

# Legislative Analysis



## NO NET LOSS OF HUNTING LANDS UNDER DNR CONTROL

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**House Bill 4597 as passed by the House**  
**Sponsor: Rep. Matthew Gillard**  
**Committee: Tourism, Outdoor Recreation, and Natural Resources**

### First Analysis (5-18-07)

**BRIEF SUMMARY:** As passed the House, the bill (Substitute H-3) would require the Department of Natural Resources (DNR) to manage land under its control (except for commercial forestland) as follows:

- Keep it open to hunting (unless it determined that the land should be closed to hunting for a permissible reason such as public safety, or fish or wildlife management concerns).
- To support and promote hunting.
- To prevent any net decrease in the acreage open to hunting.

**FISCAL IMPACT:** This bill would not have a fiscal impact on the state or on local governmental units.

### **THE APPARENT PROBLEM:**

Supporters of the bill assert that in recent years a significant amount of private hunting land has become unavailable to hunters because it has been developed or because the landowner does not allow hunting. In addition, the Department of Natural Resources has been selling some public lands as part of its ongoing land consolidation strategy.

In order to preserve hunting opportunities in Michigan, this 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 are also pursuing similar legislation in the U.S. Congress as to federally- managed lands.

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

The bill would amend the Natural Resources and Environmental Protection Act (MCL 324.504) in the following ways.

Guidance for DNR rule promulgation. [Subsection 504(1)] The amendments to Subsection 504(1) are stylistic, rather than substantive. This subsection essentially would require the DNR to promulgate rules to protect and preserve lands and other property under its control from depredation, damage, destruction, improper use, or improper occupancy.

Keep public land open to hunting. [Subsection 504(2)(a)] The DNR would be required to keep land under its control (except for commercial forestland) open to hunting unless it determined that it should be closed to hunting because of:

- Public safety.
- Fish or wildlife management concerns.
- Homeland security concerns.
- Other legal requirements.

Manage land to support and promote hunting opportunities. [Subsection 504(2)(b)] The DNR would be required to manage land under its control (except for commercial forestland) to support and promote hunting opportunities to the extent authorized by law.

Manage land to prevent any net decrease in public hunting acreage. [Subsection 504(2)(c)] The DNR would be required to manage land under its control (except for commercial forestland) to prevent any net decrease in the acreage of such land that is open to hunting.

Annual DNR report regarding the status of land open or closed to hunting. [Subsection 504(3)] Beginning April 1, 2008, and annually thereafter, the DNR would be required to 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, and the reason for the closure.
- The location and acreage of land under its control that it opened to hunting during the previous year to compensate for the land that it closed.

Commercial forestland. [Section 504(4)] The bill was amended on the floor to make clear that the requirements of the bill do not apply to private land that qualifies as "commercial forestland" for certain tax incentives.

Section 51101 defines "commercial forestland" as "forestland that is determined to be a commercial forest under section 51103." Under Section 51103, a minimum of 40 contiguous acres or a survey unit of  $\frac{1}{4}$  of  $\frac{1}{4}$  of a section of forestland owned by a private landowner may be classified as "commercial forestland" if the forestland is capable of producing not less than 20 cubic feet per acre per year of forest grown upon maturity, producing tree species that have economic or commercial value, and producing a commercial stand of timber within a reasonable period of time. Landowners must have an approved forest management plan and agree to manage land according to the approved

plan. "Commercial forestland" is taxed at \$1.20 per acres annually through December 2011.

***BACKGROUND INFORMATION:***

The DNR holds title to about 4.5 million acres of land in Michigan. Information about the DNR's land consolidation strategy can be found online at [http://www.michigan.gov/dnr/0,1607,7-153-30301\\_31154\\_33787-105227--,00.html](http://www.michigan.gov/dnr/0,1607,7-153-30301_31154_33787-105227--,00.html).

***ARGUMENTS:***

***For:***

The bill will ensure that current and future generations will continue to have opportunities to hunt in Michigan as more and more land, especially in the lower peninsula, may become unavailable to hunters.

Proponents of the bill say that the bill would not necessarily require the DNR to purchase additional lands, but only open up other lands under its control to hunting, to the extent that it closes some land to hunting.

***POSITIONS:***

The Department of Natural Resources supports the bill. (5-1-07)

Michigan Hunting Dog Federation testified in support of the bill. (4-24-07)

Michigan State United Coon Hunters testified in support of the bill. (4-24-07)

Michigan United Conservation Clubs testified in support of the bill. (4-24-07)

National Rifle Association indicated its support of the bill. (4-24-07)

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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.