



HOUSE BILL No. 5870

May 9, 1996, Introduced by Reps. Sikkema, DeLange, Goschka, McBryde, Tesanovich, Middaugh, Bodem, McNutt, Dalman and Kukuk and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 35101, 35103, 35105, and 35108 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 59 of the Public Acts of 1995, being sections 324.35101, 324.35103, 324.35105, and 324.35108 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 35101, 35103, 35105, and 35108 of Act
2 No. 451 of the Public Acts of 1994, as added by Act No. 59 of the
3 Public Acts of 1995, being sections 324.35101, 324.35103,
4 324.35105, and 324.35108 of the Michigan Compiled Laws, are
5 amended to read as follows:

6 Sec. 35101. As used in this part:

1 (a) "Natural area" means a tract of state land or water
2 under control of the department and dedicated and regulated by
3 the department pursuant to this part which:

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

8 (ii) Has been identified and verified through research and
9 study by qualified observers.

10 (iii) May be coextensive with or part of a wilderness area
11 or wild area.

12 (b) "Wild area" means a tract of undeveloped state land or
13 water under control of the department and dedicated and regulated
14 by the department pursuant to this part which:

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

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

19 (iii) Possesses 1 or more of the characteristics of a wil-
20 derness area.

21 (c) "Wilderness area" means a tract of undeveloped state
22 land or water under control of the department and dedicated and
23 regulated by the department pursuant to this part which:

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

1 (ii) Generally appears to have been affected primarily by
2 forces of nature with the imprint of the work of humans
3 substantially unnoticeable.

4 (iii) Has outstanding opportunities for solitude or a primi-
5 tive and unconfined type of recreation.

6 (iv) Contains ecological, geological, or other features of
7 scientific, scenic, or ~~historical~~ NATURAL HISTORY value.

8 Sec. 35103. (1) ~~By February 3, 1972, and each year there~~
9 ~~after, the~~ THE department shall ANNUALLY review all state land
10 under its control and identify those tracts that in its judgment
11 best exhibit the characteristics of a wilderness area, wild area,
12 or natural area. The department shall determine which land in
13 its judgment is most suitable for dedication as wilderness areas,
14 wild areas; or natural areas. The department shall administer
15 the proposed land so as to protect its natural values.

16 (2) A citizen may propose to the department land that in his
17 or her judgment exhibits the characteristics of a wilderness
18 area, wild area, or natural area and is suitable for dedication
19 by the department as such or may propose the alteration or with-
20 drawal of previously dedicated areas. Land under control of the
21 department that has been dedicated or designated before August 3,
22 1972 as a natural area, nature study area, preserve, natural res-
23 ervation, wilderness, or wilderness study area shall be consid-
24 ered by the department and, if eligible, proposed for
25 dedication. The proposals of the department shall be filed with
26 both houses of the legislature.

1 (3) Within 90 days after land is proposed in accordance with
2 subsections (1) or (2), the department shall make the dedication
3 or issue a written statement of its principal reasons for denying
4 the proposal. The department shall dedicate a wilderness area,
5 wild area, or natural area, or alter or withdraw the dedication,
6 by promulgating a rule. The department shall hold a public hear-
7 ing relative to the dedication in the county where the land to be
8 dedicated is located before a rule making the dedication may be
9 promulgated. Not more than 10% of state land under the control
10 of the department shall be dedicated pursuant to this ~~part~~
11 SUBSECTION. All persons who have notified the department in
12 writing during a calendar year of their interest in dedication of
13 areas under this part shall be furnished by the department with a
14 notice of all areas pending dedication or alteration or with-
15 drawal from dedication during that calendar year.

16 (4) The department may exchange dedicated land for the pur-
17 pose of acquiring other land that, in its judgment, is more suit-
18 able for the purposes of this part.

19 Sec. 35105. (1) The following are prohibited on state land
20 in a wilderness area, wild area, or natural area, or on state
21 land proposed by the department for dedication in 1 of these cat-
22 egories during the 90 days a dedication is pending pursuant to
23 section 35103:

24 (a) Removing, cutting, picking, or otherwise altering vege-
25 tation, except as necessary for appropriate public access, the
26 preservation or restoration of a plant or wildlife species, or

1 the documentation of scientific values and with written consent
2 of the department.

3 (b) ~~Granting~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
4 GRANTING an easement for any purpose.

5 (c) Exploration for or extraction of minerals.

6 (d) A commercial enterprise, utility or permanent road.

7 (e) A temporary road, landing of aircraft, use of motor
8 vehicles, motorboats, or other form of mechanical transport, or
9 any structure or installation, except as necessary to meet mini-
10 mum emergency requirements for administration as a wilderness
11 area, wild area, or natural area by the department.

12 (f) ~~Trapping and hunting when recommended by the~~
13 ~~department~~ MOTORIZED EQUIPMENT, EXCEPT IF THE DEPARTMENT
14 APPROVES ITS USE FOR MANAGEMENT PURPOSES OR CONSERVATION
15 PRACTICES.

16 (2) IF A RIGHT-OF-WAY OR AN EASEMENT FOR INGRESS AND EGRESS
17 WAS GRANTED ON LAND PRIOR TO THE LAND'S DESIGNATION AS A WILDER-
18 NESS AREA, WILD AREA, OR NATURAL AREA, UPON REQUEST, THE DEPART-
19 MENT MAY GRANT AN EASEMENT ALONG THE ROUTE OF THE EXISTING
20 RIGHT-OF-WAY OR EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF
21 UTILITIES FOR GAS, ELECTRIC, TELEPHONE, AND CABLE SERVICES. IN
22 GRANTING AN EASEMENT UNDER THIS SECTION, THE DEPARTMENT MAY
23 REQUIRE CONDITIONS NECESSARY TO PROTECT THE WILDERNESS AREA, WILD
24 AREA, OR NATURAL AREA.

25 Sec. 35108. The department shall post signs in
26 ~~conspicuous~~ APPROPRIATE locations along the borders of a
27 wilderness area, wild area, or natural area. The signs shall

1 give notice of the area's dedication and ~~shall~~ MAY state those
2 activities ~~which~~ THAT are prohibited ~~pursuant to~~ UNDER sec-
3 tion 35105 and those activities ~~which~~ THAT are punishable as a
4 misdemeanor pursuant to section 35106.