

# LAWS AND REGULATIONS OF RARE SPECIES

Dan Kennedy  
Endangered Species Coordinator  
517-284-6194  
[Kennedyd@michigan.gov](mailto:Kennedyd@michigan.gov)

# Laws and Regulations

- State T&E legislation, Part 365
- Environmental Review
- Regulation on the Take of Reptiles and Amphibians
- Ginseng Act
- Christmas Tree Act



# State Endangered Species Law

- ▣ Part 365 of NREPA, Act 451 of 1994
  - Definitions
  - Duties
  - Investigations
  - Programs, cooperative agreements
  - Prohibitions and exemptions
  - Enforcement
  - Violations



# Michigan Endangered Species Law

## Part 365 of PA 451 of 1994

- ❑ Prohibits “take” of species listed as threatened or endangered on public or private land
- ❑ Includes animals and plants
- ❑ Permits may be issued to alleviate damage to property or to protect human health or scientific purposes



# Examples of “Take”

- ▣ State listed species
  - Cutting down a tree with an active nest of a listed bird species
  - Heavy equipment crushing a listed turtle
  - Collecting seeds of listed plant species
  - Applying herbicide to listed plant



# Michigan Endangered Species Permits

A Michigan endangered species permit is required when:

- ▣ there is unavoidable and appropriate “take” of a protected species
- ▣ transplanting is necessary (plants)
- ▣ collecting specimens for any reason



# State Permits?

- ▣ If there is potential to “take” a State listed species then:
  - Contact Lori Sargent
  - Lori administers state T&E permits
  - (517) 284-6216
  - [SargentL@michigan.gov](mailto:SargentL@michigan.gov)
  - If high profile or concerns please include the DNR's Endangered Species Coordinator



# Species of Special Concern

- ▣ Goal: track and manage to avoid future listing
- ▣ When and where possible treat with similar management consideration as listed species
- ▣ However, no protection under Part 365





# The New Environmental Review Process

- ▣ As of October 1, 2011 Wildlife Division is no longer conducting Environmental Reviews
- ▣ However, everyone must still comply with state and federal legislation
- ▣ Michigan Natural Features Inventory (MNFI) evaluates T&E data for a fee
  - No regulatory authority – cannot restrict projects, only provide recommendations



# Environmental Review Process

- ▣ DNR Wildlife field staff available for consultation
- ▣ Lansing staff available for consultation on impacts to specific species
- ▣ US Fish & Wildlife Service still doing reviews on federally listed species
- ▣ Lori Sargent administers T&E permits
  - (517) 284-6216
  - [sargentL@michigan.gov](mailto:sargentL@michigan.gov)



# Part 529 PA 451 of 1994

- ▣ Protects attractive plants from collectors and commercial exploitation, to prevent these plants from becoming rare.
- ▣ Prohibits collection of plants on list on someone's land without their permission.
- ▣ If these plants occur on your land, you may do as you wish with them, except if they are also threatened or endangered.
- ▣ Species includes trilliums, holly, bittersweet, etc.



# Michigan Ginseng Act

## Act 184 of 1994

- ▣ Passed in 1994 to regulate the harvest, sale, and distribution of Ginseng
- ▣ This Act covers both cultivated and wild ginseng
- ▣ MDARD lead agency for cultivated ginseng
- ▣ MDNR lead agency for wild ginseng



# Director's Order on Take of Reptiles and Amphibians

- ▣ Unlawful to kill, take, trap, possess, buy, sell, offer to buy or sell, barter, or attempt to take, trap, possess or barter any reptile or amphibian from the wild, or their eggs, except as provided within this order.
- ▣ Includes T&E and SC species
- ▣ Tom Goniea is DNR contact
  - 517-284-5825
  - [gonieat@Michigan.gov](mailto:gonieat@Michigan.gov)



# Questions???

