

CWCS

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

Conservationists
with
Common
Sense



WINTER 2014 NEWSLETTER

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Where will the needed wilderness tax dollars come from with disinterested youth demanding public financing for other causes deemed more important?

Frank Moe, a former MN legislator wrote a book about his trials and tribulations of a 350 mile dogsled ride to protest copper-nickel mining. He sent Joe Baltich an email asking Red Rock Wilderness Store to sell his book in his store. Here is Joe's response.

CWCS needs more people to speak out as Joe has done. He echoes what Conservationists with Common Sense is all about. Show your sign – WE SUPPORT MINING & CLEAN WATER. Available at Up North Jobs in Ely's Frandsen Bank building.

Mr. Moe

I will not sell your book in my store or at my resort. The survival of my town, my livelihood and this region is far more important than your dogsled ride. Dog feces over our lakes and land are also unacceptable to me particularly when it is done for a purpose that intends me harm by default. I don't quite see how that activity can be supported in the BWCA where dogs are NOT indigenous as a stated requirement for beasts of burden under PL 95-495. But, this is not the first time federal laws have been administratively bent to benefit specific groups and their whims.

Dogsledding aside, whether your intent or not, your political ride is a summation that as supporters of modern mining techniques and stringent MN State oversight, those who support mining, don't care about our own lands, hunting grounds and fishing waters. We supporters are well-aware that there is risk. There are risks with everything and properly mitigating the risk is what defines effective management. To insure "no risk" in a venture means that one would never get out of bed, let alone function in life. The State of Minnesota is in charge of oversight of these

proposed mines and the mitigation of the risk. Along with risk is faith in the system. How can you as a state legislator have so little faith in the state system of which you are a part and supposedly managing? That makes no sense.

There is a stringent, lengthy permitting process both at the state and federal levels for permitting these proposed copper-nickel mine operations, Polymet and Twin Metals. I choose to defer to the state scientists and experts in the permitting process. They actually get paid with public dollars to do that kind of stuff so I don't feel the need to circumvent their process. You being a legislator have most likely been involved with the hiring of these very scientists and professionals for this decision process in the MN DNR and other agencies. So, why protest and attempt to circumvent the findings of professionals that you've hired? Why even have professionals who work for the state? Seriously, is this the future of resource management at the state level? Will emotion and political correctness always try to trump science, planning, commitment and

diligence?

Blocking Minnesota opportunities to contribute to building cell phones and gadgets (similar to those I'm sure you had on your dog sled ride) will result in the rest of

(Continued on Page Two)



Congratulations to Don Gresly of Babbitt!

Winner of the CWCS boat, motor & trailer package provided by Joe's Marine

Casey Velcheff of Ely - winner of the Basswood fishing trip with Todd Larson of Basswood Trails Guide Service

Dave Johnson of Virginia - winner of the birch framed 'Boundary Waters Camp' print

Thank you to everyone for supporting Conservationists with Common Sense!

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

Baltich responds to anti-mining rhetoric

(Continued from Page One)

the world filling the void. They will use their own pollution “standards” in copper-nickel mining and their pollution will be hitting the Boundary Waters Canoe Area in only a matter of time. Or, instead, we could be mining our own resources here in an eco-conscious manner with American miners who all like to hunt and fish and would be loath to destroy their own backyard. We would also have governmental oversight of the projects. As you know, with the rest of the world supplying copper and nickel, we have no control over any of this. For me, NIMBY is a lazy man’s term.

The true irony of this whole event is the part most opponents seem to completely overlook: For the proposed underground mine located 6 miles south of Ely (Twin Metals), if the permit were granted tomorrow, the mining company would begin making a 3,000 foot deep tunnel in the ground for about the next 12 years before actually reaching the mine-able product. Making that tunnel through inert olivine (rock) will produce hundreds of jobs from the start. Mining technology will also advance during just that twelve year process. Like all other technology which never rests, it will continue to move forward and improve before they even get to the copper-nickel deposit.

By the time they actually hit the copper-nickel bearing ore, most of the anti-mining crowd will no longer be coming to the Boundary Waters. This is already evidenced by today’s severe drop-off of usage as the baby-boomers who have hit 65 years of age suddenly faded away within just the last two years. They can’t/won’t paddle any more after having done so for the past 20+ years with their hulls showing the cracks of age, injury, unemployment, and apathy.

Today, there are relatively few millennials coming to “sleep on a rock” as the 20-35 year old crowd, no longer does that. Many have no money, have poor-paying jobs, and I believe a majority of them actually prefer the more comfortable distraction of the internet and their copper-nickel bearing electronics. In the past six years of horrendous, nationwide, unemployment, children aged 9 to 12, due to family financial difficulties have not been exposed to wilderness. When most of them turn 12 years of age without previous, positive, outdoors exposure, I believe they are done with “wilderness” as a recreational outlet. They, too, are products of the “internet serving as baby-sitter” because in many cases, their parent(s) can’t afford to take them anywhere other than the

backyard. If they do have the opportunity to go, they much prefer to be at places which allow them to be “connected” and preferably inside. Evidence of this lies in the fact that state of MN campgrounds are considering the installation of WIFI just to try to get the kids and young adults interested in enjoying outdoors again. Campground use is plummeting, fishing and hunting license sales are doing the same. The chain of those interested in outdoors and wilderness has been broken. The ability to finance the management of wilderness resources becomes much more difficult each year as the funding is dropping off along with interest by upcoming youth. Add to that a major falling-off of permanently unemployed 50-somethings who can’t afford anything much less a canoe trip and you can see where wilderness support is heading. If the mining opposition wins the race, there will be nobody standing at the finish line to cheer.

Given these declines, perhaps instead of working against mining, you could have considered dogsledding for increased wilderness-outdoors participation by upcoming youth. This, in turn, could have contributed necessary growth and interest by the young people in experiencing wilderness through physical participation when we older folks are finally gone. Instead, your choice was to protest mining which is not even in the wilderness and could be contributing vastly to our state tax base. It could actually help preserve Minnesota wilderness while increasing and fostering awareness and participation for future generations to enjoy. The complete and utter short-sighted negativity by the opposition groups to mining given the opportunities it presents to seekers of wilderness in Minnesota is truly astonishing to me.

So, while time ticks away, and mining-opponents work to destroy employment opportunities for today, these kids are fading fast. Today’s 65 year-olds will be the new mining era’s 77 year-olds (by the time they hit copper below) and there will be no one bringing up the rear. Many of today’s opponents will suffer from dementia and other unfortunate elderly ailments requiring medical equipment made with copper and nickel. And, with dwindling employment opportunities for jobs that actually pay well, how will the current tax base 12 years from now support the needs of all those older people? Sadly, opponents are fighting today for a future ideal for people who won’t even remember what the fight was for, let alone be able to enjoy it. Where will the needed

wilderness tax dollars come from with disinterested youth demanding public financing for other causes deemed more important? If they don’t enjoy wilderness, they won’t be concerned with it, either. Mining tax dollars acquired through sound resource management and planning by the state, could make a very positive impact on the actual protection/preservation/promotion of wilderness when one looks at all the positive factors as opposed to only seeing the negatives. It all comes down to good, common-sense management at the state legislature and a vibrant local population who likes (and is able) to hunt, fish, and enjoy the great outdoors. Without those factors, it’s only a matter of time before it fades into uncertainty and who knows what. I don’t want to see that, ever.

Wilderness is not a religion and it will not continue as public interest wanes. Just like the fact that most of the trees of the Boundary Waters are secondary growth having once been clear cut to make shoring timber for the iron mines of the past, today’s definition of wilderness is more cloudy than “pristine”. We have state resource management professionals whom I trust to do a good job. If they don’t do a good job, who hired them and why are they still employed? It makes no sense that you as a legislator are working against people you most likely had a hand in hiring. Your position is also a slap in the face of people of northern Minnesota who struggle to keep the lights turned on for everybody else to come up and enjoy.

Congratulations on producing your book. I sincerely hope it does well for you. I only wish it was based on advancing our younger society in science and wilderness instead of deferring to the heartstrings of those older nay-sayers who will be dropping out of wilderness participation and be requiring more resources much sooner than later. Other than making a buck on the sales of your book, you did not help your cause. Instead, you missed an opportunity in leadership for a potentially solid means for the advancement of both wilderness and Minnesota on a grander world scale.

Joe Baltich, Jr.

Northwind Lodge &
Red Rock Wilderness Store

CWCS needs more people to speak out as Joe has done. He echoes what Conservationists with Common Sense is all about. Show your sign – WE SUPPORT MINING & CLEAN WATER. Available at Up North Jobs in Ely’s Frandsen Bank building.

Message from the President

This year marked the 25 anniversary of Conservationists with Common Sense – CWCS!

Now is a great time to look back at our accomplishments over the years. We have provided a strong voice on numerous issues we have been involved with and we can be proud of what we have done together. We also must look forward to be sure that we continue to provide this voice as future issues continue to impact us.

Looking back on this past year, we again had a busy schedule. As usual, CWCS had a booth in the park for the Blueberry Arts Festival, and again in September for the Harvest Moon Festival. CWCS park raffle sales were the best ever this year! Thanks to all of who contributed to our cause.

The drawing for the boat package and other prizes took place at the end of the Harvest Moon Festival.

The winner of the boat, motor & trailer was Don Gresly from Babbitt, MN. He was fishing when I called him and he yelled to his fishing partners that he had won the boat. Lucky winner of the day of fishing on Basswood Lake with Todd Larson was Casey Velcheff from Ely, MN. Finally, the winner of the birch framed 'Boundary Waters Camp' print was won by Dave Johnson from Virginia, MN.

CWCS would like to thank Joe's Marine for providing the boat package to CWCS at cost which is a nice savings for our organization. We would also like to thank Todd Larson of Basswood Trails Guide Service for donating the fishing trip. When we met Dave Johnson to give him the framed print we learned he had been the lucky winner of the early bird drawing for sending in his dues a few years ago. He had a great day of fishing on Basswood Lake with Lee Borgerson. Dave's wife Jeanette said the birch framed print will be perfect on the wall of their cabin on Birch Lake.

A big thank you goes out to all who bought tickets for CWCS's annual boat raffle, as well as to all of you who continue to support us with your membership dues. We appreciate all your support.

In August early, Larry Thomforde and his sons Eric and Steve gave an excellent presentation at Vermilion Community College on the history of wilderness in northeastern Minnesota. Their presentation covered many of the developments from the early 1900s through the passing of the 1964 Wilderness Act. Much of the information they covered was based on Newell Searle's book, *Saving the Quetico-Superior – A Land Set Apart*. A couple of weeks later, I was invited to speak about Conservationists with Common Sense at Hubachek's Wilderness Research Center on Fall Lake which

is now run by the University of Minnesota. The Thomfordes also gave their presentation to the students present at the center. As the Research Center moves into their second year, there is a likelihood of speaking there again next year.

Fall Lake Township recently celebrated their centennial. It was a fun celebration at the Town Hall where board members read from township minutes dating back to the mid 1920s. It was interesting to hear the involvement of the township in repairs on Four Mile and Pipestone portages and petitions for roads. (See the additional article with excerpts from those minutes.)

Several years ago I had been part of a collaborative team of agencies for the re-licensing of the Winton Hydro Station. It was nice to attend the 90th year celebration of the Winton facility at the Harvest Moon Festival.

In October I took part in a conference call with Minnesota Power for the annual meeting of the Winton Hydro Station. One topic that was brought up was in regards to connecting the North Country Trail (<http://northcountrytrail.org/>) from Snowbank Lake to the Kawishiwi Falls Trail. I said that after the 1978 BWCA Wilderness Act one of the first trails the federal government tried to build to replace the trails lost in the Boundary Waters was from the Stub Lake/Fall Lake Campground area to Moose Lake. My husband and I rode it once but it was very rough and this trail was never completed. Focus and construction was turned to the Tomahawk Trail to the south.

If a connection to the North Country Trail is considered, it would be a good trail for CWCS to support as a multiple use trail for hikers, snowmobiles and ATVs. It would be a great trail that would provide many different recreational opportunities for residents and tourists. It would make a great snowmobile day trip with access directly from Ely for ice fishing on Moose Lake and Snowbank Lake.

While we're on the topic of snowmobile trails, on October 6 I attended a hearing on the South Fowl Snowmobile Trail before Judge John Tunheim. Last year the plaintiffs, (which include the Izaak Walton League, Wilderness Watch, Sierra Club Northstar Chapter, and Northeastern Minnesotans for Wilderness) filed an amended complaint. The added complaint claimed the Forest Service adopted a hybrid of the analyzed alternatives. (See South Fowl article.)

As you can see it's been a busy summer and fall. If anyone has any questions, or if you would be interesting to find out how you can help CWCS, please contact me at: cwcs@2z.net

Nancy McReady
CWCS President

MnPure to Focus on Property Rights

A new statewide effort to organize on property rights issues is underway in Minnesota. According to acting chair Don Parmeter, a northern Minnesota native, a series of meetings beginning in February led to an agreement to name the group MnPure (Minnesota Property Use Rights Enjoyment).

The name reflects the mission which recognizes that it is not only private property that is under attack, but also public lands and waters used for a variety of outdoor recreation and commercial purposes. The agreed on mission statement for MnPure is:

"To promote a balanced, scientifically and economically sound approach to con-

servation and to: 1. Restore and preserve property rights; 2. Ensure access to and use of public lands and waters; and 3. Return primary responsibility for natural resource management to the local level.

Parmeter said the U.S. was once the model worldwide for the protection of property rights, but is now ranked 30th according to a recent study. He said this is the result of the powerful environmental lobby and the endless federal and state government appetite to acquire and control lands and waters.

"The expansion of government powers over natural resources has been occurring since the 1960's, but the current federal

administration is expanding the acceleration beyond imagination," he said.

He cited examples such as the EPA's Waters of the U.S. proposed regulations, the Rainy/Lake of the Woods watershed initiative, the St. Croix Woods and Waters proposed National Heritage Area, the U.S. Forest Service's new Ground Water Control Directive, and a 10-million acre National Blueways initiative in southwest Minnesota.

A MnPure steering committee will hold meetings later this year to prepare an agenda for 2015. For more information, contact Don Parmeter at: donparmeter@gmail.com (360) 687-2505

Early Fall Lake Township minutes

July 27, 1927 – The chairman reported receipt of notice from the Lake County board that petitions have been filed with them for the repair of the Four Mile Portage and the first Pipestone Portage, and that a hearing would be held at Two Harbors.

August 4, 1927 – The board made an inspection trip over the Four Mile and Pipestone Portages and made the following records.

The time required to walk over the Four Mile Portage was one hour and twenty minutes. The return trip was made on the Wilderness Outfitters truck with 9 passengers, 2 canoes, 3 packsacks and two boxes of fish in 22 minutes or an average of 12 to 27 miles per hour. The speed varied from 5 to 25 miles per hour. The road bed was in fair shape with some repairs necessary in places, and also needs brushing out and turnouts made at intervals.

The Pipestone Portage was in bad condition and needs brushing out and graveling.

September 8, 1927 – A petition was read from Mrs. George Wegen asking for some assistance from the board in repairing the first Pipestone Portage. Supervisor West said the petitioner had told him that he (Mr. Wegen) would furnish the gear for hauling gravel, also all transportation for men and some of the labor. It was moved and supported that the first Pipestone Portage be repaired and Mr. Wegen's offer accepted and that the chairman be appointed to make necessary arrangements and supervise the work. Carried.

May 1, 1928 – A petition was received for the legalizing of a highway from the Gunflint Road to, and over, the Four Mile Portage, but as the names of the adjoining landowners between the Gunflint Road and the portage were omitted, it was moved and supported that the petition be referred back to the senders. Carried.

November 25, 1929 – At a meeting of the Town of Fall Lake, Lake County, Minnesota, the following resolution was adopted and spread upon the minutes:

“Whereas the Shipstead-Newton Bill as introduced in the last session of Congress will stop the development of all lands and industries in the Town of Fall Lake in the County of Lake, State of Minnesota, and,

“Whereas the bill will have a tendency to put more of our lands on the tax free list permitting the original owners to hold the mineral rights which cannot be taxed by extending the boundary of the Superior National Forest, and thus increasing the burden of the present bonded indebtedness upon the remaining portions of Lake County and the town of Fall Lake, and giving no financial relief whatsoever, for we have no faith in receiving any financial aid to speak of from the sale of timber by the government, and,

“Whereas it would stop the further development of the water power we now have or any possible development in the future, “Therefore, be it resolved that the Town Board of the Town of Fall Lake go on record as being opposed to said bill as introduced in the last session of Congress, or in any modified form which embodies the same principles and limitations.”

October 13, 1930 – A motion made and seconded, it was decided to do some road work on the second Pipestone Portage. Carried.

April 18, 1930 – Mr. M. W. Peterson with his attorney L. M. Bang, appeared before the board with reference to the legalization of a highway from the Fernberg Road to, and over, the Basswood lake portage.

It was moved and supported that the road overseer with County Engineer Hanson and County Auditor Nelson interview District Judge Hughes

with reference to his decision in the matter of the county's legalization of the same road, or get such other legal advice in the matter as they may deem necessary. Carried.

May 13, 1931 – Mr. L. M. Bang on behalf of a number of voters presented a petition for legalization of a road from Fernberg Road to Basswood Lake. The petition being found in proper order. It was moved and supported that it be granted and that the board inspect the proposed route on June 1 at 1 p.m. after due posting of notices. Carried.

June 1, 1931 – In accordance with published notice thereof the board met in session on the Fernberg Road to consider the petition for establishment of the highway from Fernberg Road to Basswood Lake and to hear any protests against said proposed road. The only protest received was from Mr. Murphy of the Winton Resort, a resident of the Town of Morse. The board then walked over the route of the proposed road to Basswood Lake. It was moved and supported that the meeting adjourn until June 3. Carried.

June 22, 1931 – The road overseer reported that the controversy over the Four Mile Portage had been settled by agreement between the parties concerned. A motion made and seconded. It was decided that the petition for legalization be rejected. The road overseer reported that the lawsuit brought by George McNeil against the Town of Fall Lake and the Minnesota Power & Light Company had been withdrawn.

August 18, 1931 – A letter was received from Mr. M. W. Peterson thanking the board for their action in the matter of the Four Mile Portage. Petition for roads to Moose Lake were received from G. Hibbard and G. Myrum. It was moved and supported that petitions be held over until receipt of a report from the

County Engineer in the matter.

January 7, 1945 – Resolution – “Whereas the United States of America owns over 49% of the entire area of Lake County, Minnesota, and about 80% of the land contained in the so-called ‘wilderness area’ which they propose to establish in the Superior National Forest, and

“Whereas, the Federal Government proposes to acquire all taxable property, improved and otherwise, in this wilderness area, and

“Whereas, the acquisition program of the United States of America has caused a hardship on the remaining taxpayers, which will be greatly increased if the proposal program is carried out as naturally, no revenue can be had from such an area.

“Be it therefore resolved, that the board of supervisors of the Town of Fall Lake, Lake County, meeting this day in regular session, does hereby oppose any further purchase of lands in that part of the Superior National Forest which lies in our county.”

November 1945 – “Whereas, the Superior National Forest includes considerable land located within the boundaries of the Town of Fall Lake, Lake County, Minnesota, and

“Whereas, it appears that the Federal Government is about to sell as one lot, a total of about 800,000 cords of pulpwood located in said Superior National Forest,

“Be it there resolved, that the board of supervisors of the Town of Fall Lake do hereby go on record as:

- Opposing the sale of said 800,000 cords of pulpwood as one lot

- Favoring the sale thereof in separate parcels or blocks, so that a number of individual bidders may have an opportunity of buying some part of the said pulpwood.

Final EIS for PolyMet expected by spring

After nearly ten years of the permitting process for PolyMet, Minnesota's first copper/nickel mine, DNR Commissioner Tom Landwehr said his goal is to have the final Environmental Impact Statement done by next spring.

The draft supplemental EIS for PolyMet generated 58,000 public comments on 8,000 topics. The DNR, along with the MPCA, will have to wade through all the comments to come up with the final EIS. Once the final EIS is completed there will be a 30 day comment period.

Landwehr said, "Approvals can happen relatively quickly after the EIS is released."

But once the final EIS is released lawsuits could delay the project again. "Every decision officially made could be litigated," said Landwehr. "My approach is to do the best job we can so if we go to court they don't find big holes in the documentation. In the long run doing it right is faster than doing it quick."

Pollution Control Agency Commissioner John Linc Stine said his agency works closely with the DNR on developing the EIS. "We work hand in glove with the DNR team to make sure we have all the information to work smoothly through the permitting process," said Stine.

The MPCA will need 150 days to provide permits for PolyMet. Landwehr said the company will require a total of

21 individual permits for a copper-nickel mine.

The MPCA's study of wild rice and the impact of sulfates could have a dramatic impact on both current and future mining operations as well as municipal wastewater treatment plants. The study may conclude that standards may need to be enforced that could cost companies and cities millions of dollars to meet.

"Everyone in Minnesota cares about wild rice. The value is not only from a natural resource point of view but the image of our state as well," said Stein. "There isn't anywhere else on Earth people are studying wild rice and water quality."

The agency's data has now been peer reviewed which has generated additional questions.

"We don't know at this time if there will be a recommendation to carry forward for a change in the standard," said Stine.

He added, "We will not tolerate and we don't misuse the data by cherry-picking some of the information in a direction someone favors. We will not be driven by emotional desires."

The agency may move forward with a proposed change, but it will take time.

"It will take us awhile to get a sulfide standard, the time required to develop a standard is two to three years," said Stine.

Spiny waterflea confirmed in Basswood Lake in BWCA

Spiny waterflea has been confirmed in Basswood Lake in the Boundary Waters Canoe Area Wilderness near the Canadian border.

The discovery was confirmed in zooplankton samples taken by the University of St. Thomas in partnership with the Minnesota Department of Natural Resources fisheries staff. In addition, DNR fisheries staff found spiny waterflea in the stomach contents of Basswood Lake cisco.

The lake will be added to the list of infested waters, along with the following downstream waters: Crooked Lake, Iron Lake and Bottle Lake. The Basswood and Bottle rivers will also be designated as infested waters due to connectivity and the likelihood of infestation spread. Lac La Croix, a water body downstream from Basswood Lake, was designated as infested when spiny waterflea was discovered there in 2008.

"The DNR is coordinating with Canadian officials at the Ontario Ministry of Natural Resources to alert boaters and other recreationists about the risk of spreading the invasive species," said Rich Rezanka, DNR aquatic biologist.

Spiny waterflea is a small planktonic crustacean that disrupts the food web and competes with small fish as it forages on microscopic animal plankton such as daphnia. Because of its long tail spike, the spiny waterflea is not eaten by small fish.

The species reproduces by a process called parthenogenesis, a form of reproduction in which offspring are produced without fertilization. During most of the year, the species population is entirely female, which allows for rapid population growth. Microscopic spiny waterflea eggs are hardy and capable of overwintering in lakes, and their small size makes them an easy candidate for overland transfer in water or mud.

When populations are high, anglers can experience frustration with masses of spiny waterfleas clogging fishing and downrigging lines, and other water equipment.

Recreationists on these lakes should

look for infested waters signage at public accesses. Signage will allow people using the lakes to be aware of the finding and take additional precautions to prevent the inadvertent spread to other lakes. Bait harvest without a permit is prohibited in lakes listed as infested with spiny waterflea.

Anglers, boaters and other recreationists are reminded to remove all aquatic plants, zebra mussels, and other prohibited invasive species, drain water from all water equipment including portable bait containers, and drain bilges and livewells by removing the drain plug before leaving the boat landing.

More information about spiny waterfleas, how to inspect boats and other water-related equipment, and a current list of designated infested waters is available on the DNR website.

NEED A GIFT IDEA –
*Christmas, birthday or graduation? How about a
 CWCS membership, CWCS hat or t-shirt?
 Check out the framed 'Boundary Waters Camp'
 print at: www.cwcs.org*



Judge hears arguments on South Fowl snowmobile trail

Rhonda Silence – Cook County News Herald www.cookcountynews-herald.com

U.S. Forest Service Superior National Forest representatives were back in court on Monday, Oct. 6, 2014 to defend the 2006 decision to construct the South Fowl snowmobile trail between McFarland and South Fowl lakes in Hovland. The organizations suing to block the trail argue that they did not have sufficient opportunity to comment on the Forest Service's "adaptive management" plan.

Attorney Kristen Marttila, working pro bono for Lockridge Grindahl and Nauen, spoke for her clients—the plaintiffs, Izaak Walton League of America, Inc., Wilderness Watch of Missoula, Montana, Sierra Club Northstar Chapter and Northeastern Minnesotans for Wilderness (NMW).

Marttila first addressed the concept of a buffer zone around the BWCAW. She said the concern about a buffer zone was a "red herring." She said her clients have never requested a buffer zone. However, she added that the Forest Service cannot do anything it wants outside the wilderness. She said there are acceptable activities that would not disturb the character of the wilderness, such as a drinking fountain or a paved bicycle trail.

She said the plaintiffs are not saying people must "tiptoe" up to the edge of the wilderness. But, she added, "If the defendants [the Forest Service] were successful, they could rim the wilderness with convenience stores."

Marttila argued that the sound of snowmobiles on the trail would significantly impact the wilderness. She stressed that according to the Forest Service's "own numbers"—its sound evaluation—the sound of a passing snowmobile was 2-4 times more than the natural ambient sound level.

Judge John Tunheim asked, "How relative is the apparent lack of visitors to this area?"

Marttila replied, "Not at all relevant." She said there are vast areas of wilderness in the United States that one visits. However, the wilderness statute is intended to protect those areas.

The plaintiff's primary complaint stems from then-Gunflint Ranger Dennis Neitzke's 2006 decision to build the 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. Marttila said the environmental groups 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.

Forest Service responds

David Fuller, the U.S. Department of Justice attorney representing the Forest Service, gave a quick overview of the trail, including a slide showing the view of the bluff where the snowmobile trail would travel from below, next to the Royal River. Fuller pointed out to it was unlikely anyone would be in that area in the winter since they could not camp on the open water of the unfrozen river.

Fuller responded to the concerns about sound with a slide showing existing sound conditions. He said the sound of snowmobiles on Little John Lake and South Fowl Lake, where they are legally allowed, is already heard in this area in decibels higher than what would be heard on the proposed trail. He said the wilderness area adjacent to the proposed trail is surrounded by non-wilderness land and that area of the BWCAW is designated by the Forest Service as one in which opportunities for solitude are "moderate to low."

Finally, Fuller said the plaintiffs had opportunities to comment on the adaptive management proposal. He said the monitoring plan was in both the draft and final plan. He said the triggering conditions for closure of the trail were "simple and straight-forward."

Fuller said the Forest Service has clearly stated, "If there is illegal use, this trail would be obliterated and allowed to return to its natural character."

Cook County supports USFS plan

Attorney David Oberstar of Fryberger, Buchanan, Smith & Frederick of Duluth, representing Cook County, CWCS of Ely and the Arrowhead Coalition for Multiple Use as interveners in the case also spoke.

Oberstar said the trail is very important to the people who live and recreate in this area. He said the current plan—which sends snowmobile traffic down a busy county road and down an icy hill with one-way traffic—is unsafe. Oberstar reiterated that there is already significant snowmobile traffic on McFarland, South Fowl and Little John lakes that can be heard in the adjacent wilderness area. He also noted that half of North and South Fowl lakes lay in Canada, where there are no restrictions on boat motor, chainsaw, or snowmobile noise. Oberstar said on the Canadian side of the lakes even planes are allowed to land on the water or ice.

"Motorized sounds are obviously heard all year round in this area," said Oberstar.

Oberstar said the Forest Service took a hard look at Alternatives 2 and 4 and the monitoring conditions were available in Forest Service documents.

Oberstar ended his comments with an appeal to the judge to let the Forest Service construct the Alternative 2 route. "If you do strike down the adaptive management proposal, please don't strike down the entire

proposal," he said.

Judge finishes with a question

Judge Tunheim asked Marttila to assume for a moment that her clients agreed that Alternative 2 met the guidelines of the BWCA Act. He asked why the plaintiffs would not support having Alternative 4 as a "back up."

Tunheim said, "It would seem to me, Alternative 4, given that it is a significant distance from the BWCA, would be more acceptable to anyone concerned with wilderness character."

Marttila replied that her clients had taken the stance that the Forest Service should not reward "recalcitrant users of an illegal trail."

Judge Tunheim thanked all of the parties for their arguments and said, "The court is going to take the motions under advisement and will issue a judgment as soon as possible."

A long process

The Oct. 6 hearing was the latest in a long series of public debate over the 2.2-mile snowmobile trail. Neitzke closed the trail—known to the area residents as the Tilbury 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. Environmental studies continued and in November 2005, the Sierra Club North Star Chapter requested—and was granted—more time to comment.

On Feb. 21, 2006 Ranger Neitzke issued his decision to build Alternative 2, which included the adaptive management proposal. In April 2006, the decision was appealed by Northeastern Minnesotans for Wilderness, Friends of Boundary Waters Canoe Area Wilderness, Sierra Club North Star, Minnesota Center for Environmental Advocacy, Wilderness Watch, and the Isaac Walton League.

The Forest Service reviewed the appeal and 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.

Since then there have been numerous court filings and appearances by all parties, with Izaak Walton League of America, Inc., Wilderness Watch of Missoula, Montana, Sierra Club Northstar Chapter and NMW seeking to prevent construction of the trail.

Cook County, CWCS, ACMU, the Grand Portage Band of Lake Superior Chippewa and the Minnesota Department of Natural Resources have weighed in on the side of the Forest Service asking that the trail be constructed.

Wilderness Act 50 years later: Leave it alone

Eight long years. That's how long it took to get the '64 Wilderness Act passed 50 years ago. The holdup was largely the people of NE Minnesota who had built up a strong taconite, timber and tourism economy. People who lived near the Boundary Waters enjoyed the recreation and respite it offered.

Senator Hubert Humphrey included the long established uses of mining, logging and motorized recreation of motorboats and snowmobiling to get the national legislation passed. Those broken promises are what keep the debate going about the Boundary Waters, not that we have a million plus acre wilderness at our back door. That debate has long past. It is the continual push by environmental groups wanting more when the northern counties of Minnesota cannot afford any more restrictions or more wilderness.

Presently, Cook County is 90% public land; Lake County is at 84%; and St. Louis County is at 61%. Our communities are dying due to a declining population and a lack of good paying jobs. Our cities don't have the tax base to support basic infrastructure and those living anywhere near the Boundary Waters are seeing their taxes go up with little benefit.

Families who have had land in their name for generations are now finding it hard to pay the high tax bills. If the property is located on a lake that is partial in the Boundary Waters, the owner is to offer the land to the U.S. Forest Service for their 'right of first refusal'.

In comes the Trust for Public Land to buy their land. But, rather than the Trust pay-

ing the tax bill, they go to the Forest Service and sell them the land. The land is then taken off the tax records.

Land Acquisition within the Minnesota National Forests requested by the U.S. Forest Service -

Appropriations received for 1998-2010 - \$71,985,584 for 1,985 acres

FY 2015 Request - \$3,078,000 for 143 acres

Future Requests FY 2015-2020 - \$16,000,000 for 1,900 acres

Over the years there have been efforts to sell county and School Trust Lands in the Boundary Waters to the federal government. The price per acre given to the state (for our schools) or counties has been nowhere near what the figures above represent.

If the Trust for Public Land wants to buy land and keep it from being developed they should do so with the support of their members and continue paying the taxes. Taxpayers' dollars should not be used to buy these lands and have them taken off the tax rolls.

The U.S. has 105 million acres of designated wilderness. Other federal government 'managed' public lands include 84 million acres as National Parks; 93 million acres under the management of U.S. Fish & Wildlife; 193 million acres of U.S. Forest Service lands; 261 million acres under the Bureau of Land Management; and 2 million acres as National monuments. In all, that's 738 million acres, about one third of the United States!

Kevin Proescholdt with Izaak Walton League says, "As far as 1964 went, it still allowed a lot of exemptions for the Boundary

Waters that made it less than a total wilderness. It had those unique exemptions ... that no other wilderness had."

This is not true. There are numerous other wildernesses that allow motorized uses including boats, helicopters, airplane and float planes. Dozens of wilderness areas allow low level over flights of military aircraft, maintenance of dams, grazing and even mining in one wilderness area.

Motors are still allowed on 16 of the big lakes of the Boundary Waters. They are needed as is proven with the numerous rescues of canoeists this past summer.

There is little call to undo wilderness. But, ever since the passage of the '78 BWCA Wilderness Act, environmental groups keep coming back every ten years to sue over various aspects of the very law they helped to write. Read Kevin Proescholdt's book *Troubled Waters* to see how calculating they were in writing the legislation.

First it was the truck portages, having the courts redefine the word 'feasible' to mean it was possible to push boats over the three truck portages, one being four miles long. Then it was the meaning of 'that particular lake' in the Chain of Lakes lawsuit which threw the once-exempt resorts, outfitters and homeowners into the mix of permit quotas. A current lawsuit involves building a snowmobile trail environmental groups say would be 'too close' to the Boundary Waters. There is no buffer zone.

People of NE Minnesota acknowledge the Boundary Waters as a great asset. Let's leave it as it is. No more restrictions.

Another layer: Northwoods Volunteer Connection

A new non-profit organization called the Northwoods Volunteer Connection (NVC) recently formed in Cook County. Organizers say this group is to be a clearinghouse for people who want to come to the Superior National Forest (SNF) to work on trails. Organizations (ski club, hiking trail, snowmobile club or ATV Club) can bring projects to this group and it will match up/assign volunteers to the projects. The organizers hope to get enough money in grants and donations to hire a coordinator.

John Wytanis (retired USFS Ranger) and Bill Hansen of Sawbill Outfitters have taken a lead role in helping NVC get off the ground along with local USFS staff. Others involved include: Angelique Edgerton, Cook County Invasive Species Specialist; Suzanne Cable, Forest Service Recreation & Wilderness Supervisor; Anna Botner, Forest Service Wilderness Lead; Molly Thompson, Director of Sugarloaf: The North Shore Stewardship Association; Tim Engrav, Forest Service Ass't Ranger, LaCroix District; Shannon Walz of Wolf Ridge Environmental Learning Center; Attorney Tom Berg and other Forest Service folks.

Organizers asked the Cook County ATV Club and the Arrowhead Coalition for Multiple Use (ACMU) to

participate. They are seeking members outside Cook County as well, as they think they may be able to find others to bring in funding for this project.

Keeping high-priority recreational forest roads open will hopefully be one of NVC's many key objectives. Level 1 & 2 forest roads make up a substantial portion of the USFS designated ATV routes in the SNF but also serve as important routes for snowmobilers, mountain bikers, hikers, hunters, fishermen and USFS firefighting crews.

After sounding out some of the possibilities for NVC to help the USFS keep important level 1 & 2 forest roads clear and useable (and getting a positive response from USFS personnel), both John McClure representing Cook County ATV Club and Tom Spitznagle representing ACMU and three Cook County snowmobile clubs have agreed to serve on the NVC board of directors.

Although NVC is still in its early formation stages, McClure and Spitznagle have already met with John Olson of the USFS Gunflint office. Olson is responsible for the maintenance of SNF forest roads all the way west to Isabella. Olson explained that drastic cuts to forest road maintenance budgets make it impossible for the USFS to maintain level 1 & 2 forest roads anymore. Unless a

logger clears them out to access timber, these roads will simply grow over in 5-8 years and will become largely unusable. Some have already reached this state. Unless this situation is addressed soon, there will be a significant degradation of several key recreational opportunities in the SNF.

Olson was very receptive to the ideas of volunteers helping to keep level 1 & 2 roads open along with using grants from various public and private organizations to help the USFS pay contractors to brush out these level 1 & 2 forest roads.

The goal is to have a salaried NVC employee dedicated to grant writing and other fund raising activities on board soon.

A reason cited by the Cook County ATV Club for being involved with NVC is that there is a concern that this group could take state, federal and manufacturer funding away from motorized trails or even worse, turn currently used roads and trails into non-motorized routes. This group could compete with funding for motorized trails under the guise of "multiple use" trails, calling a trail that allows hiking and biking multiple use.

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