

A HISTORIC RECORD OF DEVELOPMENT
OF
QUETICO-SUPERIOR WILDERNESS AREA
AND OF THE
CHIPPEWA NATIONAL FOREST, MINNESOTA

By

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THE QUETICO-SUPERIOR AREA

Nowhere east of the Rockies can be found a wilderness area possessing such unique charm and appeal to seekers after outdoor recreation as in the great region of lakes and streams, granitic outcrops and forests of pine, spruce, balsam fir and aspen, which occupies the northeastern Arrowhead country of Minnesota lying between Lake Superior and the International Boundary.

Similar territory extends northward into the Province of Ontario, and constitutes the Quetico region.

Maps of this Minnesota playground show over 1,500 lakes, some of them, like Rainy Lake, of great extent, all picturesque and for the most part accessible only by canoe and portages. The heart of this wilderness has been set aside as a roadless area devoted primarily to recreational pursuits under relatively primitive conditions.

The multiplicity of canoe routes and the preponderance of lake over stream mileage on the waterways is due to the geological formation of the region and its recent glaciation. The granitic rocks which underlie the thin mantle of sand, gravel, clay and peat bog are an extension of the great Laurentian shield which reaches from Labrador to Western Ontario and is composed of the oldest rocks in the world. These impervious rock masses, worn and scraped by the glacial plow which retreated at the dawn of civilization ten thousand years ago, form numerous dams and dykes marked by waterfalls and rapids of short extent, easily portaged. On this foundation is overlaid a confused assortment of glacial drift; of eskers, the serpentine ribbons of gravel deposited originally by streams which flowed under the glacial ice, often for many miles; and of pot holes formed by the melting of huge masses of buried ice. In the centuries following the final release of the land from its mile-deep burden of ice, peat has formed in all depressions where moving water was not present, or still water was not too deep for its growth. Even on level poorly drained ground this growth, known as muskeg, covers the entire surface. To the westward between Red Lake and the Rainy River, these bogs stretch for mile after mile, supporting the ever present spongy sphagnum moss, small shrubs of Labrador tea, and stunted black spruce, growing in Lilliputian forms to great ages. On the borders of the lakes and on the narrow ribbons of flat flood plains along streams, are found groves of magnificent red pine, known universally throughout the region as "norway"; the stately and delicately foliated white pine, the monarch of the forest, towering above all other trees; and the humble poor relation, the jack pine, fire born and fire destroyed. White, black and red spruce grow wherever the site is favorable, and the balsam fir, a poor weak form of the eastern fir though of the same species, struggles along as an understory and under favorable conditions grows to fair size as a pulpwood species. On the numerous old burns characteristic of the entire Laurentian country, aspen springs up, sown by light wind-blown seeds which germinate only on bare fire swept soil. On well drained but moist sites, this tree may reach two feet in diameter and ninety feet in height before decay overtakes it. But over most of the area on the thin and dry soils, it falls a victim to canker and internal rot at an early age, and serves chiefly as a nurse tree, under whose thin shade the white pine can often reestablish itself.

Great conflagrations in the past have ravaged these northern forests and left indelible marks on the vegetation. Beginning with the Mirimachi fire in Maine in 1825, these fires, reaching hurricane violence, have taken toll of human life and property. Minnesota had her baptism of fire in 1894 when at Hinckley over 400 persons perished. This was followed by the Baudette fire of 1910, and the disastrous conflagration of 1918 in which the town of Cloquet was burned, and Duluth itself escaped only by its sheltered location in the lee of a great plateau sloping abruptly to Lake Superior.

These fires were not confined to historic times, though since the advent of the trappers and voyagers, the white man has been the chief incendiary. The Indian may have had his share, tho usually cautious with fire in this region, knowing its danger. We can trace these great past fires by the evidence still present in the forest, for the even-aged stands of both norway and white pine, aspen, and jack pine, all came up after fire had killed the older timber. In the case of the white pine, old, large, veteran trees with thick bark usually survived the fire, to serve as a seed source. The norway pine was more fire-resistant, and seed was not wanting. Aspen and jack pine were invariably killed. But the aspen seed, very small and provided with a "parachute" of downy hairs, could float for miles, and small groups of surviving trees in unburned patches sufficed to seed wide areas. Jack pine possessed an even more efficient insurance against extermination. Here the seed was sealed by resin in closed cones, which

preserved in indefinitely, until a fire killed the stand, when the cones would open with heat and a new, often overdense stand spring up on the blackened area. For all of these species, therefore, the reproduction was in the form of even-aged stands.

One of these widespread fires occurred about the year 1913. It was followed by the establishment of numerous groves of Norway pine, all dating from that year. Another, which had important consequences to the Quetico-Superior project, burned in 1870 and completely destroyed an area lying in the heart of the Arrowhead county east of Ely and Winton, so that the only surviving pines were a small group of veteran white pine on an island in the middle of Lake Isabel. Hence jack pine took over the area, mingled with aspen.

When in the heyday of clear cutting from 1890 on, the timber cruisers and locators scoured the entire region for pine, all they found in this area of thirty by fifty miles was this growth of young jack pine, and of aspen which, at thirty-five years of age on these poor soils, was already cankered and valueless. Solely for this reason the land remained government property and in 1909 was withdrawn and included in a proclamation establishing the Superior National Forest.

THE CHIPPEWA NATIONAL FOREST

But this was not the first attempt to inaugurate a movement for national forests within the boundaries of Minnesota. Seven years earlier, the so-called Morris Act of June 27th, 1902 laid the foundation for the ultimate establishment of the Chippewa National Forest on the headwaters of the Mississippi river. For several years preceding this event, friends of the Chippewa Indians of Minnesota whose lands and timber had been trustfully ceded to the government under the treaty of January 14, 1889, had become increasingly indignant at the open and flagrant abuse of this treaty. The disposal of the timber was to have taken place by auction, based on estimates made by timber cruisers, a method which had soon been shown to lend itself to fraud and collusion. But the spark that lit the conflagration was a law passed in 1897, 55th Congress, Session I, Chapter 3, permitting, in advance of final sale, the logging of "dead and down" timber, ostensibly in order to salvage its value. Once these operators started cutting, they took every green tree within reach. Some of it was paid for at dead and down prices, and some simply stolen. One trespass suit against a prominent citizen of the state was settled by court order for \$87,000, after it became evident that the panel of veniremen had been loaded with friends and employees of the accused.

With this background, it was not difficult for an aroused public opinion to influence Secretary of the Interior Ethan Allen Hitchcock, in 1899, to suspend the sale of the timber on the four reservations of the Mississippi band of Chippewas around Cass and Leech Lakes, pending a better solution of the problem, and in the hope of realizing full value of the timber for the Indians when it was finally sold.

Many persons then visited this area to see for themselves what the fight was about. General C. C. Andrews, the state's veteran chief fire warden, advanced the suggestion that the reservation be made a national park. Against this idea, it was argued that the timber belonged to the Indians, and would cost millions of dollars, (this appraisal was later verified,) and that it would withdraw from commercial use about one billion board feet of high grade pine with corresponding economic loss in employment and industry. Each of these two groups of contenders proved strong enough to block the other. After three years, getting nowhere, the principles embodied in a law proposed by Congressman Page Morris of Duluth in 1902 offered a way out which was accepted by both groups. These principles were first proposed by the author.

About this time and actuated by the idea that the more land included in the proposed park, the better it would be, a certain Colonel Cooper of Chicago proposed the inclusion of all the area east of Cass Lake, stretching even to the suburbs of Duluth, and published a map to this effect in the Minnesota papers. His plan did not diminish local opposition to the more moderate ideas put forward by the Federation of Women's clubs and other supporters of the park idea, who were later won over to the compromise plan. The provisions of Congressman Page Morris' proposed legislation are worth noting, for they harmonized the conflicting demands and needs of the two interests and points of view which have elsewhere and since clashed repeatedly through the length and breadth of the land and are still at sword's points. In the one group are represented the extremists who would never cut a tree if it can be saved, nor interfere in any way with nature's treatment of the forest. In the other camp are those engaged in the production of lumber, a vitally essential commodity without which our civilization would never have attained its present material growth and comforts, but who have little use for the sentiment "woodman, spare that tree".

In Minnesota under the operation of the Morris Act, these hostile interests were able to reach an agreement which has endured for over fifty years to the complete satisfaction of each group and the maximum benefit to the locality, the state and the nation.

The Morris Act June 27, 1902, later amended on May 23, 1908, gave first consideration to the legitimate aspirations of the public as represented by the conservation groups. It provided that strips of timber constituting "fractional lots" in the U. S. Land Survey, bordering the shores of Cass Lake, to the total of 10,000 acres, together with the famous Star Island and a peninsula, Sugar Point, on Leech Lake, should be preserved as park and recreational land. The stands of norway pine which were spared from the axe by this provision were well worth the cost. Until wrecked by a violent storm in August, 1940, these groves of tall, dense, red-barked trees, carpeted with pine needles, were the ideal of what the vacationist thought forests ought to look like.

How did it happen that the same public which had been so insistent on a national park absorbing the entire area not only accepted this apparently meagre provision for their wants but have remained satisfied with the arrangement ever since? The answer lies in the fact that the actual habits and behavior and consequently the real requirements of persons seeking this form of recreation, were made the basis of the compromise. It was realized that where there is water, visitors concentrate along a narrow strip bordering the lakes and streams, where they can enjoy boating, swimming and camping on the shore among the trees. Not one in a hundred of such pleasure seekers ever goes back more than five hundred feet from a shore line, unless he has some interest like hunting or botanizing, in which case the cutting of trees does not offend him and is even welcomed, as it increases the food available for game and the range and variety of plants for study.

Under the provisions of the Morris Act and its amendments, the timber lying beyond this recreational strip was cut and the proceeds, amounting to over \$12,000,000, were deposited to the credit of the tribes. But this was not clear cutting. Following the method by which nature appeared to have insured the succession of pine after fires, five per cent in 1902, and in 1908, ten per cent of the board foot volume, selected from sound and thrifty trees, was left for the production of seed. The slash from tops and limbs was piled and burned at the operators' expense. These statutes further provided that the forestry measures should be carried out by the Forest Service in the Department of Agriculture of which Gifford Pinchot was then Chief. After the cutting had been completed, (which took twenty years) the area was to be given the status of a national forest, which it is today.

Furthermore instead of the old system of sale of the timber, open bidding, and collusion based on low and inaccurate estimates, sealed bids were required and the logs were scaled and paid for after cutting, which realized stumpage prices as high as \$12.00 per thousand board feet. The cost of slash disposal, an operation unfamiliar to and feared by the lumbermen, was found to be from 25 to 50 cents per thousand board feet. When cutting was finally completed in 1923, the government paid the tribes a lump sum for the seed trees, young timber, stands of unmerchantable species, and park reservations, and for the land.

The sums appropriated on April 14, 1923, to the Chippewa Tribes were:

Value of five and ten per cent timber reserved from cutting	\$ 336,684.31
Value of timber on Ten Sections, islands, and points	914,830.09
Value of land reserved for forestry purposes	238,681.16
Total amount due Chippewa Indians	\$1,480,195.56

Subsequently, the representatives of the Chippewa Indians appointed at a general Council on October 31, 1922, appealed to the President of the United States from the findings of awards of the Commission. The President however on April 9, 1923, approved the findings and award without modification. This action fixed and determined the amount which should be paid to Indians for the land and timber comprising the Minnesota National Forest.

This letter was signed by Hubert Work, Secretary of Interior and was accompanied by the detailed report of the Commissioners, dated January 16, 1923, itemized as:

1. The per cent for reforestation, from the 5 and 10 per cent reservations,

White pine	12,935,045 bd. ft.	\$ 111,756.72
Norway pine	28,385,750 bd. ft.	224,927.61
Total		\$ 336,684.33

2. The Ten Sections, islands and points,

Saw timber	48,688,000	
Cords	13,067	\$ 914,830.09

3. Land, 190,944.93 acres at \$1.25 per acre

		<u>238,681.16</u>
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Total amount due Chippewa Indians

		\$1,490,195.58
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The Commissioners were:

Mark L. Burns, designated by the Indians		
Dr. W. M. Wooster	"	" " Secretary of Interior
Leon E. Kneipp	"	" " President

In addition, the Indians were paid interest at 5 per cent, to the date of the award in the sum of

\$ 184,257.01
124,257.85
<u>70,103.53</u>
\$ 378,618.39
223,162.62
<u>12,000,000.00</u>
\$12,601,781.01

and for swamp land

Timber approximately

BUGAMAGASHIG'S "WAR"

The area was given the name Minnesota National Forest, but was later and more suitably, called the Chippewa National Forest after the tribes which in their entire history, except for one sporadic outbreak, have remained at peace with the white invaders. This eruption of violence was caused by a practice, on the part of a government agent, of arresting Indians on trumped up charges involving liquor, transporting them to Duluth, collecting mileage, and letting them walk back. An old chief, Bug-a-mag-shig, decided that he had done this once too often. When threatened with another arrest, he and a few of his clansmen holed up on Sugar Point in Leech Lake. When troops were sent to effect the capture, the Indians resisted by gunfire, and Major Wilkinson of the U. S. Army was killed. Old Bug never served his term!

HOW THE MORRIS BILL WAS PASSED

On November 15, 1901 the author sent to the Minnesota Forestry Association an article entitled "Minnesota's Greatest Opportunity in Forestry". As the writer could not be present at the annual meeting of the Association, it was not presented. This article was published in the Mississippi Valley Lumberman January 17, 1902, page 90. (Folwell's History of Minnesota, Volume 4, page 258.) In this connection, Dr. Folwell stated that this was the first publication of the plan later adopted as an amended form of the Morris Bill. The article stated that this opportunity lay in the handling of the Chippewa Indian Reservation about Leech and Cass Lakes. The plan for including this area in a National Park was disapproved. The author then explained the difference between park and forest management. Lumbering, he said, was the first requisite in forestry, but forestry is more than lumbering. It is a community of living trees capable of reproducing themselves and perpetuating the forest forever.

No park movement which would sacrifice to pleasure, material of vast economic importance to the country, could here succeed, as it would be a direct violation of the law of the greatest good to the greatest number. The article concluded with this statement: But in any case, it must be clearly recognized that once the title to this fraction of the reservation, known as Pine Lands, passes into private hands, all hope of regenerating the forest is lost, and Minnesota will some day realize with sorrow her ignorant shortsightedness.

The article "Minnesota's Greatest Opportunity in Forestry" was mailed to Mr. Morris about November 29th. On the evening of December 3rd, I obtained an interview with him. He stated that he had read it the day before, and that it contained the first practical suggestion that he had had presented to him short of stripping and selling the land. (My own opinion on this point is that while these suggestions had long before been put forth, neither Mr. Morris nor others in Duluth had ever thoroughly understood them or disassociated them from Colonel Cooper's Park and the preservation of the timber intact, or impossible "selection" cutting.) He said that his bill had been completed and that two days was a very short time to remodel his ideas. That the bill represented as near as possible his views as to what was possible under existing conditions. That he would be willing to agree on any amendment on which the delegation could agree. He urged me to see each of the other members of the delegation and present my ideas. He would introduce his bill on the morrow as it was, and it would be a simple matter to amend it later in committee.

Mr. Morris saw Senator Nelson and explained the main points of the paper and I found the Senator well posted and not only in sympathy with the proposed changes in the bill but manifesting intelligent and hearty interest in forestry. I personally interviewed Mr. Tawney, Mr. Fletcher, Mr. McCleary and by request of Senator Nelson, saw Senator Clapp and Mr. Eddy, and either gave or mailed each a copy of the article, also supplying Mr. Stevens.

When my talk with Senator Nelson was concluded, he sent his secretary, a tall, gaunt Norwegian, with me to the office of Senator Moses Clapp, his colleague. The Senator had not yet arrived so I waited for him. When he finally came, his first act was to go to a cupboard, extract a flask and pour himself a stiff dram of whiskey. He then asked my business and I stated it. Mr. Clapp showed no interest whatever. Stated that the matter should be taken up with Secretary of the Interior Hitchcock, and terminated the interview. I returned to the office of Senator Nelson who asked me, "How did you make out with Clapp?" When I told him, he remarked emphatically, "I will talk to Senator Clapp". Clapp became a supporter of the bill and rendered valuable services.

Mrs. William Bramhall, representing the Federation of Women's Clubs, had become vitally interested in the question of the Chippewa Indian Forest. Mr. Morris's original bill had provided for the sale and cutting of all the timber and disposal of the lands, hence she regarded Mr. Morris as inimical. I did not inform her of my plans for securing amendments to the Morris bill until the matter was well advanced. When she learned of this, she was quite alarmed but, on being informed of the circumstances, lent her support to the project.

I had been appointed by Gifford Pinchot as an official correspondent of the Forest Service at \$25.00 per month, a position I occupied for three years. Mr. Morris decided to call a conference at Washington which would include the members of the Minnesota Congressional delegation and others interested, including Colonel Cooper. Mr. Pinchot requested that I attend this conference, which I did. At that conference the proposal was made that the provision for leaving seed trees and piling and burning slash should be supervised by the U. S. Forest Service, which proposal was adopted in the bill. At one point one of the congressmen stated that in his observation when pine was cut it was followed by a growth of scrub hardwoods instead of pine seedlings. I became alert and the chairman remarked, "That young man has something to say". I stated that the reason for this was simple. Pine could not reproduce itself in the absence of seed. By leaving seed trees, the pine reproduction could be secured. The upshot of the conference was the inclusion of the seed tree provisions and the appointment by Gifford Pinchot of Eugene Bruce, an Adirondack lumberman, in the employment of the Forest Service to supervise the operations, including the selection of 5 per cent and, in the later amendment of the act, 10 per cent of the standing pine for seed trees.

The lumbermen who had never before been required to pile and burn slash were reluctant to purchase the timber on these terms, until the Weyerhaeuser interests at Cloquet stated their intention of purchasing, when the others fell in line. It was found that the cost of piling and burning the slash averaged about 50 cents for a thousand board feet.

Gill Hartley, a land speculator residing in Duluth, who was much opposed to the Morris Law provisions thought to discredit the operation by taking photographs of the work, but these showed such efficiency that he was unable to make any capital out of it.

When Mr. Bruce arrived at Cass Lake, on Mr. Pinchot's request, I went to see him, to be of what help I could. I had not previously met him. After some discussion he proposed that we drive out and look over the land. Now it had happened that I had previously discovered a very interesting silvicultural fact. When Norway pine seedlings started along with Jack pine the latter, growing much more rapidly,

suppressed the norway pine. But these norways were not killed. They survived from 50 to 70 years at which time the overstory of jack pine became overmature and decadent and released the suppressed norways. Not discouraged by this long period of waiting, the norway pines then resumed a normal rate of growth and became trees of mature size and quality. I had found that the stumps of these norway pines contained a central core of 70 to 80 suppressed rings thus demonstrating their history.

We drove past a stand of jack pine illustrating this condition with the suppressed norways under the overstory. Bruce, waving his hand, said "Look at that, Chapman, those jack pines are acting as a nurse for the norways".

Now as a forester, accustomed to the atmosphere of scientific inquiry, I assumed that Bruce would be interested in learning the true facts, but that was where I made my mistake. When I attempted to explain, he got red in the face, almost bit off his pipe stem, and lashed the horses into a dead run. That terminated my connection with Bruce at the time. Several years afterwards he recalled the incident to me and said that he thought I was just a smart Aleck trying to show off and he was not going to stand for it. Had I desired employment in connection with this operation this incident would have killed my chances. But I had no such intention.

MEETING OF THE AMERICAN FORESTRY ASSOCIATION IN MINNEAPOLIS, SUMMER OF 1902

After the passage of the Morris Bill in January 1902, I conceived the idea of arranging for a summer meeting of the American Forestry Association, the theme for which would be principally the provisions of the Morris Act. To make this meeting a success, I deemed it necessary to secure the attendance of prominent foresters including a representative of the U. S. Forest Service. The method I pursued was to write to Dr. Bernard E. Fernow, Dr. Filibert Roth, Dr. C. A. Schenck of Biltmore, North Carolina, and Edward A. Bowers of the U. S. Land Office and one or two others, stating that the other aforementioned men were planning to come, and I hoped that the recipient of the letter would be there also. This worked in all cases with the exception of Overton W. Price of the U. S. Forest Service, who, after promising to send a representative, failed to do so.

Fernow and Roth proved very entertaining and the meeting went off well. It was at this session that I presented a paper entitled, "The Effect of the Chippewa Forest Reserve on the Locality". In this paper I threw down the gauntlet on the subject of the fitness of lands in Northern Minnesota for agriculture by stating that over ninety per cent of this area was totally unfit for farming, because of peat swamps, deep, dry, sandy soils or barren rock. I had this paper mimeographed and sent to every newspaper in the northern part of the state, knowing full well the reception it would get. The furor was all that was expected. My foreman at the Experimental Farm told me at my return that the sentiment expressed in town was "Chapman's right but he is a damn fool". But I had anticipated that publishing these facts would so embarrass the University authorities that they might have to dismiss me. I anticipated this result by resigning to complete my forestry education at Yale and transfer my career to Forestry.

THE ATTACK ON THE FOREST RESERVE

Two of the conspicuous citizens of Cass Lake were a Mr. Bernard, a newspaper editor, and Mr. Ed. Warren. These men claimed considerable credit for the passage of the Morris Law, with its attendant benefits to the citizens of Cass Lake, but it soon became evident that they planned to secure if possible the abolition of the entire forest reserve. Getting wind of this, I interviewed the members of the Governing Boards of the Commercial Clubs of St. Paul and Minneapolis and a pamphlet was prepared and adopted by these clubs, giving full support to the forestry program. Shortly thereafter Bernard and Warren showed up to secure the backing of the clubs for the abolition of the reserves, only to find that they were too late.

But in connection with this pamphlet a most remarkable and unfortunate incident occurred. Dr. Leo M. Crafts of Minneapolis, waylaid me one day in St. Paul, bursting with enthusiasm. He showed me a list of the names (not the signatures) of fifty or sixty Indians stating that these Indians had signed a petition in favor of the Forestry operations under the Morris Law. The petition, he said, had been brought to him by Reverend Wright, an Indian minister at Cass Lake, who was absolutely reliable. He then requested that this statement with its signatures, be included as an appendix to the pamphlet issued by the commercial clubs. I made the serious mistake of acceding to this request. It was promptly identified

as a forgery by Gill Hartley and other opponents of the Morris Act. The signatures were identified correctly as those of Indians of the White Earth Reservation which had been attached to an entirely different petition.

This put the two commercial clubs in a most embarrassing position. They endeavored to get to the root of the matter in several interviews with Crafts but he merely persisted in asserting the integrity of the Indian pastor Wright, which got nowhere. I was finally able to solve this mystery. Reverend Wright had been commissioned by the White Earth Indians to present their case at Washington. While there he called on an acquaintance of our family, Reverend Gilfillan. He told me that Reverend Wright, whom he knew, had complained to him bitterly that when he had expected Dr. Crafts to assist him with funds for his trip, the latter had given him nothing. He had employed the subterfuge, evidently thinking it a harmless means of touching the Dr. for funds. Instead, it nearly upset the apple cart.

I learned one thing from this episode, never to accept a statement having an important bearing, on mere hearsay, but always to test it with corroborative evidence.

OPERATIONS UNDER THE MORRIS ACT

The original area reserved for the forest was 225,000 acres. This Morris Act preceded by three years the transfer of the National Forests from the Department of the Interior to the Department of Agriculture in 1905. The demonstration of forest practices on this area, which was the first operation on public lands ever entrusted to the U. S. Forest Service, Department of Agriculture, was so successful that, according to a public statement by that veteran of the Senate, Hon. Knute Nelson of Minnesota, in 1905, at Washington, D. C. in the author's presence at an afternoon reception, it was an important contributing cause of the transfer.

Lumbermen had not been the only opponents of the plan. The town of Cass Lake had expected to become the center of a thriving agricultural community, from settlers clearing and cultivating the cut-over lands. Its citizens gave a half-hearted final consent to the Morris act of 1902 as an entering wedge, confidently hoping to secure the repeal of this statute after the timber was cut. Cass Lake representatives then started a campaign for the abolition of the forest reservations. This opposition took such violent form that in 1908, in the amended act, an area of 50,000 acres lying south and west of the town was eliminated from the reserved land and thrown open to settlers. The soil was a deep sand, the timber jack pine, and the settlers came and later went broke and trekked elsewhere. But the main body of the reserve was saved by throwing this sop to Cerberus. Within ten years, the tourist industry, directly due to the park and forestry measures, had converted the townspeople into enthusiastic supporters of the plan.

Meanwhile the seed trees, in spite of losses from blowdown resulting from sudden exposure of large trees to wind, were at least partially successful in producing a new growth of pine seedlings, which today are in the pole stage and before many years will yield merchantable products. The original area is already managed on the basis of a sustained yield of timber, which will be steadily increased as more young stands reach maturity. No over-cutting is permitted. Devastation by clear cutting and fire is a thing of the past. The policy of devoting each portion of the area to the use for which it has the highest value, giving scenic strips the first priority, has justified itself in actual performance.

THE SUMMER HOME SITES SCANDAL

The reservation of the Park areas on Star Island and Norway Beach in Cass Lake were definitely for the purpose of assuring to the public permanent and unrestricted access to these tracts of virgin forests with the adjoining beaches. But under the Supervisor Ed Marshall, who was their custodian since his appointment at the recommendation of Eugene Bruce, things took a different and disastrous turn. This came about through the existence of a policy established by the U. S. Forest Service of permitting and encouraging the leasing of small plots of land of an acre or two, by persons desirous of erecting cottages thereon for summer residences.

In the Western National Forests there were many areas where this could be done without unduly restricting public rights of access and other uses. The measure proved popular, and an attempt was made to extend the practice to the lands recently purchased under the Weeks Law in the White Mountain area. This caused Philip Ayres, Secretary of the Society for the Protection of New Hampshire Forests, to

serve notice on the Forest Service that if this plan were attempted, he would move for the transfer of the area to the National Park Service. The Forest Service withdrew its intentions.

The idea of permitting individuals to acquire the right of domicile on choice locations on lands acquired and reserved for the permanent use of the general public, was entirely inconsistent with good public policy. Such residences once erected and occupied, although held on an annual rental basis, became in effect an easement on the land practically impossible to terminate by ordinary administrative regulations.

It happened unfortunately that the administration of the Cass Lake area was for a time assigned to the U. S. Forest Service at Missoula, Montana, and later shifted to the headquarters at Denver, Colorado. Neither of these regional Forest Service offices had any clear conception of the exceptional value of these park reservations for unrestricted public use, and both offices were practicing the system of leasing summer homes. The net result of this situation was that Supervisor Marshall permitted such summer home sites to be located and buildings erected covering practically the entire area of Star Island and all but a few hundred feet of Norway Beach, located at the south end near the highway. For this occupancy the Forest Service received a small annual rental from each tenant. No-trespass signs were put up and the priceless charm of the primeval pines, obtained with so much effort and saved from logging, was handed back to a few individuals.

This entire procedure was a betrayal of the public and a violation of good faith by officials not properly informed. But despite its serious character, it has so far proved impossible to terminate the leases or dislodge these invaders. Congressional action seems indicated. A statute should be enacted which should contain the provision that after a period of years, possibly ten, the residences, on compensating the owners for their value, should become the property of the government which could then demolish them.

Had the author become aware of these events or intentions on the part of Supervisor Marshall, he might have been able to prevent them. But this did not happen.

SUPERIOR NATIONAL FOREST

The Morris act of 1902 and the Minnesota National Forest set the stage for the later and more extensive project by which Minnesota obtained its second National Forest, the Superior, with its canoe routes and wilderness area, and inherited with it another chapter of the perennial controversy between economic existence and recreation.

When in 1909, the unappropriated and "worthless" public lands in the northeastern "Arrowhead" district were proclaimed as the Superior National Forest, the original withdrawal was mostly public domain. Later additions to forest included more private lands. The Weeks law of March 1, 1911 made possible their purchase by the Forest Service. This law had at first confined acquisitions to the watersheds of navigable streams but its authority was subsequently extended to include any lands suitable for forest growth. It provided for the creation of a National Forest Reservation Commission of seven men consisting of the Secretaries of War, Interior and Agriculture, two senators and two representatives, who must first approve purchase areas with defined boundaries, and then approve the acquisition of each parcel.

The act of March 1, 1911 stipulated that no lands could be bought in any State until by action of its legislature the State had granted to the Federal Government the right to make such acquisitions. This requirement was intentionally imposed by Congress in order that the Weeks law program might not go beyond the point agreed to by each State. In 1943, Chapter 343 (Minn. Stat. Annotated. 1.041-1.048), the state of Minnesota, through its legislature, granted this right for national forest purposes within the original boundaries of the Chippewa and Superior National Forests, and provided for consent to acquisition elsewhere by the State Land Exchange Commission.

The Weeks law provided that the lands so acquired "Shall be permanently reserved, held, and administered as National Forest land". On these premises, the Forest Service had by July 1, 1942 purchased in the Superior National Forest and adjoining areas 1,116,573 acres at an average cost of \$2.36 per acre and in the Chippewa National Forest as extended in 1936, 388,286 acres at \$2.44 per acre, or an expenditure of \$3,581,267 for 504,859 acres. Had the area been made a National Park by act of Congress, not an acre of land could have been purchased under this Act. Not until within very recent years has the Congress consented to appropriate funds for acquisition of lands for national parks.

As of 1960 the federal purchases in the Superior region consist of about 989,000 acres lying within the Superior National Forest boundaries, plus 827,059 acres of public domain; 108,074 acres by exchange; and 1,502 acres by donations, or a total of 1,925,635 acres. In addition it owns 164,000 acres purchased, plus 26,000 acres of public domain, totaling 190,000 acres, lying respectively west of the Forest in the Kabetogama purchase unit and east in Grand Portage purchase unit. The program is far from completion. Of the land yet to be added within the proclaimed boundaries of the Forest, the State owns 404,423 acres, and the area still in private hands, much of it delinquent for taxes and on the way to state ownership, if not purchased by the federal government, amounts to 543,423 acres, or a total of 947,846 acres of state and prospective state holdings, through the delinquency route as against 1,925,930 acres of federal lands. In the Kabetogama and Grand Portage purchase units, the state owns 221,000 acres, and the area of private land is 443,600 acres or a total of 664,600 acres as against the government's 190,000 acre holdings.

Under the provisions of the state constitution, school lands granted to the state could not be sold for less than \$5.00 per acre, and the swamp land price was set at a minimum of \$3.33 per acre. These prices are for the land alone, without the timber. Compared to the average price paid of \$2.37 per acre for land with whatever timber was on it, the consolidation of the National Forest area could be attained by purchase only by paying to the state twice what the land was worth.

CONSTITUTIONAL AMENDMENT FOR LAND EXCHANGES

Public interest in the region finally reached a point where the voters of the state approved a constitutional amendment, on Nov. 8, 1938 as Article VIII, Section 8, which legalized the land exchanges, after failing at four previous elections. Chester S. Wilson, previously an assistant attorney-general but then in private practice, was active in campaigning for the amendment, and had a hand in developing the procedure for its administration after he became Commissioner of Conservation in 1943. The 1939 legislature promptly passed an enabling Act (Laws 1939, Chapter 382), but this Act proved to be unworkable because it required exchanges to be made on the basis of equal acreage. This was utterly impractical because of the great variation in land and timber values in the forest region.

The amendment itself had permitted the exchange of state lands for other lands of equal value, and the attorney general ruled that this value need not be limited to that set by the constitution but could be the true value of the land. Except for the bungling law of 1939, the way was cleared for consolidation of state and national forests.

The 1939 act was superseded by the law of 1941, Chapter 393. This act except for a few amendments is still in force. (See Minnesota Statutes 1953, Sections 94.341 to 94.347.)

But actual consummation of state and federal exchanges depended on whether the federal government had enough land to offer and was willing to make the exchange. At a minimum, it would now require 400,000 acres to consolidate the Superior National Forest alone—provided all of the private lands were bought before they became state property through tax delinquency. Following the Second World War, federal funds for purchase were cut off, but nothing checked the flow of tax delinquent lands to the state. The holdings of state lands, by reason of forfeiture for taxes, rapidly increased throughout an area of 19,000,000 acres, constituting the thirteen northern forest counties. An unwise public policy, based on blind credulity, plus greed on the part of land speculators and ditch contractors, encouraged by loosely drawn laws, had previously permitted the expenditure of several million dollars in Beltrami, Itasca and St. Louis counties to drain the vast muskeg swamps, which were ostensibly to be used for crop production. These bogs, composed of raw fibrous peat, had already been shown (by the author on the North Central Experiment Station at Grand Rapids, and by others) to be incapable of growing farm crops except at prohibitive cost, but no one interested in speculation wanted to accept such facts. The burden of debt, increased by building roads to isolated and unsuccessful settlements on poor soils, reached dimensions beyond the hope of redemption. Except where good soil permitted agriculture to become established, or iron was found, tax delinquency swallowed private ownership to proportions in some cases exceeding fifty per cent of the total area of the counties involved, bringing these counties to bankruptcy and imposing an increasing burden of state aid. Fortunately the heart of the Superior wilderness was so forbidding to possible settlers, and the cost of constructing roads so great, that the main source of tax delinquency in that portion of the region lay in the cutting over of the land by lumber companies, followed by its abandonment. The settlers were spared the process of losing their all in a hopeless fight against impossible obstacles.

The Superior Roadless Area, as such, stems from a policy statement by Secretary of Agriculture W. M. Jardine on September 17, 1926. Thereafter plans of management were prepared and approved by the Acting Chief of the Forest Service on July 25, 1939, under authority of Regulation L-20.

On February 13, 1948, the Secretary of Agriculture approved a plan of management for the Superior Roadless Areas under Secretary's Regulation U-3 (a) pertaining to the management of the National Forests, and formulated under the general authority of the act of June 4, 1897, as amended. Except for relatively minor changes in boundaries and for the designation of certain areas where timber use will be further restricted, the action under Regulation U-3 (a) merely reaffirmed the existing status and plans of management originally developed and approved by the acting chief on July 25, 1939, under authority of Regulation L-20.

The gross area set aside in the Superior Roadless Area totals 1,038,743 acres. Of this total 162,819 acres consists of water and 875,924 acres is land. In 1948 when the last plan of management was approved, there was a total of 117,493 acres remaining in private ownership in the Superior Roadless Area. This total has been steadily decreased until on April 1, 1957 there remained 37,973.6 acres in private ownership, with about 3,300 acres pending under option.

The following statement covering the status of acquisition of lands in the Quetico-Superior Wilderness area as of 1959 is taken from Minnesota Lands Ownership, Use and Management, by Samuel T. Dana.

Acquisition has proceeded farthest in the Boundary Waters Canoe Area under the stimulus of specific appropriations by Congress for purchases in that area. In 1958 only the following lands were not in federal ownership:

TYPE OF PROPERTY	NUMBER OF OWNERS	ACREAGE
Resorts	18	1,041
Cabins	74	2,377
Unimproved	92	140,862
	184	144,280

Of the unimproved property 110,739 acres were owned by the State, 15,689 acres by Cook, Lake and St. Louis counties, and 9,096 acres by industry. The Forest Service proposes to acquire these and some other lands by exchange of federal lands outside of the Boundary Waters Canoe Area. Purchase of most of the smaller ownerships will be necessary and there are a few properties which will not be acquired.

Acreage tabulations for the Superior National Forest option follows:

Superior National Forest as of June 30, 1956

County	Gross Area	Net Area	State Land	Private Land*
Cook	776,225	591,439	106,482	78,304
Lake	1,050,572	713,387	138,532	198,653
St. Louis	1,046,779	620,904	159,409	266,466
Total	2,873,576	1,925,730	404,423	543,423

* Includes tax forfeited land.

Percent land ownership	74%	12%	14%	100%
Percent land and water				84% 16% 100%

On the remainder of the federal area the lakes were already accessible by roads, leading to summer resorts and cottages on the private land holdings and summer homesites on federal lands as permitted by Forest Service regulations.

Exchange of federal for state lands is facilitated by the general exchange act of March 20, 1922, and March 3, 1925. In addition the act of December 7, 1942 (56 Stat. 1042) authorized specific exchanges with the State of Minnesota outside of forest boundaries, as follows:

PUBLIC LAW 792-77th CONGRESS
CHAPTER 691-2D SESSION
H. R. 4465

AN ACT

To authorize the exchange of certain lands in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any National Park or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota, under the jurisdiction of either the Secretary of the Interior or the Secretary of Agriculture, and which are desired by such State.

SEC. 2. The Secretary of Agriculture is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any National Forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota which are under the jurisdiction of the Secretary of Agriculture and where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the said Secretary of Agriculture; and the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any National Forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under the jurisdiction of the Secretary of Agriculture, in exchange for any surveyed public lands, unappropriated, and unreserved except for Executive Order Numbered 6964, dated February 5, 1935, or public domain in National Forests, of equal value owned by the United States, where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the Secretary of the Interior; the lands within the National Forests so accepted by said Secretary of the Interior thereafter to be subject to the provisions of the Act of February 1, 1905 (33 Stat. 628), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of lands reserved from the public domain.

SEC. 3. The Secretary of the Interior and the Secretary of Agriculture are authorized to make conveyances, on behalf of the United States, to the State of Minnesota of any lands under their respective jurisdictions to carry out the purposes of this Act: Provided, That all conveyances of public domain in National Forests shall be made by the Secretary of the Interior as provided for by the Act of February 1, 1905 (33 Stat. 628).

SEC. 4. The conveyance of any land by the State of Minnesota, under the provisions of this Act, may be made subject to such reservations and conditions as such State shall prescribe, and the conveyance of any land by the United States, under the provisions of this Act, may be made subject to such reservations and conditions as the United States shall prescribe; but such reservations and conditions shall be duly considered in determining the value of the lands for the purposes of making any exchange of lands under this Act. Any exchange of lands under the provisions of this Act shall be made only after a determination that such exchange will be in the public interest. Such determination may be made by the Secretary of the Interior if the lands to be conveyed by the United States are under his jurisdiction and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. Such determination may be made by the Secretary of Agriculture if the lands to be conveyed by the United States are under his jurisdiction and are to be conveyed by him and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. In all other cases, such determination shall be made by the Secretary of the Interior and the Secretary of Agriculture, jointly.

SEC. 5. Lands acquired by the United States pursuant to any such exchange shall become a part of the National Park, National Forest, Land Utilization Project, or other Federal reservation to which they may be contiguous or within the exterior boundaries of which they may be located and shall be subject to the laws, rules and regulations applicable thereto.

Approved, December 7, 1942.

STATE OF MINNESOTA
DEPARTMENT OF CONSERVATION

ST. PAUL 1

November 13, 1956

Mr. H. H. Chapman
194 Canner Street
New Haven 11, Connecticut

Dear Mr. Chapman:

I will attempt to answer your questions in the order in which you ask them in your letter.

1. The initials LUP are the designation for Land Utilization Project. These are lands which were purchased under the Bankhead Jones Act, commonly known as the Resettlement Administration. Two of these projects were set up in Minnesota, and the lands belonging to isolated settlers within these two project areas were purchased by the Federal Government and the settlers moved out of these areas. One project known as the Pine Island project was originally turned over to the Department of Conservation and was managed by the Division of Forestry under a long-term lease. Later legislation by the Federal Government turned the lands in this project over to the State and we now own them.

The other project known as the Beltrami Island Project, namely in Lake of the Woods and Roseau Counties, is still being managed by the Department through the Division of Game and Fish. The lands in this project are under the control of the Department of the Interior.

2. Deficiencies in old congressional grants. The State of Minnesota had a deficiency in their school grants of approximately 26,500 acres. We have received a patent for some 13,600 acres in partial satisfaction of these deficiencies. The remainder of these lands is now awaiting action in Washington and will eventually be granted to the State, thus granting the entire amount of land we originally would have received under the school land grants.

3. The Volstead lands are pending action in Congress. The last two sessions of Congress were considering the transfer of these lands to the State. No action was taken in committee, but we expect that the next session of Congress will consider this transfer and will give the State title to a considerable acreage of the Volstead lands.

I hope this information is of value to you.

The possibility of the State getting title to the Federal lands within the Kabetogama purchase unit is still in the talking stage. It is expected that eventually we will exchange State lands in the Superior National Forest for the Federal lands within this purchase unit.

Undoubtedly you have heard about the copper-nickel prospecting project now going on within the Superior National Forest. It is my understanding that the International Nickel Company has asked for a mining permit within the forest. Extensive drilling has been going on on the edge of the gabbro formation. We are watching with interest the developments of this exploration.

Very truly yours,

(signed)

Clarence Prout, Deputy
Commissioner of Conservation

CP:jh

YALE UNIVERSITY
SCHOOL OF FORESTRY

New Haven, Conn.
November 21, 1956

Mr. Richard C. McArdle, Forester
U. S. Forest Service
Washington 25, D. C.

Dear Mr. McArdle:

In pamphlet on the Forest Resources of Cook County, published by the office of Iron Range Resources and Rehabilitation, Minnesota, on page 52 I find the statement

"An exchange is under consideration whereby the National Forest would relinquish holdings within the area known as the Pigeon River Purchase Unit, and the State would make acquisitions in an effort to help consolidate its present holdings in that area."

In connection with my mss. on the history of the Quetico-Superior area, may I ask that you send me any statement or information on this pronouncement, and greatly oblige.

Yours very truly,

H. H. Chapman

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Washington 25, D. C.

November 29, 1956

L
INFORMATION
General

Prof. H. H. Chapman
194 Canner Street
New Haven 11, Connecticut

Dear Professor Chapman:

This is in reply to your letter of November 21 in regard to possible exchanges between the State of Minnesota and the United States involving National Forest lands within the Pigeon River Purchase Unit, Minnesota.

As you probably know, we have acquired only a small acreage within this purchase unit. Part of the lands so acquired are scattered parcels of relatively small size. We have had discussions with the State of Minnesota for some years looking forward to land exchanges which would help consolidate the National Forests and State Forests or other areas where State lands predominate. Exchange of the more scattered National Forest parcels in the Pigeon River unit has been considered in connection with this program with the State. However, we do not have here any definite exchange offer or report on an exchange of these lands. We do have two or three exchanges with the State in process in other areas, none of which involve National Forest lands in the Roadless Area or on the border waters.

Sincerely yours,

RICHARD C. McARDLE, Chief

By: V. L. Harper

COMMISSIONER WILSON'S STATEMENT

(January 1949) Public Law No. 733, known as the Roadless Area Consolidation Act (sponsored by Senators Edward J. Thye and Joseph H. Ball and Representative John A. Blatnik, of Minnesota), was passed by Congress without a dissenting vote, and was approved by the President June 22, 1948. This was the result of a campaign to save the wilderness areas of the Quetico-Superior region, supported by conservationists throughout the country, as well as by local groups in Minnesota and western Ontario. The proposal was endorsed by resolution of the Minnesota Legislature in 1947, was approved by the county boards concerned, by the Minnesota Arrowhead Association and other organizations, and was actively promoted by the State Conservation Department, in cooperation with the U. S. Forest Service, the Izaak Walton League, the Quetico-Superior Committee, and others interested. Passage of this act was a vital achievement. The whole Quetico-Superior program would have collapsed if it had failed.

The act embraces the following provisions:

(1) Acquisition by the Government for wilderness protection purposes of all private lands in special acquisition areas within the Roadless Areas of the Superior National Forest (see map, U. S. Forest Service, Regional Office, Milwaukee, 1948). This depends on subsequent appropriations by Congress under an authorized limit of \$500,000. Property improved for human occupancy (such as resorts or summer homes) at the time of passage of the Act is protected against condemnation. Such property may be acquired only by voluntary agreement of the owners. Private land not so improved is subject to condemnation.

(2) Exchange of land within the Shipstead-Nolan area for better consolidation of Government holdings in the Roadless Areas.

(3) Annual payments to the local counties in lieu of taxes on Government land within the special acquisition areas at the rate of $\frac{3}{4}$ of 1% of fair value. This is estimated to yield an average of about 9¢ per acre under present conditions. The amounts due are payable out of forest receipts. No further appropriations by Congress are required.

Although no appropriation for land acquisition was made when the act was passed, the act itself will no doubt put a stop to further private developments within the special acquisition areas, as the land owners now know that the Government expects to acquire their property sooner or later. The Izaak Walton League is acquiring some of the most important sites with funds raised by private subscription. The League expects to transfer these tracts to the Government later, upon reimbursement for land value.

Further action for establishment and protection of international wilderness memorial areas, regulation of airplane traffic, and other features of the program is under consideration by the Federal, State, and Provincial agencies concerned, with the support of the interested organizations above named.

CONTROL OF AIRPLANE TRAFFIC

The most harmful and disturbing invasion of the wilderness character of the Roadless Area was the rapid development of airplane transportation both to supply and transport passengers to the intrusive resorts, and by invading any lake large enough to provide landing space no matter how isolated otherwise.

The established resorts vigorously defended their "easements", on which most of them were dependent for supplies. But the pressure to prohibit this traffic became more and more strenuous, until, on December 17, 1949, an executive order from the President effectually terminated this nuisance.

THE WHITE HOUSE

December 17, 1949

(F.R. Doc. 49-10373; Filed Dec. 20, 1949; 3:06 P.M.)

TITLE 3 - THE PRESIDENT
EXECUTIVE ORDER 10092
ESTABLISHING AN AIRSPACE RESERVATION OVER CERTAIN AREAS OF THE
SUPERIOR NATIONAL FOREST IN MINNESOTA

By virtue of the authority vested in me by Section 4 of the Air Commerce Act of 1926 (44 Stat. 570; 49 U.S.C. 174), and as President of the United States, it is ordered as follows:

1. The airspace below the altitude of 4,000 feet above sea level over the following described areas in the counties of Cook, Lake and St. Louis, State of Minnesota, is hereby reserved and set apart as an airspace reservation.

Those areas of land and water within the exterior boundaries of the Superior National Forest which have heretofore been designated by the Secretary of Agriculture as the Superior Roadless Area, the Little Indian Sioux Roadless Area, and the Caribou Roadless Area, respectively, and which are more particularly described as follows:

A complete list of the areas covered by this order then appeared for the Superior, Little Indian Sioux, and Caribou Roadless Areas. The regulations continue:

2. After January 1, 1951, no person shall navigate an aircraft within this airspace reservation except in conformity with the provisions of this order and as permitted by or under the authority of regulations prescribed by the Secretary of Agriculture.
3. Aircraft may be navigated within this airspace reservation when necessary, for any of the following-described purposes:
 - (a) Making an emergency landing
 - (b) Navigating when low-level flight is necessary for safety
 - (c) Conducting or assisting in the conduct of official business of the United States, the State of Minnesota, or of Cook, St. Louis, or Lake County, Minnesota.
 - (d) Conducting rescue operations.
4. Subject to general regulations of the Secretary of Agriculture, aircraft may be navigated within this airspace reservation until January 1, 1952, for the purpose of direct travel to and from underlying private lands; provided that air travel was a customary means of ingress to and egress from such lands prior to the date of this order.
5. The Secretary of Agriculture shall carry out the provisions of this order, and for such purpose he is authorized to prescribe appropriate regulations.
6. Any person navigating an aircraft within this airspace reservation in violation of the provisions of this order will be subject to the penalties prescribed by the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended.

/s/ HARRY S. TRUMAN

THE WHITE HOUSE

December 17, 1949

(F.R. Doc. 49-10373; Filed Dec. 20, 1949; 3:06 P.M.)

NOTE: "The validity of this order was upheld by the United States District Court in Duluth, Minnesota, on September 26, 1952; by the U. S. Court of Appeals, St. Louis, Missouri, on May 25, 1953, and by the U. S. Supreme Court on October 12, 1953."

On November 22, 1950 the Secretary of Agriculture issued regulations and rules for air navigation as follows:

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR THE NAVIGATION
OF AIRCRAFT WITHIN THE AIRSPACE RESERVATION OVER CERTAIN AREAS OF THE
SUPERIOR NATIONAL FOREST IN MINNESOTA

(Published in Fed. Reg. December 7, 1950, 15 FR 8680)

TITLE 36—PARKS, FORESTS, AND MEMORIALS.

Chapter II—Forest Service, Department of Agriculture

Part 251—Land Uses

Navigation of Aircraft within Airspace
Reservation over Certain Areas of
Superior National Forest in Minnesota

Sec.

- 251.26 Description of areas.
- 251.27 Emergency landing and rescue operations.
- 251.28 Low flights.
- 251.29 Permits.
- 251.30 Official flights.
- 251.31 Conformity with law.

Authority 251.26 to 251.31 issued under E.O. 10092
Dec. 17, 1949: 14 F.R. 7637; 3CFR, 1949 Supp.

251.26 Description of areas. Sections 251.27 to 251.31, inclusive, apply to those areas of land and water in the Counties of Cook, Lake, and St. Louis, State of Minnesota, within the exterior boundaries of the Superior National Forest, which have heretofore been designated by the Secretary of Agriculture as the Superior Roadless Area, the Little Indian Sioux Roadless Area, and the Caribou Roadless Area, respectively, and to the airspace over said areas and below the altitude of 4,000 feet above sea level. Said areas are more particularly described in the Executive order setting apart said airspace as an airspace reservation (E.O. 10092, Dec. 17, 1949; 14 F.R. 7637). Copies of said Executive order may be obtained on request from the Forest Supervisor, Superior National Forest, Duluth, Minnesota (hereinafter called "Forest Supervisor").

Further information concerning the airspace reservation may be obtained from:

Forest Supervisor
232 Federal Building, Duluth, Minnesota

District Forest Rangers
Federal Building, Ely
Aurora
Isabella
Grand Marais
Cook
Britt
Tofte
Two Harbors

TITLE 36 - PARKS, FORESTS, AND MEMORIALS

CHAPTER II - FOREST SERVICE
DEPARTMENT OF AGRICULTURE

PART 251 - LAND USES

Navigation of Aircraft within Airspace Reservation
over Certain Areas of Superior National Forest
in Minnesota

Parts 251.28 and 251.29 are hereby amended as follows:

#251.28 Low Flights. Any person making a flight within said airspace reservation for reasons of safety or for conducting rescue operations shall inform the Forest Supervisor within seven days after the completion of the flight or the rescue operation as to the date, place, and duration of flight, and the type and registration number of the aircraft.

#251.29 Permit. The final sentence is amended to read as follows:

Upon request of the Forest Supervisor the reports, records, and other information as to any flights made pursuant to such permits shall be made available, provided that no such request shall be made after October 31, 1957.

(Executive Order 10092, Dec. 17, 1949; 14 F.R. 7637, 3 CFR, 1949 Supp.)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 14th day of Sept., 1956

/s/ E. L. Peterson
Asst. Secretary of Agriculture

#251.27 Emergency Landing and Rescue Operations. The pilot of any aircraft landing within any of said areas for reasons of emergency or for conducting rescue operations, shall inform the Forest Supervisor within seven days after the termination of the emergency or the completion of the rescue operation as to the date, place, and duration of landing, and the type and registration number of the aircraft.*

#251.28 Low Flights. Any person making a flight within said airspace reservation for reasons of safety or for conducting rescue operations shall, upon request of the Forest Supervisor, make available to him all reports and records relating to such flight.

#251.29 Permits for the navigation of aircraft within said airspace reservation until January 1, 1952, for the purpose of direct travel to and from private lands within any of said areas will be issued by the Forest Supervisor to the pilot or owner of such lands whenever it is shown by the applicant to the satisfaction of the Forest Supervisor that air travel was a customary means of ingress to and egress from such lands prior to December 17, 1949. No person shall navigate an aircraft within said airspace reservation except as authorized by such permit or by the provisions of ss. 251.27, 251.28, and 251.30. Upon request of the Forest Supervisor, the reports, records, and other information as to any flights made pursuant to such permits shall be made available.

#251.30 Official Flights. The provisions of ss. 251.27, 251.28, and 251.29 will not apply to flights made for conducting or assisting in the conduct of official business of the United States, the State of Minnesota, or of Cook, St. Louis, or Lake County, Minnesota.

#251.31 Conformity with Law. Nothing in these regulations shall be construed as permitting the operation of aircraft contrary to the provisions of the Civil Aeronautics Acts of 1938 (52 Stat. 973), as amended, or any rule, regulation or order issued thereunder.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 22nd day of November 1950.

Charles F. Brannan,
Secretary of Agriculture

(SEAL)

(Published in Fed. Reg. Dec. 7, 1950, 15 F.R. 8680. Reference: 36 CFR 251.26-.31)

THE PERKO CASE

United States of America, Plaintiff vs Joseph Perko, Elwyn West, and Martin Skala. Defendants, Civil action No. 1233.

United States of America, Plaintiff vs William Zupancich, Defendant Civil action No. 1269.

A proceeding to enjoin violations of airspace reservations erected by Order No. 10092 of the President of the United States on December 17, 1949 over the so-called Roadless Area of the Superior National Forest.

*The report may be made through the nearest U. S. Forest Ranger of the Superior National Forest. They are listed elsewhere in this leaflet.

The record in this case gives a complete history and statement of the status of the Roadless Area, and legislation establishing it and states:

As conclusions of law the court finds that the plaintiff is entitled to an injunction permanently restraining said defendants, their agents and employees, from continuing in the future to fly airplanes, or to aid or abet in the flying of airplanes, under an elevation of four thousand feet above sea level within the confines of the air space reservations as promulgated in Executive Order No. 10092, and from violating in any way the provision of said Executive Order and the regulations of the Secretary of Agriculture promulgated thereunder.

A stay of sixty days was granted in order to afford the defendants reasonable time within which to arrange their affairs in the area subject to the air base.

Dated this 26th day of September 1952

Gunnar H. Nordbye

Chief Judge

In Executive Order 10092, Dec. 17, 1949, the areas over which the limit of 4,000 feet in altitude was to be enforced, were specified; with the following regulations:

5439

2. After January 1, 1951, no person shall navigate an aircraft within this airspace reservation except in conformity with the provisions of this order and as permitted by or under the authority of regulations prescribed by the Secretary of Agriculture.
3. Aircraft may be navigated within this airspace reservation when necessary for any of the following-described purposes:
 - (a) Making an emergency landing.
 - (b) Navigating when low-level flight is necessary for safety.
 - (c) Conducting or assisting in the conduct of official business of the United States, the State of Minnesota, or of Cook, St. Louis, or Lake County, Minnesota.
 - (d) Conducting rescue operations.
4. Subject to general regulations of the Secretary of Agriculture, aircraft may be navigated within this airspace reservation until January 1, 1952, for the purpose of direct travel to and from underlying private lands; provided that air travel was a customary means of ingress to and egress from such lands prior to the date of this order.
5. The Secretary of Agriculture shall carry out the provisions of this order, and for such purpose he is authorized to prescribe appropriate regulations.
6. Any person navigating an aircraft within this airspace reservation in violation of the provisions of this order will be subject to the penalties prescribed by the Civil Aeronautics Act of 1938 (52 Stat. 973) as amended.

HARRY S. TRUMAN

THE WHITE HOUSE

December 17, 1949

(F.R. Doc. 49-10373; Filed, Dec. 20, 1949; 3:06 P.M.)

APPROPRIATION FOR COMPLETING PURCHASES

Finally, in 1956, the Congress passed a bill, S 2967, introduced by Senator Thye of Minnesota, increasing an appropriation previously made of \$500,000 to the sum of \$2,500,000 for the acquisition of the remaining private lands and resort properties in the Superior Roadless Area. (Public Law 607, 84th Congress). Public Law 607 did not enlarge Roadless Area. It simply extended the provisions of P. L. 733 to all of the Roadless Area. Public Law 733 only covered a part of the Roadless Area.

While the acquisition of large areas of land for National Forest purposes is contrary to the current administrative policy, an exception was made for the Superior Area because of the long standing program to set aside a water wilderness, in the cooperation with the Canadian Government, the Quetico-Superior Program on the Minnesota-Ontario border. Acquisition of the remaining private holdings is

now progressing, and the protection and security of this great public recreational area seems assured. Meanwhile the process of consolidation of intermingled holdings of state and federal lands must be pursued until each of these agencies is possessed of solid bodies of land, capable of efficient and economical administration. The problems presented by this complex situation of interspersed network of federal, state and private administration is treated in the following section.

As of June 30, 1956, the total purchases, acres and costs, in the Superior National Forest are as follows:

<u>Purchased</u>	<u>Acres</u>	<u>Cost</u>
Regular Acquisition Funds	1,157,555	\$2,847,166.88
Public Law 733 Fund	9,471	244,374.99
Total	1,167,026	\$3,091,541.87

The above figures include purchases in forest as well as purchase units.

A slight difficulty arose in Lake County, due to refusal of the County Commissioners to grant a blanket permit for acquisition. To date 4/1/57 they have approved all individual requests presented for their approval.

SUPERIOR NATIONAL FOREST

December 4, 1956

Mr. H. H. Chapman
School of Forestry
Yale University
New Haven 11, Connecticut

Dear Mr. Chapman:

Reference is made to your inquiry of November 21.

Public Law 814, 84th Congress, among other things contained the following language;

"For the acquisition of forest land within the Superior National Forest, Minnesota, under the provisions of the Act of June 22, 1948, (62 Stat. 570; 16 U.S.C. 577-C-577h), as amended, \$500,000 to remain available until expended: Provided, That no part of this appropriation shall be used for the acquisition of any land without the approval of the local government concerned."

We interpreted local government concerned to mean the County Board of Commissioners for the counties concerned. We therefore appeared before the Commissioners of Cook and Lake Counties and asked that they give us blanket approval to acquire lands in any portion of the roadless area with these funds. Cook County granted the requested blanket approval. Lake County refused to grant blanket approval but in doing so intimated that they would consider approving requests from individual land owners. To date two such requests have been presented to them and received their approval. We anticipate continued approval of individual requests.

To date we have had no occasion to seek the approval of the St. Louis County Board, but we foresee no difficulty there.

Should you desire further information, do not hesitate writing us at any time.

Yours very truly,

LOUIS C. HERMEL, Forest Supervisor
(Signed)

By L. A. ANSELMANT, Acting

ESTABLISHMENT OF "NO-CUT" AREA ALONG INTERNATIONAL BOUNDARY

(From Plan of Management, Superior Roadless Areas)

In 1940 and 1941, the Forest Service made a study of the adequacy of the statutory requirements for timber reservations as applicable to the lakes along and near the Canadian border, the thought being that something more than statutory protection would be justified for those waters. The conclusions and findings were that wholesale resumption of rafting of forest products on the border and adjacent lakes would not be compatible with the uses that have developed since the old logging days, that the only federally-owned specimens of old growth red and white pine stands of any great consequence are near the border lakes, and that the application of the bare requirements of the Shipstead-Newton-Nolan Act in areas presenting extensive and intricate patterns of water would, in itself, prevent cutting on much of the land area and badly complicate logging on the remainder. Other considerations were the relative inaccessibility for logging purposes of the border country and the less than average productive capacity of much of the land in that locality.

The consequence of the study was the designation for administrative guidance of the so-called "no-cutting" area, the approximate boundaries of which are shown on the map accompanying this report. The current administrative policy for this no-cutting area, and the one which will be formalized by inclusion within the policy recommendations of this report, is to refrain from making commercial sales of timber except to take care of the occasional and small requirements or to salvage stands of timber killed by fire, insects, or other causes.

The gross (land and water) area of the no-cutting reservation is about 362,000 acres. The land area alone is about 255,000 acres, or 29 per cent of the land area in the three roadless areas.

Approximately one-fifth of the government timber volume of all of the roadless areas (see Table 2) is within the no-cutting area. It is estimated that in any event about 30 per cent of this one-fifth is reserved by the provisions of the Shipstead-Newton-Nolan Act and a substantial but undetermined portion of the remainder is thereby rendered inoperable.

STATE FORESTRY

State Forestry in Minnesota lagged behind these national projects. Previous to 1902 and stimulated by the holocaust at Hinckley in 1894, it consisted of a half-hearted and ineffectual attempt to control forest fires through local or town fire wardens. In 1911, after the Baudette tragedy and loss of life, a Forestry Commission was constituted, a trained forester, William T. Cox, was appointed and permanent district fire wardens employed. State forest boundaries were first formally proclaimed by law in 1933, embracing areas where a sufficiently large proportion of the land was already owned or was on the way to acquisition by the State through the tax route. No funds were made available for outright purchase. One of these state forests was created in the Kabetogama district, bounded on the east by the Superior National Forest. The Kabetogama area is flat, contains large stretches of muskeg, and because of its accessibility to International Falls, was for the most part cut over before 1927 and badly damaged by fire. It contains few lakes, only one short interior canoe route and practically no old growth timber. But it borders on Rainy Lake and embraces the extensive area of Lake Kabetogama separated and elevated above the Rainy Lake waters by Kettle Falls with a drop of about thirty feet. Federal Highway No. 53, from Duluth to International Falls, traverses the area, with roads to Kabetogama and Crane Lakes, thus permanently removing it from the true wilderness or roadless classification.

The same situation as to roads is found within the Superior National Forest. A main motor highway runs from Lake Superior, at Ilgen, northwest to Ely and Winton, where deep iron mines are worked—and on westward through the Forest, connecting with the Crane Lake road in the Kabetogama State Forest. A second main road—the Gunflint Trail, runs north from Grand Marais to Gunflint and Saganaga Lakes on the Boundary. Secondary roads, good for motor travel, interlace the entire southern portion of the National Forest and deprive it of its wilderness character. But except for the section adjoining Gunflint Lake, the roadless area within the Superior National Forest extends along the entire International Boundary from the Kabetogama State Forest to the Grand Portage State Forest on the east, an airline distance of one hundred miles, and southwest through the lake country to take in all the uninvaded territory. The area thus preserved from automobile intrusion covers, as shown, 1,038,743 acres, and comprises all that is left or can ever be saved of the true roadless wilderness.

THE QUETICO PROVINCIAL PARK

On the Canadian side of the Boundary, the Province of Ontario has created the Quetico Provincial Park. Beginning at a point on Lake LaCroix fifty miles due east of the western boundary of St. Louis County, it extends eastward along the boundary to a point five miles east of the Lake and Cook County line on Saganaga Lake, taking in about one-third of the border from International Falls to the eastern tip on Lake Superior. The remaining two-thirds of the boundary, lying east and west of the Provincial Park, are not protected nor reserved in any way by the Province. The western portion, bordering Rainy Lake, was completely denuded of timber between 1936 and 1940, without sparing the lake shores. Deer spread northward from Minnesota into the cut-over areas in great numbers. The lakes, streams and rocks remain and canoe routes abound, but the primeval pine forest is gone.

WATERPOWER AND FLOODING

At International Falls where the Rainy River leaves Rainy Lake for its meandering progress into Lake of the Woods, there existed a potential waterpower of great magnitude, backed by the huge storage reservoir of Rainy Lake, and a watershed extending eastward to within about ten miles of the eastern tip of Minnesota and taking in almost the entire lake country both north and south of the border. Early in the present century, the International Lumber Company purchased the power site and secured the right to raise the level of Rainy Lake. Raising or lowering lake levels is disastrous to shore lines and scenery. High water kills the timber, leaving ghastly skeletons of trees which later fall and rot or burn. It invades flat land, converting timbered swamps into unsightly peat holes worthy of Dante's Inferno. It cuts high banks, exposing raw soil. Fluctuating levels interfere with growth of aquatic plants and destroy the eggs of game fish. At Lake Winnebigoishish on the Mississippi River, a Federal storage dam, built in 1881, converted the flat shores into an inaccessible rampart of upturned trees and roots, which took forty years to disappear by slow disintegration and occasional fires. It was evident, to all who were interested in preserving these boundary lakes, that their beauty could be destroyed without cutting a tree, if the lakes were converted, one after another, into reservoirs for water power.

INTERNATIONAL JOINT COMMISSION

Fortunately, on May 13, 1910, a treaty was ratified with Great Britain, which created an International Joint Commission of six men representing the United States and Canada, with power to prevent the alteration of the levels of all international waters by the construction of dams or obstructions, except by special agreements concurred in by the representatives of both the Dominion of Canada and the United States on this Commission. Although such permission conceivably could be obtained, the difficulty of doing so in the face of vigorous public protest would be almost insuperable. This did not deter the interests in control of the Rainy Lake watershed, secure in their prior rights of flowage, from attempting to extend the system eastward; for on February 14, 1911, the Rainy River Improvement Company secured the consent of the Congress to maintain and operate a dam across the outlet of Lake Namakan at Kettle Falls which flooded the entire Kabetogama chain of lakes as well. In 1925, Mr. Ed Backus, owner of the development at International Falls, proposed a plan by which a series of seven additional dams would be authorized, raising the levels of most of the principal lakes extending eastward to cover almost the entire watershed. To combat this attempt and save the region for public enjoyment, the Quetico-Superior Council was formed in 1925 and has continued to the present day to serve as a watchdog in defence of the wilderness. In 1934, President Franklin D. Roosevelt appointed a Quetico-Superior Committee of three citizens one of whom was Ernest C. Oberholzer, Executive Secretary, and added representatives of the Secretaries of Agriculture and Interior, respectively. This Committee of five acts as a fact-finding agency, further to strengthen the public interest against any possible contemplated encroachment.

SHIPSTEAD-NOLAN ACT

The awakening of public interest in the region following this dangerous attempt to destroy its lake shores resulted, on July 10, 1930, in the passage by Congress of the Shipstead-Nolan Act. The principles of administration embodied in this Statute stem directly from its predecessor, the Morris Act of

1902, and continue, for Minnesota, the pattern already established, that of making the National Forests serve both for recreation and timber production, rather than choosing the policy of complete exclusion of economic uses, as required in National Parks.

National Forests are administered on the principle of multiple use of all resources, permitting timber to be cut under proper regulation, as was done on the Chippewa area at Cass Lake. The Congress, accepting the successful demonstration of these methods on the Chippewa National Forest proceeded to apply them to the Superior area. Section 2 of the Act reads,

The principle of conserving the natural beauty of shore lines for recreational use shall apply to all federal lands which border upon any boundary lake or stream contiguous to this area or any other lake or stream within this area which is now or eventually to be in general use for boat or canoe travel, and for the purpose of carrying out this principle, logging of all such shores to a depth of four hundred feet from the natural waterline is hereby forbidden except as the Forest Service of the Department of Agriculture may see fit, in particular instances, to vary the distance for practical purposes. Provided that in no case shall logging of any timber other than diseased, insect infested, dying, or dead, be permitted closer to the natural shore line than two hundred feet except where necessary to open areas for banking grounds, landings or other uses connected with logging operations.

In Section 3, it was provided

that in order to preserve the shore line, beaches and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be granted by any official or commission of the United States, which will result in flooding any lands of the United States within or immediately adjacent to the Superior National Forest, until and unless specific authority for granting such permit, license, lease or other authorization shall have first been obtained by special act from the Congress of the United States covering each said project. Provided that nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Great Britain on January 11, 1909. This policy-making law was entitled:

An Act to promote the better protection and the highest public use of lands of the United States and adjacent lands and waters in Northern Minnesota for the production of forest products and for other uses.

The Act obviously permits the cutting and utilization of timber within the National Forest, but reiterates the principle that recreational interests in boating, canoeing and camping, must be fully protected by the preservation of strips of timber four hundred feet wide on all shore lines. To this principle the Quetico-Superior Council lent their full support, and this position still represents their attitude. Although these principles have been many times reiterated by the Council, this situation is not yet fully understood or accepted by many of the supporters of the Quetico-Superior project, who not only regard and designate the area as a National Park but denounce timber-cutting within the Forest and protest that the "narrow and inadequate" strips left to protect the shore lines are a mere subterfuge, to disguise the "devastation" which continues unchecked behind this screen. Yet it would be unlikely that any one of these enthusiasts would either be aware of the logging in traversing the canoe route, or would stray far enough inland to obtain a correct appraisal of the forestry methods employed.

STATE "SHIPSTEAD-NOLAN" ACT

But there were State lands on those lake shores, equally exposed to the danger of flooding. Although some of these were indirectly protected by the Federal Statute, the State in 1933 passed its version of the Shipstead-Nolan Act, Chapter 412, Laws of 1933 (Minn. Stat. Annotated 110.13) containing similar prohibitions.

Quetico-Superior Committee appointed by President Franklin D. Roosevelt.

An important development, resulting from the agitation over boundary lake flooding proposals, was the appointment by President Franklin D. Roosevelt, on June 30, 1934, of an official Quetico-Superior Committee consisting of five persons, two of whom should represent the U. S. Department of Agriculture and Interior respectively.

The persons appointed on this Committee were Charles S. Kelly (Chicago) Chairman, Ernest C. Oberholzer (Rainy Lake) Executive Secretary, S. T. Tyng (Chicago), Jay H. Price (Dept. of Agriculture) William Zimmerman (Dept. of Interior).

The Executive Order directed the Committee to consult, advise with, and invoke the aid of the Departments of State, Agriculture, Interior and Labor, the State of Minnesota, and all Civic, Scientific, and Conservation organizations concerned and to make such recommendations as the Committee deemed proper.

After the death of S. T. Tyng, a new Executive Order was issued on September 6, 1947 which read

EXECUTIVE ORDER 9890

Amending Executive Order No. 6783 Creating the Quetico-Superior Committee.

WHEREAS the Quetico-Superior Committee was created by Executive Order No. 6783 of June 30, 1934, and its existence has been extended from time to time, last by Executive Order No. 9741 of June 25, 1946; and

WHEREAS it is desirable to restate the authority of the Committee with respect to the wilderness sanctuary in the Rainy Lake and Pigeon River watersheds and to revise the list of agencies and organizations with which it is authorized to consult and advise; and

WHEREAS a vacancy exists in the membership of the Committee:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States, I hereby authorize the Quetico-Superior Committee to consult, advise with and invoke the aid of the Department of State, the Treasury Department, the Department of the Interior, the Department of Agriculture, the Department of Labor, the State of Minnesota, the Quetico-Superior Council, the Izaak Walton League of America, the Wilderness Society, and other Civic, Scientific, Educational and Conservation organizations concerned in the use and preservation of the said area in the public interest, and to make such recommendations from time to time as it deems proper; and I hereby appoint Olaus J. Murie, vice S. T. Tyng, deceased, to serve as a member of the Committee.

Executive Order No. 6783 is amended accordingly.

The White House
September 6, 1947.

In December 1953 this Committee published a report to the President of the United States which gave a full factual review of the history of the Quetico-Superior Area, which is here reproduced.

History of the Quetico-Superior Area

The following events highlight not only the threats to the wilderness character and recreational values of this unique region, but show the constructive actions taken by the government and other agencies for their protection. From these actions by Congress, the State of Minnesota, the Department of Agriculture, the Province of Ontario, and many civic organizations, there has emerged a consistent pattern of endorsement of the principles of the Quetico-Superior Program. Over the years, the preservation of the wilderness character of the undeveloped interior of the United States portion of the area has assumed the dignity and stature of a governmental purpose substantiated by laws, administrative decrees, Supreme Court action, and wide public support.

- 1909 President Theodore Roosevelt establishes the Superior National Forest and the Province of Ontario establishes Quetico Provincial Park adjacent to the Superior.
- 1912 Under authority of the Weeks Act, 1911, the boundaries of the Superior National Forest are extended to include more of the wilderness canoe country.
- 1920 Proposed highways into the interior threaten wilderness character of the region.
- 1925 Proposal for water power development on border lakes is referred to The International Joint Commission.
- 1926 Initial wilderness reservations to be kept free of roads and private developments are made by the United States Forest Service.
- 1927 Quetico-Superior Program is developed for the protection of the area.

- 1929 American Legion and Canadian Legion endorse Quetico-Superior Program and urge that the area be dedicated to veterans of both countries as an International Peace Memorial.
- 1930 Shipstead-Newton-Nolan Act (Public Act No. 539, 71st Congress) protects shorelines of lakes and streams on federal lands within Superior National Forest Area.
- 1933 State of Minnesota passes similar legislation giving protection to state-owned shorelines within the Superior Area.
- 1934 International Joint Commission recommends denial of 1925 application for water power development on border lakes, stating in its conclusions:
- “The boundary waters referred to in the Reference and the territory tributary thereto are of matchless scenic beauty and of inestimable value from the recreational and tourist viewpoints. The Commission fully sympathizes with the objects and desires of *** others who take the position that nothing should *** mar the beauty *** of this last great wilderness.” ***
- President Roosevelt appoints Quetico-Superior Committee.
- 1939 U. S. Forest Service enlarges Roadless Areas of Superior National Forest to embrace a total of 1,038,743 acres of wilderness canoe country.
- 1940 Canadian government imposes shoreline cutting restrictions on wartime logging operations in Quetico Provincial Park.
- 1941 Wilderness is invaded by airplane fishing camps built on private lands. U. S. Forest Service prohibits timber cutting on 362,000 acres adjacent to Quetico-Provincial Park and the international border.
- 1944 Ontario Legion and Canadian Conservation Association endorse Quetico-Superior Program and urge that the proposed dedication as a memorial include veterans of World War II from both countries.
- 1945 The Department of Lands and Forests of Ontario joins in protection of wilderness by refusing to grant leases for private developments within Quetico Provincial Park.
- 1948 The Thye-Blatnik bill becomes law and authorizes an appropriation of \$500,000 for acquisition of private lands and properties within Roadless Area.
- 1949 Vincent Massey (now Governor General of Canada) accepts chairmanship of newly organized Canadian Quetico-Superior Committee with aims similar to those of United States Committee.
- President Truman signs Executive Order 10092 becomes partially effective on January 1, prohibiting all flying except to developed properties.
- 1952 Executive Order 10092 becomes fully effective.
- United States District Court upholds validity of the Order in case of United States v. Perko, et al., on the ground that it was in support of a definite purpose of the government.
- 1953 United States Circuit Court of Appeals affirms previous decision of District Court. The Supreme Court refuses to review that decision.

WORLD WAR MEMORIAL PROPOSAL

With the dangers of flooding adequately controlled, the Quetico-Superior Council and its officers sought to maintain public interest in the project by seeking—first—an international treaty under which the Dominion of Canada would secure the consent of the Province of Ontario, which owns and administers the adjacent territory, to enter an agreement dedicating the international area for all time as a preserve in memory of the veterans of World War I. The Quetico Provincial Park, so much less extensive in area and boundaries than the Superior National Forest, had up to 1941 been set aside only in name. During the years 1940-41, under the stress of war necessities, considerable logging was done in the Canadian Park and the lake shores were not spared. As the result of representations by the Council, the Province adopted regulations similar to those enforced under the Shipstead-Nolan Act, and further damage to these shores has been prevented. In 1940 also, by treaty action, the United States and Canada agreed to the public regulation of existing dams in the border lake region, which because of their prior rights had escaped the control provided for in 1909.

FEDERAL VS. STATE FOREST EXPANSION

Between 1935 and 1939 a sharp conflict arose between the advocates of expansion of the national forests in northern Minnesota and the supporters of the growing state forest program. The former asserted that the state would not provide for an adequate conservation program, and that the only way to save the natural resources of the region was to get them under federal control as far as possible. This controversy revolved around the Quetico-Superior program.

Under the old state law then in force, (R.L. 1905 Sec. 2; Minn. Stat. 1927 Sec. 4), the door was wide open for acquisition by the government of land desired for any purpose authorized by act of Congress. In 1935, at the behest of Governor Floyd B. Olson, the State Conservation Commission invited the U. S. Forest Service to acquire land in two state forests adjacent to the Superior National Forest, the Kabetogama on the west and the Grand Portage on the east, with a view to annexing these areas to the national forest as soon as enough land had been acquired therein. By 1939 extensive purchases had been made by the government in these two units on the strength of this invitation.

However, the policy of the state towards federal expansion underwent a radical change upon the advent of Harold E. Stassen as governor in 1939. The Kabetogama and Grand Portage annexation scheme was blocked when the state legislature in 1941 replaced the old "open door" law with a provision requiring the approval of the governor for all federal forest land acquisitions except within the original boundaries of the Chippewa and Superior National Forests, wherein direct legislative consent to acquisition was granted, (Laws 1941, Chap. 66). The governor made it clear that he would approve no acquisitions outside the then established and proclaimed boundaries of the national forests, which took in substantial areas outside of the original boundaries but did not embrace the Kabetogama and Grand Portage (or Pigeon River) purchase units.

Further barriers were erected against national forest expansion when the 1943 legislature extended and redefined the boundaries of 29 state forests (Laws 1943, Chap. 171). Among these were the Kabetogama and Grand Portage State Forests, embracing the federal purchase units. Thereby the state manifested its intention to retain control of these areas instead of permitting the federal government to take them over.

At the same session of the legislature the authority for consenting to federal land acquisition outside the original boundaries of the national forests was transferred from the governor to the land exchange commission, consisting of the governor, the state auditor, and the attorney general, or a majority of them (Laws 1943, Chap. 343; Minn. Stat. Ann. 1.041-1.048). The idea was that through changing administrations the commission would be more effective than the governor alone in holding the line against too liberal approval of federal acquisitions.

These restrictive measures stirred up a violent wave of protest among the national forest expansionists. However, the furor subsided in a few years when it was seen that the U. S. Forest Service had its hands full with the existing national forests, and that the state, at the same time, was developing an effective state forest program and was ready to cooperate with the federal service on problems of common interest.

WEEKS LAW PURCHASES. MINNESOTA ENABLING ACT

The U. S. Forest Service was empowered under the Weeks Law of March 1, 1911, to acquire lands within states for National Forest purposes, provided that an enabling act was first passed by the State giving consent to such acquisitions. Without such consent, the Federal Government possesses no legal right to purchase a foot of land for such purposes. The initiative rests wholly with the State. In one instance, that of Maryland, consent previously granted was withdrawn and purchases prevented. In Wisconsin and Pennsylvania, the States designated the areas within which the Forest Service was permitted to create National Forests. In New York, Massachusetts, and Connecticut consent has never been given.

In Minnesota the way was first cleared for federal acquisition of lands for national forests by the old "open door" law before cited and by the invitation extended by the state conservation commission in 1935. Although these provisions were sharply curtailed by legislative action in 1941 and 1943, the U. S. Forest Service has since had ample opportunity to use all the funds available for land acquisition in Minnesota throughout the areas within the proclaimed and established boundaries of the national forests, under consent given by the legislature, the governor, or the land exchange commission.

Purchases in 32 states, up to June 30, 1942, totaled 17,801,750 acres, at a cost of \$67,025,634.15. In no instance except in Minnesota, has a conflict arisen with the State as to a proper division of area between state and national forests. The Minnesota controversy (provoked by an unsound program for over-expansion of the national forests at the expense of state forests) was amicably settled some years ago. The guiding principle is that the state forests should be encouraged to the full extent of the capacity of the state to acquire and administer them. Eastern states have had to do this by purchase. In the public land states of the west, including the Lake States, vast areas were acquired principally under the school land and swamp land, grants. While for the most part these possessions were squandered, yet in several states, notably Minnesota, there remains an extensive domain, which is belatedly being organized into permanent State Forests to be managed for perpetual timber supplies, recreation, game preserves and watershed protection, with objectives in no way differing from those of the National Forests. As the forest policies of these States take form and meet with increasing public support, insuring their management by men given the same training in professional forestry, in the same schools and with the same ideals as characterize the personnel of the Federal Forest Service, the Indian Service and the National Park Service, equally efficient results are obtained.

It was to be expected that this development would take more time for its accomplishment in various states than in the National service with its made-to-order areas of public domain, requiring only a segregation as National Forests to provide the setting for the early and swift development of sound public administration, and the solution of the many problems of multiple use involving lumbering, grazing, mining, water power and recreation. The states have benefited tremendously by the acquisition and management of these National Forests. But to take the attitude that because of a later start they can never catch up, and that public sentiment which forced through Congress the legislation establishing the National Forests is impotent in one's own back yard, is akin to believing that the younger brother will never be the man his elder is, because he was born later.

The progress of Minnesota towards the goal of being master of her own destiny as concerning her State forests is marked by a constantly accelerating accomplishment, with some setbacks. One of these occurred under the regime of the late Governor Floyd Olson. In 1935 a five-man Conservation Commission directed the affairs of the Departments of Forestry, Mining, and Fish and Game. Under his administration, politics entered the field, and by new appointments, the Governor by a three to two majority, placed his own partisans on the Board and was able to dictate its policies.

ATTITUDE OF QUETICO-SUPERIOR COUNCIL

Unfortunately, the Quetico-Superior supporters had at this time and perhaps originally, contemplated the elimination of all state holdings along the entire boundary from International Falls to the Grand Portage Indian Reservation. The belief of the Quetico-Superior Council was that on the American side, but one owner should control the situation, namely, the U. S. Forest Service. It was true that in Ontario, the Province, not the Dominion, was in possession, was interested only in preserving the much smaller area of the Quetico Provincial Park, and would have to consent to any treaty or agreement looking toward an International Preserve. Yet the attitude was taken that in Minnesota, the State could not be trusted. In spite of the jurisdiction of the Joint Boundary Commission and the accepted policy by the State of preserving the shore lines, it was held that State ownership meant thwarting the possibility of securing the treaty for the Memorial Park, and exposed the State lands to exploitation for water power and the ruthless devastation of State forests by lumber interests seeking their own gains at the expense of the public welfare.

The presence of State forests anywhere along the boundary east of International Falls was claimed in itself to be inimical to the best interests of the Nation and the general public. Events have proved this assertion to be groundless. The State Conservation Department cooperated strongly in the establishment and protection of the Roadless or Wilderness Areas of the Superior National Forest and in furthering the essential aims of the Quetico-Superior program. But for the help of the state authorities in critical situations, the program would have failed.

SUPPORT BY PRESIDENT EISENHOWER

In a letter during November 1956 to Friends of the Wilderness, the Minnesota Conservation Federation, the United Northern Sportsmen of Duluth and the Minnesota Division of the Izaak Walton League,

President Eisenhower expressed a deep and life-long interest in conservation, and a ten-year interest in the Quetico-Superior program to preserve the wilderness recreational value of the Superior National Forest. He also emphasized the recent Action in Congress and recent negotiations with Canada which have resulted in additions to "the public ownership and strength of the Superior National Forest".

THE WHITE HOUSE
WASHINGTON

October 15, 1956

Dear Mr. Magie:

Please thank the Friends of the Wilderness, the Minnesota Conservation Federation, the United Northern Sportsmen of Duluth and the Minnesota Division of the Izaak Walton League for this opportunity to discuss the subject of conservation.

Conservation is a subject in which I have a deep and life-long interest. For example, through almost ten years, I have followed closely the Quetico-Superior Program.

That program typifies the basic principle this Administration follows on all matters relating to conservation. It preserves the wilderness recreational values of the Superior National Forest. With the steady growth of our population, there is an increasing need for recreation under natural outdoor conditions. This is of major significance to the physical and mental health of the Nation. Mr. Fred Seaton, as Secretary of the Interior, is wholeheartedly working toward such wise use of our public lands and he has the fullest support of this Administration.

You will be glad to know that, through the Congress and recent negotiations with Canada, we have added to the public ownership in and strength of the Superior National Forest.

Sincerely,

(Signed) Dwight D. Eisenhower

Mr. William H. Magie
Executive Secretary
Friends of the Wilderness
3515 Fourth Street
Duluth, Minnesota

KABETOGAMA AND GRAND PORTAGE STATE FOREST IMBROGLIO

When a proposal was introduced into the State Legislature in 1935 to permit the extension of Federal purchases westward over the Kabetogama area and eastward into Grand Portage unit, the bill was rejected and the State went on record as desiring to maintain the status quo. Not so Governor Olson, who, with the support of his majority of one on the five-man Commission and in absence of any specific State legislation defining and limiting the areas for Federal acquisition, gave his consent to the creation of two new Federal purchase areas extending westward to International Falls and eastward to the Indian Reservation which occupied the extreme point of the Arrowhead. These two new areas were then authorized by the National Forest Reservation Commission, which resulted in the acquisition of 189,000 acres of land by the Forest Service. This reversal of policy, defiance of the legislature, and manipulation of the Commission, was hailed as a great victory for the Quetico-Superior project.

GOVERNOR STASSEN AND REASSERTION OF STATE JURISDICTION

When the regimes of this Governor and his successor, Governor Benson, were finally terminated by the election of Governor Stassen, the legislature reasserted its power to regulate and define the areas within which the Government would be permitted to consolidate its holdings, by redefining the boundaries of the Kabetogama, Grand Portage and other State Forests. These two State Forests had first been given legal boundaries by the Legislature in 1933, on an understanding in force at least as early as 1927 between the Forest Service and the State as to the division of the territory between State and Federal acquisition. In full sympathy with the objectives of the Quetico-Superior plan, but apparently with a

better grasp of its proper limitations and possibilities, the legislature in 1943 formally granted authority for acquisitions within the original boundaries of the Chippewa and the Superior National Forests, and, in the same bill, defined the powers of the Land Exchange Commission, which permitted this Commission to extend the areas or to create new areas for Federal purchase to the extent that the interests of the State indicated.

The Commission promptly granted full authority to purchase lands within the enlarged more recent boundaries of these National Forests proclaimed in 1936, which include respectively in the Superior, 2,872,363 acres, and in the Chippewa, 1,312,400 acres, or a total of 4,184,763 acres, with an additional area of 853,768 acres lying outside of the Superior National Forest in the State Forest areas mentioned. Meanwhile, the voters of the State had ratified the constitutional amendment of November 8, 1938, under which land exchanges with the Federal government were permitted. Since the State owned 400,554 acres of land within the Superior National Forest, against Federal purchases of 189,000 acres in the Kabetogama and Grand Portage State areas, Governor Stassen sent State Forester H. G. Weber to Washington with an offer to grant to the Forest Service the power to continue the purchase of lands in the Kabetogama and Grand Portage areas, provided the Government would in turn agree to arrange a transfer of such lands and lands already purchased therein, for State holdings within the Superior National Forest. Possibly influenced by the determined campaign waged by Quetico-Superior supporters for no compromise, this offer was rejected by the Forest Service.

CAMPAIGN OF MISREPRESENTATION

From the time of the reassertion of the indisputable power of the State to determine what is to the best interests of its citizens in respect to Federal purchases, and in spite of the efforts thus made to effect a practical and workable consolidation of both State and National Forests, with increased efficiency in each area, the passage of these bills was the signal for a campaign of national proportions, intended to force Minnesota to reverse her policy and abandon State forests of long standing and which, based on examination of the situation on the ground, do not constitute an integral part of the wilderness area, and are not suited for incorporation in the project. Since many of the articles which appeared in the public press contained statements reflecting on the attitude of Minnesota's reform Governor Stassen, accusing the State of incompetent administration of her State forests, and stating that only Federal acquisition would thwart the evil intentions of the predatory lumber and power interests which it was claimed were behind this legislation, the reaction was to arouse considerable indignation among citizens of Minnesota who rightly claimed that these charges and accusations were wide of the mark and not based on facts.

States rights was not a dead issue in Minnesota and with the State holding the absolute power under the Weeks Law to determine, without coercion, what was to its best interests, the method pursued, of making a national issue of the integrity of state motives and policies and efficiency was not likely to succeed in forcing the issue. The situation was quite different from that which the State of Washington faced in the creation of the Olympic National Park by mere transfer by Act of Congress of federal jurisdiction over eight billion feet of timber, including 753 million feet of airplane spruce needed for war production, from the Forest Service to the Department of the Interior. Nor did it resemble the subsequent creation of a National Monument in the Jackson Hole region of Wyoming by the exercise of Presidential authority. In the Quetico-Superior case, neither the Congress nor the President could override the State's authority. This left the state as the sole agency to determine whether or not public interest required its withdrawal from the Kabetogama and Grand Portage State Forests. Furthermore complete acquisition by the Federal Government in the Kabetogama Unit would involve the purchase of 391,489 acres of State Land at \$5.00 per acre for school lands and \$3.33 per acre for swamp lands, requiring about \$1,750,000. There still remained within the Superior boundaries alone 695,887 acres of private land not yet acquired. Complete federal consolidation would not increase in any manner the Roadless Area, which already includes all that was left of the true wilderness.

KABETOGAMA PURCHASE UNIT AS OF JUNE 30, 1956
U. S. A.

<u>County</u>	<u>Gross Area</u>	<u>Net Area</u>	<u>State Land</u>	<u>Private Land*</u>
Koochiching	143,721	1,665	72,088	69,968
St. Louis	<u>607,444</u>	<u>163,523</u>	<u>122,400</u>	<u>321,521</u>
Total	751,165	165,188	194,488	391,489

*Includes tax forfeited land.

Despite the widespread misrepresentations made by promoters of the Quetico-Superior program, the people of the State generally were behind the project. And why should they not be, for the Wilderness Area is the only one of its kind in the nation, not excepting even the wild lands of Maine. Among many instances of state cooperation in furtherance of the program, one of the most important was the endorsement by the state legislature in 1947 of the Thye-Blatnik bill for permanent establishment of the roadless areas then pending in Congress. If that bill had failed to pass, the whole program would have gone on the rocks. When the over-zealous supporters of the enlarged Quetico-Superior plan come to accept the facts of the situation and the Forest Service then agrees to proper land exchange, we may look forward to an early consummation of the purchase program and an harmonious joint development of State and National Forests in Minnesota.

CHESTER S. WILSON, COMMISSIONER OF CONSERVATION
APPOINTMENT, STATUS, AND POLICIES

In 1943, on recommendation of Governor Harold E. Stassen, the legislature revised the statute governing the organization of the Department of Conservation, retaining the previous provision which made the Commissioner of Conservation sole head of the department, but giving him security of tenure for a six-year term, free from arbitrary removal by the governor (Laws 1943, Chap. 60; Minn. Stat. Ann. 84.025-84.088). This provision, together with the Civil Service system already in force for department employees (also promoted by Governor Stassen) effectively protected the Department against political pressure or influence.

As first commissioner under the new law Governor Stassen appointed Chester S. Wilson, who had previously served as legal counsel for the Department and was then serving as deputy attorney general. Mr. Wilson was reappointed by Governor Luther W. Youngdahl and served a total of 12 years—far longer than any previous incumbent of the office. He retired at the expiration of his second term in 1955 without seeking reappointment.

On taking office in 1943 Mr. Wilson expressed full sympathy and support for the Quetico-Superior objectives, if confined to the present boundaries of the national forest, and for the program of consolidation by exchange. He was prime mover in some vital measures for advancement of the Quetico-Superior program. Among these were securing the support of the local county authorities and the state legislature for the Thye-Blatnik bill, obtaining an agreement from the Ontario Department of Lands and Forests to withhold permits for resorts and other developments in Quetico Provincial Park, persuading local interests in Ontario to forego a highway project through the park, supporting the aircraft ban in the Superior roadless areas, supporting regulation of the boundary water levels by the International Joint Commission, promoting the land exchange program, and other significant contributions.

The following review of early developments in the land exchange program is based on a communication from Mr. Wilson, dated May 1, 1956.

During the 1941 session of the Legislature, when Mr. Wilson was back in state service as Deputy Attorney General, the late Henry G. Weber, then Director of the Division of Forestry in the State Conservation Department, came to see him about getting the land exchange law fixed up. Between them they drew a complete new bill, which was passed as Laws 1941, Chapter 393, superseding the 1939 act. The new act was based on exchanging value for value, regardless of acreage. After 15 years of trial it is still in force, with a few amendments that were found necessary on certain points. (Minnesota Statutes, 1953, Sections 94.341 to 94.347).

There were two kinks in the 1941 act that hampered state-federal exchanges. One was a provision in Section 2 that state land bordering on meandered or public waters could be exchanged only for other land

bordering on the same waters or other waters in the same general vicinity. The other was a provision in Section 3 that the land on both sides of an exchange had to be appraised by state appraisers in like manner as state land to be offered for sale, which meant an actual examination and evaluation in detail of the land in each tract and the timber thereon, along with other elements of value, if any. These provisions were all right for small state-private exchanges, but they were impracticable for large-scale state-federal exchanges.

Nevertheless a notable exchange was put through soon after the new act was adopted—the Nerstrand Woods. The proceedings were commenced under Mr. Wilson's predecessor as commissioner, Dr. W. L. Strunk, and completed after Wilson took over in 1943. This involved trading to the State about 460 acres of the big woods area in Rice County (bought by the government under the Weeks Act) for several thousand acres of wild state trust fund land in the Superior National Forest.

State Treasurer Julius A. Schmahl kicked up a fuss, claiming that this would be a bad deal for the public schools that had an interest in the trust fund land. He had no official voice in the matter, but the Land Exchange Commission didn't like to approve the proposal against his objections. He was soothed by pointing out that under the law the Nerstrand Woods lands would be subject to the same trust in favor of the schools as the northern lands given in exchange, and would probably be worth a lot more in the long run; also by getting a prominent state senator (a school man himself) to tell him that the deal was all right with the school people. In fact, many leading educators were among the group that had urged the exchange. So it went through.

The Legislature promptly ratified this action by making the Nerstrand Woods area a state park in 1945. Not only that, they later authorized the same procedure for two other areas—one in Wright County, northwest of Minneapolis, and one near Forestville in Fillmore County. However, nothing was done on those projects because Congress cut out the appropriations to the U. S. Forest Service to buy land for exchange purposes.

In 1949 the Legislature modified the restrictions above mentioned as to water front lands and methods of appraisal so as to facilitate state-federal exchanges on a large scale. They also appropriated some money for exchange work, permitting the organization of a better operating setup under the Division of Forestry. Then it looked as if the program could be got rolling in high gear. But "the best laid schemes . . . gang aft a-gley".

With the tentative approval of the Commission and the cooperation of the U. S. Forest Service, a project was set up for exchanging a large acreage of State land in the National Forests for a lot of federal land outside, including a bunch of L.U.P. land that was under the jurisdiction of the Department of Agriculture and had been leased to the State for forestry purposes. That project was well along in 1953, when word came from the Forest Service that there had been a change of policy at Washington on the L.U.P. land, and that the government was going to turn it over to the states free. So that project was dropped, the L.U.P. land involved was got for nothing, and they started on a new tack. Anyway, the crews engaged on both sides got some good experience out of the venture.

Then they ran into more snags on account of deficiencies in old Congressional grants, for which the government owed the state a considerable acreage of lieu land; also trouble over Volstead ditch liens. They sweat a lot of blood trying to untangle federal red tape on these matters and made some progress, but they were still hanging on the hook when Wilson left the department in the spring of 1955.

More serious trouble developed in the shape of hangers on from the old battle over National Forest expansion. The state department and the U. S. Forest Service had buried all hatchets long ago, and settled on a sound program of cooperation. That involved consolidating federal operations within the regular established boundaries of the National Forests (including the roadless areas), with adjustment of some minor overlaps. Unfortunately dissension cropped out from some other disturbing sources.

One of these was State Auditor Stafford King, without whose approval no exchange could be consummated, since he was a member of the Commission, all of whom must concur, under the constitutional provision. He was always a strong state's rights man. After voting for the Nerstrand Woods exchange, and tentatively approving the next big exchange proposal above mentioned, he tightened up and expressed the opinion that the government had enough land already. He was especially emphatic in insisting that their acquisition in the Chippewa National Forest (his home territory) should be confined within the original boundaries. It was pointed out to him that the State had already given firm consent, under legislative acts, to federal ownership throughout the present established boundaries of both the Chippewa and Superior National Forests, except for the small overlaps, and that it had been assumed that this determination was controlling in shaping the land exchange program. However, he stood his ground, so tactics had to be changed in setting up further exchanges projects. Accordingly attention was concentrated on

exchanges to eliminate the overlaps. Those were all right with Mr. King, since they would result in some contraction of the federal domain.

The other principal source of disturbance was the Legislative Forestry Study Commission, created by the 1953 Legislature to study the whole forestry program and report at the next session. They adopted a resolution (prompted by the same anti-federal sentiment above mentioned) requesting that all exchange proposals be held up pending further investigation. It was pointed out that the Legislature itself, after being fully informed of the exchange program, had set the seal of approval on it by appropriating money to carry it on, and the work in the field was in full swing. The Land Exchange Commission backed up this position by politely acknowledging the resolution but doing nothing further about it.

The legislative commission finally cooled off, and the findings and recommendations on land exchange in their report to the 1955 session of the Legislature were, in the main, quite temperate and sensible. That report was quite a momentous job, covering the whole field of forestry. However, the anti-federal sentiment still smoldered in certain spots, and there was no telling when or in what form it might break out again.

WILSON'S PROPOSED POLICIES

Mr. Wilson's conclusions were,

Of course that is just one manifestation of the general public reaction against the spread of federal bureaucracy that was rampant before World War II. It must be admitted that the government had good ground to step in and promote action in some important fields where the states were weak. One of these was forestry. However, the government, pressed by well-meaning but misguided visionaries, went too far in many places. In my judgment the powers in the U. S. Forest Service at Washington made a bad blunder when they set up the Kabetogama Purchase Unit with the aim of annexing that area to the Superior National Forest. That was unnecessary, because the state Forest Service was well organized to take care of that area. It provoked much resentment in state circles, which persists to this day, and which has confused the issues over the roadless or wilderness area program that should have united support. Furthermore, it would cost the government a lot of money to acquire more land and extend its forest management system over the Kabetogama area. That money would be better spent in consolidating the Roadless Wilderness Areas and developing the U. S. Forest Service system within the established boundaries of the National Forests (where they already have all the territory they can well manage, if they can consolidate their ownership).

Another significant factor that ties in with the land exchange program is that the government does not have anywhere nearly enough land trading stock to balance the state land within the two national forests. In my opinion the government ought to have all that state land except a few places that should be reserved for special public use. In order to get it they will have to buy a lot more land for trading purposes outside of the forest boundaries.

Following are my ideas for a complete program to accomplish a good working adjustment between the Federal and State Forest Service.

(1) Finish the exchange projects already begun to eliminate the overlaps around the Superior National Forest, and revise the boundaries to correspond.

(2) Let the government rescind the designation of the Kabetogama Purchase Unit, and bend the western boundary of the Superior National Forest east a few miles at the north end on Crane Lake, so as to turn over to the State the little outlying corner bordering on Crane Lake, Little Vermilion Lake, and the Loon River. The State already has a well-equipped ranger station on Crane Lake, and can handle that area for fire protection and other purposes more economically and effectively than can the U. S. Forest Service from its more distant stations. Then all Federal land in that area and throughout the purchase unit should be traded to the State for State land within the National Forests.

(3) Do likewise with the Mesabi unit of the Superior National Forest. It now lies like a detached island between the two National Forests, but borders directly on two State Forests, and could well be managed by the State as part thereof.

(4) Get Congress to appropriate funds so that the U. S. Forest Service can buy enough private land outside the National Forests to trade for the balance of the State land within those Forests

that will not be covered by the other measures above listed. Of course the lands purchased should be acceptable to the State. There are plenty of private lands that the State ought to have for consolidation of or addition to State Forests or State Parks or perhaps other purposes. The Government already has the green light from the Legislature for the Wright County and Fillmore County Park areas, which would balance a large acreage of wild State land in the National Forests. As to purchase of other lands outside the National Forests, the Government would have to get the consent of a majority of the Land Exchange Commission (Minn. Stat. 1953, Sec. 1.041). Possibly that might strike some opposition because of the hangover of anti-federal sentiment above mentioned. However, I believe that can be overcome if all land purchases are earmarked for exchange purposes only, and if there is a clear understanding that the Government will keep its future operations within the established boundaries of the National Forests, adjusted as above suggested. Withdrawal from the Kabetogama would do a lot to allay the apprehensions of the state's-righters, besides being a sound move from the forest management standpoint.

(5) (This is more or less futuristic but still practical). Turn the Grand Portage State Forest area over to the Federal Government for annexation to the Superior National Forest. It is already covered by the Pigeon River Purchase Unit. That would be eminently sound from the forest management standpoint. The acreage of State land in the area is too small to warrant a separate State Forest setup. It is far away from the main field of the State Forest system. On the other hand, it is well located for Federal management, being between the east end of the Superior National Forest and the Grand Portage Indian Reservation.

I first broached this idea to Henry Weber some years ago. Although he was a strong state's rights man, he was willing to go along with it if the Government would get out of the Kabetogama. I have also discussed it at different times with his successors, Clarence Prout and Ed Lawson. They felt the same way. However, we agreed that it would not be advisable to make any overt moves to push the proposal until the general exchange program was further along and the Government was ready to deal on the Kabetogama.

Of course the Legislature would have to pass an Act disestablishing the Grand Portage State Forest in order to clear the way for transferring the area to the Government. That might run into some anti-federal obstruction, the same as the other moves before mentioned. However, it should not be too difficult to get around that if the Government will withdraw from the Kabetogama and the Mesabi, and settle down within the established forest boundaries. Incidentally, the Government would have to buy some more private land to balance the State land in the Grand Portage area for exchange, but it would be a benefit to both sides in the long run.

The folks in Cook County might be a little apprehensive over further expansion of Federal land ownership, already covering a high percentage of their area. However, they should not object seriously to a transfer from State to Federal ownership, because they get no revenue from taxes, timber sales, or other income from the State lands, whereas they would get some return if those lands were converted to National Forest lands. I am sure that the County has profited from the deal they got under the Thye-Blatnik Act. That could be amended to cover the Grand Portage area if transferred to the Government. Otherwise the 25% provision would be applicable if the area were annexed to the National Forest without inclusion in the Thye-Blatnik area.

I don't think there is any urgent need at present for pushing the exchange of State land to the Government in the Roadless Areas. Of course that should ultimately be done, with some possible reservations as before mentioned. However, under legislative provisions and long-established policy, it is practically certain that the State lands in those areas will get the same protection as Federal lands. (See the "Little Shipstead-Nolan Act", Laws 1933, Chap. 412; Minn. Stat. 1953, Sec. 110.13; provisions reserving State water front lands and timber from sale, with special protection in Shipstead-Nolan area, Minn. Stat. 1953, Sec. 92.45; resolution of 1947 Legislature endorsing the Thye-Blatnik Act). It is quite significant that when the bill came up in the Legislature at the 1951 session to amend the water front reservation law (originally passed in 1923) so as to permit the sale of State timber when desirable, they went along with all the conditions we proposed for protection of watersheds, wildlife habitat, shorelines, and scenic features, as well as an express provision applying to all State lands in the Shipstead-Nolan area the same restrictions as are imposed on Federal lands. (See Laws 1951, Chap. 20, incorporated in Minn. Stat. 1953, Sec. 92.45, above mentioned). I don't think there is any danger that the Legislature will back away from this policy, and it is safe to say that the Conservation Department will stand on it, no matter who is in charge.

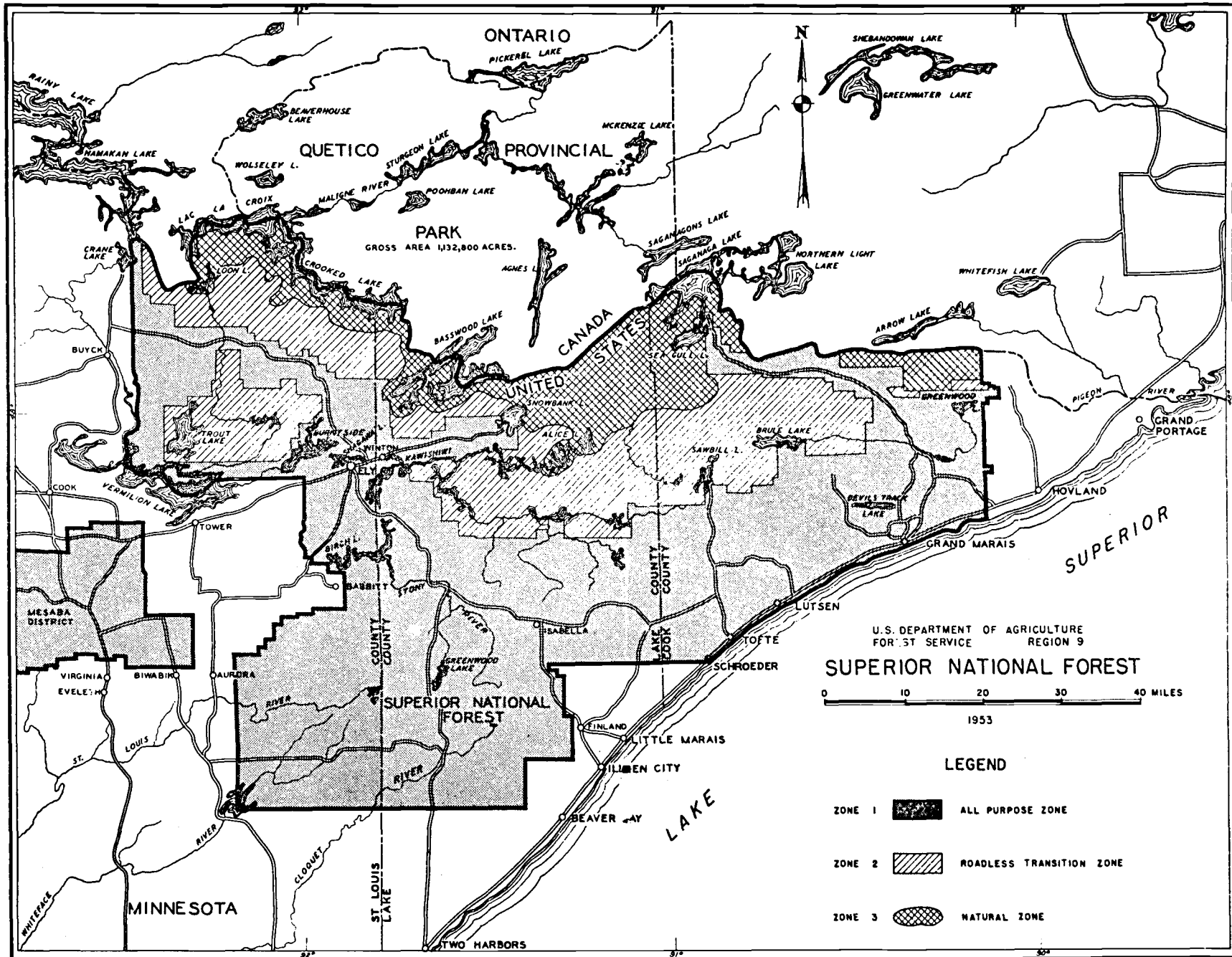
So it seems to me that in the present situation the right strategy for the U. S. Forest Service is to use their limited funds and manpower for more urgent needs, of which by far the most critical is the purchase of the remaining outlying resorts and other private lands in the Thye-Blatnik portion of the Roadless Areas. Signs of progress in that effort are favorable, according to recent newspaper items announcing committee approval of Senator Thye's bill to get more funds appropriated for the program, and another reporting that the U. S. Forest Service has come to terms at last with Joe Perko, owner of one of the major trouble spots on Crooked Lake.

From the standpoint of forest management it is not nearly so important to transfer the State lands in the Roadless Areas to the Government as in the more accessible parts of the National Forests. There is no timber cutting except for salvage in the remote "no-cut" areas, either on Federal or State lands, and operations in other parts of the Roadless Areas are comparatively limited. The exchange program will do the most good in the areas where there is the greatest need for timber management and supervision of timber cutting. So it seems to me that such areas should have priority in setting up exchange projects, leaving the remote wilderness areas to be dealt with later.

By the way, I was recently reminded of an interesting angle about the history of the Quetico-Superior program on browsing through the thesis on Minnesota Conservation written by Dr. J. F. Wolff (now on the faculty of the Duluth branch of the State University) when he was a graduate student at the University in 1949. Although he gives due credit for the zealous efforts of Ernest Oberholtzer and others who promoted this program, he says that its spiritual antecedent was General C. C. Andrews, who envisioned an international park in the border lakeland as early as 1905, and communicated his ideas to American and Canadian forestry authorities (thesis, p. 269).

WHAT ARE THE RESULTS

Visitors to the Superior reached a total of nearly one and one-half million persons last year. Canoeing in the forest has increased phenomenally the past few years. The increases are attributed to national advertising the areas have received because of the various controversies. Also, to the better light-weight camping equipment, including screened tents, down sleeping bags, air mattresses, tasty dehydrated foods, and particularly the light aluminum canoe. It is estimated from sample counts that 57,000 persons travelled the waterways of the Superior Roadless Areas in 1951. Spot checks have shown as many as 50 canoes or 120 persons over a popular route in a single day and indicate as many as 10,000 persons over some routes last season. Thus canoeists themselves are a threat to wilderness and pose many sanitation and administrative problems.






U.S. DEPARTMENT OF AGRICULTURE
FOR EST SERVICE REGION 9

SUPERIOR NATIONAL FOREST

0 10 20 30 40 MILES

1953

LEGEND

- ZONE 1  ALL PURPOSE ZONE
- ZONE 2  ROADLESS TRANSITION ZONE
- ZONE 3  NATURAL ZONE