

**SUBSTITUTE FOR
SENATE BILL NO. 302**

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, 40501, 52502, 52503, 52506, and 72118 (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, 324.40501, 324.52502, 324.52503, 324.52506, and 324.72118), 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, section 40501 as amended by 2008 PA 416, sections 52502, 52503, and 52506 as added by 2004 PA 125, and section 72118 as added by 2016 PA 288, and by adding sections 2132a, 2137, and 2138.

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.

22 (j) "Rule" means a rule promulgated pursuant to the

1 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
2 24.328.

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

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

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

20 (2) The department has the power and jurisdiction over the
21 management, control, and disposition of all land under the public
22 domain, except for those lands under the public domain that are
23 managed by other state agencies to carry out their assigned duties
24 and responsibilities. On behalf of the people of this state, the
25 department may accept gifts and grants of land and other property
26 and may buy, sell, exchange, or condemn land and other property,
27 for any of the purposes of this part. ~~Beginning September 30, 2012,~~

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

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

10 ~~—— (4) Beginning May 1, 2015, the department shall not acquire~~
 11 ~~surface rights to land north of the Mason-Arenac line if the~~
 12 ~~department owns, or as a result of the acquisition will own, the~~
 13 ~~surface rights to more than 3,910,000 acres of land north of the~~
 14 ~~Mason-Arenac line. This subsection does not apply after the~~
 15 ~~enactment of legislation adopting the strategic plan.~~

16 **(3) IF ANY PAYMENT UNDER SUBPART 13 OR 14 OF PART 21 OR**
 17 **SECTION 51106 FOR LAND LOCATED NORTH OF THE MASON-ARENAC LINE IS**
 18 **NOT MADE IN FULL AND ON TIME DURING A FISCAL YEAR, THEN, UNTIL THE**
 19 **END OF THAT FISCAL YEAR, THE DEPARTMENT SHALL NOT ACQUIRE SURFACE**
 20 **RIGHTS TO LAND LOCATED ANYWHERE IN THIS STATE UNLESS 1 OR BOTH OF**
 21 **THE FOLLOWING APPLY:**

22 **(A) FULL PAYMENT IS MADE LATER DURING THAT FISCAL YEAR.**

23 **(B) THE SPECIFIC ACQUISITION IS APPROVED BY RESOLUTION ADOPTED**
 24 **BY THE LEGISLATIVE BODY OF THE COUNTY WHERE THE LAND IS LOCATED.**

25 ~~(4) (5) For the purposes of subsections (3) and (4), the~~
 26 ~~number of acres of (9), RESPECTIVELY, land in which the department~~
 27 **ACQUIRES OR** owns surface rights does not include any of the

1 following:

2 (A) LAND ACQUIRED UNDER AN OPTION AGREEMENT IN EFFECT ON THE
3 DATE WHEN THE PAYMENT DESCRIBED IN SUBSECTION (3) BECAME DUE IF THE
4 ACQUISITION TAKES PLACE WITHIN 60 DAYS AFTER THE PAYMENT BECAME
5 DUE.

6 (B) ~~(a)~~—Land in which the department has a conservation
7 easement.

8 (C) ~~(b)~~—Land **THAT, BEFORE JULY 2, 2012, WAS** platted under the
9 land division act, 1967 PA 288, MCL 560.101 to 560.293, or a
10 predecessor act ~~before July 2, 2012 if~~ **AND** acquired by the
11 department. ~~before July 2, 2012.~~

12 (D) ~~(c)~~—Any of the following if acquired on or after July 2,
13 2012:

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

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

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

20 (B) If the traveled portion of the trail is located in a
21 utility easement, the land excluded is limited to the utility
22 easement.

23 (C) If sub-subparagraphs (A) and (B) do not apply, the land
24 excluded is limited to the traveled portion of the trail and
25 contiguous land. ~~The~~ **FOR THE PURPOSES OF THE EXCLUSION, THE** area of
26 the contiguous land shall not exceed the product of 100 feet
27 multiplied by the length of the trail in feet.

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

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

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

7 (5) ~~(6)~~—The department shall maintain a record of land as
8 described in subsection ~~(5) (a)~~ **(4) (A)** to ~~(e)~~ **(D)**. The record shall
9 include the location, acreage, date of acquisition, and use of the
10 land. ~~The department shall post and maintain on its website all of~~
11 ~~the following information:~~

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

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

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

1 of government.

2 (7) ~~(8)~~—The strategic plan shall do all of the following:

3 (a) Divide this state into regions.

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

5 (c) Set forth for each region measurable strategic performance
6 goals with respect to all of the following for land managed by the
7 department:

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

10 (ii) Maximizing outdoor recreation opportunities.

11 (iii) Forests.

12 (iv) Wildlife and fisheries.

13 (d) To assist in achieving the goals set forth in the
14 strategic plan pursuant to subdivision (c), identify all of the
15 following:

16 (i) Land to be acquired.

17 (ii) Land to be disposed of.

18 (iii) Plans for natural resource management.

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

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

27 **(G) IDENTIFY CRITICAL TRAIL CONNECTORS TO ENHANCE MOTORIZED**

1 AND NONMOTORIZED NATURAL-RESOURCE-DEPENDENT OUTDOOR RECREATION
 2 ACTIVITIES FOR PUBLIC ENJOYMENT.

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

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

10 (8) ~~(11) Beginning July 2, 2020~~ THE LEGISLATURE APPROVES THE
 11 STRATEGIC PLAN ENTITLED "DEPARTMENT OF NATURAL RESOURCES MANAGED
 12 PUBLIC LAND STRATEGY" ISSUED BY THE DEPARTMENT AND DATED JULY 1,
 13 2013. THE DEPARTMENT SHALL IMPLEMENT THE MOST RECENT LEGISLATIVELY
 14 APPROVED STRATEGIC PLAN AND SHALL NOT CHANGE THE PLAN EXCEPT BY A
 15 PLAN UPDATE PROPOSED PURSUANT TO SUBSECTION (10) AND SUBSEQUENTLY
 16 APPROVED BY THE LEGISLATURE.

17 (9) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE RELEVANT
 18 LEGISLATIVE COMMITTEES AND POST AND ANNUALLY UPDATE ON THE
 19 DEPARTMENT'S WEBSITE ALL OF THE FOLLOWING:

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

21 (B) THE NUMBER OF ACRES OF LAND IN WHICH THE DEPARTMENT OWNS
 22 SURFACE RIGHTS NORTH OF THE MASON-ARENAC LINE, SOUTH OF THE MASON-
 23 ARENAC LINE, AND IN TOTAL FOR THIS STATE.

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

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

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

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

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

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

5 (vi) ACRES OF STATE FORESTLAND.

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

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

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

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

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

26 (B) ANY proposed changes to the goals, including the rationale
27 for the changes. ~~The submittal and posting shall include department~~

1 ~~contact information for persons who wish to comment on the report.~~

2 (C) THE DEPARTMENT'S ENGAGEMENT AND COLLABORATION WITH LOCAL
3 UNITS OF GOVERNMENT.

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

19 (12) **IF LAND OWNED BY THIS STATE AND MANAGED BY THE**
20 **DEPARTMENT, LAND OWNED BY THE FEDERAL GOVERNMENT, AND LAND THAT IS**
21 **COMMERCIAL FORESTLAND AS DEFINED IN SECTION 51101 CONSTITUTE 40% OR**
22 **MORE OF THE LAND IN A COUNTY, BEFORE ACQUIRING LAND IN THAT COUNTY,**
23 **THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE BODIES OF THE COUNTY**
24 **AND THE TOWNSHIP OR TOWNSHIPS WHERE THE LAND IS LOCATED IN WRITING**
25 **OF THE PROPOSED ACQUISITION. THE NOTICE SHALL INCLUDE INFORMATION**
26 **LISTED IN SUBSECTION (13)(A)(i) TO (iv). AT THE REQUEST OF THE**
27 **LEGISLATIVE BODY OF THE COUNTY OR A TOWNSHIP WHERE THE LAND IS**

1 LOCATED, THE DEPARTMENT SHALL SEND A REPRESENTATIVE TO A MEETING OF
2 THE COUNTY BOARD OF COMMISSIONERS TO PROVIDE TESTIMONY ON THE
3 PROPOSED ACQUISITION. THE DEPARTMENT SHALL NOT ACQUIRE THE LAND IF,
4 NOT MORE THAN 60 DAYS AFTER THE DEPARTMENT SENT THE NOTICE OF THE
5 PROPOSED ACQUISITION TO THE COUNTY BOARD OF COMMISSIONERS, THE
6 DEPARTMENT RECEIVES A COPY OF A RESOLUTION ADOPTED BY THE COUNTY
7 BOARD REJECTING THE PROPOSED ACQUISITION. HOWEVER, DESPITE THE
8 COUNTY'S REJECTION OF THE PROPOSED ACQUISITION, THE DEPARTMENT MAY
9 ACQUIRE THE LAND IF THE DEPARTMENT RECEIVES A COPY OF A RESOLUTION
10 APPROVING THE ACQUISITION ADOPTED BY THE TOWNSHIP BOARD OF EACH
11 TOWNSHIP WHERE THE LAND IS LOCATED. THE TOWNSHIP BOARD SHALL ALSO
12 SEND A COPY OF SUCH A RESOLUTION TO THE COUNTY BOARD OF
13 COMMISSIONERS.

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

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

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

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

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

26 (iv) DEPARTMENT CONTACT INFORMATION AND THE DURATION OF THE
27 COMMENT PERIOD, FOR PERSONS WHO WISH TO COMMENT ON THE PROPOSED

1 ACQUISITION.

2 (B) PROVIDED AN OPPORTUNITY FOR REPRESENTATIVES OF ALL LOCAL
3 UNITS OF GOVERNMENT WHERE THE LAND IS LOCATED TO MEET IN PERSON
4 WITH A DEPARTMENT REPRESENTATIVE TO DISCUSS THE PROPOSED
5 ACQUISITION.

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

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

22 (16) ~~(15)~~—The department may lease lands owned or controlled
23 by the department or may grant concessions on lands owned or
24 controlled by the department to any person for any purpose that the
25 department determines to be necessary to implement this part. ~~In~~
26 ~~granting a concession, the~~ **THE** department shall ~~provide that each~~
27 ~~concession is awarded at least every~~ **GRANT EACH CONCESSION FOR A**

1 **TERM OF NOT MORE THAN** 7 years based on extension, renegotiation, or
2 competitive bidding. However, if the department determines that a
3 concession requires a capital investment in which reasonable
4 financing or amortization necessitates a longer term, the
5 department may grant a concession for up to a 15-year term. A
6 concession granted under this subsection shall require, unless the
7 department authorizes otherwise, that all buildings and equipment
8 ~~shall~~ be removed at the end of the concession's term. Any lease
9 entered into under this subsection shall limit the purposes for
10 which the leased land is to be used and shall authorize the
11 department to terminate the lease upon a finding that the land is
12 being used for purposes other than those permitted in the lease.
13 Unless otherwise provided by law, money received from a lease or a
14 concession of tax reverted land shall be credited to the fund
15 providing financial support for the management of the leased land.
16 Money received from a lease of ~~all~~ **ANY** other land shall be credited
17 to the fund from which the land was purchased. However, money
18 received from program-related leases on these lands shall be
19 credited to the fund providing financial support for the management
20 of the leased lands. For land managed by the forest management
21 division of the department, that fund is either the forest
22 development fund established pursuant to section 50507 or the
23 forest recreation account of the Michigan conservation and
24 recreation legacy fund provided for in section 2005. For land
25 managed by the wildlife or fisheries division of the department,
26 that fund is the game and fish protection account of the Michigan
27 conservation and recreation legacy fund provided for in section

1 2010.

2 (17) ~~(16)~~ When the department sells land, the deed ~~by which~~
3 ~~the land is conveyed~~ may reserve all mineral, coal, oil, and gas
4 rights to this state only ~~when~~ **IF** the land is in production or is
5 leased or permitted for production, or ~~when~~ **IF** the department
6 determines that the land has unusual or sensitive environmental
7 features or that it is in the best interest of this state to
8 reserve those rights as determined by commission policy. However,
9 the department shall not reserve the rights to sand, gravel, clay,
10 or other nonmetallic minerals. When the department sells land that
11 contains subsurface rights, the department shall include a deed
12 restriction that restricts the subsurface rights from being severed
13 from the surface rights in the future. If the landowner severs the
14 subsurface rights from the surface rights, the subsurface rights
15 revert to this state. The deed may reserve to this state the right
16 of ingress and egress over and across land along watercourses and
17 streams. Whenever an exchange of land is made with the United
18 States government, a corporation, or an individual for the purpose
19 of consolidating the state forest reserves, the department may
20 issue deeds without reserving to this state the mineral, coal, oil,
21 and gas rights and the rights of ingress and egress. The department
22 may sell the limestone, sand, gravel, or other nonmetallic
23 minerals. However, the department shall not sell a mineral or
24 nonmetallic mineral right if the sale would violate part 353, part
25 637, or any other provision of law. The department may sell all
26 reserved mineral, coal, oil, and gas rights to such lands upon
27 terms and conditions as the department considers proper and may

1 sell oil and gas rights as provided in part 610. The owner of those
2 lands as shown by the records shall be given priority in case the
3 department authorizes any sale of those lands, and, unless the
4 landowner waives that priority, the department shall not sell such
5 rights to any other person. For the purpose of this section,
6 mineral rights do not include rights to sand, gravel, clay, or
7 other nonmetallic minerals.

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

24 (a) Net proceeds allocable to the nonconventional source
25 production credit determined under section 45k of the internal
26 revenue code of 1986, 26 USC 45k, under this subsection shall be
27 credited to the environmental protection fund created in section

1 503a.

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

5 (19) ~~(18)~~—As used in this section:

6 (a) "Concession" means an agreement between the department and
7 a person under terms and conditions as specified by the department
8 to provide services or recreational opportunities for public use.

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

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

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

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

24 **(F) "RELEVANT LEGISLATIVE COMMITTEES" MEANS THE SENATE AND**
25 **HOUSE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES**
26 **AND OUTDOOR RECREATION AND THE CORRESPONDING APPROPRIATION**
27 **SUBCOMMITTEES.**

1 (G) ~~(F)~~—"Strategic plan" or "plan" means the plan developed
2 under subsection ~~(7)~~-(6), AS UPDATED UNDER SUBSECTION (10), IF
3 APPLICABLE.

4 Sec. 504. (1) The department shall promulgate rules to protect
5 and preserve lands and other property under its control from
6 depredation, damage, or destruction or wrongful or improper use or
7 occupancy. IF REQUESTED BY THE CHAIR OF A STANDING COMMITTEE OF THE
8 SENATE OR HOUSE OF REPRESENTATIVES THAT CONSIDERS LEGISLATION
9 PERTAINING TO CONSERVATION, THE ENVIRONMENT, NATURAL RESOURCES,
10 RECREATION, TOURISM, OR AGRICULTURE, THE DEPARTMENT SHALL PROVIDE
11 TESTIMONY TO THE COMMITTEE ON THE IMPLEMENTATION AND EFFECTS OF A
12 RULE PROMULGATED UNDER THIS SUBSECTION THAT LIMITS THE USE OF OR
13 ACCESS TO MORE THAN 500 ACRES OF STATE FOREST OR SIGNIFICANTLY
14 RESTRICTS CURRENT PRACTICES IN STATE FOREST. THE DEPARTMENT SHALL
15 PROVIDE THE TESTIMONY AT A HEARING OF THE COMMITTEE SCHEDULED
16 WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE RULE.

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

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

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

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

27 (3) Subject to subsection (4), by April 1 ~~7, 2010~~ and each

1 year, ~~thereafter,~~ the department shall submit to the legislature a
2 report that includes all of the following:

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

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

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

13 (5) THE DEPARTMENT IS URGED TO PROMOTE PUBLIC ENJOYMENT OF
14 THIS STATE'S WILDLIFE AND OTHER NATURAL RESOURCES BY PROVIDING
15 PUBLIC ACCESS TO LANDS UNDER THE CONTROL OF THE DEPARTMENT FOR
16 OUTDOOR RECREATION ACTIVITIES DEPENDENT ON NATURAL RESOURCES,
17 PROVIDING REASONABLE CONSIDERATION FOR BOTH MOTORIZED AND
18 NONMOTORIZED ACTIVITIES.

19 (6) IF THE DEPARTMENT RECEIVES A WRITTEN RESOLUTION FROM A
20 RECREATIONAL USERS ORGANIZATION OR THE LEGISLATIVE BODY OF A LOCAL
21 UNIT OF GOVERNMENT REQUESTING THE REMOVAL OF A BERM, GATE, OR OTHER
22 HUMAN-MADE BARRIER ON LAND UNDER THE DEPARTMENT'S CONTROL, THE
23 DEPARTMENT SHALL NOTIFY THE REQUESTOR IN WRITING WITHIN 60 DAYS OF
24 1 OF THE FOLLOWING:

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

1 (B) THE REASONS THE DEPARTMENT BELIEVES THE BARRIER SHOULD NOT
2 BE REMOVED AND THE RIGHT OF THE RECREATIONAL USERS ORGANIZATION OR
3 LOCAL UNIT OF GOVERNMENT, WITHIN 21 DAYS AFTER THE DEPARTMENT SENDS
4 THE WRITTEN NOTICE, TO REQUEST IN WRITING A PUBLIC MEETING ON THE
5 MATTER. IF THE RECREATIONAL USERS ORGANIZATION OR LOCAL UNIT OF
6 GOVERNMENT REQUESTS A PUBLIC MEETING AS PROVIDED IN THIS
7 SUBDIVISION, THE DEPARTMENT SHALL CONDUCT A PUBLIC MEETING WITHIN
8 THE CITY, VILLAGE, OR TOWNSHIP WHERE THE BARRIER IS LOCATED TO
9 EXPLAIN THE DEPARTMENT'S POSITION AND RECEIVE COMMENTS ON THE
10 PROPOSED REMOVAL. AFTER THE MEETING, AND WITHIN 180 DAYS AFTER
11 RECEIVING THE REQUEST TO REMOVE THE BARRIER, THE DEPARTMENT SHALL
12 APPROVE OR DENY THE REQUEST AND NOTIFY THE REQUESTOR IN WRITING. IF
13 THE REQUEST IS DENIED, THE NOTICE SHALL INCLUDE THE REASONS FOR
14 DENIAL. IF THE REQUEST IS APPROVED, THE DEPARTMENT SHALL REMOVE THE
15 BARRIER AS FOLLOWS:

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

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

22 (7) UPON REQUEST FROM A LOCAL UNIT OF GOVERNMENT, THE
23 DEPARTMENT SHALL WORK WITH THE LOCAL UNIT TO ALLOW USE OF STATE
24 LAND MANAGED BY THE DEPARTMENT AND LOCATED WITHIN THE LOCAL UNIT
25 THAT WILL BENEFIT THE LOCAL COMMUNITY BY INCREASING OUTDOOR
26 RECREATION OPPORTUNITIES AND EXPANDING ACCESS TO AND USE OF THE
27 NATURAL RESOURCES AND OUTDOORS. THE DEPARTMENT MAY CHARGE THE LOCAL

1 UNIT A REASONABLE FEE FOR THE USE THAT DOES NOT EXCEED THE COSTS
2 INCURRED BY THE DEPARTMENT FOR THE USE.

3 (8) ~~(5)~~—This section does not authorize the department to
4 promulgate a rule that applies to commercial fishing except as
5 otherwise provided by law.

6 (9) ~~(6)~~—The department shall not promulgate or enforce a rule
7 that prohibits an individual who is licensed or exempt from
8 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a
9 pistol in compliance with that act, whether concealed or otherwise,
10 on property under the control of the department.

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

26 (11) ~~(8)~~—A person who violates a rule promulgated under this
27 section or an order issued under this section is responsible for a

1 state civil infraction and may be ordered to pay a civil fine of
2 not more than \$500.00.

3 Sec. 1901. As used in this part:

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

6 ~~—— (b) "Economic development revenue bonds (oil and gas~~
7 ~~revenues), series 1982A, dated December 1, 1982" includes bonds~~
8 ~~refunding these bonds, provided that any refunding bonds mature no~~
9 ~~later than September 1, 1994.~~

10 (B) ~~(e)~~ "Local unit of government" OR "LOCAL UNIT" means a
11 county, city, township, village, school district, the Huron-Clinton
12 metropolitan authority, or any authority composed of counties,
13 cities, townships, villages, or school districts, or any
14 combination thereof, ~~which authority is~~ AND legally constituted to
15 provide public recreation.

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

18 (C) ~~(e)~~ "Trust fund" means the Michigan natural resources
19 trust fund established in section 35 of article IX of the state
20 constitution of 1963.

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

26 (a) The acquisition of land or rights in land for recreational
27 uses or protection of the land because of its environmental

1 importance or its scenic beauty.

2 (b) The development of public recreation facilities.

3 (c) The administration of the fund, including payments in lieu
4 of taxes on state-owned land purchased through the trust fund. The
5 legislature shall make appropriations from the trust fund each
6 state fiscal year to make full payments in lieu of taxes on state-
7 owned land purchased through the trust fund, as provided in section
8 2154.

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

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

21 (a) The grant is used for the purposes described in subsection
22 (1).

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

26 (4) Not less than 25% of the total amounts made available for
27 expenditure from the trust fund from any state fiscal year shall be

1 expended for acquisition of land and rights in land, and not more
2 than 25% of the total amounts made available for expenditure from
3 the trust fund from any state fiscal year shall be expended for
4 development of public recreation facilities.

5 (5) If property that was acquired with money from the trust
6 fund is subsequently sold or transferred by the state to a
7 nongovernmental entity, the state shall forward to the state
8 treasurer for deposit into the trust fund an amount of money equal
9 to the following:

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

12 (i) The net proceeds of the sale.

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

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

17 (b) If the property was acquired with a combination of trust
18 fund money and other restricted funding sources governed by federal
19 or state law, an amount equal to the percentage of the funds
20 contributed by the trust fund for the acquisition of the property
21 multiplied by the greatest of the amounts under subdivision (a) (i),
22 (ii), and (iii).

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

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

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

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

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

6 (A) ~~(i)~~ Revenue derived from hunting and fishing licenses,
 7 passbooks, permits, fees, concessions, leases, contracts, and
 8 activities.

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

10 (C) ~~(iii)~~ Revenue derived from fees, licenses, and permits
 11 related to game, game areas, and game fish.

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

13 (3) Money in the game and fish protection account shall be
 14 expended, upon appropriation, only as provided in part 435 and for
 15 the administration of the game and fish protection account, which
 16 may include payments in lieu of taxes on ~~state owned~~ **STATE-OWNED**
 17 land purchased through the game and fish protection account or
 18 through the former game and fish protection fund. **THE DEPARTMENT**
 19 **SHALL MANAGE LAND ACQUIRED WITH MONEY FROM THE GAME AND FISH**
 20 **PROTECTION ACCOUNT OR THE FORMER GAME AND FISH PROTECTION FUND**
 21 **THROUGH THE USE OF SCIENTIFIC GAME SPECIES MANAGEMENT FOR THE**
 22 **PRIMARY PURPOSE OF MANAGING HABITAT AND THEREBY ENHANCING**
 23 **RECREATIONAL HUNTING OPPORTUNITIES. UNLESS THE DEPARTMENT CAN**
 24 **DEMONSTRATE THAT THE EXPENDITURE IS FOR THE PRIMARY PURPOSE OF**
 25 **MANAGING GAME HABITAT, AND BENEFITS TO NONGAME SPECIES ARE A RESULT**
 26 **OF THE PRIMARY PURPOSE, BOTH OF THE FOLLOWING APPLY:**

27 (A) **MONEY IN THE GAME AND FISH PROTECTION ACCOUNT SHALL NOT BE**

1 EXPENDED FOR MANAGEMENT OF NONGAME SPECIES.

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

5 (4) Money in the game and fish protection account may be
6 expended pursuant to subsection (3) for grants to state colleges
7 and universities to implement programs funded by the game and fish
8 protection account **IF THE DEPARTMENT DOES NOT HAVE THE STAFF OR**
9 **OTHER RESOURCES TO IMPLEMENT THE PROGRAMS ITSELF.**

10

SUBPART 1

11

SALE OR LEASE OF STATE LANDS FOR PUBLIC PURPOSES

12

13 Sec. 2101. (1) The department may sell ~~sites~~ **TAX REVERTED**
14 **STATE LANDS UNDER ITS CONTROL** to school districts, ~~and~~ **TO** churches
15 and ~~sell lands for public purposes~~ **OTHER RELIGIOUS ORGANIZATIONS,**
16 to public educational institutions ~~+~~ **FOR PUBLIC PURPOSES,** to the
17 United States, ~~+~~ and to governmental units of ~~the~~ **THIS** state and ~~to~~
18 agencies thereof. ~~from tax reverted state lands under the control~~
19 ~~of the department,~~ **THE LANDS SHALL BE SOLD** at a price fixed by a
20 ~~formula determined by the state tax commission.~~ **DETERMINED BY AN**
21 **APPRAISAL, SUBJECT TO SECTION 2132A.** The department may transfer
22 jurisdiction of tax reverted state lands for public purposes to any
23 department, board, or commission of ~~the~~ **THIS** state. The application
24 for the purchase or transfer of tax reverted state lands shall be
25 made by the proper officers of a school district, church **OR OTHER**
26 **RELIGIOUS ORGANIZATION,** public educational institution, the United
27 States, **OR** governmental unit ~~+~~ **OR** agency ~~+~~ ~~department,~~ ~~board,~~ ~~or~~
~~commission~~ **THEREOF** upon forms prepared and furnished by the

1 department for that purpose.

2 (2) The department may sell tax reverted lands to any ~~agency~~
 3 **ENTITY** described in subsection (1), and the transfer of the lands
 4 is not subject to a reverter clause. If a conveyance or transfer of
 5 lands is made to a governmental unit without a reverter clause, the
 6 department may convey or transfer the lands at ~~an appraisal value~~
 7 ~~as a~~ **PRICE** determined by ~~the state tax commission~~ **AN APPRAISAL,**
 8 **SUBJECT TO SECTION 2132A,** or at a nominal fee that includes any
 9 amount paid by the department for maintaining the lands in a
 10 condition that is protective of the public health and safety. If
 11 lands are conveyed or transferred for a nominal fee and are
 12 subsequently sold by the governmental unit for a valuable
 13 consideration, the proceeds from such a sale, after deducting the
 14 fee and any amount paid by the local governmental units for
 15 maintaining the lands in a condition that is protective of the
 16 public health and safety, shall be ~~accounted for~~ **PAID** to the state,
 17 county, township, and school district in which the lands are
 18 situated pro rata according to their several interests in the lands
 19 arising from the nonpayment of taxes and special assessments on the
 20 lands as the interest appears in the offices of the state treasurer
 21 or county, city, or village ~~treasurers~~. **TREASURER.**

22 Sec. 2104. (1) Any of the lands under the control of the
 23 department, the title to which is in this state, and which may be
 24 sold and conveyed ~~or are a part of the state lands, as well as~~
 25 ~~lands later acquired by this state, or any part or portion of those~~
 26 ~~lands,~~ may be exchanged for lands of equal area or approximately
 27 equal value belonging to the United States or owned by private

1 individuals if ~~in the opinion of the department~~ it is in the
2 interest of ~~the~~ **THIS** state to do so.

3 (2) If the department ~~charges~~ **CHARGED** an application fee for a
4 proposed sale of land under this section and the state land
5 proposed for sale is **INSTEAD** sold to another party within 3 years
6 after the date a completed application ~~is~~ **WAS** received by the
7 department **FROM THE PRIOR APPLICANT**, the department shall refund
8 the application fee in full to the **PRIOR** applicant if the **PRIOR**
9 applicant has informed the department of his or her current
10 address.

11 (3) **EFFECTIVE 60 DAYS AFTER THE DEPARTMENT RECEIVES AN**
12 **APPLICATION FROM A PRIVATE INDIVIDUAL TO EXCHANGE THAT INDIVIDUAL'S**
13 **LAND FOR SURPLUS STATE LAND, THE APPLICATION SHALL BE CONSIDERED TO**
14 **BE COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS PROVIDED UNDER**
15 **SUBSECTION (4).**

16 (4) **IF, BEFORE THE EXPIRATION OF THE 60-DAY PERIOD UNDER**
17 **SUBSECTION (3), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**
18 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**
19 **NECESSARY TO MAKE THE APPLICATION COMPLETE, OR THAT THE FEE**
20 **REQUIRED UNDER SUBSECTION (6) HAS NOT BEEN PAID, SPECIFYING THE**
21 **AMOUNT DUE, THE RUNNING OF THE 60-DAY PERIOD UNDER SUBSECTION (3)**
22 **IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE DEPARTMENT THE**
23 **SPECIFIED INFORMATION OR FEE AMOUNT DUE, AT WHICH TIME THE**
24 **APPLICATION SHALL BE CONSIDERED TO BE COMPLETE.**

25 (5) **WHEN THE APPLICATION IS COMPLETE, THE DEPARTMENT SHALL**
26 **PROMPTLY POST THE APPLICATION ON ITS WEBSITE WITH INFORMATION ON**
27 **HOW AND WHEN TO COMMENT ON THE APPLICATION. WITHIN 180 DAYS AFTER**

1 THE APPLICATION IS COMPLETE, OR A LATER DATE AGREED TO BY THE
2 APPLICANT AND THE DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY
3 THE APPLICATION AND NOTIFY THE APPLICANT IN WRITING. IF THE
4 DEPARTMENT DENIES THE APPLICATION, THE NOTICE SHALL SET FORTH THE
5 SPECIFIC REASONS FOR THE DENIAL.

6 (6) THE DEPARTMENT SHALL CHARGE A FEE FOR AN APPLICATION FOR
7 THE EXCHANGE OF STATE LAND. THE FEE SHALL BE \$300.00 PLUS, IF THE
8 STATE LAND IS MORE THAN 300 ACRES IN SIZE, THE ACTUAL REASONABLE
9 COST OF PROCESSING THE APPLICATION.

10 Sec. 2106. (1) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE
11 AND MAKE AVAILABLE IN WRITING TO PERSONS SEEKING TO PURCHASE LAND
12 FROM, SELL LAND TO, OR EXCHANGE LAND WITH THE DEPARTMENT UNDER THIS
13 PART INFORMATION ABOUT RELEVANT REQUIREMENTS AND PROCEDURES UNDER
14 THIS PART.

15 (2) If ~~the department determines that it is in the best~~
16 interests of ~~the~~ **THIS** state to exchange any of the lands mentioned
17 **DESCRIBED** in section 2104 for lands of an equal area or of
18 approximately equal value belonging to private individuals, the
19 department shall maintain a description of the lands to be conveyed
20 and a description of the lands belonging to individuals to be
21 deeded to ~~the~~ **THIS** state.

22 (3) Before any of the lands are deeded to an individual as
23 provided in this subpart, the person or persons owning ~~the~~ **ANY**
24 lands to be deeded to ~~the~~ **THIS** state shall execute a conveyance of
25 those lands to ~~the~~ **THIS** state. **THE DEPARTMENT SHALL ACCEPT DELIVERY**
26 **OF THE DEED.** The attorney general shall examine the title to the
27 lands deeded to ~~the~~ **THIS** state and certify to the department

1 whether or not the conveyance is sufficient to vest in ~~the~~**THIS**
 2 state a good and sufficient title to the land free from any liens
 3 or encumbrances. If the attorney general certifies that the deed
 4 vests in ~~the~~**THIS** state a good and sufficient title to the deeded
 5 lands free from any liens or encumbrances, the department shall
 6 **WITHIN 30 DAYS** execute a deed to the individual of the lands to be
 7 conveyed by ~~the~~**THIS** state. ~~selected by the department in lieu of~~
 8 ~~the lands.~~

9 Sec. 2126. Before the department grants an easement under this
 10 subpart, the individual applying for the easement shall pay charges
 11 as required by the department. The charges shall be the same as
 12 those charges required for the granting of an easement under
 13 ~~section 2129.~~**SUBPART 9. HOWEVER, THE DEPARTMENT MAY CHARGE A FEE**
 14 **FOR AN APPLICATION FOR THE GRANT OF AN EASEMENT UNDER THIS SUBPART.**
 15 **THE FEE SHALL NOT EXCEED THE ACTUAL REASONABLE COST OF PROCESSING**
 16 **AN APPLICATION FOR AN EASEMENT OR \$300.00, WHICHEVER IS LESS.**

17 Sec. 2130. As used in this subpart:

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

20 (b) "Fund", **UNLESS THE CONTEXT IMPLIES OTHERWISE,** means the
 21 land exchange facilitation **AND MANAGEMENT** fund created in section
 22 2134.

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

25 (D) **"QUALIFIED CONSERVATION ORGANIZATION" MEANS THAT TERM AS**
 26 **DEFINED IN SECTION 70(5) OF THE GENERAL PROPERTY TAX ACT, 1893 PA**
 27 **206, MCL 211.70.**

1 Sec. 2131. (1) ~~Except as otherwise provided in~~ **SUBJECT TO**
 2 subsection (2), ~~or (3),~~ the department may designate as surplus
 3 land any ~~state-owned~~ **STATE-OWNED** land that is under the control of
 4 the department ~~and that has been dedicated for public use~~ and may,
 5 on behalf of ~~the~~ **THIS** state, sell that land if **THE SALE IS NOT**
 6 **OTHERWISE PROHIBITED BY LAW AND** the department ~~determines~~ **HAS**
 7 **CONSIDERED** all of the following:

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

11 ~~—— (b) That the sale is not otherwise restricted by law.~~

12 **(B)** ~~(c) That~~ **WHETHER** the sale is in the best interests of the
 13 **THIS** state, giving due regard to the variety, use, and quantity of
 14 lands then under the control of the department.

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

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

19 **(C)** ~~(ii) The land is occupied for a private use through~~
 20 **WHETHER THE SALE WILL RESOLVE AN** inadvertent trespass.

21 **(D)** ~~(iii) The~~ **WHETHER THE** sale will promote the development of
 22 the forestry or forest products industry or the mineral extraction
 23 and utilization industry **OR OTHER ECONOMIC ACTIVITY** in this state.

24 ~~—— (2) The department shall not authorize the sale of surplus~~
 25 ~~land as provided in subsection (1) if the proceeds from the sale of~~
 26 ~~the land will cause the balance of the fund to exceed~~
 27 ~~\$25,000,000.00.~~

1 (2) ~~(3)~~—Except as provided in section 74102b, the department
2 shall not designate as surplus land any land within a state park or
3 state recreation area.

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

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

9 (b) Appraisal consulting.

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

12 (d) The true cash value of nearby land as determined by the
13 local assessor.

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

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

20 (a) A public auction sale.

21 (b) A negotiated sale.

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

24 (5) **EFFECTIVE 60 DAYS AFTER THE DEPARTMENT RECEIVES AN**
25 **APPLICATION TO PURCHASE SURPLUS LAND THROUGH A NEGOTIATED SALE, THE**
26 **APPLICATION SHALL BE CONSIDERED TO BE COMPLETE UNLESS THE**
27 **DEPARTMENT PROCEEDS AS PROVIDED UNDER SUBSECTION (6).**

1 (6) IF, BEFORE THE EXPIRATION OF THE 60-DAY PERIOD UNDER
2 SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,
3 THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION
4 NECESSARY TO MAKE THE APPLICATION COMPLETE, OR THAT THE FEE
5 REQUIRED UNDER SUBSECTION (8) HAS NOT BEEN PAID, SPECIFYING THE
6 AMOUNT DUE, THE RUNNING OF THE 60-DAY PERIOD UNDER SUBSECTION (5)
7 IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE DEPARTMENT THE
8 SPECIFIED INFORMATION OR FEE AMOUNT DUE, AT WHICH TIME THE
9 APPLICATION SHALL BE CONSIDERED TO BE COMPLETE. NOTICE UNDER THIS
10 SUBSECTION SHALL INCLUDE A STATEMENT OF THE REQUIREMENTS OF
11 SUBSECTION (12).

12 (7) WITHIN 180 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE
13 COMPLETE, OR A LATER DATE AGREED TO BY THE APPLICANT AND THE
14 DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION
15 AND NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE
16 APPLICATION, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR
17 THE DENIAL.

18 (8) THE DEPARTMENT SHALL CHARGE A FEE FOR AN APPLICATION FOR
19 THE PURCHASE OF SURPLUS LAND. THE FEE SHALL BE \$300.00 PLUS, IF THE
20 SURPLUS LAND IS MORE THAN 300 ACRES IN SIZE, THE ACTUAL REASONABLE
21 COST OF PROCESSING THE APPLICATION.

22 (9) ~~(5)~~—A notice of the sale of surplus land shall be given as
23 provided in section 2133.

24 (10) ~~(6)~~—The proceeds from the sale of surplus land shall be
25 deposited into the fund.

26 (11) ~~(7)~~—Surplus land that is sold under this subpart shall be
27 conveyed by quitclaim deed approved by the attorney general.

1 (12) ~~(8)~~—Each application, as **MAY BE** later amended or
2 supplemented, submitted by a private person under subsection (3)(b)
3 for the purchase of the land identified in that application as a
4 prospect for purchase ~~—~~shall be considered and acted upon by the
5 department to final decision ~~—~~before any other application
6 submitted at a later date by a different private person for the
7 purchase or exchange of the same land. **HOWEVER, IF AN APPLICATION**
8 **IS NOT COMPLETED OR THE FEE UNDER SUBSECTION (8) IS NOT PAID WITHIN**
9 **60 DAYS AFTER THE DEPARTMENT NOTIFIES THE APPLICANT UNDER**
10 **SUBSECTION (6) THAT THE APPLICATION IS INCOMPLETE OR THAT THE FEE**
11 **HAS NOT BEEN PAID, THE DEPARTMENT SHALL CONSIDER AND ACT UPON TO**
12 **FINAL DECISION AN APPLICATION SUBMITTED AT A LATER DATE THAT IS**
13 **COMPLETED AND FOR WHICH THE FEE HAS BEEN PAID BEFORE THAT**
14 **PREVIOUSLY SUBMITTED APPLICATION.**

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

18 SEC. 2132A. IF LAND IS PROPOSED FOR PURCHASE OR SALE BY OR
19 EXCHANGE WITH THE DEPARTMENT UNDER THIS ACT BASED ON ITS APPRAISED
20 VALUE, IF 2 OR MORE APPRAISALS OF THE LAND THAT MEET DEPARTMENT
21 STANDARDS ARE MADE ON BEHALF OF THE PARTIES TO THE PROPOSED
22 TRANSACTION, AND IF THE HIGH APPRAISAL IS LESS THAN 10% HIGHER THAN
23 THE LOW APPRAISAL, THE ACCEPTED VALUE FOR PURPOSES OF THE PURCHASE,
24 SALE, OR EXCHANGE SHALL BE THE AVERAGE OF ALL THE APPRAISED VALUES.
25 IF THE HIGH APPRAISAL IS AT LEAST 10% HIGHER THAN THE LOW
26 APPRAISAL, THE PARTIES MAY AGREE UPON A NEW APPRAISER, WHOSE
27 APPRAISAL, OR DETERMINATION BASED ON REVIEW OF THE EXISTING

1 APPRAISALS, SHALL BE THE ACCEPTED VALUE FOR PURPOSES OF THE
2 PURCHASE, SALE, OR EXCHANGE. THE DEPARTMENT IS RESPONSIBLE FOR THE
3 NEW APPRAISER'S FEE.

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

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

7 ~~—— (b) To sell land as provided in the general property tax act,
8 Act No. 206 of the Public Acts of 1893, being sections 211.1 to
9 211.157 of the Michigan Compiled Laws.~~

10 SEC. 2137. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER
11 SELLING OR EXCHANGING LAND THAT IS NOT DESIGNATED AS SURPLUS LAND.
12 THE SALE OR EXCHANGE OF THE LAND IS SUBJECT TO THE SAME PROCEDURES
13 AS APPLY TO THE SALE OF LAND THAT IS DESIGNATED AS SURPLUS LAND
14 UNDER THIS SUBPART.

15 (2) SUBSECTION (1) DOES NOT APPLY TO LAND IN A STATE PARK,
16 RECREATION AREA, OR GAME AREA. SUBSECTION (1) DOES NOT APPLY TO A
17 REQUEST TO SELL LAND IF THE REQUEST MEETS THE REQUIREMENTS OF
18 SECTION 2138.

19 SEC. 2138. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER
20 SELLING OR LEASING LAND IF BOTH OF THE FOLLOWING REQUIREMENTS ARE
21 MET:

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

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

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

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

3 (A) ANY COMMENTS ON THE PROPOSED SALE OR LEASE FROM LOCAL
4 UNITS OF GOVERNMENT OR OTHER PERSONS.

5 (B) THE IMPACT ON NATURAL RESOURCES AND OUTDOOR RECREATION IN
6 THIS STATE, GIVING DUE REGARD TO THE VARIETY, USE, AND QUANTITY OF
7 LANDS THEN UNDER CONTROL OF THE DEPARTMENT.

8 (4) THE PRICE FOR SALE OF THE LAND SHALL BE ESTABLISHED USING
9 A METHOD DETERMINED APPROPRIATE BY THE DEPARTMENT AND AGREED TO BY
10 THE APPLICANT, SUCH AS THOSE LISTED IN SECTION 2132(1).

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

20 Sec. 40501. The department shall perform such acts as may be
21 necessary to conduct and establish wildlife restoration,
22 management, and research projects and areas in cooperation with the
23 federal government under the Pittman-Robertson wildlife restoration
24 act, 16 USC 669 to 669i, and regulations promulgated by the United
25 States secretary of the interior under that act. In compliance with
26 that act, funds accruing to this state from license fees paid by
27 hunters shall not be used for any purpose other than game and fish

1 activities under the administration of the department. **THE**
 2 **DEPARTMENT SHALL MANAGE LAND ACQUIRED WITH MONEY RECEIVED UNDER THE**
 3 **PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT, 16 USC 669 TO 669I, TO**
 4 **MANAGE GAME AND FISH HABITAT OR TO INCREASE RECREATIONAL HUNTING,**
 5 **FISHING, AND SHOOTING OPPORTUNITIES. EXPENDITURES TO ENHANCE GAME**
 6 **AND FISH HABITAT MUST BE PRIMARILY FOR THE MANAGEMENT OF GAME**
 7 **SPECIES, BUT MAY BENEFIT NONGAME SPECIES.**

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

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

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

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

19 (ii) ~~Promote~~ **PROMOTING** the efficient utilization of forest
 20 resources.

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

24 ~~Plan and manage plantations in accordance with~~
 25 ~~sustainable forestry principles and in a manner that complements~~
 26 ~~the management of and promotes the restoration and conservation of~~
 27 ~~natural forests.~~

1 (iv) **WHERE APPROPRIATE, PROMOTING WORKING FORESTS FOR THE**
2 **PRODUCTION OF FOREST PRODUCTS AND ECOLOGICAL VALUE.**

3 (v) **ACTIVELY MANAGING FOR ENHANCED WILDLIFE HABITAT.**

4 (b) Conserve and protect forestland by doing all of the
5 following:

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

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

12 (iii) ~~Manage~~**MANAGING** the quality and distribution of wildlife
13 habitats, and ~~contribute~~**CONTRIBUTING** to the conservation of
14 biological diversity, ~~by developing and implementing stand and~~
15 landscape-level measures that promote habitat diversity and the
16 conservation of forest plants and animals, including aquatic flora
17 and fauna and unique ecosystems, **WHILE MINIMIZING LOSS OF ECONOMIC**
18 **VALUES.**

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

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

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

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

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

3 (ii) **INFORMING THE PUBLIC OF THE POSITIVE ASPECTS OF MANAGED**
4 **FORESTS.**

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

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

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

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

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

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

22 Sec. 52503. (1) The department shall adopt a forestry
23 development, conservation, and recreation management plan for ~~state~~
24 ~~owned~~ **STATE-OWNED** lands owned or controlled by the department.
25 Parks and recreation areas, state game areas, and other wildlife
26 areas on these lands shall be managed according to their primary
27 purpose. ~~The~~ **SUBJECT TO SUBSECTION (2) (G), THE** department may

1 update the plan as the department considers necessary or
2 appropriate. The plan and any plan updates shall be consistent with
3 section 52502 and shall be designed to assure—**ENSURE** a stable,
4 long-term, sustainable timber supply from the state forest as a
5 whole.

6 (2) The plan and any plan updates shall include all of the
7 following:

8 (a) An identification of the interests of local communities,
9 outdoor recreation interests, the tourism industry, and the forest
10 products industry.

11 ~~——(b) An identification of the annual capability of the state
12 forest and management goals based on that level of productivity.~~

13 **(B)** ~~(e)~~ Methods to promote and encourage the use of the state
14 forest for outdoor recreation, tourism, and the forest products
15 industry.

16 **(C)** ~~(d)~~ A landscape management plan for the state forest
17 incorporating biodiversity conservation goals, indicators, and
18 measures.

19 **(D)** ~~(e)~~ Standards for sustainable forestry consistent with
20 section 52502.

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

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

25 **(G) YEARLY HARVEST OBJECTIVES FOR ALL STATE FOREST LAND BY**
26 **FOREST REGION FOR A 10-YEAR PERIOD. AT LEAST EVERY 5 YEARS, THE**
27 **DEPARTMENT SHALL REVIEW THE YEARLY HARVEST OBJECTIVES. AT LEAST**

1 ONCE EVERY 10 YEARS, THE DEPARTMENT SHALL UPDATE THE YEARLY HARVEST
2 OBJECTIVES FOR ALL STATE FOREST LAND FOR A 10-YEAR PERIOD. THE
3 DEPARTMENT SHALL POST AND MAINTAIN THE CURRENT YEARLY HARVEST
4 OBJECTIVES ON THE DEPARTMENT'S WEBSITE. THE HARVEST OBJECTIVES FOR
5 EACH FOREST REGION SHALL NOT EXCEED THE SUSTAINABLE YIELDS. IN
6 SETTING HARVEST OBJECTIVES, THE DEPARTMENT MAY CONSIDER PHYSICAL,
7 BIOLOGICAL, ENVIRONMENTAL, AND RECREATIONAL OBJECTIVES.

8 (3) BEGINNING OCTOBER 1, 2017 AND EACH YEAR THEREAFTER, THE
9 DEPARTMENT SHALL PREPARE FOR SALE A MINIMUM OF 90% OF THE YEARLY
10 STATEWIDE HARVEST OBJECTIVE.

11 Sec. 52506. By January 1 of each year, the department shall
12 prepare and submit to the ~~commission of~~ natural resources
13 COMMISSION, the standing committees of the senate and the house of
14 representatives with primary jurisdiction over forestry issues, and
15 the senate and house appropriations committees a report that
16 details the following from the previous state fiscal year:

17 (a) The number of harvestable acres in the state forest, as
18 determined by the ~~certification program under section 52506.~~ **FROM**
19 **INFORMATION IN THE STATE FOREST MANAGEMENT PLAN UNDER SECTION**
20 **52503.**

21 (b) The number of acres of the state forest that were
22 harvested and the number of cords of wood that were harvested from
23 the state forest.

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

1 (d) Efforts by the department to promote recreational
2 opportunities in the state forest.

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

5 (f) Efforts by the department to promote wildlife habitat in
6 the state forest.

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

9 (h) ~~Status~~ **THE STATUS** of certification efforts required in
10 section 52505 and ~~, beginning in 2006,~~ a definitive statement of
11 whether the department is maintaining certification of the entire
12 state forest.

13 ~~—— (i) A description of any activities that have been undertaken~~
14 ~~on forest pilot project areas described in section 52511.~~

15 Sec. 72118. (1) The department shall make a comprehensive
16 inventory of forest roads that are state roads. The department
17 shall divide the state into 5 regions and complete the inventory in
18 regional phases. The Upper Peninsula shall be a separate region or
19 regions. The department shall inventory the 2 most northerly
20 regions in the Lower Peninsula by December 31, 2017. The department
21 shall inventory the remaining regions by December 31, 2018. The
22 inventory shall meet both of the following requirements:

23 (a) Identify the location, condition, and development level of
24 the forest roads.

25 (b) Determine types of motorized and nonmotorized use
26 currently restricted on each forest road segment and the seasons
27 during which those uses are currently restricted.

1 (2) Beginning when the inventory for a region is completed or
2 required to be completed, whichever occurs first, all of the
3 following apply:

4 (a) The forest roads within that region ~~shall be~~ **ARE** open to
5 motorized use by the public unless designated otherwise by **AN ORDER**
6 **OF** the department ~~pursuant to~~ **UNDER** section 504(7). **504**. However,
7 ~~beginning on the effective date of the amendatory act that added~~
8 ~~this section,~~ forest roads in the Upper Peninsula ~~shall be~~ **ARE** open
9 to motorized use by the public unless designated otherwise ~~pursuant~~
10 ~~to section 504(7).~~ **BY AN ORDER OF THE DEPARTMENT UNDER SECTION 504.**

11 (b) If a timber harvest is planned for a particular area in
12 that region, the department shall evaluate whether the timber
13 harvest activity offers the opportunity to connect existing forest
14 roads and trails in that area.

15 (c) The department shall not newly restrict a road or trail in
16 that region from being used to access public land unless the
17 department has provided each local unit of government in which the
18 public land is located written notice that includes the reason for
19 the restriction. This subdivision does not apply to a restriction
20 imposed to protect public health or safety in an emergency
21 situation.

22 (3) The department shall annually post to its website the
23 total miles of forest roads open to motorized use in all
24 inventoried regions and a map or maps of those forest roads.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. 303 of the 99th Legislature is enacted into
2 law.