

# Legislative Analysis

---



## NO NET LOSS OF HUNTING LAND UNDER DNR CONTROL

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4286 as enrolled**

**Public Act 47 of 2009**

**Sponsor: Rep. Judy Nerat**

**Committee: Tourism, Outdoor Recreation and Natural Resources**

### **Second Analysis (1-21-11)**

**BRIEF SUMMARY:** The bill amends Part 5 (Department of Natural Resources) 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 except as specified.

**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 hunting opportunities on public land have not seen a similar decline, they have become even more valuable as private hunting opportunities have decreased. Supporters of this 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 requires the 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, makes the land unsuitable for hunting. The so-called no-net-loss feature of the bill aims at requiring the DNR to maintain at least the current amount of public hunting land. This provision also requires the state to open additional lands to hunting if it closes land currently open to hunting.

Reportedly, other "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 CONTENT OF THE BILL:**

The bill amends Part 5 (Department of Natural Resources) 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 do 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 must submit a report to the Legislature detailing:

- The location and acreage of land under its control (except for commercial forestland) that it 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 hunters continue to have opportunities to hunt on public land in Michigan, particularly as private land becomes increasingly unavailable to hunters, especially in the Lower Peninsula.

Although aimed at 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.

Legislative Analyst: Shannan Kane  
Fiscal Analyst: Kirk Lindquist

---

■ 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.