

1 Environmental Quality Board

2 Adopted Permanent Rules Relating to Mandatory EAW Categories and
3 Exemptions

4 4410.4300 MANDATORY EAW CATEGORIES.

5 Subpart 1. Threshold test. An EAW must be prepared for
6 projects that meet or exceed the threshold of any of subparts 2
7 to 37, unless the project meets or exceeds any thresholds of
8 part 4410.4400, in which case an EIS must be prepared.

9 If the proposed project is an expansion or additional stage
10 of an existing project, the cumulative total of the proposed
11 project and any existing stages or components of the existing
12 project must be included when determining if a threshold is met
13 or exceeded if construction was begun within three years before
14 the date of application for a permit or approval from a
15 governmental unit for the expansion or additional stage but
16 after April 21, 1997, except that any existing stage or
17 component that was reviewed under a previously completed EAW or
18 EIS need not be included.

19 Multiple projects and multiple stages of a single project
20 that are connected actions or phased actions must be considered
21 in total when comparing the project or projects to the
22 thresholds of this part and part 4410.4400.

23 [For text of subps 2 to 36, see M.R.]

24 Subp. 37. Recreational trails. If a project listed in
25 items A to B F will be built on state-owned land or funded, in
26 whole or part, by grant-in-aid funds administered by the DNR,
27 the DNR is the RGU. For other projects, if a governmental unit

1 is sponsoring the project, in whole or in part, that
2 governmental unit is the RGU. If the project is not sponsored
3 by a unit of government, the RGU is the local governmental
4 unit. For purposes of this subpart, "existing trail" means an
5 established corridor in current legal use.

6 A. Constructing a trail at least ten miles long on
7 forested or other naturally vegetated land for a recreational
8 use other than snowmobiling or cross-country skiing, unless
9 exempted by part 4410.4600, subpart 14, item D, or constructing
10 a trail at least 20 miles long on forested or other naturally
11 vegetated land exclusively for snowmobiling or cross-country
12 skiing.

13 B. Designating at least 25 miles of an existing trail
14 for a new motorized recreational use other than snowmobiling.

15 In applying items A and B, if a proposed trail will contain
16 segments of newly constructed trail and segments that will
17 follow an existing trail but be designated for a new motorized
18 use, an EAW must be prepared if the sum of the quotients
19 obtained by dividing the length of the new construction by ten
20 miles and the length of the existing but newly designated trail
21 by 25 miles, equals or exceeds one.

22 C. Paving ten or more miles of an existing unpaved
23 trail, unless exempted by part 4410.4600, subpart 27, item B or

24 F. Paving an unpaved trail means to create a hard surface on
25 the trail with a material impervious to water.

26 D. Constructing an off-highway vehicle recreation
27 area of 80 or more acres, or expanding an off-highway vehicle

1 recreation area by 80 or more acres, on agricultural land or
2 forested or other naturally vegetated land~~7-or.~~

3 E. Constructing an off-highway vehicle recreation
4 area of 640 or more acres, or expanding an off-highway vehicle
5 recreation area by 640 or more acres, ~~on~~ if the land on which
6 either the construction or expansion is carried out is not
7 agricultural ~~or,~~ is not forested or otherwise naturally
8 vegetated, or has been significantly disturbed by past human
9 activities such as ~~metallic-or-nonmetallic~~ mineral mining. ~~if-a~~

10 F. ~~Some recreation area areas~~ for off-highway
11 vehicles ~~will~~ may be constructed partially on agricultural ~~or~~
12 naturally vegetated land and partially on land that is not
13 agricultural ~~or,~~ is not forested or otherwise naturally
14 vegetated, or has been significantly disturbed by past human
15 activities~~7.~~ In that case, an EAW must be prepared if the sum
16 of the quotients obtained by dividing the number of acres of
17 agricultural or naturally vegetated land by 80 and the number of
18 acres of land that is not agricultural ~~or,~~ is not forested or
19 otherwise naturally vegetated, or has been significantly
20 disturbed by past human activities by 640, equals or exceeds one.

21 4410.4600 EXEMPTIONS.

22 Subpart 1. **Scope of exemption.** Projects within subparts 2
23 and 27 are exempt from parts 4410.0200 to 4410.6500. Projects
24 within subparts 3 to 25 are exempt from parts 4410.0200 to
25 4410.6500, unless they have characteristics which meet or exceed
26 any of the thresholds specified in part 4410.4300 or 4410.4400.

27 [For text of subps 2 to 26, see M.R.]

1 Subp. 27. Recreational trails. The projects listed in
2 items A to F are exempt. For purposes of this subpart,
3 "existing trail" means an established corridor in current legal
4 use.

5 A. Rerouting less than one continuous mile of a
6 recreational trail if the reroute is necessary to avoid
7 sensitive areas or to alleviate safety concerns. Multiple
8 reroutes on the same trail must be treated as independent
9 projects, except that where the cumulative length of currently
10 proposed reroutes exceeds one mile on any five-mile segment of
11 trail, as measured along the rerouted trail, those reroutes are
12 not exempt.

13 B. Reconstructing, rehabilitating, or maintaining an
14 existing trail involving no changes in designated use.

15 C. Constructing less than one continuous mile of
16 trail for use by snowmobiles or cross-country skiers.

17 D. Constructing a trail for winter-only use across
18 agricultural land or across frozen water.

19 E. Designating an existing trail for use by
20 snowmobiles or cross-country skiers.

21 F. Constructing or rehabilitating a nonmotorized
22 trail within the Twin Cities Metropolitan Regional Park System.