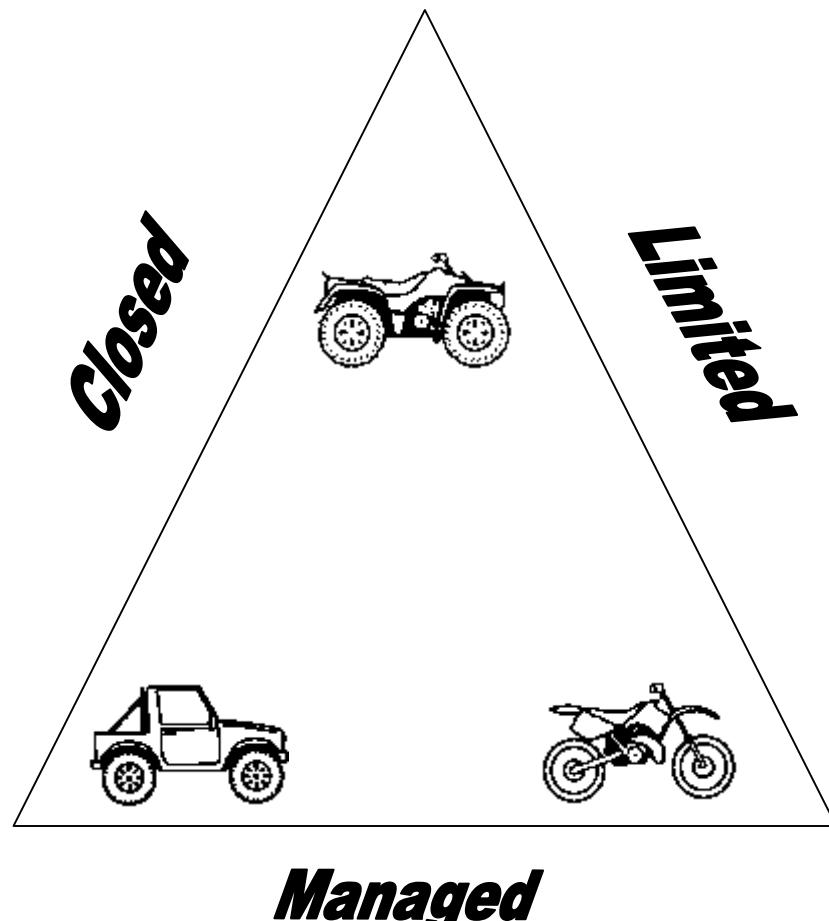


Review of the Classification for Motor Vehicle Use in State and County Forest Lands in Hubbard County

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**Hubbard County Natural Resource Management
and
Minnesota Department of Natural Resources**

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BACKGROUND

Prior to the mid-1980's recreational motor vehicle use was generally allowed in most State Forests. As the number of Off-Highway Vehicles (OHVs) increased, the Department of Natural Resources (DNR) closed some forests to OHV use and began developing trails and other facilities for OHV use in other State Forests. In late 1996, the DNR began to reassess its OHV management programs. The DNR proposed classifying State Forests as *managed*, *limited*, or *closed* with respect to recreational motor vehicle use (see descriptions of the classifications, below). In May 1998 a series of public open houses were held to discuss the proposed classifications of State Forests for motor vehicle use. On September 3, 1998 the Commissioner of Natural Resources issued a memorandum establishing interim motor vehicle use classifications for all State Forests. The interim classifications were in effect until January 1, 2000. In 1999 the DNR revised the rules governing recreational use of State Forests.

After January 2000 changes to the classification of State Forests with respect to motor vehicle use must follow the process outlined in *Minnesota Rules Chapter 6100.1950, subparts 1 – 4*. Recently enacted legislation (*MN Laws 2003, Chapter 128, Article 1, Section 167, as amended*) requires the DNR to review the classification of all '*managed*' lands and to change the classification to '*limited*' or '*closed*.' Appendix A contains the laws and rules governing motor vehicle use classification of forest lands.

The motor vehicle use classifications are characterized as follows:

Managed Forest Lands. Forest roads and forest trails are open to recreational motor vehicle use unless posted closed. These forest lands are characterized by a low intensity of use by OHVs, a variety of motorized and non-motorized recreational opportunities, widely dispersed use, and little competition among visitors for recreational use of the land. Signing and enforcement restrict motor vehicle use in sensitive resource areas and on non-motorized trails.

Limited Forest Lands. Forest roads are open to motor vehicle use unless posted closed. Forest trails are closed to motor vehicle use, except where designated and signed to permit specific motorized uses. These forest lands are characterized by moderate to high levels of motorized and non-motorized recreational use. It is necessary to designate OHV trails so that OHV use occurs only in suitable and sustainable locations.

Closed Forest Lands. Forest roads are open to motor vehicles licensed for highway use. No OHVs are permitted, except that OHVs may operate on frozen public waters (e.g., across lakes for ice fishing). These lands are characterized by high susceptibility to damage by recreational motor vehicle use or have a history that precludes motorized use. Areas closed to motor vehicle use by statute or regulations (e.g., State Forest lands within the BWCAW) are automatically classified as '*closed*'.

LANDS COVERED BY THIS CLASSIFICATION REVIEW

This classification review covers all County- and DNR Division of Forestry-administered lands in Hubbard County. There are approximately 138,000 acres of county-administered land and 79,000 acres of DNR Division of Forestry-administered land in Hubbard County. Appendix B is a map showing the location of the state- and county-administered forest lands in Hubbard County covered by this classification review.

There are two State Forests (Badoura, Paul Bunyan) located entirely within Hubbard County. The Paul Bunyan State Forest boundary encompasses about 105,000 acres; of which about 85,000 acres is state- or county-administered. The Badoura State Forest boundary encompasses about 16,000 acres in the southeastern portion of the county, of which about 9,000 acres is state or county land.

Two additional State Forests (Huntersville, Mississippi Headwaters) are located partially within Hubbard County. The Huntersville State Forest is located primarily in Wadena County. There is one section (about 640 acres) of the Huntersville State Forest located in southern Hubbard County; the entire section is state land. The Mississippi Headwaters State Forest is located in Beltrami, Clearwater, and Hubbard counties. About 6,000 acres in the northwestern corner of Hubbard County are part of the Mississippi Headwaters State Forest; about 5,500 of the 6,000 acres are county or state land. The law that requires the motor vehicle use classification review states that the review must be done on a ‘forest-by-forest basis.’ Thus, the Huntersville and Mississippi Headwaters State Forests will be officially classified as a whole at a future date. Nonetheless the Hubbard County Field OHV Team developed a recommended classification for the portions of the Huntersville and Mississippi Headwaters State Forests in Hubbard County.

The majority of the county-administered forest land and some of the DNR-administered forest land is located outside of the statutory boundaries of the four State Forest described above. Under *MN Statutes 84.777* OHV operation on county-administered forest land within the boundaries of State Forests will be governed by state rules unless the County Board adopts a resolution governing OHV use on county lands. Hubbard County Natural Resource Management and the DNR recommend a uniform approach to OHV management on all state- and county-administered forest lands in the county regardless of whether they are inside or outside of State Forest statutory boundaries.

The motor vehicle use classification for State Forest lands does not apply to State Parks, State Trails, Wildlife Management Areas, Aquatic Management Areas, Scientific & Natural Areas or other lands administered by DNR Divisions other than the Division of Forestry. Recreational motor vehicle use is generally prohibited in these areas.

Local, county, or state highway officials determine the OHV use policies on public highways and rights-of-way under their respective jurisdictions. The motor vehicle use classification does not govern the use of motor vehicles on or within the rights-of-way of public highways.

MOTOR VEHICLE USE MANAGEMENT ON FOREST LANDS IN HUBBARD COUNTY

The current motor vehicle use classification for all State Forest lands in Hubbard County is ‘managed.’ Forest roads and trails on State Forest lands are currently open to recreational motor vehicle use unless they are signed as closed to some or all types of motor vehicles. Under existing State Forest Rules for *managed* or *limited* forests, All Terrain Vehicles (ATVs) can also be used off of designated roads and trails for some big game hunting and trapping related activities at certain times of the year.

Hubbard County does not have a motor vehicle use classification system for county-administered lands. County land is currently managed as '*open unless posted closed*' to motor vehicle use which is similar to the State's *managed* classification.

PROPOSED FOREST ROAD AND TRAIL DESIGNATIONS IN HUBBARD COUNTY

Concurrent with this motor vehicle use classification review, staff from the DNR and Hubbard County Natural Resource Management Department have proposed forest road and trail use designations on state- and county-administered forest lands. The proposed road and trail use designations are included in a draft *Forest Road and Trail Designation Plan for DNR- and County-Administered Forest Lands in Hubbard County* (MN DNR and Hubbard County, 2005). The road and trail use designations and the motor vehicle use classification are related decisions. The classification and the use designations moved through the public review and comment process together.

CONSIDERATION OF CLASSIFICATION CRITERIA IN HUBBARD COUNTY

In August 2003, an interdisciplinary team of staff from the DNR divisions of Forestry, Trails & Waterways, Ecological Services, Fish & Wildlife, and Enforcement, and the Hubbard County Natural Resource Management Department was established to complete the following tasks:

1. Inventory existing forest access routes on state- and county-administered forest lands within Hubbard County.
2. Consider the criteria for classification of forest lands for motor vehicle use and recommend changing the classification to either *limited* or *closed*.
3. Evaluate the forest access routes and propose which routes should be open to various motorized uses in the future.
4. Present the team's recommendations for road and trail use designations and forest reclassification for public review and comment.

Due to intermingled public ownership, Hubbard County Natural Resource Management and the DNR have a long-standing history of collaboration on issues that cross ownerships. Both agencies agreed that a plan would be more complete and acceptable to the public if it included both state- and county-administered lands.

The team analyzed the eight classification criteria established in *MN Rules, Chapter 6100.1950, subpart 2* before recommending how lands should be classified. The team made its recommendation with the assumption that trails will be designed to avoid environmental problems; will receive proper maintenance, and there will be adequate enforcement of State Forest Rules.

The team's analysis of the eight criteria to be considered when classifying forest lands for motor vehicle use is presented below:

A. Resource Sensitivity and Management Objectives

Forest lands in Hubbard County are located mainly on moraines and outwash plains. Both topographies are susceptible to resource damage if OHV activities are not managed. The Itasca Moraine is a series of hills and pothole lakes and wetlands. Trails on slopes, while challenging to OHVs, can leave treadways bare and open to severe erosion. Unless controlled, eroded soil

can be deposited in wetlands, ponds, lakes, and streams. Many user-created trails will not sustain use without causing unacceptable resource damage.

Lakes, ponds, wetlands, steep slopes, and rare plant and animal species are among the sensitive resources that can be negatively impacted by recreational motor vehicle use. As OHV use levels increase there is a need to keep the vehicles on designated roads and trails to avoid unintentional damage to sensitive natural resources.

The management objectives for state- and county-administered forest lands include timber production, wildlife habitat maintenance, and provision of a variety of recreational opportunities. Common non-motorized recreational activities include horse riding, camping, bird watching, swimming, hunting, trapping, fishing, hiking, mountain biking, and cross-country skiing. Riding ATVs is popular on forest roads and trails. The Martineau Recreation Trail, established in the mid-1970's, offers challenging Off Highway Motorcycle (OHM) trail riding. Snowmobiling is a popular winter activity.

While the potential for resource damage by motor vehicles is real, some OHV activities can be accommodated on state and county lands.

B. Resource Impact by Motorized and Nonmotorized Use

Activities related to the construction, use, and maintenance of motorized and non-motorized trails impact natural resources. The type and extent of impacts vary by activity and season of use. The hilly topography that makes this area attractive for a variety of recreational uses is also the main source of resource sensitivity. Sloping ground is more susceptible to erosion than level ground. Thus it is important to design and maintain trails to control water flow. Rutting is a problem in areas of wet soils when the ground is not frozen. The main impact on vegetation is clearing of trees and shrubs along the trail route. In addition, all vegetative cover is removed from the treadway on heavily used trails. This impact is more pronounced on OHV trails than on hiking/walking trails. The mechanical force of OHV tires displaces soil, especially on curves, requiring scheduled maintenance of the trail surface. Both motorized and non-motorized recreational uses have the potential to introduce non-native plant species to an area. All trails can impact wildlife populations directly and indirectly, for example, some wildlife will avoid habitat near trails. Trails offer easier access to the forest, resulting in increased human disturbance and its effects on wildlife populations.

With adequate investment in trail design, maintenance, and enforcement, motorized and non-motorized trails can be sustainable in Hubbard County.

C. Motorized and Nonmotorized Recreational Opportunity in the Area

Opportunities exist for both motorized and non-motorized recreation on public lands within and around Hubbard County. The terrain, lakes, and forests, attract motorized and non-motorized users alike. In addition to state- and county-administered forest lands, Itasca State Park abuts the western edge of the county, and the Chippewa National Forest the eastern edge. There are several DNR Wildlife Management Areas in the county, including the Crow Wing Chain WMA and the Kabekona Flowage WMA. WMAs are closed to motorized recreational trail uses. Recreation use in the county has increased, requiring more directed management to protect

natural resources from adverse impacts and to head off user conflicts caused by competing interests. Enforcement of regulations is an important part of providing quality recreational opportunities.

Providing opportunities for motorized recreation on selected trails that utilize existing motorized routes will increase opportunities for informal non-motorized recreation on the remaining undesignated routes in Hubbard County. Non-motorized opportunities will be provided on designated non-motorized trails and in five proposed areas where there will be no designated motor vehicle trails.

Under existing State Forest Rules, ATVs are allowed to use undesignated routes and to travel off-trail for certain big game hunting and trapping related purposes in forests classified as *managed* or *limited*.

D. User Needs, such as trails, parking, signs, and access

Under the current *managed* classification, roads and trails are open to motor vehicle use unless posted closed. Visitors may drive on any road or trail that is not signed closed or barricaded. Under the *limited* classification, visitors may drive on roads that are not posted closed, but they cannot drive on a trail unless the trail is signed as open for the type of vehicle they are driving. Some trails may be designated for several types of vehicles, while others may be designated for one specific vehicle type such as ATVs or OHVs. Unless a route is clearly signed as open, it will be closed to motor vehicles (except for ATVs being used for certain big game hunting or trapping related activities during specified times of the year).

Some visitors use a highway-licensed vehicle to access the forest where they then engage in activities such as camping, hunting, sight seeing, bird watching, or collecting forest products. They can continue to use their highway-licensed vehicle on forest roads that are open, however, they will be required to purchase an Off Road Vehicle (ORV) sticker and display it on their vehicle in order to drive their vehicle on designated ORV trails in a forest classified as *limited*.

Signs will be required at various locations, including parking areas and trailheads, to inform users of the forest classification and its implications for use of motor vehicles. All roads and trails that are designated and maintained for motorized uses will have to be signed to indicate which type(s) of vehicles are allowed.

E. Degree and Trend of Motor Vehicle Use in the Area

The miles of available roads and trails, the quality of the riding experience, and the availability of ancillary facilities (campsites, toilets, etc.) will determine the amount of motor vehicle use in the area. The intensity and types of motorized use will be affected to some degree by the classification. Those OHV users who want to explore unsigned and unmapped trails will no longer be allowed to do so in forests classified as *limited* or *closed*.

Snowmobiling is popular and has been a relatively stable motorized recreational activity in Hubbard County. Within Hubbard County there are 320 miles of snowmobile trail. The DNR Trails and Waterways Division manages 129 miles as unit trails, and snowmobile clubs manage 191 miles through the Minnesota Trail Assistance Program. Recently, warmer and drier winters

with below average snowfall has reduced the amount of snowmobiling. Many snowmobilers have purchased ATVs and have begun to use them year-round. This may continue to be the case whenever less than ideal conditions for snowmobiling occur.

ATVs are the most used type of off-highway vehicle in the forests. The 53-mile Round River Drive ATV Trail in the south unit of the Paul Bunyan State Forest is a popular destination ride. Although local riders continue to frequent the roads and trails in the Paul Bunyan, the word has spread among visitors that a fall color ride is worth a trip to Hubbard County.

There are few places in the state where off-highway motorcycles can ride trails or compete in national trail competition events. One such place is the Martineau Recreation Trail that offers miles of narrow, winding, scenic trails within the south unit of the Paul Bunyan State Forest. A staging area off Highway 64 offers parking and basic camping.

F. Degree and Trend of Nonmotor Vehicle Use in the Area

While most visitors drive to the public lands in Hubbard County, once there many prefer to park their vehicle and head out on foot, snowshoes, or skis. The most attractive season for outdoor activities is late spring after forest roads have firmed up, and late summer and fall. Biting insects are scarce, temperatures are moderate, and spring/fall leaf color is at its best. Spring and fall migrating birds attract birdwatchers, and the ruffed grouse is a popular fall quarry. Most walking/hiking takes place on undesignated trails because brush makes cross-country hiking difficult. With the completion of the North Country Trail, hikers will have an opportunity to hike a nationally recognized trail.

The forest road and trail inventory identified many miles of undesignated routes on county and state forest lands in Hubbard County. Presently, non-motorized users share these routes with motorized vehicles on nearly all miles. A *limited* classification would close undesignated routes to motor vehicles except for ATVs used for certain big game hunting and trapping purposes.

Most non-motorized recreational uses of the forest seem to remain popular and fairly stable in terms of participation.

G. Competing Interests among Different User Groups

There is a wide diversity of values and expectations related to use of public lands. The perceived or actual degree of incompatibility among users exists on a number of dimensions (hunting – nonhunting, motorized – nonmotorized, skate skiing – classical stride, etc.) The level of tolerance of other users also varies widely among individuals. In our diverse society there is no public land management approach that will fully satisfy all interests.

A concern that solitude seekers have about motor vehicle use is noise. They prefer not to hear motors in the forest. With increased use of the forest lands, noise may become more of an issue. The usual management techniques are to establish maximum sound emission levels for motorized vehicles and to designate separate areas for motorized and non-motorized uses.

Public lands are also popular destinations for horseback riders. An encounter between a motor vehicle and a horseback rider on a trail can be dangerous. Horses and motorized vehicles are

generally not the primary designated uses on the same recreational trail. When use levels are low it is acceptable to allow a combination of uses.

Many grouse hunters prefer to pursue their sport on foot and hunt along forest trails. WMAs and undesignated routes on forest lands provide opportunities to hunt without encountering ATVs.

The planning team believes that classifying the State Forests in Hubbard County as *closed* is not a satisfactory solution for dealing with competing interests among user groups. Closing the forest to motor vehicles would disenfranchise a segment of the public. Since public lands are not infinite, limiting motorized vehicles to roads and managed trails, and separating motorized and non-motorized users seems to be an acceptable way to accommodate competing interests.

H. Public Safety and Law Enforcement Concerns

Currently, ATVs share forest roads with other OHVs, highway-licensed vehicles including logging trucks. Because forest roads tend to be wider and smoother than ATV trails the tendency is to operate ATVs at a much higher speed on roads than on trails. This has the potential to become an unsafe situation for ATV riders and other users. Developing an ATV trail system that is largely independent of forest roads may help. If ATV riders are given a trail-riding alternative to forest roads, the DNR expects that most riders will choose that alternative.

The team believes enforcement measures will need to be increased initially as visitors adjust to a changed forest classification. Education will be a large part of the enforcement effort as riders adapt. In time, it is anticipated that violations, and user conflicts will diminish as OHV use transitions to designated and maintained trails, much like what happened with snowmobile use in Minnesota.

The *managed* classification that allows OHV use on any forest road or trail that is not signed as closed to motor vehicle use introduces uncertainty for OHV users as to where and when they can ride. The rules that allow off-trail ATV use for certain big game hunting and trapping activities in *managed* and *limited* forests also introduce uncertainty by creating different rules for various users at various times of the year.

CLASSIFICATION OF FOREST LANDS IN HUBBARD COUNTY

Upon consideration of the classification criteria, the MN Department of Natural Resources and the Hubbard County Natural Resource Management Department recommend reclassifying state- and county-administered forest lands in Hubbard County as *limited* with respect to operation of motor vehicles for recreational purposes. The proposed classification was subject to public review and comment. Public comments were analyzed and the proposed classification remained unchanged. The classification will be formally changed by publication of a Commissioner's Order in the *State Register*. The Commissioner's Order will include an effective date for the change in classification. The effective date is anticipated to be December 31, 2006.

The law that requires the motor vehicle use classification review states that the review must be done on a 'forest-by-forest basis.' Thus, the entire Huntersville and Mississippi Headwaters State Forests will be officially classified at a future date. The Hubbard team's recommendation and public comments on the classification of the portions of these forests in Hubbard County will

be duly considered when selecting a classification for the Huntersville and Mississippi Headwaters forests.

PUBLIC MEETING AND REQUEST FOR COMMENT

A public informational open house on the proposed reclassification and the related forest road and trail use proposals was held on January 12, 2005, from 6:00 PM to 9:00 PM at the Park Rapids Area High School, 401 Huntsinger Avenue, Park Rapids, MN. DNR and Hubbard County staff presented information and received public comments on the proposals. Written comments were submitted to the DNR Regional Planner until 4:30 PM on January 28, 2005.

Written comments were catalogued, reviewed and analyzed by the DNR and Hubbard County Field Team. Due to the volume and nature of comments received, the plan was reviewed and modified and presented to both the DNR and Hubbard County Board of Commissioners for comment. The full Response to Comments document can be viewed on the DNR web site at:

www.dnr.state.mn.us/input/mgmtplans/ohv/designation/status.html

APPENDIX A: LAWS AND RULES GOVERNING CLASSIFICATION OF FORESTS

MN Laws 2003, Chapter 128, Article 1, Section 167, as amended by MN Laws 2005, 1st Special Session, Chapter 1, Article 2, Section 152

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

Subdivision 1. [FOREST CLASSIFICATION STATUS REVIEW.]

- (a) By December 31, 2006, the commissioner of natural resources shall complete a review of the forest classification status of all state forests classified as managed, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011. The review must be conducted on a forest-by-forest and area-by-area basis in accordance with the process and criteria under Minnesota Rules, part 6100.1950. Except as provided in paragraph (d), after each forest is reviewed, the commissioner must change its status to limited or closed, and must provide a similar status for each of the other areas subject to review under this section after each individual review is completed.
- (b) If the commissioner determines on January 1, 2005, that the review required under this section cannot be completed by December 31, 2006, the completion date for the review shall be extended to December 31, 2008. By January 15, 2005, the commissioner shall report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance regarding the status of the process required by this section.
- (c) Until December 31, 2010, the state forests and areas subject to review under this section are exempt from Minnesota Statutes, section 84.777, unless an individual forest or area has been classified as limited or closed.
- (d) Notwithstanding the restrictions in paragraph (a), and Minnesota Statutes, section 84.777, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subsection 13, and lands managed by the commissioner under Minnesota Statutes, section 282.001, that are north of U.S. Highway 2 shall maintain their present classification unless the commissioner reclassifies the lands under Minnesota Rules, part 6100.1950. The commissioner shall provide for seasonal trail closures when conditions warrant them. By December 31, 2008, the commissioner shall complete the review and designate trails on forest lands north of Highway 2 as provided in this section.

Minnesota Rules Chapter 6100.1950, subparts 1 – 4

6100.1950 MOTOR VEHICLES AND SNOWMOBILES; FOREST LANDS.

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

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

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

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

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

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

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

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

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

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

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

APPENDIX B: STATE AND COUNTY FOREST LANDS IN HUBBARD COUNTY

