

MINUTES
OFF-ROAD VEHICLE TRAILS ADVISORY BOARD
Lansing West Hotel & Conference Center
7501 West Saginaw Highway
Lansing, Michigan
May 6, 2009

Chairman Ranney called the meeting of the Off-Road Vehicle Trails Advisory Board to order at 6:35 p.m. on Wednesday, May 6, 2009, in Lansing, Michigan.

Members Present:

Dick Ranney, Chair
Glenn Moll, Vice Chair
Sheriff Scott Strait
Larry Harrington
Peter Wyckoff
John Bernard
Amy Spray

Department of Natural Resources (DNR) Staff Present:

Steve DeBrabander, FMFM, Lansing
Steve Kubisiak, FMFM, Lansing
Lt. Andrew Turner, Law Enforcement Division (LED), Lansing
John Morey, LED, Gaylord

USDA Forest Service Staff Present:

Carol Boll, Huron Manistee National Forest, Cadillac

Welcome/Introductions -- Board members, staff and audience introduced themselves.

MINUTES

Acknowledged the Minutes of the February 4, 2009 ORV Trails Advisory Board Meeting.

Mr. Moll made a motion, supported by Mr. Harrington, to accept the minutes of the February 4, 2009 ORV Trails Advisory Board Meeting as presented. Motion unanimously carried.

OLD BUSINESS

Motorized Sign Committee/ORV Markers – **Mr. DeBrabander** referred the board to the handout in their packets, provided background, and reviewed the recommendations of the motorized sign committee. The committee recommended: 1) reducing the size of regulatory signs in the ORV program so they are consistent with the snowmobile program, 2) reducing the number of regulatory signs in the snowmobile program, 3) require a 'stop ahead' sign before every stop sign on ORV trails and routes, 4) remove ORV trail confidence markers from trees and place them on posts, 5) adopt an ORV trail marking system that is highly visible and distinguishable from the snowmobile trail marker, and 6) establish a new workgroup consisting of Department staff and the ORV

and snowmobile community to rewrite and combine signing guidance for motorized trails into one document. The recommendations were reviewed and endorsed by the FMFM management team.

Mr. DeBrabander reported the workgroup felt the snowmobile trails are over signed and noted it is a trend in other snowmobile programs around the nation and Ontario to reduce the number of regulatory signs in their trail signing programs for liability reasons. The proposal to reduce the number of signs was reviewed with the Department's Office of Litigation and they support the concept of sign reduction.

Sheriff Strait asked if the reduction in snowmobile signs in Ontario have resulted in fewer accidents and fatalities that can be documented. Staff will investigate. He supports the concept but is concerned with cost. He suggested sign post material could be determined regionally based on local conditions.

Mr. Kubisiak reviewed the proposed ORV trail markers. The markers have a yellow background and illustrate by symbol each vehicle that may be legally operated on the trail or route. There are eight different signs.

Mr. Bernard asked if there is a need to include a symbol of side-by-side type recreational vehicles on the route markers. Staff will investigate. **Sheriff Strait** does not believe a separate symbol is needed.

Mr. Moll was supportive of the overall recommendations and removing ORV trail markers from trees. **Mr. Wyckoff** asked if the recommendation to remove trail markers from trees is a result of forest certification. **Mr. DeBrabander** said the desire to remove trail markers from trees is long standing, but that there is also a tie to forest certification.

Chairman Ranney opened the floor to the public for comments:

Mr. DeVore, Great Lakes Four Wheel Drive Association likes the trail marking concept, but is concerned with cost, and combining ORV markers on the same post with snowmobile signs. He believes the clubs should re-sign the trails because they have a vested interest and do not want this service contracted out.

Ms. Thrushman, ATV Off-Road Club likes the proposed signs because they are more visible.

Mr. Hittie, Great Lakes Four Wheel Drive Association believes the spacing of route and trail markers could be increased, and efforts should focus on problem areas first.

Mr. Kitson, Great Lakes Four Wheel Drive Association noted the need to remain flexible with regard to spacing trail confidence markers.

Mr. Shuler, Cycle Conservation Club of Michigan said his organization has no objection to reducing the size of 'stop' and 'stop ahead' signs. He questioned the need to place a 'stop ahead' sign in front of every stop sign because this would double the amount of signs in the program. It seems to be contrary to the concept of sign reduction. He would like to see trail marker spacing increased to one quarter mile. He noted that Miss-Dig would need to be notified when posts are installed, especially in road rights-of-way. Road shoulder mowing is another concern. He said a lot of education with trail

maintainers would be needed to implement this change. He expressed concern with cost and liability associated with putting all signs on posts. He suggested the trail markers also include text that states an ORV license is required and trails are for vehicles less than 50 inches in width.

After further board discussion:

Sheriff Strait made a motion, supported by Mr. Moll, to accept the recommendation to reduce the minimum size of 'Stop' and 'Stop Ahead' trail signs to 18" inches in the ORV program so they are consistent with the snowmobile program. Motion unanimously carried.

Board members will provide any additional comments they may have regarding the proposed signing recommendations to the Chairperson within the next couple of weeks and he will forward to the Department for consideration.

Proposed Private Land Trail Expansion Criteria – Mr. DeBrabander provided background and distributed a draft guidance document regarding the designation of state trails on private lands. The recommendations were reviewed and endorsed by FMFM management team and include a couple revisions noted in the margin. He said the Department's preferred alternative is to secure a permanent easement on private lands when designating state trails, but the Department recognizes this may not be possible in all cases. Therefore, the following guidance is being proposed: 1) If 50,000 or more in development costs is required on a private parcel it must include a permanent easement from the landowner to the State of Michigan, 2) From \$10,000 to \$49,999 development costs for a specific parcel must have at least a minimum 10 year permission from the landowner to the trail sponsor (verified by the Department), and 3) Less than \$10,000 of development costs on a specific parcel must have a minimum of a 5 year permission from the landowner to the trail sponsor (verified by the Department), unless a viable reroute is available that will not result in the loss of investment on any other parcel along the designated trail. All permissions must have a minimum of a one year term.

Mr. Wyckoff said he thinks the landowner agreements should be between the land owner and the State of Michigan.

Mr. Moll doesn't like the trail sponsor holding the landowner agreements because if they leave the program it would result in the loss of the trail. He suggested the trail sponsor could play an important role as a liaison between the State and the landowner.

Sheriff Strait suggested modifying the guidance document to give the option of having the State hold the agreement first, and if that is not acceptable to the landowner then the agreement could be between the landowner and the trail sponsor as a last resort.

Mr. Bernard noted his experience in the snowmobile program. A minimum 10 year agreement is needed when investments are made on private land. He noted they tried to open some multi-use trails, but the private landowners would not allow ORVs.

Chairman Ranney opened the floor to the public for comment:

Mr. Shuler said he thinks the private land agreements should be between the land owner and the State of Michigan.

Mr. DeVore believes the agreements should be between the landowner and the State.

Mr. Hittie said this would undo the changes made by the FMFM management team, but he would not want the clubs to hold the landowner permissions.

After further board discussion:

Sheriff Strait made a motion, supported by Mr. Moll, recommending the guidance be revised to include a statement that landowner agreements should be between the landowner and the State of Michigan as the preferred option, and only with the trail sponsor if the landowner is unwilling to enter into an agreement with the State.

**Glenn Moll – Aye
Pete Wyckoff – Aye
Amy Spray – Aye
John Bernard – Aye
Sheriff Strait – Aye
Dick Ranney – Aye
Larry Harrington -- Nay**

Motion carried.

Board members will provide any additional comments they may have regarding the proposed guidance for designating ORV riding opportunities on private lands to the Chairperson within the next couple of weeks and he will forward to the Department for consideration.

NEW BUSINESS

Proposed Meeting with Snowmobile Advisory Committee – **Mr. DeBrabander** reported the Snowmobile Advisory Committee has requested a joint meeting to discuss items of shared interests. Topics include: 1) shared trails and signing issues, 2) ORV damage on groomed snowmobile trails during the snowmobile season, 3) off-season ORV damage to snowmobile trails during the summer months, and 4) illegal ORV damage on designated snowmobile trails located on private lands.

The joint meeting will be held August 5, 2009, at the Lansing West Hotel & Conference Center. Staff will solicit agenda items from both groups.

BOARD REPORTS

Long Range Financial Planning Workgroup – **Chairman Ranney** reported the workgroup met once and had three conference calls. The group included diverse representation from the riding community and the Department. He thanked Glenn Moll,

Lewis Shuler, Sue Thrushman, Ron Sangster, Paul Hittie, Steve Kubisiak, Jim Radabaugh, Steve DeBrabander, Lt. Andrew Turner and Dennis Fox.

The group developed a vision statement: Develop, administer, operate, maintain, and promote an inter-connected, sustainable, self supporting, network of approximately 4000 miles of state-designated off-road vehicle (ORV) trails, routes, and multiple scramble areas, including the appropriate level of infrastructure, safety education, promotion of responsible use, restoration and maintenance, and law enforcement, with public fiduciary responsibility, to meet a variety of rider expectations and public demand.

The group developed program need categories, established assumptions, and assigned costs to each program category. New initiatives such as trail expansion, scramble area development, resource monitoring, sign upgrades, land acquisition, outreach and marketing were included. Staff projected costs over a ten year time frame. With all of the program enhancements we estimate the ideal program would require a license fee of approximately \$45. Recognizing this rate increase may have resistance and likely not have legislative support we revisited the list and made program reductions based on a \$30 fee.

Chairman Ranney said he believes the existing formula that specifies how the ORV fund is allocated is good and would not need to be changed.

Mr. Kubisiak stated the existing formula is very restrictive and that it is likely it would need to be changed in order to fund some of the new initiatives identified by the workgroup. Examples would include enhanced education efforts, marketing, and outreach initiatives.

Chairman Ranney said the program never kept up with inflation – if it had, today, the ORV license would be around \$25. Cash reserves will be exhausted in 2011. Current revenues are about \$2.9 million and current appropriations are \$4.7 million. We are spending about \$1.8 million more than we are bringing in. This equates to about \$27 per permit sold. We are expanding the trails by 25%. 115 miles have already been added and we expect to add another 160 miles this year. The end result will not be our decision; it will be the legislators. He said if we do not get a fee increase we will have to reduce spending by 40%.

Legislative Update – **Chairman Ranney** reported he will be meeting with legislators tomorrow to discuss potential legislation. Among other things we will discuss trail license and registration fees, seek to clarify definitions, include tort relief for trail maintainers, and create a free riding day similar to the free fishing day.

STAFF REPORTS

Forest Service – **Ms. Boll** reported the Motor Vehicle Use Map for the Huron side of the Huron-Manistee National Forest is complete and available. She distributed copies of the map.

Law Enforcement – **Lt. Turner** introduced John Morey who will be overseeing the snowmobile and ORV safety education programs. Mr. Morey started with the

Department in 1997 in the commercial fishing program. He has lots of experience with snowmobiles and ORVs. He looks forward to improving the safety education programs. He will begin by focusing on the ORV program.

Forest, Mineral and Fire Management – **Mr. Kubisiak** reported about half of the ORV maps have been converted to a format that can be downloaded to global positioning units (GPS). We are working through some technical issues with some of the more complex trail systems. It's likely multiple files will be needed for some trail systems. Expect to have all trails converted by Memorial Day weekend and will upload to the DNR website as soon as possible.

Mr. Kubisiak reported that from October 1, 2008 to date approximately 100,896 ORV licenses have been sold generating approximately \$1.6 million in revenue. Last year we sold 178,142 licenses which were down approximately 10,000 from previous years.

Mr. Kubisiak reported all three waves of the snowmobile survey are complete resulting in 1,074 completed questionnaires with a response rate of 37.3%. The first wave of ORV surveys are scheduled to be mailed out the first of June and will be followed by a second wave in mid-summer and another one this fall. Dr. Nelson will also be going to Silver Lake in May to get a random sample of paper records to assure the sample adequately reflects the proportion of larger vehicles.

Mr. Kubisiak distributed a sample "Your Are Here Map" and reported this is part of the sign upgrade program that will be phased in on the trail system.

Mr. DeBrabander reported the Department held three pre-season trail maintenance workshops that were well attended by trail sponsors. Meetings were held in Lansing, Gaylord and Gwinn. Issues raised by trail sponsors include private land concerns in the Upper Peninsula and logging damage to trails. He noted the Department does have a process to deal with logging damage and trail sponsors should notify field staff so they can follow-up.

Mr. DeBrabander reminded everyone a trail proposal status report is posted on the Department website. Of the 27 proposals on the list, 11 are ORV, 5 have been approved, 4 are under review, and 2 are under pre-review. He noted this is a big improvement and much more efficient.

Chairman Ranney noted the ORV program has seen great accomplishments because of the cooperation between user groups and the Department. He thanked everyone.

PUBLIC APPEARANCE

Mr. DeVore, Great Lakes Four Wheel Drive Association thanked the Law Enforcement Division for their quick investigation of a reported ORV violation. He expressed concerns with the lack of trail maintenance materials and difficulties contacting field staff. Staff will follow-up. Mr. DeVore will be working on the ORV route on Drummond Island this weekend. He thanked the Department.

Lewis Shuler, Cycle Conservation Club of Michigan said the trail maintenance workshops were very beneficial for maintainers and the Department.

Mr. Wyckoff made a motion to adjourn, second by Mr. Moll. Motion unanimously carried.

Meeting adjourned at 10:20 pm.

NEXT MEETING

August 5, 2009, at the Lansing West Hotel & Conference Center, 7501 W. Saginaw Highway, Lansing, MI.

PUBLIC PRESENT

Lewis Shuler, Cycle Conservation Club of Michigan
Sue Thrushman, ATV Off-Road Club
Bob DeVore, Great Lakes Four Wheel Drive Association
Jim Kitson, Great Lakes Four Wheel Drive Association
Paul Hittie, Great Lakes Four Wheel Drive Association
Bruce Menning, Great Lakes Four Wheel Drive Association