

# HOUSE BILL No. 4404

February 24, 2005, Introduced by Reps. Walker, Pastor, Palmer, Casperson, Stahl, Emmons, Moolenaar, Brown, Adamini and Lemmons, III and referred to the Committee on Conservation, Forestry, 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) "Free flowing" means existing or flowing in natural  
3       condition without impoundment, diversion, straightening,  
4       riprapping, or other modification.

5       (b) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE,  
6       TOWNSHIP, OR COUNTY.

7       (c) "MUNICIPALITY" MEANS A CITY OR VILLAGE.

8       (d) ~~-(b)-~~ "Natural river" means a river that has been

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

3 (E) "PLAN" MEANS THE LONG-RANGE COMPREHENSIVE PLAN FOR A  
4 NATURAL RIVER AREA.

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

8 (G) ~~-(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 people~~  
11 ~~of the state and future generations, may designate a~~ ANY PERSON  
12 MAY NOMINATE A RIVER FOR DESIGNATION AS A NATURAL RIVER AREA AT A  
13 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 its  
16 values for water conservation, its free flowing condition, and its  
17 fish, wildlife, boating, scenic, aesthetic, floodplain, ecologic,  
18 historic, and recreational values and uses. The ~~area~~ NATURAL  
19 RIVER DESIGNATION 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 NOMINATION  
22 RECEIVED BY THE COMMISSION, IF THE COMMISSION DETERMINES THAT THE  
23 NOMINATION MEETS THE PURPOSE FOR DESIGNATION AS A NATURAL RIVER  
24 AREA UNDER SUBSECTION (2), THE COMMISSION SHALL DO BOTH OF THE  
25 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 comprehensive  
8 plan for a ~~designated~~ natural river area that sets forth the  
9 purposes of the designation, proposed uses of lands and waters, and  
10 management measures designed to accomplish the purposes. ~~State~~

11 (5) AT A MEETING OF THE COMMISSION SCHEDULED FOR CONSIDERATION  
12 OF A DESIGNATION AS A NATURAL RIVER AREA, THE COMMISSION SHALL DO  
13 ALL OF THE FOLLOWING:

14 (A) REVIEW THE PLAN FOR THE NATURAL RIVER AREA.

15 (B) RECEIVE TESTIMONY FROM THE DEPARTMENT ON THE INPUT THE  
16 DEPARTMENT RECEIVED UNDER SECTION 30506.

17 (C) RECEIVE TESTIMONY FROM THE GENERAL PUBLIC ON THE  
18 DESIGNATION AND THE PLAN.

19 (6) UPON CONSIDERATION OF THE PLAN AND TESTIMONY UNDER  
20 SUBSECTION (5), THE COMMISSION MAY DESIGNATE THE RIVER AS A NATURAL  
21 RIVER AREA AND APPROVE THE PLAN FOR THE NATURAL RIVER AREA.

22 (7) FOLLOWING DESIGNATION BY THE COMMISSION OF A NATURAL RIVER  
23 AREA, STATE land within the designated area shall be administered  
24 and managed in accordance with the plan, and state management of  
25 fisheries, streams, waters, wildlife, and boating shall take  
26 cognizance of the plan. The department shall publicize and inform  
27 private and public landowners or agencies as to the plan and its

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

8       **(8) IF THE COMMISSION DETERMINES THAT IT IS IN THE BEST**  
9 **INTEREST OF THE NATURAL RIVER AREA AND THE STATE, THE COMMISSION,**  
10 **AT A MEETING OF THE COMMISSION, MAY MODIFY THE PLAN FOR A NATURAL**  
11 **RIVER AREA. IF THE COMMISSION MODIFIES THE PLAN FOR A NATURAL RIVER**  
12 **AREA, THE DEPARTMENT SHALL NOTIFY THE COUNTIES AND TOWNSHIPS IN**  
13 **WHICH THE NATURAL RIVER AREA IS LOCATED OF THE MODIFICATIONS.**

14       Sec. 30506. Before ~~designating~~ **THE COMMISSION DESIGNATES** a  
15 river as a natural river ~~area~~ **UNDER SECTION 30502**, the department  
16 shall ~~conduct~~ **DO ALL OF THE FOLLOWING:**

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

24       **(B) NOTIFY IN WRITING EACH LANDOWNER WITHIN THE PROPOSED**  
25 **NATURAL RIVER AREA AND PROVIDE EACH LANDOWNER AN OPPORTUNITY TO**  
26 **RECEIVE REGULAR UPDATES ON MEETINGS RELATED TO THE PROPOSED**  
27 **DESIGNATION AS A NATURAL RIVER AREA.**

1           (C) NOTIFY ALL LOCAL UNITS OF GOVERNMENT IN WHICH THE PROPOSED  
2 NATURAL RIVER AREA IS LOCATED. THE DEPARTMENT SHALL ENCOURAGE THE  
3 LOCAL UNITS OF GOVERNMENT TO NOTIFY AFFECTED LANDOWNERS WITHIN  
4 THEIR JURISDICTION.

5           (D) ATTEND A MEETING OF THE GOVERNING BODY OF EACH TOWNSHIP  
6 AND COUNTY IN WHICH THE PROPOSED NATURAL RIVER AREA IS LOCATED TO  
7 RECEIVE INPUT ON THE DESIGNATION OF THE NATURAL RIVER AREA AND ON  
8 THE PLAN FOR THE NATURAL RIVER AREA.