

# Legislative Analysis



## APPLYING CONDITIONS ON THE USE OF DNR LAND BASED ON FUNDING SOURCE

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### House Bill 5709

**Sponsor: Rep. Jim Stamas**

**Committee: Natural Resources**

**Complete to 9-8-14**

### A SUMMARY OF HOUSE BILL 5709 AS INTRODUCED 7-16-14

House Bill 5709 would amend the Natural Resources and Environmental Protection Act (NREPA) and applies to instances when the Department of Natural Resources (DNR) owns land that is purchased with funds that are accompanied by conditions on the use of that land.

Specifically, the bill would require that the DNR apply the condition(s) to a proportion of the land area not to exceed the proportion of the funding for the acquisition of the land from that source. For example, if a funding source that contained land use conditions accounted for 25% of the total funding used to purchase a parcel, then the conditions would apply only to 25% of the land purchased.

The DNR would designate the part of the land to which the conditions apply, and the strictest conditions, as determined by the department, would apply to the least accessible part of the land. If multiple funding sources imposed different conditions on the land, then the DNR would be required to assign the strictest condition to the least accessible part, the second strictest to the second least-accessible, and so on.

### FISCAL IMPACT:

House Bill 5709 would have an indeterminate fiscal impact on the State of Michigan and no significant fiscal impact to local units of government.

The DNR manages 4.6 million acres of state land for the State of Michigan. The method by which these lands were acquired by the state is detailed in Table 1 below:

**Table 1**  
**Acquisition Method of DNR-Managed State Land in Michigan**

Type of Acquisition	Acreage Amount	Percentage of Total
Tax Reversion	2,400,000	52.0
Purchased	1,200,000	26.0
Exchange	870,000	19.0
Gift	90,000	2.0
Other	45,500	1.0
<b>Total</b>	<b>4,600,000</b>	<b>100.0</b>

Two main revenue sources that the DNR uses to purchase state lands are federal funding and revenues from Michigan hunting and fishing licenses (deposited into the Game and Fish Protection Fund). Michigan receives federal funding through the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act. The amount of this federal funding that the DNR has received in the last three fiscal years is detailed in Table 2 below:

**Table 2**  
**DNR Federal PR and DJ Funding: FY 2012 – 2014**  
**(in millions)**

<b>Federal Fund</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>
Pittman-Robertson (PR) Wildlife Restoration Fund	\$12.3	\$17.2	\$25.0
Dingell-Johnson (DJ) Sport Fish Restoration Fund	<u>11.2</u>	<u>11.6</u>	<u>10.2</u>
<b>Total</b>	<b>\$23.5</b>	<b>\$28.8</b>	<b>\$35.2</b>

These federal acts prohibit hunting and fishing license fees (including land bought with the revenue) from being used for purposes other than game and fish activities and require that the state fish and wildlife agency (DNR) retain control of the state's hunting and fishing license revenues and property acquired with it. According to the DNR, the federal government requires that the PR and DJ requirements concerning land use be applied to the entire land parcel, not portions of it, if federal grant funding was used in the purchase. It is possible that the provisions of the bill, such as allowing possible interfering land use activities, could put the state in conflict with the rules of the U.S. Fish and Wildlife Service and potentially result in the loss of future federal PR and DJ funding (see Table 2 above).

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