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September 12, 2006

Commissioner Gene Merriam

Minnesota Department of Natural Resources

500 Lafayette Road

St. Paul, Minnesota

Dear Commissioner Merriam:

I am writing on behalf of the members of the Minnesota Fish and Wildlife Employees Association to continue our dialogue on off-highway vehicles (OHV) issues. We see improvements regarding these issues and but also continuing serious problems. We are writing this letter both as follow-up from previous discussions with you, and in preparation for the Legislative session that begins in January.

I sincerely thank you for attending our Annual Meeting in 2005 and especially for meeting in Brainerd in 2005 with several wildlife managers to discuss internal handling of OHV trail issues. The participants were pleased with the meetings and with your thoughtful questions and responses.

The management of recreational OHV use, especially on Minnesota's public conservation lands and right-of-ways, remains a high priority issue for our organization. I have talked to a number of people since these meetings to obtain their opinions about OHV trail issues in Minnesota. The feelings are that the significant internal problems discussed at the 2005 Minnesota Fish and Wildlife Employees Association and the Brainerd managers meetings have been reduced. Thank you for your continuing efforts to resolve the problems and for the improved management of these issues. Nevertheless, we believe there are still major problems with management of recreational OHV use on the Minnesota landscape. It is imperative the Department of Natural Resources (DNR) fully engages with the current problems that beset OHV issues in Minnesota.

We feel we can speak with some authority on the topic of OHVs and their effects on public lands and right-of-ways and fisheries and wildlife resources. Our members and other current and retired employees from Fisheries and Wildlife and Ecological Services live and work in many communities statewide. They have professional and personal relationships with individuals in other states where there are also recreational OHV conflicts with conservation objectives.

Collectively, we have broad experience with Minnesota's and other states' natural resources, and the impacts to them. Finally, since we have roots in so many communities, we have a good idea what all the public is thinking and saying about these topics.

We believe the DNR is best suited for identifying problems, solutions, and for speaking frankly to the public and Legislature. Thorough research and communication will re-establish the credibility of the Department as stewards of our fish and wildlife resources and ecosystems.

We fully understand that the DNR operates under legislative direction concerning establishing OHV trails in Minnesota state forests, wildlife management areas (WMAs) and establishing grant-

in-aid (GIA) trails. However, there are many discretionary choices to be made within this framework. We have identified four major problem areas concerning OHV management in Minnesota.

1. Current Minnesota statutes regarding OHV policies are not protecting Minnesota natural resources. We are especially concerned that Minnesota places few limits on use in the northern part of the state with respect to all-terrain vehicle operation in state forests as well as the extensive operations within road rights-of-way. The related matter of attempts in some of the northern counties to convert drainage ditch grades in currently high value wildlife habitat areas (and even WMAs) into public roads and OHV routes without adequate review of impacts is also a serious concern. The silence of the Department regarding the serious problems, true costs, and difficulty of managing OHV recreation makes it difficult for the public to understand the problems, make informed decisions and insist that the Legislature change the statutes.
2. The "Managed" category for OHV travel in State Forests, i.e., OHV travel anywhere on existing trails unless they are posted closed, is difficult and costly to manage, and largely unenforceable. Exemptions for hunting and trapping are problematic and may lead to trail proliferation.
3. The Department of Natural Resources has not adequately explored the environmental impacts of OHVs. Consequently, although there has been significant progress, there is still not adequate consensus within the DNR about adverse environmental impacts.
4. We are concerned the Department is not doing enough communicating internally or with the general public about what is already known about the environmental impacts of OHVs and about what use rates and maintenance needs are ahead after trails are mapped and advertised nationally. We wish to have greater public leadership from the Department in describing these impacts to the public.

The OHV issue was discussed again at the 2006 annual meeting of our Association in February. We discussed how to communicate better with the public and with DNR staff about the seriousness of the environmental impacts of OHVs, and passed a resolution on these topics. It is enclosed as Attachment 1.

We believe there is opportunity for the Department to make great progress within the existing legislation. We have a number of specific suggestions that address problems and the items contained in our 2006 resolution. We believe our suggestions will help reduce the contentiousness over motorized recreation in Minnesota by, as you aptly mentioned during the 2005 Annual Meeting, improving the DNR's ability to obtain "the consent of the governed." They will help reduce impacts of OHVs while still carrying out Legislative policy.

You will note there are several references in these recommendations to preparing information and reports. These will be public information, and this is a deliberate recommendation from us. The OHV challenge to the maintenance and protection of natural resources is one of the most important issues to come along in a number of years in Minnesota. It is our opinion that those who pay our salaries deserve to hear from the resource professionals on this major natural resource management issue. The Minnesota Fish and Wildlife Employees Association recommends DNR implement the following actions.

1. Prepare a report to the Legislature that objectively analyzes the difficulties of managing the responsibilities given to the DNR in the existing legislation, referencing the other responsibilities in the DNR to protect natural resources, manage state lands, and coordinating with adjacent land managers (such as private, county, and federal lands). If the authority or funds for such a report is not currently found in the DNR, a request should be made to the Legislature for such authority and such funds for the 2007 session.

2. Avoid the use of the "managed" classification for OHV use in state forests until evidence is gathered that this can be accomplished efficiently and without continued damage, deterioration or proliferation of trails. The "Managed" classification for state forests places resource managers in a position of being reactive and negative in efforts to preserve resource values associated with non-motorized areas. This classification can result in extensive habitat damage through trail misuse (closed signs are readily removed), proliferation through exemptions, erosion, invasion of exotic species, and fragmentation of remaining blocks of undisturbed habitats. It is difficult to stay ahead of problems and effectively protect sensitive areas if ridership reaches critical levels. We believe the "Limited" classification—OHV travel on posted trails—fully meets OHV recreational needs, allows managers to be proactive in protecting other resource values and affirmative in providing recreational riding opportunities. The "Limited" classification is substantially more manageable and enforceable.
3. Prepare an interim review of the impacts of OHVs on fish and wildlife resources, ecosystems and habitats. The report should be suitable for public use and based on a literature review of up-to-date information. Those drafting the report should have an educational background in ecology, fisheries, or wildlife. After a report is prepared, it should be introduced to the public via public informational sessions in areas where OHV proposals have been common and specifically for OHV proposals for WMAs and other ecologically sensitive lands. Public comments should be solicited, and suggestions from the public on additional analysis should be welcomed. Data needs and other topics should be identified to be addressed a long-term study. The internal review necessary for the preparation of such a report will help in the continued effort to develop the needed internal consensus regarding impacts of OHVs.
4. Review impacts of establishing township roads on ditch spoil banks in sensitive riparian habitats on public conservation lands. We note that Minnesota Environmental Quality Board rules require an Environmental Assessment Worksheet for creation of a new road over a mile in length. Resolution of this issue on state WMAs and state forests should be accomplished carefully and publicly on a factual basis of proof that actual roads exist and that they are suitable for long term use as public roadways for motorized vehicles. Due regard must be given for other state laws and policies, and policies in other parts of the state, lest precedents be set that allows creation of essentially new roads through important habitats without adequate review or mitigation.
5. Provide projected traffic levels and anticipated additional trail requests for each trail/system proposal, whether they are GIA trails or trails on public lands. This is needed in order to adequately design trails to withstand projected traffic levels, provide for maintenance, and to determine levels of disturbance and impacts to wildlife species and habitats. The DNR did a study of OHV trail demands several years ago, and there are existing trails in other locations in the US and Canada where data on forecasted traffic levels can be obtained. This information is essential to determine potential impacts and is crucial information for resource managers and other landowners who must make decisions about permanent GIA trails proposed to cross their lands.
6. Request additional funds from the Legislature or shift existing funds from the existing OHV budgets to obtain data about: a) environmental impacts of existing uses, including cost of repairing such impacts; b) environmental impacts of trails as they become established (including illegal trails); c) an objective review of enforcement and maintenance needs; and d) an objective review of alternative riding opportunities, for example, should some of the uses currently being born by trails on state forests and other public lands be directed to dedicated scramble areas specifically suited to OHV recreation. This study will be highly significant given the geographic extent of ongoing and expanding damage to Minnesota's public lands; therefore, it will likely need a Legislative request.
7. Do the public relations necessary to prepare for turning down some trail proposals based on an inherent conflict with natural resource values. For example, last year we brought to your attention a GIA proposal that coincided with the Red Lake River corridor for over 12

- miles. Putting a motorized linear facility on top of an important linear ecological feature and canoe route is an inherent conflict. It should be made clear that there are some GIA proposals that will not be funded by the DNR, and this is a good example.
8. Increase Conservation Officer presence to insure adequate regulation and enforcement. Furthermore, objective data should be collected on the difficulty of enforcement, whether current enforcement equipment is adequate, and whether current penalties and enforcement techniques are functioning as an adequate deterrent.

Operating OHVs provides great enjoyment for many people, and a large part of this enjoyment comes from the inherent ability of the machines to go where other motorized vehicles cannot go. This use is causing environmental impacts that are difficult to regulate. However, the vast majority of users have no intention to harm the environment, nor are they indifferent to such impacts when they understand them as illustrated by efforts of some ATV clubs to self police and restore damage.

We believe current trends suggest an increasing proportion of trail users will be attracted to trails for strictly trail riding. This is one of the major observations of a large study of recreational impacts in the western United States. This study indicated serious consequences could result when users have little connection to the ecological value of these lands or connection to traditional uses such as hunting, fishing or other dispersed forms of outdoor recreation. The DNR will need different approaches to protecting natural resources if these trends prove accurate.

Please give me a call if you have any questions. The Minnesota Fish and Wildlife Employees Association looks forward to discussing these matters with you in other forums, and thank you in advance for considering our recommendations.

Sincerely,

Jeanine Vorland, President

Attachment

c: Dave Schad, Lee Pfanmuller, Forrest Boe

Attachment 1

A Resolution Regarding the Establishment of Recreational Use Areas for Off-Highway Vehicles

Whereas off-highway vehicles have the ability to traverse terrains previously unavailable for the operation of most vehicles.

Whereas the adverse environmental impacts of motorized vehicles and road and trails used for motorized vehicle traffic are well documented and understood in the ecological scientific community.

Whereas the obvious damage caused by the operation of off-highway vehicles, such as erosion and direct wetland encroachment is generally acknowledged, impacts from off-highway vehicles caused by disturbance, habitat loss, fragmentation of habitats, cumulative and cascading

impacts, zones of impact along trails, and seasonal impacts during sensitive times are not broadly understood or recognized by operators of off-highway vehicles and the general public.

Whereas the popular use of off-highway vehicle traffic is causing environmental impacts that are difficult to regulate.

Whereas the Department of Natural Resources is an important and highly regarded source of information about the environment and potential threats to Minnesota's natural resources.

Whereas the Department of Natural Resources operates under constitutional and legislative direction to conserve fish, wildlife, forest and water resources for present and future generations.

Whereas the Department of Natural Resources operates under legislative direction requiring regulation of the use of off-highway vehicles and requiring establishing off-highway vehicle trails in Minnesota State Forests and establishing Grant-in-Aid trails.

Whereas the Department of Natural Resource has many discretionary choices concerning the establishment of off-highway vehicle use areas and trails as well as the dissemination of information about potential environmental impacts of these decisions.

Whereas a determined effort devoted toward education about potential environmental impacts from off-highway vehicle uses is imperative for resource professionals to make appropriate choices regarding the siting of off-highway vehicle use areas that will provide for an adequate level of resource protection and be endorsed and supported by the general public.

Therefore be it resolved that the Fish and Wildlife Employees Association requests the Department of Natural Resources implement the following strategies to improve internal and external understanding the adverse impacts of off-highway vehicle operation:

1. Prepare an interim review of the adverse impacts of off-highway vehicles on the environment that is suitable for public use and is based on a literature review of up-to-date information. Those drafting the report should have an educational background in fisheries, wildlife, and ecology.
2. Include projected traffic levels and anticipated additional trail requests for each trail/system proposal, whether they are Grant-in-Aid trails or trails in state forests.
3. Request to the Legislature for additional funds to obtain data about environmental impacts of existing uses, monitoring impacts of trails as they become established, a general study of off-highway vehicle impacts, and an objective review of enforcement needs.

Implement public relations strategies necessary to prepare for turning down some trail proposals based on an inherent conflict with natural resource values.

LETTER FROM CONSERVATION GROUPS ON OHV'S

Re: Pressure for Township Roads Through State Wildlife Management Areas

Dear Commissioner Merriam and Messrs. Chad, Carroll, Simon, and Telander:

We have been following an effort to take control away from the Department of Natural Resources (DNR) over several routes through the Beaches Lake Wildlife Management Area (WMA). We are aware that Kittson County's desire is to establish the disputed routes as township roads. We understand the DNR for years has given trucks and ATVs access along some of these routes in

this WMA for deer retrieval purposes during deer season, but that due to recent ATV trespass and resource damage off the ditch routes and outside of deer season, wildlife staff in the field want to restrict ATV use in and through the WMA. We are concerned that a change in course by the DNR now, to give the County control over these routes as township roads, will increase ATV trespass in Beaches Lake WMA, encourage more demands in Kittson and other counties, and set a precedent in how DNR responds to demands for motorized access in and through State WMAs.

Generations of hunters and anglers have built and defended Minnesota's WMA system. WMAs are established for public hunting, and to protect lands and waters which have a high potential for wildlife production. WMAs must be managed consistent with perpetuating and reestablishing quality wildlife habitat for maximum production of a variety of wildlife species. Physical development on WMAs, which includes providing access to the WMA for public hunting, fishing, trapping, and for other compatible outdoor recreational uses, must minimize intrusion on the natural environment.

DNR provides truck access along ditch spoil banks inside the WMA, and DNR is obligated to manage that access to minimize intrusion on the natural environment. DNR's aim is to allow trucks and exclude ATVs, because ATV trespass, cross-country travel, and wetland damage have been occurring. These activities are inconsistent with WMA management of habitat for the maximum production of a variety of wildlife species. The County's stated intention – to establish the disputed routes as township roads, take control of these routes inside the WMA out of the DNR's hands, and allow all motorized traffic through the WMA – is not compatible with the purpose of the WMA because it will lead to increased ATV traffic, increased opportunities for ATV trespass and resource damage.

We oppose turning what are DNR-administered and managed routes in a State WMA into township roads, either by agreeing that they are township roads or by inviting the county to request easements for a new township road, without a clear showing of sufficient evidence to support the County's contention that the disputed routes are in fact township roads. DNR should not divest itself of authority to make motorized traffic management decisions necessary to protect habitat and natural resources on the WMA. We ask that you not give up management authority on routes where they pass through the WMA, unless you receive firm and specific documentation for each contested route that it is a township road rather than a DNR-administered drainage ditch spoil bank. We also ask that you make no decision leading to the establishment of township roads or County authority over disputed routes, without first discussing the matter with the community of Minnesota hunters and anglers who have fought to create and protect our WMAs.

Sincerely yours,

Lance Ness, President

for Fish & Wildlife Legislative Alliance

Chairman, WMA Acquisition Committee

Gordie Meyer, President

for Minnesota Conservation Federation

Tom Glines, Senior Regional Director

for National Wild Turkey Federation

Kevin Proescholdt

for Izaak Walton League of America – Midwest Office

Paul Becka, President

for Minnesota Bass Federation Nation

Brad Nylin, Director of Development

Bill Kemp, President of the Board

for Minnesota Waterfowl Association

Bill Henke, President

for Minnesota Division of the Izaak Walton League of America

Elliott Olson, Acting Chair

for Minnesota State Council of Trout Unlimited

Martha Brand, Executive Director

for Minnesota Center for Environmental Advocacy

Ralph Cinfio, Senior Regional Director

for Rocky Mountain Elk Foundation

Letter from Commissioner Merriam to MFWEA

February 24, 2006

To: Fish and Wildlife Employees Association Members

I wish that I could be there in Brainerd with you in person. Unfortunately, a schedule conflict prevented me from being able to accept your invitation this time.

These are exciting times for fish and wildlife in Minnesota.

First of all, we are so happy that Dave Schad accepted the promotion to become Director of the DNR's Fish and Wildlife Division. We are confident that he will do a great job of helping us all work together with our partners to advance the DNR's mission, serve the public and protect the resource.

Dave has risen through the Fish and Wildlife ranks, and we appreciate how you have

been supporting him already in his new role.

I will conclude with one request.

Please take a minute from time to time to ask yourself if there is anything more that we could all do to strengthen our connection to the people we serve. As individuals and as an agency, we should be responsive to the public. After all, we work for them as we conserve and enhance our natural resources. Please help us strengthen that connection to the public in your area.

And finally, thank you for all that you do to advance the DNR's mission.

Sincerely,

Gene Merriam

Letter from MFWEA regarding Division of Waters funding

February 10, 2006

*The Honorable Senator John Marty, Chair
Minnesota Senate Environment and Natural Resources Committee*

*The Honorable Dennis Ozment, Chair
Agriculture, Environment and Natural Resources Finance Committee*

*The Honorable Tom Hackbarth, Chair
Minnesota House of Representatives Environment and Natural Resources
Committee*

Dear Senator Marty, Representative Ozment, and Representative Hackbarth:

Our organization is pleased with the current attention being given to natural resources problems in Minnesota, and with the serious discussions about funding solutions. We are aware that a number of proposals, if enacted, will benefit fish, wildlife, and natural plant communities. Members of our organization who currently are employed look forward to their role in these efforts. This letter is to call your attention to a particular problem that our membership strongly believes should be addressed in these discussions. The problem is highly relevant to the protection of fish and wildlife habitat in Minnesota, but also is one that might be overlooked.

The problem is that there is a shortage of funding for field staff of the Division of Waters in the Department of Natural Resources (DNR). These individuals work closely with fish and wildlife staff on many day-to-day issues that result in protection and enhancement of habitat. Furthermore, these DNR staff are often the lead and primary contact with local units of government. Clearly, they

are the lead DNR personnel on shoreland regulations, and therefore directly work to protect important shoreline and offshore fish and wildlife habitat. In doing this work, they establish close working relationships with counties and municipalities. Their work with developers and those who need DNR permits--prior to permits being applied for--also helps in significantly reducing impacts to fish and wildlife habitat.

Often, the most important progress in protecting and enhancing fish and wildlife habitat is made at the local grass-roots and community level. This is where these DNR staff provides some of the most effective work. As just one small example of many of their valuable contributions to fish and wildlife habitat, in my part of the state (Northwest Minnesota), the Division of Waters recently set up a meeting between counties to allow them to compare notes and discuss with the DNR how improvements in existing shoreland regulations could protect valuable lakeshore habitat. Another example is their work with watershed districts all over the state. This sort of work is labor intensive but pays off greatly in the long run.

The membership of our organization consists of current and retired employees of the Division of Fish and Wildlife, and the Division of Ecological Services. We are an independent, external organization to the DNR. Please note that opinions and positions expressed by our organization are not the official opinions or positions of the DNR.

Last February at our annual meeting, a unanimous resolution was passed affirming the views expressed here, and giving the President direction to send this letter prior to the convening of the 2006 Legislative session. The support for this resolution comes from the experience of our members in observing the heavy work loads of Division of Waters staff, and their direct experience with the good work that this staff accomplishes. Our members feel this work is essential and is desired by the public. It is our consensus that, because of the staff shortage in the Division of Waters, we are missing important opportunities to protect and enhance fish and wildlife habitat.

We are aware that there are always competing needs for scarce public funds. However, we are also aware that the discussions and decisions to be made in the next several months may chart the course for the foreseeable future regarding natural resources in Minnesota. We ask that our views here be given careful consideration.

Thank you very much for your consideration of our views. Please give me a call if you have any questions.

Sincerely,

Paul Stolen, 2005-2006
President

*c: Governor Tim Pawlenty
Senator Tom Saxhaug
Senator Pat Pariseau
Representative David Dill
Representative Carlos Mariani
Gene Merriam*

*Mark Holsten
Kent Lokkesmoe
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