

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Senators Casperson, Colbeck, Meekhof, Robertson, Green, Booher and Walker

ENROLLED SENATE BILL No. 78

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," 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:

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

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

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

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

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

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

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

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

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

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

(6) The department shall not promulgate or enforce a rule that prohibits an individual who is licensed or exempt from licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a pistol in compliance with that act, whether concealed or otherwise, on property under the control of the department.

(7) The department, director, or commission shall not promulgate or enforce a rule or issue or enforce an order under this act that designates or classifies an area of land specifically for the purpose of achieving or maintaining biological diversity, as defined in section 35501, and such a rule or order is void.

(8) The department shall issue orders necessary to implement rules promulgated under this section. These orders are effective upon posting.

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

Sec. 35101. As used in this part:

(a) "Natural area" means a tract of state land or water, which may be coextensive with or part of a wilderness area or wild area, that is under control of the department, that is dedicated and regulated by the department pursuant to this part, and that meets all of the following requirements:

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

(ii) Has been identified and verified through research and study by qualified observers.

(b) "Wild area" means a tract of undeveloped state land or water that is under control of the department, that is dedicated and regulated by the department pursuant to this part, and that meets all of the following requirements:

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

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

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

(c) "Wilderness area" means a tract of undeveloped state land or water under control of the department and dedicated and regulated by the department pursuant to this part that meets all of the following requirements:

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

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

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

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

Sec. 35501. As used in this part:

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

(b) "Conservation of biological diversity" means measures for maintaining, managing, or enhancing biological diversity while ensuring accessibility, productivity, and use of the natural resources for present and future generations.

(c) "Ecosystem" means an assemblage of species, together with the species' physical environment, considered as a unit.

(d) "Ecosystem diversity" means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere.

(e) "Genetic diversity" means the differences in genetic composition within and among populations of a given species.

(f) "Habitat" means the area or type of environment in which an organism or biological population normally lives or occurs.

(g) "Species diversity" means the richness and variety of native species.

Sec. 35502. The legislature finds that:

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

(b) Humans depend on biological resources, including plants, animals, and microorganisms, for food, medicine, shelter, and other important products.

(c) Biological diversity is valuable as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure.

(d) Conserving biological diversity has economic implications.

(e) Reduced biological diversity may have potentially serious consequences for human welfare as resources for research and agricultural, medicinal, and industrial development are diminished.

(f) Reduced biological diversity may also potentially impact ecosystems and critical ecosystem processes that moderate climate, govern nutrient cycles and soil conservation and production, control pests and diseases, and degrade wastes and pollutants.

(g) Reduced biological diversity may diminish the raw materials available for scientific and technical advancement, including the development of improved varieties of cultivated plants and domesticated animals.

(h) Maintaining biological diversity through habitat protection and management is often less costly and more effective than efforts to save species once they become endangered.

(i) Because biological resources will be most important for future needs, study by the legislature regarding maintaining the diversity of living organisms in their natural habitats and the costs and benefits of doing so is prudent.

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

(2) This part does not require a state department or agency to do any of the following:

(a) Alter its regulatory functions.

(b) Designate or classify an area of land specifically for the purpose of achieving or maintaining biological diversity.

Sec. 52502. (1) The department shall manage the state forest in a manner that is consistent with principles of sustainable forestry.

(2) In fulfilling the requirements of subsection (1), the department shall do all of the following:

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

(i) Broadening 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) Promoting the efficient utilization of forest resources.

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

(iv) Planning and managing plantations in accordance with sustainable forestry principles and in a manner that complements the management of and promotes the conservation of natural forests.

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

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

(ii) Protecting the water quality in streams, lakes, and other water bodies in a manner consistent with the department's best management practices for water quality.

(iii) Subject to section 504(7), managing the quality and distribution of wildlife habitats and considering measures that promote the conservation of forest plants and animals while balancing economic values.

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

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

(vi) Managing activities in high conservation value forests by maintaining the attributes that define those forests while balancing economic values.

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

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

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

(iii) Preparing, implementing, and keeping current a management plan that clearly states the long-term objectives of management and the means of achieving those objectives.

(d) Promote continual improvement in the practice of sustainable forestry and monitor, measure, and report performance in achieving sustainable forestry.

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

(i) Requiring that forest management plans and operations comply with applicable federal and state laws and voluntary silvicultural practices.

(ii) Requiring that forest management operations maintain or enhance the long-term social and economic well-being of forest workers and local communities.

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

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Governor