

Legislative Analysis



HORSEBACK RIDING ON STATE-OWNED LAND

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Senate Bill 578 (Substitute S-6)

Sponsor: Sen. Cameron S. Brown

House Committee: Tourism, Outdoor Recreation and Natural Resources

1st Senate Committee: Natural Resources and Environmental Affairs

2nd Senate Committee: Agriculture and Bioeconomy

Complete to 1-26-10

A REVISED SUMMARY OF SENATE BILL 578 AS PASSED BY THE SENATE 12-17-09

The bill would amend Part 721 (Michigan Trailways) of the Natural Resources and Environmental Protection Act to do the following things, among others:

- Create a new Equine Trailways Advisory Council to make recommendations on a statewide network of pack and saddle animal trailways to the Michigan Snowmobile and Trails Advisory Council, which in turn would make recommendations to the Natural Resources Commission (NRC). The NRC would have to adopt a statewide trailway network plan that included various types of trailways, including pack and saddle trailways, and that specified the uses allowed on each trailway segment.
- Prohibit the Department of Natural Resources and Environment (DNRE)¹ from restricting pack and saddle animals on public lands "owned, managed, or funded by the state" on pack and saddle trailways previously open for use by pack and saddle animals at any time unless certain conditions were met and procedures followed.
- Establish deadlines for the review of existing pack and saddle animal restrictions in the Pigeon River Country State Forest; the Lapeer, Gladwin, and Lost Nation State Game Areas; and the Blueberry Ridge Pathway.
- Prohibit the use of pack and saddle animals on state-owned lands except on pack and saddle trailways open for access by pack and saddle animals.

MCL 324.72114-72116

FISCAL IMPACT:

A fiscal analysis is in process.

¹Although NREPA refers to the Department of Natural Resources, under Executive Order 09-45, effective January 17, 2010, all statutory references to the Department of Natural Resources are deemed references to the new Department of Natural Resources and Environment (DNRE). This summary uses the new name of the department.

DETAILED SUMMARY:

Adoption of state trailway network plan. The Natural Resources Commission (NRC) would have to adopt a plan for a statewide trailway network within a year after receiving recommendations from the Michigan Snowmobile and Trails Advisory Council. [Note: The Michigan Snowmobile and Trails Advisory Council was created by Executive Order 09-54.²] The plan would be required to include Michigan trailways, pack and saddle trailways, and other recreational use trailways, to accommodate a variety of public recreation uses, and to specify the allowed uses for each trailway segment. The NRC could subsequently update the plan to include additional Michigan trailways or pack and saddle trailways or to modify the uses allowed on particular trailway segments. The DNRE would have to make the plan available on its website.

If the Michigan Snowmobile and Trails Advisory Council did not submit recommendations to the NRC as provided for in the bill within two years after the bill took effect, the NRC would review the recommendations of the Equine Trailways Advisory Council or the DNRE and adopt a plan.

Use of pack and saddle animals on previously-open trailways on state owned, managed, or funded land. In general, pack and saddle animals could not be restricted from access to public land owned, managed, or funded by the state on pack and saddle trailways that were previously open for use by pack and saddle animals at any time.

Procedures for adopting restrictions. Access by pack and saddle animals could be restricted if conditions were unsuitable because of public safety concerns, for necessary maintenance, or for reasons related to the DNRE's mission, if the restrictions were based on sound science to the greatest extent practicable and validated with documentation made available to the public. Before adopting restrictions, the DNRE would be required to make every effort to resolve any public safety or maintenance concerns.

Except for restrictions already in place, the DNRE could not restrict pack and saddle animals from previously-open trailways on state owned, managed, or funded lands unless all of the following conditions were met:

- Public Meeting. At the request of the DNRE, the NRC held a public meeting to receive testimony from the general public on a proposal to restrict access by pack and saddle animals on trailways and equine access locations.

² Executive Order 09-54, effective March 16, 2010, created a new nine-member Michigan Snowmobile and Trails Advisory Committee. Of its nine members, no fewer than five are to be ORV or snowmobile owners; no fewer than three are to be snowmobile owners; at least one is to be a snowmobile or ORV safety instructor; and at least one is to be from the Upper Peninsula. This Committee will have the same duties as the Michigan Trails Advisory Committee created in Executive Order 09-45, effective January 17, 2010, which it replaces. In other words, the Michigan Snowmobile and Trails Advisory Committee is charged with advising the DNRE and the Governor on the creation, development, operation, and maintenance of motorized and non-motorized trails in Michigan, including snowmobile, biking, equestrian, hiking, off-road vehicle, and skiing trails.

- Specific rationale. After considering this public testimony, the DNRE provided a specific rationale for its determination to restrict access by pack and saddle animals.
- 60 days' advance notice. In general, a decision to restrict access would not take effect for at least 60 days, unless there was an imminent threat to public health, safety, welfare, or the environment, in which case the DNRE could issue a temporary order for 30 days or until the threat was abated. A temporary order could be reissued if the threat persisted.
- Trailhead statement. The DNRE would have to post a written statement at the affected trailhead stating the cause and estimated duration of the closure.
- Website and advisory council notice. The DNRE would have to post a list of pack and saddle trailways on which it had restricted access on its website and notify the Equine Trailways Advisory Council of restricted trailways.

Review of current restrictions. Restrictions in place when the bill took effect would remain in effect until they could be reviewed under the process outlined in the bill in accordance with the following timelines:

- Pigeon River Country State Forest, by May 15, 2010.
- Lapeer and Gladwin State Game Areas, by January 1, 2011.
- Lost Nation State Game Area and Blueberry Ridge Pathway, by January 1, 2012.

New trailways on public lands. The bill would not require pack and saddle animals to be excluded from new trailways on public lands unless these animals were restricted by the NRC as described above. (Note: However, the process described earlier for adopting restrictions appears to apply to the DNRE, not the NRC.)

Riding only allowed on open trailways. People could not use pack and saddle animals on state-owned land except on pack and saddle trailways open to pack and saddle animals.

Equine Trailways Advisory Council. The bill would create a new Equine Trailways Advisory Council within the DNRE. The department could provide staffing and administrative support to this council but it could also be staffed and funded by user groups and other interested persons. The new advisory council would consist of the director of the DNRE (or a designee) and the following members appointed by the Governor with the advice and consent of the Senate:

- One individual representing the state's tourism industry.
- Five individuals representing the equine industry (one each from the Upper Peninsula, northern Lower Peninsula, central Lower Peninsula, southeastern Lower Peninsula, and southwestern Lower Peninsula).

Council members would serve four-year terms or until successors were appointed, whichever was later, and their terms would be staggered by having two of the initial members serve two-year terms, two members serve three-year terms, and three members serve four-year terms. Vacancies would be filled in the same manner as the original appointments; members could be removed for any good cause.

The council's first meeting would be called by the DNRE director within 30 days after appointments were made, at which the council would elect a chairperson and any other officers it considered necessary or appropriate from among its members. After the first meeting, the council would meet at least quarterly, or more frequently at the call of the chairperson or if requested by at least three members. A majority of members of the council would constitute a quorum for the transaction of business and a majority of the members present and serving would be required for official action.

The council would be subject to the Open Meetings Act and its writings would be subject to the Freedom of Information Act.

Council members would serve without compensation but could be reimbursed for their actual and necessary expenses in performing their official duties.

Council duties. The council would be required to do all of the following things:

- Plan. Within year after its members were appointed, the council would have to prepare a recommended plan for a statewide network of pack and saddle trailways and submit it to the Michigan Snowmobile and Trails Advisory Council. This plan would have to include (1) all pack and saddle trailways on state-owned land previously open for use by pack and saddle animals at any time that the council determined was appropriate for pack and saddle trailways, and (2) all additional state lands that the council determined would be appropriate for pack and saddle animals and would contribute to a statewide network of pack and saddle trailways.
- Trailways network advice. The council would advise the NRC and the DNRE on the use of the pack and saddle trailways network.
- Industry promotion advice. The council would also advise the NRC and the DNRE on other matters related to the promotion of the state's equine industry.
- Funding advice. The council would also advise the NRC and the DNRE on funding to conduct pack and saddle trailways review and to provide for the reopening of previously-closed pack and saddle trailways, the preservation of existing trailways, and the development of new ones across the state.

Development of plan by DNRE, if council not appointed. If the council is not appointed as provided in the bill, the DNRE would be required to work with the equine industry to develop a plan for a statewide network of pack and saddle trailways and to submit that plan to the NRC within two years of the bill's effective date.

Tie-bar. The bill is tie-barred to House Bill 4610, meaning that it will not take effect unless that bill is enacted into law.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.