Outfitters faced with Coast Guard regs

Realizing they may be in a sinking boat, a group of Ely area fishing guides, outfitters and even real estate business owners met recently to discuss new Coast Guard licensing requirements on federally-navigable waters.

Those waters include all of the border lakes such as Basswood and connecting waters including Moose, Fall, White Iron, Farm, Garden, Lake Vermilion, Newton and Birch (near Babbitt).

If you operate a motorboat commercially, whether it be a tow boat or a real estate agent taking a client across the lake to look at a piece of property, you need to abide by the Coast Guard rules.

Those rules include having an Operator of Uninspected Passenger Vessel (OUPV) license, also known as a “Six Pack” license since it is required for one to six passengers for hire.

The problem is getting the license is no easy task and the rules that go along with it (including 90 days of experience and random drug testing) would likely eliminate the majority of tow boat operators who shuttle canoeists into and out of the Boundary Waters Canoe Area Wilderness. Fishing guides who use motorboats would also face a difficult task.

For one resort owner, these new rules could have a devastating effect on his business. “If people can’t use the tow boat services we have to offer and they can’t take advantage of the guide services we provide, then they don’t stay at the lodge and they don’t eat in our dining room and if they can’t do any of that then they go and stay somewhere else,” said Blayne Hall, owner of Hall and Williams Outfitters. “If the rules stay as they exist today and the only thing that’s changed is the test, it still makes it impossible for my business.”

Hall said his business uses high school students as tow boat operators. The rules would likely preclude that from happening.

“Basically now it takes four to six weeks if you’re doing everything just right to get the six pack license,” said Hall. “So if I have a kid who shows up in May I can’t use him until July. Another thing is having some company come to your business for drug tests.”

The costs are also a concern with a moving target for the actual cost of the license. “First we heard it was $2,000 per license, then we heard it was $1,300 and then it was $600 so there again it’s all speculation,” said Hall. “Eight drivers for a summer would be $16,000. It’s an amazing grab of money.”

At the meeting this past week, Hall and Bob LaTourell urged those present to contact their federal legislators and pressure them to take action on the issue.

LaTourell said he has looked into trying to get an exemption for the Ely area but to no avail. He said Rep. Jim Oberstar has met with higher ups in the Coast Guard and there may be some changes made, but nothing has been put in writing yet.

John Scheifelbein advocated having the Forest Service take over the licensing of tow boats from the Coast Guard.

“All of the tow boats are registered and the guides are licensed by the U.S. Forest Service. We’re already under control by federal jurisdiction from people who know these waters,” said Scheifelbein.

LaTourell said the Coast Guard is not addressing canoes or any non-motorized boats but that “they could also choose not to enforce the rules on boats under 21 feet. As it is right now it’s a bad deal for Ely.”

Lake County moving forward with land exchange

Lake County Land Commissioner, Tom Martinson, recently attended the Fall Lake Township monthly meeting and informed the board and the dozen citizens present that Lake County is moving forward with an exchange of Lake County lands within the Boundary Waters for federal lands throughout Fall Lake Township.

In all, 2700 acres of county land within the Boundary Waters will be exchanged for about 7200 acres of federal lands.

“This is something Lake County has been working on for ten years,” said Martinson.

Addressing questions from the supervisors about why the township wasn’t involved with the land exchange, Martinson said initially the township was involved but over the last year Lake County finalized the exchange.

Supervisor Jake Takvam asked about including federal lands at the end of the Kawishiwi Trail to implement an extension of the road to the Spruce Road. Martinson said that was not doable.

“So we’re suppose to exchange our Boundary Waters lands for only the land the Feds want to give us, and not what Fall Lake Township or Lake County wants?” asked Takvam. Martinson admitted that was basically how the exchange was done.
Decision on Forestwide Travel Management Project

Forest Supervisor Jim Sanders announced the Forest-wide Travel Management Project in December of 2008.

That decision was appealed and the Appeal Deciding Officer remanded the decision until impacts to air quality in the Boundary Waters Canoe Area Wilderness (BWCAW) were disclosed.

A Supplement to the Environmental Assessment has been prepared. The Supplement discloses effects to air quality in the Wilderness as required by the Appeal Deciding Officer, and also includes disclosure of potential effects from illegal use and effects to wildlife.

Public comments that were submitted on the Supplement have been considered. There are many opinions about where Off-highway Vehicles (OHV) should be allowed on the Superior National Forest. The result is an increase in loop riding opportunities for OHV enthusiasts, while at the same time reducing the number of roads on the Forest. The December 2008 Decision Notice has been updated to include consideration of the Supplement, public comments on the Supplement, and other circumstances that have changed since December 2008.

In making this decision, Sanders reiterates the Regional Forester’s statement in the Forest Plan Record of Decision that the use of ATVs, off-highway motorcycles, and four-wheel drive vehicles is a legitimate use on the Superior National Forest; and while providing for this use, we must also protect natural resources and provide opportunities for non-motorized recreational opportunities.

This decision on the Travel Management Project does not establish an off-highway vehicle road and trail system where none previously existed. Off-highway vehicle use is well-established use on the Superior National Forest and under the existing condition there is already a road and trail system in place.

The action alternatives of the Travel Management Project would create adjustments to the existing road and trail system. The Travel Management Rule specifically does not require the revision or reconsideration of previous decisions designating the existing route system (36 CFR 212.50(b)).

The Forest Service road and trail system is dynamic and changes in response to resource management needs; this decision does not change that. It is possible, and even likely, that roads will be built and additional roads will be closed in the future. Some additional routes may have potential for OHV use, to provide long-distance riding opportunities, or to serve as connectors for loops. Conversely, if problems are associated with some roads or trails currently designated for OHV use, those roads may be closed to such use.

The Decision Notice, maps, appendices, and the revised Supplement may be found at our website at www.fs.fed.us/r9/superior under Projects and Plans. If you have any questions, you may contact Duane Lula at (218) 626-4326 or dalula@fs.fed.us

Trail renamed C.J. Ramstad North Shore Trail

Earlier this year the Minnesota legislature renamed a portion of the North Shore Trail from Duluth to Two Harbors the C.J. Ramstad North Shore Trail in honor of the late C.J. Ramstad, editor and publisher of Minnesota Snowmobiling, Supertrax and All Terrain magazines.

C.J. and his son John (J.J.) were both killed in a two-car accident in May 2007. The renaming of the North Shore Trail is a most fitting tribute to a man who was synonymous with snowmobiling since the beginning of the sport.

We have lost a great friend and advocate in C.J. and his death has left a great void in the world of snowmobiling. He would be greatly pleased to know that Lake County is also making an effort to have a portion of the North Shore Trail designated for ATV use as well, connecting the Moose Walk system near Finland, MN with Silver Bay.

ATV projects take another step forward

The Lake County Planning Commission approved a conditional use permit (CUP) and passed a motion to support the conversion of several miles of the North Shore State Trail (NSST) on Lake County land from just snowmobile to ATV.

Also, the Minnesota Department of Natural Resources (MDNR) is seeking public comments on a proposal to develop a 2,704-acre expansion to the existing Iron Range Off-highway Vehicle Recreation Area (OHVRA) in Gilbert, MN.

The proposed expansion site is located one mile north of the existing Iron Range OHVRA built on former iron mine land, and we partially be within the city of Virginia, Minnesota.

The Virginia expansion site will be managed out of the existing facility, which will be linked to the expansion area by a connector road. This proposed expansion includes the development of the connector road, a core trail system, vehicle-specified trails, and perimeter fencing.
Message from the President

First of all, I’d like to apologize for the lateness of this CWCS newsletter. I have had several distractions over the past months, including having my other knee replaced, attending various meetings and dealing with my mother’s Alzheimer’s. It’s been a very trying, and tiring period.

The weather hasn’t helped matters. With almost three straight months of cold and rain we barely had any summer until mid August. September was a beautiful month, but October and November turned to rain again, and unusual cold. It was colder in July for the Blueberry Festival in Ely than it was in September for the Harvest Moon Festival. Little snow made it difficult for deer hunters in November. The cold has finally come and the area lakes around Ely are freezing over. As an avid snowmobiler, I can hardly wait to get out on the trails! We need snow!

I attended the hearings on the PolyMet draft EIS in Aurora and Blaine. There were over 800 people in attendance at Aurora and over 600 at Blaine. Most were in support of PolyMet with only a few opposing. I’ve said it before, and I’ll say it again… the new, cleaner and safer technology of mining should be embraced.

The recent revelation of leaked emails on manipulating data to make the case for global warming has resulted in what many are calling Climate-gate. It definitely opens the door for debate with all scientists from both sides – is man causing the changes or is this cyclical. I recently watched a documentary on the History Channel, ‘How the earth was made’ chronicling the ice ages, greenhouse effects and other changes that have occurred over the past 4.5 billion years. Most interesting was the summation “that most scientists recognize we are between ice ages. And even if our industrial economies affected global warming over the next couple of centuries, it can do no more than delay the inevitable. The continent’s current positions, keeping the polar oceans cool, mean that in just 15,000 years a new ice age may occur.” The recent unprecedented cold that has embraced the globe should call for further global warming debate.

Recently I received a call from a fellow from Madison, WI. He was wondering what permits would be needed for a winter trip through the Boundary Waters and into Quetico Provincial Park. When going into the Boundary Waters and Quetico Provincial Park you must have proper identification and permits. A Boundary Waters permit is needed in the summer as well as in the off season from October to May with the self-issuing permit. If going into Quetico, a Remote Area Border Crossing permit (RABC permit - $30 per family) is needed from Canadian Customs and a U.S. passport ($100 good for 10 years) or Nexus card ($50 good for 5 years) to return into the United States. The Nexus card requires an interview with both U.S. and Canadian Customs.

I met with Gerald Tyler, an Elyite concerned about the increase of the wolf population in Minnesota. (See related story) Living on Fall Lake for the past 35 years, we have had several incidents involving wolves. Our neighbor lost their dog to a wolf and our own dog was attacked by a wolf. We ended up put our dog down due to the injuries. We have had several deer killed in our yard, and just within the last couple weeks we had a wolf come past our kitchen window. It is definitely time for the wolves in Minnesota to be delisted from the Endangered Species list.

CWCS is still waiting for resolution to the lack of BWCA permits for the Chain of Lakes, and the new issue of Coast Guard regulations for BWCA guides has been a hot topic. (See related stories)

CWCS appreciates all the comments we receive on trying to keep up on issues that affect our public lands and waters, and more importantly how they affect the health of the communities surrounding the Boundary Waters. Thank you for your support.

Nancy McReady
CWCS President
Erosion and recreational sites visited within MP project area

This September was the third annual meeting of members of the collaborating team involved in the Federal Energy Regulatory Commission (FERC) re-licensing process for Minnesota Power’s Winton Hydroelectric Project.

Those involved included Minnesota Power, the U.S. Forest Service (USFS), Minnesota DNR, MPCA, U.S. Fish & Wildlife Service, and non-government organizations Conservationists with Common Sense (CWCS) and White Iron Chain of Lakes Association (WICOLA).

Part of the relicensing settlement agreement by the FERC was the requirement to annually review conditions of the agreement and the funding of erosion and recreation sites within the MP Project area which includes the Birch Lake Reservoir, Garden, Farm and South Farm Lakes (collectively known as Garden Lake Reservoir).

The USFS pooled these funds along with other matching funds to complete erosion site maintenance projects on recreation sites.

Cavan Fitzsimmons, interim Kawishiwi District Ranger in Mark VanEvery’s absence, arranged for several boats to take members of the collaborating team to several of the erosion sites on Birch Lake Reservoir where the USFS has performed shoreline protection measures to stop erosion.

The first stop was at Birch Point, on Birch Lake where the group walked the area and viewed the rip rap and logs the Forest Service hauled in to shore-up and protect the lakeshore.

Next was a visit to a small island locals call Toilet Paper Island. It is too small to have a campsite or latrine, thus the name. A house boat was at the shore near the steps and rip rap.

The last stop on Birch Lake was to Kangas Bay where another houseboat was near the rip rap on the shore. There are 14 dispersed camp sites on Birch Lake, and 33 sites overall within the MP project area to be protected from erosion.

The group then drove to the South Kawishiwi Campground on to see the improvements the Forest Service has done to the pavilion with the settlement agreed upon with Minnesota Power funding.

The windows have all been re-glazed, the fireplace was fitted with a vacuum to draw the smoke up the chimney, the doors have been reset, new locks and hinges have been installed, and the overgrown rock walkway has been cleared of grass and debris.

There are 34 camp sites at the grounds, and future projects are to provide electricity to each site and refinish the inside of the pavilion.

The caravan of vehicles headed back to Ely and up the Fernberg Trail, stopping at the Garden Lake boat landing and shore fishing access which were recreational sites also funded by Minnesota Power in the FERC settlement.

The last stop of the day was to the Kawishiwi Falls/canoe portage and parking lot. This trail leads to the 67-foot waterfalls viewing area and down to Fall Lake. This is one of the recreational sites that has quickly become very popular to locals and visiting tourists alike since its 2006 ribbon cutting.

The annual meeting concluded the following day with an early breakfast meeting at Fortune Bay.

Several conditions of the FERC settlement agreement were reviewed, including Winton Hydroelectric bypass water flow, ramping bypass water flow, bypass water leakage, public health and safety, heritage resources, historic properties, and water quality monitoring.

Recycle...share this CWCS newsletter with a friend!
Chain of Lakes permit problem still unresolved

If you’re planning your 2010 trip into the Boundary Waters Canoe Area Wilderness, the U.S. Forest Service has released some data on why certain permits are hard to get.

Kawishiwi District Ranger Mark Van Every has admitted the Forest Service has received calls on the shortage of day use motor permits. Users have complained about the lack of available permits and reports of very few people at times on Basswood in a motor boat.

“The no show rate is very high and that’s where some of those permits are going. They’re being reserved and not used. As a result we’re not utilizing the permits available under the quota,” he said.

The Forest Service does take this into account, especially with a no-show rate of up to 26 percent for Basswood motor permits.

“Every year we increase the number of reservations based on the no show rate for the past two years. In essence we look at the last two years and increase by the no show percentage. We still see usage rates below the quotas.

“On the very high no show rates, part of that is due to how people use those areas. We think a lot of our reservations, nearly all of our reservations are made in January where over at Saganaga they make reservations closer to doing their trip. Whereas for Basswood you make plans in January and those plans can change,” said Van Every.

The release of the data is something Van Every hopes will answer some questions.

“This is something of interest to a lot of folks out there. I think it’s important for folks to understand there are lots of people trying to get permits.

“It’s also important if you do get a reservation and you’re not going to use it to cancel that so it’s available to someone else,” said Van Every.

Still unresolved is an appellate court order to reconfigure the quotas for the motorized areas in several areas referred to as the Chain of Lakes. The ruling has to do with motor boat usage in the base period of 1976 to 1978 by property owners on lake chains that were previously not required to get a permit to take their boats into the BWCA. From 1979 until a few years ago, the permit system was set up to allow for the use of these waters by property owners and their guests without the need for a permit, as the 1978 law exempted their use on the lake where they were located. A change in the interpretation of this law by a court order made it a new requirement for these property owners and their guests to now need a permit on the lake chain portions of these waters. However the permit system in effect at that time (and still in effect today) didn’t take into account the use of these property owners, which made it necessary for the US Forest Service to recalculate these quotas to represent the actual amount of use that these quotas were to be based on.

“We had direction to go back to all the parties in the lawsuit and try to get better numbers for 1976 to 1978 and work out a resolution from the parties involved. We have been working on that, first getting our information as accurate as we can come up with, and then sending that out to the other parties in the lawsuit asking for them to clarify the information we supplied. So far nobody has any different or any better information nor was there a universal agreement on the information we had.

“We’re planning to go back and talk to the judge on what we’ve done and where to go from here,” said Van Every.

Conservationists with Common Sense, one of the parties involved in the lawsuit, would like to see this decade long dilemma resolved. We urge the US Forest to proceed as soon as possible. It is our view that the last court ruling has given them direction to recalculate the quotas to take into account all of the use that wasn’t counted and they should begin this process as soon as possible.
Cook County opposes BWCA sound barrier

This fall, the Cook County board decided to make a statement to the U.S. Forest Service regarding the potential impact of the sound of snowmobiles on the Boundary Waters Canoe Area Wilderness (BWCAW).

A lawsuit filed in 2006 has resulted in a federal Court of Appeals directive to the U.S. Forest Service to prepare an Environmental Impact Statement (EIS) assessing the potential impact to the BWCAW of sound coming from several proposed reroutes of a snowmobile trail near South Fowl Lake. The first step of an EIS is “scoping,” during which the public is invited to present new information.

In a letter written to Gunflint District Ranger Dennis Neitzke on behalf of the county board, Commissioner Bob Fenwick stated, “…We are disappointed that the Forest Service did not appeal the specific ruling to undertake this new and redundant environmental study.”

The letter drafted by Commissioner Fenwick supports the Forest Service’s selection of the second of several alternative trail routes: “By selecting Alternative 2 as a replacement for a snowmobile route that was displaced by the establishment of the BWCA Wilderness, the Forest Service dutifully fulfilled its legal obligation under the BWCA Act of 1978, that being to ‘expedite and intensify’ such activity outside the wilderness area. The exhaustive studies completed prior to this decision, including an Environmental Assessment, did indeed result in the establishment of a ‘safe, legal snowmobile access from the McFarland Lake area to South Fowl Lake.’

“We feel it necessary to state that no action should ever be taken to create either legally or by custom a buffer zone of any kind near the boundaries of the Wilderness. Along with the deleterious economic and cultural effects, it should be noted that such zones stand in direct conflict to the intent of the BWCA Act of 1978. …We believe that there are suitable statewide rules governing snowmobile noise that could be easily applied.”

The county board gave its approval for the letter drafted by Bob Fenwick to be sent to Dennis Neitzke on behalf of all five commissioners.

Conference held on delisting wolves

A conference on wolves was held at the Grand Ely Lodge in Ely, Minnesota on December 11, 2009. Gerald Tyler organized the conference and gave the following opening statement:

“There are reports of wolves being seen on the streets of Ely; of wolves ransacking through garbage bags; of more and more sheep, turkeys, cattle, dogs and other pets being killed or injured by wolves in Northeast Minnesota, in both rural and urban areas; of wolf- deer hunter encounters.

“Many of us think that these issues with problem wolves can no longer be ignored; that wolves should be removed from the endangered species list, allowing wolf management to revert to the respective states. We believe that the states have the capacity, the experience and the funding to more effectively manage wolves than the federal government, since as things now stand, wolves fall under the jurisdiction of the federal government.

“This Conference is being held to gather information and gain public support to have wolves removed from the endangered species list under the Endangered Species Act.”

Tyler read a message from Dr. David Mech that stated he endorses delisting. Dr. Mech is a senior research scientist for the U. S. Geological Survey, Adjunct Professor, University of Minnesota, and founder and vice chair of the International Wolf Center. He has studied wolves for almost 50 years. Dr. Mech is the world’s leading authority on wolves.

Tyler introduced several Federal and State officials, including Tony Sullins, field Supervisor for the U.S. Fish and Wildlife Service in Minnesota; Dan Stark, Minnesota Wolf Management Specialist with the Minnesota DNR in St. Paul; and Jess Edberg representing the International Wolf Center (IWC) in Ely, Minn.

John Hart, John Hart, a biologist with the U.S. Department of Agriculture and based out of Grand Rapids, handles wolf complaints and has the power to “assess whether lethal removal is necessary and feasible.” He provided data showing that the number of complaints rose dramatically across the state, including an October, 2009 incident where a dog was killed, apparently by a wolf, on the outskirts of Ely. He talked about federal management in dealing with problem wolves, wolf depredation and nuisance management, and the Minnesota wolf population.

Next, the public was given the opportunity to ask questions and offer comments.

Tyler asked, “If anyone had experienced livestock, dogs or other pets, killed or injured by wolves; if anyone had experienced an encounter with a wolf or wolves and had felt threatened; if they believed that wolves are depleting the deer and moose populations; if they believed that under their current status on the endangered species list, wolves have become habituated and no longer have an instinctive fear of man.”

Roger Skraba, Mayor of Ely offered comments regarding wolves reported seen on the streets of Ely. He said this is not acceptable within the city.

Mark Johnson, Executive Director, Minnesota Deer Hunters Association spoke for the Deer Hunter’s Association. He said that many hunters have charged that wolves have had an impact on reduced deer kills. He suggested Minnesotans contact their State and Congressional delegates and ask them to support delisting.

Dale Lueck, Chairman of the Wolf Delisting Committee, Minnesota Cattlemen’s Association, Aitkin, MN agreed.

Several citizens shared their encounters with wolves, and all but one person supported the delisting of wolves and a return to state management. Many spoke of the absence of fear shown by wolves in the presence of man.
Hundreds attend PolyMet meetings

Two public meetings to gather comments on the PolyMet project were held in December. The first in Aurora which had over 800 people, and the second in Blaine with the majority of the 600 people in attendance in support of the nonferrous metal mine. Over 200 people from the Iron Range and Duluth rode chartered buses or drove themselves down to Blaine. They included dozens of building trades union members.

Held at the Schwann National Sports Center, people carrying signs were stopped at the door and not allowed to bring them into the building. A group of people was gathered in front of the building displaying signs in support of PolyMet.

Iron Range legislators Senator Dave Tomassoni, Senator Tom Bakk and Representative Tom Rukavina each spoke before the power point presentation on the purpose of the draft environmental impact statement.

“We have a unique opportunity to produce a new industrial model for our future,” said Bakk. “Right here in Minnesota.”

He said that value added products such as copper pipe and wire along with a distribution center could be built in northern Minnesota.

“This is something that has never been done anywhere in the world,” said Bakk. “If we care about reducing greenhouse gases and carbon, we need to support this project.”

Rukavina talked about the great opportunity for the Iron Range and for our state.

“We can mine these metals here or stand back as they are mined elsewhere in high-polluting countries,” said Rukavina. “47% of palladium and 19% of nickel are imported. These are the metals used in cell phones and computers.”

As Rukavina pointed his finger at the audience he said, “And it’s coming from a mine in Russia, the biggest polluter in the world. And you’re all contributing to that pollution.”

From the back of the room a young woman voiced her objections at not being able to give oral comments before she was led out of the room.

“I have questions. Why does he get a microphone? Let’s talk,” she said.

The two meetings were publicized in local newspaper as public meetings, not public forums for oral comments. Stenographers were available at both to take oral testimonies.

We should be thinking globally and acting locally. That’s conservation with common sense! We need to balance the need for livable wage jobs with care for the environment. There is no buffer zone to the Boundary Waters, and these mining projects are outside of the wilderness area.

PolyMet is not in the Boundary Watershed. Our communities around the area are dying, and we need the jobs to sustain a healthy community.

CWCS encourages its supporters and members to comment on the PolyMet draft EIS. You can submit your comments until February 3, 2010 via mail or e-mail:

Mail: Stuart Arkley, EIS Project Manager
Minnesota Department of Natural Resources
Division of Ecological Resources
Environmental Review Unit
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025
Email: Environmentalrev.Dnr@state.mn.us

Heart of the Continent Partnership Steering Committee members Brian McLaren, Robin Reilly, and Lynda Horman have organized a conference in Thunder Bay for February 4th and 5th.

The Heart of the Continent Partnership is a Canadian/American coalition of land managers and local stakeholders working together on cross-border projects that promote the economic, cultural and natural health of the lakes, forests and communities on the Ontario/Minnesota border.

Thursday night Feb. 4 there will be a presentation presented by Lakehead University professor Dr. Peggy Smith and on Feb. 5 there will be a series of presentations and workshops focused on wilderness area research opportunities, opportunities presented by the new National Maritime Conservation Area in Lake Superior, and a large-scale community training initiative being introduced by HOCP.

Nancy and Doug McReady

HOCP meeting will include community training
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