CWCS is currently participating in a federal court case defending the US Forest Service determination that there is a definite need to adjust day use motor permit levels on several lake chains. This adjustment to quotas was deemed necessary by the USFS to equal the amount of use found appropriate in their current management plan for the BWCA, after a 1999 appeals court ruling. This court ruling reinterpreted the 1978 BWCA law to require day use motor permits for the property owners and their guests on the affected “chains of lakes.” The past permit system quota was not based on the need for property owners and their guests on these lake chains to require a permit, so the USFS was required to calculate this use into the basis of their system in order to be consistent with the other permit quota levels in the BWCA.

All use in the Boundary Waters is to be based on a level that does not exceed the use levels in 1976-1978. As a result of the adjustment made by the USFS, extreme preservationist groups have filed a lawsuit against the USFS claiming that there is no need to adjust the quotas. CWCS, along with several other affected organizations and individuals, is participating in these court proceedings by acting as an intervenor in the court case in defending the need of the USFS to adjust the quotas to be consistent with their current plan of management and the 1978 law.

Preservationist groups, in their quest to eliminate all motor use that was allowed by the 1978 BWCA law, had previously filed a lawsuit to require that the exempt day motor use guaranteed by that law should be significantly reduced. They attempted to do this by restricting the property owners and their guests to only the specific lake that they were located on, rather than the continuous body of water (chain of lakes) that they had been considered exempt from requiring permits for over 20 years. After several decisions by agencies and courts found that the intent of the law was to allow this exempt use, the preservationists were able to convince an appeals court in 1999 to restrict this use even though it was contrary to the 20 year old interpretation and management of the USFS. It was also contrary to the fact that these property owners had been promised this exempt motor use as a condition when the BWCA was created in 1978.

With this 1999 court ruling, the USFS determined that the permit system needed to be adjusted to account for the addition of the formerly exempt property owners into the equation. The

(Continued on next page)
This winter, the Superior National Forest, the Natural Resources Research Institute (NRRI), and the University of Minnesota Duluth established a study of the habitat lynx frequent and how far and where they range. Biologists have captured two male lynx in the Isabella area and fitted them with radio collars. They will continue to track these animals and hope to put collars on additional lynx throughout the next several years.

This native of the north woods has been scarce in Minnesota since 1984 when hunting and trapping of lynx was closed by the State. Canada lynx populations never rebounded and it was listed in March 2000 as a federally-protected “threatened species” under the Endangered Species Act.

The use of radio tracking is the most recent addition to ongoing efforts to learn more about lynx in Minnesota. In January 2002, the Superior National Forest began a Canada lynx backtracking study. Cat tracks found on a road were followed into the woods to lynx scat or hair that could be collected for DNA testing. This technique confirmed lynx presence in the Forest, and the need for more intensive lynx studies.

“As we learn more about lynx habitat and ecology, we can better integrate lynx needs into our multiple-use management mission,” said Ed Lindquist, Superior National Forest Wildlife Biologist.

From March 2002 to September 2002 the Forest Service has sent samples to the Rocky Mountain Research Station- Carnivore Genetics Laboratory for analysis. Results positively confirm we have multiple lynx in northern Minnesota with most results from our studies on the Superior National Forest.

Multiple sightings of lynx in these areas and other areas in northern Minnesota include sightings and videos of lynx with kittens. This is good evidence that we have a reproducing population of lynx on the Superior National Forest.

This argument by these groups, in effect, requires the property owners and their guests utilized these lake chain areas in significant numbers.

Agencies team up on lynx studies

Lynx sightings occur where there are signs of snowshoe hare, in good conifer cover near shrub or new growth aspen. Lynx also frequent older coniferous forests of cone producing age, which is a preferred food for red squirrel, also a common prey of lynx.

“Lynx is not a species that’s incompatible with forest management practice. They will go anywhere there is snowshoe hare,” said Burdett, a Ph.D. candidate whose doctoral research is based on the lynx research.

The information from this research is being used on the Superior National Forest to plan projects to avoid adverse effects to lynx. Habitat needs of lynx are also considered in the analysis for revising the Forest Plans on the Superior and Chippewa National Forests.

Sightings of live (or dead) lynx can be reported to the nearest office of the Forest Service, Park Service, US Fish and Wildlife Service, or Department of Natural Resources.

Vast majority of the use on many of these lake chains was by these exempt property owners and their guests. The USFS recognized that the permit system had become very dysfunctional when they were forced to include the previously exempt parties into the quota system, originally designed for parties that were not property owners or their guests.

Since the USFS had used the original interpretation of the law which did not require the property owners and their guests to fall under the permit system, they did not attempt to calculate this use during the 1976-1978 time period. After the appeals court ruling redefined the areas that the exempt user groups were allowed to travel, the USFS then attempted to reconstruct the level of use those areas had seen in the base years of 1976-78. This was done in order to come up with a representative quota level consistent with other permit quota level determinations.

CWCS believes that the US Forest Service’s reconstructed numbers are much lower than the actual use in 1976-1978, and we have presented our disagreements with their methodology throughout the comment periods of this USFS decision-making process.

Even though CWCS believes that the recalculated numbers are very low in relation to the actual use in 1976-1978, we do believe that the US Forest Service is correct in determining that they needed to attempt to reconstruct the levels present in 1976-1978 in order to properly manage the BWCA under the conditions of the 1999 appeals court ruling.

The extreme environmental groups, led by the Friends of the Boundary Waters, believe that no adjustment to the quota is needed, although it is a fact that the USFS did not have the use of the previously exempt parties included in their determination of the day use motor levels of 1976-1978. This argument by these groups, in effect, claims that there was no day motor use in 1976-1978 by the previously exempt property owners, resort owners, and their guests. Obviously this is an absurd claim, as dozens of property owners, resorts, and their guests utilized these lake chain areas in significant numbers.

As we enter the 2003 season, it appears that we will finally have some partial relief to the situation caused by the 1999 court ruling, as the new quota levels are currently in place within the US Forest Service permit system. Unless there are some unforeseen complications, this system based on the adjusted quota levels should be utilized for this season. CWCS will continue to remain involved in this issue in order to represent the rights of our members.

CWCS defends motor quotas

Continued from previous page

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Battle over Stewart River Gorge

Jamie Juenemann’s name has popped up in several land use conflicts. He is the co-director of Minnesotans for Responsible Recreation (MRR), a group that is known to oppose any form of motorized recreation. MRR has joined the Friends of the Boundary Waters, Sierra Club, and Superior Wilderness Action Network (SWAN) in other issues purely as an intimidation ploy. They are all environmental bullies. They intimidate and oppress communities and force their views on others, even when varying recreational users are working together, for the betterment of the area.

The latest conflict involves many different trail users who have worked together several times in the Two Harbors area. Snowmobilers, hikers, and cross-country skiers pooled their resources and purchased an 80-acre piece of land from the DM & IR railroad and deeded it over to Two Harbors to be used for recreation.

The North Shore Snowmobile Trail from Duluth to Grand Marais was constructed in 1980. With this new snowmobile artery in place, several snowmobile clubs along its way were formed. The Two Harbors Voyageurs Snowmobile Club was rejuvenated and became an active club again.

The Two Harbors club began working on a safe route from Two Harbors to the North Shore Trail. They obtained easements from most of the landowners to complete this connection. Several land ownerships were involved—county, state, private and mining company. There was only one obstacle for the completion of the trail from Two Harbors to the North Shore Trail, which was the Stewart River Gorge. The best way to cross the gorge was with a huge bridge near a historic logging site, Press Camp, at the middle of the gorge.

Ely’s Tomahawk Snowmobile Trail had some play in solving this problem. In 1993, the single lane steel suspension bridge that spanned the Kawishiwi River was replaced with a larger bridge to allow a groomer to cross it. The Voyageurs Snowmobile Club and the Superior Hiking Trail Association worked together to raise funding to reconstruct the old bridge so it would be wide enough to cross the gorge. With everything in place, the trail connection from Two Harbors to the North Shore Trail was completed.

Snowmobilers, hikers, mushers and fishermen used this new trail from 1994 to 1998 with no problems. As it is with many tracts of land, they change hands over time. Such was the case with the property of Ruth Juenemann. She had signed the annual easement during those years, but new owner, Jamie Juenemann, had threatened to close the trail. In 1998 Jamie Juenemann gave notice that an easement wasn’t going to be signed.

Even though there is great importance of the Two Harbors trail connection to the region’s economy, Juenemann and MRR maintained easement denial was due to safety, noise and property damage issues. The Voyageurs Club looked for an alternative route to access the bridge. They found a route on the property of Ross Miniter, but when they began the process of obtaining an easement to cross Miniter’s land, they learned that Jamie Juenemann was the new owner. Again Juenemann refused to sign an easement agreement and the trail was closed for the 1999/2000 winter. It has remained closed since. Thanks MRR.

Merriam named DNR Commissioner

Governor Tim Pawlenty named former state Senator Gene Merriam commissioner of the Department of Natural Resources.

Merriam, of Coon Rapids, recognizes that the agency has done many good things, but that changes are necessary. Mistrust of the agency by some members of the public and the low morale among some of the DNR’s 2,500 full-time employees are two areas Merriam intends to concentrate on.

Pawlenty also named Rep. Mark Holsten, R-Stillwater, the deputy DNR commissioner. Holsten, will resign his House seat.

In the previous administration, DNR Commissioner Al Garber was criticized for not being a hunter or angler. Merriam is an avid outdoorsman, a hunter, angler and birdwatcher. Holsten is a hunter, angler and trapper.

In the state Legislature, both Merriam and Holsten chaired environment and natural resource committees.

DNR employees welcome the appointment of Merriam because of his background supporting natural resources. Merriam supported the Environmental Trust Fund, the Reinvest in Minnesota program and the right to hunt and fish amendment to the state constitution.

As leader of the DNR, Merriam faces the issues and the divisions over environmental issues in Minnesota.

One of the major challenges, he said in a speech in Ely recently, was balancing demands for economic growth with those for preservation.

Merriam cited the debate over off-highway vehicle use as a prime example.

“I don’t think we ever want to get to the position where we feel we have to outlaw off-highway (or all-terrain) vehicles,” said Merriam. “I think there are areas we can designate and manage for that distinction.”

He was questioned by audience members about damage, purportedly cause by ATVs on the Bass Lake Trail.

“Education and training are important parts of it,” Merriam responded. “Clearly the most contentious issue right now is off-highway vehicles and how we are going to regulate, and most importantly enforce the laws we have.”

Beefed-up enforcement is among the options on the table.

The state budget woes are expected to result in reductions to the DNR’s $300 million annual budget, perhaps to the tune of $35 million over the next two years.

But despite an agency-wide reduction that will cut about 100 jobs from a DNR workforce of about 2,500 people, enforcement positions may increase by as many as 25.

“There will be fewer naturalists to interpret, clean-up crews will be a little smaller,” said Merriam.

Fire ban on in area of blowdown

As of May 8, 2003, the Superior National Forest is restricting the use of campfires, charcoal, and wood burning camp stoves to the hours between 7 pm and midnight in the blowdown area on the Forest, including parts of the BWCAW. Propane and gas camp stoves will be allowed at any time of the day in the restricted zone.

A description and maps for the restricted area is posted on the website www.fs.fed.us/r9/superior or available through any Superior National Forest office or BWCAW permitting office.
Logs meet in Washington, D.C.

Members of the American Loggers Council (ALC) met in Washington, D.C. at the end of March to help promote President Bush’s Healthy Forests Initiative and lobby on other logging issues.

Issues that are of concern to the ALC members include: managing our public forest lands which includes timber harvesting to assure the public of healthy forests; utilizing the Federal Interstate Highway system with state legal tolerances to transport loads safely to the mills; and helping our legislators realize the economic importance of the logging and timber industry to not only our rural communities, but our national economy as well.

The American Council remains committed to seeing reforms in the Clean Water Act and the endangered Species Act. ALC encourages the use of good science when reviewing a project or an endangered species listing, as well as protecting the private property rights of individuals engaged in growing and harvesting timber.

The ALC mission is to enhance the logging profession, provide a unified voice on logging issues, and to cooperate with public, industrial and private timberland owners to further sustainable forestry practices. For more information visit www.americanloggers.org

PWCs on Lake Mead/Snowmobiles in Yellowstone

(Blue Ribbon Magazine - May 2003)

Effectively immediately, personal watercrafts (PWCs) may be used in Lake Mead National Recreation Area in Arizona and Nevada. A National Park Service (NPS) notice in the Federal Register announced the final Rule, which authorizes the use of PWCs on 95% of Lake Mead. Five percent of the recreation area waters will be managed for primitive and semi-primitive recreational settings. PWC use is prohibited in primitive and semi-primitive zones.

In March 2003, the Intermountain Region of the National Park Service signed the Record of Decision outlining the future of snowmobile access to the Yellowstone and Grand Teton National Parks. The decision sets strict limits on numbers of snowmobiles allowed in the Parks, caps entries at specific gateways, imposes aggressive sound and emissions standards, and requires riders to be NPS certified or travel with certified guides. The decision will be implemented for the 2003-2004 season through publication of a new rule. Comments on the proposed rule are encouraged to support continued snowmobile access to these two National Parks.

Moosewalk/Mooserun issue decided in court

A Lake County district judge has ruled that a planned ATV trail in northeastern Minnesota can go forward without additional environmental study.

Most of the nearly 35 miles of the Moosewalk/Mooserun trail has been used for years by snowmobiles, and informally by all-terrain vehicles. The Minnesota Department of Natural Resources (DNR) proposed to designate it as an ATV trail, including 6.6 miles of the North Shore State Trail near Finland where ATV use is currently prohibited.

Minnesotans for Responsible Recreation, a Duluth-based environmental group, argued that the DNR should conduct a comprehensive environmental study of how ATVs might affect trout streams, wetlands, wildlife, air quality, noise levels and other recreational users.

Judge Kenneth Sandvik ruled that the DNR identified the environmental issues and ways to deal with them in an earlier study.

In a separate matter, the DNR has decided to conduct an environmental impact study of a proposed ATV trail west of Itasca State Park. It would run for 39 miles along state and county roads and trails in the White Earth State Forest south of Bagley.

That study is expected to take almost a year. DNR officials said one of the main issues to be studied is the potential for ATV riders to leave the trail and cross Clearwater County land.

Let family & friends know your Boundary Waters travel plans.

Increased fuel loads on the forest floors throughout the Boundary Waters, along with dry conditions have created unusually high fire dangers in the Boundary Waters. PLEASE be careful with your campfires! Make sure they are completely out when breaking camp.

CWCS BOARD OF DIRECTORS

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CWCS phone & fax: 218-749-0739
Check us out on the web! www.cwcs.org
CWCS Updates

As the newly elected President of Conservationists with Common Sense, I would like to update our members as to what I have been doing.

This winter saw the end to five years of a collaborative team for relicensing of the Winton Hydroelectric Project, the power dam on Fall Lake. CWCS was represented in this process, along with Allete, Inc. (Minnesota Power), U. S. Forest Service, Minnesota Department of Natural Resources, and White Iron Chain of Lakes Association. The final agreement has been sent to the Federal Energy Regulatory Commission for its approval. You will hear more about this when the public comment period begins.

Recently CWCS has been accepted as a member of the Mesaba Project Committee. The Mesaba Project is a copper and nickel mining project proposed by Teck Cominco, a Canadian-based integrated resource company. Teck Cominco has developed a new hydrometallurgical technology, rather than smelting, to extract high purity copper and nickel metal from ore bodies in the region. They would process the ore at the existing facilities at the former LTV site near Hoyt Lakes, MN.

CWCS has filed affidavits for our intervention in the lawsuit defending the U. S. Forest Service’s adjustments to the motor permit quotas for the Moose and Saganaga Chain of Lakes. The good news is... there will be more permits available this year for these chains of lakes. We are awaiting the court’s decision in this case. To raise money for this lawsuit, CWCS’s boat raffle has been upgraded to a really nice deep 16’ Lund with a 25hp 4-stroke Evinrude motor!

CWCS board members have been busy putting this newsletter together, and in April we held board elections. Officers to be approved at our annual meeting Saturday, August 16th are President - Nancy McReady; Vice President - Jim Hofsommer; Treasurer - Mike Madden; and Secretary - Sheila Doering. New board members include Sharon Hahn, former Lake County Commissioner and now Executive Director of Associated Contract Loggers & Truckers; Cliff Noble, owner of Skube’s Bait & Tackle in Ely; Dave DuFresne, retired Lake County sheriff and former owner of Skube’s Bait & Tackle; Bob LaTourell, operator of LaTourell’s Resort & Outfitters and Vice President of the Ely Area Outfitters Association; and Mark Zupec, Ely council person and mason worker who is very knowledgeable in the BWCA State School Trust Lands.

That brings me to my final topic... the proposed BWCA Land Swap. This is proving to be much more complicated than one would think. The Friends of the Boundary Waters and the Sierra Club have come out in favor of a buy-out of the land, rather than a swap. In trying to figure the value of lands within the Boundary Waters, a swap would have to equate to two to three times more federal lands outside the Boundary Waters. Land outside the Boundary Waters would be able to produce revenue for the school trust fund with logging and other means. This is something the Friends do not want to see.

The purpose of school trust lands is to generate monies for the school trust fund to benefit the public school system. For the past 25 years, since the creation of the BWCA Wilderness Act of 1978, the state school trust lands in the Boundary Waters have been restricted in producing revenues in accordance to our state constitution.

One of CWCS’s main concerns is the possibility of the state losing all control of land management within the Boundary Waters if there is a buy-out or a swap of lands. Our members do not want to see an end to hunting or fishing in this area. Before CWCS backs any form of buy-outs and/or land swaps, we want to know all our options. This will be an issue that will be discussed over the coming months and at our annual meeting in August. See you there,

Nancy McReady
CWCS President-elect

Chippewa/Superior DEIS now available

The Chippewa and Superior National Forests have completed two Proposed Forest Land and Resource Management Plans (Forest Plans) and one Draft Environmental Impact Statement (EIS) that are now available for public review and comment.

The National Forest Management Act requires that Forest Plans be revised every 10 to 15 years and the current Forest Plans were implemented in 1986. The plans released propose management direction for the next 10 to 15 years.

Available documents include an Executive Summary for the Draft EIS, a separate Proposed Revised Plan for the Chippewa and for the Superior National Forest, the Draft Environmental Impact Statement which discusses the analysis for both national forests, large-scale color maps of the alternatives, and a Reviewer’s Guide.

The documents are available in paper copy and on computer CD. Paper copies of the documents are available at several area libraries and accessible on the internet at www.fs.fed.us/r9/chippewa/plan/planning.htm.

The Draft EIS includes analysis of potential environmental impacts associated with seven alternative management approaches. The focus is on specific resource issues and alternatives identified through public involvement earlier in the process. The Proposed Forest Plans are based on Alternative E which is currently preferred by the Forest Service.

Alternative E would emphasize a mix of young and old forest settings, increase the amount of uneven-aged management from what is currently used, and emphasize a mix of developed and undeveloped recreation with motorized and non-motorized opportunities.

The purpose of these draft documents is to provide a basis for substantive review and comment by interested parties before a decision is made. A revised Forest Plan is expected to be released in January 2004.

The public comment period will run for three months from approximately May 9 until August 11, with public meetings scheduled for mid-June.
CWCS 14th Annual Meeting
Picnic/Fund Raiser

Saturday, August 16th, 2003 at
Winton Longbranch
In conjunction with the Ely/Winton Rod &
Gun Club’s
Hawg Fishing Contest
~~~
Fish Fry prepared by Fortune Bay From 2
p.m. to 5 p.m. $6.00
~~~
4:30 p.m. Meeting & Open Forum • 5 p.m.
Speakers • 6 p.m. Prize Drawings

$5 CWCS Boat Raffle $5
Raising money for the Chain of Lakes
lawsuit - 2500 maximum tickets

1st Prize: Lund SSV-16', Evinrude 25HP 4-
Stroke & Trailer (provided by Joe's Marine)
2nd Prize: 2-night stay for 2 at Gunflint
Lodge (donated by Gunflint Lodge)
3rd Prize: Trout Lake Portage Framed Print

If you would like to buy boat raffle tickets, fill out and return the following form. To help us fill out your ticket stub, including address labels for each ticket. Ticket/stub halves will be mailed upon request.

**CWCS RAFFLE TICKET ORDER FORM**

Name ____________________________________________________________
City __________________________ State ________ Zip ___________________
Phone __________________________ E-mail __________________________

Number of raffle tickets ___________________ Total amount enclosed, $5 per ticket _____________

Please enclose check, payable to CWCS. Mail to: CWCS, P.O. Box 1046, Virginia, MN 55792
Healthy forests/wildland firefighting in 2004 budget

President Bush has proposed $698.7 million for wildfire prevention and suppression and Healthy Forests initiatives in fiscal year 2004, a $45 million or 7 percent increase over last year’s budget proposal.

“We are facing a crisis of forest health of unprecedented proportions,” Secretary Norton said. “A century of fire suppression and forest management policies have left our forests with too many trees and trees that are small and unhealthy. Insect and disease damage have turned mountainsides from rich green to rust and then to gray as the trees died.”

“For the safety of our communities and the restoration of our forests and wildlife, we have to reduce hazardous fuels in our forests and rangelands to prevent catastrophic wildfires. We want to leave a positive legacy on our public lands and achieve greater safety for America’s communities. The president’s budget reaffirms his commitment to these goals,” Norton said.

Bush proposals to revise Clinton Administration’s last minute actions

The Bush Administration has initiated two major rule packages aimed at revising actions taken at the last minute by the Clinton Administration.

One of the regulations will revise the regulations concerning Forest Service planning. These regulations, as adopted by the Clinton Administration virtually cemented that the forest service would be a planning agency rather than an operational one.

The Bush proposal will permit a substantial reduction in the flurry of paperwork associated with every Forest Service action and focus the planning more at the local area where there can be a meaningful relationship with what goes on the ground.

The other rule package will deal with administrative procedures and is intended to reduce the quantity of appeals and litigation involved in Forest Service decisions.

The FY 2004 request includes continued funding for a robust hazardous fuels treatment program at $186.2 million, 400 percent above spending in FY 2000 which will lessen the risk of catastrophic wildfire on 307,000 high priority acres in the wildland-urban interface, and on 768,000 other nonpriority acres.

The budget request calls for $282.7 million for fire preparedness, including an additional $5 million for aviation contract costs; $195.3 million for fire suppression; $24.5 million for rehabilitation of burned areas; and $10 million for Rural Fire Assistance.

The 2002 wildfire season, one of the longest and most grueling in U.S. history, burned 7.1 million acres, more than twice the annual 10-year average. Those damaged lands included 2.2 million acres managed by the Department of Interior and 2.4 million acres managed by the USDA Forest Service. About 2.5 million acres of state and private lands were also burned.

The fires caused the death of 21 firefighters, forced more than 100,000 people to evacuate their homes, destroyed more than 3,000 structures, killed hundreds of millions of trees, and devastated wildlife species and habitat. The Penasco Fire in the Lincoln National Forest in New Mexico wiped out a population of Mexican spotted owls, while the Biscuit Fire in Oregon destroyed 100,000 acres of spotted owl habitat. The 2002 fires also caused unstable slopes, sedimentation, and erosion that significantly damaged soils, landscapes and watersheds for decades to come.

Currently, about 190 million acres of public land and the surrounding communities are at increased risk of extreme fires because of overgrown forests and rangeland fuel loads. Fire-prone invasive species and noxious weeds infest more than 35 million acres. Western federal lands are 15 times denser than they were 100 years ago.

The President’s Healthy Forests Initiative will expedite federal and local efforts to restore forest and rangeland health and reduce fire risks with thinning and fuels reduction. Secretary Norton noted a number of initiatives the Department has already taken to prepare for the 2003 wildfire season, including interagency agreements that will expedite wildland fire prevention activities.


ACTION ALERT!!!

Support the House Healthy Forest Restoration Act

Tell your congressman:

- Our National Forests are in the worst shape they have ever been in over 50 years.
- Allow the U.S. Forest Service to do their job... promote the health, productivity, diversity, and beauty of forests and associated lands.
- Protect our public lands from devastating wildfires because of decades of inactive management and over 50 years of fire suppression.
- All national forests deserve the same protections as Senator Daschle gave South Dakota.
- Protecting communities alone does not protect wildlife habitat or valued recreation lands.

Send letters to:

c/o Rep.__________
c/o Senator_______
U.S. House of Representatives U.S. Senate
Washington, D.C. 20515 Washington, D.C. 20510
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