

FW Fwd Re Wis. may establish ATV damage repair fund.txt

From: Schmidt, Dan
Sent: Tuesday, January 02, 2007 9:11 AM
To: Mautz, Kelly
Subject: FW: [Fwd: Re: Wis. may establish ATV damage repair fund]

Attachments: Damage Account_claims_narratives_122606.pdf; Damage Account Claims_122606.pdf

Also, FYI.

-----Original Message-----

From: Joel [mailto:silentsports@charterinternet.com]
Sent: Thursday, December 28, 2006 10:00 AM
To: Schmidt, Dan; Patrosky, Mark; Piliouras, Elizabeth
Subject: [Fwd: Re: Wis. may establish ATV damage repair fund]

Dear Mr. Schmidt and Mr. Patrosky,

As a member of the Special Legislative Committee on State Trails Policy, I would like to share with my fellow committee members what I've learned about Minnesota's OHV Damage Account that could inform our discussion about a similar funding mechanism to fix ATV-damaged trails in Wisconsin.

What follows is my dialogue via email over the past few days with Bill Johnson who oversees the Minnesota OHV Damage Account for the MnDNR Division of Trails & Waterways. Attached are two tables Mr. Johnson provided listing the 22 damage claims he's received, including how much was paid out in nine cases since 2004. The second table includes descriptions of the damage motorized vehicles have done to ATV, bicycle and ski trails that have applied for repair funding.

I will follow up with another email pointing out differences between the draft legislation before our committee and the Minnesota law and suggestions I have for improving the proposal before the committee.

Please disseminate this information to the committee and post it on the website.

Thank you,

Joel Patenaude

Joel, as you requested I have identified the four instances in question and provided the DNR representative's narrative from the site visit. The narratives are basically qualitative; we do not require a linear description of the damage. If the site review supports the applicant's claims about the damage, then we move to have it addressed with the costs ultimately reimbursed from the account.

Again, good luck with your effort. Bill Johnson.

> Joel <silentsports@charterinternet.com> 12/26/2006 3:29 PM >

Mr. Johnson,

Thank you for the clarification.

I have a couple other questions, if you don't mind. I see \$46,000 earmarked for repairs in Beltrami County, which is much more than any other listed claim, active or complete. What kind of OHV damage has occurred there and how extensive is it?

You mentioned in your initial email that the claims include two cross-country ski trails, an area adjacent to an abandoned railroad grade and a paved bike trail. Can you tell me more about those? Which projects from the table represent these? How many miles of trail were damaged and how badly in each case?

Thanks again for your help,

Joel

Joel, both TNC references are for "The Nature Conservancy." They were the landowners for the two claims. I left their identifier as a non-governmental organization. I guess the "private landowner" label would have applied there too. All the other private landowners are citizens, not NGOs. Bill Johnson.

>>>>> Joel <silentsports@charterinternet.com> 12/26/2006 2:45:25 PM >>>

Mr. Johnson,

Thank you so much for the information on your state's OHV Damage Account. Your correspondence will greatly assist my legislative committee.

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I have one question regarding the table you sent: What does "TNC" stand for under the landowner column?

I may have additional questions, but that's all for now.

Much appreciated,

Joel Patenaude

Dear Mr. Patenaude, thank you for your inquiry regarding Minnesota's OHV Damage Account Program. As Program Coordinator, I am glad to provide you with some feedback on our experience with the program to date.

On 12/22/06 you wrote: What I hope to learn from you is how well the program has worked.

What aspects are key?

Documentation of Claims. All aspects of reviewing, approving, and closing a claim must be well documented to ensure the enabling legislation's conditions have been satisfied. Site visits are required at the start and the end of the process.

Agreement on Action to Be Taken. Once a claim is indeed determined to be eligible, agreement must be reached (between the property owner and DNR) on exactly what is required to repair/restore the site and the agreed-upon cost.

Seeking Restitution. Minnesota requires restitution to be sought if the person causing the damage is known.

Agreement on Satisfactory Completion of Work. Once the repair/restoration is done, agreement must be reached that indeed the action satisfies the terms of the claim.

Closure of Claims. Once things are all done, ensuring that the State is released from any future liability is important.

Reimbursement Nature of Program. Claimants are responsible for conducting the work and then being reimbursed. No reimbursement is provided until the claim review and disposition process is complete.

How would you improve it?

*The OHV Damage Account Program appears to be accomplishing what the Legislature intended. A mechanism is in place to address OHV-related damage that meets the program criteria.

How much money has doled out, to whom and how much of the ATV-damaged trails in the state have been addressed through the program?

Regarding the funds expended, I have attached a table that summarizes claim disposition to date. Claims have been offered from both public and private parties. You will see that activity ranges to claims recently filed to ones that are fully complete.

Regarding "how much of the ATV-damaged trails in the state have been addressed through the program," as clarification I want to note that the Minnesota OHV Damage Account Program is not a trail development or maintenance program. It is targeted to the repair/restoration of property where OHV operation is not permitted and damage has occurred (other conditions are in place too).

This offered, each claim is unique but in general damage is pretty localized. Two claims have been submitted for damage to x-country ski trails, one claim has come in for an area adjacent to an abandoned railgrade (public corridor open to both motorized and non-motorized uses), and one claim for a paved bike trail.

We are not compiling any summary statistics.

I hope this feedback has been useful. Minnesota DNR maintains a webpage for the OHV Damage Account. Here's the link:

<http://www.dnr.state.mn.us/ohvdamageaccount/index.html>

The FAQs provide a good program overview if you have not as yet seen them.

Again, thanks for your interest in the Minnesota OHV Damage Account Program. Good luck to you and your committee with the efforts in Wisconsin.

Bill Johnson
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>Joel <silentsports@charterinternet.com> 12/22/2006 10:30:11 AM >

Dear Mr. Johnson,

FW Fwd Re Wis. may establish ATV damage repair fund.txt
Draft legislation that would establish in an ATV damage repair program in Wisconsin has just been submitted for review by the Special Legislative Committee on State Trails Policy on which I serve. Our committee is set to meet one last time on Jan. 4 to review the proposal and others that would increase ATV gas tax revenue to the state (which could fund the program).

You can read the proposal here, fifth item down:

http://www.legis.state.wi.us/lc/3_COMMITTEES/Special%20Committees/2006/TRAIL/index.htm

I'm writing to you on a fact finding mission. This concept could be modeled after Minnesota's OHV Damage Resoration Account. What I hope to learn from you is how well the program has worked. What aspects are key? How would you improve it? How much money has doled out, to whom and how much of the ATV-damaged trails in the state have been addressed through the program?

Given the Jan. 4 meeting date, the sooner I hear from you, the easier it will be to pass your information along to my fellow committee members for consideration.

Thanks you and happy holidays,

Joel Patenaude, Editor
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