



1001 – Administrative Authorities
(Issued/Revised: 09/12/2013)

Supersedes:

1001 – Development and Establishment of Statute, Administrative Rule, Natural Resources Commission Order, Directors Order, Declaratory Ruling, Policy, Position Statement and Administrative Procedure, dated March 11, 1993.

Purpose:

This policy describes the administrative authorities established by statute and administrative rule which authorize the NRC and the Department. These authorities establish the use and purpose of Commission Orders, Directors Orders, and Declaratory Rulings. Each of the administrative authorities defined in this Policy provide for the regulation of the natural resources, mineral resources, lands and facilities administered by the Department.

Definitions:

Declaratory Ruling – A written interpretation by the Department as to the applicability of a statute or rule administered by the Department, relative to a question on a specific set of facts or circumstances. A declaratory ruling may be requested by any citizen, organization, public agency or Division of the Department. It is binding on the agency and the person requesting it (as applicable) and can only be set aside or altered by a Court. The process for developing a declaratory ruling is found at the Administrative Procedures Act, MCL 24.261.

Director's Order – A standard, or regulation to implement rules to protect and preserve lands and other property under its control from depredation, damage, or destruction or wrongful or improper use or occupancy. Authority is specifically delegated to the Department by statute.

Commission Order – A standard designed to regulate the taking of game or fish. Issuance of orders by the Commission are made following a public meeting and an opportunity for public comment. Authority is specifically delegated to the Commission by statute.

Policy: General principles established by the Commission that guide the execution of authorities created by the Legislature and the Governor.

Procedure: The steps necessary to implement policy.

Policy:

The Commission provides a forum for public review and comment on the language and intent of proposed administrative orders used by the Department. Orders are prepared and reviewed by the Department Divisions according to procedures adopted by the Department. Draft Orders shall be available for review in advance of Commission meetings and shall be scheduled either “for information” or “for action” in the Commission agenda. Original copies of administrative Orders are retained by the Department and shall be posted to the Department web site.

The Commission shall, from time to time, issue policy statements to establish its position on important issues and to describe the actions and processes it intends to implement to achieve

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its objectives, comply with its duties, and meet its statutory obligations. Commission policies are not intended to duplicate or substitute for policies and procedures adopted by the Department.

Related Reference:

Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq. -
<http://legislature.mi.gov/doc.aspx?mcl-Act-306-of-1969>

1001 – Administrative Authorities is hereby approved.

J.R. Richardson, Chair

Effective Date