

- Once designation is complete, the rule would prohibit motor vehicle use off the designated system or inconsistent with the designations.
- Designation decisions would be made locally, with public input and in coordination with state, local, and tribal governments.

The final regulations will be published in 2005, to be followed by proposed directives in the Forest Service Handbook and Manual. Ultimately, over the next few years, individual national forest managers will involve the public in designating roads, trails and areas for ORV use. In this designation and subsequent management, the Forest Service is seeking partnerships in planning, maintenance, environmental protection/restoration and enforcement.

These Forest Service actions are important for Michigan ORV use and users. Currently 14% of the designated Michigan trail/route system is on national forest land. Proposed designation of additional components in the Upper Peninsula is likely. Limiting ORV use to designated roads and trails in UP national forests may also influence ORV use on Upper Peninsula state forest roads as connections to national forest roads that were once available may be severed. There may also be confusion among the riding and non-riding public regarding where it is and is not legal to ride a DNR licensed ORV. In the Lower Peninsula, the Huron-Manistee National Forests have already adopted the approach contained in the proposed regulations and significant changes are not anticipated.

ORV Plan Action Steps, Rationale and Fiscal Implications

Based on the data previously presented, public input, DNR input, input from local law enforcement and road commission managers, actions of other states to manage ORVs and the author's professional judgment, the following recommendations are presented. Each recommendation is grouped under a basic heading, bolded and followed by a brief discussion of rationale and potential fiscal implications.

Designated System

- 1. Upgrade the existing designated ORV system to the point of all trails/routes meeting maintenance standards, thus meeting recreational needs and safeguarding riders and the environment.**
 - a. Rationale** is that the 1997 designated system assessment (Lynch and Nelson 1997) noted that 61% of the system was rated as *good* (meeting maintenance standards over more than 95% of the trail/route mileage). The 2004 designated system assessment reported that 67% was rated as *good* and only 2% rated as *poor*. While this demonstrates progress, a considerable portion of the designated system is not meeting maintenance standards.
 - b.** Key challenges noted in the 2004 assessment concerning trails not meeting maintenance standards were poor overall maintenance, need for re-routes or boardwalks for wet areas, need for additional brushing, erosion concerns, illegal near trail uses (e.g. hill climbs, spur trails) and inadequate or improper signage and whooped out (corrugated) trail.

- c. **Fiscal** implications are significant. However, it is imperative to manage the designated system to meet the DNR's mission of resource conservation and protection, meeting outdoor recreation needs and safeguarding riders. It is also a priority to bring the existing system up to standard
2. **Develop additional cycle and ATV trail, ORV route and ORV area that can be maintained to standard to meet increasing user demand.**
 - a. **Rationale** is the 64% growth in ORV licenses from 104,745 in 1998 to 171,748 in 2003, while the designated system has been relatively static in size.
 - b. Increased proportion (27% vs.21%) of annual ORV uses (4.2 million 1998-99 vs. 4.1 million 1987-88) is on the designated system (Nelson 1989; Nelson et al. 2000).
 - c. 29% of all ORV licensees use one or more of the existing scramble areas (Nelson et al. 2000), of which some areas are not accessible to full size vehicles.
 - d. Technology/industry has created new ORV platforms (e.g. 54 and 56" wide vehicles) which have a limited number of public places to legally ride in the Lower Peninsula and are not street legal.
 - e. Additional designated riding opportunities to meet the needs of the range of ORV licensees was the most common request expressed at 2004 ORV plan update public information meetings as well as in previous statewide ORV user surveys (Nelson 1989; Nelson et al. 2000).
 - f. **Actions** to expand the designated ORV system while limiting social and environmental impacts and containing development and maintenance costs:
 - i. **Expand the route system using existing forest roads in the NLP and UP by making routes *both* connectors between ORV trail loops and creating connected, destination loop and point-to-point routes to support leisurely, longer distance ORV route travel.** This would benefit traditional, more technical trail riders through connecting existing trails by DNR licensed legal ORV routes. It would also benefit family/senior/tourist riders seeking a more relaxed experience. In addition, it would provide a place for larger ATVs (e.g. Kawasaki Mule, etc.), which have no trail opportunities (too wide for cycle or ATV trails) other than the current route system, which now is primarily focused on connecting cycle and ATV trails. This approach has strong support from the tourism industry and the riding public as expressed at the 2004 public information meetings.
 - ii. **Expand the cycle and ATV trail system by locating additional trails parallel to current trails within the same corridor of influence where feasible.** For example, a new ATV trail could be located in the same corridor of influence (e.g. 100 foot wide corridor) as an existing cycle trail. This could limit environmental and social impacts to current ORV system corridors of influence and make maintenance operations more efficient on a per corridor

mile basis as the travel costs of maintenance grant recipients would be greatly reduced as would the logistics of moving materials (e.g. signs, posts, etc.) if a single maintenance grant sponsor was used. Also, a single trailhead could serve both trails, reducing total trailhead maintenance costs.

iii. **Better publicize existing ORV scramble areas and provide at least one new area.** At the public information meetings, some ORV licensees, especially those with large 4 wheel drive vehicles, expressed a lack of knowledge of major scramble areas (e.g. St. Helen's) and concern that those they knew of (e.g. Silver Lake) were too crowded. A new area should include opportunities for large four-wheel drive vehicles and be linked by the ORV route system to provide legal access for all DNR licensed ORVs to local goods and services. The St. Helen's Motorsport Area development plan, which has yet to be fully implemented, would provide this important area more recognition and better meet the needs of large 4 wheel drive riders. The DNR should consider currently compromised sites on state forest and other public lands. Finally, the DNR should consider locating a new ORV area in southern Michigan. This had strong public support and was a major goal of the 1979 ORV plan and the 1991-1996 SCORP that was not realized.

iv. **In this expansion of riding activity, the DNR needs to have partner land managers.** This includes the USDA Forest Service, local government and major corporate landowners such as forest products companies and utilities. 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.

g. **Fiscal** implications are significant. Forest managers, guided by the DNR's mission, should work with ORV interests in locating new trail/route/areas. This will provide a larger system to maintain. Fortunately, with 65,000 more ORV licenses sold annually in 2003 than in 1998, users have provided additional funds that may be used for this expansion and its maintenance. This targeted expansion, coupled with a focus on bringing the 26% of the system that is in sub-standard condition up to standard, will provide a system that is better sited, meets the needs of ORV licensees and better safeguards the environment. As noted in the 2004 system assessment (Tables 9-10), re-routes, boardwalks, improved brushing and signage are key needs to bring the system up to standard. In turn, this should decrease ORV damage restoration costs on public lands, as there will be an appropriate, designated system for trail riders. In addition, this should boost tourism, generate additional Michigan sales tax revenue and provide the basis for continued user pay support of Michigan ORV programs.

3. **Signage (travel management and regulatory) on the trail/route system should follow national signing standards for motorized trails used by the USDA**

Forest Service (e.g. USDA Forest Service Manual for Forest Service Signs and Posters EM-7100-15 US Forest Service Engineering Staff Report).

- a. **Rationale** is that signage needs to be consistent across motorized trail systems (snowmobile and ORV) in Michigan to increase understanding of trail resources, rules governing their use and promote trail user safety. In addition, this will promote cost efficiency in the purchase of signs, as well as better protect maintenance cooperators from liability. It also needs to be seamless as a rider passes from one jurisdiction (state forest) to another (national forest).
 - b. **Fiscal** implications are significant. This will include replacement of a variety of existing signage with common, durable, visible, internationally recognized signs.
4. **Have no net loss of ORV trail opportunity (quality and quantity) due to forest vegetation management.**
- a. **Rationale** is that at trail maintenance cooperator meetings and at public information meetings, concerns were raised that trail mileage and quality (technical challenge) was degraded by timber harvest management. Trails were often straightened, thus shortening them, reducing their technical challenge and increasing speeds. This in turn was perceived to compromise rider safety and decrease rider satisfaction.
 - b. To have no net loss, trail mileage should be accurately determined prior to harvest. This can occur during operations inventory, in the forest treatment proposal or during the timber sale process. Final trail condition can be part of the sale contract, requiring vigilance by FMFM unit personnel in contract enforcement. To maintain trail quality and quantity, managers may need to employ a variety of approaches. These include re-creation of the trail in its original footprint or cooperation with trail maintenance grant sponsors to relocate the trail in or near the compartment in a manner compatible with other land management objectives and trail purposes. Updates to maps should be submitted upon completion of the harvest and positioning of the trail post-harvest. In addition, travel management and regulatory signage should reflect any changes in trail alignment with appropriate adjustment in the trail sign plan.
 - c. **Fiscal** implications are minimal if future trail condition is considered pre-harvest. Involvement of DNR field personnel is critical to meeting this objective.
5. **Maintain the current approach of “closed unless posted open” in the NLP and allow DNR licensed ORVs to continue to use UP state forest roads without posting open.**
- a. **Rationale** is that based on information presented at the 2004 public information meetings, most riders want all state forest roads all open for DNR licensed ORV use. However, forest roads in the NLP do not universally provide a safe environment for DNR licensed ORV use. Further they rarely provide technical riding opportunities and many are intensively used for car and truck traffic, creating a safety hazard for all vehicle operators. Further, there is substantial opportunity for increased

social conflict with other forest users and with adjacent private landowners and well as a perception that any way capable of travel by an ORV is open to ORV use. Even with “closed unless posted open” rules in effect, there are considerable problems with ORV damage to public lands and trespass and damage to private lands adjacent to public lands as reported by DNR field staff. Conversely, in the UP, there are significant regional differences that make it more appropriate to provide more flexibility with ORV use. First, population levels and density are much lower in the UP, reducing the potential for social conflict. Second, there are larger, contiguous blocks of public land further reducing the chances for social conflict and trespass. Third, UP vehicular traffic volume is less, thereby promoting operator safety.

b. **Fiscal** implications of maintaining this policy should be minimal.

6. Encourage compliance by local units of government with the current ORV law regarding designated ORV trail/route/area access along streets and highways under its jurisdiction (as described in section 324.81131 of Public Act 451 of 1994 as amended) that limits ORV use along locally managed streets and highways to that which meets the requirements of the state comprehensive ORV system plan providing access to the designated system.

- a. **Rationale** is that of the 33 county road commission managers in the UP and the NLP that responded to a 2004 survey done as part of this ORV plan update effort, 17 did not allow ORV use on any road shoulders, 10 allowed ORV use on all county road shoulders and 6 on some road shoulders. Of those who allowed some or no access to county roads, key concerns were liability, safety of ORV and other motor vehicle operators and occupants and additional road maintenance costs. Of those who allowed full access to all county road shoulders, key supporting rationale was that it promoted tourism, assisted agriculture, had the support of many local people and it complemented road shoulders already open to snowmobile use. Based on many DNR field reports in the NLP, coupled with recent ORV damage pictures (submitted by DNR staff) on public lands away from the designated trail system, DNR field personnel assert that unrestricted ORV access to county roads and/or shoulders in the NLP significantly contributes to illegal ORV use of public lands away from the designated trail/route/area system. This is in contrast to experiences reported in counties with targeted links from the ORV trail system to goods and services in towns. There, positive tourism benefits were noted and environmental damage on public lands away from the designated system was less.
- b. Counties need to be cognizant of the definition of gross negligence “conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results” (324.81131.4 MCL) and the variable quality of county roadways and their shoulders in their designations.
- c. How riding on road shoulders relates to rider safety is not fully understood. The Michigan Office of Highway Safety notes that during 1994-2003, a total of 2,528 ORV/ATV accidents occurred on Michigan roadways. Better data about ORV fatalities and injury accidents in Michigan is needed.

- d. **Fiscal** implications are minimal to the state.
7. **Annually monitor the condition of the designated ORV system using the trail assessment instrument used in the 2004 system assessment.**
 - a. **Rationale** is that to properly safeguard the environment and promote rider safety, annual monitoring of trail and trailside conditions is necessary. This should also provide a useful data set to evaluate trends regarding areas of concern such as deteriorating trail conditions, conflicts and illegal uses.
 - b. **Fiscal** implications with three full time trail analysts should not be significant as trail assessments should be part of evaluating trail maintenance by cooperators and inventorying for near and on-trail environmental damage. Some additional expense will be annually generated by the cost of data entry and analysis which previously has only been reported at approximately five year intervals. However, this is more than off-set by the ability to best direct resources to areas of greatest need and being able to quickly identify trends and concerns in trail maintenance and the need for damage restoration. This process will also help the DNR to meet its legal obligation to develop and implement resource management plans and monitor trail/route conditions and grant sponsor performance.
8. **Every five years DNR should conduct an assessment of ORV use and users including concerns of ORV licensees, data regarding the economic impact of ORV use and suggestions to improve Michigan's ORV program.**
 - a. **Rationale** is that regular assessment of ORV program participants will improve the ability of the DNR to meet ORV license holder needs, assess shifts in use that may have social, economic and environmental impacts and gauge rider reaction to management alternatives.
 - b. **Fiscal** implications are moderate. Use of the ORV license list would provide ready access to ORV license holders, allowing a representative sample to be selected that provided a valid cross section of ORV license holders with minimal expense.

System Maintenance

1. **Increase the *maximum* rate of trail reimbursement per mile for maintenance cooperators to \$154.00 per mile for cycle trail and ATV trail and \$89.00 per mile for ORV route. Maintenance standards would remain the same (IC 1990 "ORV Trail Improvement Fund Procedures Manual", IC 1991 "DNR ORV Trail and Route Maintenance Handbook" and IC 3600 "ORV Trail Maintenance Grant Application Information") and be strictly enforced.**
 - a. **Rationale** is that maintenance cooperators reported their costs as averaging \$133.09/mile at the 1997 ORV Trail and Route Maintenance Workshop *if* they paid labor costs of \$6 per worker hour (Lynch and Nelson 1997). However, at that time, most were not paying labor costs and the DNR decided not to include labor costs in the reimbursement rate per mile. Since then, at the 2004 maintenance cooperators workshop, some cooperators reported the need to hire labor and their inability to do so at the current \$54 per mile rate for ORV trail. As a result, some had challenges meeting trail maintenance standards. To upgrade trail

maintenance and to fairly recompense cooperators, it is recommended that the reimbursement rate be \$154.00 per designated ORV trail mile. This is derived by multiplying \$133.09 (average dollar amount needed per mile by cooperators in 1997 including labor costs) by 1.16 (increase in the Labor Department's Midwest Consumer Price Index from 6/97 – 6/04).

- b. A similar rationale applies to ORV routes. Costs calculated at the 1997 ORV maintenance cooperators workshop including labor costs were \$76.74 per mile for ORV routes. Multiplying this by 1.16 (rate of inflation over the period) provides a per mile rate of \$89 for routes.
 - c. Further rationale is that costs have increased substantially for other out of pocket expenses such as fuel.
 - d. **Fiscal implication** is considerable. The maximum cost for the 2,705 mile trail system that was inventoried in fall 2004 would be 2,247 (miles of trail) x \$154= \$346,038 + 458 (miles of route) x \$89=\$40,762 for a total system cost \$386,800. This amounts to 14% of the most recent complete year of ORV license sales (2003-04), with license revenue of \$2,796,384.50 (DNR Grants, Contracts and Customer Systems as of 1/18/05).
2. **Explore multi-year and competitive bid options for trail maintenance, including opportunity to have for-profit entities compete to be trail maintenance grant sponsors.**
 - a. **Rationale** is that a longer term commitment and the ability of potential grant sponsors to compete for the opportunity will provide more cost effective maintenance while expanding the pool of potential cooperators.
 - b. **Fiscal** implications are likely to be positive as competition should decrease costs and longer planning horizons should facilitate cooperators investment in needed maintenance equipment that can be depreciated over a multi-year period.
 3. **A plan for regulatory signs should be completed by the DNR for every designated trail/route. This plan should clearly demarcate sign location and type, following the USDA Forest Service's nationally recognized signage standards for motorized trail (ORV and snowmobile) recreation.**
 - a. **Rationale** is these plans are required for all DNR trails and their provision should relieve trail maintenance cooperators of discretionary authority regarding the proper regulatory signage, including placement. This puts them in the appropriate role of those maintaining, through carrying out specific, detailed plans, the portions of ORV trail/route they have agreed to maintain without providing cooperators discretionary authority.
 - b. **Fiscal** implications are considerable, as development of the sign plans will involve considerable work by the field to document sign locations with global positioning system (GPS) units and make data dictionary entries. In addition, it will require the clear adoption of nationally recognized signage standards. However, once this is initially completed, this may have a positive effect on cooperator liability insurance rates as it is clear that state professionals have clearly designated all sign locations following nationally recognized standards. Further, this may encourage more

cooperators to participate in maintenance and may reduce maintenance time.

4. **Provide for ORV trailhead maintenance throughout the snow free months (typically April 1 – October 31) corresponding to the ORV riding season.**
 - a. **Rationale** is that this would ensure full coverage of the principal season for ORV use. Especially in the central NLP, many trail maintenance cooperators noted that trailhead maintenance was often not performed during months of heavy ORV use in the spring and fall. Significant spring and fall use of designated trails and routes was also noted in the field assessment of the ORV trail system in fall 2004
 - b. **Fiscal** implications are that this may increase the short-term worker budget for trailhead maintenance, be part of a service contract or may be part of a grant agreement with a maintenance cooperator. However, this expenditure is justified based on ORV system use patterns and the need to better maintain the substantial DNR investment in ORV trailheads.

Enduro Motorcycle Events

1. **Target ORV motorcycle enduro event trail to sites of proposed timber harvest (1-2 years out).**
 - a. Rationale is that while this is a broader forest land management issue, it is at the interface of land management and ORV use and is addressed in this plan. Enduro ORV motorcycle events involve a temporary trail that is used for a specific event, not providing any given rider an advantage by having long-term familiarity with the course. After the event, the trail needs to be effaced. This can be effectively and efficiently accomplished by the physical harvest of timber and the resulting land management activities. This approach has support of staff and field personnel in FMFM as well as by ORV motorcycle event participants and organizers. It will require closer cooperation between forest vegetation managers, trail/recreation managers and event organizers and participants. Consideration of potential ORV events in the compartment review process will be critical the success of this effort.
 - b. **Fiscal** implications appear minimal and in fact this may result in a savings as the universe for such events is much better defined, they can be more easily planned in advance and permitting may be a smoother process.

Program Administration

1. **Clarify responsibilities and strengthen the working relationship among DNR personnel involved in ORV system management and grant programs to enhance effectiveness and efficiency.**
 - a. **Rationale** is that the ORV program an important part of DNR land management efforts across the state forest system and in its linkage with the national forest system in Michigan. Clear lines of responsibility and a professional working relationship are critical to providing a viable ORV trail/route/area system, enforcing ORV laws, restoring ORV damage to public lands and to maintaining the ORV trail/route/area system. Beyond the ORV program itself, it is part of the range of multiple uses/outcome s

provided by Michigan's state forest system as well as their sister national forests in Michigan. These outputs include wood, outdoor recreation, environmental quality, energy resources and habitat for a myriad of plants and animals.

- b. **Fiscal** impact is likely to be positive once responsibilities are clearly outlined and agreed upon.
2. **Investigate ways to streamline grant processes to seek efficiencies and encourage additional cooperators.**
 - a. **Rationale** is that motorized trail programs (ORV and snowmobile) are unique grant programs for the state of Michigan in that most of the grant money is targeted to operations, not capital improvements (which typifies programs such as the Michigan Natural Resources Trust Fund). Because of this, performance periods are shorter, the need for cooperators is significant and the loss of a season or a portion of a season to recreational use is a permanent loss that cannot be "made up" to users (who fully fund the program) in a subsequent year. The need to streamline is highlighted by many current and potential grant recipients (maintenance, enforcement or restoration) often lacking professional staff to meet state accountability requirements. The alternative of the DNR performing the functions of the grant recipients is not viable for most functions due to limited DNR personnel. Another option to investigate in this process is to examine the costs and benefits of using for profit contractors for trail maintenance and environmental restoration.
 - b. **Fiscal** impact is likely to be positive if grant funds can be efficiently disbursed and used. This may encourage greater interest in grant sponsor participation as many county sheriffs noted in their response to a survey used in this planning process about their participation in enforcement grants and other matters.

Damage Restoration

1. **The DNR needs to lead a more conscious and successful effort to clearly identify, document and regularly monitor ORV damage to public lands.**
 - a. **Rationale** is that the DNR alone cannot fully assess ORV damage to public lands, yet they are the responsible manager. What is proposed is two pronged. First, the current Operations Inventory is primarily conducted during months of snow cover. While excellent for assessing forest vegetation, it is lacking in its ability to assess the presence and condition of many resources and facilities that involve many aspects of forest recreation, including ORV damage away from the designated ORV trail system. Broadening the operations inventory concept to focus on a full land management inventory would be most useful. During compartment review **all** aspects of land management (vegetation, recreation, environmental concerns such as ORV damage, wildlife, etc.) need to be considered.
 - b. Second, partners are needed to provide the DNR additional "eyes and ears" regarding locating ORV damage to public lands. Key partners will include ORV grant sponsors for trail maintenance, environmental damage restoration and law enforcement. Also, Adopt-a-Forest organizations and

other civic and conservation organizations can be valued partners. The DNR will need to design a common reporting framework available through the DNR website that can receive electronic communication providing location (preferably GPS coordinates) and pictures if possible. This list can supplement that provided by the DNR through its more thorough Operations Inventory.

- c. Further, in response to a request to FMFM district recreation specialists in the NLP, FMFM personnel and conservation officers submitted photos of ORV damage from many counties with specific site locations. This is disconcerting, as relatively few restoration grants requests have been requested by the DNR, even though there is clear documentation of ORV damage to public lands.
- d. The current forest certification review, with a strong focus on implementing best management practices, is likely to mandate more effective and thorough assessment of forest lands. As a result of their site visit, evaluators specifically noted unrestored ORV damage was a major problem.
- e. **Fiscal** implications are substantial. Initially, significant effort may be needed to document the locations of all known damage and set priorities for restoration. In addition, broadening operations inventory in an on-going time frame will require a more thorough approach. This is likely to disclose additional sites of ORV damage to public lands. However, this approach will more successfully meet the DNR's mandate to protect the resources of the state.

2. The DNR needs to lead efforts to more efficiently and effectively restore damage on public lands once damage is identified. This may involve for profit or non-profit contractors with technical knowledge and certification and the use of proven models/techniques from agricultural erosion control and wildlife habitat restoration. These efforts should be led at the district level by DNR FMFM recreation specialists including the responsibility to administer, implement and monitor restoration grant activity.

- a. **Rationale** is that there is strong support for a healthy environment among organized ORV users, the general public, the DNR and many specific interest groups focused on natural resources. There is also strong support for the DNR's ORV damage restoration priorities: 1. reduce or eliminate erosion into any body of water; 2. restore damage in designated roadless area, state natural river corridor or federal wild and scenic river corridor; 3. restore damage to aesthetically sensitive areas. The forest certification process will also mandate the implementation of best management practices including restoration of erosion sites impacting surface waters.
- b. However, universally, active non-profit and governmental ORV damage restoration cooperators spoke negatively of what they considered excessive "red tape" in engineering, bidding and implementing restoration projects. Conversely, DNR field managers provided alternative cases of bypassing restoration grants in favor of using other more effective and efficient

methods to block access by illegal users and restore vegetation to eroded sites. These methods included the timber sale process.

- c. Approximately \$2.4 has been allocated for ORV damage site restoration in the past 14 years (1991-2004). There is no firm figure on the acreage restored. However, based on damage photographs submitted by DNR employees during this planning process and by the recent forest certification visit noting the prevalence and visibility of ORV damage sites on state forest lands, there is still considerable work to be done regarding ORV damage restoration at priority sites (e.g. those sites adjacent to surface waters).
- d. The three greatest challenges cited by cooperators and DNR field personnel in ORV damage restoration were the level of engineering required to accomplish basic erosion control, the complexity of soil and sedimentation control training (and accompanying permit requirements and engineering requirements) and state contracting requirements mandating multiple bidders to compete for minor contracts. In summary, the result is that the work isn't getting done and interest in competing for and accomplishing restorations through the ORV grant process appears to be declining. The environment suffers and legal ORV riders get a bad name even though they have paid to have the damage of illegal riders restored. Other approaches as discussed above are available and need to be investigated.
- e. **Fiscal** implications are that a shift to a more partner and field oriented approach and examination and adoption where feasible of other DNR utilized environmental restoration partnerships (e.g. those for wildlife habitat) may save considerable money and better safeguard the environment, resulting in best management practices being implemented on more state forest acres.

Law Enforcement

1. **Strengthen ORV enforcement through greater participation by conservation officers, county sheriffs, Forest Service officers, state park officers and forest officers.** Specific suggestions to do this are bolded in a-e.
 - a. **ORV enforcement should be viewed as a regular part of conservation enforcement and the ORV program should be charged straight time.** Conservation officers provide exceptionally well trained, dedicated and professional law enforcement officers. They have a myriad of duties ranging from enforcing fish and game laws, enforcing state land use laws and rules, enforcing environmental laws, enforcing state recreation laws, cooperating with local law enforcement and more recently involvement in homeland security. With less than 200 officers in the field, devoting significant time to ORV enforcement has been challenging and has often been done on an overtime basis, resulting in significant expense per ORV enforcement hour. A number of approaches are possible considering the limited officer hours available. For example, a few conservation officers may work solely on motorized trail enforcement (ORV and snowmobile

with each program paying its commensurate share). Another approach may be to provide a set amount of money equating to a set number of officer hours to be deployed as needed on a situational basis for ORV patrol. Either way, Michigan's conservation officers are the cornerstone of a total ORV enforcement effort to enhance rider safety and to protect Michigan natural resources

- b. **DNR should consider increasing ORV funding to county sheriffs to provide additional patrol hours and acquire appropriate ORV enforcement patrol equipment.** County sheriffs are also vital to ORV enforcement. In 2003, a total of 22 counties received ORV enforcement grants. In response to a statewide survey, 16 of the counties involved in enforcement responded. They were involved in ORV enforcement primarily to protect public safety, respond to citizen complaints/concerns especially regarding trespass, cope with increased ORV use in their county and better educate youth regarding ORV safety. They reported 77% of their patrol time was spent on trails and 23% at trailheads. The priority violations they targeted were operation under the influence of drugs/alcohol, operation by a non-certified youth without adult supervision, trespass on private lands, operation on public lands/roadways where prohibited and lack of an approved helmet. Key concerns expressed by counties were the inability to fully fund personnel expenditures and the lack of grant funds for ORV equipment. Table 2 (page 14) notes that only about 70% of the grant funds authorized to counties were actually paid out in FY 2002-03 and 2003-04. It is likely additional northern Michigan counties would participate in ORV enforcement if funds were made available to purchase equipment and there was authorization for officers similar to marine deputies to enforce selected ORV regulations. This authorization of such deputies would require legislation, just as was recently done regarding snowmobile enforcement in Michigan. Such less than fully MCOLES certified officers may be especially valuable at trailheads, leaving on-trail enforcement to fully certified police officers, such as conservation officers and sheriff deputies.
- c. **The USDA Forest Service should be eligible to receive ORV enforcement grants to pay for officer hours spent in ORV enforcement.** At this time, the Forest Service is currently ineligible to receive enforcement grants, while at the same time they are eligible to receive trail maintenance and environmental damage restoration grants. Their record with maintenance and restoration grants to date has been highly productive. Considering that the national forests are the second largest public land base in Michigan (2.7 million acres), that they provide 14% of the designated ORV trail system, that the amount and proportion of the designated ORV system on Forest Service land is likely to increase and that they have profession law enforcement personnel, it is important to get a significant enforcement contribution from the Forest Service. MCL Section 324.1119 should be amended to allow reimbursement of Forest

Service ORV enforcement efforts in a manner similar to that which already supports county sheriff and DNR ORV enforcement efforts.

- d. **State park ORV enforcement at Silver Lake and any other Michigan state park designated in part or whole for ORV use should be eligible for state ORV law enforcement grants.** Currently Silver Lake State Park is the only state park with some park lands open to ORV use. It is an exceptionally important area for those who have full size ORVs (four wheel drive trucks, dune buggies, jeeps, etc.) as well as being used by ATV and cycle riders. In addition, sales of ORV licenses to Silver Lake users number approximately 20,000 annually. Enforcement is critical in this relatively small ORV area (less than 25% the size of the St. Helen's Motor Sport Area in Roscommon County on the AuSable State Forest) with some of the highest densities of ORV use in the state. It is appropriate to fund these enforcement efforts through ORV enforcement grant funds. In addition, if any other state park or recreation areas provide ORV use, they should also be available for ORV enforcement grant funding.
 - e. **Forest officers should be used as ORV enforcement personnel focusing on state forest ORV trailheads with a primary mission of providing safety checks with ORV riders pre and post ride and maintaining law abiding atmosphere at ORV trailheads.** Forest officers (a relatively new classification of DNR FMFM employee) are trained and certified to enforce a limited set of state forest rules, including those involving recreation and land use. Their training is the same as state park officers. Key trailhead enforcement activities would be equipment, and safety checks, ORV licensing, ORV youth certification, maintaining accurate on-site information and being a public information source regarding ORV rules and opportunities.
 - f. **Rationale** is that a more coordinated team approach is necessary to provide an effective and visible enforcement presence. No one entity has sufficient personnel or financial resources to do the job alone. However, substantial resources are provided by ORV users through annual licensing and need to be distributed to in a manner that promotes a team approach and most effectively uses each law enforcement resource.
 - g. **Fiscal** implications are that approaches a-e would provide more value for the funds currently allocated to enforcement.
2. **ORV certification requirements for youth riding ORVs (MCL 324.81129) should be enforced statewide once ORV safety education classes are available in the majority of Michigan counties (42 or more).**
 - a. See ORV safety education for **rationale**.
 - b. **Fiscal** implications should be minimal as this can be done as part of the suite of laws enforced under ORV patrol.

Safety Education

1. **ORV safety education should follow a model similar to marine safety education, with county sheriffs and other certified instructors providing**

ORV safety training access in every county through classroom education. The focus should be on ORV safety and ORV laws and regulations using a standardized state curriculum and a standardized, proctored written safety education test. Where possible, beyond classroom instruction by county sheriff personnel and other certified instructors, ORV safety instruction should provide for optional ‘hands-on’ training by willing certified instructors to complement the mandatory classroom safety and law training and the written certification exam. An optional driving test designed to test the student’s driving competency should be available through willing certified instructors. Agency, educational and non-profit organizations conducting an approved course should be able to apply to the DNR for a grant from the ORV Safety Education Fund for costs associated with conducting a course.

- a. **Rationale** is that the loss of life and health reported by the US Consumer Products Safety Commission (2003) and the Michigan State Police Office of Highway Safety Planning (2004) are unacceptably high, not to mention significant property loss from accidents. Data from the 1998-99 state wide survey of ORV licensees (Nelson et al. 2000) suggests that only 1/3 of those ages 12-15 riding DNR licensed ORVs had completed an ORV safety course and only 1/6 of those ages 10-11 riding a DNR licensed ORV had completed an ORV safety course. This has led the DNR in the past to *not* enforce ORV safety certification requirements for youth. Conversely, similar requirements *are* enforced for hunting (hunter safety taught primarily by trained citizen volunteers), snowmobiling (snowmobile safety taught primarily through county sheriffs) and power watercraft (marine safety taught primarily through county sheriffs). Similar full coverage of youth safety education and subsequent enforcement is now needed in the Michigan ORV program. A majority (63%) of county sheriffs responding to a statewide survey would be interested in offering such an ORV safety course. Completion of the optional “hands-on” class and passing a driving competency test may have additional positive implications related to ORV licensee insurance costs, if such additional instruction and certification is effective in further reducing rider accidents and fatalities.
- b. **Fiscal** implications are that more classes will need to be held to meet the potential demand for ORV safety instruction and certification in a classroom setting. It is estimated that there is a need to certify about 8,000 youth annually, which is almost three times the approximately 3,000 annually certified over the past decade. With an annual revenue stream of \$175,000 (\$1 per ORV license annually dedicated to education) and the potential of 8,000 students annually, this provides slightly less than \$22 per student, not counting costs to administer such a program. It is appropriate that some portion of ORV safety education money be available to support optional “hands-on” instruction and driving competency testing, including that provided by non-profit organizations. In total, this two step system of education should be more cost effective on

a per student basis with its mandatory approach on classroom education, with a lower cost per pupil due to limited liability (not mandated to ride an ORV during class thus limiting instructor liability), the distribution of instructors across the state through the county sheriff network and the excellent complementary access many county sheriff departments already have to K-12 schools and other classroom venues through marine safety education.

2. **ORV safety education should use a graduated age system where all new ORV licensees should be mandated to complete an ORV safety training course if born after December 31, 1988.**
 - a. **Rational** is that the 1998-99 ORV licensee study (Nelson et al. 2000) found that many ORV riders, especially those who license ATVs, did not begin riding ORVs until adulthood. This group of riders closely resembles new hunters who begin as adults. It is important that they are familiar with ORV laws and regulations, as well as safe operating procedures for ORVs. However, the capacity to immediately administer ORV safety training to new ORV operators of all ages does not exist. This graduate approach is similar to the way hunter safety mandates that all new hunters complete a hunter safety training course if born after December 31, 1977.
 - b. **Fiscal** implications are likely to be moderate. It is estimated that approximately 10% of hunter safety training students are above the age of 15. This proportion is also similar for marine safety as those over 15 take the course to gain a reduction in liability insurance on personal watercraft policies. These proportions may be similar for new ORV riders/licensees. The educational load will also grow gradually if the baseline date is set at December 31, 1988.
3. **DNR Law Enforcement Division should implement a comprehensive ORV fatal accident tracking system that operates in a manner similar to the system DNR now uses to track snowmobile fatalities.**
 - a. **Rationale** is that this would provide accurate information to assess the rate of ORV fatalities in comparison to safety education efforts, the number of annual ORV licenses, the number of ORV days, location/situation of fatal accidents, etc. This would facilitate targeting educational safety messages to situations of greatest danger to riders. It would also help answer questions about the relative risk of riding in various situations.
 - b. **Fiscal** implications are moderately significant due to additional accident investigation, developing a reporting format to meet objectives beyond typical traffic reporting and more data entry. However, the benefit of accurate information that can enhance rider safety in the long run is more valuable.
4. **Once the DNR implements a comprehensive ORV safety education and training program with a standardized curriculum, curricular materials should available on the internet at the DNR's website.**
 - a. **Rationale** is that this would provide round the clock access for virtually any Michiganian or visitor to clearly understand ORV law and regulations

as well as safe riding procedures. This may also encourage adults who are new riders to learn about ORV laws and safety, even when not required to by law.

- b. **Fiscal** implications are minimal.

Licensing

1. **ORV licensing should be done solely through the electronic license system, providing accurate and timely data about ORV licensees and clear information about the specific vehicle being licensed to a distinct individual. This should include the driver's license number and address of the licensee and the type of ORV.**
 - a. **Rationale** is that this will provide point of sale data entry capture to assist managers to rapidly detect trends in the types of ORVs being licensed for use, the proportion of new licensees versus on-going licensees, etc. In addition, it will be a valuable law enforcement data base to protect property (ORVs) and to establish the identity of the licensee of the ORV in question. This is a significant improvement compared to the current titling of ORVs by the Secretary of State. It is not possible from those records to determine which or how many motorcycles or large four wheel drive vehicles are used on the designated ORV system, or in the case of large vehicles, on the designated scramble area system. Currently more than 70% of annual ORV license sales are through the electronic licensing system. Of the remaining licenses done with "paper" sales, more than half are sold by one dealer, the Michigan DNR Parks and Recreation Division at Silver Lake State Park. Just adding one licensing terminal at Silver Lake State Park would appear to work well with the voucher system in place and provide the data needed to convert half the current "paper" license purchases to the electronic system.
 - b. **Fiscal** implications should be minimal. This will require one question (What type of ORV is being licensed? Is it a motorcycle, ATV, full size truck/SUV or other such as dune buggy, etc.) be asked by license agents. The implications are very positive however as this will eliminate a significant amount of paper records currently generated by license sales outside of the electronic licensing system and will provide accurate, timely information to program managers on who has one or more licensed ORVs and the number and type of ORVs licensed . Fiscal implications to those who currently sell ORV licenses by other than the electronic licensing system will need to invest in the system to continue license sales.
2. **ORV license dealers shall provide a copy of the ORV laws and a copy of ORV safety information to each ORV licensee annually upon their purchase of an ORV license.**
 - a. **Rationale** is that this is an effective and efficient way to communicate with all ORV licensees annually in a manner similar to that done with hunters and anglers through the annual licensing process, provided the information is physically distributed by the license agent.

- b. Fiscal** implications should be slight for the DNR as it may necessitate the printing of additional ORV safety and regulatory handouts. Fiscal implications to license dealers should be negligible.

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