

**PETITION TO THE MINNESOTA ENVIRONMENTAL QUALITY BOARD FOR
COMPLETION OF AN ENVIRONMENTAL ASSESSEMENT WORKSHEET
REGARDING THE PROPOSED EVELETH TO GILBERT
ALL-TERRAIN VEHICLE/DIRT-BIKE MOTORCYCLE TRAIL**

Minnesotans for Responsible Recreation and the below signatories petition for completion of an Environmental Assessment Worksheet on the proposed Eveleth/Gilbert ATV/Off-Highway Motorcycle Trail.

DESCRIPTION OF PROPOSED PROJECT

The proposed Eveleth/Gilbert ATV/Off-highway Motorcycle Trail would connect City of Eveleth motels with the City of Gilbert campground and an existing ATV/Off-highway motorcycle trail in the City of Gilbert which leads to the Minnesota Department of Natural Resources (MNDNR) Off-Highway Vehicle Recreation Area located on Minnesota Highway 135 on the edge of the City of Gilbert. The proposed trail includes 3.4 miles of new construction and converted use of approximately 800 meters of existing designated snowmobile trail. Proposed right-of-way has been flagged though required easements and funding have not been secured. A large portion of the proposed trail, from the City of Eveleth trailhead to St. Louis County Highway 97, would be constructed approximately twenty-feet from the existing paved surface of the Mesabi Trail bikeway. The 80 mile long Mesabi Trail is the nation's longest continuous bikeway, connects the cities of Eveleth and Gilbert as well as numerous other Iron Range communities. The goal of the proposed Eveleth/Gilbert ATV/Off-highway Motorcycle Trail is to provide an access route for MnDNR Off-Highway Vehicle Park users from City of Eveleth motels to the existing off-highway vehicle trailhead near the City of Gilbert campground. Italicized statements in above project description are direct quotes from June 7, 2004 phone conversations with Bob Manzoline, Executive Director, St. Louis and Lake Counties Railroad Authority and Tiffany Anderson, Executive Director, Eveleth Economic Development Authority and Trail Committee Member, Eveleth-Gilbert Joint ATV/Off-Highway Motorcycle Joint Powers Board. Additional evidence of project description is provided in attached joint powers resolution, *Application for Access Across Tax-Forfeited Lands* and photos.

PROJECT PROPOSER

Attached April 10, 2003 *Joint Powers Resolution* creating the ***Eveleth Gilbert ATV/ OHM*** [Off-Highway Motorcycle] ***Trail Board*** declares the board as "...*sponsor of the All-Terrain Vehicle/Off-Highway Motorcycle Trail between Eveleth and Gilbert, Minnesota*" to provide a "*trail connection between Eveleth and Gilbert, thereby linking both communities to the Iron Range Off-Highway Vehicle Recreation Area...*" Mike Skenzich, Chair of the Eveleth Gilbert ATV/OHM Trail Board is Mayor of the City of Gilbert, Minnesota.

PETITIONER'S REPRESENTATIVE

Jeff Brown, Executive Director, Minnesotans for Responsible Recreation is the representative of the petitioners. Address: P.O. Box 111, Duluth, Minnesota, 55801; Phone: 218-740-3175

BRIEF DESCRIPTION OF THE POTENTIAL ENVIRONMENTAL EFFECTS WHICH MAY RESULT FROM THE PROPOSED PROJECT

- **“Odors, noise, and dust and visual impacts”**: Substantial documentation has established that *odors, noise, and dust* and *visual impacts* created by ATVs and dirt-bike motorcycles is a significant environmental effect for those seeking quiet, non-motorized recreation. These significant environmental effects tend to “displace” those seeking quiet, non-motorized experiences.
- **“Nearby Resources...in proximity to the site...Designated recreation areas and trails”**: As noted above, a large portion of the proposed ATV/dirt-bike motorcycle trail is to be constructed approximately 20 feet from the Mesabi Trail, the nation’s longest continuous designated non-motorized trail.
- **“Physical impacts on water resources...alteration of...wetlands”**: Proposed ATV/dirt-bike motorcycle trail will require the filling of wetlands near the Eveleth terminus of proposed new trail construction (on Highway 37 East at the informal “gas plant” trailhead parking lot approximately ¼ mile from Highway 53).
- **“Fish, wildlife, and ecologically sensitive areas”**: Proposed trail construction will permanently damage wetland and forest habitat for wildlife. A biological survey of potential state-listed plant and animal species should be completed to insure that endangered, threatened, or special concern species are not destroyed or displaced.
- **“Cumulative impacts...cumulative potential effects for related or anticipated future projects”**: While the current project is intended as an access route to the existing Gilbert Off-Highway Vehicle Recreation Area, a second larger off-highway vehicle recreation area is being planned and has been funded for the City of Virginia. Inevitable illegal off-trail use from proposed trail will also result in significant cumulative effects (see below)
- **Ineffective enforcement** and development of proposed ATV/dirt-bike trail would exacerbate current **trespass** on the Mesabi Trail, **vandalism** of Mesabi Trail infrastructure, **damage to vegetation and wetlands in the Mesabi Trail right-of-way**.
- **Designated Routes and Off-Highway Vehicle Recreation Areas are a failed experiment at containment**: Current high frequency off-trail use and ineffective enforcement has already resulted in damage to vegetation and wetlands and damage to Mesabi Trail along existing sanctioned and designated off-highway vehicle route. Project development has potential for significant environmental effects outside proposed right-of-way.

MATERIAL EVIDENCE INDICATING THAT BECAUSE OF THE PROPOSED PROJECT THERE MAY BE A POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

Substantial documentation exists that potential for significant environmental effects listed in the Minnesota Environmental Quality Board’s *Environmental Assessment Worksheet* are likely to result from the proposed Eveleth-Gilbert ATV/Off-highway motorcycle trail. Much of this documentation has been summarized and referenced in the attached 1999 report, *Off-Highway Vehicles in Minnesota* and attached 2003 Office of the Legislative Auditor’s *Program Evaluation Report: State Funded Trails for Motorized Recreation*. Photos of proposed trail right-of-way and impacts along right-of-way of existing designated off-highway vehicle trail, proposer documents, and other material evidence are also discussed below and attached. (All photos are provided in order from west to east, “gas plant” parking lot trail head on Mn Hwy 37 E near U.S. 53 to MNDNR Off-Highway Vehicle Recreation Area. GPS data for photos available.)

1. “Odors, noise, and dust and visual impacts”: Substantial documentation has established that *odors, noise, and dust and visual impacts* created by ATVs and dirt-bike motorcycles is a significant environmental effect for those seeking quiet, non-motorized recreation. These significant environmental effects tend to “displace” those seeking quiet, non-motorized experiences. *“Conflict in outdoor recreation settings can best be defined as ‘goal interference attributed to another’s behavior’ (Jacob and Schreyer, 1980)...People participate in outdoor recreation activities because they hope to gain certain rewards or outcomes (Driver and Tocher, 1970)... These outcomes consist of a wide variety of experiences such as solitude...experiencing nature, exercise, and others...For most non-motorized recreationists important elements of a satisfying experience might include the freedom to walk into the forest under their own power, to get away from the noise of every day living, smell the pine, hear the sounds of the forest, breathe fresh, clean air, and to experience a sense of wildness and solitude. All of these elements are severely and negatively impacted by OHVs... Conflict can cause serious impacts to recreation experiences, to the point of causing some users to end their use and be displaced by other pre-emptive users (Shcreyer, 1979). As the U.S. Department of Interior states “Any substantial OHV presence in a backcountry area tends to displace tranquility-seeking recreation visitors and preclude their further use of the area.”*

“These vehicles (OHVs) oftentimes, too, disturb other recreationists – picnickers, hikers, hunters, skiers, and wildlife watchers – who constitute the majority of outdoor users (recreation) according to government statistics...ways must be found to accommodate off-highway vehicles without sacrificing the integrity of the natural environment or the rights of those who choose non-motorized forms of recreation.” (DNR Commissioner, 1994) (Off-Highway Vehicles in Minnesota, Visual and Aesthetic Impacts, Recreational Use Conflict and Social Impacts, pages 14 – 18, 1999, Minnesotans for Responsible Recreation)

Attached Photo #39, ATV damage to pond next to Mesabi Trail. Additional photos below.

2. “Nearby Resources...in proximity to the site...Designated recreation areas and trails”: As noted above, a large portion of the proposed ATV/dirt-bike motorcycle trail is to be constructed approximately 20 feet from the Mesabi Trail, the nation’s longest continuous designated non-motorized trail. This immediate proximity of the proposed ATV/dirt-bike motorcycle trail to the Mesabi Trail is verified by June 7, 2004 phone conversations with the Executive Director of the St. Louis and Lake Counties Railroad Authority and the Executive Director of the Eveleth Economic Development Authority who serves as a Trail Committee Member of the Eveleth-Gilbert ATV/OHM Joint Powers Board, the attached photos of flagging along the Mesabi Trail and this affidavit.

Attached Photo #s 25, 43, 51, 54, 56, 62, 71 of flagged proposed ATV/dirt-bike motorcycle trail

Mesabi Trail literature (attached) describes the trail as a “non-motorized” trail which “offers an abundance of nature... forests teaming with wildlife... streams and creeks [that] provide habitat for birds and animals...” Mesabi Trail literature invites guests from across the nation to “bike and enjoy the beauty and distinctiveness of the Mesabi Trail... and to “walk...skate, ski, snowshoe ... along the trail” ... and to “imagine a day of sunshine and a path to explore nature” and to “enjoy a

solitary patch of wild blueberries or strawberries as you rest along a refreshing brook.” Mesabi Trail staff report that 55,000 bicyclists and hikers annually have used portions of the Mesabi Trail from its southern terminus in Grand Rapids to McKinley, just north of Gilbert. “We are here to help you have a quality guest experience. Welcome to the Mesabi Trail!”

3. “Physical impacts on water resources...alteration of...streams, wetlands”:

Proposed ATV/dirt-bike motorcycle trail will require the filling of wetlands near the Eveleth terminus of proposed new trail construction (on Highway 37 East at the informal “gas plant” trailhead parking lot approximately ¼ mile from Highway 53). Attached *Application for Access Across Tax-Forfeited Lands* acknowledges that “*proposed route crosses wetlands*”. Also see photos of wetland plant species in proposed trail right-of-way. Proposed trail also crosses a number of drainages as evidenced by culverts under adjacent Mesabi Trail (see photos).

Attached Photo #s 28, 31, 36, 41, 59, 60 of wetlands in proposed trail right-of-way

4. “Fish, wildlife, and ecologically sensitive areas”:

Proposed trail construction would permanently damage wetland and forest habitat for wildlife. A biological survey of potential state-listed plant and animal species should be completed to insure that endangered, threatened, or special concern species are not destroyed or displaced.

5. “Cumulative impacts...cumulative potential effects for related or anticipated future projects”:

While the current project is intended as an access route to the existing Gilbert Off-Highway Vehicle Recreation Area, a second larger off-highway vehicle recreation area was funded by the Minnesota legislature in 2003 and is being planned and City of Virginia. The City of Virginia is also on the Mesabi Trail approximately 6 miles away from Gilbert. Current Gilbert Off-Highway Vehicle Recreation Area users are already trespassing on the Mesabi Trail to access State Highways 37 East and 135 and other roadside ditch trails and other user-made trails which provide connecting routes with the City of Virginia. Construction of the Virginia off-highway vehicle recreation area will greatly increase the amount of off-highway vehicle traffic adjacent to the Mesabi Trail and greatly multiply the impacts described above if development of the proposed Eveleth-Gilbert ATV/dirt-bike motorcycle trail proceeds.

Inevitable and well-documented off-trail use resulting from the inability of law enforcement to contain off-highway vehicle riders to designated areas and trails (see below) will also have a significant cumulative impact on wetlands, forests, wildlife, and other resources adjacent to the proposed trail right-of-way. Off-trail riding appears to be the very experience off-highway vehicle users seek as evidenced by the high frequency of such use adjacent both to designated and non-designated trails as well as areas where they are expressly prohibited.

6. Lack of enforcement and development of proposed ATV/dirt-bike trail would exacerbate current trespass on the Mesabi Trail, vandalism of Mesabi Trail infrastructure and damage to vegetation and wetlands in the Mesabi Trail right-of-way.

A June 14, 2004 inspection of one portion of the Mesabi Trail from the Eveleth terminus of the proposed new construction for the ATV/dirt-bike motorcycle trail (on Highway 37 East at the informal “gas plant” trailhead parking lot approximately ¼ mile from Highway 53) to St. Louis County Highway 97 revealed the following:

- 8 or more illegal user-made ATV trail crossings of Mesabi Trail: **Attached Photo #s 40, 46, 55, 61, 65**

- Continuous illegal use by ATV riders of and significant damage to designated snowmobile trail immediately adjacent to Mesabi Trail: **Attached Photo #s 26, 34, 45, 50**
- Continuous long stretches of illegal use of Mesabi Trail shoulder by ATVs: **Attached Photo #s 49, 53, 57**
- Continuous illegal use (evidenced by striations resulting from “studded” snowmobile tracks) of Mesabi Trail by snowmobiles: **Attached Photo #35**
- Missing or damaged barrier posts at trail access points. Mesabi Trail staff report that “*posts could be replaced daily and staff would be unable to keep up with their removal*” **Attached Photo # 80**

Adjacent to the Mesabi Trail from St. Louis County Highway 97 to the City of Gilbert off-highway vehicle users are:

- Illegally using the designated snowmobile trail
- Illegally accessing the Mesabi Trail near the City of Gilbert campground: **Attached Photo A**
- Damaging the lawn behind City of Gilbert hockey rink: **Attached Photo B**
- Causing extensive damage to user-made campground access trails in the City of Gilbert: **Attached Photo C**

7. Designated Routes and Off-Highway Vehicle Recreation Areas are a failed experiment at containment: Current high frequency off-trail use and ineffective enforcement has already resulted in damage to vegetation and wetlands and damage to Mesabi Trail along existing sanctioned and designated off-highway vehicle route. Project development has potential for significant environmental effects outside proposed right-of-way.

Project proposers will argue that providing designated routes and scramble areas for ATVs and dirt-bike motorcycles will contain these machines on designated routes and in designated areas. In fact, trespass on the Mesabi trail, off-trail use and random scrambling in roadside ditches and property posted closed, vandalism to Mesabi Trail barrier posts, damage to ponds, and spewing rocks onto the paved surface of the Mesabi Trail is the norm. A June 14, 2004 inspection of the 1.4 mile sanctioned and designated off-highway vehicle route from the Gilbert campground to the State Highway 135 entrance to the Gilbert Off-Highway Vehicle Recreation Area revealed that off-highway vehicle users are (photos provided in order from Gilbert trailhead to OHV area):

- Within one block of the Gilbert campground trailhead leaving the trail and have rutted adjacent drainage ditches: **Attached Photo D**
- Within two blocks of trailhead leaving the trail and have created user-made hill climbs, denuding adjacent terrain of vegetation: **Attached Photo E**
- Within three blocks of trailhead leaving the trail and have rutted an area around a newly installed fire hydrant: **Attached Photo F**
- Driving into two ponds adjacent to the trail: **Attached Photos G and I**
- Trespassing on private property and running over fencing placed to keep them out: **Attached Photo H**
- Crossing the Mesabi Trail to enter the City of Gilbert recycling area
- Vandalizing Mesabi Trail barrier posts placed to keep them off the Mesabi Trail: **Attached Photos J and K**
- Spewing gravel onto trail making it unsafe and unusable for skaters and bicyclists: **Attached Photo L**

- Trespassing on the Mesabi Trail to access roadside ditch on State Highway 135 where they have caused extensive damage to the ditch area: Attached Photo M

During the above one hour inspection which took place from 2:00 – 3:00 p.m. off-highway vehicle users where observed:

- Spraying gravel on the Mesabi Trail
- Leaving the trail to enter the Gilbert recycling area
- Traveling at high-rates of speed (a torn-out speed sign posts a “curve ahead” speed limit of 20 miles per hour)
- Disappearing into maze of campground roads

8. Attached 2003 Office of the Legislative Auditor *Program Evaluation Report: State Funded Trails for Motorized Recreation* recommends that “*Environmental Assessment Worksheets be prepared for many types of OHV projects... to make environmental assessment more transparent to the public.*” (Page 30)

I certify that information provided in the above document is, to the best of my knowledge, factual and an accurate representation of the concerns presented.

Jeff Brown
Executive Director

Attachments

- *Joint Powers Resolution: Eveleth Gilbert ATV/ OHM [Off-Highway Motorcycle] Trail Board*
- Off-Highway Vehicles in Minnesota report
- Photos
- Mesabi Trail Literature
- *Application for Access Across Tax-Forfeited Lands*
- 2003 Office of the Legislative Auditor *Program Evaluation Report: State Funded Trails for Motorized Recreation*

c. Minnesota State Auditor
Minnesota Data Practices Office

The following signatories petition for completion of an Environmental Assessment Worksheet on the proposed Eveleth-Gilbert ATV/Off-Highway Motorcycle Trail:

Signature	Street	City	State	Zip Code

