



Minnesotans for Responsible Recreation

The Voice



Minnesota's Voice for Peace and Quiet and Healthy Trails and Waterways

MRR Wins in Court!

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The Voice

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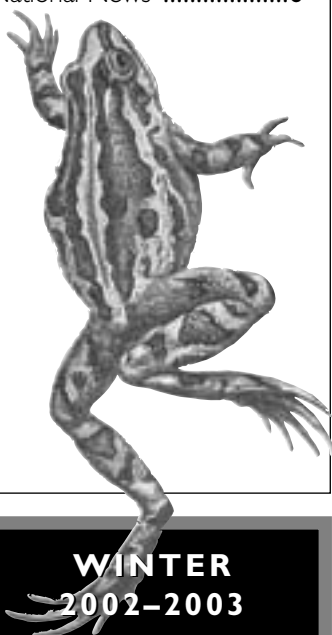
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WINTER
2002-2003

by **Jeff Brown**, MRR Co-Director

Environmental review ordered for eight OHV proposals; DNR escapes comprehensive system review

For the second time in less than a year, a Minnesota court has ordered the Dept. of Natural Resources (DNR) to complete Environmental Assessment Worksheets (EAWs) on specific proposals to develop "scramble areas" and interconnecting trails for all-terrain vehicles (ATVs), dirt-bike motorcycles, and four-wheel drive trucks. The DNR is developing a statewide "Off Highway Vehicle System" of routes and scramble areas for these machines in Minnesota's state forests, parks, and residential areas, and adjacent to the Superior Hiking Trail, Boundary Waters Canoe Area Wilderness, North Country Trail, and Voyageurs National Park, and on other lands to be dedicated for this purpose. Minnesotans for Responsible Recreation (MRR) is claiming another a victory in north central Minnesota where the Minnesota Court of Appeals has affirmed a lower court order for environmental and public review of eight trails in the region.

Unfortunately, the Court of Appeals also reversed significant portions of the earlier court's decision that required the DNR to review "the total effect" of its OHV system "plans" in advance of implementation and to give citizens well defined

opportunities to petition for this review. DNR "Off Highway Vehicle System Plans" open 95% of Minnesota's state forests to OHV use. Though it is the DNR's expressed goal to develop a statewide network of trails and scramble area, the appellate court declared that MRR had not provided sufficient evidence that the open classification of our forests and the system of routes proposed for north central Minnesota are part of a larger "phased and connected system." Unwilling to review the potential for broad environmental impacts of its OHV proposals, the DNR, joined by the All-Terrain Vehicle Association of Minnesota and The Minnesota Four-Wheel Drive Association, succeeded in reversing this portion of the earlier court's decision.

In 1998 MRR made a commitment to members to secure meaningful environmental and public review of all proposals in the DNR's statewide OHV system. Over the past four years MRR members have produced and distributed a major report documenting the unwanted impacts of ATVs and dirt-bike motorcycles, petitioned the DNR to complete EAWs on these proposals, and challenged the DNR's refusals and the poor quality of review where provided. The court's decision upholding environmental and public review of proposed OHV and scramble areas routes is a solid first step in determining what place these machines might have on Minnesota's landscape. MRR

Motorized Antics with Semantics

Check out our Web site for more info. www.MnResponsibleRec.org

One of the most common words tossed about in the current debate regarding ATVs and other off-road vehicles is the word "trail." While most Americans think of a trail as a narrow path one might peacefully walk on with one's children, in Minnesota the word "trail" has come to mean a 50 foot wide thruway bulldozed to carry ATV, dirt-bike motorcycle, four-wheel drive truck, and snowmobile traffic—hardly a peaceful path in the woods. You'll note that in its recommendations,

MRR refers to these motorized thruways as "routes." Don't let motorized advocates tidy up their bad dreams for Minnesota with euphemisms. (The All Terrain Vehicle Association of Minnesota has its goal of "2000 miles of trail by the year 2003.") Go to MRR's website and see the motorized routes that ATVAM has planned for your backyard. If the public is to choose where these routes will be developed it is time to call a spade a spade. MRR

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MINNESOTANS FOR RESPONSIBLE RECREATION

Who We Are:

Minnesotans for Responsible Recreation (MRR) was founded to give a united voice to those concerned about the noise, fumes, danger to others, and environmental harm caused by off-highway vehicles (OHVs), snowmobiles and high-powered watercraft.

Our Mission:

To restore, protect and preserve peace and quiet, fresh air, personal safety, and healthy trails and waterways in Minnesota.

Expect Peace and Quiet...

Become a Volunteer!

MRR is looking for members to become moving forces in the fight for Minnesota's environment. Call us today to find out how you can ensure a beautiful future for all.

MAKING A NOISE...

FOR PEACE & QUIET

MRR Members Prevail

A Short History of Perseverance

by *Dave And Karen Sharbo*

CLOVER TOWNSHIP, HUBBARD COUNTY, MN

April 2001

Surprise! You are now living on a DNR Grant In Aid Designated ATV Trail.

With no prior notification to affected property owners, what had been quiet, minimum maintenance township roads that dead-ended at a privately owned foot bridge had become a major thoroughfare for ATV traffic. Two of the three Clover Township Supervisors, members of the local ATV club, had voted this trail into existence. Quite by accident, residents living along the new trail learned of it and were outraged. Organizing as a neighborhood and attending township meetings became a priority as did studying Minnesota statutes and finally hiring an attorney with a strong background in Land Use and Environmental Law. It was a long summer.

Fall & Winter 2001

The board did rescind the Designated Trail permit but kept the option open through monthly maneuvering. Documents showing that the bridge

was privately owned and a portion of the road was not under township control were ignored; however an alternate route was approved when the club revised its request.

May 2002

One month later a petition to open the same route as a "scenic alternative" was presented to the board. The board was ready to open the road until the affected landowners present objected for lack of public notice and hearings.

June 2002

In May 2002, the board finally hired their own attorney who was present at the June monthly meeting. After reviewing our documents, she informed them that the bridge was in fact privately owned and that the township had no control over its use. She also stated that the road segment in question was not under township control either.

As of today (15 months later) these quiet roads are just that, QUIET! Families are fishing off the footbridge and joggers, hikers, grandparents and children are not playing dodge-em with ATVs. Yes, significant time and effort was spent, but to those of us who are enjoying our still tranquil lake property it was worth the battle.

MRR Succeeds because of your continued support!

Thank you current members for your financial support! Member contributions pay for MRR phone bills, publications, website, staff time, travel costs, rent, legal fees, and other costs. MRR membership is an important, simple, and effective way to protect our communities, parks, forests, and quality of life from the unwanted impacts of motorized recreation. Thank you MRR members for your personal commitment to future generations seeking quiet, safe, healthy places to live and recreate.



Don't let your support for peace and quiet and healthy trails and waterways lapse! Renew your MRR membership today using the enclosed self-addressed envelope!

While Parks and Schools Close, Minnesotans Unwittingly Pay Millions to High-impact Motorized Recreation

Audit of DNR motorized trail program due in January

by **Jeff Brown**, MRR Co-Director

For more background information on the legislative audit of the DNR's motorized trail program see the Summer, 2002 issue of *The Voice*.)

The truth can be painful. Every time you put gas in your family vehicle a mandated portion of the tax (20 cents per gallon) collected on that sale is deposited in "dedicated accounts" in the DNR Trails and Waterways Division to provide motorized recreation access to Minnesota's public lands and waters. Based on "Use and Consumption Studies" completed in the early 1980s our Legislature mandated under Minnesota Statute 29a.18 that the following proportions be dedicated annually to motorized recreation:

Motorboats	1.5 %
Snowmobiles	1.0 %
ATVs	.15 of 1%
Dirt-bike motorcycles	.046 of 1%
Four-wheel drive trucks	.164 of 1%

As a result, over \$12 million dollars had accumulated in Trails and Waterways Division accounts at the beginning of the fiscal year for the promotion of snowmobiles, ATVs, dirt-bike motorcycles, and four-wheel drive trucks alone (\$1,766,272 dedicated in FY 2002).

These public funds are disbursed to local snowmobile and ATV clubs (via counties which act as clubs' fiscal agents) by the Trails and Waterways Division to develop and maintain access on public and private land. In the past few years MRR members have documented that disbursement of these funds is causing widespread environmental damage without accountability and without obligation to repair this damage. (See related articles in this issue of *The Voice* on the DNR's ATV trail prototype, MRR's legislation, and the legislative task force on OHVs.)

MRR believes that these dedicated gas-tax funds are literally fueling the irresponsible expansion of motorized

recreation in Minnesota. Snowmobilers, who years ago already had more trail miles than Minnesota has highways, now boast 20,000 miles of "dedicated" trails. OHV riders who have nearly absolute access to 95% of our state forest lands are anxious to cash in on the nearly \$8 million waiting for them in OHV accounts. As the DNR stated in a recent ATV proposal "the actual effect of [OHV trail] designation will be to make [gas-tax] funds available from the DNR...to local club[s]."

MRR believes the perpetual funding of motorized recreation in Minnesota has created a "more gas you burn the more trail you earn" attitude. It has also created a sense of obligation among some Trails and Waterways Division staff whose salaries are generated by motorized users of our public lands and a sense of entitlement among these users who have come to view these public funds as their own private accounts. This is unconscionable when the state has a \$4.5

billion deficit, social services are being cut and neighborhood schools and state park campgrounds are being closed.

For this reason MRR members convinced over 40 legislators in 2002 to request an audit of the DNR Trails and Waterways Division motorized trail program. That audit is due to be released in January.



Contact your legislators and tell them you would like a copy of the Office of the Legislative Auditor's Report and that you want reform of how these public funds are distributed. Tell your legislators to support MRR's bill, **HF1551/SF1381**, which would prioritize the use of these funds for repair and restoration, environmental and public review, and enforcement of motorized recreation laws.



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MRR Legislation Alive in 2003

The following will be distributed to your legislators in the Minnesota Environmental Partnership Legislative Briefing Book. Watch for announcement of this session's "MRR Lobby Day" in the mail. Last year's lobby day was resulted in an enormous success, the vote to conduct a legislative audit of the DNR's motorized trail program.

Protecting Minnesota's Public Lands from ATV damage

ATVs, dirt-bike motorcycles, and four-wheel drive trucks are damaging Minnesota's public lands and waters and displacing Minnesotans who seek quiet, safe, healthy places to live and recreate. The manufacture and marketing by Minnesota corporations of easy to drive ATVs and publicly funded open access to state land has led to a proliferation of user created de facto roads and scramble areas throughout Minnesota. Damage to vegetation, soils, water quality, wildlife habitat, and solitude has become commonplace statewide. State forests and parks, wildlife management areas, state trails and other treasured places such as the Superior Hiking Trail, North Country Trail, Boundary Waters Canoe Area, and Voyageurs National Park are suffering from the impacts of these machines.

Current laws and practices allow and even promote these unwanted impacts. Over 95% of Minnesota's state forests have been "permanently classified" by the DNR's Trails and Waterways Division as "open" to off-highway vehicles. No neighboring state allows such open access. Random unwanted impacts inherent to this open access is compounded by the fact that OHV enforcement is grossly underfunded. While the state employs 525 state troopers to patrol our highways we employ fewer than 150 Conservation Officers to patrol our public lands statewide.

MRR Legislation

continued on page **7**

Viewpoint

One Hunter's Experience

I made the choice to become an MRR member 3 years ago after a frustrating experience with personal watercraft buzzing my boat while fishing on a small reservoir near my home in Duluth. Yes, I'm proud to call myself a fisherman and of the fact that I catch and ultimately kill many fish each year so that members of my family and I may enjoy meals of fresh local fish. I also spend a considerable amount of time each year hunting upland birds and whitetail deer. While some folks may consider the act of hunting difficult to justify and may even regard it as unnecessary in this day and age where most folks get the meat they consume from the grocery in some nice neat package. I on the other hand disagree and am proud of the fact that I grow and harvest/kill much of my own food. Hunting and fishing have been a central part in forming my love for wild places and critters that inhabit them.

Last weekend I was out for a walk with the dogs scouting around in some county forest a few miles north of Duluth where I deer hunt. As I approached the area on the pipeline where I walk into the woods on a small foot path I was surprised to see a new 4 wheeler road had replaced the simple foot path. I followed the new tracks to within 10 feet of the tree I hunt from and some 200 yards beyond. All along this new path were small aspen, alder and ash trees bent to the ground destined to die. When I came to the end of the track I was again surprised to find a large permanent tree stand constructed from new construction grade lumber. This lumber wasn't carried in by hand; no it was driven cross-country by a person on an ATV. I can't begin to express how upset I was for a number of obvious reasons. As I sat and thought about this

impact to an area that I've come to know very well and appreciate it's wild character I thought about how people like this are the ones who give many of us who hunt and fish an undeserved reputation for being disrespectful.

Upon returning home I decided to contact a county official, a land manager, and county recreation specialist only to learn that nothing I'd described to them was illegal, unethical yes, but not illegal. I say it's time for all MRR members to react to this lack of policy on our county lands.

Eric Larson
Duluth, MN



Minnesota's public lands are a patchwork of federal, state, and, county lands. MRR members are encouraged to contact their county commissioners and tell them you want implementation of the following four basic policies to prevent and rectify the unwanted ATV impacts encountered above:

- Designated routes only on lands where ATV use is to occur
- Environmental and public review to select those routes
- Adequate Enforcement to keep riders on these routes
- Repair and restoration of damaged land

Members in St. Louis County will find contact info for their commissioners at 800-450-9777.

MRR Asks Court for Environmental Impact Statement, Restoration of Wetlands and Trail Closures on DNR “ATV Trail Prototype” Proposal

by Jeff Brown, MRR Co-Director

DNR “ATV Trail Prototype”

In response to MRR’s persistent challenges in the media, courts and legislature, the DNR has unveiled what it is calling its “ATV trail prototype,” innocuously titled the “Moosewalk/Mooserun ATV Trail,” in Lake County in Northeast Minnesota. The DNR is proposing conversion of 35 miles of snowmobile trails and 6.6 miles of state hiking trail to ATV use. On its June, 2002 Finland State Forest ATV Trail map, the DNR indicates that these trail proposals are “Phase 2” and “Phase 3” of a forest-wide system that includes longer stretches of the North Shore State Trail, Tettegouche State Park, and Bean Lake on the Superior Hiking Trail.

Wetlands Damaged by ATV/Snowmobile Club

Last Christmas Eve, the DNR issued an EAW on its proposal, giving Minnesotans on holiday 30 days to comment. Inspecting the proposed route, local MRR members discovered that much work had already been completed by a local snowmobile/ATV club. This included bulldozing a swath up to 50’ wide through wetlands and adjacent to designated trout streams. On one stretch, the club had built a road through a standing wetland leaving all the trees and other vegetation on one side dead and dying. In its less than energetic attempt to mitigate this damage, the DNR proposes the installation of 30 culverts in this 30 mile loop of “trail,” a high-impact activity of its own. The DNR’s EAW reviewed the impacts of these “mitigations” rather than the inherent impacts of ATVs on the forest.

Illegal Trail Construction and DNR Disbursement of Public Funds

MRR immediately began a wider

investigation of the damage. Through a series of Minnesota Data Practices Act requests, MRR discovered that the DNR had illegally disbursed gas-tax funds to the local snowmobile/ATV club without required permits, including public funds for an illegal spur “trail” which was constructed during the environmental review period. Project construction during environmental review is expressly prohibited by the Minnesota Environmental Protection Act. As MRR’s investigation widened, it revealed that additional portions of the North Shore State Trail had effectively been converted to ATV use when the DNR built an ATV route connecting the Moosewalk/Mooserun system with routes in Tettegouche State Park.

MRR Seeks Environmental Review, Repair and Restoration, Trail Closures in Court

MRR members, asking the DNR to complete a more thorough Environmental Impact Statement (EIS) for its plans for the area, included the above information in public comment. The DNR denied this request. To view these comments, visit our website.

Check out our Web site for more info.
www.MnResponsibleRec.org

Accumulated damage to sensitive areas, illegal activities, and the total lack of accountability on the parts of the DNR, local club, and county (which acts as the fiscal agent for the club) prompted MRR to petition The Honorable Kenneth A. Sanvik in Lake County District Court. On December 16 MRR requested that an Environmental Impact Statement (EIS) be ordered. In a separate but related action, under the Minnesota Environmental Rights Act (MERA), MRR is also asking the court to order the DNR to repair and restore damaged areas, and to close and reroute high impact ATV trails.

In asking the court to order an EIS, MRR made the following four basic arguments:

- The DNR used the wrong baseline for environmental review, reviewing the impacts of its proposed route construction while not reviewing the impacts of ATVs on unimpaired forests and wetlands.
- The DNR record of decision failed to include substantial evidence (provided during the comment period) to support its refusal of an EIS.
- Portions of the “Moosewalk/Mooserun ATV Trail” were built during the EAW process in violation of Minnesota law.
- The DNR used the EAW, not to review potential impacts, but to justify a predetermined decision.

The court will make its “summary judgement,” regarding further environmental review based on a review of existing records – the DNR’s EAW, public comments, DNR record of decision, and evidence of illegality. The MERA claim for “injunctive relief” is currently scheduled for trial beginning March 31. The DNR has asked the court to dismiss MRR’s request for reparations and trail closures. The court will have 90 days to decide whether to order the EIS and whether to allow a trial.

Check out our Web site for more info.
www.MnResponsibleRec.org

To view photographic evidence of OHV damage in the Finland State Forest and MRR’s Memorandums of Law discussing our legal arguments, go to MRR’s website.

For more information about MRR’s Environmental Review Campaign and/or to help protect



Minnesota from the unwanted impacts of ATVs, dirt-bike motorcycles, and four-wheel drive trucks call MRR at 218-740-3175.

by Parker Drew

Court upholds off-road vehicle restrictions by Forest Service.

After a two-year wait, a federal judge in Denver issued an important decision reinforcing the Forest Service's ability to restrict off-road vehicle use in order to prevent environmental damage. The Forest Service sought to end cross-country travel by motorized vehicle use on a portion of the Routt National Forest in northern Colorado, instead limiting motorized vehicles to designated routes. The Forest Service acted after concluding that cross-country motorized travel in the area was causing considerable environmental damage.

The Colorado Off-Highway Vehicle Coalition (COHVCO) sued to protest these restrictions, however, arguing that the Forest Service was required to conduct an environmental analysis (under the National Environmental Policy Act) for each individual user-created route in the area. The court disagreed, finding that the Forest Service has the authority to restrict motorized use in an area if its environmental analysis produces evidence that damage is occurring.

A coalition of conservation groups, including Colorado Wild, The Wilderness Society, Wildlands CPR, and Colorado Mountain Club, intervened in the lawsuit on behalf of the Forest Service. The coalition was represented by Earthjustice.

And, on the heels of its latest defeat, COHVCO announced last week another lawsuit aimed at keeping off-road vehicle routes open at any cost. The lawsuit claims the Forest Service illegally ended motorized use on the Arapaho Ridge Trail despite two years of documenting severe and increasing environmental damage.

Lawsuit filed to block Yellowstone Snowmobile Decision

WASHINGTON - A coalition of employee and environmental organizations filed suit today to prevent the Bush Administration from delaying a phase-out of

snowmobile use in Yellowstone National Park. Public Employees for Environmental Responsibility (PEER) joins the Fund for Animals, the Bluewater Network and others to file the suit in U.S. District Court to block a Bush administration rule, issued November 18, that would prevent changes to snowmobile usage in the Park.

The groups argue that snowmobiles endanger the health of the Yellowstone staff who work at the entrances with huge numbers of entering snowmobiles. For example, through December 27-31 of last year, 4,797 snowmobiles entered the park through the West entrance. The employees inhale gasoline fumes while performing their required duties and Park Rangers have long complained of experiencing nausea, headaches, dizziness, and hearing loss when working near snowmobiles. A study completed by the Occupational Safety and Health Administration (OSHA) found that the workers were subjected to unacceptable levels of snowmobile pollution and noise. Every year, carbon monoxide levels from snowmobile use in Yellowstone have exceeded federal air quality standards.

In addition, the suit argues that snowmobiles have adverse impacts on air and water quality and wildlife in Yellowstone, including endangered and threatened species such as grizzly bears, gray wolves, Canada lynx, and bald eagles. According to Park Service Documents, the 80,000 snowmobiles in Yellowstone each winter produce more total air pollution than the cars and trucks used by the three million other visitors to the park and the roar of snowmobiles can be heard as much as 95 percent of the time in the park's most popular spots.

By moving to keep snowmobiles in Yellowstone, the Bush administration has ignored the overwhelming number of public comments calling on a phase out of snowmobiles from the park. In the last comment period, 80 percent of the 360,000 emails and letters received by the Park Service favored a ban on snowmobiles.

The presence of snowmobiles will further strain the Park's cash-strapped budget by paying for the respirators that protect workers from exhaust, outfitting employees with hearing protection devices,

and redesigning entrance stations to pump clean air.

"The Administration is sacrificing the health of the Yellowstone employees to pander to the snowmobile industry," commented Rocky Mountain PEER Director Chandra Rosenthal. "PEER believes that the well-being of park employees is essential to the well-being of the park."

Thanks to Rocky Mountain PEER for this report

More National Parks close to jet skis

The entire National Park System (NPS) will now be protected from the damaging impacts of personal watercraft (PWC), save for a few small areas within the Lake Mead National Recreation Area, following a recent decision to close the remaining National Park areas open to the motorized thrillcraft. PWCs have been shown to cause significant impairment of air and water quality, visitor enjoyment, public health and safety, natural soundscapes and wildlife, and generally violate National Park Service laws designed to ensure that park landscapes remain in a natural and unimpaired state.

The most recent closures are the result of a court-ordered settlement agreement between the Bluewater Network, a San Francisco based environmental organization dedicated to motorized recreation issues, and the NPS. The settlement is based on a 1998 petition that the Bluewater Network filed with the NPS to prohibit PWC operation throughout the entire park system. As part of the settlement, the NPS can authorize long-term PWC operation at any park unit only if the agency can demonstrate that these dangerous and polluting machines do not cause environmental damage and public safety hazards.

The following National Park Service units affected by the November 7 settlement include:

- Amistad National Recreation Area (NRA)
- Bighorn Canyon NRA
- Chickasaw NRA
- Curecanti NRA
- Glen Canyon NRA
- Lake Meredith NRA
- Lake Roosevelt NRA

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MRR Legislation

continued from page 4

Fueling the damage to Minnesota's public lands are motorized recreation "gas-tax accounts" dedicated for the purpose of promoting motorized access to public and private land. These public funds are disbursed by the Trails and Waterways Division to local ATV clubs and individuals to expand access with no obligation to repair damage and enforce existing laws and with little accountability or oversight. This funding system, which largely subsidizes Trails and Waterways, has created a culture of entitlement on the

part of OHV users and a culture of obligation on the part of DNR Trails and Waterways Division staff.

Managing Off-Highway Vehicles in Minnesota

MRR's bill, HF 1551/SF1381, would protect our public lands by providing the following:

- "Designated routes ONLY" policy for lands on which OHV use is to occur
- Environmental and public review of proposed routes to select appropriate routes for

Recognizing the importance and power of art and literature as a means of expressing what we value and motivating us to protect it, MRR has assembled artists, musicians, authors, explorers and adventurers who can speak to the essence of and need for peace and quiet in our lives. Thoreau considered silence the most poetic sound of all and it is this theme which will be felt in each guest's presentation.

Please join MRR

Minnesota's Voice for Peace and Quiet each third Tuesday of every month to celebrate the work of each one of our talented guests. You will have an opportunity to support this work as well as that of MRR. For more information please visit our website at www.MnResponsibleRec.org or call 218/740-3175.

Suggested donation \$5.00

January 21, 2003

STEVE PIRAGIS

Enjoy images and stories of wilderness travel at home and abroad with adventurer, outfitter and owner of Piragis Northwoods Company store and catalog, Steve Piragis.



February 18, 2003

BETSY BOWEN

Co-hosted by Friends of the Boundary Waters Wilderness, watch as artist and author Betsy Bowen brings her woodcuts to life. For the young and young at heart, Betsy will also read from her book, *Antler, Bear, Canoe*.



March 18, 2003

STEVE JUENEMANN

Join noted author and educator Steve Juennemann as he reads from several of his published works. Originally from the North Shore, many of Steve's poems and essays speak of his experiences there.



April 15, 2003

DR. TOM WATERS

Listen to nationally recognized stream ecologist, author and Professor Emeritus of the University of Minnesota, Dr. Waters as he eloquently blends science and literature to convey the ecology of and human dependence on healthy, free flowing rivers.



May 20, 2003

VARIOUS AUTHORS

Co-hosted by 1,000 Friends of Minnesota, listen as award winning authors from around the state recite their works from *Voices for the Land*, a two part literary project sponsored by 1,000 Friends of Minnesota.



- Adequate enforcement to keep riders on these designated routes
 - Prioritization of motorized recreation "dedicated gas-tax accounts" to fund environmental review, repair accumulating damage, and hire additional conservation officers
- HF 1551/SF1381 would also provide a motorized recreation enforcement hot-line and automobile-size license plates to make it easier for enforcement officials to identify errant riders.



MRR encourages members to contact your legislators, reference MRR's "briefing," and ask for support of HF1551/SF1381. For legislative contact info call 800-657-3550.

DNR Bait and Switch Trades “Scramble Areas” in State Forests for Publicly Funded Sacrifice Zones

In its Final Recommendations for Managing Off Highway Vehicles in 1997 (Minnesota DNR Northeast Region OHV Team) the DNR proposed a statewide network of “scramble areas” and interconnecting routes. In its recommendations the DNR defines “scramble areas” as “high use area[s], designated for random cross-country OHV use, that are designed to provide a range of experience for OHV users... Recommended size for stand alone scramble areas is 250–3000 acres. Areas should be rolling with steep slopes and forested. Smaller scramble areas 5 to 40 acres may be provided in conjunction with developed trails.”

Over the past five years MRR has taken the adamant position that while some environmentally and publicly approved ATV routes might be acceptable, the development of scramble areas is not. The DNR and motorized advocates have attempted to restrict recent debate to “ATV trail” development. MRR has persisted, since release of its report Off-Highway Vehicles in Minnesota in 1999, in challenging the DNR’s goal to develop such sacrifice zones.

During the 2002 legislative session and in response to MRR’s educational efforts with legislators, media work and court challenges, the DNR announced it was backing away from the development of scramble areas on state forest land. Instead the DNR says it will now use gas-tax and license fees collected from the use of these machines to purchase other lands on which riders can scramble.

MRR views gas-tax funds and license fees as public monies. Land purchased with these public funds would be public land. MRR adamantly opposes the promotion and use of public lands and public funds for sacrifice zones for ATVs and other off-highway vehicles. We believe Minnesotans should question the DNR’s apparent sense of obligation to provide such areas and DNR’s approval and encouragement for such activity. It is one thing to provide selected transportation routes in some forests, and entirely another to encourage such an anti-land ethic. There is no way that such a “scramble area” mentality will be put aside when riders enter public lands protected from random, intensive, cross-country use.

Since the opening of 95% of Minnesota’s state forests lands to ATV and other OHV travel in 1998, our forest lands have become defacto scramble areas. That the DNR continues to support the development of publicly-funded dedicated scramble areas speaks volumes about their lost sense of mission. What is needed from our DNR is not a bait and switch game of semantics but the ability to just say no! MRR

Call or e-mail your legislators today and tell them “No public money for scramble areas!”



Ahhh...Silence

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Northwestern Minnesotans Seek Environmental Impact Statement on DNR Proposed White Earth ATV/Dirt-bike Motorcycle Trail

by Jerry Maertens

The 39 mile DNR Proposed White Earth ATV/ORM Trail is located in the White Earth State Forest south of Bagley and west of Itasca State Park. The proposed trail circles Long Lost Lake, a quiet serene area that prides the beauty of the area and the 10 mph speed limit on the lake. Under the guidance of Long Lost Lake Association President Greg Scherzer, the Long Lost Lake White Earth Trail Committee was formed to evaluate and prepare comments on the DNR's White Earth Environmental Assessment Worksheet (EAW).

Upon reviewing the EAW it was obvious that:

1. Throughout the document the DNR attempted to establish a 20 year history of ATV and ORV use in the area and that this prior use is one of their justifications for the trail establishment.
2. Education, enforcement, and signage seems to be a theme throughout the document and what the DNR is hoping will be the key to preventing environmental degradation. Education has not worked before, why will it work here? As for enforcement, the bottom line is that if there is a previous ATV track and another ATV is encountered on that track nothing will be done. It boils down to this: enforcement is hamstrung unless the law is changed so that the ATVs can only travel on those roads and trails posted as permitting ATV travel.
3. There are numerous inconsistencies in the document. One will be reading of environmental damage and/or possible damage and then comes a statement that negates or minimizes the discussed

- damage. What is it? Environmental damage or not??
4. Numerous environmental concerns (steep slopes, wetlands, wetland buffers, adverse wildlife affects, air pollution, etc.) and several historic concerns were not adequately addressed.

The Long Lost Lake Association as well as many of the area landowners requested that the DNR conduct and prepare an Environmental Impact Statement (EIS). Winona LaDuke's input for the White Earth Land Recovery Project also requested an EIS stating that , "The impact of such a route will be quite damaging to the cultural, historical, burial and environmental community of the White Earth Anishinaabeg." Similar EIS requests were made by MRR and the Minnesota Center for Environmental Advocacy (MCEA). The Minnesota Environmental Partnership sent out a statewide alert which was sponsored by Audubon Minnesota, Friends of the Boundary Waters Wilderness, and MCEA.

A big concern of the public should be the DNR's establishment of a two-tier environmental review process, the big "E" and little "e." Ecological Services and the regional environmental review specialist, previously the environmental review backbone of the DNR, now is part of a "regional environmental review team" and is referred to as the little "e." The big "E" is the DNR's St. Paul based Office of Management and Budget services. It became obvious that under this two-tier process environmental document manipulation could occur. Under the Data Practices Act copies of regional forestry, wildlife, fisheries, and ecological services input into the White Earth EAW were requested. It became obvious that many environmental impacts and concerns were glossed over, minimized, or not included in the final EAW.

Obviously those of us who are environmentally concerned may need to also request field level inputs to validate future DNR EAWs.

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