

DARK SKY PRESERVES

Phone: (517) 373-8080
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House Bill 4740 as enacted

Public Act 74 of 2020

Sponsor: Rep. Aaron Miller

1st House Committee: Natural Resources and Outdoor Recreation

2nd House Committee: Ways and Means

Senate Committee: Natural Resources

Complete to 4-10-20

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

BRIEF SUMMARY: House Bill 4740 amends the Natural Resources and Environmental Protection Act (NREPA) to designate land located in Cass County and land located in Emmet County as dark sky preserves.

FISCAL IMPACT: House Bill 4740 is unlikely to affect costs or revenues for the Department of Natural Resources (DNR) or local units of government.

THE APPARENT PROBLEM:

Michigan has been a leader in the conservation and preservation of night sky viewing. According to previous legislation and committee testimony,¹ Michigan became the first state in the country to designate a tract of public land as a “dark sky preserve” with the enactment of 1993 PA 57, which gave that designation to state-owned land at Lake Hudson in Lenawee County. That first preserve was set up as a demonstration project to test the concept of preserving night skies by limiting outdoor lighting.

According to the DNR’s website, there are now six dark sky preserves in Michigan that comprise state-owned land or state parks.² There are also two locations that have been certified as “international dark sky parks”—Dr. T. K. Lawless Park in Cass County and Headlands Dark Sky Park in Emmet County. Both parks are on county-owned land and are overseen by the respective counties. Legislation has been proposed to designate these parks as dark sky preserves under NREPA.

THE CONTENT OF THE BILL:

House Bill 4740 amends Part 751 (Dark Sky Preserve) of NREPA to designate land located in Cass County and land located in Emmet County as dark sky preserves.

Specifically, under the bill, the county-owned land comprising Dr. T. K. Lawless Park, located in Porter and Newberg Townships in Cass County, is designated as a dark sky preserve. The county-owned land comprising Headlands International Dark Sky Park, located in Wawatam Township in Emmet County, is also designated as a dark sky preserve.

Under NREPA, the Natural Resources Commission (NRC) must ensure that outdoor lighting is not installed within dark sky preserves unless it is for safety, security, or the reasonable use

¹ 2016 PA 11: <http://legislature.mi.gov/doc.aspx?2015-HB-5023>

² https://www.michigan.gov/dnr/0,4570,7-350-79133_79205_84074---,00.html

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 and that the lighting is directed downward; provided by fully shielded fixtures, if possible; and provided by fixtures activated by motion sensors and not constantly lighted, if practical and appropriate.

The bill amends NREPA to restrict the responsibilities of the NRC described above to state-owned dark sky preserves. As applied, the NRC does not have authority over the Cass County and Emmet County dark sky preserves.

The bill took effect April 2, 2020.

MCL 324.75102, 324.75103, and 324.75104

BACKGROUND:

The International Dark-Sky Association (IDA) is a nonprofit organization founded in 1988 whose mission is “to preserve and protect the nighttime environment and our heritage of dark skies through environmentally responsible outdoor lighting.”³ The IDA designates as International Dark Sky Parks sites on public land or publicly accessible private land that meet certain minimum guidelines⁴ and that possess “an exceptional or distinguished quality of starry nights and a nocturnal environment that is specifically protected for its scientific, natural, educational, cultural heritage, and/or public enjoyment.” To date, the IDA has designated 79 International Dark Sky Parks worldwide, including 57 in the United States. Michigan has two sites designated by the IDA as International Dark Sky Parks: Headlands International Dark Sky Park (designated in 2011) and Dr. T. K. Lawless Park (designated in 2019).

ARGUMENTS:

For:

Dark sky preserves ensure no light pollution in specific areas for Michiganders and tourists alike to enjoy Michigan’s beautiful night skies, including the occasional Northern Lights. As Michigan’s growing populace creates more light pollution, the ability to observe a true dark sky in Michigan is in danger of vanishing. Supporters of the bill argued that allowing parks to become dark sky preserves without requiring them to be on state-owned land will help Michigan’s nighttime skies to be able to be enjoyed for years to come.

Against:

No arguments against the bill were presented in House committee testimony.

Legislative Analyst: Emily S. Smith

Fiscal Analyst: Austin Scott

■ 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.

³ <https://www.darksky.org/about/>

⁴ <https://www.darksky.org/wp-content/uploads/2018/12/IDSP-Guidelines-2018.pdf>