



Minnesotans for Responsible Recreation

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October 14, 2004

Kathy Docter
Special Investigations Unit
Minnesota State Auditor
525 Park Street
Suite 400
St. Paul, MN 55103

Ms. Docter:

MRR is deeply concerned that **\$.5 million** in public funds appropriated by the Minnesota legislature to the DNR since 1998 to build a “missing link” state snowmobile trail connecting the Munger and North Shore State Trails in the Duluth area are being:

- Illegally disbursed in violation of state grant-in-aid rules
- Used to bulldoze and maintain trails on private property without required written permission from landowners
- Used to silence public and landowner opposition to the proposed trail

On June 25, 2004 MRR filed a complaint with the State Auditor concerning a number of motorized recreation funding concerns in St. Louis County including those above. Thank you for taking time this morning to discuss our continued concerns and new and substantive evidence that state funds are being illegally disbursed by St. Louis County and mis-used by the Hermantown Nightriders Over the Hill Snowmobile Club to trespass on private property. We also have new concerns about the lack of accountability and current “cover-up” of extensive problems with the “missing link” project in the DNR and a state funded planning process pushing this trail on unwilling property owners who have increasingly more urgent concerns.

As publicly funded motorized recreation projects in the county are moving ahead in violation of state rules, MRR requests a timely investigation regarding our June 25, 2004 and current complaints in light of the following recent findings:

- Publicly funded snowmobile trail planning process has excluded key stakeholders and has omitted any discussion of well-documented and extensive landowner problems with the trail
- Snowmobile club, county and DNR do not have written easement agreements despite the ongoing disbursement of public trail funds
- Snowmobile club and DNR is not acknowledging written notice from property owners that their property is now closed to the trail
- DNR Commissioner Gene Merriam is not responding to our repeated pleas that he come to Duluth to meet with concerned and citizens disenfranchised by this publicly funded plan

Attached please find the following documents supporting these findings:

- **Exhibit A 10-8-04 MRR Comments on Arrowhead Regional Development Commission September, 2004 Draft Hermantown Snowmobile Trail Plan.** This publicly funded plan has excluded property owners and MRR despite our numerous and well documented pleas (provided upon request) for inclusion and does not acknowledge the plethora of problems property owners are experiencing at the hands of the publicly funded Hermantown Nightriders Over the Hill Snowmobile Club. (At least one property owner has had to hire an attorney to protect his property from encroachment by the Hermantown Nightriders Over the Hill Snowmobile Club.) A *Draft Landowners Guide* to be used to convince property owners to sell *permanent easements* across their land incorrectly states “there are very few problems” despite ongoing MRR communications with plan author, ARDC that these problems are many. MRR is deeply concerned that ARDC, which is known for its inclusive and thorough efforts in bringing together divergent stakeholders with complete information to solve community problems, has been co-opted by the DNR and local clubs determined to develop a “missing link” state snowmobile trail through the Duluth area in violation of state grant-in-aid rules and despite public opposition.
- **Exhibit B 9/28/04 MRR Fact Sheet discussing history of trail, MRR’s involvement, problems (noise, bad behavior, property damage), and analysis of DNR’s pilot program to purchase permanent easements on private property:** This program and the current plan rewards the worst and most problematic behavior at the root of lost snowmobile trail right-of-way with permanent access while attempting to silence uncooperative property owners.
- **Exhibit C September, 2004 Arrowhead Regional Development Commission Draft Hermantown Snowmobile Trail Plan**
- **Exhibit D Draft Landowners Guide**
- **Exhibit E: 10-11-04 DNR List of 73 Property Owners to have provided temporary easements for current trail alignment and referenced in ARDC plan as Alternative A (list faxed to MRR from Les Ollila, Northeast DNR Regional Trails and Waterways Division Director):** Grant-in-aid rules require that local government sponsors/fiscal agents of snowmobile clubs and the DNR respectively have written landowner permits on file and a list of these landowners before disbursing public snowmobile trail funds to clubs. Millions of dollars in public trail funds are disbursed annually to snowmobile and ATV clubs to build and maintain motorized trails. A January, 2003 Office of the Legislative Auditor *Program Evaluation Report: State-Funded Trails for Motorized Recreation* finds that “clubs are left to operate largely on their own”, that landowner permits are commonly not obtained, and that trespass on private property is resulting. **The attached list related to the current \$.5 million proposed “missing link” state snowmobile trail provides an egregious example of the problems uncovered by the OLA audit.**

The attached list is supposed to be a list of property owners who currently have written snowmobile trail easement agreements with the Hermantown Nightriders Over the Hill Snowmobile Club. Instead the list reveals that the club, county, and DNR do not have written landowner permits required by law despite the fact that public trail funds have over the years and continue (as recently as September, 2003 – approved grant request attached to original June 25,

2004 complaint to State Auditor) **to be disbursed for construction and maintenance of a cross-city snowmobile trail** (resulting in December, 2003 in an illegal bulldozed trail on private property – photo attached to June 25, 2004 complaint). **The attached list includes the following inaccuracies and misrepresentations:**

- two listed property owners who are deceased (Fred Briesemeister [daughter, Sandra, also deceased is listed as easement provider on ARDC maps] and Ellen Wentzlaff)
 - at least four listed property owners withdrew their easements years ago (Timothy MacPherson, John and Carolyn King, David Beadle and Gerald Lamphier)
 - at least one property owner (Jack and Bonnie Sylvester) is listed as having given easement that landowner reports was never given.
 - at least two property owners who have the trail on their land (Lee Achinson and Jim and Barb Golen) are not on the list. (While these two property owners have recently submitted notices to ARDC and DNR staff that they are closing the snowmobile trail on their property club members and DNR staff claim they have not received such notices.)
- **Exhibit F 10/4 and 10/8 invitations to DNR Commissioner Gene Merriam to discuss problems. Despite requests from Representative Alice Hausman in June and more recent requests from MRR the DNR commissioner has not responded to invitations to discuss the above and other problem DNR projects**

MRR has had an intimate eight-year relationship with the proposed “missing link” state snowmobile trail and has assembled a substantial body of evidence about the above and other problems. In addition to the above documentation also **please find attached a Confidential list of property owners who can provide extensive first-hand accounts** of their treatment at the hands of the publicly funded Hermantown Over the Hill Nightriders Snowmobile Club.

These property owners are concerned that the publicly funded proposed state snowmobile trail will be developed despite their opposition and with dramatic negative effects on their quality of life. A timely investigation and finding by the State Auditor could potentially help cause state rules to be followed and an improved public process to commence.

Please call on me at 218-740-3175 for any other information I might provide.

Sincerely,

Jeff Brown
Executive Director