

## Lessard-Sams Outdoor Heritage Council

**MEMO:** Agenda Item # 10

**DATE:** March 13, 2015

**SUBJECT:** ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 3b Mississippi Northwoods Habitat Complex Protection

**PRESENTERS:** Crow Wing County -

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### **Background:**

Crow Wing County has acquired the parcel known as Mississippi Northwoods and has completed the final report for the appropriation funded under ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 3b; that report is attached for your information.

There are two issues surrounding this acquisition for which the county will be providing an update to the council. The first is an issue presented to the council at its Sept. 20, 2013 meeting. Crow Wing County is considering proposing a change in the use and interest in 142 acres of the Mississippi River Northwoods acquisition along Minnesota Highway 210. The county would transfer the deed restriction to another county-managed property adjoining the Mississippi River and Northwoods property. **(This issue will be discussed at a later meeting of the LSOHC when Crow Wing County's Land Services Supervisor Kirk Titus can attend and present.)**

The second issue **(to be discussed today)** is a November 23, 2014 proposal presented to the county by the Cuyana Iron Range Riders ATV Club requesting designating a multi-use trail system on existing forest roads and trails. The county follows a process similar to one used by the DNR, the County Comprehensive Recreational Trails Plan, for such designations. The county is currently in second step (feasibility evaluation) of the process.

Both of these proposals may be subject to the procedures and criteria identified by Lessard Sams Outdoor Heritage Council for the change of use and replacement of interest and MS 2013, Ch. 97A.056, Sub. 15 and would be handled under the council's operating procedures, as described in Section I, D -8 Land Acquisition Restrictions – Council Process.

**Suggested Procedure:** Crow Wing County officials (Dan Listug and Jake Frie) to present on the status of the Mississippi Northwoods Habitat Complex project, the status of the ATV trail proposal and stand for questions.

**Also to present** are Mike Burton (Retired Ducks Unlimited staff), Gary Drotts (Retired DNR Wildlife Manager), and Greg Kvale (Retired DNR Forester).

**Attachments:** Final report, ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 3b  
Crow Wing County Land Services "Mississippi River Northwoods Project Management Summary"  
"Serious Concerns..." letter from Mike Burton, Gary Drotts and Greg Kvale  
The MN Chapter of The Wildlife Society Position Statement on OHV and Wildlife Impacts in MN

March 13, 2015

To: Lessard-Sams Outdoor Heritage Council

From: Greg Kvale, Mike Burton, and Gary Drotts (MRNW local project sponsors and Project Team members)

Subject: Serious concerns with proposed designation of an ATV trail system on OHF lands acquired through LSOHC's *Mississippi River Northwoods Habitat Complex* project.

As you will recall, a major fish and wildlife habitat protection effort was secured along the Mississippi River east of Brainerd in 2012/13 through the use of Outdoor Heritage funds. This project came about through a coalition of local and statewide fish, wildlife, and natural resource conservation groups as well as local natural resource professionals concerned about fish and wildlife habitat protection needs in the Brainerd lakes area. Spirit and intent of that concern is well documented in the choice of a title for that project (*Mississippi River Northwoods Habitat Complex*) as well as the significant amount of fish and wildlife justification placed in the project. While this project was controversial, primarily due to its large scale and cost, spirit and intent of overall habitat protection needs were well recognized as it was recommended for OHF funding by the LSOHC and subsequently approved by the Minnesota state legislature. Through numerous celebrations, project sponsors and citizens of Crow Wing County and Minnesota have recognized the significance of that effort and the outstanding example of a large scale habitat protection effort it set.

While the initial protection step of acquiring the property from Potlatch was successful, long-term habitat protection is now threatened by a proposal to designate an ATV trail system on this land. The basis for this concern can be broadly framed and further referenced through the attached Position Statement by Minnesota Chapter of The Wildlife Society titled **Off-Highway Vehicles and Wildlife Impacts in Minnesota** -3/22/07 (i.e. wildlife displacement, travel route barriers, reduced habitat effectiveness, habitat fragmentation, etc.). More specifically it can be framed with LSOHC's very own **Outdoor Heritage Fund 25-year Framework** where it notes in Table 22: Constraints to increasing Minnesota's conservation estate that the number one response/concern was "*Loss of functioning systems, fragmentation/degradation*".

Therefore, as three of the original project sponsors and Project Team members noted in the November 5<sup>th</sup>, 2012 Accomplishment Plan for this project we strongly feel that a 20+- mile designated ATV trail system on this property does not fit within spirit or intent of the constitutional amendment, OHF statute language, or the LSOHC project that was reviewed and funded. We would like to point out that the Accomplishment Plan for this project specifically notes under Stakeholder opposition/involvement (p. 5) that "*...input (will) continue to be used by a Project Team and funding/development desires by the DNR and Crow Wing County to frame an acquisition and management vision for this parcel.*" In addition we would like to formally state in this letter that the crucial step of creating a long-term

“management vision” for this property was not discussed with the designated Project Team, that the County unilaterally decided to put this property in with all their other County lands, and to classify access as “managed” (open for any/all motorized uses).

To secure long-term habitat protection needs for this property at this point it is critical that the LSOHC reiterate to Crow Wing County that an agreed to “management vision” must be discussed and secured with the Project Team for access use(s) and density as outlined in the Accomplishment Plan. This agreed to management vision then helps to set an access classification for the property, serves to designate appropriate use for all current road and trail segments, and defines appropriate future trail uses (e.g. single corridor trail crossings).

Together we have all accomplished a great habitat protection effort and one that can still be a shining example of the collaborative effort that created this project. Attention to detail of the constitutional amendment, OHF statute language, project intent, and related fund restriction language placed within the deed for this property can still get us there.

Your partners in fish, wildlife and related habitat protection efforts,

Greg Kvale

Project Co-sponsor & Project Team member (Anglers for Habitat, retired DNR Forester, Minnesota Outdoor Heritage Alliance)

Mike Burton

Project Co-sponsor & Project Team member (retired Ducks Unlimited staff)

Gary Drotts

Project Team member (retired DNR Area Wildlife Manager, member of numerous state and local wildlife organizations)

Attachment:

Off-Highway Vehicles and Wildlife Impacts in Minnesota: Position statement by the Minnesota Chapter of The Wildlife Society, 3/22/07

C: Tom Landwehr, Commissioner, Minnesota Department of Natural Resources



## **Crow Wing County Land Services Mississippi River Northwoods Project Management Summary:**

Crow Wing County has been managing forest lands for the past 66 years when the original Tax Forfeit Land Department was created in 1945. Currently, the Land Services Department has management responsibilities for over 103,000 acres of forest land and operates in three distinctive program areas of forest management, recreation management and land asset management.

### **Forest Management and Certification**

The Mississippi River Northwoods (MRNW) parcel will be managed by professional foresters according to the Forest Management Plan for the Tax Forfeited Lands of Crow Wing County. The plan is a working document designed to guide direct day to day management actions on the forested land base.

The MRNW parcel strategically aligns with goals identified in the Forest Management Plan for the Tax Forfeited Lands of Crow Wing County (page 77) to:

- Expand and enhance the land base through targeted acquisition and exchange
- Consolidate ownership into larger tracts,
- Secure critical resource areas (ex. Riparian Zones)
- Obtain higher quality and more productive lands
- Create large contiguous tracts of Public ownership
  - where larger land blocks contribute to proper forest management,
  - where watershed management concerns are especially vital
  - where recreational opportunities can be enhanced

In addition, the MRNW parcel will be incorporated into the County's Sustainable Forestry Management System and become dual certified to the environmental standards established by the world's two leading independent certification entities, the Sustainable Forestry Initiative (SFI) and the Forest Stewardship Council™ (FSC®). This certification is verified annually through independent third-party audits and validates that county forest lands are sustainably managed and will continue to provide multiple benefits for future generations.

By recognizing standards of excellence in management practices, Forest Certification is important to maintaining and expanding markets for locally grown wood, as demand for products harvested in an environmentally responsible way is increasingly required by the marketplace.

### **Minnesota Counties Sustainable Forestry Cooperative**

The County's effort to achieve forest certification began in 2005. At that time, Crow Wing County joined with four other area counties – Beltrami, Clearwater, Koochiching and Carlton – to create a one-of-a-kind county cooperative to achieve certification. This innovative cooperative arrangement has increased efficiencies, allowed for the sharing of best practices and meant lower costs for each county to implement the rigorous third-party certification process. There is no other example in the world of five counties joining together to achieve certification.

## **Recreation Management**

Crow Wing County managed lands offer many diverse recreational opportunities to explore forested lands, lakes and streams. The County manages 12 public lake accesses, three designated ATV trails and three multipurpose trails for cross country skiing, hiking, biking and horseback riding. There are also ten designated non-motorized hunter-hiking trails.

The County has developed a Comprehensive Recreation Trails Plan. The purpose of the plan is to identify and classify opportunities to provide outdoor trail-based recreation, while meeting the forest management goals. The plan focuses on the recreation trails and facilities under the direct management of the County. Components of the plan include establishing a trail proposal and planning process, activities for trail monitoring and enforcement, evaluation criteria for trail review, and strategies for improved trail linkages. The plan aims to ensure that Crow Wing County is able to meet and manage recreation opportunities while maintaining the other forest benefits and services that residents and visitors value. The plan was approved by the Crow Wing County Board on February 14 2012.

## **Land Asset Management**

The County promotes no net loss of the amount of land within the tax forfeited land base. This is commonly achieved through land exchanges and sales, acquisitions or partition actions. A Tax Forfeited Land Sale is held each year and offers for sale parcels designated as non conservation. Like the revenues generated from the sale of timber, revenues from the land sale support operations, while surplus dollars are distributed throughout the county to the cities, townships and school districts. Other Land Asset Management program areas include easements, leases, donations, repurchases and special use deeds.

## **Lands and Forestry Advisory Committee**

The Crow Wing County Lands and Forestry Advisory Committee consists of two County Commissioners, eight local citizens, four land resource professionals and the County Auditor-Treasurer. The committee meets on a quarterly basis and its' purpose is to advise, consult with or make recommendations to the Crow Wing County Board of Commissioners on matters relating to the development, maintenance, management and utilization of the forest and related resources on tax forfeited and other lands of Crow Wing County.

The committee is to be sensitive to any adverse environmental impacts as a result of the county's management efforts and assure compliance with existing guidelines and standards required by state law or settlement agreement and promote a healthy productive and sustainable forest industry. The committee will release a public report at least annually documenting compliance with existing guidelines and standards required by state law or settlement agreement.

## **Implementation Projects**

Certain initial project work is required to implement the MRNW parcel into the County's sustainable forest management system. The projects include:

- Forest Inventory
- Inventory and Map Native Plant Communities to the Ecological Classifications
- GPS Roads and Trails
- Classify Roads and Trails

- Close spur roads and trails-Signage
- Road Maintenance
- Reclaim gravel pit.
- GIS Mapping and Data Entry: Digitize stand boundaries, forest, road and native plant community inventory, forest and road inventory.

The costs for the implementation of these projects are estimated at \$37,000, while the ongoing annual management costs will be \$14,000.

### **Projected Harvest Plan**

The projected harvest plan is based on the best available forest cover type data at this time and projects the current inventory to maturity and final harvest. The revenues are estimates only and cannot be construed as a guarantee or a limitation.

Several assumptions have been made to calculate the data. Rotation ages were selected from the Forest Management Plan for the Tax Forfeit Lands of Crow Wing County. Stumpage rates are based on 2011 prices and the harvest plan assumes forest product markets do not change over time. The projected harvest acres and volumes will vary depending on reserve acres (up to 5%), and if threatened and endangered species and cultural and historical sites are present.

Currently, there are approximately 325 timbered acres containing mature aspen, birch and jack pine that may be harvested within 1-3 years after acquisition. The estimated short term revenues are nearly \$200,000.

Average annual timber revenues are estimated at \$16,000 annually over the next 75 years.

### **Land Exchange**

Crow Wing County managed forest lands fall into two classifications

- Tax Forfeit: owned by the state, managed by the county
- Fee Ownership: Completed and Absolute Ownership

Step 1: Exchange the Tax Forfeit status of the 104 acre parcel north of the river with a fee parcel in Timothy Township, acquired from the University of MN. (1520 acres acquired from U of MN in 2001-Currently in year 11 of a 20 year contract for deed).

Step 2: Transfer the Lessard deed restriction from the Potlatch 142 acres along HWY 210 to the 104 acre county parcel north of the river.

The Potlatch 142 acre parcel along 210 goes to County Fee ownership for economic development with no Lessard deed restrictions.

The Lessard deed restrictions are applied to the now county fee, (formerly Tax Forfeit parcel) 104 acre parcel north of the river. The above transaction is PILT neutral.

**Summary**

The Lessard Sams Outdoor Heritage Council is clear that access for hunting and fishing is the priority for acquired lands and project funding must have a component to protect, enhance or restore habitat for hunting and fishing. Crow Wing County has the available resources to effectively manage the MRNW parcel for multiple uses. The property is a natural fit since the County is managing similar lands to both the east and west. The property will be incorporated in the County's Sustainable Forestry Management System and become third party certified. By doing so, the County will ensure sustainable forestry practices are conducted and continue to provide multiple benefits including wildlife habitat, clean water, wood products, jobs and great recreation opportunities.

KT 2-15-12



**Position Statement of the  
Minnesota Chapter of The Wildlife Society  
3/22/07**

**Off-Highway Vehicles and Wildlife Impacts in Minnesota**

The Minnesota Chapter of The Wildlife Society recognizes the popularity of off-highway vehicles (OHV's<sup>1</sup>) in the state. We also believe that managed use of OHV's for work and recreation--including use for hunting and management purposes--can be supported, as long as that use occurs with full consideration of the potential for OHV use to have a negative impact on wildlife, wildlife habitat, and wildlife-oriented recreation.

MN TWS believes that sufficient evidence exists to be concerned about the potential for negative impacts on wildlife and wildlife habitat due to current OHV riding in the state.<sup>2 345</sup>

We also are aware of evidence suggesting that the presence of OHV trails can often be incompatible with many traditional forms of outdoor recreation in the state, including wildlife-oriented recreation.<sup>6</sup>

MN TWS has watched as Minnesota's legislators and land managers have grappled with the rising popularity of OHV's and the complex issues they present, and we acknowledge that some progress to incorporate wildlife concerns has been made in recent years.

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<sup>1</sup> OHV's include all-terrain vehicles, off-highway motorcycles, and off-road vehicles

<sup>2</sup> Joslin, G., and H. Youmans, coordinators. 1999. Effects of recreation on Rocky Mountain wildlife: A Review for Montana. Committee on Effects of Recreation on Wildlife, Montana Chapter of the Wildlife Society.

<sup>3</sup> Stokowski , P.A.and C. B. LaPointe. 2000. Environmental and Social Effects of ATVs and ORVs: An Annotated Bibliography and Research Assessment. School of Natural Resources, University of Vermont. 31 p.

<sup>4</sup> Taylor, Richard B. 2006. The Effects of Off-Road Vehicles on Ecosystems. Texas Parks and Wildlife P.O. Box 207, Uvalde, TX 78802 12p.

<sup>5</sup> Ministry of Water, Land and Air Protection. 2002. Interim Wildlife Guidelines for Commercial Backcountry Recreation in British Columbia. British Columbia Ministry of Water, Land, and Air Protection, Victoria British Columbia, Canada.

<sup>6</sup>Wisconsin Department of Natural Resources. 2005. Compatibility and Conflict in Wisconsin Outdoor Recreation. Pages 4-1 to 4-13 in The 2005-2010 Wisconsin Statewide Comprehensive Outdoor Recreation Plan : SCORP/ Wisconsin. WI Gov. Pub. NAT.1/6:R 27/2010



However, MN TWS remains concerned that negative impacts of OHV use on wildlife, wildlife habitat, and wildlife-oriented recreation are still not being adequately acknowledged and mitigation needs are not being fully addressed in OHV trail location decisions or by those responsible for OHV regulation and management in the state.

To remedy this situation, MN TWS believes the following must occur:

- 1) Require that *all* public land OHV trails be managed under a “closed to motorized use unless posted open” policy (e.g. the MN DNR “limited” classification), with trail systems sited, designed, and signed in a manner that allows for sustainable use. Current practice often leads to a confusing mix of policies as OHV riders travel between public lands that are managed differently (e.g. from managed state forest lands onto federal forest lands, or from open county lands onto limited state lands), which greatly complicates enforcement efforts.
- 2) Where resource protection needs are impacted by OHV trail riding impacts, those trails should be closed to OHV’s unless solutions allowing sustainable use can be found.
- 3) Allow for full consideration of direct (e.g. collision-induced mortality, increased hunting mortality, poaching mortality, displacement, nest disruption, abandonment of offspring, migration or travel route barriers,) *and* indirect (e.g. reduced reproductive success, habitat destruction, reduced habitat effectiveness, habitat fragmentation, spread of exotic species) wildlife impacts during trail siting decisions.
- 4) Additional staff and funding for ongoing research and monitoring of OHV riding impacts on wildlife, wildlife habitat, and wildlife-oriented recreation in Minnesota are essential, and results of such research and monitoring should be used in OHV trail management decisions and regulation. MN TWS is particularly concerned by reports that the best professional judgment of resource professionals during trail siting and management decisions is being discounted due to lack of direct evidence of current problems and/or lack of regionally specific research.
- 5) To fully assess potential for wildlife impacts due to OHV trails, the cumulative impact of all roads and trails (e.g. road/trail density analysis) and off-trail impacts must be considered. MN TWS is concerned that current OHV impact review processes focus primarily on impacts added via OHV trails, while neglecting cumulative impact analysis of all roads and trails.
- 6) Enforcement officers should be provided with more tools for enforcement of riding within road rights of way. Seasonal restrictions on riding within road rights of way to protect nesting wildlife currently apply only in the agricultural portion of the state, and should be extended statewide. Seasonal right of way restriction enforcement efforts are also hampered by exemptions to the law. A restriction requiring that roadside riding occur only on the shoulder of selected, mapped and signed roads—as occurs in portions of Wisconsin—would help mitigate many right of way impacts.

- 7) Increase funding for OHV enforcement efforts and additional dedicated OHV enforcement officers without utilizing state Game and Fish funds. MN TWS is concerned that traditional fish and wildlife enforcement efforts are suffering due to an increased OHV enforcement workload, and believes that state Game and Fish funds should not be spent on OHV enforcement efforts which are not directly related to hunting or fishing.
- 8) The placement of “mudder” truck or aggressive riding “challenge area” OHV trails should be restricted to lands specifically acquired and designed to prevent off-site impacts. The impact of such trails on wildlife and potential for displacement of traditional wildlife-oriented recreation make them a poor fit for siting on existing public lands with a history of multiple use. Similar restrictions on use of the larger, more powerful and heavier atv’s may become necessary as their popularity grows and the difference narrows between their impact and those of mudder trucks.
- 9) The ability to drive OHV’s within wetlands subject to the Wetland Conservation Act<sup>7</sup> in a manner that causes damage to those wetlands should be restricted on public lands. Current law allows for wetland damage below a defined “de-minimus” exemption, which starts at 400 square feet and can rise in counties which retain more than 80% of their historical wetlands.
- 10) Restore the requirement for mandatory Environmental Assessment Worksheets (EAW’s) for OHV system plans. This was recommended in a 2003 legislative audit of OHV fund expenditures and was in effect at one time, but was removed through subsequent legislation.
- 11) Physical developments (e.g. roads, trails, and ditch banks) on state Wildlife Management Areas (WMA’s), Scientific and Natural Areas (SNA’s), and state parks should be managed consistent with statutory requirements<sup>8</sup> (e.g. statutory requirements to manage WMA habitat “for maximum production of a variety of wildlife species”, and that physical improvements “shall be developed so as to minimize intrusion on the natural environment”).
- 12) Take the following actions to address problems created by the current hunting and trapping exemptions for OHV travel off of designated trails: a) efforts to tighten regulations to prevent abuse of the exemption by non-hunters and non-trappers; b) actively monitor the extent of negative impacts created by the exemption, (e.g. habitat degradation, the effect on “trail creep” or unauthorized trail creation, the extent to which the exemption contributes to other problems such as illegal permanent deer stand creation); and c) based on monitoring results, consider changes to the exemption (such as limiting the exemption to big game retrieval only).

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<sup>7</sup> see MS Chapter 103G.2241

<sup>8</sup> see MS Chapter 86A.05

## **Addendum 1:**

The Minnesota Chapter of The Wildlife Society (MN TWS) is a professional organization of biologists dedicated to the sustainable management of wildlife resources and their habitats. The Wildlife Society is an international, non-profit, scientific and educational organization serving and representing wildlife professionals in all areas of wildlife conservation and resource management.

MN TWS subscribes to the objectives set forth by the parent organization of The Wildlife Society, which are to:

- Develop and promote sound stewardship of wildlife resources and of the environments upon which wildlife and humans depend;
- Undertake an active role in preventing human-induced environmental degradation;
- Increase awareness and appreciation of wildlife values; and
- Seek the highest standards in all activities of the wildlife profession.

The Minnesota Chapter objectives are to:

- Manage wildlife resources on a sound biological basis that benefits ecosystems and people; and
- Encourage the highest possible professional standards in those working with wildlife resources.

More information about the Minnesota Chapter of the Wildlife Society can be found on our website, including chapter contacts: <http://www.umcrookston.edu/tws/mn/>