

REVIEW OF THE CLASSIFICATION FOR MOTOR VEHICLE USE IN THE PILLSBURY STATE FOREST

Background

Prior to the mid-1980's recreational motor vehicle use was generally been allowed in most State Forests. As the number of Off-Highway Vehicles (OHVs) increased, the 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 Department of Natural Resources (DNR) began to reassess its OHV management programs. The DNR proposed classifying State Forests as *managed*, *limited*, or *closed* with respect to RMV use. 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 classifications for all State Forests. The interim classifications were in effect until January 1, 2000 while OHV system plans were being developed. 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*) requires the DNR to review the classification of all 'managed' lands and to change the classification to 'limited' or 'closed.' Appendix A contains the statutes and rules related to motor vehicle use classification of forest lands.

The classifications are characterized as follows:

Managed Forest Lands. All state forest roads and forest trails are open to recreational motor vehicle use unless posted closed. These forests 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 RMV use in sensitive resource areas and on non-motorized trails.

Limited Forest Lands. Forest roads are open to motor vehicles use unless posted closed. Forest trails are closed to motor vehicle use, except where designated and signed to permit specific motorized uses. These forests 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 motorized use or have a history that precludes motorized use. Areas closed to motor vehicle use by statute or regulation (e.g., State Forest lands within the BWCAW) are automatically classified as '*closed*.'

Lands Covered by this Classification Review

The Pillsbury State Forest is located approximately 15 miles west of Brainerd on the west side of Gull Lake in Cass County. The statutory boundary of the Pillsbury State Forest now encompasses 40 square miles in Fairview, Home Brook, and Sylvan townships. There are 10,080 acres of state-administered land in the Pillsbury State Forest. There are also lands administered by Cass County within the boundary of the Pillsbury State Forest. The motor vehicle use classification will apply on state- and county-administered lands within the forest. Appendix B is a map showing the boundary of the Pillsbury State Forest and the public lands within the forest that are covered by this classification review.

Motor Vehicle Management in the Pillsbury State Forest

The Pillsbury Forest Reserve was established in 1900 when former Governor John S. Pillsbury donated 990 acres of cutover pine lands to the State Forestry Board. The state's first forest tree nursery was developed in the Pillsbury Forest in 1903. The public lands in the forest are primarily located on a glacial moraine characterized by short steep hills with small lakes, ponds, and wetlands in closed depressions. The moraine extends from south of Pillager to the Walker area. Stony soils, rolling topography, and hardwood forest cover characterize the moraine.

The Pillsbury State Forest is currently classified as *managed* with respect to recreational motor vehicle use. However, there has never been a designated OHV trail in the Pillsbury State Forest. Horse trails and snowmobile trails were established before three- and four-wheeled ATVs existed. Because of the potential for conflict between horses and motorized vehicles, the horse trails were signed "no motorized vehicles except snowmobiles." OHV use in the Pillsbury has generally been by deer hunters and local residents.

Under the *managed* classification deer hunters with ATVs have used logging roads and other routes to access tree stands, for big game retrieval, and to access hunting camps. This has contributed to "trail creep" where trails get extended by the hunters as they move their tree stands or hunting camps further into the woods.

State Forest Roads

The main State Forest Roads are the Beauty Lake Forest Road, Pillager Forest Road, Rock Lake Campground Road, and Gull Lake Tower Road. These roads are currently open to highway-licensed motor vehicles and OHVs. These roads do not have continuous ditches so OHVs operate on the road surface which has caused some safety concerns. There are other State Forest Roads within the Pillsbury State Forest that are gated and are generally closed to motor vehicle use by the public.

Rationale for Reclassification

In August 2003, an ad hoc team of staff from the DNR divisions of Forestry, Trails & Waterways, Ecological Services, Wildlife, and Enforcement and the Cass County Land Department was established to:

1. inventory forest roads and forest trails within the Pillsbury State Forest

2. evaluate the roads and trails and propose which routes should be open to various motorized uses in the future
3. consider the criteria for classification of the forest for motor vehicle use and recommend changing the classification to either *'limited'* or *'closed.'*
4. present the team's recommendations for road and trail use designations and forest reclassification for public review and comment.

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

The management objectives for the Pillsbury State Forest include timber production, wildlife habitat maintenance, and provision of a variety of recreational opportunities. Common recreational activities in the forest include horse riding, camping, swimming, hunting, trapping, fishing, hiking, snowmobiling, mountain biking, and cross country skiing. As the number and popularity of recreational activities in the area increases so does the need to actively manage recreational facilities and regulate user behavior. To provide quality recreational experiences as levels of use increase, it may be necessary to separate incompatible uses physically or seasonally. Primary recreational management objectives for the Pillsbury State Forest are horseback riding and camping in the spring, summer, and early fall; hunting in the fall; and snowmobiling and x-c skiing in the winter. Given the level of horseback riding in the Pillsbury it is not feasible to permit OHV use of the existing horse trails.

There are sensitive natural resources within the Pillsbury State Forest. Lakes, ponds, wetlands, steep slopes, old growth forest stands, and special concern plant and animal species are among the sensitive resources that can be impacted by recreational motor vehicle use. As recreational use levels increase there is a need to keep recreational motor vehicle users on designated roads and trails. Soil erosion is a concern on existing recreational trails in the Pillsbury State Forest. Ski and snowmobile trails that are designed for use during frozen soil conditions often are routed nearly along the fall-line on slopes and across wet areas. It is not appropriate to allow OHVs on trails that go straight up slopes or through wet areas.

B. Resource Impact by Motorized and Nonmotorized Use

All recreational trails, both motorized and nonmotorized have impacts on natural resources during construction, use, and maintenance of the trail. The type and extent of impacts vary by activity and season of use. The rolling topography of the glacial moraine 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. Both motorized and nonmotorized recreational uses have the potential to introduce non-native plant species to an area. All vegetative cover is removed from the tread on heavily used trails. This impact is more pronounced on OHV trails than on nonmotorized trails. The mechanical force of OHV tires displaces soil, especially on curves, requiring maintenance of the trail surface. Motorized and nonmotorized trails can impact wildlife populations directly and

indirectly. Some wildlife may avoid habitat near trails. The ease of access provided by trails may result in increased hunting pressure which can affect wildlife population levels.

The natural resource related limitations on recreational trail design and maintenance in the area are not insurmountable for existing motorized or nonmotorized uses. Sustainable motorized and nonmotorized trails are possible in the Pillsbury State Forest. Reclassification as *closed* would nearly eliminate the impacts of OHV use in the Pillsbury State Forest but may displace some impacts to other locations where OHV use is permitted.

C. Motorized and Nonmotorized Recreational Opportunity in Area

The opportunities for motorized and nonmotorized recreation need to be analyzed in a context much larger than just the Pillsbury State Forest. In the broader context there are a number of public recreation areas where recreational motor vehicle use is prohibited, including Crow Wing State Park, Cuyuna Country State Recreation Area, and Meadowbrook WMA. The Paul Bunyan State Trail provides snowmobiling opportunities in the winter and nonmotorized opportunities for biking, walking, and in-line skating in the snow-free seasons. Designated OHV trails include the Moose River Trail in Land O' Lakes State Forest near Outing, the Spider Lake Trails in the Foot Hills State Forest near Pine River, and grant-in-aid trails in southern Crow Wing County.

Reclassification of the Pillsbury State Forest as *closed* will not result in any change in the amount of designated and signed trail for motorized OHV uses since there are no designated OHV trails within forest. Recreational motor vehicle use would no longer be allowed on undesignated trails within the area. ATVs would not be allowed on State Forest Roads if the classification were changed to *closed*. Under existing State Forest Rules, ATVs are allowed to use the undesignated trails and to travel off-trail for certain big game hunting and trapping related purposes in *managed* or *limited* forests. The use of ATVs for big game hunting and trapping would be prohibited if the classification were changed to *closed*.

D. User Needs, such as Trails, Parking, Signs, and Access

There will be little or no change in the extent of designated trails, roads, or parking areas regardless of the motor vehicle use classification. Some additional signs will be required at parking areas and trail heads to inform users of the new classification and its implications for use of recreational motor vehicles in the forest. Nonmotorized access to the area will not be affected by reclassification. Motorized access to forest lands will be reduced.

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

Snowmobiling is a popular and relatively stable motorized recreational use in the Pillsbury State Forest area. Designated snowmobile trails include the Pillsbury Trail, Snowway 1, and other grant-in-aid snowmobile trails. The number of OHV users and the amount of OHV use has increased in the area even though there are no designated OHV trails in the Pillsbury State Forest. ATVs are the most used type of OHV in the forest with lesser numbers of OHMs and ORVs. The majority of the use seems to be by local riders (those who live adjacent to the forest and enter the forest from public roads or private lands) or hunters. The Spider Lake OHV Trails and the Moose River ATV Trail are the closest designated OHV trails in State Forests. There are grant-in-aid ATV trails in southern Crow Wing County. The amount of OHV use on public lands in the area will be determined by miles of available trail, the quality of the riding

experience, availability of ancillary facilities (campsites, toilets), and social factors. The level and types of motorized use will also be affected to some degree by reclassification. Those OHV users who want to explore unsigned and unmapped trails will no longer be allowed to use the area

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

Non-trail related recreational uses (hunting, trapping, orienteering, etc.) take place in the Pillsbury State Forest and may be affected by reclassification from *managed* to *closed*. Those users who use ATVs while hunting, trapping, or exploring undesignated trails will be displaced from the Pillsbury State Forest by a *closed* classification. Other who prefer to hunt, trap, or use forest lands in the absence of motor vehicles may be more likely to use the Pillsbury State Forest if it is reclassified as *closed*.

Horseback riding is a popular activity in the Pillsbury State Forest. The Pillsbury Trail and the Walter E. Stark Assembly Area are the only designated horse facilities on public lands in the Brainerd area. Use of the horse trails in the Pillsbury is increasing.

As mentioned under criterion C above, the opportunities for motorized and nonmotorized recreational uses need to be analyzed in a larger context than just the Pillsbury State Forest. Most trail related nonmotorized recreational activities are showing moderate increases in the levels of participation. Many nonmotorized trail uses (e.g. hiking, biking, skiing) are highly dependent on available facilities.

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.

Classification of State Forest Lands with respect to recreational motor vehicle use is not the only, or even the primary tool in managing conflict among user groups. It is possible to provide both motorized and nonmotorized recreational opportunities in forests with any classification for motorized use. The degree of structure and control imposed on recreational users is generally greater in *limited* or *closed* forests due to higher levels of recreational use and the need to control the environmental impacts of recreational use.

Given the level of horseback use in the Pillsbury State Forest, motorized uses of the Pillsbury Trail during the non-snow seasons is incompatible. Even though the Pillsbury Trail has been signed ‘no motorized use except snowmobiles’ there is evidence of some OHV use of the trail. Reclassifying the forest as *closed* will remove any uncertainty that exists as to where and when OHVs are allowed under the current *managed* classification.

H. Public Safety and Law Enforcement Concerns

Public safety is somewhat of a concern under the current *managed* classification that allows ATVs to use the Beauty Lake and Pillager forest roads. Some feel that ATV use of these roads is

incompatible given the level of highway-licensed vehicle traffic on these roads. 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.

Reclassifying the area as *closed* would provide a clearer and more enforceable situation in that OHVs will not be allowed on public lands in the Pillsbury State Forest.

Proposed Classification of the Pillsbury State Forest

After consideration of the classification criteria, the Commissioner of Natural Resources proposes reclassifying the Pillsbury State Forest as *closed* with respect to operation of recreational motor vehicles.

Public Meeting and Request for Comments

There will be a public meeting on the proposed reclassification from 6:00 PM to 9:00 PM on Tuesday, April 6, 2004 at the Pillager High School, 323 East Second Street South, Pillager MN. The DNR will present information and receive public comments on the proposed reclassification. Written comments on the proposal can be submitted to the following address until 4:30 PM on April 30, 2004.

Jack Olson, Natural Resources Planner
Minnesota Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN 56401
Phone: (218) 828-2701
E-mail: pillsbury.stateforest@dnr.state.mn.us

Appendix A: Statutes and Rules Related to Classification of Forests

MN Laws 2003, Chapter 128, Article 1, Section 167

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. 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.

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: Pillsbury State Forest Map

