

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

SUBCHAPTER 1

GEOLOGICAL SURVEY DIVISION

PART 601

GEOLOGICAL SURVEY

324.60101 Definitions.

Sec. 60101. As used in this part:

(a) "Governing institution" means the state university within which the Michigan geological survey is established or continued under section 60102.

(b) "State geologist" means the chief of the office of oil, gas, and minerals, or a successor office, of the department of environmental quality.

(c) "State university" means a state university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Popular name: Act 451

Popular name: NREPA

324.60102 Michigan geological survey; establishment within western Michigan university; duties of governing institution; transfer and establishment within another state university; conditions; order; agreement.

Sec. 60102. (1) Subject to subsection (2), the Michigan geological survey is established within western Michigan university and shall continue as an entity within a governing institution. The governing institution shall do both of the following:

(a) Oversee the operations of the Michigan geological survey.

(b) Appoint a director to supervise and carry out the duties of the Michigan geological survey.

(2) If western Michigan university, or a successor governing institution under this subsection, ceases to have an academic program that is primarily engaged in the study of geology or geosciences or substantially fails to fulfill the duties of the Michigan geological survey under this part in an adequate manner, or if the governing institution notifies the state geologist that it does not desire the Michigan geological survey to remain as an entity within that governing institution, the director of the department of environmental quality shall issue an order to transfer the Michigan geological survey to and establish it within another state university that has an academic program that is primarily engaged in the study of geology or geosciences. Before issuing an order under this subsection, the director of the department of environmental quality shall do all of the following:

(a) Provide public notice, including notice to the legislature, and an opportunity for public comment.

(b) Consider the recommendations of the state geologist.

(3) The Michigan geological survey may enter into an agreement with any state university to perform designated duties described in sections 60104 to 60106. Subject to the terms of the agreement, the state university entering into the agreement with the Michigan geological survey, or a department or office of that state university, may directly receive money or other assets to implement the agreement in the same manner as the Michigan geological survey under section 60108.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Popular name: Act 451

Popular name: NREPA

324.60103 Repealed. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Compiler's note: The repealed section pertained to establishment of salaries of geological survey employees.

324.60104 Michigan geological survey; scope.

Sec. 60104. The Michigan geological survey shall continue to make a thorough geological survey of this state, which may include a determination of the succession and arrangement, thickness, and position of all strata and rocks; their mineral character and contents and their economical uses; an investigation of soils and subsoils and the determination of their character and agricultural adaptation; and the investigation of all deposits of brines, coal, marl, clay, gypsum, lime, petroleum, natural gas, metals and metallic ores, building

stone, marble, gritstone, materials for mortar and cement, mineral paint, and all other geological productions or features in this state capable of being converted to the uses of humans.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Popular name: Act 451

Popular name: NREPA

324.60105 Michigan geological survey; collection and conservation of cores, samples, and specimens.

Sec. 60105. The Michigan geological survey shall provide for the collection and conservation of cores, samples, and specimens for the illustration of every division of the geology and mineralogy of this state, to the extent that facilities and funds are available to do so.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Popular name: Act 451

Popular name: NREPA

324.60106 Annual report; contents.

Sec. 60106. The Michigan geological survey shall prepare and submit to the state geologist an annual report of progress and other reports, documents, and maps as necessary to fulfill its responsibilities.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Popular name: Act 451

Popular name: NREPA

324.60107 Notes, compilations, specimens, diagrams, and illustrations as state property.

Sec. 60107. All notes, memoranda, compilations, collections, specimens, diagrams, and illustrations that are made in the operation of the Michigan geological survey are the property of this state and shall be under the control of the governing institution.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Popular name: Act 451

Popular name: NREPA

324.60108 Michigan geological survey; receipt of money and assets.

Sec. 60108. The Michigan geological survey may receive money or other assets to implement this part from any of the following:

- (a) Funds appropriated by the legislature.
- (b) Federal, state, municipal, or private grants.
- (c) Any other source approved by the governing institution.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2011, Act 167, Imd. Eff. Oct. 11, 2011.

Popular name: Act 451

Popular name: NREPA

PART 603

SOIL AND ECONOMIC SURVEY

324.60301 Soil and economic survey; duty of department.

Sec. 60301. The department shall conduct a soil and economic survey of all lands in the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60302 Soil and economic survey; purpose; direction and control; assistants; compensation; reimbursement.

Sec. 60302. The soil and economic survey provided for in this part shall be conducted by counties; and the order in which the soil and economic survey is conducted shall be determined by the department. The purpose of the work is to procure and make available for public use information and data as to the character of the lands surveyed; their adaptability to agricultural purposes or similar uses; the various crops, if any, that may be profitably raised on those lands; and such other matters as are considered desirable and advantageous. The details of the work shall be under the direction and control of the department, which shall employ assistants as

the department considers necessary. The compensation of these persons shall be established by the department, and paid as provided in this part. The employees of the department may be reimbursed only for money actually and necessarily expended in the performance of their duties under this part, such reimbursement to be made out of the fund created by this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60303 Soil and economic survey; completion; report; copies; printing.

Sec. 60303. Upon completion of the soil and economic survey in any county, the department shall cause a full and detailed report of the soil and economic survey to be made. The department shall cause as many copies of the report to be printed as the department determines are necessary. The expense of the printing shall be paid out of the general fund in the same way that other state printing is, by law, required to be paid for.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60304 Soil and economic survey; report; contents; maps; distribution.

Sec. 60304. The report required under section 60303 to be made upon the soil and economic survey in each county, subject to this part, shall set forth such information and data as will fulfill the general purpose defined in section 60302. However, the report shall not state or represent the money value of land surveyed. Insofar as is possible and expedient, the land surveyed shall be classified as to its agricultural adaptability and general character and as to the uses to which it may be put. Maps shall be prepared and incorporated in the report as may be considered necessary for public information and convenience. A copy of the report shall be sent to every public library in the state, and the remainder of the copies shall be kept for distribution, subject to the rules and regulations pertaining to the report that the department may, from time to time, adopt.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60305 Soil and economic survey; payment of expenses; claim or account; statement of unexpended funds.

Sec. 60305. Payments shall be made out of the fund created by this part only on the warrant of the state treasurer. However, payments shall not be made until the department has approved the claim or account and has certified the correctness of the claim or account. At the request of the department, the state treasurer shall furnish a statement at any time as to the amount of money remaining in the fund to be expended for the purposes of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60306 Cooperation with other agencies; effect.

Sec. 60306. In implementing the work contemplated in this part, the department may cooperate with the various counties of the state, with development bureaus, with any department, officer, bureau, or institution established and maintained by the United States government, and with any other institution, board, society, or association, either within or outside of this state. An agreement for cooperation shall not change or modify, in any way, the purpose of this part, as defined in section 60302.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60307 Right of entry on private property by department.

Sec. 60307. For the purposes of performing their respective duties under this part and carrying on the work of the soil and economic survey, the department and its employees may enter onto and be on private property. That property shall, however, not be injured or damaged in any way.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60308 Annual appropriation; carrying forward unexpended funds; disposition; reduction through federal aid.

Sec. 60308. Any portion of the annual appropriation provided for in this part that remains unexpended at the close of any fiscal year shall be carried forward into the next fiscal year, to the credit of the department, for the purposes provided under this part, and is subject to expenditure accordingly, it being the intention to make the entire amount appropriated available for the purposes of this part. Any sum remaining in the appropriation on the completion of the soil and economic survey provided for in this part, and after the making of the final report required in this part, is and shall remain a part of the general fund of the state and subject to the incidents pertaining to the general fund. However, if the federal government or any department of the federal government renders aid to this state for the general purposes covered by this part, the appropriation made pursuant to this part shall be reduced by the same amount, which amount shall revert to the general fund of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60309 Reports to legislature; contents.

Sec. 60309. The department shall prepare and submit to each legislature a report covering the work of the preceding 2 years. The report shall indicate specifically the lands that have been surveyed, the general progress and condition of the work, the expenditures that have been made, and the cooperative agreements, if any, that have been entered into. On the completion of the work, a detailed financial report shall be made to the legislature, together with the recommendations and suggestions that the department considers necessary.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 605

AERIAL PHOTOS, SURVEYS, AND MAPS

324.60501 Aerial photographs and ground control surveys for preparation of base maps; cooperative agreements.

Sec. 60501. The department, on behalf of the state, may confer with the director of the United States geological survey or his or her representatives and accept the cooperation of the federal government with this state in making aerial photographs and necessary ground control surveys of those portions of the state as may be mutually agreed upon by the cooperating governments, for the preparation of (utility) base maps of those portions of the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60502 Preparation of base maps; authority of department to contract with federal government; contents; right of entry on private lands.

Sec. 60502. The department may, on behalf of the state, contract with the United States government for the aerial photographing and mapping, scale of photographs and maps, determining the method, form, and execution of maps, and all other details of the work necessary to prepare base maps of those portions of the state as may be agreed upon. The state shall receive negatives of all aerial photographs and copies of all base maps prepared. The maps shall be prepared so as to show the location of roads, railroads, streams, canals, lakes, rivers, timbered areas, and all other natural and artificial features capable of being mapped by the methods to be mutually agreed upon by the geological surveys of the state and the federal government. The state shall not contract to pay more than the amounts paid by the federal government for these purposes. For the purpose of making these surveys, persons employed in making the surveys may enter at reasonable times upon all parts of all lands within the boundaries of this state, but this part does not authorize any unnecessary interference with private rights or the performance of any act not necessary for the preparation of the base maps.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60503 Preparation of base maps; payment of expenses.

Sec. 60503. The amounts authorized to be paid under this part shall first be certified to be correct by the department and shall be paid out of the state treasury upon warrant of the state treasurer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 607 STATE SOIL SURVEY

324.60701 Definitions.

Sec. 60701. As used in this part:

(a) "Soil survey" means the identification and description of kinds of soil, the plotting of boundaries on aerial photographs between kinds of soils, and the description and evaluation of their importance and response under various uses and management practices.

(b) "Soil scientist" means a person who meets the qualification standards of the GS-470 soil scientist series established by the United States civil service commission.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60702 Inventory of soil resources of state; 10-year program; minimum acres for soil surveys; conducting soil surveys on proportional basis.

Sec. 60702. (1) The department of agriculture shall provide an inventory of the soil resources of the state by a 10-year program for the acceleration of the soil survey on nonfederal lands. Soil surveys will be made on a minimum of 3,000,000 acres over the 10 years following December 14, 1977 under former Act No. 268 of the Public Acts of 1977.

(2) Soil surveys shall be conducted on a proportional basis of not more than 2 counties in the Lower Peninsula being surveyed for each county in the Upper Peninsula until all counties in the Upper Peninsula have been surveyed. If the soil surveys cannot be conducted on a proportional basis due to the lack of funding from any of the counties, then the department of agriculture shall establish an alternative proportional basis to promote the conducting of the surveys in the time period established in subsection (1).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60703 Authority of department of agriculture.

Sec. 60703. The department of agriculture shall implement this part by employing, subject to civil service rules, and equipping soil scientists, within appropriations for that purpose, to make soil surveys through cooperative arrangements with the United States department of agriculture soil conservation service and the Michigan agricultural experiment station. The soil survey shall be conducted under national standards and guidelines for naming, classifying, and interpreting soils and for publishing soil surveys in the United States department of agriculture series. The department of agriculture shall also, in conjunction with the department, design and implement standards and guidelines for use in primarily forested areas. The standards and guidelines may include the additional soil characteristics which must be measured to determine forest growth and continued protection, and the modification of soil body grouping methods to allow interpretation and inventory of soils for forest management purposes. Michigan technological university, Ford forestry center shall provide technical backup with respect to soil survey in forestry areas.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60704 Department of agriculture; budget requests; appropriations.

Sec. 60704. The department of agriculture shall make yearly budget requests and the legislature shall annually appropriate funds to implement this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 609 RESOURCE INVENTORY

324.60901 Definitions.

Sec. 60901. As used in this part:

(a) "Classification system" means a mechanism to identify the current use of land and any structures on the land.

(b) "Data management system" means a mechanism which relies on a computer to manipulate, store, and retrieve information collected and updated during a resource inventory.

(c) "Inventory" means the land resource and current use inventory.

(d) "Regional planning commission" means a regional planning commission designated by the governor pursuant to executive directive to carry out planning in a multicounty region of the state.

(e) "Technical assistance" means the aid that the department shall provide to municipalities, counties, and other interested groups and individuals, on the use of the land resource and current use inventory and related information for planning and resource management decisions.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60902 Project design study; land resource and current use inventory; technical assistance program; recommendations.

Sec. 60902. (1) The department shall make or have made a project design study. The study shall determine the appropriate operational criteria, computer software and hardware, staffing, available information resources, data updating methodology, most economical inventory resources, location of data management operations, linkages with other data management systems in the state, data geographic base configuration, data delivery system, and other information necessary to complete the inventory and development of a data management system.

(2) The department shall make or have made a land resource and current use inventory, as provided in sections 60904 and 60905, of all land, public or private, in this state. The land resource and current use inventory shall, if appropriate, rely on any other information and surveys.

(3) The department shall create a technical assistance program for the purpose of providing services to municipalities and counties as provided in section 60903.

(4) The department shall prepare recommendations regarding means to address problems or issues indicated by the inventory.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60903 Technical assistance program; creation and purpose; utilizing programs of regional planning commissions; scope of technical assistance.

Sec. 60903. (1) The department shall create a technical assistance program designed to help municipalities and counties effectively use the inventory. The technical assistance program shall, when feasible, utilize the technical assistance programs of regional planning commissions. The technical assistance shall include all of the following:

(a) The publication and distribution of the inventory as applicable to each municipality and county in the state.

(b) The preparation and distribution of land resource management manuals to assist municipalities and counties, planning and resource management entities, and other federal, state, and local agencies in updating their planning and resource management programs to incorporate the inventory. Land resource management manuals may also be prepared to assist municipalities and counties in solving problems that confront their planning resource management programs.

(c) The conducting of workshops, in conjunction with local government associations, regarding the inventory.

(d) The provision of a team of experts on the inventory to assist in problem solving by municipalities and

counties.

(e) The provision of an inventory information center and library function that municipalities and counties may utilize in their own programs.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60904 Land resource portion of inventory; format; scope of inventory; option to purchase or exchange wetland; exemption from property taxes.

Sec. 60904. (1) The land resource portion of the inventory shall be completed in a format that may be readily integrated into the data management system, and shall provide a base of information to analyze the existing and future productivity of the state's natural resources and provide information to assist in the analysis of the timing, location, and intensity of future development in the state. The format should also include information that will be readily usable and available to assist local governmental units in their land use planning. The inventory may include any of the following:

(a) Geological features, including groundwater features such as depth to groundwater, groundwater recharge zones, and potable aquifers.

(b) Land area with characteristics that pose problems to development, such as an area subject to reasonably predictable hazardous natural phenomenon, which may include flooding, high-risk erosion, or subsidence.

(c) Land area with characteristics that make it suited for agricultural use.

(d) Land area with characteristics that make it suited for silvicultural use.

(e) Metallic and nonmetallic mineral deposits.

(f) Hydrological features, including lakes, rivers and creeks, impoundments, drainage basins, and wetlands.

(g) Land area of wildlife habitat, including each significant breeding area or area used by migratory wildlife.

(h) Topographic contours.

(2) If the department designates an area as wetland, the state may negotiate and contract for an option to purchase or exchange the wetland in order to protect the wetland. The option to purchase or exchange the wetland shall be valid for 5 years. After an option to purchase is negotiated, a person may apply for and receive consideration for an exemption from property taxes levied pursuant to the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, for the duration of the option to purchase.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60905 Current use portion of inventory; classification system; scope.

Sec. 60905. The current use portion of the inventory shall be completed using a consistent classification system that can be readily integrated into the data management system, and shall provide the base to analyze the existing use and cover in the state. The current use inventory may include any of the following:

(a) Substantially undeveloped land devoted to the production of plants and animals useful to humanity, including forages and sod crops; grain and feed crops; dairy and dairy products; livestock, including the breeding and grazing of those animals; fruits of all kinds; vegetables; and other similar uses and activities.

(b) Land used in the production of fiber and other woodland products or that supports trees that are protective of water resources, soils, recreation, or wildlife habitat.

(c) Land that is being mined, drilled, or excavated for metallic and nonmetallic mineral, rock, stone, gravel, clay, soil, or other earth, petroleum, or natural gas resources.

(d) A site, structure, district, or archaeological landmark that is officially included in the national register of historic places or designated as a historic site pursuant to state or federal law.

(e) Urban and developed land, including residential, commercial, industrial, transportation, communication, utilities, and open space uses and including recreational land.

(f) Land owned on behalf of the public, including land managed by federal, state, or local government or school districts.

(g) Land enrolled in part 361.

(h) Land enrolled in part 511.

(i) Land designated for tax abatements, restricted use, or specific use under a public act of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60906 Conducting current use portion of inventory; preparation and contents of criteria; circulation of criteria; notice of intent to perform work; assistance, data, and information.

Sec. 60906. (1) The current use portion of the inventory may be conducted by municipalities, counties, or regional planning commissions as provided in subsection (4). A municipality, county, or regional planning commission conducting a portion of the current use inventory shall conduct that portion on a scale, level of detail, format, and classification system prepared by the department.

(2) By December 27, 1980, the department shall prepare criteria for municipality, county, and regional planning commission participation in the current use inventory process. The criteria shall specify the scale, level of detail, format, and classification system to be used in the current use portion of the inventory and shall contain forms and information on the financial reimbursement provisions provided in section 60907.

(3) The criteria prepared under subsection (2) shall be circulated by the department to local government associations and to a municipality, county, or regional planning commission, upon request. By March 27, 1982, a municipality with an established planning commission may submit to the department and to the county board of commissioners of the county in which the municipality is primarily located a notice of intent to perform or cause to be performed the work necessary to complete the current use portion of the inventory. By June 27, 1982, a county with an established planning commission may submit to the department a notice of intent to perform or cause to be performed the work necessary to complete the current use portion of the inventory for each area for which a municipality is not performing the work necessary to complete the current use portion of the inventory. By September 27, 1982, a regional planning commission may submit a notice of intent to the department to perform the work necessary to complete the current use inventory for each area not covered by a municipality or county notice of intent. For each area not covered by a notice of intent under this subsection, the department shall make or cause to be made the current use portion of the inventory.

(4) A municipality, county, or regional planning commission engaged in the preparation of the current use portion of the inventory may make use of assistance, data, and information made available to it by public or private organizations.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60907 Reimbursement for preparation of current use portion of inventory; certification; prorating amount.

Sec. 60907. The state shall reimburse each municipality, county, or regional planning commission engaged in the preparation of the current use portion of the inventory for 75% of the expenditures certified by the department. Certification shall be based upon conformance to the format, scale, and classification system provisions of the contract between the municipality, county, or regional planning commission and the department. If the amount appropriated during any fiscal year is not sufficient to provide the 75% reimbursement, the director of the department of management and budget shall prorate an amount among the eligible municipalities, counties, and regional planning commissions.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60908 Review and updating of land resource and current use portions of inventory.

Sec. 60908. (1) The land resource portion of the inventory shall be reviewed and updated when necessary, but not less than once every 10 years.

(2) The current use portion of the inventory shall be reviewed and updated when necessary, but not less than once each 5 years.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60909 Fees for generating products or rendering services.

Sec. 60909. The department may charge fees for generating products or rendering services based on the information in the inventory. The fees shall not exceed the costs to the department of generating the products or rendering the services. The amount of money expended by the department for generating products or

rendering services in a fiscal year shall not exceed the amount appropriated for that fiscal year or the amount of the fees actually received during that fiscal year, whichever is less.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.60910 Controlling or curtailing development of private property; prohibitions.

Sec. 60910. (1) This part shall not be construed to permit the state, the department, or a person to exercise control over private property or to curtail development of private property.

(2) This part shall not:

(a) Constitute a state land use plan.

(b) Be used by any state agency to control the existing and future productivity of the state's natural resources or the timing, location, or intensity of future development in the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA