



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



RODNEY A. STOKES  
DIRECTOR

SUBMITTED: March 12, 2012  
RESUBMITTED: April 9, 2012

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate Use of Stuart Frankel Trust Purchase/Wraco Lodge,  
Roscommon County  
Land Use Orders of the Director Amendment No 2 of 2012

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

Recently, the state of Michigan purchased property located in Roscommon County, T21N, R4W. It was purchased with funds from the Michigan Natural Resources Trust Fund. The purpose of this Order is to maintain the current closures that have been observed on this site prior to and after acquisition by the State. None of the roads being proposed for closure have been open to the public.

The closures are highly recommended for a variety of safety and environmental reasons. For example, the property contains a large expanse of wetlands – over three miles of Wolf Creek (tributary of the Muskegon River) and an impoundment of over 200 acres behind an earthen dam. The dike and dam are constructed of sand that is highly susceptible to erosion and nearly failed in the spring of 2011. The requested closure to motorized vehicles will protect the wetlands, dike and dam from potential for accidents on and around the dam structures which are made of steel, concrete, and large rocks.

Access to the dike and dam is being limited to foot traffic only due to the unstable nature of the land on and around the dike and dam which presents a concerning potential for erosion and degradation. In addition, planned activities for lowering the water level in the impoundment will result in extensive maintenance and construction activity at the site which can result in safety concerns.

The Denton ORV Trail is located within 400 yards of the dam. The property has frontage on Rollaway and Tillman Roads which are maintained by Roscommon County. Additionally, Rollaway Road, which is open to ORV traffic, is 200 yards from the dam. Consequently, there is great potential for ORV traffic (both street legal and non-street legal) to be attracted to the water/dam structure, resulting in damage to the dam and risk of injury/accidents. A small parking area is planned near the dam and Rollaway Road that will allow the public to safely use

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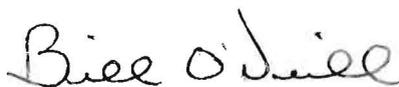
April 9, 2012

this property. These closures are being sought to prevent future safety concerns and to provide resource protection.

The Wildlife Division is recommending the non-emergency closure to motorized traffic of areas where roads and trails could lead people too close to the dam and dike areas. It is also recommended that areas near the dike and dam – totaling 80 acres – be open to only foot traffic. Exceptions for individuals with mobility impairment requiring use of a wheelchair or a personal assistive mobility device are provided in this Order.

Recommendation:

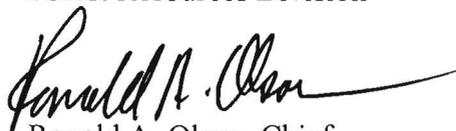
This order was submitted for information on April 5, 2012, at the Natural Resources Commission Meeting. This item appeared on the Department's March 2012 calendar and may be eligible for approval on May 17, 2012.



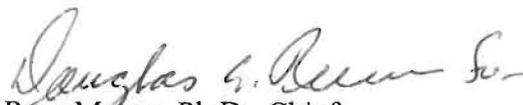
Bill O'Neill, Acting Chief  
Forest Resources Division



Gary Hagler, Chief  
Law Enforcement Division



Ronald A. Olson, Chief  
Parks and Recreation Division



Russ Mason, Ph.D., Chief  
Wildlife Division



James Dexter, Acting Chief  
Fisheries Division



Acting Natural Resources Deputy

# LAND USE ORDERS OF THE DIRECTOR

## Amendment No. 2 of 2012

By authority conferred on the Director of the Department of Natural Resources by Section 504 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended, MCL 324.504, and in accordance with R 299.921 to R 299.933 , the Director of the Department of Natural Resources orders the following:

### 1.2 Definitions.

Order 1.2 As used in these orders:

(1) "Alcoholic beverage" means any liquids and components, except over-the-counter and prescription medications, containing  $\frac{1}{2}$  of 1 percent or more of alcohol by volume.

(2) "A.N.S.I." means American national standards institute.

(3) "ATV" means an all-terrain vehicle as defined by section 81101 of 1994 PA 451, as amended, MCL 324.81101.

(4) "Camp" means the opening or setting up of a tent or tent-type camper; the parking and occupancy of a recreation vehicle; sleeping in any type motor vehicle, sleeping bag, or in any other manner after 10:00 p.m.; and for the purposes of chapter II of these orders shall also include sleeping in an anchored, tied, or moored boat or floating craft of any type in waters immediately offshore of state-owned public access site lands after 10:00 p.m.

(5) "Commercial operations" means any activity which involves the buying or selling of goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, or for anything of value.

(6) "Commission" means the natural resources commission.

(7) "Department" means the department of natural resources.

(8) "Designated area," "designated route," or "designated trail" means those places as defined by R 299.921 of the Michigan Administrative Code that are signed on-the-ground for ORV use.

(9) "Fireworks" means any device as defined in 2011 PA 256, MCL 28.452 (i).

(10) "Holiday" means Memorial day, July 4 and Labor day, as defined by section 1 1865 PA 124, as amended MCL 435.101.

(11) "Motor vehicle" or "motorized vehicle" mean every device in, upon, or by which any person or property is or may be transported if that device is propelled by an energy source other than muscle or wind.

(12) "ORV" means an off-road vehicle as defined by section 81101 of 1994 PA 451, as amended, MCL 324.81101.

(13) "Personal Assistive Mobility Device" (PAMD) means any device, including one that is battery-powered, that is designed solely for use by an individual with mobility impairment for locomotion and is considered as an extension of the individual. An individual whose disability requires use of a wheelchair or PAMD may use such equipment that meets this definition anywhere foot travel is not prohibited.

(14) "Posted" means that signs have been placed by the department that provide a person reasonable notice of the provisions of an order of the director.

(15) "RA" means a recreation area, including a state forest campground, and a trail head and parking lot of a state forest pathway.

(16) "SGA" means state game area.

(17) "SP" means state park.

(18) "Vessel" has the same meaning as defined in 80104, 1994 PA 451, as amended, MCL 324.80104.

(19) "WA" means wildlife area.

(20) "Wheeled motorized vehicle" means a motor vehicle propelled by wheels in contact with the substrate supporting the weight of the vehicle.

**3.32 Certain state-owned lands within Stuart Frankel Trust Purchase/Wraco Lodge, Roscommon county; prohibited conduct.**

Order 3.32. A person shall not do any of the following:

(1) Enter the areas listed below with a motorized vehicle, except a PAMD, without written permission issued by the department:

(a) The W ½ section 2; E ½ section 3; S ½ of the NW ¼ section 3; N ½ of SW ¼ section 3; SE ¼ of the NE ¼ that portion south of Deadstream road, section 4; E ½ Sec. 10; W ½ section 11; the N ½ of the NW ¼ section 14; N ½ of the NE ¼ section 15; T21, R4W.

(2) A person shall not enter or remain upon the following area except by exclusive use of human-foot travel, except for a PAMD, including roads and trails:

(a) The S ½ of the SE ¼ of the SE ¼ of section 10; S ½ of the SW ¼ of the SW ¼ section 11, N ½ of the NW ¼ of the NW ¼ section 14; N ½ of the NE ¼ of the NE ¼ section 15; T21, R4W.

This amended order shall be posted on or after 18<sup>th</sup> day of May, 2012.

Issued on this 17<sup>th</sup> day of May, 2012.

Rodney A. Stokes  
Director