

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Natural Resources

Division/Bureau/Office:

Executive Division

Name of person completing this form:

Steve Brisson

Phone number of person completing this form:

231-436-4100

E-mail of person completing this form:

BRISSONS@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Margaret Rost

2. Rule Set Information

MOAHR assigned rule set number:

2022-52 NR

Title of proposed rule set:

Mackinac Island State Park Commission – General Rules

3. Purpose for the proposed rules and background:

Agency Report to JCAR-Page 2

The new rules are intended to:

- (1) Regulate the use of electric tricycles/bicycles under the motor vehicle ban in Mackinac Island State Park in accordance with state and federal disability laws.
- (2) Control the use of consumer fireworks to decrease the risk of spooking horses, protect the historic and natural ambiance of the parks, control litter, prevent fires, and otherwise provide for the health, safety, and welfare of the parks' visitors.

It is important that the rules are promulgated before the 2023 summer season begins on the Island at the beginning of May 2023.

The popularity of electric bicycles has skyrocketed in recent years, posing a significant challenge to the motor vehicle ban within Mackinac Island State Park. At the same time, the Legislature has tasked the Commission with regulating electric bicycles on the Island in a way that comports with state and federal disability laws.

The rules are not only required by the Legislature's directive to regulate electric bicycles in a way that complies with state and federal disability laws, but they give law enforcement officers additional tools to enforce the more than 100-year-old ban on motor vehicles on the Island. They are key to maintaining the Island's international reputation as being vehicle-free. This reputation generates hundreds of millions of dollars in revenue within Michigan, and the livelihood of thousands of people depends on it. So, it is critical that the reputation is protected. Further, citizens have raised concerns about firework use in within the Park, so the rule banning fireworks is necessary for the preservation and protection of lands under the control of the Mackinac Island State Park Commission.

4. Summary of proposed rules:

These rules govern the use and occupancy of Mackinac Island State Park, Michilimackinac State Park, and Historic Mill Creek State Park. The rules provide for the protection of public enjoyment and preservation and protection of the lands and property under the control of the Mackinac Island State Park Commission against the wrongful use or occupancy and protect the lands and property from depredations, preserves the lands and property from molestation, spoliation, destruction, or any other improper use or occupancy.

New rules are intended to:

- (1) Regulate the use of electric tricycles/bicycles under the motor vehicle ban in Mackinac Island State Park.
- (2) Control the use of consumer fireworks to decrease the risk of spooking horses, protect the historic and natural ambiance of the parks, control litter, prevent fires, and otherwise provide for the health, safety, and welfare of the parks' visitors.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Jackson Citizen Patriot, St. Ignace News, Traverse City Record Eagle. Published in all three newspapers on March 23, 2023.

6. Date of publication of rules and notice of public hearing in Michigan Register:

3/15/2023

7. Date, time, and location of public hearing:

Agency Report to JCAR-Page 3

4/5/2023 01:00 PM at Mackinac State Historic Parks Board Room , 207 West Sinclair, Mackinaw City, MI 49701

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1411>

9. List of the name and title of agency representative(s) who attended the public hearing:

Margaret Rost, DNR Legal Policy Specialist.
Nathan Gambill, Assistant Attorney General.
Steven Brisson, Mackinac Island State Park Commission Director.

10. Persons submitting comments of support:

Phil Porter, Jason St. Onge, Tom Chambers.

11. Persons submitting comments of opposition:

Cindy Idema, Robin Dorman, Kelly Rayment, Carl Doolen, Leslie Warczak, Molly McGreevy.

12. Persons submitting other comments:

None.

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1					

14. Date report completed:

4/21/2023