

Act No. 125

Public Acts of 2004

Approved by the Governor

May 28, 2004

Filed with the Secretary of State

May 28, 2004

EFFECTIVE DATE: May 28, 2004

STATE OF MICHIGAN

92ND LEGISLATURE

REGULAR SESSION OF 2004

Introduced by Reps. Casperson, Stahl, Pastor, Sheen, Walker, Pappageorge, Shackleton, Amos, Nofs, Meyer, Huizenga, Nitz, Palsrok, Palmer, Emmons, LaJoy, Voorhees, Moolenaar, Ward, Bisbee, Hune, Farhat, Mortimer, Hummel, Caswell, Robertson, Shaffer, DeRoche, Julian, Taub, Richardville, Vander Veen, Brandenburg, Acciavatti, Drolet and Bradstreet

ENROLLED HOUSE BILL No. 5554

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending the heading to part 525 and section 52501 (MCL 324.52501), as added by 1995 PA 57, and by adding sections 52502, 52503, 52504, 52505, and 52506.

The People of the State of Michigan enact:

PART 525 SUSTAINABLE

FORESTRY ON STATE FORESTLANDS

Sec. 52501. As used in this part:

(a) "Breast height" means 4.5 feet from highest ground at the base of the tree.

(b) "Certification" means a process where an independent third party organization assesses and evaluates forest management practices according to the standards of a certification program resulting in an issuance of a certificate of compliance or conformity.

(c) "Certification program" means a program that develops specific standards that measure whether forest management practices are consistent with principles of sustainable forestry.

(d) "Conservation" means the wise use of natural resources.

(e) "Diameter class specifications" means a classification of trees based on the diameter at breast height.

(f) "Plan" means the forestry development, conservation, and recreation management plan for state forests as provided for in section 52503.

(g) "Reforestation" means adequate stocking of forestland is assured by natural seeding, sprouting, suckering, or by planting seeds or seedlings.

(h) "Residual basal area" means the sum of the cross-sectional area of trees 4 inches or greater in diameter measured at breast height left standing within a stand after a harvest.

(i) "State forest" means state land owned or controlled by the department that is designated as state forest by the director.

(j) "Sustainable forestry" means forestry practices that are designed to meet present and future needs by employing a land stewardship ethic that integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and visual qualities.

Sec. 52502. The department shall manage the state forest in a manner that is consistent with principles of sustainable forestry and in doing so shall do all of the following:

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

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

(ii) Promote the efficient utilization of forest resources.

(iii) Broaden the practice of sustainable forestry by cooperating with forestland owners, wood producers, and consulting foresters.

(iv) Plan and manage plantations in accordance with sustainable forestry principles and in a manner that complements the management of and promotes the restoration and conservation of natural forests.

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

(i) Ensure long-term forest productivity and conservation of forest resources through prompt reforestation, soil conservation, afforestation, and other measures.

(ii) Protect the water quality in streams, lakes, and other waterbodies in a manner consistent with the department's best management practices for water quality.

(iii) Manage the quality and distribution of wildlife habitats and contribute to the conservation of biological diversity by developing and implementing stand and landscape-level measures that promote habitat

diversity and the conservation of forest plants and animals including aquatic flora and fauna and unique ecosystems.

(iv) Protect forests from wildfire, pests, diseases, and other damaging agents.

(v) Manage areas of ecologic, geologic, cultural, or historic significance in a manner that recognizes their special qualities.

(vi) Manage activities in high conservation value forests by maintaining or enhancing the attributes that define such forests.

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

(i) Publicly report the department's progress in fulfilling its commitment to sustainable forestry.

(ii) Provide opportunities for persons to participate in the commitment to sustainable forestry.

(iii) Prepare, implement, and keep current a management plan that clearly states the long-term objectives of management and the means of achieving those objectives.

(d) Monitor forest management by promoting continual improvement in the practice of sustainable forestry and monitoring, measuring, and reporting performance in achieving the commitment to sustainable forestry.

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

(i) Require that forest management plans and operations comply with applicable federal and state laws.

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

Sec. 52503. (1) The department shall adopt a forestry development, conservation, and recreation management plan for state owned lands owned or controlled by the department. Parks and recreation areas, state game areas, and other wildlife areas on these lands shall be managed according to their primary purpose. The department may update the plan as the department considers necessary or appropriate. The plan and any plan updates shall be consistent with section 52502 and shall be designed to assure a stable, long-term, sustainable timber supply from the state forest as a whole.

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

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

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

(c) Methods to promote and encourage the use of the state forest for outdoor recreation, tourism, and the forest products industry.

(d) A landscape management plan for the state forest incorporating biodiversity conservation goals, indicators, and measures.

(e) Standards for sustainable forestry consistent with section 52502.

(f) An identification of environmentally sensitive areas.

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

Sec. 52504. (1) After the plan is adopted under section 52503, the department shall harvest timber from the state forest and other state owned lands owned or controlled by the department in compliance with the plan and any plan updates.

(2) Unless otherwise dedicated by law, proceeds from the sale of timber from the state forest and other state owned lands owned or controlled by the department shall be forwarded to the state treasurer for deposit into the forest development fund established pursuant to section 50507.

Sec. 52505. (1) The department shall seek and maintain third-party certification that the management of the state forest and other state owned lands owned or controlled by the department satisfies the sustainable forestry standards of at least 1 credible nonprofit, nongovernmental certification program and this part.

(2) Beginning January 1, 2006, the department shall ensure that the state forest is certified as provided for in subsection (1).

(3) Beginning the effective date of the amendatory act that added this section, the department shall commence a review and study to determine the appropriateness of certifying parks and recreation areas, state game areas, and other wildlife areas on state owned lands owned or controlled by the department. Not later than 1 year after the effective date of the amendatory act that added this section, the department shall report and recommend to the legislature the appropriateness and feasibility of certifying those lands.

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

(a) The number of harvestable acres in the state forest as determined by the certification program under section 52506.

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

(c) The number of acres of state owned lands owned or controlled by the department other than state forestlands that were harvested and the number of cords of wood that were harvested from those lands.

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

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

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

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

(h) Status of certification efforts required in section 52505 and, beginning in 2006, a definitive statement of whether the department is maintaining certification of the entire state forest.

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

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) Senate Bill No. 1023.

(b) Senate Bill No. 1024.

This act is ordered to take immediate effect.

Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor