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# Events in Off-Highway Vehicle Planning in Minnesota

## APPENDIX A

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### 1971-1974

The U.S. Department of the Interior published *ORRV Off Road Recreation Vehicles* warning of management problems and raising concerns about environmental impacts.

Presidential Executive Order 11644 (amended in 1977 by Executive Order 11989) required federal agencies to designate areas open and closed to off-highway vehicle (OHV) use based on minimizing environmental damage, wildlife harassment, and user conflicts.

DNR's *Minnesota State Comprehensive Outdoor Recreation Plan* recognized that the use of OHVs was increasing rapidly but there were virtually no public facilities available for that use. The plan noted that research should be conducted to determine the number of participants and kinds of facilities needed before determining if public facilities will be provided.

### 1976

DNR contributed to a report titled the *Upper Great Lakes Regional Commission Model Legislation, Off-Road Recreational Vehicles*. The report addressed general registration requirements, procedures for distributing funds from a grant-in-aid account, and trail design specifications.

DNR proposed to develop an OHV park near Moose Lake; the proposal died due to heavy local opposition.

### 1979

The Council on Environmental Quality published *Off-Road Vehicles on Public Land* that raised concerns about environmental impacts.

DNR's *State Comprehensive Outdoor Recreation Plan* recognized the potential for conflicts among people participating in motorized and nonmotorized recreation and ranked developing facilities for four-wheeling and trail biking in its list of top metropolitan and statewide needs.

### 1980-82

DNR issued a report titled *Minnesota Trails Policy Plan*, which omitted discussion of OHV facilities.

DNR's survey of Minnesota 4X4 truck owners gathered data on desired facilities.

**1983**

*Minnesota Laws* Chapter 301, Section 56 requested a report addressing OHV use and effects on the environment.

DNR released a report titled *The Use of Three-Wheeled ATVs on Snowmobile Trails in Minnesota*, which found that many landowners did not support the use of ATVs on snowmobile trails.

**1984**

DNR released a report requested by the Legislature titled *Off-Road Vehicle Use in Minnesota*, which reviewed OHV management and environmental issues. The report found that OHVs cause some social and environmental impact that varies depending on location, amount, type, and season of use. It also found that use could be managed via site design and development, signing, enforcement, and user education.

*Minnesota Laws* (1984) Chapter 647 (*Minnesota Statutes* §§84.92-84.929) required DNR to register three-wheeled off-road vehicles. It also required DNR to establish a vehicle safety and training program and provided that funds from a dedicated account could be used for the education and training program, administration, and development of vehicle use areas. It set numerous standards and requirements for operation.

DNR's report titled *The Minnesota DNR Trail Plan . . . a discovery process* included an extensive section on OHVs and found a need for aggressive OHV management.

**1985**

DNR's *1984-89 State Comprehensive Outdoor Recreation Plan* noted that there are few miles of trails for OHVs. It ranked OHV facility needs high and emphasized private development. It also noted that government should direct intensive recreation uses to less sensitive areas where feasible.

**1986-88**

*Minnesota Laws* (1986) Chapter 452 changed all references from "three-wheeled" to "all-terrain" vehicles and required DNR to adopt or modify rules for ATV registration, use on certain public land or waters, specifications, signs, and their effect on game and fish resources. The law also directed MnDOT to adopt rules relating to ATV use on streets and highways. It provided new restrictions on the use of ATVs on streets or highways and on ATV use by youth. It set 0.15 percent as the portion of gas tax revenue derived from ATV use and payable to the dedicated ATV account.

Following a Consumer Product Safety Commission report, the U.S. Department of Justice filed a lawsuit against manufacturers of three-wheeled ATVs that alleged violations of the Consumer Product Safety Act. A concurrent consent decree halted future sales.

**1989**

DNR issued a report titled *Trail and Water Recreation: Assessing the Needs, Proposing Solutions* and recommended implementing an ATV program via grants-in-aid but cautioned that “unresolved questions need to be addressed, including the identification of areas that ATVs can use without negatively impacting natural resources . . . .”

*Minnesota Laws* (1989) Chapter 331 reduced three-year registration fees for ATVs operated only for private use to \$6. It provided numerous other requirements and restrictions and legalized ditch riding on the outside slope or bank of most public roads.

DNR’s *1990-94 State Comprehensive Outdoor Recreation Plan* called for a statewide task force to assess how to accommodate OHV use and methods to separate competing and/or conflicting recreational activities.

**1990**

DNR issued a report titled *Report and Recommendation to the Minnesota Legislature Concerning the Use of All Terrain Vehicles by Person Under 12 Years of Age*. The report included concerns about noise and long-lasting damage to public resources from uncontrolled ATV use.

**1991**

*Minnesota Laws* Chapter 254 directed DNR, working with the Minnesota Four-Wheel Drive Association, to study the feasibility of an OHV recreation area.

**1992**

DNR issued a report titled *Minnesota’s State Trails: Improvements for the Future*, which summarized stakeholder meetings for trail users, including ATVs, dirt bikes, and 4X4 trucks. The discussions listed environmental impact as the top obstacle to developing more trails and cited the need for more knowledge about trail maintenance and damage to the environment.

DNR issued the legislatively mandated report titled *Feasibility Of An Off-Highway Vehicle Recreation Site Near The Twin Cities*, which discussed criteria for siting an OHV park, including possible locations.

**1993**

*Minnesota Laws* Chapter 311 (*Minnesota Statutes* §§84.787-84.796 and §§84.797-84.805) required DNR to register dirt bikes and 4X4 trucks and created dedicated accounts to be used for managing those vehicles and developing trails. It set numerous requirements and restrictions for dirt bikes and 4X4 trucks. It also mandated a comprehensive plan for managing OHVs and a report on OHV use.

*Minnesota Laws* Chapter 203 forbade the commissioner to use state lands for an OHV sports area without legislative approval.

**1994**

DNR Commissioner Sando sent a letter that directed staff to find ways to accommodate OHVs and to use the dedicated accounts for planning, enforcement, and operations.

DNR's *1995-99 State Comprehensive Outdoor Recreation Plan* addressed the need for sustainable outdoor recreation, greater recreational research, and capital investments that develop intensive recreational uses in areas suited to those uses and that separate conflicting uses.

**1995**

DNR issued a mandated report titled *Comprehensive Recreational Use Plan: Off-Highway Motorized Recreation in Minnesota* which proposed classifying state lands to facilitate OHV use and recommended (1) an OHV program coordinator within the Trails and Waterways Division, (2) a trail monitoring and evaluation system, and (3) a resource protection program designed by DNR's Ecological Services Division.

DNR established the OHV management program and a coordinator position within the Trails & Waterways Division.

DNR's northwest region issued its *Land Management Plan*, which recognized a shift in department planning philosophy concerning multiple uses of forest resources. With respect to OHV issues, the plan addressed conflicts among users and the goal of providing recreational opportunities for both motorized and non-motorized users. The report recommended that recreational facilities should consider resource protection and special recreation zones, that trails should be sited to avoid sensitive sites, and that impacts of OHV use, such as erosion, should be controlled.

**1996**

*Minnesota Laws* (1996) Chapter 407 appropriated \$1,350,000 in FY 1996 from the ATV account and \$750,000 from the Taconite Environmental Protection Fund to plan, acquire, develop, and operate the Iron Range Off-Highway Vehicle Recreation Area. It created a local advisory committee to work with DNR to develop a comprehensive management plan for the project. It also required DNR to explore additional sites and possible connections between sites.

DNR approved the *Environmental Review Study Committee Report* recommending early coordination as part of a broad process of environmental assessment within DNR.

DNR issued a report titled *Winter ATVers and Snowmobilers: The Potential for Greater Co-use of Minnesota's Trails*, which found that snowmobilers do not want shared trails.

DNR established the OHV Coordinating Committee and began internal discussions that would lead to the creation of administrative rules for managing OHVs on forest lands.

**1997**

DNR published a report titled *Developing a Resource Sensitive Trail Alignment*.

*Minnesota Laws* (1997) Chapter 216 appropriated \$100,000 for an inventory of recreational trails and information about trail users.

DNR (1) announced its intention to create rules to manage and regulate OHV uses on state forest lands, (2) formed an advisory group, and (3) solicited public comment at regional guideline meetings.

DNR broadened sections of *Minnesota Rules* Chapter 6102 to include dirt bikes and 4X4 trucks as well as ATVs.

DNR issued a report on the Gilbert OHV Park. The report noted that citizens resented the lack of widespread notification or of an opportunity to comment or vote on the proposal before it was written into law.

DNR's northeast and north central regions completed draft reports addressing how the regions intended to manage OHVs.

Assistant DNR Commissioner Hitchcock sent a memo to the Chair of the DNR Recreation Coordinating Committee that discussed DNR's (1) lack of understanding of its own OHV efforts, (2) inability to provide a legislator with information about DNR's OHV-related activities, and (3) need for a plan of action.

**1998**

DNR developed a draft of the *Statewide Off-Highway Vehicle Management Guidelines*, which addressed how the department intended to manage OHVs.

Emmett Mullin, DNR Office of Management and Budget, sent an e-mail providing guidance to regional teams for classifying state forests with respect to OHV use.

*Minnesota Laws* (1998) Chapter 401 further extended the availability of the 1996 appropriation for the Iron Range OHV Recreation Area through FY 2000.

Regional teams proposed initial forest classifications for individual state forests in March. The DNR Commissioner proposed nearly the same classifications in May. DNR held open houses in each region to discuss the proposed classifications before issuing the interim classifications in September. DNR published notification for the rules in October.

The OHV Coordinating Committee prepared a five-page document, *OHV System Planning Procedures*, which the Commissioner distributed to all regions. These procedures laid out responsibilities for OHV trail system planning, plan review and approval processes, plan content, and environmental considerations.

**1998 (Continued)**

The OHV Coordinating Committee prepared two pages of guidelines, *Off Highway Vehicle (OHV) System Planning Road Map*, which Assistant DNR Commissioner Hitchcock distributed to all regions. The document focused on organizing area planning teams and developing OHV trail system plans. The document omitted discussion of environmental criteria.

DNR issued a report titled *Profiles of Nine Trail User Populations—A Component of the Border to Border Trail Study*, which area planning teams incorporated into OHV system planning.

Emmett Mullin and Ron Potter distributed a memorandum to OHV workgroups summarizing the expectations of OHV riders and briefly discussing nonmotorized recreationists.

**1999**

Minnesota Forest Resources Council published a report titled *Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers, and Resource Managers*. The guidelines were tools balancing social, economic, and environmental objectives to help forest users and managers maintain forest sustainability, including the construction recreation areas such as trails.

*Minnesota Laws* Chapter 231 Section 204 ordered changes to the proposed forestry rules and deleted the proposed prohibitions on both off-trail travel by OHVs and the construction of unauthorized trails on state lands. However, the forest classification language was unchanged.

Several regions worked on OHV trail system plans.

DNR issued a report titled *Revised OHV System Plan Review and Approval Process* with an expanded internal and public review process that more clearly defined steps for reviewing the OHV trail system plans.

DNR adopted amended forestry rules.

**2000**

DNR finalized the interim state forest classifications with respect to OHV use on January 1, 2000.

The Legislature reinstated the off-trail travel ban in limited forests and forbade construction of unauthorized permanent trails. DNR adopted the rules for these changes later that year.

DNR issued the *Directions 2000* strategic plan continuing the themes of balancing community needs, environmental protection, and economic considerations when carrying out natural resources planning.

**2000 (Continued)**

The north central region completed the first OHV trail system plans in May. Citizen petitions filed in December called for an Environmental Assessment Worksheet (EAW) on the area plans and the projects in those plans.

**2001**

In February, DNR dismissed the citizen petition for an EAW on the north central region plans and deferred for one year decisions on the projects in those plans. Minnesotans for Responsible Recreation filed a lawsuit one month later.

*Minnesota Laws Special Session (2001) Chapter 2* required DNR to add a riding component to the ATV safety and education program and set requirements for minors riding an ATV.

DNR issued a report titled *Briefing Paper—Public Notification/Disclosure of OHV Trail Project Proposals*, which further defined five steps in planning and reviewing OHV projects.

The northeast and northwest regions completed their OHV trail system plans in June and July. Citizen petitions filed in August called for EAWs of the plans and projects in them. In October, DNR (1) dismissed the citizen petitions for an EAW on the plans, (2) ordered an EAW for the Moose Walk/Moose Run project in Lake County, (3) determined some projects exempt from environmental review, and (4) decided to hold for one year the citizen's petition concerning most of the other projects in the plans. Minnesotans for Responsible Recreation served lawsuits later that year, but the lawsuits were not filed.

DNR began EAWs for some projects in northeast, north central, and northwest regions.

DNR began work on a manual titled *Site Level Design and Development Guidelines for Recreational Trails*.

DNR issued a report titled *An OHV Recreation Planning Tool Based on A Survey of Resource Managers and A Survey of Off-Highway Vehicle Riders in Minnesota*, which found that nearly half of ATV owners did not use forest trails in 2000. It also found that there appeared to be a need for trail development in the northwest, northeast, and north central regions.

DNR issued a report titled *Regional OHV System Plan Implementation and Modification Revised*, which addressed items for inclusion into each regional OHV system plan such as project priorities, proposal and review processes, environmental review, and public notice.

The southwest region completed its OHV trail system plan. The plan did not identify any OHV trail projects.



**2002**

A District Court decision in January required DNR to complete EAWs on the OHV trail system plans for the north central region. DNR appealed the decision in March.

The southeast region completed its OHV trail system plan. The plan did not identify any OHV trail projects.

In March, DNR issued its EAW on the Moose Walk/Moose Run project in the northeast region and declined to conduct an Environmental Impact Statement. Minnesotans for Responsible Recreation filed a lawsuit three months later.

DNR issued a report titled *Off-Highway Vehicle Program*, which described the status of OHV planning and management.

DNR issued a report titled *Direction for OHV Management — 2002 Field Season*, which stressed (1) preventing damage on DNR lands through closures and enforcement, (2) considering the needs of other forest users, and (3) eventually removing scramble areas from state land.

*Minnesota Laws (2002) Chapter 351* set up a motorized trail task force consisting of representatives of OHV users, non-motorized interest groups, DNR, and other appropriate parties to provide recommendations on use and management of OHVs in state forests. The task force will make recommendations by January 15, 2003 on trail planning, project development, monitoring, maintenance, enforcement activities, natural resources protection, and other issues relating to OHV trails.

*Minnesota Laws (2002) Chapter 355* required DNR to amend its rules to prohibit, with some exceptions, cross-country (off-trail) riding of OHVs in state forests.

DNR issued drafts of the *Site-Level Design and Development Guidelines for Recreational Trails*.

In October, the Appeals Court issued its decision on the lawsuit pertaining to the OHV plans in the north central region and directed DNR to conduct EAWs (with one exception) on all individual projects included in the lawsuit but not on the plans themselves.