

**EQUINE TRAILWAYS SUBCOMMITTEE (ETS)
MEETING MINUTES**

September 23, 2010

Approved November 23, 2010

**Ralph A. MacMullan (RAM) Conference Center
104 Conservation Drive, Roscommon, Michigan 48653**

PRESENT FOR THE ETS

Sandra Batie
Rebecca Thompson Behm
Michael Foote
Jan Herrick
Richard Kleinhardt

ABSENT FOR THE ETS

Jane Carmichael

PRESENT FOR STAFF

Frank Ruswick, Deputy Director, Stewardship
Lynne Boyd, Chief, Forest Management Division (FMD)
James Radabaugh, State Trails Coordinator, FMD
Annamarie Bauer, Trail Planning Specialist, FMD
Paul Curtis, Park Management Plan Administrator, Recreation Division
Dan Eichinger, Assistant to the Chief, Wildlife Division (WLD)
Earl Flegler, Public Lands Specialist, WLD

PUBLIC ATTENDEES

Ronald Beyer, Back Country Horseman (BCH), Michigan Trail Riders Association (MTRA), and
Waterloo Horsemen's Association (WHA)
Dan Burke
Gordon Davis, BCH, MTRA, WHA, Rocky Mountain
Janet Day
Kathy Jackson
Larry Kleinhardt, Back Country Horsemen of America (BCHA)
Larry Williams, Lapeer Mounted Posse

WELCOME

James Radabaugh called the first ETS meeting to order. Representatives of the ETS, DNRE staff, and members of the public introduced themselves. James Radabaugh and Annamarie Bauer will be the primary staff support for the ETS.

Public appearance opportunities for comment are scheduled on the agenda after staff reports. Each person will have 3 minutes for comment. Those who plan to comment were instructed to fill out a Public Appearance Card.

ROLE OF THE ETS - Deputy Director Ruswick

The ETS was created by the part of state law that governs trailways and helps to advance the state trailway network for all types of uses; Public Act 451, Part 721, Michigan Trailways, of the Natural Resources and Environmental Protection Act, outlines four main responsibilities of the ETS in 72110a (12). He also reviewed 72114 (4) regarding the DNRE responsibilities to establish a plan for a statewide trail network and the timing to complete the tasks.

Sandra Batie asked for clarification or the definition of “network.”

James Radabaugh gave a “generic” planning description as looking at it comprehensively, encompassing a broad range of support facilities such as trailheads, camping, etc.

General discussion took place regarding the goals and objectives, planning process, and inventory of what currently exists and what are the goals to compliment the existing system.

The deadline for the plan recommendations was noted within one year of the ETS appointments, June 2011.

RULES OF PROCEDURE - James Radabaugh

The Rules of Procedure adopted by the Michigan Snowmobile and Trails Advisory Council (MSTAC) was provided to the ETS. These rules apply to the ETS and all other workgroups of the MSTAC. Article I - Public Meetings, Article II - Officers, and Article III – Duties of Members of the Council comes directly from the legislation. Article V Section 4 Requires updates, reports, and plans to be provided from the ETS to the MSTAC.

The ETS is responsible for electing its chairperson and other officers. It was suggested by James Radabaugh that the group also consider a vice chairperson to preside and fill in when the chairperson is not present.

Deputy Director Ruswick informed the group that all legal and media contacts should be referred to the DNRE. This provision is provided in statute.

ELECTION OF CHAIRPERSON AND OTHER OFFICERS - James Radabaugh

Ballots were distributed and brief discussion took place prior to the nomination of officers. Candidate information/biographies were sent via e-mail.

Richard Kleinhardt nominated Sandra Batie as Chairperson, and **Jan Herrick** supported the nomination. There were no other nominations. **Richard Kleinhardt** moved to close nominations and called for the unanimous support for Sandra Batie for Chairperson. The motion was supported by **Jan Herrick** and passed unanimously.

Richard Kleinhardt nominated Jan Herrick as Vice Chairperson, and **Michael Foote** supported the nomination. There were no other nominations. **Michael Foote** moved to close nominations

and called for the unanimous support for Jan Herrick for Vice Chairperson. The motion was supported by **Chair Batie** and passed unanimously.

The meeting was turned over to Chair Batie

TRAVEL REIMBURSEMENTS - Chief Boyd

Forms and reimbursement rates were reviewed. Receipts are required and there is no reimbursement for alcohol. Lunch at the RAM for today's meeting is a direct bill to the DNRE.

James Radabaugh indicated there is no dedicated budget or funding for ETS. Support will come from the limited dollars in the trailways fund that would normally be used for trailways acquisitions or special projects.

Chair Batie acknowledged the limited operating budget for the ETS and asked everyone to be fiscally responsible

RECREATION IMPROVEMENT FUND AND RECREATION TRAILS PROGRAM (RIF/RTP) GRANT - James Radabaugh

The RIF and RTP program funding is based on a dedicated portion of fuel tax that can only be used for recreation purposes. RIF is a state program and RTP is a federal program allocated to the state. The two grant programs are administered through FMD for motorized and nonmotorized state trails.

There was a trail grant project in process at the DNRE involving equine planning prior to the formation of the ETS. The planning grant was issued to FMD for \$75,000 to inventory and access state equine facilities. This could be a funding source for plan assistance as the ETS moves forward with its charge.

Chair Batie asked if there was an inventory of state equine facilities. **Vice Chair Herrick** asked how they were to obtain this state information. State information is available online at the DNRE website. Staff to provide links for easy access from ETS website.

A student intern from Oakland University has started with FMD that will assist in compiling state, local, and private equine trails facilities data.

Two state maps were displayed and referenced. The first map is a record of where the people attending the Spring 2010 Michigan Horse EXPO ride in Michigan. The second map is a composite of trail data, including all uses, motorized and nonmotorized, local and state trails. Additional maps and data sets could be provided to add to the map.

NATIONAL PARK SERVICE GRANT - Paul Curtis

A copy of the technical assistance grant proposal that was submitted by the DNRE Recreation Division (RD) to the National Park Service (NPS) Rivers and Trails Conservations Assistance

Program were distributed for review. The application was originally made by and for the RD managed properties. The grant for technical assistance was later expanded to include other state lands. NPS has accepted this proposal and has agreed to assist the DNRE with their equine planning efforts. It was thought that this grant opportunity could be broadened to incorporate a comprehensive process that would help the ETS develop their work product due in June of 2011. This would involve the ETS, DNRE, and NPS working together to develop a statewide plan.

James Radabaugh announced that there was a scheduled conference call with NPS the following week to discuss first steps in the process.

Chief Boyd stated that this planning initiative began prior the formation of the ETS and could be expanded even broader serving as a resource for the ETS.

Chair Batie indicated that there were not enough planning resources for parallel planning efforts, and that it would be important to keep coordination and mesh together.

Paul Curtis said the intent was to include ETS members and stakeholders in the process.

DISCUSS ETS PLANNING INITIATIVE AND TIMETABLE - DNRE STAFF / ETS

Deputy Director Ruswick started the discussion with the question to consider 'what is the job for the ETS and how do you do it?' The DNRE and ETS need to work "in step" with each other. 'What is the product that will be produced and what does it look like?' 'What can NPS do to help?' The ETS feeds into the larger DNRE statewide plan.

Chair Batie opened the discussion up to the ETS.

Richard Kleinhardt thought the assistance/efforts from NPS was good; however, he believes the #1 priority should be to focus on the list of 27 areas in the state that have had closures or threats of closure to equestrian riding.

Vice Chair Herrick supported the idea by adding it was good to work with closed trails and closed areas where people want to get back to ride.

Chair Batie pointed out that part of the job is to look at long-range funding and look for opportunities to raise funds. Trails can't be opened without appropriate funding. There is a need to manage what is in place before expanding and there is a need to have a conversation about enforcement funding requirements.

Rebecca Thompson Behm asked the group 'what are the steps for coming up with a statewide plan? Why were trails closed? Was there damage? Does the group have control?' First the group needs to establish what it is that they are looking for so they can stay on task.

Chair Batie acknowledged the importance of creating filters.

Mike Foote indicated a need to identify what is opened, what's closed, and why it was closed. There is a need for tools to work on funding. A Bridle Fee might be such a tool. Timing would be a factor to consider. He would like to see the fee recommendation come from the equine community.

Chair Batie brought up the current Recreation Passport as an example and potential opportunity to work with the existing structure. She noted that a Bridle Fee is a very polarizing issue. That framing it is an important way to gain support. 'How much money does it take?'

James Radabaugh shared that the fees and funding distribution for snowmobile and ORV is in statute and that there are formulas for distribution of those funds.

Deputy Director Ruswick indicated that funding is important and that DNRE can share the framework for the motorized uses as context for ETS discussion. He asked the question 'what is the outcome – what do they want to accomplish?'

Richard Kleinhardt is looking for access to trails. He emphasized how much can be done by volunteers. He asked the question, 'what good is a Bridle Fee if you continue to lose trails? What would a Bridle Fee entitle a user to?'

Chair Batie asked the question, 'what do we want to achieve?' Look at what we have been asked to do. There is a need to look beyond the Pigeon River Country (PRC) and look at the entire state.

Vice Chair Herrick stated horse use is an allowable for PRC lands. There are reverted acres in other areas such as PA, NJ, and NM that have been opened with plans.

Chair Batie asked if there were any representatives from game or nongame species on the motorized workgroup. Answer: Yes for ORV and no for snowmobile; however, there was a representative from MUCC.

Vice Chair Herrick stated that animals seem to adjust quite well to horse use.

Chair Batie offered the following recap of the discussion:

- General desire to have access (for equine trails).
- Would like background on why areas were closed.
- Need to have discussion on how many trails is enough.
- How best to achieve multi-use trails and reduce user conflicts through seasonal use, design, etc.

Richard Kleinhardt - Allegan Game Area entered into arrangement due to tourism brought into the area. He pointed out the document prepared by the Equine Land Conservation Resource from Kentucky.

Chair Batie requested that the information be saved for discussion at a later meeting and encouraged the other ETS members to bring in information "lessons learned" from other states for sharing.

Chief Boyd asked that when comparing data, make sure they are comparing “apples to apples,” as not all states land definitions are the same. Allegan State Game Area was an overused area that recently went through a planning process. This was different as the land was originally forest land (tax reverted) and not purchased with Game and Fish funds.

Deputy Director Ruswick indicated that the group was raising good questions. The fundamental question is ‘what do you want to achieve regarding access? And what does that mean?’ Think about it from the perspective of the desired outcome. ‘What have you created?’

James Radabaugh indicated that the Bridle Fee topic will bring about more discussion on how it should be used and how will it translate to work on the ground.

Vice Chair Herrick mentioned the concept of workdays or buying off hours rather than a fee.

Chair Batie suggested “harnessing volunteer groups” as a future agenda topic.

Richard Kleinhardt stated he was neutral to the Bridle Fee concept.

Michael Foote stated that the intent of the Bridle Fee was not to provide entitlement, rather to give the equine community buy in. Dollars will give you a voice.

Paul Curtis - The network will be clarified as you work through the process.

NATURAL RESOURCES COMMISSION MEMO ON EQUINE ACCESS FOR THE PIGEON RIVER COUNTRY STATE FOREST (PRCSF)

Chief Boyd referred the ETS to the Natural Resources Commission (NRC) Memo of May 10, 2010. The statute required the PRCSF access plan to be reviewed by June 15, 2010. She provided the overview for the management of the PRCSF including the Concept of Management and 2005 Update which modified where equestrian use could and could not occur. The Access Plan from 1994 is in the process of being updated along with equestrian use. There have been some recommended changes including additional connector paths and the opening of two dispersed campsites. This information was presented to the NRC at the June 3, 2010 meeting and public comments taken to fulfill the requirement outlined in statute. The proposed changes need to be reviewed and supported by US Fish and Wildlife Services.

Chair Batie asked if there was a timeline for a response.

Deputy Director Ruswick - There is no timeline or trigger to hold them to. We will work toward an answer.

Dan Eichinger stated that the Federal Agency provides grant money to acquire and manage lands and the DNRE proposes uses for these lands. Uses need to be reviewed by the Federal Agency, for all lands funded through these programs not just in the PRCSF.

There was additional conversation on the topic of federal funds, which will be an agenda item at the December 1, 2010 joint meeting with the MSTAC, ETS, and the other Advisory Workgroups.

STATUTE; ADMINISTRATIVE RULES AND LAND USE ORDER OF THE DIRECTOR -**James Radabaugh and Paul Curtis**

James Radabaugh provided an overview of the Agency Administrative Rules (Rules) for Lands Administered by the DNRE and Land Use Orders of the Director (LUOD). A link for this information will be provided on the ETS website.

Chair Batie requested a brief explanation accompany the links to help explain the hierarchy (Statute, Rules, and LUOD etc.).

DETERMINE MEETING FREQUENCY AND LOCATIONS - James Radabaugh

Discussion took place concerning longer and less frequent ETS meetings, complying with the Open Meetings ACT, the upcoming joint meeting on December 1, 2010 with the MSTAC, ETS and Advisory Work Groups, monthly meetings, location, etc.

Chair Batie offered to work with DNRE on behalf of ETS to explore next meeting date.

Rebecca Thompson Behm would not be able to attend any meetings scheduled in January, February, or March.

Michael Foote was concerned about the frequency of meetings.

Vice Chair Herrick is not available the last two weeks in November or the first week in December.

IDENTIFY AGENDA ITEMS FOR NEXT ETS MEETING

Chair Batie asked the ETS what agenda items they wanted to see on the agenda and offered to work with DNRE to develop for the next meeting. Items discussed to be included:

ACCESS to trails and what is the definition of access relative to the planning process, network and connections.

CLOSURES what were the basis for closures and are there opportunities for change.

LIMITATIONS what are the limitations for trail development and maintenance such as funding, land management, etc. How are the needs met?

CONFLICTS what is the nature of user conflicts and how to address them? What does historic mean regarding use?

Deputy Director Ruswick did not have the same interpretation of the legislation as some of the ETS members. The ETS and DNRE need to have a better understanding of what the legislation says.

Michael Foote asked that the closure list be shared.

Richard Kleinhardt provided the list of 27 closed areas to James Radabaugh.

Deputy Director Ruswick offered to have the DNRE categorized the list of closures by land management division.

Chair Batie asked about prescriptive rights and the need for clarification.

Richard Kleinhardt stated the spirit and intent of the legislation was intended to positively impact the economy.

Rebecca Thompson Behm asked if there were any tools or resources for the equine community available from the Michigan Economic Development Corporation.

There was additional discussion regarding the information available through the Michigan Equine Partnership. The ETS is to forward information to DNRE for distribution.

Staff Reports

There were no staff reports.

Public Appearances

Ronald Beyer had four items of concern:

- Reduced riding opportunities at the PRCSF, no area to water horses, safety concerns riding on the forest roads.
- Proposed trail changes at Waterloo Recreation Area due to gravel mining operation.
- The Bridle Fee should only be considered after some improvements.
- Adverse possession and the taking of property is wrong.

Larry Kleinhardt thanked the ETS. He owns land adjacent to the PRCSF and is disappointed with the changes affecting riding opportunities in the forest. Horses cause least amount of disruption.

Larry Williams is concerned about ongoing changes impacting horse riding and use such as volunteers not being able to do work, watering at Smith's bridge, and also commented about the need to get organized and get legislation passed.

Gordon Davis has been purchasing hunting and fishing licenses and he is looking for information on the court case for Lost Nations. He has difficulty mounting a horse, therefore he and other riders with disabilities have trouble dismounting to water horses. Horseback is the only way they are able to see the beautiful woods. He asked if the PRCSF campsites are full where can you go to camp. Johnsons Crossing is the closest but has been closed in the past.

There were no other comments.

Chair Batie indicated that the Smith Bridge issue was being looked at.

Michael Foote motioned to adjourn. **Rebecca Thompson Behm** supported the motion.

Chair Batie adjourned the meeting at 3:15 p.m.