

# CWCS

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

Conservationists  
with  
Common  
Sense



WINTER 2014 NEWSLETTER

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## PolyMet SDEIS released, hearings start

A Supplemental Draft Environmental Impact Statement, or SDEIS, for PolyMet's proposed copper-nickel mine in Northeastern Minnesota is under public review and scrutiny. It was prepared by Minnesota Department of Natural Resources, U.S. Army Corps of Engineers United States Forest Service, not by PolyMet.

### Read it

The 2,000-page-plus statement (too much to read, there is a 58-page executive summary - [http://files.dnr.state.mn.us/input/environmentalreview/polymet/sdeis/004\\_executive\\_summary.pdf](http://files.dnr.state.mn.us/input/environmentalreview/polymet/sdeis/004_executive_summary.pdf)) is posted at <http://www.dnr.state.mn.us/input/environmentalreview/polymet/index.html>. Also at the site are fact sheets on issues including water quality, wild rice and reclamation.

### Comment at a hearing

Three public hearings are scheduled to gather feedback, both those in support and those opposing the project.

Thursday, January 16, 2014

DECC – Duluth Entertainment Convention Center

Wednesday, January 22, 2014

Mesabi East High School

601 N 1st St W, Aurora, MN 55705

Tuesday, January 28, 2014

St. Paul RiverCentre

175 West Kellogg Blvd, Saint Paul, MN 55102

Each session will begin with an open

### *Why do environmental groups say water treatment will be required for 200 to 500 years?*

The timeframes used in the water models in PolyMet's SDEIS have nothing to do with water treatment and everything to do with ensuring that downstream water resources are protected in the event untreated water leaks offsite. The models were not designed to determine the duration of water treatment.

The models were designed to determine impacts to water quality at key reference points in the watersheds downstream of the tailings basin (Embarrass River watershed) and downstream of the mine site (Partridge River watershed). The extended timeframes (200 years in one case and 500 years in the other) were needed

in the models to represent the maximum potential impacts at the reference points. The modeling years have no correlation to the years that will be required for actual treatment.

### *What is the sulfide content at NorthMet? Has copper/nickel been mined safely?*

PolyMet's large, low sulfide, low grade ore deposit would be an open pit mine. NorthMet low grade ore contains .31% copper with low sulfur content of .88%. In comparison, the Flambeau Copper Mine in Wisconsin had 11% copper with 30% sulfur. Flambeau has been commended for its strong environmental commitment and record.

house at 5 p.m. followed by 6:45 - 10:00 p.m. formal presentation and public comment period

Verbal and written comments on the Supplemental Draft EIS will be accepted at these meetings.

Responses to comments will not be provided during the public meetings; however, staff from the state and federal agencies will be available to answer questions during each open house.

If you are unable to attend the above

meetings, comment in writing.

Written comments will be accepted through 4:30 p.m., Thursday, March 13. They can be submitted by email to [NorthMetSDEIS.dnr@state.mn.us](mailto:NorthMetSDEIS.dnr@state.mn.us) or by snail mail to Lisa Fay, EIS Project Manager, MDNR Division of Ecological and Water Resources, Environmental Review Unit, 500 Lafayette Road, Box 25, St. Paul, MN 55155-4025. All comments are public, including from whom they came.

## South Fowl snowmobile trail still held up in court

### by Rhonda Silence

Ronald Carlson of Hovland, a retired forester and McFarland Lake cabin owner, is getting tired of the bureaucratic delays regarding the construction of a 2.2-mile snowmobile trail between McFarland and South Fowl lakes. When Carlson heard that

the four environmental groups opposed to construction of the trail, which would replace one closed by the U.S. Forest Service in 2003, had requested—and been granted—the right to amend their 2006 complaint against the Forest Service, he said he wondered if the legal wrangling would ever end.

Carlson, a retired forester, is a board member of the Arrowhead Coalition for Multiple Use (ACMU), which along with Ely-based Conservationists with Common Sense (CWCS), and Cook County, is an

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**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

## Remembering Senator Rod Grams

This past fall, CWCS lost a good friend in former Senator Rod Grams. Our condolences go out to his wife and family. CWCS would like to recap the work Senator Grams did in the name of common sense and preservation of multiple use access to the Boundary Waters.

In the spring of 1996, Senator Rod Grams and Congressman James Oberstar introduced legislation addressing reopening the three truck portages of the BWCAW, eliminating the split lakes confusion of motor usage on the larger lakes, and retaining motor use on Seagull Lake beyond 1999.

Legislative concerns of Voyageurs included retaining snowmobile use throughout the park, forming a joint local/county/state/tribal/federal planning and management of Voyageurs and the BWCAW, and recognition of state jurisdiction and existing interna-

tional treaties between the U.S. and Canada. (It was at the International Falls hearing that Senator Wellstone suggested a snowmobile trail from Ely to the Crane Lake area along the Echo Trail to replace the snowmobile trails lost within the Boundary Waters. This is a snowmobile trail area clubs are still trying to obtain.) Senator Wellstone would not support this bi-partisan legislation, and recommended mediation instead.

Senate and House Hearings were held in Washington D.C. in July of 1996 on the Grams/Oberstar BWCAW legislation concerning the three main points of the legislation - returning the trucks to the three motorized portages between motorized lakes; uniform motor-use boundary adjustments on Lac La Croix, Basswood, Birch Lake of the Moose Lake Chain, Saganaga, and Seagull Lakes, which already allow motors; and the

Inter-governmental Management Council, which would allow local, county, state, and tribal elected officials to work along with federal agencies, giving their input, but not allowing for local control of the management of the Boundary Waters. The Secretary of Agriculture would have the final say in any management plan.

The Grams/Oberstar legislation was defeated in the U.S. Senate by Democrats led by Minnesota Senator Paul Wellstone and assisted by a veto threat from the Clinton Administration.

Even though many of the major stakeholders involved in the BWCAW dispute had declined to participate in BWCAW mediation, the Federal Mediation & Conciliation Service went ahead with Senator Paul Wellstone's mediation plan. CWCS declined to participate for several reasons including the refusal to acknowledge the BWCAW

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## South Fowl snowmobile trail still held up in court

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intervenor in the lawsuit launched against the U.S. Forest Service by the Izaak Walton League of America, Inc., Wilderness Watch of Missoula, Montana, Sierra Club Northstar Chapter and Northeastern Minnesotans for Wilderness.

Carlson is especially frustrated because the trail should have been rerouted long ago. He noted that the trail closed in 2003 predates the creation of the Boundary Waters Canoe Area Wilderness (BWCAW) and follows a logging road built by Grand Marais logger Verl Tilbury. The trail, according to U.S. Forest Service documents, is visible outside the BWCA in 1970. When the Boundary Waters Act of 1978 was passed, the wilderness boundaries were changed and the trail was inadvertently included in the wilderness. No closure signs were posted until 2003.

Carlson said if the trail had been rerouted in 1978, in accordance with the Boundary Waters Act, none of the seemingly never-ending environmental studies and legal issues would be taking place now.

Nancy McReady of CWCS agrees. McReady said that the BWCA legislation clearly states that the trail should have been completed in 1978 per the 1978 Boundary Waters Act, Sec. 18 (a). Expansion of Recreation Programs: The U.S. Forest Service is directed by the legislature to develop snowmobile trails to "to provide motorized recreation experiences similar to those previously available in the Boundary Waters

Canoe Area."

The groups opposing construction of the trail also cite the Boundary Waters Act, claiming that Section 4(b) of the Wilderness Act "does not permit a federal agency responsible for protecting the wilderness character of an area to ignore its wilderness-preservation duties when authorizing activities just beyond the border of the area. Impacts to wilderness are not classified according to the location of the authorized activity."

Rather, Izaak Walton League of America and other plaintiffs claim that the Forest Service has a "duty to preserve the wilderness [that] is wholly independent of the source or location of that activity."

The groups argue that Superior National Forest Gunflint District Ranger Dennis Neitzke did not properly consider the impacts of his February 2006 decision to build "Alternative 2, North Route" with the caveat that if the trail was misused it would be closed. "Alternative 4," a longer, but less scenic and safe trail option would be constructed. In their complaint amendment, the Izaak Walton League and other plaintiffs assert that the public was not given adequate opportunity to comment on this "hybrid" or "adaptive management" proposal.

The Cook County Board of Commissioners has lent its support to the Forest Service's attempt to construct a trail that closely resembles the former "Tilbury Trail," with several motions and financially by hiring David Oberstar of Fryberger, Buchanan, Smith & Frederick of Duluth.

On September 17, 2013, the commissioners voted unanimously to continue to pursue the case, along with CWCS and ACMU by sharing half the cost of the next step of litigation.

Commissioner Sue Hakes said numerous parties on both sides of this issue have spent a great deal of money for a portion of trail that is really not very long. The money spent on it could have been put to far greater use to protect the environment, she said.

Hakes told her colleagues that she will be working with Assistant County Attorney Molly Hicken and representatives of the ACMU and CWCS to prepare for a meeting with Attorney David Oberstar on the ongoing litigation over South Fowl.

Attorney Oberstar said the government had until November 15 to answer the amended complaint. Oberstar said he had filed an answer for his clients, Cook County, CWCS and ACMU. A briefing schedule will come out in an order by early February. The government says it can have the administrative record put together by March 1. After a little delay for everyone to study the record, the motion and briefing process will begin.

Oberstar said his arguments would not be very different than they have been all along. "It's just a small snowmobile trail," he said.

"They are trying to take the wilderness concept too far," Oberstar said. "They don't want the sound to travel into the BWCAW—but it's perfectly legal to ride a snowmobile outside the wilderness."

## Message from the President

It's been a busy year with many meetings dealing with the management of northeastern Minnesota. We've continued to discuss many issues with the US Forest Service. Some of these issues have lingered for years and CWCS is urging action to this mismanagement.

CWCS members met with Rep. Rick Nolan's staffer Tom Rukavina last spring about the need to correct the injustice of the incorrect permit quota levels for the Chain of Lakes. We're very disappointed that we haven't been able to correct this issue, especially since all branches of government agree that the current management isn't in compliance with congressional intent. We look forward to and expect that those that serve us and represent us will fulfill their duty to take steps to correct this mismanagement. We're very disappointed in the inaction of all involved at this point.

Another matter of inaction involves the South Fowl snowmobile trail. Environmental groups have put another delay on the construction of the snowmobile trail from McFarland Lake to South Fowl Lake just north of Hovland along the North Shore. Izaak Walton League of America, Inc., Wilderness Watch, Sierra Club Northstar Chapter, and Northeastern Minnesotans for Wilderness have filed an amended complaint. They have issue with the noise of a snowmobile being heard in the Boundary Waters even though the Forest Service conducted an extensive noise analysis and determined snowmobile noise would be minimal. There are many areas where camps, businesses, and roads are a very similar distance from the wilderness boundary. Are we to tell these other uses that cars, snowmobiles or their lights need to be eliminated? We await the court's decision on this case and are hopeful that common sense will prevail. (See related article)

Coming up soon will be three public hearings (in Duluth, Aurora and St. Paul) to gather comments on the PolyMet SDEIS. (See related article)

## CWCS loses a good friend in Senator Rod Grams

*(Continued from Page Two)*

history and original intent of the 1964 Wilderness Act and the fact that Wellstone was using mediation as a political tool for his re-election. Mediation began on September 11, 1996 two months before the November elections, and continued well into 1997 with no agreement on a legislative recommendation for Congress.

A trimmed down version of the Grams/Oberstar bill was offered the summer of 1997. The BWCAW Accessibility & Fairness Act would reopen the three truck portages to motorized use and eliminate the 1999 sunset of motor use on a portion of Seagull Lake. All other BWCAW issues and the management council were dropped. The BWCAW Accessibility & Fairness Act passed in both the House and Senate Resource Subcommittees and full Committees.

Rep. Bruce Vento and Senator Paul Wellstone both introduced legislation of their own (the BWCA Wilderness Legacy Act and the Boundary Waters Protection,

Expansion and Access Act of 1997) that would increase the size of the Boundary Waters, but neither had any support or even made it to Senate or House subcommittees.

There had been broad support from all across the country for the Grams/Oberstar BWCAW Accessibility & Fairness Act. In the few short months since these bills were introduced, several thousand signatures were gathered from visitors to the Boundary Waters from all across the United States. These signatures were submitted to the Senate and House.

Over 60 Ely businesses gave their support for returning the trucks to Prairie, Four Mile and Trout Lake Portages. In addition, dozens of range cities sent Senator Grams and Rep. Oberstar resolutions supporting their bills, as had St. Louis, Cook and Lake County Commissioners.

The support didn't stop there. A growing list of organizations for the disabled also supported the Grams/Oberstar bills, along with dozens of labor unions, veteran groups, logging organizations.

CWCS is supportive of the PolyMet copper/nickel project in accordance to supportive points of economic development.

CWCS encourages the use of common sense, the best available scientific data, objective analysis, and broad public input on the part of government agencies and elected officials when making and implementing land management and environmental policies.

CWCS cares for our natural environment and acknowledges a healthy natural environment, including clean air, water and soil is essential to present and future generations.

CWCS supports being environmentally, economically and socially responsible when making decisions. The needs of local communities and all users can and must be balanced with the conservation of sensitive natural environments. Common sense is needed in addressing economic development for the betterment of all.

Lastly, CWCS believes in the permitting process, and if science determines PolyMet can operate safely, we support the Minnesota agencies in charge of this permitting to award the permits necessary.

CWCS encourages our members to send in their comments by the March 31, 2014 deadline.

CWCS had another great year of fundraising with our boat raffle. It is always good to meet our supporters at the Blueberry Festival and Harvest Moon Festival in Ely, Minnesota when they renew their membership, buy raffle tickets and encourage CWCS to continue the fight of preserving access of multiple use on our public lands and waters. This year CWCS is happy to announce the winners of our raffle, especially Ely's Gayle Meskill the winner of the boat, motor and trailer package. Gayle, and her late husband Jack, have been strong supporters of CWCS from the beginning, before the 1978 BWCA Wilderness Act. Congratulations Gayle!

2nd prize winner of 2-night stay at Fortune Bay is Larry Willems - DePere, WI;

3rd prize winner of the birch bark framed print is Dan Turnquist - Two Harbors, MN.

Thank you for your continuing support.

Nancy McReady  
CWCS President

With growing support for the Grams/Oberstar BWCAW Accessibility & Fairness Act, MN Rep. Bruce Vento saw the distinct possibility of the bills passing in the full House and Senate without the votes to stop them.

In May of 1998, Representatives James Oberstar and Bruce Vento compromised on their BWCAW legislation allowing the return of motorized transports on two of the three formerly truck portages - Prairie Portage and Trout Lake Portage. Also, two lakes, Canoe Lake and Alder Lake would be made paddle-only lakes. This would go into effect January 1, 1999. Four Mile Portage was not even considered. It would revert to a wheeled portage, but limited portage maintenance by the Forest Service has denied this use.

The Oberstar/Vento compromise legislation was added to a transportation bill, which passed in the House and the Senate. It had the support of Senator Rod Grams, but not Senator Paul Wellstone's. President Clinton signed the bill into law on June 9, 1998.

# New Prospectors Loop ATV trail system planned

Plans for a new ATV trail that would connect four communities and two state parks will soon be submitted to the Minnesota DNR.

The Prospectors Loop would for the first time provide ATV riders the opportunity to travel between Ely, Babbitt, Embarrass and Tower.

Also part of the planned loop: Bear Head State Park and the new Lake Vermilion State Park.

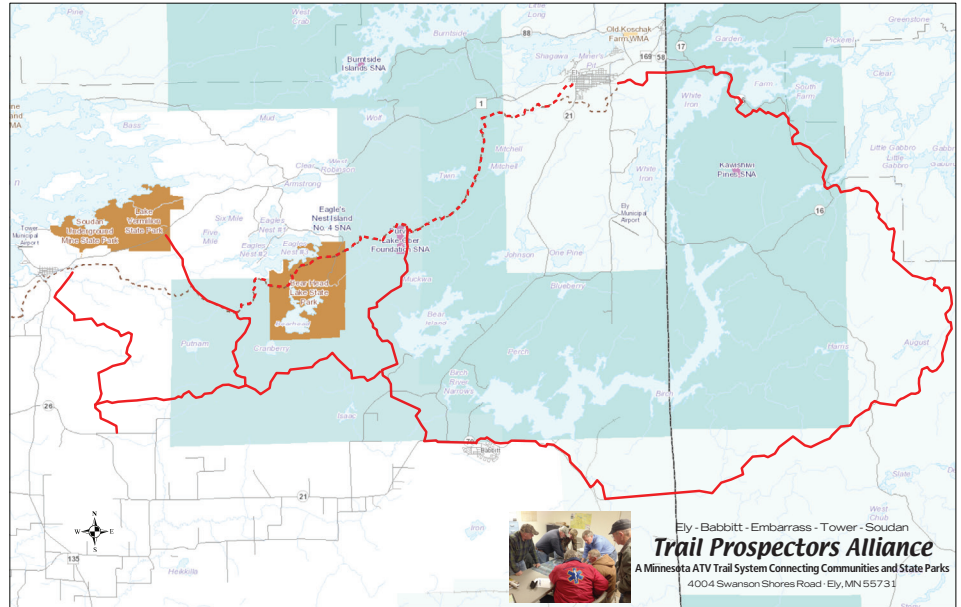
The 130-mile Prospectors Loop would also tie into the Lake County regional ATV trail system that connects to the North Shore, including the Moose Walk and Red Dot trails.

The \$1 million project would largely utilize existing snowmobile routes but would also include up to 25 miles of new trail.

A board made up of Nick Wognum, Ron Potter, Dave Soular, Jerome Weiner, Dan Broten, Gary Skogman, Mike Meskill, Elroy Kuehl and Gene Wright have met over the last six months, pouring over maps, looking for the best routes for ATVs to travel between communities.

The only current ATV trail route in the area runs from Babbitt east for 23 miles. The Prospectors Loop would utilize that trail.

The Prospectors Loop would be open to both regular and side-by-side ATVs as well



as off-highway motorcycles.

The Trail Prospectors Alliance has already met with agencies including the DNR and the Forest Service and the response so far has been positive.

Wognum said both Rep. David Dill and Sen. Tom Bakk have already voiced support for the project.

Potter said the group is an umbrella organization working with the clubs in Ely, Babbitt and Tower.

A key section of the loop would utilize the Taconite snowmobile trail heading west from Ely to the Murray Road.

The current Taconite Trail does not allow ATVs but the DNR will be looking at changing the master plan to allow for the additional use.

The new Lake Vermilion State Park has a planned motorized campground for ATVs and snowmobiles. The Prospectors Loop would connect to that area as well.



**Look for CMCS at the Blueberry Arts & Harvest Moon Festivals**

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