

FOREST ROAD INVENTORY; USE OF ORVS; AND USE OF PACK AND SADDLE ANIMALS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5275 as enacted

Public Act 288 of 2016

Sponsor: Rep. Triston Cole

House Committee: Tourism and Outdoor Recreation

Senate Committee: Outdoor Recreation and Tourism

Complete to 8-1-17

SUMMARY:

The bill amended Part 721 (trails and trailways) and Part 811 (off-road recreation vehicles) of the Natural Resources and Environmental Protection Act (NREPA), as follows.

Pack and Saddle Animals

****** Section 72115 deals with access to public lands by pack and saddle animals and restricts the use of such animals on state-owned land to certain pack and saddle trails. The bill specifies: "However, an individual may use a pack and saddle animal in an area in which public hunting is permitted to retrieve legally harvested deer, bear, or elk using the most direct route that does not enter a stream, river, or wetland except over a bridge, culvert, or similar structure."

Forest Roads

****** A new section 72118 is added requiring the Department of Natural Resources (DNR) to complete a comprehensive inventory of forest roads that are state roads. The term "forest road" is defined elsewhere in NREPA to refer to "a hard surfaced road, gravel or dirt road, or other route capable of travel by a 2-wheel drive, 4-wheel conventional vehicle designed for road use. Forest road does not include a street, county road, or highway."

The DNR is to divide the state into five regions, with the Upper Peninsula as a separate region, and complete the inventory in regional phases. The two northern-most regions of the Lower Peninsula must be completed by the end of 2017 and the remaining regions by the end of 2018. The inventory must (1) identify the location, condition, and development levels of forest roads; and (2) determine types of motorized and non-motorized use currently restricted and the seasons during which they are restricted.

Beginning when the inventory for a region is completed or is required to be completed, whichever occurs first, the following apply:

- Forest roads would be open to motorized use by the public unless designated otherwise by the DNR. (Forest roads in the U.P. would be open for motorized use by the public *on the effective date of this bill* (9-28-16) unless otherwise designated by the DNR.)
- If a timber harvest is planned for a particular area in the region, the department would have to evaluate whether the harvest activity offered the opportunity to connect existing forest roads and trails.

- Before newly restricting a road or trail, the DNR must provide each local unit of government in which the land is located with a written notice that includes the reason for restriction. (This does not apply to restrictions imposed to protect public health or safety in emergency situations).

The DNR must post annually to its website the total miles of forest roads open to motorized use and a map or maps of those roads.

Permitted ORV Use

Section 81127 provides that off-road vehicles (ORVs) are allowed on forest roads to the extent allowed in the new Section 72118. All other state-owned land would be closed to ORV use except designated non-forest roads, designated trails, and designated areas.

Use of ORV to Remove Game

Section 81133 describes circumstances when ORV use is prohibited, and lists exceptions to those prohibitions. The bill would rewrite the provisions that allows the use of an ORV to remove game from public land. It maintains the five miles per hour speed limit; and requires that "the most direct route" be used, while at the same time complying with restrictions on using ORVs in streams, rivers, bogs, wetlands, swamps, marshes, or quagmires, except over bridges, culverts, or similar structures.

Repealer

The bill would repeal Section 81126. The sections appear to be obsolete planning and reporting requirements.

The bill took effect September 28, 2016.

FISCAL IMPACT:

House Bill 5275 is likely to increase costs for the Department of Natural Resources; the extent of this cost increase is unclear. This bill would require the department to conduct an inventory of state roads that are forest roads, complete an evaluation of the potential to connect forest roads after a planned timber harvest, publish an annual report on forest roads, and provide local governments with written notice of new road or trail access restrictions. Each of these functions are identical or similar to efforts already undertaken by the department in other areas. Consequently, these new requirements fall in line with current DNR functions to the extent that similar reporting and evaluation precedents are already in place elsewhere in the department. However, these new requirements would create additional mandates on departmental staff and time which do not currently exist. It is unclear the extent to which these new requirements would necessitate more human or financial resources from DNR in order to comply. This bill would have no fiscal impact on local units of government.

Legislative Analyst: Chris Couch

Fiscal Analyst: Austin Scott

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.