

## **PROHIBIT DESIGNATION OF LAND SOLELY FOR BIOLOGICAL DIVERSITY PURPOSES**

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 78 (Substitute S-1)**

**Sponsor: Sen. Tom Casperson**

**House Committee: Natural Resources**

**Senate Committee: Natural Resources, Environment, Great Lakes**

**Complete to 12-8-14**

### **A SUMMARY OF SENATE BILL 78 AS PASSED BY THE SENATE 3-5-13**

Senate Bill 78 would amend the Natural Resources and Environmental Protection Act, generally, by repealing and modifying sections of the act which relate to the Department of Natural Resources (DNR) and biodiversity.

Among other changes, the bill would add a new subsection in Section 504 stating that the DNR, director of the DNR, or the Natural Resources Commission (NRC) would not be allowed to promulgate, issue, or enforce a rule or order under NREPA that designates or classifies an area of land specifically for the purpose of achieving or maintaining biological diversity. Any rule or order that violates this provision would become void upon the bill's passage.

Biological diversity means "the full range of variety and variability within and among living organisms and the natural associations in which they occur. Biological diversity includes ecosystem diversity, species diversity, and genetic diversity."

The terms "conserve", "conserving", and "conservation" would be eliminated and replaced with a similar term, "conservation of biological diversity," that omits current wording regarding the restoration and protection of biological diversity and the use of "native species and communities" within the definition. The term "conservation of biological diversity" would be defined as "measures for the maintaining, managing, or enhancing biological diversity while ensuring accessibility, productivity, and use of the natural resources for present and future generations."

Also eliminated would be a legislative finding in Section 35502 that "most losses of biological diversity are unintended consequences of human activity."

Section 35503, which in part states that it is the goal of the state to encourage the lasting conservation of biological diversity, would have a subdivision added so that the state would not be required to "designate or classify an area of land specifically for the purpose of achieving or maintaining biological diversity."

Section 52502, which outlines the DNR's responsibilities regarding the management of state forests, would be amended so that the department would be required to *consider*

measures which promote conservation of forest plants and animals *while balancing economic values* (italics indicate new wording).

Currently, the department is required to manage the quality and distribution of wildlife habitats and contribute to the conservation of biological diversity by developing and implementing stand and landscape level measures that promote the conservation of forest plants and animals, which includes aquatic flora and fauna and unique ecosystems, in its forestry management. The bill would remove the underlined provisions from the subdivision.

The bill repeals three obsolete sections that dealt with a joint legislative working committee on biological diversity. The act required the committee to be dissolved in 1995.

The bill also would make several minor revisions to definitions and subdivisions in the form of wording changes which do not impact the meaning of that definition or subdivision.

#### **FISCAL IMPACT:**

The bill does not appear to have any direct significant fiscal impact on state and local government (as noted in information from the Senate Fiscal Agency).

Legislative Analyst: Josh Roesner

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.