

DEPARTMENT OF NATURAL RESOURCES

Record of Decision

**In the Matter of the Determination of the Need FINDINGS OF FACT, CONCLUSIONS, AND ORDER
for an Environmental Impact Statement for the
Voyageur Country ATV System Phase 2 in St.
Louis and Koochiching Counties, Minnesota**

FINDINGS OF FACT

1. The Voyageur Country All-Terrain Vehicle (ATV) Club (the Club) proposes up to 125 miles of roadway and natural surface trail to be included in the Voyageur Country ATV System (the System) connecting communities in St. Louis and Koochiching Counties. The proposed project includes 39 possible miles of existing route, 78 possible miles of existing route with improvements, and 8 possible miles of new trail. This is the second phase of an ATV trail expansion project; the first phase underwent environmental review in 2021, proposed adding 387 miles of roadway and natural surface trail to the ATV network, and is partially completed.
2. The proposed project requires preparation of an EAW for constructing a trail at least 25 miles long on forested or other naturally vegetated land for recreational use. *See* Minn. R. 4410.4300, Subp. 37.
3. The Minnesota Department of Natural Resources (DNR) is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the Voyageur Country ATV System Phase 2 (the Project). *See* Minn. R. 4410.0500, Subp. 1.
4. The DNR prepared an EAW for the project. *See* Minn. R. 4410.1400.
5. The DNR filed the EAW with the Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the EQB *Monitor* on November 26, 2024. A copy of the EAW was sent to all persons on the EQB Distribution List. The EAW was also sent 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. Copies of the EAW were also available for public review and inspection at the Arrowhead Regional Development Commission, the DNR Northeast Regional Office, and the DNR, Hennepin County, Duluth Public and International Falls Public libraries. The EAW was also made available to the public by posting on the DNR's website. *See* Minn. R. 4410.1500.
6. The 30-day EAW public review and comment period began November 26, 2024 and ended December 26, 2024. Written comments on the EAW could be submitted to the DNR by U.S. mail or by email. *See* Minn. R. 4410.1600.

Public Comment Period

7. During the 30-day EAW public review and comment period, the DNR received 34 written comment letters on the EAW, containing 93 comments in total. A list of the individuals and agencies, along with a summary of their comment(s), is as follows:

- 1) 67Polaris
- 2) ATV MN
- 3) Barbara Levie
- 4) Brian Eggert
- 5) Cindy Johnson
- 6) Dawnette Davis
- 7) Desiree Arnold
- 8) Don Pietrick
- 9) Dottie Dolezal
- 10) Gretchen Janssen
- 11) Gretchen Mehmel
- 12) International Falls Convention Center
- 13) Jennifer Johnson
- 14) John McComb
- 15) Josh Briese
- 16) Julie Miedtke
- 17) Karanina Scheel
- 18) Karie Churilla
- 19) Ken Irish
- 20) Koochiching County
- 21) Linda Gannister
- 22) Minnesota Pollution Control Agency (MPCA)
- 23) MN Chapter-Wildlife Society
- 24) MN Department of Transportation (MNDOT)
- 25) MN Public Lands
- 26) Peter Moe
- 27) Rapids Riders ATV Club
- 28) Ren Graham
- 29) Ronald Stadt
- 30) Sierra Club
- 31) Susan Perrin Schubert
- 32) Thomas Moore
- 33) Wade and Colleen Hartley
- 34) Willis Mattison

The DNR appreciates all comments received. All persons that commented in writing will be provided with this Record of Decision. See Minn. R. 4410.1700, Subp.5. Comments will be provided to the proposer and permitting authorities through this Record of Decision.

Response to Comments

8. 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 comments 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. Comment letters are available upon request.
9. Several commenters stated that the proposed project is a DNR-led project. As noted in EAW Item 2, the proposer of the project is The Voyageur Country ATV Club, a private organization. As stated in ¶13 above, the DNR acted as RGU of the proposed project.
10. Responses to all substantive comments are summarized below in ¶¶18 to 41. Each submittal was given an identification number. See Attachment A. Many submittals contained more than one comment. In those cases, each comment was assigned a unique comment identification number (comment ID). Similar comments were grouped together, each group was analyzed, and a single response to all comments was developed for the category. See Minn. R. 4410.1700, Subp. 4.
11. Many commenters provided non-substantive comments in support of, or in opposition to, the proposed project, personal opinion on the proposed Project, and general concerns on topics that were fully addressed in the EAW. These comments did not address the accuracy or completeness of the material contained in the EAW or environmental impacts and therefore 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.
12. Need for project: Several commenters asserted that this is a discretionary project and questioned the need for it given the mileage of trails already available for motorized recreational activity as well as its ongoing generation of greenhouse gases (GHG). Some commenters further noted that nonmotorized recreational trail use is impacted negatively when motorized trail networks expand.

Response: Comment noted. Since this is private project, Purpose and Need are not required elements of this document. DNR Division of Parks and Trails (PAT) implements state recreational trail use priorities and strategy, and the United States Forest Service (USFS) and the local counties set policies for the public lands under their jurisdiction. Concerns regarding motorized recreational use on these public lands can be directed to these governmental units to provide feedback to them on the courses of their policies.

13. Additional Permits Required: Two commenters noted needs for two additional permits. One commenter noted that the permits and approvals table should be updated to indicate that the MNDOT ROW Permit is 'to be obtained', since there is one proposed segment using MNDOT ROW that is without an alternate (Littlefork bridge segment). A second commenter noted that permits should also be obtained from Koochiching County, since planned routes cross county managed lands and would therefore need to be approved by the board of commissioners.

Response: Comment noted. An updated table reflecting these comments is included below. The project proposer has been notified of these additional requirements.

14. ATV Trail Expansion in MNDOT Rights of Way (ROWs): One commenter noted that, where routes are proposed in a MNDOT ROW, the following criteria must be met:

- Any trail located within the trunk highway ROW should be located as close to the ROW line as possible. At a minimum it should be located on the backslope beyond the ditch section.
- Screening may be required for some or all of the trail within the ROW. The trail will be a two-way trail that can be used at night, and screening addresses headlight glare and alleviates driver confusion with oncoming headlights on the wrong side of the road.
- When there are water crossings within the ROW, they will need to be designed to not interfere with existing drainage patterns. In general, existing drainage patterns should be maintained.
- Wetland impacts will need to be permitted and mitigated prior to an LUP being issued.
- If any water quality treatment is required, it should be planned to be located off the ROW.

Response: Comment noted. The information has been passed on to the project proposer for further action as necessary.

15. TH217 Bridge Crossing: One commenter noted that use of the TH217 bridge over the Little Fork River is concerning because it has substandard widths and is without a full shoulder. ATV traffic is required to use the bridge in the same direction of travel as vehicular traffic, which can increase trunk highway crossings to access the correct travel lane. If one direction of travel is expected to be much higher than the other, it would be preferable for the trail to be on that side of TH217 in the direction of vehicular travel. This bridge is also currently identified for replacement in 2034, and a pavement project is planned for TH217 in Littlefork in 2031.

Response: Comment noted. The information has been passed on to the project proposer for further action as necessary.

16. Other Foreseeable Projects: One commenter noted that MNDOT also updates the Capital Highway Investment Plan (CHIP) list of planned projects annually at <https://www.dot.state.mn.us/planning/10yearplan/district-chip.html>.

Response: The CHIP website was reviewed, and no planned projects within the proposed project area were listed.

17. Trail Design on forest management routes: One commenter noted that many of the routes are on existing forest management routes and encouraged the proposer to consider culvert length and other trail improvement structures to continue to facilitate forest management access.

Response: The comment will be passed on to the project proposer. Forest management routes are basically logging trails through the forest that are used to access sites for forest management, which usually occurs in the winter. Such roads are typically 20-25 feet wide and are opened during the winter with a bulldozer. Therefore, any culverts or similar structures must be buried for the full width of the road, because any structure that extends past the sides of the road may be damaged when the road is opened for winter use. DNR Parks and Trails and Forestry would work with the proposer to ensure that this does not occur on the forest management roads.

18. Private Parcel on Route: One commenter noted that there appears to be a parcel on private land that indicates 'existing route-open to ATV use,' and requested clarification on this situation.

Response: Comment noted. The parcel in question is currently used as a gravel pit, and has an existing trail going through it that connects Koochiching County Road 119 to the David Dill Arrowhead Trail. If the project proposer loses access to this parcel, it would need either an alternative route around it or lose the connection between the county road and the Arrowhead trail.

The project proposer is in the process of procuring an easement for an ATV trail through this property.

19. **Noise:** Four commenters expressed concern about noise that might be disruptive. One commenter suggested that the EAW should have quantified noise and asserts that the proposer's description of noise is inaccurate.

Response: EAW Items 19 and 21 discuss noise impacts and acknowledge the potential for disruption from increased operational-generated noise; however, increased noise due to ATV congregation is expected to be sporadic and temporary. DNR OHV Regulations dictate that noise 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. Anticipated noise levels compliant with these regulations would not constitute a "nuisance" under Minnesota Rules 7030.

Highest Potential Noise Level Estimates

The highest noise level will be experienced by residences on existing road routes at 8-10 ATVs in a group or in the same hour. The closest structures to any of the trail routes are five (5) buildings in International Falls, approximately 10-20 feet from an existing road route that is proposed to be signed and mapped as part of the Voyageur Country ATV System. These structures may experience instantaneous upper end noise levels of 101 dBA according to line source attenuation as described in *A Guide to Noise Control in Minnesota*. Two (2) of the structures appear to be residences that constitute a Noise Area Classification (NAC) Level 1 area; others appear to be commercial or industrial. The next closest properties are approximately 10 residences in Littlefork located between 30-50 feet from an existing road route that is proposed to be signed and mapped as part of the Voyageur Country ATV System. These structures may experience instantaneous upper end noise levels of 96 dBA. These would be predicted to be experienced at less than 6 minutes/hour, as the ATV noise would be intermittent as machines pass the receptors on the order of roughly 15-20 seconds.

Noise estimates were based on the following assumptions:

- 10 ATVs in one group
- Each ATV at maximum allowable noise of 99 dBA measured at 20 inches (0.5m)
- Distance to nearest possible NAC Level 1 area is 10 feet (3.05m)
- Sound attenuates at 3 dBA for every doubling of distance from a line source (so 2.61 times, from 0.5 to 3.05m)

To further understand potential noise levels for this mobile, intermittent source, we also estimated noise using the MnDOT "Flat Earth Noise Level Estimator" available here: [Noise Analysis - Noise Analysis - MnDOT](#)

This estimator is designed to evaluate highway vehicle noise; our estimates used "heavy trucks" as a proxy for ATV noise. This estimator outputs the equivalent continuous sound level (L_{eq}). Using the inputs of 10 hourly heavy trucks at 20mph, the resulting L_{eq} is 61.2 dB.

These highest noise levels are within municipal boundaries, and may be mitigated by lower ATV speed limits within municipal boundaries.

Additional evaluation of the effects of such intermittent noise on mobile wildlife such as gray wolf or Canada lynx is beyond the scope of this EAW.

20. Air quality: One comment noted that use of ATVs generates exhaust and reduces air quality which may affect sensitive receptors, such as residents.

Response: ATV operation generates both noise and exhaust, which includes both gases and particulate matter. Portions of the proposed project are in the cities of International Falls, Ranier, and Littlefork, and in these areas ATVs would be operated in a populated environment. In International Falls, the proposed trails follow the Blue Ox and Haggerman Voyageur Lowman trails. The Blue Ox Trail is currently open to both snowmobiles and ATVs, and the Haggerman Voyageur Lowman Trail is currently a snowmobile trail. Districts in International Falls that the route passes through are a mix of residential, commercial, and manufacturing; the residential districts are classified as R-1 and R-2, which have front setbacks of 30 and 25 feet, respectively ([International Falls zoning ordinance](#)). In Ranier, the route also follows the existing Haggerman Voyageur Lowman Snowmobile Trail. Zoning along this route includes Industrial on one side and R-2 Residential on the other, which has a front setback of 25 feet ([R-2 Handout 2021.pdf](#)). People living in these residential districts are already exposed to snowmobile noise and exhaust; however, ATVs are generally somewhat louder than snowmobiles, and would be operated during a longer season than are snowmobiles, so the magnitude and frequency of noise and exhaust exposure would increase.

Emissions from ATVs and off road utility vehicles must comply with [Code of Federal Regulations \(CFR\) §1051.107](#), which sets standards of 1.5 grams/kilometer (g/km) for hydrocarbons plus Nitrogen Oxides and 35 g/km for carbon monoxide. Because these are moving vehicles, any direct impact to air quality from emissions would be temporary and limited to the project area.

In Littlefork, the route includes 'Existing-No Improvements Needed', 'Existing-Partial Improvement/ Partial New Design', and new trail. The existing trail in Littlefork follows alleyways and local streets to connect proposed segments, with no new trail designation required.

International Falls includes regulations for the operation of ATVs and snowmobiles in the city, including a requirement that the vehicle have a standard muffler.

21. Map routes: Commenters noted that maps have keys identifying existing routes but do not state the existing use.

Response: Current uses of existing trails proposed to be incorporated into this ATV trail network are summarized in EAW Item 6.b in the 'Existing and Proposed Trail Use' table. Existing uses for the existing routes are all either 'snowmobile' or 'ATV'. All of the existing snowmobile trails are identified by name on Figures 2-1 through 2-12, so any existing route not labeled is currently open to ATV use. Only the proposed new trails are not currently open to either ATV or snowmobile use.

22. Trail uses: One commenter asked about the currently allowed uses on the existing 78 miles of trail, what the proposed improvements would be specifically, and what purpose these improvements would serve.

Response: Current uses of existing trails proposed to be incorporated into this ATV trail network are summarized in EAW Item 6.b in the 'Existing and Proposed Trail Use' table. Proposed improvements are alterations made to the existing trail to make it suitable for ATV use, and vary depending on the type and state of the trail. They may include:

- Widening the trail to accommodate ATV traffic;
- Rebuilding degraded road beds;
- Bringing in fill to construct a suitable drivable surface;
- Installing culverts, boardwalks, and bridge crossings to cross waterways or wetlands;
- Installing new signage; and

- Brush and tree clearing

23. Extension of ATVs to existing snowmobile trails: One commenter noted that the existing snowmobile trails proposed for extension of use to ATVs may not all be suited for ATV use, and recommended assessing and approving trails individually for ATV uses. The commenter was particularly concerned about trails on state land. Two commenters noted that many of these areas have not been assessed for the proposed use, and are presently snowmobile trails that are only used during frozen conditions. Extension of motorized use on these trails under conditions where the ground is not frozen would have additional impacts, including interruption of reproduction and rearing of young and spread of invasive species.

Response: Comment noted. Not all trails have been specifically evaluated for ATV use, but this does not mean that these trails are not suitable for ATV use. Any trail proposed for motorized use on state lands and/or to be managed by the DNR must meet the DNR's sustainable trail building/maintenance guidelines). This document includes both general trail guidelines as well as those specific to snowmobile trails, which would be followed for state snowmobile trails. These plans also emphasize the importance of ecological sustainability, including protection of native plant communities, and the importance of promoting environmental stewardship on all state trails, including practices to reduce the spread of invasive species and avoiding direct or indirect harm to vulnerable wildlife, such as during nesting or brooding seasons.

The proposed trails for this project fall inside state forest areas classified as 'managed', which means that ATV use can occur on any route not posted as closed to ATVs. Taconite and Arrowhead State Trails have both had ATV use added as authorized uses recently. Concerns about specific uses on state trails are frequently addressed during [State Trail Master Planning](#) processes which include interdisciplinary review and public commenting.

For those trails that have not yet been specifically assessed for ATV use, a more detailed review would be conducted during permitting. Wetlands Conservation Act (WCA) permitting would apply to any wetland impacts, and Public Waters permitting would be required for water crossings. Private landowners may also choose to allow or withhold permission from their land being used for ATV trails, even if snowmobiles had been allowed.

24. Statutory objection: One commenter noted that Statute 116B.09 (the Minnesota Environmental Rights Act (MERA)) requires that the state not authorize or approve conduct which causes impairments or pollution to the environment as long as there is a feasible and prudent alternative to the action. Since the uses for the trails are discretionary and not needed for public health, safety, or welfare, this statute applies.

Response: Comment noted. The purpose of an EAW is to determine whether a project has the potential for significant environmental effects. (Minn. R. 4410.1700, subd. 7). Environmental review is not permitting; it is an information gathering process. The agency must gather the information necessary to make an assessment under Minn. Stat. 116D.04 about the need for an EIS. The agency, during environmental review must collect data to analyze the requirements of Minn. Stat. 116D.04, subd. 6 which provides that "no state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted where such action or permit has caused or is likely to cause pollution, impairment or destruction of the air water, land or other natural resources , so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare and the statutes paramount concern for the protection of its air, water, land and other natural resources from pollution, impairment or destruction." If a proposed project has the potential for significant environmental effects not only must an EIS be prepared but alternatives must be analyzed. The

agency, during permitting, must also assure itself that the requirements of Minn. Stat. 116D.04, subd. 6 are met.

The standards outlined in Minn. Stat. Ch 116B are relevant in that during the permitting process the agency must be able to assure itself that the standards set forth therein can be met. Information contained in the applicable environmental review documents and other applicable information are used to make these decisions.

25. Proposed Route Discrepancies: One commenter identified possible discrepancies in the mileage given for various ATV trails in the existing system in the EAW. The commenter notes that the table on Page 5, indicates 39 miles of trail under Proposed Route Categories, while the next table lists 92 miles under Existing and Proposed Trail Use, while Figure 8 appears to be more extensive than 39 or 92 miles. In addition, one commenter noted that the table on Page 5, under Proposed Route Categories, states there are 78 miles of roads and trails for Category 2 (existing trails- improvements needed) and 8 miles for Category 3 (new trail), for a total of 86 miles of new ATV trail. However, the table under Proposed Trail Use portrays 33 miles of newly designated ATV trails.

Response: The mileages reported in the two tables reflect different features of the proposed trail system. The first table reflects the total mileages in three categories according to the amount of work necessary to incorporate them into the project: Category 1- no improvements needed; Category 2- some improvements needed; and Category 3- new trail. The second table shows the current and proposed uses of the trails. Many of the existing trails proposed for inclusion in this network and which need improvements are already open to ATV use; this is why the second table shows more than 39 miles of available ATV trail. The first table can be clarified as follows:

Route Category	Type	Landscape Position	Possible Miles
1	Existing route, open to ATV use	On road	39
2	Existing route, existing and proposed new ATV use (improvements needed)	On road/trail	78
3	Proposed route, new construction proposed for ATV use	Off road	8
		Total	125

Figure 8 is an overview map, showing several ATV networks: the current proposed project; the previous phase of the proposed Voyageur Trail System; and other existing ATV systems. Only the red routes on Figure 8 correspond to the proposed Project. This figure does not differentiate between currently motorized routes or proposed new trails, and it is 125 miles, as stated in the EAW.

26. Federal Consultation, US Forest Service: One commenter indicated that because part of the project is on federal forest land and receives federal funds, the US Forest Service (USFS) should be consulted or otherwise involved in this proposed project. Commenters request documentation that the Superior National Forest was consulted and concurred with this project and use of federal lands.

Response: The USFS is responsible for compliance with the National Environmental Policy Act (NEPA) and decision-making on federal forest lands. Unless the proposed project meets the criteria for a Categorical Exclusion, the USFS will prepare its own Environmental Assessment (EA) under NEPA. The USFS has indicated that it expects to use this EAW and ROD as resources for producing its EA, but has not yet done so. Proposed routes on federal lands are open to Class 1 ATV use, and are currently being evaluated for use by OHVs as well.

As stated in EAW Item 9, the project proposer would require land use permission from the US Forest Service to use any trails on federal forest land. This permission would incorporate any requirements or conditions that the Forest Service would have. It should also be noted that this proposed Project is the second phase of an ATV trail expansion project, and the first phase also required coordination with the Forest Service. This proposed Project is an extension of this previous project, and the coordination among the federal and state agencies with the Project proposer is similarly a continuation of the previously established partnerships.

27. Federal Consultation, USFWS: One comment requested full documentation, including a letter if applicable, of consultation with the US Fish and Wildlife Service (USFWS), specifically with respect to possible impacts to Canada Lynx and Gray Wolf populations.

Response: The information obtained from the USFWS IPaC system is discussed in EAW Item 14.b. Possible impacts to Canada Lynx and Gray Wolf populations are discussed in EAW Item 14. The project proposer had obtained the results of a federal IPaC database search for federally listed species in this area. The USFWS would only make a formal concurrence if there is federal funding or approval that requires their response, which is not the case at this stage in the project.

On March 10, 2025, the USFWS issued a technical assistance letter on this proposed project, in response to the possible presence of Canada Lynx and Gray Wolf in the area. This letter states that further coordination with the Minnesota-Wisconsin Ecological Services Field Office of USFWS is recommended. The project proposer would follow up on this to discuss further methods to avoid or minimize potential adverse effects to these two species. Additional actions to be taken include notification to USFWS if there is any observed gray wolf activity that could indicate a den or rendezvous site nearby (e.g., multiple wolves observed).

28. Habitat/Plant Communities: Five commenters expressed general concern over damage to the existing habitat or vegetation. Four commenters expressed concern about spreading noxious weeds or invasive species.

Response: Potential impacts to natural habitat are discussed in EAW Items 14 and 21. The proposer has committed to design, construct, monitor, and maintain the proposed trails consistent with the Trail Planning, Design, and Development Guidelines (MNDNR, 2007), which were developed to address these types of issues. Potential design features, including buffering along water, the DNR Trail Ambassadors Program, and best management practices (BMPs) to prevent the spread of invasive species are discussed in the EAW as mitigating efforts to reduce impact to habitat.

Grantees and subcontractors within the Grant-in-Aid (GIA) program must follow Minnesota DNR's Operational Order 113, which requires preventing or limiting the introduction, establishment and spread of invasive species during activities on public waters and DNR-administered lands. This applies to all activities performed on all lands under this grant agreement and is not limited to lands under DNR control or public waters.

Beyond the established requirements of the contract, trails that are established in the GIA Program can take part in the DNR Trails Ambassadors program, in which Club volunteers would be trained to identify and

monitor for invasive species. Any reported invasive species (type and location) would be provided to the Trail Administrator at which point an approach could then be developed to manage the spread of invasive species.

29. Native Plant Communities (NPCs) and Minnesota Biological Survey (MBS) Sites of High Biodiversity significance: Two commenters noted the proximity of several rare and special features, including MBS sites of high biodiversity significance and imperiled or vulnerable NPCs. One commenter notes that the EAW lists at least 14 NPCs that have been designated 'imperiled or vulnerable to extirpation', and another noted that this area is at the southern extent of the boreal forest. Commenters made several suggestions for avoiding or minimizing impacts to these areas.

Response: NPCs, MBS sites, and other biological and ecological features are discussed in EAW Item 14. Any ATV trails supported by the GIA program must adhere to GIA Program guidelines, which stipulate that sustainability is a requirement for trails to receive funding. Factors such as NPCs, wetlands, soils, slope, rare/threatened/endangered species, and other such natural features are considered when trails are proposed, routed, constructed, and used. DNR Division of Parks and Trails prioritizes sustainability of trails during the GIA application process and in GIA trail monitoring. GIA Program staff, Local DNR staff, Trained Trail Ambassadors, and statewide DNR Enforcement staff monitor GIA trails to ensure compliance.

30. Northern Long Eared Bat: One commenter noted that tree removal must be avoided from June 1 through August 15 to avoid impacts to roosting Northern Long Eared Bats.

Response: Adherence to seasonal restrictions on construction due to the need to avoid disturbing roosting bats is discussed in EAW Items 6.b and 14. The project proposer would avoid tree removal during pup rearing season (June 1 through August 15), and would follow the USFWS interim guidance, as well as the Michigan DNR *Lake States Forest Management Bat Habitat Conservation Plan* on DNR managed lands.

31. Trumpeter swan: One commenter noted that construction activities should not occur during trumpeter swan nesting season (late April-early June).

Response: Possible impacts to the trumpeter swan and measures followed to avoid impacts to them are discussed in EAW Item 14.c. Guidance from DNR- Natural Heritage Program would be followed, and construction activities would be avoided during nesting season if trumpeter swans are present.

32. Birds and State Listed Species: One commenter noted that the proposed project is within one mile of two Important Bird Areas (IBAs), and submitted research providing evidence that motorized recreation has deleterious effects on birds, with a request that real and potential impacts, mitigation and avoidance measures to state listed species including birds be analyzed.

Response: Comment noted. Impacts to federal and state listed species, including birds, are included in EAW Item 14. Mitigation and avoidance measures for all state listed species, including birds, are in EAW Item 14.d.

33. Cumulative potential effects: Three commenters noted that the proposed project has the potential for cumulative potential effects on several different resources, including noise and physical disturbances, as well as extra miles of newly designated or constructed trail from other proposed ATV trail projects.

Response: Cumulative potential effects (CPE) are discussed in EAW Item 21, which assesses the cumulative effects between the proposed project and other projects in the area, consistent with the definition of CPE found in Minnesota Rules 4410.0200, Subp 11a. Cumulative potential effects were noted in the following

areas: traffic; GHG emissions; dust; noise; wildlife resources and habitat; endangered, threatened, and species of special concern; erosion; and water quality. The purpose of this Record of Decision is to determine whether the impact of these cumulative potential effects rises to a level of significance, thus meriting additional scrutiny in an Environmental Impact Statement (EIS).

34. Trail Use Impacts (monitoring and enforcement): Several people submitted comments inquiring into monitoring, enforcement, and oversight of the trails during use.

Response: Comment noted. DNR does not have jurisdiction over all of these issues because this is a private trail network, not a state managed one. For applicable trails (those on state lands or those receiving GIA funding), DNR has the following authorities:

- Trail Monitoring:

OHV Program staff, area DNR staff, regional DNR staff, and Enforcement Division (ENF) staff regularly monitor GIA and state OHV trails to identify and address potential resource impacts.

- Data Management:

All monitoring data is managed in compliance with the Minnesota Government Data Practices Act, ensuring transparency and accountability.

- Trail Use Enforcement:

Enforcement of statutes governing trail use is carried out by multiple entities, including but not limited to DNR Enforcement staff/Conservation Officers (COs), local Sheriff's Offices/Patrols, and Tribal police.

- Invasive Species Monitoring:

Monitoring for invasive species is an ongoing priority for all DNR staff involved in trail monitoring on state lands or trails receiving GIA funding.

Trail closures occur when necessary, but are not mandated by DNR as DNR has no authority to open or close privately managed trails.

With respect to law enforcement, the DNR cannot assume unlawful use of the trails. DNR Enforcement staff patrol all trails of the state as a part of their standard duties. Emergency services would respond in any emergency situations as warranted.

Additional actions that the DNR undertakes, or requires the trail managers to undertake, include:

- Placement of Signage at Kiosks installed at Trailheads, with Rules & Regulations placards
- Placement of Official DNR sponsored Trail Signs marking authorized routes of trails and closures
- Installation of Gates with signs for closure of roads or trails involving sensitive areas

Laws regulating ATV use are outside of the scope of this EAW.

35. Old Growth Forest Stands: One Commenter noted that all old growth forests should be avoided.

Response: Old Growth Forest Stands are discussed in EAW Items 14 and 21.

The DNR has further evaluated the area surrounding Old Growth Stand OG12-38, on the Ericsburg to International Falls segment, and has identified a suitable alternative following an old railroad bed. This alternative would connect the Blue Ox State Trail to the logging road along the southern edge of Township 70- Range 24- Section 29 east of OG12-38, thereby avoiding any impacts to this area. This information was passed onto the project proposer, who investigated the proposed alternative route both for feasibility and for possible new environmental impacts. This alternative route would constitute 0.9 mile of Category 2 route on private parcels. The project proposer has contacted the owner of these parcels about improving the beds to support ATV travel, and they were supportive of the proposal. The new route would have no new noise impacts. The length of wetland crossings would be similar to the original proposed route. Use of the railroad bed would mitigate potential soil erosion. No change in land cover is anticipated.

It is not anticipated that any other old growth stands would be potentially impacted by the proposed project because no other proposed routes intersect designated or candidate old growth stands.

36. Wetland impacts: Three commenters expressed concerns about the project's impacts to wetlands, especially the impact of excavation and backfilling with gravel in peatlands.

Response: Wetlands, possible impacts to wetlands, and measures taken to avoid or mitigate impacts are discussed in EAW Items 6 and 12. EAW Item 12.b.iv addresses impacts to wetlands.

Possible wetland impacts would be addressed during the permitting process, and any loss of wetlands would be replaced per the requirements of the Wetlands Conservation Act. In addition, any trails funded by the GIA Program would need to be constructed according to the program's trail design standards, which includes a requirement of sustainability in wet conditions. The process also includes extensive internal reviews by way of a review by DNR Division of Parks and Trails, as well as a multidisciplinary review across DNR. Any issues that came up (such as wetlands impacts or crossings) were addressed during these phases of planning prior to moving into the environmental review.

Possible impacts specifically to peatlands would be avoided by avoiding peatland crossings wherever possible, using boardwalks, and using trails and roads that already cross the peatlands. Of the proposed new trail routes, one segment along the Littlefork Connection passes within 100 feet of a peatland, and another segment along the FR612A to Black Duck Connector passes within 300 feet of a peatland (as mapped on the National Wetlands Inventory), but neither segment is proposed to intersect an existing mapped peatland.

37. Historical Site Disturbance: One commenter requested a Phase 1 archeological survey be done.

Response: Historic properties are discussed in EAW Item 15. If this project is pursued, the project proposer would comply with SHPO's recommendation that a Phase 1 archeological survey be completed in areas of proposed new trail construction as well as in areas of proposed trail improvements where new ground disturbance would take place. A qualified archeologist conducting this survey would be familiar with and follow the referenced standards. If a survey identifies a potentially eligible site for inclusion on the National Register, it would be either evaluated for eligibility or the route would be adjusted to avoid the site.

38. Climate Impacts: Several commenters expressed concerns about impacts of the proposed project on the climate. These comments included:

- Greenhouse Gas (GHG) assessment from trailering and riding ATVs must be included.

- How are Minnesota’s GHG reduction goals going to be reached with the estimated increase of 555 to 557 MT of emissions annually?
- The GHG section should specifically mention that any GHG generated as a result of the project would be in the atmosphere permanently unless removed in some fashion.
- ‘Efficient routing’ of trails does not offset the inefficiency of ATV travel compared to highway vehicle travel.

Response: Climate impacts are discussed in EAW Item 18 and have been conducted according to guidance provided by the Environmental Quality Board. Although GHG goals are an important consideration for state and agency actions, private projects are not typically responsible for meeting these goals as well. Both MPCA and the Public Utilities Commission (PUC) can deny permits or certificates for based on certain emissions criteria, neither of these possibilities is relevant to this project.

39. Oversight (construction): One commenter noted that the EAW did not include any indication of state oversight over the building, excavating, vegetation removal, and other impacts.

Response: Oversight during construction is handled via permitting. Because these trails are funded in part through the GIA program, funding may be discontinued if there are problems with compliance or stewardship.

40. Impacts to other users: Two commenters inquired about impacts to hikers and cross-country skiers by the addition of ATVs on their trails.

Response: Comment noted. Although hikers, skiers, and others engaging in nonmotorized activities are free to do so on any trail, none of the currently existing trails proposed for inclusion in this network are designated for such activities. All the trails proposed to be included in this project are already used for ATVs, snowmobiles, logging trucks, and other motorized vehicles.

41. Long term maintenance: One commenter notes that there is no guaranteed funding or plan in place for long term maintenance.

Response: Comment noted. This is a private project, and therefore these requirements are outside the scope of the EAW. In addition, financial assurance is not required of trail projects.

42. Environmental Impact Statement (EIS): Several commenters request that an EIS should be completed to quantify noise; address impacts of adding non-winter use to existing winter trails; assess impacts on wildlife and habitat; and to address greenhouse gases emissions associated with the proposed project.

Response: Comment noted.

Record of Decision Preparation

43. Pursuant to Minn. R. 4410.1700, Subp. 2b, the decision on the need for an EIS shall be made no later than 15 days after the close of the 30-day review period. This 15-day period shall be extended by the EQB chair by no more than 15 additional days upon request of the RGU. See Minn. R. 4410.1700, Subp. 2b.
44. On December 30, 2024, the DNR requested a 15-day extension for making a decision on the need for an EIS for the proposed project. On December 30, 2024, the DNR was granted the extension by EQB. See Minn. R. 4410.1700, Subp. 2b.

45. On February 5, 2025, the DNR notified the EQB, the commenters, and those on the EQB distribution list, that a 60-day extension, as allowed by Minn. Rules 4410.1700, Subp. 2a, was needed to address substantive comments received concerning the need to avoid old growth forest stands and to fully understand potential limitations on parcel access on some portions of the proposed routes.

Environmental Effects

46. 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. Land Use
- b. Soils
- c. Water Resources
- d. Solid Waste and Hazardous Materials
- e. Wildlife Resources and Habitat
- f. Endangered, Threatened, and Species of Special Concern
- g. Air/Dust
- h. Greenhouse Gas Emissions
- i. Noise
- j. Traffic
- k. Cumulative Potential Effects

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

a. Land Use

This topic was addressed in EAW Item 10 and response to comments above.

Land ownership in the System is a mix of county road right-of-way; county, state, and federally managed land, including related forest roads; and privately owned parcels. The proposed project site and proposed action fall within the purview of a number of plans and planning efforts. These include Koochiching and St. Louis County's Comprehensive Land Use Plans; the St. Louis County and Northeast Koochiching County Trails Plan; the David Dill/Arrowhead State Trail Master Plan; the Forest Classification and Road/Trail Designation Plan for DNR Forestry-Administered Lands in Northern St. Louis County; and the Superior National Forest Land and Resource Management Plan.

Parts of the project are on federal forestry lands. These would be evaluated by the US Forestry Service (USFS), to determine whether a federal Environmental Assessment (EA) under NEPA is required.

b. Soils

This topic was addressed in EAW Item 11.

The proposed project area covers a wide area with many different soils. For proposed Route Category 1 segments, no change or potential impacts to soils and topography are anticipated. Route Category 2 segments would need physical improvements to create a sustainable natural surface trail. New use on natural surface trails may compact soils, possibly resulting in increased runoff.

Route Category 3 trail segments (new construction) would require ground disturbance for improvements that may consist of shallow excavation, backfill, and shaping to prepare a sustainable natural trail surface. Perimeter erosion control would be installed where needed, particularly in sensitive areas, prior to construction.

Earth disturbing activities associated with the construction of the proposed project are subject to ongoing public regulatory authority by St. Louis County's Conditional Use Permit and Wetland Conservation Act, as well as provisions of DNR-administered OHV Grant-in-Aid funding. Design standards would follow the sustainable natural surface trail design practices to minimize erosion as described in the Trail Planning, Design, and Development Guidelines (DNR 2007).

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

c. Water Resources

This topic was addressed in EAW Item 12 and responses to comments.

The proposed project is in a water resource rich area with many nearby rivers, streams, lakes, and wetlands. There are currently multiple waterbody crossings on the Voyageur Country ATV Trail, and wetlands are frequent.

The proposed project is located within the Rainy River – Black River (#74), Rainy River – Rainy River (#75), and the Little Fork River (#76) major watersheds.

Two Wild Rice lakes are close to the System, including Rat Root Lake and Rainy Lake. Construction is proposed adjacent to the Rat Root Lake outlet. The proposer would evaluate date restrictions for construction to avoid disturbance to Rat Root Lake during the spring wild rice growing season.

Several Minnesota DNR public waters, including designated trout streams, are within the project area. No trout streams would intersect the proposed project route.

The proposer will coordinate with permitting regarding BMPs that could include: floating silt curtain; construction during no flows/low flows; or winter conditions, and, if required, incorporate coffer or check dams into the final plans. The proposer will incorporate these BMPs for work conducted below the Ordinary High Water Level (OHWL) to assist in avoiding or minimizing Total Suspended Solids (TSS) from entering nearby water resources. Where applicable, crossings on public waters would be subject to ongoing regulatory authority by DNR General Public Waters Work 2004-0001, which provides substantial guidance to engineers for designing and implementing projects that affect public waters.

Stormwater Runoff and Erosion

The proposed project has the potential for increased stormwater runoff, erosion, and sedimentation during construction and operations.

Earth disturbing activities associated with the construction of trail segments that need improvements and new trail segments are subject to ongoing public regulatory authority under the Minnesota NPDES/SDS Construction Stormwater General Permit and associated SWPPP. It is also subject to St. Louis County's Conditional Use Permit and provisions of the DNR administered GIA funding. Design standards would follow the sustainable natural surface trail design practices throughout the site to minimize erosion as described in the Trail Planning, Design, and Development Guidelines (DNR 2007). Permanent BMPs would be incorporated into the trail design to minimize erosion of the trail during routine operational activities.

Wetlands

Potential wetland impacts due to improvements on existing trails (Category 2) as well as new construction (Category 3) are summarized below:

Wetland Type, Circular 39	Acres of Wetland in Study Area (Acres)	Acres in Build Area - Potential Impacts Areas (Acres)
Type 1 (Seasonally Flooded Basin)	0.35	0.11
Type 2 (Fresh (wet) Meadow)	7.50	3.87
Type 3 (Shallow Marsh)	5.33	2.30
Type 4 (Deep Marsh)	0	0
Type 5 (Shallow Open Water)	0.20	0.04
Type 6 (Shrub Swamp)	8.50	4.15
Type 7 (Wooded Swamp)	8.37	3.36
Type 8 (Bog)	3.35	0.99
Riverine Systems	0.30	0.15
Total	33.90	14.97

Direct wetland impacts would result from excavation and fill. Indirect impacts to wetland hydrology would be avoided by maintaining hydrological connectivity with equalizing culverts where appropriate, and indirect impacts to wetland flora would be avoided by using fill and seed mixes certified free of invasive species, by regularly monitoring trails for emergence of invasive species, and by promoting good Play/Clean/Go practices among trail users. 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 (i.e., 20 to 26 feet for segments shared with snowmobiles and trucks/highway vehicles and 12 to 14 feet for ATV only segments).

Wetlands are expected to be protected by establishing general activity setbacks (i.e., vegetated buffers) to protect surface waters. Additional protection would be provided by implementing proven trail management and maintenance practices to prevent and minimize runoff and erosion that might reach wetlands.

Wetland disturbance would be minimized by routing around wetlands where practicable. Temporary impacts to wetlands due to construction would be restored to pre-construction conditions as directed by permit conditions. This could include, but not limited to, restoring natural

contours and re-seeding with recommended native vegetation. Unavoidable wetland losses would be mitigated as required by WCA. Wetland credits are planned to be purchased from a wetland bank approved by the Board of Water and Soil Resources (BWSR) and the United States Army Corps of Engineers (USACE). Any impacts identified for Rare Natural Communities could require enhanced mitigation beyond standard wetland bank credits; this would be assessed in permitting. The project proposer would coordinate with wetland regulatory agencies.

Field delineation of wetlands for the proposed trail segments has not yet been completed; however, all proposed routes will be delineated prior to permitting and construction.

d. Solid Waste and Hazardous Materials

This topic was addressed in EAW Item 13.

During construction and eventual operation, fuels, oils, and antifreeze would be used in construction vehicles and individual ATVs. The incidental release of any hazardous liquid from leaks or spills at the site is not anticipated; however, minor leaks or spills of gasoline, oil, and other fluids could occur. Fuel spills over 5 gallons must be reported to the State Duty Officer subject to the reporting requirements of Minn. Statutes §115.061. Impacts are expected to be localized with minimal effects to natural resources.

During operation, there is a potential that solid waste (trash) could be left behind. Trail ambassadors would help monitor and maintain trails to leave no trace of trash. The proposed project is not expected to generate significant amounts of solid waste during construction. Solid waste generated during construction would be limited. The contractor would be responsible for removing any construction-generated wastes to appropriate off-site facilities for disposal.

e. Wildlife Resources and Habitat

This topic was addressed in EAW Item 14 and responses to comments above.

Habitat

The proposed project system has connections over a broad geographic area and includes conifer forest, mixed conifer-hardwood forest, and conifer-dominated wetlands. The proposed project is situated near MBS sites of moderate and high biodiversity significance. No Category 3 trails are in MBS sites of biodiversity significance; all the proposed routes intersecting MBS sites are existing roads, ROWs, or trails of some type that may require modification for new ATV use (Category 2) or currently allow ATV use (Category 1).

Construction or expansion of trails would expose mineral soils at the project site and create conditions suitable for invasive species to become established and spread. Where current or future infestations are identified, control methods would be applied to limit the spread and impact of invasive species. The proposer will work to use native plants and seeds on disturbed lands.

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

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

Ecologically Significant Areas

As mentioned above, MBS has identified several Sites of Biodiversity Significance in the proposed project. NHIS staff have recommend minimizing additional disturbance within and adjacent to these sites as much as possible.

No Category 3 trails are in MBS sites of biodiversity significance; all the proposed routes intersecting MBS sites are existing roads, ROWs, or trails of some type that may require modification for new ATV use (Category 2) or currently allow ATV use (Category 1). Actions identified in the NHIS letter to avoid and minimize disturbance to ecologically significant areas would be implemented. Impacts from construction in these areas would be reduced by siting the trail on existing trails or ROWs; using only fill guaranteed free of invasive species; refraining from staging supplies or equipment in or near the MBS sites; and following redundant stormwater runoff BMPs. In some cases, construction activities may also be confined to certain times of the year to reduce impacts (e.g., when the ground is frozen, low/no flow conditions). A barrier between the proposed activities and MBS Sites would be maintained where routes intersect or border MBS sites. Examples would be restrictive gates where trails not intended for ATV use intersect the proposed routes (e.g., existing snowmobile trail on Figure 72). Impacts to MBS sites of biodiversity significance from trail use can be addressed by trail riders being encouraged in the rules and in the signage to stay on the mapped and signed trails as well as to use the PlayCleanGo program, including cleaning machines prior to using the trail system. The Minnesota GIA program would encourage the use of Trail Ambassadors to help reduce spread of noxious/invasive species and monitor for trail etiquette and safety. 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.

Impacts to the cedar stands along the Kab Store to Ericsburg segment would be avoided by constructing the alternative route along Highway 53.

A portion of existing logging road, classified as Route Category 2, along the Ericsburg to International Falls segment, was proposed to pass through an old growth forest stand (OG12-38). DNR staff identified an alternative route avoiding the old growth forest stand along an old railroad bed.

Fisheries/Wildlife

The project is in an area known for its plentiful lake and stream resources. Fish commonly sought by anglers in the proposed project area are typified by coolwater and warmwater game fishes, such as walleye, sauger, northern pike, smallmouth bass, sport fish (sunfish and crappies), and small forage fish (minnows, shiners, and darters). The walleye fishery attracts anglers to the area and many lakes are managed for walleye through stocking and fishing regulations. Deeper lakes in the area also possess a coldwater fish community which includes species such as lake trout, whitefish, cisco, and

burbot. Additionally, state-designated trout streams in the project area possess populations of brook trout.

Resident wildlife in the proposed project area includes species common to areas with conifer and mixed forest, such as beaver, wolves, black bear, northern long-eared bat, Canada lynx, bald eagle and spruce grouse.

The project is within one mile of two Important Bird Areas (IBAs): The Superior National Forest (SNF) and Voyageurs Kabetogama. The forest in the Superior IBA is an extraordinarily diverse mixture of forest species and patch sizes interspersed with lakes and waterways. This diversity provides habitat for 163 species that are breeders in the Superior NF. Within the Voyageurs Kabetogama IBA, 238 species have been observed, 68 of which are Species of Greatest Conservation Need (SGCN) or species of conservation concern. This IBA supports significant numbers of breeding Herring Gulls, Ring-Billed Gulls, and Double-Crested Cormorants. Both breeding and migratory Common Loons are here in large numbers as are Great Blue Herons and Red-necked Grebes, Bald Eagles, Ospreys, and Merlins. Twenty-four of the 29 species of wood warblers found in Minnesota have been documented here in the summer and are presumed breeding, making this area one of the most important in the state for bird species diversity. In addition, eleven migratory bird species on the USFWS Birds of Conservation Concern List may be found in this portion of Minnesota, and so may be in the project area.

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, which 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.

Endangered, Threatened, and Species of Special Concern

This topic was addressed in EAW Item 14 as well as in responses to comments above.

NHIS was queried in February of 2024 to determine what rare, threatened, or endangered plant or animal species or other significant natural features are known to occur within or near the project area, including federal and state listed species. The species and rare features that may be affected by the proposed Project are as follows:

- Northern Long-Eared Bat (*Myotis septentrionalis*) – Federally endangered and State Species of Special Concern. The Northern Long-eared Bat commonly roosts in tree snags, under loose tree bark, and in tree cavities within forested habitat.
- Tri-colored bat (*Perimyotis septentrionalis*)-Proposed federally endangered species. Roosts in trees in forests from April through October. Hibernates in caves and mines from October through April.
- Canada Lynx (*Lynx canadensis*) – Federally threatened and State Species of Special Concern. The Lynx has been documented in the vicinity of the proposed project. Found in large tracks of boreal and mixed conifer-hardwood forests.

- Gray wolf (*Canis lupus*)- Federally threatened species. Occupies a diversity of habitats, including conifer and hardwood forests and forested peatlands.
- Laurentian Tiger Beetle (*Cicindila denikei*) – State Species of Special Concern. Suitable habitat for this species includes gravel roads and openings in northern coniferous forests.
- Monarch butterfly (*Danaus Plexippus*)- Candidate for federal listing. Grassland/prairie habitat where milkweeds (*Asclepias* spp.) and other forbs are present.
- Creek Heelsplitter (*Lasmigona compressa*) – State Species of Special Concern. This species has been documented in the Little Fork and Black Duck Rivers in the vicinity of the proposed project. The Creek Heelsplitter occurs in creeks, small rivers, and the upstream portion of large rivers.
- Black sandshell (*Ligumia recta*)- State Species of Special Concern. This species has been documented in the Little Fork and Black Duck Rivers in the vicinity of the proposed project. Found in creeks, small rivers, and upstream portions of large rivers, on sand, fine gravel, and mud substrates.
- Cushion Peat Moss (*Sphagnum compactum*)-State threatened species. Found on wet and sandy soil, siliceous rocks, or bare peat, often in seepage, in late snow melt areas, and on low banks of roadside ditches. This plant has been documented near the proposed Project in Koochiching County.
- Few-flowered spike rush (*Eleocharis quinqueflora*)- State Species of Special Concern. Found in sparsely vegetated wet habitats found in graminoid fens, shorelines of ponds and small lakes, and occasionally in wet prairie openings.
- Scented oak fern (*Gymnocarpium robertianum*)- State Species of Special Concern. Found in forested rich peatlands dominated by northern white cedar and black spruce.
- Small green wood orchid (*Platanthera clavellate*)-State Species of Special Concern. Found in conifer forest wetlands.
- Lake sturgeon (*Acipenser fulvescens*)- State Species of Special Concern. This species has been documented in the Rainy River. Found in moderately clear, large rivers and lakes with firm sand, gravel, or rubble bottoms.
- Trumpeter swans (*Cygnus buccinator*) - State Species of Special Concern. The Trumpeter swan nests in the vicinity of the proposed project. During breeding season, they select small ponds and lakes with extensive beds of cattails, bulrush, sedges, and/or horsetail.

Measures to Avoid Impacts to Endangered, Threatened and Species of Special Concern

To avoid impacts to listed species the proposer is committed to following the guidance provided by DNR Natural Heritage review and USFWS, as appropriate. Guidance generally applicable includes:

- Minimize width of trail.
- As much as possible, operate within already-disturbed areas.

- Do not route trails through wet swales or depressions, or sensitive rock outcrop areas.
- Bridge all stream and wetland crossings.
- Retain a buffer between proposed activities and the MBS Site.
- Minimize vehicular disturbance in the area (allow only vehicles/equipment necessary for construction activities).
- Do not park equipment or stockpile supplies in the area.
- Do not place spoil within MBS Sites or other sensitive areas.
- Use effective erosion prevention and sediment control measures.
- Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species.
- Trail maintenance plans should address erodible soils, especially in areas of steep topography.
- Use signage to encourage visitors to stay on designated trails.
- Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible.
- Use only weed-free mulches, topsoils, and seed mixes

In addition, the following measures would be followed to avoid and/or minimize impacts to the identified listed species:

To avoid impact to the northern long-eared bat, the following measures would be followed:

- tree removal would be avoided during pup rearing season, June 1st through August 15th.
- The US Fish and Wildlife Service (USFWS) interim guidance¹ would be followed.
- The Michigan DNR *Lake States Forest Management Bat Habitat Conservation Plan*² would be followed on DNR managed lands.

To avoid and minimize impacts to semiaquatic and aquatic species, construction BMPs would be used to exclude turtles from the construction area and prevent erosion/sedimentation to aquatic habitat. Erosion control measures should not be mesh (plastic, nylon, etc.) that could cause entrapment of turtles or other wildlife. In addition, construction and regular maintenance of trails near suitable wood turtle streams would be scheduled outside of the wood turtle nesting season (May-June). DNR Public Waters Work Permits would include work exclusion periods to protect fish spawning and migration. No activity affecting the bed of the protected water would be conducted during exclusion periods. For warm water systems, the exclusion period is April 1 – June 30 of the same year. Redundant erosion prevention and sediment control practices would be implemented and maintained throughout the project to prevent sedimentation of nearby or crossed streams. Containment measures for debris and other construction material would be employed to prevent this material from entering streams.

¹ [Interim Voluntary Guidance for the Northern Long-Eared Bat: \(fws.gov\)](https://www.fws.gov)

² [Lake States Forest Management Bat Habitat Conservation Plan](#)

To avoid or minimize impacts to the listed plant species, any proposed new trail or proposed widening of an existing trail would be routed to avoid any identified patches of these plants. MN DNR-Natural Heritage would be contacted if any work occurs outside the previously disturbed road Right of Way (ROW) in Koochiching County, because this may impact patches of Cushion moss and a survey may be needed. Other actions that would be taken to minimize impacts to the listed plant species include:

- Minimize width of trail.
- As much as possible, operate within already-disturbed areas.
- Do not route trails through wet swales or depressions, or sensitive rock outcrop areas.
- Bridge all stream and wetland crossings.
- Retain a buffer between proposed activities and the potential habitat.
- Minimize vehicular disturbance in the area (allow only vehicles/equipment necessary for construction activities).
- Do not park equipment or stockpile supplies in the area.
- Use effective erosion prevention and sediment control measures.
- Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species.
- Use signage to encourage visitors to stay on designated trails.
- Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible.
- Use only weed-free mulches, topsoils, and seed mixes.

To avoid impacts to trumpeter swans, construction activities would be avoided during nesting season if trumpeter swans are present.

Environmental effects due to construction, operation, and maintenance-related impacts are subject to mitigation by ongoing public regulatory authority of DNR Public Waters Work Permits, Stormwater Pollution Prevention Plan (SWPPP) as required under the NPDES/SDS Construction Stormwater Permit pollution prevention BMPs.

Design standards will follow the sustainable natural surface trail design practices described in the *“Trail Planning, Design and Development Guidelines”* manual (MN DNR, 2007) throughout the project area. Potential design features that could provide benefit to wildlife include greater buffering along water and wooded areas.

The proposer is confident that the Trail Ambassador Program, a volunteer effort will help to promote safe, environmentally responsible operation of ATVs. Trail ambassadors of proper trail use and are certified to monitor trail conditions and identify invasive species. The GIA program would also allow an area ATV club to help maintain the trail system and help reduce environmental impacts to endangered, threatened and species of special concern.

Little or no impacts are anticipated to species sensitive to stormwater runoff generated from construction or operations as it must be contained under the Minnesota NPDES/SDS Construction Stormwater General Permit requirements.

g. Air/Dust

This topic was addressed in EAW Item 16 and responses to commenters.

Dust currently generated on existing routes, open to ATV use is not anticipated to increase. For routes with newly proposed use and newly constructed routes, dust is anticipated and dependent primarily on types and numbers of vehicles, operating speeds, time of day, and trail moisture conditions. Dust is not expected to adversely impair air quality. 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.

h. Greenhouse Gas Emissions (GHGs)

The expected contribution of increased ATV ridership is reflected in the estimated annual emissions of 555-557 MT. According to [MPCA](#), total greenhouse gas emissions for the State of Minnesota in 2022 was approximately 125 million metric tons, so the additional contribution from this project is about 4.46×10^{-4} percent. Average annual sequestration rates for northern lake states forests is estimated to be approximately 0.59 metric tons of carbon equivalents/acre/year ([Carbon Balance And Management, Celie M. Hoover and James E. Smith, 2021](#)), so this addition would require 940-945 acres of upper Midwest forest to offset.

At this time, the club has not proposed to include any mitigation efforts to offset these emissions, and they are not required to do so by Minnesota law.

i. Noise

This topic was addressed in EAW Item 17 and responses to comments.

Current conditions, for existing routes currently open to ATV use is not anticipated to change. Existing routes with proposed new ATV use, as well as newly proposed routes, are expected to experience more noise than existing conditions; however, it is anticipated to be negligible. Operational noise sources would be intermittent and although the proposed project is expected to meet State Noise Standards, some may characterize the ATV-generated noise as disruptive to the natural area. While acknowledging this potential, the DNR considers it unlikely that project-generated noise would constitute a nuisance under state law.

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 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.

j. Traffic

This topic was addressed in EAW Item 18.

Increases in traffic are expected as a result of new ATV use and associated vehicles trailering ATVs to the System. These increases will be sporadic and intermittent and restricted to seasonal (spring, summer, fall) use. Conflict with snowmobile use or groomer operations within the System trails is not anticipated since there is no current plan for winter use by ATVs. Construction-related traffic effects are expected to increase during construction. These effects are anticipated to be minor and temporary in nature.

Application of appropriate traffic control measures, as specified in the “*Minnesota Manual on Uniform Traffic Control Devices*” (MnDOT) is expected to minimize temporary traffic disruptions.

k. Cumulative Potential Effects

This topic was addressed in EAW Item 21 and responses to comments.

Cumulative potential environmental effects are the combined effects of the proposed project and past, present, and reasonably foreseeable future projects. See Minn R. 4410.0200, subp. 11a. (2013). Potential environmental effects related to this project that could combine with environmental effects from other reasonably foreseeable future projects for which a basis of expectation has been laid include traffic, air quality and dust, noise, greenhouse gas emissions, spread of noxious/invasive species, impacts on native plant communities and MBS sites, wildlife, soils, and water resources. The proposed project would temporarily generate dust and noise during the phases of construction, with the potential for noise and dust generation during ongoing use. The proposed project would increase traffic and greenhouse gas emissions related to the operation of ATVs and vehicles trailering ATVs to the area, with increased local congestion at trail heads. Expansion of trails, increasing connectivity among existing trails, and extending ATV use to existing roads and trails that currently do not allow ATV use could increase habitat fragmentation, increase direct mortality to some wildlife populations through encounters with ATVs on the trails, and increase negative impacts on wildlife populations through increased noise and general disturbance from the presence of humans. Routine use of the trails may increase erosion and thereby impact water quality. ATVs and vehicles in the project area have the potential to introduce or spread noxious/invasive species.

47. 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	Section 401 Water Quality Certification	To be obtained
St. Louis County	Letter of Authorization	To be obtained
St. Louis County	Conditional Use Permit	To be obtained
Koochiching County	Permits to cross county land	To be obtained
DNR or other WCA authority (County or Municipality)	Wetland Conservation Act (WCA) Delineation Approval	To be obtained
DNR or other WCA authority (County or Municipality)	WCA Replacement Plan	To be obtained

DNR	Public Waters Work Permit	To be obtained
DNR	Rare Species Takings Permit	To be obtained if needed
DNR	ATV Grant-in-Aid Trail Application	To be obtained
DNR	Recreational Lease	To be obtained, if needed
MN Department of Transportation (MNDOT)	Right-of-Way Permit	To be obtained if needed
U.S. Army Corps of Engineers	Section 404 Clean Water Act Permit	To be obtained
Cities and Townships	Zoning or other approvals	To be obtained
Private landowner	Easement or other permission	To be obtained
U.S. Forest Service	Land use permission	To be obtained
U.S. Fish and Wildlife Service (USFWS)	Formal concurrence letter	To be obtained if required

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 Facts, ¶¶ 46a-k, 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:

- Land Use
- Soils
- Water Resources
- Solid Waste and Hazardous Materials
- Wildlife Resources and Habitat
- Endangered, Threatened, and Species of Special Concern
- Air/Dust
- GHG emissions
- Noise
- Traffic

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 the effects of the proposed project and reasonably foreseeable future projects to the existing condition.

Cumulative potential impacts could include both project construction and operational activities. Potential cumulative impacts include the following: traffic; noise; air/dust; GHG emissions; impacts on habitat, NPCs, and MBS sites; disruption of wildlife; possible introduction to invasive species; increased potential for erosion; and potential for water quality issues.

As described in Findings of Fact paragraph 45 I, environmental effects during the construction and operations phase of the proposed project could interact with any of the projects listed above.

Based on the Findings of Fact above, the DNR concludes that the cumulative potential environmental effects to traffic, noise, air/dust, GHG emissions, plant communities, potential introduction of invasive species, erosion, disruption of wildlife, and water quality issues are not expected to be significant when viewed in connection with other contributions; the degree to which the project complies with proper (permanent) monitoring and mitigation measures and maintenance to minimize project impacts.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority.* Based on the Findings of Fact set forth 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:

Land Use: Environmental effects from land use changes are subject to mitigation by ongoing regulatory authority via St. Louis County Conditional Use Permits; MNDOT approval to include trail segments on public road ROWs; Koochiching County permits to cross public land; DNR recreational leases; and USFS land use permission.

Stormwater, Erosion, and Sedimentation: Environmental effects from stormwater, erosion and sedimentation are subject to mitigation by ongoing regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and the required SWPPP. These approvals address potential stormwater runoff impacts where temporary erosion and sediment control BMPs would be installed prior to construction. Redundant erosion control measures for any soil disturbing activities that encroach within 50 feet of natural surface waters or wetlands at the site will be required in the MPCA permit. The Proposer commits to employing appropriate trail construction BMPs for water quality and erosion control for the trail.

Wetlands: Impacts to wetlands are subject to permitting under the Minnesota Wetland Conservation Act administered by the DNR and the USACE Clean Water Act Section 404 Permit. Mitigation would be conducted pursuant to any permit conditions. Environmental effects to wetlands are subject to mitigation by ongoing public regulatory authority under the Minnesota WCA.

Surface Waters: All construction work proposed beneath the Ordinary High Water (OHW) level in public waterways will be subject to regulation under a Work in Public Waters Permit, which would be required from the DNR. Other water-related permits applicable to the project include the USACE Clean Water Act Section 404 permit, and the MPCA NPDES permit and CWA Section 401 Water Quality Certification.

Contamination and Hazardous Materials: It is the proposer's responsibility to properly handle and report any releases of hazardous materials to the State Duty Officer. The proposer commits to work with MPCA if any dredge spoil materials are encountered that need to be moved off site.

Wildlife Resources and Habitat: The proposer's commitment, including minimizing wetland impacts, limiting tree removal during certain periods to avoid impacts to wildlife, avoiding work around water basins if nesting trumpeter swans are present, reporting evidence of gray wolf dens or gathering locations, and minimizing canopy loss provide mitigation for impacts to wildlife resources and habitat from the project. Avoidance Plans for gray wolf, Canada lynx, and state-listed species, and means to control invasive species in existing habitat, will provide mitigation for potential impacts.

Noise: Operation of construction equipment and machinery would adhere to the State Noise Standards, which are not expected to be exceeded. 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.

Traffic: Environmental effects due to traffic are subject to ongoing regulatory authority under St. Louis and Koochiching Counties, local government Units, and MnDOT. Impacts to traffic are expected to be negligible.

Prior to initiation of this project, the permits and approvals identified in ¶147 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 or proposed to be undertaken by the proposer include:

Phase 1 Archaeological Survey of the proposed Project area

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

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

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

6. As set forth in ¶¶1 – 42, DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an EIS on the Voyageur Country Phase 2 ATV Trail Expansion Project 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 the proposed Voyageur Country ATV Phase 2 Trail Expansion Project does not have the potential for significant environmental effects.

ORDER

Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement **is not** required for the Voyageur Country ATV System Project located in St. Louis and Koochiching Counties, 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 14 day of April 2025

DEPARTMENT OF NATURAL RESOURCES

Jess Richards
Assistant Commissioner