



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: October 13, 2008

MEMORANDUM TO THE DIRECTOR

INFORMATION: Natural Resources Commission

SUBJECT: Order to confirm regulating the restriction of snowmobiles to designated trail use in the Porcupine Mountains Wilderness State Park, Ontonagon and Gogebic Counties
Land Use Order of the Director Amendment No. 14 of 2008
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

The proposed Land Use Order of the Director will confirm the restriction of snowmobiles to designated trails only in the Porcupine Mountains Wilderness State Park. This is not a new regulation of snowmobile use in the park. Establishing this proposed order will enable added enforcement of snowmobile use in the Porcupine Mountains Wilderness State Park by commissioned state park officers and assist Conservation Officers by providing the option to enforce a violation as a civil infraction. Snowmobilers who stray from designated trails in the dedicated wilderness area are currently in violation of a misdemeanor offense. Anyone convicted of this offense would have a misdemeanor on their record. As a Director's Order, the violation could be written as a civil infraction and avoid generating a criminal record for the violator.

Currently, commissioned park officers cannot cite for violations of the Natural Resources and Environmental Protection Act, Act 451 of 1994, for those aspects involving designated wilderness areas. Act 451 prohibits operation of motorized equipment in designated wilderness areas. Therefore, when park officers observe a violation of these provisions, they must contact a Conservation Officer for enforcement action.

Snowmobilers are now being observed (in increasing numbers) venturing off designated snowmobile trails in the Porcupine Mountains Wilderness State Park and onto hiking trails, cross-country ski trails, and downhill ski runs. This may be due, in part, to increasingly high-performance and long-track snowmobiles, and winters of diminished snowfall. Additionally, snowmobilers in search of hill-climbing opportunities are traveling into remote areas in pursuit of steep slopes to climb.

The high-value natural resources of Porcupine Mountains Wilderness State Park have been impacted by unrestrained snowmobile use. Vegetation has been damaged, rocks have been

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scarred by carbide track studs, and bridges and boardwalks damaged. Additionally, visitors have reported unauthorized snowmobile travel on cross-country and alpine ski trails, causing damage to groomed trails and hazardous conditions for skiers.

Lands open to snowmobiles in Porcupine Wilderness State Park are designated and posted accordingly. This order would prohibit snowmobile travel within the park except on Department-designated snowmobile trails; on public rights-of-way lying south of the South Boundary Road in T50N, R44W, Carp Lake township, Ontonagon county; on public rights-of-way lying south of South Boundary Road in T50N, R45W, Wakefield township, Gogebic county; and on the public right-of-way in the S ½ of section 30, T50N, R45W. Persons exempt from the order would be Department employees acting in the line of duty, and persons performing specific acts or conducting activity authorized by written permission from the park manager or designated representative.

Parks and Recreation staff coordinated with the Forest, Mineral and Fire Management Division's snowmobile program staff regarding this land use order. Also, the manager at Porcupine Mountains Wilderness State Park contacted the Gogebic Range Snowmobile Club, the North Country Snowmobile Club, and the President of the Michigan Snowmobile Association to explain the proposed order and they were all supportive.

Proposal:

The proposed order will confirm the existing prohibition of snowmobile use off the designated and posted routes in the Porcupine Mountains Wilderness State Park, and provide commissioned park officers the authority to cite for snowmobile operation off of designated snowmobile routes in Porcupine Wilderness State Park. This Order will enable Department staff to protect sensitive ecosystems, stewardship initiatives, and enhance the Department's ability to enforce existing statute which bans snowmobiles from the designated wilderness area.

The proposed order does not reduce the existing, legitimate snowmobile riding opportunities available in Porcupine Mountains Wilderness State Park.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's October 27, 2008 calendar and may be eligible for approval on December 4, 2008.

Ronald A. Olson, Chief
Parks and Recreation Division

Gary Hagler, Chief
Law Enforcement Division

Lynne M. Boyd, Chief
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Russ Mason, Ph. D., Chief
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LAND USE ORDERS OF THE DIRECTOR

Amendment No 14 of 2008

By authority conferred on the Director of the Department of Natural Resources by Section 504 of Act No. 451 of the Public Acts of 1994, as amended, being section 324.504 of the Michigan Compiled Laws and in accordance with R 299.671 and R 299.922 of the Michigan Administrative Code, the Director of the Department of Natural Resources orders that the following order of the Land Use Orders of the Director shall read as follows:

Chapter V - State Parks and Recreation Areas

5.12 Certain state parks and recreation areas, requirements for use, certain conduct prohibited.

Order 5.12. The following conduct shall apply to use of Michigan state parks and recreation areas:

Fayette state park, certain conduct prohibited.

(1) A person shall not do the following at Fayette SP located in Delta county:

(a) Dive, swim, water ski, skin or scuba dive, or attempt to dive, swim, water ski, skin or scuba dive from any vessel operating within or moored to the docks or piling or anchored to the bottomlands of snail shell harbor, Fayette SP, Delta county, without written permission of an authorized representative of the department.

Palms book state park, prohibited conduct.

(2) A person shall not do any of the following at palms book SP:

(a) Swim, bathe, skin or scuba dive, fish, or boat in the big spring, Kitchitiki, palms book SP.

(b) Use the department owned raft on the big spring for anything other than viewing.

Island lake recreation area, conduct prohibited.

(3) A person shall not do the following at the island lake RA:

(a) Operate a vessel powered by a motor on the waters of spring mill pond.

Sterling state park, conduct prohibited.

(4) A person shall not do the following at Sterling SP:

(a) Launch or attempt to launch a vessel equipped with an inboard or outboard motor, except an electric motor, into the waters of the south lagoon from any state-owned lands lying south of the centerline of the park entrance road.

Pontiac lake recreation area, prohibited conduct.

(5) A person shall not do any of the following at the Pontiac lake RA:

(a) Possess or fly a hang glider on any state-owned lands within the Pontiac lake RA.

(b) Enter into a pen area or buffer zone around a pen area established by the department from June 10 to July 15 for the temporary holding of geese. This prohibition shall not apply to a person issued a written permit by the district wildlife supervisor allowing entry into the area.

Ludington state park, prohibited conduct.

(6) A person shall not do the following at Ludington SP:

(a) Park a vehicle of any type between the hours of 12:00 midnight and 6:00 a.m. in the parking areas adjacent to highway M-116 from the south limit of the park to the bridge over big Sable river.

South Higgins lake state park, prohibited conduct.

(7) A person shall not do the following at south Higgins lake SP:

(a) Park or leave a motor vehicle in the day use area of south Higgins lake SP between the hours of 10:00 p.m. and 8:00 a.m. without written permission from a representative of the department.

(b) Leave a trailer unattached to a vehicle in the boat launch parking lot.

(c) Park a vehicle without boat trailer attached, or a vehicle not being used to transport a boat, in the boat launch parking lot.

(d) A person shall not leave a vessel unattended, moored to access piers, in boat basin, beached along shoreline, or anchored to riparian bottomlands between the hours of 10:00 p.m. and 8:00 a.m., without prior written approval from an authorized representative of the department.

Pinckney recreation area, prohibited conduct.

(8) A person shall not do the following at the Pinckney RA:

(a) Use any state-owned lands in the S ½ of the S ½ of section 23, T1S R3E, for the purpose of launching or attempting to launch onto the waters of Island lake, any watercraft equipped with an inboard or outboard motor.

(b) Consume or possess any alcoholic beverage within ¼ mile surrounding and including the parking lot at Pickerel lake, section 8, T1S R4E, as posted.

(c) Launch or attempt to launch a vessel equipped with an inboard or outboard motor, except an electric motor, onto the waters of Pickerel lake, section 8, T1S R4E.

Silver lake state park, prohibited conduct.

(9) A person shall not do any of the following within Silver lake SP without first obtaining proper written permission from the department:

(a) Store, leave, park or otherwise place any boat, fish shanty, vehicle, bicycle, equipment, tool, device or other property which is at any time during its presence in the park made available for rent, lease, or sale.

(b) Use or occupy any land or water within the park to solicit, conduct, operate, engage in, or maintain a business of any nature or use such areas as a base of commercial operations. For purposes of this order, "base of operations" means a use of lands or waters which is a principal or significant aspect of any commercial activity.

Porcupine mountains wilderness state park, prohibited conduct.

(10) A person shall not do any of the following in the Porcupine mountains wilderness SP without first obtaining proper written permission from the department:

(a) Feed a bear or lure any bear with food. This provision does not apply to the lawful baiting of bear as described in orders issued pursuant to part 401, wildlife conservation, of Act 451 of 1994.

(b) Operate a snowmobile off the designated snowmobile route.

Waterloo recreation area, prohibited conduct.

(11) A person shall not do the following at the Waterloo RA:

(a) Enter into a pen area or buffer zone around a pen area established by the department from June 10 to July 15 for the temporary holding of geese. This prohibition shall not apply to a person issued a written permit by the district wildlife supervisor allowing entry into the area.

Fort Custer recreation area, prohibited conduct.

(12) A person shall not do the following at the fort Custer RA:

(a) Excavate, dig or probe the grounds, or remove ordnance without written permission.

(b) Operate a snowmobile off the designated snowmobile route.

Grand Haven state park campground, prohibited conduct.

(13) A person shall not place or allow a recreational camping unit under their control to be placed front-first upon a campsite in the Grand Haven SP campground. The tongue of a trailer or front of a self-propelled camping unit shall face the roadway.

Holland state park, prohibited conduct.

(14) A person shall not possess or use furniture designed or intended for indoor use within Holland SP from May 15 to July 15 unless the furniture is enclosed within a camping shelter. Furniture that is designed or intended for indoor use and is placed outside of a camping shelter may be removed at the discretion of the park manager.

Sanilac petroglyphs historic state park, prohibited conduct.

(15) A person shall not do any of the following at the Sanilac petroglyphs historic SP:

(a) Enter into the fenced area containing the petroglyph rock when the entry gate is closed.

(b) Walk upon or otherwise come into contact with the petroglyph rock within the fenced area.

Ionia recreation area, prohibited conduct.

(16) A person that has been issued a campsite permit shall not possess or allow to be possessed upon the campsite more than 4 animals other than horses by all members of the camping party combined.

Seven lakes state park, prohibited conduct.

(17) A person shall not operate a snowmobile, or other motorized snow contrivance without written permission from an authorized representative of the department.

Port Crescent state park, prohibited conduct.

(18) With the exception of accessing Saginaw bay via the campground, a person shall not operate a snowmobile, or other motorized snow contrivance without written permission from an authorized representative of the department.

Holly recreation area, prohibited conduct.

(19) A person shall not operate a snowmobile or other motorized snow contrivance outside an area bordered by McGinnis road to the north, Wildwood road to the east and Dixie highway to the south, without written permission from an authorized representative of the department.

Algonac state park campground prohibited conduct.

(20) A person shall not place or allow a recreational camping unit under their control to be positioned horizontal to the park's roadways in the riverfront campground. The tongue of a trailer or front or rear of a self-propelled camping unit shall face the park's roadway, and all camping units must be parked on pads where they exist.

This amended order shall be posted on or after December 5, 2008.

Issued on this 4th day of December, 2008.

Rebecca A. Humphries
Director