



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 78 (as introduced 1-24-13)
Sponsor: Senator Tom Casperson
Committee: Natural Resources, Environment and Great Lakes

Date Completed: 2-1-13

CONTENT

The bill would amend several parts of the Natural Resources and Environmental Protection Act to do the following:

- **Prohibit the Department of Natural Resources (DNR) and the Natural Resources Commission from promulgating or enforcing a rule or an order that designates or classifies an area of land specifically for the purpose of achieving or maintaining biological diversity.**
- **Delete the conservation of biological diversity from the DNR's duties regarding forest management, and require the Department to balance its management activities with economic values.**
- **Eliminate a requirement that the DNR manage forests in a manner that promotes restoration.**
- **Provide that a State department or agency would not have to designate or classify an area of land specifically for the purpose of achieving or maintaining biological diversity.**
- **Revise the definition of "conservation" with regard to biological diversity.**
- **Delete a legislative finding that most losses of biological diversity are the result of human activity.**

The bill also would repeal several sections pertaining to the Joint Legislative Working Committee on Biological Diversity (which was dissolved on December 30, 1995).

Biological Diversity Rules & Orders

Part 5 (Department of Natural Resources) requires the DNR to promulgate rules to protect and preserve land and other property under its control from damage or improper use.

The bill would amend Part 5 to prohibit the DNR, the DNR Director, and the Natural Resources Commission from promulgating or enforcing a rule or issuing or enforcing an order that designates or classifies an area of land specifically for the purpose of achieving or maintaining biological diversity, as defined in Section 35501. Under the bill, such a rule or order would be void.

(That section defines "biological diversity" as the full range of variety and variability within and among living organisms and the natural associations in which they occur. The term includes ecosystem diversity, species diversity, and genetic diversity.)

Biodiversity Conservation

Part 355 (Biological Diversity Conservation) states, "It is the goal of this state to encourage the lasting conservation of biological diversity."

"Conservation" means measures for maintaining natural biological diversity, and for restoring natural biological diversity through management efforts, in order to protect, restore, and enhance as much of the variety of native species and communities as possible in quantities and distributions that provide for their continued existence and normal functioning, including the viability of populations through the natural geographic distributions of native species and communities.

The bill would eliminate this definition. Instead, the bill would define "conservation of biodiversity" as measures for maintaining biological diversity while ensuring accessibility, productivity, and use of the natural resources for present and future generations.

Part 355 provides that it does not require a State department or agency to alter its regulatory functions. Under the bill, Part 355 also would not require a State department or agency to designate or classify an area of land specifically for the purpose of achieving or maintaining biological diversity.

Part 355 contains a number of legislative findings regarding biological diversity, including that "most losses of biological diversity are unintended consequences of human activity". The bill would delete this finding.

State Forest Management

Part 525 (Sustainable Forestry on State Forestlands) requires the DNR to manage the State forest in a manner that is consistent with principles of sustainable forestry. In fulfilling that requirement, the Department must manage forests with consideration of their economic, social, and environmental values by planning and managing plantations in accordance with sustainable forestry principles and in a manner that complements the management of and promotes the restoration and conservation of natural forests. The bill would eliminate the reference to restoration.

Part 525 prescribes specific duties of the DNR in conserving and protecting forestland. The bill would eliminate the reference to protection and revise several of the duties, as described below.

The DNR is required to manage the quality and distribution of wildlife habitats and contribute to the conservation of biological diversity by developing and implementing stand and landscape level measures that promote habitat diversity and the conservation of forest plants and animals, including aquatic flora and fauna and unique ecosystems. The bill instead would require the DNR to manage the quality and distribution of wildlife habitats considering measures that promote the conservation of forest plants and animals while balancing economic values.

The DNR also is responsible for managing activities in high conservation value forests by maintaining or enhancing the attributes that define such forests. The bill would require the DNR to do so while balancing economic values.

Committee on Biological Diversity

The bill would repeal Sections 35504, 35504, and 35506, which established the Joint Legislative Working Committee on Biological Diversity, whose function was to recommend a

State strategy for conservation of biological diversity and to report on the strategy's costs, benefits, and other implications.

The Committee was dissolved on December 30, 1995, which was the deadline for the Committee to submit a report to the Legislature.

MCL 324.504 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton