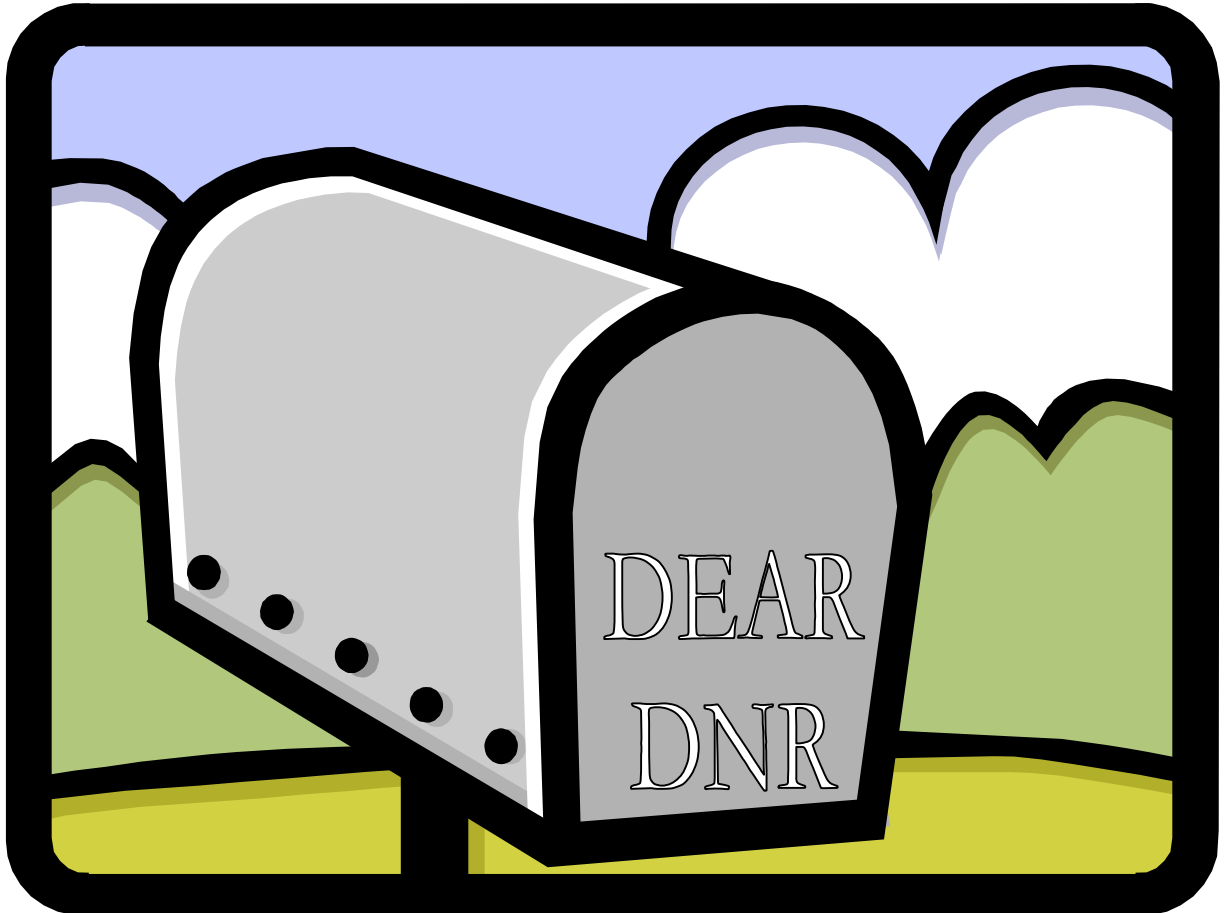


**Forest Classification & Route Designation Plan
for the
White Earth State Forest &
Scattered State Forest Lands
in Becker, Clearwater & Mahnomen Counties**

**Response to Comments
September 25, 2008**



Minnesota Department of Natural Resources

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Acknowledgements

The DNR West Central Forests Road & Trail Team gratefully acknowledges the contributions of the following individuals to the forest classification and road/trail designation process.

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West-Central Plan – White Earth

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BACKGROUND

Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167-169 (as amended in 2005 & 2007) requires the Commissioner of the Department of Natural Resources (DNR) to review the motor vehicle classification of all state forests and state forest lands by December 31, 2008. The Commissioner is to evaluate current forest classifications, on a forest-by-forest basis, according to criteria, public notice and public meeting requirements set forth in *Minnesota Rules Part 6100.1950*, and retain or modify this classification as appropriate.

Open Houses. The public process began with a series of five public ‘*Open Houses*’ held Sept. 25, 27 & 28 in Sebeka, Bemidji and the Town of Itasca, and on Oct. 3 & 5 in Pine Point and Naytahwaush, respectively. The purpose was to review the team’s draft planning maps and forest route inventory information, but also to develop a better sense for how people use state forest lands in the area.. Attendees were invited to share their own personal knowledge of historical use of state and county lands within the Planning Area. Planning process steps were explained to those who attended, including the public notice and review provisions of *Minn. Rules Part 6100.1950*.

Public Review & Public Meeting. The 60-day statutory review period for the Planning Team’s draft proposal began May 12, 2008 with legal notice in the *State Register (32 SR 2026)*, issuance of a statewide Press Release, and web-posting of the Draft Forest Classification & Route Designation Plan and associated maps at www.mndnr.gov. Paid legal notices were also placed in area newspapers, and a second DNR statewide press release was issued 21-days in advance of the July 15, 2008 public meeting in Mahnomen.

At the Mahnomen meeting, County Land Department representatives joined DNR staff in soliciting oral and written comments on the draft proposal. Comments collected at these meetings, along with those received via Email, facsimile and by U.S. Mail during the comment period which closed on July 25, 2008, were evaluated by the DNR Planning Team, and shared with cooperators. These public comments identified needed changes to the draft proposal and formed the basis for the Final Forest Classification & Route Designation Plan for the White Earth Unit which was approved by DNR Commissioner Mark Holsten on September 25, 2008. The Plan Effective Date is anticipated to be December 31, 2009.

Project Scope & Limitations. This plan covers the White Earth State Forest that is located in Becker, Clearwater, and Mahnomen Counties, and scattered forest lands under the authority of the Commissioner located *OUTSIDE* of State Forest boundaries in Becker, Clearwater, and Mahnomen Counties. In total, just less than 67,000 acres of state forest land, and about 125 miles of roads, trails, and non-designated routes were evaluated with respect to motor vehicle use.

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

The plan does NOT address Off-highway Vehicle (OHV) use of public road ditches or road rights-of-way, or operations on private lands, trails or roadways. Nothing in this plan is intended to endorse nor preclude any potential future grant-in-aid trail development proposals.

All inventoried state and county routes are depicted on planning maps. Informal, local-use routes, notably those located on private lands, were NOT inventoried nor depicted on final planning maps. County route data was incorporated to provide context and perspective. As cooperators in this process, County Land Department data and plans helped inform DNR decisions and fostered consistency across public lands.

Clearwater County has ‘*opted out*’ of the classification process and will instead use an ‘*open unless restricted*’ approach to OHV access. Becker County has not yet committed to a forest access plan or motorized use ‘*classification*’ for county administered forest lands. If no action is taken by the Becker County Board, county lands within the White Earth State Forest will become ‘*limited*’ by default, as a result of the DNR Commissioner’s action. Mahnomen County has very little county-administered land and has taken no action to adopt a county classification scheme, or to ‘*opt out*’ of that planned for DNR lands in the county.

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

Every effort was made to maintain existing vehicle access, subject to environmental constraints and land ownership considerations. The team sought to connect existing motor routes where possible, carefully weighing potential impacts, options and alternatives. They also attempted to physically separate conflicting recreational uses wherever possible by limiting motor vehicle use in some areas, and by designating both motorized and/or non-motorized recreational trails in other areas. This plan assumes that forest users are generally law-abiding and respectful of trail rules, regulations and posted signs. To presume otherwise is unwarranted and counter-productive.

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

COMPILATION OF COMMENTS

Written comments were received from a number of groups and individuals. *[For a complete listing, contact Brian McCann @ 651/259-5627].* Public comments were sorted and distributed to members of the DNR’s West-Central Planning Team for their evaluation and response. Copies of the comments were also shared with Becker, Clearwater and Mahnomen County Land Department Staff who assisted in evaluating the comments, and in addressing identified concerns.

RESPONSE TO TOPICS OF CONCERN

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

- **Forest Classification Preference**
- **Areas With Motor Vehicle Limitations**
- **Site Specific Comments & Suggestions**
- **Planning Process Questions & Comments**
- **Off-Highway Vehicle Program & Policy Comments**

Forest Classification Preference

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

DNR RESPONSE:. The DNR acknowledges these reviewers and appreciates their perspectives. The department will, however, move forward with its' plan to classify state lands as explained in the draft proposal. That is, all state lands within the Planning Unit will be classified as *'limited'*, except for identified areas which will be classified as *'closed'*. These newly *'closed'* areas are described in both the draft and final plans, and shown on Final Plan Maps for this planning unit.. These documents are available at www.mndnr.gov .

Reasons for adopting this management approach are outlined in the draft and final plans. Chief among these, is the need to foster regulatory consistency across the patchwork of state and county forest lands across West-Central Minnesota. Consistency, clarity and rider understanding of motor vehicle use rules is essential to fostering compliance with these regulations, and for effective field enforcement. This was a compelling factor in the department's decision to adopt the *'limited'* classification. This decision were reached in collaboration with county cooperators.

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

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

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

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

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

Areas With Motor Vehicle Limitations

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

DNR RESPONSE: Motor vehicle use restrictions are one means of fulfilling the department's responsibilities to protect biological values, and to provide a balance of motor and non-motor recreational

opportunities on state lands. Under this plan, two sites totaling 8,070 acres (state and county lands) will be designated as *'motor-limited'* with regard to motor vehicle use. In total, these areas cover less than 5% of the total area evaluated in this Planning Unit. They are discussed, in detail, in both the draft and final plans, and shown on all draft and final planning maps.

These are areas of mixed state/county forest lands which were selected based upon high biodiversity rankings, the absence of major roads or trails, unique and/or sensitive wildlife habitat, outstanding hydrologic features, and a history of non-motorized recreational use. Some are adjacent to existing (non-motorized) management units like DNR Wildlife Management Areas. Planning team members and cooperators agreed that each of these areas merits special protections from motorized use. .

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

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

COMMENT: Despite evidence that more people participate in non-motorized recreation than motorized activities, the DNR's plan does not provide enough non-motor trail miles for walkers and hikers.

DNR RESPONSE: The final plan for the White Earth Unit reclassifies the entire unit as either *'limited'* or *'closed'* as regards motor vehicle use. This represents a significant change in vehicle use rules, especially since this forest was previously classified as *'managed'*. About 8,000 acres was also designated as *'motor limited'* in an effort to further restrict vehicle use in certain sensitive areas. In addition, nearly 5 miles of existing (unsustainable) routes will be closed, and 11 miles of non-motorized trails have been newly designated.

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

Site Specific Comments & Suggestions

- **Tulaby Lake GIA Snow Trail** - A number of property owners in the Tulaby Lake Area voiced opposition to ATV use of the Tulaby Lake GIA Snowmobile Trail. This trail is located primarily on county administered lands, but also crosses state, tribal and private lands. It runs along a county forest system road grade. Although ATV use is permitted on the trail presently, there are no plans to officially designate this route for OHV use by DNR, the county or by Township Officials. ATV enforcement issues should be directed to the County and Township road authorities and local enforcement officials.
- **Many Point Lakes** (*Routes 685-686, 674, 677, 711*) – Criticism of the Team's recommendation to leave these routes 'non-designated', thus closed to summer ATV use, was received from area residents who frequent the routes. This decision was prompted by wetland issues, and the lack of vehicle access from the south creating potential trespass issues on private lands on which these trails

dead-end. Becker County Land Department representatives support this decision to leave routes in this area *'non-designated'*.

- **South Twin Lakes / Lynwood** – There is no proposal to close or designate any established ATV routes in this popular riding area.
- **Designation of North Country Hiking Trail** – Reviewers asked that DNR designate portions of the North Country Trail (NCT) in Becker and Clearwater Counties, and that short dead-end ‘spurs’ that parallel or link to the hiking trail - or to its’ proposed future trail alignment, be summarily closed. While the Planning Team did consider potential impacts to the NCT, the specific routes in question occur on mostly County Land. And, though there are no obvious environmental reasons to close these routes, their future status rests with Becker and Clearwater Counties, working in conjunction with Tribal Land Managers. In terms of DNR land management, non-designated routes remain *'closed unless posted open'* allowing only seasonal hunter/trapper access. Added vehicular controls are also possible in problem areas via signing, seasonal gating or temporary closures.
- **Minerva Trail** (*T145N R37W, Sec. 15*) – One reviewer asked that this route be kept open to regular ATV use. The route will remain *'non-designated'* within the *'limited'* forest, which means that hunters and trappers will still be able to use the route pursuant to *MS 84.926*, but recreational riders will not. This route will be seasonally gated to reduce conflict with established Hunter Walking Trails during the small game / grouse seasons. The gates will be opened for big-game hunting and retrieval.
- **Close Portions of the White Earth State Forest** (W. of Co. Rd 37 & So. Of Hwy 113) – One reviewer asked that portions of the White Earth State Forest be closed to *“all except local and tribal OHVs”* due to damage to wetlands, conflict with *'silent sports'*, and alleged wildlife habitat impacts. She called upon DNR to honor Township Resolutions to this effect reportedly enacted by North/South Round Lake, Eagle View, East and West Sugarbush Townships during March 2008 (*DNR did not receive copies of these resolutions*). The Final DNR Plan designates just 1.7 miles of OHV Trails in the White Earth, and closes over 60 miles of routes (on state lands) to recreational riding. These are routes formerly legal to ride. The Plan maintains hunter/trapper access to traditional areas, and provides for essential access to private property and hunting cabin lease sites (across state lands). The DNR also welcomes future Grant-In-Aid trail development requests in the forest. State land regulations will apply uniformly to all state forest visitors.
- **Lack of OHV Trail Designations** - A number of reviewers complained that many potential OHV routes were left non-designated, hence *'closed'* to summer-season recreational use. They see no good reason to restrict summer vehicle use, while allowing hunters and trappers to use these same routes in Fall/Winter. Critics encourage DNR to use OHV dedicated funds to repair, not close potential OHV routes. Team Members, however, are comfortable with their REAC rankings which guided route closures, and their assessment of that which constitutes a viable OHV recreational trail (designation) opportunity. These recommendations were carefully crafted in consultation with County Land Department and Tribal Land Managers.
- **Hunter Walking Trail Designations** – The Final Plan designates 11 miles of Hunter Walking Trails. These are pre-existing trails that have long been used by walking hunters. Some motorized users of newly designated non-motor trails object to the new vehicle use restrictions. They reason that the trails were originally constructed by locals for hunting, winter logging, snowmobiling, etc. and that vehicle use is already illegal on many other DNR Management Units (*e.g., SNA's, WMA's, State Parks*). They don't see the damage and fail to see the need for this added restriction. Winter-

only logging routes, however, were developed by DNR using a *'sibicultural exemption'* to the state's wetland rules that does not apply to recreational ATV use. ATV use was never legal on these routes.

- **Enforcement Issues** – A number of reports of OHV damage and/or enforcement issues surfaced during this review. These including reports pertaining to OHV activity on Tulaby Lake Drive, along Co. Road 4, on the Strawberry Mountain Trail, in the *'Buckboards'*, in the White Earth State Forest north of Highway 113, near the *'High Pines Resort'* and *Many Points South Camp*. There was also a reported trespass associated with the Sockeye Lake Trail. All of these have been forwarded to Area Forestry, Trails & Waterways and Enforcement Officers for investigation and follow-up.
- **Private Land Access** – In many cases, private property owners use public routes, or portions thereof, to access private parcels or county hunting cabin leases. Concerns were expressed regarding continued access to private properties, especially those located within vehicle-restricted areas. Private property access will be maintained via issuance of a (non-transferable) Special Access Permit to landowners on a case-by-case basis. The Plan purposefully avoids the designation of motor routes that dead-end at private property.
- **Financial Responsibility / Legal Liability for OHV Damage** – MN DNR bears responsibility for all costs associated with the planning, design, construction, operation, maintenance, monitoring of roads and trails (including grant-in-aid trails) on state forest lands. Enforcement of OHV regulations on state lands is also the department's responsibility. Regulation of OHV use of Township and County roads is the responsibility of the local road authority. Damages to private property may be eligible for reimbursement through the State's OHV Damage Account. See www.mndnr.gov for details.
- **Positive Signing / Vandalism** – The DNR agrees that positive signing is better received by forest users, and is less likely to be damaged or destroyed by vandals. Every effort will be made to employ positive messages when signing forest access and ingress points, trailheads, parking and day-use areas, public water accesses, etc.
- **Mapping Shortcomings** – The DNR acknowledges shortcomings in its' draft planning maps. These maps, never intended for navigation purposes, lack detail and may contain errors, omissions, duplicative or non-existent routes etc. Final visitor maps, and the data base which supports them, will be much improved as a result of public and agency review and revision.

COMMENT: The DNR must amend its' Draft White Earth Plan to include a full discussion of environmental impacts to soils, vegetation, water, wildlife, air quality and noise. You must also examine the ecological impact of the hunter/trapper exceptions.

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

COMMENT: Utilitarian activities are very important to many of us. For some, it is a matter of survival. Purely recreational riders, who ride just for fun on weekends, have no economic stake in this matter. Please consider the plight of those of us who hunt, trap, collect berries or mushrooms, maple syrup, etc. for a living.

DNR RESPONSE: While licensed hunters and trappers can continue to use OHVs across most of the planning unit without added restriction, summer season utilitarians will not be able to access (by vehicle) many of the remote areas that they may have traditionally used. Unfortunately, the *'limited'* classification does not allow for the use of non-designated routes other than that pursuant to *MS Ch. 84.926*. Contact your Area Forester to inquire about the possibility of obtaining a Special Use Permit to allow vehicle access for certain economic activities (e.g., *bough harvesting, cone collecting, leeching*).

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

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

The final plan closes about 2% of all inventoried routes on state and county-administered forest lands. This represents about 5 miles of *'unsustainable'* routes, currently legal to ride, that will no longer be open to vehicular use. That's a significant accomplishment.

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

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

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

DNR RESPONSE: All inventoried state and county forest routes are depicted on planning maps. Many informal, user-created routes, notably those located on private lands, were not inventoried nor depicted on DNR draft or final maps. County route data was also incorporated to provide context and perspective. As cooperators in this process, and as major landowners, county data and plans helped inform DNR decisions, and helped ensure consistency of regulation across public lands. No private land routes will be impacted by this plan, nor will they appear on published DNR visitor maps of the White Earth State Forest.

COMMENT: I suggest that the DNR research property titles in this area. Many of the lands were once privately-owned, then reverted to the County for tax-title. They are not state lands.

DNR RESPONSE: The DNR worked closely with Becker, Clearwater and Mahnom County land managers to review the 2003-04' access route inventory on state and county lands in the area. These routes were depicted on draft planning maps. Although there were initially some errors in the draft planning maps, the final maps are much improved as a result of this collaboration.

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

DNR RESPONSE: Unlike motorized forest users, non-motorized visitors will experience no net loss of trail mileage open to their use. In fact, 11 miles of hunter walking trails will be newly designated making these officially off-limits (year round) to motor vehicle use. In addition, many miles of inventoried state and county routes will be permanently closed to vehicle use all or most of the year, making these available for non-

motorized forest visitors. Two *'motor-limited'* areas were also created in order to protect sensitive resources and foster non-motorized recreation. Clearly, non-motorized forest visitors will benefit from these changes. Recreational ATV riders, on the other hand, will lose over 200 miles of routes currently legal to ride.

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

DNR RESPONSE: By designating Hunter Walking Trails, the Division of Fish & Wildlife has committed (staff and dollars) to sign and actively maintain this mileage specifically for non-motorized hunters. This added mileage is that which Area Wildlife Managers determined was most important to improve and maintain. Other routes in the forest, including nearly 90 miles of *non-designated* routes, will remain open to walking hunters who are willing to share these corridors with motorized users.

COMMENT: The DNR is trying to put too many users on the same trails. This won't work.

DNR RESPONSE: The final plan provides for a mix of motor and non-motor trails and use areas. Non-motor use is permitted on any route or trail, while motorized users are limited to designated roads and trails. Licensed hunters and trappers may seasonally use ATVs or HLVs on non-designated routes in the *'limited'* forest, and Class 1 ATVs may travel off-trail for big game retrieval pursuant to *MS Ch. 84.926*. Larger, heavier Class 2 ATVs may not travel off-trail. No cross-country travel is permitted on State or County forest lands. Rutting, erosion, damage to vegetation, or the creation of permanent unauthorized trails is also strictly prohibited. Non-designated routes may be closed if damage occurs pursuant to (legal) hunter/trapper use.

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

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

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

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

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

COMMENT: One reviewer noted that with route closures comes the need to trailer vehicles to trailheads, unload and then leave one's vehicle behind while riding. This can result in vandalism or theft from vehicles. She asks that strategic trail connections be provided enabling riders to access key routes without trailering.

DNR RESPONSE: The DNR acknowledges this concern, and has made every effort to provide meaningful trail connections across the Planning Unit. This was done in concert with County and Tribal land managers who also sought to accommodate OHV destination travel.

Planning Process Questions & Comments

COMMENT: One individual complained that the public comment period was insufficient, and that it should be re-opened and extended.

DNR RESPONSE: The 60-day statutory review period for the Planning Team's draft proposal began May 12, 2008 with legal notice in the *State Register* (32 SR 2026), issuance of a statewide Press Release, and web-posting of the Draft Forest Classification & Route Designation Plan and associated maps at www.mndnr.gov. Paid legal notices were also placed in area newspapers, and a second DNR statewide press release was issued 21-days in advance of the July 15, 2008 public meeting in Mahanomen. The DNR has fulfilled (or exceeded) all statutory requirements for public notice and public review of the draft plan for the White Earth Planning Unit (*per MR Part 6100.1950, Subp. 3*). The comment period closed July 25, 2008 and will not be re-opened or extended.

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

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

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

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

DNR RESPONSE: Route designation decisions were based upon existing conditions and current use. Route closure was indicated when the team's environmental evaluation turned up rutting or erosion issues, or when certain routes conflicted with resource management objectives. The potential for private property trespass, and/or conflict with other (non-motorized) forest users also frequently led to route closures.

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

DNR RESPONSE: The DNR finds this speculation unwarranted, and believes that recreational trail traffic will logically follow recreational trail designations. In Becker, Clearwater and Mahanomen Counties, where motorized use is well-established, few new miles of OHV trail are planned. Recreational riders will not be

drawn in large numbers from distant locations to ride primarily forest roads. The majority of use in the area is by local seasonal and year-round residents, and by big-game hunters in fall. At this point, there are no plans to display non-designated access routes on published visitor maps.

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

DNR RESPONSE: Motorized trails can be developed on *'limited'* state forest lands, but not on those classified as *'closed'* to vehicular use. The DNR welcomes future GIA trail proposals within the White Earth State Forest or on *'scattered'* state lands outside the forest in Becker, Clearwater or Mahnomen Counties.

COMMENT: The DNR should have presented a draft proposal that provided the necessary level of detail and specifics that one needs in order to comment intelligently. There was insufficient information shared with reviewers in order to address potential environmental impacts and effects associated with this proposal.

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

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

COMMENT: Several reviewers suggested conditional trail designations that apply only to local residents and tribal members – but not to those from outside the area. Also suggested were route designations that might apply only to *'utilitarian riders'* (like leechers), but not to *'recreational riders'* or other *'outsiders'*.

DNR RESPONSE: Upon its effective date, state land recommendations contained in the West-Central / White Earth Plan will apply equally to all forest users. There are no *'conditional'* designations. Licensed hunters and trappers do enjoy special seasonal vehicle access under state law, and Tribal Members also possess certain traditional hunting & gathering rights that apply to their use of motor vehicles on DNR Lands located within the White Earth Reservation.

COMMENT: State Lands in the White Earth State Forest and surrounding areas have been used and cared for by local residents for generations. Outsiders who use the forest in summer have less connection to the land than do local residents. Comments should be *'weighted'* in favor of those who have much more at stake here, and who pay substantial local property taxes.

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

The DNR does not agree that so-called *'outsiders'* are any more or less inclined to be good stewards of our natural resources than are local residents. State lands belong to all Minnesotans. We all share in this heritage and need to work together to keep the public estate healthy and productive.

COMMENT: One reviewer charged that the department had failed to acknowledge key data sources or list specific research citations. He contends that DNR had failed in its duty to realistically assess what designated trail use will look like under this plan for the White Earth State Forest.

DNR RESPONSE: This expedited process was conducted pursuant to *Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167-169 (as amended in 2005 & 2007)*. This directive prompted a complete state land route inventory and the review the motor vehicle classification of nearly 12,000 miles of inventoried routes spread across over 5 million acres inside and outside of 58 state forests. This exercise, due to be completed by December 31, 2008, has proven a massive undertaking.

Still, vehicle ‘*access plans*’ developed pursuant to this legislative charge are NOT comprehensive recreation plans, nor do they provide detailed land-use allocation recommendations for state forest lands. The focus here is on forest classification, per motor vehicle use, and on the designation of EXISTING roads and trails based upon their ability to sustain motor vehicle use.

As simply an existing route disposition exercise, no recreation research was undertaken on either a local or regional basis. More detailed recreational plans and projects will surely follow. The DNR thanks all who have participated in this useful dialogue, thereby helping to shape this plan for the White Earth State Forest.

OHV Program & Policy Comments

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

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

COMMENT: – Several reviewers suggested that OHV enforcement is inadequate.

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

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

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

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

COMMENT: Several individuals felt that plans to limit OHV access discriminate against the disabled.

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

COMMENT: One reviewer asks: "What makes you think that you can reign-in the proliferation of off-trail or cross-country travel by these machines which were, after all, intended to traverse all types of terrain?"

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

This plan presumes that forest users are, for the most part, law-abiding and respectful of trail rules, regulations and posted signs. Speculation to the contrary is unfounded and counter-productive. In the DNR's experience, riders are indeed drawn to established and maintained trails, even though their vehicles are capable of off-trail travel. Those who do venture off-trail illegally, whatever the reason, or those who knowingly or unknowingly trespass, cause rutting, erosion or damage to vegetation, will be subject to citation.

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

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

DNR RESPONSE: All ATV trails designated in this plan are open to both Class 1 & Class 2 ATVs. These routes will be signed accordingly and this will be noted on visitor maps. Class 2 ATVs may operate on both State Forest System and Minimum Maintenance Roads. They may also operate on the shoulder or extreme right-hand side of county and township roads, and city streets, unless otherwise restricted. Class 1 ATVs may

operate in the ditch and outside slope of state and county roads. OHMs, ORVs and Class 2 ATVs cannot be operated in ditches unless on a trail designated for that specific vehicle type. The State of Minnesota does not allow Class 1 ATV, OHM or ORV use (anywhere) upon the surface of public roadways.

A valid driver's license is required to operate anywhere it is legal to ride on road rights-of-way, or when crossing public roads, unless on a signed trail. See www.mndnr.gov for a complete listing of OHV registration and safety equipment requirements, and general operating regulations.

COMMENT: One reviewer alleged that the likelihood of invasive non-native species being spread is high (if OHV use is permitted). He feels that state lands should be closed to all but HLV use of Forest Roads.

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

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

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

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

COMMENT: One reviewer feels that the direct and indirect costs resulting from OHV use of state lands is enormous. He fears that some of these costs and unmet needs will fall on local taxpayers.

DNR RESPONSE: The DNR's OHV Management Program is funded by a combination of state general fund appropriations and appropriations from the dedicated OHV funding accounts. These accounts, funded from OHV registrations, licensing and unrefunded gas tax revenues, also support environmental review, monitoring and enforcement efforts. Legislative appropriations for these purposes are sufficient to carry out program responsibilities without reliance upon local tax or revenue sources. County and Township roads, however, are the responsibility of local road authorities. They may regulate OHV use of these roads and right-of-ways should they choose to do so.

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

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

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

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

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

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

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

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

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

DNR RESPONSE: The DNR’s 2008’ Forest Monitoring & Enforcement Plan assigns responsibility for specific aspects of forest road, trail and forest land monitoring, maintenance and enforcement. Upon the Plan Effective Date, the West-Central State Forests will be added to the growing list of focus forests that receive

added emphasis as visitors adapt to changes in classification and/or route designations. This increased scrutiny will continue until visitor compliance falls within acceptable levels. Copies of this plan are available by contacting the DNR.

COMMENT: Every year I suffer OHV damage to tree seedlings on my property within the White Earth State Forest, even though my land is clearly posted 'no trespassing'. The tracks point to ATVs. Why can't I get reimbursement from Minnesota's OHV Damage Account?

DNR RESPONSE: Persons wishing to file damage claims should go to www.mndnr.gov for more information about this program, including applications for damage reimbursement. An eligibility determination, including an on-site inspection, will be made within 60-days of receipt of the application.

COMMENT: One person suggested that instead of a big-game exemption (to allow ATV use by licensed hunters/trappers) that OHV use be banned completely during the big-game hunting season.

DNR RESPONSE: In 2007, the State Legislature directed the DNR Commissioner to establish legal seasons for OHV use, largely in an effort to remedy reported conflicts between recreational riders and big game hunters during the fall hunting season. This season will be in-place by Fall 2008.

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Rev. 25 Sept. 08