

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

611 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-8658 Fax: 517-335-9512

REQUEST FOR RULEMAKING (RFR)

1. Department:

Natural Resources

2. Bureau:

Forest Resource Division

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Commercial Forests

5. Rule numbers or rule set range of numbers:

R 299.2601 - R 299.2612

6. Estimated time frame:

12 months

Name of person filling out RFR:

Karen Maidlow

E-mail of person filling out RFR:

MAIDLOWK@michigan.gov

Phone number of person filling out RFR:

517-284-5849

Address of person filling out RFR:

525 West Allegan
Lansing, MI 30452

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

MCL 324.51102 states that the department shall establish and maintain commercial forests and may promulgate and enforce rules as necessary to accomplish the purpose of this part. The changes are necessary to remove conflicting and duplicative language, and to correct errors.

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

Department of Natural Resources Director.

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

MCL 324.51101 to 324.51120.

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

MCL 324.51102 states that the department shall establish and maintain commercial forests and may promulgate and enforce rules as necessary to accomplish the purpose of this part.

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 have numerous instances of duplicative and conflicting language with the statute. For example, the statute states commercial forest land shall not be used for residential or developmental purposes, but the rules allow structures and improvements if they are for the sole purpose of commercial forest activity.

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. The rules are listed on the department's annual regulatory plan as rules to be processed for the current year.

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 statute states commercial forest land shall not be used for residential or developmental purposes, but the rules allow structures and improvements if they are for the sole purpose of commercial forest activity. To the best of our knowledge, the DNR has never allowed structures and improvements on CF land because it would be impossible to monitor whether they were used strictly for commercial forest activity.

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 date of the last evaluation of the rules was December 4, 2014. There have been no changes to the regulatory activity covered by the rules since the last evaluation due to technology, economic conditions, or other factors.

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