



Board of County Commissioners Agenda Request

3A
 Agenda Item #

Requested Meeting Date: October 6, 2020

Title of Item: Norseman Motorcycle Club Recreational Area EAW

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <small>*provide copy of hearing notice that was published</small>
Submitted by: Terry Neff, Environmental Services Director		Department: Environmental Services
Presenter (Name and Title): Terry Neff, Environmental Services Director		Estimated Time Needed: 15 min
Summary of Issue: <p>The Norseman Motorcycle Club is proposing to utilize approximately 180 acres of land located in Wagner Township, for an off-highway recreational area. The recreational area will utilize existing interior logging roads and trails. No new trails are proposed. An Environmental Assessment Worksheet is mandatory for this project.</p> <p>On July 28, 2020, the County Board approved the submittal of the EAW to the Environmental Quality Board (EQB) for publication in the EQB monitor on August 10, 2020. The 30 day comment period ended on September 9, 2020.</p> <p>The County Board has to make a determination on whether the project has the potential for significant environmental effects by October 9, 2020.</p> <p>The Environmental Review Committee met on September 11, 2020 to review the comments received and make a recommendation to the County Board on whether to require further environmental review (See attachment).</p>		
Alternatives, Options, Effects on Others/Comments: Deny the proposed recommendation and require an Environmental Impact Statement		
Recommended Action/Motion: It is the recommendation of the Environmental Review Committee that the County Board adopt the attached Record of Decision and not require an Environmental Impact Statement for the proposed project.		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

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

RECORD OF DECISION

In the Matter of the Determination
Of Need for an Environmental
Impact Statement for the Norseman
Motorcycle Club Recreational Area
Aitkin County, Minnesota.

**FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER**

FINDINGS OF FACT

- 1) The Aitkin County Environmental Services Department prepared an Environmental Assessment Worksheet (EAW) for the proposed Norseman Motorcycle Club Recreational Area, pursuant to Minnesota Rules 4410.4300, Subp.37-D.
- 2) The EAW was filed with the Environmental Quality Board (EQB) and notice of its availability was published in the EQB Monitor on August 10, 2020. A copy of the EAW was sent to all persons on the EQB Distribution List, and a copy was available for review in the Aitkin County Planning and Zoning Office. A press release announcing the availability of the EAW was published in the Aitkin Independent Age and Kanabec County Times newspapers.
- 3) The 30 day EAW public review and comment period began August 10, 2020 and ended September 09, 2020.
- 4) The EAW is incorporated by reference into this Record of Decision on the Determination of Need for an Environmental Impact Statement.
- 5) The Norseman Motorcycle Club is proposing to utilize the Project Area for an off-highway recreational area within approximately 180 acres of land located in Wagner Township, Aitkin County. Recreational area will utilize existing interior logging roads and trails. No new trails are proposed.
- 6) During the 30 day public review and comment period, the Aitkin County Planning and Zoning Department received 18 written comments on the EAW.
- 7) The following are comments submitted by Karen Kromar of the Minnesota Pollution Control Agency:

A. Water Resources (Item 11)

- The EAW states a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) was obtained “for previous site conditions.” If the Project proposer has an existing CSW Permit for the site, they cannot use the same permit for new construction activities that were not part of the previous project plans. If the previous proposed project was completed, the owner of the site needs to submit a notice of termination to the MPCA to close that permit. The EAW does not specify the amount of area to be disturbed for the motorcycle trails, but rather states they

will use existing logging roads and trails. A CSW Permit is only required if the Project will disturb 1 acre or more of land to construct the site and is not intended for ongoing disturbances caused only by use of the trails. If the site requires CSW Permit coverage, they will need to prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting an application to the MPCA. Please direct questions regarding Construction Stormwater Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

- Because Pine Lake is a nutrient impaired lake and is located nearby, it is important to practice protective stewardship behaviors to benefit efforts to restore lake water quality. The MPCA encourages the motorcycle club to become involved in efforts to restore the lake.

B. Noise (Item 17)

Based on the information provided in the EAW, including the number of expected users at any time, member-only access, no events, and the strict muffler requirements of the motorcycle club, it is not expected that the described use of this site would cause any issues with the state noise standards. If concerns arise after the motorcycle club begins actively using the site, those concerned may contact the MPCA. For noise related questions, please contact Fawkes Char at 651-757-2327 or Fawkes.Char@state.mn.us.

Ms. Kromar, MPCA: The project proposer is not planning any further excavation for the creation of trails. However, the project proposer will be notified of the MPCA requirements for NPDES/SS and CSW Permits. Prior to use of the property for the proposed trail use by the Norseman Motorcycle Club (NMC/Club) a conditional use permit (CUP) is required by Aitkin County. A condition will be recommended that the project proposer complies with all local, state and federal regulations. It will also be a recommendation that the project proposer maintains a 25 foot vegetated buffer to all wetlands and a 50 foot vegetated buffer to all property lines, if practical.

Although minimal excavation is expected in the project area, enhanced BMP's will be followed to reduce and eliminate any adverse impacts.

The Club has and will continue to make every effort to be good stewards of the environment, and Club members are willing to participate in any present or future Pine Lake watershed projects. All vehicles operated by Club members meet all Minnesota and federal environmental standards.

We agree it is not expected that noise from the use of the site as the club intends will create noise levels that exceed the state minimum standards. NMC acknowledges that some people may consider the noise produced by single-track OHMs "annoying", but NMC does not believe that anticipated noise levels will constitute a "nuisance" under state law. The MPCA, along with Aitkin County, is charged with enforcing State Noise Standards at this site. NMC will request that Aitkin County forward any noise complaints on so that NMC can log and investigate noise complaints. Measures to address noise complaints include noise monitoring to verify that noise levels are not exceeded, with remediation employed if noise standards exceed allowed limits.

Although OHM traffic and noise will be potentially greater than ambient conditions, noise propagation is somewhat mitigated by foliage during the summer months. The rolling landscape, rural nature, and wind patterns are factors that could attenuate sound propagation thus muffling vehicle-generated noise.

8) The following are comments submitted by Patty Thielen, MN DNR:

A) According to the Pine County Geological Atlas, there are many natural springs in the area that have been used in the past for quality drinking water. A trout farm was in operation in 1995-1996 on the adjacent property. We suggest locating all water resources including the springs and small wetlands on site. The continued use of BMPs coupled with maintaining a natural vegetative buffer around the water resources will help provide critical habitat and protect water resources in the project area.

B) Additionally, we request that the proposer please consider potential impacts related to climate.

Ms. Thielen, MN DNR: As part of the CUP, it will be a recommendation that all water resources be identified and a minimum of a 25 foot vegetated buffer remain between any wetland and 50 feet between any springs, when practical. If springs are found off the property there will be a recommendation that a 100 foot vegetated buffer remain between any motorcycle trails and the property lines, when practical.

The Club has no projects planned that would adversely impact Pine Lake, specifically, or the climate, generally.

9) The following are comments submitted by Samantha Coungeris, Department of the Army:

A) The purpose of this letter is to inform you that based on the EAW for the project referenced a Department of the Army (DA) permit would not be required for the proposed activity.

MS. Coungeris, Department of the Army: Although no Army Corps of Engineers permits are required at this time, the project proposer will be informed of all Army Corps of Engineers permits that may pertain to future activities on this property.

10) The following are comments submitted by Carrie and Mark Erickson:

A) On page 2, under the project description, it states that they are "proposing to use existing logging roads and trails". Prior to the Norseman knowing that there was opposition to their proposed club, they posted Facebook photos on their page with comments from Rex Greenwald stating "Hi Norsemen, our land is looking Great! The roads and field work with gravel completed last week and the team is doing a great job mapping out the land and getting it ready for us all.". Page 3, same as above. It states under the Site Preparation and Grading

- section, that "no significant site grading or construction is proposed by the club". I would encourage Aitkin County to examine this statement further. As mentioned in the first point, there are significant pictures that were posted on Facebook by Rex Greenwald of the work that has already been done by the club at the property. Page 6, again, states "the club will not alter the land because they plan on using the pre-existing logging trails for riding, leaving the land generally unchanged". Page 7 states "will not perform heavy grading activities".
- B) Page 4, states "the club has a history of showing sustainability and stewardship for public and private lands in the state and works to preserve riding privilege for all motorcycle enthusiasts". I would encourage Aitkin County to examine the relationships between the Norseman and those who live near their previous sites as well as those who used their previous sites. Not all who used their previous sites were "members" of their club. This is concerning. In fact, on their inactivated website, it states that the Norseman charge \$30.00 per day for others to ride at their site. It has also been well documented that there have been episodes of profanity and disrespect to neighbors of the Sandstone property already.
- c) Page, it states "nor will it interfere with owners of neighboring properties in the use and enjoyment of their land. This notwithstanding, the Club has a long history of good relations with its neighbors. It has never been the subject of a nuisance complaint and is proud of its long history of good relations with its neighbors". This statement is concerning. They have already started out not having good relations with the neighbors of the Sandstone property. This cannot be achieved by yelling profanity at neighbors, inconsistencies and mistruths being told in a EAW, current use of the property without proper permission, and disrespectful use of the roads leading to the property. I would consider the county again, look into the previous sites that the club has owned, what those sites have been used for, and what information that county may have about the club. I would also consider for the Cambridge site that those neighbors be evaluated on their connection to the club.
- D) I find it concerning that they state that their membership is 79 club members. It states that there may be 3-4 riders at a time and expected maximum to be less than 10. I believe Aitkin County needs to look into the membership count and whether a member is a single person, or a family. This can significantly change the number of riders using the property at one time. Additionally, as mentioned, there has been a charge previously for others to use the property (in Cambridge) and events were held in this Cambridge location in the past. I am concerned that the information on the proposed use of the property and number of riders is incorrect in the EAW.
- E) I am concerned about their sound test using 2 bikes at idle. There was no consideration for the considerably. There was no consideration taken and mentioned about the normal decibel level in the area without bikes running at all. As they also previously mentioned, there will be 3-10 riders at a time, so a sound test using 2 bikes at idle is laughable.
- F) Camping on the site has been mentioned in the EAW. It has been documented that they have camped on the site already even during the period of cease and desist. This shows an ongoing lack of respect for the county and

neighbors by the outright use of the property when they were not supposed to be doing so.

G) I believe that the county needs to research many of the statements made by Rex Greenwald and the Norseman in the EAW. There are many documented incidents and photographs to show that there are lies and a blatant disregard for the process in which the county is asking the Norseman to go through. We are concerned about damage to the property and noise levels in an otherwise very quiet and peaceful area. We are concerned about the runoff from waste, the environment, the wildlife, extra traffic on County Road 100, property valuations, and crime rates.

Mr. and Mrs. Erickson: The club will only be using existing logging roads and trails. An MPCA NPDES permit was obtained for correcting previous site restoration and has now been completed. Prior work also consisted of surveying existing trails and site with GPS. No new trails are proposed, the club will only use existing trails. Some trail maintenance will be required but heavy grading is not expected.

The clubs use of the previous property in Isanti County and their relationship with neighboring landowners is not an environmental concern.

The membership numbers presented in the EAW are accurate. NMC does not expect all members of the club to ride at this site at one time. The estimates presented in the EAW are accurate to the best of our knowledge based on experience and the feedback from the membership. The club does not have 500 riders nor is there intent to allow that level of use at the site. Furthermore, riders at the site are not required to camp and often will not but rather will ride for the day and go home. Camping may occur, but is not expected to in the capacity described in the comments. NMC expects camping to involve up to 4 members per night, mainly on weekends during the spring, summer, and fall. During the period of the cease and desist order the camping was on the property to the north of the club's property.

The Club did do a reasonable noise test. The club decided to do some actual testing and recording, and decided to try to replicate a worst case situation. They tested at the farthest and highest area to the north closest to Pine Lake with no trees, mufflers pointed toward the lakes. They also tested on the property lines closest to the Zimmerman and Shultz properties.

It was also decided if they used only one motorcycle some people may question the test, so they doubled up and tested two bikes simultaneously. They followed the 20" test on both bikes alone and they were both well below the 96dB (actually 93 dB) limit@ 4250 rpm, but during the sound test recordings they held both bikes wide open which is 8800 RPM, that is where they are seeing the 104.9 dB.

Waste generated from the site and property values are items that will be addressed during the conditional use permit. Crime rates are speculative and

not an environmental concern. Any crime needs to be reported to the sheriff's office.

Wildlife may be temporarily displaced during the use by the club but will return and likely use the existing trails for travel. There is unlikely any wildlife that will be permanently displaced by the club's use of the land.

11) The following are comments submitted by Ken and Mary Handt:

A) The potential for pollution, not to understate the definite noise pollution, increase traffic, potential road damage, and most importantly the disruption to the habitat of deer, loons, Bear, and nature in general. We don't believe they would limit the riders or campers. Why would they or a better question how would they? I believe strongly in protecting our environment. After all it's the only one we have. Once it's destroyed there is nothing that can replace it. Please say no to the Norseman Motor Cycle Club. They have options to place their club activities elsewhere out of the forest. Since nature and the wildlife can't speak for themselves we are speaking for them. Preserve them and nature it's the right and just thing to do and for us too.

Mr. and Mrs. Handt: The incidental release of any hazardous liquid via leaks or spills is expected to be rare and minimal. Minor leaks and spills of gas, oil, and other fluids may occur onsite but are not expected to result in a significant, permanent, negative impact to the groundwater or surrounding ecosystem. The MPCA requires that a spill of greater than 5 gallons be reported. Given the size of fuel tank on OHM bikes and small equipment that may be used for trail maintenance, a spill of this size is not anticipated. In the event of a spill of any size, spill kits will be provided at the parking area for use.

Regarding the noise concern see above responses to Karen Kromar, MPCA and Carrie and Mark Erickson. It will be a recommendation that an independent noise test be completed as part of the CUP application.

Traffic and road damage issues will be addressed as part of the conditional use permit (CUP) process and are expected to be minimal based on the number of expected users of the property. The number of users can be limited to the numbers proposed by a condition placed on the CUP.

Wildlife may be temporarily displaced during the use by the club but will return and likely use the existing trails for travel. There is unlikely any wildlife that will be permanently displaced by the club's use of the land. The distance of the property from Pine Lake is very unlikely to disrupt any loons that nest or frequent Pine Lake.

12) The following are comments submitted by Ron Redding:

A) Noise Study - At the very least a professional noise study should be completed by the Norsemen that would provide relevant or accurate data based on their claimed use

of the property. If up to 10 motorcycles or atvs will be riding at a time...than do a noise study of 10 at high rpms to truly reflect the impact on noise the site will have to the immediate neighbors and those within distance to be impacted.

B) Impact on wildlife - with the property planned for year round use the impact to the local wildlife will be significant and is not addressed properly in the EAW. At the Wagner Township meeting in 2019 Rex Greenwald admitted they had approximately 80 members. After much questioning we found out that the 80 members did not take into account a spouse, significant other and children. The 80 members could end up being in excess of 400 people. Rex also stated they planned on growing the group to 125 members. With that number of members they could have over 500 people that could use the property for riding, camping and hunting. That would be a major impact to the wildlife.

C) At the same Wagner Township Meeting Rex stated they did not plan on hosting any major events such as Howie's Mudbog, but he left the door wide open at the end of his statement when he said "Not at this time."

D) How will they be regulated to comply with the numbers they claim for riding and camping. They already are using the number of members in their answers and we know that does not include the additional people associated with a member that can use the property. How many campers can be on site at one time, how many people, how many campers can be left on the property. How will dumping of grey and wastewater be monitored and adhered to?

E) Water Resources - The Big Pine Lake Association is working with the MN Pollution Control Agency which has developed the Kettle River - Upper St. Croix report on water quality and a 10 year improvement plan. Pine Lake is considered impaired for nutrients and plans are being prepared with the state to strategically address how to handle this in the future. It is not acceptable to allow the lake to continue to be impaired and based on the proximity of the Norsemen property and the watershed to Pine Lake through Pine River. Additional review is necessary to ensure no negative impact by the Norsemen.

Mr. Redding: For responses to Noise and Impact to wildlife see responses to Karen Kromer, MPCA and Carrie and Mark Erickson. In addition, it will be the recommendation that if a CUP is approved a condition be placed on the CUP to require an independent noise study.

If a CUP is approved conditions can be placed to prevent any events from occurring, limit the days and hours of operation, and limit the number of users and campers. It will be a recommendation to the Planning Commission to address the days and hours of operation as a condition, if a CUP is approved. Grey and wastewater from recreational vehicles are regulated by Aitkin County's Subsurface Sewage Treatment System Ordinance. Aitkin County licenses and inspects Recreational Camping Vehicle facilities of 3 or more campers. If there are less than 3 campers the permitting and enforcement of violations of county ordinances will be by the Aitkin County Environmental Services Department.

As part of the CUP, it will be a recommendation that all water resources be identified and a minimum of a 25 foot vegetated buffer remain between any wetland and 50 feet between any springs, when practical. If springs are found off the property there will be a recommendation that a 100 foot vegetated buffer remain between any motorcycle trails and the property lines, when practical.

Property values are not an environmental issue but will be considered before a CUP is granted or denied.

13) The following are comments submitted by John and Sue Schmittziel:

A) The proposed use is on a site that drains directly into the Pine Lake. It can be anticipated that runoff from the site will include chemical pollution (oil, gas, etc.) from the operation of motorcycles on the property. The EAW also states that overnight camping, including RV camping, will be permitted on the site. My concern is that this will become extensive, and will involve tenant type users who will not practice responsible garbage and sewage disposal. Third, the use by it's very nature will involve injury to the topsoil and erosion. It can be expected that it will involve topsoil fouling of the watershed draining into Pine Lake. I am a member of the Big Pine Lakeowners Association, and we have worked hard over the last years to improve the water quality of Pine and Big Pine lakes. We do not want to see that hard work adversely impacted by an upstream user.

B) Noise pollution. Having just lived through another Labor Day weekend and the constant noise emanating from Howie's Mud Bog, I have no desire to encourage a similar activity within Wagner Township. Thankfully the cacophony from Howie's is limited to one weekend a year. (albeit one of three holiday weekends during the summer). The proposed use by Norseman will be year round. We could have constant noise pollution without any relief.

C) The use by Norseman, if successful, will increase the motor vehicle traffic in the area, as members travel to and from the facility. Although Norseman repeatedly emphasizes the use will be limited to "members", that concept is ill defined. It does not appear that "member" is limited to one person, or house hold. Also, there does not appear to be any limit to the number of members the club can have. Lastly, I have doubts about how effectively the club can limit access to members even if the leadership so intends. It seems once the gates are open, any number of persons will have access.

Mr. and Mrs. Schmittziel: See above responses Karen Kromar, MPCA, Patty Thielen, MN DNR, and Carrie and Mark Erickson regarding noise and water resources.

Garbage and sewage wastes are regulated by Aitkin County's Solid Waste Ordinance and Aitkin County's Subsurface Sewage Treatment System Ordinance. Violations of Aitkin County Ordinances are a misdemeanor and enforced by the Environmental Services Department. Also, see above response to Ron Redding.

Traffic and road damage issues will be addressed as part of the conditional use permit (CUP) process and are expected to be minimal based on the number of expected users of the property. The number of users can be limited to the numbers proposed by a condition placed on the CUP.

14) The following are comments submitted by Charles and Cheryl Anderson:

A) We are greatly concerned about the impact of the noise pollution for both humans and animals as well as the additional traffic to the area and potential abuse of the property going beyond riding motorcycles to unauthorized camping and activities.

Allowing people to ride motorcycles from sun up to sun down will interrupt the peace living in the area and greatly reduce the ability to enjoy personal retreat properties as well as full-time residents. No one would be open to listening to motorcycles for 12 hours a day. We live a fair distance from Howie's Mud Bog and we dread the weekend it is held because the sound of it travels all the way to our property. It provides for one long weekend of noise.

The land is home to a nice population of bears, deer, turkeys and more, and the noise pollution will push them away into more populated areas. There will be an impact to the environment if they are granted permission to open up their club on this property and we would like to have that avoided and try to maintain the important environmental balance to the ecosystem in the area.

Mr. and Mrs. Anderson: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

15) The following are comments submitted by Pat Gervais:

A) The Norsemen Motorcycle Club has 180 acres which is a nice plot but not when your talking 125 members plus the membership includes all their family members. Who knows what that actual number is? All of whom can use the land for camping, hunting and riding motorcycles. I know they are claiming only up to 10 riders at a time and did some noise test with 2 bikes idling. Your board needs to Youtube Enduro motorcycle or 10 racing to get the real affect and understand the concept of that pitch/ humming noise that is produced. Or better yet require a proper noise study test done.

You can also assume what 1 or 10 motorcycles can do driving over and over, round and round on the same soil. Hopefully they stay on their land, but what if they ride on your roads or on my 120 acres 5 doors down. Pretty sure it won't take long to be able to see where they are driving by the soil damage. I do know you can look up in your Geological Atlas to see just how close the natural spring water geyser are and if their aquifers are connected or are likely to be contaminated by soil erosion.

Mr. Gervais: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

All citizens must comply with traffic laws on all roads and trespassing laws. These laws are enforced by local and state law enforcement officers. Complaints can be filed with the Aitkin County Sheriff's Department.

16) The following are comments submitted by Steve Kurtovich:

A) The Norsemen highlight their 'membership' and the number of projected riders (3-4 members, up to 10). First and foremost, the definition of 'members' needs to be determined. Based on public comments made by the Norsemen leadership, a 'member' is a family. Even though they claim a small number of riders, each member can have their entire family on the property, potentially riding. Their numbers / projections lose merit when considering those riders can multiply a factor of four or more.

B) Stewards of the community. There have been documented instances of profanity laced tirades towards property owners next to the property. They have also threatened lawsuits.

C) Riding on existing trails. I think this is the biggest risk to the environment. They may use the existing trails for their motocross bikes, but ATV's tend to ride in 'muddy' areas for the fun of it. Imagine if the ATV's decided to ride through the wetlands on the property, which there is no way of monitoring.

D) Sound test. I find this laughable that they took a reading of 2 bikes , at idle, at the furthest point of their property from their neighbors and Pine Lake. They made no attempt to show the impact when the bikes were actually being used, and traversing the property. The American Motorcycle Assoc. guidelines they follow allow for a decibel reading of 120 DB at idle. Actual decibels when riding go up dramatically. They also did not address what the 'normal' DB levels of the area are without bikes.

E) Camping. Even during their 'cease and desist', there have been numerous campers on the property, with no oversight to waste.

Mr. Kurtovich: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

It is against the law to drive vehicles in wetlands and the DNR does report violation when discovered, many by noticing from aircraft. Also, ATV's are only proposed for trail maintenance.

Whether the Club is viewed by the public as a good steward or bad steward of the community is not an environmental concern.

17) The following are comments submitted by Dan Haglin:

A) The test methods used by the Norseman motorcycle club to obtain decibel readings do not adhere to the MPCA testing guidelines. MPCA guidelines: <http://www.pca.state.mn.us/sites/default/files/p-gen6-01.pdf>.

B) Norseman indicated no sound meter calibration techniques or documents. The MPCA outlines how to perform calibration and requires documentation of calibration.

C) From the video

<https://drive.google.com/file/d/1ft81qogbceYYdfsHooleHckYBsHUV2us/view> the Norseman used their meter on the "SLOW" response characteristics settings which is in direct conflict with the MPCA procedure using the "FAST" response characteristics. According to the documentation for the Quest Technologies 1100 meter used by the Norseman, the SLOW setting can take 5 seconds to return data that would be available in as little as 1 second if the meter was used on the FAST setting as required by the MPCA procedure. The Norseman SLOW setting is an average of multiple readings and not a correct representation of the FAST setting. Quest Technologies 1100 manual https://www.ttenviro.com/wp-content/uploads/Manual-Quest-Basic-Sound_Level-Meters.pdf.

D) Norseman tested single revs of the engine which last less than 3 seconds. The MPCA procedure (again using the FAST meter setting not the Norseman SLOW setting) outlines taking readings every 10 seconds for 1 hour and analyzing the loudest readings.

E) The Norseman motorcycles show 104.9 decibels at time stamp 1:51 at which the distance appears to be more than 20 inches. MN Statute 84.789.3.b requires off-highway motorcycles manufactured after Jan 1, 1998 to not more than 99 decibels when measured from 20 inches. Norseman motorcycles will be louder than 104.9 decibels at 20 inches and way more than the sound statute allows. A decibel increase of 10 is considered to be twice as loud since the decibel scale is logarithmic. 110 decibels would be considered twice as loud as 100 decibels. <https://www.google.com/search?q=decibel+increase+of+10+twice+as+loud&aq=chrome..69i57j33.9519jj7&sourceid=chrome&ie=UTF-8>

F) The Norseman do not talk about how the sound will travel through the low areas and travel along the whole length of Pine Lake and Big Pine Lake causing many residents to complain.

G) Norseman EAW 9.b and 12.c states that the previous owners "dump(ed) petroleum products on site". If this is so then it needs to be identified and cleaned up so it doesn't enter the groundwater. If Norseman knew of previous pollution and did not address it they are at fault.

Mr. Haglin: See previous noise responses Karen Kromar, MPCA, Carrie and Mark Erickson and Ron Redding.

After the club bought the property they discovered evidence (filters) of possible petroleum spills likely due to hydraulic hose damage due to the environment logging machinery operates in versus changing of fluids onsite. The amount of petroleum spills is not known due to lack of time on site. If any locations are found they will be properly cleaned up by the club.

18) The following are comments submitted by Don Roepke:

A) The Membership basis for the EAW is incorrect . The numbers of potential people using is largely understated making the EAW invalid. When the Norseman Motorcycle Club attended the Wagner Township regular monthly meeting last summer to explain the clubs intentions. We listened to Rex Greenwald, President of the Norseman Motorcycle Club state the club had voted on the maximum number of memberships. The club limited memberships to 125 maximum. Then Rex was asked to explain how a membership was defined. Rex stated a membership included extended family including ; grandparents, parents, siblings, children, and grandchildren all included under one membership . Each membership has a key to enter at will according to EAW. When trying to understand the potential users of the facilities some realistic average users from the club must be used for EAW. They may now have 79 memberships but calculations of users should be made on 125 memberships before going forward with EAW. This is the Clubs only owned motorcycle riding area the reason for the club to exist if you take the name of club into account. Why would only two riders of all the members be riding at a time? I believe a more real number would be an average of 4 riders per membership with the membership definition this is still light on number of riders. The numbers for EAW are $125 \times 4 = 500$ riders. They may not all ride normally but Holiday Weekends or first weekends of year will bring out more riders.

B) There is a discrepancy between the Project Description (EAW 6. a) which states only existing Logging Trails and roads will be utilized. Then further details in (EAW 6. b) the addition of existing Skid Trails is made. The entire property has been logged. Skid Trails exist on all surfaces of the property so trails will run everywhere. Trail work has already been done without permit prior to being stopped by an Order of the County.

C) Trail erosion only being checked once a year by undefined persons with no inclusion of outside expert does not satisfy the protection of the land and waters based on the heavy usage.

D) The Camping estimates stated are not inline with the Membership Program. Planning for 500 riders plus accompanying support people would require at least 125 formal planned camping areas and facilities including septic, water, safe fire rings, policing and emergency services. The Plan only included 2 flex camp sites does not meet this need.

E) The Norseman sound study does not equate to current experienced noise levels from Howies Mud Bog. Both of these properties are about equal distant from our home. Howies Mud Bog held their annual event on Labor Day weekend as they have for years(it is grandfathered in for this once a year event). Noise carried to our home on Pine Lake regularly and loudly. It is a once a year event however Norseman Club track will be open 365 days as stated in EA W. The sound test was done at allowable ideal decibel level for idling motorcycle on the property. The Trails Map figure 4 in EAW shows trails running on all edges of property spreading noise to all adjacent landowners at racing speed noise not idle speed noise. Multiple numbers of motorcycles running on trail will increase decibel levels example 20 motorcycles idling at 96 dB will increase 13 dB to 109 dB. The decibel scale when dB increases by a number of 10 actually increases the sound by 10 times louder. The sound generated would affect both next-door neighbors and the heavily populated area of Pine Lake and Big Pine Lake. Statement comparing logging noise in past does not recognized that logging is done on separate times years apart for a week or two of operations.

F) Water resources EAW (11) it is noted in the EAW that the Pine River which has springs feeding it as well as wetlands draining into the Pine River from the clubs property. The EAW does not list the Pine River as impaired it is listed as impaired from the Headwaters of Pine River to Pine Lake Impaired inventory number 07030003-631 E.Coli on 2020 TMDL 303d list . The EAW shows the Pine river less then 1 mile from property. Pine Lake which is a little over a mile but fed the Pine River is majorly impaired. The current Kettle River-Upper St. Croix River WRAPS/TMDL which is currently in process targets Pine Lake & Big Pine as major Impaired Phosphorus any additional loading is not what is needed to add to the problem. Karen Evens (MPCA project manager karen.evens@state.mn.us 218-302-6644) has recently taken over project from Timothy Schwarz.

G) There are questions regarding the projected hazardous materials/used. Fuels and Lubricants used by 500 drivers over 365 days. The EAW states that motorcycles could be fueled with clean fuel and ridden all day on this fuel. When I looked for info in Internet regarding Motorcycles run mileage on a fill is approximately 50-55 miles. This would not be a complete days ride of the trails available to ride. This means refueling when reviewing rider online forms about fuels used some could not see reason to run expensive clean fuels for performance saying they refueled with standard fuels. This would mean standard gasoline in cans for refuel. Other points by riders where they reduced their cost of clean fuel by buying in 55 gallon drums then refueling from these. This would mean drums of fuel on sight and spills associated with bulk refueling. The EAW states minor spills under 5 gallons do not need to be reported. This means that accumulative minor spills by 500 riders over 365 days of usage a year equals major spills.

H) The statement that there is not a Water Supply Management Area (DWSMA) located locally maybe correct however wells located on land adjacent to property are/have been used for commercial Spring Water Bottling. This property is located immediately east of club property. This property also has natural springs feeding an old trout pond suppling the Pine River. Chemicals or Sewage entering the system would be a problem.

I) Wildlife usage their statement of wildlife returning in-between usage seems unlikely based on number of memberships and open for use 365 days of year.

J) Vehicle emissions with full membership usage would be much larger than stated. 500 riders 125 transport vehicles on roads potential or more based on other family members attending.

Mr. Roepke: The riding will only occur on existing trails (logging roads or skid trails). Prior work consisted of surveying existing trails and site with a GPS. No permit was required for this work. No trail grading has been conducted.

The membership numbers presented in the EAW are accurate. The Club does not expect all members of the club to ride at this site at one time. The estimates presented in the EAW are accurate to the best of our knowledge based on experience and the feedback from the membership. The club does not have 500 riders nor is there intent to allow that level of use at the site. Furthermore, riders at the site are not required to camp and often will not but rather will ride for the day and go home. Camping may occur, but is not expected to in the capacity described in the comments. The Club expects camping to involve up to 4 members per night, mainly on weekends during the spring, summer, and fall.

Buffers will be recommended along the trails to prevent erosion into the wetlands and offsite. The Club intends to be a good steward of the land. Annual trail maintenance will occur and address erosion issues, but The Club members will also recognize and notify the club of any erosion issues if discovered outside of the annual inspections.

Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

The EAW does note that Pine Lake is impaired for nutrients. Pine River is impaired for Aquatic Recreation for E. Coli and was added to the list in 2020. The proposed use of the site will not contribute to that impairment. The use of this site will also not contribute to phosphorous loading to Pine Lake or Big Pine.

Sewage will not be produced or dumped at this site. Minor leaks and spills of gas, oil, and other fluids may occur onsite but are not expected to result in a significant, permanent, negative impact to the groundwater.

As stated in the EAW, air emission levels are expected to remain below the EPA requirements and are not expected to have a negative impact on air quality. While riding, dust and exhaust odors will likely be generated from OHM use of the site, especially during dry conditions. Riding will only take place on the existing roads and trails. No sensitive receptors, as defined by MPCA, are located nearby the site that would be impacted by fugitive dust or odor. Conditions can be placed on the

Conditional Use Permit to limit the number of users per day, regardless of Club membership.

Users will be able to ride without having to refuel onsite. No onsite fuel storage tanks are proposed. Minor fuel spills may occur but are not expected to occur during each ride or 365 days per year. If a spill occurs that exceeds 5 gallons the MPCA will be notified. In the event of a spill of any size, spill kits will be provided at the parking area for use.

19) The following are comments submit by Gerard Gangle:

A) I feel that the noise decibel level tests are skewed. They should be conducted by an independent company, not a club member. They should also be taken at points closest to neighboring houses including Pine Lake Residents using more than 2 motorcycles up to at least 10 for accuracy. Please take into consideration how this constant noise will impact all the other property and cabin owners who are up for the weekend for a little peace, and quiet, and relaxation.

B) Air, Soil, and Water pollution are a concern. The motorcycle emissions, dust and dirt kicked into the air, accidental gas and oil spills onto the soil will find their way into the waterways, aquifers, natural springs, wells, and lakes because of the terrain. This has a negative impact on the whole ecosystem meaning all forms of wildlife.

C) The Norsemen cannot compare their impact on the community to that of the Logging Operations or Sand/Gravel trucks that take place. These operations don't run year around, seven days a week, sunup to sundown like The Norsemen are seeking permission to do. Even Howies Mud Run is only 1 weekend out of the year. We aren't comparing apples to apples here.

D) My concerns also question the spill over of trespassing onto other private properties, and public roads when riders are tempted to explore what's beyond the boundaries of The Norseman 180 acres. Does the Club have set rules, regulations, and consequences for this type of behavior? What is the procedure for reporting a club member who is caught trespassing? There needs to be a code of conduct to help reduce careless driving and speeding on public roads. Many of the roads around the lakes in the area are located in close proximity to homes and cabins. Often there are small children present. From my own experience I have had to deal with this safety issue.

E) Riding dirt bikes in the summer is hot, sweaty, and dirty. Where do the club members go to clean up and cool off? There are no public swimming beaches in the area, so the already crowded public accesses will become the swimming hole and picnic area.. Doing so poses another safety hazard when people are backing up trailers to on or off load or dock their watercraft. Stop by a few popular public lake accesses on a warm sunny weekend afternoon to see first hand how busy they can get.

F) My questions are: Can an approved EAW or CUP be revoked if the Norsemen are not following what was declared by them? What is the process or procedure for filing a complaint?

Mr. Gangle: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

As stated in the EAW, air emission levels are expected to remain below the EPA requirements and are not expected to have a negative impact on air quality. While riding, dust and exhaust odors will likely be generated from OHM use of the site, especially during dry conditions. Riding will only take place on the existing roads and trails. No sensitive receptors, as defined by MPCA, are located nearby the site that would be impacted by fugitive dust or odor. Conditions can be placed on the Conditional Use Permit to limit the number of users per day, regardless of Club membership.

It is anticipated there will be businesses that club members will utilize such as gas stations, restaurants, café's, convenience stores, etc.

The days and hours of use by the club will comply with the conditional use permit.

Trespassing and violating traffic laws is a crime and should be reported to the Sheriff's Department. Violations of any conditions on a CUP, assuming one is granted, should be reported to the Aitkin County Planning and Zoning Office and/or Sheriff's Department. NMC has posted the property, so property boundaries are evident. Club members are expected to comply with all local laws.

It is not expected that riders will use nearby lakes and beaches to "clean up and cool off". They will likely clean up at their home or in a camper if they are camping.

A CUP can be revoked for violating any of the conditions placed on the permit. Complaints related to a CUP should be reported to the Aitkin County Planning and Zoning Office and/or the Sheriff's Department; noise complaints to the MPCA, and public access issues to the MN DNR. An EAW is not revoked by may lead to another EAW being prepared if the project were to expand beyond its boundaries or scope of use.

20) The following are comments submit by Jim Butcher:

A) There are errors in the EAW. For instance, the document states that the closest towns to the area are Sandstone and Banning. Fals e. Either as the crow flies or by road, Finlayson is clearly the closest town, by several miles.

B) The EAW states that no events will be held at the site. Based on the clubs previous activities at their prior location in Cambridge, this is hard to believe. Past behaviour is generally a good predictor of future behaviour. Their Cambridge location was only 100 acres, their new location in Wagner Township is 180 acres. At their old location, the

Norseman held regular large Sprint Enduro events. The posted results of these events show that the number of riders exceeded 170, rather greater than the 3 or 4 and the expected maximum number of riders per weekend will be less than 10, specified in the EAW. This number (170) also greatly exceeds the 79 members of the Norseman Club referenced in the EAW. These events were so large and required so much preparation, that the club would ask for volunteers to help with the workload. With their additional land area, will the Norsemen Motorcycle Club now hold even larger events?

C) The document states that the club will not construct any new trails on the site. I cannot dispute this statement, but have heard from others that activities which have been observed on the site might suggest that there has been some trail construction taking place.

D) The document states that the use of the site will encourage tourism by encouraging Club members from outside of Aitkin County to visit the land and spend time in the county, thus benefiting the local economy. The local economy takes place outside of Aitkin County. The nearest stores and restaurants are in Pine County.

E) The EAW states that Aitkin County classifies the site as "Rural Vacant Land", and the EAW goes on to state that this classification has no commercial use. If the land was previously logged, wasn't that of commercial value? Also, there was a fish farm on adjacent land, wasn't this also of commercial value?

F) The EAW states that the Club will only allow use of the site by members. Non members will not be allowed on the site. At their presentation to the Wagner Township Board, they emphasized their limited membership. However, at their previous site, when they held events, which as mentioned above, may or may not happen on this site; per their website, non members could become members at the entrance to the event.

G) One of the primary concerns of the neighbors of the Norseman site is noise, a common concern when large gatherings of motorcycles take place. The EAW states that Club members follow strict muffler specifications and that they regularly conduct sound level monitoring of their motorcycles. The Club's website even references the Minnesota OHV (Off Highway Vehicle) noise level requirement of 96 dBA at 20 inches. (dB, decibel, is the international unit for the measurement of sound pressure level, and the dBA A scale is the weighting applied to the noise measurement to more closely represent the way the human ear experiences noise.) This may be the required standard, but it is rather misleading, as it does not indicate the maximum noise level that may be generated by a "legal" motor cycle. The SAE (Society of Automotive Engineers) J1287 test standard for OHVs, endorsed by the Motorcycle Industry Council, Inc, requires that the noise level test be conducted at the appropriate "Test RPM ". (Revolutions Per Minute). The "Test RPM" is defined as one-half the maximum rated RPM. This is where theory and practice diverge. The Norseman Clubs website, in promoting their Enduro events, asks riders to picture holding their throttles wide open for 6 to 10 minutes when attempting to complete a lap as quickly as possible. Under these conditions the noise level at the 20 inch test distance will certainly exceed 96 dBA!

The EAW references a noise test video produced by the Norsemen Motorcycle Club. The test consisted of two motorcycles close together, supported on stands, having their throttles simultaneously blipped, and the resulting maximum noise levels recorded at various locations. This test shows the weakness of the approved test specification. It is also important to consider that this was a "no load" test. When under load at similar RPMs, the motorcycle will be consuming a greater amount of fuel. More fuel burned generally equates to more noise!

If we assume that the two motorcycles used for this demonstration do in fact comply with the Minnesota OHV noise level requirement of 96 dBA, the fact that the maximum noise level close to the motorcycles was recorded as 104.9 dBA shows the frailty of this regulation. If each motorcycle was in fact only producing 96 dBA, then the combined noise level would only be 99 dBA, not 104.9 dBA. If we assume for simplicity, that both motorcycles were producing the same noise level, then each motorcycle would be producing a noise level of 102 dBA. So much for a regulated noise level under specified test conditions of 96 dBA! And let's acknowledge that the decibel scale is logarithmic, not linear. The increase in noise level from 96 dBA to 102 dBA indicates an increase in sound pressure level by a factor of four! Imagine the combined noise level of many many motorcycles racing at the same time! It is also worth mentioning that NIOSH, (the National Institute for Occupational Safety and Health) recommends that at 100 dBA, a person is not exposed to this noise level for more than 15 minutes per day!

On the video, one member is shown holding his noise level meter 500 feet away from the test motorcycles. The meter indicates a peak level of 65 dBA from the exhaust noise of the motorcycles, (and note, this is only two motorcycles, under no load, not many motorcycles under load), and his comment, as you watch the meter level reading, is that his voice is louder, around 71 dBA, than the noise of the motorcycle exhaust. This may be true, but the motorcycle noise level may go on for a long period of time, and again, the noise level will be from motorcycles under load, not from no load blipping throttle motorcycles trying to downplay the true noise impact. And remember, we are told, on the Norseman's Club Website, to picture the thrill of holding the motorcycle's throttle wide open for 6 to 10 minutes, (under load!). It is this constant drone which the human ear, that wonderfully sensitive organ, finds so annoying, even if the level appears, at least on paper, to be at a low level.

A practical demonstration of this annoyance is occurring over the Labor Day Weekend. Howies Mud Bog, along Highway 18, is further away from many Pine Lake homes than the Norseman Club's land. Howies Mud Bog holds an annual event every Labor Day Weekend. This year, as in previous years, many homeowners are complaining of the annoying levels of noise generated by this event. And remember, this event is only held once a year. The EAW states that the Norseman intend to use their site primarily on weekends during the spring, summer, and fall. That is a lot of weekends, and with open windows, residents don't want to be bugged by the drone of racing motorcycles!

H) The EAW states that no onsite disposal of sewage will be permitted, and that any spillage from hydrocarbon products such as fuel and oil is expected to be zero or at the worst minimal, and that spill kits will be on site. They also mention that there is no evidence of rare or endangered species on the site.

I) Regarding sewage disposal from Recreational Vehicles, one would hope that the Club will be responsible. Based on news reports from the North Shore this summer, some RV users have obviously disposed of their sewage inappropriately.

J) Pine Lake water quality has suffered from the inflow of material from the fish farm which used to operate upstream from the lake. The Norseman's site is located in the same watershed feeding the lake. Any untreated hydrocarbon or chemical spills will eventually enter the lake, an undesirable and damaging result which must be avoided.

Mr. Butcher: You are correct the closest town is Finlayson.

Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson. The NMC does not intend to hold any events. A condition can be placed on a CUP, if approved, preventing any events from occurring.

No new trails are proposed, but some existing trail maintenance has occurred.

It is anticipated there will be businesses that club members will utilize such as gas stations, restaurants, café's, convenience stores, etc. and most will likely occur in Pine County which has the closest local businesses.

The classification of Rural Vacant Land is a classification of the County Assessor and not a Zoning Classification. A fish farm on adjacent land may be classified as commercial by the County Assessor.

The use of the site as a motorcycle recreational area will be restricted to club members.

On-site sewage disposal is regulated by Aitkin County's SSTS Ordinance. Violations are enforced by the Aitkin County Planning and Zoning Office.

Buffers between the trails and water resources will be recommended as part of a CUP, if applied for. These buffers will provide protection from contamination by sewage, nutrients and sedimentation. Spill kits will be provided in the unlikely event there is a spill of petroleum product.

21) The following are comments submit by Daniel Skupien:

A) Erosion, Wetlands, Water

It seems to me that in general, the EAW falls short it its assessment of the potential impact on nearby wetlands. Are the wetlands in this area not linked and part of a much greater watershed? Is it realistic to state that by instructing riders to stay away from wetland areas, the impact will be inconsequential?

It brings to mind the Zumbro Bottoms Camping facility, near Wabasha. Zumbro has (what appears to me) a similar topography- rolling moraines of glacial till populated with hardwood forest and interspersed wetlands. Off-road motorcycle riding is allowed just two weekends per year. I have hiked this forest before and after the motorcycle weekends and have seen firsthand the impact on the land. It wreaks havoc on the trails, churning up the soil such that it simply runs down the slopes when it rains. The lower areas fill with sediment, tangential water flows form along slopes. Along with the soil comes fluids from engines. Even if the trails are a distance from the wetlands, run off finds its way to the lowest points. To imply that by staying out of the wetland, there will be minimal impact seem like a great over-simplification.

Furthermore, the wetlands in this area are common nesting areas for loons, swans, herons, ducks, cranes, and grebes, and river otters pass through regularly. I'm told there are native trout streams in the vicinity. The EAW does not seem to address this nor any potential impact. This needs to be studied.

B) Noise

While I don't consider myself a sound expert by any means, I am an engineer by trade and spent 8 years evaluating the acoustic characteristics of emergency evacuation systems for a prominent test lab. For three years I was part of an Army Corp of Engineers team studying the propagation, attenuation, and amplification of artillery and aviation noise under various topographic scenarios (to help improve living conditions for on-base military families). That experience leads me to the opinion that the sound tests presented in the EAW (and referenced video) are woefully inadequate. There are many variables at play here (topography, ground cover, tree cover, wind, temperature, precip, participation, etc.). During normal operation, would the motorcycles typically be mounted on a stand, with no movement and under no load as shown in the video? Would they be next to one another? Would they be operated in the winter, with substantial attenuating snow cover on the ground? Lastly, the EAW speaks only of approximate numbers of riders with no firm limitation. This of course makes it very difficult to approximate the noise levels. In my opinion, any sound testing must be done under the most representative conditions and by experienced professionals.

I would add that sound amplitude is not the only important factor in this scenario. I think we need to be realistic about this. We're not talking about someone running a chainsaw on the next property over once in a great while. If the noise can be heard by surrounding residents, it will change their living experience dramatically.

C) Air

To state that "*no sensitive receptors are located nearby the site that would be impacted by fugitive dust or odor*" is a complete fallacy. Do the local residents not count? Do wild animals, with senses of smell orders of

magnitude greater than humans not count? Do the air particulates not settle in adjacent areas, such as the wetlands? Anyone familiar with our public ATV trails knows of the dust plumage and fumes that a group of gas-powered vehicles can generate. What makes this exponentially more impactful is that in this case, the dirt bikes travel in a closed loop, over and over, potentially from sunrise to sunset. I cannot imagine how this would not result in a degradation to the otherwise fine air quality that contributes to folks wanting to live in such an area in the first place.

D) Comparison to Logging Activity

The EAW makes many references to logging activity and equipment as an apparent baseline for acceptable noise and air pollution. I fail to see the relevance to the proposal. The fact that the property was logged in the past should in no way reflect what is deemed tolerable by the surrounding residents.

Mr. Skupien: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson. If a CUP is applied for, a wetland delineation will be recommended as part of the application. Comments from the DNR included continued use of BMPs coupled with maintaining a natural vegetative buffer around the water resources will help provide critical habitat and protect water resources in the project area. It will be the recommendation as part of the CUP application to identify all water resources and maintain a minimum of a 25 foot vegetated buffer between any wetland and 50 feet between any springs, when practical. If springs are found off the property there will be a recommendation that a 100 foot vegetated buffer remain between any motorcycle trails and the property lines, when practical.

As stated in the EAW, air emission levels are expected to remain below the EPA requirements and are not expected to have a negative impact on air quality. While riding, dust and exhaust odors will likely be generated from OHM use of the site, especially during dry conditions. It is unlikely to be any more of a concern to wildlife than a dirt road or wood stove. Riding will only take place on the existing roads and trails. The recommended buffers and narrow trails makes it unlikely that any dust will leave the site, and will have minimal impact to wetlands. No sensitive receptors, as defined by MPCA, are located nearby the site that would be impacted by fugitive dust or odor.

It will be a recommendation that the site not be used for motorcycle recreational area between October 25th and November 25th to avoid the most active part of the deer hunting season.

The EAW is being viewed separately from past activities.

22) The following are comments submit by John Leeper:

A) The 7 findings of fact in Section 11.03 of the Aitkin County Zoning Ordinance will be used by the Aitkin County Planning Commission to determine if a Conditional Use Permit (CUP) will be granted, assuming one will be applied for. All 7 findings must be answered as yes, by a majority of the planning commission members, before a CUP can be granted.

B) Noise

The proposed use of the property will exceed the Minnesota Pollution Control Agency noise pollution standards. The concerns with public health and welfare notwithstanding the sound levels of any motocross bike will exceed the guidelines set by the Minnesota Pollution Control Agency.

The 350 residents of Wagner and 250 residents of Kroschel Townships live here because of their families, their appreciation of the wildlife and the quiet. Residents know when the Sandhill Cranes arrive, they know which Trumpeter Swans return to which pond year after year and hunters have watched their deer grow from fawns. They know where the bald eagles nest and hear the loons on their morning flights, just as they wave at their passing neighbors.

The Norsemen's sound test created over 100 decibels of noise from two stationary bikes. Their Conditional Use Permit (CUP), as requested, would allow them to create that level of noise and more from 7:00 AM to 10:00 PM 365 days per year. They may not do it every day but that's what the CUP would allow.

You know when your neighbor is cutting firewood or dealing with downed trees. A chainsaw produces 110 decibels. It's rare to hear that in the summer because of the heat, mosquitos and ticks. It's good work for the fall and winter when we've closed the windows and hunkered down.

No one complains about the loon calls, the rustling of leaves (30 decibels) or the whisper from your partner (20 decibels). Those are intermittent sounds. Multiple motocross bikes traversing 180 acres of land as quickly as possible does not create a background of intermittent sounds. It's constant. Even the Norsemen's own sound test exceeds the Noise Pollution Standards of the Minnesota Pollution Control Agency Rules (Chapter 7030). The Norsemen did their sound test with two bikes producing 104.9 decibels. The standard decibel limit for two and four cycle motocross bikes is 96 decibels.

The PCA guidelines describe noise pollution as ...

L10 exceeding 65 decibels for more than 10% of the time (six minutes per hour)
L50 exceeding 60 decibels for more than 50% of the time (thirty minutes per hour)

Given nearby residences and farms we have to use Noise Area Classification (NAC) 1 as the standard, not NAC 4 which is vacant land.

The Norseman test indicates a sound level over 60 decibels 3200 feet from the source. This would exceed the L10 and L50 NAC 1 noise pollution standards for over one-half mile, far beyond the property boundary. The Norsemen tests are very close to exceeding the noise pollution standards for Noise Area Classification 2 (e.g. railroad terminals). The test was conducted with two stationary bikes. Multiple riders and riding parameters (speed, RPM, acceleration, deceleration) can change the decibel levels dramatically.

If you live within a mile of this facility and the bikes are riding you are not going to hear the leaves rustling. They don't ride for six minutes (L10) or thirty minutes (L50) and stop. The request is for 7 AM to 10 PM. No rustling leaves, no sandhill cranes, no whispers, no loon calls for seventeen hours a day, seven days a week. That's what the CUP may take away.

We can hear Howie's Mud Bog events for miles, and motocross bikes will likewise be heard (as confirmed in the Norsemen sound test).

C) Disruption of Wildlife Habitat

The Norsemen's application and EAW references using the land for motocross riding and also hunting. People living here know the habitat that deer move to to drop and raise their fawns. We know the ponds and lakes that the Trumpeter Swans find to raise their young in solitude, and while walking logging trails offers great pursuit of grouse a successful hunt is unlikely when sharing space with motocross riders. Disruption of habitat does not end at a property line nor does responsibility for natural resource preservation.

The proposed use will be an intrusion into a large area of forested, undeveloped land. Those parcels are of value to the neighborhood and the community even without access; it's part of the ecosystem that makes this area special and that's why Aitkin County Zoning bears responsibility for judicious preservation of all lands and resources within its jurisdiction.

Think for a moment of adjacencies:

Lake Five Wildlife Management Area

- Bean Dam State Wildlife Management Area
- Snake Creek Forest
- Many, many parcels of lands under private, quiet land stewardship

Certainly we cannot return to the time of Bessie Wagner or Herman Kroschel but we also bear responsibility to preserve and protect.

D) Surface and Groundwater Quality

This has been a particularly dry year. The EAW states that no natural springs were evident. Last year was less dry and we had water coming up throughout our Lake Eleven property. Often the springs are not evident directly on the surface. The regeneration areas, those replenishing the springs are not obvious. A casual walk through a parcel may yield no obvious presence of springs. Talk to people, community people, who've walked, lived and been stewards of the land to determine the true character. The motocross group is approaching this like a real estate developer, diminishing the concerns. Underplaying the changes that will be there forever. New trails, motocross bikes churning through the fragile ecosystem and increased development will certainly affect the springs and groundwater. The group has said they will repair erosion to prevent surface water contamination. Really?

E) Land erosion

From the Norsemen Environmental Assessment Worksheet (EAW):

“The club does not plan to alter the land in a way that would change it from its current condition...The clubs proposed use of the site will be less invasive and destructive than (sic) the prior logging use and will not displace wildlife.”

The EAW further states they will not be improving the property but repairing damage they create. All of us have seen the damage caused to fragile land surfaces by off-road vehicles and ATVs. Rarely do we see riders repairing any damage.

Claiming that your use of the land to be slightly better than logging is not saying much. No one who has had their land logged is comfortable with the destruction and residue. Logging occurs once or twice in a person's lifetime on a property. One winter's work and it's done. The Norsemen's proposed use encompasses a perpetual churning of the topsoil and ecosystem. The current spokespeople for the Norsemen are not young people. Organizations change with leadership transition. The views expressed in the EAW are of the current leadership.

The 250 Wagner Township resident's lives, serenity and the neighborhood ecosystem will be changed by a changing group of riders behind the screen of the Norsemen Club. The words and actions of their leaders today may bear little resemblance to the words and actions of the next leaders. That is why the CUP needs denial or prudent restrictions.

F) Additional County Resources

EMS Services - Limited EMS resources will have to serve non-residents.
Road Traffic - We all know the issues with gravel roads during the spring thaw and dry summers. This is more traffic.

G) Community

The Norsemen club does not want to come here to live. They want to ride motocross bikes, sunup to sundown. None of them riding or watching are going to be able to hear the Sandhill Cranes or the Loons, and neither will their neighbors. They are not going to vote here. They are not going to be on the Town Boards. They are not going to assimilate into the community as generations have. They've found a remote piece of land where they believe they can show up, ride noisy motocross bikes that no one else wants in their community, and leave. The EAW indicates 79 members but far fewer riders. What will those 'far fewer riders' contribute to this community of six hundred people when they'd rather be riding sunup to sundown whenever they want, chewing up the land and destroying the quiet?

What will the Norsemen contribute? The tax base will not increase. They are not building homes or commercial buildings on the property. As the EAW states they will not be improving the property but repairing damage they create. All of us have seen the damage caused to fragile land surfaces by off-road vehicles and ATVs. Repair is hard, tedious and unusual.. The Norsemen will arrive from afar, ride, and leave.

Mr. Leeper: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

A conditional use permit (CUP) has not been applied for from the County. A CUP can limit the hours and days of operation from what is proposed in the EAW. In addition, it will be the recommendation that if a CUP is approved a condition be placed on the CUP to require an independent noise study, identify all the water resources, and require buffers between the water resource and trails. Additional restrictions can be placed on the CUP and they are determined during the CUP permitting process.

The Club has no intention of fragmenting the property. They intend to use the existing trails and not remove any of the vegetation other than for trail maintenance. No new trails are proposed by the Club.

Additional county resources are issues that are addressed during a CUP permit.

Community involvement is not an environmental concern.

23) The following are comments submit by David Hennek:

A) We have reviewed the EAW of the NMC and would be pleased if you would consider the following:

Throughout the EAW the club use the words recreational and recreate as a means to "soften the blow" when they speak to how the property will be used. These are the same politically correct words they used in their presentation to the Wagner Township Board in the fall of 2019. Be certain, they are a club that wishes to RACE and PRACTICE to Race on this property.

They will rip down the trails attempting to improve their racing times and skills. They will decimate the landscape of this property just as they did at their last. (see attached photo).

The penetrating noise that multiple machines running in Hare Scramblers, Enduro contests, Hill Climbs, or practicing for these types of events will destroy the solitude for the neighboring properties. The whisper of soft breezes, the gentle lap of waves on the shore, and the melody of song birds, will be replaced by the thunder from the hills of the Norseman Property. The sound levels off property may or may not be at decibel levels physically injurious to a person's hearing but they will, without a doubt, be irritatingly loud and damaging to the health and well-being of neighbors for miles.

As part of the EAW the club has provided; Figure 2: USGS Topographic Map. The map does not provide the elevations but if you were to access the same map on the internet you will see the following. The elevations of the site are the highest in the area. There is a set of ridges in the northeast corner of the property that create a natural megaphone to Pine Lake. Megaphones amplify sound. If you look at Figure 4: Site Plan, provided in the EAW, you will see that the NMC have approximately 6 miles of trails/roads on the property. 60% of those are on the east side, at the mouth of the megaphone. The magnified, screaming, pulsating sounds of 2 stroke and 4 stroke engines will radiate out of the hills into the valley of the two lakes. This disruptive noise pollution will not be limited to the two lakes. Being at the elevation they are, the sounds will carry for miles.

B) In the EAW on page 2 and 3, they state; "Club membership is limited and only Club members will enter the site." They don't tell you in the EAW that family is part of membership. Mothers, Fathers, Children, Brothers, Sisters are all associated members. Taking that into consideration, the 79 members they reference in the EAW has more likely tripled to 237. They state only 30% of their club rides. There is a big difference between 30% of 79 or 30% of 237. They also do not mention that it is a

simple task to change the by-laws of a club. They could easily open up club membership to an unlimited number of members. They could allow club members to 'sponsor' visitors in their need to entice new membership. Why would they not? Invite your friends and show off the club's facilities. It's a common accepted practice for most clubs. A game and fish club that we belong to, encourages it. We can bring unlimited visitors along as they are with us at the club. The NMC is affiliated with District 23 ARMCA of the American Motorcycle Association, with thousands of members. The club members certainly have friends in the racing fraternity that they would like to belong to their club.

How is it possible that they would not be invited? How would Aitkin County know who is on the property? We take their word for it? Remember the Cease and Desist order. The number of members anticipated to be using the site, stated in the EAW, seems irrational. 3-4 with a maximum of 10? Deceptive? Possibly.

On page 3 in the EAW they state "members **riding** on the site at the same time would be 3-4, and the expected maximum number of **riders** would be less than ten" I have underlined and bolded riding and riders to point out that it does not necessarily mean number of motorcycles on site standing ready to ride. Many of the club's events are timed with individuals or groups of individuals rotating their turn to run the course. Imagine an Enduro race/practice with thirty machines ready to take their turn but with only ten **riding**. As the first ten **riders** complete their laps and times have been calculated the next ten take their turn, then the next.

I am confident you understand what I am attempting to get across. They have carefully selected their wording in the EAW. Examples: page 3 "winter use is not expected" but two paragraphs later they say that "snowmobiles" will be used. In the same paragraph they say "intended use of the site will be sporadic, intermittent, and ephemeral;" but two sentences later they say, almost excitedly, "use of the site is planned to begin as soon as they are granted approval and will remain open to members year-round ..." It sounds like a lot more than 10 members are intending to be using this site. It's difficult to believe that a club with so many members would invest an estimated \$400,000 and so few would use it.

In the EAW on page 7 they state; "It" (the club) "has never been the subject of a nuisance complaint and is proud of its long history of good relations with its neighbors." At this property location that is no longer true. There have been multiple complaints made to Aitkin County Sheriffs by the neighbors of the property.

Contrary to their statement on page 7, of the EAW, there will be environmental damage by this club and it will not be a compatible land use to have on this property. On page 11 of the EAW it says "runoff from the site typically flows to the northeast," Immediately adjacent to the northeast property line of the NMC's land is a wonderful artesian spring. It is the only spring on the Minnesota Spring Inventory Map for all of Aitkin County. (see attached DNR map and spring Data) It is a type "A" spring. It has a name. Wild Spring. It bubbles and flows out of the ground at 1000 gallons per minute, year-round, providing clean unpolluted waters to Pine and Big Pine lakes. (see attached aerial picture). It is the crystal-clear water source for the lakes. In the Aitkin County Comprehensive Land Use Plan, under Executive Summary, it says, The Plan Seeks to Encourage: "Careful management of the lakes and surrounding watersheds. The bulk of Aitkin County revenues come from lakeshore property so the health of the lake resource is vital to the County."

Remember, the club's plan for the property, as stated on page 2 in the EAW, the property "will be utilized... primarily for... off-highway motorcycle (OHM) use ." Use, being a politically correct word for racing and race practicing. There will be accidents. Spend a few minutes on the internet and you can watch motorcycle racing videos of the types of racing that the club promotes. Be certain to be ready for the ear-piercing scream of the machines. Don't turn down the volume. The neighboring property owners will not be able to. In the races, crashing into trees, and to each other is common. When damage to the motorcycles oil lines, fuel lines, brake lines, or tanks, happens, fluids go everywhere. It's usually not immediately discovered by the rider. They spread it down the trail until all the fluids have leaked out and the machine stops or they complete their lap where they inspect their damaged bikes. The spill kits mentioned in the EAW won't do a lot of good. It's ok. Don't worry. The next rain will take care of it. As stated on page 11, in the EAW, the "runoff from the site typically flows to the northeast," directly into Wild Spring, the water source for the lakes. Once that first sheen of petroleum products appears on the surface of Wild Spring and the taste of the water is no longer crystal clear it will be too late.

Think about the lake shore owners of Pine and Big Pine who are part of "the bulk of Aitkin County revenue". They will not be pleased to continue to pay the premium taxes for a polluted lake? Does Aitkin County really wish to approve a business on this property that has that real potential?

The NMC marketing personnel have already taken the first step in developing this

new racing destination by naming it, "Legends Ridge". It seems they have bigger plans in mind. If they get their "foot in the door" it is inevitable that Aitkin County, its tax payers and the environment will pay the price for a bad decision.

Mr. Hennek: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

The number of users at the property can be limited by a condition of a CUP, if granted. Days and times of use, related to the CUP, can be limited by a condition placed on the CUP, if one is granted. Those decisions will be made by the Planning Commission after reviewing the submitted information, hearing the public comments and reviewing the findings of fact. If there are more users of the property than allowed by a CUP, complaints can be called into the Planning and Zoning Office or the Sheriff's Department. Violations of the conditions of a CUP can result in revocation of the CUP.

Snowmobiles are proposed for possible use in trail maintenance.

This year there were complaints called in to the Sheriff's Department on the use of the Norseman property in violation of the cease and desist order. It was discovered by the Sheriff's Department there was no use of the Norseman's property, the use was by the neighbor to the north.

It will be recommended that all water resources be identified as part of a CUP application. Buffers will be recommended to the property lines and between the trails and any water resources as added protection. No degradation of water quality is expected.

Users will be able to ride without having to refuel onsite. No onsite fuel storage tanks are proposed. Minor fuel spills may occur but are not expected to occur during each ride or 365 days per year. If a spill occurs that exceeds 5 gallons the MPCA will be notified. In the event of a spill of any size, spill kits will be provided at the parking area for use.

The compatibility to neighboring land uses and impacts to property values is determined during the CUP, if one is applied for.

24) The following are comments submit by Jacob W. Steen, Larkin Hoffman on behalf of Sandee and Craig Shultz, and Brian and Erica Zimmermann:

A) As stated in the above response to Mr. Hennek, the information submitted by the Sheriff's Department showed the property to the north was using OHV and camping.

B) The EAW Provides Insufficient Information: Noise (Minn. R. Pt. 4410.170, subp. 2a)

The EAW provides incomplete and misleading data and is woefully insufficient to allow the County to make an informed decision as to the environmental impacts of the Project. Given the limited and incomplete information provided, it is necessary for the County to order an Environmental Impact Statement under Minnesota Rule Part 4410.1700, subp. 2a to further study the effects of the Project which are not appropriately addressed in the EAW

The most concerning aspect of the Project is the projected noise pollution, which is wholly unaddressed in the EAW, Question 17: Noise. On its face, the EAW's response to noise is misleading and intentionally misrepresents the proposed use of the Property. The sound testing consisted of two OHMs running at idle with only nominal throttling of the engines at the northeastern-most point of the Property. This testing does not accurately represent the proposed use of as many as 10 OHMs at a single time operating on the trails immediately adjacent to the Property line closes to the Schultz Property and Zimmermann Property.

My clients have commissioned an analysis of the EAW's Noise response by Dr. David Braslau, P.E., dated August 24, 2020 ("Noise Memorandum"). The Noise Memorandum specifically notes that the following required information is missing from the EAW response to Question 17:

Missing Information (Required under Question 17)	Noise Memorandum Comments
1) Existing noise levels/sources in the area:	No ambient noise levels are included in the EAW, which is the basis for determining the level of noise impact from the proposed project relative to background and need for mitigation, as referenced in item (4) below.
2) Nearby sensitive receptors:	No nearby sensitive receptors, especially residential land uses, were identified in the EAW.
3) Conformance to state noise standards:	No information is provided in the EAW that can be used to establish compliance with state noise standards, which required predicted L10 and L50 hourly sound levels at noise sensitive land used. This includes construction and operation of the facility.
4) Quality of Life: Identify measures that will be taken to	No information on potential noise impacts on residential land uses was provided in the EAW that will determine whether and what types of mitigation measures will be required.

minimize or mitigate the effects of noise.	
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Based on the lack of necessary information, Dr. Braslau's Noise Memorandum concludes the following:

The Proposer's response to Question 17 of the EAW lacks the relevant analysis and criteria required to provide meaningful information regarding the noise impact on adjacent residential properties. Given the lack of responsiveness to Question 17 of the EAW further analysis is appropriate. A proper noise impact assessment of the proposed facility in Aitkin County will need to follow the detailed scope described on Page 2 and Page 3 of this memorandum, and include detailed noise modeling and trail design, in order to demonstrate compliance with state noise standards and MERA [the Minnesota Environmental Rights Act].

Sound Memorandum 3 (emphasis added). Instead of addressing the required information under Question 17, the Club provided a misrepresentative and incoherent "sound analysis" that lacked any accepted methodology. In doing so, the Club failed to even address the most basic elements required to determine whether the project can comply with state noise standards. The lack of any sensitive receptors (i.e., adjacent residences) identified in the EAW is particularly problematic, since the Project will include trail racing along the perimeter trails, adjacent to both the Schultz Property and the Zimmermann Property.

The Noise Memorandum demonstrates that Minnesota's statutory noise limits under Minnesota Rules Part 7030.0040 will likely be exceeded when four (4) or five (5) OHMs are operating on any of the three trails nearest the Schultz Property. Given that the Club intends to operate as many as ten (10) vehicles on the trails at any given time and has nearly eight (80) members who have access along with the families, there is a high likelihood if not a certainty that the Project will regularly be in violation of state noise laws. Further analysis is required since the County will ultimately be the regulatory authority to enforce the noise laws.

Mr. Zimmermann is a 100% permanently and totally disabled combat veteran as the result of post-traumatic stress disorder from his military service. Due to his disability, the intrusive, unannounced, and intensely belligerent noise and activity associated with the Club's prior illegal use of the Norseman Property has had a substantial adverse effect on Mr. Zimmermann's life and enjoyment of his residence. The proposed use of the Project by as many as ten (10) OHMs simultaneously will unquestionably result in an adverse impact on Mr. Zimmermann's use and enjoyment of his property.

While it may be possible to mitigate noise pollution through berming, screening, or limits on activity, given the Club's non-responsiveness to EAW Question 17, it is not possible to evaluate potential mitigation measures. Accordingly, in accordance with Minnesota Rule Part 4410.1700, subp. 2a, it is necessary for the County to make a positive declaration to require an EIS and include a thorough noise study in the scope of the EIS.

Potential for Significant Environmental Effects (Minn. R. Pt. 4410.170, subp. 7)

In addition to the insufficient information provided in the EAW as it relates to noise created by the Project, the Project has the potential for significant environmental effects based on the representations made by the Club. Under Minnesota Rule Part 4410.1700, subp. 7, the Project has a potential for significant environmental effects, based on the following criteria.

1. Type, extent, and reversibility of environmental effects:

The Project is anticipated to have significant effects on noise and air quality, as well as on wildlife habitat. Although the Club's response to the EAW was grossly insufficient, the information provided indicates that there is a potential for significant levels of noise pollution. At a maximum of ten (10) OHM at any given time, the Project has a potential to create substantial amounts of noise pollution for adjacent sensitive receptors. State law recognizes noise pollution and the Noise Memorandum indicates that the statutory maximums will be exceeded with four (4) or more OHMs operating on the Property. Per the Club's website, the Club regularly sponsors multi-racing events with up to 100 riders.¹ Such events create a significant likelihood of sustained nuisance-levels of noise pollution, particularly for adjacent properties.

The County is authorized to enforce environmental laws and mitigate the effects of significant environmental impacts, including noise.³ As the primary agency authorized to enforce and implement Minnesota Pollution Control Agency (MPCA) noise regulations, there is no other regulatory authority for the County to rely upon. The Noise Memorandum demonstrates that the Project will likely be in violation of statutory noise limits under the proposed operation. Accordingly, given the high likelihood for ongoing conflict and County involvement related to enforcement and mitigation of noise issues, it is appropriate for the County to order an EIS to better understand the likely impacts of the Project and potential mitigation measures.

The EAW failed to provide even the most basic information required to respond to Question 17. As described in the Noise Memorandum, the EAW's deficient response to the question fails to provide any substantive information about the exact scope of the likely noise pollution and does nothing to address possible mitigative measures. However, it does indicate that as many as ten (10) OHMs will operate at any one time, but that limit is arbitrary and self-imposed. The true environmental effects of the Project, including impacts on noise, air, and wildlife can be best anticipated and controlled by preparing an EIS. An EIS will allow for the Club and the County to understand the full scope of the likely environmental impacts.

C) The proposed Project also has a potential for significant effects on air quality without mitigation efforts due to both vehicle exhaust and uncontrolled dust and particulate. OHM use on exposed trails in dry conditions creates an airborne risk of inhalation exposure to hazardous dust and fibers, which puts riders, and those in the vicinity at risk.² While riders may choose to expose themselves to these risks, these conditions and risks are forced upon adjacent property owners.

D) The Project also presents a likely threat to viability of wildlife in the vicinity. The area is popular for hunting a variety of game animals, including on both the Schultz Property and Zimmermann Property. The illegal operation of the Club in 2019 and 2020 created numerous instances of disruption that rendered the adjacent properties unsuitable for hunting. Further analysis and an EIS is necessary to evaluate the impacts of the proposed Projects on air quality, noise pollution, and disruption to wildlife in the vicinity.

E) Cumulative potential effects of related or anticipated future projects:

The Project itself has the potential for cumulative potential effects, including from incremental increases in the scope and ridership. While the EAW represents a limited ridership of nearly 80 members and a maximum peak rider intensity of ten (10) riders, these are arbitrarily self-imposed limits for the purpose of the application. If demonstrated by the Club's past activities, Club-sponsored races are likely to meet or exceed 100 members and last several days. The potential for a large-scale commercial endeavor of this scope would have far-reaching environmental impacts, including on noise, air, water, and wildlife. The Project has a high likelihood of cumulative impacts due to the probability of incremental increases in intensity.

F) General Comment and Questions:

There is a lot of discussion in the EAW regarding the site being logged previously. There are some cleared areas visible, but the majority of the site is heavily wooded, and not that impacted by past land use. The EAW overuses the general theme that "we are impacting less than the loggers did" when the logging impacts really have not been quantified outside of the parking areas, which will remain cleared. Absent a quantification of prior logging use, the comparison is not meaningful.

What are the specifications of motorcycles that are being used? They are certainly not road bikes, and they are not described as "dirt bikes" either. Further analysis should be done in the context of a noise analysis.

There are hundreds if not thousands of miles of publicly available off-road trails in Minnesota. Why is there a need for this project? It is not a shortage of available trails.

Ten (10) vehicles or less is a self-imposed limit and seems like a very low usage for a project of this magnitude. What protections will be in place to hold the Club to this limit?

It is stated that the existing trails are approximately 10 feet wide, yet this is a single-track proposal, which can utilize trail widths that are half this size or smaller. What will the maintained trail width be? Can the existing trails be narrowed?

Single track trails tend to follow one-way directions to avoid collisions, yet there are several trails present that do not loop or follow an obvious one-way direction. Will additional trail connections be made to form a one-way system, or will some trails be eliminated to remove dead-ends?

The EAW fails to describe the details of the actual trail (width, direction, route), which leads us to conclude that the trails will be open to use in any direction in any manner of the riders choosing. How will this be regulated?

Figure 4 has some trails highlighted, what is this indicating?

Perhaps this is related to precision of the mapping, but there is a trail on the north end that appears to extend to the adjacent property. The entrance road is also very close to the property line. Will riders be permitted to drive off-site?

The south of the Property abuts Kanabec County. Has Kanabec County been contacted to provide comment on EAW?

The proposed traffic from the Club will likely be substantial, particularly if all members are present at a single time. What are the peak traffic levels if all members are on site at the same time? How will traffic levels be limited?

The EAW references the need to repair sedimentation work conducted by the previous owner. What was the scope of this work and when did it occur? Was this work conducted after the Club had the Property under contract?

G) Comments and Questions by Section:

6b Project Description

How long ago and for how long was the site used for logging? It is stated that the site has been logged, and logging roads will be used for trails, but the aerial photos show a site that remains mostly wooded.

If approximately 30% of the 79 members ride, that is only approximately 24 motorcycles that will use this site for actual riding. The approximately 55 other members presumably support the activity if they are part of the club, but it seems like a very high number of club members that do not participate in what is presumed to be the primary activity the club does. How can the County/Club ensure these levels of ridership do not change?

It is stated that the existing trails are approximately 10 feet wide. From the aerials some may be this wide, but some are not visible. What is the range of widths and where will riders be able to ride side by side?

Is it safe to hike and use these trails for motorcycles simultaneously?

Who conducts sound level checks, with what frequency, and is there a record of this?

Is there scheduling to prevent too many members from being present at the same time?
How will the proposed ridership levels be maintained?

Is the site being used by motorcycles now? The reference to project schedule indicates that there are trees and brush over many of the trails, making them currently unrideable.

Site prep says invasive trees and shrubs, if cleared, will be removed from site. Later sections say no invasive are present. These statements are internally inconsistent.

Although not large equipment, a "Bobcat" still seems to be larger equipment than a single-track trail would require for maintenance. Is it possible to maintain with smaller equipment?

6c. Project Magnitude

While not a traditional linear project, the EAW is based around the recreational trails, and the linear distance should be quantified. What is the linear distance of trails?

6d. Project Purpose

The two paragraphs are not a statement of project purpose. The proposer is identified, and the associated history of the Club, but there is no clear purpose or need stated here. One can surmise that it is to provide recreational opportunities for Club members, but that is not stated. What is the purpose?

If the Club has 79 members, how many are local, versus outside Aitkin County?
Do you expect the number of members to increase? Given the repeated narrative of the low numbers of site users, it seems like the benefits to the local economy would be minimal at best.

If the purpose of the project is to promote outdoor recreation and tourism, then the EAW should discuss the impacts with an anticipated increase in users.

How many members does the Club charter allow? What assurances are in place to ensure this number is not changed?

7. Land Cover

It is appropriate to use existing information to generate land cover calculations, but it is very coarse at this scale. A more precise GIS-based cover analysis would be necessary to assess the land cover.

If the wetlands were not delineated, how can the Club or the County be confident in the 11 acres that has been estimated?

This would be an appropriate section to include the length of trails and access

roads, and by extension an approximate area under "other." That is a critical detail that needs to be quantified.

The EAW states that the Club expect four (4) users on average for a weekend, yet there are seven acres of clearings that are stated for use as parking areas. At more than an acre of parking per rider, this seems like a very large area for such few users. If some of the parking areas will be restored, the land use before and after should show this. Further, how with the Club and County assure the projected level of four (4) users is maintained?

8. Permits

Would a new NPDES permit be issued or would the NPDES permit for previous site conditions be transferred?

The permit list assumes that there are no wetland-related permits needed, which may be accurate, but is not supported based on the vague references that wetlands will be avoided.

9. Land use

Please elaborate on the previous logging, including when, how much, and location that have been cleared. It is not apparent from the aerial photos of where this activity occurred.

What are the means to regulate members from non-members? It is stated many times that only members can use the site. Does that include all uses, or just riding? Who will regulate this?

Elaborate on the tree planting program. What will be done to ensure the this is implemented?

Elaborate on how riding will be restricted to "daylight hours" Can a hard start and stop time be utilized to avoid confusion over when daylight begins and ends?

It is stated that hiking, hunting, and camping is allowed. These seem like potential hazards if overlapped with what seems like the primary intent of riding motorcycles, particularly hunting. How will these be minimized?

How will camping usage be kept under the state minimums for camping duration?

Will the campsite be permitted and constructed in accordance with State Law?

It is stated that "unlike prior use of the site, the club's recreational use will not dump petroleum products on site..." This implies that the previous owner did dump petroleum on site and that the Club has direct knowledge of such

dumping. Do the current owners know the location and extent of this dumping, and as the new owners will the Club be cleaning up this past petroleum dumping?

It is also implied that the previous owner did "heavy grading activities" which is not quantified, but is assumed to be related the logging roads, which are also described as minimal. What is the extent of heavy grading activities that occurred on site?

It cannot be stated that the current noise levels will be less than the previous noise levels, as the previous noise levels were not actually measured.

The statement that the Club's proposed use of the site will be less invasive and destructive than the prior logging is overstated, as it is within the narrative that the Club intends to use the same logging roads and trails, and would essentially maintain the previous level of disturbance, not reduce it. While logging may be destructive for tree removal, the logging roads tend to be temporary and will revegetate if vacated. That is not the intent here.

The statement that the proposed activity "will not displace wildlife" is not accurate. While it may not be significant, or have an impact to the wildlife population, there will certainly be displacement from the use of loud vehicles throughout the property. How will wildlife disturbances be minimized?

The sound is not "essentially undetectable" as it has been stated. The Schultzes and Zimmermanns both can hear virtually all OHM activity on site. How will the sound be regulated?

Although it is stated that the trails will not interfere with owners of neighboring properties enjoying their property, the site plan in Figure 4 shows trails running right along the property lines. This seems inconsistent to note that adjacent properties will not hear or observe activities, when the trails are located along the property lines.

Who and how will it be monitored to ensure camping levels are kept below state limits before the Property must be permitted and licensed as a campground?

10b. Soils and Geology

The statement that signs will be placed near wetlands to ensure that club members know that activity in wetlands is prohibited is commendable, but this seems unnecessary if riders will stay on existing trails, as the Club has previously assured. However, without a wetland delineation, how does the Club know where the wetland boundaries are located? How will the County ensure these protections are in place?

How will the Club and/or County monitor the wetlands?

Many trails have requirements to remain off the trails when they are in wet

conditions, like after it rains. What is the policy to refrain from use when trails are not in good conditions? Knowing that riding on wet, ponded, or muddy trails will increase erosion and should be avoided if indeed the goal is to have limited impacts. Good trail stewards would establish rules and limit or close trail use when conditions are not suitable.

11. Water Resources

Wetlands within the property should be delineated and the boundaries approved by Aitkin County and the U.S. Army Corps of Engineers. This will verify that there are no wetland impacts, as has been stated without evidence, and can be used in the future to ensure that no impacts have inadvertently occurred.

It is stated that some of the existing trails are on steep slopes. Would it be better for long term site protection to relocate these steeper trails to less steep topography? While that may have more immediate impact, the long-term prospects of controlling erosion on a steep slope is likely to be successful.

Mulching to reduce erosion has limited benefit if it will be displaced by motorcycles. How will the proper erosion control be ensured?

The trails were built for logging purposes and transportation only. A properly aligned trail with appropriate topography and management will have less overall impact than using an existing trail with a poor alignment or is too steep to manage runoff and replacement of eroded soils or cover with mulch.

Surface Waters section notes that the NWI identifies several wetlands within the site. It also notes that one logging road crosses a portion of one wetland, and that has been verified during a site visit. No fill is proposed, but it also says it will be avoided. Since there are no plans to relocate the trails, how is this being accomplished? Wouldn't it be better to relocate trails away from the wetlands than just mark them for avoidance? Presumably if you are close enough to read the sign, you may be impacting the wetland if it is partially on the trail.

If signs will be placed to indicate the presence of wetlands, which should be placed along a buffer some distance from the wetland, not right at the wetland edge. The buffer can assist with preventing sediment from encroaching into the wetland, and it will leave a vegetated perimeter. A minimum of 25 feet would be useful, noting that wetlands can fluctuate in size with wet and dry climactic cycles.

Figure 4 shows two wetlands with a channel between them. A logging road crosses this to get to a parking area. What is the crossing of this channel, and how will it be maintained?

12a. Contamination

It was previously mentioned that the previous land owner disposed of petroleum products on the property, but it is not mentioned here. Is there

contamination? If so, how much and where is the contamination?

12c. Contamination

Please elaborate on the past landowners' contamination. It has been mentioned several times but has not been quantified or discussed in greater detail. It is not appropriate to suggest that past land use was worse than what is proposed and allude that the impacts that may occur are therefore more acceptable

13. Fish and Wildlife

The trails, while small, do fragment the habitat. Perhaps less than when areas have been clear cut, but since these are the same trails used by the timber harvest, there is some consistent level of fragmentation.

Timber operations may be more disruptive to wildlife during operations, but between harvests can be many years of no use of the property at all. How will the motorcycle use will be less disruptive to wildlife than the previous timber harvests? The infrequent and large-scale disruption of timber harvest is very different from the frequent and small-scale disruption of motorcycle use, and will affect wildlife differently, which is not discussed.

While the use of motorcycles on the trails may be less of a geographic disruption, it is with a greater frequency and consistency. While common animals that have some level of human interaction may be less affected, the observed animals such as black bear, mountain lions, wolves, and bobcats are likely to be displaced.

The statement that wildlife use may increase is not substantiated. Many wildlife thrives in cleared areas and regrowth. The wildlife that thrives in older growth areas is more susceptible to disturbance from fragmentation, and tends to be more likely to have disruption to movement, and particularly nest behavior. The authors suggest that this project is a net gain in wildlife, which does not seem plausible.

Food plots are not inherently an impact but are specific to attracting game species for hunting. The use of food plots does not improve wildlife habitat.

As stated previously, the impact to wildlife maybe minimal, and may not be of a level that is considered to be an impact. However, the statement that the proposed project will not displace wildlife is patently false. Both logging and motorized use have impacts to wildlife, which should be acknowledged, not trying to claim that the proposed use is better and is therefore more acceptable.

Related to invasive species, it is noted that all equipment, clothing, and boots will be cleaned with brushes, and that all vehicles will be inspected for plants and debris and removed if found. Who will oversee compliance for this requirement? What are the consequences if a member fails to comply? It is noted that this will occur upon leaving and entry. What is the process for

inspection upon entry? Many weed seeds are transported in dirt on wheels, which can include the motorcycle itself, or on the vehicles transporting them. It seems unlikely that all materials that comes in and out of the site will be inspected and cleaned, and that this is overstating a plan that is not feasible without a third-party inspector overseeing the program.

Invasive species thrive in disturbed areas, and the trail will likely have some invasive species occur no matter how well the site conditions are patrolled. It is stated that on-site management will be via herbicide or hand removal, which would certainly work, but there should be a more definitive plan in place and a schedule for inspections. Depending on the scale of the invasive species, a licensed herbicide applicator may be needed to complete the work.

17. Noise

See concerns under Noise discussion above and in attached Noise Memorandum.

18. Transportation

It is logical to use the cleared areas for parking, but to prevent expansion over time, these areas should be marked so they can be recognized and consistently used. Since these are natural surfaces, heavy use may remove the vegetation, so rotation use may be beneficial. It is stated that there will be low use of the site, which would suggest that the parking areas will grow with vegetation between uses. Are there plans to mow or maintain the parking areas? Can the site consolidate to just one parking area? The low volume of users stated suggests that there would be adequate space to maintain one parking area and restore the other areas.

Mr. Steen, Mr. and Mrs. Schultz, and Mr. and Mrs. Zimmermann: Noise, traffic, camping, number of users, membership numbers, days and hours of operation, water resource protection and wildlife concerns have been addressed in previous responses. See above responses to Karen Kromar, MPCA, Patty Thielen, MN DNR, Ken and Mary Handt, Ron Redding, and Carrie and Mark Erickson.

The Club did do a reasonable noise test. The club decided to do some actual testing and recording, and decided to try to replicate a worst case situation. They tested at the farthest and highest area to the north closest to Pine Lake with no trees, mufflers pointed toward the lakes. They also tested on the property lines closest to the Zimmerman and Shultz properties. It will be the recommendation that an independent party conduct a noise study as part of a CUP application, if one is applied for.

It was also decided if they used only one motorcycle some people may question the test, so they doubled up and tested two bikes simultaneously. They followed the 20" test on both bikes alone and they were both well

below the 96dB (actually 93 dB) limit@ 4250 rpm, but during the sound test recordings they held both bikes wide open which is 8800 RPM, that is where they are seeing the 104.9 dB.

Any violation of a CUP condition or state law/rule can result in enforcement of the CUP which could result in revocation of the CUP. Noise standards are enforced by the MPCA – see comment from Karen Kromar, MPCA.

If a CUP is applied for, the Planning Commission will consider all the evidence submitted in addressing the findings of fact, which include impacts to neighboring property owners.

The number of users at the property can be limited by a condition of a CUP, if granted. Days and times of use, related to the CUP, can be limited by a condition placed on the CUP, if one is granted. Those decisions will be made by the Planning Commission after reviewing the submitted information, hearing the public comments and reviewing the findings of fact. If there are more users of the property than allowed by a CUP, complaints can be called into the Planning and Zoning Office or the Sheriff's Department. Violations of the conditions of a CUP can result in revocation of the CUP.

Racing events are not proposed and a condition can be placed on a CUP to prevent racing events.

Air emission levels are expected to remain below the EPA requirements and are not expected to have a negative impact on air quality.

While riding, dust and exhaust odors will likely be generated from OHM use of the site, especially during dry conditions. It is unlikely to be any more of a concern to wildlife than a dirt road or wood stove. Riding will only take place on the existing roads and trails. The recommended buffers and narrow trails makes it unlikely that any dust will leave the site, and will have minimal impact to wetlands. No sensitive receptors, as defined by MPCA, are located nearby the site that would be impacted by fugitive dust or odor.

Wildlife may be temporarily displaced during the use by the club but will return and likely use the existing trails for travel. There is unlikely any wildlife that will be permanently displaced by the club's use of the land. It will be a recommendation that the site not be used for motorcycle recreational area between October 25th and November 25th to avoid the most active part of the deer hunting season.

Many of the concerns in the comments can be addressed at the time of a CUP application, if one is applied for. Concerns such as number of users of the property at one time, number of campers, hours and days of operation, no events, noise testing, wetland delineation, identifying water resources, natural vegetative buffers, etc. can be placed as conditions on a CUP.

As mentioned before and responded to by Karen Kromer, MPCA, noise concerns can be addressed to the MPCA who is the primary agency to enforce the state noise standards. Aitkin County will enforce conditions on CUP's. The project as presented in the EAW, is not expected to exceed the state noise standards.

Tree clearing and grading of logging roads were completed by the previous landowners. These activities were conducted across the site. During construction of these roads trees were cleared and grading occurred to make the roadways useable by logging equipment. The club activities will not contribute to any additional logging of the site; whereas if a logging company continued to own the property additional logging would be likely.

The club did conduct a reasonable noise study. As part of the CUP application it will be recommended that an independent noise study be completed. The Minnesota Department of Natural Resources (MDNR) has source-specific noise rules for snowmobiles (Minn. R. 6100.5700.5), off-highway vehicles (Minn. R. 6102.0040.4), and motor boats (Minn. Stat. 86B.321), requiring them to be equipped with proper mufflers and conform to certain noise standards. Members of Norseman Motorcycle Club are required to adhere to these rules and maintain proper mufflers.

The Club obtained this property not only for riding OHMs, but also for general outdoor recreation (hunting and hiking) by its membership.

A condition on a CUP can limit the number of users to ten vehicles/users at one time.

The average width of trails is 10 feet wide. Some of the trails may grow in and be narrower in the future. Trails will be maintained at the width needed for a single track OHV. Some trails may grow in over time and be narrower. The easement road will be maintained at its present width.

The Club stresses safety and has an excellent track record of safe use of their lands. The number of users at the site at one time is expected to be 2 to 4 vehicles per day. No new trails are proposed and can be limited per the CUP, if one is proposed.

Trail colors differ on Figure 4 depending on the type of existing trail (entrance road, trail, or logging skid trail), as noted in the figure legend.

Riders will not be permitted to drive off-site.

The EAW comment period was published in the Kanabec County Times. If a CUP is applied for all property owners within ¼ mile of the proposed use will be notified of the CUP application and the hearing before the Aitkin County Planning Commission. It will also be published in the Kanabec County Times and Aitkin Independent Age.

Not all members are expected to use the property at the same time. Average use is expected to be 2 vehicles per week day with an estimated 4 vehicles per weekend. It will be a recommendation to the Planning Commission, if a CUP is applied for and granted, to limit the number of users at the site.

Previous land activities are not addressed in this EAW. Prior work consisted of surveying existing trails and site with a GPS. No permit was required for this work. No trail grading has been conducted.

It is unknown when the past logging activity occurred and for what duration.

Regardless of the Club membership numbers, the Club will use the land according to the CUP, if one is approved.

Hiking and use of trails for motorcycle riding could occur at the same time and be safe (motorcycle noise will be evident to hikers). The Club stresses safety and has an excellent track record of safe use of their lands.

The MPCA is charged with enforcing state noise laws. Complaints can result in noise checks being done to verify compliance with the State noise standards.

The Club has complied with the cease and desist order so brush has grown over some of the trails in the absence of maintenance and site use.

No invasive species have been found on the site. If found they will be removed and properly disposed of according to state rules.

If maintenance with a small equipment is possible, it will be used. The EAW offered a worst case scenario in terms of equipment usage.

There are approximately 6 miles of existing trails within the site.

The purpose of the project is to provide a recreational area for club members to use.

Where club members reside from is not an environmental concern. Residents of the area may become members at their choosing. NMC intends to use local suppliers for needs such as gravel and soil needed for trail maintenance. Riders may also eat at local restaurants and use local convenient stores. NMC believes this will be supportive of the local economy.

The purpose of the project is to provide a recreational area for club members to use. The resulting increase in outdoor tourism may be a secondary benefit.

The Club will use the property according to the CUP, if one is granted regardless

of Club membership.

Aerial photo review using GIS was used to analyze cover. This level of analysis is appropriate for this type of use.

The National Wetland Inventory is the best available data for identifying wetlands and is regularly used for planning at this scale.

The cleared parking areas will be maintained in their current state, which is vegetated with herbaceous cover. The before/after cover type table summarized this accurately. The Club does not have any current plans to reforest those clearings.

The EAW states that the Club expects 4 users on average per weekend, but that the expected maximum number of users at any one time would be up to 10. The expected number of club members camping per weekend night is expected to be up to 4. The Club will use the land according to the Conditional Use Permit.

An NPDES permit is required if more than 1 acre of disturbance is proposed. No construction activities are proposed so a NPDES permit would not be needed for use of the site. Regular maintenance of the trails is not expected to exceed 1 acre at any given time. The NPDES permit that was open for the site was recently closed.

Wetlands will not be impacted by the use of the site.

It is unknown when the past logging activity occurred, how much, locations and for what duration. This is a past activity and not included in this EAW.

Members can only use the site. The Club will use the land according to the CUP.

The Club will use the land according to the CUP. Days and hours of use can be placed as a condition for CUP approval.

Tree planting is not a formal program. The Club may plant trees, as appropriate, to maintain the land.

Hiking, hunting and camping will be allowed. The Club stresses safety and has an excellent track record of safe use of their lands. These uses will be further evaluated during the CUP process and conditions can be placed on a CUP, if approved.

Camping is not expected to occur frequently. The Club will use the land according to the CUP, if one is approved. Camping will have to comply with Aitkin County's Zoning and Recreational Camping Vehicle ordinances.

Aitkin County requires a Recreational Camping Area License if more than 2 campers will be on site at any one time. No campsites will be constructed. The clearings may be used for camping, but will not exceed the thresholds for requiring permitting. Only up to 2 campers are expected to be there at a given time. If the assumed 4 club members are there, they will be required to stay in 2 or fewer campers.

After the Club bought the property they discovered evidence (filters) of possible petroleum spills likely due to hydraulic hose damage due to the environment logging machinery operates in versus changing of fluids onsite. The amount of petroleum spills is not known due to lack of time on site. If any locations are found they will be properly cleaned up by the club.

Tree clearing and grading for logging roads were completed by the previous owners. These activities were conducted across the site. During construction of these roads trees were cleared and grading occurred to make the roadways usable by logging equipment.

The Club activities will not contribute to any additional logging of the site; whereas if a logging company continued to own it additional logging would be likely.

The EAW acknowledges that "resident wildlife may avoid the site during times of Club use due to human activity and noise". As stated by the commenter, this impact is expected to be minimal and not a significant impact. Temporary displacement may occur, but significant impacts to wildlife are not expected.

The Club acknowledges that some people may consider the noise produced by single-track OHMs "annoying", but the Club does not believe that anticipated noise levels will constitute a "nuisance" under state law. The MPCA, along with Aitkin County, is charged with enforcing State Noise Standards at this site. The Club will request that Aitkin County forward any noise complaints on so that the Club can log and investigate noise complaints. Measures to address noise complaints include noise monitoring to verify that noise levels are not exceeded, with remediation employed if noise standards exceed allowed limits.

Although OHM traffic and noise will be potentially greater than ambient conditions, noise propagation is somewhat mitigated by foliage during the summer months. The rolling landscape, rural nature, and wind patterns are factors that could attenuate sound propagation thus muffling vehicle-generated noise.

The Club will only use existing trails. It will be a recommendation to the Planning Commission to require a 100 foot vegetative buffers to the property lines, when practical. With the existing vegetation, distance to nearby receptors, and state muffler restrictions, the state noise standards are not expected to be exceeded.

Aitkin County's Zoning and Recreational Camping Vehicle ordinances regulate camping. The Aitkin County Environmental Services Department administers and enforces these ordinances.

The National Wetland Inventory was used to estimate wetland acreage on the site. This level of analysis is appropriate for this type of site use. It will be a recommendation that a wetland delineation will be conducted as part of the CUP process.

No wetland monitoring is proposed. There is no local, state, or federal requirement to monitor the wetlands. The DNR does report wetland impacts they notice while flying the county.

The Club have been, and will continue to be good trail stewards. As part of the CUP, it will be a recommendation that all water resources be identified and a minimum of a 25 foot vegetated buffer remain between any wetland and 50 feet between any springs, when practical.

It will be a recommendation that a wetland delineation will be conducted as part of the CUP process.

Relocating trails would require additional trail construction which is not proposed by the Club. The recommended buffers to all water resources will provide added water quality protection.

Erosion control BMP's such as silt fence, mulch and biorolls will be utilized as appropriate.

Additional trail construction is not proposed by the Club. The BMP's to control erosion and the recommended buffers to all water resources will provide added water quality protection.

The roadway that crosses the wetland is existing and was existing upon the NMC's purchase of the land. The roadway itself is not wetland. NMC has no intent to impact any wetlands. The recommended buffers to all water resources will provide added water quality protection.

As part of the CUP, it will be a recommendation that all water resources be identified and a minimum of a 25 foot vegetated buffer remain between any wetland and 50 feet between any springs, when practical. If springs are found off the property there will be a recommendation that a 100 foot vegetated buffer remain between any motorcycle trails and the property lines, when practical.

The crossing is an existing feature and will be maintained, within its existing

limits, as needed to allow travel. No additional fill will be placed within the channel.

After the club bought the property they discovered evidence (filters) of possible petroleum spills likely due to hydraulic hose damage due to the environment logging machinery operates in versus changing of fluids onsite. The amount of petroleum spills is not known due to lack of time on site. If any locations are found they will be properly cleaned up by the club.

No trail construction is proposed. The trails that currently exist will be maintained but are not expected to fragment the habitats.

The EAW acknowledges that "resident wildlife may avoid the site during times of Club use due to human activity and noise". Use of the site will be minimal (average of 4, but up to 10 riders) and sporadic, so significant impacts to wildlife are not expected. The site will utilize existing trails and clearings. No additional fragmentation of habitat is proposed.

The food plots will provide habitat and a food source for wildlife over winter, when use of the site is minimal or non-existent. This may include game species. It may also enhance the availability of game animals for the property owners nearby who, based on comments, also hunt near the area.

The EAW acknowledges that "resident wildlife may avoid the site during times of Club use due to human activity and noise". As stated by the commenter, this impact is expected to be minimal and not a significant impact. Temporary displacement may occur, but significant impacts to wildlife are not expected.

Many state-managed recreational areas use similar BMPs regarding invasive species removal without a third-party inspector overseeing the program. The Club policy is that riders adhere to these rules.

The NMC will use a licensed herbicide applicator, if necessary.

The cleared areas are intended to be maintained and not expanded. The larger cleared area on the north-west portion of the property will be used for the parking. The two other smaller areas will not be maintained and will be allowed to regrow.

CONCLUSIONS

- 1) The Aitkin County Planning and Zoning Department has fulfilled all the procedural requirements of law and rule applicable to the need for an Environmental Impact Statement on the proposed Norseman Motorcycle Club Recreational Area.

- 2) The identified environmental effects of the project are minor and /or temporary.
- 3) There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed through permit and regulatory processes.
- 4) Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules to determine whether a project has the potential for significant environmental effects, and on the finding and record in this matter, Aitkin County determines that the proposed Norseman Motorcycle Club Recreational Area does not have the potential for significant environmental effects.
- 5) An Environmental Impact Statement on the proposed Norseman Motorcycle Club Recreational Area in Aitkin County is not required.
- 6) That any Findings that might properly be termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

ORDER

Based on the above Findings of Fact and Conclusions:

Aitkin County determines that an Environmental Impact Statement is not required for the proposed Norseman Motorcycle Club Recreational Area.

Dated this 6th day of October, 2020.

William Pratt
Chair Person, Aitkin County
Board of Commissioners
Aitkin County, Minnesota

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