

# SENATE BILL No. 563

September 13, 2017, Introduced by Senator GREEN and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63502 (MCL 324.63502), as amended by 2001 PA 78.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 63502. (1) "Agricultural land" includes any of the  
2 following as determined by the department of natural resources  
3 under **THIS PART OR** part 609 **WITH THE CONCURRENCE OF THE DEPARTMENT**  
4 **OF AGRICULTURE AND RURAL DEVELOPMENT AND THE UNITED STATES**  
5 **DEPARTMENT OF AGRICULTURE:**

6           (a) Prime farmland, **WHICH** is land that ~~has~~**IS DETERMINED TO**  
7 **HAVE** the best combination of physical and chemical characteristics  
8 for producing food, feed, forage, and fiber crops and is also

1 available for these uses, including cropland, pastureland,  
2 rangeland, forestland, or other land, but not urban built-up land  
3 or water. Prime farmland has the soil quality, growing season, and  
4 moisture supply needed to economically produce sustained high  
5 yields of crops when treated and managed, including water  
6 management, according to acceptable farming methods. In general,  
7 prime farmland has an adequate and dependable water supply from  
8 precipitation or irrigation, a favorable temperature and growing  
9 season, acceptable acidity or alkalinity, acceptable salt and  
10 sodium content, and few or no rocks. Prime farmland is permeable to  
11 water and air. Prime farmland is not excessively erodible or  
12 saturated with water for a long period of time, and it either does  
13 not flood frequently or is protected from flooding.

14 (b) Unique farmland, **WHICH** is land other than prime farmland  
15 that is ~~used~~**DETERMINED TO HAVE VALUE** for the production of  
16 specific high-value food and fiber crops. Unique farmland has the  
17 special combination of soil quality, location, growing season, and  
18 moisture supply needed to economically produce sustained high  
19 quality or high yields or both high quality and high yields of a  
20 specific crop when treated and managed according to acceptable  
21 farming methods. ~~Areas that can be classified as unique farmland~~  
22 ~~include~~**UNIQUE FARMLAND INCLUDES THOSE AREAS CONTAINING** organic  
23 soils producing vegetables and specialty crops; high-lying and  
24 relatively frost-free fruit sites; and areas of high water table  
25 acid soils especially suited to highbush blueberry culture as well  
26 as the ~~small~~ areas in the Upper Peninsula copper country that are  
27 producing strawberries.

1 (c) Other farmland, **WHICH** is land ~~in addition to~~ **OTHER THAN**  
2 prime farmland and unique farmland that ~~has~~ **IS DETERMINED TO HAVE** a  
3 combination of soils, location, and management characteristics  
4 ~~which~~ **THAT** is producing or can produce in or for a region food,  
5 feed, forage, and fiber crops and is land on which agriculture  
6 represents the greatest current economic return from the land.  
7 Other farmland includes beef cow-calf operations that occur on  
8 generally fine-textured, somewhat poorly drained soils well-suited  
9 to forage production and grazing. ~~Cropland~~ **OTHER FARMLAND INCLUDES**  
10 **CROPLAND** areas that by their location are especially suited for the  
11 production of disease-free seed crops or that offer special  
12 opportunities for integrated best management programs. ~~could also~~  
13 ~~be considered other farmland. The determination of whether~~  
14 ~~agricultural land is prime farmland, unique farmland, or other~~  
15 ~~farmland shall be made by the department of natural resources under~~  
16 ~~part 609 or this part, with the concurrence of the department of~~  
17 ~~agriculture and the United States department of agriculture.~~

18 (2) "Applicant" means a person applying for a permit from the  
19 department to conduct surface coal mining activities or underground  
20 coal mining activities pursuant to this part.

21 (3) "Approximate original contour" means that surface  
22 configuration achieved by the backfilling and grading of the mined  
23 area so that the reclaimed area, including any terracing or access  
24 roads, closely resembles the general surface configuration of the  
25 land prior to mining and blends into and complements the drainage  
26 pattern of the surrounding terrain, with all highwalls and spoil  
27 piles eliminated.

1           (4) "Coal" means all forms of coal including lignite. Coal  
2 does not include clay, stone, sand, gravel, metalliferous and  
3 nonmetalliferous ores, and any other solid material or substance of  
4 commercial value excavated in solid form from natural deposits on  
5 or in the earth, exclusive of coal, and those minerals that occur  
6 naturally in liquid or gaseous form.

7           (5) "Coal exploration operation" means the substantial  
8 disturbance of the surface or subsurface for the purpose of or  
9 related to determining the location, quantity, or quality of a coal  
10 deposit.

11           (6) "Department" means the department of environmental  
12 quality.

13           (7) "Eligible land and water" means all land that was mined  
14 for coal or was affected by that mining, wastebanks, coal  
15 processing, or other coal mining processing, and abandoned or left  
16 in an inadequate reclamation status under the standards provided in  
17 subparts 3 and 4 prior to August 3, 1977, and for which there is  
18 not a continuing reclamation responsibility under state or federal  
19 law.

20           (8) "Historic resource" means a district, site, building,  
21 structure, or object of historical, architectural, archeological,  
22 or cultural significance that meets any of the following  
23 requirements:

24           (a) Is designated as a national historic landmark pursuant to  
25 the historic sites, buildings, and antiquities act, ~~chapter 593, 49~~  
26 ~~Stat. 666, 16 U.S.C. 461 to 467.~~ **54 USC 102303, 102304, 320101 TO**  
27 **320104, AND 320106.**

1 (b) Is listed on the national register of historic places  
2 pursuant to the national historic preservation act, ~~Public Law 89-~~  
3 ~~665, 16 U.S.C. 470 to 470a, 470b, and 470c to 470x-6;~~ **54 USC**  
4 **300101, 300301 TO 300305, 300307 TO 300311, 300313 TO 300320,**  
5 **302101 TO 302108, 302301 TO 302304, 302501 TO 302505, 302701 TO**  
6 **302706, 302901 TO 302910, 303101 TO 303103, 303901 TO 303903,**  
7 **304101 TO 304112, 305501 TO 305505, 306101 TO 306114, 306121,**  
8 **306122, 306131, AND 307101 TO 307108,** or the state register of  
9 historic sites pursuant to **THE GOVERNOR JOHN B. SWAINSON MICHIGAN**  
10 **HISTORICAL MARKERS ACT, 1955 PA 10, MCL 399.151 to 399.152-399.160.**

11 (c) Is recognized under a locally established historic  
12 district created pursuant to the local historic districts act, 1970  
13 PA 169, MCL 399.201 to 399.215.

14 (d) Is eligible for listing, designation, or recognition under  
15 subdivisions (a) to (c).

16 (9) "Imminent danger to the health and safety of the public"  
17 means the existence of any condition or practice, or any violation  
18 of a permit or other requirement of this part in a surface coal  
19 mining and reclamation operation, which condition, practice, or  
20 violation could reasonably be expected to cause substantial  
21 physical harm to persons outside the permit area before the  
22 condition, practice, or violation can be abated. A reasonable  
23 expectation of death or serious injury before abatement exists if a  
24 reasonable person, subjected to the same conditions or practices  
25 giving rise to the peril, would not expose himself or herself to  
26 the danger during the time necessary for abatement.

27 (10) "Local unit of government" means a county, city,

1 township, or village; a board, commission, or authority of a  
2 county, city, township, or village; or a soil conservation  
3 district.

4 (11) "Operator" means a person engaged in coal mining who  
5 removes or intends to remove more than 250 tons of coal from the  
6 earth by coal mining within 12 consecutive calendar months in any 1  
7 location.

8 Enacting section 1. This amendatory act takes effect 90 days  
9 after the date it is enacted into law.

10 Enacting section 1. This amendatory act does not take effect  
11 unless Senate Bill No. 562

12 of the 99th Legislature is enacted into law.