



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: November 13, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate Fees Charged to Enter Michigan State Parks and Recreation Areas
Land Use Order of the Director Amendment No. 01 of 2010
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to require park permits and collect park permit fees, and issue orders to implement land use rules.

Discussion and Background:

The sale of Motor Vehicle Permits (MVPs) required for park entry represents a significant source of revenue for operating the state park system, with approximately \$12 million being generated annually. This program was first established in statute in 1960 and the first park entry permits were sold in 1961. Although there have been various changes to the statute throughout the years, park entry permits have been sold every year since 1961.

Authority for requiring MVPs and setting fees for those permits is currently contained in Part 741, State Parks System, of the NREPA, MCL 324.74101 et seq. Part 5, General Powers and Duties, of the NREPA, MCL 324.501 et seq, also outlines the Department’s overall authority to control state land. Part 5 authorizes the Director to require permits for the use of state parks and requires the Director to promulgate rules to, among other things, prohibit “wrongful use or improper use or occupancy” of land controlled by the Department. Part 5 also authorizes the Director to issue orders necessary to implement those rules.

Part 741 prohibits free entry of motor vehicles into any state park or portion of a state park posted in accordance with the part. Section 74116 authorizes the department to designate state parks or portions of state parks where a motor vehicle permit is required. Under Part 5 the Department has promulgated rules that prohibit entering state land contrary to posted prohibitions. Land Use

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Order 5.16 implements this rule in the context of motor vehicles by prohibiting motor vehicles from entering numerous state parks or portions of those parks without an MVP.

Part 741 sets annual and daily MVP fee amounts, but only until January 1, 2010. Unless the Director establishes an MVP fee, it will be unlawful under Parts 741 and 5 of the NREPA for a motor vehicle to enter the numerous state parks posted by the Department. Section 74117(1) of Part 741 and section 509 of Part 5 authorize the Director to establish MVP fees.

This Land Use Order of the Director would authorize continuing sale of MVPs at the current fee schedule.

There is Legislation pending in both chambers of the Michigan Legislature to address state park entry fees. If such Legislation is enacted, this Land Use Order of the Director will be immediately rescinded.

Recommendation:

This order is being submitted for information and consideration at the December 3, 2009, Natural Resources Commission meeting. This item appeared on the Department's November 2009 calendar, and is eligible for approval on January 7, 2010.

Ronald A. Olson, Chief
Parks and Recreation Division

Gary Hagler, Chief
Law Enforcement Division

David Freed, Chief
Office of Land and Facilities

Arminda S. Koch
Resource Management Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 01 of 2010

By authority conferred on the Director of the Department of Natural Resources by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.922 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

5.16 Entry, use and occupancy of certain state parks recreation areas and scenic sites, motor vehicle permit requirement.

Order 5.16 (1) THE DEPARTMENT MAY REQUIRE MOTOR VEHICLE PERMITS AND COLLECT FEES FOR ENTRY INTO A STATE PARK OR A RECREATION AREA. THE DEPARTMENT MAY WAIVE THE MOTOR VEHICLE PERMIT REQUIREMENT FOR DEPARTMENT-SPONSORED EVENTS OR OTHER CIRCUMSTANCES AS DETERMINED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE. THE DEPARTMENT SHALL PREPARE AND DISTRIBUTE MOTOR VEHICLE PERMITS TO IMPLEMENT THIS PART.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS ORDER, AN ANNUAL MOTOR VEHICLE PERMIT SHALL BE ISSUED AND SHALL AUTHORIZE THE ENTRY OF THE MOTOR VEHICLE TO WHICH IT IS ORIGINALLY ATTACHED WITHIN THE CONFINES OF ANY STATE PARK OR RECREATION AREA DURING THE CALENDAR YEAR FOR WHICH IT IS ISSUED. THE FEE FOR THE ANNUAL MOTOR VEHICLE PERMIT IS AS FOLLOWS:

(A) FOR THE OWNER OF A RESIDENT MOTOR VEHICLE, \$24.00, EXCEPT AS FOLLOWS:

(I) THE FEE FOR THE OWNER OF A RESIDENT MOTOR VEHICLE WHO IS 65 YEARS OF AGE OR OLDER IS \$6.00.

(II) THE FEE FOR THE OWNER OF A RESIDENT MOTOR VEHICLE WHO, AT THE TIME OF PURCHASE, IS IN POSSESSION OF A BRIDGE CARD AND PERSONAL IDENTIFICATION IS \$18.00.

(B) FOR THE OWNER OF A NONRESIDENT MOTOR VEHICLE, \$29.00.

(3) A DAILY PERMIT, VALID FOR 1 DAY ONLY, SHALL AUTHORIZE THE ENTRY OF THE MOTOR VEHICLE TO WHICH IT IS ORIGINALLY ATTACHED WITHIN THE CONFINES OF A STATE PARK OR RECREATION AREA DURING THE DAY FOR WHICH IT IS ISSUED. THE FEE FOR A DAILY PERMIT IS AS FOLLOWS:

(A) FOR THE OWNER OF A RESIDENT MOTOR VEHICLE, \$6.00.

(B) FOR THE OWNER OF A NONRESIDENT MOTOR VEHICLE, \$8.00.

(4) A PERSON WHO HAS OBTAINED AN ANNUAL MOTOR VEHICLE PERMIT UNDER THIS SECTION FOR A RECREATIONAL VEHICLE TO BE USED AS A STATIONARY PRIMARY CAMPING SHELTER CAMPED LEGALLY IN AND NOT MOVED FROM A STATE PARK OR RECREATION AREA CAMPGROUND DURING THE PERIOD OF THE CAMPING STAY MAY OBTAIN A DUPLICATE MOTOR VEHICLE PERMIT FOR A TOWED SECOND MOTOR VEHICLE PRESENT AT THE TIME OF ENTRY FOR A FEE OF \$6.00 EFFECTIVE FOR THE DURATION OF CAMPING STAY.

(5) THIS SECTION DOES NOT OBTIATE THE NECESSITY OF OBTAINING ADDITIONAL PERMITS FOR SPECIAL SERVICES OR PARK PRIVILEGES AS PREVIOUSLY OR SUBSEQUENTLY MAY BE REQUIRED BY LAW OR BY RULES PROMULGATED BY THE DEPARTMENT.

(6) COMMERCIAL MOTOR COACHES OR VANS WITH A CAPACITY OF MORE THAN 12 PASSENGERS ARE NOT ELIGIBLE TO ENTER A STATE PARK OR RECREATION AREA WITH AN ANNUAL MOTOR VEHICLE PERMIT. THE DAILY FEE TO ALLOW COMMERCIAL MOTOR COACHES OR VANS WITH A CAPACITY OF OVER 12 PASSENGERS DAILY ENTRY INTO A STATE PARK OR RECREATION AREA IS \$15.00.

(7) IF A PERSON'S ANNUAL MOTOR VEHICLE PERMIT IS LOST OR DESTROYED, THE DEPARTMENT SHALL PROVIDE THAT PERSON WITH A REPLACEMENT MOTOR VEHICLE PERMIT FREE OF CHARGE. THE DEPARTMENT MAY REQUIRE A PERSON REQUESTING A REPLACEMENT MOTOR VEHICLE PERMIT TO SUPPLY SUFFICIENT EVIDENCE OF THE LOSS OR DESTRUCTION OF THE ORIGINAL MOTOR VEHICLE PERMIT.

(8) AS USED IN THIS ORDER, "RESIDENT MOTOR VEHICLE" MEANS A VEHICLE THAT IS REGISTERED AS A MOTOR VEHICLE IN THIS STATE.

ORDER 5.16(A) ENTRY, USE AND OCCUPANCY OF CERTAIN STATE PARKS RECREATION AREAS AND SCENIC SITES, PROHIBITED CONDUCT.

Order 5.16A A person shall not do any of the following:

(1) Enter any of the following state-owned lands with a motor vehicle, unless a valid Michigan state park motor vehicle permit has been purchased and affixed to the vehicle windshield in accordance with the printed instructions on the permit:

- (a) Agate falls scenic site, Ontonagon county.**
- (b) Algonac SP, St. Clair county.**
- (c) Aloha SP, Cheboygan county.**
- (d) Bald mountain RA, Oakland county.**
- (e) Baraga SP, except off-road recreation vehicles regulated under Part 811 of 1994 PA 451, Baraga County.**
- (f) Bass river RA, recreation area lands located in sections 1 and 12, T7N, R15W, in Robinson township; and in sections 7 and 8, T7N, R14W in Allendale township north and west of bass river and SW of grand river, Ottawa county.**
- (g) Bay city RA, Bay county.**
- (h) Bewabic SP, Iron county.**
- (i) Bond falls scenic site, Ontonagon county.**
- (j) Brighton RA, Livingston county.**
- (k) Brimley SP, Chippewa county.**
- (l) Burt lake SP, Cheboygan county.**
- (m) Cheboygan SP, Cheboygan county.**
- (n) Clear lake SP, except off-road recreation vehicles regulated under Part 811 of 1994 PA 451, Montmorency county.**
- (o) Craig lake SP, all state park designated lands located in sections 32, 33, 34, 35, 36, 28, 27, 26, 25, 21, 22, 23 and 24, T49N, R31W, Baraga county.**

- (p) Dodge #4 SP, Oakland county.**
- (q) Duck lake SP, Muskegon county.**
- (r) Fayette SP, Delta county.**
- (s) Fort Custer RA, Kalamazoo county.**
- (t) Fort Wilkins SP, Keweenaw county.**
- (u) Fisherman's island SP, Charlevoix county.**
- (v) Grand haven SP, Ottawa county.**
- (w) Grand Mere SP, Berrien county.**
- (x) Harrisville SP, Alcona county.**
- (y) Hartwick pines SP, Crawford county.**
- (z) Hayes SP, Jackson, Lenawee, and Washtenaw counties.**
- (aa) Highland RA, Oakland county.**
- (bb) Hoeft SP, Presque isle county**
- (cc) Hoffmaster SP, Ottawa and Muskegon counties.**
- (dd) Holland SP, Ottawa county.**
- (ee) Holly RA, Oakland county, all recreation area land in sections 20, 21, 27, 28, 29, 32, and 33 T5N, R8E north and east of highway M-54 (Dixie highway), west of Wildwood road and south of grange hall road. Recreation area land in sections 13, 14, 23, 24, 25 (remote control aircraft flying field only) and 26 (north of grange hall road only), T5N, R7E west of I-75.**
- (ff) Indian lake SP, Schoolcraft county.**
- (gg) Interlochen SP, Grand Traverse county.**
- (hh) Ionia RA, Ionia county.**
- (ii) Island lake RA, Oakland and Livingston counties.**
- (jj) Lake Gogebic SP, Gogebic county.**
- (kk) Lake Hudson RA, Lenawee county.**
- (ll) Lakeport SP, St. Clair county.**
- (mm) Laughing whitefish falls scenic site, Alger county.**
- (nn) Leelanau SP, Leelanau county.**
- (oo) Ludington SP, Mason county.**
- (pp) Maybury SP, Wayne county.**

- (qq) McLain SP, Houghton county.**
- (rr) Mears SP, Oceana county.**
- (ss) Metamora-Hadley RA, Lapeer county.**
- (tt) Mitchell SP, Wexford county.**
- (uu) Muskallonge lake SP, except off-road recreation vehicles regulated under part 811 of 1994 PA 451, Luce county.**
- (vv) Muskegon SP, Muskegon county.**
- (ww) Newaygo SP, Newaygo county.**
- (xx) Negwegon SP, Alcona and Alpena counties.**
- (yy) North Higgins lake SP, Crawford county.**
- (zz) Onaway SP, Presque isle county.**
- (aaa) Orchard beach SP, Manistee county.**
- (bbb) Ortonville RA, Oakland and Lapeer counties.**
- (ccc) Otsego lake SP, Otsego county.**
- (ddd) Palms book SP, Schoolcraft county.**
- (eee) Petoskey SP, Emmet county.**
- (fff) Pinckney RA, Washtenaw and Livingston counties.**
- (ggg) Pontiac lake RA, Oakland county.**
- (hhh) Porcupine mountains wilderness SP, Ontonagon and Gogebic counties.**
- (iii) Port crescent SP, Huron county.**
- (jjj) Proud lake RA, Oakland county.**
- (kkk) Rifle river RA, Ogemaw county.**
- (lll) Saugatuck SP, Allegan county.**
- (mmm) Seven lakes SP, Oakland county.**
- (nnn) Silver lake SP, Oceana county.**
- (ooo) Sleeper SP, Huron county.**
- (ppp) Sleepy Hollow SP, Clinton county.**
- (qqq) South Higgins lake SP, Roscommon county.**
- (rrr) Sterling SP, Monroe county.**

- (sss) Straits SP, Mackinac county.**
- (ttt) Tahquamenon falls SP, Luce and Chippewa counties.**
- (uuu) Tawas point SP, Iosco county.**
- (vvv) Thompson's harbor SP, Presque isle county.**
- (www) Tippy dam RA, Manistee county.**
- (xxx) Traverse city SP, Grand Traverse county.**
- (yyy) Twin lakes SP, except vehicles regulated under part 811 of 1994 PA 451, Houghton county.**
- (zzz) Van Buren SP, Van Buren county.**
- (aaaa) Van riper SP, Marquette county.**
- (bbbb) Wagner falls scenic site, Alger county.**
- (cccc) Warren dunes SP, Berrien county.**
- (dddd) Warren woods SP, Berrien county.**
- (eeee) Waterloo RA, lands in Jackson and Washtenaw counties, with the exception of section 2, 3, 11, 12, 13, 14, 15, 21, 22, 23, 24, 27, 28, 29, T1S, R2E, Jackson county.**
- (ffff) Wells SP, Menominee county.**
- (gggg) Wetzel RA, Macomb county .**
- (hhhh) Wilderness SP, Emmet county.**
- (iiii) Wilson SP, Clare county.**
- (jjjj) Yankee springs RA, Barry county.**
- (kkkk) Young SP, Charlevoix county.**

This amended order shall be posted on or after January 8, 2010.

Issued on this 7th day of January, 2010.

Rebecca A. Humphries
Director