

Spring 2001 CWCS Newsletter

President's Column

We are entering a new era filled with anticipation. President Bush has picked Gale Norton as our new Secretary of Interior. She comes to this office with an outstanding background. Property rights issues are her mainstay. She has a keen ability for conflict resolution, and common sense rules her psyche and agenda. Norton plans to make a bigger inclusion of the people that are most impacted by Department of Interior decisions. This is a welcome contrast from the top down and secretive management style of her predecessor, Bruce Babbitt.

Another ray of hope comes with the Bush Administration's pick of Ann Veneman as Secretary of Agriculture. This is the governing body of the U.S. Forest Service. Many statements made thus far by Veneman give us expectations that common sense will be the rule and not the exception.

Gone are previous Secretary Glickman and past administration holdover Forest Chief Mike Dombeck. As Chief, he pushed the "Roadless Initiative" which will reduce forest logging, access and overall forest health. Dombeck introduced pseudo-science based on feelings and put them on an equal if not higher level of importance than factual based forest management. He turned his back on multiple-use and renewable resource management and was looking to replace it with a preservation-based model with little or no human impact.

CWCS has contacted both Federal departments and has offered our assistance in any way possible to bring forth goals consistent with forest and land management based on renewable resource logging, multiple-use and access. Time will tell if our efforts are rewarded.

Environmental preservation groups want mankind out of our forests so that nature can take its course, but they are forgetting one critical fact – Mankind IS a part of nature!

Guy Holmes, President, CWCS

CWCS President on WELY

Recently CWCS president, Guy Holmes was contacted by WELY radio for an interview on forest resource issues. Holmes spoke on the following:

CWCS has been growing at a fast pace, surprisingly with more memberships coming from outside Minnesota than within. Our goals are not membership but rather educating the public into realizing that mankind belongs in our forests. We carry a great burden to manage them in a scientifically responsible manner. We part company with those that say that mankind is the root of all evil.

While it is true that we have made mistakes in the past, we have also learned from those errors. Logging practices have changed dramatically over the past 100 years. They are constantly evolving, offering greater protections than ever before. The loggers that CWCS has met with have a genuine concern for the environment as we do.

Because CWCS supports all forms of outdoor recreations, including motorized, we often get painted by some environmental groups as motor-heads or pro-motor. We try to

strike a balance of supporting multiple-use recreations, protecting our resources and economic development.

‘Common Sense’ returns to the White House

In January 2001, before President Clinton left office, he issued numerous last minute executive orders, regulatory rulings and created several new national monuments at the urging of preservation groups.

One such ruling, the Roadless Area Conservation Rule, would virtually end all logging, road building, and mineral leasing on 60 million acres of national forest lands. The Bush administration has issued a 60-day stay on rules that have not gone into effect.

In a March 13 statement President Bush said, “there are parts of the monument lands where we can explore without affecting the overall environment.” The Bush administration is not looking to repeal all the monument designations, but they are looking at scaling them back and allowing more uses, such as multiple-use recreation, logging and mining.

Secretary of the Interior Gale Norton recently stated that the Bush administration would be looking at “all public lands” for new sources of energy, including the new national monuments designated by President Clinton.

Bush to modify ban on roads

The Bush White House will put in place Clinton administration regulations intended to protect national forests from development but will allow those rules to be amended case by case.

The decision returns to local officials the power to modify a plan that would have banned new road building and most logging on 60 million acres of federal land. This amounts to about one-third of the national forests.

It has been reported that the Bush administration supported the broad intentions of the Clinton policy, but the changes were intended to address concerns raised by Judge Edward J. Lodge of U.S. District Court in Boise, Idaho. The administration feels that local forest-management procedures can address the judge's concerns.

‘IT’ Passed

‘IT’ is New Mexico Senate Bill One (SB1), legislation giving New Mexico County Commissioners emergency powers over public lands in their counties. The law was driven by uncontrollable but preventable wildfires and unresponsive federal agencies.

The benchmark SB1 was signed into law by NM Governor Gary Johnson after it passed through the legislative bodies and committees. New Mexico representatives passed the bill under the threat of environmentalist lawsuits and warning from the federal government of retaliation by withholding federal funds.

SB1 will probably be challenged in the U. S. Supreme Court but IT’s proponents believe that the high court will back those states which choose to protect their citizens. As

it stands today, SB1 is perhaps the strongest state law in America exerting local sovereignty over public lands.

Excerpted language from IT (SB1), amendments and the Public Affairs indicates the power and extent on the bill:

- “Numerous citizens and government officials in the state of New Mexico have repeatedly petitioned the United States Forest Service both collectively and individually at public meetings, by correspondence and by telephone to request that the forest service take appropriate action to remove or eliminate the conditions that have created a state of emergency caused by a present risk to the lives and property of citizens in and adjacent to national forests within New Mexico.”
- “All the petitions have for all practical purposes been either ignored or discounted by the United States Forest Service resulting only in what can be reasonably characterized as inaction on the part of the forest service to appropriately reduce, if not remove, the risk to the lives and property of the citizens of New Mexico.”
- “Because the United States Forest Service has failed to exercise its responsibilities as a sovereign to protect the lives and property of the citizens of New Mexico and because it is a fundamental principle under the laws of any just society that the persistent failure of a sovereign to fulfill such obligations constitutes grounds for the forfeiture of jurisdictional supremacy, such a forfeiture must hereby be recognized and declared; and) because of recognition and declaration of this forfeiture of jurisdictional supremacy, a jurisdictional vacuum has been created that requires the state of New Mexico to acknowledge its obligations as a sovereign power to protect the lives and property of its citizens and consequently to authorize any action it presently deems necessary to fill the vacuum created by the federal government by assuming jurisdiction to reduce to acceptable levels, if not remove, the threat of catastrophic fires posed by present conditions in national forests within its borders.”
- “It gives any agent of the county full and unfettered access to national forests and relieves these agents from any criminal or civil liabilities related to their actions on improving forest health.”

Montana and Wyoming citizens applauded Otero County Commissioners for their hard work on SB1 and have begun working on a bill in their states. The same action should be taken in Minnesota before the wildfires start throughout the northern parts of the state. Justin Case, editor of Waking Times summed ‘IT’ up in an editorial.

“The State of New Mexico has stood up for states' rights in an UNPRECEDENTED fashion. It is nearly a miracle that against all odds and predictions, a sparsely populated Western State has drawn a line in the sagebrush and shouted a firm and resounding, "NO!" New Mexico Senate Bill One could very well turn the tide of inactivity and hopelessly grid-locked federal land policy throughout the West as county commissioners realize their power to get the same sort of gritty legislation passed in their states.”

Isle Royale Boaters Association (IRBA) Legal Filings

The IRBA originally filed suit against the National Park Service in August 1999.

The original complaint was amended by the IRBA, and the result is the Amended Complaint, which is the suit now working its way toward judgment.

On January 16, 2001, the IRBA submitted its Memorandum in Support of Summary Judgment to the Court. The defendants failed to file their corresponding motion at that time.

On February 23 the defendants did deliver what they characterized as a Memorandum in Support of Defendants' Motion for Summary Judgment. This filing was late and twice the numbers of pages that the judge had allowed for the filing. These facts led the judge to sanction the Assistant United States Attorney. The judge also moved the trial date to give the IRBA sufficient time to respond to the government's late filing. (We are currently working to get the government's lengthy filing.)

On March 26 we filed our Response to Defendant's Memorandum for Summary Judgment. This is our last filing before the judge hears the case.

Oral arguments on the case are now scheduled for April 20, 2001, in the U.S. District Court in Grand Rapids, Michigan. IRBA will keep you informed.

Improved Communications

Because of the 1999 blowdown, within and surrounding the Boundary Waters, there is a great concern about emergency evacuation and communications in the event of wildfire.

Additional cell phone towers are now being installed along the north shore to aid communications in that area. Some people are bothered by the flashing red light and consider the towers a visual impact to the area. Lake County's Planning & Zoning Commissioner Dick Segal has stated that the towers service a public need, but they will be subject to guidelines.

VNP Controversy

This past March, freedom, economic development and outdoor recreation were put to the test against the National Park Service. Snowmobilers in the Lake Kabetogama area have held a radar run on the lake for the past 18 years. There had been no problems or objections with this event until this winter, when Barbara West, Voyageurs' National Park superintendent, was 'made aware' of a 1983 regulation that prohibits any snowmobile racing in national parks. West refused to issue a permit for the event.

There's nothing like a controversy to bring the crowds out. Over 400 people showed up on Tom Cod Bay of Kabetogama, with over 100 snowmobilers running the ice track.

In a symbolic defiance of the National Park Service, which had refused to issue a permit for the event, the Koochiching County issued their own permit for the race. Snowmobilers abided by the park's 50 mph speed limit on a shortened racetrack. Several county commissioners were present, with Koochiching County Commissioner Wade Pavleck and St. Louis County Commissioner Mike Forsman the first to run the ice.

Seven county sheriffs and a park service plane flew overhead to assure the event proceeded without incident.

Stating that Voyageur superintendent Barb West represents a management style of capricious and arbitrary decision-making, the Koochiching County has requested West's removal.

Sigurd Olson Lecture Series

Dave Foreman, co-founder of the radical eco-terrorist group, EarthFirst!, board member of The Sierra Club and author of *Confessions of an Eco-Warrior* spoke to audiences at Vermilion Community College in Ely, MN and at UMD in Duluth, MN.

Foreman's presentations were part of the Sigurd Olson Lecture Series across parts of Minnesota and Wisconsin during March of 2001. Former Elyite Becky Rom who has served on the Wilderness Society board of directors and vice chaired the Friends of the Boundary Waters opened the evening with her personal tribute to Sigurd Olson. Rom, a lawyer, advocates for stricter environmental and land use regulations in northern Minnesota, but strangely enough has been known to push for more regulations in the Minneapolis/St. Paul area.

Olson had been an educator at the Ely High School and at the Ely Junior College before serving as dean of the college. He was an advocate for conservation and throughout his life, Olson was actively involved in wilderness protection. Olson is also a well-known nature writer, having written a dozen or more books before his death in 1982.

Rom, in her tribute to Olson, never fails to mention that during the heated debate of the 1978 BWCA Wilderness legislation that Olson was hung in effigy. This harmless practice of civil protest by local Ely residents, outfitters and resort owners was in protest of the ever-increasing and restrictive wilderness protection that had a direct impact to their livelihoods. Olson supported this blatant disregard of the 1964 Wilderness Act, which allowed for the continuation of well-established and legally limited motor uses in the Boundary Waters.

Time has past and some of the old wounds have healed. Sigurd Olson is accepted as a talented nature writer, but there are many who still disagree with his advocating for full wilderness protection of the Boundary Waters. Conservationists with Common Sense continues to fight for the protection of multiple-use of these public lands and waters.

“Everyone has a listening-point somewhere. It does not have to be in the north or close to the wilderness, but some place of quiet where the universe can be contemplated with awe.”

Passage from *Listening Point* by Sigurd Olson

EarthFirst! co-founder speaks

In his autobiography, *“Confessions of an Eco-Warrior”*, Dave Foreman defends his tactics of monkey-wrenching which included "spiking" trees so that they could not be cut down, "munching" logging roads by the use of nails, toppling high-voltage power lines, as well as other subversive practices that resulted in protecting the environment. Such tactics are not harmless acts of civil protest.

Foreman and four other members of EarthFirst! were arrested in 1989 and charged with conspiracy and eco-sabotage. Foreman ended up pleading guilty to a felony conspiracy charge.

CWCS questions why learning institutions and preservation organizations would give credence to Foreman. We find it hard to believe that Foreman has changed his beliefs. He's just found an easier way to make money – by making speaking appearances. In both Ely and Duluth, Foreman continually distanced himself from his extreme eco-terrorist activities of a decade ago. Instead, he focused on the Wildlands Project, which seeks to create corridors between wilderness areas for large animals to travel.

Foreman's lecture followed the format of a slide presentation of an imaginary river he called "The River Wild", which represented the evolution of the conservation movement in this country from the 1800's to the present. The presentation, with slides of wildlife, wilderness and forest scenes was accompanied by Foreman's live commentary.

Some of Foreman's accounting of the history of the conservation movement and our National Park System was both interesting and factual, but many of his comments were inconsistent and misleading. He repeatedly portrayed man as an alien and enemy of nature, rather than an integral part of it.

This mindset – of man as Enemy #1 – comes through quite clearly in the latest plan Foreman is promoting called The Wildlands Project. This ambitious program sets apart enormous tracts of wilderness across the U.S. for wildlife habitat – at the exclusion of human activities or habitation. Even areas as large as the 3.2 million acres of Yellowstone national Park may not be large enough for wolves, grizzly bears, wolverines and cougars to roam without being disturbed by people. In addition, Foreman claims expansive "corridors" are needed for these large carnivores to travel from one wilderness area to another without being inconvenienced by road or people. Strangely enough, Foreman didn't mention what was supposed to become of the people presently inhabiting these "wilderness areas" he wants to set aside.

Perhaps his most deceptive tactic was to use the words "conservation" and "preservation" interchangeably. Preservation excludes man from the equation; conservation includes people as a central component in managing our natural resources. CWCS supports the latter.

BWCA Land Exchange

In January, a meeting was held in Duluth over exchanging state land for federal land in the Boundary Waters Canoe Area. An inventory of state land by the University of Minnesota-Duluth originally identified 312 parcels totaling 11,740 acres to use as a basis for estimating the total value of about 120,000 acres of land in the BWCAW owned or controlled by the state. Realizing the magnitude of such a land swap has the Minnesota Department of Resources and local legislators looking to scale back the swap to 5,000-7,000 acres. Members of the congressional delegation indicated that Congress could approve a larger deal, but only if it had broad public support in Minnesota.

The reason for the inventory and possible land exchange is to generate monies for the school trust fund. The state designated School Trust land so that revenue from that land could benefit the public school system. Federal law prohibits timber management on

wilderness land. As a result, state school trust land within the Boundary Waters has not been earning money for the School Trust since the creation of the BWCAW in 1978.

Almost 90 percent of the state land in the BWCAW is designated school trust land. Lake County Commissioner Clair Nelson, present at the January meeting, said there is a constitutional requirement for state trust fund lands to produce revenue. The lands within the wilderness have not yielded any income for over 20 years because wilderness regulations ban logging and mining. These are ways school trust lands generate income in northern parts of the state.

The money the state receives from school trust fund land goes into an account that is invested by the state. That account has around \$580 million in it. A portion of the interest from that account is used to help fund K-12 education in the state.

State officials are anxious to resolve this issue, but there are strong and varied opinions in opposition and support of any state land exchange within the Boundary Waters. Some say the state would be far better off economically by selling the land, since annual interest on the sale proceeds would likely far exceed the revenues that could be generated on exchanged lands. Supporters of the exchange say they prefer to hold onto as much state land as possible, since the price of land continues to rise.

Another concern of CWCS's is the possibility of the state losing all control of land management within the Boundary Waters if an exchange of state lands is made. Without any holdings by the state, what is to stop preservation groups from banning hunting or other activities in the wilderness?

DNR Plans Demonstration Forest Project

The Minnesota Department of Natural Resources is considering a 200,000-acre demonstration forest in northeast Itasca and St. Louis Counties.

The project will consist of public and private lands and provide an opportunity to implement and monitor new forest management techniques. The project is part of DNR Commissioner Allen Garber's "Vision for Minnesota Forests".

Garber recently visited Finland, which has about .1 percent of the world's forests, but produces about 15 percent of the world's paper products. Garber explored some of the Finnish forest techniques. One of the innovations involves computerized timber marking. It would eliminate paint on trees and set parameters with loggers deciding which trees to be cut.

Garber decided to try some of the innovations in a demonstration forest and 10 sites were considered. The area selected in northeast Itasca and St. Louis Counties met the criteria, which included multiple ownership and different types of trees.

There has been some opposition to the Finnish forest techniques from hunters and groups like the Ruffed Grouse Society which support clear-cutting.

Conservationists with Common Sense is still gathering information on this process before taking a stand in support of opposition to it.

Forest Service Issues Burning Restrictions

All campfires, charcoal and wood-burning camp stoves will only be allowed in the blowdown areas of the Superior National Forest, to hours between 7pm and

midnight. Propane and gas stoves will be allowed at anytime. A written description of the blowdown area including lake lists and maps, is available on the Superior National Forest web site at www.fs.fed.us/r9/superior or at any Forest Service office.

These restrictions have been put in place because of the unprecedented fire danger resulting from the July 1999 Windstorm.

Governor Signs Wetlands Bill

Wisconsin Governor Scott McCallum has signed a bill restoring the state's power to regulate wetlands. The Senate and Assembly passed the Legislation by unanimous votes during a special session McCallum called specifically to take up the wetlands bill.

The Assembly and Senate passed competing measures earlier this year to restore the power to regulate some 1.6 million acres of marshes, swamps, and bogs, but they couldn't reach a compromise. The state lost that authority to oversee the environmentally sensitive land four months ago through an U.S. Supreme Court ruling.

McCallum worked with Legislative leaders to broker a deal on compromise Legislation that passed both Houses. The bill will go into effect this May.

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CWCS Membership Renewal Time

This year CWCS is doing something a bit different. Instead of mailing out our boat, motor & trailer raffle tickets we are having a separate “Early Bird” drawing for new and renewal memberships and dues returned by August 1, 2001. The drawing will be held at **CWCS’s 12th Annual Meeting/Picnic/Fundraiser on Saturday, August 18, 2001** at the Longbranch in Winton. Along with this change and “Early Bird” drawing, CWCS is

also **increasing our dues to \$15**, as our costs have gone up over the years – printing, mailing, transportation, etc.

Prizes for the special membership drawings are: 1st prize – *(to be determined)*; 2nd prize – handheld GPS Unit; 3rd prize – Fish Locator.

Our meeting will once again be in conjunction with the **Ely/Winton Rod & Gun Club's Hawg Fishing Contest**. Food and beverages will be available throughout the afternoon, with the meeting starting at 5 p.m. This will be followed by guest speakers (to be announced later) and the drawing for a boat/4-stroke motor/trailer to be held at 7 p.m. The raffle for the boat package will be limited to 2500 tickets, at \$5 each. Remember, this is CWCS's only fundraiser.

The "Early Bird" drawing will also be held at the annual meeting, along with drawings for numerous door prizes. See you there!

Take a Stand (or in the words of Dorothy Molter's, "If you don't think you are getting what you want out of life, you are probably getting what you deserve.")

To CWCS:

We have had a cabin on Snowbank Lake for over twenty years. We love it, and thanks to your group we will continue to. You do great work.

Thank you, Rod & Marcia Bailey.

Get involved! CWCS needs our members' input on public land and water issues of concern to you. Help us determine the direction in which you want CWCS to go in the 21st century and what issues to help you tackle. Please send your letters, comments, interests and concerns to: CWCS Issues, P.O. Box 252 Ely, MN 55731

CWCS has NEW hats!

The hats come in three colors – all moss; dark green & moss bill; and khaki & moss bill. Each are embroidered with the CWCS logo.

The price of the hats is \$20, postage paid. Order your today!

Did you know . . .

The percentage of Africa that is wilderness is 28%.

The percentage of America that is wilderness is 38%.

With BWCAW permits getting harder to come by, be less independent and more accommodating to others. Take advantage of the nine-person/four boat limits. Ask your friends to join you on your permit. Share your Boundary Waters experience!
