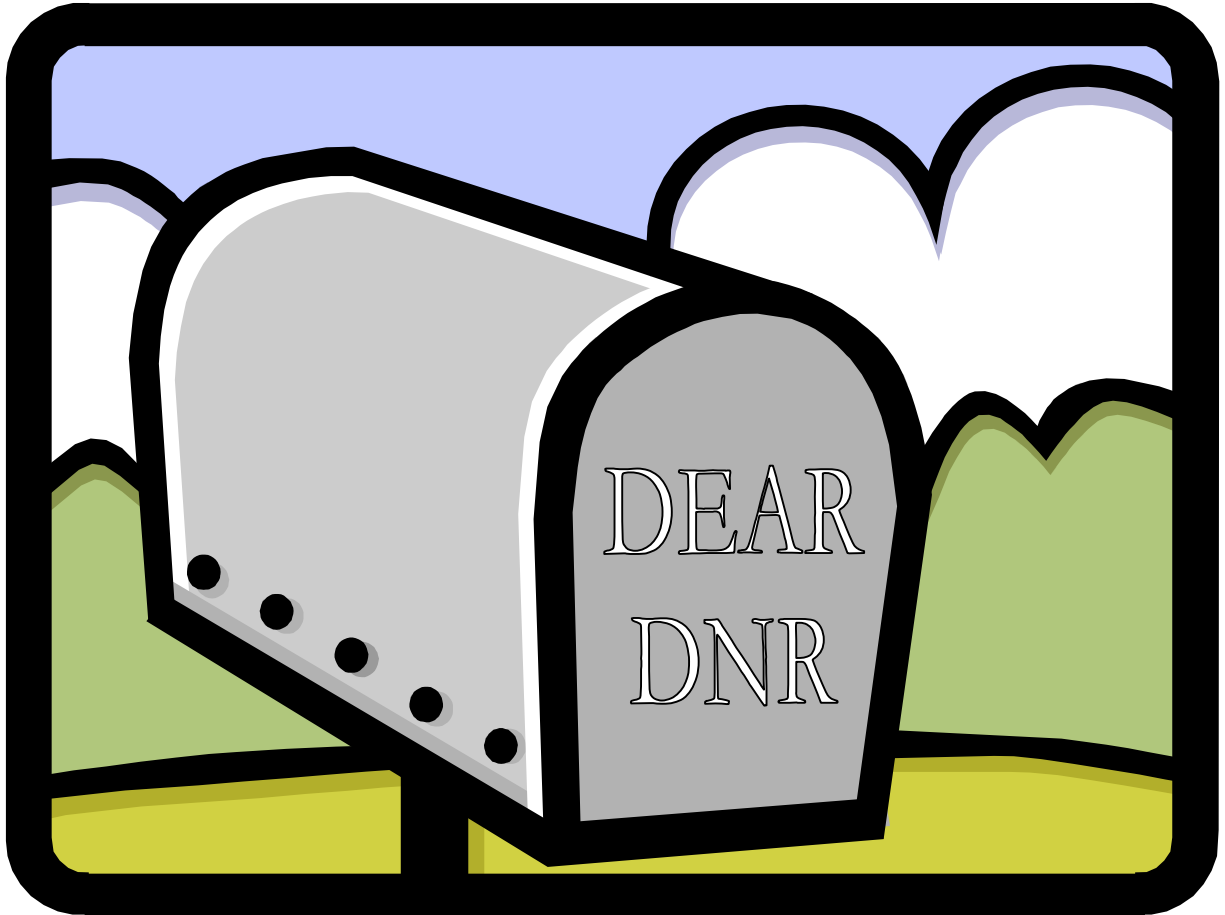


**Forest Classification &
Motor Route Designation Plan**
for State Forest Lands in
Cook County Minnesota

Response to Comments
November 6, 2007



Minnesota Department of Natural Resources

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BACKGROUND

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

Open Houses. The public process began with two Open Houses held January 24-25, 2006 in Grand Marais and Schroeder, respectively. The purpose of these meetings was to alert stakeholders to this planning effort, and to solicit comments, questions and suggestions for the planning team. Attendees were also invited to share with the team their thoughts and experiences regarding motorized access to and use of state lands in Cook County. Superior National Forest representatives joined DNR at the meetings. Both meetings were productive and well-attended.

Public Review & Public Meeting. The 60-day public review period for the Team's draft proposal began March 19, 2007 with legal notice in the *State Register (31 SR 1291)*, issuance of a statewide Press Release, and web-posting of the Draft Plan and Maps at www.dnr.state.mn.us. Paid ads and a second press release were also issued in advance of this meeting. A total of about 75 persons attended the DNR-sponsored meeting held May 22, 2007 in Grand Marais. Written comments were submitted at the meeting, and via Email, facsimile and by U.S. Mail during the comment period which closed on May 31, 2007.

Project Scope & Limitations. This Forest Classification and Route Designation Plan contains vehicular use guidance for both the Pat Bayle and Grand Portage State Forests, and for other state forestry-administered lands located outside statutory state forest boundaries in Cook County (except for an 1,851 acre portion of the Finland State Forest in SW Cook Co.). In total, more than 100,000 acres of state land and 175 miles of inventoried routes were evaluated with respect to motor vehicle use.

The plan addresses only EXISTING inventoried routes located on state-administered forest lands. No new road or trail construction, or grant-in-aid trail construction, is contemplated or proposed. As a result, trail designations resulting from this process are legislatively exempted from Environmental Quality Board rules regarding environmental review for recreational trail projects.

The plan does not address OHV use of public road ditches or road rights-of-way, or the use of private lands, trails or roadways. Nothing in this plan is intended to endorse nor discourage any potential future State Trail, unit trail, or grant-in-aid trail development proposals.

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

All inventoried state land routes are depicted on planning maps. Informal, local-use routes on state, federal, and especially on private lands, were not inventoried and are not depicted on the DNR draft or final maps. Route data from the Superior National Forest was added to provide context and perspective. As cooperators in this process, and major landowners in Cook County, federal travel management data and plans for the Superior National Forest helped inform DNR decisions, and helped to ensure consistency of regulation across public lands. Cook County officials were also consulted during this process.

Every effort was made to maintain existing vehicular access, subject to environmental constraints and land ownership considerations. The team sought to connect vehicular routes where possible, and carefully

weighed all options and alternatives. Team members also attempted to physically separate conflicting (motor vs. non-motor) recreational uses wherever possible, by limiting summer season motor use in certain areas, and by officially designating existing non-motorized trails where appropriate. This plan presumes that forest users (motorized or non-motorized) are, for the most part, law-abiding and respectful of trail rules, regulations and sign postings. Speculation to the contrary is unfounded and counter-productive.

By any measure, implementation of this plan will result in a net reduction of legal motor routes available for (especially summer-season) vehicular travel on state lands in Cook County. All existing and newly designated travel routes will be mapped, and signed as appropriate. These routes, and these forests, will also be the focus of stepped-up field enforcement during the implementation period as forest users adjust to changed motor vehicle use regulations. Finally, should assumptions prove incorrect or use conditions change substantially, forest classifications can be re-evaluated and trail designations revisited at any time.

COMPILATION OF COMMENTS

Written comments were received from approximately 250 groups and individuals. [For a complete listing, please contact Brian McCann @ 651/259-5627]. Public comments were sorted and distributed to members of the DNR's Cook County Planning Team for their evaluation and response. Copies of the comments were also shared with USFS, Cook County and Tribal cooperators who participated throughout this process.

RESPONSE TO TOPICS OF CONCERN

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

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

Forest Classification Preference

COMMENT: A number of individuals expressed their support for, or opposition to, the proposed classification scheme proposed for Cook County's State Forest Lands.

DNR RESPONSE:. The DNR acknowledges these individuals and appreciates their perspectives. The department will stick with the *'managed'* classification for the Grand Portage State Forest, and reclassify as *'limited'* both the Pat Bayle State Forest and state lands outside state forest boundaries in Cook County, as outlined in the draft plan. This approach helps foster regulatory consistency across the patchwork of state and federal lands in Cook County. Forest visitors need to be clear about motor vehicle operating rules on public lands in Cook County, regardless of whether on DNR or National Forest System lands. That's because consistency and rider understanding are critical to compliance and effective field enforcement.

COMMENT: Several individuals expressed their support for a *'closed'* forest classification as regards motor vehicle use. A *'closed'* classification would eliminate all off-highway vehicle use in the forest, for all purposes, year-round, including that on designated state forest roads. The seasonal hunting/trapping exceptions of *MS Chap. 84.926* would not apply in a *'closed'* forest.

Proponents argue that closure is necessary to protect and preserve the sensitive forest ecosystem from OHV impacts. Specifically, they cite impacts to forest soils, fragile wildlife habitat, exotic species spread, surface

waters and wetlands. They also cite the desire for quiet, and for additional acres devoted to non-motorized recreation. Moreover, given the proximity to the federal BWCAW, they argue that OHV access is unwise and inconsistent with a 'pristine wilderness-like' setting.

DNR RESPONSE: The Planning Team did debate the merits of a 'closed' classification, but determined that closure was unwarranted in Cook County at this time. In the team's judgment, current levels of ATV and HLV use, principally for utilitarian purposes (e.g., hunting, trapping, angling, gathering), are manageable. Regular trail monitoring, maintenance and enforcement will ensure that designated trails and non-designated routes do not fall into disrepair, or generate unacceptable impacts over time. Forest classification decisions can be revisited at a future date should conditions change or unforeseen problems arise.

Off-trail or cross-country OHV travel is not permitted in 'limited' or 'managed' state forests, except pursuant to MS 84.926, which provides for certain big-game hunting and trapping exceptions. These exceptions apply only to licensed individuals who operate ATVs or Highway-Licensed Vehicles (HLVs) in the course of hunting or trapping activities during specified seasons. All other off-trail use is illegal and subject to enforcement action.

COMMENT: One individual argued that there is an 'extreme statewide imbalance' of forests classified as 'managed' or 'limited', and that closure of the Cook County State Forests would help achieve a more equitable motor/non-motor balance in Minnesota. Enforcement workloads, he argued would also be greatly reduced under a 'closed' classification.

DNR RESPONSE: Of the first 18 forests completed, about half of the total inventoried routes, formerly legal to ride, have been closed to most OHV use. Two of the forests have been closed to all OHV use, roads included. Proactive route closures and 'Non-Motorized Area' designations within completed state forests also help to mitigate motor vs. non-motor visitor conflict, and can create de facto 'solitude' areas.

Securing compliance with Minnesota's OHV regulations is central to attaining the DNR's long-term goal of 'managed use on managed trails'. This task will be made easier by the substantial net reduction in motorized route miles resulting from the forest reclassification and motor route designation process currently underway. Improved signing and mapping of completed forests also enables trail users to make informed and appropriate choices, eliminating troublesome 'gray areas' and facilitating effective field enforcement.

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

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

MN DNR is committed to minimizing the construction of new routes through State Forests, and strictly enforcing prohibitions on off-trail vehicle travel. No new route construction is planned for Cook County. Over 7 miles of existing routes will be closed, and 32 miles will remain undesignated and thus closed to regular motor use under this plan. The DNR is also committed to controlling or eradicating known infestations of invasive non-native species on state lands, regardless of their origin or means of introduction, and preventing introductions related to the improvement or maintenance of existing routes.

A recently adopted departmental policy provides policy, procedures and guidelines to help DNR Staff prevent

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

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

Motor-Limited Area Proposals

COMMENT: – Cook County is already home to millions of acres of designated non-motorized and wilderness areas (e.g., State Parks, SNAs, WMAs, BWCAW). Why do we need more motor-limited areas?

DNR RESPONSE: Cook County does have substantial acres of federally designated wilderness. The designation of non-motor areas is one means of fulfilling USFS and DNR responsibilities to preserve and protect biological values, and to balance motor / non-motor recreation opportunities on public lands. No new non-motorized areas (i.e., 'closed' classification) are included in the final DNR plan for Cook County.

Originally, five areas in Cook County totaling 4,055 acres were considered for motor use limitations. Public comments, both in support of and opposed to motor-use limitations were received during the comment period. The DNR's has decided to proceed with reclassification of the Jackson Lake Site to 'limited' as regards motor vehicle use. None of the other four sites will be so designated.

COMMENT: All five of the proposed motor-limited areas, and the Hovland Woods SNA, should be expanded (i.e., minimum 10,000 acres each) and closed to motor use in order to protect those factors that resulted in their high biodiversity rankings.

DNR RESPONSE: The DNR appreciates this comment and concern. However, the department will reclassify only the 1,504 acre Jackson Lake Site as 'limited' with regard to motor vehicle use. This added protection is sufficient, to protect this area given current use and existing site conditions. None of the other four sites will be so designated. Forest classification may be revisited, at any point, should conditions change or unforeseen events arise.

COMMENT: The wild areas (on state land) near South Fowl Lake must be classified as 'closed' in order to protect them from future conversion of the snowmobile trail to an ATV trail. A designated Solitude Area should be created in this wilderness-focused area.

DNR RESPONSE: The planning team did examine this area closely, but determined that a 'closed' classification was not appropriate due to established access to private lands in the area. A USFS planned re-route of an illegal snowmobile trail that encroaches on the BWCAW (Tilbury Trail) is also planned though this area of state land. Federal litigation is still pending over the Forest Service's decision to re-route this trail.

COMMENT: There must be no roads designated within any of the Federally Inventoried Roadless Areas, or in the area outlined in the proposal submitted by the Friends of the Boundary Waters Wilderness.

DNR RESPONSE: The DNR Planning Team worked in concert with U.S. Forest Service representatives to ensure compatibility and consistency between state and federal travel management plans and resource management objectives. The DNR is unaware of any issues or conflict with federal plans resulting from planned road or trail designations for Cook County.

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

Change Recommended

- **Trail to Moosehorn Lake** (T63N R3E, Sect. 36) via Tom Lake Rd. – Important fishing & carry-in boat access. DNR will change to MMR to DNR Parking Lot, then ‘access’ route to the lake.
- **Trails North of Andy Lake Road** (T63N R4E) – Switch to Access Routes.
- **USFS Unclassified Road to State Land** (T64N R2E, Sect 36) – USFS proposes to convert to OML-2 and open to OHV use. Connecting state land route will switch from ‘closed’ to MMR.
- **Thorson Road Walking Trails Proposal** (T64 R3E) – Switch to access trails, but maintain planned route closures elsewhere in the vicinity of these trails.
- **USFS Forest Roads 325 & 309** – Sections of Greenwood Lake Road (#309) are proposed to be opened to ATV. The sections are: 1) Gunflint Trail to #309A, 2) from #309C to #1385, and 3) from #1387 to #144. In addition, one section of the South Brule River Road is also proposed to be opened to ATV. It connects the ‘Y’ Snowmobile Trail to the #325H spur road.
- **Devil Track to Two Island Lakes, ‘X’ Snowmobile Trail** (T62N R1W, Sect. 19) – Switch from snowmobile trail only to MMR from south to USFS property boundary. From there, restricted to snowmobile only. The Two Island Lake Campground will remain non-motorized.
- **Kimball Lake Campground Rd** (T62N R2E, Sec. 16) – A section of the Mink Lake Road (USFS #140) is proposed to be opened from Trout Lake Road (#308) to Mink Lake Spur G (#140G). Cook County 14 can be reached, under the current USFS proposal, via the Kimball Creek Road.
- **Boyd Trail / Steven’s Lake Trail** (T63N R3E) – These routes lie within proposed addition to Hovland Woods SNA. The proposed snowmobile trail will be changed to a forest access route, subject to closure should damage occur. Stream crossings will be relocated and improved along Boyd Trail, and user-created routes at the beaver pond and south slope will be closed and revegetated. Actions will also be taken to discourage motorized use of steep portions leading to Steven’s Lake (Sec. 25). This (formerly closed) route will now be open to above the stream crossing where the topography changes. It will be closed beyond that point to the lake.
- **Tower Road** (T62N R4E) – Proposed closure will be changed to forest access route. An ATV-friendly gate will be installed to limit HLV/ORV/Class 2 ATV access. Existing segment through the SNA to the Tower will remain open to Class 1 ATV.
- **ATV Use of Snowmobile Trails** – Summer use potential was evaluated, by both USFS and DNR, but not all winter routes are suited to summer OHV travel. Still, there are six separate instances where dual-designations are proposed, consistent with existing resource management plans and priorities. These changes are reflected on the final planning map, and will also appear on visitor maps.

No Change Recommended

- **Mississippi Creek Area** (T62N R2W, Sect. 33) – No change, maintain as non-designated route. USFS inventoried ‘roadless area’. Current route incomplete, unsustainable. No new access into this area is desired. Hunter / trapper exception still applies here.
- **Unmapped Croftville Trails / Pincushion Ski Area** (T61N R1E, Sect. 10, 11, 12, 14 &15) – Mixed land ownership. Routes will not be added to the inventory, and portions on USFS or DNR lands (State Wayside – not subject to review) will remain closed to OHV use.
- **Cascade State Park / Farm Road** (T60N R2W, Sec.3, 10) – Request for parking lot and OHV route designations. No OHV trails permitted in Minnesota State Parks. Will remain closed.
- **Wills Lake Hunter Walking Trail** (T61N R3W, Sec. 1, 12) – USFS intends to go forward with these proposed hunter walking trail designations (mostly on USFS lands).
- **Kelly Hill Road** – Stick with current MMR designation for the road. The remainder of the route is suitable for motor use only when frozen. USFS proposes to designate an ATV Route to connect with Trout Lake Area trail network to facilitate training activity, and will continue discussions with mushers regarding additional NFS road use.
- **Unmapped, local interest routes** – Incline Road (Colville)? Croftville/Co. Rd 14 to Devil Track River? Hovland Area logging roads? Camp 15 Road? These are mostly routes located on private lands. Not inventoried, nor shown on DNR maps. Outside planning scope. USFS will address any unclassified routes that occur in this area on National Forest Lands.
- **Kadunce Creek Sled Dog Trails** (T62N R2E) – Mostly USFS lands. Discussions with mushers have resulted in additional ATV routes to Trout Lake. No additional routes have been proposed.
- **Lima Mtn Road (USFS #315) & Snow Trail** – Major upgrade of this section of USFS road, which would be required for summer-season ATV use, is not included in the current federal proposal.
- **Tofte Snowmobile Trail** (T59N R4W, Sec.16, 17, 20 & 29) – Connects w/600 Road & North Shore Trail. This route is low lying and wet. It would require substantial improvement to permit summer-season ATV use. Upgrade of this route is not included in the current USFS Travel Management Proposal.
- **GIA Snowmobile Trail** (T64N R3E, Sec 31 & T64N R2E, Sec 36) – This proposed snowmobile trail near Esther and Olga Lakes traverses very steep terrain, wetlands, and mixed public and private land ownerships. Accommodating ATVs would be difficult and costly. There are no plans to do so at this time.
- **Devil Track / Meridian Road Walking Trail** (T62N R1W, Sec. 36) – The Meridian Road (USFS OML-2) is currently open to ATVs and will remain so under the current federal proposal.
- **T 63N R1W, Sec. 36** – USFS controls access to this area. State routes will remain non-designated, consistent with federal route designations, to discourage illegal ATV access and operation.
- **Devil Track Lake Powerline / Monker Lake Road** (T62N R1E, Sect. 31) – Predominantly USFS and privately-owned forest lands, which are closed to OHV use. Likewise, little or no riding opportunity on state lands in this area. Road is currently open to ATV, from Cook Co. Rd 8 to just south of the intersection with Forest Road 1367 (also open to OHV). No change is proposed.

- **State Forest Access Route / USFS Bike Trail** (T61N R4W, Sect. 16) – This non-designated state land route has no legitimate connection to the USFS road, which is open to all motor and non-motor uses, including mountain bikes. The DNR Team recommends that the route remain non-designated.

Comment Acknowledged

- **Mapping Colors / Confusion** – The DNR will revise its mapping color scheme to distinguish more clearly between motorized and non-motorized trails.
- **Class 2 ATVs** – Within GP/PB Class 2 ATVs may be used on all SFR/MMRs, on designated ATV trails posted open to Class 2 ATVs, on forest access routes (in GP), and on non-designated routes (in PB) pursuant to hunting/trapping purposes. Class 2 ATVs may not travel off-trail (like Class 1 ATVs can) for big-game retrieval. Non-designated routes outside State Forests in Cook County ('limited' forest) are also open to Class 2 ATV use.
- **South Fowl Lake Route** (T64N R3E) - Existing motor access across state lands will continue. Access routes are purposely not shown across USFS, Nature Conservancy or private property in this area due to uncertainty surrounding survey boundaries. This does not imply closure.
- **Colville Area Sled Dog Routes** (e.g., Co Rd 14 to Elbow Lake, Co. Landfill, Tower Road to Kimball Lake to Trout Lake to Caspers Hill. Tower Road to Lake Wind General Store) - USFS meetings with mushers have resulted in some added vehicular routes.
- **Caribou Trail, Honeymoon Trail, Sawbill Trail & the 'Grade'** (i.e., Cook Co. & USFS Roads) – Cook County & USFS are presently evaluating the possibility of opening portions of these and other hi-standard roads, or their ditches, to OHV use in order to provide important off-road travel links.
- **Jackson Lake Rd / OHV Scramble Area?** – OHV 'scramble areas' not permitted on State Forest Lands. Legislative authorization needed for development of a 'Motorsports Facility'. Outside scope.
- **Greenwood River / Powers Lake Road** –USFS controls access from the west, and private landowners control access from the east. Although state land access routes in this area are open and available for ATV use, many of routes are not on state land and are not open to public motor use.
- **Camping / Parking Facilities?** – There are no new facility development proposals in the DNR Access Plan (outside the scope of this exercise). The majority of existing campsites and parking facilities are located along the Arrowhead Trail (e.g., Esther, Chester, McFarland Lakes). These are accessible along existing USFS, County or DNR Forest Roads. DNR will re-examine the need for support facilities during plan implementation and address identified needs. The USFS Tofte and Gunflint Ranger Districts are not proposing to construct any new facilities in conjunction with the current Travel Management Planning Process.
- **Paradise Beach Area** – ATVs have already damaged unique coastal wetlands (behind the beach). There is also a Superior Hiking Trail easement along the lake here. If this parcel, currently in MN/DOT ownership, is eventually transferred to DNR, the department will close this route in an effort to halt damage and deter illegal vehicle operation.

COMMENT: Why have so many historical travel routes been 'left off' of the planning maps? Some of these are important local connections used primarily by local residents. They should be left alone.

DNR RESPONSE: All inventoried state land routes are depicted on planning maps. Many informal, user-created routes on state, federal, and especially on private lands, were not inventoried nor mapped on draft or

final planning maps. Route data from the Superior National Forest was added to provide context and perspective. As cooperators in this process, and major landowners in Cook County, federal travel management data and plans helped inform DNR decisions, and helped ensure consistency of regulation across public lands. Neither agency is proposing to close any routes located on private lands.

COMMENT: Why aren't support services (e.g., gas, food, campgrounds) connected by motor routes?

DNR RESPONSE: The DNR and Forest Service did attempt to provide meaningful travel loops and access to important destinations, wherever possible, within the scope of this route disposition exercise. This was not, however, a comprehensive recreational planning process, but rather dealt only with established routes. No new trails, trail connections, or support facilities are proposed. These system improvements will need to be developed subsequent to this effort, in concert with riders, local clubs and other stakeholders.

COMMENT: Cook County off-roaders include not only ATV riders, but also off-highway motorcyclists and 4x4 truck drivers. Please provide legal routes suitable for all types of off-road vehicles.

DNR RESPONSE: All State Forest System and Minimum Maintenance Roads are, by definition, open to all types of motorized vehicles.. Access Routes, in the *'managed'* forest, are also open to all motor uses year-round subject to prohibitions on rutting, erosion and damage to vegetation. HLVs, ORVs and Class 2 ATVs may use non-designated routes in the *'limited'* forest pursuant to the hunter / trapper exemptions on state lands. They may not, however, travel off of these routes, as can Class 1 ATVs, for big-game retrieval.

COMMENT: Please make all of the North Shore State Trail (NSST) snowmobile trail parking lots available to equestrians and ATVers as parking/staging areas. Also open State Park parking lots to these forest users.

DNR RESPONSE: ATVers and equestrians can already use NSST parking facilities, but ATVs are not permitted to operate on the trail. State Park parking facilities are for State Park visitors only, and with the exception of Tettegouche State Park, they too prohibit ATV operation.

COMMENT: North Shore GIA trails should be upgraded with ATV funds for ATV use.

DNR RESPONSE: This request is beyond the scope of the current planning exercise.

COMMENT: Only 5% of inventoried route miles are proposed to be 'proactively closed'. This is too small a percentage. Closing half of the routes would be better.

DNR RESPONSE: Route closures were based upon Planning Team evaluations and the DNR's Rapid Environmental Assessment Checklist scores. Only wet, unsustainable, duplicative or undesirable routes were summarily closed. This totaled about 4% of all inventoried routes.

COMMENT: The addition of 9.5 miles of hunter walking trails is a good start, but it's not enough. Non-motor trail designations should be at least twice that of motorized trail designations.

DNR RESPONSE: The team did not base their recommendations on a formula or quota, but rather a considered analysis of what they deemed most appropriate for each particular route. Walking trails were proposed in areas where substantial demand was known to exist based upon field observation and demonstrated use. About 4.5 miles of hunter walking trail will be designated under this plan.

COMMENT: It is extremely important that all roads that connect the Gunflint Trail, Grand Portage State Forest and the Grand Portage Reservation be closed to prevent Cook County from becoming an 'ATV destination'.

DNR RESPONSE: No State Forest Roads will be closed under this plan. Still, Cook County is unlikely to become an ATV destination because of its distance from major population centers, and because it lacks a system of designated recreational trails. Roads and local access routes are not what recreational ATV riders are looking for. DNR-sponsored research has repeatedly shown that off-roaders prefer signed, mapped and designated trails that are planned, designed, constructed and maintained specifically for their use.

COMMENT: It was my understanding that decisions regarding motorized use of the Boyd Road within the proposed Hovland Woods Scientific & Natural Area (SNA) expansion area were to be made separately, subsequent to this motor access planning process. Your proposed closure of Boyd Road, through this process, may jeopardize the Cook County Board's required approval of DNR plans to expand the SNA.

DNR RESPONSE: This process was deemed the appropriate forum for addressing questions surrounding the Boyd Road. The Planning Team has looked at this issue in depth. They paid close attention to public comments received in response to their preliminary proposal, which was to designate this route as a 'snowmobile trail'.

As a result, the snowmobile trail proposal (along Boyd Trail) has been dropped. The route will remain non-designated, as a forest access route, which is open to vehicular use subject to prohibitions on rutting, erosion or vegetative damage. To prevent damage, appropriate stream crossings will be created, problems at the beaver pond will be addressed, and issues with the wet, steep south end will be corrected. Problematic user-created routes at these locations will be closed and revegetated. These changes will allow for continued motor vehicle access along the Boyd Road.

COMMENT: Motorized use is inappropriate in the Hovland Woods SNA. This route (i.e., Boyd Trail) should not be opened to any type of motorized use.

DNR RESPONSE: The Boyd Trail travels into a 'proposed addition' to the existing Hovland Woods Scientific and Natural Area (SNA). Year round motor use is currently legal on this route, and will remain so under this plan. Decisions regarding the future of the SNA will be made separately from this process.

Planning Process Questions & Comments

COMMENT: One individual noted that the USFS Travel Management Planning Process is still in-process in the Superior National Forest. Therefore, he argues that the public comment period for Cook, Lake and St. Louis County State Forests should be re-opened and extended until the results of this federal planning effort are known and its implications for state lands better understood.

DNR RESPONSE: The DNR has fulfilled (or exceeded) all statutory requirements for public notice, 60-day public review and public meetings on the draft access plan for Cook County. The comment period closed May 30, 2007 and will not be re-opened or extended. The DNR Planning Team worked closely with their county and federal counterparts, and will continue to do so, as access plans are developed and implemented to ensure consistency across public land ownerships.

COMMENT: One reviewer felt that additional 'background data' (e.g., invasive species data, route density maps, ETS species occurrences, Lynx Analysis Unit borders, NWI maps, locations of impaired waters, and geographic representations of potential OHV impacts resulting from soil, slope, topography, vehicle noise emissions, etc) should have been made available to the planning team to inform their decisions and help shape the draft access plan.

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

In considering natural resource data, planning teams employ a Rapid Environmental Assessment Checklist (REAC) to ensure that their examination is thorough, and to assist in assigning values or 'scores' to all inventoried route segments proposed for vehicular use designation. These composite REAC scores are helpful in determining which routes can, in fact, sustain continued vehicular use. The scores, plus site-specific detail and rationale for all individual route designation proposals, reside within the ArcView GIS spatial analysis software used by the teams to track the route designation process. This is public information available for review by contacting the DNR Toll Free at 1-888-MINNDNR.

COMMENT: One individual charges that the Planning Team failed to assess (motorized) road and trail densities, and to evaluate the effects that high route densities have on forest flora, fauna and especially on other (non-motor) forest users.

DNR RESPONSE: Route density maps are available to planning teams upon request. However, the department has not adopted a trail density standard or motorized buffer metric for state forest lands. That's because uncertainty exists regarding the precise relationship between road/trail density and effects on terrestrial and/or aquatic ecosystems. A direct cause-effect relationship has not been established for most species; nor have threshold density values beyond which specific impacts can be anticipated. The effects of trail density on other forest dwellers, especially human visitors, are even less well understood.

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

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

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

DNR RESPONSE: The DNR finds this speculation unwarranted, and believes that recreational trail traffic will logically follow recreational trail designations. In Cook County, which is nearly a four-hour drive from the Twin Cities Metro Area, only 7.6 miles of added OHV trail are proposed for designation. Recreational riders will not be drawn in large numbers this distance to ride forest roads or local interest 'forest access routes'. At this point, there are no plans to display forest access routes on published visitor maps.

COMMENT: One individual felt that the mix of 'managed' and 'limited' forest designations will be too confusing to riders, and suggested that DNR leave things they way they are now (i.e., 'managed').

DNR RESPONSE: In 2003, the State Legislature directed DNR to undertake an evaluation of the motorized vehicle classification of all 58 State Forests and to adjust the classifications as appropriate. This is what the planning team has done in arriving at the current plan. Consistency of OHV regulation across public land ownerships was a key factor in arriving at the recommended classifications for lands inside and outside

of State Forests in Cook County. That's because consistency and rider understanding are critical to effective field enforcement.

COMMENT: One individual suggested that public meetings (for all forests) be held in the Mpls/St. Paul Metro Area, in addition to the county in which the forest is located.

DNR RESPONSE: The DNR acknowledges that weeknight public meetings held in locations distant from the Metro can make it difficult for those wishing to attend. However, this approach is consistent with public notice and meeting requirements set forth in *MR Part 6100.1950*. While state law does not prohibit additional public meetings, extra meetings are unlikely given the logistical challenges involved with transporting Planning Team members and other Area Staff to and from the Metro for the many meetings associated with this statewide planning exercise.

In the final analysis, thoughtful written comments submitted during the official comment period have the greatest impact on DNR planning teams and decision makers. The public meetings are but one facet of public participation in plan development and review.

COMMENT: One individual asked whether motorized grant-in-aid or unit trails could be developed in the future in State Forests classified as *'limited'*. What about trails through so-called 'Motor-Limited Areas'?

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

COMMENT: One reviewer asked why earlier proposals from the 1998-2001 DNR OHV System Plan and 2006 Feasibility Study aren't included among the team's recommendations. Both of these efforts examined potential ATV use of the North Shore State Trail. Both concluded that it was a good idea.

DNR RESPONSE: Unlike the Draft OHV System Plan for NE MN, the current route disposition exercise deals only with the designation of existing (undesignated) routes on state forest lands in Cook County. No new trail construction is planned or contemplated. The current exercise should, however, provide a solid foundation for future system planning efforts. The 2001 Plan (draft) was never finalized, approved or adopted by the department.

Like the OHV System Plan, the ATV Feasibility Study, which examined the financial and logistical implications of upgrading segments of the North Shore State Trail to accommodate summer ATV use, is not particularly useful for the current effort. Modifications to the North Shore Trail, if undertaken, would require amending the trail's Master Plan, then conducting an environmental review of projected improvements and changed use. These steps would need to occur separately from this process.

COMMENT: It is virtually impossible to calculate the actual percentage of route closures, since non-motor routes were included in the original route inventory. What is the closure percentage?

DNR RESPONSE: Some non-motor routes were inventoried, and others were later added to the total so that they could be officially designated as hiking or hunter walking trails. With these routes included in the total, the percentage of routes closed to motor use (NM Trails + Closure + Non-Designated Routes/214) is 36%. Without the non-designated routes, which are open to hunter/trapper motor use in fall, it is 22%.

COMMENT: The DNR should have presented a draft proposal that provided the necessary level of detail and specifics that one needs in order to comment intelligently. Non-motor areas, for example, shouldn't have been proposed at the outset. It seems the DNR is bent on taking away public access. This is not an open, participative or legitimate planning format. It is not a 'win-win' plan.

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

COMMENT: What 'site-level improvement projects' does the plan refer to?

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

COMMENT: The draft plan is silent on the issue of where future OHV trails will be permitted. It should have contained a map showing where GIA trails should, or should not, be proposed or built. The capacity and desirability of state lands for OHVs should also have been addressed. Why wasn't this done?

DNR RESPONSE: This is not a comprehensive outdoor recreation plan. It is simply an existing route disposition exercise. Future GIA trail development is beyond the scope of this exercise.

COMMENT: Why was consensus necessary among team members in order to 'close' an area to motor use? Isn't the default condition of the forest 'closed'?

DNR RESPONSE: DNR Planning Teams do operate on the basis of consensus, with Regional Managers, Division Directors and the Commissioner's Office handling any intractable disputes or unresolved issues between disciplines. This approach has proven effective in producing sound positions grounded in science.

Cook County state forests are currently '*managed*'. They were so classified on January 1, 2000 by then Commissioner Rod Sando. The default condition is '*managed*' under state law for forests north of U.S. Hwy 2 (*See Laws of MN 2003, Chap. 128, Article 1, Sect. 167, as amended by M.L. 2005, 1st Special Session, Chapter 1, Article 2, Sect. 152, and by ML 2007, Ch. 57, Sec. 155*).

COMMENT: Roads and routes should be closed to ATVs, while being left open to HLVs.

DNR RESPONSE: By definition, DNR forest roads are open to all motorized uses, unless posted closed. These roads are intended to provide motorized access to state lands and waters. In Cook County, they also provide the majority of all OHV riding opportunity. It would be illogical to close them to (only) this use.

COMMENT: This plan is a blueprint for wide-spread land and water impairments.

DNR RESPONSE: The DNR respectfully disagrees with this reviewer's opinion. By any measure, implementation of this plan will result in a net reduction of legal motor routes available for (especially summer-season) vehicular travel on state lands in Cook County. Unsustainable routes will be closed. All designated travel routes will be mapped, and signed as appropriate. These forests will also be the focus of stepped-up field enforcement during the implementation period as forest users adjust to changed motor vehicle use regulations. This plan will bring order to an existing system of largely undesigned motor routes.

OHV Program & Policy Comments

COMMENT: One individual asked whether systematic, statewide trail closures (as per the current process) might not simply displace ‘renegade’ riders.

DNR RESPONSE: The DNR acknowledges that some OHV riders may be displaced from travel routes that were once legal to ride. The trade-off is that the statewide inventory of designated OHV trails has grown significantly as a result of this process. As forest plans are completed, visitor maps are being prepared to identify these legal riding routes. Through this process, problematic and unsustainable routes are dropped from the system, focusing additional maintenance and enforcement resources on these newly designated motor routes.

COMMENT: One individual asked how the DNR intends to achieve a motor / non-motor ‘balance’ by simply restricting motorized trail users.

DNR RESPONSE: In the DNR’s judgment, the current plan strikes a reasonable ‘balance’ by providing necessary motor access, while reserving sizable areas for those who wish to recreate absent motorized influences or disturbance.

COMMENT: One individual charges that the DNR cannot afford the added expense associated with motor trail designation (e.g., repair, maintenance, monitoring, enforcement), especially when one considers ‘external’ costs of motorized recreation (e.g., pollution, destruction, noise, displacement of non-motor recreationists) that are frequently borne by taxpayers. Non-motorized trails, he believes, are less expensive to operate and maintain.

DNR RESPONSE: The DNR is unaware of any detailed data that compares the costs of constructing, operating or maintaining motorized versus non-motorized trails in Minnesota. The DNR is, however, currently engaged in a multi-year Pilot Study of motorized trail systems which will help generate more reliable OHV trail cost data, and help refine future cost estimates and support funding requests. Preliminary findings from this study were submitted in a 2005 report submitted to the Minnesota Legislature entitled: “*Study of Off-Highway Vehicle Trails*” pursuant to *MN Laws 2003, Chapter 128, Article 1, Sect. 168*.

COMMENT: One individual asserted that because OHV operators comprise but a fraction of the state’s population, and since few ride in State Forests, more non-motor opportunity should be provided for the “super-majority” of self-propelled forest visitors who choose not to ride OHVs.

DNR RESPONSE: The DNR agrees that a sizable percentage of riders do report riding primarily, but not exclusively, on private land or other non-state public property. This is evident from various studies conducted by or for the DNR over the past several years. However, the data also show that OHVs are often unaware of public land riding opportunities, and are frequently uncertain regarding the ownership of the roads, trails and lands that they do ride on.

A significant portion of OHV use does occur on state lands in every region of the state. The “*Outdoor Recreation Study of the Foot Hills Forest Area*” (MN DNR, 2004) demonstrates this fact. In the case of the Foot Hills, forest visitation was estimated at nearly 60,000 visitor occasions annually, a level that actually exceeds visitation at nearby Crow Wing State Park. Most survey respondents reported accessing the forest via public-entry sites (75%), while the remainder (25%) enter via adjacent private property. **Perhaps most striking, was that 63 percent of all those surveyed reported riding an OHV during their visit to the Foot Hills.** This includes 55 percent of hunters and fully 40 percent of those engaged in ‘other’ outdoor recreational activities (e.g., hiking, fishing, bird watching, etc.). This study is now being replicated in a number of other State Forests to determine whether this trend is, in fact more widespread.

The “2004 Outdoor Recreation Participation Survey of Minnesotans” [MN DNR, 2005], MN DNR projects a 252% increase in off-road ATV driving between 2004-2014. While all other outdoor activities are expected to experience participation declines of between 11 and 25 percent, ATV riding is expected to increase dramatically due to the steady, rapid rate at which off-road recreation has grown over the past 10-years (e.g., ATV registrations have doubled every 4-5 years during the past decade). Although it is unclear how long this trend will continue, it is prudent that DNR plan for this growing use.

In a companion report: “Ten-Year Forecasts of Minnesota Adult Outdoor Recreation Participation, 2004-2014” [MN DNR, 2005], participation in off-road ATV riding is projected to increase to 36 percent of the state’s population by 2014. Numbers of riders and hours spent annually are projected to triple (305%) over this same period. This is remarkable, given that typical Minnesotans are expected to spend less time outdoors than in the past, as recreation participation rates ‘plateau’ and decline in Minnesota.

[Ed. Note: These ATV growth projections have since been scaled back slightly citing a flattening of the new ATV registration curve, more characteristic of a slowing, ‘maturing’ growth curve. The ten-year increase in ATV participation, which is assumed to be proportional to the numbers of registered machines, is now projected to be 54.9%, with the projected increase in ridership projected to be 34.7% over the period.]

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

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

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

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

COMMENT: Why does the DNR always propose to close wet or rutted travel routes, instead of simply repairing and improving them, even mitigating for wetland damage if necessary?

DNR RESPONSE: Every effort was made to maintain popular travel routes, especially those that form a part of logical transportation network, even when this requires substantial corridor improvement or rehabilitation. Some routes are, however, simply unsuited to vehicular travel and must be closed and/or re-routed in order to stem environmental damage. Problem routes are often user-created, or the result of winter logging activity. They were never planned, designed or constructed to handle summer-season vehicular use. Retro-fitting such routes to handle year-round vehicular use is often difficult and costly, and sometimes unwise and ineffective over the long term.

COMMENT: All human intrusion into forested ecosystems produces some level of ‘impact’ or ‘damage’, whatever the mode of transportation. Therefore, if ATVs are prohibited entrance, shouldn’t hikers, bikers, hunters and trappers should also be barred from entering sensitive forest areas?

DNR RESPONSE: It's true that all human activity carries with it the potential for forest disturbance. The degree of disturbance, however, varies based upon the type and level of activity, and by the means of transportation (e.g., walking or hiking, horse back riding, ATV, mountain biking or HLV). This human 'footprint' results principally from, soil compaction, rutting and erosion, vegetative damage, wildlife disturbance and other subtler, longer-term habitat effects.

Vehicular travel is thought to have a larger footprint, even at comparable traffic levels, due to the pronounced effects of wheeled travel on unfrozen soils and ground cover vegetation, and as a result of engine noise and exhaust emissions (except for mountain bikes). Travel speed and distance covered are also typically greater for wheeled forest users, motorized or not, requiring more miles of trail to satisfy the same number of visitors per unit area. Corridor width and forest fragmentation effects may also prove limiting factors, depending upon the type of vehicular travel.

The Planning Team based its' recommendations on route-by-route sustainability evaluations, their knowledge of existing resource conditions, and estimates of current use. Every effort was made to maintain current uses on existing routes, subject to sustainability determinations. The team also sought to physically separate incompatible or conflicting uses wherever possible, and to provide access for both motorized and non-motorized forest users. In the DNR's judgment, the final plan strikes a reasonable 'balance' by providing necessary motor access, while providing sizable areas for those who wish to recreate absent motorized influences or disturbance.

COMMENT: One individual speculated that more trail miles would result in better distributed ATV use and reduced concentration along main travel routes. Restricting motor vehicles to fewer miles of routes will create congestion and conflict, he concluded, encouraging some to leave the trail illegally in search of better riding opportunities.

DNR RESPONSE: This exercise was focused exclusively on existing routes. Those that could sustain vehicular use, in most cases, remain open to use. Those that cannot, or those better suited to non-motorized use in the Team's view, were closed to motor use and/or designated for non-motorized uses. While some local displacement may occur, collectively many more miles of officially designated OHV trails will result from this statewide examination of all 58 state forests.

COMMENT: You've failed to distinguish between ATVs and much larger, more intrusive vehicles like 4x4 mud trucks. ATVs are far less damaging. As a result of this confusion, many good trails will be closed that weren't suitable for bigger, wider vehicles in the first place.

DNR RESPONSE: This plan does make specific recommendations for ATV, OHM, ORV and for HLV use. No single-use vehicular trails, are proposed for Cook County. Instead, shared use of forest roads, trails and forest access routes is planned.

COMMENT: The DNR has been unable to control the spread of user-created trails in the past, what makes you think that you can reign-in the proliferation of off-trail or cross-country travel by these machines which were, after all, intended to traverse all types of terrain? Why no commitment to enforcement or long-term trail monitoring?

DNR RESPONSE: This plan presumes that forest users (both motorized or non-motorized) are, for the most part, law-abiding and respectful of trail rules, regulations and sign postings. Speculation to the contrary is unfounded and counter-productive. Experience has shown that riders are indeed drawn to established and maintained trails, even though their vehicles are capable of off-trail travel. Those who do venture off-trail illegally, whatever the reason, will be subject to citation. Likewise, those who knowingly or unknowingly violate prohibitions on rutting, erosion or damage to vegetation, will be cited.

Hours spent on OHV Law Enforcement and Safety Training activities have increased from the FY 2004 level of 17,339 hours to a statewide total of 30,466 hours in FY 2007. More than 50 new officers have been hired and time spent on OHV enforcement and safety training have nearly doubled over this same period. Enforcement efforts have grown commensurate with increased numbers of riders and registered vehicles in order to protect public safety and ensure compliance with state law. Increased enforcement activity in recently reclassified forests is intended to boost compliance with new riding restrictions and trail designations. The Division of Enforcement has also initiated ‘Special Work Details’ to address localized enforcement problems.

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

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

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

COMMENT: The DNR’s staff paper entitled: *“Assessing the Ecological Impacts of ATV Trail Construction and Use on Public Lands”* is a valuable document for anyone seeking to better understand OHV impacts. Why would such a report remain in draft form for 5 years and not be used to inform these motor access plans?

DNR RESPONSE: This draft report was compiled by Ecological Resources staff and has had only very limited review by a handful of staff in Fish & Wildlife. Staff elsewhere in the department have not reviewed, nor provided comments on it; nor has anyone external to the department been asked to review it. It was intended only to help guide internal discussion of OHV trail proposals and their potential impacts.

Some of the issues raised in the draft, however, led to development of the department’s *“Rapid Environmental Assessment Checklist”*, which is a tool used by OHV field teams to gauge route sustainability in the current planning effort. This tool helps flag potential environmental issues that could impact a route’s long-term sustainability or its ability to handle continued motor vehicular use.

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