

Idaho Conservation League • Volume XIX • Number 1 • February, 2016

The Idaho Conservationist



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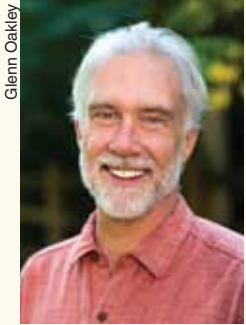
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Boulder-White Clouds / Ed Cannady

FROM THE DIRECTOR: TOMORROW'S SUCCESS BASED ON WORK TODAY



Glenn Oakley

Rick Johnson

Today's successes require the right work getting done yesterday. Every ICL win has an involved backstory, starting with a vision and involving thankless grunt work.

Our CERCLA victory (see p. 3), one of the most far-reaching wins in ICL's history, is no exception. It will ultimately require certain industries—including hardrock mining and chemical manufacturing—to post up-front bonds to pay for pollution cleanup.

Under the "Superfund" law, big messes are cleaned up by taxpayers, although the law always required bonding from the industry. That part was never implemented. Now it will be. Nationwide.

This victory was a decade in the making. ICL's Justin Hayes and John Robison were both cited in the court ruling that described ICL's long-developed standing for the case.

What are we doing today for tomorrow's victories? One thing immediately springs to mind—our It's My ID campaign (see p. 12). An Idaho-based response to climate change focused on protecting water and commonsense energy policy may be tomorrow's greatest challenge. Another is ensuring that ICL has the financial strength to consistently and professionally protect public lands and wildlife emblematic of Idaho.

So we are raising a \$2 million climate fund to address water and energy challenges. We are also raising \$2 million to double our endowment. The first fund will be leveraged and spent; the second, as part of the endowment, will be managed to produce income for ICL for generations to come.

You are ICL's past and present. Thank you. We're creating ICL's future right now—and we're going to need your help.

*Rick Johnson
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Win Has Nationwide Impact

The Idaho Conservation League is a state-based organization, so you're used to seeing us working on Idaho-based issues like protecting the Boulder-White Clouds, restoring wildlife habitat on Lake Pend Oreille and enforcing the Clean Water Act to protect water quality in Idaho streams.

But sometimes we step onto a national stage. A decade ago, we identified Nevada-based gold mines as a major source of airborne mercury pollution that was poisoning rivers and fish across the entire West. New nationwide pollution-control requirements arose from our work. A recent ruling from the U.S. Court of Appeals in the District of Columbia has once again propelled ICL onto the

national stage—protecting taxpayers, the environment and human health *nationwide*.

In 1980, Congress enacted the nation's hazardous waste cleanup law, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the Superfund. Two means of ensuring the cleanup of hazardous waste were written into this law. First, the U.S. Environmental Protection Agency was to develop rules requiring individual companies that handled toxic materials to secure bonds to cover future cleanup. Second, industries were to pay into a fund, "Superfund," to help cover the costs of orphaned contaminated sites.

While the provisions creating the "Superfund" were implemented for orphaned sites, the
(continued on page 4)

Learn More

To learn more about ICL's work to protect Idaho's water, go to www.idahoconservation.org

The current bond for the Thompson Creek mine does not cover the costs of treating acid-mine drainage after closure. The new rule will help ensure that mining companies set aside sufficient cleanup funds before mining.



Idaho's Thompson Creek Mine tailings impoundment / John Robison

Win Has Nationwide Impact (cont.)

(continued from page 3)

EPA failed to enact the provision of CERCLA that required bonding. Therefore, for over 35 years, CERCLA has been only partially implemented. And we objected. Now, because of this recent ruling, CERCLA will be implemented as directed by Congress.

In its decision, the Court affirmed that “it is a common practice for operators [of sites that produce hazardous substances] to avoid paying environmental liabilities by declaring bankruptcy or otherwise sheltering assets.”

At long last, these companies must set aside money to cover the cleanup costs. Not only will these bonds cover the cleanup costs if facility owners go bankrupt, but having to bond their projects will motivate companies to operate responsibly to get those bonds back.

There are reasons that landlords require security and cleaning deposits from renters. The deposits create an incentive for renters to treat their rentals with respect and clean up before they move out. And if they don't, landlords have the deposit money to make things right.

The Court ruling lays out a schedule for the EPA to develop rules to require bonds for several industries having the greatest potential for creating contained sites that need to be cleaned up. These industries include hardrock mining, chemical manufacturing, petroleum and coal products manufacturing, and electric power generation.

Effects of this ruling will be felt nationwide: all facilities in the United States that fall into these categories will be required to develop bonds to ensure that contamination is cleaned up. This requirement will protect the environment and the taxpayers who have footed the bill for many of these cleanups.

The Idaho Conservation League was the lead named petitioner that brought this matter before the Court. Earthjustice provided legal counsel for ICL and our partners. You can read the Court's decision at www.idahoconservation.org/files/icl-cercla-decision.

Justin Hayes
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Mining pollution / Justin Hayes



Time for Strategic Planning

Every three years, the ICL board and staff revise our strategic plan to bring it up to date for the next three years. Both a process and a product, strategic planning creates a common understanding of our challenges and opportunities, sets direction, and gives us a marker to later measure our progress. Our strategic plan sets us up for the kind of long-haul success that our lead article features in this issue.

We have just begun the latest revision of our strategic plan and will have a draft ready for the board and staff to discuss at our annual retreat this summer. The plan will be linked to our budgets and work plans during the timeframe. With valuable assistance from an experienced consultant, a committee of both board and staff guides the planning process.

One of the first steps that we took in revising the plan was surveying board and staff members about the “big questions” that ICL will face, both internally and externally, over the next three years. Although we cannot forecast all the challenges that we’ll face, the plan will serve as a guide as those challenges present themselves.

ICL’s It’s My ID campaign is building the ICL endowment and creating a climate fund to build ICL’s energy and water policy response to climate change. This is a key part of our planning process, as is how we develop relationships with our members and the public to ensure that we continue to be Idaho’s leading voice for conservation.

*Paul Cunningham, Chair
Idaho Conservation League Board of Directors*



Courtesy Paul Cunningham

Paul Cunningham

Scotchman Peaks / Aaron Thiesen



What Do Lower River Flows Mean?

Snake River near Swan Falls Dam / Peter Lovera



The Snake River's average annual flows turn out to be well below the assumptions used to determine current allowable pollution amounts.

With over a dozen dams above Hells Canyon, the Snake River is heavily managed. Yet humans can exert only so much control over water, a point highlighted by a recent study that found flow in the mighty river is lower than anticipated.

The study was part of a Clean Water Act evaluation in the middle Snake River, the 93-mile section from Milner Dam to Spring Hill in the Magic Valley. This reach is perhaps best known for the once prolific springs flowing from its canyon walls.

Clean Water Act permits restrict the amount of pollution that cities and other big water users can discharge to the river. Part of determining this amount is knowing how much water the pollution will be discharged into—that is, knowing the river flow. So the U.S. Environmental Protection Agency and Idaho Department of Environmental Quality, the agencies

that administer the Clean Water Act, make assumptions about river flow when they set allowable pollution amounts.

The study found that average annual flows are well below the assumptions used to determine current allowable pollution amounts. It also found that recent years of lower flow were not an anomaly but a trend toward decreased flows. Therefore, permits will likely need to be rewritten with more stringent pollution requirements.

Flows through this reach are the backbone of an agreement between the state and Idaho Power guaranteeing certain year-round flow for hydropower at Swan Falls Dam. Last year, the agreement was violated several days when flows were too low, a trend that may become more common in the future.

These are only the regulatory issues “flowing” from a rapidly decreasing river. What do lower flows mean for a river already so diminished by a century’s worth of manipulation? Well, its ability to host native fish and game is further jeopardized, as is its ability to clean itself via regular flooding.

ICL is working on several aspects of this issue—aquifer, pollution, flows, water rights, fisheries—and we plan to fund this work in future with the It’s My ID campaign (see p. 12).

Marie Calloway Kellner
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Snake River at Swan Falls Dam / Peter Lovera



Mine Exploration Improved, Still Problematic

Canadian mining company Midas Gold is moving forward with both exploration drilling and a draft mine plan in the historic Stibnite mining area east of McCall. For several years now, ICL has successfully challenged the exploration drilling due to risks of a fuel spill into the South Fork Salmon River and the on-site impacts from drilling operations in sensitive riverside areas.

In response to ICL's involvement in the Forest Service public comment and objection process, the agency recently scaled back the project and will no longer allow fuel haul along the South Fork Salmon River Road. In addition, Midas Gold dropped its plans to drill in the Sugar Creek Inventoried Roadless Area. Midas Gold also agreed to mitigate for increased traffic along Johnson Creek and the East Fork South Fork Salmon. ICL will now focus our efforts on ensuring that the design features of the exploration project are properly implemented.

But the latest draft of the mine plan does not sufficiently protect the clean water, fish, wildlife and recreation in the South Fork Salmon River headwaters. It is far easier to manage an exploration drilling operation and mitigate for traffic than to manage an open-pit mine dug 400 feet below the riverbed and to mitigate for the loss of bull trout spawning habitat buried underneath mine tailings. Any mistakes at the site will flow downstream. When a historic dam at Stibnite failed in 1965 (creating Blowout Creek), the plumes of sediment reportedly traveled down the East Fork, South Fork and main Salmon all the way to Riggins.

As Midas Gold refines its mine plan, we are advocating for a reduced mine footprint, up-front restoration and other measures to ensure that the South Fork Salmon is protected both during and after any mining operations.

John Robison
Public Lands Director
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Cutthroat trout / Mike Raymondi



Collaboratives Challenging, Worthwhile



Payette Forest Coalition / John Robison

This February, ICL helped host the 6th annual meeting of the Idaho Forest Restoration Partnership in Boise. This conference highlighted the work of nine forest collaboratives in Idaho that are engaged in forest and watershed restoration projects. These collaboratives bring together a remarkable mix of conservationists (including ICL), loggers, recreationists and community leaders.

One is the Payette Forest Coalition, which recently voted to form a committee to review land-use designations on the Payette National Forest. This Land Allocation Committee will assess current designations, confer

with user groups to see what is and is not working, and recommend any improvements.

The committee will focus on special places such as the Secesh and Needles Recommended Wilderness and surrounding inventoried roadless areas. These areas have administrative designations but no permanent protections. Recommendations could include retaining the status quo, adjusting boundaries or seeking protection under wilderness or national conservation area designations.

Jonathan Oppenheimer
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Lawsuit Threatens Proposed Wilderness



Scotchman Peaks / Aaron Thiesen

The Idaho State Snowmobile Association and other groups filed a lawsuit in federal court that seeks to overturn new land management plans for the Kootenai and Idaho Panhandle National Forests. They object to proposed wilderness boundaries delineated in the new plans and snowmobile prohibitions in these special areas.

The proposed wilderness areas include the Selkirk Mountains, Scotchman Peaks and Mallard-Larkins, as well as additions to the existing Salmo-Priest Wilderness Area. These areas provide unique nonmotorized recreational

opportunities, wildlife habitat, and sources of clean water. Only six percent of the Idaho Panhandle National Forests are proposed for wilderness under the new plans.

Chief Judge Dana Christensen approved a motion by ICL and other environmental groups to intervene in the case. This move allows ICL to defend its interests in protecting the few wild and special places remaining in the Panhandle region of Idaho.

Brad Smith
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Guardians of the Wild Places

For decades, ICL worked to protect the Boulder-White Cloud Mountains of Central Idaho. And though this special area is now protected as wilderness, our work is not finished.

This summer, we are partnering with the U.S. Forest Service to create a wilderness stewardship program. Ten volunteer stewards will adopt sections within the Sawtooth, Hemingway-Boulders, Jim McClure-Jerry Peak and White Clouds Wildernesses.

After adopting their “wild places,” stewards become on-the-ground guardians for the summer. They will visit their sites monthly to inventory and

monitor the wilderness characteristics. To do so, they will collect data on wildlife encounters, visitor use and invasive plants, and they will also clear brush and do other necessary fieldwork.

This is a great opportunity for people to get involved and give back to the land. More information on how you can participate is on our website (www.idahoconservation.org/blog/guardians-of-the-wild-places).

Betsy Mizell
Community Engagement Associate
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ICL staff doing trail work / Peter Lovera

Trading Hiking Boots for Dress Shoes

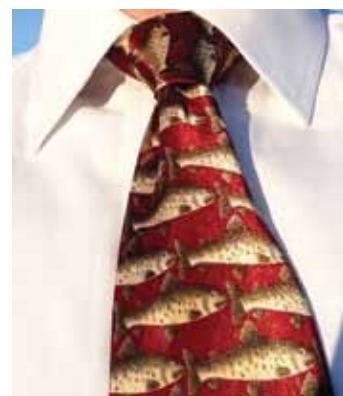
ICL was founded to be a voice for conservation in the Legislature. Although we have expanded our scope since 1973, we’ve stayed true to our roots. For every session, a full-time ICL lobbyist has traded in hiking boots for dress shoes to walk the marble halls of the Statehouse and advocate for conservation.

The Statehouse is not always the most welcoming destination for conservation advocates. But we make a difference by engaging in the process and showing that conservation can complement Idaho’s conservative values.

We worked on a number of issues this session, including water quality, suction dredge mining, public lands, wildlife and local plastic bag taxes or bans. Another important issue was the proposal for Idaho to have primary authority over implementing Clean Water Act permits.

By the time you read this, many of these issues will be settled. Still, we’ll continue tracking conservation issues and preparing for next year’s session.

J. O.



Tie of the Week / Jonathan Oppenheimer

Jonathan’s weekly email updates from the Statehouse don’t show his shiny shoes but they do feature a Tie of the Week.

Stepping Stones for Flora and Fauna

Grizzly and cubs / USFWS, Ture Schultz



Idaho's High Divide forms a single ecosystem, imperative for a diversity of creatures.

Idaho's High Divide is couched between three relatively intact and protected swaths of land—Crown of the Continent to the north, Salmon-Selway to the west, and Greater Yellowstone to the east. Collectively, this is a single expansive ecosystem, and the scale is imperative for the genetic diversity of creatures like grizzly bears, wolverines and lynx.

The broader area is also a network of streams that climb into the high peaks, providing fresh water for cold-water dependent fish like bull trout.

The “Idaho High Divide” anchors it all, connecting mountain ranges with valleys, river bottoms, and sagebrush steppe. This means that the Idaho High Divide is a critical migration pathway and climatic footpath. It's places like Idaho's High Divide that provide the stepping stones that both plants and animals need to move and adapt to changing conditions.

Over the next five years, the U.S. Forest Service and Bureau of Land Management are revising management plans that govern how we take care of these places. This revision process affects more than 6.3 million acres of connected public lands, and it provides an incredible opportunity that doesn't come up often (since some of these plans are over 40 years old).

ICL is looking forward to working with the agencies and local communities in the Idaho High Divide to ensure that the next generation of management plans are based on science and protect Idaho's natural assets. We can assess how climate will affect these places and thoughtfully develop ways to address future change.

Dani Mazzotta
Central Idaho Director
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Avery Shawler map

Gary Payton, One Tireless Activist

When ICL member Gary Payton travels, his expenses include contributions to a carbon-offset program to fund projects that reduce greenhouse gases.

And sometimes his travel is also offset by its purpose—to help raise awareness of climate change. That was the case this winter when Gary, a Sandpoint resident, traveled to Paris to observe the U.N. Climate Change Conference.

Perhaps you read Gary’s blog posts on the ICL website or articles about his travels in the *Idaho Statesman*, *Spokesman-Review*, or *Sandpoint Reader*. Gary shared his experiences from the talks, the inspirational people he met, the substance of the negotiations and the final agreement.

ICL sponsored a public Skype session with Gary while he was in Paris. When he returned, he joined us to testify at the public hearing on the proposed Tesoro Savage oil terminal, which would generate four crude oil trains a day through North Idaho. He also gave PowerPoint presentations on the Paris talks to audiences in Sandpoint, Coeur d’Alene and the Spokane Valley.

Gary has been a tireless activist, working closely with our staff in North Idaho and Boise on climate issues, as well as with fellow activists within the Presbyterian Church (USA) to encourage their denominations to divest from

fossil fuels. He’s also an active supporter of Friends of Scotchman Peaks Wilderness and other worthy causes.

Last year, we honored Gary with the Keith and Pat Axline Award for Environmental Activism. Few people are more deserving.



Gary Payton

photo courtesy Gary Payton

Susan Drumheller
 North Idaho Associate
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Hundreds of people attended the January public hearing on the proposed Tesoro Savage oil terminal. People from North Idaho, Montana and eastern Washington filled the hall to urge Washington State officials not to approve the project, which would dramatically increase crude oil trains through the Panhandle. Thanks to our supporters who attended the hearing or sent comments by email. Your voice matters!



Tesoro Savage hearing / Jace Bylenga, Sierra Club

It's My ID

Courtesy Elaine French



Elaine French

I am pleased to announce that we have secured \$3 million in campaign gifts and pledges toward the \$4 million goal that we set for our It's My ID campaign!

Our goal is twofold—further develop ICL's important climate fund and boost ICL's endowment. Growing our endowment by \$2 million will allow us to further invest in our wilderness and wildlands work, fund fast-breaking conservation issues, and develop our communication strategy.

The remaining \$2 million will go into a climate fund to address energy and water issues. Our energy program will use these funds to help Idaho increase clean energy

production by 20 percent and reduce energy consumption by 10 percent, avoiding millions of tons of greenhouse pollution every year.

On the water side, ICL will use these funds to ensure that Idaho's water use is sustainable, aquifers remain clean, and rivers have enough water to support our families and our fisheries.

*Elaine French
It's My ID Campaign Chair
Idaho Conservation League Board of Directors*



Celebrating 25 Years at ICL!

Suki Molina / Glenn Oakley



Suki Molina

Underlying ICL's conservation successes is another success—being a highly functioning nonprofit organization. That's no small thing in the world of nonprofits.

Deputy Director Suki Molina has been with ICL for 25 years. During that time, Suki's eyes have been on things that most folks don't notice—balance sheets, budgets, annual audits, health insurance and other staff benefits.

Many of us have worked here a long time—and for many reasons. One of those reasons is Suki. She brings an energy to the

team, planning our annual staff camping, backpacking or rafting adventure. She also brings her expertise in development and finance. With Suki as our copilot, we have grown the organization and budget, thereby growing our influence.

Twenty-five years is a pretty serious commitment to nonprofit work—especially coupled with a dozen years beforehand with The Nature Conservancy. We are thankful to have Suki on our team.

R. J.

Creating Community One Pint Glass at a Time

Remember the 1980s sitcom that took place entirely in a bar? The one whose theme song included the verse “Where everybody knows your name... and they’re always glad you came...”? The friendly sentiments from that song ring true for a community-minded North Idaho business.

The Idaho Pour Authority is a craft beer store and taproom located in downtown Sandpoint. Though relatively new—founded in 2013—IPA quickly became a community gathering spot, a place where it feels like everybody knows your name.

This friendly atmosphere is due to the deliberate attempt by IPA’s owners, husband and wife duo Jon Hagadone and Vicki Reich, to provide an inviting meeting place where local nonprofits can hold outreach and fundraising events.

To date, 21 groups have held events in the welcoming wood- and glass-filled establishment. ICL has hosted several successful events, including holiday gatherings, trail events and Bay Trail Fun Run packet pickups.

The couple puts extra effort into helping the nonprofits coordinate great events—from finding regional breweries to donate kegs of craft beer for the cause to booking and paying for live music. They also run a raffle at each event to benefit the organization and supply many of the prizes. To top it off, they promote the event and offer complimentary appetizers.



Idaho Pour Authority nonprofit events / Phil Hough

To date, 21 groups have held events in the welcoming wood- and glass-filled establishment. ICL has hosted several successful events.

“Cheers!” Jon and Vicki, for your help and support of ICL and our North Idaho community. Now everybody will know your name!

Nancy Dooley
Community Engagement Associate
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Members, Legislators Hobnob

The Idaho Conservation League and Conservation Voters for Idaho joined forces to host our annual legislative reception at Beside Bardeny in Boise. Members of both groups struck up conversations with legislators—in town for the session at the Statehouse—over a glass. The festive event was well attended with more than 100 people showing up.



2016 legislative reception / MB Whitaker

A Collaborative Award

Last November, the Clearwater Basin Collaborative was presented the Abraham Lincoln Award for External Partnership by the U.S. Department of Agriculture. Along with other CBC members, ICL's Jonathan Oppenheimer was recognized because of the "thoughtful, deliberative problem solving that resulted in accelerated restoration and ecological, social and economic benefits for the citizens of North-Central Idaho." Secretary of Agriculture Tom Vilsack made the presentation in a Washington, DC, ceremony.

Jonathan has represented ICL on the CBC since the group was formed in 2008. The self-governing group of local government, industry, conservation and economic development interests was convened by Sen. Mike Crapo to protect and enhance the lands, waters and economies of the Clearwater Basin.

To date, the CBC has attracted millions of dollars that have restored water quality, created jobs and enhanced wildlife habitat. The group continues working toward a legislative package to permanently protect hundreds of thousands of acres in the Nez Perce-Clearwater National Forests.

J. R.

The Clearwater Basin Collaborative gathers to hammer out collectively beneficial solutions.



Clearwater Basin Collaborative / Jonathan Oppenheimer



Dreams of Trout (detail) / ICL 2016 Artist in Residence Josh Udesen

Cover Splash

We are pleased to feature the work of ICL's 2016 artist in residence, Josh Udesen, on this issue's cover. Find out more about Josh at www.idahoconservation.org/about/artist-in-residence.

Volunteers

Our thanks to the volunteers without whom our achievements would not happen. (11/15/15–2/15/16)

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Roger Jorstad	Richard Warren
Kim Kelley	Carol Wilburn

Calendar

Visit our website for complete information about these and other great ICL events: www.idahoconservation.org/events

Sunday, Apr 10—Wolf Tracking-Ecology Snowshoe Tour, Ketchum. Learn about wolves in the Wood River Valley.

Thursday, Apr 14—The Idea of Nature: Adventures in a Natural History Museum, Boise. ICL is proud to be a sponsor of Boise State University's interdisciplinary exploration lecture series.

Saturday, Apr 16—Weiser River Appreciation Day. You are invited on a special trip to visit southwest Idaho's free-flowing Weiser River.

Wednesday, May 11—Hiking the Centennial Trail, Meridian. Dust off your hiking boots and join us!

Wednesday, May 11—Science Pub Happy Hour, Ketchum. ICL's Austin Hopkins will tell the story of a recent discovery of about 70 motor vehicle injection wells.

Friday-Saturday, May 20-22—Wild Idaho! 2016, Redfish Lake. Registration for this year's annual ICL conference on the shores of Redfish Lake near Stanley opens on Apr 4.

Sunday, June 12—Bay Trail Fun Run, Sandpoint. Help steward a stunning waterfront trail at a community event.

Remember the Idaho Conservation League in Your Estate Plans

We hope you will consider the Idaho Conservation League in your estate planning. Memorial gifts and bequests are placed in our endowment fund so that these gifts can permanently support conservation in Idaho. We welcome inquiries about bequests to Aimee Moran at 208.345.6933 x 15 or amoran@idahoconservation.org.

If you wish to make a provision in your will, the following general language is suggested:

"I give, devise and bequeath to the Idaho Conservation League, an Idaho not-for-profit corporation, located on the date hereof at 710 North 6th Street, Boise, Idaho, 83702, the sum of \$____" (or specifically described property).

Membership Renewal Made Easier! Your annual membership renewal date is printed on the mailing label below. Please help save costs by renewing your membership before it expires. Renew online at www.idahoconservation.org or use the enclosed envelope.



Idaho Conservation League

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Double your Idaho lovin'!

Redfish Lake / Peter Lovera

*Don't wait—
this special
match lasts
until March 31
only!*

Thanks to a generous anonymous member, we have a \$5,000 match to grow ICL's Advocates for Idaho, our monthly giving program. Sign up to be an Advocate for Idaho today; your monthly gift will be matched, dollar for dollar, up to \$5,000.

Already an Advocate for Idaho? Thank you! Increase your monthly gift now and your increase will also be matched dollar for dollar!

Sign up at www.idahoconservation.org/donate, check the Advocates for Idaho box on the enclosed envelope, or contact Jenny Estes (jestes@idahoconservation.org or 208.345.6933 x 17).