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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 1012

02/17/2025 Authored by Pursell; Elkins; Hansen, R.; Hollins; Kraft and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

A bill for an act

relating to natural resources; requiring the commissioner of natural resources to consider decommissioning a road or trail designated for off-highway vehicle use under certain circumstances; protecting land, water quality, aquatic life, and wildlife from effects of using certain motorized recreational trails; requiring environmental assessment worksheet to construct or expand off-highway vehicle trails; requiring rulemaking; appropriating money; amending Minnesota Statutes 2024, section 84.777; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended; Minnesota Rules, part 6100.0500, subpart 8d.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 84.777, is amended to read:

84.777 OFF-HIGHWAY VEHICLES AND SNOWMOBILES; USE OF ~~STATE~~ PUBLIC LANDS RESTRICTED.

Subdivision 1. **Designated trails.** (a) ~~Except as otherwise allowed by law or rules adopted by the commissioner, effective June 1, 2003,~~ Notwithstanding sections 84.787 to 84.804 and 84.92 to 84.928, 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~~ county- or township-administered land within a state forest if the county or township board adopts a resolution that modifies restrictions on the use of off-highway vehicles on ~~county-administered~~ county- or township-administered land within the forest.

(c) An off-highway vehicle trail or designated off-highway vehicle route that is 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 appropriate Tribal government approves inclusion in the trail or route;

(2) an unpaved trail that crosses over waters designated as outstanding resource value waters or as exceptional habitat waters under Minnesota Rules, chapter 7050;

(3) land designated by the commissioner of agriculture or a county as containing prohibited noxious weeds, restricted noxious weeds, or county noxious weeds under sections 18.76 to 18.91, when infestations are found;

(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.

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

(e) For purposes of this subdivision:

(1) "Ceded Territory" means land outside the boundary of an Indian reservation that was ceded by a Tribe to the United States;

(2) "Tribal Lands" means land within the boundary of an Indian reservation and land outside the boundary of an Indian reservation that is held in trust for a Tribe or Tribes by the United States; and

(3) "unpaved trail" does not include a trail, road, or route where motor vehicles, as defined under section 168.002, subdivision 18, are permitted.

Subd. 2. **Seasonal restrictions.** (a) Except for designated forest roads, a person must not operate an off-highway vehicle or snowmobile on state forest lands during the firearms deer-hunting season in areas of the state where deer may be taken by rifle. This paragraph does not apply to a person in possession of a valid deer-hunting license operating an off-highway vehicle or snowmobile before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

(b) The commissioner may designate and post winter trails on state forest lands for use by off-highway vehicles.

(c) For the purposes of this subdivision, "state forest lands" means forest lands under the authority of the commissioner as defined in section 89.001, subdivision 13, and lands managed by the commissioner under section 282.011.

Subd. 3. **Mapped trails.** (a) Except as provided in sections 84.926 and 84.928, after completion of official department off-highway vehicle maps for the area, a person must not operate an off-highway vehicle on state land that is not mapped for the type of off-highway vehicle. ~~This paragraph does not apply to state forest land north of U.S. Highway 2 until after June 30, 2009.~~

(b) ~~This subdivision does not apply to a forest access route in a managed forest north of U.S. Highway 2 that the commissioner has not designated as a road or trail. Forest access routes will not be signed or maintained and will not be included on published user maps of the forest.~~ Off-highway vehicle operation on forest access routes is subject to the prohibitions on causing erosion, rutting, damage to trees or crops, and construction of unauthorized trails contained in Minnesota Rules. Damaged routes are subject to closure to off-highway vehicle use.

Subd. 4. **Rulemaking exemption.** Determinations of the commissioner under this section may be by written order published in the State Register and are exempt from the rulemaking provisions of chapter 14. Section 14.386 does not apply.

Subd. 5. **Decommissioning.** (a) The commissioner must consider decommissioning a road or trail designated for use by off-highway vehicles upon presentation of material evidence that demonstrates that the road or trail may be having significant environmental effects, if the evidence is accompanied by:

(1) a petition signed by no fewer than 50 individuals who reside or own property in the county that the road or trail is located in;

(2) a petition signed by no fewer than 100 individuals who reside or own property in the county or a county adjacent to the county that the road or trail is located in;

(3) a petition signed by no fewer than 150 individuals who reside or own property in Minnesota; or

(4) a petition by a local unit of government through which the road or trail passes.

(b) The commissioner must review a petition submitted under paragraph (a) within 90 days of the request and must issue a final order. The commissioner may extend this period by 90 days by providing written notice of the extension to the applicant or applicants. Any

further extension requires the agreement of the local unit of government or of a majority of the petitioners, as applicable.

Subd. 6. **Legislative findings.** The legislature finds that off-highway vehicle use on roads and trails should be similarly managed statewide and that regulations in place south of U.S. Highway 2 on January 15, 2025, should be implemented statewide.

EFFECTIVE DATE. Subdivision 1, paragraph (c), clause (1), is effective the day following final enactment. The remainder of this section is effective August 1, 2025.

Sec. 2. **[84.7775] STATE AND GRANT-IN-AID TRAIL PLANNING REQUIREMENTS.**

When planning for a state or grant-in-aid off-highway vehicle trail or route, the commissioner of natural resources or county board must:

(1) provide written notice to any city, county, township, or road authority where the trail or route may be located before initiating the planning process; and

(2) consult with and include as part of the planning process any city, county, township, or road authority where the trail or route is located.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. **CONFORMING CHANGES TO RULE; FOREST CLASSIFICATIONS.**

The commissioner of natural resources must amend Minnesota Rules, part 6100.1950, to provide that, in accordance with Minnesota Statutes, section 84.777, subdivision 1, 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 as provided in Minnesota Statutes, section 84.777.

Sec. 4. **MANDATORY ENVIRONMENTAL ASSESSMENT WORKSHEET PREPARATION FOR OFF-HIGHWAY VEHICLE TRAILS.**

The Environmental Quality Board must amend Minnesota Rules, part 4410.4300, subpart 37, to make preparation of an environmental assessment worksheet mandatory, effective August 1, 2026, for any off-highway vehicle trail construction or expansion, except for rerouting one mile or less of an existing off-highway vehicle trail.

Sec. 5. **APPROPRIATION.**

$..... in fiscal year 2026 is appropriated from the all-terrain vehicle account in the natural resources fund to the commissioner of natural resources to implement the requirements of this act. This is a onetime appropriation.

Sec. 6. **REPEALER.**

(a) Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws 2005, First Special Session chapter 1, article 2, section 152, Laws 2007, chapter 57, article 1, section 155, is repealed.

(b) Minnesota Rules, part 6100.0500, subpart 8d, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2025.

Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended by Laws 2007, chapter 57, article 1, section 155;

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~~ the status of the lands within each forest to limited or closed~~, and~~. The commissioner may classify portions of a limited forest as closed. The commissioner must also 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, subdivision 1, 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.

6100.0500 DEFINITIONS.

Subp. 8d. **Scramble area.** "Scramble area" means an area that is posted and designated to permit motor vehicles to operate unrestricted by the limitations imposed in part 6100.1950.