

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

JANUARY 15, 2004

BY

**MINNESOTA DEPARTMENT OF NATURAL RESOURCES
[DNR]**

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LEGISLATIVE BACKGROUND:

On May 1, 2002 Governor Ventura signed into law Senate File 2125 [2002 Minnesota Laws, Chapter 353]. 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 89.71, subd. 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.

Section 8(b) of the law requires a report to the legislature. "The (legislative) report shall include a status report 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 is the report that is due January 15, 2004. A copy of the January 2003 Legislative Report is available upon request or on line at: "dnr.state.mn.us". Click on "Con-Con".

LOCAL WORK GROUPS (TEAMS):

The law required that local work groups be established in Beltrami, Marshall, and Roseau Counties and that each group must be made up of the following 8 representative members: two county board representatives chosen by the county board; two staff members from the DNR 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, for each of the 3 counties. The following local work teams were established:

Beltrami County-

County Representatives & ATV Users:

Greg Snyder	Jim Pietruszewski	Blair Holthusen	Lee Sundberg
Bemidji	Bemidji	Grygla	Grygla

Non-Motorized Users:

Bob Naylor	Leon Johnson
Bemidji	Bemidji

DNR Staff:

John Williams	Dick Kimball or Mary Broten
Wildlife	Trails & Waterways

Marshall County-

County Representatives & ATV Users:

Jack Beito	Randy Larson	Danny Haack	Tony Moe
Middle River	Middle River	Grygla	Grygla

Non-Motorized Users:

Howard Thorson	Shelly Steva
Thief River Falls	Thief River Falls

DNR Staff:

Paul Telander	Forrest Boe
Wildlife	Trails & Waterways

Roseau County-

County Representatives & ATV Users:

Bryce Evans	Carson Hedlund	Jeff Bennett	Greg Hedlund
Greenbush	Roseau	Roseau	Badger

Non-Motorized Users:

Jeff Siverhus	Denice DeFrates
Warroad	Roseau

DNR Staff:

Jim Breyen	Dick Kimball or Mary Broten
Wildlife	Trails & Waterways

SUMMARY OF ACTIONS & RECOMMENDATIONS FROM THE LOCAL WORK TEAMS:

2002 Actions & Recommendations:

In December of 2002 the local work teams, with Policy Advisory Committee approval, provided their recommendations to Commissioner Garber to identify and designate approximately 63 miles of ATV trails on the Con-Con lands that were designated WMA lands since 1986. In addition, they also provided guidance concerning the definition of two key terms in the law: “maintained” and “contiguous”. 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 the WMA lands.

On December 26, 2002, Commissioner Garber formally identified the 63 miles of potential ATV trails as recommended. A copy of the letter dated December 26, 2002 can be found on page 13A of the January 2003 Legislative Report. A public review process of these segments was conducted in 2003.

A Summary of the 2003 Legislative Report:

A total of 14 local work team meetings were held in the 3 counties during the year of 2002. Attendance was excellent by all 8 members on each of the teams. Proposed segments were reviewed and recommendations were developed identifying the 62.6 miles of trails that were to remain open in the Con-Con WMA lands. These recommendations were reported to, and approved by, the Policy Advisory Committee on December 12, 2002. Please note that Roseau County did not anticipate another meeting in 2003 as they determined that they had concluded their work. Beltrami and Marshall Counties continued to meet in 2003.

2003 Work Team Actions & Recommendations:

A total of 3 additional work team meetings were held in 2003. One meeting was held in Beltrami County, and two meetings were held in Marshall County. As was noted above, Roseau County did not expect to meet again in 2003, and did not meet. Meeting notes from the two work teams can be found in this report on pages 1A-6A. Please note that both work teams ended their final meeting with a concluding statement they had no additional potential trail segments for review by the work team. Therefore, additional meetings were not scheduled. Although some interest was expressed in holding an additional meeting in Marshall County, it did not take place due to the lack of any specific proposed trail segments that warranted review and action by the work team.

2003 Trail Segment Recommendations: The work team recommendations are:

Beltrami County	15.40 miles
Marshall County	8.25 miles
<u>Total:</u>	23.65 miles

In addition, 3/4 mile in Roseau was included in the 2003 recommendations that awaited additional review from the 2002 efforts. Also, 1/2 mile is included as a result of a formal request from Aitkin County on the eligible Con-Con acres found there (see page 7A of this report). This results in a total 2003 recommended trail mileage of **24.9 miles**.

Summary of Work Team Recommendations:

2002 Recommendations Total:	62.6 miles
2003 Recommendations Total:	24.9 miles
2002 Law Mandated Total:	12.7 miles (Moose River Forest Road, Moose River West Access Road, & Blanchard Forest Road)
Grand Total:	<u>100.2 miles</u>

OUTSTANDING ISSUES TO BE RESOLVED:

Township Roads/Maintained Roads: As was discussed in the January 2003 Legislative Report, much effort was spent clarifying which potential trail segments should be included as meeting the definition in the law. These discussions centered on the definition of the word “maintained” as it relates to a potential public road surface. The work teams discussed this issue at great length, and the Policy Advisory Committee recommended (9-4 vote) the following definition: “Maintained” means that the public road (township, cart way, etc.) has evidence of periodic maintenance. The key form of maintenance is grading of a graveled surface.

Potential trail segments that exhibited evidence of grading of a graveled surface (maintained) were not included in the 2002 or 2003 work team recommendations to the Commissioner. However, approximately 2.5 miles of township road in Marshall County that had met this definition in 2002, have since been graveled and graded by the township and therefore, were not included in the Commissioner’s decision on page 5 of this report.

Township roads that pass through WMA lands remain open to ATV use unless otherwise restricted by local ordinance. However, some townships have expressed concern about segments of township roads being “designated” as an ATV trail segment. (See April 2, 2003 Marshall County Work Team Meeting Notes on page 3A & 4A) This concern will be resolved at the local township level. The issue of which “road segments” are actually townships roads remains confusing as evidenced by the township spokesperson in the above referenced notes identifying all section lines as township roads, whether a road exists or not. Identifying “official” township roads remains a challenge. The definition that was used for the term “maintained” was a good faith effort to focus on the potential riding experience, and not an attempt to avoid all township roads.

Concerns have also been expressed about the safety of ATV riders on township roads. Where possible, potential trails segments were identified off the road surface by moving the segment across the drainage ditch parallel to the road. Although potentially safer, it will, in most cases, result in greater cost since culverts/bridges will be required to cross the drainage ditch, and additional hardening of the trail surface may be required.

Trail Segments: As evidenced by the map on page 9A of this report, many of the proposed trail segments do not connect. It is important to understand the history of the process that has resulted in the recommendations from the work teams. The original (2000) law was designed to find and designate potential trail segments (corridors of disturbance) to avoid large tracts of newly designated wildlife management area (WMA) lands that would be “road blocks” to future ATV trail systems. This was of special concern for ATV trail systems that may connect population centers. These isolated trail segments can also be connected when a local ATV group is developing a trail loop system such as the Fourtown ATV Club grant-in-aid (GIA) trail proposal (see map on page 10A), as well as the additional proposed trail routes (see map on page 11A) recently identified by the Fourtown ATV group. The 2002 law changed the 2000 law slightly when it allowed “dead-end” segments to be included and specified the number of miles (at least 90-miles). The identified trail segments in this report will allow future connection of population centers, provide additional opportunities for GIA proposals, and allow additional access to WMA lands.

Private Lands: Care must be taken to consider neighboring lands. The trail will be entirely on WMA (public) lands, or public roads as required by the law. The proper access rights must be obtained if any portion of the trail is on private lands.

January 15, 2004 Deadline: Although the legal requirement of 90-miles has been met, much work remains to be done. Public review of the final group of approved miles must be completed, formal designation and cost estimates developed, and trail preparation work is required to make many of these segments accessible, safe and environmentally sensitive for ATV use. Obviously, this will not be completed by the January 15, 2004 deadline date. However, the DNR is committed to moving forward on the process to designate, and sign and open the segments for ATV use as quickly as practicable.

DNR COMMISSIONER DECISION:

Based on the recommendations of the local work teams, staff expertise, and field review, DNR Commissioner Merriam has identified the trail segments shown on the map on page 9A of this report. Some of the 100.2 miles of trail that were recommended by the local work groups have not been included due additional on site review determinations. Approximately 8 miles of additional trail segments have been included based on area and regional DNR staff input and review.

In conclusion, the Commissioner has identified **96.1 miles** of ATV trail segments as depicted on the map on page 9A. This exceeds the 90-miles required by law.

ADDENDUM

**BELTRAMI COUNTY
CON-CON ATV WORK TEAM
MEETING SUMMARY (draft)
MONDAY APRIL 21, 2003
OUR SAVIOUR'S LUTHERAN CHURCH
FOURTOWN, 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. and noted that all 8 members are present. Notes from the December 3, 2002 meeting were reviewed and approved as sent to the work team members.

LEGISLATIVE REPORT:

Wayne handed out copies of the January 15, 2003 Con-Con Legislative Report and reviewed the document with the group. He answered questions from the group.

TRAIL PROPOSALS:

1. A proposal was discussed for a segment in Lee Township that was held over from the December 3 meeting. It runs between sections 11 & 12, and 13 & 14. This would run all the way to Lost River. The private landowner involved has agreed. **Vote: 8-0 approved [1 ¾ mile]**
2. Another proposal was presented in Lee Township running parallel to County Road 42 along the top of sections 25, 26, 27, 28, and 30 in Hamre Township. This has a number of private lands issues. It was determined that this segment could not be developed and no vote was taken.
3. An east-west route along the bottom of sections 13 & 14 in Lee Township, and sections 17 & 18 in Hamre Township was reviewed. This segment would be limited to season travel to accommodate the nesting season. **Vote: 8-0 approved [4 miles]**
4. John & Dick presented a number of potential trail segments that would run along existing roadways that would assist in connecting already approved segments. They were described as the following:
 - West side of Sec. 31 (T158 R38) and west side of Sec. 6 (T157 R38) north of the Moose River ~ **1.5 miles**
 - East side of Sec. 35 (T158 R38) and East side of NENE Sec. 2 (T157 R38) ~ **1.25 miles**
 - East ½ of the North side and the North ½ of the East side of Sec. 20 (T157 R38) ~ **1 mile**
 - South side of N ½ of Sec. 30 (T156 R37) ~ **1 mile**

(1A)

- West side and west $\frac{3}{4}$ of the North side of Sec. 3 (T155 R37) ~ **1.75 miles**
- North $\frac{1}{2}$ of west side and west $\frac{1}{2}$ of north side of sec. 9 (T155 R37) ~ **1 mile**
- Dirt Road east of NESE of sec. 8 (T155 R37) ~ $\frac{1}{4}$ **mile**
- East $\frac{1}{2}$ of the north side of sec. 8 (T155 R37) ~ $\frac{1}{2}$ **mile**
- North side sec. 19 and north side sec. 20 (T155 R37) ~ **2 miles**
- North side of sec. 32 (T155 R37) ~ **1 mile**
- West $\frac{3}{4}$ mile of the north side of sec. 11 (T155 R38) ~ $\frac{3}{4}$ **mile**
- South $\frac{3}{4}$ mile of the east side of sec. 11 and east side of sec. 14 (T155 R38) ~ **1.75 mile**
- North side sec. 23 and north side sec. 24 (T155 R38) ~ **2 miles**
- South $\frac{1}{2}$ of east side of sec. 6 (T155 R38) ~ $\frac{1}{2}$ **mile**
- West side of east $\frac{1}{4}$ sec. 26 (T155 R38) ~ **1 mile**
- East $\frac{3}{4}$ mile of north side of sec. 30 and west $\frac{3}{4}$ mile of north side of sec. 29 (T155 R38) ~ **1.5 miles**

Vote 8-0 approved [Approximately 18.75 miles]

5. A walking trail segment was proposed that runs between sections 31 & 32 of Hamre Township. **Vote: 8-0 approved [1/2 mile]**

No additional proposals were presented.

NEXT STEPS:

The DNR will consider how (if) the agreed upon ATV trail segments in all of the counties can be connected into a “trail system”.

It was decided that another meeting of this work team will not be scheduled at this time. The proposed trail segments that have been considered to date appear to have exhausted all the known corridors that meet the intent of the law. Don reminded the group that the law that establishes this work team allows them to meet and consider segments until January 1, 2004. Therefore, the group could be called back together prior to that date if appropriate.

Don and Wayne thanked the group for their time and work.

The meeting was adjourned at 8:50 p.m.

**MARSHALL COUNTY
CON-CON WORK TEAM
MEETING SUMMARY
WEDNESDAY APRIL 2, 2003
SPRUCE VALLEY COMMUNITY CENTER
MIDDLE RIVER, MN
(7th MEETING)**

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

WORK TEAM MEMBER ABSENT: Danny Haack

Don B. welcomed the group and called the meeting to order at approximately 6:55 p.m. He reviewed the draft agenda found in the meeting notice letter. Don noted that since all 8 members are not present, voting on proposed trail segments will not take place at this meeting.

The notes from the December 4, 2002 meeting were reviewed and approved.

Wayne distributed and reviewed the Consolidated Conservation (Con-Con) Lands Legislative Report, dated January 15, 2003. He noted that about 63 miles have been identified by the Commissioner that will meet the definition of a trail, as defined by the DNR, and applied to the 90 mile goal.

PROPOSED TRAIL SEGMENTS:

1. Potential trail segment on the north-south section line of sections 7 & 8, and east edge of sections 17 & 18 in Espelie Township. Tony will contact the landowner prior to the next meeting to determine potential.
2. Paul & Tony will do on site investigations of potential trail segment links going north & south, on the east side of Thief Lake. They will bring recommendations to the next the meeting.

AUDIENCE COMMENTS:

The meeting was opened to comments from audience members who represented townships in Marshall County.

First to speak was Edward Moe from Valley Township. He stated that his township was opposed to “designating” ATV trails on any of the Valley Township roads. He also stated that the township had concerns about liability for injury, but that they intend to allow continued use of township roads for ATV use. He said that all section lines in his township are registered township roads (66’) whether a road presently exists or not.

Trevor Irlbeck from Espelie Township stated that his township also does not want ATV

designated trails on their township roads, but that ATV use will continue to be allowed.

Brad Berg from Whiteford Township stated that ATV trail segments not having clear connections are confusing. He also stated that there is general confusion about which lands are being considered for potential trail designation.

ADDITIONAL TRAIL SEGMENT PROPOSALS:

Don suggested that the main charge for the next meeting is for team members to bring potential routes for consideration and action by the group. These suggested routes should be field checked prior to the meeting if possible.

NEXT MEETING:

The **next meeting** will take place on **Thursday May 8, 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 9:05 p.m.

**MARSHALL COUNTY
CON-CON WORK TEAM
MEETING SUMMARY (draft
WEDNESDAY JUNE 11, 2003
SPRUCE VALLEY COMMUNITY CENTER
MIDDLE RIVER, MN
(8th MEETING)**

WORK TEAM MEMBERS ATTENDING: Howard Thorson, Jack Beito, Gary Sater for Tony Moe, John Williams for Paul Telander, Mary Broten for Forrest Boe, Shelly Steva, Danny Haack, and Randy Larson

Don B. welcomed the group and called the meeting to order at approximately 7:05 p.m. He reviewed the draft agenda found in the meeting notice letter. Don noted that since all 8 members are present, voting on proposed trail segments can take place at this meeting. The notes from the April 2, 2003 meeting were reviewed and approved. There was a short discussion about the potential impacts of township boards opposing the designation of ATV trails on township roads. No conclusion was reached.

Assignments from the April 2 meeting were reviewed. 1) Tony & Danny have looked at the potential trail segment identified as #1 in the April meeting notes. It was determined that the trail segment appears to meet the criteria for trail identification, however landowner approval of the segment is needed and has not been obtained. 2) There were no recommendations presented from assignment #2.

ADDITIONAL PROPOSED TRAIL SEGMENTS: (Most of the following potential trail segments were brought by Mary & John for discussion, review and potential action by the group)

3. Potential $\frac{3}{4}$ mile trail segment on the east-west section line on the north side of section 18 in Espelie Township. **After discussion. Vote: 8-0 in favor.**
4. Potential $\frac{1}{2}$ mile trail segment on the east-west section line on the north side of section 25 in Espelie Township. **After discussion. Vote: 8-0 in favor.**
5. Potential $\frac{3}{4}$ mile trail segment on the east-west section line on the north side of section 7 in Espelie Township. **After discussion. Vote: 8-0 for provisional approval, if it meets the trail criteria. John & Mary will review and report back. [Note: Has since been reviewed and O.K.'d by John and Mary.]**
6. Potential $1\frac{1}{2}$ mile trail segments on the east-west section lines on the north side ($\frac{1}{2}$ mile) and on the south side (one mile) of section 8 in Espelie Township. **After discussion. Vote: 8-0 in favor.**
7. Potential $\frac{1}{4}$ mile trail segment on the east-west section line on the north side of section 12 in Moylan Township. **After discussion. Vote: 8-0 in favor.**
8. Potential 1-mile trail segment on the north-south section line on the west side of section 7 in Espelie Township. **After discussion is was decided that this segment needs further review. No vote taken.**

9. Potential ½ mile trail segment on the north-south section line on the west side of section 18 in Valley Township. **After discussion. Vote: 8-0 in favor.**
10. Potential ¾ mile trail segment on the east-west section line on the north side of sections 9 & 10 in Moylan Township. **After discussion. Vote: 8-0 in favor.**
11. Potential ¼ mile trail segment on the southwest corner of section 34 in Eckvold Township. **After discussion. Vote: 4-4. Failed due to the segment being to short.**
12. Potential 2-mile trail segment on the north-south section line on the east side of sections 12, 13, & 24 (along Highway 54) in Linnsell Township. **After discussion. Vote: 8-0 in favor.**
13. Potential ¼ mile trail segment on the north-south section line on the west side of section 14 in Linnsell Township. **After discussion. Vote: 2-6. Failed due to the segment being to short.**
14. Potential parking/camping area in section 12 of Linnsell Township. Needs further review. No vote taken.
15. Potential 8 acre parking and riding area in an active gravel pit in section 23 of Linsell Township. **After discussion. Vote: 4-4. Failed due to lease requirement to reclaim the area to permanent vegetative cover.**
16. Potential ½ mile trail segment running north and south in the northwest corner (Dorman Ridge) of section 17 in Como Township. **After discussion. Vote: 8-0 in favor.**
17. Potential ½ mile trail segment running east-west on the south side of the northwest ¼ corner (Dorman Ridge) of section 17 in Como Township. **After discussion it was decided that this segment needs further review. No vote taken.**

Don asked for if anyone had any additional segments for review. None were presented.

NEXT STEPS:

It was decided that a Wayne will send a “ballot” to the Work Team members along with the specific information about the 2-segments listed above (#6, & 15) that are under further review. Each Work Team member will vote via U.S. mail on each segment (yes or no) or request that another meeting be scheduled to provide additional opportunity to discuss in more detail. Wayne will report the vote tally back to the team.

It was tentatively decided that since potential trail segments now appear to be exhausted, no additional meetings will be scheduled for this Work Team at this time. Don & Wayne clarified that the law allows this Work Team to exist until January 1, 2004. If a formal request is received prior to that date, another meeting could be scheduled. Wayne thanked the Work Team members of their hard, and excellent work. Meeting was adjourned at approximately 9:55 p.m.

NOTE: Outcome of the mail ballot was: **Segment #6 was approved 7-0** (one voter failed to vote either yes or no); and **Segment #15 failed 4-4.**

AITKIN COUNTY LETTER

(7A)
(over)

AITKIN COUNTY LAND DEPARTMENT 209
2nd Street NW Room #206
Aitkin, MN 56431

July 30, 2003

Wayne Edgerton
Agricultural Policy Director
Minnesota Department of Natural Resources 500
Lafayette Road
St. Paul, MN 55155-4013

Dear Wayne:

Thank you for meeting with Aitkin County officials regarding the designation of all-terrain vehicle (A TV) trail segments across consolidated conservation (Con Con) area tax forfeited lands designated as wildlife management areas.

After extensive review of these parcels in Aitkin County, it appears that the following parcel of this Con Con land should be designated as a multi-use motorized and non-motorized recreational use trail.

Soo Line Railroad Right of Way in the SW1/4 of Section 22, Township 47, Range 26

This proposed designation will include a strip of land approximately one-half mile in length on a "corridor of disturbance", an abandoned railroad grade.

Aitkin County requests that this parcel be designated as an all-terrain vehicle (A TV) trail segment to include all motorized and non-motorized trail uses. Thank you.

Sincerely,

/s/ Roger Howard
Roger Howard
Land Commissioner
RH:lab

c: Scott Arneson
County Board

**LAKE OF THE WOODS COUNTY
LETTER**

(8A)
(over)



**Lake of the Woods County Office of
Environmental Services**

Steven Sindelir
Environmental Services Director
PO Box 808
Baudette, MN 56623
Phone (218) 634-1945
Fax (218) 634-2509

August 11,2003

Wayne A. Edgerton Agricultural
Policy Director 500 Lafayette Road
St. Paul Minnesota 55155-4013

Dear Mr. Edgerton:

This letter is in response to your request for the possibility of any potential all-terrain vehicle (ATV) trail segments that may be considered for designation on the post-1986 Con-Con wildlife management area (WMA) lands in Lake of the Woods County. I organized an ATV trail committee meeting on the 6th of August with MNDNR officials, county commissioners, and other interested citizens of the County present. After much discussion and debate of this issue, it was finally agreed upon that these post-1986 Con-Con WMA lands do not contain any existing corridors of disturbance that could be used as A TV trails without major improvements being done and if improvements were done, these segments would not have any connectivity to trails or forest roads.

The County Board of Commissioners has taken over responsibility for all county road right-of ways, including the old existing ditch grades, so the County may choose to use these old ditch grades as ATV trails in the future. Lake of the Woods County is not real conducive to having a viable connection of ATV trails due to the topography, wetlands, and the large quantities of State and Indian lands throughout.

At this time, it is the findings of the Lake of the Woods County ATV Trail Committee that there are no existing corridors of disturbance within the post-1986 Con-Con WMA lands that would be easily converted to be utilized as ATV trails. Lake of the Woods County is still very interested in finding adequate locations for functioning and connecting trails in the County. It will be a challenge.

Thank you for notifying us on this matter. I would appreciate it if my office could be notified of any progress and/or updates with this program or any new program relating to ATV trails that develops in the future. Please contact me at 218-634-1945 if you have any questions or concerns.

Sincerely,

/s/ Steven Sindelir
Environmental Services Director

- EQUAL OPPORTUNITY EMPLOYER