

Legislative Analysis



NO NET LOSS OF HUNTING LAND UNDER DNR CONTROL

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House Bill 4286 without amendment

Sponsor: Rep. Judy Nerat

Committee: Tourism, Outdoor Recreation and Natural Resources

First Analysis (3-3-09)

BRIEF SUMMARY: The bill would amend Section 504 of the Natural Resources and Environmental Protection Act to require the Department of Natural Resources (DNR) to keep land under its control open to hunting unless specific grounds justified its closure. If the DNR closed land to hunting, it would be required to open other land under its control to hunting to compensate for the closure.

FISCAL IMPACT: The bill would not have a fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

In recent years a significant amount of private hunting land, particularly in the lower peninsula, has become unavailable to hunting either because it has been developed or because the landowner no longer allows hunting. Although public land hunting opportunities have not seen a similar decline, public hunting opportunities have become even more valuable as private hunting opportunities have decreased. Supporters of the legislation seek to ensure that the amount of public land available to hunters does not decrease in the future.

In order to preserve public hunting opportunities in Michigan, the bill would require DNR to manage land under its control to keep as much land as possible open to hunting except where a good reason such as public safety made the land unsuitable for hunting. The "no-net-loss" feature of the bill would ensure that the state maintains at least the level of available state hunting land that currently exists. That provision would require the state to open additional lands to hunting if it closes any land that is currently open to hunting.

Reportedly, other so-called "no-net loss" laws have been enacted in Illinois, Arkansas, Florida, Louisiana, Maryland, Mississippi, West Virginia, and Georgia. Supporters of "no-net-loss" laws have also pursued similar legislation in the U.S. Congress as to federally-managed lands. The bill is similar to House Bill 4597, sponsored by Rep. Matt Gillard, which passed the House last session.

THE CONTENT OF THE BILL:

The bill would amend Section 504 of the Natural Resources and Environmental Protection Act (MCL 324.504) to require the Department of Natural Resources (DNR) to:

- *Keep land under its control open to hunting* unless it determined that it should be closed to hunting because of (1) public safety; (2) fish or wildlife management concerns; (3) homeland security concerns; or (4) other legal requirements.
- Manage land under its control *to support and promote hunting opportunities* to the extent authorized by law.
- Manage land under its control *to prevent any net decrease* in the acreage of such land that is open to hunting.

These requirements would not apply to private land that qualifies as "commercial forestland" for certain tax incentives.

Annual DNR report. Beginning April 1, 2010, and annually thereafter, the DNR would have to submit a report to the Legislature detailing:

- The location and acreage of land under its control (except for commercial forestland) that it had closed to hunting during the previous year ending March 1, and the reason for the closure.
- The location and acreage of land under its control (except for commercial forestland) that it opened to hunting during the previous year to compensate for the land that was closed.

ARGUMENTS:

For:

The bill will help ensure that current and future generations of hunters will continue to have opportunities to hunt on public land in Michigan as more and more private land, especially in the lower peninsula, becomes unavailable to hunters.

Although preventing a net decrease in the total acreage of public land open to hunting, the bill also gives the DNR the flexibility to close specific land to hunting when there is a good reason for doing so.

POSITIONS:

- The Department of Natural Resources testified in support of the bill. (3-3-09)
- The Michigan Farm Bureau indicated support for the concept of the bill. (3-3-09)
- The Michigan Hunting Dog Federation testified in support of the bill. (3-3-09)
- The Michigan United Conservation Clubs testified in support of the bill. (3-3-09)

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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.