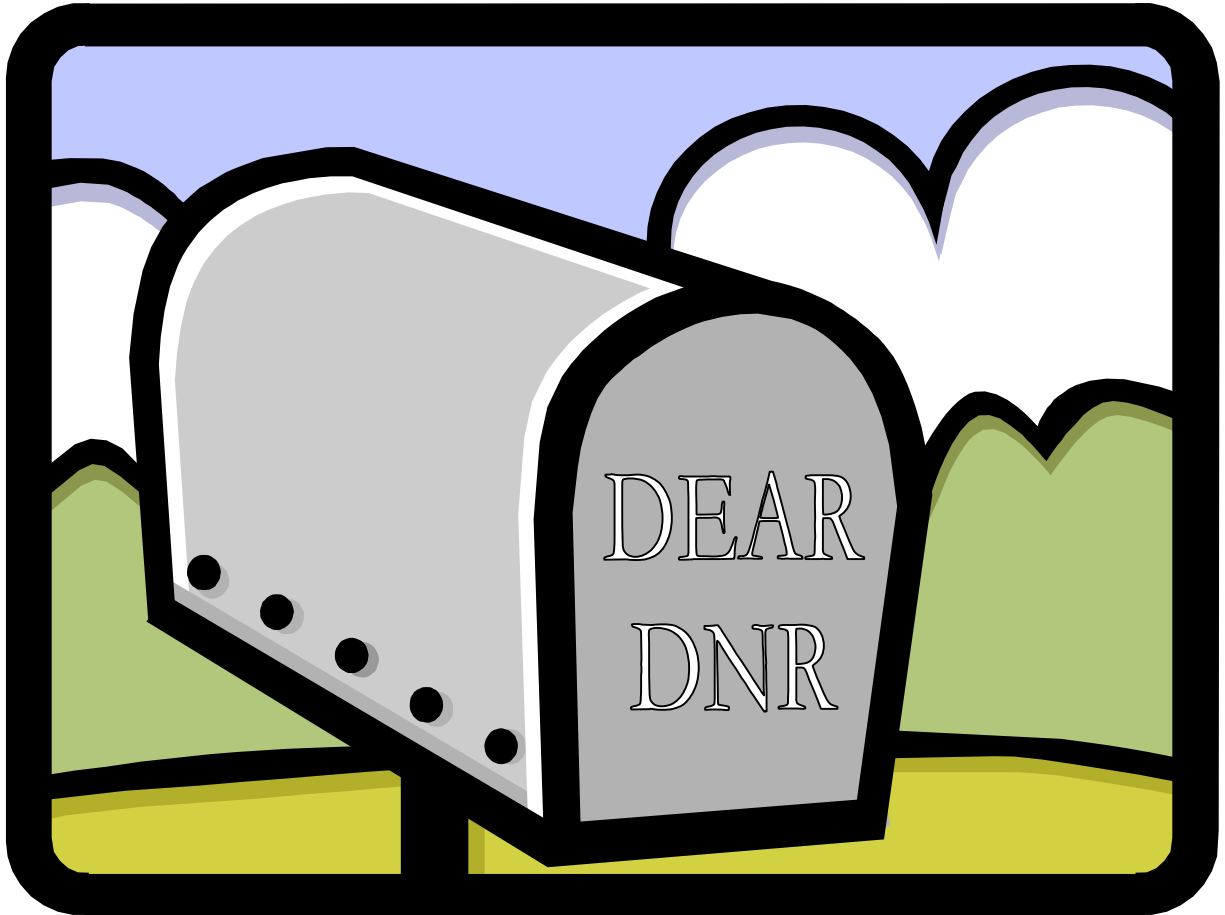


**Forest Classification &  
Road / Trail Designation Plan**  
for the  
**Cloquet Valley State Forest**

**Response to Comments**  
December 10, 2008



**Minnesota Department of Natural Resources**

# Cloquet Valley State Forest Planning Team

Dan Grindy, Chair..... DNR Division of Forestry  
 Tom Peterson / Bruce Highland.....DNR, Division of Trails & Waterways  
 Rich Staffon..... DNR, Division of Fish & Wildlife  
 Kathy Larson/Lt. Chris Johnson .....DNR Division of Enforcement  
 Bruce Carlson.....DNR Division of Ecological Resources  
 John Thompson/Jason Meyer..... St. Louis County Land Department

Christian Balzer, GIS Support ..... DNR, Division of Fish & Wildlife  
 Craig Perrault, GIS Support.....DNR Management Information Systems

*Jim Weseloh / Brian McCann, Planners.....DNR, Trails & Waterways*



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## BACKGROUND

*Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167 (as amended in 2005 & 2007)* 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 review criteria, public notice and public meeting requirements set forth in *Minnesota Rules Part 6100.1950*, and then either retain or modify this classification as appropriate.

**Open Houses.** The public process began with a series of three public ‘*Open Houses*’ held June 12-14, 2006 to review the team’s draft planning recommendations. These initial recommendations were also shared publicly with the St. Louis County Board of Commissioners just prior to the open houses.

**Public Review & Public Meeting.** The 60-day public statutory review period for the Planning Team’s draft proposal began April 16, 2007 with legal notice in the *Minnesota State Register (31 SR 1428)*, issuance of a statewide Press Release, and web-posting of the Draft Plan and Project Maps at [www.mndnr.gov](http://www.mndnr.gov) . Paid legal notices and advertisements were placed in area newspapers, and a second DNR statewide press release was issued 21-days in advance of the June 20 and June 21, 2007 public meetings, as per *MR 6100.1950, subp. 3*.

Both meetings, in Cotton June 20<sup>th</sup> and in Duluth June 21<sup>st</sup>, were well-attended. St. Louis County Land Department staff and Superior National Forest representatives joined DNR staff at the meetings. Written comments were solicited and received at both meetings, and subsequently via Email, facsimile and by U.S. Mail throughout the comment period which closed on June 29, 2007.

**Project Scope & Limitations.** This Forest Classification / Route Designation Plan contains vehicular use guidance for the Cloquet Valley State Forest, and for other state forestry-administered lands located outside its’ statutory boundaries in Southern St. Louis and Carlton Counties. In total, about 144,400 acres of state land and 200 miles of roads, trails and non-designated routes were evaluated with respect to motor vehicle use within the planning unit. The St. Louis County Land Department evaluated an additional 825 miles of routes located on 231,517 acres of county forest lands located inside the statutory boundaries of the forest.

This plan addresses EXISTING inventoried routes (only) on state-administered forest lands. No new road or trail construction, or grant-in-aid trail proposals, are contemplated or discussed.. For that reason, trail designations resulting from this process are legislatively exempted from Environmental Quality Board rules regarding environmental review requirements for recreational trail projects *ML 2003, Chap. 128, Article 1, Sect. 167 (as amended in 2005 & 2007), Subd. 2*.

The plan does not address vehicle use of public road ditches or rights-of-way, or the use of private lands, trails or roadways. Nothing in this plan is intended to endorse nor preclude any potential future grant-in-aid trail development proposals. In this plan, Off-Highway Vehicles (or OHVs) include: All-Terrain Vehicles (ATVs), Off-Highway Motorcycles (OHMs) and Off-Road Vehicles (ORVs – jeeps or trucks). This plan also addresses Highway Licensed Vehicle (HLV) access to Minnesota’s state forest lands.

All inventoried state and county routes are depicted on planning maps. Informal, local-use routes, notably those located on private lands, were not inventoried nor depicted on final planning maps. Route data from the Superior National Forest was incorporated to provide context and perspective. As cooperators in this process, and as major landowners in St. Louis County, USFS travel management data and plans helped inform DNR decisions and ensure consistency across publicly owned lands.

St. Louis County Land Department personnel who participated in this exercise formulated route designation recommendations for inventoried routes located on county forest lands within the statutory boundaries of the Cloquet Valley State Forest. These recommendations will be forwarded to the St. Louis County Board of Commissioners for further review and formal route designations.

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 great detail. A *REAC* evaluation was done, however, for every formerly non-designated route recommended for (any) vehicular use designation.

Every effort was made to maintain current vehicular access, subject to environmental constraints and land ownership considerations. The team sought to connect existing motor routes where possible, carefully weighing potential impacts, options and alternatives. They also attempted to physically separate conflicting motor and non-motor recreational uses wherever possible, by limiting summer-season motor use in some areas, and by designating motorized and/or non-motorized trails in others. This plan assumes that forest users are generally law-abiding and respectful of trail rules, regulations and posted regulatory signs. To presume otherwise, is unwarranted 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 and county lands within the Cloquet Valley State Forest. All newly designated motor routes will be mapped and appropriately signed. The forest will also be the focus of stepped-up field enforcement, especially during the implementation period, as forest users adjust to new access constraints and changed motor vehicle regulations. Should planning assumptions prove incorrect, or unforeseen circumstances arise, forest classification and/or trail designation decisions may be revisited.

## COMPILATION OF COMMENTS

Written comments were received from hundreds of groups and individuals. [*For a complete listing, contact Brian McCann @ 651/259-5627*]. Public comments were sorted by topic and distributed to members of the DNR's Cloquet Valley State Forest Planning Team for their evaluation and response. Copies were shared with USFS and St. Louis County Land Department Staff who assisted in evaluating the comments, and in addressing identified concerns.

## RESPONSE TO TOPICS OF CONCERN

Similar 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**

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## Forest Classification Preference

**COMMENT:** A number of groups and individuals expressed their support for, or opposition to, the proposed classification scheme for the Cloquet Valley State Forest.

**DNR RESPONSE:.** The DNR acknowledges these reviewers and appreciates their perspectives. The department will move forward with its' plan to classify the majority of state lands within the Cloquet Valley State Forest as '*managed*', but will change the classification of those state forest lands located within the Superior National Forest boundaries to '*limited*' (*3 Sections along the northern tier of the forest*). Scattered state lands that lie outside of both state and federal forest boundaries, north of U.S. Highway 2, will be classified as '*managed*', and lands south of Hwy 2 as '*limited*', as outlined in the draft proposal.

Reasons for adopting this approach are outlined in both the draft and final plans. Chief among these, is the need to foster regulatory consistency across the patchwork of state, county and federal lands in Southern St. Louis and Carlton Counties. Consistency, clarity and rider understanding of motor vehicle use rules is essential to fostering compliance with these regulations, and for effective field enforcement.

The preponderance of inventoried routes within the Cloquet Valley State Forest are located on county forest lands. The DNR's patchwork ownership within the forest, constitutes but a fraction of the total public ownership (about 15%). It is therefore, critically important that DNR manage vehicular access to state lands as does St. Louis County. The County's management approach, at this time, most closely mirrors the state's '*managed*' classification with respect to motor vehicle use. This was a compelling factor in the department's decision to retain the '*managed*' classification.

**COMMENT:** The Planning Team Chair stated at the public meetings that there would be 'little difference' between choosing the '*limited*' versus the '*managed*' classification in terms of final number of miles of designated routes. Is this correct? If so, why choose '*managed*'??

**DNR RESPONSE:** Because DNR is a minority landowner within the Cloquet Valley State Forest, any additional route designations that would occur on state lands under a '*limited*' scenario may seem relatively minor and insignificant. A switch to '*limited*', however, would certainly entail many more miles of forest road and trail designations on state lands just in order to maintain existing vehicular access to public lands and waters, and to preserve access to the over 400 (privately held) county cabin lease sites located within the forest. Under a '*managed*' scenario, non-designated routes (*i.e., forest access routes*) often serve this purpose.

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

**DNR RESPONSE:** The DNR will reclassify six areas totaling nearly 19,000 acres as '*closed*' to motor vehicle use. These areas, including a 2,794 acre site added in response to public comments, are in addition to a myriad of other existing non-motorized state and federal management units (*e.g., State Parks, SNAs, WMAs, RNAs, BWCAW*) located across St. Louis County. The department will also reclassify three sections of the forest located inside the Superior National Forest as '*limited*' consistent with federal travel management policies. The department believes that this plan provides a reasonable balance of motor and non-motor forest access and recreational use opportunities, while still protecting natural resources.

**COMMENT:** The plan states that the '*managed*' classification is characterized by 'low intensity' motor use, while the '*limited*' classification is better suited to 'moderate-to-high intensity' use. With all of the OHV use in St. Louis County, why would you choose the '*managed*' classification?

**DNR RESPONSE:** While OHV use in St. Louis County is substantial and growing, it pales in comparison with the level of use in other areas of the state (*e.g., Spider Lake Area of Hubbard Co., Pine County forests*). Aside from designated recreational trails, OHV use in St. Louis County is much more localized and utilitarian than it is in other areas of the state. That's especially true when compared with areas proximate to the North or South Metro that routinely receive heavy use from weekend riders who trailer their machines from substantial distances to ride. Research has shown that travel time, distance and (increasingly) cost are limiting factors in OHV trip planning. These factors, combined with the lack of designated OHV trails, will effectively limit the growth of (non-local) OHV use in the Cloquet Valley State Forest.

**COMMENT:** The SFI/FSC Forest Certification Process requires MN DNR to protect and manage state lands on a sustainable basis. How can this possibly be done when there is unlimited ATV usage under the '*managed*' (actually '*unmanaged*') classification? This Hwy 2 distinction smells of politics.

**DNR RESPONSE:** Forest Certification Auditors, in their 2006 Field Audit Report (dated 02/23/07) noted the diversity of viewpoints on the issue of forest classification, and cited the need for a “..*balanced and measured approach to control/limit access in parts of Northern Minnesota*”. They also noted that the State Legislature, the duly elected representative body reflecting the interests of Minnesota voters, recognized this need for balance when it passed legislation directing DNR to consider the managed classification for state forests north of U.S. Highway 2. The auditors concluded that “..*DNR is duly exercising the discretion given to it by the State Legislature*”.

The auditors further stated that improving land management cooperation and coordination with northern Minnesota counties is yet another factor “..*justifying the managed classification on a forest-by-forest basis*”. Imposing the ‘limited’ classification on all northern Minnesota counties, they noted, could “..*create strained and uncooperative relationships*” between the counties, the DNR, and the citizens of northern Minnesota. They cited the county’s ability under state statute to ‘opt out’ of the DNR classification scheme if they choose. Effectively managing OHV use without county participation, they concluded, “..*would be difficult in state forests with mixed state/county land ownerships*.”

More recently, during their 2008 Fall Field Audit, SFI/FSC Auditors visited the Cloquet Valley State Forest to follow-up on stakeholder-reported OHV damage to DNR lands. Preliminary indications are that Field Auditors did not find ‘significant’ OHV-related damage. Auditors did, however, reiterate the need for DNR to remain vigilant when it comes to forest monitoring, trail maintenance and field OHV enforcement.

**COMMENT:** The Minnesota Chapters of the Society of American Foresters, the American Fisheries Society, the Wildlife Society, DNR Fish & Wildlife Employees Assn, and the Society for Conservation Biology – all professional resource manager’s associations - have adopted positions calling for a ‘*closed unless posted open*’ OHV management approach for public lands. Why persist with the ‘*managed*’ classification?

**DNR RESPONSE:** *Minnesota Laws 2003, Chapt. 128, Art. 1, Sect. 167 (as amended in 2005 & 2007) and Minnesota Rules Part 6100.1950* require the Commissioner of Natural Resources to classify state forest lands, and further stipulates that “*lands north of U.S. Highway 2 shall maintain their present classification unless the commissioner reclassifies the lands under Minnesota Rules, part 6100.1950*”. The Cloquet Valley State Forest is presently classified as ‘*managed*’, and will remain ‘*managed*’ under this plan. Current use and existing conditions simply do not warrant added restrictions on public vehicular access and use at this time.

**COMMENT:** This plan was developed prior to last-minute legislative changes to forest access route mapping provisions by the 2007 State Legislature. Implications of the new law are unknown. Classification of the Cloquet Valley State Forest is therefore, premature..

**DNR RESPONSE:** *MN Laws 2007, Chapt. 57, Sect. 24, Subd. 3*, as modified by S.F 1131, *Conf. Committee Report, issued on May 19, 2007* made changes to mapping protocol, notably to the mapping of ‘*forest access routes*’ north of U.S. Hwy 2. The final language calls for OHVs to remain on designated routes shown on official OHV maps published by the department. This provision does not take effect north of U.S. Hwy 2 until after June 30, 2009, and does not apply to forest access routes in ‘*managed*’ forests. These unsigned and non-designated routes, which are open to vehicular use, will not appear on published visitor maps of the forest.

The legislature’s intent was to minimize the use of local-use, local interest forest access routes, which are minimally developed and maintained, by omitting these from published visitor maps. Instead, riders are directed to designated roads and trails which are better able to handle heavy OHV traffic. The DNR is supportive of this change, which is wholly consistent with past practice. There is, therefore, no compelling reason to reconsider the team’s forest classification decision as a result of 2007 legislative action.

**COMMENT:** The aforementioned 2007 statute also states that forest access routes “..will not be signed or maintained...” and that “..damaged routes are subject to closure to Off-Highway Vehicle use.” Will these routes be maintained or not? Can they be closed to OHV use if damage occurs? How is this designating trails?

**DNR RESPONSE:** Forest access routes are non-designated local-use routes that will not be signed, nor will they appear on final published visitor maps. The intent is to limit use to roughly current levels. The routes, which are open to vehicular use, will be minimally maintained and may be seasonally or temporarily closed should conditions warrant or damage occur. There is no statutory prohibition on the maintenance of these routes. Their use is, however, subject to statutory prohibitions on rutting, erosion or damage to vegetation. Non-designated routes can and will be closed should damage occur.

**COMMENT:** Any classification must be temporary until the public has an opportunity to weigh-in on this proposal at County Board Hearings. St. Louis County forest lands will also be impacted by this classification.

**DNR RESPONSE:** It’s true, that county forest lands within the statutory forest boundaries will be similarly classified by the DNR Commissioner’s Order, unless the county officially ‘opts out’ of the state’s classification scheme. This could be done, at any time, via County Board resolution or adopted ordinance. This could even apply variously to county lands within the forest. There are no statutory requirements for county-sponsored public hearings in order to effect such changes.

**COMMENT:** How were the criteria in *MR Part 6100.1950* applied? How is it that the ‘Managed’ classification satisfied these criteria better than would the ‘Limited’ classification?

**DNR RESPONSE:** Planning Teams use statutory criteria to guide their forest classification discussions. Clearly, the criteria are broad and subject to interpretation. Teams apply their own collective wisdom as professional resource managers to the classification task in arriving at a draft recommendation, as do DNR Regional and St. Paul Managers, and Commissioner’s Office Staff who all weigh-in on the team’s proposal both prior to and following public review. Their collective aim is to provide responsible vehicle access.

There is no right or wrong answer when it comes to forest classification, it’s a matter of judgment. Either classification can work in most forests. In the case of the CVSF, the DNR’s desire to manage its lands consistent with those of (majority landowner) St. Louis County provides a compelling motivation to retain the ‘managed’ classification. County lands are typically ‘open unless posted closed’ to motorized use, akin to the state’s ‘managed’ classification. Cross-country OHV travel is prohibited on both state and county forest lands, but both provide for hunters, trappers and big game retrieval using ATVs - the USFS does not.

Consistency of regulation will prove critical to the success of this plan, particularly in a forests like the CVSF, where the patchwork of public land ownership makes enforcement a challenge. Established routes routinely snake between state and county forest lands, then back again. Vehicle operators who ride these trails require consistent guidance (*i.e., maps, signs, rules*) in order to interpret, understand and comply with applicable rules and regulations. This will be a continuing challenge, especially during initial plan implementation.

**COMMENT:** There has been insufficient study of the ‘managed’ classification to know whether it will, in fact work for the Cloquet Valley State Forest. Please don’t use the CVSF to test this ‘open trails’ theory?

**DNR RESPONSE:** The Cloquet Valley State Forest was first classified as ‘managed’, on an interim basis, by then Commissioner Rod Sando in 1998. Following a series of public hearings convened by an Administrative Law Judge all across Minnesota, it was officially classified as ‘managed’ on January 1, 2000. There is no change planned to the current vehicular use classification of the majority of the forest.



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## Motor-Limited Area Proposals

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

**DNR RESPONSE:** Motor vehicle use restrictions are one means of fulfilling the department's responsibilities to protect biological values, and to provide a balance of motor and non-motor recreational opportunities on state lands. Under this plan, six areas totaling 18,701 (gross) acres will be reclassified as 'closed' as regards motor vehicle use. These areas are discussed in Appendix C of both the draft & final plans.

These areas of mixed state/county forest lands were selected based upon high biodiversity rankings, the absence of major roads or trails, unique and/or sensitive wildlife habitat, outstanding hydrologic features, and a history of non-motorized recreational use. Planning Team members, and cooperators, agree that each of these areas merits special protection, and that each is highly desirable as a non-motor hunting destination.

**COMMENT:** The non-motorized area which was originally proposed just east of Joker, King & Ace Lakes should be reinstated. It is an outstanding area with significant natural features. Was this pulled due to pressure from the North Shore ATV Club and their pending ATV Trail proposal in this same area?

**DNR RESPONSE:** This 2,794 acre area, previously pulled from the draft proposal, will be returned to the list of areas to be reclassified as 'closed' to motor vehicle use. The team's decision to pull it was unrelated to the pending ATV GIA Trail proposal. The access route which bisects this area will be closed to vehicular use. Forest access routes located within these six newly 'closed' areas will also be closed to all OHV use.

**COMMENT:** The Esswhter Lake Site (*T53N R12W*) should be removed from the list of planned motor-restricted areas. This is a popular hunting destination for several groups and hunting camps, all of whom use ATVs in the course of their hunt. There is also a snowmobile trail right through this popular recreation area.

**DNR RESPONSE:** The DNR will reclassify this 9,947 acre site as 'closed' to OHV use. The central portion is wet and unsuited to vehicle use. There are few county cabin leases in this area, and upland portions on the eastern and western portions are highly desirable for walking hunters. The boundary will be modified to follow a small creek along the South-Central portion of the area. An access route, previously missing from the DNR inventory, will be added to the inventory and extended to the private property boundary. The Pequaywan Trail Blazers' GIA Snowmobile Trail that traverses this area will be unaffected by reclassification. DNR and emergency personnel will also continue to enjoy vehicle access into the area for official purposes.

**COMMENT:** How will the boundaries of motor-limited (or closed) areas be identified in the field?

**DNR RESPONSE:** Full perimeter signing of motorized-limited areas will not be necessary in most cases. That's because area boundaries are typically well-defined and easily recognizable due to distinct natural or topographical features, roads, fences, rivers or lakes, rail grades, etc. These features will form unit boundaries. Signs will be posted only where necessary, such as at major ingress/egress points like trailheads, roads or other high-traffic areas. It is anticipated that any planned signing or route closures will be substantially 'in-place' on or before the plan's published effective date of 12/31/09.

**COMMENT:** These non-motor areas will be unenforceable unless St. Louis County buys into the idea for its lands within these areas. Can the DNR somehow 'force' the County Board to comply?

**DNR RESPONSE:** St. Louis County Land Department staff assisted DNR with the identification and configuration of these areas, which contain a mix of state and (mostly) county lands. These areas, ranging

from 816 to 9,947 acres in size, were selected based upon high-to-outstanding biodiversity rankings, the absence of major roads or designated motorized trails, proximity to unique or sensitive wildlife habitat, hydrologic features, the presence of traditional non-motorized recreation areas, and based upon their spatial distribution across the forest. All of the areas are readily accessible by those seeking a non-motorized hunting or hiking experience. All contain a mix of lowland and upland suitable for walking hunters or hikers.

**COMMENT:** We would like to see the Marshall Trail South Area reclassified as ‘closed’ and expanded to include both sides of the Cloquet River and the Big Bear Lake Area. There are critical deer wintering areas, cedar stands, and important wetlands in this area that need protection.

**DNR RESPONSE:** The Marshall Trail South Area will be reclassified as ‘closed’, along with the other five areas originally proposed to be ‘motor-limited’. The suggested boundary changes, however, will not be made because they would effectively sever vehicle access to a number of St. Louis County Cabin Lease Sites. The routes lessees use are high and dry, and they are heavily used. Wetlands, deer and wood turtle habitat are not at-risk as a result of the use of these established travel routes. Winter snowmobile use will also be unaffected by this change in vehicular use classification.

**COMMENT:** Despite evidence that more people participate in non-motorized recreation than motorized activities, the DNR’s plan does not provide enough non-motor trail miles for walkers and hikers. Nor does it contain enough physical separation between these two (incompatible) types of trails.

**DNR RESPONSE:** The final plan for CVSF designates about 5% of inventoried routes as non-motor trails on state forest lands. That figure drops to about 3% when both state and county lands and designations are considered together. In addition, six areas totaling 18,701 acres will also be reclassified as ‘closed’ to motor vehicle use to benefit walking hunters. Each of these areas contains a mix of both high-ground and lowlands.

No motorized recreational trails were proposed inside the CVSF on state or county lands. Every effort was made to physically separate conflicting recreational uses wherever possible. However, given the limited size and irregular configuration of the state forest land base, it is impossible to completely separate all motor and non-motor use, or to insulate non-motorized users from sounds emanating from outside forest boundaries (*e.g., roads, highways, commercial/industrial/residential development*). Some level of annoyance can be anticipated.

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## Response to Site Specific Comments & Suggestions

### **Change Recommended** (In Response to Site-Specific Suggestions)

- **Pequaywan Lake / Co. 44 Ditch Trails** – Approximately .75 miles of inventoried routes along the ditch of Co. Road 44 (*NE of Pequaywan Lake*) will be pulled from the DNR inventory and removed from planning maps. These ditch riding routes should have not been inventoried or added to the draft planning maps. Road ditch use (by ATVs) is subject to regulation by the local road authority.
- **Pequaywan Lake/Rossini Road** – A 0.5 mile route segment (*SE of Pequaywan Lake*) was mistakenly added to the draft planning maps along the road right-of-way in this location. It will be pulled from the inventory and final maps. There are no plans, at this time to develop a designated trail through this area of private land ownership (both sides of the road). A portion of a nearby power line ROW, mistakenly shown as a forest access route, will also be closed. It traverses a natural drainage area.
- **Spring Lake Forest Road** – The final maps will be redrawn to more clearly reflect wetland issues and private property boundaries in this area on the north side of Spring Lake. This State Forest Road (SFR) was inadvertently left off of the draft planning maps. It will be added to the inventory

and officially re-designated as a Minimum Maintenance Road. About 0.25 mile of access route will also be closed due to private property, wetland and stream crossing issues. All routes mistakenly shown crossing private property will be pulled from the final inventory and planning maps, and will not appear on final visitor maps. There is no valid resource reason, however, to close the first 0.7 miles of Spring Lake Forest Road (*up to the Public Water Access*), or other routes that access public lands or waters. Beyond the PWA, posted signs will identify this as a private road closed to public use. Private property trespass, or the creation of permanent trails on state property, are both unlawful and violators can and will be prosecuted.

- **Non-Motorized Area / East of Joker, King & Ace Lakes** – This 2,754 acre site, previously pulled from the draft proposal, will be reclassified as ‘closed’ to public motor vehicle use [*All 6 formerly ‘motor-limited areas’ will be reclassified as ‘closed’*]. The gated access route bisecting this area, hereafter referred to as the ‘Ruth Lake Site’, will also be closed to vehicular use. A number of routes in the area will be designated as Hunter Walking Trails, with the possibility of still more non-motor trails in the future as timber harvest progresses. Vehicle use classification will not affect timber management access or current harvest activity. Private property owners will be issued special permits, as necessary to enable them to access their property across state lands.
- **Esswhter Lake Site (T53N R12W)** – The DNR will reclassify this 9,947 acre site as ‘closed’ to motorized use. The central portion is wet and unsuited to vehicular use. There are few county cabin leases in this area, and upland portions on the eastern and western portions are highly desirable for walking hunters. The boundary will be modified to follow a small creek along the South-Central portion of the area. An access route, previously missing from the DNR inventory, will be added to the inventory and extended to the private property boundary. The Pequaywan Trail Blazers’ GIA Snowmobile Trail will be unaffected by reclassification of this site. Forest management and emergency personnel will still have motorized access into the area for official purposes.
- **Briar Lake/Lieuna/Logging Road & Access Trails** – (T53N R13W, Sec. 14 ,15 & 24) The logging road north of Briar Lake was incorrectly labeled as ‘Fox Farm Road’ on draft planning maps. This mistake will be corrected. Approximately 2.0 miles of forest access trails north and west of Briar Lake, and between Briar Lake and Lieuna, will also be closed due to wet, rutted route conditions and illegal water crossings.
- **Thompson Lake Road (Co. 274) / Carroll Trail** – This route segment will be closed at the end of Thompson Lake Road, and that portion that crosses private land will be removed from planning maps and data files. Access routes beyond the gated end of the road will remain open north of the private property. These routes provide public access to a large block of county land, most of which is high ground suitable for OHV use. Access routes leading from the Carroll Trail will also remain open to vehicular use. The county road authority can regulate OHV use of county road rights-of-way (including ditches) if they choose to do so.
- **White Lake SFR Designations** – One-mile of the previously proposed County System Forest Road designation (West of White Lake) will be dropped from the plan. Because it is a platted public road, however, it will still show on published visitor maps. The local road authority regulates road use across private properties located along this road, which also serves a DNR Public Water Access Site. The spur on the east side of the lake will be changed to a ‘forest access route’, which will still allow for public vehicular travel, but this spur will not show on published visitor maps.

- **River Crossing Off Bear Lake Road** – This approximately 50-foot long unauthorized river crossing, which didn't appear on the original DNR inventory, will be permanently closed to vehicular traffic. Other forest access routes in this area will remain.
- **Cloquet River Crossing/Bridge Site** (*T55N R12W, Sec 16*) – Approx. 2/10 mile of an illegal river crossing on the South Loop Road, which was identified via public comments, will be permanently closed to all vehicular traffic.
- **Cloquet River Crossings/Barney's Canoe Landing** (*T55N R12W*) – There are no legal OHV crossings along this stretch of the Cloquet River. Soils in this area are sandy and unstable, and steep slopes are highly erosive and unsuited to vehicular use. Consequently, most state and county routes located within approximately ¼ mile of the river will be closed to protect water quality and wildlife habitat associated with this flowage. This is not a blanket closure, however, but a selective reduction of duplicative or problematic routes that parallel or dead-end into the river posing a threat to sensitive resources (including the Wood Turtle). The DNR did seek to maintain river access wherever access could be sustained without causing unacceptable environmental damage.
- **Cloquet River Hunting Routes** (*T54N R13W Sec. 20 & 21*) – Those routes that parallel or dead-end at the river will be permanently closed due to wet conditions and because they pose a high-risk for river impacts. There are no legal river crossings at this location. Despite the access route closures, there is still good public motorized access into most areas along the Cloquet River.
- **Co. Road 44 & Cloquet River** – Missing segments, resulting from changes in the river course over time, will be added to the DNR route inventory. Illegal river crossings located on public lands within this area will be permanently closed to vehicular use.
- **Forest Access Route Added** – Approx. ½ mile of inventoried route, formerly slated for closure, will be switched to *forest access route*, which will remain open to vehicle use, due to recent improvements which occurred in connection with a nearby state land timber harvest.

### No Change Recommended

- **Pequaywan/Smith Lake Access Trails/West Branch Road** (*T54N R12W, Sect. 5 & 6*) – These mostly high-ground forest access routes dead-end at County and Township Roads. They provide access to public lands and waters. They are bermed to limit HLV access, but OHV use is permitted on both DNR and county tax-forfeited forest lands. These routes will remain open contingent upon volunteer assistance to improve the routes to County Standards. No new trail designations are proposed in this area. Local access routes, spur trails and connectors will not appear on the DNR's published visitor maps.

The St. Louis Co. Land Department would like an ATV Club or landowner to adopt these local-interest routes and assume responsibility for monitoring and maintaining them. Land Dept personnel have also investigated reports of unauthorized ATV bridge crossings along snowmobile trails in this area, and will temporarily close any sub-standard access routes needing immediate repair, stabilization or improvement. Trespass, illegal river crossings or wetland damage are enforcement issues that can and should be addressed by state and local authorities. Residents should report such incidents to local authorities. Local road authorities may also restrict OHV use of county or township road rights-of-way (including ditches).

- **Pequaywan Lake Access Trails/Buzz Lake Fire Tower Road** – This 0.5 mile route off of Co. 44 will remain a *forest access route*, which provides for continued motorized access, but will not appear on published visitor maps.
- **Cloquet River/Bear Lake Road** – This State Forest Road, which parallels the Cloquet River in spots, will remain and not be relocated or reconstructed. This forest road provides access to state lands and waters, and is not a threat to the nearby Cloquet River. Modification or reconstruction of segments of this road would likely prove more deleterious than beneficial.
- **Jim Ready Truck Trail/Bug Creek SFR/Marshall Trail** – These routes will remain open to vehicular use, except for the crossing at Civit Creek. No other new restrictions are planned.
- **Access Route Off Bear Lake Road/No. of Cameron & Schubert Lakes** – The DNR will close this route as originally proposed because it traverses an unmapped wetland and is wet and rutted.
- **Mother Bear Ski & Snowshoe Trails** – Most of this area is already closed to OHV use, except for a Minimum Maintenance Road which accesses county lands. Shared portions of the road and ski trail which will remain open to vehicle use. St. Louis County can restrict OHV use of its' public road rights-of-way if desired. Aside from a 0.6 mile ski trail designation (on state land), no new road or trail designations are planned in this area.
- **Marshall Trail South/Site 5 (T54N R13W)** – The DNR will not modify the planned northern boundary of this 3,420 acre motor-restricted area to accommodate hunting parties who currently access this area via motor vehicles. This area will be reclassified as '*closed*', and the originally proposed and readily identifiable boundaries (*i.e., Marshall Trail on NW, Snowmobile Trail & Cloquet River on SE*) will be kept as originally proposed. Winter roads in this low lying area are unsuited to vehicular use. Adjacent areas are better suited to motorized access and big game retrieval.
- **Upland Hiking Areas** – The planning team did provide for added upland (non-motor) hiking areas by reclassifying a total of 19,226 acres in six different areas of the forest as '*closed*'. These areas contain substantial upland which is suitable for hiking or use by walking hunters.

### **Comment Acknowledged**

- **Cloquet River Buffer/Timber Harvest/Temporary Closures** – Timber harvesting within Riparian Management Zones will be done according to Minnesota's Site-Level Forest Management Guidelines within the approx. ¼ mile river buffer. Seasonal or temporary closures of roads and/or trails, even the entire State Forest, is yet another effective tool for preventing damage or disturbance to sensitive resources during high-risk periods (*e.g., wet periods, extended drought, critical wildlife reproductive seasons, etc.*).
- **Seasonal Road/Trail Closures** - The 2007 legislature directed the DNR Commissioner to establish a statewide season for OHV use. This newly-adopted OHV operating season was in-place for the first time during the 2008 firearms deer hunting season.
- **Wood Turtle Observations/Knapweed Infestations** – The DNR thanks those who identified critical Wood Turtle habitat and pockets of previously unknown knapweed infestations, including an 8-mile long infestation along a forest roadway. Staff will follow-up on this information.
- **ATV Road Riding/Co. Road 44** – Class 1 ATV operation is permitted in the ditch or outside slope of state and county roads, but prohibited on the inside slope, shoulder or roadway surface. Class 2 ATVs may operate on the shoulder or extreme right hand side of county roads and on the

right hand side of township roads or city streets, unless otherwise prohibited. Local road authorities may restrict OHV use of the public road right-of-way if so desired.

- **Canosia Wildlife Management Area/Lone Pine Trail** – The DNR has experienced problems at this site with illegal ATV use and vandalism. Wildlife Staff regularly replace missing or damaged signs at the WMA. The DNR welcomes public assistance in identifying those responsible for this damage.
- **Positive Signing/Vandalism** – The DNR agrees that positive signing is better received by forest users, and is less likely to be damaged or destroyed by vandals. Every effort is made to employ positive messages when signing forest access and ingress points, trailheads, parking and day-use areas, public water accesses, etc.
- **70-Mile ATV/OHM Trail Project** – Itasca / Aitkin Counties were selected (by DNR) to host the 70-mile ATV/OHM Trail which was legislatively authorized in 2003. St. Louis County’s bid was rejected. There are no plans, at present, to resurrect any portion of that proposed trail project.
- **Korkki Nordic Ski Trail Damage** – This trail is located outside of the planning area boundaries. From the comments submitted, however, it would seem appropriate to contact local Enforcement Officers to investigate this situation and identify those responsible.
- **Dent Lake/Private Property Trespass** (*T 55N R14W, Sec. 28*) – The DNR cannot post private property to prevent illegal trespass. The DNR will post its lands, roads and trails, but it is the responsibility of riders to know where they are riding, whose land they are riding on, and any rules or restrictions that may apply. It is the private property owners’ responsibility to clearly post private property boundaries to prevent unintentional trespass.
- **Snowmobile Trails in ‘Closed’ Forest Areas** – Thanks to statutory clarifications enacted by the 2007 legislature, winter snowmobile use is now unaffected by forest classification. Use of designated snowmobile trails (by snowmobiles) can continue through ‘closed’ or otherwise motor vehicle restricted areas.
- **Historic Vermilion Trail** – Most, if not all, of this historic trail alignment lies outside of the Cloquet Valley State Forest. Its use was not evaluated as part of this planning process.
- **Little Red Flags?** – The presence of red flagging is most likely an indicator that St. Louis County Land Dept officials recently applied herbicide inside the flagged area.
- **Unapproved Water Crossings/Wetland Fill** – All constructed surface water crossings require a DNR permit. Permits specify approved crossing methods and materials. Unpermitted crossings, or constructed crossings not complying with permit conditions, are illegal and subject to revocation and enforcement action. Non-native materials (*e.g., old pallets or tires*) may not be used as wetland fill.
- **Financial Responsibility / Legal Liability for OHV Damage** – MN DNR bears responsibility for all costs associated with the planning, design, construction, operation, maintenance, monitoring of roads and trails (including grant-in-aid trails) located on state forest lands. Enforcement of OHV regulations is also the department’s responsibility. Damages to private property may be eligible for reimbursement through the State’s OHV Damage Account. See [www.mndnr.gov](http://www.mndnr.gov) for details.
- **Mapping Shortcomings** – The DNR acknowledges shortcomings in its’ draft planning maps. These maps, which were never intended for navigation purposes, lacked detail and contained numerous errors, omissions, duplicate routes, etc. The final visitor maps, and the data base which supports them, will be much improved as a result of public review and comment.

- **Bootleg Maps** – The DNR acknowledges that unofficial and unauthorized versions of DNR access route inventory data may be published by private individuals subsequent to this planning exercise. This data is, however, public data which is subject to disclosure pursuant to the *Minnesota Government Data Practices Act (MS Chap. 13, MR Chap. 1205)*. This information cannot be legally withheld from those requesting it.

**COMMENT:** Only a small percentage of inventoried route miles are proposed to be *‘proactively closed’*. Why not close at least half of the routes in the interest of fairness to non-motor interests?

**DNR RESPONSE:** Route closures are based upon route-by-route evaluations and Rapid Environmental Assessment Checklist (or REAC) scores. Only wet, unsustainable, duplicative or undesirable routes were summarily closed. There was no pre-determined goal or quota for route closures, rather these decisions reflect careful interdisciplinary team evaluation based upon real-time, site-specific information.

The final plan closes about 27% of all inventoried routes on state-administered forest lands, dropping to about 19% when both state and county land routes are considered. Together, this represents more than 200 miles of ‘unsustainable’ routes, currently legal to ride, that will no longer be open to vehicular use. That’s a significant accomplishment. Clearly, non-motorized forest users will benefit from this change.

**COMMENT:** Please allow continued use of *‘unclassified routes’* on U.S. Forest Service lands, and *‘non-designated routes’* on State Forest Lands.

**DNR RESPONSE:** The 2005 USFS Travel Management Rule prohibits cross-country travel. It also prohibits motorized travel on undesignated or *‘unclassified’* roads or trails. Upon publication of the final Travel Management Plan and maps for the Superior National Forest, wheeled motor vehicle use on unclassified, undesignated routes will be illegal. Moreover, there are no special provisions on National Forest System Lands that allow hunters or trappers to travel off of designated roads and trails.

Upon implementation of this plan, motorized travel on *‘non-designated routes’* on state lands in the *‘limited’* forest will also be prohibited, except pursuant to hunter/trapper exceptions established in state law (*MS Chap. 84.926, Sub. 1-5*). Vehicles may continue to use *‘forest access routes’* in *‘managed’* portions of the forest (*i.e., outside of federal forest boundaries*). Clearly, it is important that riders be cognizant of where they are riding at all times, and that they obtain current maps and obey all posted signs.

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

**DNR RESPONSE:** All inventoried state and county forest routes are depicted on planning maps. Many informal, user-created routes, notably those located on private lands, were not inventoried nor depicted on DNR draft or final maps. Route data from St. Louis County and the Superior National Forest was added to provide context and perspective. As cooperators in this process, and as major landowners, county and federal land managers helped inform DNR decisions, and helped ensure consistency of regulation across public lands. None of the agencies are proposing to close routes located on private lands. Private routes will not appear on final published visitor maps.

**COMMENT:** The plan references a portion of the Superior Hiking Trail (SHT) that crosses the forest. I’m unaware of any such crossing. Could this be an error, or a subtle attempt to sneak in more hiking trails?

**DNR RESPONSE:** A new segment of the SHT located in *T53N R12W* which will connect Duluth to Lake County is currently under construction. Discussions continue between SHT Officials, the DNR and St Louis County regarding the final trail corridor alignment. The hiking trail will pass through the CVSF in this area.

**COMMENT:** The plan states that non-motorized users will be ‘largely unaffected’ by this proposal. I strongly disagree given the well-known environmental effects stemming from OHV use (*e.g., noise, rutting, erosion, wetland damage, etc.*).

**DNR RESPONSE:** Unlike motorized forest users, non-motorized visitors will experience no net loss of trail mileage open to their use. In fact, some 33 miles of (mostly existing) hunter walking and hiking trails will be officially designated making these off-limits to motor vehicle use. In addition, six areas totaling nearly 19,000 acres will be reclassified as ‘closed’ to motor vehicle use, making these sizable areas available exclusively for walking and hiking. Clearly, non-motorized forest users will benefit from these changes.

Non-motor advocates will also benefit from other changes brought about by plan implementation, like the closure of 233 miles of unsustainable routes, and the increased monitoring and enforcement that will accompany plan implementation. These actions directly address responsible vehicle use and environmental protection, the writer’s stated concerns. The department believes that state lands within the Cloquet Valley State Forest can sustainably support a mix of both motor and non-motor recreational activities. This is consistent with the department’s ‘multiple-use’ forest resource management mandates and philosophy.

**COMMENT:** There should be more miles of hunter walking trails in the plan. Why not?

**DNR RESPONSE:** Hunter walking trail designations exceed all other trail designations in this plan for CVSF. By designating these trails, the Division of Fish & Wildlife has committed staff and dollars to sign and maintain these corridors specifically for walking hunters. This added mileage is what Area Wildlife Managers determined was most important to improve and maintain. Other routes in the forest, including many miles of lightly used forest access routes, will remain open to walking hunters who are willing to share these corridors with others, including motorized users.

**COMMENT:** There have been a number of (unverified) lynx sightings within the Cloquet Valley State Forest. OHV use will adversely impact this state and federally listed species.

**DNR RESPONSE:** This plan deals only with forest classification and existing road/trail designation – both purely administrative actions. No new road or trail construction is proposed or contemplated. Therefore, if forest habitat is currently suitable for lynx, it should remain so. Habitat conditions may actually be improved given the nearly 200 miles of route closures and the nearly 19,000 acres of newly ‘closed’ areas within the forest which will no longer be open to motor vehicle use.

**COMMENT:** Field survey work has revealed that road and trail closure using signs, gates, berms and barriers is largely ineffective. This is simply insufficient to protect natural resources in many cases.

**DNR RESPONSE:** The DNR is unfamiliar with this survey, and does not necessarily agree with its findings. The department has had good compliance with most permanent route closures, especially where they are clearly signed and mapped, properly constructed and publicly noticed. Compliance slips, however, when any of these steps are skipped or shortcuts taken, leading to hasty closures, or closures seemingly of a temporary nature that can lead to visitor confusion or anger. Closure protocols and practices continue to evolve and improve, making this a truly viable tool for restricting vehicular travel on unsuitable routes.

**COMMENT:** The St. Louis River Board approved a management plan in 1994 that designates the area from just north of Alden Lake to the top of T54N R13W as a ‘Primitive Area’. This designation applies to ¼ mile either side of the Cloquet River. Allowing trails within this ½ mile buffer is inconsistent with this direction.

**DNR RESPONSE:** *The St. Louis River Management Plan (1994)*, which was subsequently adopted by St. Louis County as a Planning & Zoning Guide, was never intended to limit existing river access or use. The plan



focused largely on forest management activities adjacent to the river, and on various land and water-based recreational uses, but did not specifically address off-highway vehicles.

This plan for the Cloquet Valley State Forest observes these same basic river protections, and it does address vehicular use of existing routes nearest the Cloquet River where most problems are likely to occur. Most, but not all, state and county routes located within approximately ¼ mile of the river will be closed to protect water quality and wildlife habitat associated with this flowage. This is not a blanket closure, but a selective reduction of duplicative or problematic routes that parallel or dead-end into the river posing a threat to sensitive resources (including the Wood Turtle). The DNR did purposely seek to maintain river access wherever access could be sustained without causing environmental damage.

**COMMENT:** The DNR is trying to have incompatible forms of recreation share the same trails. A 'managed' classification gives the advantage to ATVs and disregards the needs of all others.

**DNR RESPONSE:** The final plan provides for a mix of motor and non-motor trails and use areas. Non-motor use is permitted on most any route where it is not explicitly prohibited, while motorized users must remain on designated roads and trails, and on *forest access routes*. Licensed hunters and trappers may seasonally use ATVs or HLVs on non-designated routes in 'limited' portions of the forest, and Class 1 ATVs may travel off-trail for big game retrieval pursuant to *MS Ch. 84.926*. No cross-country travel is permitted. Rutting, erosion, damage to vegetation, or the creation of permanent unauthorized trails is also strictly prohibited. Forest access routes can and will be closed if damage occurs.

**COMMENT:** The idea of posting 'closed' signs is silly and ineffective, we both know that these signs will be destroyed or removed almost immediately. Why not use positive signing instead?

**DNR RESPONSE:** The DNR agrees that positive signing is often better received by forest visitors, and is somewhat less likely to be destroyed or illegally removed. The department uses a mix of regulatory and positive signing to encourage compliance with rules and regulations. The destruction or unauthorized removal of official postings in Minnesota is a misdemeanor offense that can carry fines of up to \$1,000 and jail sentences up to 90 days.

Compliance is generally very good. The arrest and conviction rate for OHV violations is comparable to that of other recreational vehicle violations (e.g., *snowmobile, watercraft*) in Minnesota. The conviction rate for ATV violations over the past two years was 87%, and the penalties for violators are more severe than in neighboring states. For example, the statewide fine schedule set by the courts for operating an ATV in a restricted or closed area in Minnesota carries a fine of \$184.00 (1<sup>st</sup> offenses) compared to \$76.40 in Iowa, \$94.00 in So. Dakota, \$50.00 in No. Dakota, \$150.00 (civil fine) in Michigan, and \$160.00 in Wisconsin.

**COMMENT:** Buffers are needed around the Mother Bear Ski Trail, and between populated lakes and ATV trails in the forest in order to minimize conflicts and annoyance.

**DNR RESPONSE:** Most of the Mother Bear Ski & Snowshoe Trails Area is already closed to OHV use, except for a Minimum Maintenance Road which accesses several county cabin lease sites. This road will remain open to vehicle use. St. Louis County can restrict OHV use of county public road rights-of-way if so desired. Aside from 0.6 miles of new Ski Trail designation (on state land), no other road or trail designations are planned for this area.

Forest access routes in the lakes area provide local access to adjacent state lands. These routes have been evaluated and those judged sustainable will remain open to vehicle use subject to temporary or seasonal closure. These routes will be monitored, maintained and enforced. There are no proposed OHV trail designations on state or county lands anywhere within the Cloquet Valley State Forest.

**COMMENT:** There are currently no known ‘impairments’ to the water quality of the Cloquet River. Why would you want to endanger that by increasing OHV use of this fragile and valuable watershed?

**DNR RESPONSE:** There are no plans to increase vehicular use anywhere in the CVSF. The current plan, which focuses on existing routes currently open to vehicular use, closes 232 miles of unsustainable routes (many adjacent to the Cloquet River) and restricts vehicular use of nearly 19,000 acres of the forest. No OHV trail designations are planned or proposed. It is therefore, illogical to conclude that implementation of this plan will, in any way, lead to the deterioration of water quality in the Cloquet River Basin.

**COMMENT:** The plan states that inventoried routes may remain open unless problems are noted. What if problems are noted? Can routes be closed? What are conditions like right now out in the forest?

**DNR RESPONSE:** Where the team encountered problems (*e.g., rutting, erosion, property damage, illegal water crossings*), routes were immediately closed. Most of these ‘temporary closures’ will, in fact become permanent closures under this plan. In some cases, however, where routes provide important connections to popular destinations, repairs or improvements may be undertaken in order to make routes suitable again for public use. In some cases, this involves officially designating the route as a Minimum Maintenance Road.

**COMMENT:** What about vehicle parking and staging areas, day-use picnic and camping areas, rest rooms, trash receptacles, potable water for trail uses, etc?

**DNR RESPONSE:** This is beyond the scope of the plan. Operational plans, yet to be developed, will detail exactly how this plan will be put into effect during the implementation period and beyond.

**COMMENT:** All trails that parallel roads and highways must be closed. ATV trails in residential areas cause excessive noise, driveway erosion, dust and safety issues. Ditches must also be closed.

**DNR RESPONSE:** Local road authorities may limit ATV use of roadside ditches. Private property damage and/or trespass are enforcement issues that DNR Conservation Officers or local law enforcement officials can and should address. Sometimes grant-in-aid ATV or snowmobile trails are also located within or parallel to public road rights-of-way. Grant-in-aid clubs and their governmental sponsor (St. Louis County) are responsible for maintaining these designated ditch routes. It is always important to follow-up with enforcement officials and/or local road authorities whenever problems arise.

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## Planning Process Questions & Comments

**COMMENT:** One individual felt that the public review and comment period was insufficient and asked that the public comment period for the Cloquet Valley State Forest Access Plan be re-opened and extended.

**DNR RESPONSE:** The 60-day public review period for the Planning Team’s draft proposal began April 16, 2007 with legal notice in the *State Register* (31 SR 1428), issuance of a statewide Press Release, and web-posting of the Draft Plan and Maps at [www.mndnr.gov](http://www.mndnr.gov). Paid legal notices and advertisements were placed in area newspapers, and a second DNR statewide press release followed 21-days prior to the June 20 and June 21, 2007 public meetings. With that, the DNR had fulfilled (or exceeded) all statutory requirements for public notice and public review of draft plans for the Cloquet Valley State Forest. The comment period closed July 20, 2007 and will not be re-opened or extended.

**COMMENT:** One reviewer questioned what types of information the Planning Team used to inform their decisions and help shape the draft access plan. Did the team actually visit these routes on-the-ground?

**DNR RESPONSE:** Planning Teams have access to a wide range of pertinent data, both state and federal, including but not limited to: Endangered & Threatened Species Lists, National Wetlands Inventory maps, 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, proposed or pending management unit designations. Team members consult these data sources, then supplement it as necessary with actual site visits and additional data collection. Through the course of this planning effort, route inventory data was updated, corrected and supplemented as appropriate.

In considering natural resource data, planning teams employ a Rapid Environmental Assessment Checklist (REAC) to help assign values or 'scores' to all inventoried route segments proposed for vehicular use designation. These composite REAC scores are pivotal in determining which routes can sustain continued vehicular use. The scores, plus site-specific detail and rationale for all individual route designation proposals, reside within the Arc View GIS spatial analysis software used by the teams to track the route designation process. These computer files are public data available for review upon request.

**COMMENT:** One individual asked what criteria were used to guide forest classification and route designation decisions. He also asks: "what are the standards for closing a trail"?

**DNR RESPONSE:** Forest classification criteria and public process requirements are contained in *Minnesota Rules, Part 6100.1950, Subp. 1-4*. Route designation decisions were based upon existing conditions and current use. Route closure was indicated when the team's environmental evaluation identified issues with current conditions or long-term sustainability, or when routes were found to conflict with resource management objectives. Conflict with other forest users was also a basis for route closure.

**COMMENT:** Several reviewers expressed fear that a 'substantial increase' in OHV traffic and riding pressure will result from motorized trail designations and subsequent trail 'publicity and marketing'.

**DNR RESPONSE:** The DNR finds this speculation unwarranted, and believes that recreational trail traffic will logically follow recreational trail designations. In the Cloquet Valley State Forest, where motorized use is well-established, no new miles of OHV trail are planned. Recreational riders will not be drawn in large numbers from distant locations to ride forest roads and local interest '*forest access routes*'. The majority of use in the CVSF is generated by year-round residents, seasonal residents and big-game hunters in fall. At this point, there are no plans to display *forest access routes* on published visitor maps.

**COMMENT:** One individual asked whether motorized grant-in-aid or unit trails can still be developed through areas of the forest classified as '*managed*' or '*limited*'? What about areas classified as '*closed*'?

**DNR RESPONSE:** Motorized trails can still be developed on '*managed*' or '*limited*' state forest lands, but not on those classified as '*closed*' to motor vehicle use.

**COMMENT:** The DNR should have presented a draft proposal that provided the necessary level of detail that one needs in order to comment intelligently. For example, there was insufficient information presented to enable reviewers to objectively assess the status of non-native species in the Cloquet Valley State Forest.

**DNR RESPONSE:** The DNR did seek to provide sufficient data and analysis to describe current conditions, the proposed action, and differences between the two. To the extent that planning maps lacked detail, or the draft plan failed to articulate site-specific issues, impacts, or management alternatives, the department apologizes to reviewers.

Teams did have access to a variety of state and federal data, including information regarding invasive species, that they used during the course of this exercise. Given the expedited nature of this review, it was not

possible to summarize all existing data sources and distribute this information to reviewers in a useful form. The department does believe that the final plan is much improved as a result of public review and comment.

**COMMENT:** Many existing routes are user-created and were never constructed to accepted standards. The plan proposes ‘site-level improvements’. What site-level improvement projects does the plan refer to?

**DNR RESPONSE:** It’s true that some designated routes (and *forest access routes*) will require maintenance, repair or improvement before they are suitable for public use. These routes will be temporarily closed and improved during the plan implementation period. This is why the plan’s effective date is delayed for one full field season from the time of the plan’s final approval and adoption.

**COMMENT:** The plan lacks a quantifiable user survey and instead relies upon anecdotal observations. Actual use should be quantified first, to provide a factual basis for subsequent planning recommendations.

**DNR RESPONSE:** The DNR acknowledges the value of user surveys. Given the expedited nature of this forest classification review, however, there was no time to field behavioral or opinion research instruments to inform planning. This is especially true given the Dec. 31, 2008 statutory deadline for completing a classification review for all 58 state forests. Instead, the department relied upon the education, training, and collective experience of its interdisciplinary planning team members and cooperators. Team recommendations were then scrutinized by DNR Regional Managers, Division Directors, and by Commissioner’s Office Staff before any final decisions were made or orders signed.

**COMMENT:** The term *Managed*’ is an oxymoron, since it really connotes an *unmanaged*’ condition.

**DNR RESPONSE:** Forest classification terms are defined in *Minnesota Rules Part 6100.1950, subpart 1*, which reads in part: “*On forest lands classified as ‘managed’, a person may operate a motor vehicle only on forest roads and forest trails that are not posted and designated closed...*” [*emphasis added*]

**COMMENT:** There is a need for environmental review of this plan and its’ recommendations. The route-by-route team REAC determinations are completely inadequate to describe and evaluate the long-term environmental impacts resulting from these designations.

**DNR RESPONSE:** *Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167, Subd. 2 (as amended in 2005 & 2007)* provides for a ‘*Temporary Suspension of Environmental Review*’ effective until December 31, 2008. The rationale for including this provision is that this process is focused solely on **existing routes**, and does not propose the construction or designation of new roads or trails. This temporary suspension precludes environmental review for those plans completed before this statutory deadline.

**COMMENT:** The CVSF has been used and cared for by local residents for generations. Outsiders come in summer with their expensive machines and rip it up. These are careless, irresponsible people who have less connection to the land than do local residents. Comments should be ‘weighted’ in favor of local residents who have much more at stake here, and who pay substantial local property taxes.

**DNR RESPONSE:** Planning Teams do pay close attention to local population and settlement patterns, since area residents are typically among the heaviest users of nearby public lands, and therefore have much at stake. Every effort is made to maintain traditional forest access and uses, subject to resource management and protection considerations. As members of the community themselves, team members must ultimately rely upon their natural resource management skills, training and practical field experience to strike the appropriate balance between forest access and protection.

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

**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 (ER) staff and has received only limited review by a handful of staff in ER & Fish & Wildlife. Staff elsewhere in the department have not reviewed, nor provided comments on it; nor has it been subjected to external peer review. 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 report, did however, lead to development of the department's "*Rapid Environmental Assessment Checklist*", which is a tool used by planning 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.

**COMMENT:** Giving local townships the right to reject DNR-proposed land management classifications would once again start us down the right road in terms of state forest land (OHV) management.

**DNR RESPONSE:** Current statutory constructs are the responsibility of the State Legislature. In this case, the DNR is merely the implementing agency. Any proposed changes to State Statutes governing State Forest Classification and/or Trail Designation should be discussed with one's state and local elected officials.

**COMMENT:** The plan states that its' implementation will "*aid in trail monitoring and field enforcement*". Come on, how is this possible? Everyone knows that law enforcement is easier, cheaper and more effective in a '*limited*' forest than in a '*managed*' forest.

**DNR RESPONSE:** With implementation, substantially more staff and funding resources will be focused on fewer legal riding routes within the forest. Maintenance, monitoring and field enforcement will also be stepped-up, as the Cloquet Valley State Forest is added to the growing list of '*focus forests*' that have been completed. This added emphasis will continue until rider compliance improves and enforcement targets have been attained. The department does not believe that enforcement costs or effectiveness are necessarily tied to forest classification. Various other factors, like historical use, designated trail miles and use levels, and even proximity to major population centers, can also play important roles in enforcement success.

**COMMENT:** The Cloquet Valley Plan is characterized by a lack of commitment by all responsible parties to repair accumulated damage, and better control OHV use and trail proliferation in the future.

**DNR RESPONSE:** On the contrary, this plan is a bold step forward, by both the DNR and St. Louis County, towards improved management of vehicular access to and use of public lands within the Cloquet Valley State Forest. It is based upon a comprehensive route inventory, and a collaborative mile-by-mile route evaluation by both public partners. Implementation of this plan will bring about improved control and more consistent regulation of OHV use within the forest. Improved maintenance, monitoring and stepped-up field enforcement will ensure that riders comply with posted signs, gates and new route designations.

**COMMENT:** While the DNR may feel it is 'beyond the scope' of their exercise to evaluate future costs and local implications resulting from the implementation of this plan, local residents are left without a comprehensive state or county land management strategy that squarely addresses these and other issues.

**DNR RESPONSE:** This planning effort was conducted in response to a specific legislative directive to inventory and reclassify state forest lands. The process has, however, brought together state, county and federal forest land managers in a meaningful way to address shared access-related issues and concerns. The resulting plan has laid the groundwork for future collaboration on a variety of resource management needs, issues and impacts to the local community and economy.

**COMMENT:** There is a sense of entitlement in this plan; a sense that user-created trails are still O.K. Whom should one call if they spot someone building a trail or hauling construction materials into the forest?

**DNR RESPONSE:** The development of permanent unauthorized trails, or other structures on state lands is illegal. Persons who suspect that they have uncovered an illegal trail or other user-developed structures should contact their local Conservation Officer who will follow-up as appropriate. St. Louis County Land Department staff would also like to hear from persons who have similar concerns about county-administered forest lands.

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## OHV Program & Policy Comments

**COMMENT:** – One individual suggested that off-highway vehicles be prohibited from using state and county lands. She characterizes them as ‘destructive’ and incompatible with commonly accepted public land protection and preservation goals. The social costs of this activity, she feels are equally unacceptable.

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

**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. The DNR, however, has not adopted a particular 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 or (especially) human users are even less well understood.

**COMMENT:** One reviewer characterized OHV enforcement as a ‘joke’. He doubts that DNR can enforce existing laws, much less new regulations. He believes that the DNR tends to over-promise and under-deliver on enforcement, while bringing more and more trails on-line, and encouraging more and more motorized users, including ever more from out-of-state.

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

The Division of Enforcement 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 create 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 newfound focus on off-highway vehicle enforcement will make a substantial, lasting difference.

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

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

**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 hunters 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:** 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? How do we put a stop to 'trail creep'?

**DNR RESPONSE:** This plan presumes that forest users are, for the most part, law-abiding and respectful of trail rules, regulations and posted signs. Speculation to the contrary is unfounded and counter-productive.

In the DNR's experience, riders are indeed drawn to established, maintained trails, even though their vehicles are capable of off-trail travel.

Those who do venture off-trail illegally, whatever the reason, or those who knowingly or unknowingly trespass, cause rutting, erosion or damage to vegetation, will be subject to citation. It is illegal to create a permanent unauthorized trail on state land. Law enforcement efforts have been stepped-up in recent years and Minnesota's civil and criminal penalties for OHV violations provide a potent deterrent. They rank among the toughest in the nation.

Following completion of the 2003-04' statewide trail inventory, and development of the WHEELS database which is used to store and track route data, the DNR is now in a much better position to monitor and enforce OHV travel on state lands. This online database provides a definitive baseline from which additions to or subtractions from the route inventory can be tracked. This enables foresters, enforcement officers, and others to monitor change over time, and to take action to stop illegal user-developed trail creation.

**COMMENT:** – What about Class 2 ATVs? The plan is silent on this issue. Where can they operate?

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

**COMMENT:** Invasive exotics are already present in our forests, but the likelihood of non-native species being spread is high (if OHV use is permitted). State Forest Lands should be closed to all but HLV use of designated State Forest Roads.

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

MN DNR is committed to minimizing the construction of new routes through State Forests, and strictly enforcing prohibitions on off-trail vehicle travel. 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. Caution will be exercised when engaged in trail improvement or the maintenance of designated OHV 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 visitors can help by alerting local DNR Staff to the locations of suspected new infestations.



**COMMENT:** The direct and indirect costs resulting from OHV use of state lands is enormous. Often, it exceeds the state's ability to pay for the staff time and program budgets needed to monitor and control this activity and its impacts. Will some of these costs and unmet needs fall on local taxpayers?

**DNR RESPONSE:** The DNR's OHV Management Program is funded by a combination of state general fund appropriations and appropriations from the dedicated OHV funding accounts. These accounts, funded mostly from OHV registrations, licensing and unrefunded gas tax revenues, also support environmental review, trail monitoring and OHV enforcement efforts. Legislative appropriations for these purposes are sufficient to carry out program responsibilities without reliance upon local tax or revenue sources.

**COMMENT:** According to a 2005 report by LCMR, ATViing is a pastime practiced by a relatively small number (10%) of Minnesotans, which accounts for less than 2% of the total recreation visitor days in the state. Fewer still ever ride on state forest lands. Why the rush to lace the state with OHV trails?

**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 studies conducted by or for the DNR over the past several years. However, the data also show that OHVers are often unaware of public land riding opportunities, and are frequently uncertain regarding the ownership of the roads, trails and lands that they do choose to 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 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 (*see note below*). 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:** The 2001 Minnesota State Park Visitor Survey (*MN DNR, Parks 2001*) revealed that 75% of Minnesotans oppose providing OHV opportunities in State Parks. Only 4% support this idea.

**DNR RESPONSE:** This plan was developed specifically for the Cloquet Valley State Forest. It is not intended to suggest or imply that OHV trails ought to be established in (any of) Minnesota's 66 State Parks. State Parks and State Forests differ fundamentally in their purpose, role and management objectives.

**COMMENT:** The *St. Louis County Recreation Participation Survey Report* found that ATV riding and snowmobiling are fundamentally 'incompatible'. How can you justify designating portions of established snowmobile trails as summer ATV routes?

**DNR RESPONSE:** The plan does not call for the designation of any OHV or snowmobile trails inside the Cloquet Valley State Forest. A total of 35 miles of non-motor trails and 7.2 miles of OHV trails will be designated across the larger (So. St. Louis & Carlton Co.) planning unit.

**COMMENT:** I am concerned about future grant-in-aid ATV trail development and wish to see full environmental review and township approval of any and all future GIA ATV proposals.

**DNR RESPONSE:** Internal departmental review of GIA proposals is thorough and rigorous. This DNR review, coupled with formal environmental review for those projects that warrant an EAW, ensures that GIA proposals are environmentally sound, and that they avoid, minimize or mitigate any unintended environmental effects. While desirable, Township approval isn't a requirement for GIA project funding.

**COMMENT:** I'm concerned about the 'over-roaded' condition of our public forest lands.

**DNR RESPONSE:** Most inventoried routes on state and county forest land originated in conjunction with timber harvest activity, not recreational use. Many of these routes have, however, been kept open through continued recreational vehicle traffic. This plan is intended to tighten controls over the use of, especially non-designated routes through the forest. Eventually, recreational traffic will be concentrated on only those routes capable of sustaining this use. Other inventoried routes will revegetate naturally and, at some point, disappear and be removed from the DNR's forest route inventory.

**COMMENT:** One means of dealing with OHV noise would be to install a 5-mile buffer on either side of all motorized trails. This would automatically limit the number of designated OHV trails on state lands to 'a reasonable amount'.

**DNR RESPONSE:** The blanket imposition of 'solitude buffers' around all motorized trails, whatever the size or rationale, is unfounded and likely unworkable. The size, shape and irregular configuration of state forests, which are typically scattered and mixed with other public and private ownerships, makes this simplistic approach impractical at best. Imposition of the 5-mile buffers would effectively exclude OHV use (*HLV use could presumably continue*) from many smaller state forests. And, it would sever essential access to both public lands and private property.

**COMMENT:** All Minnesotans pay fuel taxes used to support OHV recreation. This is patently unfair.

**DNR RESPONSE:** Only that percentage of unrefunded gas tax attributable to OHV use is apportioned to the dedicated ATV, OHM and ORV funding accounts. This percentage is determined through scientific studies and surveys of registered vehicle owners aimed at determining how much fuel is consumed annually in Minnesota, by off-highway vehicles. The state legislature must approve this percentage and appropriate OHV funding to the department for OHV programs and purposes.

**COMMENT:** There should be some means of identifying these machines so that violators can be tracked and apprehended. There should also be some sort of user fee so that OHVers could pay their fair share.

**DNR RESPONSE:** Off-Highway Vehicle licensing and registration were instituted many years ago, along with decal display requirements and penalties for non-compliance. OHV operators do fund most aspects of OHV trail development, monitoring, maintenance and enforcement in Minnesota. Major revenue sources include vehicle license and registration fees, unrefunded fuel taxes, safety training fees, and fines levied against OHV violators. OHV funding is supplemented by the State's General Fund for program operations.

**COMMENT:** OHV use can pose a wildfire risk during periods of sustained drought. This year was a good example of this. Let's reduce wildfire danger by limiting OHVs to signed, designated trails in the forest.

**DNR RESPONSE:** It's true that human activity in the forest is often responsible for wildfires. And, it's not solely related to vehicular use. Temporary or emergency closures of forest roads and trails, indeed entire State Forests, can be imposed to protect roads and trails, natural resources and public safety.

**COMMENT:** I feel strongly that 4x4 trucks do not belong in Minnesota's State Forests (if anywhere). Can these be used on forest access routes? I hope not.

**DNR RESPONSE:** ORVs and HLVs can use forest access routes year-round in the 'managed' forest. They may also use non-designated routes in 'limited' forests seasonally pursuant to *MS Ch. 84.926*. Such use is subject to prohibitions on rutting, erosion and vegetative damage. It should be noted that no ORV trails or use areas are planned for the Cloquet Valley State Forest, and that not all non-designated routes are necessarily suited for use by vehicles larger, heavier or wider than a Class 1 ATV. Vehicle operators must use their discretion when using these routes, or they could be subject to citation.

**COMMENT:** Just because a route exists and was inventoried by the State Teams, doesn't necessarily mean that it should be designated, or that it is well-suited to motorized use.

**DNR RESPONSE:** True, that's why planning teams evaluated each inventoried route and assign a unique sustainability ranking to each segment. Generally, only those segments with low REAC Scores (high sustainability ranking) were designated for continued motorized use. Those segments requiring repairs or improvement will be temporarily closed to public vehicle use.

**COMMENT:** While a total ban on ATVs seems overly restrictive, full access is too permissive. Why not require riders to obtain a riding permit so that DNR can restrict the number of users at any one time?

**DNR RESPONSE:** The DNR currently has no authority to set visitor limits, or to issue individual state land access permits. The agency is charged with responsibly managing state-owned lands for the benefit of all Minnesotans. This exercise is intended to ensure that vehicular access and use is provided for in a 'sustainable' fashion that doesn't damage or degrade natural resources, nor impede or displace other forest uses or users. The department believes that the (5MM acre) state forest land base is sufficient to accomplish this without compromising the quality, character or long-term productivity of these state lands.

**COMMENT:** Trail enforcement is a difficult and complicated business. The so-called 'Trail Ambassadors', while a positive and welcome outcome from the 2007 legislative session, are certainly not qualified to enforce OHV trail regulations. I hope that's not the plan for the CVSF.

**DNR RESPONSE:** 'Trail Ambassadors' are not licensed peace officers and will not be assigned field enforcement responsibilities. The scope of their duties was defined by *MS Chapt. 84.9011* and by DNR's Enforcement Division which is charged with overseeing operation of the Off-Highway Vehicle Safety &

Conservation Program. All volunteers undergo background checks. Volunteers provide valuable eyes and ears in the forest, and can assist with important tasks such as trail monitoring, and incident reporting.

**COMMENT:** Whose responsibility is it within DNR to monitor OHV trails and forest access routes?

**DNR RESPONSE:** The department's 2007-08' *Forest Monitoring & Enforcement Plan* assigns responsibility for specific aspects of forest road, trail and forest land monitoring, maintenance and enforcement. The Cloquet Valley State Forest will be added to the growing list of focus forests that temporarily receive added emphasis as visitors adapt to changes in classification and/or route designations. This increased scrutiny will continue until visitor compliance falls within acceptable levels. Copies of this plan are available by contacting the DNR.

**COMMENT:** What is the over-arching Statewide Recreational Plan or strategy that guides OHV planning?

**DNR RESPONSE:** There isn't a 'Statewide Plan for Off-Highway Vehicle Use' in Minnesota. Certainly, there are elements of the department's OHV management 'plan' and strategy contained in the *Statewide Comprehensive Outdoor Recreation Plan for 2003-2008*, in the DNR's *Strategic Conservation Agenda for 2003-2007*, and in a variety of other departmental reports, budget documents, policy statements, staff directives, and various other official pronouncements and proclamations. But, nowhere is this information consolidated into a single definitive document outlining the grand plan for OHVs in Minnesota.

Past attempts to craft just such a plan have met with acrimony and resistance. The Motorized Trails Task Force, for example, created in 2003 to examine OHV issues and make recommendations to the legislature, ended with surprisingly little agreement on issues, actions or future directions. Similarly, the department's OHV System Planning effort, begun in 1998, resulted in the final approval of just two of six regional plans. The others became hopelessly mired in litigation and were never completed.

Interestingly, the current forest classification and road/trail classification process grew out of these and other previous (failed) efforts. Legislators, who share the writer's frustration, and who recognize the intensely political nature of the OHV debate, stepped into this fray and crafted this first positive step towards more clearly defining where on state lands OHVs will/will not be allowed to operate. Already, this effort has brought noteworthy changes to forests all across Minnesota.

Statewide, unsustainable roads and trails are being summarily closed, while more suitable routes are being designated for both motor and non-motorized recreational use. Improved maps, signage and informational materials are also showing up on the department's redesigned OHV web pages (See [www.findthetrails.com](http://www.findthetrails.com)). A more consistent, understandable and enforceable system of OHV trails and riding opportunities is gradually taking shape. This will enable trail users to make informed choices regarding appropriate trail use – and it will enable Conservation Officers to take action against those that don't.

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