Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapter 67
"Development and Management of Recreation Trails on
State Forests, Parks, Preserves and Recreation Areas"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455A.5, 456A.24 and 461A.35

State or federal law(s) implemented by the rulemaking: Iowa Code sections 455A.5, 456A.24 and 461A.35

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 25, 2024	6200 Park Avenue, Second Floor
12 noon to 1 p.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kim Bohlen
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.360.3682
Email: kim.bohlen@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 67 identifies the guidelines for the development and proper management of recreational trails in state forests, parks, preserves, and recreational areas. This chapter ensures that trails are designated, constructed, and used in a safe and compliant manner.

Consistent with Executive Order 10, this chapter was edited for length and clarity. Specifically, there were provisions in this chapter that were outdated or repetitive to statute. These provisions have been removed in the proposed chapter.

In addition, the process to request an equestrian hunting permit has been removed in the proposed chapter. This permit has not been requested by the public in the last decade, and the existing special events permit process provides similar benefits on certain state land.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Not applicable. No class of persons will bear the costs of the rulemaking besides the Department itself.

- Classes of persons that will benefit from the proposed rulemaking:

Recreational trail users and citizens of Iowa will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There is no cost to the public to comply with this rulemaking.

- Qualitative description of impact:

This rulemaking does not impose burdens on the public.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

Department costs are for staff involved in the management and enforcement of these areas.

- Anticipated effect on state revenues:

The proposed rulemaking does not affect state revenue.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The public does not bear any costs due to the proposed rulemaking. The agency's expenses related to management, development and enforcement are outweighed by the benefits received by the trail users and citizens of Iowa.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The rulemaking is very low-cost and unobtrusive and yields significant benefits to trail users and citizens of Iowa.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The less restrictive option would be to not have a chapter that outlines trail development, requirements, and management practices. However, this chapter is necessary because the provisions in this chapter allow the Department to preserve the ability to close trails due to safety concerns. Staff reached out to Missouri, Nebraska, and South Dakota staff to see if they had any comparable chapters, and staff from those states stated they did not but wished they did.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking does not have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
DEVELOPMENT AND MANAGEMENT OF RECREATION TRAILS ON STATE FORESTS, PARKS, PRESERVES AND RECREATION AREAS

571—67.1(456A,461A) Applicability. This chapter is applicable to all state-owned parks, recreation areas, forests and preserves under the jurisdiction of the department of natural resources, except those areas under management by a local government entity.

571—67.2(456A,461A) Definitions.

"All-terrain vehicle" means the same as defined in Iowa Code section 321I.1.

"Area" means any park, recreation area, forest, or preserve under the jurisdiction of the department of natural resources.

"Department" means the same as defined in Iowa Code section 461A.1(2).

"Director" means the same as defined in Iowa Code section 461A.1(3).

"Division administrator" means the division administrator of the department division responsible for managing the area in question.

"Equestrian" means a horserider or a person who is horseback riding.

"Horse" means any equine animal, including horses, mules, burros, donkeys, and all llamas or alpaca-like animals.

"Snowmobile" means the same as defined in Iowa Code section 321G.1.

571—67.3(456A,461A) Purpose. The purpose of this chapter is to establish guidelines for developing and properly managing the use of recreation trails on state parks, recreation areas, forests and preserves.

571—67.4(456A,461A) Establishment of trails. Establishment and designation of recreation trails shall not be undertaken until after a plan showing the basic design, location and designated use for any such trail has been prepared. The director shall approve all trail plans for areas, and trails shall follow only those routes designated on the plan.

571—67.5(456A,461A) Designation of recreation trails. All trails shall be designated by the department. Designation shall include an assignment of the use or uses for which each trail is intended. Uses shall be classified as follows: foot traffic, horseback riding, snowmobiling, cross-country skiing, bicycling and multiple-use trails. The intended uses of trails shall be described on signs at appropriate locations within the area, in informational brochures about the area, or on posted notice at the area's headquarters.

571—67.6(456A,461A) Guidelines for trail location. No new trail shall be designated or constructed:

1. On any slope where erosion will occur unless measures are taken to permanently control erosion. The measures may include, but not be limited to: water bars, steps, vegetative or crushed stone surfacing and terraces;
2. Through rare or sensitive plant communities, except for trails intended for interpretive purposes and designed for foot traffic only;
3. In locations where wildlife management practices are being carried out that would be negatively affected by trail activity;
4. To pass over archaeological sites or adversely affect known archaeological sites eligible for the National Register of Historic Places or known sites not yet evaluated;
5. Where past trail use has resulted in erosion or other environmental damage that would be exacerbated by continued trail use;

6. So as to allow travel through a river, stream or wetland or waterway except at designated crossings.

571—67.7(456A,461A) Control of trail use.

67.7(1) Use of trails may be temporarily limited or suspended by the area manager when use or any natural event has created conditions that will cause the trail to degrade if further use is allowed. Guidelines may include, but are not limited to, the following considerations:

a. Precipitation events (e.g., rain, thaws, or flooding that, based on the soils and topography, would present a problem for resource protection or public safety if the trail were to remain open).

b. Special events (e.g., events that are large, involve concessionaires, or would otherwise require a special event permit as described in 571—subrule 61.7(16) and would interfere with the safety or enjoyment of other trail users).

c. Ecosystem management activities (e.g., scheduled harvests, timber stand improvement, planting, or controlled burns that would temporarily disrupt trail use).

d. Trail construction or repair.

e. Off-trail use (e.g., vehicle or animal use that has created damage off the actual trail which affects the trail and needs to be corrected).

f. Conflicts between trail users.

g. Trail damage/erosion (e.g., overuse, use at the wrong time, or unauthorized vehicle use).

67.7(2) The area manager shall limit or suspend use of a trail by posting signs at appropriate trailheads and by posting notices in conspicuous locations within the area.

67.7(3) Upon suspension or limitation of trail use, the area manager shall take prompt and reasonable steps to correct the conditions that led to suspension or limitation. When, in the area manager's judgment, such conditions have been corrected, normal use of the trail may resume.

67.7(4) No trail shall be permanently closed to public use without approval of the director. Recommendations for permanent closure shall be made to the division administrator by the area manager. The division administrator shall prepare a report documenting reasons for closure and provide the report and recommendation to the director. At the request of six or more persons, the director shall direct that a public informational meeting be held in the vicinity of the area to inform the public of the planned closure and to receive public comments. A summary of the public comments made at the meeting shall be presented to the natural resource commission for review. The commission may uphold or reverse the director's decision and shall consider both public comments and staff recommendations before taking action.

571—67.8(456A,461A) Use of designated trails.

67.8(1) Bicyclists, equestrians and snowmobile operators shall use only trails officially designated and properly signed for such uses.

67.8(2) Unless otherwise prohibited by law, the use of motorized all-terrain vehicles shall be limited to roadways on all areas except as necessary to carry on authorized activities such as area management, agricultural activity, search and rescue operations and special events authorized by the department.

These rules are intended to implement Iowa Code sections 455A.5, 456A.24 and 461A.35.