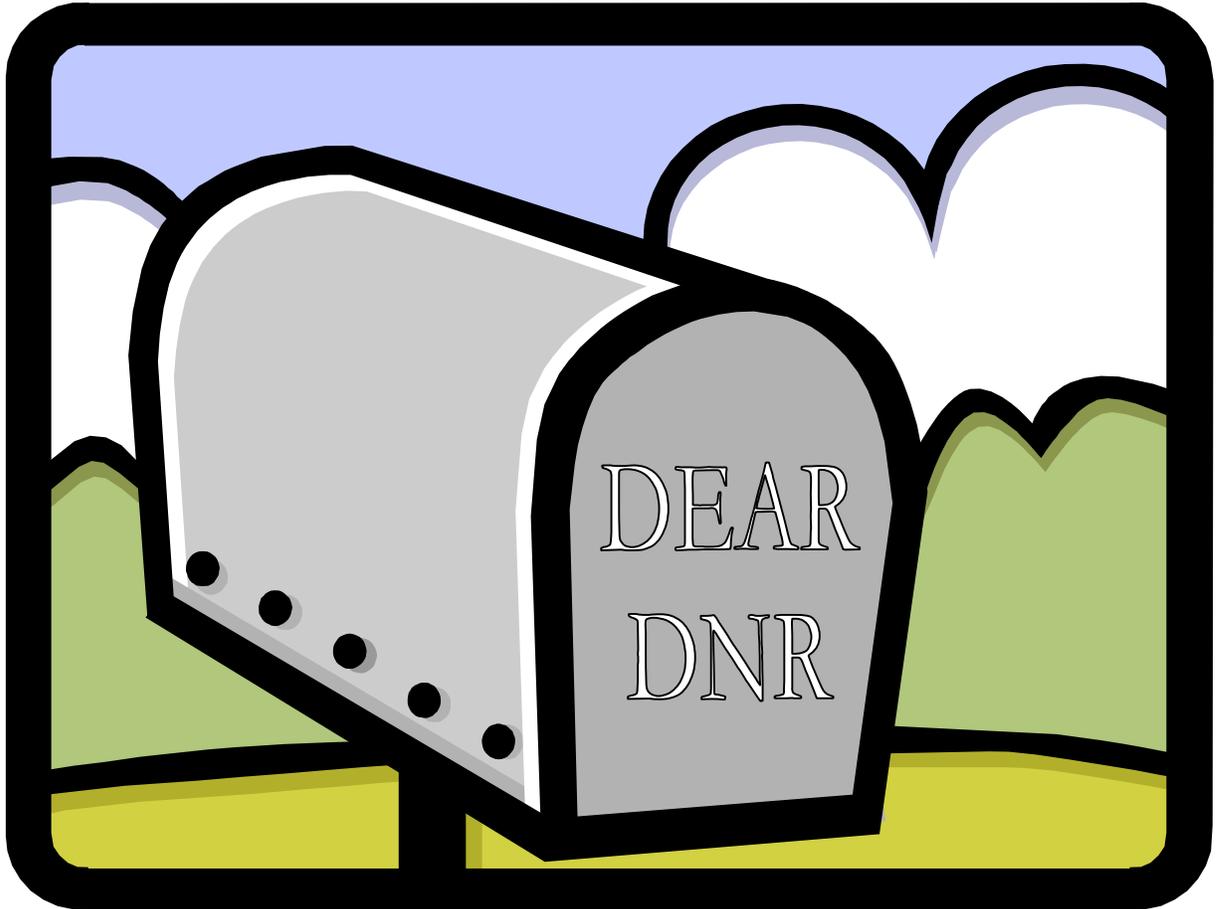


**Forest Classification &  
Motor Route Designation Plan**  
for the  
**Sturgeon River State Forest**

**Response to Comments**  
September 22, 2008



**Minnesota Department of Natural Resources**

# Sturgeon River State Forest Planning Team

*Scott Kelling, Chair..... DNR Division of Trails & Waterways*  
*Mike Magnuson / Tim Russ..... DNR, Division of Forestry*  
*Tom Rusch..... DNR, Division of Fish & Wildlife*  
*Don Bozovsky.....DNR Division of Enforcement*  
*Dave Holmbeck..... DNR Division of Ecological Resources*

*Steve Hennessy, GIS Support.....DNR, Trails & Waterways*  
*Craig Perrault, GIS Support..... DNR Management Information Systems*  
*Brian McCann, Planner.....DNR, Trails & Waterways*



© 2008, State of Minnesota, Department of Natural Resources

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available to all individuals regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, age, sexual orientation, or disability. Discrimination inquiries should be sent to MN DNR, 500 Lafayette Road, St. Paul, MN 55155-4031; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.

# Sturgeon River State Forest Response to Comments

## Table of Contents

	<u>Page</u>
Background.....	4
Compilation of Comments.....	5
Response to Topics of Concern.....	5
<i>Forest Classification Preference.....</i>	<i>6</i>
<i>Motor-Limited Area Proposals.....</i>	<i>7</i>
<i>Site Specific Comments &amp; Suggestions.....</i>	<i>8</i>
Taconite State Trail Amendment.....	11
<i>Planning Process Questions &amp; Comments.....</i>	<i>15</i>
<i>Off-Highway Vehicle Program &amp; Policy Comments.....</i>	<i>19</i>

## BACKGROUND

*Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167 (as amended)* requires the Commissioner of the Department of Natural Resources (DNR) to review the motor vehicle classification of all state forests and state forest lands by December 31, 2008. The Commissioner is to evaluate current forest classifications, on a forest-by-forest basis, according to public notice and public meeting requirements set forth in *Minnesota Rules Part 6100.1950*, and retain or modify this classification as appropriate.

**Open Houses.** The public process began with a Public Open House held in June 2006 in Chisholm to review the team's draft planning recommendations. These initial recommendations were also shared with the St. Louis County Board of Commissioners at about the same time.

**Public Review & Public Meeting.** The 60-day statutory review period for the Planning Team's draft proposal began April 30, 2007 with publication in the State Register (*31 SR 1671*), issuance of paid legal notices, a statewide Press Release, and web-posting of the Draft Plan and Maps at [www.dnr.state.mn.us](http://www.dnr.state.mn.us). Meeting reminders and a second press release were later issued just prior to the meeting.

A total of about 50 persons attended the meeting held July 10, 2007 in Chisholm, MN. St. Louis County Land Department staff and Superior National Forest representatives joined DNR staff at the public meeting. Written comments were submitted at the meeting, via Email, facsimile and by U.S. Mail during the comment period which closed at 4:30 PM on July 20, 2007.

The amendment of the Taconite State Trail Master Plan, proposed coincident with this process, is a separate planning process that simply shared public notice, public comment, and public meeting arrangements with this planning process. The Master Plan amendment will proceed independently from the implementation of this forest classification and route designation plan.

**Project Scope & Limitations.** This Forest Classification and Route Designation Plan contains vehicular use guidance for the Sturgeon River State Forest, and for state forestry-administered lands located immediately outside its statutory boundaries in northern St. Louis County. In total, just over 60,770 acres of state land and 23,350 acres of County Lands were evaluated within the planning unit. About 132 miles of inventoried DNR routes, and 62 miles of miles of county routes, were evaluated with respect to motor vehicle use.

The plan specifically addresses EXISTING inventoried routes on state and county-administered forest lands. No new road or trail construction, or grant-in-aid trail development, is authorized via this process. That's why resulting trail designations are legislatively exempted from Environmental Quality Board rules regarding environmental review for recreational trail projects. The plan does not address OHV use of public road ditches or road rights-of-way, or the use of private lands, trails or roadways. Nothing in this plan is intended to endorse nor discourage any potential future State Trail, unit trail, or grant-in-aid trail proposals.

Route evaluations were based upon current use and existing conditions. A Rapid Environmental Assessment Checklist (REAC) was used to gauge sustainability. The forest's current '*managed*' classification served as the starting point for classification discussions. Pre-existing state forest roads and trails were presumed sustainable, and were not evaluated in detail. A REAC evaluation was completed, however, for every route recommended for (any type of) vehicular use designation.

All inventoried state and county routes are depicted on planning maps. Informal, local-use routes, notably those located on private lands, were not inventoried nor shown on DNR draft or final planning maps. Route data from the Superior National Forest was added to provide context and perspective. As cooperators in this process, and major landowners in St. Louis County, federal travel management data and plans helped inform DNR decisions. St. Louis County Land Department staff also participated in this planning exercise and

formulated route recommendations for county forest lands located within the statutory boundaries of the Sturgeon River State Forest. County routes are also displayed on the final project maps.

Every effort was made to maintain current vehicular access, subject to environmental constraints and land ownership considerations. The team sought to connect existing motor routes wherever possible to permit destination travel. Team members also attempted to physically separate conflicting (motor vs. non-motor) recreational uses wherever possible, by limiting motor use in certain areas, and by designating both motorized and non-motorized trails as appropriate.

This plan presumes that forest users are generally law-abiding and respectful of trail rules, regulations and posted signs. Should these planning assumptions prove incorrect, or unforeseen circumstances arise, forest classifications and/or trail designations can be revisited at any time.

By any measure, implementation of this plan will result in a net overall reduction in the miles of motor routes available for (especially summer-season) vehicular travel within the Sturgeon River State Forest. All designated motor routes will be mapped and appropriately signed. Upon the plan's effective date, the Sturgeon River State Forest will be added to the list of focus forests where field enforcement has been stepped-up as forest users adjust to new route designations and changed motor vehicle use regulations.

**Taconite State Trail Amendment.** Planned amendment of the Taconite State Trail Master Plan to permit vehicular travel will proceed separately and independently from this forest classification and route designation review. The two processes shared only public involvement steps (i.e., public notice, review, and comment) of this planning process. Approval of this plan does not imply approval of the proposed Master Plan amendment. A formal Master Plan Amendment bearing the DNR Commissioner's signature, will precede vehicular use of the specified portions of the Taconite State Trail.

## COMPILATION OF COMMENTS

Written comments were received from approximately 150 groups and individuals. [For a complete listing, please contact Brian McCann @ 651/259-5627]. Public comments were sorted and distributed to members of the DNR's Sturgeon River Planning Team for their evaluation and response. Copies of the comments were also shared with USFS and St. Louis County Land Department Staff who participated in this exercise.

## RESPONSE TO TOPICS OF CONCERN

Like comments were grouped under one or more of the five major headings listed below. The departmental response to public comments and questions is organized accordingly. The categories are:

- **Forest Classification Preference**
- **Motor-Limited Area Proposals**
- **Site Specific Comments & Suggestions**
- **Taconite Trail Amendment**
- **Planning Process Questions & Comments**
- **Off-Highway Vehicle Program & Policy Comments**

## Forest Classification Preference

**COMMENT:** A number of individuals expressed their support for, or opposition to, the proposed classification of the Sturgeon River State Forest and surrounding state lands.

**DNR RESPONSE:.** The DNR acknowledges these individuals and appreciates their perspectives. The department will move forward with its' original plan, as outlined in the draft proposal, to classify the majority of the forest as *'managed'*, but will reclassify some 28,675 ac. (or 39% of the forest) located within the Superior National Forest boundaries as *'limited'* (23,490 ac of state forest land). This will improve consistency of regulation across DNR and USFS lands in the limited area. Scattered state lands that lie outside of both state and federal forest boundaries, will be classified as *'managed'* consistent with the management of St. Louis County forest lands in this area. Some of the access routes within the managed forest may need to be improved prior to use. Some routes may even need to be gated and have access controlled seasonally. These changes will occur before the plan's effective date.

**COMMENT:** The likelihood of non-native invasive species being spread is high (if OHV use is permitted). State forest lands should be closed to all but HLV use of designated State Forest Roads.

**DNR RESPONSE:** The introduction or spread of non-native species is a troubling and disruptive chronic vegetative impact. Timber operators, hunters, trappers, (motor or non-motor) recreational trail users and others can introduce invasive non-native plant species through the transportation of firewood, or via contaminated clothing, shoes, boots, backpacks, bicycle or motor vehicle tires. Seeds and spores are also transported via wind, rain, surface waters, wildfire, birds and animals. Infestations already likely occur in most state forests. Infestations are most common along forest roads, trails, power lines, rivers or other corridors of human or natural disturbance, that intrude into the forest interior.

MN DNR is committed to minimizing the construction of new routes through State Forests, and strictly enforcing prohibitions on off-trail vehicle travel. No new route construction is planned for St. Louis County. Nearly 40 miles of existing routes will be closed, on state and county lands, and another 22 miles will remain non-designated, thus closed to regular (summer season) motor use under this plan. The DNR is committed to controlling or eradicating known infestations of invasive non-native species on state lands, regardless of their origin or means of introduction, and preventing introductions related to trail improvement or the maintenance of existing routes.

A recently adopted departmental policy provides policy, procedures and guidelines to help DNR Staff prevent the introduction, establishment and spread of invasive species on state lands and in state waters. This order applies to all DNR resource management activity, whether by DNR Staff or non-DNR groups or individuals, and it applies to all actions the department permits, funds or regulates. A draft invasive species handbook is available, as are Site-Level Forest Management Guidelines (2005) and Trail Development Guidelines (2007). Forest users can help by alerting local DNR Staff to the locations of suspected new infestations.

The department has also beefed-up its commitment to long-term monitoring of state forest roads and trails, partly in response to commitments made in conjunction with the SFI/FSC Forest Certification process. Certification auditors annually field check DNR forest lands to ensure that commitments made through this process (including commitments to better control OHV use of state lands) are indeed being fulfilled. Forest Certification provides an important and continuing assurance that state forest lands in Minnesota are being actively and responsibly managed in a 'sustainable' manner for the long term.

**COMMENT:** The notion of ‘multiple use’, or the sharing public lands, sounds reasonable enough, but in practice has often failed. Public lands ‘closed’ to motorized use do still allow ‘fair and equitable access’ for all citizens, while preserving and protecting their natural and conservation values.

**DNR RESPONSE:** The DNR will reclassify the *Sand Creek Tributaries* thereby eliminating all OHV use of this 9,033 acre site located within the Sturgeon River State Forest. This is in addition to a number of other non-motorized state and federal management units located in Northern St. Louis County (e.g., State Parks, SNAs, WMAs, USFS Research & Natural Areas, Inventoried Roadless Areas, and the BWCAW). The DNR believes that this plan provides for a reasonable balance of motor and non-motor recreational opportunities.

---

## Motor-Limited Area Proposals

**COMMENT:** St. Louis County is already home to thousands of acres of designated non-motorized areas (e.g., State Parks, SNAs, WMAs, BWCAW). Why do we need more vehicle-restricted areas?

**DNR RESPONSE:** Motor vehicle use restrictions are one means of fulfilling the department’s responsibilities to protect biological values, and to provide a balance of motor and non-motor use opportunities on state lands.

Three areas totaling 24,603 (gross) acres in the Sturgeon River State Forest were originally proposed for motor use limitations pursuant to *MS Chap. 84.926, Subd. 5*. This has been pared to a recommended ‘closed’ classification for just the *Sand Creek Tributaries* site. This is a 9,033 acre site which includes 7,583 acres of DNR forest land and 1,450 acres of St. Louis Co. lands. The team has suggested that existing hunter walking trails and water crossings be improved in the area, and that future non-motor trail designations be considered. The site contains the headwater tributaries of Sand Creek, which is a designated trout stream. Cooperators concur with this ‘closed’ motor vehicle classification recommendation.

**COMMENT:** Why have so many historical travel routes been ‘left off’ of the planning maps? Some of these are important local connections used primarily by local residents.

**DNR RESPONSE:** All inventoried state and county forest routes are depicted on planning maps. Many informal, user-created routes, notably those located on private lands, were not inventoried nor depicted on DNR draft or final planning maps. Route data from St. Louis County and the Superior National Forest was incorporated to provide context and perspective. There are no plans to close local-use routes located on private lands. Nor will these routes appear on published visitor maps.

**COMMENT:** How will the boundaries of ‘limited’ or ‘closed’ areas of the forest be identified in the field?

**DNR RESPONSE:** Classification boundaries will be signed and mapped for forest visitors. They are typically well-defined and easily recognizable due to distinct natural or topographical features, roads, fences, rivers or lakes, rail grades, etc. The National Forest Boundary is also signed and mapped. Additional signs will be posted at conspicuous locations, such as at major ingress/egress points like trailheads, roads or other high-traffic areas. Full perimeter signing is not necessary in most cases. It is anticipated that any planned signing or route closures will be substantially ‘in-place’ on or before the plan’s published effective date.

# Summary of Route Designation Recommendations Developed in Response to Site Specific Comments & Suggestions

## Change Recommended

- **SW SE Section 16, French Township** – All forest access routes through this 40-acre parcel will be ‘closed’ to vehicular traffic. This closure will apply year-round and the hunting / trapping exceptions (*under MS 84.926*) will not apply. Enforcement and safety issues led to this closure. The DNR will, however, continue to work with affected landowners, business owners and township officials to craft a workable long-term solution to unmet access needs through this popular area which lies between Side and Perch Lakes.
- **Non-Designated Routes Within SNF** – Non-designated DNR routes within the proclamation boundaries of the Superior National Forest (formerly labeled as ‘forest access routes’) were designated as either State Forest Roads (approx. 4.0 miles) or left ‘non-designated’ (21.3 miles), thus ‘closed’ to vehicle traffic, except pursuant to *MS Chapter 84.926* – the seasonal hunter/trapper exceptions.
- **Forest Access Route** (*T60N R21W, Sec. 2 & 3*) – Approx. ¼ mile of an existing access route will be proactively closed, and the remaining .75 miles switched to ‘non-designated’ to allow for seasonal access (only) for cabin lease holders and others who hunt and trap in this area.
- **State Forest Road** (*T61N R17W, Sec. 16*) – This approx. 1-mile long State Forest System Road will be downgraded to a Minimum Maintenance Road due to its’ condition, level of use and management plans for this area.
- **French State Forest Road** (*T60N R21W*) – Portions of this existing system road through Sections 9 & 10 will be downgraded to Minimum Maintenance Road status to more accurately reflect its current condition and intended future use and maintenance level.
- **Private Trails / North of Perch Lake** – The DNR will correct it’s land ownership data layer and remove any routes on private lands that were mistakenly shown on planning maps. None of these routes will appear on future planning maps, nor on final visitor maps.
- **Walking Trails / Mudhole Road** (*T60N R21W, Sec. 12*) – Private segments which were mistakenly shown on draft planning maps, will be pulled from the final maps, and remaining (public land) segments will be switched from proposed hunter walking trails to ‘forest access routes’ to provide continued vehicular access into this area. These access routes will not appear on final visitor maps.
- **Walking Trails / Private Land Access** (*61N R21W, NW Sec. 4*) – The DNR has abandoned it’s hunter walking trail designation proposal for Section 4, but will continue with plans to designate hunter walking trails in Section 5. Links between the two sections will be bermed or gated. While seasonal ATV use was permitted on these non-motor trails in the past, formal non-motor trail designation will effectively prohibit all future vehicular use.

## No Change Recommended

- **Hunter Walking Trails** (*T61N R21W, Block 3*) – These existing hunter walking trails are located in an area with many rare plants along an ill-defined tributary to a groundwater-fed stream with a history of trout populations. A box culvert has been installed to protect and improve stream water quality. While seasonal ATV use was permitted in the past, non-motor trail designation will prohibit future vehicular use.

- **Taconite Trail Plan Amendment** – The DNR will proceed with its proposed amendment of the Taconite State Trail Master plan to permit vehicular use of a 4.7 mile segment of the Taconite State Trail. The amendment process will proceed separately from the implementation of this Plan for the Sturgeon River State Forest. The amendment process will stipulate appropriate construction, signing and seasonal use requirements needed to ensure user safety and compatibility.
- **Linden Grove Wetlands / Boundary Change (T61N R20 & 21W)** - Motor vehicle use limitations, previously proposed for this area, have been dropped from the final plan. This area of outstanding upland/lowland habitat will continue to be managed for rough grouse, spruce grouse, sharptails and woodcock. Vehicle access will be maintained as before.
- **Forest Access Routes / Mapping** – Forest access routes provide access to public lands and waters. Local property owners and cabin lease holders, especially rely upon these routes for a variety of recreational riding and utilitarian purposes (*e.g., hunting, angling, trapping, collecting mushrooms, berries, boughs, firewood, deer sheds, etc.*). Unless otherwise indicated, these routes will remain open (in the ‘managed’ forest) to public vehicular use. They will not, however, appear on final visitor maps.
- **Dead End Trail (T60N R21W, SE ¼ Sec. 23)** – Signing and gating of this State Forest Road to prevent unlawful private property trespass has proven unsuccessful in the past, but will again be considered as part of a broader effort to control and regulate ATV use in the area. Despite past problems with trespass, vandalism, teen parties and littering, access routes in this area do provide important public access to lands and waters and will remain open to vehicular use.

### **Comment Acknowledged**

- **ATV Road Ditch Riding** – Class 1 ATV operation is permitted in the ditch or outside slope of state and county roads, but prohibited on the inside slope, shoulder or roadway surface. Class 2 ATVs may operate on the shoulder or extreme right hand side of county roads and on the right hand side of township roads or city streets, unless otherwise prohibited. Local road authorities may restrict use of the public road right of way if so desired.
- **Positive Signing / Vandalism** – The DNR agrees that positive signing is better received by forest users, and these signs are less likely to be damaged or destroyed by vandals. Every effort is made to employ positive messages when signing forest trails and access points, sometimes combined with important regulatory messages.
- **Unapproved Water Crossings / Wetland Fill** – All constructed surface water crossings require a DNR permit. Permits specify approved crossing methods and materials. Unpermitted crossings, or constructed crossings not complying with permit conditions, are illegal and subject to revocation or enforcement action. Non-native materials (*e.g., old pallets or tires*) may not be used as wetland fill.
- **Mapping Errors** – The DNR acknowledges shortcomings in its’ draft planning maps. These maps, which were never intended for navigation purposes, lacked detail and contained numerous errors, omissions, duplicate routes, etc. The final visitor maps, and the data base which supports them, will be much improved as a result of public review and comment.

**COMMENT:** A number of reviewers objected to the proposed forest access route designations in SW SE Section 16, French Township. They cited a host of social, environmental and public safety reasons why OHV use was ill-advised in this 40-acre parcel of state forest land which links the community of Side Lake with state lands to the northeast, including access to the popular Taconite State Trail.

**DNR RESPONSE:** All forest access routes through this 40-acre parcel will be closed to vehicular traffic. This closure will apply year-round and the hunting / trapping exceptions (under *MS 84.926*) will not apply. Enforcement issues drove this decision to close these routes. OHV use of county and township roads may also be restricted by local road authorities if they so choose. The DNR will continue to work with affected landowners, business owners and Township Officials to craft a workable long-term solution to unmet access needs through this popular area of state land which lies between Side and Perch Lakes.

**COMMENT:** Many inventoried route miles are proposed to be *'proactively closed'*. Why?

**DNR RESPONSE:** Only wet, unsustainable, duplicative or undesirable routes were summarily closed. There was no pre-determined goal or quota for route closures, rather closure decisions reflect interdisciplinary team evaluations and on-the-ground conditions.

**COMMENT:** Please allow continued use of *'unclassified routes'* on USFS lands, and *'non-designated routes'* on state forest lands.

**DNR RESPONSE:** The USFS 2005 Travel Management Rule prohibits cross-country travel. It also prohibits motorized travel on undesignated (or unclassified) roads or trails. Upon publication of the final Travel Management Plan and maps for the Superior National Forest, wheeled motor vehicle use on unclassified, undesignated routes will be illegal.

As of the effective date of this plan, motorized travel on *'non-designated routes'* on state lands in the *'limited'* forest (inside the proclamation boundaries of the Superior National Forest) will also be prohibited, except pursuant to the hunter / trapper exceptions in state law (*MS Chap. 84.926, Sub. 1-5*). Vehicle travel will be allowed on *'forest access routes'* in *'managed'* portions of the forest (outside the federal forest boundaries). It is important that riders be cognizant at all times of where they are riding and all applicable rules and regulations. Riders should also obtain current state and federal trail maps, stay on marked trails, and obey all posted signs.

**COMMENT:** Trails change as loggers harvest timber and make temporary skid trails, or as hunters access their deer stands or bear baiting stations. Can new OHV trails then be made to these areas?

**DNR RESPONSE:** *Minnesota Rules, Part 6100.1950, Subp. 7(E)* stipulates that *"No person shall construct an unauthorized permanent trail on (state) forest lands"*. It's the responsibility of vehicle operators to abide by this restriction, and to be knowledgeable regarding other rules and regulations that apply to the operation of their vehicle in areas they choose to ride in. Riders should also obtain current maps, stay on marked trails, and obey all posted signs. Violators will be subject to arrest or citation.

**COMMENT:** One person suggested that snowmobile trails be converted to multi-use trails by adding ATV use in summer. That, he reasoned, would be both efficient and environmentally responsible since no new trails would need to be constructed.

**DNR RESPONSE:** The team did evaluate existing snowmobile trails to determine which of these could sustain summer season OHV use, and which formed a logical connection with other existing routes. Some of the 24 miles of planned (state + county) OHV trails in this plan do use sections of existing snowmobile trail.

## Taconite State Trail Amendment

**COMMENT:** Many disagreed with the DNR proposal to open 4.7 miles of the Taconite State Trail to vehicular use citing noise, traffic, littering, public safety issues and a host of environmental concerns.

**DNR RESPONSE:** The DNR acknowledges these individuals and appreciates their perspectives. A multi-disciplinary team reviewed the proposed routes and did not find significant environmental concerns. This corridor of the Taconite Trail is also known to be at least 20 feet wide, which is sufficient to accommodate multiple uses. Routes newly designated for OHV use will receive additional enforcement (above current levels). Noise and littering have not proven significant problems on state trails.

The department believes that this road/trail dual-designation makes sense from both a practical standpoint and from a recreation resource management perspective. Summer season vehicular use on this segment of trail will require little physical alteration or improvement to the treadway. Seasonal use restrictions and signing will also ensure that summer use does not interfere with established winter snowmobile use.

By opening this short section of trail, a nearly 25-mile OHV riding opportunity will be created. Motorized access is also provided to a sizable block of state lands to the north and east of McCarthy Beach State Park (where OHV use is not permitted). Moreover, designation brings regular maintenance and monitoring, as well as much-needed enforcement to this section of trail, which has long been plagued by illegal vehicle use.

**COMMENT:** Who benefits from this decision [to add motorized vehicles to the state trail]?

**DNR RESPONSE:** The department is committed to providing access to public lands and waters for all Minnesotans and their visitors. The primary beneficiaries of this change in State Trail use are those who wish to access and enjoy state forest lands by vehicle. This includes a mix of both utilitarian and recreational forest users who frequent the Sturgeon River State Forest. Adjacent landowners will also benefit from added enforcement, a reduction in routes open to OHVs, and an increase in trail monitoring and maintenance.

Non-motorized trail users are also welcome to use this section of trail. They will simply need to share the corridor with other motorized and non-motorized trail users. This decision was not predicated on private property or business interests, or a desire to improve access to any particular facility public or private.

**COMMENT:** The Taconite Trail Planning Maps incorrectly list some of the trails north of Perch Lake as state or county-owned lands. Some of these lands are actually privately owned.

**DNR RESPONSE:** The DNR acknowledges mapping errors in this area and will correct these on the final planning maps, and on the final state forest visitor maps. Specifically, routes crossing private lands will be removed, and land ownership data layers will be corrected. The ownership layer used for the draft map used generalized 40-acre squares. An improved data layer with finer resolution will be used for the final maps.

**COMMENT:** Under the current DNR proposal, would Highway Licensed Vehicles (HLVs) be allowed to use this section of trail in summer? What about forest access routes that emanate from the State Trail?

**DNR RESPONSE:** Yes, the plan is to open this section of trail to all types of motorized vehicles during summer. Seasonal use restrictions will be required in order to avoid conflict with snowmobile use during winter (*snowmobile season is typically December 1 to April 1*). Forest access routes emanating from the State Trail in the *'managed'* forest will remain open to vehicular use, subject to possible seasonal or temporary closures. Routes in the *'limited'* portions of the forest will be *'closed unless posted open'*. Standard prohibitions on rutting, erosion or damage to trees or living vegetation still apply to all routes. These informal routes will be closely monitored to prevent damage from occurring in areas adjacent to the Taconite State Trail.

**COMMENT:** One person suggested opening the Taconite State Trail to vehicular use all the way from Grand Rapids to Ely.

**DNR RESPONSE:** This process evaluated only those portions of the trail within the Sturgeon River State Forest. Other planning efforts currently underway in North St. Louis County will evaluate other segments of the Taconite State Trail to determine whether they could provide needed vehicular access, or form a critical connection to other existing inventoried routes in those areas necessary to form a contiguous trail system. This request is beyond the scope of this proposed plan amendment.

**COMMENT:** How will OHVs/HLVs be kept out of the McCarthy Beach State Park? We are opposed to opening McCarthy Beach State Park to motor vehicles.

**DNR RESPONSE:** Plans for the The Taconite State Trail amendment propose no changes to McCarthy Beach State Park. OHV use is prohibited within McCarthy Beach State Park. However, HLV operation is allowed on designated park roads. Trail signage will be clear as to where motor vehicles are allowed. In some locations, gates or other barriers may be used in addition to trail signs. DNR Enforcement Officers are responsible for enforcing trail rules both along the trail (in the state forest) and within the state park.

**COMMENT:** Opening up this section of the Taconite State Trail to vehicles will lead to vehicular trespass into McCarthy Beach State Park. Where will people go to hike or walk their dogs?

**DNR RESPONSE:** The DNR does not believe that the incidence of vehicular trespass into McCarthy Beach State Park will change appreciably. Non-motorized trail users are still welcome to use this section of the Taconite Trail. Motorized and non-motorized visitors will simply need to share the corridor.

**COMMENT:** One reviewer voiced opposition to what he termed DNR plans to “construct additional hunting camp parking areas, weekend ‘party spots’, and campsites” adjacent to the Taconite Trail. He urged the department to avoid building ‘mis-use sites’ and instead “maintain the status quo”.

**DNR RESPONSE:** There are no plans to develop any new facilities in conjunction with planned route designations. DNR Trails & Waterways Staff will monitor use patterns to determine whether a need exists to develop support facilities at some point in the future. Meanwhile, enforcement patrols will be stepped-up in known ‘party areas’ and illegal dumping sites, which will become much less isolated (therefore less attractive) than previously. Still, the DNR will consider placing additional signs and possibly gates at spots along the trail to deter illegal activity. The department aims to improve upon the ‘status quo’.

**COMMENT:** This is a treasured piece of land used and cared for by local residents for generations. We don’t care to have it destroyed by outsiders who come in summer with their expensive machines and rip it up. These are careless, irresponsible people who have less connection to the land than do local taxpayers.

**DNR RESPONSE:** The DNR does not agree that summer visitors are any more or less inclined to be good stewards of our natural resources than are local residents. State lands belong to all Minnesotans. We all share in this heritage and need to work together to keep the public estate healthy and productive.

**COMMENT:** The area east of McCarthy Beach Park is full of wildlife, including bears, eagles, wolves, coyotes, lynx, fishers and moose. Many of these animals will move if OHVs are allowed to disrupt them.

**DNR RESPONSE:** The current situation is tantamount to unregulated OHV use in this area. The forest classification and road/trail designation plan will bring about increased regulation, and fewer (not more) legal routes on which vehicles may operate. The DNR does not believe that significant wildlife population-level or

habitat impacts will occur, or that significant vegetative or hydrologic changes will result from vehicular use of this 4.7-mile segment of the Taconite State Trail or adjacent forest areas.

**COMMENT:** One reviewer suggested that there be a ‘moratorium’ placed on the development of new roads and trails, and that any ‘expansion’ of off-road vehicle use be tabled until a comprehensive plan is agreed to by State Legislators in St. Paul.

**DNR RESPONSE:** No new road, trail or support facility construction (*e.g., campsites, rest areas, parking or staging areas*) is proposed in this forest classification and route designation plan. All proposed designations involve pre-existing routes, constructed previously for a variety of purposes – principally for timber harvest and related forest management activity. This ‘administrative’ designation exercise, which was ordered by state legislators in 2003, is simply intended to make sense of the plethora of routes that have come into common use in the absence of any rules or regulations to the contrary. When completed for all 58 state forests, it will establish a ‘baseline’ from which statewide recreational trail policy discussions can begin in earnest.

**COMMENT:** There are many areas adjacent to Dean Road that connects to the Taconite Trail, including several small loops and offshoots that dead-end into private lands or wetlands. This will become a system of unregulated trails that motorists will use as an ‘ATV Park’ and de facto racetrack. Safety issues abound.

**DNR RESPONSE:** The current situation is tantamount to unregulated OHV use in this area. This Plan will bring about increased regulation, and fewer (not more) legal routes on which vehicles may operate. The net result will be greater control and regulation over existing (state land) routes currently being used and kept open primarily through local use. Forest access routes will not be shown on final visitor maps in an effort to minimize traffic and reduce the potential for unintended trespass or wetland violations. The DNR will continue to monitor this area to determine whether additional signing or gating of routes is needed to ensure public safety or to control unlawful use.

**COMMENT:** Several comments were received in favor of opening the proposed 4.7 miles of the Taconite State Trail to OHV and HLVs, with seasonal closure for snowmobile season.

**DNR RESPONSE:** Comments noted. The proposed amendment does call for a seasonal closure of OHV and HLV use during the snowmobile season.

**COMMENT:** OHVs and HLVs are inconsistent with (or irrelevant to) the purposes and administration of a Minnesota “*State Trail*” as defined in *Minnesota Statutes 86A.05 Subd. 1 and Subd. 4*.

**DNR RESPONSE:** The DNR disagrees with this statutory interpretation. There are a number of instances where state trails share a corridor with designated roads, which accommodate HLV traffic. The Taconite State Trail is authorized by *Minnesota Statutes 85.015, Subd. 13(a)(1)*. This trail, as constructed, satisfies the basic criteria for state trails as required in *Minnesota Statutes 86A.05, Subd. 1 and Subd. 4*. State statutes do not call for all state trails to be non-motorized.

**COMMENT:** ORV and HLV uses frustrate and diminish the purposes of this trail. The criteria in *86A.05, Subd. 4* are irrelevant in determining whether to allow motorized use after the state trail has been established.

**DNR RESPONSE:** The DNR disagrees with this statutory interpretation and legal opinion.

**COMMENT:** Motorized trail use creates disturbances of the natural environment far greater than the “minimum disturbance” required by statute [*M.S. 86A.05, Subd 4.*].

**DNR RESPONSE:** The DNR disagrees with the interpretation that motorized use will create a disturbance “far greater than the minimum” as described in *MS 86A.05, Subd 4, (c)*. Motorized use is the existing

condition in the Sturgeon River State Forest. Utilizing segments of existing trail corridor of the Taconite State Trail, rather than constructing new routes through an unbroken forest, effectively minimizes impacts and disturbances to the surrounding natural environment and state lands.

**COMMENT:** The legislation establishing the Taconite State Trail does not authorize OHV and HLV uses. The Commissioner has no power to allow OHVs and HLVs on the Taconite State Trail.

**DNR RESPONSE:** *Minnesota Statutes 84.027, Subd. 2* provides the DNR Commissioner control of the public lands and the uses thereof. The Commissioner also has authority under *Minnesota Rules Part 6100.3400, Subp. 2* to authorize motor vehicle use on state trails. State Trail authorizations do not typically specify permitted trail uses. Master Plans identify primary and other allowable uses. The purpose of this amendment is to update and amend the master plan to reflect current conditions, user needs and user demands. OHV and HLV uses are being considered in response to the recommendations made by the Forest Planning Team during their evaluation of the Sturgeon River State Forest.

**COMMENT:** ORV and HLV use on state land is inconsistent with the DNR's Cooperative Agreement with the Superior National Forest.

**DNR RESPONSE:** The Cooperative Agreement between the MN DNR and the Superior National Forest pertains only to those section of trail located on national forest system lands. The agreement does not apply to the segments of trail subject to this amendment.

**COMMENT:** The Justification for the Taconite State Trail Master Plan Amendment has no foundation. No analysis has been made as to what is a “*meaningful ride*” for an OHV or HLV operator and whether it is compatible with a “*meaningful*” non-motorized experience.

**DNR RESPONSE:** The department has sponsored a good deal of behavioral and opinion research on off-highway vehicle operators; their interests, attitudes and preferences. Demographic information has also been generated detailing behavioral differences that exist within specific user groups (i.e., ATVers, OHMers, ORVers) regarding riding style, frequency, intensity and use preferences (e.g., *typical travel distances on a weekend vs. extended stay*). The DNR also collects a variety of other information through it's periodic gas tax studies, rider education and safety training programs, and in conjunction with its vehicle registration responsibilities.

This information, combined with the practical experience that professional resource managers and enforcement officers bring to the table, is helpful in assessing access needs and recreational opportunities. For more information about DNR research, check [www.dnr.state.mn.us](http://www.dnr.state.mn.us) or contact the DNR Information Center at 1-888-MINNDNR (646-6367).

**COMMENT:** Potential future connections to additional OHV routes or forest roads “*yet to be evaluated*” is meaningless.

**DNR RESPONSE:** The potential for future OHV trail and forest road connections are relevant. Planning for North St. Louis County is currently underway. Draft Plans for the Burntside, Bear Island, Kabetogama and Lake Jeanette State Forests, and for scattered state forest lands in northern St. Louis County will be completed soon. Check [www.findthetrails.com](http://www.findthetrails.com) or [www.mndnr.gov](http://www.mndnr.gov) for more information on these and other pending access planning efforts.

**COMMENT:** If there is growing demand for more OHV trail miles, it is even more important to prohibit usage on the Taconite State Trail. There are no facts to support the statement that OHV and HLV uses would be sustainable.

**DNR RESPONSE:** A multi-disciplinary team of professionals from the MN DNR, US Forest Service and St. Louis County evaluated all inventoried access routes within the Sturgeon River State Forest. The DNR Planning Team evaluation included a Rapid Environmental Assessment Criteria (REAC) system to determine motor vehicle sustainability. The REAC ranking is a digital application using geo-spatial software to help evaluate and track the sustainability of selected routes. A score ranks and rates each route based on a number of criteria. The Team supplemented existing data with site visits to more closely examine the physical characteristics and conditions of many route segments. The team then made judgements based on the cumulative information from the REAC scores and their own training, expertise and practical experience.

**COMMENT:** OHV/HLV use is incompatible with non-motorized trail users and has a far greater environmental impact.

**DNR RESPONSE:** The DNR agrees that motorized uses may be incompatible with some other uses, including non-motorized uses, on a given treadway. However, motorized use does not always have a “*far greater*” environmental impact than other trail uses (*e.g., horse trails*). The DNR believes the Taconite Trail corridor is wide enough to safely accommodate both non-motorized and motorized uses without unacceptable social or environmental impacts.

**COMMENT:** No trail user surveys have been conducted on the Taconite State Trail, so the master plan should not be amended.

**DNR RESPONSE:** State trail master plans and master plan amendments can be completed without a trail user survey. Trail user surveys are but one of many tools used to inform planning and decision-making.

**COMMENT:** Amendment of the Taconite Trail Master Plan requires environmental review under the Minnesota Environmental Policy Act, it is not exempt.

**DNR RESPONSE:** That’s correct; the proposed amendment is not exempt from MEPA. The DNR Environmental Review Unit is currently evaluating the need for preparation of an Environmental Assessment Worksheet (EAW) on the 4.7 miles of Taconite Trail. If it is determined that an EAW is needed, the EAW process must be completed prior to finalizing this amendment.

---

## Planning Process Questions & Comments

**COMMENT:** One individual argues that the public comment period for the Sturgeon River State Forest Access Plan, and for the proposed amendment to the Taconite State Trail Master Plan, should be re-opened and extended. The reviewer feels that there was inadequate public notice, and time to comment.

**DNR RESPONSE:** The DNR has fulfilled (or exceeded) all statutory requirements for public notice, 60-day public review and public meetings on the draft plan for the Sturgeon River State Forest, which included a proposed amendment to the Taconite State Trail Master Plan. Both were duly noticed in the State Register (*Cite 31 SR 1524 & 31 SR 1682*), in two separate DNR Press Releases, on the DNR website, and in paid legal notices and commercial advertisements in five different area newspapers. The comment period closed July 20, 2007 and will not be re-opened or extended.

**COMMENT:** One reviewer questioned what types of information the Planning Team used to inform their decisions and help shape the draft access plan.

**DNR RESPONSE:** Planning Teams have access to a wide range of pertinent data, both state and federal, including but not limited to ETS and NWI data, soils and topographic data, invasive species reports, impaired waters data, route density maps, aerial photography and boundary shape files indicating the locations of all existing or potential roadless areas or other proposed administrative or management unit designations.

In considering natural resource data, planning teams employ a Rapid Environmental Assessment Checklist (REAC) to ensure that their examination is thorough, and to assist in assigning values or 'scores' to all inventoried route segments proposed for vehicular use designation. These composite REAC scores are helpful in determining which routes can sustain continued vehicular use. The scores, plus site-specific detail and rationale for all individual route designation proposals, reside within the ArcView GIS spatial analysis software used by the teams to track the route designation process. This is public information available for review by contacting the DNR.

**COMMENT:** One individual asked what criteria were used to guide forest classification and route designation decisions.

**DNR RESPONSE:** Forest classification criteria and public process notice and meeting requirements are contained in *Minnesota Rules, Part 6100.1950, Subp. 1-4*. Route designation decisions were based upon existing conditions and current use. A Rapid Environmental Assessment Checklist (REAC) was applied to all routes proposed for vehicular designation to gauge sustainability. A sustainability determination or 'score' was then recorded for each segment in the ArcView GIS spatial analysis software program that team's use to store their individual route data, observations and recommendations.

**COMMENT:** One reviewer fears that a 'substantial increase' in OHV traffic and riding pressure will result from motorized trail designations and trail 'publicity and marketing'.

**DNR RESPONSE:** The DNR finds this speculation unwarranted, and believes that recreational trail traffic will logically follow recreational trail designations. In the Sturgeon River State Forest, a total of 24.0 miles of OHV trail designations are planned. All are pre-existing routes, most in current legal use.. The department does not believe that recreational riders will be drawn in large numbers from distant locations to ride forest roads, trails and local interest *'forest access routes'*. There are no plans to display access routes on published visitor maps.

**COMMENT:** One individual asked whether motorized grant-in-aid or unit trails could be developed in the future on State Forest Lands classified as *'limited'*. What about future trails through *'Closed'* areas?

**DNR RESPONSE:** Motorized trails can be developed in a *'limited'* state forest. Motorized travel in a *'limited'* forest is restricted to designated routes signed *'open'* for that particular use. Travel on unsigned or *'non-designated'* routes is not permitted, except pursuant to *MS Chap. 84.926* (hunting/trapping exception). Routes proposed through *'closed'* areas will be carefully scrutinized, since vehicular use may be inconsistent with the management objectives for these areas. Nothing in this plan is intended to endorse nor discourage any potential future unit or grant-in-aid trail project proposals.

**COMMENT:** The DNR should have presented a draft proposal that provided the necessary level of detail and specifics that one needs in order to comment intelligently.

**DNR RESPONSE:** The DNR planning team did seek to provide sufficient data and analysis to adequately describe the current and proposed conditions, and the difference between the two. To the extent that planning maps lacked detail, or the draft plan failed to clearly articulate site-specific issues, options and alternatives the department apologizes to reviewers. The department does believe that the final plan is much improved as a result of rigorous internal and external review and comment.

**COMMENT:** What ‘site-level improvement projects’ does the plan refer to?

**DNR RESPONSE:** Some designated routes will require maintenance, repair or improvement before they are ready for public use. Some may even be temporarily closed during the plan implementation period. This is why the plan’s effective date is delayed for one full field season from the time of final approval.

**COMMENT:** One individual notes that nowhere in the planning process documentation, nor at the public meeting, was it stated that Planning Team Members gave consideration to the ‘*quality of life*’ for area residents during the course of their work. Persons living within a half mile should have more say in this decision.

**DNR RESPONSE:** Planning Team members are intimately familiar with the lands and routes that they are charged with evaluating, and they bring additional resources to the table when questions arise. As members of the local community, they too are also familiar with current and historical forest use, and local issues and trends shaping future use. Each member also brings interdisciplinary expertise to the table.

The teams do pay very close attention to local population and settlement patterns, since area residents are typically among the heaviest users of nearby public lands, and therefore have much at stake. Consequently, every effort is made to maintain traditional forest access and use, subject to resource management and protection considerations. Ultimately, team members must rely upon their natural resource management skills, training and practical field experience to strike the appropriate balance between access and protection.

**COMMENT:** One individual argues that there is no ‘*factual foundation*’ for the recommendations contained in the draft Sturgeon River State Forest Plan, just general statements in support of the chosen course of action.

**DNR RESPONSE:** The draft plan merely summarizes key findings of this 36+ month interdisciplinary team review. The route-by-route documentation and rationale for team decisions is contained within the Arc View GIS planning tool used by the team to record and document their decisions. This is public information. Persons interested in reviewing this computer data may contact MN DNR, Trails & Waterways at 651/259-5666 or Toll Free at 1-888-MINNDNR (646-6367) to make arrangements to view the data.

**COMMENT:** The plan refers to a ‘*dual-designation*’, what does that mean?

**DNR RESPONSE:** The draft plan proposed to ‘*dual-designate*’ 4.7 miles of the Taconite State Trail as both a State Forest Road and an OHV trail. This fact was noted in the draft mileage tables to avoid double-counting. The 4.7 miles in question have since been dropped from the final plan, because designation of that portion of the Taconite State Trail will be handled separately through a State Trail Master Plan amendment process. This is appropriate since statutory authorities differ. Only the public notice and public participation steps were shared by these two separate, but simultaneous public processes.

**COMMENT:** This plan opens up more and more trails to accommodate growing demand for ATV trails. How does this help ‘*avoid conflict with established non-motor uses*’ (one of the team’s stated objectives)?

**DNR RESPONSE:** The current situation is tantamount to unregulated OHV use in this area. This plan will bring about increased regulation, and fewer (not more) legal routes on which vehicles may operate. The net result will be greater control and regulation over existing (state land) routes currently being used and kept open primarily through local use. Forest access routes will not be shown on published visitor maps in an effort to minimize traffic and reduce the potential for unintended trespass or wetland violations.

It’s worth noting that the DNR did also reclassify 23,490 acres (or 39%) of state lands within the forest as ‘*limited*’, which makes routes within that part of the forest ‘*closed unless posted open*’. About 5,100 acres of county forest lands within this ‘*limited*’ forest will be similarly managed. In addition, 9,033 (gross) acres within the forest were reclassified as ‘*closed*’ to all OHV use. These new vehicle use restrictions apply to all routes and all

riders within the boundaries of these sizable areas. The DNR believes that this will lead to better control of vehicle use in the forest, fewer motor/non-motor use conflicts, and a more equitable balance of recreational opportunities for both motorized and non-motorized forest users.

**COMMENT:** There are compelling reasons to close many miles of pre-existing forest roads and trails to motorized uses. Why was this possibility never discussed or examined?

**DNR RESPONSE:** The Planning Team conducted a full review of all existing inventoried routes, designated or otherwise, in formulating their motor vehicle access plan for the forest. Environmental assessment criteria were applied to determine which routes would remain open to vehicular use. And, as a result, many routes formerly open to motor vehicle use will now be closed or restricted.

For example, there are nearly 50 miles of route closures contained in the resulting final plan, including 2.2 miles of state forest road undesignations. Another 22 miles of routes were left undesignated in the ‘limited’ portion of the forest, which effectively closes these routes to all summer season vehicular traffic. Only licensed hunters and trappers may use these routes seasonally pursuant to provisions of *MS Chapt. 84.926*.

**COMMENT:** The draft plans speak of providing a ‘meaningful ride’ for OHV enthusiasts. What constitutes a ‘meaningful ride’, and how does DNR know what OHVs are actually looking for?

**DNR RESPONSE:** The department has sponsored a good deal of behavioral and opinion research on off-highway vehicle operators and their interests, attitudes and preferences. Demographic information has also been generated detailing behavioral differences that exist within specific user groups (i.e., ATVers, OHMers, ORVers) regarding riding style, frequency, intensity and use preferences (e.g., *typical travel distances on a weekend vs. extended stay*). The DNR also collects other information through its periodic gas tax studies, rider education and safety training programs, and in conjunction with its vehicle registration responsibilities.

This information, combined with the practical experience that field managers and Enforcement Officers bring to the table, is helpful in assessing access needs and recreational opportunities. For more information about DNR research, check [www.mndnr.gov](http://www.mndnr.gov) or contact the DNR Information Center at 1-888-MINNDNR (646-6367).

**COMMENT:** The plan alludes to ‘potential future connections’ to additional OHV routes on state lands and in nearby state forests that have “yet to be evaluated”. What does this mean?

**DNR RESPONSE:** Access planning for North St. Louis County is currently underway. Draft Plans for the Burntside, Bear Island, Kabetogama and Lake Jeanette State Forests, and for scattered state forest lands in Northern St. Louis County will soon be finalized. Check [www.findthetrails.com](http://www.findthetrails.com) or [www.mndnr.gov](http://www.mndnr.gov) for more information on these and other pending planning efforts.

**COMMENT:** One individual alleges that there is no foundation or rational justification for the current route designation exercise. He believes it is simply a means of ‘opening up more areas’ to motor vehicle use.

**DNR RESPONSE:** *Minnesota Laws 2003, Chapt. 128, Art. 1, Sect. 167 (as amended in 2005 & 2007)* directs the Commissioner of Natural Resources to classify state forest lands, ‘forest-by-forest’, with respect to motor vehicle use. *Minnesota Rules Part 6100.1950* specifies the process and criteria to be used in doing so. *Minnesota Statutes, Section 89.19, Subd. 1-2* authorize the commissioner to designate forest trails and provide a rulemaking exemption to do so. *Minnesota Statutes, Section 89.71, Subd. 1*, authorizes the commissioner to designate or undesignate forest roads by written order published in the *State Register*.

Because this exercise is focused exclusively on previously existing routes, it enjoys a temporary exemption from environmental review requirements for recreational trails. The proposed amendment to the Taconite

State Trail Master Plan is being conducted pursuant to *Minnesota Statutes, Chapter 86A (Outdoor Recreation Act of 1975)*. These two separate and distinct processes shared only public notice and public review steps.

**COMMENT:** If designation of state forest roads or trails entails public signing, why aren't all of the pre-existing forest roads and trails already signed? It's unclear to me just which routes are currently designated and which aren't. How are we supposed to know where we can ride and where we can't?

**DNR RESPONSE:** The department acknowledges that not all existing forest roads or trails are currently signed. Implementation of this plan will involve signing and mapping of all designated roads and trails, including those previously designated. Remember, that in *'managed'* portions of the forest unsigned routes will remain *'open'* to vehicular use (as *forest access routes*) unless posted *'closed'*, and in the *'limited'* forest the inverse is true – unsigned and/or undesignated routes are *'closed'* unless posted open. Forest classification information will be noted on visitor maps, and be plainly posted at trailheads and road/trail intersections. All road and trail signing should be in-place by the plan's effective date.

**COMMENT:** One person noted that the Draft Plan references *'one-mile of new trail construction'* needed in order to complete a planned 24.7 mile vehicle loop. He asks whether this mile of new construction will be *"grandfathered-in"* along with the other existing route designations thereby avoiding environmental review?

**DNR RESPONSE:** The single mile of new construction will not be included along with the other route designations, because it does not yet exist. Therefore, the temporary exemption from environmental review will not apply. This mile-long trail development project will be subject to departmental review and public scrutiny, subsequent to this exercise, as are any new trail development proposals. Depending upon the nature and scope of this project, it may also be subject to formal Environmental Review pursuant to EQB Rules for Recreational Trail Development Projects.

---

## OHV Program & Policy Comments

**COMMENT:** – One individual suggested that off-highway vehicles be prohibited from using state and county public lands. She characterizes them as *'destructive'* and generally *'incompatible'* with commonly accepted public land protection and preservation goals. She also points out that ATVs are fundamentally utility vehicles which were never intended for *'recreational'* purposes.

**DNR RESPONSE:** The Minnesota Legislature has directed the department to accommodate off-highway vehicle and snowmobile activity on state lands and has appropriated funding for these purposes. The DNR is committed to providing recreational trail riding opportunities in a responsible, sustainable manner. In so doing, the agency recognizes the desire of non-motorized constituents to use state forests absent motor influences, as well as the challenge inherent in fulfilling this dual mission.

The DNR agrees that the majority of ATV use in Minnesota is utilitarian in nature. Most ATV use on state lands is in conjunction with hunting, trapping, angling, collecting, or transportation. That fact is repeatedly borne of fuel tax studies and other DNR-sponsored behavioral and opinion research. Most machines, however, serve double-duty as both utility tools and recreational vehicles. It is prudent that DNR plan for and responsibly accommodate this fast-growing use of state lands.

**COMMENT:** One reviewer suggested that OHV enforcement is a *'joke'*. The DNR can't enforce existing laws, how do you expect to enforce these new regulations which bring more trails, more motorized users, and more and more riders from out of state? Why no commitment to long-term trail monitoring?

**DNR RESPONSE:** Hours spent on OHV Law Enforcement and Safety Training activities have increased from the FY 2004 level of 17,339 hours to a statewide total of 30,466 hours in FY 2007. More than 50 new

officers have been hired and time spent on OHV enforcement and safety training have nearly doubled over this same period. Enforcement efforts have grown commensurate with increased numbers of riders and registered vehicles in order to protect public safety and ensure compliance with state law. Increased enforcement activity in recently reclassified forests is intended to boost compliance with new riding restrictions and trail designations. The Division of Enforcement has also initiated ‘*Special Work Details*’ to address localized enforcement problems.

The Division of Enforcement also works closely with other law enforcement agencies, notably with County Sheriff’s Offices, on OHV-related issues, safety training and field enforcement. Legislation in 2003 first authorized and appropriated \$200,000 to the Department of Natural Resources to fund the OHV Safety & Enforcement Grant Program. This program was subsequently re-authorized for FY 2004, FY 2005, FY 2006 and FY 2007. Under this program, Minnesota counties are eligible for reimbursement grants for a variety of activities and expenses, including OHV enforcement patrols and educational programs.

An additional \$1.6 million in funding (from the increased ATV registration fee) was appropriated by the 2007 legislature for OHV programs providing substantially more dollars for OHV management and enforcement. Of this, an added \$500,000 was provided to increase OHV enforcement by creating four new Enforcement Officer positions with a special focus on OHV operations. Grants to county law enforcement agencies were also increased by \$100,000 to a total of \$325,000 in FY 2008-09. Another \$250,000 was provided to DNR to begin the OHV Safety & Conservation (or Trail Ambassador) Program. And, an additional \$100,000 in new General Fund appropriations will fund a full-time Enforcement Officer position stationed in Bemidji for monitoring the Mississippi Headwaters State Forest. The DNR believes that this added funding and newfound focus on off-highway vehicle enforcement will make a substantial, lasting difference.

The department has also beefed-up its commitment to long-term monitoring of state forest roads and trails, partly in response to commitments made in conjunction with the SFI/FSC Forest Certification process. Certification auditors annually field check DNR forest lands to ensure that commitments made through this process (including commitments to better control OHV use of state lands) are indeed being fulfilled. Where shortcomings are noted, Corrective Action Requests are filed by independent auditors. The DNR must then remedy these problems within a prescribed timeframe in order to maintain its certificates. Forest Certification provides an important and continuing assurance that state forest lands in Minnesota are being actively and responsibly managed in a ‘sustainable’ manner for the long term.

**COMMENT:** One individual asked whether systematic, statewide trail closures (as per the current process) might not simply displace ‘*renegade*’ riders. Or worse yet, turn law-abiding citizens into scofflaws by encouraging the illegal use of wetlands, road ditches or private property to reach the lakes or riding trails.

**DNR RESPONSE:** The DNR acknowledges that some OHV riders will be displaced from travel routes that were once legal to ride. The statewide inventory of designated OHV trails has, however, grown substantially as a result of this process. As plans are completed, visitor maps are being prepared to identify legal riding routes. Through this process, problematic and unsustainable routes are dropped from the system, while focusing additional maintenance and enforcement resources on officially designated motor routes.

**COMMENT:** One individual accused the DNR of fostering a ‘bias’ against 4x4 trucks, criticized the roads-only ORV opportunities proposed for St. Louis County, and questioned whether the DNR was still committed to providing challenging Off-Road Vehicle (ORV) ‘truck trails’.

**DNR RESPONSE:** The DNR remains committed to providing for ORV travel and touring routes on state forest lands and via the ORV grant-in-aid program. The department will also pursue the development of special OHV Recreation Areas (like the Gilbert OHVRA) with specialized facilities for ORVs. However, the DNR will not provide ‘technical trails’, which challenge the driver and machine, on state forest lands. Nor will DNR permit mud pits, hill climbs, or the construction of artificial obstacles or challenges along state

forest roads or trails. The Sturgeon River State Trail Plan does provide 12.7 miles of dual-designated SFR/OHV trail which will be open to ORVs. Portions of the Taconite State Trail will also eventually be opened to ORV use.

**COMMENT:** One individual asked whether plans to limit OHV access discriminate against the disabled.

**DNR RESPONSE:** Disabled individuals may, in some cases, obtain a Special-Use Vehicle Permit from the Area Forester in order to access areas otherwise off-limits to motorized use. Disabled persons may also contact their Area Enforcement Officer to obtain a Special Hunting Permit which enables them to use an ATV for hunting and trapping purposes. Motorized use within a 'closed' forest, or within otherwise signed and designated non-motorized areas, however, is not generally allowed.

**COMMENT:** The DNR has been unable to control the spread of user-created trails in the past, what makes you think that you can reign-in the proliferation of off-trail and cross-country travel by these machines which were, after all, intended to traverse all types of terrain? How do we stop 'trail creep'?

**DNR RESPONSE:** This plan presumes that forest users (both motorized or non-motorized) are, for the most part, law-abiding and respectful of trail rules, regulations and posted signs. Speculation to the contrary is unfounded and counter-productive. Behavioral research has shown that riders are drawn to established and maintained trails, even though their vehicles are capable of off-trail travel. Those who do venture off-trail illegally, whatever the reason, or those who knowingly or unknowingly violate prohibitions on rutting, erosion or damage to vegetation, will be subject to citation. Law enforcement efforts have been significantly stepped-up in recent years (see earlier response). Minnesota's civil and criminal penalties for OHV violations, which rank among the toughest in the nation, also provide an effective deterrent.

Field enforcement will be aided by the new WHEELS database developed by DNR to track forest roads, trails and inventoried forest access routes. That's because while it's illegal to create a permanent unauthorized trail on state forest land, such activity can be hard to track. However, upon completion of the forest classification and route designation plans for all 58 of Minnesota's State Forests, this new database will be used to monitor the creation of illegal user-created trails. These routes will be much easier to spot and to address in a timely manner armed with this information. Trail Ambassadors too, will be dispatched with GPS devices in-hand, to locate and identify undocumented routes. This information will be passed on to foresters and enforcement officers, on a real-time basis, for timely and appropriate follow-up.

**COMMENT:** – The State of Minnesota should license off-highway vehicles for on-road use as do other states like Wyoming. That way, riders can get from one trail to another on-road if no off-trail connection exists. These modern vehicles are very safe and stable.

**DNR RESPONSE:** The State of Minnesota does not allow Class 1 ATV use, OHM or ORV use on the surface of public roadways. Class 2 ATVs may operate on the shoulder or extreme right side of county and township roads, and city streets, unless otherwise restricted. Class 1 ATVs may operate in the ditch bottom and outside slope of state and county roads. OHMs, ORVs and Class 2 ATVs cannot be operated in ditches unless on a trail designated for that specific vehicle type. A valid driver's license is required to operate anywhere it is legal to ride on road rights-of-way, or when crossing public roads, unless on a signed trail. See [www.mndnr.gov](http://www.mndnr.gov) for a complete listing of OHV vehicle registration and safety equipment requirements, and for general operating regulations.

SRROD.doc  
Rev. 22 Sept. 08