

Legislative Analysis



ESTABLISH NEW DARK SKY PRESERVES

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House Bill 5414 as enacted

Public Act 251 of 2012

Sponsor: Rep. Frank Foster

House Committee: Natural Resources, Tourism, and Outdoor Recreation

Senate Committee: Natural Resources, Environment, and Great Lakes

Second Analysis (8-3-12)

BRIEF SUMMARY: The bill would designate the state-owned land encompassing Wilderness State Park and the state forestland within Bliss Township, Cross Village Township, and Wawatam in Emmet County, and certain portions of Port Crescent State Park in Port Austin, as dark sky preserves.

FISCAL IMPACT: House Bill 5414 would have no significant fiscal impact on the Department of Natural Resources.

THE APPARENT PROBLEM:

While concerns about pollution generally revolve around reducing the amount of toxic substances that contribute to air, water, and ground contamination, a growing problem gaining significant attention is that of excessive amounts of night light, or light pollution. Light pollution primarily results when outdoor lighting used during night hours leaks into the night sky, since many light fixtures are not designed to direct light downward toward the ground. This causes glare, reduces night sky visibility, and results in wasted energy.

Michigan has been a leader in the conservation and preservation of night sky viewing. With the enactment of 1993 PA 57, which designated state-owned land at Lake Hudson in Lenawee County as the state's first "dark sky preserve," Michigan became the first state in the country to adopt standards for dark sky preserves. Under the act, the Natural Resources Commission (NRC) is required to ensure that outdoor lighting within the preserve is not installed unless it is necessary for safety, security, or the reasonable use and enjoyment of property within the preserve. The NRC must also ensure that outdoor lighting in the preserve that does not unreasonably interfere with nighttime activities that require darkness.

The quality of night sky viewing in the northern Lower Peninsula, as well as other parts of the state, is among the best in the world. As an example, the Headlands property in Emmet County was awarded the designation as an International Dark Sky Park by the International Dark Sky Association in 2011. The International Dark Sky Park at the Headlands is just the sixth such designation in the United States and ninth in the entire world.

The preserve at Lake Hudson has attracted astronomers and night sky enthusiasts from all over the world. Many view it as a success and want to replicate it in other parts of the state. As a result, this bill would create a "dark sky coast" of nearly 21,000 acres (including 16 miles of shoreline) in the northern Lower Peninsula and a separate dark sky preserve at Port Crescent State Park in Port Austin (Huron County), which is home to three miles of shoreline.

THE CONTENT OF THE BILL:

The bill would amend Part 751 (Dark Sky Preserve) of the Natural Resources and Environmental Protection Act (NREPA) to designate the following areas as dark sky preserves:

- The state-owned land encompassing Wilderness State Park and the state forestland within Bliss Township, Cross Village Township, and Wawatam in Emmet County
- The portions of Port Crescent State Park lying north and west of the Pinnebog River in Section 9 of Hume Township, Huron County, T18N, R12E.

Under Part 751, all outdoor lighting within a dark sky preserve must (1) be directed downward; (2) whenever possible, be provided by fully shielded fixtures; and (3) wherever practical and appropriate, be equipped with motion sensor fixtures and not fixtures that remain lighted during all hours of darkness.

The bill would prohibit any dark sky preserve from being established in the Upper Peninsula. Additionally, the use and development of land within a dark sky preserve, including the use of the land for both motorized and nonmotorized recreation, could not be restricted due to its designation as a dark sky preserve.

MCL 324.75101

BACKGROUND INFORMATION:

With the passage of 1993 PA 57 (MCL 322.821-826), Michigan became the first state in the country to designate an area of public land as a "dark sky preserve." The preserve created at the Lake Hudson State Recreation Area (near Clayton, Michigan) was set up as a demonstration project to test the concept of preserving night skies by limiting outdoor lighting. As enacted, Section 75106 of NREPA (MCL 324.75106) contained a provision that would have repealed the designation in 2003. However, 2002 PA 3 eliminated the sunset, making Lake Hudson a permanent dark sky preserve.

ARGUMENTS:

For:

Tourism could be positively impacted by a designation as a dark sky preserve. It attracts a unique group of individuals who otherwise might travel to other parts of the country.

The designation also provides for an activity that can be done year-round, not just during the warm "tourist season." Dark sky preserves enhance tourism and generate a positive economic impact for the community. According to testimony, the International Dark Sky Park at the Headlands has received interest from as far away as South Africa. Dark sky preserves offer significant potential for economic development with little to no cost upfront.

Limiting light pollution will also allow for an uninterrupted view of the night sky; something that is being eroded across the world. This bill will protect yet another of Michigan's great natural resources and preserve it for use by future generations.

Against:

There was no opposition at the committee level.

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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.