

# SENATE BILL No. 1276

September 13, 2012, Introduced by Senators CASPERSON, COLBECK, MEEKHOF, EMMONS and PAPPAGEORGE and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 504, 35101, 35501, 35502, 35503, and 52502  
(MCL 324.504, 324.35101, 324.35501, 324.35502, 324.35503, and  
324.52502), section 504 as amended by 2009 PA 47, section 35101 as  
amended by 1996 PA 290, sections 35501, 35502, and 35503 as added  
by 1995 PA 59, and section 52502 as added by 2004 PA 125; and to  
repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 504. (1) The department shall promulgate rules to protect  
2       and preserve lands and other property under its control from  
3       depredation, damage, or destruction or wrongful or improper use or  
4       occupancy.

1           (2) Subject to subsection (4), the department shall do all of  
2 the following:

3           (a) Keep land under its control open to hunting unless the  
4 department determines that the land should be closed to hunting  
5 because of public safety, fish or wildlife management, or homeland  
6 security concerns or as otherwise required by law.

7           (b) Manage land under its control to support and promote  
8 hunting opportunities to the extent authorized by law.

9           (c) Manage land under its control to prevent any net decrease  
10 in the acreage of such land that is open to hunting.

11           (3) Subject to subsection (4), by April 1, 2010 and each year  
12 thereafter, the department shall submit to the legislature a report  
13 that includes all of the following:

14           (a) The location and acreage of land under its control  
15 previously open to hunting that the department closed to hunting  
16 during the 1-year period ending the preceding March 1, together  
17 with the reasons for the closure.

18           (b) The location and acreage of land under its control  
19 previously closed to hunting that the department opened to hunting  
20 during the 1-year period ending the preceding March 1 to compensate  
21 for land closed to hunting under subdivision (a).

22           (4) Subsections (2) and (3) do not apply to commercial  
23 forestland as defined in section 51101.

24           (5) This section does not authorize the department to  
25 promulgate a rule that applies to commercial fishing except as  
26 otherwise provided by law.

27           (6) The department shall not promulgate or enforce a rule that

1 prohibits an individual who is licensed or exempt from licensure  
2 under 1927 PA 372, MCL 28.421 to 28.435, from carrying a pistol in  
3 compliance with that act, whether concealed or otherwise, on  
4 property under the control of the department.

5 (7) THE DEPARTMENT, DIRECTOR, OR COMMISSION SHALL NOT  
6 PROMULGATE OR ENFORCE A RULE OR ISSUE OR ENFORCE AN ORDER UNDER  
7 THIS ACT THAT DESIGNATES OR CLASSIFIES AN AREA OF LAND SPECIFICALLY  
8 FOR THE PURPOSE OF ACHIEVING OR MAINTAINING BIOLOGICAL DIVERSITY,  
9 AS DEFINED IN SECTION 35501, AND SUCH A RULE OR ORDER IS VOID.

10 (8) ~~(7)~~—The department shall issue orders necessary to  
11 implement rules promulgated under this section. These orders shall  
12 be effective upon posting.

13 (9) ~~(8)~~—A person who violates a rule promulgated under this  
14 section or an order issued under this section is responsible for a  
15 state civil infraction and may be ordered to pay a civil fine of  
16 not more than \$500.00.

17 Sec. 35101. As used in this part:

18 (a) "Natural area" means a tract of state land or water under  
19 control of the department and dedicated and regulated by the  
20 department pursuant to this part which **MAY BE COEXTENSIVE WITH OR**  
21 **PART OF A WILDERNESS AREA OF WILD AREA AND THAT MEETS ALL OF THE**  
22 **FOLLOWING REQUIREMENTS:**

23 (i) Has retained or reestablished its natural character, or has  
24 ~~unusual flora and fauna or biotic~~, geologic, scenic, or other  
25 similar features of educational or scientific value, but it need  
26 not be undisturbed.

27 (ii) Has been identified and verified through research and

1 study by qualified observers.

2 ~~—— (iii) May be coextensive with or part of a wilderness area or~~  
3 ~~wild area.~~

4 (b) "Wild area" means a tract of undeveloped state land or  
5 water under control of the department and dedicated and regulated  
6 by the department pursuant to this part ~~which~~. **THAT MEETS ALL OF THE**  
7 **FOLLOWING REQUIREMENTS:**

8 (i) Is less than 3,000 acres of state land.

9 (ii) Has outstanding opportunities for personal exploration,  
10 challenge, or contact with natural features of the landscape and  
11 its biological community.

12 (iii) Possesses 1 or more of the characteristics of a wilderness  
13 area.

14 (c) "Wilderness area" means a tract of undeveloped state land  
15 or water under control of the department and dedicated and  
16 regulated by the department pursuant to this part ~~which~~. **THAT MEETS**  
17 **ALL OF THE FOLLOWING REQUIREMENTS:**

18 (i) Has 3,000 or more acres of state land or is an island of  
19 any size.

20 (ii) Generally appears to have been affected primarily by  
21 forces of nature with the imprint of the work of humans  
22 substantially unnoticeable.

23 (iii) Has outstanding opportunities for solitude or a primitive  
24 and unconfined type of recreation.

25 (iv) Contains ecological, geological, or other features of  
26 scientific, scenic, or natural history value.

27 Sec. 35501. As used in this part:

1 (a) "Biological diversity" means the full range of variety and  
2 variability within and among living organisms and the natural  
3 associations in which they occur. Biological diversity includes  
4 ecosystem diversity, species diversity, and genetic diversity.

5 ~~—— (b) "Committee" means the joint legislative working committee~~  
6 ~~on biological diversity created pursuant to section 35504.~~

7 ~~—— (c) "Conserve", "conserving", and "conservation" mean~~

8 (B) "CONSERVATION," UNLESS THE CONTEXT IMPLIES OTHERWISE,  
9 MEANS measures for maintaining natural biological diversity, and  
10 ~~measures for restoring natural biological diversity through~~  
11 ~~management efforts, in order to protect, restore, and enhance~~  
12 RETAIN as much of the variety of native species and communities as  
13 possible in quantities and distributions that provide for the  
14 continued existence and normal functioning of native species and  
15 communities, including the viability of populations throughout the  
16 natural geographic distributions of native species and communities.

17 (C) ~~(d)~~ "Ecosystem" means an assemblage of species, together  
18 with the species' physical environment, considered as a unit.

19 (D) ~~(e)~~ "Ecosystem diversity" means the distinctive  
20 assemblages of species and ecological processes that occur in  
21 different physical settings of the biosphere.

22 (E) ~~(f)~~ "Genetic diversity" means the differences in genetic  
23 composition within and among populations of a given species.

24 (F) ~~(g)~~ "Habitat" means the area or type of environment in  
25 which an organism or biological population normally lives or  
26 occurs.

27 ~~—— (h) "Reporting department" means a state department or agency~~

1 ~~that is required by the committee under this part to file 1 or more~~  
2 ~~reports.~~

3 (G) ~~(i)~~ "Species diversity" means the richness and variety of  
4 native species.

5 ~~—— (j) "State strategy" means the recommended state strategy~~  
6 ~~prepared by the committee.~~

7 ~~—— (k) "Sustained yield" means the achievement and maintenance in~~  
8 ~~perpetuity of regular periodic output of the various renewable~~  
9 ~~resources without impairment of the productivity of the land.~~

10 Sec. 35502. The legislature finds that:

11 (a) The earth's biological diversity is an important natural  
12 resource. Decreasing biological diversity is a concern.

13 ~~—— (b) Most losses of biological diversity are unintended~~  
14 ~~consequences of human activity.~~

15 (B) ~~(c)~~ Humans depend on biological resources, including  
16 plants, animals, and microorganisms, for food, medicine, shelter,  
17 and other important products.

18 (C) ~~(d)~~ Biological diversity is valuable as a source of  
19 intellectual and scientific knowledge, recreation, and aesthetic  
20 pleasure.

21 (D) ~~(e)~~ Conserving biological diversity has economic  
22 implications.

23 (E) ~~(f)~~ Reduced biological diversity may have potentially  
24 serious consequences for human welfare as resources for research  
25 and agricultural, medicinal, and industrial development are  
26 diminished.

27 (F) ~~(g)~~ Reduced biological diversity may also potentially

1 impact ecosystems and critical ecosystem processes that moderate  
 2 climate, govern nutrient cycles and soil conservation and  
 3 production, control pests and diseases, and degrade wastes and  
 4 pollutants.

5 (G) ~~(h)~~—Reduced biological diversity may diminish the raw  
 6 materials available for scientific and technical advancement,  
 7 including the development of improved varieties of cultivated  
 8 plants and domesticated animals.

9 (H) ~~(i)~~—Maintaining biological diversity through habitat  
 10 protection and management is often less costly and more effective  
 11 than efforts to save species once they become endangered.

12 (I) ~~(j)~~—Because biological resources will be most important  
 13 for future needs, study by the legislature regarding maintaining  
 14 the diversity of living organisms in their natural habitats and the  
 15 costs and benefits of doing so is prudent.

16 Sec. 35503. (1) It is the goal of this state to encourage the  
 17 lasting conservation of biological diversity.

18 (2) This part does not require a state department or agency to  
 19 ~~alter~~ **DO ANY OF THE FOLLOWING:**

20 (A) **ALTER** its regulatory functions.

21 (B) **DESIGNATE OR CLASSIFY AN AREA OF LAND SPECIFICALLY FOR THE**  
 22 **PURPOSE OF ACHIEVING OR MAINTAINING BIOLOGICAL DIVERSITY.**

23 Sec. 52502. (1) The department shall manage the state forest  
 24 in a manner that is consistent with principles of sustainable  
 25 forestry. ~~and in doing so~~

26 (2) **IN FULFILLING THE REQUIREMENTS OF SUBSECTION (1), THE**  
 27 **DEPARTMENT** shall do all of the following:

(a) Manage forests with consideration of its economic, social, and environmental values by doing all of the following:

(i) Broaden the implementation of sustainable forestry by employing an array of economically, environmentally, and socially sound practices in the conservation of forests, using the best scientific information available.

(ii) Promote the efficient utilization of forest resources.

(iii) Broaden the practice of sustainable forestry by cooperating with forestland owners, wood producers, and consulting foresters.

(iv) Plan and manage 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.

(b) Conserve ~~and protect~~ forestland by doing all of the following:

(i) Ensure long-term forest productivity and conservation of forest resources through prompt reforestation, soil conservation, afforestation, and other measures.

(ii) Protect the water quality in streams, lakes, and other ~~waterbodies~~ **WATER BODIES** in a manner consistent with the department's best management practices for water quality.

(iii) ~~Manage~~ **SUBJECT TO SECTION 504(7), MANAGE** the quality and distribution of wildlife habitats and ~~contribute to the~~ **CONSIDER** measures that promote ~~habitat~~ **stand and landscape level** ~~conservation of biological diversity by developing and implementing~~ **diversity and** the conservation of forest plants and animals



~~including aquatic flora and fauna and unique ecosystems.~~**WHILE  
BALANCING ECONOMIC VALUES.**

(iv) Protect forests from wildfire, pests, diseases, and other  
damaging agents.

(v) Manage areas of ecologic, geologic, cultural, or historic  
significance in a manner that recognizes their special qualities.

(vi) Manage activities in high conservation value forests by  
maintaining ~~or enhancing~~ the attributes that define such forests

**WHILE BALANCING ECONOMIC VALUES.**

(c) Communicate to the public by doing all of the following:

(i) Publicly report the department's progress in fulfilling its  
commitment to sustainable forestry.

(ii) Provide opportunities for persons to participate in the  
commitment to sustainable forestry.

(iii) Prepare, implement, and keep current a management plan  
that clearly states the long-term objectives of management and the  
means of achieving those objectives.

(d) ~~Monitor forest management by promoting~~ **PROMOTE** continual  
improvement in the practice of sustainable forestry and ~~monitoring,~~  
~~measuring, and reporting~~ **MONITOR, MEASURE, AND REPORT** performance  
in achieving ~~the commitment to~~ sustainable forestry.

(e) Consider the local community surrounding state forestland  
by doing both of the following:

(i) Require that forest management plans and operations comply  
with applicable federal and state laws.

(ii) Require that forest management operations maintain or  
enhance the long-term social and economic well-being of forest

1 workers and local communities.

2 Enacting section 1. Sections 35504 to 35506 of the natural  
3 resources and environmental protection act, 1994 PA 451, MCL  
4 324.35504 to 324.35506, are repealed.