

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5953 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Kenneth Bradstreet
House Committee: Agriculture and Resource Management
Senate Committee: Hunting, Fishing and Forestry

CONTENT

The bill would create the "Right to Forest Act", which would exclude certain forestry operations from being considered a public or private nuisance.

Specifically, forestry operations could not be found to be a public or private nuisance if the operations conformed to generally accepted forestry management practices. The Natural Resources Commission (NRC) would have to prescribe these practices after giving due consideration to available Department of Natural Resources (DNR) information, written recommendations, and comments from the DNR and other interested persons, which could include the Michigan Department of Agriculture, the Michigan State University extension, U.S. Department of Agriculture agencies, services, and programs, college and university forestry programs, and professional, industry, and conservation programs. The NRC would have to review these practices annually. Forestry operations voluntarily using sustainable forestry practices as approved by the NRC could not be considered a nuisance if they existed before a change in the land use or occupancy of land within one mile of the boundaries of the forestland, and the forestry operations would not have been a nuisance before that change.

Any defendant landowner or forestry operation prevailing in a nuisance action could recover from the plaintiff the actual amount of costs and expenses determined by the court to have been reasonably incurred by the landowner or forestry operation in defense of the action, plus attorney fees.

The bill would define "forestry operations" as activities related to the harvesting, reforestation, and other management activities that are consistent with principles of sustainable forestry. "Sustainable forestry" would mean forestry practices designed to meet present and future wood product needs by employing a land stewardship ethic that integrates the reforestation, management, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and visual changes.

The bill states that it would not supersede, negate, or determine any protection of land, farms, or farming operations that are subject to the Michigan Right to Farm Act.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-11-02

Fiscal Analyst: Pam Graham