USFS slow to respond to Chain of Lakes permit quota recalculation

On February 15, 2006, the Eighth Circuit Court of Appeals gave its ruling in the Chain of Lakes permit case. The judges’ decision stated: We remand to the district court with directions to remand to the USFS for a recalculation of the base period use and motorboat quotas consistent with the BWCAW Act and the opinion. The agency should do so at the earliest practical time and include the Friends, Conservationists with Common Sense, and other affected parties in the rule-making process.

It would have been nice if the Forest Service had scheduled meetings immediately after the court’s ruling, but such was not the case. After five months of waiting for a time schedule to recalculate the Chain of Lakes permits, CWCS wrote a letter to the Forest Service in early July requesting that this issue be resolved before the 2007 lottery begins.

CWCS received a letter from the Forest Service in late July stating that the Boundary Waters fires had delayed a reply. The letter also stated that a meeting would be held this fall “to see if we can jointly develop options that will get us over the “arbitrary and capricious” hurdle.”

In mid August, a letter from the Ely Chamber of Commerce Board of Directors to Superior National Forest Supervisor James Sanders was printed in local papers. The Chamber expressed their displeasure in the Forest Service’s delay in correcting the inconsistency in the management plan for the Chain of Lakes.

CWCS, resort owners, outfitters, and property owners were finally contacted with a possible schedule of meetings to discuss the recalculations of the motorboat quotas for the three chain of lakes. The first meeting was held on Monday, October 2. All parties expressed their frustrations in not having the Chain of Lakes permit quotas resolved in time for the next lottery in January 2007.

The Forest Service reviewed the process which was used to come up with the original recalculation of the quota numbers for the three lake chains and also described how they envisioned the process moving forward for a second time. This vision includes meetings with the property owners, CWCS, the USFS, and the groups that have opposed counting the previously exempt property owners use into the permit quota equation.

CWCS, as well as all other parties present, expressed concern that if meetings are to take place with groups that have opposed the correct management of these permit quotas, these groups must now have a genuine desire to correct the problem. All agreed that if those groups continue to advocate a permit system that uses faulty numbers that do not include the large amount of use by the property owners and their guests on these lake chains, the preservationist groups’ attendance at the meetings would not resolve this problem. The Forest Service agreed to contact these groups to determine if these meetings should continue to take place, but another delay may be due to the recent resignation of the Friends’ new executive director John Roth.

Ely Chamber changes membership policy

Shortly after the printing of the Spring/Summer CWCS newsletter, CWCS was contacted by the Ely Chamber about our membership.

CWCS had been a member of the Ely Chamber for several years, but when the Chamber was contacted by the Friends of the Boundary Waters, who also wanted to become Chamber members, the Ely Chamber passed a resolution stating: to refuse or eliminate any business membership with a political agenda and/or lobbying as its primary focus and that primary focus would be up to the board’s discretion. As a result of this policy change, CWCS’s membership was rescinded, and the Friends’ application was denied.

Although disappointed by the move, CWCS fully supported the Chamber’s decision, noting that a majority of Ely Chamber business members support CWCS, and CWCS supports all businesses in the community. Not the same can be said about the Friends of the Boundary Waters.

The Friends agenda is to remove all motors from the Boundary Waters. They continue to move toward their goal by repeated lawsuits, such as the one involving the Chain of Lakes which reduced motor use on three chain of lakes within the Boundary Waters... not only in Ely, but in the Grand Marais area as well.
Take A Stand!

Or in the words of Dorothy Molder, “If it isn’t what you want, it’s probably something you deserve.”

Get involved! CWCS needs the input of our members on public land and water issues. Help us determine the direction you want CWCS to go in the 21st century and what issues to tackle. Please send your letters, comments, interests and concerns to: CWCS Issues, c/o Nancy McReady, P.O. Box 252 Ely, MN 55731

This letter was in reply to the Friends of the Boundary Waters lawsuit against the Forest Management Plan.

Dear Editor,

Just a note to John Roth, FOB director (9/9/06).

John, in your letter you continue to ask “where do we draw the line?” I know you are rather new in your position, but FYI, the line for the BWCAW was drawn in 1978 when President Jimmy Carter signed the bill which was supposed to be the “compromise” that would end the controversy over this “hallowed” ground.

Actually, by recorded history, the original line was drawn with the toe of one Phil Burton who happened to be swilling down brandy at the time, but eventually more sober minds prevailed and the line was drawn at a more reasonable latitude and Carter signed the bill and everybody was supposed to walk away with a warm and fuzzy feeling. It wasn’t long before your group turned that soft fuzz into a bunch of matted mess when you and your “friends” decided that the portages which had transported people into the BWCA so they could be dispersed more quickly had to be closed.

This argument was based on the word “feasible” and was “proven” by you and your friends by showing a photo of Kevin Proescholt and a supposedly 60 year old companion pushing an empty boat across Prairie Portage.

This was after the USFS had spent thousands of dollars pushing full boats across the Four Mile, Prairie and Trout Lake portages to show that it was not “feasible” for everyone to access Basswood or Trout without the help of the trucks.

When that little tantrum was only one-third satisfied, your group turned to the definition of the word “guest.” “Guests” in your group’s infinite wisdom, now meant that one had to make a bed for the person and serve them breakfast. I am surprised that restaurants haven’t changed their guest checks into “day use” checks.

When that didn’t get your group what you wanted for an end result, you sued once again claiming that chains of lakes are not the same lake even though every dictionary I have looked in describes a lake as “a body of water surrounded by land.”

That lawsuit cost taxpayers extra money in that the USFS now had to recalculate the motor permits on the affected lakes in order to comply with the BWCAW law.

You didn’t like the recalculation so off we go to court again on the backs of taxpayers.

Now, two years after the final decision on the forest management plan, you want to redraw those lines that have been in place for 28 years.

You state that you have 4,000 members and I am sure they were all very adept (as I have witnessed) at “copying and pasting” comments from your “action” network to the USFS in a vague attempt to be “scientific.”

We lost those lawsuits.

Why would anyone expect anything but a lawsuit from you and your friends?

By your own admission in your “wilder-ness campaign” under “Roadless Descriptions” your group states, “Many of the units contain old logging roads” and one even includes “an old mine.” Will that be the next redefinition of the English language that you and your friends change to suit your needs?

It’s just my opinion, but for you to claim that you and the others involved in this suit know how this forest should be managed better then the trained, learned and dedicated personnel of the Superior National Forest is nothing less than pompous and insulting.

For you to expect those of us who read your words to believe any of what you say is a mockery of our intelligence!

I hope that Ronald Noga will read this letter as it may just show that we have been watchful. We are watchful of the fact that these lawsuits are nothing more than job security for a few people who have even their own members fooled into thinking that what they say is best for this area or the environment (and it’s not about meat.)

This lawsuit has nothing to do with the environment or science — it has to do with a few people sitting behind desks (reinventing logic) who have duped a few people into believing that if they put their money into the coffers of a few select lawyers, they can control what goes on 250 miles away so that they can enjoy their vacation in the backyards of those who have made this hallowed land what it is today.

John, you and your friends continue to bring attention to this area and now worry about the “tsunamic development” — SHHH!!!! Haven’t you guys ever heard about “secret lake?”

Mary Tome
Ely

The following is from the Decision of Notice and Finding of No Significant Impact on the South Fowl Lake Snowmobile Trail with Gunflint District Ranger Dennis Neitzke’s comments:

“Our corner of the world is very important to all of us… This project will affect us all, however… Put into context, there will be no fatalities from this project, not in a flood, earthquake, or mudslide. No one’s home will be taken from them. And no one will suffer financial ruin.”

The trail re-route is not in the Boundary Waters, yet there is a lawsuit by the Izaak Walton League, Sierra Club and other preservation groups because the trial would be too close to the BWCA. There is no buffer zone to the Boundary Waters! The last buffer zone — the portal zone — was added to the BWCA in 1978.

The Friends of the Boundary Waters and others have filed lawsuits against nearly every timber sale; oppose a cleaner, safer way of mining precious metals on the Iron Range; and we’re still waiting to settle permit quotas for the Chain of Lakes.

These preservation groups show more concern for the habitat of birds and animals. What about the healthy habitat of communities that border the Boundary Waters?

School enrollments all across northern Minnesota have decreased mainly because of the lack of good paying jobs that would bring skilled workers and their families to our communities.

CWCS supports: “Being environmentally, economically and socially responsible. The human factor must be put back into land management policies. The needs of local communities and all users can and must be balanced with the conservation of sensitive natural environments. Common Sense is needed in addressing economic development for the betterment of all.”

Voters in the 8th District need to know where Congressman Oberstar and Senator Grams stand on these important public land and water issues.

Nancy McReady
CWCS President
Message from the President

Once again it was a busy summer for CWCS. In June, I spoke before the Ely Rotary Club and talked about the Boundary Waters. In June, the Kawishiwi Falls has been visited by numerous tourists and local residents throughout the summer and has proven to be a great asset to the Ely area.

In July, CWCS had a booth at the Ely Blueberry Arts Festival. For the first time in years we were plagued by bad weather. The first two days were too hot, and on the last day of the festival we had torrential rains. The rain helped the forest fires in the area. CWCS still sold a lot of tickets for our raffle.

In August, I met with the Arrowhead Coalition for Multiple Use (ACMU) group from the Grand Marais/Hovland area to discuss the lawsuit filed by the Izaak Walton League against the South Fowl snowmobile trail re-route. (See related story on CWCS, ACMU and Cook County joining as interveners in this case.) ACMU has proven to be a great ally and will be a big help in fundraising for the South Fowl Lake lawsuit.

In August, I also attended a meeting in Hoyt Lakes to hear about the permitting process for the PolyMet Mining Project. This long, arduous process with the Minnesota Department of Natural Resources and Pollution Control Agency will hopefully result in some much needed jobs for the Iron Range, including the Ely area. (See related story.)

This year CWCS decided to also man a booth at the Ely Harvest Moon Festival. This gave us an added opportunity to sell raffle tickets and to discuss various public land and water issues with visitors to the booth. The weather was a bit cooler than for the Blueberry Arts Festival. A big THANK YOU to all the helpers for the three ticket-selling festivals and events this summer!

The Earlybird Winner of the free tow on Moose Lake was won by Mr. Eli Kopperud from Ely. Winner of the boat, motor & trailer package was Clarence Cales from Mpls; winner of the trolling motor (donated by Jim Kivela/Pike Bay Repair) was Raelal Richard from McHenry, IL; and the winner of the 2-night stay for two at Poplar B & B off the Gunflint Trail (donated by Ted & Barbara Young) was Michale Maternowsky from Ely. Congratulations to all and thanks for supporting CWCS! Thanks also to Jim Kivela and Ted & Barbara Young for their donations.

Check out the new BWCAW User Video when picking up your permits. CWCS did have some input, especially about encounters with motors.

CWCS will keep you informed about the Chain of Lakes permit recalculations and the South Fowl Lake lawsuit. These are definitely issues that affect access to public lands and waters. We keep up the fight, and we hope you will continue to support our efforts.

CWCS is still looking for board representation from the Tower/Vermilion area. If interested, please contact me at 218-365-2922 or email me at cwcs@2z.net

Nancy McReady
CWCS President

Multiple use groups endorse trail closure

Just before Memorial Day weekend 2006, representatives of two groups promoting multiple use of public lands erected a sign announcing the closure of a trail in the Hovland area. Arrowhead Coalition for Multiple Use (ACMU) and the Cook County ATV Club endorsed a trail closure.

According to representatives of these groups, it is part of the effort to work with other forest users and to demonstrate their commitment to protection of our natural resources.

The “trail closed” signs were erected at the entrance to a historically used snowmobile trail called the Royal River Trail by the US Forest Service and the Tilbury Trail by local users. The trail, also called the South Fowl Lake snowmobile access, was closed in 2002 because it had been found to be encroaching on the Boundary Waters Canoe Area Wilderness (BWCAW).

CWCS supported the closure of the Tilbury Trail because of its encroachment into the BWCA. This was a trail that was generally used by snowmobilers, and the re-route should have been addressed after the passage of the 1978 BWCA Wilderness Act.

CWCS recognizes that areas and trails are needed for ATV users, but various environmental impacts for their use must be taken into consideration.

Frank Rabold of Grand Marais, vice-president of the Arrowhead Coalition for Multiple Use, erects a trail closure sign on the snowmobile trail closed in 2002.
Drought and lightning bring fire to BWCAW

The summer of 2006 was a busy fire season on the Superior National Forest. In July, the Turtle Lake and Cavity Lake Fires started burning inside the Boundary Waters Canoe Area Wilderness (BWCAW) within days of each other as a result of lightning storms. Then, in September, another lightning storm moved across the Superior National Forest causing several fires to start inside and outside of the Wilderness. The September fires included the Famine and Red Eye Fires in the East Zone Fire Complex.

U.S. Forest Service and Minnesota Department of Natural Resources (DNR) warn Cook County residents and visitors that fire danger across the northern third of Minnesota continues to elevate as a result of continued drought conditions. Fire danger is very high and although burn permits are still being issued, they are for one day only.

As of September 23, the Famine, Red Eye, Sumpet, and Patriot fires were being managed under a confinement strategy. These fires will continue to be monitored by air and suppression actions will be taken as needed. The Sumpet and Patriot Fires will also continue to be monitored from the air.

The fires, mainly in the Tofte district, are named after the area where they started. The Famine fire is northeast of Brule Lake. As of September 23, the fire has burned 4,044 acres, burning in a hardwood mix in the BWCAW. Aircraft was used to confine the fire to natural boundaries. Another fire, Sumpet, has burned less than 60 acres within the BWCAW. The Scott Creek fire was located one-mile southwest of Silver Island Lake and burned approximately 10 acres. Burning was in lowland spruce/fir and old logging slash with pockets of blowdown. The fire was suppressed with engines, dozers and hand crews. The Juno fire was located on the south shore of Brule Lake and burned less than one acre. The Baker fire was located near Baker Lake within the campground and was less than one acre.

There were three fires in the Gunflint District, one called Red Eye, located one mile southeast of Wenchell Lake and two miles northeast of Brule Lake. The fire has burned approximately 1,792 acres and was within the BWCAW. This fire was contained to natural boundaries.

The Patriot fire was located south of Seagull Lake and has burned less than five acres. It burned in the Arc Lake prescribed burn south of Seagull. It was assessed aerially for the appropriate management response.

Many Minnesota residents had never heard of Cavity Lake in the Boundary Waters before July 14, 2006. However, since a lightning strike started a wildfire near the remote wilderness lake in the 1999 blowdown area, it has become infamous as the start of what may be one of the largest wildfires in Minnesota history.

The Cavity Lake fire burned 31,830 acres in August at a cost of $11,331,000. There has been no notable fire activity since mid-August. Managers will continue to monitor the fire area through the end of the season. The Superior National Forest will continue to track on how the area responds to new conditions created by the fire.

On the western end of the Boundary Waters, the Turtle Lake Wildland Fire continues smoldering activity in the interior of the burned area, near Pietro Lake. This was another fire started by lightning. The activity was well within the prescribed boundaries of the Fire Use Plan and was closely monitored. Fire managers used the naturally ignited fire to meet fuel reduction and fire break objectives in the area to the northeast of Bald Eagle Lake.

Recent rains across the area have helped the fire situation in northern Minnesota. Both the Forest Service and the DNR urge forest visitors to use extreme caution in coming weeks. Fire danger will increase as frost kills off vegetation. There has been no notable fire activity since mid-August. Managers will continue to monitor the fire area through the end of the season. The Superior National Forest will continue to track on how the area responds to new conditions created by the fire.

Status of these fires on the Superior National Forest is considered pretty much "out". Crews have been evaluating the areas in terms of fuels consumption, resource conditions, and any rehab needs. Noticeable green regrowth was occurring in the Cavity Lake Fire area by the end of July. However, some areas are still closed to public use both to protect some sensitive sites from visitor impacts and also to protect visitors from standing dead trees or other post-fire hazards.

“Hunting season is here and so is fall traveling, folks recreating in the woods need to think about the high fire danger and be extremely cautious,” said DNR Wildfire Suppression Supervisor Ron Stoffel.

Current Closures: All closure orders pertaining to BWCAW entry points and campgrounds (with exception of the Kekekabic Trail) for the Famine and Red Eye Fire areas have been rescinded. As of October, 6 closure orders remain in effect for the Cavity Lake and Turtle Fire areas.

Drought continues all across northern Minnesota and visitors to the area are cautioned to be diligent in fire prevention efforts.
Polymet permit process moving forward

Over 100 residents from across the Iron Range filled the room to hear five presenters on various aspects of the permit process for the PolyMet Mining Project planned for the Hoyt Lakes area.

This is a State and Federal process involving the DNR, Minnesota Pollution Control Agency and Federal regulations. Environmental Quality Board rules are followed, which include an Environmental Assessment Worksheet; an Environmental Impact Statement which has a ten day comment period; the final scoping decision with a 25 day comment period resulting in a Notice of the Draft EIS; and the notice of the final EIS would come after the public comments were reviewed.

Ann Foss with the MPCA spoke on the air and water quality permits. Water quality concerns include mine pit dewatering, waste rock, processing wastewater, mine truck and equipment repair shop discharge, sewage, and storm water. All of these would be subject to treatment facilities, effluent limits, monitoring, and operation requirements.

Air quality concerns include stacks and vents, and sources of fugitive emissions that would have set limits according to State and Federal rules.

The major federal regulations include the best control technology, modeling for compliance, and impacts on the BWCAW, Voyageurs National Park and other federal lands. The concern would be the haze from a mine that would impact these areas.

Foss said the water and air quality permit process would parallel the Environmental Review. “Construction cannot begin until permits are issued,” said Foss.

Steve Piragis, from Ely with Northeastern Minnesotans for Wilderness, asked what impact emissions from the Polymet mine would have on the BWCA. Foss said the emissions would be trivial.

Steve Dewar, with the Division of Land and Minerals for the Minnesota DNR spoke about non-ferrous permits to mine.

“No such permit has been issued in Minnesota to date,” said Dewar. He said there are Reclamation Standards regarding the mine site which excludes the Boundary Waters. The standards also determine the setback from residential areas and identify restricted areas.

Dewar said the Mining and Reclamation Plan is for the life of the mine. It also includes mining activity, ore beneficiating process and chemicals used, an engineering plan, mine maps, and the first year of operation plan.

Any wetland replacement would be according to the Minnesota Wetlands Conservation Act. There would be a description of impact, with no net loss for wetland replacement. Monitoring would be conducted for five years.

Also with the DNR Lands and Minerals Division, Kim Lapakko’s presentation addressed the Duluth Complex mine waste drainage chemistry. The two concerns are acidic drainage with high metals and neutral drainage with high metals, which are produced by sulfides. Iron sulfide mixed with oxygen and water produces rust, while trace metal sulfide mixed with oxygen and water releases trace metal.

Lapakko said that time, sulfur content and particle size affect drainage PH. Drainage PH generally decreases with time. Drainage PH decreased as particle size decreased in lab tests conducted for nine years.

Piragis asked what the sulfur content of the ore Polymet would be mining. DNR’s Paul Eger said of the 250 million tons, 40% has a non-reactive sulfur content of less than .05% and 60% has a reactive sulfur content of more than .05%. Lapakko’s presentation stated problems arise when the sulfur is at .18%.

“The DNR and MPCA are not going to permit a project that will harm the environment,” said Eger.

Ending the meeting on a light note, Jim Watson from Aurora said it was good to have this information given to the public.

“We need the jobs,” said Watson. “If the government took as much care of its people as it does the trees, land, water, frogs…we’d be taken care of pretty good.”

CWCS echoes those sentiments. School enrollments all across northern Minnesota have decreased mainly because of the lack of good paying jobs that would bring skilled workers and their families to our communities.

CWCS supports: “Being environmentally, economically and socially responsible. The human factor must be put back into land management policies. The needs of local communities and all users can and must be balanced with the conservation of sensitive natural environments. Common Sense is needed in addressing economic development for the betterment of all.”

Keeping an eye on Clean Water Act amendment


Oberstar’s bill (H.R. 1356) and the Senate companion bill (S. 912), sponsored by Sen. Feingold (D-WI), would amend the federal Clean Water Act by replacing “navigable waters” with “waters of the United States” therefore expanding the federal government’s jurisdiction.

Sec. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended –

(1) by striking paragraph (7);

(2) by predestining paragraphs (8) through (23) as paragraphs (7) through (22), respectively; and

(3) by adding at the end the following:

“(23) WATERS OF THE UNITED STATES — The term ‘waters of the United States’ means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.’

This Clean Water Act is another ‘takings’ legislation, just like the Endangered Species Act. This legislation would restrict private property all across the U.S.

We all know the importance of wetlands and the demand for clean water, especially to our waterfowl hunters. This bill does nothing more than tie the hands of private property owners, and stop economic development that would bring hundreds of jobs to northern Minnesota. This bill will affect loggers, farmers and mining jobs. This bill also affects recreational use of land.

Property owners have challenged the Clean Water Act and won in the Supreme Court.

Whether you support Rep. Jim Oberstar or for his opponent Rod Grams for Minnesota’s 8th District Congressional seat, people need to speak out against this legislation.
Forest lawsuit emotion, not science based

Reprinted with permission from the editorial page of the Ely Echo.

Another lawsuit against the U.S. Forest Service has been filed by groups such as the Sierra Club and Friends of the Boundary Waters. This time the issue is the 2004 Superior National Forest Plan, a document used to determine the hot button issue of logging.

According to a news release, “The groups aim to ensure that the logging prescribed in the plan — averaging 20 square miles per year — does not harm the wilderness canoe area. The lawsuit also seeks to reinstate discontinued wildlife censuses that had held the agency accountable for preventing negative impacts from its taxpayer-subsidized commercial logging program.”

Now, for those concerned directly with the BWCAW, we would like to remind people that the Forest Plan includes this statement, “The Revised Plan makes no changes to management direction for the BWCA Wilderness, except for the technical corrections in management area boundaries. It continues to protect and manage the BWCA Wilderness as called for in the Act.”

Harm the wilderness canoe area? Hardly. The plan is for lands outside the BWCAW. However, to use the wilderness as a fear factor to get people riled up is a common tactic, even if the truth is stretched along the way.

This lawsuit is really no surprise, these groups have sued the Forest Service so many times it is likely they have lawyers who continuously look at new ways to bring the government into the courtroom.

Lost along the way is the basic premise that science should be used to determine public policy such as logging on federal lands. Instead we have Forest Service employees spending vast amounts of time preparing for and/or reacting to lawsuits.

Long gone are the days when our foresters spent the majority of their time out in the field. Now they spend time on litigation, which has become the hidden basis of public policy.

If you doubt all of this, just review these excerpts from the Sierra Club et al, keeping in mind the Forest Plan has no changes for the BWCAW:

“...The Forest Plan in its current form will not sufficiently protect the wilderness and wilderness values."

“These places are sanctuaries for people and wildlife."

“There will be an echo effect from this logging, with negative impacts inside the BWCAW."

“Global warming is stressing the boreal forest wildlife in the Superior National Forest.”

We do not believe that a document such as the U.S. Forest Service plan for managing the Superior National Forest should be based on values, sanctuaries, echo effects and global warming.

And using the BWCAW as a scapegoat here is nearly fear mongering. To oppose land management outside the wilderness because it might impact visitors inside the BWCAW is ludicrous. If that is something the Forest Service should look out for, where do we draw this line? Just north of Hinckley?

But, the lawyers will continue to force the government into court, whether or not they have a chance of winning or not. This fight is not about the best way to manage the forest. It is about what is best for the Sierra Club and the Friends and their political agenda.

This is not about what is best for plantlife and wildlife. This is really about what’s the best way to close off more areas to the public and end logging on federal lands.

We have watched for many years how groups such as the Sierra Club have used the National Environmental Policy Act (NEPA) to take science out of forest management.

This lawsuit only proves that NEPA needs to be reformed before we end up with a Forest Service staffed not by scientists, but by lawyers.

Remembering old friends Bob Cary and Dorothy Molter

This past summer Ely lost one of its favorite characters. Bob Cary, better known as Jackpine Bob after his 1980 run for President of the United States under the Fisherman’s Party, passed away June 17, 2006. Bob was a champion of common sense, including common sense regulation of the Boundary Waters.

Bob authored several books over his 84 years, most notably ‘The Root Beer Lady’ about the last resident to live in the Boundary Waters – Dorothy Molter, who lived on the Isle of Pines on Knife Lake.

Bob will be greatly missed. He was a great friend and supporter of Conservationists with Common Sense.

This December we remember another dear friend – Dorothy Molter, who died on her Isle of Pines 20 years ago. Dorothy was known as the Root Beer Lady for the 10,000 bottles of root beer she served on her islands to the thousands of canoeists who stopped to say ‘hi.’

Dorothy understood the local people’s love of the BWCAW. The following, from a 1983 Chicago Tribune Magazine article, are her thoughts about the increased motor ban that took place at the end of 1983.

“I’m going to lay in all my supplies for next year before January,” said Dorothy. “But I guess after next summer I won’t have root beer and candy for the kids. That will be finished. I just wish they would leave things the way they are right now. It’s especially hard on the people who live around the Boundary Waters if they can’t use the lakes and the forest themselves.”

“Young people forget that they have all summer to be up here, but a working man, he’s only getting a weekend, and he can’t very well paddle up here for a night and turn around the next morning. And the older people living around here can’t use the Boundary Waters at all if they can’t use a motor. It’s just too hard for them, and that’s not right. After a man has raised a family and his kids are getting married, he should be able to enjoy the wilderness any way he can.”

May 6, 2007 will mark the 100th birthday of Dorothy. The Dorothy Molter Museum on the east end of Ely will celebrate Dorothy’s birthday with various sales and events throughout next summer.

Two of Dorothy’s cabins are part of the museum tour. Several of the tour guides knew Dorothy personally and they weave their stories into their oral presentations. The museum is open mid May through mid September. Stop by for the best tour in town. Learn about Dorothy and about the Boundary Waters.
Cook County joins South Fowl lawsuit

Cook County Commissioners in northern Minnesota have agreed to intervene in a lawsuit, joining the U. S. Forest Service in its defense of a decision to construct an alternate route for a Hovland snowmobile trail which the Forest Service closed in 2002.

The trail at the center of the lawsuit is called the Tilbury Trail by the snowmobilers who used it for decades. It is called the Royal Lake trail by the U. S. Forest Service. It was found to be encroaching on the Boundary Waters Canoe Area Wilderness (BWCAW) in 2002.

According to the 1978 BWCA Wilderness Act, the Forest Service was to provide motorized recreation experiences similar to those previously available in the Boundary Waters Canoe Area.

In a 2003 county board meeting, commissioners requested that the Forest Service develop a replacement trail. At subsequent meetings, the Cook County board supported a Forest Service trail alternative, the “northern route.”

At the behest of area residents and ice fisherman who wanted a similar snowmobile access between McFarland and South Fowl Lakes, the county board passed motions supporting the new 2 1/2 mile route in July 2004, March 2005, and in September 2005.

David Oberstar with the firm of Fryberger, Buchanan, Smith, & Frederick, PA from Duluth was invited to the September 26, 2006 county board meeting.

Oberstar explained that he had been retained by Conservationists with Common Sense (CWCS) and the Arrowhead Coalition for Multiple Use (ACMU), in response to a lawsuit filed by the Isaak Walton League, Wilderness Watch, Sierra Club Northstar Chapter, and the Northeastern Minnesotans for Wilderness. Oberstar said the lawsuit claims that the northern route is too close to the BWCAW and that the Forest Service failed to conduct adequate environmental review, including addressing concerns about the Canada lynx. He said the four groups also allege that South Fowl Lake is a wilderness lake, so locating a trail that close to the lake will encourage encroachment in the BWCAW.

Oberstar said the plaintiffs successfully halted the trail construction, which had been scheduled for early fall. In addition, the four groups are demanding the Forest Service implement a motor permit quota and ban snowmobiles on North and South Fowl Lakes.

Oberstar asked the county if it was interested in intervening. He said, “I know the groups I represent, and the county’s interests are similar. CWCS is proposing to split the costs, if the county moves ahead.”

Oberstar said the estimated cost of joining the Forest Service in the lawsuit; filing cross-motions and participating in the hearing after which a judge will make a decision on the legality of the trail, would be approximately $20,000.

Commissioner Bob Fenwick asked if it would be more appropriate for the county to file separately. He said, “It is important that the county maintain a high level of objectivity.”

County Attorney Bill Hennessy said the problem with the county intervening on its own is finding an attorney that is familiar with the issues. He said Oberstar had been working with CWCS for many years and had a solid knowledge of BWCAW issues.

“With another attorney there would be a huge learning curve,” said Hennessy. “It would cost a lot more.”

Commissioner Jan Hall noted that the county has backed the Forest Service in the past. “We’ve been persistent about this all along,” she said.

Cook County approved hiring Fryberger, Buchanan, Smith, & Frederick, PA spending approximately $10,000 to participate.

Vermilion CC opens the “SWAMP”

Reprinted with permission from the Ely Echo.

The “SWAMP” is open, and Vermilion Community College officials couldn’t be happier.

This summer the school celebrated the grand opening of its water treatment training facility on Fall Lake.

VCC, Laurentian Education Ventures Incorporated, the Minnesota Department of Health were the primary partners in the Safe Water for all Minnesota People (SWAMP) project, which resulted in the construction of a 1,500 square foot facility at the Outdoor Learning Center.

The facility will be used as a training center for small water system operators across the state, a group some 8,000 members strong covering those in charge of water treatment in small communities (under 3,300 people) as well as operators of small resorts and campgrounds.

The ribbon-cutting marked the culmination of several years of work on the project, which was spurred in part by grant support as well as cooperation between the school and numerous entities and organizations.

“This represents the result of true collaboration between federal, state, county and private agencies,” said former VCC Provost Sue Collins, now the vice-president of the Northeast Higher Education District.

Collins thanked the primary partners as well as the U.S. Forest Service, Lake County Planning and Zoning, Architectural Resources, Inc., and general contractor Koval Construction.

Groundbreaking was held last summer and VCC showed off the finished product - a facility that will be used to train operators from around Minnesota.

The Minnesota Department of Health is responsible for starting the project and has been the leading force in advancing the initiative.

The agency partnered with VCC and LEVI, which operates the former resort that now serves as the OLC, to come up with a facility to use for training sessions.

Operators from around the state may take a variety of courses focusing on ground water, surface water, wells and well maintenance, an introduction to small water quality, and pipes, pumps and plumbing.

Collins said Vermilion instructor Steve Kleist was the school’s driving force behind the project.

“This project was Steve’s brainchild,” said Collins.

Kleist told a crowd of about 40 people about the course offerings as well as a facility that he said will serve VCC for years to come.

All small water systems require at least one mandatory state certified operator, and the two-day courses offered at the facility are earmarked toward certification.

Thanks to federal and Minnesota Department of Health funding, water operators may currently take the $500 class at no charge. Vermilion, in turn, bills the Department of Health.
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