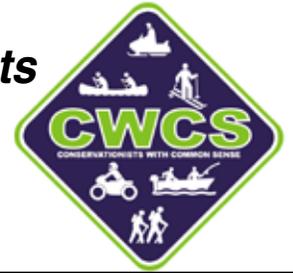


CWCS

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

Conservationists
with
Common
Sense



SUMMER 2011 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

Judge to rule on cell phone tower case

The five day trial of the Friends of the Boundary Waters against AT&T’s plan to construct a 450-foot cell phone tower built outside the Boundary Waters has come to an end. It’s up to Hennepin County District judge to decide if AT&T will be able to move forward.

The Friends say the flashing lights will ruin their wilderness experience even though numerous lights can be seen from the Boundary Waters. They argue that the few places that one may see this light outweighs the safety factor of increased cell phone

service to area residents and visitors to the Boundary Waters.

Fall Lake Supervisor Mary Tome testified at the trial. She said there are other towers with lights that can be seen from within the Boundary Waters, and they’ve been there for years. She said you can see the lights of campgrounds and the lights of nearby Winton and Ely. Even though there are other lights visible from the Boundary Waters, the Friends have never filed a lawsuit to have them removed.

The Friends say they would prefer

two shorter towers. It is interesting that the Friends would prefer a larger footprint in the woods next to the Boundary Waters with two towers and two service roads. They also don’t seem to acknowledge the problem with shorter towers is that signals can’t get over the high ridges of the Laurentian Divide.

“There are over 1,175 lakes in the BWCAW,” AT&T said in a pre-trial brief. “If the light from the tower can be seen from some of them, outstanding opportunities still exist in this 1.1 million-acre wilderness.”

Chain of Lakes recalculation at a stalemate

“I am writing to let you know that the Forest Service has met the requirements of Judge Tunheim’s order contained in his decision in Friends of the Boundary Waters Wilderness v. Bosworth, also known as the “Chain of Lakes Decision.””

With these words, US Forest Service Superior National Forest Supervisor James Sanders effectively said that the US Forest Service has chosen to allow for the incorrect management of the day use motor permits for the areas known as the “Chain of Lakes”. The statement goes on to say that even though they agree that the permit numbers needed to be increased to be consistent with their management plan, the court ruling has not allowed them to do this utilizing the best information the US Forest Service had available. Because of this decision, the incorrect numbers will continue to be used. CWCS and all of those affected by this incorrect management are extremely puzzled and disappointed with the US Forest Service’s inaction on the matter, and angered that they have taken several years to come to

this conclusion.

To summarize the history of the issue, the 1978 BWCA Wilderness Act stated that homeowners and their guests were to be exempt from permits on the lakes where they were located. The intent of the law and the interpretation by the US Forest Service allowed for the unpermitted use of the lake and connected lake chains where these properties are located. Permit quotas were to be set utilizing the actual use levels in 1976-1978. Because the US Forest Service didn’t require permits of these property owners and their guests, the quotas for these lake chains were set using numbers that did not account for the large number of homeowners, resorts, outfitters, and their guests that were utilizing these areas.

In their never ending quest to eliminate all motor use, even those allowed by the 1978 BWCA Act, the extreme environmental groups were able to win a court case that said the law only meant that the exact named lake that the property owner was located on would come under this exemption. It would

no longer exempt them from the remainder of the lake chain.

Even though both the US Forest Service and CWCS strongly disagreed with this ruling, the next logical step was to modify the permit quota to account for all of the use by property owners, resort guests, and outfitting guests that was not counted in the initial quota calculation. This recalculation would be necessary in order to be consistent with other types of permit quotas and to account for the actual use.

The US Forest Service did this recalculation utilizing data very similar to that used to set the other original permit quotas in 1976-1978. Even though CWCS felt that the numbers utilized to come up with that quota were very conservative and didn’t account for all use that existed, we were willing to live with the existence of the recalculation.

The latest round of court proceedings found that the US Forest Service recalculations of the quota were “arbitrary and

(Continued on Page Six)



Some of the people who attended the property rights workshop with Don Parmeter. A big concern for many in attendance is the use of the Legacy money.

Follow the Legacy Amendment money

Many members of Conservationists with Common Sense - CWCS were very much opposed to the 3/8 of 1% tax implemented with passage of the Legacy Amendment in 2008.

In looking into how this Legacy money is spent, <http://www.house.leg.state.mn.us/hrd/bs/87/hf1061.html>

CWCS is very disturbed that OUR tax money is going to acquire land or easements. In addition, OUR tax dollars are being used to acquire wildlife management areas (WMAs) and scientific & natural areas (SNAs) which more often than not lead to restriction of public use. Restrictions are even written into HF 1061 - Subd. 13. Land acquisition restrictions. Establishes certain restrictions on lands acquired with funds.

Most bothersome is that the Nature Conservancy and the Trust for Public Lands are being paid to acquire lands. These two organizations are known for buying up lands, such as the Mudro property formerly owned by the Mark & Michelle Richards and known as The Chainsaw Sisters. They then look to the government, either state or federal, to reimburse them for their purchase.

Then off they go and buy up more land, taking it off the tax rolls. CWCS's position on this is that if the Nature Conservancy and the Trust for Public Lands want to protect lands, they should use their own money from their supporters and not use tax dollars. The State should not be a party to their agenda.

Article 2 of HF 1061 states: This article appropriates funds from the clean water fund largely based on the recommendations of the Clean Water Council. It also makes modifications to the Clean Water Legacy Act, including adding groundwater related activities and purposes to be consistent with the purposes of the clean water fund.

One recent grant approved to WICOLA – White Iron Chain of Lakes Association is for monitoring the Kawishiwi Watershed. CWCS is very concerned that personal opinions and focus of some members of WICOLA against any mining activities is for their own businesses and not for the entire economic health of our communities.

Iron ore and taconite mining has been in existence on the Iron Range for over 100 years. CWCS acknowledges there have been some problems with waste and water dispos-

al over the years and these issues have been addressed, or are being addressed. There has not been any impact to the Boundary Waters.

CWCS works to preserve access to public lands and waters. CWCS also has a great concern for the health of our communities, in addition to protecting our lands and waters. CWCS fears that monies from the Legacy Amendment may be used to prevent economic development in northern Minnesota regardless of the safeguards and technology that would make these endeavors safe. Our struggling communities should not stand for inappropriate use of these funds to curtail safe activities that would benefit us all.

CWCS would like to see an amendment as to the use of the Legacy Amendment. We believe there should not be any net loss of public lands or loss of property taxes as a result of this funding.

CWCS would like to see the Legacy Amendment amended as to how the funds may be used. There should not be any net loss of public lands or loss of property taxes.

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

Message from the President

There has been quite a bit of news that CWCS has been involved in since our last newsletter. Here is a quick rundown on some of the highlights of what I've been up to.

Last fall during my break at Dorothy Molter Museum, Mike Jankovec and Mary Cich from Ely Public TV videotaped me for a piece on the History of the Boundary Waters. I spoke about the laws that created the Boundary Waters Canoe Area Wilderness and how people in the communities surrounding the Boundary Waters sacrificed much in the name of 'wilderness'. I attended a viewing of the finished product at Vermillion Community College. It was well received and I have received good comments from people in Ely who have seen the piece on Channel 11.

In November you all are aware of Congressman Jim Oberstar's defeat by Chip Cravaack. It was a big surprise to many who thought Oberstar was unbeatable. Oberstar has done many good things for northern Minnesota, but now it's time to move forward and hopefully continue good things in our future with Congressman Cravaack.

In past newsletters I have told you about the Heart of the Continent Partnership and CWCS's concern about the direction of their agenda. The Arrowhead Coalition for Multiple Use also has concerns. I have continued to attend the meetings whenever I can. The last meeting I attend was held at the IRRRB office on February 24.

I also attended a property rights workshop in St. Paul on April 9. It was organized by Don Parmeter who said, "In a very profound way, modern environmentalism affects every aspect of American life. Regardless of your political views on the subject, it is important to consider alternative ways of protecting the environment without unnecessarily sacrificing jobs, the economy, freedom, and the social well-being of communities and regions."

Most interesting at the workshop, was meeting people who oppose the wind turbines in southern Minnesota. As with other alternative energy sources such as ethanol there can be negative impacts of some new approaches that have been developed. The turbines can be heard two miles away! CWCS needs to learn more about these alternative energies.

Also in April I attended a presentation by Derrick Passe, coordinator for the WICOLA monitoring of the Kawishiwi Watershed. Monitoring the watershed is a good thing. It can determine changes to lake waters due to septic system failure as well as pollutant coming into the watershed from other sources. Many people involved with WICOLA are opposed to the copper/nickel projects proposed for northeastern Minnesota. CWCS will continue to monitor these activities. We want to be sure that the results of the testing are reported correctly and not slanted in an effort to stop any mining activities, no matter how safe the technology may be.

I have recently been added to the executive board for the Ely

Area Development Association. I hope to bring to the table CWCS's concern for healthy communities surrounding the Boundary Waters. We need to balance economic needs with careful consideration for the environment. As an example, we need objective analysis of the latest mining technology that provides for cleaner, safer activities and how this fits into the health of our communities.

With the news from the Forest Service that they have more or less given up on trying to recalculate the Chain of Lakes permit quotas, CWCS is looking into what our next options are. As you know, going to court is very costly. We encourage all CWCS supporters to send in their membership renewal dues.

And don't forget to buy our boat raffle tickets! My husband and I snowmobiled the wonderful trails on the North Shore this past winter, and this year Odyssey Resorts is donating a 2-night stay at their Grand Superior Lodge in Two Harbors. We have stayed there a few times and had a great time. The Splashing Rock Restaurant has superb food! Drop us a note saying how many tickets you would like to purchase and send in a check along with your name, address and phone number. Include your address labels and we'll take care of writing in your phone number on the tickets.

As always, thank you for your continuing support of Conservationists with Common Sense. We encourage all our members to get involved with the issues mentioned in this newsletter. We cannot remain complacent until we are personally affected.

Nancy McReady



Gunflint Trail photo by Chris Gibbs.

**NEED A GIFT IDEA FOR 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**



Kawishiwi Watershed Protection Project

The Tuesday Lunch Bunch at the Grand Ely Lodge was introduced to the newly hired Kawishiwi Watershed Protection Project coordinator, Derrick Passe. Passe has an engineering background and founded his own company, Passe Engineering Incorporated (PEI), which later became Anderson, Passe and Associates, an engineering consulting firm. Some of the projects Passe worked on included roadways, water supplies, sanitary facilities, storm water management, wetland alterations and building site design. He also worked with Engineers without Borders in Guatemala where he assessed, designed and implemented sustainable water development projects.

The Kawishiwi Watershed Protection Project was initiated by the White Iron Chain of Lakes Association (WICOLA). They applied for grants to fund the project and have been awarded \$225,000 from the Clean Water Legacy Fund which was started by the passage of the Clean Water, Land & Legacy Amendment to the Minnesota constitution in November of 2008. This grant does not require matched funds.

WICOLA also received \$174,500 from the Clean Water Partnership Grant which does require matching funds. \$96,000 of this grant is in-kind services from the Minnesota Pollution Control Agency. Lake County is the fiscal agency for dispensing the grant monies.

Monitoring of the Kawishiwi Watershed included Bear Island, North Kawishiwi, and Dunka Rivers, and Gabro, Birch, Farm, South Farm, White Iron, Garden and Fall Lakes. The data will provide a baseline to determine if the water quality has an incline, decline or steady condition.

Secchi Disk readings for water clarity have been conducted by WICOLA volunteers for fifteen years. They also have been taking readings of phosphates, dissolved oxygen and temperature at one meter depth intervals. In 2008, WICOLA in conjunction with the Minnesota Pollution Control Agency sampled for twenty different heavy metals on White Iron and Birch Lakes.

In addition to the Kawishiwi Watershed Protection Project, NRRI – Natural Resources Research Institute, will be taking

core samples on many of the lakes to determine the water quality 250 years ago. St. Cloud State University will be monitoring septic systems within the watershed at ten stations and will be checking for nutrients, phosphorus and invasive species.

The question was asked about the impact the area mines have on the watershed and Passe said all land use is required to treat their water, whether it be for private use, resorts or mines. He said he would expect no less from any user, and he has been in contact with Twin Metals representatives.

Passe said sulfate in water samples will be tested on Gabro Lake, Keeley Creek, Dunka River and North Kawishiwi River.

Steve Koschak, owner of River Point Resort on Birch Lake, said he has notice drastic changes on Birch Lake. He recommended everyone have their water quality check on their lake to determine baseline information.

The grants for the water quality testing of the Kawishiwi Watershed runs through June 2013.

Reservations for overnight trips to BWCAW drop

According to U.S. Forest Service officials, overnight reservation for the Boundary Waters has dropped significantly. Over 5,000 fewer reservations were made in 2009 than in 2003 when there were 39,304. When you figure on average of four people per group that means there was a 20,000 drop in campers.

Quetico Provincial Park in Ontario is seeing fewer visitors as well. Their numbers are down by one-third since 1994.

Two of the reasons cited in both the Boundary Waters and Quetico are that fewer young people are interested in camping in the wilderness and the baby-boomers are

getting older.

People from all across the country come to the Boundary Waters which is viewed as the most popular and most visited wilderness in our country. The numbers are made up of mostly Minnesotans who head 'Up North' for good fishing, good paddling and camping.

Last fall Sam Cook with the Duluth News Tribune reported that day-use of the Boundary Waters has increased as overnight use has decreased. Day-use permits rose from about 11,000 in 2001 to 14,325 in 2008.

This spring, the U.S. Forest Service

reduced the reservation fee charged by contractors to process BWCAW permits. This may be to address the reduction in overnight use, in hopes that more young people will show an interest in the outdoors and wilderness camping.

To reserve a BWCAW permit the fee was dropped from \$12.00 to \$6.00. The user fee remains the same - \$10.00 per adult per trip and youths under the age of 18 are charged \$5.00 per trip. www.recreation.gov National Recreation Reservation Service: 877-444-6777

Forest traffic surveys conducted in Minnesota

Beginning last fall, visitors to the Superior and Chippewa National Forests may have seen uniformed Forest Service employees wearing bright orange vests, near a sign that says "Traffic Survey Ahead."

These trained interviewers want to know about your visit to the national forests. According to Forest Service spokesperson Kris Reichenbach, the information they are collecting is vital to the Forest Service goal of maintaining quality recreation services and meeting visitor needs, so please pull

over for an interview. All information you give is confidential and the survey is voluntary.

This ongoing visitor use survey is conducted once every five years on each national forest. Surveys have already occurred at least twice on all of the national forests across the country. On the two national forests in Minnesota, the third round of the survey is beginning to add to information previously gathered.

The survey provides national forest

managers with an estimate of how many people recreate on federal lands, what activities they engage in while there, and recreation trends over time. Another important piece of information for national forest managers and tourism planners is an indication of how satisfied people were with their visit and an indication of the impact of recreation visits on the local economy. This information is also used by state agencies and Congress.



2010 Raffle Winners:

Boat, Motor & Trailer - Don Maki from Babbitt, MN
2-night stay at Hungry Jack Lodge -
Rick Ellis from Ely, MN
Boundary Waters Camp print & Basswood calendar -
Jerome Anderson from Albert Lea, MN

Thank you to Joe's Marine/Ely, Forrest Parson & Hungry Jack Lodge/Gunflint Trail, Connie Ahola Loisel for helping with the CWCS raffle prizes.

Thank you to all the businesses in Ely, Babbitt, Finland & Grand Marais - Joe's Marine, Blomberg's, Wilderness Outfitters, The Great Outdoors, Ely Shopper, Skube's Bait & Tackle, Spirit of the Wilderness, LaTourell's Resort & Outfitters, Our Place, Wind Lake General Store, Devil Track Lodge, Trail Center, and Hungry Jack Lodge - for selling the CWCS raffle tickets.

And a big thank you to all who bought CWCS raffle tickets and support Conservationists with Common Sense.



Every year Doug McReady tries to walk the entire Four Mile Portage to Hoist Bay of Basswood. Last year he used his gps to get around some of the downed trees and water to make it to Basswood. This year Four Mile Portage is impassable for the last 1 ½ miles. The Four Mile Portage most definitely IS NOT feasible to cross pushing a boat & motor on wheels, as determined by the courts. The Forest Service has not maintained Four Mile Portage and rid the area of beavers.

Heart of the Continent Partnership – HOCP

The origins of the Heart of the Continent Partnership can be traced back to an informal sharing of research and resource management information among Voyageurs National Park, the U.S. Forest Service, Quetico Provincial Park, The Nature Conservancy and others. Meetings have been held for over five years, since 2006.

HOCP is mainly made up of environmental groups with a few federal and state agencies. A few of the environmental groups involved from Ontario and Minnesota are: Canada Parks and Wilderness Society (CPWS), Rainy Lake Conservancy, Friends of Quetico Provincial Park, Quetico Superior Foundation, Ernest Oberholtzer Foundation, Friends of the Boundary Waters Wilderness, Friends of Voyageurs National Park, Izaak Walton League, Northeastern Minnesotans for Wilderness, The Nature Conservancy, Trust for Public Lands, Voyageurs National Park Association, Wilderness Inquiry, and Wilderness News. Minnesota Department of Natural Resources, Ontario Parks, Quetico Parks, Quetico Provincial Park, Rainy River First Nations, Superior National Forest, and Voyageurs National Park are also involved.

Conservationists with Common Sense – CWCS and Arrowhead Coalition for Multiple Use – ACMU representatives have attended several meetings of HOCP. Both CWCS and ACMU have concerns. All the stakeholders are not at the table. Key stakeholders were identified in November 2006, but few others than environmental organizations and state, federal and provincial agencies are involved, or show an interest in being involved. Where are the Chambers of Commerce, loggers, mining and energy industries, resort/outfitters, lake associations, or private landowners?

HOCP claims to not have a policy for or against anything. They say they want all forest users – including snowmobile and ATV Clubs involved with them. They want to market the heart of the continent region, and work to help keep the communities around the “heart” economically viable.

A few of HOCP strategies are developing an identity for the region and supporting socio-economic growth and cultural empowerment in the surrounding communities. Encourage communities to work together to reap benefits from marketing the region as a whole with ‘shared branding’. Cooperate in the areas of scientific research and management, and promoting the region as a global scientific research opportunity. HOCP gives an example of an issue needing cooperation is Climate Change.

Past meetings have focused on aquatic resources of the border lakes region including lake sturgeon, walleye, and the SLICE program (Sustaining Lakes in a Changing Environment). The sustainable gateway community initiative is to share ideas about balancing nature and commerce in communities that neighbor public lands. Quetico Provincial Park and Ontario Parks (Quetico) will be submitting an application document to the Royal Astronomical Society of Canada (RASC) with the express purpose of qualifying for a designation as a Dark Sky Preserve - DSP. DSP would limit and continue to work towards using less polluting lighting methods in the park and by doing so, inspiring others to follow suit.

At the evening meeting February 24, as in previous gatherings, Lisa Radosevich-Craig with the USFS and Paul Danicic with the Friends of the Boundary Waters led the meeting.

The main focus of the meeting was to brainstorm about sustainable development, but mining and logging weren't part of the discussions. From the HOCP flyer: Sharing ideas in both small and large groups on, “How can communities & public lands take that next step - working together to benefit the economies and social needs of the communities while using neighboring public lands in a sustainable fashion?”

Connie Channey gave a presentation for the Forest Service. She mentioned the impact of the 3Ts – timber (\$45 million), tourism (\$120 million) & taconite – has a great impact too is all she said. Even when Mary Somnis with Iron Range Resources & Rehabilitation – IRRRB failed to mention taconite's impact of \$3.1 BILLION!

Okey Ukaga, Executive Director of Northeast Minnesota Sustainable Development Partnership. A program of Minnesota Sustainable Development Partnership is Village Earth. This would bring a project to communities, projects that connect local communities and public lands. At the HOCP meeting last year, International Falls signed on to the gateway initiative and came up with the Gateway Corridor with the assistance of Arrowhead Regional Development Commission.

HOCP states a key requirement for success among the Partnership is trust in a fair, open and communicative process. But, many of the environmental organizations have proven to be untrustworthy with multiple lawsuits opposing economic development, trail construction, timber sales, or fairness in Boundary Waters management. CWCS and ACMU will stay involved to see just where this is all going.

Chain of Lakes recalculation at a stalemate

(Continued from Page One)

capricious”, which is the overused argument used by environmental groups when a US Forest Service judgment doesn't represent their extreme views. The US Forest Service came to the conclusion that they did use all information that they had available and even so, the court came back to them with the strange finding that this wasn't good enough information. With no different information available to them, the US Forest Service has decided to quit trying to correct this incorrect management.

CWCS is extremely troubled by the very strange court ruling and the equally puzzling inaction of the US Forest Service in choosing not to continue to act to find a solution to the problem.

A couple of questions include whether it is allowable for the US Forest Service to have quotas set that are inconsistent with their plan of management and with the 1978 BWCAW Act. If a court doesn't allow this permit calculation using the best information available by the US Forest Service, why should the entire permit system be allowed to be in place that used very similar meth-

odology? We also question if the US Forest Service did indeed fulfill the court ruling to meet with the affected parties to come up with a solution at the earliest time that was practical. The several years that have passed definitely didn't meet that standard. In all of that time, CWCS as a named affected party never was invited to a meeting that included all of the parties involved.

CWCS is exploring all options related to this issue and will continue to act to ensure that the visitor access and enjoyment of the Boundary Waters that was spelled out by the 1978 law is not eliminated.

CWCS RAFFLE

Tickets are available at 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. In the Gunflint/Grand Marais Area, at Trail's Center, Nor'Wester, Hungry Jack Lodge, Voyageur Canoe Outfitters, and Wind Lake General Store. Our Place in Finland & ACMU members.

1st Prize

Lund WC-16', Evinrude 25HP
E-Tec & Shorelander Trailer
Provided by Joe's Marine/Ely

2nd Prize

2-night stay at Grand Superior Lodge/Two Harbors
Donated by Odyssey Resorts



3rd Prize

Framed 'Boundary Waters Camp' print

Drawing at

CWCS Boat Raffle Fundraiser

Sunday, Sept. 11, 2011

at Whiteside Park Pavilion 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

EARLY BIRD DRAWING:

Membership dues received by July 1st will be entered into a drawing for round trip crossing of Prairie Portage. Donated by LaTourell's. All new and renewing members will be entered in the drawing.

Please check your mailing label!

If you have paid your membership, there will be a PD 2011 amount above your name.

If you have not paid your membership, the top line will be blank. See examples:

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All Donations are Tax Deductible! Thank you!

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Thanks!



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