

**Gladwin Field Trial Area**  
**Review of the restrictions on access by pack and saddle animals as required by Public Act**  
**45 of 2010**

December, 2010

**Purpose of Review and Legislative Requirements**

On April 2, 2010, Michigan's governor signed two bills into law; Senate Bill 578 and House Bill 4610 of 2009, now known as Public Acts 45 and 46 of 2010 respectively. Although these acts do not change any horse use restrictions on state lands, they do change the process for the Department of Natural Resources and Environment (Department) to impose any new horse use restrictions on Department owned lands. Among other things, Public Act 45 of 2010 requires the Department to review the existing horse use restrictions at the Gladwin Field Trial Area by January 1, 2011.

The Department has conducted an internal review with our findings reported in this draft. These findings were provided to the public at an informational meeting held on November 8, 2010 in Gladwin. The purpose of this meeting was to explain these findings to interested persons in an informal setting. A question and answer period was provided at this meeting and the interaction from this session is being used to develop Frequently Asked Questions (FAQs) about equestrian use on state lands that will be available on our website. Public comments were also accepted at this meeting are included in this report as Appendix A. In accordance with Public Act 45, this report is being presented to the Natural Resources Commission at the December 9, 2010 meeting.

**Origin and Historic Events**

What began in 1916 as a "public grouse field trial area" on tax reverted lands that were blocked in with additional state purchases has transformed into the Gladwin Field Trial Area. Although its name has changed over the years and its size has grown with additional purchases, the area has always been managed for grouse habitat and field trial activities. The primary purpose of the area has and continues to be wildlife management to support ruffed grouse and the associated recreation of ruffed grouse field trials.

When established in 1916, the area contained 4,000 acres and was closed to hunting. Additional purchases increased the size to 5,000 acres by 1922 when the area was dedicated by the newly formed Department of Conservation as the Gladwin Game Refuge. Field trials continued and a "resident keeper" was hired to manage the area. Throughout much of the 1920s and 1930s, the area remained closed to hunting except for ruffed grouse. By the 1940s, the area became known nationally as the preeminent grouse field trial area. The area began to host the Grand National Grouse Championship on a three-year rotation along with Pennsylvania and New York. This championship would be moved to the Gladwin Field Trial Area annually beginning in 1973.

The area was administratively transferred from the Wildlife Division to the Forestry Division within the Department of Natural Resources in 1946 as part of a reorganization of responsibilities. The area became part of the Ogemaw State Forest, but was co-managed by Wildlife and Forestry Divisions while field trial use continued to grow. The area officially became the Gladwin Field Trial Area in 1957 through a dedication by the Conservation

Commission (later became the Natural Resources Commission). Still administered as part of the state forest system, the area was transferred to the Tittabawassee River State Forest in 1964.

The area was legislatively dedicated under Act 82 (1947) as a field trial area. Continuing with the Department's commitment to this area, the Natural Resources Commission also passed an order in 1957 formally designating the area the Gladwin Field Trial Area. This Natural Resources Commission Order is still in effect and provides the current management guidance for the area. In addition, the area is legally established as a field trial area in part 421 of Act 451 (1994), section 324.42104.

Today, the area remains under the administration of the Forest Management Division and is still co-managed by the Forest Management and Wildlife Divisions. The area's designation for field trials has been continuously reaffirmed in area Master Plans, through habitat and timber management for ruffed grouse, land use orders addressing allowable recreational uses, and hunting restrictions to reduce conflicts with field trial activities.

The acreage currently comprising the Gladwin Field Trial Area includes tax reverted (2,080 acres – 42%) and purchased land (2,860 acres – 58%). Funds used for purchases have included the game and fish fund and deer license fund. Deer hunting is not allowed in the area until November 15 annually.

### **Legal and Regulatory Requirements**

Although the laws and orders cited above set the intended purposes of the Gladwin Field Trial Area and set how the area is to be used and managed, there are numerous state and federal laws and regulations that prohibit uses that conflict with the intended purposes of the area. These laws and regulations are all related to the State's participation in the federal Pittman-Robertson Wildlife Restoration Act (PR) and the Dingell-Johnson Sport Fish Restoration Act (DJ). These federal acts provide the Department approximately \$27 million annually to manage the State's fish and wildlife resources.

In order to be eligible for federal funds through PR and DJ, Michigan had to pass legislation protecting funds derived from the sale of fishing and hunting licenses. Commonly referred to as "Assent Legislation," this state law requirement is established in the Code of Federal Regulations (CFR) where the rules and regulations administering these federal funds are established, namely 50 CFR 80.3 as follows:

**50 CFR 80.3 Assent legislation.** A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency. Subsequent legislation which amends these state laws shall be subject to review by the Secretary. If the legislation is found contrary to the assent provisions, the State shall become ineligible.

Michigan's Assent Legislation is codified in that section of Public Act 451 known as MCL 324.40501 as follows:

The department shall perform such acts as may be necessary to conduct and establish wildlife restoration, management, and research projects and areas in cooperation with the federal government under the Pittman-Robertson wildlife restoration act, 16 USC 669 to 669i, and regulations promulgated by the United States secretary of the interior under that act. In compliance with that act, funds accruing to this state from license fees paid by hunters shall not be used for any purpose other than game and fish activities under the administration of the department.

For the purposes of eligibility under the Pittman-Robertson Wildlife Restoration Act, license fees are defined the Code of Federal Regulations (CFR) as follows:

**50 CFR 80.4(a)** Revenues from license fees paid by hunters and fishermen are any revenues the State receives from the sale of licenses issued by the State conveying to a person the privilege to pursue or take wildlife or fish. For the purpose of this rule, revenue with respect to license sales by vendors is considered to be the net income to the State after deducting reasonable vendor fees or similar amounts retained by sales agents. License revenues include income from:

- (1) General or special licenses, permits, stamps, tags, access and recreation fees or other charges imposed by the State to hunt or fish for sport or recreation.
- (2) Sale, lease, rental, or other granting of rights of real or personal property acquired or produced with license revenues. Real property includes, but is not limited to, lands, building, minerals, energy resources, timber, grazing, and animal products. Personal property includes, but is not limited to, equipment, vehicles, machine, tools, and annual crops.
- (3) Interest, dividends, or other income earned on license revenues.
- (4) Federal Aid project reimbursements to the States to the extent that license revenues originally funded the project for which the reimbursement is being made.

50 CFR 80.4 contains a specific prohibition against diverting any of these revenues to any purpose other than the administration of the State Fish and Wildlife Agency. The definition of a diversion and the penalty for such diversion is contained in 50 CFR 80.4(b-d) as follows:

**50 CFR 80.4(b)** For purposes of this rule, administration of the State fish and wildlife agency include only those functions required to manage the fish and wildlife oriented resources of the State for which the agency has authority under State law.

**50 CFR 80.4(c)** A diversion of license fee revenues occurs when any portion of license revenues is used for any purpose other than the administration of the State fish and wildlife agency.

Over the years, many habitat projects were developed and lands acquired using license fees in the Gladwin Field Trial Area. Federal regulations require that lands acquired with and developments made with license fees must continue to serve their intended and allowable purposes. When uses unrelated to the intended and allowable purposes of lands and

developments purchased with license fees conflict with those intended and allowable uses, a diversion occurs. The remedy in such cases is specified in 50 CFR 80.4(d) as follows:

**50 CFR 80.4(d)** If a diversion of license revenues occurs, the State becomes ineligible to participate under the pertinent Act from the date the diversion is declared by the Director until:

- (1) Adequate legislative prohibitions are in place to prevent diversion of license revenue, and
- (2) All license revenues or assets acquired with license revenues are restored, or an amount equal to license revenue diverted or current market value of assets diverted (whichever is greater) is returned and properly available for use for the administration of the State fish and wildlife agency.

The penalty for diversion is severe; the Department's annual apportionment for wildlife restoration through PR for the last six years has been steadily increasing to an all time high of \$13.5 million in FY 2010. Allowing conflicting uses at the Gladwin Field Trial Area would result in the loss of these funds. Additionally, the \$1.2 million provided through PR for hunter education could also be lost. Because DJ funds are also covered by the State's "Assent Legislation" these funds would be jeopardized if this legislation is violated; the Department's appropriation of DJ funds in FY 2010 is approximately \$12.6 million.

In addition to the provisions of the PR and DJ acts along with the State's "Assent Legislation," an amendment to Michigan's constitution was passed by voter referendum and took effect in December of 2006. This amendment extended constitutional protection to license fees in Section 40 of Title IX as follows:

**§ 40 Michigan conservation and recreation legacy fund.**

The game and fish protection account is established as an account within the legacy fund. The game and fish protection account shall consist of revenue derived from hunting and fishing licenses, passbooks, permits, fees, concessions, leases, contracts, and activities; damages paid for the illegal taking of game and fish; revenue derived from fees, licenses, and permits related to game, game areas, and game fish; and other revenues as authorized by law. Money in the game and fish protection account shall be expended only for the following:

- (a) The development, improvement, operation, promotion, and maintenance of wildlife and fisheries programs and facilities. (356)
- (b) The acquisition of land and rights in land that support wildlife and fisheries programs.
- (c) Research to support wildlife and fisheries programs.
- (d) The enforcement and administration of the wildlife and fisheries laws of the state, including the necessary equipment and apparatus incident to the operation and enforcement of wildlife and fisheries laws.

- (e) The protection, propagation, distribution, and control of wildlife and fish.
- (f) Grants to state colleges and universities to implement programs funded by the game and fish protection account.
- (g) The administration of the game and fish protection account, which may include payments in lieu of taxes on state owned land that has been or will be purchased through the game and fish protection fund or account.

### **Recreational Uses and Conflict Management**

The Gladwin Field Trial Area has always been a popular location for outdoor recreation. The forested landscape along with its relatively hilly terrain provides many scenic vistas uncommon to this portion of Michigan. Along with the area lakes and campgrounds, this area has become a destination for many recreational pursuits other than field trials. These recreational demands on the area are not new, in 1949, the District Game Manager noted, "During the year, thousands of people, both local and transient, drive the winding trails in the refuge to enjoy the scenic beauty and to observe the many species of animal life to be found on the area."

With the diversity of recreational uses the area attracts, has come conflicts between these uses. In 1955 the District Game Supervisor noted, "It is apparent that there has been a substantial increase in public use at the Gladwin Field Trial Area this summer ... more than fifty swimmers used the area (House Lake) while I was there ... a serious debris and erosion problem has resulted." The District Game Supervisor observed on a day in 1963 a Boy Scout event at Hoister Lake with 100 scouts, additionally, 50 tents, trailers, and other camps at House Lake, plus 40 boats on House Lake (a lake that is less than 5 acres) were observed. During that same day, a field trial was interrupted when a number of motorcycles met the handlers and judges midway through a course.

As many of these expanding recreational uses were incompatible with the dedicated field trial activities, the Department had to regulate these activities to avoid use conflicts. A Director's Order was issued in 1971 that prohibited motorcycle use on the area except on roads open to vehicles and restricted motorcycle speeds on these roads to 25 miles per hour. In 1974, a Director's Order was issued that prohibited camping on the area between April 1 and November 1 except in the designated campgrounds. Both of these orders were designed to reduce interference with field trial activities on the field trial courses.

In 1976, a management plan for the Gladwin Field Trial Area was completed and approved. Concerns about growing recreational uses and potential conflicts with field trials were addressed in the plan and the following recommendations were included "for the purpose of maintaining the area [for ruffed grouse and ruffed grouse field trials]:

1. Any practice that encourages additional human use of the area should be discouraged. This would include such projects as expanded campgrounds, or new ORV trails and motorcycle runs.
2. Existing hunting regulations should be upheld.

3. Use of other than main roads on the area should be discouraged. The road to the N.W. gate should be closed as a part of the forest treatment schedule.
4. Fire control lines should be closed after treatment.
5. Logging roads should be closed immediately after the operation is complete and the wood removed.”

Aggressive implementation of this plan began in 1977 and this plan still provides the management guidance currently used for the area. To continue to address growing ORV concerns and with the advent of three and four wheeled ATVs, a Director’s Order was issued in 1987 that further restricted ORV use. All wheeled and motorized vehicles, not just motorcycles, were prohibited except on roads designated for such use. This order, along with the closure of logging roads and fire control lines as dictated in the plan, greatly reduced ORV use in the area.

The popularity of the Gladwin Field Trial Area for recreational horseback riding increased along with the recreational uses already discussed. In 1975, a proposal for a 30-50 unit horse campground at the West Gate Junction was denied. Writing to support this denial, the Wildlife Division Chief at the time noted, “A new horse campground will present the following additional problems:

1. The proposed horse camp ... will disrupt several field trial courses that start or terminate in that area.
2. Horse activities generally peak in the spring and fall, the same time field trial activities peak.
3. Field trial area managers in Indiana have informed us that horse trails and field trial courses can be in serious conflict when they cover the same ground, crisscross, etc. Some dogs have a tendency to follow horse scent and this would certainly disrupt a trial.
4. We are also concerned that an unregulated horse camp could draw additional ORV use to the area by providing additional camping facilities.
5. A serious difficulty in planning a southern Michigan championship dog trial area is trying to cope with both horse trails and trial courses on the same area. There are too many conflicts. To deliberately develop such conflicts at Gladwin would be ill-advised, and probably in the eyes of the field trailers, the next thing to being criminal.”

Even without an additional horse camp, recreational horseback riding on the area continued to intensify, leading to increased conflicts. There are first-hand observations by Department employees of groups of 150 horses on the area prior to 2002. Complaints from field trial event leaders that their events were being disrupted by groups of equestrians and mountain bike enthusiasts began to mount. Because field trialing is the reason the area was established and the intended purpose for which it continues to be managed, field trial organizers requested that the Department do something to eliminate the conflicts. In addition, the Department had to address

these conflicts to comply with the legal and regulatory restrictions on use of license fees discussed above.

Over the winters of 2000 and 2001, public meetings were held to discuss equestrian and mountain bike use at the Gladwin Field Trial Area and to formulate options for resolution. Four options were considered and after a 2002 meeting with the Gladwin County Horseback Riding Focus Group, the Department prepared a recommendation to the Director on the preferred option. As a result, Land Use Orders of the Director Amendment No. 10 of 2002 was instated that restricted equestrian and mountain bike use. Specifically, the order states “A person shall not do any of the following on state-owned lands of the Gladwin field trial area, being all or portions of sections 3-10, T20N R2W, Gladwin county:

- (1) Ride a horse on the area, including roads and trails, unless designated open to horseback use or specifically associated with a department authorized field dog trial event or activity.
- (2) Operate a bicycle of any kind on the area, including roads and trails, unless designated open to bicycle use.
- (3) Operate a motorized vehicle, on any forest trail or road, within the above specified location, that has been closed by berms, gates or formal posting.”

Following the issuance of this Land Use Order of the Director, the Department worked with user groups to designate portions of Section 3 as being open to equestrian and mountain bike use (Figure 1). These uses were found to be allowable on these lands for the following reasons:

1. The habitat type and conditions for these lands in Section 3 were not favorable in 2002 for supporting significant numbers of grouse.
2. These lands in Section 3 were not acquired with license fees.
3. The Department was not conducting wildlife habitat work on these lands with license fees.

## **Conclusion**

Providing equestrian recreation is part of the Department’s mission for the conservation, protection, management, and accessible use and enjoyment of the state's environment, natural resources, and related economic interests for current and future generations. As such, 16 State Parks and Recreation Areas have developed equestrian trails and related amenities, including 7 equestrian campgrounds. These parks provide a total of 208 miles of equestrian trails, ranging in length from 4 miles at the Bass River Recreation Area, to 25 miles of trail at both Fort Custer Recreation Area and Waterloo Recreation Area. The majority have at least 10 miles of equestrian trails.

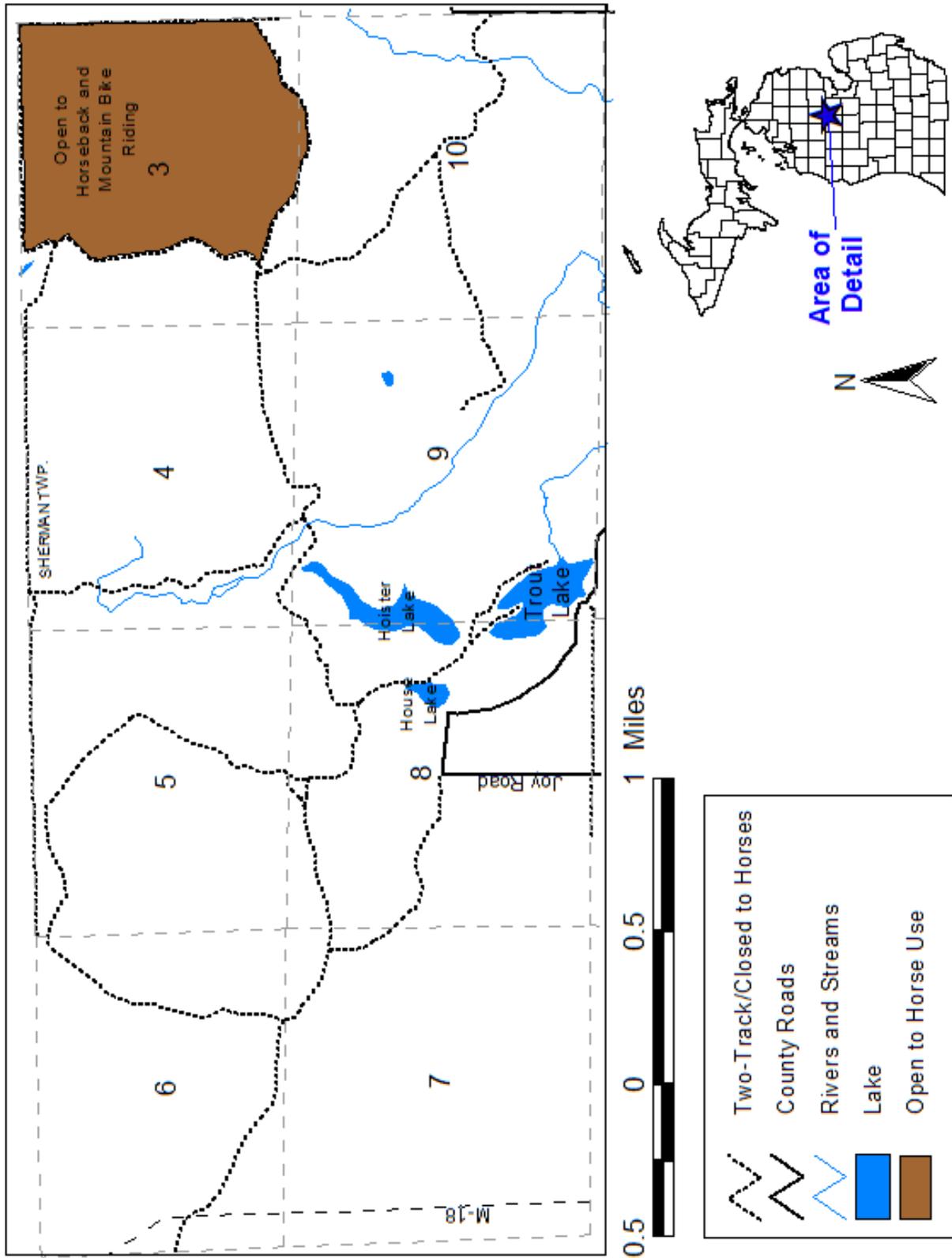
In addition, the Department manages approximately 3.78 million acres of State forest land that has no horse use restrictions. There are also 322 miles of trails and 457 campsites within the State Forest developed specifically for equestrian use. Half of the Shore to Shore Riding and Hiking Trail, a 400 mile integrated trail and camping network that provides multi-day riding

prospects for equestrians, is in the State Forest. Many of the campgrounds that service this trail corridor are State Forest equestrian campgrounds.

As many recreational uses are not compatible with each other or other resource conservation needs, the Department cannot allow all activities on all Department owned and managed lands. Additionally, certain lands were acquired and are managed for specific intended uses, uses that are often restricted by the funding sources used to acquire and manage these lands. Intended uses of lands acquired and managed with license fees must always address fish and wildlife management needs. Although the Department actively encourages the use of lands acquired and managed with license fees, the Department cannot allow uses that conflict with fish and wildlife management. Failure to act would result in the Department violating its mission in addition to violating state and federal laws and regulations.

Consequently, the Department finds that the current restrictions on allowable uses at the Gladwin Field Trial Area are adequate and appropriate. These restrictions include, but may not be limited to, the following:

1. Equestrian use not associated with field trial activities is prohibited except on designated portions of Section 3.
2. Mountain bike use is prohibited except on designated portions of Section 3.
3. Spring and fall turkey hunting is prohibited.
4. Small game hunting, including grouse, is prohibited.
5. Waterfowl hunting is prohibited.
6. Bear hunting is prohibited.
7. Bobcat hunting is prohibited.
8. Archery deer hunting is prohibited from October 1 through November 15.
9. Dog training for bobcat and bears is prohibited.
10. ORV use including motorcycles and ATVs is prohibited.
11. Dispersed camping between April 1 and November 1 is prohibited.
12. Timber harvest periods are restricted to winter months.
13. Surface development for oil, gas, and mineral extraction is prohibited.



**Figure 1:** Gladwin Field Trial Area including roads and area open to horse use.

**Appendix A: Comments Received from Public Information Meeting**  
Gladwin High School – November 8, 2010

**DNRE Staff:** Penney Melchoir, Rex Ainslie, Earl Flegler, Richard Shellenbarger,  
Bruce Barlow, Katie Keen, Craig Grey, Courtney Borgondy  
**MSU Facilitator:** Julie Brockman  
**Public Participants:** 70

**Comment:** The issue of not having a legal, adequate, and available parking for Section 3 access came up over and over.

**Comment:** If equestrian users provided free labor and equipment would you consider this to construct a parking lot on Section 3.

**Comment:** DNRE doesn't list ALL equine trails available for use on the website.

**Comment:** Gladwin County taxpayer, why are we being told to go out of county to ride?

**Comment:** Are trails available that don't have ORV's and vehicles on them?

**Comment:** Is this committee the people who'll present comments to the NRC? He feels the panel is very negative about horses, and doesn't want that to be his representation. Was told he can go to the meeting.

**Comment:** Horse camping pays \$550 for camp fee plus pay for wells to get inspected.

**Comment:** Why isn't it feasible for the GFTA to have a parallel trail system, like the MI Shore to Shore hiking trail parallels other recreation trails?

**Comment:** If we get complaints about horses and conflicting uses on State Forests, will it be closed like it was on other state land?

**Comment:** Equine committee member from the Northern Lower Peninsula sated he wasn't aware of this meeting until about 2 weeks ago, he feels that those that have been selected by the Governor to be a member of this committee should be informed. He also mentioned that Joel Sheltron will be a candidate for the Director of the DNRE. He also mentioned that other states, such as WI, MO, TX, and others allow horseback riding on State Game Areas.

**Comment:** Why can't signs be posted to explain when field trials are in progress to reduce conflicting uses and also publish it in the local paper of dates of field trials.

**Comment:** Hunter has more conflict with other hunters, then horseback riders.