

## Minnesota Fish and Wildlife Employees Association

An independent association of Minnesota Division of Fish and Wildlife Professionals for the advancement of the conservation and management of fish and wildlife resources.

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 dialoguc 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 OIIV 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 OIIV use on the Minnesota landscape. It is imperative the Department of Natural Resources (DNR) fully engages with the current problems that beset OIIV 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 OIIV management in Minnesota.

1. Current Minnesota statutes regarding OIIV 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 OIIV 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 OIIV 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 OIIV 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 OIIVs, and passed a resolution on these topics. It is

enclosed as Attachment 1.

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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 OIIVs 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 OIIV 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 OIIV 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 OIIVs 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 OIIV 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.

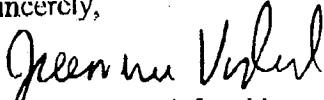
4. Review impacts of establishing township roads on ditch spoil banks in sensitive riparian habitats on public conservation lands. We note that Minnesota Environmental Quality Board rules require an Environmental Assessment Worksheet for creation of a new road over a mile in length. Resolution of this 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 Pfannmuller  
              Forrest Boc

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