June 21, 2011

House Natural Resources, Tourism and Outdoor Recreation
Lansing, Michigan

Re: HB 4298 – Granting of Easements

Dear Representatives:

The Michigan Environmental Council is a coalition of environmental, conservation and faith-based organization located across the state of Michigan. We believe the management of state land and resources is a critical responsibility of the state to ensure protection of those resources for both current residents and future generations.

We remain concerned that current funding levels do not giver the department the resources to fulfill its mission. In the case of this legislation, we are concerned that the state may be forced to allow roads to be constructed through areas they may result in damages to Michigan's natural resources, rivers and streams (due in part to a lack of resources necessary to update management plans for state lands).

We also think that it is important to be precise with language when dealing with property rights and removing potential ambiguities. In this case, with think the language may raise questions regarding access and the application of the Land Division Act. In order to address those concerns, we would suggest the addition of the following language to HB 4298 (H-4):

1. Amend page 3, after line 13, by inserting, "THE PARCEL OF LAND WAS LEGALLY CREATED IN COMPLIANCE WITH STATE LAW AND LOCAL ORDINANCES.".

2. Amend page 4, after line 19, by inserting:

   "(4) THIS SUBSECTION SHALL NOT BE CONSTRUED AS MAKING A PARCEL OF PROPERTY ACCESSIBLE FOR PURPOSES OF THE LAND DIVISION ACT, PUBLIC ACT 288 OF 1967, MCLA 560.101 – 560.293, UNLESS THE DEPARTMENT HAS GRANTED AN EASEMENT PURSUANT TO THIS SUBSECTION.".

We appreciate consideration of these changes by the committee.

Sincerely,

James Clift

Michigan Environmental Council, 119 Pere Marquette, Ste 2A, Lansing, MI 48912