

RIGHT TO FOREST ACT (EXCERPT)
Act 676 of 2002

320.2034 Forestry operations as public or private nuisance.

Sec. 4.

(1) Forestry operations shall not be found to be a public or private nuisance if the forestry operations alleged to be a nuisance conform to generally accepted forestry management practices. Generally accepted forestry management practices shall be reviewed annually by the commission and revised as considered necessary.

(2) Forestry operations voluntarily using sustainable forestry practices as approved by the commission shall not be found to be a public or private nuisance if the forestry operations existed before a change in the land use or occupancy of land within 1 mile of the boundaries of the forestland, and if before that change in land use or occupancy, the forestry operations would not have been a nuisance.

(3) Forestry operations that are in conformance with generally accepted forestry management practices shall not be found to be a public or private nuisance as a result of any of the following:

- (a) A change in ownership or size.
- (b) Cessation or interruption of forestry operations.
- (c) Enrollment in governmental forestry or conservation programs.
- (d) Adoption of new forestry technology.

(4) As used in this section, a public or private nuisance includes, but is not limited to, allegations of nuisance based on any of the following:

- (a) Visual changes due to the removal of vegetation or timber.
- (b) Noise from forestry equipment used in normal, generally accepted forestry management practices.
- (c) Removal of vegetation or timber on a forest adjoining the property of another landowner.
- (d) The use of chemicals normally utilized in forestry operations, and applied under generally accepted forestry management practices.

History: 2002, Act 676, Eff. Mar. 31, 2003

Compiler's Notes: For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.