



Ms. Diane Anderson
DNR Principal Planner
500 Lafayette Road
St. Paul MN 55155

December 30, 2016

RE: COMMENTS ON TACONITE STATE TRAIL DRAFT MASTER PLAN

Dear Ms. Anderson and DNR Planning Team:

The Parks & Trails Council of Minnesota commends the DNR planning team for its efforts to update the 35-year-old Taconite State Trail Master Plan and appreciates the opportunity to provide our comments. We know it is a major challenge to identify appropriate new uses and legally compatible re-alignments for a 145-mile trail that was developed for winter snowmobiling on a frozen and snow-covered treadway that crosses wetlands, lowland swamps and marshes.

Overall, we think the plan is both thoughtful and comprehensive. Our biggest concern is that the plan says it is low to moderately feasible for OHV use in two state parks when state park rules and the state law on which those rules are grounded prohibit such use. We don't think it's in the DNR's purview to be using master plans to advocate for the changing of rules and laws that protect our natural resources. With that sentiment in mind, our comments will be limited to where the Taconite State Trail travels through state parks: the 3.5 miles it crosses Bear Head Lake State Park and the 3.2 miles it passes through McCarthy Beach State Park.

DETAILED CONCERNS

I. Conflicts with the Outdoor Recreation Act and the DNR's number one guiding principle for sustainable trail development The Minnesota Outdoor Recreation Act is the bedrock law upon which our state's renowned outdoor recreation system is built, and we don't see any interpretation of that law that warrants the relaxation of rules prohibiting OHVs in state parks. We understand the DNR Commissioner has broad discretion in drafting recreation rules, but said rules – let alone master plans – must comply with state law. We believe master plans are not the appropriate place for the DNR to be advocating for changes to existing laws and rules. In its current form, the draft Taconite State Trail Master Plan is ambiguous about an issue for which state park rules are currently explicit. By choosing language such as “OHV use along the Taconite State Trail *may* require reroutes or alternative routes to avoid state park lands” (emphasis added, pp. 33, 39, 55), the plan causes unnecessary and avoidable confusion about the potential for OHV use in state parks. Even if the DNR has determined it will be changing state park rules it should not be using the Taconite Trail Master Plan to influence or circumvent the proper rule revision process. If the DNR believes the current rules should be amended, the public should understand why the changes are necessary and reasonable. We encourage the DNR to remove from the plan inferences to rule changes it intends to make until an Administrative Law Judge has an opportunity to determine whether such changes are legal under the Outdoor Recreation Act. State law is clear that state parks “shall not be designed to accommodate all forms of unlimited volumes of recreational use” and that only recreation activities that “utilize the natural features of the park that can be accommodated without material disturbance of the natural features of the park or the introduction of undue artificiality into the natural scene may be permitted.”



We believe the DNR can easily get this plan in compliance with the law by using unambiguous language that “OHV use along the Taconite State Trail *will* require reroutes or alternate routes to avoid state park lands.” Such language is also necessary to comply with the DNR’s number one guiding principle for sustainable trail development as stated on page 6: “Avoid sensitive ecological areas and critical habitats.” There is no disputing that the current Taconite State Trail encounters both stream crossings and wetlands as it enters Bear Head Lake State Park and passes through sensitive resources within the park. There is also no disputing that the trail currently passes through sensitive resources at McCarthy Beach State Park. We appreciate that the plan is explicit in acknowledging that the entirety of McCarthy Beach State Park is ranked as a site of high biodiversity significance that contains very good quality occurrences of the rarest species, high-quality examples of rare native plant communities and important functional landscapes. We believe the plan should be equally explicit that OHV use is not an activity that is compatible with protecting these critical habitats.

II. Perpetuates disproportionate use of resources

As an organization dedicated to the protection of parks for people’s use and benefit, we understand that the limited resources within state parks must be managed in such manner that provides equity and balance among the sometimes-conflicting needs of user groups. State Parks occupy less than half of one percent (0.42%) of the state’s total land area. While small in footprint, these places represent a significant investment made on behalf of past, present and future generations to protect “unspoiled natural resources” (Minnesota Outdoor Recreation Act). We are not opposed to OHV use in general, but we believe it is necessary and reasonable to keep state parks protected from intensive forms of recreation. According to the DNR’s own materials, there is nearly 1,800 percent more state land available for OHVs compared to the amount of land available to state park users. This disparity exists despite the fact that only five percent of Minnesotans own an OHV compared to the 30 percent who visit state parks. If DNR planners think Minnesotans need more than the 4 million acres of state land open to OHV use, then such expansion should not come at the expense of the meager 214,252 acres of state park land that is already facing major operations and maintenance budget deficits.

III. Omission of key studies

We would like to encourage the DNR to include data from its 2012 Minnesota State Parks Visitor Survey in the Taconite Trail Master Plan as it provides some valuable insights from the 9 million annual state park visitors that directly relate to the proposed new uses of the Taconite State Trail. Most pertinently, the survey shows visitors overwhelmingly don’t want OHVs in state parks. This is a critical piece of information from a key stakeholder that should be referenced in the park portions of the plan, and is a sentiment park users also expressed in a survey we conducted in 2014. The 2012 DNR State Parks Visitor Survey also found that 72 percent of Minnesota state park visitors said that enjoying the sounds and smells of nature is very important to their visit, a value that is incompatible with OHV use. Listening to park visitors, especially as expressed in DNR’s own surveys, is vital to achieving the DNR’s 10-Year Strategic Plan goal that Minnesota’s natural resources continue to contribute to the state’s \$13 billion annual tourism economy.

Finally, knowing that natural resources contribute to strong and sustainable economies and communities, we also think the Taconite State Trail Master Plan should include DNR studies on OHV impacts on wetlands and other sensitive natural areas as well as DNR studies on OHV noise impacts. Such studies provide valuable information that should be considered when deciding where OHVs are compatible with the DNR’s guiding principles on sustainable trail development.

Thanks for giving us this opportunity to comment on the Taconite State Trail Master Plan. Please feel free to contact me if you have questions or concerns with the comments we have provided.

Sincerely,



Brett Feldman
Executive Director