

Minutes
Michigan Trails Advisory Council
April 10, 2018

The regular meeting of the Michigan Trails Advisory Council (MTAC) was called to order by Chairman Frank Wheatlake at 10:06 a.m. on Tuesday, April 10, 2018 at the Ralph A. MacMullan Conference Center in Roscommon. Members present: *Chairman Frank Wheatlake, Jim Dickie, Jim Duke, Tom Dunn, Tim Kobasic, Bill Manson, and Mike Foote.* *Jason Rolling* was excused.

The following Department of Natural Resources (DNR) staff was present: Jacklin Blodgett, Paul Yauk, Anna Sylvester, Doug Rich, Barbara Graves, Jessica Holley, Amy Swainston, Matt Torreano, Scott Slavin, Ron Yesney, Bill Sterrett, Paige Perry, and Cpl. John Morey.

WELCOME AND INTRODUCTIONS

Chair Wheatlake welcomed everyone and asked everyone to introduce themselves. He welcomed Jacklin Blodgett and congratulated her on her promotion to Assistant Chief of Parks and Recreation.

ACTION ITEMS

Jim Duke supported the motion to approve the April 10, 2018 meeting agenda. Tim Kobasic seconded and the motion passed unanimously.

Tim Kobasic supported the motion to approve the October 11, 2017 meeting minutes. Tom Dunn seconded and the motion passed unanimously.

UPDATES

2018 Trust Fund Applications - Paul Yauk

Six applications were placed, for a total of \$1.75M. These have not been approved by the legislature yet, but projects are identified, including bridges. On April 1, 2018, an additional eight applications for over \$1M were submitted for review. Paul Yauk thanked the committee for their support.

P.A. 288 Update – Bill Sterrett and Anna Sylvester

Anna Sylvester and Bill Sterrett gave an update on P.A. 288 and the forest road inventory process. Please see the attached two handouts for updates and pertinent dates. Chair Wheatlake requested an update at the October meeting. Paul Yauk thanked everyone involved in the process.

Permanent Easements – Matt Torreano

Matt Torreano reported since the last update in October, they have recorded two parcels in Big Bay; part of a five-parcel acquisition. With awarded Michigan Natural

Resources Trust Fund (MNRTF) grants, they are working on some more in the Keweenaw. A draft has been started for an acquisition in Lake Linden. In the Central Upper Peninsula, one in Big Bay is close to being finished. They are working towards developing an underpass for multi-use on the U.S. 41 corridor in Marquette. In the Eastern Upper Peninsula, they are staging on some more acquisitions that were approved but are waiting on appropriation. There is another potential acquisition on Drummond Island for a critical piece of trail there which is in process as well.

Chair Wheatlake asked Mr. Torreano to provide an update at the October meeting.

BUSINESS ITEMS FOR DISCUSSION

Subcommittee Reports

Snowmobile Advisory Workgroup (SAW) - Bill Manson

This is the first time MNRTF money has been awarded to motorized recreation. \$900K was approved for six acquisitions and easements, some including culvert and bridge work. \$1.9M was identified for development projects including culvert and improvement work. New machines are being delivered to Seney and Drummond Island. The easement in Big Bay for Trail 14 will be signed, the process is underway to acquire snowmobile easements on Drummond Island, and they are moving forward with the underground tunnel project on US 41. Trail permits will be up about 6,000 from last year. There were 15 fatalities, 10 of them on trails; most of them due to speed and some from alcohol. There were eight grooming extension requests, but because there is no policy in place they were not granted. Midwest Living will be interviewing them to spotlight Michigan and the winter snowmobile program for their next issue.

Chair Wheatlake asked the SAW and the department to come back in October for an update on a process to extend the grooming snow season.

Off-Road Vehicle Advisory Workgroup (ORVAW) - Tom Dunn

For the first time, the ORV and the Snowmobile communities were invited to speak at the Governor's Conference on Tourism, and it was a great opportunity to inform them of what the programs can provide. The group is happy to announce that they were successful in working with the department and lawmakers to pass P.A. 199 of 2017, which would extend the ORV permit until April 2024. Other legislation presented for consideration are HB 4846 of 2017 and HB 4997 of 2017, both of which do not have the support of the workgroup. The workgroup is working with Law Division on multiple aspects of The Handbook of Michigan ORV Laws and Safety Education. They are working with Consumers Energy on trail corridors. August 14 – August 18, 2018 the NOHVCC will be coming to Grand Rapids and they invite everybody to join them there. Mahindra, a tractor company out of India opened a plant in Detroit, are building ORVs, and they want to work with us to help support our system.

Equine Trails Subcommittee (ETS) – *Mike Foote*

The Michigan Horse Council worked in collaboration with the DNR in developing a PSA, which can be found on YouTube by searching “Michigan Horse Council”. There is interest in opening a few equine campsites at Courtney Lake. Sarah Nicholls has accepted a position in England and has stepped down from the committee and the department is seeking her replacement. There were two successful shoreline pilot rides; they are looking at feasibility. There were more equestrian mapping projects completed. Ionia State Recreation Area installed pipe corrals on 7 camp sites and they are very popular. Emergency contact information has been provided by some groups to place in park kiosks for emergencies (i.e., vet calls, etc.) The ETS is tasked with picking 5 towns that could be potential trail towns, which is still being worked on. Equine Legislative Day has been moved to May 9. See attached for a compilation of equine friends groups volunteer hours reported for 2017, which shows the investment that the equestrian community has in to their various parks.

Nonmotorized Advisory Workgroup (NAW)

Mr. John Morrison, Executive Director for the West Michigan Trails and Greenways Alliance and Chairman of the Nonmotorized Advisory Workgroup introduced himself. He reported the workgroup will be updating their five year plan with help and input from all the different groups. With Nancy Krupiarz being gone, they are trying to regroup. Chair Wheatlake asked them to bring forth to the group their accomplishments, where they are headed, and what kind of issues they have; talk about funding sources so the whole Council understands where they are at.

Finance Recap – *Jacklin Blodgett*

Ms. Blodgett gave a financial overview of Parks and Recreation, including but not limited to, where the dollars are coming from, where the dollars are distributed, sales figures, and projections. See her attached presentation titled “*State Parks & Recreation Opportunities*”.

Tim Kobasic asked about the Waterway’s proposed registration fee for kayaks movement, to which a lot of his contacts in the Upper Peninsula were not aware of. Ms. Blodgett wanted to make it clear that this initiative is being driven by the Waterways Commission and is an effort to just start the conversation. There will be a public meeting on April 25 in Lansing for the public to have an opportunity to share their ideas and thoughts.

Bill Manson asked about local grants and where to find the information. Information can be found at: http://www.michigan.gov/dnr/0,4570,7-350-79134_81684_79209---,00.html.

STAFF REPORTS (by exception)

Paul Yauk, State Trail Coordinator

Paul Yauk reported with sadness that Ranger Roy Pederson from Brimley State Park passed away in February due to a tragic accident while grooming a cross country ski trail on the Algonquin Pathway.

Mr. Yauk recognized Scott Slavin as the new Cadillac Trail Specialist. Mr. Slavin introduced himself to the group. Mr. Yauk added that Emily Meyerson, the Northern Lower trails coordinator has resigned; they will be looking for her replacement.

Over \$12M private dollars have been donated for the Iron Belle Trail; \$5M from the Ralph Wilson Foundation, \$5M from Michael R. Levine, and \$2.5M from donations from the Karen McKeachie Fund.

Scott Slavin, Cadillac Trail Specialist

There are a lot of projects being worked on in collaboration with partners, including the Cadillac Pathway pavilion and parking lot extension, projects along the White Pine Trail including a surfacing project for Leroy to Reed City, the Reed City Bridge project, and the temporary bridge put in last year just south of Big Rapids will be removed soon for the installation of a new bridge. He is also working on a Mark Mandenberg memorial project on the Betsie Valley Trail. The Manistee River Bridge project is moving forward with inspections.

Paige Perry, Gaylord Trail Specialist

Among several projects, two bridges in Cheboygan are on fast track to hopefully be completed this summer. Three bridges on the Alpena to Hillman Trail are in the works. Rogers City Spur – they are trying to work out an agreement with Carmeuse. A lot of large event applications have been filed. ORV workshops and preseason meetings are taking place. She and Kim Kennedy gave a presentation to Esri, an ArcGIS software developer who is interested in how we manage our trail data. Mr. Yauk said they will share more on this in the future.

Amy Swainston, Roscommon Trail Specialist

Working with Clare County Parks and Recreation and applying for MNRTF grants to fill in a gap on the Pier Marquette. They were awarded Land and Water Conservation fund grants for extending the current paved trail north of the RAM for part of the Iron Belle Trail. They are working on various ORV restoration projects, as well as route, grading and reshaping aspects. The Grayling Community Bridge is complete.

Ron Yesney, Upper Peninsula Trail Coordinator

Rail trails - they are doing a project in the Keweenaw to close some old gaps. They are also working on the rail trail between Little Lake and Chatham, which is their key connector across the Central Upper Peninsula. Mountain bike – a proposal was approved for Copper Harbor that will allow a loop around the Keweenaw; Copper Harbor to High Rock is finished. They recently received approval to designate some

mountain bike trails at Little Presque Isle. Equine - they had a successful equestrian workshop in March that brought together users, land management agencies, and staff. Talks about Courtney Lake are in the works as well. He credits Jeff Kakuk on a fine job of pulling the workshop together and following up on commitments. ORV – they have added over 300 miles of trail and route in the Upper Peninsula since 2014 when the permit increase went in. The goal is to eventually have an ORV route from Saint Ignace to the Keweenaw and Ironwood and back. They just got a motorcycle connection between Bass Lake and Porterfield approved. Snowmobile – he has collaborated with the Marketing and Outreach Division and MSA on press releases and several media blasts to educate people on where their \$48 trail permit dollars actually go. The next effort is going to address the issue of trespass and off-trail riding and the effects. Funding was approved to do a video for YouTube about all the work that goes into managing and maintaining a snowmobile trail system.

Jessica Holley, Motorized Trails

Since October, she has traveled the state in continuing her efforts to understand the program, the grant sponsors, their volunteers, and their regional diversity that they have in the ORV and Snowmobile programs. In gaining that understanding, it really helped her bring back the perspective to the trail advisory workgroups. Her goal is focusing on relationships between the trails program and their partner divisions. She has been meeting with both representatives from Forestry and Law Enforcement in the field and in Lansing in an effort to help communications. There is still work to be done to provide statewide consistency in the trails program. She thinks her position has helped focus those goals and provide that consistency moving forward.

Cpl. John Morey, Law Enforcement Division

They were recently contacted by some hospitals who indicated that their number two cause of emergency room visits are ORV personal injury accidents. From there he got involved in organizing a public service announcement by creating an eye catching poster with safety tips, direction to safety courses, etc. If you have any photos of destroyed machines, please forward to him (nothing involving fatalities or litigation, please).

Nicole Toman, Regulatory Unit Manager

Ms. Toman briefly went over the Department of Natural Resources Legislative Update (see attached memo) as it relates to trail matters and the E-bikes on DNR Trails handout (see attached).

Anna Sylvester, Northern Field Operations Chief

Silver Lake State Park has a public meeting tomorrow at 6:30 p.m. at Golden Township Hall to go over where they are in the process with the DEQ permits and the parking lot.

Mr. Dickie announced that this will be his last meeting on the council. He is stepping down to pursue other things on his bucket list. Chair Wheatlake thanked him for his service on the Council and for a job well done with the snowmobile program.

Chair Wheatlake let the group know that council member Jason Rolling will be on military assignment and is not expected back until September.

Chair Wheatlake said his last meeting will be in October, and that he will also share this with Director Creagh. He thinks it is time that the members start thinking about putting some refreshments into their workgroups. There are vacancies on some of the subcommittee and workgroups, and he thinks there should be some youth in them.

Mr. Kobasic mentioned that they were invited to, and sat in with, the Eastern Region of the U.S. Forest Service to consider their upcoming priorities. Shortfalls and lack of staffing have caused thousands of permit backlogs. They asked that congress indemnifies the Federal Government the way the states are with recreational use and liabilities. They are now using a new programmatic concept, where if a DNR trail permit is already permitted in the National Forest, and they have the criteria that meet the trail maintenance requirements, the permit is rubber stamped for approval.

There being no further business the meeting was adjourned at 1:44 p.m.



MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

April 12, 2018

TO: Michigan State Parks Advisory Committee

FROM: Paul Yauk, Chief, State Trails Coordinator
Anna Sylvester, Chief, Northern Field Operations

RE: PA 288 Process – Extending ORV use on Forest Land Roads

Background:

Public Act 288 of 2016 requires the DNR to inventory all roads and identify which roads will be open to ORV's and which will be closed and "signed" as closed. The Northern Lower Peninsula (NLP) had a deadline of Dec. 31, 2017 and has been completed. The Upper Peninsula (UP) and the Southern Lower Peninsula (SLP) road inventory and identification of roads open to ORV's is required to be completed on Dec. 31, 2018. The UP meetings are about one month ahead of the SLP to allow the first presentation of the UP road inventory to be in September at the Natural Resource Commission (NRC) meeting in Ontonagon. The SLP road inventory has been completed and is ready for GIS staff to finalize the maps for the department meetings.

Internal Next Steps:

- Southern Lower Peninsula park maps to be converted to Forest Resources Division mapping format.
- Department meetings for District Managers held on the following dates:
 - April 23, 1:00 – 4:00 p.m. for the units north of M-46 (except Plainwell District)
 - April 24, 9:00 a.m. - Noon for SW units, west of 127
 - April 24, 1:00 – 4:00 p.m. for SE units
- The above meetings will include the review of maps to clear up any outstanding issues, discuss open and closed areas before public notification.

Stakeholder Meetings:

Stakeholder meetings will be held with various groups such as the Michigan United Conservation Clubs (MUCC), Michigan Trails Advisory Council (MTAC), Off-Road Vehicle Advisory Workgroup (ORVAW), and various friends groups. These meetings are scheduled to be held May 29-30, 2018 at the MSU Demmer Center. Each group meeting will be ½ day and will review the process under taken and allow stakeholders to ask questions on behalf of their groups. Each session will review how to locate the maps on the internet as well as receive information on the public meetings.

Public Meetings:

Public meetings will provide a 30-40-minute presentation on the process, provide an opportunity for questions on the process and explain how they can provide input on the maps.

The last half of the meeting will have large printed maps, by County, and allow for small group discussions with unit managers.

Public meetings are scheduled to be held from 6:00 p.m.- 8:00 p.m. on the following dates and locations:

- Monday, June 4, 2018 Golden Township Hall
- Tuesday, June 5, 2018 Hartman Center, Allegan
- Wednesday, June 6, 2018 DeWitt Township Community Center
- Thursday, June 7, 2018 Novi Civic Center

In addition to the meetings, the most efficient method for reviewing our recommendations and submitting comments is to use the online map. The map displays the DNR road system and identifies which roads are recommended to be opened, closed, or seasonally closed to ORV use. They can add their comments right to the map or via email to the DNR Roads Inventory process. The online map is located on the DNR website.

Comments will be accepted until June 30, 2018 and will be incorporated into the final recommendations. A second Department staff meeting will be held in July 2018 to make recommendations based on comments received. We anticipate this going to the NRC for information in October 2018 and a second public comment period will be held. Final Department staff meeting will take place in November 2018 with a recommendation for the Director for final decision at the December 13, 2018 NRC meeting.



Road Inventory Project Update

michigan.gov/forestroads

April 10, 2018

Public Act 288 Background

Public Act 288, signed by Gov. Rick Snyder on Sept. 28, 2016, changes rules for:

- ORV use on state forest roads in Lower Peninsula
- Use of ORVs by hunters to retrieve big game
- Use of pack and saddle animals for the retrieval of big game

In addition to these changes, PA 288 also requires that the DNR conduct a comprehensive inventory of all of the state forest roads and map them and make them available to public.

Key Messages

- The DNR is conducting an inventory of all state forest roads:
 - The northern Lower Peninsula was completed in 2017.
 - The UP and southern Lower Peninsula will be completed by Dec. 31, 2018.
- Maps of the northern Lower Peninsula are published online to let users know what's open for use. Maps will be updated every year if changes occur.
- Forest roads are still open in the UP while the inventory is being conducted.
- Maps of the UP and southern Lower Peninsula will be online by 2019.

Northern Lower Peninsula Next Steps

- Roads closed to ORV use will be marked at their intersections with red carsonite posts with a yellow sticker saying "closed to ORVs".
- Carsonite posts have been purchased, maps showing installation locations generated, and signage is being resourced by DNR Divisions. Plans are to place posts in ground as ground thaws and staffing permits.
- The DNR is creating processes to address future changes to ORV status and how to keep the road inventory up to date.
- The Department will be assessing use of roads by ORVs, noting any resource damage, user conflicts or law enforcement issues as a result of PA 288 during the normal course of duties.

Upper Peninsula Project Completion Timeline

- DNR Staff from all resource managing Divisions completed initial classification on all forest roads in UP in January.
- A meeting for key UP stakeholders will be held on April 18, 2018 at Marquette Charter Township Hall. Invitations will be sent soon.
- An initial proposal for roads open and closed to ORV use will be open for public review and comment using a variety of methods in May and early June 2018. These methods include stakeholder meetings, public meetings, emails, letters, and an online web map designed to accept comments on specific roads. Tribal consultation meetings will also be held in UP.
- Department staff will consider public comments and put forth an updated proposal on road restrictions.
- The updated proposal will be open to a second round of public comment from October 1-November 15, 2018.
- DNR field staff, Division Leadership and Executive Divisions will develop a final draft proposal for review by the DNR Director.
- A decision regarding road restrictions will be adopted by the DNR Director at the December NRC meeting.
- Maps will be published online for UP by **December 31, 2018**

Initial UP Public Input Period May 1-June 15

- This is an inclusive process. There will be an opportunity for folks to have their voices heard. This public input component is crucial to the decision-making process. A web page on the DNR internet site dedicated to the project will go live June 1, 2018 and will provide a means for the public to see the recommendations made by the DNR and to make comments.

Public Meeting Dates, Times and Locations (all times EDT)

- May 14TH Houghton, Michigan Technological University Union, 5:30 to 7:30pm
- May 15TH Marquette, Marquette Charter Township Hall, 5:30 to 7:30pm
- May 16th Iron Mountain, Bay College, WC 101 Lower Level Commons, 5:30 to 7:30pm
- May 17th Newberry, Location TBD, 5:30 to 7:30pm

Visit michigan.gov/forestroads for more information about PA 288, the DNR's road inventory process and learn how you can provide input.

2017	Equine Friends Groups Volunteer Hours Report				Full Calendar Year	
Park	Total Value per Group	Hours Worked	Equip. Hours	Miles Traveled	Hours Traveled	Item(s) Donated
Alpena County HC	\$2,631.26	45		1,456	64	\$0.00
Back Country Horsemen MI	\$12,142.60	195	36	2,526	83	\$2,600.00
Brighton TRA	\$22,273.56	868	42			\$0.00
FT CUSTER HFA	\$36,572.10	1,515	0			\$0.00
Highland TRA	\$19,925.14	598	191	14		\$0.00
IONIA HTA	\$23,110.64	650	159	4,980	139	\$2,298.88
Maybury TRA	\$9,973.05	386	109			\$210.00
Michigan Trail Riders Assoc.	\$159,478.36	1,764	397	9,380	156	\$741.50
Ortonville TRA	\$16,756.06	465	11	1,988	77	\$353.50
Pinckney TRA	\$25,077.03	678	216	1,910	116	\$0.00
Proud Lake TRA	\$26,267.53	965	38	3,274	74	\$0.00
SLEEPY HOLLOW TRA	\$27,593.50	989	0			\$3,089.00
Waterloo HA	\$40,359.00	1,320	48			\$1,700.00
YANKEE SPRINGS TRA	\$25,571.08	758	107			\$8,095.55
Totals	\$447,730.91	11,196	1,354	25,528	708	\$19,088.43
	~ State of Michigan \$ value (rates)	\$24.14		\$0.545	\$24.14	

GRAND TOTAL**\$447,730.91**

3.30 Chainsaw up to 18" bar
17.02 Tree chipper up to 9" diameter
4.29 portable electric drill
23.02 auger
34.00 skid steer (together 57.02)
20.00 atv ???? Guessing at \$20 / hour

Equipment hour values are calculated
with the hourly rates where appropriate
to the equipment used.

24.14 ◀ The value of Volunteer time is determined by The Independent Sector.

36.21 ◀ Skilled labor is one and one-half times basic labor

https://www.independentsector.org/volunteer_time

State Parks & Recreation Opportunities



- 103 diverse state parks and recreation areas
- 138 state forest campgrounds
- Host 27 million visitors annually in state parks
- Over 1 million camp nights, second in the nation
- Camping nights up 11.7% in state parks in 2017 and lodging revenue is up 7.5% in state forest campgrounds
- \$22.8 billion tourism industry supporting 214,000 jobs
- 91% satisfaction rating from user survey



State Parks & Recreation Opportunities



- 19 state-owned harbors
- 12,500 miles of dedicated trails , including motorized and non-motorized trails
- Over 2,600 miles of rail trails (1st in nation)
- 1,300 boating access sites and 80 public harbors support \$3.9 billion boating industry
- Manage over 300,000 acres for recreation



State Parks, Recreational Boating & Trails FY 2018 Operating Appropriations Including Grants



State Parks

Park Improvement Fund – 63%

- Camping
- Recreational Passport
- Use Permits
- Others

Park Endowment Fund – 31%

- Gas/Oil/Mineral Royalties

General Fund – 3%

- Belle Isle

Others – 3%

State Forest Recreation & Trails Funding

Off-Road Vehicle Trail Improvement – 20%

- Trail Stickers
- Permits

Forest Recreation – 7%

- Camping Fees
- Recreational Passport

Snowmobile Trail Improvement – 40%

- Trail Stickers
- Permits
- Gas Tax

General Fund (used for non-motorized) – 4%

National Recreational Trails – 16%

- Grants

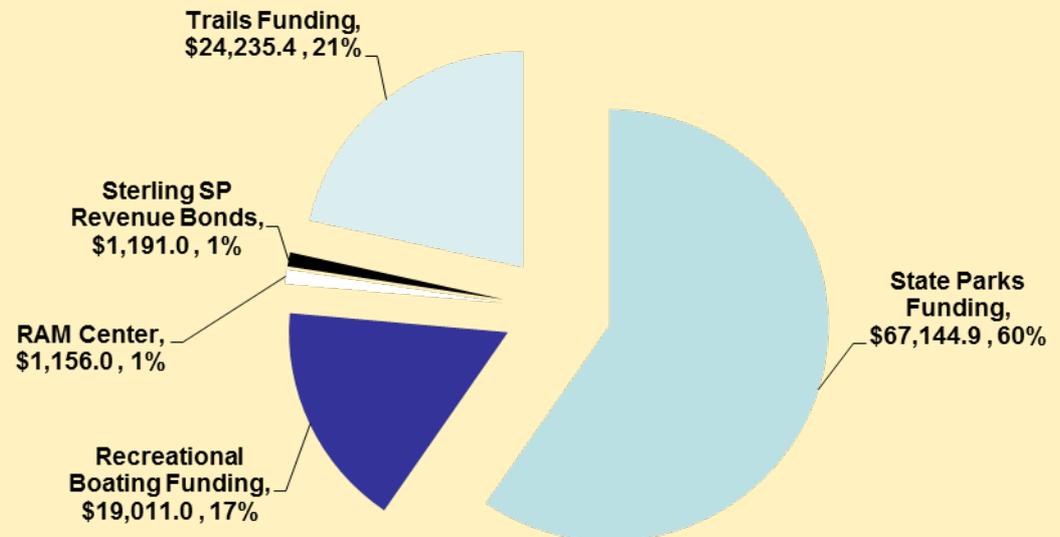
Recreation Improvement – 6%

- Gas Tax

Others – 7%

- Federal

Total Appropriations = \$112,738.3 Million
\$ in Thousands



Recreational Boating

Waterways – 91%

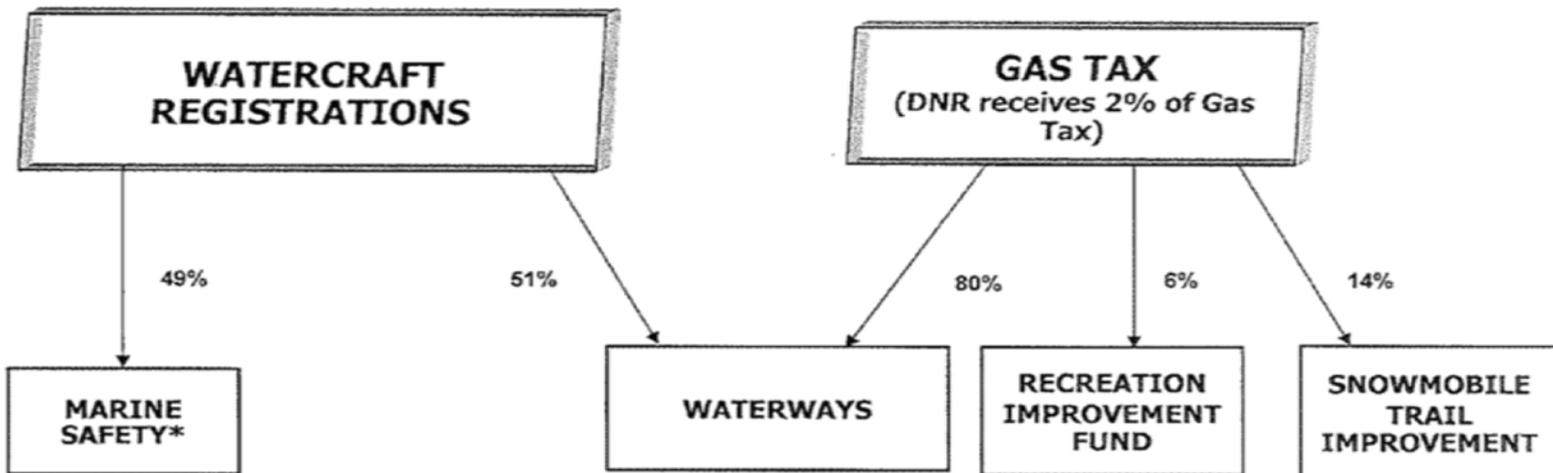
- Watercraft Registration
- Gas Tax
- User Fees (harbor reservations, boating access sites)

Federal – 9%

Waterways Funding Distribution



WATERCRAFT REGISTRATIONS AND GAS TAX REVENUE



*Includes Secretary of State administrative fees.

State Parks & Recreational Boating FY 2018 Capital Outlay Appropriations



Total = \$26,075.0 Million
\$ in Thousands

Recreational Boating

Michigan State Waterways - 89%

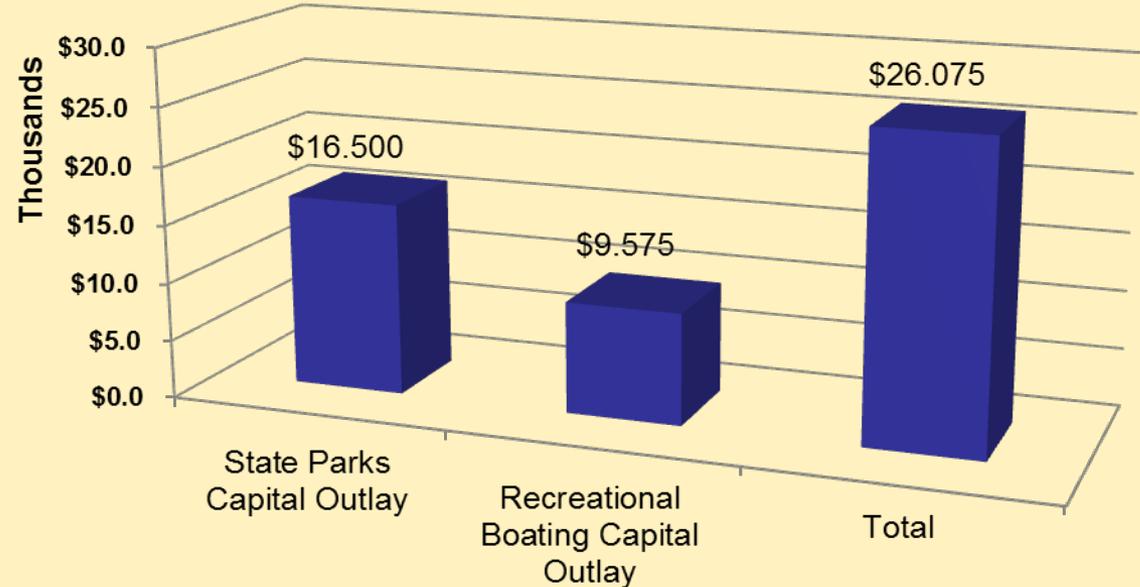
- Watercraft Registration
- Gas Tax
- User Fees (harbor reservations, boating access sites)

Federal - 11%

State Parks

Recreation Passport Fees - 48%

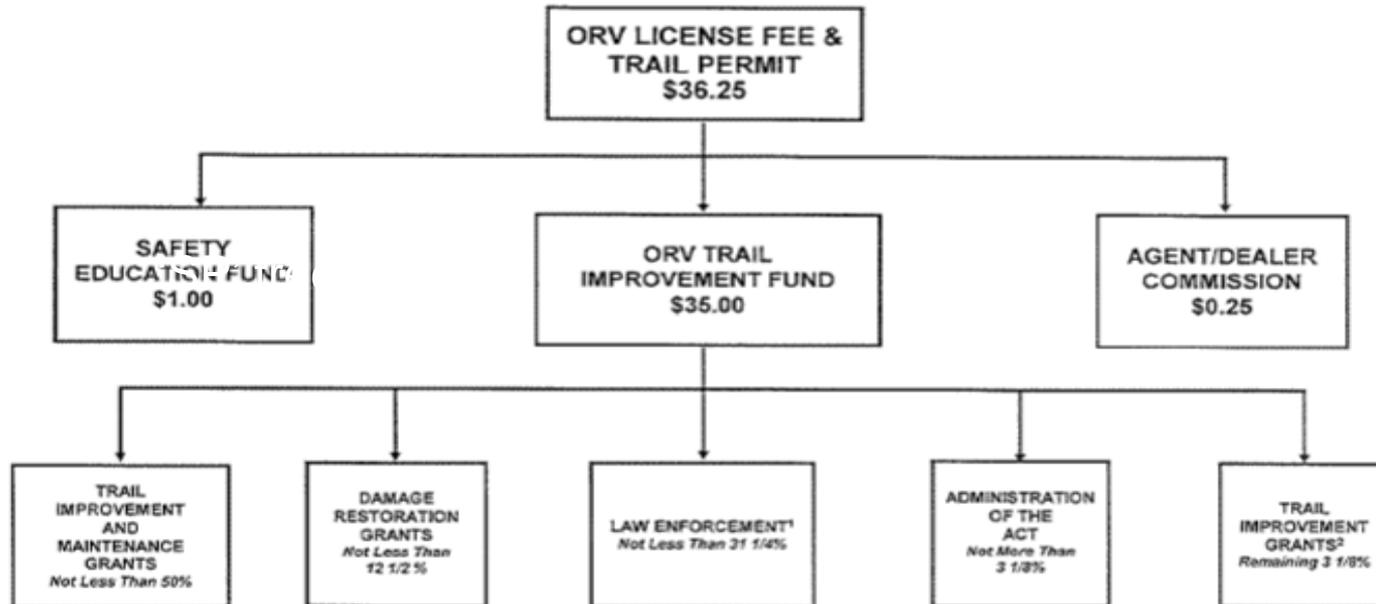
General Fund - 52%



ORV Fund Distribution



DEPARTMENT OF NATURAL RESOURCES DISTRIBUTION OF OFF-ROAD VEHICLE LICENSE & TRAIL PERMIT FEES

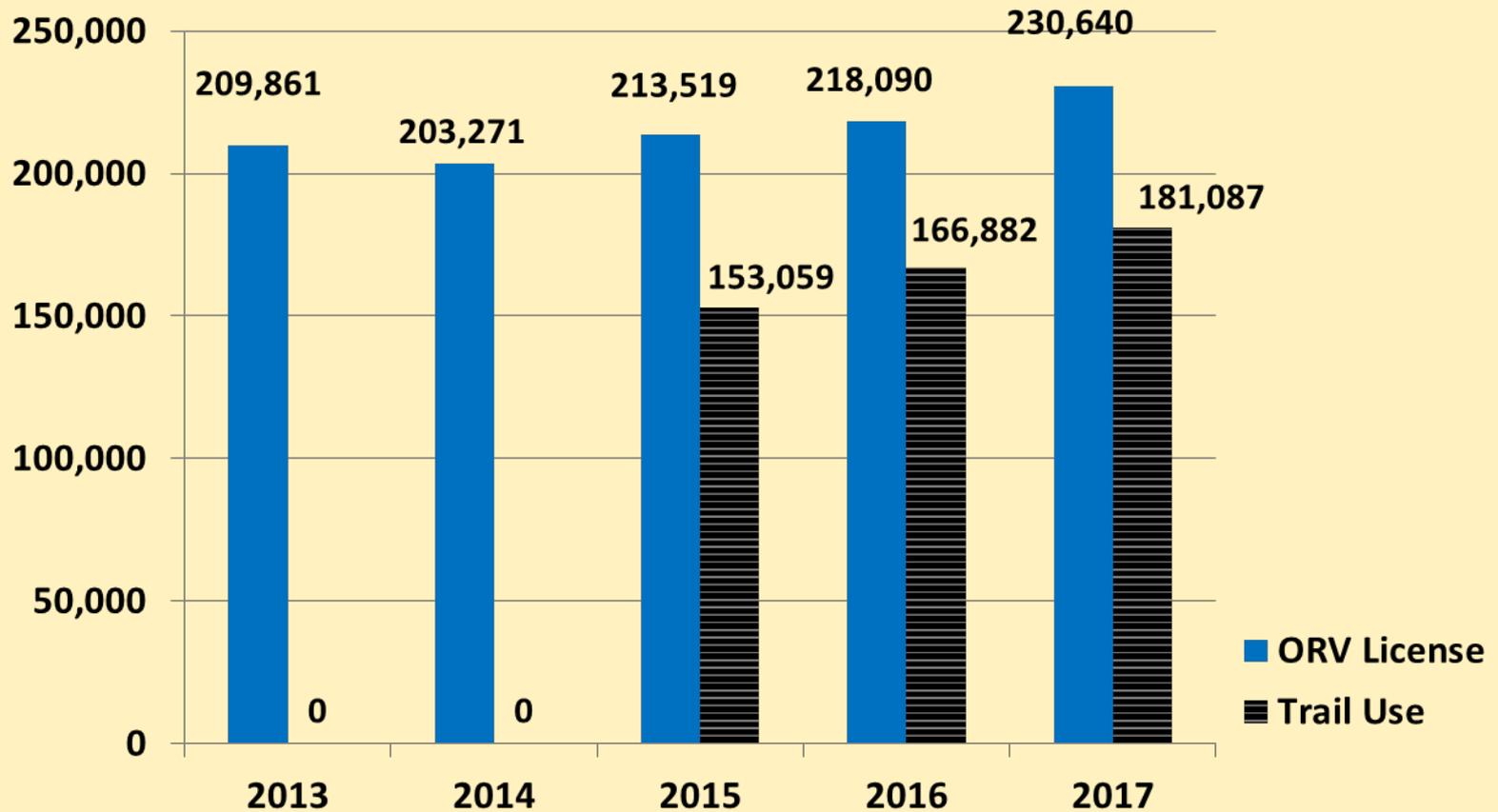


Notes

¹ Twenty-four percent of the amount designated for law enforcement must be distributed as grants to county sheriffs' departments.

² The remaining 3 1/8% may also be used for law enforcement.

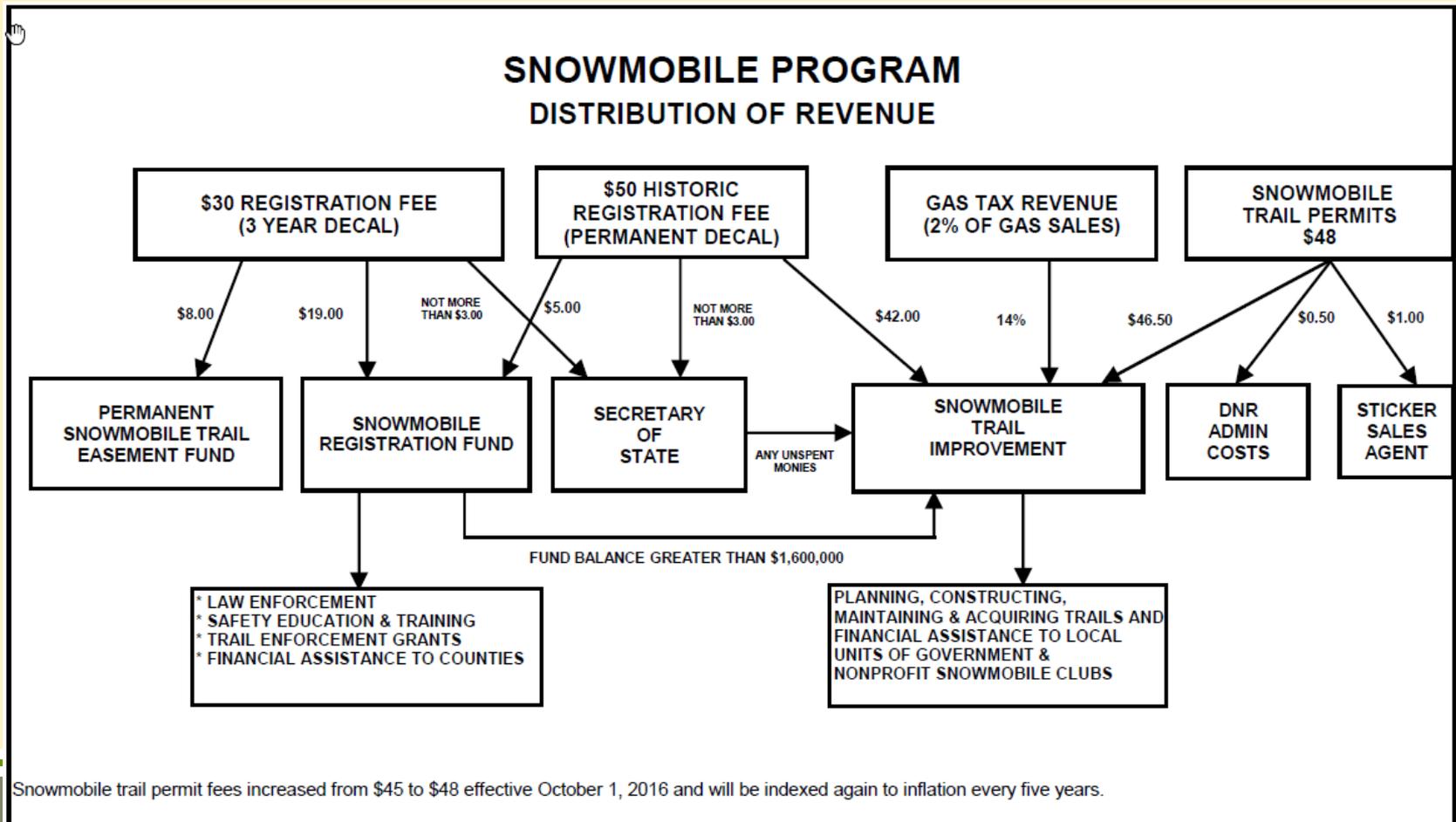
ORV License Sales Through September



% Change From 2016 to 2017
 ORV License: +5.8% Trail Use: +8.5%

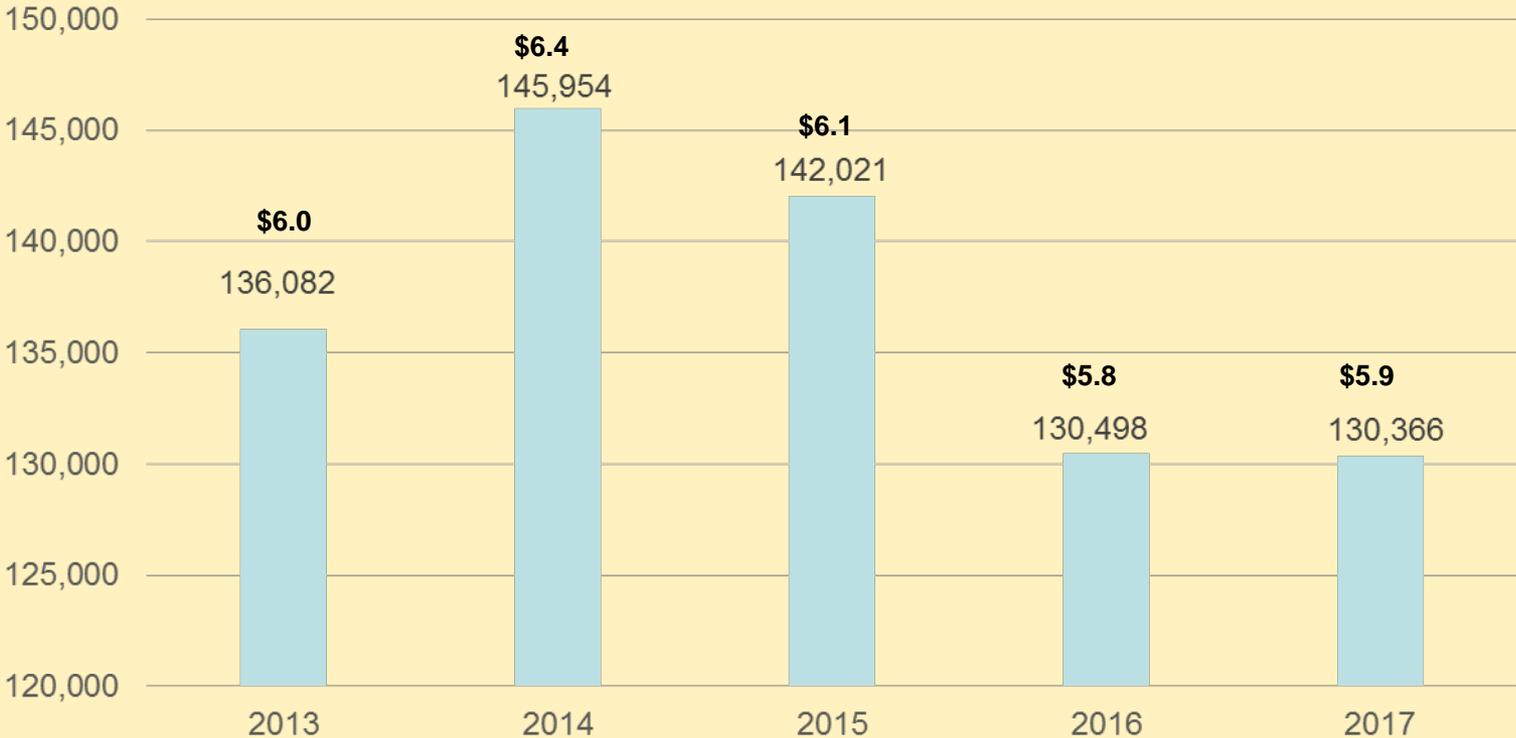
% Change From 2017 to 2018 (to date)
 ORV License: +15.5% Trail Use: +4.8%

Snowmobile Fund Distribution



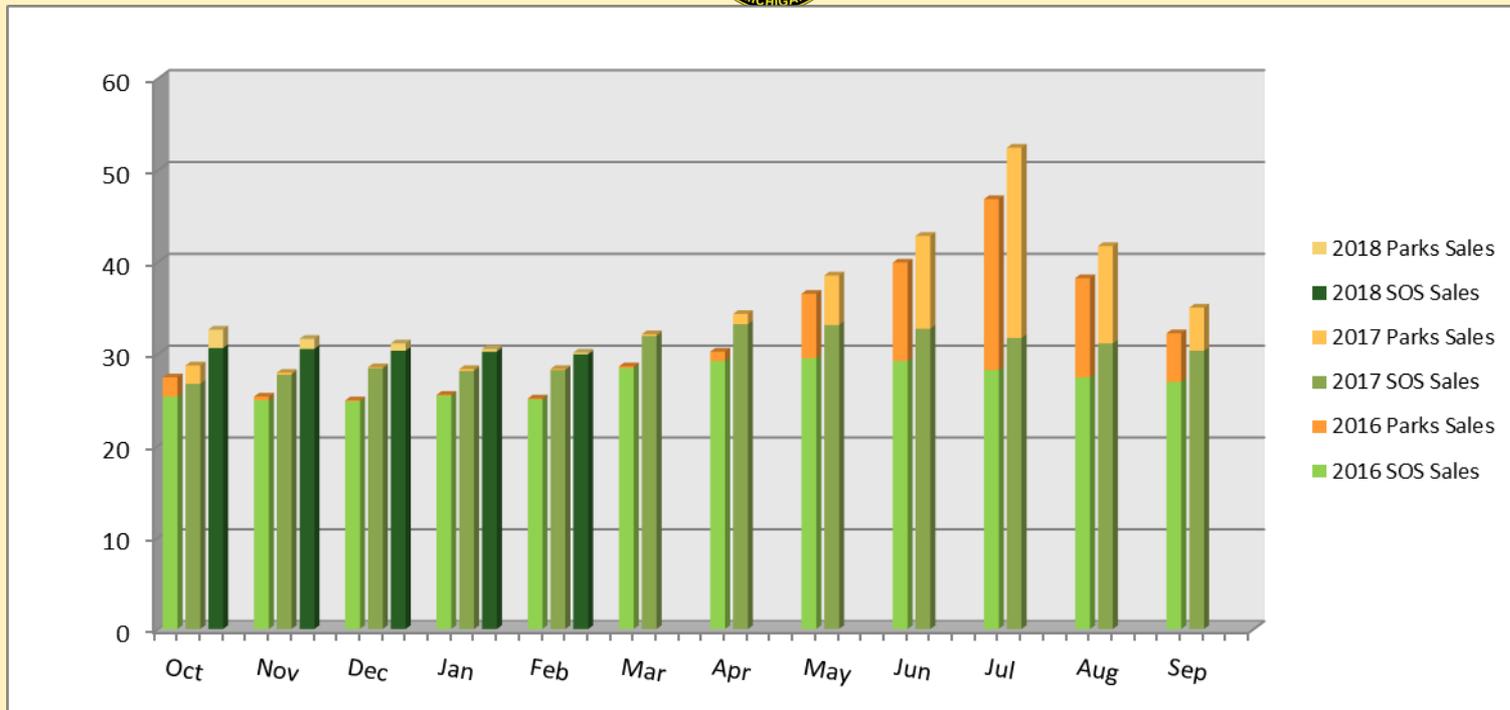
Snowmobile trail permit fees increased from \$45 to \$48 effective October 1, 2016 and will be indexed again to inflation every five years.

Snowmobile Permit Sales



FY2018 through March – 139,029

Recreation Passport – Fiscal Year 2018



Actual 28.5% for FY 2014

Actual 31.9% for FY2016

February 2017 – 28.3%

Actual 30.4% for FY 2015

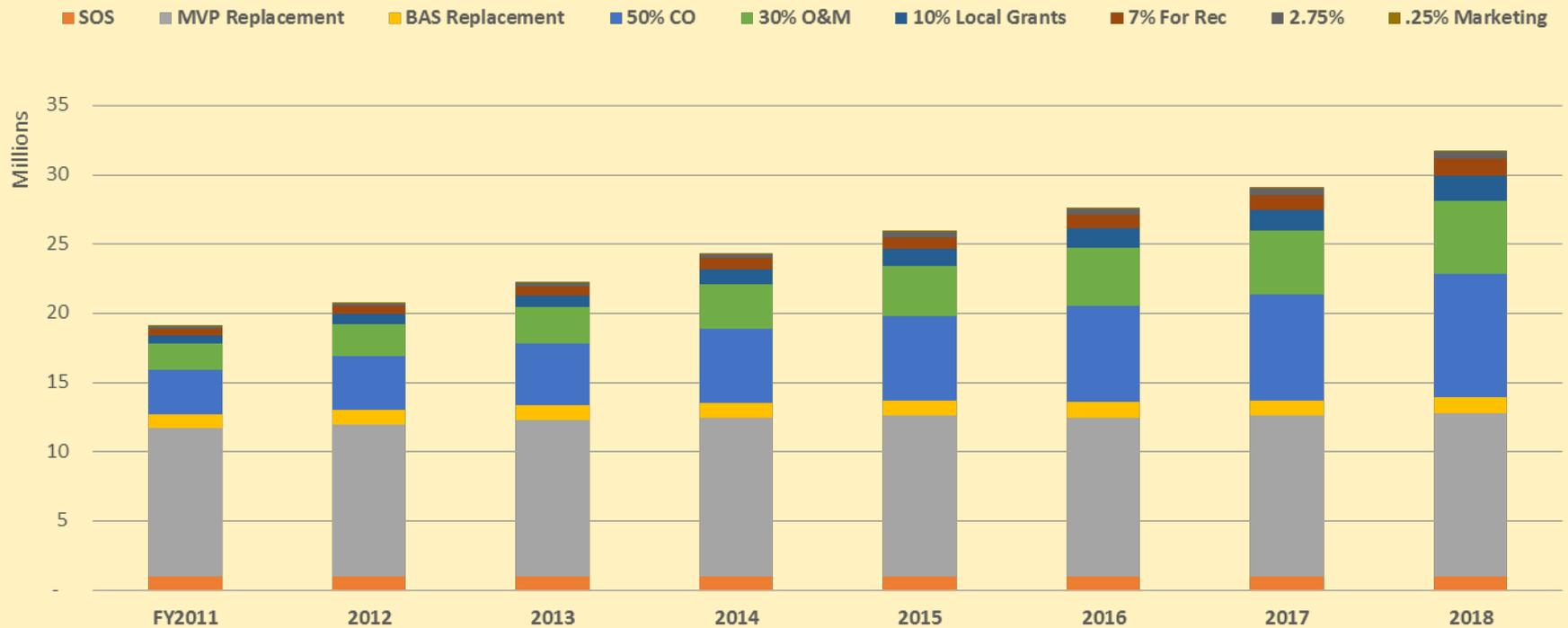
Actual 35.0% for FY2017

February 2018 – 30.1%

FY17 October – February 28.2%

FY18 October – February 30.7%

Recreation Passport As Legislated 2011 – 2018 (2018 Projected)

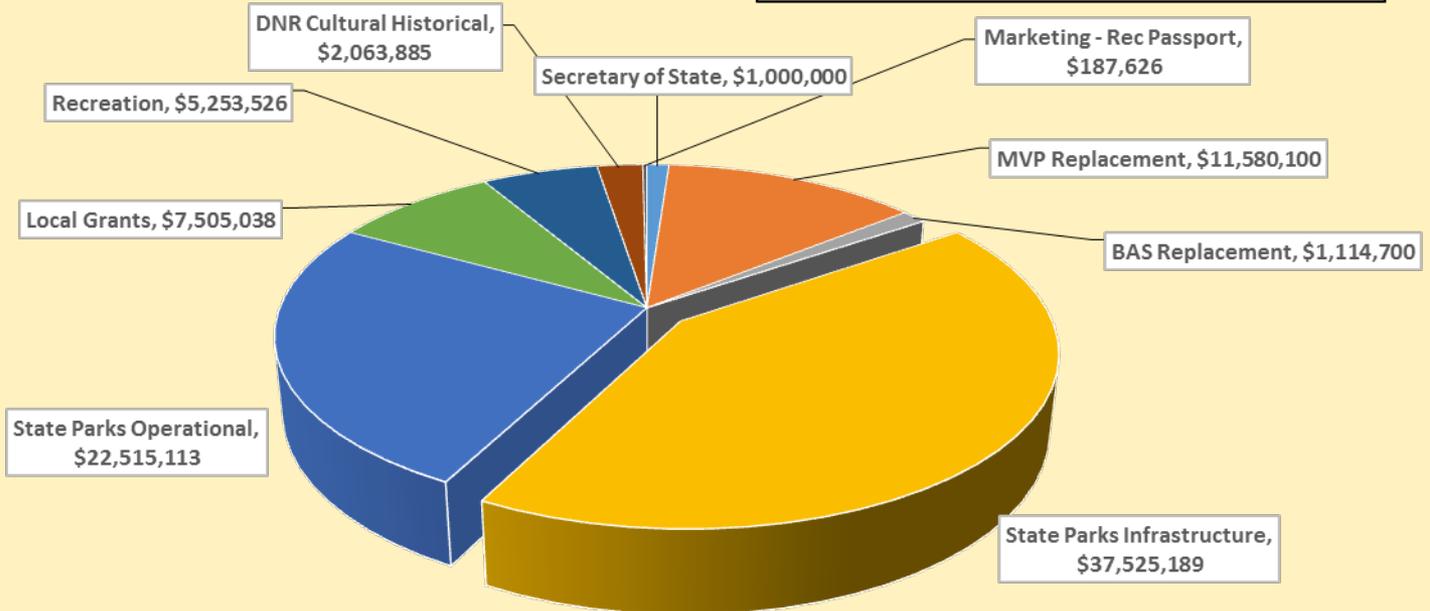


100% Recreation Passport Participation



100% Recreation Passport Participation

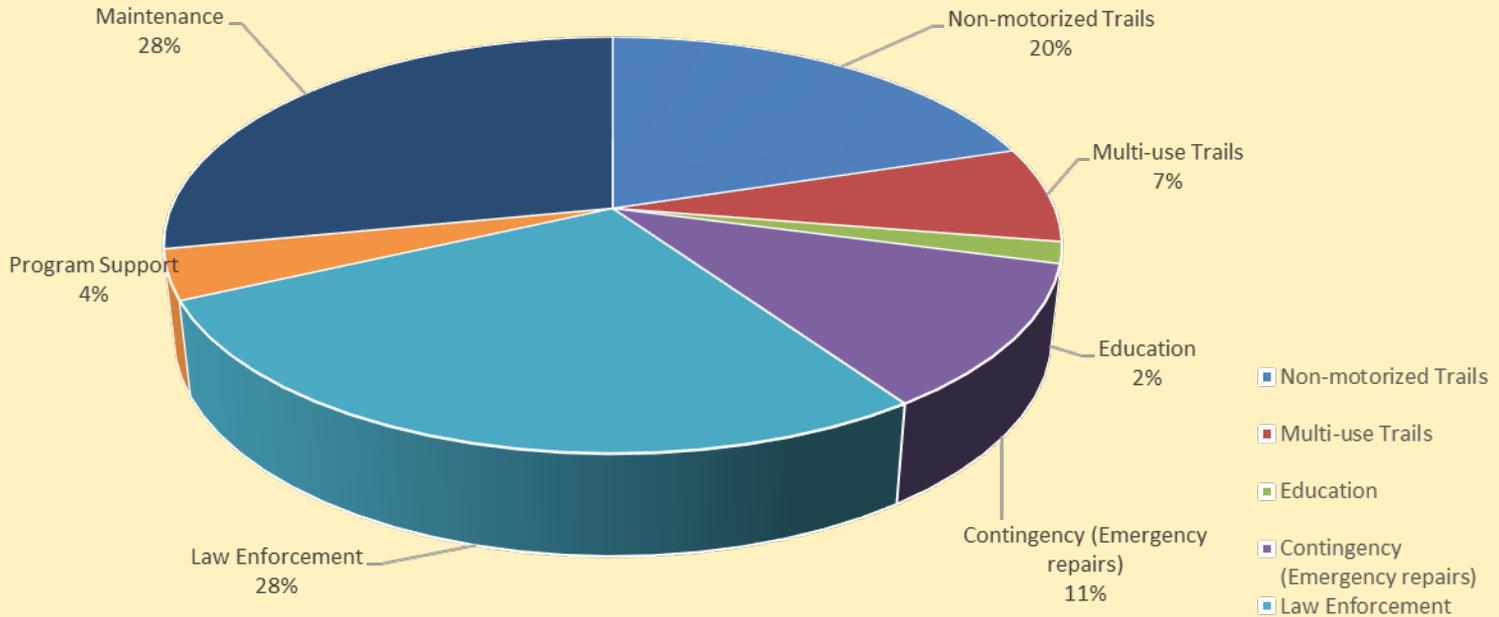
\$88,745,177 - based on 2017 Eligible Vehicles and MC



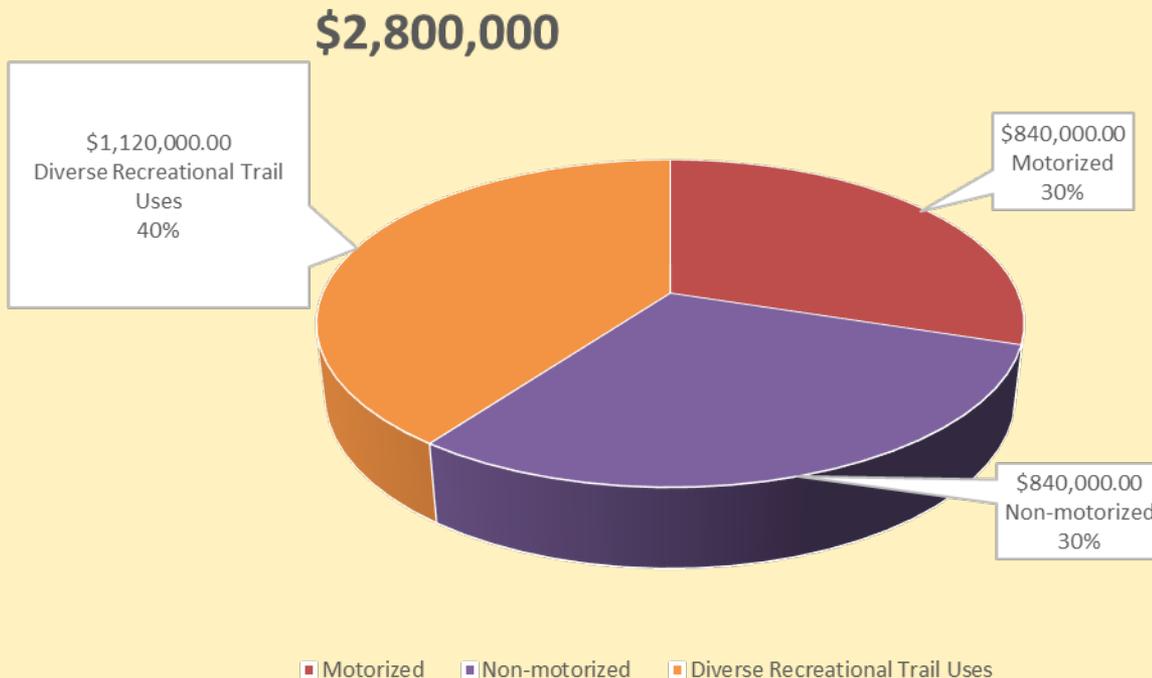
Recreation Improvement Fund (RIF)



\$907,000



Recreation Trails Program



- Annual Federal FAST ACT appropriation through the Transportation Alternatives Program
- Required funding allocations:
 - 40% to diverse recreational trail uses
 - 30% non-motorized trails
 - 30% motorized trails

E-BIKES ON DNR TRAILS

The Natural Resources and Environmental Protection Act (NREPA) was amended in late 2017 to allow an individual to operate only a Class 1 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface or a rail trail. The amendments DO NOT ALLOW an individual to operate an electric bicycle (of any class) on a trail that is designed as non-motorized and has a natural surface tread made by clearing and grading the native soil with no added surface materials. The only way this use would be allowed is if the DNR wanted to allow it and adopted a LUOD approving.

Here is a quick overview of the different Classes of E-Bikes and operation requirements:

	Class I	Class II	Class III
Must have seat and operating bicycle pedals	Yes	Yes	Yes
Maximum motor power	750 watts	750 watts	750 watts
Motor only assists pedaling	Yes	No	Yes
Maximum speed for motor operation	20 MPH	20 MPH	28 MPH
Minimum operator age	None	None	14
Helmet required	No	No	Ages 14-18
Allowed on roadways, bike lanes, shoulders, and sidewalks	Yes	Yes	Yes
Allowed on linear paved/gravel trails	Yes, but can be regulated or prohibited	No, but can be authorized	No, but can be authorized
Allowed on non-motorized natural surface trail	No, but can be authorized	No, but can be authorized	No, but can be authorized

- Electric bicycle use on trails can be regulated by the local authority after holding a public meeting.
- Electric bicycles are generally not allowed on Mackinaw Island.
- Bicycles fitted with internal combustion motors are not electric bicycles.

COMMON QUESTIONS ABOUT E-BIKE OPERATION ON DNR TRAILS FOR PRD STAFF

Q: Why is the Department allowing e-bike use on any of its trails?

A: A number of states across the country allow e-bike use and the trend is growing across the country. When discussions began about allowing e-bike use on trails, the DNR/PRD decided to be at the forefront of those conversations to help lessen the potential negative impact the use could have on state trails. As you'll notice, the areas where e-bikes are allowed for use if limited (linear trails with an improved surface and rail trails) as is the type of e-bike that can be operated on these trails (Class 1, maximum assist speed 20mph and the rider must be pedaling to receive the assist). This was intentional, so that riders that due to age and/or disability can continue to enjoy recreating in this manner while limiting the potential negative impact to resources and operations.

Q: How does the legislation impact trails that PRD manages that are on FRD lands? **A:** A Class 1 e-bike can be operated on a trail located on FRD lands if the trail is:

- a linear trail that has:
 - an asphalt surface
 - a crushed limestone surface; or,

- a similar surface;
- or; is a rail trail.

Q: What about paved paths inside PRD managed areas like state parks are e-bikes allowed?

A: If the paved path is a linear trail with an asphalt, crushed limestone or similar surface or is a rail trail and it runs through the state park and bikes are allowed on that trail, then yes, a Class 1 e-bike would also be allowed.

Q: Are Class 1 e-bikes allowed on ORV trails?

A: Class 1 e-bikes are only allowed on linear trails with an asphalt, crushed limestone or similar surface or a rail trail, so if a designated ORV trail is located on one of these types of trails, then yes, a Class 1 e-bike would also be allowed on this trail as well. However, it would not need any type of license or trail permit.

Q: How do I tell whether it's an e-bike or a regular pedal bike?

A: An electric bike is a regular bike with the addition of an electrical drive system. This consists of a battery, a motor, a way to integrate the motor's power into the drivetrain, and a way to control that power. In the image below you can spot the 4 components:



- The motor is at the center, below the frame.
- The battery that powers the motor is in the rear rack.
- The drivetrain that integrates the power is in the rear wheel.
- The throttle, which controls that power, is in the handle bar.

Apart from those differences, electric bikes share the same components than regular bikes. A frame, two wheels, disc brakes, suspension, a comfortable seat, handlebars and pedals. With that said, it will be difficult to immediately identify the difference.

Q: What do the classification stickers look like?

A: While the classification stickers are not required to be uniform across manufacturers, they must contain the classification number (I, II or III), top assist speed (20 or 28 mph), motor wattage (750), printed in arial font and the print must be at least 9-point type. Some examples of what you may encounter are:

EXAMPLE OF GENERIC CLASS LABELS

CLASS 1: 350W // 20MPH

a)

CLASS 1
350W // 20mph

b)

CLASS
1
350W
20mph

c)

CLASS
1
350W
20mph

CLASS 2: 500W // 20MPH

a)

CLASS 2
500W // 20mph

b)

CLASS
2
500W
20mph

c)

CLASS
2
500W
20mph

CLASS 3: 350W // 28MPH

a)

CLASS 3
350W // 28mph

b)

CLASS
3
350W
28mph

c)

CLASS
3
350W
28mph

Q: Under what authority can a ticket be issued for illegal operation?

A: The legislature specifically designated where ebikes could be used, so any operation beyond those designated area would be a violation of the designation. However, because there was not a specific violation included with the legislation, a LUOD will be forth coming to identify violations as a Civil Infraction with a fine of \$100 (as this violation penalty is contained within the general authority of the Department).

Q: Enforcement – will it be education the first year with enforcement the following years; or, will enforcement begin in year one?

A: As with most new laws that impose penalties or fines, PRD will do education the first year with

enforcement the following years. This aligns with the philosophy of voluntary compliance.

- Q: The law clearly does not allow e-bikes on mountain bike trails, unless the department decides to allow this use in the future. How will the public know which trails are open to e-bike use and which ones are not?
- A: Standard signage is being developed for placement at the trails. It has not yet been determined whether it is more efficient to sign those open to use or to sign those closed to use.
- Q: The law does allow for e-bikes to be prohibited on linear and rail trails if the Department goes through a public process to close them to e-bikes. If a park wanted to prohibit the use, what would it need to do?
- A: At this point, PRD is not going to prohibit the use of e-bikes on the allowable trails. However, if a safety concern or resource concern is identified and is pervasive, PRD would follow the LUOD process to request that the trail be closed to e-bike use. Please see the Regulatory Unit page on the intranet for that process and the questions that must be answered before requesting a LUOD.
- Q: Are there any plans to open up the use on mountain bike trails?
- A: No, at this point there are not any plans to allow e-bike use on mountain bike trails. However, if a request is made to a limited use of e-bikes on this particular type of trail, such as an e-bike mountain biking event, and the request is properly vetted and determined allowable, it can be permitted through the Use Permit process.
- Q: Can a person riding on a trail that does not allow e-bikes claim that it is their PAMD?
- A: Depends. A PAMD can only be operated as an extension of the individual at walking speed. So, if it is being operated as a bike then the use is not allowable – but if it is being operated as a PAMD, then yes it is allowable. However, while we cannot say an individual what their disability is we can request to see documentation of the need for a PAMD (vehicle hang tag/doctors note).

Should you have any additional questions or concerns, please contact the Regulatory Unit Manager, Nicole Toman at tomann@michigan.gov or 517-284-6103.



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAUGH
DIRECTOR

March 15, 2018

TO: Natural Resources Commission
Department of Natural Resources Management Team

FROM: Anna Mooney, Legislative Liaison, Legislative & Legal Affairs Office

SUBJECT: Department of Natural Resources Legislative Update

PA 25 (HB 4787) – Ice Shanty Removal – Rep. VanderWall

This act amends the Natural Resources and Environmental Protection Act to change requirements for how an ice shanty can be identified. Instead of an individual using their home address to identify their shanty, the act would allow for the use of the owner's driver license number or their sportcard to be posted on the outside of the shanty. This act also removes the dates in statute for when shanties are required to be removed from the ice and would allow for the Department to set this date instead.

PA 20 (SB 316) – Frog Spearing with the Aid of Artificial Light – Sen. Booher

This act amends the Natural Resources and Environmental Protection Act by repealing Section 45501. Repealing this section places the regulatory authority for the season for frogs and the prohibition on the use of artificial light to aid in the spearing of frogs at night with the Natural Resources Commission (NRC). The NRC has the authority to regulate the take of reptiles and amphibians in regard to all other matters. Removal of the season as well as the use of artificial light from statute places the regulatory authority over these two items with the NRC, similar to all other sport fishing regulations.

PA 36 (HB 5200) – Update and Eliminate Certain Sections of NREPA – Rep. Howell

This act amends the Natural Resources and Environmental Protection Act to statutorily prohibit the taking of reptiles or amphibians for commercial purposes and to remove from the provisions of Part 13 (Permits) reference to a permit to collect frogs for scientific research currently required under Part 455.

SB 596 – Trail Guidance – Sen. Hansen

This bill seeks to amend the Natural Resources and Environmental Protection Act to recommend that the department develop guidance or framework for local trail managers. The bill would also suggest various topics that a Trails Council could consider for discussion. □ This bill is currently before the Governor for his consideration.

HB 5155-5156 – Adopt-a-River and Adopt-a-Shoreline – Rep. LaSata

These bills seek to amend the Natural Resources and Environmental Protection Act to clarify the requirements for the Adopt-a-River and Adopt-a-Shoreline programs within the Department of Natural Resources.

□ **These bills are currently before the Governor his consideration.**

HB 5198 – All Hazard Response – Rep. Allor

This bill seeks to amend the Natural Resources and Environmental Protection Act to allow the Department of Natural Resources to enter into agreements for all hazard incidents taking place out-of-state. Employees would be entitled to the same compensation and employee benefits as they would be in Michigan.

□ This bill is currently before the Governor for his consideration.

HB 5180 – Use of Pneumatic Firearms – Rep. LaFave

This bill seeks to amend the Natural Resources and Environmental Protection Act to allow an individual to take game with a pneumatic firearm during any open season in which a firearm may be used. The legislation proposes to amend the definition of “pneumatic firearm” to include a bow. The bill would also allow for an individual with a disability or physical limitation to take game with a pneumatic firearm during any open season in which a bow may be used under certain circumstances. The legislation also adds definitions in statute for “individual with a disability or physical limitation”.

- This bill passed the House and was referred to the Senate for consideration.
- The Administration has not taken a position on this legislation.

HB 5321 – Prohibit Sterilization of Game – Rep. Cole

This bill seeks to amend the Natural Resources and Environmental Protection Act to prohibit the department from issuing a permit to authorize the sterilization of game.

- Two hearings were held on the bill in the House Committee on Natural Resources. The legislation was referred to a subcommittee for further discussion.
- The Administration has not taken a position on this legislation.

HB 5417 – Transporting of a Bow – Rep. Johnson

This bill seeks to amend the Natural Resources and Environmental Protection Act to allow an individual to transport a bow or crossbow in their vehicle without having to be unstrung, enclosed in a case or carried in the trunk of the car.

- This bill passed the House and was referred to the Senate Committee on Outdoor Recreation and Tourism.
- The Administration has not taken a position on this legislation.

SB 551 – MNRTF Recommendations – Sen. Hildenbrand

This bill seeks to amend Part 19 of the Natural Resources and Environmental Protection Act to clarify how the Michigan Natural Resources Trust Fund (MNRTF) Board will determine the amount of money to be made available each year for funding of projects. The group that would provide guidance to the Board in the amount of money to make available would be comprised of the Governor, State Treasurer, Senate Majority Leader, Speaker of the House of Representatives or their designees and a member of the Board.

- This bill passed the House and was returned to the Senate for consideration.
- The Administration has not taken a position on this legislation.

SB 883 – Michigan Natural Resources Trust Fund (MNRTF) 2018 – Sen. Booher

Pursuant to the recommendation of the Natural Resources Trust Fund Board, this bill would appropriate \$40.4 million from the MNRTF for 34 acquisition projects (approximately \$21.4 million) and 89 development projects (approximately \$19 million).

□ This bill is before the Senate Appropriations Committee. □

The Administration supports this legislation.

If you would like to learn more about these and other bills, you can access the Michigan Legislature website at www.legislature.mi.gov.