



House Bill 4298 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Steven Lindberg

House Committee: Natural Resources, Tourism, and Outdoor Recreation

Senate Committee: Natural Resources, Environment and Great Lakes

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to revise the conditions under which the Department of Natural Resources (DNR) may grant an easement over State-owned land; and require the DNR to grant an easement under certain conditions. In either case, the DNR would have to grant or deny a complete application within 90 days. An applicant would have to pay the cost of a survey and pay the DNR the easement's fair market value, offset by the fair market value of any easement granted to the Department by the individual.

Discretionary Easement. The Act permits the DNR to grant an easement over State-owned land under its jurisdiction to an individual only if the individual does not have other access to his or her land; the individual offers a similar roadway easement to the DNR across the land to which the easement is to provide access; and other conditions are met. Under the bill, the individual could not have other "legal" access to his or her land, and the DNR could not accept a road easement if it would end at a body of water.

Mandatory Easement. Subject to provisions prohibiting easements under certain conditions, the DNR would have to grant or otherwise provide for an easement for a road over State-owned land under its jurisdiction to an individual who applied for the easement, but only if all of the following conditions were met:

- The individual did not have other legal access to his or her land.
- The easement did not cross an environmentally sensitive area, including a wetland or a critical dune area.
- The individual offered a similar road easement to the DNR to provide public access to State-owned land across the individual's land to which the easement was granted by the Department, where applicable, although the DNR could not accept a roadway easement if it would end at a body of water.

Also, the easement could not conflict with an existing DNR program or management; with a local ordinance; or, if the land were acquired with revenue from hunting and fishing license fees, Federal funds from a wildlife or sport fish restoration program, or other State or Federal program funds, with State or Federal laws governing use of the land acquired through the program.

The DNR could impose conditions on an easement granted under these provisions.

MCL 324.2123 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-9-11

Fiscal Analyst: Josh Sefton