

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.504 Department of natural resources; rules for protection and preservation of lands and property; copies to legislative committees; duties of department; applicability of subsection (2) to commercial forestland; public access to certain land; written resolution requesting removal of human-made barrier; expanding access to certain state land for outdoor recreation; certain rules prohibited; orders; violation as civil infraction; fine.

Sec. 504.

(1) The department shall promulgate rules to protect and preserve lands and other property under its control from depredation, damage, or destruction or wrongful or improper use or occupancy. Not more than 10 days after promulgating a rule under this subsection, the department shall provide a copy of the rule to the relevant legislative committees, as defined in section 503. Within 6 months after the effective date of a rule promulgated under this subsection that limits the use of or access to more than 500 acres of state forest, the department shall, if requested by the chair of a relevant legislative committee, provide testimony to the committee on the implementation and effects of the rule.

(2) Subject to subsection (3), the department shall do all of the following:

(a) Keep land under its control open to hunting unless the department determines that the land should be closed to hunting because of public safety, fish or wildlife management, or homeland security concerns or as otherwise required by law.

(b) Manage land under its control to support and promote hunting and fishing opportunities to the extent authorized by law.

(c) Manage land under its control to prevent any net decrease in the acreage of such land that is open to hunting.

(3) Subsection (2) does not apply to commercial forestland as defined in section 51101.

(4) The department is urged to promote public enjoyment of this state's wildlife and other natural resources by providing public access to lands under the control of the department for outdoor recreation activities dependent on natural resources, providing reasonable consideration for both motorized and nonmotorized activities.

(5) If the department receives a written resolution from a recreational users organization or the legislative body of a local unit of government requesting the removal of a berm, gate, or other human-made barrier on land under the department's control, the department shall notify the requestor in writing within 60 days of 1 of the following:

(a) That the barrier will be removed. In this case, the department shall remove the barrier within 180 days after receiving the written request.

(b) The reasons the department believes the barrier should not be removed and the right of the recreational users organization or local unit of government, within 21 days after the department sends the written notice, to request in writing a public meeting on the matter. If the recreational users organization or local unit of government requests a public meeting as provided in this subdivision, the department shall conduct a public meeting within the city, village, or township where the barrier is located to explain the department's position and receive comments on the proposed removal. After the meeting, and within 180 days after receiving the request to remove the barrier, the department shall approve or deny the request and notify the requestor in writing. If the request is denied, the notice shall include the reasons for denial. If the request is approved, the department shall remove the barrier as follows:

(i) Unless subparagraph (ii) applies, within 180 days after the public meeting.

(ii) Within 30 days, if the recreational users organization or legislative body requesting the removal of the barrier agrees with the department to remove the barrier under the department's oversight and at the requestor's expense.

(c) That the department will not consider the request. The department is not required to consider the request if, within the 3-year period preceding the receipt of the request, the department received another request for removal of the barrier and acted or is acting on the request under subdivision (a) or (b). The notice under this subdivision shall explain why the request is not being considered and specify the date after which the department is required, if the barrier has not already been removed, to consider a new request.

(6) Upon request from a local unit of government, the department shall work with the local unit to allow use of state land managed by the department and located within the local unit that will benefit the local community by increasing outdoor recreation opportunities and expanding access to and appropriate use of the natural resources and outdoors. The department may charge the local unit a reasonable fee for the use that does not exceed the costs incurred by the department for the use.

(7) This section does not authorize the department to promulgate a rule that applies to commercial fishing except as otherwise provided by law.

(8) The department shall not promulgate or enforce a rule that prohibits an individual who is licensed or exempt from licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a pistol in compliance with that act, whether concealed or otherwise, on property under the control of the department.

(9) The department shall issue orders necessary to implement rules promulgated under this section. The orders are effective upon posting.

(10) In issuing an order under subsection (9), the department shall comply with the following procedures in a manner that ensures adequate public notice and opportunity for public comment:

(a) The department shall prepare the order after considering comments from department field personnel.

(b) The department shall conduct a public meeting and otherwise provide an opportunity for public comment on the order.

(c) Commencing at least 30 days before the first meeting and continuing through the public comment period under subdivision (b), the natural resources commission shall include the order on a public meeting agenda and the department shall post the order on its website. If the order will result in a loss of public land open to hunting, the agenda and website posting shall specify the number of acres affected.

(d) Not less than 30 days before issuance of an order, the department shall provide a copy of the order to the relevant legislative committees. This subdivision does not apply to an order that does not alter the substance of a lawful provision that exists in the form of a statute, rule, regulation, or order at the time the order is prepared.

(11) Subsection (10) does not apply to an order for emergency management purposes that is in effect for 90 days or less.

(12) If an order limits the use of or access to more than 500 acres of state forest, the department shall provide a copy of the order to the relevant legislative committees not more than 10 days after the order is issued. If requested by the chair of a relevant legislative committee, the department shall provide testimony on the implementation and effects of such an order at a committee hearing held within 6 months after the effective date of the order.

(13) The department may revise an order issued pursuant to subsection (9). The revision is subject to subsections (10) to (12), as applicable.

(14) A person who violates a rule promulgated under this section or an order issued under this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(15) As used in this section, "relevant legislative committees" means that term as defined in section 503.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 1996, Act 171, Imd. Eff. Apr. 18, 1996 ;-- Am. 2004, Act 130, Imd. Eff. June 3, 2004 ;-- Am. 2009, Act 47, Imd. Eff. June 18, 2009 ;-- Am. 2018, Act 237, Eff. Sept. 25, 2018 ;-- Am. 2018, Act 238, Eff. Sept. 25, 2018

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