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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: March 19, 2018
RESUBMITTED: April 16, 2018

MEMORANDUM TO THE DIRECTOR

Information: Natural Resource Commission

Subject: Order to Regulate the Locations Where a Recreation Passport is Required for Entry
Land Use Order of the Director Amendment No. 2 of 2018

Attached is an order for review and eventual action requiring at all Boating Access Sites (BAS) locations as opposed to the 75 current designated locations that a valid Michigan Recreation Passport for a motor vehicle be purchased and affixed to the vehicle when entering a BAS. This would ensure that the Recreation Passport applies to as many recreational places as possible and provides balance and equity to all BAS locations.

Authority:

The Natural Resources and Environmental Protection Act (NREPA) 1994 PA451, authorizes the Director to issue orders to implement land use rules.

Authority for requiring a Recreational Passport is contained in Part 741, MCL 324.74101, State Parks System, of the NREPA, and Part 5, General Powers and Duties. Parts 741 and 781 prohibits free entry of motor vehicles into any state park or portion of a state park, or boating access site posted in accordance with these Parts. Sections 74116 and 78116, specifically authorizes the Department to designate state parks or portions of state parks and boating access sites, respectively, where entry is permissible. Parts 741123 and 78116 also provide authority to the Department to establish a fine for failure to purchase as well as set the fees for park-purchased Recreation Passports.

Discussion and Background:

On April 13, 2017, the Michigan State Parks Advisory Committee reviewed a proposal from the Michigan State Park Advisory Finance Subcommittee regarding Boating Access Sites (BAS) requiring a motor vehicle to have a Recreation Passport for entry. The proposal recommends expanding the BAS locations where a Recreation Passport is required for motor vehicle access to all BASs when required by the posting of signage indicating that a Recreation Passport is necessary for entry. There may be conditions on deed restrictions or other situation where posting may not apply.

Expansion of the Recreation Passport requirement for motor vehicle entry into all BASs establishes consistency across the state. Boating access sites were historically defined as “user

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fee sites,” for the purpose of recognizing the additional controls on the part of department. However, these 75 “user fee sites” were not always addressed equitably across the state, and many sites not covered under this designation still require significant effort, related to operations, events, and commercial use. Previous language under NREPA also required that in order for a fee site to be established, the fee must be able to support the additional staffing with revenue through the Boating Access Site Motor Vehicle Permit. When the “Recreation Passport” was established, this language was removed as there is no longer a statutory requirement for revenue.

The Department recommends that the locations where a Recreation Passport is required for entry is expanded to include all state operated Boating Access Sites when required by the posting of signage indicating that a Recreation Passport is required for entry.

Relevant Divisions have contributed to the preparation of this order. This Order was submitted for information and consideration on April 12, 2018, at the Natural Resources Commission Meeting. This item appeared on the Department’s March 2018 calendar and may be eligible for approval on May 10, 2018.

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LAND USE ORDERS OF THE DIRECTOR

Amendment No. 2 of 2018

By authority conferred on the Director of the Department of Natural Resources by Section 504 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended, MCL 324.504, and in accordance with R 299.921 to R 299.933, the Director of the Department of Natural Resources orders the following:

2.103 Entry, use and occupancy of certain access sites, harbors and dams, prohibited conduct.

Order 2.103. (1) A person shall not do any of the following:

(a) Enter, use, or occupy any state-operated boating access site with a motor vehicle unless a valid Michigan recreation passport for a motor vehicle has been purchased and affixed to the vehicle when posted against such use.

(b) Enter, use, or occupy the Crystal lake boating access site 10-066 to access the Betsie valley trail (in accordance with 19th Judicial Circuit Consent Judgment, No. 04-7095-CE and Special Trail Use and Law Enforcement Plan No. 88-3199-CH), section 22, T26N R16W, Benzie county.

(c) Enter, use, or occupy a state-operated public boating access site with an ORV except to set, place, erect, or use a fishing shanty consistent with fisheries order 251.17, or to access a waterbody to operate an ORV on the frozen surface of public waters.

Issued on this 10th day of May, 2018.

Approved as to matters over which the Director has authority.

Keith Creagh
Director