



2-3-2016
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From: Brad Garmon, Michigan Environmental Council
RE: HB 5275 comments, concerns and opportunities

While the Michigan Environmental Council supports the development of a plan for Michigan's state forest roads, we have significant concerns about the current bill language that lead to our opposition to the proposed language as currently written. We would welcome to opportunity to work with the bill sponsors and supporters to address these concerns, and thus allow us to support this timely initiative.

First, we would ask that the following section be removed from the proposed legislation:

SEC. 72117. (2) FOREST ROADS SHALL BE OPEN TO MOTORIZED USE BY THE PUBLIC UNLESS DESIGNATED OTHERWISE BY THE DEPARTMENT PURSUANT TO SECTION 504(7).

Because this statute rightly does not override land use orders of the department (which currently specify that state forest roads in the lower peninsula are closed to ORV use unless posted open), we believe this proposed provision regarding motorized use would unnecessarily complicate the issue. At a minimum, we fear this bill could confuse the issue of motorized use of state forest roads, and create additional headaches for law enforcement professionals attempting to communicate existing rules and enforce land use orders. It would also seem to create a situation in which a new land use order would be required for the department to close any road to motorized use for both ORVs and other vehicles, even if the closure were necessary (for safety or resource management issues) or temporary (such as a road-stream crossing that becomes seasonally flooded, etc.) We believe allowing the department to retain its authority to make science-based management decisions in regard to forest road use is warranted, as is the current regional approach which recognizes and respects the greater pressure on forest roads in the lower peninsula to serve a higher number and wider variety of recreational users.

According to the department's 2010 Forest Resource Assessment, "Michigan's forests provide the largest public land base for outdoor recreation east of the Mississippi River, and most forest recreation occurs on public land. Within the 3.9 million acres of state forest system there are approximately 140 designated campgrounds, 116 designated water access sites, 485 undeveloped water access sites, **880 miles of non-motorized pathways, 2,500 miles of designated off-road vehicle (ORV) trails, and 1,500 miles of designated snowmobile trails to facilitate outdoor recreation.** In addition, over 8,000

miles of forest roads provide access for dispersed recreation enthusiasts such as hunters, wildlife viewers, anglers, and those who pick wild edibles or enjoy non-programmed nature appreciation." This ratio (880 miles of non-motorized pathways compared to more than 10,000 miles of combined forest roads and ORV trails, for example) does not suggest to us that there is a critical shortage of motorized access to our state forests today.

Moreover, we believe the motivation to open more forest roads to motorized recreation potentially conflicts with 324.83102, under which the department is also required to:

"develop, operate, maintain, and promote an integrated recreation system that provides opportunities for hunting, fishing, camping, hiking, snowmobiling, off-road vehicle trail riding, boating, trail related activities, and other forms of recreation within each state forest. In developing, operating, maintaining, and promoting this recreation system, the department shall focus on maintaining the integrity of the forest while supporting recreation activities and experiences for which a large land base, rustic nature, and the forest and forest values are critical to the activity."

To address these concerns, we would suggest adding the following additional to the elements required in the proposed forest "roads inventory" called for in Sec. 72117. (1):

(C). Identify the location, condition, and development level of recreational trails within each state forest, including unpaved rustic trails available for hiking, biking, and cross-country skiing, and water trails suitable for paddling.

(D). Determine types of motorized and nonmotorized use, hunting and timber harvest allowable on each forest trail segment, and the seasons during which those uses are allowed or anticipated.

(E) Estimate the density of the road network within each state forest, including greatest and average distances between roads within each state forest.

(F). Provide for blocks of unroaded state forest adequate in size to support sensitive wildlife species that prefer an unfragmented habitat landscape, such as bear, pine marten and bobcat, and to ensure opportunities for quiet recreational experiences in rustic nature.

We also suggest that SEC. 72117. (3) be amended to read as follows:

THE DEPARTMENT SHALL ANNUALLY POST TO ITS WEBSITE THE TOTAL MILES OF ROADS and recreational trails on state forests and their allowable USES AND A MAP OR MAPS OF THOSE FOREST ROADS and trails.

These additional requirements, if included in the proposed legislation, would better address existing statutory language that directs the department to provide an "integrated recreation system" on state forest lands, but would also address the increased desire for, and focus on, creating a truly world-class set of recreational trails in Michigan.

Michigan's trails system is impressive, but often we hear from our members and the recreating community that rustic forest trails that provide access to emerging uses (such as trail running, fat biking and birding) in Michigan's state forests, are largely overlooked. While they host a large and increasingly important user demographic, these trails have not been a priority of either the department's forestry division (which focuses primarily on timber management) or its parks division. The parks division inherited recreation management on state forests lands with the advent of the Recreation Passport several years ago, but has largely maintained its focus on the state's more developed trails systems within state parks, and on the Governor's new Belle Isle Trail initiative.

We think the forest road inventory proposed in this legislation is a great opportunity to also begin a comprehensive focus on the needs of the rustic forest recreational trail systems on state forests.

Lastly, we feel it should be noted that the department is already required, under 324.81123, to create and regularly update (by submitting to the legislature every two years) an inventory and plan for motorized use of state forest roads, specifically through the development of an ORV plan that includes the inventorying, identification, evaluation and designation of areas, forest roads, and forest trails for ORV use. This plan has been required since 1991 and was to be updated every two years. Before creating additional reporting requirements, we suggest it would be logical to first look at this requirement to see if its fulfillment addresses some if not all of the primary concerns regarding motorized use of state forest roads.

Thank you for the opportunity to address this proposed legislation, and I would welcome the opportunity to work in partnership to address these concerns and opportunities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Garmon", written over a horizontal line.

Brad Garmon
Director of Conservation

