



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



DANIEL EICHINGER  
DIRECTOR

SUBMITTED: December 17, 2018  
RESUBMITTED: January 14, 2019

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission  
Subject: Public Act 288 (PA 288) of 2016; Forest Road Inventory Proposed  
Changes in the Northern Lower Peninsula  
Land Use Orders of the Director Amendment No. 1 of 2019

Authority:

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

Discussion and Background:

Under Part 721, Michigan Trailways, of the Natural Resources and Environmental Protection Act, the Department is required to:

1. Open forest roads to motorized use by the public unless designated otherwise by the Department pursuant to the procedure for a Land Use Order of the Director; and
2. Annually post to its website the total miles of forest roads open to motorized use and a map or maps of those forest roads.

Additionally, before the Department newly restricts a road from being used to access public land, the local unit of government shall be provided a written notice that includes the reason for the restriction.

On December 14, 2017, the Director approved Land Use Order of the Director (LUOD) Amendment No. 5 of 2017, for the Northern Lower Peninsula which identified forest roads open to off-road vehicle (ORV) use and an inventory of all forest roads in this region. On December 13, 2018, the Director approved Amendment No. 7 of 2018 identifying forest roads in the Upper Peninsula and Southern Lower Peninsula opened to ORV use and total miles of forest roads in these regions. The maps with the approved state-managed forest roads open and closed to ORV use are published online.

In an effort to ensure that the Department forest road inventory contains the most accurate information possible, Department staff will conduct field checks of the inventory on a regular basis. As a result of these efforts, ongoing refinements, error corrections and proposed changes to the data will occur on an annual basis. In addition, the Department will continue to work with and accept comments from members of the public, stakeholder organizations, local units of

government officials and tribal entities, to consider proposed changes to ORV use on forest roads annually. And finally, Department staff will also continue to review forest road use, changing circumstances, land use patterns, resource protection, and other factors to ensure that arising issues are appropriately addressed. The maps will be updated annually to reflect any modifications that result from these efforts.

The process for proposing changes to the forest road inventory commenced in 2018 for the Northern Lower Peninsula and will be incorporated with the Upper Peninsula and Southern Lower Peninsula in 2019. Proposals for changing the forest road inventory and ORV use on forest roads can be initiated by Department staff or as a result of comments received from members of the public, stakeholder organizations, local units of government, or tribal entities. Proposed changes are vetted through a thorough review process that includes input from each of the Department resource managing divisions, notification to tribal entities and local units of government, and an opportunity for public input on the proposed changes.

As a result of implementing this process in the Northern Lower Peninsula, ground truthing revealed some road segments previously mapped did not exist on the ground or were mapped in error, roads that did not meet the definition of a forest road were included in the maps, and road segments that weren't originally mapped that should be added to the maps.

The Department proposal results in total forest road mileage changes as follows:

- After completion of the review process, the Department recommends closure of 3.4 miles of roads to ORV use for resource damage and protection reasons.
- 6,339.5 (84%) miles are to be open to ORV use in the Northern Lower Peninsula, which is a net increase of 31.5 miles open to ORVs from 2017. The percentage of roads open to ORVs did not change.

Total current miles of state forest roads in the Northern Lower Peninsula is 7591 miles, a net increase of 39 miles of road since 2017.

As required by PA 288, all 28 counties and 320 township officials in the affected area in Northern Lower Michigan were notified and made aware of potential changes in their governmental units and directed to the Department's forest roads website to see specific changes and reasons for restrictions. The Department received only one comment suggesting that it also notify all road commissions of these changes, which is not a requirement of the legislation. Tribal notification also occurred during this time.

The map with the approved state-managed forest roads that are open or closed to ORV use in the Northern Lower Peninsula will be published online by April 1, 2019. Signs will be posted on the state-managed forest roads closed to ORV use.

Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information on January 10, 2019, at the Natural Resources Commission meeting. This item appeared on the Department's January calendar and may be eligible for approval on February 14, 2019.



Debbie A. Begalle, Chief  
Forest Resources Division



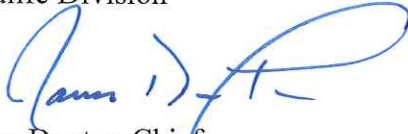
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# LAND USE ORDERS OF THE DIRECTOR

## **Amendment No. 1 of 2019**

By authority conferred on the Director of the Department of Natural Resources by Section 504 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended, MCL 324.504, and in accordance with R 299.921 to R 299.933, the Director of the Department of the Natural Resources orders the following:

### **9.1 State-owned lands, motorized vehicle use prohibited, exception.**

Order 9.1 (1) Unless otherwise provided in this chapter, an individual shall not operate a motorized vehicle, other than a snowmobile unless the motorized vehicle is operated on a forest road, designated route, designated trail, or designated area illustrated as open on the access map as published on the department website and dated April 1, 2019.

This amended order shall be posted on or after the 1st day of April, 2019.

Issued on this 14th day of February, 2019.

Daniel Eichinger  
Director