

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

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Natural Resources

2. Bureau:

Wildlife Division

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Endangered and Threatened Species

5. Rule numbers or rule set range of numbers:

R 299.1021 – R 299.1028

6. Estimated time frame:

12 months

Name of person filling out RFR:

Krista Hubbard

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

The rules list those species of fish, plants, and wildlife that are endangered or threatened within Michigan. The changes are intended to update the list to reflect the species current biological status.

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

The Department of Natural Resources is required, under MCL 324.36503(1), to promulgate rules listing those species of fish, plants, and wildlife that are determined to be endangered or threatened within the state. The Department of Natural Resources is also required, under MCL 324.36503(2), to conduct a review of the state list of endangered and threatened species every 2 years and may amend the list as needed.

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

MCL 324.36503

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

The Department of Natural Resources is required, under MCL 324.36503(1), to promulgate rules listing those species of fish, plants, and wildlife that are determined to be endangered or threatened within the state. The Department of Natural Resources is also required to, under MCL 324.36503(2), to conduct a review of the state list of endangered and threatened species every 2 years and may amend the list as needed.

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.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

Yes, the listed species are contained within the Michigan Natural Features Inventory. The Department of Natural Resources website contains a link to a PDF version of the rule set.

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

Yes.

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.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

Yes. The rules incorporate the recommendations for changes to the list of threatened or endangered species from seven technical advisory committees. These committees consist of species experts from across the state.

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 rules were last revised in 2009. The rules are reviewed by technical advisory committees across Michigan, consistent with a five-year review cycle. The rules were last reviewed by technical advisory committees in 2014, but no amendments were pursued based on the review.

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