



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

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GOVERNOR

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SUBMITTED: May 10, 2010

Memorandum to the Director

Information: Natural Resources Commission

SUBJECT: Equine Access for the Pigeon River Country State Forest
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, authorizes the Department to develop plans for the long-term management of the state forests and authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

The Pigeon River Country (PRC) is one of the largest blocks of undeveloped land in the Lower Peninsula. It is recognized for its unique assemblage of natural resources, including as the home of Michigan's elk herd. Because of the natural resources found there and its wild character, the PRC is valued as one of Michigan's most precious resources. The Department of Natural Resources and Environment (Department) has been guided in its management of the PRC by the *Concept of Management* (Concept) since it was originally adopted in 1973. The purpose of the Concept was to protect the Lower Peninsula's last "Big Wild" from overuse and overdevelopment. Since its inception, a variety of land use rules were promulgated to control recreational uses that threatened the natural resources found there. Today there is an increasing demand for recreational use, which must be managed under the guidance of the 2007 update of the Concept using appropriate land use restrictions to ensure that the unique and wild character of the forest remains protected.

Additional land use restrictions were implemented in May 2008, by amending Land Use Order of the Director 4.34 to regulate equestrian camping and riding within the Pigeon River Country State Forest (PRCSF). Senate Bill (SB) 578 of 2009 (passed as 2010 PA 45) requires the Department to "review the restrictions on access by pack and saddle animals previously imposed," by June 15, 2010. This bill also sets conditions for when the Department may restrict pack and saddle access on Department-owned lands and envisions a public meeting before the Commission as part of the review process.

To meet the review requirement of SB 578, the Department has taken the following steps and made the following determinations:

1. In April 2010, the Department completed a review of the restrictions, along with the associated Land Use Orders of the Director, which resulted from *A Concept of Management for the Pigeon River Country*. A proposal to modify the restrictions on access for equestrian camping, and pack and saddle riding, was developed by Department staff. This proposal would add two additional locations for equestrian camping and open an additional 4.29 miles of trails for equestrian use.
2. Department staff met with the Pigeon River Country Advisory Council State Forest Access Committee on April 22, 2010, to receive input on the modified restrictions and proposed changes to access.
3. Stakeholder input and public input on the Department staff proposal was also obtained from a meeting with the Pigeon River Country Access Committee held on April 26, 2010.

Basis for Department's Proposal

Part 721 of 1994 PA 451, as amended, provides that restrictions on pack and saddle animals may be appropriate when those uses may conflict with the mission of the Department. Part 405 of 1994 PA 451, as amended, requires that the Department shall perform acts as may be necessary to conduct and establish wildlife restoration, management, and research projects and areas, in cooperation with the federal government under the Pittman-Robertson Wildlife Restoration Act (Act) 16 USC 669 to 669i, and regulations promulgated by the United States Secretary of the Interior under the Act. In compliance with that Act, funds accruing to this state from license fees paid by hunters shall not be used for any purpose other than game and fish activities under the administration of the Department.

With the majority of the PRCSF having been acquired with funds accruing to the State of Michigan from the sale of hunting licenses, it is necessary for the Department to ensure that activities unrelated to wildlife restoration, management and research, do not conflict with these purposes. All pack and saddle access on lands acquired with license fees is now restricted to roads open to vehicle use, with the exception of approximately six miles of trail that occurs on Department service roads. Access along roads open to vehicle use by pack and saddle animals does not add any additional disturbance than that occurring by allowing public access to the area. The six miles along Department service roads has been designed to avoid any habitat development projects or sensitive habitat types, such as wetlands and streams. Consequently, the pack and saddle access that occurs in areas designated for wildlife purposes does not currently conflict with wildlife restoration, management, and research.

However, unstructured horseback riding and camping (that which occurs outside of the designated system) does conflict with these purposes and converts the land acquired for wildlife restoration, management and research, to land that is used for other purposes. The law clearly establishes the charge of the Department with respect to the use of these funds and the lands improved by them: that they must be managed and maintained for the purposes of wildlife restoration, management, and research, and that the Department must align its activities with these purposes accordingly. For these reasons, horseback riding off the designated system within the PRCFS is not in keeping with the mission of the Department. In light of that finding, the prohibitions on those activities are consistent with the intent of Part 721 of 1994 PA 451, as amended.

Further, published research on the effects of recreational activities such as all-terrain vehicles, mountain bikes and horseback riders on wildlife species, suggests that behavior of species such as elk is affected by disturbance from humans. The type of recreational activity, frequency, duration and intensity of such activities, may affect animal movement rates and the probability of flight, and has the potential for species to avoid otherwise suitable habitat.

Comments to Date on the Department's Proposal

Comments and suggestions regarding the Department's proposal were generally favorable and centered upon several themes including: the need for better trail marking and signage; the need for increased enforcement of land use rules; an easier to understand explanation of land use regulations for equestrian riders; and the potential to modify or reconfigure the existing Elk Hill Trail Camp (group camp) to accommodate an overflow of campers from the existing Elk Hill Equestrian camp, and to allow for bigger horse trailers.

Most of the restrictions on dispersed pack and saddle access that resulted from the November 2007 update to the Concept must remain to protect the lands for its mission-related purposes. Suggestions to allow pack and saddle animals in the Green Timbers and Blue Lakes Management Units, which are closed to all motorized vehicles and bicycles, was mentioned but not adopted in the Department's proposal. These areas are unique because they are the two largest roadless areas within PRC, and because of concerns about pack and saddle use of the maintained wildlife openings there used for managing habitat for deer, wild turkeys and elk, and the ability to enforce regulations in these remote areas.

A suggestion to allow development of single track trails across state land, to allow private landowners to connect to legal riding opportunities within the PRC, was not adopted because it would result in numerous new trails, and would lead to further resource damage and conflicts among users as other recreationalists would likely seek similar access.

Next Steps

By means of this memorandum, the Department formally requests the Natural Resources Commission to hold a public meeting at its June 3, 2010 meeting to receive testimony on the Department's proposal for access by pack and saddle animals in the PRC.

The Department will be seeking concurrence with the U.S. Fish and Wildlife Service and this review may be subject to change based on their findings or the need for resource protection, public safety, maintenance, or user conflicts.

The Department is strongly committed to further work with equine user groups, local staff and recreation program leaders, to examine these recommendations and consider changes to existing trail and camping facilities based upon factors such as funding, resource protection, and to managing potentially conflicting recreational uses.

This Memorandum and a map depicting the Department's recommendations will be posted on the Department website from May 17 through June 7, 2010, for public review and comment.

Recommendation:

The Department proposes to pursue the following changes to the current Land Use Order of the Director 4.34, to regulate equestrian camping and riding within the PRCSF.

Camping with horses, other riding animals or pack animals will be expanded to include two additional locations.

Camping with horses or other riding areas or pack animals is currently restricted to Elk Hill Equestrian State Forest Campground and Trail Camp, and Johnson's Crossing Trail Camp. The Department is proposing 2 additional locations to be designated and posted for such purposes. These would be located at the off-site or dispersed campsites known as Horse Camps 5 and 15. These camps purposely avoid lands with a license fee purpose, maintained openings, and other habitat areas that could be adversely affected.

Horses, riding animals, and pack animals use will be expanded to include an additional 4.39 miles of trail.

All pack and saddle animal riding opportunities would remain in force to protect the area for its mission-related purposes. In addition, the Department is proposing 4.39 miles of trail located along Department service/management roads. These segments have been requested to alleviate safety concerns of riders along certain stretches of roads open to vehicles that have limited sight distances and narrow shoulders. Those portions allowed on lands with a license fee purpose specifically avoid maintained openings, stream and river crossings, and other habitat areas that could be adversely affected.

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I approve the staff recommendation.

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Director

Approval Date

Pigeon River Country - Proposed Equestrian Access

