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EXCLUDE LOCAL RECREATION PROJECTSWITHHUNTING/FISHING RESTRICTIONS

House Bill 4633 (Substitute H-1) Revised First Analysis (6-17-99)

Sponsor: Rep. Michael Kowall
**Committee: Conservation and Outdoor
Recreation (Discharged)**

THE APPARENT PROBLEM:

The Huron-Clinton Metropolitan Authority (HCMA) governs the Huron-Clinton Metroparks, a regional special park district encompassing almost 24,000 acres of land in Wayne, Oakland, Macomb, Washtenaw and Livingston counties. The 13 parks, including the Kensington, Stony Creek, Hudson Mills, Indian Springs, Lake Erie, and Huron Meadows metroparks, are hugely popular in this well-populated area, since they provide a variety of outdoor activities, including sailing, swimming, golf, canoeing, nature programs, and hiking and bike trails. In addition, many people visit the Metroparks to view a variety of plant life and animals, including deer. During the past decade, however, fewer wildflowers and songbirds have been found in the parks. At the same time, a "browse line" has been evident on park trees five or six feet above the ground. Both of these problems are caused by hungry deer, which have not only eaten the plants on the ground, but leaves they can reach by standing on their hind legs.

Evidence gathered by a wildlife management advisory committee convened by the HCMA in March, 1998, has confirmed that several parks are overpopulated with deer, and that this is having a negative impact on plants and other wildlife. For example, according to the report, *Proposed Management Plan for the White-Tailed Deer Herd within Kensington, Stony Creek and Hudson Mills metroparks*, issued by the HCMA, biologists estimate that a density of 15-20 deer per square mile is the appropriate "carrying capacity" for habitats in southeast Michigan. ("Carrying capacity" is the number of a particular animal species that an area can support before habitat is damaged.) However, according to the report, the following number of deer were counted at five parks by aerial surveys conducted in January, 1999: Kensington Park, 528, or 117 deer per square mile; Stony Creek Park, 501, or 83 deer per square mile; Hudson Mills

Park, 118, or 50 deer per square mile; Indian Springs Park, 199, or 58 deer per square mile; and Huron Meadows Park, 117, or 49 deer per square mile.

The wildlife management advisory committee investigated a number of options for controlling the deer, including contraception, fencing, various methods of lethal removal, and capturing and releasing them elsewhere. These options have been reviewed by Metroparks employees, who are currently developing a plan on deer control and will conduct public meetings and make recommendations to local townships. From information gathered at these meetings, a final plan will be presented to the Metroparks' Board of Commissioners during the summer or early fall of 1999. However, some people are alarmed that one of the options being considered at Kensington park is the hiring of a professional sharpshooter. Hunters maintain that the HCMA could save thousands of dollars if they, rather than a sharpshooter, were allowed to shoot the deer. In response, legislation has been introduced that would bar the metropark authority from receiving grants under the Local Recreation Grant Program established by the 1998 Clean Michigan Initiative Bond Proposal if it prohibits hunting or fishing on land under its control.

THE CONTENT OF THE BILL:

Public Act 286 of 1998 -- which was part of a package of bills that placed the "Clean Michigan Initiative" on the ballot for the November, 1998 general election -- added Part 716 to the Natural Resources and Environmental Protection Act (NREPA) to provide grants for local recreation infrastructure improvements. Under the act, a local unit of government, which is defined to mean a county, city, township, village, the Huron-Clinton metropolitan

authority, or any authority composed of counties, cities, townships, villages, or any combination of those entities, may apply for a grant for capital improvement projects.

House Bill 4633 would amend Part 716 to exclude certain authorities from the list of those who are eligible to receive grants. Under the bill, an authority would be excluded if it was composed of at least five counties, was owned or controlled at least 15,000 acres of land, and used a method to reduce deer populations other than lawful hunting open to all licensed hunters.

MCL 324.71601

FISCAL IMPLICATIONS:

According to both the House Fiscal Agency (HFA), and the Department of Natural Resources (DNR), the bill would have no fiscal impact on the state. (6-11-99)

ARGUMENTS:

For:

The bill would penalize the Huron-Clinton Metropolitan Authority (HCMA) by preventing it from receiving local recreation grants unless it allows deer hunters to do the job of reducing its deer herd. Other parks, such as the Oakland County park, have stabilized their herds by using hunters selected through a lottery to kill a certain number of deer. During this type of deer hunt, safety is emphasized and hunters' actions and movements are restricted. Hunters first undergo orientations, then they are assigned to predetermined locations. They are allowed to shoot only in certain directions within each kill zone, and only shotgun slugs are used, rather than longer-range rifle bullets, to ensure that errant shots don't leave park boundaries. In addition, the park is closed during these special hunting days, and sheriffs' deputies patrol the park perimeters.

Response:

The bill would, in effect, hold the HCMA hostage and prevent it from fulfilling its responsibilities toward the metroparks system. According to the HCMA, the deer management methods currently being considered are viewed as the best way to reduce the deer herds quickly. Non-lethal methods for dealing with the problem have been evaluated and found unsuitable. For example, contraception is expensive and difficult to administer to a free-ranging deer herd, since a contraceptive injection needs to be administered twice and a booster shot given the next year. This entails extensive tagging and tracking of deer. A capture and

release program would result in the death of a large percentage of deer from the stress of capture, or from being held and tested for tuberculosis and other diseases. Surviving deer would eventually be moved into areas where they would be likely to be hunted any way.

Although it would be administratively impossible to open a park such as the Kensington Metropark to deer hunting -- the park draws 2.5 million visitors annually -- plans currently being considered by metropark staff, and discussed during public informational hearings in each county, would allow a controlled harvest, using firearms and archery, at the Stony Creek metropark. A controlled archery harvest is also proposed at the Hudson Mills Metropark. At these hunts, participants would have to pass a skills test and enter a lottery draw. Only at Kensington metropark, the most heavily used park, is the use of a professional sharp-shooter being considered. In addition, it is likely that the costs of processing and distributing the meat from the three parks to food banks and soup kitchens will be borne by contributors, so the cost to the park might be minimal.

Against:

The bill would unfairly discriminate against one local unit of government -- specifically the Huron-Clinton Metropolitan Authority (HCMA): Part of the Clean Michigan Initiative bond proposal that was approved by the voters in the November, 1998 general election, provides grants to local communities for recreational projects. Under the act, a local unit of government, which is defined to mean a "county, city, township, village, the Huron-Clinton Metropolitan Authority, or any authority composed of counties, cities, townships, villages, or any combination of those entities," may apply for a grant for capital improvement projects. There are certain restrictions governing grant requests. For example, projects involving school physical education and athletic programs are not considered. Neither are certain projects that would compete with private enterprises. In addition, grants cannot be used for land acquisition or for commercial theme parks, gaming facilities, stadiums or arenas used by professional sports teams. The bill, however, would extend the list of exclusions to include the HCMA.

POSITIONS:

The Michigan Sportsmen Congress supports the bill. (6-16-99)

The Department of Natural Resources (DNR) has no position on the bill. (6-10-99)

The Michigan United Conservation Clubs (MUCC) has no position on the bill. (6-10-99)

The Michigan Sportsmen Against Hunger, an alliance of sports groups that includes the Safari Club International, Ted Nugent USA, the MUCC, the DNR, the Michigan Bowhunters Association, and the United Methodist Men's Club, has no position on the bill. (6-16-99)

The Michigan Bow Hunters Association has no position on the bill. (6-17-99)

The Huron-Clinton Metropolitan Authority (HCMA) opposes the bill. (6-11-99)

The Sierra Club - Mackinac Chapter - opposes the bill. (6-14-99)

The Michigan Botanical Society opposes the bill. (6-14-99)

The Michigan Humane Society opposes the bill. (6-14-99)

The Michigan Audubon Society opposes the bill. (6-16-99)

Analyst: R. Young

■ 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.