

**Minutes of the  
Michigan Trails Advisory Council  
October 11, 2016**

The regular meeting of the Michigan Trails Advisory Council (MTAC) was called to order by Chairman Frank Wheatlake at 10:00 a.m., on Tuesday, October 11, 2016, at the Ralph A. MacMullan Conference Center in Roscommon. Members present: *Chairman Wheatlake, Jim Dickie, Jim Duke, Tom Dunn, Mike Foote, Tim Kobasic, Nancy Krupiarz, Bill Manson, Sarah Nicholls, and Jason Rolling.* Absent: *Drew YoungeDyke.*

The following Department of Natural Resources (DNR) staff was present: Barbara Graves (PRD), David Haupt (MOD), Jessica Holley (PRD), Emily Meyerson (PRD), John Morey (LED), Todd Neiss (PRD), Tim Schreiner (PRD), Bill Sterrett (FRD), Anna Sylvester (PRD), Amy Swainston (PRD), and Ron Yesney (PRD).

**ACTION ITEMS**

MOTION: Mr. Tim Kobasic moved to approve the October 11, 2016 agenda. The motion was seconded by Mr. Tom Dunn and it carried unanimously.

MOTION: Mr. Bill Manson moved to approve the July 7, 2016 minutes. The motion was seconded by Mr. Tom Dunn and it carried unanimously.

**UPDATES**

Public Act 288 of 2016 (attached) – Ms. Emily Meyerson went over the impacting language to the trails program. Pack and saddle animals and ORVs can now be used for retrieval of game on state forest lands. Also, all state forest roads in the Lower Peninsula will now be open to ORVs unless posted closed, which makes it consistent with the Upper Peninsula. This, however, does not go into effect immediately. The Forest Resources Division first has to inventory all the forest roads and determine which ones will be closed to ORVs. The first part of the inventory is to be completed by the end of 2017 and the second part by the end of 2018.

The question arose from a member of who would be charged with the cost of the inventory. There was concern that some funds would come from ORV, but it was not 100% certain. Chair Wheatlake will to speak to Director Creagh and Ron Olson.

Mr. Bill Sterrett added that there will be a public review process done prior to the inventories. As they formulate the plans they will be publicly reviewed as well.

Water Trails Draft Plan – Agency Policy on State Water Trail Designations (attached) – Ms. Emily Meyerson went over the policy on state water trail designations, which is one of the goals in the State Trail Plan. The idea is to bring information to the public on designated water trails and to bring people to Michigan to experience our waterways.

RESOLUTION NO. 11-2016-01 was presented for approval, via email, on November 30, 2016. This resolution is of support for the agency policy on state water trail designations. Emily Meyerson asked for a vote of support for the resolution. The vote was carried unanimously 11-0.

Timber Harvest and Proximity to Trails Policy – Ms. Nancy Krupiarz said there was a lot of interest, concern, and questions on the issue at the August NAW meeting and at the U.S. 131 Trails Summit with the devastation on trails caused by timber harvesting. It was determined that communication needed to be improved because there are a lot of processes that the Forest Division goes through and the public does not understand them. She has invited Mr. Bill Sterrett to be here today to discuss and answer questions and also invited him to the next NAW meeting.

Mr. Bill Sterrett said the Best Management Practices (draft attached) were a result of discussions here with this group when concerns arose from all trail users. Ms. Anna Sylvester from PRD worked closely with Dennis Nezich from FRD on drafting it. It takes all users into account and is specific with the bullet points about what the strategies will be when managing around recreation zones. At this time it is awaiting Executive approval.

Chair Wheatlake asked that for the next year the council document every complaint they receive in their groups; find out from individuals what their concern is, whether or not they want to participate in the preharvest, and see if they can get a trend; whether the trend is from unawareness or lack of communication. They will revisit it come up with answers.

Carts for Equestrian Trails (pictures attached) – Mr. Mike Foote gave a brief presentation on the types of carts that some equestrians use on the trails. He also provided some information on the typical widths of the carts, why some people use them, and the typical length of time a rider will use a cart on the trail. He would like to see more of them so it will be brought up through ETS to be able to address the DNR and see how they will be able to go about doing this.

DNR and Michigan Horse Council Public Service Announcement – Mr. Mike Foote showed a public service announcement video that they are proposing to put on T.V. that promotes safety when approaching equestrians on roads and trails. The MSP reported that there were 889 traffic fatalities and 753 cell phone distracted driving crashes this year; a 13% increase from the previous year. Horse and livestock fatalities are on the increase. Mr. Foote said the bicycle group may want to have a similar PSA done. He thinks it's a good idea for these to be put out there.

Camp Cooks Integrated Management Project (Hiawatha National Forest) – Mr. Tim Kobasic gave an update on the project and the plan to close trails. There was very little time from the time they received the initial information from the DNR to the deadline of providing their input (five days). Mr. Bill Manson said it was the same with them. They found out through the DNR, not the Forest Service. Mr. Tim Kobasic said he would move that the MTAC endorse the extension of the public comment period and the inclusion and consideration of the proposal by the Hiawatha Land Trail Association for

the current and proposed trails, routes, and connectors. Chair Wheatlake suggested that Mr. Yesney, who works closely with the Forest Service and user groups, to provide appropriate verbiage that the council will then approve for him to send to the U.S. Forest Service.

MOTION: Mr. Ron Yesney will provide verbiage, to be approved by the Council, and subsequently sent to the U.S. Forest Service regarding the Council's concerns with the trail related recommendations within the Hiawatha National Forest's Camp Cooks Integrated Management Project. Mr. Thomas Dunn moved the motion, Mr. Bill Manson seconded and it carried unanimously.

Wheelin' Sportsmen Trailer Unit Presentation – A demonstration of the unit was made to members and the public. The unit provides wheelchair bound individuals the opportunity to get outdoors and hunt. It is fully outfitted with an electronic joystick control device, a conventional firearm, telegraphics, and other state-of-the-art items.

Land Use Orders of the Director – GEMS – Mr. Kobasic stated he is not asking for any action today but is making them aware that they do have an issue with this that they will be working on it and will bring it back to ORVAW to see if there is anything they can do. He will be seeking a meeting with Wildlife as well. Chair Wheatlake recommended they work with the Department and ORVAW.

Little Presque Isle (Harlow Lake) Non-motorized Trails Project – Mr. Kobasic reported that this is state forest land and a critical deer habitat. Unfortunately, as the popularity in biking increased, some people invented trails that others thought ok to use. Marquette Township brought together the stakeholders and sought compromise. Mr. Yesney added that the core team management groups will review the recommendations from the public comments. Mr. Yesney thinks they have done a good job in considering the impacts to the resource of the wildlife community, while also considering the development and management of a quality trail system. Mr. Kobasic said it is very good to see this type of work going on in a positive approach with everyone.

## **BUSINESS ITEMS FOR DISCUSSION**

Tentative 2017 Meeting Dates – Chair Wheatlake said three meeting a year are adequate for MTAC. When the Council was asked how they felt about members missing a meeting or two, it was decided that there should be some flexibility and that there is always the option to call in via phone if it is impossible to be there in person.

Ms. Sarah Nicholls recommended the Council meet one time in Marquette because it would be an opportunity for the members to see some of the trail activity there, and Marquette is one of the leading trails counties. She also recommended one meeting in Lansing. Chair Wheatlake will talk to Paul Yauk about the recommendation.

## Subcommittee Reports

### Snowmobile Advisory Workgroup

- The cost of equipment has gone up. They normally buy 7 to 10 groomers at the end of the season; they bought two this year. He has been working with Ms. Jacklin Blodgett from the Department on a 10-year budget. They will be alright in 2017 unless they have an exceptionally hard season. He has talked with many of their legislators about raising their trail permit fees but is getting a lot more pushback this year. They are looking at different tactics for funding as something needs to be done.

### Nonmotorized Advisory Workgroup

- Their organization held an event, "Trails for Everyone" in Lansing; about 52 people attended. It featured electric assisted bikes, adult trikes, recumbents, hand cycles, and all sorts of adaptive type of technologies.
- They talked about the pros and cons of using electric assisted bikes on the trails. Some of the pros were that they allow more people the ability to enjoy the trails, allows them to go farther and a little faster, and more of a visibility. The cons were safety, enforcement, and difficulty in obtaining land.
- Ms. Krupiarz brought some copies of their newsletter that shows all the new multi-use trails that have come about this year. They have links on their website to all the individual trails.
- The first 1.25 miles of Boyne City's Avalanche Preserve is now open and it's the first segment of 10 miles of new trail. It was done through fundraising by the Top of Michigan Mountain Bike Association through a crowd funding campaign.
- Water Trails – there was a state water trail conference held on September 15. They had over 80 people attend; over 30 presenters for the day presenting best management practices for establishing water trails. John Allen was the keynote and they are working on a water trail manual.

### Off-Road Vehicle Advisory Workgroup

- The last ORVAWG meeting was held on September 14, 2016 in Lansing Michigan.
- The Work group welcomed a new member, James Hunt. Mr. Hunt has a long history of ORV Trail Maintenance, Forest Clean up, trail design and events. We welcome a fresh outlook on the work group.
- We also welcomed DNR Statewide motorized Trail Analyst Jessica Holley and look forward to working with her.
- The Pilot project of Alpha identifier signs and markers continue to move forward in the Upper Peninsula. The signs would provide a letter identifier for east west travel and another letter for identifiers for secondary connector.
- The Work group Discussed and passed a resolution to increase the ORV trail and route rates by 20%. This resolution had been previously discussed with the Department. The resolution passed unanimously. The department has informed us that the increase has been approved.
- The group further discussed the installation of the Carbon fiber confidence markers and at what rate we can and will reimburse the installers.
- The department utilized Seeds, a youth corps organization to install posts in a 23 mile section of trail in Wexford county, the work group found the cost of approximately \$300.00 per mile; more costly than the ORV fund can afford.

- Lansing Motorcycle Club installed the posts on the Higgins Lake Trail over Labor Day weekend and are reporting their cost of equipment and the amount of hours to perform the task. We will have this information at our next meeting and hope to provide a cost analysis for a resolution to the Department for an affordable reimbursement rate.
- The Oakland County ORV Park continues to move forward. This is a partnership between the Department and Oakland county Parks to provide an ORV area in Southeast Michigan.
- Several Events were held during the 2nd ORV free riding weekend. These weekends which are designed to entice people to come out and experience our trail system to come back and buy the permit stickers and continue coming back to enjoy the experience.
- The 91st Jack Pine and Pine Cone Kids Enduro were held in Missaukee County during the weekend, a little over 500 riders and 3,000 people were in attendance. 10 States and Canada attended. Florida, Wyoming, Arizona, Ohio, Indiana, Illinois Minnesota, Colorado, Pennsylvania and Michigan were represented.
- Public act 288 of 2016 was passed and signed into law. This bill would make the Lower Peninsula more closely follow the Upper Peninsula's open unless posted closed enforcement. Please note that this bill does not open forest roads in the Lower Peninsula until the inventory is completed by the Department.
- Some issues with the Hiawatha National Forest and Camp Cook Integrated Management Project and our designated trail came to surface (which you have already heard about earlier in the meeting).
- The Department and work group have supplied comments to ensure we are part of the discussion.
- The ORVAW has a vacancy with the loss of Amy Trotter from the MUCC. He is working with Mr. Yauk to find a replacement.
- Next meeting - November 2, 2016 in Lansing.

#### Equine Trails Subcommittee

- Their last meeting was in August and they had an equestrian mapping update that is coming along well. If it goes as planned, data will be uploaded into a portal and people will have access to the GPS data.
- They had a project update from Nikki VanBloem and will get another update at the next meeting on October 19 in Clare.
- They talked about the definition of corral. Ms. Anna Sylvester added that they are separating the equestrian camping policy from the regular camping policy, and in the camping policy they have added that you can have a corral on paid campsites.
- They had another discussion on Ionia as a potential site for electricity which caused some questions. They found how unfeasible it is. They would have to charge more for the sites and most didn't think it made a lot of sense. The payback for it was 5 to 7 years; a significant amount of time, and assuming there was increased usage.
- They will be talking about trail mileage and density at the next meeting.

#### Tourism

- Two or three years ago, they prepared a Michigan Bicycle Tourism Marketing Plan and more recently they have developed an equestrian tourism equivalent. She is collecting comments and is going to include them and present it to the Michigan

Horse Council meeting on November 1<sup>st</sup>. It includes all kinds of equestrian activity as well as bicycling activity; not just trails related.

- They found a hard time getting traction for these plans so she is working with Dave Serino who is a nationally acclaimed social media guru and strategist. They are hoping to develop tactical plans for groups; taking the marketing plan and laying out a day-by-day planned attack on how to market bicycle tourism and equine tourism activity.
- She wanted to know if the other user groups would be interested in them developing similar tactical plans for their activities. There would be a series of meetings where they invite people to come and meet with her and Dave and put together a plan. The other groups were receptive to this.

## **STAFF REPORTS**

### U.S. Forest Service

- Kristin Thrall from the U.S. Forest Service reported that all three Michigan forests are doing national visitor use monitoring surveys again, which is done every five years. They interview people and they are optional and random selection. They will be doing the surveys at trail heads. From past experience, motorized users tend to not want to stop and do surveys, so if they could encourage people to do surveys it would be great. Mr. Manson requested they let them know ahead of time and they will put it on their social media.
- They finished the completion of Sable Creek Bridge on the North Country Trail which is also part of the Iron Belle. They had at least 30 volunteers from the NCTA. It is a fiberglass bridge; the first of its kind in lower Michigan.
- They had a fatal lightning strike hit a hiker on the Manistee River loop a couple of weeks ago. It is important to check the weather and also be aware of what to do if you are out and lightening hits. Try to get out of an open area and into a forest area with preferably smaller trees. If there is nowhere to go and you are on open ground, do not lie down and try to get as minimal amount of your body touching the ground. They did a lightening safety overview at one of their safety meetings to remind people. The lower peninsula of Michigan is one of the biggest areas in the country for the topography to be struck by lightning.

### Department of Natural Resources

- Ms. Emily Meyerson reported that they finally have a lease agreement between the DNR and MDOT to allow for a rail to trail in Otsego County; part of the Iron Belle. It was a huge step and she thinks it is going to help open up some of the active rail corridors to develop multi-use trails and that's come up with standards that they are looking for if they allow it, so they are excited about that.
- They received some money to do a pilot; they bought counters in each of their districts. They will probably move them around at different places when they are doing planning.
- Mr. Ron Yesney reported that they had a trail summit in the Upper Peninsula in September called "Why Trails Matter". They had several great presenters. They had about 30 municipal officials and a lot of good information was shared. The biggest benefit was municipalities; local governments, non-profits, and organizations came together to learn about trails and some of the success stories, do's and don'ts, etc.

- They had an engineering evaluation done on a trestle in Dickinson County on a rail trail that connects with Wisconsin (Trail 2). It was deemed unsafe and needs repair. They are in an emergency management mode and are working with the DMB to get the bridge re-opened. In order to do that they have to remove the railings and the decking. It's not going to happen by December 1<sup>st</sup>, so they will have a trail closure there for snowmobiling. Right now they anticipate having it done by February.
- There is another trail closure in Gogebic County where they have, due to the rain events, lost a major bridge there. They are not likely going to be able to replace it before the snowmobile season. It happens to be on Gogebic Range Trail Authority's trail system, and they have already lost some other trails so it's another hit for that club.
- Mr. Paul Yauk wanted him to talk to the group about their efforts to go into a more seamless, electronic system for grooming reporting and mapping for snowmobiling. They think they can build some more efficiency into the program.

#### Law

- Cpl. John Morey stated that, from a law enforcement perspective, the media took the passing of P.A. 288 and ran with it right away. They basically put it out there as the Lower Peninsula is open. A lot of people are not aware of the inventory that needs to be performed. Enforcement personnel have run into a lot of violations in the Lower. Their direction is to use the utmost discretion when dealing with these because people believe they are open already. They are going to see a lot more activity until the inventory is completed. He is not sure what effort is being made to further educate the users that those forest roads are not open yet, but there is definitely an increase in activity.

The meeting adjourned at 2:06 p.m.

Act No. 288  
Public Acts of 2016  
Approved by the Governor  
September 28, 2016  
Filed with the Secretary of State  
September 28, 2016  
EFFECTIVE DATE: September 28, 2016

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2016**

**Introduced by Reps. Cole, Glenn, Chatfield, Aaron Miller, Kelly, Canfield, Smiley, Pettalia, Hughes and McBroom**

# **ENROLLED HOUSE BILL No. 5275**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 72101, 72115, 81127, and 81133 (MCL 324.72101, 324.72115, 324.81127, and 324.81133), section 72101 as amended by 2014 PA 211, section 72115 as amended by 2014 PA 213, section 81127 as amended by 1998 PA 86, and section 81133 as amended by 2014 PA 147, and by adding section 72118; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 72101. As used in this part:

- (a) "Advisory council" means the Michigan trails advisory council created in section 72110.
- (b) "Council" means a trail management council established pursuant to section 72106.
- (c) "Department" means the department of natural resources.
- (d) "Director" means the director of the department or his or her designee.
- (e) "Equine access locations" means open access roads, management roads, forestry access roads, 2-track and single-track trails that are not wildlife paths, staging areas for pack and saddle animals to be dropped off or picked up, and associated wilderness campsites.
- (f) "Forest road" means that term as defined in section 81101.
- (g) "Fund" means the Pure Michigan Trails fund created in section 72109.
- (h) "Governmental agency" means the federal government, a county, city, village, or township, or a combination of any of these entities.
- (i) "Pack and saddle trails" means trails and equine access locations that may be used by pack and saddle animals.
- (j) "Pure Michigan Trail" means a trail designated as a "Pure Michigan Trail" under section 72103.
- (k) "Pure Michigan Water Trail" means a water trail designated as a "Pure Michigan Water Trail" under section 72103.
- (l) "Pure Michigan Trail Town" means a "Pure Michigan Trail Town" designated under section 72104.
- (m) "Rail-trail" means a former railroad bed that is in public ownership and used as a trail.
- (n) "Statewide trail network" means the statewide trail network established in section 72114.

(o) "Trail" means a right-of-way adapted to foot, horseback, motorized, or other nonmotorized travel. Trail also includes a water trail.

(p) "Water trail" means a designated route on a body of water.

Sec. 72115. (1) Subject to subsections (2) and (3), pack and saddle animals shall be allowed to access pack and saddle trails on public land managed by the department as follows:

(a) Access on land of the state forest system is allowed unless restricted by statute, deed restriction, land use order, or other legal mechanism, in effect on April 2, 2010.

(b) Access on land of the state park system or state game area system is prohibited unless authorized by land use order or other legal mechanism in effect on April 2, 2010.

(c) Access on other land managed by the department is allowed according to the specific authorization or restriction applicable to the land.

(2) Access by pack and saddle animals may only be restricted on lands described in subsection (1) after April 2, 2010 if conditions are not suitable for pack and saddle animals because of public safety concerns, necessary maintenance, or for reasons related to the mission of the department. Restrictions related to the mission of the department shall be supported, to the greatest extent practicable, by a written science-based rationale that is supported with documentation that is made available to the public. Prior to determining that access by pack and saddle animals be restricted, the department shall make every effort to resolve any public safety or maintenance concerns. Subject to subsection (3), the department shall not restrict pack and saddle animals from lands described in subsection (1) unless all of the following conditions are met:

(a) The department holds a public meeting on a proposal to restrict access by pack and saddle animals on pack and saddle trails to receive testimony from the general public. The department shall invite the advisory council and the equine trails subcommittee created in section 72110a to attend the meeting.

(b) The department, after considering testimony at the meeting under subdivision (a), provides a specific rationale for its determination to restrict access by pack and saddle animals.

(c) Any decision by the department to restrict access by pack and saddle animals shall not take effect for a period of time set by the department, but not less than 60 days. However, if the director determines that a restriction must be imposed because of user conflicts or due to an imminent threat to public health, safety, welfare, or to natural resources or the environment, the director may issue a temporary order restricting access by pack and saddle animals for 30 days or until the threat or user conflict is abated. A temporary order under this subdivision may be reissued if the threat or user conflict persists.

(d) A written statement shall be posted at the trailhead in which the restriction is imposed stating the cause and estimated duration of the closure.

(e) A list of pack and saddle trails on which the department has restricted access for pack and saddle animals, including temporary orders, shall be posted on the department's website and notification shall be provided to the equine trails subcommittee created in section 72110a.

(3) Any restrictions described in subsection (1) on access by pack and saddle animals that were in effect on April 2, 2010 shall remain in effect until those restrictions are reviewed using the process under subsection (2).

(4) An individual shall not use pack and saddle animals on state-owned land except on pack and saddle trails that are open for access by pack and saddle animals. However, an individual may use a pack and saddle animal in an area in which public hunting is permitted to retrieve legally harvested deer, bear, or elk using the most direct route that does not enter a stream, river, or wetland except over a bridge, culvert, or similar structure.

Sec. 72118. (1) The department shall make a comprehensive inventory of forest roads that are state roads. The department shall divide the state into 5 regions and complete the inventory in regional phases. The Upper Peninsula shall be a separate region or regions. The department shall inventory the 2 most northerly regions in the Lower Peninsula by December 31, 2017. The department shall inventory the remaining regions by December 31, 2018. The inventory shall meet both of the following requirements:

(a) Identify the location, condition, and development level of the forest roads.

(b) Determine types of motorized and nonmotorized use currently restricted on each forest road segment and the seasons during which those uses are currently restricted.

(2) Beginning when the inventory for a region is completed or required to be completed, whichever occurs first, all of the following apply:

(a) The forest roads within that region shall be open to motorized use by the public unless designated otherwise by the department pursuant to section 504(7). However, beginning on the effective date of the amendatory act that added this section, forest roads in the Upper Peninsula shall be open to motorized use by the public unless designated otherwise pursuant to section 504(7).

(b) If a timber harvest is planned for a particular area in that region, the department shall evaluate whether the timber harvest activity offers the opportunity to connect existing forest roads and trails in that area.

(c) The department shall not newly restrict a road or trail in that region from being used to access public land unless the department has provided each local unit of government in which the public land is located written notice that includes the reason for the restriction. This subdivision does not apply to a restriction imposed to protect public health or safety in an emergency situation.

(3) The department shall annually post to its website the total miles of forest roads open to motorized use in all inventoried regions and a map or maps of those forest roads.

Sec. 81127. (1) Under the comprehensive system previously approved and implemented under former section 16d of 1975 PA 319, all forest roads shall be open to ORV use as provided in section 72118. All other state owned land under the jurisdiction of the department shall be closed to ORV use except the following:

(a) Designated roads that are not forest roads.

(b) Designated trails.

(c) Designated areas.

(2) The commission shall approve any subsequent revisions to the system and shall establish an effective date for the revisions. The department shall submit the revisions approved by the commission to the secretary of the senate and the clerk of the house of representatives at least 20 session days before the effective date determined by the commission.

(3) In developing the system, the department shall consider the needs of hunters, senior citizens, and individuals with disabilities.

Sec. 81133. (1) An individual shall not operate an ORV:

(a) At a rate of speed greater than is reasonable and proper, or in a careless manner, having due regard for conditions then existing.

(b) During the hours of 1/2 hour after sunset to 1/2 hour before sunrise without displaying a lighted headlight and lighted taillight. The requirements of this subdivision are in addition to any applicable requirements of section 81131(12).

(c) Unless the vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(d) In a state game area or state park or recreation area, except on roads, trails, or areas designated for this purpose, notwithstanding section 72118; on other state-owned lands under the control of the department where the operation would be in violation of rules promulgated by the department; in a forest nursery or planting area; on public lands posted or reasonably identifiable as an area of forest reproduction, and when growing stock may be damaged; in a dedicated natural area of the department; or in any area in such a manner as to create an erosive condition, or to injure, damage, or destroy trees or growing crops. However, the department may permit an owner and guests of the owner to use an ORV within the boundaries of a state forest in order to access the owner's property.

(e) On the frozen surface of public waters within 100 feet of an individual not in or upon a vehicle, or within 100 feet of a fishing shanty or shelter or an area that is cleared of snow for skating purposes, except at the minimum speed required to maintain controlled forward movement of the vehicle, or as may be authorized by permit in special events.

(f) Unless the vehicle is equipped with a spark arrester type United States Forest Service approved muffler, in good working order and in constant operation. Exhaust noise emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a sound level meter that meets the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the United States Environmental Protection Agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this part, manufactured or assembled after December 31, 1972 and used, sold, or offered for sale in this state, shall conform to the noise emission levels established by the United States Environmental Protection Agency under the noise control act of 1972, 42 USC 4901 to 4918.

(g) Within 100 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except under any of the following circumstances:

(i) On property owned by or under the operator's control or on which the operator is an invited guest.

(ii) On a forest road or forest trail if the forest road or forest trail is maintained by or under the jurisdiction of the department.

(iii) On a street, county road, or highway on which ORV use is authorized pursuant to section 81131(2), (3), (5), or (6).

(h) In or upon the lands of another without the written consent of the owner, the owner's agent, or a lessee, when required by part 731. The operator of the vehicle is liable for damage to private property caused by operation of the vehicle, including, but not limited to, damage to trees, shrubs, or growing crops, injury to other living creatures, or erosive or other ecological damage. The owner of the private property may recover from the individual responsible nominal damages of not less than the amount of damage or injury. Failure to post private property or fence or otherwise enclose in a manner to exclude intruders or of the private property owner or other authorized person to personally communicate against trespass does not imply consent to ORV use.

(i) In an area on which public hunting is permitted during the regular November firearm deer season, from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except as follows:

(i) During an emergency.

(ii) For law enforcement purposes.

(iii) To go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle.

(iv) To remove legally harvested deer, bear, or elk from public land. An individual shall operate an ORV under this subparagraph at a speed not exceeding 5 miles per hour, using the most direct route that complies with subdivision (n).

(v) To conduct necessary work functions involving land and timber survey, communication and transmission line patrol, or timber harvest operations.

(vi) On property owned or under control of the operator or on which the operator is an invited guest.

(vii) While operating a vehicle registered under the code on a private road capable of sustaining automobile traffic or a street, county road, or highway.

(viii) If the individual holds a valid permit to hunt from a standing vehicle issued under part 401 or is a person with a disability using an ORV to access public lands for purposes of hunting or fishing through use of a designated trail or forest road. An individual holding a valid permit to hunt from a standing vehicle issued under part 401, or a person with a disability using an ORV to access public lands for purposes of hunting or fishing, may display a flag, the color of which the department shall determine, to identify himself or herself as a person with a disability or an individual holding a permit to hunt from a standing vehicle under part 401.

(j) Except as otherwise provided in section 40111, while transporting on the vehicle a bow unless unstrung or encased, or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(k) On or across a cemetery or burial ground, or land used as an airport.

(l) Within 100 feet of a slide, ski, or skating area, unless the vehicle is being used for the purpose of servicing the area or is being operated pursuant to section 81131(2), (3), (5), or (6).

(m) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as provided for in section 81127.

(n) In or upon the waters of any stream, river, bog, wetland, swamp, marsh, or quagmire except over a bridge, culvert, or similar structure.

(o) To hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill an animal, whether wild or domesticated.

(p) In a manner so as to leave behind litter or other debris.

(q) On public land, in a manner contrary to operating regulations.

(r) While transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, except under either of the following circumstances:

(i) The container is in a trunk or compartment separate from the passenger compartment of the vehicle.

(ii) If the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is encased or enclosed.

(s) While transporting any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.

(t) On adjacent private land, in an area zoned residential, within 300 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle except under any of the following circumstances:

(i) On a forest road or forest trail if the forest road or forest trail is maintained by or under the jurisdiction of the department.

(ii) On a street, county road, or highway on which ORV use is authorized under section 81131(2), (3), (5), or (6).

(u) On a forest trail if the ORV is greater than 50 inches in width.

(2) An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This subsection does not apply to any of the following:

(a) An individual who owns the property on which the ORV is operating, is a family member of the owner and resides at that property, or is an invited guest of an individual who owns the property. An exception under this subdivision does not apply to any of the following:

(i) An individual less than 16 years of age.

(ii) An individual 16 or 17 years of age, unless the individual has consent from his or her parent or guardian to ride without a crash helmet.

(iii) An individual participating in an organized ORV riding or racing event if an individual who owns the property receives consideration for use of the property for operating ORVs.

(b) An individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet.

(c) An ORV operated on a state-licensed game bird hunting preserve at a speed of not greater than 10 miles per hour.

(3) Each person who participates in the sport of ORV riding accepts the risks associated with that sport insofar as the dangers are inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; defects in traffic lanes; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with fill material, decks, bridges, signs, fences, trail maintenance equipment, or other ORVs. Those risks do not include injuries to persons or property that result from the use of an ORV by another person in a careless or negligent manner likely to endanger person or property. When an ORV is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of ORV riding additionally assumes risks including, but not limited to, entanglement with railroad tracks, switches, and ties and collisions with trains and train-related equipment and facilities.

Enacting section 1. Section 81126 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81126, is repealed.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor

# **Agency Policy on State Water Trail Designations**

## **DRAFT 10.10.16**

### **Designated Water Trails Program Background**

For Michigan's early residents—both Native and European—blue highways were the preferred mode of transportation. Rivers and lakes defined settlement patterns, trade routes, economic development and identity. Today these same waters, united in a comprehensive water trails system, can promote economic development and healthy communities as they offer residents and visitors the Michigan experience provided by welcoming, exceptional people living amidst extraordinary natural resources.

The Statewide Comprehensive Outdoor Recreation Plan, DNR-Managed Public Land Strategy (Land Strategy), the Comprehensive Trail Plan (Trail Plan), the Parks and Recreation Division Strategic Plan, and the Water Strategy all call for the establishment of a statewide system of designated water trails. Water trails present great opportunities to grow local and regional economies, strengthen regional identity, attract out-of-state tourists and workers, promote healthy lifestyles and showcase Michigan's incredible water resources.

The State Water Trail Designation Program will provide sound information to help customers make recreational activity choices and to provide a level of expectation for the trail experience. A trail designation system will provide a template of information to potential water trail users and will include:

- The length of the trip and time required to complete it
- The type of trip, motorized or non-motorized
- The degree of challenge and skills required
- The degree of solitude, safety and natural viewsheds
- Predictable or unpredictable paddling factors one might experience
- Access sites, amenities and accessible features
- Community cultural and natural heritage assets connected to the trail

Clear, consistent communication about trails will contribute to successful recruitment and retention of new water trail users and encourage return visits to regional destinations, bringing this emerging recreation demographic to new cities and regions.

### **Key Goal/Measurable Objective:**

The goal of the State Water Trail designation program is to create a sustainable system of water trails that are geographically dispersed, locally supported, and offer a diversity of experiences. These experiences will include varying lengths, scenery, heritage exploration, water trail challenges (or difficulty levels) and amenities. Water trails can be a catalyst for improved recreational opportunity, resource conservation, healthy lifestyles and local prosperity.

The measurable objective established in the Trail Plan and repeated in the Land Strategy is:  
*Within five years, designate public water trails that have appropriate signage, amenities, safety measures, and promotion on 30 percent of Michigan's navigable waters, five connected lake systems and 75 percent of Michigan's Great Lakes shoreline and connecting channels.*

## **Program Needs:**

While federal and state agencies, communities, and organizations have made substantial investments in the infrastructure necessary to support a designated water trail system, there are program pieces absent, including:

- Standardized criteria to be considered a state-designated water trail for facilities and amenities such as:
  - Location of primary access sites, access sites and rest areas.
  - Signage and comprehensive mapping
  - Overnight accommodation & camping opportunities
  - Restrooms, potable water and accessible features
  - Emergency contact and safety measures
- An inventory of existing and potential trails that currently meet the criteria.
- A means to officially designate the trails.
- A marketing and promotional campaign for designated trails.
- A process for public input on potential designated trails.
- Encourage respect for property owners adjoining a designated trail.
- Funding sources for local trail development, operations and maintenance, and statewide program management.
- Establishment of strong partnerships.
- Comprehensive understanding of all existing management plans for a water body, such as the Michigan's Natural Rivers and the Federal Wild and Scenic Rivers and land use plans and laws that regulate adjacent lands.

This document provides a comprehensive plan for establishing a water trails program within the DNR, supported by partners in the public and private sectors.

## **Authority for Establishing a Designated Water Trails Program:**

PA 451 of 1994, Section 502: "The Department may provide and develop facilities for outdoor recreation."

## **Definitions:**

**Access Site:** Public (federal, state, county or local units of government) or private land where it is legal for the general public to access, launch and land a watercraft into and from its adjoining waters. Access sites will have at least some legal parking along a public roadway. Access sites are also rest areas and may include amenities.

**Barrier Free Access:** A facility and its amenities can be approached, entered and used by persons with disabilities.

**Designee:** The designee is defined as the public or non-profit body that has applied and received state water trail designation on a particular water system.

**DNR:** Michigan Department of Natural Resources

**Lake systems:** Lakes that are linked either through connecting waters or a portage.

**Launch:** The mechanism used to access the water. Whenever possible, the type of launch should match the context of the surrounding environment. Launch types may include a natural surface (shoreline), paved ramp, geo-textile mat, stairs, dock, cantilever dock, floating dock, and designated launch that meet the guidelines to be barrier free.

**Primary Access Site or Trailhead:** A designated, legal access site that is promoted for use by the water trail and serves as a trailhead. The primary access site will have an appropriate launch and landing facility for the context of the site, off street parking for vehicles, water trail and local wayfinding signage and amenities such as restrooms, potable water, picnic areas and boat racks. A primary access site is also an access site and a rest area.

**Portage:** The practice of carrying water craft or cargo over land, either around an obstacle in a river, or between two bodies of water.

**Rest areas:** Places where it is permissible to land a watercraft, but not a place to access the water from a road. Rest areas may have campsites and amenities.

**Trailhead:** See Primary Access Site

**Water Trail:** Recreational routes, motorized or non-motorized, on waterways with a network of public access sites.

**State Designated Water Trails:** Water trails that have been approved for designation by DNR, following a prescribed process. Designated water trails are supported by broad-based community partnerships and a statewide marketing program, which provide conservation, heritage and recreation opportunities.

**Pure Michigan Water Trails:** Exceptional Michigan water trails designated under public law, and developed under a separate section of rules (Section 72112 of 2014 PA 210, MCL 324.72112, and Executive Reorganization Order Nos. 1991-22, 2009-31, and 2011-01, MCL 299.13, 324.99919, and 324.99921)

**National Water Trails:** A subset of the national recreation trail program and meet the national water trail designation criteria found at the Rivers, Trails, and Conservation Assistance Program at the National Park Service.

## Designated Water Trail Criteria

The DNR, in designating a water trail, will seek to ensure the following:

1. A quality trail experience
2. Clear information for users
3. Broad community support
4. A sustainable business, maintenance & marketing plan

### 1. A Quality Trail Experience Description

- A. The water trail is a waterway that is open to public recreational use.
- B. The water trail has publicly available access sites and rest areas in reasonable distances depending on the designated type of experience of the trail.
  - a. All access sites, rest areas and portages shown for the trail have been approved by the landowner to be a part of the water trail. The goal is to reduce potential conflicts and maintain public support for accessible water trails.
- C. The water trail has reasonable amenities depending on the designated type of trail experience. Amenities may include restrooms, picnic areas, overnight lodging, camping, parking, drinking water and canoe/kayak racks/lockers.
  - a. Restroom facilities may be available on all trail types but can range from modern facilities to rustic. The spacing between restroom locations will vary by trail segment description.
  - b. Provide information on trail segments that provide barrier free access and amenities.
- D. Wherever possible, programmed experiences are available to allow for increased enjoyment of the trails, understanding of the natural and cultural resources related to the trails, boating skills, outdoor ethics and efforts to improve the quality of the waterway and its water. There is an interpretive plan for the trail (or active effort to develop) that identifies its cultural and natural heritage, and ways those will be shared with the public (e.g. festivals, local exhibits, signage, mobile apps, print or web).
- E. Water trails, where possible, have connections to other recreational opportunities. Examples include camping, bicycling and hiking trails, fishing, hunting, cultural and historic experiences, etc.

### 2. Provide Clear Information for Users

- A. A map, guide and web-based information is available that contains sufficient detail to allow the public confidence to plan and use the trails including:
  - a. Access site locations, including photos, accessible features and amenities
  - b. Trail routes and trail lengths (in miles and time)
  - c. Degree of challenge and hazard expectation within trail segments
  - d. Natural and cultural heritage features
  - e. Significant landmarks

- f. Length and difficulty of portages
  - B. Consistent designated water trail signage is used along the trail. Signs may include direction to nearby amenities and cultural resources. Interpretive signs about cultural and natural resources are encouraged.
  - C. Information promotes safety and encourages “leave no trace” principles.
    - a. Standards to warn of man-made hazards such as dams or electrical lines are used on all trails.
    - b. Primary access sites are marked with reflective signage visible from water and will include wayfinding signage and emergency information.
    - c. Emergency contacts are listed on electronic and printed publications.
    - d. Communicates ordinary risks with water recreation, including safety messages about personal floatation devices, self-rescue, first aid skills, natural and man-made obstacles, paddler immersion and contact with water, ambient water quality, high water or flood events, severe weather and high wind or waves.
- 3. **Demonstrate Broad Community Support**
  - A. The proposed water trail will be supported, managed and maintained by one or more organizations and supported by local communities adjoining the trail, who have entered into a written agreement with each other. Successful outcomes for water trail designation will be achieved by diverse community representation from sectors, such as, recreation, education, conservation, heritage, business, public safety, health, and local, regional and state government.
  - B. Support from participating local governments adjacent to the water trail is demonstrated by governing body resolution.
- 4. **Demonstrate a Sustainable Business, Maintenance & Marketing Plan**
  - A. A plan exists that shows how the proposed water trail will meet a quality trail experience and user information expectations in conjunction with public/ private partnerships (i.e. local liveries).
  - B. This plan will include a thorough inventory of environmental, natural and cultural assets along the waterway, including, but not limited to, existing public or private amenities, access sites, rest areas, and accessible features.
  - C. This plan identifies gaps in the desired trail and suggests strategies to address the gaps.
  - D. This plan is designed so that increased use of the trail will not degrade the local experience, cultural resources, the environment or existing recreational uses. The plan will identify programs and facility designs to ensure long-term sustainability of the waterway.
  - E. The trail is in compliance with applicable local, state and federal land use plans and environmental laws.

- F. The trail has in place a trail partnerships/collaboration/agreement with partners that have a demonstrated ability to support routine and long-term maintenance investment on the water trail.
  - a. The agreement includes a plan to meet the maintenance standards for the trail as adopted by the DNR and maintenance is conducted to these standards.
  - b. There are ways to discourage and address vandalism.
  - c. Periodic audits are scheduled to ensure standards are being met.
- G. Trail information is promoted locally and as part of the State's marketing program.
- H. A local marketing plan has been developed to promote the trail, types of water trail designations and descriptions, location tools, etc.

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## Michigan's State Water Trail Designation Types

There are three types of state designated trails: Inland Water Trails, Great Lakes Water Trails and Motorized Water Trails. **An Inland Water Trail can be along any water systems (inland lakes, connected lakes and/or river systems, or rivers) that are not on the Great Lakes. A Great Lakes Water Trail is along the shore of any of Michigan's Great Lake shoreline including all connecting water bodies such as St. Mary's River, Lake St. Clair and the Detroit River.** A Motorized Water Trail can be on either inland waters or on the Great Lakes. All designated Water Trails should identify any segments that have barrier-free entry and exit access points.

### Inland Water Trails, non-motorized

Non-motorized Inland Water Trail designees will provide users with information on the difficulty level, beginner, intermediate or advanced and expectations of amenities for paddlers for each segment of the water body as follows:

#### **1. Beginner Trail Segments**

##### A. Typical Development Goals

- a. Exposing the greatest number of new users to paddling and/or water trails.
- b. Appropriate for large groups, children and new water trail users.
- c. Trips can be tailored for short excursions or longer, but should provide options for those with less experience.
- d. Emphasis on communicating access, use of safety equipment, hazards, building skills and confidence of new trail users.
- e. Woody debris is important for stream ecosystem health and for the food chain, and care should be taken in considering removal/repositioning for water trail purposes. Users shall be aware that they will need to avoid these hazards, and should be aware that they may be present.
- f. Educational opportunities should be included, not only for skill development, but also environmental, conservation, and historical interpretation to enhance user experience.

##### B. User Expectations

- a. A predictable experience, with minimum exposure to hazards that is appropriate for new or beginner paddling skills.
- b. A readily enjoyable setting that will appeal to new paddlers.
- c. Hazards, access sites, rest area information, and wayfinding will be well-communicated by signage.
- d. Shorter length trips will be facilitated by having accessible and frequent access sites.
- e. Amenities are adequately spaced including rest areas, restrooms, drinking water and other amenities.
- f. Trail segments that are barrier free, meaning they provide accessible launches at both the put in and take out locations, shall be identified.
- g. Motorized boats may be present.

##### C. Paddling Skills Needed

- a. New to basic paddling skills.

D. Access or Rest Area Spacing

- a. Launches, access sites and rest areas will vary by distance and conditions but on average an access site will be available every 1-2 hours of float time or 3-6 miles.

E. Lake, river and stream characteristics

- a. Slow or moderate flow streams in normal conditions (meaning no bank-full discharge or flood stage conditions).
- b. Small inland lakes will have little or no current, and normally possess limited wave action.
- c. Under normal conditions, there will be few obstacles and hazards, such as large woody debris (strainers) and low-head dams.
- d. Portage around obstacles is non-existent or minimal.

**2. Intermediate Trail Segments**

A. Typical Development Goals

- a. Provide day-trip opportunities, and have potential for overnight, group and family experiences.
- b. Provide longer and slightly more difficult experience than that of a beginner segment.
- c. Access sites and amenities may be less developed and farther apart compared to beginner segment.

B. User Expectations

- a. A slightly less predictable experience than a beginner segment which will require some boat control and intended for paddlers with some experience and stamina.
- b. May have varied settings and natural vistas.
- c. Dam hazards, access sites and wayfinding will be communicated by signage as needed.
- d. Trip length could increase and rest areas may be less frequent when compared to a beginner segment.
- e. Amenities may be more rustic than on a beginner segment.
- f. Portages will be signed.
- h. Trail segments that are barrier free, meaning they provide accessible launches at both the put in and take out locations, shall be identified.
- i. Motorized boats may be present.

C. Paddling skills needed

- a. Basic boat control.
- b. Forward and reverse strokes.
- c. Basic self-recovery skills, such as tip-over.
- d. Basic map reading or GPS skills.

D. Access or Rest Area Spacing

- a. Launches, access sites and rest areas will vary by distance and conditions, but could be spaced as long as 2-4 hours of float time or 6-12 miles.

E. Lake, River and Stream Characteristics

- a. Varies from narrow and sinuous to wider channel stretches
- b. Some sandbars, rocks, riffles, strainers or mild rapids (Class I & II) under normal conditions.
- c. May require some portages.

- d. Lakes may have expectation of moderate waves when windy, or moderate current.

### **3. Advanced Trail Segments**

#### **A. Typical Development Goals**

- a. Day trips and multiple day trips are possible.
- b. Rustic launches may be more difficult for some users, including steep slopes.
- c. Long portages may be present and will be signed.
- d. Resource protection, conservation of habitat and experiential wilderness recreation may be key goals.

#### **B. User Expectations**

- a. Advanced trail segments will be a more difficult experience than intermediate segments and is more suited to advanced paddlers and skills.
- b. Paddler expects to manage risk and should possess self-rescue skills.
- c. Some degree of solitude and expectations of scenic vistas with little evidence of built infrastructure (bridges, power lines, homes, etc.) may be present.
- d. Segments may include stretches of whitewater rapids (Class III+).
- e. Expect varied settings and conditions.
- f. Navigational aids may be infrequent on the river or large water bodies.
- g. Launches, access sites and/or rest areas may be far apart and rustic.
- h. Dam hazards and primary access sites are communicated by signage.
- i. Cell phone coverage may be limited or non-existent.
- j. Trail segments that are barrier free, meaning they provide accessible launches at both the put in and take out locations, shall be identified.
- k. Motorized boats may be present.

#### **C. Paddling skills needed**

- a. Good to excellent boat control.
- b. Advanced tip-over recovery skills.
- c. Good endurance.
- d. Navigational skills.
- e. Ability to create a trip plan and provide information to someone who can contact authorities if overdue or in an emergency.

#### **D. Access Spacing**

- a. Launches, access sites and rest areas will vary by distance and conditions, and access site location could exceed four hours of float time or 12+ miles.

#### **E. Lake, river and stream characteristics**

- a. May include faster water, rapids, large lakes, and expansive wetland areas.
- b. Lake segments may include long open-water crossings and may encounter motorized vessels. There is a potential for high waves, coupled with steep or rocky shorelines.
- c. Streams may include moderate to high number of hazards, including rapids, logjams, strainers, dams and/or other obstacles.

### **Great Lakes Water Trails**

Great Lakes Water Trail designees will provide users with information on expectations along the trail for each segment of the water trail as follows:

- A. Typical Development Goals
  - a. Day trips and multiple day trips are possible.
  - b. Mixture of modern and rustic access sites, some may be more difficult including steep slopes.
- B. User Expectations
  - a. Trail Users expect to manage risk and should possess self-rescue skills in open water.
  - b. Expect varied settings and conditions.
  - c. Navigational aids will be infrequent.
  - d. Access sites and/or rest areas may be far apart.
  - j. Trail segments that are barrier free, meaning they provide accessible launches at both the put in and take out locations, shall be identified.
- C. Skills needed
  - a. Excellent boat control.
  - b. Good endurance.
  - c. Advanced tip over, recovery and self-rescue.
  - d. Navigational skills and the ability to understand and obtain weather and marine forecasts.
  - e. The need to create a trip plan and provide information to someone who can contact authorities if overdue or in an emergency.
- D. Access Spacing
  - a. Access sites and rest areas will vary by distance and conditions, and could exceed four hours of travel time or 12+ miles.
- E. Great Lakes characteristics
  - a. On the Great Lakes high winds and high waves can occur and the trail user should be prepared for cold temperatures, fog or other weather conditions.
  - b. Great Lakes segments can include long open-water crossings and may encounter large and small motorized vessels.
  - c. Access sites may be limited with steep or rocky shorelines.

### **Motorized Water Trail**

Motorized Water Trail designees will provide users with information and expectations of the trail and amenities for motorized water craft for each segment of the water body as follows:

- A. Typical Development Goals
  - a. Day trips and multiple day trips are possible
  - b. Motorized access sites, such as marinas, re-fueling sites and recreational amenities, will be available at increment distances appropriate for motorized vessels.
  - c. Mapping of access sites and amenities will create enjoyable motorized water trail experiences. Development of this experience and information for users should be a goal.
- B. User Expectations
  - a. Trail users expect to manage risk and possess self-rescue skills in open water.
  - b. Dam hazards, motorized access sites and wayfinding signage is provided.
  - c. Accessible features shall be identified.

- d. Non-motorized boats and boats of various sizes and for various uses (not just trail users) may be present.
- C. Skills Needed
  - f. Navigational and boating safety skills and the ability and to understand and obtain weather and marine forecasts.
  - g. The ability to create a trip plan to provide information to someone who can contact authorities if overdue or in an emergency.
- D. Access Spacing
  - b. Access sites will vary by distance and conditions, and could exceed four hours of travel time.
- E. Trail Characteristics
  - a. Trail can be around a lake or part of an interconnected lake systems that connect with navigable rivers.
  - b. Lake segments may include long open-water crossings. There is a potential for high waves, coupled with steep or rocky shorelines.

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## **Water Trails Designation Process**

An organization(s) that desires to develop and manage a designated water trail, including the DNR, shall submit to the department an application that demonstrates its ability to provide the following:

### **1. Describe the quality trail experience**

- A. Provide a written summary of the trail including trail designation type and segment experiences and length.
- B. Maps of river, river segments or water body, which includes all available access sites, rest areas, portage routes, amenities, signage and launch type plus known static hazards such as dams.
- C. Name, photos and lists of access sites, launches, rest areas and signage. Launches, access sites and rest areas need to have adequate spacing as indicated in segment descriptions
- D. Plan for providing educational opportunities on natural and cultural heritage, conservation and health benefits.
- E. Documentation of land-owner approval of public and privately owned access sites, rest areas and portage routes.
- F. Trail segments that are barrier free, meaning they provide accessible launches at both the put in and take out locations should be noted. All barrier free amenities should be noted and described.
- G. Provide a plan for promoting safe trail use that respects the water, lands and private property including leave no trace principles.

### **2. Provide clear information for users**

- A. Standardized safety and wayfinding signage in place on the river or a written commitment to install it within one year of designation.
- B. Provide adequate information (stewardship, safety, rules, etc.) in various formats, including electronic or printed (maps, websites, pamphlets, etc.) as well as contact information to provide user input.

### **3. Demonstrate broad community support**

- A. Minutes of public meeting(s) held in the largest population center near or adjoining the river to obtain input and explain the value of the trail.
- B. Resolutions of support from the government entities adjoining the trail.
- C. List of partners involved with the trail, including those participating from the education, heritage, conservation, tourism, business, or health sectors.

### **4. Provide a sustainable business plan that includes maintenance, marketing and emergencies**

- A. Provide written documentation of a sustainable business plan that includes goals for development, management, promotion, operation and maintenance plans.
- B. Documentation that the trail and amenities meet all local, state and federal land use plans and laws.
- C. Inventory of cultural and natural heritage assets, conservation concerns and explanation of how they are incorporated into the trail.

- D. Plan for providing educational opportunities on natural and cultural heritage, conservation and health.
- E. Provide documentation on existing trail partnerships/collaborations/agreements.
- F. A proposed Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) between the organizations committed to developing, operating and maintaining the trail.
- G. Provide the budget and proposed sources of funding for managing and maintaining the trail, including in-kind volunteer hours.
- H. Emergency planning and communication plan that will inform first responders, engage in their feedback and provide agencies with maps, launch sites, etc.
- I. Provide a viable marketing plan, including budget and source of funding.

### **Application Review and Designation Process:**

#### **1. Review**

- A. The application shall be submitted to the DNR Water Trail Coordinator who will review the application and do any further research such as inspect the water body, to determine if it meets the criteria for designation.
- B. If it meets criteria, DNR Water Trail Coordinator shall input the water trail information on the State's Trail Proposal System. This system will allow for each DNR department to review and make comments on the proposed trail. The State Trail Coordinator will have final approval of such a proposal.
- C. If criteria are not met or the proposal not approved, the DNR Water Trail Coordinator shall provide feedback to the applicant organization and/or committee.

#### **2. Designation**

If the trail proposal is approved, designation of a state designated water trail is announced as follows:

- A. Designation will consist of a letter from the DNR State Trail Coordinator and a Memorandum of Agreement (MOA) between the DNR and the applicant. The MOA shall be written for a period of time no shorter than 10 years.
- B. A DNR press release is done to announce the designation.
- C. DNR incorporates the trail into its maps and marketing materials.
- D. State Designated Water Trail branding/signage are placed in appropriate locations by designee.

### **Auditing a State Designated Water Trail:**

The designee shall perform an audit on the trail, per the DNR water trail audit process, every two years and as weather conditions warrant, to determine if the trail continues to meet the Designated Water Trail Criteria for being a state designated water trail, including the maintenance standards established for water trails and revise any segment descriptions as appropriate in marketing materials.

If the trail does not meet the criteria and standards for being a State Designated Water Trail, the DNR will work with the designee on the MOA to assist them in meeting the criteria and standards.

The designee must promptly address identified shortfalls in operations and maintenance and safety to meet the criteria and standards.

If the designee fails to address known operations and maintenance issues per the State Designated Water Trail criteria, then the DNR State Trail Coordinator will prepare to remove the designation status of the water trail per State Trail Proposal Process.

If the water trail is removed from state designation, the designated water trail shall be removed from all marketing information and all designated water trail identifiers along the trail shall be removed by the designee.

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**RESOLUTION NO. 11-2016-01**  
**MICHIGAN TRAILS ADVISORY COUNCIL**  
**RESOLUTION OF SUPPORT THE AGENCY POLICY ON STATE WATER TRAIL DESIGNATIONS**

**WHEREAS**, the Department of Natural Resources' (DNR) Parks and Recreation Division has completed an Agency Policy on State Water Trail Designations; and

**WHEREAS**, the Michigan Trails Advisory Council provides advice to the Department of Natural Resources (DNR) regarding matters related to all types of trails, trail programs and related matters; and

**WHEREAS**, the planning process reflects sensitivity to natural resource values, historic and cultural resource values, recreation and education opportunities and is inclusive of all DNR programs; and

**WHEREAS**, the planning process was further inclusive of stakeholder, constituent and public input; and

**WHEREAS**, the Policy is consistent with the recommendations in the Michigan Comprehensive Trail Plan and the State Trails Implementation Plan; and

**WHEREAS**, the Policy represents sound guidance for future planning that will be consistent with the mission of the Michigan Trails Advisory Council and DNR Parks and Recreation Division; and

**WHEREAS**, the Policy has been reviewed and recommended for approval by the Parks and Recreation Division; and

**THEREFORE, BE IT RESOLVED**, that the Michigan Trails Advisory Council recommends approval of the Agency Policy on State Water Trail Designations.

Submitted by:           Emily Meyerson, Trail Coordinator  
                                  Northern Lower Peninsula  
                                  DNR Parks and Recreation Division

DATE:                     November 30, 2016

Motion by:	Done by e-approval	Yea:    11
Motion seconded by:		Nay:    0
		Abstain:
		Absent:



## Michigan Department of Natural Resources

### POLICY AND PROCEDURE

#### 32.22-01 – Best Management Practices for Forest and Wildlife Management Adjacent to Recreational Trails (DRAFT: 08/22/2016)

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##### ***Issue/Purpose:***

To integrate designated public recreational trail opportunities with timber management and wildlife habitat activities on state forest land.

##### ***Policy:***

The natural resources of the state are held in trust for the citizens of Michigan and it is the administrative responsibility of the Department of Natural Resources (DNR) to manage and conserve these resources for use and enjoyment today and in the future. The DNR manages for acceptable and sustainable levels of use and conservation of timber and wildlife through careful consideration and understanding of multiple values and economic interests. Management of state forest land provides direct economic benefits through the sale of timber, hunting, trapping, and many recreational uses including hiking, skiing, equestrian use, motorized trails, camping, and more.

##### ***Explanation:***

The DNR policy and procedure 32.22-07 – Forest Management details that state forests are to be managed for multiple-use benefits, and both Forest Resources (FRD) and Wildlife (WLD) Divisions are jointly charged with the responsibility of developing comprehensive management plans to ensure these benefits are realized. The two divisions collaborate in partnership with Fisheries Division, Parks and Recreation Division (PRD), Law Enforcement Division (LED), stakeholders and the public to manage timber, habitat, wildlife, and recreation on state forest lands for the benefit of current and future generations.

Most management decisions are made as part of the DNR's Compartment Review Process (DNR policy and procedure 32.22-15 – State Forest Inventory and Compartment Review), which provides an opportunity for public review and input, and engages all DNR divisions in evaluating forest conditions and collaboratively making treatment prescriptions. Decisions are supported by scientific facts, and principles, and reflect the needs for timber and wildlife species, desires of stakeholders and users of the forest, and changing conditions.

Modifications and adaptations should be considered in the layout and administration of every timber harvest which involves a recreational trail. Timber sale specifications, contractor awareness, and corrective actions when necessary, all contribute to minimizing negative effects. When recreational trails pass through planned timber sales, staff must take reasonable and appropriate actions whenever possible to minimize or avoid damages or undesirable effects on trail users.

##### ***Requirements:***

In conformance with policy, procedure and written guidance, unit managers and wildlife biologists shall prepare draft treatment proposals for the forest utilizing the compartment review process. During this interdisciplinary process all resource values, including recreational values will be considered. PRD Unit Managers, Supervisors, and/or Recreation Specialists participate in this process to help ensure recreational values are considered along with timber, wildlife, and

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other values. Any differences in judgment which cannot be resolved at the compartment review will be referred to FRD District Supervisor, WLD Field Operations Manager, and PRD District Supervisor, and higher levels within FRD, WLD and PRD if not resolved at the district level.

Cover type management disturbs vegetation and alters the appearance of the land. These disturbances provide wildlife habitat, provide timber products, and maintain healthy forests. There's an increased sensitivity to aesthetics along recreation trails and pathways. There are a variety of approaches and considerable latitude in carrying out forest practices to reduce undesirable visual effects. Use the following approaches as appropriate:

- Utilize seasonal restrictions to reduce visual and user impact.
- Consider clearcutting only on one side of a recreational trail. When trees in the clearcut area are at least 3 years old or 5 feet high at the desired level of stocking (see IC4371, Forest Certification Green-Up Guidelines), then an adjacent stand can be treated by clearcutting. This does not apply to selective management.
- Utilize signage to inform trail users of logging operations. Signing needs for a sale should be discussed at compartment review and incorporated into plans for the timber harvest. Consider placing informational signs to explain what is happening and why the harvest is being conducted. Signing recreational trails during active logging operations shall be a standard practice, and done either by staff or via a requirement in the timber sale contract. The division performing the treatment will provide information to PRD for the signing of nearby campgrounds and parking areas. Signage placed in campgrounds or trailheads should include a public contact number for the local unit office for questions or to report issues or observations.
- Protect confidence markers by utilizing contract and permit specifications requiring protection of the markers. PRD will assess the need for additional confidence markers.
- Emphasize the retention of trees near or along the recreational trail. Many timber sales have standing trees retained for wildlife, seed and/or visual management purposes. Trees and patches of trees strategically left along recreational trails help preserve trail aesthetics. These patches should be substantial enough to withstand windthrow and not lead to increased trail maintenance.
- It must be noted that unmanaged green belts can present problems in the overall management of state forest lands. Narrow green belts have been tried in the past and often result in a significant number of blown down trees, creating unsafe hazard trees and requiring clean-up efforts. Shallow rooted trees such as jack pine rely upon canopy mass to withstand wind events. Green belts of larger width are not being managed as an integrated part of the forest system, and trees will be more susceptible to forest health issues. These forest health issues, such as oak wilt, can then move into nearby healthy forest stands. Leaving green belts along long stretches of trails also reduces the amount of timber volume available to the forest products industry. This practice is not recommended.
- Consider temporarily relocating trails when harvests occur. In some cases, permanent reroutes will be recommended and these should be proposed far enough in advance to allow a thorough review of trail proposals by all DNR divisions. In some cases, signage,

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direct contact with users, and media contact will be helpful to inform users of changes in trail location.

- Contract specifications should be developed and utilized to avoid using recreational trails during forest management operations where possible. If a recreational trail is used, it will be maintained in a passable condition on a daily basis. Normally, the widening of any single track recreational trail is not allowed.
- Recreational trails that are placed on forest roads do not give recreationalists exclusive use of those roads. Forest roads are utilized by many different types of users. In many cases, commercial vehicles utilizing these roads will perform road maintenance during their operations. Wherever possible, consideration will be given to using alternate trucking routes in order to avoid a recreational pathway. If a recreational trail crosses a road, commercial vehicles shall not block the trail crossing.
- Convert stands to cover types that are conducive to selection cut management if the site is suitable and it meets management objectives for the area. It must be noted that some forest types need to be clearcut in order to properly regenerate. In addition, some areas require extensive cutting due to forest health issues because dying trees can be a hazard to recreational users and make the trail difficult to use. Wildlife management sometimes requires large openings for species such as Kirtland's Warbler where the DNR is managing for preservation of threatened and endangered species.
- Manage the visual impact of slash adjacent to trails. Contract and use permit specifications shall prohibit leaving slash and debris on any recreational trail or road, campground roads or trailheads. Campgrounds shall have slash removed to allow a low ground clearance vehicle access onto the campsite.
- Where acceptable, large stands can be broken into smaller staggered age classes in groups or strips. Frequently, one of the first cut units can buffer the next cut.
- Design landing and decking areas away from recreational trails whenever possible. Creation of a new access road or decking area needs to be weighed against the disturbance to the landscape and impact on trail users. Loggers should not deck wood on or adjacent to recreational trails without DNR approval. This should be standard practice and included in timber sale specifications.
- Work with contractors on a one-to-one basis to make sure they are aware of trail concerns and to help avoid potential conflicts. Contractors often come up with ways to protect and improve trails at the pre-sale conference.
- Ensure timber sale contractors are aware of the presence of recreational trails by including a notice in the sale prospectus, displaying recreational trails on maps, and reviewing trail locations during the presale conference.
- Timber sale administrators shall provide information to contractors informing them of recreational user concerns regarding operation of equipment.
- PRD shall inform WLD and FRD of upcoming events at least 30 days in advance. Timber sale administrators shall advise contractors of an event and provide guidance on how to minimize impact to event participants. Timber sale administrators shall inform

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PRD of active timber sites during a scheduled event to allow PRD time to place informational signage at appropriate trailheads and campgrounds.

- The DNR enforces timber sale contract specifications for all operations and takes appropriate remedial measures to address contract violations. Contracts involving recreational trails are administered to ensure trails are maintained in a safe and usable condition and that all contract specifications are followed. Timber sale administration site visits may occur more frequently when recreational trails are in the sale area. PRD recreation specialists will be provided an opportunity to view the site before the sale is closed.

#### Additional Equestrian considerations:

- Temporary trail reroutes through nearby untreated stands may be the most effective way to avoid user conflict. Temporary reroutes may be a narrow 3 to 4 foot wide trail, and equestrian groups are often willing to assist in the trail relocation.
- Equipment operation can spook horses, and contractors may be able to voluntarily minimize impacts by avoiding trail users, idling down equipment while horses pass, or perhaps even shutting down engines. Timber sale administrators will provide information to contractors informing them of equestrian concerns regarding operation of equipment.
- If possible, avoid using cobblestone or sharp-edged stone or rock to repair rutting or holes on designated equestrian trails (22a or 23a road gravel is acceptable). If using cobblestone or large sharp-edged stone on designated equine trails, top dress it with a surface layer that is acceptable for horse traffic.
- If wood must be decked along a designated equestrian trail, such as the Shore-to-Shore trail, the decked wood shall not be higher than 8 feet, and only placed on one side of the trail.

#### *Administering Division:*

Forest Resources Division

#### *Related Reference:*

32.22-07 – Forest Management

32.22-15 – State Forest Inventory and Compartment Review,

DNR Green-Up Guidelines

FRD Visual Management Handbook

IC4371, Forest Certification Green-Up Guidelines

Michigan DNR State Trails Implementation Plan

Right to Forest Act PA 676 of 2002

Work Instruction 6.2: Integrating Public Recreational Opportunities with Management on State Forest Lands

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Keith Creagh, Director

Effective Date

























