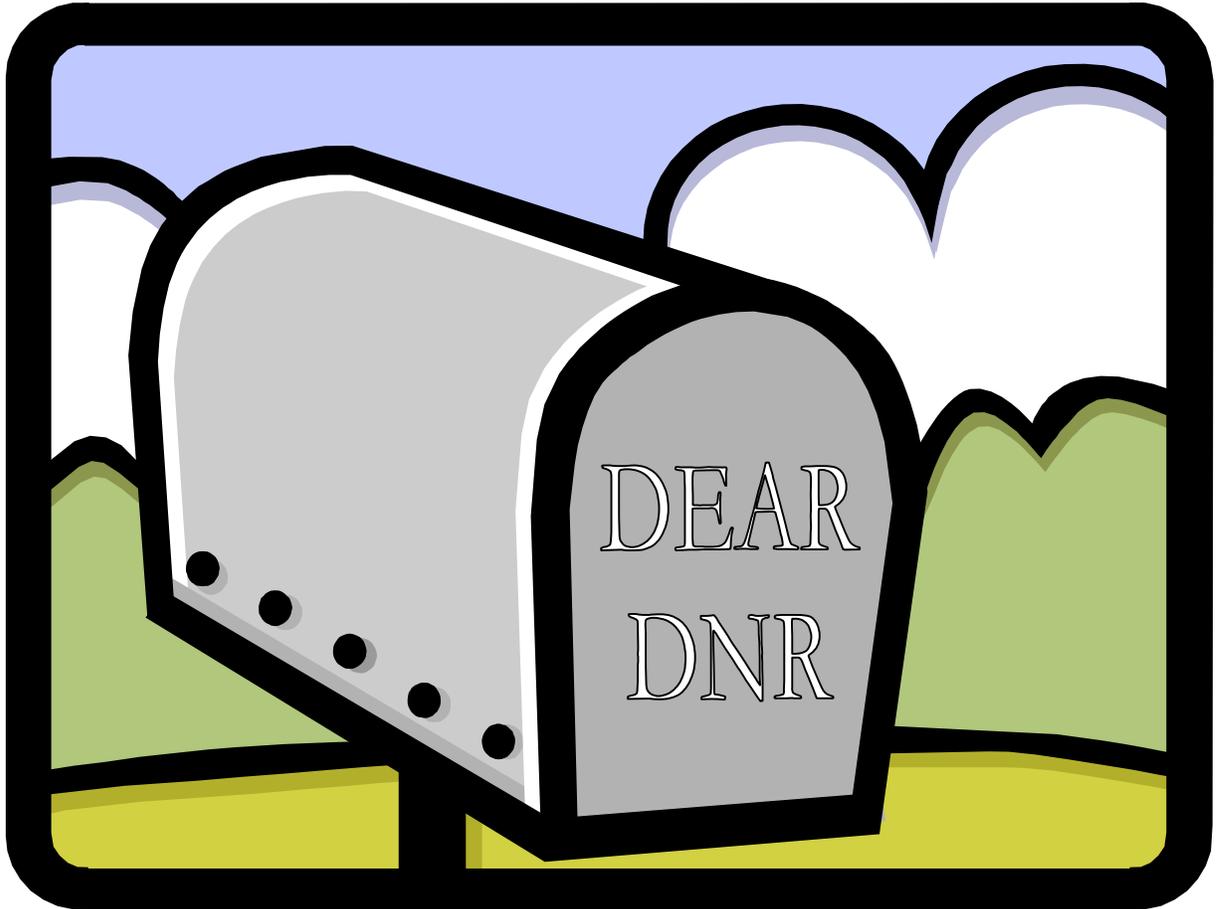


**Forest Classification &
Motor Route Designation Plan**
for State Forest Lands in
Lake County Minnesota

Response to Comments
November 6, 2007



Minnesota Department of Natural Resources

Lake County Planning Team

Jim Rupert, Chair.....DNR, Division of Forestry
Dave Olfelt..... DNR, Division of Fish & Wildlife
Steve HennessyDNR Division of Trails & Waterways
Kathy Larson.....DNR Division of Enforcement
Chel Anderson.....DNR Division of Ecological Resources

Tom Engel, GIS Support DNR, Fish & Wildlife Division
Craig Perrault, GIS Support.....DNR Management Information Systems
Brian McCann, Planner.....DNR, Trails & Waterways



© 2007, State of Minnesota, Department of Natural Resources

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available to all individuals regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, age, sexual orientation, or disability. Discrimination inquiries should be sent to MN DNR, 500 Lafayette Road, St. Paul, MN 55155-4031; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.

Table of Contents

	<u>Page</u>
Background.....	4
Compilation of Comments.....	5
Response to Topics of Concern.....	5
<i>Forest Classification Preference.....</i>	<i>5</i>
<i>Motor-Limited Area Proposals.....</i>	<i>7</i>
<i>Site Specific Comments & Suggestions.....</i>	<i>8</i>
<i>Planning Process Questions & Comments.....</i>	<i>11</i>
<i>Off-Highway Vehicle Program & Policy Comments.....</i>	<i>13</i>

BACKGROUND

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

Open Houses. The public process began with three Open Houses held July 10, 19 & 20, 2006 in Ely, Finland and Two Harbors, respectively. The purpose of these meetings was to alert stakeholders to this planning effort, and to solicit comments, questions and suggestions for the planning team. Attendees were invited to share their thoughts and experiences regarding motorized access to and use of state lands in Lake County. Lake County Land Department staff and Superior National Forest representatives joined DNR at the meetings. All three meetings were cordial and productive, albeit not especially well-attended.

Public Review & Public Meeting. The 60-day public review period for the Team's draft proposal began April 2, 2007 with legal notice in the *State Register (31 SR 1355)*, paid legal notices, issuance of a statewide Press Release, and web-posting of the Draft Plan and Maps at www.dnr.state.mn.us. Meeting reminders were placed in area papers and a second press release was issued just prior to this meeting. A total of about 50 persons attended the meeting held June 12, 2007 in Silver Bay. Written comments were submitted at the meeting, via Email, facsimile and by U.S. Mail during the comment period which closed on June 22, 2007.

Project Scope & Limitations. This Forest Classification and Route Designation Plan contains vehicular use guidance for the Finland State Forest, and for other state forestry-administered lands located outside its statutory boundaries in Lake County (including an 1,851 acre portion of the Finland State Forest in SW Cook Co.). In total, just over 160,000 acres of state land and 220 miles of inventoried routes were evaluated with respect to motor vehicle use.

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

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

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

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 the DNR draft or final planning maps. Route data from the Superior National Forest was added to provide context and perspective. As cooperators in this process, and major landowners in Lake County, federal travel management data and plans helped inform DNR decisions, and helped ensure consistency of regulation across public lands. Lake County Land Department staff also participated in this planning exercise and formulated route recommendations for county forest lands and travel routes located within the Finland State Forest.

Every effort was made to maintain existing vehicular access, subject to environmental constraints and land ownership considerations. The team sought to connect vehicular routes where possible, and carefully weighed various options and alternatives. Team members also attempted to physically separate conflicting (motor vs. non-motor) recreational uses wherever possible, by limiting motor use in certain areas, and by designating both motorized and non-motorized trails where appropriate. This plan presumes that forest users, both motorized and non-motorized visitors, are generally law-abiding and respectful of trail rules, regulations and sign postings. Speculation to the contrary is unfounded and counter-productive.

By any measure, implementation of this plan will result in a net reduction of legal motor routes available for (especially summer-season) vehicular travel on state lands in Lake County. All existing and designated travel routes will be mapped and signed. The Finland State Forest, will also be the focus of stepped-up field enforcement during the implementation period as forest users adjust to changed motor vehicle use regulations. Finally, should planning assumptions prove incorrect, or should unforeseen circumstances arise, forest classifications and/or trail designations can be re-evaluated and revisited at any time.

COMPILATION OF COMMENTS

Written comments were received from approximately 100 groups and individuals. [For a complete listing, please contact Brian McCann @ 651/259-5627]. Public comments were sorted and distributed to members of the DNR's Lake County Planning Team for their evaluation and response. Copies of the comments were also shared with USFS, Lake County and Tribal cooperators who participated throughout this process.

RESPONSE TO TOPICS OF CONCERN

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

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

Forest Classification Preference

COMMENT: A number of individuals expressed their support for, or opposition to, the state land classification scheme proposed for Lake County.

DNR RESPONSE:. The DNR acknowledges these individuals and appreciates their perspectives. The department will move forward with its' plans, as outlined in the draft proposal, to change the classification of all state forest lands located within the Superior National Forest boundaries to '*limited*' (the northern portion of Finland State Forest), but to retain as '*managed*' those portions of the Finland outside of federal forest boundaries (So. Lake & SW Cook County). Scattered state lands that lie outside of both state and federal forest boundaries, will be classified as '*limited*' in the north, and '*managed*' in the south, consistent with the management of adjacent USFS and Lake County forest lands, respectively. (See Final Classification Order)

Reasons for adopting this approach are outlined in 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 Lake County. Riders must be clear about motor vehicle operating rules on public lands in Lake County, regardless of whether riding on state, county or National Forest System lands. Consistency, clarity and rider understanding

of new motor vehicle regulations are fundamental to fostering compliance and for effective field enforcement.

COMMENT: One individual argued that there is an ‘extreme statewide imbalance’ of forests classified as ‘*managed*’ or ‘*limited*’, and that closure of the Finland State Forest would help achieve a more equitable motor/non-motor balance in Minnesota. Enforcement costs could also be reduced.

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

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

COMMENT: One reviewer suggested that the DNR ought not conform to the U.S. Forest Service’s ‘*limited*’ travel management philosophy. Rather, he reasoned that USFS should instead conform to DNR’s more sensible ‘*managed*’ approach.

DNR RESPONSE: Travel management policies and direction, as established by the National Travel Management Rule (*USFS, Adopted Nov. 9, 2005*), guide travel management planning and decision making on National Forest System Lands located within the Superior National Forest. Together with the SNF’s 2004 Land & Resource Management Plan, these administrative constructs help shape permitted and prohibited uses of inventoried travel routes. The DNR worked closely with the Gunflint and Tofte Ranger Districts to foster consistency across state and federal lands in Lake County. The department believes that this was best achieved by re-classifying state lands within the boundaries of the Superior National forest as ‘*limited*’ in order to mirror the federal travel management policy.

COMMENT: – One reviewer requested that DNR leave scattered state forest parcels (outside state forest boundaries) classified as ‘*managed*’, to ensure that motorized recreational access is maintained, even in the event that these lands are subsequently re-classified as ‘*limited*’ or ‘*closed*’.

DNR RESPONSE: Scattered state lands that lie outside of both state and federal forest boundaries, will be classified as ‘*limited*’ in the north, and ‘*managed*’ in the south, consistent with the management of adjacent USFS and Lake County tax-forfeited forest lands, respectively.

Reasons for adopting this approach are outlined in 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 Lake County. Consistency and clarity of new motor vehicle regulations is critical to fostering compliance with these regulations, and in setting the stage for effective field enforcement.

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

DNR RESPONSE: The introduction or spread of non-native species is a troubling and disruptive chronic vegetative impact. Timber operators, hunters, trappers, (motor or non-motor) recreational trail users and others can introduce invasive non-native plant species through the transportation of firewood, or via contaminated (with seeds and spores) clothing, shoes, boots, backpacks, bicycles or vehicle tires. Invasive exotics are also transported via wind, rain, surface waters, wildfire, birds and animals. Infestations already

likely occur in most state forests. Infestations are most common along forest roads, trails, power lines, rivers or other corridors of natural or human disturbance.

MN DNR is committed to minimizing the construction of new routes through State Forests, and strictly enforcing prohibitions on off-trail vehicle travel. No new route construction is planned for Lake County. About 14 miles of existing routes will be closed, and another 16 miles will remain undesignated, thus closed to most motor use under this plan. The DNR is committed to controlling or eradicating known infestations of invasive non-native species on state lands, regardless of their origin or means of introduction, and preventing introductions related to trail improvement or the maintenance of existing routes.

A recently adopted departmental policy provides policy, procedures and guidelines to help DNR Staff prevent the introduction, establishment and spread of invasive species on state lands and in state waters. This order applies to all DNR resource management activity, whether by DNR Staff or non-DNR groups or individuals, and it applies to all actions the department permits, funds or regulates. A draft invasive species handbook is available. Visitors can help by alerting local DNR Staff to the locations of suspected new infestations.

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

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 close three areas in Lake County totaling 3,970 acres to motorized use (i.e., Cabin Creek, Beaver Ridge, Upper Baptism/Manitou). Four other sites totaling 8,095 acres will have limitations imposed on off-trail travel and the use of non-designated routes. This is in addition to a number of pre-existing non-motorized state and federal management units elsewhere in the county (e.g., State Parks, SNAs, WMAs, Federal Research & Natural Areas, Inventoried Roadless Areas, BWCAW). The department believes that a reasonable motor / non-motor balance has been struck under this plan.

Motor-Limited Area Proposals

COMMENT: Lake 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 motor-limited areas?

DNR RESPONSE: The designation of non-motorized areas is one means of fulfilling the department's responsibilities to protect biological values, and to provide a balance of motor and non-motor use opportunities on state lands. Consequently, seven areas totaling 12,065 (gross) acres will receive special designations. All seven areas are discussed in both the draft and final plans.

Under this plan, three of the areas will be reclassified as 'closed' to recreational motor vehicle use, and four sites will be designated as 'motor-limited' pursuant to *MS Chap. 84.926, Subd. 5*. These areas 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 protections.

COMMENT: I'm getting older and cannot walk too far anymore. Please do not further restrict roads and trails so that we cannot ride them anymore. This would be devastating to many who live in this area.

DNR RESPONSE: The planning team did attempt to provide motor vehicle access into most areas of the Finland State Forest, with the exception of those areas 'closed' for compelling resource protection reasons. Individuals with special access needs may obtain a disabled hunting permit from DNR Enforcement to allow them to operate in certain areas which are otherwise closed to motor vehicles. Vehicular access into the three 'closed' areas and four 'motor-limited' areas described above, however, will be prohibited under this plan.

COMMENT: Why have so many historical travel routes been 'left off' of the planning maps? Some of these, especially in the Cabin Creek Area, 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. Additional route data was collected late in this process, added to the inventory and used to formulate the final boundaries for the Cabin Creek Area. Access will be maintained to private properties and cabin lease sites. Routes located on private lands will be unaffected.

COMMENT: How will the boundaries of 'motor-limited areas' be identified in the field?

DNR RESPONSE: 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. Full perimeter signing of motor-limited areas will not be necessary in most cases. It is anticipated that any planned signing or route closures will be substantially 'in-place' on or before the plan's published effective date.

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

Change Recommended

- **Shoepack Lake Road (aka Little Manitou Road)** – The Shoepack Lake Road (USFS-OML3) is currently proposed to be opened to ATV use in the draft Travel Management Plan. This will create an ATV travel loop connecting Hoist Road, the General Grade, and several other USFS roads to the north.
- **Trails Accessing Lake Co. Rd 7** - USFS is conducting a dual-use analysis on links to County Road 7 to determine whether these can be safely used by both ATVs and highway licensed vehicles. This step is necessary for eventual ATV designation.
- **Manitou River Access** (*T58N R7E, Sec 11 SE of Balsam Lake*) – The DNR will add missing portions of this route (north of the river) to the state's route inventory,. Since this is not a legal motor route, it will be designated as 'closed' to motor use and will not appear on final visitor maps.

- **Cabin Creek ‘Closed’ Area** – The DNR Team has inventoried and added missing routes, and will reduce and/or reconfigure the proposed ‘closed’ area to coincide more closely with (only) state land ownership in the area – rather than using the (larger) federal roadless area boundaries. This will substantially reduce the gross acreage of this (formerly 1,359 acre) ‘closed’ area proposal, but vehicular use prohibitions will be essentially unchanged. There is currently no legal motor vehicle access (snowmobile only) into this Inventoried USFS Roadless Area, or to area lakes (i.e., Nine Mile, Dumbell, Thunderbird, Moose Lake), except for a single private easement along an unclassified portage trail that leads to Moose Lake. Private landowners and cabin lease holders may access their property via a special permit or easement negotiated with the USFS District Ranger and/or DNR Area Forestry Staff. Disabled hunter vehicular access permits are also available through the DNR Enforcement Division.

No Change Recommended

- **Motor Access to Elbow Lake** – USFS controls access to state lands in this area. Motor use is inconsistent with the federal Semi-Primitive Area management objectives. No change is recommended for the non-motorized portage that leads to Elbow Lake.
- **Bear Pit Road / No. Alger Grade** – Routes in this area of ‘managed’ forest are open to ATV use, except for those (primarily USFS) routes proposed for walking hunters. These will remain closed to motor use. Cabin lease holders in this area may obtain a lease or easement to cross public lands in this area from local USFS or DNR forestry representatives.
- **Stub Roads (T54N R11W, T55N R11W, and T60N R10W)** – One individual feels that there are too many short road segments left ‘open’ to OHV use on state lands in these areas, and also emanating from the Heffelfinger, Beaver River and Bird Shot Roads (T57 & 58N R7 & 8W). He fears that off-roaders will use these routes to access and damage sensitive resources. These segments, which were examined individually and deemed suitable for continued motor use, provide critical access to public lands and waters. They were originally created in conjunction with resource management and protection activities, and are now used for hunting, angling, collecting, cabin lease site access, etc. The department sees no legitimate reason, at this time, to summarily close short or dead-end road segments to public use.
- **BWCAW Buffer** – One individual suggested that the DNR Planning Team summarily close all state land roads, trails or other inventoried routes located within 1.5 miles of the federal BWCAW to motorized use citing potential impacts to the wilderness. The routes in question were originally created in conjunction with resource management and protection activities, and are now used for hunting, angling, collecting, cabin lease site access, etc. The department sees no legitimate reason, at this time, to summarily close short or dead-end road segments to public use.

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

DNR RESPONSE: The DNR and Forest Service did attempt to provide meaningful travel loops and links to popular destinations, wherever possible, given the limited scope of this planning exercise. This was not, however, a comprehensive recreational planning process, but rather dealt only with established routes. No new trails, trail connections, or support facilities are planned. Additional connections may be developed subsequent to this effort, in concert with riders, local clubs, county officials and user groups.

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

DNR RESPONSE: All State Forest System and Minimum Maintenance Roads are, by definition, open to all types of motorized vehicular use. Forest Access Routes, in the *'managed'* forest, are similarly open to all motor uses year-round subject to prohibitions on rutting, erosion and damage to vegetation. HLVs, ORVs and Class 2 ATVs may also use non-designated routes in the *'limited'* forest pursuant to the hunter / trapper exemptions on state lands. Only Class 1 ATVs may travel off-trail, however, for big-game retrieval.

COMMENT: Please make all of the North Shore State Trail (NSSST) snowmobile trail parking lots available to equestrians and for ATV parking/staging. Open State Park parking lots to these same forest users.

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

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

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

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

DNR RESPONSE: Only wet, unsustainable, duplicative or undesirable routes were summarily closed. This totaled about 5% of all routes on state lands and another 1% of inventoried routes on Lake County forest lands. There was no pre-determined quota or percentage of routes slated for closure.

COMMENT: One reviewer noted that Lake County trails are generally well-maintained, environmentally sound and very enjoyable. They generate a good deal of tourism which benefits the local economy. There is no need to change them, unless the DNR would like to expand this excellent OHV trail system.

DNR RESPONSE: This exercise dealt specifically with non-designated routes inventoried in 2003-04'. Pre-designated roads and trails were presumed sustainable and, in most cases, will be maintained as is. The focus is on those routes presently not designated as either a forest road or recreational trail. The legislature directed the DNR to evaluate these routes to determine which could sustain continued motor use, and which ought to be closed to vehicles. This plan resulted in little net change to the state forest road or trail inventory.

COMMENT: Please allow continued use of 'unclassified routes' on USFS lands, and 'non-designated routes' on State Forest Lands.

DNR RESPONSE: The USFS 2005 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 maps for the Superior National Forest, wheeled motor vehicle use on unclassified, undesignated routes will be illegal.

Effective Sept. 1, 2008, motorized travel on 'non-designated routes' in the *'limited'* forest will be prohibited, except pursuant to the hunter/trapper exceptions of *MS Chap. 84.926, Sub. 1-5*. Vehicle travel will be allowed on 'forest access routes' in the *'managed'* portions of the Finland State Forest (outside the federal forest boundaries). It is important that riders be cognizant of where they are riding and whose land they are riding on. Riders should also obtain current maps and obey all posted signs.

Planning Process Questions & Comments

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

DNR RESPONSE: The DNR has fulfilled (or exceeded) all statutory requirements for public notice, 60-day public review and public meetings on the draft access plan for Lake County. The comment period closed June 22, 2007 and will not be re-opened or extended. The department has worked closely with county and federal counterparts, and will continue to do so, as access plans are finalized and implemented to ensure regulatory consistency across public land ownerships.

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

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

In considering natural resource data, planning teams employ a Rapid Environmental Assessment Checklist (REAC) to ensure that their examination is thorough, and to help 'score' or rank the sustainability of inventoried route segments proposed for vehicular use designation. These composite REAC scores, along with site-specific detail regarding individual route designation decisions, resides within the ArcView GIS spatial analysis software used by the teams to track the route designation process. This is public information which is available for review by contacting the DNR.

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 trail density standard or motorized buffer metric for state forest lands. That's because uncertainty exists regarding the precise relationship between road/trail density and effects on terrestrial and/or aquatic ecosystems. A direct cause-effect relationship has not been established for most species; nor have threshold density values beyond which specific impacts can be anticipated. The effects of trail density on other forest dwellers, especially man are even less well understood.

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

DNR RESPONSE: Forest classification criteria and public process notice and meeting requirements are contained in *Minnesota Rules, Part 6100.1950, Subp. 1-4*. Route designation decisions were based upon existing conditions and current use. A Rapid Environmental Assessment Checklist (REAC) was applied to all routes proposed for vehicular designation. A sustainability determination or 'score' was then recorded for each

segment in the ArcView GIS software program that team's use to store their individual route data, observations and decisions.

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

DNR RESPONSE: The DNR finds this speculation unwarranted, and believes that recreational trail traffic will logically follow recreational trail designations. In Lake County, only 6.0 miles of OHV trail are proposed for designation. The department believes that recreational riders will not be drawn in large numbers from distant locations simply to ride forest roads and local interest 'forest access routes'. At this point, there are no plans to display forest access routes on final published visitor maps.

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

DNR RESPONSE: In 2003, the State Legislature directed DNR to undertake an evaluation of the motorized vehicle classification of all 58 State Forests, and to adjust the classifications as appropriate. This is what the planning team has done in arriving at the current plan. Consistency of OHV regulation across public land ownerships was a key factor in arriving at the recommended classifications for lands inside and outside of the Finland State Forest in Lake County. That's because rider understanding is critical to fostering compliance and for effective field enforcement.

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

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

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

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

The ATV Feasibility Study, which examined the financial and logistical implications of upgrading segments of the North Shore State Trail to accommodate summer ATV use, is not particularly useful for the current effort. Modifications to the North Shore Trail, if undertaken, would first require amending the trail's Master Plan (*as per MS 86A.05*), then evaluating the potential effects of planned improvements and changed use. This would need to occur separately from the current process.

COMMENT: The DNR should have presented a draft proposal that provided the necessary level of detail and specifics that one needs in order to comment intelligently.

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

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

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

COMMENT: The draft plan is silent on the issue of where future OHV trails will be permitted. The plan should have contained a map showing where grant-in-aid OHV trails should, or should not, be proposed.

DNR RESPONSE: This is not a comprehensive outdoor recreation plan. It is simply an existing route disposition plan. Future GIA trail development is beyond its’ scope.. Nothing in this plan is intended to endorse nor discourage any potential future State Trail, unit trail, or grant-in-aid trail development proposals.

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

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

The Finland State Forests is currently classified as ‘*managed*’. It was so classified on January 1, 2000 by then Commissioner Rod Sando. The default condition is also ‘*managed*’ under state law for all forests located north of U.S. Hwy 2 (See *Laws of MN 2003, Chap. 128, Article 1, Sect. 167, as amended by M.L. 2005, 1st Special Session, Chapter 1, Article 2, Sect. 152, and by ML 2007, Ch. 57, Sec. 155*).

OHV Program & Policy Comments

COMMENT: One individual suggested that OHVs be prohibited from using state and county public lands. She characterizes them as inherently ‘destructive’ and fundamentally incompatible with commonly accepted public land protection and preservation goals.

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 considerable challenge inherent in fulfilling this mission.

COMMENT: One reviewer suggested that OHV enforcement is a ‘joke’. The DNR can’t enforce existing laws, how do you expect to enforce these new regulations which bring more trails, more motorized users, and more and more riders from out of state? Why no commitment to long-term trail monitoring?

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

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

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

COMMENT: 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 maintenance and enforcement resources on these officially designated motor routes.

COMMENT: One individual asked what's to prevent off-roaders from tearing down 'closed' signs?

DNR RESPONSE: Off-roaders are no more likely to remove a 'closed' sign in a 'managed' forest, than non-motorized recreationists are to remove an 'open' sign in a 'limited' forest. For anyone to damage, deface or destroy an official posting is a criminal act. Violators will be prosecuted.

COMMENT: One individual asked how the DNR intends to achieve a motor / non-motor 'balance' by restricting (only) motorized trail users.

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

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

DNR RESPONSE: The DNR agrees that a sizable percentage of riders do report riding primarily, but not exclusively, on private land or other non-state public property. This is evident from various studies conducted by or for the DNR over the past several years. However, the data also show that OHVs are often unaware of public land riding opportunities, and are frequently uncertain regarding the ownership of the roads, trails and lands that they do 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 actually exceeds visitation at nearby Crow Wing State Park. Most survey respondents reported accessing the forest via public-entry sites (75%), while the remainder (25%) enter via adjacent private property. **Perhaps most striking, was that 63 percent of all those surveyed reported riding an OHV during their visit to the Foot Hills.** This includes 55 percent of hunters and fully 40 percent of those engaged in 'other' outdoor recreational activities (e.g., hiking, fishing, bird watching, etc.). This study is now being replicated in a number of other State Forests to determine whether this trend is, in fact more widespread.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DNR RESPONSE: This exercise was focused exclusively on evaluating the sustainability of existing routes. Those that could sustain vehicular use were, in most cases, left open to use. Those that could not, or were better suited to non-motorized use in the Team's view, were closed to motor use and/or designated for non-

motorized uses. While some local displacement may occur, collectively many more miles of officially designated OHV trails will result from this statewide examination of all 58 state forests.

COMMENT: 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 stop ‘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. Experience has shown that riders are indeed drawn to established and maintained trails, even though their vehicles are capable of off-trail travel. Those who do venture off-trail illegally, whatever the reason, or those who knowingly or unknowingly trespass or cause rutting, erosion or damage to vegetation, will be subject to arrest and citation. Law enforcement efforts have been significantly increased in recent years (see earlier response), and Minnesota’s civil and criminal penalties for OHV violations provide an effective deterrent. They rank among the toughest in the nation.

COMMENT: – Please devise an improved plan for alerting riders to temporary route closures on a timely basis so that they need not wait until Thursday afternoons for the regular weekly internet update.

DNR RESPONSE: The DNR agrees that timely updates of forest road and trail status are critical for trip planning. Current weekly internet updates and press releases are intended to do just that. While imperfect, this online warning system is much improved over past efforts.

Unfortunately, sudden frost-out and/or unforeseen precipitation events can significantly impact road and trail conditions in short order. Wildfires or emergency route repairs can also result in temporary route closures. The DNR will continue to refine its early-warning system in an effort to provide quick, easy and reliable information on all temporary and seasonal route closures on state lands. The department welcomes your ideas and suggestions in this regard.

COMMENT: – The State of Minnesota should license off-highway vehicles for on-road use as do other states like Wyoming. That way, riders can get from one trail to another on-road if no off-trail connection exists. These modern vehicles are very safe and stable.

DNR RESPONSE: The State of Minnesota does not allow Class 1 ATV use, OHM or ORV use on the surface of public roadways. 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 specific vehicle type. 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.dnr.state.mn.us for a complete listing of OHV registration and safety equipment requirements, and general operating regulations.

FinalROD.doc
Rev. 06 Nov. 07