



**House
Legislative
Analysis
Section**

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FOREST RECREATION

House Bills 5502 and 5503 as introduced First Analysis (2-21-96)

**Sponsor: Rep. Beverly Bodem
Committee: Tourism and
Recreation**

THE APPARENT PROBLEM:

Michigan's state forest system is composed of approximately 3.9 million acres, and contains over 148 campgrounds, 5,200 miles of snowmobile trails, 2,500 miles of off-road vehicle trails, and many rivers. It occupies a unique niche in the state's natural resources, providing many recreational, economic, and ecological benefits. Visitors enjoy a wide array of recreational opportunities, including camping, hiking, cross country skiing, mountain biking, horseback riding, and canoeing, and, for those in search of activities that don't require special facilities, there is nature observation, fishing, hunting, and mushroom and berry picking. The state also receives economic benefits from the forest system from hunting and campground fees, and from the billions spent by tourists. The raw materials provided to the lumber, paper, and furniture industry, and oil and gas revenues from the wells beneath the forest floor, also contribute to the economy. Ecologically, the forests provide a diverse habitat and a wide range of animal and plant species. In addition, forests act to filter surface runoff, and their wetlands help absorb flood waters, provide water filtration, and recharge groundwaters.

However, the state's programs for maintaining its forest system are inadequately funded. Current appropriation levels are approximately the same as those for fiscal years 1979-80, in spite of the fact that today's dollar is worth much less. Moreover, revenues from campground fees, which constituted 11 percent of the system's budget in fiscal year 1979-80, now constitute almost half its budget. In addition, Department of Natural Resources (DNR) employees in the state forest system have dwindled to less than half of the original work force. As a result, there is less personal contact with visitors, campgrounds have been closed, trails are poorly maintained and restored, there is no money to manage the roads that lead to state forest access points, illegally dumped trash goes uncollected, and violators go unchecked.

A report that confronts the issues facing Michigan's state forest recreation system was recently issued by the Michigan State Forest Recreation Advisory Committee.

The committee is composed of representatives from the DNR, the forest industry, and from conservation, environmental, and recreational associations, and was established to review these problems. Entitled "Forest Recreation 2000," the report is the result of three years of deliberations. It was refined during nine public hearings held around the state during the early part of 1995, and outlines goals that the committee hopes will be achieved by the year 2000. Specifically, it contains recommendations on the creation of a stable funding source for the state forest system: the establishment of a Forest Recreation Endowment Fund, similar to the Genevieve Gillette State Parks Endowment Fund, with continued appropriations from the general fund until the interest from the endowment fund is sufficient to replace these appropriations; and, to provide funds to renovate existing facilities, a Recreation Bond Proposal that would be placed on the ballot. Among other proposals, the report recommends that designated DNR recreation officers receive appropriate law enforcement training to enforce state forest recreation rules; that DNR Forest Management employees have appropriate backgrounds in natural resources and recreation management; that trails, campgrounds, roads, waterways, and other state forest areas be managed as an integrated system, and not as isolated facilities; that the state forest system be renovated and modified to meet established standards for safe, environmentally sound facilities; that master plans be developed to guide future recreation development and land acquisitions; that signs be placed to indicate clearly the location and extent of facilities from main roads, and to ensure user-friendly access to public facilities; that a transportation plan be developed for the forest road system for vehicle access, and for forest management activities, such as fire protection; that necessary equipment be purchased and maintained to improve the efficiency of forest recreation operations and the safety and appearance of forest recreation facilities; that volunteers, student interns and contracted services be strongly considered by the DNR Forest Management Division as options in managing forest recreation; and that the DNR provide more facilities for trail users and others, such as hunters and mushroom pickers, who do not need special

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facilities. The plan was approved by the Natural Resources Commission on November 9, 1995. Some of the recommendations outlined in "Forest Recreation 2000" have been incorporated into legislation.

THE CONTENT OF THE BILLS:

House Bills 5502 (MCL 324.831) and 5503 (MCL 324.503) would amend the Natural Resources and Environmental Protection Act (NREPA) to establish a Forest Recreation Fund, and to require that the Department of Natural Resources (DNR) develop and promote an integrated recreation system within each state forest and promulgate rules to implement this system. The bills are tie-barred to each other.

State Forest Recreation. House Bill 5502 would add a new Forest Recreation category (Subchapter 7) to Chapter 2 of NREPA, which pertains to the management of renewable resources. Part 831 of the new section would require that the Department of Natural Resources (DNR) develop, operate, maintain, and promote an integrated recreation system to provide opportunities for hunting, fishing, camping, hiking, snowmobiling, boating, trail related activities, and other forms of recreation within each state forest. In implementing this provision, the DNR could enter into contracts or agreements, grant concessions within the boundaries of a state forest, lease property, or accept gifts, grants, or bequests from public or private sources, from the federal government, or from a local unit of government. All money collected under this provision would be deposited into the Forest Recreation Fund which the bill would create, and the money would be used by the department to develop, maintain, operate, and promote forest recreation activities and to implement the provisions of the act.

DNR Concessions. Under House Bill 5502, the DNR could grant concessions (defined under the bill to mean an agreement between the department and a person under terms and conditions as specified by the department to provide services or recreational opportunities for public use) within the boundaries of a state forest. Each concession would have to be awarded at least every seven years, based on extension, renegotiation, or competitive bidding.

Volunteer Service. The DNR could appoint volunteers to facilitate forest recreation activities. While serving, a volunteer would be treated in the same manner and would have the same immunity from civil liability that is afforded a department employee under the provisions of the governmental immunity act. However, while serving in the capacity of volunteer, a person would not be permitted to carry a firearm.

State Forest Officers. The director of the DNR could commission state forest officers to enforce within the boundaries of the state forest the rules promulgated under the act, including the state land use rules established under the Michigan Administrative Code regarding state lands other than state parks and recreation areas, laws specified as enforceable by commissioned state forest officers in those rules, and orders established by the director. In performing enforcement activities, commissioned state forest officers would be vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under state law.

Permits. The DNR could establish and collect a fee for camping in designated state forest campgrounds. In addition, the department could require a person to obtain a permit, and establish and collect a fee -- except as otherwise provided by law -- for the use of lands and facilities within a state forest that were designated by the department for recreational use. However, at least six months prior to the imposition, or increase, of a fee, the department would have to provide public notice to the general public, and notify in writing the standing committees of the legislature that have jurisdiction over issues primarily related to natural resources and the environment. Money collected for fees and permits would be deposited into the Forest Recreation Fund.

Penalties. A violation of this part of the act, or a rule promulgated under this part, would be a misdemeanor punishable by imprisonment for up to 90 days, a fine of up to \$500, or both.

House Bill 5503. Currently, provisions concerning state forests -- including state forest campground permit fee provisions -- are governed by Part 5 of Subchapter 4 of NREPA. House Bill 5503 would amend these provisions to make them consistent with House Bill 5502, to delete archaic language, and to require that money received from the lease of tax reverted lands be credited to the fund providing financial support for the management of the land. Money received from the lease of other lands would be credited to the fund from which the lands were purchased, except for program income from program-related leases, which would be credited to the fund providing financial support for their management. For lands managed by the Forest Management Division of the DNR, that would be either the Forest Development Fund or the newly created Forest Recreation Fund. For lands managed by the Wildlife or Fisheries Divisions, this would be the Game and Fish Protection Fund. The bill would also delete current provisions pertaining to the lease of state lands to nonprofit organizations and the lease of state land in the Porcupine Mountain State Park, and would specify,

instead, that the DNR could lease lands or grant concessions to anyone for any purpose that it determined as being necessary to implement the provisions of the act.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency (HFA), House Bill 5502 would result in an increase of almost \$9 million in revenues from fees and permits for the Department of Natural Resource's forest recreation program. The HFA estimates that House Bill 5503 would have no impact on state funds. (2-02-96)

ARGUMENTS:

For:

Currently, Michigan's state forest system does not receive funding in proportion to the recreational, economic, and ecological benefits it contributes to the state. The state general fund once supplied 90 percent of the system's budget; it now provides approximately 50 percent. As general fund appropriations have decreased, campground fees have correspondingly increased. Additional costs to citizens are evidenced by poor maintenance of the campgrounds and trails, and a general deterioration in the state forest system, due to the fact that forest system staffing has decreased by more than fifty percent during the past fifteen years. The establishment of a Forest Recreation Fund would aid in revitalizing the state forest system by providing it with a stable, consistent source of funding for years to come. In addition, the bill would recognize the countless services now provided by volunteers by giving them official status and the same immunity from civil liability that is afforded DNR employees. The bill would also provide additional funding opportunities by allowing the DNR to grant concessions to provide services, such as liveries, or recreational services such as snack bars. Of greater importance, the bill would provide additional funding opportunities by allowing the DNR to collect fees for camping and for such activities as cross country skiing.

Against:

The bill fails to address many of the recommendation outlined in the "Forest Recreation 2000" report, issued by a State Forest Recreation Advisory Committee that was established to review the funding problems faced by the state forest recreation system. The report contains, among other, more specific recommendations, five goals that the committee hopes to achieve by the year 2000, including a commitment to operate a high quality, nationally recognized forest recreation program; a Forest Recreation Bond proposal that would provide

funds to renovate existing facilities; a commitment to provide sufficient personnel to manage the system; a commitment to establish a secure funding source; and a commitment to provide Michiganians and tourists with information on the recreational opportunities offered by the forest system. The bill, however, would not adequately meet many of these goals.

POSITIONS:

The Department of Natural Resources supports the bills. (2-20-96)

The Michigan State Forest Recreation Advisory Committee supports the bills. (2-20-96)

The Michigan Mountain Biking Association supports the bills. (2-20-96)

The Michigan Trail Riders supports the bills. (2-20-96)

The Michigan United Conservation Clubs (MUCC) supports the bills. (2-20-96)

The Lansing Oar and Paddle Club supports the bills. (2-20-96)

■ 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.