

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 578

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 72114 and 72115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 72114. (1) WITHIN 1 YEAR AFTER RECEIVING RECOMMENDATIONS
2 FROM THE ADVISORY COUNCIL UNDER SUBSECTION (4), THE DEPARTMENT
3 SHALL ESTABLISH A PLAN FOR A STATEWIDE TRAIL NETWORK THAT INCLUDES
4 MICHIGAN TRAILWAYS, PACK AND SADDLE TRAILWAYS, AND OTHER
5 RECREATIONAL USE TRAILS. THE PLAN FOR A STATEWIDE TRAIL NETWORK
6 SHALL BE DESIGNED TO ACCOMMODATE A VARIETY OF PUBLIC RECREATION
7 USES AND SHALL SPECIFY THE TYPES OF USES THAT ARE ALLOWED ON EACH
8 TRAIL SEGMENT. THE PLAN FOR A STATEWIDE TRAIL NETWORK SHALL BE IN
9 CONFORMANCE WITH SECTION 72115 AND THE DETERMINATIONS MADE UNDER

1 SECTION 72115. PRIOR TO THE DEPARTMENT ESTABLISHING THE PLAN FOR A
2 STATEWIDE TRAIL NETWORK, THE COMMISSION SHALL HOLD A PUBLIC MEETING
3 TO RECEIVE TESTIMONY FROM THE GENERAL PUBLIC.

4 (2) AFTER THE PLAN FOR A STATEWIDE TRAIL NETWORK IS
5 ESTABLISHED UNDER SUBSECTION (1), IF THE DEPARTMENT IS INFORMED
6 THAT ADDITIONAL TRAILS SHOULD BE ADDED TO THE PLAN OR THAT USES ON
7 PARTICULAR TRAIL SEGMENTS SHOULD BE MODIFIED, THE DEPARTMENT MAY
8 MODIFY THE PLAN TO INCLUDE ADDITIONAL TRAILS OR TO MODIFY THE USES
9 ON PARTICULAR TRAILS. HOWEVER, ANY MODIFICATIONS SHALL BE IN
10 CONFORMANCE WITH SECTION 72115 AND DETERMINATIONS MADE UNDER
11 SECTION 72115.

12 (3) UPON ESTABLISHMENT OF A PLAN FOR A STATEWIDE TRAIL NETWORK
13 UNDER SUBSECTION (1), THE DEPARTMENT SHALL MAKE THE PLAN AVAILABLE
14 ON THE DEPARTMENT'S WEBSITE. IF THE DEPARTMENT MODIFIES THE PLAN
15 FOR A STATEWIDE TRAIL NETWORK, THE DEPARTMENT SHALL MAKE THE
16 UPDATED PLAN AVAILABLE ON THE DEPARTMENT'S WEBSITE.

17 (4) WITHIN 1 YEAR AFTER RECEIVING RECOMMENDATIONS FROM THE
18 EQUINE TRAILWAYS SUBCOMMITTEE UNDER SECTION 72110A, THE ADVISORY
19 COUNCIL SHALL REVIEW RECOMMENDATIONS FROM THE EQUINE TRAILWAYS
20 SUBCOMMITTEE AS WELL AS OTHER INTERESTED TRAILWAY USERS AND SHALL
21 MAKE RECOMMENDATIONS TO THE DEPARTMENT FOR THE ESTABLISHMENT OF A
22 PLAN FOR A STATEWIDE TRAIL NETWORK. IF THE ADVISORY COUNCIL DOES
23 NOT SUBMIT RECOMMENDATIONS TO THE DEPARTMENT AS PROVIDED FOR IN
24 THIS SUBSECTION, WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE
25 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL REVIEW
26 THE RECOMMENDATIONS OF THE EQUINE TRAILWAYS SUBCOMMITTEE UNDER
27 SECTION 72110A AND RECOMMENDATIONS OF OTHER INTERESTED TRAIL USERS

1 AND SHALL ESTABLISH A PLAN FOR A STATEWIDE TRAIL NETWORK AS
2 PROVIDED FOR IN SUBSECTION (1).

3 SEC. 72115. (1) SUBJECT TO SUBSECTIONS (2) AND (3), PACK AND
4 SADDLE ANIMALS SHALL BE ALLOWED TO ACCESS PACK AND SADDLE TRAILWAYS
5 ON PUBLIC LAND MANAGED BY THE DEPARTMENT AS FOLLOWS:

6 (A) ACCESS ON LAND OF THE STATE FOREST SYSTEM IS ALLOWED
7 UNLESS RESTRICTED BY STATUTE, DEED RESTRICTION, LAND USE ORDER, OR
8 OTHER LEGAL MECHANISM, IN EFFECT ON THE EFFECTIVE DATE OF THE
9 AMENDATORY ACT THAT ADDED THIS SECTION.

10 (B) ACCESS ON LAND OF THE STATE PARK SYSTEM OR STATE GAME AREA
11 SYSTEM IS PROHIBITED UNLESS AUTHORIZED BY LAND USE ORDER OR OTHER
12 LEGAL MECHANISM IN EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY
13 ACT THAT ADDED THIS SECTION.

14 (C) ACCESS ON OTHER LAND MANAGED BY THE DEPARTMENT IS ALLOWED
15 ACCORDING TO THE SPECIFIC AUTHORIZATION OR RESTRICTION APPLICABLE
16 TO THE LAND.

17 (2) ACCESS BY PACK AND SADDLE ANIMALS MAY ONLY BE RESTRICTED
18 ON LANDS DESCRIBED IN SUBSECTION (1) AFTER THE EFFECTIVE DATE OF
19 THE AMENDATORY ACT THAT ADDED THIS SECTION IF CONDITIONS ARE NOT
20 SUITABLE FOR PACK AND SADDLE ANIMALS BECAUSE OF PUBLIC SAFETY
21 CONCERNS, NECESSARY MAINTENANCE, OR FOR REASONS RELATED TO THE
22 MISSION OF THE DEPARTMENT. RESTRICTIONS RELATED TO THE MISSION OF
23 THE DEPARTMENT SHALL BE SUPPORTED, TO THE GREATEST EXTENT
24 PRACTICABLE, BY A WRITTEN SCIENCE-BASED RATIONALE THAT IS SUPPORTED
25 WITH DOCUMENTATION THAT IS MADE AVAILABLE TO THE PUBLIC. PRIOR TO
26 DETERMINING THAT ACCESS BY PACK AND SADDLE ANIMALS BE RESTRICTED,
27 THE DEPARTMENT SHALL MAKE EVERY EFFORT TO RESOLVE ANY PUBLIC SAFETY

1 OR MAINTENANCE CONCERNS. SUBJECT TO SUBSECTION (3), THE DEPARTMENT
2 SHALL NOT RESTRICT PACK AND SADDLE ANIMALS FROM LANDS DESCRIBED IN
3 SUBSECTION (1) UNLESS ALL OF THE FOLLOWING CONDITIONS ARE MET:

4 (A) THE COMMISSION, UPON REQUEST OF THE DEPARTMENT, HOLDS A
5 PUBLIC MEETING ON A PROPOSAL TO RESTRICT ACCESS BY PACK AND SADDLE
6 ANIMALS ON PACK AND SADDLE TRAILWAYS TO RECEIVE TESTIMONY FROM THE
7 GENERAL PUBLIC. THE COMMISSION SHALL INVITE THE ADVISORY COUNCIL,
8 THE EQUINE TRAILWAYS SUBCOMMITTEE CREATED IN SECTION 72110A, AND
9 THE MICHIGAN HORSE COUNCIL TO ATTEND THE MEETING.

10 (B) THE DEPARTMENT, AFTER CONSIDERING TESTIMONY AT THE
11 COMMISSION MEETING UNDER SUBDIVISION (A), PROVIDES A SPECIFIC
12 RATIONALE FOR ITS DETERMINATION TO RESTRICT ACCESS BY PACK AND
13 SADDLE ANIMALS.

14 (C) ANY DECISION BY THE DEPARTMENT TO RESTRICT ACCESS BY PACK
15 AND SADDLE ANIMALS SHALL NOT TAKE EFFECT FOR A PERIOD OF TIME SET
16 BY THE DEPARTMENT, BUT NOT LESS THAN 60 DAYS. HOWEVER, IF THE
17 DIRECTOR DETERMINES THAT A RESTRICTION MUST BE IMPOSED BECAUSE OF
18 USER CONFLICTS OR DUE TO AN IMMINENT THREAT TO PUBLIC HEALTH,
19 SAFETY, WELFARE, OR TO NATURAL RESOURCES OR THE ENVIRONMENT, THE
20 DIRECTOR MAY ISSUE A TEMPORARY ORDER RESTRICTING ACCESS BY PACK AND
21 SADDLE ANIMALS FOR 30 DAYS OR UNTIL THE THREAT OR USER CONFLICT IS
22 ABATED. A TEMPORARY ORDER UNDER THIS SUBDIVISION MAY BE REISSUED IF
23 THE THREAT OR USER CONFLICT PERSISTS.

24 (D) A WRITTEN STATEMENT SHALL BE POSTED AT THE TRAILHEAD IN
25 WHICH THE RESTRICTION IS IMPOSED STATING THE CAUSE AND ESTIMATED
26 DURATION OF THE CLOSURE.

27 (E) A LIST OF PACK AND SADDLE TRAILWAYS ON WHICH THE

1 DEPARTMENT HAS RESTRICTED ACCESS FOR PACK AND SADDLE ANIMALS,
2 INCLUDING TEMPORARY ORDERS, SHALL BE POSTED ON THE DEPARTMENT'S
3 WEBSITE AND NOTIFICATION SHALL BE PROVIDED TO THE EQUINE TRAILWAYS
4 SUBCOMMITTEE CREATED IN SECTION 72110A.

5 (3) ANY RESTRICTIONS DESCRIBED IN SUBSECTION (1) ON ACCESS BY
6 PACK AND SADDLE ANIMALS THAT WERE IN EFFECT ON THE EFFECTIVE DATE
7 OF THE AMENDATORY ACT THAT ADDED THIS SECTION SHALL REMAIN IN
8 EFFECT UNTIL THOSE RESTRICTIONS ARE REVIEWED USING THE PROCESS
9 OUTLINED IN SUBSECTION (2). FOR THE FOLLOWING AREAS, THE DEPARTMENT
10 SHALL REVIEW THE RESTRICTIONS ON ACCESS BY PACK AND SADDLE ANIMALS
11 PREVIOUSLY IMPOSED BY THE DEPARTMENT ACCORDING TO THE FOLLOWING
12 TIMELINES:

13 (A) NOT LATER THAN JUNE 15, 2010, THE PIGEON RIVER COUNTRY
14 STATE FOREST.

15 (B) NOT LATER THAN JANUARY 1, 2011, THE LAPEER STATE GAME AREA
16 AND THE GLADWIN FIELD TRIAL AREA.

17 (C) NOT LATER THAN JANUARY 1, 2012, THE LOST NATION STATE GAME
18 AREA AND THE BLUEBERRY RIDGE PATHWAY.

19 (4) A PERSON SHALL NOT USE PACK AND SADDLE ANIMALS ON STATE
20 OWNED LAND EXCEPT ON PACK AND SADDLE TRAILWAYS THAT ARE OPEN FOR
21 ACCESS BY PACK AND SADDLE ANIMALS.

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