

SENATE BILL No. 563

September 13, 2017, Introduced by Senator GREEN and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 63502 (MCL 324.63502), as amended by 2001 PA
78.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63502. (1) "Agricultural land" includes any of the
2 following as determined by the department of natural resources
3 under **THIS PART OR** part 609 **WITH THE CONCURRENCE OF THE DEPARTMENT**
4 **OF AGRICULTURE AND RURAL DEVELOPMENT AND THE UNITED STATES**
5 **DEPARTMENT OF AGRICULTURE:**

6 (a) Prime farmland, **WHICH** is land that ~~has~~**IS DETERMINED TO**
7 **HAVE** the best combination of physical and chemical characteristics
8 for producing food, feed, forage, and fiber crops and is also

1 available for these uses, including cropland, pastureland,
2 rangeland, forestland, or other land, but not urban built-up land
3 or water. Prime farmland has the soil quality, growing season, and
4 moisture supply needed to economically produce sustained high
5 yields of crops when treated and managed, including water
6 management, according to acceptable farming methods. In general,
7 prime farmland has an adequate and dependable water supply from
8 precipitation or irrigation, a favorable temperature and growing
9 season, acceptable acidity or alkalinity, acceptable salt and
10 sodium content, and few or no rocks. Prime farmland is permeable to
11 water and air. Prime farmland is not excessively erodible or
12 saturated with water for a long period of time, and it either does
13 not flood frequently or is protected from flooding.

14 (b) Unique farmland, **WHICH** is land other than prime farmland
15 that is ~~used~~**DETERMINED TO HAVE VALUE** for the production of
16 specific high-value food and fiber crops. Unique farmland has the
17 special combination of soil quality, location, growing season, and
18 moisture supply needed to economically produce sustained high
19 quality or high yields or both high quality and high yields of a
20 specific crop when treated and managed according to acceptable
21 farming methods. ~~Areas that can be classified as unique farmland~~
22 ~~include~~**UNIQUE FARMLAND INCLUDES THOSE AREAS CONTAINING** organic
23 soils producing vegetables and specialty crops; high-lying and
24 relatively frost-free fruit sites; and areas of high water table
25 acid soils especially suited to highbush blueberry culture as well
26 as the ~~small~~ areas in the Upper Peninsula copper country that are
27 producing strawberries.

(c) Other farmland, **WHICH** is land ~~in addition to~~ **OTHER THAN** prime farmland and unique farmland that ~~has~~ **IS DETERMINED TO HAVE** a combination of soils, location, and management characteristics ~~which~~ **THAT** is producing or can produce in or for a region food, feed, forage, and fiber crops and is land on which agriculture represents the greatest current economic return from the land.

Other farmland includes beef cow-calf operations that occur on generally fine-textured, somewhat poorly drained soils well-suited to forage production and grazing. ~~Cropland~~ **OTHER FARMLAND INCLUDES CROPLAND** areas that by their location are especially suited for the production of disease-free seed crops or that offer special opportunities for integrated best management programs. ~~could also be considered other farmland. The determination of whether agricultural land is prime farmland, unique farmland, or other farmland shall be made by the department of natural resources under part 609 or this part, with the concurrence of the department of agriculture and the United States department of agriculture.~~

(2) "Applicant" means a person applying for a permit from the department to conduct surface coal mining activities or underground coal mining activities pursuant to this part.

(3) "Approximate original contour" means that surface configuration achieved by the backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated.

1 (4) "Coal" means all forms of coal including lignite. Coal
2 does not include clay, stone, sand, gravel, metalliferous and
3 nonmetalliferous ores, and any other solid material or substance of
4 commercial value excavated in solid form from natural deposits on
5 or in the earth, exclusive of coal, and those minerals that occur
6 naturally in liquid or gaseous form.

7 (5) "Coal exploration operation" means the substantial
8 disturbance of the surface or subsurface for the purpose of or
9 related to determining the location, quantity, or quality of a coal
10 deposit.

11 (6) "Department" means the department of environmental
12 quality.

13 (7) "Eligible land and water" means all land that was mined
14 for coal or was affected by that mining, wastebanks, coal
15 processing, or other coal mining processing, and abandoned or left
16 in an inadequate reclamation status under the standards provided in
17 subparts 3 and 4 prior to August 3, 1977, and for which there is
18 not a continuing reclamation responsibility under state or federal
19 law.

20 (8) "Historic resource" means a district, site, building,
21 structure, or object of historical, architectural, archeological,
22 or cultural significance that meets any of the following
23 requirements:

24 (a) Is designated as a national historic landmark pursuant to
25 the historic sites, buildings, and antiquities act, ~~chapter 593, 49~~
26 ~~Stat. 666, 16 U.S.C. 461 to 467.54~~ **USC 102303, 102304, 320101 TO**
27 **320104, AND 320106.**

(b) Is listed on the national register of historic places pursuant to the national historic preservation act, ~~Public Law 89-665, 16 U.S.C. 470 to 470a, 470b, and 470c to 470x-6, 54 USC~~ 300101, 300301 TO 300305, 300307 TO 300311, 300313 TO 300320, 302101 TO 302108, 302301 TO 302304, 302501 TO 302505, 302701 TO 302706, 302901 TO 302910, 303101 TO 303103, 303901 TO 303903, 304101 TO 304112, 305501 TO 305505, 306101 TO 306114, 306121, 306122, 306131, AND 307101 TO 307108, or the state register of historic sites pursuant to **THE GOVERNOR JOHN B. SWAINSON MICHIGAN HISTORICAL MARKERS ACT**, 1955 PA 10, MCL 399.151 to ~~399.152-399.160~~.

(c) Is recognized under a locally established historic district created pursuant to the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215.

(d) Is eligible for listing, designation, or recognition under subdivisions (a) to (c).

(9) "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this part in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a reasonable person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement.

(10) "Local unit of government" means a county, city,

1 township, or village; a board, commission, or authority of a
2 county, city, township, or village; or a soil conservation
3 district.

4 (11) "Operator" means a person engaged in coal mining who
5 removes or intends to remove more than 250 tons of coal from the
6 earth by coal mining within 12 consecutive calendar months in any 1
7 location.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 562

12 of the 99th Legislature is enacted into law.