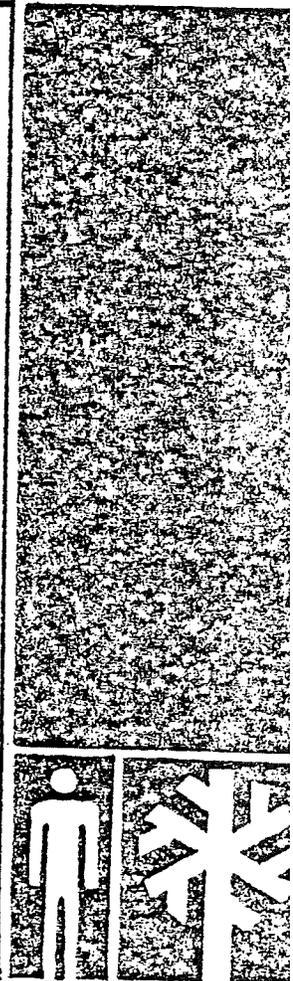
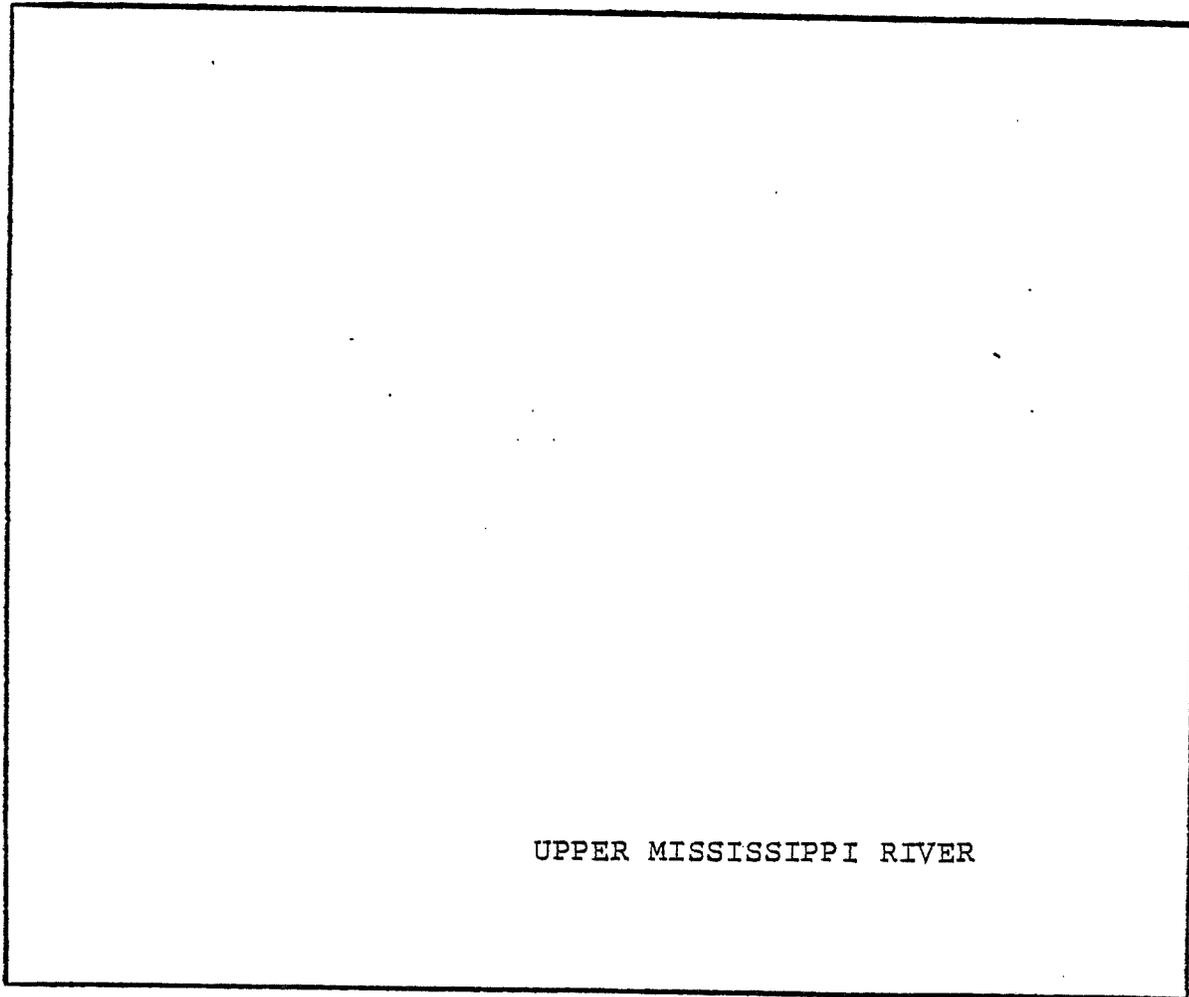


Conceptual Master Plan  
TRANSMITTAL REPORT  
January 1981



A Proposed National Wild and Scenic River / Minnesota



UPPER MISSISSIPPI CONCEPTUAL MASTER PLAN  
TRANSMITTAL REPORT

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## I. PREFACE

In 1968, Congress enacted Public Law 90-542, the Wild and Scenic Rivers Act, establishing a system of nationally significant wild and scenic rivers for the purpose of preserving vestiges of the Nation's natural waterways. This legislation directed the Secretaries of Interior and Agriculture to conduct studies of identified rivers to determine if they possessed natural and cultural resources significant enough to warrant preservation as part of this National Wild and Scenic Rivers System.

Congress amended the list of rivers to be studied for possible inclusion in the National Wild and Scenic Rivers System with the passage in 1975 of Public Law 93-621. Added to the list of study rivers was that portion of the Mississippi River between Anoka and Lake Itasca, Minnesota.

In compliance with that legislation, the Upper Mississippi Wild and Scenic River Study was conducted by the Department of the Interior's Bureau of Outdoor Recreation (BOR). The report of that study was transmitted to the United States Congress on May 23, 1977. It recommended the inclusion in the National Wild and Scenic Rivers System of 353.3 miles of the Upper Mississippi River in twelve segments.

The segments were developed around areas cited for exclusion from the system for reasons of municipal incorporation, impoundment, or highly developed shoreland.

Legislation was introduced in Congress in October 1977 to designate the river segments recommended in the Bureau of Outdoor Recreation Report. The BOR proposal became the subject of controversy over the extent of public input into the Wild and Scenic River Study. Public meetings held during the study period had been poorly attended and in response to the controversy, two public meetings were conducted by area Congressmen in June of 1978. Following these June meetings, an amendment to the designation legislation was introduced which would require the National Park Service to prepare a master plan for the Upper Mississippi as a prerequisite for congressional action. Neither the designation legislation nor the master plan study amendment were passed by Congress.

On August 1, 1979, the President released an Environmental Message containing the following directive to the National Park Service (NPS):

- Develop a Conceptual Master Plan with full public participation for the Upper Mississippi in Minnesota.
- Determine the requirements for protecting the river corridor and providing public access, campgrounds, and other recreation facilities.
- Determine the private lands to be affected by the plan.
- Cooperate ". . . with the Minnesota Department of Natural Resources, affected Indian tribes and the public, . . ." in preparing the plan.

A Conceptual Master Plan for the Upper Mississippi River has been prepared in response to the President's August 1, 1979, directive and draws on material and recommendations contained in the 1977 Bureau of Outdoor Recreation Wild and Scenic River Study report.

## II. MAJOR EVENTS IN THE PLANNING PROCESS

A task directive, following directions contained in the President's August 2, 1979, Environmental Message, was prepared during the same month. The task directive was presented to representatives of the Minnesota Governor's office and key State agencies in early September. This group raised objections to the April 1980 deadline for plan completion cited in the Environmental Message.

The Governor and several members of the Minnesota congressional delegation wrote the President and the Secretary of the Interior requesting a more extensive study in terms of time and scope. A series of discussions proceeded between the administration, the State, and the congressional delegation.

In late October, the Midwest Region in conjunction with the Lake Central Region of the Heritage Conservation and Recreation Service (HCRS) flew the Mississippi River study area using the methodology developed by HCRS for the Nationwide Rivers Inventory. A complete video tape was made of the 450-mile river corridor during a 2-day low altitude helicopter flight. The 4 hours of tapes proved to be an excellent reference for checking field data and mapping and serves as a permanent visual record of the river corridor prior to any preservation management. The tapes were also used later in soliciting study input from State agencies and interested citizens.

In December, the Midwest Region was instructed to proceed with the development of a Conceptual Master Plan with the authority to consider alternatives to Wild and Scenic River designation. Although a schedule was prepared for plan completion by the end of the fiscal year, no official study deadline was set.

Throughout January and February 1980, the team met in Minnesota with concerned citizen groups, environmental organizations, private landowners, news media, Federal and State agencies, the Leech Lake Indian Reservation, and county officials. The purpose of the meetings was to ensure broad understandings of the purpose of the study and to express a willingness to work with all interests to the greatest extent possible. Some base data gathering was also involved.

During January and February, State Senator Bob Lessard mobilized eight contiguous counties along the upper reaches of the river to enter into a Joint Powers Agreement as allowed by State law. Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison Counties formed the Mississippi Headwaters Board (MHB) for the purpose of preparing a plan for local government management of the river as an alternative to Federal action. The NPS planning team was able to establish a working relationship with this group and the consultant firm hired to prepare the management plan.

The NPS team held public workshops in March in Bemidji, Grand Rapids, Aitkin, Brainerd, Little Falls, St. Cloud, and St. Paul to receive general public input prior to plan development. At this time, a Public Input Coordinator was hired for the study and a temporary field office was opened in Duluth-Superior to facilitate contact with the team by citizens in the affected area.

Following the public workshops, the NPS team began intensive work on preparing the Conceptual Master Plan. Planning and data gathering sessions were held with key individuals identified in earlier public involvement; central and regional

staffs of State agencies; county professional staffs; the Leech Lake Reservation staff; the Chippewa National Forest; Bureau of Land Management; Environmental Protection Agency; and St. Paul District, Corps of Engineers. A 16-day field reconnaissance by motorized canoe covered about 300 miles of the Mississippi River in early May.

The NPS plan was drafted and printed in June and July. The Mississippi Headwaters Board plan was drafted and printed concurrently. Contacts and informational exchange took place between the two planning entities throughout their individual plan developments. By the first week of August, the two draft plans, NPS recommending National Wild and Scenic River designation and MHB recommending a non-Federal zoning based management, were available for public review and comparison.

Also, by the time of the release of the two plans, the MHB had received letters of support from the Governor, the two Minnesota Senators, and all but one of the Minnesota Representatives. Substantial public support for the MHB in their eight county area surfaced during the summer months and during the public meetings held by the MHB to present their draft plan.

In early August 1980, the Assistant Secretary of the Interior for Fish, Wildlife, and Parks and the Director of the National Park Service visited Minnesota to review several NPS issues including the Upper Mississippi Conceptual Master Plan. A meeting was arranged for the two officials where the MHB consultant and the NPS planning team presented their respective draft plans. Largely, as a result of this meeting, the NPS team was instructed to investigate a common approach to river protection based on the MHB plan.

By letter on August 29, the Assistant Secretary made several suggestions to the chairman of the MHB for strengthening of the MHB plan that would make it acceptable to the Department of the Interior. The MHB voted to accept the suggestions in concept and instructed their consultant to work with the NPS team to incorporate the suggestions into the MHB plan. As a result of the MHB's action, public meetings on the NPS draft plan scheduled for early September were postponed indefinitely to allow a good faith atmosphere for negotiations on a mutually acceptable plan.

NPS team members and the MHB's consultant met on a weekly basis during September and October to discuss specific approaches to incorporation of the Interior comments into the MHB plan. On October 22, the MHB sent a letter to the Assistant Secretary regarding the steps it planned to take to adopt Interior's suggestions and included revisions to its draft plan. The MHB requested a response by October 30 so that it could maintain its plan implementation schedule. The Assistant Secretary replied to the Board that the Department could not review the material and make a properly coordinated response by the requested date. However, the letter suggested that the MHB take whatever action it felt necessary if its schedule could not be adjusted to accommodate Interior's response.

On October 30 the MHB voted to finalize and adopt its revised plan. The Department of the Interior provided detailed comments on the plan revisions on November 24. The letter transmitting the Department's comments stated that the MHB plan appeared to provide a framework for incorporation of these final

comments through advanced planning, consummation of cooperative management agreements with State and Federal agencies, and through State legislation that the Board is seeking.

The November 24 letter from the Assistant Secretary to the MHB stated that the NPS plan would be held in abeyance to give the MHB the opportunity to implement its plan. The letter indicated that while the NPS plan would be completed and submitted, the Department would recommend that no legislative action be taken in deference to the MHB plan.

On December 3 and 4, the NPS team held informal public meetings on its Upper Mississippi Conceptual Master Plan in Bemidji and St. Paul. Oral statements were recorded at the meetings and the record was kept open until January 5, 1981, for persons interested in submitting written statements.

### III. RECOMMENDATIONS

1. National Wild and Scenic River designation as proposed in the Upper Mississippi Conceptual Master Plan should be held in abeyance to allow the Mississippi Headwaters Board the opportunity to prove the feasibility of its local management plan. While the Department has commented on deficiencies in the MHB final plan, the plan is conceptual and provides the mechanics for solving problem areas during plan implementation. The MHB presently enjoys public support in its eight member counties and has the support of the Governor, the Commissioner of Natural Resources, and the majority of the Minnesota congressional delegation. The Assistant Secretary of the Interior for Fish, Wildlife, and Parks has supported this recommendation in his November 24, 1980, letter to the Chairman of the MHB.
2. The Mississippi Headwaters Board has set for itself specific milestones to meet in order to fully implement its Mississippi River Management Plan. Each member county board must adopt the model zoning ordinance, which is the core of the MHB plan, as the minimum zoning restriction along the river. The MHB must secure State legislation to provide for a permanent Board and empower the Board to certify major zoning decisions of its member counties. The MHB must secure funding to implement its program. Cooperative management agreements are required with the State, the U.S. Forest Service, the Bureau of Land Management, the Leech Lake Indian Reservation, and others. The National Park Service should monitor the progress of the MHB in achieving these milestones.
3. The success or failure of the Mississippi Headwaters Board to meet all or a portion of the milestones it has set out should be reported by the National Park Service to the Secretary of the Interior. The report should judge the success or failure relative to its impact on the effective implementation of the MHB plan and relative to its impact on management and preservation of the river's resources. The first action by the National Park Service in the event of MHB failure on any milestone, dependent on direction by the Secretary and the availability of funds, should be to assist the Board in solving the problem within the concepts of the MHB plan. Failure by the Board to implement major elements of its plan, and thereby failing to provide for the management and protection of the river's resources, should prompt Departmental reconsideration of the National Wild and Scenic Rivers designation or similar Federal legislative action.
4. Portions of the Upper Mississippi have been found qualified for inclusion in the National Wild and Scenic Rivers System by a Section 5a Study completed in 1977 and by this unprecedented Conceptual Master Plan study. Although the river is currently proposed for State and local administration through the Mississippi Headwaters Board, it remains a national resource. The proposed MHB administration will not provide for protection from Federal actions such as those addressed by the National Wild and Scenic Rivers Act. Some form of Federal executive protection is recommended for the river to coordinate Federal agency actions and prevent adverse Federal projects, licenses, or permits. This executive protection could take the form of interagency consultation such as that provided for the Nationwide Rivers Inventory (HCRS) to avoid or mitigate adverse effects. It is important to note that the protections of the National Wild and Scenic Rivers Act for study rivers has reached its statutory time limit for the

Upper Mississippi. Federal executive action could provide protection from adverse Federal action without interference in the management of the MHB.

5. The Mississippi Headwaters Board management will not extend downstream of the southern Morrison County boundry. It is recommended that the State of Minnesota include the Mississippi River from the southern Morrison County line to the Mississippi River Park in Stearns County as part of its State Wild and Scenic Rivers System. An alternative to State action would be expansion of the MHB to include Stearns and Benton Counties. Either action would extend adequate protection to a nationally significant river resource.

6. In carrying out any of the above recommendations, the Department should consult with the Leech Lake Indian Reservation and consider any actions with regard to its effect on the Reservation.

#### IV. NATIONAL PARK SERVICE UPPER MISSISSIPPI RIVER CONCEPTUAL MASTER PLAN SUMMARY

The purpose of the Upper Mississippi River Master Plan is to preserve the nationally significant resources of the river. Federal legislation would authorize the inclusion of six river units as a component of the National Wild and Scenic Rivers System. Two other river areas would be eligible for inclusion in the National System upon request of the Governor of Minnesota.

In general, this plan proposes a separation of administration and management which allows participation of several governmental entities in direct control of the future of the Mississippi River Corridor.

The plan calls for administration of qualified river segments north of Little Falls by the Federal government, and administration of the qualified river segments below Little Falls by the State of Minnesota. Administration denotes overall responsibility for effective day-to-day management, primarily financial and technical support of the managing agencies.

The day-to-day managers of each river unit are identified in individual unit discussions. Management responsibilities of these agencies include control of land use and recreational activities, natural resources conservation, and cultural resource preservation.

The primary link between Federal administration and participating non-Federal managers in the northern portion of the river would be a negotiated cooperative agreement. This document would assign roles and responsibilities of the Federal and non-Federal agencies; set terms for the mutual handling of unique issues in each river unit; establish mechanisms for solving management problems as they arise; and generally ensure management consistent with the National Wild and Scenic Rivers Act.

The congressional legislation for the six Federally administered areas would reflect the following management recommendations:

The Headwaters Unit would extend from the River's source at Lake Itasca to the Iron Bridge (County Road 7, Beltrami County). The 48-mile-long river corridor would be managed by the State of Minnesota and the counties of Beltrami, Clearwater, and Hubbard through a cooperative agreement with either the National Park Service or the U.S. Forest Service.

The West Chippewa Unit would extend from Cass Lake to Lake Winnibigoshish. The 12-mile river corridor would be managed by the U.S. Forest Service in cooperation with the Leech Lake Indian Reservation and the State of Minnesota.

The East Chippewa Unit would extend from Little Winnibigoshish Lake, 30-miles downstream to Schoolcraft State Recreation Area.

The Heritage Unit would extend from the Highway 441 bridge in Itasca County to 1-mile upstream of the Logan-Workman Township line in Aitkin County. The 77-mile-long river area would be managed by the National Park Service or the U.S. Forest Service in cooperation with the State and Itasca and Aitkin Counties.

The Crow Wing Unit would extend downstream from the Aitkin Diversion Channel to 1 mile above the channel to Little Rabbit Lake. The 27-mile-long river area would be managed by the National Park Service or the U.S. Forest Service in cooperation with Crow Wing County and the State.

The Ripley Unit would extend from First Island downstream of Brainerd to the Camp Ripley Junction highway bridge. The 27-mile-long river corridor would be managed by the State of Minnesota through a cooperative agreement with the National Park Service or the U.S. Forest Service.

Two areas are recommended by the plan for State administration. The first area would be the river between St. Cloud and Anoka (53 miles), which is presently a component of the State Wild and Scenic Rivers System. The second area would be The Island Unit (15 miles) described in this plan as the river area between Blanchard Dam in Morrison County and Mississippi River Park in Stearns County.

Federal legislation would also allow for planning and funding assistance to the State and county governments who would participate in management of Federal river units through cooperative agreements. This assistance would be directed to recreational facility development, management staffing and annual operation, maintenance and replacement.

The plan proposes minimal upgrading and expansion of the existing recreational supply system on the Upper Mississippi.

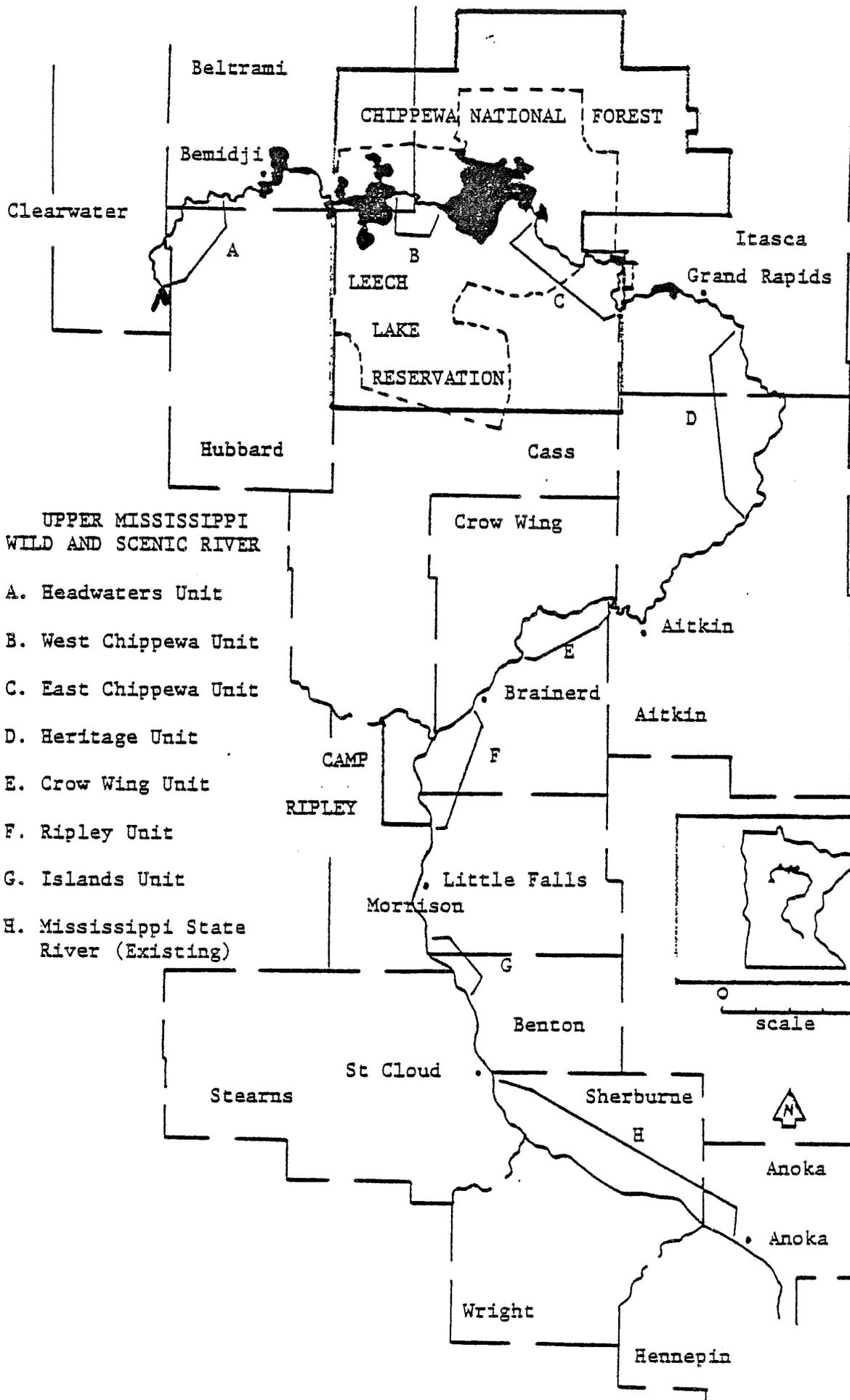
Recreation management would provide a comprehensive program of summer and winter recreation with a facilities emphasis on summer water oriented activity. Though recreational overuse would be discouraged, provisions would be made, where possible, for other visitor services and activities such as interpretation, hiking, cross-country skiing, snowmobiling, etc. The managing agencies would have the authority and responsibility to ensure user safety and control conflicts in use and resource damage through development of facilities and use regulations.

The Upper Mississippi Wild and Scenic River would encompass approximately 46,000 acres of land within the six Federally administered river units. Public ownership accounts for approximately 27,000 acres or 59 percent of this land.

A boundary line, which by law may not exceed an average of 320 acres per river mile, was drawn within this limitation along normal real estate descriptions of existing property lines. This line is determined by both the line-of-sight (the maximum view of the property from the river while full screening foliage is on the vegetation) and the resource warranting protection.

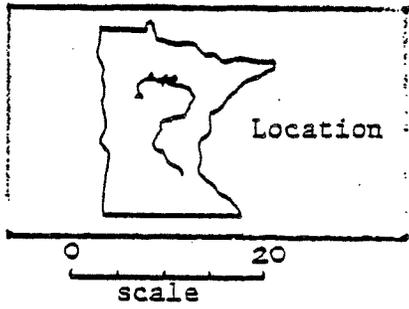
Continuation of private and public land use which is compatible with the preservation purpose of the plan would be encouraged.

The National Wild and Scenic Rivers Act gives the Federal government authority to use the power of eminent domain to acquire lands in fee title and in easement on river segments managed by Federal agencies. Once 50 percent of the land within the boundary of such a river comes under public ownership, the right to



UPPER MISSISSIPPI  
WILD AND SCENIC RIVER

- A. Headwaters Unit
- B. West Chippewa Unit
- C. East Chippewa Unit
- D. Heritage Unit
- E. Crow Wing Unit
- F. Ripley Unit
- G. Islands Unit
- H. Mississippi State River (Existing)



condemn in fee purchases no longer exists. The authority for condemnation for easement, however, still remains. All existing Federal, State, and county owned lands would count against the 50 percent total.

TABLE I. EXISTING OWNERSHIP OF RECOMMENDED FEDERAL UNITS

| <u>UNIT</u> | <u>FEDERAL</u> | <u>STATE</u> | <u>COUNTY</u> | <u>PRIVATE</u> | <u>TOTAL ACRES</u> | <u>LENGTH</u> |
|-------------|----------------|--------------|---------------|----------------|--------------------|---------------|
| Ripley      | 59*            | 2,200        | -             | 2,150          | 4,409              | 27 miles      |
| Crow Wing   | 3*             | 550          | 1,600         | 2,500          | 4,653              | 27 miles      |
| Heritage    | -              | 1,800        | 1,000         | 8,800          | 11,600             | 77 miles      |
| E. Chippewa | 3,800          | 5,500        | 650           | 1,500          | 11,450             | 30 miles      |
| W. Chippewa | 2,600          | 450          | -             | 450            | 3,500              | 12 miles      |
| Headwaters  | -              | 1,400        | 5,750         | 3,500          | 10,650             | 48 miles      |
| TOTAL       | 6,462          | 11,900       | 9,000         | 18,900         | 46,262             | 221 miles     |

PUBLIC OWNERSHIP = 59%

PRIVATE OWNERSHIP = 41%

\*Partial Listing of Federal Island Ownership. Source: Bureau of Land Management Inventory, 1979

NOTE: ACREAGES ARE APPROXIMATE

Due to the fact that over 50 percent of the lands within the boundary are already publicly owned, special legislative provision would be required to authorize possible condemnation in fee of approximately 200 acres needed for additional recreational development. Aside from those land parcels, no privately owned lands could be acquired by fee condemnation. Fee acquisition of privately owned lands would be on a willing seller basis only. Easements would be purchased, on a willing seller basis, over those private lands within the boundary not available for fee acquisition. Condemnation for easement would be possible where willing sellers are not available if the Secretary determines local zoning inadequate for protection of the river resources. Condemnation for easement would also be used if necessary where a threat to the river is identified.

COST ESTIMATES

|  |              |
|--|--------------|
| New Recreational Development   | \$ 1,320,000 |
| Upgrading of Existing Facilities<br>(Funds to State and local government as operation and maintenance assistance)              | 150,000      |
| Private Land Acquisition<br>(Assumes-high opportunity for willing fee acquisition<br>-high dependence on easement acquisition) | 31,000,000   |

## V. MISSISSIPPI HEADWATERS BOARD RIVER MANAGEMENT PLAN SUMMARY\*

### THE Mississippi Headwaters Board

On February 22, 1980, a joint powers agreement was signed by eight counties: Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison. This coalition was named the Mississippi Headwaters Board (MHB). The stated purpose of the Mississippi Headwaters Board is to protect the Upper Mississippi River from uncontrolled and unplanned development through the preparation and adoption of a comprehensive management plan for the river and adjacent lands. The MHB adopted a Mississippi River Management Plan October 30. Following is a summary of the MHB plan.

#### Administration

The Board's staff would prepare grant applications to get State and Federal funding for the Board and the individual counties to assist in plan implementation.

The Board can also assist member counties in relations with State and Federal agencies which have jurisdiction over lands and waters within the boundary of the proposed zoning district.

The Board staff can assist the counties in identifying lands that would be desirable to exchange with State and Federal agencies or willing private landowners.

Also, the Board and its staff can serve as a general contact for landowners or the general public who have specific concerns about river management, plan administration, or the like.

The MHB, on behalf of the member counties, will seek specific state legislation to further ensure the permanency of the Board, succession of members from each county, and provide authority to review and certify certain county zoning decisions. If this proposed legislation is enacted, the zoning ordinance proposed in the MHB River Management Plan would be amended to include this certification procedure.

On behalf of the member counties, the Board also intends to seek direct State funding to finance its staff support and the objectives described in the plan.

Throughout the process of plan preparation, the Board has utilized two advisory committees: a technical advisory committee and a citizens advisory committee.

The Board intends to merge these two committees. The purpose of this committee will be to advise the Board and the member counties on the various aspects of implementing its River Management Plan. Like the existing committees, the membership of the advisory committee to the MHB is intended to include the broadest possible range of citizen interests and expertise.

\*Note: This Summary was compiled from the MHB Draft River Management Plan and revisions to that plan submitted to the Department of the Interior on October 22, 1980.

Currently administrative control over public lands and water within the land use district boundary rests with several Federal, State, and local authorities including the U.S. Forest Service, U.S. Army Corps of Engineers, U.S. Bureau of Land Management, Leech Lake Reservation, Minnesota Department of Transportation, watershed districts, soil and water conservation districts, the eight counties themselves, and others.

This plan does not recommend any changes in this multiagency jurisdiction. However, the MHB will endeavor to work with these agencies and to coordinate its activities with them in order to eliminate duplication of efforts/programs and expenses and to improve overall management.

### The MHB Plan

The plan establishes guidelines and minimum standards for cooperative local management of the upper 400 miles of the Mississippi River from Lake Itasca to the southernmost boundary of Morrison County.

Through the implementation of this plan, the local governments would undertake a resource management program to protect the river in three primary ways by: (1) adopting a comprehensive zoning ordinance, (2) implementing a recreation management plan to provide for recreational use of the river and adjacent public lands, and (3) establishing common policies and cooperative agreements for the improvement of existing public lands.

1. Zoning - A comprehensive local zoning ordinance which contains minimum standards for the use of river shoreline and a system for interlocal review of certain decisions would be adopted by the individual counties and a river management area (zoning district) would be established after public hearings are conducted.

2. Recreation Management - The plan also recommends the establishment of some new recreation sites and the rehabilitation of some existing ones. Most sites are on existing public lands, though some are proposed for purchase if the landowners are willing to sell and financing is available.

3. Land Management - The plan recommends the adoption of cooperative agreements between State and local units to provide common management goals for existing public lands along the river. It also recommends management policies for the retention and improvement of existing public lands along the river for fish and wildlife habitat and recreational use. Further, it recommends consolidation of public ownerships along the river through land exchanges.

### Model Zoning Ordinance

The ordinance sets minimum standards for such things as lot size, building setbacks, sewage treatment, and permitted and conditional uses within the shoreland area. It also includes guidelines for such activities as new road construction, utility construction, timber harvesting, and grading or filling.

The minimum standards contained in the model ordinance would apply to lands along the river within the boundaries delineated on the maps shown in the plan. The boundary was drawn to correspond, to the extent possible, to existing property lines to ease in local administration.

This ordinance, once adopted by the individual counties, would be administered by them. Building permits would continue to be issued by the individual county zoning authorities.

Also, this plan proposes that certain aspects of the existing shoreland ordinances that apply to the headwaters' lakes would be upgraded. Because of the existing development along these lakes, it was felt that separate minimum standards should apply.

DIMENSIONAL STANDARDS\*

| <u>Description</u>                   | <u>River Classification</u> |          |
|--------------------------------------|-----------------------------|----------|
|                                      | <u>1</u>                    | <u>2</u> |
| Lot Size                             | 10 acres                    | 5 acres  |
| Building Setback (from O.H.W.M.)     | 200'                        | 150'     |
| Lot Width at Building Line           | 330'                        | 330'     |
| Lot Width at Water Line              | 330'                        | 330'     |
| Sewage System                        | 150'                        | 125'     |
| Maximum Residential Structure Height | 35'                         | 35'      |

\*These dimensional standards would apply only to future development. (Existing developments would be "grandfathered-in").

ZONING CLASSIFICATIONS  
(by River Segment)

| <u>Description</u>  | <u>Classification</u> |
|---|-----------------------|
| From Lake Itasca to river mile 47                         | 1                     |
| From river mile 47 to Bemidji                             | 2                     |
| From outlet of Lake Bemidji to Allen's Bay                | 2                     |
| From outlet of Cass Lake to Lake Winnibigoshish           | 2                     |
| From outlet of Lake Winnibigoshish to Grand Rapids        | 2                     |
| From Grand Rapids to Itasca/Aitkin County Line            | 2                     |
| From Itasca/Aitkin County line to city of Aitkin          | 2                     |
| From city of Aitkin to slack pool above Brainerd dam      | 2                     |
| Slack pool above Brainerd dam                             | 2                     |
| From Brainerd to Little Falls                             | 2                     |
| From Little Falls to southern boundary of Morrison County | 2                     |

The zoning standards for headwaters lakes are:\*\*

|   |                             |
|---|-----------------------------|
| Shoreland Zoning Area                             | 1,300 ft.                   |
| Minimum Lot Size                                  | 30,000 sq. ft.              |
| Building Setback (from O.H.W.M.)                  | 100 ft.                     |
| Sewage System Setback                             | 75 ft.                      |
| Vegetative Cutting                                | Same as county ordinance(s) |
| Minimum Lot Width at Building Line and Water Line | 100 ft.                     |

\*\* Headwaters Lakes include: Irving, Bemidji, Stump, Wolf, Andrusia, Cass, Winnibigoshish, Little Winnibigoshish, and Blackwater.

PERMITTED (P), CONDITIONAL (C), AND NONPERMITTED (N) USES

| <u>Use</u>   | <u>Zones</u> |          |
|--|--------------|----------|
|  | <u>1</u>     | <u>2</u> |
| Single Family Residential  | P            | P        |
| Mobile Homes   | C            | C        |
| Related Essential Services                                       | P            | P        |
| Agricultural Uses  | P            | P        |
| Forestry Uses  | P            | P        |
| Private Roads and Minor Public Streets                           | C            | P        |
| Underground Mining   | N            | C        |
| Public Roads   | C            | C        |
| Utility Transmission, Power Lines                                | C            | C        |
| Signs Necessary for Public Health, Safety, and Recreational Uses | P            | P        |
| Other Signs Not Visible from the river                           | C            | C        |
| Government Campgrounds, Recreational Developments                | C            | C        |
| Private Campgrounds, Recreational Developments                   | C            | C        |
| Planned Cluster  | N            | C        |
| Planned Unit   | N            | C        |
| Public Access with Boat Launches                                 | C            | C        |
| Permanent Docks  | C            | C        |
| Temporary Docks  | P            | P        |
| Public Access with Trail Type Access                             | P            | P        |

Note: Uses not listed in the table above as permitted or conditional will be considered as nonpermitted.

Land Acquisition

The Board recognizes that certain shorelands deserve greater protection than that which can be provided solely through zoning.

Within available funding, this program to supplement the zoning ordinance will be "active" but it will not be extensive. The MHB, and its member counties, will attempt to consolidate river ownerships primarily through land exchanges between the counties and the State or U.S. Forest Service, where such exchanges are feasible and desirable.

Also, land exchanges with willing private owners will also be pursued. These opportunities will be specifically examined within the next 2 years.

Where land purchases are desirable, it would be accomplished within funds available for this purpose and where willing sellers are available. State and Federal matching funds are available for purchase of critical lands, or interests in lands, from landowners who desire to sell. A 2-year budget (\$112,000) has been prepared for this purpose. Future purchases would be based on the success of this program and the continued availability of willing sellers.

### Recreation

There are a considerable number of recreational sites along the Upper Mississippi which have been developed and are being maintained by the respective Federal, State, and local agencies. The Mississippi is designated a Canoe and Boating Route under M.S.A. 85.32. The Department of Natural Resources is assigned responsibility to administer this program. However, in accordance with the Headwaters Board plan additional recreational sites will be developed. Such sites will include camping, day use, and interpretive activities for the user. Where feasible, these facilities will be developed on existing publicly owned lands. Where such public lands are not available, the counties will seek to acquire such lands where willing sellers are available.

Rehabilitation of existing sites, particularly in the headwaters stretch of the river, has also been discussed with responsible Department of Natural Resources (DNR) personnel. All seem to be agreed that these sites need rehabilitation.

The recreation management of the river currently involves not only the counties but the U.S. Forest Service, Corps of Engineers, Minnesota Department of Natural Resources, Minnesota Department of Transportation, and others. MHB staff will work with these agencies to implement the recreation management plan.

There is no recommendation that this multiagency recreation system be changed. That is, maintenance, trespass, and enforcement problems will be handled by the administering agency; i.e., DNR for State lands, county on county lands, etc.

### Funding

The cost for plan implementation over the next year period is: (1) based on current county operating expenditures for such activities, (2) utilizes existing State and Federal grant programs, where necessary local match is known and calculable, and (3) based on a workload analysis of each county in developing financial data.

The Board intends to seek a direct State appropriation to pay for staff and administrative support necessary to carry out its functions. The estimated budget for Board administration is \$164,750 for 1981-82. Presently, no direct Federal appropriation request will be made by the Board. Use of existing State and Federal grant programs can provide a significant amount of State and Federal funding match for a minimal level of local matching funds. Further, it is recommended that the local match could be obtained or covered through funding available in existing county programs.

A list of some of the likely State and Federal programs which are currently available to help finance the implementation of the various aspects of this program include: (1) Federal Revenue Sharing, (2) Economic Development Assistance Grants, (3) HUD Block Grants, and (4) Upper Great Lakes Regional Development Commission Funding, through Economic Development Assistance Funds.

A portion of the State payments in lieu of tax monies provided to counties which have county tax forfeited, State or Federal lands within their boundaries, is intended to be used to improve the management of county owned lands. (Part of this fund is also dedicated to provide local tax relief.)

In addition, Federal payment in lieu of taxes to the counties may also be used for this purpose.

The recommendations in this plan to undertake fish and wildlife and timber stand improvement projects could be financed in part from these sources.

It should also be noted that based on information received from county staff, it is not anticipated that implementation of this program by the MHB and its member counties will require any increase in staff at the county level.

The Minnesota Department of Natural Resources administers the State Canoe and Boating program. The Mississippi River was one of the first rivers to be included in this system. The purpose of the program is to enhance the recreational use of rivers. The Commissioner of Natural Resources is also authorized to work in cooperation with local units of government in the development of recreation sites.

The Federal Land and Water Conservation Fund (LAWCON) is a grant program to State and local units of government for assistance in acquiring land and developing basic facilities for park and outdoor recreation purposes. Some of the funds for Minnesota are administered through the Legislative Commission on Minnesota's Resources (LCMR).

Planning and Zoning Implementation - There are both State and Federal grant programs to assist in the costs of financing comprehensive planning, zoning ordinance adoption, and other related activities. Most notably HUD and State Planning Agency grants can be used for this purpose.

Great River Road - Through this program 'amenity' projects such as park and recreation area acquisition and development, scenic easement purchases, and other recreation oriented projects can be financed on a local, State, and Federal cost sharing basis.



VI. RECORD OF PUBLIC MEETINGS  
on the  
DRAFT UPPER MISSISSIPPI CONCEPTUAL MASTER PLAN

Bemidji, Minnesota, December 3, 1980

St. Paul, Minnesota, December 4, 1980



PUBLIC MEETING SUMMARIES  
ORAL STATEMENTS AND QUESTIONS  
DECEMBER 3 and 4, 1980

Public workshops were held in March 1980 in seven cities along the Upper Mississippi River to receive initial input from concerned citizens prior to preparation of a draft conceptual master plan. Five public meetings scheduled for early September 1980 to discuss the completed draft plan were postponed after the National Park Service and the Mississippi Headwaters Board agreed to work together on a mutually acceptable plan. On December 3 and 4, public meetings were held in Bemidji and St. Paul to discuss the draft conceptual master plan and the results of negotiations between the National Park Service and the Mississippi Headwaters Board. The recommendation that the National Park Service conceptual master plan would be held in abeyance in deference to a revised Mississippi Headwaters Board plan was also discussed at the meetings. The following is a summary of the two December meetings. Questions asked at the meetings are included in the summary along with oral statements, since they also reflect concerns of the meeting participants.

1. Bemidji, December 3, 1980. Estimated attendance, 75.

A. Questions:

- What is the cost of the easement acquisition program?
- How is the value of an easement computed?
- How would the National Park Service control trespass and vandalism?
- How much would Wild and Scenic River designation increase river use?
- Would river users need to obtain a permit for river recreation?
- Will there be a restriction on hunting and fishing?
- Why upgrade access when the intention is not to increase river use?
- If the individual landowner wants to sell or exchange his land, can that be done without interference from the river manager?
- Would the National Park Service have final say in the cooperative management agreements?
- If Federal funding were to fail, would the State and local governments be left with the financial burden?
- What would be the restrictions on wild and scenic classified segments?
- Is there any way the width of the plan boundary line could be expanded?
- What assurance would there be that future legislators could not change the plan?
- Can the National Park Service impose a moratorium on development along the river?
- How would this plan interact with Great River Road?
- What authority does the National Park Service plan have over impoundments?

B. Oral Statements (Summarized)

Dan Meyer, Aide to Senator Boschwitz: Mr. Meyer stated that his presence reflected the Senator's interest in the river protection issue. He restated the Senator's support on the Mississippi Headwaters. He congratulated the National Park Service for cooperation with all concerned interests. In a quote from a letter from the Senator to the Mississippi Headwaters Board Chairman Alf Madsen, he conveyed praise and gratitude to

Northern Minnesota and the counties establishing a precedent of meaningful local management of a national resource as an alternative to Federal involvement.

A Landowner in the "Ripley Unit" described the National Park Service team captain as a salesman selling refrigerators to the Eskimos. He called the National Park Service attempt to manage the river a Federal land grab and expressed his opposition.

Otto Schalow, Crow Wing County Administrator, commented that he originally supported the National Park Service planning process which seemed to be based on public input which the previous study lacked. However, he said the public involvement seemed thwarted by the sudden cancellation of the September public meetings. He criticized the fact that only two meetings were being held in extreme locations in the present meeting series. He stated that the public involvement program had dissipated since negotiations started with the Mississippi Headwaters Board which seemed hypocritical.

Bruce Andrews, private landowner, claimed strong roots to the area and supported the Mississippi Headwaters Board concept of local control. He stated that all interests would be dealing with local government, which he felt was important. He opposed a Federal land grab and supported the National Park Service for setting aside its plan in deference to the Mississippi Headwaters Board. He congratulated Beltrami County for adopting the Mississippi Headwaters Board zoning ordinance.

Mike Priesnitz, Robert Goff and Associates consultant to the Mississippi Headwaters Board, stated that a written statement would be forthcoming following approval of the Board and its advisory committees. Copies would be sent to the Interior, the Chippewa National Forest, and the Leech Lake Reservation.

He stated the Board was on record for trying to reach all interests and land managers concerning their role in the Mississippi Headwaters Board river management plan. Now that the Department of the Interior supported the Mississippi Headwaters Board, he hoped the Minnesota Department of Natural Resources, the U.S. Forest Service, and the Reservation would participate in the plan.

He stated that statements by environmental groups to members of the congressional delegation alleging that the Mississippi Headwaters Board had not attempted to contact all interests were not true. The Mississippi Headwaters Board will submit a list of its meetings and contacts.

He cited environmental groups represented on the Mississippi Headwaters Board advisory committee. He stated all had received the plan and their comments had been solicited.

He stated the National Park Service team had established a trust with the Mississippi Headwaters Board that he hoped the National Park Service would steward. He asked for a letter from the National Park Service Regional Director to the State legislature committee chairmen supporting

the legislation sought by the Mississippi Headwaters Board at the Interior's request.

He stated the problems in communication between the Mississippi Headwaters Board and the Leech Lake Reservation Business Committee were the fault of poor protocol by Robert Goff and Associates. He stated the intentions of the Board were to seek the Reservations advice and support.

He stated that the Board would have preferred to receive the November 24 Herbst letter prior to its appearance in the Minneapolis Tribune.

II. St. Paul, December 4, 1980. Estimated attendance, 40.

A. Questions.

Under the Mississippi Headwaters Board management, what guarantee is there 20 years from now that protection will still be available?

If the government supports river protection, why can't it impose tight protection on the Upper Mississippi?

What about financial repercussions to taxpayers in the Mississippi Headwaters Board counties if the counties can't come up with the funding they have proposed?

What will be the role of the Federal government if the Mississippi Headwaters Board can't get its funding?

Since the government has already spent so much on plans for the river, why doesn't it pursue the idea of an overseer role to protect the river for the future?

What is included in the definition of "public ownership?"

Would the Federal government have the power to condemn for fee acquisition?

How far apart would the primitive recreation facilities proposed be placed?

Would primitive campsites have wells and pumps?

What has the Mississippi Headwaters Board done to accommodate the suggestions of Assistant Secretary Herbst to give the National Park Service cause to support the Mississippi Headwaters Board Plan?

How does the National Park Service view how it has carried out its mandate to represent all of the citizens of the United States?

How does the National Park Service view its role of recognizing the national significance of the river?

Have politics taken over the Upper Mississippi issue?

Why should the Mississippi Headwaters Board even meet its own milestones if there is no competition with the Federal government?

How does the National Park Service plan to deal with portages?

Would meetings be held if the National Park Service plan is ever taken off the shelf?

Could study status protections under the Wild and Scenic River Act be extended for the Upper Mississippi?

The plan is segmented, isn't there any way to protect the river within urban areas?

Are there other rivers protected through the Area of National Concern concept?

How can concerned citizens be kept up to date on the progress of the Mississippi Headwaters Board?

How bad does the Mississippi Headwaters Board have to fail before the National Park Service steps back into the issue?

#### B. Oral Statements (Summarized)

Dan Gappen, representing the legislative board of American Fishing Tackle Manufacturer Association, Outdoor Writers of America, Association of Great Lakes Writers, and eight sportsman clubs: All organizations he represents feel that longevity is an issue in relation to the Mississippi Headwaters Board. They have concern for the future and the changing nature of county government. They are also concerned about the area of the river in Stearns and Benton Counties not covered by either plan. He favors a combination of management by Federal, State, and county government and no one wants to see just county management. The Mississippi is of national significance and Minnesotans have an obligation to see good preservation done.

Ford Robbins, Sierra Club, North Star Chapter: This river has a right to be handled as a river of national significance. People who worked on the Mississippi Headwaters Board plan were not only sincere but worked very diligently to construct the good basic plan. The problem is that it is essentially a land development control plan through zoning. It is not a true resource protection plan. Problems come up in area of plan administration. How long will it exist as an entity? What steps will be taken to assure continued existence? When the Board acts, what assurance is there for consistency? A bill through the State legislature is no simple solution. Politics is the art of compromise, and the result of compromise is to get a piece of legislation which may or may not be what the Mississippi Headwaters Board needs to meet its expectations. The Mississippi Headwaters Board represents 8 counties out of 87 in the State. The river of national significance is not under a management scheme to represent national constituency either through Federal or State representatives. There is a problem of interrelationship between agencies. There is no way of preventing the Corps of Engineers from building a water resource project without the protection of Federal law. It looks as though the Department of Interior will not promote such a law. Funding is a problem. It is one thing to say a variety of State funding is available for the Mississippi Headwaters Board and another to guarantee it for the future. That issue was addressed adequately by the National Park Service plan. The Mississippi Headwaters Board makes a good but unrealistic effort at proposing funding. Thanks to the National Park Service for providing the opportunity to participate in this meeting in the Twin Cities. The Mississippi Headwaters Board did not provide such an opportunity for Twin Cities concerned citizens. We are frustrated that no Federal follow through action will be forthcoming without a big ground swell of public support.

St. Paul Audubon Society: We are disappointed that the original draft plan meetings were canceled and the comment opportunity was lost. We agree with points raised by Mr. Robbins and are concerned with the longevity of the Mississippi Headwaters Board. The National Park Service may monitor for a year or so, but an agency is needed which is staffed and funded to monitor their actions over the long term.

Landowner: A plan cannot please everyone. The National Park Service coordination has been good. No one living along the Mississippi wants to destroy it, but the Federal government should take the lead to protect it.

Richard Cramer, International Ecology Society: We support the statements of Sierra Club and Audubon. We are also interested in the wildlife resources that use the river and want to see Federal action.

George Skinner, Minnesota Canoe Association: Many outside the Mississippi Headwaters Board area are concerned about the river. The National Park Service should not have negotiated with the Mississippi Headwaters Board without public meetings first. There will be no lasting effort without the Federal government.

St. Paul Audubon: State funding for the Board will compete with other natural resource programs within the state.

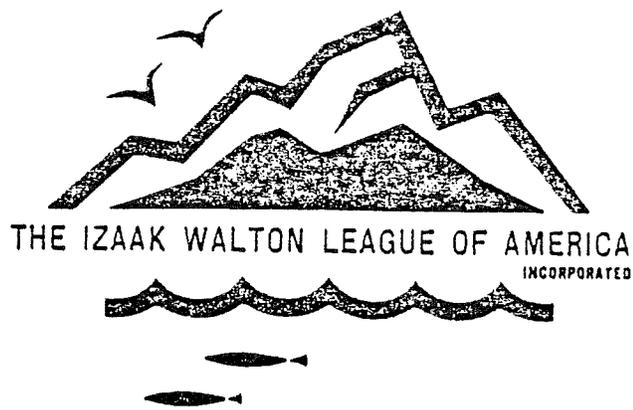
Dianne Vosick, Austin, Agassiz, Albert Lea, Duluth, Minneapolis, St. Paul, and Minnesota Valley Audubon Chapters: All the chapters represented have passed resolutions supporting the National Park Service plan. The national organization is also extremely interested. We are all disappointed that the plan is being shelved. It offered an unprecedented blending of all levels of government. We are concerned that the Mississippi Headwaters Board cannot control the actions of the Corps of Engineers. An easement acquisition program should be the crux of a river protection plan and the Mississippi Headwaters Board recreation management plan is inadequate.

St. Paul Audubon: The National Park Service plan was precipitated by a lack of public involvement in the previous Bureau of Outdoor Recreation study. Yet, the Mississippi Headwaters Board plan has been inaccessible to the general public. The National Park Service should not recommend shelving its plan until proper public input into the Mississippi Headwaters Board plan has taken place.

Erika Sitz, Isaac Walton League of America: Our position is similar to those of Sierra and Audubon. We feel badly that we could not have commented earlier on the National Park Service plan when it might have had more impact. It is unfortunate that the Mississippi Headwaters Board does not realize what it has accomplished in preventing Federal action and does not now take advantage of what the Federal government has to offer.

Wayne Sames, Robert Goff and Associates, consultant to the Mississippi Headwaters Board: The Mississippi Headwaters Board intends to fully implement its plan. County board meetings are being held this week to adopt the model zoning ordinance. State legislation has already been filed with the State Senate. We are starting discussions with key agencies and the Leech Lake Reservation to develop cooperative management agreements.





Statement of the Minnesota Division of the Izaak Walton League of America on the National Park Service plan for designation of the Upper Mississippi River as a unit of the National Wild and Scenic Rivers System; made to the National Park Service on Dec. 4, 1980, in St. Paul MN; prepared by Erika Sitz, Anoka MN

Because of Secretary Herbst's decision to hold the Federal plan in abeyance while the Mississippi Headwaters Board has a chance "to demonstrate that local administration of the Upper Mississippi is a satisfactory alternative", we have decided to confine our comments to broader statements of our thoughts on the whole process rather than to detailed comment on the individual aspects of the NPS plan. We regret that Secretary Herbst's decision not to hold hearings on the NPS plan earlier in the process makes this statement somewhat ex post facto and does not allow it and other testimony to contribute toward a constructive resolution of the issue that we could support without reservation.

The League position has consistently been that the Upper Mississippi River has a national significance, and that, as such, it deserves some national recognition of that fact, i.e. some "designation." And, as such, it deserves protection and we have held that the Federal Wild and Scenic Rivers System is the best vehicle for that protection.

However, when the River was studied during 1977-78 by the Bureau of Outdoor Recreation, some of our northern members, while supporting designation, did feel that there was legitimate criticism about the lack of public information on and input into that process. They realized, to be sure, that many who were voicing that criticism were merely doing it because they just didn't want any Federal involvement at all and were using that weakness to justify their position. Nevertheless, the germ of truth in that claim lent credibility to these critics. When the general public is uninformed, it is very easy for them to become misinformed - and

it is very easy to sell them on the idea of the Federal ogre.

That objection has been met and very well in the development of the current plan - both in the process and in the final product. The NPS held two series of informational hearings earlier in the year at several locations in the affected area. They had an office in Duluth with field representatives who made a determined effort to be accessible to the local population. Also the fact that the northern counties conceived and created the Mississippi Headwaters Board, a new concept, made the issue one that generated broad media interest and coverage. There was really little excuse for anyone to say that the process was not well publicized this time.

In the product, the NPS plan that finally evolved, perhaps the feature that we find the most attractive is the innovative concept of "Management by Partnership" that they devised. There was evident a conscious desire to arrive at something like this, brought on, no doubt, by past criticism and the activities of the Headwaters Board. But, whatever their motive, they have been successful in realizing "(a) wide variety of natural and cultural resources in combination with the existing pattern of Federal, State, county, and private land ownership offer a unique opportunity" for this cooperative management. There would be problems, to be sure, in hammering out the details of such a cooperative administrative setup, but we can't think of a better way to achieve the best protection for the River than if all units of government - Federal, State, the counties, the Leech Lake Indian Reservation - are involved in the process. We think that Secretary Herbst demonstrates this line of thinking in his criticisms of and suggestions for the MHB plan made in response to their letter of October 22, and we support the points he makes therein. We feel that he has identified major areas in the MHB plan that need further thought and reworking.

In conclusion, we feel that the Federal government, and the State as well, have something to offer in this equation that the counties lack, and that the counties should take advantage of that. This includes, primarily, funding, for such things as facility development, management, operation and maintenance, and acquisition. In

-3- Izaak Walton League of America, Minnesota Division  
Dec. 4, 1980

addition, the Agencies have staff with the necessary expertise; in the case of the Forest Service they have facilities available now on the Chippewa that could be extended to include new duties involving the River. We wish the counties would realize what they have accomplished; they have "jerked the chain" of the "Feds" - forcefully - and got their attention. The NPS has responded with a very sensitive plan showing an unprecedented degree of desire for cooperation with other units of government in management of the resource. Once having achieved this, it would seem to behoove the counties to play it smart and not stubborn. A cooperative plan should be hammered out, for the best interests of the resource, and in the best interests of all concerned parties. If the counties really want what's best for the River, they should take advantage of what everyone has to offer.

TESTIMONY

Federal Designations of the portion of the  
Mississippi River which flows through the  
Leech Lake Reservation.

Submitted to:

The U.S. Park Service and  
Department of the Interior

Submitted by:

The Leech Lake Reservation Business  
Committee; Hartley White, Chairman  
Box 308, Cass Lake, Minnesota

December 3, 1980

Bemidji, Minnesota

My name is Nadine Chase. I am one of five (5) elected members representing the tribal government of the Leech Lake Indian Reservation. On behalf of our tribal government and the Leech Lake Band of Chippewa, I thank you for the opportunity to speak to you here tonight.

I would like to voice our concerns regarding the future of the Upper Mississippi River. Our Reservation covers 920 square miles and the Mississippi River flows directly through its center, passing through five reservation lakes and including many miles of river channel.

For centuries the Mississippi River has been one of the most important parts of our tribe's territory. We do use the river for hunting, fishing, trapping, and harvesting wild rice. The river helps us to feed our families, and is essential to our way of life.

In times past, many of our people fought and died to protect our resources against devastation. Presently, it is not so simple to defend what is ours. Our rights, our property, our values, our identity, our way of life has been, and continues to be, taken away from us little by little as a result of thoughtless or well calculated actions by the government of the United States.

First we signed the treaties where Chippewa people parted with millions of acres of land, and in turn, were promised that they could continue to live undisturbed on the remaining lands. Then every few years, there was a new treaty and our reservation became smaller and smaller. It is interesting to note that 115 years ago, when the state of Minnesota was seven years old and about twenty-five years before Bemidji was founded. this very spot was part of the Leech Lake Reservation.

Eventually, we retained only a small portion of our original lands of the present day Leech Lake Reservation. Then came new laws: one to allow our timber to be cut down so that it would be safe from fires and tornadoes; then another one to establish a national forest to protect what trees were left; then another to allow non-Indians to take up homesteads within our Reservation so that we could learn how to be civilized. The government has continued to help us until nearly all that we had was taken.

In recent years, we have learned much about how to deal with the government and are now much more able to protect our rights and interests. Five years ago when the federal government first proposed that the Upper Mississippi River be included in its Wild & Scenic River System, our tribal government was quick to recognize that this was yet another law which would regulate our resources and reduce our ability to govern ourselves as we see fit within our reservation. We have opposed the Wild & Scenic River designation from the very beginning and will continue to oppose any outside efforts at regulating or managing the portion of the Mississippi River which flows through the Leech Lake Reservation.

We are very capable of managing our own resources and have been operating a high quality natural resources management program for a number of years. Our government has both the authority and the ability to take whatever steps are necessary to protect and manage the river. Our Tribal government<sup>has</sup> developed a detailed plan for the protection of the river. Our management program will guarantee that the river will continue to serve the needs of our people and also provide recreational opportunities to the general public.

In closing, I reiterate the fact that Indians have been using and caring for rivers and lakes for three hundred years, and feel that it is our continued right to do so. For that reason, we ask that all other governments refrain from attempting to manage the reservations portion of the Mississippi River. Thank you.

POSITION PAPER

INTRODUCTION. The following is a statement of the official position of the Leech Lake Indian Reservation regarding the protection and management of that part of the Upper Mississippi River contained within its boundaries. We will discuss the sequence of events which has led to the present situation, the unique legal status of the Leech Lake Indian Reservation, and will outline what we feel is a workable approach toward dealing with the matter.

GEOGRAPHICAL LOCATION. The Leech Lake Indian Reservation is located in north central Minnesota, approximately 200 miles north of the Twin Cities and 100 miles south of the Canadian border. The boundaries of the Reservation embrace some 588,684 acres of land. The Mississippi River traverses the entire Reservation, entering at the western boundary and exiting at the southeastern corner. About 45 channel miles of the river are contained within the Reservation, excluding the several lakes through which it flows. The political boundaries of four Minnesota counties extend into the Reservation, these being Cass, Itasca, Beltrami and Hubbard.

BACKGROUND. In 1975, the Congress passed Public Law 93-621, which added the Upper Mississippi River to the list of nationally significant watercourses to be studied for possible inclusion in the federal Wild and Scenic Rivers System. The subsequent study, which was conducted by the Department of the Interior's Bureau of Outdoor Recreation (now HCRS), resulted in legislation which would have extended the Wild and Scenic designation to twelve segments of the Upper Mississippi. This proposed action was generally unpopular for a number of reasons and, therefore, was not passed by the Congress.

The government of the Leech Lake Indian Reservation opposed this proposal on the grounds that it constituted an unwarranted intrusion upon its right to govern within its territory. Therefore, on November 24, 1976, Resolution No. 77-32 was unanimously passed, authorizing "...all appropriate action, including legal action, to prevent the designation of the Leech Lake Reservation portion of the Mississippi River from being designated as a Wild and Scenic River without the consent of the Leech Lake Band of Chippewa Indians." Fortunately, it was the Congress which laid the matter to rest, rather than the courts.

The issue surfaced again when the President, on August 1, 1979, issued an Environmental Message directing the National Park Service to develop a Conceptual Master Plan for the protection and management of the Upper Mississippi River. This time the federal government employed an approach which was more sensitive to local concerns, since it was felt that this was what was lacking in its initial effort.

Within the text of the President's message it was stipulated that the Park Service was to develop its plan "...in full cooperation with...affected Indian tribes." Complying with this directive, the National Park Service sought to establish formal relations with the tribal government at its earliest opportunity. At that time, tribal officials made it clear to the Park Service that Resolution No. 77-32 remained fully in effect and that Reservation policy strongly opposes the imposition of any type of controls by any outside entity over the territory encompassed by its boundaries. With that understanding, we did consent to an informational meeting with the Park Service and, since that time, have maintained cordial relations with its planning team.

Government officials at the state and county levels were, likewise, quick to express their concern over this second attempt at federal control of the Mississippi. The situations involving the BWCA, Voyageur's National Park and other areas had impacted on the livelihood of many Northern Minnesotans, resulting in strong local sentiment against further federal intrusion in the area.

Recognizing that the Mississippi River corridor is an outstanding natural resource and that it must be managed wisely, and not being amenable to federal management, a number of affected counties sought to develop an alternate solution. With the support and assistance of several area legislators, eight counties united under a joint powers agreement to form the Mississippi Headwaters Board (MHB). The goal of this Board is to develop a plan which will provide for responsible control of the River at a more local level, thus rendering federal Wild and Scenic designation unnecessary. The St. Paul firm of Robert Goff and Associates was engaged by the MHB for the purpose of drafting the plan, conducting lobbying activities and generally guiding the project to an expeditious conclusion.

The Mississippi Headwaters Board eventually gained sufficient credibility to elicit an official reaction from the Department of the Interior. Assistant Secretary Robert L. Herbst, in a letter to the MHB dated August 29, 1980, suggested the addition of a number of provisions which he felt would strengthen its plan and "provide a sound basis for local and State management of the Upper Mississippi River." The principal condition was that the Board be established through a State statute which would allow for certification power over zoning decisions made by the respective counties. One of Mr. Herbst's further suggestions, which typifies the understatement and oversight which has been so characteristic of this situation, was that the relationship between the Board and the Leech Lake Indian Reservation be "explored" in the plan.

This poor choice of words by a branch of the Interior Department which is not well-versed in Indian affairs served only to reinforce one of the MHB's fundamental misconceptions, which has been that the Leech Lake Band of Chippewas' involvement in this situation is similar to that of a special interest group or an affected landowner. Consequently, on October 6, 1980, the MHB sent a letter to Leech Lake RBC Chairman Hartley White stating that their consultants are happy to meet with "interested parties ...to answer any questions... regarding the MHB study and to get your comments and suggestions." Chairman White's response, which was mailed on October 24 and again on November 14, advised the MHB that "...the Leech Lake Indian Reservation is a duly-constituted, federally-recognized governmental entity in its own right, possessed of a broad range of governmental powers which it may exercise (within its geographical territory)..." and, further, counselled the MHB that "...the mistake of treating the (Reservation) as if it were a special interest group or mere landowner...can only serve to undermine the potential for future cooperation."

The position of the Leech Lake Reservation Business Committee toward the MHB's proposed management of the Mississippi River is identical to its stance regarding federal Wild and Scenic designation, and may be summarized as follows:

- 1) The Leech Lake Band of Chippewas reserves unto itself all governmental authorities which have not been expressly limited by treaty, federal statute or by the contracts of the Band itself;
- 2) The imposition of land use controls within the Reservation is a regulatory function which rightfully rests with the Leech Lake Band of Chippewas, and
- 3) The attempted assertion of such a right by any other entity conflicts directly with the right of the Band to govern within its Reservation and will, therefore, be vigorously opposed.

Thus, if regulatory measures are to be adopted for the purpose of protecting the integrity of the Mississippi River within the Leech Lake Reservation it should be done under the authority of the Leech Lake Reservation Business Committee, the elected governing body of the Leech Lake Band of Chippewas. Realizing that a management plan which may tend to promote increased usage of the River is likely to be implemented both upstream and downstream of the Reservation, the Leech Lake RBC feels that it would be wise to simultaneously adopt a plan for the management of that part of the River flowing within the Reservation boundaries. In addition to ensuring the well-being of the Leech Lake Band and its members, it is also the desire of the RBC to accord full consideration to the realistic concerns of other affected parties, particularly federal and state agencies, and including private landowners, the environmental community and the general public.

It must be mentioned that there has always been a problem in our area regarding the respective authorities of the tribal government and the various counties whose boundaries extend into the Reservation. Although certain laws, particularly Public Law 280, have permitted the exercise of certain limited jurisdictions by the State, and thus its counties, the scope of this jurisdiction has been proven to be much narrower than was commonly believed in the past. Counties whose boundaries extend into Indian reservations have had a difficult time adjusting to the fact that active and capable Indian governments are now beginning to exercise sovereign governmental powers which they have not exercised for several generations. This progress on the part of tribal government has not (apparently) been welcomed by the county units of government and, unfortunately, considerable friction and litigation has resulted.

With regard to the present situation, we are confident that any present apprehensions which our non-Indian neighbors may have will be of a short-term nature. The transition from State to Tribal control of hunting, fishing, trapping and ricing on the Reservation was a very similar situation. Nearly ten years later, none of the gloomy predictions which surrounded that earlier situation has come to pass -- the condition of the resources and the quality of law enforcement both remain excellent. The same type of quality program can be expected when the Leech Lake Reservation Business Committee implements its management plan for the Reservation portion of the Upper Mississippi River.

In summary: The government of the Leech Lake Indian Reservation is not amenable to any other entity's managing the Reservation portion of the Mississippi River, and possesses the authority, capability and desire to do so itself. It is hoped that the two plans for the respective portions of the River can be made to mesh as closely as possible and, further, that the State of Minnesota will play an active and responsible role in seeing this matter to a satisfactory conclusion. For its part, the Leech Lake Reservation Business Committee pledges that it will continue to do its utmost to ensure that the situation is resolved in an atmosphere of cooperation.



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December 3, 1980

To the Person Conducting the Hearing on the  
Federal Plan for Designation of the Upper  
Mississippi as a Wild and Scenic River in  
Bemidji on December 3, 1980

Dear Sir:

It had been my intention to attend the hearing and present my views on possible designation of the Upper Mississippi under the Wild and Scenic Rivers Act. However, I have a bad cold and cough, and cannot attend in person.

Therefore, I request that this letter and the attached editorial be made a part of the record of this hearing.

It may be pertinent to mention that I attended and participated in the meeting held in Grand Rapids several years ago by the Bureau of Outdoor Recreation in December 1975. I also attended and participated in the meetings held by Congressmen Oberstar and Stangeland in Grand Rapids in June, 1978. When the public was invited to discuss various alternatives with representatives of the Park Service in Grand Rapids this summer, I attended that meeting and engaged in the discussions.

It has been my view that no action should be taken on federal designation until people could know specifically what was proposed by the Park Service and the alternatives. To date neither our editor nor I have seen a copy of the proposed federal plan. It is thus impossible to comment on the plan itself. I believe that it is important that anyone reading the record of this hearing should know that few, if any, citizens of the area have been informed of the proposal so that it could be studied and commented upon.

Since statements have been made by Regional Director Dunning and Assistant Secretary Herbst that the federal plan would be held in abeyance, I believe that there is no reason that the federal plan needs further consideration at this time. If the county plan does not work out on a satisfactory basis, at that time it would be proper to update the federal studies and to hold hearings after citizens would know what would be proposed then.

Sincerely yours,

George A. Rossman, Publisher  
Grand Rapids Herald-Review

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Chicago Area 312/951-2763

## Strange things happening on river protection plans

Northern Minnesota residents might be pardoned for wondering what is going on in terms of plans for protection and control of the Upper Mississippi river.

After repeated assurances that the Mississippi Headwaters Board proposal for local protection and control of the Upper Mississippi makes good sense, the National Park Service has announced public meetings on its own plan. They will be held Wednesday, Dec. 3, in Bemidji and on Thursday, Dec. 4, in St. Paul, "prior to sending to the President a plan to designate the Upper Mississippi a wild and scenic river."

Regional director J. L. Dunning of the Park Service says that "while the plan calls for federal administration of the river, the Department of Interior will recommend that it be held in abeyance to give northern Minnesota counties a chance to demonstrate that local administration of the Upper Mississippi is a satisfactory alternative."

Assistant Sec. of Interior Robert L. Herbst, a former commissioner of the Minnesota Department of Natural Resources, says that the meetings will complete the process ordered by President Carter in a 1979 environmental message. He, too, says that the department will recommend that the final version of the conceptual master plan be held in abeyance and "not transmitted to the Congress with proposed legislation adding the Upper Mississippi to the Wild and Scenic Rivers system in deference to the management plan of the Mississippi Headwaters Board."

We'd like to remind the Department of Interior and the National Park Service of rather definite statements made earlier on the subject:

"I have faith in the ability of local and state government to implement a sound program for resource management for the Upper Mississippi river," Herbst wrote in September. Ideas he proposed for improving the Board plan have been implemented

"If the Mississippi Headwaters Board takes positive action today to strengthen its plan, as suggested by assistant Sec. Herbst, we feel it would be an act of bad faith to continue with our meetings on the wild and scenic rivers system plan," said William Farrand of the Omaha regional office of the Park Service on Thursday, Sept. 4. "This is a unique situation where counties get together and come up with a good faith proposal, an approach to solve the problem at a local level. There is nothing like it anywhere."

Then why the rush to "give the public an opportunity to comment on the federal plan and to make comparisons between it and the plan for local administration by the Mississippi Headwaters Board"? There seems little reason for the Park Service meetings unless it is actively seeking to promote federal designation.

There is a serious danger in the Park Service determination to complete and submit its plan. If it should arbitrarily decide to promote its own plan, now or in the future, there should be far more extensive hearings than meetings in Bemidji and St. Paul. Few people have seen the Park Service proposal, and there has been little opportunity to discuss it. It should not be forwarded to the President as a complete, final plan, ready to go in effect if somebody decides against the Mississippi Headwaters Board plan.

### GRAND RAPIDS **Herald-Review**

Founded by E. C. Kiley, September 15, 1894  
L. A. Rossman, Publisher 1914 to 1956

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Grand Rapids, Minn.  
Dec. 22, 1980

Midwest Regional Office  
National Park Service.

Gentlemen:

I am one of the one hundred landowners south of Grand Rapids, Minnesota, who signed a petition opposing the Headwaters Board's plan to make the Mississippi river wild and scenic.

The reasons for opposing the plan are as follows:

1. Too many "Ifs" when they explain their plan.
2. Too many "Grandfather clauses".
3. Always too much discrimination when local enforcement is imposed.
4. Local organizations will use their influence too much to get what They want at the expense of individuals.
5. They could not come with an accurate explanation of how to establish the high water mark.
6. The Corps of Engineers can cooperate much more Wisely with the Federal Government.
7. "For a sense of Humor-- They should use the Grandmother's Clause also, for the sake of the women".

Respectively Yours,

*Robert Erickson*

R. 3 Box 141  
Grand Rapids, Minnesota  
55744

December 3, 1980

Midwest Regional Office  
National Park Service  
1709 Jackson Street  
Omaha, Nebraska 68102

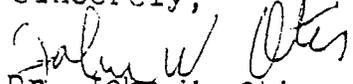
Sirs:

In reference to the MHB's plan for the Mississippi River--let us not be deceived by all the MHB's grandiose rhetoric. Obviously, what the "local control" advocates have in mind is "no control." Anyone with an ounce of political acumen knows that to be true. The young writer for the Minneapolis Tribune ( 8/12/80) who spoke out against this nonsense was most correct when he claimed that in spite of all the bombast in the form of plans, ordinances, and oratory--"it's the commissioners and their motives that count." If the commissioners don't want the ordinances to mean anything, they won't. After all, they have to be enforced. And I suggest that most county commissioners consider protecting the environment a low priority item in spite of the noises they might make.

For example, let us consider commissioner Alf Madsen's own Itasca County. On paper they look quite respectable, indeed. They have a better than average ordinance. In practice, however, it is quite a different matter. Since enforcement of the aesthetic/scenic part of the ordinance is many times unpopular and unpleasant, it is practically non-existent or incompetently done. The complete burden, consequently, rests with the citizen, for you can be sure that the commissioners won't be interested in it. In fact, any person dissatisfied with the provisions of his conditional use permit can go to the commissioners and have his wishes satisfied. It is most often the rule rather than the exception for them to overturn the planning commission's recommendations. And when a citizen recently called attention to what appeared to be a colossal piece of incompetence on the zoning officer's part, the commissioners reacted by ignoring the evidence, denouncing the citizen, and giving the official a rousing "vote of confidence." I found this incident appropriately symbolic of "local control"--something that all sincere efforts to protect the river should resist.

P.S. I speak as one who has had ten years of experience or involvement with county officials --as executive director of the first lake association in Itasca County.

Sincerely,

  
Dr. John W. Otis  
English Department  
Mankato State University  
Mankato, Minnesota  
56001

# Questions river plans

As one who's had ten year's involvement with county officials, I remain cynical about the recent happy hoopla concerning the MHB's grand cooperative design to protect the river.

Other than raising the stock of politicians, it shall be, I predict, a lot of clamorous bustle signifying nothing. Nothing, that is, if one thinks for a minute that the primary motive behind this movement is protection of the river's scenic/aesthetic value—the original intent of the Scenic River Act—or if one thinks for a minute that the chosen plan, whatever it is, is going to be adequately enforced if left to the highly touted "local control." Plans and ordinances are just so much paper without enforcement. If one needs proof that our enforcement is suspect, he need only suggest such heresy to our county leadership and watch the reaction. They'll be leaping to their feet with before-the-fact votes of confidence without investigation, the classic first sign of the cover-up

for anyone familiar with bureaucracies.

Then there are those hard working folks on the planning commission and environmental council, convenient buffers between the public and the county board—holding pens for rambunctious ideas like surface zoning. Too bad. Thousands of hours for naught, for the county board, which is the county, doesn't really want any of this to mean anything either. Witness their record on conditional use permits. After all, it's unpolular and unpleasant to have to enforce an ordinance.

So when the MHB concedes that the heart of the controversy is the "implication that the counties have not shown great sensitivity to the river and cannot be trusted to do so in the future," I hasten to reassure them. If our county's past insensitivity to the scenic value of its lakeshore is typical, we can indeed trust them to show the same insensitivity to the river.

John W. Otis

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*Printed in the  
GRAND RAPIDS  
HERALD REVIEW 11/3/80*

1014 W. Iowa Ave.  
St. Paul, Mn. 55117  
December 7, 1980

Midwest Regional Office  
National Park Service  
1709 Jackson St.  
Omaha, Nebraska 68102

Dear National Park Service,

I wish to comment on the plans for protection of the Upper Mississippi River. On December 4th I attended the public meeting in St. Paul. I was disturbed to learn that the purpose of this meeting was just a belated act to fulfill the requirement for public input. As such, it was a farce. Since the decision was already made to "shelve" the National Park Service plan it was a little late to be holding this meeting. I object to having my comments placed on the "shelf" along with the NPS plan.

I feel the NPS plan was a good plan and should have had a fair hearing. Instead, the protection of the Upper Mississippi River has been turned over to the Mississippi Headwaters Board. Besides questioning the true intent of this board, I do not feel their plan is adequate for long lasting river protection. Specifically I do not think zoning, which is the center of their plan, is enough for the protection of this river. A planned program for easment acquisition is important. Your NPS plan included a cost estimate of \$51,000,000. The MHB cites a 2 year plan for budgeting \$112,000 with no long range plan. How much will \$112,000 do?

I wish to go on the record as supporting the NPS plan and ask it be taken back off the "shelf".

I wish to add that although I objected to the belated scheduling of this meeting, the Park Service representative who preceded did a good job in trying to explain the plans and in listening to the comments from these in attendance.

Sincerely,

*Evelyn Busch*

Evelyn Busch

copies to:

Senator David Durenberger  
Senator Rudy Boschwitz  
Governor Al Quie  
Congressman Bruce Vento

Robert Herost

1703 Third Ave. N. W.  
Austin, Minn. 55912  
December 2, 1980

Midwest Regional Office  
National Park Service  
1709 Jackson Street  
Omaha, Nebraska 68102

re: Upper Mississippi as a Wild and Scenic River

Gentlemen:

Since it is impossible at this time to attend one of your meetings held in Bemidji and St. Paul on December 3rd. and 4th., I am writing you to express my support of the Federal Plan. I feel that this plan for the Upper Mississippi will best protect the river over a longer period of time.

I commend the Mississippi Headwaters Board for their concern for this segment but feel that this piece meal protection thru zoning will not be adequate and leaves too much to the changing views and economic conditions.

A Federal agency has the ability and facilities to administer the River in the best interest of all of the people for all time. The Indians have a real concern in having this River protected and I feel that the National Park Service is in a better position to do this for a number of reasons.

The Mississippi River is a river of National Significance and should be provided for by a Federal Plan. Thank you for your consideration of my views.

Sincerely yours,

*Russell Harding*

Russell E. Harding  
Property Owner near Bemidji and life time  
supporter of Conservation

Dear Sir

In regard to the land on the banks of the Mississippi. Most of our Big Cities have been built on the shores of the Mississippi river. Now they think they can call the landowners living further north along the river banks greedy because they prefer to live their lives without too much government interference.

Since some of our great Grand Parents have homesteaded and settled on the land and handed it down to the younger generation who still live on this land to preserve for future generations.

Dec 30, 1988  
Rice Minor

It is more fitting to call some people greedy land owners, now they would like to dispose of their Cities haggard waste on this land also. Those people living further north that have used the land wisely, clearing and preserving the land for future generations deserve a Big Thank you instead for having managed so well. Local government in Brockway, ownership in Sterno County Minn has served the people well through the years. Driving further north you can see the beauty of the countryside

Yours Truly  
Mrs Victor Ornam  
Rice Minor R. 3.

12-9-80

Steven Buchanan

4552 ALDRICH Ave So

Mpls. Minn. 55409

To The National Park Service

I'm writing you to let you

know that I support the federal

plan for the upper Mississippi River.

I do not believe the Headwaters

boards plan is adequate non realistic.

In this time of Infringy

Development the Mississippi and all

Rivers need a deserve protection.

Thank-you.

Steven P. Buchanan

---

Mary C. Pruitt  
5125 13th Avenue South  
Minneapolis, MN 55417

Midwest Regional Office  
National Park Service  
1709 Jackson St.  
Omaha, Nebraska 68102

Dear Park Service,

I cannot attend the  
hearings, but I want to express to  
you my concern for the Upper  
Mississippi River. It is a lovely  
area, so far unspoiled. I would  
urge you to designate the Upper  
Mississippi a Wild & Scenic River.  
As a canoeist and backpacker I have  
often enjoyed Minnesota's natural resources,  
and would like to be able to continue  
to do so.

Sincerely,

Mary C. Pruitt

Nov 30, 1980

Midwest Regional Office  
National Park Service  
1709 Jackson St  
Omaha Neb.

Gentlemen;

The Upper Mississippi is a  
river of National Significance &  
should be preserved that way.

Many times our beauty is  
destroyed, when this should  
not have happened.

There is no reason why  
anything should be done  
along the Upper Mississippi  
River.

Sincerely,  
Lorora Folkestad

Mayo Clinic

Rochester, Minnesota 55901 Telephone 507 284-2511

Department of Pharmacology

December 29, 1980

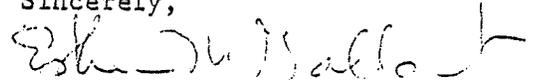
Midwest Regional Office  
National Park Service  
1709 Jackson Street  
Omaha, Nebraska 68102

Gentlemen;

I would like to express my support for the Federal Plan for the designation of the upper Mississippi River as a wild and scenic river. I feel that this plan provides for the necessary long-term protection that this important river deserves.

I would urge that the Federal plan be adopted rather than the Headwaters Board plan which does not include many essential provisions.

Sincerely,



Esther M. Gallant, Ph. D.



VII. CORRESPONDENCE BETWEEN THE DEPARTMENT  
OF THE INTERIOR AND THE MISSISSIPPI HEADWATERS BOARD





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

August 29, 1980

Mr. Alf Madsen  
Chairman, Mississippi Headwaters Board  
318 S.E. Third Avenue  
Grand Rapids, MN 55744

Dear Mr. Madsen:

The Mississippi Headwaters Board and the National Park Service are separately proceeding to prepare plans for the protection and management of the Upper Mississippi River. The Department of the Interior desires a cooperative approach to the management of this resource.

It is a strong tribute to the importance of the Upper Mississippi River - its natural, historic, and recreational values - that there is almost unanimous support for action to protect it today. The Department is interested, first and foremost, in the protection of the river and not that the Federal Government necessarily must play the lead role in that effort. In fact a strong local effort is crucial, now and in the future, to insure that incompatible forms of development do not mar the natural and recreational resources of the Upper Mississippi.

At my request, National Park Service Director Russell Dickenson and I received a briefing on the Mississippi Headwaters Board draft plan from Robert Goff and Associates in early August. I understand the point of view of the Mississippi Headwaters Board on river management and appreciate the substantial efforts of those associated with developing the Mississippi Headwaters Board plan.

After a review of your draft plan by the NPS and my office, I have several suggestions for your consideration as you move to finalize your plan and its subsequent implementation by the eight county boards. If adopted, these provisions would make the Mississippi Headwaters Board plan a strong, comprehensive mechanism for the protection and management of the river. I believe these suggestions to be reasonable extensions of the Board's proposal that would provide a sound basis for local and State management of the Upper Mississippi River. These suggestions are:

Establish the Mississippi Headwaters Board through State statute with provisions for orderly appointment and succession of membership. Fully empower and fund the Board to carry out its plan for management.

Certification power for the Board over the actions of individual counties which implement the plan.

Professional staff for the Board to support its activities and for monitoring of compliance with the plan. Develop a compliance monitoring procedure.

Expand the plan to more adequately discuss responsibilities for operation, maintenance, and replacement of recreation features

in the river corridor. Further discuss the actual management of recreational activities in the plan to include control of litter, vandalism, trespass, and other resource damaging activity, and the availability of visitor health, safety, and information services.

A commitment in the plan to a balance of land acquisition with the large-lot zoning which is proposed. Acquisition priorities and policies in the plan which indicate that an active land acquisition program will be required, under appropriate State or local authority, to adequately protect the Upper Mississippi River.

The funding program outlined in the draft plan is a collection of existing revenues and competitive grants. Further, the funding sources cited are largely land acquisition and facility development programs and do not comprehensively address operation, maintenance, and replacement of recreation facilities; compliance monitoring and enforcement of the plan; or additional staff for the Board and counties needed to carry out the plan. Some source for adequate funding of plan implementation and long-term resource management needs is required.

Explore the relationships between the Board, The Chippewa National Forest, and the Leech Lake Indian Reservation in the plan.

Clarify some elements of the plan's model zoning ordinance.

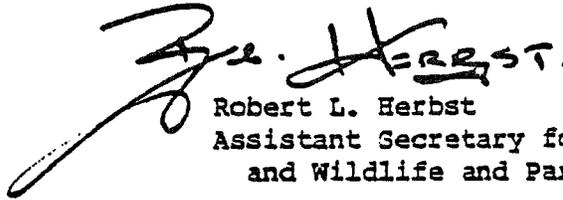
I have faith in the ability of local and State governments to implement a sound program for resource management for the Upper Mississippi River. Our recent experience with the Pinelands National Reserve in New Jersey reinforces that faith. The Pinelands program is being planned and implemented by State and local governments with financial assistance from the Federal Government. No Federal land acquisition or management unit is involved.

In the interest of cooperative efforts toward the common goal of protection of the Upper Mississippi River, I hope you will discuss these suggestions with the National Park Service. It is my understanding that the Board will meet with representatives of the Park Service on September 4, to review the NPS draft conceptual master plan for the river corridor. Perhaps at that meeting you could begin discussions of the suggestions made in this letter.

At the same time, the Park Service is proceeding with public meetings and landowner workshops in northern Minnesota to obtain citizen comments and suggestions on the draft conceptual master plan that would govern the management of the river, if added as a component to the Wild and Scenic Rivers System. We intend to discuss the suggestions made in this letter in those public forums.

If the Board is interested, immediately following that series of meetings, I suggest another meeting between the National Park Service and you or your consultant to further discuss the possibilities of a common approach to the protection and management of the Upper Mississippi River. I would be pleased to send a representative of the Park Service from Washington to such a meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. L. Herbst". The signature is fluid and cursive, with a large initial "R" and "H".

Robert L. Herbst  
Assistant Secretary for Fish  
and Wildlife and Parks

cc: Vice President Walter F. Mondale  
Governor Al Quie  
Members of the Minnesota Congressional Delegation  
Members of the Mississippi Headwaters Board  
Supervisor, Chippewa National Forest  
Executive Director, Minnesota Chippewa Tribe  
Midwest Regional Director, National Park Service  
Commissioner, Minnesota Department of Natural Resources  
Robert Goff and Associates

# Robert Goff & Associates, Inc.

Public Relations Counselors • 607 Bremer Bldg. • St. Paul, Minnesota 55101 • Telephone 612-292-8062

October 3, 1980

J. L. Dunning  
Midwest Regional Director  
National Park Service  
1709 Jackson Street  
Omaha, Nebraska 68102

Dear Mr. Dunning:

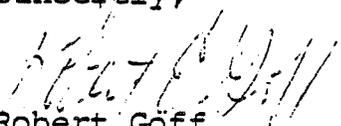
On August 29, 1980, Assistant Secretary of the Interior Robert L. Herbst sent a letter to the Mississippi Headwaters Board regarding its plans for protection of the Upper Mississippi River. In the letter Assistant Secretary Herbst suggested that the National Park Service might be willing to support the efforts of the eight county joint powers board if certain steps were taken to strengthen the authority and permanency of the Board and its proposed management plan.

In accordance with a resolution passed unanimously by the Mississippi Headwaters Board on September 4, 1980, we are notifying you that the Mississippi Headwaters Board will initiate the necessary actions to strengthen the authority of the Board as suggested by the Department of the Interior.

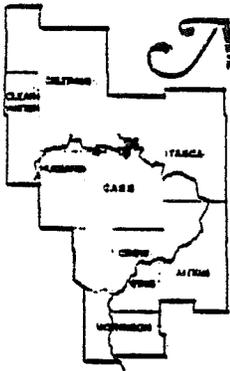
As consultants to the Board, we have begun meeting with various federal, state and local government units and other groups and agencies to explain the status of the river management plan and discuss possibilities for a cooperative approach to management of the river.

We would be happy to answer any questions you have regarding the Mississippi Headwaters Board study.

Sincerely,

  
Robert Goff

RG/sm



# Mississippi Headwaters Board

Representing Clearwater, Hubbard, Seltrami, Cass, Itasca, Altkin, Crow Wing and Morrison Counties  
Box 821, Grand Rapids, Minn. 55744, 218-328-9777

October 22, 1980

Mr. Robert L. Herbst  
Assistant Secretary for Fish  
and Wildlife and Parks  
United States Department of Interior  
Washington, D.C. 20240

Dear Assistant Secretary Herbst:

Attached for your review is our response to each of the points raised in your letter of August 29 to the Mississippi Headwaters Board.

At our October 22 meeting in Walker, a resolution was made, seconded, and unanimously passed authorizing me to send this response to you on behalf of the Board and the member counties.

Included with our response are the detailed changes to our draft management plan. These changes were recommended to the board by our consultant based on their review of comments received from the board's advisory committees, the general public and weeks of negotiations with your staff.

We believe that the negotiations have progressed well and that we have fairly addressed each point raised in your letter to us.

Implementation of some of your suggestions will require state legislative action. Obviously, we cannot presume to speak for the state legislature anymore than you could do so for the United States Congress.

We have, however, requested the Attorney General to draft the necessary state legislation and have prepared a suggested budget for necessary state funding. We intend to pursue these matters during the 1981 legislative session.

While we realize that the enclosed material is detailed and comprehensive and will require further review by your Department, we expect that the points raised in your letter are the only ones that will require any possible further discussion.

Mr. Robert L. Herbst  
United States Department  
of Interior

-2-

October 22, 1980

On October 20, 1980, I received a letter from Mr. Farrand, of your regional office. In it he states that he will require at least a week to review the enclosed materials prior to adopting a final position.

It is our view that this is a reasonable and fair request. Mr. Farrand received the material from our consultant on October 20. Consistent with his letter, we would like to have your response by October 30.

Given the good faith effort that this Board has made to address each of the suggestions made in your letter; and consistent with the Department's news release suggesting that addressing your suggestions would make the Headwaters Board's plan "supportable by the Department", we are hopeful that your review of our response will lead to this result.

If your staff have any detailed questions or comments on these materials, I would suggest that they contact our consultant for necessary clarifications.

Sincerely,

Alf Madsen

AM/sm  
Enclosures

MISSISSIPPI HEADWATERS BOARD RESPONSE

TO ASSISTANT SECRETARY OF INTERIOR ROBERT L. HERBST

1. INTERIOR SUGGESTION - Establish the Mississippi Headwaters Board through State statute with provisions for orderly appointment and succession of membership. Fully empower and fund the Board to carry out its plan for management.

MHB RESPONSE - The MHB consultant, attorney, and National Park Service representatives met with State Attorney General Warren Spannaus and his staff on September 12 to discuss drafting state legislation which would provide for a permanent board and orderly succession of members to it.

The Attorney General's Office has drafted this legislation. Legislative authorship will be solicited by the MHB consultant this fall. The bill will be introduced early in the 1981 Legislative Session.

The MHB consultant has also had discussions with staff in the Governor's Office regarding their support for this bill.

The bill itself will be drafted as a special, rather than a general law. That is, it will be unique to the eight counties which comprise the MHB. It will become effective after passage by the legislature and subsequent approval by the individual county boards.

All the necessary and appropriate functions of the board which require specific legislative action will be incorporated in this bill. (A copy of the proposed legislation is enclosed.)

A specific state funding request will not be included in this bill; rather it will be separately pursued as a possible "line item appropriation."

2. INTERIOR SUGGESTION - Certification power for the Board over the actions of individual counties which implement the plan.

MHB RESPONSE - A certification procedure has been drafted for the implementation of the zoning ordinance. The need for such a procedure to provide for uniform and fair treatment of landowners has long been recognized by the Board.

This procedure has been drafted by the consultant for MHB approval with two primary objectives in mind. First, that no unjustified exceptions to the ordinance be granted by any particular county, thereby jeopardizing the cooperative nature of MHB organization or the purpose of the plan itself. Second, to limit the amount of additional paperwork so to provide for reasoned, yet timely decision-making on landowner applications.

From the first organizational meeting of what has subsequently become the Mississippi Headwaters Board, the county commissioners were aware of the necessity of a certification procedure for certain limited zoning decisions.

It is for this reason that an Attorney General's opinion was requested through the office of the Itasca County Attorney to determine if such authority could be assumed by the Board, after individual county board approval.

This procedure was not incorporated into the draft plan because such authority was determined by the Attorney General to be "non-delegable"; and that such a change would require specific statutory authority.

The need for a permanent board and for a board review and approval mechanism was also recognized and discussed by citizens who attended the public meetings in August.

This certification procedure would apply not to the entire ordinance. Rather, it would be applied only to variances, rezonings, and inconsistent platting which if unnecessarily granted by a particular county would have the effect of negating the objectives of the Board's plan.

Finally, the certification procedure drafted by the Board's consultant cannot be included in the ordinance to be adopted by the counties until after the enabling legislation has been passed by the state legislature and approved by the respective county boards.

This certification procedure would subsequently be added as an amendment to the Mississippi River ordinance (See enclosed).

3. INTERIOR SUGGESTION - Professional staff for the Board to support its activities and for monitoring of compliance with the plan. Develop a compliance monitoring procedure.

MHB RESPONSE - A budget for board operation has been prepared for the two-year period beginning June 30, 1981.

The budget is broken down into major expenditure categories; including administration, travel, expenses, and legal counsel, etc.

It is anticipated that state funds will be requested for this part of the budget since it is the implementation of the plan and the exercise of its multi-county responsibilities which constitute the unique alternative to federal designation.

The Board's staff will assist in coordinating the cooperative activities described in the plan. Staff will also monitor and report on progress made toward the implementation of the objectives contained in the plan. Staff will also be responsible for monitoring, in cooperation with individual county staff, the compliance with the comprehensive zoning ordinance adopted as a part of the MHB resource management plan.

In addition, each of the member counties presently have a specific and thorough monitoring procedure to insure compliance with shoreland ordinances. This procedure involves field inspection of individual sites. Existing procedures also provide penalties for non-compliance. Since this compliance has over the years proven effective, we are not recommending any change to it.

The budget for the administration of the project and for staff support itself is detailed in the enclosed budget sheets.

4. INTERIOR SUGGESTION - Expand the plan to more adequately discuss responsibilities for operation, maintenance, and replacement of recreation features in the river corridor. Further discuss the actual management of recreational activities in the plan to include control of litter, vandalism, trespass, and other resource damaging activity, and the availability of visitor health, safety, and information services.

MHB RESPONSE - There are a considerable number of recreational sites along the Upper Mississippi, which have been developed and are being maintained by the respective federal, state, and local agencies.

However, in accordance with the Headwaters Board plan additional recreational sites will be developed. Such sites will include camping, day use, and interpretive activities for the user. Where feasible, these facilities will be developed on existing publicly-owned lands. Where such public lands are not available, the counties will seek to acquire such lands, where willing sellers are available.

These recreation sites are identified and described in detail in the revised plan.

The board's consultant has also had several meetings with state and federal personnel to discuss the need to coordinate recreation site development and maintenance in order to avoid duplication of facilities or unnecessarily increasing maintenance costs.

Rehabilitation of existing sites, particularly in the headwaters stretch of the river, has also been discussed with responsible DNR personnel. All seem to be agreed that these sites need rehabilitation.

The recreation management of the river currently involves not only the counties but the U.S.F.S., Corps of Engineers, Minnesota Department of Natural Resources, Minnesota Department of Transportation, and others.

MHB staff will work with these agencies to implement the recreation management plan.

In general, it should be noted that there is no recommendation that this multi-agency recreation system be changed. That is, maintenance, trespass and enforcement problems will be handled by the administering agency (i.e. DNR for state lands, county on county lands, etc.)

Regarding resource damaging activities, there are several possibilities that will be addressed. First, for violations of the vegetative cutting, grading and filling, dumping provisions of the ordinance, there are specific penalties and county enforcement procedures to handle these. Usually the county zoning officer or land commissioner (if county land is involved) works with the county sheriff's office on these matters. The Board itself could assist in review and possible litigation, where the individual counties request assistance.

With regard to any activities which effect the "course, current or cross section" of public waters (Mississippi River), a permit is required from the Department of Natural Resources. Minnesota Statutes Chapter 105 assigns review, approval and enforcement responsibility to the DNR. The specific enforcement procedures have generally been assigned to the DNR regional offices. Hydrologists from the Departments' Division of Waters in cooperation with its Division of Enforcement and Field Service, investigate and where necessary, seek prosecution of violators.

For activities which affect water quality, the Minnesota Pollution Control Agency has authority to investigate violations and seek prosecution of alleged violators.

Finally, many activities which could effect the River, its adjacent wetlands, or shoreland area require a U.S. Army Corps of Engineers permit. For certain activities a variety of county, state, and federal permits are presently required.

Many Corps of Engineers permits already require review prior to issuance, of several federal agencies such as the U.S. Fish and Wildlife Service, U.S. Forest Service, etc.

In summary, there already exists, under state and federal law, adequate authority to monitor, review and enforce any resource damaging activity which might effect the river. The board believes this to be adequate to protect the river; but it also believes it can be helpful by playing a role in referring persons to the proper agencies for required permits prior to their undertaking certain activities, in order to avoid costly litigation.

Finally, regarding visitor information and safety services, there currently exists a myriad of ways of obtaining needed information.

The Mississippi is designated a Canoe and Boating Route under M.S.A. 85.32. The DNR is assigned responsibility to administer this program. Maps and other information about this entire portion of the Upper Mississippi are currently available from the Department. In addition, M.S.A. 85.32 requires the DNR to mark river hazards such as rapids, dams, whirlpools, etc. and allows them to acquire, develop and maintain recreation sites along the Mississippi. The DNR can also cooperate with local governments in marking hazards and providing public recreation sites.

The MHB consultant has discussed the marking of some river hazards and the cooperative development of recreation sites. It is anticipated that work on some of the sites identified in the plan would begin in the Spring of 1981. In addition, MHB staff have begun meeting with operators/owners of private dams along the river in order to provide signing and portages around these dams.

5. INTERIOR SUGGESTION - A commitment in the plan to a balance of land acquisition with the large-lot zoning which is proposed. Acquisition priorities and policies in the plan which indicate that an active land acquisition program will be required, under appropriate state or local authority, to adequately protect the Upper Mississippi River.

MHB RESPONSE - Regarding land acquisition, the Board will pursue this in the same manner and under the same conditions as that generally described in its joint powers agreement and the revised plan.

That is, the Board recognizes that certain shorelands deserve greater protection than that which can be provided solely through zoning.

Within available funding, this program to supplement the zoning ordinance will "active" but it will not be extensive. The MHB, and its member counties, will attempt to consolidate river ownerships primarily through land exchanges between the counties and the state or U.S.F.S, where such

exchanges are feasible and desirable. Intergovernmental exchanges are viewed as a feasible method of consolidating shoreland ownerships because the counties have such a large ownership base to trade with. (Seven of the eight member counties are among the top ten in the state in percentage of public ownership.)

Also, land exchanges with willing private owners will also be pursued. These opportunities will be specifically examined within the next two years.

Where land purchases are desirable, it would be accomplished within funds available for this purpose and where willing sellers are available. Some counties have already acquired fee title or scenic easements along the River through donation or purchase. These acquisitions have occurred just over the course of the MHB planning process. A proposed biennial budget for this purpose is enclosed.

6. INTERIOR SUGGESTION - The funding program outlined in the draft plan is a collection of existing revenues and competitive grants. Further, the funding sources cited are largely land acquisition and facility development programs and do not comprehensively address operation, maintenance, and replacement of recreation facilities; compliance monitoring and enforcement of the plan; or additional staff for the Board and counties needed to carry out the plan. Some source for adequate funding of plan implementation and long-term resource management needs is required.

MHB RESPONSE - The questions raised here are essentially a restatement of those concerns previously identified. However, we can elaborate further regarding the funding concerns.

Although federal and state grant programs listed in the MHB plan are competitive in nature; the Board believes it will be in an excellent position to compete for such funding. Planning/zoning and recreational acquisition/development grant requests that address a regional (multi-county) need are given priority consideration by the responsible state and federal agencies.

The MHB consultant has already had discussions with the state agency personnel responsible for grant administration. Although no commitments could be made until after the formal application review process, we were encouraged by our discussions with them.

In addition, the MHB consultant has also had discussions with key state and federal elected officials regarding the possibility of direct state appropriations to fund the necessary staff and other support for long-term operations of the board. Because the state budgetary processes are not presently before the Legislature, it

is not possible to guarantee such funding will be available, just as the National Park Service is unable to provide the public with a guarantee of full federal funding for its proposed program.

On the other hand, based on the important contacts already made, we believe that it is more likely that such appropriations for the implementation of the board's plan will be made, than the possibility of timely funding for the National Park Service's multi-million dollar proposal. We make this assumption based on the reasons that the board's management plan is: 1) far less costly; 2) has received widespread public support; and 3) existing state and federal grants have already been obligated to carry out some of the activities proposed in the MHB plan.

Finally, we have provided a detailed budget sheet showing project costs, anticipated funding sources, and a breakdown of projected local, state and federal cost-sharing to implement the various aspects of the project.

7. INTERIOR SUGGESTION - Explore the relationships between the Board, The Chippewa National Forest, and the Leech Lake Indian Reservation in the plan.

MHB RESPONSE - As was stated at the September 4 board meeting by Board Vice Chairman and Cass County Commissioner Virgil Foster, the Board long ago solicited input from the U.S.F.S and the Leech Lake Indian Reservation.

In March/April 1980, when the advisory committees were formed, it was recognized by the board that participation of these interests, along with many others, was desirable. Accordingly both verbal and written invitations to participate in the MHB planning process were extended to representatives of the Leech Lake Indian Reservation. A written response, declining participation, was received by the board from their representative.

In light of the August 29 Herbst letter, another written invitation to participate on the advisory committee will be extended to the Leech Lake Indian Reservation by the MHB.

Similarly, requests for participation by the U.S.F.S were also made by board members. Board members were informed by U.S.F.S. personnel that formal participation by these officials was not possible at the time to the administration's support and directive to the National Park Service to conduct a study for National Wild and Scenic River designation. Since the September 4 National Park Service/Mississippi Headwaters Board meeting, the consultant has met with Forest Service personnel to discuss areas of mutual cooperation in furthering the river protection objectives of the Headwaters Board plan. The consultants have also discussed future meetings with Forest Service personnel. The U.S.F.S.

personnel have subsequently expressed a desire to cooperate with the Board in the implementation of its plan.

The MHB consultants have also met with representatives of Department of the Interior's Bureau of Land Management. This federal agency was subject to constraints similar to those affecting the Forest Service with regard to participation in the MHB study. The BLM has indicated that it is interested in cooperating with whatever agency is given final management responsibility for the Upper Mississippi River.

The Board has recognized from the start of its process that these "landowners" had a necessary role in the development of the plan itself and in its implementation.

The Board feels obliged to emphasize, for the record, that the lack of participation by these entities is a result of the constraints caused by the federal government's position on national river designation, not by an oversight or by lack of recognition by the Mississippi Headwaters Board of their legitimate role.

8. INTERIOR SUGGESTION - Clarify some elements of the plan's model zoning ordinance.

Specific ordinance changes suggested by the National Park Service staff the advisory committee members and the general public have been incorporated into the revised ordinance. The specific changes recommended by the consultant for the board's consideration are enclosed.

In general, the recommended changes include those measures which would strengthen the ordinance, clarify its purpose, and eliminate inconsistencies in language or intent.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

October 30, 1980

Mr. Alf Nadsen  
Chairman, Mississippi  
Beachwaters Board  
Box 621  
Grand Rapids, Minnesota 55744

Dear Mr. Nadsen:

Thank you for your letter of October 22, forwarding the Board's responses to the suggestions in the letter I sent you on August 29 and the attached revisions of your draft management plan for the Upper Mississippi River.

I appreciate the dedicated efforts made by the Board and your consultant to both expeditiously and thoughtfully respond to my letter.

I have asked the Director of the National Park Service to review your October 22 letter and attachments with the appropriate Park Service regional and headquarters offices, so that I can respond to your letter in detail at an early date. This review will include consultations with the State of Minnesota, the U.S. Forest Service, and the Leech Lake Reservation Business Committee.

I have asked the Director of the National Park Service to complete the Service's review of your letter and the proposed revisions to your plan, within two weeks, so that I can respond to you by November 17.

I recognize the Board's desire to adopt a final plan, perhaps as early as today's meeting, so to proceed with the adoption by the eight counties of the new zoning ordinances and to draft a final legislative proposal for consideration by the 1981 Minnesota Legislature. I suggest you proceed on all of these issues, if your timetable cannot be altered to await a reply from the Department in mid-November.

Again, my appreciation for your efforts to respond to my August 29 letter and your commitment to the protection and management of the Upper Mississippi River.

Sincerely,

(Sgd) Bob Herbst

Robert L. Herbst  
Assistant Secretary for Fish  
and Wildlife and Parks





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

Mr. Alf Madsen  
Chairman, Mississippi  
Headwaters Board  
Box 621  
Grand Rapids, Minnesota 55744

Dear Mr. Madsen:

The Department of the Interior has completed review of the Upper Mississippi River Management Plan revisions submitted with your letter of October 22, 1980. This review included consultations with the Minnesota Department of Natural Resources, the U.S. Forest Service, the Leech Lake Reservation Business Committee, and the Joint Upper Mississippi River Task Force, a coalition of Minnesota conservation organizations. Enclosed you will find our specific comments on the revisions.

Although the Mississippi Headwaters Board has acted to finalize its plan and proceed with implementation, I hope the Board will incorporate these comments either through legislation, advanced planning, or cooperative agreements with participating management agencies. The comments are intended to point out potential problem areas that could impair the Board's ability to establish a sound program of protection for the river. The comments could appropriately be incorporated in planning and coordination efforts of the Board that take place during implementation of the adopted plan. The final management plan appears to provide the framework that will allow accommodation of solutions to these problem areas in the near future.

The Mississippi Headwaters Board has reached a major milestone in the adoption of its river management plan and is proceeding towards future milestones which include adoption of the plan by individual counties, enactment of state legislation supporting the Board's powers, and obtaining adequate funds to implement your river management goals. You are to be congratulated for your work.

I continue to believe that the Upper Mississippi River is a resource of national significance and, therefore, meets the criteria for designation as a component of the National Wild and Scenic Rivers system or is a candidate for an Area of National Concern. However, pursuant to the Management Plan you have adopted and complementary state legislation, if strong and consistent protection and management of this important resource can be provided at local and state levels, it is the position of the Department of the Interior that those levels of government should undertake the task.

Accordingly, while the National Park Service will move expeditiously to finalize the conceptual master plan for the Upper Mississippi River, as requested by President Carter in August 1979, the Department will recommend to the President that the final version of the conceptual master plan be held in abeyance and not transmitted to the Congress with proposed legislation adding the Upper Mississippi River to the Wild and Scenic Rivers system.

At the same time, this Department continues to receive many requests for an opportunity to offer public comment on the Park Service's approach to protection of the Upper Mississippi River. As you recall, the public participation process for the Park Service conceptual plan was deferred to facilitate a cooperative approach between the Service and the Board. In view of the continuing interest in proceeding with the public meetings previously planned, the Park Service will conduct public meetings on its plan on December 3 and 4 in Bemidji and St. Paul, Minnesota, respectively. The notice for these meetings will indicate that the Service is soliciting comments on its draft master plan, in compliance with its mandate from the President. Comments will be received at those meetings from those who desire to present testimony comparing the National Park Service conceptual master plan with the Mississippi Headwaters Board Management Plan. To this end, the Service would greatly benefit by the presence at both meetings of a representative of the Board or your consultant.

While the attached comments on the proposed state legislation mentions the Board's relationship with the Leech Lake Indian Reservation, I wanted to add that the Reservation Business Committee continues to express serious reservations to the Department regarding the Management Plan's implication on lands within the Reservation. Despite the language in your October 22, 1980, letter to me (page 7 and 8) on the Board's dealing with the Reservation Business Committee, Chairman Hartley White and the Reservation Business Committee remain concerned about the impact of your plan on the Reservation. Specifically, there is concern over any plan that includes the possibility of zoning Indian-controlled land within the Reservation.

The Department hopes the Mississippi Headwaters Board will be able to bring about a cooperative relationship with the Reservation Business Committee of the Leech Lake Band. It would seem to me that a common objective among the several interests—including the Indians and the Counties—would be the adoption of mutually-agreeable zoning restrictions that are compatible with sound resource-protection principles.

As the implementation and operation of the Mississippi Headwaters Board plan proceeds, the Department of the Interior will continue to work with you in every way we can to promote our common goal of providing quality protection of the remarkable values of the Upper Mississippi River.

Sincerely,

**SIGNED**

Robert L. Herbst  
Assistant Secretary for Fish  
and Wildlife and Parks

Enclosure

## COMMENTS ON FINAL MISSISSIPPI HEADWATERS BOARD PLAN

### 1. Draft Legislation:

A. Either Section 2, Subd. 3 (Government Agencies), or Section 2, Subd. 4 (Implementation), should be expanded to include the following:

"The Board may initiate and maintain cooperative management agreements with the U.S. Forest Service, the State of Minnesota, and the Leech Lake Indian Reservation to address the concerns and management roles of the Board, its member counties, and these agencies in the implementation of the plan. The Board may enter into cooperative agreements with such other entities as it may deem necessary for implementation of the plan."

The need for cooperative agreements is mentioned in the plan and has been discussed during negotiations as a method of securing cooperation and coordinated management. Cooperative agreements should spell out the responsibilities of both parties to ensure a basis for understanding each party's role in protecting the River.

A cooperative agreement with the U.S. Forest Service is required since it is a Federal agency and relatively independent of State and county regulations. The Forest Service is a major landowner on the River and provides recreation facilities and management within the boundaries of the Chippewa National Forest. Discussions with Forest Service personnel have revealed an ability to enter into a written understanding with the Board that would coordinate Forest Service management with implementation of the Mississippi Headwater Board plan.

A cooperative agreement with the State is particularly important due to the large role of State recreation and land management programs within the concepts of the Mississippi Headwaters Board plan. Coordination of the State's participation is somewhat complex and would require a written understanding of roles and responsibilities of State and county agencies and the Board. Judging from State level support of the plan to date, a cooperative agreement should be attainable. Without the agreement, State-Board coordination would be inefficient.

A cooperative agreement with the Leech Lake Indian Reservation is required to properly recognize the government of the Reservation, Indian subsistence rights, and Reservation concerns. The Reservation has both an interest and a capability in providing protection for the River's resources. This agreement is essential to a successful and coordinated management of the River. The Reservation Business Committee in its October 24 letter to the Board indicated its willingness to hold discussions. Hopefully, this would be the beginning of inter-governmental cooperation between the Mississippi Headwaters Board and the Reservation.

Other cooperative agreements may be desired with large scale private and corporate landowners and other interests.

Since one of the major philosophical themes of the Mississippi plan appears to be the continuation of existing institutions, a legal provision suggesting key cooperative agreements is necessary.

Although authority for the Board to enter into cooperative agreements may be embodied in other State Law, as may also be the case with other provisions in this draft legislation, the authority should be reinforced here as an essential part of the Mississippi Headwaters Board program.

B. The legislation in Section 2, Subd. 1 (Preparation), should make specific reference to the completed Mississippi River Management Plan as the standard of the Mississippi Headwaters Board and its member counties. A provision allowing plan development without reference to the completed plan could potentially undermine the consensus document that has been prepared by the Mississippi Headwaters Board participants. Since the Board's implementation schedule calls for adoption of the plan by individual counties this year, there should be no procedural problems in referencing the adopted plan in legislation that cannot be passed until next year.

2. Land Acquisition - Your October 22 reply indicates ". . .that certain shorelands deserve greater protection than that which can be provided solely through zoning." Judging from negotiations and previously provided cost information, no actual identification of these vulnerable shorelands has been made. The land acquisition planning and cost estimating appears to be on a rule-of-thumb basis.

The fact that the Mississippi Headwaters Board proposes a minimal, willing seller acquisition program requires that the program be well planned to assure the most effective expenditure of funds and effort. The Mississippi Headwaters Board could use the present estimated biennial appropriation to initiate acquisition on an availability basis. However, an effective long term program would require that the Board complete a flexible land acquisition plan that would identify those vulnerable shorelands which require more protection than zoning; provide an acquisition schedule that sets priority for the shorelands by their vulnerability and availability for sale; recognizes that availability for sale may change over time and allows revision of acquisition priority; and explores the many avenues of willing acquisition for the landowner's education including land exchange, donation, easements, etc. Each biennial budget beyond 1981-82 could be approached with a sound cost estimate (a demonstratable program for review by funding agencies and appropriation committees) as a result of this active planning based program.

We assume from previous discussions that the Mississippi Headwaters Board would be using an easement instrument similar to the nondevelopment scenic easement of the State Wild and Scenic Rivers program. Such an easement on vulnerable undeveloped lands would have our support. Perhaps the Mississippi Headwaters Board easement should be appended to the River management plan.

3. Zoning Ordinance - Changes to the Model Zoning Ordinance have been responsive to several sources of comments which include the National Park Service. We feel that this relatively strong ordinance is the best example of the Board's sincerity and support its implementation by each member county.

On October 30 the Mississippi Headwaters Board directed changes in the zoning ordinance relating to planned unit and planned cluster developments and mobile homes. We have not had an opportunity to review these changes but have discussed them briefly with the Board's consultant. Hopefully, these changes will have practical advantages in protection of the River shorelands.

It is unclear from the information we have available to us whether or not the Mississippi Headwaters Board is proposing any standards for approving conditional use permits. The Board should work with member counties to develop one set of standards for approval of each type of conditional use. Consistent management of the land use zone and equal treatment of landowners in the River counties requires conditional use standards. In the absence of such standards, it appears that the only alternative for consistency would be certification by the Board of each conditional use permit.

4. Recreation - Recreation management is discussed in the plan primarily in terms of development and operation of recreation facilities such as access sites and campsites. No detailed information is provided on how recreation activity would be managed, particularly activity on the River between developed facilities. Important questions are unanswered in the final plan because of the lack of discussion of administration of daily recreation use. How will trespass and litter be handled? Who will be responsible in emergency incidents or tragedies such as drownings? How will careless recreation activity that could cause resource damage or recreational use conflicts be controlled?

The plan does not provide for the Mississippi Headwaters Board or county personnel to manage recreation activity, but does imply that other agencies such as the U.S. Forest Service, the Minnesota Department of Natural Resources, and presumably local law enforcement would be involved. Some additional planning and certainly some long term coordination appears to be required to establish a framework for activity and facility management, to assess the burden of management on participating agencies, and to provide for adequate operational funding for those agencies.

Our discussions with the U.S. Forest Service, the Bureau of Land Management, and the State indicated general concern over the lack of definition of agency roles within the plan. Mississippi Headwaters Board coordination with these entities should begin as soon as possible so that they can assess and plan for their participation in River management.

5. Funding - As pointed out in the letter of August 29, the Mississippi Headwaters Board funding program is heavily dependent on competitive grants and matching sources. However, the final plan cost estimates for funding of Board Administration show the feasibility of funding the Mississippi Headwaters Board at the State and local level. Certainly, the funding of the initial program goals from competitive sources will require continued active and broad based public support for several years. The Mississippi Headwaters Board appears to have that necessary support at this time and should attempt to achieve its original goal of a non-Federal program of River protection.

Should the Board incorporate the points of the above comments on land acquisition and recreation management, costs of the program could increase moderately. The increase should, however, be within the means of the presently proposed funding sources.

The cost estimates and funding proposals in the plan cover only the responsibilities of the Mississippi Headwaters Board and member counties. Federal and State agencies would assume substantial management roles under the plan and would incur costs that are not in present short term and long term budgets. There is also the potential for competition between the Mississippi Headwaters Board and participating agencies for the same funding sources. The Mississippi Headwaters Board should begin immediately to coordinate with State and Federal agencies to define management roles and to cooperate on funding of these roles.