

**SUBSTITUTE FOR  
SENATE BILL NO. 39**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending the heading of subpart 1 of part 21 and sections 301,  
503, 504, 1901, 1903, 2010, 2101, 2104, 2106, 2126, 2130, 2131,  
2132, 2136, 35501, 35502, 35503, 40501, 52502, 52503, and 52506  
(MCL 324.301, 324.503, 324.504, 324.1901, 324.1903, 324.2010,  
324.2101, 324.2104, 324.2106, 324.2126, 324.2130, 324.2131,  
324.2132, 324.2136, 324.35501, 324.35502, 324.35503, 324.40501,  
324.52502, 324.52503, and 324.52506), section 301 as amended and  
section 2010 as added by 2004 PA 587, section 503 as amended by  
2012 PA 294, section 504 as amended by 2009 PA 47, sections 1901,  
2101, 2106, 2130, and 2136 as added by 1995 PA 60, section 1903 as  
amended by 2011 PA 117, section 2104 as amended by 1998 PA 28,  
section 2126 as amended by 2011 PA 323, sections 2131 and 2132 as

amended by 2012 PA 622, sections 35501, 35502, and 35503 as added by 1995 PA 59, section 40501 as amended by 2008 PA 416, and sections 52502, 52503, and 52506 as added by 2004 PA 125, and by adding sections 2102c, 2132a, 2137, and 72118; and to repeal acts and parts of acts.

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

1           Sec. 301. Except as otherwise defined in this act, as used in  
2 this act:

3           (a) "Commission" means the commission of natural resources.

4           (b) "Department" means the director of the department of  
5 natural resources or his or her designee to whom the director  
6 delegates a power or duty by written instrument.

7           (c) "Department of natural resources" means the principal  
8 state department created in section 501.

9           (d) "Director" means the director of the department of natural  
10 resources.

11           (e) "Local unit of government" **OR "LOCAL UNIT"** means a  
12 municipality or county.

13           (f) "Michigan conservation and recreation legacy fund" means  
14 the Michigan conservation and recreation legacy fund established in  
15 section 40 of article IX of the state constitution of 1963 and  
16 provided for in section 2002.

17           (g) "Municipality" means a city, village, or township.

18           (h) "Person" means an individual, partnership, corporation,  
19 association, governmental entity, or other legal entity.

20           (i) "Public domain" means all land owned by ~~the~~**THIS** state or  
21 land deeded to ~~the~~**THIS** state under state law.

1 (j) "Rule" means a rule promulgated pursuant to the  
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
3 24.328.

4 Sec. 503. (1) The department shall protect and conserve the  
5 natural resources of this state; provide and develop facilities for  
6 outdoor recreation; prevent the destruction of timber and other  
7 forest growth by fire or otherwise; promote the reforestation of  
8 forestlands belonging to this state; prevent and guard against the  
9 pollution of lakes and streams within this state and enforce all  
10 laws provided for that purpose with all authority granted by law;  
11 and foster and encourage the protection and propagation of game and  
12 fish. **BEFORE ISSUING AN ORDER OR PROMULGATING A RULE UNDER THIS ACT**  
13 **THAT WILL DESIGNATE OR CLASSIFY LAND MANAGED BY THE DEPARTMENT FOR**  
14 **ANY PURPOSE, THE DEPARTMENT OR DIRECTOR SHALL CONSIDER, IN ADDITION**  
15 **TO ANY OTHER MATTERS REQUIRED BY LAW, BOTH OF THE FOLLOWING:**

16 (A) PROVIDING FOR ACCESS TO AND USE OF THE PUBLIC LAND FOR  
17 RECREATION AND TOURISM.

18 (B) THE EXISTENCE OF NATURAL RESOURCES-BASED INDUSTRIES,  
19 INCLUDING FOREST MANAGEMENT, MINING, OR OIL AND GAS DEVELOPMENT ON  
20 THE PUBLIC LAND.

21 (2) The department has the power and jurisdiction over the  
22 management, control, and disposition of all land under the public  
23 domain, except for those lands under the public domain that are  
24 managed by other state agencies to carry out their assigned duties  
25 and responsibilities. On behalf of the people of this state, the  
26 department may accept gifts and grants of land and other property  
27 and may buy, sell, exchange, or condemn land and other property,

1 for any of the purposes of this part. ~~Beginning September 30, 2012,~~  
2 ~~the~~ **THE** department shall not acquire surface rights to land unless  
3 the department has estimated the amount of annual payments in lieu  
4 of taxes on the land, posted the estimated payments on its website  
5 for at least 30 days, and notified the affected local units of the  
6 estimated payments at least 30 days before the acquisition.

7 ~~— (3) Before May 1, 2015, the department shall not acquire~~  
8 ~~surface rights to land if the department owns, or as a result of~~  
9 ~~the acquisition will own, the surface rights to more than 4,626,000~~  
10 ~~acres of land.~~

11 **(3) (4) Beginning May 1, 2015, IF ANY PAYMENT UNDER SUBPART 13**  
12 **OR 14 OF PART 21 OR SECTION 51106 FOR LAND LOCATED NORTH OF THE**  
13 **MASON-ARENAC LINE IS NOT MADE IN FULL AND ON TIME, THEN UNTIL**  
14 **DECEMBER 31 OF THAT YEAR, OR UNTIL FULL PAYMENT IS MADE, WHICHEVER**  
15 **OCCURS LATER,** the department shall not acquire surface rights to  
16 land north of the Mason-Arenac line if the department owns, or as a  
17 result of the acquisition will own, the surface rights to more ~~than~~  
18 ~~3,910,000~~ acres of land north of the Mason-Arenac line **THAN THE**  
19 **DEPARTMENT OWNED WHEN THE PAYMENT BECAME DUE.** ~~This subsection does~~  
20 ~~not apply after the enactment of legislation adopting the strategic~~  
21 ~~plan.~~

22 **(4) (5) SUBSECTION (3) DOES NOT PROHIBIT THE ACQUISITION FROM**  
23 **A PRIVATE OWNER OF SURFACE RIGHTS TO LAND UNDER AN OPTION AGREEMENT**  
24 **IN EFFECT ON THE DATE WHEN THE PAYMENT DESCRIBED IN SUBSECTION (3)**  
25 **BECAME DUE IF THE ACQUISITION TAKES PLACE WITHIN 60 DAYS AFTER THAT**  
26 **DATE.** For the purposes of ~~subsections (3) and (4),~~ **SUBSECTION (3),**  
27 the number of acres of land in which the department owns surface

1 rights does not include **LAND SO ACQUIRED OR** any of the following:

2 (a) Land in which the department has a conservation easement.

3 (b) Land **THAT, BEFORE JULY 2, 2012, WAS** platted under the land  
4 division act, 1967 PA 288, MCL 560.101 to 560.293, or a predecessor  
5 act ~~before July 2, 2012 if~~ **AND** acquired by the department. ~~before~~  
6 ~~July 2, 2012.~~

7 (c) Any of the following if acquired on or after July 2, 2012:

8 (i) Land with an area of not more than 80 acres, or a right-  
9 of-way, for accessing other land owned by the department.

10 (ii) A trail, subject to all of the following:

11 (A) If the traveled portion of the trail is located within an  
12 abandoned railroad right-of-way, the land excluded is limited to  
13 the abandoned railroad right-of-way.

14 (B) If the traveled portion of the trail is located in a  
15 utility easement, the land excluded is limited to the utility  
16 easement.

17 (C) If sub-subparagraphs (A) and (B) do not apply, the land  
18 excluded is limited to the traveled portion of the trail and  
19 contiguous land. The area of the contiguous land shall not exceed  
20 the product of 100 feet multiplied by the length of the trail in  
21 feet.

22 (iii) Land that, on July 2, 2012 was commercial forestland as  
23 defined in section 51101 if the land continues to be used in a  
24 manner consistent with part 511.

25 (iv) Land acquired by the department by gift, including the  
26 gift of funds specifically dedicated to land acquisition.

27 (v) Land acquired by the department through litigation.

1           (5) ~~(6)~~—The department shall maintain a record of land as  
2 described in subsection ~~(5) (a)~~ **(4) (A)** to ~~(e)~~ **(D)**. The record shall  
3 include the location, acreage, date of acquisition, and use of the  
4 land. ~~The department shall post and maintain on its website all of~~  
5 ~~the following information:~~

6           ~~— (a) The number of acres of land, including land as described~~  
7 ~~in subsection (5), in which the department owns surface rights~~  
8 ~~north of the Mason-Arenac line, south of the Mason-Arenac line, in~~  
9 ~~total for this state, and by program.~~

10           ~~— (b) The number of acres of land, excluding land as described~~  
11 ~~in subsection (5), in which the department owns surface rights~~  
12 ~~north of the Mason-Arenac line, south of the Mason-Arenac line, in~~  
13 ~~total for this state, and by program.~~

14           **(6)** ~~(7)~~—By October 1, 2014, the department shall develop a  
15 written strategic plan to guide the acquisition and disposition of  
16 state lands managed by the department, submit the plan to the  
17 ~~senate and house committees with primary responsibility for natural~~  
18 ~~resources and outdoor recreation and the corresponding~~  
19 ~~appropriation subcommittees, **RELEVANT LEGISLATIVE COMMITTEES**, and~~  
20 post the plan on the department's website. In developing the plan,  
21 the department shall solicit input from the public and local units  
22 of government.

23           **(7)** ~~(8)~~—The strategic plan shall do all of the following:

24           (a) Divide this state into regions.

25           (b) Identify lands managed by the department in each region.

26           (c) Set forth for each region measurable strategic performance  
27 goals with respect to all of the following for land managed by the

1 department:

2 (i) Maximizing availability of points of access to the land  
3 and to bodies of water on or adjacent to the land.

4 (ii) Maximizing outdoor recreation opportunities.

5 (iii) Forests.

6 (iv) Wildlife and fisheries.

7 (d) To assist in achieving the goals set forth in the  
8 strategic plan pursuant to subdivision (c), identify all of the  
9 following:

10 (i) Land to be acquired.

11 (ii) Land to be disposed of.

12 (iii) Plans for natural resource management.

13 (e) To the extent feasible, identify public lands in each  
14 region that are not managed by the department but affect the  
15 achievement of the goals set forth in the strategic plan pursuant  
16 to subdivision (c).

17 (f) Identify ways that the department can better coordinate  
18 the achievement of the goals set forth in the strategic plan  
19 pursuant to subdivision (c), recognizing that public lands are  
20 subject to multiple uses and both motorized and nonmotorized uses.

21 **(G) IDENTIFY CRITICAL TRAIL CONNECTORS TO ENHANCE MOTORIZED**  
22 **AND NONMOTORIZED NATURAL-RESOURCE-DEPENDENT OUTDOOR RECREATION**  
23 **ACTIVITIES FOR PUBLIC ENJOYMENT.**

24 ~~— (9) The department shall not implement the strategic plan as~~  
25 ~~it applies to land north of the Mason-Arenac line. This subsection~~  
26 ~~does not apply after the enactment of legislation adopting the~~  
27 ~~strategic plan.~~

1 ~~———— (10) The department shall annually report on the~~  
2 ~~implementation of the plan and submit and post the report in the~~  
3 ~~manner provided in subsection (7).~~

4 (8) ~~(11) Beginning July 2, 2020~~ **THE LEGISLATURE APPROVES THE**  
5 **STRATEGIC PLAN ENTITLED "DEPARTMENT OF NATURAL RESOURCES MANAGED**  
6 **PUBLIC LAND STRATEGY" ISSUED BY THE DEPARTMENT AND DATED JULY 1,**  
7 **2013. THE DEPARTMENT SHALL IMPLEMENT THE MOST RECENT LEGISLATIVELY**  
8 **APPROVED STRATEGIC PLAN AND SHALL NOT CHANGE THE PLAN EXCEPT BY**  
9 **PLAN UPDATE PROPOSED PURSUANT TO SUBSECTION (10) AND SUBSEQUENTLY**  
10 **APPROVED BY THE LEGISLATURE.**

11 (9) **THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE RELEVANT**  
12 **LEGISLATIVE COMMITTEES AND POST AND, SUBJECT TO SUBDIVISION (C) ,**  
13 **ANNUALLY UPDATE ON THE DEPARTMENT'S WEBSITE ALL OF THE FOLLOWING:**

14 (A) **A REPORT ON THE IMPLEMENTATION OF THE PLAN.**

15 (B) **THE NUMBER OF ACRES OF LAND, INCLUDING LAND AS DESCRIBED**  
16 **IN SUBSECTION (4) , IN WHICH THE DEPARTMENT OWNS SURFACE RIGHTS**  
17 **NORTH OF THE MASON-ARENAC LINE, SOUTH OF THE MASON-ARENAC LINE, AND**  
18 **IN TOTAL FOR THIS STATE.**

19 (C) **THE NUMBER OF ACRES OF LAND, EXCLUDING LAND AS DESCRIBED**  
20 **IN SUBSECTION (4) , IN WHICH THE DEPARTMENT OWNS SURFACE RIGHTS**  
21 **NORTH OF THE MASON-ARENAC LINE, SOUTH OF THE MASON-ARENAC LINE, AND**  
22 **IN TOTAL FOR THIS STATE. FOR LAND NORTH OF THE MASON-ARENAC LINE,**  
23 **THE DEPARTMENT SHALL UPDATE THIS INFORMATION ON ITS WEBSITE AS OF**  
24 **THE DATES THAT PAYMENTS DESCRIBED IN SUBSECTION (3) ARE DUE.**

25 (D) **INFORMATION ON THE TOTAL NUMBER OF EACH OF THE FOLLOWING:**

26 (i) **ACRES OF LAND MANAGED BY THE DEPARTMENT.**

27 (ii) **ACRES OF STATE PARK AND STATE RECREATION AREA LAND.**

1 (iii) ACRES OF STATE GAME AND STATE WATERFOWL AREAS.

2 (iv) ACRES OF LAND MANAGED BY THE DEPARTMENT AND OPEN FOR  
3 PUBLIC HUNTING.

4 (v) ACRES OF STATE-OWNED MINERAL RIGHTS MANAGED BY THE  
5 DEPARTMENT THAT ARE UNDER A DEVELOPMENT LEASE.

6 (vi) ACRES OF STATE FORESTLAND.

7 (vii) PUBLIC BOATING ACCESS SITES MANAGED BY THE DEPARTMENT.

8 (viii) MILES OF MOTORIZED TRAILS MANAGED BY THE DEPARTMENT.

9 (ix) MILES OF NONMOTORIZED TRAILS MANAGED BY THE DEPARTMENT.

10 (x) ACRES OF LAND MANAGED BY THE DEPARTMENT THAT ARE CLOSED TO  
11 MOTORIZED VEHICLES.

12 (10) FOR LEGISLATIVE CONSIDERATION AND APPROVAL, AS PROVIDED  
13 IN SUBSECTION (8), BY JULY 1, 2021, and every 6-5 years thereafter,  
14 the department shall PROPOSE AN update TO the strategic plan, and  
15 ~~submit and post the updated plan in the manner provided in~~  
16 ~~subsection (7).~~ SUBMIT THE PROPOSED UPDATED PLAN TO THE RELEVANT  
17 LEGISLATIVE COMMITTEES, AND POST THE PROPOSED UPDATED PLAN ON THE  
18 DEPARTMENT'S WEBSITE. At least 60 days before posting the updated  
19 plan, the department shall prepare, submit, and post in the manner  
20 ~~provided in subsection (7) a report on progress TO THE RELEVANT~~  
21 LEGISLATIVE COMMITTEES, AND POST ON THE DEPARTMENT'S WEBSITE A  
22 REPORT THAT COVERS ALL OF THE FOLLOWING AND INCLUDES DEPARTMENT  
23 CONTACT INFORMATION FOR PERSONS WHO WISH TO COMMENT ON THE REPORT:

24 (A) PROGRESS toward the goals set forth IN THE STRATEGIC PLAN  
25 pursuant to subsection (8)(c) in portions of this state where,  
26 ~~subject to subsection (9), the plan is being implemented and any~~  
27 (7) (C) .

1           **(B) ANY** proposed changes to the goals, including the rationale  
2 for the changes. ~~The submittal and posting shall include department~~  
3 ~~contact information for persons who wish to comment on the report.~~

4           **(C) THE DEPARTMENT'S ENGAGEMENT AND COLLABORATION WITH LOCAL**  
5 **UNITS OF GOVERNMENT.**

6           **(11)** ~~(12)~~ At least 30 days before acquiring or disposing of  
7 land, the department shall submit to the senate and house  
8 committees with primary responsibility for natural resources and  
9 outdoor recreation and the corresponding appropriations  
10 subcommittees a statement identifying the land and describing the  
11 effect of the proposed transaction on achieving the goals set forth  
12 in the strategic plan pursuant to subsection ~~(8)(e)~~. **(7) (C)**. The  
13 statement shall include department contact information for persons  
14 who wish to comment on the acquisition or disposition and **SHALL** be  
15 in a standard format. The department shall also post the statement  
16 on its website for at least 30 days before the acquisition or  
17 disposition. ~~This subsection does not apply before the department~~  
18 ~~submits the strategic plan to legislative committees as required~~  
19 ~~under subsection (7).~~

20           **(12) IF LAND OWNED BY THIS STATE, LAND OWNED BY THE FEDERAL**  
21 **GOVERNMENT, AND LAND THAT IS COMMERCIAL FORESTLAND AS DEFINED IN**  
22 **SECTION 51101 CONSTITUTE 33% OR MORE OF THE LAND IN A COUNTY OR**  
23 **TOWNSHIP LOCATED NORTH OF THE MASON-ARENAC LINE, THE DEPARTMENT**  
24 **SHALL NOT ACQUIRE LAND IN THAT COUNTY OR TOWNSHIP, RESPECTIVELY,**  
25 **UNLESS THE ACQUISITION IS APPROVED BY A RESOLUTION ADOPTED BY THE**  
26 **LEGISLATIVE BODY OF THE COUNTY OR TOWNSHIP, RESPECTIVELY, AND, IF**  
27 **APPLICABLE, THE CITY OR VILLAGE WHERE THE LAND IS LOCATED. HOWEVER,**

1 BOTH OF THE FOLLOWING APPLY:

2 (A) APPROVAL IS NOT REQUIRED FROM ANY LOCAL UNIT OF GOVERNMENT  
3 IF THE LAND TO BE ACQUIRED IS OWNED BY THE FEDERAL GOVERNMENT OR IS  
4 COMMERCIAL FORESTLAND AS DEFINED IN SECTION 51101.

5 (B) COUNTY OR TOWNSHIP APPROVAL IS NOT REQUIRED IF, NOT MORE  
6 THAN 60 DAYS BEFORE THE ACQUISITION, THE DEPARTMENT SOLD AT LEAST  
7 THE SAME NUMBER OF ACRES OF LAND LOCATED IN THE SAME COUNTY OR  
8 TOWNSHIP, RESPECTIVELY.

9 (13) IF SUBSECTION (12) DOES NOT APPLY TO A COUNTY OR  
10 TOWNSHIP, THE DEPARTMENT SHALL NOT ACQUIRE LAND IN THAT COUNTY OR  
11 TOWNSHIP, RESPECTIVELY, UNLESS THE DEPARTMENT HAS DONE ALL OF THE  
12 FOLLOWING:

13 (A) AT LEAST 45 DAYS BEFORE THE ACQUISITION, NOTIFIED THE  
14 COUNTY OR TOWNSHIP, RESPECTIVELY, OF ALL OF THE FOLLOWING, IN  
15 WRITING:

16 (i) THE LOCATION AND ACREAGE OF THE LAND.

17 (ii) HOW THE LAND WILL BE USED AND ESTIMATED PAYMENTS IN LIEU  
18 OF TAXES.

19 (iii) THE EFFECT THE PROPOSED ACQUISITION IS EXPECTED TO HAVE  
20 ON ACHIEVING THE GOALS SET FORTH IN THE STRATEGIC PLAN PURSUANT TO  
21 SUBSECTION (7) (C) .

22 (iv) DEPARTMENT CONTACT INFORMATION AND THE DURATION OF THE  
23 COMMENT PERIOD, FOR PERSONS WHO WISH TO COMMENT ON THE PROPOSED  
24 ACQUISITION.

25 (B) PROVIDED AN OPPORTUNITY FOR REPRESENTATIVES OF ALL LOCAL  
26 UNITS OF GOVERNMENT WHERE THE LAND IS LOCATED TO MEET IN PERSON  
27 WITH A DEPARTMENT REPRESENTATIVE TO DISCUSS THE PROPOSED

**1 ACQUISITION.**

2           **(14)** ~~(13)~~—The department may accept funds, money, or grants  
3 for development of salmon and steelhead trout fishing in this state  
4 from the government of the United States, or any of its departments  
5 or agencies, pursuant to the anadromous fish conservation act, 16  
6 USC 757a to 757f, and may use this money in accordance with the  
7 terms and provisions of that act. However, the acceptance and use  
8 of federal funds does not commit state funds and does not place an  
9 obligation upon the legislature to continue the purposes for which  
10 the funds are made available.

11           **(15)** ~~(14)~~—The department may appoint persons to serve as  
12 volunteers ~~for the purpose of facilitating the responsibilities of~~  
13 **TO ASSIST** the department **IN MEETING ITS RESPONSIBILITIES** as  
14 provided in this part. Subject to the direction of the department,  
15 a volunteer may use equipment and machinery necessary for the  
16 volunteer service, including, but not limited to, equipment and  
17 machinery to improve wildlife habitat on state game areas.

18           **(16)** ~~(15)~~—The department may lease lands owned or controlled  
19 by the department or may grant concessions on lands owned or  
20 controlled by the department to any person for any purpose that the  
21 department determines to be necessary to implement this part. In  
22 granting a concession, the department shall provide that each  
23 concession is awarded at least every 7 years based on extension,  
24 renegotiation, or competitive bidding. However, if the department  
25 determines that a concession requires a capital investment in which  
26 reasonable financing or amortization necessitates a longer term,  
27 the department may grant a concession for up to a 15-year term. A

1 concession granted under this subsection shall require, unless the  
2 department authorizes otherwise, that all buildings and equipment  
3 ~~shall be~~ removed at the end of the concession's term. Any lease  
4 entered into under this subsection shall limit the purposes for  
5 which the leased land is to be used and shall authorize the  
6 department to terminate the lease upon a finding that the land is  
7 being used for purposes other than those permitted in the lease.  
8 Unless otherwise provided by law, money received from a lease or a  
9 concession of tax reverted land shall be credited to the fund  
10 providing financial support for the management of the leased land.  
11 Money received from a lease of ~~all~~ **ANY** other land shall be credited  
12 to the fund from which the land was purchased. However, money  
13 received from program-related leases on these lands shall be  
14 credited to the fund providing financial support for the management  
15 of the leased lands. For land managed by the forest management  
16 division of the department, that fund is either the forest  
17 development fund established pursuant to section 50507 or the  
18 forest recreation account of the Michigan conservation and  
19 recreation legacy fund provided for in section 2005. For land  
20 managed by the wildlife or fisheries division of the department,  
21 that fund is the game and fish protection account of the Michigan  
22 conservation and recreation legacy fund provided for in section  
23 2010.

24 **(17)** ~~(16)~~—When the department sells land, the deed by which  
25 the land is conveyed may reserve all mineral, coal, oil, and gas  
26 rights to this state only when the land is in production or is  
27 leased or permitted for production, or when the department

1 determines that the land has unusual or sensitive environmental  
2 features or that it is in the best interest of this state to  
3 reserve those rights as determined by commission policy. However,  
4 the department shall not reserve the rights to sand, gravel, clay,  
5 or other nonmetallic minerals. When the department sells land that  
6 contains subsurface rights, the department shall include a deed  
7 restriction that restricts the subsurface rights from being severed  
8 from the surface rights in the future. If the landowner severs the  
9 subsurface rights from the surface rights, the subsurface rights  
10 revert to this state. The deed may reserve to this state the right  
11 of ingress and egress over and across land along watercourses and  
12 streams. Whenever an exchange of land is made with the United  
13 States government, a corporation, or an individual for the purpose  
14 of consolidating the state forest reserves, the department may  
15 issue deeds without reserving to this state the mineral, coal, oil,  
16 and gas rights and the rights of ingress and egress. The department  
17 may sell the limestone, sand, gravel, or other nonmetallic  
18 minerals. However, the department shall not sell a mineral or  
19 nonmetallic mineral right if the sale would violate part 353, part  
20 637, or any other provision of law. The department may sell all  
21 reserved mineral, coal, oil, and gas rights to such lands upon  
22 terms and conditions as the department considers proper and may  
23 sell oil and gas rights as provided in part 610. The owner of those  
24 lands as shown by the records shall be given priority in case the  
25 department authorizes any sale of those lands, and, unless the  
26 landowner waives that priority, the department shall not sell such  
27 rights to any other person. For the purpose of this section,

1 mineral rights do not include rights to sand, gravel, clay, or  
2 other nonmetallic minerals.

3       **(18)** ~~(17)~~—The department may enter into contracts for the sale  
4 of the economic share of royalty interests it holds in hydrocarbons  
5 produced from devonian or antrim shale qualifying for the  
6 nonconventional source production credit determined under section  
7 45k of the internal revenue code of 1986, 26 USC 45k. However, in  
8 entering into these contracts, the department shall ~~assure~~ **ENSURE**  
9 that revenues to the natural resources trust fund under these  
10 contracts are not less than the revenues the natural resources  
11 trust fund would have received if the contracts were not entered  
12 into. The sale of the economic share of royalty interests under  
13 this subsection may occur under contractual terms and conditions  
14 considered appropriate by the department and as approved by the  
15 state administrative board. Funds received from the sale of the  
16 economic share of royalty interests under this subsection shall be  
17 transmitted to the state treasurer for deposit in the state  
18 treasury as follows:

19       (a) Net proceeds allocable to the nonconventional source  
20 production credit determined under section 45k of the internal  
21 revenue code of 1986, 26 USC 45k, under this subsection shall be  
22 credited to the environmental protection fund created in section  
23 503a.

24       (b) Proceeds related to the production of oil or gas from  
25 devonian or antrim shale shall be credited to the natural resources  
26 trust fund or other applicable fund as provided by law.

27       **(19)** ~~(18)~~—As used in this section:

1 (a) "Concession" means an agreement between the department and  
 2 a person under terms and conditions as specified by the department  
 3 to provide services or recreational opportunities for public use.

4 (b) "Lease" means a conveyance by the department to a person  
 5 of a portion of this state's interest in land under specific terms  
 6 and for valuable consideration, thereby granting to the lessee the  
 7 possession of that portion conveyed during the period stipulated.

8 (c) "Mason-Arenac line" means the line formed by the north  
 9 boundaries of Mason, Lake, Osceola, Clare, Gladwin, and Arenac  
 10 ~~counties.~~**COUNTIES.**

11 (d) "Natural resources trust fund" means the Michigan natural  
 12 resources trust fund established in section 35 of article IX of the  
 13 state constitution of 1963 and provided for in section 1902.

14 (e) "Net proceeds" means the total receipts received from the  
 15 sale of royalty interests under subsection ~~(17)~~**(18)** less costs  
 16 related to the sale. Costs may include, but are not limited to,  
 17 legal, financial advisory, geological or reserve studies, and  
 18 accounting services.

19 **(F) "RELEVANT LEGISLATIVE COMMITTEES" MEANS THE SENATE AND**  
 20 **HOUSE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES**  
 21 **AND OUTDOOR RECREATION AND THE CORRESPONDING APPROPRIATION**  
 22 **SUBCOMMITTEES.**

23 **(G) ~~(f)~~"Strategic plan" or "plan" means the plan developed**  
 24 **under subsection ~~(7)~~**(6)**, AS UPDATED UNDER SUBSECTION (10), IF**  
 25 **APPLICABLE.**

26 Sec. 504. (1) The department shall promulgate rules to protect  
 27 and preserve lands and other property under its control from

1 depredation, damage, or destruction or wrongful or improper use or  
2 occupancy.

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

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

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

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

13 (3) Subject to subsection (4), by April 1 ~~7, 2010~~ and each  
14 year, ~~thereafter~~, the department shall submit to the legislature a  
15 report that includes all of the following:

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

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

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

26 **(5) THE DEPARTMENT IS URGED TO PROMOTE PUBLIC ENJOYMENT OF**  
27 **THIS STATE'S WILDLIFE AND OTHER NATURAL RESOURCES BY PROVIDING**

1 PUBLIC ACCESS TO LANDS UNDER THE CONTROL OF THE DEPARTMENT FOR  
2 OUTDOOR RECREATION ACTIVITIES DEPENDENT ON NATURAL RESOURCES,  
3 INCLUDING MOTORIZED AND NONMOTORIZED ACTIVITIES.

4 (6) THE DEPARTMENT SHALL NOT PROMULGATE A RULE UNDER  
5 SUBSECTION (1) OR ISSUE AN ORDER UNDER SUBSECTION (12) THAT LIMITS  
6 THE USE OF OR ACCESS TO ANY LAND UNLESS 1 OR MORE OF THE FOLLOWING  
7 APPLY:

8 (A) THE LAND WAS ACQUIRED WITH MONEY APPROPRIATED FROM FUNDS  
9 MADE AVAILABLE TO THIS STATE UNDER THE PITTMAN-ROBERTSON WILDLIFE  
10 RESTORATION ACT, 16 USC 669 TO 669I, OR THE DINGELL-JOHNSON SPORT  
11 FISH RESTORATION ACT, 16 USC 777 TO 777N. THE DEPARTMENT MAY ALLOW  
12 RECREATIONAL ACTIVITIES AND RELATED FACILITIES THAT ARE NOT FISH  
13 AND WILDLIFE DEPENDENT ON SUCH LAND IF THE DEPARTMENT DETERMINES  
14 THAT THE ACTIVITIES WILL NOT INTERFERE WITH THE PURPOSE FOR WHICH  
15 THE LAND WAS ACQUIRED, WAS DEVELOPED, OR IS BEING MANAGED. THE  
16 DEPARTMENT SHALL TAKE STEPS TO MITIGATE ANY INTERFERENCE IN ORDER  
17 TO ALLOW REASONABLE RECREATIONAL ACTIVITIES AND RELATED FACILITIES  
18 THAT ARE NOT FISH AND WILDLIFE DEPENDENT ON THE LAND.

19 (B) THE LAND WAS ACQUIRED WITH MONEY FROM THE GAME AND FISH  
20 PROTECTION ACCOUNT ESTABLISHED UNDER SECTION 2010 OR THE GAME AND  
21 FISH PROTECTION FUND FORMERLY CREATED IN SECTION 43553.

22 (C) IN THE CASE OF AN ORDER, THE ORDER IS IN RESPONSE TO AN  
23 ENVIRONMENTAL OR PUBLIC HEALTH EMERGENCY. AN INITIAL ORDER  
24 AUTHORIZED UNDER THIS SUBDIVISION EXPIRES 90 DAYS AFTER ITS  
25 EFFECTIVE DATE UNLESS AN EARLIER EXPIRATION DATE IS SET FORTH IN  
26 THE ORDER. THE DEPARTMENT MAY REISSUE AN ORDER UNDER THIS  
27 SUBDIVISION IF ALL OF THE FOLLOWING APPLY:

1 (i) AFTER CONDUCTING A PUBLIC HEARING ON THE MATTER IN THE  
2 VICINITY OF THE ENVIRONMENTAL OR PUBLIC HEALTH EMERGENCY, THE  
3 DEPARTMENT DETERMINES THAT THE EMERGENCY HAS NOT BEEN RESOLVED.

4 (ii) THE DEPARTMENT HAS CONSIDERED SUGGESTIONS MADE AT THE  
5 PUBLIC HEARING AND HAS TAKEN STEPS WITHIN ITS AUTHORITY TO MITIGATE  
6 OR RESOLVE THE EMERGENCY.

7 (iii) THE DEPARTMENT HAS DOCUMENTED IN WRITING THE REASONS FOR  
8 THE ORDER AND THE STEPS TAKEN BY THE DEPARTMENT AS DESCRIBED IN  
9 SUBPARAGRAPH (ii) .

10 (7) IF THE DEPARTMENT RECEIVES A WRITTEN REQUEST FROM A  
11 RECREATIONAL USERS ORGANIZATION OR, SUBJECT TO SUBSECTION (8) ,  
12 LOCAL UNIT OF GOVERNMENT TO REMOVE A BERM, GATE, OR HUMAN-MADE  
13 BARRIER ON LAND UNDER THE DEPARTMENT'S CONTROL, THE DEPARTMENT  
14 SHALL NOTIFY THE REQUESTOR IN WRITING WITHIN 60 DAYS OF EITHER OF  
15 THE FOLLOWING:

16 (A) THAT THE BARRIER WILL BE REMOVED. IN THIS CASE, THE  
17 DEPARTMENT SHALL REMOVE THE BARRIER WITHIN 180 DAYS AFTER RECEIVING  
18 THE WRITTEN REQUEST.

19 (B) THE REASONS THE DEPARTMENT BELIEVES THE BARRIER SHOULD NOT  
20 BE REMOVED AND THE RIGHT OF THE RECREATIONAL USERS ORGANIZATION OR  
21 LOCAL UNIT OF GOVERNMENT, WITHIN 21 DAYS AFTER THE DEPARTMENT SENDS  
22 THE WRITTEN NOTICE, TO REQUEST IN WRITING A PUBLIC MEETING ON THE  
23 MATTER. IF THE RECREATIONAL USERS ORGANIZATION OR LOCAL UNIT OF  
24 GOVERNMENT REQUESTS A PUBLIC MEETING AS PROVIDED IN THIS  
25 SUBDIVISION, THE DEPARTMENT SHALL CONDUCT A PUBLIC MEETING WITHIN  
26 THE CITY, VILLAGE, OR TOWNSHIP WHERE THE BARRIER IS LOCATED TO  
27 EXPLAIN THE DEPARTMENT'S POSITION AND RECEIVE COMMENTS ON THE

1 PROPOSED REMOVAL. AFTER THE MEETING, AND WITHIN 180 DAYS AFTER  
2 RECEIVING THE REQUEST TO REMOVE THE BARRIER, THE DEPARTMENT SHALL  
3 APPROVE OR DENY THE REQUEST AND NOTIFY THE REQUESTOR IN WRITING. IF  
4 THE REQUEST IS DENIED, THE NOTICE SHALL INCLUDE THE REASONS FOR  
5 DENIAL. IF THE REQUEST IS APPROVED, THE DEPARTMENT SHALL REMOVE THE  
6 BARRIER WITHIN 180 DAYS AFTER RECEIVING THE REQUEST FOR REMOVAL.

7 (8) A LOCAL UNIT OF GOVERNMENT'S REQUEST UNDER SUBSECTION (7)  
8 SHALL BE MADE BY RESOLUTION OF THE LOCAL GOVERNING BODY.

9 (9) UPON REQUEST FROM A LOCAL UNIT OF GOVERNMENT, THE  
10 DEPARTMENT SHALL WORK WITH THE LOCAL UNIT TO ALLOW USE OF STATE  
11 LAND LOCATED WITHIN THE LOCAL UNIT THAT WILL BENEFIT THE LOCAL  
12 COMMUNITY BY INCREASING OUTDOOR RECREATION OPPORTUNITIES AND  
13 EXPANDING ACCESS TO AND USE OF THE NATURAL RESOURCES AND OUTDOORS.  
14 THE DEPARTMENT MAY CHARGE THE LOCAL UNIT A REASONABLE FEE FOR THE  
15 USE THAT DOES NOT EXCEED THE COSTS INCURRED BY THE DEPARTMENT FOR  
16 THE USE.

17 (10) ~~(5)~~—This section does not authorize the department to  
18 promulgate a rule that applies to commercial fishing except as  
19 otherwise provided by law.

20 (11) ~~(6)~~—The department shall not promulgate or enforce a rule  
21 that prohibits an individual who is licensed or exempt from  
22 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a  
23 pistol in compliance with that act, whether concealed or otherwise,  
24 on property under the control of the department.

25 (12) ~~(7)~~—The department shall issue orders necessary to  
26 implement rules promulgated under this section. These orders shall  
27 be effective upon posting.

1           **(13)** ~~(8)~~—A person who violates a rule promulgated under this  
 2 section or an order issued under this section is responsible for a  
 3 state civil infraction and may be ordered to pay a civil fine of  
 4 not more than \$500.00.

5           Sec. 1901. As used in this part:

6           (a) "Board" means the Michigan natural resources trust fund  
 7 board established in section 1905.

8           ~~—— (b) "Economic development revenue bonds (oil and gas~~  
 9 ~~revenues), series 1982A, dated December 1, 1982" includes bonds~~  
 10 ~~refunding these bonds, provided that any refunding bonds mature no~~  
 11 ~~later than September 1, 1994.~~

12           **(B)** ~~(e)~~—"Local unit of government" **OR "LOCAL UNIT"** means a  
 13 county, city, township, village, school district, the Huron-Clinton  
 14 metropolitan authority, or any authority composed of counties,  
 15 cities, townships, villages, or school districts, or any  
 16 combination thereof, which authority is legally constituted to  
 17 provide public recreation.

18           ~~—— (d) "Total expenditures" means the amounts actually expended~~  
 19 ~~from the trust fund as authorized by section 1903(1) and (2).~~

20           **(C)** ~~(e)~~—"Trust fund" means the Michigan natural resources  
 21 trust fund established in section 35 of article IX of the state  
 22 constitution of 1963.

23           Sec. 1903. (1) Subject to the limitations of this part and of  
 24 section 35 of article IX of the state constitution of 1963, the  
 25 interest and earnings of the trust fund in any 1 state fiscal year  
 26 may be expended in subsequent state fiscal years only for the  
 27 following purposes:

1 (a) The acquisition of land or rights in land for recreational  
2 uses or protection of the land because of its environmental  
3 importance or its scenic beauty.

4 (b) The development of public recreation facilities.

5 (c) The administration of the fund, including payments in lieu  
6 of taxes on state-owned land purchased through the trust fund. The  
7 legislature shall make appropriations from the trust fund each  
8 state fiscal year to make full payments in lieu of taxes on state-  
9 owned land purchased through the trust fund, as provided in section  
10 2154.

11 (2) In addition to the money described in subsection (1), 33-  
12 1/3% of the money, exclusive of interest and earnings, received by  
13 the trust fund in any state fiscal year may be expended in  
14 subsequent state fiscal years for the purposes described in  
15 subsection (1). However, the authorization for the expenditure of  
16 money provided in this subsection does not apply after the state  
17 fiscal year in which the total amount of money in the trust fund,  
18 exclusive of interest and earnings and amounts authorized for  
19 expenditure under this section, exceeds \$500,000,000.00.

20 (3) An expenditure from the trust fund may be made in the form  
21 of a grant to a local unit of government or public authority,  
22 subject to all of the following conditions:

23 (a) The grant is used for the purposes described in subsection  
24 (1).

25 (b) The grant is matched by the local unit ~~of government or~~  
26 public authority with at least 25% of the total cost of the  
27 project.

1           (4) Not less than 25% of the total amounts made available for  
2 expenditure from the trust fund from any state fiscal year shall be  
3 expended for acquisition of land and rights in land, and not more  
4 than 25% of the total amounts made available for expenditure from  
5 the trust fund from any state fiscal year shall be expended for  
6 development of public recreation facilities.

7           (5) If property that was acquired with money from the trust  
8 fund is subsequently sold or transferred by the state to a  
9 nongovernmental entity, the state shall forward to the state  
10 treasurer for deposit into the trust fund an amount of money equal  
11 to the following:

12           (a) If the property was acquired solely with trust fund money,  
13 the greatest of the following:

14           (i) The net proceeds of the sale.

15           (ii) The fair market value of the property at the time of the  
16 sale or transfer.

17           (iii) The amount of money that was expended from the trust  
18 fund to acquire the property.

19           (b) If the property was acquired with a combination of trust  
20 fund money and other restricted funding sources governed by federal  
21 or state law, an amount equal to the percentage of the funds  
22 contributed by the trust fund for the acquisition of the property  
23 multiplied by the greatest of the amounts under subdivision (a) (i),  
24 (ii), and (iii).

25           **(6) THIS PART IS SUBJECT TO SECTION 2132A.**

26           Sec. 2010. (1) The game and fish protection account is  
27 established as an account within the legacy fund.

1 (2) The game and fish protection account shall consist of ~~both~~  
 2 **ALL** of the following:

3 ~~—— (a) All money in the game and fish protection fund, formerly~~  
 4 ~~created in section 43553, immediately prior to the effective date~~  
 5 ~~of the amendatory act that added this section, which money is~~  
 6 ~~hereby transferred to the game and fish protection account.~~

7 ~~—— (b) Revenue from the following sources:~~

8 (A) ~~(i)~~ Revenue derived from hunting and fishing licenses,  
 9 passbooks, permits, fees, concessions, leases, contracts, and  
 10 activities.

11 (B) ~~(ii)~~ Damages paid for the illegal taking of game and fish.

12 (C) ~~(iii)~~ Revenue derived from fees, licenses, and permits  
 13 related to game, game areas, and game fish.

14 (D) ~~(iv)~~ Other revenues as authorized by law.

15 (3) Money in the game and fish protection account shall be  
 16 expended, upon appropriation, only as provided in part 435 and for  
 17 the administration of the game and fish protection account, which  
 18 may include payments in lieu of taxes on ~~state-owned~~ **STATE-OWNED**  
 19 land purchased through the game and fish protection account or  
 20 through the former game and fish protection fund. **THE DEPARTMENT**  
 21 **SHALL MANAGE LAND ACQUIRED WITH MONEY FROM THE GAME AND FISH**  
 22 **PROTECTION ACCOUNT OR THE FORMER GAME AND FISH PROTECTION FUND TO**  
 23 **ENHANCE GAME AND FISH POPULATIONS TO ENSURE INCREASED RECREATIONAL**  
 24 **HUNTING AND FISHING OPPORTUNITIES. UNLESS THE DEPARTMENT CAN**  
 25 **DEMONSTRATE THAT THE PRIMARY PURPOSE OF THE EXPENDITURE IS FOR GAME**  
 26 **SPECIES, AND BENEFITS TO NONGAME SPECIES ARE A RESULT OF THE**  
 27 **PRIMARY PURPOSE, BOTH OF THE FOLLOWING APPLY:**



1 furnished by the department for that purpose.

2 (2) The department may sell tax reverted lands to any agency  
 3 described in subsection (1), and the transfer of the lands is not  
 4 subject to a reverter clause. If a conveyance or transfer of lands  
 5 is made to a governmental unit without a reverter clause, the  
 6 department may convey or transfer the lands at ~~an appraisal value~~  
 7 ~~as~~ **A PRICE** determined by ~~the state tax commission~~ **AN APPRAISAL,**  
 8 **SUBJECT TO SECTION 2132A,** or at a nominal fee that includes any  
 9 amount paid by the department for maintaining the lands in a  
 10 condition that is protective of the public health and safety. If  
 11 lands are conveyed or transferred for a nominal fee and are  
 12 subsequently sold by the governmental unit for a valuable  
 13 consideration, the proceeds from such a sale, after deducting the  
 14 fee and any amount paid by the local governmental units for  
 15 maintaining the lands in a condition that is protective of the  
 16 public health and safety, shall be ~~accounted for~~ **PAID** to the state,  
 17 county, township, and school district in which the lands are  
 18 situated pro rata according to their several interests in the lands  
 19 arising from the nonpayment of taxes and special assessments on the  
 20 lands as the interest appears in the offices of the state treasurer  
 21 or county, city, or village ~~treasurers~~. **TREASURER.**

22 **SEC. 2102C. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER**  
 23 **SELLING OR LEASING LAND IF BOTH OF THE FOLLOWING REQUIREMENTS ARE**  
 24 **MET:**

25 **(A) THE PROSPECTIVE BUYER OR LESSEE IS A BUSINESS SEEKING**  
 26 **EXPANSION, BUT IS LIMITED BY ADJACENT STATE LAND.**

27 **(B) THE SALE OR LEASE WILL RESULT IN AN ECONOMIC OR OTHER**

1 BENEFIT FOR A LOCAL UNIT OF GOVERNMENT OR REGION.

2 (2) THE DEPARTMENT SHALL GIVE NOTICE OF THE PROPOSED SALE OR  
3 LEASE OF THE LAND AS PROVIDED IN SECTION 2133(2) .

4 (3) IN MAKING ITS DECISION ON THE REQUEST UNDER SUBSECTION  
5 (1) , THE DEPARTMENT SHALL CONSIDER BOTH OF THE FOLLOWING:

6 (A) ANY COMMENTS ON THE PROPOSED SALE OR LEASE FROM LOCAL  
7 UNITS OF GOVERNMENT OR OTHER PERSONS .

8 (B) THE IMPACT ON NATURAL RESOURCES AND OUTDOOR RECREATION IN  
9 THIS STATE, GIVING DUE REGARD TO THE VARIETY, USE, AND QUANTITY OF  
10 LANDS THEN UNDER CONTROL OF THE DEPARTMENT .

11 (4) THE PRICE FOR SALE OF THE LAND SHALL BE ESTABLISHED USING  
12 A METHOD DETERMINED APPROPRIATE BY THE DEPARTMENT, INCLUDING  
13 APPRAISAL, SUBJECT TO SECTION 2132A, FEE SCHEDULE, OR TRUE CASH  
14 VALUE OF ADJOINING LANDS AS AGREED TO BY THE APPLICANT .

15 (5) PROCEEDS FROM SALE OF THE LAND SHALL BE DEPOSITED IN THE  
16 FUND THAT PROVIDED THE REVENUE FOR THE ACQUISITION OF THE LAND BY  
17 THE DEPARTMENT. IF THERE IS MORE THAN 1 SUCH FUND, THE REVENUE  
18 SHALL BE DEPOSITED IN THE FUNDS IN AMOUNTS PROPORTIONATE TO THEIR  
19 RESPECTIVE CONTRIBUTIONS FOR THE DEPARTMENT'S ACQUISITION OF THE  
20 LAND. TO THE EXTENT THAT THE LAND WAS IN WHOLE OR IN PART ACQUIRED  
21 OTHER THAN WITH RESTRICTED FUND REVENUE, A PROPORTIONATE AMOUNT OF  
22 PROCEEDS OF THE SALE OF THE LAND SHALL BE DEPOSITED IN THE LAND  
23 EXCHANGE FACILITATION AND MANAGEMENT FUND CREATED IN SECTION 2134 .

24 Sec. 2104. (1) Any of the lands under the control of the  
25 department, the title to which is in this state and which may be  
26 sold and conveyed or are a part of the state lands, as well as  
27 lands later acquired by this state, or any part ~~or portion~~ of those

1 lands, may be exchanged for lands of equal area or approximately  
2 equal value belonging to the United States or owned by private  
3 individuals if ~~in the opinion of the department~~ it is in the  
4 interest of ~~the~~ **THIS** state to do so.

5 (2) If the department ~~charges~~ **CHARGED** an application fee for a  
6 proposed sale of land under this section and the state land  
7 proposed for sale is **INSTEAD** sold to another party within 3 years  
8 after the date a completed application ~~is~~ **WAS** received by the  
9 department **FROM THE PRIOR APPLICANT**, the department shall refund  
10 the application fee in full to the **PRIOR** applicant if the **PRIOR**  
11 applicant has informed the department of his or her current  
12 address.

13 (3) **EFFECTIVE 30 DAYS AFTER THE DEPARTMENT RECEIVES AN**  
14 **APPLICATION FROM A PRIVATE INDIVIDUAL TO EXCHANGE THAT INDIVIDUAL'S**  
15 **LAND FOR SURPLUS STATE LAND, THE APPLICATION SHALL BE CONSIDERED TO**  
16 **BE COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS PROVIDED UNDER**  
17 **SUBSECTION (4).**

18 (4) **IF, BEFORE THE EXPIRATION OF THE 30-DAY PERIOD UNDER**  
19 **SUBSECTION (3), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**  
20 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**  
21 **NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 30-**  
22 **DAY PERIOD UNDER SUBSECTION (3) IS TOLLED UNTIL THE APPLICANT**  
23 **SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME**  
24 **THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE.**

25 (5) **WITHIN 180 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE**  
26 **COMPLETE, OR A LATER DATE AGREED TO BY THE APPLICANT AND THE**  
27 **DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION**

1 AND NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE  
2 APPLICATION, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR  
3 THE DENIAL.

4 (6) THE DEPARTMENT MAY CHARGE A FEE FOR AN APPLICATION FOR THE  
5 EXCHANGE OF STATE LAND. THE FEE SHALL NOT EXCEED THE ACTUAL  
6 REASONABLE COST OF PROCESSING AN APPLICATION FOR AN EXCHANGE OF  
7 STATE LAND OR \$300.00, WHICHEVER IS LESS.

8 Sec. 2106. (1) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE  
9 AND MAKE AVAILABLE IN WRITING TO PERSONS SEEKING TO PURCHASE LAND  
10 FROM, SELL LAND TO, OR EXCHANGE LAND WITH THE DEPARTMENT UNDER THIS  
11 PART INFORMATION ABOUT RELEVANT REQUIREMENTS AND PROCEDURES UNDER  
12 THIS PART.

13 (2) If ~~the department determines that it is in the best~~  
14 interests of ~~the~~**THIS** state to exchange any of the lands ~~mentioned~~  
15 **DESCRIBED** in section 2104 for lands of an equal area or of  
16 approximately equal value belonging to private individuals, the  
17 department shall maintain a description of the lands to be conveyed  
18 and a description of the lands belonging to individuals to be  
19 deeded to ~~the~~**THIS** state.

20 (3) Before any of the lands are deeded to an individual as  
21 provided in this subpart, the person or persons owning ~~the~~**ANY**  
22 lands to be deeded to ~~the~~**THIS** state shall execute a conveyance of  
23 those lands to ~~the~~**THIS** state. **THE DEPARTMENT SHALL ACCEPT DELIVERY**  
24 **OF THE DEED.** The attorney general shall examine the title to the  
25 lands deeded to ~~the~~**THIS** state and certify to the department  
26 whether or not the conveyance is sufficient to vest in ~~the~~**THIS**  
27 state a good and sufficient title to the land free from any liens

1 or encumbrances. If the attorney general certifies that the deed  
2 vests in ~~the~~**THIS** state a good and sufficient title to the deeded  
3 lands free from any liens or encumbrances, the department shall  
4 **WITHIN 30 DAYS** execute a deed to the individual of the lands to be  
5 conveyed by ~~the~~**THIS** state. ~~selected by the department in lieu of~~  
6 ~~the lands.~~

7 Sec. 2126. Before the department grants an easement under this  
8 subpart, the individual applying for the easement shall pay charges  
9 as required by the department. The charges shall be the same as  
10 those charges required for the granting of an easement under  
11 ~~section 2129.~~**SUBPART 9. HOWEVER, THE DEPARTMENT MAY CHARGE A FEE**  
12 **FOR AN APPLICATION FOR THE GRANT OF AN EASEMENT UNDER THIS SUBPART.**  
13 **THE FEE SHALL NOT EXCEED THE ACTUAL REASONABLE COST OF PROCESSING**  
14 **AN APPLICATION FOR AN EASEMENT OR \$300.00, WHICHEVER IS LESS.**

15 Sec. 2130. As used in this subpart:

16 (a) "Board" means the Michigan natural resources trust fund  
17 board established in ~~part 19.~~**SECTION 1905.**

18 (b) "Fund" means the land exchange facilitation **AND MANAGEMENT**  
19 fund created in section 2134.

20 (c) "Land" includes lands, tenements, and real estate and  
21 rights to and interests in lands, tenements, and real estate.

22 (D) **"QUALIFIED CONSERVATION ORGANIZATION" MEANS THAT TERM AS**  
23 **DEFINED IN SECTION 70(5) OF THE GENERAL PROPERTY TAX ACT, 1893 PA**  
24 **206, MCL 211.70.**

25 Sec. 2131. (1) ~~Except as otherwise provided in~~**SUBJECT TO**  
26 subsection (2), ~~or (3),~~ the department may designate as surplus  
27 land any ~~state-owned~~**STATE-OWNED** land that is under the control of

1 the department ~~and that has been dedicated for public use and may,~~  
 2 on behalf of ~~the~~ **THIS** state, sell that land ~~if~~ **AFTER** the department  
 3 ~~determines all of~~ **CONSIDERS ALL OF** the following:

4 (a) ~~That~~ **WHETHER** the sale will not materially diminish the  
 5 quality or utility of other ~~state owned~~ **STATE-OWNED** land adjoining  
 6 the land to be sold.

7 (b) ~~That~~ **WHETHER** the sale is ~~not~~ otherwise restricted by law.

8 (c) ~~That~~ **WHETHER** the sale is in the best interests of ~~the~~ **THIS**  
 9 state, giving due regard to the variety, use, and quantity of lands  
 10 then under the control of the department.

11 ~~—— (d) That 1 or more of the following conditions are met:~~

12 ~~—— (i) The land has been dedicated for public use for not less~~  
 13 ~~than 5 years immediately preceding its sale and is not needed to~~  
 14 ~~meet a department objective.~~

15 ~~(D) (ii) The land is occupied for a private use through~~  
 16 **WHETHER THE SALE WILL RESOLVE AN** inadvertent trespass.

17 ~~(E) (iii) The~~ **WHETHER THE** sale will promote the development of  
 18 the forestry or forest products industry or the mineral extraction  
 19 and utilization industry **OR OTHER ECONOMIC ACTIVITY** in this state.

20 ~~—— (2) The department shall not authorize the sale of surplus~~  
 21 ~~land as provided in subsection (1) if the proceeds from the sale of~~  
 22 ~~the land will cause the balance of the fund to exceed~~  
 23 ~~\$25,000,000.00.~~

24 ~~(2) (3)~~ Except as provided in section 74102b, the department  
 25 shall not designate as surplus land any land within a state park or  
 26 state recreation area.

27 Sec. 2132. (1) Subject to subsection (2), the department may

1 sell surplus land at a price established using the method that the  
2 department determines to be most appropriate, such as any of the  
3 following:

4 (a) Appraisal, **SUBJECT TO SECTION 2132A.**

5 (b) Appraisal consulting.

6 (c) A schedule adopted by the department for pricing property  
7 with uniform characteristics and low utility.

8 (d) The true cash value of nearby land as determined by the  
9 local assessor.

10 (2) If the department offers tax reverted land for sale and  
11 the land is not sold within 9 months, the department may sell the  
12 land to a qualified buyer who submits an offer that represents a  
13 reasonable price for the property as determined by the department.

14 (3) The sale of surplus land shall be conducted by the  
15 department through 1 of the following methods:

16 (a) A public auction sale.

17 (b) A negotiated sale.

18 (4) Subject to subsection (1), the sale of surplus land  
19 through a public auction sale shall be to the highest bidder.

20 **(5) EFFECTIVE 30 DAYS AFTER THE DEPARTMENT RECEIVES AN**  
21 **APPLICATION TO PURCHASE SURPLUS LAND THROUGH A NEGOTIATED SALE, THE**  
22 **APPLICATION SHALL BE CONSIDERED TO BE COMPLETE UNLESS THE**  
23 **DEPARTMENT PROCEEDS AS PROVIDED UNDER SUBSECTION (6) .**

24 **(6) IF, BEFORE THE EXPIRATION OF THE 30-DAY PERIOD UNDER**  
25 **SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**  
26 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**  
27 **NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 30-**

1 DAY PERIOD UNDER SUBSECTION (5) IS TOLLED UNTIL THE APPLICANT  
2 SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME  
3 THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE. NOTICE UNDER  
4 THIS SUBSECTION SHALL INCLUDE A STATEMENT OF THE REQUIREMENTS OF  
5 SUBSECTION (12).

6 (7) WITHIN 180 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE  
7 COMPLETE, OR A LATER DATE AGREED TO BY THE APPLICANT AND THE  
8 DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION  
9 AND NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE  
10 APPLICATION, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR  
11 THE DENIAL.

12 (8) THE DEPARTMENT MAY CHARGE A FEE FOR AN APPLICATION FOR THE  
13 PURCHASE OF SURPLUS LAND. THE FEE SHALL NOT EXCEED THE ACTUAL  
14 REASONABLE COST OF PROCESSING AN APPLICATION TO PURCHASE SURPLUS  
15 LAND OR \$300.00, WHICHEVER IS LESS.

16 (9) ~~(5)~~—A notice of the sale of surplus land shall be given as  
17 provided in section 2133.

18 (10) ~~(6)~~—The proceeds from the sale of surplus land shall be  
19 deposited into the fund.

20 (11) ~~(7)~~—Surplus land that is sold under this subpart shall be  
21 conveyed by quitclaim deed approved by the attorney general.

22 (12) ~~(8)~~—Each application, as **MAY BE** later amended or  
23 supplemented, submitted by a private person under subsection (3) (b)  
24 for the purchase of the land identified in that application as a  
25 prospect for purchase ~~7~~—shall be considered and acted upon by the  
26 department to final decision ~~7~~—before any other application  
27 submitted at a later date by a different private person for the

1 purchase or exchange of the same land. HOWEVER, IF AN APPLICATION  
 2 IS NOT COMPLETED WITHIN 30 DAYS AFTER THE DEPARTMENT NOTIFIES THE  
 3 APPLICANT UNDER SUBSECTION (6) THAT THE APPLICATION IS INCOMPLETE,  
 4 THE DEPARTMENT SHALL CONSIDER AND ACT UPON TO FINAL DECISION AN  
 5 APPLICATION SUBMITTED AT A LATER DATE THAT IS COMPLETED FIRST.

6 (13) THE DEPARTMENT SHALL NOT GIVE PREFERENCE TO A QUALIFIED  
 7 CONSERVATION ORGANIZATION OVER ANOTHER PRIVATE ENTITY OR AN  
 8 INDIVIDUAL IN THE ADMINISTRATION OF THIS PART.

9 SEC. 2132A. IF LAND IS PROPOSED FOR PURCHASE OR SALE BY OR  
 10 EXCHANGE WITH THE DEPARTMENT UNDER THIS ACT BASED ON ITS APPRAISED  
 11 VALUE, IF 2 OR MORE APPRAISALS OF THE LAND THAT MEET DEPARTMENT  
 12 STANDARDS ARE MADE ON BEHALF OF THE PARTIES TO THE PROPOSED  
 13 TRANSACTION, AND IF THE HIGH APPRAISAL IS LESS THAN 10% HIGHER THAN  
 14 THE LOW APPRAISAL, THE ACCEPTED VALUE FOR PURPOSES OF THE PURCHASE,  
 15 SALE, OR EXCHANGE SHALL BE THE AVERAGE OF ALL THE APPRAISED VALUES.  
 16 IF THE HIGH APPRAISAL IS AT LEAST 10% HIGHER THAN THE LOW  
 17 APPRAISAL, THE PARTIES MAY AGREE UPON A NEW APPRAISER, WHOSE  
 18 APPRAISAL, OR DETERMINATION BASED ON REVIEW OF THE EXISTING  
 19 APPRAISALS, SHALL BE THE ACCEPTED VALUE FOR PURPOSES OF THE  
 20 PURCHASE, SALE, OR EXCHANGE. THE DEPARTMENT IS RESPONSIBLE FOR THE  
 21 NEW APPRAISER'S FEE.

22 Sec. 2136. This subpart does not limit the authority of the  
 23 department to ~~do 1 or both of the following:~~

24 ~~—— (a) To exchange land as provided in subpart 3.~~

25 ~~—— (b) To sell land as provided in the general property tax act,~~  
 26 ~~Act No. 206 of the Public Acts of 1893, being sections 211.1 to~~  
 27 ~~211.157 of the Michigan Compiled Laws.~~

1           SEC. 2137. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER  
2 SELLING OR EXCHANGING LAND THAT IS NOT DESIGNATED AS SURPLUS LAND.  
3 THE SALE OR EXCHANGE OF THE LAND IS SUBJECT TO THE SAME PROCEDURES  
4 AS APPLY TO THE SALE OF LAND THAT IS DESIGNATED AS SURPLUS LAND  
5 UNDER THIS SUBPART.

6           (2) SUBSECTION (1) DOES NOT APPLY TO LAND IN A STATE PARK,  
7 RECREATION AREA, OR GAME AREA. SUBSECTION (1) DOES NOT APPLY TO A  
8 REQUEST TO SELL LAND IF THE REQUEST MEETS THE REQUIREMENTS OF  
9 SECTION 2102C.

10           Sec. 35501. As used in this part:

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

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

17           ~~(c) "Conserve", "conserving", and "conservation" mean measures  
18 for maintaining natural biological diversity and measures for  
19 restoring natural biological diversity through management efforts,  
20 in order to protect, restore, and enhance as much of the variety of  
21 native species and communities as possible in quantities and  
22 distributions that provide for the continued existence and normal  
23 functioning of native species and communities, including the  
24 viability of populations throughout the natural geographic  
25 distributions of native species and communities.~~

26           **(B) "CONSERVATION OF BIOLOGICAL DIVERSITY" MEANS MEASURES FOR**  
27 **MAINTAINING, MANAGING, OR ENHANCING BIOLOGICAL DIVERSITY WHILE**

1 **ENSURING ACCESSIBILITY, PRODUCTIVITY, AND USE OF THE NATURAL**  
2 **RESOURCES FOR PRESENT AND FUTURE GENERATIONS.**

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

5 (D) ~~(e)~~—"Ecosystem diversity" means the distinctive  
6 assemblages of species and ecological processes that occur in  
7 different physical settings of the biosphere.

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

10 (F) ~~(g)~~—"Habitat" means the area or type of environment in  
11 which an organism or biological population normally lives or  
12 occurs.

13 ~~—— (h) "Reporting department" means a state department or agency~~  
14 ~~that is required by the committee under this part to file 1 or more~~  
15 ~~reports.~~

16 (G) ~~(i)~~—"Species diversity" means the richness and variety of  
17 native species.

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

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

23 Sec. 35502. The legislature finds that:

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

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

1           **(B)** ~~(e)~~—Humans depend on biological resources, including  
2 plants, animals, and microorganisms, for food, medicine, shelter,  
3 and other important products.

4           **(C)** ~~(d)~~—Biological diversity is valuable as a source of  
5 intellectual and scientific knowledge, recreation, and aesthetic  
6 pleasure.

7           **(D)** ~~(e)~~—Conserving biological diversity has economic  
8 implications.

9           **(E)** ~~(f)~~—Reduced biological diversity may have potentially  
10 serious consequences for human welfare as resources for research  
11 and agricultural, medicinal, and industrial development are  
12 diminished.

13           **(F)** ~~(g)~~—Reduced biological diversity may also potentially  
14 impact ecosystems and critical ecosystem processes that moderate  
15 climate, govern nutrient cycles and soil conservation and  
16 production, control pests and diseases, and degrade wastes and  
17 pollutants.

18           **(G)** ~~(h)~~—Reduced biological diversity may diminish the raw  
19 materials available for scientific and technical advancement,  
20 including the development of improved varieties of cultivated  
21 plants and domesticated animals.

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

25           **(I)** ~~(j)~~—Because biological resources will be most important  
26 for future needs, study by the legislature regarding maintaining  
27 the diversity of living organisms in their natural habitats and the

1 costs and benefits of doing so is prudent.

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

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

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

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

9 Sec. 40501. The department shall perform such acts as may be  
10 necessary to conduct and establish wildlife restoration,  
11 management, and research projects and areas in cooperation with the  
12 federal government under the Pittman-Robertson wildlife restoration  
13 act, 16 USC 669 to 669i, and regulations promulgated by the United  
14 States secretary of the interior under that act. In compliance with  
15 that act, funds accruing to this state from license fees paid by  
16 hunters shall not be used for any purpose other than game and fish  
17 activities under the administration of the department. **THE**  
18 **DEPARTMENT SHALL MANAGE LAND ACQUIRED WITH MONEY RECEIVED UNDER THE**  
19 **PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT, 16 USC 669 TO 669I, TO**  
20 **ENHANCE GAME AND FISH POPULATIONS TO ENSURE INCREASED RECREATIONAL**  
21 **HUNTING AND FISHING OPPORTUNITIES. UNLESS THE DEPARTMENT CAN**  
22 **DEMONSTRATE THAT THE PRIMARY PURPOSE OF THE EXPENDITURE IS FOR GAME**  
23 **SPECIES, AND BENEFITS TO NONGAME SPECIES ARE A RESULT OF THE**  
24 **PRIMARY PURPOSE, BOTH OF THE FOLLOWING APPLY:**

25 **(A) MONEY RECEIVED UNDER THAT ACT SHALL NOT BE EXPENDED FOR**  
26 **MANAGEMENT OF NONGAME SPECIES.**

27 **(B) FOREST TREATMENTS ON LANDS ACQUIRED WITH MONEY RECEIVED**

1 UNDER THAT ACT SHALL NOT BE UNDERTAKEN TO BENEFIT NONGAME SPECIES.

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

5 (2) IN FULFILLING THE REQUIREMENTS OF SUBSECTION (1), THE  
6 DEPARTMENT shall do all of the following:

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

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

13 (ii) ~~Promote~~ PROMOTING the efficient utilization of forest  
14 resources.

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

18 ~~(iv) Plan and manage plantations in accordance with~~  
19 ~~sustainable forestry principles and in a manner that complements~~  
20 ~~the management of and promotes the restoration and conservation of~~  
21 ~~natural forests.~~

22 (iv) MANAGING FOREST RESOURCES TO IMPROVE FOREST HEALTH AND  
23 SUSTAINABILITY.

24 (v) PROMOTING WORKING FORESTS FOR THE PRODUCTION OF FOREST  
25 PRODUCTS.

26 (vi) ACTIVELY MANAGING FOR ENHANCED WILDLIFE HABITAT, BUT THIS  
27 SHOULD NOT TAKE PRECEDENT OVER FOREST MANAGEMENT.

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

3 (i) ~~Ensure~~**ENSURING** long-term forest productivity and  
4 conservation of forest resources through prompt reforestation, soil  
5 conservation, afforestation, and other measures.

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

9 (iii) ~~Manage~~**SUBJECT TO SECTION 504 (6) , MANAGING** the quality  
10 and distribution of wildlife habitats, ~~and contribute~~**CONTRIBUTING**  
11 to the conservation of biological diversity, ~~by developing and~~  
12 implementing stand and landscape-level measures that promote  
13 habitat diversity and the conservation of forest plants and  
14 animals, including aquatic flora and fauna and unique ecosystems,  
15 **WHILE BALANCING ECONOMIC VALUES.**

16 (iv) ~~Protect forests~~**MANAGING FORESTS TO MITIGATE OR MINIMIZE**  
17 **IMPACTS** from wildfire, pests, diseases, and other damaging agents.

18 (v) ~~Manage~~**MANAGING** areas of ecologic, geologic, cultural, or  
19 historic significance in a manner that recognizes their special  
20 qualities.

21 (vi) ~~Manage~~**MANAGING** activities in high conservation value  
22 forests by maintaining or enhancing the attributes that define ~~such~~  
23 **THOSE** forests **WHILE BALANCING ECONOMIC VALUES.**

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

25 (i) Publicly ~~report~~**REPORTING** the department's progress in  
26 fulfilling its commitment to sustainable forestry.

27 (ii) **INFORMING THE PUBLIC OF THE POSITIVE ASPECTS OF MANAGED**

1 **FORESTS.**

2 ~~(iii) (ii) Provide~~ **PROVIDING** opportunities for persons to  
3 participate in the commitment to sustainable forestry.

4 ~~(iv) (iii) Prepare, implement, and keep~~ **PREPARING,**  
5 **IMPLEMENTING, AND KEEPING** current a management plan that clearly  
6 states the long-term objectives of management and the means of  
7 achieving those objectives.

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

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

14 ~~(i) Require~~ **REQUIRING** that forest management plans and  
15 operations comply with applicable federal and state laws **AND**

16 **VOLUNTARY SILVICULTURAL PRACTICES.**

17 ~~(ii) Require~~ **REQUIRING** that forest management operations  
18 maintain or enhance the long-term social and economic well-being of  
19 forest workers and local communities.

20 Sec. 52503. (1) The department shall adopt a forestry  
21 development, conservation, and recreation management plan for ~~state~~  
22 ~~owned~~ **STATE-OWNED** lands owned or controlled by the department.  
23 Parks and recreation areas, state game areas, and other wildlife  
24 areas on these lands shall be managed according to their primary  
25 purpose. ~~The~~ **SUBJECT TO SUBSECTION (2) (G), THE** department may  
26 update the plan as the department considers necessary or  
27 appropriate. The plan and any plan updates shall be consistent with

1 section 52502 and shall be designed to ~~assure~~**ENSURE** a stable,  
2 long-term, sustainable timber supply from the state forest as a  
3 whole.

4 (2) The plan and any plan updates shall include all of the  
5 following:

6 (a) An identification of the interests of local communities,  
7 outdoor recreation interests, the tourism industry, and the forest  
8 products industry.

9 ~~— (b) An identification of the annual capability of the state  
10 forest and management goals based on that level of productivity.~~

11 **(B)** ~~(c)~~ Methods to promote and encourage the use of the state  
12 forest for outdoor recreation, tourism, and the forest products  
13 industry.

14 **(C)** ~~(d)~~ A landscape management plan for the state forest  
15 incorporating biodiversity conservation goals, indicators, and  
16 measures.

17 **(D)** ~~(e)~~ Standards for sustainable forestry consistent with  
18 section 52502.

19 **(E)** ~~(f)~~ An identification of environmentally sensitive areas.

20 **(F)** ~~(g)~~ An identification of the need for forest treatments to  
21 maintain and sustain healthy, vigorous forest vegetation and  
22 quality habitat for wildlife and environmentally sensitive species.

23 **(G) BY OCTOBER 1, 2017, YEARLY HARVEST OBJECTIVES FOR ALL**  
24 **STATE-OWNED LAND BY FOREST MANAGEMENT AREA FOR A 15-YEAR PERIOD. AT**  
25 **LEAST EVERY 5 YEARS, THE DEPARTMENT SHALL UPDATE THE YEARLY HARVEST**  
26 **OBJECTIVES FOR A NEW 15-YEAR PERIOD COMMENCING WHEN THE PLAN IS**  
27 **UPDATED. THE DEPARTMENT SHALL POST AND MAINTAIN THE CURRENT YEARLY**

1 HARVEST OBJECTIVES ON THE DEPARTMENT'S WEBSITE. ALL OF THE  
 2 FOLLOWING APPLY TO THE HARVEST OBJECTIVES FOR EACH FOREST  
 3 MANAGEMENT AREA:

4 (i) MUST NOT EXCEED THE SUSTAINABLE YIELDS.

5 (ii) MUST BE BASED ON ACCUMULATED GROWTH.

6 (iii) MAY CONSIDER PHYSICAL, BIOLOGICAL, ENVIRONMENTAL, AND  
 7 RECREATIONAL OBJECTIVES.

8 (3) BEGINNING OCTOBER 1, 2017 AND EACH YEAR THEREAFTER, THE  
 9 DEPARTMENT SHALL PREPARE FOR SALE A MINIMUM OF 90% OF THE YEARLY  
 10 HARVEST OBJECTIVE FOR EACH FOREST MANAGEMENT AREA.

11 Sec. 52506. By January 1 of each year, the department shall  
 12 prepare and submit to the ~~commission of~~ natural resources  
 13 COMMISSION, the standing committees of the senate and the house of  
 14 representatives with primary jurisdiction over forestry issues, and  
 15 the senate and house appropriations committees a report that  
 16 details the following from the previous state fiscal year:

17 (a) The number of harvestable acres in the state forest, as  
 18 determined by the ~~certification program under section 52506.~~ FROM  
 19 INFORMATION IN THE STATE FOREST MANAGEMENT PLANS UNDER SECTION  
 20 52503.

21 (b) The number of acres of the state forest that were  
 22 harvested and the number of cords of wood that were harvested from  
 23 the state forest.

24 (c) The number of acres of ~~state-owned~~ STATE-OWNED lands owned  
 25 or controlled by the department other than state ~~forestlands~~ FOREST  
 26 that were harvested and the number of cords of wood that were  
 27 harvested from those lands.

1 (d) Efforts by the department to promote recreational  
2 opportunities in the state forest.

3 (e) Information on the public's utilization of the  
4 recreational opportunities offered by the state forest.

5 (f) Efforts by the department to promote wildlife habitat in  
6 the state forest.

7 (g) The status of the plan and whether the department  
8 recommends any changes in the plan.

9 (h) Status of certification efforts required in section 52505  
10 and ~~beginning in 2006,~~ a definitive statement of whether the  
11 department is maintaining certification of the entire state forest.

12 ~~(i) A description of any activities that have been undertaken  
13 on forest pilot project areas described in section 52511.~~

14 **SEC. 72118. IF A TIMBER HARVEST IS PLANNED FOR A PARTICULAR**  
15 **AREA, THE DEPARTMENT SHALL EVALUATE WHETHER THE TIMBER HARVEST**  
16 **ACTIVITY OFFERS THE OPPORTUNITY TO CONNECT EXISTING FOREST ROADS**  
17 **AND TRAILS IN THAT AREA.**

18 Enacting section 1. Sections 35504 to 35506 of the natural  
19 resources and environmental protection act, 1994 PA 451, MCL  
20 324.35504 to 324.35506, are repealed.

21 Enacting section 2. This amendatory act takes effect 90 days  
22 after the date it is enacted into law.

23 Enacting section 3. This amendatory act does not take effect  
24 unless Senate Bill No. 40 of the 98th Legislature is enacted into  
25 law.