

Department Comments  
November 7, 2006

The Michigan Department of Natural Resources (Department) contracted Michigan State University to update Michigan's Off-Road Vehicle (ORV) Plan. The draft plan was received and accepted by the Department on August 10, 2005. The draft includes specific recommendations relating to: 1) The Designated ORV Trail System 2) System Maintenance 3) Enduro Motorcycle Events 4) Program Administration 5) Damage Restoration 6) Law Enforcement 7) Safety Education and 8) Licensing.

Below are specific plan recommendations followed by Department comments in bold:

**There are many good ideas and recommendations in this plan that would require a change to existing law in order for them to be accomplished. Modification to the current grant funding allocations, including the overall capital outlay for operating divisions within the Department, is needed in order to accomplish trail expansion and other recommended program enhancements.**

**The Department's number one priority is to bring the existing trail, route and use area infrastructure up to standard before adding new trails on state-owned lands. While the Department recognizes legislative mandates for trail expansion to meet increasing demand, it is imperative to manage the existing designated system to meet the Department's mission of resource conservation and protection, meet outdoor recreation needs and safeguard riders.**

**The Department needs land manager partners. This includes the United States Department of Agriculture, Forest Service, local government and major corporate land owners, such as forest products companies and utilities, and private land owners. It is unreasonable to expect all expansion to occur on state forest lands. This is especially true of a potential scramble area in southern Michigan.**

#### **1) Designated System**

- Upgrade system to all trails/routes having maintenance rated as "good" (more than 95% of a trail's mileage meets maintenance standards)

**The Department agrees with the objective to upgrade each individual trail/route to a "good" maintenance standard. This is the first priority and should be done before expanding additional designated riding opportunities on state forest system lands.**

- Develop additional cycle, ATV trail and ORV routes, and scramble areas with partner land managers to meet increasing demand

**The Department recognizes the need to expand riding opportunities to meet increasing demand. Some expansion may be accomplished before the entire**

**system is upgraded through partnerships with trail advocates, other public agencies and the private sector. Potential proposals will be :**

- Destination point-to-point and loop routes

**The Department supports the concept of “Destination” trails, and recognizes this objective will require partnerships with other land managers, and private land owners in order to be accomplished. Opportunities will be considered on a case by case basis, and should be accomplished off public roadways and road shoulders wherever possible.**

- Parallel ATV or cycle trails in existing trail corridors of influence

**The Department will consider development of parallel trails on a case by case basis. The location of these parallel trails must be considered in light of other state land management objectives.**

- Complete St. Helen’s Motorsport Area Development Plan

**The Department supports improvements at St. Helen Motorsport, in cooperation with user groups who should take the lead in implementing projects through grants from the Off-Road Vehicle Trail Improvement Fund Program.**

- Develop one or more new scramble area(s)

**The Department supports the recommendation of providing additional scramble areas. Existing compromised sites, such as borrow pits, mines, quarries and pre-existing ORV damage sites located on state forest lands, should be evaluated to determine potential for use area designation or restoration. The location of these areas must be considered in light of other state land management objectives.**

**The Department has long recognized the need for an ORV riding area in southern Michigan. The Department’s Southeast Michigan Off-Road Vehicle Report in 1991 reiterated and explored this need in depth. Other than at Genesee County’s Off-Road Vehicle Park, southeast Michigan residents in search of legal riding opportunities on public lands must travel at least as far as Gladwin County. The development of an ORV park in southeast Michigan remains a high priority today.**

**In the Department’s experience with The Mounds ORV Park, and in other instances when the idea of an ORV park has been discussed, we believe the best chances for advancing the idea would involve a partnership made up of State, County, and local governmental units, or the private sector. Substantial local support will be critical to the success of this endeavor, so involvement of constituent groups and other private local interests would also be beneficial.**

**Throughout the Southeast Michigan report mentioned earlier, the need for early local community involvement was recognized as a basic principle for successfully planning and establishing an ORV park. To provide a greater degree of confidence in the ability to address local concerns, needs and benefits, we suggest that a county or local unit of government be the lead partner. Further, we believe that ownership and operation by a county or local unit of government will be more acceptable to local residents than state ownership and operation. The Department would provide technical, planning and financial assistance to the private or local unit through various state and federal funding sources, and would be interested in being involved in any other way, and to the extent desired, by all partners.**

- Use nationally recognized Forest Service standards for motorized trail signage

**The Department does not support the recommendation to adopt nationally recognized Forest Service standards for motorized trail signs. Instead, the Department proposes to use higher visibility sign styles such as installing yellow backers behind conventional trail signs based on the results of a recent pilot sign project. This pilot project, known as the AuSable Pilot Project, utilized yellow backers behind signs to make ORV signs more visible. The results of the AuSable Pilot Project indicated that utilizing the yellow backers was very helpful to both users and law enforcement officials. The Department will implement these signage improvements on a statewide basis.**

- Have no net loss of ORV trail quality and quantity from timber management

**The Department supports the idea of no net loss of trail quality and quantity; however, it may not be possible in every instance because of the stand type and prescribed forest treatment. User preference to keep trails in forested areas is recognized and this preference will be accommodated where conditions support it. Trail users are encouraged to attend pre-harvest compartment reviews to share their concerns and suggestions, so they can be considered.**

- Maintain “closed unless posted open” approach in Lower Peninsula

**The Department supports maintaining “the closed unless posted open” management approach in the Lower Peninsula, with consideration for additional trail and route designations to link trail and communities together.**

- Maintain forest roads open to ORV use without posting in the Upper Peninsula

**The Department supports maintaining the current management approach in the Upper Peninsula. However, the Department is concerned with, and continues to monitor resource damage related to illegal ORV use, and impacts of having**

**State forest system roads open to ORV use unless posted closed. The Department will re-evaluate this policy as the Forest Service moves forward with implementing its new travel management initiative.**

- Encourage local units of government to target ORV use to selected county road shoulders, to provide access to designated trail/route/area system

**The Department supports partnerships with local government, and encourages designation of local access routes to link designated trails and riding areas together and provide access to local services.**

- Annually monitor the condition of the designated system using the 2004 assessment instrument

**The Department is in general agreement with the concept of conducting annual trail assessments; however, due to practical constraints such as current staffing levels, it is not feasible to conduct 100% assessment annually using the 2004 survey instrument. Trail/route assessments will be conducted on a random audit basis.**

- Every 5 years conduct an assessment of ORV use and users

**The Department supports the concept of periodically surveying ORV users to assess needs, shifts in use, economic and environmental impacts, and gauge rider reaction to trail management. The Department also supports including ORV use in other surveys related to forest land use.**

## **2) System Maintenance**

- Increase the maximum rate of reimbursement to \$154 per mile for cycle and ATV trail maintenance, and \$89 for ORV route maintenance while strictly enforcing maintenance standards

**The Department recognizes the need to recalculate and update trail maintenance reimbursement rates. Further evaluation is needed to determine appropriate rate.**

- Explore multi-year and competitive bid options for trail maintenance
- Open eligibility for trail maintenance grants to for-profit entities

**The Department is receptive to the recommendation of competitively bidding multi-year trail maintenance work, and opening eligibility to for-profit entities. This could be done on a regional test basis. This may help bring the system into compliance with maintenance standards, accommodate expansion and improve monitoring.**

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- DNR to complete regulatory sign plan for each trail following Forest Service motorized trail standards

**The Department supports the development of regulatory sign plans for each trail. This process has been initiated and could be accomplished in cooperation with grant sponsors, and/or private contractors.**

- Department to provide ORV trailhead maintenance throughout snow free months

**The Department supports the concept of providing trailhead maintenance through the snow free months on a case by case basis, dependent on local use. This determination should be made by the local Management Unit.**

### **3) Enduro Motorcycle Events**

- Locate events at sites of proposed timber harvest (1-2 years out)

**The Department recognizes the special requirements of Enduro Motorcycle Events, and will balance these needs with other resource uses and impacts. However, Enduro events will be an exception to the rule, and will only be approved on a case by case basis, at the discretion of the District Supervisor.**

### **4) Program Administration**

- Clarify responsibilities and strengthen working relationships among Department personnel/divisions involved in ORV program delivery

**The Department is continually seeking program improvements to clarify program responsibilities, and strengthen working relationships among Department personnel through staff training and operational meetings. Program manuals are maintained and updated annually to clarify program procedures as needed. Additionally, in response to Forest Certification audit findings, corrective action responses and work instructions have been developed to help clarify staff responsibilities.**

- Investigate streamlining grant processes to gain efficiency and cooperators

**The Department is continually looking at ways to conduct business more efficiently and will continue to investigate ways to stream line the grant process within the legal requirements established by law.**

### **5) Damage Restoration**

- Better and more systematically identify ORV damage on public lands

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- Broaden operations inventory to focus on full land stewardship mission
- Seek partners and provide information conduits for reporting ORV damage

**The Department established two task forces to specifically address a wide array of issues including illegal ORV resource damage. These groups will address user education, enforcement and resource damage restoration/maintenance. In addition, protocols are in place to report resource damage, and staff is implementing them based on Work Instructions 3.1, 3.2 and 3.3. An electronic resource damage database and form will be developed. Resource damage reports will be compiled, prioritized and corrective actions determined.**

- More efficiently and effectively restore identified environmental damage
  - Use known techniques from agricultural erosion control and wildlife habitat restoration

**The Department will continue to utilize annual ORV restoration grant funds to remediate identified ORV caused resource damage. The Department will comply with the legal requirements established by state law such as soil erosion and sedimentation control requirements, and state contracting and procurement mandates. The Department will continue to improve business practices in order to promote program efficiency.**

- Administer at the FMFM district level through Recreation Specialists

**The Department supports the concept of having the District Manager and their Recreation Specialists continue their involvement in administration, implementation and monitoring of restoration projects at the District level. This will promote consistency across management units and should result in efficiencies in the administration and monitoring of the restoration program.**

### **6) Law Enforcement**

- Strengthen ORV enforcement by:
  - Fund additional MI Conservation Officer patrol hours at straight time
  - Fund additional sheriff patrol hours and reinstate ORV patrol equipment grants for eligible sheriffs
  - Forest Service becoming eligible to receive ORV enforcement grants for patrol
  - DNR State Parks (Silver Lake SP) becoming eligible to receive ORV enforcement grants for patrol
  - Involve Forest Officers in ORV patrol at ORV trailheads to educate riders pre-ride and to provide safety checks
- Enforce ORV youth certification requirements after ORV safety education classes are available in a majority (42) of Michigan counties

**The Department agrees in concept with the need for a more coordinated team approach to provide a more effective and visible enforcement presence. This is a critical component for effective law enforcement, resource protection and maintaining forest certification.**

#### **7) Safety Education**

- Follow a model similar to marine safety education for ORV safety education
  - County sheriffs are lead provider, educational and non-profit organizations can also provide
  - Classroom education mandatory with a focus on ORV safety and laws
  - Written, proctored exam mandatory
  - “Hands-on” training/test optional, but encouraged
  - County sheriffs along with educational and non-profit organizations are eligible to apply for, and receive ORV Safety Education Fund grants, for costs associated with course up to \$20 per student
- ORV Safety Education required of anyone born on or after December 31, 1988. to ride an ORV on public lands or [frozen] waters of Michigan
- DNR Law Enforcement Division to design and implement a system to track ORV fatalities patterned after current snowmobile fatality tracking system
- DNR comprehensive ORV safety education and training materials available on the internet at the DNR’s website

**The Department supports the recommendation of providing safety training access in every county through classroom education conducted by County Sheriffs, with optional “hands-on” training by willing certified instructors to complement the mandatory classroom training and written certification exam. The Department also supports mandatory certification for all persons born on or after December 31, 1988. Providing for mandatory ORV safety certification for anyone born on or after December 31, 1988, and increasing grant eligibility to non-profit organizations will require a change in the law.**

#### **8) Licensing**

- All ORV licensing should be done through the electronic license system
- All ORV license dealers shall provide a copy of the ORV rules and safety information to each licensee annually, on their purchase of their ORV license

**The Department supports the general concept of providing licensing solely through point of sales terminals to provide accurate and timely information about ORV licensees. Distribution of ORV rules and safety information at the point of license purchase should be a fundamental component of the Department’s comprehensive public information program.**