

HOUSE BILL No. 4049

January 8, 1997, Introduced by Rep. Anthony and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 518.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 518. PRESCRIBED BURNS
2 SEC. 51801. AS USED IN THIS PART:
3 (A) "DEPARTMENT" MEANS THE DIRECTOR OF THE DEPARTMENT OF
4 NATURAL RESOURCES OR HIS OR HER DESIGNEE.
5 (B) "PRESCRIBED BURN" MEANS A FIRE THAT IS INTENTIONALLY SET
6 BY THE DEPARTMENT ON STATE OWNED PROPERTY OR PRIVATELY OWNED
7 PROPERTY TO ASSIST THE DEPARTMENT IN IMPLEMENTING 1 OR MORE LAND
8 USE MANAGEMENT GOALS. THE DEPARTMENT MAY CONDUCT A PRESCRIBED
9 BURN ON PRIVATELY OWNED PROPERTY ONLY IF THE OWNER OF THE
10 PROPERTY CONSENTS.

1 SEC. 51802. (1) THE DEPARTMENT SHALL NOT CONDUCT A
2 PRESCRIBED BURN IN ANY GEOGRAPHIC AREA OF THIS STATE IN A YEAR
3 UNLESS THE DEPARTMENT FIRST CONDUCTS AT LEAST 1 PUBLIC HEARING IN
4 THAT YEAR IN A COUNTY IN WHICH THE PRESCRIBED BURN IS TO OCCUR.
5 THE PUBLIC HEARING SHALL BE DESIGNED TO ALERT MEMBERS OF THE
6 PUBLIC THAT 1 OR MORE PRESCRIBED BURNS MAY OCCUR AND WHAT THE
7 PURPOSE AND ANTICIPATED CONSEQUENCES OF THE PRESCRIBED BURN WILL
8 BE. IN ADDITION, MEMBERS OF THE PUBLIC SHALL HAVE AN OPPORTUNITY
9 AT THE PUBLIC HEARING TO EXPRESS THEIR CONCERNS AND OPINIONS
10 REGARDING A PRESCRIBED BURN.

11 (2) IN ADDITION TO THE REQUIREMENT FOR A PUBLIC HEARING
12 UNDER SUBSECTION (1), 30 DAYS BEFORE ANY PRESCRIBED BURN THE
13 DEPARTMENT SHALL NOTIFY EACH LOCAL FIRE DEPARTMENT WITH JURISDIC-
14 TION OVER THE PROJECTED BURN AREA AND SHALL PUBLISH A PUBLIC
15 NOTICE IN A DAILY NEWSPAPER WITH A CIRCULATION COVERING THE PRE-
16 SCRIBED BURN AREA THAT A PRESCRIBED BURN IS SCHEDULED TO OCCUR
17 WITHIN A DESIGNATED 1-WEEK PERIOD.

18 SEC. 51803. THE DEPARTMENT SHALL NOT CONDUCT A PRESCRIBED
19 BURN UNLESS THERE IS AT LEAST A 1,040-FOOT BUFFER ZONE BETWEEN
20 THE PROJECTED BURN AREA AND ANY ADJOINING PRIVATELY OWNED
21 PROPERTY. IF THE OWNER OF THE PRIVATELY OWNED PROPERTY THAT
22 ADJOINS THE PUBLICLY OWNED PROPERTY ON WHICH A PRESCRIBED BURN IS
23 SCHEDULED AGREES TO HAVE ALL OR A PORTION OF HIS OR HER PROPERTY
24 INCLUDED IN A PRESCRIBED BURN, THEN THE 1,040-FOOT BUFFER ZONE
25 DOES NOT APPLY TO THAT PRIVATELY OWNED PROPERTY.

26 SEC. 51804. THE DEPARTMENT SHALL PROVIDE PUBLIC NOTICE AS
27 REQUIRED UNDER THIS ACT IN A MANNER THAT THE DEPARTMENT

- 1 DETERMINES IS BEST SUITED TO PROVIDE NOTICE TO RESIDENTS OF THE
- 2 GEOGRAPHIC AREA IN OR NEAR THE AREA IN WHICH A PRESCRIBED BURN
- 3 MAY OCCUR OR IS SCHEDULED TO OCCUR.