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Land vs. money emerging as latest BWCAW issue

**Some would like to see
the state get cash
for its property within
the wilderness. But
Northeast Minnesota
representatives want
land instead.**

*By John Myers
News-Tribune staff writer*

That 1997 faded into 1998 with no resolution to the years of bitter battles over the Boundary Waters Canoe Area Wilderness should surprise no one close to the issues.

Congressional hearings. Truck portages and horsepower limits. Barroom banter and community strife. Newspaper editorials and letters.

Another year and nothing solved. And brace yourself for

yet another round soon. The issue of truck portages and motor limits may come up again in Congress even before the ice is off Basswood Lake.

But what might surprise some Northlanders familiar with the BWCAW battle is that a "new" issue has surfaced to battle over: A seemingly innocuous plan for the U.S. Forest Service to buy remaining state lands still inside the BWCAW has been moved to the front burner after simmering in the background for decades.

State owns part of BWCAW

When you paddle through the Boundary Waters, there are no signs posting who owns the island you pass or portage you walk on. But contrary to most visitors' understanding, not all of that land is owned by Uncle Sam.

Minnesota still owns about 100,000 acres inside the 1.1 million-acre federal wilderness, land that effectively became part of the BWCAW when Congress drew its boundaries.

Because the state land has

been used and managed just like the federal land next to it, the Forest Service and environmental groups have been slow to resolve the issue. Why buy the cow when you're getting the milk for free?

But Minnesota's constitution requires the state to get some sort of return on that land, most of which is dedicated to the state's school trust fund, which helps pay education costs for students. (Cabin

Through Jan. 4, the Duluth News-Tribune chronicles 1997's most notable issues and people in the Northland.

Sunday: Fires in Superior

Monday: Health care changes

Tuesday: Edison schools

Wednesday: Snowmobile regulation

Thursday: Welfare changes

Friday: Antonich murder trials

Today: Wilderness mediation

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Land vs. money latest BWCAW issue

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leases on other trust fund land, for example, go into that fund for education.)

The idea of a state/BWCAW settlement, on the back burner for more than a decade, got new life during last winter's federally mediated peace talks on Boundary Waters' Issues. U.S. Forest Service and state Department of Natural Resources officials at the table agreed to keep talking on the issue even after peace talks failed.

Environmentalists, too, agreed that a buyout would be best. Kevin Proescholdt, executive director of the Friends of the Boundary Waters Wilderness, said his group opposes a land trade that would reduce federal land protections outside the BWCAW, but would not oppose a congressional appropriation to buy the state land.

While the state in the past held out for a land exchange, DNR Commissioner Rod Sando indicated this year that the state may now settle for cash.

So, U.S. Sen. Paul Wellstone, D-Minn., in November began an effort to give the state fair market value for the land and put the money in the state's school trust fund. All 10 members of the state's congressional delegation approved a letter to the U.S. Department of Agriculture, which oversees the Forest Service, encouraging the department to spend \$10 million in 1993 to start buying the state land.

It seemed like at least one outstanding BWCAW issue was about to be solved, and even in a nonpartisan fashion.

But, like almost everything surrounding the BWCAW, even this effort has drawn vocal complaints, this time from Northland state legislators who have hard feelings about federal land management.

Land or cash?

Instead of money in exchange for the state land in the BWCAW, lawmakers like Sen. Doug Johnson, DFL-Tower, Rep. Tom Ruksa, DFL-Virginia, and Rep. Tom Bakk, DFL-Cook, want to trade the state land inside the BWCAW for federal land outside the BWCAW.

They say access to land is more valuable than the money. (Not only do they want an exchange, but they want two acres outside the BWCAW for each one inside, noting the lakefront BWCAW land would be extremely valuable if it wasn't locked up in a federal wilderness.)

If the issue seems philosophical more than concrete, it just may be. It's simply not a recreation issue, and doesn't directly

affect the BWCAW at all.

The issue has no impact on canoeists and others who use the BWCAW. The state land inside the wilderness already is being managed by the Forest Service as wilderness and no one is proposing changing that — deal or no deal.

It also has little or no impact on people who use the federal land the state wants in trade — land just outside the BWCAW but owned by the feds. Whether owned by the state or federal government, the land would remain open to recreation like hunting, fishing, bird watching and hiking.

The issue also has nothing to do with a rumor that the Forest Service wants to ban hunting in the BWCAW. Hunting is allowed in federal wilderness areas nationwide and there's no plan to change that.)

The argument against a buyout instead is rooted in how much land is logged in far Northeastern Minnesota. State lawmakers say the land outside the BWCAW is more likely to remain open to local loggers if it's in state hands.

The future of Minnesota's timber industry lies outside of federal land. I think we'll see a day, not too far down the line, when there is no logging in the Superior National Forest," Bakk said. "So the less federal land there is up here, the better it is for the timber industry and our economy."

While Bakk concedes state logging regulations are nearly as stringent as federal regulations now, he said the state DNR is far less likely to outright ban logging, as several major environmental groups have proposed for all national forests.

And while less than 10 percent of the state's timber comes from national forest land, Bakk said the industry can ill afford to lose that supply.

"Common sense prevails more often in St. Paul than it does in Washington," Bakk said. "Even if we lose less than 10 percent, that would have a huge impact. It would cripple some mills."

Future unclear

So far, the buyout plan hasn't gotten past the congressmen's letter. The Department of Agriculture has not yet responded, and there is no money currently set aside for the purchase.

"There's a big pot of money in the Land and Water Conservation Fund. But we have to get some of that earmarked for this specific purchase," said Dave Schmidt, real estate program manager for the Superior National Forest.

Schmidt said buying the land hasn't been a priority for the Forest Service, but the agency is

willing to buy if the state wants a deal. Some of that deal might involve some small land exchanges, several of which occur on a regular basis between the state and Uncle Sam.

"But a land exchange of this magnitude (100,000 acres), to do it all, would take decades to complete and be really contentious," Schmidt said. "A purchase just makes more sense so the state can get its money and invest it."

The state land inside the BWCAW has had a changing history. For years, the state kept control of its land and maintained it, cleaning and fixing campsites and portages alongside the Forest Service. Eventually, the state traded for some of the work. Then it paid the Forest Service to maintain its share of the wilderness.

But when budget cuts hit the Minnesota Department of Natural Resources in the past decade, the state quietly pulled out of wilderness management altogether.

For the last several years, the Forest Service has been managing and maintaining the state land — even though it never got a budget increase or formal authority to do so.

State auditors have said for years that the state is not getting its constitutionally mandated return to the school trust fund for the land locked inside the BWCAW.

Iron Range lawmakers, surprised at the action by the state's congressional delegation in November, asked the state Attorney General's office for an opinion on how school trust fund land can be disposed of. According to state legal experts, the state constitution allows only two options — public auction or exchange for other land. The state's hands would be tied if Congress passed a law to condemn the land and buy it, however, as happened with state land within what is now Voyageurs National Park.

The condemnation and cash appropriation may take an act of Congress, something not likely if state lawmakers actively lobby against it. It's likely at least U.S. Rep. Jim Oberstar, DFL-Chisholm, would pull his support for a buyout if pressure from logging interests mounted.

"That's the only way they could buy it, to condemn it and then give us cash," Bakk said. "But I don't see that happening at all."

Bakk and others have made it clear they'd rather keep the state land locked up in the BWCAW than settle for cash.

"I'd rather have the land," Bakk said. "At some point in time, the federal government is going to have to address this issue. We can wait until they are ready to trade. Our land (inside the BWCAW) is only going to get more valuable."