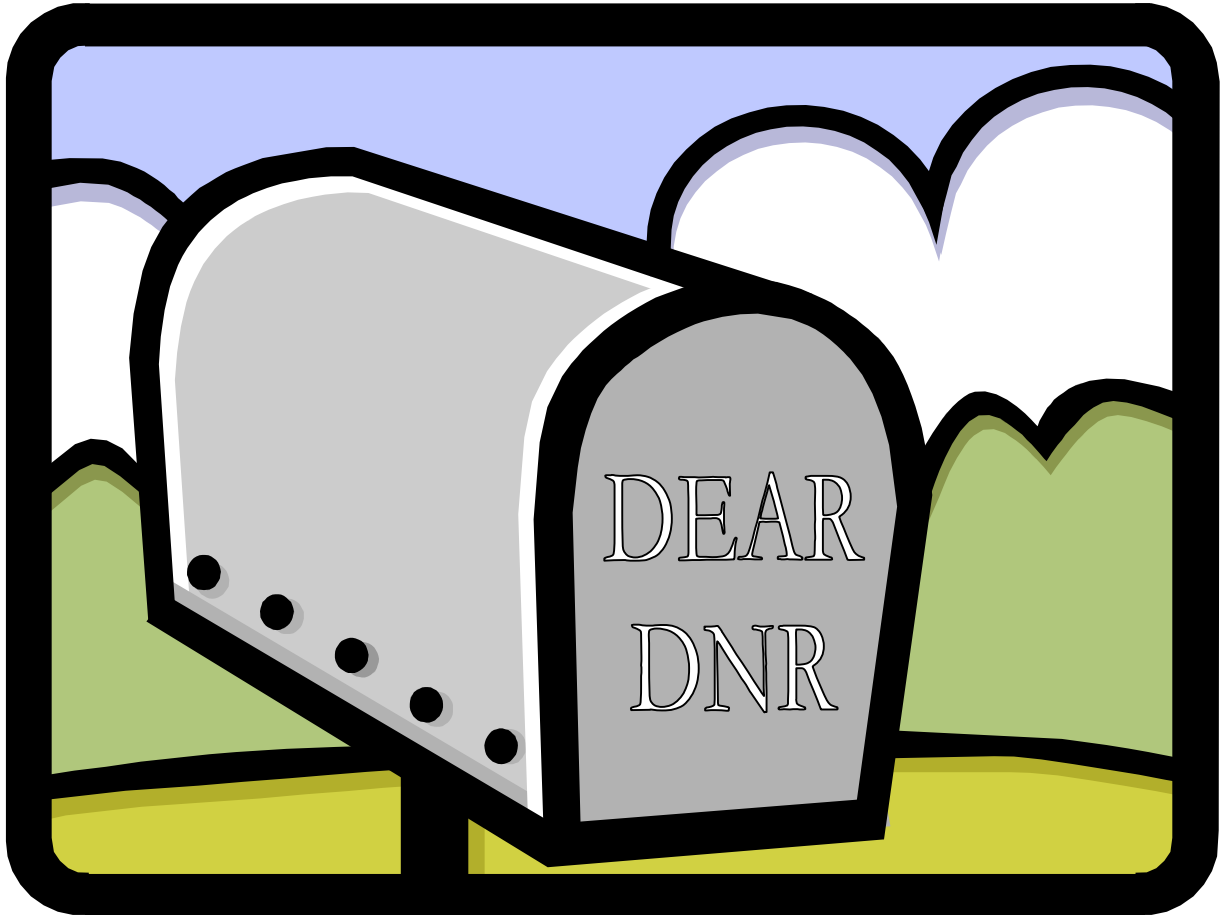


**Forest Classification & Route Designation Plan
or State Forest Lands
Located in
East-Central Minnesota**

**Response to Comments
November 4, 2008**



Minnesota Department of Natural Resources

East-Central Minnesota Planning Team

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BACKGROUND

Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167-169 (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 criteria, public notice and public meeting requirements set forth in *Minnesota Rules Part 6100.1950*, and retain or modify this classification as appropriate.

Open Houses. The public process began with a series of five public ‘Open Houses’ held August 21-29, 2007 to review the team’s draft planning maps and forest route inventory information. Attendees were also invited to share their own personal knowledge and use of state and county lands within the Planning Area. Planning process steps were explained, including public notice and public review provisions provided for under *Minn. Rules Part 6100.1950*.

Public Review & Public Meeting. The 60-day statutory review period for the Planning Team’s draft proposal began July 21, 2008 with legal notice in the *State Register (33 SR 173)*, issuance of a statewide Press Release, and web-posting of the Draft Forest Classification & Route Designation Plan and associated maps at www.mndnr.gov. Paid legal notices were also placed in five area newspapers, and a second DNR statewide press release was issued 21-days in advance of the Sept. 23 (*Aitkin*), Sept. 24 (*Mora*) and Sept. 25, 2008 (*Pine River*) public meetings.

At all three meetings, County Land Department representatives joined DNR staff in soliciting oral and written comments on the draft proposal. Comments collected at these meetings, along with those received via Email, facsimile and by U.S. Mail during the comment period which closed on Oct. 3, 2008, were evaluated by the Interdisciplinary DNR Planning Team and shared with cooperators. These public comments identified needed changes to the draft proposal and formed the basis for the Final Forest Classification & Route Designation Plan approved by the DNR Commissioner on November 4, 2008.

Project Scope & Limitations. This Forest Classification/ Route Designation Plan covers the Land O’Lakes State Forest located in Cass and Crow Wing Counties; the Hill River, Savanna, and Waukenabo State Forests in Aitkin County; the Snake River State Forest in Kanabec County; and the DAR State Forest located in Pine County. Scattered forest lands located outside of State Forest boundaries in Anoka, Aitkin, Chisago, Isanti, Kanabec, Pine, Southern Cass, and Washington Counties are similarly classified. In total, just over 260,000 acres of state forest land, and nearly 1,000 miles of roads, trails, and non-designated routes were evaluated with respect to motor vehicle use.

The plan addresses EXISTING inventoried routes on state-administered forest lands, including System Forest Roads (SFRs) and Minimum Maintenance Roads (MMRs).. 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 *Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167, Sub. 2 (as amended in 2005 & 2007)*.

The plan does NOT address Off-Highway Vehicle (OHV) use of public road ditches or road rights-of-way, or OHV operations on private lands, trails or roadways. Nothing in this plan is intended to endorse nor preclude any potential future grant-in-aid trail development proposals. 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, and those located on private lands, were NOT inventoried nor depicted on planning maps. County route data was

incorporated to provide context and perspective. As cooperators in this process, County Land Department staff helped inform DNR decisions and ensure consistency across state and county administered public lands. Route evaluations were based upon current use and existing conditions. A Rapid Environmental Assessment Checklist (REAC) was used to gauge sustainability. Existing vehicle use classifications, *'managed'* except for the Snake River State Forest, served as the starting point for forest 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 route recommended for vehicular use designation.

Every effort was made to maintain existing vehicle access, subject to environmental constraints and land ownership considerations. The planning team sought to connect existing motor routes where possible, carefully weighing potential impacts, options and alternatives. They also sought to physically separate conflicting recreational uses wherever possible by limiting motor vehicle 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 signs. To presume otherwise is unwarranted and counter-productive.

By any measure, implementation of this plan will result in a substantial net reduction of legal motor routes available for vehicular access to state and county lands within the planning unit. All newly designated roads and trails will be mapped and appropriately signed. State Lands will also be the focus of stepped-up field enforcement, especially following the implementation period as forest users adjust to new motor vehicle regulations. Should planning assumptions prove incorrect, or unforeseen circumstances arise, forest classifications and/or trail designation decisions may be revisited at any time.

COMPILATION OF COMMENTS

Written comments were received from a number of groups and individuals. *[For a complete listing, contact Brian McCann @ 651/259-5627]*. Public comments were sorted and distributed to members of the DNR's East-Central Planning Team for their evaluation and response. Copies of the comments were also shared with Aitkin, Cass and Pine County Land Department Staff who assisted in evaluating the comments, and in addressing stated 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**
- **Areas With Motor Vehicle Limitations**
- **Site Specific Comments & Suggestions**
- **Planning Process Questions & Comments**
- **Off-Highway Vehicle Program & Policy Comments**

Forest Classification Preference

COMMENT: A number of groups and individuals expressed their support for, or opposition to, the proposed classification scheme for state and county forest lands in East-Central Minnesota.

DNR RESPONSE:. The DNR acknowledges these reviewers and appreciates their perspectives. The department will, however, move forward with its' plan to classify state lands as outlined in the draft proposal. That is, state lands within the Planning Unit will be classified predominantly as *'limited'*, except for identified areas of the Savanna and Snake River State Forests, which will be classified as *'closed'*. Several areas of

scattered state lands (outside of state forest boundaries) in Aitkin, Pine and Kanabec County will also be classified as 'closed'. These newly 'closed' areas are described in the Final Plan and depicted on Final Maps which are referenced herein and incorporated as part of the plan at www.mndnr.gov.

A number of unique or sensitive sites (totaling 40,628 ac of State & County Lands) will also receive special protections from vehicular use by eliminating the hunter/trapper exceptions that would otherwise allow seasonal vehicle access into these areas. These sites are mapped and discussed in both the draft and final plans.

Reasons for adopting this management approach are outlined in the final plan. Chief among these, is the desire to foster regulatory consistency across the patchwork of state and county forest lands across East-Central Minnesota. Consistency, clarity and rider understanding of motor vehicle use rules is essential to fostering compliance with these regulations, and for effective field enforcement.

Consistency with adjacent public landowners was a compelling factor in the department's forest classification evaluations and decision making. These decisions were reached in collaboration with county cooperators whose shared mission is to provide public access to public lands and waters in a safe and environmentally responsible manner. The DNR encourages county cooperators to move to implement proposed changes on county lands concurrently with those planned for DNR Lands. The plan effective date is September 1, 2009.

COMMENT: What about non-designated routes? Will these routes be maintained or not? Can they be closed to vehicle use if damage occurs?

DNR RESPONSE: So called 'non-designated' routes will not be signed, nor will they appear on final published visitor maps. The intent is to limit use of these local-interest routes to seasonal use only (per *MS 84.926*) in the 'limited' forest. The routes will be minimally maintained and may be seasonally or temporarily closed should conditions warrant or damage occur. Continued use of these routes is subject to prohibitions on rutting, erosion or damage to vegetation. Non-designated routes can and will be closed should damage occur. Vehicle operators found damaging these routes may also be cited or be subject to arrest.

COMMENT: How were the criteria in *MR Part 6100.1950* applied?

DNR RESPONSE: Planning Teams use these 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 in arriving at draft recommendations, as do DNR Regional and St. Paul Managers, and Commissioner's Office staff who all weigh-in on the team's draft proposal both prior to and following public review. Their aim is to provide responsible vehicle access to public lands.

South of U.S. Highway 2, state forest lands may only be classified as 'limited' or 'closed'. The 'managed' classification was not an option for the East-Central Forests. Although county access policies differ, the DNR has sought consistency with adjacent public landowners, to the extent this was possible. State and county land managers recognize the challenge in regulating vehicular access across the patchwork of public lands, especially where access policies conflict. Land managers are committed, however, to making this work as seamlessly as possible.

COMMENT: Why is the southern portion of the Snake River State Forest being closed to ATVs? It is little used and has little damage. Is it to punish the surrounding private landowners who have failed to grant public access into this part of the forest?

DNR RESPONSE: The southern 2/3 of the Snake is being reclassified as *closed* because it is unsuited to motor vehicle use. There is little summer use, partly due to a lack of public access. Damage to this portion of the forest has historically been most pronounced following the fall hunting season. Effective 09/01/08, all

roads and trails in the southern 2/3 of the Snake will be closed to off-highway vehicle use year round. In the northern 1/3, OHVs may ride only designated forest roads and OHV trails – no off-trail travel or use of *non-designated* routes will be allowed.

Areas With Motor Vehicle Limitations

COMMENT: There are already thousands of acres of designated non-motorized areas (*e.g., State Parks, SNAs, WMAs, BWCAW*). Why do we need more motor-restricted areas?

DNR RESPONSE: Motor vehicle 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, eleven sites totaling 40,628 gross acres (state & county land) will be designated as '*motor-restricted*' with regard to off-trail and non-designated trail use. In total, these areas cover about 5% of the total land area evaluated in this Planning Unit, and 7% of inventoried routes. They are discussed, in detail, in both the draft and final plans, and are shown on final planning maps.

Typically, these are areas of mixed state/county forest lands which were selected based upon high biodiversity rankings, the absence of designated roads or trails, unique and/or sensitive wildlife habitat, outstanding hydrologic features, and often a history of non-motorized recreational use. Some are adjacent to existing (*non-motorized*) management units (*e.g., WMAs, SNAs*). Planning team members and cooperators agreed that each of these areas merits special protection from motor vehicle use.

COMMENT: How will the boundaries of '*motor limited*' 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 the 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 (on state lands) will be substantially '*in-place*' on or before the plan's published effective date.

COMMENT: Why create '*motor-limited areas*' when you could just reclassify these areas as *closed*?

DNR RESPONSE: In a *limited* forest, the only difference between the two is OHV use of designated roads. That is, OHVs may use designated state forest roads in a '*motor-limited area*', but not in a *closed* forest. The planning team sought to preserve OHV road use into some popular non-motor hunting areas, but wished to exclude OHVs entirely from wet, fragile, unique or ecologically sensitive areas where OHV travel was unwise or incompatible with management objectives.

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.

DNR RESPONSE: The final plan for the East Central Planning Unit reclassifies the entire unit as either '*limited*' or '*closed*' as regards motor vehicle use. This represents a significant change in vehicle use rules, especially in forests previously classified as '*managed*'. Another 5% of the planning area will also be designated as '*motor limited*' in an effort to further restrict vehicle use of certain areas. In addition, almost 30 miles of existing unsustainable routes will be immediately closed, and 127 miles of non-motorized trails will be newly designated. Non-motorized recreationists will benefit from each of these actions.

Every effort was made to physically separate conflicting recreational uses whenever 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, logging activity or residential development). Some level of annoyance can be anticipated, especially for those seeking solitude on state forest lands.

COMMENT: What about Bear Hunters? Do they qualify for the hunter/trapper exceptions?

DNR RESPONSE: *MS Chapt. 84.926* does not provide for ATV activity prior to September 1st, and that's when many licensed bear hunters begin to set bait. ATVs may not be used by big game hunters on state lands classified as *'limited'* until **after** September 1, and then only for retrieval until September 30, as specified by law. After September 30th the other big game hunting provisions go into effect.

COMMENT: Can a motorized trail be built through an *Area With Motor-Vehicle Use Limitations* at some point in the future?

DNR RESPONSE: Yes. The mechanism to make this happen would most likely be a grant-in-aid trail proposal submitted to the department on behalf of an OHV Club and their local government sponsor. In such cases, it will be important to demonstrate that all possible alternatives had first been evaluated, but that these proved unworkable, undesirable or cost-prohibitive.

Site Specific Comments & Suggestions

Change Recommended (In Response to Site-Specific Suggestions)

- **Township Road Designations** – Several township roads, or township road easements were mistakenly shown as designated routes on the DNR's draft planning maps. These were removed from final maps and no designations were made of county or township roads or trails. The DNR apologizes for any confusion or frustration this may have caused plan reviewers.
- **Map Corrections/Cass Co.** – County-administered forest lands located within the Deep Portage Conservation Reserve shown incorrectly as privately-owned property will be correctly depicted on the final planning maps. Several routes within the Land O' Lakes State Forest were also incorrectly depicted and will be corrected on final maps and in the DNR digital database.
- **Ben Draper Trails / Land O' Lakes SF** – This motor-limited area was reconfigured and reduced in size by approximately 1/3 in response to public concerns for continued ATV access into this area. The SE portion was eliminated and the previously proposed ATV Trail designation along the east boundary has been dropped. A short MMR has also been added to improve vehicle access into the SW portion, and a MMR previously planned near West Baker Lake has been changed to a Hunter Walking Trail to improve non-motor hunting in that area, while eliminating the perimeter trail 'loop' and making the area boundary more readily identifiable and enforceable. (See Plan Appendix B)
- **White Elk Lake / Hill River State Forest** – The DNR will designate an additional ½ mile of Hunter Walking Trail down to the lake and gate this route year-round to complement nearby non-motor hunter trails.
- **Washburn Lake Aquatic Management Area (Cass Co.)** – This DNR Fisheries-administered area will be included within the *Washburn/Margaret Lakes Motor-Limited Area* to provide a better defined boundary (*Hwy 6/Eastburn Road/Powerline Corridor on South*) for both DNR management units, and to

reduce the need for signing. The boundary of the *Washburn/Margaret Lakes Motor-Limited Area* will also be shifted to Peninsula Road to provide a better defined perimeter boundary for this new non-motorized recreation area. This change resulted in a 54-acre net reduction in the size of the unit.

- **Potshot Lake / Eagle Lake** – This area has been gated for a long time and is proposed to be a non-motorized hunting area by Cass County. The road and trails will be signed and gated at the other ends to control access from the south and west. The DNR supports this decision.
- **Tank Lake / Blind Lake Township** – The DNR agrees that these excellent hunter walking trails are very popular with hunters. Under this plan the DNR will officially designate all of Sec. 16 as ‘*motor-limited*’, consistent with adjacent county land management. The area will be signed to prevent OHV use, and 1.7 miles of inventoried routes will be closed and gated to prevent motor vehicle use.
- **Blind Lake Motor Restrictions** (*T139N R28W Sec. 16, Cass Co.*) – This 640-acre DNR parcel will be managed as is the larger 19,403 acre *Trelipe Township Motor Limited Area* located nearby.
- **Missing MMRs** (*T139N R25W Sec. 14 & 15*) – Two missing sections of Minimum Maintenance Roads were added to the final planning maps. The DNR thanks reviewers for pointing out these mapping errors.
- **Margaret Lake Access / Peninsula Road** – The public access to Margaret Lake via Peninsula Road will be added to the final planning maps and remain open to HLVs.

No Change Recommended

- **Taylor Lake Area** (*T52N R25W Sec. 16, Aitkin Co.*) – This area was not officially designated as ‘*motor-restricted*’, as had been previously discussed, but routes along the perimeter have now been permanently closed to motor vehicle use. The carry-in canoe access to this non-motorized lake will not be designated for vehicle use. Requests for Special Access Vehicle Permits for disabled persons should be directed to the District Conservation Officer.
- **Little Sheriff Lake** (*Clark, McGregor & Salo Townships, Aitkin Co.*) – Winter logging roads and trails in this area of Aitkin County will remain *non-designated* under this plan, thus closed to summer use. This lowland hardwood and spruce-tamarack complex is very wet and has sustained significant damage as a result of past ATV use during non-frozen conditions. Little Sheriff Lake remains accessible from the south, seasonal hunting and trapping access is still possible, and DNR logging access is not an issue in this area. Private landowners who require vehicle access across DNR lands may obtain a (*non-transferable*) permit from Area Forestry Staff to access their property by motor vehicle.
- **Mora Enduro / Snake River State Forest** (*T42N R22W, Sec. 18*) – The southern 2/3 of the Snake River State Forest will be reclassified as *closed* as originally proposed, but motorcycle-related special events (permitted in the forest for many years) will still be allowed to continue, subject to Special Event Permit terms and conditions, in both the *limited* and *closed* portions of the forest.
- **Snake River State Forest / OHM Trails** – No new or existing OHM single-track trails will be designated in the Snake River State Forest. Despite its popularity, and proximity to the TC Metro, the forest is small, wet and generally unsuited to wide scale OHV use. However, Special Events may continue to be held in the forest, in both the *limited* and *closed* portions of the forest. These events may use new or existing routes, subject to annual approval by DNR Area Staff. Some historical routes located within sensitive riparian areas of the forest will no longer be permitted.

- **Snake River State Forest / ATV Hunting** – Effective Sept. 1, 2009, ATVs may only be used on the designated State Forest Road in the Northern Portion of the Snake River Forest. No off-trail or non-designated trail use will be permitted. No ATV use will be allowed in the Southern Portion of the forest – not even on designated forest roads. Hunters will need to access their hunting areas and retrieve downed game without the use of an ATV.
- **Snake River State Forest / Chelsey Brook Trails** – Only a few short dead-end routes will remain open to provide vehicle access into this area of state lands. None are proximate to Chelsey Brook, or a threat to its future environmental integrity. There are no plans at present to bridge this stream.
- **Motor Route / Chelsey Brook Area** (*Snake River SF*) – Private land ownership prevents DNR from providing road or trail access through this area, and proposed bridge crossings of Chelsey Brook to connect with the Bean Dam Road have proven too costly and impractical to construct. Vehicle access is provided to the north.
- **Child Lake/ Pick Lake** – This area will be closed to OHV use, as described in the draft and final plans, in order to protect water quality in this sensitive, but heavily-used recreation area. The area is well-roaded and is still accessible by vehicle using these roads.
- **Trillium / Kerr Lake Trail Link** – This process examined only pre-existing routes. No new trail development was considered. However, future GIA trail connections are still possible in this area.
- **Clinton Converse State Forest Campground** – Campers with OHVs may use this campground, but may not operate their machines inside the campground. Operation inside the campground can be unsafe and disturbing to campers. Comment forwarded to DNR Parks.
- **Emily Trail / Dickerson Hill** (*T139N R26W Sec 36*) – Trails missed during the initial inventory were added to the final planning maps, but field checks also showed steep slopes with erodible soils and existing ATV damage. The trails accessing Dickerson Hill will remain *non-designated*, and some will be closed.
- **Leavitt Lake Road / Powerline Trail** (*T139N R26W Sec. 11-14*) – The powerline route passes through two private parcels and the Township Road status remains in question. The DNR cannot designate routes across private lands. However, routes on adjacent Cass County and DNR lands remain open to ATV use, and there may be an alternate route through Sec. 18 & 19 that could link riders to the Moose River ATV Trail System. DNR and County Staff will examine this possibility.
- **Farm Island Lake** (*Farm Island Township*) – The proposed ATV Trail designation will go forward, but will require substantial improvement before this is suited to regular public use. This trail improvement project will be given a high-priority because of the heavy volume of traffic this trail is likely to handle once completed.
- **Duck Hunter Access / Lake George** (*T140N R27W Sec. 36*) – The user-created route here runs into a wetland and is not suited for vehicle travel. It will remain closed to motor use.
- **Co. Road 48 to Fehr’s Road** (*T139N R26W Sec. 10*) – Routes within the *Washburn/Margaret Lakes Motor-Limited Area* will no longer be open to vehicle travel upon this plan’s effective date. This area also contains wetlands and DNR Fisheries-administered lands which would be unsuited to motor use. Future GIA trail connections are, however, may still be possible through this area.
- **Eastburn Road to Fehr’s Road** (*T139N R26W Sec. 3*) – This user-developed route, which runs across Cass Co. lands, is also very wet and unsuited to vehicle use. It will be closed to motor vehicle use, as originally proposed by the Cass Co. Land Dept.

- **Lawrence Lake Area** (*T139N R26W Sec. 36 So Cass Co.*) – Routes in this area (state lands) were judged unsustainable and will be closed to motor vehicle use.

Comment Acknowledged

- **ATV Damage to Township Roads** – The DNR agrees that ATV hunters can damage forest road and trails, and township roads, especially during a wet fall. The DNR is, however, only responsible for repairs on state lands, and to state forest roads. Local road authorities are responsible for repairs to local, municipal or township roads. These roads may be closed to OHV traffic if desired.
- **Hay Lake Snowmobile Trail** – No motorized use, except for snowmobiles, is permitted on this trail, unless posted otherwise. Persons observing illegal motor use should report this to Area Conservation Officers or local law enforcement authorities for appropriate action.
- **Washburn Lake MMR** (*T52N R25W, Sec. 23 & 24*) – OHVs are permitted to use State Forest Roads, unless posted closed. They may not travel off the roads, except onto signed, designated trails in a *limited* forest. Unsigned or non-designated routes are not open to OHV use. This prohibition will be mapped, signed and vigorously enforced.
- **'Woodtick Trail' / Stoney & Gut Lake** – This is a high-standard National Forest System gravel road connecting Hackensack w/Longville that the Chippewa National Forest has closed to OHV use due to safety concerns under it's recently released Travel Management Plan. It is also outside the planning unit. Contact the U.S. Forest Service's Chippewa National Forest at 218/335-8600 FFI.
- **Snake River State Forest / Unmarked ATV Trail** – This unmarked ATV route to a Deer Camp in *Sec. 14* off of Olympic Street was not inventoried nor shown on DNR planning maps. It will not appear on any final planning maps or visitor maps. Seasonal ATV operation is presently legal there, by licensed hunters/trappers, but will no longer be effective 09/01/09 once this portion of the Snake is officially reclassified as *closed* to OHV use.
- **Private Land Access / Cass Co.** (*T139N R26W Sec. 21, 30-32 Crooked Lake Township*) – There is no proposal to close any of the (*predominantly county forest*) lands surrounding this private property. Landowner access will be protected.
- **Fishing Lake Access** (*T139N R25W Sec. 2*) – This link provides non-motorized access to the lake for fishing, canoeing and hunting. This MMR will be signed '*Closed to Motor Vehicles*' at the point where the non-motor section begins.
- **Outing to Longville** (*T140N R26W Sec. 19*) – The Cass Co. Board has directed the Land Department to follow-up on this requested ATV connection. Work is underway on this link in cooperation with MN DNR. Routes on state lands in this area will remain *non-designated* upon plan implementation, because many lead to private lands and this could create trespass issues. Many county routes, in this same area, are wet and unsuited to ATV travel.
- **Missing Township Road** (*T140N R26W Sec. 22 & 27*) – The missing township road directly across from the Draper Tower Road at Hwy 6 will be added to the final map. The final map will show all County and Township Roads.
- **Pistol Lake / 50 Lakes** – The possibility of linking County Road 160 to Pistol Lake, then South to 50 Lakes is currently being evaluated by the Cass & Crow Wing Co Land Departments.
- **Snowway One / Co. Road 24** – Complaints about the condition of this road/trail have been forwarded to the local road authority who is responsible for it's maintenance.

- **Barnum Lake ATV Trail Designations** – Comments referred to Cass County Land Dept.
- **70-Mile ATV/OHM Trail** – The DNR acknowledges that this project, currently underway, will eventually link 500+ miles of motor routes across Aitkin, Cass, Crow Wing and Itasca Counties. Every effort was made in this planning effort to provide key links from area trails to this larger OHV destination trail system. Additional GIA trail connections may still need to be pursued.
- **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.
- **Private Property Trespass** – 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 trespass.
- **Snowmobile Trails in 'Closed' Forest Areas** – As a result of statutory clarifications enacted by the 2007 legislature, winter snowmobile use is now unaffected by forest classification. Use of designated trails can continue through 'closed' or otherwise 'motor-limited' areas.
- **ATV Gates** – The DNR acknowledges that, in many cases, gated roads or trails have visible ATV tracks going around the gate in seeming disregard for the route closure. In some cases, this is indeed unlawful. In other cases, however, closed gates are intended to prevent larger, heavier vehicles (*e.g., HLVs, ORVs or Class 2 ATVs*), from using the treadway – ATV use may well be allowed. In still other cases, the tracks may be from authorized DNR vehicles patrolling or working within the closed area. In sum, the presence of ATV tracks isn't always a reliable indicator of illegal activity. The agency is looking into new gate designs that might make this distinction clearer to riders.
- **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/or enforcement action. Non-native materials (*e.g., old pallets or tires*) may not be used as fill.
- **State Forest Campgrounds/Motor Restrictions** – Motor vehicle use restrictions in State Forest Campgrounds do not apply to the use of electrical generators, boat motors or watercraft.
- **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 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 various errors, omissions, etc. 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 unauthorized versions of DNR access route inventory data may be published by private individuals subsequent to this planning exercise. This 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.

COMMENT: Linking ATV trails in the Snake River State Forest with those in Aitkin County isn't a good idea. This will bring lots of traffic down south into the Snake.

DNR RESPONSE: The DNR does not agree with this assessment. Traffic on the Aitkin County ATV trails is due, in large part, to links to the Soo Line & Red Top OHV Trails. These are popular destination trails. With few routes open to ATV, the Snake will not prove a popular destination for ATVers, especially after the forest is reclassified (*effective 09/01/08*) which will prohibit ATV use on all but designated forest roads and ATV Trails in the northern third of the forest.

COMMENT: Closing the Snake River Snake Forest to ATVs will reduce the deer harvest and drive hunters north. It will also make it impossible to access land-locked private hunting cabins within the forest.

DNR RESPONSE: There are many hunters who prefer a non-motorized deer hunt. The Snake River State Forest is small, accessible and proximate to the Twin Cities Metro making this a desirable destination for hunters of all types – including walking hunters. Much of Minnesota's annual deer harvest is conducted without the use of ATVs – which, for example, are not permitted in most Wildlife Management Areas. The DNR is confident that wildlife management population goals can be achieved without the aid of ATVs. Motorized hunters will simply need to adapt or relocate to areas better suited to their use. Contact DNR Area Forestry Staff for a Special Use Permit to access private lands across DNR lands.

COMMENT: I'd really hate to see DNR put OHVs or mountain bikes on trails with horseback riders. This is unsafe and unwise. Horse trails should remain separate and non-motorized.

DNR RESPONSE: There were no horse trails or bike trails designated or proposed to be designated during this planning process, nor are there plans to add these uses to any designated non-motor trail. The reviewer may have confused this effort with a concurrent planning effort for three forests in Southern and South-Central Minnesota. That plan does contain considerable horse trail mileage, and many miles of other planned motorized and non-motorized trail designations.

COMMENT: Many wrote to express their support for continued management of the Deep Portage Conservation Reserve in So. Cass County as a '*non-motorized*' unit.

DNR RESPONSE: The DNR applauds Cass County and the Deep Portage Foundation for many years of successful conservation learning and teaching in a non-motorized setting. Under this plan, the DNR will reclassify a total of 1,305 acres of state forest land as an area with '*motor vehicle use limitations*'. This restricts off-trail travel and the use of non-designated routes on affected state lands. Effective 09/01/09, the 5.2 miles of inventoried routes on state lands will no longer be open to OHV use.

COMMENT: Many areas of Cass and Aitkin Co. (*e.g., Bear Lake Trail Area*) require nuisance beaver trapping in order to maintain roads, trails and timber productivity. If you close the forest to ATVs, beaver populations will go unchecked and serious damage will result.

DNR RESPONSE: The DNR may issue special permits to enable licensed trappers to operate ATVs in conjunction with their trapping activity. Contact the Area Conservation Officer for more information.

COMMENT: Can some trails be left open temporarily contingent upon planned designation of connecting grant-in-aid trails by DNR and the County?

DNR RESPONSE: All designations made under this process will become effective on Sept. 1, 2009. Until then, there is no enforceable change in forest classification or route status. After the plan effective date,

however, these changes will stand unless or until modified by a second public process similar to that just completed.

COMMENT: We'd like to see a new 'sub-county' county ordinance enacted allowing Class 1 ATVs to travel on the surface of asphalt and gravel county roads (*as can Class 2 ATVs*) in certain townships. This would get ATVs out of the ditches, reduce environmental damage, and create a safer operating environment for riders.

DNR RESPONSE: This is a matter for the county and townships to discuss with local constituents. There are no prohibitions in state law that would prevent the adoption of such an ordinance.

COMMENT: Why are you closing the Land O' Lakes State Forest? Routes are lightly used, show few signs of damage, and could be protected using simple seasonal closures – as has been done for years.

DNR RESPONSE: While the DNR acknowledges that many inventoried routes in the Land O' Lakes State Forest receive little hunting use, and almost no summer use, the department does not agree that seasonal closures alone are sufficient to protect all routes within the forest from vehicle damage. Considerable damage has already been done to many routes which will be closed under this plan, and still others will need to be closely monitored to prevent similar damage from occurring in the future.

As a limited forest, routes within the Land O' Lakes (effective 09/01/09) will be 'closed unless posted open', and certain areas will not be available for ATV hunting in fall. It will be important for riders to obtain current maps, watch for and obey posted signs, and always be sure you know whose land you are riding on.

COMMENT: Why are only a small percentage of inventoried route miles are proposed to be 'proactively closed' on state and county forest lands?.

DNR RESPONSE: Route closures are based upon the team's route-by-route evaluations and Rapid Environmental Assessment Checklist (or REAC) score. 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 site-level evaluation using real-time information.

The final plan closes about 7% of all inventoried routes on state and county-administered forest lands. None of these 'unsustainable' problem routes, many of which are currently legal to ride, will be kept open to vehicular use. That's a significant accomplishment.

COMMENT: Why did Crow Wing County 'opt out' of this DNR Plan?

DNR RESPONSE: This plan does not address Crow Wing County, nor did Crow Wing County 'opt out' of DNR Trail Plans for that county. The processing of certain grant-in-aid OHV trail proposals by Crow Wing County (GIA Trail Sponsor) was, however, temporarily halted pending the outcome of this plan for E-C Minnesota. That's because of potential impacts to trail projects spanning both planning units. GIA activity should resume now that both plans are complete and the full picture is known regarding planned DNR OHV management plans for East-Central Minnesota.

COMMENT: When routes are closed and gated, can they ever be re-opened and the gates removed?

DNR RESPONSE: Decisions made pursuant to this process may be revisited at any time should issues arise or conditions change. Specific problems or complaints should be brought to the attention of DNR Area Forestry or Trails & Waterways Staff.

COMMENT: Everybody's concerned about OHV damage; what about logging damage to roads and trails?

DNR RESPONSE: Area Forestry and Trails & Waterways Staff work together to minimize damage to roads and trails from planned timber harvest activity. Loggers are generally required to repair any damage to existing roads or trails upon completion, or they may forfeit their performance bond.

COMMENT: ATVs have been riding in and across Chelsey Brook in the Snake River State Forest in Kanabec County. Why doesn't DNR do something about that?

DNR RESPONSE: The DNR is aware of this issue, and will soon fill the Conservation Officer vacancy at the nearby station. Trail Ambassadors and other officers will also be re-directed to the Snake River State Forest as part of a *focused* enforcement detail that typically follows plan adoption and implementation. This will continue during the transition period as visitors become adjusted to the new vehicle use restrictions and trail designations, or until compliance reaches acceptable levels.

COMMENT: Doesn't closing forests to vehicle use conflict with the DNR's stated goal of reducing deer populations in this area? Fewer will hunt without an ATV, and walking hunters can actually disturb deer more than does the occasional ATV.

DNR RESPONSE: While deer populations are high in the East-Central forests, there is a demand for more non-motorized hunting areas in East-Central Minnesota. Walking hunters can and do thin deer herds, as is the case in Minnesota's Wildlife Management Areas – most of which prohibit ATV use. This plan provides for both motorized and non-motorized hunting opportunities across the planning unit.

COMMENT: How do we get road ditch trail connections established? Youthful riders (*lacking a driver's license*) need designated trail connections, especially along public road rights-of-way?

DNR RESPONSE: Counties and Township Road Authorities may be willing to officially designate ditch routes or ditch connections along roads they administer through Minnesota's Trails Assistance (or GIA) Program. Check with your County or Town Board. The DNR is not a public road authority, and this access planning process does not address ditch trails or public road rights-of-way.

COMMENT: Why did you act to limit damage in areas with limited use and even more limited damage?

DNR RESPONSE: The department has a responsibility to preserve and protect the last best examples of unique or high-valued flora, fauna, and wild landscapes on lands it manages on behalf of the people of Minnesota. Sometimes a broader, longer-term view is required in order to accomplish this mission.

COMMENT: If loggers can drive these routes with semi-trailer trucks, why can't we ride ATVs on them?

DNR RESPONSE: Many of the routes in question are winter logging-only routes used only when the ground is frozen. These routes are generally unsuited to summer vehicle travel. Loggers enter into formal contracts with the DNR which specify that they repair any damage done to roads or trails in the course of their harvest operation. If they fail to live up to terms of that agreement, they will forfeit their performance bond. No such bond exists with recreational forest users.

COMMENT: Please develop a 'system' for developing new OHV trails in a limited State Forest – like the Snake River State Forest. We need more officially designated OHV trails!

DNR RESPONSE: Trails may be developed in a *limited* state forest through Minnesota's Trails Assistance (or grant-in-aid) Program which is administered by DNR's Trails & Waterways Division. You may learn more, or even obtain an application online at www.mndnr.gov .

COMMENT: Trails posted open to ATVs and OHMs should also be open to ORVs. Why not?

DNR RESPONSE: Trails suited to Class 1 ATV and/or OHM may not always be suited to ORV use. These trails may be narrow, have tight turns or be unable to support the weight of a larger vehicle. Widening, or upgrading such trails to accommodate ORVs can often make these routes less appealing to ATVs/OHMs. All state forest roads in this unit – both SFR and MMR are open to ORV traffic. There are also future grant-in-aid opportunities to develop new ORV-only trails in East-Central Minnesota.

COMMENT: Many of the trails you propose to close are located on public lands which I believe ATV riders have a *'right'* to have access to. We are also a part of the public. Closure isn't management.

DNR RESPONSE: While everybody has a right to access and enjoy public lands, operating a motor vehicle on public lands is a *'privilege'* that all riders must work hard to protect. Vehicle use, like most every other use of public lands, is subject to restrictions and limitations intended to preserve and protect the public estate. Motor vehicle route closures are a potent tool for protecting natural resources from damage, and for ensuring an equitable distribution of both motorized and non-motorized outdoor recreation opportunities.

COMMENT: I suggest that Cass County declare a moratorium on motorized recreational development until such time that the question of long-term cost (to the taxpayers) is fully explored and a budget is approved in writing.

DNR RESPONSE: Referred to Cass County Land Department representatives.

COMMENT: Please allow continued vehicle use of so-called *'non-designated routes'* on State Forest Lands.

DNR RESPONSE: As of the Plan's effective date, motorized travel on *'non-designated routes'* in the *'limited'* forest will be prohibited, except pursuant to the hunter/trapper provisions established in state law (*MS Chap. 84.926, Sub. 1-5*). It is therefore, important that riders know where they are riding and whose land they are riding on at all times. Riders should also obtain current maps and obey all rules, regulations and posted signs.

COMMENT: Why have so many historical travel routes been *'left off'* of the planning maps? Some of these are important local connections long used 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. County route data was also incorporated to provide context and perspective. As cooperators in this process, and as major landowners, county travel management data and plans helped inform DNR decisions, and helped ensure consistency of regulation across public lands. No private land routes will be affected, nor will they appear on published DNR visitor maps.

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 little net loss of trail mileage open to their use. In fact, over 40 miles of hunter walking trails, and 86 miles of other non-motor trails will be newly designated making these officially *off-limits* to motor vehicle use. In addition, many miles of inventoried state and county routes will be closed to vehicle use, making these available for non-motorized use only. A number of sizable *'closed'* and *'motor-limited'* areas were also created out of deference to non-motor forest users. Clearly, motorized visitors will have fewer legal routes to ride, while non-motorized

forest users will enjoy many more miles of designated non-motor trails and sizable non-motorized recreation areas. Clearly, non-motor visitors will benefit greatly from these actions.

COMMENT: Why more miles of hunter walking trails in the plan? Aren't there enough already?

DNR RESPONSE: By designating Hunter Walking Trails, the Division of Fish & Wildlife has committed staff and dollars to sign and actively maintain this mileage 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 non-designated routes, will remain open to walking hunters who are willing to share these corridors with others, including occasional motorized users.

COMMENT: The DNR is trying to put too many users on the same trails. This 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 any route or trail, while motorized users are limited to designated roads and trails. Licensed hunters and trappers may seasonally use ATVs or HLVs on non-designated routes in *'limited'* forests, and Class 1 ATVs may travel off-trail for big game retrieval pursuant to *MS Ch. 84.926*. Rutting, erosion, damage to vegetation, or the creation of permanent unauthorized trails is also strictly prohibited. Non-designated access routes may be closed if damage occurs.

COMMENT: The idea of posting *'closed'* signs is silly and ineffective, 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. It should be noted that 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 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 (1st 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: 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 problems were identified (e.g., *rutting, erosion, property damage, illegal water crossings*), routes were closed. Many formerly *'temporary closures'* will become permanent closures under this plan. In some cases, however, where routes provide important connections to popular destinations, repairs or improvements will be undertaken in order to make routes suitable for continued public use.

Planning Process Questions & Comments

COMMENT: Several individuals felt that public notice was insufficient, and that the public review and comment period should be re-opened and extended.

DNR RESPONSE: The 60-day public review period for the Planning Team’s draft proposal began July 21, 2008 with legal notice in the *State Register* (33 SR 173), issuance of a statewide Press Release, and web-posting of the Draft Plan and Maps at www.mndnr.gov. Paid legal notices were also placed in area newspapers, and a second DNR statewide press release was issued 21-days prior to the Sept. 23-25, 2008 public meetings as required. The DNR has fulfilled all statutory requirements for public notice and public review of the draft plan for the East-Central Planning Unit (per *MR Part 6100.1950, Subp. 3*). The comment period closed Oct. 3, 2008 and will not be re-opened nor extended.

COMMENT: Why weren’t adjacent landowners or townships notified of this plan and their legal opportunity to review and respond? Why weren’t local interests represented on the planning team?

DNR RESPONSE: Given the expedited nature of this statewide evaluation of 58 state forests and some 5 million acres of state forest land, individualized notice was not possible. All public notice and review requirements (per *MR Part 6100.1950, Subp. 3*) have been met for the East-Central Minnesota Planning Unit. Participation in this route disposition exercise was also limited to DNR Staff and key cooperators in an effort to expedite the effort and meet the statutory deadline of December 31, 2008.

COMMENT: I didn’t find out about the public meetings until after they had already been held. You need to develop an ‘*email alert system*’ that would inform interested persons of upcoming dates and events. With today’s technology, this wouldn’t be terribly difficult.

DNR RESPONSE: The DNR Web Team is exploring all manner of applications that might enable stakeholders to be better informed, or to be alerted to important dates, upcoming events, public review opportunities, or impending deadlines. Some features have already been added (*e.g., DNR Calendar*) and there is more to come. Watch the DNR website at www.mndnr.gov for the latest developments.

COMMENT: As usual, the DNR hides its agenda by holding a meeting 50 miles from where it intends to close the forest. How are we expected to get to distant public meetings given the high price of gasoline?

DNR RESPONSE: *MR 6100.1950* requires the DNR to hold a public meeting “*in the county where the largest portion of the forest lands are located to provide information to and receive comment from the public regarding the proposed classification change*”. The agency opted to hold three such meetings over the 8-county planning area proximate to major population centers. While there is no single date, time or location convenient to all stakeholders, every effort was made to ensure that meetings were reasonably accessible to persons wishing to attend.

Stakeholders were also invited to submit written comments by U.S. Mail, email, facsimile or in person at any Area DNR Office. Comments received were reviewed and evaluated by the department in formulating the *Final Forest Classification and Route Designation Plan* for the East-Central Minnesota Planning Unit. These written comments are now an official part of the project’s administrative record.

COMMENT: One group asked why Friday PM or Saturday AM public meetings were not held so that seasonal property owners could attend.

DNR RESPONSE: Given the expedited nature of this review, time did not allow for more than the three public meetings which were held on weekday evenings (*only a single meeting was required by law*). Maps and other information were available online and hardcopy was available upon request (*including plotter-sized project maps*) throughout the 60-day public review period. Written comments were accepted via phone, facsimile, email or U.S. Mail for those unable to attend the public meetings. Ultimately, thoughtful and detailed written comments carried the greatest weight in terms of plan revisions and final decision making.

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 county, 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 existing, proposed or pending management unit designations. Team members consult these data sources, then supplement it as necessary with site visits and additional data collection. Through the course of this planning effort the initial route inventory data was updated, corrected and supplemented as appropriate. Many sites were field inspected.

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 (Plan Appendix A)*. Route designation decisions were based upon existing conditions and current use. Route closure was indicated when the team’s environmental evaluation turned up 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: Why not just designate trails seasonally for motor use?

DNR RESPONSE: While DNR does have the authority to set permitted use seasons for individual trails, the agency has been reluctant to do so because of the potential for confusion that might result. The resulting ‘patchwork’ of seasons, trail types and permitted uses – across 5 million acres of state lands would make trail management and enforcement infinitely more complex and challenging.

The DNR did recently establish a uniform statewide OHV season to limit conflict between recreational OHV riders and firearms deer hunters. Designated state forest roads, trails and even non-designated routes can also be gated and closed seasonally or temporarily to protect public safety, natural resources – or even to protect the corridor itself from damage.

COMMENT: Closing roads and trails is unfair to those of us who live here, this should be put to a vote.

DNR RESPONSE: In 2003, Minnesota’s State Legislature directed DNR to conduct a ‘forest-by-forest review’ of all 58 State Forests to determine the appropriate motor vehicle use classification. This review, to be completed by December 31, 2008, is to be based upon an updated inventory of existing roads, trails and ‘undesignated’ routes on state and county forest lands all across the state. This process will soon be completed.

The DNR Commissioner is authorized to classify state forest lands (and county lands inside state forest boundaries) and to order route designations pursuant to this mandate (per *Laws of MN 2003, Chap. 128, Article 1, Sect. 167, as amended by M.L. 2005, 1st Special Session, Chapter 1, Article 2, Sect. 152, and by ML 2007, Ch. 57, Sec. 155 and MS Chap. 84.777*).

County route designations, developed as part of this evaluation process, will eventually be forwarded to the respective County Boards of Commissioners for adoption and implementation. Interested constituents should contact their County Land Department and/or elected county officials in order to comment on these route designation proposals.

COMMENT: I'm not in favor of putting a plan in place and then expecting it to *'evolve'* to meet user needs. We need specific links to access specific destinations spelled out in this plan.

DNR RESPONSE: This plan deals exclusively with EXISTING routes. No new trails or trail linkages are being contemplated, discussed or designated. That said, this exercise does point to logical trail development needs and gaps in existing trail systems. New trail development is best accomplished with the assistance of the DNR's grant-in-aid trails process. Check it out at www.mndnr.gov.

COMMENT: On the maps, it appears that there are a lot of small, disjunct pieces of trail that are not connected to anything – when in fact there are links out there on the ground. Why don't you show all of the routes that a person needs to see to make sense out of the larger map?

DNR RESPONSE: Project planning maps show only those inventoried routes on state and county lands, not those located in road ditches or on private property. Public roads are typically shown, but some county, township or municipal data may be missing or incomplete. The draft maps did contain a number of errors, omissions and other extraneous data. Final planning maps are much improved as a result of public comments received during this review. The DNR thanks those who took the time to review and comment.

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 system designations. In the E-C forests, just 70 miles of OHV trail designations are planned. Recreational riders will not be drawn in large numbers from distant locations to ride these newly-designated routes. The majority of use in the area will continue to be by year-round and seasonal residents, and by big-game hunters in fall. And, there are no plans to display *non-designated* access routes (open to hunters/trappers in the *limited* forest) 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 be developed on *'managed'* or *'limited'* state forest lands, but not on those classified as *'closed'* or otherwise *'motor vehicle restricted'*.

COMMENT: The DNR should have presented a draft proposal that provided the necessary level of specific detail needed in order to comment intelligently.

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 identify site-specific issues, impacts, or management alternatives, the department apologizes to reviewers.

Teams did have access to a variety of state and county data that they used during the course of this exercise. Given the expedited nature of this review, however, it was not possible to summarize all existing data sources and distribute this information to reviewers in a simple, 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 not 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 and non-designated 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.

COMMENT: Given the state's temporary suspension of Environmental Review, why not leave everything *'open'* to motor use, then come back later and fix up those routes that don't pass muster?

DNR RESPONSE: Route designation decisions were based upon existing conditions and current use. Route closure was indicated when issues were identified 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. Not all routes can or should necessarily support continued motor use.

COMMENT: Several reviewers asked "What will this all cost"?

DNR RESPONSE: Although actual costs are highly variable from forest-to-forest, the cost inherent in strengthening motor vehicle controls on state forest lands is a price that state legislators have determined is worth paying. The DNR is responsible for costs incurred on state lands as a result of these changes. No portion of this cost will be passed along to county or local governments, or to local taxpayers.

COMMENT: How will county planning recommendations be implemented?

DNR RESPONSE: County forest classification and route designation recommendations developed in conjunction with this DNR plan will need to be forwarded on to County Boards of Commissioners for their review and approval. County Commissioners may choose to formally adopt these recommendations by ordinance or resolution. County land managers will be responsible for actually implementing these recommendations on county-administered lands.

COMMENT: The term *'managed'* is misleading, 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: State Lands in East-Central Minnesota have been used and cared for by local residents for generations. Outsiders come in summer and rip things up. 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: The planning teams do pay very 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 use, 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 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 need to work together to keep the public estate healthy and productive.

OHV Program & Policy Comments

COMMENT: It seems to me that we need stricter penalties for OHV violators, including vehicle confiscation for repeat and grievous offenders.

DNR RESPONSE: Penalties for violators are already 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 (1st 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. DNR will work with stakeholder groups and the legislature to ensure that appropriate penalties are in-place to deter repeat, willful or grievous offenders.

COMMENT: The hunter/trapper exceptions of *MS 84.926* need to be extended to include all big game and small game seasons not currently covered by this limited Oct – Dec season (*e.g., bear season, small game, pheasant, duck and grouse seasons*).

DNR RESPONSE: This statutory provision was set by the Minnesota Legislature. Any changes to this law will need to be effected through the legislative process – then implemented by DNR.

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 both the desire of non-motorized constituents to use state forests absent motor influences, and the challenge inherent in fulfilling this difficult mission.

COMMENT: – One reviewer suggested that OHV enforcement is inadequate. If the DNR can't enforce existing laws, how do you expect to enforce these new regulations?

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

COMMENT: Exactly what role does Forest Certification plan in DNR's forest access planning?

DNR RESPONSE: Independent auditors have cited OHV management and OHV damage as major issues in managing Minnesota's forests sustainably. The DNR, County Land Departments, and other certificate holders are doing what they can to address this issue in order to maintain their certification. Most often, this involves a program of regular trail maintenance, monitoring and enforcement sufficient to control unintended impacts or deleterious effects. Auditors check annually to ensure that goals and objectives are being met.

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

DNR RESPONSE: Disabled individuals may contact their Area Conservation Officer to obtain a Special Vehicle-Use 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 generally permitted.

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?

DNR RESPONSE: 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 currently rank among the toughest in the nation.

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 and 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 cited.

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 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 trails 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: This plan presumes that all trails open to Class 1 ATVs will also be open to Class 2 ATVs, unless otherwise restricted. Class 2 routes will be appropriately signed and identified on final visitor maps. Some trails may require improvement or upgrading in order to accommodate the wider, heavier class 2 machines. These routes may be temporarily closed while improvements are made.

Class 2 ATVs may also operate on both State Forest System Roads and Minimum Maintenance Roads, and 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 road ditches, unless on a trail designated for that specific vehicle type. The State of Minnesota does not allow Class 1 ATV, OHM or ORV use (anywhere) upon the surface of public roadways.

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 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, especially if OHV use is permitted.

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 work along 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. It exceeds the state's ability to pay to monitor and control this activity and its impacts. Will some of these costs be passed along to local taxpayers?

DNR RESPONSE: The DNR's OHV Management Program is funded by a combination of state general fund appropriations and funds appropriated annually 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 enforcement efforts. Legislative appropriations for these purposes are sufficient to carry out program responsibilities without reliance upon property taxes or other local revenue sources.

COMMENT: According to a 2005 report by LCMR, off-roading 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 OHVs are often unaware of public land riding opportunities, and are frequently uncertain regarding who owns 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., *biking, 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 substantial 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: 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 same routes have, however, been kept open by recreational vehicle traffic. This plan tightens control over the use of, vehicles in the forest. Eventually, recreational traffic will be concentrated on fewer routes that are more capable of sustaining this use. Other inventoried routes will revegetate naturally and, at some point, disappear and be pulled off the DNR’s current access route inventory.

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

DNR RESPONSE: The DNR’s Annual Forest Monitoring & Enforcement Plan assigns responsibility for specific aspects of forest road, trail and forest land monitoring, maintenance and enforcement. Upon the

published '*effective date*' of this plan, the East-Central State Forests will be added to the growing list of focus forests that receive added enforcement emphasis as visitors adapt to changed regulations and new route designations. This increased scrutiny will continue until visitor compliance falls within acceptable levels. Copies of the DNR's 2008 *OHV Monitoring & Enforcement Plan* are available by contacting the DNR.

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