

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Natural Resources

2. Bureau:

Law Enforcement Division

3. Promulgation type:

Full Process

4. Title of proposed rule set:

State Land Use Rules

5. Rule numbers or rule set range of numbers:

R 299.921 – R 299.933

6. Estimated time frame:

6 months

Name of person filling out RFR:

Jennifer Wolf

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

Rules that list various unlawful acts for individuals who use or occupy lands under the control of the department. The rules also provide certain exemptions, penalty for violation of rules, and enforcement authorities.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

MCL 324.504(1) states, “the department shall promulgate rules to protect and preserve lands and other property under its control from depredation, damage, or destruction or wrongful or improper use or occupancy.”

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 324.504(1).

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Yes. As cited above, MCL 324.504 requires the Department to “promulgate rules to protect and preserve land and other property under its control from depredation, damage, or destruction or wrongful or improper use or occupancy.”

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

R 299.924 conflicts with R 299.927 regarding whether a hunting dog must be leashed on certain state-managed land. This conflict causes confusion for land users and enforcement personnel and does not reflect the original intent of the rules that hunting dogs being used on state-managed are not required to be on a leash. This amendment is designed to provide clarity and consistency to the rule provisions related to the leash requirement.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes. However, this amendment was not anticipated in the annual regulatory plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

R 299.924 exceeds the leash requirements for hunting dogs in R 299.927. Under R 299.924 hunting dogs are required to be on a leash on State-owned land other than parks, recreation areas, game and wildlife areas, designated campgrounds and access sites. R 299.927 permits hunting dogs to be off leash in those areas.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rule set was last reviewed in 2018. There are no factors that have changed the regulatory activity covered by the rules since the last evaluation.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No