



# Non-Motorized Advisory Workgroup (NAW)

Meeting Minutes

Location: Virtual - TEAMS

Date: July 12, 2023

Time: 10 a.m. - Noon

## Welcome – Roll Call

### PRESENT FOR THE NON-MOTORIZED ADVISORY WORKGROUP (NAW)

- Andrea LaFontaine, Chairperson
- Kenny Wawsczyk, Vice Chair
- John Bollman
- Neal Glazebrook (absent)
- Jason Aric Jones
- Stephanie Swanberg
- Brent Bolin
- Bob Hendrickson
- Lori Hauswirth

### PRESENT FOR THE DEPARTMENT OF NATURAL RESOURCES (DNR) STAFF

Tim Novak, Lee Maynard, Scott Slavin, Greg Kinser, Blake Gingrich, Nicole Hunt, Sage Hegdal, Matt Torreano, Kristen Bennett, Joshua Pellow, Bobbi Audette, Jill Sell, Jeff Kakuk

## Meeting minutes

### ACTION ITEMS

Meeting called to order at 10:01 a.m. by committee Chair, Andrea LaFontaine.

Motion was made John Bollman by to approve the April 6 draft meeting minutes as is and seconded by Bob Hendrickson. With all in favor, motion carried.

Andrea LaFontaine requested to remove agenda topic Traverse Area Recreation and Transportation (TART) trench maintenance under Business Items (a) due to a schedule conflict.

Andrea asked to add this topic to the next scheduled NAW meeting in October.

Tim Novak, DNR, requested to move agenda topic ARPA Funding under Updates (a) to Updates (e) due to a schedule conflict with a presenter.

Motion was made by Jason Aric Jones to approve the July 12 agenda with modifications and seconded by Stephanie Swanberg. With all in favor, motion carried.

## PUBLIC COMMENT

## BUSINESS ITEMS FOR DISCUSSION

### **PROPOSAL TRAILWAYS/WILDLIFE POLLINATOR TRAILWAY ENHANCEMENT**

#### **NEXT STEPS**

John Bollman proposed a wildlife pollinator trailway enhancement document to the NAW and DNR at the April 2023 meeting for discussion and review. John mentioned the DNR has a great trail program, and he is wondering if there is any opportunity to expand the trail program by adding natural pollinator corridors.

Tim Novak, DNR, the natural pollinator concept aligns with our overall goal of natural preservation. Yes, the DNR is open to this conversation and will take these comments and ideas into consideration.

Jeff Kakuk, DNR, this is being done in the Upper Peninsula (U.P.) along the rail corridors. Jeff mentioned the DNR should work on publicizing the work that has been completed. As we replace infrastructure, we are working with DNR Fisheries and DNR Wildlife on ideas and solutions that can improve the corridors.

Greg Kinser, DNR, pointed out the trail proposal process engages other divisions, such as Wildlife, Fisheries and Forest Management, for their feedback on trail projects. This creates an opportunity to identify any areas for improvement of habitat.

Kenny Wawczyk has had similar discussion with the National Forest Service staff regarding buffers along the North Country Trail (NCT).

Bob Hendrickson supported this concept and mentioned Wisconsin has made enhancements along their natural corridors that Michigan can model after. Bob said the U.P. may benefit from these types of improvements considering all the invasive species that are found there.

## UPDATES

### **EBIKE SUBCOMMITTEE**

#### **NICOLE HUNT, DNR**

On June 27th, DNR staff Tim Novak and myself met virtually with Lori Hauswirth and Neal Glazebrook to discuss ebike use on trails and the meeting focused on the 2003 Michigan Court of Appeals case Bertrand v. City of Mackinac Island. This case looked at the issue of Persons with Disabilities Civil Rights Act and the Americans with Disabilities Act and a persons entitled to protections under these acts to use an electric-assist tricycle on the public streets of the City of Mackinac Island, which has a prohibition of motor vehicles. There where multiple claims by the City of Mackinac Island as to why electric-assist tricycle should not be allowed: use of public streets is not a public service, the individual is not a qualified individuals with a disability, the City provides reasonable accommodations by allowing disabled person to use electric wheelchairs and amigos on its public streets, and finally that allowing the use of an electric-assist tricycle on the public streets would constitute a fundamental or substantial change to the character of Mackinaw Island. The Court held that allowing plaintiff to use an electric-assist tricycle on the public streets does not fundamentally or substantially alter the character of Mackinac Island.

Jason Aric Jones mentioned that opting in class II ebikes, he would like to see the DNR have a planned vetted system in place so those that attempt to falsify the system are spotted. Also, there should be additional funding put towards law enforcement education and signage. It is imperative to get ahead of the curve as ebike use evolves.

Brent Bolin asked where the Land Use Order of the Director (LUOD) is at within the DNR. Nicole Hunt replied, it has not been presented to the Director yet. Collectively, Nicole would like to address some of the concerns that have been brought up. Brent questions whether or not a LUOD is necessary since accessibility devices are already addressed in the Federal Disability Act. Nicole replied the LUOD is not specifically addressed for disabled individuals, rather expanding class I ebike use on trails by all individuals and class II ebikes for the disabled by way of a permit issued by the DNR.

Bob Hendrickson said ebikes are already all over in the U.P. He mentioned Michigan law already identifies a bike with a motor as a moped and doesn't understand why ebikes would not be classified as a moped. Bob also reiterated the need to have control by law enforcement.

Scott Silvers (public comment). Peopleforbikes.org will provide information on the different classes and types of ebikes. Class II bikes are not designed or suited for mountain bike trails.

Scott Slavin, DNR, there are mountain bike trails in northwest Michigan that are not managed by the State of Michigan and is allowing ebikes on the trails. Scott suggests reaching out to those trail users for feedback.

Statutory definition of an ebike classifies the device as a bicycle and not as a motorized vehicle.

### **THUNDER VALLEY/CEDAR RIVER NORTH TRAIL LUOD (MTAC SUMMARY)**

**NICOLE HUNT, DNR**

The proposed LUOD to close the Thunder Valley Trail and a portion of the Cedar River North Trail to bicycle use was discussed at MTAC regarding the concerns voiced at the last NAW meeting. As there were no concerns regarding Cedar River North it was proposed that this portion of the LUOD move forward and that a combined meeting be held with ETS and NAW members with the DNR facilitating the meeting to have further discussion regarding the Thunder Valley Trail. This proposal was put forth as a resolution and was passed.

### **TRAIL PLAN IMPLEMENTATION**

Greg Kinser, DNR, no updates at this time.

Tim Novak, DNR, reported he is in the process of developing a description for a staff position that will include the coordination and implementation of the trails strategic plan as a main objective. Right now, the implementation tasks have been added on to trails staff current workload and has not been moving along as predicted. The timeframe may be six to eight months before we see someone in place.

### **2023 MEETING SCHEDULE**

October 12 – VIRTUAL

The Trails Summit will take place October 20-21 in St. Ignace. Placeholders have been sent out. The goal is to bring the trails advisory groups together and talk about how we can support trails from a holistic view throughout the State and develop connections across the user groups.

Jason Aric Jones has said various user groups are not being represented. Holistically we need to look at the current MTAC structure and develop a restructure plan. Look at what are the sub types of trails, who are the users, what are their numbers, how to effectively include their representation. The focus is no longer motorized and nonmotorized. The solution starts with an improved structure recognizing all trail types and users.

## **ARPA PROJECT FUNDING**

**KRISTEN BENNETT, DNR**

[HTTPS://EXPERIENCE.ARCGIS.COM/EXPERIENCE/51c444b129dd47f3b521d9daa6fda92f](https://experience.arcgis.com/experience/51c444b129dd47f3b521d9daa6fda92f)

PRD received \$250M of American Rescue Plan Act funds to spend on parks and trails. The money has to be encumbered (in contract) by the end of 2024 and spent by the end of 2026. The projects are grouped into 181 park projects and 54 trail projects with 7 major regional trail renovations. There is an interactive web page where you can track and follow the progress of these projects. <https://experience.arcgis.com/experience/51c444b129dd47f3b521d9daa6fda92f>

Jason Aric Jones is understanding that around 1% of the \$250M is going to natural surface trails, which he feels is problematic. There are gaps within the DNR structure recognizing natural surface nonmotorized trail infrastructure (dirt trails) and the need for improvements.

Tim Novak, DNR, has regular conversation between parks and trail specialist regarding the need to repair and improve natural surface nonmotorized trails.

Bob Hendrickson appreciates Jason comments. Bob said there has been a proposed plan in place to develop a single-track trail in the Porcupine Mountain Recreation Area which has been floating around for some time with no traction.

Tim Novak pointed out Porcupine Mountain Recreation Area is receiving \$175K for trail improvements.

## **ROUND ROBIN/CLOSING COMMENTS**

Kenny Wawsczyk a couple large scale projects going on in the U.P. Two proposals for reroutes in the western and central U.P. NCT is working with snow and ORV clubs to utilize their trail system, as little as possible, just want to point out the collaboration.

John Bollman asked Tim Novak how the recently announced water way funding will work. Tim said the DNR is working through the process of managing the funding and what it will look like, whether it will be distributed as internal or external grants. Tim expects to have this figured out over the next four to six months, hopefully sending out funds for Spring of

2024. John Bollman is requesting updates at the next NAW October meeting or the Trails Summit. John feels strongly about getting the word out to the general public regarding ebike use, policy, education outreach, and law enforcement. John suggested adding the topic about how to get the word out to the public and to travel groups who organize trail events about the economic impact it has on communities to the Trails Summit.

Bob Hendrickson announced he has been hired as the incoming administrator for the Iron Ore Heritage Trail.

Lori Hauswirth mentioned trail groups in the Marquette County are working on trail efforts collaborating with the land protection needed for existing corridors and identify opportunities to further connect them and growth. This work will frame a lot of the needs in Marquette County.

Brent Bolin Top of Michigan finishing a couple trail projects, Boyne City to Charlevoix Phase 3 and working on getting 4 and 5 back on track after the COVID delay. Most of the Burt Lake trail is open, offering a 70-mile loop. Working on various trail maps. Been very busy up north this year. Noticed the lack of bicycle helmet use this year.

Stephanie Swanberg has seen an increase in trail use and notices some of the issues and concerns that have been brought up during this meeting. Echoes the statements made today regarding education outreach and reaching the public and how are those messages being delivered.

Andrea LaFontaine reported that Michigan Trails and Greenway Alliance (MTGA) is working on Trails Week, slated for Sept. 17 – 24. A trails week proclamation has been submitted to the Governor's office and are awaiting a response. MTGA secured a small amount of seed money (mini grants) for trail promotion. Hoping to award the money by the end of the year.

## ADJOURNMENT

Meeting adjourned at 11:51 a.m.