

HOUSE BILL No. 4642

May 6, 2003, Introduced by Reps. Walker, Bradstreet, Shackleton, Gillard, Pastor, Ward, Sheltrown, Stahl, Ruth Johnson, Casperson, Amos, Drolet, Brandenburg, Vander Veen and Palsrok and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 30501, 30502, and 30506 (MCL 324.30501,
324.30502, and 324.30506), as added by 1995 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30501. As used in this part:

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

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

4 (c) ~~—(a)—~~ "Free flowing" means existing or flowing in natural
5 condition without impoundment, diversion, straightening,
6 riprapping, or other modification.

7 (d) "Local unit of government" means a city, village,
8 township, or county.

9 (e) "Municipality" means a city or village.

10 (f) ~~—(b)—~~ "Natural river" means a river that has been

1 designated by the department for inclusion in the wild, scenic,
2 and recreational rivers system.

3 **(g) "Plan" means the long-range comprehensive plan for a**
4 **natural river area.**

5 **(h) ~~-(c)-~~ "River" means a flowing body of water or a portion**
6 **or tributary of a flowing body of water, including streams,**
7 **creeks, or impoundments and small lakes thereon.**

8 **(i) ~~-(d)-~~ "System" means all of those rivers or portions of**
9 **rivers designated under this part.**

10 Sec. 30502. **(1) ~~The department, in the interest of the~~**
11 **~~people of the state and future generations, may designate a~~ Any**
12 **person may nominate a river for designation as a natural river**
13 **area at a regularly scheduled meeting of the commission.**

14 **(2) A river ~~or portion of a river~~ may be designated as a**
15 **natural river area for the purpose of preserving and enhancing**
16 **its values for water conservation, its free flowing condition,**
17 **and its fish, wildlife, boating, scenic, aesthetic, floodplain,**
18 **ecologic, historic, and recreational values and uses. The**
19 **natural river area shall include adjoining or related lands as**
20 **appropriate to the purposes of the designation. ~~The~~**

21 **(3) Following consideration of all testimony on the**
22 **nomination received by the commission, if the commission**
23 **determines that the nomination meets the purpose for designation**
24 **as a natural river area under subsection (2), the commission**
25 **shall do both of the following:**

26 **(a) Direct the department to proceed with consideration of a**
27 **designation as a natural river area, to gather public input as**

1 provided in section 30506, and to prepare the long-range
2 comprehensive plan for the natural river area as provided in
3 subsection (4).

4 (b) Place on the agenda of a future meeting of the commission
5 the consideration of a designation as a natural river area.

6 (4) Upon direction of the commission under subsection (3)(a),
7 the department shall prepare ~~and adopt~~ a long-range
8 comprehensive plan for a ~~designated~~ natural river area that
9 sets forth the purposes of the designation, proposed uses of
10 lands and waters, and management measures designed to accomplish
11 the purposes.

12 (5) At a meeting of the commission scheduled for
13 consideration of a designation as a natural river area, the
14 commission shall do all of the following:

15 (a) Review the plan for the natural river area.

16 (b) Receive testimony from the department on the input the
17 department received under section 30506.

18 (c) Receive testimony from the general public on the
19 designation and the plan.

20 (6) Upon consideration of the plan and testimony under
21 subsection (5), the commission may designate the river as a
22 natural river area and approve the plan for the natural river
23 area.

24 (7) ~~State~~ Following designation by the commission of a
25 natural river area, state land within the designated area shall
26 be administered and managed in accordance with the plan, and
27 state management of fisheries, streams, waters, wildlife, and

1 boating shall take cognizance of the plan. The department shall
2 publicize and inform private and public landowners or agencies as
3 to the plan and its purposes, so as to encourage their
4 cooperation in the management and use of their land in a manner
5 consistent with the plan and the purposes of the designation.
6 The department shall cooperate with federal agencies
7 administering any federal program concerning natural river areas,
8 and with any watershed council established under part 311, when
9 such cooperation furthers the interest of the state.

10 **(8) If the commission determines that it is in the best**
11 **interest of the natural river area and the state, the commission,**
12 **at a meeting of the commission, may modify the plan for a natural**
13 **river area. If the commission modifies the plan for a natural**
14 **river area, the department shall notify the counties and**
15 **townships in which the natural river area is located of the**
16 **modifications.**

17 Sec. 30506. Before ~~designating~~ **the commission designates**
18 a river as a natural river area **under section 30502**, the
19 department shall ~~conduct~~ **do all of the following:**

20 **(a) Conduct** public hearings in the county seat of any county
21 in which a portion of the ~~designated~~ **proposed** natural river
22 area is located. Notices of the hearings shall be advertised at
23 least twice, not less than 30 days before the hearing, in a
24 newspaper having general circulation in each such county and in
25 at least 1 newspaper having general circulation in the state and
26 1 newspaper published in the Upper Peninsula.

27 **(b) Notify in writing each landowner within the proposed**

1 natural river area and provide each landowner an opportunity to
2 receive regular updates on meetings related to the proposed
3 designation as a natural river area.

4 (c) Notify all local units of government in which the
5 proposed natural river area is located. The department shall
6 encourage the local units of government to notify affected
7 landowners within their jurisdiction.

8 (d) Attend a meeting of the governing body of each township
9 and county in which the proposed natural river area is located to
10 receive input on the designation of the natural river area and on
11 the plan for the natural river area.