

The ATV Laws for 2002

The continuing concern over all-terrain vehicle (ATV) use in state forests and other public lands, and the designation of new trails for their travel, led the 2002 Legislature to enact three separate laws dealing with ATVs. These ATV provisions are contained in Laws of Minnesota 2002, [chapters 351, 353, and 355](#). In addition, the legislative auditor will evaluate motorized recreational vehicle trails in 2002 and report his findings and recommendations to the 2003 Legislature.

Chapter 351: Establishes Task Force

This chapter, part of the “omnibus game and fish law,” stipulates that the Commissioner of Natural Resources establish an off-highway vehicle task force. No identified number of participants on the task force is named, but a balance of appropriate representatives is noted. By January 15, 2003, the task force must issue recommendations to the commissioner and legislative committees on:

- the number and location of motorized trails on state forest lands, and a time frame for trail development;
- a process for trail planning and building development;
- current and future motorized trail management activities;
- changes in forest recreation rules;
- cost estimates for ATV trail activities;
- recreational interests of nonmotorized forest users;
- natural resource protection concerns from ATV trail use; and
- any related issues determined by the task force.

All of these ATV study items are contained in section 33 of the law.

Chapter 353: Trails on Con-Con Land

The commonly termed “con-con law,” which settled state jurisdiction on the consolidated conservation lands in northwestern Minnesota, contains three sections that pertain to potential ATV travel on those lands.

Section 1 requires the Commissioner of Natural Resources to designate at least 90 miles of ATV trails on designated wildlife management areas on con-con lands. The designation must occur by January 15, 2004, must not include public roads, and must be within or contiguous to the wildlife management areas. Under certain conditions, deer hunters using firearms may use ATVs in a geographical area mainly adjacent to the Red Lake Indian Reservation.

Section 7 allows the Department of Natural Resources (DNR) to issue citations for ATV violations in wildlife management areas on con-con lands, under certain conditions. Warnings would be given before citations are issued; this takes effect January 15, 2004.

Section 8 requires the DNR to establish wildlife management area access “working groups” of eight members in Beltrami, Marshall, and Roseau Counties. The working groups are to meet, identify, and recommend to the commissioner potential ATV trail routes that are required by section 1. The commissioner, in turn, must report on the results to the legislature by January 15, 2003 and 2004.

Chapter 355: Recreational Use Rules

Section 1 requires all ATVs purchased by the DNR to be manufactured in Minnesota.

Section 2 requires recreational area rules to be amended by the Commissioner of Natural Resources as follows:

- (a) On managed forest lands, motor vehicle operation may only occur on forest roads and trails that are not posted as closed;
- (b) On limited forest lands, motor vehicle use may occur on forest roads not posted as closed, and on forest trails posted to allow use;
- (c) Except as provided in (b) above, on any forest lands a person may use an ATV off of a forest trail when legally hunting or retrieving big game in the fall, or when legally trapping;
- (d) Allows motor vehicles in public forest areas for normal silviculture activities; and
- (e) Allows a variance for clauses (a) and (b) above for landowners and leaseholders to access their lands, if it's the only reasonable way to do so.

Section 6 contains an appropriation of \$1,215,000 in fiscal year 2003 for the maintenance, monitoring, enforcement, and environmental review of public lands and trails for ATV use.