

MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

**Forest Certification Work Instruction**

DRAFT     FINAL

**Date of Draft Document:**

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**Work Instruction Title:** 3.3 Best Management Practices--Road Closures

**Work Area Group:** 3 - Best Management Practices (BMPs)

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**Purpose:** To provide direction regarding the closure of Department roads.

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**Work Instruction:**

Use of the term “Road” is broad in meaning and includes Department controlled “Forest Roads” and other Department controlled roads on certified Department land that do not meet the definition of “forest road” per PA 451, Part 324.811. From PA 451, Part 324.811: “Forest Road” means a hard surface road, gravel, or dirt road, or other route capable of travel by a 2-wheel drive, 4 wheel conventional vehicle designed for highway use, except an interstate, state, or county highway.

**Emergency Road Closures:**

An emergency (immediate) road closure, which may be permanent or temporary in nature, may be needed when there is a public safety and/or a significant environmental, natural resources, or legal concern. These types of concerns include, but are not limited to: deep rutting (which impacts environmental function) or the potential for deep rutting, movement of significant soil from the roadbed, sediment flow into a wetland or water body, flooding, failure of a bridge, culvert failure that results in wetland or water body sedimentation, threats to threatened or endangered species, and threats to cultural or historic sites.

The Director of the Department of Natural Resources and Environment (DNRE) may issue a Land Use Order of the Director (LUOD) for emergency road closure. Staff should use the following procedure:

- 1) A DNRE employee who identifies an existing road meeting at least one of the above criteria for emergency road closure should immediately inform their supervisor and inform the Land Administering Division (LAD) Manager.
- 2) The LAD Manager (normally the FMD Unit Manager) will immediately evaluate the reported road condition, and if there is a public safety, or significant environmental, natural resources, or legal concern the problem will either be immediately mitigated or the road will be immediately closed. Posting is required, and in addition closure may be achieved by placing barricades, berms, gating, signing, etc. The decision for non-action or the action chosen must also be reported to the supervisor of the person who reported the situation and to the LAD District Supervisor.
- 3) The LAD Manager will immediately contact their respective Ecoteam Chairperson and report the situation. At the same time, the LAD Manager will complete and sign the Forest Road Checklist, R4503 and Forest Road Closure Review form, R4504 and submit to the Ecoteam chairperson. (Note: additional approvals/sign offs are not needed for the emergency closure.) If the LAD Manager does not take action, and another Division supervisor feels they should, the matter should be submitted to the Ecoteam, with evidence and justification, for recommendations. .

- 4) The Ecoteam Chairperson will advise the Ecoteam of the road issue, solicit their timely input if possible, and then make his/her recommendations on behalf of the Ecoteam to the LAD, Lansing and the LAD Unit Manager (copy to the Ecoteam). The Statewide Council shall address issues not resolved by the Ecoteam.
- 5) If the Ecoteam determines that the emergency road closure is not needed, the LAD Manager will open the road and work with the Ecoteam to identify an alternative method to address the problem.
- 6) If the Ecoteam approves closure, the LAD Lansing will receive written notification of the Ecoteam's decision including a map, Forest Road Checklist, R4503 and Forest Road Closure Review form, R 4504. The LAD, Lansing will prepare a draft LUOD and Director's memo and submit for approval, per Department procedure. If a LUOD is issued, the road shall remain closed until the situation is corrected and rescission of the LUOD is initiated.
- 7) To rescind an Emergency Road Closure LUOD (one without a built in time line), the LAD Manager will request the Ecoteam to recommend rescission of the order. If approved, the Ecoteam will submit a request to the LAD, Lansing to rescind the LUOD.
- 8) The LAD, Lansing will advise the Ecoteam of the status of the rescission.

**Non-Emergency "normal" road closures:**

Any DNRE employee identifying an existing road under the administration of the Department which they believe should be temporarily, seasonally, or permanently closed should submit a proposal to their supervisor. The supervisor, after determining that a Department controlled road should be closed temporarily, seasonally, or permanently, will proceed with the following:

- 1) Complete the Forest Road Checklist, R 4503 and Forest Road Closure Review form, R 4504. Roads may be grouped by compartment or geography to streamline the process to evaluate more than one road at a time. Seek review recommendations for the Forest Road Closure Review from the local FMD Unit Manager, Wildlife Habitat Biologist, Fisheries Biologist and LED Supervisor as appropriate.
- 2) Seek review and approval through the Compartment Review Process, or other public review process. Note: road closures in out-of-entry-year compartments can be evaluated at any annual compartment review. If due to time constraints the proposal cannot utilize the compartment review or other public review process, the request for closure will be sent directly to the Ecoteam, and supervisors in the chain of command will be advised.
- 3) Seek review and decision by the Ecoteam.
- 4) If the Ecoteam approves closure, the LAD Lansing will receive written notification of the Ecoteam's decision including a map, Forest Road checklist, R 4503 and Forest Road Closure Review form, R 4504. LAD Lansing will prepare a draft LUOD and Director's memo and submit for approval, per Department procedure. If the proposed road closure falls within the **2007 Inland Consent Decree\*** area, the tribal road closure notification process shall be followed. LAD Lansing will notify the DNRE Tribal Coordinator to make required tribal notifications.
- 5) If the Ecoteam denies closure, the written decision is returned to the LAD manager and initiating Division.
- 6) To rescind a non-emergency "Normal" Road Closure LUOD, the LAD Manager will request the Ecoteam to approve that the order be rescinded. If approved, the Ecoteam will submit a request to the LAD, Lansing to rescind the LUOD.

**\*2007 Inland Consent Decree:** The decree provides specific requirements in regard to access to state forest lands within a geographically defined treaty area. Section 20.2 Access, item (f): "The MDNR shall notify and consult with the Tribes before permanently closing an approved access road or trail. In the event that the MDNR establishes a program for seasonal closures of approved access roads or trails, the MDNR shall notify and consult with the Tribes before implementing any such seasonal closure." Appendix L, Section 14.5: "The State shall notify the Tribes and the United States in writing as soon as possible of any proposal to permanently close an approved access road or trail, and in any event shall notify the Tribes and the United States at least 90 days before approving any such proposal."

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**Scope:** (All State Forest Land and Affected Divisions):  State Forest Land  Other: \_\_\_\_\_

DNRE – FMD  DNRE – Wildlife  DNRE – Fish  DNRE – Law  DNRE – Recreation

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**Responsibility and Role:** (Staff who will implement or supervise this instruction)

<b>Job Title/Division</b>	<b>Role</b>
DNRE staff desiring road closure	Collect information and prepare road assessment checklist and forest road closure review form. Report BMP non-conformances on the Resource Damage Report (RDR) data base and inform supervisor of road closure recommendation.
Ecoteams	Review proposal and forward road closure recommendations.
The Statewide Council	Address issues not resolved by the Ecoteam.
LAD Lansing	Prompt processing of road closure proposals. Notify tribal coordinator of need for tribal notifications under the 2007 Inland Consent Decree.
Unit Manager/ LAD	Evaluate roads for closure, make emergency closures, notify Ecoteams and Forest Supervisors of road closure recommendations, request Land Use Order of the Director (LUOD) for road closure.
Supervisors/DNRE	Complete Forest Road Closure Review form and Forest Road checklist. Spearhead local review of Forest Road Review form. Make recommendation at Compartment Review.
DNRE Tribal Coordinator	Make required 90 day notifications per 2007 Inland Consent Decree.
DNRE Director	Issue and/or rescind LUOD for road closures.

**Training/Skills:** (Those required to accomplish work instruction)

<b>Item</b>	<b>Brief Description of Skill or Course</b>	<b>Exists/ New</b>
Non-emergency road closures	Understanding of roles at various levels to improve flow of information and decision making efficiency for closing existing Department roads	<input type="checkbox"/> E <input checked="" type="checkbox"/> N
Emergency road closures	Understanding of roles at various levels to expedite closure of Department roads in the event of severe weather, public safety issues, or Best Management Practices problems.	<input type="checkbox"/> E <input checked="" type="checkbox"/> N

**References:**

- DNR Policy and Procedure 01.10.03, Development and Establishment of NRC and Director's Orders
- Federal Law section 319 of the Clean Water Act of 1972 as amended 1987, state law part 31, part 91, of PA 451.
- Public Act 451 of 1994, Part 811 324.81101e and Part 811 324.81101f.
- Sustainable Soil and Water Quality Practices on Forest Land, February, 24, 2009, IC 4011 and as updated or replaced
- 2007 Inland Consent Decree, Section 20.2 Access, item (f), Appendix L, Section 14.5, and Appendix L, Section 18.1

**Monitoring:**

- RDR data base and RDR forms (R 4801)
- Operations Inventory or IFMAP inspection

**Records:**

- Water Quality Management checklist (R4501)
- Ecoteam road closure recommendation
- Forest Road Closure Review, R 4504
- Forest Road Checklist, R 4503
- Compartment Review Notes