

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Amending the
State Trail Rule to Conform to the
Statutory Designation and Hearing Process.

STATEMENT OF NEED
AND REASONABLENESS.

Minnesota Rule NR 20 (6 MCAR § 1.NR 20) governs public behavior on state trails. Paragraph (b) of the rule says the rule applies to a trail upon "designation" of the trail by commissioner's order filed with the secretary of state. The rule specifies that for trails other than those established by the legislature, a public hearing must precede designation,

The trail rule was drafted before the Outdoor Recreation Act (Minn. Stat. Chapter 86A) was passed. The Act specifies that a trail cannot be developed until a master plan has been developed, and that the master plan process must include a public hearing. Minn. Stat. § 86A.09, subdivision 2.


Since the statute requires a hearing, the hearing requirement in the rule is duplicative.

Also, Minn. Stat. § 86A.07, subdivision 3, which applies to the designation of state trails other than those designated by the legislature, does not prescribe a public hearing prior to designation.

Landowners adjoining state trails will benefit from removing the hearing requirement in NR 20(b), because designation will be possible more promptly after a trail right-of-way is acquired (a master plan hearing may not happen for several years after trail land is bought). Designation brings NR 20 into effect on the trail, enabling the Department to control public behavior on the trail prior to trail development.

Both legally and practically therefore, it is needed and reasonable to strike the pre-designation hearing requirement from the rule.

Dated: January 19, 1984.


DONALD M. CARLSON,
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