

CWCS

Preserving access to and multiple-use of
public lands & waters

Conservationists
with
Common
Sense



SUMMER 2015 NEWSLETTER

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What are school trust lands? And why does it matter if they are traded or sold?

Conservationists with Common Sense (CWCS) has done quite a bit of research on the exchange of School Trust Lands over the past several years. This issue is far more important than just to Minnesota. There have been U.S. House hearings with representatives testifying from Minnesota, Alaska, Arizona, Utah, Idaho, and others states have demanding exchange of these state-owned lands landlocked in wilderness areas with federal lands outside of the wildernesses. CWCS supports the full exchange of School Trust Lands in the Boundary Waters Canoe Area Wilderness (BWCAW). Our position has not changed over the years.

Here is information about the forming of School Trust Lands and laws governing them.

What are school trust lands? School Trusts Lands were granted by the United States to each state joining the union beginning with Ohio 1803 through Alaska in 1959. These lands were granted in trust for the support of public education. Initially, each state received one square mile in each six square mile township. As western states were added, the grants expanded to two sections per township. When Utah, Arizona, and New Mexico entered the union they were granted four sections per township.

The states gave up the right to tax federal lands in return for the granted lands. For the U.S. as a whole, 28.7 percent of all land is federal. But 88 percent of the federal lands in the contiguous 48 states is in eleven western states, compounding the difficulties of funding education in these states. Nationally, there are 45 million acres of school trust lands granted in state Enabling Acts for a single, explicitly stated purpose - to support

public schools.

How does the land generate money?

Leasing or selling the surface or minerals is how the land generates revenue. Payments are received through sales through public auction, leases, royalties and bonus payments. Land use varies state by state from grazing, agriculture, and timber to mining, commercial, and rights-of-way.

Minnesota has 2.5 million acres of School Trust Lands. More than 92 percent of remaining School Trust Land is located within ten northern Minnesota counties. These lands are administered the Minnesota DNR.

The Constitutional Convention of 1857 discussed the handling of school lands, and it was determined that if the lands were sold, it must be at public auction, the principal to be reserved forever, and the income from this Permanent School Fund to be distributed to school districts in proportion to the number of students enrolled.

Yes, many of Minnesota's and other states' School Trust Lands have been sold as allowed by their state's constitution. **BUT, where School Trust Lands were surrounded by designated wilderness with the passage of the 1964 Wilderness Act, the Act mandates that these state-owned lands be exchanged. There is no mention of purchase of these lands by our federal government.**

STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

SECTION 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private own-

ers shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture.

Minnesota has definitely not been assured adequate access to their State-owned land as stated in the 1964 Wilderness Act. The Act does address acquisition of private lands by purchase.

Acquisition. (c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

In 2010, the Minnesota Legislature's Permanent School Trust Fund Advisory Committee appointed a working group to develop a plan to meet the land management goals of both the State and Forest Service regarding school trust lands in the BWCAW. The working group included interested stakeholders from education, environmental groups, timber industry, mining interests, and local government. CWCS was not invited to participate in this working group. Had we been invited, we would have informed the group of what the 1964 Wilderness Act states about state and private lands within wilderness areas.

In 2012, Minnesota Congressman Chip

(Continued on Page Two)

CWCS mission statement: To educate the public in order to preserve reasonable access to and sensible, multiple-use recreation of public lands and waters (**including motorized uses**) in Northeastern Minnesota, especially the Boundary Waters Canoe Area Wilderness (BWCAW), with care for the environment.

Why CWCS continues to fight: "(We will) embark on a 10 year campaign to get every single motor out of the Boundary Waters" - Brian O'Neill, quoted in May 20, 1998 Minneapolis Star-Tribune

What are school trust lands? And why does it matter if they are traded or sold?

(Continued from Page One)

Craavack introduced his bill H.R. 5544-Minnesota Education Investment and Employment Act 2012 addressing the exchange of School Trust Lands in the Boundary Waters. Betsy Daub policy director the Friends of the Boundary Waters testified at the hearing for H.R. 5544 that her organization was a part of the working group that came up with the Forest Service's proposal of a hybrid approach. This hybrid plan is to exchange one third of the School Trust Lands in the Boundary Waters and two thirds federally purchased. Daub testified that after a year of meetings, the working group produced a thoughtful list of candidates for a partial exchange.

H.R. 5544 passed in the U.S. House in 2012, but neither Minnesota Senators would introduce a companion bill in the Senate.

Numbers vary as to how many acres of School Trust Lands are in the Boundary Waters, from 83,000 acres to 93,000 acres. According to 2001 BWCAW inventory, 122,247 acres are in state ownership, both DNR-managed and county-managed. Of this, approximately 93,260 acres are Trust Fund lands.

Since the creation of the Boundary Waters Canoe Area Wilderness (BWCAW) in 1978 School Trust Lands have been landlocked inside the BWCAW. For more than 35 years, because of restrictions on land in the wilderness area, this land has not generated any revenue for Minnesota schools.

The Forest Service's proposal is to exchange 30,000 acres of School Trust Lands landlocked in the Boundary Waters and purchase the rest – 56,295 acres. This was the result of the working group's hybrid approach. The Forest Service says there will be no net loss of national forest lands within the Superior National Forest boundary as a result of the proposed land transfer. The land exchange will result in an increase of federal acres inside the BWCAW and a decrease in federal acres outside the BWCAW.

On the Friends of the Boundary Waters website they no longer support the hybrid approach and state they now oppose any exchange for federal lands outside of the Boundary Waters. They want all 86,000 acres to be purchased by the federal government. CWCS's position has always been to exchange all 86,000 acres for equal value federal lands outside of the Boundary Waters; preferably for federal lands in the same

counties the School Trust Lands are located.

In addition to the 1964 Wilderness Act's mandate that state-owned lands surrounded by wilderness due to the passage of the Act, Minnesota passed a similar law. S.F.1750 passed by Minnesota legislature and signed by Governor Dayton on April 27, 2012.

Sec. 4. [92.80] EXPEDITED EXCHANGE OF LAND WITHIN BOUNDARY WATERS CANOE AREA WILDERNESS FOR FEDERALLY OWNED LANDS.

Subdivision 1.

Purpose and scope.

(a) The purpose of this section is to expedite the exchange of a portion of the state-owned lands located within the Boundary Waters Canoe Area Wilderness. The state owns 116,559 acres of land within the wilderness area, 86,295 acres of which are school trust land.

(b) Exchange of school trust lands within the Boundary Waters Canoe Area Wilderness for federally owned lands located outside the wilderness area will preserve the spectacular wild areas while producing economic benefits for Minnesota's public schools.

Private sale of surplus state-owned land in the Boundary Waters is mentioned in this 2012 law, but it would have to be condemned. Presently there is a bill in the Minnesota Senate calling for the condemnation of School Trust Lands but there has not been any bill passed.

CWCS is opposed to any such condemnation as this is not in the best interest for Minnesota or its schools. We see this as a last ditch effort by environmental groups – all fifteen of them that signed a letter last March to Minnesota legislators – to push for the condemnation of School Trust Lands. The main reason these groups want School Trust Lands condemned, rather than exchanged for federal lands outside of the Boundary Waters, is because they will not have as much influence on how the state manages these lands.

In 2013, an oversight hearing was held on School Trust Land ownership within federal conservation areas, and in 2014 Congressman Rob Bishop of Utah introduced H.R. 4901- Advancing Conservation and Education Act of 2014. H.R. 4901 Allows Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota,

Oregon, South Dakota, Utah, Washington, or Wyoming (western states) to relinquish state land grant parcels wholly or primarily within federal conservation areas and to select, in exchange, unappropriated public land within the state. Defines "federal conservation areas" as lands within the outer boundaries of units of the National Park, National Wilderness Preservation, National Wildlife Refuge, or National Landscape Conservation Systems and certain designated lands within the National Forest System. Hearings were again held, and interesting to note, The Wilderness Society considers H.R. 4901 a win-win for public lands, the economy and public schools.

As you can see the issue of landlocked School Trust Lands in our nation's wilderness and other conservation areas in states from the West to the Midwest has been before Congress many times.

The Forest Service and Minnesota's DNR have identified 39,074.65 acres of federal lands outside of the Boundary Waters. It is now time to exchange them for 39,074.65 acres within the Boundary Waters. Minnesota and the Forest Service must follow laws mandating these exchanges, especially the Grand Daddy of all legislation, the 1964 Wilderness Act.

Bottom line, federal law – the 1964 Wilderness Act – trumps state law. States can not change federal laws.

Lake County passed a resolution in support of the land exchange but opposes any purchase of land in the Forest Service's hybrid approach.

The scoping comment period for the School Trust Land Exchange has been extended. Please submit comments by May 15, 2015.

Peter Taylor
Superior National Forest All Units
8901 Grand Ave Place, Duluth, MN,
55808
prtaylor@fs.fed.us

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CLEAN WATER
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in Ely's Frandsen Bank
building.*

Message from the President

After a couple wins for common sense with the cell phone tower issue and the South Fowl snowmobile trail appeal it looks like another battle is on the horizon with the Forest Service's School Trust Lands proposal. They want to exchange only 30,000 acres of School Trust Lands in the Boundary Waters and purchase the remaining 56,000+ acres.

Conservationists with Common Sense has provided a voice for issues such as the School Trust Lands proposal and many other issues in the past. We will continue to help represent your views in these matters and ensure that there isn't only a one-sided bombardment of misinformation from the extreme "anti" groups. We depend on and urge you to continue to support our efforts and are truly thankful for all of the support we've received throughout the years. Your continued financial support of our organization will help keep your voice heard on the many issues of today as well as those topics that lurk in our future. Please be sure to update your membership and dues with us. We appreciate your input and financial contributions to our cause.

In this current issue with the School Trust Land Exchange, one must first look to the 1964 Wilderness Act, which mandates that any state-owned land surrounded by wilderness, as designated by the Act, SHALL be exchanged. There is no mention of purchasing these lands. We would urge the counties involved with this issue to remain on top of this and to continue to stand up for the rights of the counties in this issue.

Several open houses were held to inform people of the Forest Service's proposal, and the comment period has been extended to May 15, 2015. Please send in your comments in support of full exchange.

In talking with many Forest Service people at the Ely open house, they didn't seem to realize what the 1964 Wilderness Act has to say about state-owned lands in wildernesses. CWCS has been busy educating them, and even environmental groups, who seem to think they can change federal law with state laws.

Over the past couple years there have been several pieces of legislation introduced in the Minnesota House and Senate urging the condemnation of School Trust Lands. Last March fifteen environmental groups, including Northeastern Minnesotan for Wilderness, Izaak Walton League, Nature Conservancy, Minnesota Deer Hunters Assoc. and others signed a letter encouraging the passage of these bills.

In 2012, one such bill was passed and signed by Governor Dayton. S.F. 1750 is a law to expedite the exchange of School Trust Lands in the Boundary Waters. This law also wrongfully allows the state to sell surplus state-owned lands in the Boundary Waters to the federal government once it has been condemned. School Trust Lands and surplus state-owned lands outside of the Boundary Waters can be addressed in this manner, but not those within the Boundary Waters. The 1964 Wilderness Act must be upheld!

Please stand with Conservationists with Common Sense! Your membership dollars are needed to keep you informed with our newsletters, and to assure the School Trust Lands and other state-owned lands in the Boundary Waters are exchanged for federal lands outside of the Boundary Waters.

CWCS appreciates your support, past and present. Take a look at the address label to see if PAID 2015 is above your name.

Be sure to look for the CWCS booth at Ely's Blueberry Festival and Harvest Moon Festival and buy our boat raffle tickets, or order them on the membership form.

Nancy McReady, CWCS President

Great Lakes wolves returned to endangered list, legislation being proposed to undo ruling

Hunting and trapping wolves in the Great Lakes region is no longer allowed, according to the U.S. Fish and Wildlife service.

Wolves in this region, and in Wyoming, were returned to endangered or threatened species lists, February 20, 2015.

Several members of Congress, including 7th District Democratic Rep. Collin Peterson, are preparing legislation to undo a recent federal judge's ruling that relisted gray wolves as endangered in Minnesota, Wisconsin, Michigan and Wyoming. The ruling has halted wolf hunting seasons in those states.

The effort in Washington is being led by U.S. Rep. Reed Ribble, R-Wis. He has been joined by Peterson, Dan Benishek, R-Mich., and Cynthia Lummis, R-Wyo.

The Washington D.C. judge's ruling tossed a decision by the Barack Obama administration that delisted wolves in the western Great Lakes region, where the combined wolf popu-



lation is estimated at around 3,700. A different federal judge had ruled in September that Wyoming no longer had wolf management authority, which returned that state's wolves to federal protections under the Endangered Species Act.

Judge rules in favor of Forest Service

by Rhonda Silence

On February 13, 2015, Judge John Tunheim issued a long-awaited opinion on the U.S. Forest Service 2006 decision to construct the South Fowl snowmobile trail between McFarland and South Fowl lakes in Hovland. Reached by phone after the ruling became public, Attorney David Oberstar said the ruling was “all in favor” of the U.S. Forest Service.

Oberstar, of Fryberger, Buchanan and Smith of Duluth, represented Cook County, the Arrowhead Coalition for Multiple Use (ACMU) and Conservationists with Common Sense (CWCS) as interveners in the lawsuit in support of the Forest Service snowmobile trail proposal. The county, ACMU and CWCS supported the development of Alternative 2, which most closely resembles the trail closed by the Forest Service in 2003, known by many local residents as the “Tilbury Trail.”

The plaintiffs seeking to block the trail were the Izaak Walton League of America, Inc.; Wilderness Watch of Missoula, Montana; Sierra Club Northstar Chapter; and Northeastern Minnesotans for Wilderness (NMW).

Judge finds adaptive management a “harmless error”

The plaintiffs’ primary complaint stemmed from then-Gunflint Ranger Dennis Neitzke’s 2006 decision to build the Forest Service’s Alternative 2 route with the caveat that if the trail were misused it would be closed and a different route (Alternative 4) would be constructed, an adaptive management decision.

Attorney Kristen Marttila, working pro bono for Lockridge Grindahl Nauen of Minneapolis, argued at an October 2014 hearing that the Forest Service had violated the NEPA Act because her clients were not given the opportunity to submit substantive comments on the wisdom of “joining these two action alternatives.” She said her clients had not been able to comment on the

issues that could trigger closure of the trail.

Tunheim acknowledged that the Forest Service left out its “hybrid approach” in the final environmental analysis. However, Tunheim wrote that both of those alternatives had already been considered in great detail and he cited a number of cases in which adaptive management was used to the benefit of the agency by giving policymakers “the discretion to make more nuanced and complicated changes based on shifting conditions.” In fact, Tunheim wrote, the adaptive management approach is better for the plaintiffs, noting that having another alternative available as a backup route ensures that the Forest Service can quickly change to a less invasive route if that is deemed necessary.

For those reasons, Judge Tunheim ruled that the Forest Service decision to issue an adaptive management option was a “harmless error.”

As to the plaintiff’s claim that the monitoring conditions were not comprehensive enough, Judge Tunheim said the conditions were quite clear. In the Forest Service record of decision, it states that the Forest Service will close the proposed trail if: the Forest Service or other entities wish to connect the area to other state trails; if the Forest Service is unable to keep OHVs off the Alternative 2 trail; if illegal incursions from Alternative 2 into the BWCAW start occurring; or if the snowmobile use of Alternative 2 exceeds the route’s capacity.

Tunheim summed up his ruling on adaptive management by writing, “In sum, the Court concludes that, as to the plaintiff’s NEPA claim, the Forest Service’s actions were not arbitrary and capricious.”

Impact of sound on wilderness addressed

Judge Tunheim cited Section 4(b) of the 1964 Wilderness Act in his response to plaintiff’s assertion that the sound

of snowmobiles on the 2.2-mile trail would degrade the wilderness character. Tunheim wrote, “While the Wilderness Act’s protections plainly encompass activity that occurs outside a wilderness area—if that activity impacts the wilderness’s character—the Act does not bar agency activity simply because that activity has some effect on adjoining wilderness.

To determine whether an action “impermissibly degrades” the wilderness character of designated wilderness area, Tunheim said the court considered three factors: 1) the nature of the agency activity; 2) the existing character of the wilderness area; and 3) the extent to which the essential, natural characteristics of the wilderness area are changed by the agency activity in question.

Regarding the nature of the activity, Tunheim said the proposed trail is in the Superior National Forest, which is managed according to the Multiple Use Sustained Yield Act (MUSY), which states that national forests are to be managed for multiple uses, including “outdoor recreation.”

In addition, Tunheim cited the Boundary Waters Canoe Area Wilderness Act of 1978, which directs the Forest Service to “expedite and intensify the program of disbursed outdoor recreation development on the Superior National Forest outside the BWCAW, including consideration of “additional snowmobile trails, particularly those now planned or under construction.”

“Thus, the nature of the agency activity—creating a new snowmobile trail—is not inconsistent with the statutes that guide the management of this particular area, which contemplate balancing recreational uses with protecting wilderness character,” wrote Tunheim.

The second factor, the existing character of the wilderness area was also considered. Judge Tunheim noted that the im-

acted area is a “Semi-Primitive Non-Motorized” management area of the BWCAW and that it borders private land as well as non-wilderness public land. Tunheim noted that snowmobile sounds, as well as motor graders and trucks operating around McFarland Lake, can already be heard throughout the impacted wilderness area and visitor’s expectations for isolation and solitude should be “moderate to low.”

“Given the Forest Plan’s characterization of this portion of the BWCAW, and the fact that snowmobiles and other motorized sounds are already audible throughout the affected wilderness, the construction of a new snowmobile trail is not in conflict with the existing character of wilderness and is not, by itself, enough to establish a Wilderness Act violation,” wrote Tunheim.

The third factor, wrote Tunheim, is whether the activity affects the wilderness area with sound that is similar in volume, duration, frequency and quality to the sound that already exists. Tunheim said this question was the “final and most dispositive factor.” He wrote, “The crux of the dispute is whether the project will impact the auditory characteristics of the wilderness to the extent that it violates the Wilderness Act. Tunheim gave his reasoning why the Forest Service trail proposal did not result in a violation of the 1964 Wilderness Act in eight pages and closed by writing, “Indeed, in an area that has been surrounded by snowmobile and other motorized traffic since the time it was designated as wilderness, where there are few winter visitors and the expectation of solitude is slim, Alternative 2 does not amount to an impermissible degradation of the area’s wilderness character.”

Clear for trail clearing?

The News-Herald contacted Gunflint Ranger Nancy Larson to ask what was next. Ranger Larson said the Superior National Forest was glad to have a deci-

on South Fowl snowmobile trail

sion from the court. She said, “Gunflint Ranger District staff will be examining the details of the court decision and the South Fowl EIS to develop an action plan of items to implement the decision as intended.”

“In light of the time that has passed since this project was first developed, the Gunflint Ranger District recognizes interest in the trail being constructed as soon as possible. The action plan we will develop will likely identify opportunities for volunteers to contribute to trail construction,” said Larson, noting that because of local interest in the trail, she anticipates “a cadre of willing volunteers.”

Larson added, “We thank those that have engaged in this project and their interest in how the national forest is managed.”

Representing groups engaged in the process

“There are all kinds of motor sounds that can be heard in the Boundary Waters,” said Nancy McReady President of CWCS. “Snowmobiles groom ski trails in the Boundary Waters; there are two allowable snowmobile trails to access Canada; there are limited sized motorboats on motorizes lakes; vehicles drive right up to non-motorizes lakes of the Boundary Waters; even the sound of motorized vehicles

at campgrounds or logging that may occur near a wilderness. Sound travels.”

McReady added, “Had the judge ruled against the Forest Service, the ruling would have affected ALL wildernesses not just the Boundary Waters.”

Diane Greeley, secretary of the Arrowhead Coalition for Multiple Use said, “I agree with the judge’s decision due to the language of the 1978 Boundary Waters Act. This trail should have been built back in 1978.”

Greeley added, “One thing that people are forgetting—South Fowl is always referred to as a fishing lake. It isn’t just a great fishing lake; there is a lodge and cabins on both the U.S. and Canadian side of the lake. Those people need access.”

County Commissioner Frank Moe, who represents the Hovland area said, “The Forest Service made this plan over 10 years ago after having a public input process. They will finally be able to re-establish this historical connection. I’ve asked many people and everyone I talked to, who lived anywhere near the proposed trail, including in Grand Portage, was in strong support of the snowmobile trail. It’s time to build the trail.

Moe said, “I am asking environmental groups, who have

opposed the trail, to accept the court’s decision and move on to other, more pressing threats to the Boundary Waters Canoe Area.”

Speaking for the plaintiffs, Kevin Proescholdt of Wilderness Watch said, “We’re of course deeply disappointed. We had hoped he would rule the other way, obviously.

“He sort of agreed with us. He agreed that snowmobile noise would increase in the Royal River area, but just not enough to make a difference to him,” said Proescholdt in a phone interview on February 18.

Asked if trail construction could be delayed by a legal appeal, Gunflint Ranger Larson said, “We are unaware at this time on whether there will be an appeal of the decision by the litigants.”

Proescholdt said he didn’t know how the plaintiffs would proceed yet. “Our organizations haven’t made a decision yet whether or not to appeal. We are trying to set up a conference call with our attorney to discuss this.”

The county’s attorney David Oberstar said he felt an appeal is unlikely. “The plaintiffs could try to take it to the 8th Circuit Court of Appeals. You can always try. But it is unlikely there would be a different outcome. The judge was

very thorough in his opinion.”

A long process

The February 13 decision was the latest in a long series of studies and hearings regarding the 2.2-mile snowmobile trail. Gunflint District Ranger Neitzke closed the trail—known to the area residents as the Tisbury Trail—in 2003 after it was brought to his attention that the trail, which had been used since the 1960s, encroached on the wilderness boundaries established in 1978.

Upon closure of the trail, Neitzke initiated plans to replace it. The first opportunity for public comment on trail planning was in July 2004. After much study, the Forest Service issued a decision in May 2006 to move ahead with the trail. Construction of the trail was delayed by the Cavity Lake wildfire and on August 17, 2006 a legal appeal was filed by the current plaintiffs. In 2008, the court sent the trail proposal back to the Forest Service for more in depth sound analysis, which was completed in March 2013. Legal wrangling began with briefs and motions submitted by all parties until the October 6, 2014 hearing and finally, this week’s ruling.

The plaintiffs have 60 days to decide if they will appeal.

Comments needed on USFS Road Study

Recreational access to northeastern Minnesota’s Superior National Forest via its historic forest road and trail system is under threat of closure due to many years of federal budget cuts. Congress needs to act to restore reasonable budget appropriations for the SNF road and trail systems’ ongoing maintenance. CWCS supports a budgetary solution to this issue before it creates a serious loss of recreational access and adverse economic impact on the tourism of northeastern Minnesota.

Local US Forest Service personnel explain that there is no money available to replace bridges and maintain the level 2 & 3 forest roads. As a result, recreational access to portions of the Superior National Forest

will be severely restricted.

Tourism and recreation are of critical economic importance to all of northeastern Minnesota. With national and state public forest land making up 90% of Cook County, 84% of Lake County and 61% of St. Louis County there are few other options available.

Ironically, Congress is considering legislation introduced by Congressman Nolan to provide funding to extend a national hiking trail – North Country Scenic Trail – across the northern states, including Minnesota. This is at a time when the funding to maintain the SNF forest roads and trails across northeastern Minnesota is drying up. This may result in forcing the closure of these key

recreational assets. Where is the common sense for the federal government to fund the North Country Scenic Trail when it cannot provide the funding to properly maintain the heavily used national forest roads and trails that it already has.

CWCS believes that it is a responsibility of the Federal government and of the USFS to provide an adequate budget for the ongoing maintenance of the current SNF multiple use recreational forest. Thanks to the Arrowhead Coalition for Multiple Use for their help on this issue.

Send your comments before May 22, 2015 to: superiornf-roadsstudy@fs.fed.us

There's a new District Ranger on the Kawishiwi

Gus Smith, new District Ranger on the Kawishiwi Ranger District of the Superior National Forest, comes with extensive fire experience and familiarity with our region.

Before joining the Forest Leadership Team on the Superior National Forest, Gus served at Yosemite National Park for six years as the Fire Ecologist. At Yosemite he worked with academic and federal researchers on fire science research in the Sierra Nevada, ran the fire effects monitoring program, and developed science-based planning tools for wildland fire management. Prior to that, he was on temporary detail to the Sierra National Forest for four months and spent another four months in Washington D.C. working on a detail for the Department of Interior in the Office of Wildland Fire.

Before going west, Gus was a professor at Northland College in Ashland, WI. Gus says he fell

in love with the north woods while there as a college student then went on to teach wildlife ecology and management and other natural resources and biology courses. He became interested in fire when he co-hosted a symposium on the Northwest Sands Ecosystem with the Wisconsin Department of Natural Resources and Chequamegon-Nicolet National Forest. Gus also taught classes at University of Minnesota at Duluth for two quarters.

In addition to academia, Gus has worked as a leader with youth organizations. He instructed at two Outward Bound Schools and worked first as the wilderness tripping program director then as camp director at YMCA Camp Manito-wish, Wisconsin.

As the wilderness program director, Gus says; "I spent a lot of time dropping kids off and picking them up in Ely and at the end of the Gunflint Trail and

hearing their great stories from the trail. But I have been on a lot of great trips in the Boundary Waters and Quetico and think some of those early experiences drove me to a career in natural resources management."

Away from work, Gus, enjoys any opportunity to be outside. He says: "I love to hunt for antler sheds or find unique places and features on the landscape. It doesn't have to be that spectacular to get me out. I often find an unnamed lake or beaver pond on a map and go try to find it." Gus says he loves to cross-country ski, paddle (anything), fish, hunt, bird watch and also loves to read and cook.

Gus is married to Joy Meeker, a Minnesota native, who has



FROM YOSEMITE TO ELY - Gus Smith is the new Kawishiwi District Ranger

four brothers living within four hours of Ely and parents in the Twin Cities. Joy is the Director of Education at Meridian University in California and hopes to continue teaching on-line graduate courses after moving to Ely. Gus says he and Joy are really looking forward to becoming members of the Ely community.

Draft proposal released by MPCA for protecting wild rice from excess sulfate

CWCS is glad to see the MPCA using sound science and common sense to determine safe sulfate levels on wild rice.

The Minnesota Pollution Control Agency is proposing that rather than relying on a single sulfate level for all wild rice waters, sulfate levels should be calculated for each wild rice water, based on location-specific factors. In coming to this conclusion, the MPCA studied how sulfate affects wild rice. The study, which began in 2012, found that:

- In the sediment in which wild rice is rooted, sulfate from the water above is converted to sulfide by bacteria.

- Higher levels of sulfide in the sediment create an environment that is less hospitable to wild rice.

However, certain factors change the rate at which sulfate is converted to sulfide. Most significantly, higher levels of iron can lead to fewer sulfides, and higher levels of organic carbon can lead to more sulfide.

To take these variables into account, the MPCA developed an equation that can determine a sulfate level that will protect wild

rice for a specific water body. The agency proposes collecting sediment samples in wild rice stands, measuring the iron and organic carbon concentrations in the sediment, and then plugging the data into the equation to calculate a protective sulfate concentration for that particular wild rice water.

The MPCA will be scheduling meetings with interested stakeholders to further describe and get input on its proposal. The agency will continue to refine the proposal based on feedback and any new data.

At the same time, the MPCA will consider how the study's findings will inform regulatory decisions and develop the data collection protocol needed to implement the proposal. The MPCA plans to go through formal rulemaking to change the existing standard later this year. The rulemaking will also include listing specific wild rice waters that are subject to the standard.

The MPCA has compiled a draft list of 1,300 wild rice waters, along with a process to add waters to the list over time. Missing from the list at this point is Shagawa Lake

where the city of Ely's wastewater plant is located.

Sites on the list of wild rice waters in St. Louis County include: Bear Island River, Birch Lake, Blueberry Lake, Burntside Lake, Dunka River, Eagles Nest 3 Lake, Embarrass River, Hay Lake, Johnson Lake, One Pine Lake, Partridge River, Pike River, Seven Beaver Lake, St. Louis River, Vermilion River, Vermillion (Rice Bay), White Iron Lake; in Lake County sites include: August Lake, Basswood Lake, Fall Lake, Farm Lake, Gabbro Lake, Garden Lake, Kawishiwi River, South Farm Lake, South Kawishiwi River.

To be on the list, any time after Nov. 28, 1975 there had to have been an abundance of wild rice at some point in time. The list and process are available on the MPCA web site www.pca.state.mn.us/r6wxpf9 The MPCA also proposes that a sulfate standard is not needed to protect commercial wild rice paddies.

From the start of the rulemaking process, the MPCA estimates a two-year time period before the final rules go into effect.

\$5

CWCS RAFFLE

\$5

Tickets available at The Great Outdoors, Zaverl's Bar, Ely Shopper, Skube's Bait & Tackle, LaTourell's Resort, and Blomberg's in Ely & Babbitt. Duane's Marine in Virginia and at Our Place in Finland.

You could win this "Wilderness Approved" Boat

1st Prize

- Alumacraft V-16/floor, Evinrude 25HP E-Tec & Karavan Trailer *(provided by Duane's Marine)*

2nd Prize

- A Day Fishing Trip to Basswood *(donated by) Todd Larson Basswood Trails Guide Service*

3rd Prize

- Framed 'Boundary Waters Camp' print



**Drawing at Annual CWCS Boat Raffle Fundraiser
Sunday, Sept. 13, 2015 at Whiteside Park at close of Harvest Moon Festival**

CWCS RAFFLE TICKET ORDER FORM

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Phone _____ E-mail _____

Number of raffle tickets _____ Total amount enclosed, \$5 per ticket _____

When ordering raffle tickets, be sure to send address labels! We will put the labels on the ticket stubs and hand write your telephone number.


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