

Act No. 45
Public Acts of 2010
Approved by the Governor
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**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senators Brown, Allen, Stamas, Van Woerkom, Kuipers, Sanborn and Cropsey

ENROLLED SENATE BILL No. 578

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding sections 72114 and 72115.

The People of the State of Michigan enact:

Sec. 72114. (1) Within 1 year after receiving recommendations from the advisory council under subsection (4), the department shall establish a plan for a statewide trail network that includes Michigan trailways, pack and saddle trailways, and other recreational use trails. The plan for a statewide trail network shall be designed to accommodate a variety of public recreation uses and shall specify the types of uses that are allowed on each trail segment. The plan for a statewide trail network shall be in conformance with section 72115 and the determinations made under section 72115. Prior to the department establishing the plan for a statewide trail network, the commission shall hold a public meeting to receive testimony from the general public.

(2) After the plan for a statewide trail network is established under subsection (1), if the department is informed that additional trails should be added to the plan or that uses on particular trail segments should be modified, the department may modify the plan to include additional trails or to modify the uses on particular trails. However, any modifications shall be in conformance with section 72115 and determinations made under section 72115.

(3) Upon establishment of a plan for a statewide trail network under subsection (1), the department shall make the plan available on the department's website. If the department modifies the plan for a statewide trail network, the department shall make the updated plan available on the department's website.

(4) Within 1 year after receiving recommendations from the equine trailways subcommittee under section 72110a, the advisory council shall review recommendations from the equine trailways subcommittee as well as other interested trailway users and shall make recommendations to the department for the establishment of a plan for a statewide trail network. If the advisory council does not submit recommendations to the department as provided for in this subsection, within 2 years after the effective date of the amendatory act that added this section, the department shall review the recommendations of the equine trailways subcommittee under section 72110a and recommendations of other interested trail users and shall establish a plan for a statewide trail network as provided for in subsection (1).

Sec. 72115. (1) Subject to subsections (2) and (3), pack and saddle animals shall be allowed to access pack and saddle trailways on public land managed by the department as follows:

(a) Access on land of the state forest system is allowed unless restricted by statute, deed restriction, land use order, or other legal mechanism, in effect on the effective date of the amendatory act that added this section.

(b) Access on land of the state park system or state game area system is prohibited unless authorized by land use order or other legal mechanism in effect on the effective date of the amendatory act that added this section.

(c) Access on other land managed by the department is allowed according to the specific authorization or restriction applicable to the land.

(2) Access by pack and saddle animals may only be restricted on lands described in subsection (1) after the effective date of the amendatory act that added this section if conditions are not suitable for pack and saddle animals because of public safety concerns, necessary maintenance, or for reasons related to the mission of the department. Restrictions related to the mission of the department shall be supported, to the greatest extent practicable, by a written science-based rationale that is supported with documentation that is made available to the public. Prior to determining that access by pack and saddle animals be restricted, the department shall make every effort to resolve any public safety or maintenance concerns. Subject to subsection (3), the department shall not restrict pack and saddle animals from lands described in subsection (1) unless all of the following conditions are met:

(a) The commission, upon request of the department, holds a public meeting on a proposal to restrict access by pack and saddle animals on pack and saddle trailways to receive testimony from the general public. The commission shall invite the advisory council, the equine trailways subcommittee created in section 72110a, and the Michigan horse council to attend the meeting.

(b) The department, after considering testimony at the commission meeting under subdivision (a), provides a specific rationale for its determination to restrict access by pack and saddle animals.

(c) Any decision by the department to restrict access by pack and saddle animals shall not take effect for a period of time set by the department, but not less than 60 days. However, if the director determines that a restriction must be imposed because of user conflicts or due to an imminent threat to public health, safety, welfare, or to natural resources or the environment, the director may issue a temporary order restricting access by pack and saddle animals for 30 days or until the threat or user conflict is abated. A temporary order under this subdivision may be reissued if the threat or user conflict persists.

(d) A written statement shall be posted at the trailhead in which the restriction is imposed stating the cause and estimated duration of the closure.

(e) A list of pack and saddle trailways on which the department has restricted access for pack and saddle animals, including temporary orders, shall be posted on the department's website and notification shall be provided to the equine trailways subcommittee created in section 72110a.

(3) Any restrictions described in subsection (1) on access by pack and saddle animals that were in effect on the effective date of the amendatory act that added this section shall remain in effect until those restrictions are reviewed using the process outlined in subsection (2). For the following areas, the department shall review the restrictions on access by pack and saddle animals previously imposed by the department according to the following timelines:

(a) Not later than June 15, 2010, the Pigeon river country state forest.

(b) Not later than January 1, 2011, the Lapeer state game area and the Gladwin field trial area.

(c) Not later than January 1, 2012, the Lost Nation state game area and the Blueberry Ridge pathway.

(4) A person shall not use pack and saddle animals on state-owned land except on pack and saddle trailways that are open for access by pack and saddle animals.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4610 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: House Bill No. 4610, referred to in enacting section 1, was filed with the Secretary of State April 2, 2010, and became 2010 PA 46, Imd. Eff. Apr. 2, 2010.