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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 4049 (Substitute S-2)  
Sponsor: Representative David Anthony  
First House Committee: Conservation, Environment and Recreation  
Second House Committee: Forestry and Mineral Rights  
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 10-27-97

### **CONTENT**

**The bill would add Part 518 to the Natural Resources and Environmental Protection Act (NREPA) to regulate prescribed burns covering more than 40 acres. Part 518 would require the Department of Natural Resources (DNR) to conduct public meetings, give public notice of prescribed burns, create a buffer zone between the burn area and private property, and consider excluding an aesthetic buffer strip for certain areas. The bill specifies that Part 518 would apply only to prescribed burns in forest areas.**

“Prescribed burn” would mean a fire that was intentionally set by the DNR on public or private property to assist the Department in implementing one or more land use management goals. The Department also could conduct a prescribed burn on privately owned property with the owner’s consent.

#### Public Meetings and Public Notice

The DNR would be prohibited from conducting a prescribed burn covering more than 40 acres in a year unless there was at least one public meeting that year in the county of the prescribed burn site. The public meeting would be designed to alert the public that one or more prescribed burns could occur and what the purpose and anticipated consequences of the prescribed burn would be. Members of the public would have an opportunity to express any concerns and opinions regarding a prescribed burn. For a prescribed burn of 40 acres or more, the DNR would have to notify each local fire department with jurisdiction over the projected burn area and publish a public notice in a daily newspaper with a circulation covering the prescribed burn area that a prescribed burn was scheduled to take place within 60 days. The notification and publication would have to occur at least two weeks before the first day of the 60-day period.

#### Buffer Zone

The DNR would have to establish a buffer zone of at least 100 feet between the projected burn area and any adjoining private property in order to conduct a prescribed burn covering more than 40 acres. The Department would not be allowed to conduct a prescribed burn on private property, unless the owner of the private property submitted a written consent to have all or a portion of the property included in a prescribed burn, or submitted a waiver or specified reduction of the buffer zone, or both.

#### Buffer Strip

The DNR would have to consider excluding an aesthetic buffer strip, which would be the area along

the highway or road, before conducting a prescribed burn in an area that would adjoin a State trunk line highway or county road.

Proposed MCL 324.51801-324.51804

Legislative Analyst: N. Nagata

**FISCAL IMPACT**

The bill would have minimal fiscal impact on State and local government.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.