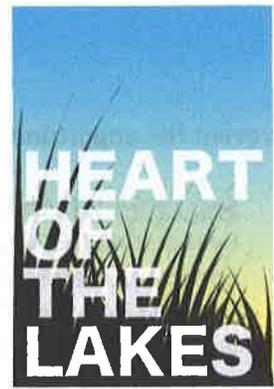


Testimony in Opposition of Senate Bill 206

March 18, 2015

Senate Natural Resources Committee
The Honorable Tom Casperson, Chair



Sen. Casperson and Members of the Senate Natural Resources Committee:

Thank you for this opportunity to testify today; my name is Julie Stoneman and I represent Heart of the Lakes Center for Land Conservation Policy, the statewide association of Michigan's nonprofit land conservancies. Land conservancies are not eligible recipients of Michigan Natural Resources Trust Fund (Trust Fund) grants, but many of our members partner with local communities and the state in their efforts to acquire parks, recreational lands, lands of environmental importance and lands with scenic qualities for the benefit of the public.

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Our analysis concludes that SB 206 would have detrimental impacts—both seemingly intended and unintended—on the Trust Fund, by and large one of the Michigan's great success stories given its investments in natural resource protection, outdoor recreation, local parks and trails, and the economic, environmental and quality of life benefits that result. Therefore we are opposed to SB 206.

I'll preface my comments with this important point:

The Michigan Natural Resources Trust Fund serves local communities, not just the state. Statutory changes that result in shrinking the purchasing capacity of the Trust Fund impacts locals' abilities to acquire lands, interests in lands, and develop recreational facilities in the public interest.

If enacted, SB 206 would:

Restrict the ability of Michigan Natural Resources Trust Fund board to establish and implement policies that protect the functionality of the Fund.

Sec. 1907 (1): The proposed language in this section is confusing but it seems to override spending policies set by the Trust Fund Board, the entity best suited to establish them. We strongly encourage this Committee to consult with the Board on the smart fiscal policies they established after much deliberation, astute reviews of investment strategies and returns, and full discussion in public meetings. These policies ensure there are adequate dollars every year to best meet the exceptionally high demands that are annually placed on the Fund.

Limit the ability of the Michigan Natural Resources Trust Fund board to ensure funded projects are feasible and of acceptable quality.

Sec. 1907(1)(C): By mandating in statute that a set percentage of dollars be spent in any category for any one type of use creates the unintended consequence of funding marginal projects over high quality ones. Leave it to the Trust Fund board process that establishes funding priorities based on needs and awards higher points for those priorities (as they do now for trails), but ensures that every funded project meets minimum standards.

Prevent the opportunity to leverage federal or other state funds for acquisition of valuable state public lands.

Sec. 1907B (1): The Trust Fund does not pay 100% of a project, nor do many other public funding sources. By requiring the Michigan Department of Natural Resources (MDNR) to first be denied a Trust Fund application before it can seek funding elsewhere simply means that other sources cannot be leveraged for required matching dollars or even more significant portions of project costs. As a consequence, many worthy acquisitions that meet the MDNR Managed Public Lands Strategy will not be funded and tax dollars paid by Michigan citizens into other federal and state programs will be lost. As one example, Michigan could lose significant federal dollars that Michigan sportsmen and women helped generate through their taxes paid on sporting arms, ammunition, and other equipment.

In another scenario, state acquisition projects that meet Trust Fund criteria and score very well could put an even greater burden on the Trust Fund instead of stretching those limited dollars with contributions from other funding sources. In that case, the buying power shrinks for all Trust Fund applicants, including local units of government.

Prevent the MDNR from establishing common sense access rules to ensure quality outdoor experiences for all and meet its conservation mission on Trust Fund acquired state lands.

Sec. 1907B (2): Public access is required for all state or locally owned lands acquired with Trust Fund dollars. If we interpret this provision correctly, SB 206 would have to allow all uses of all types in all locations at all times on lands acquired by the state with Trust Fund dollars—a recipe for multiple user conflicts that lead to a degradation of public lands and quality experiences. As examples, many hunters prefer not to encounter ORV's and ATV's while in the field—allowing some areas to be off limits to those activities limits conflicts and ensures quality experiences for both groups. Similarly, substantial effort is placed into providing opportunities for mountain bikers, equestrians and hikers that avoid the inherent conflicts that arise when these user groups coincide. Similar situations exist with cross country skiers, fat tire bicycles and snowmobilers. Access restrictions may be necessary to protect the very qualities of lands that meet the constitutional purposes of the Trust Fund, including lands of environmental importance or scenic beauty.

This becomes more problematic with additional provisions in the bill that could expand the acreage of public land in "Trust Fund acquired" status.

Enable transfers of Trust Fund acquired lands from the MDNR to local units of government that can result in a poor deal for the people of Michigan.

Sec.s 1903(5) and 1903(6): 1903(5) ignores that an original Trust Fund award for acquisition was granted to the state for a specific purpose (e.g. environmental importance or scenic beauty), under Trust Fund board priorities and scoring, and on a competitive basis. Those reasons could be contrary to the public recreation facilities contemplated by a local unit of government and therefore at odds with other public purposes.

A local unit of government may have a plan in place, but that does not guarantee the funding needed to execute the plan is in place. When combined with Sec. 1903(6), land could be transferred to a local unit, but if the plan doesn't get executed, the local unit gets the land virtually for free, and there is no way for the MDNR to get the land back on behalf of the people of the state.

Finally, a commitment of an amount of 25% of the fair market value of the property to the development of the property is arbitrary; it ties the cost of recreational improvements to a value not related to those recreation improvements.

While we do not quite fully understand the intent or full implication of language that requires the Trust Fund board “to allow” certain actions as listed in Sec. 1907(1)(A), (B), (E), we do have numerous concerns about the potential outcomes of these provisions as they could or would:

Reverse sound fiscal policy of not “repurchasing” lands already in public hands, shrink limited Trust Fund dollars, and foster greater user conflicts and degradation on state or federal acquired public lands.

Sec. 1907(1)(A): The clear but unstated outcome of this provision is to expand the number of Trust Fund acquired lands so any state acquired lands fall under a mandate requiring the Trust Fund to provide Payment in Lieu of Taxes (PILT). The consequence is fewer dollars available in the Trust Fund for either the state or for local units of government for eligible Trust Fund purposes.

Sec. 1907(1)(A) and (B): Purchasing already publicly held lands by either local units of government or the state will only shrink the dollars available to local units of government for recreational development and other purposes. Language in these two sections purports to remove restrictions “to provide for greater use of the property”. As stated above, restrictions have a purpose without which leads to greater user conflicts, degradation of public lands, and lower quality experiences.

Sec. 1907 (1)(E): Shrinks the available money in the Trust Fund, adversely impacting local government’s ability to acquire lands or develop recreational facilities by using Trust Fund dollars to buy land already likely in some kind of public ownership. Any lands acquired by the state under this section then would be require the Trust Fund to make PILT and would have to eliminate access restrictions.

Require the Trust Fund Board to acknowledge the MDNR’s Strategic Plan for any MDNR land acquisition recommended for appropriation by the legislature, yet the legislature has yet to approve that plan.

Sec. 1907 (1)(H): The legislature has not approved the MDNR’s Managed Public Land Strategy in response to Sec. 503; this provision seems unnecessary.

For the above reasons, Heart of the Lakes Center for Land Conservation Policy is opposed to SB 206. Thank you for your consideration of our comments; we would welcome the opportunity to meet and discuss these issues in full with the bill’s sponsor.


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