

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Natural Resources

Bureau name:

Law Enforcement Division

Name of person filling out RIS:

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Rule Set Information:

ARD assigned rule set number:

2023-6 NR

Title of proposed rule set:

State Land Use Rules

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

The rule is substantially similar to the federal rules. There are no parallel standards set by a state or national licensing agency or accreditation association.

A. Are these rules required by state law or federal mandate?

Yes. 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.”

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The rule does not exceed a federal standard.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The rule is substantially similar to dog leash standards in similarly situated states such as Ohio, Indiana, Illinois, Wisconsin, and Minnesota.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The rule does not exceed standards in those states.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

R 299.924 conflicts with R 299.927 regarding whether a hunting dog must be leashed on certain state-managed land.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

The draft rule amendment brings R 299.924 into alignment with R 299.927. The amendment reduces confusion for land users and enforcement personnel, reflects the original intent of the rules that hunting dogs being used on state-managed are not required to be on a leash, and provides clarity and consistency to the rule provisions related to the leash requirement for hunting dogs.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

The rule is not more stringent than federal standards.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.

The rule is not more stringent than federal standards.

Purpose and Objectives of the Rule(s)

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

The rule is designed to permit hunting and other specially trained dogs to be off leash when participating in the activity that they are trained to participate in.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The frequency of the targeted behavior, allowing hunting and specially trained dogs to be off leash, likely will not increase. However, the rule amendment will make the targeted behavior legal.

B. Describe the difference between current behavior/practice and desired behavior/practice.

The current behavior is violating the rule as it is written now. The rule amendment will make the behavior legal.

C. What is the desired outcome?

The desired outcome is to bring the rule into alignment with dog leash requirements in other rules and for those who use specially trained dogs to comply with the leash requirements on state-managed land.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Under the current rule, allowing a hunting or specially trained dog off leash on state forest land is illegal. The proposed rule is designed to make this behavior legal under certain circumstances, bringing this rule into alignment with the other rules and the original intent of the rule. Because the behavior will be legal after the rule is amended, it will no longer be an issue.

A. What is the rationale for changing the rules instead of leaving them as currently written?

The rationale for changing the rule is to reduce confusion for land users and enforcement personnel, reflect the original intent of the rules that hunting dogs being used on state-managed are not required to be on a leash, and provide clarity and consistency to the rule provisions related to the leash requirement for hunting dogs.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

The proposed rule provides citizens with the ability to hunt with or use hunting or specially trained dogs on state-managed forest land without having the dog on a leash. This rule encourages citizens to hunt with dogs in a safe, legal manner without unnecessary leash restrictions. The rule will also enable those using specially trained dogs to track wounded or harvested game to locate the game more quickly, dispatch it more quickly if necessary, and remove the harvested game more quickly. This results in less suffering for the game and the faster removal reduces the opportunity for scavengers to spoil the game.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

There are no rules in the affected rule set that are obsolete or unnecessary.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The Department estimates that there will be no additional costs or potential savings by amending the rule.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

There has not been an agency appropriation, or a funding source provided for any expenditures associated with the proposed rule amendment.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

The proposed rule is necessary to bring this rule into alignment with other rules regarding whether certain dogs have to be leashed on state-managed land. There is no anticipated burden on individuals.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

There are no anticipated burdens.

Impact on Other State or Local Governmental Units

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

The Department estimates that there will not be an increase or decrease in revenues or costs to other state or local governmental units as a result of the proposed rule.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no programs, services, duties, or responsibilities imposed upon any city, county, town, village, or school district by the proposed rule.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no actions that governmental units must take to be in compliance with the rule.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

There has not been an appropriation or funding source provided for state or local governmental units associated with the proposed rule.

Rural Impact

16. In general, what impact will the rules have on rural areas?

Because the proposed rule will allow hunters and trackers to have specially trained dogs off leash on state-managed land, there may be a small reduction in use of private land in rural areas for hunting and tracking purposes.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

Landowners who lease land to hunters and/or allow trackers may see a small decrease in demand for leased land because hunters and trackers will now be permitted to use specially trained dogs off leash on state-managed land.

Environmental Impact

17. Do the proposed rules have any impact on the environment? If yes, please explain.

No, there are no environmental impacts anticipated from the proposed rule.

Small Business Impact Statement

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The agency did not consider exempting small businesses because the agency does not anticipate that the proposed rule will impact small businesses.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The agency does not anticipate that small businesses will be impacted economically.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

The agency does not anticipate that any small businesses will be affected by the proposed rule.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The proposed rule does not contain any reporting or record-keeping requirements and therefore, there are no administrative costs for reporting or record-keeping.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The proposed rule does not contain any reporting requirements.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The proposed rule does not contain performance standards or design or operation standards.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The agency does not anticipate that the proposed rule will have any disproportionate impact on small businesses because of their size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rule does not contain any reporting requirements.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

The agency does not anticipate that small businesses will incur any costs associated with complying with the proposed rule.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

The agency does not anticipate that small businesses will incur any costs associated with complying with the proposed rule.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There should be no issue with small businesses absorbing the costs without suffering economic harm because the agency does not anticipate that small businesses will incur any costs associated with complying with the proposed rule.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rule does not exempt or set lesser standards for compliance by small businesses so there will not be any costs associated with administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rule will not have an impact on public interest of exempting or setting lesser standards of compliance for small businesses because the proposed rule does not affect small businesses.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The agency has not involved small businesses in the development of the proposed rule because the agency does not anticipate that small businesses will be affected by the proposed rule.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the proposed rule.

Cost-Benefit Analysis of Rules (independent of statutory impact)

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

The agency does not anticipate that businesses or groups will incur compliance costs.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

Hunters and trackers using specially trained dogs on state-managed forest land will benefit in that they will not have to keep the specially trained dogs on a leash while the dog is participating in the activity that it is trained for.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

The agency does not anticipate that businesses and other groups will incur additional costs as a result of the proposed rule.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The agency does not anticipate that there will be any compliance costs associated with the proposed rule.

A. How many and what category of individuals will be affected by the rules?

Hunters and trackers using specially trained dogs to participate in the activity for which they are trained will be affected by the proposed rule in that they will not have to keep the dog on a leash on state-managed forest land.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The individuals that violate the State Land Use Rules by not having their specially trained dogs leashed on state-managed forest land will no longer be violating the State Land Use Rules when the proposed rule is adopted.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

The agency does not anticipate any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rule.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The agency estimates that the primary and direct benefit of the proposed rule will be that hunters and trackers who use specially trained dogs on state-managed forest land will be able to locate wounded or dispatched game more quickly if their dog does not have to be leashed when in pursuit of the game. Being able to locate harvested game more quickly will result in less waste, fewer scavenger attractions, and reduced time searching for harvested game.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The agency does not anticipate that the proposed rule will impact business growth or job creation or job elimination.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The agency does not anticipate that any individuals or businesses will be disproportionately affected by the proposed rule as a result of their industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

The agency relied upon field experience of law enforcement officers and members of the public who provided comments related to the subject matter of the proposed rule.

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

The agency did not make any estimates and did not make any assumptions other than assuming that the statements made by law enforcement officers and members of the public were truthful.

Alternative to Regulation

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

A statutory amendment to Part 421 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, or a statutory amendment to Section 2 of the Dog Law of 1919, PA 339 of 1919, that specifically allows specially trained dogs to be off leash on certain state-managed lands could be an alternative.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Part 421 of PA 451 of 1994 or Section 2 of PA 339 of 1919 would need to be amended.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Because the rules are required by statute, a private market-based system cannot serve as an alternative. There are no private market-based systems utilized by other states that the agency is aware of.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

The agency considered amending a Land Use Order of the Director. However, the directives in administrative rules supersede the directives in a Land Use Order of the Director. Amending language in the Land Use Order would not change the directive in the rule. The Land Use Orders are not currently incorporated into or referenced in the rules, so the agency decided to continue this course of action.

Additional Information

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

No additional instructions are required to comply with the proposed rule.