#### RESOLUTIONS FOR THE FEDERATION OF WESTERN OUTDOOR CLUBS FOR 2023

### Adapted at the FWOC Annual Meeting Sep. 9, 2023

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## Preface: Quick Update for Recent News of Court Victories

#### **Michael McCloskey**

Recent victories in courts by *Earthjustice* have reaffirmed the President's right to set aside national monuments under the Antiquities Act. One on the Bears Ears NM in Utah did this (August 11, 2023). Two others did this with respect to the Cascade-Siskiyou NM in southern Oregon (on July 18, 2023 and on April 24, 2023).

In a settlement announced on August 4, 2023, *Earthjustice* reached agreement with natural gas giant Avista to phase out subsidies for fossil fuels and to expand the low-income efficiency programs (WA).

In another victory in one of their suits, the court decided that Puget Sound Energy must strengthen its clean-energy plan (WA).

# 2023-1: Controls Needed on Pollution from Kootenai Coal Mines along the U.S.-Canadian Border

Teck Resources operates five open pit coal mines along the U.S.-Canadian border between British Columbia and Montana and Idaho. It wants to expand them.

They already release extremely toxic selenium into waterways that drain into the Columbia River. They do so at rates that are 65 times higher than are permitted in Montana. Where the releases occur in British Columbia, its government feels that the companies involved should regulate themselves. In this case, they clearly have not.

At the level of the releases, fish are deformed, with some dying. Mortality occurs at the larval stage. Its impact on other species living along the waterways are not understood. They include grizzly bears, deer, and wolves.

The releases are made into the Elk River and then flow into Lake Koocanusa. From it, waters flow into the Kootenai River, which eventually flows into the Columbia River. Most of the waterways involved are in British Columbia.

A lawsuit is pending to prevent this gross pollution. It has been brought by scientists, environmentalists, and tribes. The BC government has imposed millions of dollars of administrative fines on Teck Resourced over the years for polluting streams.

The FWOC hopes this suit will succeed in ending this selenium pollution reaching the Columbia River. It congratulates those who have brought it.

[source: NYT, July 11, 2023; no prior resolutions]

## 2023-2: Thanking President Biden for Banning Roads on Nine Million Acres in the Tongass National Forest in Southeast Alaska

As this year began, President Biden banned road building and logging on nine million acres of the Tongass National Forest in southeast Alaska. This forest hosts North America's biggest temperate rainforest, most of which is still intact.

He also ended large-scale logging of old growth on the rest of the forest's land.

Many of the trees in this forest are quite old, some over 800 years old. Among the trees growing there are red cedar, western hemlock, and Sitka spruce. They store lots of carbon: as much as 10% of all the carbon stored in the country's national forests.

These forests provide habitat for over 400 species of wildlife, including bald eagles, salmon, and the world's greatest concentration of black bears.

The Biden administration collected 112,000 comments from the public on this proposal, with the majority supportive. Tribes from the area were supportive, congratulating Biden "for listening to the ... tribes who will continue to be most impacted by climate change."

Conservative politicians from Alaska opposed it, but it should be noted that the timber industry in that area has long been declining, now reaching the lowest level ever recorded.

However, \$25 million has been provided to foster sustainable development in Alaska; the money is to be used for projects that improve the health of the forest.

President Clinton first tried to protect the area, but President Trump withdrew his orders. Now President Biden has restored his order.

The FWOC congratulates President Biden for protecting the best forests in the Tongass NF, and thanks him for doing this.

[source: NYT, 1-25-23]

[in the past, the FWOC has passed two resolutions on the Tongass NF, one calling for the protection of 3 million acres there (R. 20, 2002) and one opposing Trumps' moves (R. 4, 2020)]

# 2023-3: Stopping Old Growth Logging by the BLM On O & C Lands in Southern Oregon

Large old trees still remain on the BLM's two million acres of O & C lands in southern Oregon. For many years, the BLM has been trying to remove them through timber sales to have them logged.

KS Wild has been trying to stop them, with the FWOC supporting them. Many of the endangered forests were supposed to have been protected under the Northwest Forest Plan of President Clinton. It didn't happen.

The junior President Bush tried to log them anyway under the WOPR program, but conservationists stopped such efforts.

Now President Biden is trying to protect old trees and has directed his agencies to find where they are and come up with plans to protect them. (EO 14072)

Big trees should be protected for many reasons. They store carbon, provide valuable habitat for endangered species, and slow the spread of wildfires.

But the BLM is still offering sales of old growth trees. By re-labeling its efforts as "regeneration sales," it hopes to evade complying with President Biden's order.

Current sales of this type are the Griffin Half Moon sale in the Medford BLM district, as well as the Poor Windy sale there. In the Klamath Falls district, the North Landscape sale is being offered. Big trees are also for sale by the BLM all along the I-5 corridor. Last year, the Western Environmental Law Center won a lawsuit sending the Poor Windy sale back to the BLM for revision. It is that revision that is now being criticized.

The FWOC urges the BLM to implement President Biden's order to protect old trees, condemns its evasive efforts, and opposes these timber sales (e.g., Griffin Half Moon, Poor Windy, and North Landscape ones).

## 2023-4: Opposition to Putting a Big Pipeline in the Red Rocks Lakes Wilderness in Montana

The Red Rocks Lakes area in western Montana (along its border with Idaho) has been a National Wildlife Refuge since the 1930s. It is the largest wetland complex in the Greater Yellowstone Ecosystem.

Of its 53,000 acres, 32,000 acres are classified as wilderness.

In addition to providing habitat for migratory waterfowl, it provides a corridor for grizzly bears to move back and forth. Also found there are elk, moose, pronghorn, badger, wolves, marten, swans (trumpeter and tundra), and Sandhill cranes.

The lakes there also support stocks of Arctic grayling. The numbers of this fish are declining across the northern states and here at the Red Rocks Lakes.

The reasons are not fully understood, but are thought to be owing to a combination of things: livestock grazing, fishing, and harsh winters. In very cold winters, oxygen levels are depleted in the shallow lakes, making it difficult for grayling to maintain their numbers.

Now the managers (Fish & Wildlife Service) wish to install a pipeline from a pond outside the wilderness boundary to bring in oxygen-rich water to Upper Red Rocks Lake in the winter. They hope more grayling will survive. A six-foot trench will be dug for a 14-inch pipe to do this.

Wilderness Watch is suing, contending that the Wilderness Act does not allow such artificial manipulation of habitat. It contends that there are some steps that the Act would permit: such as curtailing grazing and fishing.

The FWOC opposes this kind of manipulation of habitat in areas classified as wilderness (e.g., a 14-inch pipeline). It congratulates Wilderness Watch for trying to stop it.

## 2023-5: Opposition to De-Listing the California Sea Otter

At one time, the California (or Southern) Sea Otter was thought to be extinct.

Then, a remnant of its population was found in Monterey Bay.

In 1977, this remnant was classified as "threatened" under the Endangered Species Act (ESA). Under that protection, its numbers started growing again—until now there are 2900 of them. But that is a mere fraction of their original population.

The Fish and Wildlife Service is now processing a petition from the sea-urchin industry to delist the species, which will allow sea otters to be taken to benefit that industry.

It is too soon to let this happen.

The FWOC urges the US Fish and Wildlife Service to deny the petition and to continue providing protection to the California Sea Otter under the ESA. We should continue letting its numbers grow.

#### 2023-6: Opposition to the Grasshopper Timber Sale on the Mt. Hood National Forest

The Mt. Hood National Forest is now proposing to issue a timber sale on 5000 acres of old growth in a tract of moist, mixed conifers just south of the Badger Creek Wilderness.

This tract is in a unique transition zone where Douglas-firs mingle with Ponderosa pines. A pack of wolves (the White River pack) has been seen in the vicinity. The tract also provides habitat for the threatened Northern spotted owl. Recent wildfires in the forest have already reduced habitat for this owl.

The Forest Service contends that the sale will reduce the risk of high-intensity wildfires there. However, the amount of wildfires there in the past has been normal and does not pose an unusually high risk.

A number of species rely on this old growth to provide their habitat, including the Northern spotted owl, wolves, and swallowtail butterflies.

Hiking trails run through the area (e.g, Rocky Butte trail) and a campground is nearby, as well as a wonderful old fire lookout affording good views.

In Oregon, logging is the leading source of carbon emissions that worsen climate change. We should no longer be making the situation worse.

Oregon Wild is suing to prevent the Grasshopper sale. It charges that the Forest Service has not finished its EIS and has not taken the cumulative impact of such sales into account. They also argue that the sale violates the ESA.

The FWOC opposes the Grasshopper timber sale on the Mt. Hood National Forest and congratulates Oregon Wild for its efforts to prevent the sale.

[In the past, the FWOC has opposed a timber sale in the Mt. Hood NF near Cooper Spur, R. 23, 2003]

# 2023-7: Opposition to Work on a Dam on Eightmile Lake in the Alpine Lakes Wilderness in WA

Ninety years ago, the Icicle and Peshastin Irrigation District built a small dam on Eightmile Lake in Washington's Alpine Lakes Wilderness. The dam was there when it was included in the wilderness.

The dam has been damaged by time, erosion, and fires. As a result, it has been declared "a high hazard area," which poses a risk of failure.

For the last seven years, the state's Dept. of Ecology has been considering alternatives. Over that time, the FWOC has signed on to comments that others have submitted to protect its wilderness values. However, it has never adopted a resolution making its own policy on the matter. It should have.

A decision will soon be made. It includes the "no action" alternative. Fortunately, the option of building an access road has been removed from plans.

Now, the action alternatives rely on flying between 101 to 271 helicopter trips into the dam site one summer to rebuild the dam. The number of trips will depend on whether they use a large helicopter or a smaller one.

Whichever they use, the noise will be loud and intrusive. In fact, Wilderness Watch declares these plans rely on using the most intrusions by helicopter that they have ever heard of being proposed in a wilderness.

The owners will also have to draw down the lake, which members of Trout Unlimited oppose. More water will also be diverted.

Other users say they still have questions about closure times in the area and the impacts of construction on hikers.

Its critics point out that the new dam will be larger than the present one, and more visible.

And, Wilderness Watch points out that this activity in a legally designated wilderness is illegal. No such construction is permitted in wilderness.

The FWOC supports the "No Action" alternative and opposes building a new dam on Eightmile Lake in the Alpine Lakes Wilderness.

## 2023-8: Restoration of Habitat in the Klamath Drainage

proposed resolution for FWOC meeting in Sept. 2023

At one time, the Klamath River was one of the great rivers flowing to the Pacific Ocean from inland areas.

From its upper reaches in Oregon (south central portion), it works its way through northern California to the ocean (just south of Del Norte county).

Huge numbers of salmon swam in its waters. But now 95% of them are gone. 70% of its waters have been diverted in its upper reaches for agriculture, mostly potatoes.

Five dams in its middle reaches account for the rest of the losses. They were built between 1908 and 1962 to generate power.

The dams reduce oxygen levels and cause the remaining waters to become too warm. These warm waters breed toxic algae, which kill fish.

In 2002, 70,000 salmon were killed in these algae-laden waters. These kills caused a great upsurge in demand that these dams be removed. The tribes in the area were particularly concerned: the Karuk, the Yurok, and the Klamath especially.

In 2005, some conservative NGOs began meeting with the irrigators and wildlife officials of the two states to explore ways to address the problem. They came up with a plan that called for removing four of the dams while assuring the irrigators that they could still get their water. It was called the Klamath Basin Restoration Agreement (KBRA).

It was widely heralded as the solution to the Klamath Basin's problems. It required approval by Congress and the two states.

But it was not the solution. It would leave the river deprived of most of its water, which would still be diverted to the potato growers. And one dam would still remain (KENO). And, the tribes didn't like it, nor did many of the more progressive NGOs, who were left out of the process.

They used their influence to keep Congress from approving the plan, which it never did.

At this time, the federal agency regulating private dams on rivers (FERC) told the dams owner (Pacific Corp) that it could not get a new license to maintain the dams for another 50 years unless it made all sorts of upgrades. Pacific Corp finally concluded that it would be cheaper to tear the dams down.

So, then those focused just on Pacific Corp's dams, worked out another plan to remove four dams: Iron Gate, COPCO #1, COPCP #2, and J.C. Boyle. The two states would assume liability for damages, and Pacific Corp would pay for the removal of these four dams. They called this the Klamath Hydroelectric Settlement Agreement (KHSA). Some NGOs and Tribes signed this agreement.

A new entity was set up to do the work of removing the dams: the Klamath River Renewal Corporation. Once removed, work will also be pursued to re-vegetate the exposed areas. Billions of seeds and plants from the basin have been collected to do this.

This will be the largest dam removal process to date and is most worth doing. But it does not complete the process. As long as the river still loses 70% of its water to upstream diverters, it will lack aquatic integrity. And the Keno dam remains (where the diversions occur).

Tribal advisor Felice Pace (and former FWOC VP) reminds us that most of the problem remains. He hopes that funds can be raised to buy the water rights of the diverters. One might hope that Congress would provide funds to do that.

The FWOC welcomes the removal of these dams, thanks those responsible, and reminds all concerned of the need to solve the remaining problems: water diversions and the KENO dam.

[sources: American Rivers and CAL Trout. Past FWOC resolutions: R. 10, 2001, which calls for ending diversions of water that should go into the Klamath Wildlife Refuge, and R. 12, 2003 which calls for respecting the treaty rights of the tribes for water for salmon.]

## 2023-9: Use of Natural Gas should be Reduced because of the Effects of all its Methane

Natural gas is almost pure methane, which is among the most potent of the greenhouse gasses that warm the planet. One-third of all the warming that humans cause is due to its methane.

Oregon's laws now call for a 50% cut in greenhouse gas emissions by 2035 and a 90% cut by 2050. Over 25% of the cuts must come from reduced use of natural gas.

Oregon's three natural gas companies are trying to get the state to back off on these reductions. They are challenging the state's rights to require reductions in the use of natural gas. And they want rate payers to pay for their efforts.

The companies are Northwest Natural Gas, Cascade Natural, and Avista.

The FWOC urges the state of Oregon to adhere to its requirements to dial back use of natural gas to protect the climate. It is disappointed in the conduct of these three natural gas providers.

The FWOC also congratulates the state of Washington on its efforts to require use of heat pumps in new buildings (which will replace natural gas). It hopes their requirements survive legal challenges. It also encourages efforts in CA to move forward with making similar mandates.

[The Oregon chapter of the Sierra Club is opposing the natural gas companies. Also see R. 11, 2016 which calls for reduced releases of methane.]

#### 2023-10: Re-Thinking what we should do at Hanford

At Hanford, WA, America produced the plutonium needed to make the atomic bombs it used to end the War-in-the-Pacific. In producing it, it also generated hundreds of billions of gallons of radioactive wastes that were dumped on the ground along the Columba River.

Some of this low-level radiation reached the river, went down into the Pacific and worked its way north to contaminate oysters. Through the process of bioaccumulation, these filter feeders built up the radiation to perilous levels.

Hanford is now the most contaminated place in the Western Hemisphere. Despite years of clean-up work, it is still very contaminated.

For some time, the US Department of Energy has been in charge of the clean-up. This very difficult job is now expected to cost \$17 billion to complete.

All of the tanks into which contaminated liquids are put are now aging and leaking, even the newer double-shelled ones--first-installed in 1968. Another of these has just sprung a leak (B-109).

Operators plan to vitrify the most lethal materials they plan to retain, but this process is behind schedule.

They hope to send the most lethal materials to a National Repository, but it is doubtful that a site for it will ever be approved. A series of suggested sites have been turned down.

And they plan to put the less lethal materials into what, in effect, will be a large landfill.

All of these steps need to be reconsidered. All of their holding tanks need to be replaced; they may never be able to send the worst stuff to a National Repository; and they should no longer be putting any kind of radioactive materials into the ground.

The FWOC calls for a re-consideration of how to proceed with the clean-up at Hanford. DOE does not seem to have a plan that will ever reach its goal. It just seems to be coping with crises as they come along.

[In the past, the FWOC has adopted two resolutions dealing with the Hanford clean-up. One opposed diverting clean-up funds to defense projects (R. 9, 1990), and another (R. 4, 2011) opposing bringing in more radioactive wastes.]

### 2023-11: Getting EPA to Intervene in a Nitrate Problem in Eastern Oregon Counties

In Morrow and Malheur counties in eastern Oregon, groundwater is polluted with nitrates.

Groundwater is the sole source of drinking water for almost 50,000 residents of these counties.

In Morrow county, this pollution is five times the federal standard.

The nitrates come from Confined Animal Feeding Operations (CAFOs). As many as 70,000 cattle are confined in CAFOs in these counties. These counties are studded with CAFOs.

The manure from them is put on fields where it turns into polluting nitrates.

Recent tests showed that 40% of the wells in these counties were so polluted that they exceeded safe drinking water standards. And, the level of nitrates is growing.

Nitrate pollution causes birth defects and the "blue-baby syndrome."

This has been going on for 30 years. Early on, the state and local health officials have known of this problem of nitrate pollution in these places. To address the problem, they designated these areas as "groundwater management areas."

But no authority has ever taken any action to reduce the level of nitrate pollution there.

Now, they are being asked to approve a new CAFO facility: the Easterday Mega-Dairy. It will confine 30,000 cattle in the lower Umatilla basin.

The owner has other CAFO facilities and has gathered dozens of permit violations but has never paid any penalties.

Other CAFO owners of such facilities as the Lost Valley mega-dairy and the Three Mile Canyon farm have violated their permits over 1600 times over the last 15 years.

All of these CAFOs feed their milk into the giant Tillamook Cheese processing plant at the Port of Morrow.

Local officials and state legislators from the area ignore the contamination. At their behest, the legislature refuses to declare a moratorium on new and expanding CAFOs.

Egregious polluters just get a "slap on the wrist".

For three years, environmentalists have begged the federal EPA to intervene to stop this breakdown in enforcement. EPA has the power to stop the building of new CAFOs, to stop expansions, and provide funding for better sources of drinking water.

But, EPA has not yet done anything.

The FWOC urges the EPA to intervene in this terrible situation. It pleads with EPA to intervene in the nitrate pollution situation in Morrow and Malheur counties in eastern Oregon to bring it to an end.

[see FWOC R. 3, 2018 calling for stopping construction of new CAFOs before the pollution from existing ones is ended. Cited one at Boardman, OR in Morrow County.]

## 2023-12: Support for Wilderness Designation of Oregon's Owyhee Canyonlands

Senators Widen and Merkley have introduced a bill to protect 1.1 million acres in Oregon's Owyhee Canyonlands as wilderness under various agencies: the National Park Service, the BLM, the Fish and Wildlife Service, and the Forest Service.

And, a 15-mile stretch of the Owyhee River would be designated as a Wild and Scenic river.

And, 30,000 acres of the Canyonlands would be put in trust under the Burns Paiute Tribe.

These lands would thereby be protected from degradation, including habitat for the endangered Sage grouse and the bighorn sheep. Facilities for fire-fighting would also be improved.

When it was first introduced in 2019, the bill faced opposition from ranchers, tribes, and local businessmen. Now, these forces have negotiated with conservationists and trout fishing interests to find a version that all can support. Now, they have all signed on to this version.

Now, the BLM has also put forth a management plan to protect another 400,000 acres of the Owyhee Canyonlands.

Only 5% of these Canyonlands in southeastern Oregon are currently protected.

This is a chance to provide statutory protection for a major chunk of these spectacular, but little known, lands. The bill should be viewed as a first step in giving protection to them.

The FWOC should lend its support to this measure.

[current policies: R. 10, 1998, calling for protection of these lands as a National Monument; R. 9, 2015, calling for full protection of them, including wilderness; R. 7, 2021, opposing low-level flights over these lands.]

# 2023-13: Problems with Newest Inventories of Mature and Old-Growth Forests on Federal Forests

In 2022, President Biden issued EO #14072 directing that steps be taken by federal agencies managing forests to extend greater protection to mature and old-growth trees (MOG) in these forests.

The FWOC then complimented him on doing this (R. 2, 2022) and urged an end to logging them (R. 3, 2022).

Now these agencies have prepared inventories of these old and mature trees and have suggested that there are lots of them and that there is no reason for concern.

The Forest Service has declared that there are 104 million acres of MOG trees on its lands, with the BLM claiming to have 34 million acres of them. Together, they are supposed to have 178 million acres of MOG trees.

Conservationists don't believe these numbers. Ecologist Dominick DellaSala did his own using remote-sensing data. He measured tall, closed canopy, and high-biomass forests. He measured forests of all ownerships. Using his data, the numbers for federal forests would be even lower.

DellaSala (2022) found just 53 million acres of MOG forests. This year ecologist Barnett found 59 million acres of them.

The Forest Service admits it could be wrong, saying its level of confidence in its numbers is only 68%, meaning that it even acknowledges that there is a 32% chance that it is wrong.

The BLM has inflated its numbers by including 23 million acres of sparsely-spaced Pinyon pine trees growing on inland rangelands.

The BLM has also yet to describe its methodology in doing its inventory of mature trees.

The Forest Service lists these threats to its MOG forests: fire, drought, and insects. Nowhere does it acknowledge that logging poses any kind of threat. But, we know that we need old trees to store carbon to keep down climate change.

In fact, the Forest Service hopes that more logging can reduce exposure to wildfires and thereby increase forest resilience. This is the same claim made by the timber industry.

Andy Kerr makes it clear that the Forest Service has never wanted to know how much old growth and mature forests it has. They fear that mapping them will just inspire efforts to protect them from logging.

The Federation of Western Outdoor Clubs urges President Biden to rely on the inventories done by Forest Ecologist Dominick DellaSala in preparing plans to protect old and mature trees and to ignore those of its logging-oriented agencies.

[see Andy Stahl, "Mature and Old-Growth Forest Inventory," in Forest News, p. 5, FSEEE, Summer 2023]

#### 2023-14: Mount St. Helens and the Green River Valley are No Place for a Mine

The Green River Valley lies in the shadow of Mount St. Helens, and is an incredibly beautiful and important corner of SW Washington. The area is beloved by many for its scenic views, remote and peaceful location, and boundless outdoor recreation opportunities. The Green River provides habitat for endangered steelhead, supports a wide range of wildlife, and supplies fresh drinking water to downstream communities. The area has important historical and cultural significance to local Native American tribes and supports the local economy through the outdoor recreation and tourism industries.

This area was left out of the Mount St. Helens National Monument boundaries when these were formulated in the 1980s under President Reagan. In the face of opposition from mining interests, passage of the Mount St. Helens bill was facilitated by dropping the Green River Valley as a matter of political expediency. And indeed, over the past two decades, there have been many attempts to initiate exploratory mines for copper, gold, molybdenum, and other metals in this area. The last two attempts have been initiated by Ascot Resources, a British Columbia based mining company.

A mining operation in this area would represent a significant threat to water, fish, and people. Polluted groundwater and potential tailing pond breaches of toxic mining waste would threaten the Green River and the life that depends on it. The Green River is an important habitat for many species, a gene bank for wild steelhead, and is eligible for a Wild and Scenic River designation. The Green River also provides fresh drinking water for thousands of people living along the North Fork Toutle River and Cowlitz River.

This area remains very seismically active, increasing the chances that a tailing pond breach will lead to a disaster for many downstream communities in SW Washington.

It would also threaten recreation in the area. Noise pollution would disrupt any sense of peace and quiet in this beautiful and remote corner of the Cascades and the mine itself would cut off access to a number of trails that are beloved by many who visit the area to go hiking, mountain biking, back-country horse riding, botanizing, foraging, hunting, angling and more. The proposed mine site also sits on land that was purchased by the Forest Service using money from the Land and Water Conservation Fund for the explicit purpose of supporting conservation and outdoor recreation.

A mineral withdrawal would prevent the devastation that a mine would bring, and an alliance of friendly partners called the Green River Valley Alliance has recently formed and is fighting to secure such a withdrawal. A mineral withdrawal is a federal land management tool that prohibits mining activities within a given boundary, and such a designation does not impact other activities such as recreation, trail maintenance, or timber harvesting. Many local conservation and outdoor activities organizations have signed on to this solution, including the Mazamas.

The Federation of Western Outdoor Clubs calls upon Congress to enact a mineral withdrawl for the 46,000 acres in the Green River Valley that have been identified by the Green River Valley Alliance and their many partners as vulnerable to mining, and lends its endorsement to the Green River Valley Alliance in the endeavor to secure this withdrawl.

[There is no known precedent for this issue within the FWOC archives]

Submitted by John Rettig Conservation Co-Chair The Mazamas