

**Forest Classification &
Forest Road & Trail Designations for
State Forest Lands in Cook County, Minnesota**

Final Plan – 11/06/07



Minnesota Department of Natural Resources

Minnesota Department of Natural Resources

Cook County Road & Trail Designation Team

Steve Hennessy Trails & Waterways Div.
Chel Anderson Ecological Services Div.
Dave Olfelt Fish & Wildlife
Jim Rupert Div. of Forestry
Kathy Larson Div. of Enforcement
Tom Engel, G.I.S. Support Div. of Fish & Wildlife
Craig Perrault, G.I.S. Support Mgmt Information systems, NE Region

Brian McCann, Planner Trails & Waterways Div.



© 2007, State of Minnesota, Department of Natural Resources

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available to all individuals regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, age, sexual orientation, or disability. Discrimination inquiries should be sent to MN DNR, 500 Lafayette Road, St. Paul, MN 55155-4031; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.

Table of Contents

Executive Summary	4
Purpose.....	4
Lands covered by this Plan.....	4
Final Motor Vehicle Use Classifications.....	4
Forest Route Inventory.....	5
Final Road & Trail Designations	5
Background	6
Process.....	6
Description of Lands Covered by this Plan	7
Grand Portage Reservation	7
Final Motor Vehicle Use Classification.....	7
Lands Covered by this Classification Review	8
Inside State Forest Boundaries.....	8
Outside State Forest Boundaries.....	9
Classification Process	9
Final Forest Land Classifications.....	9
Grand Portage State Forest	10
Pat Bayle State Forest	10
Scattered Lands Outside State Forest Boundaries	10
Forest Route Inventory	10
Route Designation Policies & Process	11
Interagency Recognition of Forest Road Designations	12
Development of Access Proposals.....	12
Final Forest Road & Trail Designations.....	12
Forest Roads.....	13
System Forest Roads.....	13
Minimum Maintenance Forest Roads	13
National Forest System Roads	14
Off-Highway Vehicle Trails.....	14
ATV Trails.....	14
OHM Trails.....	14
ORV Trails	14
Non-Motorized Trails.....	14
Snowmobile Trails.....	15
Non-Designated Routes.....	15
Proactive Closures.....	15
Maps	15
Plan Implementation & Monitoring.....	16
Adoption of the Classification & Road/Trail Designation Plan.....	16
Road and Trail Development & Signing Projects	16
Plan Effective Date	16
Monitoring and Management	16
Appendices	17

EXECUTIVE SUMMARY

Purpose

Minnesota Laws 2003, Chapter 128, Article 1, Section 167 (as amended) directs the Commissioner of the Minnesota Department of Natural Resources (DNR) to review the recreational motor vehicle use classification of State Forest lands and to designate forest roads and trails. Following public review and comment, the Commissioner implements the motor vehicle use classification changes, and road and trail designations, through the publication of written orders appearing in the State Register.

By December 31, 2008, the DNR must review the motor vehicle use classification of all 58 State Forests, and designate forest roads and trails on over four million acres of state forest lands in Minnesota. This plan covers state forest lands located within the Pat Bayle and Grand Portage State Forests in Cook County, as well as all lands outside state forest under the authority of the Commissioner. The Cook County Planning Unit covers just over 700,000 acres, including about 105,000 acres of state forest lands. Just over 200 miles of routes were evaluated.

Given the intermingled private, county, state, and federal land ownership pattern in Cook County, the DNR has sought to coordinate its' work with key stakeholders, including the Grand Portage Band of Chippewa, the 1854 Tribal Authority, Cook County Officials, and the Gunflint and Tofte Districts of the Superior National Forest. Land classifications and motor route designations were developed in consultation with these groups, and with input from citizens who participated in agency-sponsored open houses in January 2006 and a public review meeting held in May 2007.. **This plan addresses only state-administered forest lands.** Federal, county and tribal land management decisions will be made and communicated separately from the DNR process.

Lands Covered by this Plan

There are two named State Forests within Cook County; the Pat Bayle and Grand Portage. Together, the statutory boundaries of these State Forests encompass a gross acreage of about 680,389 acres, of which only 80,028 acres (or about 12%) is administered by the DNR Division of Forestry. Of this, 4,086 acres lie within the BWCAW and are 'closed' to motorized use. Another 24,836 acres of forest land administered by the DNR Division of Forestry lies outside of State Forest boundaries in Cook County, and 1,608 acres of this are within the BWCAW. Therefore, a total of 99,170 net acres are subject to classification and motor route designation as part of this exercise.

Table 1. Summary of Cook County State Forest Land Ownership.

Source: Forest Access Route Unpublished Data, 2006. DNR DRS. Generated using ArcView extension.

State Forest Lands	Statutory Acres	DNR-Admin Acres	DNR Acres w/in BWCAW	Inventoried Route Miles
Grand Portage	100,172	44,984	328	122.0
Pat Bayle	580,217	35,044	3,758	44.8
Outside State Forest	24,836	23,228	1,608	45.2
Totals	705,225	104,836	5,694	212.0

In addition to State Forest lands, there are 654,786 total acres of National Forest System Lands (including 259,310 acres within the BWCAW) and 1,243 acres of county-owned forest lands in Cook County. In addition, there are 4 State Parks (10,755 ac), 2 State Waysides (320 ac), 5 SNA's (1,528 ac), 4 WMA's (1,747 ac) and other miscellaneous DNR land holdings in Cook County (e.g., trails, proposed SNA's and WMA's).

Final Motor Vehicle Use Classifications

According to state law, all state forest lands must be classified as managed, limited or closed with respect to use of motor vehicles by the public. The proposed Cook County state forest land classifications are:

- Grand Portage State Forest – ‘*managed*’, with one ‘*limited*’ area totaling 1,504 acres.
- Pat Bayle State Forest – ‘*limited*’, and
- Lands outside State Forest boundaries – ‘*limited*’.

This plan does not include the 1,861-acre portion of the Finland State Forest located in SW Cook County. That will be addressed in a subsequent planning exercise.

Forest Route Inventory

The 2003-04’ forest route inventory showed a total of 212 miles of ‘routes’ on State Forest land within the DNR’s Cook County Planning Unit: 122 miles in the Grand Portage State Forest; 45 miles in the Pat Bayle State Forest, and another 45 miles located outside of state forest boundaries. No routes were inventoried within the BWCAW.

Final Road and Trail Designations

The forest road and trail designations in this plan were developed by an interdisciplinary team using the route inventory data, local land manager’s knowledge of these routes, and public input gathered during open house meetings in January 2006 and a public review meeting in May 2007. Planning Team members used this information to develop and refine draft recommendations. The challenge was to propose a consistent, understandable and enforceable system across public land ownerships that complies with existing laws and policies, protects natural resources, and provides for continued public recreational access.

Table 2. Forest Road and Trail Designation Mileage Summary for Cook County

Source: Forest Access Route Unpublished Data, 2006. DNR DRS. Generated using ArcView extension.

ROUTE DESIGNATIONS	Grand Portage State Forest (miles)		Pat Bayle State Forest (miles)		Outside State Forest (miles)	
Inventoried Routes	122		46.9		45.2	
System Forest Road	43.4		3.7		0.6	
Min. Maintenance Forest Road	11.7		20.2		13.6	
Non-designated Route	41.7		17.3		15.7	
Proactive closures	6.3				1.2	
In <i>closed</i> forests						
In <i>limited</i> forests			17.3		14.5	
In <i>managed</i> forests (<i>Access Routes</i>)	35.4					
ATV/OHM Trail*	0.0		5.7		1.9	
Snowmobile Trail	0.0		0.0		0.0	
Hiking Trail	25.2		0.0		8.9	
Hunter Walking Trail	0.0		0.0		4.5	

* It is anticipated that additional OHV Trails will be designated in the future as a result of collaborative planning efforts involving the US Forest Service, DNR, Cook County and local grant-in-aid trail clubs.

BACKGROUND

The Department of Natural Resources (DNR) manages over 4 million acres of State Forest land for the people of Minnesota. Minnesota's State Forests are managed to produce timber, protect watersheds, provide outdoor recreation, and perpetuate rare and distinctive species of native flora and fauna. State Forests are managed in a 'sustainable' manner, in order to ensure that they remain healthy, vital, and productive for present and for future generations. State Forests provide a variety of dispersed, unstructured outdoor recreation opportunities, such as hunting, trapping, berry picking, and nature observation. For more structured activities, many State Forests contain recreation facilities with campgrounds, day-use areas, and trails designated for various motorized and non-motorized purposes. *Minnesota Statutes* direct the Commissioner of Natural Resources to:

- Manage State Forests according to the principles of multiple use and sustained yield. (*MS 89.002, Subd.1*)
- Provide a system of forest roads and trails to access State Forest lands. (*MS 89.002, Subd. 3*)

Prior to the mid-1980's recreational motor vehicle use was generally allowed in most State Forests. As the number of Off-Highway Vehicles (OHVs) increased, the DNR closed some forests to OHV use and began developing trails and other facilities for OHV use in other State Forests. In late 1996, the DNR began to reassess its OHV management programs. The DNR proposed classifying State Forests as *managed, limited, or closed* with respect to recreational motor vehicle use. In 1999 the DNR revised the rules governing recreational use of State Forests.

Minnesota Laws 2003, Chapter 128, Article 1, Section 167 (as amended) directs the DNR Commissioner to review the recreational motor vehicle use classification of all State Forest lands and to designate forest roads and trails. Following public review and comment, the motor vehicle use classification and road and trail designations are to be adopted and implemented through the publication of written orders for each forest in the State Register.

Process

In October 2005, an interdisciplinary team with members from the DNR Divisions of Ecological Services, Enforcement, Fish & Wildlife, Forestry, and Trails & Waterways was established to complete the following tasks:

1. Collaborate with the public and other forest management agencies to develop a plan for the management of public motor vehicle use on forest lands in the planning area.
2. Consider the criteria for classification of State Forest lands for motor vehicle use (MR 6100.1950) and recommend an appropriate classification.
3. Evaluate the inventoried forest access routes and propose (un)designation of forest roads and trails for specific motorized and non-motorized uses.
4. Present the team's recommendations for motor vehicle use classification and forest road and trail designations for public review and comment.

The major steps in developing the road and trail designation proposals are:

1. Compile an inventory of forest access routes – roads, trails, and other routes showing evidence of ongoing motorized use. Prepare maps showing the travel routes.
2. Host a series of public open houses to alert people to the road and trail designation process, to gain an understanding of how they use these access routes, how they use state lands generally, and to solicit ideas regarding the future designation of selected routes.
3. Conduct interagency working sessions to make preliminary designation and use recommendations based on inventory data, staff knowledge, and public input from the open houses.
4. Review preliminary designations and identify potential routes for designated recreational OHV trails.
5. Prepare designation plans and maps for internal agency and public review and comment.
6. Finalize plans, maps and Commissioner's Orders, and establish Plan Effective Date.

Given the intermingled private, county, state, and federal land ownership pattern in the planning area, the DNR team sought to coordinate its work with the Grand Portage Band of Chippewa, Cook County officials, and the US Forest Service. The goal was to develop a consistent, resource-sensitive approach to recreational motor vehicle use across mixed forest land ownerships. The team worked within existing legal guidelines for the management of state forest lands, while respecting management plans and policies for other forest lands in Cook County.

DESCRIPTION OF LANDS COVERED BY THIS PLAN

Between 2003 and 2008, the DNR will review the motor vehicle use classification and designate forest roads and trails on all State Forest lands in Minnesota. This plan covers State Forest lands both inside and outside of the statutory boundaries of the Pat Bayle and Grand Portage State Forests in extreme northeastern Minnesota. It does not include that 1.861-acre portion of the Finland State Forest in SW Cook County.

There are two named State Forests within Cook County; the Pat Bayle and Grand Portage. Together, the statutory boundaries of these State Forests encompass a gross acreage of about 680,389 acres, of which only 80,028 acres (or about 12%) is administered by the DNR Division of Forestry. Of this, 4,086 acres lie within the BWCAW and are 'closed' to motorized use. Another 23,228 acres of forest land administered by the DNR Division of Forestry lies outside of State Forest boundaries in Cook County, 1,608 acres of this are within the BWCAW. Therefore, a total of 99,170 net acres and 212 miles of inventoried routes were the focus of this exercise.

Table 3. Summary of Cook County State Forest Land Ownership.

Source: Forest Access Route Unpublished Data, 2006. DNR DRS. Generated using ArcView extension.

State Forest Lands	Statutory Acres	DNR-Admin Acres	DNR Acres w/in BWCAW	Inventoried Route Miles
Grand Portage	100,172	44,984	328	122.0
Pat Bayle	580,217	35,044	3,758	44.8
Outside State Forest	24,836	23,228	1,608	45.2
Totals	705,225	104,836	5,694	212.0

In addition to State Forest lands, there are 654,786 total acres of Superior National Forest land (including 259,310 acres within the BWCAW) and 1,243 acres of county forest lands within the Cook County Planning Unit. In addition, there are 4 State Parks (10,755 ac), 2 State Waysides (320 ac), 5 SNA's (1,528 ac), 4 WMA's (1,747 ac) and other miscellaneous DNR land holdings in Cook County (e.g., trails, proposed SNA's and WMA's).

Grand Portage Reservation

The Grand Portage Reservation boundary encompasses about 56,000 contiguous acres, or nearly 5% of the land area of Cook County. The Band has 954 enrolled members and, according to the 2000 U.S. Census, a population of 322 that reside on the reservation. The community operates the Grand Portage Lodge and Casino and Grand Portage State Park. The Grand Portage National Monument is also located on the reservation and it includes a reconstructed 18th century trading post which still appears much as it did originally.

The reservation includes some of the most rugged topography in Minnesota, with long, steep glaciated ridges and valleys, and several deep bays along the 24 miles of irregular Lake Superior shoreline that form the reservation's eastern boundary. The Canadian Province of Ontario forms the northern boundary, and a mix of state and federal lands comprise the Grand Portage Reservation's western boundary. Snowmobile trails through the reservation connect Grand Marais with Grand Portage, and ultimately with the U.S./Canadian border crossing at Pigeon River. Tribal members were consulted during preparation of this draft proposal to ensure that Grand Portage Band treaty rights and recreation interests were appropriately considered and accurately represented in the DNR proposal.

MOTOR VEHICLE USE CLASSIFICATION

Minnesota Law requires the Commissioner of Natural Resources to complete a review of the classification of all State Forest lands for motor vehicle use by December 31, 2008. The process and criteria for forest classification are contained in *Minnesota Rules, Chapter 6100.1950*.

State Forest motor vehicle use classifications are characterized as follows:

‘Managed’ Forest Lands. All state forest roads and forest trails are open to recreational motor vehicle use unless posted closed. These forest lands are characterized by a low intensity of use by OHVs, a variety of motorized and non-motorized recreational opportunities, widely dispersed use, and little competition among visitors for recreational use of the land. Signing and enforcement restrict motor vehicle use in sensitive resource areas and on designated recreational trails. ATVs may be operated on non-designated routes and off-trail under hunting and trapping exceptions (*MS Chap. 84.926*). ORVs and HLVs may also be operated on non-designated routes under these exceptions. When using unsigned routes, it is illegal to operate motor vehicles in a manner that causes erosion or rutting or injures, damages, or destroys trees or growing crops. The *managed* classification can only be applied to forest lands north of US Highway 2.

‘Limited’ Forest Lands. Forest roads are ‘open’ to motor vehicle use unless posted closed. Forest trails are closed to motor vehicle use, except where designated and signed to permit specific motorized uses. These forest lands are characterized by moderate to high levels of recreational use. ATVs may be operated on non-designated routes and off-trail pursuant to statutory hunting and trapping exceptions. ORVs and HLVs may also be operated on non-designated routes under these same statutory exceptions.

‘Closed’ Forest Lands. Forest roads are open to motor vehicles licensed for highway use. No OHVs are permitted, except for operation on frozen public waters (e.g., across lakes for ice fishing). Snowmobiles may operate on designated trails only. These lands are characterized by high-susceptibility to damage by motorized use or have a history that precludes motorized use. Areas closed to motor vehicle use by statute or regulations (e.g., State Forest lands within the BWCAW) are automatically classified as ‘closed.’ The hunting and trapping exceptions do not apply in *closed* forests.

The following criteria are used to classify forest lands for motor vehicle use: (*MR Ch. 6100.1950, Subp. 2*)

- A. Resource sensitivity and management objectives;
- B. Resource impact by motorized and nonmotorized use, including erosion, rutting, and impacts on vegetation, wildlife, air, water, or natural habitats;
- C. Motorized and nonmotorized recreational opportunity in area;
- D. User needs, such as trails, parking, signs, and access;
- E. The degree and trend of motor vehicle use in the area;
- F. The degree and trend of nonmotor vehicle use in the area;
- G. Competing interests among different user groups; and
- H. Public safety and law enforcement concerns.

Lands Covered by this Classification Review

This motor vehicle use classification review covers all DNR-administered State Forest lands, except those within the federal BWCAW, both inside and outside of the statutory boundaries of the Grand Portage and Pat Bayle State Forests in Cook County, Minnesota. The basic planning unit (e.g., Cook County) covers slightly over 950,000 acres, including water-covered areas. Acres subject to DNR classification total approximately 99,170.

Inside State Forest Boundaries

Within the statutorily defined boundaries of the Grand Portage and Pat Bayle State Forests there is a gross acreage of about 680,389 acres, of which about 80,028 acres administered by the DNR Division of Forestry (minus 4,086 acres in BWCAW) is subject to this review. Another 23,228 acres of scattered DNR Forestry-administered lands, outside of state forest (minus 1,608 acres inside the BWCAW) is also subject to review and reclassification.

Minnesota Statutes Chapt. 84.777 also applies the State Forest classification and road/trail designation process to county-administered forest lands within the boundaries of State Forests, unless the county board adopts a resolution that modifies restrictions on the use of off-highway vehicles on county-administered land within the forest. Thus,

this classification review also technically covers some of the 1,243 acres of Cook County lands that occur within state forest boundaries. The Cook County Board of Commissioners has not, as of this date, adopted a resolutions modifying or endorsing restrictions on OHV use on county-administered forest lands within State Forests.

The motor vehicle use classification and related State Forest rules do not apply on federal, tribal, or private lands within (or outside of) State Forest boundaries. The classification and rules also do not apply to the rights-of-way of public highways within State Forest boundaries, which are under the jurisdiction of state, county, or local public road authorities. Moreover, state forest classification and forest rules do not apply to other state lands administered by the DNR, such as State Parks, Wildlife Management Areas, Scientific & Natural Areas or State Trails.

Outside of State Forest Boundaries

There are about 23,228 acres of forest land administered by the DNR Division of Forestry outside of the State Forest boundaries within the Cook County planning unit. These so-called ‘scattered lands’ are treated just as is State Forest land, so they too are included in this classification review.

This classification review does not apply to county-administered lands located outside of State Forest boundaries within the planning unit. Nor does it apply to federal, tribal, or private lands inside or outside of State Forest boundaries. The classification and rules also do not apply to state lands contained in State Parks, Wildlife Management Areas, Scientific & Natural Areas, or as part of State Trails.

Classification Evaluation Process

The DNR’s Cook County Planning Team reviewed the forest classification criteria, collected data related to classification, and gathered input from Area Staff and the public. Various classification proposals were discussed and debated during the course of this planning process. Preliminary classification of the Grand Portage as ‘*managed*’ and the Pat Bayle and lands outside of state forest as ‘*limited*’ set the stage for an intensive route-by-route evaluation exercise which followed.

Team recommendations are based upon statutory criteria, and an evaluation of existing conditions and current use levels. Team members sought to protect natural resources and further resource management objectives through these recommendations. They also sought to foster consistency with USFS and county access plans and travel management policies. Consistency of regulation across mixed public ownerships is desirable, because it fosters public understanding of vehicular use rules and facilitates effective enforcement.

Final Forest Land Classifications

The final classification acreages, for the Grand Portage, Pat Bayle, and for scattered lands in Cook County, are as follows: (approximate)

Table 4. Summary of State Forest Land Classification in Cook County (Approx.)

Source: Forest Access Route Unpublished Data, Jan. 2007. DNR DRS. Generated using ArcView extension.

Proposed Forest Classification	Inside State Forest (DNR acres)	Outside State Forest (DNR acres)	Totals (acres)
Managed	43,456	0.0	43,456 (40%)
Limited	36,572	23,228	59,800 (55%)
Closed (BWCAW only)	4,086.0	1,608.0	5,694 (5%)
Totals (acres)	84,114	24,836	108,950

Grand Portage State Forest – ‘Managed’

The statutory boundary of the Grand Portage State Forest encompasses 100,172 acres; 44,984 acres of which (or 45%) are DNR forestry-administered. A total of 1,133 acres of the Grand Portage State Forest (GPSF) lies within the federal BWCAW. Forestry-administered lands totaling 328 acres within the BWCAW are currently ‘closed’, and will remain ‘closed’ to all motor use under this plan.

All lands within and outside the Grand Portage State Forest boundaries, except for those lands that lie within the BWCAW, are currently classified as ‘managed’. **The DNR will retain the ‘managed’ classification for the majority of the Grand Portage State Forest, except for the 1,504-acre Jackson Lake Site which will be re-classified as ‘limited’** (See Appendix C for a map of the site).

The majority of current OHV and HLV use in the Grand Portage State Forest is related to fall hunting and trapping activities. Use levels are generally light, with little summer use. Popular routes are most commonly of logging origin, with very few user-developed trails or spurs. In most cases, forest roads and trails do not show signs of rutting, overuse, erosion or serious vehicular damage. This condition, generally, does not support a shift to the more restrictive ‘limited’ forest classification.

Hunting, trapping and local utilitarian (summer) motorized access is maintained under the managed classification. Heavy recreational OHV use of non-designated routes is unlikely given the forest’s remote location and distance from major population centers. Solid state land ownership within the forest also makes the ‘managed’ classification understandable and enforceable in much of the forest. Areas of increasingly mixed state and private land ownership will prove more challenging to enforce.

Pat Bayle State Forest – ‘Limited’

The statutory boundary of the Pat Bayle State Forest encompasses 580,217 acres; about 35,044 acres of which (or 6%) are DNR forestry-administered. A total of 13,005 acres of the Pat Bayle State Forest, are located within the federal BWCAW; 5,366 acres of this are Forestry-administered. All state lands within the BWCAW are ‘closed’ to motor vehicle use, and will remain so under this plan.

All lands within and outside the Pat Bayle State Forest boundaries, except for those lands that lie within the BWCAW, are currently classified as ‘managed’. **The DNR will change the classification to ‘limited’, both within and outside the forest’s statutory boundaries.**

While OHV use in the Pat Bayle is not extensive, there are areas of concentrated use, overuse and observed damage. Access to cities, towns and popular recreation facilities (e.g., Superior Hiking Trail, North Shore State Trail) makes the forest a popular destination. The patchwork of state and federal forest land ownership within the forest make consistency critical in terms of OHV regulation and enforcement. Routes on USFS lands are ‘closed unless posted open’ to OHV use, which approximates the state’s ‘limited’ classification.

Scattered State Forest Lands (Cook County) – ‘Limited’

State forestry-administered lands outside of State Forest boundaries in Cook County total 24,836. Some 1,608 acres of this total lies within the federal BWCAW. These BWCAW lands are currently ‘closed’ to motor vehicle use and will remain so under this proposal. Under this plan, the remaining 23,228 acres of so-called ‘scattered’ lands will be classified as ‘limited’. The team based it’s determination largely on the limited route mileage on these lands, and the need to protect natural resources while still providing motor access for hunters and trappers. The team also sought to foster consistency of management and enforcement of OHV regulations in areas of mixed state and federal forest land ownership. The 1,861 acres within the Finalnd State Forest in SW Cook Co. are not included in this proposal. They will be addressed in a subsequent planning effort.

FOREST ROUTE INVENTORY

In preparation for this exercise, the DNR’s Cook County Team compiled available information on the existing roads, trails, and other routes showing evidence of motorized use on all state forest lands in the planning area.

Various Geographic Information System (GIS) data layers describing public land use, land management and land ownership, from a variety of sources, were also assembled to support the team's evaluation efforts.

In 2003 and 2004, DNR staff inventoried and mapped existing forest access routes on state and county-administered forest lands showing evidence of ongoing motorized use. Field crews did this using ATVs equipped with global positioning system (GPS) units. Impassable routes were digitized from aerial photos. Crews recorded points where the access routes intersected with other routes that were too narrow or unsafe for ATV travel, and where the routes ended. Inventory crews also collected data such as tread width, apparent use, level of use, and surface condition. This route data was entered into a GIS database and was used to support the team's analysis.

US Forest Service GIS staff also compiled forest road, trail, and access route data into a 'travel routes' database. Automated and manual checks were applied to clean-up the database and to remove duplicate entries. Still, there are inherent limitations on the completeness and accuracy of forest route inventory information. Public road authorities are continually adding, rerouting, and sometimes abandoning public roadways. Public land ownership patterns also change over time as lands are acquired, sold, or exchanged. Even natural resource management activities (e.g., fire-fighting, timber sales) can create or obliterate forest access routes. Little-used trails and other routes often re-vegetate and may become impassable over time.

The 2003-04' DNR Forest Access Route Inventory showed a total of 212 miles of roads, trails and other routes on DNR-administered forest lands in Cook County. The routes were distributed as follows:

1. **Grand Portage** = 122.0 miles of roads, trails and non-designated forest access routes, including 59.3 miles of previously designated State Forest Roads;
2. **Pat Bayle** = 44.8 miles of roads, trails and non-designated forest access routes, including 10.0 miles of previously existing designated State Forest Road.
3. **'Scattered' Lands Outside of State Forest** = 45.2 miles of roads, trails and non-designated access routes.

ROUTE DESIGNATION POLICIES AND PROCESS

The complex, intermingled public land ownership pattern within Cook County requires a collaborative effort by county, state, and federal agencies to develop a motor vehicle management 'system' that serves public transportation and access needs, while protecting and maintaining natural resources.

Cook County forest lands are managed in accordance with management plans and policies developed by the County Board of Commissioners. Tax-forfeited forest lands (as distinct from fee lands purchased and managed by the County) in Minnesota are managed according to *Minnesota Statutes Chapter 282*.

US Forest Service administered lands in Cook County are managed under policies contained in the Superior National Forest's Land & Resource Management Plan. Recently adopted federal regulations require the development of official Travel Management Maps that are to show which routes are open to use by various types of motor vehicles.

Minnesota's State Forests are managed to produce timber, provide outdoor recreation, protect watersheds, and perpetuate rare and distinctive species of native flora and fauna. Management is intended to ensure they remain healthy, vital, and productive for present and future generations. State Forests provide a variety of dispersed outdoor recreation opportunities, such as hunting, trapping, berry picking, and nature observation. Some forests also contain more developed recreation facilities with campgrounds, day-use areas, and designated recreational trails.

Minnesota statutes direct the Commissioner of Natural Resources to: 1) Manage State Forests according to the principles of multiple use and sustained yield. (*MS 89.002, Subd.1*) and 2) Provide a system of forest roads and trails to access State Forest lands. (*MS 89.002, Subd.3*). Minnesota Rules, *Chapter 6100.1950* sets forth policies and regulations governing public use of motor vehicles on State Forest land. It also provides a process for forest classification, including public notice and review requirements.

Interagency Recognition of Forest Road Designations

Given the mix of state and federal lands in Cook County, it is common for forest roads constructed and managed by one agency to cross lands administered by the other. The DNR and USFS have mutually agreed to recognize all forest roads officially designated by either agency. Therefore, USFS policies govern public use of National Forest System Roads that cross State Forest lands, and vice versa. In addition, the agencies have agreed that control, management, and public use of 'non-designated routes' will be governed by policies of the underlying land owner.

Development of Access Proposals

The forest road and trail designations proposed in this plan were developed by an interagency team using the data described above, along with the local land manager's knowledge of the routes, and public input gathered during the open houses held in January 2006. Interagency working sessions held between February and July 2006 sought to develop a consensus recommendation for review by the public. The challenge was to propose an understandable transportation system that complies with existing laws and policies, adequately protects natural resources, and that provides for adequate public land access.

The interagency work groups used GIS tools to map and document the proposals. Every route on state forest lands was evaluated and was coded as to its proposed designation (e.g., forest road, recreational trail, non-designated) and as to which types of motor vehicles would be permitted to use the route. Reasons for each proposed designation were recorded. For previously designated forest roads and recreational trails, the presumption was that the current designation would be maintained, unless there was a compelling reason to propose a change.

FINAL FOREST ROAD AND TRAIL DESIGNATIONS

The miles of routes proposed to receive various administrative designations are identified below. The routes are also shown on the maps that accompany this plan.

Table 5. Final Forest Road and Trail Designation Mileage Summary for Cook County

Source: Forest Access Route Unpublished Data, 2007. DNR DRS. Generated using ArcView extension.

Route Designations	Grand Portage State Forest (miles)		Pat Bayle State Forest (miles)		Outside State Forest (miles)	
Inventoried Routes	122		46.9		45.2	
System Forest Road	43.4		3.7		0.6	
Min. Maintenance Forest Road	11.7		20.2		13.6	
Non-designated Routes	41.7		17.3		15.7	
Proactive closures	6.3				1.2	
In <i>closed</i> forests			17.3		14.5	
In <i>limited</i> forests						
In <i>managed</i> forests (<i>Access Routes</i>)	35.4					
ATV/OHM Trail*	0.0		5.7		1.9	
Snowmobile Trail	0.0		0.0		0.0	
Hiking Trail	25.2		0.0		8.9	
Hunter Walking Trail	0.0		0.0		4.5	

* It is anticipated that additional OHV Trails will be designated in the future as a result of collaborative planning efforts involving the US Forest Service, DNR, Cook County and local grant-in-aid trail clubs.

Forest Roads

Forest roads are routes that are maintained by resource management agencies to provide access to public forest lands both for resource management and public use. They range from unimproved double-track with native soil surface to two-lane graveled roads with engineered stream crossing and drainage improvements. Forest roads are not considered ‘public roads’ by resource agencies which are not technically ‘road authorities.’ Each agency sets public use rules and determines the types of vehicles that will be allowed on the forest roads it manages.

The DNR develops and maintains State Forest Roads to access State Forest lands. Various state statutes govern the development and use of State Forest Roads. Key concepts include:

1. “State forest road” means a road constructed, acquired, maintained, or administered by the commissioner for the purpose of carrying out forest resource management ...” (*MN Statutes 89.001, Subd.14*)
2. “The commissioner shall provide a system of forest roads and trails which provides access to state forest land ...” (*MN Statutes 89.002, Subd. 3*)
3. “... the commissioner is not a road authority under chapters 160 to 168, and chapters 160 to 168 do not apply to forest roads ...” (*MN Statutes 89.71, Subd.7*)
4. “The commissioner may designate a state forest road as a minimum-maintenance forest road to be maintained at a level consistent with the intended use...” (*MN Statutes 89.71, Subd. 5*)

State Forest Roads are generally open to use by both highway-licensed vehicles and off-highway vehicles (ATVs, OHMs, and ORVs). However, forest roads may be temporarily closed, at any time, to some or all vehicular use due to public safety and/or natural resource protection considerations. The DNR classifies State Forest Roads as either ‘System Roads’ or ‘Minimum Maintenance Roads’ based upon their condition, intended use and planned maintenance level.

System Roads are the major arterial roads that provide forest management access, recreational access, and links to state, county, or township public roads. Forest System Roads are used on a daily or weekly basis, and are generally maintained to allow year-round travel by standard highway licensed vehicles.

Minimum Maintenance Roads are forest management access roads used on an intermittent basis. Recreational users may use them, but they are not promoted or maintained for recreational use. While open to public use, minimum maintenance roads are not maintained to a level where low-clearance vehicles can routinely travel on them. They are duly signed, and may be gated and/or closed during certain times of the year. Minimum maintenance roads are more likely to be subjected to travel restrictions than are higher standard system forest roads.

National Forest Roads. National Forest Roads are typically signed with brown and white road number signs. The Forest Service assigns National Forest Roads an Operational Management Level between 1 and 5. Operational Management Level 1 roads are the least developed and level 5 roads are the most improved forest roads. The types of vehicles allowed varies by Operational Management Level. The higher level roads are typically open to highway licensed vehicles but closed to ATVs. In some cases, USFS managed forest roads may be located on state or county administered lands (and vice versa).

System Forest Roads

Some 47.7 miles of System State Forest Roads will be designated within the planning area. These roads will be managed by the DNR and will typically be open to HLVs and OHVs. These roads are located exclusively on DNR-administered lands. No forest road designations are proposed across other land ownerships.

Minimum Maintenance Forest Roads

The plan resulted in the designation of a total of 45.5 miles of Minimum Maintenance Forest Roads in Cook County. These roads will be managed by the DNR and will typically be open to HLVs and OHVs, but may not be maintained to a level where low-clearance vehicles can routinely travel on them. These state-administered minimum maintenance forest roads are located exclusively on DNR-administered land, both inside and outside of state forest boundaries.

National Forest System Roads

As part of its travel management planning effort, the US Forest Service will determine which forest roads will remain open to motor vehicle use. The travel route inventory includes about 576 miles of roads and trails administered by the US Forest Service within the planning area (i.e., Cook County). Some of these routes are located on state-administered lands. Roads open to both highway and off-highway vehicles are typically lower standard, narrow routes (Operational Management Level 1 or 2 – or OML-1,2). The current USFS inventory shows 88.19 miles of OML-1 roads and 259.4 miles of OML-2 roads within the planning area.

Roads closed to ATVs are typically higher standard forest roads (OML 3 - 5). The US Forest Service is conducting a “mixed use analysis” on some routes that have been classified as closed to ATVs in the past to determine whether it is feasible to allow both HLVs and ATVs to use some of these routes. There are currently a total of 228.4 miles of OML-3,4,5 roads in the planning area. USFS Travel Management Planning is currently underway.

Off-highway Vehicle (OHV) Trails

This plan designates 5.7 miles of ATV/OHM trail in the Pat Bayle State Forest and 1.9 miles on ‘scattered’ lands outside state forest elsewhere in Cook County (See Planning Maps). Given the substantial acreage of public forest lands in the area, and the desire of county, state, and federal agencies to collaboratively manage motor vehicle use in the county, the development of additional miles of OHV recreational trails is likely in the future. The Forest Plan for the Superior National Forest, for example, calls for the designation of up to 90 miles of additional OHV trail on National Forest System lands in the Superior National Forest.

New trail designations can and will be considered subsequent to completion of this exercise. The current exercise is limited, under state law, to motor vehicle use classification and designation of existing routes. No new route construction is proposed or implied by this plan.

All-Terrain Vehicle (ATV) Trails

There are currently no designated ATV trails in the planning area. Proposed OHV trail designations include 5.7 miles of shared ATV/OHM trail located in the Pat Bayle State Forest, and 1.9 miles of ATV/OHM trail proposed for ‘scattered’ lands outside of state forest elsewhere in Cook County. All 7.6 miles of proposed designations occur along existing, inventoried routes which are currently legal to ride.

Off-Highway Motorcycle (OHM) Trails

There are no currently designated OHM trails in the planning area. Final OHV trail designations include 5.7 miles of shared ATV/OHM trail located in the Pat Bayle State Forest, and 1.9 miles of ATV/OHM trail located on ‘scattered’ lands outside of state forest elsewhere in Cook County. All 7.6 miles of proposed designations occur along existing, inventoried routes which are currently legal to ride.

Off-Road Vehicle (ORV) Trails

There are no existing or proposed Off-Road Vehicle (ORV) trails in Cook County. ORVs and HLVs may operate on state forest roads, subject to seasonal road/trail closures and/or weight restrictions.

Non-Motorized Trails

A total of 38.6 miles of non-motorized recreational trail designations are proposed in this draft plan. All are located on pre-existing routes, and many are already signed and in-use (including the Superior Hiking Trail and Northern Border Route). In most cases, the proposed trail designations simply formalize current use in order to avoid future conflict between motorized and non-motorized recreationists. Most of the non-motorized trails occur in areas of mixed federal and state land ownership.

These designations are consistent with both DNR and US Forest Service management objectives. They will result in relatively minor additions to the mileage of designated non-motorized trails on State Forest lands. Brief descriptions of each of the proposed non-motor trail designations follow.

Border Route Trail: The 80-mile Border Route Trail spans northeastern Cook County. It is signed and managed as a non-motorized hiking trail. Access is via Gunlint Lake, Rose Lake, Clearwater, Otter and MacFarland Lakes, and via the Arrowhead Trail (Co. Rd 16) out of Hovland. While much of the trail is located on national forest land, short sections do cross state forest lands. These sections are proposed for designation as non-motorized trail. This trail also crosses portions of the Grand Portage Reservation.

Superior Hiking Trail: The 205-mile long Superior Hiking Trail (SHT) is operated by the non-profit Superior Hiking Trail Association. About 70 miles of the SHT are located within the planning unit. The SHT is currently signed and managed as a hiking trail. It has trailheads, campsites and parking lots every 5-10 miles for hikers and backpackers. While much of the trail is located on national forest land, short sections do cross state forest land. These sections are proposed for designation through this planning process.

DNR Non-Motorized Trails: About 4.5 miles of hunter walking trail are proposed in this plan; all of it outside of forest boundaries. About 34.1 miles of hiking trail were designated under this plan. Most of these routes have multiple uses depending on the season (e.g., hiking in the spring/summer, hunter walking in fall, snowshoe or XC Ski use in the winter). Many exist on areas of mixed federal and state forest land.

Snowmobile Trails

This Plan does not substantially modify the existing snowmobile trail system in the planning area. Although existing snowmobile routes were considered in developing road and trail designations, none were proposed for seasonal ATV/OHM trail designation.

Non-designated Routes

Some 74.7 miles of existing routes will remain non-designated under this proposal. These routes will not normally be signed or actively managed. Permitted motor uses of these routes depends upon the motor vehicle use classification of the lands they are located on:

‘Managed’ – Non-designated routes in a managed forest are ‘open’ to motor vehicle use year-round, subject to user discretion and state land operating prohibitions on rutting, erosion, and damage. In addition, these routes are available for vehicle use while hunting or trapping as per MS 84.926. They may be subject to temporary and/or permanent closure, at any time and without notice, at the discretion of the Area Forest Supervisor.

‘Limited’ – Non-designated routes are closed to motor vehicle use, except pursuant to MS 84.926. Under this exception, licensed hunters and trappers using HLVs may use these routes for these purposes during specified legal seasons. ATVs may use forest roads and non-designated routes, and may travel off-trail for these same purposes, subject to standard state forest land prohibitions on rutting, soil erosion and vegetative damage.

‘Closed’ – Non-designated routes are closed to all motor vehicle use year-round. MS 84.926 does not apply. The only motorized uses permitted in *closed* forests are highway licensed vehicles (HLVs) on signed Forest Roads and snowmobiles on signed, designated snowmobile trails. OHVs may operate only on frozen waters.

Proactive Closures

Those non-designated routes that are unsuited for motor vehicle use, or showing signs of damage, have been proactively closed. Closed routes will have signs, gates, or barricades to clearly indicate that motor vehicle use is not permitted. These routes are also unavailable for motor vehicle use under the hunting and trapping exceptions of MS 84.926. This plan includes a total of 7.5 miles of proactive closures on State Forest lands, principally in the Grand Portage State Forest, and outside of statutory state forest boundaries.

MAPS

The proposed forest road and trail designations in the Cook County planning area is depicted on the following map, which are incorporated in this plan by reference:

1. **Motor Vehicle Use Classification and Route Designation Map** (10/23/07)

Copies of the planning area map is available at www.dnr.state.mn.us or by contacting Brian McCann @ 651/259-5627 or Toll Free at 1-888-MINNDNR.

PLAN IMPLEMENTATION AND MONITORING

Adoption of the Forest Classification & Road / Trail Designation Plan

Official public notice of this Final Forest Classification & Road/Trail Designation Plan was published in the Nov. 12, 2007 *State Register* and a statewide press release announcing plan completion issued. Web posting of final planning documents is also underway.

The DNR will evaluate all written public comments received by the specified end-date. The draft proposal will be modified in response to these comments. Once approved, the Final Plan, Maps and Commissioner's Orders will be noticed in the State Register and posted at www.dnr.state.mn.us. Copies of all planning materials are available upon request by contacting the DNR..

Road & Trail Development and Signing Projects

After plan approval and adoption, the DNR will implement the plan by improving and signing all roads and trails. Construction permits may be required before some site-level improvement projects can begin. The DNR is committed to substantially completing the development and signing of roads and trails as proposed in the final plan prior to the effective date listed on the final Commissioner's orders.

Plan Effective Date

The effective date for the Pat Bayle, Grand Portage, and lands outside state forest boundaries in Cook County will be **September 1, 2008**. The DNR will substantially complete the repair, improvement and signing of all roads and trails by this date.

Ongoing Monitoring and Management

The DNR is committed to providing both motorized and non-motorized recreational opportunities on State Forest lands. A guiding principle for recreational trails is 'managed use on managed trails.' The intent is to provide quality recreational experiences on environmentally sustainable trails. The DNR will apply its recently updated Forest Management Guidelines (2005) and Trail Planning, Design and Development Guidelines (2007) in planning, designing, constructing and maintaining forest roads and trails.

The DNR is also committed to rigorously monitoring all designated roads and trails to ensure that they are well-maintained and that trail users are complying with rules and regulations. Safety training, education and enforcement will help to ensure compliance with road and trail-use designations.

Roads and trails may be temporarily closed as warranted by weather conditions (e.g., during spring breakup, high-fire hazard periods, after extreme storm events) or while needed repairs are being undertaken. Permanent changes to the designated recreational trail system (i.e., the addition, deletion or substantial modification of established routes) will be subject to additional public notice, public review and public comment (as per *MR Chap. 6100.1950*)

FinalPlan.doc
06 Nov. 07

APPENDIX A

Minnesota Statutes & Rules Related to State Forest Classification & Off-Highway Vehicle Operations

Laws of MN 2003, Chap. 128, Article 1, Sect. 167, as amended by M.L. 2005, 1st Special Session, Chapter 1, Article 2, Sect. 152, and by ML 2007, Ch. 57, Sec. 155.

Subdivision 1. Forest classification status review.

(a) By December 31, 2006, the commissioner of natural resources shall complete a review of the forest classification status of all state forests classified as managed or limited, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011. The review must be conducted on a forest-by-forest and area-by-area basis in accordance with the process and criteria under Minnesota Rules, part 6100.1950. Except as provided in paragraph (d), after each forest is reviewed, the commissioner must change the status of the lands within each forest to limited or closed. The commissioner may classify portions of a limited forest as closed. The commissioner must also provide a similar status for each of the other areas subject to review under this section after each individual review is completed. (b) If the commissioner determines on January 1, 2005, that the review required under this section cannot be completed by December 31, 2006, the completion date for the review shall be extended to December 31, 2008. By January 15, 2005, the commissioner shall report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance regarding the status of the process required by this section. (c) Until December 31, 2010, the state forests and areas subject to review under this section are exempt from Minnesota Statutes, section 84.777, unless an individual forest or area has been classified as limited or closed. (d) Notwithstanding the restrictions in paragraph (a), and Minnesota Statutes, section 84.777, subdivision 1, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011, that are north of U.S. Highway 2 shall maintain their present classification unless the commissioner reclassifies the lands under Minnesota Rules, part 6100.1950. The commissioner shall provide for seasonal trail closures when conditions warrant them. By December 31, 2008, the commissioner shall complete the review and designate trails on forest lands north of Highway 2 as provided in this section. **History:** 2003 c 128 art 1 s 21(as amended)

Subdivision 2. Temporary Suspension of Environmental Review.

The requirements for environmental review under Minnesota Statutes, section 116D.04, and rules of the environmental quality board are temporarily suspended for each reclassification and trail designation made under subdivision 1 until the commissioner has met all requirements under subdivision 1, or December 31, 2008, if the commissioner has failed to complete those requirements as required by law.

Chapter 84.773, Minnesota Statutes 2006

84.773 RESTRICTIONS ON OPERATION. Subdivision 1. Restrictions. A person may not intentionally operate an off-highway vehicle: (1) on a trail on public land that is designated or signed for nonmotorized use only; (2) on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access; (3) except as specifically authorized by law or rule adopted by the commissioner, in unfrozen public waters, as defined in section [103G.005](#); in a state park; in a scientific and natural area; or in a wildlife management area; or (4) in a calcareous fen, as identified by the commissioner.

Subd. 2. Wetland disturbance. A person may not operate an off-highway vehicle in a manner to: (1) indicate a willful, wanton, or reckless disregard for the safety of persons or property; (2) carelessly upset the natural and

ecological balance of a wetland or public waters wetland; or (3) impact a wetland or public waters wetland in excess of the amounts authorized in section [103G.2241, subdivision 9](#), unless: (i) sequencing of the impact is followed according to section [103G.222, subdivision 1](#), paragraph (b), and the impact is repaired under section [103G.2242](#), and rules adopted pursuant to that section; or (ii) the activity is exempt under section [103G.2241](#).

Subd. 3. Private land access. The commissioner may grant up to a ten-year permit to exempt a private landowner or leaseholder from this section when the only reasonable access to a permit applicant's land is across state land. **History:** 2003 c 128 art 1 s 19; 2004 c 255 s 6

Chapter 84.777, Minnesota Statutes 2007

84.777 OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.

Subd. 1. Designated trails. (a) Except as otherwise allowed by law or rules adopted by the commissioner, effective June 1, 2003, notwithstanding sections 84.787 to 84.805 and 84.92 to 84.929, the use of off-highway vehicles is prohibited on state land administered by the commissioner of natural resources, and on county-administered forest land within the boundaries of a state forest, except on roads and trails specifically designated and posted by the commissioner for use by off-highway vehicles. (b) Paragraph (a) does not apply to county-administered land within a state forest if the county board adopts a resolution that modifies restrictions on the use of off-highway vehicles on county-administered land within the forest.

Subd. 2. Off-highway vehicle seasons. (a) The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands. Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands outside of the seasons prescribed under this paragraph. (b) The commissioner may designate and post winter trails on state forest lands for use by off-highway vehicles. (c) For the purposes of this subdivision, "state forest lands" means forest lands under the authority of the commissioner as defined in section 89.001, subdivision 13, and lands managed by the commissioner under section 282.011.

Subd. 3. Mapped trails. (a) Except as provided in sections 84.926 and 84.928, after completion of official department off-highway vehicle maps for the area, a person must not operate an off-highway vehicle on state land that is not mapped for the type of off-highway vehicle. This paragraph does not apply to state forest land north of U.S. Highway 2 until after June 30, 2009. (b) This subdivision does not apply to a forest access route in a managed forest north of U.S. Highway 2 that the commissioner has not designated as a road or trail. Forest access routes will not be signed or maintained and will not be included on published user maps of the forest. Off-highway vehicle operation on forest access routes is subject to the prohibitions on causing erosion, rutting, damage to trees or crops, and construction of unauthorized trails contained in Minnesota Rules. Damaged routes are subject to closure to off-highway vehicle use.

Subd. 4. Exemption from rulemaking. Determinations of the commissioner under this section may be by written order published in the State Register and are exempt from the rulemaking provisions of chapter 14. Section 14.386 does not apply. **History:** 2003 c 128 art 1 s 21

[MS 84.8045] RESTRICTIONS ON OFF-ROAD VEHICLE TRAILS. Notwithstanding any provision of sections 84.797 to 84.805 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.

History: Minnesota Session Laws 2007, Ch. 57 Sec. 26.

Chapter 84.926, Minnesota Statutes 2007,

84.926 VEHICLE USE ON PUBLIC LANDS; EXCEPTIONS. Subdivision 1. Exception by permit. Notwithstanding sections [84.773, subdivision 1](#), and [84.777](#), on a case by case basis, the commissioner

may issue a permit authorizing a person to operate an off-highway vehicle on individual public trails under the commissioner's jurisdiction during specified times and for specified purposes.

Subd. 2. All-terrain vehicles; managed or limited forests; off trail. Notwithstanding section [84.777](#), but subject to the commissioner's authority under subdivision 5, on state forest lands classified as managed or limited, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use an all-terrain vehicle off forest trails or forest roads when: (1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license; (2) retrieving big game in September, when in possession of a valid big game hunting license; (3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or (4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license.

Subd. 3. All-terrain vehicles; closed forests; hunting. Notwithstanding section [84.777](#), the commissioner may determine whether all-terrain vehicles are allowed on specific forest roads, on state forest lands classified as closed, for the purpose of hunting big game during an open big game season. The determination shall be by written order as published in the State Register and is exempt from chapter 14. Section [14.386](#) does not apply.

Subd. 4. Off-road and all-terrain vehicles; limited or managed forests; trails. Notwithstanding section [84.777](#), but subject to the commissioner's authority under subdivision 5, on state forest lands classified as limited or managed, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter 168 or section [84.798](#) or [84.922](#), including class 2 all-terrain vehicles, on forest trails that are not designated for a specific use when:(1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license;(2) retrieving big game in September, when in possession of a valid big game hunting license;(3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or (4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license.

Subd. 5. Limitations on off-trail and undesignated trail use. The commissioner may designate areas on state forest lands that are not subject to the exceptions provided in subdivisions 2 and 4. Such designations are not subject to the rulemaking provisions of chapter 14 and section [14.386](#) does not apply. Before designating such areas, the commissioner shall hold a public meeting in the county where the largest portion of the forest lands are located to provide information to and receive comment from the public regarding the proposed designation. Sixty days before the public meeting, notice of the proposed designation shall be published in the legal newspapers that serve the counties in which the lands are located, in a statewide Department of Natural Resources news release, and in the State Register.

Subd. 6. Operation; class 2 vehicles. Except as provided in subdivision 4, operation of class 2 all-terrain vehicles on lands administered by the commissioner is limited to forest roads, minimum maintenance roads, and trails designated or signed for class 2 all-terrain vehicles.

Subd. 7. Snowmobiles; closed forests; off trail. Forests classified as closed forests are open to off-trail snowmobile use unless prohibited, as determined by the commissioner by written order published in the State Register. The determination is not subject to the rulemaking provisions of chapter 14 and section [14.386](#) does not apply.**History:** *1984 c 647 s 5; 1986 c 444; 2003 c 128 art 1 s 31; 1Sp2005 c 1 art 2 s 45; 2006 c 281 art 2 s 6*

Minnesota Rules, Part 6100.1950

6100.1950 MOTOR VEHICLES AND SNOWMOBILES; FOREST LANDS.

Subpart 1. Classified forest lands. The operation of motor vehicles and snowmobiles on forest lands classified by the commissioner for purposes of motor vehicle use according to subpart 2 and Minnesota Statutes, section 89.002, is regulated according to items A to C.

A. On forest lands classified as managed, a person may operate a motor vehicle only on forest roads and forest trails that are not posted and designated closed and in areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part.

B. On forest lands classified as limited, a person may operate a motor vehicle only on forest roads that are not posted and designated closed and on forest trails or areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part.

C. No person shall operate a motor vehicle or snowmobile on forest lands classified as closed, unless on frozen public waters where operation is not otherwise prohibited. Motor vehicles that are licensed for use on public highways may be operated on forest roads that are not posted or gated closed. Snowmobiles may operate on designated trails.

Subp. 2. Criteria for classification. The following criteria shall be considered when classifying forest lands for motor vehicle use:

- A. resource sensitivity and management objectives;
- B. resource impact by motorized and nonmotorized use, including erosion, rutting, and impacts on vegetation, wildlife, air, water, or natural habitats;
- C. motorized and nonmotorized recreational opportunity in area;
- D. user needs, such as trails, parking, signs, and access;
- E. the degree and trend of motor vehicle use in the area;
- F. the degree and trend of nonmotor vehicle use in the area;
- G. competing interests among different user groups; and
- H. public safety and law enforcement concerns.

Subp. 3. Notice and public meeting. Before changing the classification of forest lands for motor vehicle use, the commissioner shall provide notice and a public meeting according to items A to C.

A.) A public meeting shall be held in the county where the largest portion of the forest lands are located to provide information to and receive comment from the public regarding the proposed classification change.

B.) Sixty days before the public meeting, notice of the proposed classification change shall be published in legal newspapers that serve the counties in which the lands are located and in a statewide Department of Natural Resources news release and in the State Register. The notice shall include a summary of the proposed action, a request for public comment, and notice of the public meeting.

C.) Twenty-one days before the public meeting, notice of the meeting shall be announced in a statewide Department of Natural Resources news release.

Subp. 4. Commissioner's decision. The commissioner shall make a decision about the proposed classification change after considering the criteria listed in subpart 2 and any public comment received and explaining how the nature and magnitude of the criteria and comments relate to the classification.

Subp. 5. Nonmotorized trails. No person shall operate a motor vehicle or snowmobile on forest lands on a designated nonmotorized trail, including ski, foot, horse, bike, or accessible trail, unless the trail is also posted open for a motorized use. *STAT AUTH: MS 14.045; 14.388; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71 HIST: 24 SR 208; 25 SR 782; 27 SR 27*

MS84-777.doc
Rev. 10 Oct. 07

APPENDIX B

Summary Tables – Final Plan

Table 1. Summary of Cook County State Forest Land Land Ownership.

Source: Forest Access Route Unpublished Data, Nov. 2007. DNR DRS. Generated using ArcView extension.

State Forest Lands	Statutory Acres	DNR-Admin. Acres	DNR Acres w/in BWCAW	Inventoried Route Miles
Grand Portage	100,172	44,984	328	122.0
Pat Bayle	580,217	35,044	3,758	46.9
Outside State Forest	24,836	23,228	1,608	45.2
Totals	705,225	104,836	5,694	214.1

Table 2. Final State Forest Land Classification in Cook County (Approx.)

Source: Unpublished Data, Nov. 2007. DNR DRS. Generated using ArcView extension.

Proposed Forest Classification	Inside State Forest (DNR acres)	Outside State Forest (DNR acres)	Totals (acres)
Managed	43,456	0.0	43,456 (40%)
Limited	36,572	23,228	59,800 (55%)
Closed (BWCAW only)	4,086.0	1,608.0	5,694 (5%)
Totals (acres)	84,114	24,836	108,950

Table 3. Summary of Final Road & Trail Designations in the Pat Bayle State Forest.

Source: Forest Access Route Unpublished Data, Nov 2007. DNR DRS. Generated using ArcView extension.

Summary Report	Final Plan
<u>Category</u>	<u>Miles of Road & Trail</u>
Total Inventoried Routes	46.9 Miles
ATV / Off-Highway Motorcycle Trails	5.7 Miles
Proactive Closure	17.3 Miles
Non-Motor Trails	0.0 Miles
Non-Designated Routes	17.3 Miles
System State Forest Roads	3.7 Miles
Minimum Maint. State Forest Roads	20.2 Miles
Total of All Motorized Routes	29.6 Miles

Summary Tables – Draft Proposal (Con't)

Table 4. Final Road & Trail Designations in the Grand Portage State Forest.
 Source: Forest Access Route Unpublished Data, Nov. 2007. DNR DRS. Generated using ArcView extension.

Summary Report	Final Plan
<u>Category</u>	<u>Miles of Road & Trail</u>
Total Inventoried Routes	122.0 Miles
Off-Highway Vehicle Trails	0.0 Miles
Snowmobile Trails	0.0 Miles
Hiking Trails	25.2 Miles
Hunter Walking Trails	0.0 Miles
Proactive Closure	6.3 Miles
System State Forest Roads	43.4 Miles
Minimum Maint. State Forest Roads	11.7 Miles
Non-Designated Routes (forest access routes)	35.4 Miles
Total of All Motor Routes	90.5 Miles

**Table 5. Summary of Final Road & Trail Designations
 Outside State Forest Boundaries in Cook County, Minnesota.**

Source: Forest Access Route Unpublished Data, Nov. 2007. DNR DRS. Generated using ArcView extension.

Summary Report	Final Plan
<u>Category</u>	<u>Miles of Road & Trail</u>
Total Inventoried Routes	45.2 Miles
Off-Highway Vehicle Trails	1.9 Miles
Snowmobile Trails	0.0 Miles
Hiking Trail	8.9 Miles
Hunter Walking Trails	4.5 Miles
Proactive Closure	1.2 Miles
System State Forest Roads	0.6 Miles
Minimum Maint. State Forest Roads	13.6 Miles
Non-Designated Routes	15.7 Miles
Total of All Motor Routes	16.1 Miles

Summary Tables – Draft Proposal (Con’t)

**Table 6. Summary of Final Road and Trail Designations
on All State Forestry-Administered Lands in Cook County, Minnesota**

Source: Forest Access Route Unpublished Data, Nov. 2007. MN DNR DRS. Generated using ArcView extension.

Summary Report Category	Inside State Forest (Miles)	Outside State Forest (Miles)
Total Inventoried Routes	168.9	45.2
Off-Highway Vehicle Trails	5.7	1.9
Snowmobile Trails	0.0	0.0
Non-Motorized Trails	25.2	13.4
Non-Designated Routes ('limited' forest)	17.3	15.1
Proactive Closure	6.3	1.2
System State Forest Roads	47.1	0.6
Minimum Maint. State Forest Roads	31.9	13.0
Campground and Public Water Access Roads	0.0	0.0
Forest Access Routes ('managed' forest)	35.4	0.0
Total of All Motorized Routes	120.1	16.1

SumTbles-Cook.doc
11/06/07

APPENDIX C

Areas With Limitations on Off-Trail & Non-Designated Trail Use

The Cook County Planning Team evaluated various areas for possible designation pursuant to *MS Chap. 84.926, Subd. 5* which would eliminate the hunter/trapper exemptions otherwise provided for under state law in a 'limited' forest. At one point, five sites totaling 4,055 acres were proposed for special protections, including possible reclassification to 'closed' forest areas. [All five sites are mapped and described in Appendix C of the Draft Plan.]

All of the sites share the following general characteristics:

- High-to-outstanding biodiversity significance rankings;
- Absence of inventoried forest roads or motorized trails, and/or existing non-motor activity;
- Proximate to unique or sensitive wildlife habitat, hydrologic features, or traditional non-motorized recreation areas.

Through the course of the DNR internal review process, the Team's preliminary recommendations were refined to include a special designation only for the Jackson Lake Site, which will be re-classified as '*limited*' effective Sept. 1, 2008. This '*limited*' area effectively limits OHV and HLV use within the larger '*managed*' Grand Portage State Forest to just that associated with use of non-designated routes by licensed individuals during the big-game hunting and trapping seasons. This is consistent with current use. The other sites are not included in the Final Plan. A description and map of the Jackson Lake Site follows.

Grand Portage State Forest

Jackson Lake Site (1,504 acres) - '*Limited*' Forest Classification within a '*Managed*' State Forest

- Portion of Minnesota County Biological Survey (MCBS) Site of Outstanding Statewide Biodiversity Significance.
- Designated old growth northern hardwood – 37 stands, totaling 1,299 acres.
- ~2.5 miles of the Superior Hiking Trail.
- No inventoried access routes within the area; motorized access to the boundary; Superior Hiking Trail (SHT) access to the interior.
- Some wetland and riparian Native Plant Communities.

Jackson T63 - R4E

LEGEND

- System Forest Roads (ATV, OHM, ORV, HLV)
- Minimum Maintenance Forest Roads (ATV, OHM, ORV, HLV)
- Forest Access Routes
- Closed
- Hiking Trails
- Limited Access Areas
- State Forest Boundaries
- National Forest Boundary
- PLS Townships
- PLS Sections
- Lakes
- Grand Portage Reservation
- Other State Lands
- Federal Land

16

0.5 0 0.5 1 Miles

