

Forest Classification
and
Forest Road and Trail Designations
for the
West Central Forests – Mississippi Headwaters Unit
Responses to Comments



Minnesota Department of Natural Resources

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Acknowledgements

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Bruce Cox.....Clearwater County Land Department
 Alfred Fox.....White Earth Natural Resources
 Chip Lohmeier.....Becker County Land Department
 Bob Milne.....Beltrami County Land Department
 Katherine Warren.....White Earth Natural Resources

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Introduction

On November 13, 2008 the Minnesota Department of Natural Resources (DNR) published a notice in the *State Register* (32 SR 878) of proposed motor vehicle use classifications and road/trail designations for State Forest Lands in the West Central Forests – Mississippi Headwaters Unit. The planning area includes: 1) forest lands within the statutory boundaries of the Mississippi Headwaters State Forest, and 2) scattered forest lands in Southwest Beltrami County. The proposal was described in statewide news releases dated November 13, 2007 and December 21, 2007. One public informational open house on the proposed classifications and road/trail designations was held on January 16, 2008 in Detroit Lakes, to explain the proposal and to receive comments. The public comment period ended on January 23, 2008.

The DNR received comment forms, letters, and e-mails from individuals and organizations. The agency appreciates the time and effort of everyone who commented on the proposals. The draft proposals were improved and clarified as a result of the public review process.

This document is a compilation of the documents received and the DNR's response to the issues raised about the proposed motor vehicle use classifications and road/trail designations. The DNR's motor vehicle use classification and road and trail use designation decisions for State Forest lands in the planning area will be based on the draft proposal and response to comments. The classification and road and trail designations will be implemented by publication of written orders of the Commissioner of Natural Resources published in the *State Register*.

Comments were arranged alphabetically by author and individual responses were developed.

PROJECT SCOPE & LIMITATIONS

The final Forest Classification and Route Designation Plan contains vehicular use guidance for all State Forest lands in the West Central Forests – Mississippi Headwaters Unit planning area. In total, more than 11,000 acres of state land and about 38 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; designation orders will be made only on existing routes. Approximately 0.5 miles of new hunter walking trail is proposed for future construction; if pursued this will be evaluated under a separate planning process. No grant-in-aid trail designations are proposed; existing and potential future routes were considered during the classification review and road/trail designation process. Trail designations are not subject to the Environmental Quality Board (EQB) rules for recreational trail projects.

The plan does not address OHV use in public road ditches or road rights-of-way (ROW), 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. Existing state forest roads and designated trails were presumed sustainable, with the current *managed* classification serving as the starting point. The Planning Team systematically evaluated each route proposed for designation in terms of need, physical suitability, and environmental factors.

All inventoried state land routes are depicted on planning maps. Informal, local-use route on private lands, were not inventoried and are not depicted on the DNR draft or final maps.

Every effort was made to maintain existing vehicular access, subject to the proposed forest classification, environmental constraints, and land ownership considerations. The Planning Team sought to connect vehicular routes where possible, and carefully weighed all options and alternatives. Team members also attempted to physically separate potentially conflicting recreational uses (motor versus non-motor) wherever possible. This was accomplished by recommending designation of non-motorized trails and Areas with Limitations on Off-trail and Non-designated Trail Use where appropriate. This plan presumes that forest users (motorized or non-motorized) are, for the most part, law-abiding and respectful of trail rules, regulations, and sign postings.

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

COMPILATION OF COMMENTS

Written comments, in the form of emails, comment forms, or written correspondence, were received from 364 persons or groups between November 13, 2007 and January 23, 2008. The list includes:

1. Arrestad, Phil
2. Ackerson, Peter
3. Adams, Mary
4. Adamson, Joel
5. Adamson, Joel & Carolyn
6. Albert, Diane
7. Allen, Ben
8. Amey, Jeanne
9. Anderson, Gary
10. Anderson, Leroy
11. Anderson, Gail
12. Anonymous
13. Axelson, June & Dick
14. Babcock, Barry
15. Babcock, Linda
16. Bachman, Corey
17. Bachmann, Diane
18. Bachmann, Shane
19. Bair, Linda
20. Baland, Gene
21. Balbach, James & Jeannette
22. Barcikowski, Tanya
23. Barthel, George

24. Barton, William
25. Baso, Monica
26. Bell, Karl-Edwin
27. Bennett, Stephen
28. Bergquist, Ruth
29. Bertrand, Linda
30. Berman, Cathy
31. Birnstengel, Bob
32. Blake-Bradley, Niki (2)
33. Blakesley, Douglas
34. Blau, Jim
35. Bogen, Iver
36. Bogolub, Larry
37. Borkenhagen, Chip
38. Bower, John
39. Boyer, Matt
40. Branch, Marty
41. Braud, Jim & Kathy
42. Braun, Lois
43. Bridges, Craig
44. Brinkman, Randy
45. Brumfield, Richard
46. Bullis, Robert
47. Bunkers, Eric
48. Buscho, Arden E.
49. Cann, Matt
50. Cannon, John
51. Cardinal, Ken & Mary Kaye
52. Carlson, Greg
53. Carter, Clark
54. Casson, John
55. Chadwick, Amy
56. Champlin, Charlie
57. Cherwin, Bill
58. Christofferson, Karen
59. Cichon, Mike
60. Cierna, Suzannah
61. Connell, Chuck
62. Cotant, Harold
63. Cousins, Woodie, Kim, Matt & Sam
64. Crandell, Eugene & Deb
65. Crocker, Kyle
66. Crosby, Stewart
67. Dalen, Dean
68. Dan & Leany (2)
69. Davis, Joshua
70. Davis, Matthew
71. DeLong, Colleen & Herman
72. DeLong, Margaret
73. Derby, Maryellen & Ted
74. DeVries, Wallace J.

75. Dietl, Martin
76. Doebler, Gary
77. Doering, Sheila
78. Donaldson-Evans, Mary (Prudhomme)
79. D'Orazio, Ronald E.
80. Downing, Mary Theresa
81. Draper, Charles
82. Drentlaw, David
83. Dunn, John
84. Dunnette, Joel
85. Dvorak, Tom & Judy
86. Eichorn, Marlene
87. Elmer, Michelle
88. Elwell, Adele S. (Laddie)
89. Emery, Frank
90. Erickson, Christina
91. Erzar, Bill
92. Fahning, Mr. & Mrs. John (2)
93. Fanfulik, Paula
94. Fettes, Donald
95. Fier, Bob
96. Fischer, Vincent Sr.
97. Flatt, Dwight & Anita
98. Forst, Kenny
99. Franzen, Linda & Edward
100. Freund, TheresaGarland, John
101. George, Terry
102. Giese, Mark M.
103. Goeb, Dave
104. Goetz, Robert J.
105. Green, Todd & Cindy
106. Grignon, Kay
107. Gruetzmacher, Sybil
108. Grussing, Ann B.
109. Haarman, Janet
110. Haefner, Rick
111. Hageman, Brandt
112. Hartwell, William
113. Hedeem, Carter
114. Hedeem, Florence
115. Hedin, Ross
116. Helgesen, Lisa
117. Hennen, Kevin & Wanda
118. Hering, Kent M.
119. Hogensen, Sharon
120. Hoirriis, Judith
121. Holbrook, John
122. Holinshead, Mathews
123. Homa, Lara (2)
124. Hoops, Bill
125. Hopp, Mary K.

126. Houdek, Joshua
127. Hulett, Sharon
128. Husted, Rachel
129. Ilstrup, Sam (2)
130. Irish, Ken
131. Iwaarden, Ellen Van
132. Jacob, John
133. Jacobson, Christina
134. Jacobson, Robert & Diane
135. Jeffrey, Susu
136. Jenison, Kate
137. Johansen, Matt
138. Johnson, Deanna
139. Johnson, Ira
140. Johnson, Judy
141. Johnson, Richard
142. Johnson, Larry
143. Johnson, Larry & Sharolyn
144. Johnston, Bond
145. Kalina, Charles
146. Kalina, Matt
147. Kania, Laurie
148. Kannegeiter, Becky
149. Karon, Jan
150. Kelzenberg, Dennis
151. Keough, Janet R.
152. Kilmer, Kathy
153. King, Gregory
154. Kleymeyer, Charles D.
155. Knaeble, Alan
156. Knafla, Cheryl
157. Knisley, John
158. Kollenberg, Jon
159. Kottke, Laura
160. Krogstad, Blanchard O.
161. Kruse, John
162. Lais, Dan
163. Langsdorf, Pauline
164. LaPray, John & Jamie
165. Larimore, Gene
166. Larsen, Kristin
167. Larson, Bette
168. Larson, Bette
169. Larson, Bill
170. Larson, Connie
171. Larson, W. M.
172. Laumer, Jim
173. Lawrence, Peggy
174. Leach, Elaine
175. LeBlanc, Colleen
176. Lee, Ed

177. Lee, Mary Jane & Gordon
178. Lee, Vern
179. Lehrer, Mark
180. Lenarz, Jeff
181. Lenk, Brendon
182. Libbey, Wesley
183. Lien, David A.
184. Lies, Diedra
185. Liehou, Leslie
186. Lindquist, Brian
187. Long, Edith (Mimi) & Edward
188. Lonquist, Jane
189. Louisiana, Duane
190. Luckrow, Theodore
191. Lutz, Sandra
192. Lyman, Robert
193. Maertens, Jerry
194. Maertens, Shirlee
195. Magnuson, Gina
196. Mahler, Andy & Linda Lee
197. Maki, Greg
198. Manning, Barbara
199. Martin, Chris
200. Mastro, Mark
201. Mattison, Willis
202. Mattson, Jeri Lu
203. May, Mary
204. McCarthy, Terry
205. McCarthy, Thomas
206. McConnell, Shirley
207. McKeown, Anthony
208. McLaren, Deborah
209. McNamara, Curt
210. McReady, Doug & Nancy
211. McReady, Nancy
212. Medion, Francois
213. Metzger, Bob
214. Meyer, Keith
215. Myers, Mason & Gwen
216. Meyers, Marilee
217. Mielke, Paul & Dawn
218. Mikkelson, Greg
219. Milburn, Scott
220. Miller, Sherry
221. Moe, Tony
222. Morgan, Cheryl
223. Moriarty, Mary
224. Mork, Ellen E.
225. Morrow, Jean
226. Moryc, David
227. Moyer, William L.

228. Myers, Mason
229. Myking, Larry
230. Naylor, William
231. Nelles, Richard D.
232. Nelsen, Deborah
233. Nelson, Jack T.
234. Nelson, Ronald L.
235. Neururer, Pete
236. Nicklason, Pete
237. Nietzke, Roger A.
238. Nordstrom, Tracy
239. Norquist, Ben
240. Norton, Helen
241. Norton, Matt
242. Norton, Samantha
243. Odendahl, Jeff
244. Ogden, Elinor K.
245. Ohmdahl, Paulette
246. Olander, Joel J.
247. Olmschenk, Daniel
248. Olson, Allen
249. Ortman, Debby
250. Ostrowski, Mike
251. Ostwald, Brent
252. Pari, Felicia
253. Parker, Rebecca
254. Parson, Charles
255. Paul
256. Pavlish, Art & Donna
257. Peck, Linda
258. Pederson, Alan
259. Peterson, Fern, Todd, Jack & Will
260. Peterson, Lin
261. Pettey, Terry W.
262. Pfennenstein, Joe
263. Place, Darren Lori
264. Plakanis, Vesna
265. Preus, Mary
266. Proescholdt, Kevin
267. Profant, Carmine
268. Quistgard, Gayle
269. Radford, Jeffrey
270. Ramer, Kelly
271. Ranum, Mark
272. Rauchwarter, Brian
273. rbxx1100
274. Reber, Butch
275. Redleaf, Karen, Eric Angell & Christine Frank
276. Reed, Liz
277. Rehmann, Todd D.
278. Reindl, Leslie

279. Reynolds, John
280. Reynolds, Peter
281. Rinsem, Jim
282. Riversmith, Bridget
283. Ryan, Jeanine
284. Rypka, Ken
285. Salminen, Kathy & John
286. Sanborn, Keith
287. Sandford, Shaun
288. Sazama, Colleen
289. Sazama, Ken
290. Schad, Jennifer
291. Schaedig, Terry
292. Schaenzer, Dave
293. Scharlemann, Denise & Robert Cochrane
294. Schik, Karen
295. Schimke, Kathleen
296. Schlatter, Charles E.
297. Schmid, Brad. A
298. Schmit, Les
299. Schoesboe, Ellen
300. Schwartz, Gary M.
301. Schwartz, Richard Stephens
302. Scotland, Lee & Polly
303. Scott, Patricia
304. Scott, Stephan
305. Severinghaus, Tom
306. Shaw, Ed
307. Simcox, John
308. Skersik, Dan
309. Sloane, Jim
310. Smith, Jim (2)
311. Smith, Mitch
312. Sobotta, Gary
313. Solterman, Susan
314. Sorenson, Eric
315. Sorenson, John
316. Spindler, Richard
317. Stanton, Jinjer
318. Stember, Susan Hausman & Larry
319. Stets, Edward
320. Stockey, Tim
321. Stowers, Dale C.
322. Stropes Family
323. Sturm, Tim
324. Swift, Andy
325. Tam, Joan
326. Tanner, Scott
327. Tegland, Harlan Dean & Rita Marie
328. Telfer, John & Patricia
329. Thorndahl, Nancy

330. Thorson, Marty
331. Thorson, Thore
332. Tjader, Frannie
333. Toomey, Kathy & Dick
334. Trepka, Judy
335. Trout, Jerry J.
336. Trudeau, Franco
337. Tuomala, Scott
338. Ulrich, Linda
339. Umphress, Karen
340. Updegraff, Gwen
341. Van Oss, Tom
342. Vanderbeek, Fred T.
343. Vassar, Hubert
344. Velie, John
345. Vetter, Mary Ellen
346. Vlasek, Ray
347. Voight, Mary C.
348. Waage, Donn L.
349. Waalen, Lunny
350. Wallwork, Deb
351. Walsh, James
352. Ward, Bill
353. Waters, Thomas F.
354. Weber, John
355. Wellner, Michael G.
356. Wenthold, Tami J.
357. Wilson, Walter
358. Wolter, Doug
359. Yahn, Stephan
360. Young, Cheryl
361. Zentner, David
362. Zicus, Michael C.
363. Zimmerman, Allan & Carol
364. Zimmerman, Mark

DNR also received two types of “form-email” comments that were identical, or essentially identical, to each other. One set of responses is provided for each. These are listed in the comments document as Serial Email No. 1 (354 comments submitted) and Serial Email No. 2 (960 comments submitted).

Public comments were sorted and distributed to members of DNR’s West Central Forests planning team for their evaluation and response. Copies of the comments were also shared with cooperating partners where relevant.

Both oral and written comments were provided to the Department and counties at the public meeting held on January 16, 2008. Individuals wishing to speak were asked to record a summary of their comments in order to speak. 34 persons exercised this option for the planning record. The comments that were offered are reflected in the written comments formally submitted to the Department and addressed below.

RESPONSE TO TOPICS RAISED IN PUBLIC COMMENTS

Related responses were grouped together into topics prior to developing the agency response. Some topics are of a general nature (e.g., Characteristics of Motor Vehicles, State Forest Management) while others are forest- or site-specific. Comments that expressed a concern or opinion not directly pertinent to the classification, road and/or trail designation, or Area with Limitations on Off-trail and Non-designated Route Use designation, did not receive a specific response.

The listing of topics is provided below:

1. Characteristics of Motor Vehicles
2. Competing Interests Among User Groups
3. Connector Route Across Public Lands
4. Consideration of Classification Options
5. Coordination with County Land Departments
6. Forest Classification Preference
7. Hunting
8. Management of Recreational Impacts
9. MHSF Inventory
10. Mississippi River Corridor
11. OHV Operation – Compliance/Enforcement
12. OHV Operation – Impacts
13. ORV
14. Process
15. Protection of Natural Resources
16. Recreational Demand/Quotas
17. Route Sustainability
18. Snowmobiles
19. State Forest Management
20. State Park Impacts
21. Wildlife Impacts
22. Route Specific Comments

1. CHARACTERISTICS OF MOTOR VEHICLES

Response 1.1 The Department agrees that operational differences exist between HLVs and OHVs. However, the comment does not acknowledge that the management trend for motor vehicle use in Minnesota is one of increased restrictions on operation, not less, over the past decade. The reasons for this are many but nonetheless this is the pattern. Motor vehicle operation in the MHSF is more restrictive under the Final Plan for both HLVs and OHVs than the present condition. As a result of further public input, the Final Plan is more restrictive than was originally offered in the Draft Plan.

Response 1.2 The comment does not note that OHV operation is a permissible activity on approximately 70% of the forest land base. This is because the motor vehicle use classification does not apply to privately owned lands, which constitute approximately 38% of the ownership in the state forest. In addition, Beltrami and Clearwater Counties have elected to exercise their authorities under M.S. Section 84.777, subd. 2, thus approximately 32% more of the forest land is not subject to DNR's potential classification. This leaves DNR's classification decision applying to approximately 30% of the land base assuming that Hubbard County elects to remain

aligned with either outcome (limited or closed). In this light, although a uniform classification scheme across all public ownerships may be desirable, this is not the situation available for the MHSF. It is not possible to apply a uniform prohibition on the operation of OHVs as posited in the comment.

2. COMPETING INTERESTS AMONG USER GROUPS

Response 2.1 Comment noted. DNR is required to consider “competing interests among different user groups” in its classification decision under Minn. Rules part 6100.1950, subp. 2(G). The agencies received substantial input that the recreational quality of the river corridor was being unjustifiably compromised under the Draft Plan.

The Final Plan addresses these criticisms in several ways. This is best demonstrated by elimination of the proposed ATV/OHM trail designation at Coffee Pot Landing and modifications in route designations and the Area with Limitations on Hubbard County-managed lands. Beltrami County too has reassigned Restricted Access Route status to a number of routes in the vicinity of the river. DNR is also committed to rehabilitating the Coffee Pot Landing canoe/boating site and work with other public land managers to improve the recreational boating opportunities along this reach of river. The Department also designates approximately 3.8 miles of hunter walking trail to enhance existing non-motorized trail opportunities, and Clearwater County may consider implementing similar assignments in the future. The Final Plan thus further restricts the opportunity for OHVs to be operated on public forest lands in the vicinity of the river from what was offered in the Draft Plan. Both proposed management schemes in the draft and final plans are more restrictive to motor vehicle operation than is currently present on all ownerships under the managed classification.

Regarding the various populations of different user groups, the agency considers recreational demand surveys and studies when making forest classification and road/trail designation recommendations but does not use formulas or set goals based on the percent of population participating in various activities when designating recreational trail uses. Resource conditions, location within the state, and types and distribution of existing recreational facilities are other factors that are considered. In terms of the quality of recreational opportunity in this reach of the Mississippi River, it should be improved over current conditions with plan implementation.

Response 2.2 DNR acknowledges that conflicts between motor and non-motor recreation users do occur. The concept of “recreational conflict” itself has been recognized by natural resource managers for over 50 years. DNR manages State Forests within the policy guidelines established in state statutes. The statutory policy for State Forests is *multiple use, sustained yield* management of forest resources. State forests are actively managed to provide a range of goods and services, including outdoor recreation. State Forests are not, by statutory definition, designated wilderness or solitude areas. They host a mix of commercial, industrial, and resource management activities that are generally inconsistent and incompatible with wilderness or a “solitude-like” experience (e.g., timber harvest, motorized recreation, wildlife habitat manipulation, mining, prescribed fire, tree planting, fuelwood and bough harvest, etc).

Response 2.3 State Forests are roaded and accessible, and have traditionally hosted a mix of motorized and non-motorized recreational opportunities. The multiple use management policy does not require that all uses be allowed on every acre of forest land. It allows a mix of management priorities and schemes to be employed across the State Forest system. Imposition of solitude buffers is unworkable in such a mix land uses, where the size, shape, and irregular configuration of state forest lands, especially when other key infrastructure such as

arterial roads and traditional travel routes are present. State parks, and other DNR management units such as Wildlife Management Areas, State Trails, and Scientific & Natural Areas, have different statutory management policies and provide better opportunities to achieve “solitude-type” experiences. For MHSF, it is noteworthy that Itasca State Park, which is located due south of the state forest, provides 32,000 acres of non-motorized recreational opportunity, many of which are situated such that a solitude-type experience can be achieved.

Response 2.4 Comment noted. The managed classification will no longer be applied to the MHSF. The new classification limits operation of OHVs to signed forest roads and trails except for certain exceptions provided under M.S. Section 84.926 that are related to big game hunting and trapping activities.

Response 2.5 The direct management of designated canoe/boating routes is not typically addressed as a component of the statewide forest classification review and road/trail designation process. The Department is required to consider “competing interests among different user groups” under Minn. Rules part 6100.1950, subp. 2(G), therefore the uses of the Mississippi River water trail have been considered in the Department’s deliberations.

The designation of a waterway as a State Canoe and Boating Route does not convey a wilderness status. Quietude, however desirable, is not automatically assured. The Mississippi River, just like most rivers in Minnesota, flows in a landscape that is subject to many types of land uses, from intensive to completely unmanaged. The MHSF itself is like most state forests; it is roaded, accessible, and has traditionally hosted a mix of motorized and non-motorized recreational opportunities. Quietude is more likely experienced at state parks, and other DNR management units such as Wildlife Management Areas, State Trails, and Scientific & Natural Areas, each with different statutory management policies that positions them better to provide opportunities to achieve “quietude-type” experiences.

Response 2.6 Of the 24 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 evaluated have been closed to all OHV use, roads included. Proactive route closures and Area with Limitations designations within completed state forests also help to mitigate motor vs. non-motor visitor conflict. Regarding acreage calculations, these have not been tabulated because forests with Areas with Limitations can exhibit significant areas that are de facto closed to motor vehicle use. Therefore focus on closed forests only significantly understates the amount acreage where motor vehicle operation is not permitted on state forest lands.

Response 2.7 Minn. Rules part 6100.1950, subp. 3(A) requires the Department to “provide information” at the public meeting. In this regard, substantial documentation was presented on: Legislative Direction; DNR Guidance Memos; process-related documents; and forest-specific information. Review of this information allows for a very good understanding of the statewide forest classification review and road/trail designation process.

Response 2.9 The Final Plan provides a reasonable balance across competing uses in the MHSF. Significant areas of the state forest are effectively closed to motor vehicles or restrict them to existing trails, with some routes signed as forest roads/trails and some not (depending on location). It is tailored to the unique attributes of the land base while accommodating a variety of public access needs. The limited classification is protective of the array of natural resource values when coupled with the adopted mix of land management prescriptions, all of which were developed jointly by DNR and the counties.

Response 2.10 It's true that all human activity carries with it the potential for forest disturbance. The degree of disturbance, however, varies based upon the type and level of activity, and by the means of transportation (e.g., walking or hiking, horse back riding, ATV, mountain biking or HLV). This human 'footprint' results principally from, soil compaction, rutting and erosion, vegetative damage, wildlife disturbance and other subtler, longer-term habitat effects.

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

The Planning Team based its recommendations on route-by-route sustainability evaluations, their knowledge of existing resource conditions, and estimates of current use. Every effort was made to maintain current uses on existing routes, subject to sustainability determinations. The team also sought to physically separate incompatible or conflicting uses wherever possible, and to provide access for both motorized and non-motorized forest users.

Response 2.11 DNR agrees that it is necessary to continue to provide quality non-motorized recreational opportunities. State parks, and other DNR management units such as Wildlife Management Areas, State Trails, and Scientific & Natural Areas, have different statutory management policies than state forest lands and provide better opportunities to experience non-motorized recreation. Additional opportunities can be best secured through stable, reliable, and equitable funding sources for non-motorized recreation. For example, the Minnesota Legislature recently provided \$400,000 to fund non-motorized recreation and created the Minnesota Horse Pass Program. Grant In Aid opportunities are currently available for x-country skiers, and the model may be applicable to other activities.

3. CONNECTOR ROUTES ACROSS PUBLIC LANDS

Response 3.1 Comment noted. Minn. Rules part 6100.1950, subp. 2(E) requires DNR to consider "the degree and trend of motor vehicle use in the area." This was accomplished primarily through consultation with the other public land managers. Public input was also considered in this regard.

Response 3.2 Comment noted. DNR is required to consider the "degree and trend of motor vehicle use in the area" according to Minn. Rules part 6100.1950, subp. 2(E). When coupled with the seven (7) other criteria to be considered under in this subpart, the agency did not abrogate its other resource management and protection mandates as part of the classification review.

Response 3.3 DNR agrees that demand for a connector route across public lands in itself is insufficient basis to justify classification of a state forest as limited or managed, which are the two classifications that permit the operation of OHVs. This is because Minn. Rules part 6100.1950, subp. 2 requires DNR to consider 8 categories of information in its classification determination. The Draft Plan acknowledges that "[a] connector trail could feasibly be achieved under either a limited or closed classification for DNR Forestry-administered lands;" Draft Plan, p. 13.

Response 3.4 The Plan's identified need for a connector route is not the sole justification for DNR's adoption of a limited classification for the MHSF. It is but one of many factors considered in this decision. The Final Plan improves upon the Draft Plan by better separating user groups while still achieving the objective of using primarily public lands to provide a future connector between the even greater set of public lands in Becker, Beltrami, Clearwater, and Hubbard Counties.

Response 3.5 DNR agrees with the comment. The Draft Plan notes "[a] series of county and township roads, coupled with a network of existing forest roads and trails, provide access to state forest lands inside the statutory boundary;" page 11.

Response 3.6 Connectivity of the public land base is a natural dimension of public access planning. It would occur regardless of DNR's classification decision, but more importantly, it is a logical extension of considering criteria (A), (C), (D), (E), (G), and (H) as required under Minn. Rules part 6100.1950, subp. 2.

DNR and its county partners acknowledge placing emphasis, or "preference," on using the public land base to the greatest degree possible in considering possible connecting routes between Beltrami, Clearwater, and Hubbard Counties. The optimum condition is to have contiguous, consolidated blocks of public land available to connect what may become increasingly popular recreation areas. This is exactly the case in the MHSF, where the public land base runs generally north-south in all three counties.

Consistent with the comment, because the Final Plan eliminates the Coffee Pot Landing ATV/OHM trail, ATV traffic will be routed along other available routes.

Response 3.7 The Department agrees that multiple means are available to travel in any state forest, including the MHSF. The whole purpose of the motor vehicle use classification review is to determine whether the operation of OHVs on state forest lands is reasonably supported. This is to be done by considering the criteria found in Minn. Rules part 6100.1950, subp. 2.

Response 3.8 DNR agrees that classifying a forest closed does not prohibit the operation of motor vehicles. HLVs may operate on designated forest roads under a closed classification. Conversely, OHV operation can be restricted significantly under a limited classification, for example in an Area with Limitations that has no existing route inventory. Such a location is for all intents and purposes closed to motor vehicles, including OHVs.

The Commissioner may also allow ATVs to operate on specified forest roads in a state forest classified as closed pursuant to M.S. Section 84.926, subd. 3.

Response 3.9 Considering the connectivity of the public land base is a natural dimension of public access planning. It would occur regardless of DNR's classification decision, but more importantly, it is a logical extension of considering criteria (A), (C), (D), (E), (G), and (H) as required under Minn. Rules part 6100.1950, subp. 2. DNR and its county partners acknowledge placing emphasis on using the public land base to the greatest degree possible in considering possible connecting routes between Beltrami, Clearwater, and Hubbard Counties. The optimum condition is to have contiguous, consolidated blocks of public land available to connect what may become increasingly popular recreation areas. This is exactly the case in the MHSF, where the public land base runs generally north-south in all three counties.

The elimination of Coffee Pot Landing as an ATV/OHM trail location has resulted in increased emphasis of using other available routes to provide for future connectivity.

4. CONSIDERATION OF CLASSIFICATION OPTIONS

Response 4.1 DNR's draft and final plans are not intended to be an exhaustive compilation of Department activity under the statewide forest classification review and road/trail designation process. The citations in the comment are natural observations in the context of considering the appropriate means of public access to state forest lands, in this case the MHSF. They are designed to provide general insight to staff perspectives, not only from the DNR team proper but also other non-team DNR land managers in the Divisions of Enforcement, Forestry, Trails & Waterways, and Wildlife, and county land managers, as the issue of public access was considered. They are also reflective of the comments received from the open houses, the majority of which identified the presence of, and the need to protect, important natural resource and recreational values of the Mississippi River corridor.

The comment does not capture the full context of the cited text. Specifically, the Draft Plan states:

“The planning team expended great effort considering the appropriateness of a closed versus limited classification for the Mississippi Headwaters State Forest. Particular attention was paid to addressing what framework of public access best recognized the need to protect sensitive natural areas along the Mississippi River corridor (and other areas) while recognizing many routes could sustain varying degrees of motorized use. The latter point was important given the public trail policies established by Beltrami, Clearwater, and Hubbard Counties on adjacent, non-DNR ownerships, where Beltrami and Clearwater Counties have an ‘open unless restricted’ policy on forest trails.” Draft Plan, p. 12; underlined text highlighted in comment letter.

When considered in the full context as offered, the text indicates that the team did consider application of both the limited or closed classification to the MHSF. Comment letter Exhibit MHSF-DNR-No Concensus-4of5 members.pdf supports the language in the Draft Plan; it demonstrates the team's and agency regional managers' full consideration of the potential application of both classification schemes to the MHSF. This negates allegations of predetermination of planning outcomes.

It is correct that a point was reached where the Department chose “limited” as its recommended classification for the MHSF. It is therefore reasonable for recommendations in the Draft Plan to reflect the classification choice that came from the process. It should also be noted that DNR is only required under Minn. Rules part 6100.1950, subp. 3(B) to provide a notice of the classification change that includes “a summary of the proposed action, a request for public comment, and notice of the public meeting.” The public notice and Draft Plan met this procedural requirement by identifying the Department proposes to classify the MHSF as limited. There is no requirement to provide information on a classification scheme not being proposed.

Response 4.2 Minn. Rules part 6100.1950, subp. 1 identifies three classification schemes for state forest lands in Minnesota. This is the source of the “managed, limited, or closed” labels. Each has a specific meaning for use of motor vehicles on DNR Forestry-administered lands. Individuals who visit state forest lands are required to know and understand the motor vehicle use classification to ensure compliance with the applicable regulations.

Response 4.3 All four types of motor vehicles are currently permitted to operate on forest roads and trails within the MHSF under the managed classification. The Final Plan changes this situation by restricting motor vehicle operation on DNR Forestry- and Hubbard County-administered forests lands under a new limited classification. Motor vehicle use is also more restrictive than present within the Area with Limitations on DNR , Beltrami County, and Hubbard County forest lands. The new state forest classification and designated area with limitations become effective on December 31, 2008.

Response 4.4 The limited classification requires a forest trail or road to be signed “open” for lawful non-big game hunting and trapping-related operation of motor vehicles. Individuals wishing to use signed trails should not be motivated to remove signs.

5. COORDINATION WITH COUNTY LAND DEPARTMENTS

Response 5.1 Minnesota counties are responsible for establishing the motor vehicle use access policies for the forest lands they manage. If these forest lands are located within the statutory boundary of a state forest, then DNR’s motor vehicle use classification applies to those lands unless the county adopts a resolution that differs from DNR’s classification as per M.S. Section 84.777, subd. 2. On March 11, 2007, Beltrami County adopted Resolution 07-03-11 that established an “open unless restricted” policy on county-managed tax forfeit lands. Clearwater County took similar action on July 10, 2007 where it too adopted an “open unless restricted” policy for forest trails on county-managed tax forfeit forest lands.

Response 5.2 The comment correctly notes that DNR teams are directed to coordinate with other public land agencies as necessary under the statewide forest classification review; see Moore Directions Memo 2005. Such coordination is essential for a forest such as the MHSF, which has land managed by three counties (e.g., Beltrami, Clearwater, and Hubbard) and the DNR within its statutory boundary. Coordination with the counties, as it occurred with this state forest, is a natural feature of considering the criteria for classification in Minn. Rules part 6100.1950, subp. 2., especially in terms of management objectives, competing interests among different user groups, and public safety and law enforcement concerns.

DNR disagrees with comment’s assertion that the Department was “obligated” to adopt a more permissive OHV policy in the MHSF because Beltrami and Clearwater Counties exercised authority granted to them under M.S. Section 84.777, subd. 2, which allows for counties to have a public access policy that may differ from DNR’s. By definition use of OHVs is more restricted on DNR Forestry-managed lands than afforded under current conditions regardless of whether the Department adopted a limited or closed classification. This is because the current managed classification is no longer an option for DNR Forestry-administered lands located south of US Hwy 2. The exact same thing can be noted for Hubbard County-managed lands since they have elected not to exercise their “opt out” authority; motor vehicle use is more restrictive under the Final Plan than was afforded pre-planning. A similar observation can likewise be offered for Beltrami County-managed lands within the Area with Limitations on Off-trail and Non-designated Trail Use because off-trail travel by ATVs is no longer permissible. In that the Department considered the stated public access policies of all three counties in its classification decision as required by Minn. Rules part 6100.1950, it accordingly reached the conclusion that a limited classification could be supported for the MHSF.

Regarding the draft plan not being “thorough” in explanation, DNR’s draft and final plans are not intended to be an exhaustive compilation of Department activity under the statewide forest classification review and road/trail designation process. The plans per se are actually not

required by either statute or rule that governs forest classification or designation of: 1) forest roads, 2) forest trails, or 3) Areas with Limitations on Off-trail and Non-designated Trail Use. Although not required, the plans are prepared as a means of informing interested publics of the Department's activities to meet the underlying legislative mandate to conduct the review of all DNR Forestry-administered state forest lands by the end of 2008.

Response 5.3 Minnesota counties are responsible for establishing the motor vehicle use access policies for the forest lands they manage. If these forest lands are located within the statutory boundary of a state forest, then DNR's motor vehicle use classification applies to those lands unless the county adopts a resolution that differs from DNR's classification as per M.S. Section 84.777, subd. 2.

It is correct that Hubbard County had a strong interest in ensuring that HLVs could maintain historic access to the public land base in the MHSF. This access could be maintained under a closed classification through assigning a forest road status to routes on the inventory, but unsigned, non-designated routes would not be open to HLV use, even under the big game hunting and trapping exceptions. The limited classification, coupled with the Area with Limitations on Off-trail and Non-designated Trail Use, offers greater flexibility in addressing historic patterns of motor vehicle use while restricting OHVs from other, more sensitive areas.

Regarding assertions of DNR "choice" among the three counties, the agency is not required to "choose" any particular approach. Rather, the Department is to consider the unique facts of the forest classification review and apply the criteria in Minn. Rules part 6100.1950, subd. 2. Because Hubbard County has not elected to "opt out" of DNR's adopted classification scheme, three management approaches are present under the Final Plan. Motor vehicle operation is most restricted on DNR/Hubbard County forest lands and least restricted on Clearwater County forest lands, with Beltrami County having more restrictions present than Clearwater County.

It is also worthy to note that DNR- and Hubbard County-managed forest lands, without any inventory present inside Areas with Limitations on Off-trail and Non-designated Trail Use, are de facto closed because HLVs/OHVs cannot operate off designated forest roads and trails in such zones. In other words if designated roads or trails are not present, then motor vehicles are not allowed to operate there. This condition applies to a significant portion of the state forest, especially around the Mississippi River corridor.

Response 5.4 DNR agrees that Beltrami and Clearwater Counties' adopted "open unless restricted" public access policy differs from the "closed unless posted open" (e.g., limited) or "closed to OHVs" (e.g., closed), which are the only options available to DNR. Perfect alignment is no doubt the most desirable, however state law permits counties to tailor their public access policies within state forest boundaries to match local interests. When such local decisions are made, it is incumbent upon the Department to recognize and incorporate them into the basis for its own decisions. Failure to do so unacceptably sets the public up to increased confusion and increases the potential for unintended resource damage.

The comment does not acknowledge the important role played by the Area with Limitations on Off-trail and Non-designated Trail Use negotiated between DNR and Hubbard and Beltrami Counties during the planning process. This zone, which primarily surrounds the Mississippi and Little Mississippi Rivers and Manomen Lake, eliminates off-trail travel by ATVs as provided under the big game hunting and trapping exception in M.S. Section 84.926, subd. 2. DNR and the counties have agreed to similar signage schemes on all three ownerships and will rely on definable, mapped boundaries, especially on existing roads and trails, to inform the public of the

zone's boundaries and affected forest lands. This agreement has lessened the management burden (that would be present if not adopted) while simultaneously addressing a range of issues of public concern. It should also be noted that Hubbard County expanded this zone along the Mississippi River in response to public comment. Coffee Pot Landing is also a Area with Limitations, so motor vehicle operation is restricted there too.

The comment misstates the alleged agency/county focus on designating forest roads and trails for "OHV" use. The statewide forest classification review and road/trail designation process is considering the full range of public access, both motor and non-motor. Motor vehicles include both HLVs and OHVs, and HLV access is a very important process driver, especially for traditional activities (e.g., berry picking, camping) not related to big game hunting and trapping activities in the fall. DNR choice of a closed classification does not automatically translate to less miles of forest roads designated to accommodate HLVs, which is implied in the comment. It is completely possible that more MMRs would be proposed under a closed classification than limited to accommodate traditional HLV use, especially for hunting. Additional MMR designations are not needed under a limited classification, and non-designated routes are unavailable to motor vehicles except for a limited period of time under the big game hunting and trapping exceptions.

Response 5.5 Comment noted. The agency has met the procedural requirements of Minn. Rules part 6100.1950 by considering the criteria in Subpart 2. It is reasonable for DNR to consider the public access policies of other public land agencies with management responsibilities within the MHSF in its decisions regarding forest classification, forest road/trail designation, and designation of Areas with Limitations.

Response 5.6 DNR teams are directed to coordinate with other public land agencies as necessary under the statewide forest classification review; see Moore Directions Memo 2005. Such coordination is essential for a forest such as the MHSF, which has land managed by three counties (e.g., Beltrami, Clearwater, and Hubbard) and the DNR within its statutory boundary. Coordination with the counties, as it occurred with this state forest, is a natural feature of considering the criteria for classification in Minn. Rules part 6100.1950, subp. 2., especially in terms of management objectives, competing interests among different user groups, and public safety and law enforcement concerns.

The final configuration of designations for roads/trails and the Areas with Limitations reflects an intense, joint effort to align DNR and county management as much as possible on the ground. This is best evidenced by the Area with Limitations that is present on forest lands managed by DNR, Beltrami, and Hubbard Counties. DNR's original proposition of applying the Area with Limitations on all DNR-managed parcels south of US Hwy 2 was the starting point in the process; the Team believed it would be easiest for the public to understand. However, as Beltrami and Hubbard Counties agreed to apply such a zone on their ownerships, the need for a carte blanche approach on DNR-managed lands diminished. The end product is a well-tailored proposal that all three land managers believe is enforceable.

The Department and counties believe the jointly-managed Area with Limitations offers significant social and environmental benefit relative to a DNR-only situation originally envisioned. It is also noteworthy that Hubbard County expanded this zone in the vicinity of Stumphges Rapids in response to public input. The result is a win-win for the resource as well as balancing the variety of public activities and uses in the MHSF.

Response 5.7 Beltrami County is responsible for how motor vehicle access will be regulated on state tax-forfeit lands under its jurisdiction. The Final Plan reports the county's proposals consistent with the trail scheme adopted under the Beltrami County Recreational Trail Plan. If the county determines at a future date to propose additional forest roads in the MHSF, then DNR will review the proposal as required.

Response 5.8 The plan correctly identifies Beltrami County's motor vehicle use policy within the Area with Limitations. Use of Access Routes and (possibly) Restricted Access Routes is permissible, but off-trail travel by ATVs is prohibited. We believe this is a significant mitigative measure. On DNR Forestry- and Hubbard County-managed lands, off-trail travel by ATVs, and use of non-designated routes, is prohibited.

Response 5.9 From a management perspective, the ideal situation would be one where all four public land managers operate under the same public access scheme for motor vehicles. This is not possible because Beltrami and Clearwater Counties have an "open unless restricted" policy, which is most aligned with the "managed" classification on DNR-administered forest lands. The managed classification is not available to DNR under the 2003 Legislative mandate that eliminates the managed classification from state forest lands located south of US Hwy 2.

Given this situation, the Department faces two choices. Either adopt: 1) a closed classification that would have pockets of OHV-prohibited parcels embedded in a matrix of public/private lands where OHV use was permitted, or 2) a limited classification with a coordinated set of road/trail designations accompanied by a negotiated Area with Limitations along the Mississippi River corridor. The Department and counties have pursued option 2 as the more viable opportunity to protect important natural resources while providing a balanced set of public access opportunities.

6. FOREST CLASSIFICATION PREFERENCE

Response 6.1 The DNR acknowledges the recommendations from individuals to change the forest classification to either "limited" or "closed" and appreciates the underlying rationale(s) that were offered. The Department will change the motor vehicle use classification to "limited" for the MHSF. A limited classification will also be applied to the DNR Forestry-administered lands outside the MHSF located within the Southwest Beltrami County planning unit. This approach fosters the greatest regulatory consistency across the patchwork of state and county lands in the MHSF. This limited classification scheme is coupled with an Area with Limitations on Off-trail and Non-designated Trail Use along the Mississippi and Little Mississippi Rivers corridors, which provides for improved opportunities for resource protection and better balance between competing recreational user groups. Individuals operating on public lands need to be clear about motor vehicle operating rules on all four ownerships, regardless of whether on DNR or county lands. That's because consistency and rider understanding are critical to compliance and effective field enforcement.

Response 6.2 DNR did debate the merits of a "closed" classification, but determined that a prohibition on OHV operation in the MHSF was unwarranted at this time. In the Department's judgment, current levels of ATV and HLV use, principally for utilitarian purposes (e.g., hunting, trapping, angling, gathering), are manageable with the application of appropriate resources for monitoring, maintenance, and enforcement. Implementation of the "managed use on managed trails" policy will ensure that designated forest roads and trails and non-designated routes do not fall into disrepair, or generate unacceptable impacts over time. Forest classification decisions can be revisited at a future date should conditions change or unforeseen problems arise.

DNR and the counties acknowledge the important natural resource and recreation values that are present in the MHSF, especially along the Mississippi River corridor. The Area with Limitations on DNR-managed lands in all three counties, and also on Beltrami and Hubbard County-managed lands, has been adopted specifically to address these concerns. DNR considers this feature of the Final Plan to be a significant mitigative measure that provides for de facto closed conditions along much of the river corridor inside the MHSF, especially through the elimination of all legal opportunities for off-trail travel. The Area with Limitations, along with withdrawal of the proposed ATV/OHM trail at Coffee Pot Landing and commitments to improve recreational management along the Mississippi River water trail, also addresses many of the rationales offered for a closed classification while affording for reasonable motor vehicle access to the MHSF. Overall, motor vehicle use is more restrictive under the Final Plan and limited classification than current conditions.

Response 6.3 Retention of the managed classification is not an option for DNR Forestry-administered state forest lands located south of US Hwy 2. All state forest lands south of US Hwy 2 must be reclassified to a limited or closed status. Because some of the state forest lands in the MHSF and Southwest Beltrami County occur north of US Hwy 2, the option of applying a managed classification was available. The DNR team considered this but determined a limited classification was most appropriate for these lands in order to foster a consistent public understanding of permissible operation on DNR ownerships.

7. HUNTING

Response 7.1 Comment noted. The state forest classification review considered existing trails and benefited from an available inventory of routes that demonstrated ongoing evidence of human use. This inventory ranged from graveled, well-maintained forest roads (in place for many years) to forest trails receiving very little use, whether motor or non-motor. The team also had the benefit of local managers' site-level experience of the route inventory; this gave the team further insights to understand the ability of individual routes to sustain varying levels of public use. Teams can recommend closure of routes determined incapable of sustaining motor vehicles. The Final Plan documents consideration of this information as part of the classification review and road/trail designation process. Overall, the acreage and mileage of routes available for OHV use declined under the Final Plan relative to current conditions.

Response 7.2 Comment noted. The Final Plan provides improved opportunities for non-motorized hunting within the Area with Limitations relative to conditions present under the current managed forest classification.

Response 7.3 Comment noted. The Final Plan reduces opportunities for motor vehicle use from current conditions. This situation occurs in the Area with Limitations on lands managed by DNR and Beltrami and Hubbard Counties. Opportunities for managed non-motor hunting improve on DNR-managed lands in Clearwater County. This is the result of the designated hunter walking trails at that location.

Response 7.4 The Final Plan reduces opportunities for motor vehicle use from current conditions. This situation occurs in the Area with Limitations on lands managed by DNR and Beltrami and Hubbard Counties. Opportunities for managed non-motor hunting improve on DNR-managed lands in Clearwater County. This is the result of the designated hunter walking trails at that location.

Response 7.5 The Final Plan provides opportunities for improved hunter walking opportunities in two principal ways.

First, non-designated or unsigned routes on forest lands managed by DNR and Hubbard County within the Area with Limitations are not open to motor vehicle use once the forest becomes effective on December 31, 2008. These routes may or may not persist depending on the level of non-motor use they receive. Other areas without any inventory within the Area with Limitations on DNR, Hubbard, and Beltrami County lands are effectively closed to motor vehicles. Walking hunter opportunities are present there as well.

Second, the Final Plan includes approximately one mile (1.0) of new designated hunter walking trail on DNR-managed land in Clearwater County. This trail will be signed and managed for walking opportunities by the DNR Division of Wildlife. Another one-half mile (0.5) of new connector trail is proposed at this location too. It should be noted that several non-designated routes on Clearwater County-managed lands are effectively closed to motor vehicles due to lack of public access. Hunter walking opportunities are present at this location too.

Response 7.6 Comment noted. Deer harvest in the planning area has been consistently high over the past several years under a managed classification for the entire state forest. The Final Plan places constraints on where OHVs may operate during hunting seasons, which should result in lower disturbance and interference rates in the planning area from current conditions.

Response 7.7 Comment noted. These user-created routes should not be present in the future within the Area with Limitations inside the MHSF. Absent use for other, non-motor purposes, it is uncertain whether these routes will persist.

Response 7.8 DNR acknowledges the role played by motor vehicles, including OHVs, to access hunting camps or stands. This is a consideration in establishing statewide hunting policy and associated regulations. For the MHSF, motor vehicle access for hunting is similar to existing conditions for forest lands located outside the Area of Limitations.

Response 7.9 DNR recognizes that interference between hunters using and not using OHVs can and does occur. The Final Plan reduces the potential for such interference through establishment of approximately 7150 acres of non-motorized hunting opportunity in the Area with Limitations on DNR and Hubbard County forest lands. Off-trail travel by ATVs is not permitted on approximately 7690 additional acres in the Beltrami County Area with Limitations. There are also 3.8 miles of designated hunter walking trails that are developed and managed to provide non-motorized hunting experiences.

Response 7.10 This planning process represents a significant move toward greater regulated OHV use on state and county forest lands. This move toward the Department's policy of "managed use on managed trails" provides opportunities in other areas of forest management, including hunting on public lands.

Response 7.11 The Final Plan reduces the potential for such interference through establishment of approximately 7150 acres of non-motorized hunting opportunity in the Area with Limitations on DNR and Hubbard County forest lands. Off-trail travel by ATVs is not permitted on approximately 7690 additional acres in the Beltrami County Area with Limitations.

Response 7.12 M.S. Section 84.926, subd. 5 authorizes the DNR to establish areas where the big game hunting and trapping exception regarding off-trail travel is not permitted. In addition,

non-hunting related off-trail travel is not allowed on forest lands managed by DNR and Beltrami and Hubbard Counties.

8. Management of Recreational Impacts

Response 8.1 Comment noted. DNR agrees that each type of recreation has its own unique set of management needs.

Response 8.2 Comment noted. DNR believes that its policy of “managed use on managed trails” provides the opportunity for better management of motor vehicle use on state forest lands than has historically been pursued.

Response 8.3 All recommendations reflect consideration of an existing inventory that is currently open to motor vehicle use. The Final Plan is more restrictive for motor vehicles than current conditions.

Response 8.4 The road/trail designation process recognizes that a primary reason for the persistence of the route inventory on public lands is due to operation of motor vehicles. It is important evidence of how the public is accessing the public land base. Absent regular non-motorized traffic or specific management, such as annual brushing, it is uncertain whether routes closed to motor vehicle use will persist long term.

Regarding the funding of non-motorized trails, the Legislature has appropriated monies for this purpose.

Response 8.5 The Final Plan does not identify establishment of an OHV park for the MHSF. Rather, it identifies a set of forest road and trail designations occurring under a limited state forest motor vehicle use classification. The distribution of public access opportunities is balanced between competing interests among user groups, which is a required consideration under Minn. Rules part 6100.1950, subp. 2(G).

9. MHSF INVENTORY

Response 9.1 The classification review and road trail designation process for the MHSF addresses approximately 132.2 miles of existing inventory.

Response 9.2 All forest lands in the MHSF are currently classified as managed, which means routes are “open unless posted closed.” The Final Plan reverses that motor vehicle access scheme on DNR Forestry- and Hubbard County-managed lands to “closed unless posted open.” Depending on where they are located, non-designated, unsigned routes may or may not be available for use under the big game hunting and trapping exceptions as authorized under M.S. Section 84.926.

Response 9.3 Such a statistic has not been calculated for the MHSF. However, cursory examination of the distribution of the route inventory shows that routes are generally present in upland areas of the state forest.

Response 9.4 The MHSF classification review and road/trail designation process evaluated an inventory of existing routes that are currently open to motor vehicle use. No new OHV trail construction is proposed. Approximately 1.4 miles of new MMR construction is proposed in Hubbard County east of Stumphges Rapids. This new construction is offset by retirement of 4.1

miles of MMR proposed in the Draft Plan. Overall, routes available to motor vehicle operation decreases under the Final Plan relative to current levels.

10. MISSISSIPPI RIVER CORRIDOR

Response 10.1 The proposed ATV/OHM trail at Coffee Pot Landing has been withdrawn from consideration. DNR is committed to rehabilitate this site and work with county land managers to improve recreational management of the Mississippi River water trail.

Response 10.2 The Final Plan does not include any designated OHV routes in the Mississippi Headwaters Board (MHB) Wild management district. This is a change from the Draft Plan, which included a proposed ATV/OHM trail at Coffee Pot Landing. DNR does designate some MMR within the MHB Wild management district, but all of this is on existing routes and no new construction is proposed. Hubbard County has moved motor vehicle use away from the river at Stumphges Rapids; this required abandoning some existing routes near the river (proposed as MMR in the Draft Plan) and will require new MMR construction. This new construction is outside the Wild management district. Non-designated routes will not be subject to motor vehicle use near the Mississippi River, with several of these occurring within the MHB Wild management district. The Final Plan is more protective of the MHB Wild management district than is present under current conditions.

Response 10.3 Comment noted. The Mississippi Headwaters Board advised DNR on October 29, 2007 that “the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor.” Since that time, DNR has dropped the proposed ATV/OHM trail designation at Coffee Pot Landing and Hubbard County has modified its recommendations along the river at Stumphges Rapids. Beltrami County has also converted several Access Routes to Restricted Access Routes. None of these actions are inconsistent with Mississippi Headwaters Board’s conclusion and all are designed to address the types of concerns provided in the comment. The Final Plan is consistent with the articulated values of the Mississippi River and associated corridor and improves upon current conditions.

Response 10.4 M.S. Sections 103F.361 through 103F.377 empower the Mississippi Headwaters Board to develop and implement a plan “for the protection and enhancement” of the Mississippi River’s values in the upper headwaters reach; see M.S. Section 103F.361, subd. 1(2). The Headwaters Board informed DNR on October 29, 2007 that “the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor.” Since that time, DNR has dropped the proposed ATV/OHM trail designation at Coffee Pot Landing and Hubbard County has modified its recommendations along the river at Stumphges Rapids. Beltrami County has also converted several Access Routes to Restricted Access Routes. None of these actions are inconsistent with Mississippi Headwaters Board’s conclusion and all are designed to address the types of concerns provided in the comment. The Final Plan is consistent with the articulated values of the Mississippi River and associated corridor and improves upon current conditions.

Conflicts between motor and non-motor recreation users do occur. However, given the limited size and irregular configuration of the state and county forest land base, it is difficult to separate all motor and non-motor use areas, or even to insulate forest users from sounds emanating from outside forest boundaries (e.g., roads, highways, commercial or residential development).

There are very few locations where canoeists will be in direct contact with motor vehicles, both HLVs and OHVs, under the Final Plan. These occur at existing river crossings at 510th Street

North and Beltrami County Road 5; bridges have been in place here for many years. Two DNR system forest roads provide access to the river in the vicinity of Bear Den Landing and Pine Point Landing respectively; again these graveled, well-maintained roads have been present for many years. Beltrami County intends to permit motor vehicle use on Access Routes that occur near the river, however these will not be mapped and they are not expected to see significant changes in use levels. This county has also identified routes better suited to be Restricted Access Routes, and has increased the number of these routes between the Draft and Final Plans. Conversely, a significant number of routes, currently in use and located near the river itself, have had motor vehicle use eliminated or reduced to use only during the big game hunting and trapping season in the fall. Most apparent in this regard is the removal of the Coffee Pot Landing ATV/OHM trail designation from the Final Plan. Elimination of the Coffee Pot Landing motorized trail also eliminates the need for future new trail construction on Clearwater County lands. All of these measures constitute tangible actions designed to limit recreational conflict and protect the articulated values of the Mississippi River corridor.

Response 10.5 The Department agrees that operational differences exist between HLVs and OHVs. However, the comment does not acknowledge that the management trend for motor vehicle use in Minnesota is one of increased restrictions on operation, not less, over the past decade. The reasons for this are many but nonetheless this is the pattern. For the MHSF more restrictions are in place on motor vehicles, both HLVs and OHVs, under the Final Plan than under the present condition. Importantly, the Final Plan is more restrictive than the Draft Plan in response to issues raised in public comments.

Response 10.6 DNR agrees that the uppermost reach of the Mississippi River, part of which occurs within the MHSF, “possesses outstanding and unique natural, scientific, historical, recreational and cultural values deserving of protection and enhancement” as the State’s articulated planning and management policy under M.S. Section 103F.361, subd. 1. The majority of comments received during both the informal and formal public comment opportunities offered this perspective.

Response 10.7 The comment correctly notes that the entire length of the Mississippi River in Minnesota is identified as a potential candidate for designation under the Federal Wild and Scenic Rivers Acts. The purpose of this Act is to preserve and protect Wild and Scenic Rivers (WSRs) and their immediate environments for benefit of present and future generations. The first 41.2 miles were identified as meeting the criteria for a “wild” designation. Although no federal WSR designation has occurred, the candidate status of “wild” for this reach of river remains in effect.

The comment incorrectly assigns a “wild” status under Minnesota’s Wild and Scenic Rivers Act. No such action has been taken for this reach of river. The MHB has classified the reach of river within the MHSF as Wild under its management responsibilities.

The river is however designated as a State Canoe and Boating Route. M.S. Section 85.32 assigns the status of "Canoe and Boating Route" to mark rivers which have historic and scenic values and to mark appropriately points of interest, portages, campsites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

Response 10.8 State law directs the Mississippi Headwaters Board to develop a plan for the protection and enhancement of the values attributed to the Headwaters reach of the Mississippi River. The Plan (July 2002) establishes guidelines and minimum standards for cooperative and

local management of this segment of the Mississippi River. See M.S. Section 103F.361. The MHB has management authority over development proposals within 1000 feet of the ordinary high water mark (OWHM) along either bank of the river corridor; it has classified the reach within the state forest as a “Wild River” corridor for the purposes of managing the Mississippi River proper and its shoreline.

The MHB does not have authority over classification of state forest lands in regards to motor vehicle use. However, the MHB Board does have authority over any newly proposed recreational trails or development located within the wild river classification. Because the MHSF includes the MHB management corridor, and DNR proposed an ATV/OHM trail crossing within that same corridor at Coffee Pot Landing, the agency briefed the MHB on two occasions on the recommendations being considered in the Draft Plan. The Mississippi Headwaters Board in turn advised DNR on October 29, 2007 that “the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor.”

See Response 10.3

Response 10.9 The ATV/OHM trail designation at Coffee Pot Landing has been withdrawn from further consideration. It is not a feature of the Final Plan. An alternative alignment using public roads in Hubbard County will be pursued.

Response 10.10 The Mississippi Headwaters Board advised DNR on October 29, 2007 that “the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor.” Since that time, DNR has dropped the proposed ATV/OHM trail designation at Coffee Pot Landing and Hubbard County has modified its recommendations along the river at Stumphges Rapids. Beltrami County has also converted several Access Routes to Restricted Access Routes. None of these actions are inconsistent with Mississippi Headwaters Board’s conclusion and all are designed to address the types of concerns provided in the comment. The Final Plan is consistent with the articulated values of the Mississippi River and associated corridor and improves upon current conditions.

Response 10.11 State law directs the Mississippi Headwaters Board to be responsible for the protection and values of the Headwaters of the Mississippi River; this is to be accomplished through development of a plan establishing guidelines and minimum standards for cooperative local management of this segment of the river. See M.S. Section 103F.361.

DNR briefed the MHB on two occasions. The Headwaters Board informed DNR on October 29, 2007 that “the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor.” Since that time, DNR has dropped the proposed ATV/OHM trail designation at Coffee Pot Landing and Hubbard County has modified its recommendations along the river at Stumphges Rapids. Beltrami County has also converted several Access Routes to Restricted Access Routes. None of these actions are inconsistent with Mississippi Headwaters Board’s conclusion and all are designed to address the types of concerns provided in the comment. The Final Plan is consistent with the articulated values of the Mississippi River and associated corridor and improves upon current conditions.

Response 10.12 DNR agrees with the observation that the MHSF exhibits a mosaic of high quality upland, lowland, and riparian habitats.

See Response 10.8.

The DNR and counties acknowledge that effective enforcement will be a primary measure of plan success. Signing and public education efforts will require close coordination, which will be coupled with a Conservation Officer dedicated to the forest, local law enforcement grants, and the Trail Ambassador Program. These measures in concert provide a reasonable opportunity for success.

Response 10.13 The articulated goals of the comment are achieved within the Area with Limitations on DNR- and Beltrami and Hubbard County-managed lands. This area occurs principally along the Mississippi and Little Mississippi River corridors.

Response 10.14 DNR agrees with the characterization of natural resources offered in the comment. In addition, like all state forests it is roaded and accessible and has traditionally hosted a mix of motorized and non-motorized recreational opportunities.

Response 10.15 DNR agrees that the criteria in Minn. Rules part 6100.1950, subs. 2(A) and 2(B) require the agency to consider the points raised in the comment in its classification decision. By definition, state policy as articulated in M.S. Section 103F.361, subd. 1 identifies the Mississippi River itself in the MHSF to possess “outstanding and unique natural, scientific, historical, recreational and cultural values deserving protection and enhancement.” Beyond the river per se, the DNR team had available a wealth of information regarding the important natural resources and associate values associated with the greater state forest. Final recommendations reflect consideration of these factors.

Response 10.16 Prior to this process, the MHSF was classified as managed where forest trails were “open unless posted closed.” Absent specific action to close adversely impacted sites, it was permissible to operate both HLVs and OHVs subject to prohibitions (on DNR Forestry-administered forest lands) on rutting, erosion, and damage to vegetation. The Final Plan reverses this situation on Hubbard County- and DNR-managed lands by applying a limited classification where forest roads/trails are closed to motor vehicles unless posted open. Although Beltrami County has an “open unless restricted” public access policy, it has agreed to impose an Area with Limitations (along with DNR and Hubbard County) that restricts off-trail travel by ATVs, in particular in the vicinity of the Mississippi and Little Mississippi River corridors. Prohibitions on rutting, erosion, and damage to vegetation remain in effect on DNR forest lands.

Regarding canoe and boating sites, the Final Plan is more restrictive than the Draft Plan and represents a significant improvement over current management. DNR has removed the proposed ATV/OHM trail crossing at Coffee Pot Landing and has committed to rehabilitate this site. The Department also is committed to improve recreational opportunities along the Mississippi River water trail more broadly. Hubbard County too has taken action to eliminate motor vehicle use on Route ID #1331 at Stumphges Rapids to address historic law enforcement concerns. Also, Hubbard County has “pulled” motor vehicle traffic away from the Mississippi River along Stumphges Rapids on both sides of the river. These actions are not rewarding past illegal behavior. Rather, they address known problem areas while providing for increased separation among competing user groups.

Response 10.17 The MHB does not have authority over classification of state forest lands in regards to motor vehicle use. Regardless, the Final Plan does not propose ATV trails within the MHB management district. DNR has removed the ATV/OHM trail at Coffee Pot Landing from the proposal. Approximately 1.9 miles of ATV-only trail is proposed on DNR and Clearwater County lands in the MHSF, but these are outside the 1000-foot management zone. No other

designated motor vehicle trails are contained in the Final Plan.

The Final Plan results in a significant departure from current conditions in terms of motor vehicle access. Motor vehicles are more restricted under the Final Plan. Both OHVs and HLVs are prohibited from operating on non-designated, unsigned routes in the Area with Limitations on DNR- and Hubbard County-managed lands. Off-trail travel by ATVs under the big game hunting and trapping exceptions is also eliminated on 14,840 acres on DNR, Beltrami County, and Hubbard County ownerships within the Area with Limitations. This means that areas without inventory present are de facto closed to motor vehicle use. These management prescriptions are entirely consistent with the articulated resource values along the Mississippi River corridor.

Response 10.18 Comment noted. Activities as listed in the comment are consistent with the river's status as a designated State Canoe and Boating Route.

Response 10.19 Although Coffee Pot Landing's condition as a canoe/boating use site is not a part of this process, withdrawal of the ATV/OHM proposal will not affect the Department's commitment to rehabilitate this and possibly other sites along the canoe/boating corridor. Implementation of the recommendations in the final plan represents an important departure from current conditions in the direction of greater resource protection and improved recreational quality.

Response 10.20 The comment correctly notes that the entire length of the Mississippi River in Minnesota is identified as a potential candidate for designation under the Federal Wild and Scenic Rivers Acts. The purpose of this Act is to preserve and protect Wild and Scenic Rivers (WSR) and their immediate environments for benefit of present and future generations. The comment also correctly notes the first 41.2 miles were identified as meeting the criteria for a "wild" designation. Although no federal WSR designation has occurred, the candidate status of "wild" for this reach of river remains in effect.

The comment incorrectly assigns a "wild" status under Minnesota Law. No action has been taken to list this reach of the river under Minnesota's Wild and Scenic Rivers Act. The river is however designated as a State Canoe and Boating Route. M.S. Section 85.32 assigns the status of "Canoe and Boating Route" to mark rivers which have historic and scenic values and to mark appropriately points of interest, portages, campsites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

State policy as articulated in M.S. Section 103F.361, subd. 1 identifies the Mississippi River itself in the MHSF to possess "outstanding and unique natural, scientific, historical, recreational and cultural values deserving protection and enhancement." State policy is consistent with the values noted in the comment.

Response 10.21 Minn. Rules part 6100.1950, subp. 2(A) requires DNR to consider "resource sensitivity and management objectives" as part of the classification decision. The comment is relevant to this aspect of the classification criteria.

Response 10.22 State law directs the Mississippi Headwaters Board to develop a plan for the protection and enhancement of the values attributed to the Headwaters reach of the Mississippi River. The Plan (July 2002) establishes guidelines and minimum standards for cooperative and local management of this segment of the Mississippi River. See M.S. Section 103F.361. The MHB has management authority over development proposals within 1000 feet of the ordinary high water mark (OWHM) along either bank of the river corridor; it has classified the reach

within the state forest as a “Wild River” corridor for the purposes of managing the Mississippi River proper and its shoreline.

The MHB does not have authority over classification of state forest lands in regards to motor vehicle use. However, because the MHSF includes the MHB management corridor, and DNR proposed an ATV/OHM trail crossing within that same corridor at Coffee Pot Landing, the agency briefed the MHB on two occasions on the recommendations being considered in the Draft Plan. The Mississippi Headwaters Board in turn advised DNR on October 29, 2007 that “the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor.” Since that time, DNR has dropped the proposed ATV/OHM trail designation at Coffee Pot Landing and Hubbard County has modified its recommendations along the river at Stumphges Rapids. Beltrami County has also converted several Access Routes to Restricted Access Routes. None of these actions are inconsistent with Mississippi Headwaters Board’s conclusion of October 29, 2007 and all are designed to address the types of concerns provided in the public comments. The Final Plan is consistent with the articulated values of the Mississippi River and associated corridor and provides improved protection from current conditions. The final plan also balances competing uses in the MHSF, which is to be a consideration of the forest classification under Minn. Rules part 6100.1950, subp. 2(G).

Response 10.23 The reach of the Mississippi River in the MHSF has not been designated as wild or scenic under M.S Chapter 103F.

Although this reach of the Mississippi River is not classified under Minnesota’s Wild and Scenic Rivers Act, the Final Plan is more restrictive of motor vehicle operation than under present conditions. In particular, Hubbard County has “pulled” motor vehicles away from the river at Stumphges Rapids and DNR has eliminated the proposed ATV/OHM trail crossing at Coffee Pot Landing. Beltrami County too has taken steps to restrict motor vehicles along the north side of the river at Bear Den Landing and High Bluffs. Also noteworthy is that DNR- and county-managed lands without any inventory located inside the Area with Limitations is de facto closed to motor vehicles; this is because off-trail travel by ATVs under the big game hunting and trapping exceptions is not permitted. Finally, although Coffee Pot Landing’s condition as a canoe/boating use site is not a part of this process, withdrawal of the ATV/OHM proposal will not affect the Department’s commitment to rehabilitate this and possibly other sites along the canoe/boating corridor.

Response 10.24 The recommendations contained in the final plan, along with commitments by all four public land managers, represent an important attempt to protect the range of natural values attributed to the MHSF. At present, all four types motor vehicles are able to use all routes in the forest lawfully, with off-trail activity by ATVs sanctioned as well under the big game hunting and trapping exceptions. Under the plan, off-trail activity has been eliminated on 14,840 acres, or 53% of the public forest lands, all of it surrounding the Mississippi River. Non-designated routes within the Area with Limitations along the river corridor are no longer available to motor vehicle use and no motorized trail designation occurs near the river. Areas without trails inside the Area with Limitations are de facto closed to motor vehicle use regardless of ownership. Implementation of the recommendations in the final plan represents an important departure from current conditions in the direction of greater resource protection and improved recreational quality.

11. OHV OPERATION – COMPLIANCE/ENFORCEMENT

Response 11.1 Comment noted. The Final Plan is more restrictive of motor vehicle operation on state forest lands than the current condition.

Regarding the issue of “damage,” this plan presumes that forest users are, for the most part, law-abiding and respectful of trail rules, regulations and posted signs. Experience has shown that riders are indeed drawn to established and maintained trails, even though their vehicles are capable of off-trail travel. DNR’s Trail Planning, Design, and Development Guidelines provides detailed profiles of ATV, ORV, and OHV riders that serve to guide the teams in their consideration of the classification criteria; see pages 4.23 and 4.24. The Guidelines acknowledge the category of “Excitement Seeker/Careless Rider” that “may be [a] source of behavior problems, creating safety concerns and presenting a bad public image for this type of activity. This is a major concern of many responsible OHV riders;” page 4.23. In this regard, 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 a deterrent to illegal activity.

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 has 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. An additional \$100,000 in new General Fund appropriations will fund a full-time Enforcement Officer position stationed in Bemidji for monitoring the MHSF. 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.

Response 11.2 DNR disagrees OHV operators can be "assumed" to operate off-trail. Off-trail riding is permissible only under very prescribed conditions on DNR Forestry-, Beltrami County-, and Hubbard County-managed forest lands under the big game hunting and trapping exceptions (M.S. Section 84.926, subd. 2 & 4). Because these same parties have also exercised their authorities under M.S. Section 94.926, subd. 5, approximately 14,840 acres are not open to off-trail travel under any circumstances. Individual engaged in unlawful activity are subject to both civil and criminal penalties of law.

From an enforcement perspective, the ideal situation would be one where all four public land managers operate under the same public access scheme for motor vehicles. This is not possible because Beltrami and Clearwater Counties have an "open unless restricted" policy, which is most aligned with the "managed" classification on DNR-administered forest lands. The managed classification is not available to DNR under the 2003 Legislative mandate that eliminates the managed classification from state forest lands located south of US Hwy 2.

Given this situation, the Department faces two choices. Either adopt: 1) a closed classification that would have pockets of OHV-prohibited parcels embedded in a matrix of public/private lands where OHV use was permitted, or 2) a limited classification with a coordinated set of road/trail designations accompanied by a negotiated Area with Limitations along the Mississippi River corridor. With coordinated signing and public education efforts, coupled with a Conservation Officer dedicated to the forest, local law enforcement grants, and the Trail Ambassador Program, there is a reasonable opportunity for success in terms of enforcement.

Response 11.3 The comment correctly notes the important role played in the education of forest users of the appropriate means of access to the public land base.

The Final Plan is not an endorsement of the status quo. The new management scheme under a limited classification results in: 1) the de facto closure of non-designated routes in the Area with Limitations to motor vehicle use; 2) non-designated routes outside the Area with Limitations being only available for motor vehicle use under the big game hunting and trapping exceptions; and 3) 14,480 acres being unavailable for off-trail travel by ATVs (again) under the big game hunting and trapping exceptions. Conversely, all 138.3 miles of inventory is available for non-motorized uses, which includes 3.8 miles of new hunter walking trail designation. The proposed ATV/OHM trail at Coffee Pot Landing has also been removed from the Final Plan. These features of the Final Plan are consistent with the primary intent of the comment in ensuring that OHV use is more restricted than current conditions.

Response 11.4 Comment noted. DNR acknowledges that management of public access and recreation in the MHSF has been variable. This has resulted in instances where management has been ineffective, thus resulting in unacceptable resource damage and violations. The Department is committed to providing the resources necessary to effectively monitor and enforce the recommendations offered in the final plan. The first step in this commitment came through requiring Division of Enforcement representation on all planning teams. This participation is reinforced by consultation with area Conservation Officers on local enforcement issues that can be addressed at the planning stage. Enforcement was one of many factors

considered in the classification review and specific road and trail designations provided for all DNR Forestry-administered lands in the planning unit.

DNR believes that a monitoring and enforcement mechanism should be in place prior to a completed forest's effective date. The DNR Division's of Enforcement, Forestry, and Trails and Waterways have specific monitoring responsibilities for designated roads and trails; non-designated routes are also subject to evaluation as the need arises. Staff are also responsible for closing user created routes as offered in the most recent Directions Memo, that states "[c]losure of a route, whether existing or user created, is warranted anytime serious public safety issues exist, or whenever and wherever substantial erosion, rutting or vegetative damage threatens surface water or wetlands;" Martinson, 2007. The Department can alter its management prescriptions as warranted at some future date.

The DNR recognizes the need for additional enforcement effort as the OHV management framework in State Forests changes from "open unless posted closed" to "closed unless posted open." The Department also recognizes that the vast majority of motor vehicle operators have every intention to operate in a legal manner. Still, it is anticipated that it will take several years to change rider habits and behavior. Public information and education campaigns will also be used to inform motor vehicle users of the changed rules. In recent years new Conservation Officer positions focusing on OHV enforcement have been created and the amount of OHV dedicated funds allocated for enforcement have increased. Annual OHV monitoring and enforcement plans are developed to focus efforts on areas with heavy OHV use, resource damage, or visitor conflict.

OHV dedicated funds have also been allocated for grants to local law enforcement agencies since 2005. The County Sheriff can apply for these OHV enforcement grants to reimburse personnel and equipment costs related to OHV enforcement. The grant funds are based on the acreage of public lands, waters, and wetlands in the county and the number of registered OHVs that list the county as the location of "most use." OHV enforcement is a shared responsibility between DNR Conservation Officers and local law enforcement. The DNR focus is on state forest lands and state laws and regulations (registration, age of operator, safety). Compliance with ordinances or rules governing the use of county lands is the often the focus of local enforcement efforts. Any licensed peace officer can enforce laws related to trespass and OHV operation on public highway rights of way.

Response 11.5 This plan presumes that forest users are, for the most part, law-abiding and respectful of trail rules, regulations and posted signs. 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 citation and arrest. Law enforcement efforts have been significantly increased in recent years, and Minnesota's civil and criminal penalties for OHV violations provide a deterrent to illegal activity.

Response 11.6 The Final Plan adopts a limited classification for the MHSF. Motor vehicle operation on DNR Forestry-administered forest lands is restricted to operating on signed, designated forest roads and trails. Use of unsigned, non-designated routes is not permitted except for certain big game hunting and trapping activities as sanctioned under M.S. Section 84.926, subd. 2 & 4. Individuals not adhering to applicable regulations are subject to citation or arrest.

Response 11.7 The plan presumes that forest users are, for the most part, law-abiding and respectful of trail rules, regulations and posted signs. Experience has shown that riders are

indeed drawn to established and maintained trails, even though their vehicles are capable of off-trail travel. DNR's Trail Planning, Design, and Development Guidelines provides detailed profiles of ATV, ORV, and OHV riders that serves to guide the teams in their consideration of the classification criteria; see pages 4.23 and 4.24. The Guidelines acknowledge the category of "Excitement Seeker/Careless Rider" that "may be [a] source of behavior problems, creating safety concerns and presenting a bad public image for this type of activity. This is a major concern of many responsible OHV riders;" page 4.23. In this regard, 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, and Minnesota's civil and criminal penalties for OHV violations provide a deterrent to illegal activity. See Response 11.2.

Response 11.8 From an enforcement perspective, the ideal situation would be one where all four public land managers operate under the same public access scheme for motor vehicles. This is not possible because Beltrami and Clearwater Counties have an "open unless restricted" policy, which is most aligned with the "managed" classification on DNR-administered forest lands. The managed classification is not available to DNR under the 2003 Legislative mandate that eliminates the managed classification from state forest lands located south of US Hwy 2.

Given this situation, the Department faces two choices. Either adopt: 1) a closed classification that would have pockets of OHV-prohibited parcels embedded in a matrix of public/private lands where OHV use was permitted, or 2) a limited classification with a coordinated set of road/trail designations accompanied by a negotiated Area with Limitations along the Mississippi River corridor.

Enforcement is a challenge under either choice. With coordinated signing and public education efforts, coupled with a Conservation Officer dedicated to the forest, local law enforcement grants, and the Trail Ambassador Program, the DNR and counties believe there's a reasonable opportunity for enforcement success. This offered, if enforcement continues to prove problematic, the Department will change management on its ownership to ensure the protection of natural resources.

Response 11.9 DNR acknowledges that management of public access and recreation in the MHSF has been variable. This has resulted in instances where management has been ineffective, thus resulting in unacceptable resource damage and violations. The Department is committed to providing the resources necessary to effectively monitor and enforce the recommendations offered in the final plan. The first step in this commitment came through requiring Division of Enforcement representation on all planning teams. This participation is reinforced by consultation with area Conservation Officers on local enforcement issues that can be addressed at the planning stage. Enforcement was one of many factors considered in the classification review, and specific road and trail designations, for all DNR Forestry-administered lands in the planning unit.

12. OHV OPERATION – IMPACTS

Response 12.1 The DNR and Beltrami, Clearwater, and Hubbard Counties acknowledge that all recreational use of forest roads and trails, whether motorized or nonmotorized, carries the potential for adverse environmental effects. Planning Teams 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; impaired waters data; route density maps; aerial photography; and boundary

shape files indicating the locations of all existing or potential administrative or management unit designations. This is an important aspect of the planning effort.

Using the information noted above, all DNR teams consider the potential for adverse environmental consequences in both the classification review and road/trail designations. Factors considered in evaluating the existing inventory include, but are not restricted to: wetlands; other surface water areas; listed species; other natural features; special forest areas; special wildlife habitat features; soils and land forms; slopes; and other environmental variables. Routes proposed for designation, which in the case of the MHSF will be signed, monitored, maintained, and enforced, have an associated Rapid Environmental Assessment Checklist (REAC) score that is recorded to catalog the team's recommendation.

Response 12.2 Comment noted. Any recreational activity that disturbs unvegetated surfaces can have an effect on water quality. Staff conducting the statewide route inventory could record point data for significant trail conditions that addressed potential water quality (e.g., sedimentation) concerns. The guidance offered stated: "Erosion-water. Erosion causing sediment to be deposited in a water body or wetland;" see DNR Forest Trail Inventory Guidelines, 2003; p. 5.

DNR access planning teams have complete license in evaluating the existing forest route inventory to recommend reducing human use on any route due to water quality concerns, even to the point of closure. It is also possible that on-the-ground measures could be implemented to bring a route within acceptable tolerances. In terms of the Final Plan for the MHSF, non-designated routes inside the Area with Limitations will no longer be subject to motor vehicle use under any circumstances, while another miles are only available under the big game hunting and trapping exceptions as authorized under M.S. Section 84.926, subd. 4. In addition, approximately 14,480 acres are no longer available for off-trail travel on DNR Forestry- and Hubbard and Beltrami County-managed lands. Potential water quality effects due to motor vehicle use are significantly reduced from current conditions.

Response 12.3 Comment noted. Any recreational activity that influences soil surfaces such that water movement can transport soil particles, especially on unvegetated surfaces, and thus result in adverse environmental effects due to erosion. Staff conducting the statewide route inventory could record point data for significant trail erosion. The guidance offered stated: "Erosion. Trail tread compacted or eroded to a level at least 1 foot below surface of surrounding land, or exposed rocks or roots protruding at least 6 inches above trail surface;" see DNR Forest Trail Inventory Guidelines, 2003; p. 5.

DNR Access Planning Teams have complete license in evaluating the existing forest route inventory to recommend reducing human use on any route due to erosion concerns, even to the point of closure. It is also possible that on-the-ground measures could be implemented to bring a route within acceptable tolerances. In terms of the Final Plan for the MHSF, non-designated routes within the Area with Limitations will no longer be subject to motor vehicle use under any circumstances, while such routes outside the Area with Limitations are only available under the big game hunting and trapping exceptions as authorized under M.S. Section 84.926, subd. 4. In addition, approximately 14,480 acres are no longer available for off-trail travel on DNR Forestry- and Hubbard and Beltrami County-managed lands. Any erosion effects due to motor vehicle use for these situations are significantly reduced from current conditions.

Response 12.4 The DNR acknowledges that many Minnesotans find the sounds associated with OHVs to be annoying and objectionable. Persons seeking a "quiet" and/or non-motorized

recreational experience are more likely to find it in DNR Wildlife Management Areas, State Parks, State Wilderness Areas, or Scientific and Natural Areas than in the typical state forest. For the MHSF, Iron Bog Springs SNA is inside the forest and Itasca State Park is located due south of the state forest's southernmost section in Clearwater County. Non-motor experiences can also be found in National Parks or Federal Wildlife Management Areas, or in the Boundary Waters Canoe Area Wilderness Area of the Superior National Forest. All of these management units are explicitly non-motorized. Posted private property may also provide non-motor recreational opportunities.

Motor vehicle noise has been a component of the forest "soundscape" in the MHSF area for many years. The proposed configuration of forest roads and trails, coupled with the proposed Area with Limitations, introduces increased separation between motor vehicle routes and canoeists at several locations. The degree of change will vary as a function of several factors, most importantly local topography and type of forest vegetation. Elimination of the ATV/OHM Trail at Coffee Pot Landing should also reduce direct opportunity for noise-related concerns.

The sound emitted by the operation of all motor vehicles, including OHVs, is regulated in Minnesota. Minnesota Rules, Chapter 6102.0040, subp. 4 stipulates that no person shall sell or operate a vehicle on Minnesota public lands or trails unless it is equipped with a muffler having a USFS-approved spark arrestor, and unless overall noise emission does not exceed a sound level limitation of 99 dB(A) using the 20-inch stationary sound test (SAE J1287, Jul98), which measures exhaust sound. This test is relatively easy to conduct and effective in identifying excessively loud motorcycles or ATVs in the field. DNR Conservation Officers and Natural Resource Officers are trained and equipped to conduct this test and authorized to issue citations for equipment violations.

Minnesota Rules further stipulate that no noise suppressing system or muffler may be equipped with a cutout, bypass, or similar (after market) device which has the effect of amplifying or increasing vehicle noise, except as authorized by Minnesota Statutes Section 84.795, Subd. 7; M.S. Section 84.804, Subd 5; and M.S. Section 84.928, Subd.5. Violators will be cited.

The DNR is committed to enforcing the state's ambient noise rules (MN Rules, Chap. 7030). These standards are administered by the MPCA in cooperation with state and local units of government. They are receiver-based standards, tied to land-use classifications, which are consistent with speech, sleep, annoyance and hearing conversation requirements. The DNR finds MPCA Noise Standards a useful and appropriate tool for measuring and controlling potential nuisance noise effects.

No noise assessments were conducted. To the degree that distance to source is one mitigating factor in the level of noise transmission, Hubbard County's: 1) modifications to its network of forest roads, and 2) expansion of the Area with Limitations, is designed to reduce potential noise concerns. Similarly, DNR's withdrawal of the proposed ATV/OHM trail at Coffee Pot Landing, which in turn eliminates the need for future ATV/OHM trail (e.g., P22) along the west side of the river, result in less potential for noise effects than may have been present under the Draft Plan. Beltrami County's reduction in Access Routes between Bear Den Landing and Pine Point Landing also reduce potential noise effects.

Finally, it is possible that DNR commitments to rehabilitate Coffee Pot Landing as a canoe/boating access could involve relocating the camping facility to another, more remote site. If implemented, this separation would improve the recreational experience for individuals using this segment of the Mississippi River.

Response 12.5 Comment noted. The introduction of non-native species is perhaps the most recognized and disruptive type of chronic vegetative impact associated with access to public lands. 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. Exotics are also transported via wind, rain, surface waters, wildfire, birds and animals.

The potential introduction and/or spread of invasive exotic plant species is considered an unavoidable impact of motorized forest access. The DNR will actively seek to prevent the introduction of exotic plant species and control and eradicate known infestations using appropriate control methods. One location where this activity will be required is the ATV-only trail designation in Clearwater County, which is a known spotted knapweed location. The powerline in Beltrami County is another potential location of concern. Targeted information and education programs will also be used to modify behaviors that impact the forest.

Off-trail vehicle use, especially in area along the Mississippi River corridor in Beltrami and Hubbard Counties, is curtailed under the Final Plan. Improved regulatory signing and gating should also help keep riders out of sensitive areas. Decommissioning roads and trails not needed for management or recreational access, especially where disturbance is likely, will also help to restore native vegetative cover. Motorized use and access will be strictly controlled. Given these measures, the potential for the introduction and spread of exotic plant species is reduced with the proposed set of trail designations from the current condition within the MHSF.

The DNR has developed an Invasive Species Handbook and related Operational Order 113 to help control nonnative invasive species. The DNR will:

- monitor and manage invasive species in high exposure/risk areas (storage areas, gravel pits, trails); and
- educate hikers and users on OHVs, mountain bikes, or horses to stay on the trails to minimize spread into natural areas.

Response 12.6 Comment noted. DNR agrees that all human activity carries with it the potential for effects upon wildlife. The degree of effect, 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). DNR teams benefit from the expertise of staff from the Divisions of Ecological Resources and Wildlife, who in turn receive input from Area Managers who are familiar with on-the-ground conditions for the forest itself. Because the Final Plan results in a net reduction in miles of route and acreage available for motor vehicle operation, it is thought that implementation of the plan will in turn result in reduced impact to wildlife species from current conditions in the MHSF.

Response 12.7 Water quality in the immediate watershed is considered good under the current managed forest classification. The Final Plan's net reduction of routes open to motor vehicle use may result in improved water quality in the watershed, thus potentially benefiting the use of the river for municipal water supply purposes. Elimination of off-trail travel in the Area with Limitations may also benefit water quality by reducing opportunities for incidental sedimentation from big game hunting and trapping activity. Rehabilitation of the facilities at Coffee Pot Landing, along with any other improvements along the water trail, could also reduce potential water quality impacts detrimental to use of the river for water supply purposes.

Response 12.8 Littering of public lands is not restricted to motorized recreation. All forest users are encouraged to follow a policy of “pack out what you pack in.”

Response 12.9 Comment noted. The Final Plan provides a reasonable balance across competing uses in the MHSF. Significant areas of the state forest are effectively closed to motor vehicles or restrict them to existing trails, with some signed as forest roads/trails and some not (depending on location). It is tailored to the unique attributes of the land base while accommodating a variety of public access needs. The limited classification is protective of the array of natural resource values when coupled with the mix of land management prescriptions, all of which were developed jointly by DNR and the counties based on two rounds of public input.

Response 12.10 Comment noted. The introduction of non-native species is perhaps the most recognized and disruptive type of chronic vegetative impact associated with access to public lands. 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. Exotics are also transported via wind, rain, surface waters, wildfire, birds and animals.

Response 12.11 Comment noted. Any recreational activity that influences soil surfaces such that water movement can transport soil particles, especially on unvegetated surfaces, thus may result in adverse environmental effects from erosion. Staff conducting the statewide route inventory could record point data for significant trail erosion, which in turn could be considered by the planning teams in their route-by-route assessments.

Response 12.12 Comment noted. Any recreational activity that influences soil surfaces such that water movement can transport soil particles, especially on unvegetated surfaces, can result in adverse environmental effects from erosion. Staff conducting the statewide route inventory could record point data for significant trail erosion.

Response 12.13 The rate at which a trail is “reclaimed” by nature varies considerably. Much depends on the nature and degree of the cause of disturbance relative to the natural resource profile of the site (e.g., soils; slope; covertype; water-related features, etc.). Some sites recover quickly while others do not.

In terms of considering trail-related impacts, DNR’s adopted Trail Design and Development Guidelines notes that sustainable trails are ecologically and physically sustainable while engendering stewardship from the user; p. 1.3. Very important to this concept is the suitability of where a route is located relative to the types of uses it receives. A bad location unsuited to the types and levels of uses can result in unacceptable impacts.

DNR is required to consider conditions such as rutting in the classification review. Minn. Rules part 6100.1950, subp. 2 (B) states: “resource impact by motorized and non-motorized use, including erosion, rutting, and impacts on vegetation, wildlife, air, water, or natural habitats; see Minn. Rules part 6100.1950, subp. 2 (B). This same rule in subpart 7 further states: “No person shall operate a motor vehicle or snowmobile on forest lands in a manner that causes erosion or rutting or injures, damages, or destroys trees or growing crops. The rutting prohibition does not apply on trails that are designated and maintained for motorized use.”

Response 12.14 State Forests are roaded and accessible, and have traditionally hosted a mix of motorized and non-motorized recreational opportunities. The multiple use management

policy does not require that all uses be allowed on every acre of forest land. It allows a mix of management schemes to be employed across the State Forest system. State parks, and other DNR management units such as Wildlife Management Areas, State Trails, and Scientific & Natural Areas, have different statutory management policies and provide other types of recreational opportunities.

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

Response 12.15 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 the improvement or maintenance of existing routes. A recently adopted departmental policy provides policy, procedures and guidelines to help DNR Staff prevent the introduction, establishment and spread of invasive species on state lands and in state waters. This order applies to all DNR resource management activity, whether by DNR Staff or non-DNR groups or individuals, and it applies to all actions the department permits, funds or regulates. A draft invasive species handbook is available, as are Site-Level Forest Management Guidelines (2005) and Trail Planning, Design & Development Guidelines (2007).

Forest users can help by alerting local DNR Staff to the locations of suspected new infestations. The department has also beefed-up its commitment to long-term monitoring of state forest roads and trails, partly in response to commitments made in conjunction with the SFI/FSC Forest Certification process. Certification auditors annually field check DNR forest lands to ensure that commitments made through this process (including commitments to better control OHV use of state lands) are indeed being fulfilled. Where shortcomings are noted, Corrective Action Requests are filed by the auditors. The DNR must then remedy these problems within a prescribed timeframe in order to maintain its certificates.

Because DNR is not a public road authority, the agency has no control over ditch riding; local road authorities can close ditches if they elect to do so. The Final Plan does anticipate use of a specific corridor across the forest to provide public land connectivity between Becker, Beltrami, Clearwater, and Hubbard Counties. It is reasonable to expect that exotic species control will be an aspect of future, cooperative management efforts.

Response 12.16 The trend regarding management of OHVs on public lands is toward more restrictions and not less; this applies especially to wetlands. M.S. Section 84.773, Wetland Disturbance, subd. (2) states:

“A person may not operate an off-highway vehicle in a manner to:
(2) carelessly upset the natural or ecological balance of a wetland or public waters wetland.

DNR Teams have complete license in evaluating the existing forest route inventory to recommend reducing human use on any route due to water quality concerns, even to the point of closure. It is also possible that on-the-ground measures could be implemented to bring a route within acceptable tolerances.

13. ORV

Response 13.1 No ORV-only trail designations are proposed in the Final Plan. Access for ORVs is however available and varies by ownership. All State Forest System and Minimum Maintenance Roads are, by definition, open to all types of motorized vehicles subject to prohibitions on rutting, erosion, and damage to vegetation. Hubbard County forest roads are also open to HLVs and OHVs. Beltrami County Access Routes, and possibly some Restricted Access Routes, are open to all motor uses. Both forest roads and non-designated routes are open to all motor vehicles uses on Clearwater County-managed forest lands. HLVs, ORVs and Class 2 ATVs may use non-designated routes in the “limited” forest pursuant to the hunter / trapper exemptions on state forest lands outside the Area with Limitations. They may not, however, travel off of these routes, as can Class 1 ATVs, for big-game retrieval.

14. PROCESS

Response 14.1 DNR access planning teams are by design interdisciplinary in nature. This ensures a full range of natural resource expertise is available in the development of preliminary and final Department recommendations for forest classification. The expertise provided by the five DNR divisions represented on the teams, specifically the Divisions of Ecological Resources, Enforcement, Forestry, Trails & Waterways, and Wildlife, is also designed to align with the criteria for classification in Minn. Rules part 6100.1950, subp. 2.

Team members provide their own and Division’s natural resource management perspectives in support of the classification review and road/trail designation process. This offered, teams are ultimately responsible for developing integrated draft and final proposals. When a team cannot reach agreement on an integrated recommendation, Department guidance dictates that Regional Directors are to be briefed and make the determination; Moore Directions Memos, 2003 & 2005. In addition, teams operate under charters that identify the role of the Regional Director in resolving conflict. For the MHSF, Director Carroll operated well within Department guidance for such a situation; he was fully briefed by the team and made his decision accordingly.

Regarding the depth of team division, the team was actually closer to consensus than has been represented. The team was actually close to consensus as highlighted in the prefacing remarks of North and Naplin in their position summary. After th preliminary recommendation for a limited classification was made, the Department and counties continued to work on the best way to provide for reasonable forms of public access while protecting important natural resource values in the forest. The result of this effort is the negotiated Area with Limitations on forest lands managed by DNR and Hubbard and Beltrami Counties.

Regarding use of the term “consensus” to characterize the team’s recommendations, the Department agrees that “consent” better characterizes the decision than “consensus.” This is consistent with team charters that state: “...The Forest Road-Trail Designation Team is expected to make recommendations on forest classification and motor route designations on the basis of “informed consent.” At its best, informed consent can mean nearly unanimous agreement. If team members cannot reach agreement on substantive matters, the co-chairs and planner will refer the issue or dispute to the RMT for resolution. If the RMT is similarly divided, the Regional Director will issue the final decision or directions without delay. Team members are expected to publicly support team decisions and departmental policy positions...” As such, the final plan is modified to reflect this acknowledgement.

Response 14.2 Minn. Rules part 6100.1950, subp. 3(A) requires DNR to hold a public meeting “to provide information to and receive comment from the public regarding the proposed classification change.” This meeting was held on January 16, 2008 at the Beaux Arts Ballroom at Bemidji State University. Individuals wishing to comment were directed to limit their comments to two minutes to ensure a timely opportunity to hear all that wished to speak. Because the number of individuals commenting was not as great as anticipated, those wishing to speak were told the two-minute limit would not be strictly enforced. While the majority of individuals speaking did generally comment for 2-3 minutes, some chose to speak longer. DNR believes however that all present had the opportunity to raise the points they wished to offer, both verbally and in writing, consistent with the rule requirement.

Response 14.3 Comment noted. Minnesota Laws 2003, Chapter 128, Article 1, Section 167 as amended by Minnesota Laws 2005, 1st Special Session, Chapter 1, Article 2, Section 152, subd. 1 directs the Commissioner of Natural Resources to review the recreational motor vehicle use classification of all state forest lands. The Department has used this mandate as an opportunity to apply a policy of “managed use on managed trails” and DNR Forestry-administered state forest lands. The MHSF process occurred consistent with the prescribed Legislative and Commissioner’s Office mandates and the relevant procedures.

Response 14.4 The Beaux Arts Ballroom at Bemidji State University was chosen primarily for two reasons. First it could accommodate up to 400 individuals, which was DNR’s maximum estimate of potential public participation. Second, it is a state-of-the-art facility for the type of presentation that occurs with this type of public meeting. Bemidji State University is a recognized location in the planning area. DNR regrets any inconvenience that may have occurred with the choice of this location.

Response 14.5 Comment noted. Minnesota Laws 2003, Chapter 128, Article 1, Section 167 as amended by Minnesota Laws 2005, 1st Special Session, Chapter 1, Article 2, Section 152, subd. 2 suspends the requirements under M.S. section 116D.04, and rules of the Environmental Quality Board, for the reclassification and trail designations under the statewide legislative mandate. This eliminates any requirement to prepare Environmental Assessment Worksheets (EAWs) or Environmental Impact Statements (EISs) for any trail proposals. DNR teams do however conduct the Rapid Environmental Assessment Checklist on all proposed designations. Although not as thorough as State Environmental Review, this part of the process does identify potential environmental concerns associated with any road and trail designation. Team can also elect to eliminate motor vehicle use on a route based on environmental considerations as well.

Team members provide their own and Division’s natural resource management perspectives in support of the classification review and road/trail designation process. This offered, teams are ultimately responsible for developing integrated draft and final proposals. When a team cannot reach agreement on an integrated recommendation, Department guidance dictates that Regional Directors are to be briefed and make the determination; Moore Directions Memos, 2003 & 2005. In addition, teams operate under charters that identify the role of the Regional Director in resolving conflict. For the MHSF, Director Carroll operated well within Department guidance for such a situation; he was fully briefed by the team and made his decision accordingly.

Response 14.6 Comment noted. The motor vehicle use classification review and road/trail designation process affords two opportunities for public input. The first opportunity is not required by statute or rule. It is voluntarily presented to allow the public to engage and inform

the DNR team about the uses and limitations of the state forest lands being evaluated. Teams incorporate this initial input, as well as other policy guidance designed to ensure statewide consistency, into the recommendations contained in the Draft Plan. The second round of public input is required under Minn. Rules part 6100.1950, subp. 3, which directs the Commissioner to receive input from the public in reaching the final classification decision.

DNR believes the public is afforded ample opportunity to influence decisions for the forest classification, road/trail designations, and designations of Areas with Limitations. The process is best positioned to respond affirmatively to site-specific issues, but admittedly is less positioned to do so as issues raised become more generic or comprehensive. This is because state law and other directives play a much greater role as points raised are more issues of policy than specifics to an individual forest or forest lands. For the MHSF review, DNR has eliminated the ATV/OHM trail at Coffee Pot Landing, which was raised as an issue of concern with the Draft Plan. Hubbard County's expansion of the Area with Limitations at Stumphges Rapids has been offered in response to issues raised in public comments. Beltrami County too changed some Access Routes to Restricted Access Routes in response to public comment. The joint Area with Limitations was developed specifically to address important issues raised by the commenting public.

Response 14.7 Comment noted. The Department recognizes that acceptance of decisions rendered in the statewide process as applied forest-by-forest will vary across individuals, user groups, or other interested parties. DNR acknowledges that management of public access and recreation in the MHSF has been variable. This has resulted in instances where management has been ineffective, thus resulting in unacceptable resource damage and violations. For the MHSF, motor vehicle use is more restricted, not less, than current conditions under the Final Plan. If implementation of the provisions of the plan prove ineffective, the Department will change the management scheme as deemed necessary to address the inadequacies present at that time.

Response 14.8 Comment noted. DNR's classification review is based on consideration of the criteria listed in Minn. Rules part 6100.1950, subp. 2. These criteria are comprehensive in scope and reflect a reasonable scope of issues to be addressed regarding managing public access to state forest lands, whether managed by DNR or counties. Final decisions reflect the significant efforts by the Department to consider all information generated during the process consistent with statutory and rule requirements.

Response 14.9 Comment noted. The operation of motor vehicles, both HLVs and OHVs, can be permissible on state forest lands subject to the classification scheme (for motor vehicle use) of those lands.

Response 14.10 The DNR and counties acknowledge that there are economic aspects to the issue of access to public lands. For this process, natural resource impacts, environmental concerns, and social impacts were the key factors behind the recommendations in the Final Plan.

Response 14.11 DNR agrees that land exchange may be an option for future consideration. Such a strategy is recommended under the MHB management plan. It is however beyond the scope of the current planning exercise.

Response 14.12 The statewide process is targeted to the review of existing routes, most created as a function of timber and other natural resource management activity. Teams

benefited from an available inventory of existing routes demonstrating ongoing evidence of human use. This inventory ranged from graveled, well-maintained forest roads (in place for many years) to forest trails receiving very little use, whether motor or non-motor. The team also had the benefit of local managers' site-level experience of the route inventory; this gave the team further insights to understand the ability of individual routes to sustain varying levels of public use. Teams can recommend closure of routes determined incapable of sustaining motor vehicle. The Final Plan documents consideration of this information as part of the classification review and road/trail designation process.

Response 14.13 The Office of Legislative Auditor Report evaluated the Department's activities in for state-funded trails for motorized recreation. It examined snowmobiles as well as OHVs, and included review of the Grant In Aid Program. The current process does not address snowmobiles and is not part of the Grant In Aid Program.

Process-related designations of forest trails occur under M.S. Section 84.19, subd. 2, which authorizes the Commissioner of Natural Resources to make designations, and changes in designation, of forest trails by written order, specifying public notice and public meeting requirements that must be fulfilled prior to making such designations. The major source of funding for the acquisition, development, management and maintenance of the motorized trail program are the dedicated accounts. However, other sources of revenue for OHV trails include grants from the National Recreational Trail Program, charitable gambling funds, Iron Range Rehabilitation Agency, local units of government, volunteers, state organizations and local clubs. There are four dedicated accounts that include snowmobile, all-terrain vehicle, off-highway motorcycle, and off-road vehicle. The purpose of the dedicated accounts and allowable expenditures are stated in statute.

The largest sources of revenue for all accounts are the unrefunded gas tax and registrations. The unrefunded gas tax is the largest source of revenue in the off-highway motorcycle and off-road vehicle accounts. Registration is the largest source of revenue in the all-terrain vehicle account.

Regarding the permit system noted in the comment, this is an interesting idea but is beyond the scope of the forest classification review and road/trail designation process. This concept did come up in informal discussion at one of the public open houses. It was also discussed by the DNR team and shared with Regional Director Mike Carroll.

Response 14.14 DNR access planning teams are by design interdisciplinary in nature. This ensures a full range of natural resource expertise is available in the development of preliminary and final Department recommendations for forest classification. The expertise provided by the five DNR divisions represented on the teams, specifically the Divisions of Ecological Resources, Enforcement, Forestry, Trails & Waterways, and Wildlife, is also designed to align with the criteria for classification in Minn. Rules part 6100.1950, subp. 2.

Team members provide their own and Division's natural resource management perspectives in support of the classification review and road/trail designation process. Importantly, the state forest classification review benefited from an available inventory of existing routes demonstrating ongoing evidence of human use. This inventory ranged from graveled, well-maintained forest roads (in place for many years) to forest trails receiving very little use, whether motor or non-motor. The team also had the benefit of local managers' site-level experience of the route inventory; this gave the team further insights to understand the ability of individual routes to sustain varying levels of public use. Teams can recommend closure of routes

determined incapable of sustaining motor vehicle. The Final Plan documents consideration of this information as part of the classification review and road/trail designation process.

Response 14.15 State policy as articulated in M.S. Section 103F.361, subd. 1 identifies the Mississippi River itself in the MHSF to possess “outstanding and unique natural, scientific, historical, recreational and cultural values deserving protection and enhancement.”

State law directs the Mississippi Headwaters Board (MHB) to develop a plan for the protection and enhancement of the values attributed to the Headwaters reach of the Mississippi River. The Plan (July 2002) establishes guidelines and minimum standards for cooperative and local management of this segment of the Mississippi River. See M.S. Section 103F.361. The MHB has management authority over development proposals within 1000 feet of the ordinary high water mark (OWHM) along either bank of the river corridor; it has classified the reach within the state forest as a “Wild River” corridor for the purposes of managing the Mississippi River proper and its shoreline.

The MHB does not have authority over classification of state forest lands in regards to motor vehicle use. However, because the MHSF includes the MHB management corridor, and DNR proposed an ATV/OHM trail crossing within that same corridor at Coffee Pot Landing, the agency briefed the MHB on two occasions on the recommendations being considered in the Draft Plan. The Mississippi Headwaters Board in turn advised DNR on October 29, 2007 that “the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor.” Since that time, DNR has dropped the proposed ATV/OHM trail designation at Coffee Pot Landing and Hubbard County has modified its recommendations along the river at Stumphges Rapids. Beltrami County has also converted several Access Routes to Restricted Access Routes. None of these actions are inconsistent with Mississippi Headwaters Board’s conclusion of October 29, 2007 and all are designed to address the types of concerns provided in the public comments. The Final Plan is consistent with the articulated values of the Mississippi River and associated corridor and provides improved protection from current conditions.

15. PROTECTION OF NATURAL RESOURCES

Response 15.1 The final classification, adopted road/trail designations, and Area with Limitations does not support the conclusion that considering the public access policies of other land management agencies diminished DNR’s responsibilities to protect natural resources. Rather, the results of the motor vehicle use classification process for the MHSF demonstrates an extraordinary attempt to provide for the widest range of public uses recognizing where motor vehicle use should not be allowed. This is best represented on DNR and Hubbard County ownerships within the Area with Limitations, which is where motor vehicle use has been eliminated on approximately 7150 acres. When coupled with the Area with Limitations on Beltrami County lands, an additional 7688 acres are not available for off-trail travel by ATVs under the big game hunting and trapping exceptions in M.S. Section 84.926, subd. 2. These are tangible measures designed to limit potential impacts to natural resources.

DNR agrees that the criteria in Minn. Rules part 6100.1950, subds. 2(A) and 2(B) require the agency to consider the points raised in the comment in its classification decision. By definition, state policy as articulated in M.S. Section 103F.361, subd. 1 identifies the Mississippi River itself in the MHSF to possess “outstanding and unique natural, scientific, historical, recreational and cultural values deserving protection and enhancement.” Beyond the river per se, the DNR team had available a wealth of information regarding the important natural resources and associate

values associated with the greater state forest. Final recommendations reflect consideration of these factors.

Response 15.2 Comment noted. The assertion that “negative effects of OHVs on land resources, wildlife, and people, all of the natural resources noted above, and probably others, will be damaged, diminished, or destroyed if the MHSF is classified ‘Limited’” is sweeping and speculative. Most problematic is the comment’s failure to recognize that the classification decision is based on consideration of an inventory of existing routes on all four ownerships. All of these routes are subject to existing use, both motor and non-motor, under an “open unless posted closed” management scheme. By definition the final plan is more protective of natural resources than the current condition in that it reduces the mileage and area open to use by motor vehicles under a “closed unless posted open” management scheme.

For DNR lands, the Department is committed to monitor, maintain, and enforce forest roads and trails on its ownerships regardless of classification. The purpose of this activity is to ensure that important natural resource values are protected in the MHSF. If it is determined that routes cannot sustain the designated uses, then the route will be closed. The Department also reserves the option to reconsider its classification decisions if warranted at a future date.

Response 15.3 DNR’s draft and final plans are not intended to be an exhaustive compilation of Department activity under the statewide forest classification review and road/trail designation process. The plans per se are actually not required by either statute or rule that governs forest classification or designation of: 1) forest roads, 2) forest trails, or 3) Areas with Limitations on Off-trail and Non-designated Trail Use. Although not required, the plans are prepared as a means of informing interested publics of the Department’s activities to meet the underlying legislative mandate to conduct the review of all DNR Forestry-administered state forest lands by the end of 2008.

The Draft Plan did provide a basic description of the MHSF resource profile on page 11. The plan identified: important flowages; landforms; soil types; habitat types; recreation opportunities; land management districts; public roads; and patterns of motor vehicle use. Although not detailed, the description provided in the Draft Plan allowed interested persons to gain a basic understanding of the natural resource profile of the forest. Although the sufficiency of the description can be debated, the plan did identify factors raised by the public in the first, informal round of comments. Specifically:

- Multiple requests for DNR to adopt a *closed* classification.
- Concern over potential closures (especially in Jones Township) that provide local access to the Mississippi River for sporting activities such as waterfowl hunting, wild rice gathering, fishing, and trapping.
- Recognition of the high natural resource value of Mississippi River and the associated riparian corridor.
- This reach of the Mississippi River is not only of statewide significance, but of national and even international significance.
- This forest is fragile ecosystem; sensitive nature of natural communities to impacts from motorized uses, especially in terms of soils, erosion, water quality, vegetation, and wildlife.
- Designated trail systems needed for quality motorized recreational experience.
- Incompatibility of motorized and non-motorized uses, especially for silent sport enthusiasts, and need for buffer.

- Extensive damage already present from OHVs.
- Forest not suited to motorized recreation.
- Enforcement and monitoring not possible due to remoteness of area.
- Concern over loss of historic public access and potential route closures. [DNR Draft Plan, pages 11-12]

Taken together the resource description and public input summary in the Draft Plan provides a basic description of the potentially affected resources in the MHSF that required consideration in the forest classification determination and any proposed road/trail designations.

Response 15.4 Comment noted. DNR acknowledges that management of public access and recreation in the MHSF has been variable. This has resulted in instances where management has been ineffective, thus resulting in unacceptable resource damage and violations. The Final Plan has been amended to include this acknowledgement.

The comment correctly notes that the Draft Plan does not explain how the Area with Limitations addresses potential concerns. The Area with Limitations, which was agreed to by DNR and Beltrami and Hubbard Counties, serves multiple purposes.

First and foremost, it provides a common policy on off-trail travel by ATVs along the Mississippi River corridor. This is important given the differing public access policies and mixed pattern of public ownership along the river. A uniform policy on off-trail travel reduces the potential for public confusion on what's allowed inside the zone, which in turn improves opportunities for consistent enforcement across jurisdictions. It assists in separating competing user groups, especially in the late summer and fall. It also eliminates the potential for creation of new, user-created trails that can naturally occur as a function of hunting/trapping related access. Whether off-trail travel is a substantial source of concern or not, it's elimination is a major change within the affected zone.

Second, it creates de facto closed areas where inventoried routes are not present. Even though classified as limited (DNR or Hubbard County) or "open unless restricted (Beltrami County)," they are indistinguishable on the ground as would be the case under a closed classification. There is no legal way for OHVs to operate on these parcels. Significant acreage along the river corridor matches this description on all three ownerships.

Third, it eliminates motor vehicle use on non-designated routes inside the Area with Limitations. This particular feature of the plan occurs mostly in Hubbard County in the vicinity of Stumphges Rapids. A number of routes that currently provide motorized access to or near the river will no longer be open to motor vehicles. These routes may or may not persist into the future depending on the level of non-motorized use they receive. Again, this addresses public complaints of insufficient separation of competing uses and concerns over OHV operation on any route.

Regarding the efficacy of areas designated under M.S. Section 84.926, subd. 5, these are a relatively new feature in the Department's public access planning "toolkit." Approximately two-dozen areas have been considered for such designation. As the pattern of public land ownership gets more complex in the remaining planning units, DNR is increasingly partnering with counties to designate these areas. As state forests with Areas with Limitations on Off-trail and Non-designated Trail Use become operationally effective, the on-the-ground workability of these designations will be better understood. Just as with any aspect of state forest

classification and road/trail designation, the public is expected to understand what is and is not permissible on all state forest lands, including these areas. Monitoring and public oversight will ultimately determine how effective these areas are.

The comment notes the border of the Area with Limitations is “irregularly drawn.” The boundary of this restricted use zone relies on existing physical features to the greatest extent possible. This is done mainly with a mixture of town/county roads, MMRs, and non-designated routes. Only as a last resort is the statutory boundary used.

The Final Plan includes language that captures the points raised in this response.

Response 15.5 DNR’s draft and final plans are not intended to be an exhaustive compilation of Department activity under the statewide forest classification review and road/trail designation process. Rather they provide an overview of Department/cooperator activity under DNR’s statewide mandates.

The MHSF classification determination, road/trail designations, and designated Area with Limitations on Off-trail and Non-designated Trail Use, is based on 18 months of effort. The team considered the range of factors as required under Minn. Rules part 6100.1950, subp. 2.

The West Central Team had a wealth of information specific to the MHSF available to it in the process, including: 2003-04 route inventory; expertise of DNR Area Managers; robust GIS data; information from site visits; public input; expertise of county managers; and their own professional expertise. Although the level of detail to be undertaken is not specified in statute or rule, the Department believes sufficient basis is present to justify the forest classification and other MHSF designations.

Response 15.6 Comment noted. DNR acknowledges that management of public access and recreation in the MHSF has been variable. This has resulted in instances where management has been ineffective, thus resulting in unacceptable resource damage and violations. The Final Plan has been amended to include this acknowledgement.

Response 15.7 Comment noted. DNR believes that part of the solution to OHV-related impacts is to provide sustainable, maintained OHV trails rather than the natural surface trails that “are everywhere” but not sustainable or maintained. Giving OHV riders the positive alternative of riding on designated, improved, sustainable routes will decrease the “need” to ride on trails that are not sustainable.

Response 15.8 DNR teams have access to a variety of resource specialists with expertise regarding state-listed ETS species. The Headwaters Caddisfly has not been identified as occurring within the MHSF per se, but it is possible that habitat suited for this species is present. Typically, the greatest threat to this type of organism is habitat loss and/or degradation, often from impaired water quality. Any human activity with the potential to disturb soils and vegetation could result in sediment delivery to streams and waters suitable as habitat for this species.

Water quality in the immediate watershed is considered good under the current managed forest classification. The Final Plan’s net reduction of routes open to motor vehicle use may result in improved water quality in the watershed, thus potentially benefiting this species. Elimination of off-trail travel in the Area with Limitations may also benefit the species by reducing opportunities for incidental sedimentation from big game hunting and trapping activity. Rehabilitation of the

facilities at Coffee Pot Landing, along with any other improvements along the water trail, could also reduce potential water quality impacts detrimental to this species.

Future research into this species distribution and life history is likely. DNR will modify management in the MHSF if and when deemed necessary.

Response 15.9 The DNR team considered these types of resources in the classification review and the road/trail designations.

16. RECREATIONAL DEMAND/QUOTAS

Response 16.1 The agency considers recreational demand surveys and studies when making forest classification and road/trail designation recommendations but does not use formulas or set goals based on the percent of population participating in various activities when designating recreational trail uses. Resource conditions, location within the state, and types and distribution of existing recreational facilities are other factors that were considered.

The Mississippi River is a State-designated Canoe and Boating Route. In terms of the quality of recreational opportunity in this reach of the Mississippi River, it should improve over current conditions. This is because motor vehicle use will be moved away from the river in Hubbard and Beltrami Counties, the former through adoption of non-designated routes at Stumphges Rapids and the latter with Restricted Access Route assignments. DNR has removed the ATV/OHM trail crossing at Coffee Pot Landing, which makes this parcel effectively closed to OHVs under a limited classification within the Area with Limitations. Finally, the Department will rehabilitate recreational facilities at Coffee Pot Landing and will work with the counties to provide improved recreational opportunities at other locations in the river corridor.

Response 16.2 The statewide forest classification review and road/trail designation process is evaluating the appropriateness of existing patterns of motor vehicle access to public forest lands. This is being done on a forest-by-forest basis through consideration of the criteria in Minn. Rules part 6100.1950, subp. 2. Where the current operation of HLVs and OHVs is deemed sustainable, this is reflected in final decisions for motor vehicle use classifications for state forest lands and associated road/trail designations and designations of Areas with Limitations on Off-trail and Non-designated Trail Use.

Response 16.3 The comment correctly notes that DNR is to consider the “degree and trend of motor vehicle use in the area” in the classification review; see Minn. Rules part 6100.1950, subp. 2(E). The Final Plan results in a net reduction of available routes relative to current conditions.

Response 16.4 Comment noted. The Final Plan results in a net reduction in opportunities for motor vehicle use than is currently present.

Response 16.5 The DNR considers recreational demand surveys and studies when making forest classification and road/trail designation recommendations but does not use formulas or set goals based on the percent of population participating in various activities when designating recreational trail uses. Resource conditions, location within the state, and types and distribution of existing recreational facilities are other factors that were considered.

Response 16.6 Comment noted. Regarding the proposed apportionment of public lands for various recreational activities, the agency considers recreational demand surveys and studies

when making forest classification and road/trail designation recommendations but does not use formulas or set goals based on the percent of population participating in various activities when designating recreational trail uses. Resource conditions, location within the state, and types and distribution of existing recreational facilities are other factors that were considered. In terms of the quality of recreational opportunity in this reach of the Mississippi River, it should improve over current conditions.

DNR also acknowledges that conflicts between motor and non-motor recreation users do occur as identified in the Wisconsin SCORP. The concept of “recreational conflict” itself has been recognized by natural resource managers for over 50 years. As the comment notes, DNR manages State Forests within the policy guidelines established in state statutes. The statutory policy for State Forests is *multiple use, sustained yield* management of forest resources. State forests are actively managed to provide a range of goods and services, including outdoor recreation. State Forests are not, by statutory definition, designated wilderness or solitude areas. They host a mix of commercial, industrial, and resource management activities that are generally inconsistent and incompatible with wilderness or a “solitude-like” experience (e.g., timber harvest, motorized recreation, wildlife habitat manipulation, mining, prescribed fire, tree planting, fuelwood and bough harvest, etc).

State Forests are roaded and accessible, and have traditionally hosted a mix of motorized and non-motorized recreational opportunities. The multiple use management policy does not require that all uses be allowed on every acre of forest land. It allows a mix of management schemes to be employed across the State Forest system. Imposition of separation buffers is unworkable in such a mix land uses, where the size, shape, and irregular configuration of state forest lands, especially when other key infrastructure such as arterial roads and traditional travel routes are present. State parks, and other DNR management units such as Wildlife Management Areas, State Trails, and Scientific & Natural Areas, have different statutory management policies and provide better opportunities to achieve higher quality non-motorized recreational experiences than in the typical state forest. For MHSF, it is noteworthy that Itasca State Park, which is located due south of the state forest, provides 32,000 acres of non-motorized recreational opportunity, with many opportunities to expect and achieve high quality experiences.

Response 16.7 It is correct that registrations of new Class I ATVs has leveled off in recent years. Growth in registration now appears to be more for Class II ATVs at present. Still, the overall trend has been for increased registrations since the mid-1990s.

Response 16.8 The Final Plan only addresses motor vehicle use on state forest lands within the Mississippi Headwaters Unit of the West Central Forests – South Unit. Given that the statewide route inventory identified approximately 11,000 miles of routes on DNR Forestry-administered lands, and county-managed lands inside state forest boundaries, decisions on the 132 miles of routes in the MHSF are relatively insignificant to public access opportunities in other areas. In fact, the Final Plan results in a net reduction in routes and acreages available for motor vehicle use from current conditions.

Minn. Rules part 6100.1950, subp. 2(e) requires the Department to consider “the degree and trend of motor vehicle use in the area.” Both Hubbard and Beltrami Counties have actively engaged in recreational planning in other parts of their counties. In particular, Beltrami County has an adopted Recreational Trails Plan that identifies several strategies to improve both non-motor and motor recreational opportunities on county-managed tax forfeit lands. Actions adopted in the Final Plan for all three ownerships (e.g., DNR, Beltrami and Hubbard Counties) reflect respective goals to accommodate a multiple recreational opportunities within the MHSF.

17. ROUTE SUSTAINABILITY

Response 17.1 Comment noted. All recommendations in the Draft and Final Plan concern existing routes that are open to motor vehicle use under the current managed forest classification. The Department acknowledges that the condition and appropriateness of these routes for any type and level of use varied, which was a driving factor in the classification review. The cited text is a summary statement that accurately captures the range of conditions present in the MHSF.

Regarding lack of specificity, this state forest exhibits over 650 distinct trail segments on all four ownerships. The Final Plan and associated map provide a specific designation status for all 650 trail segments. On DNR ownerships, this takes the form of designated forest roads and trails (motor and non-motor) or non-designated routes.

The state forest classification review benefited from an available inventory of existing routes demonstrating ongoing evidence of human use. This inventory ranged from graveled, well-maintained forest roads (in place for many years) to forest trails receiving very little use, whether motor or non-motor. The team also had the benefit of local managers' site-level experience of the route inventory; this gave the team further insights to understand the ability of individual routes to sustain varying levels of public use. Teams can recommend closure of routes determined incapable of sustaining motor vehicle. The Final Plan documents consideration of this information as part of the classification review and road/trail designation process.

The Mississippi Headwaters Board advised DNR on October 29, 2007 that "the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor." Since that time, DNR has dropped the proposed ATV/OHM trail designation at Coffee Pot Landing and Hubbard County has modified its recommendations along the river at Stumphges Rapids. Beltrami County has also converted several Access Routes to Restricted Access Routes. None of these actions are inconsistent with Mississippi Headwaters Board's conclusion and all are designed to address the types of concerns provided in the comment. The Final Plan is consistent with the articulated values of the Mississippi River and associated corridor and improves upon current conditions.

The DNR appreciates MCEA's route-specific comments as supported by its own GIS products. It mirrors the factors considered by DNR in its deliberations for route designations on DNR Forestry-administered state forest lands. The route specific comments are addressed in Response Section 22.

Response 17.2 DNR agrees that many routes are not considered sustainable. Actions taken to address the issue include:

- All routes located within the Area with Limitations on DNR Forestry- and Hubbard County-managed lands are closed to future motor vehicle use.
- Some Restricted Access Routes in Beltrami County may be permanently closed to future motor vehicle use; this will be determined on a case-by-case basis.
- All forest lands without any routes occurring within the Area with Limitations on all three ownerships are de facto closed to motor vehicle use.

All recommendations in the Draft and Final Plan concern existing routes that are open to motor vehicle use under the current managed forest classification. The Department acknowledges

that the condition and appropriateness of these routes for any type and level of use varied, which was a driving factor in the classification review. The team evaluated almost 200 individual segments on DNR Forestry-administered lands and made designation recommendations for each that is depicted on the final maps. On DNR ownerships, this takes the form of designated forest roads and trails (motor and non-motor) or non-designated routes. The cited text is a summary statement that accurately captures the range of conditions present in the MHSF.

18. SNOWMOBILES

Response 18.1 The statewide forest classification review and road/trail designation process is not considering snowmobiles and their operation on state forest lands. Only motor vehicle operation is being considered. Motor vehicles include highway licensed vehicles, all-terrain vehicles, off-highway motorcycles, and off-road vehicles.

19. STATE FOREST MANAGEMENT

Response 19.1 DNR agrees that it must consider a broad range of factors in its classification review determination. Minn. Rules part 6100.1950, subp. 2 lists eight distinct criteria that are relevant to the issues of concern listed in the comment. Using this guidance, along with information generated by two rounds of public input, the adopted classification and road/trail designations reasonably balances the range of interests that converge in this state forest. It is particularly relevant to note that DNR and Hubbard and Beltrami Counties modified their recommendations from the draft to final plan to address concerns raised about incompatible uses along the Mississippi River corridor. These most significant changes are: 1) DNR's withdrawal of the proposed ATV/OHM crossing at Coffee Pot Landing; 2) Hubbard County's elimination of proposed MMR along both sides of the river, and new MMR corridor and expanded Area with Limitations on the east side of the river; and 3) Beltrami County's conversion of several Access Routes to Restricted Access Routes between Bear Den and Pine Point Landings.

DNR acknowledges that conflicts between motor and non-motor recreation users do occur as identified in the Wisconsin SCORP. The concept of "recreational conflict" itself has been recognized by natural resource managers for over 50 years. As the comment notes, DNR manages State Forests within the policy guidelines established in state statutes. The statutory policy for State Forests is *multiple use, sustained yield* management of forest resources. State forests are actively managed to provide a range of goods and services, including outdoor recreation. State Forests are not, by statutory definition, designated wilderness or solitude areas. They host a mix of commercial, industrial, and resource management activities that are generally inconsistent and incompatible with wilderness or a "solitude-like" experience (e.g., timber harvest, motorized recreation, wildlife habitat manipulation, mining, prescribed fire, tree planting, fuelwood and bough harvest, etc).

State Forests are roaded and accessible, and have traditionally hosted a mix of motorized and non-motorized recreational opportunities. The multiple use management policy does not require that all uses be allowed on every acre of forest land. It allows a mix of management emphases across the State Forest system. Imposition of solitude buffers is unworkable in such a mix land uses, where the size, shape, and irregular configuration of state forest lands, especially when other key infrastructure such as arterial roads and traditional travel routes are present. State parks, and other DNR management units such as Wildlife Management Areas, State Trails, and

Scientific & Natural Areas, have different statutory management policies and provide better opportunities to achieve “solitude-type” experiences. For MHSF, it is noteworthy that Itasca State Park, which is located due south of the state forest, provides 32,000 acres of non-motorized recreational opportunity, many of which are situated such that a solitude-type experience can be achieved.

The agency recognizes that differences of opinion are present regarding whether the final recommendations result in a significant diminution of natural resource quality, especially for recreation, from current conditions. DNR believes the recommendations contained in the final plan, along with commitments by all four public land managers, represent an important attempt to protect the range of natural values attributed to the MHSF. At present, all four types motor vehicles are able to use all routes in the forest lawfully, with off-trail activity by ATVs sanctioned as well under the big game hunting and trapping exceptions. Under the plan, off-trail activity has been eliminated on 14,480 acres, or 53% of public forest lands, all of it surrounding the Mississippi River. Non-designated routes on DNR- and Hubbard County-managed lands along the river corridor are no longer available to motor vehicle use and no motorized trail designation occurs near the river. Areas without trails inside the Area with Limitations are thus de facto closed to motor vehicle use regardless of ownership. Finally, although Coffee Pot Landing’s condition as a canoe/boating use site is not a part of this process, withdrawal of the ATV/OHM proposal will not affect the Department’s commitment to rehabilitate this and possibly other sites along the canoe/boating corridor. Implementation of the recommendations in the final plan represents an important departure from current conditions in the direction of greater resource protection and improved recreational quality.

See Response 10.8

Response 19.2 State Forests are roaded and accessible, and have traditionally hosted a mix of motorized and non-motorized recreational opportunities. The multiple use management policy does not require that all uses be allowed on every acre of forest land. It allows a mix of management schemes to be employed across the State Forest system. Imposition of solitude buffers is unworkable in such a mix land uses, where the size, shape, and irregular configuration of state forest lands, especially when other key infrastructure such as arterial roads and traditional travel routes are present. State parks, and other DNR management units such as Wildlife Management Areas, State Trails, and Scientific & Natural Areas, have different statutory management policies and provide better opportunities to achieve “solitude-type” experiences than in the typical state forest. For MHSF, it is noteworthy that Itasca State Park, which is located due south of the state forest, provides 32,000 acres of non-motorized recreational opportunity, many of which are situated such that a solitude-type experience can be achieved.

Response 19.3 It’s true that landscapes change over time as a function of human activity. Past actions may or may not remain perceptible, especially over longer time periods. This is especially apparent in forested coverts, where forest cover typically replaces forests cover in Minnesota. The type of forest cover may change, but it’s still forest (although younger). Although the Mississippi Headwaters State Forest is a “working forest,” it is recognized as containing a variety of high quality natural resources at present.

20. STATE PARK IMPACTS

Response 20.1 The statewide forest classification review and road/trail designation process does not apply to state parks. No change in status in motor vehicle use in Itasca State Park is proposed.

21. WILDLIFE IMPACTS

Response 21.1 The DNR agrees that wildlife habitat needs should be a priority in the statewide public access planning process. Minn. Rules part 6100.1950, subp. 2(B) requires the Department to consider “resource impact by motorized and non-motorized use, including erosion, rutting, and impacts on vegetation, wildlife, air water, or natural habitats. To ensure the necessary expertise is available, staff from the Divisions of Wildlife and Ecological Resources are assigned as core members of the DNR interdisciplinary teams. Teams also receive input from DNR Area Managers, who have first hand experience with the state forest lands themselves.

Response 21.2 The comment correctly notes that each species of wildlife has specific habitat requirements to sustain viable populations. It is also correct that habitat fragmentation and connectivity, especially when altered as a function of human activity, can reduce or even eliminate wildlife populations if minimum thresholds are not maintained.

The Department has not adopted a trail density standard or motorized buffer metric for state forest lands. That’s because uncertainty exists regarding the precise relationship between road/trail density and effects on terrestrial and/or aquatic ecosystems. A direct cause-effect relationship has not been established for most species; nor have threshold density values beyond which specific impacts can be anticipated. The effects of trail density on other forest dwellers, especially human visitors, are even less well understood. Teams can consider route density as part of the classification review and road/trail designation process; see 2007-08 DNR Directions Memo.

Response 21.3 Comment noted. The MHSF review is based on an inventory of routes that are already present on this landscape. Non-designated routes inside the Area with Limitations will no longer receive motor vehicle use under the Final Plan; the majority of these routes are located close to the Mississippi River corridor. These routes may or may not persist on the landscape depending on the amount of non-motor use they receive in the future. Another 14,480 acres will no longer be available for off-trail travel by ATVs under the big game hunting and trapping exceptions; this effectively limits opportunities for new routes to be created in this zone. In these respects trail density, to the degree it may have an effect on wildlife present in the MHSF, does not increase and may in fact decrease from current conditions under the Final Plan.

ROUTE-SPECIFIC COMMENTS

Response 22.1 Hubbard County has modified the status of both of the existing routes. Routes #2895 and 2831 are changed from MMR to non-designated route. Route 2893 is changed from MMR to non-designated route between 510th Street the junction with future route P39. The County also approves the recommendation for a new corridor connecting 1346 to 3439; it is numbered as Routes P39 and P40 on the final map.

Response 22.2 Route 3797 provides access to private land. This route does require repair. No change is provided at this time.

Response 22.3 Route 3834 provides important local access to High Bluffs. Consideration will be provided to better public access regulation at this location. No change is provided at this time.

Response 22.4 Beltrami County agrees that public access on 3756 beyond the short section crossing DNR land is not sustainable. DNR changes the proposed MMR to non-designated route; since it is in the Area with Limitations, it is not available for motor vehicle use. Beltrami County changes the segment south of DNR land to a Restricted Access Route

Response 22.5 Beltrami County agrees that additional measures are required at this location.

Response 22.6 Beltrami County agrees with the comment. Route 3803 is changed from an Access Route to a Restricted Access Route.

Response 22.7 Beltrami County will consider the comment regarding 3879. Both 3511 and the small spur to Mahnomen Lake are Restricted Access Routes. No change provided at this time.

Response 22.8 Beltrami County will consider the comment regarding 3890. No change is provided at this time.

Response 22.9 Route 3764 is sustainable. There is a spur off the short DNR ownership that crosses county land into private land. DNR and Beltrami County will cooperate to gate this route and provide private access by DNR permit. The Restricted Access Route status will stay.

Response 22.10 Beltrami County appreciates the thoughtful input. To further address concerns in the area, Route 3809 and a segment of 3801 are converted to Restricted Access Routes.

Response 22.11 Hubbard County agrees with the comment. Future maintenance will be considered over the coming field season.

Response 22.12 Route 2727 provides access to a historic hunting camp. The levels of use are expected to be sustainable. No change provided.

Response 22.13 Comment by Matt Norton, MCEA. Route #1163 is a non-designated route that occurs on both Clearwater County- and DNR-managed lands. Motor vehicle access is currently provided from the adjoining DNR parcel to the north. Future motor vehicle access will not be available to the public from the DNR parcel because of the limited classification and adopted Area with Limitations and hunter walking trail designations. Routes currently open will not be available once the classification and designations become effective on December 31, 2008. In addition, Clearwater County may consider expanding hunter walking trail opportunities at a future date. The easternmost segment on DNR Forestry-administered lands is not available to motor vehicle use by the public. No change provided.

Response 22.14 Comment by Matt Norton, MCEA. Route #2218 is a county-managed MMR non designated road that provides the public a means to reach a DNR-managed canoe and boating access. It will not be a MMR as provided in the Draft Plan.

Response 22.15 Comment by Matt Norton, MCEA. Route P22 is proposed for future consideration on Clearwater County-managed lands; it does not currently exist. It is no longer being considered.

Response 22.16 Comment by Matt Norton, MCEA. Route 1165 is a non-designated route Clearwater County-managed lands. Motor vehicle access is currently provided from the adjoining DNR parcel to the north. Future motor vehicle access will not be available to the public from the DNR parcel because of the limited classification and adopted Area with Limitations and hunter walking trail designations. Routes currently open will not be available once the classification and designations become effective on December 31, 2008. In addition, Clearwater County may consider expanding hunter walking trail opportunities at a future date. No change provided.

Response 22.17 Comment by Matt Norton, MCEA. Route 1166 is a non-designated route Clearwater County-managed lands. No designation is proposed. Use is expected to remain very low, mainly during the big game hunting season. No change provided.

Response 22.18 Comment by Matt Norton, MCEA. Route 4209 is a non-designated route inside an Area with Limitations. Motor vehicle use is not permitted. No ATV/OHM trail designation occurs at this location under the Final Plan.

Response 22.19 Comment by Matt Norton, MCEA. Route 1346 is now labeled P40; it is proposed future MMR to accommodate a reroute of motor vehicle traffic away from the Mississippi River. Hubbard County appreciates the notice of potential physical constraints in development of the new corridor.

Response 22.20 Comment by Matt Norton, MCEA. Route 2831 is a non-designated route in an Area with Limitations. It is closed to motor vehicle use.

Response 22.21 Comment by Matt Norton, MCEA. Route 2893 is an existing route that will junction with P39 at a future date. The route west of the P39 junction is proposed to be a non-designated route inside the Area with Limitations; it will be closed to all motor vehicle use. Hubbard County appreciates the factors raised by MCEA and will consider them in the future forest road management.

Response 22.22 Comment by Matt Norton, MCEA. Route 3834 is an existing route that provides important local access to High Bluffs. Consideration will be provided to better public access regulation at this location. No change is provided at this time.

Response 22.23 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3832. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.24 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3799. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.25 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on Route 3809. The county has changed the status of this trail from Access Route to Restricted Access Route.

Response 22.26 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on Route 3803. The county has changed the status of this trail from Access Route to Restricted Access Route.

Response 22.27 Comment by Matt Norton, MCEA. Route 1449 is a DNR Forestry-administered forest road. It is a graveled, well-maintained, system-type forest road that provides public access to Bear Den Landing. DNR appreciates the information on resource constraints for this forest road.

Response 22.28 Comment by Matt Norton, MCEA. Route 1447 is a DNR Forestry-administered forest road. It is a graveled, well-maintained, system-type forest road that provides public access to Bear Den Landing. DNR appreciates the information on resource constraints for this forest road.

Response 22.29 Comment by Matt Norton, MCEA. Route 1446 is a DNR Forestry-administered forest road. It is a graveled, well-maintained, system-type forest road that provides public access to Bear Den Landing. DNR appreciates the information on resource constraints for this forest road.

Response 22.30 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3761. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.31 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3764. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.32 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3766. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.33 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 1321. This route includes a spur that leads to DNR Forestry-administered land. The spur is a Restricted Access Route and the DNR portion is non-designated, thus not open to motor vehicle use. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan; the spur may be subject to future permanent closure as a Restricted Access Route. No change is provided at this time.

Response 22.34 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3792. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.35 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3784. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.36 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3879. This route includes a spur that leads to Mahnomen Lake; this spur is a Restricted Access Route. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.37 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3797. This route accesses private land and requires repair.

Response 22.38 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3777. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.39 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3754. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.40 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3881. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.41 Comment by Matt Norton, MCEA. Route 2717 is an existing route and is DNR Forestry-administered MMR that provides public access to land and water. It received a medium REAC score with riparian listed as the reason. Use levels are not expected to change and it is located within the designated Area with Limitations. DNR appreciates the information on resource constraints and will monitor this route. Management will be modified if needed.

Response 22.42 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3745. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.43 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3743. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.44 Comment by Matt Norton, MCEA. Route 903 is an existing route and is a non-designated route outside the Area with Limitations. This route provides historic hunting-related access. Under the limited classification, it will only be open to motor vehicle use under the big game hunting and trapping exceptions. DNR appreciates the information on resource constraints and will monitor this route.

Response 22.45 Comment by Matt Norton, MCEA. Route 893 is an existing route and is a non-designated route outside the Area with Limitations. This route provides historic hunting-related access. Under the limited classification, it will only be open to motor vehicle use under

the big game hunting and trapping exceptions. DNR appreciates the information on resource constraints and will monitor this route.

Response 22.46 Comment by Matt Norton, MCEA. Route 899 is an existing route and is a non-designated route outside the Area with Limitations. Under the limited classification, it will only be open to motor vehicle use under the big game hunting and trapping exceptions. DNR appreciates the information on resource constraints and will monitor this route.

Response 22.47 Comment by Matt Norton, MCEA. Route 892 is an existing route and is a non-designated route outside the Area with Limitations. This route provides historic hunting-related access. Under the limited classification, it will only be open to motor vehicle use under the big game hunting and trapping exceptions. DNR appreciates the information on resource constraints and will monitor this route.

Response 22.48 Comment by Matt Norton, MCEA. Route 888 is an existing route and is a non-designated route outside the Area with Limitations. Under the limited classification, it will only be open to motor vehicle use under the big game hunting and trapping exceptions. DNR appreciates the information on resource constraints and will monitor this route.

Response 22.49 Comment by Matt Norton, MCEA. Route 877 is an existing route and is a non-designated route outside the Area with Limitations. Under the limited classification, it will only be open to motor vehicle use under the big game hunting and trapping exceptions. The team noted it exhibited unsafe conditions. DNR appreciates the information on resource constraints and will monitor this route.

Response 22.50 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3731. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.51. Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3849. This route is a Restricted Access Route, thus it is generally unavailable for motor vehicle use. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.52 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3714. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.53 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3731. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.54 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3856. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.55 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3713. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.

Response 22.56 Comment by Matt Norton, MCEA. Beltrami County appreciates the information on resource constraints for Route 3870. The county will continue to refine its recommendations consistent with the adopted Recreational Trails Plan. No change is provided at this time.