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

SUBCHAPTER 7
FOREST RECREATION

PART 831
STATE FOREST RECREATION

324.83101 Definitions.

Sec. 83101. As used in this part:

(a) "Concession" means 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.

(b) "Department" means the department of natural resources.

(c) "Director" means the director of the department.

(d) "Forest recreation account" means the forest recreation account of the Michigan conservation and recreation legacy fund provided for in section 2005.

(e) "Lease" means a conveyance by the department to a person of a portion of the state's interest in land under specific terms and for valuable consideration, thereby granting to the lessee the possession of that portion conveyed during the period stipulated.

(f) "State forest" means those lands designated as state forests by the department.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.83102 Recreation within state forest; scope.

Sec. 83102. The department shall 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.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998.

Popular name: Act 451

Popular name: NREPA

324.83103 Implementation of MCL 324.83102; powers of department; disposition of money collected; grant and award of concessions; notice to legislature; report.

Sec. 83103. (1) In implementing section 83102, the department may do any of the following:

(a) Enter into contracts or agreements with a person as may be necessary to implement this part.

(b) Grant concessions within the boundaries of a state forest to a person. In granting a concession, the department shall provide for all of the following:

(*i*) That the concession or any related structure, facility, equipment, or service is compatible with the natural resource values of the surrounding forest area and is appropriate for the forest recreation system.

(*ii*) That each concession is awarded at least every 7 years based on extension, renegotiation, or competitive bidding. However, if the department determines that a concession requires a capital investment in which a reasonable financing or amortization necessitates a longer term, the department may grant a concession for up to a 15-year term.

(*iii*) That a concession requiring a capital expenditure of more than $100,000.00 for a building or structure be provided for in the state forest management plan for the state forest in which the concession is proposed to be located.

(*iv*) That all buildings and equipment shall be removed from the state forest property at the end of the concession term, unless the department authorizes otherwise.

(*v*) That no concession or concession operator is granted the authority to charge a fee for access to public land or a public recreation resource.

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(*vi*) That all prices, rates, and charges and all services or items offered in the operation of the concession shall be approved by the department.

(c) Lease property to a person.

(d) Accept gifts, grants, or bequests from any public or private source or from the federal government or a local unit of government for furthering the purposes of this part.

(2) Unless otherwise provided by state or federal law, all money collected under this section shall be deposited into the forest recreation account.

(3) Not less than 3 months before granting a concession for more than $500,000.00 or that will require a capital expenditure of more than $500,000.00, the department shall notify each member of the house of representatives and senate with primary responsibility for natural resources issues of its intention to grant the concession and of specific details on the nature of the concession.

(4) By December 31 of each year, the department shall submit to the legislature a report that provides details on all concessions awarded during the previous year under subsection (1).

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.83104 Forest recreation account; use.

Sec. 83104. Money in the forest recreation account shall be used by the department to develop, maintain, operate, and promote forest recreation activities and to implement this part.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.83105 Forest recreation activities; volunteers.

Sec. 83105. (1) The department may appoint persons to function as volunteers for the purpose of facilitating forest recreation activities. While a volunteer is serving in such a capacity, the volunteer has the same immunity from civil liability as a department employee and shall be treated in the same manner as an employee under section 8 of 1964 PA 170, MCL 691.1408.

(2) A volunteer under subsection (1) shall not carry a firearm when functioning as a volunteer.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998.

Popular name: Act 451

Popular name: NREPA

324.83106 Camping permit; fee; permit to use lands and facilities; exception; deposit of money into account.

Sec. 83106. (1) The department may require a person to obtain a permit for camping in designated state forest campgrounds and may establish and collect a fee for the camping permit. However, at least 6 months before increasing a camping permit fee, the department shall provide written notice of its intent to do so to the standing committees of the senate and the house of representatives that have primary jurisdiction over legislation pertaining to natural resources and the environment.

(2) The department may require a person to obtain a permit, except as otherwise provided by law, for the use of lands and facilities within the state forest as designated by the department for recreation use. The department shall not require a permit or payment of a fee for use of a state forest nonmotorized trail or pathway or state forest campground facility except as provided in subsection (1) or otherwise provided in this act.

(3) Money collected under this section shall be deposited into the forest recreation account.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2010, Act 34, Eff. Oct. 1, 2010.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

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324.83107 Rules; enforcement by state forest officers.

Sec. 83107. To ensure compliance with this part, rules promulgated under this part and this act, including the state land use rules provided in R 299.331 to R 299.335 of the Michigan administrative code, and any orders of the director, the director may commission state forest officers to enforce upon properties administered by the department these rules and any laws of this state specified in those rules as enforceable by commissioned state forest officers. In performing those enforcement activities, commissioned state forest officers are vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under the laws of this state.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998.

Popular name: Act 451

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324.83108 Rules.

Sec. 83108. The department may promulgate rules to implement this part.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998.

Popular name: Act 451

Popular name: NREPA

324.83109 Violation as state civil infraction; fine.

Sec. 83109. A person who violates this part or a rule promulgated under this part is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $500.00.

History: Add. 1998, Act 418, Imd. Eff. Dec. 29, 1998.

Popular name: Act 451

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