



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: August 16, 2010

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate the Use of Lands, Houghton County
Land Use Order of the Director Amendment No. 07 of 2010
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

Forest Management Division is recommending this amendment to control the use of wheeled-motorized vehicles on the property known as the Chassell to Houghton Rail Corridor. The Department of Natural Resources and Environment (DNRE) acquired this railroad corridor for recreational purposes. A citizen's advisory committee was formed in 2005 to make recommendations to the DNRE on the future use of this corridor. The advisory committee has recommended that this trail be "primarily non-motorized". The exception provided to this recommendation was to allow the use of snowmobiles. Forest Management Division agrees with this recommendation.

Until recently, the state of Michigan (state) had been engaged in legal disputes over its ownership of part of the corridor. Resulting court rulings have been in favor of the state and the DNRE. With the court decisions and a Memorandum of Understanding with the Department of Transportation now in place, the DNRE can now move forward with its management of the corridor for recreational trail purposes.

The order to regulate the use of lands will provide for enforcement along the Chassell to Houghton Rail Corridor to restrict wheeled-motorized use, except as specifically noted. The segment of this corridor to which the order applies is approximately six miles in length and extends at the south from the intersection of US-41, south of Chassell to the intersection with the Pilgrim River southeast of Houghton on the north.

The Western Upper Peninsula (WUP) Ecoteam has been informed of the need for this land use order. The order has been reviewed and supported by the WUP Ecoteam.

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The amendment also makes a minor numbering correction to the existing order, 4.21a. The correction clarifies and makes the full order enforceable.
Land Use Order of the Director

Recommendation:

This order is being submitted for information and consideration. This item will appear on the DNRE's Business Calendar dated September 27, 2010, and will be eligible for approval on October 7, 2010.

Lynne M. Boyd, Chief
Forest Management Division

Gary Hagler, Chief
Law Enforcement Division

Ron Olson, Chief
Recreation Division

Russ Mason, Ph.D., Chief
Wildlife Division

Kelley D. Smith, Ph.D., Chief
Fisheries Division

Frank Ruswick, Deputy Director
Stewardship

Mindy Koch, Deputy Director
Resource Management

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 07 of 2010

By authority conferred on the Director of the Department of Natural Resources and Environment by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.921 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

4.21a Certain state-owned lands, Houghton county, prohibited conduct.

Order 4.21a (1) A person shall not enter, use or occupy the following lands unless authorized by the Baraga management unit manager:

(a) State-owned lands in the vicinity of Elevenmile lake, consisting of the SE1/4 of the NW1/4 of the SE1/4 and the NE1/4 of the SW1/4 of the SE1/4 of section 2, T53N R35W, from April 15 through September 9, Houghton county.

~~(2)~~ (b) State-owned lands within the 760-foot fenced and gated portions of the former copper range railroad grade and the former Hancock and Calumet railroad grade, located within government lots 1 and 2, section 36, T55N R34W, Houghton county.

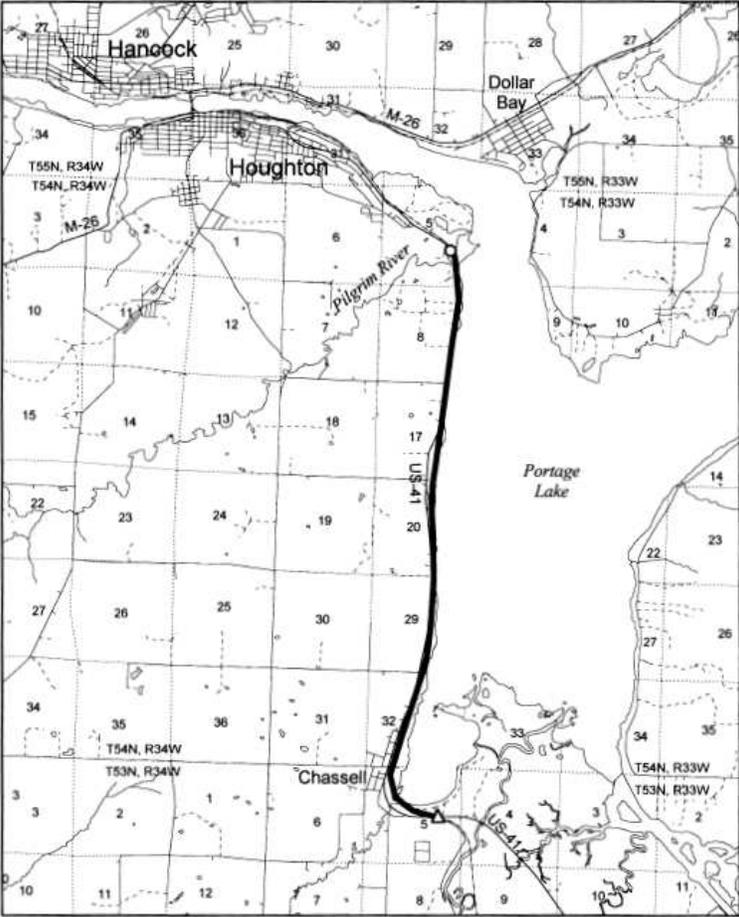
(2) A PERSON SHALL NOT OPERATE A WHEELED-MOTORIZED VEHICLE ON THE CHASELL TO HOUGHTON RAIL CORRIDOR IN THE NW1/4 OF THE SE1/4, SECTION 5, T53N R33W WHERE THE CORRIDOR INTERSECTS WITH US-41 NORTH TO THE NE1/4 OF THE SE1/4, SECTION 5, T54N R33W, WHERE THE CORRIDOR INTERSECTS WITH THE PILGRIM RIVER BRIDGE, HOUGHTON COUNTY.

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

Issued on this 7th day of October, 2010.

Rebecca A. Humphries
Director

PROPOSED USE RESTRICTIONS
Houghton to Chassell Railroad Corridor - Houghton County
Land Use Order of the Director, Amendment No. 7 of 2010



- Railroad corridor subject to use restrictions
- North terminus: Pilgrim River crossing, Section 5, T54N, R33W
- △ South terminus: US-41 crossing, Section 5, T53N, R33W