

Testimony

for

Michigan Senate  
Natural Resources, Great Lakes and Environment Committee

on

SB 617

Presented by

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Superintendent, Pictured Rocks National Lakeshore

and

Tim Colyer  
Chief Ranger, Pictured Rocks National Lakeshore

October 6, 2011

Senator Casperson, other members of the Committee, thank you for the opportunity to testify today on Senate Bill 617.

My name is Jim Northup and it is my great privilege to serve as the superintendent of Pictured Rocks National Lakeshore on Michigan's beautiful Upper Peninsula. I am joined today by Tim Colyer, who serves as the park's Chief Ranger and Senior Law Enforcement Officer. We come today to speak in strong support of SB 617 and to express our appreciation to Senator Casperson for his leadership in sponsoring this important legislation.

As I am sure many of you know, Pictured Rocks National Lakeshore was authorized by the U.S. Congress as America's first national lakeshore in 1966. The park is now one of 395 units of the U.S. National Park System and one of five National Park Service areas in the State of Michigan. The National Lakeshore, which is now 45 years old, encompasses over 42 miles of spectacular Lake Superior shoreline, and is best known for the multi-colored sandstone cliffs that rise over 200 feet above the lake. The park also contains miles of pristine, white sand beach; three drive-in campgrounds; over 100 miles of backcountry hiking trails and campsites; beautiful lakes, streams and waterfalls; 5000 acres of giant sand dunes; abundant wildlife; and an impressive collection of historic resources including three former Coast Guard Stations, and the Au Sable Light Station, which dates to 1874. The park attracts nearly 500,000 visitors each year, who enjoy hiking, backpacking, sea kayaking, cross-country skiing, snowmobiling, hunting, fishing and so much more. Our studies indicate the presence of the park supports over 300 jobs and

results in over \$18 million in visitor spending within our local community annually. We enjoy an outstanding relationship with our two gateway communities of Munising and Grand Marias.

When the National Lakeshore was established, the U.S. Congress established the park in two zones: a Shoreline Zone and an Inland Buffer Zone. They are depicted on this map in two shades of green. Taken together, the park incorporates 73,235 acres.

The Shoreline Zone is a traditional park model, where the federal government owns the land and the land is managed by the National Park Service. With the exception of one 10 acre in-holding, the National Park Service owns all of the land within the Shoreline Zone of the park.

The Inland Buffer Zone is an area of mixed ownership, where sustained yield timber harvests and other private activities are allowed, in accordance with local zoning regulations, developed in partnership with the National Park Service. In establishing the Buffer Zone, Congress directed the National Park Service to oversee the activities within that portion of the park to protect critical watersheds and ensure that everything taking place within that zone was consistent with park values. Much of the land within the Inland Buffer Zone is owned by the State, by a large timber investment company, and smaller tracts by a number of private landowners. It is important to note as we discuss this Bill that the National Park Service is not seeking increased law enforcement jurisdiction over any privately owned lands within the Inland Buffer Zone – rather only on federally owned land within the park.

As Superintendent Northup mentioned, my name is Tim Colyer and I serve as the park's Chief Ranger and Senior Law Enforcement Officer. I supervise a staff of five Rangers, four permanent, year-round rangers and one temporary ranger who works during the summer season. All of the rangers are formally trained and certified as federal law enforcement officers. We are responsible for a number of things, including enforcing the criminal statutes of the United States, certain State laws, and all of the park specific regulations.

We are very fortunate that most of our 500,000 annual visitors are respectful, law abiding citizens and, statistically, national parks are very safe places to visit. But occasionally, there are unfortunate incidents that take place in every unit of the national park system involving serious misdemeanors and felony offenses such as assaults, felony thefts, and on rare occasions, very serious offenses such as rape and even murder.

As I am sure you know SB 617 is about law enforcement jurisdiction. If passed, it would simply amend a law passed by the State legislature in 1967 to give the Governor the authority to grant concurrent law enforcement jurisdiction to the National Park Service, over federally owned lands within the park boundary, which were not conveyed at that time.

Without getting too technical, there are essentially three forms of law enforcement jurisdiction that can occur on any federally owned land. The three forms are commonly known as: Exclusive Federal Jurisdiction, Concurrent Jurisdiction, and Proprietary Jurisdiction.

In areas with Exclusive Federal Jurisdiction, only federal criminal statutes apply, and the State has no authority to investigate or prosecute State offenses that occur within those areas. At Pictured Rocks, we have several small areas of Exclusive Federal Jurisdiction – essentially the former Coast Guard properties that are now within the park. I am currently working on a separate process to cede concurrent jurisdiction back to the State on these properties.

In areas of Concurrent Jurisdiction, both federal and State criminal statutes apply, which allows federal, State and local law enforcement officers to work together to investigate violations of the law, and Federal and State prosecutors to work together to decide how best to proceed with specific criminal cases. Title 16 of the United States Code directs the National Park Service to pursue concurrent law enforcement jurisdiction on all NPS areas.

Under Proprietary Jurisdiction, the National Park Service only has the authority that would normally vest to any landowner – to enforce minor regulations such as where you are allowed to camp and keeping your dog on a leash – and the criminal statutes of the United States do not apply. If a serious crime occurs on land under proprietary jurisdiction within the park - as was the case several years ago with the tragic murder of Juanita Richardson - the burden and expense of investigating and prosecuting that crime falls entirely on local officials and courts – and our own ranger staff are unable to utilize the full scope of their training and experience as commissioned law enforcement officers. Under Proprietary Jurisdiction we also do not have access to other federal resources to investigate serious crimes (such as the FBI or ATF) nor access to federal prosecutors or the federal court system. Simply stated, this form of jurisdiction is highly inefficient and is not in the public's best interest.

Shortly after Pictured Rocks was authorized, the State of Michigan passed legislation – Public Law 1967 PA 168 – which conveyed certain State owned lands and waters within the authorized boundary of the park to the National Park Service, for the purpose of establishing the park, along with concurrent law enforcement jurisdiction over those lands and waters. Unfortunately, that concurrent jurisdiction covered only a small portion of the park, and did not give the Governor authority to convey concurrent jurisdiction over the other federally owned lands within the park – tracts that were purchased from other landowners – resulting today in a confusing mix of law enforcement jurisdictions within the park – a patchwork of exclusive, concurrent and proprietary jurisdiction.

This crazy patchwork of jurisdictions results in a number of problems, including compromises in officer safety. Because the boundaries of these various areas of jurisdiction are not marked on the ground, it is often difficult if not impossible for National Park Rangers and other law enforcement officers to know exactly where they are and what authority they have when contacting a violator in the field or investigating a violation. As it stands today, it is very difficult to know in what portion of the park federal law applies, state law applies, or if both apply. The lack of consistency in jurisdiction types also causes confusion for the court system and inhibits overall efficiency when working with our neighboring law enforcement agencies and risks serious cases being dismissed or officers finding themselves in legal battles because an incident has occurred or an action is taken where they did not have proper authority. We are fortunate to have outstanding working relationships with all of our surrounding law enforcement agencies and it is very important to note that all of them, including the local prosecutor, have

provided us with letters of support to obtain concurrent jurisdiction over all federally owned land within the park. The bottom line is – we all – officers and prosecutors – want to work together as equal partners in enforcing the laws and providing for public safety – but this confusing mix of jurisdictions within one national park is preventing us from doing so.

SB 617, the Bill you are considering today, would simply grant to the Governor the authority to cede concurrent law enforcement jurisdiction to the federal government over lands and waters within the park boundary. This Bill will not actually grant the concurrent jurisdiction we seek; it will only grant the Governor the authority to do so.

Before we conclude, allow me a moment to make sure you know what this Bill will not do.

- We are not seeking to expand the boundaries of the park.
- We are not seeking more federal ownership of land within the Inland Buffer Zone of the park.
- And, as mentioned earlier, we are not seeking increased law enforcement jurisdiction over any privately owned lands within the park.

SB 617 would simply amend the 1967 law to give the Governor the authority to grant concurrent law enforcement jurisdiction to the National Park Service over federally owned lands and waters for which that form of law enforcement jurisdiction was not granted under the 1967 law. If passed, it is our plan to apply to the Governor for a cession of concurrent jurisdiction over all federally owned lands and waters with the park boundary that are currently under only proprietary jurisdiction. As mentioned earlier, it is our intention to cede back to the State concurrent jurisdiction for those former Coast Guard tracts that are currently under federal exclusive jurisdiction. Our goal is to have concurrent law enforcement jurisdiction on all federally owned land within the park.

We believe that establishing concurrent law enforcement jurisdiction over all federally owned lands within the boundaries of the National Lakeshore will lead to increased efficiency and cooperation between the various federal, State and local law enforcement agencies and lead to increased officer safety and teamwork. It will also allow us to work together more efficiently to achieve mutual objectives of protecting the natural and cultural resources within the park, protect the visitors, and provide for public safety.

In a time of limited budgets at every level of government, we believe it is imperative to establish a framework for the highest level of cooperation between agencies, especially in rural areas. We again thank Senator Casperson for sponsoring this important legislation and ask for the full Committee's support in advancing this Bill.

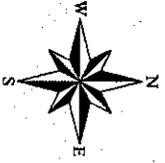
Thank you for your consideration of our testimony. We would be glad to answer any questions you have.



# PIRO Jurisdiction January 2010

## Legend

- Park Boundary
- IBZ Boundary
- Major Roads
- Concurrent
- Exclusive
- Proprietary



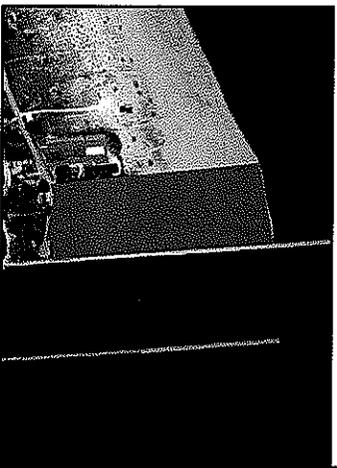
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Data Location: Pictured Rocks NL  
Science Center  
Created By: Bruce Leuschner

Munising

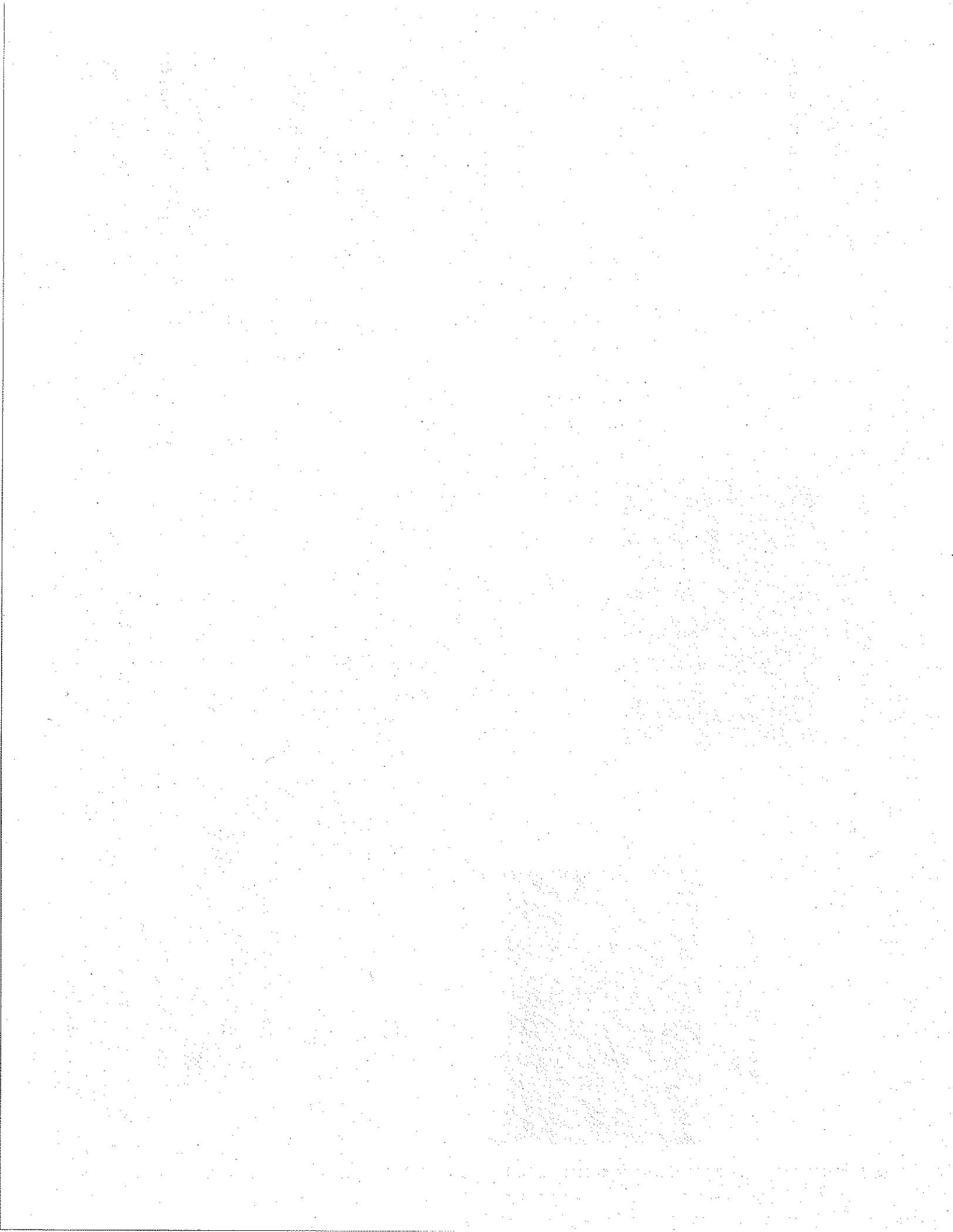


Munising  
Front and Rear Range Lights

Grand Marais



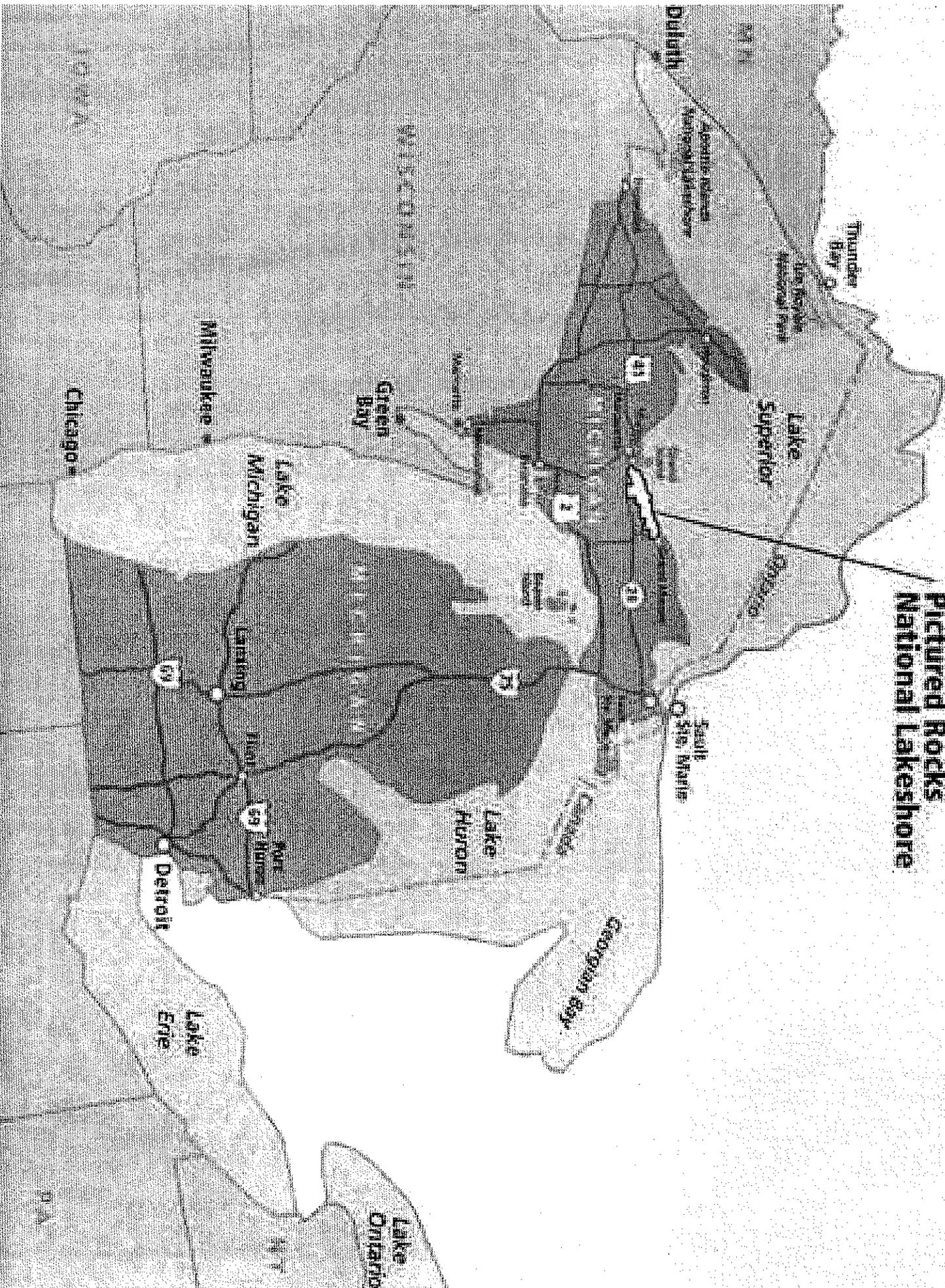
Grand Marais  
Coast Guard Point



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