

CWCS

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

Conservationists
with
Common
Sense



SUMMER 2012 NEWSLETTER

CWCS • P.O. BOX 1046 • VIRGINIA, MN 55792-1046 • www.cwcs.org

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

State School Trust Fund lands within Boundary Waters

Back in 2003, CWCS stated our position on the State School Trust Fund Lands locked up in the Boundary Waters. CWCS proposed that we be included in any discussions.

Beginning in 2010, the Minnesota Legislature’s Permanent School Trust Fund Advisory Committee appointed a working group comprised of the Forest Service, the State of Minnesota, and interested stakeholders including representatives of: the school trust, environmental concerns, timber

industry, mining interests, and local government officials. Work with the Minnesota Department of Natural Resources, our Minnesota State legislators, and our Minnesota Federal legislators. Conservationists with Common Sense was not contacted to be a part of this working group.

According to the Forest Service’s website, the working group collaborated through 2011 to identify parcels of national forest lands, located outside of the BWCAW, on the Superior National Forest as candidates

for some combination of land exchange/acquisition. The main Forest Service criteria was to select isolated, scattered federal ownership parcels in areas of predominately State ownership to achieve ownership patterns that lower resource management costs.

The trading of School Trust Fund Lands within the Boundary Waters must be for equal or more acreage outside of the Boundary Waters. CWCS has also stressed the importance of retaining hunting, fishing and trapping rights within the Boundary Waters.

Pagami Creek fire questions

CWCS was told that the planned back-burn was to prevent the 200-acre Pagami Creek fire from spreading to the Fernberg Trail and private property. With the extremely dry conditions present during this time, CWCS would think that extreme caution would have been the prevailing logic.

The timing of the back-burn was also questionable. Why risk a possible uncontrollable fire over Labor Day weekend with our firefighting resources already responding to other full-blown fires?

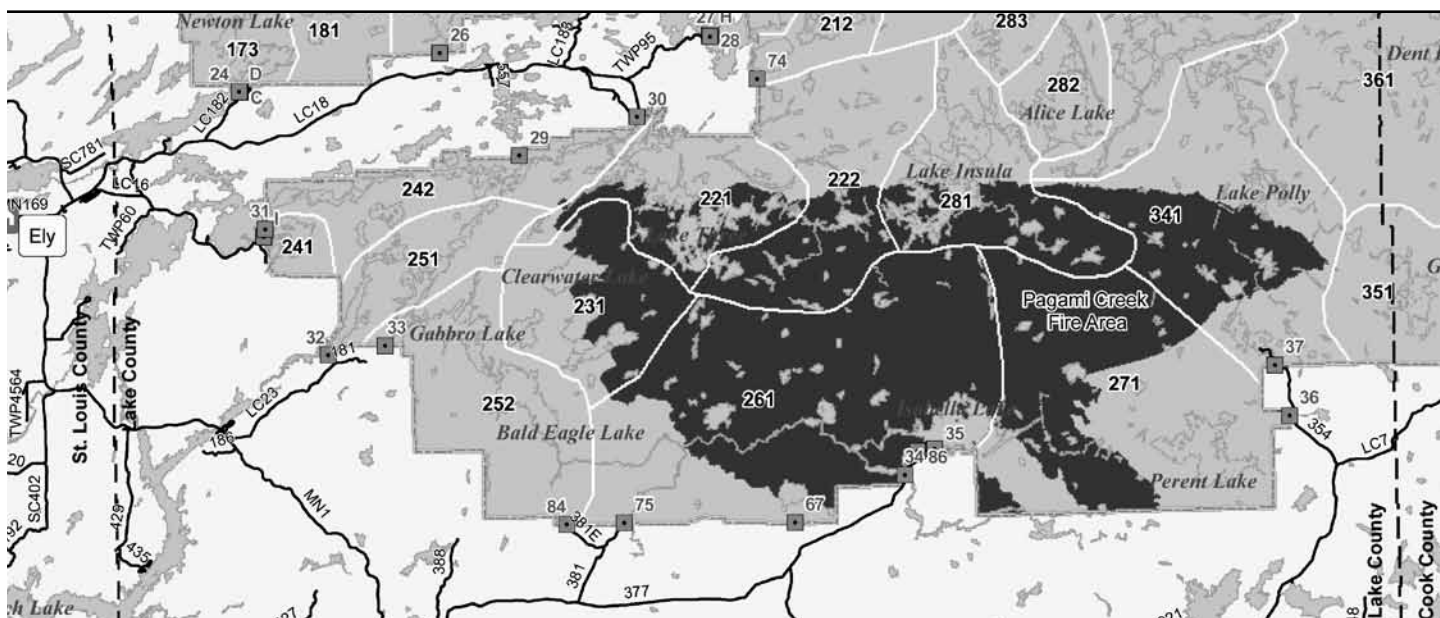
The argument that fire is good for the

forest and it helps to regenerate the forest is most often wrong in the case of wildfires. A wildfire such as the Pagami Creek fire burns so hot it burns to the bedrock. Very few pinecone seeds survive such intense heat.

With little snowfall this winter, the Pagami Creek fire was still burning. CWCS is sure after the fire is finally extinguished there will be a review of the Forest Service’s policy to let a fire burn in the Boundary Waters. The area affected is one of the most highly visited areas for paddlers and hikers. Groups are asking for support in reopening the Pow Wow hiking trail in the Boundary Waters, which the Forest Service has decided not to reopen.

The Forest Service’s decision to let it burn and try to keep it in the Boundary Waters, again with such dry conditions being present, is now being questioned by experts. One thing is for sure, it will take generations to recover the forest the Pagami Creek fire destroyed.





AT&T cell phone tower saga continues

Last summer, a Hennepin County judge ruled that AT&T would not be allowed to build a 450-foot cell phone tower on private land a few miles from the Boundary Waters Canoe Area Wilderness. The Friends of the Boundary Waters said the flashing light would ruin their wilderness experience, even though there are many lights seen from within the Boundary Waters. The judge did allow for a 200-foot tower to be built.

AT&T appealed the judge's decision and the Court of Appeals recently heard their case. AT&T maintains that the Minnesota Environmental Rights Act doesn't apply to structures built on private land.

AT&T spokesman Alex Carey said one concern for the higher tower was for safety reasons. The higher tower would

provide increased 911 coverage, especially for visitors to the Boundary Waters. Carey said that during fires local emergency officials have asked the company to set up temporary phone network coverage to help them respond. This was done last fall for the Pagami Creek fire.

The three-judge panel questioned how well the shorter, 200-foot tower would work. Also questioned was if the case would set precedent and ban cell phone towers near other wilderness areas. The judges are expected to rule on the case within 90 days.

Another tower issue?

The Forest Service is conducting a scoping analysis for another tower issue. This involves the Minnesota Department of Transportation (MnDOT) application

for a special-use permit to construct two new radio towers and replace two existing towers for the operation and maintenance of the Allied Radio Matrix for Emergency Response (ARMER) system.

The sites for the new ARMER towers are at a former fire lookout site at Pine Mountain near Grand Marais, and the other at Forest Center. The two replacement towers will be at the current Fernberg tower site on Lookout Road and the other near Meander Lake.

What is interesting is that the towers at the Fernberg, Forest Center and Meander sites will all be seen in the Boundary Waters. Will Friends of the Boundary Waters and MnDOT end up in court?

More frustration over Chain of Lake permit quotas

It has been a frustrating year, beginning with the Forest Service taking five years to tell us last spring that they weren't going to do anything about the incorrect level of permits of permits for the Chain of Lakes. The Court of Appeals mandated that they recalculate the permit numbers, but the Forest Service in no way, has fulfilled what the Court Ruling told them to do. The Forest Service says there is inadequate data to do so.

This seems like a very weak reply from the Forest Service, as the entire permit system for the Boundary Waters is based on the very same data. Permits are supposed to be based upon the actual use during 1976, 1977

and 1978. There are no actual records from this time period! Many of the resorts and outfitters are no longer in operation and have been purchased by the government. Many private properties were also purchased by the government.

In previous attempts by the Forest Service to compile permit usage, they used estimations that the court found "arbitrary and capricious" in this Chain of Lakes case. If that is the court's finding, we should disregard the entire permit system.

If the USFS can't get the job done, which they have said they can't, we need to force some action. If they don't see any way that they can correct this problem, then

legislation is needed that allows the system to live up to the promises made with the 1978 legislation.

CWCS has been waiting for resolution of this issue since 1999!

From 1978 to 1999, the Forest Service interrupted the 1978 BWCA Wilderness Act regarding the Chain of Lakes to mean the entire body of water of the three chains. Resorts, outfitters and private property owners on the first lake of the chain were exempt from the requirement to have a permit for the entire chain.

CWCS will pursue our options to resolve these inadequate permit quotas for the Chain of Lakes.

Message from the President

A lot has been going on following the Forest Service's decision to do nothing on recalculation the Chain of Lakes permit quotas.

I have tried to keep informed of the Heart of the Continent Partnership (HOCP) meetings and attended a meeting in Atikokan last July. It was a long way to go for a meeting, but we have friends in Atikokan and it gave us a chance to visit with them.

It was an interesting meeting, with Robin Riley with Quetico Provincial Park saying the purpose of HOCP was to garner better relations between the various agencies – Quetico and Voyageurs National Parks, the Forest Service, and the Minnesota DNR. My question was, "Why are environmental groups involved. Surely the agencies don't need referees."

I still keep informed on what is going on with HOCP, but a 3-day conference in Thunder Bay and Grand Portage did not fit in my schedule.

Most of the people attending these meetings are paid staff of the agencies and the Friends of the Boundary Waters. CWCS is a grassroots, volunteer organization with no paid positions. With travel, lodging and meal costs it isn't worth my time to attend meetings that jump from place to place. I will stay informed with the emails I receive.

Other meetings held last summer and fall included a mobile office with Congressman Chip Cravaack's staff person Tim Olson. Cravaack also held a town hall meeting in Ely before a packed Vermilion College auditorium. This was followed by the Lake County commissioners having their board meeting at the Fall Lake Town Hall. At each meeting I requested help in pressuring the Forest Service to do more than nothing in recalculating the permits for the Chain of Lakes.

I was interviewed by a professor from Ball State University (Indiana) about sulfide mining. Joshua Gruver, a professor of Natural Resources, and several students were interviewing people in the Ely area, asking how people feel about the environment. Of course I told them that people in the Ely area love the environment and it is the main reason we live, work and play here. There has been mining in the area without any impact to the Boundary Waters for over 100 years, and no one is about to let the copper/nickel mining impact the Boundary Waters either.

There have been protests and rallies opposing the mining project of Duluth Metals and PolyMet, as well as informational meetings about the progress of each project. It seems as if some

individuals and businesses are not thinking of the overall health of Boundary Waters surrounding communities.

The Friends of the Boundary Waters even promoted a display of their opposition by having a petition brought to St. Paul by dog sled. But, it will be up to the agencies as to whether or not these projects move forward utilizing science instead of public scare tactics.

News from U.S. Forest Ranger Dennis Neitzke on the South Fowl Snowmobile Trail lawsuit is moving slowly. After the appeal decision, the Forest Service contracted with the Park Service for some acoustical professional help. They are working on the prospecting EIS first then will help with the sound study on the South Fowl project.

Recently I was invited to speak at the St. Louis County Association of Townships meeting in Cotton. I talked about CWCS's mission and the issues we are involved. Many didn't know much about our organization, but they were very receptive.

Winners in our annual boat raffle were as follows:

- Boat, motor & trailer provided by Joe's Marine/Ely: Frank Gembeck, St. Charles, IL
- 2-night stay at 2-night stay at Grand Superior Lodge: Joe Jurkowski, Chetek, WI
- Framed Boundary Waters Camp print: Milt Beyer, Winton, MN

CWCS's annual boat raffle is our one and only fund raiser. Money raised from the raffle, in addition to CWCS membership dues, helps us to get out our newsletters and pay for attorney and court costs for the Chain of Lakes and South Fowl Snowmobile lawsuits. Your support is greatly appreciated.

CWCS will once again have a booth at the Ely Blueberry Arts Festival July 27, 28 & 29 and the Ely Harvest Moon Festival September 7, 8 & 9. Be sure to stop by and buy a ticket or two.

See you at the CWCS booths at Ely festivals!

Nancy McReady

CWCS President



*Recycle...share this CWCS
newsletter with a friend!*

St. Louis County: Two different views

St. Louis County would like to generate more tax revenue from lakeshore property in the county, while the Forest Service/Federal government is looking to remove more property from tax rolls.

St. Louis County plans to sell 278 lakeshore lots throughout the county on 27 lakes to people who have been leasing the land and have built cabins. These people would have first the first right to purchase the land or remove their buildings. The county says they collect far less in taxes on the buildings and lease fees. With the sale, the county would

collect more money by taxing the lakeshore property and the buildings.

On the other hand, the Forest Service has their eyes on several parcels of land to add to their millions of acres of federally owned lands. If the Forest Service doesn't make the purchase directly, they have the help of numerous preservation groups - The Trust for Public Land, The Conservation Fund, The Nature Conservancy, The Friends of the Boundary Waters, Minnesota Historical Society, Minnesota Department of Natural Resources, Leech Lake Area Watershed

Foundation, The Izaak Walton League, local communities and other action groups.

CWCS would like to see legislation that prevents federal monies to be used to buy lands already purchased by preservation groups. If preservation groups want to lock up land let them secure funding from their supporters, not from United States tax payers who oppose more and more protective restrictions.

Currently the US Forest Service has targeted over 20 properties in NE MN totaling nearly 2400 acres.



Boy Scouts lend a helping hand to USFS

You gotta love the Boy Scouts! Taylor Hasz took on an enormous challenge last fall to clear and widen the Four Mile Portage as his Eagle Scout project.

In addition to earning at least 21 merit badges, categories range from first aid and citizenship to personal management and family life; Scouts must plan, develop and lead a major service project in order to become an Eagle Scout. This is a distinction achieved by only four percent of those who join the Boy Scouts.

A Scout for seven years who has earned 38 merit badges and attended six summer camps, Hasz talked about the project with Scoutmaster Jeff Hway and set the wheels in motion for the ambitious project.

“There was a lot of stuff where during the winter it blows down and the mushers that come through there have to duck down,” said Hasz. “It’s really hard for them, so we pushed it back two or three feet on each side.”

The work will make it easier for sled

dog mushers in the winter and for those traversing the trail in the summer, as well.

Fellow Scouts, family members, friends from Ledge Rock Community Church, local college students and U.S. Forest Service personnel all aided in the effort. They combined to work 195 hours on the project, with Hasz completing additional 14 hours of work in preparation. Even though Hasz and his crew only worked on half of the portage, it is very much appreciated.



Maintenance lacking on Four Mile Portage

The feasibility testing done by the Forest Service and the U of MN in the late 1980s at each of the three truck portages – Prairie, Four Mile and Trout Lake portages – determined it was not feasible to portage with the use of wheels to haul a boat & motor. The trucks were to remain. It was the 8th Circuit Court of Appeals that redefined the definition of the word feasible to mean possible. A lot of things are possible, but you

just wouldn't invest the amount of time to accomplish them.

This ruling from the Court was another way for the Friends of the Boundary Waters to restrict fisherman from the Boundary Waters. Without the use of the trucks, most fishermen would not be able to access Basswood Lake or Trout Lake.

Since 1993, trucks have not been used on the Four Mile Portage, although they

were returned to Prairie Portage and Trout Lake Portage in 1999. Four Mile Portage was to be maintained as a wheeled portage, because the Court ruled it was possible to wheel a fully loaded boat with fishing gear for the day or extended camping trip. But, the Forest Service has not done their job of maintaining the entire four-mile long trail from Fall Lake to Basswood Lake.



That ‘Green Thing’

What’s the big deal about ‘Going Green’? Years ago we were far more “green” than we are given credit for, and we didn’t have to be told to do these things. It was just common sense. Here are some additions to a popular email that has been going around.

Back then, we returned their milk bottles, soda bottles and beer bottles to the store. The store sent them back to the plant to be washed and sterilized and refilled, so it could use the same bottles over and over. They really were recycled!

We washed baby diapers, rather than filling landfills with disposable diapers. We dried clothes on a line, not in clothes dryer – wind and solar power really did dry the clothes! Kids got hand-me-down clothes from their brothers or sisters, not always brand-new clothing. Old clothes and diapers were used as cleaning rags instead of using paper towels.

We reused packaging. Kitchen cupboards were full of plastic bowls, container and bread bags. We washed dishes in the sink and dried them with a towel, usually an old flour sack. We had one TV and telephone in the house – not a TV and telephone in every room.

When mailing fragile items we used old newspapers to cushion it, not Styrofoam or plastic bubble wrap.

We burned wood to heat our houses long before it was renamed biofuel!

We used a push mower rather than a gas powered mower to cut the grass, and we used a shovel not a snow blower to move the snow. We used human power and got our exercise so we didn’t need to go to a health club to run on treadmills that operate on electricity.

We drank from a fountain when we were thirsty instead of using a cup or a

plastic bottle every time we had a drink of water. We refilled our writing pens with ink instead of buying a new pen, and we replaced the razor blades in a razor instead of throwing away the whole razor just because the blade got dull.

We walked up stairs, because there weren’t escalators or elevators in every store and office building. We walked to the grocery store and didn’t climb into our cars every time we had to go two blocks.

Back then, people took the streetcar or a bus and kids rode their bikes to school or rode the school bus instead of turning their Moms into a 24-hour taxi service. Every teenager didn’t have their own car that filled school parking lots.

Everything today is green this and green that. Are we really more caring for our environment today?

ATTENTION! Membership dues

In regards to a very common question many have asked about, how does one know if you are a current dues paying supporter of CWCS.

Just look at the mailing label to know for sure. If - PD 2011 - is printed above your name, you are current with your dues. If there is nothing printed above your name, then your dues are due. With each paid membership you will receive the new CWCS bumper sticker. Your continued support is vital to help CWCS continue to voice your views on the management of our land, water, and recreation in NE MN.

Please send in your dues today, and be sure to order your CWCS raffle tickets for this year’s boat raffle. Tickets are still \$5 each. Fill out the ticket order form in this newsletter and return with your membership dues and checks. Include the same number of your address labels and CWCS will apply them to the tickets. We will hand write your telephone number on each ticket. Boat raffle tickets, minus the stub, will be mailed upon request.


Thank you for supporting Conservationists with Common Sense. Without your support we can’t keep you informed on issues affecting public lands and waters.

Paid memberships will receive a FREE CWCS bumper sticker!

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Add \$5 to each for handling & shipping

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CWCS RAFFLE

Tickets are available at Zaverl's Bar, Joe's Marine, The Great Outdoors, Ely Shopper, Skube's Bait & Tackle, LaTourell's Resort, Wilderness Outfitters, Babe's Bait & Tackle, Spirit of the Wilderness, and Blomberg's in Ely & Babbitt. Also available at Our Place in Finland.

1st Prize

- **Lund WC-16' Boat, Evinrude 25 HP E-Tec & Shorelander Trailer**

2nd Prize

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

3rd Prize

- **Framed 'Boundary Waters Camp' print**



Drawing at
Annual CWCS Boat Raffle Fundraiser
Sunday, Sept. 9, 2012 at
Whiteside Park at close of Harvest Moon Festival



CWCS RAFFLE TICKET ORDER FORM

Name _____

City _____ State _____ Zip _____

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.

Please enclose check, payable to CWCS. Mail to: CWCS, P.O. Box 1046, Virginia, MN 55792


CWCS needs your continuing support!


Conservationists with Common Sense – CWCS is a non-profit, 501c3 organization made up of 100% grassroots volunteers. No big salaries like the Friends of the Boundary Waters. CWCS hasn't heard from you in a while, and we need your financial support to continue informing people of public land & water issues with our newsletter. CWCS also needs your support with letters to the editors of area newspapers on various issues. Please take note of the mailing label on this card. If 2011 is not above your name, your dues are due. CWCS would greatly appreciate your support! www.cwcs.org Thank you!

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All Donations are Tax Deductible! Thank you!

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**Look for CWCS at the Blueberry
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