

**DRAFT**  
**ENVIRONMENTAL ASSESSMENT (EA)**

**North Country Trail Segment  
Through Hubbel Pond WMA – Becker County**

Submitted to  
United States Department of Interior  
Fish and Wildlife Service  
Region 3  
Wildlife and Sports Fish Restoration Program

February 10, 2014

Submitted by  
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## 1. Project Description

The North Country Trail is a non-motorized National Scenic Trail that is planned to extend from New York to North Dakota. In Minnesota progress on the North Country Trail is approximately 30% complete. The completed trail segments use existing trails including the Lake Superior Hiking Trail and the Border Route Trail. Linkages, primarily on public lands, are being sought to complete the trail through Minnesota. Hubbel Pond Wildlife Management Area (WMA) is a logical connection to a segment connecting with the Tamarac National Wildlife Refuge. The proposed trail would use existing hunter walking trails to the extent possible and minimal impact construction where new construction is needed. This project addresses the applicants request for 10 year lease for the purpose of the hiking trail through Hubbel Pond WMA. Wildlife Sportfish Restoration (WSFR) program funds will not be used for trail construction. Net revenue generated from the lease will be deposited into the Minnesota Department of Natural Resources' (MN DNR's) Game and Fish Fund and will be considered program income and deducted from earnings through the WSFR Program administered through the U.S. Fish and Wildlife Service (USFWS).

## 2. Purpose and Need

### 2.1. Purpose

The purpose of this project is to issue a 10 year lease for the construction and maintenance of the North Country Trail through Hubbel Pond WMA. This 5.9 mile trail segment would be part of a 4,600 mile trail system that would cross America's heartland through seven states.

### 2.2. Need

The North Country Trail alignment in North Central Minnesota (Figure 1) is proposed to connect through Itasca State Park, Tamarac National Wildlife Refuge and Maplewood State Park. In order to make this connection, the trail coordinators have proposed that the trail cross approximately 5.9 miles of Hubbel Pond WMA (Attachment 1). Much of the proposed trail alignment already exists as recreational user walking trails. The trail is intended to be a 24" wide trail tread within a 4-foot wide corridor and be minimally maintained.

### 2.3. Decisions that Need to be Made

Due to the use of federal funds through the Pittman Robertson Wildlife Restoration Program to acquire several tracts in Hubbel Pond WMA, approval by the USFWS is required (50 CFR80.137(a)). This document serves to meet the USFWS's National Environmental Policy Act (NEPA) compliance requirement.

The USFWS's Regional Director in Bloomington, Minnesota will determine, based on the facts and recommendations contained in this document, whether this Environmental Assessment (EA) is adequate to support a Finding of No Significant Impact, or whether an Environmental Impact Statement (EIS) will need to be prepared.

### 2.4. Background

#### 2.4.1. Hubbel Pond WMA

Hubbel Pond is a 3,421 acre unit in central Becker County, located 200 miles northwest of the Twin Cities and 11 miles northeast of Detroit Lakes (Figure 2). It was first proposed as a management area by the Becker County Sportsmen's Club in 1947 and approved by County Commissioners for land acquisition in 1952. Initial purchases of 1,076 acres of primarily tax-forfeited and Trust Fund Lands occurred in 1954. Access to

the WMA is available from State Highway 34 which bisects the southern portion of the unit, and from Becker Co Rd 29 which forms the western unit boundary. Interior access is also available from two township roads through the unit. The 43,000 acre Tamarac National Wildlife Refuge borders the area to the north. Hubbel Pond WMA is characterized by gently rolling uplands surrounding a large central marsh. The Otter Tail River flows through the unit from northeast to southwest. "The Hubbel Pond WMA was established to preserve, restore, and manage wildlife habitat and to provide public hunting and trapping. The area is managed principally for waterfowl with secondary emphasis on white-tailed deer, ruffed grouse, wild turkey and furbearers. Hunting and trapping are the principal recreational uses. Other public uses include fishing, nature observation, environmental education, hiking, and canoeing" (Hubbel Pond WMA Master Plan, 1980-1989). MN DNR records show that 2,016.74 acres in Hubbel Pond WMA were acquired with Wildlife Restoration dollars through MN grants W-27-L and W-31-L.

The habitat of Hubbel Pond WMA is diverse and includes wetlands, northern hardwoods, lowland hardwoods, lowland brush, native prairie and grasslands, and open fields. The Hubbel Pond empoundment is a 600 acres semi-permanent wetland with 23 miles of shoreline. Numerous additional marshes and potholes add to the wetlands within the unit.

Management emphasis in the unit is on waterfowl production and habitat improvement for upland game. Strategies include prescribed burns, water level manipulation, timber harvests, wildlife food plots, nest boxes, and nest tubes.

Three miles of maintained public use motorized trails, 16 miles of maintained non-motorized recreational user trails, seven parking lots, two water control structures, and a public access on Hanson Lake are currently the unit's main facilities (Figure 4).

Draft MN DNR FAW directives allow development to provide access to the WMA, "but shall be so developed as to minimize intrusion on the natural environment." "Hunter walking trails provide non-motorized access to public hunting and fishing lands. Hiking, snowshoeing, mountain biking and cross-country skiing as casual individual activities are allowed on WMA/AMAs, unless posted closed".

MN DNR Policy #15 regarding Wildlife Management Area Policy allows camping only by permit or in designated overnight use areas where 1) alternative camping options are limited, 2) it minimizes adverse impact on the area's resources or interference with use or management activities or 3) is consistent with the WMA management plan for that unit.

#### 2.4.2. North Country Trail

The North Country Trail, established in 1980, is the longest of eleven of the country's National Scenic Trails, and is administered by the National Park Service, in cooperation with other federal, state, and local agencies, and built and maintained primarily by the volunteers for the North Country Trail Association and its partners. The trail, begins in northeast New York and will end in North Dakota, is approximately 4,600 miles long, of which more than 2,100 miles have been certified (developed and managed according to the National Scenic Trail Act and the management plan for the trail), several hundred additional miles of trails are uncertified, but open to the public.

In Minnesota, the trail includes sections of the Superior Hiking Trail along Lake Superior and the Kekekabic and Border Route Trails along the Canadian border as well as through several state parks, the Tamarac National Wildlife Refuge, State and National

Forests and is proposed through several Wildlife Management Areas, including Hubbel Pond WMA (Figures 1, 3).

3. Alternatives, Including the Proposed Action

This chapter describes and compares the alternatives considered for a proposed lease that would allow a segment of the North Country Trail to cross through Hubbel Pond WMA. Included are descriptions of the two alternatives considered: Alternative (A:) allowing the North Country Trail to cross the WMA, as proposed; Alternative (B): the no action alternative, as well as alternatives dropped from consideration.

3.1. Alternatives Not Considered for Detailed Analysis

No other alternatives were considered.

3.2. Alternatives Carried Forward for Detailed Analysis

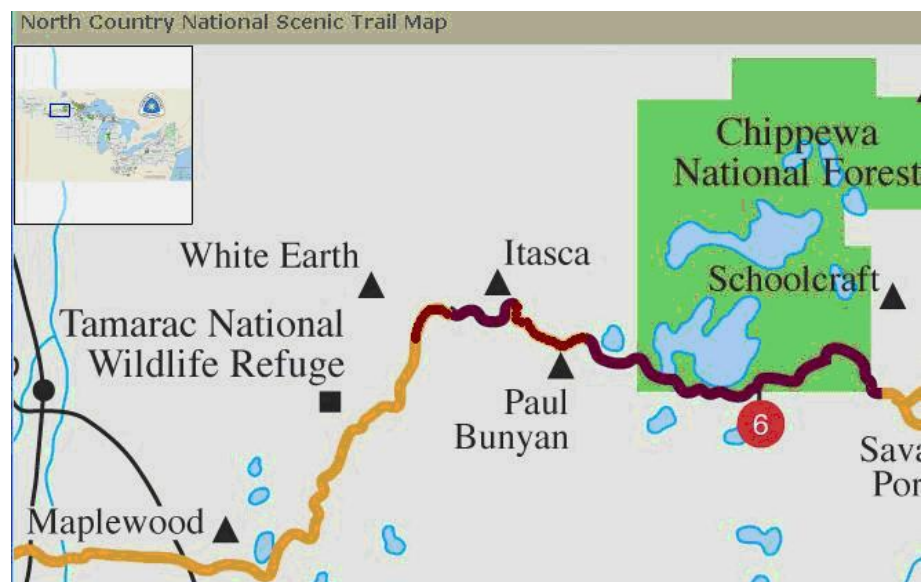
3.2.1. Alternative A - Proposed Action:

The proposed action would allow the North Country Trail, through a lease agreement, to construct and maintain a walking trail through Hubbel Pond WMA.

3.2.2. Alternative B - No Action:

The no action alternative would mean that additional development/expansion of the hunter walking trails for the purpose of expanding the North Country Trail through Hubbel Pond WMA would not occur through the proposed lease agreement.

Figure 1. North Country Trail Through Minnesota





**Figure 2. Hubbel Pond WMA and Vicinity**

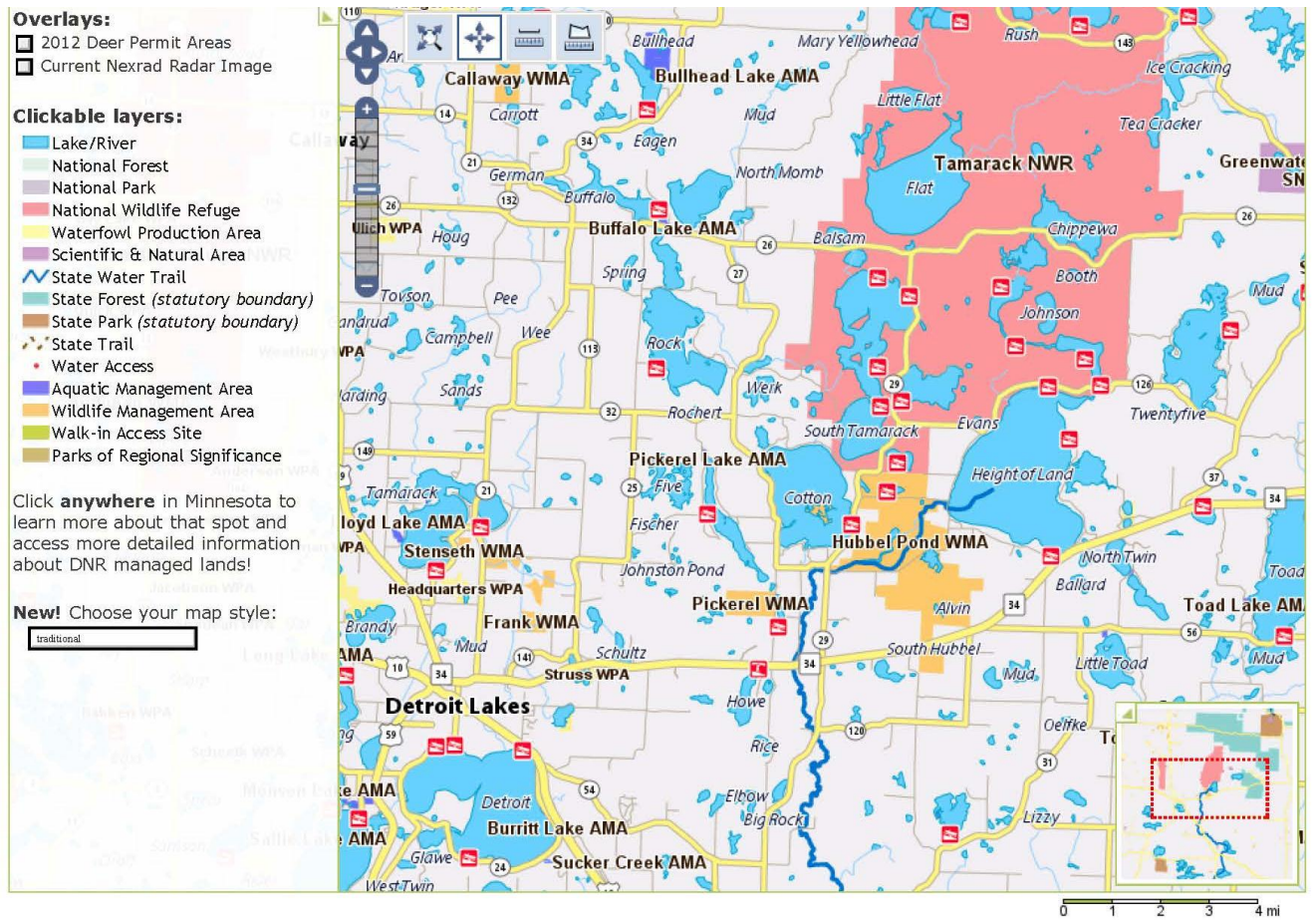


Figure 3. North Country Trail Alignment in Hubbel Pond WMA

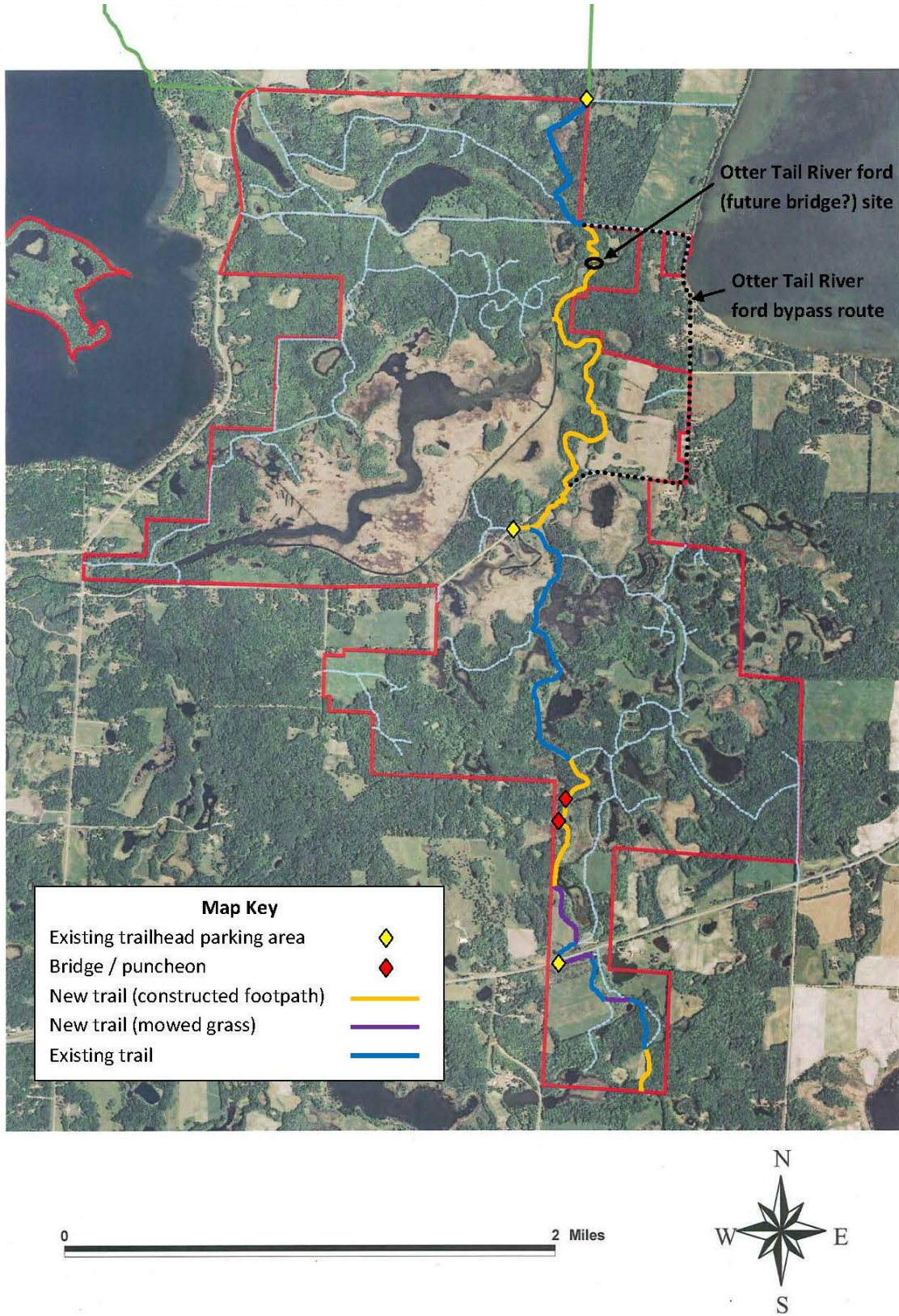
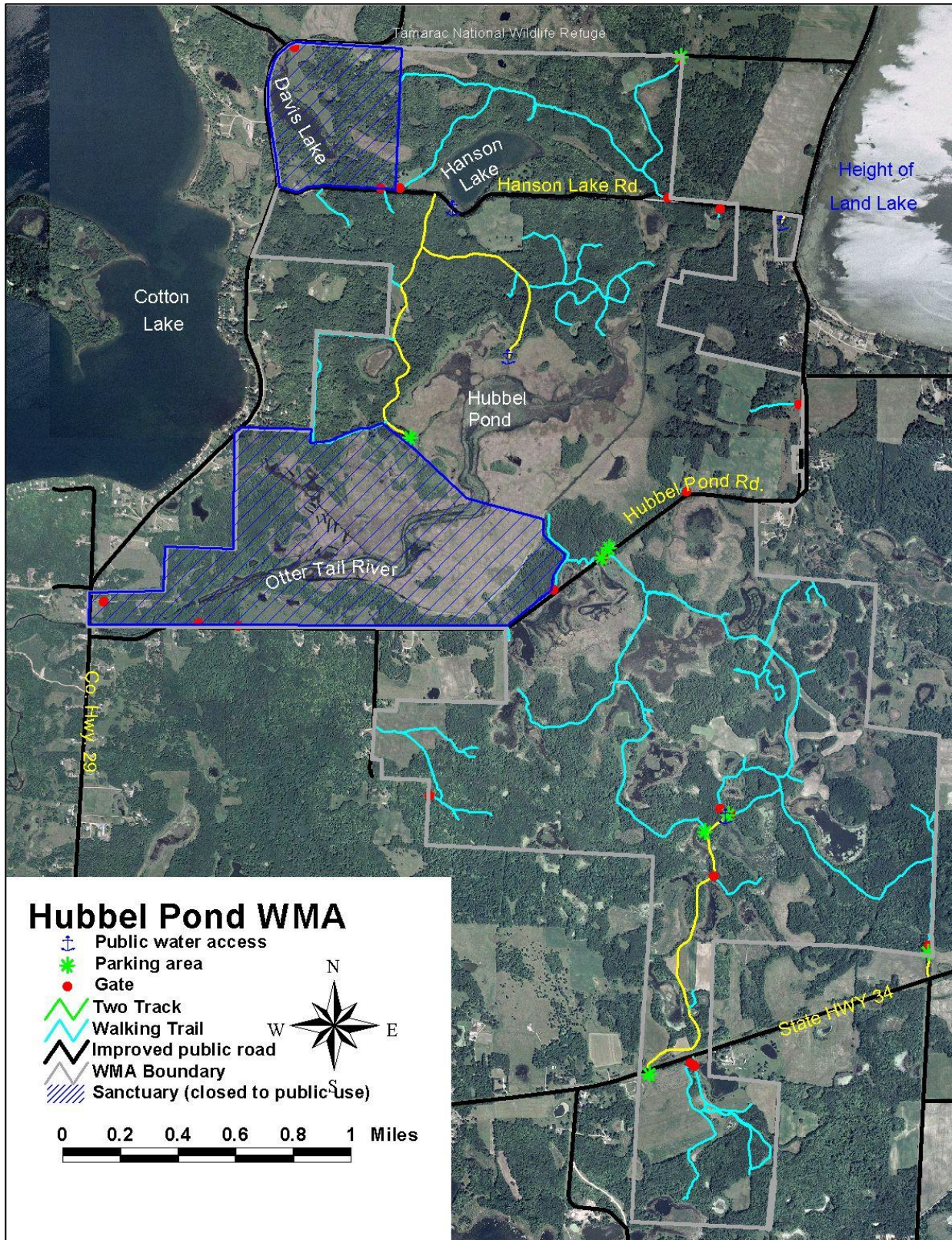


Figure 4. Map of Hubbel Pond WMA



#### 4. Affected Environment

##### 4.1. Physical Characteristics

The area climate is generally characterized by warm summers and long, cold winters. The average July temperature is about 69 degrees F, while the average January temperature is about 5 degrees F. Average annual precipitation is about 24 inches, with about 70 percent of this occurring as rainfall. Annual snowfall averages about 40 inches.

Formation of the regional terrain is the result of glaciation, leaving a complex series of marginal and terminal moraines, and associated outwash plains. Soils formed from this glaciation are generally coarse loams overlying unconsolidated glacial till, and sand and gravel outwash deposits. Based on the Minnesota Ecological Classification System, about 95 percent of the Hubbel Pond WMA lies within the White Earth Moraine Land Type Association of the Hardwood Hills Subsection, within the Minnesota and Northeast Iowa Morainal Section. The remaining area is within the Shell Lake Moraine Land Type Association of the Pine Moraines and Outwash Plains Subsection, within the Northern Minnesota Drift and Lake Plains Section.

Topography of the general area can be characterized as gently rolling uplands interspersed with numerous depressional lakes and wetlands. Elevations within the WMA range from about 1,450 feet above mean sea level on the Hubbel Pond Impoundment surface, to 1,550 feet near the southeast corner of the WMA. The Hubbel Pond WMA lies within two watersheds. About 95 percent of the unit is within the Ottertail River Watershed, with the remaining area in the Buffalo River Watershed. The Ottertail River flows out of Height of Land Lake and into the Hubbel Pond Impoundment. Impoundment of the river within the WMA dates back to the timber harvest days of the late 1800's. The existing water control was completed in 2010. The Ottertail River exits the WMA at the town of Rochert, generally flows southerly, eventually flowing into the Red River of the North.

##### 4.2. Biological Environment

###### 4.2.1. Habitat/vegetation

Currently, habitats on Hubbel Pond WMA consist primarily of upland deciduous forests of aspen, oak and northern hardwoods, with scattered areas of lowland brush, wetlands, restored native prairie grasslands, non-native upland grasslands being restored to natives, and cropland.

###### 4.2.2. Listed, Proposed, and Candidate Species

###### Federally Listed Species

The proposed project is located in Becker County. According to the USFWS's County Distribution of Federally-Listed Endangered, Threatened, Candidate and Proposed Species list at <http://www.fws.gov/midwest/endangered/lists/minnesot-cty.html>, there is one proposed species noted, the northern long-eared bat (*Myotis septentrionalis*) typically found in forested habitat. The Phase I, Section 7 Evaluation is included as Attachment 2.

###### Minnesota State Listed Species

The State's Natural Heritage Information System has identified one state listed species within Hubbel Pond WMA: the Trumpeter Swan (*Cygnus buccinator*), a Special Concern species. This species is regulated under the Minnesota Endangered Species Statute MS 84.0895 and associated rules. More information about the rare species can

be viewed at the Rare Species Guide on the MNDNR website at:  
<http://www.dnr.state.mn.us/rsg/index.html> .

#### 4.2.3. Other Wildlife Species

The forest and wetlands provide moderately to highly valuable habitat for wildlife. Water bodies within Hubbel Pond are primarily managed for waterfowl. Most wetlands are too shallow to support fish production. Black bear, white-tailed deer, snowshoe hare, and ruffed grouse are among a diverse suite of wildlife species that inhabit the area. Furbearers include beaver, coyote, red fox, bobcat, raccoon, muskrat, mink, fisher, and river otter. Mast bearing oak trees and productive fruit or nut bearing shrubs are common.

Nearly 250 species of birds have been identified within the WMA, 159 of them are permanent or summer residents of the site. Among the game birds in the management area are 24 waterfowl species, mallards, blue-winged teal, wood duck and ring-necked duck are among the most common of these. Two species of upland game birds, ruffed grouse and woodcock are found on site. Non-game bird species include the Common Loon, Great Blue Heron, and Barred Owl. Many breeding birds are forest interior species that prefer large tracts of relatively continuous forest cover. Others prefer the forest edges along the forest-prairie transition zone (e.g., Yellow headed blackbird, Western kingbird).

White-tailed deer is the most common game species found in the Wildlife management area. Deer populations have increased to relatively high densities in recent times from lows experienced during the period from 1996 to 1998. The project area has a healthy bear population, with average densities comparable to the primary ranges of Minnesota. Bear populations have increased 75 to 100 percent in Minnesota since 1990.

“The Minnesota State Wildlife Action Plan (SWAP) – MN DNR 2006. *Tomorrow’s Habitat for the Wild and Rare: An Action Plan for Minnesota Wildlife*”, describes key habitats and Species of Greatest Conservation Need. Hubbel Pond WMA is located within the Hardwood Hills, and Pine Moraines and Outwash Plains Subsections of the Minnesota Ecological Classification System. During pre-settlement times, Hubbel Pond was a transition between the prairies to the west and the northern forest types to the east and northeast.

Species of Greatest Conservation Need (SGCN) are defined as animals whose populations are rare, declining, or vulnerable to decline and are below levels desirable to ensure their long-term health and stability. Collectively, over one-hundred SGCN species are known or predicted to occur within the Pine Moraines and Outwash Plains and the Hardwood Hills Subsections, an area of approximately ten thousand square miles. The SGCNs not only include animals that are state or federally listed endangered, threatened, or of special concern status, but also many that are not listed by federal or state authorities. Examples of SGCNs occurring in both Subsections include Woodland Vole, Grasshopper Sparrow, American Bittern, Veery, Common Loon, Least Darter, Creek Heelsplitter, a mussel, and a variety of insects.

Key habitats that are considered important for supporting SGCN species have been defined for the Pine Moraines and Outwash Plains and the Hardwood Hills Subsections and include the following habitats within the project area: Upland deciduous hardwood forest, Upland shrub/woodland, Prairie, Non-forested wetland, Grassland, Shallow lake, and River headwaters.

#### 4.3. Land Use

Becker Co. is in the west-central part of the state covering 131,520 square miles, 39% which is forest, 33% cultivated, 10% pasture/grassland and 9% water. The county has a population of 32,504 with a population density of 24.7 people/sq. mile. The county seat, Detroit Lakes, (pop. 8,641) is about 7 miles west of Hubbel Pond WMA.

#### 4.4. Cultural/Paleontological Resources

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects of their actions on historic properties. A cultural review was conducted on this section of the trail. One site (21BK124) was noted in this segment but it was not located on MN DNR administered land. SHPO concluded that the project would have no adverse effect on the site provided the protective measures are implemented as proposed. A copy of the letter from the SHPO is included as Attachment 3.

#### 4.5. Local Socio-economic Conditions

Minnesota has a population of 5,303,925 (2010 census). The economy of Minnesota was estimated at \$239 billion of gross domestic product in 2009. Median household income in Becker County is \$47,959. Percent below poverty level in the county is 11.5%.

### 5. Environmental Consequences

#### 5.1. Alternative A - Proposed Action:

The Proposed Action addresses the applicant's request for a 10 year lease for the purpose of linking the non-motorized North Country Trail through Hubbel Pond WMA. The proposed trail is 5.9 miles in length and would use existing hunter walking trails to the extent possible and minimal impact construction where new construction is needed. Overall it is expected that there will be approximately 2.8 miles of existing hunter walking trails and 3.1 miles of new trail construction. The trail is aligned to generally stay more than one-half mile west of Height of Land Lake. The trail crosses the Otter Trail River about one-half mile west of where it discharges from Height of Land Lake, and a 150-foot bridge is tentatively proposed for crossing the river. Until bridge construction can be permitted and completed the river will be forded, and an alternative route along existing local roads has been identified. The trail crosses several unnumbered gravel roads and TH 34, a scenic byway, before reaching the southern boundary of the WMA. Existing parking areas will be utilized on Hubbel Pond Road, an un-numbered gravel road, and TH 34. No new parking is proposed. Camping will be allowed in the WMA only by special use permit, and no campsites will be developed within the WMA. As necessary to protect soils, improve trail conditions and reduce environmental effects from the treadway (erosion, rutting, wetland effects, etc.) three sections of puncheons will be constructed, and side-hilling will occur on five steep slope locations.

A potential trail route has been identified, flagged on the ground, and assembled using global positioning system tools (GPS). The project area has been defined to include a 300 foot scoping corridor delineated by a flagged GPS line representing the proposed trail along most of its length, including some alternative corridors. This corridor width will provide flexibility to construction crews in trail placement across the landscape, enabling route adjustments that avoid undesirable surface features such as seeps, wetlands and wetland edges, rock outcrops, steep slopes, historic resources, rare or sensitive species, unstable soils, etc.

The trail would be designed to provide a stable treadway that naturally drains water and a smooth walking surface, generally free of tripping hazards. The treadway would be one-and-one-half to two-feet wide and a one-foot wide edge on each side of the treadway would be

periodically mowed to prevent vegetation from enveloping the trail. Trail improvement structures for Hubbel Pond WMA will include 3 puncheons and 5 locations with side-hilling on steep slopes to minimize environmental effects of trail construction and use. Construction of the trail would generally involve the following steps:

- Removing small trees, brush, and rocks from a four foot wide corridor;
- Establishing and smoothing a narrow, one-and-one-half to two-foot tread by removing duff, rocks, and roots and hand grading steep areas by forming a trail bench along side-slopes (side-hilling), where necessary;
- Outsloping of the treadway and installing necessary drainage structures along steep areas (e.g. water bars, drainage dips, etc.) to direct runoff water away from the trail tread;
- Constructing boardwalks, bog bridging, and/or puncheons to cross wetlands where necessary
- When permitting and funding allow building a 150-foot bridge over the Otter Tail River within Hubbell Pond WMA.

Work would be performed primarily with manual labor, using selected hand tools, including loppers, pulaskis, pick mattocks, folding saws, and weed wrenches. Power tools used for construction and maintenance would include chainsaws, brush saws, leaf blowers, and DR brush mowers. The entire length of the trail would be clipped two to three times annually during the growing season with a DR brush mower or other hand tools. The trail would be maintained by the North Country Trail Association according to trail certification agreements with the NPS and MN DNR.

The proposed bridge over the Otter Tail River would have sufficient draft to allow canoeists and kayakers to freely pass during high water; be of sufficient width, about four feet, to accommodate hikers; and have safety railings of sufficient height and strength to support users. With elevated ground near the crossing, the bridge may be designed to span the natural floodplain of the river. The size of the bridge will require that engineering specifications be drawn up and approved by permitting authorities. The preparation and placement of the bridge would be conducted according to established MN DNR guidelines for such structures and under consultation with a hydrologists, the manager of the Wildlife Management Area and engineers with the National Park Service. The bridge could also be designed with bridge support structures and platform potentially within the 100 year floodplain of the river. A MN DNR Public Waters Work Permit would be required and the bridge would be subject to on-going regulation of permitting authorities. Gravel or puncheons may be used for stabilizing bridge approaches.

#### 5.1.1. Habitat Impacts

##### *Vegetation and Habitat Fragmentation*

New trail construction would create additional narrow corridors of cleared understory through young and mature forest tracts. Construction and trail compaction from users would reduce the vegetative cover on the treadway surface. A four-foot wide band of vegetation would be cleared along the new segments. Over two or three times during the growing season, both edges of the entire length of the trail would be clipped back about a foot with a DR brush mower or other hand tools.

Some species of mammals and birds use and need larger blocks of habitat while others benefit from the creation of edge habitat. The project area already contains a light to moderate network of roads and trails, as well as large areas of edge habitat along timber

harvest tracts and agricultural pastures or croplands. Although most birds, larger mammals, and other groups would tolerate the fragmentation caused by the project, some ground dwelling species, could be affected. Species such as salamanders, other amphibians, and reptiles, are more vulnerable because they require seclusion within the natural litter and vegetation of the forest and some may be slower to react to developments.

The dominant overstory vegetation and adjacent subcanopy and ground layer vegetation would remain intact. During the fall season, litter fall would cover much of the trail. A portion of the trail surface, possibly up to one-half of the exposed area, would become revegetated after construction. Grasses, which are the most tolerant of trampling and maintenance clipping, will tend to gradually cover trail edges and parts of the treadway. In shady areas, mosses often recolonize exposed soils. Construction and maintenance crews will limit their disturbance to a four-foot wide zone and will avoid affecting adjacent vegetative cover. The corridor conforms to a narrow width and the one-foot wide mowed edges would be of sufficient width for individuals to pass unencumbered.

#### Introduction of Invasive Species

Hiking trails and associated facilities can be a pathway for the spread of invasive plants. Seeds are inadvertently carried on boots, clothing, and maintenance equipment. Disturbance of native vegetation cover and exposure of soil surfaces enable invasive species to establish in new areas. The movement of improperly cleaned maintenance equipment between work sites is a potential vector for spreading invasive species.

The project is proposed to disturb soils only where grading is necessary to prevent erosion along the treadway, especially along steep slopes, and to level or smooth the trail for hikers and maintenance crews. Proper management and care of equipment can prevent invasive plant materials from being moved from contaminated areas to new locations. To mitigate for this potential, all maintenance equipment (hand tools, power tools, and mowers) will be cleaned of vegetative debris after each work trip and after working in infested areas. Maintenance schedules will be timed to avoid periods, such as late summer and fall, when plants are setting seed. The North Country Trail Association will train trail maintenance crews to regularly inspect, monitor, and remove small infestations of invasive species found along the trail. Larger problem areas would be reported to the land managers.

The North Country Trail Association has worked with the State of Wisconsin on establishing Best Management Practices (BMPs) guidelines for minimizing the spread of invasive species caused by outdoor recreation. The final product is a set of voluntary guidelines that addresses issues universal or common to several types of recreational activities, along with issues unique to pedestrian-based recreation and issues faced by managers of recreational lands. The practices deal with trail construction, maintenance, and use, and methods to minimize the spread of plant matter from site to site. An example of one of the BMPs described is, inspect and remove soil, plant parts, and seeds, from the coat and feet of animals and clothing/gear before and after outings. Guidelines and recommendations are also found in MN DNR's *Trails and Waterways Invasive Species Guidelines* (2009) and *Trail planning, design and development guidelines* (2007). The BMPs will be provided to construction crews, trail user, and to the general hiking community through discussions, instructional literature, and web postings.



### 5.1.2. Biological Impacts

Wildlife and their habitats would be affected by activities related to trail construction and use of the trail. The types of environmental effects potentially generated from project developments include: removal or destruction of understory vegetation along the new trail routes; accidental introduction of invasive species; damage to aquatic and transitional wetland–upland habitats where the trail crosses wetlands; some habitat fragmentation due to clearing of the ground cover; and disturbance and alteration of use patterns of wildlife species, especially those that are sensitive to human intrusion.

Potential increases in foot traffic (e.g. hiking, snowshoeing, cross country skiing, etc.) and associated human activities (e.g. camping, disposal of human waste, etc.), could disturb some animals. There would be an increase in noise and intrusion over present ambient levels, which are relatively low in this rural part of the County. The plying of hand tools and the slow pace of construction could lead to some direct mortality of a few individual animals that lack the mobility necessary to flee from the area. Ground dwelling macro- invertebrates and some small mammals, amphibians, and reptiles could be affected.

Species of wildlife would be affected differently by the construction and use of the proposed trail. Some may show behavioral responses of short duration (temporary displacement) while others may show long term responses, such as abandonment of preferred foraging areas. Disturbance that alters behaviors within a local population, which then results in distribution and habitat use changes, may ultimately affect the health and status of some local populations. Possible effects include disturbance of ground nesting upland birds and waterfowl, interference with bird communication during incubation and fledgling phases, brief disruption of waterfowl courtship and breeding behavior, disturbance of waterfowl resting and feeding during September- October migration, and interference with drumming behavior and breeding of ruffed grouse in mid-May. This disturbance has the potential to reduce breeding pair numbers, reduce breeding success, and reduce nesting success. Canopy nesting birds would have sufficient isolation and remain largely unaffected. Young of the year deer, bear, ruffed grouse, and waterfowl could be particularly sensitive to disruption from recreational use during the months of June through August. Trail use near wetland and riparian habitat has the potential to temporarily disturb beaver, mink, and otter.

Aquatic habitats and species, including fishes, would be indirectly affected by sedimentation and nutrient enrichment stemming from erosion of compacted and exposed treadway soils. Mitigation measures to minimize the potential sedimentation include minimizing grade, installing proper cross-sloping along steep areas, and using erosion control structures along the treadway, especially at water crossings.

The stream crossing over the Otter Tail River within Hubbell Pond WMA would be subject to on-going regulatory authority. Bridge construction sites have a higher risk of affecting surface waters and precautions are necessary to achieve minimal erosion and sedimentation in shoreland areas. For structures requiring permits, regulations require the avoidance, minimization, and mitigation of any impacts to water resources. All mitigation requirements for the crossing would be defined in applicable work permits. Best management practices defined in the permitting process would include: planning to minimize disturbed area, rapid stabilization methods such as vegetated buffers, soil mulching, soil blankets, rapid establishment of vegetation, or diversion of water from exposed surfaces through temporary downdrains. Other measures would be required for trapping sediments after they are detached. They could include silt fences, fiber logs, grade breaks, and compost or filter bags. Fish passages will be maintained and

construction will be designed to minimize any disturbance at stream crossings. The bridge will be constructed at appropriate times to avoid affecting fish during spawning runs. Delivery of bridge materials would be conducted in a manner to minimize soil and vegetation disturbances.

The North Country Trail Association encourages trail users to follow Leave No Trace (LNT) principles, which are outdoor ethic-based practices designed to minimize users' impacts to the resources and other users. For instance, trail users are encouraged to bury human waste off-trail, well away from water sources, and to carry out all other trash materials. Users are also encouraged to respect wildlife by controlling pets, avoiding sensitive times for wildlife, and not feeding wildlife. This information is posted on all trailhead kiosks, is found on all North Country Trail Association trail maps, in the North Country Trail Association membership magazine, and their website. A complete list of LNT principles follows:

- Travel and Camp on Durable Surfaces
- Dispose of Waste Properly
- Leave What You Find
- Minimize Campfire Impacts
- Respect Wildlife
- Be Considerate of Other Visitors

Trails passing through key habitats for SGCNs will be sited and designed to maintain the integrity of the natural plant communities. The design of the proposed project features the development of a very narrow pathway that would extend over a distance of 5.9 miles through the WMA. The series of small construction activities, which would be dispersed along the full length of the pathway, would cause some vegetation and soil disturbances. The nature of the construction and use of the trail will help reduce environmental effects on wildlife, including extent and levels of noise, dust, fumes, vegetation and soil disturbances.

With approximately 50 percent of the treadway to be located on existing trail or road-walk segments, the proposed project design would limit the amount of construction required to achieve official national scenic trail designation. Construction would be performed during relatively brief intervals, as most trail preparation activities are readily completed and work shifted to new points along the treadway. Trail developments would mainly depend upon manual labor that is less intrusive on the environment, as compared to larger self-propelled construction machinery powered by the internal combustion engine.

Trail use is transient in nature, as each day, hikers normally have new destinations. Hiking activities are usually tranquil in nature and generally compatible with resident wildlife. Species that inhabit wetland areas, the avian fauna, and ground dwelling species would normally be isolated from trail users either due to their elusive nature, secretive behavior, or nocturnal habitats, and/or their use of more isolated wetland areas. Vegetation found within forested sections, wetlands, and along the Otter Tail River generally provides sufficient escape cover for wildlife disturbed by construction or trail users.

### 5.1.3. Listed, Proposed, and Candidate Species

#### Federally Listed Species

The proposed project is located in Becker County. According to the USFWS's County Distribution of Federally-Listed Endangered, Threatened, Candidate and Proposed Species list at <http://www.fws.gov/midwest/endangered/lists/minnesot-cty.html>, there is one proposed species noted, the northern long-eared bat (*Myotis septentrionalis*) typically found in forested habitat. As tree clearing will be limited to those that pose a hazard to the trail and its users, and will only occur with approval from the MN DNR, and no trees dead or alive over 6" will be cleared impacts to the bat are unlikely. The Phase I, Section 7 Evaluation is included as Attachment 2.

#### Minnesota State Listed Species

The State's Natural Heritage Information System has identified one State listed species within Hubbel Pond WMA: the Trumpeter Swan (*Cygnus buccinator*), a State Special Concern species. This species is regulated under the Minnesota Endangered Species Statute MS 84.0895 and associated rules. More information about rare species can be viewed at the Rare Species Guide on the MN DNR website at: <http://www.dnr.state.mn.us/rsg/index.html>. Trail construction activities may disrupt swans if they nest in close proximity to the trail. Under consultation with state wildlife officials, it was concluded that the probability of disturbing Trumpeter swans would be low. Construction crews will be apprised of the need to avoid or minimize disturbances generated near resident swans during the breeding season. If birds exhibit signs of potential distress, construction or noisy activities will be discontinued.

### 5.1.4. Cultural Resources

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects of their actions on historic properties. A cultural review was conducted on this section of the trail. One site (21BK124) was noted in this segment but it was not located on MN DNR administered land. SHPO concluded that the project would have no adverse effect on the site provided the protective measures are implemented as proposed. A copy of the letter from the SHPO is included as Attachment 3.

### 5.1.5. Environmental Justice

The proposed action is not likely to have an adverse effect on minorities and low income populations and communities. No other issues related to environmental justice are anticipated.

The proposed trail through Hubbel Pond WMA benefits a variety of users by providing access and recreation to an expanded area of the WMA. Providing users with diverse recreational opportunities such as hunting, birding, berry picking, hiking, snowshoeing, and cross-country skiing is consistent with the WMA's management plan. The proposed bridge across the Otter Tail River would improve hunter access to the northern sector of Hubbel Pond WMA and provide a river access point for fishermen.

Trail construction and maintenance parameters will be built into the lease that would reduce impacts to WMA users (Attachment 4).

### 5.1.6. Cumulative Impacts

The North Country Trail Association is seeking to build a continuous trail across Minnesota. It is being built in segments within a future time frame of twenty or more

years. Future trail construction projects will be undertaken in many additional Minnesota counties, including Otter Tail, Wilkin, Cass, Itasca, Lake, and St. Louis. Future trail development projects will be assessed pursuant to Environmental Review Program rules. *Minnesota Rules*, part 4410.1000, subpart 4 provides guidance for conducting environmental review for proposed projects which are part of a large existing or planned network. The rules allow the environmental review process to be logically segmented for a series of linear projects, such as a system of trails, where each segment can be treated as the total proposal. Cumulative impacts here are considered along the length of the proposed trail segment through Becker County.

Most of the land through which the trail passes is publicly owned forest land. Development projects would include forest management activities, such as timber harvesting, and outdoor recreational development, such as trails. The Becker County and the MN DNR have indicated that timber sales are planned for the next several years on land parcels within one half-mile of the trail route. Timber harvesting involves heavy equipment. The harvest usually involves clearcutting of mostly mature aspen and some other forest types. Aspen regenerates naturally in these areas after harvest and a typical harvest rotation on any given site is about 40 years. Harvest activities can occur at any time of the year in this area and would typically last for several weeks at any given site. Timber management involves disturbances associated to road construction, transportation, planting, felling, hauling timber, and other operations. Forestry operations can cause compaction, rutting, habitat fragmentation, habitat loss, disturbances to wetlands, exposure to invasive species, erosion and sedimentation, etc. Forestry operations would involve larger implements that consume large amounts of fuel. No other reasonably foreseeable future projects are expected in the project area.

Development projects in the vicinity of the project area that have been reviewed by the MN DNR within the past ten years include: burying or overhead placement of telephone lines along the right-of-way of rural roads; removal of the Frazee Dam on the Otter Tail River in 1999; placement of large rocks below two low head dams of the Otter Tail River and; repair or replacement of one bridge and one culvert along nearby roadways.

Where the proposed route crosses privately-owned lands, the trail related impacts would interact with on-going private landowner activities such as farming, pasturing or feeding of livestock, harvesting timber, maintaining a rural residence, hunting, and utilizing motorized vehicles. Over two thousand animal units are housed at eight feedlot operations located within one mile of the proposed trail. One pork-, four dairy/beef-, and three turkey- operations each have at least 50 animal units. A commercial golf course is also nearby.

Trail development activities are both related and unrelated to the North Country Trail (Becker Segment). A 7.5 mile segment, referred to as the Round Lake trail project of the North Country Trail system, has been proposed for development within the last three years and is presently under construction. The trail adjoins the Becker segment at its southern terminus at the north boundary of the Greenwater Lake State Natural Area (SNA). Two public water wetlands and no lakes occur near this trail section.

Trail development standards and specification, as provided in the North Country Trail trail manual and other measures identified in this EAW, have been applied during the construction of this segment. This segment avoids nearly all wetlands demarcated on the NWI maps. Mitigation structures described in this EA for the Hubbel Pond segment have been included along sections of the trail that have soil limitations, including those

crossing wetland areas and steep slopes. Small sections of the trail that occur on steep slopes would require side-hilling to prevent erosion.

Since the late-1990's, more than 30 miles of the North Country Trail have been built and/or designated in the local area. Additional miles will be constructed later in Otter Tail and Wilkin Counties and about 140 miles are to be built in Cass, Itasca, St. Louis, and Lake Counties. The closest segment poised for future development would be extending the trail from the southern terminus of this project through the City of Frazee and into Otter Tail County.

Snowmobile and Off-highway Vehicle (OHV) trails are in proximity to the proposed trail, especially within the Island Lake Area, where most lands are managed by Becker County or the MN DNR. Island Lake is classified by the County as a Recreational Development Lake (medium-sized lake having moderate carrying capacity for recreational use and proximal development). Regarding OHV use on agency lands, Becker County currently allows unlimited access to trails on County lands while State owned forestlands are classified as limited (trails closed to users unless marked open). Noise, dust, and odors by recreational users, which are potentially deleterious to wildlife inhabiting the area, would be among the cumulative effects on this area. Erosion and sedimentation would also increase in the area. Snowmobile recreation occurs during the wintertime, which is generally out-of-season for most users of the trail. However, summertime recreational uses would be cumulative. Measures to conserve vegetation and wildlife are described in the land management plans adopted by each agency.

An increased trail use over time can be expected, particularly as additional segments of trail are designated and a through-hiking opportunity is developed. However, environmental effects attributable to the increases would be largely confined to a very narrow corridor through forested areas. While some off-trail walking can be expected, the overwhelming majority of use will be on the treadway. Hunters will likely use the proposed trail as an access to dispersed hunting areas. Camping will be monitored and either expanded or discouraged by redevelopment of campsites to protect trail resources and accommodate use in a low impact manner.

## 5.2. Alternative B - No Action:

### 5.2.1. Habitat Impacts

The "No Action" alternative would result in no change in current habitat management of Hubbel Pond WMA.

### 5.2.2. Biological Impacts

The "No Action" alternative would result in no change in current habitat management of Hubbel Pond WMA and therefore, no change in biological impacts.

### 5.2.3. Listed, Proposed, and Candidate Species

The "No Action" alternative would result in no change in current habitat management of Hubbel Pond WMA and would result in no impact to state or federally listed species.

### 5.2.4. Cultural Resources

The "No Action" alternative would result in no change for Hubbel Pond WMA.

### 5.2.5. Environmental Justice

The “No Action” alternative would result in no change for Hubbel Pond WMA.

5.2.6. Cumulative Impacts

The “No Action” alternative would result in no change for Hubbel Pond WMA.

5.3. Summary of Environmental Consequences by Alternative

<b><i>Attribute</i></b>	<b><i>Alternative A</i></b>	<b><i>Alternative B</i></b>
Habitat	<i>Potential for limited habitat fragmentation for some species. Potential for the introduction of invasive or problem species during construction. Threats deemed minimal.</i>	No Change
Biology	<i>Minor additional disturbance impacts. Threat deemed minimal.</i>	No Change
Listed Species	No Change	No Change
Cultural Resources	No Change	No Change
Environmental Justice	No Change	No Change
Cumulative Impacts	<i>Benefit anticipated by diversifying recreational opportunities on public lands.</i>	No Change

6. List of Preparers

Final document was prepared by:

Heather Kieweg, Federal Aid Coordinator, Minnesota Department of Natural Resources, Division of Fish and Wildlife, 500 Lafayette Road; St. Paul, MN 55155-4020. Phone 651-259-5214.

Jeanne Daniels, South District Manager, former Federal Aid Coordinator; Minnesota Department of Natural Resources, Division of Ecological and Water Resources, 1200 Warner Road St. Paul, MN 55106. Phone 651-259-5784, e-mail [Jeanne.Daniels@state.mn.us](mailto:Jeanne.Daniels@state.mn.us)

Tom Kucera, retired Assistant Wildlife Manager; Minnesota Department of Natural Resources, Division of Fish and Wildlife.

Blane Klemek, Assistant NW Regional Wildlife Manager; Minnesota Department of Natural Resources, Division of Fish and Wildlife; 2115 Birchmont Beach Road NE, Bemidji, MN 56601.. Phone 218-308-2674, e-mail [Blane.Klemek@state.mn.us](mailto:Blane.Klemek@state.mn.us).

Paul Telander, Wildlife Section Chief; Minnesota Department of Natural Resources, Division of Fish and Wildlife; 500 Lafayette Road; St. Paul, MN 55155-4020. Phone 651-259-5237, e-mail [Paul.Telander@state.mn.us](mailto:Paul.Telander@state.mn.us)

This EA was prepared in consultation and coordination with the USFWS Region 3 Wildlife and Sport Fish Restoration Program.

7. Consultation and Coordination With the Public and Others

The public has had the opportunity to comment on the entire proposed trail segment during the development of a state EAW for the North Country Trail (Becker County Segment). This included a public meeting on March 27, 2010, which was publicized in the Detroit Lakes paper.

This section of the final Environmental Assessment (EA) will be completed after the public has an opportunity to review and comment on the draft EA. The comments received from the public, if any, will be summarized and addressed in this section of the final EA.

8. Comments should be sent to:

Heather Kieweg, Federal Aid Coordinator  
Division of Fish and Wildlife  
500 Lafayette Rd  
St. Paul, MN 55155-4020  
[heather.kieweg@state.mn.us](mailto:heather.kieweg@state.mn.us)  
(651)259-5214

9. References Cited

Becker County website: [http://www.co.becker.mn.us/our\\_county/demographics.aspx](http://www.co.becker.mn.us/our_county/demographics.aspx) .

EAW prepared by the MN DNR for the North Country Trail (Becker County Segment), July 23, 2010. The Record of Decision was published on September 21, 2010.

Hubbel Pond Wildlife Management Area Master Plan, 1980-1989. MN Department of Natural Resources. 49 pgs., 1980.

MN DNR – Operational Order #110 and supporting Wildlife and Aquatic Management Area Administrative Handbook

MN DNR. 2007. Trail planning, design, and development guidelines. MN DNR, St. Paul, MN.

MN DNR. 2009. Department of Natural Resources, Parks and Trails Division, Trails and Waterways Section discipline guidelines for invasive species management. (Under Operational Order 113). MN DNR. February 9. 21 pp. + append.

North Country Trail Management Plan, completed 1982.

North Country Trail Brochure: <http://www.nps.gov/noco/planyourvisit/upload/NCT-Brochure.pdf>

Tomorrow's Habitat for the Wild and Rare: An Action Plan for Minnesota Wildlife Minnesota's Comprehensive Wildlife Conservation Strategy. January 2006; State of Minnesota, Department of Natural Resources.

Wisconsin Council of Forestry. 2009. Best management practices for pedestrian-based activities. p. 35-39. *In* Best Management Practices for Preventing the Spread of Invasive Species by Outdoor Recreation Activities in Wisconsin. Wisconsin Council on Forestry, Wisconsin Department of Natural Resources, and others. 71 pp. <http://council.wisconsinforestry.org/invasives/pdf/RecBMPS-Final-091116.pdf>





## **Attachment 1 Lease Transaction Request**



County Becker
Field Unit WLD,EWR,FOR

**LEASE TRANSACTION REQUEST**

Name North Country Trail Association, Inc.		Phone Number(s) 701-388-1883	
Address (No. & Street, Box No., State, Zip Code) 229 East Main Street, Lowell, MI 49331			
Lease Number LMIS000750	Type of Lease (RE: Misc., Gravel, etc.) Misc.	Purpose of Lease Hiking Trail	
Type <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal	Insurance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Payment Cycle <input type="checkbox"/> Term <input type="checkbox"/> No-Fee <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Fee Schedule <input type="checkbox"/> Quarterly <input type="checkbox"/> Mid-Term (10 year) <input type="checkbox"/> Unusual <input type="checkbox"/> 5 Year Adjustment (20 year)	Statute (84.153, 89.17 & 92.50)  92.50
		Lease Term (choose start and end date) Starting Year: <u>2014</u> <input checked="" type="checkbox"/> Jan. 1 <input type="checkbox"/> April 1 <input type="checkbox"/> July 1 <input type="checkbox"/> Oct. 1 Ending Year: <u>2023</u> <input type="checkbox"/> 3/31 <input type="checkbox"/> 6/30 <input type="checkbox"/> 9/30 <input checked="" type="checkbox"/> 12/31	
Legal Description See Exhibit A for parcel list			Section  Township  Range

**Land Value**

Forty or Gov. Lot	Ownership Status	Acres	Right-of-Way		Gravel Cubic Yards	Rate	Improvement Value	Land Value Per Acre	Annual Rent
			Width	Length					
	WLD	1.95	4'	21,230		0.0725		\$1577	\$222.89
	EWR	0.90	4'	9839		0.0725		\$1577	\$103.30
	FOR	0.47	4'	5110		0.0725		\$1577	\$53.65
<b>Totals</b>									\$379.84, say \$380.00

**Timber Value**

Species	Products	M Feet	Cords	Unit Price	Value
Totals					

**Improvements Timber Reproduction**

<b>Total</b>	\$3800 for 10 year term

**Note: Include a map with the Lease Transaction Request.**

**ADDITIONAL TERMS**

Please type or write legibly. These terms will become a part of the lease and must be understood.

See Exhibit D.

**Standard Rental Rate** - 7.25% of land value

Note: The minimum fee is \$50 per year.

**Standard Miscellaneous Lease Payment Schedule**

<b>Leases up to 10 years in length</b>	
Total payments due during lease term	
\$0-\$500	Full payment at issuance
\$501-\$1,000	Half of payment due at issuance of lease; remaining due at second five year term for ten year leases and at third year for five year leases.
\$1,000+	Pro-rated annual payments, except that payment due at issuance of lease may not be less than \$500.
<b>20-year Lease</b> – Initial payment amount adjusted every 5 years based on changes in the index published by the MN Dept. of Revenue.	
<b>21-year Lease</b> – Only allowed on no fee leases.	

Area Supervisor	Date	Regional Operations Supervisor	Date
Print Name and Phone Number		Regional Operations Supervisor	

## **Attachment 2 Phase 1, Section 7 Evaluation**



## REGION 3 FEDERAL ASSISTANCE SECTION 7 EVALUATION FORM

### PHASE 1: COMPLETED BY STATE

(See Phase 1 Instructions for completing this form)

**State:** *Minnesota*  
Restoration

**Grantee:** *Natural Resources*

**Grant Program(s):** Wildlife & Sport Fish

**Grant Title and Number:** Statewide Land Acquisition Grant F12AF00116 (MN R29G60W27L120)

#### I. Location:

A. List counties where grant activities will occur:

*The county where this project impacts lands with federal interest is Becker Co.*

B. Describe the action area:

*The part of the project that occurs on lands with federal interest is in Hubbel Pond WMA.*

#### II. Species/Critical Habitat:

A. Species Information

1. Using the FWS website (<http://www.fws.gov/midwest/Endangered/>), list any listed, candidate, or proposed species that may be present in the county(ies) listed in I.A.:

*Northern long-eared bat (Myotis septentrionalis) Proposed Endangered*

2. Of the species listed above, list those that are not in the action area, and explain why:

*None*

B. Critical Habitat Information. Using the FWS website, list any designated or proposed critical habitat that is present within the action area:

*None*

(NOTE: If II.A. and II.B. identify no species or critical habitat, skip to Section V.)

**III. Description of Proposed Action:** Describe the action(s) in sufficient detail so that the potential effects of the action can be identified and fully evaluated:

- *The North Country Trail, a National Scenic Trail, is proposed to cross the Hubbel Pond WMA. The trail is intended to be a 24" wide trail tread within a 4-foot wide corridor and be minimally maintained. The trail through the WMA will be approximately 26,818 feet long. It will use existing trails previously established within the WMA where possible, and minimal impact construction to create and establish the remaining portions of the trail. Trees will only be cut if trees pose a hazard to the trail and its users only after approval from the MNDNR.*

**IV. Description of Effects:** On the following pages describe the effects, including beneficial, of the project actions on any species (including those species' habitats) and/or critical habitats identified in II.A. and II.B. For species or habitats that may be affected by the proposed action, describe strategies that will avoid or minimize adverse effects.

**V. Recommended Determination(s) of Effect(s):** For all species and critical habitat identified in Section II, mark (X) the appropriate determination(s) on this and the following pages.

**A. Listed, Proposed and Candidate Species**

X  a) "No Effect"  
On the following page, indicate those species for which this recommendation is applicable.

X  b) "May Affect, but is Not Likely to Adversely Affect"  
On the following page, indicate those species for which this recommendation is applicable.

c) "May Affect, and is Likely to Adversely Affect"  
On the following page, indicate those species for which this recommendation is applicable.

**B. Designated and Proposed Critical Habitat**

X  a) "No Effect" to Critical Habitat  
On the following page, indicate those species for which this recommendation is applicable.

b) "May Affect, but is not likely to Adversely Affect"  
On the following page, indicate those species for which this recommendation is applicable.

c) "May Affect, and is Likely to Adversely Affect"  
On the following page, indicate those species for which this recommendation is applicable.

**State Signatures:**

Prepared by:  
Name/Title Heather Kieweg, Federal Aid Coordinator

Signature: Heather C Kieweg Date: 1/9/14  
Telephone No. 651-259-5214 email: heather.kieweg@state.mn.us

Reviewed by:  
Name/Title: Richard Baker, Minnesota Endangered Species Coordinator

Signature: Richard J Baker Date: 1/9/14  
Telephone No. 651-259-5073 email: richard.baker@state.mn.us



**Summary of Minnesota's recommendations for Minnesota Grant # F12AF00116 (MN R29G60W27L120)**

For each species on this and the following pages, recommend (replace "XXX" with) one of the following:

- No Effect
- May Affect, but is not likely to Adversely Affect
- May Affect, and is Likely to Adversely Affect

<u>Species</u>	<u>Status*</u>	<u>Minnesota's Section 7 Recommendation</u>
Canada Lynx ( <i>Lynx canadensis</i> )	T CH	No Effect No Effect
Northern Long-Eared Bat ( <i>Myotis septentrionalis</i> )	P	May Affect, but is not likely to Adversely Affect
Piping Plover ( <i>Charadrius melodus</i> ) Great Plains Pop'n	T CH	No Effect No Effect
Piping Plover ( <i>Charadrius melodus</i> ) Great Lakes Pop'n	E CH	No Effect No Effect
Rufa Red Knot ( <i>Calidris canutus rufa</i> )	P	No Effect
Sprague's Pipit ( <i>Anthus spragueii</i> )	C	No Effect
Eastern Massassauga ( <i>Sistrurus catenatus</i> )	C	No Effect
Topeka Shiner ( <i>Notropis topeka</i> )	E CH	No Effect No Effect
Higgins' Eye Pearlymussel ( <i>Lampsilis higginsii</i> )	E	No Effect
Sheepnose Mussel ( <i>Plethobasus cyphus</i> )	E	No Effect
Snuffbox Mussel ( <i>Epioblasma triquetra</i> )	E	No Effect
Spectaclecase Mussel ( <i>Cumberlandia monodonta</i> )	E	No Effect
Winged Mapleleaf Mussel ( <i>Quadrula fragosa</i> )	E	No Effect
Dakota Skipper ( <i>Hesperia dacotae</i> )	P CHP	No Effect No Effect
Karner Blue Butterfly ( <i>Lycaeides melissa samuelis</i> )	E	No Effect
Poweshiek Skipperling ( <i>Oarisma poweshiek</i> )	P CHP	No Effect No Effect
Leedy's Roseroot ( <i>Sedum integrifolium leedyi</i> )	T	No Effect
Minnesota Dwarf Trout Lily ( <i>Erythronium propullans</i> )	E	No Effect
Prairie Bush Clover ( <i>Lespedeza leptostachya</i> )	T	No Effect
Western Prairie Fringed Orchid ( <i>Platanthera praeclara</i> )	T	No Effect

***Myotis septentrionalis - Northern Long-Eared Bat (P)***

The northern long-eared bat spends the winter hibernating primarily in tight crevices of caves and mines with constant temperatures and high humidity. During the summer, the species roosts singly or in colonies beneath bark, in cavities, and in crevices of both living and dead trees. Summer maternity colonies may be occupied from late May through late July, and may comprise as many as 60 or more females and young within a small area. Entry into winter hibernacula is preceded by a period of swarming in wooded areas outside of hibernacula entrances. During spring, summer, and fall, northern long-eared bats forage at night on flying or perching insects in the understory of forested hillsides and ridges. The northern long-eared bat is known from throughout Minnesota.

Recommendation: *May Affect, but is not likely to Adversely Affect*

Strategy: *Tree clearing will be limited to those that pose a hazard to the trail and its users, and only will occur with approval from the MNDNR. Trail clearing will only include clearing of brush, trees less than 6" in diameter, and downed trees lying on the ground in the trail corridor. No standing trees (dead or alive) over 6" will be cleared. Due to these clearing restrictions impacts to the bat are unlikely.*

**Attachment 3 SHPO Letter**





Minnesota  
Historical Society

STATE HISTORIC PRESERVATION OFFICE

May 2, 2012

Jeff McCusker  
North Country National Scenic Trail  
113 Riverwalk Place  
Lowell MI49331

RE: Grant #L012-09-1A, North Country Trail Construction  
Greenwater Lake SNA to Frazee  
Becker County  
SHPO Number: 2010-2748

Dear Mr. McCusker:

Thank you for submitting additional information on the above-referenced project. The information has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

Your submittal outlined proposed measures to protect site 21BK124 from disturbance during trail construction. As previously agreed, this site is eligible for listing in the National Register of Historic Places. Based on the information provided, we concur with your finding that the project will have no adverse effect, provided that the protective measures are implemented as proposed.

Please notify our archaeologist, David Mather, when work on this site will occur, because he would like to observe implementation of the protective measures. David's phone number is 651-259-3454, or you can reach him by email at david.mather@mnhs.org.

Meanwhile, if you have any questions on our review of this project, please feel free to contact me at 651-259-3456

Sincerely,



**Mary Ann Heidemann, Manager**  
**Government Programs and Compliance**

cc: James Myster, FWS Regional Preservation Officer  
Mike Magner, MN DNR



## **Attachment 4 Draft Lease Agreement**





**MINNESOTA  
DEPARTMENT OF  
NATURAL RESOURCES**

Lease Number LMIS000750
Field Unit Region 1 : Green Water Lake SNA; Hubble Pond WMA; and Park Rapids Area Forestry

**MISCELLANEOUS LEASE**

This lease, executed between the State of Minnesota, under the authority and subject to the provisions of M.S., sec. 92.50, acting by and through its Commissioner of Natural Resources, hereinafter called LESSOR and; the LESSEE as named below.

Lessee North Country Trail Association, Inc.		
Lessee Address (No. & Street, RFD, Box No., City, State, Zip Code) 229 East Main Street, Lowell, Michigan 49331		
Lease Fee \$3800.00	Fee Payment Schedule \$380.00 is due upon execution of the lease and \$380.00 is due every January 1 <sup>st</sup> thereafter for the term of the lease.	
Term Ten (10 ) Years	Effective Date January 1, 2014	Termination Date December 31, 2023
Purpose of Lease Hiking trail		County Becker County

IT IS AGREED AS FOLLOWS:

- PREMISES:** The LESSOR in consideration of the terms, conditions and agreements contained herein, and the payment of the Lease Fee to be paid by the LESSEE, hereby leases to the LESSEE, subject at all times to sale, lease and use for mineral or other purposes the following described premises to wit:

See the attached Exhibit A which is made a part of this lease. Said parcels contain 3.32 acres more or less and are approximately shown on Exhibit B which is made a part of this lease

and herein referred to as the "Premises".
- TERMS:** The terms LESSOR, LESSEE, LESSEE ADDRESS, LEASE FEE, FEE PAYMENT SCHEDULE, TERM, EFFECTIVE DATE, TERMINATION DATE, PURPOSE OF LEASE AND STATUTORY AUTHORITY, used herein shall be described above and are incorporated herein.
- LEASE PERIOD:** This lease shall be in effect for the TERM, beginning on the EFFECTIVE DATE and ending on the TERMINATION DATE, unless terminated earlier under provisions of this lease.
- USE OF PREMISES:** LESSEE shall use the Premises only for PURPOSE OF LEASE.
- LEGAL OBLIGATIONS:** This lease is not to be construed to relieve the LESSEE of any obligations imposed by law.
- ENCUMBRANCE:** This lease is subject to all existing easements, right-of-ways, licenses, leases and other encumbrance upon the Premises and LESSOR shall not be liable to LESSEE for any damages resulting from any action taken by a holder of an interest pursuant to the rights of that holder thereunder.
- MAINTENANCE:** The LESSEE shall maintain the Premises in good repair, keeping them safe and clean, removing all refuses and debris that may accumulate. LESSEE shall comply with all laws affecting the Premises, including local ordinances and state regulations. No timber shall be cut, used, removed or destroyed by the LESSEE without first obtaining written permission from the LESSOR.
- INVASIVE SPECIES:** The LESSEE is responsible for controlling invasive species on the Premises.

(check if applicable) See the attached Exhibit C, which is made a part of this lease, for additional terms and conditions on the control of invasive species.

9. TERMINATION: This lease may be terminated at any time by mutual agreement. A lease entered pursuant to Minn. Stat. section 92.50 may be canceled for just cause at anytime by LESSOR upon six months written notice.

LESSEE shall, on the TERMINATION DATE, or earlier as provided for in this lease, peacefully and quietly surrender the Premises to the LESSOR in as good condition and repair as on the EFFECTIVE DATE. If the LESSEE fails to surrender the Premises on the termination of this lease, the LESSOR may eject or remove the LESSEE from the Premises and LESSEE shall indemnify the LESSOR for all expenses incurred by the LESSOR. In addition, LESSEE shall remove all LESSEE'S property from the Premises upon termination and any property remaining shall be considered abandoned and shall be disposed of by the LESSOR according to law. If this lease is terminated prior to the TERMINATION DATE, the LESSEE shall not be relieved of any obligation incurred prior to termination.

10. HOLDOVER: LESSEE shall pay to the LESSOR a sum equal to the monthly rent plus fifty (50) percent of the monthly rent for each month that LESSEE holds the Premises after termination of this lease without authorization by LESSOR. This sum shall be liquidated damages for the wrongful holding over. LESSEE acquires no additional rights by holding the Premises after termination and shall be subject to legal action for removal.
11. LEASE PAYMENTS: The LESSEE shall pay to the Minnesota State Treasurer through the LESSOR the LEASE FEE, which is due and payable according to the FEE PAYMENT SCHEDULE. The LESSOR may assess penalties and interest as provided for by law or in this lease on any payments over thirty (30) days past due.
12. UTILITIES: LESSEE shall pay for all utilities furnished on the Premises for the term of this lease, including electric, gas, oil, water, sewer and telephone.
13. ALTERATIONS: The LESSEE shall make no changes, alterations nor improvements to the Premises or to any structure thereon without the prior written consent of the LESSOR. Any changes, alterations or improvements in or to the Premises shall be at LESSEE sole expense.
14. NO WAIVER: No delay on the part of the LESSOR in enforcing any conditions in this lease, including termination for violation of the terms of this lease, shall operate as a waiver of any of the rights of the LESSOR.
15. TAXES: The LESSEE shall pay, when due, all taxes assessed against or levied upon the Premises or upon the fixtures, improvements, furnishings, equipment and other personal property of the LESSEE located on the Premises during the TERM of this lease.
16. LIABILITY: This lease shall not be construed as imposing any liability on the LESSOR for injury or damage to the person or property of the LESSEE or to any other persons or property, arising out of any use of the Premises, or under any other easement, right-of-way, license, lease or other incumbrance now in effect. The LESSEE shall indemnify and hold harmless the LESSOR from all claims arising out of the use of the Premises whether such claims are asserted by civil action or otherwise.
17. NOTICES: Any notice given under this lease shall be in writing and served upon the other party either personally or by depositing such notice in the United States mail with the proper first class postage and address. Service shall be effective upon the depositing of the notice in the United States mails. The proper mailing address for the purposes of serving notice on the LESSOR shall be the Commissioner, Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4045, and on the LESSEE it shall be as stated in the LESSEE'S ADDRESS.
18. TRANSFERS: This lease shall extend to, and bind the successors, heirs, legal representative and assigns of the LESSOR and LESSEE. In addition, the LESSEE shall not without the LESSOR'S prior written consent: a) assign, convey, mortgage, pledge, encumber or otherwise transfer this lease or any interest under it; b) allow any transfer or any lien upon the LESSEE'S interest by operation of law; c) sublet the Premises or any part thereof; d) permit the use or occupancy of the Premises or any part thereof by anyone other than the LESSEE.
19. PUBLIC RECREATION USE: The LESSEE agrees and understands that the public land leased herein shall be open to public recreational uses, as defined by M.S. 604A.21, not inconsistent with the purposes of this lease. The LESSEE shall not unreasonably refuse permission to any person to enter upon the lands leased herein for

reasonable public recreational use without first obtaining the written permission of the LESSOR. If the LESSOR authorizes the prohibition of any public recreational uses, the prohibition shall apply to all persons including the LESSEE.

- 20. **CONSTRUCTION OF LEASE:** If any clause or provision of this lease is or becomes illegal, invalid or unenforceable because of present or future laws or any rule or regulation of any governmental body, the intentions of the LESSOR and LESSEE here is that the remaining parts of this lease shall not be affected thereby.
- 21. **ADDITIONAL TERMS:**
  - A. See attached Exhibit C (Invasive Species Checklist) which made part of this lease.
  - B. See attached Exhibit D (Additional Terms and Conditions) which is made part of this lease.

**TESTIMONY WHEREOF, the parties have set their hands.**

**STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES**

<b>By</b>	<b>Date</b>
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**CYNTHIA G. BUTTLEMAN  
REGIONAL OPERATIONS SUPERVISOR  
DIVISION OF LANDS AND MINERALS**

<b>Lessee (Individual's Name or Name of Entity)</b> North Country Trail Association, Inc.	
<b>Authorized Signatures &amp; Title (If an Entity)</b>	<b>Date</b>
<b>Authorized Signatures &amp; Title (If an Entity)</b>	<b>Date</b>

**EXHIBIT A**  
**Lease LMIS000750**  
**North Country Trail Association**

Twp	Rge	Section	Forty	Legal Desc.	Govt. Lot	Acres	Management Program	Length (feet)	Width (feet)	Acres
141	38	33	41	NESE	1	20	Green Water Lake SNA	924	4	0.08
141	38	33	13	SWNE	2	30	Green Water Lake SNA	613	4	0.06
141	38	33	43	SWSE	6	40	Green Water Lake SNA	1266	4	0.12
141	38	33	44	SESE	7	29	Green Water Lake SNA	1506	4	0.14
141	38	33	11	NENE	0	40	Green Water Lake SNA	521	4	0.05
141	38	33	12	NWNE	0	40	Green Water Lake SNA	933	4	0.09
141	38	33	14	SENE	0	40	Green Water Lake SNA	1173	4	0.11
141	38	34	32	NWSW	1	40	Green Water Lake SNA	1930	4	0.18
141	38	34	33	SWSW	2	40	Green Water Lake SNA	973	4	0.09
140	39	13	11	NENE	0	40	Forestry	1778	4	0.16
140	38	4	22	NWNW	4	38	Forestry	1679	4	0.15
140	38	4	23	SWNW	0	40	Forestry	1653	4	0.15
139	39	17	32	NWSW	0	40	Hubbel Pond WMA	583	4	0.05
139	39	17	33	SWSW	0	40	Hubbel Pond WMA	1844	4	0.17
139	39	20	22	NWNW	0	40	Hubbel Pond WMA	1585	4	0.15
139	39	20	23	SWNW	0	38	Hubbel Pond WMA	1008	4	0.09
139	39	7	41	NESE	0	40	Hubbel Pond WMA	1243	4	0.11
139	39	8	32	NWSW	0	40	Hubbel Pond WMA	419	4	0.04
139	39	20	23	SWNW	0	38	Hubbel Pond WMA	973	4	0.09
139	39	20	31	NESW	0	40	Hubbel Pond WMA	1561	4	0.14
139	39	20	32	NWSW	0	40	Hubbel Pond WMA	780	4	0.07
139	39	20	33	SWSW	0	40	Hubbel Pond WMA	533	4	0.05
139	39	20	34	SESW	0	40	Hubbel Pond WMA	2511	4	0.23
139	39	5	33	SWSW	0	6	Hubbel Pond WMA	1134	4	0.10
139	39	6	41	NESE	0	40	Hubbel Pond WMA	108	4	0.01
139	39	6	44	SESE	0	40	Hubbel Pond WMA	1359	4	0.12
139	39	8	22	NWNW	0	12	Hubbel Pond WMA	1599	4	0.15
139	39	8	23	SWNW	0	3	Hubbel Pond WMA	2237	4	0.21
139	39	5	32	NWSW	0	3	Hubbel Pond WMA	925	4	0.08
139	39	5	32	NWSW	0	37	Hubbel Pond WMA	828	4	0.08

**36178**

**3.32**

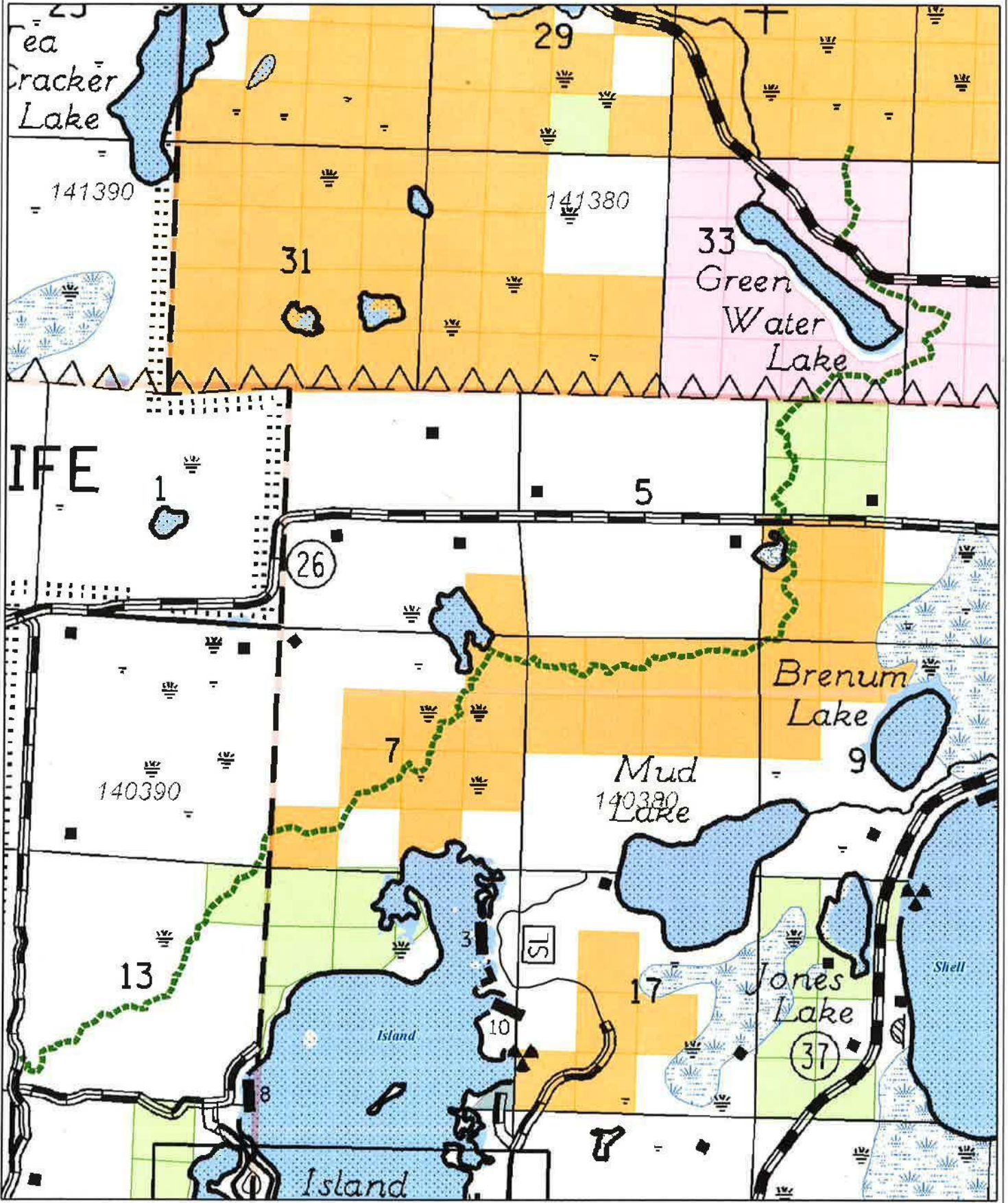
All of the parcels are acquired land, except for the three Forestry administered parcels, which are Trust.

Exhibit B - Page 1 of 2  
Lease LMIS000750

0 0.050 0.1 0.2 0.3 0.4 Miles

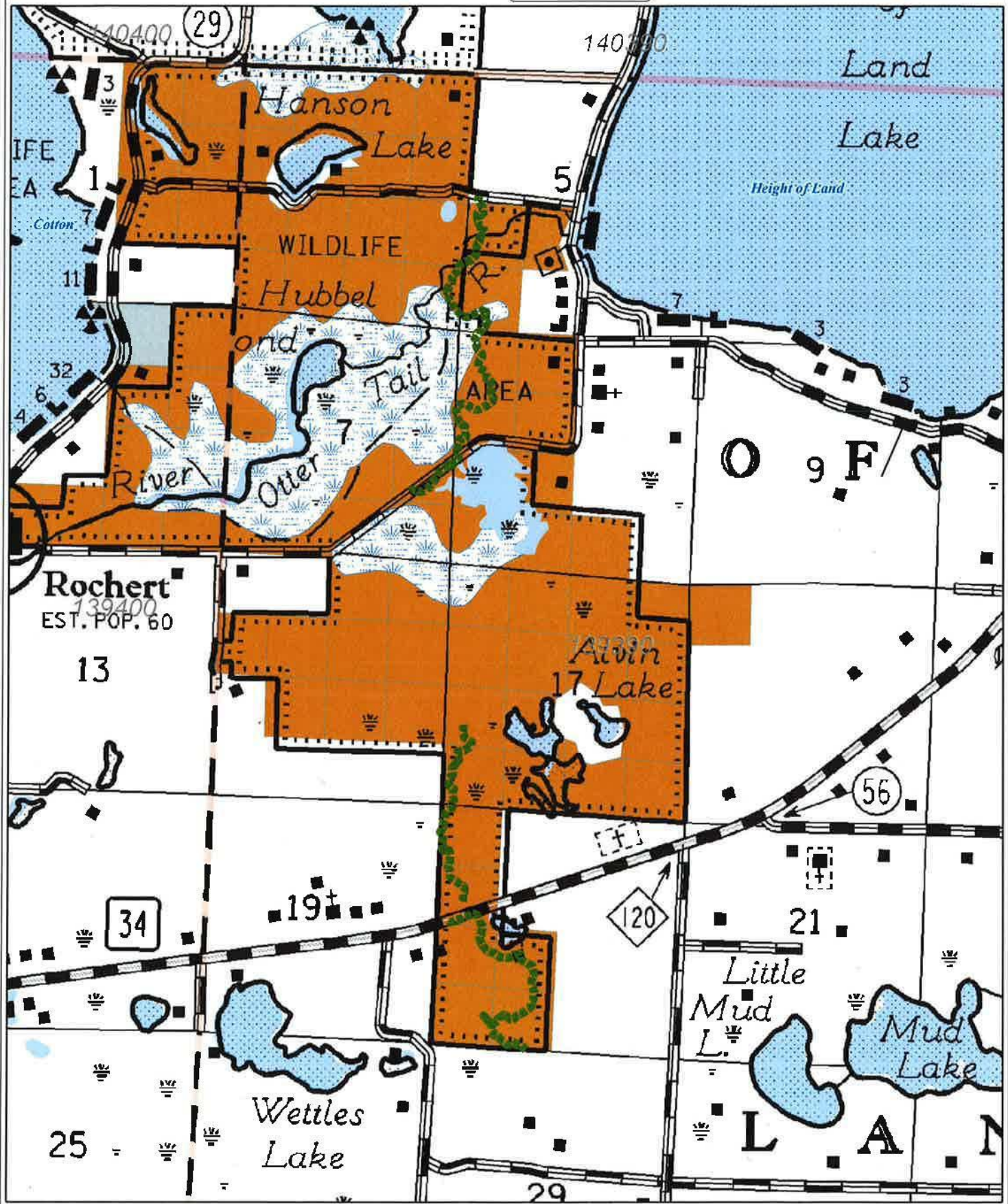
Legend:

- Proposed Trail (Green dashed line)
- Ecological Services (Pink area)
- Fisheries (Blue area)
- Forestry (Light Green area)



0 0.050 0.1 0.2 0.3 0.4 Miles

- Proposed Trail
- Ecological Services
- Fisheries
- Forestry
- Wildlife



**Exhibit C**  
**Invasive Species**  
**Last Revised July 7, 2012**

Check all that apply

<input checked="" type="checkbox"/>	<b>Mandatory</b> – (1) Before entering and leaving the site, check clothing, gear, vehicle and equipment (including timber mats) and remove caked mud, dirt clods, and reproductive plant parts (seeds, berries, fruit, cones, flowers or seed stalks, and roots). <b>Using either a power washer or an air compressor is an effective means of cleaning equipment, but is not required unless stated below.</b>
<input type="checkbox"/>	(2) This site is infested with <input type="checkbox"/> gypsy moth, <input type="checkbox"/> emerald ash borer, <input type="checkbox"/> Asian long horned beetle, <input type="checkbox"/> other invasive disease or insect _____. Obtain a compliance agreement from USDA APHIS or Minnesota Dept. of Agriculture prior to hauling wood or woody debris off this site. For more information visit <a href="http://www.mda.state.mn.us/en/plants/pestmanagement/eab/regulatoryinfo.aspx">http://www.mda.state.mn.us/en/plants/pestmanagement/eab/regulatoryinfo.aspx</a>
<input checked="" type="checkbox"/>	(3) This site is infested with <input type="checkbox"/> oak wilt, <input type="checkbox"/> Dutch elm disease, <input type="checkbox"/> sirex wood wasp, <input checked="" type="checkbox"/> other invasive plant disease or non-regulated insect _____. <input type="checkbox"/> Girdle the marked trees and leave them on site. <input type="checkbox"/> Do not haul infected trees between April 1 <sup>st</sup> and Nov 1 <sup>st</sup> . <input type="checkbox"/> Other _____.
<input type="checkbox"/>	(4a) This site is infested with <input type="checkbox"/> buckthorn, <input type="checkbox"/> garlic mustard, <input type="checkbox"/> other invasive plant, <input type="checkbox"/> exotic earthworms. Before starting work, review known infestations with the site administrator. Avoid traveling through or parking in infested areas. Time operations and organize routes of travel to avoid spreading weed seed or infested soil. If mowing hay, be aware of any chemical applications and honor wait times before mowing. Some herbicides are passed through manure into sensitive crop fields. See other restrictions below.
<input type="checkbox"/>	(4b) This site is infested with <input type="checkbox"/> buckthorn, <input type="checkbox"/> amur or Norway maple, <input type="checkbox"/> peashrub, <input type="checkbox"/> honeysuckle, <input type="checkbox"/> multiflora rose, <input type="checkbox"/> Russian olive, <input type="checkbox"/> other: _____. When cutting: <input type="checkbox"/> chip, <input type="checkbox"/> pile and burn rather than scattering the tops of invasive species.
<input checked="" type="checkbox"/>	(5) Using a power washer or air compressor, <input checked="" type="checkbox"/> daily, <input type="checkbox"/> weekly, <input type="checkbox"/> monthly; clean all vehicles, equipment and trailers taken on and off site during the snow-free season. Washing may be done at an approved location on site or off site at an appropriate cleaning facility. Avoid letting rinse water run into open bodies of water or native plant communities. Cleaning is not required during frozen conditions.
<input checked="" type="checkbox"/>	(6a) All materials (gravel, fill, mulch, chips, sand, etc.) brought to the site are to be weed and pest free. Sources are to be approved prior to purchase or acquisition.
<input type="checkbox"/>	(6b) Before utilizing the underlying gravel or other earth materials, scrape off the top 6-12" and segregate in an on-site location designated by the site administrator.
<input checked="" type="checkbox"/>	(7) Plant or reclaim site within: <input type="checkbox"/> one month, <input checked="" type="checkbox"/> three months, <input type="checkbox"/> six months of end of lease or project. Use weed and pest free native plant and seed mixes. Where available, use certified or local sources. Sources are to be approved prior to purchase and acquisition.
<input checked="" type="checkbox"/>	(8) Upon completion of the project or operation, close, obstruct or gate all access routes. If project is inactive for longer than <input checked="" type="checkbox"/> one month, <input type="checkbox"/> three months, <input type="checkbox"/> six months close, obstruct or gate all access routes until project resumes.
<input type="checkbox"/>	When collecting field material (seed, I&D samples, berries, mushrooms, special wood products, etc) use new clean bags or baskets.
<input checked="" type="checkbox"/>	In the case invasive plants become an issue during operations (to be determined by the site administrator), the LESSEE agrees to stop operations and gate or otherwise close the site until the infestation can be controlled.
<input type="checkbox"/>	The LESSEE is responsible for controlling noxious weeds on the site. Contact the site administrator and county agricultural inspector for details.
<input checked="" type="checkbox"/>	Follow other actions as directed by the site administrator to minimize the introduction and/or spread of invasive species.
<input checked="" type="checkbox"/>	Before starting work, review known infestations with site administrator(s). When traveling between multiple sites a day, be sure to start at the site with the fewest number of invasive plants, leaving the most heavily infested site to last. Time operations and site visits to avoid the spread of weed seed.

## **EXHIBIT D**

Lease #LMIS000750

North Country Trail Association, Inc.  
Becker County, Minnesota

### **ADDITIONAL TERMS AND CONDITIONS**

#### **A. ACCESSIBILITY:**

1. LESSEE shall construct, operate, and maintain all facilities and programs located within the Premises in compliance with all current and future state and federal accessibility laws, regulations, and guidelines.
2. LESSEE shall submit all construction plans to LESSOR'S written approval before construction begins.

#### **B. FEDERAL INTEREST REQUIREMENTS:**

1. LESSEE shall cooperate with the LESSOR to ensure that the continuing requirements of the Land and Water Conservation Fund grant program codified in 36 CFR Part 59, are met.
2. LESSEE is responsible to submit to the MN State Historic Preservation Office for review all development plans for the trail segment located on the Green Water Lake Scientific and Natural Area (SNA) pursuant to Section 106 of the National Historic Preservation Act. If requested, LESSEE shall have an archeological survey conducted of the area and revise any development plans as necessary to avoid impacts to cultural/archeological resources.
3. LESSEE shall cooperate with the LESSOR to ensure the continuing requirements of the Wildlife and Sport Fish Restoration Program codified in 50 CFR 80 are met.

#### **C. TRAIL USE/ALIGNMENT:**

1. LESSEE understands that the primary use of the Wildlife Management Area (WMA) is for wildlife habitat and hunter access, and hunter activities have precedence over hiking activities.
2. LESSEE understands that hunting and fishing occurs on other portions of the trail, and may conflict with hikers. The LESSEE shall place signage on kiosks to make this potential conflict known to all hikers, in accordance with Paragraph M(1) of this document.
3. LESSEE shall make best efforts to assure that no camping or campfires take place on the SNA. Camping is allowed on the WMA portion of the Premises by special use permit only, limited to designated areas only. The LESSEE will publicize this restriction in all of its publications and include this restriction on trailhead kiosks. Camping is allowed on the Division of Forestry administered lands within the Premises.
4. LESSEE agrees and understands that all vehicles are prohibited on the trail portion of the Premises, except by special use permit and for management purposes and in emergency situations.

#### **D. TRAILHEAD/PARKING LOT LOCATION:**

1. LESSEE and LESSOR shall develop and place informational kiosks on the Premises. The informational kiosks will include information about SNA protection, SNA feature highlights, SNA and WMA rules, potential use conflicts between hiking and other activities on or near the Premises, invasive species, trail rules, and other educational materials.
2. LESSEE shall be responsible for costs, installation, and maintenance of the trailhead kiosks.



**E. TRAIL CONSTRUCTION:**

1. Any construction of bridges or docking on the Premises shall not be commenced without written approval from the LESSOR. Any bridges must be maintained in good repair by the LESSEE. The LESSEE is responsible for obtaining and cost of related permits, bridge construction and maintenance costs.
2. LESSEE agrees and understands that no trail hardening will be allowed on the Premises and that the trail will consist of native soils and vegetation.
3. LESSEE agrees and understands that the trail is to consist of a 24" wide trail tread that lies within a 4 foot wide corridor. The LESSEE may clear a trail width of up to 4 feet on the Premises. LESSEE may clear overhead obstructions (i.e. branches, leaning trees, etc.) up to 8 feet high. Said clearings may be increased when necessary to comply with the Americans with Disabilities Act (ADA) and any state or federal accessibility laws, regulations, and guidelines.
4. LESSEE agrees that downed trees or other obstructions along the tread width may be cut or moved so that the trail is only wide enough for hikers, emergency vehicles and maintenance equipment (4 ft. width). All other live and/or dead plants or inorganic materials will not be moved or altered.
5. LESSEE may only cut trees that pose a hazard to the trail and its users or for any other reason only after approval from the LESSOR.
6. The soil will not be leveled or otherwise disturbed except to smooth humps and fill holes to avoid tripping hazards.
7. LESSEE shall seed any disturbed soil on the Premises using local eco-type seed that is approved by the LESSOR.
8. The alteration or movement of rocks on the Premises is prohibited. LESSEE shall route the trail to avoid rocks.
9. Trail construction shall only take place by the LESSEE when surface conditions are such that rutting, soil disturbance, vegetation disturbance, and other disturbances will not occur.
10. Local (on-site) fill material from existing berms may be used on top of the trail tread where live tree roots present a tripping hazard.

**F. INTERSECTIONS:**

1. LESSEE may place off-site, weed free boulders when possible, at all trail intersections to help direct hikers to stay along the correct route and to discourage vehicular use of the trail. LESSEE shall coordinate placement with LESSOR.

**G. SENSITIVE AREAS:**

1. LESSEE agrees and understands that they will be responsible for construction of boardwalks that cross wet portions of the trail utilizing the most current version of *Trail Planning, Design, and Development Guidelines; Shared Use Paved Trails, Natural Surfaced Trails, Winter Use Trails, Bikeways-2006, MN DNR-Trails and Waterways*. Boardwalk design, construction, and maintenance plans shall be agreed to by both parties prior to construction.
2. If wet areas become too large, as determined by the LESSOR, LESSEE shall reroute the trail to avoid wet areas upon approval by LESSOR.

**H. CONFLICT RESOLUTION:**

1. The DNR Detroit Lakes Area Wildlife Supervisor will document and maintain records of all conflicts occurring between hikers and hunters or other users of the Premises.
2. LESSEE will contact the DNR Detroit Lakes Area Wildlife Supervisor when these conflicts arise, to discuss conflict resolution and strategies for future conflict avoidance.

3. If the conflict cannot be resolved, the LESSOR reserves the right to cancel the lease, in accordance with Paragraph 9 of the lease document.

**I. MAINTENANCE:**

1. LESSEE will clear and maintain a tread width of up to two feet to be free of tripping hazards and may mow the trail width up to four feet no more than twice per year, depending upon vegetation height, soil and weather conditions. LESSEE shall consult with LESSOR prior to mowing.
2. LESSEE, in consultation with the land administrator, will identify, monitor, and control any invasive species along the trail, as described on attached Exhibit C.

**J. NOTIFICATION:**

1. LESSEE shall notify the LESSOR prior to any construction or maintenance work on the Premises.
2. The exact location of the trail and any reroutes of the trail must be approved by the LESSOR.

**K. MONITORING/ENFORCEMENT:**

1. Trail construction and maintenance will be monitored by both LESSEE and LESSOR throughout the first several years of use to determine if any modifications to trail alignment or maintenance are needed.
2. Trail will be spot-checked by LESSOR for re-vegetation needs, new or enlarged wet areas that need crossing area development or rerouting, and invasive species. LESSEE will monitor and report any changes in conditions to the pertinent land administrator on annual basis.
3. If any illegal activities are noticed that require enforcement, the LESSEE will notify the local DNR Conservation Officer and the DNR Detroit Lakes Area Wildlife Supervisor.
4. LESSEE is responsible for scheduling and facilitating an annual joint coordination meeting, to be held at Tamarac National Wildlife Refuge, for attendance by representatives from North Country Trail, Tamarac National Wildlife Refuge, and LESSOR.

**L. EMERGENCY SERVICES:**

1. LESSEE shall provide the Becker County Sherriff's Department with a map and GPS shapefile of the final trail alignment and updates to the alignment as they occur.

**M. PUBLICITY/PUBLIC INFORMATION:**

1. LESSEE agrees and understands that DNR Rules and Site ID signs need to be placed where the trail enters and exits WMA and SNA boundaries. LESSOR will provide these signs. Any kiosk, trail location and features signs will be provided by the LESSEE. All posted signs shall be in accordance with LESSOR's standards, as determined by the LESSOR.
2. Signage on WMA entrances and exits must indicate that the WMA was purchased using Pittman Robertson funding and that the primary use of the WMA is for wildlife habitat and hunter activities, which take precedence over hiking activities.
3. LESSEE is responsible for installation and maintenance of all trail signs including wood routed signs highlighting SNA/WMA/Forestry features.

**N. INSURANCE:**

1. LESSEE shall procure liability insurance, naming the State as additional insured in the amount of at least \$500,000 per individual and \$1,000,000 per occurrence from an insurance carrier licensed to do business in Minnesota. Upon execution of this lease, the LESSEE shall provide the LESSOR with a certificate of insurance indicating the required coverage and the LESSEE shall

periodically provide the LESSOR with evidence of insurance as the LESSOR may request. The policy shall provide that the LESSOR be notified ten days prior to the cancellation or termination of the policy. The LESSEE shall be required to maintain such insurance to the full extent of the amounts specified in Minnesota Statutes, Section 3.736 which amounts shall be incorporated herein by reference. If those amounts are changed following execution of this lease, the LESSEE shall provide whatever amount of insurance is required by that change within 30 days after the LESSOR notifies the LESSEE of the change.

DRAFT