

**DRAFT MINUTES
OFF-ROAD VEHICLE TRAILS ADVISORY BOARD
The Ramada Lansing Hotel & Conference Center
7501 West Saginaw Highway
Lansing, Michigan
November 4, 2009**

Chairman Ranney called the meeting of the Off-Road Vehicle Trails Advisory Board to order at 6:35 p.m. on Wednesday, November 4, 2009, in Lansing, Michigan. He said he could not say if this would be there last meeting.

Members Present:

Dick Ranney, Chair
Glenn Moll, Vice Chair
Amy Spray
Sheriff Scott Strait
John Bernard
Larry Harrington

Members Absent:

Peter Wyckoff

Department of Natural Resources (Department) Staff Present:

James Radabaugh, Forest Mineral and Fire Management (FMFM), Lansing
Steve DeBrabander, FMFM, Lansing
Steve Kubisiak, FMFM, Lansing
Cpl. John Morey, Law Enforcement Division (LED), Gaylord
Lt. Creig Grey, LED, Roscommon
Pete Lundberg, Parks and Recreation Division, Mears

USDA Forest Service Staff Present:

Rose Ingram, Huron Manistee National Forest, Cadillac

Welcome/Introductions -- Chairman Ranney

The members of the ORV Trails Advisory Board, Department staff and the audience introduced themselves.

MINUTES

The Board acknowledged the Minutes of the August 5, 2009 joint meeting of the ORV Trails Advisory Board and the Snowmobile Advisory Committee.

Mr. Harrington made a motion, supported by Sheriff Strait, to accept the minutes of the August 5, 2009, joint meeting of the ORV Trails Advisory Board and Snowmobile Advisory Committee Meeting as presented. Motion carried.

Mr. Moll abstained.

NEW BUSINESS

Fiscal Year 2010 Budget Update – **Jim Radabaugh** reported Governor Granholm signed all state budget bills last week so the Department is no longer operating under a temporary 30 day continuation budget. He said the budget office just released ORV budget information to program staff today. Staff is in the process of reviewing current ORV account revenue balances and grant appropriation levels.

Executive Order 2009-45 – Michigan Trails Advisory Council -- **Mr. Radabaugh** reported Governor Granholm issued Executive Order 2009-45 abolishing the Department of Natural Resources and Department of Environmental Quality and creating a new Department of Natural Resources and Environment (DNRE). Among other things, the order abolished the Michigan Trailways Advisory Council and the Michigan Snowmobile Advisory Committee. Their functions will be transferred to a new seven-member Michigan Trails Advisory Council within the DNRE that will advise the governor and the DNRE director on creating, developing, operating and maintaining motorized and non-motorized trails in Michigan. Bruce Rasher has been named transition manager and will coordinate the transfer of functions to the new state department. A transition plan will be complete in December. The order takes effect January 17, 2010. The order can be found on the governor's website.

Chairman Ranney said he recognizes the need to reduce costs, but has concerns with the make-up of the new trails council. He believes it may be hard to find committed individuals that can afford to serve if the meeting frequency is too great, and fears motorized trail interests will be compromised.

Amy Spray said the Michigan United Conservation Clubs (MUCC) opposes the executive order with respect to the governor making the appointments of the DNRE director and the various commissions and advisory councils. In MUCC's view it politicizes resource management.

2010 ORV Trail Grants – **Steve Kubisiak** reported a total of 27 trail maintenance and 6 restorations grant requests were received requesting approximately \$2.4 million dollars. He reviewed grant appropriations, evaluation process, and evaluation criterion. He said staff is still in the process of finalizing grant recommendations based on the estimated revenue short fall information received today from the budget office. Staff recommendations are expected to be finalized in the next couple weeks and will be provided to the board for information. Staff recommendations will be forwarded to Resource Management Deputy Koch for approval.

Proposed 2011 ORV Trail Grant Schedule – **Mr. Kubisiak** distributed existing and proposed ORV trail grant application/processing schedules. He reviewed the schedules noting the proposed schedule would allow the Department to execute grant agreements on October 1, at the beginning of the fiscal year, resulting in accounting efficiencies. The Department would like to implement the new schedule in 2011. He asked for input from the board.

Mr. Ranney asked Mr. Lewis Shuler, Executive Director of the Cycle Conservation Club of Michigan Inc. (CCC), if he had any concerns with the proposed schedule.

Mr. Shuler's only concern is with assuring there is timely field review and processing of reimbursement requests that would be needed in order to meet the Department's objective of closing out grants and issuing new grants at the beginning of the fiscal year.

Sheriff Strait supports the proposed schedule and suggested it also be used in the ORV law enforcement grant program as it would benefit law enforcement. Staff will advise law enforcement grant administrators of this request for consideration.

COMMITTEE REPORTS

Chairman Ranney reported there are currently 80 ORV clubs statewide and said this is a great accomplishment. He reported ORV license sales increased to over 204,000 last fiscal year.

Comprehensive ORV Legislation Update – **Chairman Ranney** reported Representative Sheltroun's office is taking public comment on potential changes to the ORV law. The changes are currently in pre-draft bill form and are preliminary. The general intent includes, but is not limited to: provide for ORV registration similar to snowmobiles, provide for better enforcement of county ORV ordinances, increase ORV license fees to support program needs and expanding trail system, provide for a new system of safety training, increase penalties, provide for a free riding day, provide for assumption of risk provision to protect trail maintainers, and change the definition of ORV to OHV to be consistent with federal definition.

STAFF REPORTS

USDA Forest Service – **Rose Ingram** reported the decision document concerning the Alcona County ATV trail has been signed and an ORV grant to build a trailhead has been secured. The Forest Service will be working with the local Department staff and county officials to submit a trail proposal to recognize this trail as part of the states designated ORV trail system.

Law Enforcement – **Corporal John Morey** thanked the Cycle Conservation Club of Michigan for putting on a dirt bike school for him and noted he will also be taking a 4 x 4 truck training course. He reported the ORV safety instructor training academy is moving forward. Two training sites have been identified. One site is located in Harvey and the other at the Ralph A. MacMullan Conference Center (RAM). The academy is planned to begin in the spring of 2011. He distributed a brochure for after market tracks and skis for motorcycles and noted that vehicles equipped with these features are considered snowmobiles under Michigan law.

Lt. Grey reported a new law regarding use of ORV's by disabled persons has taken effect. The law allows disabled persons to voluntarily display an orange flag to identify them as such when riding on public lands. Disabled persons are exempt from the quiet hours restriction during the regular firearm deer season and may legally operate an ORV on a state forest road that is not posted open to ORV use in the Lower Peninsula. It is thought the flag may help to reduce conflicts between hunters and disabled persons using ORV's. Cross-county travel is illegal for all persons except when retrieving deer,

bear, and elk on state owned lands open to public hunting. Information regarding this issue will be included in the hunting and fishing guide and ORV handbook.

Forest Mineral and Fire Management – Drummond Island ORV Route Designation

Criteria -- Steve DeBrabander distributed the ORV Route Standards Committee final report. The mission of the committee was to develop and document in writing acceptable conditions for designating ORV routes on Drummond Island roads that do not meet the definition of forest road. The report is a corrective action response (CAR) as a result of a 2008 state forest certification finding. A committee was formed and met on site last summer. The committee was comprised of a cross-section of Department divisions including FMFM, Fisheries, Wildlife, Law Enforcement, in addition to a representative from the Great Lakes Four Wheel Drive Association and the Department of Environmental Quality. The report concluded that in some circumstances designating an ORV route that contains water filled depressions or mud holes may be acceptable on a case by case basis. In general it will be acceptable to designate a route that impacts a water filled depression when meeting the following conditions: 1) The feature is hydrologically isolated, 2) the site is not regulated under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act (with exception if appropriate sedimentation control techniques are used and permitted by DEQ), 3) meet the requirements of Part 365, Endangered Species Protection, 4) maintain feature so it does not erode to a depth that is not navigable by an ORV and 5) If environmental conditions allow to construct a by-pass road around the water/mud feature not to exceed one lane in width.

Chairman Ranney thanked Mr. DeBrabander

PUBLIC APPEARANCE

Paul Mulder, Great Lakes Four Wheel Drive Association (GLFWD) expressed concern with the governor's executive order and is not happy with what is going on in Lansing. He said there are lots of issues in the ORV and snowmobile programs that need to be addressed.

Bob DeVore, President, GLFWD expressed concerns with trail maintenance material supply distribution last season and field staff communication issues. He would like to see an ORV area developed in Southeast Michigan and would like to see more ORV routes designated in the Tawas area. He said he believes the ORV program has come a long way and hopes the executive order does not have a negative impact on the program.

Lewis Shuler, Executive Director, CCC thanked the ORV board and the Department and expressed his appreciation for all of the accomplishments Michigan has made with its ORV program over the years. He said Michigan is the envy of many other states and is recognized as a national leader in providing public motorized trail riding opportunities.

CLOSING STATEMENTS

Chairman Ranney thanked everyone and said his time on the ORV board has been a great experience and he has made many friends over the years. He said the ORV

board and user groups should be proud of all their accomplishments.

Glenn Moll said he believes the ORV program is moving in the right direction. He noted he does not see a connection between the state budget and a user pay program such as the ORV program.

Amy Spray said her experience on the ORV board has been positive for her. She cited the Drummond Island ORV Route Standards Committee report is a great example of bringing together diverse interests to work together to resolve complex social and environmental issues.

Sheriff Strait said the Michigan Sheriff's Association is opposed to the governor's executive order. He is opposed to the abolishment of citizen's advisory committees and believes government should be transparent with citizen input.

John Bernard said he recently had a conversation with a local conservation officer and he indicated he had not seen a lot of problems associated with the counties opening their roads to ORV's.

Larry Harrington said he had worked for the Department and county government and expressed concerns with the executive order.

Rose Ingram commended the board for their energy and passion for their sport. She thinks the executive order presents some opportunities and thinks there are some things to be gained by looking at a broader perspective and challenged the board to look at this in a different way.

Meeting adjourned at 9:55 pm.

PUBLIC PRESENT

Lewis Shuler, Cycle Conservation Club of Michigan (CCC)

Bill Gilbert, MI ORV Safety Association

Bob DeVore, Great Lakes Four Wheel Drive Association (GLFWDA)

Jim Kitson, GLFWDA

Chuck Heyza, CCC

Bruce Suydam, ATV Off-Road Club of MI

Melissa Preston, ATV Off-Road Club of MI

Paul Mulder, GLFWDA

Mike Olmstead, Jeep Jamboree/GLFWDA

Tim Thurman, ATV Off-Road Club of MI

Carl Jarema, GLFWDA

Thomas Dunn, D-14, MORE, LMC

Jacob Mogande, GLFWDA

John Lang, Tri-County CCC

Bill Stegenga, Bader & Sons Co. John Deere

Ed Cain, Bunny Hill Off-Road Park

Adam Doll, GLFWDA / W MI Two Trackers