

ELIMINATE LAND CAP AND APPROVE STRATEGIC PLAN

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House Bill 5210

Sponsor: Rep. Wayne Schmidt

Committee: Natural Resources

Complete to 1-21-14

A SUMMARY OF HOUSE BILL 5210 AS INTRODUCED 1-8-14

The bill would amend Part 5 (General Powers and Duties) of the Natural Resources and Environmental Protection Act to:

- (1) Repeal the cap on the total acreage for which the Department of Natural Resources (DNR) can acquire surface rights; and
- (2) Approve the DNR's strategic plan for acquiring and disposing of land.

Additionally, the bill would require the DNR to consult with local units of government before acquiring or disposing of land within their respective jurisdictions.

Public Act 240 of 2012 prohibits the DNR from acquiring more than 4.626 million acres of land and requires them to develop a written strategic plan for the acquisition and disposition of land. At the time of enactment, it was the Legislature's intent to repeal the land cap once a strategic plan was written and approved. As of July 1, 2013, the DNR owned the surface rights to 4,592,400 acres of land.

Acreage cap

The bill would repeal the acreage cap established under Public Act 240 of 2012. Currently, until May 1, 2015, the DNR can only acquire surface rights on up to 4.626 million acres of land. Beginning on May 1, 2015, the cap is set to shift and would prohibit the DNR from acquiring the surface rights to more than 3.91 million acres north of the Mason-Arenac line (which is the line formed by the northern boundaries of Mason, Lake, Osceola, Clare, Gladwin, and Arenac counties). The acreage cap does **not** apply to any of the following:

- Land in which the DNR has a conservation easement.
- Land platted under the Land Division Act before July 2, 2012.
- Land that was commercial forest land on July 2, 2012.
- Land acquired by gift.
- Land acquired through litigation.
- Any of the following if acquired on or after July 2, 2012:
 - Land with an area of not more than 80 acres, or a right-of-way, used for access other land owned by the DNR.

- A trail. The land excluded is limited as follows: (1) to the railroad right of way if the traveled portion is contained within an abandoned railroad right of way, and (2) to the utility easement if the traveled portion is contained within a utility easement. If neither of the above conditions applies, the excluded land is limited to the traveled portion of the trail and contiguous land, and the area of the contiguous land could not exceed the product of 100 feet multiplied by the length of the trail in feet.

The bill would also eliminate the requirement that the DNR post on its website the number of acres of land for which it owns surface rights north and south of the Mason-Arenac line, in total, and by program, including and excluding the number of excluded acres described above.

Strategic plan

The bill would also approve the strategic plan, called the "Department of Natural Resources Managed Public Land Strategy" and issued on July 1, 2013. Public Act 240 of 2012 required the DNR to develop a written strategic plan by October 1, 2014, to guide the acquisition and disposition of state lands under its management and do all of the following:

- Divide the state into regions.
- Identify DNR-managed land in each region.
- Establish measurable strategic performance goals with respect to all of the following for DNR-managed land:
 - Maximizing availability of access points to the land and water on or adjacent to the land.
 - Maximizing outdoor recreation opportunities.
 - Forests.
 - Wildlife and fisheries.
- To help achieve the goals of the strategic plan, identify land to be acquired, to be disposed of, and plans for natural resource management, including the restoration and protection of resources and harvesting of timber and other resources.
- Identify public lands in each region that are not managed by the DNR but affect the achievement of the above goals, as feasible.
- Identify ways the DNR can better coordinate the achievement of goals recognizing that public lands are subject to multiple uses, including motorized and non-motorized uses.

[For complete text of the strategic plan, see:

http://www.michigan.gov/documents/dnr/Draft_DNR_Public_Land_Management_Strategy-5-24-13_422381_7.pdf]

MCL 324.503

FISCAL IMPACT:

House Bill 5210 would have a minimal fiscal impact on the Department of Natural Resources. Any additional expenses would be related to the bill's requirement that the DNR must consult with each of the local units of government within whose jurisdiction the land is located before the Department acquires or disposes of any land. However, the Department's current land acquisition and sales process already includes working with local governments, thus it is not expected that this new statutory requirement will increase the Department's costs significantly.

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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.