

Commercial Forests
MOAHR #2021-75 NR

Public Hearing

This public hearing is being called to order at 2:16 pm, on Thursday, August 17, 2023. We are in the Con Con Hearing Room, located in the atrium level of Constitution Hall, 525 West Allegan Street, Lansing, MI 48933. This hearing is being audio recorded. My name is Margaret Rost, and I will be facilitating the hearing.

The Commercial Forest Rules are promulgated under authority of Part 511 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to MCL 324.51120.

This public hearing is being conducted pursuant to the Administrative Procedures Act, Public Act 306 of 1969.

The public hearing notice was published in the following MICHIGAN newspapers of general circulation:

1. The Jackson Citizen Patriot;
2. The St. Ignace News; and
3. The Traverse City Record Eagle

The notice was also published in the Michigan Register and posted on the department website.

The purpose of this public hearing is to provide the public with an opportunity to give views and comments on the proposed amendments to the administrative rules set, Commercial Forests, R 299.2601 to R 299.2612. Public input is an important part of this administrative process and will be included in the official record.

I will call speakers up from the cards that I have received. When you come forward, please state for the record your name and your organization or company that you may be representing. Please try to keep your comments to under five minutes. I would like to ask everyone to respect each person's opportunity to speak, so if you have a cell phone, please put it on silent.

Commenters:

Luke Thiel, Michigan Forest Products Council:

- R 299.2604 – change 30-day notice to 7-day notice prior to removal of sand and gravel
- R 299.2605 – add clarifying language that upon request, the owner of a conservation easement shall submit a copy of the prospective easement to the Department before entering into the agreement and provide the Department with 30 days to review
- R 299.2605(e) – retain existing language
- R 299.2605b – change forest management plan requirement for owners of parcels of 5,000 acres or more to submitting a copy of the amended or revised forest management plan to the Department seven days before implementation & striking the proposed amendment as drafted
- R 299.2906 – reduce proposed pre-harvest notice requirement for large commercial forest owners with 5,000 or more enrolled acres to seven days

- R 299.2608 – add language to ensure that those re-enrolling due to township removal of land from program was in error do not have to pay a penalty

Jason Wadaga, Michigan Association of Timberman

- R 299.2906 – reduce or eliminate the pre-harvest notification requirement
- What is the impetus for amending the rules?
- Is the proposed language in practice now but just not in the Act?

Response to Comments:

Karen Maidlow, DNR Commercial Forest Program Leader

- Encourage anyone who has comments or suggestions to submit written comments and include proposal for how the commenter thinks the rule should read
- Rules need to be updated to clarify and remove confusing or conflicting language
- Have been having issues with structures on land not being used for commercial forest purposes
- Explained that mineral rights used to include sand & gravel and the State has to have time to review whether the State has ownership of the sand & gravel
- Want to review conservation easements before to protect the property owner to ensure that easement language doesn't conflict with statute or rules of commercial forest program
- Language for forest management plan currently doesn't contain a timeframe; proposed rules expands timeframe for new plan compliance from 60 to 90 days

Are there are any other comments? If there are no further comments at this time, I hereby declare the hearing closed at 2:34 pm. The record will remain open until 5:00 pm on Thursday, August 31, 2023, for additional comments the public may wish to share regarding the proposed administrative rule set.

Thank you for attending today's hearing.