Big River

Reggie McLeod
Big River, reg@bigrivermagazine.com

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Setting Boundaries —
When a Piece of Wisconsin Gets Attached to Minnesota

By Molly McGuire

Wisconsin duck hunters on a Mississippi peninsula near Red Wing, Minnesota, may be hunting on the wrong side of the river, or is it the right side? Wisconsin or Minnesota? Is Wisconsin always on the east side of the river? When is Wisconsin almost Minnesota?

An unnamed piece of land on the west bank of the Mississippi at the head of Lake Pepin has been a source of confusion to local duck hunters and river people. It has been an area of indeterminate jurisdiction, where many people did not know, nor care, which state they were in. Historically, hunters with a license from either Minnesota or Wisconsin have been allowed to hunt there.

The 14-acre peninsula is sometimes called “Lighthouse Island,” although it is no longer an island and local people call another nearby island on the other side of the channel by the same name. Newer maps show the horseshoe peninsula attached to Minnesota, with the state boundary cutting through the main channel above and east of it. However, some third- and fourth-generation hunters from Bay City, Wisconsin, across the channel, remember the land as being in Wisconsin, and can produce old maps to prove it. Traces of an old river channel can still be detected where the peninsula meets the mainland. And there lies the pivotal clue to the puzzle.

The inside, downstream curve of the horseshoe encloses the shallow Wacouta Bay, providing good habitat for migrating ducks and pursuing duck hunters. The area is frequented by whitetail, and draws deer hunters as well as duck hunters. The peninsula meets the mainland in a marshy area, where Bullard Creek empties into “the lagoon.”

According to Red Wing resident Suzanne Blue of the Minnesota-Wisconsin Boundary Area Commission, for years there was not much of a problem for hunters, because local game wardens were aware of the history of the island and agreed that it was a gray area. Eventually, new wardens came into the picture, unaware of the old maps indicating Wisconsin jurisdiction.

It’s Minnesota

Under the Minnesota Public Lands Improvement Act of 1990, the Federal (Boundaries continued on page 2)
Bureau of Land Management gave the title to the land to Minnesota in October 1991. The matter seemed settled. Wardens required hunters to have a Minnesota license. According to Doug Fendry of the Wisconsin Department of Natural Resources (DNR), some islands in the river had never been surveyed by either state, and the federal government still claimed title by default until it transferred all this unsurveyed land to both Minnesota's Goodhue and Wisconsin's Pierce County courthouses, only to find unclear information. According to Commissioner Suzanne Blue, apparently some who owned land there paid property taxes to Pierce County.

Eventually the commission decided to have the site studied by state surveyors. Judy Winiecki of the Minnesota DNR got the job of investigating and unraveling the story.

It's Uncertain

According to Administrative Director Dan McGuiness, this is the second time in the commission's 30-year history that it was asked to settle or mediate an actual boundary question. (The other was in Pine County where the border in forest land was in question; again, it had to do with hunting jurisdiction.) The Boundary Area Commission meets annually with the Interstate Law Consistency Task Force, made up of DNR personnel from both states. They asked the commission to settle the matter, and McGuiness researched tax records in Minnesota. It used a U.S. Geological Survey (USGS) map that clearly showed the Main Channel as the Minnesota-Wisconsin boundary, putting the land in Minnesota. But that decision didn't sit right with some of the hunters across the river.

Keith Spriggle from Bay City, Wisconsin, first started talking to game wardens about the piece of land when his friend got pinched for duck hunting there. Doug Fendry asked the USGS map makers about the change in the state line, and was told

Spriggle's question went from wardens to supervisors to the state capital in Madison and eventually to the Minnesota-Wisconsin Boundary Area Commission.

Information taken from several sources, including the 1933 U.S. Engineer Office Land & Flowage Rights and the 1974 USGS Quad Map (revised 1994).

Winiecki started with two legal principles: first, that when Wisconsin was admitted to the Union as a state in 1846, a portion of its western boundary was defined as "down the center of the main channel of that river (Mississippi) to the northwest corner of the state of Illinois;" and, second, that the boundary remains there even when the Main Channel changes. To establish the latter, Winiecki cited two court cases, including a recent Supreme Court case involving an island between Missis-
sippi and Louisiana. That case determined although a state boundary can shift when a main channel moves with the gradual process of erosion and accretion, the exception is the Island Rule. An island stays under the original jurisdiction, even if the channel changes.

Winiecki needed to locate the Main Channel of the Mississippi as it was in 1846. The Public Land Survey of 1848 and 1855 stopped on both the Minnesota and Wisconsin sides of the river, and did not include islands in either study. Running notes indicate that a "Steamboat Channel," the main navigation channel, ran between the island and the Minnesota mainland. This map also shows the bustling settlement of Wacouta, a steamboat docking area with accommodations for rivermen who used the quiet bay to tie together huge rafts of logs from the St. Croix to ship downriver.

Fifty years later this channel was already changing. The 1895 map carries the designation of "sloping Mud" and "mud" across the same channel, now called the "South Channel." The 1933 US Engineer's Office Map of Land & Flowage Rights shows the South Channel running between the island, designated as "island 28" and the Minnesota shore as the county line, thereby assuming it as a state line as well. By 1949, an aerial photo shows the island attached to the Minnesota mainland near Wacouta.

The 1950 USGS map showing the state boundary passing through the "Middle Channel," now the Main Channel, on the other side of the island, was in error. Winiecki's report to the Boundary Area Commission states that according to the USGS mapping center at Rolla, Missouri, the indication of the state line was a cartographic representation and not meant to represent the official state boundary.

It's Wisconsin

Winiecki determined that the land in question is in Wisconsin. It was originally an island on the Wisconsin side of the river, with the main navigation channel of the river passing between it and the Minnesota bank. Through the years, and especially after the construction of Lock & Dam 3, the channel filled in until the island became a peninsula attached to Minnesota. Now instead of a Minnesota license, hunters will need a Wisconsin license. According to Greg Turner, Minnesota conservation officer, the decision would also affect commercial fishermen and mussel harvesters who must abide by the proper state rules. Since it is generally legal to sport fish on the river between the railroad tracks on either side with a license from either state, anglers will not be affected.

Bill Szotkowski of the Minnesota Attorney General's office is writing a memorandum of understanding to be signed by both states. He doesn't expect any problems and predicts the matter will be wrapped up by this fall's duck hunting season. Maps will eventually show the proper boundary. The Mississippi will continue to reshape itself and its islands, with or without human meddling. People will always ask, "Who's in charge here?" Surveyors, of course.

Molly McGuire is assistant editor of Big River.
The "commercial boats" counted for the graph are nearly all towboats, but dredges and passenger boats are also included.

Compiled with information from the St. Paul District and the Rock Island District of the Army Corps of Engineers.
Current Events

By Mollie McGuire, Reggie McLeod and David Syring

First Tow
Winona, Minn. — On Thursday evening, March 20, people driving south on Highway 61 were greeted by an early sign of spring — the sweeping spotlight of the first towboat heading upriver. The Ardyce Randall locked through Lock & Dam 6, Trempealeau, Wis., at 6 p.m. with empty barges and locked through going downstream the next day.

Big Fine
Blue Earth, Minn. — Minnesota fined Texas-based Darling International, Inc., $4 million for dumping animal waste from a rendering plant into the Blue Earth River. The fine is the largest ever assessed in the state for an environmental crime. Under the plea agreement, a million dollars of the fine will be set aside for cleaning up the Blue Earth, and to help fund efforts to improve land use in the river's watershed.

In 1991 and 92 Darling allegedly dumped wastes including blood, animal entrails and high concentrations of ammonia and suspended solids into the Blue Earth. According to River Crossings (January/February 1997), the company's CEO denies dumping animal entrails, but admits that some of the other charges are correct.

"Of equal concern besides the environmental crime of pollution is the charge that the company covered up these violations," observed U.S. Attorney David Lillehaug.

Newt Acquitted
Dubuque, Iowa — With former employees pleading guilty to lesser violations, a Cedar Rapids, Iowa, jury acquitted Newt Marine Service, of Dubuque, Iowa, of charges that it knowingly polluted the Mississippi (see Big River, July 1996). Government investigators showed no evidence that the river had been polluted, according to Waterways Journal (2-24-97).

Sentencing of four former employees who pled guilty to misdemeanor charges is scheduled for April 25.

Great River Rumble
If seven days of hard paddling, camping, volleyball, watermelon races and parties is your idea of a good time, join in the Great River Rumble. The canoe trip begins in Minneapolis on July 27 and finishes 130 miles downstream, in Winona, Minn.

The $100 registration fee covers campsites, cargo hauling from campsite to campsite and a ticket to the farewell party. Or you can join the rumble for $25 a day. Each day will cover about 25 miles.

Contact: Rex Klein (708) 747-0302, Great River Rumble, P.O. Box 3408, Dubuque, IA 52004-3408, or visit its Web site: <http://members.aol.com/RiverRumbl/index.html>.

Get My Drift?
Minnesota — Last year airborne clo-mazone (Command 4EC), a herbicide, damaged land in several parts of southeastern Minnesota, according to the Minnesota Department of Agriculture's (MDA) MDA Update (March/April 1997).

The MDA investigated 13 cases involving the herbicide, which is a color inhibitor that turns plants white. One case reported bleached plants for several miles along a highway. Most damage occurred from not following instructions on the herbicide's label that require working Command 4EC into the soil as it is applied. Use of Command 4EC is prohibited within 1,000 feet of a town or subdivision.

Contact John Peckham at (612) 297-2614 or email John.Peckham@state.mn.us for more information.

Carp Kielbasa
Fulton, Ill. — Where could you ask for carp cold cuts or carp jerky and not get a funny look? If you're in Fulton, Ill., you'd ask at Schafer's Fish Market, where Mike Schafer produces bologna, jerky, and meat sticks all made from the fish valued in Europe as "the freshwater queen." Schafer is also working on recipes for carp hotdogs and sausages, but you'll have to wait awhile for those treats. Schafer, who took three years to develop carp jerky, isn't promising quick results from his sausage experiments, according to the Associated Press (3-9-97). Despite their lowly status among U.S. anglers, carp has a good reputation elsewhere. "It's the most highly sought-after fish in the world," according to Bob Williamson, commercial fisheries biologist with the Illinois Department of Natural Resources.

Agaghming Access
Winona, Minn. — Since engineers declared the Wagon Bridge unsafe and closed it, the only legal way to get to Winona's Agaghming Park has been to walk across the ice (when there was ice) or take a boat. Some ignored the closed sign and walked across the 105-year-old bridge or trespassed to cross the railroad tracks in Wisconsin, but the park's 1,180 acres of river bottoms and sloughs was more or less isolated by the bridge closing (see Big River, October 1996).

After studying several possibilities, the City of Winona has asked the Army Corps of Engineers for a permit to build a short access road that would require filling in 1.77 acres of wetland and open water. The city proposes creating about 1.7 acres of wetland.

(Current Events continued on page 6)
new wetland by getting fill for the project from a nearby abandoned rail-
road right of way.

New access to the park would be by way of an existing road from
Highway 54 on the Wisconsin side of the river to railroad property next to
the tracks. The new road would con-
tinue downriver from there, running parallel to the Burlington Northern
Railroad tracks for about 1,100 feet,
until it connects with the road from the Wagon Bridge.

The city may also reconsider re-
pairing the bridge. The park, which is
in Wisconsin, contains a small boat
harbor near the old road from the
Wagon Bridge.

**Audubon WatchList**

Audubon Society bird watchers, often
known for keeping “life lists” of all
the birds they've ever seen, have tak-
en the list concept one step further
with a new “WatchList,” an annual
list of birds that are in decline or im-
mediate danger.

The Federal Endangered Species
list includes species that have
reached a critical level, but the new
WatchList aims to alert people to
problems sooner. The 1996 WatchList
includes 90 species (14 percent of all
American breeding species).

The WatchList is a joint effort by
the Audubon Society and Partners in
Flight. Volunteers and scientists will
compile the list annually, to document
drops in bird populations that cannot
be accounted for by seasonal or cyc-
lical patterns.

The Audubon Society wants the
WatchList to serve as a call to action,
and identifies many ways individuals
can help the birds on the list, includ-
ing: landscaping with native flower-
ing and fruiting plants to create food-
rich backyard habitat; hanging bird
feeders and nesting boxes; and offer-
ing water in simple birdbaths. Keep-
ing your house cat inside the house
helps, too, since domestic cats kill
nearly a billion songbirds a year in
the United States. Participating in vol-
untary bird counts also helps.

To get an information packet and
more suggestions for ways to help the
feathered ones, call toll-free, 1-888-
AUDUBON (283-8266).

**A Ribbit or a Croak?**

Wisconsin — How many kinds of
frogs can you find singing in a pond
on a warm spring evening? If you
want to help answer that question,
join the Frog and Toad Survey coor-
dinated by the Bureau of Endangered
Resources of the Wisconsin Depart-
ment of Natural Resources (DNR).
Volunteers will visit sites to identify
the calls of various frogs and toads in
the spring.

For information contact, Bureau of
Endangered Resources, Wisconsin
DNR, Box 7921, Madison, WI 53707,
or call (608) 266-7012.

**To Flood or Not to Flood?**

If you think predicting next week's
weather is like flipping a coin, then
consider the factors scientists use to
figure out whether and how badly the
Mississippi will flood: if heavy rains
fall while snow is thawing in north-
ern Minnesota and Wisconsin; if tem-
peratures up north stay cold and then
suddenly jump to spring warmth;
and if the 15- to 36-inch, extra-wet
snowpack over parts of the region
melts and flows into the Mississippi
basin rather than east toward Lake
Superior; then the Upper Mississippi
might experience extreme flood con-
ditions this year.

In other words, nobody knows, but
it might be a good idea to prepare just
in case. The National Weather Service
(NWS) issued an alert on March 18
that rain-saturated soil and heavy
snow in the Upper Midwest were
likely to lead to flooding.

The Mississippi should crest some
time in mid to late April, according to
Gary McDevitt, NWS hydrologist in
the Twin Cities. Those who had prob-
lems in the 1993 flood, should take
precautions, McDevitt advised in the
Winona Daily News (3-18-97).

Contact the Minnesota Department
of Natural Resources (DNR), at (507)
285-7430, for information sheets about
preparing for floods, preparing to
evacuate and cleaning up afterwards.

**River Recommendations**

The government should expand its
investment in navigation and look in-
to creating navigation channels deep-
er than the nine-foot one currently
maintained by the locks and dams on
the Upper Mississippi River. This is
only one of ten recommendations a
Dutch consulting firm, Delft Hy-
draulics, presented at the annual
meeting of the Upper Mississippi, Illi-
nois and Missouri Rivers Association
(UMIMRA).

The draft report, “A Balanced
Management Approach for the Upper
Mississippi, Illinois and Missouri
Rivers,” suggests that natural re-
sources on the river can be protected
and restored simultaneously with im-
provements in navigation and flood-
control. The report argues that the
government and the Army Corps of
Engineers should assume more re-
ponsibility for economic growth and
ecological restoration along the river.
The report also recommended that
the interests of farmers in bottom-
lands should be accounted for.

For more information write, Chairman, UMIMRA, Route 1, Box 25A, Gladstone, IL 61437.

Secret Sponsors, Agenda?
Rushford, Minn. — Local and regional land-use planning initiatives drew fire from property rights advocates at a February 27 meeting in Rushford, Minn. Speakers criticized the efforts of the Mississippi Heritage Corridor, Common Visions for Minnesota Blufflands and the Land Stewardship Project.

Representatives from these projects did not speak at or help plan the meeting. The primary speakers at the event were Marilyn Hayman of the Maiden Rock, Wis., based Citizens for Responsible Zoning and Landowner Rights (CRZLR) and Don Parmeter of the northern Minnesota-based Greater Northland Coalition. The tone of the speeches echoed much of the "wise use" movement, which many view as an anti-environmental crusade.

Sponsorship of the event remained vague. Moderator Edgar Hansgen, of St. Charles, Minn., declined to publicly name sponsors. "We have several sponsors who I won't name," the moderator said, claiming he did not want to "embarrass" any sponsors.

The Minnesota-Wisconsin Boundary Area Commission, publicly announced it withdrew sponsorship. "The commission's name is being used to forward a hidden agenda," said Eric Macbeth, the commission's technical director.

Maynard Welscher and George Brown, respective presidents of the Houston County and Winona County Farmers' Union, which were both cited as sponsors, denied that their boards officially supported the event.

Mussels in the News
An economically and ecologically important critter in the Upper Mississippi may be at risk, according to the Upper Mississippi River Conservation Committee (UMRCC). Washboard mussels, a slow growing, commercially harvested native unionid, are in danger of being over-harvested.

According to The UMRCC Newsletter (Jan./Feb. 1997), some biologists think the numbers of washboard mussels have already fallen below self-sustaining levels. Commercial takes of washboards have been declining, despite rising prices and more intensive harvesting efforts.

Washboards have a relatively complicated life cycle, taking 21 years to grow four inches, the legal size for harvest. They reproduce only about every seven years, and studies suggest that the majority of washboards are harvested before they reproduce, making young of the species scarce. Population densities of washboards seem to be falling much more rapidly than noncommercial species.

Wisconsin prohibits the harvest of certain rare mollusks. On March 14 a La Crosse, Wis., commercial mussel buyer pleaded guilty in federal court to transporting and possessing buckhorn clams, a threatened freshwater mussel. The Wiebke Fur Co. agreed to pay $20,000 to the Wisconsin DNR and a $15,000 fine, according to the La Crosse Tribune (3-15-97).

Nearly 650 of the seven- to eight-inch-long buckhorns were found in July 1995. They had been taken from the Sugar River in southern Wisconsin. A case has also been initiated against the harvester.

Resources
Hennepin Parks in the Twin Cities offers nature programs throughout the spring and summer. Call (612) 559-9000 weekdays for Seasons in Hennepin Parks, a free calendar and guide. For a brochure on raptor programs and workshops, call (612) 476-4663.

A calendar of free Wisconsin wildlife watching events, including guided bird watching tours, naturalist programs and wildlife clinics, is available from the Wisconsin DNR. Call (608) 263-8528, or stop by any DNR regional office or state tourism center.

For detailed descriptions of all the sites, the DNR offers the Wisconsin Wildlife Viewing Guide for $10.65 at bookstores, or call the above number.

Wisconsin has issued its new fish consumption advisory, the first since 1994. For copies, call (608) 266-1877, or download it from the Web site at <http://www.dnr.state.wi.us>. Look under fish information.

The Mississippi River Basin Alliance is now on the Web at <www.mrba.org/mrba>.


A new DNR, toll-free number offers information about southeast Minnesota resources and outdoor recreation. For state parks and forests campground maps, boating safety packets, and answers to your questions, call 1-888-646-6367.

A new newspaper about the Mississippi is being published by American Rivers and the Minnesota-Wisconsin Boundary Area Commission. Mississippi Monitor, funded by a McKnight Foundation grant, is available from Andy Seth, Mississippi Monitor, American Rivers, 1025 Vermont Ave. NW, Ste. 720, Washington, DC 20005.

The Rivers Project at Southern Illinois University has developed six high school curriculum guides, stressing hands-on experience and community projects in river chemistry, geography, earth science, math, language arts and biology.

The Rivers Project is also sponsoring two summer teacher training programs, one in July in Chicago, and the other in August in Edwardsville.

Call (618) 692-2446, email rivers@siue.edu or visit their Web site: <http://www.siue.edu/OSME/river>.
River Calendar

Special Events & Festivals

April
14 Millard Fillmore annual dinner, 5:30 p.m., Radisson Hotel, St. Paul, Minn. Celebration of progress on the river, especially Harriet Island, (612) 293-6860.
15 Rock Art in the Midwest, 7 p.m., Cartwright Center, UW-La Crosse, (608) 785-8454.
16 Spring Raptor Release, French Regional Park, Plymouth, Minn., (612) 759-6769.
19 Flood Run, Twin Cities downstream.
19-20 March for Parks, Minn. State Parks, (612) 296-0903.
22 Earth Day, (612) 476-1077.
25 Arbor Fair, 9 a.m. - 3 p.m., State Capitol, (612) 476-2780.
25 Arbor Day in Minnesota, (612) 772-7925.
26 Annual Sandhill Crane count, call local bird clubs for information.

May
3 Birding by canoe, Trempealeau Refuge, Coulee Region Sierra Club, (608) 989-9845.
3 Planting by canoe, Trempealeau Refuge, Coulee Region Sierra Club, (608) 989-9845.
3-22 33rd Annual Statewide Birding Festival, Minn. Bird Club. (612) 370-4000.
6-8, and 20-22 River science classroom, river education for elementary students, registration, (612) 296-0903.
10-17 National River Cleanup Week, (423) 558-3595.
17 Minneapolis, 9:30 a.m., St. Anthony Falls north to city limits, five locations, sponsored by Mississippi Corridor Neighborhood Coalition, (612) 379-3814.
17 Anoka, Minn., 10 a.m., Peninsula City Park, Bill at (612) 506-6362.

Meetings & Hearings

April
2 Hiawatha Valley Audubon Society, 7:30 p.m., Lake Park Lodge, Winona, Minn., treats by Davis & Eyden, visitors welcome.
5 CommonVisions, public meeting, 9:30 a.m. - noon, Alverna Center, Winona, Minn., (507) 643-6765.
7 Wisconsin Mississippi River Parkway Commission, 11 a.m., EMTC, 575 Lester, Onalaska, Wis., (608) 786-0774.
10 Minnesota-Wisconsin Boundary Area Commission, Stillwater, Minn., (612) 436-7131 or (715) 386-9444.
11 Lower Wisconsin State Riverway Board, 5 p.m., Sauk City, 1-800-221-3792.
14 St. Croix Valley Sierra Club, 6:30 p.m., Stillwater, Minn.
16 La Crosse (Wis.) Audubon Society, 7 p.m., EMTC, 575 Lester, Onalaska, Wis., featuring Laura Erickson on warblers, (608) 785-9934, public invited.
24-25 Mississippi River Research Consortium annual meeting, La Crosse, Wis., (608) 783-7550.
29 Coulee Region Sierra Club, 7 p.m., La Crosse (Wis.) Public Library, Wisconsin's endangered plants and animals, visitors welcome, (608) 784-2464.

Workshops & Conferences

April
14 Mission Possible: Reconnecting Communities to the Mississippi, 1 p.m. - 5 p.m., St. Paul, Minn., (612) 293-6860.

May
21 Upper Mississippi River Basin Association quarterly meeting, St. Louis, (612) 224-2880.

River Almanac

By Kenny Salwey

Showers fall gently. South breezes caress your face. You can smell the mud as it comes alive again. The big river flows high and muddy, waters filling every lowland nook and cranny. April is a soft and gentle time, smacking of skunk cabbage and marsh marigolds, robins and killdeer, gulls and eagles, bullheads and turtles. The river is alive, vibrant and pulsing. It seems to say, "The circle is turning faster, let's get on with the regeneration of Life!" Geese and ducks, herons and egrets wade around every bend. Beaver and muskrats patrol backwaters looking for mates.

Fish are moving, too. Carp, buffalo, northern and panfish swim where bottomsailed high and dry just a few short weeks ago. The river is spring housecleaning. Logs, barrels, and other flotsam drift in steady currents. Bluffs watch the parade pass on its way to the sea. River folk keep watchful eyes on levees and dikes. The river creeps a little higher each day. Patience and perseverance are necessary survival skills for river folk and wild things.

Frogs argue along the banks at night. Soon grasses will grow lush, flowers bloom and leaves sing lullabies. April is a good month, is it not, my friends?