



From: Brad Garmon, Michigan Environmental Council
RE: HB 5275 comments, concerns and opportunities

While the Michigan Environmental Council supports the development of a plan for Michigan's state forest roads, we have significant concerns about the current bill language that lead to our opposition to the proposed language as currently written. We would welcome to opportunity to work with the bill sponsors and supporters to address these concerns, and thus allow us to support this timely initiative.

First, we would ask that the following section be removed from the proposed legislation:

SEC. 72117. (2) FOREST ROADS SHALL BE OPEN TO MOTORIZED USE BY THE PUBLIC UNLESS DESIGNATED OTHERWISE BY THE DEPARTMENT PURSUANT TO SECTION 504(7).

Because this statute rightly does not override land use orders of the department (which currently specify that state forest roads in the lower peninsula are closed to ORV use unless posted open), we believe this proposed provision regarding motorized use would unnecessarily complicate the issue. At a minimum, we fear this bill could confuse the issue of motorized use of state forest roads, and create additional headaches for law enforcement professionals attempting to communicate existing rules and enforce land use orders. It would also seem to create a situation in which a new land use order would be required for the department to close any road to motorized use for both ORVs and other vehicles, even if the closure were necessary (for safety or resource management issues) or temporary (such as a road-stream crossing that becomes seasonally flooded, etc.) We believe allowing the department to retain its authority to make science-based management decisions in regard to forest road use is warranted, as is the current regional approach which recognizes and respects the greater pressure on forest roads in the lower peninsula to serve a higher number and wider variety of recreational users.

According to the department's 2010 Forest Resource Assessment, "Michigan's forests provide the largest public land base for outdoor recreation east of the Mississippi River, and most forest recreation occurs on public land. Within the 3.9 million acres of state forest system there are approximately 140 designated campgrounds, 116 designated water access sites, 485 undeveloped water access sites, **880 miles of non-motorized pathways, 2,500 miles of designated off-road vehicle (ORV) trails, and 1,500 miles of designated snowmobile trails to facilitate outdoor recreation. In addition, over 8,000**

3,100 miles of DNR-managed ORV trails in upper and lower Michigan.

The issue is that dirt bikes, four-wheelers and other off-road vehicles can cause heavy environmental damage, which is why their use is restricted to specific designated trails, 73 percent of which are in state forests.

"The tread on these things can tear up hard ground almost as much as soft when you put the hammer down real quick," Chapman said. "Most of the designated trails are all dirt anyway, and that's what they're intended for, so it's not an issue. You go to the Mounds, there's not a blade of grass anywhere, and that's the way it's meant to be because they're over there having fun, throwing the dirt and mud."

But illegal ORV use has damaged untold acres of forest lands and hundreds of miles of trails intended for skiers, hikers and other uses.

A recent forest certification audit showed an unacceptable level of environmental damage to state land from ORV use. In 2006, the Forest Stewardship Council established an ORV strategy task force, with about \$230,000 in damage-restoration funding each year.

Forest certification sets environmental, social and economic standards for sustainable forestry management. Michigan law requires that state forests be certified by at least one certification program.

If not addressed, the state risks the potential loss of millions of dollars of revenue from forest products which could no longer be marketed as certified products. That's prompted the state to consider reducing ORV privileges significantly on public land unless the situation gets turned around.

For example, a loop of the Cedar River State Forest Pathway in Menominee County has been closed for the rest of the winter season due to deep, frozen ruts and water- and ice-filled holes more than over a foot deep along the cross-country ski trail.

"We are also facing the possibility of completely abandoning this portion of the ski trail, as the damage is quite significant and will require major expenditure and labor to repair the trail to get it back to a usable condition," said Russ MacDonald, assistant unit manager for the DNR's Escanaba Management Unit.

The issue has prompted many law-abiding ORVers to take action as well before the majority lose privileges to the law-abusing few. Tread Lightly is a national nonprofit organization of ORV users that seeks to protect recreational access through education and stewardship initiatives.

"The ORV community must step forward and make it clear that illegal ORV use not only hurts the environment but harms the reputation of legal users and threatens the future of legal ORV use in Michigan," said a recent open letter to ORVers from the state Natural Resources Commission and Department of Natural Resources.

- Increased penalties for illegal ORV use.

- More effective management plans for restoring environmentally damaged sites.

The entire draft plan is online at www.michigan.gov/dnr.

Public comments will be accepted until midnight Monday via e-mail to DNR-ORVPlanComments@Michigan.gov.

These additional requirements, if included in the proposed legislation, would better address existing statutory language that directs the department to provide an "integrated recreation system" on state forest lands, but would also address the increased desire for, and focus on, creating a truly world-class set of recreational trails in Michigan.

Michigan's trails system is impressive, but often we hear from our members and the recreating community that rustic forest trails that provide access to emerging uses (such as trail running, fat biking and birding) in Michigan's state forests, are largely overlooked. While they host a large and increasingly important user demographic, these trails have not been a priority of either the department's forestry division (which focuses primarily on timber management) or its parks division. The parks division inherited recreation management on state forests lands with the advent of the Recreation Passport several years ago, but has largely maintained its focus on the state's more developed trails systems within state parks, and on the Governor's new Belle Isle Trail initiative.

We think the forest road inventory proposed in this legislation is a great opportunity to also begin a comprehensive focus on the needs of the rustic forest recreational trail systems on state forests.

Lastly, we feel it should be noted that the department is already required, under 324.81123, to create and regularly update (by submitting to the legislature every two years) an inventory and plan for motorized use of state forest roads, specifically through the development of an ORV plan that includes the inventorying, identification, evaluation and designation of areas, forest roads, and forest trails for ORV use. This plan has been required since 1991 and was to be updated every two years. Before creating additional reporting requirements, we suggest it would be logical to first look at this requirement to see if its fulfillment addresses some if not all of the primary concerns regarding motorized use of state forest roads.

Thank you for the opportunity to address this proposed legislation, and I would welcome the opportunity to work in partnership to address these concerns and opportunities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Garmon", written over a white background.

Brad Garmon
Director of Conservation

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.81123 Comprehensive plan for management of ORV use of certain areas, routes, and trails; revision; approval; designation of ORV trails and areas for nonconflicting recreation trail use; designated scramble area; maps of trails.

Sec. 81123. (1) The department shall, by October 1, 1991, develop a comprehensive plan for the management of ORV use of areas, routes, and trails maintained by or under the jurisdiction of the department or a local unit of government pursuant to section 81131. The plan shall, as a minimum, set forth the following methods and timetable:

(a) The inventoring, by appropriate means, of all areas, forest roads, and forest trails used by or suitable for use by ORVs.

(b) The identification and evaluation of the suitability of areas, forest roads, and forest trails to sustain ORV use.

(c) The designation of areas, forest roads, and forest trails for ORV use, including use by persons with disabilities.

(d) The development of resource management plans to maintain areas, forest roads, or forest trails and to restore or reconstruct damaged areas, forest roads, or forest trails. The plans shall include consideration of the social, economic, and environmental impact of ORV use.

(e) Specifications for trails and areas.

(2) The plan developed under subsection (1) shall be revised every 2 years. The plan shall be submitted to the legislature for approval. The legislature shall approve the plan without amendment by concurrent resolution adopted by both standing committees of the house of representatives and senate that consider natural resources matters and both houses of the legislature by recorded vote. The department shall submit any subsequent revisions to the plan to the secretary of the senate and the clerk of the house of representatives at least 20 session days before the effective date of the revisions. If both standing committees of the house of representatives and senate that consider natural resources matters fail to reject the revisions within those 20 session days, the revisions shall be considered approved.

(3) The plan may designate where bicyclists, hikers, equestrians, and other nonconflicting recreation trail users may use ORV trails or areas.

(4) By May 7, 1992, the department shall designate an appropriate area in the northern Lower Peninsula and an appropriate area in southeast Michigan as a scramble area.

(5) Copies of maps of trails shall be prepared and made available by the department in sufficient quantities to accompany each ORV certificate of title issued by the secretary of state and to place in each county sheriff's office and each department of natural resources field office.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

Increasing environmental damage from off-road vehicles prompts DNR action

Posted by Elizabeth Shaw | The Flint Journal February 21, 2008 16:49PM

RICHFIELD TWP. -- Rod Chapman's Polaris Sportsman and Ranger four-wheelers get a lot of use -- not too surprising since he owns Chapman's Sports Center in Lapeer County.

The off-road machines are practically indispensable for many sportsmen, Chapman said, especially for older or handicapped hunters and anglers or those hauling a lot of gear.

He uses the smaller all-terrain vehicle ATV to pick up brush and do yardwork at his 2.5-acre home near Wolverine Campground in Holloway Reservoir Regional Park.

Every fall, the larger Ranger -- which looks like a muscle-bound dune buggy -- is perfect for getting him and his son out in the woods to their deer hunting blinds three-quarters of a mile from camp.

"The dump box on front makes it easy to haul back a deer. We had a good season this year -- I got to use it twice," said Chapman. "I'll also use one for ice fishing on Holloway Reservoir or trailer one up to Saginaw Bay so I can run out two or three miles to go ice fishing."

So it might surprise some to hear that Chapman favors the state Department of Natural Resources' proposals for tougher law enforcement policies for illegal off-road vehicle ORV use.

"Most ORV users stay within their boundaries, and I'd say 99 percent of us are doing what we're supposed to do. Unfortunately, there's the guys who are just going to make their own trails and tear up trails where they're not supposed to be," Chapman said.

"A lot of people tend to group us all together, but only a certain percentage abuse it, and that's generally a small percent," he said. "If tougher laws can get rid of the few bad apples, I'm all for it."

The ORV problem isn't with owners such as Chapman, whose all-terrain vehicles are mostly for utilitarian uses. It's also not with the hundreds of recreational riders who frequent spots including the Mounds ORV Park in Genesee Township or the

ORV proposal Recommendations from the Department of Natural Resources' Draft Off-Road Vehicle (ORV) Management Plan for 2008:

- More emphasis on education and public awareness campaigns. Mandatory ORV youth-certification programs.
- More patrols and tougher enforcement in areas with heavy damage caused by ORVs and high ORV use.
- A toll-free line to report illegal ORV use similar to the Report All Poaching (RAP) line.
- An ORV license with a readily identifiable number to aid law enforcement officials.
- Partnerships between conservation officers and local law enforcement agencies to crack down on ORV enforcement.

miles of forest roads provide access for dispersed recreation enthusiasts such as hunters, wildlife viewers, anglers, and those who pick wild edibles or enjoy non-programmed nature appreciation.” This ratio (880 miles of non-motorized pathways compared to more than 10,000 miles of combined forest roads and ORV trails, for example) does not suggest to us that there is a critical shortage of motorized access to our state forests today.

Moreover, we believe the motivation to open more forest roads to motorized recreation potentially conflicts with **324.83102**, under which the department is also required to:

“develop, operate, maintain, and promote an integrated recreation system that provides opportunities for hunting, fishing, camping, hiking, snowmobiling, off-road vehicle trail riding, boating, trail related activities, and other forms of recreation within each state forest. In developing, operating, maintaining, and promoting this recreation system, the department shall focus on maintaining the integrity of the forest while supporting recreation activities and experiences for which a large land base, rustic nature, and the forest and forest values are critical to the activity.”

To address these concerns, we would suggest adding the following additional to the elements required in the proposed forest “roads inventory” called for in **Sec. 72117. (1)**:

(C). Identify the location, condition, and development level of recreational trails within each state forest, including unpaved rustic trails available for hiking, biking, and cross-country skiing, and water trails suitable for paddling.

(D). Determine types of motorized and nonmotorized use, hunting and timber harvest allowable on each forest trail segment, and the seasons during which those uses are allowed or anticipated.

(E) Estimate the density of the road network within each state forest, including greatest and average distances between roads within each state forest.

(F). Provide for blocks of unroaded state forest adequate in size to support sensitive wildlife species that prefer an unfragmented habitat landscape, such as bear, pine marten and bobcat, and to ensure opportunities for quiet recreational experiences in rustic nature.

We also suggest that **SEC. 72117. (3)** be amended to read as follows:

THE DEPARTMENT SHALL ANNUALLY POST TO ITS WEBSITE THE TOTAL MILES OF ROADS and recreational trails on state forests and their allowable USES AND A MAP OR MAPS OF THOSE FOREST ROADS and trails.