

HOUSE BILL No. 5918

May 18, 2004, Introduced by Reps. Adamini, Bradstreet, Gleason, Brown, Minore, Sak, Gillard, Gielegem, Shackleton, Casperson and Rivet and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124),
as added by 1995 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2123. (1) The department ~~may~~ **shall** grant an easement
2 over state owned land under the jurisdiction of the department to
3 an individual **who requests it, but** only if all of the following
4 conditions are met:

5 (a) The individual does not have other access to the
6 individual's land.

7 (b) The easement does not conflict with an existing program
8 or management plan of the department or a local ordinance.

9 (c) The roadway for which the easement is granted is open to
10 public access and is not a roadway for the exclusive use of the

1 grantee.

2 (d) The easement provides the logical and most feasible
3 access to the individual's land.

4 (e) The width of the roadway is restricted to the minimum
5 consistent with the quality of the road required.

6 (f) The individual agrees to construct, if necessary, and
7 maintain the road.

8 (g) The individual offers a similar roadway easement to the
9 department across the land to which the easement is to provide
10 access.

11 **(2) If a request for an easement is denied under this**
12 **subpart, the department shall, in writing, notify the person who**
13 **requested the easement of the denial and the reasons for the**
14 **denial.**

15 Sec. 2124. ~~The~~ **Notwithstanding section 2123, the**
16 department shall not grant an easement over state owned land
17 under the jurisdiction of the department if any of the following
18 occur:

19 (a) The proposed easement is over land designated as a
20 wilderness area, wild area, or natural area under part 351.

21 (b) The proposed easement is over land in an area closed to
22 vehicular traffic pursuant to a management plan approved by the
23 department.

24 (c) The construction or use of the new or existing roadway
25 will result in ~~unnecessary~~ **unreasonable** damage to or
26 destruction of the surface, soil, animal life, fish or aquatic
27 life, or property.