

# HOUSE BILL No. 4212

February 7, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and sections 1 and 3 of Act No. 204 of the Public Acts of 1984, entitled

"An act to require an inventory and evaluation of peat present on state owned lands; to authorize the natural resources commission to enter into contracts for the taking of peat from state owned lands; to create a fund to support the conservation and development of the state's peat resources; and to prescribe the powers and duties of the natural resources commission and the department of natural resources,"

being sections 322.801 and 322.803 of the Michigan Compiled Laws.

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

1 Section 1. The title and sections 1 and 3 of Act No. 204 of  
2 the Public Acts of 1984, being sections 322.801 and 322.803 of  
3 the Michigan Compiled Laws, are amended to read as follows:

## TITLE

1  
2 An act to require an inventory and evaluation of peat  
3 present on state owned lands; to authorize the ~~natural~~  
4 ~~resources~~ commission OF CONSERVATION AND RECREATION to enter  
5 into contracts for the taking of peat from state owned lands; to  
6 create a fund to support the conservation and development of the  
7 state's peat resources; and to prescribe the powers and duties of  
8 the ~~natural resources~~ commission OF CONSERVATION AND RECREATION  
9 and the department of natural resources.

10 Sec. 1. As used in this act:

11 (a) "Commission" means the ~~natural resources~~ commission OF  
12 CONSERVATION AND RECREATION.

13 (b) "Department" means the department of natural resources.

14 (c) "Peat" means a deposit of unconsolidated, naturally  
15 occurring soil material consisting of decomposed and partially  
16 decomposed mosses, sedges, trees, and other wetland plants,  
17 having 12% or greater organic carbon content on a dry weight  
18 basis.

19 Sec. 3. (1) Beginning immediately after ~~the effective date~~  
20 ~~of this act~~ JULY 9, 1984, the department shall conduct an inven-  
21 tory of state owned land to determine the surface areas of peat  
22 present on those lands and to make a preliminary evaluation of  
23 the nature of the peat lands and the relationship of the peat  
24 resource to the surrounding wetlands and watershed. The prelimi-  
25 nary evaluation shall consist of an analysis of the following  
26 data obtained from aerial photographs, a field check of surface  
27 features, and any information currently available:

1 (a) The importance of the peat land for flood and storm  
2 control by the hydrologic absorption and storage capacity of the  
3 peat land.

4 (b) The importance of the peat land for wildlife habitat  
5 including migratory waterfowl and rare, threatened, or endangered  
6 species.

7 (c) The presence of rare, threatened, or endangered plant  
8 species.

9 (d) The importance of the peat land for its natural pollu-  
10 tion treatment capacity.

11 (e) The importance of the peat land for erosion control as a  
12 sedimentation area filtering basin.

13 (f) The potential impact on water quality for adjacent fish  
14 habitat and nursery grounds.

15 (g) The presence of historical or archeological features in  
16 or adjacent to the peat lands.

17 (h) The importance of the peat land for recreational, envi-  
18 ronmental, ecological, and educational purposes and any other  
19 purpose not covered in subdivisions (a) through (g).

20 (2) Based upon the inventory and preliminary evaluation  
21 described in subsection (1), the department shall classify the  
22 peat lands as either potentially leasable or not leasable accord-  
23 ing to the following:

24 (a) If the preliminary evaluation shows that a significant  
25 adverse impact is not likely to occur if the peat land is leased  
26 and the peat is taken, the peat land shall be classified as

1 potentially leasable. A significant adverse impact may include  
2 an impact limited to the peat land.

3 (b) A peat land not classified as potentially leasable under  
4 subdivision (a) shall be classified as not leasable.

5 (3) The department shall provide a public notice of the com-  
6 pletion of the inventory and classification required by subsec-  
7 tions (1) and (2) including, but not limited to, publication in  
8 the agenda of the commission of ~~natural resources~~ CONSERVATION  
9 AND RECREATION. The department shall accept public comment on  
10 the inventory and classifications for not less than 60 days from  
11 the date of notice. The department shall consider all pertinent  
12 public comments before finalizing the inventory and  
13 classifications. Public hearings may be held on the inventory  
14 and classification at the department's discretion. The depart-  
15 ment may reclassify lands upon receipt of further information if  
16 the public notice and the opportunity for public comment  
17 described in this subsection are provided.

18 Section 2. This amendatory act shall not take effect unless  
19 all of the following bills of the 86th Legislature are enacted  
20 into law:

21 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4177 (request  
22 no. 00827'91).

23 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4173 (request  
24 no. 00827'91a).