

Legislative Analysis



PACK AND SADDLE TRAILWAYS ON STATE-OWNED LAND

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4684

Sponsor: Rep. Greg MacMaster

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 6-28-11

A SUMMARY OF HOUSE BILL 4684 AS INTRODUCED 5-26-11

House Bill 4684 seeks to amend multiple sections of the Natural Resources and Environmental Protection Act and remove most of the provisions of Section 72115 dealing with pack and saddle animal trailways, leaving it to read:

(1) Pack and saddle animals shall be allowed to access pack and saddle trail ways on public land managed by the Department of Natural Resources, and (2) a person shall not use pack and saddle animals on state-owned land except on pack and saddle trailways.

Section 504 allows the DNR to promulgate rules to protect and preserve land under its control and contains provisions to follow in pursuit of that objective. This bill would add a provision prohibiting the DNR from issuing or enforcing an order under Section 504 that restricts the use of pack and sale animals on pack and saddle trailways.

The definition of pack and saddle trailways would be amended to mean "*trails and equine access locations that currently are or at any time previously were used by pack and saddle animals.*"

It also seeks to add a subsection to the legislative findings contained in Section 72102 that reads, "*in providing and developing facilities for outdoor recreation under Sections 503 and 70301, the use of trails, trailways, and pack and saddle trailways by pack and saddle animals and other non-motorized users is an allowed recreational use and is permitted under Chapter 21 of Part 522 of the Services Manual of the Federal Fish and Wildlife Service.*"

MCL 324.504, et al.

BACKGROUND INFORMATION:

Generally speaking, Section 72115 currently allows for the use of pack and saddle animals on public land managed by the DNR as follows:

- State forests — Allow unless restricted by a statute, deed restriction, land use order, or other legal mechanism in effect as of April 2, 2010.

- State parks or state game areas — Prohibit unless authorized by a land use order or other legal mechanism in effect as of April 2, 2010
- Other DNR-managed land — Allow or restrict according to applicable authorizations or restrictions in effect as of April 2, 2010.

It also requires any new restrictions to be adopted in accordance with specified procedures. In addition, it requires a review of existing restrictions by specified dates:

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

The provisions described above would all be deleted from the act.

FISCAL IMPACT:

House Bill 4684 would require the DNR to allow recreational horseback riding on any state-owned land that is currently being used by pack and saddle animals or has been open any time in the past for use by pack and saddle animals. The bill mandates this use regardless of the current use of the land or any regulatory or statutory provisions regarding the DNR management of specific state-owned lands.

In the current year, FY 2010-11, Michigan receives \$24.5 million in federal funding for wildlife-related programs. Funding is contingent upon compliance with certain federal laws and regulations. According to the Department, the provisions of House Bill 4684 would likely jeopardize Michigan's receipt of this federal funding.

The DNR receives federal funding through the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act for wildlife-related programs. These federal acts prohibit hunting and fishing license fees (including land bought with the revenue) and land bought with federal assistance funds from being used for purposes that would interfere with game and fish activities - which is the purpose for which the land was acquired or developed.

In order to qualify for these federal funds, the State had to pass specific legislation assenting to the requirements of these federal acts. This legislation is commonly referred to as Michigan's Assent legislation (MCL 423.40501). If legislation is enacted that mandates that interfering activities be allowed on these lands without the DNR having the control to manage the land in a way conducive to hunting and fishing, it is likely to be seen as a diversion of these fees by the federal government. This would result in the loss of federal funding for these programs.

The annual funding that would be jeopardized if Michigan were to be found in diversion is as follows (based on FY 2010-11 funding):

Pittman-Robertson Wildlife Restoration	\$10.5 million
Hunter Education funding	2.3 million
Dingell-Johnson Sport Fish Restoration	<u>11.7 million</u>
Total	\$24.5 million

Legislative Analyst: Jeff Stoutenburg
Fiscal Analyst: Viola Bay Wild

■ 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.