



June 19, 2017

Gina Bonsignore, Hearing Officer
c/o Scientific and Natural Areas Program
Minnesota Department of Natural Resources
1200 Warner Road, St. Paul, MN 55106

VIA U.S. and E-MAIL
sna.dnr@state.mn.us

RE: Uncas Dunes SNA – Proposal to Continue to Allow Snowmobile and Horses

Dear Ms. Bonsignore:

I represent the Minnesota Native Plant Society, incorporated in 1983 for the purposes, in part, of preserving native plants, native communities, and scientific and natural areas. I serve on its Board of Directors and as Chair of its Conservation Committee.

On behalf of the Minnesota Native Plant Society, I thank you for the opportunity to provide written comments to the Minnesota Department of Natural Resources' proposal to continue to allow a snowmobiles and horses within Uncas Scientific and Natural Area. These comments are intended to supplement and amend my oral comments provided during the public hearing in Elk River, MN on June 14, 2017.

1. **Snowmobiles and horses are incompatible uses.** The Minnesota Native Plant Society opposes the continued use of snowmobiles and horses within Uncas Dunes SNA. Although the DNR purports that snowmobiles and horses will be allowed only on Snowmobile Trail #209, it is very likely that some will travel off this trail and further degrade Uncas Dunes SNA.

Even if everyone honors the trail corridor, Uncas Dunes SNA is a fragile community of rare species. Its ecological integrity will be further compromised by a trampled, manure-infested ever-widening, strip of sand that divides the northern unit in half.

2. **No plan to pick up horse manure.** Based on the statements made during the June 14, 2017 public hearing, neither the DNR, representatives of Minnesota Trail Riders Association, nor other horse riders offered any plan to pick up manure within Uncas Dunes SNA. Horse manure is a nuisance. Manure stinks, attracts flies, and is a visual distraction impairing the aesthetic enjoyment of Uncas Dunes SNA.

3. **No guarantee that “weed free hay” will be provided to horses.** Based on the statements made during the June 14, 2017 public hearing, there is no guarantee that all horse riders will feed their horses “weed free hay.” Thus, the spread of exotic plant species within Uncas Dunes SNA is likely.

4. Lack of enforcement should not set an adverse precedent by allowing a long-term abuse. During the June 14, 2017 public hearing, the DNR acknowledged that horse riders have illegally entered Uncas Dunes SNA. Ineffective enforcement does not justify the perpetuation of an incompatible use. Retroactively approving horses would set an adverse precedent – i.e. if the abuse continues long enough, we look the other way.

An abuse that negatively impacts an SNA should be corrected, no matter how long the abuse has occurred. Otherwise, how can we improve our natural world? Moreover, all trails (whether designated or not) should be restored to a condition consistent with the ecology of the Uncas Dunes SNA.

5. Horses and snowmobiles are contrary to the purpose of an SNA. The purpose of a Scientific and Natural Area (“SNA”) is “... to protect and perpetuate in an undisturbed natural state those natural features ...” [Minn. Stat. 86A.05, Subd. 5(a). Emphasis added.]

As stated previously, horses and snowmobiles, even if they stay within Snowmobile Trail #209 (which they likely won’t), will have impacts that do not comply with the Minnesota Legislature’s stated purpose.

6. Horses and snowmobiles are contrary to the statutory requirements to administer an SNA. “State scientific and natural areas shall be administered ... in a manner consistent with the purposes of this subdivision to preserve, perpetuate, and protect from unnatural influences the scientific and educational resources within them.” [Minn. Stat. 86A.05, Subd. 5(c). Emphasis added.]

Certainly, horses and snowmobiles, even if they stay within Snowmobile Trail #209 (which they likely won’t), are “unnatural influences” and, consequently, do not conform to the Minnesota Legislature’s intent.

7. The requirements of the Minnesota Environmental Policy Act require that the horses and snowmobiles be prohibited from Uncas Dunes SNA. During the June 14, 2017 hearing, the DNR acknowledged the existence of over 20 miles of designated horse trails adjacent to Uncas Dunes SNA in Sand Dunes State Forest.

Furthermore, I attended an August 29, 2016 meeting of the Sand Dunes State Forest Stakeholder Advisory Group at the Lions Center in Elk River. During this meeting, a DNR employee acknowledged that there 25-30 miles of additional, non-designated trails that horses use, many of them unmarked. According to the employee, the trails are (1) “user created”; (2) fire breaks; and (3) logging trails.

The Minnesota DNR is subject to the Minnesota Environmental Policy Act (“MEPA”). Minn. Stat. 116D.04, Subdivision 6 states:

“**No state action significantly affecting the quality of the environment shall be allowed**, nor shall any permit for natural resource management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land, or other natural resources located within the state, **so long as there is a feasible and prudent alternative** consistent with the reasonable requirements of the public health, safety and welfare and the state’s paramount concern for the protection of air, water, land, and other **natural resources** from pollution, impairment, or destruction. Economic considerations alone shall not justify such conduct.” [Emphasis added.]

Horses and snowmobiles in Uncas Dunes SNA will significantly affect the quality of the SNA. The proposal attempts to thwart the statutory protections of Uncas Dunes SNA by designating a snowmobile and horse trail and dividing the northern unit in half. The ecological integrity of Uncas Dunes will be compromised.

The requirements of MEPA are that, if the Minnesota DNR continues to desire horse and snowmobile trails, the 20 miles of designated horse trails – and 25-30 miles of undesignated horse trails - within Sand Dunes State Forest is a “feasible and prudent alternative” that must be used instead of damaging a sensitive Scientific and Natural Area.

8. Dogs are also incompatible uses. We also note that the present Commissioner’s Order (#115) and the SNA website indicate that dogs are allowed, without a leash. Dogs can have an adverse impact on wildlife - and spread exotic species. Enforcement of dogs on leash is very difficult. The legal principles stated above also apply to dogs.

Therefore, we recommend that the DNR institute the process to remove dogs as a public use in Uncas Dunes SNA.

SUMMARY

The proposal to allow horses and snowmobiles, along with the continued use of dogs:

1. Will cause significant adverse impacts to the remainder of the SNA
2. Rewards illegal and incompatible activities and perpetuates historic abuses;
3. Is contrary to the purposes and administrative requirements outlined in Minn. Stat. 86A.05; and
4. Violates the Minnesota Environmental Policy Act (Minn. Stat. 116D).

Minnesotans – and our native flora and fauna – deserve better. Please say “NO” to this proposal and protect Uncas Dunes SNA. We cannot let historic abuses become precedents for the continued abuse of Uncas Dunes SNA, one of Minnesotans’ special gems of our state land base.

Finally, please recommend that funds be devoted to restore the affected area consistent with the ecology of Uncas Dunes SNA and the SNA program.

On behalf of the Minnesota Native Plant Society, I **thank you** in advance for your kind attention and look forward to your reply.

Very truly yours,

Thomas E. Casey

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