



**House  
Legislative  
Analysis  
Section**

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**EASEMENTS ON  
WILDERNESS AREAS**

AS ENROLLED

**House Bill 5870 with committee  
amendment  
First Analysis (5-15-96)**

**Sponsor: Rep. Ken Sikkema  
Committee: Conservation,  
Environment and Great Lakes**

***THE APPARENT PROBLEM:***

Part 351 of the Natural Resources and Environmental Protection Act specifies the conditions under which the state's wilderness and natural areas may be acquired and administered. Under the act, activities that might alter the nature or destroy the integrity of the areas are prohibited. Such activities include exploring for -- or extracting -- minerals; the establishment of commercial enterprises, utilities, or permanent roads; the use of any form of mechanical transport, including the landing of aircraft, use of motor vehicles, and motorboats; the construction of any structure, except as necessary to meet emergency requirements; the removal of certain vegetation; the granting of easements; and trapping and hunting. There are in existence, however, some rights-of-way and easements that were granted to private property owners before the land was designated as a wilderness area, wild area, or natural area. These rights-of-way or easements are necessary for access to the property. Recently, some property owners in western Michigan have applied to the Department of Natural Resources (DNR) for permission to obtain an easement along the route of the rights-of-way they own so that electric lines can be installed for gas-powered generators. Since it is reasoned that electric lines would more appropriately preserve the integrity of the areas than the gas tanks currently in use, it is proposed that the DNR be permitted to grant easements in these situations. At the same time, it is proposed that the use of motorized equipment, unless required by the department for purposes related to the management or conservation of an area, be prohibited.

***THE CONTENT OF THE BILL:***

House Bill 5870 would amend Part 351 of the Natural Resources and Environmental Protection Act (NREPA), which concerns wilderness and natural areas, to specify that, if a right-of-way or easement for ingress and egress has been granted on land prior to its designation as a wilderness, wild, or natural area, the Department of Natural Resources (DNR) may, upon request, grant

an easement along the route of the existing right-of-way or easement for the installation and maintenance of gas, electric, telephone, and cable services utilities. In granting an easement under this provision, the department would require the necessary conditions for protection of the wilderness area, wild area, or natural area.

Further, certain activities, including trapping and hunting, are prohibited on state land in a wilderness, wild, or natural area, or on state land during the 90 days that its dedication in one of these categories is pending. The bill would delete this prohibition, but would add a prohibition against motorized equipment on these lands. The prohibition would not apply if the department approved the equipment's use for management purposes or conservation practices.

The bill would also amend the NREPA to require that the DNR post signs in an "appropriate," rather than "conspicuous" location along the borders of wilderness, wild, or natural areas. The act also specifies that the signs must indicate which activities are prohibited and which are punishable as a misdemeanor. The bill would, instead, specify that the signs could indicate this information.

Currently, a "wilderness area" is defined under the act to include land or water that contains ecological, geological, or other features of scientific, scenic, or historical value. The bill would specify that the land contain "natural history," rather than "historical," value.

MCL 324.35101 et. al.

***FISCAL IMPLICATIONS:***

The House Fiscal Agency estimates that the bill would have no impact on state funds. (5-10-96)

House Bill 5870 (5-15-96)

**ARGUMENTS:*****For:***

The bill would permit the Department of Natural Resources to grant easements to private property owners who, for purposes of access to their property, own rights-of-way on natural, wilderness, or wild areas. The easements would allow these property owners to have gas, electric, telephone, or cable services installed. The department, however, could require that certain conditions were met to assure that the environmental integrity of the area was protected.

***Against:***

Some question why, if easements are to be granted to certain private property owners so that utilities may be installed, such easements could not also be granted for storm sewers. By preventing erosion, it is maintained that such sewers would be beneficial in wilderness or nature areas.

**POSITIONS:**

The Wildlife Division of the Department of Natural Resources supports the bill. (5-14-96)

A representative of the Michigan Natural Areas Council testified before the committee in support of the amendment requiring that conditions for the protection of a wilderness area be required before an easement is granted. The council does not oppose the bill. (5-14-96)

The Michigan Environmental Council does not oppose the bill. (5-14-96)

The Michigan United Conservation Clubs (MUCC) has no position on the bill. (5-14-96)

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■ 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.