

DEPARTMENT OF NATURAL RESOURCES

Record of Decision

In the Matter of the Determination of the Need for an Environmental Impact Statement for the Prospectors Loop Trail System Phase 2 (Connect Four) located in St. Louis County, Minnesota **FINDINGS OF FACT, CONCLUSIONS, AND ORDER**

FINDINGS OF FACT

1. The Prospectors Trail Alliance Club proposes the Prospectors Loop Trail System Phase 2 (project), which includes four new all-terrain vehicle (ATV) trail segments and a connecting spur as part of Phase 2 (also termed “Connect Four” segments) of the greater Prospectors Loop Trail for off-highway vehicles (OHVs). The four trail segments include the Cloquet Line to North Grassy Lake Road, Bear Run, Tower to Pfeiffer Lake, and Babbitt to Hoyt Lakes; the Your Boat Club is the connecting spur.
2. The ATV trail segments would provide new connections to existing trails and would be located within the following St. Louis County communities: Babbitt, Bassett Township, Eagles Nest Township, Hoyt Lakes, Kugler Township, Lake Vermillion (unorganized territory), Morse Township, Northeast St. Louis (unorganized territory), Tower, Vermillion Lake Township, and Whiteface Reservoir.
3. Proposed routes include three route categories: Route Category 1 is described as existing route, open to ATV use (but not currently mapped as part of the Prospector trail); Route Category 2 is described as existing route, proposed new ATV use (improvements needed); and Route Category 3 is described as proposed route, proposed ATV use (new construction needed). Upon the completion of Phase 2, the Prospectors Trail System will include an estimated 277.19 miles of trails, with 218.05 miles of existing trail and an additional 59.14 miles of Phase 2 trail.
4. The proposed project requires preparation of a State Environmental Assessment Worksheet (EAW) according to the rules of the Minnesota Environmental Quality Board (EQB), Minnesota Rules (Minn. R.) 4410.4300 subpart 37 B.
5. The Minnesota Department of Natural Resources (DNR) is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the project as described in this EAW. See Minn. R. 4410.0500, subp. 1.
6. The DNR prepared an EAW for the proposed project. See Minn. R. 4410.1400.

7. DNR filed the EAW with the Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the EQB *Monitor* on April 4, 2023. A copy of the EAW was sent to all persons on the EQB Distribution list, to those persons known by DNR to be interested in the proposed project, and to those persons requesting a copy. A statewide press release announcing the availability of the EAW was sent to newspapers, radio, and television stations. A copy of the EAW was distributed to the following locations: the Hoyt Lakes Public Library, the Duluth Public Library, the Arrowhead Regional Development Commission, and the Hennepin County Library. The EAW was also made available to the public via posting on the DNR's website. See Minn. R. 4410.1500.
8. Previously, an EAW for Phase 1 of the Prospectors Loop Trail was completed in 2016. The Lake County Forestry/Land Department was the RGU for the Phase 1 EAW. A negative declaration on the need for an Environmental Impact Statement was issued for the Phase 1 proposal in January 2017.

Public Comment Period and Response to Comments

9. The 30-day EAW public review and comment period began April 4, 2023, and ended May 4, 2023. Written comments on the EAW could be submitted to the DNR by U.S. mail or via email. See Minn. R. 4410.1600.
10. During the 30-day EAW public review and comment period, the DNR received 72 emailed comment letters on the EAW. One email comment was not received (see ¶153) after several attempts to contact the commenter and request resubmittal. A list of the individuals along with a summary of their comment(s) is included in Attachment A of this Record of Decision.
11. Minnesota Rules 4410.1700, Subp. 4 specifies that the Record of Decision (ROD) must include specific responses to all substantive and timely comments on the EAW. All comment letters and issues raised in comment submittals were reviewed to determine if they addressed the accuracy or completeness of the material contained in the EAW or environmental impacts that may warrant further investigation prior to the final ROD.
12. Comment topics are summarized below (See ¶¶13- 52) with DNR's response following. Copies of these comments will be provided to the project proposer. Many comment letters contained more than one comment; in those cases the comment topics were identified. Comments were grouped together by topic, each topic was analyzed and a single response was developed for each topic. See Minn. R. 4410.1700, Subp. 4.
13. The DNR notes that at least two commenters seemed to suggest that the proposed project is a DNR led project. As noted in Items 2 and 3 of the EAW and as stated in ¶13 above, the proposer of the project is the Prospectors Trail Alliance Club. The DNR acted only as RGU of the EAW for the proposed project.
14. Non-substantive comments: Many commenters provided non-substantive comments on the EAW. Non-substantive comments include basic comments in support of or opposition to the proposed project

(including statements to the effect of stopping or denying the project), opinions on the proposed project or ATV trails and their users in general, preferences for other types of recreational trails such as hiking or opinions on where trails should be located, suggestions on what planning documents should entail, communication efforts, or general statements on topics that were fully addressed in the EAW. One commenter shared photos from construction of a project by the proposer over the Beaver River, completed in 2022. Photos show silt fence not installed correctly and silt flowing in the river. Non-substantive comments did not address the accuracy or completeness of the material contained in the EAW or environmental impacts and did not warrant further investigation prior to the final ROD. In accordance with Minn. R. 4410.1700, Subp. 4, these comments did not receive a specific response. The submitted photos will be shared with permitting and regulatory authorities for consideration during the permitting process.

15. Out of scope: Safety, law enforcement, social impacts: Many commenters provided comments that were out of scope on the EAW. Several commenters expressed concerns for safety for all users (cars, bikers, walkers, ATV riders, etc.). Commenters also expressed concern over enforcement on the trails and impacts to nearby properties such as theft and vandalism. Other commenters stated that the EAW lacked discussion on social impacts and the human environment, such as “land integrity. Other examples include comments related to timber management, updating forest planning documents, and responsibilities associated with ATV and motor vehicle collisions. One commenter asked about routing the trail through seasonal and leased properties, rather than disturbing full time residents. Another commenter provided quotes from an ATV strategic plan (unknown source).

Response: These comments are beyond the scope of the EAW. The EAW is not a decision-making document. The purpose of the EAW is to provide information about a proposed project’s environmental impacts before subsequent approvals or permits may be issued. Public safety issues and actions of riders are topics outside the scope of the EAW but would be considered as part of design and permitting processes. Possible social impacts and the work capacity of law enforcement are also outside the scope of the EAW. Updating planning documents from other agencies are also not within the scope of this EAW. DNR Conservation Officers and county sheriff deputies regularly patrol OHV trails. The DNR also has a Trail Ambassador Program. Trail Ambassadors are trained volunteers who promote safe riding by discussing safe and ethical riding techniques with trail users. They also identify safety issues along the trail and report the issues back to the DNR for attention. Deciding where the proposed project should go is not within the scope of the EAW. Separately from this EAW, the DNR is developing a Strategic Master Plan for ATV use in Minnesota.

16. Eagles Nest Township Resolution: A few commenters provided information on an Eagles Nest Township resolution that opposes any primary ATV corridors running through or within audible range of the township, and requests existing permits for ATV trails within its boundaries be revoked/denied.

Response: The purpose of an EAW is described above in ¶15. EAWs are informational documents, they are not decision making or permitting documents. If the routes are currently authorized, they would continue to be. The EAW does not nullify any past approvals and has no authority to do so. If routes are not currently authorized, the EAW does not newly authorize them. This decision making on allowable routes takes place following the EAW process, during permitting and final design and routing processes.

17. Construction methods: Several comments expressed concern for impacts from construction or asked for construction details. One commenter asked for information on where a crane would need to be used during construction and asked for clarification on how clearing 30 feet in height of vegetation for crane accesses would be localized and temporary. One commenter stated that 12 inches of filter fabric over granular fill was not enough to prevent impacts and would require maintenance, especially if ATVs get bigger or are modified. One commenter stated that the use of the words "sustainable" and "non-erosive" are misleading terms when describing trail development and asks for more information. The same commenter stated that trail development guidelines are to minimize impacts but do not prevent impacts and notes that projects may have required or recommended best management practices (BMPs). One commenter suggested that the DNR trail planning guidelines would not be sufficiently followed if there are wetland impacts from the proposed trail.

Response: Construction methods are discussed in several places throughout the EAW, including in Items 6, 11, 12, and 14. Construction methods would be further refined during the permitting process. A vegetation clearing height of 30 feet, which was mentioned in the EAW, is at the bridge location for crane operation, not for crane transport. Project impacts to vegetation within the corridor would be temporary, as the vegetation would be allowed to regrow after construction. Exact clearing locations will be determined during project design and permit review phase after the EAW is complete; some bridges may not need replacement, and some contractors may propose work without cranes. The exact amount of granular fill over filter fabric may be modified during construction depending on final design, the contractor, permit conditions, and project location. Regarding the size of ATVs, state statute limits ATV weights to 2,000 pounds or less, and a width of 65 inches or less. Sustainable and non-erosive are terms that are broadly used in trail development and in construction practices; additional information relevant to these construction practices are generally discussed in the EAW. Permit conditions will be applied via the construction stormwater permit and or/other required permits discussed in ¶155 below. The DNR trail planning manual provides guidelines for trail developers and are not legal requirements. However, there may be trail design specifications that would be required as part of permitting.

18. Maintenance: Several commenters expressed concern over the maintenance and upkeep of shared roads and trails. Another commenter suggested that the EAW was missing a long-term management plan.

Response: Trail maintenance is discussed in several places throughout the EAW including in Item 6b and 12bii. The proposer would coordinate with the County or city sponsor for road maintenance needs. The proposer would play a major role in maintenance along the trail. Development of a long-term management plan is not a requirement of the EAW process.

19. Trail 4/Phased and connected actions: Two commenters provided information on trail segments located in Eagles Nest Township that were added to the Prospectors Trail in 2019 and were not discussed in either the 2016 EAW or the current EAW.

Response: The trail segments referenced are related to a route which the Prospectors Trail Alliance Club refers to as a temporary route through Eagle's Nest Township, known as Trail 4, that was initially

established for a 2019 ride organized by the Prospector Trail Alliance. Attachment B shows a map of the temporary route, which uses County Roads 128 and 599, as well as an old Dakota, Missabe and Iron Range (DM&IR) railway rail grade surrounded by tax forfeit land, old Highway 1, and Purvis Forest Management Road. The proposer states that these segments are not being planned for use on a permanent basis but is in use until the proposer can complete negotiations for a permanent route through the Township. However, the route has remained open to ATV traffic since the 2019 ride. According to Minnesota Rules 4410.2000 Subp. 4, these trail segments must be considered during this environmental review as phased actions. These trail segments are discussed below and in ¶54 below.

Construction work that established the temporary route was conducted on a segment of old roadbed between County Roads (CR) 128 and 599. The route on the old roadbed required clearing brush from the old roadbed for approximately ¼ mile in a 10-foot-wide corridor. Gravel fill (one 10 cubic yard dump truck load, or roughly 500 square feet) was placed for access to the old roadbed from/to CR 128, for which the proposer obtained a St. Louis County Driveway Permit. Access from/to CR 599 was usable as-is and did not require any work.

Topic items that are discussed in the EAW that may have resulted in additional environmental effects compared to those analyzed in the EAW are discussed in ¶54 below. Other topics not mentioned below have similar effects to those discussed in the EAW and additional discussion is not needed.

20. Project purpose, need, and beneficiaries: Several comments questioned the purpose and need for the proposed project and stated that the EAW lacked the required information for these topics in EAW Item 6d. Other commenters stated the beneficiaries were non-residents.

Response: The purpose of the proposed project is discussed in EAW Item 6d. The instructions for Item 6d state that if the project will be carried out by a governmental unit, then the need of the project and its beneficiaries must be explained. Private developers are not required to discuss project need and its beneficiaries. As noted in EAW Item 2 and ¶1 above, the proposer of the project is a private organization, the Prospectors Trail Alliance Club, and therefore project need is not required to be discussed in the EAW. However, the Proposer has stated that the purpose of the Prospector's Phase 2 connections is to improve and/or designate trails to support and allow ATV use thereby creating trail connections that can provide opportunities for recreation year-round. ATV users will be the primary beneficiaries of the new use, with additional benefits to some trail segments by improving access for year-round trail use and maintenance.

21. Regulatory oversight: Several commenters stated their concern over the lack of regulatory oversight for the proposed project on items including safety, wildlife impacts, plant impacts, soil, and air quality impacts.

Response: Permits and approvals required for the proposed project are listed in EAW Item 9 and in ¶54 below. See also ¶44.

22. Cover types: One commenter questioned the amount of wooded/forest canopy cover that would be impacted from vegetation clearing as stated in EAW Item 8. Another commenter expressed concern for trees and forests being impacted and need protection due to climate change.

Response: Temporary impacts are expected during clearing/brushing activities for the Route Category 3 trails. The Category 3 trails in a 26-foot review corridor constitute 52.7 acres of the overall (158.76

acres) woods/forest land cover classification. For route categories 1 and 2, cleared corridors are already present and only minor/individual tree removals could be needed. Tree removal will occur that may result in a temporary loss of canopy over the trail in the 52.7 acres of Route Category 3, but the canopy is expected to redevelop over the trail and the forest system will remain.

23. Land use – highway right-of-way: One commenter notes that there are multiple private parcels on the east side of Highway 169 and asks for clarification on the use of the highway right of way or private lands and asks about the extent of tree clearing needed.

Response: The proposer’s intent is to use existing Minnesota Department of Transportation (MnDOT) right-of-way (ROW), which would require prior MnDOT approval. Extensive tree clearing would not be anticipated, but if tree clearing became necessary within the ROW it would also require approval from MnDOT.

24. Land use: Several comments stated that the land use section ignores residential areas within the project area. Another commenter states that if the United States Forest Service (USFS) review is not complete the EAW cannot accurately say if the project is compatible with the plan or not. Another commenter asked if coordination with the Forest Service has occurred. Another commenter from the Eagles Nest Township Board, stated that the while the Bear Run segment is familiar to the Town Board, the segment has not been officially presented to the Board. Commenter further states that before any action is taken on the EAW, the proposer should present the segment and allow time for Board response.

Response: Residential areas are present in some locations where the routes use county and township roads. An urban residential area in the City of Hoyt Lakes is nearby the west terminus of the Babbitt to Hoyt Lakes segment.

The USFS has begun their National Environmental Policy Act (NEPA) process for the portions of the proposed project that overlap with their lands. As stated in the EAW, although the USFS Land and Resource Management Plan does express concern about impacts from off-highway vehicles, the proposed project is compatible with the management plan as the type of project that is permissible to enhance the off-highway vehicle use experience. The USFS would work closely with the DNR, local government units (LGUs) and interest groups to evaluate site-specific locations of the trails and ensure the trails are compatible and interlink if possible. Coordination with the USFS has occurred.

The purpose of an EAW is discussed in ¶15 and ¶16. There is not a requirement in the EAW process that requires official presentations to local government units, prior to EAW completion and EIS need decision making.

Land use in the vicinity of the temporary trail includes undeveloped natural areas managed for silviculture and/or used for recreation, and rural/lakeshore residential parcels along County Roads 128 and 599 in Eagle's Nest Township. Parcel location information is included in Attachment C.

25. Funding: Several commenters asked about project funding. Another commenter suggested that the EAW should have included information on maintenance costs, funding sources, and project costs.

Response: Funding sources, project costs, and maintenance costs and future funding needs are not within the scope of an EAW. Trails are funded through registration dollars and a small percentage of the gas tax associated with OHV use. No general tax dollars are spent on the trails.

26. Multi use trails and multi-use roads: Some commenters expressed concern over multi-use trails and roads. Two commenters stated that impacts to users of the Mesabi Bike Trail, the Bird Lake Ski Trail, or the Howard Wagoner ski trail were not discussed. One commenter asked how multi-use trails will be managed when there is snow early in the season, which could allow for snowmobiles to be using the trail at the same time as ATV users.

Response: The Mesabi Trail parallels the temporary segment along County Road 128 from the Eagles Nest Town Hall to the ATV turn off onto the old roadbed. Bike/pedestrian trail users may notice the ATV traffic. This may contribute additional noise; however, this segment of trail follows County Road 128 and already experiences motorized vehicle noise. Bird Lake trail users will have a similar winter experience compared to the existing condition. Some trail improvements may be necessary to support summer use for ATVs, but it will likely not be noticeable under snowpack in the winter. Summer users of the Bird Lake trail will encounter ATVs as a new use; as described in the EAW, trail width will allow safe passing of ATVs and pedestrians. Pedestrians may encounter additional noise compared to the existing summer condition. There will be no new use of the Howard Wagoner ski trail near Ely; therefore no impact on users of this trail is anticipated. The Howard Wagoner trail intersects with an existing Prospector segment, not a new proposed connection. Summer users may encounter ATVs at the North Trailhead Parking Lot near Tower; however, this is not a new use.

ATV trails will be opened seasonally based on trail conditions. Sufficient snowpack to allow snowmobile travel in early/late season would presumably coincide with snowy/wet trail conditions which would prompt closure of trails to ATV use.

27. Soil erosion and compaction: Several commenters expressed concern for erosion. One commenter expressed concern for soil compaction.

Response: Erosion was discussed in several locations throughout the EAW, including in Items 6, 11, 12, 14, and 21 and in ¶128 and ¶154a, c, d, and k below. Compaction will occur on all natural surface trails. Any areas within the routes that reach levels of compaction that result in runoff will be addressed through maintenance and conditions of stormwater permits.

28. Surface waters/water quality: Many commenters expressed general concern for impacts to surface waters including wetlands, rivers, trout streams, and wild rice lakes and expressed concerns for impacts from erosion, sedimentation of waterbodies and stormwater runoff. Others broadly expressed concern for impacts to the watershed, with one commenter stating that collaborating with the One Watershed

One Plan should be considered. Other commenters asked for more detailed information on wetland impacts as far as acreages and specific locations.

Response: Surface water impacts are discussed in Item 12 of the EAW and in ¶154c below.

The EAW estimates project wetland impact to be about 6 acres. According to the proposer, the project would avoid wetland impacts where practicable by making minor alignment changes within the reviewed corridor. The proposer has been informed that if any alignment changes go beyond areas that were included in this review, a new EAW might be required. Where wetlands cross the entire corridor, impacts would be minimized using boardwalk where practicable. In areas where fill is necessary, equalizing culverts would be installed to prevent indirect impacts to remaining wetlands. The detailed location and type of each crossing would be established during the design phase, and would meet permitting requirements for wetlands, waterways, and stormwater. The proposed project would follow the Minnesota Wetland Conservation Act rules and the Clean Water Act Section 404/401 requirements. Specific impacts and extent of impacts would be finalized during the design phase and permitting process. A wetland delineation was completed and will be shared with all appropriate permitting authorities during the permitting process. The wetland delineation report is too large to share along with this Record of Decision, but is available upon request.

The project proposes to cross four public waters, including the Range River, Wolf Creek, the Pike River, and the West Two River. Public water crossings would be at existing bridge/culvert crossings or new bridge crossings. Total estimated public waters crossed is approximately 7,072 square feet as shown in the table below.

Resource name	Crossing length (feet)	Crossing width (feet)	Ares (square feet)	Description
Wolf Creek	52	26	1,352	Existing trail/culvert
West Two River	98	20	1,960	Existing bridge
Pike River	42	20	840	Proposed new bridge
Range River	146	20	2,920	Proposed new bridge

The Range River is near Browns Lake Forestry Road on the Cloquet Line segment (EAW Figure 4-1). This segment proposes a new bridge at an existing trail crossing. Stream features will be surveyed in project design and incorporated into the engineered design to meet permit requirements. Wolf Creek is south of Highway 1 on the Bear Run segment (EAW Figure 4-5). This is an existing route with existing culvert crossing; no work is anticipated. The Pike River is adjacent to Highway 169 (EAW Figure 4-6). This segment would propose to include a new bridge on the Pike River, which is planned to be an ATV-only

bridge built within MnDOT ROW. The West Two River is a designated trout stream and is located west of County Road 409 on the Tower to Pfeiffer segment (EAW Figure 4-7). There is an existing bridge crossing of a trout stream on an existing State Trail. The bridge would be evaluated for continued use or replacement. If the bridge needs to be replaced, stream features would be surveyed in project design and incorporated into the engineered design to meet permit requirements. This would be evaluated during project design, and may include fill/hardening or boardwalk for approaches to the stream if needed to provide a stable, sustainable trail surface.

Best management practices are described in in the EAW, and in ¶154d below. If work is required below the ordinary high-water level (OHWL), required BMPs would be established during public waters work permitting. These could include floating silt curtain, construction during no flows/low flows or winter conditions, and, if required, incorporating coffer or check dams into the final plans. These BMPs would avoid or minimize turbidity/sedimentation from entering nearby water resources. Public waters work permits issued by DNR include requirements of fish exclusion dates for trout waters. Any proposed wetland disturbance would require a replacement plan approval or exemption from the Wetland Conservation Act. A Clean Water Act Section 401 Water Quality Certification from the Minnesota Pollution Control Agency (MPCA) is also required for any project that needs a Federal 404 permit; both of these permits may require mitigation. Any coordination between the proposed project and the One Watershed One Plan (1W1P) will be coordinated via the planning committee.

Monitoring and maintenance of natural surface trails would be necessary to prevent erosion that could contribute to adverse effects on water quality, such as increased total suspended solids (TSS). The proposer would work with local, state, and federal agencies to minimize potential adverse impacts caused by erosion or soil instability by monitoring and maintenance of the trail and using BMPs as described in the “Trail Planning, Design, and Development Guidelines” manual. In addition, a Stormwater Pollution Prevention Plan (SWPPP) will specify temporary erosion and sediment control BMPs. Temporary and permanent erosion control BMPs might also be requirements of any necessary Public Waters Work Permits, local planning and zoning approvals, and/or WCA permits, CWA Section 404 permits or Section 401 Water Quality Certifications. These BMPs include, but are not limited to, erosion control blanket on steep slopes, biorolls/filter logs, rock construction entrances, and/or seeding.

29. Impaired waters: One commenter provided information regarding impaired waters within the area and provided information regarding mercury deposition and asked for additional study; they also expressed concern that the proposed project could cause additional impacts to impaired waters.

Response: Vehicle emissions are not considered (nor regulated as) a meaningful source of mercury in Minnesota. Mercury deposition to waterways is largely associated with emissions from coal-fired power plants or other large industrial sources. Since vehicle contribution to mercury impairments are not expected to be significant or otherwise contribute to existing impairment, including further study related to mercury emissions as a result of the proposed project would be beyond the scope for the EAW.

30. Table 12.2 – bridge crossings: One commenter noted that EAW Table 12.2 lists the Pike River as an existing crossing and asks if traffic will be routed onto Highway 169 to cross the bridge or if a new crossing adjacent to the bridge is planned.

Response: This was an error in the EAW. A new bridge parallel to the highway is proposed for ATV use over the highway. The correct information is contained in EAW Item 10aⁱⁱⁱ and states that, “Mapped floodplain would be crossed at one location, the Pike River adjacent to Highway 169. A boardwalk or bridge would be constructed for the crossing and impacts to the floodplain are not anticipated.”

31. Litter: At least one commenter expressed concern for litter.

Response: Litter was discussed in EAW Item 13b. The proposer discourages trail users from littering. The Trail Ambassadors program would be utilized to encourage club members to help monitor trail etiquette such as littering and would manage trash on the trail, if present.

32. Sites with high biodiversity significance: One commenter expressed concern for impacts to sites with high biodiversity significance.

Response: The Minnesota Natural Heritage Information system was queried by DNR Natural Heritage Review staff (EAW Attachment D). The review letter identified several Minnesota Biological Survey (MBS) sites of biodiversity significance that could be impacted by the proposed project; mitigation recommendations were provided. The EAW discusses MBS sites as well as DNR native plant communities (NPC) in EAW item 14.

33. Wildlife: Several commenters expressed general concern over the potential impacts to wildlife as a result of the proposed project including displacement/disturbance of wildlife, endangerment, reduced wildlife, and impacts to state-listed or other rare species. One commenter expressed concern for impacts to changing nesting, and reproduction and feeding and foraging habits. Other commenters expressed general concerns for moose, bear, lynx, wolves, and wood turtles. One commenter stated that impacts to northern long-eared bat roosting trees should be addressed.

Response: Potential impacts to wildlife are discussed in EAW Items 14 and 19 and in ¶54f below.
State-listed species: The EAW lists 21 state-listed species that may occur within the project area. A more detailed review by the DNR Natural Heritage Review staff determined that of the 21 species listed in the EAW, four had the potential to be impacted by the proposed project: wood turtles (state-listed as threatened), smoky shrew (state-listed as threatened), floating marsh marigold (state-listed as endangered) and New England sedge (state-listed as endangered) (EAW Attachment D). Mitigation requirements were provided within the letter along with the potential need for surveys for the two plant species.

Birds: Numerous bird species utilize the area surrounding the proposed project. Since the movement of ATVs is intermittent and sporadic, it is expected that each bird species would become acclimated to the

noise and movement from ATVs within the area. It is unlikely that that the proposed project would have impacts on nesting habits and reproduction. Some birds may move away from the trail during foraging during active use of the trail by ATVs, however, any impacts to foraging habits would not be significant to the populations.

Moose: The moose is state-listed as special concern. The proposed project lies within the western edge of the state's moose range. Moose may be present within all areas of the proposed project, however, an area of particular note is the trail section between Babbitt to Hoyt Lakes, where a small population is known to occur. Noise from ATV use may be disruptive to moose, however, it is expected that moose would move away from the trail and noise. Trail segments that are existing routes currently open to ATV use will have less impact on moose in the area, due to similar noises already being present within the area. Trails that are existing route proposed new use (snowmobile trails and ski trails) will initially have a greater impact since the seasonal ATV noise would be new in the area, however, for routes on snowmobile trails, ATV noise could be similar to noise from snowmobiles, in which case moose may be adapted to the noise near these trails. For trails that would require improvements, this could remove some moose habitat, though the amount of habitat removed would not be significant given the large amount of habitat available to moose in the area. Any impacts to moose in the project area would not be significant to the population as a whole. Impacts from noise would be temporary, as the animal would acclimate to the noise, or move away from the trail areas with noise.

Black bear: Black bear may be present within all areas of the proposed project, however, an area of particular note is the area surrounding the Bear Run trail segment, which is known to have an elevated local bear population as compared to other areas within the surrounding area. Impacts to black bear from the proposed project would be expected to be similar to moose described above. However, bears used to human environments and interactions may not be impacted by the project at all. Black bear hunting could increase along ATV trails, however, hunting is already popular in the area. Impacts to black bear are not expected to be significant to the population as a whole.

Gray wolf: Gray wolf is federally-listed as threatened and is discussed in EAW item 14. Gray wolves are known to move through the project area, however it is unknown how many wolves have territories within the project area, as territories change over time and territories are not being actively studied. Wolves may be affected by noise from the proposed project as they move through the area and would be expected to be similar to that of moose described above. It is not expected that any habitat impacts as a result of the project would impact wolves significantly. It is anticipated that impacts to the gray wolf would not be significant and would not impact the population as a whole.

Canada lynx: The Canada lynx is state-listed as special concern and federally listed as threatened and is discussed in EAW item 14. The proposed project lies within mapped critical habitat for the Canada lynx and individuals of this species may be present within the project area. Encounters with lynx often occur during the winter or along roads. Anecdotally, lynx do not seem bothered by noise from snowmobiles and will often sit and watch them pass by. It is unknown if they would have the same reaction to ATVs during full leaf out, where they may be able to hear, but not be able to see them from far distances. It is

anticipated that impacts to Canada lynx would not be significant and would not impact the population as a whole.

Northern long-eared bat: The Northern long-eared bat is state-listed as special concern and federally listed as endangered and is discussed in EAW Item 14. As stated in the EAW, roost trees have been reported in Morse Township and hibernacula are present in Breitung Township. The DNR Lake States Forest Management Habitat Conservation Plan (HCP) covered activities includes road and trail construction on DNR managed lands. There are no project activities within 150 feet of known maternity roost trees. According to the HCP and U.S. Fish and Wildlife (USFWS) guidelines, studies to identify new roost trees are not required. The Your Boat Club Spur lies within an area that is 2.5 miles from a hibernaculum and would occur on DNR land, thus restrictions in the HCP would apply. In accordance with the HCP, no large diameter tree (greater than 9 inches, at diameter breast height) removal can occur from July 1 – July 31 on DNR managed lands. Due to the proximity to the hibernaculum, additional tree clearing restrictions on DNR managed lands include no tree removal in the fall (August 16 – October 15) or spring (April 15 – May 14). For other project areas that are outside of the HCP (non-DNR managed lands) to avoid impact, tree removal would be avoided during pup rearing season, June 1st through August 15th. Consultation with the USFWS would occur as needed in relation to any Federal actions for the project.

Wood turtle: The wood turtle is state-listed as threatened and is discussed in EAW item 14. Wood turtles are known to use small to medium sized fast-moving watercourses and will often occupy wetlands within .25 miles of a watercourse. Suitable habitat is present within the project area, however, population of this species are not known to be present. Impacts to wood turtle populations are not expected to be significant, and would not impact the population as a whole. Potential impacts and mitigation measures are discussed in the EAW.

34. **Invasive species:** Three commenters expressed concern that the project would spread invasive species. One commenter noted locations of spotted knapweed on the current trail; another commenter asked who would monitor the trails and if wash stations would be added.

Response: Invasive species impacts are discussed in several places throughout the EAW, including in Items 14 and 21. The comment regarding the location of spotted knapweed will be shared with the proposer. As discussed in the EAW, Trail Ambassadors would monitor for invasive species and ATV club members will remove invasive species or will hire contractors to do so. Trail riders are encouraged to clean ATVs to prevent the spread of invasive species and the proposer is evaluating locations for boot brush/cleaning stations.

35. **Dust:** Several commenters expressed general concern related to dust. One commenter stated that dust resulting from ATV traffic is not discussed and asked about dust mitigation. Another commenter mentions that dust and dust control materials such as chloride will end up in wetlands.

Response: Potential dust impacts are addressed in EAW Items 17 and 21 of the EAW. Dust resulting from ATV traffic is discussed. ATVs may create dust. Amount of dust created would depend primarily on

types and numbers of vehicles, operating speeds, time of day, and trail moisture conditions. The proposer states that construction requirements for dust abatement would be met. Post construction, mitigation may include wetting the trail during dry periods, the proposer would arrange for dust abatement as needed. The concern for chloride being included in dust abatement materials will be shared with the proposer and permitting and funding authorities for consideration during decision making and drafting of permitting conditions.

36. Greenhouse gas (GHG): Two commenters expressed concern over climate change and the use of fossil fuels for recreation. Other commenters stated that the information in the EAW was insufficient and that GHG emissions should have been calculated more broadly on a state-wide basis and should reflect the states goals to reduce emissions. Another commenter stated that the lifetime GHG was not calculated.

Response: Climate trends in the location of the project and how the proposed projects activities would interact with climate trends are discussed in EAW Item 7. Estimated greenhouse gas emissions from the proposed project are discussed in EAW Item 18. The EAW considered emissions sources that are within the scope of the proposed project; calculating emissions on a state-wide basis would be out of scope for this EAW. It is likely that many users will drive to the trails with trucks and trailers, however, it is impossible to know how long users will drive, and there is no reliable data to use to gather this information for inclusion in the assessment. Therefore, construction vehicles and ATV use was included in the GHG assessment as this is something where data was available. The proposer encourages trail stewardship, including the maintenance of vehicles to maintain emission standards.

Using an estimated 25-year project life, estimates from project construction and trail use equate to approximately 5,400 metric tons of GHG emissions for the lifetime of the project, which is negligible in relation to the state of Minnesota’s 2020 emissions and the Next Generation Act goals.

The Next Generation Energy Act provides goals for the state to reduce greenhouse gas emissions in the state by 80% between 2005 and 2050. According to the 2023 biennial greenhouse gas emissions reduction report, between 2005 – 2020, there was a 23% decline in GHG across economic sectors analyzed: transportation, agriculture, forestry and land use, electricity generation, industrial, commercial, residential, and waster. While transportation is one sector analyzed, this sector includes on-road vehicles, and ATV recreation is not included within the analysis for this or any other sector. Motorized recreation such as ATVing, boating, and jet-skiing is not specifically addressed by any of the economic sectors within the Next Generation Energy Act. However, if it is assumed that ATV recreation grows, then impacts from the recreation would produce more GHG over time, unless electric vehicles for trailering and electric ATVs become a substantial portion of use. In order to address the impacts that motorized recreation have on GHG within the state, the State of Minnesota will need to consider private recreation impacts within their planning goal setting, and not just consider the economic sectors listed above.

37. Noise: Many commenters expressed concern over the impacts of noise from the proposed project and included concern with an increase in noise from additional ATVs that could disrupt peace and quiet for

citizens living in the area and interfere with their right to quietude and reference Minnesota Statutes 116B. Other commenters stated that the EAW underestimated the noise impacts that would occur, while another commenter acknowledged that noise is subjective, but could be considered obnoxious to residents who have chosen to live in a quiet area; at least two commenters asked that a noise study be conducted. Other commenters questioned the usefulness of discussing noise out to .25 miles, when many residents impacted would be much closer, often within a few hundred feet. Another commenter said that noise impacts should have been considered beyond .25 miles. Other commenters expressed concern that noise could impact wildlife.

Response: Relevant and publicly available information on potential noise impacts are adequately discussed in EAW Item 19. Potential frequency, seasonality, and ridership is described, and the most sensitive receptors of noise are identified at .25 mile from the source. The DNR agrees that determining noise is highly variable and complex. The proposed project has the potential to create noise, including aggregate noise. The noise is anticipated to be intermittent. The mention of impacts at .25 miles does not imply that noise would be limited to (or extend to) such distance. Additionally, sound attenuates over distance. Considering noise (even aggregate) is anticipated to be intermittent throughout the day (rather than steady), and will attenuate over distance, it is not expected that the proposed project noise would exceed state noise standards.

EAWs are not a decision-making document. They do not approve or disapprove a project. EAWs are an informational document intended to provide decision-makers relevant information for consideration in subsequent permitting and local decision-making approval processes. Known permitting, regulatory and decision-makers for the project are listed in EAW Item 9, and in ¶155, below. These entities should consider all applicable state and local laws for which they are authorized when making decisions, including, if applicable, Minnesota Statutes 116B. Determining a project's ability to comply with state or local laws is outside the scope of an EAW and is, instead, determined by the appropriate regulatory authority.

EAW Items 19 and 21 discuss noise impacts to citizens and wildlife. Noise is also discussed above in ¶126 and ¶133 and below in ¶154i. According to the MPCA Noise and Odor website, *“Minnesota’s noise limits are set by the type of area and land use (residential, commercial, industrial, etc.), decibel levels, and duration. Noise becomes a health concern when there is long-term exposure to increased ambient noise levels. Intermittent noises such as horns, garbage trucks, sirens, and back-up beeps rarely violate the state’s noise standard because they don’t last long enough. Cities or counties often have nuisance ordinances that can be used to address noise concerns.”* The proposer estimates that 3,600 machines will use the entire system each year. Increased noise from these machines is expected to be intermittent. DNR OHV Regulations dictate that noise emission from ATVs may not exceed 99 decibels at a distance of 20 inches and mufflers may not be altered to increase motor noise. Conservation officers, deputy sheriffs, police officers, and state troopers enforce non-compliance with off-highway vehicle use. As stated in the MPCA Noise and Odor website, cities and counties have nuisance ordinances that can be used to address noise concerns.

38. Traffic: Several commenters expressed general concern for traffic and safety (see ¶15 above); two commenters stated that the traffic estimates were underestimated, one commenter asked for a traffic study, and another commenter asked how much traffic is expected on each route.

Response: Traffic was discussed in EAW Item 20. The EAW used a previous estimate of up to 600 ATVs per month, or 3,600 ATVs for the entire Prospector Loop system. Based on coordination with the USFS staff on previous use estimates, it seems likely that ATV use within the project area has increased within the last several years. Specific usage data is not captured by the proposer and is not available.

Regarding vehicle traffic, according to MnDOT's Access Management Manual, Chapter 5, development proposals that are estimated to generate fewer than 250 peak-hour vehicle trips or 2,500 new daily trips generally would not warrant completion of a traffic impact study, unless there are unusual circumstances. A vehicle traffic study would be out of scope for the requirements of the EAW.

39. Cumulative potential effects (CPE): A few commenters expressed concern about the cumulative impact of the proposed project and its impacts on greenhouse gas emissions (GHG) and asserted that the EAW did not assess a large enough geographic scope concerning cumulative potential effects related to GHG. Other commenters stated that cumulative effects from the motorized recreation sector should be discussed.

Response: The EAW evaluated the potential for CPE in EAW Item 19, which assesses the cumulative impact between the proposed project and other projects in the area, consistent with the definition of CPE found in Minnesota Rules 4410.0200, Subp 11a. Future proposed trail segments would be evaluated to determine any further CPE.

40. Existing use/Balsam Lane: Several commenters provided comments on the current condition of Balsam Lane and stated that the category "existing route, open to ATV use" was not accurate. Commenters stated that Balsam Lane is maintained by the residents and that it is an easement, not a township or county road.

Response: Comments regarding Balsam Lane easements were shared with the proposer. The proposer has since revised the proposed route to avoid portions of the easement. This information will be shared with permitting and funding authorities for consideration in decision making. The proposed realignment is shown in Attachment B. The proposer has indicated that, except for the realignment, no other improvements are necessary on this segment. In the realignment area, there are no mapped wetlands, streams, or known rare species. It is not located in a mapped site of biodiversity significance, designated old growth, nor a mapped native plant community. Ground disturbance would be roughly 4,000 square feet, and individual tree removals may be necessary. Potential environmental effects on other resources are unchanged from those reviewed in the published EAW under Route Category 2.

41. Hunting: One commenter asked how road hunting from ATV operators would be addressed.

Response: With the exception of permits for people with permanent disabilities, people are not permitted to hunt off of an ATV. Using trail segments to access lawful hunting on public or private lands would be allowed. See also ¶15 regarding law enforcement.

42. Lake Vermillion Trail: The Friends of the Lake Vermillion Trail submitted information regarding the Lake Vermillion Trail, which is a non-motorized trail planned that will connect Tower and Cook. The Lake Vermillion Trail will also have a trail segment near the Y-Store intersection of which field work has begun. The comment letter states that they do not anticipate controversy due to the Lake Vermillion Trail and the Prospectors Loop Trail both having connections near the Y Store and that there appears to be adequate distance between the two routes to accommodate both trails. However, they would like to be informed as early as possible of any proposed changes to the Prospectors Trail route within this area.

Response: Comment noted. This comment will be shared with the proposer to ensure proper planning can occur. Based upon current proposed alignments these trails will be separated and leave from different parts of the Y Store parking lot. Prospector trails will have the Prospectors Logo to identify the trail along with the State Grant-in-aid approved sign colors and user symbols. We understand that the Lake Vermillion Trail will be paved, and the Prospector trail will be natural surface, which should also help distinguish the two.

43. Monitoring: Two commenters asked who will monitor traffic, resource impacts, and rules, and suggests that DNR staff should monitor and assess for impacts. Another commenter asks how often monitoring would be done.

Response: The proposer has stated it is their intent for the trails to be incorporated into the Grant-in-Aid (GIA) program which would make them eligible for monitoring through the Trail Ambassador Program. Trail Ambassadors are trained in identifying trail issues and invasive species and report on those conditions back to the local DNR Parks and Trails Area Office to address them. Additionally, as part of the GIA program, DNR Parks and Trails staff would monitor the trails annually. A multiple-pronged approach ensures as much of the trail is monitored as possible. This is important for longer trail systems, as none of the methods have enough resources alone. Trail Ambassadors apply for trails at the beginning of the season. These requests are reviewed by DNR staff to ensure adequate coverage on all OHV trails.

44. Regulations and oversight: Several commenters asked about regulatory oversight for the proposed project or who writes the rules and regulations for trails. Another commenter has specific questions regarding St. Louis County ordinances regarding the use of County Roads for ATV trails. One commenter suggested that one entity should be held accountable for trail maintenance.

Response: The proposed project is subject to regulatory oversight by various state, federal and/or local governments, which were listed in EAW 9 and in ¶55 below. ¶54a-j also discusses permitting regulations based on each environmental effect. Specific questions regarding regulatory oversight should be

directed to each individual regulatory authority noted in ¶55 below. Identifying a sole entity responsible for trail maintenance is not part of the EAW process.

45. Alternative routes and project design: Several commenters suggested alternative routes for the proposed project, or asked why other specific routes were not chosen. Other commenters stated that alternatives should have been considered and discussed in the EAW. Other comments refer to the EAW stating that “alternative alignments were considered...” and ask for this information. One commenter suggested that to minimize impacts to sensitive areas the proposed routes should be shortened and focus on the segments that link connection to Phase 1 of the system.

Response: Minnesota Rules 4410.1200 to 4410.1700 do not require the proposer to address alternative routes in an EAW; early alternatives considered by the Proposer but no longer a part of the project proposal have not been shared with the RGU. The proposer has been notified of the public comments regarding the suggested alternatives and has been informed that if re-routing of any trail segment occurs, the proposed change(s) would require review by the RGU to determine if any additional environmental review is needed. See Minn. Rule 4410.1000 Subp. 5. Project designs are developed by the proposer, not the RGU, and reviewing alternative project designs are not part of the EAW process. The proposed routes would be reviewed during the permitting process.

46. Gold Mine Road easement: One commenter expressed concern that the proposed trail would give public access to his neighbor’s purchased easement. Commenter also expresses concern that the trail would be a nuisance between his and neighboring properties and expresses safety concerns due to a blind corner that is present.

Response: Comments regarding the neighbor’s easement will be shared with the proposer and permitting and funding authorities for consideration during decision making. If a modification to the described route is needed, the proposed change(s) would require review by the RGU to determine if any additional environmental review is needed. See Minn. Rule 4410.1000 Subp. 5. Public safety concerns are outside the scope of this EAW but would be considered as part of design and permitting processes. All safety concerns shared during the EAW comment period will be shared with the proposer and permitting and funding authorities.

47. Communications: One commenter suggests that all landowners affected by the Connect 4 project be contacted directly. Another commenter expressed concern for how trails are being planned and how opinions of local residents are ignored.

Response: Trail planning by a proposer and their conversations and meetings with local governments and residents are beyond the scope of the EAW process. The EAW development and distribution process completed by the DNR follows the process outlined in Minnesota Rules (Minn. R.) 4410.1400 -1500 and included publication in the EQB monitor, publication on the DNR’s designated website, and distribution of a press release to news outlets. Questions/comments regarding the distribution process, or

suggestions for modifications to this Rule should be sent to the Environmental Quality Board 651-757-2873 or Env.Review@state.mn.us.

48. Seasonal closures: One commenter asked if the trail would be closed in the winter and asks if the trail will be gated to prevent winter use from snowmobiles. Other commenters states there should be plans for closures due to weather or other events.

Response: ATV use would be restricted to the spring, summer and fall months. Any use of gates would be dependent on approval by the land use authority. Installation of gates in specific locations will be considered to restrict access during sensitive environmental periods such as in spring or particularly wet periods, on old logging roads, burned over areas, other easily accessible forest sites, and areas adjacent to but not approved for ATV use. Trail closures would be related to operational details that are developed during the permitting process and are not required for discussion in the EAW.

49. Cover types: One commenter questioned how wooded/forest land cover is not considered to change, when tree removal is proposed for a 26 foot corridor.

Response: Temporary impacts are expected during clearing/brushing activities for Route Category 3 trails. The Route Category 3 trails in a 26-foot review corridor constitute 52.7 acres of the overall woods/forest land cover classification. For route categories 1 and 2, cleared corridors are already present and only minor/individual removals would be needed. Tree removal will occur that may result in a temporary loss of canopy over the trail in the 52.7 acres of Route Category 3; however, this will not constitute a permanent loss of acreage of woods/forest cover because the canopy will redevelop over the trail and no impediments to canopy development over the trail are proposed.

50. EAW content: One commenter stated that the environmental setting for the proposed project was not sufficiently described and stated that the EAW should be revised to cite EAW requirements and collaboration with other agencies.

Response: The environmental setting for the proposed project is described throughout the EAW in items 6b, 8, 10a, 11a, 12a, and 15a. Based on EAW process, EAWs are not revised. There is not a requirement in the EAW process that requires that RGUs coordinate with other agencies during EAW development. Coordination with other agencies during this EAW process took place during the public review period.

51. Emissions: One commenter expressed concern for pollution.

Response: The topic of emissions was addressed in EAW Items 17 and 21.

52. Mis-labeled figure: One commenter states that there is an error in the label on Figure 3-4, it is mislabeled as Breitung, but should be Eagles Nest Township. Another commenter stated that Figure 4 mislabeled the Pike River as the Vermillion River.

Response: Comment noted. These map errors appear to be errors in the GIS layers, and not an error made by the mapmaker.

53. Record of Decision Preparation On May 22, 2023, DNR requested a 15-day extension for making a decision on the need for an EIS for the proposed project. On May 25, 2023, EQB granted the extension. See Minn. R. 4410.1700, subp. 2b. Due to the need to gather additional information regarding a phased and connected action related to the proposed project, an additional 45 day extension was agreed upon between DNR and the proposer. See Minn. R 4410.1700 Subpart 2a. The notice regarding this extension was submitted to the EQB on June 15, 2023, and to all other interested parties on June 16, 2023. On June 27th, it came to the attention of the DNR that 14 comment letters that had been submitted via email had been blocked by department firewalls and were not received. To allow time to contact the senders of these emails and for these emails to be resent and reviewed, the DNR and the proposer agreed to an additional extension of 10 business days. The notice regarding this extension was submitted to all interested parties on August 4, 2023. Thirteen of the comment letters were resubmitted, one email comment was not received after several attempts to contact the commenter and request resubmittal.

Environmental Effects

54. Based upon the information contained in the EAW and received as public comments, the DNR has identified the following potential environmental effects associated with the project:

- a) Project construction
- b) Land use
- c) Geology/soils
- d) Water resources (surface water and water quality)
- e) Contamination/Hazardous materials/Wastes
- f) Wildlife resources and habitat
- g) Air (emissions and dust)
- h) Greenhouse gas emissions
- i) Noise
- j) Transportation
- k) Cumulative potential effects

Each of these environmental effects is discussed in more detail below. In addition, for the phased action, topic items that are discussed in the EAW that may have resulted in additional environmental effects compared to those analyzed in the EAW are discussed below.

a. Project construction:

This topic was addressed in EAW Items 6, 11, 12, 13, 14, 17, 18, 19, 20, and 21.

Proposed trail types that would require physical manipulation are those categorized as Route Category 2 (existing route, proposed new ATV use) and Route Category 3 (Proposed route, new construction proposed for ATV use). For Route Category 2, the proposed construction includes fill/hardening, culverts, boardwalks, and/or bridges for sustainable trail surface at wetland and water crossings. Because these are existing routes, clearing of woody vegetation would generally be minor where needed. Where construction is needed, the build area is expected to be a 26-foot wide corridor.

Since Route Category 3 is new construction, a more intensive need of clearing of vegetation is needed.

Project-related construction activities are considered temporary and would be limited to the project site. The proposed project is subject to the regulatory authority of permits discussed in ¶155 below. In order to minimize erosion, the proposer has committed to employ trail development standards that follow the sustainable natural surface trail design practices, as described in Trail Planning, Design, and Development Guidelines (DNR, 2007).

Phased actions: Construction that occurred for the temporary route included brush clearing for approximately 0.25 miles in a ten-foot wide corridor on Old Highway 1 between County Roads 128 and 599. Gravel fill was also placed for access at County Road 128. Tax parcels for which the route overlaps are shown in Attachment C.

b. Land use

This topic was discussed in EAW Item 10 and in ¶23 and ¶24 above.

Land use within and surrounding the project site consists primarily of undeveloped natural areas managed for silviculture and/or used for recreation. Land ownership is a mix of county road ROW, county, state, and federally managed lands. Privately owned parcels also exist along the route. Residential areas are present in some locations where the routes use county and township roads. An urban residential area in the City of Hoyt Lakes is near the west terminus of the Babbitt to Hoyt Lakes segment. The proposed project is located on existing routes, open to ATV use (on road); existing routes, proposed new ATV use (improvements needed) on roads or trails; and proposed routes (new construction proposed for new ATV use) (off road). The proposed project area and proposed action fall within the purview of a number of plans and planning efforts that include discussions on increasing recreation (including motorized recreation) within the area. These plans include the St. Louis County's Comprehensive Land Use Plan (2019); the DNR Forestry Administered Lands in Northern St. Louis County (2008); the Sturgeon River State Forest (2008); the David Dill/Taconite State Trail Master Plan (2017) and the Superior National Forest Land and Resource Management Plan (2004).

Phased actions: Land use in the vicinity of the temporary trail includes undeveloped natural areas managed for silviculture and/or used for recreation. Lakeshore residential areas occur along County Roads 128 and 599 in Eagle's Nest Township. Parcel location information is included in Attachment C.

c. Geology/soils

This topic was addressed in EAW Items 6, 11, 12, 14, and 21.

Soils present within the project area have been assessed for their erodibility. Soil types vary within the project area and in some areas, soil information is not available. Soil types with both higher and lower erodibility occur within locations of all proposed trail segments.

For proposed trails in Route Category 1 (existing routes currently open to ATV use) no change or potential impacts are anticipated to soils and topography. Trails in Route Category 2 would need physical improvements. Proposed trail without an existing road or trail corridor in Route Category 3 would require ground disturbance for improvements. Trail design will follow the DNR Trail Planning, Design, and Development Guidelines manual.

The proposed trails requiring improvements or new construction would be designed to minimize runoff. Potential construction-related impacts are subject to control under the Stormwater Pollution Prevention Plan (SWPPP) as required under the NPDES/SDS Construction Stormwater Permit. BMPs would include erosion control blankets on steep slopes, bio-roll/filter logs to capture mobilized sediment, and/or rock construction entrances. Permanent BMPs would be incorporated into the trail design to minimize erosion of the trail during routine operational activities (postconstruction) per the Trail Planning, Design and Development Guidelines manual.

Phased actions: Soils present in the vicinity of the temporary trail are similar to those described in the EAW.

d. Water resources (surface water and water quality)

This topic was addressed in EAW Item 12.

The proposed project is in an area with many nearby rivers, streams, lakes (including wild rice lakes), and wetlands. Construction is proposed near the outlets for Grassy Lake and Low Lake, both wild rice lakes. One designated trout stream, the West Two River, intersects the proposed project. The project has the potential to impact approximately six acres of wetlands.

Areas surrounding the project are largely forested, and while natural vegetation should help slow runoff, additional ATV use on new and existing routes have the potential to increase sediment mobilization and erosion on natural surface trails. Construction activities for Route Categories 2 and 3 also have the potential to cause erosion and sedimentation to downstream water resources. Construction impacts would be temporary, however, impacts from trail use could be considered short to long term. Monitoring and maintenance of natural surface trails would be necessary to prevent erosion that could contribute to adverse effects on water quality long term.

Measures have been identified to minimize impacts to surface waters and to minimize erosion potential and downstream sedimentation to the extent practicable. These include evaluating seasonal restrictions for construction to avoid disturbance to wild rice outlets at Grassy Lake and Low Lake during the spring wild rice growing season. Wetland disturbance would be minimized by crossing wetlands with boardwalks where practicable and using the narrowest trail footprint that would accommodate all allowed vehicles on each segment. Wetland impacts and mitigation are subject to the authority of local, state, and federal permits as discussed in ¶55 below. In-water BMPs such as floating silt curtain, construction during no flows/low flows, or winter conditions, would be employed as required during permitting. Land-based BMPs would also be employed to reduce sedimentation, and construction and maintenance BMP guidelines would also be followed.

Potential water quality impacts would be subject to ongoing public regulatory authority discussed in ¶155 below.

Phased actions: Water resources within the area of the temporary route are similar to those described in the EAW. No additional surface waters or wetlands are crossed by the temporary route.

Impaired waters within one mile of the temporary route that were not mentioned in the EAW are:

- Armstrong Lake (69-0278-00), Mercury in fish tissue;
- Eagle's Nest Lake #3 (69-0285-03), Mercury in fish tissue;
- Eagle's Nest Lake #4 (69-0218-00), Mercury in fish tissue;

No ground disturbance was conducted that required construction stormwater permitting or treatment (work was gravel placement and brushing). The route is on paved or gravel improved grade; no natural surface trail on this segment.

e. Contamination/Hazardous materials/Wastes:

This topic was addressed in EAW Item 12.

For trail segments that would require improvements/construction, some hazardous materials (such as fuel and lubricants for machinery) would be used. These materials would be used during active construction only, and the contractor would be required to follow the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. Incidental release of hazardous liquid from leaks or spills is not anticipated, however minor leaks or spills could occur. Refueling would be conducted away from surface waters and equipment would be regularly inspected by the contractor and repaired to prevent inadvertent loss of fuels, oils, or other hazardous fluids. Any spills will be reported to MPCA and the State Duty Officer by the contractor or lead engineer. All hazardous materials will be removed from the project site upon completion of construction.

During operation (i.e., ATV riding), the project could introduce small quantities of fuel and other materials such as hydraulic oils into the environment. The release of such material is anticipated to be negligible in quantity. To minimize fuel leaks, the proposer encourages trail stewardship which includes maintaining vehicles to avoid leaks.

The proposed project is not expected to generate significant amounts of solid waste during construction for those trail segments that would require improvements/construction. Solid waste generated during construction would be limited and would consist primarily of items like construction material packaging. The contractor would be responsible for removing any construction-generated wastes to appropriate off-site facilities for disposal.

There is potential during operation of the trail (i.e., ATV riding) that solid waste (trash) could be left behind by trail users. According to the proposer, they work to promote trail stewardship, including discouraging littering. Once the proposed project is complete, it would be maintained and managed by the Prospectors Alliance through the Minnesota Trail Assistance program (Grant-in-Aid program),

which allows the use of Trail Ambassadors to help monitor for trail etiquette. Trail Ambassadors would help monitor and maintain trails and manage trash.

Phased actions: Contamination, hazardous materials, and solid wastes present are similar to those described in the EAW.

f. Wildlife resources and habitat

This topic was addressed in EAW Item 14 and in ¶133 above.

The proposed project is located within the Laurentian Mixed Forest (LMF) ecological province, with conifer forest, mixed conifer-hardwood forest, and conifer-dominated wetlands. The project is nearby many MBS) sites of high biodiversity significance. Short lengths of the routes proposed for improvement cross some of these sites. Measures to prevent impacts to sites of high biodiversity significance sites are described in the EAW and include signage to encourage riders to stay on mapped trails. The trail would be signed adequately to inform users of the designated routes and trail rules/requirements. Installation of gates in specific locations would be considered to restrict access during sensitive environmental periods such as in spring or particularly wet periods, on old logging roads, burned over areas, other easily accessible forest sites, and areas adjacent to but not approved for ATV use. These efforts would also help prevent the spread of invasive species. Additional efforts to prevent invasive species spread include use the PlayCleanGo program, including cleaning machines prior to using the trail system. The Minnesota GIA program would allow the use of Trail Ambassadors to help manage invasive species and monitor for trail etiquette and safety. Measures to prevent the spread of invasive species during construction include working in non-infested areas first before moving to infested areas; thoroughly cleaning equipment after working in infested areas; and revegetating disturbed areas as soon as possible after construction is completed. Wood chips or other mediums which allow invasive plants to easily take root will not be used for the trail system. Where infestations are identified, control methods would be applied to limit the spread and impact of invasive species. Where disturbed land would be stabilized by seeding, native seed mixes would be used. Contractors would be instructed to clean equipment before and after use, and the construction will use clean fill.

The EAW and response to comments above discuss potential impacts to species, including state and federally listed species. Proposed project areas that require improvement and/or new construction could be more vulnerable to wildlife disturbance. Construction and operational activities could alter the quality of wildlife habitats compared to no additional use. Species currently conditioned to the proposed project site would be subject to new types of disturbances caused by the ongoing human activity and noise that would be generated by individual ATVs or collectively when ridden in groups. Adverse environmental effects to wildlife are expected to be minor resulting from the construction and operation of the proposed project. Impacts from noise are expected to be temporary, as the animal would acclimate to the noise, or move away from the trail areas with noise. Impacts to wildlife populations are not expected to be significant and would not result in population level impacts. Measures to avoid protected species and other wildlife include: following northern long-eared bat guidelines as outlined in the HCP and federal guidelines; conducting rare plant surveys and completing avoidance plans, as required by the DNR; utilizing construction BMPs to exclude turtles from

construction areas; using erosion control that does not include plastic mesh to prevent wildlife entanglement; and timing construction activities to avoid wildlife impacts (avoiding tree clearing during the summer months, and avoiding in water work to avoid impacting wood turtles during the nesting season). DNR public waters work permits would include seasonal exclusion dates to protect fish and spawning migration.

Environmental effects due to construction, operation, and maintenance-related impacts are subject to mitigation by ongoing public regulatory authority discussed in ¶155 below. Mitigations required within these permits would further mitigate impacts to habitat and wildlife.

Phased actions: The temporary trail route is located within the same ecological area as the proposed project. Fish and wildlife resources, as well as habitats and vegetation on or near the temporary trail route, are similar to those described in the EAW. In addition to what was described in the EAW, the following information pertains to the area surrounding the temporary trail route. The temporary route lies within the Bearhead Lake site of high biodiversity significance and is partially within the Johnson Wetlands site of Moderate Biodiversity Significance. The temporary route lies within previously existing corridor within the MBS sites. The construction work (placement of gravel for CR 128 access, brushing on old road grade) was outside the boundaries of both MBS sites. The route does not intersect any designated Old Growth nor Future Old Growth Forest stands or DNR native plant communities. A review of the DNR's Minnesota Conservation Explorer, under SEH license #2022-033, identified two special concern plants within one mile of the project area. One occurrence of American shore plantain (*Littorella americana*) was identified. This plant is an aquatic plant primarily found within lakes. One occurrence of Torrey's mannagrass (*Torreyochloa pallida*) was identified. This plant is a perennial grass that is typically found in wetland habitats. No lakes or other surface waters were impacted from the temporary route and no natural trails with potential for erosion are present within the areas of these plants. Impacts to the American shore plantain and Torrey's mannagrass are not expected to have occurred from the temporary route.

g. Air (emissions and dust)

This topic was addressed in EAW Items 17 and 21.

Vehicle emissions: Construction equipment would have emissions during construction periods. Construction emissions are anticipated to be minor and temporary in nature. Once trail construction is complete, ATV operation emissions are expected to rise with increased use due to new ATV travel and associated trailering traffic. These increases are anticipated to be sporadic and intermittent. Air emissions from the proposed project would be restricted to the six months of each year in which the trails are open for ATV use (closed December through March for snowmobile season, all of November for big game hunting, and April during spring break-up).

Dust and odors: The project might create some temporary dust during construction activities. Dust from the construction of new trails or the physical improvement of existing trails is expected during periods of dry weather. Dust would be visually monitored and recorded in conjunction with the NPDES/SDS Construction Stormwater Permit inspections. Appropriate dust control BMPs, such as soil wetting or misting/water vapor, would be implemented by the construction contractor as

necessary. Specific BMPs would be determined based on severity, weather conditions, and site conditions.

Post-construction, as the proposed routes become operational, the estimated 3,600 yearly machines on the trails may create dust. Dust would depend primarily on types and numbers of vehicles, operating speeds, time of day, and trail moisture conditions and are not expected to be significant. The proposer may implement dust mitigations measures, such as wetting the trail during dry periods.

Odors that result from idling or running ATVs may be present where vehicles congregate; these odors would be considered temporary in nature and are not expected to be significant.

Phased actions: Air impacts from the temporary route are similar to those described in the EAW.

h. Greenhouse gas emissions

This topic was addressed in EAW Item 18.

During construction, gas-and diesel-powered equipment would generate greenhouse gas emissions. Construction equipment will generally be on-site. Construction emissions are anticipated to be minor and temporary in nature. Construction is anticipated to last up to six months and include two pieces of equipment operating 12 hours per day. Carbon emissions related to construction are estimated to be 596.5 metric tons.

Post construction, GHG emissions related to ATV travel and associated trailering traffic are anticipated to increase as a result of the proposed project. These increases in emissions are anticipated to be sporadic and intermittent and would be restricted to the months in which the trails are open for ATV use. When completed, the entire Prospectors Loop Trail system is anticipated to attract 100 to 150 machines per week or 400 to 600 per month on loop portions and 25 to 75 machines per week on spurs such as the Bear Run segment. The Prospectors Loop Trail system is open for six months out of the year for ATV use, therefore the approximate annual ATV trail use is estimated at 3,600 machines for the entire trail system. Carbon emissions related to construction is estimated to be 593 metric tons. Carbon emissions related to trail use is estimated to be 192 metric tons of emissions annually, assuming trail remains constant at 3,600 machines per year.

There is not a state or federal threshold for GHG significance for determining GHG impacts from a proposed project. The estimated lifetime GHG for the proposed project (5,400 metric tons) is negligible in relation to the state of Minnesota's 2020 (140 million CO₂e tons) emissions and the Next Generation Act goals. The State of Minnesota does have GHG reduction goals, however, in order to address the impacts that motorized recreation such as ATVs has on GHG emissions within the state, the State of Minnesota will need to consider private recreation impacts within their planning goal setting, and not just consider the economic sectors listed above in ¶135; in addition, individuals will need to make efforts to promote GHG emission reduction through lifestyle choices. Individual choices and actions related to GHG emissions is not a regulated activity.

Phased actions: GHG impacts from the temporary route are similar to those described in the EAW.

i. Noise

This topic was addressed in EAW Items 19 and 21, as well as above in ¶33 and 37 above.

Construction: Construction-related noise would include noise typical of road or trail project construction (such as contractors using skid steers, small excavators, or similar machinery), would be temporary and would occur during daylight hours. Construction would occur in stages as trails and amenities are developed. Environmental effects due to construction, operation, and maintenance-related noise are subject to mitigation by ongoing public regulatory authority under MPCA-administered State Noise Standards.

Post construction: The region surrounding the proposed trail includes lands used for timber management and recreation. Trails are proposed to pass through areas that are more developed, such as the areas near Hoyt Lakes. The trail is also proposed to pass through areas that are more rural in nature, where residents are not used to traffic or ATV noises. In these areas, the impacts from the proposed project may be more noticeable.

For all Route Categories and proposed trails, an increase in ATV use can be expected. This would result in increased noise from ATV use, though some routes may see more increase than others, due to heavier user activity. Noise from ATV use may be less noticeable on routes that are already open to ATV use, or in developed areas near highways and other areas with traffic. A change in use to allow spring/summer/fall ATV use on snowmobile trails would involve new/increased noise during these months for these areas. ATV traffic on trail segments is expected to be short term and intermittent, however, there may be times of heavier use. Some residents may find the noise from ATV use to be disruptive.

DNR OHV Regulations dictate that noise emission from ATVs may not exceed 99 decibels at a distance of 20 inches and mufflers may not be altered to increase motor noise. Law enforcement officers, such as DNR Conservation Officers and local law enforcement, address non-compliance with OHV use.

Phased actions: Noise impacts from the temporary route are similar to those described in the EAW. Construction noise was temporary and short in duration. There is likely some increase in noise due to ongoing use. The table below identifies residences within 250 feet and 0.25 miles. All of the buildings/structures are on parcels located adjacent to an existing road. No sensitive noise receptors (e.g., schools, daycares, or nursing homes) were identified within one mile of the temporary trail route.

Trail Segment	Private landowners (Within .25 miles)	Private parcels (Within .25 miles)	Building/structure present (Within .25 miles)	Owner Homestead (Within .25 miles)	Building/structure present (Within 250 feet)	Owner Homestead (Within 250 feet)
Eagles Nest Township temporary trail ¹	172	239	151	28	76	12

j. Transportation

This topic was discussed in EAW Items 20 and 21.

Public parking is currently provided at a number of trailheads including the Babbitt Softball complex, the Bird Lake Trailhead parking area at Bird Lake, and the Bird Lake Trailhead parking area east of Hoyt Lakes. One new parking area is proposed to accommodate about six vehicles and trailers, to be accessed from TH 169 on the Bear Run segment. The proposer has an access permit from MnDOT for this parking area. Additional available parking areas are provided by local businesses offering services such as food, lodging, gas, trailer/vehicle parking, and minor repairs. These services (including parking) are provided and maintained by those businesses.

The proposed project involves an estimated 59.14 miles of trail, including 50.08 miles of existing snowmobile trail, ski trail, and/or roads and 9.06 miles of new trail. Increases in traffic would be expected to occur because of new ATV use and associated vehicles trailering ATVs to the trail system. These increases would be sporadic and intermittent and restricted to seasonal (spring, summer, fall) use in which these segments would be open to ATVs. There is no plan for winter use by ATVs, therefore no conflicts with snowmobile use or groomer operations are anticipated. Seasonal (spring, summer, fall) ATV traffic is anticipated to be similar to current winter snowmobile traffic, where users access trailheads from parking areas. Construction-related traffic is anticipated to be minor and temporary in nature.

For context of likely traffic counts, local trail managers estimate ATV trail usage of the existing Stoney Spur segment of the Prospectors Loop Trail at 80 to 120 machines per month. There is no readily available trail use data for other segments of the Prospectors Loop Trail system. When completed, the entire Prospectors Loop Trail system is anticipated to attract 100 to 150 machines per week or 400 to 600 per month on loop portions and 25 to 75 machines per week on spurs such as the Bear Run segment. The Prospectors Loop Trail system is open for six months out of the year for ATV use (closed December through March for snowmobile season, all of November for big game hunting, and April during spring break-up), therefore the approximate yearly ATV trail use is estimated at 3,600 machines for the entire trail system.

Phased actions: Public parking is not currently provided for the temporary trail. New parking areas were neither proposed nor constructed for the temporary trail. ATV use is sporadic and intermittent, and not anticipated to have impacts on local traffic.

k. Cumulative potential effects

This topic was discussed in EAW Item 21.

Cumulative potential environmental effects are the combined effects of the proposed project and past, present, and reasonably foreseeable future projects for which a basis of expectation has been laid. See Minn. R. 4410.0200, subp. 11a. Reasonably foreseeable future projects that have been identified consist of one roadway project, logging within the Superior National Forest, and maintenance and potential new segments of several ATV clubs. Environmental effects of the proposed project that could interact with the identified projects and have the potential to contribute to cumulative potential effects were identified as: potential for increased traffic, (however impacts on local traffic are not expected), dust, noise, potential impacts to plant communities, spread of invasive species, increased potential for erosion, and potential for water quality issues. With proper monitoring, maintenance, and adherence to permitting conditions, these potential cumulative effects are not expected to be significant.

Phased actions: Cumulative potential effects from the temporary route are similar to those described in the EAW.

55. The following permits and approvals are, or may be needed, for the project:

Unit of Government	Type of Application	Status
Minnesota Pollution Control Agency (MPCA)	National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit	To be obtained
MPCA	Section 401 Water Quality Certification	To be obtained
St. Louis County or LGU	Wetland Conservation Act (WCA) Delineation Approval	Submitted, additional to be obtained
DNR or LGU	WCA Replacement Plan	To be obtained
DNR	Public Waters Work Permit	To be obtained if needed
DNR	Rare Species Takings Permit	To be obtained if needed
DNR	ATV Grant-in-Aid Trail Application	Submitted February 2022 - Pending

Unit of Government	Type of Application	Status
MN Department of Transportation	Right-of-Way Permit	Obtained
U.S. Army Corps of Engineers	Section 404 Clean Water Act Permit	To be obtained
Bois Forte Band of Chippewa	Cultural Resources Review	To be obtained
Bois Forte Band of Chippewa	Tribal Council Approval	To be obtained
Cities and Townships	Zoning or other approvals	To be obtained if needed
Private landowner	Easement or other permission	To be obtained
U.S. Forest Service	Land use permission	To be obtained

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 Findings of Fact above in ¶153, the DNR 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 use
- Geology/soils
- Water resources
- Water resources (surface water and water quality)
- Contamination/Hazardous materials/Wastes
- Wildlife resources and habitat
- Air (emissions and dust)
- Greenhouse gas emissions
- Noise
- Transportation
- Cumulative potential effects

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 result from the addition of effects of the proposed project and reasonably foreseeable future projects to the existing condition. Cumulative potential effects could include project construction and operational activities. Potential cumulative potential effects from the project include: potential for increased traffic, (however impacts on local traffic are not expected), dust, noise, potential impacts to plant communities, spread of invasive species, increased potential for erosion, and potential for water quality issues.

Based on the Findings of Fact above, the DNR concludes that the cumulative potential environmental effects associated with traffic, dust, noise, plant communities, invasive species, erosion, and water quality are not expected to be significant in connection with other contributions. The degree to which the project complies with mitigation measures and maintenance will minimize impacts.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority.* Based on the Findings of Fact set forth in ¶153 above and the information contained in the EAW, DNR concludes that there is sufficient ongoing public regulatory authority and specific measures identified that can be expected to effectively address the following environmental impacts:

- Physical impacts on water resources below the OHWL are subject to regulatory authority by the DNR Public Waters Work Permit,
- Physical impacts on waters of the US are subject to regulatory authority by the U.S. Army Corps of Engineers Section 404 and Section 10 permits.
- Erosion, sedimentation, and water quality from construction-related activity are subject to regulatory authority by the MPCA National Pollution Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater (CSW) Permit and Clean Water Act 401 Water Quality Certification as well as St. Louis County water quality permit.
- Wetland impacts, as regulated by the Wetland Conservation Act (WCA) are subject to regulatory authority by the local government unit identified in WCA, as well as in the 404 and 401 Permits. Environmental effects due to construction, operation and maintenance-related noise are subject to mitigation by ongoing public regulatory authority under the MPCA-administered State Noise Standards. See Minn. R. 7030, as well as DNR noise standards for ATVs.
- Environmental effects due to land use change may be subject to mitigation by ongoing regulatory authority by county or township conditional use permits.
- It is the proposer's responsibility to properly handle and report any releases of hazardous materials to the State Duty Officer.
- The proposer's commitment, including minimizing wetland impacts, limiting tree removal during certain periods to avoid impacts to wildlife, and minimizing canopy loss, provide mitigation for impacts to wildlife resources and habitat from the project. Avoidance Plans for state-listed species, if needed, and measures to control invasive species will provide mitigation for potential impacts.
- Environmental effects due to traffic are subject to ongoing regulatory authority under St. Louis County, local government units, and MnDOT. Impacts to traffic are expected to be negligible.

Permits and Approvals: Prior to initiation of this project, the permits and approvals identified in Finding 54 would be required. When applying the standards and criteria used in the determination of the need for an environmental impact statement, DNR finds that the project is subject to these regulatory authorities to an extent sufficient to mitigate potential environmental effects through measures identified in the EAW and Record of Decision.

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 proposer include the following:

- Wetland Delineation Report

Guidance documents are based on the best available scientific studies that have been tested and approved by regulatory authorities. The proposed project would be designed in accordance with the Trail Planning, Design, and Development Guidelines (DNR, 2007).

6. As set forth in ¶¶11 – 11, the DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an EIS on the proposed Prospectors Loop Trail System Phase 2 (Connect Four) located in St. Louis 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 DNR determines that the proposed Prospectors Loop Trail System Phase 2 (Connect Four) 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 Prospectors Loop Trail System Phase 2 (Connect Four) located in St. Louis 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 15th day of **August 2023**

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**



Jess Richards
Assistant Commissioner