

FROM THE QUETICO-SUPERIOR FOUNDATION • WINTER 1979

BWCA BILL GOES 'BLIP IN THE NIGHT'

by R. Newell Searle

President Jimmy Carter signed into law the Fraser-Vento-Anderson bill on October 26, 1978, thereby assuring greater wilderness protection for the Boundary Waters Canoe Area. Leading up to the President's signature were three years of strenuous effort that severely taxed the resources of the bill's supporters and its opponents.

The recent history of the Fraser-Vento-Anderson Act began in October, 1975, when Congressman James Oberstar (whose district includes the BWCA) introduced a bill to remove nearly 400,000 acres of the BWCA from the wilderness system, and transform it into a less restrictive national recreation area open to motorboats, snowmobiles, and possibly logging and mining.

Conservationists who found Oberstar's proposal unacceptable formed Friends of the Boundary Waters Wilderness, a coalition whose purpose was to assure complete wilderness status for the canoe area. Miron ("Bud") Heinselman, formerly of the U.S. Forest Service, headed the "Friends." In June, 1976, Congressman Donald Fraser (Minneapolis) introduced a bill to give the BWCA complete wilderness protection. Neither his nor Oberstar's bill was acted on in 1976, but both were reintroduced in 1977.

Congress held hearings on the bills in 1977 and public support in Minnesota and around the country overwhelmingly favored wilderness and Fraser's bill. During 1977 Heinselman and the "Friends" were busy building the national support that proved so important in final passage of the bill.

In March, 1978, the House sub-committee produced a compromise bill called the Burton-Vento bill. It provided wilderness protection for the canoe area but made a few concessions to local interests to help resorts. Although the Burton-Vento proposal provided less than full wilderness protection, the "Friends" backed it as a gesture of conciliation toward local interests. In April,

1978, the measure passed through the House committee with a few modifications to satisfy local interests, and was sent to the House.

The bill lay on the table for several days as the BWCA question became an issue in Minnesota politics. Senator Wendell Anderson endorsed Oberstar's bill. Donald Fraser, who sought a senate seat, remained steadfast in his position. On June 5 the House passed the Burton-Vento bill with an overwhelming majority.

Despite widespread state support for the Burton-Vento bill, Senator Anderson refused to introduce it and proposed one of his own that allowed motorboats on 58 percent of the lakes and allowed logging during a long phase-out period. The prospects looked bleak until James Abourezk, Chairman of the Senate Committee, suggested that representatives from the two sides negotiate a compromise. No compromise; no Senate action.

Charles Dayton, attorney for the "Friends," and Ron Walls, Ely city attorney framed a compromise in a twenty-two hour session. Although the Boundary Waters Conservation Alliance (local organization that favored Oberstar's bill) rejected the compromise, Senator Anderson said he would incorporate it in his bill. The draft was completed September 26, less than three weeks before the final adjournment of the 95th Congress.

Slowly, the bill moved through the Senate committees. After the reports were filed the Senate passed the bill quickly by unanimous consent. Passage was so fast that Heinselman, who was sitting in the gallery, almost missed it; "the results of three years of effort went 'blip' in the night."

Congressional adjournment loomed closer in October. The Anderson bill went to a conference committee to resolve differences between House and Senate versions. Opponents used parliamentary skirmishes to delay its passage, but it finally appeared on the

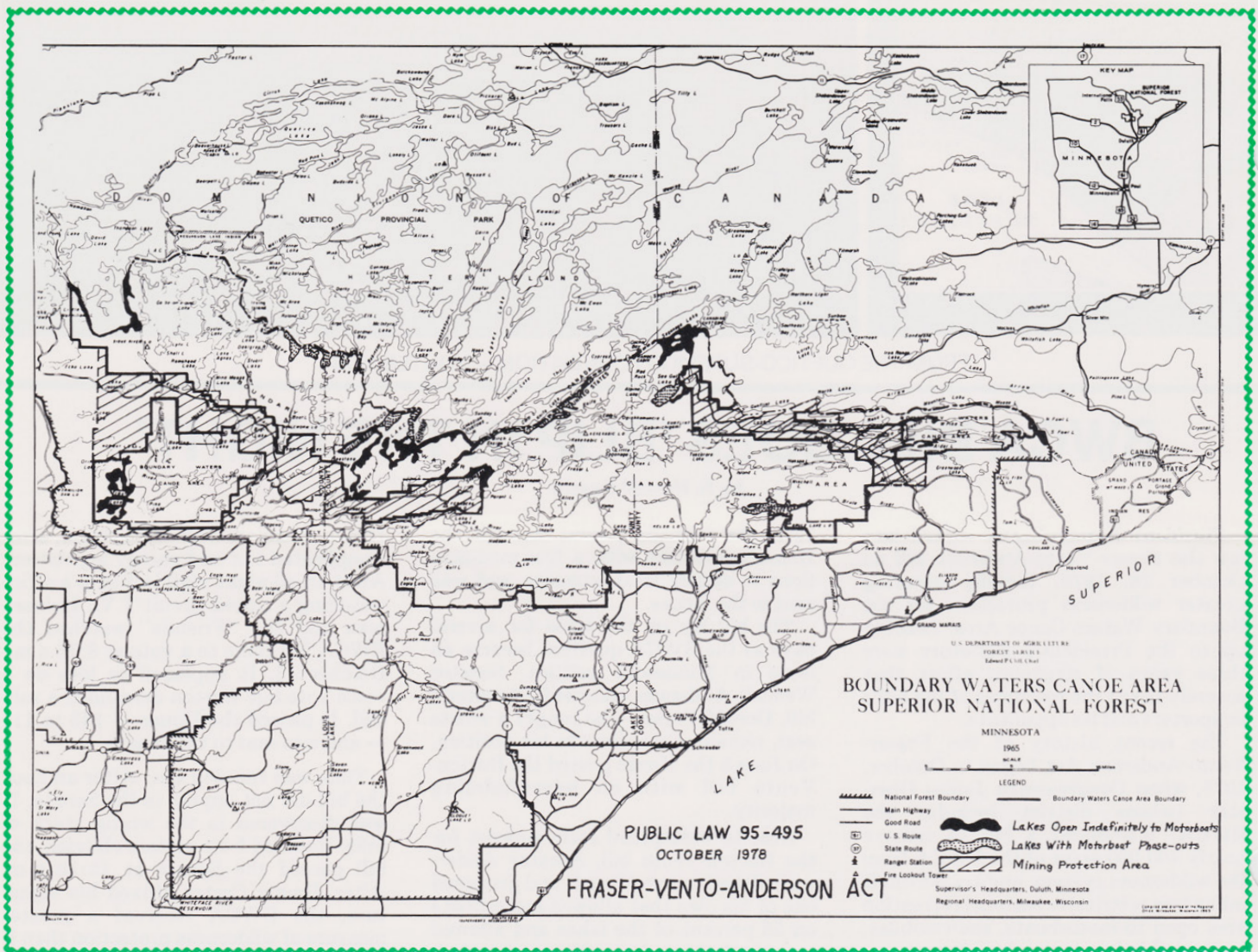
House calendar; near the bottom, after complicated tax and energy legislation. After an all-night vigil in Vento's office watching a closed-circuit T.V., Heinselman and the "Friends" watched the BWCA bill come to a vote at 8:15 a.m., October 15. It appeared to lose on a voice vote but Burton demanded a roll-call. It passed the House — 248 to 111 — and was sent to the Senate.

Time was running out. After an hour the bill did not appear in the Senate. It was discovered in the wrong stack of bills! Rescued from certain oblivion, the bill passed the Senate at 12:15 p.m. After Jimmy Carter affixed his signature, the BWCA received a greater measure of wilderness protection than it had ever before enjoyed.

Briefly, the bill:

- ... added 45,000 acres to BWCA, including Eagle Mountain (the highest point in the state), the Hegman Lakes, and other lands to enclose lakes that had been partially outside the BWCA;
- ... banned all logging and mining within the wilderness;
- ... established a no-mining zone adjacent to the BWCA along the Gunflint and Echo trails;
- ... reduced motorboat use within the BWCA from 60 to 24 percent of the water surface after 1999, and provided a phase-out period on some lakes to ease local hardships;
- ... allowed snowmobiles after 1983 on two routes to provide property access to Canadian property owners.

Although it was not a complete victory for the Friends of the Boundary Waters Wilderness, Minnesotans and other Americans owe much to the "Friends," supporting organizations, and all those who participated with enormous success in defending the cause of a Boundary Waters Wilderness Area.



LIMITED SERVICE

Plane from Ely landing on Fourtown Lake about noon September 24, 1978. Congressional action October 15 means that seaplanes to Fourtown are now history.

PROVISIONS OF THE BOUNDARY WATERS CANOE AREA WILDERNESS ACT

Public Law 95-495; October, 1978 (The Fraser-Vento-Anderson Act)

- (1) Repeals BWCA exemption in 1964 Wilderness Act which had allowed logging and motorboats.
- (2) Establishes 1,075,500 acre Boundary Waters Canoe Area Wilderness, including existing BWCA and 45,000 acres in some 20 small additions.
- (3) Additions protect portions of following areas: Sioux R., Oriniack L., Moose R., Portage R., Stuart R., Baldpate L., Hegman Lks., Little Bass L., Big Moose L., Duck L., Bear Crk., Fourtown L. — Range R. area, Wood L., Parent L., Delta L., L. One, N. Kawishiwi R., South Kawishiwi R., L. Isabella, Hog Crk., Kinogami L., East Pipe L., Juno L., Brule L., Eagle Mt. Trail, Bower Trout L., Ram L., Brant L., South L., Duncan L., Daniels L., Caribou L., Deer L., Pine L., Stump L., East Pike L., John L., Royal R., Moose L.
- (4) Restricts mining and authorizes acquisition of mineral rights in the Wilderness and along 3 road corridors in a 222,000 acre Mining Protection Area. No other federal land controls are involved in the MPA.
- (5) Prohibits logging in Wilderness; provides substitute timber and intensified forestry on federal, state, county, and private lands outside BWCA.
- (6) Prohibits motorboats in Wilderness except for the following lakes or rivers:
 - (a) No horsepower limits, indefinite use: Little Vermilion, Loon R., Loon L., SW end of Lac LaCroix to Wilkins Bay. (Loon Falls and Beatty Portage trams will remain.)
 - (b) 25 h.p. limit, indefinite use: Trout, Fall, Moose, Newfound, Sucker, Newton, Basswood — except portion NW of Washington Is. and N. of Jackfish Bay to the Basswood R., South Farm, Saganaga — except W. of American Pt., E. Bearskin.
 - (c) 10 h.p. limit, indefinite use: Sea Gull E. of Threemile Is., Clearwater, N. Fowl, S. Fowl, Island R., Alder, Canoe.
 - (d) 10 h.p. until 1999: Sea Gull W. of Threemile Is.
 - (e) 10 h.p. until 1994 or until termination of resort, whichever occurs 1st: Brule L.
 - (f) 10 h.p. until 1984: International boundary chain on Basswood R. and Crooked L. and from Carp L. thru Knife L.
 - (g) 25 h.p. until 1984: portion of Basswood NW from Washing-

ton Is. and N. of Jackfish Bay to Basswood R.; Birch L.

- (7) There are no horsepower limits on portions of lakes outside Wilderness. (Parts of Fall, Moose, Snowbank, Sea Gull, Clearwater, E. Bearskin, etc.)
- (8) Some major routes previously open to motorboats to be closed in 1979: Lac LaCroix from Snow Bay to Iron L., Sioux R., Moose R., Big Moose L., Oriniack and Pine Lks., Hegman Lks., Fourtown-Range R. area, Wood L., N. Kawishiwi R., Ensign-Vera chain, L. One-Four-Insular-Alice-Thomas-Ima-Disappointment Chain, S. Kawishiwi R., Gabbro-Bald Eagle Lks., Parent and Perent Lks., Sawbill-Cherokee-Kelly-Peterson-Burnt-Smoke Chain, Cone-Winchell-Gaskin-Horseshoe-Caribou Chain, Tuscarora L., Alpine-Red Rock Lks., Cypress-Swamp-Cache Bay: Pine R.-Granite R.-Marabouef L. Chain, South-Rose-Mountain-Moose Chain, Duncan L., Daniels L., Caribou-Moon-Deer Lks., Pine L., E. Pike-John-Royal R. Chain.
- (9) Sets quotas on how many motorboats will be allowed on each lake, including day use (average of 1976, 77, 78 use). Resorts, cabin owners and their guests are exempt on their lakes. Overnight camping by motorboat is allowed.
- (10) Waives horsepower limits for "towboats" until 1984 on Moose chain, Saganaga.
- (11) Motorboats will be allowed on 33% of the water area in 1979 and 24% after 1999. (Compared to 60% until now.)
- (12) Remove trucks from Fourmile, Prairie and Trout L. portages after 1984 unless non-mechanized boat transport is not feasible to reach lakes served by these portages.
- (13) Prohibits snowmobiles in Wilderness except for:
 - (a) Permanent use of Crane L.-Little Vermilion winter portage to Canada, and Saganaga winter route to Canada (access to homes).
 - (b) Use until 1984 of: (1) Big Trout L., (2) Moose-Ensign-Knife-Saganaga route, (3) E. Bearskin-Alder-Pine route.
- (14) Allows Sec. of Agriculture to permit grooming by snowmobile of a limited number of cross-country ski trails near existing resorts.
- (15) Protects resorts thru assistance programs, expanded recreational facilities outside BWCA, new hiking trails near resorts and voluntary sale. Voluntary sale pro-

gram applies to following lakes only: Fall, Moose, Snowbank, L. One, Ojibway, Jasper, Sawbill, E. Bearskin, Clearwater, Saganaga, Sea Gull, McFarland, North Fowl, South Fowl.

- (16) Only after a resort has been sold under these conditions on a given lake will other property owners on these lakes, who wish to sell on the open market, be required to first offer their property to the government (they may sell or give their property to family members).
- (17) Old and deteriorating dams within the Wilderness may only be maintained to protect Wilderness values or public safety.
- (18) The government is given authority to enforce the motorboat and snowmobile regulations of the Act on state waters. No other federal jurisdiction over state waters is asserted. The state is allowed to impose more stringent regulations.

SNOWMOBILES ARE BACK

On Christmas Day, the Forest Service officially opened five snowmobile routes into the Boundary Waters Canoe Area Wilderness. The recently passed BWCA legislation (Public Law 95-495), permits the designation of two permanent and three temporary snowmobile routes into the Wilderness. In September, 1976, the Secretary of Agriculture had banned all snowmobiles in the BWCA.

The temporary routes, open until 1984, are:

- From Vermilion Lake to and including Trout Lake via the existing truck portage.
- From Moose Lake to and including Saganaga Lake via Newfound, Splash, Ensign, Vera, Portage, Knife, Cypress, (commonly called Ottertrack) and Swamp Lakes including existing overland portages.
- From East Bearskin Lake to and including Pine Lake via Alder and Canoe Lakes including existing overland portages.

The two permanent snowmobile routes are:

- The overland portage from the east bay of Crane Lake to Little Vermilion Lake in Canada.
- The overland portage from Seagull River along the eastern portion of Saganaga Lake to Canada.

(Continued on p. 4)

**Snowmobiles
Are Back**
(Cont. from p. 3)

Although not stipulated in the new legislation, the Superior National Forest will, at least for this winter, interpret the law to mean that the entire surface of the named lakes is open to snowmobiling.

With the exception of the above routes, snowmobiles are permitted only on that portion of periphery lakes lying outside the BWCA.

Only snowmobiles measuring 40 inches or less in width will be permitted on the routes. No other motorized equipment of any type will be allowed within the Wilderness.

Travel permits will be required for snowmobiling. This winter, however, special day use permits will be issued that are valid until April 30. This means that each snowmobiler will only have to pick up one travel permit.

The permits are available at the Superior National Forest headquarters in Duluth, and in District Offices in Cook, Virginia, Aurora, Ely, Isabella, Tofte, Grand Marais, and Two Harbors.

**NATURE CONSERVANCY
OPTIONS TETTEGOUCHE**

The Nature Conservancy announced in March that it had secured an option to purchase 3,400 acres of natural land known as Tettegouche Lake in the North Shore area of Minnesota near Lake Superior. The Conservancy's option to purchase the area runs until June, 1979. The Conservancy was able to option the property at \$880,000,

considerably less than the fair market value of the property, which was listed at \$1,600,000.

The Tettegouche Lake property encompasses four magnificent spring-fed lakes, MicMac, Tettegouche, Nipisquit, and Nicado. Eighty-nine percent of the area is forested, predominantly with paper birch and majestic virgin white pine and Norway pine. A Conservancy spokesman described the area as being "one of the most scenic spots in Minnesota. It contains several stands of virgin timber, significant geologic outcroppings, four alpine-like lakes, and some of the most beautiful views of forests, streams, valleys and of Lake Superior yet existing in the North Shore area."

The Tettegouche property was preserved in a wilderness state for many years by the Tettegouche Club, a group of Duluth businessmen who purchased the property in 1910 for use as a private retreat. In 1921, the property was purchased by one of the club members, Clement K. Quinn, an iron ore merchant of Duluth. A devoted naturalist, Quinn preserved Tettegouche in its undisturbed state for fifty years. In his 85th year, Quinn sold Tettegouche to its present owners, a family trust represented by John deLaittre, a former Minnesota banker and attorney.

The Tettegouche property was at one time considered as an on-land tailings site for Reserve Mining Company. It is located about four miles northeast of the "milepost seven" site. Reserve is now preparing for its tailings disposal.

Geoffrey S. Barnard, Minnesota Field Representative of the Conservancy, commented on the option: "The Nature Conservancy frequently acquires properties by raising funds from the public. In the case of Tettegouche, we would also consider turning the option

over to the federal, state, or local governments if their management were deemed compatible with the need for protecting the area. Under government ownership, Tettegouche could be used by the public as a natural park, however, heavy development would have to be avoided to preserve its resources." Barnard added, "If the Conservancy exercises its option and retains the Tettegouche area, it will be managed as a nature preserve, with only limited public use, due to our need, as a non-profit organization, to minimize our management costs."

The Nature Conservancy is a national conservation organization which devotes its resources to the preservation of ecological diversity through identification and protection of natural land. The Conservancy's preserves include the finest natural lands remaining in the nation. Conservancy preserves in Minnesota include forests, prairies, lakes, islands, and habitat for endangered plants and animals.

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