



**House  
Legislative  
Analysis  
Section**

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## CLEARWATER TWP. CONVEYANCE

House Bill 5211 as passed by the House  
Second Analysis (4-12-96)

Sponsor: Rep. Alan Lowe  
Committee: Regulatory Affairs

### ***THE APPARENT PROBLEM:***

Recently, discussions have been held between Clearwater Township and the Department of Natural Resources regarding approximately 80 acres of the Pere Marquette State Forest in Clearwater Township, Kalkaska County. The township has expressed an intention to lease the land to the Michigan Heritage and Research Foundation, a non-profit corporation, which has submitted a proposal to establish the Michigan Heritage and Research Center on the property. The particular land that is being considered is adjacent to county-owned land to the north that was previously deeded to the foundation and is reported to be a particularly picturesque area with many scenic views. This parcel, in conjunction with the county-owned land, would offer a naturalistic, woodland connection between the DNR's Skegemog Lake Wildlife Area and state forest land to the south. Plans for the center include 83 individual county memorials for Viet Nam era MIA/POWs and for law enforcement officers killed in the line of duty, a museum and community center, and walking trails. A similar memorial to fire fighters is located in Roscommon County.

According to the foundation's project proposal, the primary focus would be on enhancing tourism in the area and informing and educating Michigan residents in regards to the state's unique heritage and contributions of Michigan citizens to our nation's development. Eventually, the foundation intends to designate space to honor prominent Michigan citizens, the role of Native Americans in state history, environmental issues, Michigan flora and fauna, and other relevant topics. Working relationships with Michigan universities and funded research projects would also be sought by the foundation. Funding for the center would be sought through a variety of means, including grants and the use of volunteers in many capacities. Legislation has been proposed to convey state forest land to Clearwater Township for public use purposes.

### ***THE CONTENT OF THE BILL:***

The bill would allow the state administrative board to convey, by quitclaim deed approved by the attorney general, a parcel of state-owned property in Clearwater

Township, Kalkaska County, for consideration of \$1.00. The property would have to be used for public purposes only, and would revert back to the state if used for any other purpose. If the land conveyed was used for a public park or public recreational purposes, all members of the public, whether residents, non-residents, or organizations, would have to be subject to the same annual and daily fees, terms, and conditions. However, the township could waive daily fees or waive the fees for the use of specific areas or facilities for certain groups or classes of persons regardless if the visitors were residents or non-residents. Mineral rights to coal, oil, gas, sand, gravel, clay, and other nonmetallic minerals would be retained by the state. Any revenue received under the bill would be deposited in the state treasury and credited to the general fund.

### ***FISCAL IMPLICATIONS:***

According to a Senate Fiscal Agency analysis dated 2-15-96, the bill would have no fiscal impact on the state if the land were conveyed for and used for a public purpose except in terms of potential revenue if the land were sold outright or the state recompensed for the initial cost of the land. Timber and gravel present on the site would be prohibited from being logged and mined. On a local level, any net lease payments would result in revenue to the township.

### ***ARGUMENTS:***

#### ***For:***

The proposed project would enhance tourism and both educate and honor Michigan citizens, and should be supported. Reportedly, the area under consideration is a particularly lovely wooded area that may be inaccessible to many. The development of walking trails and a community center would mean that more people could enjoy this land. The state would retain all mineral rights, so no mining of any kind could be done on the property. Should the property ever revert back to the state, it would most likely do so with many improvements. In addition, Kalkaska County is not an industrial area, and so relies on tourism to provide jobs and revenue. A similar memorial to fire fighters in

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Roscommon County has been enjoyed by many. The project would therefore not only aid the county's residents, it would also serve to protect and preserve precious woodlands from the pressures of logging interests.

***Against:***

The goals of the Michigan Heritage and Research Foundation sound well-meaning, but questions remain. If the project was started but not completed, the state could end up with 80 acres of partially cleared forest land reverting back to its control. Further, does the project really need such a large amount of acreage? Finally, this conveyance could set a precedent for other non-profit organizations to obtain state land, not to mention issues such as who would be responsible for road construction and maintenance, sewage needs, and other concerns associated with public usage of a facility.

***Response:***

Reportedly, the intention of the foundation is to keep the land in as much of a pristine condition as possible. Also, conveyance to the township, which requires that the property be used for public purposes only, would serve to protect the land from future logging attempts. Since the township is in support of the project, any concerns regarding who is responsible for what should be able to be resolved satisfactorily.

***POSITIONS:***

The Department of Natural Resources supports the bill.  
(4-12-96)

Clearwater Township supports the bill. (4-12-96)

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■ is 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.