



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: May 13, 2024
RESUBMITTED: July 3, 2024
RESUBMITTED: July 15, 2024

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Parks and Recreation Division Management of State-Owned Lands
Land Use Order of the Director Amendment No. 4 of 2024

Authority:

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

Discussion and Background:

Periodically, the Parks and Recreation Division reviews the Land Use Orders that govern the lands it manages to determine whether any updates are necessary due to operational needs, statutes and/or clarifications to existing Land Use Orders. This proposed Land Use Order of the Director is a result of such efforts and discussions with other Department Divisions.

Proposed to be addressed in this Land Use Order is the following:

The Parks and Recreation Division manages approximately 3,000 miles of trails open to the use of bicycles located on both Parks and Recreation and Forest Resources Division (FRD) administered lands, serving an increasing demand for this recreational activity by people of all ages and abilities. One area seeing much greater popularity and an increase in demand of riding opportunities is electric bicycles.

Broadly speaking, electric bicycles are either pedal-assist, meaning the motor is engaged by pedaling and cuts off at a designated top speed, or throttle-on-demand, with which the motor can propel the bike even if the rider is not pedaling.

In Michigan, MCL 257.13e defines an electric bicycle as a device equipped with a seat or saddle used by the rider, fully operable pedals for human propulsion and an electric motor not greater than 750 watts, and provides for three different classifications:

- Class 1 Electric Bicycle
 - An electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.
- Class 2 Electric Bicycle
 - An electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied.

- Class 3 Electric Bicycle
 - An electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

MCL 324.72105 allows an individual to operate a class 1 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface, or a rail trail. It also prohibits the use of an electric bicycle on a trail that is specifically designated as nonmotorized and that has a natural surface tread made by clearing and grading the native soil with no added surfacing materials unless a local authority or agency of this state having jurisdiction over a trail allows the operation of an electric bicycle on that trail.

Electric bicycles can help with barriers to cycling such as hilly topography and long distances to destinations, and well as grant people with physical limitations new recreation or the option to continue previous recreation activities not allowed due to their mobility impairments. This proposal would provide increased access to our natural resources by those who may not be able to access it otherwise.

The prevailing concern about allowing electric bicycles on trails is the question of safety—particularly related to speed. However, several other states and municipalities have expanded access to electric bicycles on natural surface mountain biking trails with few documented issues related to the expansions. Areas opened to expanded use of class-1 electric bicycles are also not likely to have any more impact on the resource or trail surface than traditional mountain bikes or other trail users.

Several advisory groups, as well as other divisions of the Department have been consulted in the preparation of this order allowing for feedback and input. While some comments have voiced concerns with expanding electric bicycle use, the majority of comments received have been in support of expansion.

As a result of internal Department conversations, there is co-management support to expand the use of electric bicycles on not just PRD trails, but also on pathways open to bicycle use managed by PRD and located on lands administered by FRD. These conversations also raised concern that authorizing electric bicycle usage on PRD administered bicycle trails and PRD managed bicycle pathways on FRD lands may inadvertently exacerbate unauthorized bicycle use already occurring on other divisions managed lands. To alleviate the current unauthorized used and proactively address potential electric bicycle use, PRD is committed to working with the other divisions on the development and placement of increased and consistent signage. This signage would provide obvious visible notification of the areas where bicycle use, including electric bicycle usage is prohibited.

It is therefore proposed that bicycle trails and pathways managed by the Parks and Recreation Division be open to class-1 electric bicycles, including natural surface mountain biking trails, and that Class-2 electric bicycles be authorized for use by an individual with a mobility disability on bicycle trails and pathways through the issuance of an annual Use Permit.

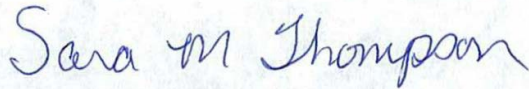
Also, as a result of internal and external conversations in the preparation of this order, it is proposed that this order will be reviewed after a period of one year from the effective date to allow the Department time to assess the impact of electric bicycle use on natural surface pathways. If after the one-year period, negative impacts shall be evidenced, the Order shall be

rescinded. However, if after the one-year period, no negative impacts are evidenced, the Order shall remain in effect.

After initial posting of this amendment, the Department received communication from the North Country Trail Association, as Michigan hosts the most North Country National Scenic Trail miles of any other state. The North Country Trail is congressionally authorized and closed to electric bicycles under MCL 324.72105.

July 15, 2024

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information and consideration on June 13, 2024, and again on July 11, 2024, after an update to the order. This item appeared on the Department's June and July 2024 calendars and may be eligible for approval on August 8, 2024.



Sara Thompson, Chief
Wildlife Division



Jason S. Haines, Chief
Law Enforcement Division



Jeffery J. Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
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Randall M. Claramunt, Chief
Fisheries Division



Jon Spieles, Chief
Marketing and Outreach Division



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Finance and Operations Division

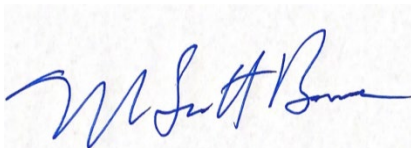


Shannon Lott
Natural Resources Deputy



Kristin Phillips
Chief Administrative Officer

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.



M Scott Bowen, Director

Date: August 8, 2024

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 4 of 2024

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, 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:

4.1 State forest pathways, entry, use, occupancy of certain state forest pathways, designation by director; prohibited conduct.

Order 4.1 A person shall not enter, use, or occupy a trailhead or parking lot of any of the following designated state forest pathways with a motor vehicle, unless a valid Michigan recreation passport has been purchased and affixed to the vehicle:

(1) In Alger county:

(a) Tyoga.

(2) In Alpena county:

(a) Besser bell.

(b) Chippewa hills.

(c) Norway ridge.

(d) Ossineke.

(e) Wah Wah Tas See.

(3) In Antrim county:

(a) Jordan valley.

(b) Warner creek.

(4) In Benzie county:

(a) Betsie river.

(b) Lake Ann.

(c) Platte springs.

(5) In Charlevoix county:

(a) Spring brook.

(6) In Cheboygan county:

(a) Inspiration point.

(b) Lost tamarack.

(c) Wildwood hills.

(7) In Chippewa county:

(a) Algonquin.

(b) Pine bowl.

(8) In Clare county:

(a) Green pine lake.

(9) In Crawford county:

(a) Mason tract.

(10) In Delta county:

(a) Days river.

(b) Days river nature trail.

(c) Ninga Aki.

(11) In Dickinson county:

(a) Gene's pond.

(b) Merriman east.

(c) West branch.

(12) In Gladwin county:

(a) Trout lake.

(13) In Grand Traverse county:

(a) Lost lake.

(b) Muncie lake.

(c) Sand lakes quiet area.

(d) Vasa trail.

(14) In Iron county:

(a) Lake Mary plains.

(15) In Lake county:

(a) Pine forest.

(b) Pine valley.

(c) Sheep ranch.

(d) Silver creek.

(16) In Luce county:

(a) Blind sucker.

(b) Bodi lake.

(c) Canada lake.

(17) In Mackinac county:

(a) Big knob/crow lake.

(b) Marsh lake.

(c) Peters creek.

(d) Switchback ridge.

(18) In Marquette county:

(a) Anderson lake.

(b) Blueberry ridge.

(c) Little Presque isle/Harlow lake.

(d) Thunder valley equestrian trail.

(19) In Menominee county:

(a) Cedar river.

(20) In Midland county:

(a) Pine haven.

(21) In Montmorency county:

(a) Buttles road.

(b) Clear lake/Jackson lake.

(22) In Ogemaw county:

(a) Ogemaw hills.

(23) In Osceola county:

(a) Osceola.

(24) In Otsego county:

(a) Big bear lake.

(b) Pickerel lake.

(c) Pine baron.

(d) Shingle mill.

(25) In Presque isle:

(a) Black mountain.

(b) Ocqueoc falls bicentennial.

(c) Sinkhole.

(26) In Roscommon county:

(a) Lost twin lakes.

(b) Red pine natural area.

(c) Tisdal triangle.

(27) In Schoolcraft county:

(a) Fox river.

(b) Gemini lake.

(c) Indian lake.

(28) In Wexford county:

(a) Cadillac.

4.1b State forest pathways, allowable conduct.

Order 4.1b. Not including the High Country Pathway located in Cheboygan, Otsego, Presque Isle and Montmorency Counties and the Shingle Mill and Pickerel Lake Pathways located in Otsego County, and consistent with MCL 324.72105, the remaining pathways open to bicycle use identified in LUOD 4.1 shall allow electric bicycle operation as authorized below:

(1) A person may operate a class-1 electric bicycle on a pathway open to bicycle use, except for congressionally authorized trails, such as the North Country Trail.

(2) A person with a mobility disability affecting one or more lower extremities may operate a class-2 electric bicycle on a pathway open to bicycle use, after verification of credible assurance and upon the issuance of an annual use permit.

(a) "Credible assurance" means assurance that the device is required because of a disability and may include a valid state-issued disability parking placard or card or a state-issued proof of disability. A statement from a medical provider confirming that the device is required because of a disability may also be submitted as credible assurance.

(3) This Order shall be reviewed after a period of one year from the effective date to allow the Department time to assess the impact of electric bicycle use on natural surface pathways. If after the one-year period, negative impacts shall be evidenced, the Order shall be rescinded. However, if after the one-year period, no negative impacts are evidenced, the Order shall remain in effect.

Order 5.1 State parks and recreation areas, certain conduct prohibited.

Order 5.1 A person shall not do any of the following in any state park (SP) or recreation area (RA):

(1) Have more than one horse for each registered camper at any designated horsemen's campground without first obtaining proper written permission from the department.

(a) There must be at least one horse registered to a camper per campsite in order to camp at the following equestrian campgrounds within a SP or RA:

(i) Brighton RA.

(ii) Fort Custer RA.

(iii) Ionia RA.

(iv) Ortonville RA from April 1 through June 30 and September 1 through October 31.

(v) Pontiac Lake RA.

(vi) Waterloo RA from May 1 through October 31.

(vii) Yankee Springs RA.

(2) Enter, use or occupy a designated mountain bike trail when posted closed except with written permission from an authorized representative of the department.

(3) Operate an electric skateboard in conflict with MCL 257.660.

(4) Use, in any way, a sky lantern.

(a) "Sky lantern" means an unmanned hot air balloon made of paper or other lightweight material that is launched into the atmosphere and has a flame inside the balloon.

(5) Launch an unmanned aircraft from state managed lands in conflict with 5.1(6).

(6) Operate an unmanned aircraft in conflict with the unmanned aircraft system act (PA 436 of 2016), and as follows:

(a) In a manner that knowingly and intentionally interferes with department employees and their designees performing official duties.

(b) In a manner that interferes with department staff when conducting search and rescues.

(c) Within 100 yards of a cultural or historical site or structure.

(d) Upon or over the viewing platform at Tahquamenon falls.

(e) Upon or over the platform at Palms Book SP.

(f) Over an occupied beach area.

(g) Over an equestrian facility.

(h) Over a campground.

(i) Over a restroom or open-air changing court.

(j) Over an area subject to an aerial right-of-way.

(k) For a commercial purpose without first obtaining written permission from an authorized representative of the department, pursuant to administrative rule 299.922(dd).

(7) Use a state managed beach area, or knowingly allow, for the purpose of entry into the water, when entry is prohibited by signage and/or communication by a department employee due to a human health and safety risk, including, but not limited to, contamination, unsafe debris washing ashore, rescue/recovery efforts, severe weather event identified from the National Weather Service, or identified wave height in excess of 8 feet. This prohibition does not apply to board sport recreational individuals accessing the water for the purpose of surfing utilizing a self-propelled wave riding board, including longboard and shortboard; kiteboarding; body/"boogie" boarding with swim fins; and, skimboarding and the following applies:

(a) Entry into the water to conduct any of the above identified activities shall be at their own risk.

(b) Users will follow commonly accepted safety rules and procedures which includes the following: controlling boards at all times, always using a safety leash, and wearing appropriate cold weather gear as conditions dictate.

(8) Use a fuel powered generator in a department campground during the hours of 10 p.m. and 8 a.m.

5.27 State parks and recreation areas, allowable conduct.

Order 5.27. Except as provided below, a person shall not operate an electric bike in conflict with MCL 324.72105.

(1) A person may operate a class-1 electric bicycle on a trail open to bicycle use on any parks and recreation division administered lands, except for congressionally authorized trails, such as the North Country Trail.

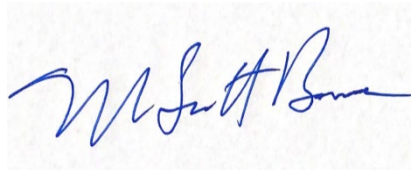
(2) A person with a mobility disability affecting one or more lower extremities may operate a class-2 electric bicycle on a trail open to bicycle use, after verification of credible assurance and upon the issuance of an annual use permit.

(a) "Credible assurance" means assurance that the device is required because of a disability and may include a valid state-issued disability parking placard or card or a state-issued proof of disability. A statement from a medical provider confirming that the device is required because of a disability may also be submitted as credible assurance.

(3) This Order shall be reviewed after a period of one year from the effective date to allow the Department time to assess the impact of electric bicycle use on natural surface trails. If after the one-year period, negative impacts shall be evidenced, the Order shall be rescinded. However, if after the one-year period, no negative impacts are evidenced, the Order shall remain in effect.

This order shall be posted on or after the 9th day of August 2024.

Issued on this 8th day of August 2024.



M. Scott Bowen
Director