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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: December 18, 2023
RESUBMITTED: January 16, 2024

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission
Subject: Public Act 288 (PA 288) of 2016; Forest Road Inventory Update
Land Use Order of the Director Amendment No. 2 of 2024

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 of Natural Resources (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 (LUOD); 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 LUOD Amendment No. 5 of 2017 for the Northern Lower Peninsula (NLP), which identified forest roads open to off-road vehicle (ORV) use as an inventory of all forest roads in this region. On December 13, 2018, the Director approved LUOD Amendment No. 7 of 2018 identifying forest roads in the Upper Peninsula (UP) and Southern Lower Peninsula (SLP), 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 posted on the Department's website.

To ensure that the Department's forest road inventory contains the most accurate information possible, Department staff 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 unit of government officials, and tribal entities to consider proposed changes to the forest road inventory or ORV use on forest roads annually. And finally, Department staff 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 types of changes that may be proposed include opening roads to ORV use, closing roads to ORV use, closing roads to all conventional vehicles and ORVs, and changes that reflect efforts to ensure accuracy of the data. The maps are 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 NLP and starting in 2019 proposed changes in the UP and SLP were added to the process. Proposals for changing the forest road inventory, including the potential closure of roads to conventional vehicles and ORV use, can be initiated by Department staff or as a result of comments from 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 statewide, 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.

As compared to the forest road mileages that are currently published on the Department's website, the 2023 proposals result in total statewide forest road mileage changes, as follows:

- Removal of 38.7 miles of roads from the state forest road maps due to closure to conventional vehicles and ORVs for resource damage and protection reasons.
- Deletion of 36.0 miles of roads due to data cleanup as these roads do not exist on the ground, are duplicate roads, or will be removed as a result of data reconciliation.
- Addition of 254.9 miles of roads to the maps following discovery of roads existing on the ground but not previously included in the forest road inventory. This additional mileage includes 252.0 miles of roads that will be open for ORV use, 2.9 miles closed to ORVs, & 3.6 miles seasonally closed to ORVs.

Incorporating these proposed changes, the overall forest road mileage, by region, is as follows:

- Upper Peninsula: 5,686.6 (98.6%) miles open to ORV use in the UP of a total 5,767.4 miles of state forest roads. The percentage of roads open to ORVs increased by 0.5% from 2023.
- Northern Lower Peninsula: 6068.6 (83.7 %) miles open to ORV use in the NLP of a total 7,251.2 miles of state forest roads. The percentage of roads open to ORVs increased by 0.1 % from 2023.
- Southern Lower Peninsula: 10.1 (2.8%) miles open to ORV use in the SLP of a total 358.0 miles of state forest roads. The percentage of roads open to ORVs (2.8%) remained the same from 2023.

Along with state forest roads that are designated on the maps as either open or closed to ORV use, many state forest roads are also designated as being open for ORV use on a seasonal basis only. Some examples for seasonal openings include ensuring ORV access to safe ice during the winter months for ice fishing purposes or opening state forest roads for ORV use that are restricted at other times of the year due to nesting seasons for endangered species. State forest roads that are open for ORV use on a seasonal basis are designated as such on the maps and will also be appropriately posted on the ground to ensure that the public is aware of when it is legal to operate an ORV on that specific state forest road.

As required by PA 288, all county and township officials were notified and made aware of potential changes in their governmental units and directed to the Department's forest roads webpage to see specific changes and reasons for restrictions. The Department received 11 comments on the proposed changes during the public engagement period from November 1, 2023, through December 1, 2023. Tribal notification also occurred during this time.

The maps with the approved state-managed forest roads that are open or closed to ORV use statewide will be published online by April 1, 2024. Signs will be posted on the state-managed forest roads closed to ORV use.

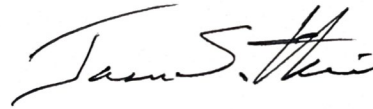
In addition, since the implementation of PA 288 and the Department's mapping process, some Boating Access Sites in the Lower Peninsular (LP) have been proposed and then approved to be open to ORV access, which creates two conflicting sections in the LUOD. While section 9.1 directs that the access map is the authoritative source for areas that are open or closed to ORV use, section 9.22 has specific language regarding ORV access to Boating Access Sites (in the UP they were open seasonal and, in the LP, they were closed except for the placement of ice shanties). This proposed change would strike section 9.22 and insert subparagraph (3) in section 9.1 to allow for the map to be the authoritative source for ORV access to Boating Access Sites in both the UP and LP. In addition to this change, there are technical changes to correct numbering.

January 16, 2024

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information and consideration on January 11, 2024. This item appeared on the Department's January 2, 2024, calendar and may be eligible for approval on February 8, 2024.



Sara Thompson, Chief
Wildlife Division



Jason S. Haines, Chief
Law Enforcement Division



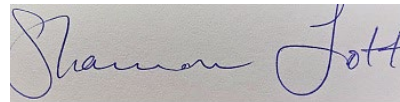
Jeffery J. Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
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Randall M. Claramunt, Chief
Fisheries Division



Shannon Lott
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

M. Scott Bowen, Director

Date

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 2 of 2024

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, 2023~~ **April 1, 2024**.

(2) A person shall not operate a wheeled motorized vehicle on a forest road, designated route, designated trail, or designated area designated as "seasonal" on the access map as published on the department website during the closure dates as posted by the department.

(3) An individual shall not enter, use, or occupy a state-operated public boating access site designated as "seasonal" on the access map with an ORV except to set, place, erect, or use a fishing shanty, or to access a waterbody to operate an ORV on the frozen surface of public waters consistent with the dates identified on the access map as published on the department website.

9.20 Grand lake pike marsh, Presque isle county, entry prohibited at certain times, exception.

Order 9.1920 (1) A person shall not use or operate a motorized vehicle, except a snowmobile, during the months of March, April and May on the access road, section 22, T34N R7E, Presque isle county, leading from highway US-23 to the Grand lake pike marsh.

9.21 State game and wildlife areas, motorized vehicles, prohibited conduct.

Order 9.201 In managed state game areas and wildlife areas designated in section 13.1 of the wildlife conservation order, an individual shall not operate or use an amphibious or all-terrain vehicle or any other motor-driven vehicle in any area posted "state game area - hunting by permit only," "wildlife refuge," or any area posted against such use, except for vehicles authorized by the department.

~~9.22 State public access boating sites, motorized vehicles, prohibited conduct, exceptions.~~

~~Order 9.21 (1) In the Lower Peninsula, an individual shall not enter, use, or occupy a state-operated public boating access site with an ORV except to set, place, erect, or use a fishing shanty, or to access a waterbody to operate an ORV on the frozen surface of public waters consistent with the dates identified on the access map as published on the department website.~~

~~(2) In the Upper Peninsula, an individual shall not enter the following state-operated public boating access sites with an ORV between April 1 and November 15:~~

~~(a) Railroad dock boating access site 55-8, section 12, T31N R27W, Dickinson county~~

~~(b) Goose lake boating access site 52-30, section 24, T47N R26W, Marquette county~~

~~(c) Cedar river harbor, section 23, T35N R25W, Menominee county~~

9.23 Official duties, exception.

Order 9.223 This chapter shall not apply to department employees and their designees performing official duties, or to fire, emergency or law enforcement personnel performing official duties, or other parties with written permission from the department.

This amended order shall be posted on or after the 1st day of April 2024.

Public Act 288 of 2016; Forest Road Inventory Statewide Proposed Changes
Land Use Order of the Director Amendment No. 2 of 2024

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Issued on this 8th day of February 2024.

M. Scott Bowen
Director