

CWCS

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

Conservationists
with Common
Sense



WINTER 2005 NEWSLETTER

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

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 rules for Friends in Chain of Lakes case

A federal judge ruled in favor of environmental groups over permit levels for motorboats on lakes connected by water.

U.S. District Court Judge Jack Tunheim ruled in favor of the Friends of the Boundary Waters writing that the Forest Service was not given authority by Congress to recalculate a cap on permits, even if their original calculations were incorrect.

The decision, once implemented, would drastically reduce the number of permits available on the Moose Lake, South Farm and Saganaga Lake chains.

Bob LaTourell of LaTourell’s Resort was shocked at the ruling.

“What in effect the judge’s ruling says is that there was no use by any of the dozens of resorts or hundreds of property owners on these affected lakes from 1976-78. These were the years that the U.S. Forest Service was given the duty to come up with the original permit numbers based on the actual use that there was at that time,” said LaTourell.

“I couldn’t believe he ruled that way because with that ruling it makes the use levels here inconsistent with the rest of the wilderness use levels based on what the use was in 1976-1978,” said LaTourell.

The ruling will see permit levels drop from nearly 6,900 permits available each year down to 2,376, unless there is an appeal or an injunction on the ruling.

In 1999, a judge ruled that lakes connected by water passage should not be considered as one continuous lake and that property owners and their guests that were considered as exempt from permits in these areas for 20 years were no longer exempt. These property owners and their guests now had to compete for permits from a system that was never meant to include a level of use that included these property owners and their guests.

The Forest Service then went through a

process to determine what the proper permit numbers would have been if those property owners and resort guests would have been included in the original studies on permit use before the 1978 BWCAW Act.

The Forest Service has a cap on the number of permits that can be issued for motor use as specified by the 1978 BWCAW Act.

After determining the estimated use, the Forest Service announced it would increase the number of permits available for those areas.

In response, seven environmental groups filed suit.

Mesabi Nugget Update

The Iron Range may see the economic impact of as many as four major projects. There have been updates on the Mesabi Nugget Project, NorthMet Project, Mesaba Energy Project and the Soudan Underground Laboratory.

The Community Readiness Committee was formed to assess what is needed for each of these projects, such as road and infrastructure requirements, school and housing needs, as well as keeping everyone informed on the progress being made.

The Mesabi Nugget Project is for a Large Scale Demonstration Plant (LSDP) destined for development at the former LTV Cleveland Cliffs site. Kobe Steel of Japan developed the iron making technology known as Iron Technology Mark 3 (ITmk3).

The process produces clean iron, saves energy, reduces pollution and provides for easy production. ITmk3 incorporates the blast plant, pellet plant and coke plant into one operation. In comparison to a taconite plant, pollution will be reduced by as much as one-half to one-tenth of a current taconite plant. The nugget will be 95% metallic

iron. Plaintiffs included the Friends of the Boundary Waters Wilderness, the Sierra Club North Star Chapter, Superior Wilderness Action Network, American Lands Alliance, Minnesota Canoe Association, American Canoe Association, and Minnesotans for Responsible Recreation. The environmental groups are represented by Faegre & Benson LLP, a Minneapolis law firm.

Conservationists with Common Sense (CWCS) had joined with the U.S. Forest Service in the case. CWCS is waiting to hear if the U. S. Forest Service will appeal the decision.

There has been four phases in the Mesabi Nugget Project – permitting of the pilot plant; construction and operation of the pilot plant; financing of the LSDP; construction of the LSDP.

The pilot plant at North Shore Silver Bay was constructed September 21, 2002 with the first nugget produced May 23, 2003. The pilot plant made 10,000 tons of nuggets in electric arc furnaces (EAF) with emissions shown to be 41% to 96% less than the blast furnaces or basic oxygen furnace (BOF) route.

Other environmental concerns that would be greatly reduced include: a 59% reduction in mercury emissions; 41% reduction in carbon dioxide; 96% reduction in carbon monoxide; 60% reduction in dust; 78% reduction in sulfur dioxide; 65% reduction in nitrous oxide; and 86% reduction in volatile compounds. “The process is proving to be far cleaner than we expected,” said Mesabi Nugget president Larry Lehtinen.

With the first two steps completed,
(Continued on Page Two)

Mesabi Nugget Update

(Continued from Page One)

Mesabi Nugget is fast moving to the realization of a full-scale operation. Permitting was passed May 19, 2004 and funds were approved May 24, with a September 15, 2004 permit application. Lehtinen is confident permits for construction will be approved by April 1, 2005, with the possible production of the first nugget at the LTV site by June 1, 2006.

The impact of jobs to the area may be as many as 400 for the construction of the LSDP, with 100 new direct jobs, ten

salary positions at Mesabi Nugget and forty laborers. An additional fifty jobs could be realized at North Shore Babbitt to accommodate the need for more mining and stripping. 200 spin-off jobs could be in the Iron Range's future.

The pilot plant at North Shore Silver Bay is shutdown, but will run next year for a few weeks to train forty new employees. The goal of the LSDP is to produce 500,000 tons of iron nuggets per year. With the high demand for steel, and pig iron selling for \$400 a ton, a possible price on nuggets may be in the

\$250 to \$275 range.

Lehtinen said plans would continue for the development of the nugget plant at North Shore Silver Bay. "Silver Bay is our first choice," said Lehtinen. This comment was in reference to the mining at North Shore Babbitt and its railroad to the Lake Superior harbor in Silver Bay.

Mercury emissions from ITmk3 is 60% lower than the emissions from the LTV taconite plant when it was in operation.

"About 82 pounds of mercury a year were emitted into the atmosphere at LTV," said Lehtinen. "It travels around the

globe for about three years before it drops back down in rain. The mercury in our water comes from Asia."

With the high demand for steel, Lehtinen said it would be far better for the global environment if this process was being used all over the world. "I am proud that Minnesota is leading in the forefront of cleaner iron production," said Lehtinen.

Partners in the project are Cleveland Cliffs, Kobe Iron and Ferrous Resources.

Winton Hydro Project Re-licensing

It's been seven long years, but the collaborative team working on the Winton Hydro Project re-licensing has finally come to a settlement agreement. The project area includes waters from Birch Lake and running on through White Iron Lake, Farm Lake, South Farm Lake, Friday Lake and Garden Lake to Fall Lake. The Federal Energy Regulatory Commission (FERC) approved the settlement agreement on April 15, 2004. The renewed license is for forty years.

The collaborative team included Minnesota Power (ALLETE), the U. S. Forest Service, the Department of Natural Resources, White Iron Chain of Lakes Association (WICOLA), and Conservationists with Common Sense (CWCS). Additional agencies and non-government organizations were invited to partake in the process but declined. The team met monthly, sometimes bi-monthly in the early years of the process.

Concerns of each agency and organization involved were discussed. Some concerns included project operation, water drawdown affecting area lakes, erosion, fish and wildlife resource enhancements, recreation resources, and other related sub-

jects.

The Winton Power Dam was built in 1923 and was first licensed for generating hydroelectric power in 1924. The site has two turbines with the capability of generating 4 megawatts of electricity. There is room for a third unit, for more generating power, but that has never implemented.

Terms of the re-licensing agreement include: target lake levels for Birch Lake and Garden Lake; funding of two new stream-flow gauges; prepare, implement, and fund an erosion control plan; fund measures to protect, mitigate, and enhance terrestrial and fisheries habitat; prepare and implement a heritage resources management plan to protect National Register eligible properties, American Indian traditional cultural values, and heritage resources on USFS lands; prepare and implement a water quality monitoring and sampling plan to monitor water; prepare and implement a public safety and human health plan to evaluate public safety at proposed and existing recreational sites, and to provide adequate public sanitary facilities; prepare and implement a recreation plan, and provide funding to the For-

est Service and the MDNR for prioritizing and improving recreational developments within the project area.

The recreation plan may be of greatest interest to Ely area residents, as well as to visitors. Some of the requirements of the recreation plan to be implemented over the next few years include a new Winton Falls viewing facility, allowing people to view the only waterfall in the area. A parking lot will be built off the Fernberg Trail just past the Garden Lake Bridge. Parking will also accommodate use of the relocated portage from Garden Lake to Fall Lake, which will be moved from the west side of the dam facility to the east side.

The existing Garden Lake boat launch area has always been a problem for people because of the strong current swirling at the rocks. This will now be turned into a shore fishing area, and the

boat launch area will be moved further to the southwest, away from the swift current.

Other improvements for public safety at existing recreation sites include the relocation of the wayside rest on Highway 1 near the Birch Lake dam. Presently the site is to the east of the dam on the south side of Highway 1. The wayside rest will be moved to the west side of the dam, on the north side of Highway 1, where there is already a parking lot. Providing money for winter staking of Fall Lake to the east and west of the Power Dam was also included in the settlement agreement.

Minnesota Power has also offered a plan for a plat development of five lots on Garden Lake west of Deer Ridge Resort. The MP property is part of the Winton Hydroelectric project area. This will free up some of land that isn't essential to operations and get a return on it.



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Message from the President

Happy New Year to all!

We had hoped to get a newsletter out before the holidays, but we have been waiting to see if the Forest Service is going to appeal Judge Tunheim's decision in the Chain of Lakes lawsuit.

In August, U.S. District Court Judge Jack Tunheim ruled in favor of the Friends of the Boundary Waters writing that the Forest Service was not given authority by Congress to recalculate a cap on permits.

Also in August, CWCS held its 15th Annual Meeting and fund raiser. Winner of the boat, motor and trailer package was Lonnie Swanson from Tok, Alaska; the 2-night stay at Moosehorn Lodge on the Gunflint went to Alan Lewis from Joliet, IL; and the framed *Boundary Waters Camp* print went to Sue Meier from Babbitt, MN.

Thank you to all the ticket sellers, picnic workers, guest speakers, businesses who generously donated prizes, Ely/Winton Rod & Gun Club, Joe's Marine, Dave & Paula Beattie, and Fortune Bay for providing another excellent fish fry.

Roger Skraba, a CWCS member, newly-elected President of the Ely Igloo Snowmobile Club and Ely's new mayor, met with the USFS La Croix District Ranger, along with several other people, some representing the Friends of the Boundary Waters and the Nature Conservancy. The meeting was called to discuss the proposed snowmobile trail from Ely to Buyck, along the Echo Trail. No one contacted CWCS about this meeting. Of course, the Friends oppose this trail.

This fall my husband and I took a road trip to the North Shore to enjoy the fall colors. How lucky to have gotten this picture of a Canadian Lynx just outside of Isabella.

In November, Bob LaTourell and I attended a pre-legislative forum sponsored by the Ely Area Joint Powers Board. CWCS gave support for federal money to be appropriated for improvements to Winton's wastewater treatment system, which treats water that goes directly into the Boundary Waters. CWCS also supported federal funding for improvements to Highway 169 because of the high volume of traffic coming to visit the Boundary Waters. CWCS supported the Ely Igloo Snowmobile Club's proposal of a snowmobile trail along the Echo Trail and a request for federal funds to develop the Wellstone Snowmobile Trail, as this was a promise of the 1978 BWCA Wilderness Act to develop trails outside of the Boundary Waters in replacement of the 22 trails that were lost within the BWCA. Finally, CWCS requested that state and federal legislators do all they can to get an injunction on Judge Tunheim's ruling on the Chain of Lakes lawsuit until an appeal is filed and decided.

As always, CWCS is doing its best to keep on top of issues that affect access to public lands and waters. We keep up the fight, and we hope you will continue to support our efforts.

A lot of positive things have come out of the Bush Administration which stresses the importance of common sense land use



decisions. CWCS hopes this trend continues.

Nancy McReady
CWCS President

Revised National Forest Plan Completed

In August, the Forest Service came out with their new Forest Plan. CWCS met with Kawishiwi District Ranger Mark Van Every to discuss the plan. Of concern to CWCS and area snowmobile clubs is the plan to make an area off the Echo Trail near Big Lake a non-motorized area.

CWCS stated to Van Every this would interfere with the proposed snowmobile trail from Ely to Buyck offered by the late Senator Paul Wellstone. The Ely Igloo Snowmobile Club has been trying to get this trail on the ground for nearly 10 years.

CWCS also heard from members on the Gunflint side of the Boundary Waters who are not happy about the inclusion of the Vegetable chain of lakes to be non-motorized without any public input or any knowledge

to the DNR. Both areas, the Big Lake and Vegetable Chain of Lakes, were pushed for non-motorized use by the Friends of the Boundary Waters. One million acres of non-motorized use is not enough for them. One would think if more non-motorized areas were truly necessary, the Friends would propose areas away from the Boundary Waters in other parts of the state.

Another concern to CWCS and its members is the Forest Plan's decision on ATV use. Most upsetting to ATV users is the rule stating that cross-country ATV travel for the retrieval of big game is not allowed. The Ely/Winton Stumpjumpers ATV Club met with Van Every. He explained that all level 1 and 2 roads, as well as all temporary roads are still open for ATV use. Level 1

and 2 roads are numbered vertically. Even though some of these roads may be blocked off, it is to keep full sized vehicles off the roads. ATVs and snowmobiles are still allowed unless signed closed.

The USFS has the ability to make exceptions, that is why Kawishiwi District Ranger Mark Van Every went to Fall Lake Township and asked them to take over jurisdiction of the Cloquet Line, which is a level 3 road.

Townships can allow ATV and snowmobile use on these roads. VanEvery made the same offer to the Town of Morse, for the portion of the Cloquet Line in their township. A road maintenance agreement will be drawn up with all parties involved.

Long Island deal bad for taxpayers

Ely Echo editorial
Reprinted with permission

The amount of land on the public tax roles will dwindle even more and in a double whammy, the taxpayers will have to foot the bill as well.

Long Island on Burntside Lake is being purchased by the Trust for Public Land from Jim Rome of Rochester and his sister Lexie Rome. The price? A cool \$2 million for the 43 acres. That's \$45,511.63 per acre.

The Trust for Public Land is a nonprofit conservation group that raises money to buy private land and then sell it to the government. In this case the U.S. Forest Service would be buying the land.

The Wilderness Society has been pushing for the purchase of the island because of its proximity to Sigurd Olson's Listening Point.

According to the St. Louis County Assessor's office, Long Island had a total estimated market value of \$915,400 in 2004, a 39 percent increase over the 2003 assessed

value of \$660,000. The taxes in 2004 are \$6,971.68.

The tax money that was paid to the Ely School District, the Town of Morse and St. Louis County will now be lost. Other taxpayers in our area will have to foot the bill.

We can debate public versus private ownership and preserving land for future generations all day long, but it is evident that every time a piece of property is removed from the tax roles, other taxpayers foot an increasing tax bill.

Now, let's add insult to injury and look at how this process is planned to run. The non-profit Trust for Public Land raised money to pay for the \$2 million purchase. But that is not the end of the story. Now, the non-profit will turn to the government with a hand out, expecting to get paid.

Congress will have to appropriate the money, and while that money could come from taxes charged to companies doing oil drilling on government land, there is no guarantee of

that.

It is possible that taxpayers in northeastern Minnesota will not only help foot the bill for the loss of taxes paid on Long Island, they will also help pay for the purchase of the property.

Additionally, the sale at double the estimated market value will trigger increases in similar property valuations throughout the area.

We already have over two million acres of land not on the tax roles in this area. Plus there are an increasing number of people using the property tax system to limit the value of their land by agreeing not to develop it.

All of this adds up to a greater burden on those who live here to provide a playground for those who come to visit. This is no surprise, we know this. What we want to do is let others know we are keeping an eye on these issues, especially when it comes time to pay our property taxes. The Long Island is a bad deal for taxpayers.

Forest Service Issues New Regulations

Washington, DC - The Bush Administration issued new Forest Planning Regulations that will help simplify and streamline implementation of the 1976 National Forest Management Act (NFMA), the law that directs management plans to be developed and implemented for all national forests (over 120 of them) every 15 years.

The action will also rescind the previous rule as well as create a new Categorical Exclusion under NEPA, for adopting, revising and amending forest plans.

"Under current procedures it takes the agency seven years and \$7.5 million, on av-

erage, to produce just one forest plan," said Resources Committee Chairman Richard W. Pombo (R-CA). "The process is so burdensome and time consuming that the plans are obsolete before they are finished. These Soviet-like methods have produced so many outdated plans and so much red-tape that the agency has been incapable of responding to changing conditions in our forests; such as insect and disease outbreaks, hurricane and storm damage, and catastrophic wildfire."

The Administration's new regulations will streamline the process while continuing to allow for full public participation. This

new policy will also require more active participation by scientists and better utilization of current scientific data.

"Undoubtedly, some extreme groups will respond in predictable fashion, using sky-is-falling rhetoric to mischaracterize this necessary revision," Pombo continued. "Anyone caring, however, for the thoughtful and timely management of our national forests, and for reducing the waste of taxpayer's money, will join me in support of the new regulations and their speedy implementation."

Recreation Fee Demo Bill Passes House

Washington, DC - In November, the House of Representatives passed H.R. 3283, the Federal Lands Recreation Enhancement Act, introduced by Rep. Ralph Regula (R-OH). The bill will improve recreational facilities and visitor opportunities on federal recreational lands by reinvesting receipts from fair and consistent recreational fees and passes.

The Recreational Fee Demonstration Program (Rec Fee Demo) was originally proposed in 1996 as a tool to generate

needed revenue to manage the growing occurrence of recreation on public land. The program has been both praised and assailed by federal land users. Since its inception, federal land managers have been able to actively reinvest fees assessed into the site or activities used.

After numerous concerns and reauthorizations, the House Resources Committee undertook reauthorizing the Rec Fee Program. Rep. Regula's bill will extend the program for 10 years and states where and what

a fee may and may not be charged for, while also establishing types of fees.

The bill also incorporates public participation by establishing Recreation Advisory Committees that will consist of members of the local government and recreation community. This group will make recommendations to the Secretary of the Interior regarding the establishment, elimination, or adjustment of a fee. Additionally, a Federal Lands Pass will be established for entrance and amenity fees for all federal lands.

Washington State's Greatest Polluter

Since Oct. 11, 2004, the volcano has been in a constant eruptive state, and has pumped 50 to 250 tons a day of sulfur dioxide into the atmosphere. This gas causes acid rain and contributes to haze. Fortunately, the area around St. Helens is sparsely populated, and the impact hasn't been determined.

All of the state's industries combined produce about 120

tons a day of sulfur dioxide. Normally, the state's No. 1 polluter is a coal-fired power plant near Centralia.

The plant used to put out 200 tons a day of sulfur dioxide until renovations brought the level down to 27 tons a day.

In comparison, Italy's Mount Etna can produce 100 times more sulfur dioxide than Mount St. Helens, and it sits in

a heavily populated area.

Kilauea Volcano on Hawaii's Big Island puts out 2,000 tons a day of sulfur dioxide when its erupting, creating an acid fog that damages local crops.

In addition to sulfur dioxide, volcanoes also release carbon dioxide into the atmosphere. This is the greenhouse gas blamed for global warming.

Mount St. Helens produces

between 500 and 1,000 tons a day of carbon dioxide. Wildfires are another contributor of carbon dioxide into the atmosphere, believed to be the cause of up to 30 percent of all total emissions.

Mount St. Helens continues to remain in a state of intense unrest and will continue to go through episodic changes in the level of unrest over a period of days, weeks or even months.

Pledge to National Parks by Bush Administration

Department of the Interior Secretary Gale Norton released a report outlining the progress the Bush Administration has made in funding and improving our country's national parks. The report, "America's National Parks: Investing to Preserve Their Future," outlines the record levels of funding for maintenance projects, preserva-

tion of park resources and visitor and employee safety.

In 2001, President Bush pledged to improve our national parks so that current and future generations can enjoy these national treasures.

The President's "National Parks Legacy Project" was initiated to enhance the parks, improve outdoor opportunities, and

address infrastructure needs. Bush committed to invest \$4.9 billion for maintenance backlog needs and is meeting that pledge with more than 4,000 improvement projects completed, planned, or underway.

The report also shows that the Park Service has been funded better than other non-defense agencies in recent decades. Op-

erating funds have increased 352 percent since 1980 while the overall domestic increases have been 138 percent.

Overall, national parks are better funded, protected and managed. With several new parks and park additions, visitors are experiencing and witnessing first-hand the improvements the Bush Administration has made.

Men arrested for dumping dirt in a forest

Two men have been arrested for dumping dirt in a national forest. The Kootenai County Sheriff's Department said the men, who have not been publicly identified, were arrested at a garage in Coeur d'Alene where the dirt had been

removed and the base apparently prepared for paving.

Deputy Robert Gomez said the U.S. Forest Service confirmed that it was illegal to dump anything, including dirt, on the federal land.

Gomez said he asked the

two men about dumping dirt in the national forest "and they went off on a tirade about Mother Earth."

The deputy quoted the pair as saying they had taken "perfectly good dirt" from the garage area and dumped it under a big

fir tree where they used rakes to spread the soil to make it look nice.

"They both said it was a good job having given back the dirt to Mother Earth," Gomez said.

Temporary Winter Use Plans in Effect

The National Park Service approved winter use plans for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway that provides visitors with a range of winter recreational opportunities for a three-year period while protecting park resources.

A Finding of No Significant Impact (FONSI) for the Temporary Winter Use Plans Environment Assessment ensures that park resources are protected and allows for

the use of snowmobiles and snowcoaches in the parks on roads that automobiles use in the summer.

The FONSI, which ensures access and protection of resources, was approved by National Park Service Regional Director Steve Martin on Nov. 4, 2004.

The plan will be in effect for the next three winter seasons, allowing snowmobile and snowcoach use through the winter of 2006-2007. A final rule on the decision will

be published in the Federal Register.

Under the decision and the implementing rule, 720 snowmobiles per day will be allowed to enter Yellowstone, all led by commercial guides. This is substantially below the historic peak day use levels in the park and is lower than the level of access allowed during the last half of the 2003-2004 winter seasons. Commercial guides will not be required for the 140 snowmobiles per day allowed in Grand Teton National Park.

Executive Order for Cooperative Conservation

An Executive Order was signed by President Bush on Aug. 26, 2004 with the purpose to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a man-

ner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in federal decision-making, in accordance with their respective agency missions, policies, and regulations.

"Cooperative conservation" means actions that relate to use, enhancement, and

enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among federal, state, local, and tribal governments, private for-profit and nonprofit institutions, other non-governmental entities and individuals.

Little Alfie... Then and Now

Many of you may remember the ruckus caused by a couple dozen EarthFirst! protestors over the cutting of a U. S. Forest Service timber sale at Little Alfie off the Echo Trail between Ely and Orr in December of 1997. Even though the white pine had been eliminated from the harvest, protestors still had them tagged with their "\$32.50" signs. This is the amount EarthFirst! says the Forest Service makes on each tree cut, an amount that clearly reflects the cost of all their lawsuits against the U. S. Forest Service.

This protest by a few was countered by a rally in support of common sense land management with close of a thousand people in January 1998. Logging trucks and related industry trucks lined both sides of Hwy. 53 for over four miles. Over three hundred people packed the Orr Community Center to listen to supporter after supporter speak out in favor of common sense forest management and allowing the harvesting of red pines at the Little Alfie site.

In May 2000, and again in September 2004, the Little Alfie site was visited to see how the forest looks now, after the harvest. For comparison, pictures from the December 1997 protest at the site are also included.



Make-shift 'soup kitchen' area at the Little Alfie site off of the Echo Trail in 1997.



Make-shift 'soup kitchen' area at the Little Alfie site off of the Echo Trail in 2000.



Make-shift 'soup kitchen' area at the Little Alfie site off of the Echo Trail in 2004.

With BWCAP permits getting harder to come by, be more accommodating to others. Take advantage of nine-person/four boat limits. Ask your friends to join you on your permit. Share your Boundary Waters experience!



A small group of protestors at the Little Alfie site off of the Echo Trail in 1997.




The same location with white pines growing in 2000.


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