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# Mississippi Headwaters Board



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## Biennial Report 1985-1987

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*Seated, 1. to r.: Mike Haig, Virgil Foster, Arvilla Wittner, Gus Schroeder; standing, 1. to r.: Conrad Freeberg (1987 attorney), Pike Jones, Tom Tolman, Bob Schaar, Leo Kostek, Bill Block.*

**AITKIN COUNTY**

L. H. "Gus" Schroeder  
Chairman, 1985

**CLEARWATER COUNTY**

D. B. "Pike" Jones, 1986  
Donald McCollum, 1985

**ITASCA COUNTY**

Robert Schaar

**BELTRAMI COUNTY**

Tom Tolman

**CROW WING COUNTY**

Leo Kostek

**MORRISON COUNTY**

William Block

**CASS COUNTY**

Virgil Foster

**HUBBARD COUNTY**

Arvilla Wittner  
Chairman, 1986

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# A Letter to the 1987 Legislature

As Chairman of the Mississippi Headwaters Board for the last year, I am proud to have been a part of the growth and maturity of the Board, now in its fifth year of managing and protecting the shorelands of the first 400 miles of the Mississippi River.

This experiment in local control of a natural resource of international significance has been tested and proven again and again. In this past biennium, the Mississippi Headwaters Board has dedicated itself to streamlining and standardizing its operation and extending the Board's information and outreach efforts in the region of the eight member counties and beyond.

As an innovator in natural resources management, the Mississippi Headwaters Board has been watched with interest from near and far. I'm pleased to say that the Board has met the challenges of its early years and is strengthening and building its program of resource protection.

In the past biennium, the Mississippi Headwaters Board has spend \$151,144.00 on program expenditures, through Minnesota Department of Natural Resources program grants. The eight member counties have obligated themselves to match two dollars for every dollar of the state's appropriation. In fact, the eight counties have far exceeded that goal, actually matching \$10 of county expenses for every \$1 of the state grant. The eight counties have spent about \$1.6 million in the Mississippi River corridor on zoning, land management and road maintenance and construction.

This third biennial report of the Mississippi Headwaters Board, submitted pursuant to the requirements of Minnesota Statutes 114B et. seq., reviews the activities and accomplishments of the period January 1, 1985 through December 31, 1986.

This report proceeds in eight sections: summary of the history and authority of the Mississippi Headwaters Board; activities of the Mississippi Headwaters

Board in implementing the Mississippi Headwaters Conservation Ordinance and Management Plan; activities of the Technical Advisory Committee; activities of the Citizens Advisory Committee; information and outreach programs of the Mississippi Headwaters Board; summary of in-kind reports and budget for the reporting period, and goals for the upcoming biennium.

In the past biennium, the Mississippi Headwaters Board experienced a 9 percent budget cut, which was restored in Fiscal Year 1986-7. The cut was accommodated without cutting back protection of the first 400 miles of the Mississippi River. I note with pride that in its first five years of operation, the Mississippi Headwaters Board has spent slightly more than \$500,000 in administering its zoning program and land use and recreation management plans in the eight member counties. The National Park Service proposed spending up to \$33 million on upgrading recreational facilities, acquiring land and writing management reports on segments within the area protected by the counties, had it pursued designation of the Mississippi Headwaters as a National Wild and Scenic River.

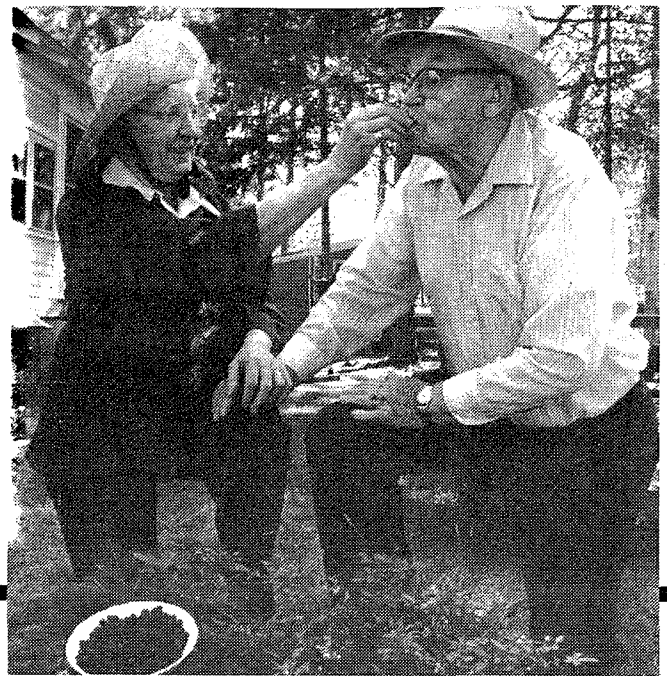
It is through a strong working relationship with the state and the counties that the Mississippi Headwaters Board has been successful in demonstrating that a low cost, politically acceptable alternative to management of natural resources exists. We who have served on the Board in the biennium are deeply grateful for the continued support of Minnesota legislators for this invaluable program. We look forward to working together for many years.

Sincerely yours,

*Arvilla Wittner*

Arvilla Wittner, Chairman  
Hubbard County

# History and Authority



The organizational history of the Mississippi Headwaters Board begins in 1968 with the passage by the U.S. Congress of Public Law 90-542, the Wild and Scenic Rivers Act, establishing the policy that the federal activities of building dams, levees and diversions along rivers should be complemented by a policy to preserve outstanding free-flowing rivers; or stretches of major waterways. Rivers so designated were to be placed under the control of the National Park Service, U.S. Department of Interior, and further construction of water-related projects banned. There are presently 61 rivers in the national system, two-thirds of which lie in the West or in Alaska.

In 1975, through Congressional amendment, the Mississippi River between Lake Itasca and Anoka was added to the list of possible rivers to be studied for inclusion.

In May 1977, the Bureau of Outdoor Recreation (since disbanded) released its report recommending that 353.3 miles of the Upper Mississippi River be included in the National Wild and Scenic River system in 12 segments. Excluded were municipal incorporations, impounded areas or highly developed shorelines.

The issue became controversial, because of the perceived lack of public input from Minnesota and the legislation to so-designate the river failed.

In June 1978, public hearings were conducted on the proposal, and as a result the National Park Service was directed to conduct a master plan of the Mississippi Headwaters before Congress could act on designation.

In August 1980, a draft conceptual master plan for the Mississippi Headwaters was released by the National Park Service, providing for protection of the "river's natural recreational and cultural resources in a manner which permits continuation of compatible private and public land uses within the designated river area."

The National Park Service plan proposed six management areas protecting about 200 miles of the 400 miles of river and recommended two areas for state management. The park service proposed management by partnership, with the state, Leech Lake Reservation Business Committee, counties and U.S. Forest Service all acting as partners with the park service. New recreational development would cost \$1.3 million; an additional \$150,000 in operation and maintenance funds would be provided to the partners. Land acquisition costs were estimated to be \$31 million.

The National Park Service was not alone in its study of protection for the Mississippi River. Residents of the eight counties affected by the proposed river designation had been meeting to discuss alternatives to federal control of the river. Senator Bob Lessard, International Falls, who had been frustrated by the National Park Service's administration of Voyageur's National Park in his district, was instrumental in organizing the local alternative.

On February 22, 1980, the eight counties of Clearwater, Beltrami, Hubbard, Cass, Itasca, Aitkin, Crow Wing and Morrison signed a joint powers agreement forming the Mississippi Headwaters Board. The Board's stated purpose was protection of "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. This management plan will provide for the adoption of strong local zoning ordinances, recreational use of the river and adjacent public lands, donation or purchase of critical lands in the public interest and sound cooperative management of existing public lands along the river."

After negotiations with the U.S. Department of Interior, the National Park Service agreed to hold its plan in abeyance in favor of the Mississippi Headwaters Board's plan for local control of nearly 400



*Thelma and John Bosell, royalty of the 1986 Lake George Blueberry Festival, sample the fruits of summer, facing page; and DNR officials Jeff Granger and Jean Hushagen examine an injured loon on Lake Bemidji, this page.*

miles of the Mississippi River from its source to the southern boundary of Morrison County.

On July 1, 1981, following adoption by the eight member counties, the Mississippi Headwaters Conservation Ordinance and Management Plan were enacted into state law by the Minnesota Legislature. This provision prevented a subsequent attempt of one of the member counties to exclude part of the river corridor from MHB jurisdiction.

In late 1981, residents of townships west of Bemidji petitioned the county to withdraw those areas from MHB control. The MHB took Beltrami County to court. The Ninth District Judicial Court ruled that according to state law, the county must either participate fully in the MHB plan or allow the DNR to administer the same areas without county participation. The county entered into the MHB plan fully.

A second legal precedent was set in 1983, when the MHB challenged the Minnesota Pollution Agency's plan to spread sewage sludge from the Bemidji Wastewater Treatment Plant on a farm that drained into the Mississippi River. The 1984 Minnesota Legislature passed a consistency clause, requiring state agencies to be consistent with the goals of the MHB management plan. The sludge is being spread on the farm, but in areas without drainage to the river.

Also in 1983, the MHB and the Leech Lake Reservation Business Committee reached a cooperative management agreement for lands owned or held in trust by enrolled members of the Minnesota Chippewa Tribe in parts of Hubbard, Beltrami, Cass and Itasca counties. In September 1985, the Leech Lake Reservation Business committee adopted its own Mississippi Headwaters Conservation Ordinance. The two agencies manage their river lands according to the same principles, but through separate governments. Administration of the Mississippi Headwaters Conservation Ordinance is the heart of the Mississippi Headwaters Board's plan to protect the shorelands of the Mississippi River.

The ordinance, and accompanying zoning maps, have been adopted by each of the eight member counties. Failure to enforce the provisions of the ordinance would result in DNR administration of the ordinance.

The zoning ordinance regulates land use and building dimensions on the river and regulates building dimensions on the seven Headwaters lakes of Bemidji, Irving, Stump, Wolf, Andrusia, Cass and Winnibigoshish.

Commercial uses are not allowed in the river corridor. Agricultural uses are allowed. Timber management, including removal of vegetation, is allowed following adoption of a management plan that addresses the Headwaters ordinance and particularly provides for erosion prevention.

Residential uses are allowed on the river. Minimum lot size for new lots (lots of record in the County Recorder's Office effective July 1, 1981, are buildable, subject to building dimension standards) is five acres. Minimum setback from the river's edge is 150 feet. Minimum lot size on a Headwaters lake is 30,000 square feet and minimum setback is 100 feet.

There are two river management classes: "wild" for the area from Lake Itasca to west of Bemidji and "scenic" for the remainder of the river. Land uses and building dimensions are more restrictive in the wild class.

The zoning corridor is generally 1,300 feet wide.

The Mississippi Headwaters Board is an organization of counties, and the administrative work of the Board begins at the county level. Frequently, requests for variances from the standards of the Mississippi Headwaters Conservation Ordinance that do not meet the standards of the ordinance are denied at the county level and never reach the MHB. The MHB has denied county actions in earlier years, but in the biennium just ended, the MHB has issued no denials, although denials have been issued at the county level. As a joint powers board, the strength of the MHB rests on the excellent administration of the ordinance on the local level.



# Mississippi Headwaters Conservation Ordinance



*Mark Anderson enjoys fishing at the new pier on Lake Bemidji.*

There is opportunity for broad review of zoning requests, by citizens and technical staff of the affected counties. Each zoning permit is submitted, in summary form, to the Technical Advisory Committee and the Citizens Advisory Committee of the Mississippi Headwaters Board. The technical committee is composed of zoning officers, land and parks departments' representatives from each of the eight counties; township officers, representatives of the DNR, U.S. Forest Service and the MHB's attorney. The Citizens Advisory Committee is two representatives from each of the eight counties and eight at-large members.

Property owners have the opportunity for appeal of decisions of the county or the Mississippi Headwaters Board. The Mississippi Headwaters Board hears the facts of each proposed request and certifies the county's action.

Most zoning requests heard by the Mississippi Headwaters Board come from highly developed river and lake areas near Bemidji and Little Falls. Much of the land in the river corridor in Clearwater, Hubbard and Cass counties is in public ownership and zoning actions in those counties is therefore light. Aitkin County has a flood plain ordinance that is more restrictive than the Headwaters ordinance, and building activity in the corridor is light. There is a fair amount of activity in the river corridor in Itasca and Crow Wing counties.

Generally, requests that come before the Mississippi Headwaters Board pertain to modifications of existing buildings within established development plats. There is little new building on either the Mississippi River or the Headwaters lakes. Much of the new building that does take place is replacing older seasonal cabins with year-round homes. Generally, the new buildings conform to the dimensions of the existing buildings, and improve the waste treatment facilities and appearance of the existing building.

The Mississippi Headwaters Board also reviews conditional uses, including river crossings for public utilities and public roads, grading and filling, development of recreational facilities, including accesses and campgrounds.

Placement of a mobile home in the river corridor is now a permitted use, following change in Minnesota statutes. Mobile homes had been a conditional use under the terms of the Mississippi Headwaters Conservation Ordinance, and the counties must individually change their ordinance to change mobile homes to permitted use. So far, Beltrami, Morrison and Itasca have made that change.

Following is a summary of zoning activity in the Mississippi Headwaters jurisdictional area, county by county:

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## Aitkin County

Due to the restrictions of the Aitkin County Flood Plain Management Ordinance, new building and development in the Mississippi River corridor is light.

Since 1984, there have been five formal zoning requests originating in Aitkin County regarding Mississippi River shorelands:

In 1984, two requests to place mobile homes within the zoning corridor, both conditional use permits, and a variance to build 115 feet from the river. The variance was granted due to the topography of the lot; the applicant was further required to remove a trailer.

In 1985, variance to rebuild a house destroyed by fire at 120 feet from the river; variance granted due to the shape of the lot and the proximity of the rear property line to a state highway; and variance from the minimum lot sizes of the ordinance, due to the taking of part of the property owner's land for construction of the Great River Road.

No actions requiring MHB review and certification in 1986. The Aitkin County Zoning Office reports three permits for construction of out-buildings for agricultural use outside the river zoning corridor.

The Mississippi Headwaters Board was asked to provide assistance to an Aitkin County couple whose

home and farm was threatened by severe erosion. Following inquiry to the U.S. Soil Conservation Service and U.S. Army Corps of Engineers, it was determined that construction of erosion stabilization structures would cost \$800,000, exceeding the assessed value of the property. The property owners were urged to move their home, and did replace the septic system and well. An inquiry to the Federal Emergency Management Agency for assistance on moving the house is pending.

Another Aitkin County couple asked for assistance on building in the flood plain corridor. Such building is limited by the federal requirement that the property owner demonstrate the building lot falls outside the 100-year flood plain. The necessary hydrological studies are prohibitive in cost. As lake shore property values increase, and farm land values decrease, there is growing interest in construction of seasonal homes on the Mississippi River in Aitkin County.

The Aitkin County Zoning Office will be requesting the Federal Emergency Management Agency to review and delineate the 100-year flood plain elevations so that building can proceed.

## Beltrami County

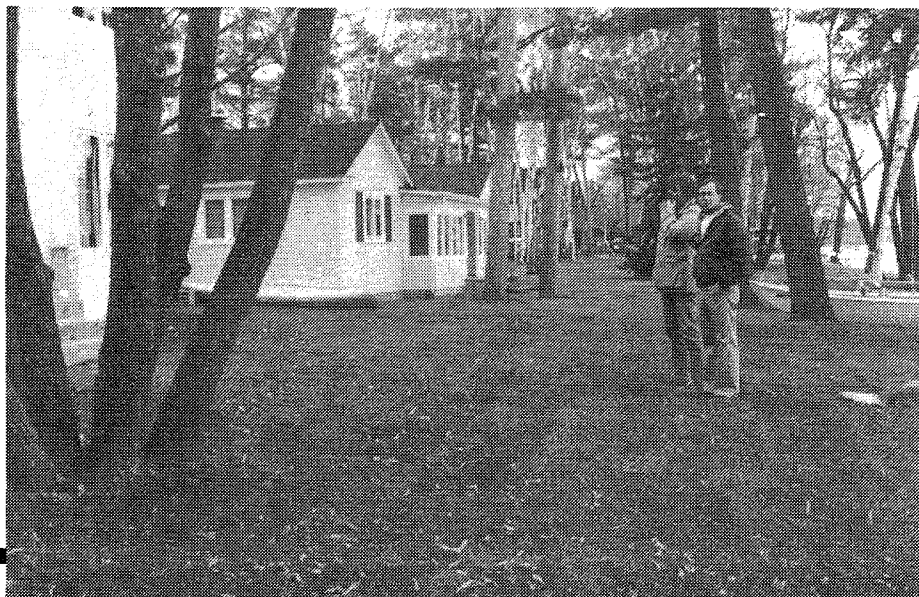
More activity before the Mississippi Headwaters Board originates in Beltrami County than any of the other seven counties. Most of the requests are on the Headwaters lake of Lake Bemidji, which was first developed as a vacation spot at the turn of the century. Residents from the Twin Cities and North Dakota have spent summers at Lake Bemidji summer homes for 50 years or more.

There have been 21 zoning actions from Beltrami County reviewed and certified by the Mississippi Headwaters Board since January 1, 1985. Of those 21, 14 were for properties located on Lake Bemidji, two were on Cass Lake, one was on Carr Lake (subject to Mississippi River zoning standards) and four were

on the Mississippi River.

All of the Lake Bemidji requests were for variances from building dimension standards. All involved lots platted before 1981, and generally platted long before the state adopted shoreland management standards. Many of those lots have 50-foot widths and are less than 200 feet deep. Building line on Lake Bemidji has long been established at 30-60 feet from the ordinary high water mark of the lake.

Other variances granted included a variance for improvement at a Mississippi River resort; variance from the setback from the Mississippi River due to the topography of the lot, and variance to re-plat a Mississippi River lot.



*Beltrami County Planning and Zoning Director Bill Patnaude discusses the building line setback on Lake Bemidji with property owner Steve Patterson. This popular vacation area was platted into small lots over 50 years ago.*

In addition to the zoning actions requiring MHB review and certification, the Beltrami County Zoning Office also reported 155 inquiries, visits and inspections relative to the Mississippi Headwaters Conservation Ordinance between November 1984 and July 1986. The number of inquiries increases in summer months, indicating seasonal residents in the area. Many of the inquiries regarded sewage systems.

Those 155 reports included possible violations of the Mississippi Headwaters Conservation Ordinance. The number of reported violations has been increasing, probably due in part to increased knowledge of the requirements of the ordinance. Beltrami County, as do the other Mississippi Headwaters counties, follows a DNR-endorsed policy in addressing river violations, which involves notifying the property owner of the problem and establishing a time limit for a remedy to be accomplished. If the remedy is not

satisfied, court action against the property owner may follow.

This policy has the advantage of rapidly remedying the problem and protecting the resource from further damage.

For example, a report of clear-cutting on Mississippi River shoreline in eastern Beltrami County was reported both to the county zoning officer and to the Mississippi Headwaters Board. The county zoning officer advised the property owner of the terms of the Headwaters ordinance, and the property owner said he would make restitution. The county zoning officer, the property owner and the district manager for the Beltrami County Soil and Water Conservation District worked out a plan to protect the top soil on the property from further erosion through the fall and winter through the placement of a protective mat secured by hay bales; the property owner will then replace top soil and plant trees and vegetation in the spring.

## Cass County

The Mississippi River flows through the Chippewa National Forest in Cass County, so much of the river corridor land is in public ownership and is undeveloped. As a result, zoning activity is light in Cass County. However, parts of three Headwaters lakes -- Cass, Winnibigoshish and Little Winnie -- lie within Cass County. These lakes attract many seasonal residents and most requests relative to the Mississippi Headwaters Conservation Ordinance are from property owners on these lakes.

In 1985, there were two requests considered by the Mississippi Headwaters Board. The first was a variance to build a deck over an existing slab at a cabin on Lake Winnibigoshish. The request was granted because it did not add to the dimensions of the cabin.

The second was a conditional use permit for establishment of a mobile home park connected to a resort and recreational vehicle campground. The resort owner had sufficient land and the park was located outside the zoning corridor of Cass Lake and was allowed.

In 1986, two property owners received building permits from Cass County that did not require MHB



certification. The first was a permit to build a new cabin on Cass Lake. The second was a permit to move an existing cabin to meet the 100 foot setback from Lake Winnibigoshish.

A planned replacement of a bridge crossing the Mississippi River on Trunk Highway 2 will require a conditional use permit from the county.

The Mississippi Headwaters Board has been asked to support efforts to remedy a serious erosion problem on the High Banks area of Lake Winnibigoshish. On Nov. 21, 1986, the MHB passed a resolution in sup-

port of efforts of the Cass County Soil and Water Conservation District to plan and fund an erosion control project there.

The Cass County Zoning Officer worked with the Minnesota Department of Natural Resources in evaluating the appropriateness of state-owned lease lots for public sale. The lots were located on Lake Winnibigoshish and Cass Lake.

Cass County passed an ordinance regulating advertising signs along the Great River Road in Cass County.

## Clearwater County



*The Mississippi Headwaters Board worked with Clearwater County to develop this canoe landing on Highway 200, just north of Itasca State Park, when the county rebuilt the road as part of the Great River Road project. Property for the canoe landing was donated by a private landowner.*

Much of the land the river flows through in Clearwater County is owned by the state and is part of the Mississippi Headwaters State Forest. Privately held land is often farm land, and held in large tracts. Minimum lot size in Clearwater County is 10 acres. No new building has sought approval from the Mississippi Headwaters Board in the last five years.

In 1985 and 1986, the Mississippi Headwaters Board reviewed three requests for conditional uses in Clearwater County. One was for construction of a

DNR campground on the Clearwater-Hubbard County line. Another was for a new county bridge crossing the Mississippi River. The third was sought by a telephone company for a cable crossing of the river. In each case, the applicant met the relevant terms and standards of the Mississippi Headwaters Conservation Ordinance.

The Clearwater County Zoning Office processed two permits for sewer systems on existing property, both outside the zoning corridor.

*The City of Bemidji's state-of-the-art wastewater treatment facility ensures that the water of the Mississippi is as pure when it leaves the city as when it enters. Plant superintendent Tim Whiting is pictured.*



## Crow Wing County

The Mississippi River flows through the river towns of Brainerd and Baxter in Crow Wing County, both exempt from the standards of the Mississippi Headwaters Conservation Ordinance. Greatest development in this area has occurred in the two towns.

There have been six zoning actions originating in Crow Wing County coming before the Mississippi Headwaters Board in 1986. There are an equal number of reported violations, with remedies pending. There were no reported zoning actions requiring MHB certification from Crow Wing County in 1985. However, the MHB did provide some review and assistance on several occasions, including review of a Mississippi River development plat, research on a DNR land acquisition project and review of several forestry projects.

Two variances certified by the Mississippi Headwaters Board all involved exemptions from the building setback requirements in areas platted and generally developed before 1981.

Two conditional uses were for construction of an erosion control structure, to control erosion of ditch into the Mississippi River; to rezone a 20 acre parcel into four 5-acre lots, were reviewed.

Two zoning amendments, resulting in more restrictive classifications, were allowed.

A group of Crow Wing County landowners petitioned the Mississippi Headwaters Board, through the county Board of Adjustment, to exclude part of the zoning corridor from the management of the Mississippi Headwaters Conservation Ordinance. The area in question is flowage created by a logging dam built in the early part of the century. The lands around the flowage, which is known as Rice Lake, have been platted and developed for at least 50 years.

Research by MHB staff indicates that in 1980, representatives of the township, Oak Lawn, requested more restrictive controls to restrict development. Because all lots in existence since before 1981 are buildable, subject to variances, the Headwaters Ordinance does not prohibit building. It does prohibit further subdivision. While the committees advising the MHB have gone on record opposing the Rice Lake exclusion, the MHB has not formally addressed the matter. A similar case in 1981 in western Beltrami County resulted in a court order requiring the county to participate fully in the MHB program or have the areas in question administered by the DNR.

## Hubbard County

The Mississippi River flows through only the northwest corner of Hubbard County, and passes through public and some privately-held farm land. On the eastern side of the county lies Wolf Lake, a Headwaters lake.

In 1985 and 1986, the Mississippi Headwaters Board reviewed and certified three variances on properties on Big Wolf Lake. The first was for a resort which proposed an increase in density, by adding two new mobile homes as rental units. The resort owner agreed to remove an older unit and septic system to balance the density.

Two other variances from the building setback standards were granted. Property owners built decks that conformed with the existing building setback line on Wolf Lake.



*Artifacts found near the Mississippi River between Wolf Lake and Allen's Bay of Cass Lake are displayed by Grant Goltz, field director for the project.*

## Itasca County

In the western part of Itasca County, the Mississippi River flows through the Chippewa National Forest and other publically-held lands. The MHB has no jurisdiction over the slack pool at the Minnesota Power coal burning plant at Cohasset, which is managed by the Environmental Protection Agency, and in the City of Grand Rapids. South of Grand Rapids, the river shorelands are often farmlands, and development activity is minimal.

The Mississippi Headwaters Board has reviewed three conditional use permits from Itasca County in the last two years for placement of mobile homes in the river corridor. Each of the homes met the building dimension requirements of the ordinance. Itasca County is now changing its ordinance to allow mobile home placement as a conditional, rather than permitted, use.

There were two conditional use permits for grading and filling on Lake Winnibigoshish in the last two years.

A conditional use for a game farm was allowed by Itasca County and reviewed by the Mississippi Headwaters Board. The applicant's use pre-dated adoption of the Mississippi Headwaters Conservation Ordinance. While the animals were raised for sale to zoos and collections, the property was not a place of retail business activity.

High water levels have caused severe erosion problems on the Mississippi River south of Grand Rapids in 1986. Representatives of Itasca County Zoning and Land Departments, Itasca County Soil and Water and the Minnesota Department of Natural Resources met in November 1986 to discuss the problem. While there was little opportunity to prevent ongoing erosion, due to the erosive nature of the river bank soils, a policy for addressing the possibility of future problems was developed.

The Itasca County Zoning Office will be advising potential builders of the natural tendency of the Mississippi River to meander in the sandy soils south of Grand Rapids. Prospective builders will be advised to anticipate future problems and if possible exceed minimum setback standards in building. Septic systems should be as far from the river as possible as the operation of drainfield tends to saturate soils and can exacerbate river front erosion.

# Morrison County



*This 75-year-old smokehouse on the Mississippi River was built in the pioneer town of North Prairie.*

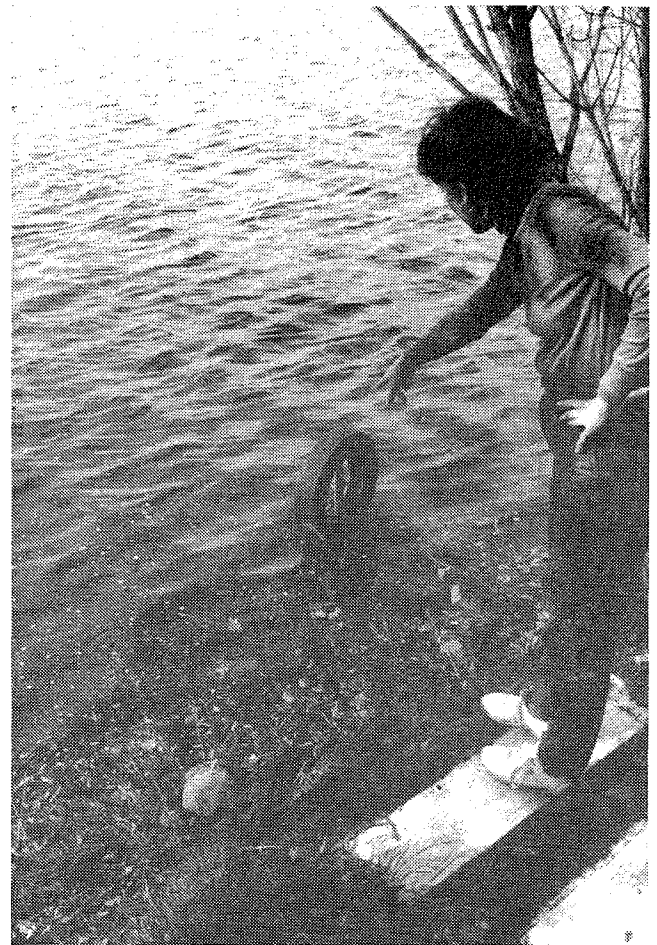
The Mississippi River is broad and deep in Morrison County, and it has been a popular site for seasonal homes. Most of the zoning activity originating in Morrison County comes from a plat developed in the 1950's just south of Little Falls. Lots are generally 100 feet wide or less, and often less than 200 feet deep. Building setbacks are approximately 50 to 75 feet from the river's edge.

In 1985, seven requests for action originating in Morrison County were reviewed by the Mississippi Headwaters Board.

Six were variances from the building setback requirements of the ordinance. All were granted because the applicant proposed building at the building line setback established in the vicinity.

The seventh was a conditional use permit for a utility crossing of the river.

The utility crossing resulted in the closing of the Blanchard Dam near Little Falls which allowed representatives of the Minnesota Institute for Archaeology to continue excavations and survey of Lt. Zebulon Pike's 1805 winter fort located on the former banks of the Mississippi River.



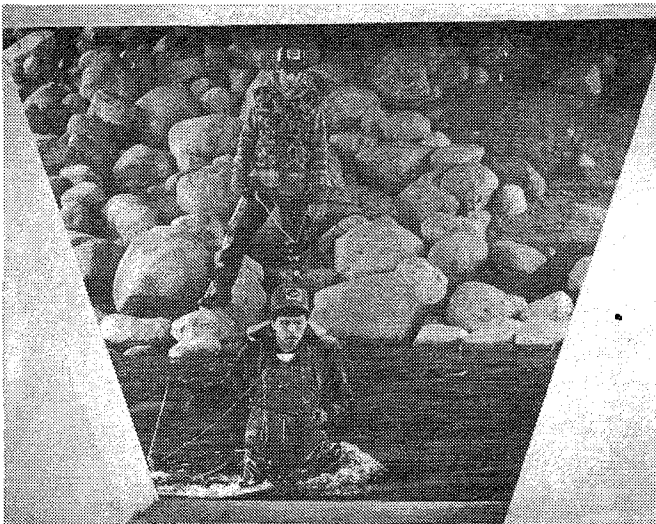
*Kathy Kendall, Morrison County Zoning Administrator, points to high water levels on the river near Little Falls.*

Nine zoning requests were reviewed by the MHB in 1986, of which included seven variances from the building setback standards and a conditional use permit to stabilize the river bank. The ninth variance was for the construction of a new wastewater treatment facility at Camp Ripley, located on the western banks of the Mississippi River.

Numerous violations of the residential and clearcutting standards of the ordinance have been reported in Morrison County. Each violation has been addressed through a joint effort of the county, the Minnesota Department of Natural Resources and the Mississippi Headwaters Board. A large automobile junk yard south of Little Falls on the western shore of the river is currently being addressed by those agencies.

Other issues relative to the Mississippi Headwaters Conservation Ordinance have included expansion of an existing commercial use (attorney recommended against and county denied); an inquiry on bed and breakfasts in the river corridor, and the existence of a Minnesota Power easement along most of the river shoreline in the county. The county zoning officer is working with Minnesota Power to manage the easement and inform property owners of its existence.

*Right, Dave Morgan, Sr., poles while Clyde Morgan beats wild rice kernels into the canoe near Bena. Below, Joe Beer braves the cold spring waters of the Mississippi to spear suckers while Terry Black watches.*



## Land and Recreation Management

In addition to the Mississippi Headwaters Conservation Ordinance, the Mississippi Headwaters Board administers land use and recreation management plans for the river corridor lands. Generally, the management plan provides guidelines for managing public lands along the river to maintain the aesthetic recreational values of the river.

### Aitkin County

The Aitkin County Land Department has sponsored timber sales of aspen and mixed hardwoods in the Mississippi River corridor in the last two years. The land department has replanted five acres to silver maple.

Canoeing on the Mississippi River is actively supported by the Land Department through several programs. The department maintains accesses at Aitkin, Berglund and Jacobsen county parks and two other river access sites. The county maintains two primitive campground sites for canoeists. A new access site, recently purchased by the Minnesota Department of Natural Resources, will probably be maintained by the county and plans are in the works for additional primitive campground sites.

River mileposts have been erected and are maintained by the Land Department to aid canoeists. Maintenance of the signs is a job: Aitkin County Land Commissioner Roger Howard reports up to one-fifth of the signs are lost annually through a combination of weather, erosion, water action and vandalism.

The Aitkin County Land Department has participated in a three-county inventory of non-industrialized private woodlands, including lands in the river corridor. While field work is complete, the department is working with the Aitkin County Soil and Water Conservation District and the U.S. Soil Conservation Service in putting the data into accessible format.



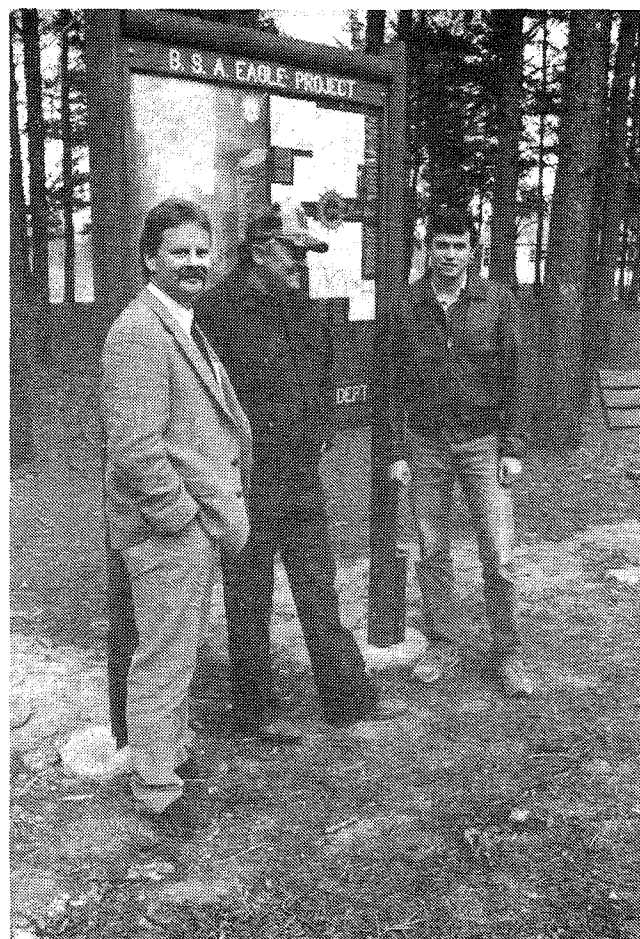
## Beltrami County

A 1985 windstorm has prompted crews from the Beltrami County Land Department to accelerate its reforestation program in the Mississippi Headwaters Corridor. Several hundred acres were severely damaged and in need of harvesting and replanting. Red pine and white spruce were the primary species planted on site-prepped acreage.

Much of the river woodlands in Beltrami County is at or near maturity, and County Land Commissioner Lennard Bergstrom reports management activity is geared towards harvest and management of mature stands. The Land Department reports timber sales of red pine and jack pine from river corridor lands in the last two years.

Jackpine budworm have infested some stands and could pose a future management concern, Bergstrom added.

The Beltrami County Land Department has worked with the Cass County Land Department and Bob Stein, Tree Improvement Specialist at the University of Minnesota, to provide a private nursery growing containerized seedlings for planting in these counties. The nursery, located in Cass County near Cass Lake, is a cost effective way to produce seedlings for the counties' forests.



*A wayside rest on the Mississippi was developed by Boy Scout Paul Lauber, right, in cooperation with Itasca County Parks Director Howard Odden, left, and Land Commissioner Darrell Lauber, center.*

## Cass County

County ownership is small in the river corridor in Cass County, but the Cass County Land Department's strong forestry, wildlife and recreation management programs support the goals and objectives of the Mississippi Headwaters Management Plan.

Cass County is the home of Deep Portage Conservation Reserve, a unique center of environmental education, forestry management and recreation programs located on tax forfeited land near Hackensack. There is an excellent working relationship between the MHB and Deep Portage. Cass County Land Commissioner Bill Brown serves as a member of the governing board of Deep Portage.

Cass County Land Department is working with state and federal government to develop a pilot land exchange program which would include lands within the river corridor designed to more closely match the distribution of public lands with the resource management objectives of the public land managers. The project is funded by the Legislative Commission on Minnesota Resources.

## Clearwater County

Clearwater County's Mississippi River shoreland acreage is small; the Mississippi River flows through state lands, including the Mississippi Headwaters State Forest in Clearwater County. The Clearwater County Land Department manages its holdings for wildlife and timber, cutting stands as they mature.

In the last two years, the Land Department has cut aspen patches for wildlife openings, Land Commissioner Greg Johnson said. The County Department of Environmental Services, under the direction of Dan Logelin, operates a large recreational vehicle and tent park on Long Lake near Itasca State Park.

An access and campsite on the Clearwater-Hubbard county border has recently been remodeled by the DNR.

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## Crow Wing County

Crow Wing County has sponsored timber sales in the river corridor and reforested a 40-acre tract to red pine in the last two years. Crow Wing County Land Commissioner, Lansin Hamilton, has been asked to review a proposal for the county to enter a woodlands inventory program.

## Hubbard County

County ownership on the river corridor is small in Hubbard County, although there is a great deal of state land in the river corridor. Hubbard County Land Commissioner, Bob Hoffman, reports a timber reforestation project in the river corridor in the last two years. A jackpine stand was sold and cut and the county replanted the site to Norway pine. The DNR has worked on a snowmobile trail in the river corridor.

## Itasca County

The Itasca County Land Department has conducted several timber sales in the Mississippi River corridor in the last two years. Sites have been selectively cut, to retain bottomland hardwoods as a buffer to the river's edge, according to County Land Commissioner, Darrell Lauber. The county has sold aspen, birch and hardwoods.

Itasca County Land Department is also working to exchange three privately-held lots on the river in the southeastern part of the county for county land elsewhere. The parcel is in three lots, is over 120 acres in size and is remote, accessible by a logging road. This is the second such exchange in the river corridor.

The Itasca County Parks Department and the Land Department worked with a Grand Rapids Eagle Scout to establish a Mississippi River wayside rest on county tax forfeited land south of Grand Rapids. The parks department maintains several Mississippi River accesses. County Parks Director Howie Odden has chaired a county tourism group including representatives from the private sector which is sponsoring a 1987 winter festival.

## Morrison County

Morrison County has no county tax-forfeited land and does not have a county land department. The Morrison County Engineer's Office manages Morrison County Park on the Mississippi River, a popular recreational spot near Little Falls.

The Institute for Minnesota Archaeology is continuing its excavation of Fort Duquesne, a French colonial fort, one of a dozen forts estimated to have been built in Minnesota territory by the French between 1660 and 1760.

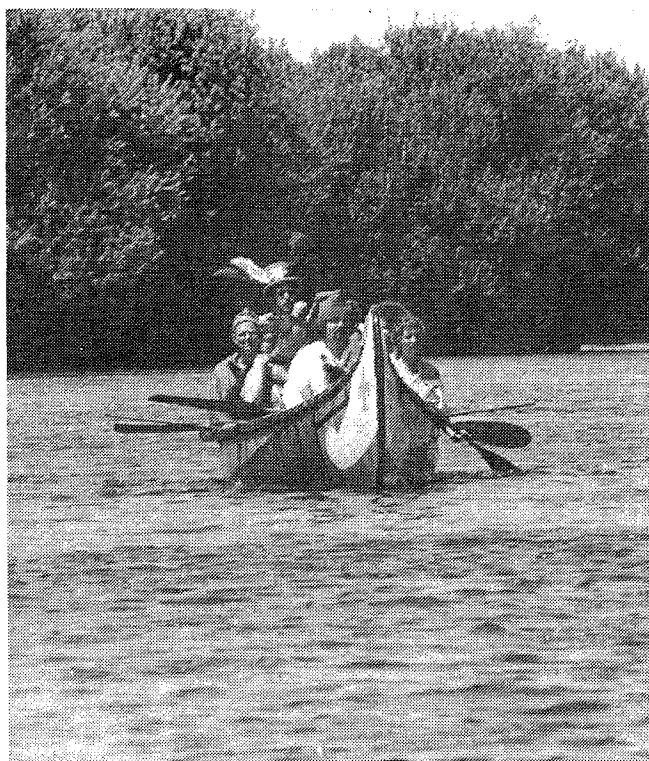
The site "is a material document of the little-known French colonial period in Minnesota", Site Director Doug Birk said in an earlier interview. "The site is a rich archive of historical and ecological data that simply cannot be duplicated from other sources."

The site is located south of Little Falls, near the confluence of the Mississippi River and the Little Elk River. The Minnesota Parks Foundation purchased the site, which was only partly developed, from private owners. Exploration of the site and its vicinity has revealed the probable location of an 1830s mission, the town of Elk City, a steamboat landing, mill and Indian villages. Birk is working with a local task force to consider options for preservation of the entire area, and interpretation of the differing historical settlements. Continuing excavation of Fort Duquesne may be postponed for a year to allow widespread subsurface mapping of the Little Elk site, Birk said.

The Institute for Minnesota Archaeology has also conducted samples of historic and prehistoric sites along the Mississippi River near Camp Ripley for the U.S. Army Corps of Engineers. Archaeological crews found a prehistoric fishing village site that stretched one-third mile along the Mississippi River. Birk said that no ceramics have been found at the site, which leads him to believe that the site may be 5,000 years old. Crews also discovered remains of what is believed to be a previously unrecorded fur trading post site.

The Minnesota Department of Natural Resources is working with the Institute for Minnesota Archaeology to relocate a settler's house near the confluence of the Crow Wing and Mississippi Rivers in Crow Wing State Park. Birk said that research for this project has yielded valuable information about settlement of the area.

The work of the Institute for Minnesota Archaeology is funded by contribution.



***On June 2, 1985, the Governor's Annual Canoe Day was celebrated on the Mississippi River at Crow Wing State Park, south of Brainerd. The Mississippi Headwaters Board hosted a fish fry that served 400 canoeists and friends, which included folksinger Larry Long, organizer of the state's River Revival Festivals and black powder groups who re-enacted earlier days on the river. Lt. Gov. Marlene Johnson, right, oversaw the festivities of the day.***



# Information and Outreach Programs

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In the past two years, the number of reported violations of the Mississippi Headwaters Conservation Ordinance and the Management Plan has increased. This is probably due to wider recognition that the ordinance exists; in each reported violation remedied, there has been no evidence of blatant or intentional violation of the river protection standards. Rather, the offending property owner or agency has not been aware of the provisions of the ordinance and management plan.

The Technical Advisory Committee of the Mississippi Headwaters Board has taken the lead in building public awareness of the standards of the Mississippi Headwaters Conservation Ordinance and Management Plan. At the committee's recommendation, news articles summarizing the standards of the ordinance have been published in area newspapers at the start of the building season. A summary of the building standards of the ordinance has been prepared by the Technical Advisory Committee and is distributed to river-area property owners in each of the eight counties.

At the direction of the Mississippi Headwaters Board, staff developed a monthly two-page newsletter, "Tidings of the Mississippi Headwaters", which summarizes activities of the board, describes upcoming issues, and discusses natural resources issues generally. In addition to the 70 people directly involved with the administration of the Mississippi Headwaters Board, the newsletter is mailed to media in the region and the state, to legislators and to natural resources professionals in the state and nationally. The newsletter is available by request and many property owners in the Mississippi Headwaters

area have requested, and are receiving, a subscription to it. Total circulation is approximately 350.

Two video programs about the Mississippi Headwaters region and the Mississippi Headwaters Board are currently in production. Funds were secured in 1986 for production of a 10-minute tourism promotional program describing the Mississippi Headwaters as a tourism destination spot. The Minnesota Office of Tourism, through the Grand Rapids Chamber of Commerce and the Iron Range Resources and Rehabilitation Board awarded grants for the production of that program.

Also in production is a 26-minute video documentary, designed for broadcast on public television, describing the origins and activities of the Mississippi Headwaters Board. This program will discuss the alternative of local management of a natural resource of national significance: how this alternative was chosen for the Mississippi Headwaters, the political climate when the MHB was created and how successful the alternative is in achieving its goals. The Charles K. Blandin Foundation and Minnesota Power have awarded grants for production of this program.

The 3M Companies have pledged an in-kind contribution of video tape for production and duplication of programs for both video programs. Requests have been made to the Northwest Minnesota Initiative Fund, Northeast Minnesota Initiative Fund and Central Minnesota Initiative Fund for funds for promotional projects supporting the tourism video program. Both programs are being produced by KAWF, Northern Minnesota Public Television, Bemidji.

Release of the programs is scheduled for late 1987.

The Mississippi Headwaters Board was organized as a joint powers board of eight counties. The eight member counties exercise the greatest degree of administration of the Headwaters ordinance and management plan at the local level accordingly. The Mississippi Headwaters Board serves as a check on the activities of the counties.

Occasionally, issues arise that require the assistance of a relatively neutral agency. The Mississippi Headwaters Board has been asked, in several instances, to play the role of the facilitator when such questions arise.

For example, the Deer River Sportsmen's Club has long been concerned about the effects of fluctuating water levels on White Oak Lake in Itasca County. Before 1917, the Mississippi River flowed through that lake. In 1917, a channel was cut south of the lake to facilitate logging drives. As a result, White Oak Lake receives water from the Mississippi River only when water levels are high. The sportsmen's club theorizes that the fluctuation in water levels has a negative effect on wildlife and fish populations.

The Mississippi Headwaters Board, through its Citizens Advisory Committee, has taken a two-step approach to the issue:

1. Determine base information about fish and wildlife populations of the area. The Minnesota Department of Natural Resources is planning a fish census in the area. The MHB is considering a companion project to count wildlife populations. The Citizens Advisory Committee has identified academic personnel to direct the study, which will follow the structures of the DNR's game-lake surveys.

2. Work with dam operators to evaluate the policies affecting water fluctuations on the Mississippi River. The U.S. Army Corps of Engineers District Office at Remer has requested the Mississippi Headwaters Board to organize and chair a meeting of the operators of four dams on the Mississippi Headwaters, between Bemidji and Deer River. Each of those agencies operate dams for differing reasons which may conflict at different times. A neutral agency is the best choice to bring those agencies together and discuss policies and procedures.

Other problems where the Mississippi Headwaters Board serves a coordinative function includes soil erosion on the Mississippi River shoreline. Water levels have been high recently, and isolated cases of property damage due to water erosion have been reported. The MHB staff has organized meetings of agencies with jurisdiction. While the forces of geology generally exceed the abilities of government, a modest policy of information will be implemented in an area in southeastern Itasca County where the river has a pronounced tendency to meander. The MHB is assisting those agencies in researching possible protection methods for public lands threatened in the same area.

The MHB has also supported the efforts of the Cass County Soil and Water District to protect shoreline of Lake Winnibigoshish from severe erosion.

Protection of sensitive lands, especially lands with a cultural significance, is a goal of the Mississippi Headwaters Board. In April 1986, representatives of the Leech Lake Reservation Business Committee asked the MHB to work with them to develop a program to survey and identify suspected archaeological sites on the Mississippi River in eastern Beltrami County. A coalition of the Leech Lake RBC, the MHB, the U.S. Forest Service, the U.S. Army Corps of Engineers and the Minnesota Department of Natural Resources worked together to survey eight known sites in the summer of 1986. Actual survey work performed by the Office of the State Archaeologist found a dense concentration of archaeological sites, far exceeding the expectation. One site was at least 4,000 years old, making it one of the older sites identified in northern Minnesota. This summer's work was especially significant because of the methodology employed. One of the project directors was a trained soil scientist. Using soil maps and historical surveys of the area, he theorized locations of sites based on earlier shorelines of the river and lakes in the region. That methodology led to the discovery of the ancient site.

The work will continue in 1987. The Indian Affairs Council would like to see the survey work continue downstream throughout the Headwaters region.



# Technical Advisory Committee

The Technical Advisory Committee of the Mississippi Headwaters Board advises the board on implementation of the zoning ordinance, land use and recreation management plans of the Mississippi Headwaters Management Plan. Members are:

## **Atikin County**

Charles Bonneville, Zoning Officer  
Roger Howard, Land Commissioner

## **Cass County**

Carol Millard, Zoning Officer  
Larry Olson, Wildlife Manager

## **Crow Wing County**

Dennis Olson, Zoning Officer  
Lansin Hamilton, Land Commissioner

## **Itasca County**

Terry Greenside, Zoning Officer  
Darrell Lauber, Land Commissioner  
Howard Odden, Parks Director

## **Beltrami County**

William Patnaude, Planning and Zoning Director  
TAC Chairman  
Lennard Bergstrom, Land Commissioner

## **Clearwater County**

Dan Logelin, Director of Environmental Seminars  
Greg Johnson, Land Commissioner

## **Hubbard County**

Vern Massie, Zoning Officer  
Robert Hoffman, Land Commissioner

## **Morrison County**

Kathy Kendall, Zoning Officer  
Faye Petron, Commissioner

## **At-Large Members**

Charles French, Ten Lakes Township, Beltrami County  
Michael J. Haig, Itasca County Attorney  
Ruth Smith, Pike Bay Township, Cass County  
Merlyn Wesloh, Minnesota Department of Natural Resources, Bemidji

Thomas Balcom, Minnesota Department of Natural Resources, St. Paul

Position open, U.S. Forest Service, Cass Lake

The Technical Advisory Committee has been reviewing implementation of the Mississippi Headwaters Conservation Ordinance and Management Plan. In the last two years, this has included:

\*Television satellite dishes on residential property. Defined as an accessory use to a permitted use, subject to building line setback.

\*Building density on existing resorts on Headwaters lakes. Resorts must conform to ordinance standards for planned cluster developments, limiting the TAC surveyed existing resorts to determine existing building density. Two buildings to each minimum lot size. The Minnesota Department of Natural Resources is defining resorts, campgrounds and recreational vehicle parks as planned cluster developments in its revised shoreland management regulations.

\*Highway 10 bypass and resulting siltation in Morrison County, north of Little Falls. Silting is creating a swampy delta on the river's banks.

\*Prepared an informational brochure for Mississippi River and Headwaters lakes property owners.

\*Review and research on standards for conditional use permits, including campgrounds, planned cluster and planned unit developments.

\*Participated in a planning and zoning informational seminar led by professional planner Gunnar Isberg, Northfield.

\*Reviewed the 1981 land management plan and made recommendations for efficiency in implementation.

\*Reviewed MHB land acquisition programs.

\*Considered adding archaeological review to the conditions of the Mississippi Headwaters Conservation Ordinance.

# Citizens Advisory Committee

The Citizens Advisory Committee is organized to advise the members of the Mississippi Headwaters Board on actions and policy decisions that arise in administering the Mississippi Headwaters Conservation Ordinance and Management Plan. The committee has 24 members, including two members appointed from each of the eight member counties and eight at large members representing tourism, wood products, utilities, recreation, conservation, historical preservation, sportsmen and agriculture. Current members are:

**Aitkin County**

William Cook

William Dotzler

**Beltrami County**

Gail Brooks

Alice Dreyer

**Cass County**

George Denny

Otto Norenberg

**Clearwater County**

Alvin Katzenmeyer

Dr. David Kretschmar

**Crow Wing County**

Donald Crust, Chairman 1985

Gene Foote

**Hubbard County**

Vince Cafaro

Dave Wilander

**Itasca County**

Ray Keller, Chairman 1986

Alf Madsen

**Morrison County**

Cal Bengston

John Hohncke

**At-Large Members**

Wes Libbey Minnesota Deer Hunters Association

John Zakelj, Minnesota Audobon Society (Laddie Elwell, alternate)

Joel Hagen, Dairyland Electric Cooperative, Grand Rapids

Jack Hoene, sportsmen's groups

Ed Zabinski, Minnesota Forest Industries

Ken Hull, Minnesota Wood Fiber Employees Joint Legislative Council

Bill Marshall, former Itasca County Land Commissioner

Mike Priesnitz, natural resources management consultant

In the last two years, the Citizens Advisory Committee:

- \*Reviewed and recommended language for a federal bill supporting state and local river conservation programs.

- \*Promoted land acquisition and protection programs of the eight counties.

- \*Reviewed its membership and statement of purposes and responsibilities and began meeting separately from the Technical Advisory Committee on its own agenda.

- \*Recommended additional public outreach activities for the MHB office, including publication of a newsletter.

- \*Held a special meeting reviewing the committee's long-range goals.

- \*Reviewed and researched the effect of fluctuating river water levels on fish and wildlife populations in Itasca County and recommended a program of additional study.

- \*Reviewed erosion problems on the Mississippi River and recommended action for the Mississippi Headwaters Board.

- \*Reviewed the proposed Rice Lake exclusion proposal from Crow Wing County and made a recommendation to the Mississippi Headwaters Board.

- \*Reviewed a policy and procedures for land acquisition and land protection in the Mississippi River corridor.

# Statement of Financial Status

Revenues and Expenses 1985-6 and 1986-7 Biennium

## I. Summary of County In-Kind Expenses, 1985 and 1986

	County Fund Tax Forfeit / Resource Management / Parks	General Revenue	Road and Bridge
Aitkin	\$37,740.15	3,963.96	131,009.99
Beltrami	2,978.62	17,928.97	465,777.03
Cass	385.78	25,036.19	438,647.00
Clearwater	127.35	5,579.32	14,197.06
Crow Wing	1,678.43	13,794.00	98,001.52
Hubbard	2,327.09	997.77	61,758.70
Itasca	7,901.96	18,583.76	78,764.75
Morrison	12,888.48	5,612.05	146,279.04
Totals:	\$66,027.86	91,496.02	1,434,435.09
Total In-Kind Reported:	\$1,591,958.97		

## II. Summary of Expenditures and Revenues, January 1, 1985-November 30, 1986

### A. Revenues

January 1, 1985-June 30, 1985:	\$ 42,300.00 (one-half program grant)
July 1, 1985-June 30, 1986:	\$ 76,594.00 (DNR grant of \$84,600 less 9% cut)
July 1, 1986-November 30, 1986:	\$ 32,350.00 (five months of current grant)
Total Revenues	\$151,144.00

### B. Expenses by Fund

Legal Defense	\$ 9,227.10	Meeting Expense	\$ 2,220.91
Salaries	58,909.62	Printing	3,122.07
Per Diem	11,200.00	Mileage	13,292.50
Insurance	8,247.90	Travel	3,186.88
Pension	6,678.13	Office Supply	1,434.83
Telephone	454.30	Furniture, Books, Subscription	176.80
Postage	51.61	TOTAL EXPENSES:	\$140,532.44
Professional Services	19,485.13		
Miscellaneous	2,844.66	Revenues in excess of expenses:	\$10,611.56

# Goals for the Coming Biennium

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1. Broaden information campaigns, through newsletters, slide programs and marketing of the MHB video programs. Being informed about the standards of the Mississippi Headwaters Conservation Ordinance and the Management Plan builds compliance with the program. It's important to remind residents that the regulations exist and that they have the opportunity to provide input on the activities of the board and its committees. The informational campaign has the secondary effect of building pride in the accomplishments of the eight counties in managing the Mississippi Headwaters--something which has been accomplished locally for about \$500,000, when the federal government proposed spending \$33 million initially to protect a lesser area.

2. Develop a land trust program for sensitive lands and work with private land owners who wish to manage their property for river conservation values.

This is a project of the Citizens Advisory Committee of the Mississippi Headwaters Board fulfilling a directive of the U.S. Department of Interior. Some lands along the Mississippi Headwaters may be so sensitive they require greater protection than that afforded by zoning. The CAC is proposing a lands inventory of river shoreline to determine which lands are sensitive, and a policy and procedures for protecting lands so designated. Technical assistance may be supplied by member counties, soil conservation districts, the DNR and the National Park Service's River Conservation Workshop Program.

This program would also include training workshops for private citizens who wish to manage their river frontage for long-term conservation.

3. Evaluation of the 1981 Management Plan and zoning maps.

The Technical Advisory Committee, and certain

member counties, have identified some administrative problems with river zoning maps as published in 1981. While no remedy is suggested, a review of the maps is recommended.

Similarly, a review of the Management Plan is recommended, especially after five years of operation and changes in similar regulations on other shorelands in the state.

4. Survey of recreational use of the Mississippi River.

This idea was originally proposed in 1980, when the Mississippi Headwaters Management Plan was being drafted. There are no current indications of use of the Mississippi Headwaters, although tourism is an economic development goal for the region, generally. Some Private operators have asked the Mississippi Headwaters Board to consider providing some low cost support services, such as distribution of recreational maps of the river.

Representatives of agencies with jurisdiction would work together to perform a river use survey, with possible assistance from the University of Minnesota and the University's Agricultural Extension Service.

5. Standards for certain uses permitted conditionally under the Mississippi Headwaters Conservation Ordinance.

This is a project of the Technical Advisory Committee which is charged with administration of the Headwaters ordinance.

6. Sponsor a river education conference. The Mississippi Headwaters Board is working with Itasca Community College to host a conference discussing the ecological, economic and cultural significance of the Mississippi River to the region. The conference date is October 21, 1987, and is one of a Symposium Series sponsored by ICC for the benefit of students and the community.



*Morris Bergsven, Bemidji, ice fishing on Lake Bemidji.*

**Photo credits:**

*Monte Draper, Bemidji Pioneer: front cover, pp. 2, 3, 4, 5, 11, and inside back cover.  
Minnesota Department of Natural Resources: p. 14.*



