

Lapeer State Game 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 Lapeer State Game 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 10, 2010 in Lapeer. 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 comment was also accepted at this meeting; comments received from the meeting along with all other comments received via mail or email since the 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 of the Lapeer State Game Area and Historic Events

The Lapeer State Game Area was created in 1943 with approval by the Michigan Conservation Commission to proceed with land acquisitions. Federal funds from the Pittman-Robertson Wildlife Restoration Act were provided through a grant to the Department from the US Fish and Wildlife Service to begin land acquisitions in December 1943. 1,700 acres were initially purchased with funds from this grant by June 1944. As stated in the federal grant, the area was conceived to provide "refuge units" for certain wildlife species while allowing for public hunting on the balance of the project lands. As with all state game areas in Michigan, the grant further stipulated that these lands "will be available to the public for outdoor recreation in so far as such activities do not interfere with the propagation and general welfare of birds and mammals."

The bulk of the initial lands acquired for the Lapeer State Game area came from the acquisition of the ~1,200 acre Conklin-King Ranch. This ranch on the west side of the game area around Sawdel Lake was a working horse farm that offered horse boarding and trail riding. In 1955, the most significant acquisition, the ~3,400 acre Vernor Estate, was acquired on the east side of the game area. Before state ownership, both of these tracts had not been open to public hunting. These were important acquisitions as Lapeer county was heavily hunted at that time and these acquisitions provided significant hunting opportunities in a relatively high population area.

By the end of the 1950s, along with multiple smaller acquisitions, the area had grown to ~6,300 acres. The lands around Long Lake were designated by the Department as a waterfowl refuge

and closed to hunting. Research projects were established to compare habitat management techniques and to study populations of cottontail rabbits, ducks, and geese. The area was already receiving extensive use. In a 1958 field inspection report by the US Fish and Wildlife Service, the inspectors noted:

“Its heavy use by hunters is assured as long as wildlife populations can be maintained. Because of the area’s scenic qualities, there is also a strong demand for other recreational uses such as picnicking, camping, hiking, etc. and for private cabin development. The demand for multiple use of the area will call for careful planning and administration in order to continue to realize the primary benefits for which it was acquired.”

Today, the Lapeer State Game Area contains ~8,500 acres across four townships in northwest Lapeer County. The area still serves its intended purposes of providing waterfowl refuge units and public hunting opportunities while allowing the Department to manage wildlife habitats. Recreational use demands for the area, including uses that can conflict with the intended purposes have only grown with increase human populations in the area. Consequently, careful planning and administration in order to continue to realize the primary benefits for which the area was acquired is even more critical than it was in 1958.

Legal and Regulatory Requirements

As with all state game areas, the Wildlife Division manages and maintains the Lapeer State Game area according to the Division’s mission:

“To enhance, restore, and conserve the State’s wildlife resources, natural communities, and ecosystems for the benefit of Michigan’s citizens, visitors, and future generations.”

As part of the Department of Natural Resources and Environment, the Division strives to allow recreational opportunities that meet the mission of the Department while not compromising the wildlife resources that are of primary concern to the Division. In keeping with both the Division and Department’s missions, activities that conflict with wildlife related resources of State Game Areas, are regulated and restricted. In addition to mission constraints, there are numerous legal and regulatory requirements that protect lands and funds for wildlife related purposes from being diverted to other uses.

As previously discussed, much of the lands in the Lapeer State Game Area were acquired with federal funds that have specific requirements for the purposes for which the funds can be used. The federal Pittman-Robertson Wildlife Restoration Act receives funds from an excise tax on the manufacture of guns, ammunition, bows, and arrows. These funds are apportioned to the states in the form of grants for the purposes of managing the states’ birds and mammals. These federal funds require the state to provide matching funds on a 3:1 federal to state ratio. Michigan matches these federal funds with fees collected from the sale of hunting licenses. The acquisition fund source for lands in the Lapeer State Game Area are as follows:

Fund Source	Acres Acquired	% of Total
Pittman-Robertson Wildlife Restoration Act (75% federal funds and 25% state license fees)	6,558	77

Michigan Natural Resources Trust Fund	1,107	13
Pittman-Robertson Wildlife Restoration Act (75% federal funds and 25% state license fees) and Michigan Natural Resources Trust Fund	724	8
License Fees Only	200	2
Totals	8,589	100

In addition to acquisition, the Lapeer State Game Area is almost entirely managed and maintained with Pittman-Robertson Wildlife Restoration Act funds and license fees. There are specific federal and state laws and regulations on how these funds and lands acquired with these funds can be used. When federal funds under the Pittman-Robertson Wildlife Restoration Act are used to acquire lands, those lands must be used for their intended purpose and the state cannot allow incompatible use described in the Code of Federal Regulations (CFR), namely 43 CFR 12.71(b), as follows:

43 CFR 12.71(b) Use. Except as otherwise provided by Federal statutes, real property will be used for the originally authorized purposes as long as needed for those purposes, and the grantee or subgrantee shall not dispose of or encumber its title or other interests.

Misuse of lands acquired with federal funds constitutes a misuse of federal funds. The penalty for misuse is particularly severe as the state can become ineligible for funds under the Pittman-Robertson Wildlife Restoration Act. In addition, adverse effects must be remedied, the cost of which cannot come from federal funds or license funds. This remedy may include reimbursing the federal funds and license funds used to acquire the lands at current fair market value. Funds used for this reimbursement also cannot come from federal funds or license funds. The regulations are contained in 50 CFR 80.14 as follows:

50 CFR 80.14 Application of Federal aid funds.

(a) Federal Aid funds shall be applied only to activities or purposes approved by the regional director. If otherwise applied, such funds must be replaced or the State becomes ineligible to participate.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed.

(1) When such property passes from management control of the fish and wildlife agency, the control must be fully restored to the State fish and wildlife agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal benefits as the original property. The State may have a reasonable time, up to three years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

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 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 Lapeer State Game 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.
- (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

Since its inception, the Lapeer State Game Area has always been a popular location for outdoor recreation. The demand for outdoor recreation was already present in 1958 as previously noted. In 1966, State legislation to designate this area as a State Park was introduced. Senator C.W. O'Brien stated at that time: "It is my feeling that this park, because of increasing population, is no longer suitable as a wildlife preserve. I think it might economically benefit the citizens of Michigan as a day-use park and a camping facility." This legislation was never adopted, but makes it clear that given the proximity to populations centers such as Detroit and Flint, recreational demands have always been high for this area.

To ensure the Lapeer State Game Area continues to serve its intended purposes, a number of recreational uses have been restricted since its inception in 1943. As previously discussed, portions of the areas were set up as refuge units and have always been closed to hunting and public access (Figure 1). As with virtually all of Michigan's state game areas, there have never been any portions of the Lapeer State Game Area that have been designated open to horse use. Under the administrative rules governing allowable uses of state lands, horses are only allowed in areas designated open to horse use as follows:

R 299.922 Unlawful acts generally.

Rule 22. On lands owned or under the control of the department, it is unlawful for a person or persons to do any of the following:

(v) To ride or lead a horse, pack animal, or other riding animal, or any animal-driven vehicle on any area, except on roads that are open to the use of motor vehicles, trails, bridle paths, and campgrounds designated for such use by the department and on state forest lands not posted closed to such use or entry.

The prohibition on horse use for game areas goes back to at least 1954 when a similar portion of the administrative rules was in effect for state game areas as follows:

R 299.333. State game areas in zone 3 [southern lower Michigan], unlawful acts.

Rule 3. In addition, on state-owned lands in a state game area in zone 3, as described in section 10 of chapter 1 of Act No 286 of the Public Acts of 1929, as amended, being section 311.10 of the Compiled Laws of 1948: ...

... (3) It is unlawful to ride or lead a horse, other riding animal or pack animal on, or to allow such animal or any animal-drawn vehicle to use or travel on any areas other than established public roads or trails designated for such use, without proper written permission.

In addition to horse use, to protect the integrity of the state game area system to provide, protect, and enhance wildlife habitat, provide for the management of wildlife species, and to provide for the associated recreation of hunting and trapping, the following administrative rules, that have existed in various forms since at least 1954, apply to all state game areas:

R 299.926 Game areas; unlawful acts.

Rule 26. In addition to the unlawful acts specified in R 299.922, on state-owned lands in a state game area, it is unlawful for a person or persons to do any of the following:

- (a) To camp between May 15 and September 10, except in areas specifically designated for camping.
- (b) To park any wheeled, motorized vehicle more than 20 feet from the traveled portion of a road, forest road, parking lot, or trail open to wheeled, motorized vehicle use.
- (c) To operate any self-propelled motor or mechanically driven vehicle, including snowmobiles and bicycles, on other than a designated established road open to the public, a trail or area properly signed by the department as being open to such use, or a parking lot.

Although horse use has never been allowed on the Lapeer State Game Area, certain historic events have led to confusion about the permissibility of horse use. As a portion of the area was a horse farm before it was acquired by the Department, there were horse trials and neighbors were used to seeing horses on the area. Additionally, a past manager of the area had personal horses he kept at Department owned housing while he was a resident. While he did not have the authority to permit horse use, he certainly did not discourage horse use and for many years there was no active enforcement of the land use rules related to horses.

As the frequency and intensity of horse use grew, however, so did conflicts and impacts to wildlife and wildlife habitat. The necessity to address horse use at Lapeer came to a head during an audit of the Department's participation in the US Fish and Wildlife Service's administration of grants under the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act. Auditors in the late 1990's noted that uses at Lapeer that were not directly related to the intent of the area for the provision of wildlife refuge units, outdoor recreation that does not interfere with the propagation and general welfare of birds and mammals, and public hunting in non-refuge units. In particular, auditors discussed with the Department that horse and mountain bike use were conflicting with the grant related intended purposes of the area and should be addressed.

Enforcement of existing state land use rules was increased. Throughout 1998 and 1999, Conservation Officers gave out numerous warnings to horseback riders. In September 2000, the Department published the horse use rules in a local paper along with a notice that these rules would be enforced; violators would no longer receive only warnings. At this time, a number of legislators became involved in this issue, numerous reports and editorials occurred in the media, and many requests were made to the Department to allow for some horse recreation on the area.

In April 2001, the Department held a public meeting in conjunction with the Lapeer County Board of Commissioners to hear concerns from all users of the area and to discuss alternatives proposed by horse riding groups. Over the ensuing months, the alternatives were considered in light of the Department's and Wildlife Division's missions and legal responsibilities. At the same time, numerous contacts were made directly to the US Fish and Wildlife Service about the permissibility of horse use.

The US Fish and Wildlife Service conducted an inspection of the area in June 2001. In the resultant Federal Trip Report, the US Fish and Wildlife Service found:

“the legalization of horseback riding on the unit would interfere with the purposes for which the unit was acquired, starting in 1943. Those purposes include: 1. provision of wildlife refuge units; 2. outdoor recreation that does not interfere with the propagation and general welfare of birds and mammals; and 3. public hunting in non-refuge units. Interference would be caused by the sheer magnitude of horseback riding and other recreational use, such as mountain biking, by the designation of this unit as a legal destination for multiple recreational use. During hunting seasons, horseback riders would frequently disturb hunters, such as archery deer hunters, squirrel hunters, and turkey hunters who are pursuing game animals through stealth and observation of natural movements. Riders may also cause areas near trails to be unsuitable as breeding habitat for some birds and mammals that will not tolerate repeated disturbance. Exotic plants may also be introduced to the unit on horses coats, droppings or hooves, and horse feed and bedding. Heavy use of trails has the potential for creating erosion and sedimentation in this area of hills and ponds. Problems with littering and enforcement, which take area personnel away from their duties of wildlife habitat management have already been documented. Designation of trails on the unit would make these problems worse.”

The trip report concluded that allowing horse use would be a violation of the federal regulations governing the participation of the Department in the federal Pittman-Robertson Wildlife Restoration Act. Specifically, the report noted:

“the proposed designation of trails on this unit would convert the unit, de facto, into a state recreation area which would interfere with the primary purposes for which the land was acquired. Lands purchased with Wildlife Restoration funds must continue to be used for the purposes for which they were acquired (43 CFR 12.71 (b)). The use of this area for general recreation that interferes with the purposes for which the land was acquired would be an improper use of Federal Aid funds (50 CFR 80.14 (b) (2)).”

After considering all the input collected through the various meetings and correspondence, the Department determined that it would be inappropriate to designate any horse trails at the Lapeer State Game Area in 2001. Consequently, no such designations were made and no new information has led to any designations since.

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, however, 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 mission of the administering division and funding sources used to acquire and manage these lands. Although the intended uses can change as wildlife management needs change, intended uses of lands acquired and managed with Pittman-Robertson Wildlife Restoration Act funds and license fees must always be part of managing the fish and wildlife resources of the State. Although the Department actively encourages the use of these lands, 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 Lapeer State Game Area are adequate and appropriate.

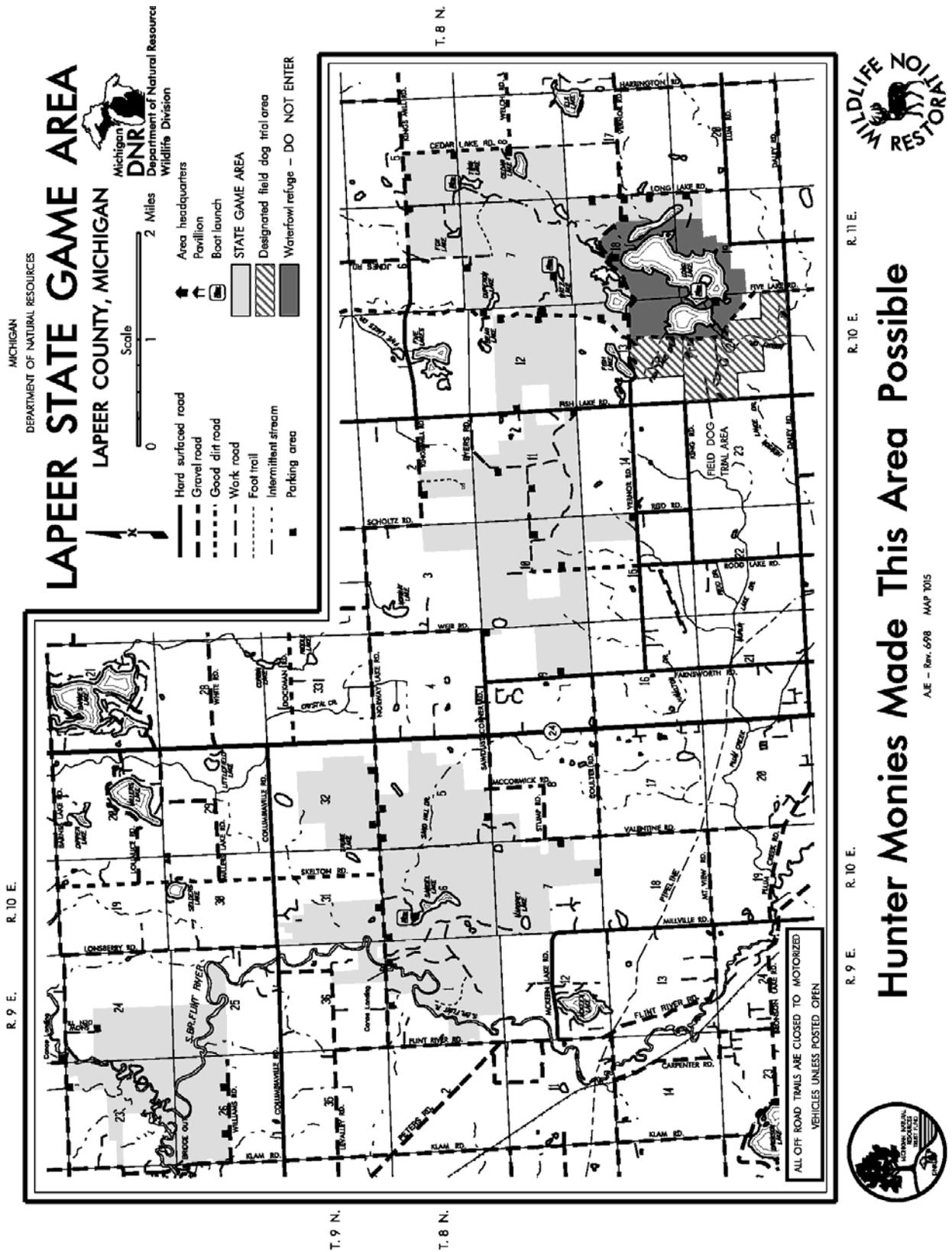


Figure 1: Lapeer State Game Area including refuge unit closed to entry.

Appendix A: Comments Received from Public Information Meeting
Lapeer Center Building – November 10, 2010

DNRE Staff: Penney Melchoir, Tim Payne, Earl Flegler, Julie Oakes, Jon Curtis,
Jennifer Olson
MSU Facilitator: John Beck
NRC Commissioner: John Matonich
Public Participants: 82

Comments received at the meeting:

Comment: In 1955 in Flint Journal article about elk herd – numbers almost identical to today.

Comment: Looking for 120 days in spring what we are looking for riding – all we are looking for.

Comment: Scientific evidence – if trails harmed wildlife and restricting trails stops harm, then we would have no roadkill!

Comment: We need a more local area to ride. Driving all the way to Elba and Genesee is not convenient for many of us.

Comment: Bought our home because we thought we were going to be able to ride there. Ran into bow hunter when she did ride out there but hunter asked her to drive deer towards him. Never had a hunter say they didn't want them there. Didn't notice much horse activity. Free patrol.

Comment: Bird watchers acceptable. Wildlife see them and split. Wildlife don't flee when on horseback. Are bothered by people on foot.

Comment: Would like an explanation – thought we would repeal to allow riding. Letter from Rep. Daley seems different than what DNRE is saying. Please explain: Reaffirmed existing legislation. State forest lands – open unless Director's Order. State Rec Areas and SGA's – closed. Reference in legislation to equine trails sub-committee they will consider lands open lands at an earlier date. His presumption of the legislation is the DNRE will open some areas??

Comment: I grew up riding on SGA since I was 7 years old. Horses never caused erosion, motor bikes did. Stick to trails. Used access roads to access areas. Designate trails you already use to maintenance for horseback riding. ATV's have destroyed Beyers Road. Then we would all be happy.

Comment: Thank you for coming. Back in 2001 he was a presenter, if told federal review was done in June we would have had better understanding of what was going on. Need to change what the federal government approves as secondary use. Wilderness Society have partnered with back-country horsemen. It's not incompatible between wilderness and horses.

Comment: Wants to find section of law from USFWS that states horseback riding is incompatible with PR funds. In Arizona, PR funds used to hike, bike, horseback ride. In Wisconsin, allowable to canoe, bike, horseback ride with PR funds. In New Mexico they are riding on land with PR money. Reason Michigan in diversion is if Director writes Land Use Orders that restricts certain uses (mushroom picking, etc.).

Comment: PR funds can allow non-fish and wildlife activities including horseback riding if compatible with original use.

Comment: Trails in my property are made by deer. Horses get along great on existing deer trails.

Comment: Most rules made back in 1950's when public not in tune with what state was doing. Public is now much more aware of what is going on. Want to review and change rules back to benefit everybody. Ortonville is way underused because not enough people/horses using it.

Comment: Horses will help keep the trails open for hunters.

Written comments received by DNRE to date:

The following letter from Representative Kevin Daley was presented at the meeting and read aloud to all present:



82ND DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514

MICHIGAN HOUSE OF REPRESENTATIVES

KEVIN DALEY
STATE REPRESENTATIVE

PHONE: (517) 373-1800
FAX: (517) 373-9981
E-MAIL: kevindaley@house.mi.gov
ONLINE: www.gophouse.com/daley.htm

November 10, 2010

To Whom It May Concern

I am writing this letter as legislative session prevents me from being present at the MDNRE's Informational Meeting being held regarding horseback riding at the Lapeer State Game Area.

To be clear, this meeting is *informational* on behalf of the Department to the interested parties in the Lapeer area. The meeting is to understand why horseback riding was regulated in the first place, and how Public Act 46 of 2010 should be interpreted with regard to the Lapeer State Game Area.

The Public Act (originally House Bill 4160 and Senate Bill 578) clearly states: "Access by pack and saddle animals may only be restricted on lands (which include Lapeer State Game Area) 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."

It should also be noted to both the public at this meeting as well as to the MDNRE that the new law also states: "These lands may be restricted for use due to public safety, necessary maintenance, or if the goals of the department call for restriction and the reasons for restricting the trails is based on **documented, sound science.**"

Based on the language in Public Act 46 of 2010, and based on what I have read in the law and written here, the presumption of the legislation is that the DNR is instructed to reopen any trailways and equine access locations that have been closed since January 1, 2009, barring any documented, sound science contrary to that presumption.

Should either my constituents or employees from the Department wish to discuss this issue further, please do not hesitate to contact me at my office in Lansing at (517) 373-1800.

Most sincerely,

Kevin M. Daley
State Representative
82nd District

Email comments received by DNRE to date:

From: Julie McClellan [*Email Address Redacted*]
Sent: Monday, November 08, 2010 11:20 AM
To: Ruswick, Frank (DNRE)
Subject: Lapeer State Game Area
Julie McClellan

Frank Ruswick ,DNRE
RE: Lapeer State Game Area

Dear Mr. Ruswick,

Please support re-opening Lapeer State Game Area to horse use.

As a member of Waterloo Hunt, I am a part of an organization which has been sharing the Waterloo Recreation Area with many other types of users for almost 70 years with little or no conflict between users. We have been able to co-exist with hunters, hikers, campers, and other users, so that all can enjoy the beautiful Waterloo Recreation Area.

We have also enjoyed an excellent relationship with the DNRE staff in the Waterloo Recreation Area during that time. We have sponsored an Earth Day cleanup of the Recreation area for over 25 years. We participate in trail maintenance and have helped the DNRE staff with other projects over the years.

We believe that the beautiful Michigan State lands are a great resource to be shared by Michigan's residents and to attract the tourists who contribute so much to our economy to our great state.

Sincerely,
Julie McClellan

From: *Email Address Redacted*
Sent: Monday, November 08, 2010 11:19 AM
To: Ruswick, Frank (DNRE)
Subject: Lapeer State Game Area

From: Susan Roth
Address Redacted
Address Redacted

RE: Lapeer State Game Area

Dear Mr. Ruswick:

Please support re-opening Lapeer State Game Area to horse use.

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Sincerely,
Susan Roth
Waterloo Hunt Member