



Mississippi Headwaters Board (MHB)

2003 Biennial Report

Submitted to the Minnesota Legislature
in compliance with MN Stat 103F. 361-377

*The Mississippi River...
not simply water under the bridge.*



Headwaters of the Mississippi River, Itasca State Park, Clearwater County.

It is the jugular vein, the mother lode. It is the Mississippi River. What could be more important to the prosperity of Minnesota? It is the ancient highway of the first Americans, European explorers, and trappers. The Mississippi River was the single most significant factor in achieving prosperity. The River brought investors from the east to Minneapolis/St. Paul during President Millard Fillmore's excursion. Goods, services and people were transported. Investment and statehood followed. Today it is the source of drinking water for half of Minnesota residents in St. Cloud, Minneapolis, and St. Paul. It is the drainage system for most of the state, the cheapest method of transporting goods. The River is a source of beauty, hydropower, recreation, folklore, and romance. The River is worth protecting.

People come from all over the world to see or canoe the unbelievably crystal waters of the Mississippi River Headwaters, see lush forests that rival the Amazon, Native American culture, friendly small towns and gracious people who exemplify the famous "Minnesota nice." Travel agents tell us that when tourists come to America they want to see four things, New York, Disney World, the Grand Canyon and the Mississippi River.

The River generates business and revenue.

While nurturing thriving communities, safe industry, and sustainable development, Minnesota enjoys the cleanest and most beautiful, least touched stretch of the Mississippi River in the nation. Eight of the north central counties are to be thanked, Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison. United under a 1980 Joint Powers Agreement, they comprise the Mississippi Headwaters Board (MHB). MHB and their partners Leech Lake Band of Ojibwe, as well as others maintain Cooperative Agreements to sustain the River through local controls. This is accomplished locally, inexpensively, efficiently and effectively.

MHB'S MISSION STATEMENT: (MN Stat. 103F. 361-377)

To consistently administer minimum standards throughout the first 400 miles of the Mississippi River and nine Headwaters Lakes in order to protect and enhance the scientific, natural, cultural, historic and recreational values of the region. MHB achieves this through stewardship, education and cooperative partnerships.

The Wild and Scenic Rivers Act

(Public Law 90-542, October 1968, 16U.S.C.1271 et seq.) established a policy that certain rivers or segments of river possessing

"...outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values..."

should be in free flowing condition and protected for the public's benefit and enjoyment. The Act does not explicitly prohibit new shoreline development on privately owned lands, however, under certain circumstances, federal protection could limit such development. The Act authorizes condemnation proceedings for certain purposes. Actions began in 1975 to include the Upper Mississippi River in the Wild and Scenic designation.



Mississippi River, Clearwater County.

January 3, 1975,

President Ford signed P.L. 93-621 authorizing possible designation of the first 466 miles from Lake Itasca to Anoka as a National Wild and Scenic River.

October 1975,

Draft Plan by the U.S. Bureau of Outdoor Recreation (BOR) is completed.

May 1977,

Assistant Secretary of the Interior Robert Herbst submits Environmental Impact Statement (EIS) to Congress and President Carter.

June 15, 1977,

Senate bill 1697 containing the BOR plan is introduced to the United States Senate. October 31, 1977, H. R. 9855 amending the National Wild and Scenic Rivers Act to designate the Upper Mississippi segment as a Wild and Scenic River is introduced.

MHB'S VISION STATEMENT as determined by the community of taskforce members in Section II of the Plan precedes the objectives:

“MHB strives to protect and enhance the outstanding values of the Mississippi Headwaters to provide an area of clean water, healthy environment, sustainable communities, which are balanced by economic, environmental and social factors.”

MHB ANNUAL INCOME

\$ 130,000	DNR Pass-through grant (existing)
\$ 24,000	Counties \$3,000 from each county
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\$ 154,000	Total Administrative Budget

The itemized budget may be provided upon request. MHB has always been a bargain for the taxpayers comparing the amount of work done for the dollars spent. MHB achieves this through the support of local county agencies, the Leech Lake Band and other partnering groups. Cash expenditures for administration are about \$166/Mile of shoreline

MHB protects as much shoreline as the coast of California with the Lakes and both sides of the River considered, about 925 miles. Population served includes more than 8 counties that are increasing rapidly in population. It impacts about 2,000,000 square miles of watershed (PCA, 2000), drinking water for rural wells hydrologically connected, and downstream urban areas of St. Cloud, Minneapolis and St. Paul which all draw water out of the Mississippi River.



Mississippi River, Hubbard County.

MHB SPECIAL GRANT FUNDED PROJECTS:

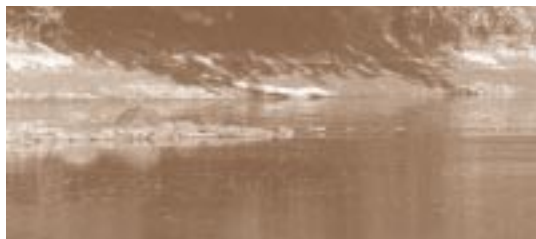
1. Wellhead delineation project for Source Water Protection through the MN Dept. of Health (MDOH) recognizing the significance of hydrogeological interchange between groundwater and surface water in each county, (\$213,000).
2. EPA 319 Non-Point Source grant to participating projects: Itasca County shoreline stabilization; Crow Wing County Whiskey Creek Project; Hubbard, Cass, Beltrami, Leech Lake Band of Ojibwe Wolf Lake Waste Water Treatment; four educational workshops, Cass County Septic Inventory and Cass County Extension shoreline education, (\$289,500 total).
3. LCMR Economic/Environmental trend development study on Lakes in the MHB region with addition of four new schools to the River Watch Program including a Tribal School in Cass Lake, (\$100,000).
4. Healthy Organizations Project (HOP) through the Central Initiative Foundation, (\$5,000).
5. Amended MHB Plan, (approx. \$40,000 from Legislature + \$8,000 from counties).
6. Rossman Water Book (\$60,000 over four years, Blandin Foundation).
7. MHB Plan publication grant, DNR (\$4,000 for mapping and printing of maps to be incorporated into the MHB Plan and any additional printing or binding that can be completed within that budget).
8. Oral History Intern, "Voices of the River, Tributaries From the Past"; (Univ. MN \$10,000 intern).

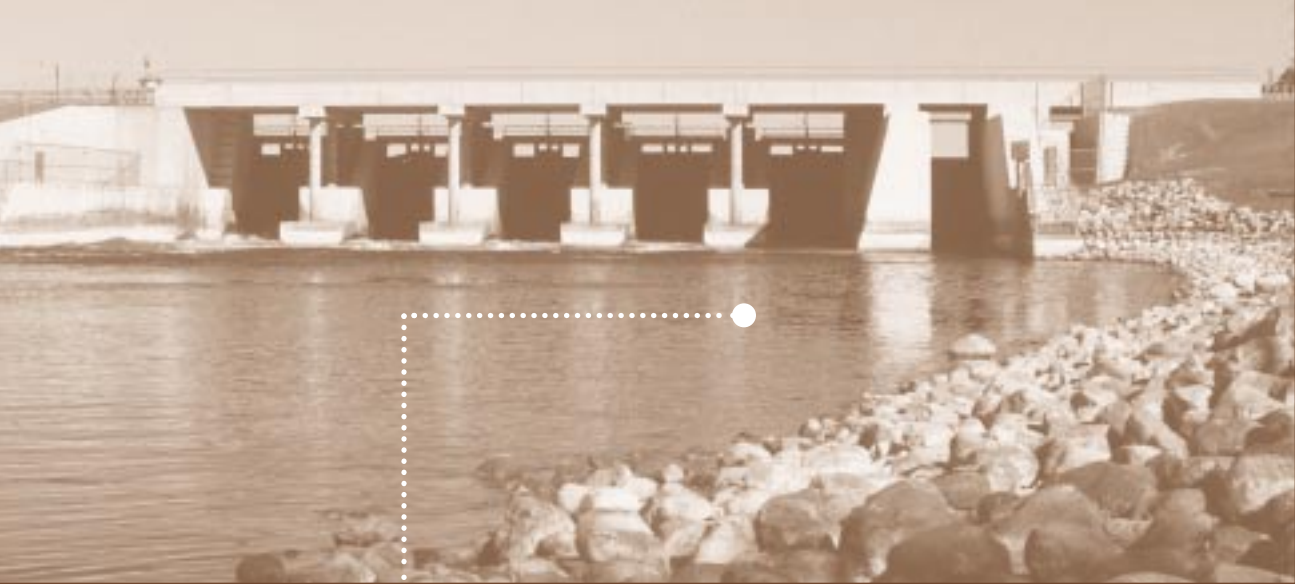
January 1978,

Congressman Oberstar succeeded in amending the bill to require a more complete study. As a result, the Upper Mississippi River of Minnesota was deleted from the Omnibus Parks and Recreation Bill passed by Congress.

July 1979,

MN State Senator Robert Lessard declines President Carter's personal request to allow the designation. August 1979, President Carter called for another study to *"...determine the specific requirements for protecting the River corridor, providing public access, campgrounds, and other recreational facilities."*





Winnie Dam, Cass/Itasca County line.

February 22, 1980,

The counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison signed a joint powers agreement organizing the Mississippi Headwaters Board for the purpose of providing an alternate strategy for protecting the Mississippi River by regulating private lands through shoreland regulations and public lands through cooperative agreements (MN Stat. 103F. 367 Subd. 8.) with other agencies.

April 1980,

The National Park Service was directed to complete the study.

Summer, 1980,

MHB completed the Alternative MHB Plan and it was adopted by reference (MN Stat. 103F. 361 Subd 2).

MN Stat. 103F. 367 Subd. 1 established MHB as a “permanent board.”

MHB ACTIVITIES ONGOING:

1. Comment and review of conditional uses, forest management plans, shoreland alteration, water plans, and land use plans and subsequent ordinances.
2. Fiscal Agent for the River Defense Network, an ad hoc group of commercial, industrial, and governmental entities cooperating to provide spill prevention along the Mississippi River corridor from Bemidji to St. Paul.
3. ROPE (Reservoir Operation Plan Evaluation) activities in coordination with the U.S. Army Corps of Engineers, helping equip citizen taskforces with stakeholders in the decision making process.
4. Provide protection of a national resource at a local level of government through public Informational meetings as needed.
5. Facilitate various meetings, coordinate, encourage, and provide resources, as we are able.
6. Oral History collection “Voices of the River, Tributaries From the Past.”
7. River Watch coordination, teacher workshops and youth Congresses.
8. Routine MHB Plan implementation at monthly meetings and through administrative actions.
9. Grant writing and technical assistance.
10. Public information through press releases, and presentations.
11. Annexation process by which MHB lands are incorporated into municipal boundaries while maintaining equivalent protection.
12. Consensus building through new cooperative agreements.
13. Updating of old agreements.
14. Community Wastewater Treatment Projects, specifically Upper Mississippi Watershed Wastewater Project.
15. Complaint receipts, and referrals.
16. Networking, putting people in touch with possible resources or cooperators to achieve various tasks.



Morning fog on the Mississippi River, Aitkin County.

ACTIVITIES REVISED DUE TO BUDGET REDUCTION:

1. River Watch coordination position not renewed.
2. Quarterly newsletter stopped.
3. Charge for publication of Amended Plan (\$15.00 each).
4. Reduction of commissioner and advisory committee mileage reimbursement to \$.30/mile.
5. Reduction in staff to one fulltime employee (FTE) and one permanent part-time staff assistant (32 hours/week).
6. Reduction/elimination of River Watch and legal consultants.
7. Salaries frozen.
8. Voluntary absorption of mileage and other travel expenses by staff.
9. Heavy reliance on volunteer hours provided by staff.
10. Reduction of meetings of the MHB Advisory Committee.
11. Heavy reliance on electronic mail for communications.
12. Delegation of related activities to administrative rather than Board action.
13. Relinquishment of cellular phone as part of the MHB Health and Safety plan.
14. Heavy reliance on RSVP volunteers hours to operate the oral history program.
15. Heavy reliance on local organizations to subsidize River Watch volunteers monitoring training expenses.
16. Outsourcing special tasks for which MHB has expertise, but do not have funding or staff time to accomplish.
17. Continue to rely on employee vehicles and personal insurance for agency business.

August 1980,

The National Park Service releases its Draft Conceptual Master Plan for the Upper Mississippi River as a National Wild and Scenic River which is held in abeyance pending alternative strategies by the Counties through MHB.

August 29, 1980,

Assistant Secretary of the Interior Robert Herbst suggests MHB adopt provisions that *“would make the Mississippi Headwaters Board a strong comprehensive mechanism for the protection and management of the River,”*

September 1980,

MHB initiates action through the legislature to follow Herbst's suggestions.

October 22, 1980,

MHB sends detailed response to Herbst summarizing changes to the Plan.



Mississippi River, Itasca County.

November 26, 1980,

Herbst endorses local management of the Upper Mississippi River recognizing efforts of the Mississippi Headwaters Board. Herbst points out “*potential problem areas*” of the MHB Plan, specifically:

- a. Authority to deny actions (MN Stat. 103F. 361-377)
- b. Routine funding, (\$169,000 pass through grant from DNR, 1983)
- c. Cooperative agreements with other levels of government with special attention to the Leech Lake Band of Ojibwe (Cooperative agreement of 1983).

1984,

Minnesota legislature amends MHB Plan to ensure state agencies are consistent with goals of the MHB Plan.

1986-1988,

MHB and Advisory Committee Review for resorts and campgrounds, corridor boundaries, erosion control and vegetative management controls.

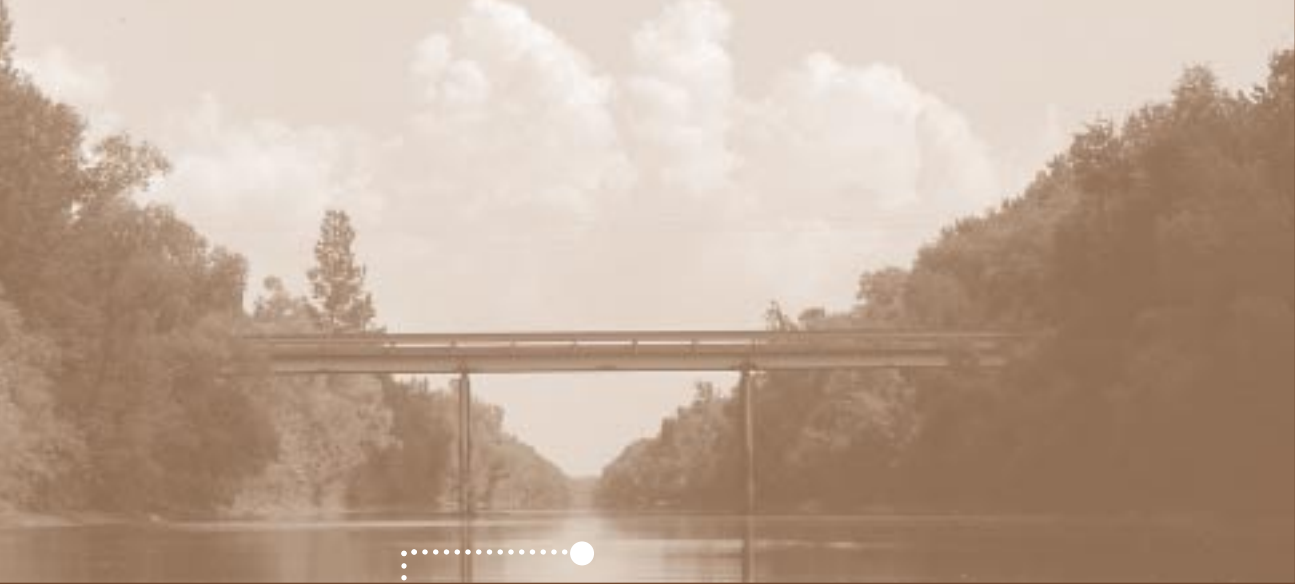
It is difficult to assess MHB effectiveness without crediting the fine work of member counties and partners over the last 22 years. The Director’s condensed assessment of MHB effectiveness in protecting and enhancing the natural, scientific, historic, recreational and cultural values of the Mississippi River and related shorelines within the member counties in a nutshell is that with the resources available, the MHB communities have done a good job of preventing some types of problems, but are under-equipped for others.

Despite conscientious efforts of all partners I am sorry to report there are four stretches of impaired waters. Four stretches in 400 miles are far less impairment than in downstream reaches of the Lower Mississippi River Basin. Nevertheless the impairment exists and indications are that impaired waters are increasing as population density and demands expand. Data showing impaired waters is taken from volunteer River Watch monitoring in 1998, used by PCA for 303(d) determinations.

The first stretch has been cited by PCA as impaired with respect to Dissolved Oxygen (DO). However in this area, there are many groundwater springs and wetlands all of which contribute to “anaerobic” (without air) conditions. The presence of groundwater and wetlands could mean that the low DO may be naturally occurring, and not the result of impairment. DO levels below the standard of 5ppm in this area are expected to be delisted as naturally occurring.

The other three impaired river segments are due to high turbidity, low DO, and threats to aquatic health possibly due to nutrients near urban developments where MHB has no authority unless lands are annexed. Therefore, MHB continues to encourage partnerships and programs that address issues relating to shoreline destabilization, erosion, impervious surface and deforestation.

Best Management Practices (BMP’s) have been encouraged and funding is often attained as incentives to address these issues. However, it appears that the increases in density are so rapid that regular BMP’s may not be adequate to prevent future deterioration.



Aitkin Flood Diversion Channel, Mississippi River, Aitkin County.

2000,

Decrease to \$130,000 in MHB funding as recommended by DNR, included a revision of the termination clause agreement with MHB essentially giving DNR authority to dissolve MHB as a permanent board by withdrawal of funding.

July 2002,

Approval of MHB Plan amendments after five-year comment and review period. Presiding Chairpersons Margaret Sherman (Aitkin Co.), Robert Wilhelm (Itasca Co.), Ron Otterstad (Beltrami Co.), Virgil Foster (Cass Co.), Dean Newland (Clearwater Co.) as provided in statute.

A constant concern to MHB is the negative perception that MHB is an unnecessary layer of government. Sometimes the County MHB ordinance is the only layer that advocates consistent environmentally sound protective guidelines for this sensitive area.

MHB provides the consistency needed by certifying or disapproving plats, variances, or ordinances. The dedication of Counties and MHB staff ensure consistency in justified exceptions to the minimum standards (i.e. Variances and conditional uses). Unjustified exceptions are often proposed. Staff work with applicants, their consultants, attorneys and/or advocates tirelessly in an effort to allow the proposed use in a responsible manner through new technology or Best Management Practices.

MILESTONES

New cooperative agreements established with:

U.S. Army Corps of Engineers (ACOE), the City of Palisade and City of Cohasset finalized. The agreement with the ACOE essentially ensures that applicants may not sidestep local authorities by stating that ACOE permit approvals are in effect only when local regulations are adhered to. The cooperative agreement with Palisade ensures a positive tone for future annexation negotiations and discussions pertaining to annexation procedures. Annexation in the Cities of Aitkin, Brainerd, Cass Lake and Little Falls, and their adoption of consistent MHB standards in their ordinances was another important milestone (These agreements are in compliance with MN Stat 203F. 367 Subd. 8).

Certification of annexation ordinances are pending in Aitkin and Palisade. Requests for cooperative agreements have been made to the Cities of Bemidji and Grand Rapids in anticipation of annexation proceedings. MHB is proud of these achievements and its continued success.

President George W. Bush proclaims October 18,2002 to October 18, 2003 the Year of Clean Water:



Fishermen on the Mississippi River south of Brainerd, Crow Wing County.

While celebrating cleaner water, our research tells us that impairments remain. When comparing the stretches of impaired water of the Upper Mississippi River to the Lower Mississippi River basin, it is obvious that MHB is the best example of how cost effective Pollution Prevention (P2) is, as compared to clean-up costs (overall statistics show clean-up to be about ten times more expensive than P2). The 2003 Minnesota Legislature will decide what is most fiscally responsible.

The total cost of remediation for Hennepin Paper Mill in Little Falls now is more than 10 times MHB's annual budget. The work to protect the River at a local level of government without federal intervention should not be lost, nor the current cost effective Pollution Prevention be underestimated.

The Mississippi River needs to be a priority. A strong MHB helps ensure that priority. In the interests of the River and the needs of Minnesota let us build on the good work of our predecessors, make the best decision for today based on the information, and move forward.

January 2003,
DNR proposes a budget omitting MHB from the funding designated to it. The purpose DNR has in mind is commendable, that of balancing a budget. However, the funds they are absorbing were intended for the Mississippi River. Values maintained uniformly and consistently by MHB implementation of the minimum standards in the eight Counties are at risk.



Fletcher Creek Campsite, Morrison County.





Canadian Geese on the Mississippi River, Crow Wing County.

2001-2003 MHB BOARD & STAFF

County	Commissioner	Dates
Aitkin	Darrell Bruggman	1999-2003
Beltrami	Steve Booth	2001
	Jack Frost	2002-2004
Cass	Virgil Foster	1979-2002
	Dick Downham	2003-present
Clearwater	Dean Newland, Chairperson 2002	2001-2002
Crow Wing	Ed Larson, Sec/Treas. 2003	1999-2003
Hubbard	Swede Nelson, Chairperson 2003	1999-2004
Itasca	Bob Wilhelm	1997-2002
	Russell Klegstad	2003-present
Morrison	Bill Block, Sec/Treas. 2002, Vice Chair 2003	1985-present

STAFF/CONSULTANTS/INTERNS

Jane E. Van Hunnik, MS Director(FTE)	1998-present
Theresa Eclov Office Manager/Planner (position eliminated)	1991-2002
Kathy Cox Staff Assistant (PPT)	2002-present
Tamie Fairbanks River Watch Coordinator/Consultant (eliminated)	1999-2002
Patricia Oliver Volunteer consulting oral history coordinator (volunteer)	1999-present
Bruce Johnson CAP Oral history intern (temp.)	Summer 2002



View from the Mississippi River as it enters Little Falls, Morrison County.

MHB ADVISORY COMMITTEE ...continued

REPRESENTING	APPOINTEE	SUBCOMMITTEE
Hubbard County	John Weber	Co-chair
	Harold Cotant	Stewardship
Fishing guide	Terry Larson	Water
	Garry Johanson*	County Planning and Zoning
	Darrin Moe*	Water Planner
Itasca County	Terry Greenside*	County Planning and Zoning
	Judy Nelson (not renewed)	Water
	Lisa Jokela	Water
	Art Norton*	Water Planner, SWCD
Morrison County	Roger Kuklok*	County Planning and Zoning
City of Little Falls	Joe Sauer	Stewardship
	Willard Doucette	Land
Camp Ripley	Bill Brown*	Ex officio members
Camp Ripley	Marty Skoglund*	Ex officio members
Chippewa National Forest	James Tande*	Ex officio members
BWSR	Dale Krystosek*	Ex officio members
PCA	Jim Hodgson*	Ex officio members
DNR	Dave Hills & Larry Kramka*	Ex officio members
U.S. Army Corps of Engineers	Ray Nelson	Ex officio members

According to MHB by-laws Article V the MHAC (MHB Advisory Committee) will consist of persons from member counties, agencies and interest groups:

- One from each county appointed by the County Board;
- One County official representing zoning, land, highway, or SWCD;
- At large members appointed by MHB for special interests;
- City, township, state, tribal and federal agencies as ex officio members.

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“MHB strives to protect and enhance the outstanding values of the Mississippi Headwaters to provide an area of clean water, healthy environment, sustainable communities, which are balanced by economic, environmental and social factors.”

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Mississippi Headwaters Board

Cass County Courthouse • PO Box 3000 • Walker, MN 56484-3000
PHONE: 218-547-7263 • **TOLL FREE:** 1-888-547-3301 ext. 263 • **FAX:** 218-547-7376
EMAIL: cass.mhb@co.cass.mn.us • **WEBSITE:** www.mississippiheadwaters.org

Photos courtesy Peter L. Card III
Cover photo: Mississippi River bridge, Beltrami County.



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