

# MINNESOTA SNOWMOBILE TRAILS ASSISTANCE PROGRAM MAINTENANCE AND GROOMING MANUAL



MINNESOTA DEPARTMENT OF NATURAL RESOURCES



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# I. INTRODUCTION

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## A. DEFINITIONS

**AUTHORIZED REPRESENTATIVE** - Person responsible for the administration of the contract for either the Sponsor or the Department of Natural Resources.

**BENCHMARK** - Significant event or series of events that have been accomplished and been certified by the Sponsor so that the Sponsor can request payment.

**GROOMING** - Snow grooming is the process of loosening or breaking up heavily compacted or icy snow and placing the snow back down in an equally compacted smooth condition.

**LOCAL UNIT OF GOVERNMENT (LUG)** - The political subdivision that has agreed to work with the snowmobile club in the development and maintenance of a trail. This can be a county, city, township, or village.

**RESOLUTION** - Official record of the LUG where they agree to sponsor a snowmobile or trail club and/or trail, certify that the various benchmarks have been met, and administer the grant from the DNR.

**SNOWMOBILE CLUB** - A formal organization that has contracted with a LUG to maintain and operate a local snowmobile trail.

**SPONSOR** - The local unit of government that has agreed to work with the snowmobile club.

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

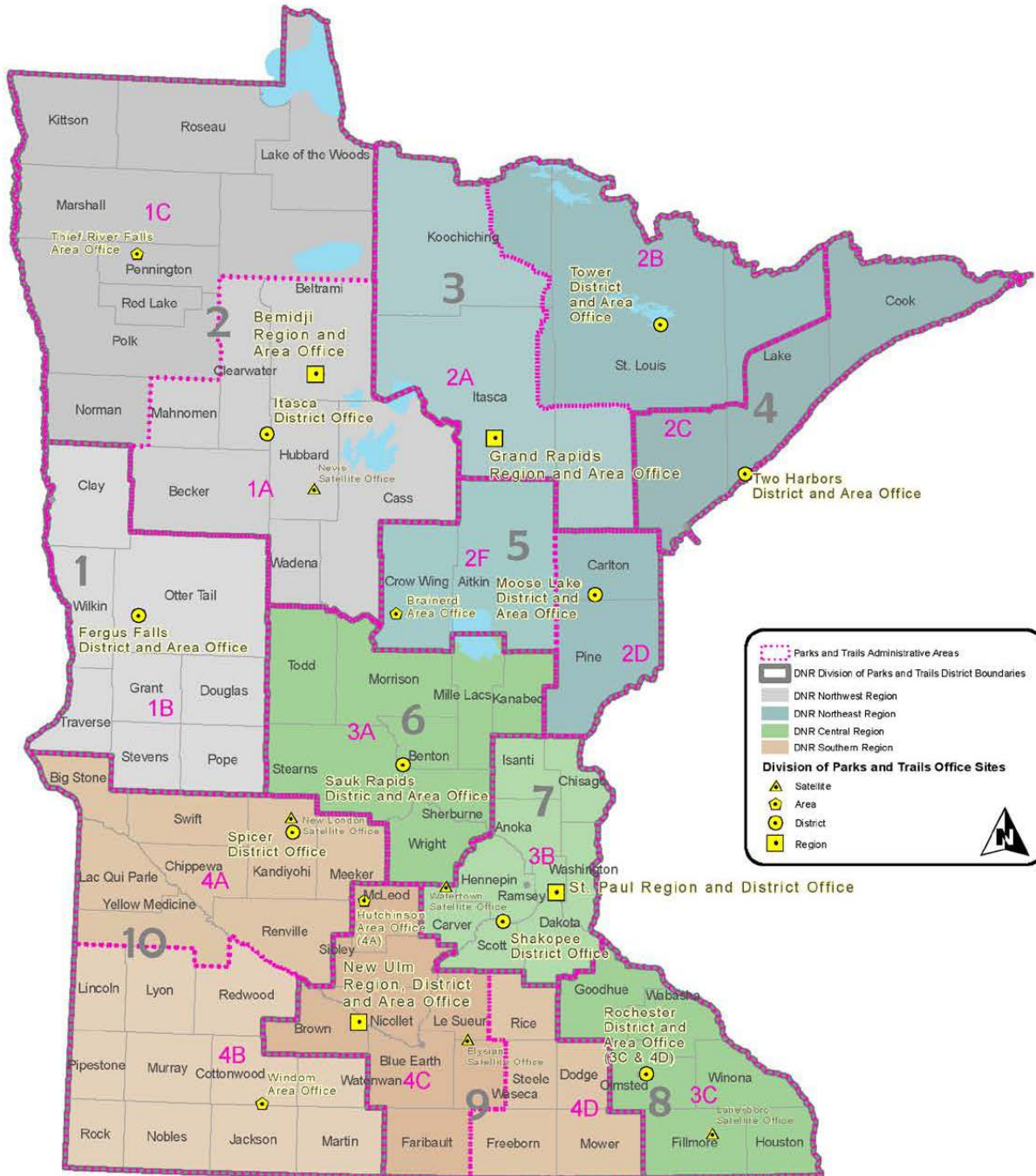
- Invoices of repairs/significant expenditures;
- Liability insurance evidence (as required);
- Maintenance Log of hours and work spent on the various trail activities. This log should include date, number of people working on the trail, number of hours, equipment used, type of work done, and section of trail worked on; (an example is included in the Program Forms Section) signed by a club representative;
- Groomer logs listing the date, miles groomed, total grooming hours, project number, trail name and segment, trail administrator verification; and,

- OR -

- IRS Form 990 (Return of Organization Exempt from Income Tax) and all backup schedules and documentation;
- Groomer logs listing the date, miles groomed, total grooming hours, project number, trail name and segment, trail administrator verification; and

# I. INTRODUCTION

## Division of Parks and Trails Offices, Counties and Administrative Boundaries



Current: 4/06/2011 - MEG  
Map ID: AreaCounty.mxd

# I. INTRODUCTION

<b>Region 1 Northwest</b>		
Position	Phone	Office Location
<b>District 1</b>		
Area 1 B Supervisor	218-739-7576 x226	1509 - 1st Ave N Fergus Falls MN 56537
<b>District 2</b>		
Area 1 A Supervisor	218-308-2367	3296 State Park Road NE Bemidji MN 56601
Area 1 C Supervisor	218-681-0889 x222	246 - 125th Avenue SE Thief River Falls MN 56701

<b>Region 2 Northeast</b>		
Position	Phone	Office Location
<b>District 3</b>		
Area 2 A Supervisor	218-999-7923	1201 E Hwy 2 Grand Rapids MN 55744-4010
Area 2 B Supervisor	218-753-2580 x250	650 Highway 169 Tower MN 55790
<b>District 4</b>		
Area 2 C Supervisor	215-834-1437	1568 Highway 2 Two Harbors MN 55616
<b>District 5</b>		
Area 2 D Supervisor	218-485-5410	Route 2, 701 S. Kenwood Moose Lake MN 55767
Area 2 F Supervisor	218-833-8715	1601 Minnesota Drive Brainerd MN 56401

<b>Region 3 Central</b>		
Position	Phone	Office Location
<b>District 6</b>		
Area 3A Supervisor	320-255-4279 x229	940 Industrial Dr. S. #103 Sauk Rapids MN 56379
<b>District 7</b>		
Area 3 B Supervisor	651-259-5748 or 651-259-5736	1200 Warner Road St. Paul MN 55106
<b>District 8</b>		
Area 3 C Supervisor	507-206-2845	2300 Silver Creek Road NE Rochester MN 55906

<b>Region 4 South</b>		
Position	Phone	Office Location
<b>District 9</b>		
Area 4C Supervisor	507-359-6067	261 Highway 15 South New Ulm MN 56073-8915
Area 4D Supervisor	507-206-2848	2300 Silver Creek Road NE Rochester MN 55906
<b>District 10</b>		
Area 4A Supervisor	320-796-2161 x226	PO Box 457, 10590 Co. Rd. 8 NE Spicer MN 56288
Area 4B Supervisor	507-831-2900	175 County Road 26 Windom MN 56101-1868

# I. INTRODUCTION

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## C. PROGRAM SUMMARY

### **PROGRAM BACKGROUND**

In 1973 the Minnesota Legislature delegated the responsibility of administering a cost-sharing program for the development and maintenance of snowmobile trails to the Department of Natural Resources (DNR). The goal of this program was the creation and maintenance of locally initiated trails that were financially assisted by the state. This program was named the "Minnesota Trails Assistance Program," and is popularly known as the grant-in-aid program or simply the GIA program. The DNR has been delegated the responsibility of administering the funds appropriated by the legislature for the GIA program. The Legislature has subsequently created programs to cover cross-country skiing, off-highway motorcycles, off-road vehicles, and all-terrain vehicles.

The DNR central office in Saint Paul sets program policy and guidelines, budgets for program funding and provides for auditing of grants. Department of Natural Resources Regional Parks and Recreation Managers and Area Parks and Trails Supervisors are responsible for reviewing and processing necessary program forms, providing technical assistance when requested, monitoring trails for actual performance of disbursed maintenance and operation activities, and conducting informational meetings with local organizations. The Area Parks and Trails Supervisors are the main contact for local organizations and grant sponsors.

### **METHOD AND PROCESS TO PROVIDING FUNDING FOR GRANT-IN-AID TRAILS**

The process is based upon payment for achieving agreed upon benchmarks including having the trails prepared and ready to be opened, adequate grooming, post-season closure, and submission of appropriate paperwork. The system's reliance on monitoring the completion of these benchmarks eliminates the need for many of the accounting records to be sent to the sponsor or the DNR. However, most clubs still need to maintain many of these records to keep their tax-exempt status with the IRS as well as to remain in compliance with the GIA Program.

# I. INTRODUCTION

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## D. RESPONSIBILITIES AND ROLES

The following are responsibilities and roles of each partner in the Grant-in-Aid Program.

### **Snowmobile Clubs:**

- Secure a local unit of government as a sponsor.
- Enter into an agreement with the sponsor to perform the work necessary to maintain the local trail system.
- Complete tasks in a timely way and submit documentation to the sponsor as required for them to certify completion of significant benchmarks.
- Maintain sufficient records as defined under the Definition of Terms within this instruction Manual to satisfy the auditing needs of the trail sponsor and DNR.
- Adhere to the trail user maps and public information, trail design and construction, trail grooming, and trail signing guidelines contained in this instruction manual, including the MnUSA corridor trail signing if applicable.
- Attend at a minimum one training session per year conducted by DNR and other related training sessions as requested by the Department.
- The Department of Natural Resources (with the support of the Minnesota United Snowmobile Association) strongly recommends that clubs partially shield their volunteers from the consequences of injury by securing appropriate insurance coverage. Obtain sufficient insurance if necessary and required by the sponsor to protect the interests of the club as well as the local unit of government sponsor.
- Obtain sufficient permission from each landowner on which the snowmobile trail is located. For public land, contact the public agency that administers the land in order to get a permit for the section of snowmobile trail on the public property.
- Provide a backup plan for grooming the trails if the Club's groomer breaks down and cannot perform as required.
- Secure the proper federal tax status. It is required that all clubs that receive grant-in-aid funds be registered with the State as a nonprofit corporation. This is to encourage good management practices, formalize property liquidation procedures in the event a club decides to close, and take advantage of the tax benefits afforded nonprofit corporations.

### **Local Unit of Government/Sponsor:**

- Pass a resolution to serve as the sponsor and submit that to the DNR along with the application form.
- Be responsible for certifying to the DNR completion of the four benchmarks necessary to initiate payments and provide a quality snowmobile experience.
- Work with DNR to verify that the local club is adhering to the various guidelines contained in this instruction manual.
- Meet with DNR once annually, either in-person or a voice conference call.
- The DNR strongly urges the sponsors to similarly enter into contracts with their snowmobile clubs. These contracts will provide your unit of government with safeguards related to liability and finance.
- Assure that the trails are ready and open for use, including verifying that the Club has obtained permission to occupy the property where the trail is located.

# I. INTRODUCTION

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## **State/Department of Natural Resources:**

- Initiate application process and respond to submitted applications.
- Provide the Maintenance Agreement for the sponsoring local unit of government.
- Disburse funds for maintenance upon receipt of appropriate certifications from the sponsor.
- Include the trail in a statewide map of snowmobile opportunities using the alignments provided by the local club.
- Conduct random program reviews to evaluate performance in coordination with sponsors and clubs
- Conduct fiscal reviews in coordination with Sponsor and Club in order to evaluate appropriate accounting procedures and compile needed information for future statewide or system-wide audits
- Make payments to the School Trust Fund for Grant-in-Aid trails on School Trust Fund Land.
- Provide signs for Grant-in-Aid trails, pending availability.

## II. FINANCIAL MANAGEMENT

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### A. DISBURSEMENT SCHEDULE FOR MAINTENANCE

Annual disbursement by DNR will be based upon the completion of the four benchmarks listed below. Non-disbursed funds will be canceled annually.

#### ***1. Trail Completion Benchmark***

*45% of Total Grant Amount*

Disbursement of these funds is contingent on the sponsor providing a high quality map that shows the final alignment of the trail and a Trail Completion Certification Form that the trail is open and available for use.

- The certification must be received no later than December 15<sup>th</sup> of that year.
- This includes having the trail brushed, bridges in repair, signs installed, gates were capable of being open (snow permitting), and any other additional work needed.
- Also the Sponsor ensures that interest in lands to operate a snowmobile trail have been acquired through fee ownership, easement, lease, permit, or other conveyances of interest throughout the entire Trail.
- This benchmark may be turned in and processed prior to December 1<sup>st</sup> if all of the above have been completed and certified.

#### ***2. Grooming Certification Benchmark, Opening – January 15<sup>th</sup>***

*25% of Total Grant Amount*

A portion of the grooming monies will be disbursed in February to the Sponsor by the DNR based upon the Certification of Satisfactory Grooming Form received from the Sponsor that the trails have been properly groomed from opening day through January 15.

- The certification must be received no later than February 15<sup>th</sup> of that year.
- The Sponsor in coordination with the Club must maintain sufficient records to document the activity.

#### ***3. Grooming Certification Benchmark, January 16<sup>th</sup> – Closing***

*25% of Total Grant Amount*

The second disbursement of the grooming monies will be made to the Sponsor by the DNR based upon the Certification of Satisfactory Grooming Form received from the Sponsor and verification that the trails were groomed to the satisfaction of the Sponsor from January 16<sup>th</sup> through the end of the season.

- The certification must be received no later than April 15<sup>th</sup> of that year.
- The Sponsor in coordination with the Club must maintain sufficient records to document the activity.

#### ***4. Trail Closure/Application Submission Benchmark***

*5% of Total Grant Amount*

The final payment will be based upon the Trail Closure/Application Submission Certification form received from the Sponsor.

- The certification must be received no later than May 15<sup>th</sup>.
- Trails should be closed based on activities including closing gates, remove refuse, etc.
- A completed application for the next year must accompany the certification.
- Must provide evidence that Sponsor and Club attended spring training session conducted by DNR.
- A map indicating the “anticipated” alignment of the trail must also be submitted.
- A back-up grooming plan must also be provided.
- This benchmark may be turned in and processed prior to May 15<sup>th</sup> if all of the above have been completed and certified.

## II. FINANCIAL MANAGEMENT

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### B. PENALTIES

The DNR expects the clubs and the local units of government to adhere to trail guidelines contained within this Manual. Any significant deviations from these guidelines will require written permission from DNR. Penalties will be assessed for not having the trail open and ready, or for not grooming the trails for the entire season per the Trail Grooming Guidelines contained within this Manual. Additionally, snowmobile clubs that falsely certify to the county that trails were open and ready or that trails were properly groomed will be dropped from the trail assistance program. None of these penalties will preclude the DNR from undertaking any legal actions that may be warranted.

If needed, an appeal process will be set up to give the Sponsor and related Club an appropriate opportunity for review and appeal of these penalties. The DNR will collaborate with the Sponsors, Clubs and the Minnesota United Snowmobile Association (MNUSA) on how the appeal process will work.

Where applicable, the DNR will determine the appropriate breakdown of funds assigned to each club. In the event of penalties, the DNR may withhold the appropriate amount from the entire grant or withhold payments to reflect only those clubs that have failed to perform.

The penalty schedule is as follows:

1. If it is determined that the **Trail Completion Certification benchmark** in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 45% of the Total Annual Grant Amount.
2. If it is determined that the **Grooming Certification benchmark for the period of opening day through January 15** in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 25% of the Total Annual Grant Amount.
3. If it is determined that the **Grooming Certification benchmark for the period of January 16 through the end of the season** in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 25% of the Total Annual Grant Amount.
4. If it is determined that the **Trail Closure/Application Submission Certification** benchmark in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 5% of the total annual Grant Amount if appropriate paperwork is not submitted.

In addition to the above penalties, the State reserves the right to reduce payment in the following year's agreement or to exclude the Sponsor from participation in the Trails Assistance Program for a period of time.

## **II. FINANCIAL MANAGEMENT**

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### **C. ACCOUNTING AND AUDIT**

The Sponsor shall maintain books, records, documents, and other evidence relevant to this grant and in such detail that will accurately document all project costs for which payment have been received. The Sponsor shall use generally accepted accounting principles and these records shall be retained for six years after this grant terminates. The State, its representative or the legislative auditor shall have the right to examine this evidence and the Sponsor shall make them available at the office at all reasonable times during the record retention period. Records shall be sufficient, as defined in the Manual to reflect significant costs incurred and volunteer donation of time, equipment, and/or materials in performance of this grant.

### **D. PROGRAM REVIEWS**

The DNR, Parks and Trails Area Supervisors will conduct reviews on an annual basis of how Sponsors and the related clubs are performing within the context of the program. The intent is to increase the interaction between the Parks and Trails field staff and the Sponsors and related Clubs. These reviews will be random in nature and will be done at the grant level. Not every grant will be reviewed every year. This review will include at a minimum the following areas:

- Routine trail monitoring of grooming and maintenance activities
- Review of ongoing trail issues and environmental concerns
- Capital improvement grant reviews
- Complaint management and follow up

### **E. FISCAL REVIEWS**

The DNR, Parks and Trails Grant Coordinator will conduct reviews on an annual basis of how Sponsors and the related clubs are performing financially within the context of the program. The intent is to evaluate how effectively the funds are being distributed by DNR and utilized by the Sponsors and the related clubs. These reviews will be random in nature and will be done at the grant level. Not every grant will be reviewed every year. It is anticipated that eight reviews will be conducted every year. This review will include at a minimum the following areas:

- Contract administration
- Record keeping
- Expenditures

### **F. ENVIRONMENTAL REVIEW CONSIDERATIONS**

Many new development projects and some trail relocation initiatives will require some level of environmental review. Sponsors and related clubs should work with Parks and Trails Area Supervisors on determining which requirements they will need to address as they move forward with their projects. Attached as Appendix D are the rules adopted by the Environmental Quality Board relating to recreational trail development. These rules outline the requirements and exemptions relating to whether or not an environmental review may or may not be needed. Also attached as Appendix C, is the process and general timeline in which the DNR conducts these environmental reviews.

## II. FINANCIAL MANAGEMENT

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### G. REQUIRED DOCUMENTATION

The following is a required list of documents that the snowmobile clubs or sponsors need to maintain in accordance with program requirements. Only those documents marked with (\*) are required to be turned in to the DNR, but the rest must be kept on file.

#### **Landowner Permission Documentation**

All snowmobile trails must have permission to be located on public or private property. It is the responsibility of the snowmobile club or sponsor to keep these records.

#### **Proof of Snowmobile Club Non-Profit Status**

It is required that all snowmobile clubs that receive GIA funds must be registered with the Minnesota Secretary of State as a nonprofit corporation.

#### **Invoices of Repair Expenditures Associated with Each Benchmark**

Make sure to keep all invoices and proof of payment for expenses related to maintaining the GIA trail. These serve as expense documentation of meeting benchmark requirements.

#### **Maintenance Logs**

It is required that trail work hours be documented (this does not include grooming). The log should include date, number of people working on the trail, number of hours, equipment used, type of work done, and section of trail worked on. A maintenance log form can be found on the Snowmobile GIA web page.

#### **Grooming Logs\***

It is required that all grooming trips on GIA trails be documented. These logs should include name of groomer, date, miles groomed, total grooming hours, trail name, and segment. A grooming log form can be found on the Snowmobile GIA web page. Previous years' grooming logs are turned into the DNR with spring applications.

#### **Backup Grooming Plan\***

The snowmobile club or sponsor must have a backup plan for grooming the trails if a groomer breaks down and is not able to perform required grooming. Backup grooming plans are turned into the DNR with spring applications.

#### **Map of Current Trail Alignments (Validation Map)\***

Clubs and sponsors are required to provide updates to trail maps to the DNR with spring applications. Clubs and sponsors should work with the DNR to validate the most up-to-date trail alignment information.

#### **Permits and Environmental Approval Documents**

When trail reroutes or developments may require permits or environmental approvals, clubs and sponsors must obtain and keep on file all relevant documents.

#### **Liability Insurance Certificate**

It is strongly encouraged that clubs partially shield their volunteers from the consequences of injury by securing appropriate insurance coverage. The DNR does not require this, but a sponsor may.

## II. FINANCIAL MANAGEMENT

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### **Contract between the Sponsor and Club**

It is strongly encouraged that the sponsors enter into contracts with their snowmobile clubs. These contracts help define roles and provide additional safeguards.

### **Application with Mandatory Attachments and Benchmark Forms**

It is strongly encouraged that both the sponsors and associated clubs maintain a copy of the annual program application with attachments and benchmark reimbursement forms for reference and annual documentation.

## **ADDITIONAL RESOURCES**

The following are a list of resources to assist in the documentation requirements and general maintenance and grooming of snowmobile trails.

### **Snowmobile GIA Web Page** [www.dnr.state.mn.us/grants/recreation/gia\\_snowmobile.html](http://www.dnr.state.mn.us/grants/recreation/gia_snowmobile.html)

The Snowmobile GIA web page has all program forms as well as additional program information.

### **Minnesota Secretary of State** [www.sos.state.mn.us](http://www.sos.state.mn.us) or 1-877-551-6767

Use the Secretary of State's website to find information on how to register as a non-profit corporation. All GIA clubs are required to be registered as a non-profit with the State of Minnesota. The Minnesota Secretary of State's (SOS) office administers non-profit corporation registration and questions about this process should be directed to the SOS.

### **International Association of Snowmobile Administrators (IASA)**

IASA has created several valuable guidelines and resources for snowmobile trail administration, including a signing guide, grooming guide, as well as other important resources for managing a snowmobile trail. Click on "Guidelines and Resources" to find this information.

### **Minnesota United Snowmobilers Association (MnUSA)** [www.mnsnowmobiler.org](http://www.mnsnowmobiler.org)

MnUSA is a source for snowmobiling information and club support in Minnesota.

### **Trail Guidelines Books** [www.minnesotasbookstore.com](http://www.minnesotasbookstore.com) or 1-800-657-3757

Click on "Natural Resources" then "Trail Planning Guide" to purchase. This technical manual covers all you need to know about designing and building trails. This manual assists with providing best practices and techniques with special attention given to developing trails that are physically, ecologically and economically sustainable. This manual is published by the MN DNR and can be purchased for \$19.95 through the Minnesota Bookstore.

### **III. APPLICATION PROCESS AND PROGRAM FORMS**

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#### **A. APPLICATION PROCESS**

1. Sponsors/Clubs meet with DNR Parks and Trails Area Supervisors in Spring Meetings
2. Sponsors/Clubs are provided verification maps or existing trail route information to determine upcoming year's trail alignment
3. Area Supervisors provide Central Office with updated trail alignments
4. Club submits application, which is due May 15
5. Parks and Trails Area Supervisors review applications for completeness
6. Parks and Trails determines the appropriate allocation amount for the upcoming fiscal year
7. Parks and Trails Central Office notifies Area/Region when funding is available for new grants
8. Parks and Trails Area Supervisor writes grant agreement and works with the DNR business office to encumber funds
9. DNR business office encumbers funds
10. Parks and Trails Area Supervisor route the grant agreements to the sponsor for signature
11. Sponsor signs and returns grant agreements to Parks and Trails Area Supervisor
12. Parks and Trails Area Supervisor sends grant agreements to Parks and Trails Central Office for final signature
13. Parks and Trails Central Office signs and returns fully executed grant agreements to Area Supervisors, who in turn send out a copy of fully executed grant agreement to the sponsor for their records

# III. APPLICATION PROCESS AND PROGRAM FORMS

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## B. APPLICATION INSTRUCTIONS

*The following procedures must be adhered to if you are applying for Minnesota Snowmobile Trails Assistance Program Maintenance and Grooming funding on a trail system that is presently enrolled within the grant-in-aid trail system.*

**The following projects are considered trail maintenance:**

- Relocating a relatively short section of trail currently in the GIA Program (see EQB Rules in the Program Manual, Appendix D);
- Minor trail improvements (e.g., installation of railings, signing, and surface preparation).
- Maintaining a trail currently in the GIA Program
- Winter grooming of a trail system currently in the GIA Program.

**NOTE: UNDER NO CONDITION CAN CONSTRUCTION TAKE PLACE ON ANY PARCEL OF LAND, PRIVATE OR PUBLIC, UNLESS A SIGNED PERMIT HAS BEEN SECURED IN THE NAME OF THE SPONSOR.**

**The Minnesota Trails Assistance Application projects must comply with the following procedures:**

1. **Trail user organizations/clubs must submit application forms to the sponsor.** The following items must be included with the application:
  - Certification of Trail Closure/4<sup>th</sup> Benchmark
  - Grooming Logs from the Previous Year
  - Sponsor Resolution
  - Update of Current Trail Alignments, specifically identified on the trail validation map of the existing trail system (provided by DNR). The map must identify any route changes, and the club should work with the Parks and Trails Area Supervisor on validating these routes.
  - Backup Grooming Plan
  - Proof of Club Non-Profit Status
  - Trail Contact Information Form
2. **The sponsor will submit the above items to the DNR Area Parks and Trails Supervisor for review.**

**APPLICATION FORMS MUST BE RECEIVED BY MAY 15.**

3. Upon approval of the application, the **Area Parks and Trails Supervisor will submit a contract agreement to the sponsor. The sponsor will then process three (3) copies of the contract agreement with original signatures on each copy and return all copies to the Area Parks and Trails Supervisor.**
4. **The DNR will notify the sponsor, in writing that the agreement has been executed.**

## III. APPLICATION PROCESS AND PROGRAM FORMS

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### C. PROGRAM FORMS

The following forms have been included to identify the basic paperwork necessary for the Trails Assistance Program. These forms are found on the DNR's Snowmobile Grant-in-Aid Program web page at [www.dnr.state.mn.us/grants/recreation/gia\\_snowmobile.html](http://www.dnr.state.mn.us/grants/recreation/gia_snowmobile.html).

- ❑ **Maintenance and Grooming Application:** This document is the instrument for applying for maintenance funds on previously established trails.
- ❑ **Certification of Trail Completion Form:** This form is submitted to the DNR by the sponsor and certifies that the trail is ready for snowmobiling.
- ❑ **Certification of Satisfactory Grooming Form:** This form certifies that the entire trail system covered by the agreement has received satisfactory grooming.
- ❑ **Certification of Trail Closure/Application Submission Form:** This form certifies that the entire trail system covered by the agreement has received satisfactory grooming.
- ❑ **Common Trail Sign Order Forms:** This form is designed to assist grant organizations in requesting signs from the DNR.
- ❑ **Trail Contact Information Form:** This form provides contact information for DNR map publications and website.
- ❑ **Operator's Grooming Log Sheet:** This is an example of how clubs should document grooming trips.

### D. OTHER RELEVANT DOCUMENTS AND GUIDANCE

The following items are other documents and guidance relevant to successful administration of the Trail Assistance Program, and are explained in more detail on the following pages.

- ❑ **Sample Sponsor and State/DNR Agreement:** This form is the legal document between the State and sponsor. This document sets aside funding and identified conditions agreed to by both parties. Only after notification in writing by the DNR can the Sponsor be guaranteed of funding for the maintenance.
- ❑ **Sample Landowner Permission Form:** This form is designed to help clubs obtain private landowner permission for trails.
- ❑ **Sample County/Club Contract:** This form is designated to help establish contracts between sponsors and clubs.
- ❑ **Sample Trail Maintenance Log:** This is an example of how clubs should document trail maintenance.
- ❑ **Elements of a Sponsor Resolution:** This is an explanation of the information a correct sponsor resolution should contain.
- ❑ **MnUSA Corridor Sign Order Form:** This form is used to order additional corridor trail signs. Please see Appendix A for more information on guidance for placing the MnUSA Corridor Signs.

# III. APPLICATION PROCESS AND PROGRAM FORMS

## MINNESOTA SNOWMOBILE TRAILS ASSISTANCE PROGRAM SNOWMOBILE FY 2014 MAINTENANCE AND GROOMING GRANT AGREEMENT

Local Unit of Government (Sponsor)	Trail/Club Name	Grant Amount
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THIS AGREEMENT is made between the STATE OF MINNESOTA, acting by and through the Commissioner of Natural Resources, hereinafter referred to as the "State," and Local Unit of Government, hereinafter referred to as the "Sponsor" relating to the maintenance and grooming of the trails specified above; and

WHEREAS, the Sponsor desires to maintain trails for the enjoyment of the public; and

WHEREAS, the Minnesota Snowmobile Trails Assistance Program provides grants to local units of government for the maintenance of recreational trails pursuant to Minnesota Statutes Chapter 84.83; and

WHEREAS, the Sponsor has applied to the State for a grant for said trails and has submitted the Minnesota Snowmobile Trails Assistance Program Maintenance and Grooming application form, required attachments, and resolution of the Sponsor authorizing the proposed maintenance and grooming. The submitted application form and required attachments are hereinafter referred to as the "Plan", and the sponsor resolution is attached and incorporated into this agreement as Exhibit A; and

NOW THEREFORE, it is agreed between the parties as follows:

**A. TRAIL OBLIGATION OF THE SPONSOR.** The Sponsor agrees to maintain the proposed trails in accordance with the guidelines contained within the current Minnesota Snowmobile Trails Assistance Program Maintenance and Grooming Manual, hereinafter referred to as the "Manual" as accepted or amended by the State. All work will be the responsibility of the Sponsor, its employees, or the sponsor's agent provided the agent is registered as a nonprofit corporation with the State of Minnesota. The Sponsor shall:

1. Proceed to acquire necessary interests in lands on the Trail. The Sponsor must acquire land in fee, easement, lease, permit, or other authorization for said Trail. The term of said interest shall be no less than four (4) months between November 15 of any year and April 1 of the succeeding year. For each parcel of land crossed by the Trail, the Sponsor shall obtain from the owner of said parcel a permit, lease, easement, deed, or other authorization for said crossing in accordance with Minnesota Statutes Chapter 604A. The Sponsor shall certify that the necessary interests in the land have been obtained and are on file with the Sponsor or the sponsor's agent.
2. Provide adequate maintenance and grooming on the Trail, which shall include keeping it reasonably safe for public use; provide sanitation and sanitary facilities when needed; and provide other maintenance and grooming as may be required. The Sponsor and not the State is responsible for maintaining signs and maintenance and grooming of the Trail.

**B. TECHNICAL ASSISTANCE.** Upon the request of the Sponsor to the extent possible, the State will provide technical assistance with major problems encountered in the maintenance and grooming of the Trail.

### III. APPLICATION PROCESS AND PROGRAM FORMS

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C. FUNDING. The State's sole responsibility under this Agreement is to provide funds to the Sponsor. In the event that state funds become unavailable because of legislative or executive action or restraints, the grant amount may be reduced or canceled by the State.

D. DISBURSEMENT. The State agrees to disburse funds to the Sponsor pursuant to this Agreement based upon the satisfactory completion of significant performance benchmarks as identified in section F. This grant shall not exceed the Grant Amount as specified above. Funds not earned and paid out will be canceled annually at the end of the State's fiscal year (June 30).

E. GROOMING. In order to receive maximum disbursement from this Agreement, the Sponsor agrees to groom the entire Trail referred to within the Plan in accordance with the Trail Grooming Guidelines established in the Manual.

#### F. PAYMENT.

##### 1. Trail Completion Benchmark, 45% of Total Grant Amount

Disbursement of these funds is contingent on the sponsor providing a high quality map that shows the final alignment of the trail and a Trail Completion Certification Form that the trail is open and available for use. The certification must be received by December 15<sup>th</sup> of that year. This includes having the trail brushed, bridges in repair, signs installed, gates were capable of being open (snow permitting), and any other additional work needed. Also the Sponsor ensures that interest in lands to operate a snowmobile trail have been acquired through fee, easement, lease, permit, or other authorizations of interest throughout the entire Trail.

##### 2. Grooming Certification Benchmark, Opening – January 15, 25% of Total Grant Amount

A portion of the grooming monies will be disbursed to the Sponsor by the DNR based upon the Certification of Satisfactory Grooming Form received from the Sponsor that the trails have been properly groomed from opening day through January 15<sup>th</sup>. The certification must be received by February 15<sup>th</sup> of that year. The Sponsor in coordination with the Club must maintain sufficient records to document the activity.

##### 3. Grooming Certification Benchmark, January 16 – Closing, 25% of Total Grant Amount

The second disbursement of the grooming monies will be made to the Sponsor by the DNR based upon the Certification of Satisfactory Grooming Form received from the Sponsor and verification that the trails were groomed to the satisfaction of the Sponsor from January 16<sup>th</sup> through the end of the season. The certification must be received by April 15<sup>th</sup> of that year. The Sponsor in coordination with the Club must maintain sufficient records to document the activity.

##### 4. Trail Closure/Application Submission Benchmark, 5% of Total Grant Amount

The final payment will be based upon the Trail Closure/Application Submission Certification form received from the Sponsor. The certification must be received by May 15<sup>th</sup>. A completed application for the next year must accompany the certification. Must provide evidence that Sponsor and Club attended spring training session conducted by DNR. A map indicating the "anticipated" alignment of the trail must also be submitted. A back-up grooming plan must also be provided.

#### G. PENALTIES.

1. If it is determined that the Trail Completion Certification benchmark in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 45% of the Total Annual Grant Amount.

### III. APPLICATION PROCESS AND PROGRAM FORMS

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2. If it is determined that the Grooming Certification benchmark for the period of opening day through January 15 in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 25% of the Total Annual Grant Amount.

3. If it is determined that the Grooming Certification benchmark for the period of January 16 through the end of the season in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 25% of the Total Annual Grant Amount.

4. If it is determined that the Trail Closure/Application Submission Certification benchmark in this Plan has not been satisfactorily completed but was certified as having been completed by the Sponsor, the Sponsor may be assessed a penalty of up to 5% of the total annual Grant Amount.

In addition to the above penalties, the State reserves the right to reduce payment in the following year's agreement or to exclude the Sponsor from participation in the Trails Assistance Program.

H. ACCOUNTING AND AUDIT. The Sponsor shall maintain books, records, documents, and other evidence relevant to this grant and in such detail that will accurately reflect the benchmarks that have been reached in this program and that have received payment. The Sponsor shall use generally accepted accounting principles and these records shall be retained for six years after this grant terminates. The State, its representative or the legislative auditor shall have the right to examine this evidence and the Sponsor shall make them available at the office at all reasonable times during the record retention period. Records shall be sufficient, as defined in the Manual to reflect significant costs incurred and volunteer donation of time, equipment, and/or materials in performance of this grant.

I. WORKER'S COMPENSATION. The Sponsor shall comply with the provisions for worker's compensation in Minnesota Statutes Chapter 176.181, Subd. 2 and 176.182 and all applicable rules and subsequent amendments thereto.

J. LIABILITY. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The provisions of the Minnesota Tort Claims Act, Minnesota Statutes Chapter 3.736 and other applicable law shall govern the State's liability. The provisions of Minnesota Political Subdivisions Tort Liability, Minnesota Statutes Chapter 466.02 and other applicable law shall govern the Sponsor's liability.

#### K. TERM.

1. **Effective date: July 1, 2013**, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
2. **Expiration date: June 30, 2014**, or until all obligations have been satisfactorily fulfilled, whichever is sooner.

L. TERMINATION. This Agreement may be terminated by the State in the event of a default by the Sponsor; the legislature appropriates insufficient monies for the program, or the abandonment of the Trail. The State and the Sponsor may also terminate it upon mutual agreement, upon 30 days' written notice to each entity.

M. ASSIGNMENT OR MODIFICATION. The Sponsor may not assign any of its rights or obligations under this Agreement without the prior written consent of the State. No change or modification of the terms or provisions of this Agreement shall be binding unless such change or modification is in writing and signed by both parties to this Agreement.

### III. APPLICATION PROCESS AND PROGRAM FORMS

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N. DATA DISCLOSURE. Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

O. GOVERNING LAW, JURISDICTION, AND VENUE. Minnesota law, without regard to its choice-of-law provisions, governs this grant contract. Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

P. AUTHORIZED REPRESENTATIVE. The State's Authorized Representative is the Trail Area Supervisor from the Parks and Trails Division of the Department of Natural Resources for the area where the trail is located, or his/her successor, and has the responsibility to monitor the Sponsors performance and the authority to accept the services provided under this grant contract. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment. A list of the Trail Area Supervisors can be found on the program webpage ([http://files.dnr.state.mn.us/assistance/grants/recreation/ohv/area\\_sups.pdf](http://files.dnr.state.mn.us/assistance/grants/recreation/ohv/area_sups.pdf)).

The Sponsor's Authorized Representative is the contact person and individual who provide the authorized signature for the Sponsor, which can be found on the program application (incorporated here into this agreement by reference). If the Sponsor's Authorized Representative changes at any time during this grant contract, the Sponsor must immediately notify the State.

The authorized representative of the sponsor is prohibited from being an officer or bookkeeper/accountant of the club or organization receiving this grant on behalf of the State.

Q. INVASIVE SPECIES PREVENTION. The DNR requires active steps to prevent or limit the introduction, establishment, and spread of invasive species during work. The Grantee and/or contractor shall prevent invasive species from entering into or spreading within a project site by cleaning equipment prior to arriving at the project site.

If the equipment, vehicles, gear, or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by Grantee and/or contractor furnished tool or equipment (brush/broom, compressed air or pressure washer) at the staging area. If the material cannot be disposed of onsite, secure material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite. Note that transporting noxious weeds requires a permit from the Minnesota Department of Agriculture.

The Grantee and/or contractor shall ensure that all equipment and clothing used for work in infested waters has been adequately decontaminated for invasive species (ex. zebra mussels) prior to being used in non-infested waters. All equipment and clothing including but not limited to waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps that comes in contact with any infested waters must be thoroughly decontaminated.

### III. APPLICATION PROCESS AND PROGRAM FORMS

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

#### LOCAL UNIT OF GOVERNMENT SPONSOR

Local Unit of Government (Sponsor)		
Authorized Signature	Title	Date
Authorized Signature	Title	Date

#### DEPARTMENT OF NATURAL RESOURCES

Individual certifies that funds have been encumbered as required by M.S. § 16A.15 and 16C.05.	State Encumbrance Verification  SWIFT PO #:	Date
Signature (Recommend for Approval)	Parks and Trails Regional Manager	Date
Authorized Signature	Parks and Trails Division Director or Deputy Director	Date

### III. APPLICATION PROCESS AND PROGRAM FORMS

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*Sample Landowner Permission Form*

LANDOWNER PERMISSION FORM

THIS PERMIT is granted on \_\_\_\_\_, by \_\_\_\_\_  
the Landowner(s) to \_\_\_\_\_ the Sponsor to establish and/or maintain the  
\_\_\_\_\_ Snowmobile Trail.

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

SUBJECT TO:

1. This permit shall be continuous and will terminate upon sale of the land, or upon notification in writing to the Sponsor six (6) months prior to termination by the Landowner(s).
2. The right-of-way shall be open to the general public for snowmobile use.
3. The Sponsor shall at all times have the right to enter upon said right-of-way for any purpose necessary to the performance of lawful powers and duties.
4. The Landowner(s) shall have the right to close said right-of-way during any emergency, with the approval of the Sponsor.
5. The permit is for a \_\_\_\_\_ foot width over the route to be used.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Landowner Signature)

\_\_\_\_\_  
(Address and Phone Number)

\_\_\_\_\_  
(Club Representative)

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

### III. APPLICATION PROCESS AND PROGRAM FORMS

**Sample COUNTY/ CLUB CONTRACT**

This agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ hereinafter referred to as the local unit of government and \_\_\_\_\_ hereinafter referred to as the club.

**WITNESSED:**

Whereas the local unit of government desires to establish a public trail in furtherance of its public recreation program, and

Whereas the club agrees to help and assist the local unit of government to acquire, construct and maintain said trail, and is registered as a nonprofit corporation, and

Whereas the State of Minnesota offers financial and technical assistance to the local unit of government for the construction of an approve trail, and whereas the trail in connection with this agreement shall hereinafter be called \_\_\_\_\_,

**NOW THEREFORE IT IS AGREED BETWEEN THE PARTIES THERETO:**

The local unit of government shall apply to the State of Minnesota - Department of Natural Resources - for financial and technical assistance in accordance with the laws, rules, and regulations governing said assistance.

If said assistance is granted, the local unit of government shall contract with the club for the acquisition of the necessary interests in land and the subsequent construction and maintenance of the trail.

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

Further the contract shall provide that the club will certify to the local unit of government upon completion of significant benchmarks of “work” on the trail. The local unit of government agrees to pay the club the appropriate percentage of the total grant amount for their “work” completed by the club on their portion of the trail system as agreed to/with the other clubs in the trail system; the club will “absorb” the remainder. In the event that a performance penalty is assessed on the sponsor, by the state, such penalty will be passed through to the appropriate club and be their obligation until satisfied.

The contract shall specifically provide that the club will be operating as an independent contractor and that the local unit of government and the State of Minnesota shall not be responsible for workman’s compensation of other employee benefits.

Not Withstanding the financial assistance provided in the state contract, the local unit of government shall not be liable for such costs as are incurred by the club because state funds are depleted.

Board Chairman/Mayor \_\_\_\_\_

Auditor/Clerk \_\_\_\_\_

Club President \_\_\_\_\_

Club Secretary \_\_\_\_\_

### III. APPLICATION PROCESS AND PROGRAM FORMS

#### Sample Trail Maintenance Log

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>September 2002</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	5 PB/ASPEN- Brush Trail/ Minor Repair 8 People/ 9 hrs 7 ATV's 6 Chainsaws 1 D6 Dozer 5 PU/40 mi
6 Soo Line Brush Trail  5 People/8 hrs  3 ATV's 4 Brushers 4 Chainsaws 3 PU/50 mi	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
20 Pipeline - Repair Bridge/ Brush Trail 10 People/9 hrs 10 ATV's 5 Chainsaws 7 PU/ 60 mi Lumber	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	26 Aspen - Signing 4 People/6 hrs 4 ATV's 4 PU/70 mi
27 Aspen - Maps/ Landowner Prmts 10 People/5 hrs 10 PU/250 mi	<b>28</b>	<b>29</b>	<b>30</b>	<b>Form Completed by:</b> _____  <b>Date:</b> _____  <b>Please Note: This form must be signed by a club official (see Page 2).</b>		

### **III. APPLICATION PROCESS AND PROGRAM FORMS**

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#### *Elements of a Sponsor Resolution*

A sponsor/local unit of government resolution should include the following information:

- ❑ A statement that the local unit of government will act as legal sponsor for an application for the DNR Snowmobile Trails Assistance Program
- ❑ A statement that the local unit of government may enter into agreement with the State of Minnesota for the specific grant program mentioned above
- ❑ A statement that the local unit of government will comply with all applicable laws and regulations as stated in the agreement
- ❑ A statement recognizing an individual (in many cases a local government auditor) who will act as a fiscal agent on behalf of the local unit of government
- ❑ Date the resolution is adopted
- ❑ If the local unit of government wishes to pass a resolution that is effective beyond one year, the resolution must include a clause clearly outlining these details. If the sponsor does not do this, a new resolution will be needed annually with spring applications.

# III. APPLICATION PROCESS AND PROGRAM FORMS

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## MnUSA Corridor Sign Order

### Your Information:

Name: \_\_\_\_\_

Club Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone/Email: \_\_\_\_\_

DNR Trail Number: \_\_\_\_\_

### Signs Needed:

Route Number (include North, South,  
East or West, i.e., 6W)

Quantity Needed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return to: MnUSA, 7040 Lakeland Ave N. #212, Brooklyn Park, MN 55428

Fax: 763-577-0186 or email: [mnusaoffice@popp.net](mailto:mnusaoffice@popp.net)

(Phone: 763-577-0185 / toll free 866-811-7669)

# APPENDIX A

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## ELEMENTS OF A SUCCESSFUL TRAIL

### *Trail User Maps and Public Information Guidelines*

Accurate maps of the trail system should be prepared for free distribution to users. They should be available at the trailhead, DNR offices, and other locations convenient to the public and at a minimum should include the following data:

1. Trail Name or Names.
2. Trail Location -- Give directions on how to get to the trail system parking lot from the nearest town and major highway. A small state map showing the general location within the state could also be useful.
3. Trail Length -- Show the number of miles/km for each segment or loop.
4. Trail Use -- Identify loops or segments designated for snowmobiling use, as well as trails closed to snowmobiling if the potential for conflict with other users exist, e.g., cross-country skiing.
5. Trail Connections -- Identify other trails the trail connects to such as: State Parks and State Forests, State Trails, or other Grants-In-Aid Trails.
6. Trail Information -- Give name, address and phone number of an individual who may be contacted for information, contact the local chamber of commerce to identify them as the local contact. The phone number of the local conservation officer may also be helpful.
7. Bridges -- Show all bridge crossings.
8. Roads -- Identify maintained state forest roads and portions used as trails; also identify roads not maintained, but suitable for snowmobiling.
9. Mark on map and/or list locations where the following services would be available:

Gas	Repair services
Food	Medical facilities
Lodging	Law enforcement officers
Nearest DNR office	911 or Zenith
	Other helpful information
10. Develop a grid system for safety purposes or locating facilities.
11. Basic Safety Tips -- Speed limit, driving on lakes/thin ice, frostbite, trail signs, etc. Statements concerning speed and alcohol should be included on the map.
12. It is helpful to put a date somewhere (bottom right-hand corner for consistency) on the map so the most current maps are in circulation.
13. Identify all roads on map, and have corresponding signs posted on trails to help trail users know where they are at all times.
14. Clearly identify all state asphalt paved bike trails where metal studs are prohibited.

County base maps are available from the DNR that show snowmobile trail alignments. These base maps are available for most counties from the Parks and Trails Unit. Check with the Area Parks and Trails Supervisor for your county.

### *Trail Design and Construction Guidelines*

Minimum riding surface for one-way trail should be eight (8) feet or a reasonable width based on the conditions. Minimum riding surface for two-way trail should be ten (10) feet or a reasonable width based on the conditions. An additional two (2) feet should be cleared outside the trail surface. Minimum turning radius is 100 feet, unless marked.

Branches and obstacles above the trail should be cleared to a height of ten (10) feet.

Reflective signs should be placed on the right side of the trail on posts at reasonable intervals.

# APPENDIX A

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## *Trail Grooming Guidelines*

### **General Information**

One of the most important winter trail functions is grooming. Providing a good smooth trail will depend on ground surfaces, which are free of stumps, rocks, roots or other debris. Because the snow surface will reflect the ground surface conditions, a well groomed, smooth trail depends upon several things: 1) a relatively smooth and even ground surface, 2) a good snow base, and 3) good grooming. Snow compaction compresses loose, fluffy snow so that a firm base is provided. Snow grooming is the process of loosening or breaking up heavily compacted or icy snow and placing the snow back down in an equally compacted, smooth condition.

### **Trail Grooming Guidelines**

Under optimum conditions, grooming should begin when snow depth has reached approximately twelve (12) inches. Begin by compacting the snow with a large roller or drag with a packer pan. If this option is not available, packing can be accomplished with just the groomer, using the tracks to compact the loose, fluffy snow. If the snow is too deep, a snowmobile could be used. A very important point is that the snow base should be built from the bottom, up. Snow compacting should be considered after any substantial snowfall. The following are items that you should consider.

- Groom shortly after a snowfall.
- Grooming, when possible, should be done when traffic is light such as at night or on weekdays.
- Ideal grooming temperatures usually lie between minus five degrees Fahrenheit (-5°F) and fifteen degrees Fahrenheit (15°F).
- The kind of snow is a major factor in determining at what temperature the trail should be groomed. Dry snow usually grooms best during the day when the temperatures are warmer. Wet snow grooms best at night when temperatures are usually cooler.
- Cut all moguls off at or near the bottom of the dips and place the snow into a uniform layer. Moguls should not be cut halfway down or an uneven base density will result, and the moguls will reappear.
- In limited snow conditions, set the drag so that snow can be pulled from the edges toward the center of the trail.

A good general rule for grooming speed is four (4) to ten (10) miles per hour. It should be noted that each groomer/drag combination is different, but grooming too slow or too fast will result in poor trail conditions (wash boarding, uneven snow compaction, etc.).

# APPENDIX A

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## *Signing Suggestions*

In general, signing on trails should be designed to provide direction, information, and safety for trail users. Major signing areas are at the trailhead, trail junctions, and in areas where safety of the user is involved. Trailhead and trail junction signs will provide maps showing route designation, distance, traffic flow direction, and location of support facilities. Safety signs will caution users of steep slopes, bridges, or highway crossings, and other hazardous trail conditions.

Signs on all trails should be kept at a minimum and be well placed.

Signs placed out on the trail should include reassuring blazers, caution signs, do not enter signs, stop signs, etc.

Placement of most signs should be on the right-hand side of the trail just off the main treadway but within clearing limits. Signs should be attached to posts placed two (2) to three (3) feet off the treadway and three (3) to four (4) feet above expected snow depth. Attach them securely with lag screws or carriage bolts. Wood or metal posts may be used depending on location and availability.

The directional sign used on the trail should be trail junction blazers, directional blazers and reassuring blazers. Signs should be placed in open areas or in other areas where a trail user might become confused. *If uncertain about the effectiveness of signing, invite a non-local trail user to identify where deficiencies may exist.*

### ***Suggested Signing Program:***

#### **1. Trailhead**

The following signs should be located near the parking lot at the start of the trail.

- A. Major Information Board      Map of trails
- Registration      Distance of various routes
- Interpretive information      Rules and regulations
- Trail conditions      Trail uses permitted and prohibited
- Emergency telephone numbers
- Address of person in charge of trail operation and maintenance (unit manager)
- Where to go and who to see in case of emergency
- B. You Are Here -- Should be located at the trailhead and at intersections with other trails.
  - i. if necessary, direction of trail (one-way, two-way)
  - ii. trail distances (miles or kilometers)
  - iii. location of facilities
  - iv. you are here location marker



# APPENDIX A

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## J. NO MOTORIZED VEHICLE PERMITTED

NRM 8.4.14 Location where necessary to prohibit use, by Motorized vehicles except snowmobiles.

## 4. Temporary and Special Signs and Decals

A. Trail Closed NRM 8.4.4D Location: at points where users could enter the trail.

B. Handicapped Accessible No number available

Location: trailhead and facilities.

C. Grant-In-Aid NRM 8.5.7 Location: at intersections of DNR and GIA trails, also at GIA trail heads.

D. Mileage Markers (optional) Location: at intervals of miles and/or kilometers. Mileage markers can be very helpful to the trail user and manager. They let trail users know the distance they have traveled or must travel to return to the trailhead. They can help the manager easily identify maintenance problem areas and can also be useful to help locate injured or stranded trail users.

No number available

E. Caution Truck Hauling NRM 8.4.9 Placed to provide warnings where logging or other trucks cross or share trail treadway.

F. Stay on Trail NRM 8.2.20 Placed in areas where trespass from trail or environmental impacts are of concern.

G. Ski Pass Required NRM 8.5.24 Place at all entry points to ski trails supported by state funds.

# APPENDIX A

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## *MnUSA Corridor Trail Signing*

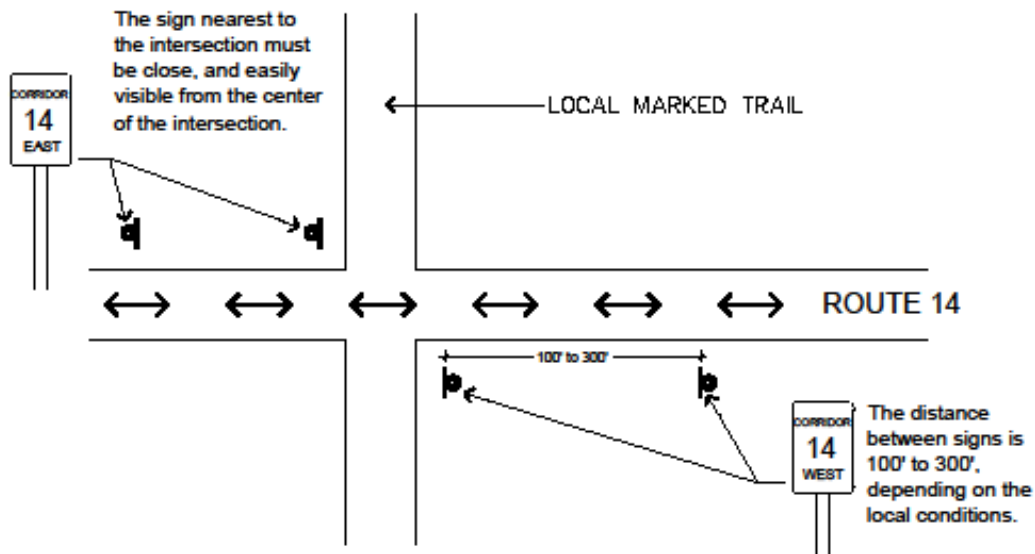
The following information is to be used on trails that are part of the MnUSA designated Corridor Trail System. The Corridor System is intended to help trail users navigate trail riding across individual trail systems and is an included element in trail monitoring completed by the DNR. The corridor signs are also included in the first benchmark.

Below are the guidelines in placing the MnUSA corridor trail signs:

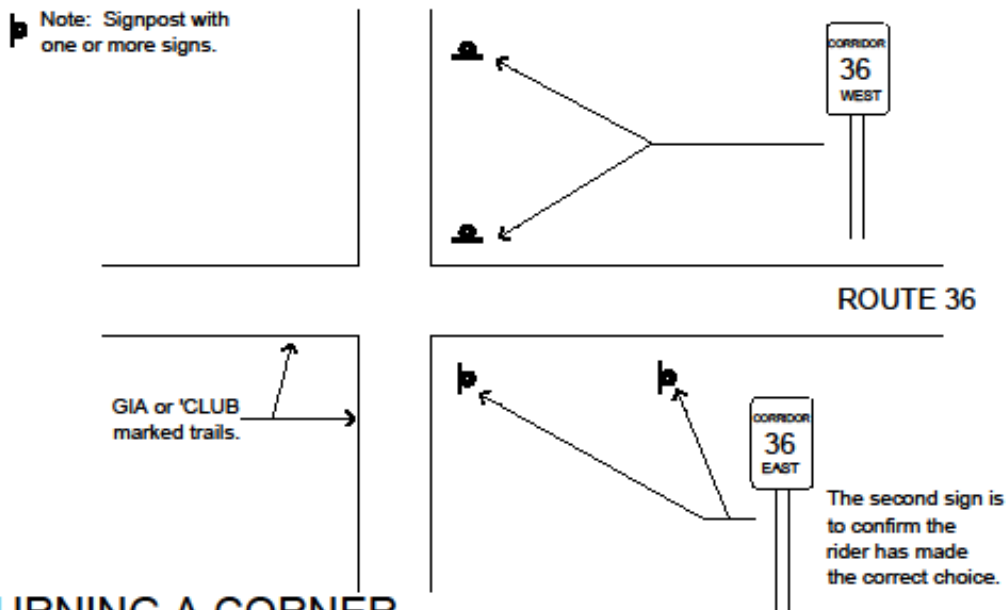
1. Corridor Signs should be placed at the intersections of other snowmobile trails. These signs do NOT need to be placed at road intersections.
2. Sitting at the intersection on a snowmobile you should be able to see a corridor sign ahead and behind you. On the back side of your existing stop signs is a potential location of the sign.
3. A sign should be placed on the first existing post after your existing stop ahead sign. It should be within half a mile from the trail intersection for reassurance. The reassurance sign could replace an existing trail reassurance blazer.
4. If two corridor trails are sharing the same route, make sure to place both signs on the same post so there is no confusion.
5. Start and End signs are only for the actual start or end of the number corridor trail and is only needed on trails where the corridor actually ends or begins.
6. If the signs are placed as recommended above, there should be no need for additional posts.

The following drawings help illustrate how the corridor trail signs should be placed. Please see Section III of this manual for the MnUSA Corridor Sign Order Form. The DNR does not provide corridor trail signs, but they can be ordered directly from MnUSA. For more information on ordering corridor signs, contact MnUSA at 763-577-0185.

# APPENDIX A

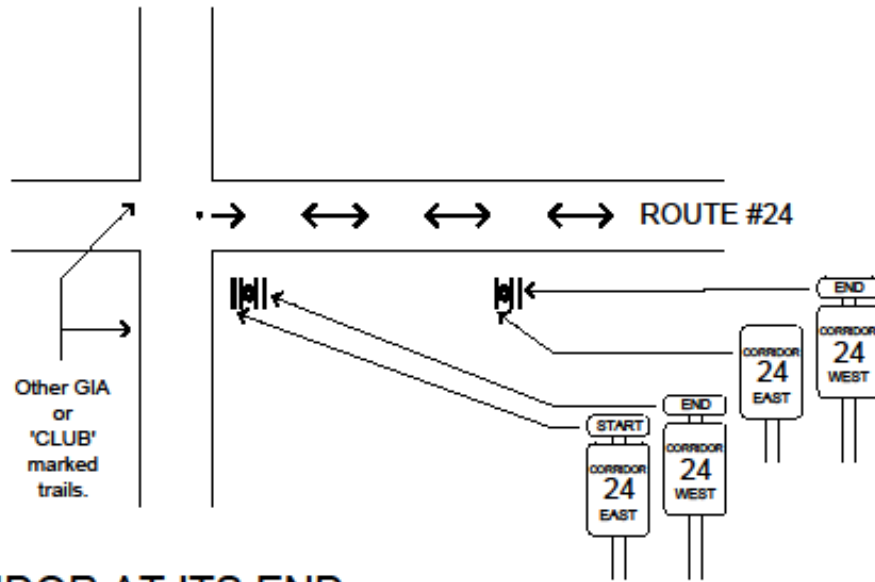


## CORRIDOR STRAIGHT THRU

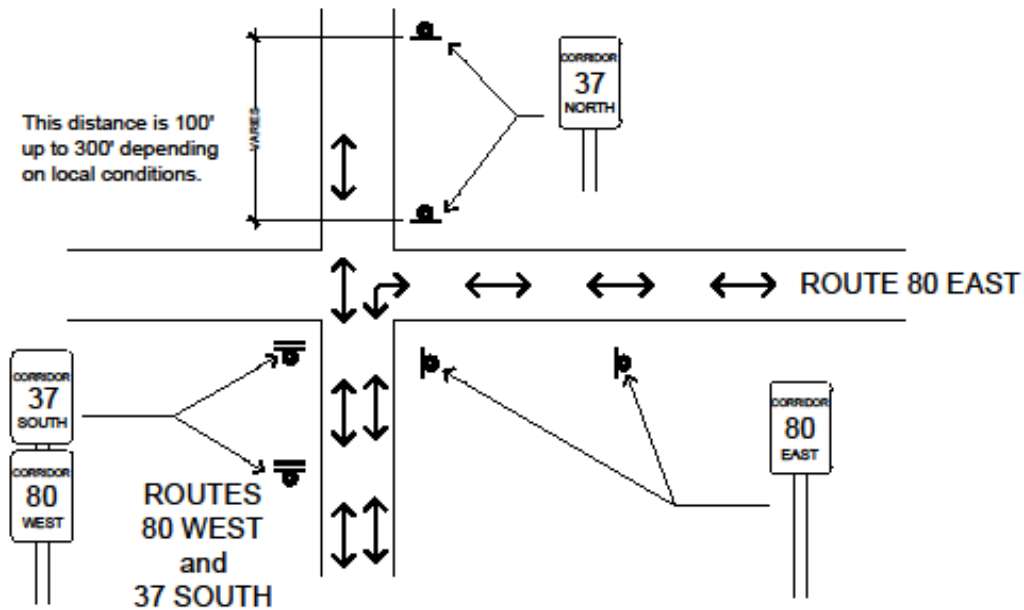


## TURNING A CORNER AT AN INTERSECTION

# APPENDIX A



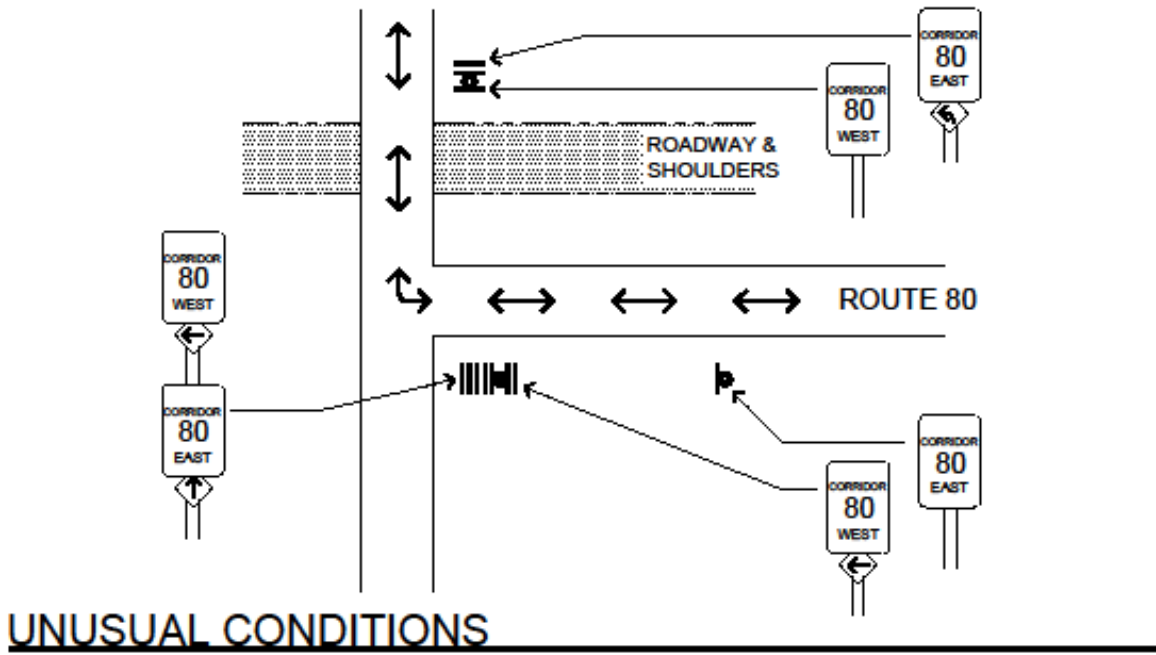
## CORRIDOR AT ITS END



## TWO CORRIDOR ROUTES JOINING & RUNNING TOGETHER

# APPENDIX A

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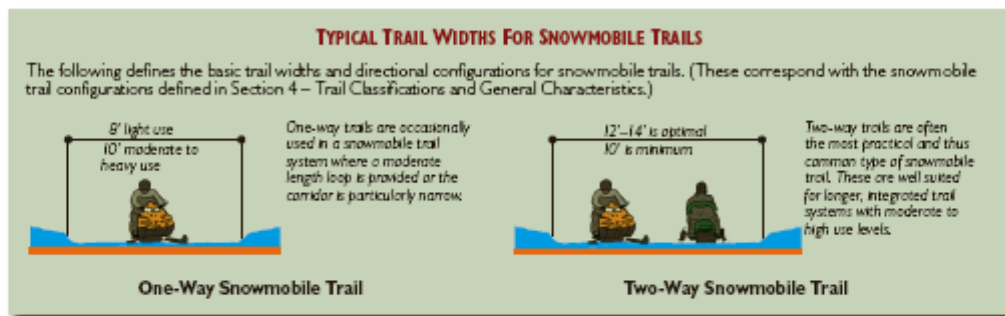
## SNOWMOBILE TRAIL SECTION OF THE “TRAIL PLANNING, DESIGN, AND DEVELOPMENT GUIDELINES”

### SNOWMOBILE TRAILS

The following guidelines provide general design and grooming parameters for snowmobile trails. As with other types of trails, the guidelines are not intended to be a substitute for site-specific design that responds to local conditions, development requirements, and safety concerns.

### TRAIL TREAD WIDTHS AND CONFIGURATIONS

The physical space required for the one- and two-way trails provides the base-line for determining the optional width for snowmobile trails, as the following graphic illustrates.



The trail widths shown in the graphic are general and are often modified to accommodate site-specific conditions. A 12- to 14-foot wide snowmobile trail is considered optimal to allow for ease of passing oncoming traffic. Going any wider is not always desirable since it requires more grooming and takes away from the setting and experience of being close to nature.

Trails wider than the optimal width are typically only provided where traffic is especially heavy, such as near a trailhead or between popular destinations. The need for a wider trail in these situations is field determined by the local trail sponsors. At busy trailheads and trail intersections, the first 200 to 300 feet of trail is sometimes a couple of feet wider to allow snowmobilers to wait along one side for their riding group to assemble and still allow for two-way traffic on the trail. The following photos illustrate common trail widths for snowmobile trails.



These classic two-way snowmobile trails are groomed to between 12 and 14 feet wide. The trail on the left runs through a northern forest where sightlines are more limited, which helps keep riding speeds lower. In the middle photo, the long abandoned rail-grade trail is very flat with long sightlines. Here, too, 12 to 14 feet is adequate to accommodate two-way traffic.



Near trailheads, the trail is sometimes groomed a few feet wider to accommodate riders grouping up alongside the trail.

## TRAIL CLEARANCE ZONES

The clearance zone is defined as the physical space above and on either side of the trail that is free from obstructions. A 12-foot minimum vertical clear area above the snow surface is recommended for all snowmobile trails, with 14 feet being required when larger grooming equipment is used.

The horizontal clearance zone should extend a minimum of 24 inches on either side of the groomed area. The horizontal clearance zone should increase at trail or roadway crossings to at least double the width of the trail and standard clearance zone – 32 to 36 feet for a two-way snowmobile trail. The clearance width should also be enlarged near a hazard, such as a bridge or culvert. The extent to which it is enlarged should be determined in the field based on site-specific conditions, taking into consideration sightlines and anticipated speeds. The following photos illustrate common clearance zones adjacent to snowmobile trails.



This is a common example of a comfortable clearance zone adjacent to a groomed and tracked trail. The clearance zone is especially important where trees and brush are present on downhills. Note that by limiting the clearance zone, trail "creep" can be controlled, as on cross-country travel.



The clearance zone should take into consideration the terrain and sightlines. Even with rolling terrain, a couple of feet of clearance on either side of the trail is usually enough for a safe experience. However, the clearance zone should be widened whenever a rider's view is obstructed at normal riding speeds for the trail.



It is common and recommended that the clearance zone be widened at bridge approaches, hazards, and roadway crossings to give riders ample opportunity to react to trail conditions.

## TRAIL GRADES, CURVES, AND SIGHT DISTANCES

Snowmobile trails should provide a variety of terrain consistent with the setting. An important distinguishing aspect of snowmobile trails is that they should cross contours at right angles to prevent the snowmobile from rolling over or sliding sideways and tearing up the trail.

As a general guideline, snowmobile trails should incorporate a variety of hills and undulating terrain to add interest. On hilly sections, grades between 10 and 25 percent are acceptable, although 10 percent or less is preferred for safety reasons and sightlines. (The grade percentage of a slope can be measured with a clinometer or calculated using the following formula: percent of grade =  $\text{rise/run} \times 100$ .)

Steeper grades require adequate approaches and run-outs at least as long as the slope itself to give riders ample space to control their machines prior to entering a curve. It is important to maintain vegetation on trails traversing steeper slopes to prevent off-season erosion, which could cause a rough trail and hence grooming and snowmobile handling problems.

On grades of 8 percent or greater, consider separating the trail into uphill and downhill sections to avoid conflicts.

### CURVES

Curves should be as gentle as possible and well signed. Longer curves enhance rider safety and also make trail maintenance easier since snow is not as easily pushed to the edge as can be the case with a sharper turn. As a general guideline, a 100-foot or longer radius is recommended, with 50 feet being the minimum if adequate run-out space and sightlines are provided. Typically, a minimum of 15 feet of clearance zone on the outside of sharp curves is needed to allow riders to regain control if they enter the turn too fast. Warning signs should be provided up to 300 feet ahead of any sharp turn, especially those that require a change in speed.



Larger, flowing curves with adequate sightlines are preferred for snowmobile trails. Sightlines should be long enough for the rider to react to oncoming conditions but not so long as to entice excessive speeds.

### SIGHT DISTANCES

Sight distances are important on snowmobile trails, with final determinations dependent on the character of the trail and anticipated speeds. As a base-line, sightlines should generally be at least 100 feet and increase from there depending on site conditions and expected travel speeds. At 50 mph, a sightline of 300 feet or more is necessary, especially if a trail is icy. Where sightlines are compromised, warning signs should be provided at least 100 feet and up to 300 feet prior to a hazard. Hazards include roadway crossings, trail intersections, steep drop-offs, and sharp curves.

The following photos illustrate a variety of trail grades, curve situations, and sightlines encountered on snowmobile trails.



The wide-open sightlines of this trail encourage riders to go faster. The lack of a clearly defined corridor also tempts riders to wander off trail onto adjoining private property, which can lead to trail restrictions. Where the corridor is not obvious, blazes along the trail are recommended to keep riders on the approved trail tread – and remind them of the consequences of not staying on the trail.



Approaching hills at a right angle is important with snowmobile trails to prevent rollovers. On steep slopes on two-way trails, separating the uphill and downhill sections is sometimes used to increase safety and reduce the potential for conflict. With the open sightlines and modest grade of this hill, two-way traffic on a single 12- to 14-foot tread works well.



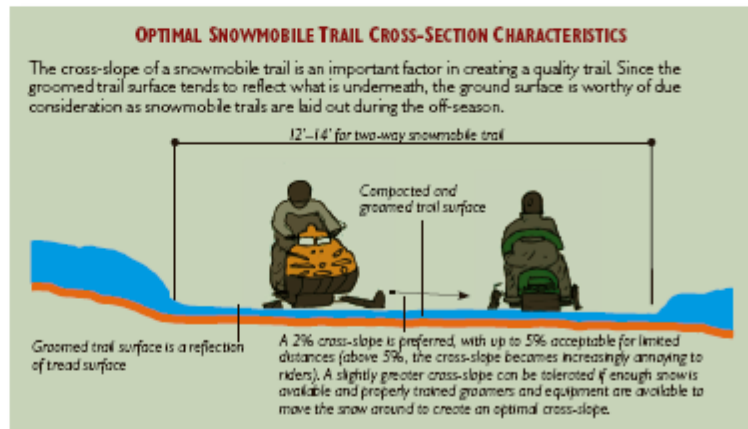
Provide adequate visual cues of an approaching right curve to enhance trail safety. From this direction, the gate and other signs at the trailhead alert the rider of the approaching curve. From the other direction, a warning sign is provided about 100 feet prior to the curve to alert riders to slow down and approach with caution.

### TREAD PREPARATION

The tread refers to the underlying trail beneath the compacted and groomed snow. Proper off-season evaluation of trail alignments and tread surface preparation and maintenance is critical to setting the stage for quality snowmobile trails. The following considers the most important aspects of preparing the tread for winter use.

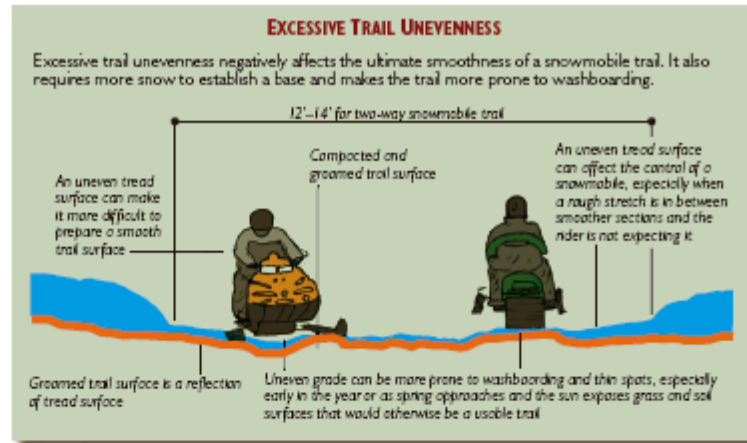
#### TRAIL CROSS GRADES

The optimal snowmobile trail cross-section is of a consistent, even grade with a 2 percent cross-slope, as illustrated in the following graphic.



As illustrated, an evenly sloped grade across the trail is optimal for snowmobiling. Abrupt grade changes or general unevenness should be avoided to make trails easier to groom and more enjoyable to snowmobile on. The following graphic illustrates these conditions.

# APPENDIX B



The following photos illustrate some of the previously described cross-section conditions.



This even and smooth grade with vegetation and a slight cross-slope is ideal for a snowmobile trail.



This hard-packed, gravelled route through the forest makes for a pleasant snowmobile trail in the winter as long as its use is in sync with forest access rules.



The lack of ground cover on this steeper hill is allowing erosion to take hold, making the trail unsustainable for summer use and increasingly rough for winter use.

## TREAD SURFACE CONDITIONS

The tread surface is an important trail preparation and grooming consideration. A uniform grass surface is preferred across the entire width of the trail for a couple of reasons: 1) grass holds snow better than bare ground or paved surfaces and 2) grass helps prevent off-season use and erosion from creating an uneven surface.

The longer and heavier the grass, the more snow it will take to establish a base. Where feasible, mow the trail just before the season to prepare the tread and reduce the depth of base needed to create a usable trail. Under most conditions, a 6- to 12-inch snowfall is optimal to establish a base over a relatively short grassy ground cover.

Routine brushing/trimming of the woody material across the trail and on the edge of the clearance zone is also very important to maintaining the tread surface. All protruding rocks, logs, and other woody debris that would interfere with trail grooming and rider safety should be removed from the trail shortly before the season.

Although not as desirable as a natural or aggregate surface, asphalt is an acceptable surface when snowfall is sufficient. Laws pertaining to the use of studs should be considered when establishing a trail on an asphalt surface. Also, it should be expected that the snow cover will not last as long in the spring as it would on a grass-surfaced trail.



If not mowed, the longer grasses along this corridor require significantly more snow to create a usable base. Whereas mowing the trail just before the season has considerable merit, that has to be balanced against ecological and wildlife impacts, such as disturbing nesting birds. When trails traverse sensitive natural areas, the principles of ecological sustainability (as defined in Section 2) should be given due consideration. One important factor in this regard is waiting until as late in the season as possible before mowing to avoid disrupting nesting birds and bedded animals.

Tread drainage and erosion are important considerations for snowmobile trails. If drainage is poor and erosion pervasive, the tread surface will be compromised and become uneven, making it harder to groom and ride on. The most important factor in preventing erosion is making sure the trail is covered with a stabilizing ground cover during the off-season. Snowmobile trails that follow the fall line of a slope should also generally not be used for summer uses to avoid creating a single track that exposes the soils to erosion. In some cases, off-season grading and revegetation is necessary to fill in ruts, maintain drainage, and correct erosion problems.

### WETLAND AND WATER CROSSINGS

Wetland areas should be avoided when aligning snowmobile trails because the tread surface is often uneven, inconsistent, and unpredictable. Potential ecological impacts are another reason to generally avoid wetland areas. If a trail does cross a wetland, select the location carefully to minimize these impacts.

Lakes and rivers inherently pose safety issues and surface quality uncertainties and should therefore be avoided for formal trails.



Designated use of lakes for snowmobile trails should be avoided given the many safety concerns, such as slush, thin spots, and unknown surface irregularities. There is also a temptation for riders to wander far and wide and also "skip" across open water.

When water drainage crossings are necessary, culverts, boardwalks, or bridges should be used. Approaches to these structures should be smooth and level (up to a 5 percent grade) and with a clear sight distance of at least 100 feet. Bridge and boardwalk decks should be flush with the trail surface with narrow or no gaps between decking boards (to allow snow to accumulate and compact). A 10-foot-wide bridge or boardwalk is optimal, with 8 feet being the minimum acceptable. Each should have a weight capacity of 10 tons or more to accommodate maintenance equipment. All bridges must be designed to meet applicable DNR bridge standards (determined on a site-by-site basis). The following photos illustrate various tread surface and bridge conditions.



A level, grass-surfaced corridor is optimal for snowmobile trails. Mowing the trail just before the season can reduce the amount of snow needed to create a usable base.



Approaches to culverts crossing drainages should be smooth and level. If the trail narrows or the shoulder is steep, place a warning sign at least 100 feet prior to the hazard.



If a summer-use bridge is used for a snowmobile trail, the surface of the trail and deck should be smooth and flush. The deck boards should have minimal gaps to hold snow. Railings are also required.

## TRAIL GROOMING

Grooming snowmobile trails is a specialized activity that is part art and part technique. The International Association of Snowmobile Administrators (IASA) has done considerable research on this subject and has developed a resource guide for trail grooming entitled *Guidelines for Snowmobile Trail Groomer Operator Training*. The guide covers all of the fundamental aspects of trail grooming and is a highly recommended reference.

### For more information!

The grooming guidelines can be found on the IASA website ([www.snowmobilers.org/groomer\\_guide/GroomerGuidecomplete.pdf](http://www.snowmobilers.org/groomer_guide/GroomerGuidecomplete.pdf))

### GUIDELINES for SNOWMOBILE TRAIL GROOMER OPERATOR TRAINING

*A Resource Guide for Trail Grooming Managers and Equipment Operators*



Produced by



2005

## ROADWAY CROSSINGS



A gateway at the midblock crossing helps snowmobilers and motorists more easily recognize the crossing. The level grade on both sides of the road (similar to a farm field access drive) also improves sightlines and allows the rider to more easily position for the crossing.

Roadway crossings are an important safety concern for snowmobilers and motorists. All crossings should be well marked with signs, including Stop Ahead signs at least 100 feet prior to a stop sign. Snowbanks should be kept low at all crossings, with ample sightlines from both the trail and the roadway.

Where feasible, roadway crossings should be at intersections where motorists are expecting traffic from the side and thus more likely to recognize a snowmobile trail crossing. If midblock crossings are required, approaches should be as level as possible and sightlines extra long. To be level during the snow season, the approach should be designed to be 3 to 6 inches lower than the road during the none-snow season, where feasible. This will allow groomers to remove the extra snow dragged across the road by snowmobiles and to avoid creating a hump right before the crossing point.

Gateways on each side of the road can also remind riders that they are about to make a crossing and extra attention is warranted. All roadway crossings should be consistent with any applicable laws and ordinances. The optimal location for all crossings should be field determined by experienced trail designers and tested during the day and at night to ensure that they are clearly visible and as safe as possible. The following photos illustrate a number of roadway crossing considerations.



Although this crossing is well marked from both sides, it is not optimal due to the guy wire from an adjoining utility pole. During the day, riders are likely to see it, but at night it poses more of a risk. Careful attention to detail is essential at all crossings given the distractions that are inherent in these situations.



A narrow tread caused by snowblowers poses two concerns: 1) it reduces the sightlines from the trail and roadway and 2) it squeezes riders into a single path just when they are about to make a crossing. On designated trails, avoid this whenever possible.



Along with proper signage, a light is added at this trail crossing to improve safety. The flatness and straightness of this rol conversion reduced the visual cues associated with identifying this intersection, warranting the addition of the light.

## TRAIL SIGNAGE

Consistent with the grant-in-aid program administered by DNR, signage should be provided for direction, information, and enhancing the safety of trail users. Major signing areas include trailheads, trail junctions, and areas where the safety of the user is of particular concern. The primary reference for snowmobile trail signage is the *MIN DNR's Sign Manual*, which provides reference numbers and in-depth information for each type of sign used along a snowmobile trail. The instructions manual for the snowmobile grant program administered by the DNR Division of Trails and Waterways also has an extensive listing of signing recommendations. The following provides a brief overview of signage that complements these resources.

Trailhead and trail junction signs provide maps showing route designations, distances, traffic flow direction, and the location of support facilities. Safety signs are used to caution users of steep slopes, bridges, highway crossings, or other trail hazards.

Signs on trails should be kept to the minimum necessary and be well placed to serve their purpose. Signs placed along the trail should include reassuring blazers along with Caution, Do Not Enter, Stop Ahead, Stop, and other related signs.

Placement of most signs is consistent with the guidelines for natural trails as defined in Section 6 – Sustainable Natural Surface Trails. Signs should be placed on the right side of the trail and set back from the main tread, but within the clearing limits. Signs should be attached to posts offset 2 feet (minimum) to 3 feet (preferred) from the edge of the groomed treadway. The signs should be placed 3 feet (minimum) to 4 feet (maximum) above the expected snow depth. Setting the signs 4 feet above the bare ground typically ensures the sign will be the desired height. Posts may be wood or plastic, depending on location and availability.

Directional signs used along the trail should include trail junction blazes, directional blazes, and reassuring blazes. These signs should be placed in open areas or in other areas where a trail user might become confused. If uncertain about the effectiveness of signing, invite a nonlocal snowmobiler to identify deficiencies.

## TRAILHEADS AND SUPPORT FACILITIES

Trailheads typically consist of a parking area and trailhead kiosk with trail maps and related information. The parking area for trails varies considerably depending on its popularity and the number of access points. As a general guideline, parking areas should be designed to accommodate a minimum of 10 vehicles, with room for expansion. Each space should be 10 feet wide by 45 feet long. Drive lanes should be 24 feet wide with adequate turning radii. An aggregate surface is sufficient for parking areas if used primarily for snowmobile trail use. Snowbanks from plowing should also be used as the primary means to define the parking area. Posts or other barriers can also be used on the periphery of the parking area to prevent vehicles from leaving the designated area.

Given the maintenance and cost, providing portable or permanent restroom facilities should be carefully considered. If private services are available near the trailhead, providing these facilities is generally not recommended. In select locations, snowmobile trailheads take advantage of support facilities, including restrooms, at summer-use state or county trails and parks.

In addition to trailheads, support facilities that should be identified on trail maps include services such as gas, repair shops, food, lodging, medical facilities, and law enforcement offices (911 or Zenith). The nearest DNR office should also be identified, along with any other helpful information. Trailheads that are in conjunction with or near gas stations and convenience stores can be especially successful.

## SUMMER USES OF SNOWMOBILE TRAILS

The compatibility of snowmobile and summer-use trails following the same corridor should not be assumed and requires site-specific evaluation. This is especially the case where snowmobile trails travel through areas of unstable or hydric soils that can support snowmobile use when frozen conditions but become unstable in summer. Summer use of these corridors should be precluded. The following photos illustrate some of these conditions.



This otherwise sustainable snowmobile corridor is not well suited to summer ATV use, as the photo clearly illustrates. An ongoing occurrence of this type of impact only leads to more restrict uses, sometimes even for those the trail was designed to accommodate.



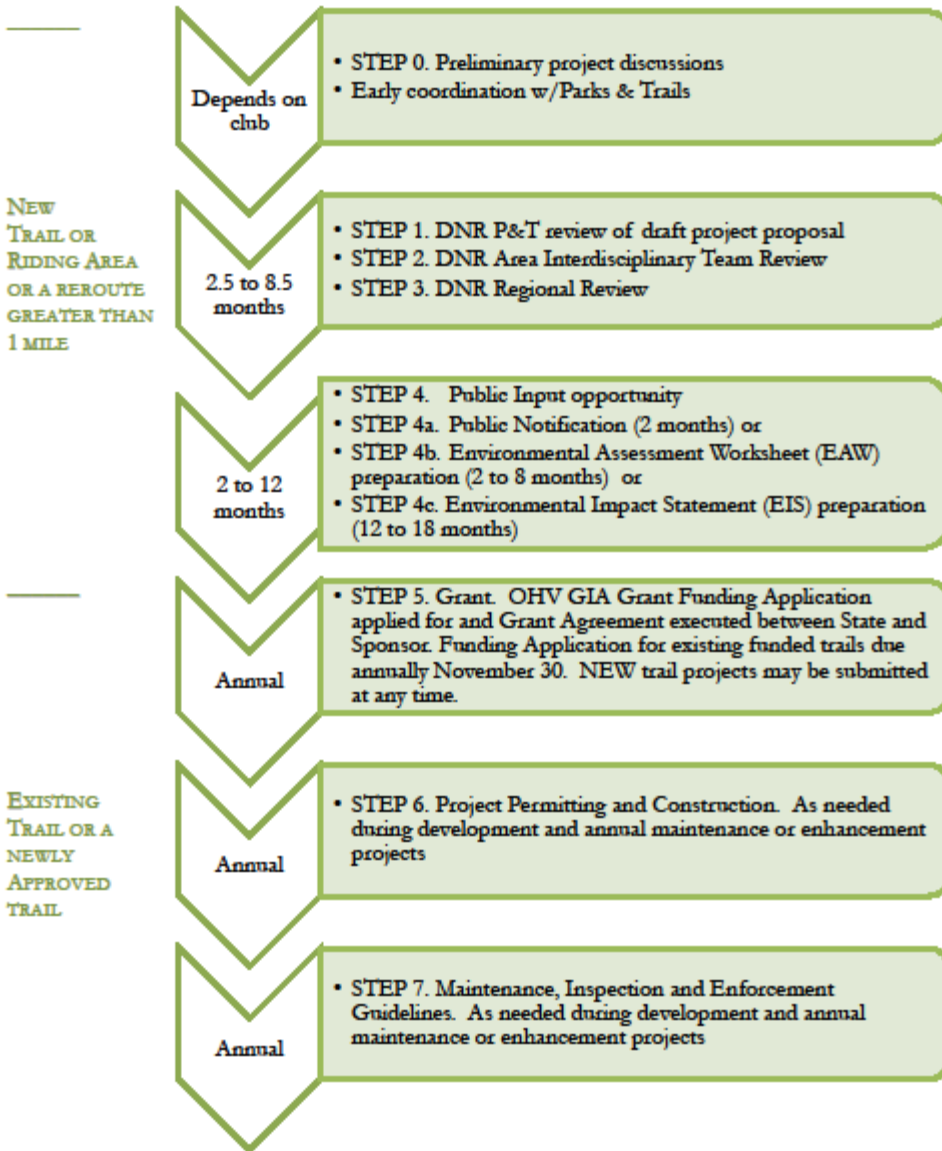
Even seemingly stable soil conditions can be susceptible to erosion when a snowmobile trail corridor becomes a de facto ATV trail. The key point is that all trails must be designed for their purpose. It should never be assumed that a trail corridor for one purpose will be suitable for another until it is assessed for that purpose.

# APPENDIX D

## 7 Steps for GIA trails

### Outline of DNR review process and GIA trail management, inspection and enforcement

The outline below follows a proposal for a new trail from its inception (steps 0 to 4) through funding, development and ongoing maintenance (steps 5 through 7) with approximate timelines.



# APPENDIX D

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## MINNESOTA ENVIRONMENTAL QUALITY BOARD

### ADOPTED PERMANENT RULES RELATING TO MANDATORY EAW CATEGORIES AND EXEMPTIONS

[ NOTE: The final adopted rule was published in the Minnesota State Register (29 SR 571 & 30 SR 319) and took effect Oct. 1, 2005 ]

#### **4410.4300 Mandatory EAW categories**

Subp. 37. **Recreational trails.** If a project listed in items A to F will be built on state-owned land or funded, in whole or part, by grant-in-aid funds administered by the DNR, the DNR is the RGU. For other projects, if a governmental unit is sponsoring the project, in whole or in part, that governmental unit is the RGU. If the project is not sponsored by a unit of government, the RGU is the local governmental unit. For purposes of this subpart, “existing trail” means an established corridor in current legal use.

A. Constructing a trail at least 10 miles long on forested or other naturally-vegetated land for a recreational use other than snowmobiling or cross-country skiing, unless exempted by part 4410.4600, subpart 14, Item D, or constructing a trail at least 20 miles long on forested or other naturally-vegetated land exclusively for snowmobiling or cross-country skiing.

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

In applying items A and B, if a proposed trail will contain segments of newly constructed trail and segments that will follow an existing trail but be designated for a new motorized use, an EAW must be prepared if the sum of the quotients obtained by dividing the length of the new construction by 10 miles and the length of the existing but newly designated trail by 25 miles, equals or exceeds one.

C. Paving 10 or more miles of an existing unpaved trail, unless exempted by part 4410.4600, subpart 27, item B or F. Paving an unpaved trail means to create a hard surface on the trail with a material impervious to water.

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

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

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

#### **4410.4600 EXEMPTIONS**

Subp. 27. **Recreational trails.** The projects listed in items A to F are exempt. For purposes of this subpart, “existing trail” means an established corridor in current legal use.

A. Rerouting less than 1 continuous mile of a recreational trail if the reroute is necessary to avoid sensitive areas or to alleviate safety concerns. Multiple reroutes on the same trail must be treated as independent projects, except that where the cumulative length of currently proposed reroutes exceeds one mile on any five-mile segment of trail, as measured along the rerouted trail, those reroutes are not exempt.

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

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

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

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

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

# APPENDIX D

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*(This Page for Reference Only)*

## **'EXISTING TRAIL' - DEFINITION**

For purposes of Subpart 37, "existing trail" means an established corridor in current legal use (*MR 4410.4300, Subp. 37. Recreational trails*). This definition does not apply to designated State Forest Roads which are, by definition, open to vehicular use.

As regards forest classification, motor vehicles (including OHV's, but not snowmobiles) may be operated on forest roads that are not posted closed in forests classified **managed** and **limited**, but not in a forest classified as **closed** (*MR 6100.1950 Motor Vehicles and Snowmobiles, Forest Lands*). An ATV may be ridden on a township road or city street unless prohibited by resolution or ordinance, or in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway (*MS 84.928 Operation requirements; local regulation.*).

## **4410.4300 MANDATORY EAW CATEGORIES.**

Subpart 1. Threshold test. An EAW must be prepared for projects that meet or exceed the threshold of any of subparts 2 to 37, unless the project meets or exceeds any thresholds of part 4410.4400, in which case an EIS must be prepared. If the proposed project is an expansion or additional stage of an existing project, the cumulative total of the proposed project and any existing stages or components of the existing project must be included when determining if a threshold is met or exceeded if construction was begun within three years before the date of application for a permit or approval from a governmental unit for the expansion or additional stage but after April 21, 1997, except that any existing stage or component that was reviewed under a previously completed EAW or EIS need not be included.

Multiple projects and multiple stages of a single project that are connected actions or phased actions must be considered in total when comparing the project or projects to the thresholds of this part and part 4410.4400.

## **4410.4600, EXEMPTION CATEGORIES.**

**Subp 2. Standard Exemptions** The following projects are standard exemptions: (any project)

- A. projects for which no governmental decisions are required;
- B. projects for which all governmental decisions have been made. However, this exemption does not in any way alter the prohibitions on final governmental decisions to approve a project under part [4410.3100](#);
- C. projects for which, and so long as, a governmental unit has denied a required governmental approval;
- D. projects for which a substantial portion of the project has been completed and an EIS would not influence remaining implementation or construction; and
- E. projects for which environmental review has already been initiated under the prior rules or for which environmental review is being conducted pursuant to part [4410.3600](#) or [4410.3700](#).

**Subp. 14. Highway Projects.** The following projects are exempt: (trail-related excerpt)

- D. Roadway landscaping, construction of bicycle and pedestrian lanes, paths, and facilities within existing right-of-way are exempt.

**Subp. 22. Land Use.** The following projects are exempt: (any project)

- A. Individual land use variances, including minor lot line adjustments and side yard and setback variances not resulting in the creation of a new subdivided parcel of land or any change in land use character or density, are exempt.
- B. Minor temporary uses of land having negligible or no permanent effect on the environment are exempt.
- C. Maintenance of existing landscaping, native growth, and water supply reservoirs, excluding the use of pesticides, is exempt.

*[For full text see MN Rules Chapter 4410.0200 – 4410.7500, Rules governing the Minnesota Environmental Review Program]*

*EQBFINAL.DOC*

*Rev. 28 Nov 05*

*FFI: Brian McCann, MN DNR Trails & Waterways, 651/259-5627*

# APPENDIX D

## Appendix E. Examples of Forms

### Minnesota Recreational Rules

#### Table

#### Environmental Review Rules for Recreational Trails\*

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

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

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

## APPENDIX E

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### GUIDELINES FOR “TWO-WAY NIGHTTIME OPERATION OF SNOWMOBILES IN ROAD RIGHT-OF-WAYS”

In the 2004 and 2005 Legislative Sessions Minnesota Statutes 84.87 was amended to allow the Minnesota Department of Transportation (Mn/DOT) to permit two-way operation between the hours of one-half hour after sunset to one-half hour before sunrise (nighttime) of snowmobiles on either side of a trunk highway right-of-way, and to allow a road authority to permit two-way nighttime operation of snowmobiles on either side of a street or highway right-of-way. The law states that this will only be allowed if Mn/DOT or the road authority determines that the two-way operation will not endanger users of the street or highway or riders of the snowmobiles using the trail.

Discussions with the legislative committee, the DNR, the Department of Public Safety (DPS), and Mn/DOT determined that the intent of the two-way nighttime snowmobile operations was to be the exception and should be granted only when there is a compelling safety reason and usually for trail distances no more than half a mile. In addition, allowing two-way nighttime operation should not endanger road or snowmobile trail users.

If a grant-in-aid snowmobile club has a section of trail within a road authority’s right-of-way and would like to pursue approval for two-way nighttime operation the club will need to complete the following:

1. Determine the section of trail in question and evaluate the safety benefit of allowing two-way nighttime operation.
2. Work with the grant-in-aid local government sponsor, as any permit (e.g., Limited Use Permit from Mn/DOT) would be to the sponsor and the sponsor would be the entity required to request the permit. If the sponsor is also the road authority, the club should work within the local government and communicate with their usual contact who should be able to direct the process within that government entity.
3. Make the official request for the permit to allow two-way nighttime operation on the specific section of trail. The following needs to be completed based on whether the road authority is Mn/DOT or a township, city, county or other local unit of government.
  - a. If road authority is Mn/DOT: Contact the Mn/DOT District Office, where the local government sponsor applies for the permit. Below is a summary of the Mn/DOT process. For more information please see the Mn/DOT letter below.
    - i. The Mn/DOT District Traffic Engineer and Maintenance Engineer will review the permit application and contact the appropriate DNR Regional Enforcement Supervisor and DPS District Commander for their input and decide to approve or deny the permit.
    - ii. If the permit is approved, the District Traffic Engineer should send a copy to the DNR Regional Enforcement Supervisor and the DPS District Commander who will then inform their officers of the permit.
    - iii. If the permit is approved, the club should contact their local DNR Parks and Trails Area Supervisor to obtain proper signage for this section of trail (see Mn/DOT letter for sign specifics).
    - iv. **The sign is intended to alert trail users** of the two-way snowmobile trail and should be placed consistent with trail signs. Mn/DOT is responsible for traffic signs for highway vehicles.

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- b. If road authority is township, city, county, or other local unit of government: Contact the road authority, where the grant-in-aid sponsor applies for permission for two-way nighttime operation on the specific section of trail. Each road authority may have a different process, and the sponsor and club will need to work within each road authority's process for approving two-way nighttime operation. If the local road authority has given permission, the following will need to be completed.
- i. The DNR Regional Enforcement Supervisor and local law enforcement will need a copy of the permit and be made aware of the section of trail that is permitted.
  - ii. The club should contact their local DNR Parks and Trails Area Supervisor to obtain proper signage for this section of trail.
  - iii. **The sign is intended to alert trail users** of the two-way snowmobile trail and should be placed consistent with trail signs. The Road Authority is responsible for traffic signs for highway vehicles.

In sum, in order to gain a permit for two-way nighttime operation of a snowmobile trail within the right-of-way of a state or local road the club needs to work with their grant-in-aid government sponsor to contact the appropriate road authority. Below you will find relevant statute and subdivision and more information about the official Mn/DOT approval process.

## 2006 Minnesota Statutes [Excerpt Subd. 1]

[http://ros.leg.mn/bin/getpub.php?pubtype=STAT\\_CHAP\\_SEC&year=current&section=84.87](http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP_SEC&year=current&section=84.87)

### 84.87 OPERATION; REGULATIONS BY POLITICAL SUBDIVISIONS.

Subdivision 1. **Operation on streets and highways.** (a) No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state-aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided in sections [84.81](#) to [84.90](#). No person shall operate a snowmobile within the right-of-way of any trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate highway or freeway within this state.

(b) Notwithstanding any provision of paragraph (a) to the contrary:

- (1) under conditions prescribed by the commissioner of transportation, the commissioner of transportation may allow two-way operation of snowmobiles on either side of the trunk highway right-of-way where the commissioner of transportation determines that two-way operation will not endanger users of the trunk highway or riders of the snowmobiles using the trail;
- (2) under conditions prescribed by a local road authority as defined in section 160.02, subdivision 25, the road authority may allow two-way operation of snowmobiles on either side of the right-of-way of a street or highway under the road authority's jurisdiction, where the road authority determines that two-way operation will not endanger users of the street or highway or riders of the snowmobiles using the trail;
- (3) the commissioner of transportation under clause (1) and the local road authority under clause (2) shall notify the commissioner of natural resources and the local law enforcement agencies responsible for the streets or highways of the locations of two-way snowmobile trails authorized under this paragraph; and
- (4) two-way snowmobile trails authorized under this paragraph shall be posted for two-way operation at the authorized locations.

(c) A snowmobile may make a direct crossing of a street or highway at any hour of the day

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provided:

- (1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
  - (2) the snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
  - (3) the driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
  - (4) in crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway; and
  - (5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on; and
  - (6) a snowmobile may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge and the crossing is made without undue delay.
- (d) No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by rules of the commissioner, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the commissioner pursuant to the authority vested in the commissioner by section [84.86](#), and each of which shall be subject to approval of the commissioner of public safety.
- (e) A snowmobile may be operated upon a public street or highway other than as provided by paragraph (c) in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.
- (f) All provisions of chapters 169 and 169A shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application. Section [169.09](#) applies to the operation of snowmobiles anywhere in the state or on the ice of any boundary water of the state.
- (g) Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by rule of the commissioner.

Subd. 1a. **Organized contests, use of highways, etc.** Nothing in this section or chapter 169 shall prohibit the use of snowmobiles within the right-of-way of any state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in any organized contest, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

In permitting such contest, the official or board having jurisdiction may prescribe such restrictions or conditions as they may deem advisable.

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**Office of Traffic, Safety & Technology**  
**Mail Stop 725**

**STATE OF MINNESOTA**  
**OFFICE MEMORANDUM**

**TO:** District Traffic Engineers

**DATE:** September 11, 2009

**FROM:** Mike Weiss, Chair   
TEO Signing Committee

**PHONE:** 651-234-7382

**SUBJECT:** TEO Signing Committee Topics #362 & 363

On April 10, the TEO Executive Committee approved guidelines for the following topics:

### **#362 – Town Hall Signing**

The following guidelines (in addition to the General Criteria in the Minor Traffic Generator Signing program) apply for signing a town hall:

- Monthly meetings must be held that are open to the public – facility not required to be open eight hours per day, five days per week
- Must be primarily intended for use as a township hall
- Should provide adequate on-site parking or parking in the immediate area
- Contact information must be posted for the public that is visible from the exterior of the building
- Located within two miles of the trunk highway intersection
- The sign shall have a white legend “TOWN HALL with directional arrow” on green background (sign panel detail attached)
- If a town hall is in close proximity to another town hall, and the district traffic engineer determines that using the standard sign could be confusing for motorists, the name of the township may be included on the sign (sign panel detail attached). Additional costs of the larger sign panel shall be paid by the township

### **#363 – Two-Way Snowmobile Trail Signing**

Based on discussions with DNR staff earlier this year, the previously approved black on white two way snowmobile trail signs (Topic #267) have been revised to conform with other DNR snowmobile trail signs (informational sign, directional trailblazer, reassuring trailblazer and no-snowmobiling sign). Attached are the new black on orange sign panel designs.

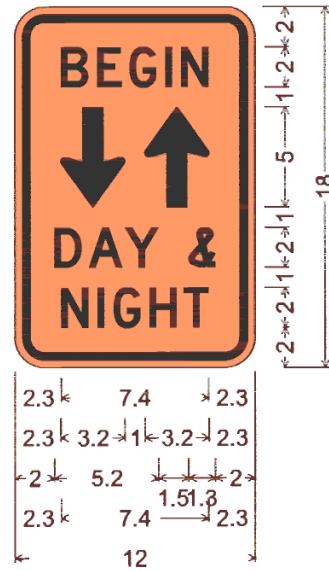
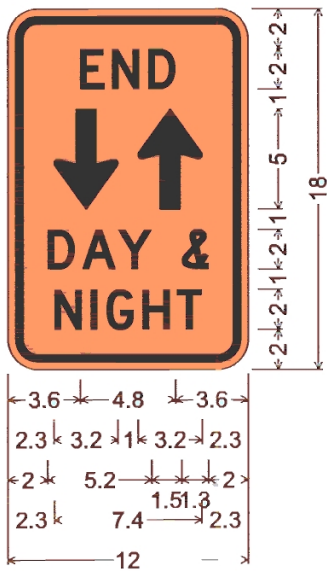
Guidelines for both topics will be included in the next updates to TEM Chapter 6, the Standard Signs Manual and Standard Signs Summary.

Attachment: Township hall sign panels (2)  
Two-way snowmobile sign panels (3)

cc: Area Maintenance Engineers  
District/Division Signing/Traffic Services  
TEO Signing Committee members  
Rick Sunstrom  
Ken Schroepfer  
John Benson

John Benson  
Andrew Korsberg, DNR  
Kim Lockwood, DNR

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# APPENDIX F

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## LANDOWNER LIABILITY STATUTES

### Civil Liability Limitations

#### Minnesota Statute 604A.20 through 604A.27

#### **604A.20 POLICY.**

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

**History:** 1994 c 623 art 4 s 1; 1999 c 183 s 1

#### **604A.21 RECREATIONAL LAND USE; DEFINITIONS.**

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

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

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

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

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

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

Subd. 6. **Recreational trail use.** "Recreational trail use" means use on or about a trail, including but not limited to, hunting, trapping, fishing, hiking, bicycling, skiing, horseback riding, snowmobile riding, and motorized trail riding.

**History:** 1994 c 623 art 4 s 2; 1999 c 183 s 2-4; 2005 c 148 s 1

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

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

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

**History:** *1994 c 623 art 4 s 3*

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

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

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

**History:** *1994 c 623 art 4 s 4*

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

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

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

**History:** *1994 c 623 art 4 s 5; 1999 c 183 s 5*

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

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

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

**History:** *1994 c 623 art 4 s 6; 1999 c 183 s 6*

### **604A.26 LAND USER'S LIABILITY.**

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

**History:** *1994 c 623 art 4 s 7*

### **604A.27 DEDICATION; EASEMENT.**

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

**History:** *1994 c 623 art 4 s 8*

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## TORT LIABILITY STATUTES

### 2012 Minnesota Statute 3.736 Subd. 1 through 4

#### 3.736 TORT CLAIMS.

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

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

Subd. 3. Exclusions. Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

- (a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;
- (b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;
- (c) a loss in connection with the assessment and collection of taxes;
- (d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;
- (e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;
- (f) a loss other than injury to or loss of property or personal injury or death;
- (g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;
- (h) a loss involving or arising out of the use or operation of a recreational motor vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as defined in section 160.02, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;
- (i) a loss incurred by a user arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the Iron Range Resources and Rehabilitation Board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the Iron Range Resources and Rehabilitation Board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;
- (j) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;
- (k) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

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- (l) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;
- (m) loss, damage, or destruction of property of a patient or inmate of a state institution;
- (n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;
- (o) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources;
- (p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;
- (q) a loss arising out of a person's use of a logging road on public land that is maintained exclusively to provide access to timber on that land by harvesters of the timber, and is not signed or otherwise held out to the public as a public highway; and
- (r) a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the Department of Military Affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

The state will not pay punitive damages.

Subd. 4.Limits. The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

- (a) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before August 1, 2007;
- (b) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after August 1, 2007, and before July 1, 2009;
- (c) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;
- (d) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;
- (e) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;
- (f) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009;
- (g) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009; or

(h) \$1,000,000 for any number of claims arising out of a single occurrence, if the claim involves a nonprofit organization engaged in or administering outdoor recreational activities funded in whole or in part by the state or operating under the authorization of a permit issued by an agency or department of the state.

If the amount awarded to or settled upon multiple claimants exceeds the applicable limit under clause (d), (e), (f), (g), or (h), any party may apply to the district court to apportion to each claimant a proper share of the amount available under the applicable limit under clause (d), (e), (f), or (g). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

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