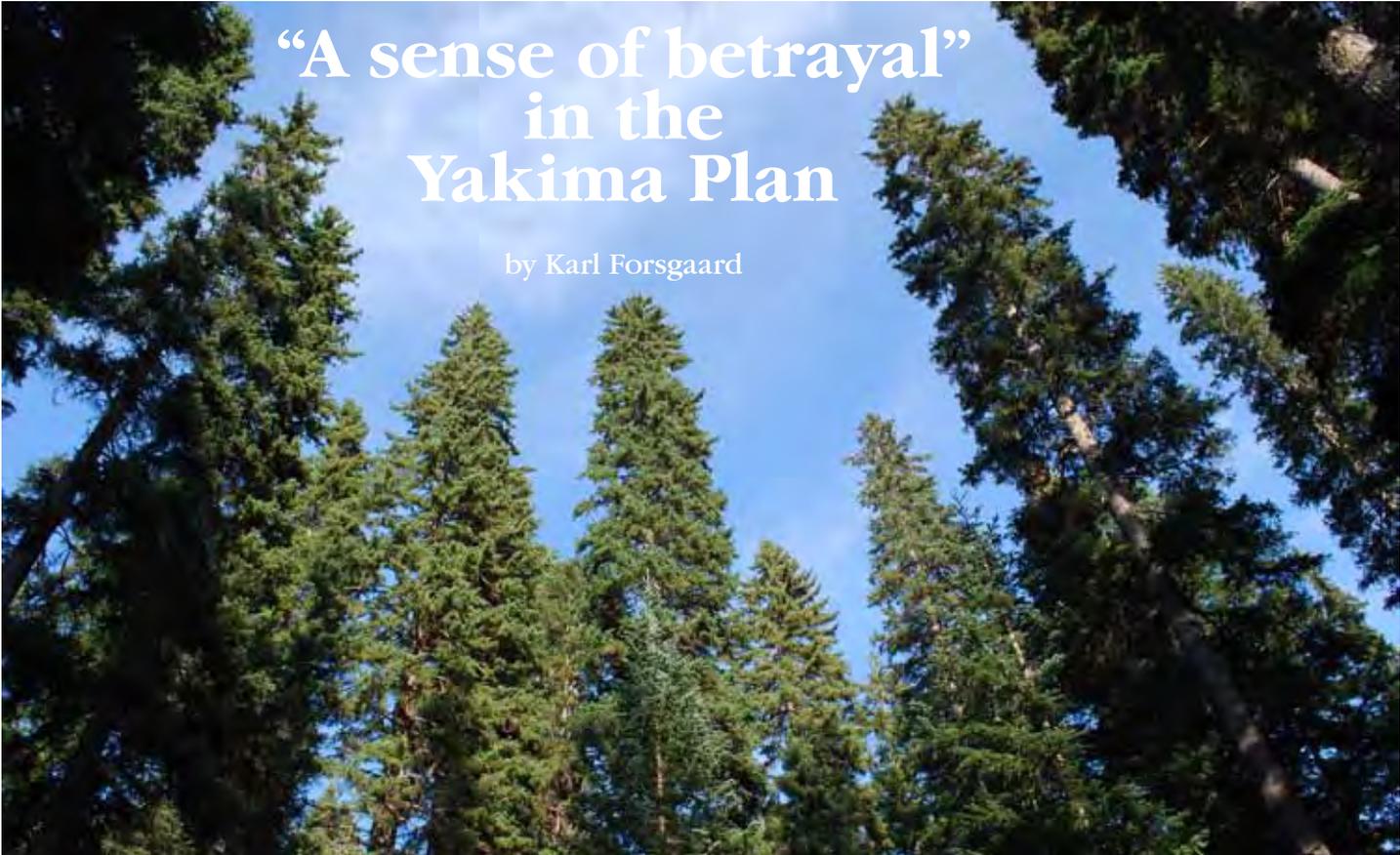


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“A sense of betrayal” in the Yakima Plan

by Karl Forsgaard

In the Spring 2012 *TWC*, we reported on criticism of the proposal for motorized National Recreation Areas (NRAs) in the Upper Yakima, Teanaway, Manastash and Taneum basins of Okanogan-Wenatchee National Forest, north and south of I-90 in Kittitas County. The NRA proposal would legislatively dedicate 41,000 acres to “backcountry motorized” use, i.e., off-road motorcycles, ATVs and 4x4s on trails, and snowmobiles traveling cross-country.

The NRA proposal came from a subcommittee of the Yakima “Workgroup” convened by the U.S. Bureau of Reclamation and Washington State Department of Ecology to promote construction of 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. With an estimated cost of up to \$5 billion, the Yakima Plan is the largest project in the State of Washington since WPPSS.

Objections to the NRA proposal

The Yakima subcommittee published the NRA proposal and its map without consulting dozens of conservation organizations working in this geography, and without even consulting the National Forest’s Cle Elum Ranger District that

manages almost all of the land in the proposed NRAs. When the NRA proposal was published in January, the Cle Elum District Ranger had not yet seen it.

The NRA proposal was not mentioned in the Yakima water plan’s Draft Environmental Impact Statement (DEIS), but it was published the day after the DEIS public comment period closed, and then it was incorporated into the Final EIS, so the public was denied an opportunity to comment on it, in violation of the National and State Environmental Policy Acts.

In the nine months since the NRA proposal was published, its authors have not apologized for any of this, nor have they promised to do anything differently in their future work on public lands legislation. In other words, the supporters of the NRA proponents are encouraging them to continue following this new model of behavior, even though it harms our conservation community, poisoning relationships for years to come.

The Final EIS says the NRAs would “attract more users,” i.e., more off-road vehicles (ORVs) into the headwaters. ORVs have a well-documented history of detrimental effects on soils, water, fish and wildlife habitat. They also degrade recreational experiences for other users and drive them away. It is absurd for the NRA

Bumping Lake ancient forest near Cedar Creek. — KARL FORSGAARD PHOTO

proponents to assert that the NRA designations and consequent increased ORV use would improve the quality of fish habitat or improve the recreational experience of the non-motorized majority of recreational users of the National Forest.

The Cle Elum District Ranger continues to object to the NRA proposal for many reasons, including:

- lack of District capacity and resources to manage the NRAs, to the detriment of the rest of the District
- difficulty of obtaining reliable adequate funding
- lack of user advocacy for this designation as a critical need
- lack of opportunity for public comment on the NRA proposal.

The NRA proposal would statutorily lock in ORV use, and the Forest Service would lose its administrative authority to close trails or areas that become seriously damaged by ORVs. The NRA proposal would set a horrible national precedent for public lands legislation, and a horrible national precedent for trails. And once it

enters the legislative process, any legislative proposal can morph into something far worse than whatever the Yakima Workgroup drafts. Kittitas politicians have made it clear that they want the NRAs to lock in ORV use, and one of the sponsors admitted that ORV lock-in is the whole point of the NRA deal.

We urge the Yakima Plan supporters to take the trail-by-trail ORV designations out of the Yakima Plan and keep them in the National Forest processes where they belong. Keep them administrative and amendable, not statutory and locked in. Avoid setting a horrible precedent.

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Surprise, surprise: supporters include some big-name conservation groups

In addition to the negative impacts on habitat and quiet recreation, what's really alarming about the NRA proposal is that it did not come from ORV advocacy groups (who may not yet know about it), but from organizations historically associated with conservation – organizations with words like “Wilderness,” “Rivers,” “Wild-life” and “Trout” in their names. In March 2012, NCCC was among 26 conservation organizations, including Sierra Club and Audubon, that signed a letter objecting to the NRA proposal. Another letter from three more conservation organizations said that the NRA proposal “undermines” existing Forest Service processes. A supporter of the Yakima Plan acknowledged that the NRA proposal had “raised tension and mistrust” in the conservation community. The existence of this real “sense of betrayal” was communicated to other groups who were still undecided, but the undecideds were undoubtedly the target of political arm-twisting, and at least two more groups have decided to support the Yakima Plan.

In June, the Mountains to Sound Greenway Trust board of directors voted to support the goals of the Yakima Plan, declining to table it to allow more time to conduct due diligence and fix process defects. The Greenway support letter says



“we are impressed” with the Yakima Plan proposal and that it is “an extraordinary achievement in compromise and collaboration.” Only one Greenway Trust board member voted against signing this letter.

In July, the Washington Trails Association staff and board also voted to support the Yakima Plan. WTA’s letter says “WTA is saddened by the inundation of trail miles and flooding of old-growth forest that will be caused by raising Bumping Lake,” referring to the giant trees along Bumping Lake Trail #971 that would be inundated under the Plan that WTA now supports. WTA’s letter says WTA wants to advocate for hikers, but it doesn’t explain why WTA needs to support the Yakima water plan in order to advocate for hikers.

Some have said they needed to support the Plan in order to be “at the table,” citing the adage that “you’re either at the table or on the menu.” They were wrong, because plenty of conservation organizations, including NCCC, are now at the table while refusing to support the Plan.

NCCC helps avoid review process limited to those who agree

In August, the Yakima Plan proponents’ website linked a video of Governor Christine Gregoire being interviewed by the Yakima Herald newspaper about the Yakima Plan. She states “We have a Plan...We have *everybody* agreed. That’s unprecedented. ... Everybody now is on the same page. That’s never happened. ...If we can’t go as a group ... then we give a ready excuse to the Legislature and Congress to say no. So, [if] we stay united, we succeed. [If] we divide yet again, we will get nothing, and

Canoeists on Bumping Lake with Nelson Ridge and Mt. Aix. — KARL FORSGAARD

that’s what’s happening around the West.” In other words, to obtain \$5 billion to build the dams, the proponents must convince Congress that there is no opposition to their Yakima Plan, and they will say “we have everybody agreed” even when Sierra Club, Audubon and 27 other organizations did not agree.

Also in August, the sponsors of the NRA proposal issued invitations to many conservation organizations in Washington to participate in a series of meetings with a professional facilitator (Ross Strategic) funded by BuRec and Ecology on behalf of the Workgroup. The facilitated meetings are reviewing the lands component of the Plan, i.e. they do not directly deal with the proposed dams. The main discussion topic in the lands component is the NRA proposal, but the sponsors’ invitations omitted *half* of the 26 organizations that had signed the March letter objecting to the NRA proposal.

The meeting invitations also required that participants “*have agreed that they are supportive of the overall purposes and intent of the Yakima ... Plan.*” In a subsequent “clarification” message, the sponsors were still requiring “*support in order to participate.*” NCCC and allies objected that these provisions were overbroad and ambiguous, as the Plan EIS is about 900 pages long, endless arguments could be made about what overall “purposes and intent” are contained in the Plan, and the

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sponsors’ “support” requirement could be interpreted as a barrier to participation by advocates with legitimate concerns about the Plan. It was unfair and counterproductive for the sponsors to seek a purported resolution of this controversy by requiring participants to take what could be interpreted as an oath of loyalty to the Plan in order to even be heard. In their “clarification” message, the sponsors put our word “controversy” in quotation marks, implicitly denying the existence of a controversy (since controversy would disprove that “everybody agreed”). However, the sponsors ultimately abandoned their attempt to require Plan support from participants, and the facilitated meetings began in September attended by many who do not support the Plan.

We believe the facilitated meeting process should be open and transparent. Because of the controversy about the Plan, and due to past concerns about Plan process, NCCC and allies asked for information on how the meetings will be facilitated, including copies of any contracts or memoranda or instructions or direction from BuRec or Ecology relating

*NCCC supports
an open, transparent
process that allows
supporters and opponents
to review all aspects
of the Yakima Plan.*

to the facilitator’s work. The sponsors (and Ross) refused to provide such information, even though BuRec and Ecology are using public money – taxpayer dollars – to pay Ross as facilitator of the meetings.

Pushing the envelope on the agenda

In September the facilitated meetings began, and the facilitator asked participants to submit topics for discussion. NCCC and allies submitted several topics, some of which the facilitator agreed to cover, such as the Sierra Club/NCCC/ALPS proposal for new Wilderness in this National Forest, and how to define limits on ORV use. However, other proposed discussion topics were deemed by the BuRec-funded facilitator to be “outside of the scope of this process,” including:



*Bumping Lake hikers in ancient forest
near Cedar Creek. — KARL FORSGAARD
PHOTO*

- lack of opportunity for public comment on the NRA proposal
- reasons why it would be better to take the ORV designations out of the Yakima Plan and leave them in the National Forest travel management and forest planning processes where they belong
- ways that ORV designations in the Yakima Plan would set a bad precedent and negatively impact future lands protection efforts in Washington and nationally
- risks of negative changes to proposed legislation during the legislative process
- past policy statements of The Wilderness Society et al. opposing statutory mandates for ORV use in lands legislation.

In stating that these topics “will not be discussed” and “I will not be considering them as I assist the Workgroup,” the facilitator also wrote that some of our proposed discussion topics “have not been worded in the spirit of developing advice.” We disagreed with that characterization, because all of these topics are worthy of advice to the members of the conservation community, including advice on how to avoid setting a bad precedent. The sponsors and their facilitator may not want to talk about it, but that does not mean it is not advice.

These facts (and many more) strongly suggest that the Yakima Plan supporters and their facilitator are seeking to neutralize opponents of the Plan and its NRA proposal by gathering their comments without changing anything significant in the Plan and its NRA proposal. Nonetheless, some opponents are providing their

comments in the hope of making the bad precedent less bad. A Plan supporter admitted that from a wildlife habitat perspective, it would be “untenable” to continue the current level of ORV use on the lands proposed for NRAs, let alone increase it as called for by the Plan.

In October, the facilitated meetings will pursue more detail in subgroups that were being organized as we went to press, on such topics as recreational uses, boundaries, Wild & Scenic River designations, and connecting with ORV advocates.

Despite the depressing picture that emerges from the many betrayals in this story, there are still good things to celebrate. The giant trees of the Bumping Lake ancient forest are still there to be enjoyed, and perhaps someday WTA will change its mind about protecting Bumping Lake Trail #971. Dozens of Sierra Club and NCCC members spent a glorious weekend there in September at Sierra Club’s annual campout, hosted by Friends of Bumping Lake at the Maykut family cabin, which would be inundated by the proposed new dam. We are grateful to the veteran conservationists in the 29 organizations who signed letters in March about the NRAs, and the 1,500 citizens who sent DEIS comment letters opposing the new dams, and the unknown others who have resisted political arm-twisting and refrained from supporting the Plan and its proposed dams and NRAs.