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BILL ANALYSIS



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House Bill 5275 (as passed by the House)
Sponsor: Representative Triston Cole
House Committee: Tourism and Outdoor Recreation
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 5-10-16

CONTENT

The bill would amend Part 721 (Michigan Trailways) of the Natural Resources and Environmental Protection Act to do the following:

- **Allow an individual to use a pack and saddle animal in an area in which public hunting is permitted to retrieve legally harvested large game.**
- **Require the Department of Natural Resources, by December 31, 2018, to complete a comprehensive inventory of forest roads that are State roads.**
- **Specify that forest roads would have to be open to motorized use by the public unless designated otherwise by the Department.**
- **Require the Department to notify a local unit of government before restricting the use of a road or trail for access to public land within that local unit.**

The bill also would amend Part 811 (Off-Road Recreation Vehicles) to allow an individual to operate an off-road recreation vehicle (ORV) to remove legally harvested large game from public land under certain conditions, during firearm deer season when the operation is otherwise prohibited.

In addition, the bill would repeal Section 81126 of the Act, which pertains to various ORV planning and reporting requirements, and their applicability to the Upper Peninsula.

Pack & Saddle Animals

Subject to certain restrictions, pack and saddle animals are permitted access to pack and saddle trails on public land managed by the Department as follows:

- Access on land of the State forest system is allowed unless restricted by statute, deed restriction, land use order, or other legal mechanism, in effect on April 2, 2010.
- Access on land of the State park system or State game area system is prohibited unless authorized by land use order or other legal mechanism in effect on April 2, 2010.
- Access on other land managed by the Department is allowed according to the specific authorization or restriction applicable to the land.

An individual is prohibited from using pack and saddle animals on State-owned land except on pack and saddle trails that are open for access by those animals. Under the bill, an individual could use a pack and saddle animal in an area in which public hunting is permitted to retrieve legally harvested large game, using the most direct route that did not enter a stream, river, or wetland except over a bridge, culvert, or similar structure.

Forest Roads

By December 31, 2018, the Department would have to complete a comprehensive inventory of forest roads that are State roads. The inventory would have to identify the location, condition, and development level of the forest roads, and determine the types of motorized and nonmotorized use currently restricted on each forest road segment and the seasons during which those uses were currently restricted.

("Forest road" would be defined as that term is defined in Section 81101: a hard surfaced road, gravel or dirt road, or other route capable of travel by a two-wheel drive, four-wheel conventional vehicle designed for road use. The term does not include a street, county road, or highway.)

Forest roads would have to be open to motorized use by the public unless designated otherwise by the Department under Section 504(7). (Section 504(7) requires the Department to issue orders necessary to implement rules promulgated to protect and preserve land under the Department's control from depredation, damage, or destruction or improper use.) After the inventory was completed, if a timber harvest were planned for a particular area, the Department would have to evaluate whether the timber harvest activity offered the opportunity to connect existing forest roads and trails in that area.

Each year, the Department would have to post to its website the total miles of forest roads opened to motorized use and a map or maps of those forest roads.

Before the Department newly restricted a road or trail from being used to gain access to public land, the Department would have to provide each local unit of government in which the land was located written notice that included the reason for the restriction.

Use of ORV, Removal of Game

Under Part 811, an individual is prohibited from operating an ORV in an area on which public hunting is permitted during the regular November firearm deer season, from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., subject to certain exceptions, such as during an emergency, for law enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle, or to conduct necessary work functions involving land and timber survey, communication and transmission line patrol, or timber harvest operations.

The prohibition also does not apply to an individual operating an ORV to remove deer, elk, or bear taken under a valid license from public land. A hunter removing game may leave the designated trail or forest road only to retrieve the game and may not exceed five miles per hour. Under the bill, instead, an individual could operate an ORV to remove legally harvested large game from public land. The individual would have to operate the ORV at a maximum speed five miles per hour, using the most direct route that complied with a prohibition against operating an ORV in or upon any stream, river, bog, wetland, swamp, marsh, or quagmire except over a bridge, culvert, or similar structure.

MCL 324.72101 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have a negative fiscal impact on the Department of Natural Resources (DNR), and no fiscal impact on local units of government. The bill would require the DNR to conduct an inventory of State-owned forest roads, which, depending on the extent to which the data are already available, would introduce some new administrative and programmatic costs. The DNR estimates these costs to be approximately \$500,000. Half of this amount would be staff

costs to visit and assess the condition of each road, and the other half would be related to the development of a geographic information system database. The bill would not appropriate additional funds to cover these costs, so absent any future appropriation, these costs would have to be borne by existing resources.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.