



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: December 16, 2019

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Public Act 288 (PA 288) of 2016; Forest Road Inventory Update
Land Use Orders of the Director Amendment No. 02 of 2020
FOR INFORMATION ONLY

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 Michigan Department of Natural Resources (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 (NLP), 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 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 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 website, the 2019 proposals result in total statewide forest road mileage changes, as follows:

- Removal of 13.3 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 300.19 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 98.01 miles of roads to the maps following discovery of the roads existing on the ground but not previously included in the forest road inventory. This mileage includes 88.03 miles of roads that will be open for ORV use.
- Incorporation of 548.22 miles of roads as state forest roads into the overall forest road inventory as a result of data cleanup and reconciliation.

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

- Upper Peninsula: 6,181.92 (99.4%) miles open to ORV use in the UP of a total 6,214.96 miles of state forest roads. The percentage of roads open to ORVs increased slightly by 0.3% from 2019.
- Northern Lower Peninsula: 6,130.49 (84%) miles open to ORV use in the NLP of a total 7,360.52 miles of state forest roads. The percentage of roads open to ORVs has not changed from 2019.

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- Southern Lower Peninsula: 8.67 (2.3%) miles open to ORV use in the SLP of a total 364.9 miles of state forest roads. The percentage of roads open to ORVs decreased slightly by 0.1% from 2019.

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 example reasons 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 forest roads webpage to see specific changes and reasons for restrictions. The Department received nine comments on the proposed changes during the public engagement period from November 1, 2019, through December 1, 2019. The comments received ranged from support for the changes proposed by the Department to clarifying questions on a couple of proposals to one individual that provided information that resulted in a change to a proposal by the Department. The result of that change is reflected in the summary mileages provided above. 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, 2020. 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 and consideration. This item will appear on the Department's January calendar and may be eligible for approval on February 13, 2020.

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LAND USE ORDERS OF THE DIRECTOR

Amendment No. 2 of 2020

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~~ **April 1, 2020**.

(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.

This amended order shall be posted on or after the 1st day of April, 2020.

Issued on this 13th day of February, 2020.

Daniel Eichinger
Director