

MINNESOTA ENVIRONMENTAL QUALITY BOARD

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 ten miles long on forested or other naturally vegetated land for a recreational use other than snowmobiling or cross-country skiing, unless exempted by part [4410.4600](#), subpart 14, item D, or constructing a trail at least 20 miles long on forested or other naturally vegetated land exclusively for snowmobiling or cross-country skiing.
- B. Designating at least 25 miles of an existing trail for a new motorized recreational use other than snowmobiling.

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 ten miles and the length of the existing but newly designated trail by 25 miles, equals or exceeds one.

- C. Paving ten or more miles of an existing unpaved trail, unless exempted by part [4410.4600](#), subpart 27, item B or F. Paving an unpaved trail means to create a hard surface on the trail with a material impervious to water.
- D. Constructing an off-highway vehicle recreation area of 80 or more acres, or expanding an off-highway vehicle recreation area by 80 or more acres, on agricultural land or forested or other naturally vegetated land.
- E. Constructing an off-highway vehicle recreation area of 640 or more acres, or expanding an off-highway vehicle recreation area by 640 or more acres, if the land on which the construction or expansion is carried out is not agricultural, is not forested or otherwise naturally vegetated, or has been significantly disturbed by past human activities such as mineral mining.
- F. Some recreation areas for off-highway vehicles may be constructed partially on agricultural naturally vegetated land and partially on land that is not agricultural, is not forested or otherwise naturally vegetated, or has been significantly disturbed by past human activities. In that case, an EAW must be prepared if the sum of the quotients obtained by dividing the number of acres of agricultural or naturally

vegetated land by 80 and the number of acres of land that is not agricultural, is not forested or otherwise naturally vegetated, or has been significantly disturbed by past human activities by 640, equals or exceeds one.

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 one continuous mile of a recreational trail if the reroute is necessary to avoid sensitive areas or to alleviate safety concerns. Multiple reroutes on the same trail must be treated as independent projects, except that where the cumulative length of currently proposed reroutes exceeds one mile on any five-mile segment of trail, as measured along the rerouted trail, those reroutes are not exempt.
- B. Reconstructing, rehabilitating, or maintaining an existing trail involving no changes in designated use.
- C. Constructing less than one continuous mile of trail for use by snowmobiles or cross-country skiers.
- D. Constructing a trail for winter-only use across agricultural land or across frozen water.
- E. Designating an existing trail for use by snowmobiles or cross-country skiers.
- F. Constructing or rehabilitating a nonmotorized trail within the Twin Cities Metropolitan Regional Park System.

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 EXEMPTIONS.

Subp. 2. Standard exemptions.

The following projects are standard exemptions:

- 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 construction; and
- E. projects for which environmental review has already been completed 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:

- 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:

- 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 texts see MN Rules Chapter 4410.0200 – 4410.7500, Rules governing the Minnesota Environmental Review Program]

Environmental Review Rules for Recreational Trails*
Excerpted from MN Rules Chapt. 4410.4300 – 4410.4600 (MN Environmental Quality Board)*

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