



March 16, 2015

Senate Natural Resources Committee
Lansing, Michigan

RE: Preliminary Analysis of SB 206

Dear Senators.

The Michigan Environmental Council, a coalition of more than 65 member-based organizations across the state, has reviewed and found some areas of common interest and other significant areas of concern with Senate Bill 206. All commentary that follows, including references to page and line numbers, refers to the version of the bill introduced March 12, 2015.

We have identified at least two areas where we see some potential to work toward common objectives:

1. Making some Trust Fund development monies available for multi-year development projects (Sec. 1907 (1)(d)).
2. Requiring that the legislature be provided information about how proposed DNR land acquisitions that are recommended by the Trust Fund Board for funding advance the goals of the DNR's Strategic Land Plan (Sec. 1907 (H)).

There are at least four major areas of concern to MEC which would lead to our opposition of the bill as drafted. MEC's primary concerns are that the bill:

1. **The bill includes language which states "the department will not restrict access" onto all lands and all trails acquired with Trust Fund monies. It is our understanding that access is currently allowed to all lands subject to reasonable time constraints. However, if "access" in this context is read more broadly to include motorized access, regardless of potential negative impacts to other users, to sensitive natural resources, and potential safety issues we would have significant concerns. (Sec. 1907(b)(2)).**

MEC opposes the provisions in this bill which would require the DNR to open all Trust Fund lands to all uses at all times. Access to Trust Fund lands is already a requirement of the program; however, this proposed bill could be read to equate "access" to mean "all motorized access," and potential all uses. There are myriad legitimate reasons that some lands are walk-in, non-motorized-only areas – often most prized by the public for their scenic beauty, solitude, peace and quiet, or walk-in only hunting. Similarly, there are clear management concerns about

particularly high-impact uses in some areas during some seasons, which might include protecting human safety in hazard-prone areas, protecting breeding populations of wildlife to reducing erosion or natural resource damage during particularly wet seasons or periods of biological activity. These would all fall under the mandate of the department to manage its Trust Fund acquired lands for their acquired purposes; not all uses of Trust Fund land are compatible on all lands at all times. The DNR must be allowed to manage state lands for a variety of users and purposes.

2. Requires that the DNR apply for (and be denied) a Trust Fund grant before applying to any other funding sources for a land acquisition (Sec. 1907(b)(1)).

There are many potential downsides to this provision, not least of which could be lost opportunities to provide public recreational lands or certain times where they are most in demand, such as access to hunting land close to home (southern Michigan) or water access (limited in central Michigan). The Trust Fund should not be seen as a "better" or pre-eminent source of funding to others, just because some sources of funding are targeted to certain uses (Game and Fish funds, etc.). In the goal of ensuring Michigan residents have all sources of funding should be pursued equally and vigorously.

3. Makes Trust Fund monies available to buy land or rights in land previously purchased with other funding sources, and/or to reimburse federal sources for lands they purchased but which would later be acquired by the Trust Fund (Sec. 1907(1)(a and b)).

MEC would not support a program that essentially replaces one type of public land (state game areas, etc.) with Trust Fund land, at Trust Fund expense and to the detriment of other lost Trust Fund opportunities. This provision seems to put Michigan into direct conflict with other state and federal funding sources (game and fish, Pittman Robertson, etc.), while also potentially diverting valuable Trust Fund dollars to duplicate efforts. The access issues which seem to underlie this provision warrant greater examination and clarification, as MEC does not perceive that restrictions associated with alternative funding sources are particularly onerous to users, and in most cases serve to support a legitimate user interest.

4. Prohibits the DNR from applying reverter or right of reentry clauses when transferring property acquired with Trust Fund monies (Sec. 1903 (6)).

MEC sees these tools common sense protections the state needs in order to maintain its responsibility in funding local projects, and ensuring locals comply with contractual agreements or commitments associated with a Trust Fund project or property transfer.

There are also a few sections within the draft bill that we are either **open to further discussion, or which we are unclear about** and would appreciate greater clarity on before forming a position:

1. Allowing the DNR to transfer state land acquired through the Trust Fund to a local unit of government under certain circumstances. (Sec. 1903(5)).

While MEC would be open to transfers of land in some limited instances where local management or ownership might make more sense or provide efficiency or reduce redundancy, we would not support the current construct of this provision in the draft bill. For one thing, the reverter clauses must be protected (Sec. 1903 (6) of the draft bill would prohibit the DNR from including a reverter clause or right of reentry in transfer of property, see above). Similarly, there are a variety of purposes for which the DNR might acquire land through the Trust Fund; any transfer to local should carry requirements that these purposes continue (which could be for recreation purposes but which might also legitimately be for natural resource protection or scenic beauty, either of which could be harmed by intense recreational development).

2. Requirements to include appropriations for recreational facilities equal to 25% of the interest and earnings of the Trust Fund and other money available for appropriation (Sec. 1907 (1))

MEC is unclear the intent and impact of this provision. What are the funds implicated, and what relationship does this provision have to the Constitutional language directing that not more than 25% of funds be directed to development projects (as opposed to acquisition)?

SUMMARY

MEC and our members recognize that the public values and wants more (not less) recreational public land, as evidenced by the healthy flow of applications into the Natural Resources Trust Fund. Public lands in Michigan must serve a variety of masters, from timber production to birdwatching, trail riding, hunting and fishing and more.

We welcome the opportunity to work with bill sponsors to address these concerns and find a workable solution to address concerns and support an accessible, healthy and vibrant base of public land in Michigan.

Sincerely,



Brad Garmon
Director of Conservation and Emerging Issues

