Minnesota Trails Assistance Program Manual Appendices

Off-Highway Vehicle Grants-in-aid (GIA)

MN DNR P&T
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APPENDIX A Definitions and Acronyms

Definitions

AUTHORIZED REPRESENTATIVE - Person responsible for the administration of the contract for either the sponsor (a local government unit {LGU}) or the DNR.

CLUB - A formal enthusiast organization that has contracted with a LGU to maintain and operate a local trail.

CONSTRUCTION - Any activity that directly alters the environment, including land preparation or facilities fabrication, excluding surveying or mapping;

EXPANSION - A facility’s capability to produce or operate beyond its existing capacity, excluding repairs or renovations that do not increase capacity.

FISCAL AGENT - The person and/or position appointed by the LGU to be the contact person for the State, able to sign requests for reimbursement and certify that the various projects have been accomplished and the trail is open for public use, and administer the grant from the DNR.

FUNDING APPLICATION FORM - The Funding Application Form requests new and continued funding for trails and trail systems enrolled in the Minnesota Trail Assistance Program.

GRANT AGREEMENT FORM - This is the legal agreement between the State of Minnesota and the project sponsor. It establishes a basis for funding and identifies conditions agreed to by both parties. Work may not begin until the sponsor is notified in writing that this agreement has been duly signed and executed by all required signatories. A grant agreement is a written instrument or electronic document defining a legal relationship between a granting agency and a grantee when the principal purpose of the relationship is to transfer cash or something of value to the recipient to support a public purpose authorized by law instead of acquiring by professional or technical contract, purchase, lease, or barter property or services for the direct benefit or use of the granting agency.

GROOMING - Includes tread-way reconditioning performed with heavy equipment and/or grooming equipment using a drag that reshapes the snow covered riding surface. (Most often used in reference to winter trail work to drag the snow smooth)

LOCAL GOVERNMENT UNIT (LGU) – Refers to the political subdivision that has agreed to work with the organization or club in the development and maintenance of a trail. This may be a county, city, township, or village.

MAINTENANCE – The actions performed relating to providing and keeping trails reasonably safe for public use; provide sanitation and sanitary facilities when needed; and provide other maintenance as may be required for no fewer than three (3) months between April 1 of any year and April 1 of the succeeding year. May include heavy equipment used for grading, disk ing or bull-dozing. Also
reimbursable are trail conditioning and seeding of eroded areas, filling of wet areas, repairing washouts or potholes, clearing of windfalls, brushing, mowing, bridge repair, signing, and other standard and recurring trail maintenance activities.

MAP – Graphic depiction of trail location and accurate alignment information for program and/or use by the public

INSPECTING - The gathering of information used to determine thresholds for trail management actions, including maintenance scheduling, facility development, trail rehabilitation, and trail closures. Trail inspecting is typically done for four primary reasons: 1) to check for trail conditions that would present safety concerns for users; 2) to determine relative amounts of use and use patterns; 3) to determine impacts to the environment; and 4) to check for and address invasive plant incursions that occur along the trail.

PROJECT PROPOSAL FORM - Describes a planned trail project in sufficient detail so that affected parties can understand most facets of the project, including land ownership considerations, construction specifications and cost data, equipment needs, natural resource conditions and planned environmental safeguards. This is the instrument for proposing a new trail or trail system not previously enrolled in or funded by the Minnesota Trails Assistance Program.

PROJECT WORKSHEET FORM - Project Worksheets are submitted as attachments to the Request for Reimbursement Form, and are used to show allowable charges (i.e., costs for labor, equipment, materials, and contracted services) and billing calculations. All reimbursable charges must appear on the Project Worksheet.

REQUEST FOR REIMBURSEMENT FORM - This form, submitted by the club administrator, includes a summation of all project-related expenses incurred to date. It constitutes a request for reimbursement for all allowable charges for a specified period of time.

RESOLUTION - Official record of the LGU by which they agree to sponsor a trail and/or club, certify that the various projects have been accomplished to ensure the trail is opened and available for public use, and administer the grant from the DNR.

SPONSOR - The local government unit (LGU) that has agreed to work with the club.

SUFFICIENT RECORDS: Records necessary to verify that the club and sponsor have completed certain tasks. These will include at a minimum:

a. Invoices of repairs/significant expenditures;

b. Liability insurance evidence (as required);

c. Log of volunteers and work-hours spent on the various trail activities. This log should include date, number of people working on the trail, number of hours, equipment used, type of work done, and section of trail worked on; (an example is included in the Program Forms Section) signed by a club representative;

OR -

d. X IRS Form 990 (Return of Organization Exempt from Income Tax) and all backup schedules and documentation.
**Common Acronyms**

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<td>AT</td>
<td>Area Team</td>
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<td>ATV</td>
<td>All-terrain vehicle</td>
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<td>BMP</td>
<td>Best management practices</td>
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<td>BSWR</td>
<td>Board of Soil and Water Resources</td>
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<td>DNR</td>
<td>Department of Natural Resources</td>
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<td>ENF</td>
<td>Division of Enforcement</td>
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<td>FOR</td>
<td>Division of Forestry</td>
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<td>P&amp;T</td>
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<td>DOT</td>
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<td>EAW</td>
<td>Environmental Assessment Worksheet</td>
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<td>RFR</td>
<td>Request for reimbursement</td>
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# Appendix B Statutes

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APPENDIX B Statutes

The statutes in this document are not a full list of statutes and rules that relate to operation or regulation of off-highway vehicles. For a complete list see the Minnesota Statutes, Session Laws, and Rules as compiled by the Office of the Revisor of Statutes at [https://www.revisor.mn.gov/pubs/](https://www.revisor.mn.gov/pubs/)

Selected MN Statutes and Rules for the OHV MN DNR Trails Assistance Program

84.927 ALL-TERRAIN VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.

Subdivision 1. Registration revenue.
Fees from the registration of all-terrain vehicles and the unrefunded gasoline tax attributable to all-terrain vehicle use under section 296A.18, as well as the net proceeds from the sale of all-terrain vehicles forfeited pursuant to section 169A.63, shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

Subd. 2. Purposes.
Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for:
(1) the education and training program under section 84.925;
(2) administration, enforcement, and implementation of sections 84.773 to 84.928;
(3) acquisition, maintenance, and development of vehicle trails and use areas;
(4) grant-in-aid programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas;
(5) grants-in-aid to local safety programs;
(6) enforcement and public education grants to local law enforcement agencies; and
(7) maintenance of minimum-maintenance forest roads designated under section 89.71, subdivision 5, and county forest roads that are part of a designated trail system within state forest boundaries as established under section 89.021.
The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

84.794 OFF-HIGHWAY MOTORCYCLE ACCOUNT; RECEIPTS AND ALLOCATIONS.

Subdivision 1. Registration revenue.
Fees from the registration of off-highway motorcycles and the unrefunded gasoline tax attributable to off-highway motorcycle use under section 296A.18 must be deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund.

Subd. 2. Purposes.
(a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for:
(1) administration, enforcement, and implementation of sections 84.787 to 84.795;
(2) acquisition, maintenance, and development of off-highway motorcycle trails and use areas; and
(3) grants-in-aid to counties and municipalities to construct and maintain off-highway motorcycle trails and use areas.
(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.

84.803 OFF-ROAD VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.

Subdivision 1. Registration revenue.
Fees from the registration of off-road vehicles and unrefunded gasoline tax attributable to off-road vehicle use under section 296A.18 must be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund.

Subd. 2. Purposes.
Subject to appropriation by the legislature, money in the off-road vehicle account may only be spent for:
1. administration, enforcement, and implementation of sections 84.773 to 84.8045;
2. acquisition, maintenance, and development of off-road vehicle trails and use areas;
3. grant-in-aid programs to counties and municipalities to construct and maintain off-road vehicle trails and use areas;
4. grants-in-aid to local safety programs; and
5. enforcement and public education grants to local law enforcement agencies.

Chapter 604A. CIVIL LIABILITY LIMITATIONS

604A.20 POLICY.
It is the policy of this state, in furtherance of the public health and welfare, to encourage and promote the use of land owned by a municipal power agency and privately owned lands and waters by the public for beneficial recreational purposes, and the provisions of sections 604A.20 to 604A.27 are enacted to that end.

604A.21 RECREATIONAL LAND USE; DEFINITIONS.
Subdivision 1. General.
For the purposes of sections 604A.20 to 604A.27, the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

Subd. 2. Charge.
"Charge" means any admission price asked or charged for services, entertainment, recreational use, or other activity or the offering of products for sale to the recreational user by a commercial for profit enterprise directly related to the use of the land.

Subd. 2a. Dedicated.
"Dedicated" means made available by easement, license, permit, or other authorization.

Subd. 3. Land.
"Land" means any of the following which is privately owned or leased or in which a municipal power agency has rights: land, easements, rights-of-way, roads, water, watercourses, private ways and buildings, structures, and other improvements to land, and machinery or equipment when attached to land.

Subd. 4. Owner.
"Owner" means the possessor of a fee interest or a life estate, tenant, lessee, occupant, holder of a utility easement, or person in control of the land.

Subd. 5. Recreational purpose.
"Recreational purpose" includes, but is not limited to, hunting; trapping; fishing; swimming; boating; camping; picnicking; hiking; rock climbing; cave exploring; bicycling; horseback riding; firewood gathering; pleasure driving, including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across land in any manner, including recreational trail use; nature study; water skiing; winter sports; and viewing or enjoying historical, archaeological, scenic, or scientific sites. "Rock climbing" means the climbing of a naturally exposed rock face. "Cave exploring" means the planned exploration of naturally occurring cavities in rock, including passage
through any structures placed for the purpose of safe access, access control, or conservation, but does not include the exploration of other man-made cavities such as tunnels, mines, and sewers.


"Recreational trail use" means use on or about a trail, including but not limited to, hunting, trapping, fishing, hiking, bicycling, skiing, horseback riding, snowmobile riding, and motorized trail riding.

**604A.22 OWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.**

Except as provided in section 604A.25, an owner who gives written or oral permission for the use of the land for recreational purposes without charge:

1. owes no duty of care to render or maintain the land safe for entry or use by other persons for recreational purpose;
2. owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent;
3. owes no duty of care toward those persons except to refrain from willfully taking action to cause injury; and
4. owes no duty to curtail use of the land during its use for recreational purpose.

**604A.23 OWNER'S LIABILITY.**

An owner who gives written or oral permission for the use of the land for recreational purposes without charge does not by that action:

1. extend any assurance that the land is safe for any purpose;
2. confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or
3. assume responsibility for or incur liability for any injury to the person or property caused by an act or omission of the person.

**604A.24 LIABILITY; LEASED LAND, WATER-FILLED MINE PITS; MUNICIPAL POWER AGENCY LAND.**

Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

1. land leased to the state or any political subdivision for recreational purpose; or
2. idled or abandoned, water-filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity; or
3. land of which a municipal power agency is an owner and that is used for recreational trail purposes, and other land of a municipal power agency which is within 300 feet of such land if the entry onto such land was from land that is dedicated for recreational purposes or recreational trail use.

**604A.25 OWNER'S LIABILITY; NOT LIMITED.**

Except as set forth in this section, nothing in sections 604A.20 to 604A.27 limits liability that otherwise exists:

1. for conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of; or
2. for injury suffered in any case where the owner charges the persons who enter or go on the land for the recreational purpose, except that in the case of land leased or dedicated to the state or a political subdivision, any consideration received from the state or political subdivision by the owner for the lease or dedication is not considered a charge within the meaning of this section.
Except for conduct set forth in section 604A.22, clause (3), a person may not maintain an action and obtain relief at law for conduct referred to by clause (1) in this section if the entry upon the land is incidental to or arises from access granted for the recreational trail use of land dedicated, leased, or permitted by the owners for recreational trail use.

604A.26 LAND USER'S LIABILITY.
Nothing in sections 604A.20 to 604A.27 relieves any person using the land of another for recreational purpose from any obligation that the person may have in the absence of sections 604A.20 to 604A.27 to exercise care in use of the land and in the person's activities on the land, or from the legal consequences of failure to employ that care.

604A.27 DEDICATION; EASEMENT.
No dedication of any land in connection with any use by any person for a recreational purpose takes effect in consequence of the exercise of that use for any length of time except as expressly permitted or provided in writing by the owner, nor shall the grant of permission for the use by the owner grant to any person an easement or other property right in the land except as expressly provided in writing by the owner.

Chapter 466. TORT LIABILITY, POLITICAL SUBDIVISIONS

466.01 DEFINITIONS.
Subdivision 1. Municipality.
For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, joint powers board or organization created under section 471.59 or other statute, public library, regional public library system, multicounty multitype library system, the following local collaboratives whose plans have been approved by the Children's Cabinet: family services collaboratives established under section 124D.23, children's mental health collaboratives established under sections 245.491 to 245.495, or a collaborative established by the merger of a children's mental health collaborative and a family services collaborative, other political subdivision, community action agency, or a limited partnership in which a community action agency is the sole general partner.

Subd. 2. Governing body of a town, school district.
For the purposes of sections 466.01 to 466.15, the "governing body of a town" means the board of supervisors thereof; "school district" includes an unorganized territory as defined in Minnesota Statutes 1961, section 120.02, subdivision 17.

Subd. 3. Release, hazardous substance.
For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 115B.02.

Subd. 4.[Repealed, 1997 c 7 art 1 s 140]

Subd. 5.[Repealed, 1997 c 7 art 1 s 140]

Subd. 6. Employee, officer, or agent.
For the purposes of sections 466.01 to 466.15, "employee," "officer," or "agent" means a present or former employee, officer, or agent of a municipality, or other person acting on behalf of the municipality in an official capacity, temporarily or permanently, with or without compensation, but does not include an independent contractor other than a nonprofit firefighting corporation that has
associated with it a relief association as defined in section 424A.001, subdivision 4. "Employee" includes court administrators who are not under section 480.181, subdivision 1, paragraph (b), and their staff under chapter 485, district administration staff in the Second and Fourth Judicial Districts, and other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2.

Chapter 3.736 RECREATIONAL TORT OF STATE

3.736 TORT CLAIMS.

Subdivision 1. General rule.
The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of an employee of the state while acting within the scope of office or employment or a peace officer who is not acting on behalf of a private employer and who is acting in good faith under section 629.40, subdivision 4, under circumstances where the state, if a private person, would be liable to the claimant, whether arising out of a governmental or proprietary function. Nothing in this section waives the defense of judicial, quasi-judicial, or legislative immunity except to the extent provided in subdivision 8.

Subd. 2. Procedure.
Claims of various kinds shall be considered and paid only in accordance with the statutory procedures provided. If there is no other applicable statute, a claim shall be brought under this section as a civil action in the courts of the state.

Subd. 3. Exclusions.
Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:
(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;
(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;
(c) a loss in connection with the assessment and collection of taxes;
(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;
(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;
(f) a loss other than injury to or loss of property or personal injury or death;
(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;
(h) a loss involving or arising out of the use or operation of a recreational motor vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as defined in section 160.02, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;
(i) a loss incurred by a user arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a
water access site created by the Iron Range Resources and Rehabilitation Board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the Iron Range Resources and Rehabilitation Board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;
(j) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;
(k) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;
(l) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;
(m) loss, damage, or destruction of property of a patient or inmate of a state institution;
(n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;
(o) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources;
(p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;
(q) a loss arising out of a person's use of a logging road on public land that is maintained exclusively to provide access to timber on that land by harvesters of the timber, and is not signed or otherwise held out to the public as a public highway; and
(r) a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the Department of Military Affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.
The state will not pay punitive damages.

Subd. 4 Limits.
The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:
(a) $300,000 when the claim is one for death by wrongful act or omission and $300,000 to any claimant in any other case, for claims arising before August 1, 2007;
(b) $400,000 when the claim is one for death by wrongful act or omission and $400,000 to any claimant in any other case, for claims arising on or after August 1, 2007, and before July 1, 2009;
(c) $500,000 when the claim is one for death by wrongful act or omission and $500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;
(d) $750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;
(e) $1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;
(f) $1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009; or
(g) $1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009.
If the amount awarded to or settled upon multiple claimants exceeds the applicable limit under clause (d), (e), (f), or (g), any party may apply to the district court to apportion to each
claimant a proper share of the amount available under the applicable limit under clause (d), (e), (f), or (g). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Subd. 4a. **Securities claims limits.**

The total liability of the state and its employees acting within the scope of their employment on any claim of whatever matter arising from the issuance and sale of securities by the state shall not exceed:

(a) $100,000 to any one person or

(b) $500,000 to all claimants in respect of the securities of the same series.

The limitations in clauses (a) and (b) shall not affect the obligation of the issuing state entity to pay the indebtedness under the securities in accordance with their terms and from the sources pledged to their payment.

Subd. 5. **Notice required.**

Except as provided in subdivision 6, every person, whether plaintiff, defendant or third-party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of employment for or on account of any loss or injury shall present to the attorney general or, in the case of a claim against the University of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, within 180 days after the alleged loss or injury is discovered, a notice stating its time, place and circumstances, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, but the claimant shall furnish full information available regarding the nature and extent of the injuries and damages within 15 days after demand by the state. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.

Subd. 6. **Claims for wrongful death; notice.**

When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had the person lived, an action for wrongful death may be brought without additional notice.

Subd. 7. **Payment.**

A state agency, including an entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation shall seek approval to make payment by submitting a written request to the commissioner of management and budget. The request shall contain a description of the tort claim that causes the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency seeks payment. Upon receipt of the request and review of the claim, the commissioner of management and budget shall determine the proper appropriation from which to make payment. If there is enough money in an appropriation or combination of appropriations to the agency for its general operations and management to pay the claim without unduly hindering the
operation of the agency, the commissioner shall direct that payment be made from that source. Claims relating to activities paid for by appropriations of dedicated receipts shall be paid from those appropriations if practicable. On determining that an agency has sufficient money in these appropriations to pay only part of a claim, the commissioner shall pay the remainder of the claim from the money appropriated to the commissioner for the purpose. On determining that the agency does not have enough money to pay any part of the claim, the commissioner shall pay all of the claim from money appropriated to the commissioner for the purpose. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be. No attachment or execution shall issue against the state.

Subd. 8. **Liability insurance.**

A state agency, including an entity defined as a part of the state in section 3.732, subdivision 1, clause (1), may procure insurance against liability of the agency and its employees for damages resulting from the torts of the agency and its employees. Procurement of the insurance is a waiver of the limits of governmental liability under subdivisions 4 and 4a only to the extent that valid and collectible insurance, including where applicable, proceeds from the Minnesota Insurance Guaranty Association, exceeds those limits and covers the claim. Purchase of insurance has no other effect on the liability of the agency and its employees. Procurement of commercial insurance, participation in the risk management fund under section 16B.85, or provisions of an individual self-insurance plan with or without a reserve fund or reinsurance does not constitute a waiver of any governmental immunities or exclusions.

Subd. 9. **Indemnification.**

The state shall defend, save harmless, and indemnify any employee of the state against expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee in connection with any tort, civil, or equitable claim or demand, or expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee in connection with any claim or demand arising from the issuance and sale of securities by the state, whether groundless or otherwise, arising out of an alleged act or omission occurring during the period of employment if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if the employee was acting within the scope of employment. Except for elected employees, an employee is conclusively presumed to have been acting within the scope of employment if the employee's appointing authority issues a certificate to that effect. This determination may be overruled by the attorney general. The determination of whether an employee was acting within the scope of employment is a question of fact to be determined by the trier of fact based upon the circumstances of each case:

(i) in the absence of a certification,

(ii) if a certification is overruled by the attorney general,

(iii) if an unfavorable certification is made, or

(iv) with respect to an elected official.

The absence of the certification or an unfavorable certification is not evidence relevant to a determination by the trier of fact. It is the express intent of this provision to defend, save harmless, and indemnify any employee of the state against the full amount of any final judgment rendered by a court of competent jurisdiction arising from a claim or demand described herein, regardless of whether the limitations on liability specified in subdivision 4 or 4a are, for any reason, found to be inapplicable. This subdivision does not apply in case of malfeasance in office or willful or wanton actions or neglect of duty, nor does it apply to expenses, attorneys' fees, judgments, fines, and amounts paid in settlement of claims for proceedings brought by or before responsibility or ethics boards or committees.
Subd. 9a. **Peace officer indemnification.**
The state shall defend, save harmless, and indemnify a peace officer who is not acting on behalf of a private employer and who is acting in good faith under section 629.40, subdivision 4, the same as if the officer were an employee of the state.

Subd. 10. **Judgment as bar.**
The judgment in an action under this section is a complete bar to any action by the claimant, by reason of the same subject matter, against the state employee whose act or omission gave rise to the claim.

Subd. 11. **Statute of limitation.**
The statute of limitations for all tort claims brought against the state is as provided in chapter 541 and other laws.

**Restriction’s of relevance to off-highway vehicle trails.**

**84.781 USE OF DEPARTMENT RESOURCES.**
The commissioner of natural resources may permit Department of Natural Resources personnel and equipment from the Division of Trails and Waterways to be used to assist local units of government in developing and maintaining off-highway vehicle grant-in-aid trails located on property owned by or under the control of the local unit of government.

**OFF-HIGHWAY MOTORCYCLE, OHM**

**84.795 OPERATION REQUIREMENTS; LOCAL REGULATION.**

Subdivision 1. **Operation on public road rights-of-way.**
(a) A person may not operate an off-highway motorcycle within the right-of-way of a town road or a trunk, county state-aid, or county highway in this state unless the right-of-way encompasses:
   (1) a trail administered by the commissioner and designated for off-highway motorcycle use or multiple use; or
   (2) a corridor access trail designated under paragraph (b).
(b) A road authority, as defined in section 160.02, subdivision 25, may designate, with the approval of the commissioner, corridor access trails on public road rights-of-way for gaining access to established off-highway motorcycle trails.
(c) A person may not operate an off-highway motorcycle upon a trunk, county state-aid, or county highway in this state unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rule of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, all of which are subject to the approval of the commissioner of public safety.
(d) A person may not operate an off-highway motorcycle at any time within the right-of-way of an interstate highway or freeway within this state.

Subd. 2. **Crossing public road right-of-way.**
(a) A person operating an off-highway motorcycle may make a direct crossing of a public road right-of-way provided:
   (1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;
   (2) the off-highway motorcycle is brought to a complete stop before crossing the shoulder or main-traveled way of the road;
(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and
(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(b) Chapters 169 and 169A apply to the operation of off-highway motorcycles upon streets and highways, except for those provisions relating to required equipment and those provisions that by their nature have no application.

Subd. 3. Exemptions.
Subdivisions 1 and 2 do not apply to vehicles registered for public road use under chapter 168 when being operated on a traveled portion of a public road.

Subd. 4. Operation generally.
A person may not drive or operate an off-highway motorcycle:
(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;
(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;
(3) in a tree nursery or planting in a manner that damages or destroys growing stock;
(4) without a brake operational by either hand or foot;
(5) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person fishing or a fishing shelter; or
(6) in a manner that violates operation rules adopted by the commissioner.

Subd. 5. Operating under influence of alcohol or controlled substance.
A person may not operate or be in control of an off-highway motorcycle anywhere in this state or on the ice of any boundary water of this state while under the influence of alcohol or a controlled substance, as provided in section 169A.20, and is subject to sections 169A.50 to 169A.53. A conservation officer of the Department of Natural Resources is a peace officer for the purposes of sections 169A.20 and 169A.50 to 169A.53 as applied to the operation of an off-highway motorcycle in a manner not subject to registration under chapter 168.

Subd. 6. Operation prohibited on airports.
A person may not drive or operate an off-highway motorcycle on an airport defined in section 360.013, subdivision 39.

Subd. 7. Organized contests.
Nothing in this section or chapter 169 prohibits the use of off-highway motorcycles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters. In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions, conditions, or permit revocation procedures, as the official or board considers advisable.

Subd. 8. Regulations by political subdivisions.
A county, city, or town, acting through its governing body, may regulate the operation of off-highway motorcycles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided that:
(1) the regulations must be consistent with sections 84.787 to 84.795 and rules adopted under section 84.79.
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(2) an ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the Department of Natural Resources or another agency of the state, or for the use of an access to it owned by the state, a county, or a city; and
(3) an ordinance may not require an off-highway motorcycle operator to possess a motor vehicle driver's license while operating an off-highway motorcycle.

OFF-ROAD VEHICLE, ORV

84.804 OPERATION REQUIREMENTS; LOCAL REGULATION.
Subdivision 1. Operation on public road rights-of-way.
(a) A person may not operate a vehicle off-road within a public road right-of-way in this state except on a trail designated by the commissioner and approved by the unit of government having jurisdiction over the right-of-way.
(b) A person may not operate a vehicle off-road within a public road right-of-way between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as traffic on the nearest lane of the road.
(c) A person may not operate an off-road vehicle within the right-of-way of an interstate highway.

Subd. 2. Crossing public road rights-of-way.
(a) An off-road vehicle not registered under chapter 168 may make a direct crossing of a public road right-of-way for the purpose of continuing on a designated off-road trail if:
(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;
(2) the vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the road;
(3) the driver yields the right-of-way to all traffic;
(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and
(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
(b) An off-road vehicle not registered under chapter 168 may be operated on a bridge, other than a bridge that is part of the main-traveled lanes of an interstate highway, or a roadway shoulder or inside bank of a public road right-of-way when required to avoid obstructions to travel and no other method of avoidance is possible, provided that the vehicle is operated in the farthest right-hand lane, the entrance to the roadway is made within 100 feet of the bridge or obstacle, and the crossing is made without undue delay.
(c) A person may not operate an off-road vehicle on a public street or highway unless the off-road vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.
(d) Chapter 169 applies to the operation of off-road vehicles on streets and highways, except that those provisions that by their nature have no application and those provisions relating to required equipment do not apply to vehicles not registered under chapter 168. Chapter 169A applies to the operation of off-road vehicles anywhere in the state and on the ice of boundary waters.
(e) A road authority, as defined in section 160.02, subdivision 25, may, with the approval of the commissioner, designate access trails on public road rights-of-way for gaining access to established off-road vehicle trails.

Subd. 3. **Operation generally.**
A person may not drive or operate a vehicle off-road:
1. at a rate of speed greater than is reasonable under the surrounding circumstances;
2. in a careless, reckless, or negligent manner which may endanger or cause injury or damage to the person or property of another;
3. without a functioning stoplight if so equipped;
4. in a tree nursery or planting in a manner that damages or destroys growing stock;
5. without a brake operational by either hand or foot; or
6. in a manner that violates rules adopted by the commissioner.

Subd. 4. **Operation prohibited on airports.**
It is unlawful for a person to drive or operate an off-road vehicle on an airport, as defined in section 360.013, subdivision 39, except in connection with the operation of the airport.

Subd. 5. **Organized contests.**
(a) Nothing in this section or chapter 169 prohibits the use of vehicles off-road within the right-of-way of a state trunk or county state-aid highway or on public lands or waters under the jurisdiction of the commissioner in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.
(b) In permitting the contest or event, the official or board having jurisdiction must obtain the commissioner's approval and may prescribe restrictions or conditions it considers advisable.

Subd. 6. **Regulation by political subdivisions.**
(a) Subject to paragraphs (b) and (c), a county, city, or town acting through its governing body may regulate the operation of off-road vehicles on public lands, waters, and property under its jurisdiction, other than public road rights-of-way within its boundaries, by ordinance of the governing body and by giving appropriate notice.
(b) The ordinance must be consistent with sections 84.797 to 84.804 and rules adopted under section 84.80.
(c) An ordinance may not impose a fee for the use of public land or water under the jurisdiction of the Department of Natural Resources or another agency of the state, or for the use of an access to the public land or water owned by the state, a county, or a city.

**84.8045 Restrictions on off-road vehicle trails.**
Notwithstanding any provision of sections 84.797 to 84.804 or other law to the contrary, the commissioner shall not permit land administered by the commissioner in Cass, Crow Wing, and Hubbard Counties to be used or developed for trails primarily for off-road vehicles as defined in section 84.797, subdivision 7, except:
1. upon approval by the legislature; or
2. in designated off-road vehicle use areas.

**84.915 Land use for certain vehicles restricted.**
After June 1, 1993, the commissioner may not allow the use of state lands or acquire private lands for development or operation of a motor sports area for use by all-terrain vehicles, motorcycles, or four-wheel drive trucks without legislative approval. This restriction does not apply to recreational trails.
ALL-TERRAIN VEHICLE, ATV

84.928 OPERATION REQUIREMENTS; LOCAL REGULATION.

Subdivision 1. Operation on roads and rights-of-way.

(a) Unless otherwise allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

(b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway unless prohibited under paragraph (d) or (f).

(c) A person may operate a class 2 all-terrain vehicle within the public road right-of-way of a county state-aid or county highway on the extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a designated class 2 all-terrain vehicle trail.

(d) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles in the public road right-of-way under its jurisdiction.

(e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside bank or slope of a trunk, interstate, county state-aid, or county highway:

(1) that is part of a funded grant-in-aid trail; or

(2) when the all-terrain vehicle is owned by or operated under contract with a publicly or privately owned utility or pipeline company and used for work on utilities or pipelines.

(f) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:

(1) degradation of vegetation on adjacent public property;

(2) siltation of waters of the state;

(3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the right-of-way users or to individuals on adjacent public property. The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.

(g) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(h) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the Department of Natural Resources when performing or exercising official duties or powers.

(i) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.
(j) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Subd. 1a. Crossing a public road right-of-way.
(a) An all-terrain vehicle may make a direct crossing of a public road right-of-way provided:
(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;
(2) the vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the road;
(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and
(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main-traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel or environmentally sensitive areas when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, obstacle, or sensitive area, and the crossing is made without undue delay.

(c) A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.

(d) An all-terrain vehicle may be operated upon a public road right-of-way other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.

(e) Chapters 169 and 169A apply to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.

(f) A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.

(g) A driver's license is not required to operate an all-terrain vehicle along or on a public road right-of-way if the right-of-way encompasses a trail administered by the commissioner and designated for all-terrain vehicle use or multiple use.

(h) A road authority as defined in section 160.02, subdivision 25, may by permit designate corridor access trails on public road rights-of-way for purposes of accessing established all-terrain vehicle trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.

Subd. 2. Operation generally.
A person may not drive or operate an all-terrain vehicle:
(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;
(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;
(3) without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;
(4) without a functioning stoplight if so equipped;
(5) in a tree nursery or planting in a manner that damages or destroys growing stock;
(6) without a brake operational by either hand or foot;
(7) with more than one person on the vehicle, except as allowed under section 84.9257;
(8) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter;
(9) with a snorkel device that has a raised air intake six inches or more above the vehicle manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway vehicle recreation areas; or
(10) in a manner that violates operation rules adopted by the commissioner.

Subd. 3.[Repealed, 1994 c 615 s 28]

Subd. 4. **Operation prohibited on airports.**

Except for employees and agents while acting incident to the operation of the airport, it is unlawful for a person to drive or operate an all-terrain vehicle on an airport defined in section 360.013, subdivision 39.

Subd. 5. **Organized contests, use of highways and public lands and waters.**

(a) Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

(b) In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions or conditions as they may deem advisable.

(c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under 12 years of age may operate an all-terrain vehicle in an organized contest on public lands or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised by a person 18 years of age or older.

Subd. 6. **Regulations by political subdivisions.**

(a) Notwithstanding any law to the contrary, a city or town, acting through its governing body, may by resolution or ordinance prohibit the operation of all-terrain vehicles on city streets or town roads in its jurisdiction provided the regulations are otherwise consistent with sections 84.92 to 84.928.

(b) A county or city, or a town acting by its town board, may regulate the operation of all-terrain vehicles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided:

1. the regulations must be consistent with sections 84.92 to 84.928 and rules adopted under section 84.924;
2. an ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the Department of Natural Resources or other agency of the state, or for the use of an access to it owned by the state or a county or a city; and
3. an ordinance may not require an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

(c) Notwithstanding any law to the contrary, a county board by ordinance may allow the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state-aid highway, if:

1. the highway is in the agricultural zone; or
Appendix B Statutes

(2) safe operation in the ditch or outside slope is impossible, and the county posts the appropriate notice.
Subd. 7. [Repealed, 1989 c 331 s 26]
Subd. 8. [Repealed, 2007 c 131 art 1 s 96]

Grants-in-aid trail use, gia

85.018 TRAIL USE; VEHICLES REGULATED, RESTRICTED.

Subdivision 1. Definitions. For the purposes of this section:
(a) "All-terrain vehicle" has the meaning given in section 84.92, subdivision 8.
(b) "Commissioner" means the commissioner of the state agency from which the grants-in-aid are received.
(c) "Off-road vehicle" has the meaning given in section 84.797, subdivision 7.
(d) "Snowmobile" has the meaning given in section 84.81, subdivision 3.
(e) "Trail" means a recreational trail that is funded in whole or in part by state grants-in-aid to a local unit of government.

Subd. 2. Authority of local government. (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:
(1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and
(2) issue any permit required under subdivisions 3 to 5.
(b) A local government unit that receives state grants-in-aid under section 84.794, subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:
(1) designate the trail specifically for use at various times of the year by all-terrain or off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and
(2) issue any permit required under subdivisions 3 to 5.
(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.

Subd. 3. Motorized use; permits, restrictions. Permits may be issued for motorized vehicles, other than those designated, to use a trail designated for use by snowmobiles, off-highway motorcycles, all-terrain or off-road vehicles. Notice of the permit must be conspicuously posted, at the expense of the permit holder, at no less than one-half mile intervals along the trail, for the duration of the permit. Permits shall require that permit holders return the trail and any associated facility to their original condition if any damage is done by the permittee. Limited permits for special events such as races may be issued and shall require the removal of any trail markers, banners and other material used in connection with the special event.

Subd. 4. Nonmotorized use trails. No motorized vehicle shall be operated on a trail designated for nonmotorized use. This subdivision does not apply to motorized wheelchairs or other motorized devices operated by an individual who is physically disabled.

Subd. 5. Motorized vehicle trails restricted. (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall be permitted on a trail designated for use by snowmobiles.
(b) From December 1 to April 1 in any year no use of a motorized vehicle other than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized by permit, shall be permitted
on a trail designated for use by all-terrain vehicles, off-road vehicles, or both, and off-highway motorcycles.

Subd. 6. **Exceptions.** The following motor vehicles are exempt from the provisions of subdivisions 3 to 5:

(a) military, fire, emergency or law enforcement vehicles used for official or emergency purposes;
(b) vehicles registered to the county, state or federal government;
(c) vehicles authorized by permit, lease or contract;
(d) vehicles owned by private persons engaged in the upkeep and maintenance of the trail systems under the direction of the local unit of government that manages the trail; and
(e) vehicles registered to or operated with the permission of a land owner on whose lands the trail system has been constructed, but only with respect to operation on the land of that owner.

Subd. 7. **Streets and highways.** This section does not apply to any portion of a trail located on any street or highway as defined in section 169.011.

Subd. 8. **Enforcement.** The provisions of this section may be enforced by officers of the Department of Natural Resources as provided in sections 97A.201 to 97A.235.
Appendix C - New Project Review

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APPENDIX C - New Project Review

New Trail Proposal Review and Public Notification or Environmental Review

A project proposal describes a planned trail project in sufficient detail so that affected parties can understand most facets of the project, including land ownership considerations, construction specifications and cost data, equipment needs, natural resource conditions and planned environmental safeguards. New trail project proposals are subjected to a rigorous DNR interdisciplinary review, before being disseminated for public review and comment. If a project requires formal environmental review, it must not be implemented until the review is complete. If the environmental review process identifies potential significant environmental effects, project modifications or additional mitigation will likely be required. Projects involving routine trail maintenance (e.g., replacing culverts, trail hardening or armoring, vegetative manipulation, simple trail repair or rehabilitation, emergency trail closures), or those operational activities that do not involve physical manipulation of the environment will not require formal project proposals or public notification.

The DNR will provide for public notification and a 30-day comment period on most new trail proposals, including new trail use designations occurring apart from or outside of approved management plans. Some trail development projects may undergo preparation of an Environmental Assessment Worksheet (EAW), pursuant to the MN Environmental Review Rules (MN Rules Chapter 4410.) Mandatory EAW categories specifically address OHV trails, but EAWs may be prepared on a discretionary basis ( proposer-volunteered or pursuant to a citizen petition) or because the trail proposal meets a non-OHV-related threshold. An EAW is prepared to determine whether a project has the potential for significant environmental effects, in which case it would require preparation of an Environmental Impact Statement (EIS). The DNR is the responsible governmental unit (RGU) for completing environmental review of its own projects, including, in most circumstances, new trail proposals. The DNR is responsible for the final EAW content, but may have the local government sponsor prepare the draft document. The DNR’s Environmental Policy & Review Unit performs the department’s RGU responsibilities.

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Figure 1 Section 3 MN Design, Development and Maintenance Guidelines
7 Steps for GIA trails
Outline of DNR review process and GIA trail management, inspection and enforcement
The outline below follows a proposal for a new trail from its inception (steps 0 to 4) through funding, development and ongoing maintenance (steps 5 through 7) with approximate timelines.

**NEW TRAIL OR RIDING AREA OR A REROUTE GREATER THAN 1 MILE**

- **STEP 0.** Preliminary project discussions
  - Early coordination w/Parks & Trails

  **2.5 to 8.5 months**

- **STEP 1.** DNR P&T review of draft project proposal
  - **STEP 2.** DNR Area Interdisciplinary Team Review
  - **STEP 3.** DNR Regional Review

  **2 to 12 months**

- **STEP 4.** Public Input opportunity
  - **STEP 4a.** Public Notification (2 months) or
  - **STEP 4b.** Environmental Assessment Worksheet (EAW) preparation (2 to 8 months) or
  - **STEP 4c.** Environmental Impact Statement (EIS) preparation (12 to 18 months)

**EXISTING TRAIL OR A NEWLY APPROVED TRAIL**

- **STEP 5.** Grant. OHV GIA Grant Funding Application applied for and Grant Agreement executed between State and Sponsor. Funding Application for existing funded trails due annually November 30. NEW trail projects may be submitted at any time.

  **Annual**

- **STEP 6.** Project Permitting and Construction. As needed during development and annual maintenance or enhancement projects

  **Annual**

- **STEP 7.** Maintenance, Inspection and Enforcement Guidelines. As needed during development and annual maintenance or enhancement projects

  **Annual**
Step 0 Preliminary project discussion and early coordination
The local club identifies a need or unmet demand for trails or trail connections in their area and the need for ongoing maintenance, grooming and monitoring. Local club contact meets with DNR Area P&T staff. Preliminary project discussion and early coordination with the Area P&T office is crucial.

- Club develops initial concept
- DNR Area P&T Supervisor provides GIA Manual, reviews potential environmental issues w/club
- Club discusses concept w/ key project partners, selected landowners, other interest groups, prepares draft project proposal

Time spent in this area of early coordination leads to success. Early coordination with townships, communities, cities and counties is an important aspect of trail development. Involve local leaders early in the concept stage. Time spent making these groups part of forming the concept and ironing out issues early is invaluable. Recognize the constraints placed legally and politically on these officials, they have to balance a variety of issues. Building local informed consent of the project is very important, i.e. “I may not love it, but I can live with it” will be as positive a response as possible for some residents. Avoid backing anyone into a corner where an ultimatum against the trail results.

Step 1a. Submitting the draft project proposal
Once the project has been preliminarily defined with local input and a local government unit has agreed to sponsor the project, the draft can be submitted from the sponsor to the DNR Area Parks and Trails Supervisor. Parks and Trails staff are available to help with the application process. Local trail organizations should submit the draft project proposal to the sponsor, including the following:

1. A cover letter describing the project purpose, scope, need and benefits to the public.
2. One (1) copy of the new trail project proposal form to be signed by the sponsor.
3. Maps of the proposed trail or trail system: (Contact the Area P&T Supv. for assistance.)
   a. Map format should be USGS topographic sheets developed and plotted at a 1:24,000 scale.
   b. The map must clearly identify stream and wetland crossings, bridges, rest areas, and parking areas.
   c. The map should identify any connections to nearby parks, trails or trail systems, cities or towns, support services, or other popular destinations.

The sponsor should then submit the signed project proposal to the DNR Area Parks & Trails Supervisor. This will start the review of the proposal.
Step 1b. DNR P&T review of draft project proposal
A draft New Project Proposal Application is completed and submitted to the nearest DNR Area P&T Office. A proposed trail route is tentatively identified. New Project Proposal Applications require both DNR and public review and may be submitted at any time.

- Area P&T Supervisor reviews draft proposal, discussed w/club
- Club discusses draft proposal w/local governments units including zoning or land use boards.
- Club modifies draft project proposal and secures a local government sponsor.
- If proposal is a minor trail project with no identified potential impacts, apply for grant.

Step 2. and 3. DNR Internal Review
Following submittal, New GIA Trail Project Proposals are carefully reviewed by a DNR interdisciplinary team of Area Resource Management Specialists to gauge the potential for unintended social, economic or environmental effects (See GIA Abbreviated Potential Environmental Assessment Checklist). Depending upon the scope, scale and complexity of the proposal, this internal agency review can take from 3-12 months. After this, public review, project permitting and formal environmental review, if required, may require several additional months to complete.

Trail Project Priorities
The following guidelines are used in evaluating all new trail project proposals and GIA applications. To ensure geographic balance, various regional factors also will be considered in ranking new GIA trail proposals (e.g., visitor demand, existing trail miles, proximity to population centers, tourism and travel influences, etc.)

Projected Visitor Demand: Completed GIA Trail Systems should eventually host traffic levels that justify the investment of program dollars. These systems should link population centers, popular destinations, existing recreational trails, and/or outstanding natural features in order to attract a solid visitor base. Predominantly local interest routes will receive a lower priority for GIA funding.

Access: All publicly-funded GIA facilities should remain accessible to maintenance equipment and emergency vehicles at all times. This is critical for maintaining the trails in a safe, sustainable condition that protects visitors and the natural environment.

Potential Natural Resource Impacts: All recreational trail projects carry with them the potential for natural resource effects. Only those projects that incorporate sustainable trail planning, design and development principles will ultimately be approved for funding.

Compatibility with Other Land Uses: Proposals should address anticipated impacts on other adjacent land uses, including any potential conflicts with adjacent landowners, ongoing timber or wildlife habitat management, or with other recreational activities.

Revisions to approved management plans
If a proposal is in an area subject to an adopted management plan, the plan may need to be amended to accommodate the proposed trail use. A plan documents the outcome of a collaborative public planning process. Major changes should not be made to an approved management plan (e.g., State
Park or State Trail plans), without engaging stakeholders. Proposed changes meeting any of the following criteria must be approved through the formal plan amendment process outlined below:

- The proposed change alters the basic mission, vision, goals or management objectives as previously defined for the management unit;
- The proposal would result in a major increase or decrease in recreational use opportunities, or
- The proposal involves changing the current classification of State Forest lands with respect to OHV use.

Plan Amendment Process [Pursuant to MS 86A.09, Subd. 2, & MN Rules 6100.1950, Subd. 2-4]

Proposed plan amendments should be developed in conjunction with stakeholders and then be reviewed, first at the area team (AT) level, then by the regional management team (RMT). Significant changes should be presented at public information meetings or ‘open houses’ to solicit comment. When conditions warrant exception to standard DNR policies or practices, the reasons for the proposed deviation should be clearly explained. An Environmental Assessment Worksheet must be prepared for projects resulting in permanent physical encroachment on areas listed ‘Natural Areas’ in MN Rules 4410.4300, Sub. 30, including State Trail Corridors, where this encroachment is inconsistent with the management plan for that recreational facility or unit. Finally, written plan amendment(s), bearing the Commissioner’s signature, are officially appended to the approved management plan. Minor revisions that do not meet the criteria for plan amendments can be made at the discretion of the AT with approval from the RMT. Minor revisions do not require a public review or comment period, but directly affected stakeholders should be notified of the change.

Step 4. Public Review

Following internal DNR review, new GIA Trail Project Proposals are made available to the public for review and comment. The DNR will provide for public notification and a 30-day comment period on most new OHV trail proposals, including new trail use designations occurring apart from or outside of approved management plans. Public review will provide sufficient information to permit interested parties to make informed judgments about proposed trail projects, and to provide informed comment on project need, trail design, trail development options or alignment alternatives, and potential environmental effects. Pursuant to Minnesota’s Environmental Review Rules (MN Rules, Chapter 4410), some trail development projects may require mandatory preparation of an Environmental Assessment Worksheet (EAW); other projects may be subject to discretionary review (either proposer-volunteered or pursuant to a citizen’s petition calling for an EAW), or the project may be exempt from review. An EAW is intended to determine whether a project has the potential for significant environmental effects.

a. Official Public Notification

Following internal DNR review, official public notification of a 30-day comment period will be held on most trail project proposals, including any planned new trail use designations on existing trails. Projects involving routine trail maintenance (e.g., replacing culverts, trail hardening or armoring, vegetative manipulation, simple trail repair or rehabilitation, emergency trail closures), or those involving operational activities that do not require physical manipulation of the environment (e.g., trail inventory, monitoring or enforcement) will not necessarily be publicly noticed or reviewed.

Public notice will generally be issued via news releases, paid advertisements and/or DNR website postings. Public meetings may be scheduled if necessary. The P&T area supervisor will solicit, collect and analyze comments received. In consultation with other appropriate DNR area staff and the trail proposer/sponsor the P&T area supervisor will recommend whether project proposals can
be implemented as proposed, modified or terminated. Some proposals may require additional review based upon issues that surface during the public vetting.

b. or c. Environmental Assessment Worksheet (EAW)
Work on the project may not begin until all environmental review has been completed. The DNR is almost always the RGU for the review of DNR-proposed projects. The DNR's Environmental Policy and Review (ER) Unit performs the DNR's RGU responsibilities. P&T Staff will consult with ER unit staff to determine whether an EAW is required for those trail projects which are: 1) not categorically exempted from review, and 2) flagged by AT review as having potential environmental issues (See the table “Environmental Review Rules for Recreational Trails”). The RMT, may also suggest that a discretionary EAW be prepared if they want to collect additional information about potential environmental effects.

GOOD TO KNOW: See the OHV GIA Program Manual Chapter 2 Fiscal Management of the Grant for more information on funding application and allowable costs.

Step 5. Funding for the New Project Proposal Application and Grant Agreement
Once public input is gathered, the project may be revised in response to comments received and the DNR will notify the sponsor and the club of approval of the proposal. Funding will not be available until the grant agreement is executed and a letter authorizing trail work to proceed is returned to the sponsor.

Upon DNR approval of the project, an agreement between the sponsor and the State is sent to the sponsor for review, approval, and signature. The signed grant agreement forms are returned to DNR P&T for processing and signature. An executed copy with a letter authorizing trail work to proceed will be returned to the sponsor. Only after this official notification may work on the trail commence. No reimbursement for development or maintenance work can be paid until copies of all required permits and approval are on file with the sponsor.

The club submits the final grant application to their sponsor for approval and signature. Club members must obtain a formal expression of support or approval, in the form of an official governmental resolution or as reflected in the official minutes from the sponsor.

The local trail user organization and sponsor should also enter into an agreement that outlines the duties and responsibilities of both parties in the event that the grant is approved. The sponsor MUST sign all required forms and submit these to the DNR’s P&T Division for approval.

Funding Application process overview
Each year, the DNR asks sponsors to submit funding applications for trails and riding areas already in the program to the Area P&T office by November 30. Any changes to the upcoming year’s alignment should be marked on a map and returned with the application as well as a description of the work expected to be performed next season. P&T determines the appropriate allocation for the upcoming fiscal year and next trail season. Grant agreements (three originals of the agreement are needed) are then sent to the sponsor. The sponsor signs and returns all three copies to the P&T Area Supervisor who sends all supporting documentation to P&T Central Office for final execution of grant agreements. One copy of the final executed grant agreement is returned to the Sponsor and
Step 6. Project Permitting and Construction -- putting the trail on the ground

Three key principles set the foundation for designing sustainable natural surface trails:

1. Natural surface trails are shaped, not built. These trails reflect the landscape being traversed and respond to the many nuances of a site that make them interesting to the trail user.

2. Carefully considered tread alignments, site slopes, and tread grades are favored over extensive grading and other mechanical means to create a trail. This is especially the case with drainage, where the design of the trail is used to control erosion and prevent displacement of the trail tread.

3. Potential changes to tread shape due to compaction, displacement, and erosion must be anticipated as part of the design process. This means the tread must be designed so it will still drain with limited potential for erosion even if it changes shape through years of use.

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<td>ACCESS CONTROL______________________________</td>
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<td>GUIDELINES FOR GENERAL MAINTENANCE PRACTICES</td>
<td>6.81</td>
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</tbody>
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Figure 2 See Section 6 Sustainable Natural Surface Trails MN Trail Development
Permitting

The sponsor and clubs must ensure that all required permits or approvals are obtained before developing or altering the trail. For example, if a trail cannot be routed to avoid a stream crossing, a public waters work permit will be required. Documentation of permitting must be part of the sponsor’s records. Keep a record of phone calls and conversations with permitting authorities to document consultation regarding permit requirements.

Actions affecting Minnesota's water resources are regulated by a variety of state, local, and federal agencies. In many cases, a permit is required from one or more of these agencies before proceeding with the project. Projects constructed below the ordinary high water (OHWL) level, thereby altering the course, current, or cross section of public waters or public waters wetlands, will require a public waters work permit. Such projects may also require an aquatic plant management permit as well as local land use permits.

Permits and approvals that are commonly required on behalf of the sponsor include:
- Waters or wetland permits required by Section 404 of the Federal Clean Water Act, by the DNR to cross state regulated public waters, or by the Wetlands Conservation Act.
- Water quality permits required by Section 401 of the Federal Clean Water Act, or by the MPCA Storm Water Management Program.
- Land-use permission or trail crossing agreements with both public and private landowners
- Road right-of-way limited use permission from the appropriate state, county or local road authority.

Each project proposal or trail maintenance activity must be evaluated to determine whether permits or approvals are needed. When avoidance is not possible, the permit process helps to minimize impacts and provide for mitigation where indicated. It is important to note that although state projects are not subject to local permit requirements, the DNR does typically design its projects to meet or exceed all existing local or municipal standards. For waters permits see www.mndnr.gov/permits/water

GOOD TO KNOW:
The DNR Area Parks & Trails staff, local county agency staff and the local DNR Area Hydrologist can assist in determining which permits are required and in recommending methods to avoid, minimize or mitigate potential impacts.

Construction

Guidelines are intended to help protect soils, water quality, wetland and riparian area values, wildlife and native plant communities, visual quality, and historic and cultural resources when trails are developed. Recreational trail design and construction guidelines recommended for GIA OHV trails can be found in: this manual and appendix and guidance documents and in the DNR's 2007 publication, Trail Planning, Design, and Development Guidelines, available for purchase through Minnesota’s Bookstore (www.minnesotabookstore.com), or for free non-commercial download at www.mndnr.gov. Contact MN DNR for more information at 1-888-MINNDNR (646-6367).
Americans with Disabilities Act

Facilities and programs funded by the Trails Assistance Program must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines. All sponsors must ensure compliance with applicable state and federal requirements for access. For example, a trail shelter placed near a trailhead or parking lot must comply with ADA guidelines such as: providing a path leading from an identified parking space to the shelter, and ensuring ADA compliant door width, door handle type and height, and kiosk or signage height. The ADA has developed guidelines for outdoor developed areas, buildings and facilities. The Federal Access Board has these guidelines available at www.access-board.gov for Recreation and for Outdoor Developed Areas. Or contact the Great Lakes ADA Center at www.adagreatlakes.org. DBTAC - Great Lakes ADA Center (MC 728) · Room 405 · 1640 W. Roosevelt Road · Chicago, IL 60608 · 800-949-4232 (V/TTY) · 312-413-1407 (V/TTY) · 312-413-1856 (Fax)

Step 7. Maintenance, Inspection and Enforcement

Trails must be well-maintained to ensure safe, sustainable, high quality riding opportunities for the trail users. In addition, proper maintenance will minimize potential adverse effects of trail use such as compaction, displacement, and erosion and will discourage inappropriate user behavior. See appendix D for guidance.

Best Management Practices

Routine inspection and maintenance should be performed on natural surface trails to prevent simple problems from becoming unsustainable conditions.

Controlling Invasive Species

Preventing the spread of invasive plants is a major concern of resource managers. Best Management Practices [BMPs] include cleaning machines before and after trail maintenance to prevent the spread of invasive terrestrial plants. Those involved in maintaining trails should become familiar with these species and contemporary practices for controlling their spread. Best management practices for controlling invasive species during trail development and maintenance can be found in appendix F.
## Minnesota Recreational Rules

**Table**

Environmental Review Rules for Recreational Trails*

Extracted from MN Rules Parts 4410.4300 – 4410.4600 (MN Environmental Quality Board)*

<table>
<thead>
<tr>
<th>TRAIL TYPE / ACTION</th>
<th>EXEMPT</th>
<th>DISCRETIONARY REVIEW (Subject to Citizen Petition)</th>
<th>MANDATORY EAW</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIKE / BIKE / PED / HORSE (Non-Motor)</td>
<td>No Exemption</td>
<td>&lt; 10 Miles</td>
<td>≥ 10 Miles</td>
<td>Rehabilitation, reconstruction and maintenance activities, with no changes in designated use, are exempt from review. <strong>All non-motor trail projects in Metro Regional Parks are exempt from environmental review.</strong></td>
</tr>
<tr>
<td>New Corridor (naturally vegetated)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Corridor Designation</td>
<td>No Exemption</td>
<td>All Projects Subject to Review</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Pave Existing Trail</td>
<td>No Exemption</td>
<td>&lt; 10 Miles</td>
<td>≥ 10 Miles</td>
<td></td>
</tr>
<tr>
<td>Re-Route</td>
<td>&lt; 1 Continuous Mile</td>
<td>1–10 Miles</td>
<td>≥ 10 Miles (new corridor)</td>
<td></td>
</tr>
<tr>
<td>MIXED-USE (Motor + Non-Motor)</td>
<td>No Exemption</td>
<td>&lt; 10 Miles</td>
<td>≥ 10 Miles</td>
<td>Rehabilitation, reconstruction and maintenance activities, with no changes in designated use, are exempt from review.</td>
</tr>
<tr>
<td>New Corridor (naturally vegetated)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Corridor Designation</td>
<td>No Exemption</td>
<td>&lt; 25 Miles</td>
<td>≥ 25 Miles</td>
<td></td>
</tr>
<tr>
<td>Re-Route</td>
<td>&lt; 1 Continuous Mile</td>
<td>1–10 Miles (new) or 1-25 (existing)</td>
<td>≥ 10 Miles (new); ≥ 25 Miles (exist)</td>
<td></td>
</tr>
<tr>
<td>X-C SKI (Non-Motor)</td>
<td>No Exemption</td>
<td>&lt; 1 Mile</td>
<td>1-20 Miles</td>
<td>≥ 20 Miles</td>
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<tr>
<td>New Corridor (naturally vegetated)</td>
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</tr>
<tr>
<td>Existing Corridor Designation</td>
<td>Exempt from Review</td>
<td>Exempt from Review</td>
<td>Exempt from Review</td>
<td></td>
</tr>
<tr>
<td>Re-Route</td>
<td>&lt; 1 Continuous Mile</td>
<td>1-20 Miles</td>
<td>≥ 20 Miles (new)</td>
<td></td>
</tr>
<tr>
<td>SNOWMOBILE (Motor)</td>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation, reconstruction and maintenance activities, with no changes in designated use, are exempt from review.</td>
</tr>
<tr>
<td>New Corridor (naturally vegetated)</td>
<td>&lt; 1 Mile</td>
<td>1-20 Miles</td>
<td>≥ 20 Miles</td>
<td></td>
</tr>
<tr>
<td>Existing Corridor Designation</td>
<td>Exempt from Review</td>
<td>Exempt from Review</td>
<td>Exempt from Review</td>
<td></td>
</tr>
<tr>
<td>Re-Route</td>
<td>&lt; 1 Continuous Mile</td>
<td>1-20 Miles</td>
<td>≥ 20 Miles (new)</td>
<td></td>
</tr>
<tr>
<td>SKI / SNOWMOBILE - WINTER USE ONLY** Across agricultural land or frozen water only.</td>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation, reconstruction and maintenance activities, with no changes in designated use, are exempt from review.</td>
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<tr>
<td>New Corridor</td>
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<tr>
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<td>Exempt from Review</td>
<td>Exempt from Review</td>
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<tr>
<td>Re-Route</td>
<td>Any Length</td>
<td>Exempt from Review</td>
<td>Exempt from Review</td>
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</tbody>
</table>

* Excludes discussion of Off-Highway Vehicle Recreation Area projects and mandatory EAW thresholds. There were no identified mandatory EIS categories or thresholds for either recreational trails or for OHVRA's.
RECREATIONAL TRAILS

Mandatory EAW 4410.4300, Subpart 37

A. Constructing a trail at least ten miles long on forested or other naturally vegetated land for a recreational use other than snowmobiling or cross-country skiing, unless exempted by part 4410.4600, subpart 14, item D, or constructing a trail at least 20 miles long on forested or other naturally vegetated land exclusively for snowmobiling or cross-country skiing.

B. Designating at least 25 miles of an existing trail for a new motorized recreational use other than snowmobiling.

C. Paving ten or more miles of an existing unpaved trail, unless exempted by part 4410.4600, subpart 27, item B or F. Paving an unpaved trail means to create a hard surface on the trail with a material impervious to water.

D. Constructing an off-highway vehicle recreation area of 80 or more acres, or expanding an off-highway vehicle recreation area by 80 or more acres, on agricultural land or forested or other naturally vegetated land.

E. Constructing an off-highway vehicle recreation area of 640 or more acres, or expanding an off-highway vehicle recreation area by 640 or more acres, if the land on which the construction or expansion is carried out is not agricultural, is not forested or otherwise naturally vegetated, or has been significantly disturbed by past human activities such as mineral mining.

F. Some recreation areas for off-highway vehicles may be constructed partially on agricultural naturally vegetated land and partially on land that is not agricultural, is not forested or otherwise naturally vegetated, or has been significantly disturbed by past human activities. In that case, an EAW must be prepared if the sum of the quotients obtained by dividing the number of acres of agricultural or naturally vegetated land by 80 and the number of acres of land that is not agricultural, is not forested or otherwise naturally vegetated, or has been significantly disturbed by past human activities by 640, equals or exceeds one.

Mandatory EIS

None

Exemptions 4410.4600, subpart 27

A. Rerouting less than one continuous mile of a recreational trail if the reroute is necessary to avoid sensitive areas or to alleviate safety concerns. Multiple reroutes on the same trail must be treated as independent projects, except that where the cumulative length of currently proposed reroutes exceeds one mile on any five-mile segment of trail, as measured along the rerouted trail, those reroutes are not exempt.

B. Reconstructing, rehabilitating, or maintaining an existing trail involving no changes in designated use.

C. Constructing less than one continuous mile of trail for use by snowmobiles or cross-country skiers.

D. Constructing a trail for winter-only use across agricultural land or across frozen water.

E. Designating an existing trail for use by snowmobiles or cross-country skiers.

F. Constructing or rehabilitating a non-motorized trail within the Twin Cities Metropolitan Regional Park System.

Notes

RGU assignment:

If a project will be built on state-owned land or funded, in whole or part, by grant-in-aid funds administered by the DNR, the DNR is the RGU. For other projects, if a governmental unit is sponsoring the project, in whole or in part, that governmental unit is the RGU. If the project is not sponsored by a unit of government, the RGU is the local governmental unit. A local government unit may prepare the EAW for the DNR with prior approval.

Existing trail means an established corridor in current legal use.

In applying EAW categories items A and B, if a proposed trail will contain segments of newly constructed trail and segments that will follow an existing trail but be designated for a new motorized use, an EAW must be prepared if the sum of the quotients obtained by dividing the length of the new construction by ten miles and the length of the existing but newly designated trail by 25 miles, equals or exceeds one.

The arithmetic calculation needed for the above and for item F are similar to that demonstrated for mixed-unit residential projects under the notes for the Residential development section.
Appendix D. Minnesota Department of Natural Resources Parks and Trails Information

Minnesota Trails Assistance Program (GIA) Off-highway Vehicle Manual Appendix

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APPENDIX D - Minnesota Department of Natural Resources Parks & Trails

Minnesota Department of Natural Resources Mission Statement

*Our mission is to work with citizens to conserve and manage the state's natural resources, to provide outdoor recreation opportunities, and to provide for commercial uses of natural resources in a way that creates a sustainable quality of life.*

About the DNR Mission Statement

The Minnesota Department of Natural Resources (DNR) works to integrate and sustain the interdependent values of a healthy environment, a sustainable economy, and livable communities. The DNR’s integrated resource management strategy shares stewardship responsibility with citizens and partners to manage for multiple interests.

Multiple Partners, Multiple Goals

The DNR is committed to conserving natural resource systems—working with citizens and partners to simultaneously protect natural resources, provide recreational opportunities, and promote a healthy economy. This systems approach to conservation allows us to benefit from interactions among efforts, harness the energy of partnerships, tap the power of the marketplace, and sustain a broad-based commitment.

Minnesota Parks and Trails

Division of Parks and Trails Vision Statement

*Our vision is to create unforgettable park, trail, and water recreation experiences that inspire people to pass along the love for the outdoors to current and future generations.*

Plans and administration

The Division of Parks and Trails administers and manages a number of different units, as defined by the Outdoor Recreation Act and Minnesota Statute. Those units include state parks; state recreation areas; state waysides; state trails; state water access sites; state wild, scenic, and recreational rivers; state boater waysides, and state forest campgrounds, trails, and day-use areas.

In addition to natural resources restoration and management, the division administers grants-in-aid to local units of government who partner with local volunteer clubs to maintain
snowmobile, off-highway vehicle, and cross-country ski trails. It is also responsible for Lake Superior Safe Harbors, and stewardship programs for the state's lakes, rivers and trails.

**Staffed Locations & Administrative Boundaries**

The Department of Natural Resources and its associated divisions organize their operations into four geographic regions, with a regional headquarters in each:

- **Northwest Region** Bemidji
- **Northeast Region** Grand Rapids
- **Central Region** St. Paul
- **Southern Region** New Ulm

The Division of Parks and Trails organizes its regions into ten districts. Within districts, operational responsibilities are further organized into administrative areas. Division staff is located at area offices, satellite offices, and at most state parks and state recreation areas throughout the state. Several state parks and state recreation areas are managed from other nearby units.

Parks and Trails Area Supervisors are the first contact for OHV GIA questions. Each region also has Acquisition and Development staff available to help with many GIA project requirements.
Division of Parks and Trails
Offices, Counties and Administrative Boundaries
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<th>Region 1</th>
<th>Northwest</th>
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<tbody>
<tr>
<td></td>
<td>Position</td>
</tr>
<tr>
<td>Region1 OHV Acquisition and Development Specialist</td>
<td>218-308-2369</td>
</tr>
<tr>
<td>District 1</td>
<td>District Supervisor</td>
</tr>
<tr>
<td></td>
<td>Area 1 B Supervisor</td>
</tr>
<tr>
<td>District 2</td>
<td>District Supervisor -</td>
</tr>
<tr>
<td></td>
<td>Area 1 A Supervisor</td>
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<td>Area 1 C Supervisor</td>
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<tr>
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<td>Position</td>
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<tr>
<td>Region2 OHV Acquisition and Development Specialist</td>
<td>218-999-7921</td>
</tr>
<tr>
<td>District 3</td>
<td>District Supervisor</td>
</tr>
<tr>
<td></td>
<td>Area 2 A Supervisor</td>
</tr>
<tr>
<td></td>
<td>Area 2 B Supervisor</td>
</tr>
<tr>
<td>District 4</td>
<td>District Supervisor</td>
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<td></td>
<td>Area 2 C Supervisor</td>
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<tr>
<td>District 5</td>
<td>District Supervisor</td>
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<td></td>
<td>Area 2 D Supervisor</td>
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<td>Area 2 F Supervisor</td>
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### Region 3 Central

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<tr>
<th>Position</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Region 3 OHV Acquisition and Development Specialist</td>
<td>651-259-5874</td>
<td>1200 Warner Road St. Paul MN 55106</td>
</tr>
<tr>
<td><strong>District 6</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Supervisor</td>
<td>320-255-4279 x227</td>
<td>940 Industrial Dr. S. #103 Sauk Rapids MN 56379</td>
</tr>
<tr>
<td>Area 3A Supervisor</td>
<td>320-255-4279 x229</td>
<td>940 Industrial Dr. S. #103 Sauk Rapids MN 56379</td>
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<tr>
<td><strong>District 7</strong></td>
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<tr>
<td>District Supervisor</td>
<td>952-496-4141 x255</td>
<td>7050 E. Highway 101 Shakopee MN 55379</td>
</tr>
<tr>
<td>Area 3 B Supervisor</td>
<td>651-259-5748 or 651-259-5736</td>
<td>1200 Warner Road St. Paul MN 55106</td>
</tr>
<tr>
<td><strong>District 8</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Supervisor</td>
<td>507-206-2841</td>
<td>2300 Silver Creek Road NE Rochester MN 55906</td>
</tr>
<tr>
<td>Area 3 C Supervisor</td>
<td>507-206-2845</td>
<td>2300 Silver Creek Road NE Rochester MN 55906</td>
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### Region 4 South

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<tr>
<td>Region 4 OHV Acquisition and Development Specialist</td>
<td>507-831-2900 x223</td>
<td>175 County Road 26 Windom MN 56101-1868</td>
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<tr>
<td><strong>District 9</strong></td>
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<td></td>
</tr>
<tr>
<td>District Supervisor</td>
<td>507-359-6068 or 507-359-6064</td>
<td>261 Highway 15 South New Ulm MN 56073-8915</td>
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<tr>
<td>Area 4C Supervisor</td>
<td>507-359-6067</td>
<td>261 Highway 15 South New Ulm MN 56073-8915</td>
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<tr>
<td>Area 4D Supervisor</td>
<td>507-206-2848</td>
<td>2300 Silver Creek Road NE Rochester MN 55906</td>
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<tr>
<td><strong>District 10</strong></td>
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</tr>
<tr>
<td>District Supervisor</td>
<td>320-796-2161 x229</td>
<td>PO Box 457, 10590 Co. Rd. 8 NE Spicer MN 56288</td>
</tr>
<tr>
<td>Area 4A Supervisor</td>
<td>320-796-2161 x226</td>
<td>PO Box 457, 10590 Co. Rd. 8 NE Spicer MN 56288</td>
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<tr>
<td>Area 4B Supervisor</td>
<td>507-831-2900</td>
<td>175 County Road 26 Windom MN 56101-1868</td>
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</table>
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APPENDIX E Examples of Forms

A. Essential Forms

Forms for trail administrators:

- Funding Application Form (FORM 1)
- Cost Breakdown and Explanation Form (FORM 2)
- New Trail Proposal Form (FORM 3)
- Request for Reimbursement Form (FORM 4)
- Work Log Sheet (FORM 5)

Form examples for Sponsors:

- Grant Agreement Form (FORM 6)
- Annual Outcomes and Expenditures Form (FORM 7)

GOOD TO KNOW:
Contracting for services or equipment - All procurement contracting will be conducted in a manner providing full and open competition. Often local procurement standards are more restrictive than state or federal standards. At a minimum, the local standards should meet state standards. If this is so, it is recommended that you use your sponsor's procurement procedures.

See the Financial Manual for Recreational Trails Program at http://files.dnr.state.mn.us/assistance/grants/recreation/financialmanual.pdf for more details especially when using GIA funds to match FRTP funds.
1. Forms for Trail administrators:

a. Funding Application Form (FORM 1)

The Funding Application Form is used to explain and justify new and continued funding for trails and trail systems enrolled in the Minnesota Trail Assistance Program and is submitted annually the end of November.

The club submits the funding application to their sponsor for approval and signature. Club members must obtain a formal expression of support or approval in the form of an official governmental resolution or as reflected in the official minutes from the sponsor.

Local trail organizations must submit funding application forms to the sponsor, including the following:

1. One (1) copy of the funding application form with original signatures.

2. A listing of trail permits from public land managers and private landowners. [NOTE: No trail development or maintenance activities may take place on public or private lands until a signed trail permit has been secured in the name of the project sponsor.]

3. A map of the trail or trail system as it presently exists, including: one (1) copy of a trail alignment map. The map format recommended is the U.S. Geological Survey (U.S.G.S.) topographic sheets; scale 1:24,000 or at scale sufficient to show appropriate details. (area P&T staff can provide assistance with mapping formats).
   a. The map must identify locations of wetlands, stream crossings, bridges, rest areas, and parking areas.
   b. The map must identify connections or relationships to other trails or trail systems, if any.
   c. If trails or trails segments are being relocated, the map must show new and old alignment.
   d. The map must identify any areas of major maintenance work (i.e., trail widening, corner realignments, etc.)

Local trail organizations must work with DNR area P&T staff to provide an initial electronic file, using geographical positioning system or GPS, of the trail. Any changes or trail adjustments must be provided to the DNR area supervisor annually.

See the form at mndnr.gov/ohv/gia.html or contact a P&T Area Supervisor.

b. Grant Cost Breakdown and Explanation Form (FORM 2)

The Project Cost Breakdown and Explanation worksheet, more commonly called the Project Form, provides details on the anticipated actions/projects budget for annual trail system maintenance. All the charges must be directly related to the acquisition, development and/or maintenance of your GIA trail or trail system.

No other charges will be accepted without prior approval from your area P &T supervisor.
This budget should be as accurate as possible since DNR grants management allows minimal deviation from the budget submitted with the grant.

See the form at mndnr.gov/ohv/gia.html or contact a P&T Area Supervisor

c. New Trail Proposal Form (FORM 3)

This is the instrument for proposing a new trail system not previously enrolled in or funded by the GIA program. A funding application form must be submitted after the project proposal is authorized by DNR.

New Trail Proposals require both DNR and public review and may be submitted at any time. See “Starting a New Trail”.

See the form at mndnr.gov/ohv/gia.html or contact a P&T Area Supervisor

d. Request for Reimbursement Form (FORM 4)

The Request for Reimbursement form, submitted by the club administrator, includes a summation of all project-related expenses incurred to date. It constitutes a request for reimbursement of all allowable charges for a specified period of time. It is recommended that a check of all arithmetic on the form is completed before sending it in to the sponsor for signature.

e. Project Work Log Sheet (FORM 5)

Work Log Sheets are submitted as attachments to the Request for Reimbursement Form, and are used to show allowable charges (i.e., costs for labor, equipment, materials, and contracted services) and billing calculations. All reimbursable charges must appear on the Work log sheet:

See the form at mndnr.gov/ohv/gia.html or contact a P&T Area Supervisor
2. Form information for Sponsors:

a. Grant Agreement Form (FORM 6)

The Grant Agreement Form is the legal agreement between the State of Minnesota and the project sponsor. It establishes a basis for funding and identifies conditions to which both parties agree. Work may not begin until the sponsor is notified in writing that this agreement form has been duly signed and executed by all required signatories.

The sponsor enters into a grant agreement with the state that includes the areas of:

A. Trail obligation of the sponsor.
B. Technical assistance.
C. Funding.
D. Reimbursement.
E. Payment.
F. State audits.
G. Workers compensation.
H. Liability.
I. Term.
J. Termination.
K. Publicity and endorsement.
L. Assignment or modification.
M. Data disclosure.
N. Governing law, jurisdiction, and venue.
O. Authorized representative.

These forms are mailed out to the sponsor annually.

b. Annual Outcomes and Expenditures Form (FORM 7)

This form guides the details required in the display of information relating to measurable outcomes and expenditure of grant funds. Each sponsor will display this information on its web site, and submit this information to the department by June 30 each year. Collection and publication of this information is a requirement of legislation passed in 2009. The DNR will display the information received by recipients under this paragraph on the department's web site.
B. Additional Forms
There are additional forms and examples of resolutions or permissions following to provide examples and tips for the program.

1. Sponsor Resolution

GOOD TO KNOW: A Sponsor resolution or official meeting minutes should include the following information:
- A statement that the local unit of government will act as legal sponsor for an application for the DNR Trails Assistance Program and/or the Grant-in-aid Trail Permit
- A statement that the local unit of government may enter into agreement with the State of Minnesota for the specific grant program mentioned above
- A statement that the local unit of government will comply with all applicable laws and regulations as stated in the agreement
- A statement recognizing an individual (in many cases a local government auditor) who will act as a fiscal agent on behalf of the local unit of government
- Date the resolution is adopted

If the local unit of government wishes to pass a resolution that is effective beyond one year, the resolution must include a clause clearly outlining these details. If the sponsor does not do this, a new resolution will be needed annually with grant applications.
EXAMPLE A OF A RESOLUTION

{Insert LGU name}
Address
Date adopted:Resolution No. If applicable
Offered byif applicable

Whereas, {insert local unit of government name} desires to maintain trails for the enjoyment of the public and will act as legal sponsor for an application for the DNR Trails Assistance Program, the MN DNR Grant-in-aid Trail Permit and

Whereas, {insert local unit of government name} may enter into agreement with the State of Minnesota for the

[List all trail system name(s) as they appear on the grant application and contract agreement.]

XXXX Trail (XXX Club)

Whereas, {insert LGU name} will comply with all applicable laws and regulations as stated in the grant contract agreement(s), permits and by all applicable federal and state laws and regulations.

Whereas, {insert LGU name} recognizes and assigns {insert an individual’s name or title here (in many cases a county administrator or auditor or township clerk or county land manager)} who will act as a fiscal agent on behalf of {insert LGU name}

[If the LGU wishes to pass a resolution that is effective beyond one year, the resolution must include a clause clearly outlining these details. If the sponsor does not do this, a new resolution will be needed annually with grant applications.]

Now therefore be it, resolved that {insert LGU name} agrees to continue to act as legal sponsor for the above applications and agreements of the DNR Trails Assistance Program until such time {insert LGU name} rescinds this sponsorship.

Dated: {Date the resolution is adopted}
EXAMPLE B OF A RESOLUTION

RESOLUTION AUTHORIZING SPONSORSHIP OF OFF HIGHWAY VEHICLE TRAILS FOR A PUBLIC RIDING AREA, OPERATED BY THE XXX XXX XXX CLUB

WHEREAS, the State of Minnesota has made funding available through the Minnesota Trails Assistance Program for the purpose of constructing and maintaining Off Highway Vehicle trails for All Terrain Vehicles (ATVs) and Off Highway Motorcycles (OHMs), and
WHEREAS, the County of XXX desires to make available to its citizens and visitors, such an area for the aforementioned purposes, in harmony and keeping with its recreational plan,
THEREFORE, BE IT RESOLVED that XXX County act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for acquisition, construction, and maintenance of an ATV and OHM riding area, open to the public, and managed by the XXX XXX XXX; and
BE IT FURTHER RESOLVED that upon approval of its application by the state, XXX County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement; and
BE IT FURTHER RESOLVED that the County Board Chairperson is authorized to sign such an agreement with the Department of Natural Resources; and
BE IT FURTHER RESOLVED that Xxx xxx, County Auditor, is hereby authorized to serve as the fiscal agent for the above referenced project; and
BE IT FINALLY RESOLVED THAT, notwithstanding the financial assistance provided for in the state contract, XXX County shall not be liable for such costs as are incurred by the club because state funds are depleted.
ADOPTED BY XXX County this 18th day of August 200X.

XXX County Board of Commissioners

______________________________
Xxx xxxx, Chairperson

I, Xxx xxx, Administrator in and for the County of XXX, Minnesota, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of County Commissioners on the 18th day of August 200X.

______________________________
Xxx xxx, County Administrator
EXAMPLE C OF MEETING MINUTES

City of __
(Address)
(Date)

Resolution No. _____

RESOLUTION AUTHORIZING SPONSORSHIP OF TRAILS OPERATED BY __________________

BE IT RESOLVED that the City of ________ will act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance of trails managed by ____________

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of ________ may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED the Mayor of _______ and City Clerk of ______ are authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED that the_______ City Clerk is hereby authorized to serve as the fiscal agent for the above referenced project.

ADOPTED BY the _____ City Council on __________

ATTEST

I, __________, do hereby certify that the above is a true and correct copy of a resolution adopted by the _____________ City Council on ____________.

Signed ____________________________
2. Land Owner Permission Form

GOOD TO KNOW:
 Acquisition means for each parcel of land crossed by the Trail, the owner of said parcel must **convey to the sponsor by a permit, lease, easement, deed, or other authorization** that the trail is allowed to cross (Minnesota Statutes Ch. 604A)

**NOTE:** All Trail Permits are to be made out to the **Sponsor** not the club. Permits can be made out to the club only if the Sponsor has specifically given written permission and authority to the club, and the club has been incorporated.

Private lands

**SAMPLE LANDOWNER PERMISSION FORM**
This form is designed to help clubs to obtain private landowner permission for trails.

**LANDOWNER PERMISSION**

THIS PERMIT is granted on ______________________________, by _________________________ the Landowner(s) to_______________________________ the Sponsor to establish and/or maintain the ___________________________________ Trail.

That ______________________________________, the (record owners, contract for deed purchasers, lessees) in consideration of   ______________________________________________________, grants this permit over and upon the following described premises situated in the County of __________________, State of Minnesota, to wit: (complete land description)

SUBJECT TO:
1. This permit shall be continuous and will terminate upon sale of the land, or upon notification in writing to the Sponsor six (6) months prior to termination by the Landowner(s).

2. The right-of-way shall be open to the general public for trail use during the trail season of ______________.

3. The Sponsor shall at all times have the right to enter upon said right-of-way for any purpose necessary to the performance of lawful powers and duties.

4. The Landowner(s) shall have the right to close said right-of-way during any emergency, with the approval of the Sponsor.

5. The permit is for a_______foot width over the route to be used.

DATE:  __________________________        _________________________________________________

(Landowner Signature)

______________________________

(Address and Phone Number)

______________________________

(Club Representative)
State lands managed by DNR  
State DNR Landowner Permission Form or more commonly called “Grant-in-aid Trail Permit”.

**SAMPLE GRANT-IN-AID TRAIL PERMIT**

**EXAMPLE OF A RESOLUTION TO ACCOMPANY THE GIA TRAIL PERMIT THAT MAY BE FOR UP TO 5 YEARS**

**GOOD TO KNOW:**
This form is used to allow a GIA trail to cross on DNR lands. This permit is filled out by the DNR staff responsible for managing the lands crossed with the club’s help and signed by the sponsor. Contact your area Parks & Trails staff for assistance.

This is meant to be used for the land use permit only.

{Insert LGU name}
Address
Date adopted: Resolution No. If applicable
Offered by if applicable

Whereas, {insert LGU name} desires to maintain trails for the enjoyment of the public and will act as legal sponsor for the MN DNR Grant-in-aid Trail Permit and

Whereas, {insert LGU name} may enter into agreement with the State of Minnesota for the

[List all trail system name(s) as they appear on the grant application and contract agreement.]

Whereas, {insert local unit of government name} will comply with all applicable laws, regulations and conditions as stated in the GIA Trail Permit and by all other applicable federal and state laws and regulations.

Now therefore be it, resolved that {insert local unit of government name} agrees to act as legal sponsor for the Grant-in-aid Trail Permit

Dated: {Date the resolution is adopted} Expires: {Date the trail permit expires}

Attachment B is a map of the trail(s) the permit covers
3. Road rights of way

GOOD TO KNOW:
A local road authority must convey by Resolution, Limited Use Permit or Right-of-way Easement the right for the trail to occupy that area. The permission shall be to the sponsor from the road authority (even if the two are the same; please ensure documentation is on file allowing the use of the right-of-way).

EXAMPLE A: RIGHT-OF-WAY EASEMENT

THIS INDENTURE, made this 13th Day of March, 1991, between the State of Minnesota, by and through the Auditor of the County of XXX, hereinafter called the Grantor, and [insert sponsor’s name here], hereinafter called the Grantee.

WITNESSETH, whereas the Grantee has applied to Grantor for an easement over certain tax-forfeited lands owned by the State of Minnesota, situated in the County of XXX, and administered by the County of XXX, described as follows:
[insert legal description here]

Said easement shall be twenty feet (20') in width for the following purposes:
[insert name of trail] trail

NOW, THEREFORE, Grantor, pursuant to the Authority of Minnesota Statutes Annotated, Section 282.04, Subd. 4, and XXX County Board of Commissioners Resolution, Number 91/02-30, for the rights and interests herein conveyed, does hereby grant and convey onto the Grantee, from and after the 7th day of February, 1991.

The acquiring party is [insert sponsor’s name], see attachment A (map).

Subject to the following terms and conditions, unless superseded by special provisions:
1. Outstanding rights and interest, if any
2. Grantee shall construct and maintain said right-of-way at its own expense.
3. The right-of-way hereby conveyed shall be open to public use that is not in contravention with the use provided Grantee.
4. Grantor shall at all times have the right to enter upon said right-of-way for any purpose necessary to the performance of lawful powers and duties.
5. Grantee shall, during construction, maintenance and operation, protect and preserve vegetation cover and aesthetic values on the right-of-way and outside the construction limits.
6. Grantee shall have the right to close said right-of-way during any emergency.
7. Grantee shall establish no borrow, sand or gravel pits, stone quarry or permanent storage area, and shall deposit no debris except with the prior approval of the Grantor.
8. Grantee may maintain the right-of-way clearing by means of chemicals upon approval, in writing, by the Grantor.
9. Grantor hereby reserves the right to assess additional fees for damages resulting from construction and annual renewal fees, as set by County Board action.

10. Grantee shall comply with all laws, regulations and municipal ordinances affecting said lands.

11. Grantee shall hold Grantor harmless of all claims or damages to the person or property of others arising out of the use for construction, operations or maintenance of said strip or in gaining access thereto or egress therefrom.

12. No delay by the Grantor in enforcing any of the conditions of this easement shall be construed as a waiver of any of Grantor’s rights.

13. The Grantor reserves the right to lease and grant easements, permits or contracts for other purposes that are not in direct contravention with the purpose or intended uses of the easement (lease) hereby granted.

14. This agreement shall not be assignable except upon written consent of the Grantor and it shall be binding upon successors, assignees, heirs and legal representatives of the parties hereto.

The Easement and right-of-way herein conveyed may be terminated either by mutual agreement of the parties hereto, or by the Grantor upon ninety (90) days written notice to the Grantee if Grantee fails to comply with applicable laws or the terms of this easement; otherwise to remain in effect as long as used for the purposes granted and the annual fees are paid when assessed, provided, however, if the easement and right-of-way or any part thereof shall be abandoned or shall cease and terminate and the land traversed by the abandoned or unused segment shall be freed from this easement and right-of-way. In the event of such agreement to terminate or abandon, the Grantee, by authorized representative, shall furnish to the Grantor a statement in recordable form evidencing termination.

IN TESTIMONY WHEREOF, Grantor has caused these presents to be executed by the Chair of the Board of Commissioners, the Auditor and the Land Commissioner, County of XXX, State of Minnesota, this day and year first above written.

XXX COUNTY, STATE OF MINNESOTA

xxx, Chair

xxx, Auditor

xxx, Land Commissioner

XXX CLUB

by:
Address:

Phone: (Include Area Code)
4. Club / Sponsor contract

GOOD TO KNOW:
The DNR strongly urges the sponsors to enter into contracts with their clubs. These contracts will provide the unit of government with safeguards in the event that monies will have to be reclaimed by the State.

SAMPLE A SPONSOR/ CLUB CONTRACT

This agreement made this _____ day of _____________, 20____, between _________________________________ hereinafter referred to as the sponsor and ____________________________________ hereinafter referred to as the club.

WITNESSED:
Whereas the sponsor desires to establish a public trail in furtherance of its public recreation program, and Whereas the club agrees to help and assist the sponsor to acquire, construct and maintain said trail, and is registered as a nonprofit corporation, and Whereas the State of Minnesota offers financial and technical assistance to the sponsor for the construction of an approve trail, and whereas the trail in connection with this agreement shall hereinafter be called

NOW THEREFORE IT IS AGREED BETWEEN THE PARTIES THERETO:

The sponsor shall apply to the State of Minnesota - Department of Natural Resources for financial and technical assistance in accordance with the laws, rules, and regulations governing said assistance. If said assistance is granted, the sponsor shall contract with the club for the acquisition of the necessary interests in land and the subsequent construction and maintenance of the trail.

The contract shall specifically provide that any “work” in connection with the trail shall be in accordance with the terms and conditions of the agreement between the state and the sponsor and such terms and conditions be incorporated in said contract by reference.

Further the contract shall provide that the club will certify to the sponsor upon completion of significant benchmarks of “work” on the trail. The sponsor agrees to pay the club the appropriate percentage of the total grant amount for their “work” completed by the club on their portion of the trail system as agreed to/with the other clubs in the trail system; the club will “absorb” the remainder.

In the event that a performance penalty is assessed on the sponsor, by the state, such penalty will be passed through to the appropriate club and be their obligation until satisfied. The contract shall specifically provide that the club will be operating as an independent contractor and that the sponsor and the State of Minnesota shall not be responsible for workman’s compensation or other employee benefits.

Notwithstanding the financial assistance provided in the state contract, the sponsor shall not be liable for such costs as are incurred by the club because state funds are depleted.

Board Chairman/Mayor__________________________________
Auditor/Clerk _________________________________________
Club President _________________________________________
SAMPLE B SPONSOR / CLUB CONTRACT

(NAME OF COUNTY) COUNTY
(CLUB NAME) CLUB
TRAIL AGREEMENT

This Agreement is made on this ______ day of __________ 20____ between (Name of County) County, (County/Sponsor's Address, City, State), hereafter referred to as “County” and "(Club Name,)" (Club's Address, City, State), hereafter referred to as “Club.”

WHEREAS, the County desires to establish public trails in furtherance of its public recreation program; and

WHEREAS, the Club agrees to contract with the County to acquire, construct, and maintain those trails; and

WHEREAS, the State of Minnesota offers financial and technical assistance to the County for the construction and maintenance of approved trails and the County desires to avail itself of the assistance;

NOW, THEREFORE, IT IS AGREED between the parties hereto that:

1. The trails that are the subject of this Agreement shall be located in portions of (Name of County or Counties) County.

2. The County Auditor/Treasurer shall serve as the fiscal agent on behalf of the County.

3. The County shall apply to the State of Minnesota, Department of Natural Resources, for financial and technical assistance in accordance with the laws, rules, and regulations governing such assistance.

4. The Club shall enter into necessary contracts for the acquisition of the necessary interest in land and the subsequent construction and maintenance of the trails.

5. The Club shall construct the trails, provide adequate maintenance, keep the trail reasonably safe for public use, and provide such other maintenance or modifications as may be required by the State of Minnesota. The Club agrees to be solely responsible for the aforementioned obligations and the parties agree that the County shall have no responsibility, duty, or liability for those obligations. Any work in connection with the trail shall be in accordance with the terms and conditions of the Agreement between the State and the County and such terms and conditions shall be incorporated by reference into this Agreement and any subsequent contracts between the County and the Club, or between the parties hereto and others.

6. The Club agrees to defend, indemnify, and hold harmless the County, its commissioners, officers, and employees from any and all claims brought by anyone arising out of the use of the subject trails, including, but not limited to, claims arising out of the creations, construction, operation, maintenance, supervision, inspections, and/or use of the trail.

7. The Club further agrees to purchase liability insurance naming the County as an insured or additional named insured in the amount at least equal to the maximum liability limits set forth in Minn. Stat. Sec. 466.04, Subd. 1, currently $300,000.00 when the claim is one for death by wrongful action or omission and $300,000.00 to any claimant in any other case, and $750,000.00 for any number of claims arising out of a single occurrence and agrees to provide a certificate of insurance or other document demonstrating that such insurance has been procured to the County.

8. The County expects to review financial assistance from the State of Minnesota, upon satisfactory completion of the four benchmarks specified by the Minnesota Snowmobile Trails Assistance Program. The County hereby agrees to reimburse the Club, with the Club absorbing or otherwise satisfying the remainder of the cost. In the event that the financial assistance from the State of Minnesota changes in amounts or percentages, the obligation
of the County to reimburse the Club will change accordingly. The Club will submit to the County any record and
documents adequately showing the actual total cost incurred with any work on the trail.

9. The County shall not be liable for such costs as are incurred by the Club because State
funds are depleted or reduced or in any way modified.

10. The Club will operate as an independent contractor. The County and the State of
Minnesota shall not have any responsibility or liability for workers compensation, other employee benefits or claims of
negligence, or other wrongdoing on the part of the Club brought by third parties.

11. The contract may be terminated, without cause, upon 30 days written notice by either
of the parties hereto.

12. The Agreement shall be effective until such time as it is terminated by either of the parties, modified by
the parties, or until such time as financial assistance from the State is no longer available.

(NAME OF COUNTY) COUNTY

(NAME OF CLUB)

By: ________________________________  ________________________________
   Chairperson, (Name of County) County Trail Administrator

Date: ________________________________

ATTEST:

By: ________________________________  ________________________________
   County Auditor/Treasurer

Date: ________________________________
5. Sign Order Form

GOOD TO KNOW:
Signs for Grant-in-Aid trails, pending availability, are available free of charge to sponsors and clubs.

See the form at mndnr.gov/ohv/gia.html or contact a P&T Area Supervisor.
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APPENDIX F  Trail Design, Construction, Maintenance, Signing, Visitor Information Tips

Proper design and construction
The most important factors affecting trail maintenance are proper design and construction, using rolling grade techniques and the sustainable practices described in this manual. If a trail segment requires extensive maintenance each year to keep it sustainable, it should be redesigned. Refer to Guiding Principle #6 – Ensure that Trails Remain Sustainable and Section 3 – Principles of Ecological Sustainability of the ‘Trail Planning, Design & Development Guidelines’ for additional recommendations on dealing with trails that are proving to be unsustainable.

When planning, designing, and constructing OHV trails, a number of important factors come into play. That’s why all affected interests MUST be consulted early on during the project planning stage. For example, trails or trail systems are typically linked to provide for long-distance destination travel. Or, for a more isolated trail loop, a unique or challenging trail design should attract riders from afar. Because new construction can be both expensive and environmentally challenging, existing routes, both roads and trails, are almost always preferable to new trail construction.

A. Trail or trail system considerations

Environmental Issues:
Steep slopes, wet or sandy areas, heavily wooded areas, and agricultural lands can all pose special problems for off-road trails and travel. Summer-season OHV use compacts soils, leading to accelerated runoff and, in some cases soil erosion. Eroded soils carry dissolved sediment which can, in turn deposit in surface waters or wetlands. However, by properly siting and engineering trails, detrimental effects can be largely avoided or minimized. Seasonal or temporary trail closures make damage still less likely to occur during wet periods or spring thaw. Various other management controls can also be applied to ensure that OHV trails are both fun and sustainable.

Land-Use Conflict:
Every effort should be made to locate motorized trails and trail systems facilities in areas where such use is the existing condition. Traditionally non-motorized use areas, such as public parks, wilderness areas, game preserves, scientific or natural areas, hiking or ski trails, etc. do not make good neighbors! Conflict, annoyance and displacement can be minimized by spatially separating motor and non-motor recreation areas. A little forethought, in this regard, goes a long way towards defusing potential conflict and controversy.

OHV trails or trail systems:
OHV trails typically accommodate one or more of the three classes of vehicles: ATVs, ORVs, and OHMs. OHV trails generally consist of a defined series of roads and trails, typically within a state or county forest or other public lands. OHV trails accommodate recreational trail riders and long distance “tourers” who are most interested in riding for longer distances in a natural setting with varying levels of difficulty. These trails start at designated trailheads and may have multiple access points. The main trail can be either a loop or an “out-and-back” layout. Stacked loops of varying difficulty and length are optimally provided off a main, easier trail. The loops may be designed to accommodate either a variety or a specific type of OHV, depending on local demand. A mix of dedicated trails, trail conversions and on-road trails is often used to provide a diverse and interesting trail experience.
**Other considerations**

<table>
<thead>
<tr>
<th>Trail loops or point-to-point destination trails should provide for:</th>
<th>All-Terrain Vehicle (ATV) Trails</th>
<th>Off-Highway Motorcycle (OHM) Trails</th>
<th>Off-Road Vehicle (ORV) Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18–26 miles for average rides, 26-40 for longer rides</td>
<td>18–35 miles for average rides, 35–80 for longer rides</td>
<td>12–20 miles for average rides, 20–40 for longer rides</td>
</tr>
<tr>
<td>Maximum full-day rides for OHV riders of all types can be 80–140 miles or more. Most, however, tend to ride average distances as defined above. ATVs commonly go 40–60 miles on a tank of gas.</td>
<td></td>
<td></td>
<td>Properly designed trails should allow for an average vehicle speed of up to 5 m.p.h. (e.g., easy, more difficult, most difficult or expert)</td>
</tr>
</tbody>
</table>

**OHV recreation site or riding area.**

This is a designated area for the extensive or exclusive use of OHVs. Trails accommodate recreational riders who are seeking a more challenging series of trails and technical challenge riders wanting to test their skills and machine capabilities. Trails within a recreation site start at a designated and controlled check-in area or trailhead. There is typically only one access point. An easier core trail typically provides access to a series of designated stacked loops that are increasingly difficult. The core trail typically accommodates all OHV types, with the looped trails designed for a designated type of use (ATV, OHM, ORV).

Concentrated All-Terrain Vehicle (ATV), Off-Highway Motorcycle (OHM), and Off-Road Vehicle (ORV) trails and riding areas can present a number of advantages for riders, GIA clubs and sponsors. By limiting riders to smaller, more densely developed trail riding areas:

- Maintenance concerns are more concentrated and readily identifiable;
- Rules and regulations are easier to communicate, monitor and enforce;
- Hazards are easier to locate and identify; and,
- Trespass problems (ingress or egress) can be greatly reduced or eliminated.

Areas that might be suitable for use as a ‘Recreational OHV Riding Area’ include:

- Tracts of Vacant Land, particularly those located proximate to high-population areas, popular tourism destinations, major highways or interstates, etc. Such sites have the potential to draw riders from a broad area. Vacant lands may prove workable, if only on an interim basis pending commercial, industrial or residential development or re-development. These tracts can provide popular trail systems that are both fun and convenient.

- Existing Off-Highway Vehicle Trails (on public land): Existing OHV trails located on federal, state or county forest lands may sometimes be ‘adopted’ by local clubs and managed more actively by mapping, signing, upgrading the trails, or by adding amenities (e.g., parking, rest rooms, campgrounds) to improve the rider’s experience. More intensive maintenance may also make these trails more attractive to riders. Trail adoption can also help forge partnerships between local trail organizations and public land managers. It provides welcome financial support and volunteer assistance for managing public trails. [Dedicated OHV funds may ONLY be used to maintain these trails if they are officially designated GLA trails.]

Design considerations will be reviewed on a case-by-case basis for all proposed recreational riding areas. The Area P&T Supervisor will work with Clubs and their Sponsors to develop proposals that are both fun and environmentally sustainable. They will also seek to minimize any potential conflict with non-motorized activities in the forest. Be sure to consult the Area P&T Supervisor about potential OHV Recreational Riding Areas as early as possible in your planning process to ensure that all bases are covered, and that all affected parties are meaningfully engaged in the discussions.
Example of OHV recreation site or riding area

[Map of Appleton Area Recreation Park]

Example of OHV trails or trail systems

[Map of Nemadji State Forest]
Accessibility
Facilities and programs funded by the trails assistance program must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guideline. All sponsors must ensure compliance with applicable state and federal requirements for access. Considerations include:
• Protect the resource and environment and preserve the experience
• Provide for equality of opportunity
• Address safety
• Be based on independent use by persons with disabilities

The Americans with Disabilities Act (ADA) is a Federal civil rights law that prohibits the exclusion of people with disabilities from everyday activities. Minnesota is known for its tremendous outdoor recreational opportunities. Since 1972, the DNR has been updating its facilities and programs to meet state and federal accessibility standards, opening the outdoors to people with disabilities. Before constructing new facilities or upgrading existing ones consult the guidelines of the ADA to ensure compliance with applicable state and federal requirements for access.

The most common facilities on an OHV trail to which ADA requirements may apply are a trail shelter and toilets placed near a trailhead or parking lot. The path leading from an identified parking space to the shelter, the door width, door handle type, door handle height, and the height of any kiosk or informational signage, etc placed with regard to the ADA guidelines.

Facilities and programs funded by the trails assistance program must meet the design standards in the ADA accessibility guidelines.

The ADA has developed guidelines for outdoor developed areas, buildings and facilities. The Federal Access Board has these guidelines available at www.access-board.gov for Recreation and for Outdoor Developed Areas.

Or contact the Great Lakes ADA Center at www.adagreatlakes.org. DBTAC - Great Lakes ADA Center (MC 728) · Room 405 · 1640 W. Roosevelt Road · Chicago, IL 60608 · 800-949-4232 (V/TTY) · 312-413-1407 (V/TTY) · 312-413-1856 (Fax)
Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

For signs minimum character height shall comply with Table 703.5.5. Viewing distance shall be measured as the horizontal distance between the character and an obstruction preventing further approach towards the sign. Character height shall be based on the uppercase letter "I". Visual characters shall be 40 inches (1015 mm) minimum above the finish floor or ground.

### 703.5.5 Visual Character Height

<table>
<thead>
<tr>
<th>Height to Finish Floor or Ground from Baseline of Character</th>
<th>Horizontal Viewing Distance Minimum Character Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 inches (1015 mm) to less than or equal to 70 inches (1780 mm)</td>
<td>less than 72 inches (1830 mm) 5/8 inch (16 mm)</td>
</tr>
<tr>
<td>72 inches (1830 mm) and greater</td>
<td>7 inches (180 mm) 5/8 inch (16 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 72 inches (1830 mm)</td>
</tr>
<tr>
<td>Greater than 70 inches (1780 mm) to less than or equal to 120 inches (3050 mm)</td>
<td>less than 180 inches (4570 mm) 2 inches (51 mm)</td>
</tr>
<tr>
<td>180 inches (4570 mm) and greater</td>
<td>2 inches (51 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 180 inches (4570 mm)</td>
</tr>
<tr>
<td>greater than 120 inches (3050 mm)</td>
<td>less than 21 feet (6400 mm) 3 inches (75 mm)</td>
</tr>
<tr>
<td>21 feet (6400 mm) and greater</td>
<td>3 inches (75 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 21 feet (6400 mm)</td>
</tr>
</tbody>
</table>

The figure on this page shows typical doorway clearances to ensure accessible widths for access.

**ALWAYS CONSULT THE MOST CURRENT GUIDELINES.** See contacts above.

*Excerpt from Updated ADA regulations issued by the Department of Justice, 2010*

B. Trail specific design suggestions

<table>
<thead>
<tr>
<th>Design Parameters</th>
<th>All-Terrain Vehicle (ATV) Trails</th>
<th>Off-Highway Motorcycle (OHM) Trails</th>
<th>Off-Road Vehicle (ORV) Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tread width.</strong></td>
<td>For OHV trails, tread widths vary considerably with type of use and level of difficulty. Trail width must also be based on a solid understanding of how a trail will be used since over time it will take the shape users give it irrespective of how it was originally designed. Note also that trail widths are only one aspect of difficulty levels for OHV trails. Grades, curve radius, clearances, tread surface, and other characteristics are other factors in establishing a trail difficulty rating.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Minimum tread width**

<table>
<thead>
<tr>
<th>Subject to local site conditions and limitations.</th>
<th>Single-track or one-way trail</th>
<th>Approximately fifty inches (50”)</th>
<th>Not less than fifty inches (50”) at handlebar height, and not less than twenty-four inches (24”) at ground level.</th>
<th>Not less than six feet (6’) wide at ground level.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-track or two-way trail</td>
<td>Approximately six feet (6’)</td>
<td>Approximately eight feet (8’)</td>
<td>Approximately twelve feet (12’)</td>
<td></td>
</tr>
</tbody>
</table>

**Level of Difficulty minimum tread width**

<table>
<thead>
<tr>
<th>Easiest (green circle)</th>
<th>72 “ to 96”</th>
<th>18” to 30”</th>
<th>120” to 144”</th>
</tr>
</thead>
<tbody>
<tr>
<td>More difficult (blue square)</td>
<td>60” to 84”</td>
<td>18” to 24”</td>
<td>96” to 120”</td>
</tr>
<tr>
<td>Most difficult (black diamond)</td>
<td>56” to 72”</td>
<td>12” to 24”</td>
<td>80” to 102”</td>
</tr>
</tbody>
</table>
Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

<table>
<thead>
<tr>
<th>Minimum clearance of branches and obstacles hanging above the trail</th>
</tr>
</thead>
<tbody>
<tr>
<td>An additional one-foot (1’) should also be cleared on each side of the trail treadway to facilitate construction and future maintenance. This extra space may be allowed to brush-in over time to narrow the corridor. Terrain should be challenging and varied, and traverse scenic, hilly and wooded landscapes if possible.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Parameters</th>
<th>All-Terrain Vehicle (ATV) Trails</th>
<th>Off-Highway Motorcycle (OHM) Trails</th>
<th>Off-Road Vehicle (ORV) Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td>height of approximately</td>
<td>six feet (6’).</td>
<td>Six feet (6”)</td>
<td>ten feet (10’)</td>
</tr>
</tbody>
</table>

**Sight distance.** Managing sightlines is one of the major tools for controlling speed and promoting safety. Unlimited sightlines can actually pose more of a safety concern than those that are more constricted because they encourage excessive speed. Finding the right amount of sightline to maximize safety is a key design challenge.

**Vegetation management.** Vegetation along the trail must be managed to maintain an acceptable clearance zone and preserve the integrity of the trail surface. This includes removal of encroaching vegetation by cutting and/or spraying of an approved herbicide by a licensed applicator. Cutting is the preferred method whenever possible, and the only acceptable approach in ecologically sensitive areas. Where erosion has taken out vegetative cover, the cause should be addressed prior to restoration.


<table>
<thead>
<tr>
<th>Sight Distance – Vertical and horizontal sight distances from the trail treadway should be: Subject to local site conditions</th>
<th>All-Terrain Vehicle (ATV) Trails</th>
<th>Off-Highway Motorcycle (OHM) Trails</th>
<th>Off-Road Vehicle (ORV) Trails</th>
</tr>
</thead>
</table>

Trim or remove brush at road and trail crossings to provide good visibility in all directions. Warning signs should also be installed and set-back a sufficient distance along trails before road and trail crossings to enable riders to decelerate safely and come to a full stop before the actual crossing itself.

**Desired minimum sightlines**

**two-track or two-way trail**

- Easy 100’ 110’ 120’
- More Difficult 60’ 70’ 75’
- Most Difficult 35’ 40’ 45’

**single-track or one-way trail**

- Easy 70’ 80’ 90’
- More Difficult 35’ 40’ 40’
- Most Difficult 20’ 20’ 15’

All distances are in feet and measured from the driver’s eye to a spot 12 inches above the trail ahead. For shared-use trails, use the longest sightline of any approved use. Note that these distances are general guidelines and not a substitute for site specific determination of safest sightline distances.
Invasive Species Management

Preventing the spread of invasive plants is a major concern of resource managers. Those involved in monitoring and maintaining trails should become familiar with these species and contemporary practices for controlling spread. Species that have been introduced, or moved, by human activities to a location where they do not naturally occur are termed "exotic," "nonnative," "alien," and "non-indigenous." Nonnative species are not necessarily harmful, in fact the majority have beneficial purposes. When nonnative species cause ecological or economic problems, they are termed "invasive" or "harmful exotic species."

**Standard Practices for Invasive Species Prevention on Grant-in-Aid Trails**

The practices outlined below are to be applied before any work is completed on a particular site and during maintenance/management and construction activity planning. This includes activities performed by the PAT, contracts and grants, such as natural communities restoration grants/contracts or grant-in-aid that are administered by the division.

Management activities that may lead to the introduction and spread of invasive species include maintenance, construction and visitor activities.

- Consider these **Best Management Practices** to prevent the introduction and spread of invasive species on GIA trails. When planning maintenance or construction activities, contacting the land owner or state land manager before proceeding to control invasive species on or adjacent to the trail is strongly encouraged. State forest lands have a list of PROHIBITED HERBICIDES that cannot be used in the forests. County or industrial land managers may have a similar list.

- Note: It is prohibited by law to move invasive species listed under M.R.1505 without a permit from the County Agricultural Inspector (CAI). See [http://www.dnr.state.mn.us/eco/invasives/laws.html](http://www.dnr.state.mn.us/eco/invasives/laws.html) for more information. For complete current information on state statutes and rules regarding harmful invasive species, call the DNR Invasive Species Program at (651) 259-5100, or visit the invasive species [statutes](http://www.dnr.state.mn.us/eco/invasives/statutes.html) and [rules](http://www.dnr.state.mn.us/eco/invasives/rules.html) at the Office of the Revisor of Statutes.

- Consider how to educate trail maintenance staff to:
  - Provide invasive species identification training
  - Recruit volunteers to help identify and control small infestations before they get out of hand
  - Monitor and control continually to reduce new outbreaks.

Excerpts from the MN DNR invasive species standard guidelines:

These Guidelines reflect the notion that invasive species management is a part of doing business every day. It is something that all of us can do in the course of our every-day business. And if we are to protect our natural resources, it is something that we need to incorporate into our thinking in much the same way that we think about safety for ourselves.
### All-Terrain Vehicle (ATV) Trails
### Off-Highway Motorcycle (OHM) Trails
### Off-Road Vehicle (ORV) Trails

#### Before work projects consider:
- Mapping locations of invasive plants and learn about their life cycle, for best time of control and prevention of spread.
- Come to a site with clean equipment, tools and clothing; clean means free of soil, mud, plant fragments and clean again before leaving a site.
- Minimize the import of materials/organisms, and if you have to import, require certified weed-free materials and source as close as possible, inspect borrow sites, top inches often contain weed seeds.
- Try to ensure that disposal of excess material does not introduce invasive species to new areas.
- Minimize extent and time of soil disturbance/exposure, soil compaction.
- Re-vegetate newly developed sites with appropriate native species.

#### Consider Guidelines for the Movement of Equipment (including trucks, trailers, heavy equipment, off highway vehicles, equipment, tools, and personal clothing and gear):
- Before getting into or moving vehicles or equipment, visually inspect for and remove caked mud, dirt clods, plants, plant parts, bark, and debris from vehicles, equipment, tools and personal gear. Power washing is recommended, but not required.
- Avoid moving through existing patches of invasive species going to and from the work site.
- Again before leaving a work site, visually inspect for and remove caked mud, dirt clods, plants, plant parts, bark and debris from all vehicles, equipment, tools and personal gear.
- Before leaving an aquatic work site (or water source), drain water from any equipment, tanks or water-retaining components.

#### After work projects consider:
- Post-work inspections to control new infestations before they develop a seed bank.
- Closing perennially wet trails.
- Closing trails into and out of infested areas until control actions are implemented.
- Avoiding travel thru infested sites during seed production cycles.

#### Consider Guidelines for Intentional Movement of Organisms and Materials (including organic and inorganic materials as well as water, fish, plants, mulch, soil, gravel, rock, etc):
- At least once annually, inspect all sites where materials are stored for signs of invasive plants, animals, insects, or disease organisms.
- Where possible, treat any infestations identified prior to utilizing any stored materials.
- Where not possible, restrict access to the storage site until such time as all infestations can be controlled.
- Only use materials that are pest-free or have a very low likelihood of containing invasive species.
- When moving materials from one site to another, follow the protocols above for all vehicles and equipment used.

#### Consider how to educate trail users /user groups:
- Promote awareness and good will amongst trail user groups.
- About invasive species, and how to avoid spreading them.
- Include invasive species prevention and control messages in all trails publications.
- Post invasive species alerts in highly infested areas.
- Provide equipment cleaning stations in highly used areas.

### Invasive species programs and links

**DNR programs** [Invasives Species Program] - Established in 1991. Monitors and manages invasive species of aquatic plants and wild animals.
**Forest Stewardship Council’s highly hazardous pesticide list.** The DNR, and its cooperators and contractors, may not use any of the following pesticides on the certified state forests and WMAs it manages; *all other pesticides can be used*. All of the DNR’s certified lands lie within the following ECS Ecological Provinces: Laurentian Mixed Forest, the Eastern Broadleaf Forest, and the Tall-grass Aspen Parklands. Contact DNR Forestry for more information – 651-259-5261.

<table>
<thead>
<tr>
<th>Acrolein</th>
<th>Dimethoate</th>
<th>Methiocarb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aldicarb</td>
<td>Dinoterb</td>
<td>Methomyl</td>
</tr>
<tr>
<td>Aldrin</td>
<td>Diphenacine</td>
<td>Methoxychlor</td>
</tr>
<tr>
<td>Allyl alcohol</td>
<td>Diquat dibromide</td>
<td>Methyllarsonic acid</td>
</tr>
<tr>
<td>Alpha-cypermethrin</td>
<td>Disulfolon</td>
<td>(monosodium methanesarsenati (MSMA))</td>
</tr>
<tr>
<td>Aluminium phosphate</td>
<td>Diuron</td>
<td>Methylbromide</td>
</tr>
<tr>
<td>Amitrole</td>
<td>DNOC</td>
<td>Mervinos</td>
</tr>
<tr>
<td>Atrazine</td>
<td>Edifenphos</td>
<td>Mirex</td>
</tr>
<tr>
<td>Azinphos-ethyl</td>
<td>Endosulfan</td>
<td>Monocrotophos</td>
</tr>
<tr>
<td>Azinphos-methyl</td>
<td>Endrin</td>
<td>Nicotine</td>
</tr>
<tr>
<td>Benomyl</td>
<td>EPN</td>
<td>Omehoate</td>
</tr>
<tr>
<td>Butoxydicarboxim</td>
<td>Epoxiconazole</td>
<td>Oryzalin</td>
</tr>
<tr>
<td>Calcium arsenate</td>
<td>Esfenvalerate</td>
<td>Oxamyl</td>
</tr>
<tr>
<td>Calcium cyanide</td>
<td>Ethiodicarb</td>
<td>Oxydemeton-methyl</td>
</tr>
<tr>
<td>Captan</td>
<td>Ethan</td>
<td>Oxydemeton-methyl, Metasystox</td>
</tr>
<tr>
<td>Carbaryl</td>
<td>Ethrophos</td>
<td>Oxyfluorfen</td>
</tr>
<tr>
<td>Carboutran</td>
<td>Flocaumafen</td>
<td>Parquat</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>Fluazifop-butyl</td>
<td>Parathon-methyl</td>
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<tr>
<td>Carbosulfan</td>
<td>Fluazinirinate</td>
<td>Parthen-methyl</td>
</tr>
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<td>Chloranate</td>
<td>Flufenoxuron</td>
<td>Parthen-methyl</td>
</tr>
<tr>
<td>Chlordeane</td>
<td>Fluoroacetamide</td>
<td>Paris green</td>
</tr>
<tr>
<td>Chloroethoxyfols</td>
<td>Formetanate</td>
<td>Pendimethalin</td>
</tr>
<tr>
<td>Chlorfeninphos</td>
<td>Furathoicarb</td>
<td>Pentachlorophenol</td>
</tr>
<tr>
<td>Chlorhexphos</td>
<td>Gamma-HCH, lindane</td>
<td>Permethrin</td>
</tr>
<tr>
<td>Chlorhexadone</td>
<td>Heptachlor</td>
<td>Phenylmercury acetate</td>
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<tr>
<td>Chlorothalonil</td>
<td>Heptenophos</td>
<td>Phorate</td>
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<tr>
<td>Chlorpyrifos</td>
<td>Hexachlorobenzene</td>
<td>Phoshamidon</td>
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<tr>
<td>Coumaphosphos</td>
<td>Hexazinone</td>
<td>Propaquaizafop</td>
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<tr>
<td>Coumatrelayl</td>
<td>Hydramethylnon</td>
<td>Propetamphos</td>
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<td>Isoxaben</td>
<td>Propyzamide</td>
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<td>Cypermethrin</td>
<td>Isoxathion</td>
<td>Quintozene</td>
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<td>DDT</td>
<td>Lamba-cyhalothrin</td>
<td>Simazine</td>
</tr>
<tr>
<td>Deltamethrin</td>
<td>Lead arsenate</td>
<td>Sodium arsenite</td>
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<tr>
<td>Demeton-S-methyl</td>
<td>Mancozeb</td>
<td>Sodium cyanide</td>
</tr>
<tr>
<td>Diazinon</td>
<td>Mecarbarn</td>
<td>Sodium fluoracetate</td>
</tr>
<tr>
<td>Dicamba, dma salt</td>
<td>Mercuric chloride</td>
<td>Sodium fluoracetate, 1080</td>
</tr>
<tr>
<td>Dichlorvos</td>
<td>Mercuric oxide</td>
<td>Strychnine</td>
</tr>
<tr>
<td>Dicofol</td>
<td>Metam sodium</td>
<td>Sulfuramarid</td>
</tr>
<tr>
<td>Dicophos</td>
<td>Methamidophos</td>
<td>Sulfopep</td>
</tr>
<tr>
<td>Dieldrin</td>
<td>Methidathlon</td>
<td>Tebufenozide</td>
</tr>
<tr>
<td>Dienochlor</td>
<td></td>
<td>Tebufrinos</td>
</tr>
<tr>
<td>Difenacoum</td>
<td></td>
<td>Telluthrin</td>
</tr>
<tr>
<td>Diflubenzuron</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

<table>
<thead>
<tr>
<th>Design Parameters</th>
<th>All-Terrain Vehicle (ATV) Trails</th>
<th>Off-Highway Motorcycle (OHM) Trails</th>
<th>Off-Road Vehicle (ORV) Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum turning radius</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subject to local conditions or</td>
<td>Twenty-five feet (25')</td>
<td>Twenty feet (20')</td>
<td></td>
</tr>
<tr>
<td>limitations. * May be less if</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>specifically signed to indicate '</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caution: Sharp Turn'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grades / Slopes, Hills / Contours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In most cases, ATV and ORV trails</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>should cross contours at right</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>angles. However, careful</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>consideration should be given to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>soil type, grade and slope, and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>vegetative cover in order to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>control surface water runoff and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>minimize the potential for soil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>erosion. Safety too, is a major</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>consideration when traversing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>hillsides or steep slopes.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consult with your Area P&amp;T Staff</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>for advice and additional</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>information.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td>not exceed 30%.</td>
<td>up to 40%</td>
<td></td>
</tr>
<tr>
<td>On trails where mechanized</td>
<td>Allowable slopes may be</td>
<td>May be greater than 40% on ORV, or</td>
<td></td>
</tr>
<tr>
<td>maintenance equipment can be</td>
<td>increased to 40%</td>
<td>where slopes are rocky and non-</td>
<td></td>
</tr>
<tr>
<td>used:</td>
<td></td>
<td>erosive.</td>
<td></td>
</tr>
<tr>
<td>Bypasses should be provided for</td>
<td>exceeding 25%.</td>
<td>exceeding 25%, EXCEPT for those</td>
<td></td>
</tr>
<tr>
<td>all grades</td>
<td></td>
<td>trails designated for advanced</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>operators only.</td>
<td></td>
</tr>
</tbody>
</table>

In most cases,
Trail should cross contours at right angles (90 degrees).
Routing trails along side slopes should be avoided.
Approaches should be straight for at least the distance of the slope.

Use properly designed and constructed bench cuts and switchbacks as reasonable alternatives for climbing steep hills. Rolling dips and climbing turns are also good ways to control surface water runoff when working with significant elevation change. Predictably, less erosion is likely then trail grades are less steep. Tread should traverse slopes with a grade that is ideally less than one-fourth of the fall-line slope grade, with up to one-third being acceptable if soil conditions allow. For example, on a 36 percent slope, the ideal tread grade would be 9 percent or less. This ratio helps ensure that the tread is not following the fall-line and that side drainage without excessive erosion is possible. As tread grade increases, native soil treads need to be drained more frequently to prevent accumulation of erosive flow volumes. This is most often accomplished by placing tread crests closer together.
Consult with your Area P&T staff for advice and additional information.
Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

Example of a good trail layout
This trail is rolling grade on side-slope. Very desirable and easily sustained (downhill is to the left). Much of the roadway, cut-slope and fill-slope are overgrown, increasing both sustainability and trail experience.

Erosion Control

Rolling grade
Is the primary design pattern used for developing sustainable natural surface trail. Best described as a series of dips, crests, climbs, drainage crossings, and edge buffers that are intrinsically linked and purposefully designed to form a sustainable trail. The basic concept behind rolling grade is that a sustainable trail must be able to drain to somewhere lower than itself at all times. Instead of hardening the tread to withstand these forces, rolling grade is used to manage water flows down or across the trail.

By using a series of dips and crests like a roller coaster, the tread is divided into a series of small watersheds that drain into a dip. A tread watershed consists of the tread surface plus any uphill area where runoff flows onto the trail and down to a dip between two crests. The only way to prevent erosion is to form tread watersheds so they will not produce enough water to seriously erode the trail. Every dip must also drain to somewhere lower than itself.

Example of a poor trail layout
Excess clearance, excess sightlines. Too much clearance enables higher speeds with longer sightlines. This resulted in rapid tread displacement, as seen in the foreground. Having shrubs and trees next to the tread would improve the situation.
Broad-based dips are gentle waves on the surface of trails. They minimize erosion by directing water movement off the trail. Water flows into the bottom of the dip and drains into stable, vegetated areas at the side of the trail. Broad-based dips can serve two functions: 1) to divert surface flow off a traffic surface, and 2) to permit water to drain across it. They are best suited for grades of less than about 10 percent. Include broad-based dips in the initial construction of a road, trail, or landing. The basic idea is to excavate a dip, build up a berm, and make sure there is an outlet for the water. If possible, use the assistance of a qualified engineer. When building a broad-based dip:

- Excavate at a 30- to 45-degree angle to the road.
- Allow at least 150 feet for the entire dip.
- Build the top of the berm at least 18 inches higher than the bottom of the dip.
- Dig the outlet of the dip at least 3 inches lower than the upper end.

Water will flow across it and out into the adjoining vegetated area instead of pooling in the bottom of the dip. Space broad-based dips the same as cross-drainage culverts. Where rutting is a concern, use gravel or other crushed stone on the berm and dip of the structure to protect the surface. Broad-based dips work well on actively used roads or trails. They require less maintenance than water bars and culverts. They do not inhibit normal vehicle traffic. Broad-based dips require more advanced planning than water bars or open-top culverts. They should not be used for grades of more than 10 percent or where large or frequent water flows are expected. Make sure side drainage areas are vegetated, and that water does not drain directly into streams, lakes, or wetlands. See http://www.extension.umn.edu/distribution/naturalresources/DD6975

Correct rolling grade drainage crossing The trail crosses the channel in a tread dip. Since the drainage is usually dry and the soil is sandy water can cross directly on native tread without extensive erosion. The tread climb out of the drainage is visible in both directions.

Incorrect rolling grade drainage crossing This trail is intercepting and diverting water from the site drainage crossing behind the photographer, sending it down the tread. If the tread had a rolling grade on the slope at left, this diversion could be prevented.
Selecting a Seed Mix:
Standard seed mixtures used by Mn/DOT, BWSR, and some divisions of the DNR have been revised and consolidated into one list of State Seed Mixes. Standards for the mixes have also been combined, with both BWSR and Mn/DOT requiring that mixes be sold as pure live seed (PLS), Source Identified (Yellow Tag) when available, and specific labeling requirements. Requirements for local origin seed will vary depending on the project goals and seed availability. Mixes are available to meet the most commonly encountered erosion control and restoration needs. Seed mix numbers provide information about the use and content of the mix. This numbering system can be used to guide the user in choosing the right mix for a given project.
A full list of the State Seed Mixes and guidelines about their function and intended planting areas is available on the MnDOT website by searching for “Seed Mixes” or by going to: http://www.dot.state.mn.us/environment/erosioncontrol/seedmixes.html. A new manual, “Native Seed Mix Design Manual”, is available; it provides methodology for choosing mixes or creating a custom mix. http://www.dot.state.mn.us/environment/pdf_files/native-seed-mix-dm.pdf

Stormwater pollution prevention.
When stormwater drains off a construction site, it carries sediment and other pollutants that harm lakes, streams and wetlands. According to the 1996 National Water Quality Inventory, stormwater runoff is a leading source of water pollution. The U.S. Environmental Protection Agency (EPA) estimates that 20 to 150 tons of soil per acre is lost every year to stormwater runoff from construction sites. **Who Needs an NPDES/SDS Permit?**
You need an NPDES/SDS permit if you are the owner or operator for any construction activity disturbing:

- One acre or more of soil.
- Less than one acre of soil if that activity is part of a "larger common plan of development or sale" that is greater than one acre.
- Less than one acre of soil, but the MPCA determines that the activity poses a risk to water resources.

Most construction activities are covered by the general NPDES stormwater permit for construction activity, but some construction sites need individual permit coverage. Owners and operators are both responsible for submitting the permit application. For full details of the permit requirements, a copy of the NPDES/SDS construction stormwater permit is available online at: http://www.pca.state.mn.us/water/stormwater/stormwater-c.html

Develop a **Storm Water Pollution Prevention Plan** to address interim and final erosion control needs, specific measures, and how to implement or install those measures. P&T staff can provide technical assistance to locate typical drawings for sediment traps, sediment fences, brush barriers, ground cover, check dams, armored ditches, and biotechnical measures. County highway staff may be able to help also.
Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

<table>
<thead>
<tr>
<th>All-Terrain Vehicle (ATV) Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Highway Motorcycle (OHM) Trails</td>
</tr>
<tr>
<td>Off-Road Vehicle (ORV) Trails</td>
</tr>
</tbody>
</table>

The NPDES/SDS construction storm water permit identifies slope and site stabilization requirements that, if followed properly, can control erosion and sediment problems on a construction site.

- **Prior to construction,** areas not to be disturbed should be clearly flagged, staked or identified with signs and noted on the plan sets.

- **All exposed areas must be stabilized** no later than 14 days after the construction activity in that area is temporarily or permanently completed.

- **The normal wetted perimeter of any temporary or permanent drainage ditch** must be stabilized within 200 feet from the property edge.

- **Drainage ditches and conveyance systems** must be inspected for evidence of erosion and sediment deposition. All deltas and sediment deposited must be removed and the areas must be re-stabilized where sediment removal results in exposed soil.

- **In order to maintain sheet flow and minimize rills and gullies,** there shall be no unbroken slope lengths of greater than 75 feet for slopes with a grade of 3:1 or steeper.

If the construction site is within 1 mile of a special or impaired water, the following revised and additional requirements are listed in Appendix A of the permit:

- **All exposed areas must be stabilized** no later than 7 days after the construction activity in that area has temporarily or permanently ceased.

- **An undisturbed buffer zone of not less than 100 feet from special waters** shall be maintained at all times.
Water Crossings

NOTE: Permits to work in public waters are required for most water crossings. Information and permit applications are available from the DNR's Division of Ecological and Water Resources: [www.mndnr.gov/permits/water](http://www.mndnr.gov/permits/water)

Projects that affect Minnesota's water resources are regulated by a variety of state, local, and federal agencies. In many cases, a permit is required from one or more of these agencies before proceeding with the project. Projects constructed below the ordinary high water (OHWL) level, which alter the course, current, or cross section of public waters or public waters wetlands, will require a public waters work permit. Your local County zoning officials and local Soil and Water Conservation District or the local DNR Area Hydrologist can assist in evaluating which permits are required and in recommending methods to avoid, minimize or mitigate potential impacts.

OHV trails may NOT be routed through lakes, streams, flowages or other bodies of water. When stream crossings are unavoidable, consultation with County zoning officials and local Soil and Water Conservation District staff is recommended to determine the appropriate crossing method, which may range from a hardened stream crossing, to an appropriately sized culvert or a bridge to span the water crossing. Traditionally, culvert design was based on hydrologic and hydraulic models that predict peak runoff from a watershed, with the culvert sized to pass a specified design storm. Fish passage was not always addressed with these designs. Several alternative design methods have been developed that focus on matching the natural stream characteristics, and consider sediment transport and fish passage requirements. These recent improvements to hydraulic design practices may also reduce the frequency of scour at pipe outlets in many areas. Other potential benefits include lower maintenance costs, longer life span, and better sediment and erosion control. Alternative designs or simulation techniques inherently take fish passage into account by addressing issues of low flow, hydraulic variability and sediment transport. Currently a variety of design techniques are increasingly being implemented in Minnesota, commonly where fish passage is a concern.

<table>
<thead>
<tr>
<th>Bridges</th>
<th>All-Terrain Vehicle (ATV) Trails</th>
<th>Off-Highway Motorcycle (OHM) Trails</th>
<th>Off-Road Vehicle (ORV) Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>minimum of six (6) feet wide</td>
<td>minimum of 3 feet wide</td>
<td>minimum of eight (8) feet wide</td>
</tr>
</tbody>
</table>

Railings are required on all bridges. Bridge width may be dictated by the need for maintenance equipment access, and all bridge designs must have the approval of the Area P&T Supervisor.
### All-Terrain Vehicle (ATV) Trails
### Off-Highway Motorcycle (OHM) Trails
### Off-Road Vehicle (ORV) Trails

#### Sensitive Areas
To the extent possible, trail alignments should avoid State Parks, Wildlife Management Areas, Scientific and Natural Areas, National Parks, Wilderness Areas or wetlands and other environmentally sensitive areas. Motorized trails may be prohibited altogether in some of these designated areas. Where practical, consider separating motorized trails from designated non-motorized trails or other traditionally non-motorized recreation areas.

#### Examples of an Area of Environmental Sensitivity:
Not all Areas of Environmental Sensitivity (AES) are equal. Many may have stringent levels of regulatory protection on their own, such as Threatened and Endangered Species. Typical examples are:
- Wetlands that are not permitted for construction activities.
- Trout Lakes and Streams along with their source springs.
- Calcareous Fens.
- MPCA Outstanding Resource Value Waters (Stormwater Special Waters).
- Specimen Trees or wooded areas designated to be preserved.
- Prairie remnants, such as identified Railroad Rights-of-Way Prairies.
- ‘Sites of Significant Biodiversity’ areas designated by the DNR County Biological Survey. These sites contain varying levels of native biodiversity such as high quality native plant communities, rare plants, rare animals, and/or animal aggregations.
- Federal or State listed species, and their habitat.
- Historical sites
- Geological features

#### Best Practices:
- Design the project to avoid impacts to identified Area of Environmental Sensitivity.
- Walk the perimeter of a sensitive area with the grading foreman so that all personnel understand and agree on the hard edge of the sensitive area.
- Redundant sediment/erosion control Best Management Practices (BMP's) may be required for protection of areas of environmental sensitivity. “Redundant BMP's” are any multiple series of erosion/sediment control BMPs used with each other to provide maximum down-slope protection.
- Re-vegetate disturbed soils with native species suitable to the local habitat.
- Relocate plants if harm is unavoidable (Contact the P&T staff for assistance).
- Install temporary fence to prevent damage due to vehicle movement or supply storage.
- Place erosion control or a construction limit barrier for a buffer to areas of environmental sensitivity.
- Leaving existing vegetation until the final riprap placement or final grading phase is an inexpensive BMP that, where possible, should be utilized as part of ‘Redundant BMPs’.

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For more information: MnDOT Highway Project Development Process (HPDP):
[http://www.dot.state.mn.us/planning/hpdp/environment.html](http://www.dot.state.mn.us/planning/hpdp/environment.html)

MnDOT 2005 Standard specifications: [http://www.dot.state.mn.us/pre-letting/spec/](http://www.dot.state.mn.us/pre-letting/spec/)

DNR Natural Heritage Information System: [http://www.dnr.state.mn.us/eco/nhnrp/nhis.html](http://www.dnr.state.mn.us/eco/nhnrp/nhis.html)

DNR Rare Species Guide: [http://www.dnr.state.mn.us/rsg/index.htm](http://www.dnr.state.mn.us/rsg/index.htm)

*Excerpt from Best Practices for Meeting DNR GP 2004-0001 (September 2010 Edition) Chapter 1, Page 10*
<table>
<thead>
<tr>
<th>Agency</th>
<th>Area of Coordination and/or Approval</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Natural Resources (DNR)</td>
<td>Any project or work affecting public waters. Reference: Minnesota Statutes, Chapters 103A and 103G.</td>
<td></td>
</tr>
<tr>
<td>Watershed Districts</td>
<td>&quot;Regulate improvements of the beds, banks, and shores of lakes, streams, and marshes...to preserve the same for beneficial use.&quot; Reference: Minnesota Statutes, Chapter 103A and 103B.</td>
<td></td>
</tr>
<tr>
<td>County Commissions and Joint County Ditch Authorities</td>
<td>Drainage ditch systems located respectively: (1) completely within county limits or, (2) in two or more counties or servicing more than one county. Reference: Minnesota Statutes, Chapter 103F. Note: In some cases Watershed Districts have begun representing the county commissions and Joint County Ditch Authorities on these matters.</td>
<td></td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers</td>
<td>Section 10 permits: &quot;for all work in, over or under navigable waters of the United States.&quot; Reference: River and Harbor Act of 1899. Section 404 permits: &quot;for work affecting the 'waters' of the United States.&quot; Reference: Federal Water Pollution Act of 1972. Note: Nationwide permits by the Department of the Army were granted in 1977 for certain &quot;noncontroversial, environmentally insignificant activities.&quot; These permits exempt certain activities from further involvement in the Sections 10 and 404 permit process.</td>
<td></td>
</tr>
<tr>
<td>U.S. Coast Guard</td>
<td>Bridges, causeways, overhead pipelines, and work affecting Coast Guard navigational aids.</td>
<td></td>
</tr>
<tr>
<td>NPDES Permit</td>
<td>The Technical Memorandum, or subsequent issues, describes the process to obtain the permit. The current TM has expired, clicking on the link will let you access the old TM. Once a new TM has been drafted, the link will be updated. The following link provides information about the NPDES program and guidance from the MPCA. This also links you the the permit and application forms. <a href="http://www.pca.state.mn.us/water/stormwater/stormwater-c.html">http://www.pca.state.mn.us/water/stormwater/stormwater-c.html</a></td>
<td></td>
</tr>
<tr>
<td>NPDES Permit Changes</td>
<td><a href="http://www.pca.state.mn.us/publications/wq-strm2-42.pdf">http://www.pca.state.mn.us/publications/wq-strm2-42.pdf</a></td>
<td></td>
</tr>
</tbody>
</table>
Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

C. Signage

Trail Signing
Posted and printed information should be clear, concise and readily available (or visible) to trail users. Signs should identify trail corridors, land ownership boundaries, hazardous areas, emergency numbers, and the location of any associated support facilities (e.g., rest rooms, camping, parking or staging areas). Environmentally-sensitive areas and non-motorized trails or use areas should also be clearly marked. Some clubs direct trail users to gas, food, lodging via trail signing and/or printed visitor maps. All signing must meet state and federal guidelines regarding sign color, sizing and trail classification. Consult your P&T Area Staff for signs and signing details.

Safety Hazards
NOTE: It is the responsibility of the local trail club and its’ sponsor to ensure that any potential safety hazards are appropriately signed and mapped. The trail should be located in such a manner as to avoid cliffs, rock falls, steep hills, heavily populated or congested areas, steep ditches or sharp curves, or other hazards.

General sign placement guidelines
DNR Sign Manual and Forest Access – Signing and Placement of Guidelines are the primary references for placement of natural trail signs and should be referred to for in depth information on signage. Official signage, identifying the trail as a grant-in-aid trail should be placed at parking areas, staging areas or trailheads, and other high-visibility areas along the trail system.

Multiple messages
When more than one message is posted on one post, the primary message is to be at the top.

Signing for informational purposes and for traffic control and safety are important to a successful trail.

a. Informational Signing: Most commonly placed at trail heads, access points and resting areas.

b. Traffic Control & Safety Signing: Typically placed along the trail including reassurance blazers, caution signs, ‘Do Not Enter’ signs, ‘Stop’ and ‘Stop Ahead’ signs, directional arrows, and ‘Stay on Trail’ reminder signs. Directional signs include trail junction signs, directional blazers, and reassurance blazers. There should always be directional signs in open or cut-over areas where the trail is indistinct, or where trail users could become confused. The color of DNR-issued signs are:

1. Directional blazers or trail junction signs - black on yellow
2. Reassurance blazers - motorized trails: red decal on tan sign
3. Permitted Vehicle Use Decals - motorized trails: white on red
4. Snowmobile - black on orange.
### Information signing

General Information -- Located and designed to provide information to trail users to assist or improve their ability to safely and enjoyably use the trail.

Use Designation -- Should be located at all intersections where incompatible users may enter the trail.

Interpretive -- Located at points of interest along trail.

Consult P&T for recommendations concerning interpretive signs.

A number of kiosk and information board design and construction plans have been prepared by the DNR. Existing plans may be a good starting point to design and include various open three-sided display boards, rectangular kiosks with storage inside and variations on two-sided information boards. All installations should have accessible pathways and approaches as well as signage height to meet state federal guidelines for accessibility. Contact P&T staff for assistance.

### Regulatory traffic signing

Regulatory traffic signs (e.g., Stop, Yield, Do Not Enter) should be located a minimum of 6 feet back from an intersection. For motorized uses, advance warning signs should be located approximately 300 feet from upcoming intersections or other hazards.

Many roads are considered to be in the "Conventional Road" category as described in the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD). It is recommended that the trail manager meet with their County Highway Department or local MnDOT officials to receive assistance when a county or state highway is on the trail route. Appropriately sized signs required by MMUTCD may be obtained from County Highway Departments or MnDOT. These signs should be consistent with the Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD), as appropriate. The MN MUTCD contains the standards as adopted by the Commissioner of Transportation for traffic control devices that regulate, warn, and guide road users along all roadways within the State of Minnesota.

The electronic version posted on the MN MUTCD website is the official Minnesota publication. [http://www.dot.state.mn.us/trafficeng/publ/mutcd/index.html](http://www.dot.state.mn.us/trafficeng/publ/mutcd/index.html)

Printed versions of this manual are available from the MN/DOT Map and Manual Sales Unit, Mail Stop 260, 395 John Ireland Blvd., St. Paul, Minnesota 55155-1899, phone 651-296-2216. Print out a copy of the order form and mail it to the address above with payment.
### Traffic Control & Safety Signing

<table>
<thead>
<tr>
<th>Traffic Control</th>
<th>All-Terrain Vehicle (ATV) Trails</th>
<th>Off-Highway Motorcycle (OHM) Trails</th>
<th>Off-Road Vehicle (ORV) Trails</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stop (NRM 8.4.1):</strong></td>
<td>Locate at every traveled public road, rail crossing or recreational trail intersection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stop Ahead (NRM 8.4.2):</strong></td>
<td>Locate approx. 300’ prior to all stop signs, allowing adequate set-back distance for trail users to decelerate safely and come to a complete stop at the road/trail/rail intersection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Yield (NRM 8.4.3):</strong></td>
<td>Locate at junction with other trails. May also be used at trail crossings of small private roads.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Caution (NRM 8.4.5):</strong></td>
<td>One or more signs with the first approximately 300 feet prior to all potential hazards (e.g., cliff edges, rock falls, steep hills, heavily populated or congested areas, bridges, steep ditches, sharp curves or drainages, etc.).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Do Not Enter (NRM 8.4.4A):</strong></td>
<td>Locate at trail intersections to denote incompatible uses, one-way trails, prohibited areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Trailer Junctions (NRM 8.4.8xx):</strong></td>
<td>Locate at trail junctions with directional arrows placed prior to sharp curves or turns. Set-back depends upon anticipated speed of trail users.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Truck Hauling (NRM 8.4.9):</strong></td>
<td>Locate caution signs wherever logging or other trucks will cross or share the road or trail treadway. Be sure to post in both travel directions, and allow sufficient distance for riders to slow or stop if necessary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>‘Stay On Trail’ (NRM 8.2.20):</strong></td>
<td>Locate in areas where departures from the trail are especially problematic or likely, such as in open areas, lowland or otherwise wet areas, or in areas where the trail traverses unique or outstanding natural resources, or lies adjacent posted private property.</td>
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</table>

### Trail use symbols or decals

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Green Circle" /></td>
<td>‘Easiest Trail’ Denote ‘beginner’ trails with gentle curves and wide, smooth tread that are a minimum of two vehicles in width. Such trails feature no more than 10% grade, side slopes of 10 to 35%, and they typically are no longer than about 10-miles with no significant obstacles.</td>
</tr>
<tr>
<td><img src="image" alt="Blue Square" /></td>
<td>‘More Difficult Trail’ Denote ‘intermediate’ trails with frequent sharp curves, trail width of about 1½ vehicles, with partially rough treadway surface, which may be 30-miles or more in length. Such trails feature grades up to 30%, side slopes up to 50%, including moderate switchbacks, with some moderate obstacles.</td>
</tr>
<tr>
<td><img src="image" alt="Black Diamond" /></td>
<td>‘Most Difficult Trail’ Denote ‘expert’ trails featuring sharp curves and switchbacks on steep grades exceeding 30%, side slopes of up to 100%, with very rough, loose tread surfaces. Obstacles may be 10-inches in size or greater.</td>
</tr>
</tbody>
</table>

### Trail Difficulty:

Whenever a trail is rated anything other than “easy”, trail difficulty-level signs should be posted at every access point and throughout the trail system at key intersections and along the trail whenever the level of difficulty changes. The mileage associated with a particular segment of rated trail should also be provided.
### Temporary and/or Special Signage

The following special and/or temporary signs should be posted near parking areas, trailheads, facilities, or at strategic junctions, trail difficulty level change, temporary trail hazards or closures.

<table>
<thead>
<tr>
<th>Use Sign blanks: Locate as necessary, use decals and text as appropriate and the OHV Symbol Decals for trail use to make the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATV, OHM, ORV Trail Symbol Decals: Locate at the start of trails and at all road or recreational trail intersections.</td>
</tr>
<tr>
<td>Reassurance Blazer: Locate as necessary, but principally in open or cut-over areas, at road or access route crossings, and at little-used road or trail intersections. Note: reflective reassurance blazers serve as corridor markers and should be placed on the right side of the trail on posts at reasonable intervals.</td>
</tr>
<tr>
<td>No ATV, OHM, ORVs: Use sign blank with decal and slash across use symbol. Locate to restrict specific types of OHV access and use.</td>
</tr>
<tr>
<td>Mileage Markers (optional) (No number available): Locate at intervals of one-mile or kilometer. Work with your local emergency response and sheriff’s office to determine the best grid or waypoint markings for trail user safety. NOTE: Mileage markers and “you are here” signs can be very helpful to the trail user and manager. They let trail users know the distance they have traveled or must travel to return to the trailhead. They can also help the manager easily identify maintenance problem areas and can also be useful to help locate injured or stranded trail users.</td>
</tr>
<tr>
<td>Accessibility Decal (Handicapped Accessible - No number available): Locate disabled access information at the trailhead and all support facilities (e.g., rest areas, campgrounds, parking or staging areas, etc.)</td>
</tr>
<tr>
<td>Grant-In-Aid (NRM 8.5.7): Locate at trailheads, crossings facilities and major road or trail intersections to indicate trail is supported by state funds.</td>
</tr>
<tr>
<td>Trail Closed (NRM 8.4.4D): at potential access points where unauthorized users could enter to indicate trail closure.</td>
</tr>
<tr>
<td>Dirt Alert (NRM 8.2.44): Interpretive sign encouraging responsible riding.</td>
</tr>
</tbody>
</table>
Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

Visitor maps & public information
The production and printing of Visitor Maps, which explain and depict the trails or trail systems, is reimbursable. The MN Trails Assistance Program will reimburse up to 65% of actual production and printing costs, so long as the maps are made available to the public free of charge. Advances in geographical information systems (GIS) allow DNR staff to assist with many trail mapping needs quickly. The DNR provides print and electronic pocket maps, brochures and web information for OHV trails at no charge.

Accurate and detailed visitor maps of the trail system should be created for free distribution at key locations. These maps should be available at the trailhead, Area DNR Offices, local business establishments, and other locations convenient to potential trail users.

Maps should include the following detail:

- **Trail System Name** – Include any trail (sub) segment names or nicknames.
- **Trail Location** – Provide driving directions to the trailhead and/or primary parking area from the nearest town and major access route. A small inset state map showing the trails’ general location within the state is desirable.
- **Trail Length** – List the number of miles/km for each major trail segment or trail loop.
- **Trail Use** – Identify loops or segments designated for specific uses, as well as those segments closed to specific trail users, particularly where potential conflicts might arise (e.g., motor vs non-motor trails).
- **Trail Connections** – Identify any other recreational trails or other facilities the trail connects to (e.g., federal state or county parks, forests, GIA trails, municipal parks or trails, etc.).
- **Trail Information** – Provide a name and contact information for the Club’s Trail Administrator, and perhaps a back-up contact (or the local Chamber of Commerce in some cases) in case the primary contact is unavailable. The 24-hour phone number of the local DNR Conservation Officer should also be listed.
- **Bridges** – Show all surface water features and associated trail bridge crossings.
- **Roads** – Identify all designated state and county forest roads, noting portions that double as trails. Also identify any roads or routes which are not maintained, but are open for legal OHV use and have corresponding signs posted on trails to help trail users know where they are at all times.
Map Features – Mark and/or list on the map locations where the following are available:

- Gas, Food, Lodging, Groceries.
- Vehicle Towing & Repair Services
- 911 Medical or Police Emergency (or Zenith)
- Nearest DNR Office & Contact Information (Including local Conservation Officer’s 24 hr phone number)
- Other helpful info (e.g., nearby medical facilities, local visitor’s bureau or chamber of commerce)
- Locational Grid – Depict the system for locating spots along the trail, and for general search and retrieval operations, if such a system exists. Explain briefly the system and how it works.
- Basic Safety Tips – Statements regarding trail etiquette and prudent use of the trails should also be included on the map. Safety messages regarding speed and alcohol are especially important.
- Publication Date – It is helpful to clearly date all maps (lower right-hand corner for consistency) so that current, accurate versions replace older versions already in circulation.

County base maps are available from the DNR that show trail alignments. These base maps are available for most counties from the P&T. Check with the Area P&T Supervisor for your county. County highway maps are available through the Minnesota Department of Transportation, or through your Area P&T Supervisor for most counties. These serve as ideal base maps for depicting most OHV Trail alignments.

**NOTE: All maps or public information purchased with grant funds must minimally acknowledge**

“Funding for this project was provided by the Minnesota Natural Resources Fund [insert appropriate account name(s) here such as All-terrain Vehicle and/or Off-highway Motorcycle and/or Off-road Vehicle] Account as recommended by the Minnesota Department of Natural Resources Grant-in-Aid Program (MN DNR GIA program).”

Or

“GIA Trails funded through the Minnesota Trails Assistance Program”

**NOTE: If advertising sales were used to raise matching funds for maps, etc the following text is required to be prominently displayed:**

“This publication is partially funded through advertising revenue. The State of Minnesota and the Department of Natural Resources can neither endorse the products or services advertised nor accept any liability arising from the use of these products or services.”
The DNR provides print and electronic pocket maps, brochures and web information for OHV trails at no charge.

Sign example from the Aitkin county Land Department and the Mille Lacs Drift Skippers.
D. Maintenance

Maintenance guidance The following provide general recommendations for maintaining natural surface trails. [Note that the guidelines are generic and not a substitute for trail-specific maintenance procedures that respond to local site conditions, soils, types and levels of use, and other factors.] Guidelines for general maintenance practices for natural surface trails fall into a number of basic categories.

Routine maintenance
Routine maintenance should be performed on natural trails to prevent simple problems from becoming unsustainable conditions. Staying on top of user behavior issues and taking care of problems at an early stage may help keep the trail on private and public lands.

Look at Trail Conditions
❖ Regularly monitor your trail for debris, fallen limbs, washouts, rutting, and vegetative growth, and complete maintenance to address issues and findings. It is also important to monitor trail signage and other support structures and related facilities to ensure that they are all in good condition and functioning properly.
❖ Predict and avoiding future problems through preventive maintenance.
❖ Close trails during spring break-up, following major precipitation events, and other times when saturated soil conditions exist.

Look at User behaviors
❖ Protect the trail tread from overuse and misuse (i.e., uses the trail is not designed to accommodate). It’s important to monitor the extent to which trails and trailheads are being used to determine whether demand and user expectations are being adequately met. It is also useful in documenting trail usage and monitoring to ensure that closed trails are not being used illegally.
❖ Control unauthorized travel. Off trail travel is not normally permitted or encouraged. Prompt attention to off-trail travel can help to minimize adjacent landowner complaints and keep the trail open for public use. Always carefully note the point of departure from the trail, and report this information to the landowner, trail manager and/or DNR enforcement or county sheriff’s office.
❖ The objective is to keep the trails sustainable and minimize adverse impacts such as compaction, displacement, and erosion and control inappropriate user behavior.
Appendix F Trail Design, Construction, Maintenance, Signing and Visitor Information Tips

Complete inspections
Trail inspection should occur throughout the year to detect potential maintenance issues before unsustainable conditions or safety concerns arise. A routine inspection schedule is crucial to staying on top of maintenance issues and taking care of problems at an early stage. Locating, identifying, and correcting problems when they are still small will prevent simple problems from becoming big problems.

Typical Inspection Schedule

<table>
<thead>
<tr>
<th>Season</th>
<th>Inspection Focus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>Inspect for damage due to winter seasonal uses and freeze-thaw cycles. Check for erosion, plugged culverts, user- and maintenance vehicle-caused damage, unauthorized uses, and other visible signs of tread imperfections. Record all occurrences and schedule maintenance on a priority basis. Also clear debris from the trails as soon as possible in the spring.</td>
</tr>
<tr>
<td>Summer</td>
<td>Conduct ongoing inspections to keep trail in a safe, usable condition. In addition to items listed for spring, also inspect vegetation growth and encroachment. Pay special attention to erosion issues, drainage-ways, and ditches that may have received heavy spring runoff. Record all problems and schedule maintenance on a priority basis.</td>
</tr>
<tr>
<td>Fall</td>
<td>Conduct ongoing inspections to keep the trail in a safe, usable condition. Focus on maintenance issues that should be taken care of before winter to avoid more damage during spring thaw. Special attention should be given to tread dips, drainage crossings, culverts, and drainage-ways that must be operational for spring runoff.</td>
</tr>
<tr>
<td>Winter</td>
<td>This is a good time of year to check low areas and drainages that cannot be easily accessed during the summer. This includes culverts, ditches, and beaver ponds.</td>
</tr>
</tbody>
</table>

Severe weather events may require additional monitoring to ensure trail conditions allow the safe, environmentally responsible operation of off-highway vehicles (OHVs).

Immediate Action Recommended

NOTE: If any of the following conditions are found to exist – you are advised to take immediate action:

1. The main trail route is impassable, and riders have created an unofficial ‘bypass’ or ‘short-cut’ around the obstacle. This is commonly termed: “Trail Braiding”.

2. Travel into sensitive areas is causing rutting, erosion or damage to surface waters or wetlands.

3. The primary tread surface is seriously rutted making the main route impassable to regular trail traffic.

4. The “Splash out” of soils beyond the tread surface has resulted in soil movement beyond the trail tread and into adjacent wetlands or surface waters.

5. Unauthorized off-trail travel is occurring.
**Enforcement**

Enforcement is the presence of officers with authority to enforce local and state ordinances, rules and statutes to ensure user compliance, safety and resource protection. The Off Highway Vehicle (OHV) Safety Enforcement Grant Program is available to be used by counties to assist the state in OHV enforcement activities, including training local staff, holding ATV safety classes, and field enforcement activity. Talk to your county about their participation.

Good communications with county and municipal enforcement as well as the local DNR Conservation Officer is important to a successful trail system. **Enforcement communication** is encouraged to occur at the seasonal opening and closing of a trail system as well as when violations are observed.

**Trail Ambassadors (OHV Safety and Conservation Volunteer Program)**

In 2007, the State Legislature authorized the ‘Off-Highway Vehicle (OHV) Safety and Conservation Program’ (MS 84.9011) to promote safe, environmentally responsible Off-Highway Vehicle (OHV) operations in Minnesota. OHVs include All-Terrain Vehicles (ATVs), Off-Highway Motorcycles (OHMs) and Off-Road Vehicles (ORVs), such as jeeps and four-wheel-drive trucks.

The "Minnesota DNR Volunteer Trail Ambassador Program" was established by the DNR Divisions of Enforcement, P&T and Forestry. Trail Ambassadors are specially trained volunteers, sponsored by qualifying organizations, who play a critical role in assisting land managers’ efforts to provide a recognizable presence on the lands they enjoy while providing a positive and informative role model for fellow OHV trail users.

Trail Ambassadors are not licensed peace officers. They cannot arrest or detain suspected offenders. The program exists to **promote safe, environmentally responsible operation of OHVs** through informational and educational contacts, and through volunteer monitoring efforts.

Trail Ambassadors are required to fill out a ‘Daily Trail Log’. The DNR regularly receives these daily logs at a central location. From that point, the information and observations are shared with affected MN DNR divisions. Enforcement issues, for example are forwarded to local Conservation Officers. Trail issues are forwarded to Area P&T Staff, and state forest land issues are forwarded to Division of Forestry field offices. Trail issues forwarded to Area P&T Staff will be communicated to the GIA Trail Administrator and/or Sponsor to resolve issues identified by the volunteers out on the trail system.