



# HOUSE BILL No. 5912

November 10, 1994 Introduced by Rep Crissman and referred to the Committee on Conservation Environment and Great Lakes

A bill to amend section 3 of Act No 17 of the Public Acts of 1921, entitled as amended

"An act to provide for the protection and conservation of the natural resources of the state to provide and develop facilities for outdoor recreation to create a conservation department to define the powers and duties thereof to provide rules and regulations concerning the use and occupancy of lands and property under its control and penalties for the violation thereof to provide for the transfer to said department of the powers and duties now vested by law in certain boards, commissions and officers of the state and for the abolishing of the boards, commissions and offices the powers and duties of which are hereby transferred, "

being section 299 3 of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 3 of Act No 17 of the Public Acts of  
2 1921, being section 299 3 of the Michigan Compiled Laws, is  
3 amended to read as follows

4 Sec 3 (1) The department of ~~conservation~~ NATURAL  
5 RESOURCES shall protect and conserve the natural resources of the

1 state of Michigan provide and develop facilities for outdoor  
 2 recreation prevent the destruction of timber and other forest  
 3 growth by fire or otherwise promote the reforestation of forest  
 4 lands belonging to the state prevent and guard against the pol-  
 5 lution of lakes and streams within the state, and enforce all  
 6 laws provided for that purpose with all authority granted by law  
 7 ~~and~~ and foster and encourage the ~~protecting~~ PROTECTION and  
 8 propagation of game and fish On behalf of the people of the  
 9 state, the ~~commission of conservation~~ DEPARTMENT OF NATURAL  
 10 RESOURCES may accept gifts and grants of land and other property  
 11 and ~~shall have authority to~~ MAY buy, sell, exchange, or condemn  
 12 land and other property, for any of the purposes contemplated by  
 13 this act The department of ~~conservation~~ NATURAL RESOURCES may  
 14 accept funds, ~~moneys~~ MONEY, or grants for development of salmon  
 15 and steelhead trout fishing in this state from the government of  
 16 the United States, or any of its departments or agencies pursu-  
 17 ant to ~~federal Public Law 89-304~~ THE ANADROMOUS FISH CONSERVA-  
 18 TION ACT, PUBLIC LAW 89-304 16 U S C 757a TO 757g and may use  
 19 the same in accordance with the terms and provisions ~~thereof~~  
 20 ~~Provided, That~~ OF THAT ACT HOWEVER the acceptance and use of  
 21 federal funds ~~commits no~~ DOES NOT COMMIT state funds and  
 22 ~~places no~~ DOES NOT PLACE AN obligation upon the legislature to  
 23 continue the purposes for which the funds are made available  
 24 (2) The department of ~~conservation~~ NATURAL RESOURCES may  
 25 lease lands owned or controlled by it ~~which~~ THAT have been des-  
 26 igned for use for recreational purposes, but only to  
 27 responsible legal units, within this state of national or state

1 recognized groups devoted principally to development of character  
2 and citizenship training and physical fitness of youth the  
3 financial support of which is by voluntary public subscriptions  
4 or contributions, and the property of which is exempt from taxa-  
5 tion under the laws of this state The department of  
6 ~~conservation shall also have the authority to~~ NATURAL RESOURCES  
7 MAY ALSO lease land in the Porcupine mountain state park to third  
8 parties for such purposes as it ~~shall consider~~ CONSIDERS  
9 desirable ~~Any~~ A lease ~~so made~~ ENTERED INTO UNDER THIS  
10 SECTION shall contain provisions limiting the purposes for which  
11 the LEASED land ~~so leased~~ is to be used and a provision autho-  
12 rizing the department of ~~conservation~~ NATURAL RESOURCES to ter-  
13 minate the lease upon a finding that the land is being used for  
14 purposes other than ~~as so limited or contrary to the intent~~  
15 ~~hereof~~ THOSE ALLOWED IN THE LEASE AGREEMENT

16 (3) THE DEPARTMENT OF NATURAL RESOURCES SHALL NOT ESTABLISH  
17 A PUBLIC LAKE ACCESS FOR THE LAUNCHING OF BOATS IN AN INLAND LAKE  
18 UNLESS THE DEPARTMENT CONDUCTS A PUBLIC HEARING IN THE COUNTY IN  
19 WHICH THE PUBLIC ACCESS IS PROPOSED AND FOLLOWING THAT HEARING  
20 BASED UPON THE PREPONDERANCE OF THE TESTIMONY AT THE HEARING AND  
21 THE DEPARTMENT'S INDEPENDENT INVESTIGATION THE DEPARTMENT DETER-  
22 MINES ALL OF THE FOLLOWING

23 (A) THAT ACQUIRING ACCESS TO THE LAKE, IF NECESSARY, IS CON-  
24 SISTENT WITH ALL APPLICABLE POLICIES AND CRITERIA OF THE MICHIGAN  
25 NATURAL RESOURCES TRUST FUND ACT ACT NO 101 OF THE PUBLIC ACTS  
26 OF 1985, BEING SECTIONS 318 501 TO 318 516 OF THE MICHIGAN  
27 COMPILED LAWS

1 (B) THE ENHANCED USAGE OF THE LAKE WILL NOT RESULT IN THE  
2 DEGRADATION OF THE ECOLOGICAL INTEGRITY OF THE LAKE

3 (C) THE ENHANCED USAGE BY BOATS ON THE LAKE WILL NOT RESULT  
4 IN THE ENDANGERMENT OF THE PUBLIC

5 (4) WHEN CALCULATING THE POTENTIAL FOR DEGRADATION OF THE  
6 LAKE AND THE POTENTIAL ENDANGERMENT TO THE PUBLIC UNDER  
7 SUBSECTION (3)(B) AND (C), THE DEPARTMENT OF NATURAL RESOURCES  
8 SHALL USE AS THE BASE MEASUREMENT FOR DENSITY OF USE WITHOUT THE  
9 PUBLIC ACCESS THE TOTAL MAXIMUM PROJECTED USE BY ALL OF THE  
10 EXISTING RESIDENTIAL AND COMMERCIAL PROPERTY OWNERS AND THEIR  
11 GUESTS ON THE LAKE