

DEPARTMENT OF NATURAL RESOURCES

RECORD OF DECISION

In the Matter of the Determination of the Need for an Environmental Impact Statement for the Minnesota Valley Off-Highway Vehicle Recreation Area Project in Sacred Heart (South) Township, Renville County, Minnesota

**FINDINGS OF FACT, CONCLUSIONS,
AND ORDER**

FINDINGS OF FACT

1. Renville County proposes the Minnesota Valley Off-Highway Vehicle Recreation Area (OHVRA) Project on 278 acres of land in Sacred Heart (South) Township, Renville County, Minnesota. Current sand and gravel mining would be phased out over 20 years, with reclamation including construction of proposed trails and amenities, and revegetation of remaining mined areas to prairie grassland species.
2. The proposed project requires preparation of a State Environmental Assessment Worksheet (EAW) for constructing an off-highway vehicle recreation area partially on agricultural, naturally vegetated land and partially on land that is not agricultural, is not forested or otherwise naturally vegetated, or has been significantly disturbed by past human activities. See Minn. R. 4410.4300, subp. F.
3. The Minnesota Department of Natural Resources (MNDNR) is the Responsible Governmental Unit (RGU) for preparation and review of environmental documents related to the Minnesota Valley OHVRA Project (Project). See Minn. R. 4410.0500, subp. 1.
4. The MNDNR prepared an EAW for the Project. See Minn. R. 4410.1400.
5. The EAW was filed with the Minnesota Environmental Quality Board (MEQB) and a notice of its availability was published in the MEQB *Monitor* on April 10, 2017. A copy of the EAW was sent to all persons on the MEQB Distribution List, to those persons known by MNDNR to be interested in the proposed project, and to those persons requesting a copy. A press release announcing the availability of the EAW was sent to newspapers, and radio and television stations, statewide. Copies of the EAW were also available for public review and inspection at the MNDNR South Regional Office, the MNDNR Central Office library, the Minneapolis Public Library, the Olivia Public Library, and the Willmar Public Library. The EAW was also made available to the public via posting on the MNDNR's website. See Minn. R. 4410.1500.
6. The 30-day EAW public review and comment period began April 10, 2017 and ended May 10, 2017. Written comments on the EAW could be submitted to the MNDNR by U.S. Mail, by facsimile, or electronically via email. See Minn. R. 4410.1600.

7. During the 30-day EAW public review and comment period, the MNDNR received written comments on the EAW from the agencies and individuals listed below. The comment letters are included in Attachment A of this Record of Decision. MNDNR's responses to substantive public comments on the EAW are provided in Findings of Fact paragraph 8. MNDNR also received one comment letter after the close of the comment period; no responses to these comments are provided but they will be forwarded to the project proposer and regulatory agencies for their information.

- A) Ashbaugh, Steven (April 28, 2017)
- B) Bellows, Josh (April 10, 2017)
- C) Buschette, Patricia and Francis (May 10, 2017)
- D) Chadwick, Scott (April 13, 2017)
- E) Clouse, Jason (April 11, 2017)
- F) Clouse, Vicki (April 11, 2017)
- G) Etzel, Jim (April 10, 2017)
- H) Forkrud, Darrell and Janice (May 4, 2017)
- I) Forkrud, David (April 25, 2017)
- J) Johnson, Mikkell (April 11, 2017)
- K) Johnson, Phil (April 12, 2017)
- L) Kalahar, Tom (April 11, 2017)
- M) Minnesota Department of Agriculture, Becky Balk (April 4, 2017)
- N) Minnesota Department of Health, David Ball (May 8, 2017)
- O) Minnesota Historical Society – State Historic Preservation Office, Sarah Beimers (May 10, 2017)
- P) Minnesota Pollution Control Agency, Karen Kromar (May 10, 2017)
- Q) Pancake, Jon (April 25, 2017)
- R) Partington, Barb (April 11, 2017)
- S) Pfarr, Harley (May 8, 2017)
- T) Radke, George (April 13, 2017)
- U) Randleman, Chris (April 11, 2017)
- V) Ringgenberg, Curt (April 12, 2017)
- W) Ryan, Beverly (April 27, 2017)
- X) Schweinfurter, Molly (May 9, 2017)
- Y) Self, Daniel (April 22, 2017)
- Z) Skalbeck, Gloria (April 18, 2017)
- AA) US Army Corps of Engineers, Melanie M. Peterson (April 20, 2017)
- BB) Taylor, Richard and Judy (May 10, 2017)
- CC) Westby, Janet (April 20, 2017)
- DD) Westby, Norm (April 26, 2017)
- EE) Westin, David (May 10, 2017)
- FF) Zaske, Dave (May 3, 2017)
- GG) Zimmermann, Marsha and Blomeke, Gordon (April 26, 2017)
- HH) Zondervan, Adam (April 11, 2017)

8. Each comment listed in Findings of Fact paragraph 7 is provided alphabetically and verbatim as practical, with MNDNR's response following each comment.

A. Commenter – Ashbaugh, Steven

Comment A1: I am supportive of this EAW for off road use.

Response A1: Comment noted.

B. Commenter – Bellows, Josh

Comment B1: After reading the EAW I am disappointed to see that this will not cater much to ORV use with only a small rock climbing area open to them. I think it would be much better served and more widely used if it had more trails capable of ORV use. With only three main areas in the state that cater to ORV use (Appleton, Spider Lake & Gilbert) it would be appreciated if newly formed recreation areas would cater to the ever growing ORV groups.

Response B1: Comment noted.

C. Commenter – Buschette, Patricia and Francis

Comment C1: Item 6d. Economic development. It is not certain where this economic development is to be found. It remains to be seen how the park could benefit the local community. As far as the local economy, supporters refer to the sale of gas and food as the source of income. A common sense approach suggests that a return on investment is not realistic. In terms of the “snacks” that people are supposedly going to buy. Does anyone realistically think that anyone would load a large ATV and take off for Renville County without a cache of potato chips, pretzels, candy, and a tank of gas? Further, if participants come from the east, south, west, they will stop in Redwood Falls where there is a greater availability of these provisions. It does not take much experience to realize that a few hours on the OHV Park is going to result in dirt and mud plastered over clothing and a visit to a restaurant in this condition is not realistic. There is little to support the proposal – Renville County restaurants and gas stations are several miles away. In Renville County the closest hotel is in Olivia, Granite Falls (Yellow Medicine County) or Redwood (Redwood County). Redwood County residents who are excited about this park right across the river from them are making no contribution to its expense.

Response C1: Comment noted. The purpose of an EAW is to identify potential environmental impacts and issues that may require further investigation before the project is commenced. Although the potential for economic development can be identified as part of a project's purpose, the topic of economic development is not required to be addressed in an EAW. This comment will be provided to the project proposer and governmental units with authority over the project.

Comment C2: Item 8. Renville County has received funds through the Minnesota Department of Natural Resources as a master federal recreation trails grants program. The funding received is designated for planning and design activities. While the expense for planning has been substantial, it pales in comparison to the cost of the construction and maintenance of the proposed site. According to the environmental assessment worksheet, upon review all and approval of funding amount would be identified for trail maintenance and administration for the coming financial year. This begs the

question of the cost of construction. At this point there seems to be no reliable information on the proposed cost of construction. While there are some enthusiasts within the county and outside the county, Renville County taxpayers will be tapped for funding. After months of research and discussion with Renville County residents, we believe there is little or no appetite for spending in excess of \$1 million for an OHV Disney Park.

Response C2: Comment noted. Although an EAW does not address project costs, funding sources are to be identified and this is done in EAW Item 8. Construction costs for each phase of the proposed OHVRA would be determined during each design phase. Dedicated funding for construction has not been identified to-date, and would not be pursued until mining ceases in an area that coincides with proposed OHV trail or amenity development.

Comment C3: Item 9. There are always compromises to be made in the development of an area. However, the effort to incorporate land that includes native prairie would not seem to be adequate reason for such a compromise. It is difficult to believe that an ATV driver in control of a powerful machine is going to limit travel within prescribed trails.

Response C3: Comment noted. The proposer has committed to design, construct, monitor, and maintain the site consistent with the MNDNR's Trail Planning, Design, and Development Guidelines (MNDNR, 2007), which were developed to specifically address the types of issues noted in the comment.

See Responses C9 and AA3.

Comment C4: Item 9b. The area adjacent to or nearby the proposed park includes residential properties. These building sites are located in some of the state's most beautiful settings. A proposed ATV Park would greatly diminish the residents' enjoyment of their properties. It is hard to imagine the effect of a dozen monstrous machines racing by one's house on the weekend afternoon when property owners have every right to enjoy the quiet and solitude of the property they purchased.

Response C4: Comment noted. EAW Item 9b addresses project compatibility with nearby land uses, zoning, and plans. The site's current use, and future 20-year land use, is for mining gravel and sand deposits. OHVRA development would occur in phases in conjunction with ongoing mining activity, where visual and noise disturbances would continue to affect the surrounding residences.

EAW Item 17 addressed potential noise impacts and acknowledged the potential for annoyance with the project. A noise study was conducted during mining activities, where noise levels approached the Minnesota residential daytime maximum level. Once OHVs begin operating, noise may be of higher frequencies than generated by mining but for shorter periods. Renville County has committed to log and investigate noise complaints, with the measure of additional monitoring available to verify whether noise levels are exceeded.

Comment C5: Item 11b. Apparently areas that hold water during periods of normal or above normal rainfall and are landlocked and would be retained for the riders to utilize. It is our understanding that riding through such muddy waters provides an additional recreational opportunity. One wonders how

this would affect the economic development that is to accrue to the county as wet and dirty riders make their way into restaurants and grocery establishments in the county.

Response C5: Comment noted. See Response C1.

Comment C6: Item 12c. The usage of such materials in an area raises concerns in this environmentally vulnerable site. The release of such hazardous liquids, according to the response, is expected to be rare and minimal but it is acknowledged that it can happen.

Response C6: See Response E1.

Comment C7: Item 13b. A response acknowledges that the Minnesota River Valley has a high conservation value and that “conservation of all remnant native prairie including buffering is a high priority in Minnesota.” The fact that there is a remnant native prairie within the site is troublesome.

Response C7: Comment noted. The most likely reason prairie persists at this part of the site is that it has not been used for row crop agriculture, and thus not converted to some other type of land cover. This is the primary source of prairie conversion in Minnesota.

EAW Item 13 identifies the presence of this rare resource, potential sources of impacts, and potential mitigation measures for these impacts, including avoidance of trail development altogether for this part of the site.

See Response AA3.

Comment C8: Item 13b. In the same section, it is learned that the Minnesota Department of Natural Resources natural heritage information system has identified endangered, threatened, and species of special concern. It is recommended that ground disturbance be avoided and trails ravaged around the Prairie. I would not place much faith in an ATV driver in acknowledging the value of prairie grasses.

Response C8: Comment noted. Potential project effects to state-listed endangered, threatened, and special-concern species were addressed in EAW Item 13. Although there were no records for specific occurrences at the site, the EAW addressed potential impacts to the following resources: remnant native prairie; mussels; gophersnake; lark sparrow; bald eagle; and northern long-eared bat. Avoidance measures and potential mitigation were identified.

See Response AA3.

Comment C9: Items 13c & d. The report also includes acknowledgment of the existence of bald eagle and other native wildlife. This section goes on to acknowledge the possibility of minimizing disturbance to wildlife including avoiding or minimizing impacts to remnant prairie. This does not sound like a failsafe process.

Response C9: Comment noted. The principal means to avoid and/or minimize project impacts to wildlife resources are proposer commitments to implement: trail development compliant with the Trail Planning, Design, and Development Guidelines (MNDNR, 2007); stormwater runoff control

measures, including buffers; a vegetation management plan; prairie restoration and management measures identified in the Minnesota Prairie Conservation Plan; invasive species control; and no tree removals. These measures would occur in concert with the reclamation provisions of the Interim Use Permits for the Tufto and Ponderosa mining operations. EAW Item 13 identifies additional measures that can be considered and employed in the final project design to specifically address impacts to the lark sparrow and gophersnake. Regardless, mining reclamation in concert with project development would alter the habitat profile and species assemblage at the site. Future types and levels of wildlife use would depend on the individual species' tolerance of OHV- and human-generated activity. It is likely most of the animals would adjust their habits to avoid project developments and OHV traffic.

Comment C10: Item 13d. Some of this is to be accomplished by trail riders being encouraged in the rules and signage to stay on the mapped and signed trails. Trail riders, by virtue of their adventurous "fun-loving spirit" are not always predisposed to consider environmental issues.

Response C10: Comment noted. See Response CC4.

Comment C11: Item 16. There is a description of the high volume of motorized activity due to farming, gravel mining and trucking operations. While the compromise of air quality and the attempt to mitigate noise is important, the value of farming, mining, and transportation has to far exceed the value of a recreational park.

Response C11: Comment noted.

Comment C12: Item 16. The response relating to noise intensity has been described as an "annoyance" to neighbors perhaps is one of the most egregious explanations of the worksheet. The worksheet quotes Renville County indicating that the noise would not constitute a nuisance in legal terms. The fact that noise complaints will be investigated is of little consequence for someone who will have to deal with this during much of the year.

Response C12: Comment noted. EAW Item 17 addresses noise and acknowledges the potential for annoyance from project-generated noise. Strategies available to limit potential noise impacts are dedicated setbacks from trails and employing narrow, rolling-type trail flow with very few long stretches to discourage aggressive throttle use. Renville County is responsible for enforcing State Noise Standards at the site; anticipated noise levels would not constitute a "nuisance." See Minn. R. 7030. Renville County would log and investigate noise complaints and take measures necessary to comply with state law.

Comment C13: Item 16. A suggestion that nearby residents may hear the noise (if occupied at the same time) is unbelievable. In other words or leave your house, you will not be "annoyed."

Response C13: See Response C12.

Comment C14: Item 18. There seems to be an effort to downplay traffic issues, comparing them with the current traffic patterns that serve the economic functions of the county. If traffic is so light that there is little impact, one wonders why the effort to push through a project with so little economic

benefit, and with a potential to harm the environment, both for human quality of life and for the continued existence of animal and plant life.

Response C14: Comment noted. EAW Item 18 addressed potential traffic-related impacts and indicates a traffic analysis was conducted to determine the current and future traffic generated from the site. The study concluded that the proposed project is not anticipated to increase traffic substantially from current conditions; however, CSAH 15 may experience a minor seasonal increase during the summer months. The proposed site would require a Driveway/Right of Way Crossing Permit from Renville County, and additional right-of-way signage may be recommended and/or required by the Renville County Highway Department at the time of permitting.

D. Commenter – Chadwick, Scott

Comment D1: I believe getting this ATV park up and running is a great idea for the area.

Response D1: Comment noted.

Comment D2: Things like this bring people into the area which in turn brings in people spending money that wouldn't have normally been spent there that day. That in turn also helps with more tax revenue. Things like this are a win for everyone. Look at Appleton it's a great example.

Response D2: Comment noted.

E. Commenter – Clouse, Jason

Comment E1: Please make sure the county has an emergency plan in [place]...and the study looks at all the water issues that may come from this park being on an ex-sand pit [and] how will it affect the environment if or when a fluid is spilled!

Response E1: EAW Item 12c indicates the incidental release of any hazardous liquid via leaks or spills is expected to be rare and minimal; however, minor leaks and spills of gas, oil, and other fluids would occur onsite. Spill kits would be provided at the trailhead for use in emergency situations. No permanent above or below ground storage tanks are proposed for routine operations of the OHVRA.

F. Commenter – Clouse, Vicki

Comment F1: I enjoy the quiet drive in the summer watching the wildlife that live in the river bottom; what going to happen to the eagles that many people come and enjoy in the summer?

Response F1: No bald eagle nests are known to be present at the proposed project site. Once mining is complete, the site would exhibit a mix of vegetative cover and riparian features that could be suited for much wildlife likely to occur along the Minnesota River Valley, including the bald eagle. Whether eagles are present would depend primarily on the level of tolerance individual eagles may have for operating OHVs between May and October of each season. Conditions may be more amenable to eagles outside the OHV operating season.

G. Commenter – Etzel, Jim

Comment G1: Please put the money to better use. Let ATVs, ORVs and other motorized destruction devices go in gravel pits and existing mines that have been destroyed already. They spread invasive plants, cause soil erosion, noise pollution, air pollution and more.

Response G1: Comment noted.

Comment G2: No more motorized trails in the state. PLEASE!

Response G2: Comment noted.

H. Commenter – Forkrud, Darrell and Janice

Comment H1: Darrell Forkrud is writing as input from our family since my wife and I now have purchased the Audrey Forkrud Trust located just to the Southwest and adjacent to the proposed park. This family farm of just 130 acres today has been in our heritage since 1882. We have enjoyed the “Peaceful Valley” as my Grandfather used to refer it as long as my 67 years can remember.

Response H1: Comment noted.

Comment H2: My challenge to the DNR is why the push for this park that’s so far away from population centers when the surrounding neighbors have been speaking out against it from the first proposal with a few exceptions.

Response H2: The Off-Highway Vehicle Grant-in-Aid Program is available to trail projects statewide. OHV Grant-in-Aid trail development priorities depend upon geographic demand for trails and the availability of critical management resources, including funding, staffing, and volunteers.

Regarding assertions of the project being located “so far away from population centers,” MNDNR experience suggests that ATV/OHV riders would travel relatively great distances for riding opportunities. Two other rural and public OHV riding facilities located in southwest Minnesota include the Appleton OHV Park and Elm Creek Park.

The MNDNR is committed to ensuring the provision of managed OHV recreational opportunities as part of the department’s outdoor recreation mission, which includes the OHV Grant-in-Aid Program. The program facilitates development and maintenance of trails for use by ATVs, OHMs, and ORVs at the initiative of enthusiast groups or clubs, with the support and participation of local government sponsors. For this project, the proposer (Minnesota Valley ATV Riders Club) and sponsor (Renville County) followed the MNDNR-administered application and review process in order to be eligible for the grant.

Regarding the project location, the Tatanka Bluffs Organization of Redwood and Renville County began organizing and searching for OHV trail development opportunities in 2010. They revived the defunct Redwood – Renville County ATV club, or the Minnesota Valley ATV Riders Club. This group with assistance from MNDNR Division of Parks and Trails staff, began identifying potential OHV

recreation area locations. The club contacted landowners about possible purchases of land for proposed OHV recreation purposes in Redwood and Renville Counties. Of three sites identified, this site was recommended for further evaluation.

Comment H3: It would seem that with so many good uses of the state’s “Legacy” funding, which was to be a part of this land purchase from the Tufto and Zimmerman families, that the DNR is better served using the funds elsewhere. We know that some of the Renville County administration had been prompting a look at this but to all of us who so much enjoy this current area’s scenic peaceful recreation, plus the great deer and turkey hunting, we don’t want you to come in to change that great history.

Response H3: Comment noted. See Response FF8.

Comment H4: There can be little doubt that a group of ATVs running through this proposed park would have a marked change in the land use and traffic around the area. We would challenge you to take your funds elsewhere and use them in areas that the state needs it like a plan to help with invasive species!

Response H4: Comment noted. The OHV Grant-in-Aid Program is authorized in state statute specifically to distribute funds as available to those parties who complete the application process and meet program requirements, all of which is subject to ongoing review. Requirements of the grant include using best management practices (BMPs) and maintenance activities that include invasive species prevention techniques or trail monitoring under the Trail Ambassador Program. Funds are derived under a cost-share program funded by vehicle registration and trail pass fees, plus a percentage of the state non-highway gas tax from each of the motorized groups (i.e., ATVs, OHMs, and ORVs). The percentage of gas tax varies for each user group and is established by statute. See Minn. Stat. § 296A.18. General tax dollars do not fund these accounts.

MNDNR conducts trail monitoring reports and works closely with clubs and sponsors to confirm Grant-in-Aid funded trails are meeting program requirements and recommends corrective actions if not. Terrestrial and aquatic invasive species prevention and management programs have different funding sources and are not related to the OHV Grant-in-Aid Program.

See Response FF8.

Comment H5: Please feel free to contact us if you need input and we would appreciate if you keep us in the loop as to communication around this proposed OHVRA.

Response H5: Comment noted.

I. **Commenter – Forkrud, David**

Comment I1: I am 100% opposed to the Minnesota Valley OHVRA.

Response I1: Comment noted.

Comment I2: There is only one landowner who resides there who is in favor of it. The two absentee landowners that are selling the property for the Minnesota Valley OHVRA are only in it for the money. Please put a stop to this project. Feel free to contact me for further info.

Response I2: Comment noted.

J. Commenter – Johnson, Mikkell

Comment J1: I wanted to write and let you know that we are hoping that the new ATV trails in the Renville area are approved.

Response J1: Comment noted.

Comment J2: We often end up going to the trails in Appleton right now, so it would be great to have another option. We often use local businesses when we go four wheeling, so I have no doubt that it would also positively impact businesses in the area.

Response J2: Comment noted. See Response H2.

K. Commenter – Johnson, Phil

Comment K1: I would love to see and have more ATV Class 1 and Class 2!

Response K1: Comment noted.

Comment K2: It helps bring money in with [campers] and buying gas, food, firewood, extra! As an expert heavy equipment operator for Landwehr I would be more than happy to help as I can! Thanks.

Response K2: Comment noted.

L. Commenter – Kalahar, Tom

Comment L1: I have just finished reading the EAW for the Proposed Renville County ATV amusement park and can see that the spin is on for more degradation of the Minnesota River Valley.

Response L1: Comment noted.

Comment L2: I worked in the conservation field for 36 years and can spot BS when I see it. The ATV proposal is and always has been a BAD idea and not popular with most of the residents of Renville and Redwood County. This is another example of a small group of people pushing a bad idea on the majority of the citizens. I'm very familiar with this site and know all the neighbors who by the way are all opposed to this park. I could easily do an EAW on this site and come up with a very different outcome than the one you have presented here. Take your pick water, wildlife, native prairie, land use, noise, Minnesota River, personal enjoyment of the valley will all be negatively impacted by this proposed park. The park will promote bad feeling though out the region including local, state and federal governments.

Response L2: Comment noted.

Comment L3: I find it unbelievable that the Department of Natural Resources would even consider this site as an ATV park. I suggest you ask your own people wildlife managers and other natural resources professionals what they think of this idea. I would also invite all or any of you out here for a personal tour of the site and area to talk to use before this grows into a nasty fight.

Response L3: Comment noted. MNDNR's role in the provision of sustainable OHV recreation opportunities statewide is to: provide technical assistance and guidance on planning, development and maintenance of the trail to sponsors and proposers; initiate funding application process and provide grant agreement to sponsors; disburse funds as appropriate; and conduct random program and fiscal reviews.

Preliminary project discussions and coordination with MNDNR occurs early in a new trail Grant-in-Aid application. This typically includes completion of multi-disciplinary reviews of trail proposals during concept, planning, and grant application stages. For this project, MNDNR completed an overview of the proposed site in 2011, as well as the more detailed project proposal data submitted for this EAW in 2016 and 2017. This proposed site is consistent with guidance provided by the MNDNR.

Comment L4: I could go on and on but see no need. We are a group of hundreds strong and will oppose this park at every stage of the development. We are prepared to fight this locally and at the state and federal levels. I would more than glad to talk to anyone in your Department about this issue.

Response L4: Comment noted.

M. Commenter – Minnesota Department of Agriculture (MDA), Becky Balk

Comment M1: MDA has reviewed the EAW and does not have any comments. Thank you.

Response M1: The MNDNR acknowledges that MDA has no comments.

N. Commenter – Minnesota Department of Health (MDH), David Bell

Comment N1: Thank you for providing the Minnesota Department of Health (MDH) with the opportunity to comment on the Environmental Assessment Worksheet (EAW) for the Minnesota Valley Off-Highway Vehicle Recreation Area (OHVRA) project in Renville County. The mission of MDH is to protect, maintain, and improve the health of all Minnesotans. The careful planning and development of projects such as this one supports this mission and is an important step in ensuring health in all policies.

Response N1: The MNDNR acknowledges the mission of MDH.

Comment N2: *Mine Reclamation.* Inadequate mine reclamation may result in undesirable outcomes, often not immediately observed, such as the focused infiltration of surface contaminants to groundwater, altered water quality in nearby springs and streams, accelerated soil erosion, and the

creation of physical hazards, such as sinkholes. Where mining activities remove critical protective geologic materials above an aquifer, post-reclamation land uses have the potential to degrade groundwater quality.

Response N2: Comment noted. Site reclamation is governed by Renville County's Interim Use Permit and related conditions that reflect the information supplied in the comment. Although mineland reclamation is not an explicit project component, Renville County operating as the project proposer identifies appropriate mineland reclamation as an integral aspect of project implementation. Full reclamation of the site is consistent with project objectives.

Comment N3: The EAW notes that upon completion of mining activities, the mining-disturbed portions of the site not used for OHVRA purposes will be restored to prairie grassland. Although developed for silica sand mine projects, the Environmental Quality Board's (MEQB) "Tools to Assist Local Governments in Planning and Regulating Silica Sand Projects" includes applicable tools that could be implemented on the project site to minimize impacts to groundwater quality from reclamation land uses.

Response N3: MNDNR concurs MEQB's guidance cited in the comment includes tools applicable to site reclamation and project development for the proposed action. The proposer and governmental units with approval authority over the project will be informed of the availability of MEQB's guidance document through MNDNR's Responses to Comments on the project EAW.

Comment N4: Additionally, although the site is not located within a wellhead protection area, MDH's "Wellhead Protection Issues Related to Mining Activities" also provides tools that could be implemented to minimize impacts to drinking water.

Response N4: MDH's comment is consistent with EAW Item 11a.ii that did not identify the project being located in a wellhead protection area. The proposer and governmental units with approval authority over the project will be informed of the availability of MDH's guidance document through MNDNR's Responses to Comments on the project EAW.

Comment N5: The EAW states that, "one well may be drilled in the future to provide potable water for trail users at the trailhead area." New wells that are constructed in Minnesota must be constructed according to the requirements of Minnesota Statutes, Chapter 103I, and Minnesota Rules, Chapter 4725 and must include a notification form submitted to the MDH Well Management Program (as noted in EAW's permits/approvals table). Well construction cannot begin before written acknowledgement from the MDH Well Management program of receipt of the notification form and that the related fees have been received from the driller or project proposer. Additional information is available on the MDH website at: <http://www.health.state.mn.us/divs/eh/wells/construction/>. For more detail, contact MDH staff at (651) 201-4600 or health.wells@state.mn.us.

Response N5: The comment correctly notes the possibility of a well being installed to provide potable water for the facility. MNDNR acknowledges that new wells must be constructed in compliance with the requirements of related statutes and rules, and must include a notification form submitted to the MDH Well Management Program. See Minn. Stat. § 1031. See Minn. R. 4725. The proposer and governmental units with approval authority over the project will be informed of the full set of

information provided in the comment through MNDNR's Responses to Comments on the project EAW.

Comment N6: Health starts where we live, learn, work, and play. To create and maintain healthy Minnesota communities, we have to think in terms of health in all policies. Thank you again for the opportunity to provide comments on this EAW for the Minnesota Valley OHVRA project. Feel free to contact me at (651) 201-4600 or health.wells@state.mn.us.

Response N6: Comment noted.

O. Commenter – Minnesota Historical Society – State Historic Preservation Office (SHPO), Sarah Beimers

Comment O1: Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given to the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Response O1: Comment noted.

Comment O2: We have reviewed the Environmental Assessment Worksheet (EAW) that was prepared for this project. Under EAW Item No. 14 "Historic 'Properties'" the document references a Phase II evaluation report for a prehistoric archaeological site, however we have not received nor reviewed this evaluation report.

Response O2: MNDNR acknowledges EAW Item 14 could have provided greater detail on the relevance of the "Phase II Archaeological Evaluation" to the project, and potential project impacts to historic properties and measures proposed to address them.

The historic and archaeological resources report referenced in EAW Item 14 was prepared to inform assessment of project compliance with Section 106 of the National Historic Preservation Act. The Section 106 procedure was conducted under authority delegated to the Minnesota Department of Transportation (MNDOT) by the Federal Highway Administration (FHWA). The Section 106 review was necessary because the Proposer applied for (and received) funds under the Federal Recreation Trail Grant Program to acquire land for the project.

Attachment 2 of the EAW identified two archaeological site locations designated by SHPO as 21RN0040 and 21RN0041, which are the "Tufto Farmstead" and "Tufto Field Lithic Scatter" respectively. These two site features were subject to the report titled "Phase I Archaeological Reconnaissance of Proposed Minnesota Valley OHV Park and Phase II Archaeological Evaluation of the Tufto Farmstead, Renville County, Minnesota," with the Final Report prepared by McNamara and Nienow for Blondo Consulting, August 20, 2014. The report was prepared because the MNDOT Cultural Resources Unit recommended for the Proposer to conduct a Phase I archaeological survey within the project boundary as well as a Phase II evaluation of the former Tufto Farmstead for the Section 106 review. This report, along with the Proposer's project description as detailed in EAW Item 6b, was the basis of MNDOT's Section 106 review of the project.

Regarding SHPO receiving or reviewing the report prior to the EAW, MNDNR understands MNDOT's Section 106 review occurred under the terms of the 2005 Section 106 Programmatic Agreement between the FHWA, MNDOT, and the Minnesota SHPO. MNDNR defers to the procedures outlined in the Programmatic Agreement regarding coordination and/or consultation between MNDOT and SHPO, including sharing of data or analyses supporting a Section 106 review subject to the Programmatic Agreement.

MNDNR acknowledges the report was only referenced in the EAW as being "available upon request." It was not provided as an attachment or otherwise distributed with the EAW. MNDNR received one request for the document during the EAW review and comment period. MNDNR supplied the report, and MNDOT's Section 106 review document, to SHPO in response to the comment.

Comment O3: If this site will be affected by this project, it will need to be evaluated to determine whether it meets National Register criteria.

Response O3: The Cultural Resources Unit of MNDOT's Office of Environmental Stewardship reviewed both SHPO properties designated as 21RN0040 and 21RN0041 (i.e., Tufto Farmstead and lithic scatter) for eligibility for listing in the National Register of Historic Places. MNDOT determined both properties were not eligible for listing under any criterion. That office found "there will be no historic properties affected by the project as currently proposed." MNDOT further noted "[i]f the project scope changes, please provide our office with the revised information and we will conduct an additional review." The project scope has not changed since MNDOT's review.

Comment O4: If the site will not be affected by the proposed project, please provide a description on how effects to the site will be avoided.

Response O4: Detailed plans have not been formulated for the project; however, the Conceptual Site Plan in EAW Figure 6 does envision development of a Class 2 ATV zone in the lithic scatter part of the project site. Substantial disturbance is not anticipated because the Class 2 trails would consist of all dirt surfaces up to 65-inches wide, with the trail alignment initially established by simple mowing of the proposed treadway. Greater disturbance could be associated with use of a SUTTER dozer or mini-excavator to shape or address drainage issues where needed; this is expected to be limited in this part of the project site. The Proposer commits to provide the construction plans for this area to the MNDOT Cultural Resources Unit when they become available to affirm whether any change has occurred to the project scope that might require additional Section 106 review. The MNDOT Cultural Resources Unit acknowledges the appropriateness of this commitment.

Although considered unlikely, should there be unanticipated discovery of archaeological materials during trail construction, the Proposer commits to immediately halt work and notify the Cultural Resources Unit of MNDOT's Office of Environmental Stewardship for additional guidance. This may include consulting with a professional archaeologist for additional surveys. Under the Programmatic Agreement between the FHWA, MNDOT, and SHPO, once notified of such an event the MNDOT Cultural Resources Unit is responsible for notifying the FHWA and SHPO and ensuring all of the requirements of 36 CFR § 800.13 would be met prior to resuming construction in the vicinity of the discovery.

Comment O5: We agree that no further archaeological investigations are warranted for the remaining project area.

Response O5: Comment noted. A similar recommendation was provided by the Cultural Resources Unit of MNDOT's Office of Environmental Stewardship as part of the Section 106 review.

Comment O6: Item No. 14 also references a "historic site," which has been identified as the Tufto Farmstead which is located within the project area. Our inventory records indicate that there are two properties within the project area, a one room schoolhouse (MnSHPO Inventory# RN-SHT-006) and a farmstead (MnSHPO Inventory# RN-SHT-007). Perhaps RN-SHT-007 is the Tufto Farmstead that is referenced in the document?

Response O6: Yes. The Tufto Farmstead is recorded in SHPO's records as Inventory # RN-SHT-007. MNDNR regrets any confusion on the reference.

Comment O7: Is the rural school still extant?

Response O7: No. The rural school burned down in 1990. It is listed in SHPO's records as Inventory # RN-SHT-006.

Comment O8: Neither of these properties has been evaluated for listing in the National Register of Historic Places (NRHP).

Response O8: The Cultural Resources Unit of MNDOT's Office of Environmental Stewardship reviewed the SHPO property designated as 21RN0040 (i.e., Tufto Farmstead) for eligibility for listing in the National Register of Historic Places. MNDOT determined the property is not eligible for listing under any criterion. That office found "there will be no historic properties affected by the project as currently proposed." MNDOT further noted "[i]f the project scope changes, please provide our office with the revised information and we will conduct an additional review." No review was conducted on the rural school because it no longer exists.

Comment O9: The EAW also indicates that there are no proposed OHV trails on the historic farmstead and that interpretive signage will be installed adjacent to this property to educate visitors of its history.

Response O9: The comment is correct. An interpretive site, which includes the features constituting the Tufto Farmstead, is proposed to be incorporated adjacent to the picnic area.

Comment O10: The EAW has determined that there will be no direct or indirect impacts to the property by the proposed project, but we have not been provided sufficient project documentation, historic property evaluations and specific project plans, to review in support of these findings.

Response O10: Although specific plans have not been developed, this part of the project is depicted as "Picnic Interpretation Area" on EAW Figure 6, which is the Conceptual Site Plan Map. No trail development is planned for this part of the project area, which includes the Tufto Farmstead. The Proposer commits to provide the construction plans for this area to the MNDOT Cultural Resources

Unit when they become available to affirm whether any change has occurred to the project scope that might require additional Section 106 review. The MNDOT Cultural Resources Unit acknowledges the appropriateness of this commitment.

Regarding project documentation and historic property evaluations, see Responses O2 and O8.

Although considered unlikely, should construction outside but adjacent to the Tufto historic property result in unanticipated discovery of materials with potential to yield significant historical information, the Proposer commits to immediately halt work and notify the Cultural Resources Unit of MNDOT's Office of Environmental Stewardship for additional guidance. This may include consulting with a professional archaeologist for additional surveys. Under the Programmatic Agreement between the FHWA, MNDOT, and SHPO, once notified the MNDOT Cultural Resources Unit is responsible for notifying the FHWA and SHPO and ensuring all of the requirements of 36 CFR § 800.13 would be met prior to resuming construction in the vicinity of the discovery.

Comment O11: We recommend that you agency continue consultation with our office in order to address concerns presented in this comment letter.

Response O11: Comment noted.

Comment O12: Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency.

Response O12: The Cultural Resources Unit of MNDOT's Office of Environmental Stewardship reviewed the proposed project for compliance with Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. The project is designated as NRTP 0035-12-4A for this purpose. MNDOT found in September 2014 that there will be no historic properties affected by the project as proposed at that time; no changes have occurred with the project scope since that evaluation. It is also appropriate to note that under the Programmatic Agreement, the September 2014 Section 106 review fulfills MNDOT's responsibilities for review of project compliance with the Minnesota Historic Sites Act and the Private Cemeteries Act.

Comment O13: Please contact me at 651-259-3456 or sarah.beimers@mnhs.org if you have any questions regarding our review of this project.

Response O13: Comment noted.

P. Commenter – Minnesota Pollution Control Agency (MPCA), Karen Kromar

Comment P1: Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Minnesota Valley Off-Highway Vehicle (OHV) Recreation Area project (Project) located in Renville County, Minnesota. The Project consists of the phased creation of an off-highway vehicle recreation area at the site of a current gravel mining operation. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Response P1: Comment noted.

Comment P2: Permits and Approvals (Item 8). This section indicates that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification or waiver must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate, are then incorporated into the USACE 404 Permit. You can find additional information about the MPCA's 401 Certification process at www.pca.state.mn.us/water/401.html. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245, or Bill Wilde at 651-757-2825.

Response P2: MNDNR acknowledges that if a USACE Section 404 Individual Permit is indeed required for any project activity, then an MPCA CWA Section 401 Water Quality Certification or waiver must also be obtained as part of the permitting process. Securing this certification ensures the project would comply with state water quality standards. The Proposer has been notified of this potential permitting requirement, and will be provided with relevant information and contacts about the 401 Certification process through this Record of Decision and responses to comments on the project EAW.

Comment P3: Noise (Item 17). The MPCA recognizes and appreciates that the Project proposer has demonstrated awareness of the state noise and OHV standards, and is willing to work with Renville County to monitor and address noise issues at the recreation area after it begins operating.

Response P3: Comment noted. The Proposer has been notified of MPCA's willingness to work to monitor and address noise issues at the recreation area after it begins operating. This commitment is also conveyed to Renville County through this Record of Decision and response to this comment.

Comment P4: In regards to the use of vegetation to buffer noise, the method has been shown to be ineffective; this finding should be considered when developing noise attenuation approaches at the recreation area.

Response P4: Comment noted. The MPCA's guidance that employing vegetative buffers is an ineffective noise mitigation measure has been provided to the proposer. More appropriate BMPs would be considered and implemented in the final trail design to reduce noise during operational hours.

See Response AA11.

Comment P5: Additionally, construction equipment should be fitted with appropriate mufflers during operation to lower total noise, and to help stay within the allowable noise standards.

Response P5: Comment noted. The MPCA's guidance on this noise mitigation measure has been provided to the Renville County, who as the project proposer is also responsible for ensuring project-related construction complies with State Noise Standards.

Comment P6: Since previous sound testing showed total noise levels close to the state noise limits, the MPCA recommends that the applicant conduct a noise study when the recreation area becomes active, to ensure compliance with the state noise standards.

Response P6: Comment noted. The MPCA's recommendation that the proposer conduct a noise study when the recreation area becomes active has been provided to Renville County. EAW Item 17 notes that measures available to address compliance with State Noise Standards includes new noise monitoring to verify noise levels are not exceeded. The proposer commits to employing appropriate remediation measures should this prove necessary to ensure compliance.

Comment P7: If there are any violations of the state standard, the applicant must take steps to mitigate the noise and come into compliance. For questions regarding the noise standards, please contact Christine Steinwand at 651-757-2327.

Response P7: MNDNR acknowledges that if there are any violations of the state noise standard, the Proposer must take steps to mitigate the noise and come into compliance. The Proposer has been notified of this project requirement, and will be provided with the MPCA contact information, through this Record of Decision and responses to comments on the project EAW.

Comment P8: We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA or any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me at 651-757-2508 or at Karen.kromar@state.mn.us.

Response P8: Comment noted.

Q. Commenter – Pancake, Jon

Comment Q1: I would like to see more riding opportunities in southern Minnesota. Please keep me up to date on this project.

Response Q1: Comment noted.

R. Commenter – Partington, Barb

Comment R1: Studies on OHV use have shown that 3/4 of the OHV users do not stay on the trails. Keeping users to designated trails will be very difficult. Enforcement is next to impossible.

Response R1: See Response DD13.

Comment R2: It has also been proven that OHV are a big carrier of seeds. One document stated 2000 seeds per vehicle.

Response R2: EAW Item 13d addresses the potential for the establishment and spread of invasive species during project construction and operations. Facility rules and signage would encourage trail riders to stay on trails and use the PlayCleanGo program, including washing machines prior to using the trail system. Because the proposed OHVRA would be subject to the conditions of the OHV Grant-in-Aid Program, this would allow the use of Trail Ambassadors to monitor and help keep invasive species in check.

Comment R3: Once allowed in, OHV use will be very difficult or next to impossible to get rid of.

Response R3: Comment noted.

Comment R4: If it is a gravel pit now, with OHV use, it will likely stay close to the same. With only the sturdiest of weeds being able to compete.

Response R4: Comment noted. Vegetation restoration would follow the guidance provided by the Minnesota Prairie Conservation Plan, including implementation of site enhancement activities to restore natural vegetation. The restoration would follow the required Vegetation Management Plan, which may take years to fully implement and establish until mining is complete over 20 years.

S. Commenter – Pfarr, Harley

Comment S1: I am in favor of the proposed project.

Response S1: Comment noted.

Comment S2: Southwest Minnesota needs an OHV/ATV trail. We have very limited places to ride ATVs in this portion of the state. Northern Minnesota has many trails and parks for OHVs. I feel that if a trail/park gets built, it would draw more visitors to this area, benefitting the surrounding communities and businesses.

Response S2: Comment noted. See Response H2.

T. Commenter – Radke, George

Comment T1: This area is ideal for mining gravel as well as for ATV, OHM and general OHV use and we support the proposal for this use.

Response T1: Comment noted.

U. Commenter – Randleman, Chris

Comment U1: To whom it may concern. I am completely against this project, it is a waste of taxpayer dollars.

Response U1: Comment noted.

Comment U2: Being from Renville County, the only financial benefit will go to the businesses in Redwood County. Please don't let this happen in our river bottom.

Response U1: Comment noted.

V. Commenter – Ringgenberg, Curt

Comment V1: I am in favor of and will support an off-road park in our area. It is something that has been needed for a very long time as there is nothing in southwest Minnesota at all.

Response V2: Comment noted. See Response H2.

W. Commenter – Ryan, Beverly

Comment W1: As a Twin Cities' suburban resident the past 40 years, I still find myself interested in RURAL projects that affect our environment, our aesthetic enjoyment, and our general stewardship of our God-given land, air and water. The proposed ATV/OHM Park in the Sacred Heart Township near the Minnesota River Valley is of SPECIAL interest to me as I grew up in the area and my memories of the beauty have never been erased.

Response W1: Comment noted.

Comment W2: When I first read the proposal, I found it perplexing, saddening, and incredulous. That the Renville County Commissioners would consider a site so small (272 acres) was a first area of concern.

Response W2: Comment noted. The planning process considered the adequacy of available site acreage to meet project objectives. The proposer believes 278 acres is adequately-sized site for a closed loop trail system with associated parking, enclosed vaulted toilets, picnic area, an outbuilding, and the various levels of trail systems.

Comment W3: Then, I read that the DNR was not opposing the project and that there were thoughts that Legacy Funds might be appropriated for the project. Really? I thought this must be some wild fabrication. Not so! I kept reading several articles of support and opposition and it became a reality - one that I thought I must weigh in on at this point in the negotiations.

Response W3: Comment noted. It is MNDNR's understanding that while the Parks and Trails Legacy Grant Program provides opportunities for both non-motorized and motorized trails, this project is not currently proposing to apply for funding through this program.

See Response FF8.

Comment W4: Notwithstanding the small size of the site, there are so many other factors that make the project an outright INJUSTICE. After reading the first EAW Worksheet and Guidelines, I saw so

many intangibles. I was reminded of the old quotation, "If ifs and buts were candy and nuts, every day would be Christmas." I will relate an example of the many I noted.

Response W4: Comment noted.

Comment W5: Regarding trail construction, I read, "The goal with all these different construction efforts is to minimize soil disturbance and follow the existing contours of the land to promote existing water shedding characteristics." The frightening word in that premise, in addition to the deliberate absence of the words "IF" and "BUT" ("If" and "but" are big "little" words!) is the word "GOAL"! Goals are frequently not realized.

Response W5: See Response W6.

Comment W6: Consider the following:

IF the goal is met, or

BUT even if problems are minimized, how much damage or disturbance remains, or

What IF some or all of so many aspects are not seriously studied: soil stabilization, run-off, erosion, sedimentation, safety, noise pollution, water and air quality, and wildlife, to name just a few.

Response W6: The EAW details how the project could result in physical manipulation of the environment, whether directly or indirectly. The EAW acknowledges there would be project-related change in the areas listed, and details the degree which the change can be avoided or at least minimized. Whether the change is to be allowed is not the purpose of the EAW; this is an issue for project permitting. Rather, the EAW is to assist the RGU in determining whether the environmental change (detailed in the EAW) is potentially significant thus warranting preparation of an EIS. See Minn. R. 4410.1700, subp. 7.

Comment W7: I also found the following words (or phrases) to be misleading and they should be read and digested with caution and fear of the outcome: reduce, minimize, appears to, not anticipated, not likely, not identified, incompatible, and on and on.

Response W7: Comment noted. The purpose of the EAW is to assess the potential environmental effects of the proposed project to aid in the determination of whether an EIS is needed. This is accomplished by identifying the type, extent, and reversibility of environmental effects reasonably expected to occur if the project goes forward. Because it is assumed the project would have some degree of direct and/or indirect physical manipulation of the environment, the terms noted in the comment are used to characterize the extent and reversibility of the types of project-related environmental effects expected if the project proceeds.

Comment W8: It is also my understanding that the DNR is mandated (in trail identification locations) to have a set of criteria relating to suitability and possible negative impacts. I believe they recommend that ATV Trails be 15 to 30 miles from water bodies.

Response W8: Comment noted. MNDNR established specific guidelines and criteria for sustainable trail development that are codified in the publication Trail Planning, Design, and Development

Guidelines (MNDNR, 2007). However, these are only guidelines and are not requirements or mandates for trail development in Minnesota.

Regarding the commenter's reference to an agency recommendation that "ATV Trails be 15 to 30 miles from water bodies," such a recommendation does not exist in the referenced document, or elsewhere to the best of MNDNR's knowledge. MNDNR notes that Section 3 of the trail development guidelines is potentially relevant to the comment. This section, "Principles of Ecological Sustainability," includes recommendations that recreational trails should not parallel streams for long distances and suggests trails should be 30 to 50 feet from shorelines (e.g., lakes). Anything less should include careful site-specific evaluation. Additionally, stream crossings should be minimized and carefully evaluated; see page 3.8.

The Federal Recreational Trails Grant Program (FRTG) requires documentation for environmental review before any funds are awarded and development begins. This is accomplished by completing the document checklist for the project scope.

Also applicable to the comment, the Minnesota Legislature established in 2015 additional water quality protections in riparian areas that could apply to the project, including establishment of a buffer, or an area consisting of perennial vegetation, adjacent to bodies of water. See Minn. Stat. § 103F.48.

Comment W9: Furthermore, it seems that a land-locked piece of land, such as the one under consideration, could be "ripe" for overuse and abuse. Overuse would be a safety hazard and abuse could lead to natural resource harm – add this to the other issues I have already cited.

Response W9: Comment noted. Estimated daily usage of the OHVRA cannot be calculated; however, the trail design, construction, and maintenance would follow the sustainable natural surface trail design practices set forth by the Trail Planning, Design, and Development Guidelines (MNDNR, 2007). Aspects of the trail design and construction are discussed in EAW Items 6b, 10b, 11b.ii, 11b.iv.a, 11b.iv.b, and 13d.

Comment W10: In addition, there is also the EXPENSE of building and maintaining the project. Much of this will need be "swallowed" by taxpayers – a good number of whom oppose the wishes of the few. Sad to say, the FEW are those who are most in need of researching more of what they are wishing to build.

Response W10: Comment noted. The proposer reports construction costs for each phase of the OHVRA would be determined during each design phase. Dedicated funding for construction has not been identified to-date, and would not be pursued until mining ceases in an area that coincides with proposed OHV trail or amenity development.

See Response C2.

Comment W11: I stick by my word "INJUSTICE" – not only is there a lack of population support, but there is a lack of positive evidence – and that makes the proposal problematic. It "smells" of ruination

of property and resources and a complete lack of respect for surrounding home dwellers. Where is the justice?

Response W11: Comment noted.

Comment W12: Please speak with Governor Dayton, the DNR, the Legacy Fund Committee, and more important, please re-consider some of the IFS and BUTS. It really is not Christmas every day.

Response W12: Comment noted.

X. Commenter – Schweinfurter, Molly

Comment X1: I am writing to express my strong concern against the proposed OHV park in Renville County. Area residents surrounding the park have already expressed to the county that they do not want this park, I am beyond disappointed in county leadership for continuing to pursue this issue despite their input. What is more important than the voice of your citizens? Apparently the voice of those spending money.

Response X1: Comment noted.

Comment X2: In my opinion, the beauty of the Minnesota River Valley is its serenity.

Response X2: Comment noted.

Comment X3: I live about a mile from the Beaver Falls Park and years ago ATV riders desecrated it regularly. The noise at our home was horrendous and offensive, disturbing our enjoyment of being outdoors, and at times we could hear them riding with the doors and windows shut and tv on. This is not what we want in the Minnesota River Valley. The ATVs have been chased out of the park, but the extreme damage from the trails they made continues to this day. It's heartbreaking to see ruts deeper than I am tall continue to suffer from erosion.

Response X3: Comment noted. The proposer has committed to design, construct, monitor, and maintain the site consistent with the MNDNR's Trail Planning, Design, and Development Guidelines (MNDNR, 2007), which were developed to specifically address the issues noted in the comment.

Noise is currently present due to mining activity and from hauling trucks entering and leaving the premises. Results of the noise study shows active mining noise near the daytime Minnesota residential noise limit. Once OHVRA operation occurs with mining done, the noise levels would vary throughout the day compared to the relatively consistent levels generated during previous mining operations. Intensity of the noise (depending on source location within the site) may increase, but duration and frequency should decrease.

See Response AA2.

Comment X4: I do not want to hear this horrible noise anywhere in Renville County again. It goes against the very draw of the Minnesota River Valley. Shut down this project!

Response X4: Comment noted.

Y. Commenter – Self, Daniel

Comment Y1: Riding opportunities in southern Minnesota are few. I look forward to seeing this.

Response Y1: Comment noted.

Z. Commenter – Skalbeck, Gloria

Comment Z1: I keep hoping that all of you will begin to think of all the dangers involved in the ATV park that some of you think will be so good for Renville County.

Response Z1: Comment noted.

Comment Z2: Part of my property taxes are paid in Renville County and they are already sky high. We keep being subjected to higher taxes, and this ATV park that some are proposing is sure to bring a high cost to the taxpayers, along with the damage to our environment. When will someone start thinking about ALL of the people, rather than a select few?

Response Z2: Comment noted. Although an EAW does not address project costs, funding sources are to be identified and this is done in EAW Item 8. This comment will be provided to the project proposer and governmental units with authority over the project.

Comment Z3: I could cite examples, but some sound “silly,” yet that's what I think this ATV park is. If it is not maintained PERFECTLY and there are injuries, the County is sure to be responsible. Nobody sues for \$10,000 any more. Five to ten million is more the norm. I do not want to pay higher taxes for people getting injured doing something so senseless.

Response Z3: Comment noted. Similar to other public facilities such as roads, bridges, parks, and other public amenities, the users of the OHVRA recreate within the facility at their own risk. Specific ORVRA user rules are published onsite to discourage high risk riding and injuries.

Comment Z4: Some say it will bring money in to the communities. Do you know that when they have meetings in places that “they charge for the use” of the facility, they expect the space free to them. How does that bring revenue to a community?

Response Z4: Comment noted. EAW Item 6d indicates the purpose of the project is to provide a safe and legal location to ride and operate ATVs and OHMs. The facility would include trails for the full range of users from the beginner rider to the advanced rider, ranging from the casual enthusiast to the passionate competitor. The local community and local economy are identified as beneficiaries of the project.

Comment Z5: I cannot imagine that this is even something to be considered. Our water, wildlife, air, and all the great parts of our county, and our state, should be preserved.

Response Z5: Comment noted.

Comment Z6: Why are “buffers” being considered (to take care of our water) when the Minnesota River is not considered a valuable resource?

Response Z6: The Minnesota River is a designated State Water Trail as well as a Minnesota State Wild and Scenic River. Vegetated buffers are proposed to control and limit the amount of erosion that might leave the trail and other surfaces to nearby existing waterways and wetlands.

Comment Z7: Please please think about this. My grandchildren want a great place to live-and we as adults can make it so.

Response Z7: Comment noted.

AA. Commenter – Taylor, Richard and Judy

Comment AA1: Some comments and observation on the recently released EAW report.

Response AA1: Comment noted.

Comment AA2: According to the report, all vehicles must have Minnesota registration, brakes, muffler, noise emissions under 90dB, reflective material, etc. (state regulations). Who is going to enforce this?

Response AA2: For the proposed OHVRA, the MPCA and Renville County are charged with enforcing State Noise Standards. *See* Minn. R. 7030. For OHVs, all licensed peace officers can carry out OHV-related enforcement, including checking for compliance with sound limiting silencers (when operating on public lands). For this project the most likely peace officers include MNDNR Conservation Officers and patrols with the Renville County Sheriff’s Department. All licensed peace officers can carry out OHV-related enforcement duties.

Comment AA3: According to the DNR document from the Division of Ecological and Water Resources (Attachment 1), the northeast section of the proposed site is listed as an "imperiled native plant community." They are going to put the "ATV Class 1 and single track trails" in this area?

Response AA3: The comment is correct. The Conceptual Site Plan depicted in EAW Figure 6 does envision limited trail development on the part of the site identified as remnant prairie. Any trail development in this part of the site would reflect a vegetation management plan developed in cooperation with MNDNR and required under the Conditional Use Permit. Consideration would be given to installation of either or both OHM and Class 1 ATV trails on this part of the site. Whether this can be accomplished sustainably would require investigations and planning as part of the vegetation management plan. Any trail development here may include lower trail densities with greater monitoring and maintenance requirements, with specifics determined in the planning process.

Comment AA4: In that same vein, a great number of rules and restrictions are being placed on the users of the proposed park. Time of use, type of vehicles, trespassing, proper trail use, safety equipment use, alcoholic beverage use, etc., but no indications as to who and how are they to be enforced. A volunteer group, working only on self-interest, and convenience, with no legal standing or power, is hardly a sufficient safeguard against abuse.

Response AA4: Renville County staff would monitor these situations along with Trail Ambassadors. Local law enforcement and MNDNR Conservation Officers have legal enforcement authority. The use of existing vegetation, boulders, and fences can be implemented to control passage or block rider access to sensitive areas or private property.

Comment AA5: A great deal of hew and cry has been made about the "noise and dust" caused by the gravel trucks. Please keep in mind that there are three ways out of the Ponderosa pit (the most active); east and west on CR 15, and north on 200 Avenue, and traffic will depend on the trucks' destination. For weeks at a time, truck traffic on any one route could be nil.

Response AA5: The OHVRA is not expected to have constant, everyday use. Similar to the current situation, areas of the facility may be left undisturbed for days at a time, limiting the amount of traffic-related noise and dust created. The most use is estimated to come on weekends during the summer months.

Comment AA6: I notice there isn't a buffer area around the property in the "notch" on the west side of the park. Why?

Response AA6: The Conceptual Site Plan on EAW Figure 6 includes an unlabeled vegetative buffer that exceeds 50 feet in the area noted in the comment.

Comment AA7: If mining pit reclamation is to be with *native* prairie grass, why are trails being put through them?

Response AA7: EAW Item 8 indicates the Interim Use Permit for mining includes the provision of having the gravel extraction areas reclaimed to prairie grassland following completion of mining. This site reclamation would be coordinated with OHVRA development such that the site design would re-establish native vegetation where trails and amenities are not in use. Vegetative buffers are proposed to be present between trails.

See Responses R4 and AA3.

Comment AA8: I fail to see where there is any benefit to Renville County in this park. Facilities that would be of greatest use by ATV users are all located in Redwood County. To use any of the distant facilities in Renville County, ATVs could not be used as it requires passing *over* federal highway 212, whereas Belview is accessible via county roads.

Response AA8: Comment noted.

Comment AA9: Renville taxpayers would be left carrying the cost of maintenance, as well as the loss of taxable assets.

Response AA9: Comment noted. The purpose of an EAW is to identify potential environmental impacts and issues that may require further investigation before the project is commenced. The issue of project costs is not required to be addressed in an EAW. This comment will be provided to the project proposer and governmental units with authority over the project.

Monitoring of all OHV trails and follow-up maintenance would be completed on a regular basis by existing County staff and volunteer Trail Ambassadors. The Trail Administrator would submit a funding application to MNDNR for identified trail maintenance for the coming fiscal year.

Comment AA10: I am a bit surprised that the EAW report has a somewhat cavalier attitude towards the area's wildlife. Anything currently in the area has already adjusted to the intermittent noise generated by mining and agriculture. The addition of the OHV park with its additional noise and dust has results in what appears to be a "gee, that's tough" attitude toward the loss of habitat for the native wildlife. Where is the displaced wildlife going to go?

Response AA10: Comment noted. EAW Item 11c indicates that for less-tolerant wildlife species, displacement may occur with some mortality expected as a result of competition with their own species and loss of habitat if no other is available. Although mitigation measures are available, in general it is likely most animals would adjust their habits to avoid project developments, noise, dust, and associated traffic. Potential impacts may be less for species using the site over the period November to April when the OHVRA is not in operation.

Comment AA11: Please keep in mind that currently, in most areas, if you go 50 feet from the roads or pits, the impact on the area by the mining is basically non-existent. The loudest noise back there is from birds, frogs and crickets. This OHV-park will crisscross the entire area with bare, rut-carved trails where even a skunk would fear to tread.

Response AA11: Comment noted. Although topographic variations would attenuate noise, the noise monitoring results of the current background conditions show decibel levels above natural background at four receptor sites. Strategies available to limit potential noise impacts are dedicated setbacks from trails and employing narrow, rolling-type trail flow with very few long stretches to minimize aggressive throttle use. The rolling landscape, rural nature, and wind patterns are factors that could attenuate sound propagation and thus lower perceived noise levels.

Comment AA12: Will the 50-foot buffer area be applied to the native grassland, creek, and wetlands areas?

Response AA12: As stated in EAW Item 11b.ii, the design of the entire trail system would incorporate average buffer widths of 50 feet.

Comment AA13: While most ORV operators are honest, law-abiding, considerate riders, the concern is with the "Cowboy" riders, who think that rules and signs don't apply to them. The damages done to the abandoned sand pit on the east side of the proposed park gives mute evidence to this. Riders

apparently drove over the "No Trespassing" sign so they couldn't see it. Once again, what is going to prevent this?

Response AA13: See Responses DD12 and DD13.

Comment AA14: Anyone who insists that riding OHVs don't cause erosion should look at what has happened in that pit! This park has the potential of turning the Minnesota River into something "too thin to plow, too thick to drink!"

Response AA14: Comment noted. EAW Item 10b acknowledges the potential for erosion from project construction and operation of OHVs and details measures available to address the issue consistent with the Trail Planning, Design, and Development Guidelines (MNDNR, 2007). For example, an average 50 foot-wide vegetated buffer is proposed between the trails to reduce the erosion potential of the site.

Comment AA15: The opinions and feelings of the area's local landowners have been noted, and promptly ignored. We have been told that due to some unexplained technicality, a petition against the proposed park, signed by the vast majority of the area's residence has been ignored. Asking county residents find that most are either against or vehemently against the proposed park.

Response AA15: Comment noted.

Comment AA16: To provide the park described in this EAW will require vast sums of money, both to build and to maintain. Proposing that the funds to buy and build this park will come out of ORV licensing fees, with no state or county participation seems to stretch credibility to transparency.

Response AA16: Comment noted. Construction costs for each phase of the proposed OHVRA would be determined during each design phase. The Trail Administrator would submit a funding application to MNDNR for identified trail maintenance for the coming fiscal year. Dedicated funding for construction has not been identified to-date, and would not be pursued until mining ceases in an area that coincides with proposed OHV trail or amenity development.

Comment AA17: Lastly, the entire northwest side of the park, if it is sold, will be sold without mineral rights. The owners of the gravel mine reserve the right to mine the entire area underneath the proposed park. All the carefully groomed trails and facilities could disappear into the back of a gravel truck.

Response AA17: Comment noted. EAW Item 6b indicates the OHVRA would be developed in stages over a 20 year period as mining is completed on the site.

BB. Commenter – U.S. Army Corps of Engineers, Melanie Peterson

Comment BB1: We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP_2016-03309-JTB

Applicant: Renville County

Project Name: Renville County / Minnesota Valley Off-Highway Vehicle Recreation Area

Received Date: 04/10/2017

Project Manager: Justin Berndt

651-290-5446

Justin.T.Berndt@usace.army.mil

Additional information about the St. Paul District Regulatory Program, including the new Clean Water Rule, can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Response BB1: Comment noted. This comment will be provided to the project proposer and governmental units with authority over the project.

CC. Commenter – Westby, Janet

Comment CC1: I am writing in response to the recently published EAW for the proposed OHV/ATV park for Sacred Heart Township in Renville County, Minnesota. In light of the establishment of buffers along waterways and the renewed call for preservation of native grasses and wildlife habitat, it baffles me that anyone would consider this site for an ATV park.

Response CC1: Comment noted. The proposer has committed to design, construct, monitor, and maintain the site consistent with the Trail Planning, Design, and Development Guidelines (MNDNR, 2007), which were developed to specifically address the types of issues noted in the comment.

Comment CC2: My family has resided in this area for six generations and enjoyed the tranquility and beauty that the area has to offer. My forefathers settled the area because it reminded them of their native Norway with its hills, grasslands, and eagles soaring above the flowing river. The area is rich in history with the nearby Joseph R. Brown Memorial Park, and the proposed park would be located on both sides of the scenic Sioux Trail. Why would we consider eroding and degrading such a wonderful piece of property?

Response CC2: Comment noted. The current use and operation of the site is a sand and gravel mine. It is proposed to be mined over the next 20 years with construction of portions of the trail as mining concludes. The OHVRA includes restoration of prairie grassland to areas outside the designated trails consistent with the Mining Reclamation Plan. This grassland and other vegetation would offer habitat for a variety of birds, insects, and mammals that may be found in the Minnesota River Valley.

Comment CC3: I would think that the EAW is completed with only the consideration of people following the designated trails and not disrupting the surrounding land. I have seen reports from other areas of northern Minnesota in which the adjacent lands are torn up and rutted from vehicles that stray from trails. I cannot conceive that this area would be any different.

Response CC3: See Response DD13.

Comment CC4: The location is too near the Minnesota River for them not to want to explore, thereby trespassing and gouging the existing routes that exist to the river. Muddy routes are not a deterrent, but rather an enticement, for them to go exploring.

Response CC4: Comment noted. The use of existing vegetation, boulders, and fences would be implemented to control and limit usage to designated trails, thus discouraging rider access to sensitive areas or private property.

Comment CC5: The adjacent landowners and residents have been largely ignored in this entire process.

Response CC5: Comment noted.

Comment CC6: This proposed area is too small for riders of ATVs not to become bored going around in circles and wanting more adventure at the expense of local neighboring properties.

Response CC6: Comment noted. The proposed layout of the site offers over 16 miles of Class 1 and 2 ATV trails along with two open riding areas. Individual rider experiences would vary and cannot be predicted. The trail system would incorporate buffers and other design features to direct riders to remain within the OHVRA and discourage riding on nearby private properties.

Comment CC7: And unlike parks such as the one located in Appleton, Minnesota, there is no room for expansion.

Response CC7: The comment is correct; there is no plan for future expansion beyond the current project site. The facility would be used as a closed loop trail system. It would take 20 years for the Conceptual Site Plan (as detailed in EAW Figure 6) to be realized and encompass the entire 278 acres of the site.

Comment CC8: Economic benefits to Renville County and the local towns of Sacred Heart and Renville have been voiced, but no evidence has ever been brought forward. Without nearby hotels and amenities, how is the area supposed to benefit?

Response CC8: The OHVRA is to be managed as a day-use area and would not provide onsite overnight camping or lodging. Whether users elect to stay overnight in the vicinity (if available) would depend on individual visitor preferences. Experience suggests that in closed loop trail systems such as the project, with no connection to other OHV opportunities, visitors would generally travel to the site to use the facilities and recreate only for the day.

See Response Z4.

Comment CC9: And what about the draw upon the local law enforcement and the distance to medical facilities should anyone become sick or injured?

Response CC9: The proposed OHVRA would use existing county law enforcement if needed, operating in conjunction with MNDNR Conservation Officers and Trail Ambassadors. Local clinics and hospitals can be accessed in case of an emergency.

Comment CC10: It is widely assumed from the opposition to this park that most of the economic benefits would be for nearby Redwood County, a county which has voted to not build such a park.

Response CC10: See Response Z4.

Comment CC11: Too much time and money has already been spent on this proposal without analyzing the effect on the environment and local residents and potential (or lack of) benefits that would ensue. Too much of the prairie with its wildlife surrounding the gravel pit stands to be destroyed as well as the serenity of the river valley. I implore you to stop considering this site as suitable for such a park. Thank you.

Response CC11: Comment noted.

DD. Commenter – Westby, Norm

Comment DD1: There has been a consistent lack of impartiality in the process used to justify securing this park. ISG Group civil engineer Andy Brandell, with an expertise in athletic turf systems, was hired to conduct the study for the proposed park.

Response DD1: Comment noted.

Comment DD2: The 3 individuals he hired to gather information on issues associated with developing an OHM/ATV park in this location were biased people, based on their professional jobs. When asked, not one of these people could honestly say they had ever provided a negative recommendation to an ATV park study. Their jobs are to sell parks. They all had a very direct interest in securing approval for the second study phase of this ATV park which would mean additional income from a second grant of \$60,000.00 plus.

Response DD2: Comment noted.

Comment DD3: Data these 3 people received through meetings with resident/landowners during the information gathering process was heard and recorded. But, nowhere in the next phases of the study were opponents concerns given any merit or standing. In fact, after we presented concerns in written or spoken word throughout the process, our comments were immediately disregarded. They allowed us to speak because we had a right to be based on the public process. After that, we were ignored.

Response DD3: Comment noted.

Comment DD4: At an evening meeting for all parties in November, 2014, following 3 days of initial feasibility information gathering with both sides, Karen Umphress and Ron Potter delivered a slide presentation to the full group which explained park design and activities which would take place in a

new park. All the information they heard from objecting neighbors previously was already set aside that very night, before they even analyzed the gathered information (3 days worth).

Response DD4: Comment noted.

Comment DD5: Then, in December 2014, the Stakeholder Taskforce group was formed. A requirement for this Taskforce in the coming months was that no dissenting opinions could be voiced. So, even if an issue being discussed by the group was troubling, nothing could be brought forward to amend its status. Moving forward was the only option. This is how the first \$60,000.00 was spent. This was the point in hiring Andy Brandell, to shut down the opposition and still make it look like they were represented in the process.

Response DD5: Comment noted.

Comment DD6: The now completed EAW is required to address all issues because it is a “fill-in-the-blank,” often generic format with phrasing acquired from previous EAW language.

Response DD6: The commenter correctly notes the EAW form is a standardized document developed by MEQB to allow RGUs to assess whether a project has the potential for significant environmental effects. An RGU may use an MEQB-approved alternative EAW form if it better addresses a particular type of project and the alternative form would provide more complete, more accurate, and more relevant information. MNDNR did not seek use an alternative EAW form for the project. See Minn. R. 4410.1300.

MNDNR acknowledges the content of a project EAW may reflect similar language regarding impact avoidance features of the design, likely impacts, and potential mitigation as another project EAW. This is to be expected because a given type of project is likely to require similar impact avoidance measures, result in similar impacts, or rely on similar mitigation that would be described in the document.

Comment DD7: But, this EAW quickly falls into the same above described pattern of ignoring the seriousness of long-lasting OHM/ATV activity to the existing natural resource. The EAW allows the possibility that ATV activity may negatively affect wildlife populations, wildlife habitat, native prairie, and contribute to physical landscape degradation. But, each item is tossed aside without thorough explanation and with only a standard response of “a minimal negative effect” because mining already exists. The mining exists in certain specific places, not throughout the total acreage. OHM/ATV activity is a totally different intrusion into this environment.

Response DD7: Comment noted. The purpose of an EAW is to identify potential environmental impacts and issues that may require further investigation before the project is commenced. The EAW has identified and quantified predicted impacts to the existing natural resources and the extent to which the environmental effects can be avoided in the project design or addressed through ongoing public regulatory authority. Future mining operations would encompass 58 acres in addition to the past 60 years of mining that has occurred on the 278 acre site.

Comment DD8: A continuing lack of consideration for the following also shows up in the EAW.

Response DD8: Comment noted.

Comment DD9: 1. There is no park supervision to control negative activity.

Response DD9: Facility supervision and enforcement would be handled on a county level using existing law enforcement with assistance from the MNDNR Conservation Officers. Although not licensed peace officers, local Trail Ambassadors would be used with the project; these persons are trained on the rules and regulations of operating OHVs.

Comment DD10: 2. There is no mention of handling trespassing issues. This park's south border is 1/4 mile from the Minnesota River. The temptation will be to get to the river.

Response DD10: Comment noted. The use of existing vegetation, boulders, and fences would be implemented to control and limit usage to designated trails, thus discouraging rider access to sensitive areas or private property. Trespassing would be handled by existing county law enforcement, with assistance from MNDNR Conservation Officers and local Trail Ambassadors.

Comment DD11: This small park, by its design will quickly become boring with little scenic variation. The landscape below the county road is flat prairie grasses. The dead NE gravel pit will be active, but, only for a select group. Its trails rise and fall, but, the trails are tight between trees. It is not for sight-seeing riders. The NW acreage again is flat prairie grasses above a slope of trees. Most recreational users over time want a broader and more expansive experience than this proposed park offers. The park is not a long-term answer as a recreational destination.

Response DD11: Comment noted. The proposed OHVRA offers a variety of riding levels ranging from beginner and advanced. It also offers multi-use trails for various types of OHVs. New riders are participating in the sport every year and the concept plan offers multiple experience zones, also including areas where OHV riding is prohibited.

Comment DD12: 3. The park design includes trails totaling 19 miles. The trails are going to be informally created by mowing or knocking down paths. The zig-zag design of the trails in each area go "back and forth" about 100' apart until you get to the other side. So, as an example, to drive 3 miles, you may have driven over the same half mile 4 or 5 times. Riders are not going anywhere. This is not what recreational users are looking for in a park.

Response DD12: Comment noted. The proposer has committed to design, construct, monitor, and maintain the site consistent with the MNDNR's Trail Planning, Design, and Development Guidelines (MNDNR, 2007), which were developed to specifically address the types of issues noted in the comment.

Comment DD13: 4. The EAW has no plan for users to respect the parks outer borders. There are certain natural areas which will discourage crossing, but, there are many areas of border where it is difficult to distinguish what is park and what is private ownership. Renville County has a history of ATV users driving in its parks and destroying the natural resource. State parks in northern Minnesota on thousands of acres have a history of ATV users driving off-road and destroying the natural resource.

Response DD13: Comment noted. Incorporating proper signage and visual boundary delineators, such as steep slopes, boulders, and fences, into the project design would lead riders to stay on the designated trails and deter OHV use in prohibited areas, such as natural areas or other private lands.

Comment DD14: 5. The EAW speaks to the negative affects on wildlife and wildlife habitat, but, basically ignores any action, other than setting aside 17 acres of native prairie. Again, without supervision, how do you keep the trespassers out? The EAW just moves forward with the park, with little regard to the natural resource. Any nesting and hatched bird activity will be dramatically affected by OHM/ATV activity. There is an inverse correlation between the number of wildlife in an area and the number of vehicles with their noise and the proximity of activity. The negative results cannot be ignored.

Response DD14: Comment noted. The EAW indicates in Item 13c that project-related disturbance would alter the quality of wildlife habitats available at the site, and in doing so would alter species' numbers and use profiles at the site. EAW Item 13d identifies a series of measures that are available to facilitate wildlife use of the site.

Species more tolerant of disturbance and noise are likely to sustain use of the site while those less tolerant would decline. The actual degree of wildlife displacement from utilization of suitable habitat would depend on the success of establishing prairie grassland (due to mining-related site reclamation) relative to the final distribution of OHV use on the site. Habitat would likely be available but whether it is actually used cannot be known.

Comment DD15: 6. The EAW does not mention true, historical costs to having an OHM/ATV park. There is the need for law enforcement. There are nuisance and trespass costs. There are costs related to undesirable activity. Environmental degradation caused by human/ATV activity will occur to the physical landscape. A costly environmental damage also occurs in the reduction of the wildlife population and also the wildlife habitat, where OHM/ATV activity drives out the existing natural resource. Renville County has historically shown itself to have a difficult time with physically maintaining its existing county parks in a timely manner when damage occurs. Adding one more certainly won't make the situation better.

Response DD15: Comment noted. The purpose of an EAW is to identify potential environmental impacts and issues that may require further investigation before the project is commenced. The issue of project costs is not required to be addressed in an EAW. This comment will be provided to the project proposer and governmental units with authority over the project.

All licensed peace officers can carry out OHV-related enforcement duties. For this project the most likely peace officers include MNDNR Conservation Officers and patrols with the Renville County Sheriff Department.

EAW Item 6d identifies the project is being carried out under grants available through the Federal Recreational Trail Grant Program and Minnesota Trails Assistance Grant-in-Aid Program. EAW Item 6C indicates monitoring of all OHV trails for follow-up maintenance (if needed) would be completed on a regular basis by County staff and volunteer Trail Ambassadors. This activity would be informed

by an MNDNR-developed Annual Trail Monitoring Report that would be submitted to the county and club with comments. EAW Item 9 addresses project compatibility with existing land use, plans, and zoning.

See Response DD14.

Comment DD16: 7. No study has been explored to prove that this park will be economically beneficial to the surrounding community. ATV supporters and government spokespersons talk in broad, general terms about economic benefit. But, it is Renville County residents who will bear the direct and specific burden of paying this park's future costs and expenses through their tax dollars. The physical assistance of a local ATV club is not the answer.

Response DD16: See Response Z4.

EE. Commenter – Westin, David

Comment EE1: Just a quick note to say that I would really like to see the Minnesota Valley Off-Highway Vehicle Recreation Area project move forward, and that after reviewing the EAW, I still feel the same way. Thank you.

Response EE1: Comment noted.

FF. Commenter – Zaske, Dave

Comment FF1: Gentlemen: My name is Dave Zaske and my wife and I built a new home in 2009 on my family farm ¼ mile down wind and downhill from the proposed site. We along with 111 other neighbors and surrounding land owners signed a petition opposing the site of this project in 2013.

Response FF1: Comment noted.

Comment FF2: The opening line of Minnesota DNR's mission statement reads "Our mission is to work with citizens to conserve and manage the states' natural resources..." In an era of Pheasant Summits, Water Summits, and buffer strips and I can't believe the DNR is promoting the destruction of native habitat under the fantasy of perceived economic benefit.

Response FF2: Comment noted.

Comment FF3: Parts of the proposed site are currently or were formally enrolled in RIM and CRP. To destroy these parcels with ATV trails can simply not be allowed.

Response FF3: The project would comply with any Reinvest in Minnesota (RIM) or Conservation Reserve Program (CRP) requirements. OHV trails would be engineered, constructed, and signed using BMPs to ensure vehicles would stay on the designated trails. Trails would be limited to a maximum disturbance area attributed to the specific vehicle type for which the trail is engineered, with the remainder of the site in existing and/or post-reclamation types of vegetation.

Comment FF4: The “Zimmerman” property is no longer mined and is returning to natural grassland and forestland. Our fields surrounding the park are cropland and CRP with food plots. We essentially feed the wildlife and they shelter in the proposed park area.

Response FF4: EAW Item 13a addresses potential environmental effects to wildlife resources and indicates the general area currently includes mining, fallow agricultural lands, and natural vegetation, and wetlands. The EAW indicates the site proper’s habitat quality varies as a function of previous and current mining activity. The Zimmerman property includes both mined and unmined areas, the latter providing excellent habitat. As noted in EAW Item 13c, if implemented the project would alter the quality of the habitat at the Zimmerman site; it is likely that most of the animals would adjust their habits to avoid project developments and associated OHV traffic.

Comment FF5: The topography declines 142 feet with the Minnesota River ¼ mile downhill. To replace native vegetation with ATV trails on land with slopes in excess of 50% and not expect extreme runoff is inaccurate. A native mussel bed in the nearby river would certainly suffer from excess sediment. Two streams flow through the proposed site and would carry runoff directly to the river.

Response FF5: The EAW addresses potential erosion and sedimentation impacts in Items 10b, 11b.ii, and 11b.iv.b. The project would be designed to minimize runoff generation, especially for any trails developed on steep slopes. Potential construction-related impacts are subject to control under the Stormwater Pollution Prevention Plan (SWPPP) that is required under the NPDES/SDS Construction Stormwater General Permit. The trail system would include vegetative buffers averaging 50 feet or more along riparian areas and wetlands to filter runoff. Offsite sediment transport is expected to minimal, and runoff is not anticipated to negatively affect the quality of downstream waters, specifically the Minnesota River. Adverse impacts to the mussel bed are not anticipated.

Comment FF6: Noise and dust control would theoretically be controlled by natural vegetation. We planted a row of native red cedar with a weed barrier on our property in 1996. These trees are now 5-8 feet tall. Building a “barrier” wall of native vegetation to shelter us would take 40 years to grow large enough to accomplish anything. Current ATVs may have noise limiting devices. Our concern is, the majority of older units which are void of such devices when combined with multiple users creates a large, loud noise problem. Exhaust pollutants from ATVs would drift directly to our home, another negative.

Response FF6: BMPs (such as berms) would be implemented to reduce and deflect the amount of noise created from within the facility. The rolling landscape and alternating wind direction and speed would be variable factors in limiting noise and dissipating dust and exhaust during operation.

See Response C12.

Comment FF7: Renville County Road 15 dissects the proposed site. It’s part of the “Scenic Byway.” There’s nothing scenic about dust, a dirt race track and mud running down hillsides. The motoring public currently enjoys a scenic drive through the river valley. This valley is the BWCA of southern Minnesota and should not be considered for an ATV park as it would never be proposed in the BWCA.

Response FF7: Comment noted. EAW Item 15 addresses potential visual impacts and acknowledges there would be some visual change with the project for individuals traveling along CSAH 15. Potential dust generation from the project is addressed in EAW Item 16c.

MNDNR acknowledges the scenic nature of the Minnesota River Valley. There are no designated scenic views or vistas associated with this reach of the river. Visual effects would be limited to approximately three-quarters to one mile of roadway. Visual impacts are lessened by retaining existing vegetation, especially along the north side of the roadway, but some open expanses are present along the south side of the roadway. Because operations are limited to daytime only, and no lights are to be installed, no nighttime impacts are expected (from artificial lighting). If any lighting is necessary at the trailhead, the proposer commits to making them be low with a directional beam and timer to minimize the amount and duration of lighted area.

Comment FF8: The Minnesota Valley ATV Riders club website shows the group destroying a cattail slough with ATVs. This group wants to tap the Environmental Trust Fund and the Legacy Amendment funds to pay for its playground. We all voted for these funds to “protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat...” The thought of using these funds to destroy critical habitat is plain and simply wrong.

Response FF8: Comment noted. It is MNDNR’s understanding that while the Parks and Trails Legacy Grant Program provides opportunities for both non-motorized and motorized trails, this project is not currently proposing to apply for funding through this program.

Although separate from “Legacy Amendment funds,” the Minnesota OHV Trail Assistance Program, also known as the Grants-in-Aid Program, is a cost-share program funded by vehicle registration and trail pass fees plus a percentage of the state non-highway gas tax from each of the motorized groups (all-terrain vehicles, off highway motorcycles and four-wheel drive trucks). The percentage of gas tax varies for each user group and general tax dollars do not fund these accounts. See Minn. Stat. § 296A.18.

All aspects of OHV trail development and maintenance are eligible to receive Grant-in-Aid funds, including project administration, site planning, trail improvements, land acquisition for trail development, and trail maintenance.

Finally, EAW Items 8 and 9 identify the project proposer has applied for both federal and state grants. To date the project has received grants from the Federal Recreational Trail Grants Program in the amounts of \$120,864 (active) and \$147,500 (received, but not yet active). The Minnesota Grant-in-Aid Program has provided \$140,000 as a matching grant to the FRTP.

See Response H4.

Comment FF9: Instead of hiring ISG, a group which designs ATV parks for profit; where is the input from our DNR’s Game and Fish Departments? The EAW lists the threatened and endangered species which would be negatively impacts by this proposal. Not to be forgotten are the pheasants, turkeys, deer etc. that call this place home. ISG told me wildlife wouldn’t be affected. How can you dissect a field of CRP with dirt ATV trails and not destroy their nesting grounds. Where is the science here?

Response FF9: Comment noted. EAW Item 13c notes that OHVRA-related construction and operational activities would alter the quality of wildlife habitats compared to if the project did not occur. Project-related trail installation and ongoing vegetation management would affect available cover, while OHV operation and noise and related human activity would provide disturbance, all of which would change the suitability of the site for wildlife. Animal species more tolerant of this type of situation may be less affected by the project than species less tolerant of human activity and disturbance. Regardless of sensitivity to humans, it is likely most of the animals would adjust their habits to avoid project developments and associated OHV traffic. Disturbance-related avoidance should be less prominent in the off-season (November to April) when the facility is closed for the season.

Comment FF10: Does anyone realize the Baalson family lives in an area which would be surrounded on 3 sides by an ATV park? This is their home! Can you imagine working all day, then coming home and listening to dirt bikes.

Response FF10: Comment noted. EAW Item 17 acknowledges the potential for annoyance from project-generated noise. Strategies available to limit potential noise impacts are dedicated setbacks from trails and employing narrow, rolling-type trail flow with very few long stretches to minimize aggressive throttle use. The rolling landscape, rural nature, and wind patterns are factors that could attenuate sound propagation and thus lower perceived noise levels.

Comment FF11: Attachment 1 of the EAW states Biological Survey and Prairie Core concerns. Namely “accelerating prairie conservation in the state.” There are obviously better places for an ATV park for the local club to use and the taxpayers of Minnesota to pay for.

Response FF11: Comment noted. See Response FF8.

Comment FF12: Remember the DNR’s mission statement “to conserve and manage the states’ natural resources...” It’s time for the DNR to do the right thing and put an end to this proposal, not “Do Nothing Right.”

Response FF12: Comment noted.

GG. Commenter – Zimmerman, Marsha and Blomeke, Gordon

Comment GG1: Being rural residents, next to the Minnesota River bottom, has always been appreciated by us. We've been bow hunters, all our lives, and have had many opportunities, over the years, to enjoy the great nature and animals that reside there. Many a surprise, as we have sat, in our stands, in the quiet of it all. We have enjoyed many drives through it, seeing beautiful deer, fox, pheasant, and many other animals.

Response GG1: Comment noted.

Comment GG2: Please do not put an ATV race track anywhere near it. Would so ruin the beauty of it all. That's all people can think of to do for fun, is destroy nature? Go out and do something

constructive! Please do not let this pass. The problems it will create, will be much bigger than you can even foresee. Please vote no.

Response GG2: Comment noted.

HH. Commenter – Zondervan, Adam

Comment HH1: I would love to see this happen here so close to home, instead of going to Appleton's OHV.

Response HH1: Comment noted.

Comment HH2: I have a bunch of friends that really look forward to using it when it's built! I own a house in Renville and want this park built not just for me, but also to bring my son, to give us something to do that is local for the summer.

Response HH2: Comment noted.

9. The following commenters expressed support for the Project: A; D; J; K; Q; S; T; V; EE; and HH. The MNDNR acknowledges these comments. These comments did not address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS for the project. *See* Minn. R. 4410.1600. These comments will be provided to the project proposer and to permitting and/or approval entities and/or authorities for their consideration as part of further decisions about whether to permit, approve, and/or implement the project.
10. The following commenters expressed opposition to the Project: G; I; U; X; W; CC; FF; and GG. The MNDNR acknowledges these comments. These comments did not address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS for the project. *See* Minn. R. 4410.1600. These comments will be provided to the project proposer and to permitting and/or approval entities and/or authorities for their consideration as part of further decisions about whether to permit, approve, and/or implement the project.
11. Based upon the information contained in the EAW and received as public comments, the MNDNR has identified the following types of potential environmental effects associated with the Project:
 - a. Project Construction
 - b. Land Cover Types
 - c. Land Use Plans
 - d. Wildlife and Habitat
 - e. Endangered, Threatened, and Sensitive Species and Species of Greatest Conservation Need
 - f. Rare Natural Communities
 - g. Invasive Species
 - h. Erosion and Sedimentation
 - i. Wetlands

- j. Riparian Areas, Runoff, and Water Quality
- k. Hazardous Materials
- l. Traffic
- m. Noise
- n. Dust
- o. Vehicle Emissions
- p. Historic Properties
- q. Cumulative Potential Effects

Each of these environmental effects is discussed in more detail below.

a. Project Construction

This topic was addressed in EAW Items 6, 10, 11, and 13.

Proposed trail types, length, and typical cleared-width include: Class 1 ATV (8.4 miles up to 50-inches wide), Class 2 ATV (8.3 miles up to 65-inches wide), and OHM (2.2 miles up to 24 inches wide). The activities described below could be applied across the site over the 20-year phase-out of mining activity and concurrent development of the OHVRA. Current and future mining activities are subject to the provisions of a Renville County-approved Interim Use Permit; this permit has a 20-year term and regulates all facility operations and requires the site to be reclaimed to prairie grassland following the project.

OHVRA construction-related activities are considered temporary and limited to the project site. Actions would include grading and excavation for the trailhead/parking area, trail development, and installation of vault toilets. These activities are subject to ongoing public regulatory authority by Renville County's Conditional Use Permit, Septic Permit, and Grading Permit, MPCA's NPDES/SDS Construction Stormwater General Permit, and provisions of MNDNR-administered OHV Grant-in-Aid Funding. The proposer is committed to employ trail development standards that follow the sustainable natural surface trail design practices throughout the site to minimize tread erosion as described in the Trail Planning, Design, and Development Guidelines (MNDNR, 2007).

b. Land Cover Types

This topic was addressed in EAW Items 6, 7, and 9.

Land cover reflects land uses within and surrounding the project site that include active and future nonmetallic mineral mining, natural forest and grassland, and fallow agricultural land. The reclamation of mining-impacted areas is subject to ongoing regulatory authority from the Renville County Interim Use Permit, which requires mined areas to be reclaimed to prairie grassland. Because the minelands would be revegetated in reclamation, project-related disturbance includes impervious surface creation from trails, roads, trailhead, and rock climbing area (32.13 acres), and additional disturbance from stormwater ponding (1.05 acres); this is approximately 12 percent of the total project site after mining ceases in 20 years.

Cover type change from the project, principally in the form of impervious surface creation, can be considered permanent. Once fully developed, the majority of the OHVRA site would exhibit a mix upland cover types dominated by prairie grassland with the trails and project amenities exhibiting a relatively small physical footprint. The project would be overlain on the site consistent with the concept plan, sustainable trail development guidelines, BMPs, and provisions of the Renville County Conditional Use Permit.

c. Land Use Plans

This topic was addressed in EAW Item 9 and Comment C4.

The project site and proposed action fall within the purview of a number of plans and planning efforts.

Renville County Comprehensive Plan. This is an ongoing process to actively guide the county's long-term physical and community development. For motorized recreational opportunities, the plan directs continued investigation of facilities for ATVs or OHMs separate from existing County parks. The proposed project is compatible with these plan objectives.

Renville County Local Water Management Plan. This plan operates over the period 2013 to 2023 and identified six goals or issues to be the basis of local implementation plans. The issues are: reducing priority pollutants for surface water quality; erosion and sediment; surface water management; groundwater quality and quantity; recreation and biodiversity; and plan administration. The proposed project is consistent with the provisions of the plan.

Renville County Recreation and Conservation Master Plan. This plan addresses the shared use, enjoyment, understanding, and conservation of natural and cultural resources of Renville and Redwood Counties along the Minnesota River. The creation of an expanded recreation network for residents and visitors is a goal of the plan, including provision of OHV-related recreational opportunities. The project is consistent with this recommendation.

Minnesota River Valley National Scenic Byway Corridor Management Plan. The plan identifies ten goals, including improving recreational facilities and amenities of the Minnesota River Valley that can include OHV trails. The project is consistent with this goal.

Minnesota River State Trail Master Plan – Big Stone Lake State Park to Franklin. The project is within the master plan reference area that has a search corridor generally five miles on either side of the river. This plan does not prohibit or prevent other types of development from happening within the corridor, including the OHVRA.

Interim Use Permit for the Tufto Mine – North Site. The interim use permit provides for mining to occur over a 20-year period that utilizes 10 to 20 acres at a time. Active areas would be bermed on the outside perimeter for easy identification by OHVRA users, and some type of fencing and signage would be required to restrict access to unauthorized areas. Prohibited riding areas would be posted and trails redirected around the active mining area(s) to avoid any conflicts between the OHVRA and gravel mining operations until mining activity ceases 20 years out.

Mining Reclamation Plan. The Interim Use Permit for the Tufto Mine – North Site requires planning for the reuse of mining sites at the completion of mining. The details of final reclamation are subject to negotiation, for example incorporating OHV-related features into the final site plan. This flexibility makes the proposed project compatible with the provisions of the mining reclamation plan.

d. Wildlife and Habitat

This topic was addressed in EAW Item 13 and Comments C8, C9, F1, AA10, DD14, FF4, and FF9.

Wildlife species likely to inhabit the site are those found in upland and riparian habitats within the Minnesota River Valley. The habitat quality of the mined parts of the site likely supports wildlife species more tolerant of human activity and disturbance, while undisturbed parts of the site provide excellent habitat and contain a wider variety of wildlife.

Wildlife. Wildlife on the undisturbed parts of the site could be more vulnerable to project-related change than wildlife using mining-impacted portions. Project-related site development would alter the use profile by wildlife species relative to what might be present with mine site reclamation only. During project construction, wildlife species would be subject to noise and disturbance as long as construction occurs. Once the OHVRA is operational, wildlife species would be subject to ongoing human activity and noise associated with OHV use from late-Spring into early-Fall. For less-tolerant species, displacement may occur in the unmined part of the site that results in mortality due to intra-species competition and loss of suitable habitat.

Given the current habitat condition at the project site, along with planned site reclamation activities (e.g., under the Interim Use Permit and Vegetation Management Plan) and OHVRA management actions, population-level effects are limited and not anticipated from the project. This means it is likely most resident species would adjust their habits to avoid project development and associated OHV activity. A new site-level population dynamic is likely for each species, where some species show advances while others demonstrate declines or extirpation from the site.

Habitat. The habitat quality of the site varies as a function of past and present mining activity, with disturbed areas being of lesser quality and undisturbed parts of the site providing excellent habitat. Measures are available to provide wildlife habitat over the course of project development, with suitability varying as a function of individual species' requirements. Once mining is complete, the site would exhibit a mix of vegetative cover and riparian features that could be suited for much wildlife likely to occur along the Minnesota River Valley corridor. Limiting habitat conversion to the minimal amount necessary to meet project objectives, coupled with the appropriate management of the habitat that remains and the rehabilitation of degraded habitat now present, can lessen habitat losses. Adverse environmental effects to wildlife are expected to be minor resulting from the construction and operation of the proposed OHVRA.

e. Endangered, Threatened, and Sensitive Species and Species of Greatest Conservation Need

This topic was addressed in EAW Item 13 and Comments C8 and FF5.

The Minnesota Natural Heritage Program review identified records for lark sparrow and freshwater mussels within a one-mile radius of the project site. Although not identified by the Minnesota Natural Heritage Program database review, habitat for the state-listed special concern species gophersnake (*Pituophis catenifer*) could be present at the site; this is also a Species of Greatest Conservation Need.

Lark Sparrow. If the lark sparrow is nesting at the site, then project-related activity could disturb and potentially displace nesting individuals. The potential for displacement would depend on the density and level of trail use, which could apply even to specimens acclimated to present and future mining activity. Displacement could be greater in potential habitat closer to the trails and higher use areas. The degree to which the project affects lark sparrows would depend on the availability of habitat as a function of the species' tolerance to OHV operations. Population-level impacts are not anticipated but minor impacts to local populations are possible.

Mussel Bed. Little or no impacts are anticipated to the high quality mussel bed because any stormwater runoff generated from construction or operations must be contained onsite under the Minnesota NPDES/SDS Construction Stormwater General Permit requirements. The project is not expected to be a source of sediment discharges upstream of this natural feature.

Gophersnake. Project-related development and operations could impact gophersnakes if the species is present at the site. The potential degree of impact would vary relative to the timing and distribution of project-related OHV use. Some parts of the site may be amenable for gophersnakes while other parts rendered unsuitable with the OHVRA.

The MNDNR Minnesota River Reptile Project is currently conducting reconnaissance for Species of Greatest Conservation need in the Upper Minnesota River Valley, which would include the gophersnake. Information from such a survey could provide additional guidance on the status of any populations and potential management actions.

f. Rare Natural Communities

This topic was addressed in EAW Item 13 and Comments C7, C8, C9, AA, DD14, and FF8.

The Minnesota Natural Heritage Program review identified a 17.6-acre native prairie remnant in the northeastern portion of the project area. No future mining is proposed for this part of the overall site, which lies within the Prairie Core as identified in the Minnesota Prairie Conservation Plan. MNDNR recommended that ground disturbance within the prairie be avoided and trails routed around the prairie, while the site plan indicates some trail development is possible.

Impacts to the remnant prairie are subject to the Vegetation Management Plan required under the Renville County Conditional Use Permit; this plan is also a condition of the project receiving OHV Grant-in-Aid funding. Adverse impacts to the native prairie can also be mitigated by avoiding or minimizing trail development and applying measures identified in the Minnesota Prairie Conservation Plan, such as prescribed burning, conservation haying, and invasive species control.

With proper management, the overall condition of the prairie should improve as long as OHV-related activity on that part of the site, if implemented, remains minimal.

g. Invasive Species

This topic was addressed in EAW Item 13 and Comment R2.

Site reclamation from mining, along with construction of trails and amenities, would expose mineral soils at the project site and create conditions suitable for invasive species to become established and spread. Where current or future infestations are identified, control methods would be applied to limit the spread and impact of invasive species.

Keeping trail riders on designated trails would limit potential invasive species transport to uninfested parts of the site. Riders would be encouraged to use the PlayCleanGo program by cleaning machines prior to using the trail system. The Grant-in-Aid program identifies vegetation management as a maintenance priority, including control of invasive species by cutting and/or spraying with an approved herbicide by a licensed applicator along the trail.

Implementation of specific measures for invasive species management, monitoring, and control would be necessary over the life of the project to limit invasive species impacts. Potential impacts to wildlife habitat and the native prairie remnant from invasive species are expected to be minimal with adherence to known invasive species control measures.

h. Erosion and Sedimentation

This topic was addressed in EAW Items 10 and 11 and Comments N2, AA3, and FF5.

The topography of the project site ranges from 876 ft to 1,018 ft MSL; the highest elevation is located in the northwest part of the site that gently slopes to the southeast. There are areas with steep slopes (12% or greater) in several locations along CSAH 15, and along two stream channels that flow through the northwest corner and northeast portion of the site. Highly erodible soils coincide with the native prairie remnant located on the site.

Earth disturbing activities associated with the construction of the OHVRA are subject to ongoing public regulatory authority by Renville County's Conditional Use Permit, Septic Permit, and Grading Permit as well as provisions of MNDNR-administered OHV Grant-in-Aid funding. Design standards would follow the sustainable natural surface trail design practices throughout the site to minimize tread erosion as described in the Trail Planning, Design, and Development Guidelines (MNDNR 2007).

The project is subject to ongoing public regulatory authority under the Minnesota NPDES/SDS Construction Stormwater General Permit (MN R 100001) and associated SWPPP. This approval addresses potential stormwater runoff impacts where temporary erosion and sediment control BMPs would initially be installed in accordance with SWPPP. These measures must be maintained, repaired, and amended throughout the construction phases as required under applicant's general permit. Permanent BMPs would be incorporated into the trail design to minimize erosion of the trail during routine operational activities.

i. Wetlands

This topic was addressed in EAW Item 11 and Comments P2, Z6, AA12, and FF5.

Six wetlands totaling 5.64 acres were delineated on the project site. The delineated wetlands are one Type 6 Shrub Carr, two Type 2 Fresh (wet) Meadows, and three Type 2 Shallow Marshes. No fill-related actions are planned for wetland areas, so no permanent wetland impacts (e.g., fill) are anticipated. Impacts to wetlands are subject to ongoing regulatory authority from the USACE, under Section 404 of the Clean Water Act, and under the requirements of the Minnesota Wetland Conservation Act. Wetlands are expected to be protected by establishing general activity setbacks (i.e., vegetated buffers) to protect surface waters. Additional protection would be provided by implementing proven trail management and maintenance practices to prevent and minimize runoff and erosion that might reach wetlands. Any impacts are expected to be negligible.

j. Riparian Areas, Runoff, and Water Quality

This topic was addressed in EAW Item 11 and Comments N2, P2, W8, Z6, and FF5.

Two intermittent streams occur on the project site. There are no fisheries resources at the project site. The bed and banks of the intermittent streams are not planned to be altered. The project is subject to ongoing public regulatory authority under the Minnesota NPDES/SDS Construction Stormwater General Permit (MN R 100001) and associated SWPPP. Neither the project itself, nor runoff generated from impervious surface creation, is anticipated to negatively affect the quality and quantity of the receiving waters, either onsite or downstream.

k. Hazardous Materials

This topic was addressed in EAW Item 12 and Comments C6 and E1.

During OHVRA construction and eventual operation, small quantities of fuels, antifreeze, and hydraulic oils would be used in construction vehicles and individual OHVs. Once construction is complete, these types of materials are likely to be temporarily stored in portable containers at the trailhead and parking area. No permanent above or below ground storage tanks are proposed for routine operations at the OHVRA.

The incidental release of any hazardous liquid from leaks or spills at the site is expected to be uncommon, however minor leaks or spills of gasoline, oil, and other fluids would occur. The proposer would provide spill kits at the trailhead for emergency situations. Fuel spills over 5 gallons must be reported to the State Duty Officer subject to the reporting requirements of Minn. Statutes §115.061. Impacts are expected to be localized with minimal effects to natural resources.

l. Traffic

This topic was addressed in EAW Item 18 and Comments C14 and AA5.

User access to the OHVRA would be provided by a single entry point to the parking area and trailhead from 200th Street located just south of the intersection with CSAH 15. No physical improvements to existing roads are proposed with the project. A traffic study concluded that users should expect very little delay throughout this stretch of CSAH 15 to accommodate project-related use. The trailhead provides designated access to the southern part of the site, while access to the northeast and northwest parts of the OHVRA would be provided by a grade-separated box culvert under CSAH 15 (east of the 200th Street intersection).

Application of appropriate traffic control measures is expected to minimize temporary traffic disruptions. All crossings would be subject to ongoing regulatory authority by the Renville County Highway Department prior to construction, including a required Driveway/Right of Way Crossing Permit. Unauthorized roadway traffic would be restricted through use of existing vegetation and placement of boulders and/or fences, all of which provide a visual and/or physical blockage to the trail user. Project implementation is expected to generate minor levels of traffic whose impacts can be minimized with known traffic management measures.

m. Noise

This topic was addressed in EAW Item 17 and Comments C4, C12, C13, P3, P4, P5, P6, P7, X3, AA2, AA5, AA10, AA11, DD14, FF6, FF9, and FF10.

Existing conditions include sound generated from extensive gravel mining activities at the project site and mining and agricultural activities in the general area. Construction and operation of the OHVRA would create noise over the 20 years of phased OHVRA development, with operations-only noise generated beyond 20 years.

Construction-related noise would be temporary, occur during daylight hours, and would happen in stages as mining is completed and OHVRA trails and amenities are developed. Once the first phase of the facility is operational, noise sources would include intermittent, daytime on-road and off-road vehicle traffic over the hours of approximately 8:00 AM to dusk or 9:00 PM (whichever is first). Noise generation from operations would be seasonal, typically over the period April 15 through November 1.

Although the project is expected to meet State Noise Standards, given the rural nature of the site, some neighbors may still characterize the OHV-generated sound as annoying. While acknowledging the potential for annoyance, the proposer does not believe project-generated noise would constitute a nuisance under state law. Renville County would log and investigate noise complaints; measures available include noise monitoring to verify that State Noise Standards are not exceeded, with remediation employed if noise standards exceed allowed limits. Although noise would be generated from facility operation, it is not expected to exceed the MPCA's Daytime Ambient Noise Standards, so impacts are considered to be minor. MPCA offered to assist Renville County in ensuring State Noise Standards are not violated.

n. Dust

This topic was addressed in EAW Item 16 and Comments AA5, AA10, FF6, and FF7.

Dust is currently generated from the extensive gravel mining activities and truck traffic on local public roads. Dust from mining operations is subject to ongoing regulatory authority under the Renville County Interim Use Permit that requires all roads within the site to be in a dust-free condition, with haul routes also subject to adequate dust control as determined by the Road Authority. Dust generated from the OHVRA is likely to be similar or less than the amount resulting from ongoing mining-related activities. Once mining phases out, dust generation from operating OHVs is not expected to adversely impair air quality at the site or general area. Little or no offsite transport of fugitive dust is anticipated.

o. Vehicle Emissions

This topic was addressed in EAW Item 16 and Comments AA2 and FF6.

The project would generate emissions during daytime hours of operation due to traffic accessing the site (in highway-licensed vehicles), and from operating OHVs at the OHVRA. The emission profile would typically contain the following air pollutants: carbon monoxide; nitrogen oxides; hydrocarbons including volatile organic compounds; and carbon dioxide. Some of these are considered greenhouse gases.

No improvements or mitigation measures are proposed other than the standard emission control technologies required for each type of vehicle. Air emissions per vehicle are expected to meet US Environmental Protection Agency exhaust emission standards for recreational vehicles. Although visitor traffic and specific use estimates have not been developed, the trailhead parking lot is being designed to accommodate 40-50 highway-licensed vehicles. Recognizing that trucks and trailers could accommodate anywhere from one to multiple ATVs and/or OHMs, likely site use levels should allow for air emission levels to remain below current MPCA air standards. Air emissions are limited to periods of OHV operations; project-related emissions are not expected to have a negative impact on air quality.

p. Historic Properties

This topic was addressed in EAW Item 14 and Comments O1, O2, O3, O4, O5, O6, O7, O8, O9, O10, O11, O12, and O13.

One historical site and one prehistoric archaeological site were identified from a search conducted of the Minnesota Archaeological Inventory and Historic Structures Inventory for listed features within one mile of the proposed project.

The Cultural Resources Unit of MNDOT's Office of Environmental Stewardship reviewed both SHPO properties designated as 21RN0040 and 21RN0041 (i.e., Tufto Farmstead and lithic scatter) for compliance with Section 106 of the National Historic Preservation Act and eligibility for listing in the National Register of Historic Places. MNDOT determined both properties were not eligible for listing under any criterion. That office found "there will be no historic properties affected by the project as currently proposed."

Tufto Farmstead. The "Tufto Farmstead" is a historic site within the project boundary that underwent a Phase II Archaeological Evaluation. No OHV trail development is proposed on the

historic site. The project includes incorporation of an interpretive site adjacent to the picnic area, with signage placed at the historic Tufto Farmstead, to educate visitors of its history and historical importance. No direct or indirect adverse impacts are anticipated. The Proposer commits to provide the construction plans for this area to the MNDOT Cultural Resources Unit when they become available to affirm whether any change has occurred to the project scope that might require additional Section 106 review; MNDOT indicates this is an appropriate measure. In the case of unanticipated discovery of new artifacts, construction would be immediately halted and the MNDOT Cultural Resources Unit would be notified for guidance before construction restarts.

Archaeological Site. A Phase I Archaeological Evaluation of a prehistoric archaeological site revealed a piece of fire-cracked rock, three lithic flakes, and one area of prehistoric lithic scatter. Although not planned to be mined, Class 2 ATV trail development is planned for this area. Substantial disturbance is not anticipated because the Class 2 ATV trails would consist of all dirt surfaces up to 65-inches wide, with the trail alignment initially established by simple mowing of the proposed treadway. Greater disturbance could be associated with use of a SUTTER dozer or mini-excavator to shape or address drainage issues where needed; this is expected to be limited in this part of the project site. The Proposer commits to provide the construction plans for this area to the MNDOT Cultural Resources Unit when they become available to affirm whether any change has occurred to the project scope that might require additional Section 106 review; MNDOT indicates this is an appropriate measure. In the case of unanticipated discovery of new artifacts, construction would be immediately halted and the MNDOT Cultural Resources Unit would be notified for guidance before construction restarts.

q. Cumulative Potential Effects

This topic was addressed in the EAW under Item 19.

Cumulative potential environmental effects are the combined effects of the proposed project and past, present, and reasonably foreseeable future projects. See Minn R. 4410.0200, subp. 11a. (2013). Three reasonably foreseeable projects were identified within the environmentally relevant area. These are sand and gravel operations that include:

Proposed OHVRA Site. Sand and gravel mining currently occurs at the OHVRA project site, and would continue into the future. Mining at the Tufto Site is within the OHVRA boundary and is projected to be phased-out over a 20-year period, with reclamation including construction of proposed trails and amenities, and revegetation of remaining mined areas to prairie grassland species.

Adjacent Parcels. Sand and gravel mining currently occurs on adjacent parcels located both north and south of the OHVRA site. Mining at the Ponderosa Site, which is south and outside the OHVRA boundary, is projected to be phased out over a 20-year period with reclamation and revegetation of mined areas to prairie grassland. Similar levels of activity are expected to the north at the adjacent Haney Pit, which is expected to be present for the immediate future and an unspecified period beyond.

Zaske Site. Sand and gravel mining currently occurs approximately one-half mile east of the OHVRA site at the Zaske Site. An approximately 55-acre mining area expansion has been proposed

that underwent a separate EAW. Mining is estimated to be feasible for approximately 30 years (based on average extraction rates and available mineral resource).

Environmental effects from the proposed project that could combine with effects from these three sand and gravel operations have been considered for noise, dust, and traffic. Consideration of these cumulative potential effects is discussed below.

The proposed project has the potential to make an incremental contribution to cumulative noise, dust, and traffic effects in the environmentally relevant area. If constructed, then for some period of time the OHVRA's effects would overlap and interact with the noise, dust, and traffic effects of nearby mining operations. Similar but albeit smaller interactions would be expected over the 30 years of projected mining at the neighboring Zaske Site. Mining activities, including material transport, typically occur year-round during daylight hours, while the OHVRA is expected to operate from April 15 through November 1 (depending on the weather). Traffic from both mine hauling and trailered OHVs would use the same roads.

The cumulative effects of these projects are subject to ongoing regulatory authority under the Renville County Interim Use Permits (for mining), the Renville County Conditional Use Permit (for the proposed OHVRA), and Renville County's authority to enforce State Noise Standards. Cumulative potential effects for noise, dust, and increases in traffic would typically be limited to the period April through October when OHVRA operations coincide with mining activities. The project's contribution is expected to be minimal relative to mining-related contributions to noise, dust, and traffic. As mineable sand and gravel resources are exhausted, overall cumulative effects would be expected to decline and terminate once mining within, adjacent to, or nearby the OHVRA ceases.

No additional potential cumulative potential effects have been identified.

12. The MNDNR requested and was granted by the MEQB a 15-day extension for making a decision on the need for an EIS. See Minn. R. 4410.1700, subp. 2b.

13. The following permits and approvals are needed for the Project:

| <u>Unit of government</u> | <u>Type of application</u> |
|--------------------------------|--|
| MNDNR | OHV Grant-in-Aid Funding |
| Federal Highway Administration | Federal Recreation Trails Grant Program Funding |
| MPCA | NPDES/SDS Construction Stormwater General Permit |
| Renville County | Conditional Use Permit Driveway/Right of Way Crossing Permit Septic Permit Grading Permit |
| Renville SWCD | Interim Land Use Permit for Mining Operations WCA – Wetland Delineation WCA – Wetland Replacement Plan, Exemption, and/or No-Loss |
| USACE | Clean Water Act Section 404 |

CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules* part 4410.1700, subparts 6 and 7, set forth the following standards and criteria to compare the impacts that may be reasonably expected to occur from the project in order to determine whether it has the potential for significant environmental effects.

In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

- A. type, extent, and reversibility of environmental effects;*
 - B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;*
 - C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and*
 - D. the extent to which environmental effects can be anticipated and controlled as result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*
2. *Type, extent, and reversibility of environmental effects.*

Based on the Findings of Fact paragraphs 10a to 10p, the MNDNR concludes that the following types of potential environmental effects, as described in the Findings of Fact, will be limited in extent, temporary, or reversible:

Project Construction
Land Cover Types
Land Use Plans
Wildlife and Habitat
Endangered, Threatened, and Sensitive Species and Species of Greatest Conservation Need
Rare Natural Communities
Invasive Species
Erosion and Sedimentation

Wetlands
Riparian Areas, Runoff, and Water Quality
Hazardous Materials
Traffic
Noise
Dust
Vehicle Emissions
Historic Properties

3. *Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.*

The effects of all past projects comprise the existing condition of the project area. Cumulative environmental effects add the proposed project and reasonably foreseeable future projects to the existing condition.

As described in Findings of Fact paragraph 10q, there are three non-metallic mineral mining projects both existing and proposed in the project vicinity. Each of these facilities is subject to noise, dust, and traffic control provisions of their respective Interim Use Permit. OHVRA-related noise, dust, and traffic would increase over the 20 years that mining is completed at the project site itself, while mining-related impacts are expected to decline and disappear onsite, and diminish over the long term on adjacent parcels.

As described in Findings of Fact paragraphs 10l, 10m, and 10n, the proposer has identified and committed to specific mitigation measures and BMPs for noise, dust, and traffic that would be used to minimize potential cumulative effects to reduce the project's contribution to cumulative potential effects. Overall, potential cumulative effects are expected to be localized and minimal, and eventually terminate with mining phase-out as mineral resources are depleted.

Based on the Findings of Fact above, the MNDNR concludes that the cumulative potential environmental effects due to noise, dust, and traffic are not significant when viewed in connection with: other contributions; the degree to which the project complies with approved mitigation measures specifically designed to address cumulative potential effects; and/or the efforts the proposer has made to minimize contributions from the project.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority.*

Based on the information in the EAW and Findings of Fact above, the MNDNR concludes that the following potential environmental effects, as described in Findings of Fact paragraphs 10a through 10q, are subject to mitigation by ongoing public regulatory authority:

Prior to initiation of this project, the following permits and approvals would be required: Renville County Conditional Use Permit, Driveway/Right of Way Crossing Permit, Septic Permit; Renville

County Soil and Water Conservation District Wetland Conservation Act Permit; MPCA NPDES/SDS Construction Stormwater General Permit; USACE Section 404 of the Federal Clean Water Act; Minnesota Department of Health Well Drilling Notice. When applying the standards and criteria used in the determination of the need for an environmental impact statement, the MNDNR finds that the project is subject to these regulatory authorities to sufficiently mitigate potential environmental effects through measures identified in the EAW and Record of Decision.

Project construction environmental effects are subject to mitigation by ongoing public regulatory authority from Renville County's Conditional Use Permit, Septic Permit, and Grading Permit as well as provisions of MNDNR-administered OHV Grant-in-Aid Funding. Mineland reclamation is subject to mitigation by ongoing public regulatory authority from Renville County's Interim Use Permit. The proposer commits to employ trail development standards that follow the sustainable natural surface trail design practices as described in the Trail Planning, Design, and Development Guidelines (MNDNR, 2007).

Environmental effects to land cover types are subject to mitigation by ongoing public regulatory authority from Renville County's Conditional Use Permit, including the Vegetation Management Plan, conditions of MNDNR's OHV Grant-in-Aid funding, and Renville County's Interim Use Permit for mining reclamation.

Wildlife and habitat environmental effects are subject to mitigation by ongoing public regulatory authority from Renville County's Conditional Use Permit, including the Vegetation Management Plan, MPCA's Daytime Ambient Noise Standards, Renville County's Interim Use Permit, and invasive species control requirements under the MNDNR OHV Grant-in-Aid Program. Conditions of the MPCA NPDES/SDS Construction Stormwater General Permit also address wildlife and habitat impacts.

Environmental effects to state-listed Endangered, Threatened, and Special Concern Species are subject to mitigation by ongoing public regulatory authority under Renville County's Conditional Use Permit, Interim Use Permit, and Vegetation Management Plan, and MPCA NPDES/SDS Construction Stormwater General Permit. These same permits address potential environmental effects to Species of Greatest Conservation Need. The proposer commits to collaborate with MNDNR to identify what specific measures should be applied in the project design and management to lessen potential impacts to the lark sparrow and gophersnake, including vegetative setbacks from wetlands and riparian features.

Environmental effects to rare natural communities are subject to ongoing public regulatory authority under Renville County's Conditional Use Permit, in particular the provisions of the Vegetation Management Plan for restoration and protection of the onsite prairie remnant. The proposer commits to collaborate with MNDNR staff on the actions necessary to restore prairie remnant as well as minimize project impacts with any trail development proposed in that part of the site.

Environmental effects from invasive species are subject to ongoing public regulatory authority under Renville County's Conditional Use Permit, in particular provisions of the Vegetation Management Plan for control of invasive species in order to receive MNDNR OHV Grant-in-Aid funding for OHVRA maintenance. The proposer also commits to employ measures to identify and eradicate existing

invasive species at the site, and employ prevention measures as part of ongoing facility operations. This could include use of Trail Ambassadors to staff these efforts.

Environmental effects from erosion and sedimentation are subject to ongoing public regulatory authority under Renville County's Conditional Use Permit and the MPCA NPDES/SDS Construction Stormwater General Permit, the latter including the SWPPP that has measures to avoid and/or minimize potential impacts. The proposer commits to incorporate permanent BMPs into the trail design to minimize trail erosion during routine use by OHVs.

Environmental effects to wetlands are subject to ongoing public regulatory authority under the Wetland Conservation Act and Section 404 of the Clean Water Act, which are administered by the Renville County Soil and Water Conservation District and USACE respectively. Conditions under the MPCA NPDES/SDS Construction Stormwater General Permit also constitute ongoing regulatory authority for wetland impacts. Proposer commitments to avoid wetlands generally, and to design any wetland crossings pursuant to the Trail Planning, Design, and Development Guidelines (MNDNR, 2007), and include buffers to filter runoff in the trail design, all represent measures to reduce potential impacts to wetland resources.

Environmental effects to riparian areas, runoff, and water quality are subject to ongoing public regulatory authority from the Renville County Conditional Use Permit and MPCA NPDES/SDS Construction Stormwater General Permit, especially the latter's SWPPP for controlling potential sedimentation. Proposer commitments to avoid the bed and banks of the intermittent streams, include buffers to filter runoff in the trail design, and employ temporary single-span pedestrian bridges, all represent measures to reduce potential impacts to riparian areas.

Environmental effects from spills or releases of hazardous materials are subject to ongoing public regulatory authority under the MPCA Hazardous Waste Rules. *See* Minn. R. 7045. For spills that may cause pollution of waters of the state, these are subject to the reporting requirements of Minn. Statutes §115.061. The proposer commits to providing spill kits at the trailhead area for use in emergency situations.

Environmental effects for traffic are subject to ongoing public regulatory authority of the road authority, which is the Renville County Highway Department and includes the Driveway/Right of Way Crossing Permit. For the trail system itself, the proposer would implement trail-specific traffic control signage according to Grant-in-Aid Program Manual or the International Off-Highway Vehicle Administrators Association signing standards.

Noise emissions are subject to the ongoing public regulatory authority under the MPCA's Noise Rules. *See* Minn. R. 7030. Renville County, as the project proposer, is responsible for ensuring the project complies with State Noise Standards and commits to log and investigate noise complaints. Vehicle-related noise generation for ATVs, OHMs, and ORVs is subject to ongoing public regulatory authority under the Recreational Vehicles Rules, which are enforced by licensed peace officers in Minnesota. *See* Minn. R. 6102.0040.

Dust-related environmental effects are subject to ongoing public regulatory authority under the Renville County Conditional Use Permit. No specific dust provisions are proposed.

The environmental effects of vehicle emissions are subject to ongoing public regulatory authority of the US Environmental Protection Agency's "Nonroad Recreational Engines and Vehicles: Exhaust Emission Standards."

Environmental effects to archaeological and historical resources are subject to ongoing public regulatory authority under the rules and laws governing MNDOT's Cultural Resources Unit under a Programmatic Agreement with the Minnesota SHPO (2005; updated 2015). These types of resources are also subject to ongoing public regulatory authority of the Office of the Minnesota State Archaeologist (OSA), and Minnesota Indian Affairs Council (MIAC). These entities would assist the proposer in determining the nature and scope of recommended studies, environmental effects, and need for mitigation. The proposer commits to incorporate an interpretive site into the picnic area, with signage placed at the historic Tufto Farmstead to educate visitors of its history and importance. Renville County, as the project proposer, commits to provide detailed site plans to MNDOT's Cultural Resources Unit to ensure Section 106 requirements continue to be satisfied for the project.

The proposer commits to employ trail development standards that follow the sustainable natural surface trail design practices to mitigate adverse impacts as described in the Trail Planning, Design, and Development Guidelines (MNDNR, 2007). The proposer also commits to seek funding from the MNDNR-administered Grant-in-Aid program, which conditions funding on compliance with specific maintenance, inspection, enforcement, and invasive species control measures. The proposer commits to employ Trail Ambassadors, who are part of the MNDNR Division of Enforcement's OHV Safety and Conservation Volunteer Program, and encourage users to participate in the CleanPlayGo Program.

5. *Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or other EISs.*

Environmental studies undertaken by the project proposer include:

Feasibility Report: Minnesota Valley Off-Highway Vehicle Recreation Area, Renville County, MN. November 30, 2015. ISG. Project No. 14-17062. 138 pages.

Phase I Archaeological Reconnaissance of Proposed Minnesota Valley OHV Park and Phase II Archaeological Evaluation of the Tufto Farmstead, Renville County, Minnesota. August 20, 2014. Blondo Consulting LLC. 38 pages.

Sacred Heart OHV Park Background Noise Monitoring Results – Renville County, MN. June 24, 2016. SBP Associates, Inc. 46 pages.

Traffic Impact Study: Minnesota Valley OHV Park, Renville County, MN. August 8, 2016. Project No. 14-17062. ISG Consulting. 60 pages.

Guidance documents are based on the best available scientific studies that have been tested and approved by regulatory authorities. The Minnesota Valley OHVRA Project is being designed in accordance with:

“Program Manual Minnesota Trails Assistance Program, Grant-in-aid (GIA) trails, Off-highway vehicle (OHV) – Funds of ATV, OHM, and ORV” (MNDNR; February 1, 2015).

Trail Planning, Design, and Development Guidelines (MNDNR, 2007).

Great Trails: Providing Quality OHV Trails and Experiences (NOHVCC; 2015); “*Management Guidelines for OHV Recreation*,” by Tom M. Crimmins, and in association with NOHVCC, 2006.

“Park Guidelines for OHVs,” by George E. Fogg, 2002.

6. The MNDNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an environmental impact statement on the proposed Minnesota Valley OHVRA Project in Renville County, Minnesota.
7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (Minnesota Rules part 4410.1700, subparts 6 and 7) to determine whether a project has the potential for significant environmental effects, and on the Findings and Record in this matter, the MNDNR determines the proposed Minnesota Valley Off-Highway Vehicle Recreation Area Project does not have the potential for significant environmental effects.

ORDER

Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement is not required for the Minnesota Valley Off-Highway Vehicle Recreation Area Project in Renville County, Minnesota.

Any Findings that might be properly termed Conclusions and any Conclusions that might be properly be termed Findings are hereby adopted as such.

Dated this 21st day of June, 2017

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES


Barb Naramore
Assistant Commissioner