

State Budget Office  
**Office of Regulatory Reinvention**  
111 S. Capitol Avenue; 8th Floor, Romney Building,  
Lansing, MI 48933  
Phone: (517) 335-8658 FAX: (517) 335-9512

## REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov).

### 1. Agency Information

Agency name:	Department of Natural Resources
Division/Bureau/Office:	Forest Resources Division
Agency contact person name, e-mail, and phone:	Kirk Lapham <a href="mailto:LaphamK1@michigan.gov">LaphamK1@michigan.gov</a> 517-284-6029

### 2. Rule Set Information

Title of proposed rule set:	Forest and Mineral Resources Development Fund Program
Rule number(s) or range of numbers:	R 299.2651-R 299.2666
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes.

### 3. Estimated timetable for completion, or statutory deadline, if applicable:

As soon as possible.
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### 4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The rules were enacted to implement the program, but no funds were appropriated to the program and, therefore, it never became functional. The DNR was required by statute to promulgate the rules, but, PA 570 of 2018 amended Part 7 of NREPA, which created the program, and repealed the section of statute requiring the DNR to promulgate rules. Therefore, the DNR now proposes to rescind this ruleset, consistent with the recommendations by the Advisory Rules Committee.
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### 5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

The DNR was required by MCL 324.704(1) to promulgate the rules. However, PA 570 of 2018 repealed this section of statute, and, therefore, the DNR may now rescind this obsolete ruleset.
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### 6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The ruleset does not conflict with any known regulations.
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### 7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

No.
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### 8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

The ruleset is obsolete and will therefore be promulgated under MCL 24.244.
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**9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

Yes. The Advisory Rules Committee established that this ruleset is obsolete due to the lack of funding for the program created by Part 7 of NREPA and recommended rescission of the ruleset. However, the Advisory Rules Committee also recognized that the statute required the DNR to promulgate the ruleset, and the DNR could not rescind the ruleset until the Legislature amended Part 7 of NREPA. Since PA 570 of 2018 accomplished the necessary amendments to Part 7 of NREPA, the DNR now proposes to rescind the ruleset, consistent with the recommendation of the Advisory Rules Committee.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

No.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Kirk Lapham, DNR Legislative and Legal Affairs Office

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 ↓ To be completed by the ORR ↓

Date RFR received: 2-8-2019

**Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	2019-018 NR
Date of approval:	2/13/19

**Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	