

# Revised State Forest Land Motor Vehicle Use Classification in Crow Wing County

17 March 2008

## BACKGROUND

As part of its effort to manage public motor vehicle use on state forest lands, the MN DNR released its proposed *Forest Classification and Forest Road and Trail Designations for State Forest Lands in Crow Wing County* for public review and comment in April 2007. A public meeting to explain the proposal and receive public comment was held in June 2007. The interdisciplinary team that developed the plan analyzed public comments and developed a final version of the proposal and prepared Commissioner's Orders to implement the proposed classifications and road/trail designations. The plan and orders were presented for final approval on October 29, 2007.

All state forest lands in Crow Wing County are currently classified as *managed* with respect to public motor vehicle use. Legislation enacted in 2003, and amended in 2005 and 2007 requires the DNR to review the motor vehicle use classification of state forest lands and to change the classification of all *managed* state forest lands located south of US Highway 2 to either *limited* or *closed*. The DNR proposal was to classify about 85% of the 25,000 acres of state forest land in Crow Wing County as *limited*. Thirty-three parcels of state forest land totaling 3,741 acres were proposed to be classified as *closed*. The parcels proposed as *closed* typically had a high proportion of wetlands or shore lands, had rare natural resource features, or were landlocked by private lands. The location of the parcels proposed for classification as *closed* in the April 2007 draft plan are shown on the attached [map](#).

At the presentation in October 2007, the reasons for the proposed *closed* classifications were questioned. The main difference between state forest lands classified as *closed* and those classified as *limited* but with no designated forest roads or OHV trails is that motor vehicle use under the hunting and trapping exceptions contained in *MN Statutes 84.926* is possible with the *limited* classification. Thus the issue is whether the anticipated hunting- and trapping-related motor vehicle use on the parcels proposed to be classified as *closed* is significant enough to warrant the additional restriction on public use of the state forest lands and the added administrative burden involved with signing, monitoring, and enforcing the *closed* classification.

The Commissioner asked to meet with the planning team to further consider the reasons for the proposed classifications and to develop additional policy guidance related to forest classification and/or designation of areas with limitations on the hunting- and trapping-related uses of motor vehicles on state forest lands. The meeting was held on December 12, 2007. As a result the planning team met on December 27, 2007 and revised the classification proposal based on the additional policy guidance.

## **POLICY CONSIDERATIONS**

### ***Classification Criteria***

The criteria to be considered when classifying state forest lands for motor vehicle use are established in *MN Rules 6100.1950, Subp. 2*:

- 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
- H. public safety and law enforcement concerns.

### ***Statutory Direction***

State statutes contain exceptions to the general policy of restricting motor vehicle use on state forest lands to signed roads and trails. Motor vehicles can use nondesignated (unsigned) routes on state forest lands classified as *managed* as long as such use does not result in erosion, rutting or damage to trees. Motor vehicles can also be used on *limited* and *managed* forest lands at certain times of the year for specified big game hunting- and trapping-related activities. The retention of the *managed* classification and the statutory codification of the hunting and trapping exceptions are legislative policy direction for the public use of state forest lands. While the Commissioner is authorized to restrict motor vehicle use by classifying forest lands and designating areas where the hunting and trapping exceptions will not apply, these administrative restrictions on public use of forest lands need to be justified and carefully applied.

### ***Other Regulations***

Motor vehicle use classification and designation of areas where the hunting and trapping exceptions will not apply are not the only regulations or tools for managing motor vehicle use on state forest lands. Where other existing regulations provide adequate resource protection, there is no need to provide additional layers of regulations. For example, state statutes (Chapter 84.773) prohibits OHV use in state parks, SNAs, WMAs, calcareous fens, unfrozen public waters, on trails signed for non-motorized use only, and on public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motor vehicle access. Likewise, it is illegal to operate an OHV in a wetland in most cases. Thus, it is not necessary to classify wetland areas or other areas where OHV use is already prohibited as *closed* to protect those areas.

### ***Administration***

There are administrative costs associated with establishing, signing, monitoring, and enforcing motor vehicle use restrictions on forest lands classified as *closed* or designated as an area where the hunting and trapping exceptions do not apply. Is the anticipated level of impact related to motor vehicle use under the hunting and trapping exception likely to be significant and are the

resources at risk sufficient to justify the administrative costs? Is this a high priority use of budget and staff?

## ***Justification***

In addition to the classification criteria listed above, the DNR has developed additional guidelines on selecting areas with limitations on off-trail and non-designated trail use. The *closed* classification and 'areas with limitations' are tools to protect unique natural resources and provide areas for non-motorized recreation on state forest land. The reasons for classifying the area as *closed* or designating an 'area with limitations' must be documented. Typical justifications for restriction of motor vehicle use on state forest lands include:

- Existing or proposed designated non-motorized trails, especially if the trails or surrounding lands are susceptible to damage by incidental motor vehicle use that may occur under the hunting or trapping exceptions. Consider the season of use of the non-motorized trails and the degree of compatibility of the designated trail use and motor vehicle use that may occur under the hunting and trapping exceptions. For example, hunter walking trails are incompatible with the hunting and trapping exception because both occur at the same time of the year.
- When the state forest land is located within the boundaries of a non-motorized management unit such as a state park, SNA, or WMA. It may also be appropriate to restrict motor vehicle use on some lands immediately adjacent to non-motorized management units if the state forest land is a small parcel in comparison to the non-motorized unit and the boundary between the state forest land and the other unit is indistinct. It is not appropriate to restrict motor vehicle use on state forest lands simply to provide a buffer for non-motorized units, especially if there is a distinct border between the unit and the state forest land.
- The presence of natural heritage elements or other unique resources that are susceptible to damage by motor vehicle use under the hunting and trapping exceptions. It would not be necessary to restrict motor vehicle use if the resource of concern is located in a habitat that is otherwise off-limits to motor vehicles (unfrozen waters, wetlands) or is not present in the area during the time that the hunting and trapping exceptions apply.

## **REVISED FOREST CLASSIFICATION PROPOSAL**

Given the concerns with the October 2007 classification proposal and the additional policy guidance on forest classification and designation of areas with limitations on off-trail and non-designated trail use, the Crow Wing planning team reviewed each of the parcels originally proposed for classification as *closed*.

The October 2007 proposal classified 33 parcels totaling 3,741 acres as *closed*. The Crow Wing planning team concluded that 21 of these parcels totaling 2,105 acres should be classified as *limited* in light of the policy considerations described above. On three parcels totaling 759 acres the team suggested a *closed* classification while recognizing that a case could be made for either the *closed* or *limited* classification. After further review, it was decided to classify these three parcels as *limited*.

The team concluded that 5 parcels totaling 557 acres clearly meet the guidelines for classification as *closed*. The team also recommended a *closed* classification for 4 parcels totaling 320 acres given existing resource conditions and their location in the developing Brainerd-Baxter area.

## Limited

Map #	Acres	Township N	Range W	Section	# of 40s or lots
2	120	137	26	36	3
4	40	136	25	2	1
6	65	136	28	9	2
7	238	136	29	36	6
8	80	135	28	9	2
10	79	135	29	12	2
11	40	134	27	6	1
12	15	134	27	8	1
13	511	134	28	16	13
18	40	47	28	32	1
19	57	46	28	34	2
20	80	46	28	36	2
25	24	44	28	27	2
26	111	44	28	30	3
27	40	44	28	36	1
28	80	44	30	16	2
29	280	44	31	36	7
30	3	44	32	34	2
31	55	43	29	36	1
32	67	43	29	36	2
33	80	43	31	36	2
<b>Total</b>	2,105				

The primary reasons given for the *closed* classification of the above parcels in the October 2007 proposal were the prevalence of wetlands and surface waters. Given the statutory restrictions on operation of motor vehicles in unfrozen public waters and wetlands, there is no need to classify these lands as *closed*. The incidental use of motor vehicles on the upland portions of these parcels under the hunting and trapping exceptions is not expected to cause significant resource impacts as it is illegal to operate a vehicle in a manner that causes rutting, erosion, or damage to trees. Education and enforcement will be necessary when the classification changes from *managed* (the existing condition) to *limited*.

Map #	Acres	Township N	Range W	Section	# of 40s or lots
9	280	135	28	16	7
23	199	44	28	16	5
24	280	44	28	22 & 27	8
	759				

The Crow Wing planning team suggested a *closed* classification for the three parcels listed in the table above, but the recommendation was not unanimous. All of the parcels have surface water features. Map #23 and #24 are located within second-largest red-shouldered hawk nesting concentration area in the state. Map #23 also has old-growth northern hardwoods, a large white cedar wetland, rare fern habitat, and the adjoining Smith and Holt lakes have extraordinary water clarity. There were no public comments opposing the *closed* classification of these parcels in the public review draft.

These parcels are larger than the other parcels recommended for classification as *closed*. All of these parcels have existing inventoried routes, indicating existing motor vehicle use. The team

has left all the routes non-designated on Map #9 and Map #23. Some of the routes on Map #24 are non-designated while others are designated as minimum maintenance state forest roads. If the parcels were classified as *closed*, only highway-licensed vehicles would be allowed on the minimum maintenance roads and there would be no motor vehicle use allowed on the non-designated routes. If the parcels were classified as *limited*, all motor vehicles would be allowed on the forest roads and ATVs and HLVs could use the non-designated routes under the hunting and trapping exceptions.

All three parcels are located adjacent to or in the vicinity of county tax-forfeited forest lands. Crow Wing County has not yet classified these forest lands with respect to motor vehicle use. Crow Wing County has an informal ‘open unless posted closed’ approach on its lands in the vicinity of these state forest land parcels. The County Land Commissioner and the County Forest Advisory Committee have supported restricting public motor vehicle use in red-shouldered hawk nesting concentration areas.

After further discussion, the planning team and DNR managers agreed to classify these three parcels as *limited*. The *limited* classification is more restrictive than the current *managed* classification. The size of the parcels and the existing routes indicate that there may be some ongoing hunting- or trapping-related motor vehicle use on these parcels. If future monitoring shows unacceptable levels of impact related to hunting- or trapping-related motor vehicle use the classification could be revised.

### **Closed**

Map #	Acres	Township N	Range W	Section	# of 40s or lots
1	40	138	25	32	1
3	154	137	29	36	4
5	77	136	28	3	2
21	92	46	29	10 & 16	2
22	194	45	28	36	5
<b>Total</b>	557				

These 5 areas meet the criteria for classification as *closed*.

Map #1 is 40 acres of state forest land immediately adjacent to the 1,300 acre Birchdale WMA. The only public access to the state forest land is across the WMA. Most of the state forest land is wetland.

Map #3 is a 154-acre parcel of state forest land that contains the existing 1.1 mile Veterans Hiking Trail that is associated with the Paul Bunyan Scenic Byway. The hiking trail has a boardwalk segment crossing a wetland. Hay Creek flows through the parcel. The parcel is adjacent to the former state home site leases on Upper Hay Lake that have been sold to private owners.

Map # 5 is a 77-acre parcel with the existing 0.95-mile Chiarella Hiking Trail that is associated with the Paul Bunyan Scenic Byway. The parcel is bisected by a public highway. The property was donated to the DNR and is located in an area of developed lakeshore.

Map # 21 consists of 2 parcels of state forest land that are within the statutory boundary of the Cuyuna Country State Recreation Area. The parcels are separated from other state forest lands in the area by Blackhoof Lake and a stream.

Map # 22 consists of 2 parcels of state forest land that are within and 3 parcels of state forest land adjacent to the Round Rice WMA. This is a block of state forest, county forest, and WMA land that is managed for wildlife habitat and non-motorized recreation. There is a hunter walking trail crossing the state forest land that is adjacent to the WMA.

### ***Closed Based on Surrounding Land Use***

Map #	Acres	Township N	Range W	Section	# of 40s or lots
14	80	134	29	22	2
15	40	134	29	26	1
16	160	134	29	34	4
17	40	133	29	14	1
<b>Total</b>	320				

The reasons for proposing a *closed* classification for these parcels in the October 2007 proposal were Blandings turtle habitat, wetlands, and surface waters. Given the additional policy guidance on classification, wetlands and surface waters are not sufficient reasons for a *closed* classification. It is also unlikely that Blandings turtles would be active in the area during the time that hunting or trapping related motor vehicle use would occur. While it is unlikely that the hunting and trapping related motor vehicle use that could occur under a *limited* classification would cause significant resource impacts, the team still recommends a *closed* classification for these parcels. All of these parcels are located within the rapidly developing Brainerd-Baxter urban area. While hunting or trapping could take place on these lands, they are close enough to public highways that off road use of a motor vehicle is not necessary. Given the level of development in the area, enforcement will be easier if there is a uniform rule that motor vehicles are not allowed rather than allowing use by licensed big game hunters and trappers but not other users. The nearest state forest is the Pillsbury, which is classified as *closed*. The team feels that it is not appropriate to allow motor vehicle use on public lands in this area.

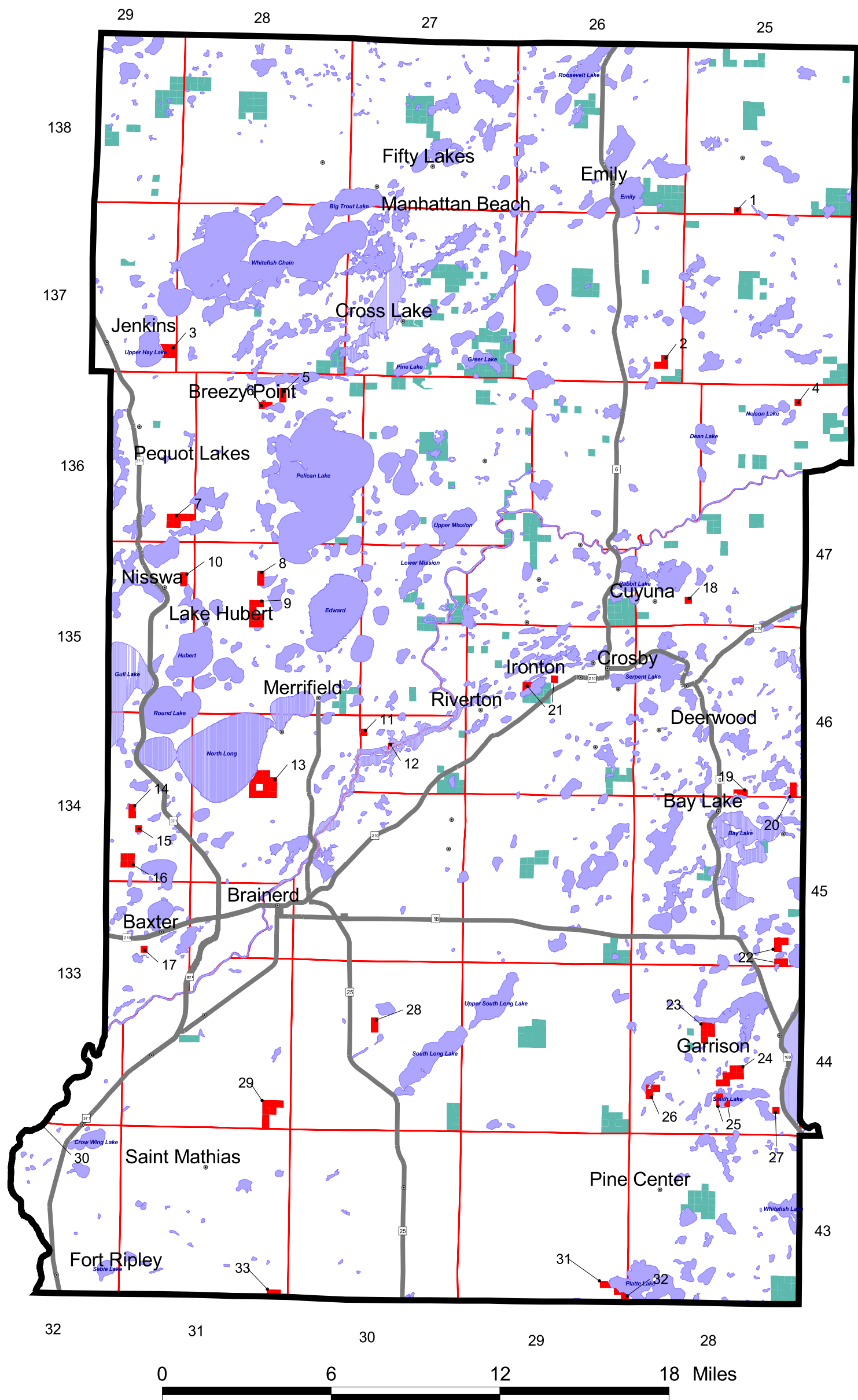
On Map #14 the inventoried route #564 was mistakenly designated as a minimum maintenance forest road. There is a public highway bisecting the tract. Route #564 will be left non-designated.



Map #15 has a berm to prevent motor vehicle access.

Map #16 has been considered for annexation into Baxter and is the potential location for a major street.

Map #17 is located within the residential portion of the City of Baxter. All of the land to the north of this parcel and most of the land to the east has residential development. The City of Baxter has encouraged the DNR to make this parcel available for residential development.

# Proposed Classification of State Forest Lands for Public Motor Vehicle Use



	Closed State Forest Lands		PLS Townships
	Limited State Forest Lands		Interstate and Trunk Highways