

REMOVAL, CAPTURE, OR LETHAL CONTROL OF GRAY WOLF (EXCERPT)
Act 318 of 2008

324.95167 Operation and enforcement of sections 1 to 5; conditions; notice.

Sec. 7. (1) Sections 1 to 5 shall not be operational and enforceable until 1 of the following occurs:

(a) A final appellate court issues a decision overruling the decision of the United States district court for the District of Columbia in The Humane Society of the United States v Dirk Kempthorne, civil action no. 07-0677 (D.C.C. September 29, 2008), and permits the final rule of the United States fish and wildlife service in 72 FR p 6052 (February 8, 2007) removing gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973 to take effect.

(b) The United States fish and wildlife service promulgates a final rule dated after March 12, 2007 that removes gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973 and that final rule takes effect.

(2) Upon sections 1 to 5 becoming operational and enforceable pursuant to subsection (1), the department shall post a notice on the department's website that includes all of the following:

(a) The date sections 1 to 5 are operational and enforceable pursuant to subsection (1).

(b) A summary of the provisions of sections 1 to 5.

History: 2008, Act 318, Imd. Eff. Dec. 18, 2008.

Compiler's note: Enacting section 1 of Act 318 of 2008 provides:

"Enacting section 1. If any federal or state litigation overturns the decision to remove gray wolves from the list of endangered species, the Michigan department of natural resources shall report the impact of that litigation on this act to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment."

The United States fish and wildlife service promulgated a final rule on April 2, 2009 that became effective on May 4, 2009 removing gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.