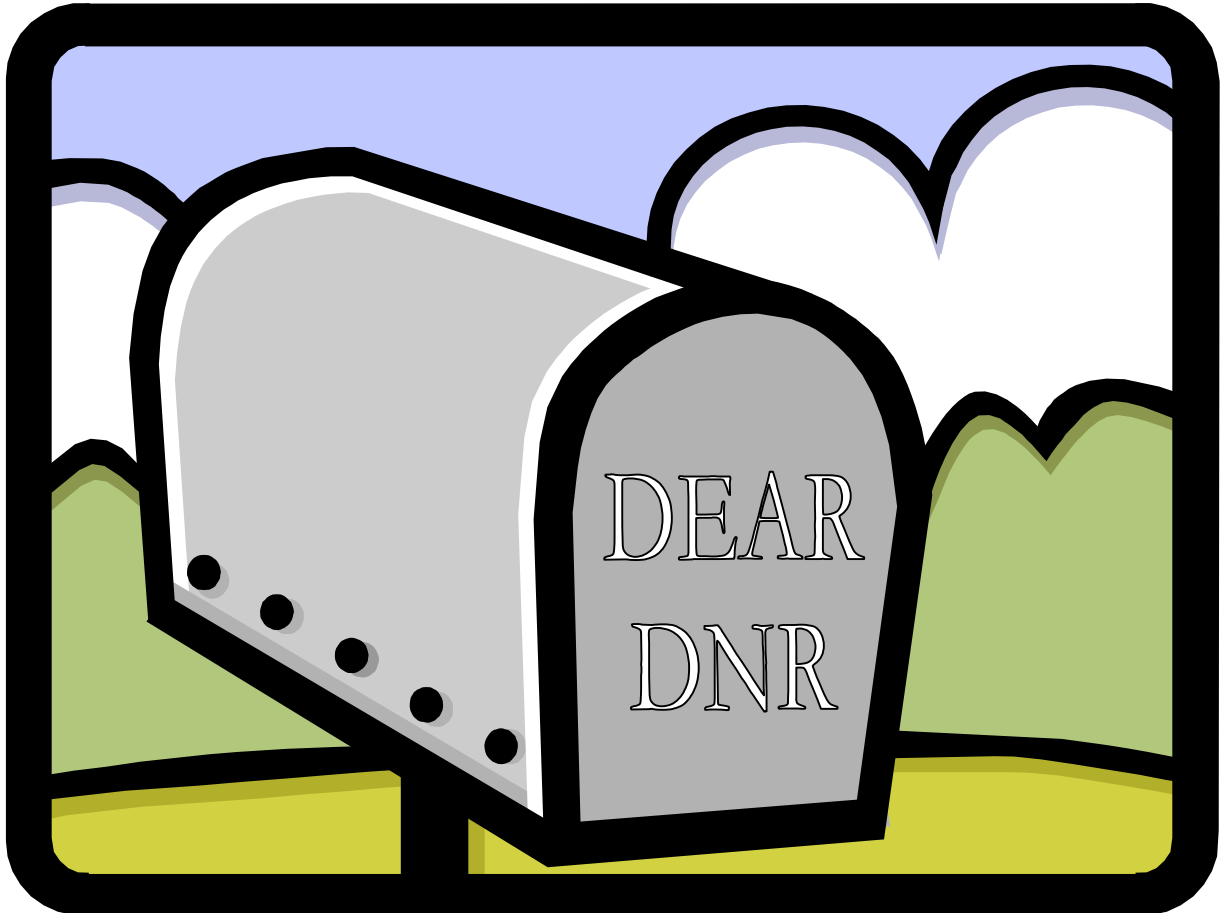


**Forest Classification &
Road / Trail Designation Plan**
for
North St. Louis County

Response to Comments
October 21, 2008



Minnesota Department of Natural Resources

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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 three ‘Open Houses’ held June 6-13, 2007 in Virginia, Tower and Orr, Minnesota 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. At the meetings, 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 May 5, 2008 with legal notice in the *State Register (32 SR 1990)*, 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 and advertisements were also placed in area newspapers, and a second DNR statewide press release was issued 21-days in advance of the July 1 (Virginia) and July 2, 2008 (Cook) public meetings.

At both meetings, St. Louis County Land Department staff and Superior National Forest representatives joined DNR staff in soliciting oral and written comments on the draft DNR proposal. Comments collected at these two meetings, along with those received via Email, facsimile and by U.S. Mail during the comment period, which closed on July 11, 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 October 21, 2008.

Project Scope & Limitations. This Forest Classification / Route Designation Plan contains vehicular use guidance for the Bear Island, Burntside, Kabetogama and Lake Jeanette State Forests, and for other state forestry-administered lands located outside their statutory boundaries in Northern St. Louis County. In total, about 464,792 acres of state land and 1,366 miles of roads, trails and non-designated routes were evaluated with respect to motor vehicle use within the planning unit. The St. Louis County Land Department evaluated an additional 540 miles of routes located throughout the planning unit, both inside and outside of the statutory boundaries of the four named state forests.

The plan specifically addresses EXISTING inventoried routes on state-administered forest lands. No new road or trail construction, or grant-in-aid trail proposals, are contemplated or discussed.. For that reason, trail designations resulting from this process are legislatively exempted from Environmental Quality Board rules regarding environmental review requirements for recreational trail projects *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 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.

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

Department personnel formulated route designation plans for inventoried routes located on county forest lands within the planning unit. Some private industrial landowners were also consulted during this process, but most routes across their properties are not shown on planning maps.

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 vehicle use classification, generally 'managed', served as the starting point for classification discussions. Pre-existing state forest roads and trails were presumed sustainable, and were not evaluated in great detail. A REAC evaluation was done, however, for every route recommended for future vehicular use designation.

Every effort was made to maintain current vehicle access, subject to environmental constraints and land ownership considerations. The team sought to connect existing motor routes where possible, carefully weighing potential impacts, options and alternatives. They also 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 net reduction of legal motor routes available for (especially summer-season) vehicular travel on state and county lands within North St. Louis County. All newly designated motor routes will be mapped and appropriately signed. These forests will also be the focus of stepped-up field enforcement, especially during the implementation period as forest users adjust to new access restrictions and motor vehicle regulations. Should planning assumptions prove incorrect, or unforeseen circumstances arise, forest classifications and/or trail designations 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 North St. Louis County Planning Team for their evaluation and response. Copies of the comments were also shared with U.S.F.S. and St. Louis County Land Department Staff who assisted in evaluating the comments, and in addressing identified concerns.

RESPONSE TO TOPICS OF CONCERN

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

- **Forest Classification Preference**
- **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 North St. Louis County.

DNR RESPONSE:. The DNR acknowledges these reviewers and appreciates their perspectives. The department will, however, move forward with its plan to classify the majority of state lands within the

Planning Unit as *'managed'*, and change the classification of most state forest lands located within the Superior National Forest boundaries to *'limited'*, with the exception of state lands located inside the Kabetogama State Forest. The Kabetogama State Forest shall remain *'managed'* in its entirety. Scattered state lands that lie outside of both state and federal forest boundaries, will be classified as *'managed'*, except for the eight special areas (Total = 8,338 ac.) which will be reclassified as either *'limited'* or *'closed'* as detailed in the draft proposal.

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 Northern St. Louis County. Consistency and clarity foster public understanding of motor vehicle use rules. This is essential in order to improve compliance with these regulations, and for effective field enforcement.

The DNR forest land 'patchwork' land ownership constitutes but a fraction of the total public ownership. It is therefore, critically important that DNR manage vehicular access on its lands in a manner consistent with that of adjacent public landowners. The majority of route closures, for example occur on federal lands within the North St. Louis County planning unit..

St. Louis County's management approach, at this time, most closely mirrors the state's *'managed'* classification with respect to motor vehicle use. This was a compelling factor in the department's decision to retain the *'managed'* classification in some areas, while reclassifying most state lands inside National Forest System boundaries as *'limited'* in deference to federal travel management policies.

COMMENT: You talk of the need to manage vehicle use of DNR lands in a manner consistent with neighboring USFS Lands. Why then aren't DNR and USFS off-road vehicle use rules the same?

DNR RESPONSE: The principal differences between state and federal motor vehicle use rules are Minnesota's *'managed'* classification north of US Hwy 2, and the state's off-trail travel exception for licensed hunters and trappers (*MS 84.926*) operating in *'limited'* or *'managed'* forests. Federal Travel Management Policies establish an essentially *'limited'* vehicle-use classification for all federal lands sans the off-trail travel or big game retrieval exceptions for hunters or trappers. Consequently, state and federal vehicle use rules do indeed differ, making it essential that riders know whose land they are riding on at all times.

COMMENT: In the interest of consistency, state forests should actually be classified as *'closed'* due to the hunter/trapper exception that exists (only) on state lands. Smaller parcels (<160 ac.) should also be summarily *'closed'*, as should all lands within 1.5 miles of the federal BWCAW. This is necessary to protect the Boundary Waters Wilderness from motorized intrusion effects.

DNR RESPONSE: MN DNR worked closely with USFS and county land managers to provide public access to public lands via a sustainable system of OHV trail riding and destination travel opportunities. Closure of entire state forests, and scattered state forest lands, would prohibit OHV use anywhere within these forests, including on State Forest Roads. This is inconsistent with Federal Travel Management Plans for the Superior National Forest which call for OHV use of many, especially lower-standard USFS roads.

All routes proximate to the federal BWCAW were carefully evaluated by DNR and USFS staff. The Final Plan reflects their best judgment regarding which should be closed and which should remain open. There are no administrative or statutory provisions requiring a non-motorized *'buffer'*, of any size, shape or configuration, surrounding the federal BWCAW. Hence, none was provided. Nor is there any demonstrated environmental reason to restrict motorized activity on sustainable routes OUTSIDE of the wilderness area. The integrity of the BWCAW can and will be maintained and protected without the suggested closures.

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

DNR RESPONSE: While OHV use in St. Louis County is substantial and growing, it pales in comparison with the level of use in the Spider Lake Area (Hubbard Co.) for example, or in the Pine County state forests which are readily accessible (via I35) to the Twin Cities Metro Area. Aside from designated recreational trails and facilities, OHV use in St. Louis County is much more localized and utilitarian than it is in other areas of the state. That's especially true when compared with areas proximate to the North or South Metro that receive heavy use from weekend riders who trailer their machines from substantial distances to ride. Research has shown that travel time, distance and (increasingly) cost are critical limiting factors in OHV trip planning. These factors, combined with the lack of designated OHV trails, will effectively limit the growth of (non-local) OHV use in northern St. Louis County.

COMMENT: What about forest access routes? Will these routes be maintained or not? Can they be closed to OHV use if damage occurs?

DNR RESPONSE: Forest access routes are non-designated local-use routes that will not be signed, nor will they appear on final published visitor maps. The intent is to limit use to roughly current levels. The routes, which will remain conditionally open to vehicular use, 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 legal prohibitions on rutting, erosion or damage to vegetation. Non-designated routes can and will be closed should damage occur. Operators found damaging the routes may be cited.

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

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

There is no right or wrong answer when it comes to forest classification, it's really a matter of judgment. Either classification can work in most forests. In the case of Northern St. Louis County, the DNR's desire to manage its lands consistent with those of St. Louis County provides a compelling reason to retain the *'managed'* classification. County lands are typically 'open unless posted closed' to motorized use, akin to the state's *'managed'* classification. Neither the state nor St. Louis County allow for cross-country OHV travel, but both provide for hunters, trappers and big game retrieval using ATVs.

In areas with a preponderance of USFS lands, notably inside of National Forest System boundaries, DNR lands will, with the exception of a small portion of the Kabetogama State Forest, be reclassified as *'limited'* to coincide with the federal travel management approach. Every effort was made to ensure consistency across the patchwork of state/county/USFS public lands. To do otherwise, would be unwise and irresponsible.

COMMENT: My wife and I have ridden the Ash Lake Trails for 25 years. Why would you take that away from us? Please classify this area as *'managed'* and the trails as *'forest access routes'*.

DNR RESPONSE: These trails are located on National Forest System Lands. The DNR has passed this comment along to USFS Officials for their consideration.

COMMENT: The Bear Island State Forest has no ATV trails?? This is just plain wrong!

DNR RESPONSE: It's true that there will be no designated OHV trails in the Bear Island State Forest. [There are none in nearby Bear Head Lake State Park either, as per Master Plan]. However, the forest will be classified a mix of 'managed' and 'limited', making over 60 miles of roads and 30 miles of 'forest access routes' open and available for vehicle use (including OHVs).

Areas With Motor Vehicle Use Limitations

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

DNR RESPONSE: Motor vehicle use restrictions are one means of fulfilling the department's responsibilities to protect biological values, and to provide a balance of motor and non-motor recreational opportunities on state lands. Under this plan, eight areas totaling 16,283 (state and county) acres will be reclassified as 'limited' or 'closed' with regard to motor vehicle use. These areas are discussed in Appendix C of the draft & final plans.

These areas of mixed state/county forest lands were selected based upon high biodiversity rankings, the absence of major roads or trails, unique and/or sensitive wildlife habitat, outstanding hydrologic features, and a history of non-motorized recreational use. Planning Team members, and cooperators, agree that each of these areas merits special protection, and that each is highly desirable as a non-motor hunting destination. In North St. Louis County, the driver for closed area designations was a history of hunter walking trails and non-motorized use. Most of these routes are already gated. Biodiversity and hydrology were secondary considerations when it came to reclassification of these traditionally non-motor areas.

COMMENT: How will the boundaries of 'closed' or '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 serve as unit boundaries. Signs will be posted only where necessary, such as at major ingress/egress points like trailheads, roads or other high-traffic areas. It is anticipated that any planned signing or route closures will be substantially 'in-place' on or before the plan's published effective date.

COMMENT: The DNR has been remiss in failing to prevent illegal ATV activity on its lands in No. St. Louis Co.. Our inspection of a number of roads and trails reveals no berms or barriers, and only an infrequent and easily-bypassed gate every now and then.

DNR RESPONSE: It's true that not all roads/trails are bermed or gated. Depending upon management objectives, signing and mapping can sometimes suffice in lieu of gating. Gating is most often intended to restrict larger, heavier vehicles, while allowing ATV use beyond the gate. That's because the smaller, lighter ATVs do much less damage to wet roads and trails than do HLVs. The DNR is working on a new gate design which will make this distinction more readily apparent.

COMMENT: I am alarmed by the number of miles of good, multi-use trails being closed to motor use for walking hunter use only. Grouse hunters have lots of opportunity to hunt undisturbed in Minnesota.

DNR RESPONSE: Seasonally gated forest access routes, in most cases, represent no change from current management. The designations in this plan merely formalize what's been working on-the-ground for many

years. And, many of these trails will remain available to ATV use in conjunction with the big game hunting season later in fall. This arrangement meets the needs of two specific groups of hunters.

COMMENT: Instead of closing good winter logging roads, why don't you post these trails as 'Closed April 1 – Oct. 31'? Restrict traffic when the ground is unfrozen, but let us continue to ride all winter as before.

DNR RESPONSE: The legislature in 2007 directed the DNR Commissioner to establish an 'OHV Season' and authorized the department to also set a 'Winter-Use Season'. The intent was to address reported conflicts between recreational ATV riders and firearms deer hunters. In response to this directive, the DNR recently established recreational trail riding restrictions during the firearms deer hunting season.

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 No. St. Louis County designates about 6% of inventoried routes for non-motor use trails on state and county forest lands. That figure jumps to about 8% when just state land designations are considered. In addition, eight areas totaling 16,283 acres will also be reclassified as 'limited' or 'closed' to vehicle use to benefit hikers and walking hunters.

Every effort was made to physically separate conflicting recreational uses wherever possible. However, given the limited size and irregular configuration of the state forest land base, it is impossible to completely separate all motor and non-motor use, or to insulate non-motorized users from sounds emanating from outside forest boundaries (e.g., roads, highways, logging activity or residential development). Some level of annoyance and conflict can be anticipated, especially for those seeking solitude on state forest lands.

COMMENT: You should keep forest routes open (to vehicle use) for emergency fire protection use.

DNR RESPONSE: State and Federal forest managers may use these routes, or even create new routes, in order to battle wildfires.

COMMENT: Beaver trappers and duck hunters have long used these routes to access their hunting/trapping areas. Who will keep wildlife populations in check without any vehicle access?

DNR RESPONSE: Licensed furbearer trappers may legally use motor vehicles on these routes during the open season (Oct-May), but duck hunters may not. (*per MS 84.926*). Walking hunters will still enjoy unfettered access to their traditional hunting areas.

COMMENT: Forests seem to have the capacity to quickly regenerate themselves. Old trails grow over from one year to the next. All of this nonsense about OHVs destroying the ecosystem is a lot of hype. Keep the trails open!

DNR RESPONSE: The DNR, and its cooperators in this process, did make every effort to maintain suitable access to public lands and waters. Remember that this process is but the first step in securing a system of motor vehicle use routes across state lands throughout North St. Louis County. It is important that clubs and riders also work with USFS, County and Township road authorities to secure OHV access to areas of interest. The DNR stands ready to assist Grant-In-Aid clubs, and their local governmental sponsors, in connecting vital links and in creating quality OHV trail riding opportunities in North St. Louis County.

Site Specific Comments & Suggestions

Change Recommended (In Response to Site-Specific Suggestions)

- **Pine Lake / Big Lake / 7 Beavers Lake / Round Lake Access Trails** – Public access and land ownership issues are complicated in this area. USFS/DNR are working to improve access to these lakes by working with landowners to obtain legal easements to cross private properties and RR tracks. Specific changes include removing all non-state routes from DNR Maps, and the designation of a short stub on the SW shore of Big Lake (*Sec. 16*) as an ATV-only recreational trail. Developed access to Pine Lake is provided from the east off of Forest Road 419.
- **Tower GIA Trail Proposal** – In response to local efforts to develop ATV trails near Tower, a portion of the RR grade located on County Land in SE NE Sec. 5 of T61N R15W, which was missing from the draft planning maps, will be added as a *'forest access route'*. [This is not the snowmobile trail]. DNR will also dual-designate portions of the Taconite Trail in the W ½ of Sec. 33 and all of Sec. 34 of T62N R15W as both Minimum Maintenance State Forest Road / OHV Trail. This former rail grade is well-suited to handle ATV use, and could serve as part of GIA trails connecting to the nearby Murray Spur as proposed.
- **Taconite Trail from Hwy 53 West** (*to Section 25, T60N R21W*) – The DNR will dual-designate this stretch of the Taconite State Trail as both MMR/OHV Trail. This will enable HLVs (*i.e., hunters, berry pickers*) to use the route without purchasing an ORV sticker. The USFS is likewise considering allowing vehicle access across federal portions of the trail. A DNR Master Plan Amendment may be required before this vehicular use designation may take effect. Points west of St. Louis Co. Road 766 fall outside the scope of this planning effort.
- **Missing Access Route** (*T57N R16W, Sec 17*) – This access route, which was missing from the draft planning maps, will be added as a seasonally-gated *'forest access route'* which will be closed during the early fall ruffed grouse hunt, but then opened to provide big game hunting ATV access.
- **Hunter Walking Trail** (*T57N R12W, Sec. 36*) – This route, mistakenly labeled as a seasonally-gated access route in the draft proposal, will be designated as a Hunter Walking Trail in the final plan. The trail, in the Nelson Creek Grouse Management Area, has been gated and managed as a walking trail for many years.

No Change Recommended

- **Little Lake Access Trails**– USFS and DNR are working cooperatively to improve access to Little Lake. Improvements to the existing 'Portage Trail' and visitor parking are planned. These improvements will allow for ATV access to the parking area for purposes of carry-down public water access. The site will be permanently maintained by DNR Trails & Waterways.
- **Elephant Lake / Mel George's Resort** – The closure of DNR and USFS routes in this area to motorized use will impede ATV hunters (traveling from the Elephant Lake Area) from accessing the Arrowhead Trail and adjacent spur routes. The closures are intended to protect traditional hunter walking trails and other non-motor recreation opportunities in this area just north of the 3,587-acre Elephant Lake (*'closed'*) Area. The route closures will become effective on 09/01/09.
- **Ash Lake Trails** – These trails are located on National Forest System Lands. The DNR has passed this comment along to USFS Officials for their consideration.

- **Arrowhead Trail / Hoodoo Swamp to Elbow River** – This portion of the Arrowhead Trail will not be opened to OHV traffic because access is very low and wet, and crosses much private land.
- **Spur North from Co. Road 116, East of Ed Shave Lake** (*T65N R13W, Sec. 36*) – State lands and non-designated routes inside the *'limited'* forest will not be *'closed'*, as requested, but will remain open for hunter/trapper access. The route is high and dry and there is no environmental reason to close it to seasonal vehicular use. There is no evidence of damage or illegal ATV use in the area.
- **Twin Spurs to Ed Shave Lake Boat Launch** (*T65N R13W, Sec. 36*) – State lands and routes in this area will not be *'closed'* as requested, since there is no environmental reason for doing so. The area will remain available for seasonal vehicular use per *MS 84.926*.
- **USFS Route to Sioux Hustler Hiking Trail** (*T65-66N R14W, Sec. 6 & 31*) – The DNR supports the USFS decision to keep this route open to ATV use. This is in keeping with the state land management goal which is to keep the area open to motorized hunters. Use of this route will minimize the need for off-trail travel and provide suitable access for larger HLVs and Class 2 ATVs.

Comment Acknowledged

- **Private Property Trespass** – A resident along Birch Lake Road near Ely asked that an illegal logging road be moved off of his property. This matter will be referred to USFS for resolution.
- **Trail Connections to OHVRA & Big Aspen Trails** – State land portions of this proposed Iron Range ATV route that are suited to ATV use will be designated for that use. Snowmobile trail segments, not suited to summer vehicle use, will not be so designated. Portions on federal land should be discussed with USFS. The Minnesota Trails Assistance Program (GIA) is the best way to pursue additions to this trail system proposal.
- **Private Property Access / Pelican Lake** – Issuance of a Special Use Permit enabling this individual to access his property will be coordinated through the DNR Area Forestry Office in Hibbing in cooperation with the St. Louis Co. Land Dept. – Northern District.
- **Tower Area Trails** – The DNR is working with local clubs on GIA trail possibilities across public lands south of Tower and west of Cook, MN. The USFS has been cooperating in both efforts. This is being done separately from the DNR & USFS forest classification / route designation efforts.
- **Unapproved or Substandard Water Crossings** – All constructed surface water crossings require a DNR permit. Permits specify approved crossing methods and materials. Unpermitted crossings, or substandard crossings not complying with permit conditions, are illegal and subject to revocation and/or enforcement action. Public water statutes forbid such crossings. The DNR will work with private property owners and cabin site lessees to improve essential water crossings. Non-native materials (e.g., old pallets or tires) may not be used, even temporarily, as bridges or wetland fill.
- **Class 1 vs. Class 2 ATV Use** – The Final Plan makes no distinction between Class 1 and Class 2 ATV trail use. That's because routes open to ATV are generally open to both types of vehicles. Exceptions to this general policy will be noted at trailheads, on next generation visitor maps, and signage will be posted on restricted routes. Riders of the wider, heavier Class 2 machines should use caution when riding *'forest access routes'* which are typically unsigned, but which may be unsuited to Class 2 ATV use (e.g., wet, narrow, sharp turns). Operation resulting in rutting, erosion or damage to vegetation is illegal and violators may be subject to citation.

- **ATV Speed Limits** – One reviewer suggested establishing speed limits on forest roads, and requiring that ATVs run with their headlights on, rather than closing certain high-standard roads to ATV use. The DNR isn't proposing to close any roads to ATVs, and will pass this comment along to the USFS which does plan to restrict ATV use of some National Forest System Roads.
- **Seasonal Road/Trail Closures** - The 2007 legislature directed the DNR Commissioner to establish statewide seasons for OHV use. The intent is to address conflicts between recreational OHV riders and firearms deer hunters. The DNR recently responded by enacting a prohibition on recreational OHV trail use during the firearms deer hunting season.
- **Snowmobile Trails in 'Closed' Forest Areas** – Statutory clarifications enacted in 2007 mean that winter snowmobile use is now unaffected by forest classification. Public use of designated snowmobile trails (with a snowmobile) can continue through 'closed', 'limited' or otherwise 'motor-restricted' forest areas.
- **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.
- **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.
- **USFS/DNR Land Exchange** – One reviewer suggested that state/federal land exchanges aimed at reducing state land ownership within the federal BWCAW would foster more logging, mining and recreational development activity in surrounding (non-wilderness) areas. The DNR has been working on this for many years, but land exchanges have proven to be difficult, complex, time-consuming and expensive. This could ultimately involve up to 110,000 acres of state land located inside the BWCA.
- **Mapping Shortcomings** – The DNR acknowledges shortcomings in its draft planning maps. These maps, never intended for navigation purposes, lacked detail and contained numerous errors, omissions, duplicate routes, etc. The final visitor maps, and the data base which supports them, will be much improved as a result of public review and comment. During the public review period planning maps were web-posted for download, made available at key DNR Offices, and mailed to those requesting them. Plotter-sized copies were also made available at all public meetings for review and inspection.
- **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 data is, however, public data which is subject to disclosure under the *Minnesota Government Data Practices Act (MS Chap. 13, MR Chap. 1205)*. This information cannot be legally withheld.

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 evaluation based upon the best available information.

The final plan closes about 4% of all inventoried routes on state and county-administered forest lands. This represents more than 50 miles of ‘unsustainable’ routes, currently legal to ride, that will no longer be open to vehicular use. That’s a significant accomplishment.

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

DNR RESPONSE: The 2005 USFS Travel Management Rule prohibits cross-country travel. Likewise it prohibits motorized travel on undesignated or ‘*unclassified*’ roads or trails. Upon publication of the final Travel Management Plan and maps for the Superior National Forest, wheeled motor vehicle use on unclassified, undesignated routes will be illegal.

Upon completion of the DNR’s Forest Access Plans, motorized travel on ‘*non-designated routes*’ in the ‘*limited*’ forest will be prohibited, except pursuant to the hunter/trapper exceptions established in state law (*MS Chap. 84.926, Sub. 1-5*). Vehicles may use ‘*forest access routes*’ in ‘*managed*’ portions of the forest (typically outside of federal forest boundaries). It is important that riders be cognizant of where they are riding and whose land they are riding on. USFS does not permit ATV use off-trail in conjunction with hunting or trapping. Riders should obtain current maps and must obey all posted signs.

COMMENT: I’m alarmed at the number of trails planned for the Ely Area. How can this be justified in a wilderness-oriented area? This is a big disappointment; keep vehicles out of the backwoods!

DNR RESPONSE: These routes, mostly on USFS lands, originated as logging roads. Motor activity is most appropriate, and must necessarily occur, outside the boundaries of the Wilderness Area.

All routes proximate to the federal BWCAW were carefully evaluated by both DNR and USFS staff. The Final Plan reflects their best judgment regarding which should be closed and which should remain open. However, because there are no administrative or statutory provisions requiring a non-motorized ‘*buffer*’ (of any size, shape or configuration) surrounding the BWCAW, none was provided.

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

DNR RESPONSE: All inventoried state and county forest routes are depicted on planning maps. Many informal, user-created routes, notably those located on private lands, were not inventoried nor depicted on DNR draft or final maps. Route data from St. Louis County and the Superior National Forest was also incorporated to provide context and perspective. As cooperators in this process, and as major landowners, county and federal travel management data and plans helped inform DNR decisions, and helped ensure consistency of regulation across public lands. None of the agencies are proposing to close local-use routes located on private lands. Private routes will not appear on published 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 no net loss of trail mileage open to their use. In fact, over 30 miles of hunter walking trails will be designated making these officially off-limits to motor vehicle use. In addition, eight areas totaling over 16,000 acres will be reclassified

as *'limited'* or *'closed'* to motor vehicle use, out of deference to non-motor forest users. Clearly, non-motorized forest users will benefit from these changes.

Non-motor advocates will also benefit from other changes brought about by plan implementation, like the closure of over 50 miles of unsustainable routes, or the increased monitoring and enforcement that will accompany plan implementation. These actions directly address responsible vehicle use and environmental protection, the writer's stated concerns. The department believes that state lands in Northern St. Louis County can sustainably support a mix of both motor and non-motor recreational activities. This is consistent with the department's *'multiple-use, sustained yield'* forest resource management philosophy.

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 formally committed (staff and dollars) to sign and maintain this mileage specifically for walking hunters. This added mileage, most of which is already being used for this purpose, is what Area Wildlife Managers determined was most important to improve and maintain. Other routes in the forest, including many miles of lightly used forest access routes, will remain open to walking hunters who are willing to share these corridors with others, including motorized users.

COMMENT: There have been a number of (unverified) lynx sightings within North St. Louis County. OHV use will adversely impact this state and federally listed species.

DNR RESPONSE: This plan deals only with forest classification and road/trail designation – both purely administrative actions. No new road or trail construction is proposed or contemplated. Therefore, if forest habitat is currently suitable for lynx, it should remain so. Habitat conditions may actually be improved given the 50+ miles of route closures and the 12,000+ acres of newly *'closed'* areas within the forest which will no longer be open to motor vehicle use.

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

DNR RESPONSE: The final plan provides for a mix of motor and non-motor trails and use areas. Non-motor use is permitted on any route or trail, while motorized users are limited to designated roads and trails, and access routes in the *'managed'* forest. Licensed hunters and trappers may seasonally use ATVs or HLVs on non-designated routes in *'managed'* and *'limited'* forests, and Class 1 ATVs may travel off-trail for big game retrieval pursuant to *MS Ch. 84.926*. No cross country travel is permitted anytime. Rutting, erosion, damage to vegetation, or the creation of permanent unauthorized trails is also strictly prohibited. Access routes may be closed if damage occurs, and riders may be cited.

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. The destruction or unauthorized removal of official postings in Minnesota is a misdemeanor offense that can carry fines of up to \$1,000 and jail sentences up to 90 days.

Compliance is generally very good. The arrest and conviction rate for OHV violations is comparable to that of other recreational vehicle violations (*e.g., snowmobile, watercraft*) in Minnesota. The conviction rate for ATV violations over the past two years was 87%, and the penalties for violators are more severe than in neighboring states. For example, the statewide fine schedule set by the courts for operating an ATV in a

restricted or closed area in Minnesota carries a fine of \$184.00 (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 the team encountered problems (e.g., rutting, erosion, property damage, illegal water crossings), routes were immediately closed. Most of these ‘temporary closures’ will, in fact become permanent closures under this plan. In some cases, however, where routes provide important connections to popular destinations, repairs or improvements may be undertaken in order to make routes suitable again for public use. In some cases this involved officially designating the route as a Minimum Maintenance Road.

COMMENT: The state’s prohibition on rutting should be lifted for flat to gently sloping terrain. The twin tracks of an ATV are small and inconsequential when compared to a logging skidder, for example.

DNR RESPONSE: The DNR respectfully disagrees. Rutting, erosion and damage to vegetation are serious concerns – wherever these occur. Riders who cause such damage will be subject to citation.

Planning Process Questions & Comments

COMMENT: One individual complained that the public comment period was insufficient and should be re-opened and extended. Meetings on July 1-2 were too close to the holiday weekend to allow sufficient time to generate written comments.

DNR RESPONSE: The DNR has fulfilled (or exceeded) all statutory requirements for public notice and public review of the draft plan for the North St. Louis County Planning Unit. These requirements are specified in *MR Part 6100.1950, Subp. 3*. The 60-day public review period for the Planning Team’s draft proposal began May 5, 2008 with legal notice in the *State Register (32 SR 1990)*, issuance of a statewide Press Release, and web-posting of the Draft Plan and Maps at www.mndnr.gov. Paid legal notices and advertisements were also placed in area newspapers, and a second DNR statewide press release followed 21-days prior to the July 1 and July 2, 2008 public meetings, as required. The comment period closed July 11, 2008, a full week after the July 4th holiday, and will not be re-opened or extended.

COMMENT: One person charged that although DNR asks for public input, it generally has its mind made up before hand. The comments aren’t taken seriously; and few substantive changes usually result from them.

DNR RESPONSE: Public comments can have a very real and lasting impact on both Planning Team deliberations and on management-level reviews of draft planning documents. Clear, compelling and well-documented site-specific arguments are most persuasive in shaping the final outcome. Ideological themes are less effective, especially when these are at-odds with established policy, administrative rules or state law.

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

DNR RESPONSE: Planning Teams have access to a wide range of pertinent data, both state and federal, including but not limited to: Endangered & Threatened Species lists, National Wetlands Inventory maps, soils and topographic data, invasive species reports, impaired waters data, route density maps, aerial photography and boundary shape files indicating the locations of all existing, proposed or pending management unit designations. Team members consult these data sources, then supplement it as necessary with site visits and

additional data collection. Through the course of this planning effort data was updated, corrected and supplemented as appropriate. Federal, state and county field foresters, trail and wildlife managers participated in this route designation process and provided first-hand knowledge of on-the-ground conditions.

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 compute 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* (Appendix A of the Plan). 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: 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. There was insufficient information shared with reviewers addressing potential environmental impacts and effects to the federal BWCAW, and to the larger Superior National Forest, emanating from new route designations and the hunter/trapper exceptions.

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

However, given the expedited nature of this review, it was not possible to summarize and distribute, in a useful form, all state, federal and county data sources used during the course of this evaluation. And, because this exercise dealt only with pre-existing routes, state route designations were exempted from Minnesota's Environmental Review requirements for recreational trails [*Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167-169 (as amended in 2005 & 2007), Sub. 2*]. The department does believe that the final plan is much improved as a result of the rigorous interdisciplinary review and the public process that preceded final plan adoption.

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

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

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

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

COMMENT: Did forest route inventory crews suggest ‘*appropriate*’ future uses?.

DNR RESPONSE: No, they merely recorded apparent existing use(s) and current route conditions.

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

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

DNR RESPONSE: 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. Consequently, 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 public land 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: – 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 considerable challenge inherent in fulfilling this 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 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 plans to limit OHV access discriminate against the disabled.

DNR RESPONSE: In some cases, disabled individuals may obtain a Special-Use Permit from the Area Forester, or a Disabled Hunting Permit by contacting their Conservation Officer which allows use of an ATV for legal hunting and trapping purposes.

COMMENT: Why can’t riders go off-trail to distribute use and to minimize concentrated use effects?

DNR RESPONSE: Off-trail OHV operations are illegal in Minnesota (*per MS Ch. 84.777*), except pursuant to specific hunting or trapping activities during open seasons (*per MS Ch. 84.926*)

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: 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 subject to citation. It is illegal to create a permanent unauthorized trail on state land. Law enforcement efforts have been stepped-up in recent years and Minnesota's civil and criminal penalties for OHV violations provide a potent deterrent. They rank among the toughest in the nation.

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

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

DNR RESPONSE: This plan did not distinguish between Class 1 and Class 2 ATV trail use. All routes designated or 'open' to Class 1 ATV use are also presumed 'open' to Class 2 vehicles, unless otherwise restricted. See www.dnr.state.mn.us for a complete listing of OHV registration and safety equipment requirements, and general operating regulations.

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

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

MN DNR is committed to minimizing the construction of new routes through State Forests, and strictly enforcing prohibitions on off-trail vehicle travel. The DNR is also committed to controlling or eradicating known infestations of invasive non-native species on state lands, regardless of their origin or means of introduction. Caution will be exercised when engaged in trail improvement or the maintenance of designated OHV routes.

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

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

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

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

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

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

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

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

[Ed. Note: These ATV growth projections have since been scaled back slightly citing a flattening of the new ATV registration curve, more characteristic of a slowing, 'maturing' growth curve. The ten-year increase in ATV participation, which is assumed

to be proportional to the numbers of registered machines, is now projected to be 54.9%, with the projected increase in ridership projected to be 34.7% over the period.]

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

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

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

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

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