

Legislative Analysis



DESIGNATION AS DARK SKY PRESERVES

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House Bill 5023 (reported from committee w/o amendment)

Sponsor: Rep. Peter Pettalia

Committee: Tourism and Outdoor Recreation

Complete to 10-29-15

(Enacted as Public Act 11 of 2016)

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: This bill would designate the state owned land encompassing Rockport State Recreation Area, Negwegon State Park, and Thompson's Harbor State Park as dark sky preserves.

FISCAL IMPACT: House Bill 5023 would have no fiscal impact on the Department of Natural Resources nor local units of government.

THE APPARENT PROBLEM:

While concerns about pollution generally revolve around reducing the amount of toxic substances that contribute to air, water, and ground contamination, light pollution is also a growing concern. Light pollution primarily results when outdoor lighting used during night hours leaks into the night sky, obscuring the contrast between the dark sky and bright stars and reducing the ability to observe astronomical phenomena.

Michigan has been a leader in the conservation and preservation of night sky viewing. According to the Department of Natural Resources, Michigan became the first state in the country to designate a tract of public land as a "dark sky preserve" with the enactment of Public Act 57 of 1993, which gave that designation to state-owned land at Lake Hudson in Lenawee County. Under the act, the Natural Resources Commission (NRC) is required to ensure that outdoor lighting within the preserve is not installed unless it is for safety, security, or the reasonable use and enjoyment of property within the preserve. The NRC must also ensure that outdoor lighting in the preserve does not unreasonably interfere with nighttime activities that require darkness.

Currently, there are three dark sky preserves in Michigan: (a) state-owned land at Lake Hudson in Lenawee County; (b) the state-owned land encompassing Wilderness State Park and the state forestland within Bliss Township, Cross Village Township, and Wawatam in Emmet County; and (c) those portions of Port Crescent State Park lying north and west of the Pinnebog River in Hume Township, Huron County. Legislation has been introduced to add three additional preserves.

THE CONTENT OF THE BILL:

The bill would amend Part 751 (Dark Sky Preserve) of the Natural Resources and Environmental Protection Act (NREPA) by adding the following dark sky preserves to the existing three:

- The state-owned land encompassing Rockport State Recreation Area, located in Presque Isle Township, Presque Isle County and Alpena Township, Alpena County;
- The state-owned land encompassing Negwegon State Park, located in Sanborn Township, Alpena County and Alcona Township, Alcona County; and
- The state-owned land encompassing Thompson's Harbor State Park, located in Krakow Township, Presque Isle County.

BACKGROUND INFORMATION:

As noted above, Michigan became the first state in the country to designate an area of public land as a "dark sky preserve." The preserve created at the Lake Hudson State Recreation Area (near Clayton, Michigan) was set up as a demonstration project to test the concept of preserving night skies by limiting outdoor lighting. Since the initial dark sky designation at Lake Hudson, the legislature has designated two other pieces of state-owned land as dark sky preserves (in 2012), and would add three more to that list with the passage of this bill.

The dark sky designation promotes tourism in existing state parks and preserves by recognizing the absence of artificial light pollution in these areas and limiting future light pollution.

The NREPA dictates that any artificial light fixtures in the dark sky preserve must comply with the following standards, in order to alleviate light pollution:

- Lighting shall be directed downward.
- Whenever possible, lighting shall be provided by fully shielded fixtures.
- Wherever practical and appropriate, outdoor lighting fixtures shall be motion sensor fixtures, and not fixtures that remain lighted during all hours of darkness.

The dark sky preserve designation only applies to the state-owned land enumerated, and not to surrounding privately-owned or township-owned land. It also does not apply to bonfires or other natural light sources.

ARGUMENTS:

For:

The areas with existing dark sky preserves have reported increased tourism and interest in astronomy and night sky viewing. It attracts a unique group of individuals who otherwise might travel to other parts of the country. The designation also provides for an activity that can be enjoyed year-round, not just during the warm "tourist season." Residents of the areas surrounding the prospective dark sky preserves have requested this designation in order to increase their own tourism draw.

During the Perseid meteor shower in early August of 2015, twenty-four state parks offered free "Meteors & S'mores" programs. Lake Hudson Recreation Area and Wilderness State Park, two of the existing dark sky preserves, were listed among those hosting events, with the publicity noting that those events took place "at a designated dark sky, meaning the

park has legislative protection against light pollution and is an ideal location for stargazing." Such a designation helped these two stand out from the crowd, say dark sky proponents. The three prospective preserves desire the same elevated designation.

An official designation by the state makes it more difficult for future generations to diminish the pristine view of the night sky from these areas. Just as protections exist for clean air and clean water, the clarity of the dark night sky must be protected from encroachment and pollution.

Against:

Critics say that such designations may be superfluous, as there is no artificial light pollution in the areas included in the bill, and, because they are state lands, it is unlikely that it would be introduced even without this designation. If such a designation is required, it is not necessary to do so on the state level.

POSITIONS:

A representative of the Michigan Department of Natural Resources testified in support of the bill. (10-28-15)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.