

HOUSE BILL No. 5175

November 10, 2011, Introduced by Rep. Foster and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72114 and 72115 (MCL 324.72114 and 324.72115), as added by 2010 PA 45.

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~~ **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
10 section 72115. **THE PLAN FOR A STATEWIDE TRAIL NETWORK SHALL ASSURE**

1 THAT THERE WILL NOT BE A CUMULATIVE NET LOSS OF PACK AND SADDLE
2 TRAILWAYS ON STATE-OWNED LANDS FROM THE NUMBER OF PACK AND SADDLE
3 TRAILWAYS AND THE AMOUNT OF TRAILWAY MILES THAT EXISTED ON PACK AND
4 SADDLE TRAILWAYS ON THE EFFECTIVE DATE OF THE 2011 AMENDATORY ACT
5 THAT AMENDED THIS SECTION. Prior to the department establishing the
6 plan for a statewide trail network, the commission shall hold a
7 public meeting to receive testimony from the general public.

8 (2) After the plan for a statewide trail network is
9 established under subsection (1), if the department is informed
10 that additional trails should be added to the plan or that uses on
11 particular trail segments should be modified, the department may
12 modify the plan to include additional trails or to modify the uses
13 on particular trails. ~~However, any~~ ANY modifications TO THE
14 STATEWIDE TRAIL NETWORK shall be in conformance with section 72115
15 and determinations made under section 72115. IN ADDITION, BY
16 JANUARY 1, 2022, THE DEPARTMENT SHALL MODIFY THE PLAN FOR A
17 STATEWIDE TRAIL NETWORK TO INCREASE THE NUMBER OF TRAILWAY MILES
18 FOR PACK AND SADDLE TRAILWAYS BY AT LEAST 15% FROM THE NUMBER OF
19 TRAILWAY MILES THAT EXISTED ON THE EFFECTIVE DATE OF THE 2011
20 AMENDATORY ACT THAT AMENDED THIS SECTION.

21 (3) Upon establishment of a plan for a statewide trail network
22 under subsection (1), the department shall make the plan available
23 on the department's website. If the department modifies the plan
24 for a statewide trail network, the department shall make the
25 updated plan available on the department's website. THE DEPARTMENT
26 SHALL INCLUDE ON THE WEBSITE THE TRAIL RATING FOR PACK AND SADDLE
27 TRAILWAYS AS PROVIDED FOR IN SECTION 72115.

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

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

17 (a) Access on land of the state forest system is allowed
18 unless restricted by statute, deed restriction, land use order, or
19 other legal mechanism, in effect on ~~the effective date of the~~
20 ~~amendatory act that added this section~~ **APRIL 2, 2010.**

21 (b) Access on land of the state park system or state game area
22 system is prohibited unless authorized by land use order or other
23 legal mechanism in effect on ~~the effective date of the amendatory~~
24 ~~act that added this section~~ **APRIL 2, 2010.**

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

1 (2) Access by pack and saddle animals may only be restricted
2 on lands described in subsection (1) after ~~the effective date of~~
3 ~~the amendatory act that added this section~~ **APRIL 2, 2010**, if
4 conditions are not suitable for pack and saddle animals because of
5 public safety concerns, necessary maintenance, or for reasons
6 related to the mission of the department. Restrictions related to
7 the mission of the department shall be supported, to the greatest
8 extent practicable, by a written science-based rationale that is
9 supported with documentation that is made available to the public.
10 Prior to determining that access by pack and saddle animals be
11 restricted, the department shall make every effort to resolve any
12 public safety or maintenance concerns. Subject to subsection (3),
13 the department shall not restrict pack and saddle animals from
14 lands described in subsection (1) unless all of the following
15 conditions are met:

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

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

26 (c) Any decision by the department to restrict access by pack
27 and saddle animals shall not take effect for a period of time set

1 by the department, but not less than 60 days. However, if the
2 director determines that a restriction must be imposed because of
3 user conflicts or due to an imminent threat to public health,
4 safety, welfare, or to natural resources or the environment, the
5 director may issue a temporary order restricting access by pack and
6 saddle animals for 30 days or until the threat or user conflict is
7 abated. A temporary order under this subdivision may be reissued if
8 the threat or user conflict persists.

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

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

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

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

27 (b) Not later than January 1, 2011, the Lapeer state game area

1 and the Gladwin field trial area.

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

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

7 (5) THE COMMISSION SHALL ESTABLISH CRITERIA FOR A RATING
8 SYSTEM TO EVALUATE THE CONDITIONS OF PACK AND SADDLE TRAILWAYS. THE
9 RATING SYSTEM SHALL PROVIDE FOR AN "EXCELLENT" RATING, A "GOOD"
10 RATING, AND A RATING FOR PACK AND SADDLE TRAILWAYS THAT DO NOT
11 SATISFY CRITERIA FOR DESIGNATION AS BEING IN EXCELLENT OR GOOD
12 CONDITION. UPON ADOPTION OF CRITERIA FOR A RATING SYSTEM FOR PACK
13 AND SADDLE TRAILWAYS UNDER THIS SUBSECTION, THE COMMISSION SHALL
14 SUBMIT A REPORT TO THE LEGISLATURE THAT DESCRIBES THE CRITERIA, THE
15 RATING SYSTEM, AND A RATIONALE FOR THE DETERMINATIONS OF THE
16 COMMISSION. THE COMMISSION SHALL ANNUALLY REVIEW THE RATING SYSTEM
17 ADOPTED UNDER THIS SUBSECTION, AND IF IT UPDATES THE RATING SYSTEM,
18 THE COMMISSION SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT
19 DESCRIBES THE UPDATED CRITERIA, THE RATING SYSTEM, AND THE
20 RATIONALE FOR THE UPDATED RATING SYSTEM.

21 (6) UPON ADOPTION OF CRITERIA FOR A RATING SYSTEM TO EVALUATE
22 THE CONDITIONS OF PACK AND SADDLE TRAILWAYS OR UPON THE UPDATE OF
23 CRITERIA, THE DEPARTMENT SHALL, USING THE CRITERIA, EVALUATE THE
24 CONDITIONS OF ALL PACK AND SADDLE TRAILWAYS ON STATE-OWNED LANDS
25 AND PROVIDE A RATING FOR THOSE PACK AND SADDLE TRAILWAYS. IF
26 CONDITIONS AT PACK AND SADDLE TRAILWAYS ARE NOT RATED AS EXCELLENT
27 OR GOOD, THE DEPARTMENT SHALL, WITHIN 2 YEARS AFTER ORIGINALLY

1 RATING THE TRAILWAYS OR WITHIN 2 YEARS AFTER THE CRITERIA HAVE BEEN
2 UPDATED, MAKE IMPROVEMENTS TO THE PACK AND SADDLE TRAILWAYS THAT
3 WILL RESULT IN A RATING OF EXCELLENT OR GOOD.