



FROM THE QUETICO-SUPERIOR FOUNDATION • SUMMER 1997

MEDIATION TALKS NEAR END FOR VOYAGEURS NATIONAL PARK

Panel unable to collectively agree

—written by Jennifer R. Schott Hunt

After several years of bitter debate and numerous Congressional bills addressing what extent Voyageurs National Park's natural resources should be protected and how much of the park should be accessible to motorized recreation, a 13-member panel representing various groups was appointed in an attempt to resolve this conflict through means of mediated dispute resolution. The panel began meetings in August of 1996 and used almost 20 meeting days. It ended with 10 of the 12 members supporting a six-point compromise that offered first-time stability for the management of Voyageurs National Park. However, the mediation process required consensus to pass agreements, and the fact that two members, the International Falls-based Citizen's Council for Voyageurs National Park (CCVNP) and the Minnesota United Snowmobile Association (MnUSA), refused to participate in compromise discussions, left the group with no choice to be adjourn without an agreement. As of this article's submission, a last ditch effort has been announced to form a subcommittee of the mediation panel which will explore whether there are any possible agreements that can be reached before the effort is totally abandoned.

Mediation History

Initiated by Senator Paul Wellstone in May 1996, the mediation panel began deliberations in August, meeting every other week for two-day-long meetings. A breakthrough came in November when



Minnesota Wilderness and Parks Coalition mediators, Brian O'Neill and Rick Duncan, on break at VNP Rainy Lake Visitor Center in January.

three members brought a compromise proposal to the panel. The compromise called for the establishment of a wild, motor-free preserve for most of the Park's lands and interior lakes, while guaranteeing snowmobiling and motorboating on the major lakes and a portion of the Kabetogama Peninsula's Chain of Lakes area. The three members proposing the compromise were Brian O'Neill, representing the Voyageurs Region National Park Association and the Minnesota Wilderness and Parks Coalition, David Dill, representing the Park's Crane Lake community, and Jeff Mausolf of Minnesota United Snowmobile Association (MnUSA).

From that proposal several consecutive agreements were drafted. By the end of a three-day, January 1997 mediation session in Island View, Minnesota, with the exception of one panel member, it was agreed that members would urge their constituencies to support Draft Agreement 5. The one holdout was the CCVNP. Dave Zenter of Duluth, panel member representing the Izaak Walton League, noted that moment was "as close to a deal as the panel got."

By March MnUSA had voted unanimously to reject the entire agreement, even though Jeff Mausolf, its president, was one of the original proposers of the compromise. Asked what MnUSA did not like, Jeff Mausolf said: "We did not like it

BROAD OUTLINE OF THE MEDIATION SAGA:

September, 1996

As the curtain came down on the 104th Congress, Senator Rod Grams and Representative Jim Oberstar conceded defeat in late September in their effort to persuade Congress to increase motorized use and bring local control to the BWCA. In September the Clinton Administration had pledged to veto any national parks bill that included motorized truck portages in the BWCA. Franklin Raines, Director of the Office of Management and Budget, had written to leaders of the House, "Opening up three portages in the Boundary Waters Wilderness area to motorized use would be cause for a veto of the parks bill." Grams and Oberstar conceded their BWCA fight but promised to come back with legislation in 1997.

Voyageurs National Park was also a target of legislation by the unlikely duo, Grams and Oberstar. Oberstar introduced H.R. 1310 which would have removed almost all restriction on snowmobiles, motorboats and float planes throughout Voyageurs National Park. The legislation featured a local management council for Voyageurs which would have given to a council of thirteen local state and federal officials the responsibilities for park

management. That bill, which was supported by Senator Grams, also died when time ran out on the 104th Congress.

May, 1996

In May, 1996 Senator Paul Wellstone had proposed the idea of a mediation panel to settle the Voyageurs conflict issues and also BWCA issues.

Voyaguers National Park

August, 1996

In August, 1996 a mediation panel began deliberations on Voyageurs National Park, meeting every other week for two-day-long sessions. The Federal Mediation and Conciliation Service, which agreed to mediate the talks at the request of Senator Wellstone, also began mediation efforts on the BWCA in August of 1996.

Observers felt that the Voyageurs Park mediation offered greater possibilities for success compared to the BWCA mediation where the issues have become so hardened in the psyche of a few outspoken critics in Ely, MN. These critics face a crowd of just as intransigent envi-

ronmentalists. Statewide and even in northeastern Minnesota, public opinion polls have shown that a high majority of the residents support protection of the natural character both of Voyageurs National Park and the BWCA.

For the 25 years since Voyageurs National Park was authorized, individuals in International Falls have sought to draw battle lines across Voyageurs Park. The old conflicts were deep. The mediation sessions underway seemed to offer an avenue for combatants to unite and calm the waters on Rainy, Namakan and Kabetogema lakes. From the opening meeting to conclusion nine months later, nearly 30 meetings occurred.

November, 1996

In early November the Star Tribune reported: "The 13 Voyageurs negotiators appear more close to reaching consensus than their 20 counterparts on the Boundary Waters Canoe Area Wilderness committee. Even so any agreement on Voyageurs faces obstacles."

January, 1997

In early January the newspaper reported that, "Voyageurs agreement almost unanimous." On January 10th all but one of the 12 members of Voyageurs National Park negotiating committee pledged to support a compromise agreement. Key provisions of the compromise called upon environmentalists to drop their effort to persuade Congress to designate a large part of the land area in Voyageurs, including the Kabetogama Peninsula, as a wilderness area (a wilderness designation would ban snowmobiles and other motorized craft); a large reserve would be established within Voyageurs which would be managed like a wilderness, although certain motorized activities would be permitted; snowmobiles would be allowed to continue on the entire 11-mile Chain of Lakes Trail on the peninsula from January 15 to the end of February; commercial float planes would be allowed to land and take off from the Visitors Center on Kabetogama Lake, not allowed presently; the use of Jet-Skis would be banned from Voyageurs; and commercial houseboat operations would be more tightly structured and growth would be limited.

The agreement was endorsed by the superintendent of Voyageurs National Park, Barbara West. Jan Takaichi, representing the Citizens Council on



The Oberholtzer Review Islands, Rainy Lake, on the edge of Voyageurs National Park

Voyageurs National Park, questioned and criticized a plan that would ban personal motorized watercraft (Jet-Skis) in the park. The Council is a 17-member state-funded entity that advises the Park Service. Senator Rod Grams advised that if the committee had come to a consensus, he would be willing to support the funding.

February, 1997

In mid-February the public was informed that two negotiators in the Voyageurs mediation, David Dill and Jeff Mausolf, indicated they had to modify their agreement with the January compromise in order to satisfy their constituents. Dill represents the Crane Lake Commercial Club, a group of Voyageurs-area resort owners, and Mausolf represents the Minnesota United Snowmobilers Association. The snowmobilers were unhappy with the provisions in the agreement regarding the Kabetogama Chain of Lakes trail in Voyageurs. The plan would have allowed snowmobilers to continue using the trail from January 15 to the last day of February; the rest of the time the trail would be restricted to cross country skiers and other non-motorized use.

In late February it was clear that the ban on Jet-Skis and the restrictions on use of snowmobiles on the Chain of Lakes trail in Voyageurs would kill committee negotiations. One negotiator, Jeff Mausolf, said that he was unable to convince his constituents to follow the compromise which had been drawn in January. The Citizens Council for Voyageurs National Park had also become intractable. It appeared that the earnest efforts of the vast majority of mediation members would be eroded by just two members. Some members believed that the Citizens Council was unwilling to conduct business of a level of good faith. Mediation appeared to be headed for a hopeless impasse.

May, 1997

In May, 1997 the Star Tribune reported, "Under pressure from State Representative Irv Anderson, a Minnesota advisory council voted overwhelmingly Friday to reject the proposed pact to end the battle over Voyageurs National Park." Richard Duncan, a Minneapolis attorney representing a coalition of 33 environmental groups on the committee, said: "The Citizens Council doesn't want to do a deal to resolve conflicts over Voyageurs Park. The Council is the most devious public

body I've ever seen and is a waste of taxpayers' money." The Council gets about \$63,000 a year in state funds. Duncan added: "Five members of the Citizens Council have been serving on and negotiating for eight months, ostensibly working with the rest of us to strike a deal to take to Minnesota's congressional delegation. Now they are backing out. . . . The Citizens Council won't swallow any regulation of motor use in Voyageurs Park."

In reflection, there was a ray of sunshine in the disappointment over breakdown of the negotiations. Eleven of the 13 mediators had negotiated in good faith to come to an agreement which would protect the park. Many came away even more committed to finding a solution which would bring calm rather than battle to Kabetogama. Resort owners outside of International Falls, houseboat operators, property owners and environmentalists on the mediation panel found much common ground and consensus. The reality that so many on the panel came together to work hand in hand for agreement is the reason that there is a silver lining coming out of the Voyageurs' mediation process.

The BWCA

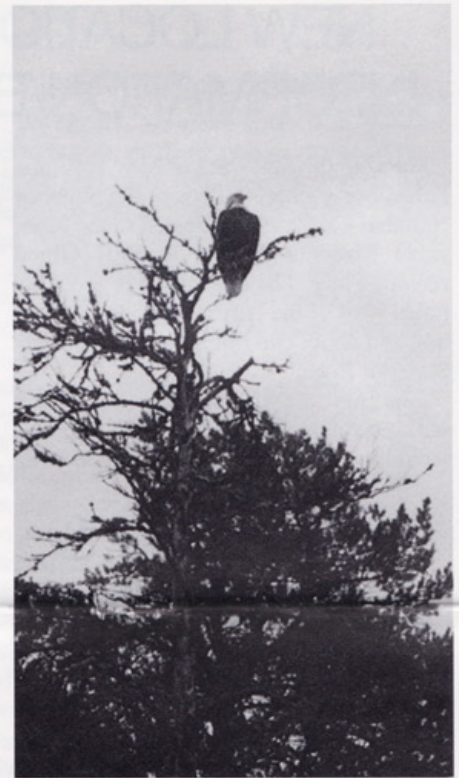
May, 1996

In May, 1996 eighth district Congressman James Oberstar had introduced legislation to the U.S. House of Representatives which would return motorized transportation to three BWCA portages and allow motorboats to use all of Lac la Croix, Basswood, Birch, Saganaga and Seagull lakes.

Oberstar's legislation also created a "management council" to guide BWCA issues. The council would be composed of 15 local, state and federal officials (heavily weighted to the local scene) to steer management of the BWCA.

September, 1996

BWCA mediation was conducted in a 20-member panel which started its meetings at Crane Lake in September. Environmentalists were represented by attorneys Brian O'Neill and Charles Dayton, who represented a coalition of 33 environmental groups. O'Neill said he was willing to consider reopening one or more of the portages to trucks if that would become necessary to solving the bitter conflict which set Ely interests against state-wide environmentalists.



Bald eagle on Insula Lake

Late September, 1996

The mediation process which was engaged to find solutions to the bitter conflicts over Voyageurs and the BWCA have been successful on the east coast and in other parts of the United States in settling issues which have become hardened between local entrenched interests and environmental interests. In late September a coalition of northeastern Minnesota citizens groups charged that the mediation group lacked authority. Although invited by the mediation agency to participate in negotiations, Todd Indahar of Conservationists with Common Sense of Ely and Bruce Kerfoot of Gunflint Lodge charged that the mediation agency lacked authority to negotiate the differences between local interest and environmentalists in the BWCA.

November, 1996

In November Brian O'Neill, representing environmental interests, made a sweeping proposal to allow two large parts of Basswood Lake to be used by motors and in turn motors would be banned from an area of similar size to give canoers sole use of that area. Motorboaters would be given direct access to Jackfish Bay and an arm of Basswood Lake, and they would no longer have to haul their boats across

portages to get to the lake. The deal would have allowed some form of mechanized transport to haul motorboats across a former truck portage, called Trout Lake. Towboats which can haul many canoes and watercraft at one time would be banned on Basswood and the Moose Lake chain. O'Neill's proposal was met by harsh criticism from Ely interests. "This is a sinister plot by Brian O'Neill to divide and conquer the people who live here," shouted Bill Erzar of Ely at a meeting in Ely in late November.

December, 1996

By mid-December it appeared that the O'Neill proposal had become so embattled that status quo might be the outcome of the long mediation sessions. Persons attending public meetings in Ely in early December loudly denounced the O'Neill proposal and caused northern negotiators to hunker down and back away. In O'Neill's defense, environmentalists had criticized his plan as going too far to try to appease motorboat interests. (Negotiators were on a frying pan, but not to the extent that the Voyageurs Citizens Council found themselves hot footing to flee from affirmation in their mediation.) The Star Tribune summarized the O'Neill proposal: "Latest proposal would swap towboats for trucks."

January, 1997

Even in January BWCA negotiators seemed to feel that there was a possibility of ending the stalemate in mediation. By that time the talks were in their 17th day. The 20 member committee had been meeting since September. The conflict had been reduced to environmentalists who wanted horses or other non-motorized means to run motorboats across Trout Lake and Prairie portages while motorboat advocates wanted to bring trucks to both portages. A third portage, Four-Mile, had not had a high profile in the negotiations.

February, 1997

Although environmentalists had successfully through the courts ended the use of trucks on portages in the BWCA, in late February, when negotiations seemed to have arrived at a dead end, tentative agreement was reached on a proposal which would allow trucks to haul motorboats across Trout Lake and Prairie portages. In return for that concession, towboats would be removed permanently from Basswood Lake and from South Farm Lake and the BWCA would be

expanded by several thousand acres contiguous to the BWCA. The proposal was termed a trucks-for-land deal. There was certain to be resistance from the 18 towboat owners who operated 54 tow boats on Basswood Lake.

April, 1997

Consensus could no be reached. In early April it appeared that the seven month effort to mediate the BWCA bonfire would die a pathetic (predicted by many) death. Motorboat proponents including Paul Forsman of Ely, were harshly critical. They charged that environmentalists on the committee had failed to negotiate in good faith. "They came to the table saying they wanted to compromise. We are willing to give up a lot, they weren't willing to give up a darn thing."

The failure of the mediation meant that forthcoming legislation would be likely entered by Senator Rod Grams and Representative James Oberstar to accomplish what they had failed to achieve in September, 1996.

Stewart Osthoff, a member of the BWCA mediation committee and publisher of the Boundary Waters Journal in Ely, wrote in an editorial published in the Minneapolis Star Tribune: "Ultimately wilderness will not be preserved in the halls of Congress or the Supreme Court. It must be preserved in the hearts and souls of one individual at a time. Our real mission should be in inspiring and nurturing greater understanding, appreciation and stewardship of the natural world. This is understood by the guides, outfitters, resorts and environmental lawyers who respect the tremendous contribution the BWCA makes to our quality of life. . . The real enemies of the BWCA are the natural resource exploiters waiting in the wings to deliver the ultimate punishment: no BWCA left to fight over."

The Aftermath

May, 1997

Senator Rod Grams and Congressman James Oberstar on May 22 introduced bills in Congress (H.R. 1739 and S. 783) which would open Four-Mile, Prairie and Trout Lake portages to truck and jeep traffic for commercial concessionaires for hauling boats from one lake to another and would eliminate the 1999 phase-out of motorboat use on most of Seagull Lake as prescribed in the 1978 BWCA Wilderness Act.

June, 1997

Senator Grams held a subcommittee hearing on June 26 in Washington, D.C., and set forth a plan to push for approval of his bill in the Energy and Natural Resources Committee on July 30. Grams and Oberstar had tried to push similar legislation in 1996. The Clinton Administration threatened to veto major legislation in 1996 if it contained the BWCA truck portage provisions.

July, 1997

Congressman Bruce Vento introduced a pro-wilderness bill on July 10, 1997. The Vento bill (H.R. 2149) keeps all three portages closed to truck and jeep traffic. It closes all portions of Seagull Lake within the wilderness area to motorized use on January 1, 1999 and closes Loon Lake and the remaining motorized part of Lac la Croix to motorized use. The bill also prohibits the use of towboats within the entire BWCA and adds 7,370 acres of additions to the wilderness. The Vento bill was viewed as a moderate form of legislation by environmentalists.

July, 1997

In late July Senator Paul Wellstone introduced his own bill which he viewed as "compromise." His bill allows trucks on Trout and Prairie portages, currently closed to motorized use. The bill increases motor quotas and motorboat traffic on Basswood Lake. It eliminates towboats on Basswood Lake and South Farm Lake, adds 21,700 acres of additions to wilderness and, in a surprise, supports a new snowmobile trail at the edge of the wilderness along the length of the Echo Trail. Environmentalists indicated they could not support the Wellstone bill because of the motorized portages, the increased motor quotas and the snowmobile trail.

Opinions vary on whether any BWCA action is likely in this session of Congress, given the backlog of legislation. It is considered likely that the Grams-Oberstar proposal may be attached as a rider to another bill. In a number of public opinion polls, residents statewide have indicated they favor protection of the wilderness character of Minnesota's border lakes canoe country. Persons interested in this issue are urged to write their legislators and the editor of their local newspaper to offer their views on motorized portages, motor use on Seagull Lake and towboats on Basswood.

MEDIATION TALKS, CONTINUED

from the first work to the end of the (document)." In response to a follow-up question regarding what possible amendments the agreement might suit the association, Mausolf answered: "What part of the 'n' or 'o' do you not understand?"

The CCVNP also reported at the March mediation meeting that they had not voted on the agreement. Although the CCVNP had met three times since mediation started, none of the proposed agreements were formally discussed. The CCVNP representative Jan Takaichi indicated she would bring the proposal to the CCVNP, but that organization waited until one week before the May 16th resumption of mediation to publicly announce its intent to meet. Two days prior to their meeting, the CCVNP released their only public notice in the International Falls newspaper, a paper serving less than 0.2% of Minnesota's population. Then, when the Council finally did meet, under the guidance of state Rep. Irv Anderson, it passed a resolution by 11 to 1 rejecting Draft 7, calling instead for a ban on wilderness areas in the Park, expansion of motorized recreation, and directing Mrs. Takaichi to negotiate on those points. "The (Council) doesn't want to do a deal to resolve conflicts over (VNP)," mediator for the Minnesota Wilderness and Parks Coalition, Rick Duncan, told the Star Tribune newspaper, following the Council vote. "The council is the most devious public body I've ever seen and is a waste of taxpayers' money. . . . The problem isn't the language of the proposed (agreement). The (Council) just won't swallow any regulation of motor use in (VNP). They should just say so and stop being sly. They're killing mediation by these tactics. If they don't like it, they should be honest about it."

This CCVNP position left the mediation panel with the option of either endorsing the Council's resolution or having no agreement at all. On May 16th, the mediation panel met and agreed that a consensus was unattainable.

A June 23, 1997 meeting was held at Lake Kabetogama to officially sign off on a report to Congress detailing the panel's progress on minor issues and its inability to resolve the major ones. It was at this meeting that the last-ditch effort of a sub-committee was brought up. The full mediation group has agreed to a cooling-off period and will hold its last meeting in September.

Outline of the Proposed Park Agreement

The final proposed Mediation Draft 7, approved by the Voyageurs Region National Park Association, the 33 group Minnesota Wilderness and Parks Coalition and most of the mediation panel, but rejected by MnUSA and the CCVNP, contained the following provisions.

1. It would have established the Ernest Oberholtzer and U.W. Hella Reserve comprising the Kabetogama Peninsula, the lands south of the major Park lakes and all Park islands. The Reserve was to be administered as a wilderness area but not formally designated as such.

2. The National Park Service would have been directed to administer the Park for numerous uses, including motorboating and snowmobiling on the Park's four major lakes. The use of Jet-Ski's, however, would have been prohibited, and hovercraft and airboats would have been allowed only on King Williams Narrows, solely for purposes of access to Canada.

3. Four commercial houseboat businesses would have been permitted to operate in the Park, two on the Rainy Lake Basin and two on the Namakan Basin (which includes Kabetogama, Namakan and Sand Point Lakes). Each basin would have granted 60 commercial houseboat permits. Ten additional permits could be given per basin per the National Park Service (Park Service) Director's discretion. For privately owned houseboats, the Park Service Director was directed to establish a separate permit system.

4. The Ernest Oberholtzer and U.W. Hella Reserve would have been administered to allow: rowboats, canoes and kayaks; snowmobiles on the Chain of Lakes trail, (two-way and groomed from Moose Bay to Locator and one-way and not groomed from Locator to Kabetogama, from January 15 to last day of February); motorized 100' shoreline access for camping, picnicking and access to inholdings; the banning of floatplanes starting 11/1/97; and the building of one or more hiking trails to Shoe Pack Lake.

5. Appropriations of \$6.3 million for campsites, trails and signage and \$7.2 million for purchase of remaining inholdings would have been authorized.

6. The wilderness suitability report and the Visitor Use and Facility plan would have been repealed as unnecessary.

Current Park Situation

Voyageurs National Park is 218,000 acres in size, made up of four major lakes, an 86,000 acre roadless Kabetogama Peninsula and another 43,000 acres of varied types of roadless land south of the major lakes. Voyageurs has the largest wolf density of all national parks outside of Alaska. The four major lakes make up 40% of the Park and are open to motorboats and snowmobiles. The Kabetogama Peninsula has been recommended for Wilderness protection under the Wilderness Act and is currently managed as such—with the exception of a 12 mile snowmobile trail running through the Peninsula center, a geologic fault making up a series of lakes and bogs. There are four commercial houseboat operators within the park and an unknown number of private houseboats. They all operate without permits. There are no permits required to enter, use or stay overnight in the Park, though established campsites are in short supply. The Park's campsite building plan is incomplete, as is its trail plan. At present there are only 17 miles of maintained hiking/cross-country ski trails. Approximately 1,300 acres of land in the park belong to private citizens, over 50% of whom have indicated a willingness to sell their land to the Park Service. The Park Service, unfortunately, does not have the funds for such land acquisition.

Jennifer Hunt is the Executive Director of the Voyageurs Region National Park Association, and has provided technical support for Park mediators Brian O'Neill and Rick Duncan throughout this mediation process.



Rain clouds hover over Lake Two, September, 1996

NEW LOCATION FOR FOREST INFORMATION/BWCAW PERMITS

Starting the first week of May 1997, the Forest Supervisor's Office of the Superior National Forest was relocated to the renovated Riverside School at 8901 Grand Avenue Place. The new office is about six miles west of the current downtown location and about two miles west of the Lake Superior Zoo.

The new Forest Supervisor's Office will continue to offer many services including Boundary Waters Canoe Area

Wilderness permits, recreation brochures, maps, and general forest information. These services will no longer be available at the Federal Building.

The new number is (218) 626-4300, although employees can be reached directly by dialing individual extensions. Voice mail will also be available to assist callers. The Supervisor's Office hours will remain 8:00 to 4:30 Monday through Friday.

CAMPFIRES BANNED

Although much of Minnesota has been inundated by water in 1997, the BWCA has suffered drought and become tender dry. Campfires were banned in the BWCA in early August because of dry conditions. The U.S. Forest Service said campers in the BWCA must use propane or gas stoves. Fires are also restricted to commercial campgrounds or resorts with fire pits in all areas of Cook County.

Rainfall in the border lakes country is as much as 7" below normal for the year. Forest Services officials said conditions are drier than in 1995 when several major fires lit up the region.

In late July, Ontario banned open fires in Quetico Provincial Park. Lightning strikes in early August in northeastern Minnesota caused small fires, but none produced out-of-control blazes.

LITTLE ALFIE LOGGING

The U.S. Forest Service's back-and-forth rulings on the Little Alfie timber tract once again came forth in early August. The old-growth tract is located just west of the BWCA, north of Lake Vermilion.

Last year protesters had stopped the logging of about 8,000 red pines and 2,000 white pines on the tract. This year the agency had said that they would like to sell for timber 6,000 red pines but preserve 2,000 white pines and 2,000 red pines. The U.S. Forest Service said that its most recent assessment shows that modifying the original plan would provide saw-timber to meet the red pine demand and yet maximize the growth of old white pine on the tract.

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BOUNDARY WATERS FEATURED

Gourmet Magazine for August features "Canoeing The Boundary Waters" with photographs and an article by Elizabeth Royte. The magazine Outside in its September issue carries "Minnesotans Start Your Engines?" with a photograph and copy detailing the Boundary Waters as a battle ground between environmentalists and locals. The November issue of National Geographic will carry a gorgeous feature on northeastern Minnesota. Photographs are by Jim Brandenburg.

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