



The Pileated Post

VOLUME 6, NUMBER 7, NOVEMBER, 1982

CALENDAR OF EVENTS

---NOVEMBER---

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Regular meeting of Flathead Audubon Society will be held in the downstairs meeting room of the Flathead Bank of Big Fork. The business meeting is at 7:30 P.M., while the program begins at 8:00 P.M. Ed Dodson of Billings will present the film, "In Memory of Land and People." Set to the music of Béla Bartók, the film explores the history of strip-mining in North America.

OFFICER ELECTIONS AND NOMINATING COMMITTEE

Election of officers for 1983 will be held during the December regular meeting, while appointment of a nominating committee will be made at the upcoming November regular meeting. Anyone wishing to pursue an office position for Flathead Audubon Society, or wishing to be on the nominating committee should be at the November meeting, or contact Dave Hudak--Kalispell--755-3752.

CHRISTMAS BIRD COUNT

American Birds reports that the 1982 annual Christmas Bird Count has shattered all precious records. There were 34,863 participants in the count, and they tallied more than 66 million birds in 1,418 count areas. Santa Barbara, with 212, recorded the highest number of species in the United States. North Star Island, Alaska, had none. Apparently the five ravens that had been seen earlier in the week didn't show up on the count day.

Mid-December and the 1983 Christmas Bird Count are not far away. Those planning to participate in this year's count are urged to begin familiarizing themselves with the count area. A map showing the count circle will be displayed at the upcoming November regular meeting. Additional information about the Christmas Bird Count can be obtained by contacting Jean Robocker--Kalispell--755-2751.

AUDUBON LOBBYIST AT 1983 LEGISLATURE



Janet Ellis of the Last Chance Audubon Society has been chosen by the Montana Audubon Council to represent the interests of Audubon members in Montana at the 1983 legislative session. Janet's primary responsibility will be to work on the passage of a bill to provide for funding of the Nongame Program in Montana. This would involve a voluntary income tax checkoff on the state income tax form by which a person who is to receive a tax return could designate a certain sum for funding of the program. Janet is a graduate of the University of Montana in wildlife biology, and is quite knowledgeable in matters of wildlife. During the 1981 legislative session,

she assisted on a voluntary basis our lobbyist Gael Bissel.

WATCHABLE WILDLIFE

Financial contributions and our efforts are needed in getting the "Watchable Wildlife"- nongame funding bill passed. The Montana Audubon Council has determined that at least \$2,500 is needed to pay the salary of our legislative lobbyist Janet Ellis and other expenses. Our efforts in contacting legislators and other community leaders are needed as well if the effort is to succeed.

Contributions should be sent to:

Montana Environmental Information Center
P.O. Box 1184
Helena, Montana 59624

Please make your check payable to the Montana Environmental Information Center and note on the check that the contribution is for the Audubon effort. If you wish further information or desire to help in whatever manner you can, please write to Janet Ellis at the Information Center.



NEW REGULATIONS WEAKEN FOREST SAFEGUARDS

The Reagan Administration has "reformed" the regulations that govern National Forest planning by weakening provisions designed to prevent boom-and-bust overcutting and the logging of fragile and less productive lands where re-establishment of forest stands is difficult.

The final rules were published in the Federal Register September 29th, eight months after the Administration had proposed even more drastic weakening of the Carter Administration's National Forest Management Act planning regulations. The new version delegates authority to regional foresters to approve "departure from even-flow sustained yield"--which means cutting timber at a rate faster than it can be re-grown. This critical decision formerly could be made only by the Chief of the Forest Service. And the new regulations set no biological growth standard (such as 20 cubic feet per acre per year) for determining which National Forest lands are suitable for commercial timbering.

When the Administration's original re-write of the regulations was published, in February of this year, there was a vigorous protest from the environmental community. The Chief of the Forest Service received some 2,000 letters. Much improvement resulted, but some worrisome provisions remain.

The rules are now final, but Audubon chapters can still monitor planning in National Forest in their areas, urge sound practices, and appeal unsound plans.

FLATHEAD OIL AND GAS LEASES

The recent recommendations by the U.S. Forest Service in favor of issuing oil and gas leases in such sensitive areas as the Jewel Basin Hiking Area, Swan River Island, Swan Front, and North Fork Wildlands prompted the following guest editorial.

The future of our forestlands here in the Flathead may change drastically because of decisions being made now by Forest Service officials. These decisions are being made with little or no public involvement and no consideration of potential impacts to other forest resources. "Don't worry, few leases are ever developed," we are told, while Nyvatex drills an exploratory well ½ mile from the wild area we shouldn't worry about. "Can you imagine the public letting them bulldoze a road up Tuchuck Creek?" one Forest Service mineral specialist asked me.

So the Flathead Forest is leased with special stipulations such as "no surface occupancy" attached by the Forest Service "to safeguard surface resources." But underneath these stipulations lies a standard lease conveying the ownership of any mineral resource under the surface. This guarantees the right to build roads, pipelines, storage facilities, sweetening plants, and drill as necessary to obtain the minerals the lessee now owns.

These stipulations are under challenge by the oil industry right now in court. A federal judge in Wyoming recently invalidated no surface occupancy stipulations, such as the Flathead Forest is relying on to protect Jewel Basin. The judgement in Rocky Mtn. Oil and Gas vs. Andrus states "...Such a system of issuing 'shell' leases with no developmental rights is clearly an unconstitutional taking and is blatantly unfair to lessees."

Even if special stipulations were eventually determined by the courts to be legally valid, they may later be cancelled by the government. In fact the Forest Service themselves removed "no surface occupancy" stipulations for 1.2 million acres of land in 1980 alone.

What is left when protective stipulations are cancelled or declared illegal? A D-9 dozer plowing up Tuchuck Creek backed by a battery of oil industry lawyers waving a lease.

We are not faced with a choice of oil and gas development or the maintenance of the Flathead's clean air, water, and outstanding wild resources. We will see oil and gas activity, perhaps a great deal of it. Our challenge is to see that it is carried out responsibly and where it is appropriate.

To this end, Flathead conservationists hammered out a plan for phased, responsible oil and gas exploration and development on the Flathead Forest. This was delivered to Forest officials 9 months ago as part of the citizen alternative for the Forest Plan. We suspect the approach outlined in the citizen plan would better safeguard the Flathead than the Forest's "lease now, worry later" approach.

--John Gatchell, Montana Wilderness Association--

APPLICATION FOR JOINT MEMBERSHIP IN NATIONAL AUDUBON SOCIETY AND
FLATHEAD AUDUBON SOCIETY

Membership includes AUDUBON Magazine and THE PILEATED POST

NAME (PLEASE PRINT) _____	— Individual.....\$25/yr
ADDRESS _____	— Family.....\$32/yr
CITY _____ STATE _____ ZIP _____	— Student.....\$15/yr
	— Senior (over 65).\$17/yr
	— Senior Family....\$19/yr

Make checks payable to National Audubon Society and send to:
Flathead Audubon Society
P.O. Box 715
Big Fork, Montana 59911



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Dave Hudak - President
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