

SENATE BILL No. 302

April 19, 2017, Introduced by Senator CASPERSON and referred to the Committee on Natural Resources.

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, 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, 324.35501, 324.35502, 324.35503, 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, sections 35501, 35502, and 35503 as added by 1995 PA 59, 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; 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

1 land deeded to ~~the~~**THIS** state under state law.

2 (j) "Rule" means a rule promulgated pursuant to the
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
4 24.328.

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

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

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

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

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

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

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

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

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

25 (B) THE SPECIFIC ACQUISITION IS APPROVED BY RESOLUTION ADOPTED
 26 BY THE LEGISLATIVE BODY OF THE COUNTY WHERE THE LAND IS LOCATED.

27 (4) ~~(5)~~ SUBSECTION (3) DOES NOT PROHIBIT THE ACQUISITION FROM

1 A PRIVATE OWNER OF SURFACE RIGHTS TO LAND UNDER AN OPTION AGREEMENT
2 IN EFFECT ON THE DATE WHEN THE PAYMENT DESCRIBED IN SUBSECTION (3)
3 BECAME DUE IF THE ACQUISITION TAKES PLACE WITHIN 60 DAYS AFTER THE
4 PAYMENT BECAME DUE. For the purposes of ~~subsections (3) and (4),~~
5 SUBSECTION (9), the number of acres of land in which the department
6 owns surface rights does not include **LAND ACQUIRED AS DESCRIBED IN**
7 **THIS SUBSECTION OR** any of the following:

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

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

13 (c) Any of the following if acquired on or after July 2, 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 (c). 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, SUBJECT TO SUBDIVISION (B),
19 ANNUALLY UPDATE ON THE 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, EXCLUDING LAND DESCRIBED IN
22 SUBSECTION (4), IN WHICH THE DEPARTMENT OWNS SURFACE RIGHTS NORTH
23 OF THE MASON-ARENAC LINE, SOUTH OF THE MASON-ARENAC LINE, AND IN
24 TOTAL FOR THIS STATE. FOR LAND NORTH OF THE MASON-ARENAC LINE, THE
25 DEPARTMENT SHALL UPDATE THIS INFORMATION ON ITS WEBSITE AS OF THE
26 DATES THAT PAYMENTS DESCRIBED IN SUBSECTION (3) ARE DUE.

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

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

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

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

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

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

8 (vi) ACRES OF STATE FORESTLAND.

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

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

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

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

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

1 (7) (C) .

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

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

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

22 (12) IF LAND OWNED BY THIS STATE AND MANAGED BY THE
23 DEPARTMENT, LAND OWNED BY THE FEDERAL GOVERNMENT, AND LAND THAT IS
24 COMMERCIAL FORESTLAND AS DEFINED IN SECTION 51101 CONSTITUTE 40% OR
25 MORE OF THE LAND IN A COUNTY, BEFORE ACQUIRING LAND IN THAT COUNTY,
26 THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE BODIES OF THE COUNTY
27 AND THE TOWNSHIP OR TOWNSHIPS WHERE THE LAND IS LOCATED IN WRITING

1 OF THE PROPOSED ACQUISITION. THE NOTICE SHALL INCLUDE INFORMATION
2 LISTED IN SUBSECTION (13) (A) (i) TO (iv). AT THE REQUEST OF THE
3 LEGISLATIVE BODY OF THE COUNTY OR A TOWNSHIP WHERE THE LAND IS
4 LOCATED, THE DEPARTMENT SHALL SEND A REPRESENTATIVE TO A MEETING OF
5 THE COUNTY BOARD OF COMMISSIONERS TO PROVIDE TESTIMONY ON THE
6 PROPOSED ACQUISITION. THE DEPARTMENT SHALL NOT ACQUIRE THE LAND IF,
7 NOT MORE THAN 60 DAYS AFTER THE DEPARTMENT SENT THE NOTICE OF THE
8 PROPOSED ACQUISITION TO THE COUNTY BOARD OF COMMISSIONERS, THE
9 DEPARTMENT RECEIVES A COPY OF A RESOLUTION ADOPTED BY THE COUNTY
10 BOARD REJECTING THE PROPOSED ACQUISITION. HOWEVER, DESPITE THE
11 COUNTY'S REJECTION OF THE PROPOSED ACQUISITION, THE DEPARTMENT MAY
12 ACQUIRE THE LAND IF THE DEPARTMENT RECEIVES A COPY OF A RESOLUTION
13 APPROVING THE ACQUISITION ADOPTED BY THE TOWNSHIP BOARD OF EACH
14 TOWNSHIP WHERE THE LAND IS LOCATED. THE TOWNSHIP BOARD SHALL ALSO
15 SEND A COPY OF SUCH A RESOLUTION TO THE COUNTY BOARD OF
16 COMMISSIONERS.

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

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

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

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

26 (iii) THE EFFECT THE PROPOSED ACQUISITION IS EXPECTED TO HAVE
27 ON ACHIEVING THE GOALS SET FORTH IN THE STRATEGIC PLAN PURSUANT TO

1 SUBSECTION (7) (C) .

2 (iv) DEPARTMENT CONTACT INFORMATION AND THE DURATION OF THE
3 COMMENT PERIOD, FOR PERSONS WHO WISH TO COMMENT ON THE PROPOSED
4 ACQUISITION.

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

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

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

25 (16) ~~(15)~~—The department may lease lands owned or controlled
26 by the department or may grant concessions on lands owned or
27 controlled by the department to any person for any purpose that the

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

1 managed by the wildlife or fisheries division of the department,
2 that fund is the game and fish protection account of the Michigan
3 conservation and recreation legacy fund provided for in section
4 2010.

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

1 637, or any other provision of law. The department may sell all
2 reserved mineral, coal, oil, and gas rights to such lands upon
3 terms and conditions as the department considers proper and may
4 sell oil and gas rights as provided in part 610. The owner of those
5 lands as shown by the records shall be given priority in case the
6 department authorizes any sale of those lands, and, unless the
7 landowner waives that priority, the department shall not sell such
8 rights to any other person. For the purpose of this section,
9 mineral rights do not include rights to sand, gravel, clay, or
10 other nonmetallic minerals.

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

27 (a) Net proceeds allocable to the nonconventional source

1 production credit determined under section 45k of the internal
2 revenue code of 1986, 26 USC 45k, under this subsection shall be
3 credited to the environmental protection fund created in section
4 503a.

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

8 (19) ~~(18)~~—As used in this section:

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

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

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

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

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

27 **(F) "RELEVANT LEGISLATIVE COMMITTEES" MEANS THE SENATE AND**

1 HOUSE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES
2 AND OUTDOOR RECREATION AND THE CORRESPONDING APPROPRIATION
3 SUBCOMMITTEES.

4 (G) ~~(f)~~-"Strategic plan" or "plan" means the plan developed
5 under subsection ~~(7)~~-(6), AS UPDATED UNDER SUBSECTION (10), IF
6 APPLICABLE.

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

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

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

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

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

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

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

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

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

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

22 (6) **IF THE DEPARTMENT RECEIVES A WRITTEN RESOLUTION FROM A**
23 **RECREATIONAL USERS ORGANIZATION OR THE LEGISLATIVE BODY OF A LOCAL**
24 **UNIT OF GOVERNMENT REQUESTING THE REMOVAL OF A BERM, GATE, OR OTHER**
25 **HUMAN-MADE BARRIER ON LAND UNDER THE DEPARTMENT'S CONTROL, THE**
26 **DEPARTMENT SHALL NOTIFY THE REQUESTOR IN WRITING WITHIN 60 DAYS OF**
27 **1 OF THE FOLLOWING:**

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

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

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

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

25 (7) UPON REQUEST FROM A LOCAL UNIT OF GOVERNMENT, THE
26 DEPARTMENT SHALL WORK WITH THE LOCAL UNIT TO ALLOW USE OF STATE
27 LAND MANAGED BY THE DEPARTMENT AND LOCATED WITHIN THE LOCAL UNIT

1 THAT WILL BENEFIT THE LOCAL COMMUNITY BY INCREASING OUTDOOR
2 RECREATION OPPORTUNITIES AND EXPANDING ACCESS TO AND USE OF THE
3 NATURAL RESOURCES AND OUTDOORS. THE DEPARTMENT MAY CHARGE THE LOCAL
4 UNIT A REASONABLE FEE FOR THE USE THAT DOES NOT EXCEED THE COSTS
5 INCURRED BY THE DEPARTMENT FOR THE USE.

6 (8) ~~(5)~~—This section does not authorize the department to
7 promulgate a rule that applies to commercial fishing except as
8 otherwise provided by law.

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

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

1 **WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE ORDER.**

2 (11) ~~(8)~~—A person who violates a rule promulgated under this
3 section or an order issued under this section is responsible for a
4 state civil infraction and may be ordered to pay a civil fine of
5 not more than \$500.00.

6 Sec. 1901. As used in this part:

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

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

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

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

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

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

1 following purposes:

2 (a) The acquisition of land or rights in land for recreational
3 uses or protection of the land because of its environmental
4 importance or its scenic beauty.

5 (b) The development of public recreation facilities.

6 (c) The administration of the fund, including payments in lieu
7 of taxes on state-owned land purchased through the trust fund. The
8 legislature shall make appropriations from the trust fund each
9 state fiscal year to make full payments in lieu of taxes on state-
10 owned land purchased through the trust fund, as provided in section
11 2154.

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

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

24 (a) The grant is used for the purposes described in subsection
25 (1).

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

1 project.

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

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

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

15 (i) The net proceeds of the sale.

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

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

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

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

27 Sec. 2010. (1) The game and fish protection account is

1 established as an account within the legacy fund.

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

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

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

9 (A) ~~(i)~~ Revenue derived from hunting and fishing licenses,
10 passbooks, permits, fees, concessions, leases, contracts, and
11 activities.

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

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

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

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

1 ENHANCING GAME POPULATIONS, AND BENEFITS TO NONGAME SPECIES ARE A
2 RESULT OF THE PRIMARY PURPOSE, BOTH OF THE FOLLOWING APPLY:

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

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

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

13 SUBPART 1

14 SALE OR LEASE OF STATE LANDS FOR PUBLIC PURPOSES

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

1 **RELIGIOUS ORGANIZATION**, public educational institution, the United
2 States, **OR** governmental unit ~~, OR agency, department, board, or~~
3 ~~commission~~**THEREOF** upon forms prepared and furnished by the
4 department for that purpose.

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

25 Sec. 2104. (1) Any of the lands under the control of the
26 department, the title to which is in this state, and which may be
27 sold and conveyed ~~or are a part of the state lands, as well as~~

1 ~~lands later acquired by this state, or any part or portion of those~~
2 ~~lands,~~ may be exchanged for lands of equal area or approximately
3 equal value belonging to the United States or owned by private
4 individuals if ~~in the opinion of the department~~ it is in the
5 interest of ~~the~~ **THIS** state to do so.

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

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

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

1 (5) WHEN THE APPLICATION IS COMPLETE, THE DEPARTMENT SHALL
2 PROMPTLY POST THE APPLICATION ON ITS WEBSITE WITH INFORMATION ON
3 HOW AND WHEN TO COMMENT ON THE APPLICATION. WITHIN 180 DAYS AFTER
4 THE APPLICATION IS COMPLETE, OR A LATER DATE AGREED TO BY THE
5 APPLICANT AND THE DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY
6 THE APPLICATION AND NOTIFY THE APPLICANT IN WRITING. IF THE
7 DEPARTMENT DENIES THE APPLICATION, THE NOTICE SHALL SET FORTH THE
8 SPECIFIC REASONS FOR THE DENIAL.

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

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

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

25 (3) Before any of the lands are deeded to an individual as
26 provided in this subpart, the person or persons owning ~~the~~ **ANY**
27 lands to be deeded to ~~the~~ **THIS** state shall execute a conveyance of

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

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

20 Sec. 2130. As used in this subpart:

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

23 (b) "Fund", **UNLESS THE CONTEXT IMPLIES OTHERWISE,** means the
24 land exchange facilitation **AND MANAGEMENT** fund created in section
25 2134.

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

1 (D) "QUALIFIED CONSERVATION ORGANIZATION" MEANS THAT TERM AS
 2 DEFINED IN SECTION 70(5) OF THE GENERAL PROPERTY TAX ACT, 1893 PA
 3 206, MCL 211.70.

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

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

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

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

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

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

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

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

27 ~~— (2) The department shall not authorize the sale of surplus~~

1 ~~land as provided in subsection (1) if the proceeds from the sale of~~
2 ~~the land will cause the balance of the fund to exceed~~
3 ~~\$25,000,000.00.~~

4 (2) ~~(3)~~ Except as provided in section 74102b, the department
5 shall not designate as surplus land any land within a state park or
6 state recreation area.

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

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

12 (b) Appraisal consulting.

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

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

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

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

23 (a) A public auction sale.

24 (b) A negotiated sale.

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

27 (5) **EFFECTIVE 60 DAYS AFTER THE DEPARTMENT RECEIVES AN**

1 APPLICATION TO PURCHASE SURPLUS LAND THROUGH A NEGOTIATED SALE, THE
2 APPLICATION SHALL BE CONSIDERED TO BE COMPLETE UNLESS THE
3 DEPARTMENT PROCEEDS AS PROVIDED UNDER SUBSECTION (6).

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

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

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

25 (9) ~~(5)~~—A notice of the sale of surplus land shall be given as
26 provided in section 2133.

27 (10) ~~(6)~~—The proceeds from the sale of surplus land shall be

1 deposited into the fund.

2 (11) ~~(7)~~—Surplus land that is sold under this subpart shall be
3 conveyed by quitclaim deed approved by the attorney general.

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

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

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

1 IF THE HIGH APPRAISAL IS AT LEAST 10% HIGHER THAN THE LOW
2 APPRAISAL, THE PARTIES MAY AGREE UPON A NEW APPRAISER, WHOSE
3 APPRAISAL, OR DETERMINATION BASED ON REVIEW OF THE EXISTING
4 APPRAISALS, SHALL BE THE ACCEPTED VALUE FOR PURPOSES OF THE
5 PURCHASE, SALE, OR EXCHANGE. THE DEPARTMENT IS RESPONSIBLE FOR THE
6 NEW APPRAISER'S FEE.

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

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

10 ~~—— (b) To sell land as provided in the general property tax act,
11 Act No. 206 of the Public Acts of 1893, being sections 211.1 to
12 211.157 of the Michigan Compiled Laws.~~

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

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

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

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

27 (B) THE SALE OR LEASE WILL RESULT IN AN ECONOMIC OR OTHER

1 BENEFIT FOR A LOCAL UNIT OF GOVERNMENT OR REGION.

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

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

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

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

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

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

23 Sec. 35501. As used in this part:

24 (a) "Biological diversity" means the full range of variety and
25 variability within and among living organisms and the natural
26 ~~associations~~ **COMMUNITIES** in which they occur. Biological diversity
27 includes ecosystem diversity, species diversity, and genetic

1 diversity.

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

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

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

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

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

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

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

27 ~~—— (h) "Reporting department" means a state department or agency~~

1 ~~that is required by the committee under this part to file 1 or more~~
2 ~~reports.~~

3 (G) ~~(i)~~—"Species diversity" means the richness and variety of
4 native species.

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

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

10 Sec. 35502. The legislature finds that:

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

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

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

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

21 (D) ~~(e)~~—Conserving biological diversity has economic
22 implications.

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

27 (F) ~~(g)~~—Reduced biological diversity may also potentially

1 impact ecosystems and critical ecosystem processes that moderate
2 climate, govern nutrient cycles and soil conservation and
3 production, control pests and diseases, and degrade wastes and
4 pollutants.

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

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

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

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

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

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

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

23 Sec. 40501. The department shall perform such acts as may be
24 necessary to conduct and establish wildlife restoration,
25 management, and research projects and areas in cooperation with the
26 federal government under the Pittman-Robertson wildlife restoration
27 act, 16 USC 669 to 669i, and regulations promulgated by the United

1 States secretary of the interior under that act. In compliance with
 2 that act, funds accruing to this state from license fees paid by
 3 hunters shall not be used for any purpose other than game and fish
 4 activities under the administration of the department. **THE**
 5 **DEPARTMENT SHALL MANAGE LAND ACQUIRED WITH MONEY RECEIVED UNDER THE**
 6 **PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT, 16 USC 669 TO 669I, TO**
 7 **MANAGE AND ENHANCE GAME AND FISH HABITAT OR TO INCREASE**
 8 **RECREATIONAL HUNTING, FISHING, AND SHOOTING OPPORTUNITIES.**
 9 **EXPENDITURES TO ENHANCE GAME AND FISH HABITAT MUST BE PRIMARILY FOR**
 10 **THE MANAGEMENT OF GAME SPECIES, BUT MAY BENEFIT NONGAME SPECIES.**

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

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

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

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

22 (ii) ~~Promote~~ **PROMOTING** the efficient utilization of forest
 23 resources.

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

27 ~~(iv) Plan and manage plantations in accordance with~~

1 ~~sustainable forestry principles and in a manner that complements~~
2 ~~the management of and promotes the restoration and conservation of~~
3 ~~natural forests.~~

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

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

7 (b) Conserve and protect forestland by doing all of the
8 following:

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

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

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

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

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

27 (vi) ~~Manage~~**MANAGING** activities in high conservation value

1 forests by maintaining or enhancing the attributes that define ~~such~~
2 **THOSE** forests, **WHILE MINIMIZING LOSS OF ECONOMIC VALUES**.

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

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

6 (ii) **INFORMING THE PUBLIC OF THE POSITIVE ASPECTS OF MANAGED**
7 **FORESTS**.

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

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

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

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

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

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

25 Sec. 52503. (1) The department shall adopt a forestry
26 development, conservation, and recreation management plan for ~~state~~
27 ~~owned~~**STATE-OWNED** lands owned or controlled by the department.

1 Parks and recreation areas, state game areas, and other wildlife
2 areas on these lands shall be managed according to their primary
3 purpose. ~~The~~**SUBJECT TO SUBSECTION (2) (G), THE** department may
4 update the plan as the department considers necessary or
5 appropriate. The plan and any plan updates shall be consistent with
6 section 52502 and shall be designed to ~~assure~~**ENSURE** a stable,
7 long-term, sustainable timber supply from the state forest as a
8 whole.

9 (2) The plan and any plan updates shall include all of the
10 following:

11 (a) An identification of the interests of local communities,
12 outdoor recreation interests, the tourism industry, and the forest
13 products industry.

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

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

19 **(C)** ~~(d)~~ A landscape management plan for the state forest
20 incorporating biodiversity conservation goals, indicators, and
21 measures.

22 **(D)** ~~(e)~~ Standards for sustainable forestry consistent with
23 section 52502.

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

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

1 (G) YEARLY HARVEST OBJECTIVES FOR ALL STATE-OWNED LAND BY
 2 FOREST REGION FOR A 10-YEAR PERIOD. AT LEAST EVERY 5 YEARS, THE
 3 DEPARTMENT SHALL UPDATE THE YEARLY HARVEST OBJECTIVES FOR A NEW 10-
 4 YEAR PERIOD COMMENCING WHEN THE PLAN IS UPDATED. THE DEPARTMENT
 5 SHALL POST AND MAINTAIN THE CURRENT YEARLY HARVEST OBJECTIVES ON
 6 THE DEPARTMENT'S WEBSITE. THE HARVEST OBJECTIVES FOR EACH FOREST
 7 REGION SHALL NOT EXCEED THE SUSTAINABLE YIELDS. IN SETTING HARVEST
 8 OBJECTIVES, THE DEPARTMENT MAY CONSIDER PHYSICAL, BIOLOGICAL,
 9 ENVIRONMENTAL, AND RECREATIONAL OBJECTIVES.

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

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

19 (a) The number of harvestable acres in the state forest, as
 20 ~~determined by the certification program under section 52506.~~ FROM
 21 INFORMATION IN THE STATE FOREST MANAGEMENT PLAN UNDER SECTION
 22 52503.

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

26 (c) The number of acres of ~~state-owned~~ STATE-OWNED lands owned
 27 or controlled by the department other than state ~~forestlands~~ FOREST

1 that were harvested and the number of cords of wood that were
2 harvested from those lands.

3 (d) Efforts by the department to promote recreational
4 opportunities in the state forest.

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

7 (f) Efforts by the department to promote wildlife habitat in
8 the state forest.

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

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

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

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

25 (a) Identify the location, condition, and development level of
26 the forest roads.

27 (b) Determine types of motorized and nonmotorized use

1 currently restricted on each forest road segment and the seasons
2 during which those uses are currently restricted.

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

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

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

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

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

27 Enacting section 1. Sections 35504 to 35506 of the natural

1 resources and environmental protection act, 1994 PA 451, MCL
2 324.35504 to 324.35506, are repealed.

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

5 Enacting section 3. This amendatory act does not take effect
6 unless Senate Bill No. _____ or House Bill No. _____ (request no.
7 00912'17) of the 99th Legislature is enacted into law.