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.

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.

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

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

- **STEP 2. DNR Regional Review**

- **STEP 3. Public Input opportunity**
  - Public Notification (2 months) or
  - Environmental Assessment Worksheet (EAW) preparation (2 to 8 months) or
  - Environmental Impact Statement (EIS) preparation (12 to 18 months)

- **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.**

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

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

GOOD TO KNOW:
A Project Proposal describe 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 proposals are subjected to a rigorous DNR Interdisciplinary review, before being disseminated for public review and comment.
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 occurring on existing trails. Projects involving routine trail maintenance (e.g., replacing culverts, trail hardening or armorng, 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
a notice of executed grant agreement is sent to the Clubs. Work eligible for reimbursement may begin on the trail once the grant agreement is executed and all required permits are received.

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.
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 ww.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
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](http://www.access-board.gov) for Recreation and for Outdoor Developed Areas. Or contact the Great Lakes ADA Center at [www.adagreatlakes.org](http://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>
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<th>MANDATORY EAW</th>
<th>REMARKS</th>
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<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. **All non-motor trail projects in Metro Regional Parks are exempt from environmental review.</td>
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<tr>
<td>New Corridor (naturally vegetated)</td>
<td>No Exemption</td>
<td>&lt; 10 Miles</td>
<td>≥ 10 Miles</td>
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<tr>
<td>Existing Corridor Designation</td>
<td>No Exemption</td>
<td>All Projects Subject to Review</td>
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<tr>
<td>Pave Existing Trail</td>
<td>No Exemption</td>
<td>&lt; 10 Miles</td>
<td>≥ 10 Miles</td>
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<tr>
<td>Re-Route</td>
<td>&lt; 1 Continuous Mile</td>
<td>1–10 Miles</td>
<td>≥ 10 Miles (new corridor)</td>
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<td>MIXED-USE (Motor + Non-Motor)</td>
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<td>&lt; 10 Miles</td>
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<td>Rehabilitation, reconstruction and maintenance activities, with no changes in designated use, are exempt from review.</td>
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<td>New Corridor (naturally vegetated)</td>
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<td>&lt; 25 Miles</td>
<td>≥ 25 Miles</td>
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<td>Existing Corridor Designation</td>
<td>No Exemption</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>
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<td>Re-Route</td>
<td>&lt; 1 Continuous Mile</td>
<td>1-20 Miles</td>
<td>≥ 20 Miles (new)</td>
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<td>X-C SKI (Non-Motor)</td>
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<td>1-20 Miles</td>
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<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 (naturally vegetated)</td>
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<td>Existing Corridor Designation</td>
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<tr>
<td>Re-Route</td>
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<td>1-20 Miles</td>
<td>≥ 20 Miles (new)</td>
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<td>SNOWMOBILE (Motor)</td>
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<tr>
<td>Re-Route</td>
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<td>SKI / SNOWMOBILE - WINTER USE ONLY**</td>
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<td>Exempt from Review</td>
<td>Across agricultural land or frozen water only.</td>
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<td>Any Length</td>
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<td>Existing Corridor</td>
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<tr>
<td>Re-Route</td>
<td>Any Length</td>
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* 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.
Appendix E. Examples of Forms

Text

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.