

Ottawa County Musketawa Trail/Triick Farm Impasse

Report and Recommendations



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Ottawa County Planning Commission



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Joe Baumann
Greg DeJong
Adam Kantrovich
Jim Miedema
Bill Miller
Roman Wilson
Doug Zylstra

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I. INTRODUCTION

In 1991, the Michigan Department of Natural Resources (MDNR) purchased 24.5 miles of inactive railroad from the Central Michigan Railroad for recreational trail purposes. This includes a section of corridor east of 8th Avenue that runs adjacent to the Triick Family Farm (**Attachment A**). This particular railroad bed is a small section of an overall DNR plan (*Ottawa-Muskegon Trail: Final Draft Master Plan – 1993*) to connect the Musketawa Trail in Ottawa County to the White Pine Trail in Kent County (**Attachment B**).

In 2005, \$2.4 million in funding was earmarked in the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) to develop the pathway connection. In addition to this funding, a 20% match is being provided by the MDNR and the Kent County Parks Department. A total of \$480,000 is intended to be used to develop the Ottawa County portion of the trail from 8th Avenue to the County line (**Attachment C**). The new pathway connector will be owned and maintained by the MDNR.

On the surface, this route appears to be a project that would receive unanimous support from the community. However, because the pathway bisects a working beef cattle feedlot operation that is adjacent to the proposed pathway there is widespread opposition in the agricultural community (**Attachments D & E**). This opposition is based on claims that the pathway will have a significant negative impact on the sustainability of the feedlot. So while the pathway does receive strong support from advocates in the recreational community, it has equally strong opponents in the agricultural community.

The feedlot in question is owned and operated by John and Kristine Triick and their children. The Triick farm is located on two separate parcels that are bisected by the proposed pathway corridor owned by the MDNR (**Attachment F**). The Triick farm has been in operation since 1932 when it was first purchased from the railroad by the Triick Family. The Triicks utilize a feedlot (approximately 31 acres) and a farm operation area (approximately 9 acres) to raise beef cattle. The profitability and sustainability of this agricultural business is dependent on getting the cattle to market in the shortest period of time possible from the time they are purchased by the Triicks (approximately 8-12 months). To remain profitable, the cattle must be continually eating and gaining weight. The Triicks are concerned that the activity that accompanies a regional, non-motorized pathway will negatively impact their cattle and their ability to gain weight. The rationale behind these concerns is discussed in greater detail in the next section of the report (Issues & Concerns Section).

The conflict that has developed as a result of this proposed pathway has gained the attention of many local and state officials who have attempted to resolve the stalemate between the MDNR and the Triicks. To date, no acceptable resolution has been achieved. Due to the concerns regarding the impacts to the farmer, the Ottawa County Board of Commissioners passed a resolution on August 24, 2010 requesting that “further development and implementation of the proposed pathway park within Ottawa County be halted and delayed by the [Michigan Department of Natural Resources (MDNR)], until all of the options, including alternative routes and mitigation efforts have been fully explored, discussed, and agreed upon” (**Attachment G**). Additionally, the Board of Commissioners referred the issue to the Ottawa County Planning Commission. The Planning Commission is to provide a report which reviews these issues and present them to the Board of Commissioners. The MDNR October 4, 2010 response to the Board of Commissioners Resolution is provided in **Attachment H**.

It is important to recognize that the Ottawa County Planning Commission and Planning and Performance Improvement Department have historically been strong supporters of both local and regional non-motorized pathways and general agriculture. As a matter of fact, Ottawa County Planners developed a comprehensive, countywide non-motorized pathway plan that has been extensively used in local, county, and regional pathway planning efforts. The planners have also assisted in fundraising efforts to construct both paved shoulders and separated pathways in Ottawa County. They have also been involved in several agricultural initiatives (i.e. Rural Smart Growth Program, PDR Committee, Scratch N Sniff Manure Brochure, etc.) designed to preserve farmland.

As a result of the Planning Commission and Planning Department’s strong advocacy for both recreational opportunities and agricultural preservation efforts as well as the contributions that both make to the quality of life in Ottawa County, extensive deliberation occurred during the development of this report in an attempt to provide relevant background information, a concise list of the pertinent issues that have contributed to the conflict, and a recommendation for future action to achieve an equitable and fair outcome for both the recreation and agricultural communities.

II. ISSUES & CONCERNS

Many concerns have been raised by the agricultural community regarding the impacts of the proposed Musketawa-Fred Meijer White Pine Trail Connection on the Triick cattle feedlot. Concerns have also been raised by supporters of the pathway about the problems that will occur if the trail is not constructed along the MDNR-owned rail-bed.

In order to analyze the validity of each concern, several site visits have been made to the farm by Ottawa County officials and members of the Ottawa County Planning Commission. Several meetings and discussions have also been held with agricultural experts, the Kent County Road Commission (KCRC), the Ottawa County Parks Department, MDNR, Triick family members, and other stakeholders. In certain instances, “expert opinions” were sought from several individuals who reside and work outside the State of Michigan. These individuals are highly respected in their fields and were unfamiliar with the project.

This section of the report summarizes each concern identified by the Triicks and the supporters of the pathway (i.e. pathway supporters). The concerns identified by the farmer include, but are not limited to, the following: *Cattle disturbances; Bio-security; Trespassing and vandalism; Nuisance complaints; Safety; Liability; and Incompatible land-uses*. The issues identified by pathway supporters include, but are not limited to, the following: *Completing construction in a timely manner; Accountability for use of tax payer funds; Farmer has been unwilling to cooperate; and Lack of viable alternatives*.

Included in each summarized concern are any counterpoints and rebuttals from the opposing party as well as “expert opinions.” Findings from site visits to the Triick property are also provided.

A. Concerns identified by the farmer:

1. CATTLE DISTURBANCE – CAUSED BY TRAIL USERS

Summary of Concern:

Activity from trail users will cause the cattle to investigate or be alarmed by the activity and stop eating. The resulting break in food consumption, and the increased calorie burn from additional movement, reduces weight gain in the cattle. This situation can increase the length of time that cattle need to be in the feedlot in order to gain weight which, in turn, will result in a negative financial impact on the farmer.



Cattle checking out people on the trail

Disturbances that cause cattle to trot or run in the feedlot can also be particularly dangerous in the winter season. Cattle could potentially lose their footing on ice and become injured if startled or panicked by trail use.

Counterpoint 1: Cattle will become accustomed to people on the trail and will eventually not be bothered by trail users.

Rebuttal: Cattle in the feedlot turn-over every 8-12 months. The cattle are also not handled on a regular basis and therefore, are not accustomed to people. As a result, the cattle will not have adequate time to become accustomed to trail users which will have a significant impact on the profitability of the farm.

Counterpoint 2: There is adequate vegetation between the trail and the feedlot to screen the cattle from the trail. Also, a portion of

the trail cannot be seen from the feedlot because it is below the feedlot grade. Additional screening (landscaping and berms) was proposed by the Ottawa County Parks Department (**Attachment I**).

Rebuttal:

There is not adequate screening along the trail (**Attachments J & K**). The trail does dip below the grade at some points, but that would not prevent individuals from climbing the berm to the feedlot. Additionally, the



This is a view of the feedlot from the trail

screening developed by the County Parks Department includes berms which would require using 50' of the feedlot.

The MDA has also indicated that several catch basins may be required to prevent water from accumulating in the feedlot if the proposed landscaping was implemented.

Counterpoint 3:

Cattle farms are located near highways and areas with high vehicle traffic all over the State. Traffic noise is much louder and more disturbing than people using a non-motorized trail.

Rebuttal:

Noise from automobile traffic is usually a steady and consistent stimulus much like white noise. This type of noise does not typically upset cattle.

Counterpoint 4:

The proposed trail corridor used to be an active rail-line, which would have disturbed the cattle more than a non-motorized trail.

Rebuttal:

The sound produced by trains is similar to the noise of traffic and farm equipment, of which the cattle are accustomed. In fact, trains still run on the active Coopersville/Marne Railway that bisects the Trick Farm one or two times per month without disturbing the cattle. There is also a verbal agreement with the railroad that the train engineers to not blow their horn near the property.

Expert Opinion:

Dr. Jason Banta, Extension Beef Cattle Specialist, Texas A&M University: *“The movement of people around feedlots may reduce cattle weight gain and feed efficiency... (A reduction in performance is likely but it is hard to predict an exact amount because of several variables that will be constantly changing; some of these variables include cattle disposition, previous exposure of cattle to similar stimulus, the frequency and magnitude of human activity around the feedyard).”*

Dr. Andrew Luescher, Director of the Animal Behavior Clinic at Purdue University: *“Yes, they (the cattle) can habituate to trail users. I can't tell how long this will take. This depends on how much exposure to people they had before, and how many people walk on the trail. The more people walk by, the*

more readily the cattle get used to them. If there are very few people going by, they may never get used to it.”

Site Visits: After site visits to the farm by Ottawa County officials and staff, it was evident that the cattle in the feedlot respond to people on the trail. During each visit, the cattle would stop eating and trot to the fence line. Cattle in the feedlot are expected to gain weight at a rate of approximately 3.5 to 4 pounds per day. Without that weight gain, the entire business model for the farm is impacted.

2. CATTLE DISTURBANCE – CAUSED BY DOGS ON THE TRAIL

Summary of Concern: **Dogs on the trail will disturb the cattle, interrupt their feeding, and impact their ability to gain weight. If dogs bark near the cattle or are able to enter the feedlot to chase cattle, it could startle the cattle so severely that they stampede through barn walls or fencing. This creates a public safety issue, nuisance issue for the farmer, and would impact cattle feed consumption and weight gain.**

Counterpoint 1: Cattle will become accustomed to dogs on the trail.

Rebuttal: The cattle may never become accustomed to dogs because of the 8-12 month turnover rate.

Counterpoint 2: Dogs are allowed on the trail but must be on a leash no longer than 6 feet.

Rebuttal: Not all trail users keep their dogs leashed even if it is required by park rules. Additionally, a dog owner may not be able to control their dog once it has noticed the cattle regardless of whether or not it is on a leash.

Expert Opinion: Dr. Lynn Locatelli, Doctor of Veterinary Medicine, Cattle Management Consultant in Benkelman, Nebraska: *“People cannot be counted on to act responsibly so - their children or dogs may instill fright in the confined cattle (by startling them with behaviors that the cattle are unacclimated to) which may then result in a breakout. This is common. Expect the cattle that impact the fence first to break their necks or legs. The escaping cattle then become a liability on roadways...This IS a likely scenario.”*

Dr. Andrew Luescher, Director of the Animal Behavior Clinic at Purdue University: *“Many dogs get excited about cattle, especially when they move. In cattle dogs and herding dogs, this is an innate trait. Many dogs that have never seen cattle may become fearful and may bark just because they are insecure. On a trail, some dogs will be off leash.”*

3. CATTLE DISTURBANCE – CAUSED BY MOTORIZED VEHICLES ON THE TRAIL

Summary of Concern: **Motorized vehicles would not be allowed on the section of the trail that is proposed to be adjacent to the Triick Property. However, motorized vehicles such as snowmobiles are allowed on the Musketawa Trail north of 8th Avenue. Thus, there is concern that the trail rules will be ignored and that motorized vehicles will be used on the trail near the Triick property.**

Counterpoint 1: Signs could be posted indicating that motorized vehicles are not allowed on this section of the trail.

Rebuttal: Trail users may ignore the signs and the County Sheriff's Department may not be able to provide constant patrols to enforce these rules.

Counterpoint 2: Bollards (i.e. short vertical post) could be installed that would prevent motorized vehicles from accessing this section of the trail. Additionally, any gaps in the existing vegetation along either side of the pathway will be blocked with brush (e.g. tree limbs and stumps) that are removed for trail construction.

Rebuttal: Brush could be moved by trail users in order to gain illegal access. Additionally, accumulated snow would allow snowmobilers to traverse otop of brush piles.

4. PUBLIC HEALTH

Summary of Concern: **There is concern that manure will end up on the portion of the trail shared with the farming operation.**

Counterpoint 1: The risk of disease transmission from manure to trail users will be negligible.

Rebuttal: The risk may be minimal, but it is not out of the realm of possibilities.



This is the gravel farm-road that crosses the trail (looking south). The feedlot is situated directly north. The railroad tracks/trail can be seen in the middle of the picture. The small building at the center of the picture is the fuel storage facility.

Expert Opinion: Dr. David R. Smith, Extension Dairy/Beef Veterinarian University of Nebraska-Lincoln: *“Cattle manure can be the source of dangerous pathogens for people (e.g. enterohemorrhagic E. coli and Salmonella)...if the trail provides people or their dogs direct contact with the manure from this feedyard then there may be some increase in the health risk to humans.*

5. BIO-SECURITY

Summary of Concern: **Trail activity along the proposed route would increase the bio-security risk (i.e. transfer of disease) of the farm.**

Counterpoint 1: The bio-security risk from trail users will be negligible. Trail users will not have access to the feedlot itself or the cattle.

Rebuttal: Trail users will cross a section of the trail shared with the farming operation. As a result, contaminated soil can be transferred from trail user's shoes/boots to farming equipment tires and then into the feedlot.

Expert Opinion: Dr. David R. Smith, Extension Dairy/Beef Veterinarian University of Nebraska-Lincoln: *“If the question is “what increased disease risk does a recreational trail pose to the cattle in this feedlot?” The answer is almost zero additional risk. Any*

additional risk for cattle disease that people or dogs from suburban/urban settings using the trail would pose is negligible compared to the additional risks from adding new cattle (even with quarantine), or from the movement of people with close livestock contact (e.g. farm personnel, veterinarians)....”

6. TRESSPASSING AND VANDALISM

Summary of Concern:

Increased access to the Triick farm from the proposed trail will increase trespassing and vandalism on the property.

Counterpoint 1: If someone wanted to trespass and/or vandalize the Triick Farm property they could easily access it from the road.

Rebuttal:

The trail will expose the farm and its operation to people who



View of farm equipment from the trail

would not normally be in close proximity to the farm. Moreover, trail users would have easy access to farming equipment such as fuel tanks, trucks, trailers, barns, and tractors.

Counterpoint 2: The Triicks could take steps to mitigate any perceived risk.

Rebuttal:

The steps that would need to be taken to mitigate trespassing or vandalism could be cost prohibitive.

Counterpoint 3: Trail users are responsible and respectful of adjoining properties.

Rebuttal:

Many trail users are responsible and respectful of adjoining properties; however, there will be some trail users who are not responsible and blatantly disrespectful.

Site Visits:

The proximity of equipment and supplies to the trail on the Triick property could make it enticing for an opportunistic individual to trespass.



View of farm buildings from the trail

Additionally, a review of the complaints by property owners adjacent to the Musketawa Trail filed with the Ottawa County Sheriff's Department and the County Parks Department revealed that only a few complaints had been filed. However, there are instances where a call is made but a report is not filed due to a lack of

evidence. For instance, if a complaint is made that a snowmobile is trespassing on private property, but the snowmobile is no longer on the premises when the police officer arrives, a report may not be filed.

7. NUISANCE COMPLAINTS

Summary of Concern:

Everyday farming activities that cause dust and odors will be viewed negatively by trail users. Additionally, cattle being out in the cold, cattle being perceived as sick, the handling of cattle (appearing rough), cattle feed appearing unappetizing, cattle dying in the field, manure on the trail at the crossing point, and other everyday farming practices may leave a negative impression on the trail users who are not accustomed to farming operations. Because of the close proximity of the farm to the trail, this is a likely scenario. As a result, individuals may be inclined to file complaints against the farmer.

Counterpoint 1: The majority of the path is vegetated, and the Triick's could screen the view of trail users by parking their semi-trailers in the feedlot.

Rebuttal: There is not complete screening along the trail. Also, parking semi-trailers in the feedlot would reduce the amount of available land for cattle.



Counterpoint 2: The Triick farm would be protected from complaints by the Right to Farm Act.

Rebuttal: The Right to Farm Act (PA 93 of 1981) also allows the farmer to recover costs and expenses incurred in defense of the farming operation if the court finds in favor of the farmer. However, this will not prevent complaints from being filed and creating a nuisance for the farmer.

Counterpoint 3: Trail users can avoid this section of the trail if bothered by the unpleasant odor or sights.

Rebuttal: All it takes is one unpleasant experience for a nuisance complaint to be filed.

8. PUBLIC SAFETY

Summary of Concern:

Trucks, semi-trucks with trailers, and tractors pulling farming equipment will need to be driven over the trail between the two parcels owned by the Triicks as a part of day-to-day farming operations. At certain times of the year, there may be as many as 100 vehicular crossings per day. This farm traffic could create a safety issue for trail users and a liability issue for the farmer. There is also another agricultural operation east of the Triick property that will require a trail crossing. Additionally, the Triicks have an electrified fence that encloses the feedlot. The fence is easily accessible from the trail, and could be dangerous to trail users.

Counterpoint 1: The Triick's estimate of the amount of crossings is highly inflated.

Rebuttal: 15 crossing per day will be required at minimum during the non-harvest season. It is during the harvest season that up to 100 trail crossings will be required.



View of the farming trucks from the trail

Counterpoint 2: Stop signs could be installed creating a 4-way stop at the crossing.

Rebuttal: Trail users may not yield or stop even if signs are posted. The farmer may also not see a trail user who decides to disregard the signage.

Counterpoint 3: Signs could be posted to inform trail users about the electrified fence.

Rebuttal: All it takes is for one individual to touch the fence to cause a problem. Electrification from the fence could cause injury and pose liability issues for the farmer.

Expert Opinion: Dr. Lynn Locatelli, Doctor of Veterinary Medicine, Cattle Management Consultant: *“In regards to your comment about the feedlot personnel making 100 trips per day across the trail area - this COULD DEFINITELY be a reality if that is what is required during corn harvest or silage harvest. In this case THE TRAIL MUST BE SHUT DOWN TO RECREATION for the safety of everyone. Corn harvest is a busy, busy time. The ag operations are often working around weather and often hire custom crews and additional machinery and are busy from sunrise to sunset. RECREATION CANNOT be allowed to hinder the feedlot personnel from harvesting their year's corn crop to feed the cattle. IT IS NOT SAFE TO HAVE RECREATIONAL PEOPLE IN THE WAY OF MACHINERY.”*

9. LIABILITY TO TRIICK FAMILY

Summary of Concern: Accidents by trail users that stray off of the trail corridor may result in legal issues for the Triick farm.

Counterpoint 1: The Triick farm would be protected by the Natural Resources and Environment Protection Act (Act 451 of 1994) from any litigation that arises from trail users that enter their property without permission except in cases of gross negligence by the farming operation.

Rebuttal: This is true. However, gross negligence is an open-ended term that may require a court to define.

10. INCOMPATIBLE USES

Summary of Concern: Michigan Department of Agriculture regulations state, “New livestock production facilities should not be constructed within 1,500 feet of hospitals, licensed commercial elder care facilities, licensed commercial childcare facilities, school buildings, commercial zones, parks or campgrounds.” In this case, a

proposed linear park (i.e. pathway) will be constructed next to a livestock production facility. Also, the parcel is zoned agricultural and is designated as agricultural in the future land use plan of Wright Township. The intent of the Wright Township Agricultural District is to ensure agricultural production is “unimpeded by the establishment of incompatible uses which would hinder farm operations”. In this particular case, the proximity of buildings and farming equipment, as well as the intensive nature of the farm, make a recreational trail inconsistent with the farming use.

Counterpoint 1: Recreational trails commonly run adjacent to agricultural property without conflict. Agricultural property and trailways are not incompatible land-uses.

Rebuttal: Farming operations dedicated to crops or other low impact agricultural activities may not be considered ‘incompatible’ with recreational trails. The Triick farm is a large, intensive, cattle operation and, according to the Stephen Mahoney, Michigan Department of Agriculture, Environmental Stewardship Division, “MDA would NOT recommend a new large livestock facility to be built next to or in the proximity of a high public use area.”

Counterpoint 2: The proposed route is on State-owned property, and has the legal authority to develop the land as a non-motorized trail.

Rebuttal: The State should consider each property use on a case-by-case basis as well as the potential impact and conflicts that could result from incompatible uses.

B. Concerns identified by pathway supporters:

1. COMPLETING CONSTRUCTION IN A TIMELY MANNER

Summary of Concern: The MDNR has indicated that they plan to bid out the trail construction contracts in early 2011 and that construction will begin before the end of the year. If the proposed trail route is not implemented, the development of a connection between the Musketawa and White Pine Trail would be significantly delayed and possibly canceled.

Counterpoint 1: If the pathway route is constructed, it could significantly impact the cattle operation and possibly force it out of business. It is imperative that the trail be sited in a location that achieves an equitable and fair outcome for both the recreation and agricultural communities.

2. ACCOUNTABILITY FOR USE OF TAXPAYER FUNDS

Summary of Concern: The trail connection has been a work in progress for several years, and a significant amount of public funding has already been spent in order to implement the proposed trail route. The MDNR has incurred the cost of purchasing the abandoned rail corridor adjacent to the Triick farm. Also, \$50,000 has been spent on design work, and \$150,000 on engineering. Additionally, the MDNR purchased easements along the active Coopersville/Marne rail line as part of the proposed connection. If an alternative route is used or if the trail connection does not occur as proposed, then this funding will have been wasted.

Counterpoint 1: Of the \$200,000 in funding that has been spent on design work and engineering, the portion spent for Ottawa County is \$40,000. This is far less than the potential losses that could be incurred by the farmer impacted by the pathway. Almost the entire Coopersville/Marne rail line easement that was purchased (\$206,472) east of Triick farm would still be utilized if an alternative pathway was developed. Only a small portion of the easement, from the Triick farm to Hayes Street, would not be utilized (**Attachment L**).

Additionally, the original purchases of rail line adjacent to the Triick farm, as well as the most recent easement purchase on the Coopersville/Marne rail line, were made without any prior discussions having occurred with the Triick family. Based on the intensity of the feedlot operation, the proximity of the feedlot to the pathway, and the bisecting of farms operations, the MDNR should have been more discerning and transparent in their dealings. This could have helped prevent the current situation that has resulted from this proposed route.

3. FARMER HAS BEEN UNWILLING TO WORK WITH MDNR

Summary of Concern:

The MDNR has met with the Triicks on several occasions. The MDNR contends that some of the design elements that were proposed would mitigate the perceived negative impacts to the farm; however, the Triicks have been unwilling to cooperate.

Counterpoint 1: The Triick family is not being ‘uncooperative.’ The family is simply trying to identify an alternative trail route that would not negatively impact their farming operation (**Attachment M**).

The first meeting the MDNR had with the Triick family to discuss the proposed trail connector was February 9, 2009. It was explained by the MDNR that this route was the only viable connector between the Musketawa and White Pine Trails. A second meeting was held January 8, 2010 during which the Triick family requested that the MDNR evaluate another possible alternative route along a Consumers Energy easement east of 8th Avenue. In a letter dated July 14, 2010, the Triicks were informed that this route was also not viable.

The July 14 letter also included an application form for the Triick family to resolve their apparent illegal crossing of state-owned land. The family has been crossing the railroad tracks for more than 80 years and has never been required to apply for a permit until concern was expressed with regard to the proposed trail connector. If the crossing is not permitted, the State would essentially shut down the operation of the farm since this is the only access to the feedlot.

The MDNRE has persisted that the Triicks resolve their illegal crossing issue which has exacerbated communication between the two parties. In fact, an October 1, 2010 letter from the MDNRE again requested that the Triick family secure a legal right to cross state land (**Attachment N**). It

would seem that this crossing issue would be best placed on the back-burner until the trail route is finalized in order to avoid inflaming the issue.

4. LACK OF VIABLE ALTERNATIVES

Summary of Concern:

A thorough review of potential alternative connection routes was conducted. The review revealed that other routes are not viable because of the following obstacles: Unwilling sellers; Additional risks to trail users due to an increased number of drive crossings; Undesirable impact to landowners, Negative impacts to natural resources; and Cost. Additionally, Ottawa County has indicated that there is no County funding available for an alternative route.

Counterpoint 1: A review of alternative routes was conducted, but it was not all inclusive. To our knowledge, only two property owners were contacted to determine if they were willing to provide/sell a pathway easement for an alternative route. Additionally, at least one new alternative route has been developed by the County Planning Department.

Further, each of the alternative routes has a similar number of roadway crossings as the current proposed route. Also, driveway crossings are a common occurrence on many trails across the State including the heavily used non-motorized pathway along Lakeshore Drive. As a result, there will not be an increased safety risk to trail users if an alternative route is selected. Some of the alternative routes may require the removal of bushes or trees from private property depending upon the distance from the trail. However, this would have to be determined on a case by case basis.

Ottawa County is supportive of the connector and agrees that it has regional significance. But, Ottawa County should not be responsible for funding an alternative pathway because it believes the pathway must be developed in a location that achieves an equitable and fair outcome for both the recreation and agricultural communities.

A detailed and thorough review of the alternative routes that have been proposed is provided in the next section of the report.

III. ALTERNATIVE ROUTES

In an attempt to eliminate the concerns expressed by the agricultural community regarding the proposed pathway, the feasibility of several alternative routes was analyzed. In 2009, the Ottawa County Parks Department (OCPD) identified seven potential routes (**Attachment O**). Additionally, in 2010, the Kent County Road Commission (KCRC) developed an additional alternative route. Finally, during the development of this report, another possible route was identified by the Ottawa County Planning and Performance Improvement Department (OCPPI). A general map of the proposed routes is included in **Attachment P**. A detailed map of each alternative route is provided in **Attachments Q-X**.

The chart below provides an overview of these routes and lists the number of road crossings, properties requiring easement negotiations, the length of each trail, and the additional, estimated cost that would be incurred to construct the alternative route.

Musketawa – White Pine Trail Connection Alternative Route Comparison				
	Road Crossings (Musketawa Trailhead to Kent County Line)	Number of Properties Requiring Easement Negotiation (Musketawa Trailhead to Kent County Line) ¹	Estimated Length of Trail in miles (Musketawa Trailhead to Kent County line)	Additional Estimated Cost to Construct Alternative Route²
MDNR PROPOSED ROUTE (COST: \$480,000)	3	2	1.7	---
MDNR Proposed Route w/Screening/Landscaping (OCPD) ³	3	2	1.7	\$163,500
8 th Avenue to Hayes (OCPD)	3	26	2	\$721,950
8 th Avenue South to Highway ROW to Hayes (OCPD)	4	25	2.1	\$687,750
Garfield Street/Five Mile Road (OCPD)	3	31	3.7	\$621,850
Neighboring Properties (Veltcamp Bog) ⁴ (OCPD)	3	4	1.8	\$535,750
Neighboring Property (Veltcamp) ⁴ (OCPD)	3	3	1.6	\$117,250
Consumer’s Energy Corridor (Kent County) ⁵ (OCPD)	N/A	N/A	N/A	N/A
Consumer’s Energy Corridor to Hayes (KCRC)	3	12	2.2	\$355,000 ³
Consumer’s to Coopers/Marne Railway to Hayes (OCPPI)	4	7	2.2	N/A

OCPD –Ottawa County Parks Dept KCRC - Kent County Road Commission OCPD – Ottawa County Planning Department

1. Source: Ottawa County Planning and Performance Improvement Department
2. Source: Ottawa County Parks Department and Kent County Road Commission respectively. These are estimates only.
3. Route unfeasible due to the negative impacts it would have on the feedlot operation
4. Route is unfeasible due to opposition by property owner
5. Route is unfeasible because the proposed Consumer’s Energy line in Kent County is on privately owned property.
6. Does not include the cost of a guard rail/barrier which may be required or the cost of purchasing an easement from Consumer’s Energy

The Ottawa County Parks Department developed a list that provides the pros and cons for the alternative routes they developed (**Attachment Y**). Additionally, in an October 1, 2010 letter sent to the Triicks, the MDNR listed several obstacles that, in their opinion, made the alternative routes unviable. The obstacles include the following: unwilling sellers, additional risks to trail users due to the increased number of drive crossings, potential for vehicle pedestrian conflicts, undesirable impact to landowners, negative impacts to natural resources, and costs.

Although four alternatives were eliminated due to insurmountable obstacles, five alternatives remain which could be explored further. Each route has its own set of obstacles, but these may be possible to overcome. A synopsis of the major issues with each route is as follows:

8th Avenue to Hayes

Obstacles: Require negotiations with 26 private property owners (14 in Public Right of Way); Approvals required from the Ottawa County Road Commission (OCRC); May require removal of trees/bushes; Difficult construction due to ditches/wetlands.

8th Avenue South to Highway ROW to Hayes

Obstacles: Require negotiations with 25 private property owners (14 in Public Right of Way); Approvals required from OCRC; May require removal of trees/bushes; Difficult construction due to ditches/wetlands.

Garfield Street/Five Mile Road

Obstacles: Require negotiations with approximately 31 private property owners, six in Ottawa County and 25 in Kent County (counts in Kent County determined using Google Earth, Right of way data for Kent County was unavailable); May require removal of trees/bushes; Approvals required from the Ottawa and Kent County Road Commissions; Difficult construction due to ditches/wetlands.

Consumer's Energy Corridor to Hayes

Obstacles: Require negotiations with 12 private property owners (5 in Public Right of Way); Approvals required from Federal Highway Administration and MDOT to use highway right-of-way; May require barrier or guardrail in MDOT right-of-way; Approval required from OCRC; Difficult construction due to ditches/wetlands

Consumer's to Coopers/Marne Railway to Hayes

Obstacles: 4 road crossings; Require negotiations with 7 private property owners including John Triick (1 in Public Right of Way); Approval required from OCRC; May require removal of trees/bushes; Difficult construction due to ditches/wetlands

Although there are obstacles to overcome and additional cost that would be incurred, the alternative routes provide viable options that would achieve an equitable and fair outcome for both the recreation and agricultural communities.

IV. CONCLUSIONS & RECOMMENDATIONS

The Ottawa County Planning Commission and the Planning and Performance Improvement Department have consistently been strong advocates for both recreational opportunities and agricultural preservation efforts in Ottawa County. They also recognize the contribution that each of these areas make to the quality of life. To that point, extensive research and deliberation occurred to develop a report that includes recommendations for future action which provide the best chance of achieving an equitable and fair outcome for both the recreation and agricultural communities.

In this particular situation, it has been difficult to achieve a win-win result because of the polarizing effect of the issue at hand and the passion of recreational and agricultural interest groups. It is our opinion that a mutually agreeable solution was negatively impacted by an underlying potential for this situation to result in legal action between parties. To some extent, there has been an issue with transparency that did not promote dialogue or resolution of the situation. Although there were several communications and meetings, there were no formal, written proposals provided to the Triick family regarding the early pathway plans that were being developed or the subsequent design elements that were proposed by the MDNR to mitigate the perceived negative impacts to the farm. This type of formal communication is essential in situations involving this much contention and passion.

Even if transparency and communication had been better, the fact remains that there are valid concerns about the impact of this pathway on the Triick's cattle feedlot operation. Site visits to the farm, extensive research, and discussions with agricultural experts all lead to the conclusion that the farming operation would be negatively impacted by the trail. This conclusion is based on cattle disturbances which will occur, the potential for stampedes/injuries in the herd, public health issues related to pathogens in manure, and public safety issues resulting from farm machinery crossing the trail. Additionally, nuisance complaints,

trespassing, vandalism, and legal liability are also legitimate concerns that this farmer will likely encounter if the trail is developed as proposed. Not only do these challenges pose a risk to the profitability and viability of the Triick farm, these challenges pose financial and legal risks that the Triick family should not have to be burdened with.

Although there have been other trails developed in agricultural areas of the State and country without significant negative repercussions, this appears to be the first time a trail would be developed in such close proximity to a cattle feedlot operation. In addition to the distinctive challenges that are associated with an intensive livestock facility, this farming operation poses unique problems that have not been faced on other farms near trails that include trail crossings. As a matter of fact, Wright Township created their agricultural zoning district so farms would be “unimpeded by the establishment of incompatible uses which would hinder farm operations.” Additionally, the Michigan Department of Agriculture (MDA) has indicated they would not support the placement of a cattle feedlot next to an existing pathway because they are incompatible uses. To that point, it does not seem prudent to develop a trail next to an existing feedlot and intensive farming operation that has so many potential points of conflict with the pathway and its users. The negative impacts that would occur to the Triick feedlot operation offset any positive outcomes that will result from a pathway connection between Kent and Ottawa County as proposed by the MDNR.

The Ottawa County Planning Commission and the Planning and Performance Improvement Department are accustomed to being involved in controversial and politically charged planning projects. In most of these instances, it has been possible to develop win-win positions that reduce the level of controversy and conflict that is associated with these planning projects. It is our hope that this will be the result in this situation as well.

The basis for this hope lies primarily in the invaluable partnership that has existed for years between Ottawa County and the MDNR. This partnership has resulted in the preservation of invaluable lands and recreational opportunities in the County that are available for residents of the entire State. In the spirit of this longstanding partnership and in light of the serious land-use conflicts that exist between the proposed pathway and the Triick feedlot, it is proposed that the Ottawa County Planning Commission, the MDNR, MDA, the KCRC, the agricultural interest groups, and the recreational interest groups work collaboratively to re-analyze, review, and select an acceptable alternative route. In addition, this group could work together to identify additional funds that may be needed to off-set expenses that will be incurred by the MDNRE to construct an alternative path.

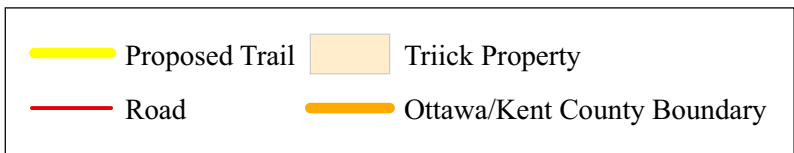
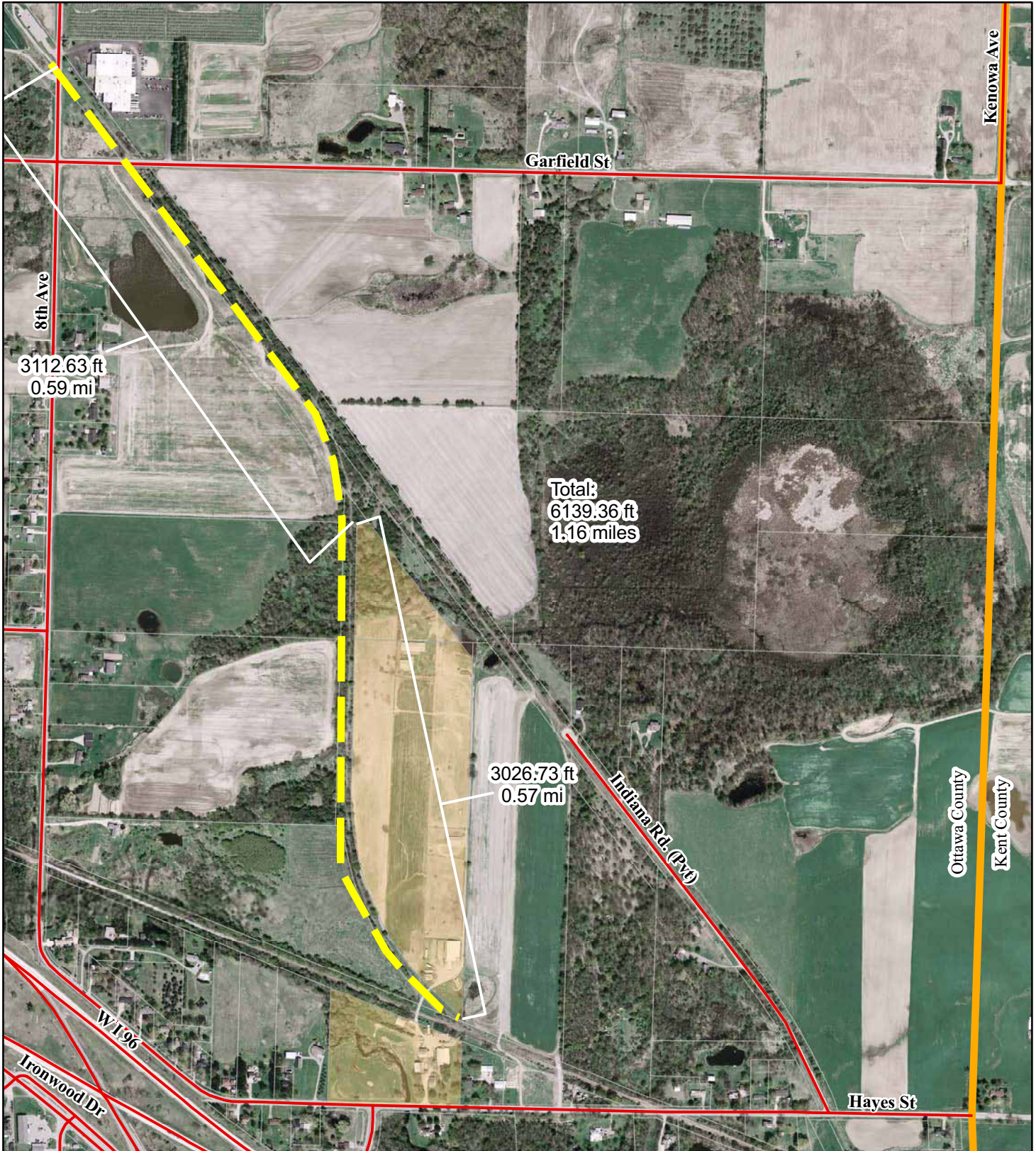
To that point, the following recommendation is suggested:

Recommendation: **Based on the adverse, and potentially destructive impacts that would occur to the Triick feedlot operation from an adjacent non-motorized pathway, it is strongly recommended that an alternative route be developed to connect the Musketawa and Fred Meijer White Pine Trail.**

It is also recommended that the preferred alternative route, any easement acquisition plans, and any fundraising efforts be collaboratively developed between the Ottawa County Planning Commission, MDNR, MDA, Kent County Road Commission, Consumers Energy, other special interest groups, and impacted property owners as expeditiously as possible.

ATTACHMENTS

MDNR - 1991 Rail Bed Aquisition

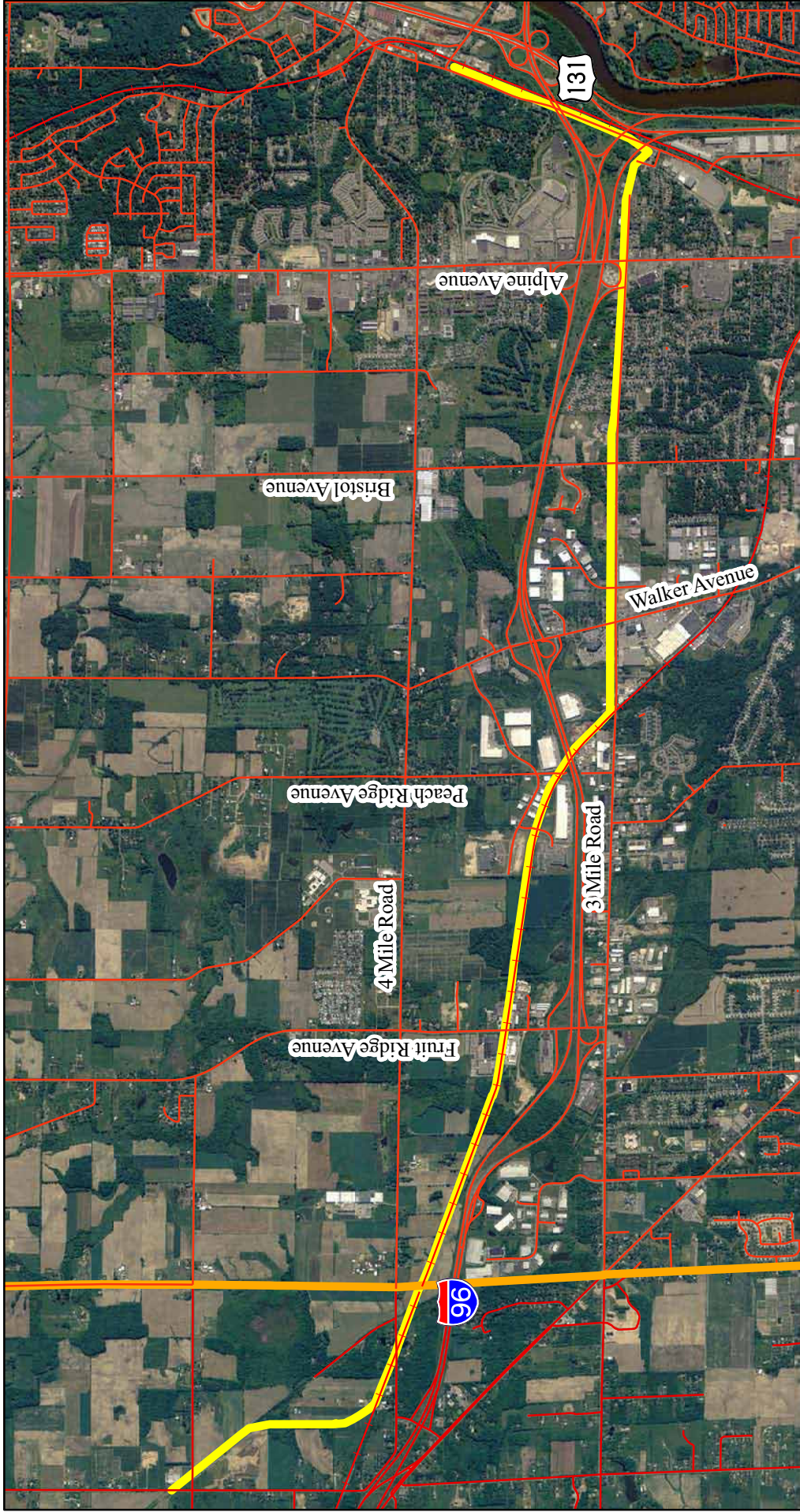






Planning & Performance Improvement Department
12220 Fillmore Street, Room 260
West Olive, Michigan 49460
(o) 616-738-4852
(f) 616-738-4625
www.miottawa.org
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Attachment B

Musketawa - White Pine Trail Connection

Current Proposed Route



-  Roads
-  Railroad
-  Proposed Trail Route
-  Ottawa/Kent County Boundary



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 Planning & Performance Improvement Department
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 Muskegon, Michigan 49660
 (616) 738-4852
 (616) 738-4823
 www.ottawacounty.org
 Map Date: 11/12/11

MUSKETAWA / WHITE PINE FUNDING

MARCH 30, 2010

	<u>Total Funds</u>	<u>20% Match</u>
HPP Grant	\$2,400,000	\$480,000
15% for Preliminary Engineering and Construction Engineering	360,000	72,000
Available for Construction	2,040,000	408,000

CURRENT CONSTRUCTION ESTIMATE

Ottawa County Portion	\$ 480,000
Kent County / West Portion	1,090,000
Kent County / East Portion	270,000
Norfolk Southern Right-of-Way Portion	255,000
Fruit Ridge Tunnel Portion	<u>245,000</u>
	\$2,340,000

6355 Lake Michigan Drive, PO Box 28, Allendale, MI 49401
Phone (616) 895-4381 Fax (616) 892-4350

February 3, 2009

Mr. Alan Vanderberg
County Administrator, Ottawa County
12220 Fillmore St., Room 310
West Olive, MI 49460

Dear Mr. Vanderberg, Honorable County Commissioners & Planning Commission,

We write this letter to you in support of one of our members, John Triick and his objection to the change of land use of an easement/ROW adjacent to the Triick property. We understand that the DNR actually owns the land in question but that the Ottawa County Department of Parks and Recreation is spearheading the project with the DNR to create the trail and that the Ottawa County Department of Parks and Recreation will then maintain the trail upon its completion.

Farm Bureau members believe that all railroad rights-of-way not currently used for railroad traffic should be reverted to, or offered for sale at or below fair market value, to the current owner of record of the underlying parcel of real estate from which said right-of-way was originally obtained. Whenever determined not possible, landowners shall be compensated for the condemnation of the land or a change to a non-railroad use. In addition, local trail way advisory councils and planning commissions should adequately address any potential conflicts with current uses of adjacent properties such as irrigation, pesticide applications and other accepted agricultural practices.

In addition to the concerns above, we also worry about:

- a. Public safety
- b. Bio-security
- c. Loss of income
- d. Security of the livestock and personal property

The proposed Muskatawa Trail extension through the Triick property poses several public safety concerns. Due to the location of the trail, Triick and employees must routinely cross the trail multiple times daily, both day and night, as many as 30-40 times a day or more. This would be a safety hazard for trail-goers as well as those working on the farm. In the unfortunate incident of livestock getting loose and running down the trail because of the width of the path, pedestrians could be seriously injured by the livestock. In addition, if trail users become interested in viewing the livestock along the trail and climb up to the fence, they could easily be hurt by the electric or barbed wire fences.

Bio-security has come to the forefront of concern because of the global world we live in today. Two examples that have made the news recently are Chronic Wasting Disease and Bovine Tuberculosis. Bio-security has always been and will continue to play a major role in management decisions in the agricultural industry. Since the Triick family's livelihood depends on livestock production (feeder cattle and hogs) the location of the trail is of major concern to the regional livestock industry. The unrestricted public use of the trail system allows for the transport of

Attachment D

diseases not found in this region of the state. Diseases can be transported in numerous ways: soil from shoes or bicycles, or carried by animals such as dogs and equine. Due to the Triick's equipment, family, and workers crossing over the same path as the general public, the possibility for disease transfer is real and could result in an outbreak at the Triick farm. A possible example would be if pseudorabies found its way to the Triick's hog facility. This would result in the Michigan Department of Agriculture euthanizing the hogs, followed by the quarantine, testing and possible depopulation of all the hogs on farms in the surrounding region.

Another concern we have with proposed trail location is the loss of income for the Triick family. The trail would run the length of their feedlot, allowing for negative human-livestock interaction. Because of the short time frame and constant turnover in a feeder cattle operation, animals do not grow fully accustomed to inconsistent and unfamiliar people, animals, and recreation vehicles. These distractions can result in a loss in weight gain of the beef cattle. This could mean a loss in the thousands of dollars annually.

Our last major concern relates to the protection of livestock and personal property. In a visit to the Triick farm with Sherriff Gary Rosema, the sheriff stated his concern of being unable to provide adequate enforcement of the trail system across the property. Mr. Triick has already experienced trespassers and recreational vehicles including an automobile, on the property. Cattle and buildings have been shot and the trail is not even open for public use. The center of the property is close to half a mile from any road and we sympathize with Mr. Triick's concern about what could happen. We are also concerned about the accessibility of fuel storage, fertilizer, livestock, feed, water systems, large mechanical equipment, and the Triick's personal residence, to anyone using the proposed trail system.

In summary, we are not opposed to the creation of a trail. We see many positives to the county and region which include enhancing the quality of life, economic stimulation, and the promotion of healthy living. What we are opposed to is the trail's proposed location. We strongly encourage that you continue to work with Mr. Triick and other property owners in the area to secure an alternative route.

Sincerely,



Merle Langeland

President, Ottawa County Farm Bureau



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

DON KOIVISTO
DIRECTOR

January 11, 2011

Mr. Nate Lisenbee
Ottawa County Planning Department
12220 Fillmore Street, Room 260
West Olive, Michigan 49460

Dear Mr. Lisenbee:

On January 10, 2011, The Michigan Department of Agriculture (MDA) received your electronic mail (e-mail) requesting a letter stating MDA's position regarding the proposed recreational trail route that abuts the Triick Beef Farm, owned by John and Kristine Triick, located at 480 Hayes NW, Grand Rapids, MI 49544.

Based on the farm location and the location of the proposed trail, MDA feels that the placement of a high public use area (recreational trail) and a large livestock facility (Triick Beef Farm) does conflict. MDA agrees with Mr. and Mrs. Triick, MSU Extension, and the Ottawa County Commissioner that there are potential negative impacts to the facility from people, pets, and motor vehicles, and concerns with vandalism, theft, and biosecurity.

MDA also recognizes that if the recreational trail was established and Mr. Triick wanted to start a large beef operation, MDA would not grant Mr. Triick verification through the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities to construct such a facility due to the proximity to a high public use area (recreational trail) and potentially the number of non-farm homes within the proximity of the facility, depending on the location. If the recreational trail gets established and Mr. Triick would like to expand his beef operation, MDA could verify this request based on review and verification. This process will include input from the local unit of government and people who utilize those high public use areas.

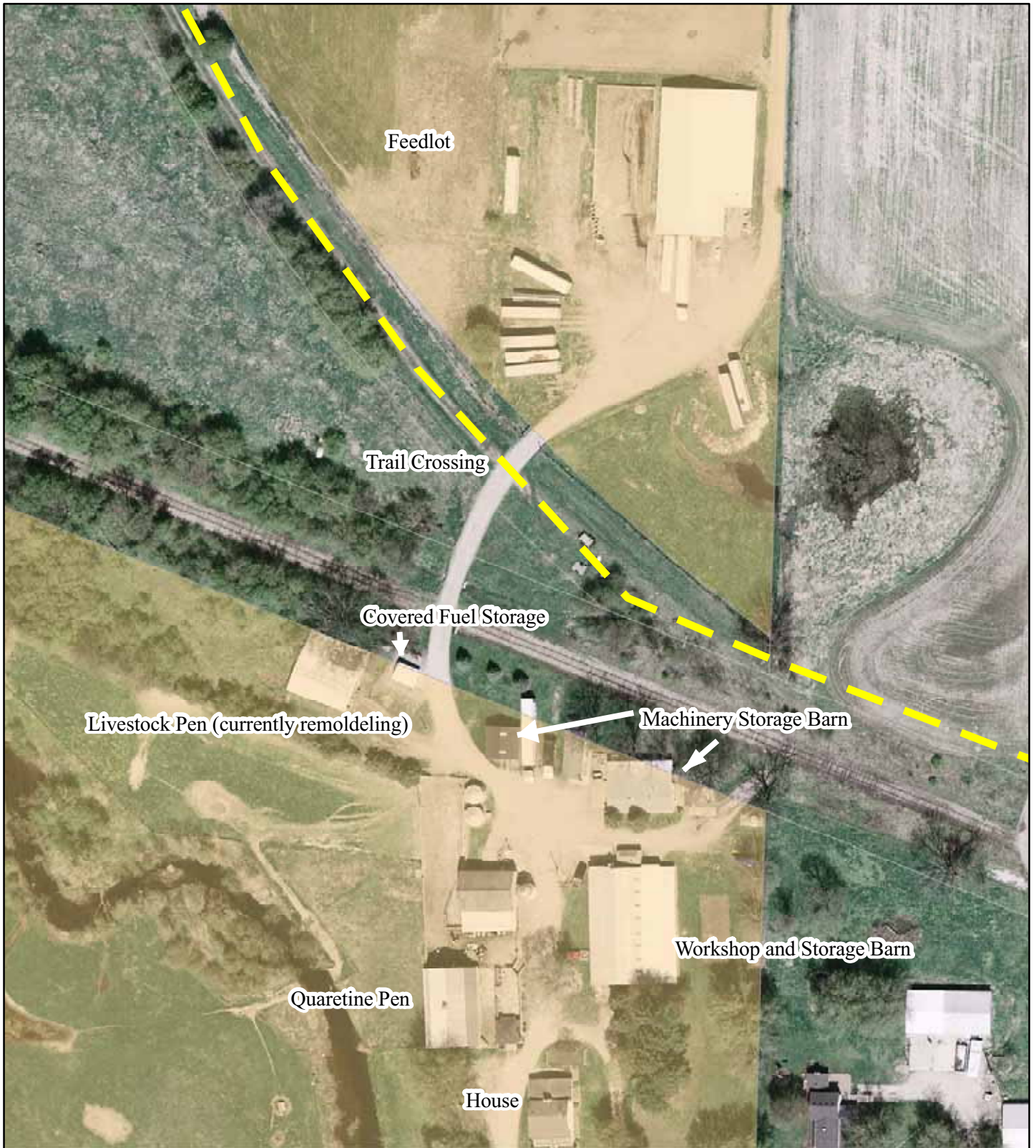
Feel free to contact me at 517-241-2508 if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Stephen J. Mahoney".

Stephen J. Mahoney, CPAg
Right to Farm Program

MDNR Proposed Route - Trick Farm & Pathway Crossing



	Proposed Trail		Trick Property
	Road		



Planning & Performance Improvement Department
12220 Fillmore Street, Room 260
West Olive, Michigan 49460
(616) 616-738-4852
www.mnista.org
Map Date: 12/3/2010
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COUNTY OF OTTAWA

STATE OF MICHIGAN

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Street Complex in the Township of Olive, Michigan on the ^{24th} day of August, 2010, at 1:00 o'clock p.m. local time.

PRESENT: Commissioners: Disselkoen, Karsten, Hehl, Holtrop, Kortman, Swartout, Ruiter, Rycenga, Holtvluwer, Schrotenboer, Kuyers.

ABSENT: Commissioners: None

It was moved by Commissioner Rycenga and recommended by Commissioner Hehl that the following Resolutions be adopted:

WHEREAS, agriculture is among the most valuable uses of land and resources within Ottawa County and the State of Michigan, accounting for more than \$391 million of total value of agricultural production, making Ottawa County among the very top agriculture producing counties in the State of Michigan; and,

WHEREAS, through long usage of more than eighty (80) years, the proprietors of the Triick Farm, a beef cattle feeder operation, located at 475 Hayes Street, in Wright Township, Ottawa County, Michigan, and owned by John Triick, has had access across a former railway bed of the Chesapeake & Ohio Railroad which effectively bisects their

farming operations, and which railway bed is currently owned by the State of Michigan, Department of Natural Resources & Environment; and,

WHEREAS, the State of Michigan, Department of Natural Resources & Environment has announced its intention to build a non-motorized pathway park on the site of the former railroad bed of the Chesapeake & Ohio Railroad that effectively bisects the Triick Farm property, thereby effectively cutting the Triick Farm in-half, potentially hampering their cattle feeding operations, and subjecting their feeder cattle to stress and annoyance from users of the proposed pathway park, thereby risking significant losses to the owners of the Triick Farm; and,

WHEREAS, the Ottawa County Board of Commissioners believes that other, better alternatives may exist for locating the pathway park proposed by the State of Michigan, Department of Natural Resources & Environment, and believes that those alternatives should be fully explored by the State of Michigan and discussed with the owners of the Triick Farm before any final determination of the location and terms of use for that proposed pathway park is made; and,

NOW THEREFORE BE IT RESOLVED that the Ottawa County Board of Commissioners requests that the State of Michigan, Department of Natural Resources & Environment, under the direction of the Michigan Natural Resources Commission, investigate all available options to the current proposal to bisect the Triick Farm with a pathway park on the former Chesapeake & Ohio Railroad bed, by exploring these issues and alternatives with the owners of the Triick Farm and/or by investigating and implementing all possible methods of mitigating the effects of such a pathway park on the operations of the Triick Farm; and,

BE IT FURTHER RESOLVED, that further development and implementation of the proposed pathway park within Ottawa County be halted and delayed by the Department of Natural Resources & Environment, until all of the options, including alternative routes and mitigation efforts have been fully explored, discussed and agreed upon; and,

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Governor Jennifer M. Granholm, the Michigan Natural Resources Commission, Becky Humphries, Director of the Michigan Department of Natural Resources, Senator Wayne Kuipers, Representative David Agema, Representative Arlan Meekhof, Representative Joseph Haveman, and Representative Mary Valentine,; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be referred to the Ottawa County Planning Commission, for a review of the issues raised in this Resolution and a report to the Ottawa County Board of Commissioners; and,

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

YEAS: Commissioners: Disselkoen, Karsten, Hehl, Holtrop, Kortman, Swartout,
Ruiter, Rycenga, Holtvluwer, Schrotenboer, Kuyers.

NAYS: Commissioners: None.

ABSTENTIONS: Commissioners: None.

RESOLUTION ADOPTED.

Philip Kuyers
Chairperson, Ottawa County
Board of Commissioners

Daniel C. Kruener / SKR
Ottawa County Clerk



JENNIFER M. GRANHOLM
GOVERNOR

Attachment H
STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

October 4, 2010

RECEIVED

OCT 14 2010

OTTAWA COUNTY PARKS
AND RECREATION COMMISSION

Mr. Daniel C. Krueger
Office of the County Clerk
414 Washington Street, Room 301
Grand Haven, Michigan 49417

Dear Mr. Krueger:

We are in receipt of the Ottawa County Commission Resolution dated August 24, 2010, regarding the development of a nonmotorized multipurpose recreation trail on state-owned land adjacent to the Triick Farm property located in Wright Township.

This property is the eastern portion of the inactive railroad corridor that ran from Marne to Muskegon. The entire 24.5 miles, known as the Musketawa State Trail, was acquired by the Department of Natural Resources and Environment (DNRE) in 1991 for recreational trail purposes with grant funding from the Michigan Natural Resources Trust Fund (MNRTF). This is the same granting agency that has provided over 13 million dollars in recreation grant funds to Ottawa County. The DNRE continues to acquire and develop trails in Michigan which is one of three MNRTF 2010 special recreation initiatives.

The 1993 Concept Master Plan recommendations for this property identified the goal "to connect this trailway to two other trailways, the existing Kent Trails, a Kent County trailway extending south from Grand Rapids; and the planned 92-mile trailway from Comstock Park (just north of Grand Rapids) to Cadillac." This trail is now known as the Fred Meijer White Pine Trail State Park. The DNRE has been working for several years with both Ottawa County Parks (OCP) Department and Kent County Parks (KCP) Department to complete this very important trail connection that will bring health, recreation, and economic opportunities to people and businesses throughout the region.

The route to connect the Musketawa State Trail and the Fred Meijer White Pine Trail State Park has been a collaborative process. There are 1.71 miles of this important state project located in Ottawa County, while the remaining 7.16 miles are located in Kent County. The KCP Department, grant applicant for this 2.4 million dollar federally-funded nonmotorized recreation trail project, has taken a lead role since a majority of the connector trail is located within their boundaries. They have arranged for the engineering, construction administration, and technical expertise through the Kent County Road Commission.

The DNRE, OCP Department, and KCP Department have all explored numerous alternatives and options to achieve a safe, compatible trail connection. As part of this effort, the DNRE has met with the Triicks on their property on two separate occasions, the most recent being September 2, 2010. The DNRE's Recreation and Trails Section has also attempted to meet with the Triicks to discuss the trail project issues and concerns a number of times. The first meeting was held on February 9, 2009, in Ottawa County to discuss the proposed trail route from 8th Avenue to the county line, adjacent landowner concerns, design solutions, alternative

options, and bidding and construction schedules. A second meeting was held on January 8, 2010, to explore various design elements that could be incorporated into the project design to help buffer and screen the farming operation. The Triicks, while in attendance, have been unwilling to work with the DNRE and discuss any possible design elements involving the use of state-owned land.

The DNRE recognizes the importance of the Triick farming operation and their desire to continue to farm in their current location. Numerous attempts have been made to work with the Triicks and to obtain permission for a single farm crossing so that they may continue to cross the railroad corridor for farming purposes. Unfortunately the Triicks have not been willing to work with the DNRE; however, we remain open to the process and request that they submit the appropriate application to finalize this outstanding issue.

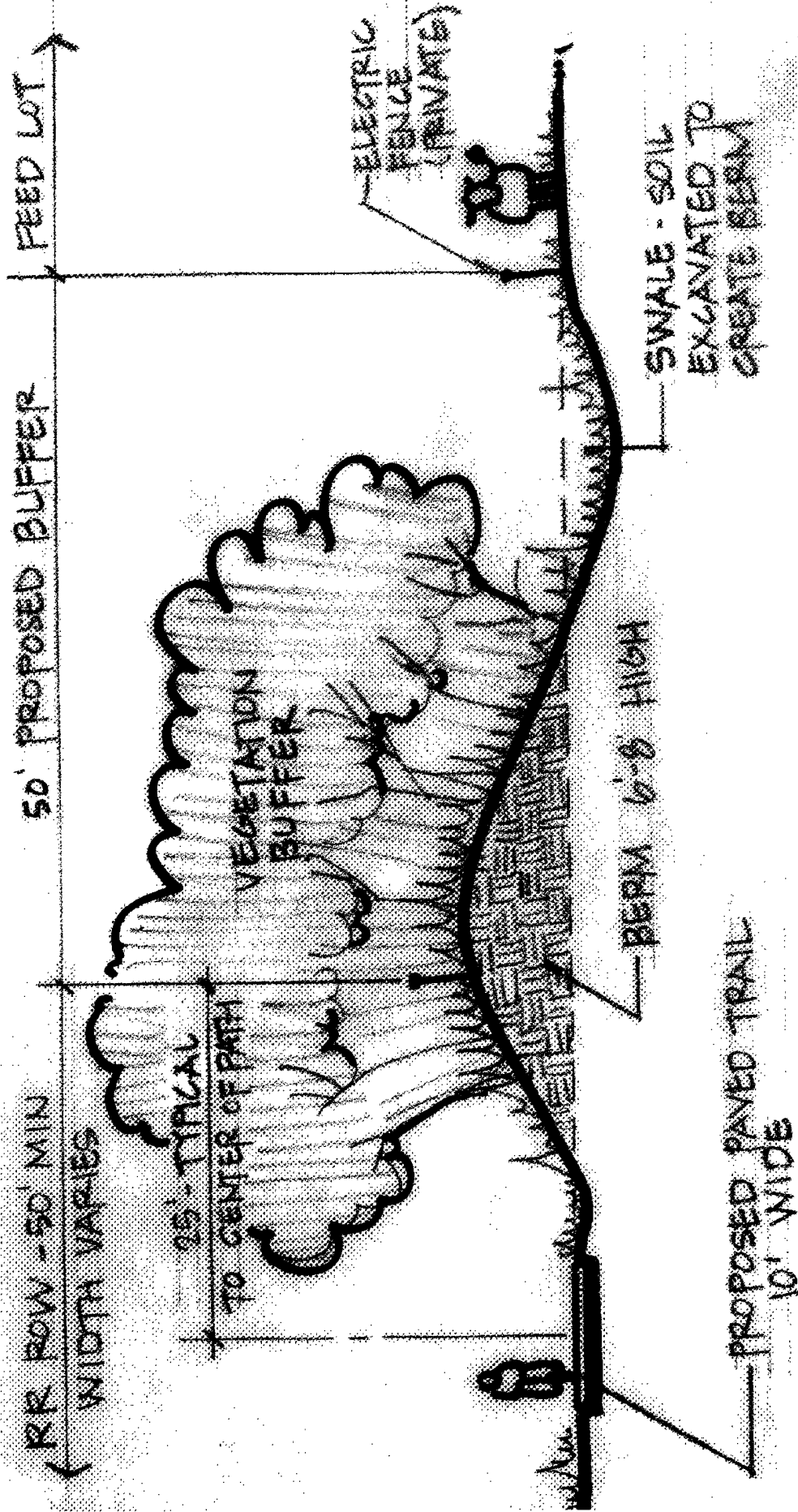
In response to the resolution, we believe a thorough effort has been made to seek alternative routes and work with the Triicks to minimize any perceived impacts to their farming operation. The project has been a work in progress for well over four years, dating back to the construction grant application and as early as 1991 with the State's acquisition of the property. The DNRE intends to develop the property it acquired for recreational trail purposes and we hope the Triicks will work with the DNRE in both the design elements and illegal trail crossing issues. We remain committed to the acquisition and development of recreation trails for the benefit of Michigan residents and visitors.

If you have further questions regarding this matter, please contact Ms. Lynne M. Boyd, Chief, Forest Management Division, at 517-373-1246; or Department of Natural Resources and Environment (DNRE), P.O. Box 30452, Lansing, Michigan 48909-7952; or you may contact me.

Sincerely,


Rebecca A. Humphries
Director
517-373-7917

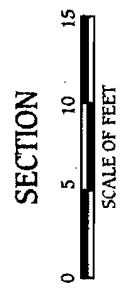
cc: Mr. Frank Ruswick, Deputy Director, Stewardship, DNRE
Ms. Lynne M. Boyd, DNRE



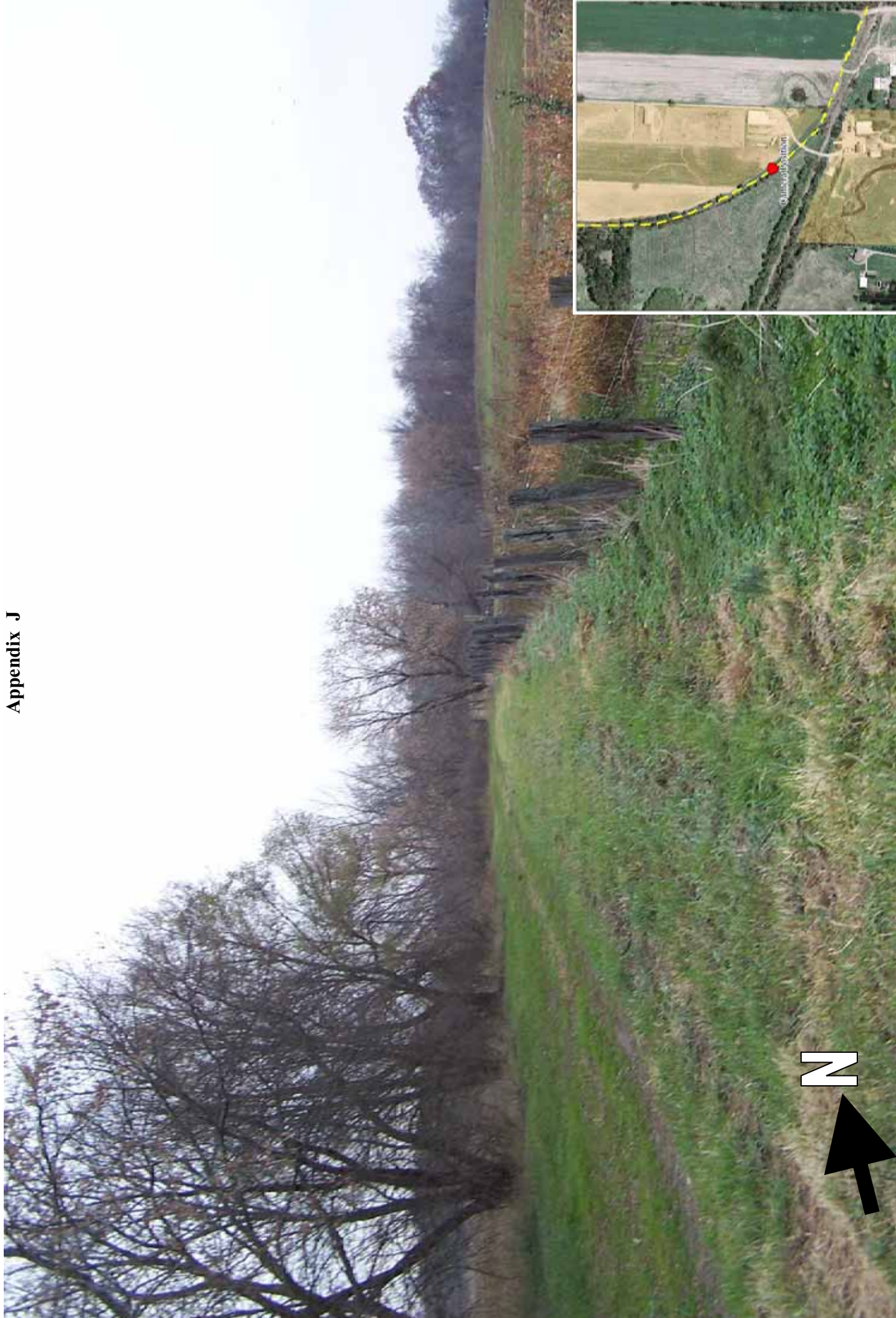
Screening Concept
Musketawa Trail Extension
 Polkton Township, Michigan
 December 18, 2008



Ottawa County Parks &
 Recreation Commission
 12220 Fillmore Street
 West Olive, Michigan 49460
 (616) 758-4810 www.michigan.gov

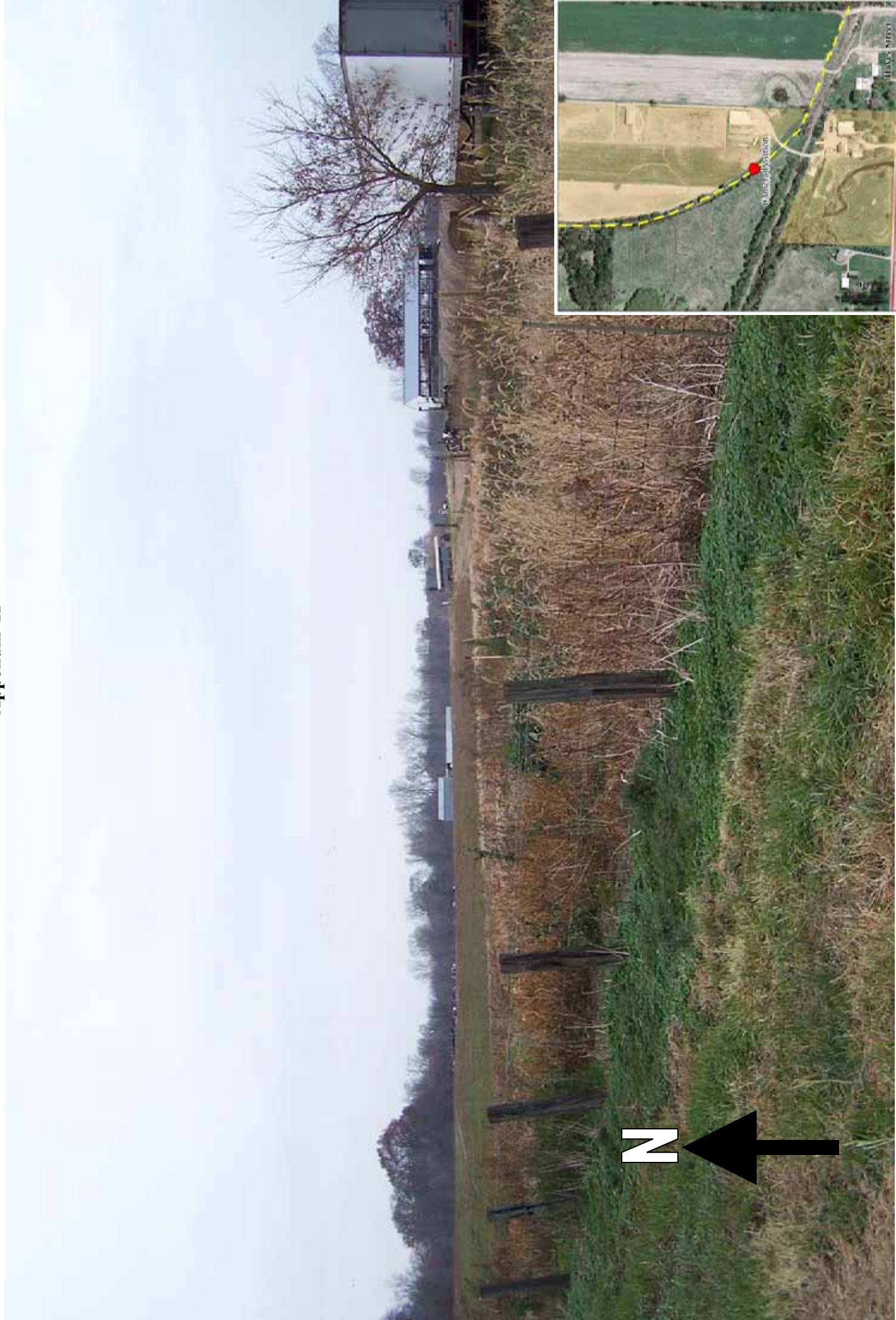


Appendix J



View of Feedlot from the Trail

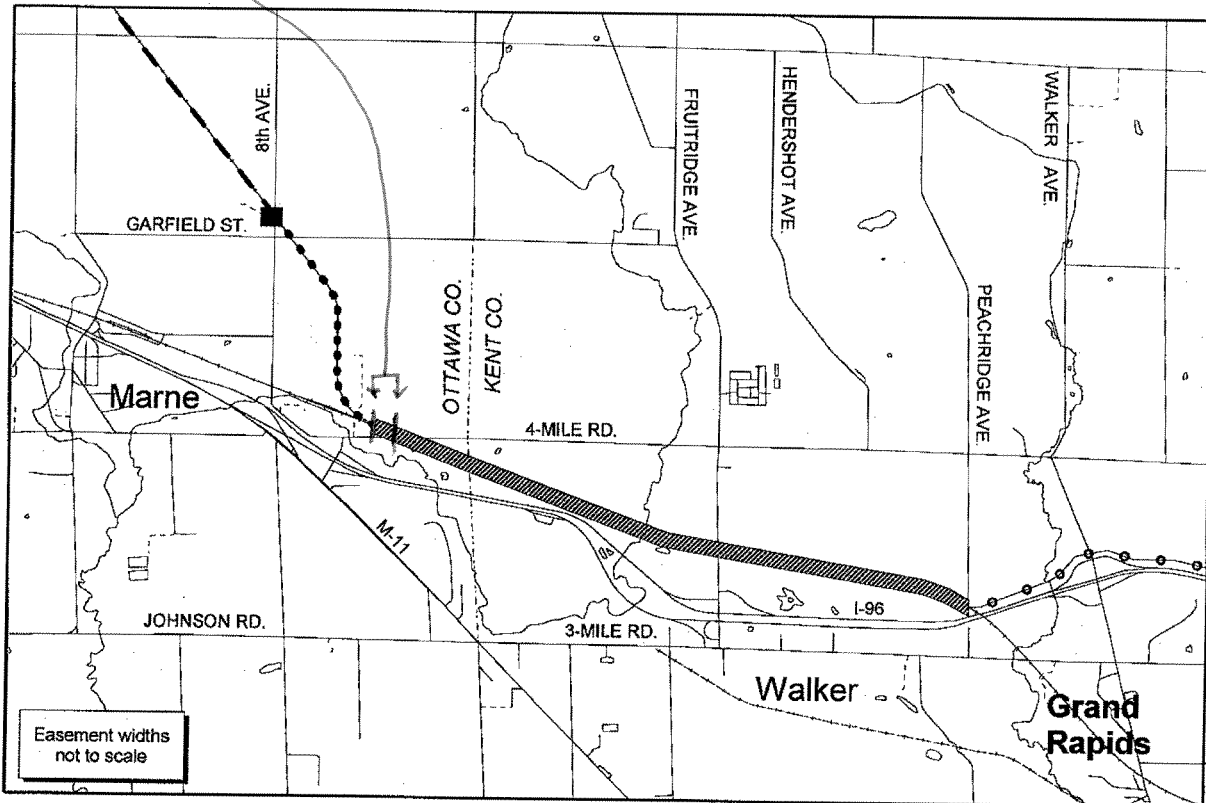
Appendix K








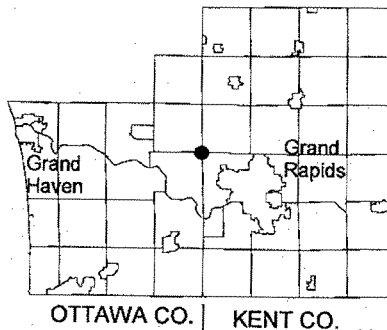
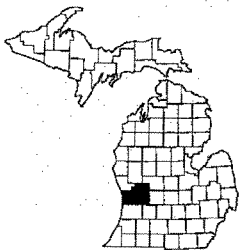
View of Feedlot from the Trail

length of trail that will not be used if an alternative route is utilized

STATE FOREST TRAIL EASEMENT ACQUISITION Musketawa Trail - Ottawa and Kent Counties Land Transaction Case #20090129



-  Easement to be acquired by DNR; tracks currently active (17,206.00 linear feet)
-  Musketawa Trail (developed)
-  Musketawa Trail (undeveloped)
-  Kent County proposed trail route
-  Existing trailhead



DNR-FMFM
 Dnrfile2\RAU_Projects\
 Commission_Memos\OLAF\
 20090129_musketawa_trail
 08-11-09, 4:00 pm

TRIICK FARMS
480 HAYES NW
GRAND RAPIDS, MI 49544
July 21, 2010

Attachment M

Dear MI Natural Resources Commisioner

My husband and I along with our sons run a third generation family farm in Ottawa Co., Michigan. It's all we've ever done and would like to continue with this tradition.

In the early 90's, when the Mackatawa Trail was being developed we had many concerns as the proposed trail would travel the length of our cattle operation and eventually cut across our farm. At that time the DNR officer in charge said, "This trail will not go past or through Triick Farms." In January of 09' we were invited to a meeting with the DNR and Ottawa Co. Parks Dept. We were surprised and dismayed to learn they had planned a "connector trail" using the same RR bed as before. The maps were prepared along with reasons why no alternate route would be viable. The reason for this "courtesy meeting" was basically to figure out the where to construct special berms, trees, and etc.

Triick Farms had contacted several experts who came out and toured our farm before attending this meeting. Ottawa Co. Commissioners, MI Dept of Agriculture, MSU Extension (Ottawa Co.), MI Farm Bureau, Ottawa Co. Chief of Police, and the Administrator Ottawa Co. Comm. All agreed this route was totally unacceptable. Not only would Triick Farms have the potential to "lose everything", the hardships of lost income (due to lower weight gain), cross contamination, trespassing, vandalism, and nuisance suits would cause us undue hardship. Apparently our concerns fell on deaf ears.

Another meeting was held in Feb. 2010. The results were the same with the exception of the DNRE sending their engineer to walk the trail and report back with their proposed improvements such as special berms, landscaping, fencing, and even a bridge going over our crossing. We have heard nothing about these improvements.

We have however, been sent 3 (three) letters by certified mail demanding we cease our illegal use of state owned land as well as removing a gate installed across the trail. This gate was set in place by John Triick as requested by the Ottawa Co. Sheriffs Dept. to keep the ORV's and snowmobiles from racing along the trail along with numerous trespassers. We have also been told that crossing this state owned land is illegal without a proper permit. We have been crossing these RR tracks for

over 80 years (in several areas). Other area farmers who's land is crossed by the Nature Trail have never been asked to obtain a permit. Are we being targeted?

We are told this trail is in the final stages with construction to begin any day. We ask that you take careful consideration concerning this grave matter. We feel this trail could be constructed elsewhere while allowing our family farm to continue operations and future expansions.

Sincerely,

John and Kristine Trick

Trick Farms 616-677-3707 / 616-813-7900



JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

LANSING
Attachment N



REBECCA A. HUMPHRIES
DIRECTOR

October 1, 2010

Mr. John and Kristine Triick
480 Hayes NW
Grand Rapids, Michigan 49544

Dear Mr. and Mrs. Triick:

Thank you for your August 23, 2010 letter to the Michigan Natural Resources Commission (NRC) regarding a recreational trail extension adjacent to your farm. The NRC has referred your letter to the Department of Natural Resources (DNRE) for response.

The DNRE acquired the inactive railroad corridor from Marne to Muskegon in 1991 for recreational trail purposes with grant funding from the Michigan Natural Resources Trust Fund (MNRTF). The DNRE completed the Concept Master Plan (Plan) recommendations for this corridor in 1993, which is now known as the Musketawa State Trail. The Plan identified the goal "to connect this railway to two other railways, the existing Kent Trails, a Kent County railway extending south from Grand Rapids; and the planned 92-mile railway from Comstock Park (just north of Grand Rapids) to Cadillac." That trail is now known as the Fred Meijer White Pine Trail State Park. The DNRE has been working with both Kent and Ottawa counties to complete this very important trail connection for west Michigan.

We are aware of your farming operation and recognize your desire to continue to farm at the current location. The DNRE, Ottawa County Parks (OCP) Department, and Kent County Parks (KCP) Department, have all explored numerous alternatives and options to achieve a safe, compatible trail connection. As part of this effort, the DNRE has met with you on your property on two separate occasions, the most recent being September 2, 2010. This meeting was requested and attended by Representative David J. Agema to listen to your concerns and attempt to resolve your farm drive and continued illegal crossing of state-owned land. The DNRE has requested, through certified letters (dated February 12, 2010 and April 26, 2010), that you contact us to make arrangements to request an easement for a single farm crossing of the trail. In a subsequent certified letter dated July 14, 2010, you were provided the application form and information to comply with this process; however, we have yet to receive an application from you. We are once again asking you to submit the appropriate application and have enclosed another form for your convenience.

The DNRE's Forest Management Division (FMD), Recreation and Trails Section has met with you to discuss the trail project issues and concerns a number of times. The first meeting was held on February 9, 2009, in Ottawa County to discuss the proposed trail route from 8th Avenue to the county line, adjacent landowner concerns,

design solutions, alternative options, and bidding and construction schedules. It was at this meeting that OCP Department presented their analysis of six possible scenarios to complete the trail connection into Kent County. This included two routes utilizing the state-owned corridor that runs adjacent to your farming operation. They discussed the pros and cons of each route, and as a follow-up to that meeting continued to research and actively pursue the alternative layouts that would bypass your property. This included contacting other landowners, having property appraised, and preparing cost estimates for all the possibilities. Each of the alternatives was eventually ruled out as a possibility due to various reasons including unwilling sellers, additional risk to trail users due the increased number of drive crossings and potential for vehicle pedestrian conflicts, undesirable impact to other landowners, negative impacts to the natural resources, and costs.

A second meeting was held on January 8, 2010. The purpose of this meeting was to provide a brief update on the status of the previous alternatives and continue to explore various design elements that could be incorporated into the project design to help buffer and screen your farming operation. You were unwilling to discuss any possible design elements involving the use of state-owned land that runs adjacent to your farm without having your legal representative present. You did request that we consider yet another alternative that had not been considered which was to use the Consumers Energy corridor east of 8th Avenue. This route was researched, evaluated, and was considered not to be a viable alternative. This finding was communicated to you through correspondence from Ms. Lori Burford, Resource Specialist, Mineral and Land Management Section, FMD, sent certified mail dated July 14, 2010.

The route to connect the Musketawa State Trail and the Fred Meijer White Pine Trail State Park has been a collaborative process that your family has been invited to participate in. There are 1.71 miles of this state railway project located in the very eastern portion of Ottawa County, while the remaining 7.16 miles are located in Kent County. The KCP Department, the grant applicant for this 2.4 million dollar federally-funded nonmotorized recreation trail project, has taken a lead role since a majority of the connector trail is located within their county. They have arranged for the engineering, construction administration, and technical expertise through the Kent County Road Commission (KCRC). Mr. Tom Byle, P.E., Assistant Director of Engineering, is the project manager for the KCRC. The OCP Department has been involved in the preliminary planning which identified Coopersville Marne Railroad (CMR) corridor as a possible link to connect the two trails. The agreement with CMR was initially pursued by the OCP Department, and the original draft easement was between the two. The DNRE purchased its rights from the railroad when it became apparent that the needed land would include more than just the portion of railroad in Ottawa County and that it would continue on into Kent County.

The current route has evolved through a comprehensive process that has involved exploring alternative routes. However, due to various reasons including unwilling sellers, public safety, and project funding, the DNRE in cooperation with its partners has identified the original route as the most feasible to complete the project design and

Mr. John and Kristine Triick

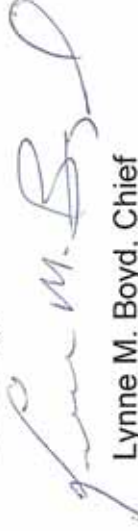
-3-

October 1, 2010

move into the construction phase. We recognize the importance of your farming operation and request that you work with the DNRE during this final design phase to resolve your crossing issue and secure a legal right to cross state land.

If you have questions regarding trail crossings, please contact Ms. Burford at 989-275-5151, extension 2100; or Roscommon Operations Service Center, 8717 North Roscommon Road, Roscommon, Michigan, 48653. For questions regarding trail project design details, please contact Mr. James Radabaugh, State Trails Coordinator, Recreation and Trails Section, FMD, at 517-373-1276; or DNRE-FMD, P.O. Box 30452, Lansing, Michigan 48909-7952; or you may contact me.

Sincerely,



Lynne M. Boyd, Chief
Forest Management Division
517-373-1246

Enclosures

cc: Michigan Natural Resources Commission
Representative David J. Agema
Director Rebecca A. Humphires, DNRE
Mr. Frank Ruswick, Deputy Director, Stewardship, DNRE
Ms. Lori Burford, DNRE
Mr. James Radabaugh, DNRE



Ottawa County Parks &
Recreation Commission
12220 Fillmore Street
West Olive, Michigan 49460

Preliminary Estimated Cost for:
Musketawa Trail Extension
Alternate Routes
Wright Township, Michigan
February 26, 2009

	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Total</u>
1. ORIGINAL ROUTE				
9400' from Trailhead to Countyline at MDOT R.O.W.				
Trail - Easy	6000	LF	\$40.00	\$240,000.00
Trail - Moderate	3100	LF	\$50.00	\$155,000.00
Trail - Difficult	0	LF	\$60.00	\$0.00
Boardwalk	300	LF	\$375.00	\$112,500.00
Road Crossing	3	EA	\$2,000.00	\$6,000.00
Rail Crossing	0	EA	\$4,000.00	\$0.00
			TOTAL	\$513,500.00

2. CONSUMERS ENERGY CORRIDORS (Not Feasible)

3. HAYES ROAD/8TH AVE.

10,970' from Trailhead to Countyline at MDOT R.O.W.

Trail - Easy	0	LF	\$40.00	\$0.00
Trail - Moderate	2150	LF	\$50.00	\$107,500.00
Trail - Difficult	7070	LF	\$60.00	\$424,200.00
Boardwalk	1750	LF	\$375.00	\$656,250.00
Road Crossing	3	EA	\$2,000.00	\$6,000.00
Rail Crossing	2	EA	\$4,000.00	\$8,000.00
			TOTAL	\$1,201,950.00

*Initial indications are that highway barrier may also be required for this option where the I-96 ROW and Hayes Rd. ROW converge if trail is on the SW side of the street.

4. GARFIELD/FIVE MILE

4066' additional from Fruitridge/I-96 Intersection

	<u>Original</u>	<u>Alternate</u>			<u>Cost Diff.</u>
Trail - Easy	6000	0	LF	\$40.00	(\$240,000.00)
Trail - Moderate	11020	4693	LF	\$50.00	(\$316,350.00)
Trail - Difficult	0	16720	LF	\$60.00	\$1,003,200.00
Boardwalk	300	600	LF	\$375.00	\$112,500.00
Road Crossing	3	3	EA	\$2,000.00	\$0.00
Rail Crossing	0	1	EA	\$4,000.00	\$4,000.00
Bridge	1	2	EA	\$25,000.00	\$25,000.00

COST DIFFERENCE TOTAL \$588,350.00
OPTION ONE TOTAL \$513,500.00
TOTAL for COMPARISON \$1,101,850.00

5. THRU NEIGHBORING PROPERTY (VELTCAMP)**10,025' from Trailhead to Countyline at MDOT R.O.W.**

Trail - Easy	2375	LF	\$40.00	\$95,000.00
Trail - Moderate	7300	LF	\$50.00	\$365,000.00
Trail - Difficult	0	LF	\$60.00	\$0.00
Boardwalk	350	LF	\$375.00	\$131,250.00
Road Crossing	3	EA	\$2,000.00	\$6,000.00
Rail Crossing	0	EA	\$4,000.00	\$0.00

TOTAL \$597,250.00

6. ORIGINAL ROUTE WITH SITE MODIFICATIONS**9400' from Trailhead to Countyline at MDOT R.O.W.**

Trail - Easy	6000	LF	\$40.00	\$240,000.00
Trail - Moderate	3100	LF	\$50.00	\$155,000.00
Trail - Difficult	0	LF	\$60.00	\$0.00
Boardwalk	300	LF	\$375.00	\$112,500.00
Road Crossing	3	EA	\$2,000.00	\$6,000.00
Rail Crossing	0	EA	\$4,000.00	\$0.00
Berm (10,000 cubic yards plus drainage)	1	LS	\$35,000.00	\$35,000.00
Fencing	1	LS	\$15,000.00	\$15,000.00
Landscaping	1	LS	\$10,000.00	\$10,000.00
Tunnel Crossing (30 lf)*	1	LS	\$70,000.00	\$70,000.00

TOTAL \$643,500.00

*Subject to water table and drainage outlet determinations. Initial indications are that the water table is too high

7. 8TH AVE. SOUTH TO HIGHWAY ROW (John Triick Suggestion)**11,075' from Trailhead to Countyline at MDOT R.O.W.**

Trail - Easy	0	LF	\$40.00	\$0.00
Trail - Moderate	6000	LF	\$50.00	\$300,000.00
Trail - Difficult	3325	LF	\$60.00	\$199,500.00
Boardwalk	1750	LF	\$375.00	\$656,250.00
Road Crossing	4	EA	\$2,000.00	\$8,000.00
Rail Crossing	1	EA	\$4,000.00	\$4,000.00

TOTAL \$1,167,750.00

*Initial indications are that highway barrier may also be required for this option where the I-96 ROW and Hayes Rd. ROW converge.

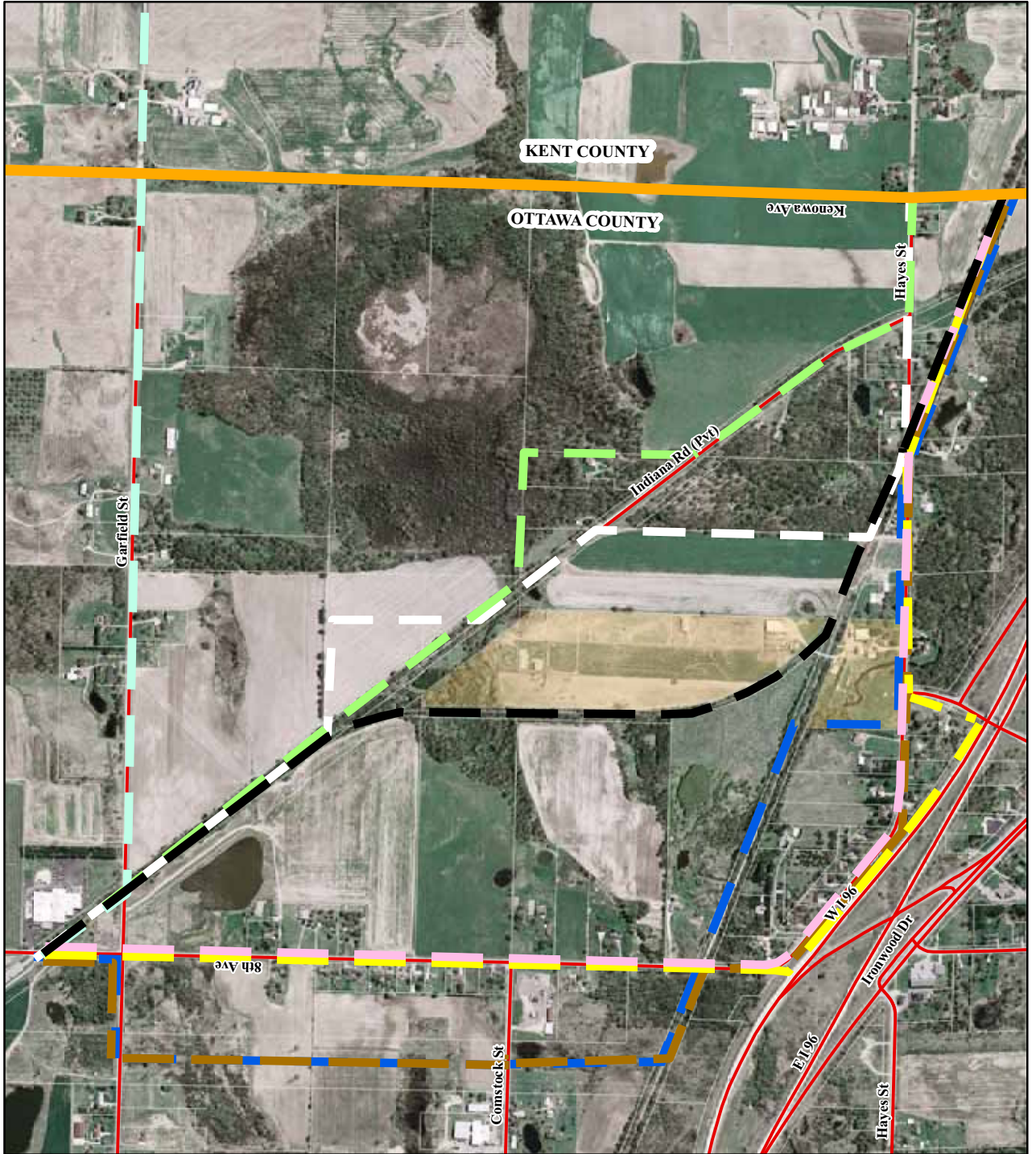
8. NEIGHBORING PROPERTIES THRU BOG (Ted Bosgraaf Suggestion)**9,650' from Trailhead to Countyline at MDOT R.O.W.**

Trail - Easy	4150	LF	\$40.00	\$166,000.00
Trail - Moderate	3750	LF	\$50.00	\$187,500.00
Trail - Difficult	0	LF	\$60.00	\$0.00
Boardwalk	1750	LF	\$375.00	\$656,250.00
Road Crossing	3	EA	\$2,000.00	\$6,000.00
Rail Crossing	0	EA	\$4,000.00	\$0.00

TOTAL \$1,015,750.00

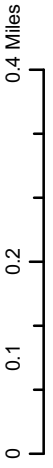
Note: Estimate does not include costs for purchase of easements

General Route Map

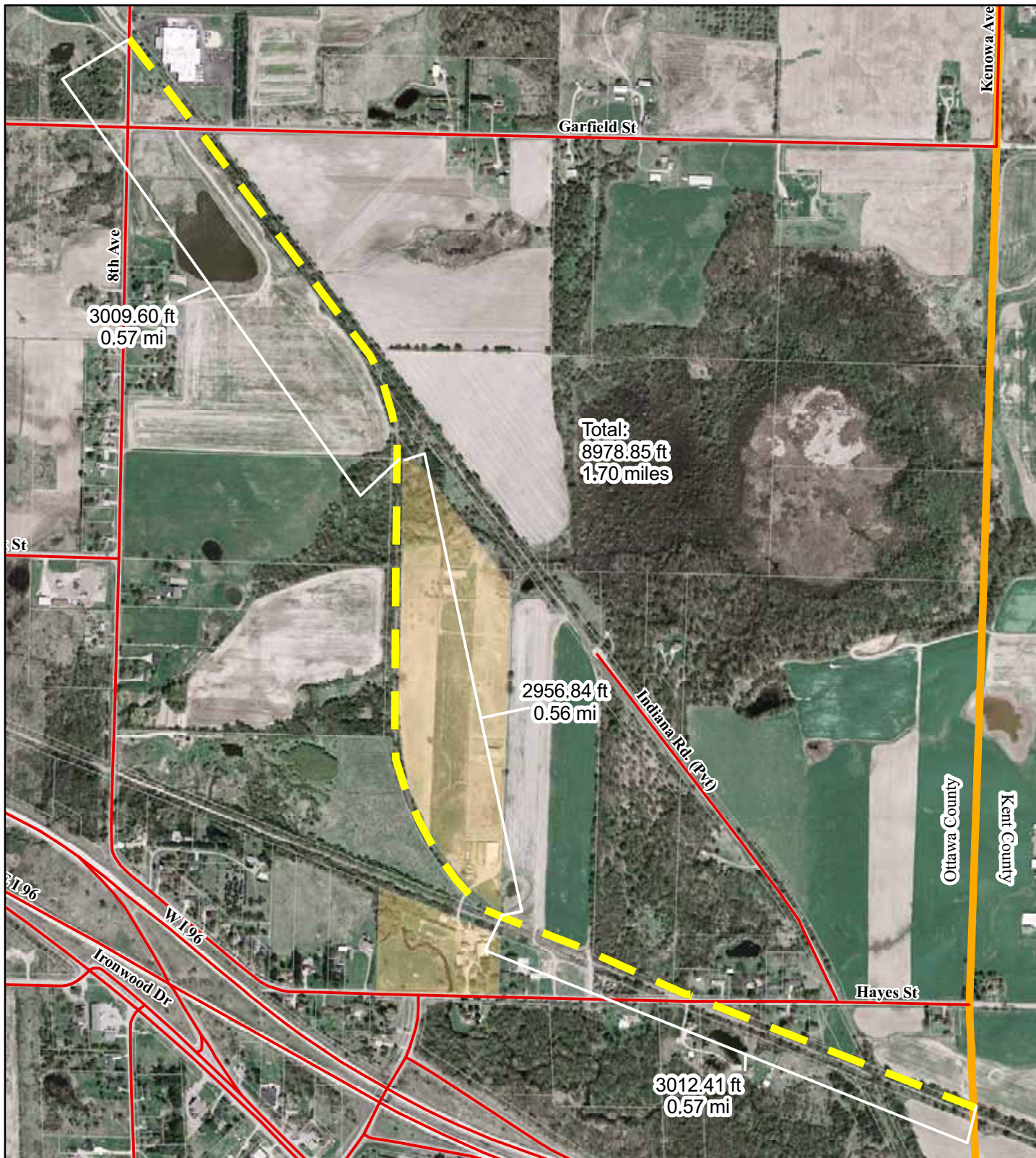






Legend

- MDNR Proposed Route
- 8th Avenue to Hayes
- 8th Avenue South to Highway ROW to Hayes
- Garfield Street/Five Mile Road
- Neighboring Property (Veltcamp Bog)
- Neighboring Properties (Veltcamp)
- Consumer's Energy Corridor to Hayes
- Consumer's to Coopers/Marne Railway to Hayes
- Ottawa/Kent County Boundary
- Road
- Trick Property



MDNR Proposed Route Alternative Route



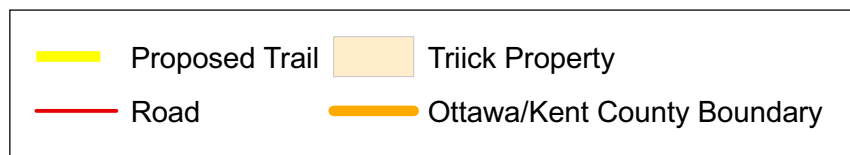
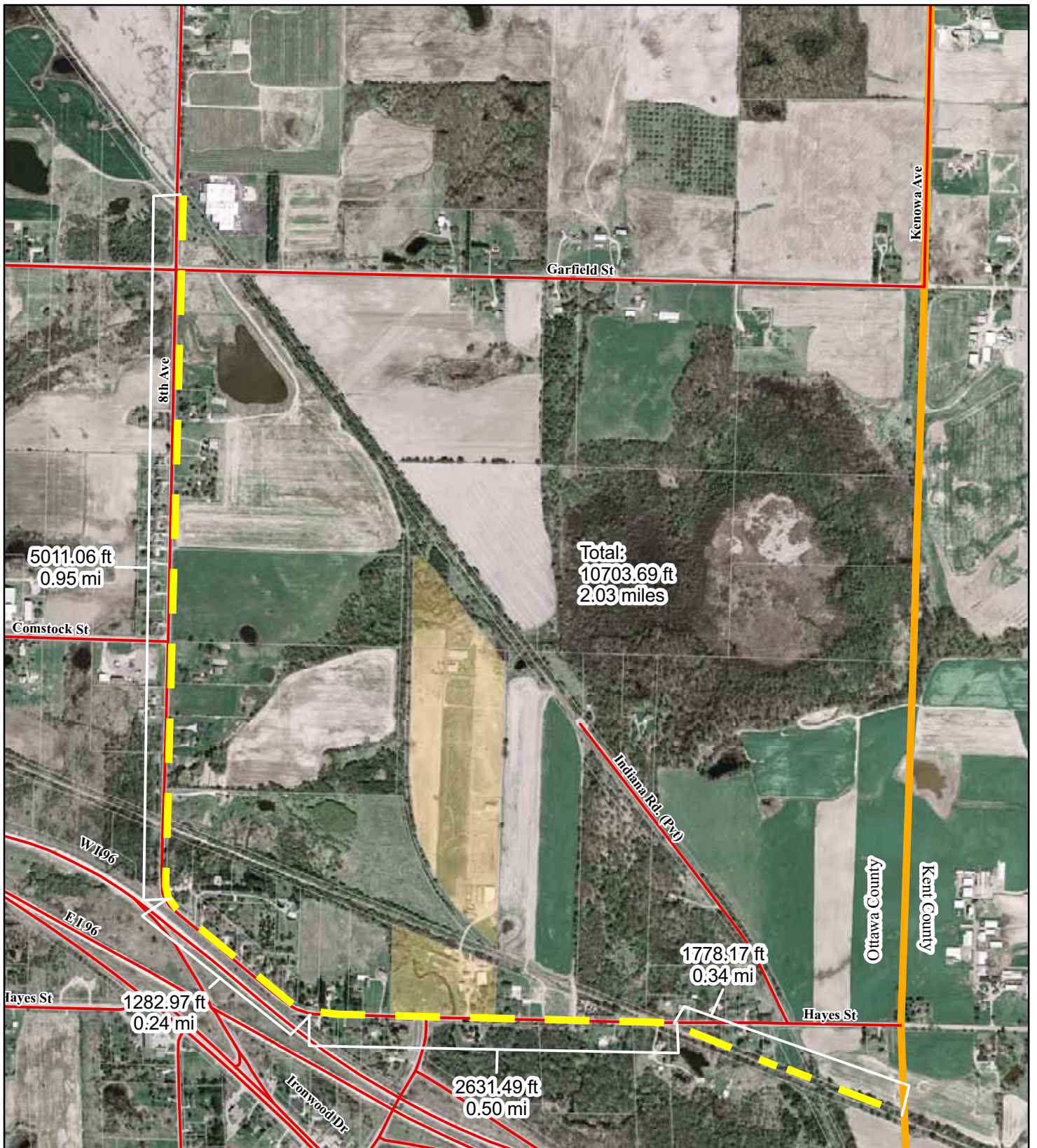
	Proposed Trail		Triick Property
	Road		Ottawa/Kent County Boundary



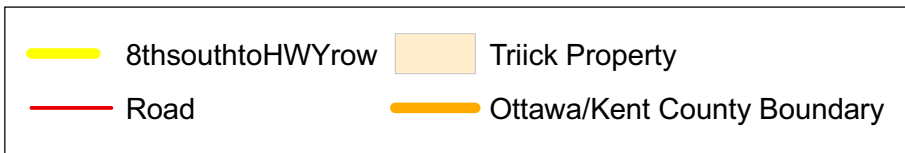
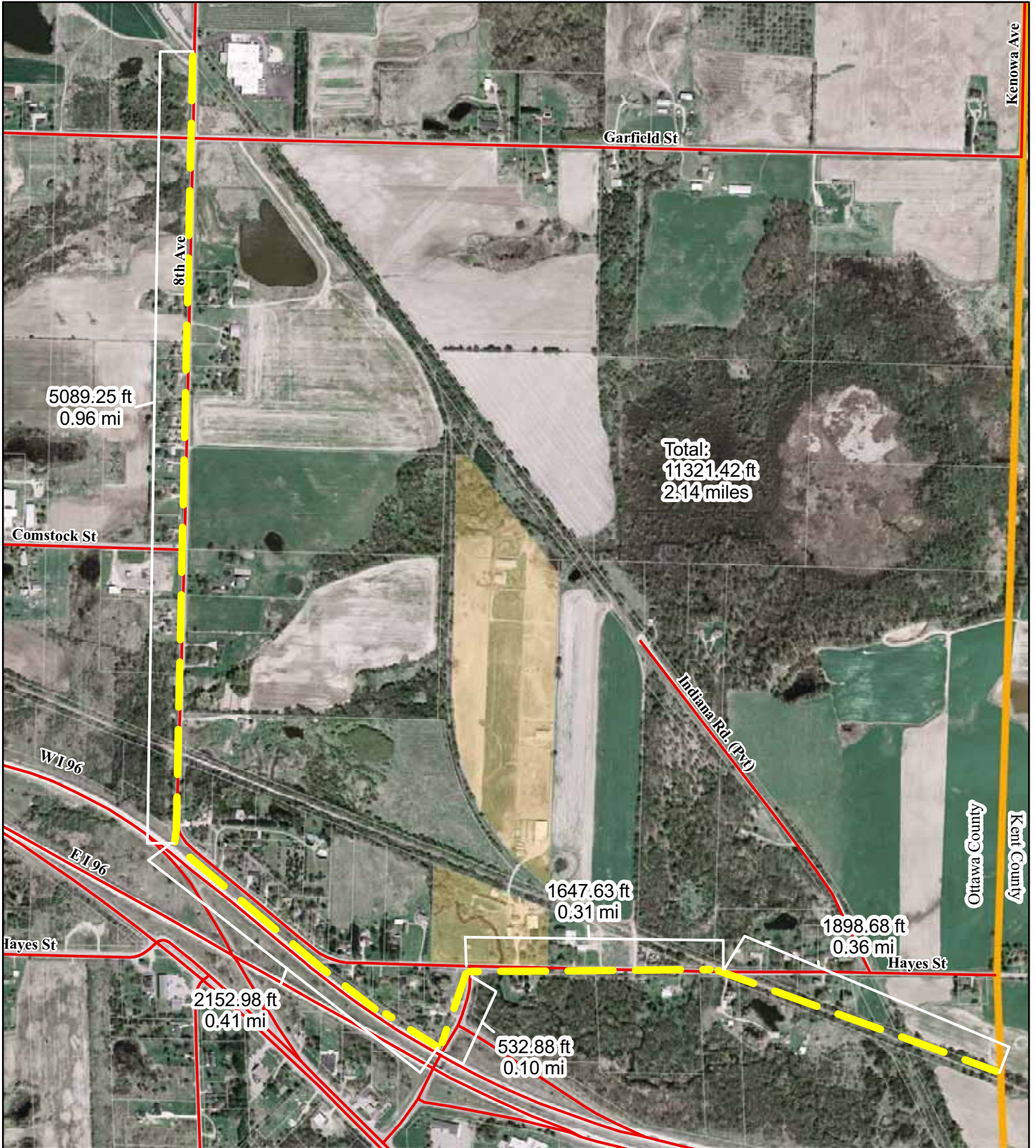
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(616) 738-4625
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8th Avenue to Hayes Alternative Route



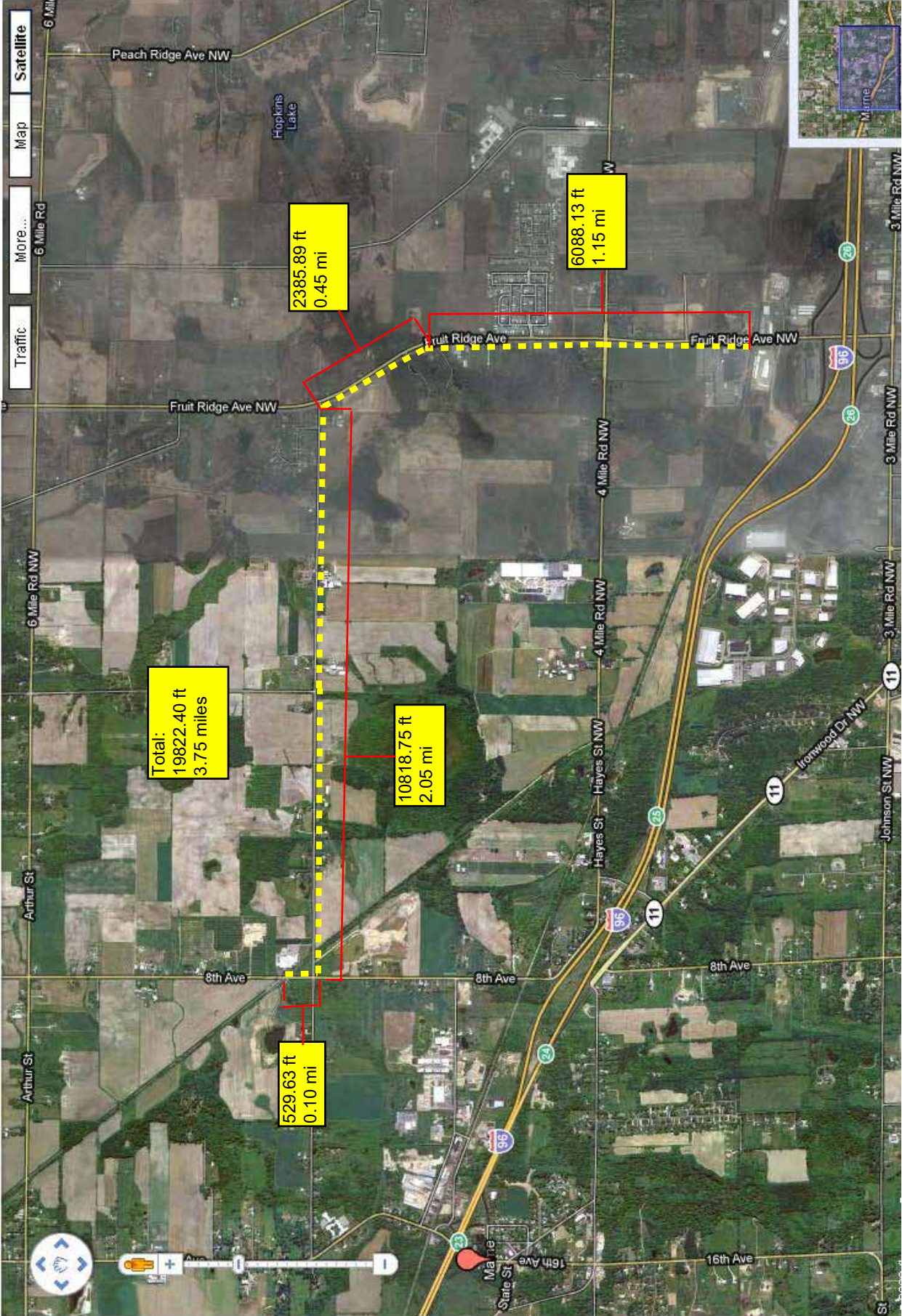
8th Ave. South to Highway ROW to Hayes Alternative Route



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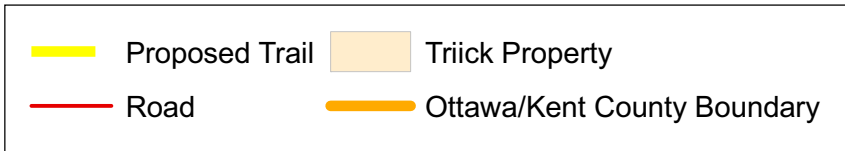
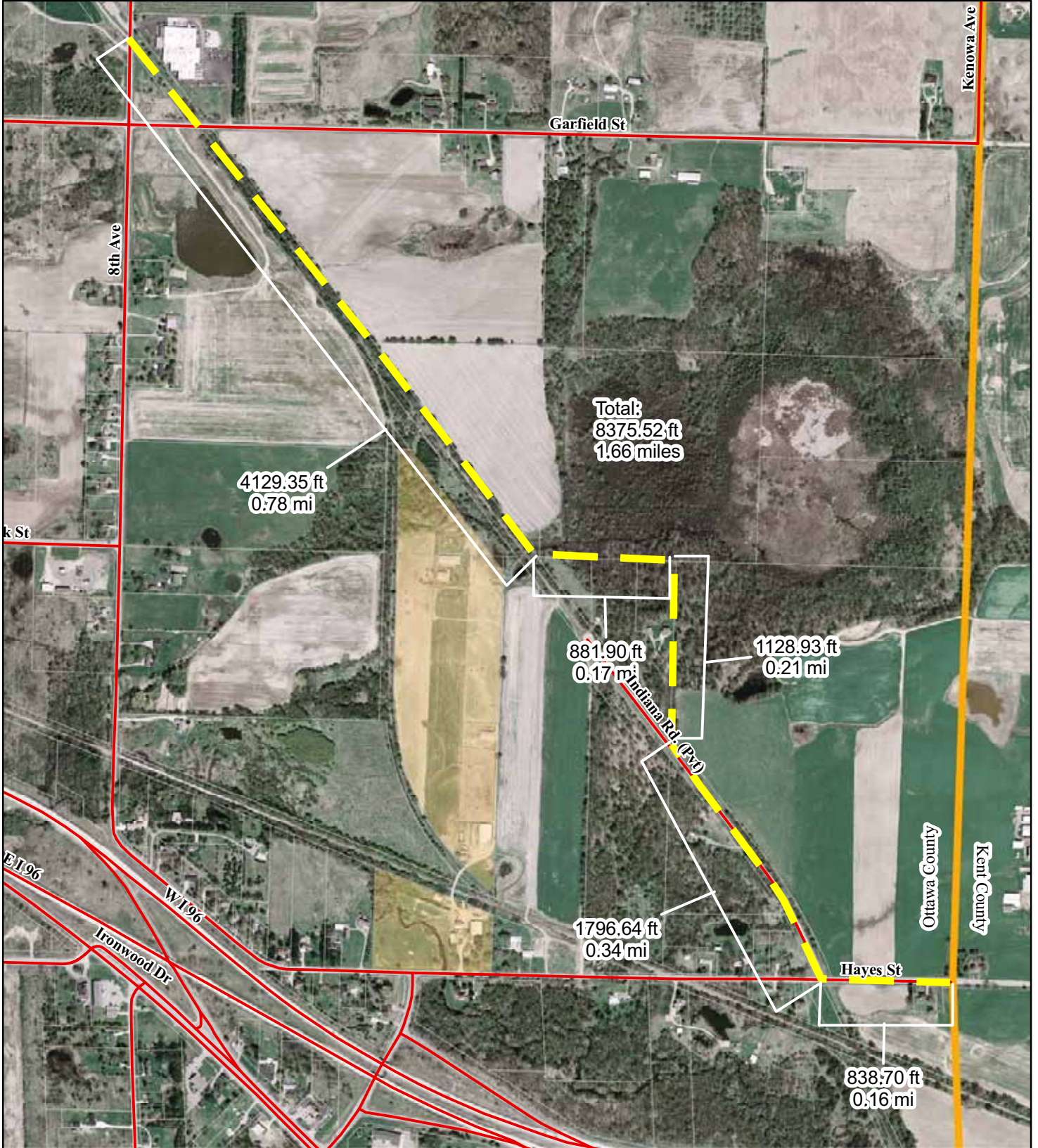
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Garfield Street/Five Mile Road
Alternative Route



Neighboring Properties (Veltcamp Bog)

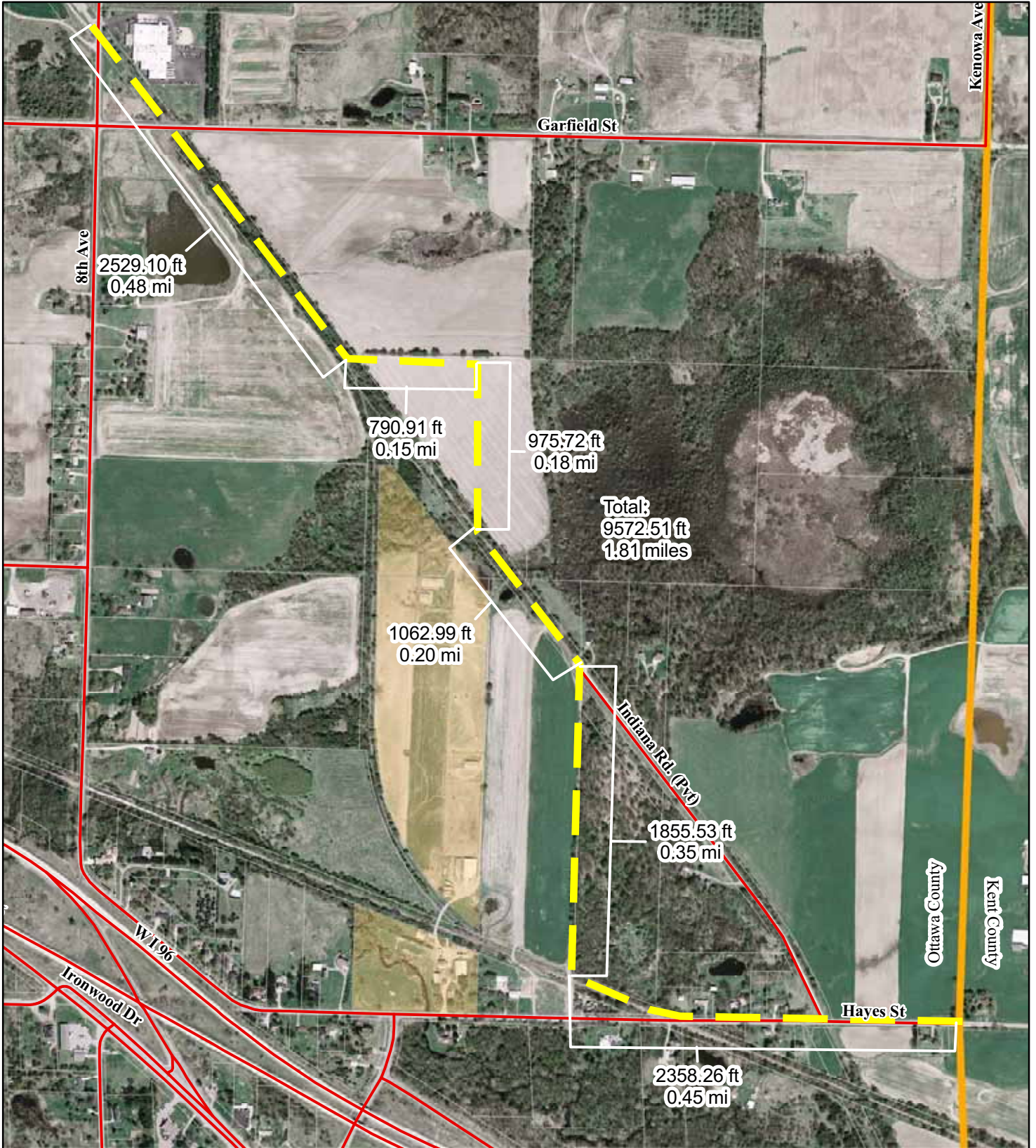
Alternative Route







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Neighboring Property (Veltcamp) Alternative Route



	Proposed Trail		Trick Property
	Road		Ottawa/Kent County Boundary

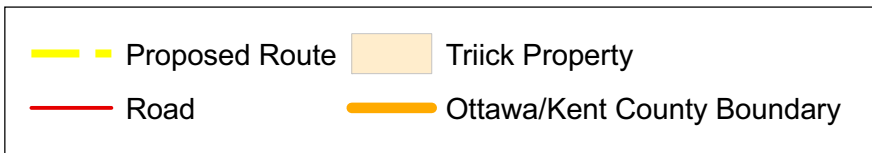
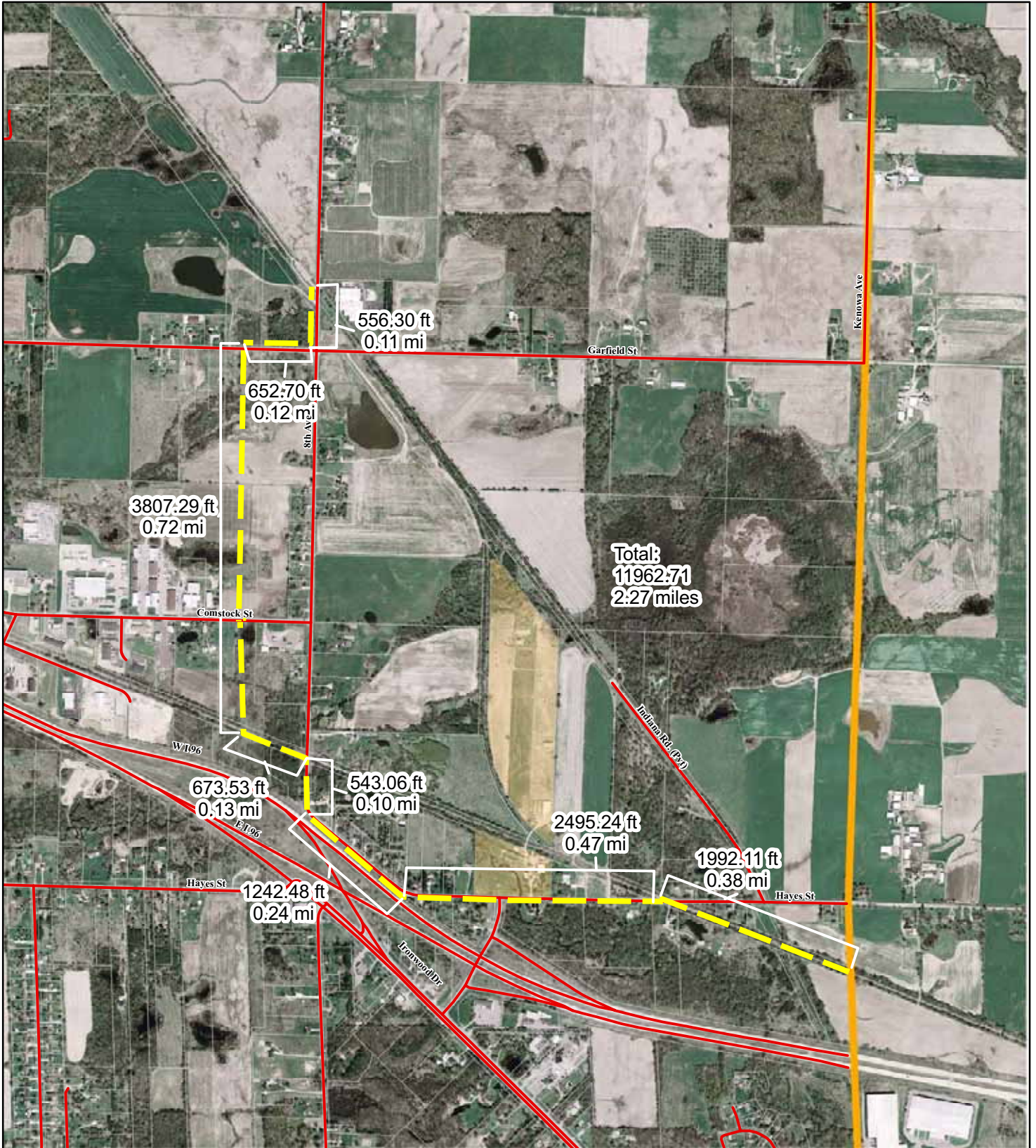


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Attachment W

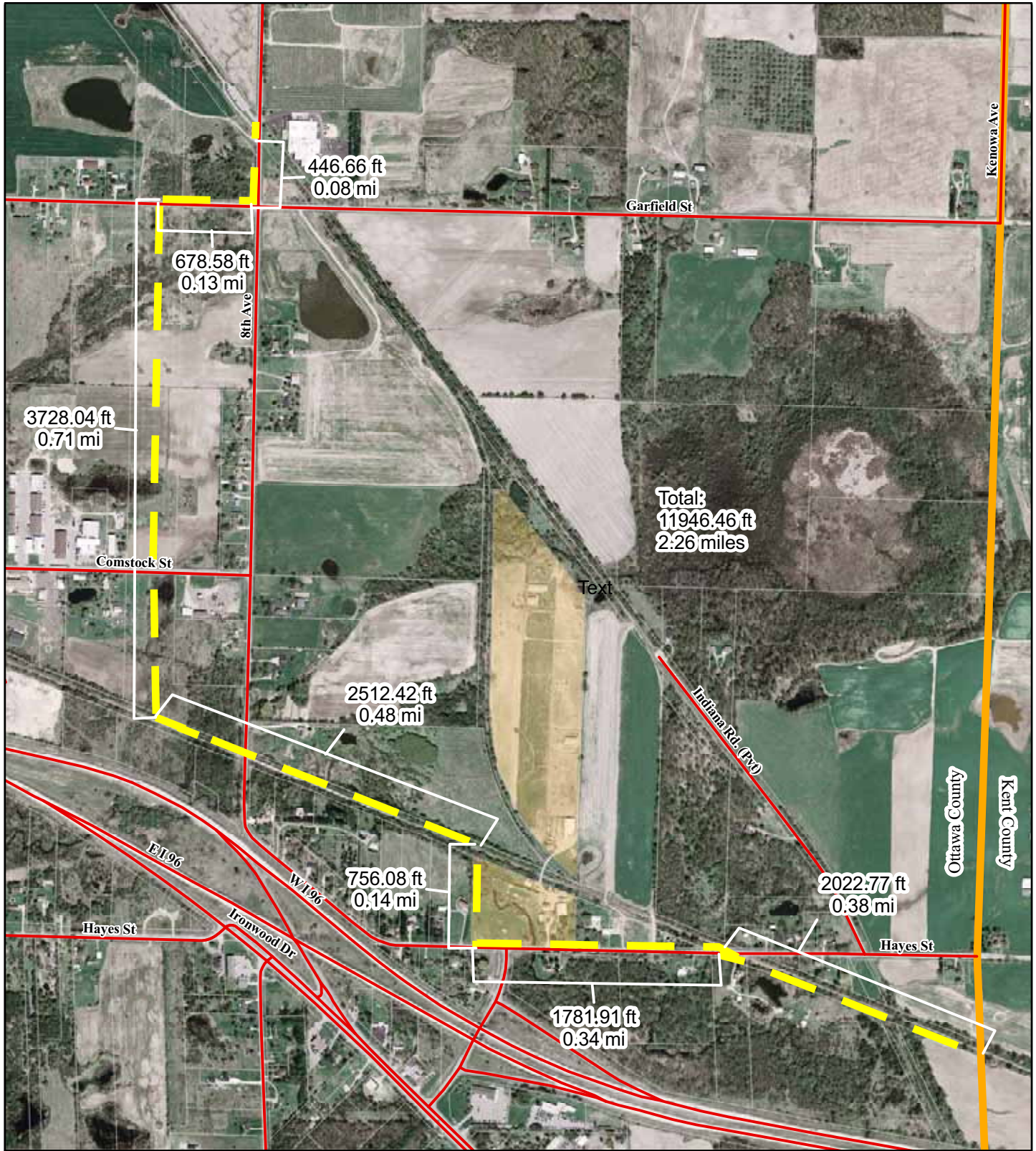
Consumer's Energy Corridor to Hayes Alternative Route



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Consumer's to Coopers/Marne Railway to Hayes Alternative Route



Proposed Trail	Trick Property
Road	Ottawa/Kent County Boundary



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Musketawa Trail Extension February 6, 2009

ROUTE OPTIONS/ALTERNATIVES

1. Original Proposed Route

Pros

- Existing public land ownership
- Logical and direct route
- Attractive (natural lands and agriculture adjacent to corridor)
- Safe (away from most vehicle traffic)
- Few points of conflict (just Trick Farm)
- Constructible (on existing railroad grade)
- Cost effective (shortest length, few wetlands)

Cons

- Negative impact to farm operation
- Adjacent landowner opposition

2. Alternate Route along nearby Consumers Energy Power Line corridors.

Pros

- Some existing public land ownership
- Logical and direct route
- Safe (away from most vehicle traffic)
- Few points of conflict
- Less impact to farm operation

Cons

- Less attractive
- More difficult construction/more cost
- Significant links in this route are not under utility or public ownership (only utility easements) making this option unfeasible at this time.

3. Alternate Route along Hayes Road/4 Mile and 8th Ave.

Pros

- Existing public land ownership (Road ROW)
- Less farm impact

Cons

- Would likely require purchase of easements
- Impact on house/road buffers
- Difficult construction (ditches, wetlands)
- Longer length (more cost)
- Less safe
- Less attractive
- More points of conflict (multiple properties, driveways, etc.)

4. Alternate Route along Garfield Road/5 Mile and Fruitridge.

Pros

- Existing public land ownership (Road ROW)
- Less farm impact

Cons

- Would likely require purchase of easements
- Impact on house/road buffers
- Difficult construction (ditches, wetlands)
- Longer length (more cost)
- Less safe
- Less attractive
- More points of conflict (multiple properties, driveways, etc.)

5. Alternate Route through Neighboring Property (Veltkamp & Others)

Pros

- Possible connection to Marne Bog
- Less farm impact
- Safe (away from most vehicle traffic)
- Few points of conflict

Cons

- Requires property negotiations
- Longer length (more cost)

6. Original Route with Site Design Modifications/Solutions including Off-site Areas (Signs, screening, berms, gates, etc.).

Pros

- Existing public land ownership
- Logical and direct route
- Attractive (natural corridor)
- Safe (away from most vehicle traffic)
- Few points of conflict (just Triick Farm)
- Constructible (on existing railroad grade)
- Cost effective (shortest length, few wetlands)
- Less farm impact

Cons

- Adjacent landowner opposition. Requires cooperation.
- Additional costs for design elements



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