

Forest Classification
And
Forest Road and Trail Designations
For the
Mississippi Headwaters State Forest
Classification Review



Minnesota Department of Natural Resources

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WEST CENTRAL FORESTS – MISSISSIPPI HEADWATERS UNIT CLASSIFICATION REVIEW

BACKGROUND AND CLASSIFICATION AUTHORITY

Prior to the mid-1980s recreational motor vehicle use was generally 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 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. 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 became final on 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*. Minnesota Laws 2003, Chapter 128, Article 1, Section 167 as amended by Minnesota Laws 2005, 1st Special Session, Chapter 1, Article 2, Section 152, subd. 1 directs the Commissioner of Natural Resources to review the recreational motor vehicle use classification of all state forest lands.

The classifications are characterized as follows:

Managed Forest Lands. 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 recreational 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 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 recreational motor vehicle 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 Boundary Waters Canoe Area Wilderness) are automatically classified as *closed*.

LANDS COVERED BY THIS CLASSIFICATION REVIEW

This classification review was conducted for the Mississippi Headwaters State Forest. It has a gross acreage of about 45,290 acres, of which about 8,790 acres administered by the DNR Division of Forestry are covered by this review. The balance of lands inside the statutory

boundary are either public or private. Public lands are divided among Beltrami County (13,231 acres), Clearwater County (1,672 acres), and Hubbard County (4,217 acres). M.S. Section 84.777 applies the State Forest classification and road/trail designation process to county-administered forest lands within the boundaries of State Forests unless the county board adopts a resolution that modifies restrictions on the use of OHVs on county-administered land within the forest.

The intentions of counties that administer lands inside state forest boundaries within the Mississippi Headwaters State Forest are as follows:

- Beltrami County has adopted a policy that forest roads and trails are “open unless restricted” to HLVs and OHVs. The County adopted a resolution modifying restrictions on county-administered forests lands within State Forests on March 20, 2007. Beltrami County also has an adopted Recreational Trails Plan (April 2006) to guide trail policy on county-managed lands.
- Clearwater County has adopted a policy that forest roads and trails are “open unless restricted” to HLVs and OHVs). The County adopted a resolution modifying restrictions on county-administered forests lands within State Forests on July 10, 2007.
- Hubbard County does not propose to adopt a resolution modifying restrictions on OHV use on county-administered forests lands within State Forests. This county and DNR will employ a uniform approach to motor vehicle use of public lands inside this state forest in Hubbard County.

When considering the motor vehicle access policies of the three counties, the final classification applies to 13,507 acres of forest land managed by DNR and Hubbard County.

The motor vehicle use classification and related State Forest rules do not apply on federal, tribal, or private lands within State Forest boundaries. The classification and rules do not apply to the rights-of-way of public highways within State Forest boundaries, which are under the jurisdiction of state, county, or local public road authorities. The classification and rules do not apply to state lands administered by DNR divisions other than the Division of Forestry, such as State Parks, Wildlife Management Areas, Scientific & Natural Areas, or State Trails.

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-ways of public highways.

CURRENT MOTOR VEHICLE MANAGEMENT IN THE MISSISSIPPI HEADWATERS STATE FOREST

The Mississippi Headwaters State Forest is currently classified as *managed* with respect to recreational motor vehicle use. Forest roads and trails on State Forest lands are open to motor vehicle use unless posted closed. A snowmobile trail crosses the forest. There are no designated OHV trails in the Mississippi Headwaters State Forest. HLV/OHV use in the Mississippi Headwaters State Forest has generally been by hunters and local residents.

M.S. Section 84.926, subd. 2, allows ATVs to be used off-trail for some big game hunting and trapping related activities at certain times of the year. M.S. Section 84.926, subd. 4 allows ATVs and HLVs to use non-designated routes for the same big game hunting and trapping activities as subd. 2.

State Forest Roads

There are two State Forest Roads totaling about 4 miles in length. These roads access DNR-managed parcels at Bear Den and Pine Point Landings respectively. These roads are well – maintained and graveled and are currently open to both HLVs and OHVs, and has undesignated forest access routes connected to it.

Public Highways

The state forest is accessed by a network of county and township roads. These include Beltrami County Highways 5, 10 & 18, Clearwater County Highways 2 & 40, and Hubbard County Highway 27. US Highway 2 crosses the forest at Wilton.

PROPOSED ROAD AND ROAD AND TRAIL USE DESIGNATIONS

Concurrent with this motor vehicle use classification review, the DNR and Beltrami, Clearwater, and Hubbard County Land Departments have proposed forest road and trail use designations in the Mississippi Headwaters State Forest. When the proposed classification and road/trail designations are implemented, only roads and trails that are designated and signed will be open to recreational motor vehicle use on DNR- and Hubbard County-managed forest lands. The proposed road and trail use designations are included in the *Forest Road and Trail Designation Plan for the Mississippi Headwaters State Forest* (MN DNR, 2008). The forest classification and road/trail designations will be implemented following publication of Commissioner's Orders in the *State Register*.

CONSIDERATION OF CLASSIFICATION CRITERIA IN MISSISSIPPI HEADWATERS STATE FOREST

In July 2006, an interdisciplinary team with members from the DNR Divisions of Ecological Services, Enforcement, Fish & Wildlife, Forestry, and Trails & Waterways began working on the following tasks:

1. Collaborate with the public and other forest management agencies to develop a plan for the management of public motor vehicle use on forest lands in the planning area.
2. Consider the criteria for classification of State Forest lands (M.R. part 6100.1950) and recommend an appropriate motor vehicle use classification.
3. Evaluate all inventoried forest access routes and propose (un)designation of forest roads and trails for specific motorized and non-motorized uses.
4. Present the team's recommendations for public review, discussion and comment.

The major steps in developing the road and trail designation proposals are:

1. Compile an inventory of forest access routes, which are defined as forest roads and trails, and other routes, showing evidence of ongoing motorized use. Prepare maps showing all travel routes.
2. Host a series of public open houses to alert people to the classification review and road and trail designation process, to gain an understanding of how they use these access routes, how they use state lands generally, and to solicit ideas regarding the use of the forest lands and future designation of selected routes.
3. Conduct interagency working sessions to make preliminary designation and use recommendations based on inventory data, staff knowledge, and public input from the open houses.
4. Identify routes potentially suitable for designation as motor/non-motor recreational trails.

5. Prepare designation plans and maps for internal agency and public review and comment.

Given the mix of county, state, and tribal land ownership in the planning area, the DNR team sought to coordinate its work with county land management agencies from Beltrami, Clearwater, and Hubbard Counties. The goal was to develop a consistent, understandable and enforceable approach to vehicular access across public and private forest land ownerships. The team worked within existing mandates and guidelines for the management of State Forest lands, while respecting the management plans and policies for other forest land owners in the planning area.

Minn. Rules part 6100.1950, subp. 2 requires DNR to consider the following criteria 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.

A. RESOURCE SENSITIVITY AND MANAGEMENT OBJECTIVES

Forest lands in the Mississippi Headwaters State Forest are located mainly on moraines and outwash plains. Both topographies are susceptible to resource damage if OHV activities are not managed. The landscape is a moraine-outwash complex resulting in a mixture of hills (glacial moraines) and lakes and wetlands (glacial depressions) across the forest. Soils are typical to glacial tills and range from fine sandy loam to loams that have been subject to weathering/erosion with redeposition in low areas. Deposits of sorted sands and gravel occur as well as areas exhibiting layers of fine sand, silt, and clay. Forest cover in upland areas with sandy, well-drained soils includes stands of white and red pine, oaks, maples, birch and aspen. Wetter soils provide good conditions for black spruce, northern white cedar, and tamarack.

As the name implies, the northernmost reach of the Mississippi River crosses the State Forest as it flows north from Itasca State Park and then easterly to Lake Bemidji. The Little Mississippi River and Grant Creek are also present, both flowing to Rice Lake that in turn discharges into the Mississippi River. The upland areas, along with the complex of wetland and river bottom-type habitats, provides habitat for a diverse range of plant and animal species, including species identified as having state-listed rare, threatened, or endangered status.

Lakes, ponds, wetlands, steep slopes, and rare plant and animal species are among the sensitive resources present in this state forest that can be negatively impacted by 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. 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. The Area with Limitations

on Off-trail and Non-designated Trail Use addresses some of these concerns by eliminating off-trail travel by ATVs as permitted under the big game hunting and trapping exceptions.

The management objectives for state- and county-administered forest lands include timber production, wildlife habitat maintenance, sand and gravel mining, prescribed fire, tree planning, and fuelwood and bough harvest. Recreation is also produced on public forest lands. Common non-motorized recreational activities include horse riding, camping, bird watching, canoeing, swimming, hunting, trapping, fishing, hiking, mountain biking, and cross-country skiing. Riding ATVs is popular on forest roads and trails.

The Mississippi River is designated as a State Canoe and Boating Route. M.S. Section 85.32 assigns the status of "Canoe and Boating Route" to mark rivers which have historic and scenic values and to mark appropriately points of interest, portages, campsites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

The entire length of the Mississippi River in Minnesota is identified as a potential candidate for designation under the Federal Wild and Scenic Rivers Acts. The purpose of this Act is to preserve and protect Wild and Scenic Rivers (WSRs) and their immediate environments for benefit of present and future generations. The first 41.2 miles were identified as meeting the criteria for a "wild" designation. Although no federal WSR designation has occurred, the candidate status of "wild" for this reach of river remains in effect. Consistent with the federal determination, state policy as articulated in M.S. Section 103F.361, subd. 1 identifies the Mississippi River to possess "outstanding and unique natural, scientific, historical, recreational and cultural values deserving protection and enhancement."

State law directs the Mississippi Headwaters Board to develop a plan for the protection and enhancement of the values attributed to the Headwaters reach of the Mississippi River. The Plan (July 2002) establishes guidelines and minimum standards for cooperative and local management of this segment of the Mississippi River. See M.S. Section 103F.361. The MHB has management authority over development proposals within 1000 feet of the ordinary high water mark (OWHM) along either bank of the river corridor; it has classified the reach within the state forest as a "Wild River" corridor for the purposes of managing the Mississippi River proper and its shoreline. The Mississippi Headwaters Board advised DNR on October 29, 2007 that "the Trail system plans appear aligned with standards to protect our land and waters in and around the Mississippi Headwaters corridor."

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 mixed topography of hills and valleys with river flowages 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 monitoring, maintenance, and enforcement, motorized and non-motorized trails can be sustainable in the Mississippi Headwaters State Forest.

C. MOTORIZED AND NONMOTORIZED RECREATIONAL OPPORTUNITY IN THE AREA

Opportunities exist for both motorized and non-motorized recreation on public lands within and around the Mississippi Headwaters State Forest. The terrain, rivers, and forests, attract motorized and non-motorized users alike. In addition to state- and county-administered forest lands, Itasca State Park lies due south of the forest and the Chippewa National Forest lies to east of Bemidji. Other nearby state forests include the White Earth, Buena Vista, and Paul Bunyan.

Beltrami County's recreation resources in the vicinity of the forest includes Movil Maze, Three Island County Park, and Pine Tree Park. The county also has an adopted Recreational Trail Plan that proposes an OHV use area on county-managed forest lands at the north end of the state forest at Pinewood and Scribner. In Hubbard County, recreation use has increased, requiring more directed management to protect natural resources and to head off user conflicts caused by competing interests. Enforcement of regulations is an important part of providing quality recreational opportunities.

The Mississippi River Canoe and Boating Route is valued as a high quality recreation opportunity. Canoe-access opportunities include Coffee Pot Landing, Stumphges Rapids, Bear Den Landing, Fox Trap campsite, and Pine Point Landing. Dispersed camping also occurs in the forest away from the river; no developed, multi-site campgrounds are present. Opportunities are present to improve management of the water trail, especially at Coffee Pot Landing.

DNR and the counties considered how ATV traffic might be directed if demand for connector route(s) between areas with concentrated motorized recreation opportunities increases. Emphasis in this regard was placed on using the public land base to the greatest degree possible. The optimum condition is to have contiguous, consolidated blocks of public land available to connect what may become increasingly popular recreation areas. This is exactly the case in the MHSF, where the public land base runs generally north-south in all three counties.

Minimal ATV-trail designation by DNR is provided in the Mississippi Headwaters State Forest. This is because significant motorized recreation opportunities are planned for the OHV use area at Wilton, including use of the abandoned Soo Line grade. However, DNR and the counties have coordinated to provide a signed, managed corridor to accept motorized use without compromising the recreation values of the Mississippi River corridor.

Non-motorized opportunities are improved through the designation of 3.8 miles of hunter walking trail on DNR Forestry-managed lands in Clearwater and Beltrami Counties. In addition, DNR and Hubbard County are adopting an Area with Limitations on Off-trail and Non-designated Trail Use along the Mississippi River. M.S. Section 84.926, subd. 5 authorizes the Commissioner of Natural Resources to establish areas where the big game hunting and trapping exceptions do not apply. This zone around Stumphges Rapids contains approximately

7150 acres and constitutes a new non-motor hunting opportunity. Beltrami County has established a similar area about 7900 acres where off-trail travel by ATVs is prohibited; this too is a new non-motorized hunting and recreation opportunity.

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 a *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 and trapping-related activities during specified times of the year).

Some visitors use a HLV 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 HLV on forest roads that are open. 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. Similar signage will be necessary for designated hunter walking trails.

E. DEGREE AND TREND OF MOTOR VEHICLE USE IN THE AREA

Motor vehicle use in the Mississippi Headwaters State Forest has historically been tied to traditional activities such as hunting, rice gathering, trapping, berry picking, wildlife viewing, and canoeing. With the increase in OHV registrations over the past decade, public use of timber access routes has increased, thus leading to them persisting on the local landscape. Ultimately, the miles of available roads and trails, the quality of riding experiences, 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 motor vehicle 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 does occur in this state forest. 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 or may not continue to be the case whenever less than ideal conditions for snowmobiling occur.

Beltrami and Hubbard Counties, along with their principal cities, see increasing opportunities to be a regional center and tourist destination while simultaneously experiencing moderate population growth. It is expected that demand for motorized recreation opportunities will continue to increase. The designated trail area at Wilton will see increased OHV use, especially along the abandoned Soo Line grade.

F. DEGREE AND TREND OF NONMOTOR VEHICLE USE IN THE AREA

Most people drive to the Mississippi Headwaters State Forest and then head out on foot, snowshoes, skis, or canoe. The most attractive season for outdoor activities is late spring after

forest roads have firmed up, and late summer and fall. Spring and fall migrating birds attract birdwatchers. Most walking/hiking occurs on trails because brush makes cross-country hiking difficult. Winter activities include limited x-country skiing.

The Mississippi River affords a significant canoe/boating opportunity. Canoe-access opportunities include Coffee Pot Landing, Stumphges Rapids, Bear Den Landing, Fox Trap campsite, and Pine Point Landing. Dispersed camping also occurs in the forest away from the river; no developed, multi-site campgrounds are present. Opportunities are present to improve management of the water trail, especially at Coffee Pot Landing. Some locations are only accessible by river.

The forest road and trail inventory is predominately comprised of non-designated routes on county and state forests lands in the forest. Presently, non-motorized users share these routes with motorized vehicles on nearly all miles. A *limited* classification would close undesigned routes to motor vehicles except for motor vehicle use under the big game hunting and trapping exceptions. This is not the case for such routes inside the Area with Limitations on Off-trail and Non-designated Trail Use in Hubbard County. This represents a significant departure from the status under a *managed* classification. In fact, absent some degree of non-motorized use, it is uncertain whether these routes will persist.

Most non-motorized uses of the forest seem to remain popular and fairly stable in terms of participation. Improved management of the water trail could result in increase participation in canoe and boating-related activities.

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 (e.g., hunting – nonhunting, motorized – nonmotorized, skate skiing – classical stride). 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.

Public lands with important natural resource features like the headwaters of the Mississippi River attract individuals seeking primitive settings, including quietude. DNR received substantial comment that 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. The Area with Limitations on Off-trail and Non-designated Trail Use, along with other actions, was developed to provide separation between motor and non-motor recreationists, thus improving recreational quality than was present under the *managed* classification.

Many grouse hunters prefer to pursue their sport on foot and hunt along forest trails. Designated hunter walking trails, along with non-designated trails in the Area with Limitations, provide opportunities to hunt without encountering ATVs.

Classifying the forest 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 motorize vehicles to designated roads and

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

Law enforcement, and to a lesser degree public safety, has been an issue in the Mississippi Headwaters area for several years. Enforcement requires close coordination among the public land managers to be effective. Issues raised that were related to OHV use include riding in inappropriate locations and damage to natural resources (e.g., erosion). Management of public access and recreation has been variable, resulting in instances of unacceptable damage and violations.

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 statute that allow off-trail ATV use for certain big game hunting and trapping activities in *managed* and *limited* forests also introduces uncertainty by creating different rules for various users at various times of the year.

Monitoring and enforcement mechanisms should be in place prior to a forest's classification becoming effective. Enforcement measures will need to be increased initially as visitors adjust to a changed forest classification. OHV enforcement is a shared responsibility between DNR Conservation Officers and local law enforcement. The DNR focus is on state forest lands and state laws and regulations (registration, age of operator, safety). County Sheriffs can apply for OHV enforcement grants to reimburse personnel and equipment costs related to OHV enforcement. The grant funds are based on the acreage of public lands, waters, and wetlands in the county and the number of registered OHVs that list the county as the location of "most use."

From an enforcement perspective, the ideal situation would be one where all four public land managers operate under the same public access scheme for motor vehicles. This is not possible because Beltrami and Clearwater Counties have an "open unless restricted" policy, which is most aligned with the *managed* classification on DNR-administered forest lands. The *managed* classification is not available to DNR under the 2003 Legislative mandate that eliminates the *managed* classification from state forest lands located south of US Hwy 2.

Given this situation, the Department faces two choices. Either adopt: 1) a *closed* classification that would have pockets of OHV-prohibited parcels embedded in a matrix of public/private lands where OHV use was permitted, or 2) a *limited* classification with a coordinated set of road/trail designations accompanied by a negotiated Area with Limitations along the Mississippi River corridor. With coordinated signing and public education efforts, coupled with a Conservation Officer dedicated to the forest, local law enforcement grants, and the Trail Ambassador Program, there is a reasonable opportunity for success in terms of enforcement under a *limited* classification.

CLASSIFICATION OF FOREST LANDS IN THE MISSISSIPPI HEADWATERS STATE FOREST

Upon consideration of the classification criteria, the MN Department of Natural Resources and the Hubbard County Natural Resource Management Department recommend reclassifying state forest lands within the Mississippi Headwaters State Forest 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, 2008.

PUBLIC MEETING AND REQUEST FOR COMMENT

A public informational open house was held on the proposed reclassification and related forest road and trail use proposals at the Beau Arts Ballroom on January 16, 2008. The address was Hobson Memorial Union, Bemidji State University, 1500 Birchmont Road, Bemidji, MN. The meeting was held from 6:00 PM to 8:30 PM. DNR and county staff presented information and received public comments on the proposals. Written comments were submitted to the DNR Planner until 4:30 PM on January 23, 2008. Written comments were catalogued, reviewed, and analyzed by the DNR team and county land managers.

Appendices

Minnesota Statutes and Rules Related to State Forest Classification

Minnesota Laws 2003, Chapter 128, Article 1, Section 167 as amended by Minnesota 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 or limited, 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, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011, 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.

Subdivision 2. [TEMPORARY SUSPENSION OF ENVIRONMENTAL REVIEW.]

The requirements for environmental review under Minnesota Statutes, section 116D.04, and rules of the environmental quality board are temporarily suspended for each reclassification and trail designation made under subdivision 1 until the commissioner has met all requirements under subdivision 1, or December 31, 2008, if the commissioner has failed to complete those requirements as required by law.

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.

Subp. 5. **Nonmotorized trails.** No person shall operate a motor vehicle or snowmobile on forest lands on a designated nonmotorized trail, including ski, foot, horse, bike, or accessible trail, unless the trail is also posted open for a motorized use.

Subp. 6. **Lakes, rivers, and streams.** No person shall operate a motor vehicle on forest lands on or over the beds of lakes, rivers, or streams when ice is not covering the water body, except on a bridge, culvert, or similar structure or designated low water crossing.

Subp. 7. **Other prohibitions and exceptions.**

A. No person shall operate a motor vehicle or snowmobile on forest lands in a manner that causes erosion or rutting or injures, damages, or destroys trees or growing crops. The rutting prohibition does not apply on trails that are designated and maintained for motorized use.

B. No person shall operate motor vehicles or snowmobiles on forest lands within the boundaries of an area that is posted and designated as closed to the operation of motor vehicles or snowmobiles.

C. No person shall operate a motor vehicle or snowmobile in the Richard J. Dorer Memorial Hardwood Forest, except on forest roads that are not posted and designated as closed, and on forest trails or areas that are posted and designated to allow the use of motor vehicles or snowmobiles. The exception under item D does not apply.

D. Except as provided in item C, on forest lands classified as managed or limited, a person may use an ATV off forest trails in a manner consistent with this subpart when lawfully:

- (1) engaged in hunting big game or constructing hunting stands during October, November, and December;
- (2) retrieving big game during September; or
- (3) trapping during open seasons.

E. No person shall construct an unauthorized permanent trail on forest lands.

F. Subpart 1 does not apply to motor vehicles used to carry out silvicultural activities, including timber cruising, and the harvest and transport of forest products for commercial purposes.

G. The commissioner may grant a variance from the requirements of subpart 1 to private landowners and leaseholders when the only reasonable access to their land is across state forest lands.

Subp. 8. **Forest roads.**

A. A motor vehicle on a forest road shall travel at a speed that is reasonable and prudent. It is a violation of this part to exceed a posted speed limit.

B. All posted parking and traffic regulations, including signs designating speed limits, stop signs, one-way traffic, and do not enter, shall be obeyed on a forest road.

C. No person, passenger, or operator of a motor vehicle shall travel on or along a forest road that is designated as closed with signs, barricaded, or blocked with a gate.

D. Removing snow from a forest road is prohibited when the road is posted for no snow removal.

E. No person shall operate, nor shall an owner permit the operation of a motor vehicle, on a forest road or trail in a manner that causes damage to the road, land, or other natural resources.

Minnesota Statutes 2005, Section 84.777

84.777 Off-highway vehicle use of state lands restricted.

(a) Except as otherwise allowed by law or rules adopted by the commissioner, effective June 1, 2003, notwithstanding sections [84.787](#) to [84.805](#) and [84.92](#) to [84.929](#), the use of off-highway vehicles is prohibited on state land administered by the commissioner of natural resources, and on county-administered forest land within the boundaries of a state forest, except on roads and trails specifically designated and posted by the commissioner for use by off-highway vehicles.

(b) Paragraph (a) does not apply to county-administered land within a state forest if the county board adopts a resolution that modifies restrictions on the use of off-highway vehicles on county-administered land within the forest.

HIST: 2003 c 128 art 1 s 21