



MICHIGAN TRAILS ADVISORY COUNCIL (MTAC)

Meeting Minutes

Grayling Township Hall

2090 Viking Way

Grayling, MI 49738

March 26, 2024

1 - 4:30 p.m.

Welcome – Roll Call

PRESENT FOR THE MICHIGAN TRAILS ADVISORY COUNCIL

- Brian Beauchamp, Chairperson
- Kenneth Hopper, Vice Chairperson (absent)
- Michael Maves (absent)
- Mark Losey
- Ryan Laporte
- Jason Aric Jones
- Richard Williamson
- Jenny Cook
- Amy Scharmen-Burgdolf
- Karen Middendorp
- Tavon Brooks (absent)

PRESENT FOR THE DEPARTMENT OF NATURAL RESOURCES (DNR) STAFF

Tim Novak, Annalisa Centofanti, Greg Kinser, Ron Yesney, Peter Costa, Jill Sell, Paige Perry, Nicole Hunt, Blake Gingrich, Jessica Holley-Roehrs, Dave Jaunese, Heather Durocher, Chris Stark, Matt Torreano, Sage Hegdal, Lee Maynard, Rob Katona, Jeff Kakuk, Joshua Pellow, Cody Stevens, Jason Fleming

Meeting minutes

Meeting called to order at 1:04 p.m. by Chair, Brian Beauchamp.

Council and DNR staff introductions.

ACTION ITEMS

Motion was made to approve the Dec. 12, 2023 meeting minutes by Karen Middendorp and seconded by Richard Williamson, with all in favor. Motion carried.

Motion was made to approve the March 26, 2024 agenda by Richard Williamson and seconded by Ryan Laporte, with all in favor. Motion carried.

Motion was made to take agenda items out of order by Karen Middendorp and seconded by Rich Williamson, with all in favor. Motion carried.

PUBLIC COMMENT

ROB ALLEN

Mr. Allen spoke about the Allegan State Game Area. Mr. Allen mentioned he spent time educating himself on federal laws in state game areas and implied the laws and statues are not applied consistently. Mr. Allen believes something does not seem right with the laws in the Allegan State Game Area. Mr. Allen is working on gathering more information and discovery.

Jason Aric Jones mentioned that natural surface nonmotorized trails are not appropriately funded and more attention is given to linear trails. Jason also believes that local policies have inconsistencies and disconnects exists across the state and forest managed lands. Jason said Mr. Allen may be on to something and the Department should take a look at the current structures in place.

BRAD HECKSEL

Mr. Hecksel voiced his opposition on banning electric skateboards.

CATHY KRUEH

Ms. Krueh spoke about the Gladwin/Ogemaw Pathway. She has been riding for 20 years and working with DNR to expand the equestrian trail systems in area. Lately, it has been challenging communicating with local DNR for solutions. ORV's are destroying trails in her area. Ms. Krueh also reported that DNR signs are being stolen from the trails which restrict ORV's use on the trail. Greg Kinser, DNR, mentioned the local DNR contact in the Gladwin/Ogemaw area has vacated his position which will explain the communication challenges. Greg will contact Cathy and provide new DNR contact information.

BUSINESS ITEMS FOR DISCUSSION

HORSE TRAIL ETIQUETTE SIGN

Equine Trail Subcommittee (ETS) members and DNR staff are discussing the language on a trail etiquette sign displaying communication for multi-use trails. Jenny Cook noted it is important to have signs for education and awareness for all to feel comfortable and welcome. Jason Aric Jones added it is important to have etiquette signage in place prior to any Ebike Land Use Order of the Director (LUOD) is implemented. Jenny Cook said the need to have a clear communication plan in place will reduce safety concerns and clear any confusion and is important to have signs on the trails for users. Brian Beauchamp mentioned that trail etiquette and signage will be ongoing as user needs evolve.

Jason Aric Jones (acting as NAW liaison) requested to add this topic to the next Nonmotorized Advisory Workgroup (NAW) meeting in April.

Provide an update to the MTAC Q2 meeting.

KEWEENAW DELAY/STATE TRAILS PLANNING PROCESS

Tim Novak, DNR, will provide a written update to the council members (see attached).

Ryan Laporte reported that handful of projects in the Keweenaw state lands has been in que for a couple years. Local DNR contacts have suggested providing input through the state land management process. Ryan mentioned that the Keweenaw Heartland projects in que are key for connecting trails. Conversations are taking place on trying to solve access to areas where it is landlocked by private land ownership. Jason Aric Jones added this is a key area in the state and it is critical to move forward with the projects. Ryan is asking the Department for transparency and communication to alleviate some of the frustration. Jason Aric Jones said having data on what type of trails and hearing from the users to see what they want helps to determine the needs.

Jeff Kakuk, DNR, this is complicated compared to normal land management. It is still unknown what entity will be administering and managing these lands. The Department will need to identify who will be managing these lands before any projects can be approved. Mark Losey mentioned to keep focus on aligning these projects with the state trails plan and how they fit in. Jenny Cook would like equestrians considered for this recreational opportunity and would like notification when state land management plans will be reviewed for public comment. Jason Aric Jones mentioned that a public meeting process may not be a fair comparison for interest, as it can be heavily weighted by audience.

Keep this topic on agenda until a resolution is in place.

Schedule Debbie Jenson, DNR, to present the state land management process.

STATE PREVAILING WAGE MEMO

Greg Kinser, DNR, will be sending out a follow up to provide more clarity on prevailing wage requirements. Greg said staff is working on a form to identify and understand what triggers prevailing wages, what it means, the impact, and effects. Ryan Laport expressed concerns about Snow and ORV program funds and shortfalls. Construction season in the Upper Peninsula is short, so having clarity sooner than later will be beneficial.

BAN ON ELECTRIC SKATEBOARDS IN STATE PARKS (see attached)

Jason Aric Jones asked to have a preempting discussion on one-wheel devices (electric skateboard) inclusion if the Ebike LUOD passes. Currently, these can be used for mobility devices. Recreationally, these devices cannot be used in state parks. Jason would like to revisit the LUOD that banned the devices from state parks if the Ebike LUOD goes into effect. The Ebike LUOD will have an annual evaluation in place, assuming all goes well, these one-wheel devices should be given consideration for recreational use.

Karen Middendorp said we need to stop adding all these different types of devices on one trail.

MTAC MCL MODIFICATION

- **PROPOSE MODIFYING LEGISLATIVE LANGUAGE ADDING SAW AND ORVAW MEMBERS**

Brian Beauchamp

A communication from Mr. Joe Bartlett identifying the desire to include language in the MTAC MCL, identifying that the Snowmobile Advisory Workgroup (SAW) and the Off-Road Vehicle Advisory Workgroup (ORVAW) should have a designated seat on MTAC. Brian Beauchamp added that the Non-motorized Advisory Workgroup (NAW) should be included if legislation is to be modified. Karen Middendorp commented that this stems from the abolishment of the Snowmobile Advisory Committee (SAC) and then SAW being umbrellaed under MTAC.

Jason Aric Jones added we need a diverse representation on MTAC. MTAC needs to be restructured which needs to be legislative. Current structure is a relic from another time.

Mark Losey would like to see committee members and DNR staff schedule workshops to discuss the restructure.

Jason Aric Jones shared his envision in rewriting the legislation will incorporate funding structures.

Greg Kinser, DNR, said that MTAC is entitled to create workgroups, and hold workshops to develop a framework. Next, Greg mentioned that the DNR can recognize the need for a structure change. Mark Losey asking Brian Beauchamp to connect with Tim Novak, to explore setting up a workshop and possibly have an outside source facilitate it.

Brian Beauchamp outlined 3-steps for a workshop:

- 1.) Identify the issue
- 2.) solving the problem, and
- 3.) acting on the solution.

Ryan Laporte asked the DNR to make a list of all the advisory workgroups along with what each member represents and the flow up to MTAC. Have this information ready for the Q2 MTAC meeting in July.

Brian Beauchamp proposed to table this agenda item.

UPDATES

U.S. FOREST SERVICE (USFS)

Nick Edington is the new program manager and is looking forward to working with the council members and DNR staff.

ORVAW CHAIR APPOINTMENT

Brian Beauchamp announced that James Maike, ORVAW Chair, term is expiring in May. Brian said the ORVAW members unanimously nominated for Bob Meyers for chair.

Motion to support the nomination and appoint Bob Meyers to Chair ORVAW is made by Ryan Laporte and seconded by Karen Middendorp, with all in favor. Motion carried.

Bob Meyers is appointed to Chair ORVAW.

ORV ALPHA SIGNAGE L.P. UPDATE

Greg Kinser and trails staff is working towards renaming the Lower Peninsula ORV trails, similar to what is in the Upper Peninsula. Ryan Laporte mentioned to align the implementation with sign orders. January 2025 is the next sign order due date, and Greg hopes everything will be in place.

SNOW REGISTRATION STICKER SIZE UPDATE

Recently the snow registration sticker was changed by the Secretary of State (SOS) to a smaller size. Greg Kinser said this topic was discussed at the SAW meeting and DNR staff is working on reverting to the larger size. Informal support has been received for Law Enforcement Division (LED) and working on a formal support from LED.

EBIKE SUBCOMMITTEE UPDATE

Nicole Hunt, DNR, mentioned the Ebike Land Use Order of the Director (LUOD) is potentially planned to be on the agenda for the April Natural Resource Council (NRC) meeting. The Ebike LUOD will authorize use of class 1 ebikes on natural surface nonmotorized trails and state administrated lands and will include mobility impairment for class 2 ebikes. If issued it will go into effect May. Land use permits are required for class 2 and the form is located on the DNR web site for authorization. Jenny Cook questioned the ebike subcommittee creation and asked why equestrians were not considered to be on the Ebike Subcommittee, and Jenny followed up by stating equestrians should be included on the NAW. Jenny added this approach is highly reckless. Nicole Hunt replied that this Ebike LUOD will not apply to state forest pathways, or State Game

Areas (SGA), and areas where bicycles are not allowed. Nicole added several avenues have been taken to publicly provide the Ebike LUOD proposal, such as the Quiet Symposium (East Lansing) for 2 years, the Michigan State Parks Advisory Council (MSPAC), and through public survey. Additionally, an evaluation for one year from implementation is part of the Ebike LUOD and any issues will be considered during that time. Nicole Hunt provided preliminary results for the public survey: 55% in support as written / 40% opposed / 4% are indifferent. Two virtual public comment sessions will be scheduled within the first year if the Ebike LUOD is approved. Jason Aric Jones added the initial discussion around this Ebike LUOD began last spring, around one year ago, and at that time it was determined a workgroup was needed.

Jenny Cook stated there are a few multi-use areas this will impact (below). Jenny asked where comments can be submitted for the trial year, what will signage look like, and will ebikes need any type of sticker (similar to a Rec Passport to enter state parks and recreation areas) since they are a mode of transportation? Nicole Hunt replied that ebikes are required to have a sticker which identifies the class. Comments will be submitted as public surveys become available. Nicole also noted that Mackinac Island has their own ebike rules. Also, if e-bikes will be permitted on rail trails and linear trails, these are additional areas besides the four places mentioned below where we will want to have a safe trail passing plan/signage for bicyclists, hikers, and horseback riders. "Ask to Pass" verbal communication is needed for passing non-motorized trail users. Then people with horses can be welcomed on these public trails as well.

1. Sleepy Hollow
2. Rockport
3. Bass River
4. Fort Custer

Jason Aric Jones is in support of the Ebike LUOD and corroborates the consideration in change during the one-year trial period. Jason added any items of concern coming from the Ebike Subcommittee will be brought to MTAC and NAW for collective input.

Jenny Cook said this is upsetting to the equestrian community and breaks trust on the DNR's behalf. Equestrians already struggle with acceptance. Jenny is pleading to get signage out before this is implemented to promote education and create awareness (see ETS report).

Brian Beauchamp added that the Vasa Pathway and single track on state forest lands will not be included in the Ebike LUOD. It will be beneficial to have a clear understanding of what is state managed lands versus state forest land.

Nicole Hunt followed by saying it has been suggested that Parks and Recreation (PRD) have conversations with the Forest Resource Division (FRD) to determine if there is any desire to open trails on state forest trails for ebikes. This Ebike LUOD is still work in progress.

NONMOTORIZED FUNDING AND MAINTENANCE WORKGROUP CREATION

Amy Scharmen-Burgdolf and Anna Lee will represent on behalf of ETS. Andrea LaFontaine, NAW Chair, will communicate the two NAW members that will represent. Brian Beauchamp will sit on workgroup as well.

ETS/NAW TRAIL SEPARATION MEETING RECAP

Amy Scharmen-Burgdolf recapped ETS/NAW Trail Separation meeting held recently. The need has been identified to separate trails on state forest lands confirmed by the recent meeting. With the upcoming Ebike LUOD, the equestrian communities would like to see this happen soon. Traverse City equestrian community is growing and needs more loop trails.

Sage Hegdal, DNR, mentioned the Thunder Valley separation decision is being discussed internally.

SUB COMMITTEE REPORTS

Equine Trails Subcommittee (ETS) – Jenny Cook (report attached)

Non-motorized Advisory Workgroup (NAW) – Jason Aric Jones

NAW members discussed gaps and representation for nonmotorized trail use related to funding. NAW members discussed coming up with missions and goals. The NAW and ETS Maintenance Subcommittee was created and will work with the Department budget projects. The PURE MI application status was provided, and NAW members John Bollman and Andrea LaFontaine questioned the value of the PURE MI campaign. NAW members voted in support of taking the Ebike LUOD to the May NRC meeting for review and support, results of the vote were 4 yay; 2 nays; 2 pass; and 1 absent.

Snowmobile Advisory Workgroup (SAW) – Karen Middendorp

SAW has two new members, Douglas Baum (snow communities and trail users) and Chad VanBennekom (Region 1 MISORVA). Snow Country Trails and Conservancy proposed a resolution to the SAW committee regarding acquiring permanent year-round multi-use trail easements. Joe Shaffer is still working on the Blue Karner Butterfly concerns and issues in the Allegan State Game Area. The Groomer Workshop was very successful with attendance just under 200 people. The Snow Equipment Subcommittee has asked the grant sponsors to refer to the DNR handbook for use of the machinery, specifically with dirt. Discussions to change the snow season dates did not go over very well and will not be pursued. Ron Olson is working on Miners Castle. Still working on installing GPS Verizon equipment along with fixing any bugs. The mention of installing gates on private property to deter any damages was discussed. Drummond Island closed snow trails for 2 weeks from wheeled vehicle damage at a time when there was not a lot of snow coverage. The workgroup discussed placing the DNR logo back onto snow signs, possibly discouraging theft.

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Off Road Vehicle Advisory Workgroup (ORVAW) – Mike Maves (report attached)

2024 MEETINGS

- JULY 10 (ROSCOMMON/RAM CENTER)
- SEPT. 24 (LANSING)
- SEPT 25-26 FALL ADVISORY BOARD TRAIL SUMMIT (LANSING)
- DEC. 10 (GRAYLING)

CLOSING/ROUND ROBIN

ADJOURNMENT

Meeting adjourned 4:59 p.m.

Opting in Electric Boards for Recreational Use on Nonmotorized Trails

Now that we have the sea change coming to "nonmotorized" trails wherein an external mechanical source utilizing energy can be used to supply motive power for a vehicle or for some other device with moving parts in the interest of propulsion (a.k.a. a motor), it is important to revisit that the new policy is evenly applied, and inclusive to other related recreational trail uses and users.

For this reason, as we move forward with the prospective implementation of the new LUOD on electric bikes, it is important for the Department to reassess the prohibition of **recreational** use of electric skateboards on State nonmotorized trails, as established by a previous Land Use Order of the Director. These devices are typically powered by electric motors similar to those powering Class 1 electric bikes and are capable of similar speeds. Both electric skateboards and bikes require user input to properly utilize these devices.

An argument which may be presented off-the-bat regarding inclusion of electric skateboards on nonmotorized trails might be made that the legal argument that legislature has designated Class 1 and 2 ebikes as "nonmotorized". However, an electric skateboard has also been exempted from the definition of "motor vehicle" under MCL 257.33. Both electric bikes and boards are not subject to the State's registration, licensing, or insurance requirements that apply to motor vehicles. MCL 257.660 (Michigan Vehicle Code) stipulates what is considered to be an electric skateboard and sets forth operating and use requirements.

Another potential argument against inclusion of these devices is that Class 1 ebikes, which will be allowed recreationally on State trails under the new LUOD, provide "assist" to a user's motion and require user energy as a part of engagement to produce motion. However, while not identical in pattern, electric skateboards also require user assist to properly manipulate along a trail. Both have braking mechanisms. It should be noted that there is already precedent for using an external vehicle for recreational user propulsion on State nonmotorized trails - that vehicle being a horse. A response to this point might be that a horse is not a motor vehicle. While not a mechanical vehicle, it is still a vehicle. In Michigan, state law does consider horses "traffic" and grants riders of animals and animal-drawn vehicles the same rights and responsibilities given to motorists, not unlike the MCL provisions governing electric skateboards. It is also worth noting that there are legal precedents nationwide establishing a horse as a vehicle (<https://nccriminallaw.sog.unc.edu/a-horse-is-a-horse-of-course-but-is-it-also-a-vehicle/>). So, if we want to exclude an electric skateboard as a vehicle that lacks electric assist, arguing that it is "self-propelled", why would we not make the same argument regarding use of a horse as a self-propelled vehicle on the trail?

In order to exclude users from State trails, there should be firm, consistent logic rooted in similar factual basis. Exclusion should not be arbitrary and capricious based on a personal bias or sentiment. As we move forward into a trail period of assessment of the new LUOD pertaining to electric bike use on nonmotorized

trails, we should be prepared to opt-in similar electric devices in the interest of the parity of inclusion.



[The above picture is a yielding sign from the Bentonville, Arkansas state trail system, which permits Onewheel use on this multi-use trail system. This trail system was reference by MDNR Trails Section as one of the natural surface, nonmotorized trails systems looked at in other states in the determination on whether ebikes could “work” on our state natural surface, nonmotorized trails.]

MTAC Q1 2024 Equestrian Report – Jenny Cook

Michigan Horse Trails Association

The Michigan Horse Trails Association has formed and is a non-profit, soon to be 501c3, statewide horse trails organization. We will put forth our statewide volunteer efforts on behalf of Michigan's horse trails, campgrounds, and volunteer organizations with this association. We rolled out memberships at the Michigan Horse Expo in March 2024 and had a warm welcome from many trail riders. We will have individual, family, business, and organizational memberships. Looking forward to partnering with the DNR and other trail user group organizations with this new association.

<https://www.facebook.com/groups/367722736150566>

The **Upper Peninsula Trail Horse Association (UPTHA)** has been created to provide a unified voice representing Michigan's Upper Peninsula equestrian trail systems. Working together, we can most effectively reach our goals to protect, promote and advocate for all the Upper Peninsula has to offer the equestrian trail rider. UPTHA is committed to supporting the Upper Peninsula horse trail riding, driving, and camping opportunities and the volunteers and organizations who continue to advocate for these opportunities. <https://www.facebook.com/groups/uptha>

STEWARDSHIP VOLUNTEERS: THE BACKBONE of MICHIGAN'S HORSE TRAILS:

Equestrians have **created horse friends' groups that volunteer and work with the public land managers to help create, maintain, and sustain these horse friendly trails.** We are thankful when we are welcomed on public lands. We have the **dedication, desire, energy, knowledge, and tools to help** with horse friendly trails. We have volunteered and donated time, efforts, and materials in recorded values of **\$716,529.18** in 2023 on public lands managed lands proving our **appreciation** and **commitment** to access of public lands.

Combined 2023 Volunteer hours -

DNR GROUPS - TOTAL	\$581,821.07
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NON DNR GROUPS - TOTAL	\$134,708.11
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TOTAL FOR MICHIGAN	\$716,529.18
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EQUINE INDUSTRY \$\$ TRAVEL and TOURISM:

When people with horses are welcomed, there is always positive economic impact for communities.

The results of the 2023 American Horse Councils' economic study have been released. Total economic value of the equine industry is \$177 billion up from \$122 billion in 2017 with 2.2 million jobs being linked directly and indirectly to the equine industry.

The #1 contributor to the equine industry is now THE RECREATION SECTOR.

<https://horsecouncil.org/press-releases/results-from-the-2023-national-equine-economic-impact-study-released/>

The economic activity involved in caring for the nation's estimated 6.7 million horses, along with the spending by horse enthusiasts in their pursuit of horse events and recreation, directly contributes over \$74 billion to America's Gross Domestic Product.

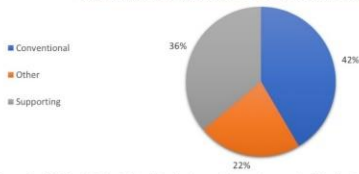


2022—Michigan

Value added [gross domestic product]		Employment		Compensation	
ORSA total	Share of state	ORSA total	Share of state	ORSA total	Share of state
\$12.4 billion	2.0%	118,993 jobs	2.7%	\$5.6 billion	1.6%

Value Added by Select ORSA Activity [Thousands of dollars]				
Activity	2020	2021	2022	State rank
RVing	674,057	1,098,022	1,139,429	5
Boating / fishing	1,198,100	1,112,914	1,133,133	8
Hunting / shooting / trapping	252,642	296,495	304,246	12
Motorcycling / ATVing	166,550	253,221	278,720	13
Climbing / hiking / tent camping	146,343	138,217	149,170	12
Equestrian	139,585	123,245	131,819	18
Snow activities	72,738	84,406	130,041	16
Recreational flying	24,734	24,254	61,960	14
Bicycling	35,890	40,608	38,764	22

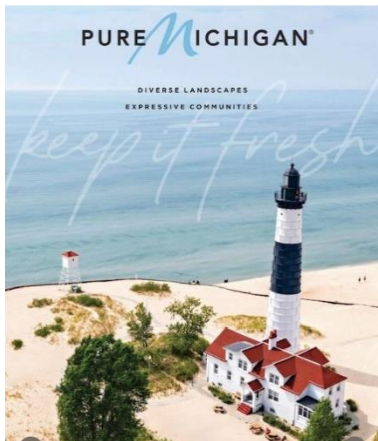
Value-Added Composition of Outdoor Recreation Activities



Conventional ORSA activities include traditional outdoor activities, such as camping, hiking, boating, and hunting. Other ORSA activities include those that take place outside, such as gardening and outdoor concerts. Supporting ORSA activities are those that contribute to the core activities and include such things as construction, travel and tourism, local trips, and government expenditures.

Michigan Data from American Horse Council

Horseback trail riding is featured on page 8 of our Michigan Economic Development Corporation (MEDC) Pure Michigan 2024 Spring / Summer travel guide. <https://www.michigan.org/travel-guide> MEDC and visitors' bureaus appreciate when people with horses are welcomed on public lands. The **Michigan Horse Trails Directory** is featured as a reference for Michigan equestrian trails. <http://michiganhorsetrails.com/index.html>



For more information on how equestrians benefit the economy:

The Lifestyle Equestrian Trail Riders By Lora Goerlich

<https://www.americantrails.org/resources/the-equestrian-trail-riders-lifestyle>

E bike Concerns:

- Many more biking trail users. A local Kalamazoo biking business reports sales are up 500% since last year due to e-bike sales. 40% of e bike purchasers do not have a driver's license.
- Many more biking trail users are unaware they need to stay off equestrian trails and are also unaware that horseback riders are Vulnerable Trail Users due to increased risk of injuries.
- Educational safety signs needed.
- Many more horses afraid of potential predators approaching more swiftly and more quietly especially from behind, which is the horses' vulnerable blind spot.
- Breaking trust with our horse partners because we are putting them in harms way.
- Unacceptable risk with potential high speeds coupled with silent E-bikes traveling faster and even quieter than human powered bicycles causing horses to react in swift, self-preservation actions, resulting in more risks of injuries, resulting in the elimination of safe, enjoyable horse trail riding.
- Loss of enjoyment due to CONSTANT watch of approaching swift and silent wheeled trail users from both in front and behind.
- Equestrians retreat and choose not to use public lands where there may be bikes/ e bikes due of safety fears.
- E bikes can easily be modified to travel faster than 28 mph.
- Enforcement/ public cannot identify the difference between classes of e bikes.
- Enforcement is not present.

Jenny Cook

Michigan Horse Trails Association Vice President (MHTA)
Michigan Trails Advisory Council Equestrian Representative (MTAC)
SW Michigan Equine Trails Subcommittee Representative (ETS)
mi.trail.rep@gmail.com
(269)998-5916

ORVAW Report

- On the topic of purchasing equipment with trail improvement funds, new committee looking at the next steps and hopefully adding DNR staff for Insite.
- Ideas were discussed on adding a field test for ORV safety and ways to help educated ORV riders.
- ALPHA system to come to the lower, lettering set up and mapping are some of the next steps.
- New chair Bob Meyers was elected.
- SAW and MISORVA are looking to change snowmobile hard dates due to lack of snow and MISORVA is also looking to keep wheeled vehicles off trails that they are legally able to operate on currently with yet another Bill, ORVAW motioned to not approved any changes/bills presented by MISORVA that pertains to any changes to ORV(wheeled vehicles) during the winter season, the economic impact of yet another no snow winter proves the point ORV is needed in the winter for local business, this motion was agreed upon by all members.
- There was also discussion about transparency with grant fund dollars.
- Event permits where discussed, looking at ideas to improve the program.

3/22/24

Michael Maves