

## Lessard-Sams Outdoor Heritage Council

**MEMO:**        **Agenda Item #8**

**DATE:**        October 6, 2015

**SUBJECT:**     Council request for staff to draft trails options

**PRESENTER:**   Mark Johnson, Executive Director, LSOHC

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### **Background:**

At the September 2, 2015 Council meeting, LSOHC staff was asked to draft options for consideration of trails and off-road vehicles that could be applied to all projects. In examining trail implementation across the state, it is readily apparent that there are restrictions currently being applied on most, if not all public lands. Additionally, it is also apparent that trails serve a dual role of providing public access as well as providing an important function toward property management (forestry, habitat, wildlife, etc.) The following are considerations delineated by staff.

### **Considerations:**

**Why forest trails/roads exist** - There are various classifications of trail designations on public lands. These designations range from incidental unimproved trails to hunter walking trails to multi-use trails to ATV & snowmobile trails to paved trails for bicycle and walking uses. Within federal, state, county and industrial forest lands, there are also trails/road initially placed for timber harvest purposes. In many cases, these timber harvest trails (aka "tote roads") are the basis or main arteries for any subsequent network of spur trails. Generally, tote roads are 16-20 feet wide to accommodate removal (toting) of harvested wood. Tote roads also generally have a hard base to avoid erosion and provide extended life. This extended life reduces timber harvest costs as the roads are utilized periodically within the timber harvest management plan that is designed to span many decades. Building a new road for each harvest would not only be prohibitively expensive, but also ecologically intrusive and unnecessarily destructive to timber and habitat.

Spur trails extending from tote road arteries are initially designed for skidding cut timber from the cut sites to the tote road.

Landings, although not trails, are small clearings that are used for stacking cut timber, generally next to tote roads, for eventual loading onto trucks for hauling to the mill.

Under Best Management Practices (BMPs) followed by most forestry interests, the recommended footprint of harvest trails/roads and landings for harvest areas >30 acres should be <3% of the harvest area. Additionally, BMPs for slope of roads, use of water diversion and drainage structures on roads to reduce erosion, soil stabilization, etc. are provided with MN Forest Management Guidelines.

**Classifications of public lands and current protections** - Federal, State and County public lands all regulate public use of trails/roads. Restrictions vary in gravity and are often dependent upon the geographic location (e.g. north or south of Hwy #2).

Federal Forest lands (Chippewa and Superior National Forest) are open to non-motorized and motorized use. Motorized use is restricted to current trails that are not closed or posted closed. Main artery roads generally are significantly wider than 20'. Spur trails are also present and usually well used by various modes of travel. Off-trail motorized use generally is prohibited.

National Wildlife Refuge & Waterfowl Production Area lands generally do not have motorized or non-motorized trails. Pre-existing trails that are legally recorded on the deed through a trails easement or other legal document can be an exception. New trail requests undergo a rigorous process of evaluation and compatibility determination. With specific regard to the Northern Tall Grass Prairie National Wildlife Refuge, the impact of motorized trails would reportedly interfere with the purpose of protecting tallgrass prairie and would thus not be allowed.

State WMAs generally do not allow trails and motorized access with the exception of well-regulated situations and extensive signage.

State SNAs generally do not allow trails, nor do they mow paths. A few exceptions stand where trails cross SNAs, but in most cases the trail either predates the SNA and were grandfathered in or the trail was a mandated condition by the local government unit for allowing the acquisition to proceed.

State AMAs are usually restricted to non-motorized travel. Most existing trails are reportedly primitive hunting/walking trails that predate DNR acquisition and are not maintained. Trails could conceivably be allowed on AMAs, but only in those situations where the trail would not compromise the management objectives.

On State Forest lands public access by various means is encouraged. On state forest lands south of Highway #2 motorized access is more restricted than on state forest lands north of Highway #2. Off-trail motorized use is generally allowed only for big game retrieval and stand placement specific to big game hunting. Standard trail types allowed on State Forests include cross country ski, hiking, mountain biking, horse, hunter walking, ATV, Off-highway motorcycle, Off-road vehicles (4-wheel drive) and snowmobile. Some trails are multiple use while others are single use.

County Forest land access is managed in multiple ways. Each county adopts BMPs and sets its own levels of restrictions for motorized use. Generally, north of Hwy #2, counties are less restrictive of motorized use on forest trails/roads, but still discourage or prohibit off-trail use beyond big game retrieval. Several counties south of Hwy #2 do manage their county forest lands in similar fashion. However, within these southern counties it is more common to experience the closing of forest spur trails to motorized access and establishing alternative designations such as hunter walking trails or non-motorized multi-use trails.

**Unbroken tracts vs broken parcels-** With the discussion of trails comes the variable of historic access and land use of the property in question. If OHF acquired lands are previously unbroken with trail

networks, it could be argued that in such a case the parcel should remain unbroken by trails as a method to maintain habitat integrity. Conversely, in a case where an acquired parcel has a history of a particular type of access, as long as the continued existence of that access practice does not unduly affect the habitat or the management of the parcel, it could be argued that the historic use should be allowed to continue. In cases where timber harvest will be an active component of the land management plan, trails may be necessary for continued forest management. The subsequent use of those trails for public access will simply be a beneficial byproduct.

**Implications of setting policy** – The Council’s stated legal directive is basically to “make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and that will achieve the outcomes of existing natural resource plans...that directly relate to the restoration, protection and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. In making recommendations, the council shall consider a range of options that would best restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife...” (97A.056, Subd. 3).

Within the context of the Council’s legal directive, there appears flexibility for Council members to recommend allocation levels for projects based upon the individual member’s perspective of attributes and components adding to or removing from the proposed project. However, to unilaterally restrict a particular aspect, such as trails, without considerable habitat related cause may be negatively construed as policy setting action. Whenever restrictive directives, exclusions or caveats are considered, extensive discussion and debate should be exercised to ensure a transparent process and encourage public as well as political input.

**Summary** – Public forest land management plans already address non-motorized and motorized access across the state. Variables in management are currently implemented with less or more access restrictions dependent upon the type of land, management plan objectives, geographic location, ecological sensitivity, etc. Within the Council’s deliberations on trails various factors should be considered including but not limited to:

- Habitat type and sensitivity
- Historic and adjacent land use and access practices
- Future habitat management plan
- Recommendations of DNR or other involved authority
- Public and political input.

Perhaps the topic of trails upon OHF acquired public lands should be incorporated into a broader discussion of “land use.” Currently, in their accomplishment plans project managers are asked to report if GMO corn or foodplots will be planted. LSOHC staff has been weighing the options of additional land use questions to provide greater clarity in additional aspects of projects. For instance, land use

questions such as the following may provide beneficial information for council consideration, for staff information and for outcome based data accumulation:

- Is this parcel proposed for fee title acquisition or easement?
- If fee title, are trails currently upon the parcel?
  - If yes, please describe type and current general use.
  - If yes, please explain whether trails will remain and what future use is anticipated.
- Whether fee or easement, will parcel be open to public taking of game and fish?
- Whether fee or easement, will food plots be utilized on the parcel?
  - If yes, please describe management plan and rationale.
- If easement, what continued uses will be allowed on the easement parcel?  
(check all that apply):
  - Farming,
  - Row crops,
  - Accessory structures,
  - Public access for taking of game and/or fish
  - Grazing
  - Haying.