



Board of County Commissioners Agenda Request

4A

Agenda Item #

Requested Meeting Date: 10/27/15

Title of Item: EAS for OHV technical riding area ~~23~~48-24

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Land Commissioner		Department: Land
Presenter (Name and Title): Mark Jacobs		Estimated Time Needed: 15 - minutes
Summary of Issue: <p>The proposed technical riding area is located adjacent to the North Soo Line Trail which is part of the Northwoods Regional ATV/OHM trail system, in an old sand pit (27-acres) purchased by Aitkin County in 2014. The area will offer a number of more technical and challenging riding opportunities for users than would be found in most trail systems. We see this as being a destination for trail users that enjoy a more challenging experience and providing this area will likely lead to reduced off-trail impacts across the County. This project should also provide an economic boost to local communities, especially McGregor and Palisade, due to increased tourism. Because the site has been an active sand/aggregate pit for over 10-years and as such has been heavily disturbed; it is unlikely that any cultural or historical elements are present. The attached letters from MN DOT Archaeologist and SHPO indicate no cultural or historical impacts from this project.</p> <p>We reviewed the National Wetland Inventory maps and there are no natural wetlands impacted within the project area. The attached letter from Aitkin County Wetland Specialist concurs.</p> <p>We checked the Natural Heritage database and consulted with MN DNR (attached e-mail) and there are no rare features on the project site. Because there are documented northern long-eared bat roost trees in Jevne Township, mitigating strategies will be implemented (no tree removal June-July) to meet the ESA 4d rule exemption standard (checklist attached).</p>		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: The County Board agrees with the conclusions in the EAS indicating that there are no undue environmental impacts created by this project and there is no prudent and feasible alternative to the project.		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No Please Explain:		

Legally binding agreements must have County Attorney approval prior to submission.

By Commissioner: xx

20151027-0xx

Aitkin County Technical OHV Riding Area

WHEREAS, an environmental assessment sheet (EAS) has been completed for the proposed Aitkin County Technical OHV Riding Area in S. 23 T. 48 R. 24 and the findings of the EAS indicate that this project creates no undue environmental impacts and there is no prudent and feasible alternative to the project;

THEREFORE, the Aitkin County Board of Commissioners agrees with the conclusions in the EAS that there are no undue environmental impacts created by this project and there is no prudent and feasible alternative to the project.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voted Yes

STATE OF MINNESOTA)
County of Aitkin) ss.
Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 27th day of October A.D., 2015, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 27th day of October A.D. 2015

KIRK PEYSAR, County Auditor

BY _____, Deputy

Minnesota Trail Grant Program
Environmental Assessment Statement (EAS)

Project Title: Aitkin County Technical OHV Riding Area

Project # 0039-11-2F and R101-10-2A

An EAS is required for your project by the Department of Natural Resources (DNR) prior to completing the grant agreement. The EAS information is necessary to determine the impacts of the project, if any, on the environmental and cultural resources of the area and whether any measures must be undertaken to mitigate these impacts. In some cases, the EAS may provide information that may result in some modifications to the project scope or design or inclusion of special conditions in the grant agreement. It is very important, therefore, that the EAS be completed carefully and that all pertinent information be supplied.

Please prepare the EAS using the following format and subject categories. Attach additional information as necessary and reference accordingly.

Project Description (with attached map):

The proposed technical riding area is located adjacent to the North Soo Line Trail which is part of the Northwoods Regional ATV/OHM trail system, in an old sand pit (27-acres in S. 23 T. 48N R. 24W - Jevne township) purchased by Aitkin County in 2014. The site has been an active sand/aggregate pit for over 10-years and as such has been heavily disturbed.

The area will offer a number of more technical and challenging riding opportunities for users than would be found in most trail systems; including hill climbing, obstacle course, rock climb, sand pit, and mud pit. It will also include a perimeter trail to access the various sites.

The site was selected due to the access being adjacent to the Soo Line trail (OHV access only), the rolling topography, and the fact that it has been significantly disturbed.

It is unlikely that any cultural, archaeological or historic elements are present and reviews by MN DOT and SHPO concur (see attached correspondence). There are no wetland impacts within the project area and a review by Aitkin County Wetland Specialist concurs (see attached correspondence). There are no Natural Heritage (rare) features on the project site but since there is a Natural Heritage record of northern long-eared bat roost trees in Jevne township the minimal tree removal involved with this project will not occur in June or July to meet the exemption under the ESA 4d rule (see attached correspondence and 4d rule checklist).

We see this as being a destination for OHV trail users that enjoy a more challenging experience and providing this area will likely lead to reduced negative off-trail impacts across the County.

Based on the review I believe that this project creates no negative environmental impacts.

**What would be the overall consequence/impact of not completing the proposed activity?
 What alternatives exist to the proposed activity?**

The primary complaints regarding OHV use involve trespassing, unauthorized use in gravel pits and damage to wetlands. Providing areas such as this proposed site will give users a controlled and properly designed place to "climb hills and drive through mud". This should reduce the negative impacts of these activities that illegally occur in inappropriate locations.

SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS					
ISSUES	QUESTION	ANSWER			DEGREE OF IMPACT
		WILL THE PROJECT...?	YES	NO	?
Access Control	Change access to property? (Close, change location, make a one way)		x		
Accessibility	Assist persons with disabilities in the design of facility, sidewalk, curb or gutter?		x		
Air Quality	Degrade air quality?		x		
Bicycle and Pedestrians	Impact bicycle and/or pedestrian movement?		x		
Bridge	Involve a bridge replacement over water?		x		If yes, have you contacted the appropriate water authority?
Construction Impacts	Cause construction impact? (erosion, noise, air, vibration, etc.)		x		
Controversy	Have controversy or be likely to cause controversy?		x		
Endangered Species	Impact any endangered or threatened species of special concern due to the project location or design?			X	No RTE on the project site, but a northern long-eared bat roost tree within 1-mile of project site. The minimal tree clearing required for this project will not occur in June-July per EAS 4d rule.
Energy Impacts	Have major energy implications?		x		
Erosion	Involve major soil disturbance (depth and volume) or have erosion potential due to landform, wind patterns or water volume?		x		
Excess Materials	Involve disposal of excess material outside planned construction limits?		x		
Farmlands	Require any right-of-way?		x		
Floodplain	Cross or lie adjacent to any floodplain area?		x		If yes, have you contacted the appropriate water authority?
Groundwater, Geology, Earthborne	Impact groundwater, geology, or cause earthborne vibrations?		x		

Hazardous Wastes	Involve a bridge replacement over water, former disposal or storage site, or hazardous materials route?		x		
Historical, Archeological, Cultural	Impact any structures developed prior to 1950? Require excavation/rcgrading?	X			Attached letters from MN DOT archeologist and SHPO
Land Use	Inconsistent with local and regional use plans?		x		
Minerals	Impact commercial minerals and/or peat resources present?		x		
Noise	Impact noise sensitive receptors?		x		

SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS

ISSUES	QUESTION	ANSWER			DEGREE OF IMPACT
		YES	NO	?	IMPACT DESCRIPTION OR PAGE REFERENCE FOR ALL "YES" ANSWERS
Parks, Recreation 4(f), Recreation 6(f), (LAWCON)	Use significant public parkland, recreational, wildlife, waterfowl refuges, scientific and natural areas or any historic site? Will the project impact any LAWCON land?		x		
Right-of-Way (R/W)	Require any R/W? (easements)		x		
Relocation	Require any relocation of homes or businesses?		x		
Stream/River Modifications	Change the course, current, or cross section of any stream/river?		x		If yes, have you contacted the appropriate water authority or obtained the proper permits?
Social	Impact public safety (i.e. police/fire protection)		x		
	Impact sensitive groups? (children, handicapped, minorities, poor, etc.)		x		
	Impact accessibility to schools, churches or recreation facilities?		x		
	Impact community cohesion?		x		
Soil	Involve major soil disturbance (depth or volume), resulting in the widening of the overhead canopy?		x		
Transportation	Require road rerouting, closing, or redevelopment?		x		
	Be accessible by mass transportation?		x		
Vegetation and Wildlife	Impact vegetation, fish or wildlife?		x		
Visual Quality	Impact visual qualities? (view to or from facility)		x		
Water Quality	Impact water quality of lakes, streams, wetlands, etc.?		x		If yes, have you contacted the appropriate water authority?

Wetlands	Have wetlands present within construction limits been impacted?		x		If yes, have you contacted the appropriate water authority?
	Destroy or improve/create wetland habitat?		x		If yes, have you contacted the appropriate water authority?
Wild and Scenic Rivers/ Canoe and Boating Rivers	Impact a state or federal wild and scenic river, federal candidate wild and scenic river or state canoe and boating route?		x		

PREPARED:

"I certify that I am familiar with the information contained within this assessment and that to the best of my knowledge and belief such information is true, complete and accurate."

Signature of Applicant

Phone Number Date

CONCURRENCE (By all public administrators whose property is utilized for this project):

"We have reviewed the plans for development on lands that are under our administrative jurisdiction. We agree with the conclusions contained within this Environmental Assessment Statement. We find that the project creates no undue environmental impact and that there is no prudent and feasible alternative to the project."

Signature of Reviewer

Phone Number Date

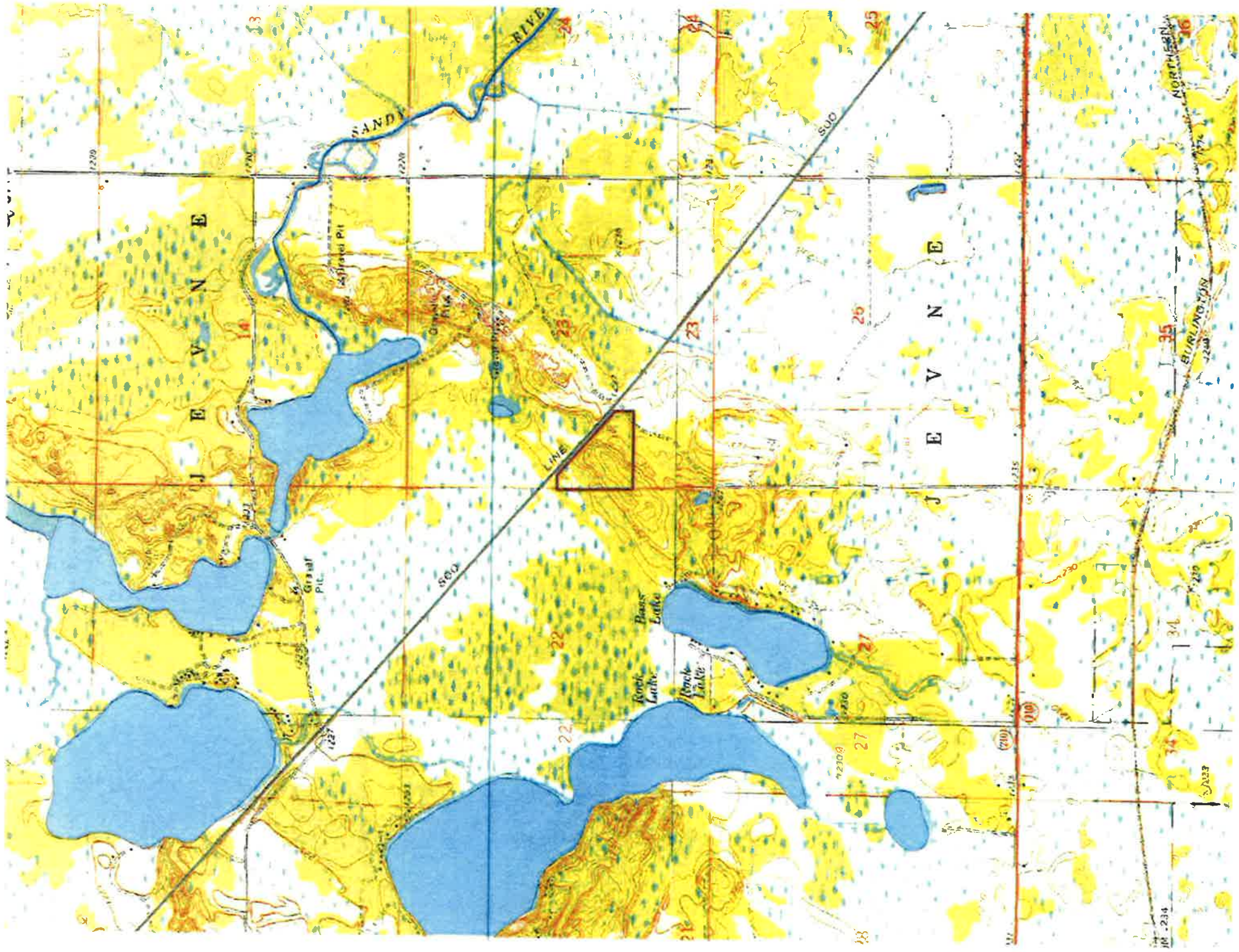
Attach additional concurrence statements if necessary.

CONCURRENCE by the DNR/ Parks and Trails Division

"I have reviewed the plans for development and agree with the conclusions contained within this Environmental Assessment Statement. I do not believe that the project creates undue environmental impact and that there is no prudent and feasible alternative to the project."

Signature of Area Parks and Trails Supervisor

Date





Minnesota Department of Transportation

Office of Environmental Stewardship

Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1800

Office Tel: (651) 366-3614

Fax: (651) 366-3603

September 17, 2015

Traci Vibo
MN DNR
500 Lafayette Road, Box 52
St. Paul, MN 55155-4052

Re: F.R.T.P. 0039-11-2F, construction of a new ATV/OHM trail, Jevne Twp., Aitkin County

Dear Ms. Vibo:

We have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the 2005 Section 106 Programmatic Agreement between the FHWA and the Minnesota State Historic Preservation Office (SHPO). The Section 106 review fulfills MnDOT's responsibilities under the Minnesota Historic Sites Act (MS 138.665-.666), the Field Archaeology Act of Minnesota (MS 138.40); and the Private Cemeteries Act (MS 307.08, Subd. 9 and 10).

This project involves the construction of a new ATV/OHM trail in an old aggregate pit.

The area of potential effects (APE) for the project consists of the proposed construction area. Because all work will occur within areas previously disturbed by excavations for aggregate, it is unlikely that the APE contains intact, significant archaeological resources. No historic structures are located within the APE. Based on our existing programmatic agreements with various tribal groups, there are no tribes that want to be consulted on projects in this area of the state and/or projects with the proposed scope of work.

The finding of this office is that there will be **no historic properties affected** by the project as currently proposed. If the project scope changes, please provide our office with the revised information and we will conduct an additional review.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Johnson".

Craig Johnson
Archaeologist
Cultural Resources Unit (CRU)

cc: Mark Jacobs, Aitkin County
MnDOT CRU Project File

STATE HISTORIC PRESERVATION OFFICE

September 25, 2015

Mark Jacobs
Aitkin County Land Department
209 2nd Street NW, Rm 206
Aitkin, MN 56431

RE: Local Trail Connections Grant
Construction of an OHV Technical Riding Area – former sand pit adjacent to the North Soo Line Trail
T48 R24 S23 SW, Jevne Twp, Aitkin County
SHPO Number: 2015-3016

Dear Mr. Jacobs:

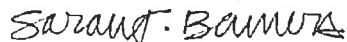
Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Based on our review of the project information, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, Procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal permit or license, it should be submitted to our office by the responsible federal agency.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance

AITKIN COUNTY ENVIRONMENTAL SERVICES-PLANNING & ZONING

**209 Second Street NW
AITKIN, MINNESOTA 56431**

**PH: (218) 927-7342
FX: (218) 927-4372**



MEMORANDUM

DATE: August 28, 2015
TO: Mark Jacobs, Land Commissioner
FROM: Becky Sovde, Wetland Specialist
RE: Proposed ATV Area

A handwritten signature in black ink, appearing to be 'BS', located to the right of the 'FROM:' line in the memorandum header.

Attached is an aerial photo indicating the wetland areas within the project boundaries. The National Wetland Inventory mapping was fairly accurate, but by using the LIDAR overlay, I was able to refine the lines.

If there are any wetland pockets in the current gravel pit, they would be considered to be incidental wetlands and not regulated by the Wetland Conservation Act.

An onsite was not done to determine the exact wetland boundary, so if that is necessary in the future, I'll be glad to flag areas on site.

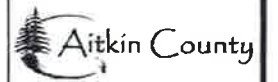


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Estimated Wetland Areas

0 140 280 ft
1 inch = 376 feet

Becky Sovde



Date: 8/28/2015

Aitkin County OHV Riding Area

CHALLENGE AREA DESCRIPTIONS

1. Mud Pit - Line with concrete planks or just leave gravel bottom
2. Hill Climb - Climb in the center, drop on either side. Fence across the front, enter and exit from sides.
3. Log/Boulder Crawl - Practice balance and machine articulation.

4. Sand Pit/Bowl - A bowl of sand, machines climb sides as their speed increases.

5. Concrete Climb - Used large concrete culverts and water access boat ramp planks (planks are 4" thick, 12' long), can be fastened together.

6. Sand Woops - Short track.

7. Terrain/Obstacle Climb - Use existing earthen berms, concrete ramp planks, boulders, or large tires.

8. Narrow Technical Trail - Many tight turns, some off camber. Will be designed on-site.

9. Log Bridge Crossing - Practice fine minor motor skills for narrow bridge crossings.

10. Perimeter trail and access to skills stations.



- Fence
- Hill Climb
- OHV Trail (0.8 miles)
- Challenge Track
- Challenge Areas
- Property Boundary (27 acres)
- Elevation Contours - 2ft

0 100 200 400 600 Feet



Site Plan

Draft 5/10/15

Mark Jacobs

From: Joyal, Lisa (DNR) [Lisa.Joyal@state.mn.us]
Sent: Wednesday, August 12, 2015 2:28 PM
To: Mark Jacobs
Subject: RE: NH review

Hi Mark,

I agree. Unless it is required as part of your grant application, I do not want to review projects if there are:

- 1) No state-listed species (from the Rare Features Data) **within a one-mile radius**, and
- 2) No MBS Sites of Biodiversity Significance or DNR Native Plant Communities within or adjacent to the project.

I definitely do want to review projects that have the potential to impact state-listed threatened or endangered species, as these are protected under state law.

Many licensees choose to conduct their own assessment of potential impacts to rare features and then send that to me for concurrence (currently no fee if I concur). **You will need to look beyond your project boundary for these reviews.** Rare species in the vicinity of your project may also occur within your project area if it contains suitable habitat.

I quickly looked at your project and there are state-listed species within a mile radius including a known occurrence of a northern long-eared bat roost tree. The northern long-eared bat (*Myotis septentrionalis*), a state-listed species of special concern, can be found throughout Minnesota. During the winter this species hibernates in caves and mines, and during the active season (approximately April-October) it roosts underneath bark, in cavities, or in crevices of both live and dead trees. Activities that may impact this species include, but are not limited to, wind farm operation, any disturbance to hibernacula, and destruction/degradation of habitat (including tree removal).

Effective May 4, 2015, the U.S. Fish and Wildlife Service (USFWS) listed the northern long-eared bat as threatened under the Endangered Species Act (ESA) and implemented an interim 4(d) rule. If you believe that your project may adversely affect ("take") the northern long-eared bat (e.g., tree removal during the active season), you should determine whether the "take" is exempt under the interim 4(d) rule or whether you need a Federal permit. To make this determination, please refer to the USFWS Key to the Interim 4(d) Rule available at <http://www.fws.gov/midwest/endangered/mammals/nleb/Interim4dRuleKeyNLEB.html>. Please note that the NHIS does not contain any known occurrences of northern long-eared bat roosts or hibernacula within an approximate ¼ mile radius of the proposed project.

Links: USFWS Northern Long-eared Bat Website
<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>
USFWS Northern Long-eared Bat Fact Sheet
<http://www.fws.gov/midwest/endangered/mammals/nleb/nlebFactSheet.html>
USFWS FAQs about Northern Long-eared Bat Listing
<http://www.fws.gov/midwest/endangered/mammals/nleb/FAQsFinalListNLEB.html>
USFWS FAQs about Interim 4(d) Rule
<http://www.fws.gov/midwest/endangered/mammals/nleb/FAQsInterim4dRuleNLEB.html>

Please let me know if you need a letter for your grant application. Otherwise, you can consider this your review for the Aitkin County OHV Technical Riding Area.

Thank you,



Do I Need A Permit?

A Key to Northern Long-eared Bat Interim 4(d) Rule for non-Federal Projects

1. Using this map <http://www.fws.gov/midwest/endangered/mammals/nleb/nlebRangeMap.html> , does your project take place within the range of the northern long-eared bat?

NO

No further action is necessary.

YES

Continue to question 2.

2. Northern long-eared bats hibernate in caves during the winter and often raise their young in trees during the summer. They also migrate between their winter and summer habitats each year. With this in mind, is it possible that your project could harm, kill or otherwise harass (also known as "take") any northern long-eared bats? For example, are you clearing trees where northern long-eared bats could be living?

NO

No further action is necessary to comply with Endangered Species Act protections for the northern long-eared bat.

YES

Continue to question 3.

3. Will the action that causes take of bats be purposeful or incidental?

Purposeful Take – All or part of the purpose of the action is to handle bats in a way that may result in harm, harassment or killing of bats. An example of purposeful take would be removing bats that are roosting in the attic of your home.

If action is PURPOSEFUL, continue to 4A.

Incidental Take – When take of bats is a side effect of otherwise lawful actions. An example of incidental take would be if bats roosting in a tree are killed when the tree is cut for harvest or clearing purposes.

If the action may cause INCIDENTAL take, go to 4B.

4A. PURPOSEFUL TAKE - Is the action:

1) Removal of bats from a human structure, *or*

2) The capture or other related activities for northern long-eared bats undertaken by individuals authorized to conduct these same activities for other bats listed under the Endangered Species Act *and* the action is taking place within one year of the effective date of the interim 4(d) rule?

YES

These activities are exempted by the 4(d) rule and no further action is necessary to comply with Endangered Species Act requirements to protect northern long-eared bats.

NO

Because this is purposeful take of northern long-eared bats, a permit cannot be issued for the activity. This take is prohibited under the Endangered Species Act.

4B. Is the action within the White-nose Syndrome Buffer Zone?

<http://www.fws.gov/midwest/nleb/WNSBuffer.pdf>

YES

Continue to question 5.

NO

No further action is necessary to comply with Endangered Species Act requirements to protect northern long-eared bats. Under the 4(d) rule, all incidental take outside the white-nose syndrome buffer zone is exempted from ESA prohibitions.

5. Is your activity (which may cause take of bats) any of the following actions?

- [Forest management](#)
- [Maintenance or expansion of existing rights-of-way and transmission corridors \(work occurs no further than 100 feet on either or both sides of existing right-of-way\)](#)
- [Native prairie management](#)
- **[Minimal tree removal](#)**
- [Hazardous tree removal](#)

YES

Continue to question 6.

NO

The incidental take that may result from your project is not exempted by the 4(d) rule and an incidental take permit may be necessary. Please contact the U.S. Fish and Wildlife Service Ecological Services Field Office nearest to your project area. Field Office locations and contact

information may be found at www.fws.gov/offices. If you are in Wisconsin, please contact the [Twin Cities Field Office](#).

6. Is your action hazardous tree removal?

YES

The incidental take that may result from your project is exempted by the 4(d) rule and no further action is necessary to comply with ESA prohibitions to protect northern long-eared bats.

No

Continue to question 7.

7. Has a northern long-eared bat maternity roost tree or hibernacula been documented on or near the project area?

YES

Continue to question 8.

NO

The incidental take that may result from your project is exempted by the 4(d) rule and no further action is necessary to comply with ESA prohibitions to protect northern long-eared bats.

I DON'T KNOW

We suggest that you contact the U.S. Fish and Wildlife Service Ecological Services Field Office nearest to your project area. Field Office locations and contact information may be found at www.fws.gov/offices. If you are in Wisconsin, please contact the [Twin Cities Field Office](#).

8. Northern long-eared bats use their maternity roost trees and hibernacula repeatedly for many years. Unless a survey or other information indicates otherwise, if the habitat around a roost is intact and the tree is suitable, we would conclude that the tree is likely an occupied maternity roost during the pup season (June 1 - July 31). Similarly, we would assume that a hibernaculum remains occupied unless a survey or other information indicates otherwise.

Therefore, if you have a northern long-eared bat roost tree or hibernacula documented on or near your project area, any incidental take of bats will be exempted by the 4(d) rule if you follow these conservation measures:

- Do not conduct any activities within ¼ mile of known, occupied hibernacula;
- Do not cut or destroy a known, occupied roost tree from June 1 to July 31 (the pup season);
- Do not clearcut (and similar harvest methods that cut most or essentially all trees from an area, e.g., seed tree, shelterwood, and coppice) within a ¼ mile of known, occupied roost trees from June 1 to July 31.

Are you going to follow the above listed conservation measures?

YES

The incidental take that may result from your project is exempted by the 4(d) rule and no further action is necessary on your behalf in order to protect northern long-eared bats.

NO

The incidental take that may result from your project is not exempted by the 4(d) rule and an incidental take permit may be necessary. Please contact the U.S. Fish and Wildlife Service Ecological Services Field Office nearest the project area. Field Office locations and contact information may be found at www.fws.gov/offices.