

**CONSOLIDATED CONSERVATION
[CON-CON]
LANDS
LEGISLATIVE REPORT**

JANUARY 15, 2003

Submitted by

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INTRODUCTION

This report contains a history of Minnesota's Consolidated Conservation lands and a summary of the steps that have been taken by the Department of Natural Resources, local government officials and citizens in a collective effort to identify at least 90 miles of All-Terrain Vehicle trails in accordance with Senate File 2125 (Chapter 353, 2002 Statutes).

HISTORY OF CON-CON LANDS

Consolidated Conservation lands, commonly called "Con-Con" lands, are state-owned property held in the public trust specifically for conservation purposes. The Minnesota Department of Natural Resources has been given the responsibility by law to manage these lands for the public. These lands have a long history that is best described in the following time frames.

Late 1800s to 1929: Nearly two million acres, primarily peat land "bog" areas, in seven northern Minnesota counties, were ditched and drained in an attempt to convert them to productive agricultural lands--including parts of Aitkin, Beltrami, Koochiching, Lake of the Woods, Mahnomen, Marshall, and Roseau counties. Construction of the ditch systems was funded by "ditch bonds" issued by the counties, and paid for by the issuance of "ditch liens" on private lands. Most of the lands were sold to immigrants anxious to start new lives farming in northern Minnesota.

Late 1920s and early 1930s: Much of the land proved unsuitable for agriculture, and, by 1929 and the early 1930s, most of the farms failed and millions of acres went tax-forfeit because of unpaid ditch liens on the land. The farmers/landowners could not pay the liens or their property taxes and the counties were in imminent danger of defaulting on the ditch bonds and going bankrupt. Some of the lands were sold to private individuals, and some of those lands went tax forfeit again and were sold again. Eventually, the State Legislature intervened and agreed to pay off the ditch liens and bonds in exchange for clear title to the lands. Management of the remaining lands, about 1.9 million acres, was turned over to the Department of Conservation (DoC), which later became the Department of Natural Resources (DNR). There were three separate Legislative acts that paid off the bonds and transferred ownership to the state. Income from the lands (primarily timber sales and agricultural and gravel leases) is shared by the state and the respective counties and "consolidated" into one fund--hence the name Consolidated-Conservation or "Con-Con" lands.

Late 1930s to Mid-1980s: The DoC and DNR continued to manage the lands and designated most of the parcels into specific management units, primarily either state forests or wildlife management areas (WMA). The counties requested that certain of these lands be sold. The DoC responded by selling lands that met agricultural lands criteria. By the mid 1980s, about 400,000 acres of Con-Con lands had been sold, primarily for agricultural use, to private individuals.

1960s to 1991: A number of formal designations were made of these acres. Notably, retiring DNR commissioner Joe Alexander signed an executive order in January 1991 designating approximately 102,000 acres of undesignated Con-Con lands in Marshall, Roseau, and northern Beltrami counties into WMA status. These became known as the "Alexander Lands," or the "1991 Order lands." The lands were managed as WMA lands from 1991 until August of 1999.

1999: Outgoing DNR commissioner Rod Sando signed an executive order designating another 187,000 acres of undesignated Con-Con lands into WMA status. During a subsequent public review process, these became known as the "Sando Lands" or the "1999 Order lands." Sando's order was subsequently suspended by interim commissioner Ray Hitchcock to allow for a public review of the designation. In August 1999, the Attorney General's Office determined that the WMA designation of the 1991 Order Lands in commissioner Alexander's order required Legislative approval, and WMA rules were also suspended on the 1991 Order Lands.

2000: After a series of public meetings in 1999, and discussions with local officials, the DNR made recommendations on thousands of individual land parcels from the 1999 Order Lands--a total of approximately 260,000 acres in five of the Con-Con counties--to be designated into management units, primarily state forests and WMA. The 2000 Minnesota Legislature passed a comprehensive bill approving all of those Con-Con designations. That same piece of legislation allowed county commissioners in Beltrami, Marshall, and Roseau counties to request a similar DNR review of the 1991 Alexander Con-Con designations; and all three counties passed resolutions to do so by the June 30, 2000 deadline. Since one of the major issues identified in the 1999 review process was access for all-terrain vehicle (ATV) use in the WMA Con-Con lands, the legislation also mandated that the DNR work with county government and citizen representatives of both motorized and non-motorized recreational user groups to identify potential ATV trails in "existing corridors of disturbance" in the 1991 Order Lands and other WMA Con-Con acreage designated since 1986 in northwest Minnesota. The legislation set a deadline of January 15, 2003 to establish the ATV trails

2001: The Public Review process in 2000 resulted in a DNR recommendation to the legislature to formally designate all of the 1991 Order Lands to WMA status. The legislature failed to act on the recommendation during the 2001 legislative session. The ATV-access work teams that were established as a result of the 2000 law continued their work into 2001.

2002: The Minnesota Senate and House of Representatives passed identical bills, which designated the 1991 Order Lands to WMA status. The Legislation also extended the ATV trail designation deadline to January 15, 2004, requiring at least 90 miles of ATV trails on or adjacent to the WMA acres in this legislation as well as the approximately 141,000

acres of WMA lands designated since 1986. Governor Jesse Ventura signed the bill into law on May 1, 2002.

After nearly 70 years of sometime contentious debate about the fate of these lands, the final acres of Con-Con lands have been formally acted upon and can now be managed for the benefit of all, both human and wild.

2002 ATV/WMA LEGISLATION

On May 1, 2002, Governor Jesse Ventura signed Senate File 2125 [Chapter 353, 2002 Statutes] into law. This law, in part states that:

Subd. 3. **All-terrain vehicle travel within designated wildlife management areas.** (a) On lands acquired by the state under chapter 84A that are designated after January 1, 1986, as wildlife management areas, the commissioner shall, by January 15, 2004, identify, designate, and sign at least 90 miles of all-terrain vehicle trails, not including public roads that are maintained and open to travel by other noncommercial vehicles, in corridors of disturbance that:

(1) the commissioner determines are appropriate to connect trails, forest roads established under section [89.71](#), subdivision 1, and public highways to provide reasonable travel for all-terrain vehicles; or

(2) are areas of historic all-terrain vehicle use, including trails that end within a wildlife management area.

The designated trails must be either within or contiguous to the wildlife management areas. The commissioner shall consult with wildlife management area users, including both motorized and non-motorized trail users, in identifying and designating trails under this paragraph. Trail establishment must be in compliance with other state and federal law. Local governments and other trail sponsors may propose the designation of trails, including the designation as a grant-in-aid trail for the purposes of funding under section 84.927, subdivision 2.

The law also required a legislative report by Jan. 15, 2003, and a second report by January 15, 2004, to the Senate and House policy and finance committees. The reports shall include status reports on: 1.) progress toward meeting the required trail mileage in Minnesota Statutes, section 97A.133, subdivision 3, paragraph (a); and 2.) an update of the activities of each of the working groups established in paragraph (a), including a description of all trail proposals that either passed by a majority vote of the group or failed on a tie vote. This document is the report due January 15, 2003.

LOCAL WORK GROUPS (TEAMS) FORMED

The law required local work groups be established in Beltrami, Marshall, and Roseau counties. It further states that these groups – or teams as they would become known - must be comprised of eight members selected in the following fashion: two county board representatives chosen by the county board; two staff members from the Minnesota Department of Natural Resources chosen by the DNR; two representatives of local ATV users chosen by the county board; and two representatives of non-motorized WMA users chosen by the DNR. This task was accomplished. The following work teams were created in accordance with the law.

Beltrami County Team

County Representatives & ATV Users

Greg Snyder Bemidji	Jim Pietruszewski Bemidji	Blair Holthusen Grygla	Lee Sundberg Grygla
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Non-Motorized Users

Bob Naylor Bemidji	Leon Johnson Bemidji
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DNR Staff

John Williams Wildlife	Dick Kimball Trails & Waterways
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Marshall County Team

County Representatives & ATV Users

Jack Beito Middle River	Randy Larson Middle River	Danny Haack Grygla	Tony Moe Grygla
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Non-Motorized Users

Howard Thorson Thief River Falls	Shelly Steva Thief River Falls
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DNR Staff

Paul Telander Wildlife	Forrest Boe Trails & Waterways
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Roseau County Team

County Representatives & ATV Users

Bryce Evans Greenbush	Carson Hedlund Roseau	Jeff Bennett Roseau	Greg Hedlund Badger
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Non-Motorized Users

Jeff Siverhus Warroad	Denice DeFrates Roseau
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DNR Staff

Jim Breyen Wildlife	Dick Kimball Trails & Waterways
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POLICY ADVISORY COMMITTEE ESTABLISHED

Recognizing the important nature of the teams' work, DNR Commissioner Allen Garber established a 25-member Policy Advisory Committee that, among other things, would review local work team recommendations. The advisory committee would also provide insight and recommendations to local teams based on the committee's more diverse and broad perspective. The committee was comprised of DNR staff, lawmakers and individuals who represented the statewide interests of WMA users, both motorized and non-motorized. The following people were named to the DNR Policy Advisory Committee:

Dennis Asmussen	DNR Trails & Waterways, Director
Gary Botzek	Fish & Wildlife Legislative Alliance
Ray Bohn	Legislative Lobbyist, ATV Association
Tim Bremicker	DNR Wildlife, Director
Char Brooker	Izaak Walton League
Leland Coe	Board of Water & Soil Resources, Chair
Al Farnes	Coalition of MN Conservation Organizations
Rick Horton	Ruffed Grouse Society
Mark Johnson	Minnesota Deer Hunters Association
Mitchell Johnson	Polaris Corporation
Sen. Jane Krentz	Senate Natural Resources Committee, Chair
Del Ray Larson	Marshall County Board of Commissioners
Jerry Maertens	Mississippi Headwaters Audubon Society, Issues Chair
Sen. Roger Moe	Senate Majority Leader
Jack Nelson	Grygla-Fourtown Sportsman Club
Ron Otterstad	Beltrami County Board of Commissioners
Rep. Dennis Ozment	House Natural Resources Committee, Chair
Rep. Maxine Penas	House of Representatives, Dist. 1A
Allen Pemberton	Red Lake Band of Chippewa, Tribal DNR Director
Orris Rasmussen	Roseau County Board of Commissioners
Ron Ray	Arctic Cat Corporation
Troy Schroeder	NW Regional Development Commission, Director
Rep. Rod Skoe	House of Representatives, Dist. 2B
Sen. Leroy Stumpf	Senate, Dist. 1
Paul Swenson	DNR Region 1, Director

This group's final meeting was held December 12, 2002. Notes from that meeting can be found on pages 9A-11A in the Addendum to this report.

LOCAL WORK TEAMS MEET

The three local work teams held a total of 14 meetings. Committee attendance was excellent. Only one meeting was shortened due to poor attendance. Notes and vote tallies

from the final meeting of each county work team are on pages 1A-8A in the Addendum to this report. Local Work Team recommendations were forwarded to the Policy Advisory Committee on December 12, 2002. The recommendations were then forwarded to Commissioner Garber. Beltrami and Marshall Counties plan to meet again in late winter/early spring of 2003 on ATV/WMA trail issues. The Roseau County team has completed its work and does not intend to meet again.

RECOMMENDATIONS

The Beltrami, Marshall and Roseau work teams helped define two terms – “maintained” and “contiguous” - that became critical in the overall ATV trail identification process. These are important terms since they appear in M.S. 97A.133 section 1, subd. 3, which requires at least 90-miles of ATV trails that do not include “maintained” public roads, and must be either within or “contiguous” to WMA lands. The definitions of these terms, as the DNR is interpreting them, are on page 12A of the Addendum to this report.

The Beltrami County work team identified approximately 43 miles of ATV trail. A map of this mileage is in the Addendum to this report. Beltrami County work group meeting notes are on page 1A of the addendum of this report.

The Marshall County work team identified approximately 19 miles of ATV trail. Approximately 1 mile of proposed trail failed on a 4-4 vote and is described in the meeting notes. A map of the proposed trail segments is in the Addendum to this report. Marshall County work group meeting notes are on pages 2-4A of the Addendum of this report.

The Roseau County work team identified approximately one mile of ATV trail. Approximately 1½ miles of proposed trail failed on a 4-4 vote and is described in the meeting notes. A map of the proposed trail segments is in the Addendum to this report. Roseau County work group meeting notes are on pages 5-8A of the Addendum.

Collectively, the Beltrami, Marshall, and Roseau work teams identified 63 miles of potential ATV trail segments. These trail recommendations were forwarded to the Policy Advisory Committee on December 12, 2002, which accepted and approved the recommendations. Notes from that meeting are on pages 9A-11A of the Addendum.

Commissioner Allen Garber accepted the DNR Advisory Policy Committee’s recommendation on Dec. 26, 2002. In a letter to Dennis Asmussen, director of DNR Trails and Waterways Division, Garber states “I am hereby identifying these initial 63 miles for potential ATV use and direct you to proceed with the process of ATV trail designation on the proposed trail segments. . .” Garber further directs the Trails and Waterways Division to lead the Con-Con trail designation process with the timely input and participation of staff from the divisions of Wildlife, Ecological Services, and Forestry and this work will include the development of trail descriptions, cost analysis, signing, and environmental review as appropriate. Garber’s letter is in the Addendum to this report.

NEXT STEPS

Currently, 63 miles of trail have been identified for application toward the law's 90-mile goal. Teams have until Jan. 1, 2004, to identify at least 27 more miles. Though more than two-thirds of the goal was accomplished in 2002, teams will be challenged to meet the legislative mandate due to the complex nature of siting motorized recreation on sensitive natural landscapes. A final report of the work teams' accomplishments and the Commissioner's actions on any additional recommendations will be provided to the respective legislative leadership on January 15, 2004.

ADDENDUM

**BELTRAMI COUNTY
CON-CON ATV WORK TEAM
MEETING SUMMARY (draft)
TUESDAY DECEMBER 3, 2002
NORTHERN TOWN HALL
BEMIDJI, MN**

WORK TEAM MEMBERS ATTENDING: Bob Naylor, Leon Johnson, Jim Pietruszewski, Lee Sundberg, Greg Snyder, Blair Holthusen, John Williams, and Dick Kimball.

Facilitator Don Buckhout called the meeting to order at approximately 7:00 p.m. Self-introductions were made. Don reviewed the ground rules. Short discussion was held about voting if less than 8 members are attending. Decided that all 8 members must be present to vote. Call Wayne Edgerton at 651-297-8341 as soon as possible to cancel if a member cannot attend a scheduled meeting.

Wayne handed out copies of the 2002 Con-Con bill passed by the Legislature and signed by the Governor, to those who did not attend the previous meeting. He reviewed the additions and changes and answered questions from the group.

TRAIL PROPOSALS:

John and Dick presented the map of DNR proposed trail segments. They also had photographs of the potential trail segments. **After much discussion. Vote: 8-0 in favor of adding the ATV trails segments (blue lines) and walking trail segments (purple lines) except the purple lines between sections 11 & 12 and 13 & 14. These segments will be discussed at a future meeting.**

DECISIONS:

It was decided that Lee (John as alternate) would report to the Policy Committee at the December 12 meeting in Bemidji.

NEXT MEETING: The next meeting is scheduled for Wednesday March 19, 2003 at the church near Fourtown, from 7:00 to 10:00 p.m. Lee will confirm the availability of church and get back to Wayne.

**MARSHALL COUNTY
CON-CON WORK TEAM
MEETING SUMMARY (draft)
WEDNESDAY DECEMBER 4, 2002
SPRUCE VALLEY COMMUNITY CENTER
MIDDLE RIVER, MN
(6th MEETING)**

WORK TEAM MEMBERS ATTENDING: Howard Thorson, Jack Beito, Danny Haack, Tony Moe, Paul Telander, Forrest Boe, Shelly Steva and Randy Larson

Don B. welcomed the group and called the meeting to order at approximately 6:55 p.m. He noted that all 8 Work Team members are present, and reviewed the draft agenda.

The notes from the July 31 meeting were reviewed. Paul had agreed to check into whether trails can be designated on pre-'86 lands when a proposed trail segment goes through or abuts both pre as well as post-'86 lands. He reported that pre-'86 lands could not be considered for trail segments since the law is very specific to post-'86 lands.

Wayne distributed the definitions of "maintained" and "contiguous". These definitions have been discussed at previous work team meetings. The Policy Committee asked that each work team discuss these definitions and provide any comments/recommendations since they are important terms in the 2002 Con-Con law relative to trail mileage. The discussion centered mainly on the "maintained" definition. Suggestions included the incorporation of "dirt and/or grass surfaced roadways" that would not be considered maintained. Also, some discussion focused on whether or not the township roads are "certified" at the county courthouse. No formal recommendation was acted upon relative to the definitions.

PROPOSED TRAIL SEGMENTS:

Paul and Forrest presented a map of proposed trail segments that DNR has reviewed for potential trail designation. It was suggested that the segments on the map represent potential corridor segments that may meet the environmental criteria.

1. Potential trail segments in sections 11 & 12 in Huntley Township. **After discussion. Vote: 8-0 in favor of adding this segment to recommendations on map.**
2. Potential trail segment between sections 31 & 32 in Como Township. **After discussion. Vote: 8-0 in favor of adding this segment to recommendations on map.** (Note: may need landowner approval on a portion of this segment)
3. Potential ¼ mile trail segment between sections 33 & 34 in Eckvöll Township to gravel. **After discussion. Vote: 4-3 (one abstained). This segment will not appear on recommendation map.**

4. Potential one-mile trail segment in section 28 in Como Township (Como pit trail). **After discussion. Vote: 4-4 (failed). This segment will not appear on recommendation map. Pro:** The County owns the first ½ mile, and the second ½ mile is open for the public to drive on with other motorized vehicles and was opened with a cat. This was paid for by the Deer Hunters Association with the approval of the DNR, so allowing 4-wheelers is not a big step. With the trail being short on one side it will not get much use, so the damage to the environment would be minimal, if at all. It is on a sand ridge and dry. I do not see an environmental issue with this trail. (Jack Beito, Work Team Member) **Con:** In the early 1990's the County Biological Survey did an inventory on Marshall County. In this survey, the researchers looked for rare, endangered, and species of Special Concern. Como Township is full of species that meet these criteria. The "Como Pit" road goes very near an area that was earmarked by the Biological Survey researchers. There are disjunct species there such as White-Throated Sparrows, and other wetlands species. In the drier areas there are Chestnut-Sided Warblers, and other species that are very rare in this area. The trail may be dry, but it goes through some valuable wildlife land. (Shelly Steva, Work Team Member)
5. Potential ¼ mile trail segment along the east side of section 15 in Como Township. **After discussion. Vote: 8-0 in favor of adding this segment to recommendations on map.**
6. Discussed the trail segments already approved, by consensus, prior to the passage of the 2002 Con-Con law. It was agreed that these segments should be formally voted upon to meet the intent of the law. Also, discussed adding a segment of trail between sections 5 & 6 in Huntley Township. **After discussion. Vote: 8-0 in favor of adding these segments to the recommendations on map.**

ADDITIONAL TRAIL SEGMENT PROPOSALS:

Potential 1-mile trail segment between sections 11 & 14 in Como Township (paralleling Co. road 48). **After discussion. Vote: 4-4 (failed). This segment will not appear on recommendation map. Pro:** There is a trail that has been there as long as anyone can remember. It has been used for many things such as driving, horses, tractors, cars, trucks, snowmobiles, and 4-wheelers, and people also use it for walking. It is also off the county road, which doesn't have a ditch to ride in. So it would be a safer place to ride and it is one route that is entirely in the designated post '86 WMA lands. It is on a sand ridge and dry. I do not see an environmental issue with this trail. (Jack Beito, Work Team Member) **Con:** What I said about the Como Pit trail (above) is far truer about this potential trail segment. There was not always an ATV path there. In the '80s and early 90s it was just a walking-trail. And what a walking-trail it was. There are many prairie plants there with a wonderful stand of Prairie Smoke and Puccoons as well. There are some wonderful plants later in the season as well. The birds are equally rare, with the Rufus-Sided Towhees (very rare in NW MN) and Indigo Buntings among them. Two summers ago I heard a very out-of-place Field Sparrow in the area as well. There are few places in the whole of NW MN where you can see this assembly of species. That is why this area merits special protection. (Shelly Steva, Work Team Member)

OTHER ISSUES: Tony suggested that the team recommend that all ATV trails also be open to “multiple use” such as ATV, snowmobile, horses, bikes, motorcycles, etc. **After discussion. Vote: 4-4** [This will not be presented as a recommendation from this Work Team]

DECISIONS: The report to the Policy Advisory Committee on December 12 was discussed. It was decided that John would prepare a map of approved recommendations to date for the meeting. Tony will report at the meeting.

The **next meeting** will take place on **Wednesday April 2, 2003 at the Spruce Valley Community Center in Middle River, from 7:00 p.m. to 10:00 p.m.**

Meeting was adjourned at approximately 10:35 p.m.

**ROSEAU COUNTY
CON-CON WORK TEAM
MEETING SUMMARY (draft)
WEDNESDAY SEPTEMBER 25, 2002
ROSEAU COUNTY COURTHOUSE BUILDING
ROSEAU, MN
4TH MEETING**

WORK TEAM MEMBERS ATTENDING: Jeff Siverhus, Denice DeFrates, Bryce Evans, Carson Hedlund, Greg Hedlund, Jeff Bennett, Jim Breyen, and Dick Kimball.

Facilitator: Don Buckhout.

Don called the meeting to order at 7:02 p.m. and noted that all 8 members are present.

Everyone had received the meeting notes from the August 28 meeting.

Greg and Bryce gave a short report about the September 5, Policy Advisory Committee meeting in Bemidji. Everyone had received the notes from the meeting by mail as well.

The notes from the August 28 meeting were reviewed to determine potential trail segments that could now be considered for official voting. They are:

1. A segment along the bottom of sections 31 and 32, in T163;R38 (County ditch 18), and northern edge of sections 5 and 6, in T162;R38 (1/2 mile contiguous to WMA). **Vote: 8-0 in favor of this ½ mile segment.**
2. A segment in SE of SE section 8, T162;R37 (Cedar Bend Township). **Vote: 8-0 in favor of this ¼ mile segment.**
3. A segment along the east side of section 31 in T164;R36 (Lake Township). It was decided that this is not a corridor of disturbance, therefore no vote taken.

As decided at the previous meeting, other proposed trail segments were outlined by team members and shared with all 8 members of the Work Team prior to this meeting. They were:

4. A proposed trail segment along the west side of sections 8, 17, and 20, in T163;R40 approximately 3 miles in length. It was noted that it crossed pre-'86 lands and therefore was not allowed. A ½ mile segment along the west edge of section 8 and a one-mile segment along the southern edge of section 8 were then discussed. It was noted that this one-mile segment was an old firebreak that was developed by DNR and since abandoned and reclaimed. The proposed trail would stay on post-'86 lands and go north of an existing wetland as needed. **Vote: 4-4 (failed). Greg agreed to develop a paragraph explaining why this segment should be recommended, and Denice agreed to develop a paragraph explaining why it should not be recommended as a trail segment (see attached).**

5. A proposed trail segment along the east edge of section 4, and the top of sections 4, 5, & 6 in Poplar Grove Township, T159;R41, for a total of 4 miles. Approximately ½ mile is on DNR lands. **Vote: 4-4 (failed). No one agreed to develop a paragraph in favor of this segment. Jim B. agreed to develop a paragraph explaining why this ½ mile segment should not be recommended as a trail segment (see attached).** The group then discussed the segment of approximately ¼ mile to the parking lot. **Vote: 8-0 in favor of this ¼ mile segment.**
6. A proposed trail segment along the north edge of sections 34 & 35 (approximately 1-mile) in T159;R41 contingent on landowner permission. This proposal was dropped without a vote.
7. A proposed trail segment in section 34 of Cedar Bend Township, T161;R38, approximately ½ mile in length. **Vote: 4-4 (failed). Jeff B. agreed to develop a paragraph explaining why this ½ mile segment should be recommended, and Jeff S. agreed to develop a paragraph explaining why it should not be recommended as a trail segment (see attached).**

WHAT'S NEXT? The Work Team agreed that their work is done relative to this effort. Don explained that the group could be called back together at a later date since the legislative authority for the Work Team does not end until January of 2004.

A report of the Work Team accomplishments will be made at the December 12, 2002 Policy Advisory Committee. Bryce and Jeff S. (alternate-Denice) agreed to attend and report. Wayne recommended that good quality pictures of the proposals be available for this meeting.

Jim B. will finalize the map and key it to the proposal numbers above. He will have it done in time for the December 12 meeting and provide to all 8 Work Team members in advance of the meeting.

Meeting was adjourned at approximately 9:10 p.m.

**ROSEAU COUNTY
CON-CON WORK TEAM
PROPOSAL NUMBER 4**

Location: Approximately 1 mile of proposed trail segment in Jadis Township (T163;R40), along southern edge of section 8.

PRO: The pro-trail reason would be that we could have one (1) more mile in Roseau county for a total of less than 3, which would give us a trail in WMA land that would connect to a road that is off the main road with a connection to the Minnesota Hill road. This has been traveled and would give the walking hunter and bird watchers a nice trail, especially around the slough or swamp. As we get older, even walking for the hunt or other enjoyment would be limited without the use of ATVs. I could go on and on, but this simply sums it up. Thank you for your consideration.

Greg Hedlund, Work Team Member

CON: There were four votes cast against the proposed trail in Jadis Township for the following reasons:

1. The area borders the Roseau Lake bottom. The long-term management goal for this area is to restore the lake for flood control and wildlife. Any trail through there would not be conducive to these management goals.
2. The proposed trial alignment is a firebreak and not an existing trail.
3. The majority of the land is not post-1986.
4. There is an alternative route available.

Denice DeFrates, Work Team Member

**ROSEAU COUNTY
CON-CON WORK TEAM
PROPOSAL NUMBER 7**

Location: Approximately ½ mile of proposed trail segment in Cedar Bend Township (T161;R38), section 34, in the Bear Creek Wildlife Management Area.

PRO: The Bear Creek Wildlife Management Area (so-designated in approximately 1999?) is a well-kept hunting secret. Its location next to the much broader Beltrami Island State Forest makes most people ignore it. There are naturally occurring berry patches, which attract transient bear and grouse. There is also suitable habitat for deer. I personally have hunted or have had friends hunt all of these animals here. The area needs ATV access for hunting and recreational purposes. An ATV helps people to haul in bear bait or to haul out downed bear. An ATV could help people to access the area for hunting or to find a spot to just relax or go for a walk. This area is small enough that no one could get seriously lost yet is big enough to let one experience the feeling of wilderness. There are some clearly developed historical trails in the area. The only reason no one rides ATVs there now is the land is posted as a WMA (off limits to ATVs). There is also a gate across the entrance, which is constantly closed. Whether or not the gate is legal should be investigated. In the end, the area is public land with historical trails and since we are looking to establish suitable ATV access I believe this portion of land provides us with just such an opportunity.

Sincerely,
Gary Gustafson (for Jeff Bennett)

CON: During last week's Con-Con ATV meeting, the Bear Creek WMA was considered for a designated trail. When the vote was taken, this recommendation failed on a tie vote. I was asked to give reasons as to why this WMA should not have an ATV trail.

- a. This approximately 200-acre parcel is directly across from Beltrami Island State Forest. The state forest contains hundreds of square miles of state land within Roseau County alone and uncontrolled ATV access. This parcel would be the only hunter walking area in the Roseau County portion of the state forest.
- b. There currently are no signs of a corridor of disturbance within this parcel. While the area may have been logged 10 years ago, any skidder trails have over grown. The only sign of a trail were ATV marks from an individual within the last year. Calling this a corridor of disturbance would stretch it's meaning.

Jeff Siverhus, Work Team Member

**NOTES FROM THE
CON-CON ATV
POLICY ADVISORY COMMITTEE MEETING
DECEMBER 12, 2002
NORTHERN TOWN HALL, BEMIDJI
[DRAFT]**

CALL TO ORDER: Don Buckhout, Facilitator, called the meeting to order at approximately 7:05 p.m. Each person in the room introduced themselves to the group. A total of 30 people attended with 13 being members of the Policy Advisory Committee. The draft agenda was reviewed and approved.

WELCOME: Steve Morse, DNR Deputy Commissioner, welcomed the group and thanked everyone for taking time out of their schedules to attend this meeting. He also commented on the future of this committee. With the new administration taking office in January, this is the last meeting of this group. Steve also briefly reviewed the definitions (“maintained” and “contiguous”) that were sent to all members as well as the Work Teams. Some discussion took place about these definitions. He also mentioned the upcoming status report due to the legislature on 1/15/03 and the final report on 1/15/04. The law requires that the DNR “identify, designate, and sign at least 90 miles of all-terrain vehicle trails” by January 15, 2004. The 2003 report will be made available to the members of this committee. Wayne Edgerton will make sure each member receives a copy. Steve then explained the process that will be used to get the trails established. Steve expressed gratitude to the Wildlife and Trails staff for doing considerable on- the-ground assessment work since the last Policy Committee meeting. This work helped the local Work Teams in developing their recommendations. Much work remains to be done this winter and next summer/fall in order for trails to meet the legislative deadline.

BELTRAMI COUNTY WORK TEAM REPORT: John Williams, DNR Wildlife, led this report in the absence of Lee Sundberg. A map titled “Beltrami Co. Work Team Trail Recommendations-December 3, 2002” was distributed. The Work Team met on December 3, 2002 at the Northern Town Hall in Bemidji. They voted on a number of potential trail segments, most of which John and Dick Kimball, DNR Trails & Waterways staff had reviewed (on site) to assess and photograph. The Work Team voted 8-0 to approve approximately 41 miles of potential ATV trails, and approximately 14 miles of walking trails. (Also see attached (draft) Beltrami County Work Team Meeting Summary). John entertained questions from the group. The next Work Team meeting will be 3/19/03.

MARSHALL COUNTY WORK TEAM: Tony Moe led this report. This Work Team has met a total of 6 times to date. They voted on a number of recommendations at their December 4 meeting. A map titled “Marshall Co. Work Team Trail Recommendations-Dec. 4, 2002” was distributed showing all of the approved segments. The map shows

approximately 20 miles of potential trail. In addition, the meeting draft notes from the 12/4 meeting were provided. The Policy Committee had asked that each Work Team clarify 4-4 votes with “Pro” and “Con” explanations. Two segments received 4-4 votes and are discussed in the notes (see attached). Tony entertained questions from the group. The next meeting will be 4/2/03.

ROSEAU COUNTY WORK TEAM REPORT: Jim Breyen, DNR Wildlife led this report in the absence of Bryce Evans and Jeff Siverhus. This Work Team met most recently on September 25, 2002. A map titled “Roseau County Work Team Trail Recommendations-Sept. 25th Meeting” was distributed showing the approved trail segments. Jim noted that a number of segments were voted on resulting in 3 segments receiving an 8-0 approval vote totaling approximately 1 mile of trail. He also noted that Roseau County has few, and scattered acres compared to the other two counties and therefore they were not expecting many miles to be identified in this county. He explained that segments 4 and 7 received a 4-4 vote. The “Pro” and “Con” statements are attached to the draft meeting notes (see attached). This Work Team decided that their work was completed and does not intend to meet again. Jim entertained questions from the group.

QUESTIONS & ANSWERS: Considerable discussion centered on the two definitions that Steve had reviewed earlier in the meeting (“maintained” & “contiguous”). Some felt that relying on evidence of a graveled and graded surface as a definition for “maintained” was not realistic for NW Minnesota since many township roads are not graveled and graded in this part of the state. Others felt that the graveled and graded requirement would help to make it easier to visually determine trail segments that should be applied toward the 90-mile goal. Also, potential trail segments that are graveled and graded will likely not give a desired “trail riding experience” and therefore should not be counted towards the 90-mile goal. Discussion also took place concerning how close the trail would need to be to a WMA boundary in order to be considered “contiguous”. The committee was unable to come to unanimous agreement on either definition.

ACTIONS/RECOMMENDATIONS FROM THE COMMITTEE: It was decided at the September 5 Policy Committee meeting that the local Work Team recommendations should go thru the Policy Advisory Committee before the Commissioner acts on the recommendations. The following recommendations were discussed and voted on by the Committee to be presented to the Commissioner:

1. Give priority to designating trail segments connected by regional (G.I.A.) trails. **Vote: Approved 11-0 (2 abstained).**
2. Give consideration to opening corridors of disturbance to ATV trails on pre-'86 WMA lands if needed to complete ATV trail routes. **Vote: Failed 4-8 (1 abstained).**
3. Endorse the trail segments approved by the 3 local Work Teams, as of 12/12/02, on an 8-0 vote regardless of whether they qualify towards the 90-mile goal. **Vote: Approved 13-0.**

4. That Commissioner Garber recommend to the new Commissioner that priority be given to future trail segments receiving local Work Team approval votes of 8-0. **Vote: Approved 8-1 (4 abstained).**
 5. Endorse the definitions of the terms “maintained” and “contiguous” as distributed to the group dated 10/25/02. **Vote: Approved 9-4.**
 6. Only trail segments where the DNR owns the land (under the trail) would count towards meeting the 90-mile goal. **Vote: Failed 4-9.**
 7. As a target, the 90-mile goal should be allocated according to the % of post-'86 Con-Con lands in each county. **Vote: Approved 7-5 (1 abstained).**
- Meeting adjourned at 10:20 p.m.

**CON-CON ATV
POLICY ADVISORY COMMITTEE MEETING
DECEMBER 12, 2002
BEMIDJI
MEMBER ATTENDANCE**

<u>NAME</u>	<u>REPRESENTING</u>	<u>TELEPHONE #</u>
Mitchell Johnson	Polaris Industries	218-463-4454
DelRay Larson	Marshall County	218-459-3364
Tim Bremicker	MN DNR-Wildlife Division	651-296-0703
Gary Botzek	FWLA	651-293-9295
Dennis Asmussen	MN DNR-Trails Division	651-297-2587
Howie Schultz	MDHA	218-586-2577
Char Brooker	IWLA	651-777-4945
Jerry Maertens	Mississippi Headwaters Audubon	218-751-3793
Al Farnes	FWLA	763-561-1289
Lee Coe	BWSR	218-243-2597
Paul Swenson	MN DNR-Regional Director	218-755-3623
Troy Schroeder	NWRDC	218-745-6733
Jack Nelson	Fourtown-Grygla Sportsmen	218-681-3593

CON-CON ATV TRAIL DEFINITIONS

The following definitions are provided to clarify how the DNR will determine trail segments that meet the goal of 90-miles of all-terrain-vehicle trails related to Con-Con lands as outlined in Chapter 353 (S.F. 2125, 2002 Session) Section 1, subdivision 3.

MAINTAINED: “Maintained” means that the public road (township, cart way, etc.) has evidence of periodic physical maintenance. The key form of maintenance is grading of a graveled surface.

CONTIGUOUS: “Contiguous” means that the trail runs along, or adjacent to, the boundary of a designated wildlife management area (WMA), but not on WMA lands. Efforts will be made to locate the trail segments as close to the boundary as possible. However, physical limitations may exist that require the trail segment to be located a short distance from the actual WMA boundary line. Physical limitations may include a drainage ditch, spoil bank, wetlands, etc. These trails may be on private land, which will require landowner permission/approval.

10/25/02

December 26, 2002

Mr. Dennis Asmussen, Director
DNR Division of Trails and Waterways
500 Lafayette Road
St. Paul, MN 55155

Dear Mr. Asmussen,

This letter is in reference to formal designation of all-terrain-vehicle (ATV) trails on certain Wildlife Management Areas (WMA) in northwest Minnesota. As you know the Con-Con legislation that was passed in the 2002 session requires that this department identify, designate, and sign at least 90-miles of trails on these lands.

The three local County Con-Con Work Teams have been very active in reviewing potential trails and have developed well thought-out recommendations. In addition, the Con-Con Policy Advisory Committee met last week, and formally moved that all County Work Team trail segments receiving unanimous (8-0) votes of approval be forwarded to me for further action in the ATV trail designation process. This amounted to approximately 63 miles of proposed ATV trails that are on, or contiguous to, the WMA lands.

Therefore, I am hereby identifying these initial 63 miles for potential ATV use and direct you to proceed with the process of ATV trail designation on the proposed trail segments that were approved by the local work teams and recommended by the Policy Advisory Committee on December 12, 2002. The trail designation process will be led by your division with the timely input and participation of staff from the Divisions of Wildlife, Ecological Services, and Forestry, and will include the development of trail descriptions, cost analysis, and environmental review, as appropriate. I want to encourage you, and the other participating directors, to focus your attention on this issue, as there is a January 15, 2004 statutory deadline for the overall process.

I also want to thank you and your staff for the work you have already invested in this process. Your assistance is greatly appreciated.

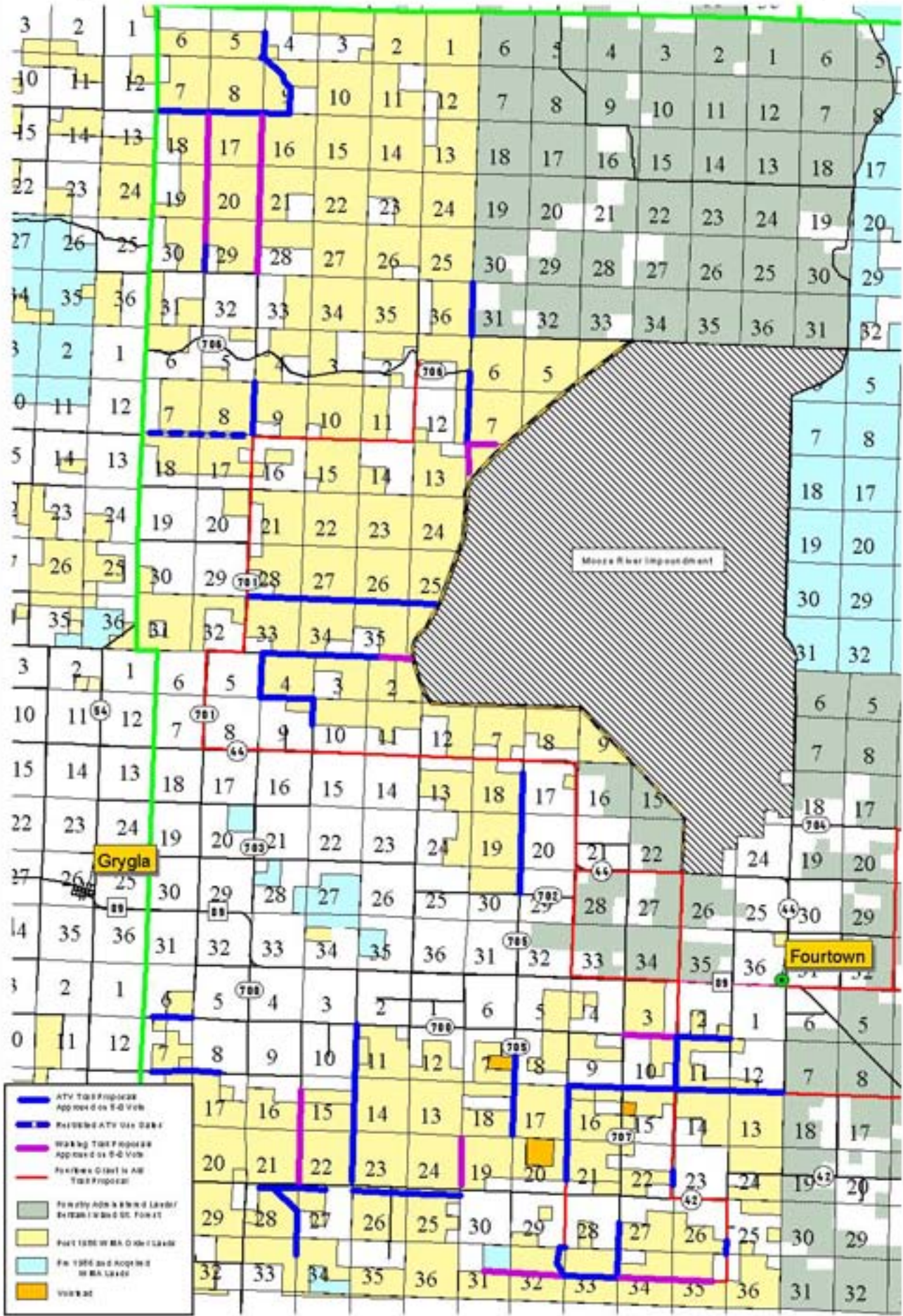
Sincerely,

/s/

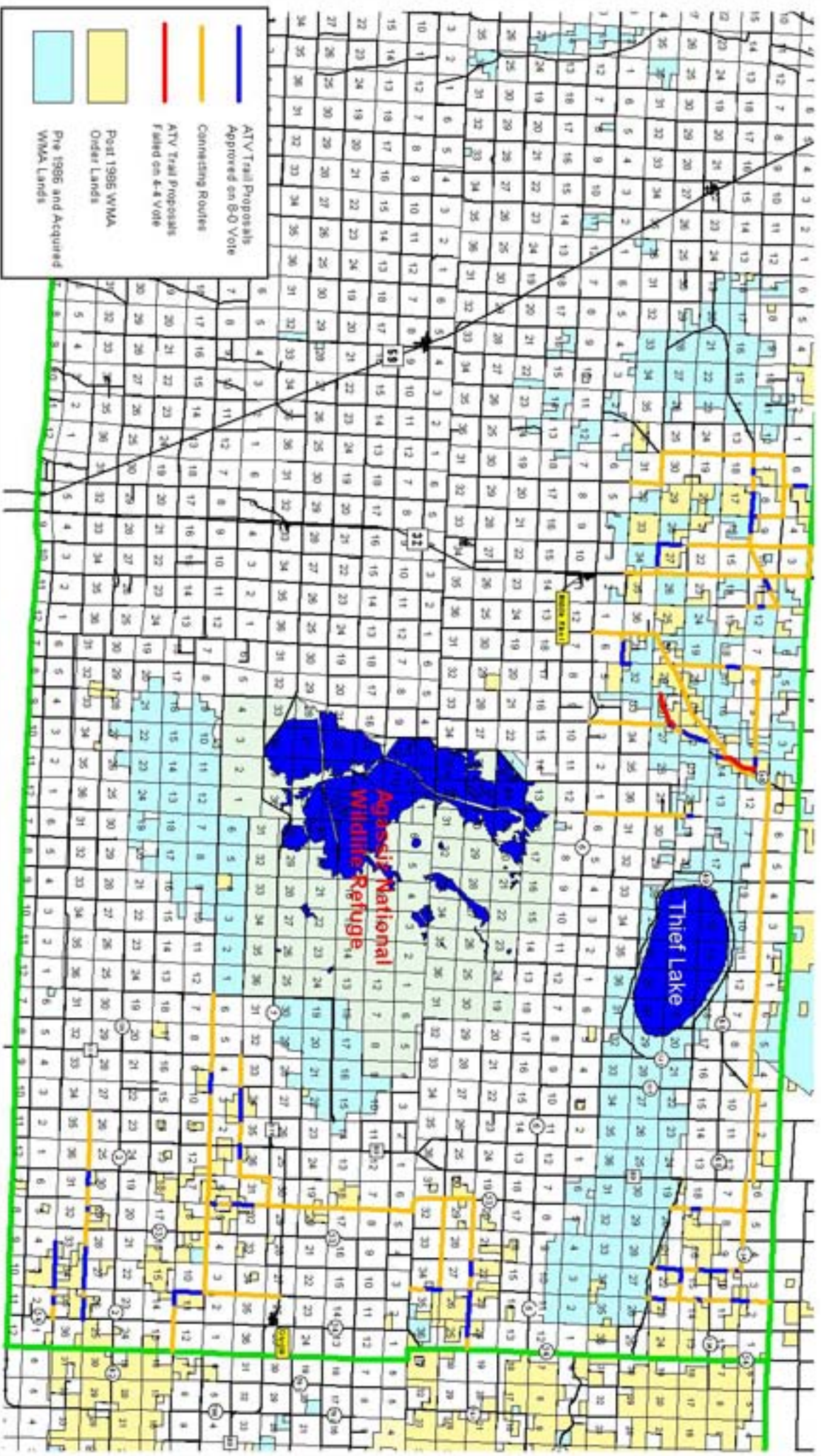
Allen Garber
Commissioner

cc: Con-Con Policy Advisory Committee Members
Local Work Team Members
Steven Morse
Wayne Edgerton

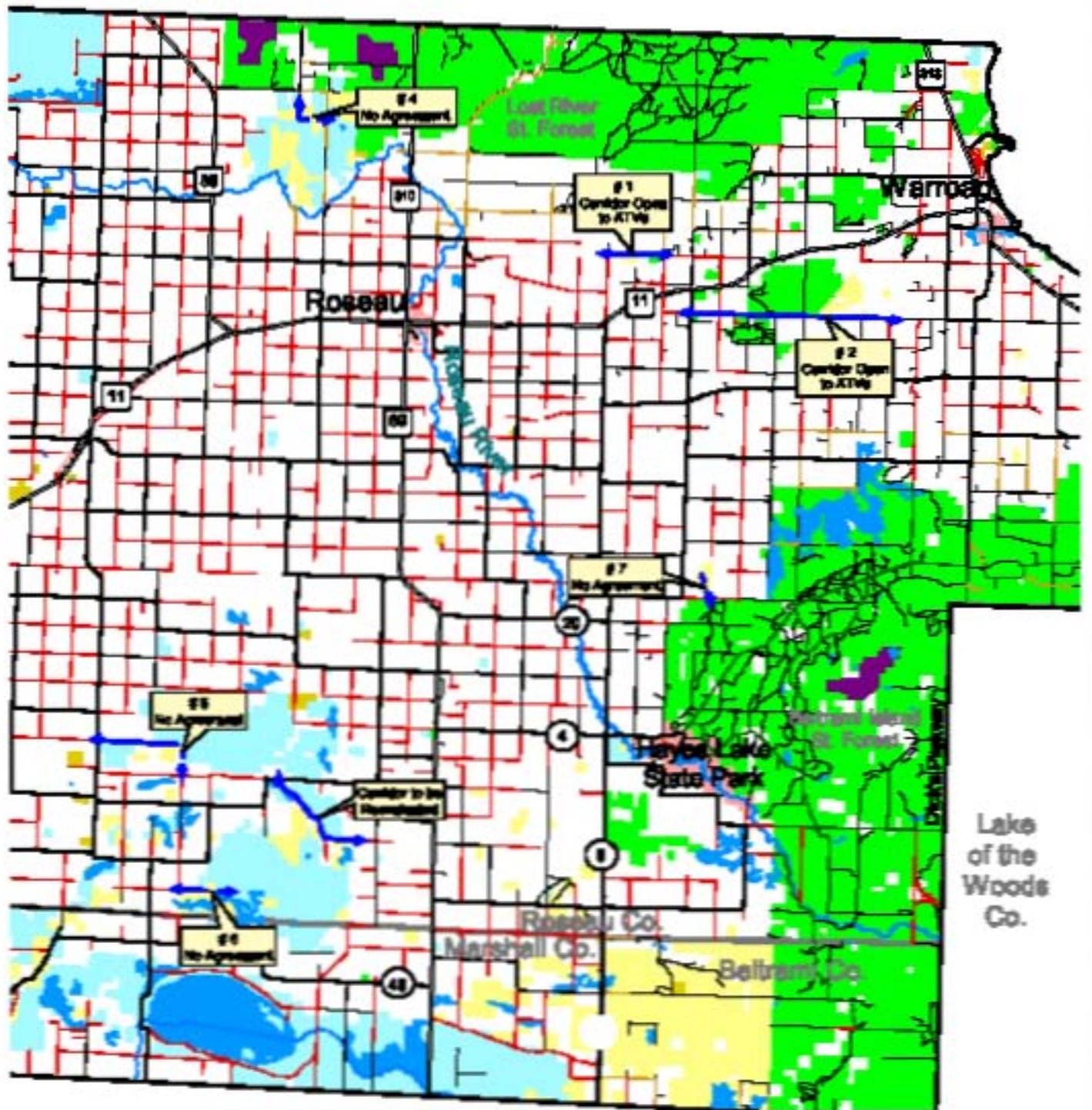
Beltrami Co. Work Team Trail Recommendations December 3, 2002



Marshall Co. Work Team Trail Recommendations
Dec. 4, 2002



Roseau County Work Team Trail Recommendations Dec. 12, 2002



Legend

Proposed ATV Corridor

- Corridor
- - - No Agreement

Public Lands

- Scientific and Natural Areas (SNA)
- State Park Boundaries
- Post 1985 WMA Order Lands
- Pre 1985 and Acquired WMA Lands
- State Forest Lands
- County Administered Lands

