower.

Among many sights, the Commissioner’s route took him under tall, thick Sitka spruce with thickets of hazelnut below, an unusual association of two species not normally found growing together, but both tolerant of clay soils and wet feet. Along with looking at the forests, the trip provided an opportunity to talk about the various challenges and opportunities in the Middle Fork. With the planned paving of the Middle Fork road, new recreational facilities are urgently needed. And there is always the never-ending battle against invasive species such as holly, which has made severe inroads on the western side of Mt. Si.

Senators, Congressmen and other notables have visited the Middle Fork. This trip was the first known instance of a major public official going off-trail, through the thick of it. As such it will no doubt be a notable addition to the growing book of Middle Fork lore.

Two reasons to celebrate

Non-motorized recreation and roadless wilderness

Non-motorized recreation will benefit from a favorable decision in the Winter Wildlands Alliance lawsuit against the U.S. Forest Service. A Forest Service rule issued in 2005 required every National Forest to develop a travel management plan designating what trails and areas are open to off-road vehicle use and closing all other areas to such use. The rule exempted snowmobiles from that process, making the regulation of snowmobiles in forests completely discretionary.

On March 29, 2013, U.S. Magistrate Judge Ronald E. Bush in the District of

Idaho agreed that the Forest Service is in violation of its legal obligations regarding snowmobile management, and ordered that the Forest Service fix the deficiency within 180 days. He ruled that the 2005 Travel Management Rule, 36 CFR 212.80, failed to meet the requirements of Executive Order 11644, as amended by E.O. 11989, and that the Order “requires an agency to promulgate regulations that provide for designation of areas of use and non-use by off-road vehicles, including over-snow vehicles, on all public lands.” The bottom line: U.S. Forest

Service travel management plans must include the management of snowmobiles.

And even better, the Roadless Rule is the law of the land after surviving its final legal challenge. On March 25, 2013, the U.S. District Court for the District of Columbia rejected the state of Alaska’s challenge that, while aimed at the Tongass National Forest, would have nullified the national Rule. Best of all, the Alaska case was the final litigation challenging the rule nationwide. The court held that no further challenges are allowed, because the statute of limitations has run out!



Trail milestones at Reiter Forest

by Karl Forsgaard

Hikers, mountain bikers and equestrians have an opportunity to help shape the non-motorized trail system in Reiter Forest, near Wallace Falls State Park on Highway 2. The State's Department of Natural Resources (DNR) has published its proposed trail map and is gathering public comments. DNR is also conducting a volunteer work party on Friday, July 5, from a trailhead to the east side of Wallace Falls, above which there will be a new footbridge over the Wallace River.

Non-motorized trail and bridge construction

Under the State Environmental Policy Act (SEPA), DNR issued a "Determination of Nonsignificance," which means it does not intend to prepare an Environmental Impact Statement (EIS) for construction of the non-motorized trail system. DNR conducted a public meeting in Monroe

on May 7, and gathered public comments from April 23 until May 14. Information about this proposal including the Threshold Determination, SEPA Checklist, Development Concepts, Site Plans and maps can be accessed through DNR's website at: dnr.wa.gov/ResearchScience/sepa/Pages/Home.aspx

Supporting documents and additional information can be found on the Reiter Recreation site at: dnr.wa.gov/Recreation-Education/Topics/RecreationPlanning/Pages/amp_rec_reiter_footbills.aspx.

DNR's recreation planning process for Reiter has been going on for five years. A 1,100-acre portion of the forest has been undergoing development as a motorized area, and a separate 1,100-acre portion of the forest is being developed as a non-motorized area. Reiter's motorized area is in the southeast portion of Reiter, closer to the Index Town Wall. The non-motorized area is in the northwest portion of Reiter,

Old Pelton wheel on May Creek in Reiter Forest.

—KARL FORSGAARD PHOTO

closer to Wallace Falls. Over the next few years this non-motorized area between Wallace Falls State Park and the Wild Sky Wilderness will be developed for miles of hiking, mountain bike, and horse trails.

The current non-motorized SEPA process may be the first time the State has designed and proposed a non-motorized trail system on lands that were previously used by motorized off-road vehicles (motorcycles, ATVs and 4x4s).

Background

We previously reported on historic changes at Reiter, including the November 2009 temporary closure of the whole Forest to all but foot traffic (*The Wild Cascades*, Winter 2009-2010). DNR, the Departments of Ecology and Fish and

Wildlife, and the Tulalip Tribes jointly identified some interim measures to protect the area against further damage from motorized off-road vehicle use. In 2010, a coalition of ten conservation groups supported DNR's programmatic Recreation Plan for Reiter. DNR's plan significantly reduced acreage open to off-road vehicles, created the non-motorized area, and provided some protections to nearby public areas: Wild Sky Wilderness, Wallace Falls State Park and Forks of the Sky State Park. We subsequently have led field trips there with other volunteers from NCCC, ALPS, Pilchuck Audubon, WTA, The Mountaineers, Sierra Club, Conservation NW and Trout Unlimited.

After the Forest had been closed to motorized use for over three years, and after the first trail segments in the motorized area had been built, in late 2012 DNR began conducting limited openings of those trail segments for motorcycles and 4x4s on designated weekend dates. DNR anticipates the completed segments in the motorized area will be open for all weekends in summer 2013, with a DNR employee on site to provide education and enforcement.

If you'd like to participate in our advocacy at Reiter, please contact NCCC at ncccinfo@northcascades.org.

DNR planner Dan Christian and NCCC member Mike Town ground-truthing hiking trail routes at Reiter Forest.

—KARL FORSGAARD PHOTO



DNR volunteer workparty

JULY 5th
9:30 a.m.
–2:30 p.m.

YOU ARE INVITED to the DNR-sponsored non-motorized trail work party in Reiter State Forest, on Friday July 5, from 9:30 a.m. to 2:30 p.m. If the SEPA process confirms its direction, DNR will be using this volunteer work party to help construct the non-motorized “trunk trail” for mountain bikers, equestrians, and hikers from a new trailhead near May Creek, toward the east side of Wallace Falls.

Volunteers will help break ground on the new non-motorized trail system. The “trunk trail” will lead to separate trails designed specifically for mountain bikes, equestrians, and hikers, including a trail along the many waterfalls of May Creek. DNR is hosting this work party in conjunction with organizers of Sky Fest, a weekend festival of outdoor recreation in the Skykomish River valley. Volunteers should bring gloves, water, lunch, closed-toed shoes (preferably boots) and dress for the weather. This event is eligible for a voucher towards a complimentary Discover Pass. For more details visit dnr.wa.gov/RecreationEducation/Topics/OtherRecreationInformation/Pages/amr_rec_volunteer_calendar.aspx



Environmentally appropriate and cost effective **Decisions for the Stehekin River Corridor Implementation Plan**

By David Fluharty

Huge floods of the Stehekin River in 2003 and 2006 made it clear that roads, private properties and National Park Service (NPS) facilities located in the flood plains were at risk. In addition, the large amounts of sediments washing down from the upper river made changes in the channel migration zone in the lower river that increased likelihood of flood damage in previously safe areas.

In March 2013, after a multi-year planning process, the NPS released its final plan and Environmental Impact Statement, which purports to be a comprehensive plan to mitigate damages from future flooding. Its major elements include reorientation of 1.9 miles of the Stehekin Road in the vicinity of McGregor Meadows, removal of NPS housing and maintenance buildings from the flood plain, and a reprioritization in its Land Protection Plan [i.e., the formal statement of and rationale for NPS interest to acquire lands through trade or fee-simple transactions from willing sellers]. The long-sought trail from

Stehekin Landing to High Bridge and a footbridge over the Stehekin River will be constructed to give hikers off-road access to the lower valley. These measures will be implemented over the next 10 to 15 years as funding allows. Estimated costs, exclusive of relocation of NPS facilities, are approximately \$10 million.

The plan's primary objective is to allow the natural floodplain to function by removing facilities at risk instead of trying to protect facilities in place by constructing dikes, placing rip-rap, or building revetments. This approach is both environmentally appropriate and cost effective. Other measures that were considered included dredging of the lower river at a cost of \$12 million. The NPS is also planning to provide technical assistance to owners of private property who undertake self-control measures like placement of woody debris, flow deflectors, ring dikes, debris fences and grade-control structures to reduce their vulnerability to flooding.

NCCC board member Anders Forsgaard at Stehekin River road washout at Carwash Falls, 2008.
—KARL FORSGAARD PHOTO

The Land Protection Plan revisions have reprioritized lands eligible for exchange by placing greater weight on vulnerability to flooding, other environmental conditions and aesthetic value. It is not clear if and how these exchange lands might be utilized in the future, as they are only available to voluntary exchanges and the value of the exchange lands must be equal. In the past, riverfront property might have commanded a high price, but risk of flooding may now devalue that same parcel.

NCCC congratulates all the NPS staff who performed the research, educated the public about the behavior of a very dynamic and rambunctious mountain river, assessed the necessary alternative management measures, and otherwise brought this plan into fruition.

Washington Trails Association releases *State of Access Report*

By Ed Henderson

On February 13, 2013, The Washington Trails Association (WTA) released a *State of Access Report: The Future of Roads on Public Lands*. This 28-page report provides a rational basis for evaluating backcountry roads for repair, maintenance, or closure and decommissioning.

Public lands throughout the mountainous West are riddled with crumbling roads built to provide access for resource extraction (see *TWC*, Winter 2010, page 10). With the decline of logging and mining, these roads and associated trails to fire lookouts and other destinations provide access for recreational users. Hikers, climbers, backpackers, horsemen and family car campers traveling to developed campgrounds have all benefited from this easy access. The Forest Service now has a backlog of over \$5 billion in required maintenance for

the road system on national forests. Many roads are short, dead-end spurs leading nowhere in particular, built for specific timber sales. They need to be closed and decommissioned. But many trunk roads lead up river valleys to popular recreational destinations and should be maintained.

In many cases the roads were built on the cheap for short-term economic resource extraction. They were built where it was easiest — down on the flat flood plains. They were never intended to last for decades and certainly not for more than a hundred years. With changing weather patterns causing increasingly frequent floods, these roads are at risk, and many suffer repeated washouts, which close them. Then the cry goes up, “Fix the road!” Conflict arises between those desiring restored motor vehicle access, “because there has always been a road there!” and those opposing restoration because

of the resulting cost and environmental damage. And in the current budget climate there is never enough money to repair and maintain the entire system.

The Forest Service and the Mount Baker Snoqualmie National Forest (MBSNF) (see *TWC*, Winter 2013, page 13) in particular are starting to address the problem of maintaining and repairing these roads. Their report on sustainable roads is due out in 2015. Other agencies also have a legal obligation to address the problem in Access and Travel Management Plans.

WTA principles for appraising roads and evaluating costs and benefits

With this report WTA has taken a vital step to provide a rational basis for the public discussion of management of the

Continued on page 14

Letter from Stehekin: **The October 20, 2003 flood**

On Monday, October 20, the river really began rising in earnest. It had seemed to do this before, but late in the day I realized this was different. There was a roar, and a smell, like nothing I've ever experienced. In the afternoon I went by the river and watched thousands of logs coming down. Trees were ripping off the shore, and I watched great cedars crashing (much of our favorite grove is gone). The bank was collapsing, and then I decided to go to [our next-door neighbor] Al's to see what was happening. You couldn't get there in the usual way [by the only road linking our house to the rest of the valley], because an offshoot of the river was crossing the road. So I circled 'round, crossing a stream that had appeared in the back of [another neighbor] Mike's** place. And it was clear that Al's would soon be flooded. After watching for*

about 45 minutes, I decided I needed to go home, as it was getting dark. To my amazement, I could hardly get across the stream behind Mike's.

*All night long, it continued to rain, and I could hear crashing and roaring. The power was out of course. Then as soon as it got light, I went out to take a look. The river was almost unrecognizable. It actually was above its local banks. And then through the mist I made out Al's place. It seemed to be totaled. The river was half under it and its snout was in the drink. Boulders in the river were grinding against each other and the shore, and pieces of the banks were falling in gigantic chunks. Huge logjams had formed in unfamiliar locations and new islands had appeared, while old ones had vanished. I wandered around, and discovered that the road between our house and Al's had vanished (simply fallen off the map). Later I found out that the flood exceeded even that of '48.****

So the environment around our house has really changed. Not only had the NPS just taken out a lot of trees [as part of fire management policies], but the ones by the river are gone too. So you can see a lot more of the architectural features of the Valley. It all seems raw, shocking, and more open.

—ANN MCCONNELL
OCTOBER 23, 2003

* Al White, Stehekin Postmaster

**Mike Barnhardt

***Recommended background reading: “Stehekin, A Valley In Time” by Grant McConnell (Mountaineers, 1988) which includes a vivid recount of the flood in 1948 in Chapter 7.

Originally published in *The Wild Cascades*, Summer 2003, http://www.northcascades.org/public_html/summer03.pdf

roads in the national parks and forests and on state lands. The *State of Access* report bases its analysis on a set of principles for appraisal of roads.

- Access by road to trailheads is critical for hikers. Roads leading to trailheads should be kept open unless that will have serious and long-lasting adverse environmental impacts.
- Adequate agency planning for the entire road system is essential. Contingency planning for response to damage to vulnerable roads is required.
- Sufficient funding is necessary. Agencies must make thorough system-wide analysis of roads in order to request adequate budgets. WTA and similar organizations must advocate for appropriation of these funds.
- A rigorous cost/benefit analysis must underlie all decisions. WTA takes the position that in weighing the benefits against the cost in money and environmental impacts, every effort should be made to keep access roads open.

The most important principle articulated here is that all roads should be subjected to a cost/benefit analysis. This is critical to insure that available funds are expended in the most cost-effective manner so that the public receives the greatest benefit for the cost.

The *State of Access Report* then provides a set of rational criteria for evaluation of the cost/benefit motor vehicle access value of a road. (This writer, a NCCC board member and WTA member, initially suggested these criteria.)

Motor vehicle access to what? How important is that to hikers?

In evaluating the value of the benefit of motor vehicle access on a particular road, the WTA asks the following questions.

- What destinations does a road provide motor vehicle access to?
- How important are those destinations?
- Are there any other means to reach the same destinations?
- How detrimental to recreational users is this road closure?
- How many miles of road will be re-stored or maintained for vehicle traffic?
- How large a population of potential users will benefit?

Financial cost and long-term viability of repairs

WTA believes that the agencies must budget and Congress should appropriate the money to repair and maintain roads that provide important recreational access. WTA recognizes that with changing weather patterns and the increased probability of devastating floods, long-term viability is a more important consideration. It makes no sense to throw good money after bad and have an expensive repair washout

With this report WTA has taken a vital step to provide a rational basis for the public discussion of management of the roads in the national parks and forests and on state lands.

again the next year. Some proposed fixes are very poorly designed and will, even if not washed out by flood, require exorbitant maintenance cost to keep open. Others are merely waiting for the next flood to sweep them away. This requires clear, not wishful, thinking to arrive at a reasonable evaluation.

Environmental Impacts

What is the environmental impact “cost” of repairing the road? This generally falls into two categories: the forest and the river. The forest may consist of old-growth or late successional reserves and contain habitat for endangered species such as spotted owls and marbled murrelets. How much forest will have to be removed? Is the river protected as a Wild and Scenic River, does it harbor endangered species such as bull trout and/or salmon? What are the restraints for doing work in either of these environments? Relocating many at-risk roads is inhibited by congressionally designated Wilderness where no construc-

tion is allowed.

The *State of Access* report then highlights eight roads evaluated using these criteria. These analyses vary from low-benefit, low-cost to high-benefit, high-cost examples.

WTA criteria applied to four road projects

Evaluating the **Carbon River road** at the northwest corner of Mount Rainier National Park, closed by the Park Service after repeated washouts, WTA reaches the conclusion that this road with very high access value to the Ipsut campground and a half-a-dozen popular hiking trails is far too likely to washout again. The high cost of repair and maintenance is not justified by the access that would be provided. WTA will work to improve the new replacement trail access.

The report reaches a similar conclusion for another Park Service road: the washed-out **Stehekin River road** into the upper valley. WTA supports its position by noting that the road cannot be rebuilt on the original alignment between milepost 12.9 and 15.3. Most of the road is gone and the river washes up against vertical cliffs. The Park Service reports that attempting to rebuild the road in the flood plain will have severe negative environment impacts, and the road will simply wash out again with the next flood.

Rerouting the road to higher ground requires congressional action to relocate the Wilderness boundary to allow construction along the current Pacific Crest Trail alignment. WTA is opposed to the precedent this would set for violation of the Wilderness and motorization of this section of the Pacific Crest Trail.

WTA also notes that the upper Stehekin River valley is remote, reached only by ferry up Lake Chelan or hiking across Cascade Pass. The very expensive rebuilt road would only serve a small number of hikers.

Unfortunately after making those two sterling calls, WTA allows its desire to restore and maintain motor vehicle access to cloud its judgment. Its aspirations, supported by wishful thinking and disregard of the obvious facts, leads it to support maintaining the **Illabot Creek road** near the far northwest corner of the Glacier Peak Wilderness, which provides access

Continued on page 15

Suiattle River Road bidding process begins



On May 2, the Forest Service conducted a pre-bid site tour for potential contractors for the upper three sites on the Suiattle River Road: the washout at Milepost 20.8, the Downey Creek Bridge at MP 20.9, and the Sulphur Creek Bridge at MP 22.9.

Contracts are expected to be awarded by August 1, 2013, with completion in 2014. Drawings and a second contract package for the five remaining sites are expected this month, with the contract awarded by the end of August or early September.

Both contracts must be awarded before the end of the fiscal year.

NCCC board members Thom Schroeder, Marc Bardsley, Thom Peters on Suiattle River road. —KARL FORSGAARD PHOTO

State of Access Report Continued from page 14

to only one short hike to Slide Lake. All other so-called accesses cited by WTA are “off-trail,” meaning cross-country travel and bush whacking. The Forest Service attempted to close the road, because maintaining it consumes a significant portion of the MBSNF roads maintenance budget for seven miles of a road to reach one short trail.

Most egregious is WTA’s desire for motor vehicle access, leading it to support building the proposed reroute around the washout on the **Dosewallips River road** on the Olympic Peninsula. This \$4 million dollar project will require at least four waivers of environmental laws, clear-cutting almost 7 acres of old growth and late successional reserve timber with over 200 trees two feet or greater in diameter to build a mile-long, single lane road across the face of a steep and unstable hillside. If ever built, the road will be an environmental disaster and a nightmare to maintain, with the potential for landslides and hillside erosion migrating uphill into the Buckhorn Wilderness.

State of Access an important first step

In spite of our differences with WTA’s conclusions on specific roads, we applaud the *State of Access* report.

There will always be disagreement over the cost-benefit analysis because, aside from the financial cost of maintenance and repair, the value of motorized access and the cost of environmental impacts are subjective. Various groups give them different weights, but the criterion proposed by WTA provides an opportunity to begin a rational evaluation of the crumbling road system in our national forests.

For evaluations to be truly effective, all roads in the system must be evaluated. Unfortunately even after culling out the worthless spur roads and low-value dead ends, there will be more roads that meet a positive cost-benefit analysis than money to repair and maintain them. Then it will be a matter of setting priorities. That can only be rationally done when the system as a whole is considered. Otherwise we will be faced with situations like Illabot Creek road, where a small but determined constituency successfully lobbies for inefficient expenditure of limited funds. Every

dollar spent on a high-cost, low-use road like the Illabot is a dollar that won’t be going toward repairing other, much more important and heavily used roads. That ultimately means less “access,” not more.

The *State of Access* report correctly notes that this entire exercise is dependent upon funding by Congress. Not only are funds needed for repair and maintenance of roads that will remain in the system, but adequate funding is also needed to properly decommission roads no longer required.

WTA’s State of Access report is an important step in the ongoing public discussion of the future management of the crumbling roads on our public lands. NCCC looks forward to working with WTA and other groups and the land management agencies toward the rational evaluation of the roads. The State of Access report provides a framework that will allow a common understanding of the cost/benefit of road repair and maintenance.

Find the *State of Access* report at: wta.org/roadaccess.



Pollution Control Hearings Board hears arguments on Similkameen Falls

*Condensed from reports by
Rich Bowers (Hydropower Reform Coalition) and John Osborn (Sierra Club)*

NCCC is one of a number of groups appealing the Washington Department of Ecology's (Ecology) granting of a "401K" permit to Okanogan County Public Utility District (PUD) allowing it to de-water the Similkameen River at Similkameen Falls. The PUD wants to do this as part of a scheme to reconstruct the Enloe Dam, an old hydroelectric project which was abandoned as uneconomic during the 1950s.

The proposed rebuild of Enloe dam would reduce the flow of the river from an average of 500 cubic feet per second (cfs) to just 10 cfs—a trickle, leaving scenic Similkameen Falls essentially dry.

A coalition including NCCC, the Columbia River Bioregional Education Program, American Whitewater, the Center for Environmental Law and Policy and the Sierra Club (all members of the Hydropower Reform Coalition) is appealing the permit. Legal representatives of the conservation groups Andrea K. Rodgers Harris and Kristen J. Larson appeared before a

three-judge panel of the Pollution Control Hearings Board in Olympia during a six-day hearing that ended May 16, 2013. A decision is expected by the end of the summer.

Courtroom Day One

Judges asked the question "just what does 10 cfs look like?" compared with the normal monthly median flow of 500 cfs at Similkameen Falls.

The conservation groups' experts on aesthetic flows took the stand and explained the science, methodology, and reasons as to how and why aesthetic flows should have been required and completed, and the importance of protecting water quality standards and all beneficial uses of rivers in Washington State.

Courtroom Day Two

What are the lessons from restoring water to Spokane Falls—the successful settlement between Sierra Club, CELP and

**HYDROPOWER REFORM
COALITION PHOTO**

Avista Corporation—for at-risk waterfalls throughout Washington State? The judges heard repeatedly about what worked at Spokane Falls, and how the DOE failed to learn those lessons in reaching its decision.

Waterfalls expert Doug Whitaker with Confluence Consulting explained why Ecology and the Okanogan PUD should have conducted an aesthetic flow study, but failed to do so. For waterfalls such as Similkameen Falls, the federal Clean Water Act and applicable state laws require aesthetic analysis. Since 2008 river advocates have asked for additional aesthetic flow information, and both Ecology and the PUD have responded that such a study is impossible.

Dr. Whitaker then went on to explain how such a study could have been done, and explained how he and others gathered critical aesthetic flow information in one afternoon during an October 2012 visit to Similkameen Falls. He demonstrated to the Board that not only was a more detailed study possible, but that an analysis could have been done quickly and without undue effort and expense.

Also addressed were Ecology and the PUD's contention that flow reduction to 30 to 10 cfs for more than eight months each year would be minimal. Testimony showed existing low-flow photos and videos (236 cfs was the lowest flow photographed) and went on to explain the impacts of reducing these historically natural low-flows by an additional 87 to 90 percent.

Courtroom Day Three

Ecology testified on the agency's decision to dewater Similkameen Fall.

- They never considered any flow that would make the project uneconomic for Okanogan PUD (so nothing over 100 cfs).
- They did look at different waterfall flow scenarios, such as diverse flows, weekend flows and partial flows. However, this data disappeared early on, never to surface again. Diverse flow data were discarded with no additional input, even though stakeholders (Appellants) had asked for this exact aesthetic information since 2008.
- Throughout the process, no aesthetic information was gathered, only economic data in reference to what the project could afford to make a profit for the Okanogan PUD.
- Early in the process, Ecology supported no flows in the bypass, totally dewatering the Similkameen, and today believe that the recommended 30 to 10 cfs flow (for more than eight months each year) will provide a benefit for fishing, and that 10 cfs is "adequate to protect the fishery" in the bypass. Staff also stated that "building the project is good for fish because the PUD has built in mitigation." (Compare the 30/10 cfs decision with the average monthly median waterfall flows of 500 cfs.)

In testimony, Ecology staff recognized the "irony" of the situation: that PUD mitigation money was being proposed to improve access to the river, Enloe Dam and Similkameen Falls, to build public overlooks, and to improve camping—all while the project would effectively dry up the waterfalls and replace the sound of falling water with the loud hum of turbines.

It was learned that while Ecology staff can approve a 401 Water Quality Certificate, only the Director can deny one. Staff stated that only rarely does Ecology address aesthetics as a beneficial use (Snoqualmie Falls and Spokane River were the only examples given), and that they do so only on projects located in populated areas.

Appellants noted that Ecology is charged with protecting all beneficial uses of Washington's rivers, and they cannot restrict this to popular, urban or other subjective criteria. Does Ecology restrict in this manner regarding water quality or fishery issues? If not, why restrict aesthetics, also a state-required beneficial use?

Ecology staff testified incorrectly that throughout the Enloe process, conservation groups never specified that they were unsupportive of the 30 to 10 cfs. minimum flow. To reach this conclusion, Ecology had to disregard years of comments, meetings, and involvement in both the Federal Energy Regulatory Commission and 401 Certification process.

Courtroom Days Four and Five

Testimony was heard from Ecology's instream flow scientist, who discussed how the decision was made to de-water Similkameen Falls. The Board also heard from Okanogan PUD's relicensing manager and a consultant who managed the aesthetic flow process.

What was clear from all testimony is that the PUD and Ecology very deliberately agreed to remove 90 percent of the water during the lowest-flow months. As approved, the water quality certification would allow the river to be reduced from its average monthly median flow of 500 cfs to just 30 or 10 cfs for more than eight months each year. The agencies also disregarded several requests to further study and protect aesthetic and recreational values, including requests from the National Park Service, Bureau of Land Management (BLM), Washington Department of Natural Resources, and the appellants.

Courtroom Day Six

During closing arguments, all in the courtroom recognized that the decision from the court likely will impact rivers and waterfalls throughout Washington State.

The Department of Ecology asked the PCHB judges to defer to the agency. Okanogan PUD asserted that any water left in the waterfalls and not diverted for power generation would raise water temperatures and kill fish—despite the absence of

any supporting evidence provided during the proceeding.

Andrea Rodgers Harris, representing advocates for the waterfalls, made the following points in our closing arguments:

1. Ecology improperly relied upon alleged economic constraints provided by the PUD in deciding not to evaluate a reasonable range of aesthetic flows.
2. The PUD's own evidence shows that state temperature criteria will be met at every flow that has been studied or modeled. The assertion that temperatures in the Similkameen River will exceed water quality standards due to aesthetics flows (which are not even determined) is completely contradicted by the PUD's own data and modeling.
3. Ecology's aesthetic analysis was based merely on staff going to the waterfalls and visualizing where water would go and what it would look like at low flows: a process both severely flawed and unreasonable.
4. Ecology failed to account for the area's high cultural and recreation values and potential, including a new Pacific Northwest National Scenic Trail to the waterfalls. BLM characterized the view of the waterfalls from the trail as "spectacular." While the site may be remote from Seattle and Spokane, it is still used and valued and it is not entitled to less protection under the state water quality standards.
5. Ecology unreasonably ignored the connection between recreation and the aesthetics of flows over the Falls. To mitigate the loss of the waterfalls, Ecology would improve road access and camping facilities, bringing people to a place where the beauty and sound of waterfalls are replaced by a dry riverbed and the hum of power generators.

River advocates asked the three-judge panel to revoke the 401 Certification and remand to the Department of Ecology to conduct appropriate data collection and modeling, and to ensure that all elements of water quality standards are met to promote the overall purposes of the Clean Water Act.

NCCC is proud to be part of this important effort and wishes to recognize the great efforts of Rich Bowers of the Hydro-power Reform Coalition, and John Osborn of CELP and the Sierra Club.

Corvid's eye

A treetop view of north Mt. Baker Snoqualmie National Forest

Let's get this squared away up-front: the Sauk River system is arguably the most comely and wild of all the North Cascades' watersheds. Its sources are many, from the Suiattle River's grand beginnings on Glacier Peak's most remote flank, to the imposing Monte Cristo range and former wreckage of its eponymous, ramshackle mining town along the south fork. Yet when the corvid reflects on the Sauk's origin, he recalls endless days of summer in the vicinity of White Pass, a place so serene and inviting as to bring momentary quiet even to him. From such splendor, the Sauk passes unimpeded through stately groves of red cedar and silent swamps teeming with beaver on its way to Darrington – a mill town gradually sinking into the glacial deposits beneath it, helped along by interminable rain.

It is this valley and its lifetime of opportunities for exploration that bring a light to the corvid's sable eye, an extra lift to his wings. April carries with it the occasional hint of milder days ahead, and with that a willingness to forego the sheltering boughs of domesticated firs and easy pickings of poached deer entrails near human settlements. What mechanism triggers the incremental inundation of one's psyche with thoughts of a particular landscape, inevitably leading one there eventually? The corvid isn't normally prone to mysticism, but is left to wonder where the whisper from Falls Creek, traveling across the miles to find his hidden ears, originated. No sexy siren is necessary to render that call irresistible.

Thus came a day when a pair of corvids took wing to reach this Sauk tributary. In rain, yes, but one should consider sun-



shine in April an unlikely gift from the gods. Falls Creek is a mostly ignored drainage; tumbling past, as it turns out, the lonesome ramparts of Mount Forgotten. It is among the larger tribes flowing west to east in these parts. Obligation compelled us to inspect the recently completed "forgotten thin" timber sale, just above where Falls Creek empties into the Sauk's floodplain by way of a dramatic plunge. What we witnessed there was chilling. The sale area is zoned "matrix" under the two decades-old Northwest Forest Plan; where timber extraction is prioritized above other uses, ostensibly with an "ecologically sound" emphasis if such a beast is possible. (It isn't.) Still, here was the clearest evidence yet of a Forest Service quietly devolving into its former disreputable self: an agency unable or unwilling to see the forest for the fibre. Understories in thinned units had been stripped bare, standing snags were felled, small clearcuts dotted the area, and Peek-a-boo Creek had been filled in and its course blocked for logging trucks. Gist: the Forest Service has no interest in a functioning native forest here. It aspires instead to something akin to the ecological desert of Germany's black forest. Be aware, concerned hominid, be

aware. When agency funding arrives for further "vegetation management," more homogenized sadness of this sort is sure to come.

Mercifully, though, Forest Service mismanagement is only part of the Falls Creek story. Just upvalley, the surging stream long ago devoured the bridge allowing vehicle access to its south side (and NCCC played an integral role in preventing its reconstruction for the forgotten thin

sale). As the years pile atop one another, the forest is reclaiming the old road grade, while maturing second-growth erases the scars of clearcuts from the bad old days. The Falls Creek valley is rewilding before our eyes, becoming self-willed again, and adding a corridor of healthy lowland fat to the lovely Helena Ridge roadless area. The corvid's memories are rich from past travels up Perry Creek, Mount Dickerman, and to Peek-a-boo Lake, as well as the scenic head of Falls Creek at North Lake's metamorphic rock bowl. All are within the roadless area – one of the two most deserving candidates for new Wilderness designation on the west slope of the North Cascades. Come summer, the corvid shall fly the length of Falls Creek's reinvigorated wilds to commune with the ghosts of his younger self and old friends at North Lake. Not that there's anything mystical about that, of course.



Yakima Plan: Not yet shovel-ready

By Karl Forsgaard

In the Washington State Legislature's 2013 session, the proposed funding of Yakima Plan "early action items" grew from \$23 million to \$134 million after they were included in the new Governor's first "jobs" bill. The underlying premise is that these "early action items" are all "shovel-ready," but are they? For this massive construction project, the State's largest since WPPSS, have project planning, engineering, environmental review and permitting advanced to the stage where laborers may immediately be employed to begin work? Do the proposed irrigation dams meet federal economic tests—or is the State planning to pay the full cost of \$5 billion, or more?

In fact, they do not meet these tests. The Yakima Plan is not yet shovel-ready.

Plan components

Some but not all components of the Yakima Plan may be worthy of support or potentially so. For example, State acquisition of the private forestlands of American Forest Land Company (AFLC) and Plum Creek would keep those lands in forestry, avoiding development and loss of forest-

land. Certain water storage projects may make sense, after they have been designed and undergo environmental review (we are not there yet) and pass economic muster. Fish passage projects may benefit salmon, although it remains to be seen how these projects would work in the context of irrigation dams with reservoirs that dry up in summer. The Plan contains some water conservation provisions, and it calls for some Wild & Scenic River designations.

Unfortunately, the Yakima Plan's defects overwhelm its other components, compelling opposition. The U.S. Bureau of Reclamation and State Department of Ecology seek to construct two new dams in the Yakima Basin, including a dam that would drown and destroy more than 1,000 acres of ancient forest at Bumping Lake (including Critical Habitat for the northern spotted owl), and establish two new National Recreation Areas for off-road vehicles (ORVs). The proposed Wymer dam on Lmuma Creek has a benefit/cost ratio of 0.31 (31 cents of benefit for every dollar spent), a major money loser for taxpayers. The Plan provides for inadequate water conservation, and inadequate wilderness

4x4s crossing Deer Creek in Reiter Forest.

—KARL FORSGAARD PHOTO

protection. The Plan was developed by a defective process, and with defective economic analysis. The Governor's policy bill in the State Legislature would endorse the Plan, and thus would endorse all of these defects. We cannot support this.

State legislation

We previously reported that in January 2013, a hearing was conducted in the State House on the policy bill that became Governor Inslee's request legislation. In February another hearing was held in the State Senate, including testimony from NCCC. By April, the Senate Capital Budget proposed more than \$134 million to fund Yakima Plan early action items, while the House Capital Budget proposed \$45 million. The main difference between their total amounts was that the Senate Budget would acquire AFLC's Teanaway forestlands with a single payment (about \$99

Continued on page 20

Yakima Plan *Continued from page 19*



Brock Evans at Bumping Lake Trailhead —KARL FORSGAARD PHOTO

million), while the House Budget would acquire that land with an initial payment of about \$10 million and the remainder spread out over five biennia (with consequent cost of interest).

As of May 2013, Yakima Plan proponents continue to seek funding of “early action items” in the State Capital Budget, which may not be decided until the end of the current Special Session(s) of the State Legislature. These early action items include some related to the proposed dams at Bumping Lake and Wymer, unofficially reported as including a “fatal flaw” study for each dam, but the budget legislation does not specify such studies. The House Capital Budget appropriates \$45 million for the Yakima Plan including \$500,000 each for the Bumping enlargement and Wymer Reservoir. The Senate Capital Budget, on the other hand, appropriates \$32.1 million for Ecology’s “Yakima River Basin Water Supply” account without specifying component amounts.

The early action items in the proposed Budgets do not include anything related to the proposed National Recreation Areas for ORVs on federal lands, since those land designations would require an act of Congress, but the National Recreation Areas for ORVs are included in the Plan, and the State Budget-related policy bill does endorse the Plan, and thus the State policy bill indirectly endorses the National Recreation Areas for ORVs.

Final Ross Report

Many conservation organizations participated in the so-called “Ross process” of meetings facilitated by Bill Ross from September 2012 to January 2013. This pro-

cess focused on conservation community concerns about public land designations proposed in the January 2012 memo of the Yakima Workgroup’s Lands Subcommittee. These designations include two proposed National Recreation Areas on National Forest lands in the Cle Elum District that were intended to “lock in” ORV use at existing levels and “footprint.”

In February 2013, Mr. Ross submitted his “Final report of the Washington State Public Lands Advocacy Workgroup.” Its recommendations include items reported in the Winter 2013 issue of *TWC*: change the proposed areas’ name to National Conservation and Recreation Area; shift the boundaries south and east; and set up a stakeholder process to develop management plans.

As the final Ross report states, the report should not be interpreted as something that all of the Ross meeting participants endorsed. Major concerns continue to exist, and we hope they will be addressed in the coming months. These concerns include balance between motorized and non-motorized recreation, protection of habitat and water quality, and protection of wilderness and wild and scenic rivers. The Ross process did not resolve these concerns, and they still need work. NCCC engaged in the Ross meetings to give constructive feedback and help improve the Subcommittee’s proposal (to make the bad precedent less bad). Indeed, the report incorporates some ideas that came from the Yakima Plan’s strongest critics, which demonstrates that you do not need to support the Plan in order to be “at the table”; you do not need to support the Plan in order to be heard. We urge the Lands Subcommittee to communicate with us as the Subcommittee continues its work.

Campaign messaging errors

In lobbying for passage of the policy bill and State Capital Budget provisions for the Yakima Plan, and in recruiting new supporters for their campaign, some Yakima Plan proponents have engaged in hyperbole and nondisclosure. They have promoted the false premise of universal support for the Plan, thereby overstating their support, hiding the existence of controversy in the environmental

community, and hiding the existence of opposition from conservation organizations that greatly outnumber those who support the Plan. They have also tried to hide the Plan’s promotion of ORV impacts. They tell the public that the Plan has been changing, but in fact it has not changed in over a year, since the March 2012 Final EIS (which incorporated the NRA Proposal without public comment).

State Senator Karen Fraser co-sponsored the policy bill, and during the Senate Ways & Means Committee hearing on February 21 she expressed surprise to discover it has hidden ORV impacts: “but I’m really puzzled by hearing about part of the Plan includes, you know, off-road vehicle recreation; I’ve never heard of that being part of a water resource plan before” She noted that by endorsing the bill and the Plan, the committee would be endorsing the ORV provisions in the Plan. Senator Fraser is a Senate veteran and an ORV expert—how did she get surprised by that? Apparently, the bill she co-sponsored was sold to her with nondisclosure.

The Yakima Plan would designate two National Recreation Areas (NRAs) to “lock in” off-road vehicle use on the trails and backcountry of National Forest lands in the Cle Elum District, putting more machines into the headwaters, which is bad for water quality, bad for fish, bad for wildlife habitat, and bad for the recreational experiences of the non-motorized majority of human users of our National Forest backcountry. The Plan would set bad national precedents involving NEPA and SEPA, off-road vehicle management, the Endangered Species Act, and the Federal Advisory Committee Act. Then-Governor Christine Gregoire erroneously asserted that “everybody” agrees with the Plan, which is not true, and never was true. The Yakima Plan is highly controversial in the Washington State conservation community, and more than 30 conservation organizations including NCCC have stated objections and/or concerns about the Yakima Plan.¹ An even larger number, more than 40, have refused to support the Yakima Plan, including prominent organizations that have been publicly silent on it.

The minority of conservation organizations that support the Yakima Plan are led by these four (all based out-of-state): American Rivers, National Wildlife Federation, Trout Unlimited and TWS. In January, their attorney testified in the State House (on the Ecology request bill that became Governor Inslee’s policy bill): “It doesn’t please everybody on the far left, it doesn’t

please everybody on the far right, but it has the support of virtually everybody in the middle.” This is a peculiarly anti-Environmental statement, coming from the advocate for American Rivers, National Wildlife Federation, Trout Unlimited and TWS. If you characterize three-quarters of environmental groups as “far left” or “far right,” then you should expect that three-quarters of environmental groups will not want to work with you. They will also challenge the accuracy of what you said to the Legislature. Audubon, Sierra Club, The Mountaineers, and the Issaquah Alps Trails Club are neither “far left” nor “far right.”

Perhaps due to such mischaracterizations, in January the new Governor’s transition team briefing memo on environmental issues erroneously suggested that there is universal support for the Yakima Plan. We were able to correct that error, but it raises the question of how many other decision-makers have been misinformed about the existence and magnitude of the controversy.

Other than *The Wild Cascades*, it appears that reporters at the online news websites *Crosscut* and *Seattle P-I* are the only other Puget Sound journalists who have reported on the controversy within the environmental community over the Yakima Plan.

Just last month, another organization erroneously reported to its members that some of the state’s largest conservation groups have worked hard to create the Yakima Plan, including the Washington Environmental Council, Forterra, and the Trust for Public Land. In fact, WEC, Forterra and TPL have never attended any meetings of the Yakima Workgroup; they did not create the Yakima Plan.

The Yakima Plan is the largest project in Washington State since WPPSS. It is highly significant and highly controversial. A large volume of information is available at the Sierra Club website on the Yakima Plan:

washington.sierraclub.org/uppercol/ucr/yakima/water_overview.html

¹A March 11, 2012 letter detailing numerous substantive and procedural objections to the NRA Proposal in the Yakima Plan was signed by these 26 organizations: Alpine Lakes Protection Society; Aqua Permanente; Center for Biological Diversity; CELP; El Sendero; Endangered Species Coalition; Federation of Western Outdoor Clubs; Friends of Bumping Lake; Friends

What you can do

Send Governor Inslee a strong message:

- Support water conservation and water banking in the Yakima basin.
- Oppose new money-losing dams in the Yakima Basin.
- Oppose new off-road vehicle designations in the Okanogan-Wenatchee National Forest outside of the existing National Forest planning process.
- Support Wilderness protection for roadless areas in the Yakima Basin, including the ancient forest surrounding the existing Bumping Lake.

Comments may be sent through governor.wa.gov/contact/default.asp. You can also telephone the Washington State Legislature toll-free at (800) 562-6000 (M-F 8:30 am – 12 Noon and 1:00 to 4:30 pm). With one call you can leave a message for the Governor, your Senator and your two House Representatives.

of the Earth; Friends of the Teanaway; Friends of Wild Sky; Issaquah Alps Trails Club; Kittitas Audubon Society; Kittitas County Conservation Coalition; Mazamas; MidFORC; North Cascades Conservation Council; Olympic Forest Coalition; Seattle Audubon Society; Sierra Club; Washington Native Plant Society; Wenatchee Mountains Coalition; Western Lands Project; Western Watersheds Project; Wilderness Watch; and Wildlands CPR. A separate March 13, 2012 letter expressing similar concerns, including that the NRA Proposal “undermines” the National Forest planning processes, was signed by American Whitewater; The Mountaineers; and Washington Wild. Organizations that subsequently objected to the Yakima Plan include Leavenworth Adopt-a-Forest and Friends of Seven Rivers.

New group looking at dammed lake storage capacity

Alpine Lakes Wilderness

In early 2013 we learned that there had been three meetings of a new Icicle Workgroup formed by the State Department of Ecology and Chelan County, looking at increasing the storage capacity of dammed lakes inside Alpine Lakes Wilderness.

The Icicle Workgroup hired the same attorney that TWS *et al.* hired in the Yakima Workgroup process. In these initial three meetings, the forest advocacy community and the forest land manager (U.S. Forest Service) were not represented. The new Icicle Workgroup said it would invite the Forest Service to its fourth meeting, held in Leavenworth on May 17. To its credit, Chelan County initiated a Seattle-area meeting to hear from interested parties including NCCC, Alpine Lakes Protection Society, Sierra Club and American Whitewater. The affected lakes include Snow Lakes, Nada Lake, Eight-Mile Lake, Square Lake and Klonaquia Lakes. The dams and pipelines were built in part to supply the Leavenworth National Fish Hatchery, built as mitigation for the Grand Coulee Dam in the 1930s. Thus these facilities already existed when Alpine Lakes Wilderness was created in 1976, but the Management Plan states that the storage capacity of these lakes shall not be increased. The Icicle Workgroup’s project list includes “Alpine Lakes Optimization, Modernization and Automation” in the amount of \$1.1 million, including “Automate and optimize release of the 6 alpine lakes, restore 1,000 [acre-feet] to 8 Mile Lake Normal Permitted Pool Elevation.” Another project called Eight Mile Lake Pool Raise” would cost \$15.5 million, to “Increase capacity of Eight-Mile Lake by 5,000 acre-feet.”

Updates

Missing your *Catalyst*?

Almost 200 NCCC members have been receiving *The Catalyst*, NCCC's new email action alert. But without your email address, we can't send it to you!

If you would like to receive email notices of special events and opportunities for advocacy, please send your current email address to wildcascades@northcascades.org. We'll make sure you get on the distribution list.

"Tribute to Harvey Manning" now online

"A Tribute to Harvey Manning," a 12-minute film shot during the statue dedication for Harvey Manning in 2009, can now be found on the NCCC blog or on the web at <http://tinyurl.com/bfkaz7q>.

Find favorite *Wild Cascades* articles on our new index

Thanks to NCCC board member Phil Fenner for creating a searchable index of past issues of *The Wild Cascades* (2001 – 2012) that lets you search by author or article title. Find the index at www.northcascades.org/magazine.html



Wolf pack confirmed in Chelan County

It's official: wolves are in Chelan County! Since February 2013, wolves have been sighted at Ardenvoir (near the confluence of the Entiat River and Mad River); in Pitcher Canyon, about six miles south of Wenatchee; and near Leavenworth. A dead wolf that had been hit by a vehicle was also discovered on Highway 97 near Blewett Pass.

Biologists from the Washington Department of Fish and Wildlife (WDFW) believe the Wenatchee Pack may have been in the area for more than a year. WDFW expects more wolves to arrive this summer in Chelan and Okanogan counties, probably adults from the Teanaway Pack looking for new territory.

Including the Wenatchee Pack, there are at least 10 confirmed wolf packs (defined by WDFW as two wolves in the same

location) in the state. This summer, four WDFW wolf-trapping crews are at work seeking to capture and collar members of packs without existing collared individuals. They will monitor packs to see if they produce a litter of pups, and whether the pups survive.

Ironically, more frequent sightings place the wolves at danger of being delisted from the Endangered Species Act. Wolves have been protected by the Act while the number of breeding pairs has been low. Above a certain threshold of pairs, wolves can be delisted and can once again be shot at. Wolves have already been delisted in the Rocky Mountains and the eastern third of Washington, and the Washington Wolf plan includes strategies for downlisting and de-listing wolves, to be implemented as soon as their numbers are high enough.

Wolves in Lamar Valley, Yellowstone.

—KARL FORSGAARD
PHOTOS



NCCC testifies against HB 1632 *Continued from page 5*

ATV travel on streets, roads and highways will be opt-in, not opt-out, by the local jurisdiction. The State's initial opening of dirt roads to ORVs (a decade ago) was on an opt-in, case-by-case basis, with jurisdictions like the Cle Elum Ranger District taking a hard look at where will it work and where will it not work. In other words, there is precedent for the opt-in approach, which puts the burden on ATV advocates to go to the communities on whose streets they want to ride, and lobby those communities to opt in. They won't need to lobby communities where they have no interest in riding, and they've already done the lobbying in the communities they care most about. On the other hand, if the new law is opt-out (for everywhere other than cities over 15,000 population), and hundreds of communities suddenly must allow ATVs on streets without even thinking about it, the burden will be on hundreds of communities all over the state

to opt out. The "opt-out" approach will put a strain on local government staff resources, requiring them to scramble to close specific streets to ATVs. That's not fair.

ATV use along the State's paved streets, roads and highways will also spread noxious weeds. Roads in general are vectors that move weeds around, via seeds in tires and truckbeds. New roadside pathways and ATV disturbances to adjacent soils would work against the goal of limiting the spread. Noxious weeds have a very expensive impact on landowners. And many legislatures from agricultural areas are sensitive to this concern.

HB 1632 does not provide adequate penalties to deter natural resource damage, or trespass onto lands that are not open to ATV use. Section 8 of the bill provides that ATV use on public lands must be consistent with the local land management requirements, and violation is a traffic infraction with a penalty of up to \$500.

Section 14 of HB 1632 would allow off-road vehicles on any "trail" under the authority or direction of an agency that engages in emergency management or search and rescue. We question the purpose of this provision, as it may be a means for ATVs to obtain permission for "practice" runs on non-motorized trails, further degrading those ecosystems as well as the experience of non-motorized trail users.

Conservation Northwest and Trout Unlimited are reportedly supporting HB 1632 because it contains their proposed license plate and traffic infraction provisions. However, that is not a good reason to support a really bad bill.

Please do not pass HB 1632. Thank you.



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Wildflowers on Mailbox Peak, where the DNR is building a new trail as part of the Snoqualmie Planning Process.

—JACK MCLEOD PHOTO