

**SUBSTITUTE FOR
SENATE BILL NO. 39**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of subpart 1 of part 21 and amending sections 301, 503, 504, 1901, 1903, 2010, 2101, 2104, 2106, 2126, 2130, 2131, 2132, 2136, 35501, 35502, 35503, 40501, 52502, 52503, and 52506 (MCL 324.301, 324.503, 324.504, 324.1901, 324.1903, 324.2010, 324.2101, 324.2104, 324.2106, 324.2126, 324.2130, 324.2131, 324.2132, 324.2136, 324.35501, 324.35502, 324.35503, 324.40501, 324.52502, 324.52503, and 324.52506), section 301 as amended and section 2010 as added by 2004 PA 587, section 503 as amended by 2012 PA 294, section 504 as amended by 2009 PA 47, sections 1901, 2101, 2106, 2130, and 2136 as added by 1995 PA 60, section 1903 as amended by 2011 PA 117, section 2104 as amended by 1998 PA 28, section 2126 as amended by 2011 PA 323, sections 2131

and 2132 as amended by 2012 PA 622, sections 35501, 35502, and 35503 as added by 1995 PA 59, section 40501 as amended by 2008 PA 416, and sections 52502, 52503, and 52506 as added by 2004 PA 125, and by adding sections 2102c, 2132a, and 2137; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. Except as otherwise defined in this act, as used in
2 this act:

3 (a) "Commission" means the commission of natural resources.

4 (b) "Department" means the director of the department of
5 natural resources or his or her designee to whom the director
6 delegates a power or duty by written instrument.

7 (c) "Department of natural resources" means the principal
8 state department created in section 501.

9 (d) "Director" means the director of the department of natural
10 resources.

11 (e) "Local unit of government" **OR "LOCAL UNIT"** means a
12 municipality or county.

13 (f) "Michigan conservation and recreation legacy fund" means
14 the Michigan conservation and recreation legacy fund established in
15 section 40 of article IX of the state constitution of 1963 and
16 provided for in section 2002.

17 (g) "Municipality" means a city, village, or township.

18 (h) "Person" means an individual, partnership, corporation,
19 association, governmental entity, or other legal entity.

20 (i) "Public domain" means all land owned by ~~the~~**THIS** state or
21 land deeded to ~~the~~**THIS** state under state law.

1 (j) "Rule" means a rule promulgated pursuant to the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328.

4 Sec. 503. (1) The department shall protect and conserve the
5 natural resources of this state; provide and develop facilities for
6 outdoor recreation; prevent the destruction of timber and other
7 forest growth by fire or otherwise; promote the reforestation of
8 forestlands belonging to this state; prevent and guard against the
9 pollution of lakes and streams within this state and enforce all
10 laws provided for that purpose with all authority granted by law;
11 and foster and encourage the protection and propagation of game and
12 fish. **BEFORE ISSUING AN ORDER OR PROMULGATING A RULE UNDER THIS ACT**
13 **THAT WILL DESIGNATE OR CLASSIFY LAND MANAGED BY THE DEPARTMENT FOR**
14 **ANY PURPOSE, THE DEPARTMENT OR DIRECTOR SHALL CONSIDER, IN ADDITION**
15 **TO ANY OTHER MATTERS REQUIRED BY LAW, BOTH OF THE FOLLOWING:**

16 (A) PROVIDING FOR ACCESS TO AND USE OF THE PUBLIC LAND FOR
17 RECREATION AND TOURISM.

18 (B) THE EXISTENCE OF OR POTENTIAL FOR NATURAL RESOURCES-BASED
19 INDUSTRIES, INCLUDING FOREST MANAGEMENT, MINING, OR OIL AND GAS
20 DEVELOPMENT ON THE PUBLIC LAND.

21 (2) The department has the power and jurisdiction over the
22 management, control, and disposition of all land under the public
23 domain, except for those lands under the public domain that are
24 managed by other state agencies to carry out their assigned duties
25 and responsibilities. On behalf of the people of this state, the
26 department may accept gifts and grants of land and other property
27 and may buy, sell, exchange, or condemn land and other property,

1 for any of the purposes of this part. ~~Beginning September 30, 2012,~~
 2 ~~the~~ **THE** department shall not acquire surface rights to land unless
 3 the department has estimated the amount of annual payments in lieu
 4 of taxes on the land, posted the estimated payments on its website
 5 for at least 30 days, and notified the affected local units of the
 6 estimated payments at least 30 days before the acquisition.

7 ~~— (3) Before May 1, 2015, the department shall not acquire~~
 8 ~~surface rights to land if the department owns, or as a result of~~
 9 ~~the acquisition will own, the surface rights to more than 4,626,000~~
 10 ~~acres of land.~~

11 (3) ~~(4) Beginning May 1, 2015, IF ANY PAYMENT UNDER SUBPART 13~~
 12 ~~OR 14 OF PART 21 OR SECTION 51106 FOR LAND LOCATED NORTH OF THE~~
 13 ~~MASON-ARENAC LINE IS NOT MADE IN FULL AND ON TIME, THEN UNTIL~~
 14 ~~DECEMBER 31 OF THAT YEAR, OR UNTIL FULL PAYMENT IS MADE, WHICHEVER~~
 15 ~~OCCURS LATER, the department shall not acquire surface rights to~~
 16 ~~land north of the Mason-Arenac line if the department owns, or as a~~
 17 ~~result of the acquisition will own, the surface rights to more than~~
 18 ~~3,910,000 acres of land north of the Mason-Arenac line **THAN THE**~~
 19 ~~DEPARTMENT OWNED WHEN THE PAYMENT BECAME DUE. This subsection does~~
 20 ~~not apply after the enactment of legislation adopting the strategic~~
 21 ~~plan.~~

22 (4) ~~(5) SUBSECTION (3) DOES NOT PROHIBIT THE ACQUISITION FROM~~
 23 ~~A PRIVATE OWNER OF SURFACE RIGHTS TO LAND UNDER AN OPTION AGREEMENT~~
 24 ~~IN EFFECT ON THE DATE WHEN THE PAYMENT DESCRIBED IN SUBSECTION (3)~~
 25 ~~BECAME DUE IF THE ACQUISITION TAKES PLACE WITHIN 60 DAYS AFTER THE~~
 26 ~~LEGISLATURE MAKES AN APPROPRIATION FOR THE ACQUISITION. For the~~
 27 ~~purposes of subsections (3) and (4), SUBSECTION (3), the number of~~

1 acres of land in which the department owns surface rights does not
2 include **LAND SO ACQUIRED OR** any of the following:

3 (a) Land in which the department has a conservation easement.

4 (b) Land **THAT, BEFORE JULY 2, 2012, WAS** platted under the land
5 division act, 1967 PA 288, MCL 560.101 to 560.293, or a predecessor
6 act ~~before July 2, 2012 if~~ **AND** acquired by the department. ~~before~~
7 ~~July 2, 2012.~~

8 (c) Any of the following if acquired on or after July 2, 2012:

9 (i) Land with an area of not more than 80 acres, or a right-
10 of-way, for accessing other land owned by the department.

11 (ii) A trail, subject to all of the following:

12 (A) If the traveled portion of the trail is located within an
13 abandoned railroad right-of-way, the land excluded is limited to
14 the abandoned railroad right-of-way.

15 (B) If the traveled portion of the trail is located in a
16 utility easement, the land excluded is limited to the utility
17 easement.

18 (C) If sub-subparagraphs (A) and (B) do not apply, the land
19 excluded is limited to the traveled portion of the trail and
20 contiguous land. The area of the contiguous land shall not exceed
21 the product of 100 feet multiplied by the length of the trail in
22 feet.

23 (iii) Land that, on July 2, 2012 was commercial forestland as
24 defined in section 51101 if the land continues to be used in a
25 manner consistent with part 511.

26 (iv) Land acquired by the department by gift, including the
27 gift of funds specifically dedicated to land acquisition.

1 (v) Land acquired by the department through litigation.

2 (5) ~~(6)~~—The department shall maintain a record of land as
 3 described in subsection ~~(5)(a)~~—**(4)(A)** to ~~(e)~~—**(D)**. The record shall
 4 include the location, acreage, date of acquisition, and use of the
 5 land. ~~The department shall post and maintain on its website all of~~
 6 ~~the following information:~~

7 ~~—— (a) The number of acres of land, including land as described~~
 8 ~~in subsection (5), in which the department owns surface rights~~
 9 ~~north of the Mason-Arenac line, south of the Mason-Arenac line, in~~
 10 ~~total for this state, and by program.~~

11 ~~—— (b) The number of acres of land, excluding land as described~~
 12 ~~in subsection (5), in which the department owns surface rights~~
 13 ~~north of the Mason-Arenac line, south of the Mason-Arenac line, in~~
 14 ~~total for this state, and by program.~~

15 (6) ~~(7)~~—By October 1, 2014, the department shall develop a
 16 written strategic plan to guide the acquisition and disposition of
 17 state lands managed by the department, submit the plan to the
 18 ~~senate and house committees with primary responsibility for natural~~
 19 ~~resources and outdoor recreation and the corresponding~~
 20 ~~appropriation subcommittees, **RELEVANT LEGISLATIVE COMMITTEES**, and~~
 21 post the plan on the department's website. In developing the plan,
 22 the department shall solicit input from the public and local units
 23 of government.

24 (7) ~~(8)~~—The strategic plan shall do all of the following:

25 (a) Divide this state into regions.

26 (b) Identify lands managed by the department in each region.

27 (c) Set forth for each region measurable strategic performance

1 goals with respect to all of the following for land managed by the
2 department:

3 (i) Maximizing availability of points of access to the land
4 and to bodies of water on or adjacent to the land.

5 (ii) Maximizing outdoor recreation opportunities.

6 (iii) Forests.

7 (iv) Wildlife and fisheries.

8 (d) To assist in achieving the goals set forth in the
9 strategic plan pursuant to subdivision (c), identify all of the
10 following:

11 (i) Land to be acquired.

12 (ii) Land to be disposed of.

13 (iii) Plans for natural resource management.

14 (e) To the extent feasible, identify public lands in each
15 region that are not managed by the department but affect the
16 achievement of the goals set forth in the strategic plan pursuant
17 to subdivision (c).

18 (f) Identify ways that the department can better coordinate
19 the achievement of the goals set forth in the strategic plan
20 pursuant to subdivision (c), recognizing that public lands are
21 subject to multiple uses and both motorized and nonmotorized uses.

22 **(G) IDENTIFY CRITICAL TRAIL CONNECTORS TO ENHANCE MOTORIZED**
23 **AND NONMOTORIZED NATURAL-RESOURCE-DEPENDENT OUTDOOR RECREATION**
24 **ACTIVITIES FOR PUBLIC ENJOYMENT.**

25 ~~—— (9) The department shall not implement the strategic plan as~~
26 ~~it applies to land north of the Mason-Arenac line. This subsection~~
27 ~~does not apply after the enactment of legislation adopting the~~

1 ~~strategic plan.~~

2 ~~——(10) The department shall annually report on the~~
3 ~~implementation of the plan and submit and post the report in the~~
4 ~~manner provided in subsection (7).~~

5 (8) ~~(11) Beginning July 2, 2020~~ THE LEGISLATURE APPROVES THE
6 STRATEGIC PLAN ENTITLED "DEPARTMENT OF NATURAL RESOURCES MANAGED
7 PUBLIC LAND STRATEGY" ISSUED BY THE DEPARTMENT AND DATED JULY 1,
8 2013. THE DEPARTMENT SHALL IMPLEMENT THE MOST RECENT LEGISLATIVELY
9 APPROVED STRATEGIC PLAN AND SHALL NOT CHANGE THE PLAN EXCEPT BY
10 PLAN UPDATE PROPOSED PURSUANT TO SUBSECTION (10) AND SUBSEQUENTLY
11 APPROVED BY THE LEGISLATURE.

12 (9) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE RELEVANT
13 LEGISLATIVE COMMITTEES AND POST AND, SUBJECT TO SUBDIVISION (B),
14 ANNUALLY UPDATE ON THE DEPARTMENT'S WEBSITE ALL OF THE FOLLOWING:

15 (A) A REPORT ON THE IMPLEMENTATION OF THE PLAN.

16 (B) THE NUMBER OF ACRES OF LAND, EXCLUDING LAND DESCRIBED IN
17 SUBSECTION (4), IN WHICH THE DEPARTMENT OWNS SURFACE RIGHTS NORTH
18 OF THE MASON-ARENAC LINE, SOUTH OF THE MASON-ARENAC LINE, AND IN
19 TOTAL FOR THIS STATE. FOR LAND NORTH OF THE MASON-ARENAC LINE, THE
20 DEPARTMENT SHALL UPDATE THIS INFORMATION ON ITS WEBSITE AS OF THE
21 DATES THAT PAYMENTS DESCRIBED IN SUBSECTION (3) ARE DUE.

22 (C) INFORMATION ON THE TOTAL NUMBER OF EACH OF THE FOLLOWING:

23 (i) ACRES OF LAND MANAGED BY THE DEPARTMENT.

24 (ii) ACRES OF STATE PARK AND STATE RECREATION AREA LAND.

25 (iii) ACRES OF STATE GAME AND STATE WATERFOWL AREAS.

26 (iv) ACRES OF LAND MANAGED BY THE DEPARTMENT AND OPEN FOR
27 PUBLIC HUNTING.

1 (v) ACRES OF STATE-OWNED MINERAL RIGHTS MANAGED BY THE
2 DEPARTMENT THAT ARE UNDER A DEVELOPMENT LEASE.

3 (vi) ACRES OF STATE FORESTLAND.

4 (vii) PUBLIC BOATING ACCESS SITES MANAGED BY THE DEPARTMENT.

5 (viii) MILES OF MOTORIZED TRAILS MANAGED BY THE DEPARTMENT.

6 (ix) MILES OF NONMOTORIZED TRAILS MANAGED BY THE DEPARTMENT.

7 (10) FOR LEGISLATIVE CONSIDERATION AND APPROVAL, AS PROVIDED
8 IN SUBSECTION (8), BY JULY 1, 2021, and every 6-5 years thereafter,
9 the department shall **PROPOSE AN** update **TO** the strategic plan, and
10 ~~submit and post the updated plan in the manner provided in~~
11 ~~subsection (7).~~ **SUBMIT THE PROPOSED UPDATED PLAN TO THE RELEVANT**
12 **LEGISLATIVE COMMITTEES, AND POST THE PROPOSED UPDATED PLAN ON THE**
13 **DEPARTMENT'S WEBSITE.** At least 60 days before posting the updated
14 plan, the department shall prepare, submit, ~~and post in the manner~~
15 ~~provided in subsection (7)~~ **a report on progress TO THE RELEVANT**
16 **LEGISLATIVE COMMITTEES, AND POST ON THE DEPARTMENT'S WEBSITE A**
17 **REPORT THAT COVERS ALL OF THE FOLLOWING AND INCLUDES DEPARTMENT**
18 **CONTACT INFORMATION FOR PERSONS WHO WISH TO COMMENT ON THE REPORT:**

19 (A) **PROGRESS** toward the goals set forth **IN THE STRATEGIC PLAN**
20 pursuant to subsection (8)(c) ~~in portions of this state where,~~
21 ~~subject to subsection (9), the plan is being implemented and any~~
22 (7) (C).

23 (B) **ANY** proposed changes to the goals, including the rationale
24 for the changes. ~~The submittal and posting shall include department~~
25 ~~contact information for persons who wish to comment on the report.~~

26 (C) **THE DEPARTMENT'S ENGAGEMENT AND COLLABORATION WITH LOCAL**
27 **UNITS OF GOVERNMENT.**

1 (11) ~~(12)~~ At least 30 days before acquiring or disposing of
2 land, the department shall submit to the senate and house
3 committees with primary responsibility for natural resources and
4 outdoor recreation and the corresponding appropriations
5 subcommittees a statement identifying the land and describing the
6 effect of the proposed transaction on achieving the goals set forth
7 in the strategic plan pursuant to subsection ~~(8)(e)~~. **(7)(C)**. The
8 statement shall include department contact information for persons
9 who wish to comment on the acquisition or disposition and **SHALL** be
10 in a standard format. The department shall also post the statement
11 on its website for at least 30 days before the acquisition or
12 disposition. ~~This subsection does not apply before the department~~
13 ~~submits the strategic plan to legislative committees as required~~
14 ~~under subsection (7).~~

15 (12) **IF LAND OWNED BY THIS STATE, LAND OWNED BY THE FEDERAL**
16 **GOVERNMENT, AND LAND THAT IS COMMERCIAL FORESTLAND AS DEFINED IN**
17 **SECTION 51101 CONSTITUTE 40% OR MORE OF THE LAND IN A COUNTY,**
18 **BEFORE ACQUIRING LAND IN THAT COUNTY, THE DEPARTMENT SHALL NOTIFY**
19 **THE LEGISLATIVE BODIES OF THE COUNTY AND THE TOWNSHIP OR TOWNSHIPS**
20 **WHERE THE LAND IS LOCATED IN WRITING OF THE PROPOSED ACQUISITION.**
21 **THE NOTICE SHALL INCLUDE INFORMATION LISTED IN SUBSECTION**
22 **(13)(A)(i) TO (iv). AT THE REQUEST OF THE LEGISLATIVE BODY OF THE**
23 **COUNTY OR A TOWNSHIP WHERE THE LAND IS LOCATED, THE DEPARTMENT**
24 **SHALL SEND A REPRESENTATIVE TO A MEETING OF THE COUNTY BOARD OF**
25 **COMMISSIONERS TO PROVIDE TESTIMONY ON THE PROPOSED ACQUISITION. THE**
26 **DEPARTMENT SHALL NOT ACQUIRE THE LAND IF, NOT MORE THAN 60 DAYS**
27 **AFTER THE DEPARTMENT SENT THE NOTICE OF THE PROPOSED ACQUISITION TO**

1 THE COUNTY BOARD, THE DEPARTMENT RECEIVES A COPY OF A RESOLUTION
2 ADOPTED BY THE COUNTY BOARD OF COMMISSIONERS REJECTING THE PROPOSED
3 ACQUISITION. HOWEVER, DESPITE THE COUNTY'S REJECTION OF THE
4 PROPOSED ACQUISITION, THE DEPARTMENT MAY ACQUIRE THE LAND IF THE
5 DEPARTMENT RECEIVES A COPY OF A RESOLUTION APPROVING THE
6 ACQUISITION ADOPTED BY THE TOWNSHIP BOARD OF EACH TOWNSHIP WHERE
7 THE LAND IS LOCATED. THE TOWNSHIP BOARD SHALL ALSO SEND A COPY OF
8 SUCH A RESOLUTION TO THE COUNTY BOARD OF COMMISSIONERS.

9 (13) IF SUBSECTION (12) DOES NOT APPLY TO A COUNTY, THE
10 DEPARTMENT SHALL NOT ACQUIRE LAND IN THAT COUNTY UNLESS THE
11 DEPARTMENT HAS DONE ALL OF THE FOLLOWING:

12 (A) AT LEAST 45 DAYS BEFORE THE ACQUISITION, NOTIFIED THE
13 LEGISLATIVE BODIES OF THE COUNTY AND THE TOWNSHIP OR TOWNSHIPS
14 WHERE THE LAND IS LOCATED OF ALL OF THE FOLLOWING, IN WRITING:

15 (i) THE LOCATION AND ACREAGE OF THE LAND.

16 (ii) HOW THE LAND WILL BE USED AND ESTIMATED PAYMENTS IN LIEU
17 OF TAXES.

18 (iii) THE EFFECT THE PROPOSED ACQUISITION IS EXPECTED TO HAVE
19 ON ACHIEVING THE GOALS SET FORTH IN THE STRATEGIC PLAN PURSUANT TO
20 SUBSECTION (7) (C).

21 (iv) DEPARTMENT CONTACT INFORMATION AND THE DURATION OF THE
22 COMMENT PERIOD, FOR PERSONS WHO WISH TO COMMENT ON THE PROPOSED
23 ACQUISITION.

24 (B) PROVIDED AN OPPORTUNITY FOR REPRESENTATIVES OF ALL LOCAL
25 UNITS OF GOVERNMENT WHERE THE LAND IS LOCATED TO MEET IN PERSON
26 WITH A DEPARTMENT REPRESENTATIVE TO DISCUSS THE PROPOSED
27 ACQUISITION.

1 (14) ~~(13)~~—The department may accept funds, money, or grants
2 for development of salmon and steelhead trout fishing in this state
3 from the government of the United States, or any of its departments
4 or agencies, pursuant to the anadromous fish conservation act, 16
5 USC 757a to 757f, and may use this money in accordance with the
6 terms and provisions of that act. However, the acceptance and use
7 of federal funds does not commit state funds and does not place an
8 obligation upon the legislature to continue the purposes for which
9 the funds are made available.

10 (15) ~~(14)~~—The department may appoint persons to serve as
11 volunteers ~~for the purpose of facilitating the responsibilities of~~
12 **TO ASSIST** the department **IN MEETING ITS RESPONSIBILITIES** as
13 provided in this part. Subject to the direction of the department,
14 a volunteer may use equipment and machinery necessary for the
15 volunteer service, including, but not limited to, equipment and
16 machinery to improve wildlife habitat on state game areas.

17 (16) ~~(15)~~—The department may lease lands owned or controlled
18 by the department or may grant concessions on lands owned or
19 controlled by the department to any person for any purpose that the
20 department determines to be necessary to implement this part. In
21 granting a concession, the department shall provide that each
22 concession is awarded at least every 7 years based on extension,
23 renegotiation, or competitive bidding. However, if the department
24 determines that a concession requires a capital investment in which
25 reasonable financing or amortization necessitates a longer term,
26 the department may grant a concession for up to a 15-year term. A
27 concession granted under this subsection shall require, unless the

1 department authorizes otherwise, that all buildings and equipment
2 ~~shall~~ be removed at the end of the concession's term. Any lease
3 entered into under this subsection shall limit the purposes for
4 which the leased land is to be used and shall authorize the
5 department to terminate the lease upon a finding that the land is
6 being used for purposes other than those permitted in the lease.
7 Unless otherwise provided by law, money received from a lease or a
8 concession of tax reverted land shall be credited to the fund
9 providing financial support for the management of the leased land.
10 Money received from a lease of ~~all~~ **ANY** other land shall be credited
11 to the fund from which the land was purchased. However, money
12 received from program-related leases on these lands shall be
13 credited to the fund providing financial support for the management
14 of the leased lands. For land managed by the forest management
15 division of the department, that fund is either the forest
16 development fund established pursuant to section 50507 or the
17 forest recreation account of the Michigan conservation and
18 recreation legacy fund provided for in section 2005. For land
19 managed by the wildlife or fisheries division of the department,
20 that fund is the game and fish protection account of the Michigan
21 conservation and recreation legacy fund provided for in section
22 2010.

23 (17) ~~(16)~~ When the department sells land, the deed by which
24 the land is conveyed may reserve all mineral, coal, oil, and gas
25 rights to this state only when the land is in production or is
26 leased or permitted for production, or when the department
27 determines that the land has unusual or sensitive environmental

1 features or that it is in the best interest of this state to
2 reserve those rights as determined by commission policy. However,
3 the department shall not reserve the rights to sand, gravel, clay,
4 or other nonmetallic minerals. When the department sells land that
5 contains subsurface rights, the department shall include a deed
6 restriction that restricts the subsurface rights from being severed
7 from the surface rights in the future. If the landowner severs the
8 subsurface rights from the surface rights, the subsurface rights
9 revert to this state. The deed may reserve to this state the right
10 of ingress and egress over and across land along watercourses and
11 streams. Whenever an exchange of land is made with the United
12 States government, a corporation, or an individual for the purpose
13 of consolidating the state forest reserves, the department may
14 issue deeds without reserving to this state the mineral, coal, oil,
15 and gas rights and the rights of ingress and egress. The department
16 may sell the limestone, sand, gravel, or other nonmetallic
17 minerals. However, the department shall not sell a mineral or
18 nonmetallic mineral right if the sale would violate part 353, part
19 637, or any other provision of law. The department may sell all
20 reserved mineral, coal, oil, and gas rights to such lands upon
21 terms and conditions as the department considers proper and may
22 sell oil and gas rights as provided in part 610. The owner of those
23 lands as shown by the records shall be given priority in case the
24 department authorizes any sale of those lands, and, unless the
25 landowner waives that priority, the department shall not sell such
26 rights to any other person. For the purpose of this section,
27 mineral rights do not include rights to sand, gravel, clay, or

1 other nonmetallic minerals.

2 (18) ~~(17)~~—The department may enter into contracts for the sale
3 of the economic share of royalty interests it holds in hydrocarbons
4 produced from devonian or antrim shale qualifying for the
5 nonconventional source production credit determined under section
6 45k of the internal revenue code of 1986, 26 USC 45k. However, in
7 entering into these contracts, the department shall ~~assure~~ **ENSURE**
8 that revenues to the natural resources trust fund under these
9 contracts are not less than the revenues the natural resources
10 trust fund would have received if the contracts were not entered
11 into. The sale of the economic share of royalty interests under
12 this subsection may occur under contractual terms and conditions
13 considered appropriate by the department and as approved by the
14 state administrative board. Funds received from the sale of the
15 economic share of royalty interests under this subsection shall be
16 transmitted to the state treasurer for deposit in the state
17 treasury as follows:

18 (a) Net proceeds allocable to the nonconventional source
19 production credit determined under section 45k of the internal
20 revenue code of 1986, 26 USC 45k, under this subsection shall be
21 credited to the environmental protection fund created in section
22 503a.

23 (b) Proceeds related to the production of oil or gas from
24 devonian or antrim shale shall be credited to the natural resources
25 trust fund or other applicable fund as provided by law.

26 (19) ~~(18)~~—As used in this section:

27 (a) "Concession" means an agreement between the department and

1 a person under terms and conditions as specified by the department
2 to provide services or recreational opportunities for public use.

3 (b) "Lease" means a conveyance by the department to a person
4 of a portion of this state's interest in land under specific terms
5 and for valuable consideration, thereby granting to the lessee the
6 possession of that portion conveyed during the period stipulated.

7 (c) "Mason-Arenac line" means the line formed by the north
8 boundaries of Mason, Lake, Osceola, Clare, Gladwin, and Arenac
9 ~~counties.~~**COUNTIES.**

10 (d) "Natural resources trust fund" means the Michigan natural
11 resources trust fund established in section 35 of article IX of the
12 state constitution of 1963 and provided for in section 1902.

13 (e) "Net proceeds" means the total receipts received from the
14 sale of royalty interests under subsection ~~(17)~~**(18)** less costs
15 related to the sale. Costs may include, but are not limited to,
16 legal, financial advisory, geological or reserve studies, and
17 accounting services.

18 **(F) "RELEVANT LEGISLATIVE COMMITTEES" MEANS THE SENATE AND**
19 **HOUSE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES**
20 **AND OUTDOOR RECREATION AND THE CORRESPONDING APPROPRIATION**
21 **SUBCOMMITTEES.**

22 **(G) ~~(f)~~"Strategic plan" or "plan" means the plan developed**
23 **under subsection ~~(7)~~**(6)**, AS UPDATED UNDER SUBSECTION (10), IF**
24 **APPLICABLE.**

25 Sec. 504. (1) The department shall promulgate rules to protect
26 and preserve lands and other property under its control from
27 depredation, damage, or destruction or wrongful or improper use or

1 occupancy. IF REQUESTED BY THE CHAIR OF A STANDING COMMITTEE OF THE
2 SENATE OR HOUSE OF REPRESENTATIVES THAT CONSIDERS LEGISLATION
3 PERTAINING TO CONSERVATION, THE ENVIRONMENT, NATURAL RESOURCES,
4 RECREATION, TOURISM, OR AGRICULTURE, THE DEPARTMENT SHALL PROVIDE
5 TESTIMONY TO THE COMMITTEE ON THE IMPLEMENTATION AND EFFECTS OF A
6 RULE PROMULGATED UNDER THIS SUBSECTION THAT LIMITS THE USE OF OR
7 ACCESS TO MORE THAN 500 ACRES OF STATE FOREST OR SIGNIFICANTLY
8 RESTRICTS CURRENT PRACTICES IN STATE FOREST. THE DEPARTMENT SHALL
9 PROVIDE THE TESTIMONY AT A HEARING OF THE COMMITTEE SCHEDULED
10 WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE RULE.

11 (2) Subject to subsection (4), the department shall do all of
12 the following:

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

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

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

21 (3) Subject to subsection (4), by April 1 ~~7, 2010~~ and each
22 year, ~~thereafter,~~ the department shall submit to the legislature a
23 report that includes all of the following:

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

1 (b) The location and acreage of land under its control
2 previously closed to hunting that the department opened to hunting
3 during the 1-year period ending the preceding March 1 to compensate
4 for land closed to hunting under subdivision (a).

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

7 (5) THE DEPARTMENT IS URGED TO PROMOTE PUBLIC ENJOYMENT OF
8 THIS STATE'S WILDLIFE AND OTHER NATURAL RESOURCES BY PROVIDING
9 PUBLIC ACCESS TO LANDS UNDER THE CONTROL OF THE DEPARTMENT FOR
10 OUTDOOR RECREATION ACTIVITIES DEPENDENT ON NATURAL RESOURCES,
11 PROVIDING REASONABLE CONSIDERATION FOR BOTH MOTORIZED AND
12 NONMOTORIZED ACTIVITIES.

13 (6) IF THE DEPARTMENT RECEIVES A WRITTEN RESOLUTION FROM A
14 RECREATIONAL USERS ORGANIZATION OR THE LEGISLATIVE BODY OF A LOCAL
15 UNIT OF GOVERNMENT REQUESTING THE REMOVAL OF A BERM, GATE, OR OTHER
16 HUMAN-MADE BARRIER ON LAND UNDER THE DEPARTMENT'S CONTROL, THE
17 DEPARTMENT SHALL NOTIFY THE REQUESTOR IN WRITING WITHIN 60 DAYS OF
18 1 OF THE FOLLOWING:

19 (A) THAT THE BARRIER WILL BE REMOVED. IN THIS CASE, THE
20 DEPARTMENT SHALL REMOVE THE BARRIER WITHIN 180 DAYS AFTER RECEIVING
21 THE WRITTEN REQUEST.

22 (B) THE REASONS THE DEPARTMENT BELIEVES THE BARRIER SHOULD NOT
23 BE REMOVED AND THE RIGHT OF THE RECREATIONAL USERS ORGANIZATION OR
24 LOCAL UNIT OF GOVERNMENT, WITHIN 21 DAYS AFTER THE DEPARTMENT SENDS
25 THE WRITTEN NOTICE, TO REQUEST IN WRITING A PUBLIC MEETING ON THE
26 MATTER. IF THE RECREATIONAL USERS ORGANIZATION OR LOCAL UNIT OF
27 GOVERNMENT REQUESTS A PUBLIC MEETING AS PROVIDED IN THIS

1 SUBDIVISION, THE DEPARTMENT SHALL CONDUCT A PUBLIC MEETING WITHIN
2 THE CITY, VILLAGE, OR TOWNSHIP WHERE THE BARRIER IS LOCATED TO
3 EXPLAIN THE DEPARTMENT'S POSITION AND RECEIVE COMMENTS ON THE
4 PROPOSED REMOVAL. AFTER THE MEETING, AND WITHIN 180 DAYS AFTER
5 RECEIVING THE REQUEST TO REMOVE THE BARRIER, THE DEPARTMENT SHALL
6 APPROVE OR DENY THE REQUEST AND NOTIFY THE REQUESTOR IN WRITING. IF
7 THE REQUEST IS DENIED, THE NOTICE SHALL INCLUDE THE REASONS FOR
8 DENIAL. IF THE REQUEST IS APPROVED, THE DEPARTMENT SHALL REMOVE THE
9 BARRIER AS FOLLOWS:

10 (i) UNLESS SUBPARAGRAPH (ii) APPLIES, WITHIN 180 DAYS AFTER
11 THE PUBLIC MEETING.

12 (ii) WITHIN 30 DAYS, IF THE RECREATIONAL USERS ORGANIZATION OR
13 LEGISLATIVE BODY REQUESTING THE REMOVAL OF THE BARRIER AGREES WITH
14 THE DEPARTMENT TO REMOVE THE BARRIER UNDER THE DEPARTMENT'S
15 OVERSIGHT AND AT THE REQUESTOR'S EXPENSE.

16 (8) UPON REQUEST FROM A LOCAL UNIT OF GOVERNMENT, THE
17 DEPARTMENT SHALL WORK WITH THE LOCAL UNIT TO ALLOW USE OF STATE
18 LAND LOCATED WITHIN THE LOCAL UNIT THAT WILL BENEFIT THE LOCAL
19 COMMUNITY BY INCREASING OUTDOOR RECREATION OPPORTUNITIES AND
20 EXPANDING ACCESS TO AND USE OF THE NATURAL RESOURCES AND OUTDOORS.
21 THE DEPARTMENT MAY CHARGE THE LOCAL UNIT A REASONABLE FEE FOR THE
22 USE THAT DOES NOT EXCEED THE COSTS INCURRED BY THE DEPARTMENT FOR
23 THE USE.

24 (9) ~~(5)~~—This section does not authorize the department to
25 promulgate a rule that applies to commercial fishing except as
26 otherwise provided by law.

27 (10) ~~(6)~~—The department shall not promulgate or enforce a rule

1 that prohibits an individual who is licensed or exempt from
2 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a
3 pistol in compliance with that act, whether concealed or otherwise,
4 on property under the control of the department.

5 (11) ~~(7)~~—The department shall issue orders necessary to
6 implement rules promulgated under this section. ~~These orders shall~~
7 ~~be~~ **THE ORDERS ARE** effective upon posting. **NOT LESS THAN 30 DAYS**
8 **BEFORE AND NOT MORE THAN 10 DAYS AFTER ISSUING AN ORDER UNDER THIS**
9 **SUBSECTION THAT LIMITS THE USE OF OR ACCESS TO MORE THAN 500 ACRES**
10 **OF STATE FOREST OR SIGNIFICANTLY RESTRICTS CURRENT PRACTICES IN**
11 **STATE FOREST, THE DEPARTMENT SHALL PROVIDE A COPY OF THE ORDER TO**
12 **EACH MEMBER OF EACH STANDING COMMITTEE OF THE SENATE OR HOUSE OF**
13 **REPRESENTATIVES THAT CONSIDERS LEGISLATION PERTAINING TO**
14 **CONSERVATION, THE ENVIRONMENT, NATURAL RESOURCES, RECREATION,**
15 **TOURISM, OR AGRICULTURE. IF REQUESTED BY THE CHAIR OF A STANDING**
16 **COMMITTEE DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT SHALL**
17 **PROVIDE TESTIMONY TO THE COMMITTEE ON THE IMPLEMENTATION AND**
18 **EFFECTS OF SUCH AN ORDER AT A HEARING OF THE COMMITTEE SCHEDULED**
19 **WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE ORDER.**

20 (12) ~~(8)~~—A person who violates a rule promulgated under this
21 section or an order issued under this section is responsible for a
22 state civil infraction and may be ordered to pay a civil fine of
23 not more than \$500.00.

24 Sec. 1901. As used in this part:

25 (a) "Board" means the Michigan natural resources trust fund
26 board established in section 1905.

27 ~~——(b) "Economic development revenue bonds (oil and gas~~

1 ~~revenues), series 1982A, dated December 1, 1982" includes bonds~~
2 ~~refunding these bonds, provided that any refunding bonds mature no~~
3 ~~later than September 1, 1994.~~

4 (B) ~~(e)~~—"Local unit of government" OR "LOCAL UNIT" means a
5 county, city, township, village, school district, the Huron-Clinton
6 metropolitan authority, or any authority composed of counties,
7 cities, townships, villages, or school districts, or any
8 combination thereof, which authority is legally constituted to
9 provide public recreation.

10 ~~—— (d) "Total expenditures" means the amounts actually expended~~
11 ~~from the trust fund as authorized by section 1903(1) and (2).~~

12 (C) ~~(e)~~—"Trust fund" means the Michigan natural resources
13 trust fund established in section 35 of article IX of the state
14 constitution of 1963.

15 Sec. 1903. (1) Subject to the limitations of this part and of
16 section 35 of article IX of the state constitution of 1963, the
17 interest and earnings of the trust fund in any 1 state fiscal year
18 may be expended in subsequent state fiscal years only for the
19 following purposes:

20 (a) The acquisition of land or rights in land for recreational
21 uses or protection of the land because of its environmental
22 importance or its scenic beauty.

23 (b) The development of public recreation facilities.

24 (c) The administration of the fund, including payments in lieu
25 of taxes on state-owned land purchased through the trust fund. The
26 legislature shall make appropriations from the trust fund each
27 state fiscal year to make full payments in lieu of taxes on state-

1 owned land purchased through the trust fund, as provided in section
2 2154.

3 (2) In addition to the money described in subsection (1), 33-
4 1/3% of the money, exclusive of interest and earnings, received by
5 the trust fund in any state fiscal year may be expended in
6 subsequent state fiscal years for the purposes described in
7 subsection (1). However, the authorization for the expenditure of
8 money provided in this subsection does not apply after the state
9 fiscal year in which the total amount of money in the trust fund,
10 exclusive of interest and earnings and amounts authorized for
11 expenditure under this section, exceeds \$500,000,000.00.

12 (3) An expenditure from the trust fund may be made in the form
13 of a grant to a local unit of government or public authority,
14 subject to all of the following conditions:

15 (a) The grant is used for the purposes described in subsection
16 (1).

17 (b) The grant is matched by the local unit ~~of government or~~
18 public authority with at least 25% of the total cost of the
19 project.

20 (4) Not less than 25% of the total amounts made available for
21 expenditure from the trust fund from any state fiscal year shall be
22 expended for acquisition of land and rights in land, and not more
23 than 25% of the total amounts made available for expenditure from
24 the trust fund from any state fiscal year shall be expended for
25 development of public recreation facilities.

26 (5) If property that was acquired with money from the trust
27 fund is subsequently sold or transferred by the state to a

1 nongovernmental entity, the state shall forward to the state
 2 treasurer for deposit into the trust fund an amount of money equal
 3 to the following:

4 (a) If the property was acquired solely with trust fund money,
 5 the greatest of the following:

6 (i) The net proceeds of the sale.

7 (ii) The fair market value of the property at the time of the
 8 sale or transfer.

9 (iii) The amount of money that was expended from the trust
 10 fund to acquire the property.

11 (b) If the property was acquired with a combination of trust
 12 fund money and other restricted funding sources governed by federal
 13 or state law, an amount equal to the percentage of the funds
 14 contributed by the trust fund for the acquisition of the property
 15 multiplied by the greatest of the amounts under subdivision (a) (i),
 16 (ii), and (iii).

17 (6) **THIS PART IS SUBJECT TO SECTION 2132A.**

18 Sec. 2010. (1) The game and fish protection account is
 19 established as an account within the legacy fund.

20 (2) The game and fish protection account shall consist of ~~both~~
 21 **ALL** of the following:

22 ~~— (a) All money in the game and fish protection fund, formerly~~
 23 ~~created in section 43553, immediately prior to the effective date~~
 24 ~~of the amendatory act that added this section, which money is~~
 25 ~~hereby transferred to the game and fish protection account.~~

26 ~~— (b) Revenue from the following sources:~~

27 (A) ~~(i)~~ Revenue derived from hunting and fishing licenses,

1 passbooks, permits, fees, concessions, leases, contracts, and
2 activities.

3 (B) ~~(ii)~~—Damages paid for the illegal taking of game and fish.

4 (C) ~~(iii)~~—Revenue derived from fees, licenses, and permits
5 related to game, game areas, and game fish.

6 (D) ~~(iv)~~—Other revenues as authorized by law.

7 (3) Money in the game and fish protection account shall be
8 expended, upon appropriation, only as provided in part 435 and for
9 the administration of the game and fish protection account, which
10 may include payments in lieu of taxes on ~~state-owned~~ **STATE-OWNED**
11 land purchased through the game and fish protection account or
12 through the former game and fish protection fund. **THE DEPARTMENT**
13 **SHALL MANAGE LAND ACQUIRED WITH MONEY FROM THE GAME AND FISH**
14 **PROTECTION ACCOUNT OR THE FORMER GAME AND FISH PROTECTION FUND TO**
15 **ENHANCE GAME AND FISH POPULATIONS TO ENSURE INCREASED RECREATIONAL**
16 **HUNTING AND FISHING OPPORTUNITIES. UNLESS THE DEPARTMENT CAN**
17 **DEMONSTRATE THAT THE PRIMARY PURPOSE OF THE EXPENDITURE IS FOR GAME**
18 **SPECIES, AND BENEFITS TO NONGAME SPECIES ARE A RESULT OF THE**
19 **PRIMARY PURPOSE, BOTH OF THE FOLLOWING APPLY:**

20 (A) MONEY IN THE GAME AND FISH PROTECTION ACCOUNT SHALL NOT BE
21 EXPENDED FOR MANAGEMENT OF NONGAME SPECIES.

22 (B) FOREST TREATMENTS ON LANDS ACQUIRED WITH MONEY FROM THE
23 GAME AND FISH PROTECTION ACCOUNT OR THE FORMER GAME AND FISH
24 PROTECTION FUND SHALL NOT BE UNDERTAKEN TO BENEFIT NONGAME SPECIES.

25 (4) Money in the game and fish protection account may be
26 expended pursuant to subsection (3) for grants to state colleges
27 and universities to implement programs funded by the game and fish

1 protection account **IF THE DEPARTMENT DOES NOT HAVE THE STAFF OR**
 2 **OTHER RESOURCES TO IMPLEMENT THE PROGRAMS ITSELF.**

3 SUBPART 1

4 SALE OR LEASE OF STATE LANDS FOR PUBLIC PURPOSES

5 Sec. 2101. (1) The department may sell sites to school
 6 districts and **TO** churches and **OTHER RELIGIOUS ORGANIZATIONS**, sell
 7 lands for public purposes to public educational institutions, ~~AND~~
 8 **SELL LANDS** to the United States ~~and~~ to governmental units of ~~the~~
 9 **THIS** state and to agencies thereof from tax reverted state lands
 10 under the control of the department. ~~THE LANDS SHALL BE SOLD~~ at a
 11 price ~~fixed by a formula determined by the state tax commission.~~
 12 **DETERMINED BY AN APPRAISAL, SUBJECT TO SECTION 2132A.** The
 13 department may transfer jurisdiction of tax reverted state lands
 14 for public purposes to any department, board, or commission of ~~the~~
 15 **THIS** state. The application for the purchase or transfer of tax
 16 reverted state lands shall be made by the proper officers of a
 17 school district, church **OR OTHER RELIGIOUS ORGANIZATION**, public
 18 educational institution, the United States, governmental unit, **OR**
 19 agency ~~, department, board, or commission~~ upon forms prepared and
 20 furnished by the department for that purpose.

21 (2) The department may sell tax reverted lands to any agency
 22 described in subsection (1), and the transfer of the lands is not
 23 subject to a reverter clause. If a conveyance or transfer of lands
 24 is made to a governmental unit without a reverter clause, the
 25 department may convey or transfer the lands at ~~an appraisal value~~
 26 ~~as~~ **A PRICE** determined by ~~the state tax commission~~ **AN APPRAISAL**,
 27 **SUBJECT TO SECTION 2132A**, or at a nominal fee that includes any

1 amount paid by the department for maintaining the lands in a
2 condition that is protective of the public health and safety. If
3 lands are conveyed or transferred for a nominal fee and are
4 subsequently sold by the governmental unit for a valuable
5 consideration, the proceeds from such a sale, after deducting the
6 fee and any amount paid by the local governmental units for
7 maintaining the lands in a condition that is protective of the
8 public health and safety, shall be ~~accounted for~~ **PAID** to the state,
9 county, township, and school district in which the lands are
10 situated pro rata according to their several interests in the lands
11 arising from the nonpayment of taxes and special assessments on the
12 lands as the interest appears in the offices of the state treasurer
13 or county, city, or village ~~treasurers~~. **TREASURER.**

14 **SEC. 2102C. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER**
15 **SELLING OR LEASING LAND IF BOTH OF THE FOLLOWING REQUIREMENTS ARE**
16 **MET:**

17 **(A) THE PROSPECTIVE BUYER OR LESSEE IS A BUSINESS SEEKING**
18 **EXPANSION, BUT IS LIMITED BY ADJACENT STATE LAND.**

19 **(B) THE SALE OR LEASE WILL RESULT IN AN ECONOMIC OR OTHER**
20 **BENEFIT FOR A LOCAL UNIT OF GOVERNMENT OR REGION.**

21 **(2) THE DEPARTMENT SHALL GIVE NOTICE OF THE PROPOSED SALE OR**
22 **LEASE OF THE LAND AS PROVIDED IN SECTION 2133(2).**

23 **(3) IN MAKING ITS DECISION ON THE REQUEST UNDER SUBSECTION**
24 **(1), THE DEPARTMENT SHALL CONSIDER BOTH OF THE FOLLOWING:**

25 **(A) ANY COMMENTS ON THE PROPOSED SALE OR LEASE FROM LOCAL**
26 **UNITS OF GOVERNMENT OR OTHER PERSONS.**

27 **(B) THE IMPACT ON NATURAL RESOURCES AND OUTDOOR RECREATION IN**

1 THIS STATE, GIVING DUE REGARD TO THE VARIETY, USE, AND QUANTITY OF
2 LANDS THEN UNDER CONTROL OF THE DEPARTMENT.

3 (4) THE PRICE FOR SALE OF THE LAND SHALL BE ESTABLISHED USING
4 A METHOD DETERMINED APPROPRIATE BY THE DEPARTMENT, INCLUDING
5 APPRAISAL, SUBJECT TO SECTION 2132A, FEE SCHEDULE, OR TRUE CASH
6 VALUE OF ADJOINING LANDS AS AGREED TO BY THE APPLICANT.

7 (5) PROCEEDS FROM SALE OF THE LAND SHALL BE DEPOSITED IN THE
8 FUND THAT PROVIDED THE REVENUE FOR THE ACQUISITION OF THE LAND BY
9 THE DEPARTMENT. IF THERE IS MORE THAN 1 SUCH FUND, THE REVENUE
10 SHALL BE DEPOSITED IN THE FUNDS IN AMOUNTS PROPORTIONATE TO THEIR
11 RESPECTIVE CONTRIBUTIONS FOR THE DEPARTMENT'S ACQUISITION OF THE
12 LAND. TO THE EXTENT THAT THE LAND WAS IN WHOLE OR IN PART ACQUIRED
13 OTHER THAN WITH RESTRICTED FUND REVENUE, A PROPORTIONATE AMOUNT OF
14 PROCEEDS OF THE SALE OF THE LAND SHALL BE DEPOSITED IN THE LAND
15 EXCHANGE FACILITATION AND MANAGEMENT FUND CREATED IN SECTION 2134.

16 Sec. 2104. (1) Any of the lands under the control of the
17 department, the title to which is in this state and which may be
18 sold and conveyed or are a part of the state lands, as well as
19 lands later acquired by this state, or any part ~~or portion~~ of those
20 lands, may be exchanged for lands of equal area or approximately
21 equal value belonging to the United States or owned by private
22 individuals if ~~in the opinion of the department~~ it is in the
23 interest of ~~the~~ **THIS** state to do so.

24 (2) If the department ~~charges~~ **CHARGED** an application fee for a
25 proposed sale of land under this section and the state land
26 proposed for sale is **INSTEAD** sold to another party within 3 years
27 after the date a completed application ~~is~~ **WAS** received by the

1 department FROM THE PRIOR APPLICANT, the department shall refund
2 the application fee in full to the PRIOR applicant if the PRIOR
3 applicant has informed the department of his or her current
4 address.

5 (3) EFFECTIVE 30 DAYS AFTER THE DEPARTMENT RECEIVES AN
6 APPLICATION FROM A PRIVATE INDIVIDUAL TO EXCHANGE THAT INDIVIDUAL'S
7 LAND FOR SURPLUS STATE LAND, THE APPLICATION SHALL BE CONSIDERED TO
8 BE COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS PROVIDED UNDER
9 SUBSECTION (4).

10 (4) IF, BEFORE THE EXPIRATION OF THE 30-DAY PERIOD UNDER
11 SUBSECTION (3), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,
12 THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION
13 NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 30-
14 DAY PERIOD UNDER SUBSECTION (3) IS TOLLED UNTIL THE APPLICANT
15 SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME
16 THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE.

17 (5) WITHIN 180 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE
18 COMPLETE, OR A LATER DATE AGREED TO BY THE APPLICANT AND THE
19 DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION
20 AND NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE
21 APPLICATION, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR
22 THE DENIAL.

23 (6) THE DEPARTMENT MAY CHARGE A FEE FOR AN APPLICATION FOR THE
24 EXCHANGE OF STATE LAND. THE FEE SHALL NOT EXCEED THE ACTUAL
25 REASONABLE COST OF PROCESSING AN APPLICATION FOR AN EXCHANGE OF
26 STATE LAND OR \$300.00, WHICHEVER IS LESS.

27 Sec. 2106. (1) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE

1 AND MAKE AVAILABLE IN WRITING TO PERSONS SEEKING TO PURCHASE LAND
2 FROM, SELL LAND TO, OR EXCHANGE LAND WITH THE DEPARTMENT UNDER THIS
3 PART INFORMATION ABOUT RELEVANT REQUIREMENTS AND PROCEDURES UNDER
4 THIS PART.

5 (2) If ~~the department determines that it is in the best~~
6 interests of ~~the~~ **THIS** state to exchange any of the lands mentioned
7 **DESCRIBED** in section 2104 for lands of an equal area or of
8 approximately equal value belonging to private individuals, the
9 department shall maintain a description of the lands to be conveyed
10 and a description of the lands belonging to individuals to be
11 deeded to ~~the~~ **THIS** state.

12 (3) Before any of the lands are deeded to an individual as
13 provided in this subpart, the person or persons owning ~~the~~ **ANY**
14 lands to be deeded to ~~the~~ **THIS** state shall execute a conveyance of
15 those lands to ~~the~~ **THIS** state. **THE DEPARTMENT SHALL ACCEPT DELIVERY**
16 **OF THE DEED.** The attorney general shall examine the title to the
17 lands deeded to ~~the~~ **THIS** state and certify to the department
18 whether or not the conveyance is sufficient to vest in ~~the~~ **THIS**
19 state a good and sufficient title to the land free from any liens
20 or encumbrances. If the attorney general certifies that the deed
21 vests in ~~the~~ **THIS** state a good and sufficient title to the deeded
22 lands free from any liens or encumbrances, the department shall
23 **WITHIN 30 DAYS** execute a deed to the individual of the lands to be
24 conveyed by ~~the~~ **THIS** state. ~~selected by the department in lieu of~~
25 ~~the lands.~~

26 Sec. 2126. Before the department grants an easement under this
27 subpart, the individual applying for the easement shall pay charges

1 as required by the department. The charges shall be the same as
 2 those charges required for the granting of an easement under
 3 ~~section 2129.~~ **SUBPART 9. HOWEVER, THE DEPARTMENT MAY CHARGE A FEE**
 4 **FOR AN APPLICATION FOR THE GRANT OF AN EASEMENT UNDER THIS SUBPART.**
 5 **THE FEE SHALL NOT EXCEED THE ACTUAL REASONABLE COST OF PROCESSING**
 6 **AN APPLICATION FOR AN EASEMENT OR \$300.00, WHICHEVER IS LESS.**

7 Sec. 2130. As used in this subpart:

8 (a) "Board" means the Michigan natural resources trust fund
 9 board established in ~~part 19.~~ **SECTION 1905.**

10 (b) "Fund" means the land exchange facilitation **AND MANAGEMENT**
 11 fund created in section 2134.

12 (c) "Land" includes lands, tenements, and real estate and
 13 rights to and interests in lands, tenements, and real estate.

14 (D) **"QUALIFIED CONSERVATION ORGANIZATION" MEANS THAT TERM AS**
 15 **DEFINED IN SECTION 70(5) OF THE GENERAL PROPERTY TAX ACT, 1893 PA**
 16 **206, MCL 211.70.**

17 Sec. 2131. (1) ~~Except as otherwise provided in~~ **SUBJECT TO**
 18 subsection (2), ~~or (3),~~ the department may designate as surplus
 19 land any ~~state-owned~~ **STATE-OWNED** land that is under the control of
 20 the department ~~and that has been dedicated for public use and may,~~
 21 on behalf of ~~the~~ **THIS** state, sell that land ~~if~~ **AFTER** the department
 22 ~~determines all of~~ **CONSIDERS ALL OF** the following:

23 (a) ~~That~~ **WHETHER** the sale will not materially diminish the
 24 quality or utility of other ~~state-owned~~ **STATE-OWNED** land adjoining
 25 the land to be sold.

26 (b) ~~That~~ **WHETHER** the sale is ~~not~~ otherwise restricted by law.

27 (c) ~~That~~ **WHETHER** the sale is in the best interests of ~~the~~ **THIS**

1 state, giving due regard to the variety, use, and quantity of lands
2 then under the control of the department.

3 ~~—— (d) That 1 or more of the following conditions are met:~~

4 ~~—— (i) The land has been dedicated for public use for not less~~
5 ~~than 5 years immediately preceding its sale and is not needed to~~
6 ~~meet a department objective.~~

7 (D) ~~(ii) The land is occupied for a private use through~~

8 **WHETHER THE SALE WILL RESOLVE AN** inadvertent trespass.

9 (E) ~~(iii) The~~ **WHETHER THE** sale will promote the development of
10 the forestry or forest products industry or the mineral extraction
11 and utilization industry **OR OTHER ECONOMIC ACTIVITY** in this state.

12 ~~—— (2) The department shall not authorize the sale of surplus~~
13 ~~land as provided in subsection (1) if the proceeds from the sale of~~
14 ~~the land will cause the balance of the fund to exceed~~
15 ~~\$25,000,000.00.~~

16 (2) ~~(3)~~ Except as provided in section 74102b, the department
17 shall not designate as surplus land any land within a state park or
18 state recreation area.

19 Sec. 2132. (1) Subject to subsection (2), the department may
20 sell surplus land at a price established using the method that the
21 department determines to be most appropriate, such as any of the
22 following:

23 (a) Appraisal, **SUBJECT TO SECTION 2132A.**

24 (b) Appraisal consulting.

25 (c) A schedule adopted by the department for pricing property
26 with uniform characteristics and low utility.

27 (d) The true cash value of nearby land as determined by the

1 local assessor.

2 (2) If the department offers tax reverted land for sale and
3 the land is not sold within 9 months, the department may sell the
4 land to a qualified buyer who submits an offer that represents a
5 reasonable price for the property as determined by the department.

6 (3) The sale of surplus land shall be conducted by the
7 department through 1 of the following methods:

8 (a) A public auction sale.

9 (b) A negotiated sale.

10 (4) Subject to subsection (1), the sale of surplus land
11 through a public auction sale shall be to the highest bidder.

12 (5) **EFFECTIVE 30 DAYS AFTER THE DEPARTMENT RECEIVES AN**
13 **APPLICATION TO PURCHASE SURPLUS LAND THROUGH A NEGOTIATED SALE, THE**
14 **APPLICATION SHALL BE CONSIDERED TO BE COMPLETE UNLESS THE**
15 **DEPARTMENT PROCEEDS AS PROVIDED UNDER SUBSECTION (6).**

16 (6) **IF, BEFORE THE EXPIRATION OF THE 30-DAY PERIOD UNDER**
17 **SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**
18 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**
19 **NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 30-**
20 **DAY PERIOD UNDER SUBSECTION (5) IS TOLLED UNTIL THE APPLICANT**
21 **SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME**
22 **THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE. NOTICE UNDER**
23 **THIS SUBSECTION SHALL INCLUDE A STATEMENT OF THE REQUIREMENTS OF**
24 **SUBSECTION (12).**

25 (7) **WITHIN 180 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE**
26 **COMPLETE, OR A LATER DATE AGREED TO BY THE APPLICANT AND THE**
27 **DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION**

1 AND NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE
2 APPLICATION, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR
3 THE DENIAL.

4 (8) THE DEPARTMENT MAY CHARGE A FEE FOR AN APPLICATION FOR THE
5 PURCHASE OF SURPLUS LAND. THE FEE SHALL NOT EXCEED THE ACTUAL
6 REASONABLE COST OF PROCESSING AN APPLICATION TO PURCHASE SURPLUS
7 LAND OR \$300.00, WHICHEVER IS LESS.

8 (9) ~~(5)~~—A notice of the sale of surplus land shall be given as
9 provided in section 2133.

10 (10) ~~(6)~~—The proceeds from the sale of surplus land shall be
11 deposited into the fund.

12 (11) ~~(7)~~—Surplus land that is sold under this subpart shall be
13 conveyed by quitclaim deed approved by the attorney general.

14 (12) ~~(8)~~—Each application, as **MAY BE** later amended or
15 supplemented, submitted by a private person under subsection (3) (b)
16 for the purchase of the land identified in that application as a
17 prospect for purchase ~~—~~shall be considered and acted upon by the
18 department to final decision ~~—~~before any other application
19 submitted at a later date by a different private person for the
20 purchase or exchange of the same land. **HOWEVER, IF AN APPLICATION**
21 **IS NOT COMPLETED WITHIN 30 DAYS AFTER THE DEPARTMENT NOTIFIES THE**
22 **APPLICANT UNDER SUBSECTION (6) THAT THE APPLICATION IS INCOMPLETE,**
23 **THE DEPARTMENT SHALL CONSIDER AND ACT UPON TO FINAL DECISION AN**
24 **APPLICATION SUBMITTED AT A LATER DATE THAT IS COMPLETED FIRST.**

25 (13) IN A LAND TRANSACTION, THE DEPARTMENT MAY GIVE PREFERENCE
26 TO A LOCAL UNIT OF GOVERNMENT BUT SHALL NOT GIVE PREFERENCE TO ANY
27 OTHER PERSON.

1 SEC. 2132A. IF LAND IS PROPOSED FOR PURCHASE OR SALE BY OR
 2 EXCHANGE WITH THE DEPARTMENT UNDER THIS ACT BASED ON ITS APPRAISED
 3 VALUE, IF 2 OR MORE APPRAISALS OF THE LAND THAT MEET DEPARTMENT
 4 STANDARDS ARE MADE ON BEHALF OF THE PARTIES TO THE PROPOSED
 5 TRANSACTION, AND IF THE HIGH APPRAISAL IS LESS THAN 10% HIGHER THAN
 6 THE LOW APPRAISAL, THE ACCEPTED VALUE FOR PURPOSES OF THE PURCHASE,
 7 SALE, OR EXCHANGE SHALL BE THE AVERAGE OF ALL THE APPRAISED VALUES.
 8 IF THE HIGH APPRAISAL IS AT LEAST 10% HIGHER THAN THE LOW
 9 APPRAISAL, THE PARTIES MAY AGREE UPON A NEW APPRAISER, WHOSE
 10 APPRAISAL, OR DETERMINATION BASED ON REVIEW OF THE EXISTING
 11 APPRAISALS, SHALL BE THE ACCEPTED VALUE FOR PURPOSES OF THE
 12 PURCHASE, SALE, OR EXCHANGE. THE DEPARTMENT IS RESPONSIBLE FOR THE
 13 NEW APPRAISER'S FEE.

14 Sec. 2136. This subpart does not limit the authority of the
 15 department to ~~do 1 or both of the following:~~

16 ~~—— (a) To exchange land as provided in subpart 3.~~

17 ~~—— (b) To sell land as provided in the general property tax act,~~
 18 ~~Act No. 206 of the Public Acts of 1893, being sections 211.1 to~~
 19 ~~211.157 of the Michigan Compiled Laws.~~

20 SEC. 2137. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER
 21 SELLING OR EXCHANGING LAND THAT IS NOT DESIGNATED AS SURPLUS LAND.
 22 THE SALE OR EXCHANGE OF THE LAND IS SUBJECT TO THE SAME PROCEDURES
 23 AS APPLY TO THE SALE OF LAND THAT IS DESIGNATED AS SURPLUS LAND
 24 UNDER THIS SUBPART.

25 (2) SUBSECTION (1) DOES NOT APPLY TO LAND IN A STATE PARK,
 26 RECREATION AREA, OR GAME AREA. SUBSECTION (1) DOES NOT APPLY TO A
 27 REQUEST TO SELL LAND IF THE REQUEST MEETS THE REQUIREMENTS OF

1 **SECTION 2102C.**

2 Sec. 35501. As used in this part:

3 (a) "Biological diversity" means the full range of variety and
4 variability within and among living organisms and the natural
5 associations in which they occur. Biological diversity includes
6 ecosystem diversity, species diversity, and genetic diversity.

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

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

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

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

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

27 (E) ~~(f)~~ "Genetic diversity" means the differences in genetic

1 composition within and among populations of a given species.

2 (F) ~~(g)~~ "Habitat" means the area or type of environment in
3 which an organism or biological population normally lives or
4 occurs.

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

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

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

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

15 Sec. 35502. The legislature finds that:

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

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

20 (B) ~~(c)~~ Humans depend on biological resources, including
21 plants, animals, and microorganisms, for food, medicine, shelter,
22 and other important products.

23 (C) ~~(d)~~ Biological diversity is valuable as a source of
24 intellectual and scientific knowledge, recreation, and aesthetic
25 pleasure.

26 (D) ~~(e)~~ Conserving biological diversity has economic
27 implications.

1 (E) ~~(f)~~—Reduced biological diversity may have potentially
2 serious consequences for human welfare as resources for research
3 and agricultural, medicinal, and industrial development are
4 diminished.

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

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

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

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

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

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

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

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

1 Sec. 40501. The department shall perform such acts as may be
2 necessary to conduct and establish wildlife restoration,
3 management, and research projects and areas in cooperation with the
4 federal government under the Pittman-Robertson wildlife restoration
5 act, 16 USC 669 to 669i, and regulations promulgated by the United
6 States secretary of the interior under that act. In compliance with
7 that act, funds accruing to this state from license fees paid by
8 hunters shall not be used for any purpose other than game and fish
9 activities under the administration of the department. **THE**

10 **DEPARTMENT SHALL MANAGE LAND ACQUIRED WITH MONEY RECEIVED UNDER THE**
11 **PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT, 16 USC 669 TO 669I, TO**
12 **ENHANCE GAME AND FISH POPULATIONS TO ENSURE INCREASED RECREATIONAL**
13 **HUNTING AND FISHING OPPORTUNITIES. UNLESS THE DEPARTMENT CAN**
14 **DEMONSTRATE THAT THE PRIMARY PURPOSE OF THE EXPENDITURE IS FOR GAME**
15 **SPECIES, AND BENEFITS TO NONGAME SPECIES ARE A RESULT OF THE**
16 **PRIMARY PURPOSE, BOTH OF THE FOLLOWING APPLY:**

17 **(A) MONEY RECEIVED UNDER THAT ACT SHALL NOT BE EXPENDED FOR**
18 **MANAGEMENT OF NONGAME SPECIES.**

19 **(B) FOREST TREATMENTS ON LANDS ACQUIRED WITH MONEY RECEIVED**
20 **UNDER THAT ACT SHALL NOT BE UNDERTAKEN TO BENEFIT NONGAME SPECIES.**

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

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

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

1 (i) ~~Broaden~~ **BROADENING** the implementation of sustainable
2 forestry by employing an array of economically, environmentally,
3 and socially sound practices in the conservation of forests, using
4 the best scientific information available.

5 (ii) ~~Promote~~ **PROMOTING** the efficient utilization of forest
6 resources.

7 (iii) ~~Broaden~~ **BROADENING** the practice of sustainable forestry
8 by cooperating with forestland owners, wood producers, and
9 consulting foresters.

10 ~~—— (iv) Plan and manage plantations in accordance with~~
11 ~~sustainable forestry principles and in a manner that complements~~
12 ~~the management of and promotes the restoration and conservation of~~
13 ~~natural forests.~~

14 (iv) **MANAGING FOREST RESOURCES TO IMPROVE FOREST HEALTH AND**
15 **SUSTAINABILITY.**

16 (v) **WHERE APPROPRIATE, PROMOTING WORKING FORESTS FOR THE**
17 **PRODUCTION OF FOREST PRODUCTS AND ECOLOGICAL VALUE.**

18 (vi) **ACTIVELY MANAGING FOR ENHANCED WILDLIFE HABITAT, BUT THIS**
19 **SHOULD NOT TAKE PRECEDENT OVER FOREST MANAGEMENT.**

20 (b) Conserve and protect forestland by doing all of the
21 following:

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

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

1 ~~(iii) Manage~~ **MANAGING** the quality and distribution of wildlife
2 habitats, ~~and contribute~~ **CONTRIBUTING** to the conservation of
3 biological diversity, ~~by developing and implementing~~ stand and
4 landscape-level measures that promote habitat diversity and the
5 conservation of forest plants and animals, including aquatic flora
6 and fauna and unique ecosystems, **WHILE MINIMIZING LOSS OF ECONOMIC**
7 **VALUES.**

8 ~~(iv) Protect forests~~ **MANAGING FORESTS TO MITIGATE OR MINIMIZE**
9 **IMPACTS** from wildfire, pests, diseases, and other damaging agents.

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

13 ~~(vi) Manage~~ **MANAGING** activities in high conservation value
14 forests by maintaining or enhancing the attributes that define ~~such~~
15 **THOSE** forests, **WHILE MINIMIZING LOSS OF ECONOMIC VALUES.**

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

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

19 **(ii) INFORMING THE PUBLIC OF THE POSITIVE ASPECTS OF MANAGED**
20 **FORESTS.**

21 ~~(iii) (ii) Provide~~ **PROVIDING** opportunities for persons to
22 participate in the commitment to sustainable forestry.

23 ~~(iv) (iii) Prepare, implement, and keep~~ **PREPARING,**
24 **IMPLEMENTING, AND KEEPING** current a management plan that clearly
25 states the long-term objectives of management and the means of
26 achieving those objectives.

27 ~~(d) Monitor forest management by promoting~~ **PROMOTE** continual

1 improvement in the practice of sustainable forestry and ~~monitoring,~~
2 ~~measuring, and reporting~~ **MONITOR, MEASURE, AND REPORT** performance
3 in achieving ~~the commitment to~~ sustainable forestry.

4 (e) Consider the local community surrounding state forestland
5 by doing both of the following:

6 (i) ~~Require~~ **REQUIRING** that forest management plans and
7 operations comply with applicable federal and state laws.

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

11 Sec. 52503. (1) The department shall adopt a forestry
12 development, conservation, and recreation management plan for ~~state~~
13 ~~owned~~ **STATE-OWNED** lands owned or controlled by the department.
14 Parks and recreation areas, state game areas, and other wildlife
15 areas on these lands shall be managed according to their primary
16 purpose. ~~The~~ **SUBJECT TO SUBSECTION (2) (G), THE** department may
17 update the plan as the department considers necessary or
18 appropriate. The plan and any plan updates shall be consistent with
19 section 52502 and shall be designed to ~~assure~~ **ENSURE** a stable,
20 long-term, sustainable timber supply from the state forest as a
21 whole.

22 (2) The plan and any plan updates shall include all of the
23 following:

24 (a) An identification of the interests of local communities,
25 outdoor recreation interests, the tourism industry, and the forest
26 products industry.

27 ~~— (b) An identification of the annual capability of the state~~

1 ~~forest and management goals based on that level of productivity.~~

2 (B) ~~(e)~~ Methods to promote and encourage the use of the state
3 forest for outdoor recreation, tourism, and the forest products
4 industry.

5 (C) ~~(d)~~ A landscape management plan for the state forest
6 incorporating biodiversity conservation goals, indicators, and
7 measures.

8 (D) ~~(e)~~ Standards for sustainable forestry consistent with
9 section 52502.

10 (E) ~~(f)~~ An identification of environmentally sensitive areas.

11 (F) ~~(g)~~ An identification of the need for forest treatments to
12 maintain and sustain healthy, vigorous forest vegetation and
13 quality habitat for wildlife and environmentally sensitive species.

14 (G) BY OCTOBER 1, 2017, YEARLY HARVEST OBJECTIVES FOR ALL
15 STATE-OWNED LAND BY FOREST MANAGEMENT AREA FOR A 10-YEAR PERIOD. AT
16 LEAST EVERY 5 YEARS, THE DEPARTMENT SHALL UPDATE THE YEARLY HARVEST
17 OBJECTIVES FOR A NEW 10-YEAR PERIOD COMMENCING WHEN THE PLAN IS
18 UPDATED. THE DEPARTMENT SHALL POST AND MAINTAIN THE CURRENT YEARLY
19 HARVEST OBJECTIVES ON THE DEPARTMENT'S WEBSITE. ALL OF THE
20 FOLLOWING APPLY TO THE HARVEST OBJECTIVES FOR EACH FOREST
21 MANAGEMENT AREA:

22 (i) MUST NOT EXCEED THE SUSTAINABLE YIELDS.

23 (ii) MUST BE BASED ON ACCUMULATED GROWTH.

24 (iii) MAY CONSIDER PHYSICAL, BIOLOGICAL, ENVIRONMENTAL, AND
25 RECREATIONAL OBJECTIVES.

26 (3) BEGINNING OCTOBER 1, 2017 AND EACH YEAR THEREAFTER, THE
27 DEPARTMENT SHALL PREPARE FOR SALE A MINIMUM OF 90% OF THE YEARLY

1 **STATEWIDE HARVEST OBJECTIVE.**

2 Sec. 52506. By January 1 of each year, the department shall
3 prepare and submit to the ~~commission of~~ natural resources
4 **COMMISSION**, the standing committees of the senate and the house of
5 representatives with primary jurisdiction over forestry issues, and
6 the senate and house appropriations committees a report that
7 details the following from the previous state fiscal year:

8 (a) The number of harvestable acres in the state forest, as
9 determined by the ~~certification program under section 52506.~~**FROM**
10 **INFORMATION IN THE STATE FOREST MANAGEMENT PLANS UNDER SECTION**
11 **52503.**

12 (b) The number of acres of the state forest that were
13 harvested and the number of cords of wood that were harvested from
14 the state forest.

15 (c) The number of acres of ~~state-owned~~**STATE-OWNED** lands owned
16 or controlled by the department other than state ~~forestlands~~**FOREST**
17 that were harvested and the number of cords of wood that were
18 harvested from those lands.

19 (d) Efforts by the department to promote recreational
20 opportunities in the state forest.

21 (e) Information on the public's utilization of the
22 recreational opportunities offered by the state forest.

23 (f) Efforts by the department to promote wildlife habitat in
24 the state forest.

25 (g) The status of the plan and whether the department
26 recommends any changes in the plan.

27 (h) Status of certification efforts required in section 52505

1 and ~~, beginning in 2006,~~ a definitive statement of whether the
2 department is maintaining certification of the entire state forest.
3 ~~—— (i) A description of any activities that have been undertaken~~
4 ~~on forest pilot project areas described in section 52511.~~

5 Enacting section 1. Sections 35504 to 35506 of the natural
6 resources and environmental protection act, 1994 PA 451, MCL
7 324.35504 to 324.35506, are repealed.

8 Enacting section 2. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 3. This amendatory act does not take effect
11 unless Senate Bill No. 40 of the 98th Legislature is enacted into
12 law.