

# Challenges arise in weighing wildlife protection with recreation

A recent conflict in Crow Wing County highlights the tension between all-terrain vehicle use and wildlife habitat conservation efforts.

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BRAINERD, Minn. -- Focused on Minnesota land acquisition for The Conservation Fund, Emilee Nelson often finds herself enmeshed in complex discussions about how forests are used.

When it comes to the northern reaches of the state, often this means striking a balance between conservation priorities and recreational opportunities — namely, all-terrain vehicle use.

“This is a touchy subject, and rightfully so with the history of trails and forest roads and what are the differences between those two and how are they used. There’s a lot of ambiguity I think around both those terms,” Nelson said.

A recent conflict involving potential ATV trails and conservation land in Crow Wing County illustrates the tension that sometimes exists when funding sources and local governments have different priorities for a given parcel of land. In a June meeting, county commissioners expressed frustration over state-imposed restrictions on new motorized

trail development on 360 acres of property in the northwest corner of the county near the Whitefish Chain of Lakes. The Conservation Fund was set to acquire the land from PotlatchDeltic, a timberland real estate investment trust, and transfer ownership to Crow Wing County.

The catch? Funding for the property's purchase came from the Outdoor Heritage Fund, the coffers of which are filled with sales tax dollars collected through the 2008 Legacy Amendment. The Lessard-Sams Outdoor Heritage Council — which makes recommendations to the Minnesota Legislature on which projects should receive grants from this fund — stated it would not allow any new trail development on the property as a condition of the grant.

This touched a nerve with some Crow Wing County commissioners, who in 2016 found themselves poised for a court battle with Lessard-Sams over the very same issue. The previous matter related to 2,000 acres of conservation land acquired with \$11 million from the Outdoor Heritage Fund, a project that ultimately shielded more than 9 miles of contiguous Mississippi River shoreline from development.



Council members argued Crow Wing County's approval of an 11.5-mile trail system on the parcel amounted to defiance of the state constitution by allowing ATVs on land intended for preservation of wildlife habitat. Crow Wing County officials maintained they were clear about how the land would be managed from the beginning, including potential trail designation. The disagreement ended in a 2017 compromise closing all trails not part of the trail system to recreational motorized vehicles. The limited designation differs from the policy on most of the county's 105,000-plus acres of forestland, on which motorized use is allowed unless posted closed.

“It's a way for the Outdoor Heritage funding to kind of put a chokehold on potential motorized use in Crow Wing County forest properties,” Commissioner Doug Houge said at last month's county meeting. “We're a county of diverse recreational activities. But we start putting all these blockers out there that limit us to what use we can have on them.”

The project is on hold for now as Nelson and Crow Wing County Land Services staff initiate potential changes to the grant language that would allow zero net gain trail development — meaning if new trails were requested by an ATV club, the same mileage of trails or forest roads elsewhere on the property would be closed. But Nelson noted PotlatchDeltic still owns the property, and should it opt not to extend the deadline on a contract, it would be the prerogative of the land trust to sell off the land into private ownership.

Commissioners pointed to the economic impact of ATV riders, who they said spend money in the community when they visit the lakes area to traverse the trails. Crow Wing County is home to a higher percentage of registered ATVs than its share of the state's population.

According to the Minnesota Department of Natural Resources, 9,263 ATVs were registered in Crow Wing County in 2019, out of 309,742 total in the state, a number that continues to rise. This means the county has 3% of the state's ATVs while accounting for 1.2% of the population. What these statistics do not show, however, is how many of these ATVs are used for recreational trail purposes versus utilitarian uses on private property.

DNR Conservation Officer Chelsey Best said while most people are compliant with ATV laws, the influx has brought with it many inexperienced riders who are unfamiliar with requirements. Anyone born after 1987 is required to participate in ATV safety training to ride one, but she said a significant number of people she stops for violations are unaware of this. Among highway operation and juvenile helmet violations, recreational trespassing is one of the most common violations Best said she cites.

"Maybe they're riding on a snowmobile trail through a wetland where they're not supposed to be," Best said. "If some ATV riders see a trail, no matter what the use is, they just go. It creates an issue with wetland disturbance."

This abuse of the trail system and resultant damage to wildlife habitat — perpetrated by a small percentage of riders — is nevertheless impactful and at the heart of why many conservation-minded people and organizations are hesitant to encourage growth in use on sensitive lands.

Nelson said the fact forest roads used for timber harvest are also often used by ATV riders is something that cannot be ignored when negotiating land deals with conservation in mind. A patchwork of regulations differing from county to county in the state adds complexity to those conversations, and the thrust behind various funding sources can create even more layers of decision-making.

"There's a larger conversation I think that needs to be had in Minnesota about, how do we work with all of these different needs of these groups and these wildlife habitat funding sources to be able to have a cohesive land base that works for more than one thing?" Nelson said. "There's been the absence of really specific policies in place, and it's very difficult to have the conversation unless there's something really strict in place."