

Subject Off-Highway Vehicle (OHV) Trails

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Overview

As amended, this bill would make a number of changes to the state's off-highway vehicle (OHV) laws, including limiting the use of OHVs on state lands administered by the Department of Natural Resources (DNR) to only roads and trails designated for their use by the DNR; placing restrictions on where future OHV trails may be located; establishing OHV trail planning and local approval requirements; and requiring an environmental assessment worksheet (EAW) for OHV trails with certain exemptions.

Summary

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1	Off-highway vehicles and snowmobiles; use of public lands restricted.
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Subd. 1. Designated trails. Paragraph (a) prohibits a person from using an OHV on state lands administered by the DNR except on roads and trails specifically designated and posted for their use by the DNR by removing reference to certain exemptions currently in law and rule which are being removed/modified under the bill. Allows the DNR to limit the use of OHVs to specific purposes or seasons and include those limitations in the designation and posting.

Paragraph (b) extends the exemption from the provisions under paragraph (a) to township administered land within a state forest when a resolution modifying restrictions is adopted by the township board (currently allowed for county-administered land).

Paragraph (c) states that an OHV trail or designated OHV route on a state forest road or trail, township road or trail, county road or trail, or other state road or trail must not include: (1) Tribal lands or Ceded Territory unless the Tribal government approves of the trail or route; (2) an unpaved trail that crosses over waters designated under Pollution Control Agency (PCA) water quality rules as outstanding resource value waters or exceptional habitat waters; (3) land designated by the Department of Agriculture (MDA) or county as containing

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certain noxious weeds; (4) an unpaved trail that is less than 200 feet from a public water that supports aquatic life; or (5) an unpaved trail that is less than 150 feet from a public water that does not support aquatic life.

Paragraph (d) states that paragraph (c) must not be construed to affect roads or trails constructed or authorized before the effective date of the paragraph.

Paragraph (e) provides a definition of “unpaved trail” for purposes of the subdivision.

Subd. 2. Seasonal restrictions. No change.

Subd. 3. Mapped trails. Removes exemptions for land north of U.S. Highway 2 from restrictions on operating an OHV on state land that is not mapped for the type of OHV. Also removes a provision stating that forest access routes will not be signed or maintained and will not be included on public user maps of the forest.

Subd. 4. Rulemaking exemption. No change.

Subd. 5. Exception by permit. Recodifies a provision allowing the DNR to issue a permit authorizing a person to operate an OHV on individual public trails (the existing provision is being repealed in the bill).

Effective date. States that subd. 1, para. (c), cl. (1), is effective the day following final enactment. The rest of the section is effective August 1, 2024.

2 **State and grant-in-aid trail planning.**

Subd. 1. Planning requirements. Requires, at the beginning of the planning process for a state or grant-in-aid OHV trail or route, that the DNR or the local unit of government provide written notice to any city, county, township, or road authority where the trail may be located. Also requires consultation with them and their inclusion as part of the planning process.

Subd. 2. Local approval; mediation. Prohibits a state or grant-in-aid OHV trail or route from being constructed, reconstructed, or improved without prior approval of the plan by the city, county, or township where the trail or route is located. States that the DNR or local government unit may request mediation services from a mediator if local approval is not received and requires that the mediator must be agreed to and paid equally by all parties.

Subd. 3. Request for consultation. Allows a city, county, township, or road authority that has passed a resolution demonstrating an objection to an OHV trail or route designated by the DNR or county board to request a meeting with the

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DNR. Requires the DNR to meet with the requester to consider the objections and options for mitigating those objections.

Effective date. States that the section is effective August 1, 2024.

3 **Conforming changes to rule; forest classifications.**

Requires the DNR to amend rules to require that the use of OHV vehicles is prohibited on DNR administered lands and on county-administered lands within state forests except as provided under Minn. Stat. § 84.777 (which is amended in section 1).

4 **Mandatory environmental assessment worksheet preparation for off-highway vehicle trails.**

Request the Environmental Quality Board (EQB) to amend its rules to require an EAW for any OHV trail construction or expansion except for rerouting of one mile or less of an existing OHV trail.

5 **Appropriation.**

Provides an unspecified appropriation in fiscal year 2025 from the all-terrain vehicle (ATV) account to the DNR to implement this bill.

6 **Repealer.**

Paragraph (a) repeals Minn. Stat. § 84.926, subd. 1 (allowing the DNR to issue case-by-case permits to operate an ATV on individual public trails which is being recodified in section 1).

Paragraph (b) repeals Minn. Laws 2003, ch. 128, art. 1, § 167, subd. 1 (requiring DNR to review and classify forest lands with certain restrictions applicable to forests north of U.S. Highway 2).

Paragraph (c) repeals Minn. Rules. part 6100.0500, subp. 8d (definition of scramble area).



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