

MWA Legislative Update – August 2015

MWA Invited to Participate in Land Use Workgroup

Michigan Waterfront Alliance has been invited to participate in an ongoing workgroup process with respect to how to best manage public lands in Michigan. Public Act 294 of 2012 enacted limits on the ability of the Department of Natural Resources (DNR) to expand state land holdings due to concerns from local units of government and citizens in Northern Lower Michigan and the Upper Peninsula about erosion of tax base and lack of local input in state land management decisions. The Act requires the DNR to develop a strategic plan to guide acquisition and disposition of state land managed by the Department, and includes caps on state acquisition of surface rights as follows:

Before May 1, 2015, the DNR may not acquire statewide surface rights to more than 4,626,000 acres of land statewide

Beginning May 1, 2015, the DNR may not acquire surface rights to land north of the Mason-Arenac County line if it will result in ownership of more than 3,910,000 acres north of that line.

The net effect of these caps is that the statewide land cap comes off on May 1 without legislative action, but the DNR must present a strategic plan for legislative approval to acquire land in excess of the 3,910,000 acre cap north of the Mason-Arenac line beginning on that date as well. The cap numbers were arrived upon after negotiations between the DNR and legislators to respect prior agreements and allow a small “cushion” for DNR land purchases as the strategic plan was under development.

Senate Bills 39 and 40, sponsored by Senators Tom Casperson (R-Escanaba) and Darwin Booher (R-Ewart) would eliminate the northern Michigan land acquisition cap if the following conditions were met by the DNR:

- Legislative adoption of a land management strategic plan presented by the DNR.
- Payment in full of DNR payments-in-lieu-of-taxes (PILT) on DNR-owned land to local jurisdictions, and,
- Authorization to pay taxes and assessments on state land out of the Land Exchange Facilitation Fund

MWA appreciates the bill sponsors' concerns that the state should ensure proper management of lands already owned before acquiring more parcels. For example, if the DNR owns a majority of property around an inland lake, shouldn't the DNR be required to contribute at least in part to the burden of aquatic invasive species management that inevitably falls to riparians? We intend to participate in the workgroup process in order to protect the rights of riparian property owners and the rights of local units of government to have a say in DNR land management.

An analysis of the Senate-passed package is available here:

<http://www.legislature.mi.gov/documents/2013-2014/billanalysis/Senate/pdf/2013-SFA-5477-U.pdf>

(For review of other watershed legislative matters, see our web site - <http://www.mwai.org/>)