

SENATE BILL No. 78

January 24, 2013, Introduced by Senators CASPERSON, COLBECK, MEEKHOF, ROBERTSON, GREEN, BOOHER and WALKER and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 504, 35101, 35501, 35502, 35503, and 52502
(MCL 324.504, 324.35101, 324.35501, 324.35502, 324.35503, and
324.52502), section 504 as amended by 2009 PA 47, section 35101 as
amended by 1996 PA 290, sections 35501, 35502, and 35503 as added
by 1995 PA 59, and section 52502 as added by 2004 PA 125; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 504. (1) The department shall promulgate rules to protect
2 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, 2010 and each year
14 thereafter, the department shall submit to the legislature a report
15 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 **AS DESCRIBED** under subdivision (a).

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

26 (5) This section does not authorize the department to
27 promulgate a rule that applies to commercial fishing except as

1 otherwise provided by law.

2 (6) The department shall not promulgate or enforce a rule that
3 prohibits an individual who is licensed or exempt from licensure
4 under 1927 PA 372, MCL 28.421 to 28.435, from carrying a pistol in
5 compliance with that act, whether concealed or otherwise, on
6 property under the control of the department.

7 (7) **THE DEPARTMENT, DIRECTOR, OR COMMISSION SHALL NOT**
8 **PROMULGATE OR ENFORCE A RULE OR ISSUE OR ENFORCE AN ORDER UNDER**
9 **THIS ACT THAT DESIGNATES OR CLASSIFIES AN AREA OF LAND SPECIFICALLY**
10 **FOR THE PURPOSE OF ACHIEVING OR MAINTAINING BIOLOGICAL DIVERSITY,**
11 **AS DEFINED IN SECTION 35501, AND SUCH A RULE OR ORDER IS VOID.**

12 (8) ~~(7)~~—The department shall issue orders necessary to
13 implement rules promulgated under this section. These orders ~~shall~~
14 ~~be~~ **ARE** effective upon posting.

15 (9) ~~(8)~~—A person who violates a rule promulgated under this
16 section or an order issued under this section is responsible for a
17 state civil infraction and may be ordered to pay a civil fine of
18 not more than \$500.00.

19 Sec. 35101. As used in this part:

20 (a) "Natural area" means a tract of state land or water, **WHICH**
21 **MAY BE COEXTENSIVE WITH OR PART OF A WILDERNESS AREA OR WILD AREA,**
22 **THAT IS** under control of the department, ~~and THAT IS~~ dedicated and
23 regulated by the department pursuant to this part, ~~which AND THAT~~
24 **MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

25 (i) Has retained or reestablished its natural character, or has
26 unusual flora and fauna or biotic, geologic, scenic, or other
27 similar features of educational or scientific value, but it need

1 not be undisturbed.

2 (ii) Has been identified and verified through research and
3 study by qualified observers.

4 ~~—— (iii) May be coextensive with or part of a wilderness area or~~
5 ~~wild area.~~

6 (b) "Wild area" means a tract of undeveloped state land or
7 water **THAT IS** under control of the department, ~~and THAT IS~~
8 dedicated and regulated by the department pursuant to this part,
9 ~~which~~ **AND THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

10 (i) Is less than 3,000 acres of state land.

11 (ii) Has outstanding opportunities for personal exploration,
12 challenge, or contact with natural features of the landscape and
13 its biological community.

14 (iii) Possesses 1 or more of the characteristics of a wilderness
15 area.

16 (c) "Wilderness area" means a tract of undeveloped state land
17 or water under control of the department and dedicated and
18 regulated by the department pursuant to this part ~~which~~ **THAT MEETS**
19 **ALL OF THE FOLLOWING REQUIREMENTS:**

20 (i) Has 3,000 or more acres of state land or is an island of
21 any size.

22 (ii) Generally appears to have been affected primarily by
23 forces of nature with the imprint of the work of humans
24 substantially unnoticeable.

25 (iii) Has outstanding opportunities for solitude or a primitive
26 and unconfined type of recreation.

27 (iv) Contains ecological, geological, or other features of

1 scientific, scenic, or natural history value.

2 Sec. 35501. As used in this part:

3 (a) "Biological diversity" means the full range of variety and
4 variability within and among living organisms and the natural
5 associations in which they occur. Biological diversity includes
6 ecosystem diversity, species diversity, and genetic diversity.

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

9 ~~—— (c) "Conserve", "conserving", and "conservation" mean~~
10 ~~measures for maintaining natural biological diversity and measures~~
11 ~~for restoring natural biological diversity through management~~
12 ~~efforts, in order to protect, restore, and enhance as much of the~~
13 ~~variety of native species and communities as possible in quantities~~
14 ~~and distributions that provide for the continued existence and~~
15 ~~normal functioning of native species and communities, including the~~
16 ~~viability of populations throughout the natural geographic~~
17 ~~distributions of native species and communities.~~

18 **(B) "CONSERVATION OF BIOLOGICAL DIVERSITY" MEANS MEASURES FOR**
19 **MAINTAINING BIOLOGICAL DIVERSITY WHILE ENSURING ACCESSIBILITY,**
20 **PRODUCTIVITY, AND USE OF THE NATURAL RESOURCES FOR PRESENT AND**
21 **FUTURE GENERATIONS.**

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

24 (D) ~~(e)~~ "Ecosystem diversity" means the distinctive
25 assemblages of species and ecological processes that occur in
26 different physical settings of the biosphere.

27 (E) ~~(f)~~ "Genetic diversity" means the differences in genetic

composition within and among populations of a given species.

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

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

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

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

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

Sec. 35502. The legislature finds that:

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

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

(B) ~~(c)~~ Humans depend on biological resources, including plants, animals, and microorganisms, for food, medicine, shelter, and other important products.

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

(D) ~~(e)~~ Conserving biological diversity has economic implications.

1 (E) ~~(f)~~—Reduced biological diversity may have potentially
2 serious consequences for human welfare as resources for research
3 and agricultural, medicinal, and industrial development are
4 diminished.

5 (F) ~~(g)~~—Reduced biological diversity may also potentially
6 impact ecosystems and critical ecosystem processes that moderate
7 climate, govern nutrient cycles and soil conservation and
8 production, control pests and diseases, and degrade wastes and
9 pollutants.

10 (G) ~~(h)~~—Reduced biological diversity may diminish the raw
11 materials available for scientific and technical advancement,
12 including the development of improved varieties of cultivated
13 plants and domesticated animals.

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

17 (I) ~~(j)~~—Because biological resources will be most important
18 for future needs, study by the legislature regarding maintaining
19 the diversity of living organisms in their natural habitats and the
20 costs and benefits of doing so is prudent.

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

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

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

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

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

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

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

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

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

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

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

21 (b) Conserve ~~and protect~~ forestland by doing all of the
22 following:

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

26 (ii) ~~Protect~~ **PROTECTING** the water quality in streams, lakes,
27 and other ~~waterbodies~~ **WATER BODIES** in a manner consistent with the

1 department's best management practices for water quality.

2 (iii) ~~Manage~~ **SUBJECT TO SECTION 504(7), MANAGING** the quality and
3 distribution of wildlife habitats and ~~contribute to the~~
4 ~~conservation of biological diversity by developing and implementing~~
5 ~~stand and landscape level~~ **CONSIDERING** measures that promote habitat
6 diversity and the conservation of forest plants and animals
7 ~~including aquatic flora and fauna and unique ecosystems.~~ **WHILE**
8 **BALANCING ECONOMIC VALUES.**

9 (iv) ~~Protect~~ **PROTECTING** forests from wildfire, pests, diseases,
10 and other damaging agents.

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

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

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

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

20 (ii) ~~Provide~~ **PROVIDING** opportunities for persons to participate
21 in the commitment to sustainable forestry.

22 (iii) ~~Prepare, implement, and keep~~ **PREPARING, IMPLEMENTING, AND**
23 **KEEPING** current a management plan that clearly states the long-term
24 objectives of management and the means of achieving those
25 objectives.

26 (d) ~~Monitor forest management by promoting~~ **PROMOTE** continual
27 improvement in the practice of sustainable forestry and ~~monitoring,~~

1 ~~measuring, and reporting~~ **MONITOR, MEASURE, AND REPORT** performance
2 in achieving ~~the commitment to~~ sustainable forestry.

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

5 (i) ~~Require~~ **REQUIRING** that forest management plans and
6 operations comply with applicable ~~federal and state laws.~~ **VOLUNTARY**
7 **SILVICULTURAL PRACTICES.**

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

11 Enacting section 1. Sections 35504 to 35506 of the natural
12 resources and environmental protection act, 1994 PA 451, MCL
13 324.35504 to 324.35506, are repealed.