

Annual Regulatory Plan 2021-2022

**Department of Natural Resources
Executive Division**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

None.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

- A. Whether there is a continued need for the rules.

The retained rules remain necessary.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Department has not received any complaints or comments regarding the rules for the Executive Division.

- C. The complexity of complying with the rules.

The Department has not received any complaints regarding the complexity of the rules for the Executive Division.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no known conflict with any similar rules or regulations.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were evaluated as part of EO 2011-5 and yearly thereafter for ARPs.

The regulatory activity has not changed in the past year.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/dnr/0,4570,7-350-79136_79772---,00.html

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed – None.

Outstanding – None.

**Department of Natural Resources
Fisheries Division**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

R 299.701 – R 299.705 Use of Trawls
R 299.721 – R 299.846 Commercial Fishing
R 299.1061 Marketing of Imported Commercial and Game Fish
R 299.1071 – R 299.1079 Commercial Fishing.

The above rulesets need to be rescinded when statutory amendments to Parts 467 and 473 of the Natural Resources and Environmental Protection Act, 1994 PA 451 are adopted. House Bills 4567-4569 were introduced during the 2019-2020 legislative session that would have amended these Parts but were never signed into law. If these previous bills or similar bills were introduced to modify commercial fishing laws and adopted by the Legislature during this legislative session, it would likely allow for the rescission/amendment of the listed rulesets as appropriate. Rescission/amendments to the listed rulesets could occur in 2021 or 2022, depending on legislative action.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

R 299.701 – R 299.705 Use of Trawls
R 299.721 – R 299.846 Commercial Fishing
R 299.1061 Marketing of Imported Commercial and Game Fish
R 299.1071 – R 299.1079 Commercial Fishing

The above rule sets describe commercial fishing areas, gear, licenses, and other specifics related to the industry. During the previous legislative session Fisheries Division worked with representatives from the industry, Michigan’s recreational fishing stakeholder groups, and members of the Legislature to introduce a series of bills to modify all commercial fishing laws, rules, and orders. If these previous House Bills 4567-4569 of 2019 or similar bills were introduced during this session it would modify commercial fishing laws, which will allow for the rescission/amendment of the rulesets listed. If Parts 467 and 473 of the Natural Resources and Environmental Protection Act are amended, these rules will likely become obsolete, and it is anticipated that most would be rescinded in their entirety. Further, many of the rules listed or language contained within these rule sets are obsolete or not applicable to the present conditions of the fishery. Specifically, R 299.1072(a) & (e), R 299.1073, 299.1074(b), (c), & (e), portions of R 299.1075, as well as R 299.1078 in its entirety will no longer be necessary if legislative action occurs.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Some sections within the listed rules are problematic to industry but cannot be rescinded until Parts 467 and 473 of the Natural Resources and Environmental Protection Act are amended.

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A. Whether there is a continued need for the rules.

Currently, a continued need for the rules exists to properly regulate commercial fishing; however, these rules will not be needed once the referenced statutes are amended.

B. A summary of any complaints or comments received from the public concerning the rules.

The Department has not received any complaints or comments regarding the rules for the Fisheries Division.

C. The complexity of complying with the rules.

The Department has not received any comments regarding the complexity of complying with the rules for the Fisheries Division.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no known conflict with any other similar rules or regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were evaluated as part of EO 2011-5 and yearly thereafter for ARPs.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Complete—None.

Outstanding:

R 299.701 – R 299.705 Use of Trawls

R 299.721 – R 299.846 Commercial Fishing

R 299.1061 Marketing of Imported Commercial and Game Fish

R 299.1071 – R 299.1079 Commercial Fishing

**Department of Natural Resources
Forest Resources Division**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Commercial Forests R 299.2601- R 299.2612.

The commercial forest program was established in the 1920's to encourage private landowners to manage their land for timber in exchange for a property tax incentive. The rules complement Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Changes to the rules are needed to clarify, correct errors, and improve consistency with Part 511.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None

- A. Whether there is a continued need for the rules.

The retained rules remain necessary.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Department has not received any complaints or comments regarding the rules for the Forest Resources Division.

- C. The complexity of complying with the rules.

The Department has not received any complaints regarding the complexity of the rules for the Forest Resources Division.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no known conflict with any similar rules or regulations.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were evaluated as part of EO 2011-5 and yearly thereafter for ARPs.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed – None

Outstanding –
R 299.2601 – R 299.2612 Commercial Forests

**Department of Natural Resources
Law Enforcement Division**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

R 281.1221 – 1226 Marine Collisions, Accidents, or Other Casualties: establish reporting requirements in the event of a collision on waters in Michigan’s jurisdiction.
R 281.1201 – 1209 Numbering of Vessels and Motorboats: establish the details of the requirement to display numbers on vessels while in waters within Michigan.
R 257.1691 Placement of ORV Decal: establish the “location designated by the department” (per MCL 324.81116(4)) to affix the ORV registration to various types of ORVs.
State Land Use Rules: updates in coordination with the Parks and Recreation Division, as provided below.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Marine Rules-Some rules in the marine related rulesets listed above may be obsolete. DNR has established a workgroup to review, update, and rescind these rulesets as appropriate to ensure they are current and consistent with federal regulations.
ORV Rule-The authority of this rule is outdated. Also, due to design and engineering, placement locations may want to be reconsidered. Currently, there is a bill pending in the legislature to allow other placement locations.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

All rules are required and/or necessary to meet statutory requirements and address public safety concerns.

- A. Whether there is a continued need for the rules.

The retained rules remain necessary.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Department has not received any complaints or comments regarding the rules.

- C. The complexity of complying with the rules.

The Department has not received any comments regarding the complexity of complying with the rules.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The marine related rules will be updated to clarify for consistency with federal standards.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were evaluated as part of EO 2011-5 and yearly thereafter for ARPs.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed: None.

Outstanding:

Marine Collisions, Accidents, or Other Casualties, R 281.1221 – 1226

Numbering of Vessels and Motorboats, R 281.1201 – 1209

Placement of ORV Decal, R 257.1691

State Land Use Rules R 299.921 – 933-In coordination with the Parks and Recreation Division.

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**Department of Natural Resources
Michigan History Center**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

R 399.101-399.102 Site Protection

The Department will consider amendments to make technical updates to the rule to address inaccurate statutory citations and departmental organizational changes.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None

- A. Whether there is a continued need for the rules.

The rule is necessary to provide basic protection of state lands not covered by other rules but require technical changes as described.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Department has not received any complaints or comments regarding the rule for the Michigan History Center.

- C. The complexity of complying with the rules.

Rule is currently confusing due to changes in state statute and government organization but does not present significant complexity related to compliance.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no known conflict with any similar rules or regulations.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rule was promulgated in 1983, since that time, the History Center is now under new authorizing law and is in a different department.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/dnr/0,4570,7-350-79136_79772---,00.html

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Outstanding: R 399.101-399.102 Site Protection.

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**Department of Natural Resources
Minerals Management Section**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

None.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

All rules within the Minerals Management Section have been reviewed and updated within the last three years with the opportunity for industry input and comment. The Minerals Management Section will continue to review rules and communicate with industry to determine reasonable future revisions to the rules, but at this point, all rules are functioning efficiently.

- A. Whether there is a continued need for the rules.

The retained rules remain necessary.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Department has not received any complaints or comments within the last year regarding these rulesets.

- C. The complexity of complying with the rules.

Recent amendments to the Oil and Gas Leasing Rules eliminated some complexity resulting from outdated information previously in the Rules.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no known conflict with any other similar rules or regulations.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were evaluated as part of EO 2011-5 and yearly thereafter for ARPs.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Complete— R 299.8101 – 299.8107 - Rules for Oil and Gas Leases on State Lands
Outstanding—None.

**Department of Natural Resources
Parks and Recreation Division**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

R 257.1501-257.1511 State Aid for Snowmobile Safety Programs

The Advisory Rules Committee made a recommendation to generally update the rules to conform to statute. The DNR will continue to consider possible updates over the next year.

R 299.671(f) Definition

The definition of “Director” needs to be updated to remove “department of natural resources and environment” and replace it with “department of natural resources.”

R 299.921 (j) Definition

The definition of “Pathway” needs to be updated to reflect that “properly signed on the ground” would only be necessary for allowed non-motorized uses.

R 299.922(a) regulates entry, use or occupancy of “state owned land”, since the state also leases lands, the DNR would propose removing “state owned land” from this definition.

R299.922(j) regulates where animals are allowed on state land and under what circumstances. Because the rule does not define “bathing beach” the DNR would propose clarifying the rule to better reflect the intent and practical application of the rule.

R 299.922(v) prohibits leaving a campsite unoccupied for more than a 24-hour period after the camp is “established,” but “establish” is not defined in the Rules. The DNR would propose amendments to clarify the rule to better reflect the intent and practical application of the rule.

R 299.923(e) prohibits building a fire except in a stove or grill “provided” by the department. The DNR would propose replacing “provided” with “approved”, as there are some instances where the DNR does not provide a stove or grill.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

- A. Whether there is a continued need for the rules.

The retained rules are necessary.

- B. A summary of any complaints or comments received from the public concerning the rules.

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The Department has not received any complaints or comments regarding the rules for the Parks and Recreation Division.

C. The complexity of complying with the rules.

The Department has not received any comments regarding the complexity of complying with the rules for the Parks and Recreation Division.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no known conflict with any similar rules or regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were evaluated as part of EO 2011-5 and yearly thereafter for ARPs.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/dnr/0,4570,7-350-79136_79772---,00.html

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed – None.

Outstanding:

State Aid for Snowmobile Safety Programs, R 257.1501 -- 257.1511
Shooting Ranges on State-Owned Lands – Definition, R 299.671(f)
State Land Use – Definition, R 299.921(j)
State Land Use – Clarification, R 299.922(a)
State Land Use – Clarification, R 299.922(j)
State Land Use – Clarification, R 299.922(v)
State Land Use – Clarification, R 299.923(e)

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Department of Natural Resources
Wildlife Division

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

R 299.1021 – 299.1028, Threatened & Endangered Species: Technical committees finished reviewing the threatened and endangered species list and produced recommended changes in February and September 2019. The Wildlife Division’s review of the recommendations has been on hold due to changes from COVID-19 and working out of class assignments. The Wildlife Division will review the recommendations this year and consider possible amendments to the ruleset.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

- A. Whether there is a continued need for the rules.

The retained rules remain necessary.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Department has not received any complaints or comments regarding the rules for the Wildlife Division.

- C. The complexity of complying with the rules.

The Department has not received any comments regarding the complexity of complying with the rules for the Wildlife Division.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no known conflict with any similar rules or regulations.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were evaluated as part of EO 2011-5 and yearly thereafter for ARPs. The threatened and endangered ruleset specifically has been reviewed by the technical committees, consistent with the established 5-year review cycle and recommended amendments to the ruleset may result from the review. The Department’s regulatory authority pertaining to Wildlife Division administered rules has not changed.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/dnr/0,4570,7-350-79136_79772---,00.html

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed – None.

Outstanding – R 299.1021 – 299.1028, Threatened & Endangered Species

The ruleset was identified based on recommendations from the 2014 technical review of the lists, but no amendments to the ruleset were pursued based on the 2014 review. The Wildlife Division received the technical committees' recommendations in February and September 2019 based on the established 5-year review cycle, however due to COVID-19 and working out of class assignments, Wildlife Division's review of the recommendations was put on hold. The Wildlife Division will review the recommendations this year and consider possible amendments to the ruleset.