

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

FOREST MANAGEMENT DIVISION

**STATE AID FOR RECREATIONAL AND SNOWMOBILE TRAILS AND
PERMANENT SNOWMOBILE TRAIL EASEMENTS**

(By authority conferred on the department of natural resources and environment by 1994 PA 451, MCL 324.82110 and 324.82110a, and Executive Reorganization Order Nos. 1991-22, 2009-31, MCL 299.13, 324.99919)

R 257.1521 Definitions; A to M.

Rule 1. As used in these rules:

(a) "Acquisition project" means the acquisition of land or rights to use land for a recreational and snowmobile trail or permanent easement.

(b) "Applicant" means a local unit of government or entity organized for educational and charitable purposes within the meaning of 26 USC 501(c)(3) that includes promoting and facilitating the expansion and improvement of the existing snowmobile trail system in this state with permanent snowmobile trails or nonprofit incorporated snowmobile club or organization applying for a grant.

(c) "Approval" means the signing of a project agreement by the state recreational trails coordinator resulting in allocating a specified amount of state aid funds for a specific purpose.

(d) "Assistance" means funds made available by the department to an applicant in support of the grants program.

(e) "Damages" means payment for items destroyed or damaged by snowmobile use on lands leased through this program.

(f) "Development project" means the development of support facilities, such as toilets, shelters, and bridges, or the construction and signing of a recreational and snowmobile trail.

(g) "Groom" means 1 complete maintenance operation for the full length of the approved trail.

(h) "Maintenance" means grading, grooming, mowing, and brushing of trails; sign replacement and post replacement; plowing parking lots and access roads; maintenance of toilets and shelter facilities; and normal repair of damages and replacement of facilities.

History: 1982 AACCS; 2011 AACCS.

R 257.1522 Definitions; P to T.

Rule 2. As used in these rules:

(a) "Permanent snowmobile trail" means a trail constructed over land in public ownership or land under permit or easement that is open to the public greater than 1 snowmobile season or 4 months.

(b) "Permanent snowmobile trail easement" means land purchased to allow use of private property for a permanent snowmobile trail that are open to the public greater than 1 snowmobile season or 4 months.

(c) "Project agreement" means a contract between the applicant and the department setting forth the mutual obligations with regard to a portion or all of a project.

(d) "Project period" means the period of time specified in the agreement during which all work shall be accomplished.

(e) "Recreational and snowmobile trail" means a marked route on public property or on private lands subject to public easement or lease which is designated by the sponsor for use by snowmobile operators and other nonconflicting recreational trail users.

(f) "Region" means a regional administrative office of the department.

(g) "Site" means a plot or parcel of land under lease, easement, or use agreement for a recreational and snowmobile trail.

(h) "Snowmobile route" means a marked route designated by a town, village, city, or county for use by snowmobiles. A snowmobile route connects authorized trails or offers entrance to, or exit from, trails leading to towns, villages, or cities.

(i) "Staging area" means an undeveloped recreational facility designated as a parking area where snowmobiles are unloaded to access a trail.

(j) "State recreational trails coordinator" means the person designated by the director of the department to coordinate and supervise the state aid program for recreational and snowmobile trails.

(k) "Temporary recreational and snowmobile trail" means a trail constructed over land controlled by a short-term easement of 1 snowmobile season or 4 months.

(l) "Trail" means a recreational and snowmobile trail.

(m) "Trailhead" means a recreational facility designated and developed as a parking area with associated appurtenances that serves as the access point of a trail or area.

History: 1982 AACCS; 2011 AACCS.

R 257.1523 Recreational and snowmobile trails; application procedures; grant selection process.

Rule 3. (1) An applicant shall apply for a grant on a form furnished by the department.

(2) The state recreational trails coordinator may establish regional committees comprised of appropriate trail users and department staff to assist on an annual basis in setting maintenance rates, trail design and grooming specifications, and in selecting grant recipients.

(3) Grant selection criteria and process shall be explained in the application form provided by the department.

History: 1982 AACCS; 2011 AACCS.

R 257.1523a Permanent snowmobile trail easements; application procedures; grant selection process.

Rule 3a. (1) An applicant shall apply for a grant on a form furnished by the department.

(2) To be eligible for a grant, an applicant shall be a local unit of government or be organized for educational and charitable purposes within the meaning of 26 USC 501 (c)(3) that includes promoting and facilitating the expansion and improvement of the snowmobile trail system in this state.

History: 2011 AACS.

R 257.1524 Recreational and snowmobile trails; acquisition of lands.

Rule 4. (1) The department may grant funds to an applicant to purchase lands or to secure easements, leases, permits, or other appropriate written agreements permitting the use of private property for recreational and snowmobile trails, facilities, and areas, providing the agreements give access to the public.

(2) Condemnation shall not be used.

(3) An applicant shall certify to the department that such lands, easements, leases, permits, or other appropriate agreements have been secured on a form provided by the department.

History: 1982 AACS; 2011 AACS.

R 257.1524a Permanent snowmobile trail easements; acquisition of lands.

Rule 4a. (1) The department shall expend money from the permanent snowmobile trail easement subaccount in accordance with MCL 324.82110a.

(2) Condemnation shall not be used.

(3) An applicant shall certify to the department that such lands and easements or other appropriate agreements have been secured.

History: 2011 AACS.

R 257.1525 Use of department lands.

Rule 5. (1) An applicant may enter into an agreement with the department to use lands owned or leased by the department for recreational and snowmobile trails, facilities, or areas.

(2) An agreement shall be signed by the applicant's authorized official.

History: 1982 AACS; 2011 AACS.

R 257.1526 Appraisals.

Rule 6. An appraisal is required prior to purchase of lands in fee title. An appraisal shall follow department guidelines. Guidelines may be obtained from the department.

History: 1982 AACCS; 2011 AACCS.

R 257.1527 Easements, leases, and permits; requirements.

Rule 7. (1) A minimum term of 4 months between December 1 and the following March 31 is the required duration of an easement, lease, or permit.

(2) The easement, lease, or permit shall be in writing.

(3) The department, when it deems it necessary for maintenance purposes, may provide for a longer term.

(4) After the department has approved a trail, the applicant may submit a signed certification in place of the leases or permits for future acquisition applications.

(5) The easement or lease shall include, at a minimum, all of the following rights:

(a) The right to post signs.

(b) The right of limited construction.

(c) The right of maintenance.

(d) The right of use by snowmobilers and other nonconflicting recreational trail users.

(6) Cost sharing shall be limited to the minimum land area necessary for the trail.

History: 1982 AACCS; 2011 AACCS.

R 257.1528 Recreational and snowmobile trails; development of trails, facilities, and areas; grants; cost; uses; proceeds.

Rule 8. (1) The development of trails, facilities, and areas shall be on a 100% grant basis, with 75% allocated at the time of approval by the department. The 25% balance will be allocated when the development project is completed and all applicable documentation required in R 257.1531 is submitted for reimbursement to the department.

(2) An applicant may receive grants to develop trails, facilities, and areas on public lands designated by the applicant, leased lands, or lands under agreement with the department.

(3) If proposed construction and improvement costs exceed an estimated \$10,000 per site, that site shall be purchased by the applicant or shall be secured by written easements or leases having a term of 3 or more years.

(4) Recreational and snowmobile trail facilities shall be developed in accordance with MCL 324.82110, and shall not be converted to uses that are inconsistent with the purpose of the program, unless approved by the department. Such approval shall not be granted unless there is evidence that the other uses are essential to, and in accordance with, an official comprehensive plan for the area that has been developed in accordance with MCL 324.82106.

(5) Proceeds from the disposal of recreational and snowmobile trail facilities developed under this program shall be returned to the snowmobile trail subaccount.

History: 1982 AACCS; 2011 AACCS.

R 257.1528a Permanent snowmobile trail easements; development cost; uses; proceeds.

Rule 8a. (1) Development of easements shall be on a 100% grant basis, with 75% allocated at the time of approval by the department. The 25% balance will be allocated when the development project is completed and all applicable documentation required in R 257.1531a is submitted for reimbursement to the department.

(2) An applicant may receive a grant to develop an easement only on private lands.

(3) Easements shall be secured under the authority of MCL 324.82110a, unless otherwise approved by the department. Such approval shall not be granted unless evidence exists of other uses essential to, and in accordance with, an official comprehensive plan for the area that has been developed in accordance with MCL 324.82106.

(4) Any proceeds from the sale of lands for easements purchased under this program shall be returned to the permanent snowmobile trail easement subaccount.

History: 2011 AACCS.

R 257.1529 Maintenance of trails, facilities, and areas; funding.

Rule 9. (1) A grant recipient shall maintain trails, facilities, and areas developed with funds from this program.

(2) Funds for maintenance of trails, facilities, and areas shall be up to 100% of cost of maintenance, excluding administrative costs, based on an annually prescribed maximum rate per mile.

(3) Only existing trails approved by the department shall be considered in an application for a grant for maintenance costs.

(4) Additional trails may be added to a grant application as the trails are completed. The grant recipient shall submit an amendment to the application for department approval prior to commencement of the trail.

History: 1982 AACCS; 2011 AACCS.

R 257.1530 Administrative costs.

Rule 10. Assistance from this program shall not be used for administrative costs of a grant recipient.

History: 1982 AACCS; 2011 AACCS.

R 257.1531 Recreational and snowmobile trails; financial administration and documents.

Rule 11. (1) Claims for payment of costs allowed in an approved grant shall be on a reimbursement basis, except for development costs.

(2) A grant recipient shall obtain department approval of a project agreement prior to incurring costs.

(3) The department shall use normal financial records of a grant recipient to determine reimbursement costs.

(4) Claims for payment shall be within the scope of the work, the project period, and the dollar amount of the grant as shown on the project agreement.

(5) Claims shall be submitted within 1 year of the project termination date.

(6) Amendment requests for changes in the scope of the work, the project period, or the amount of the grant shall be submitted in writing to the state recreational trails coordinator.

(7) After the department has approved the initial application for acquisition, development, and maintenance, a grant recipient may certify on subsequent applications that land control documents are on file for the entire trail. The certification shall be signed by a grant recipient's authorized official.

(8) New land control documents shall be submitted if there is a change in trail location or ownership.

(9) The following financial documents of an acquisition grant are required for reimbursement:

(a) Cancelled checks, front and back.

(b) Land control documents.

(c) Appraisals, options, and other detailed documents which are required for fee title acquisition.

(10) The following financial documents of a development and maintenance grant are required for reimbursement:

(a) Vendor invoices which support the cost of development.

(b) Cancelled checks, front and back.

(c) Contracts and agreements.

(d) Machine usage records.

(e) Force account labor costs in hours and rates.

(11) The following financial documents of a snowmobile signing grant are required for reimbursement:

(a) Vendor invoices.

(b) Cancelled checks, front and back.

History: 1982 AACCS; 2011 AACCS.

R 257.1531a Permanent snowmobile trail easements; financial administration and documents.

Rule 11a. (1) Claims for payment of costs allowed in an approved grant shall be on a reimbursement basis.

(2) Grant recipient shall obtain department approval of a project agreement prior to incurring costs.

(3) Grant recipient shall provide financial records to the department for determination of reimbursement costs.

(4) Claims for payment shall be within the scope of the grant, the project period, and the dollar amount of the grant as shown on the agreement.

(5) Claims shall be submitted within 1 year of the grant termination date.

(6) Amendment requests for changes in the grant, the project period, or the amount of the grant shall be submitted in writing to the state recreational trails coordinator.

(7) New land control documents shall be submitted if any change in trail location or ownership occurs.

(8) The following financial documents of an acquisition program are required for reimbursement:

(a) Cancelled checks, front and back.

(b) Land control documents.

(c) Appraisals, options, and other detailed documents which are required for fee title acquisition.

(9) The department fee schedule may be used for land rights compensation for snowmobile trail easements and is available from the department.

History: 2011 AACS.

R 257.1532 Audits.

Rule 12. (1) The records of a local unit of government relating to this grant program shall be audited by the department during the course of the routine annual examination of the records of offices of local units of governments, or at such time as the department deems an audit necessary or desirable.

(2) The records of an organization or association relating to this grant program shall be audited by the department when the department deems an audit necessary.

(3) Records relating to this program shall be retained for a period of 1 year after an audit has been made by the department.

History: 1982 AACS; 2011 AACS.

R 257.1533 Availability of allocations.

Rule 13. Allocations under this program shall remain available until expended if a project agreement has been entered into.

History: 1982 AACS.