

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.64106 Public hearing; determination; criteria; statement of reasons.**

Sec. 64106.

(1) After the submission of the information required by section 64105(4), and after review and evaluation of that information by the department, the department shall hold a public hearing to hear comments from the public on whether the department should enter into a contract for the taking of peat from a nominated parcel. This hearing may be consolidated with other legally required hearings related to the taking of peat from the nominated parcel.

(2) After completion of the public hearing required by subsection (1), the department shall decide whether to enter into a contract with the highest bidder based upon a determination that the taking of the peat from the parcel of nominated land would be in the public interest and would not unacceptably disrupt or destroy the aquatic or other resources of the peat land or the surrounding area. In making this determination, the department shall balance the benefit that reasonably may be expected to accrue from the taking of the peat against the reasonably foreseeable detriment of the taking, and, to that end, shall consider the following criteria:

- (a) The relative extent of the public and private need for the taking of the peat.
  - (b) The availability of feasible and prudent alternative locations and methods for attaining the expected benefits of the taking of the peat.
  - (c) The extent and permanence of the beneficial or detrimental effects which the taking of the peat may have on the public and private uses to which the area is suited.
  - (d) The probable impact of the taking of peat in relation to the cumulative effect created by other existing and anticipated activities in the watershed where the peat is located.
  - (e) The probable impact of the taking of the peat on recognized historic, cultural, scenic, ecological, educational, or recreational values, and on the public health, or fish or wildlife.
  - (f) The size of the peat surface area in relation to the size of the parcel of state owned land.
  - (g) The impact of the taking of the peat on subsurface water resources, recharging groundwater supplies and adjacent watersheds, and surface water bodies.
  - (h) The economic value, both public and private, of the taking of peat to the general area.
- (3) The department shall state its reasons for deciding to enter or not to enter into a contract with the highest bidder for the taking of peat.

**History:** Add. 1995, Act 57, Imd. Eff. May 24, 1995

**Popular Name:** Act 451

**Popular Name:** NREPA