

**SUBSTITUTE FOR
SENATE BILL NO. 78**

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
3 depredation, damage, or destruction or wrongful or improper use or
4 occupancy.

5 (2) Subject to subsection (4), the department shall do all of

1 the following:

2 (a) Keep land under its control open to hunting unless the
3 department determines that the land should be closed to hunting
4 because of public safety, fish or wildlife management, or homeland
5 security concerns or as otherwise required by law.

6 (b) Manage land under its control to support and promote
7 hunting opportunities to the extent authorized by law.

8 (c) Manage land under its control to prevent any net decrease
9 in the acreage of such land that is open to hunting.

10 (3) Subject to subsection (4), by April 1, 2010 and each year
11 thereafter, the department shall submit to the legislature a report
12 that includes all of the following:

13 (a) The location and acreage of land under its control
14 previously open to hunting that the department closed to hunting
15 during the 1-year period ending the preceding March 1, together
16 with the reasons for the closure.

17 (b) The location and acreage of land under its control
18 previously closed to hunting that the department opened to hunting
19 during the 1-year period ending the preceding March 1 to compensate
20 for land closed to hunting **AS DESCRIBED** under subdivision (a).

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

23 (5) This section does not authorize the department to
24 promulgate a rule that applies to commercial fishing except as
25 otherwise provided by law.

26 (6) The department shall not promulgate or enforce a rule that
27 prohibits an individual who is licensed or exempt from licensure

1 under 1927 PA 372, MCL 28.421 to 28.435, from carrying a pistol in
2 compliance with that act, whether concealed or otherwise, on
3 property under the control of the department.

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

9 (8) ~~(7)~~—The department shall issue orders necessary to
10 implement rules promulgated under this section. These orders ~~shall~~
11 ~~be~~**ARE** effective upon posting.

12 (9) ~~(8)~~—A person who violates a rule promulgated under this
13 section or an order issued under this section is responsible for a
14 state civil infraction and may be ordered to pay a civil fine of
15 not more than \$500.00.

16 Sec. 35101. As used in this part:

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

22 (i) Has retained or reestablished its natural character, or has
23 unusual flora and fauna or biotic, geologic, scenic, or other
24 similar features of educational or scientific value, but it need
25 not be undisturbed.

26 (ii) Has been identified and verified through research and
27 study by qualified observers.

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

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

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

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

11 (iii) Possesses 1 or more of the characteristics of a wilderness
12 area.

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

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

19 (ii) Generally appears to have been affected primarily by
20 forces of nature with the imprint of the work of humans
21 substantially unnoticeable.

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

24 (iv) Contains ecological, geological, or other features of
25 scientific, scenic, or natural history value.

26 Sec. 35501. As used in this part:

27 (a) "Biological diversity" means the full range of variety and

1 variability within and among living organisms and the natural
2 associations in which they occur. Biological diversity includes
3 ecosystem diversity, species diversity, and genetic diversity.

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

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

15 **(B) "CONSERVATION OF BIOLOGICAL DIVERSITY" MEANS MEASURES FOR**
16 **MAINTAINING, MANAGING, OR ENHANCING BIOLOGICAL DIVERSITY WHILE**
17 **ENSURING ACCESSIBILITY, PRODUCTIVITY, AND USE OF THE NATURAL**
18 **RESOURCES FOR PRESENT AND FUTURE GENERATIONS.**

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

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

24 ~~(E) (f) "Genetic diversity" means the differences in genetic
25 composition within and among populations of a given species.~~

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

1 occurs.

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

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

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

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

12 Sec. 35502. The legislature finds that:

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

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

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

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

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

25 (E) ~~(f)~~ Reduced biological diversity may have potentially
26 serious consequences for human welfare as resources for research
27 and agricultural, medicinal, and industrial development are

1 diminished.

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

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

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

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

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

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

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

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

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

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

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

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

9 (ii) ~~Promote~~ PROMOTING the efficient utilization of forest
10 resources.

11 (iii) ~~Broaden~~ BROADENING the practice of sustainable forestry by
12 cooperating with forestland owners, wood producers, and consulting
13 foresters.

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

18 (b) Conserve ~~and protect~~ forestland by doing all of the
19 following:

20 (i) ~~Ensure~~ ENSURING long-term forest productivity and
21 conservation of forest resources through prompt reforestation, soil
22 conservation, afforestation, and other measures.

23 (ii) ~~Protect~~ PROTECTING the water quality in streams, lakes,
24 and other ~~waterbodies~~ WATER BODIES in a manner consistent with the
25 department's best management practices for water quality.

26 (iii) ~~Manage~~ SUBJECT TO SECTION 504(7), MANAGING the quality and
27 distribution of wildlife habitats and ~~contribute to the~~

1 ~~conservation of biological diversity by developing and implementing~~
 2 ~~stand and landscape level~~ **CONSIDERING** measures that promote habitat
 3 ~~diversity and the conservation of forest plants and animals~~
 4 ~~including aquatic flora and fauna and unique ecosystems.~~ **WHILE**
 5 **BALANCING ECONOMIC VALUES.**

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

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

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

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

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

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

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

23 (d) ~~Monitor forest management by promoting~~ **PROMOTE** continual
 24 improvement in the practice of sustainable forestry and ~~monitoring,~~
 25 ~~measuring, and reporting~~ **MONITOR, MEASURE, AND REPORT** performance
 26 in achieving ~~the commitment to~~ sustainable forestry.

27 (e) Consider the local community surrounding state forestland

1 by doing both of the following:

2 (i) ~~Require~~**REQUIRING** that forest management plans and
3 operations comply with applicable federal and state laws **AND**
4 **VOLUNTARY SILVICULTURAL PRACTICES.**

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

8 Enacting section 1. Sections 35504 to 35506 of the natural
9 resources and environmental protection act, 1994 PA 451, MCL
10 324.35504 to 324.35506, are repealed.