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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: November 13, 2023
RESUBMITTED: December 18, 2023

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate Target Shooting at the Port Huron State Game Area
Land Use Order of the Director Amendment No. 1 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:

In 2016, the Department applied consistent land use rules across all designated state game areas (SGAs) and state wildlife areas (SWAs), excluding defined shooting ranges. These included prohibitions on:

- Target shooting at other than a paper, cardboard, or commercially produced portable target designed and manufactured for the specific purpose of target shooting.
- Using or attempting to use:
 - Incendiary or explosive targets.
 - Incendiary or explosive ammunition.
 - Armor piercing ammunition, as defined by section 224c of 1931 PA 328, MCL 750.224c.
 - Tracer ammunition.
 - A firearm, other than a pistol, revolver, shotgun, rifle, hand-held firearm or a muzzle-loading firearm
 - A muzzle-loading firearm exceeding .80 caliber.
- When skeet and trap shooting, using other than clay targets and shot size BBB or smaller, unless posted otherwise.
- Target shooting before 9:00 a.m. or after 7:00 p.m. or sunset, whichever is earliest, or as posted without the written permission of the department.
- Possessing or being under the influence of a controlled substance or alcohol or a combination of a controlled substance and alcohol while target shooting.

These broadly applied land use rules have in many cases allowed for safe and fair use of wildlife-managed lands and consistent enforcement across SGAs and SWAs. Unfortunately, at Port Huron SGA, target shooting activity has resulted in a variety of safety, nuisance, user conflict, and habitat destruction issues. Accordingly, the Department proposes prohibiting target shooting with a firearm at the Port Huron SGA. This closure will minimize impacts of lead on nesting waterfowl and grassland birds, align habitat management goals, ensure safety of other SGA users, resolve issues with private landowners, and ensure other wildlife-focused recreation activities can occur without conflict. In addition, the Department's Lapeer Shooting Range within the Lapeer SGA and the Department's Ortonville Shooting Range within the Ortonville Recreation Area are less than an hour's drive from the Port Huron SGA. Also, four private

shooting ranges exist within a five to 40 minutes' drive from the Port Huron SGA to provide alternative target shooting opportunities.

The Port Huron SGA lies along the Black River in St. Clair County and spans over 7,000 acres through Grant, Clyde, and Kimball townships. Throughout the years, it has become a popular destination for target shooters and has led to extensive use and recurrent problems. One shooting site, called Shoefelt Road, was closed in 1989 because it became a very active area for target shoots, where automatic and semi-automatic rifles were used indiscriminately by gun owners, precipitating many local complaints concerning safety and noise. The area did not have adequate space where large caliber firearms could be safely discharged. The result of this closure directed target shooters to other areas of the game area. There are now three additional popular shooting sites: Flinchbaugh Road, Hewitt Pit, and Abbottsford Road. The Department has received numerous complaints from residents within nearby neighborhoods and users of the game area. The following are examples of public safety, property damage, and habitat destruction issues that have been taking place:

- Houses and outbuildings, such as garages and pole barns, have been hit by bullets.
- Bullets are traveling to an adjacent golf course.
- Trees have been hit by bullets.
- Noise complaints, such as shooting after legal target shooting hours and the illegal use of explosives, such as Tannerite.
- Excessive amounts of litter left behind in places where target shooting activities occur.
- Target shooting locations have wetlands and are along the Black River, resulting in lead shot and projectiles being deposited in the river and in sensitive habitats.
- Some areas used for target shooting consists of land that is flat which can allow bullets to travel further than the shooter may expect, however even areas with suitable backstops like Hewitt Pit are experiencing bullets traveling in dangerous directions due to target shooters disregarding signage and shooting in those unsafe directions.
- Target shooters are shooting in the air, at trees, over berms, and at signs that say, "Unsafe shooting direction".
- High-quality forests and shrubby openings provide habitat for a wide variety of species, which results in opportunities for wildlife-based recreation. The result of high target shooting use makes it unsafe for habitat work, hunting, or other wildlife-based recreation.
- Target shooting has the potential to negatively affect wildlife-based recreation by creating unsafe areas for the public to hunt due to lack of backstops and the hazing wildlife on public lands.
- Target shooting has resulted in large areas where DNR staff cannot safely conduct habitat management.

To address some of these concerns and issues, Department staff have previously posted signs in areas near neighborhoods that say, "No Target Shooting", "Do not shoot to the west", "Do not shoot in this direction", and "Failure to follow rules may result in closure". However, Law Enforcement personnel cannot enforce these postings without this proposed order being in place. In addition, the Department coordinated trash clean-ups and several on-site changes to increase public safety, including specific signage with area rules, directions to shoot, and directions not to shoot. These efforts have not sufficiently reduced the concerns with target shooting, as evidenced by continued complaints.

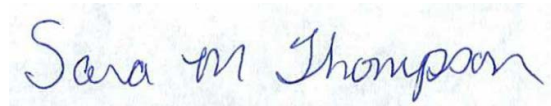
Because there are multiple locations within this SGA where target shooting activities have been taking place, the Department recommends closing the entire SGA to the activity to eliminate safety, nuisance, user conflict, and property damage concerns.

Order to Regulate Target Shooting at the Port Huron State Game Area
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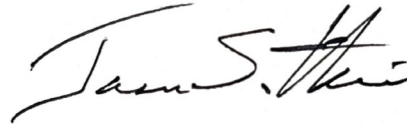
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December 18, 2023

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on December 14, 2023, at the Natural Resources Commission meeting. This item appeared on the Department's December 5, 2023 calendar and may be eligible for approval on January 11, 2024.



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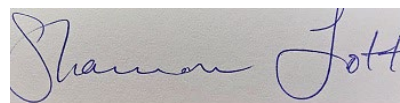
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I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

M. Scott Bowen, Director

Date

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 1 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:

3.15 Vicinity of Shoefelt road, port Huron state game area, St. Clair county, prohibited conduct.

Order 3.15 A person shall not do any of the following on or within 450 feet of Shoefelt road on the port Huron SGA, St. Clair county:

- (1) Target, trap, or skeet shoot with a firearm.
- (2) Discharge a firearm in a designated parking area.

3.42 Port Huron state game area, St. Clair county, prohibited conduct.

Order 3.42 A person shall not do any of the following on the Port Huron state game area, St. Clair county:

- (1) Target, trap, or skeet shoot with a firearm.

This amended order shall be posted on or after the 12th day of January, 2024.

Issued on this 11th day of January, 2024.

M. Scott Bowen
Director