

Comments by Bob Djupstrom, regarding the Prairie Smoke Dunes Scientific and Natural Area rule changes

I oppose increasing vehicle access and the development of a parking area approximately 1/5 mile (approximately 1000 + feet) into the interior of the Prairie Smoke Dunes Scientific and Natural Area. As the public record shows, this proposal is only being done to make it easier for deer hunters to drag a deer out to a vehicle.

I was the Supervisor of the SNA Program when this SNA was acquired from the Agsco Seed Company, as I recall. Initially, the SNA was not open to any hunting.

Within a year however, Earl Johnson, Area Wildlife Manager at that time, approached me about the need for reducing the deer population in the area due to crop depredation on adjacent private lands. Having a degree in Wildlife Ecology myself, I understood the reason for reducing the deer population, not only for reducing crop depredation but also to ensure native plant populations were not being impacted by having too many deer on the site.

Based on our discussions, the SNA program held a public hearing to **allow deer hunting as needed to manage deer populations**. Deer hunting **was restricted to antlerless only**, since if you really want to reduce deer populations, you harvest does. The first hunts were by permit only and as I recall hunters could take up to 5 deer. I personally sent surveys to each hunter with self- addressed, stamped, return envelopes to assess how well the management hunt went. Success rates and comments indicated most people enjoyed their experience. After I retired from the Department of Natural Resources (DNR) the management hunt was changed from a permit to the general hunting season format for ease of administration, as I understand it. The antlerless provision still stands as **this is a management hunt, not a recreational hunt**.

As a deer hunter for the last 60 years the two existing parking lots, the two miles of public road on the south side of the SNA, the mile of public road on the east side and the Wild Rice Watershed District parking lot, approximately 600 feet north of the SNA, in the northwest corner provide more than ample access to the SNA and more than ample places to load a deer taken onto a vehicle.

As the former Supervisor of the SNA Program for 25 years, I know from personal experience the kinds of problems and issues access developments like the one being considered will create. Based on those 25 years of experience, the DNR and SNA Program will have to contend with;

- 1) seeing fences cut at the parking lot and illegal use by motorized vehicles including ATVs and snowmobiles into the rest of the SNA. A parking area this far into the interior will not be adjacent a public road and as such difficult to monitor what goes on. Damage to the resources in the Prairie Smoke Dunes SNA will occur as a result.
- 2) expecting the parking lot to be seen as a place to conveniently dump unwanted appliances, furniture, trees and brush, garbage and other junk because it is hidden from view as it is not adjacent a public road, where it should be if really needed.
- 3) some hunters violating the antlerless only restrictions because again they will be in the interior of the SNA, out of sight versus next to a public road where it is easy to monitor.

- 4) potential safety issues or confrontations between some hunters and adjacent landowners as has happened in the past.

The SNA Program certainly does not need a parking area in the interior of the SNA to preserve, protect and perpetuate the rare resources on the site. Instead the SNA Program will have to contend with the strong possibility of its location resulting in damage to the sites resources should this proposal be implemented.

Nor does the SNA Program need a parking lot and access into the interior of the SNA for scientific, educational or public interpretive purposes. By law “physical development shall be limited to facilities absolutely necessary for protection, research, and educational projects and where appropriate interpretive services”¹, in an SNA. This project, if permitted does not meet the test of the statutes governing SNAs.

The current location of the gate has and is working to protect, preserve and perpetuate the rare resources and features on Prairie Smoke Dunes SNA. As noted earlier adequate access for the public exists to drag out a deer taken for management purposes.

Frankly, a review of public data calls into question whether the DNR Regional Director, North West Region Operations, Rita Albrecht, possibly violated state law governing SNA when she publicly agreed before the Norman County Board on April 19, 2018 to **“We agreed to moving the gate to a particular location with Comm. Bommersbach strongly encouraging the DNR to move it as far west as possible”** **“The final location may hinge on the existence of a wetland or not west of our agreed upon location”**.

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Earlier, in the minutes of the December 4, 2017 Northwest Regional Management Team Meeting” there appears a bullet **“Norman Co gate issue, The gate is to be removed”** appearing as a report made by Rita Albrecht³. DNR staff asked Ecological and Water Resources, NW Regional Manager, Nathan Kestner, in an e-mail dated January 9, 2018, “Hi Nathan, under these notes under RMT member update/unit reports it states the Norman Co. Gate is to be removed. **What does this mean and what was discussed?”**⁴

SNA Program staff prompted the inquiry earlier that day when they stated and asked **“It looks like the issue has been decided already. Can you give me an update on what this outcome means?”**⁴

Overall, it appears the decision to move the gate and construct a parking lot in 1/5 of a mile into the interior of the SNA has been made even before a public hearing is to be held. Instead, the hearing is seen as only a formality to make a decision to move the gate and construct the parking lot; June 15, 2018 e-mail from Rita stating “I believe one of the first steps is setting in motion the process to hold a public hearing **to designate the SRA (her misspelling) as open to motorized used on the north boundary approved route during these times: September through December**. If that process has not been initiated, that should happen ASAP.”²

Rita Albrecht continued to support the gate and parking lot proposal when in an e-mail dated August 17, 2018 she asks for a progress report of wetland assessment, assessment of costs, asks for coordination on construction assistance (area wildlife staff earlier offered staff assistance and equipment to move the gate -June 15, 2018 e-mail²) and states “Thank you for your help on this issue. **I know the county board is counting on DNR following through with our promise to them. I don’t want to disappoint them** “. ²

Public records in October 2010⁵ show that Norman County Commissioner Bommersbach, since 2010 has been the driving force behind trying to get motorized access into the north end of Prairie Smoke Dunes SNA. It is an area he hunts and feels DNR cannot shut off access to motorized vehicles on trails that were previously used⁶. Both Sundal Township and DNR Land and Minerals reviews have determined there never was any public road at this location.

Public records also show that Commissioner Bommersbach has threatened to withhold county Board approval for the acquisition of DNR Wildlife Management Areas (WMA). Public records state he was threatening to do so as early as August 2016⁷. On March 6, 2018, Commissioner Bommersbach noted to Area Wildlife staff he was now the county board chair and had the votes to stop anymore acquisition attempts⁶. Earlier he made good in August 8, 2017, delaying any vote to approve a WMA acquisition for 60 days⁸. The landowner, who was present at that meeting was visibly upset. In December 2016, when asked by DNR “what it would have to look like in order to satisfy him, the board and the local public” he is reported to have responded “Halfway”⁹. This was interpreted by the DNR to mean halfway across the north boundary of the SNA (he subsequently asked for this in future meetings).

Commissioner Bommersbach at the April 19, 2018 meeting with DNR offered the motion to support the DNR option #3 and including extending the road and parking area as far as possible to the west. He noted that hunters want access during deer season because it is difficult to pull a deer out from the interior.¹⁰

Public records illustrate that within the DNR, the Division of Wildlife continuously brings up the gate issue on the SNA since they are worried about going before the County Board for WMA acquisitions. In essence, they give the appearance of not being willing to get their constituents involved to discuss this with the County Board but to hold the SNA Program hostage to appease a particular County commissioner. The same appears to be the stance of the Regional Management Team (RMT); they obviously value appeasing a county commissioner rather than protecting the very resource base they are hired to protect. RMT appears to be rewarding the particular County Commissioner for his threats and choosing political expediency versus what’s right. RMT is forgoing their obligation to the public to make proper, consistent and ecological management decisions. If there haven’t been state laws that have been violated in the North West Region there certainly has been a breach of faith, loss of ethics and erosion of the public trust.

In summary there is no ecological nor educational or interpretive reason for moving the gate and constructing a parking lot in 1/5 of a mile into the SNA; no legal justification, just a justification to give a county board official, who one DNR attorney referred to as illustrating “a abuse of power” what he wanted; rewarded in essence for his threats and actions.

It is clear the important resources of Prairie Smoke Dunes will be threatened should the proposal before the public hearing be implemented.

Thank you for the opportunity to comment on this proposal.

Bob Djupstrom

¹ Minn. Stat. 86a.05 Subd. 5. c

² E-mail string beginning from Rita Albrecht Friday, Aug 17, 2018 10:23 AM to several regional DNR personnel

³ December 4 2017 - NW RMT Meeting Notes

⁴ E-mail string beginning from Nathan Kestner Tuesday, Jan 09, 2108 2:25 PM to Theresa Ebbenga

⁵ Bommersbach inquiry about the gate-01-12-2010_4-30-12

⁶ E-mail string re Prairie Smoke Dunes Gate beginning from Nathan Kestner Wednesday, March 07, 2018 8:05 AM

⁷ TwinValleyTimesArticle_8-10-16

⁸ CountyBoard_Meetingminutes_08-08-2017

⁹ Bommersbach-Prairie Smoke Dunes SNA - Access Road

¹⁰ 10-04-19-2018 -NormanCntyBrdMtngNotes