



FROM THE QUETICO-SUPERIOR FOUNDATION • FALL 1989

LAC LACROIX: A LAND MANAGER'S PERSPECTIVE

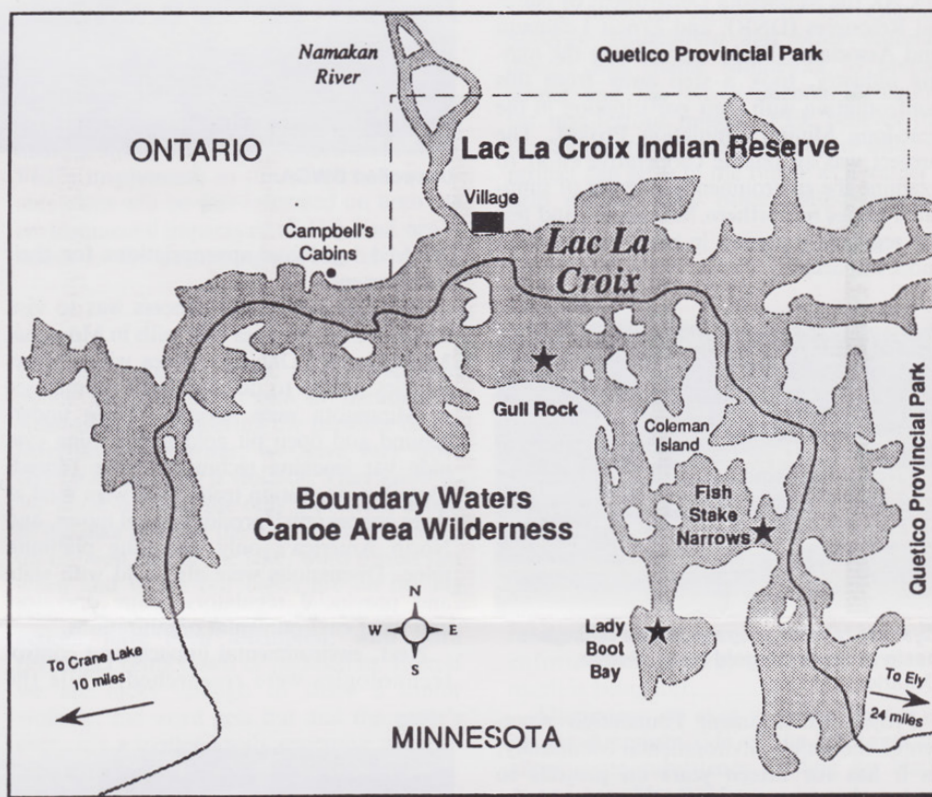
BY STEVE HOECKER
ASSISTANT RANGER, U.S. FOREST SERVICE

It's mid-July. As crew leader Jim Bertelsen makes his way down to the East end of Lac LaCroix, he spots a dozen motor boats fishing near Gull Rock, over a mile inside the Boundary Waters Canoe Area Wilderness (BWCAW) line. He changes course and gives chase. The boats scatter and head for the United States-Canadian border. Once across the international border, the fishermen, knowing they are safe, cut their motors and drift. Bertelsen, on the U.S. side, does the same. Now the waiting game. The fishermen are waiting for Bertelsen to leave so they can return to their fishing. One by one, however, they tire of this waiting game and after two hours the last boat has left in search of better and hopefully legal fishing waters. Bertelsen resumes his patrol down the lake.

In 1978, Lac LaCroix became a lake divided. With the passage of the Boundary Waters Canoe Area Wilderness Act and the inclusion of the American side of Lac LaCroix in the Wilderness, motors were banned from most of the American side of the lake. Now, eleven years after the passage of this Act, motorboats still remain a fairly common occurrence on the American side of the lake.

To understand why this situation persists and is likely to continue, we need to look at the underlying factors that contribute to the illegal motor use. When the law was passed in 1978, it had many provisions to compensate special interests that may be economically impacted by the law. Logging contracts in expanded portions of the Wilderness were bought out. Appropriations were made available to the Forest Service to plant more trees and build roads to increase timber supplies outside the BWCAW. Resorts on the edge of the wilderness were given the option to be bought out by the government. Funds were increased to the Forest Service to make more motorized recreation oppor-

continued on page 3



Lac LaCroix guides consider Gull Rock, Fish Stake Narrows, and Lady Boot Bay among the best fishing spots. All are within the non-motorized BWCA.

EDITOR'S NOTE

Failure to resolve the Lac LaCroix Indian Band issue has been perhaps the most significant failure emanating from the Boundary Waters Wilderness Act of October, 1978. The approximately 200 residents of the Reserve live in destitute circumstances. Opportunities for employment are minimal. Residents of Minnesota have asked whether the United States does not have a social responsibility to help residents of the Cana-

dian Indian community on Lac LaCroix. Failure to resolve this issue continues to be devastating for the Indian Band. The resort owners on the U.S. side who were detrimentally affected by the 1978 Act were compensated for their losses. Many wonder whether some compensation on an annual basis could be provided to the Indian Band because they are faced with the inability to motor fishermen to the U.S. side of Lac LaCroix.

THE MINING SIMULATION PROJECT: A COOPERATIVE LOOK AT MINING POLICY

Say the word "mining" in Minnesota, and people think of iron and taconite. Mining may take on a new meaning in the future: gold, platinum, and copper. Exploration for these minerals is active in the state, with much of the interest centered on the Superior National Forest.

Expansion of the mining industry promises jobs and economic growth, coupled with the potential for degradation of the Boundary Waters Wilderness and other natural resources upon which the region's \$500 million tourism economy depends. In 1988, leaders in industry, the environmental community, and state regulators saw that the stage was set for another environmental confrontation.

Project Environment Foundation (PEF), the Minnesota Pollution Control Agency (PCA), the Minnesota Department of Natural Resources (DNR), and Ernest Lehmann and Associates (ELA) representing the mining industry, took a step away from this confrontation with their participation in the year-long Mining Simulation Project. The project was an unique cooperative effort to examine the environmental impacts of simulated mines in northern Minnesota, and test the regulatory process in place to deal with those impacts.



Cyanide-tainted seepage below tailings basin at Noranda gold mine, Hemlo, Ontario.

Project Environment Foundation represented the state's environmental community, as it has for fifteen years on projects to protect the BWCA, scientifically significant peatlands, reduce aerial spraying of pesticides on state forests, and with many other issues. PEF organized and consulted frequently with an advisory group drawn from other environmental organizations, the academic and legal communities. ELA organized a similar advisory group drawn from the international exploration and mining industry.

Private sector participation was made possible by an unique cooperative funding arrangement. Generous grants from the Quetico-Superior Foundation, the Blandin Foundation, and more than a dozen private and corporate donors were shared equally by PEF and ELA. The PCA and DNR



Unspoiled BWCA.

received legislative appropriations for their involvement.

The first step in the process was to visit seven operating mines and mills in Montana, Michigan and Ontario. Mines with characteristics similar to developments we may see in Minnesota were selected. Three underground and open pit gold mines using cyanide vat leaching techniques were toured. Flotation separation techniques were used at three copper/zinc/precious metal mines, and North America's only operating platinum mine. Discussions were also held with state and provincial regulators, mine operators and local environmental organizations.

Next, environmental impacts and control technologies were researched, while the

industry group prepared the simulated mining proposals. The PCA, DNR and PEF each prepared written responses to the industry mining proposals that served as the basis for discussions. The discussions were wide-ranging, covering such issues as reclamation planning, bonding, groundwater impacts, rare species and air quality.

By bringing all participants together to discuss the issues, we found a surprising number of areas of agreement. For example, on the critical issue of reclamation bonding, we quickly found that all parties agreed that bonding was necessary. The discussion then moved on to legislative authorities, form of financial assurance, and other issues of implementation.



Open pit gold mining. Forty tons of ore produce an ounce of gold. Golden Sunlight Mine, Montana.

With such a diversity of issues and participants, we did not all agree on everything. Even on issues with wide disagreement, such as protection of ecologically significant peatlands, participants benefited from listening to other points of view. Suggestions that PEF made for appropriate techniques for drilling in sensitive peatlands were adapted by one of the industry participants for use in a proposal to explore in a sensitive area near Ely.

The final report of the mining simulation project marks a beginning, not an ending. After a year, we had discussed the impacts of three simulated mining proposals, covering many, but not all of the environmental issues related to mining in Minnesota.

Environmentalists learned about the process of mining, and the way industry thinks. Most importantly, the untried, and in some cases unwritten rules governing non-ferrous mining were put to a test, to see how well they reduced or eliminated environmental impacts from mining, and what changes are required to strengthen them. The advantage we had with the simulation process was that we learned the "easy" way, before an actual mine was proposed for permitting.

In the final report, PEF recommended many changes, all designed to strengthen environmental protections. Some of the most important were the need for the DNR to develop management policies to protect wetlands, rare species, and ecologically significant peatlands. Others called for more public input and a strengthened reclamation



Cyanide-containing gold tailings are toxic hazard to migrating waterfowl. Golden Sunlight Mine, Montana.

planning process before permit approvals. The limited ability of PCA rules to prevent habitat deterioration was also noted.

Over the next year, the DMR will be finalizing the rules for mining permits. PEF will maintain a dialogue with the DNR and industry throughout the rulemaking process, to push for implementation of the recommendations in the project report. Because of PEF's involvement in this project, environmentalists will be well-informed on both the environmental impacts of mining, and weaknesses in the permitting process in Minne-

sota. We will be able to strengthen environmental protections before they are put to use with the first mining proposal.

The financial support of the Quetico-Superior Foundation and other visionary donors will enable Minnesota to prepare strong and fair environmental regulations for non-ferrous mining. PEF believes that the cooperative process developed with this project can serve in the future as a model to help resolve many other natural resource conflicts.

LAC LACROIX *continued*

tunities available to the public outside the BWCAW to compensate for those opportunities lost due to the Act.

On the Canadian side of the border, Zup's and Campbell's Resorts and the Nenguaguan Lake Indian Reserve on the north shore of Lac LaCroix were directly impacted by the BWCAW legislation. Being Canadian residents, however, they were locked out of the political process that created the Act.

At the heart of the issue is the economic survival of Zup's, Campbell's, and the Indian Reserve. Some 205 Indians live on the Reserve. They make their living by hunting, trapping, and guiding fishermen. Over 70 band members belong to the Reserve's Guide Association. With no roads into the Reserve, band members have few other alternatives to guiding to make a living. In the Spring, the guides fish the mouths of rivers on the Canadian side of the border. We see few motor violations in May and June. But in July and August the Walleyes concentrate on reefs and most of these reefs are on the American side of the lake. A guide that can't put their clients onto some fish doesn't get many referrals.

Consequently, the guides follow the fish to the American side and we see a corresponding use in motor violations.

The Forest Service is charged with enforcing the provisions of the 1978 Act, including the motor ban on the American side of Lac

LaCroix. After 11 years, our enforcement policy has evolved to one of harassment. Realistically, considering the presence of the international border, we have very little chance of catching a violator. They know it. We know it. With the only motorized access to the lake through the mechanical portages, on the west end of the lake, word travels fast when and where our crews are on the big lake. At times, special law enforcement actions have been attempted, with extra personnel being flown or paddled in. Even if we are lucky enough to snare a motor violator, the word gets out and the game's over. It's a tremendously expensive proposition with low probability of success.

So 11 years after the passage of BWCAW Act, neither side has what it wants. Even though the map and the Act say the American side of the BWCAW is wilderness, regular users of the area know differently. For the guides, disruption of their client's fishing time and being chased by Forest Service crews isn't good for business. For Forest Service crews and managers, the situation is particularly frustrating. Lac LaCroix is only a small part of our District's total wilderness responsibility. In the past five years, our wilderness funds and crews have been reduced. Any resources poured into Lac LaCroix takes resources away from other parts of the Wilderness.

Of particular concern to me is the expect-

tation of the wilderness users of Lac LaCroix. After paddling two days to reach this area they do not expect to see motor boats. Understandably, they are upset. Increasingly, through comments received on our user survey cards, I've seen that harsh words have been exchanged between the motor and non-motor users. How many times will this happen before words escalate to action and a tragedy occurs? We've reached a stalemate using the current law enforcement strategy. Nobody wins and much is being lost.

Alternatives do exist to reduce motor use on the American side of the lake and also allow some subsistence guiding by Native Americans. The Wilderness boundary could be redrawn to allow motorized use on some portions of the American side of Lac LaCroix. A quota system to allow Native American guided fishing parties to use motors on the American side would be another alternative. Unfortunately, these alternatives required legislative action to implement.

This situation will not go away if we ignore it. Someone must champion this cause and attempt to resolve the problem. Otherwise—where will the next 11 years find us? The year 2000 and Lac LaCroix—still a lake divided.

MOTORIZED PORTAGES ALLOWED

Our feature article of the Spring, 1989 issue discussed the controversy over three motorized truck portages in the BWCA. In October, 1989 the U.S. Forest Service advised that the tests conducted this summer proved that it was too difficult for people to move boats across portages on portage wheels. Consequently the motorized portages will remain open indefinitely. Environmental groups feel that Congress had instructed the Forest Service to close the portages under the 1978 Act.

The decision affects Trout Lake, Four Mile and Prairie Portages. The closing of the portages has been opposed by Governor Rudy Perpich and Representative James Oberstar of the Minnesota 8th District. Oberstar and Perpich met with Forest Service Chief, Dale Robertson, in Washington in April to urge that the portages be kept open.

The Supervisor of Superior National Forest, David Filius, said that the decision to keep the portages open was based "on levels of exertion" needed to haul boats and gear over the

portages without the aid of trucks and "the lack of identified environmental harm to the area if the portages remain open." Environmental groups which oppose continued use of the motorized portages are the Friends of the Boundary Water Wilderness, the Sierra Club, The Wilderness Society and Defenders of Wildlife. Representatives of these organizations indicated that they would have to commence legal proceedings because of the Forest Service decision.

GRAND PORTAGE STATE PARK

Minnesota's 65th State Park will be established in Cook County under a bill passed by the Legislature in May. The park will encompass 258 acres of forested land and will stretch more than 2 miles along the Pigeon River which divides the United States and Canada. It will include the state's highest waterfall, the 130-foot High Falls on the Pigeon River and will also border the spectacular 30-foot Middle Falls on the Pigeon.

The May legislation appropriated \$350,000 to purchase the land which was acquired last year by the private, nonprofit Minnesota Parks and Trails Council and Foundation for the purpose of preserving the land as a State Park.

After the land is acquired the property

will be transferred to the Federal Government and held in trust for the Grand Portage Band of Chippewa Indians, whose reservation borders the proposed park. The Band will lease the land to the State for \$100 a year.

Because the two falls were impassable to canoes, a 9 mile portage named "Grand Portage" by the explorers was created to bypass the falls and give access to interior lakes beyond Lake Superior. The park plan will include an extension of the new Superior Hiking Trail to Grand Portage State Park. Quetico Superior Foundation has been a contributor to the Minnesota Parks and Trails Council for the acquisition of the park.

Wilderness News

Published by Quetico-Superior Foundation
2200 First Bank Place East
Minneapolis, Minn. 55402

President Frederick Winston
Vice President Charles A. Kelly
Secy.-Treas. Worth Bruntjen
Asst. Secy.-Treas. Walter E. Pratt
Treasurer James C. Wyman

DIRECTORS

Worth Bruntjen, John P. Case, Wallace C. Dayton, John de Laitre, Russell W. Fridley, Edward M. Hall, William R. Hibbs, Charles A. Kelly, Ernest K. Lehmann, Walter E. Pratt, R. Newell Searle, Donald Winston, Elizabeth M. Winston, Frederick Winston, Elizabeth W. Wyman, James C. Wyman.

QUETICO-SUPERIOR FOUNDATION
c/o GORDON HEINSON
2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINN. 55402

ADDRESS CORRECTION REQUESTED

Non-Profit Org.
U.S. Postage
PAID
Minneapolis, Minn.
Permit No. 3479



Wilderness News