

**Forest Classification**  
And  
**Forest Road and Trail Designations**  
For the  
**Mississippi Headwaters Unit**  
**Final Plan**



Minnesota Department of Natural Resources

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## EXECUTIVE SUMMARY

### E.1 PURPOSE

*Minnesota Laws 2003*, Chapter 128, Article 1, Section 167 as amended by *Minnesota Laws 2005, 1<sup>st</sup> Special Session*, Chapter 1, Article 2, Section 152 directs the Commissioner of the Department of Natural Resources (DNR) 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 Commissioner must change the status of State Forest lands subject to the review to a classification of *limited* or *closed*, and the motor vehicle use classification and road and trail designations are to be adopted and implemented through the publication of written orders in the *State Register* for each forest.

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 a portion of State Forest lands in the West Central Forests planning unit in west-central Minnesota.

Given the intermingled private, county, and state land ownership pattern in the West Central Forests planning unit, the DNR coordinated its work with relevant Land Departments and White Earth Natural Resources. State, county, and tribal land managers jointly developed the recommended classifications and designations. Although this plan focuses on final decisions for state-administered lands, it also provides information for proposed actions on county-administered ownerships. The Commissioner of Natural Resources will only designate roads and trails on DNR-administered lands.

### E.2 LANDS COVERED BY THIS PLAN

There are six named State Forests with statutorily-defined boundaries within the West Central Forests planning unit. These six State Forests have a gross acreage of about 302,761 acres, of which about 103,572 acres administered by the DNR Division of Forestry are covered by the complete review.

DNR has subdivided the West Central planning unit into Northern and Southern parts that are labeled as the North Unit and South Unit respectively. Lands subject to the planning effort are allocated to the north and south parts as follows:

The **North Unit** includes: 1) forest lands within the statutory boundaries of Mississippi Headwaters and White Earth State Forests, and 2) scattered State Forest lands in Becker, Beltrami, Clearwater, and Mahnomen Counties.

The **South Unit** includes: 1) forest lands within the statutory boundaries of Huntersville, Lyons, Smoky Hills, and Two Inlets State Forests, and 2) scattered State Forest lands in Clay, Douglas, Otter Tail, Pope, Todd, and Wadena Counties.

This plan addresses proposed forest classifications and road/trail designations for the ***Mississippi Headwaters State Forest and scattered State Forest lands in southwest Beltrami County in the North Unit***. The Mississippi Headwaters State Forest has a gross acreage of about 45,290, of which 8,790 acres (or about 19.4%) is administered by the DNR Division of Forestry and 19,920 acres (or about 43.9%) is administered by Beltrami, Clearwater, and Hubbard Counties respectively. Another 2,688 acres of forest land administered by the

DNR Division of Forestry lies outside of State Forest boundaries in Southwest Beltrami County. Therefore, a total of 11,478 net acres of DNR-managed state forest lands were the focus of the plan for the planning unit.

See Table E-1 that summarizes forest land ownership in the Mississippi Headwaters Unit.

**Table E-1. Summary of Forest Land Ownership in Mississippi Headwaters Unit**

Source: Forest Access Route Unpublished Data, 2007. DNR DRS. Generated Using ArcView Extension

Within-Forest Acreages & Inventory					
State Forest	Statutory Acres	Land Administrator (Acres)		Inventory (Miles)	
		DNR	County		
Mississippi Headwaters	45,290	8,790	Beltrami	13,231	38.4
			Clearwater	1,672	67.3
			Hubbard	4,217	4.2
					23.2
<b>Totals</b>		8,790	19,120	133.1	
Outside-Forest Acreage & Inventory					
County	DNR-Administered Lands (Acres)		Inventory (Miles)		
Beltrami	2,688		6.1		

### E.3 MOTOR VEHICLE USE CLASSIFICATIONS

The State Forests and/or associated scattered State Forest lands in the Mississippi Headwaters Unit are located south of US Highway 2 and must be reclassified as either *limited* or *closed* to comply with current Minnesota law; lands located north of US Highway 2 are to maintain a *managed* classification unless reclassified by the DNR Commissioner. The DNR West Central Forests Road & Trail Designation Team discussed alternative classification proposals and developed classification recommendations for State Forest lands in the planning area. All criteria listed in Minn. Rules part 6100.1950, subpart 2 must be considered under the prescribed classification review. The Commissioner of Natural Resources classified State Forest lands within the planning area as follows:

Mississippi Headwaters State Forest:	<i>Limited</i>
Scattered DNR-administered State Forest Lands Southwest Beltrami County:	<i>Limited</i>

### E.4 FOREST ROUTE INVENTORY

In 2003 and 2004, DNR staff made an effort to inventory the location and condition of all existing routes that show evidence of ongoing human use on state- and county-administered forest lands. The inventory identified about 44.5 miles of routes on DNR Forestry-administered lands in the Mississippi Headwaters Unit. Approximately 38.4 miles of inventoried routes are located inside the statutory boundary of the State Forest and 6.1 miles are located outside the State Forest boundaries. Routes have also been inventoried on county-managed lands inside the State Forest; a total of about 94.7 miles of route occurs on Beltrami, Clearwater, and Hubbard County lands.

## E.5 ROUTE DESIGNATIONS

DNR collaborated extensively with the Land Departments for Beltrami, Clearwater, and Hubbard Counties to develop recommendations for future forest road and trail designations. Table E-2 summarizes the proposed designations of the inventoried forest routes on DNR- and county-managed lands within the forest boundary.

**Table E-2. Forest Road and Trail Designation Summary of the Mississippi Headwaters Unit**

Source: Forest Access Route Unpublished Data, 2007. DNR DRS. Generated Using ArcView Extension

<b>Within-Forest Inventory (Miles)</b>					
<b>Designation Category</b>	<b>Land Administrator</b>				<b>Total</b>
	<b>DNR</b>	<b>Beltrami</b>	<b>Clearwater</b>	<b>Hubbard</b>	
<b>Forest Roads</b>	<b>15.8</b>	<b>0</b>	<b>0.3</b>	<b>7.5</b>	<b>23.6</b>
System Forest Road	4.0	0	0	2.6	6.6
MMR	11.8	0	0.3	4.9	17.0
<b>Trails</b>	<b>5.1</b>	<b>67.3</b>	<b>0.4</b>	<b>0</b>	<b>72.8</b>
ATV-only Trail	1.3	0	0.4	0	1.7
Non-motorized Trails	3.8	0	0	0	3.8
Access Routes	n/a	53.5	n/a	n/a	53.5
Restricted Access Routes	n/a	13.8	n/a	n/a	13.8
<b>Non-designated Routes</b>	<b>17.5</b>	<b>n/a</b>	<b>3.5</b>	<b>15.7</b>	<b>36.7</b>
<b>Total Inventoried Routes</b>	<b>38.4</b>	<b>67.3</b>	<b>4.2</b>	<b>23.2</b>	<b>133.1</b>
<b>DNR-Managed Lands / Outside-Forest Inventory</b>					
<b>Designation Category</b>	<b>Total</b>				
<b>Forest Roads</b>	<b>4.1</b>				
System Forest Road	0				
MMR	4.1				
<b>Trails</b>	<b>0</b>				
<b>Non-designated Routes</b>	<b>2.0</b>				
<b>Total Inventoried Routes</b>	<b>6.1</b>				

## E.6 IMPLEMENTATION AND MONITORING

The classifications of State Forest lands for motor vehicle use, and designations of forest roads/trails and Areas with Limitations on Off-trail and Non-designated Trail Use have been subject to public review and comment. The DNR evaluated public input received at the public open house and in written comments in reaching final determinations. The Commissioner of Natural Resources issued Commissioner's Orders to change the motor vehicle use classification and designate forest roads and trails that was published in the February 25, 2008 edition of the *State Register*. The effective date for the Commissioner's Orders is December 31, 2008.

# WEST CENTRAL FORESTS – MISSISSIPPI HEADWATERS UNIT FINAL PLAN

## 1.0 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 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 under M.S. Section 89.002, subd. 1; and
- Provide a system of forest roads and trails to access State Forest lands under M.S. Section 89.002, subd. 3.

Prior to the mid-1980s 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 by *Minnesota Laws 2005, 1<sup>st</sup> Special Session*, Chapter 1, Article 2, Section 152 directs the Commissioner of the Department of Natural Resources 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 Commissioner must change the status of State Forest lands subject to the review located south of US Highway 2 to a classification of *limited* or *closed*, or maintain a *managed* classification for State Forest lands north of US Highway 2 unless reclassified by the Commissioner. The motor vehicle use classification and road and trail designations are to be adopted and implemented through the publication of written orders in the *State Register* for each forest.

This final plan documents the outcome of that evaluation, and identifies the proposed state forest classification and those forest roads and trails that DNR proposes to officially designate, or undesignate, for various access purposes, both motorized and non-motorized, within the West Central Forests – Mississippi Headwaters planning unit (Unit). If the recommendations are implemented, use of motor vehicles (e.g., All-Terrain Vehicles or ATVs, Off-highway Motorcycles or OHMs, Off-Road Vehicles or ORVs, and highway licensed vehicles or HLVs) in the Mississippi Headwaters Unit will be limited to only those roads and trails that are specifically signed and/or designated for their use. The plan also identifies those routes DNR proposes to designate as non-motorized trails within the prescribed planning unit. Areas where the

provisions of M.S. Section 84.926, subd. 5 have been applied are also identified in the final plan.

## **1.1 PROCESS**

In July 2006, an interdisciplinary team with members from the DNR Divisions of Ecological Services, Enforcement, Fish & Wildlife, Forestry, and Trails & Waterways began working on 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 (M.R. part 6100.1950) and recommend an appropriate motor vehicle use classification.
3. Evaluate all 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 public review, discussion and comment.

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

1. Compile an inventory of forest access routes, which are defined as forest roads and trails, and other routes, showing evidence of ongoing motorized use. Prepare maps showing all travel routes.
2. Host a series of public open houses to alert people to the classification review and 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 use of the forest lands and 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. Identify routes potentially suitable for designation as motor/non-motor recreational trails.
5. Prepare designation plans and maps for internal agency and public review and comment.

Given the mix of county and state land ownership in the planning area, the DNR team sought to coordinate its work with county land management agencies from Beltrami, Clearwater, and Hubbard Counties. The goal was to develop a consistent, understandable and enforceable approach to vehicular access across public and private forest land ownerships. The team worked within existing mandates and guidelines for the management of State Forest lands, while respecting the management plans and policies for other forest land owners in the planning area.

## **2.0 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 a portion of State Forest lands in the West Central Forests in west-central Minnesota.

## 2.1 PLANNING UNIT DEFINED FOR THIS PLAN

The West Central Forests planning unit includes six (6) named State Forests and scattered State Forest lands administered by the DNR Division of Forestry in ten (10) counties.

DNR has subdivided the West Central Forests planning unit into Northern and Southern parts that are labeled the North Unit and South Unit respectively. Lands subject to the planning effort are allocated as follows:

The ***North Unit*** includes: 1) forest lands within the statutory boundaries of Mississippi Headwaters and White Earth State Forests, and 2) scattered State Forest lands in Becker, Beltrami, Clearwater, and Mahnommen Counties.

The ***South Unit*** includes: 1) forest lands within the statutory boundaries of Huntersville, Lyons, Smoky Hills, and Two Inlets State Forests, and 2) scattered State Forest lands in Clay, Douglas, Otter Tail, Pope, Todd, and Wadena Counties.

This plan addresses proposed forest classifications and road/trail designations for the ***Mississippi Headwaters State Forest and scattered State Forest lands in southwest Beltrami County in the North Unit***. DNR will conduct the classification review and road/trail designation of State Forest lands inside the White Earth State Forest, and scattered State Forest lands in Becker, Clearwater, and Mahnommen Counties in a separate plan and related public process. State Forest lands in the West Central Forests – South Unit were reviewed in a previous planning process completed in December, 2007.

## 2.2 LOCATION, ACREAGE, AND OWNERSHIP

The DNR's West Central Forests planning unit is located in the following counties: Becker; southwestern Beltrami; Clay; Clearwater; Douglas; Hubbard; Mahnommen; Otter Tail; Todd; and Wadena. The White Earth Reservation is also contained in the planning unit (see Figure 1: Study Area). The total planning unit covers approximately 4.8 million acres, including water-covered areas.

There are six named State Forests with statutorily-defined boundaries within the West Central Forests planning unit. These six State Forests have a gross acreage of about 302,761 acres, of which about 103,572 acres administered by the DNR Division of Forestry are covered by the complete review of the North and South Units.

### 2.2.1 STATE ADMINISTERED LANDS

The State Forest lands located within the Mississippi Headwaters Unit taken together encompass a gross acreage of about 47,978 acres. The Mississippi Headwaters State Forest includes 45,290 acres within the statutory boundary, of which DNR's Division of Forestry administers 8,790 acres, or about 19.4%. Another 2,688 acres of forest land administered by the DNR Division of Forestry lies outside of State Forest boundaries in the Mississippi Headwaters Unit. Therefore, a total of 11,458 net acres were the focus of this planning exercise.

In addition to State Forest lands, there are three Wildlife Management Areas (WMAs) covering 492 acres present in the southwest Beltrami County portion of the planning unit.

## 2.2.2 COUNTY ADMINISTERED LANDS

Beltrami, Clearwater, and Hubbard Counties each manage forest lands within the statutory boundary of the Mississippi Headwaters State Forest. Each county has a Land Department responsible for motor vehicle use on these ownerships. Beltrami County manages 13,231 acres, Clearwater County manages 1,672 acres, and Hubbard County manages 4,217 acres respectively. No county-managed forest lands outside the State Forest's statutory boundary are addressed in this plan.

See Table 1, Summary of Forest Land Ownership in Mississippi Headwaters Unit.

**Table 1. Summary of Forest Land Ownership in Mississippi Headwaters Unit**

Source: Forest Access Route Unpublished Data, 2007. DNR DRS. Generated Using ArcView Extension

Within-Forest Acreages & Inventory					
State Forest	Statutory Acres	Land Administrator (Acres)		Inventory (Miles)	
		DNR	County		
Mississippi Headwaters	45,290	8,790	Beltrami	13,231	38.4
			Clearwater	1,672	67.3
			Hubbard	4,217	4.2
					23.2
<b>Totals</b>		8,790	19,120	132.1	
Outside-Forest Acreage & Inventory					
County	DNR-Administered Lands (Acres)		Inventory (Miles)		
Beltrami	2,688		6.1		

## 3.0 MOTOR VEHICLE USE CLASSIFICATION

Minnesota Law requires the Commissioner of Natural Resources to complete a review of the classification of State Forest lands for motor vehicle use by December 31, 2008. The process and criteria for forest classification are contained in Minnesota Rules part 6100.1950. subp. 2. The State Forest motor vehicle use classifications are characterized as follows:

**Managed Forest Lands.** All state forest roads and 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 the hunting and trapping exceptions. ORVs and HLVs may be operated on non-designated routes under the hunting and trapping exceptions. When using motor vehicles on unsigned routes it is illegal to operate the vehicle 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 motorized and non-motorized recreational use. It is necessary to designate OHV trails so that OHV use occurs only in suitable and sustainable locations. ATVs may be operated on non-designated routes and off trail under the hunting and trapping exceptions. ORVs and HLVs may be operated on non-designated routes under the hunting and trapping exceptions.

**Closed Forest Lands.** Forest roads are open to motor vehicles licensed for highway use. No OHVs are permitted, except that OHVs may operate on frozen public waters (e.g., across lakes for ice fishing). Snowmobiles may operate on designated trails. 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 BWCW) are automatically classified as *closed*. The hunting and trapping exceptions do not apply in *closed* forests.

The following criteria are 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.

### **3.1 LANDS COVERED BY THIS CLASSIFICATION REVIEW**

This motor vehicle use classification review covers State Forest lands in the West Central Forests – Mississippi Headwaters Unit in west-central Minnesota. The Mississippi Headwaters State Forest is the only state forest evaluated. Scattered State Forest lands evaluated are only those located in southwest Beltrami County. The planning unit covers approximately 220,160 acres, including water-covered areas.

#### **3.1.1 INSIDE STATE FOREST BOUNDARIES**

There is one named State Forest with statutorily-defined boundaries within the planning unit. This is the Mississippi Headwaters State Forest that has a gross acreage of about 45,290 acres, of which about 8,790 acres administered by the DNR Division of Forestry are covered by this review. M.S. Section 84.777 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 OHVs on county-administered land within the forest.

The intentions of counties that administer lands inside state forest boundaries within the Mississippi Headwaters Unit are as follows:

- Beltrami County has adopted a policy that forest roads and trails are “open unless restricted” to highway licensed vehicles (HLVs) and off-highway vehicles (OHVs). The County adopted a resolution modifying restrictions on county-administered forests lands within State Forests on March 20, 2007. Beltrami County also has an adopted Recreational Trails Plan (April 2006) to guide trail policy on county-managed lands.
- Clearwater County has adopted a policy that forest roads and trails are “open unless restricted” to highway licensed vehicles (HLVs) and off-highway vehicles (OHVs). The County adopted a resolution modifying restrictions on county-administered forests lands within State Forests on July 10, 2007.
- Hubbard County does not propose to adopt a resolution modifying restrictions on OHV use on county-administered forests lands within State Forests. The policy for motor vehicle operation on county-managed forest roads and trails is “closed unless posted open” consistent with the State Forest’s adopted *limited* classification.

The motor vehicle use classification and related State Forest rules do not apply on federal, tribal, or private lands within State Forest boundaries. The classification and rules 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. The classification and rules do not apply to state lands administered by DNR divisions other than the Division of Forestry, such as State Parks, Wildlife Management Areas, Scientific & Natural Areas, or State Trails.

### **3.1.2 OUTSIDE STATE FOREST BOUNDARIES**

The Mississippi Headwaters Unit includes about 2,688 acres of State Forest land administered by the DNR Division of Forestry outside of the State Forest boundaries. All of this land is inside Beltrami County and is treated as State Forest land covered by this classification review.

County-administered forest land outside of State Forest boundaries also occurs within Beltrami County in the Mississippi Headwaters Unit. This plan does not apply to any of these county-administered lands.

This motor vehicle use classification does not apply on federal, tribal, or private lands outside of State Forest boundaries. The classification and rules do not apply to state lands administered by DNR divisions other than the Division of Forestry, such as State Parks, Wildlife Management Areas, Scientific & Natural Areas, or State Trails.

## **3.2 CLASSIFICATION EVALUATION PROCESS**

DNR West Central Team members reviewed the classification criteria, collected data related to classification, and gathered input from other DNR staff, county land commissioners, other governmental units, and the public. Five public open houses were conducted over the period September 25 through October 5, 2006. DNR received written input from the public over this period; it took the form of comment forms, letters, and e-mails. Potential classification schemes were discussed that resulted in the proposed classifications discussed in this plan.

The planning team considered applying either a *limited* or *closed* classification for the Mississippi Headwaters State Forest. Both approaches presented management and enforcement challenges given the checkerboard, patchwork nature of public land ownership inside the forest. The preliminary recommendation was to classify all State Forest lands as *limited*, with all DNR Forestry-administered lands south of US Highway 2 to be designated as an

Area with Limitations on Off-trail and Non-designated Trail Use pursuant to M.S. 84.926, subd. 5. This latter measure was considered important to protect important recreation values and sensitive riparian areas along the Mississippi River from impacts that may occur from off-trail travel by ATVs as permitted under the big game hunting and trapping exception provided in M.S. 84.926, subd. 2. This set the stage for examination of routes on DNR-administered lands and development of recommended designations of inventoried routes as forest roads and trails.

Team members considered and developed recommendations for forest classifications and road and trail designations over the period August 2006 to September 2007. The DNR team and county land managers collaborated extensively to develop joint recommendations on proposed forest road/trail designations and define a boundary of Areas with Limitations on Off-trail and Non-designated Trail Use. Beltrami and Hubbard Counties will adopt such zones on their forest lands, while Clearwater County is not pursuing such a zone at this time. DNR modified its preliminary recommendation to match the county proposals, which resulted in approximately 3,730 acres of State Forest lands not being subject to the provisions of M.S. Section 84.926, subd. 5. Route-specific recommendations are based upon statutory criteria, an evaluation of existing conditions, and review of current use levels and patterns. Team members sought to protect natural resources and further resource management objectives through these recommendations. They also sought to foster consistency across mixed public ownerships in terms of county access plans and travel management policies. Consistency of regulation across mixed ownerships is desirable because it fosters public understanding of vehicular use rules and facilitates effective enforcement.

### **3.3 EXISTING MOTOR VEHICLE USE CLASSIFICATION**

Motor vehicle use has generally been allowed in most State Forests. As the number of 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 agency began to reassess its OHV management programs. The DNR proposed classifying State Forests as *managed*, *limited*, or *closed* with respect to motor vehicle use. In May 1998 a series of public open houses were held to discuss the proposed classifications of State Forests for motor vehicle use. On September 3, 1998 the Commissioner of Natural Resources issued a memorandum establishing interim classifications for all State Forests. The interim classifications became permanent on January 1, 2000. The classification for all DNR Division of Forestry-administered State Forest land in the Mississippi Headwaters Unit is currently *managed*.

### **3.4 ADOPTED CLASSIFICATIONS**

The State Forests and/or associated scattered State Forest lands in the Mississippi Headwaters Planning Unit must be reclassified as either *limited* or *closed* to comply with current Minnesota law. The DNR West Central Forests Road & Trail Designation Team discussed alternative classification proposals and developed classification recommendations for State Forest lands in the planning area. The primary reasons supporting the classification recommendation for the State Forest lands in the planning unit are presented below. All criteria listed in Minn. Rules part 6100.1950, subpart 2 must be considered under the final classification review.

The Commissioner of Natural Resources has classified State Forest lands within the planning area as described in the following text.

### **3.4.1 MISSISSIPPI HEADWATERS STATE FOREST - LIMITED**

The Mississippi Headwaters State Forest is a mixture of state, county and private lands located approximately six (6) miles due west of Bemidji, MN. The forest's statutory boundary encompasses 45,290 acres. The DNR Division of Forestry administers 8,790 acres of this total acreage. The forest occurs in three counties, specifically Beltrami County (13,231 acres), Clearwater County (1,672 acres), and Hubbard County (4,217 acres), with the balance of 17,380 acres in private ownership.

As the name implies, the northernmost reach of the Mississippi River crosses the Mississippi Headwaters State Forest as it flows north from Itasca State Park and then easterly to Lake Bemidji. The Little Mississippi River and Grant Creek are also present, both flowing to Rice Lake that in turn discharges into the Mississippi River. The landscape is a moraine-outwash complex resulting in a mixture of hills (glacial moraines) and lakes and wetlands (glacial depressions) across the forest. Soils are typical to glacial tills and range from fine sandy loam to loams that have been subject to weathering/erosion with redeposition in low areas. Deposits of sorted sands and gravel occur as well as areas exhibiting layers of fine sand, silt, and clay. Forest cover in upland areas with sandy, well-drained soils includes stands of white and red pine, oaks, maples, birch and aspen. Wetter soils provide good conditions for black spruce, northern white cedar, and tamarack. The upland areas, along with the complex of wetland and river bottom-type habitats, provide habitat for a diverse range of plant and animal species.

State- and county-managed ownerships occur as a somewhat consolidated block along the Mississippi River as it flows through Hubbard and Beltrami Counties. The reach through Clearwater County is primarily private. DNR's ownership is fairly intermixed in all three counties with no large blocks present; county lands are typically more consolidated than DNR-managed lands. DNR controls about 19% of the forest land while the counties control about 44%.

The State Forest includes a number of recreation resources. The Mississippi River flowage through the forest is designated as a State Canoe and Boating Route. Canoe-access opportunities include Coffee Pot Landing, Stumphges Rapids, Bear Den Landing, Fox Trap campsite, and Pine Point Landing. Dispersed camping also occurs in the forest away from the river; no developed, multi-site campgrounds are present. Iron Bog Springs Scientific & Natural Area (SNA) occurs in Clearwater County at the forest's boundary with Itasca State Park. No WMAs are found within the forest's statutory boundary.

The first 41.2 miles of the Mississippi River is a candidate for designation as a Wild River under the federal Wild and Scenic Rivers Act; such designation has not occurred. The Mississippi River Headwaters Board provides regulatory guidance for development, including recreation, along the river corridor; the Board classifies the reach of river within the State Forest boundary as Wild. The Mississippi River does not have a State Wild and Scenic River status in the headwaters reach.

A series of county and township roads, coupled with a network of existing forest roads and trails, provide access to State Forest lands inside the statutory boundary. The Mississippi River is crossed by a bridge at 510<sup>th</sup> Street at Stumphges Rapids and by Beltrami CR 5 – Centerline Road Southwest. A snowmobile trail crosses the river by a bridge at Coffee Pot Landing. USTH 2 crosses the forest at Wilton, with Beltrami County-managed lands north of USTH 2 (both inside and outside the State Forest statutory boundary) identified as a designated OHV trail area, especially in the vicinity of the abandoned Soo Line rail grade. Motorized use in the

forest includes utilitarian and hunting-related activity by both HLVs and OHVs. Recreational ATV riding also occurs along roads and on forest trails, but no designated non-motorized recreational trails are currently present. The level of motorized use varies by location, with some areas receiving little or no use and others receiving higher use levels. GIA snowmobile trails are present.

DNR received considerable public input from the open houses and directly from individuals and groups throughout the preliminary designation process. Comments were both general and forest-specific. General comments ranged from strong support to strong concern for OHV trails on public lands in Minnesota, coupled with statements regarding trail: impacts, damage, sustainability, enforcement, funding, monitoring, and maintenance. Issues raised in public comments specific to the Mississippi Headwaters State Forest are generalized below:

- Multiple requests for DNR to adopt a *closed* classification.
- Concern over potential closures (especially in Jones Township) that provide local access to the Mississippi River for sporting activities such as waterfowl hunting, wild rice gathering, fishing, and trapping.
- Recognition of the high natural resource value of Mississippi River and the associated riparian corridor.
- This reach of the Mississippi River is not only of statewide significance, but of national and even international significance.
- This forest is fragile ecosystem; sensitive nature of natural communities to impacts from motorized uses, especially in terms of soils, erosion, water quality, vegetation, and wildlife.
- Designated trail systems needed for quality motorized recreational experience.
- Incompatibility of motorized and non-motorized uses, especially for silent sport enthusiasts, and need for buffer.
- Extensive damage already present from OHVs.
- Forest not suited to motorized recreation.
- Enforcement and monitoring not possible due to remoteness of area.
- Concern over loss of historic public access and potential route closures.

The planning team expended great effort considering the appropriateness of a *closed* versus *limited* classification for the Mississippi Headwaters State Forest. The team recognized that the management of public access and recreation in the MHSF has been variable. Instances of ineffective management have occurred, which in turn resulted in unacceptable resource damage and violations. In considering the most desirable future condition, particular attention was paid to addressing what framework of public access best recognized the need to protect sensitive natural areas along the Mississippi River corridor (and other areas) while recognizing many routes could sustain varying degrees of motorized use. The latter point was important given the public trail policies established by Beltrami, Clearwater, and Hubbard Counties on adjacent, non-DNR ownerships, where Beltrami and Clearwater Counties have an “open unless restricted” policy on forest trails. Because the planning team had multiple opinions about the appropriate classification for the MHSF, the Regional Director was briefed and a *limited* classification was recommended for public review and comment.

The DNR Draft Plan proposed a *limited* classification for DNR Forestry-administered lands in the Mississippi Headwaters State Forest. A *limited* classification affords a better opportunity to align DNR and county land management than would be available under a *closed* classification. To this end DNR and the County Land Departments developed joint recommendations for all

four ownerships that were presented in the draft plan. The goal was to provide a consistent “on the ground” management scheme as possible while recognizing the differences between DNR and county access policies. The *limited* classification also acknowledges that some degree of motorized access can be sustained on the existing trail inventory. Regardless of whether DNR lands are classified as *limited* or *closed*, a high level of coordination will be necessary on a continuous, ongoing basis to maintain access for all public lands located within the Mississippi Headwaters State Forest.

The adoption of a *limited* classification itself was deemed insufficient to fully protect important natural resource and recreational values along the Mississippi River corridor. This was especially true in terms of access afforded to ATVs, ORVs, and HLVs under the big game hunting and trapping exceptions (M.S. 84.926, subd 2 and 4). To address this concern, Areas with Limitations on Off-Trail and Non-Designated Trail Use are proposed for all or parts of 26 DNR Forestry-administered parcels in the vicinity of the Mississippi River. In short, the big game hunting and trapping exceptions will not apply. Beltrami and Hubbard Counties also propose to adopt a similar zone for county-managed lands along the Mississippi River to provide for more consistent management across the three ownerships.

Cross-country travel by ATVs for big game hunting activities (i.e., M.S. 84.926, subd. 4) will not be permitted on any of these ownerships in the Area of Limitations. HLVs and OHVs will still be able to use access routes, and restricted access routes when open, on Beltrami County lands, but will not be able to operate on DNR Forestry and Hubbard County lands (i.e., M.S. 84.926, subd 2). In other words for DNR and Hubbard County lands, non-designated routes will not be subject to future motorized use and will be maintained by foot traffic. Clearwater County does not propose such an area on its lands at this time.

The primary benefits of the Areas with Limitations on Off-trail and Non-designated Trail Use are:

- First, it provides a common policy on off-trail travel by ATVs along the Mississippi River corridor. This is important given the differing public access policies and mixed pattern of public ownership along the river. A uniform policy on off-trail travel reduces the potential for public confusion on what’s allowed inside the zone, which in turn improves opportunities for consistent enforcement across jurisdictions. It assists in separating competing user groups, especially in the late summer and fall. It also eliminates the potential for creation of new, user-created trails that can naturally occur as a function of hunting/trapping related access.
- Second, it creates de facto closed areas where inventoried routes are not present. Even though classified as limited (DNR or Hubbard County) or “open unless restricted (Beltrami County),” they are indistinguishable on the ground as would be the case under a closed classification. There is no legal way for OHVs to operate on these parcels. Significant acreage along the river corridor matches this description on all three ownerships.
- Third, it eliminates motor vehicle use on non-designated routes inside the Area with Limitations. This particular feature of the plan occurs mostly in Hubbard County in the vicinity of Stumphges Rapids. A number of routes that currently provide motorized access to or near the river will no longer be open to motor vehicles. These routes may or may not persist into the future depending on the level of non-motorized use they receive.

The planning team also invested substantial effort considering anticipated future demand for a motorized recreation corridor connecting public forest lands in Hubbard County to public forest lands in Beltrami County, especially the designated OHV trail area recommended in the Beltrami County Recreational Trails Plan. Specific to this trail corridor issue, the agencies propose designation of 1.3 miles of ATV/OHM trail on DNR-managed lands, but do not propose any trail designation at Coffee Pot Landing. The Draft Plan considered designation of an ATV/OHM trail at Coffee Pot Landing, which in turn would connect to approximately 2.4 miles of future new trail on Clearwater County-managed lands; neither action is proposed under the Final Plan. Beltrami and Hubbard Counties will likely direct recreational ATV/OHM traffic along existing routes up to the designated OHV trail area. DNR will work with the counties to rehabilitate facilities at Coffee Pot Landing, including replacement or removal of the existing snowmobile bridge, and improve other water trail recreational opportunities along the Mississippi River corridor.

A connector trail could feasibly be achieved under either a *limited* or *closed* classification for DNR Forestry-administered lands. The proposal in the Final Plan, which relies on crossing all four public ownerships, requires the DNR and county Land Departments to strongly coordinate “on-the-ground” management (e.g., signage, gates, etc.) that must in turn be coupled with an effective education effort for recreational users. In addition, implementation of such a connecting recreational corridor will likely require development of some Grant In Aid (GIA) trails and other supporting infrastructure (e.g., trailheads) in the future; these actions are beyond the scope of this planning exercise.

The Final Plan improves hunter walking experiences from current conditions in the State Forest in two principal ways. First, approximately 1.3 miles of non-motorized hunter walking trail is designated in the southernmost part of the state forest in Clearwater County. An additional 0.5 miles of future connector trail in the same area will likely be pursued in the future. The area has a number of wildlife openings already in place. In addition, Clearwater County has expressed an interest in providing similar opportunities on land it manages due south of the DNR parcel. Second, all acreage in the Area with Limitations provides improved walking hunter opportunities relative to current conditions. Finally, an existing 2.5 miles of trail already managed as a hunter walking opportunity in Section 36, T148N, R34W is designated under the Final Plan.

The fragmented pattern of public land ownerships presents a substantial management challenge for DNR and its county cooperators in balancing the range of public uses of the Mississippi Headwaters State Forest. DNR and county land managers view this planning effort as an opportunity to consider how to better manage the entire area as an important recreational-water and -land corridor. Coordinated on-the-ground management will need to be coupled with strong user education efforts on what is, and is not, permissible at various locations or enforcement for all jurisdictions could prove to be an issue of future management concern.

The Department and counties considered comments from the public on the proposed: motor vehicle use classification; forest road/trail designations; and Areas with Limitations on Off-trail and Non-designated Trail Use. See accompanying documents: MHSF Public Comments and MHSF Responses to Public Comments. Principle changes made in response to the public comments include:

- Removal of DNR’s proposed ATV/OHM trail crossing at Coffee Pot Landing.

- Modification of Hubbard County's proposed minimum maintenance forest road designations in the vicinity of Stumphges Rapids. This reduces miles of motor vehicle routes in the vicinity of the Mississippi River.
- Expansion of Hubbard County's proposed Area with Limitations by approximately 340 acres east of the Mississippi River.
- Beltrami County conversion of several Access Routes to Restricted Access Routes on the north side of the Mississippi River between Bear Den and Pine Point Landings.

The Department also received comments offering strong concern over the introduction of OHVs to the Mississippi Headwaters Area of Itasca State Park. The Final Plan does not introduce any change in management of motor vehicles in the state park.

### **3.4.2 SCATTERED STATE FOREST LANDS / SW BELTRAMI COUNTY - *LIMITED***

The DNR's West Central planning area in Southwest Beltrami County includes eight (8) complete public land survey townships (Townships 146 - 149N, Ranges 34W – 35W, inclusive) and two partial townships (Sections 19-36, Township 150N, Ranges 34W – 35W). Part of the Mississippi Headwaters State Forest is located in the county. There are approximately 2,688 acres of DNR-Forestry administered land in scattered State Forest tracts outside of State Forest boundaries that are managed as State Forest Land and thus need to be classified for motor vehicle use.

The scattered State Forest land parcels in Beltrami County occur as both Minnesota School Trust Lands and other non-trust parcels. Three (3) tracts occur whole or in part as Section 16 or 36 parcels.

All State Forest lands within Beltrami County are currently classified as *managed*. The area in Section 36, T146N, R34W, was designated as a non-motorized area under a previous process; no change is proposed for this section. The Department adopted a *limited* classification for the remaining scattered State Forest lands in Southwest Beltrami County. About 6.1 miles of inventoried routes occur on these acres, many of which are adjacent to county-managed acres. About 4.1 miles of route are proposed to be designated as MMR with the balance of 2.0 miles retaining a non-designated status. A *limited* classification will allow historic big game hunting and trapping access as afforded under M.S. Section 84.926, subd. 2 and 4, while protecting other resource values. Public access for other utilitarian purposes, such as berry picking, will only be possible by foot travel, or other non-motorized methods, on non-designated routes under a *limited* classification. Both HLVs and OHVs are permitted uses on forest roads.

The Department received no comments from the public specific to the proposed motor vehicle use classification or designations of forest roads on the DNR Forestry-administered state forest lands in Southwest Beltrami County. Comments of a more generic nature were considered in the classification review.

## **4.0 FOREST ROUTE INVENTORY**

In preparation for this road and trail designation process, the DNR West Central Team compiled available information on the existing roads, trails, and routes that show evidence of continuing human use on all State Forest lands in the planning area. Geographic information system (GIS) data on public highways was obtained from the MN Department of Transportation. GIS data on

previously designated forest roads was collected from the DNR and all three counties. Data on previously designated recreational trails was collated.

In 2003 and 2004, DNR staff made an effort to inventory the location and condition of all existing but previously undocumented forest access routes on state- and county-administered forest lands that show evidence of ongoing human use. Field crews inventoried most of the access routes using ATVs equipped with global positioning system (GPS) units. The location of some routes that were not passable with ATVs, for example winter use timber harvest routes, were digitized from aerial photos. Field crews recorded locations where the access routes intersected with routes that were too narrow or unsafe for ATV access. They also recorded locations where the routes ended. Inventory crews collected data such as tread width, apparent use, level of use, and surface condition. All forest route data was entered into GIS databases and was used in recommending forest road and trail designations.

While reasonable efforts were made to correct the travel routes data there are inherent limitations on the completeness and accuracy of the forest route inventory data. Highway authorities are continually adding, rerouting, and abandoning highways. Public land ownership patterns change as lands are acquired, sold, or exchanged. Natural resource management activities, fires, and timber sales create or obliterate forest access routes. Unused trails and routes re-vegetate, beavers flood routes, and what is a passable route in a dry year maybe impassable in wet years. The forest route inventory showed 139.2 miles of routes on State Forest lands in the Mississippi Headwaters Unit.

**Table 2. Summary of Forest Route Inventory**

Source: Forest Access Route Unpublished Data, 2008. DNR DRS. Generated Using ArcView Extension

<b>Mississippi Headwaters State Forest</b>	<b>Miles</b>
DNR	38.4
Beltrami	67.3
Clearwater	4.2
Hubbard	23.2
Outside of State Forest / DNR-managed Only	6.1
<b>Total</b>	<b>139.2</b>

## 5.0 ROUTE DESIGNATION POLICIES AND PROCESS

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. State Forests are managed to ensure they remain healthy, vital, and productive for the present and for future generations. State Forests provide a variety of 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 for various motorized and non-motorized uses. Minnesota statutes set broad direction for management of State Forests by directing the Commissioner of Natural Resources to:

- Manage State Forests according to the principles of multiple use and sustained yield under M.S. Section 89.002, subd. 1; and

- Provide a system of forest roads and trails to access State Forest lands under M.S. Section 89.002, subd. 3.

Minnesota Rules part 6100.1950 contains policies and regulations for public use of motor vehicles on State Forest land. It also provides a process for forest classification, including public notice and review requirements.

## **5.1 INTERAGENCY COOPERATION**

The complex and intermingled public land ownership pattern within certain parts of the West Central Forests planning area requires a collaborative effort by county, state, and tribal agencies to develop a motor vehicle management system that protects natural resources, serves public needs, and complies with existing laws and rules.

Becker, Beltrami, Clearwater, and Hubbard Counties have Land Departments that manage county forest lands in accordance with management plans and policies developed by their respective County Boards. The remaining counties in the planning unit, specifically Clay, Douglas, Mahnomon, Otter Tail, Pope, Todd, and Wadena, do not have Land Departments and entrust DNR with the management of county-owned forest lands. Most of the county forest lands are tax-forfeited lands and are managed in compliance with M.S. Chapter 282.

White Earth Reservation has a Natural Resources Department that manages tribal forest lands in accordance with an adopted Natural Resources Management Plan. White Earth Natural Resources also oversees traditional hunting and gathering rights afforded by treaty to tribe members.

The DNR team coordinates its work with county and tribal land management agencies as required in different parts of the planning area. The goal is to develop a consistent, understandable, and enforceable approach to vehicular access across public and private forest land ownerships. The team worked within existing mandates and guidelines for the management of State Forest lands, while respecting the management plans and policies for other forest land owners in the planning area.

### **5.1.1 INTERAGENCY RECOGNITION OF FOREST ROAD DESIGNATIONS**

The DNR and each county Land Department have forest road designation and management policies. Given the complex land ownership pattern it is quite common for forest roads that are managed by one agency to cross lands administered by another agency. This allows one agency to be responsible for signing and maintenance of a road that serves lands administered by other agencies, and in some cases adjacent private land.

As part of the collaborative motor vehicle management effort for public forest lands in the West Central Forests planning area, the county, state, and tribal forest management agencies have agreed to mutually recognize forest roads that have been formally designated by each agency. For example, the DNR will recognize a county road that crosses State Forest lands and agrees that the county's policies will govern public use of the road.

In addition to formally designated forest roads there are non-designated routes that exist on public forest lands. The agencies have agreed that control, management, and public use of these non-designated routes will be governed by the policies of the underlying land owner.

## 5.2 DEVELOPMENT OF ACCESS PROPOSALS

All inventoried routes on State Forest land have been proposed for designation as state forest roads, recreational trails, or left as non-designated routes. The designation determines what type of motor vehicle use is allowed and how the route will be signed and managed. The designations were developed to work within the framework provided by the proposed motor vehicle use classifications as described above.

The proposed designations were developed using the forest route inventory data, local land managers' knowledge of the routes, and data from other sources such as soils maps, wetland maps, forest inventory data, and the Natural Heritage Elements database. A work group consisting of DNR staff and representatives of the Beltrami, Clearwater, and Hubbard Counties Land Departments developed the proposed designations. The workgroup met approximately two dozen times between October 2006 and September 2007 to evaluate the entire West Central Forests, including the Mississippi Headwaters Unit. Public open houses were held in September-October 2006 as another source of information to be considered by the team. For routes that had been managed as state forest roads or recreational trails in the past, the presumption was that previous designation and uses would be continued unless there was a compelling reason to propose changes. The workgroup also met on January 29, 2008 to review the comments submitted by the public and recommend changes for incorporation into the final plan (based on public input).

Geographic information system (GIS) tools were used to map and document the proposed road and trail designations. Each inventoried route on State Forest land was coded to indicate which types of motor vehicles (ATVs, OHMs, ORVs, HLVs) the public would be allowed to use on the route. The primary reason for each designation was also recorded. The challenge was to develop designations that comply with existing laws and policies, adequately protect natural resources, and balance competing public desires for the management of, and access to, forest lands.

## 6.0 FINAL DESIGNATIONS

DNR's Forest Road & Trail Designation Team conducted a route-by-route review of the 2003 – 2004 inventory and developed a recommended future designation status for all 44.5 miles of routes on DNR Forestry-administered lands in the Mississippi Headwaters Unit. Another 94.7 miles of routes on county-administered lands are also provided in the Final Plan.

The Final Plan provides proposed forest road and trail recommendations for both DNR- and county-managed lands WITHIN the statutory boundary of the Mississippi Headwaters State Forest. Recommendations for scattered State Forest lands are offered ONLY for DNR Forestry-administered parcels outside the forest boundary. All parties are committed to a motor vehicle management system that protects natural resources, serves public needs, and complies with existing laws and rules. The routes that are proposed by DNR and Beltrami, Clearwater, and Hubbard Counties for each type of designation are shown on the maps that are part of this Final Plan.

## 6.1 ROUTE DESIGNATION SUMMARY

The miles of routes proposed to receive various administrative designations are identified below. This Final Plan addresses 38.4 miles of routes on State Forest lands within the forest's statutory boundary and 6.1 miles of routes on scattered State Forest lands in the portion of Beltrami County covered in this planning unit. The routes are also shown on the maps that accompany this plan.

See Table 3, Forest Road and Trail Designation Summary of the Mississippi Headwaters Unit.

## 6.2 FOREST ROADS

Forest roads are routes that are maintained by resource management agencies to provide access to public forest lands for resource management and public use. Forest roads range from unimproved, double track with a native soil surface to two-lane gravel roads with improved drainage. Forest roads are not considered “public highways” and the resource agencies are not “road authorities.” Each agency sets public use rules and determines the types of vehicles allowed on the forest roads it manages.

**Table 3. Forest Road and Trail Designation Summary of the Mississippi Headwaters Unit**

Source: Forest Access Route Unpublished Data, 2008. DNR DRS. Generated Using ArcView Extension

Within-Forest Inventory (Miles)					
Designation Category	Land Administrator				Total
	DNR	Beltrami	Clearwater	Hubbard	
<b>Forest Roads</b>	<b>15.8</b>	<b>0</b>	<b>0.3</b>	<b>7.5</b>	<b>23.6</b>
System Forest Road	4.0	0	0	2.6	6.6
MMR	11.8	0	0.3	4.9	17.0
<b>Trails</b>	<b>5.1</b>	<b>67.3</b>	<b>0.4</b>	<b>0</b>	<b>72.8</b>
ATV-only Trail	1.3	0	0.4	0	1.7
Non-motorized Trails	3.8	0	0	0	3.8
Access Routes	n/a	53.5	n/a	n/a	53.5
Restricted Access Routes	n/a	13.8	n/a	n/a	13.8
<b>Non-designated Routes</b>	<b>17.5</b>	<b>n/a</b>	<b>3.5</b>	<b>15.7</b>	<b>36.7</b>
<b>Total Inventoried Routes</b>	<b>38.4</b>	<b>67.3</b>	<b>4.2</b>	<b>23.2</b>	<b>133.1</b>
DNR-Managed Lands / Outside-Forest Inventory					
Designation Category					Total
<b>Forest Roads</b>					<b>4.1</b>
System Forest Road					0
MMR					4.1
<b>Trails</b>					<b>0</b>
<b>Non-designated Routes</b>					<b>2.0</b>
<b>Total Inventoried Routes</b>					<b>6.1</b>

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 ...” (*M.S. Section 89.001, subd.14*)
2. “The commissioner shall provide a system of forest roads and trails which provides access to state forest land ...” (*M.S. Section 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 ...” (*M.S. Section 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...” (*M.S. Section 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. State Forest Roads may be closed seasonally or temporarily to address specific road or fire conditions. The DNR divides State Forest Roads into two classes – System Roads and Minimum Maintenance Roads – based upon their condition, intended use, and planned maintenance level.

**System Roads** are the major roads in the forest that provide forest management access, recreational access, and links to state, county, or township public roads. System roads are used on a daily or weekly basis, and are maintained to allow travel by 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 will not be maintained to a level where low-clearance vehicles can routinely travel on them. They are signed with a “Minimum Maintenance Road” sign, and may be gated and 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.

Forest roads maintained by County Land Departments are typically similar to State Forest Roads in terms of maintenance levels and public use guidelines.

## 6.2.1 SYSTEM FOREST ROADS

The Final Plan includes designation of approximately 4.0 miles of System State Forest Roads within the planning area. These roads will be managed by the DNR and will typically be open to HLVs and OHVs. These roads can be located on multiple ownerships. Hubbard County maintains 2.6 miles of system forest road on county-managed land, which results in a total of 6.6 miles of system forest road inside the forest boundary.

## 6.2.2 MINIMUM MAINTENANCE FOREST ROADS

The Final Plan includes designation of approximately 11.8 miles of Minimum Maintenance State Forest Roads within the planning area. These roads will be managed by the DNR and will typically be open to HLVs and OHVs but they may not be maintained to a level where low-clearance vehicles can routinely travel on them. Hubbard and Clearwater Counties have proposed 4.9 and 0.3 miles respectively of minimum maintenance forest road on their forest

lands. A total of 23.6 miles of minimum maintenance road is proposed within the State Forest boundary.

### **6.3 RECREATIONAL FOREST TRAILS**

M.S. 89.19, subd. 2 authorizes the Commissioner of Natural Resources to designate forest trails under prescribed procedures. Designated forest trails provide access to the State Forests for a range of purposes, both recreational and utilitarian. The Commissioner may designate motorized or non-motorized trails, and may align with or include local loop systems or regional corridor trails with associated support facilities (e.g., parking or staging areas, toilets, trailhead, day-use picnic sites). These trails have designated primary uses, are well signed, monitored, and maintained, and are mapped and listed in DNR publications.

This plan recommends designations for both motor and non-motor forest trails managed by DNR that are also known as “unit trails.” No Grant-in-Aid (GIA) trail recommendations are offered.

#### **6.3.1 NON-MOTORIZED TRAILS**

The Final Plan designates a total of 3.8 miles of non-motorized trail in the Mississippi Headwaters Unit; 1.5 miles is newly designated route. The primary use proposed for this trail is hunter walking. The team also recommends consideration of 0.5 miles of future trail development to create a walking-loop opportunity on DNR Forestry-administered land in Clearwater County.

There are many opportunities for non-motorized recreation beyond the designated and maintained hunter walking trails. Hiking is allowed on forest roads and trails that are designated for other uses. Foot travel is also allowed on non-designated routes, although these routes are not signed, mapped, or maintained for hiking or any other recreational use. The non-designated routes on DNR Forestry- and Hubbard County-administered lands are closed to motor vehicle use except that ATVs and HLVs may be used for certain big game hunting and trapping activities at certain times of the year (under a limited forest classification) outside the Area with Limitations on Off-trail and Non-designated Trail Use; this activity is prohibited inside this zone. Foot travel is also allowed off-trail on forest lands.

Approximately 2.3 miles of walking trails are managed currently in Section 36, T146N, R34W at Fern Lake. These trails are designated as hunter walking trails under the Final Plan; there is no change in motor vehicle use status of these routes.

#### **6.3.2 ALL-TERRAIN VEHICLE (ATV) TRAILS**

ATVs are permitted to operate on forest roads, and on forest trails specifically designated for ATV use subject to seasonal road and/or trail closures. This plan designates 17.1 miles of routes that are to be open to ATVs on DNR Forestry-administered lands. Of this amount, 1.3 miles are designated ATV-only trail on State Forest lands with the balance of 15.8 miles available for ATV use being provided by system and minimum maintenance forest roads. Clearwater County also proposes about 0.4 miles of ATV-only designation on existing routes. Proposed ATV trail designations have been selected primarily to address anticipated demand for a route connecting public lands in Hubbard County to the designated OHV trail area in Beltrami County (north of US Highway 2).

All proposed forest roads and ATV trails will be open to Class 1 ATVs. Operation of Class 2 ATVs will be permissible on all forest roads, while it is possible that some segments of designated ATV trail will not be available for Class 2 ATV use. This will be determined on a route-by-route basis during plan implementation.

### **6.3.3 OFF-HIGHWAY MOTORCYCLE (OHM) TRAILS**

OHMs are permitted to operate on forest roads and trails specifically designated for OHM use subject to temporary and/or seasonal closures. This plan recommends 15.8 miles of routes open to OHMs on DNR Forestry-administered lands, all of it on forest roads. No OHM trail designation occurs under the Final Plan.

A total of 23.6 miles of designated routes are open to OHMs on state- and county-managed forest lands.

### **6.3.4 OFF-ROAD VEHICLE (ORV) TRAILS**

ORVs are permitted to operate on forest roads and trails specifically designated for ORV use. This plan includes designation of 15.8 miles of forest roads be open to ORVs on DNR Forestry-administered lands. No ORV-only trail designations are proposed under the Final Plan for either DNR- or county-managed forest lands. Both ORVs and HLVs may operate on state forest roads, subject to seasonal road and/or trail closures and/or weight restrictions.

## **6.4 NON-DESIGNATED ROUTES – IMPLICATIONS FROM CLASSIFICATION**

A total of 104.0 miles of existing routes will remain non-designated under this proposal (all ownerships). While all of these routes are open to non-motorized recreation regardless of land manager (e.g., DNR, county), and will not normally be signed or actively managed, whether they can be subject to motorized use varies by ownership. First and foremost, permitted motor uses of these routes on DNR-administered lands depend upon the motor vehicle use classification. The status of these routes on county-administered lands in turn depends on their respective public access policies. Consideration is also necessary for routes inside Areas with Limitations on Off-trail and Non-designated Trail Use, which are treated differently than routes outside these areas. Differences between the assignments of a *limited* versus *closed* forest classification on non-designated routes are highlighted below. Complete closure of trails is also discussed.

### **6.4.1 NON-DESIGNATED ROUTES – LIMITED CLASSIFICATION**

*DNR Forestry-Administered Forest Lands.* Non-designated routes are closed to motor vehicle use, except pursuant to the provisions of M.S. Section 84.926. Under the exceptions provided by law, licensed hunters and trappers using ORVs/HLVs/ATVs may use these routes for big game hunting and trapping 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. See Section 6.5 for use of non-designated routes in Areas with Limitations.

Non-designated routes would be subject to this management scheme under this final plan.

*Hubbard County-Administered Forest Lands.* Same as DNR-managed lands.

*Beltrami County-managed Forest Lands.* Non-designated routes are “open unless restricted” to use by HLVs and OHVs on these ownerships. Beltrami County has broken out its inventory on non-designated routes into “access” and “restricted access” routes, where motorized use of the latter is not routinely allowed because the route cannot sustain continuous motorized use. Restrictions could be temporary, seasonal, or even a closed status where these routes will be signed, gated, or otherwise blocked depending on the level of restriction. See 6.5 for use of non-designated routes in Areas with Limitations.

*Clearwater County-managed Forest Lands.* Non-designated routes are “open unless restricted” to use by HLVs and OHVs on these ownerships. ATVs may operate off trail when engaged in lawful big game hunting and trapping-related activities.

## **6.4.2 NON-DESIGNATED ROUTES – CLOSED CLASSIFICATION**

No inventory is present on state forest lands classified *closed*.

## **6.4.3 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 big game hunting and trapping exceptions provided under M.S. Section 84.926. No proactive closures are proposed, however non-designated routes inside the Area with Limitations will not be subject to any motorized use. It is possible that some Beltrami County restricted access routes will be closed entirely to motorized use. No proactive closures are proposed for the Mississippi Headwaters State Forest in Clearwater County.

## **6.5 AREAS WITH LIMITATIONS ON OFF-TRAIL AND NON-DESIGNATED TRAIL USE**

M.S. Section 84.926, subd. 5 empowers the Commissioner of Natural Resources to designate areas on State Forest lands that are not subject to the big game hunting and trapping exceptions detailed in M.S. Section 84.926, subd. 2 & 4. These areas are established for the purpose of protecting unique natural resource values, providing improved user opportunities, or other reasons. Off-trail travel by ATVs (subd. 2), and use of non-designated routes by ORVs, HLVs, and ATVs (subd. 4), is not permitted in this area.

Recognizing the potential sensitivity of the Mississippi River corridor through the State Forest, DNR and Beltrami and Hubbard Counties jointly propose an Area with Limitations on Off-trail and Non-designated Trail Use on 14,840 acres along the Mississippi River. Clearwater County does not propose an Area with Limitations at this time.

These designations, if approved, will restrict motorized access in the following ways.

*DNR Forestry-Administered Forest Lands.* Provisions for off-trail and non-designated trail use afforded under big game hunting and trapping exceptions do not apply. Use of non-designated routes by HLVs and OHVs is prohibited. Off-trail travel by ATVs is also prohibited. Approximately 5060 acres are included in this area.

*Hubbard County-Administered Forest Lands.* Same as DNR-managed lands. Approximately 2091 acres are included in this area.

*Beltrami County-Administered Forest Lands.* Use of non-designated routes (e.g., access routes, restricted access routes) by HLVs and OHVs is allowed unless otherwise restricted. Off-trail travel by ATVs is prohibited. Approximately 7688 acres are included in this area.

## **6.6 DESIGNATION MAPS**

The proposed forest road and trail designations for State Forest lands in the Mississippi Headwaters Unit are depicted on a series of Route Designation Maps, which are incorporated by reference into this Final Plan. The map is available on the DNR website. A CD containing the map in a Portable Document Format (PDF) is available upon request.

## **6.7 PUBLIC REVIEW AND COMMENT**

### **6.7.1 PUBLIC NOTICES**

The proposed classification of the State Forest lands for motor vehicle use and the proposed road and trail designations in this final plan reflect public review and comment. A public notice announcing the availability of the proposed classification and designations was published in the *State Register* (November 13, 2007; Vol. 32: No. 20; p. 878), and the legal newspapers for Beltrami, Clearwater, and Hubbard Counties. A statewide DNR news release announced the availability of the draft plan for public review on November 13, 2007.

### **6.7.2 PUBLIC MEETINGS**

One public open house meeting was held no sooner than 60 days following the *State Register* notice.

**Public Meeting.** A public meeting was held on Wednesday, January 16, 2008 from 6:00 to 8:30 PM at the Beaux Arts Ballroom, Hobson Memorial Union, Bemidji State University, 1500 Birchmont Road, Bemidji, MN. DNR's Planning Team and Area Staff familiar with the Mississippi Headwaters State Forest, and scattered State Forest lands in Southwest Beltrami County, attended. Staffs from Beltrami, Clearwater, and Hubbard Counties were also present.

The first hour of the meeting allowed attendees to informally review the draft plan, maps, and other summary materials. DNR and other cooperating government agencies were on hand to answer questions regarding motorized access planning in terms of forest classification and proposed designations for public forest lands in these counties. During the remainder of the meeting, DNR staff presented information, responded to questions, and received public comment on the proposals. Written comments were accepted.

### **6.7.3 COMMENTING**

Reviewers were offered the opportunity to provide comment regarding the proposed: forest classifications; road/trail designations; Areas with Limitations on Off-Trail and Non-Designated Trail Uses; and other information deemed relevant to future DNR decisions. Comments were to

be specific to individual state forests or scattered land parcels. Comments on specific routes were to reference the unique Route Identification Number that is present for each route on the maps.

DNR accepted public comments on the Draft Plan and Proposed Classification Review through January 23, 2008.

The DNR considered both formal and informal public input during the forest classification review, the road/trail designation process, and process for designating Areas with Limitations on Off-trail and Non-designated Trail Use. Written comments were provided throughout the process. DNR's consideration of formal comments is documented in the Responses to Public Comments that are incorporated by reference into this Final Plan and associated classification review and designations of forest roads/trails and Areas with Limitations on Off-trail and Non-designated Trail Use.

## 6.8 CHANGES BETWEEN THE FINAL PLAN AND THE DRAFT PLAN

The following items constitute the changes made between the final and draft plans. These changes reflect: 1) corrections to the draft plan; 2) consideration of comment(s) from the public; and/or 3) new information that became available since release of the draft plan.

- **Table E-1.** Mileages modified to match improved route inventory for Hubbard and Clearwater Counties.
- **Table E-2.** Modified to reflect final route designations and refinements to mileage values for inventoried routes on lands managed by Hubbard and Clearwater Counties.
- **Table E-2.** Modified to reflect change in OHV trail designations. No ATV-OHM trails designation; ATV-only trails designated in Final Plan.
- **Table E-2.** Non-designated routes section modified to eliminate rows for routes under limited and closed classifications.
- **Section E.3.** The term “consensus” removed from second sentence.
- **Section E.4.** Page 2. Total mileage of inventory on non-DNR managed ownerships modified to reflect improved route inventory for Hubbard and Clearwater Counties. Original value was also incorrectly added.
- **Table E-2.** Modified to reflect refined mileage values for inventoried routes on lands managed by Hubbard and Clearwater Counties.
- **Section 1.0.** Text addition recognizing the final plan identifies areas subject to the provisions of M.S. Section 84.926, subd. 5
- **Section 1.1.** Removal of “tribal lands” as part of the land management mix for the planning unit. There are no tribal ownerships within the Mississippi Headwaters Unit, although the White Earth Reservation is present in the White Earth and South Planning Units.
- **Table 1.** Modify table entries to match improved inventory for Hubbard County-managed lands and address error in MMR/non-designated routes in Hubbard County.
- **Section 3.2.** Second paragraph modified to reflect need to protect “important recreation values” through implementation of an Area with Limitations on DNR-managed ownerships in the vicinity of the Mississippi River corridor.
- **Section 3.2.** Third paragraph modified to note that approximately 3,730 acres of DNR-managed forest lands were not proposed to be subject to the provisions of M.S. Section 84.926, subd. 5.
- **Section 3.4.** The term “consensus” removed from Page 10, paragraph 1, sentence 2.

- **Section 3.4.1.** Page 11, fourth paragraph. Text modified to reflect state and federal Wild and Scenic River Status for the Mississippi River.
- **Section 3.4.1.** Page 12, second paragraph. Text modified to acknowledge instances of ineffective natural resource and recreation management in the past.
- **Section 3.4.1.** Page 12, second paragraph. Text modified to reflect role played by Regional Director in recommending a proposed *limited* classification for public review and comment.
- **Section 3.4.1.** Page 13, new third paragraph. Text insertion. Three text bullets identifying the benefits of Areas with Limitations.
- **Section 3.4.1.** Page 14, paragraph at top of page. Text modified to reflect removal of ATV/OHM trail designation at Coffee Pot Landing and no need for future new trail on Clearwater County-managed lands. Role of Hubbard County in providing connecting routes also noted.
- **Section 3.4.1.** Page 14, second full paragraph. Text modified to identify improved walking hunter opportunities under Final Plan through: 1) non-motorized trail designations, and 2) adoptions of Areas with Limitations.
- **Section 3.4.1.** Page 14, final paragraph. Text modified to reflect agency consideration of public comments and principal changes between draft and final plans.
- **Section 3.4.1.** Page 15, final paragraph. Text insertion noting comments from public on changes to management of Itasca State Park.
- **Section 3.4.2.** Page 15, paragraph three. Text correction on total inventory on DNR Forestry-administered scattered state forest lands; 6.1 miles instead of 5.9 miles.
- **Section 3.4.2.** Page 15, paragraph three. Text correction on mileage of minimum maintenance forest road designations; 4.1 miles instead of 3.6 miles.
- **Section 3.4.2.** Page 15, paragraph three. Text correction on mileage of non-designated routes present; 2.0 miles instead of 2.3 miles.
- **Section 3.4.2.** Page 15, new paragraph 4. No public comments received on this component of the Draft Plan.
- **Section 4.0.** Page 16, paragraph 1. Change in total miles of inventory from 138.3 to 139.2 due to refined inventory on forest lands managed by Hubbard and Clearwater Counties.
- **Table 2.** Modified to reflect refined mileage values for inventoried routes on lands managed by Hubbard and Clearwater Counties.
- **Section 5.2.** Page 18, paragraph 2. Text addition that notes the planning team met on January 29, 2008 to review public comments and develop any recommendations for incorporation into the final plan (based on public input).
- **Section 6.0.** Page 18, paragraph 1. Text modified to reflect refined mileage values for inventoried routes on lands managed by Hubbard and Clearwater Counties. Remaining non-DNR managed lands changed from 93.8 miles to 94.7 miles.
- **Table 3.** Modified to reflect final route designations and refinements to mileage values for inventoried routes on lands managed by Hubbard and Clearwater Counties.
- **Table 3.** Modified to reflect change in OHV trail designations. No ATV-OHM trails designation; ATV-only trails designated in Final Plan.
- **Table 3.** Non-designated routes section modified to eliminate rows for routes under limited and closed classifications.
- **Section 6.2.** Page 20, last paragraph. Reference to White Earth Reservation removed from the text. No tribal lands occur within the Mississippi Headwaters Unit.

- **Section 6.2.2.** Page 20. Text modified to reflect changes in designation mileages for minimum maintenance roads on forest lands managed by Hubbard and Clearwater Counties.
- **Section 6.3.2.** Page 21. Text modified to remove OHM trails from proposed designations; ATV routes are the only type of motorized forest trails designated under the Final Plan. References to trail designation on Hubbard County-administered forest lands are also removed from the plan.
- **Section 6.3.3.** Page 21. Text modified to reflect change in OHM trail designations between draft and final plans. No OHM trail designation occurs under the final plan.
- **Section 6.4.** Page 22. Total mileage of non-designated routes modified to reflect refinements to inventory on Hubbard County-managed forest lands and changes in designations between the Draft and Final Plans.
- **Section 6.5.** Page 23. Acreage values for forest lands managed by DNR, and Beltrami and Hubbard Counties, modified to reflect recalculated totals and expansion of Area with Limitations in Hubbard County.

## **7.0 PLAN IMPLEMENTATION AND MONITORING**

### **7.1 ADOPTION OF THE CLASSIFICATION AND ROAD/TRAIL DESIGNATION PLAN**

The recommendations contained in Final Plan are implemented through Commissioner's Orders that are published in the *State Register*. The following Notices of Commissioner's Orders were published in the February 25, 2008 edition of the *State Register* (February 25, 2008; Vol. 32: No. 35; pp. 1624 - 1634):

#### Mississippi Headwaters State Forest

- Classification of State Forest Lands
- Designation of Areas with Limitations on Off-trail and Non-designated Trail Use
- Designation of Forest Roads
- Designation of Forest Trails

#### Southwest Beltrami County

- Classification of State Forest Lands
- Designation of Forest Roads

### **7.2 ROAD AND TRAIL DEVELOPMENT AND SIGNING PROJECTS**

After the Commissioner publishes motor vehicle use classification and road & trail designation orders, the DNR will implement the plan by developing and signing roads and trails. Required permits will be obtained when site-level development projects are implemented.

The DNR is committed to substantially completing the development and signing of forest roads and trails as proposed in the final plan prior to the effective date provided in the classification order.

### **7.3 EFFECTIVE DATE OF CHANGE IN MOTOR VEHICLE USE CLASSIFICATION**

The effective date for the change in motor vehicle use classification of state forest lands, forest road and trail designations, and designation of Areas with Limitations on Off-trail and Non-designated Trail Use is December 31, 2008.

### **7.4 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 non-motorized and motorized trails. The DNR will use approved best management practices for forest roads and trails.

The DNR will monitor roads and trails for maintenance and sustainability needs. Education and enforcement will be used to ensure compliance with road and trail use designations. The level of user satisfaction and user conflicts will be monitored and future adjustments in the motor vehicle use classification and trail use designations may be proposed.

Roads and trails may be temporarily closed as warranted by weather conditions (for example, during Spring breakup, high fire hazard, after extreme storm events) or while needed repairs are made. Permanent changes to the designated road and trail system (change in allowed uses, addition or deletion of routes) will be subject to public review and comment.



## Appendices

### ***Minnesota Statutes and Rules Related to State Forest Classification***

*Minnesota Laws 2003, Chapter 128, Article 1, Section 167 as amended by Minnesota Laws 2005, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Section 152*

Sec. 167. [FOREST LAND OFF-HIGHWAY VEHICLE USE RECLASSIFICATION.]

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 its status to limited or closed, and must 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, 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.

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.

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#### *Minnesota Rules Chapter 6100.1950, subparts 1 – 4*

#### **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. Motor vehicles may operate on forest lands classified as managed on forest roads and forest trails that are not posted and designated closed, subject to the limitations and exceptions in this part.

B. Motor vehicles may operate on forest lands classified as limited 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.

**Subp. 6. Lakes, rivers, and streams.** No person shall operate a motor vehicle on forest lands on or over the beds of lakes, rivers, or streams when ice is not covering the water body, except on a bridge, culvert, or similar structure or designated low water crossing.

**Subp. 7. Other prohibitions and exceptions.**

A. No person shall operate a motor vehicle or snowmobile on forest lands in a manner that causes erosion or rutting or injures, damages, or destroys trees or growing crops. The rutting prohibition does not apply on trails that are designated and maintained for motorized use.

B. No person shall operate motor vehicles or snowmobiles on forest lands within the boundaries of an area that is posted and designated as closed to the operation of motor vehicles or snowmobiles.

C. No person shall operate a motor vehicle or snowmobile in the Richard J. Dorer Memorial Hardwood Forest, except on forest roads that are not posted and designated as closed, and on forest trails or areas that are posted and designated to allow the use of motor vehicles or snowmobiles. The exception under item D does not apply.

D. Except as provided in item C, on forest lands classified as managed or limited, a person may use an ATV off forest trails in a manner consistent with this subpart when lawfully:

- (1) engaged in hunting big game or constructing hunting stands during October, November, and December;
- (2) retrieving big game during September; or
- (3) trapping during open seasons.

E. No person shall construct an unauthorized permanent trail on forest lands.

F. Subpart 1 does not apply to motor vehicles used to carry out silvicultural activities, including timber cruising, and the harvest and transport of forest products for commercial purposes.

G. The commissioner may grant a variance from the requirements of subpart 1 to private landowners and leaseholders when the only reasonable access to their land is across state forest lands.

#### Subp. 8. **Forest roads.**

A. A motor vehicle on a forest road shall travel at a speed that is reasonable and prudent. It is a violation of this part to exceed a posted speed limit.

B. All posted parking and traffic regulations, including signs designating speed limits, stop signs, one-way traffic, and do not enter, shall be obeyed on a forest road.

C. No person, passenger, or operator of a motor vehicle shall travel on or along a forest road that is designated as closed with signs, barricaded, or blocked with a gate.

D. Removing snow from a forest road is prohibited when the road is posted for no snow removal.

E. No person shall operate, nor shall an owner permit the operation of a motor vehicle, on a forest road or trail in a manner that causes damage to the road, land, or other natural resources.

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### *Minnesota Statutes 2005, Section 84.777*

#### **84.777 Off-highway vehicle use of state lands restricted.**

(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.

HIST: 2003 c 128 art 1 s 21