



JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: July 12, 2010
RESUBMITTED: August 16, 2010

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission
Subject: Order to Regulate Fees Charged to Enter Michigan State Parks and Recreation Areas
Land Use Order of the Director Amendment No. 06 of 2010

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to waive the Recreation Passport fee in certain circumstances, collect park permit fees, and issue orders to implement land use rules.

Background:

Authority for requiring the Recreational Passport and setting fees for those permits is currently contained in Part 741 State Parks System, of the NREPA, MCL 327.74101 et. seq., Part 5, General Powers and Duties. Part 741 prohibits free entry of motor vehicles into any state park or portion of a state park posted in accordance with the part. Section 74116 authorized the department to designate state parks or portions of state parks where entry is permissible. Part 741123 establishes the authority to establish a fine for failure to purchase as well as set fees for park-purchased Recreation Passports.

The adopted Recreation Passport legislation gave the Department the authority to establish and collect fees for entry into a Michigan state park or recreation area when the operator of a resident motor vehicle chooses not to purchase the Recreation Passport through the annual registration of their motor vehicle through the Secretary of State (SOS), and at a later date decides to participate in the program.

The long-term goal of the Department is for vehicle owners to pay for and receive their Recreation Passport through the SOS at the time of vehicle registration renewal. It is the Department's intent to reduce the need for staff to collect Recreation Passport fees at the park, thus providing more employee hours dedicated to visitor service and maintenance tasks. To that end, the ability of the Department to increase the park-purchased Recreation Passport provides the opportunity to create a financial incentive for visitors to pay their fee to the SOS rather than at the park. The statute allows for the Department to charge up to twice the fee charged by SOS for the park-purchased Recreation Passport. Beginning October 1, 2010, Michigan resident motor vehicle owners will be offered the opportunity to purchase the Recreation Passport when they renew their vehicles with the SOS. The statute does not permit the SOS to actually collect the fee until October 1. The SOS sends renewal notifications six weeks in advance of expiration; therefore, a vehicle owner may not have the opportunity to purchase the Recreation Passport at the outset of the program. These individuals must purchase their Recreation Passports at a state park in 2011. The SOS estimates the renewal volume to be approximately 650,000 registrations per month.

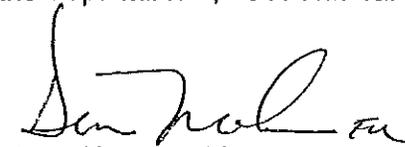
On July 8, 2010, the Michigan State Parks Advisory Committee reviewed the proposal to establish fees for park-purchased Recreation Passports. The Committee considered a proposal to increase the fees by \$2.00 increments starting in 2012 through 2016, at which point the fee would reach double or the maximum allowed by the Recreation Passport legislation. Generally, the committee concluded that the fee increase schedule should be more aggressive to create a greater incentive to purchase the Recreation Passport during vehicle registration. The consensus was raising the fee \$5.00 in 2012 and doubling the fee in 2013.

The Department is recommending that the park-purchased Recreation Passport be priced at \$10.00 (\$5.00 for motorcycles) for 2011. In order to achieve the Department goal of providing an incentive for park visitors to purchase the Recreation Passport when renewing vehicle plates with the SOS, the Department recommends increasing the park-purchased fee by \$5.00 (\$2.50 for motorcycles) for the 2012 calendar year and doubling the SOS fee in 2013 for all qualifying resident motor vehicles.

Recommendation:

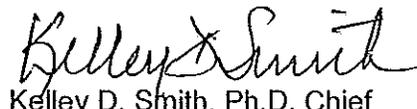
This order was submitted for information and consideration at the August 12, 2010, Natural Resources Commission meeting. This item appeared on the Department's July and August 2010 calendar and is being submitted for action at the September 9, 2010 Natural Resources Commission meeting.

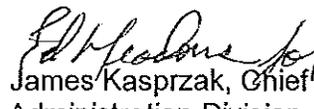

Lynne M. Boyd, Chief
Forest Management Division


Gary Hagler, Chief
Law Enforcement Division


Ronald A. Olson, Chief
Recreation Division


Russ Mason, Ph.D., Chief
Wildlife Division


Kelley D. Smith, Ph.D, Chief
Fisheries Division


James Kasprzak, Chief
Administration Division


Frank Ruswick, Deputy Director
Stewardship

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 06 of 2010

By authority conferred on the Director of the Department of Natural Resources and Environment by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.921 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

5.16 Entry, use and occupancy of certain state parks recreation areas and scenic sites, motor vehicle permit requirement; additional fees.

Order 5.16 (1) The department may require motor vehicle permits for nonresident motor vehicles or commercial motor vehicles and collect fees for entry into a state park or a recreation area. The department may waive the motor vehicle permit requirement for department-sponsored events or other circumstances as determined by the director or the director's designee. The department shall prepare and distribute motor vehicle permits to implement this part.

(2) Except as otherwise provided in this order, an annual motor vehicle permit shall be issued and shall authorize the entry of the nonresident motor vehicle or commercial motor vehicle to which it is originally attached within the confines of any state park or recreation area during the calendar year for which it is issued. The fee for the annual motor vehicle permit is as follows:

(a) For the owner of a nonresident motor vehicle, \$29.00.

(3) A daily permit, valid for 1 day only, shall authorize the entry of the motor vehicle to which it is originally attached within the confines of a state park or recreation area during the day for which it is issued. The fee for a daily permit is as follows:

(a) For the owner of a nonresident motor vehicle, \$8.00.

(4) A person who has obtained an annual motor vehicle permit under this section for a recreational vehicle to be used as a stationary primary camping shelter camped legally in and not moved from a state park or recreation area campground during the period of the camping stay may obtain a duplicate motor vehicle permit for a towed second motor vehicle present at the time of entry for a fee of \$8.00 effective for the duration of camping stay.

(5) This section does not obviate the necessity of obtaining additional permits for special services or park privileges as previously or subsequently may be required by law or by rules promulgated by the department.

(6) Commercial motor coaches or vans with a capacity of more than 12 passengers are not eligible to enter a state park or recreation area with an annual motor vehicle permit. The daily fee to allow commercial motor coaches or vans with a capacity of over 12 passengers daily entry into a state park or recreation area is \$15.00.

(7) If a person's annual motor vehicle permit is lost or destroyed, the department shall provide that person with a replacement motor vehicle permit free of charge. The department may require a person requesting a replacement motor vehicle permit to supply sufficient evidence of the loss or destruction of the original motor vehicle permit.

(8) As used in this order, "resident motor vehicle" means a vehicle that is registered as a motor vehicle in this state.

(9) The fees for recreation passports purchased at state parks and recreation areas shall be as follows:

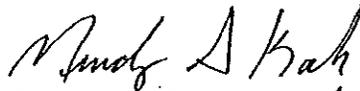
(a) In 2011, equal to the fee charged by the Secretary of State in 2011 for the recreation passport.

(b) In 2012, \$5.00 in addition to the fee charged by the Secretary of State in 2012 for the recreation passport (\$2.50 in addition for motorcycles).

(c) In 2013 and thereafter, two times the fee charged by the Secretary of State for the recreation passport for all qualifying vehicles.

This amended order shall be posted on or after September 10, 2010.

Issued on this 9th day of September, 2010.


Rebecca A. Humphries *for*
Director