

Blue Book

**Department of Environmental Quality
Office of Oil, Gas, and Minerals**

05 - Director's Letters

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

Stevens T. Mason Building P.O. Box 30028 Lansing, MI 48909

ROLAND HARMES, Director

NATURAL RESOURCES
COMMISSION

JERRY C. BARTNIK
HARRY DEVUYST
LUL EISELE
AMES P. HILL
DAVID HOLLI
JOEY M. SPANO
JORDAN B. TATTER

DIRECTOR'S LETTER

Letter No.: 37

Effective Date: 9-1-94

TO: All Unit Supervisors and Conservation Officers

FROM: Roland Harmes, Director

SUBJECT: Overhead Costs at Multiple-Use Offices in the Field

The Deputy Directors for the Regions and the Deputy Director for Administration have developed standard criteria for allocating overhead costs at multiple-use offices in the field. The criteria used is intended to ensure an equitable and consistent basis for sharing the costs of operating offices occupied by multiple Divisions.

TELEPHONES:

A. All standard base service charges will be allocated to Divisions based on the number of instruments assigned, by percentage, based on recorded use of the telephone system by the minute, or a combination of the above.

Support staff telephone costs will be prorated to the Divisions they are assigned to.

B. Charges for special services are to be paid by the Division requesting them, i.e., OPX lines, reconfiguration of voice mail, installation of temporary telephone systems and lines, private lines, etc.

C. Toll, long-distance and zone calls will be paid by the Division making the calls based on recorded actual usage or a percentage of the monthly total.

D. WATS line charges will be allocated on the basis of computerized cost distribution or a percentage distribution based on use.

E. Lease/purchase agreements for new or replacement systems will be a monthly base charge per instrument. Outright purchase of telephone systems and telephone system upgrades will be prorated to users in the same manner as Item A, with prior notification/approval by Divisions.



F. One time costs for telephone service for program expansions will be assessed to user Divisions based on actual installation costs, i.e., telephone sets, telephone installation, percentage cost of station card, etc.

G. Special communication lines and services, i.e., T1 service, etc., shall be installed, maintained and administered by Field Administration Division (FAD) and paid for by all user Divisions based on connections and use, taking into consideration special bandwidth requirements by user Divisions.

FACSIMILE MACHINES:

A. Line charges will be prorated the same as base telephone services.

B. New acquisition/replacement of facsimile machines and related supplies and services will be prorated to user Divisions based on the number of resident employees.

COPY MACHINES:

A. Charges for copy machines and related supplies and services will be prorated to user Divisions based on recorded usage or on a fair share assessment if a recording mechanism is not in place.

B. Key counters for automated recorder usage will be charged to user Divisions.

COMPUTERS:

A. Parts required for repairs on machines owned by Divisions will be charged to user Division.

B. Costs associated with operation of LAN file servers, printer servers, laser printers and other shared devices will be paid by all user Divisions based on workstations connected, including remote access stations. Sufficient licenses of standard reporting software will be purchased, installed and maintained by FAD with the costs shared by user Divisions based on the number of connected workstations. Specialty software required by user Division will be installed, maintained and administered by FAD but will be paid for by the user Division.

POSTAGE:

A. All bulk mail to Lansing DNR Offices, Regional, District and multiple-use Field Offices will be paid by FAD.

B. All other metered mail will be charged to Divisions making the mailings.

- C. Postage stamps will be paid by user Divisions.
- D. Parcel Service, Express Mail, etc., will be paid by user Divisions.
- E. Base pick-up charges for UPS will be prorated to Divisions.

FURNITURE AND OFFICE EQUIPMENT:

- A. Furniture and office equipment will be paid by requesting Division.
- B. Furniture and equipment for common usage, i.e., conference areas, libraries, etc., will be prorated based on number of resident employees.
- C. Office design services, remodeling and moving of furniture will be prorated to user Divisions, including charge for disposing of old furniture.

TRASH PICK-UP:

- A. Normal disposal charges will be prorated to Divisions based on number of resident employees.
- B. Trash generated by special projects, such as tree-planting, will be paid by that Division.
- C. Recycle costs will be prorated to Divisions based on number of resident employees.

HAZARDOUS WASTE:

- A. All associated costs for storage, containment and disposal of hazardous materials will be paid by generating Division.
- B. Funding of disposal cost for orphan waste will be determined by Regional Deputy Director.

OVERHEAD COSTS:

- A. Utilities (heat, sewer, water, electric), water testing and other environmental analysis will be prorated to Divisions based on number of resident employees.
- B. Standard complement of general office supplies (determined by Regional Field Administration Supervisors) will be provided by FAD for resident employees. All other supplies will be paid by requesting Division.

C. Building and grounds maintenance supplies and equipment will be paid by FAD at multiple-use offices.

RADIO:

A. Radio control lease lines to multiple-use offices for Department control of Department radios will be paid by FAD.

B. All radio control lease lines ordered by Divisions will be paid by the user Division.

JANITORIAL, GROUNDS MAINTENANCE, SNOW PLOWING:

A. Contracted costs will be shared by Divisions based on the number of resident employees.

OTHER:

A. Other facility expenses that occur, usually emergencies for which FAD funds may not be available or adequate to cover, i.e., site cleanup, relocation costs, water well, septic system, heating plant, etc., will be administered through Regional Deputy Directors. Appropriate funding sources or cost-sharing by the Divisions will be sought at the Deputy Director level.

The Regional Deputy Director will be responsible for compliance with this Director's Letter and the maintenance of adequate records of billing to the Divisions.

Distribution C

Roland Harmes



WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909
HOWARD A. TANNER, Director

NATURAL RESOURCES COMMISSION

COB A. HOEFER
M. LAITALA
HILARY F. SNELL
PAUL H. WENDLER
HARRY H. WHITELEY
JOAN L. WOLFE
CHARLES G. YOUNGLOVE

March 1, 1982

DIRECTOR'S LETTER

Letter No.: 45
Effective Date: March 1, 1982

TO: All Unit Supervisors and Conservation Officers
FROM: Howard A. Tanner, Director *H. A. Tanner*
SUBJECT: Jurisdiction Over Odor Complaints Relating to Sour Oil and Gas Wells

Pursuant to Public Act 348 of 1965, the Air Pollution Control Act, the Air Quality Division has regulatory responsibility relating to complaints of odorous emissions.

Pursuant to Public Act 61 of 1939, the Oil and Gas Act, the Geological Survey Division has regulatory responsibilities relating to complaints of odorous emissions from sour oil and gas well operations.

This Director's Letter is being issued in order to avoid confusion and duplication of effort in responding to sour oil and gas odor complaints and satisfying the regulatory responsibilities identified above. Furthermore, this Director's Letter is based on the opinion that the provisions of Act 61, as administered by the Geological Survey Division, provide the potential for stronger and quicker enforcement against offending sour oil and gas well operations. Accordingly, sour oil and gas complaints and regulatory activities shall be handled in the following manner:

1. The Geological Survey Division shall have total responsibility for investigation of complaints on odors from sour oil and gas wells and associated producing facilities and for enforcing control programs on companies to resolve these odor nuisances. Where a complaint of odors from sour oil or gas wells is received by Air Quality Division staff, Conservation Officers, or other personnel in the Department, the appropriate Geological Survey Division staff member shall be contacted by telephone and advised of the complaint. A follow-up written communication regarding the complaint shall also be sent to the Geological Survey Division with identification of the staff member contacted, and to the Gas Safety Section, Gas Division, Michigan Public Service Commission.

2. The Air Quality Division shall have total responsibility for the investigation of complaints on odors from sour gas sweetening facilities and for enforcing control programs on companies to resolve these odor nuisances. Where a complaint of odors from sour gas sweetening facilities is received by Geological Survey Division staff, Conservation Officers, or other personnel in the Department, the appropriate Air Quality Division staff member shall be contacted by telephone and advised of the complaint. A follow-up written communication regarding the complaint shall also be sent to the Air Quality Division with identification of the staff member contacted, and to the Gas Safety Section, Gas Division, Michigan Public Service Commission.
3. Complaints received through the PEAS system regarding odors from sour oil and gas wells or sour gas sweetening facilities shall be referred to the appropriate response division as defined above. If the source of the odor is unknown, the complaint shall be referred to Geological Survey Division for initial investigation.
4. The Air Quality Division and the Geological Survey Division shall jointly distribute a listing identifying the offices and staff members throughout the State where odor complaints can be registered. The listing shall be sent to the appropriate staff of the Air Quality and Geological Survey Divisions, other staff of the Department which may become involved in odor complaints, including the PEAS coordinator, and to any person, organization or agency requesting the listing.

STATE OF MICHIGAN

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RAYMOND POUPORE



JAMES J. BLANCHARD Governor

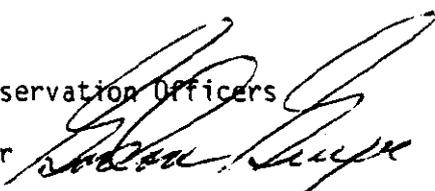
DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
P.O. BOX 30028
LANSING, MI 48909

GORDON E. GUYER Director

DIRECTOR'S LETTER

Letter No.: 49
Effective Date: January 22, 1988

TO: Unit Supervisors and Conservation Officers
FROM: Gordon E. Guyer, Director 
SUBJECT: Defense and Settlement of Civil Liability Actions

The purpose of this Director's Letter is to prescribe procedures for the defense and settlement of civil liability actions against the Department or its officers and employees.

Due to the high incidence of activity at Department facilities during the summer and fall months, this Director's Letter is being issued to provide guidance in situations involving injury or property damage until such time as Policy 6107 and Procedure 6107.7 can be revised and approved. Upon adoption of the new Policy and Procedure, you will receive notification of the rescission of this Letter.

Procedures for Defense and Settlement of
Civil Liability Actions

In order to properly protect the interest of the State and its officers and employees while in the course of their employment and while acting within the scope of their authority, every occurrence involving injuries to a person or damages to property shall be reported immediately. If an officer or employee is uncertain about his employment or authority status with regard to an occurrence, a report should be made. Reporting an occurrence shall follow one or more of the following procedures:

1. Injuries to a person or property arising from the use or maintenance of motor vehicles owned by the State, or used on State business, shall be reported in accordance with the Department of Management and Budget Administrative Manual, Chapter 5, Section 2, Subject 3 - Reporting Motor Vehicle Accidents.

2. Injuries to a person or property arising from the use or maintenance of aircraft owned or used by the State shall be reported to and in accordance with the procedure established by the agency controlling the aircraft, and to the chief pilot, Department of Natural Resources.
3. Injuries to a person or property which are not responsible in whole or in part under these procedures shall be reported to the appropriate Division/Office headquarters and the appropriate Deputy Director for the Region.

Each report should contain all known facts pertinent to the occurrence, such as but not limited to:

- a. Date and time;
 - b. Persons involved - names, addresses and telephone numbers;
 - c. Witnesses - names, addresses and telephone numbers;
 - d. Location;
 - e. Equipment involved, if any;
 - f. Relevant physical conditions, such as indoor or outdoor climatic conditions, lighting objects and surfaces;
 - g. A description of the occurrence;
 - h. A description of the injuries to the person(s) and/or property, including cost estimates;
 - i. Name of attending physician or hospital where injured was taken;
 - j. If any person was cited by a law enforcement officer for violation of a law or ordinance in connection with the occurrence, report whatever is known about the citation;
 - k. Photographs of the accident site.
4. In the event that an injury or damage to the public results in a lawsuit being filed against the Department or an employee of the Department, the staff who receives notice of the lawsuit shall immediately send a copy of legal papers served to the Law Enforcement Division in Lansing. The Division/Office involved shall forward the appropriate incident report to the Law Enforcement Division.

Outside inquiries regarding any incident or injury occurring on State property, or property the State controls, or on waterways adjacent to State land, shall be directed to the appropriate Division/Office in Lansing, with the name and address of the individual making the request. The Division/Office shall then forward a copy to the Law Enforcement Division, who shall coordinate the disposition of the inquiry with the Attorney General.

Department staff shall not release any information, including Freedom of Information requests, or discuss these matters with non-Department personnel without the Department of Attorney General's approval.

The forwarding of the materials described must be done in a timely manner since the Department has 20 days from the date of service to file an answer to the complaint. Failure to meet this deadline may result in a default judgment against the Department.

Representation by Attorney General

If an employee is named in the lawsuit, a letter signed by the employee requesting representation by the Attorney General must also be forwarded to the Law Enforcement Division (sample attached). Copies of the materials mentioned shall be forwarded to the affected Division/Office.

The Law Enforcement Division shall process an employee's request for representation, determining whether the claim is based on facts which occurred during the course of the named employee's employment and within the scope of his/her authority. The request shall be approved by the Director or an authorized designee.

The Law Enforcement Division shall contact the Department of Attorney General to arrange representation for the Department or its employees. The Law Enforcement Division shall designate a staff member who shall serve as Department coordinator of the action and liaison with the Department of Attorney General.

The Law Enforcement Division shall advise the employee requesting legal counsel, and the employee's Division/Office Chief, of the status of Attorney General representation of the employee.

Refer to Procedure 1023.6 for settlement procedures.

Attachments

Distribution C

Dated: _____

Honorable Frank J. Kelley
Attorney General
Law Building
525 West Ottawa
Lansing, Michigan 48913

RE: REQUEST FOR LEGAL REPRESENTATION BY THE ATTORNEY GENERAL
IN THE CASE OF:

COURT:
CASE NO:

Dear Mr. Kelley:

I hereby request that your office now provide for my legal representation in the above-entitled lawsuit.

I understand that:

(a) I have the right to employ my own attorney (at my own expense) to represent and defend me in this lawsuit;

(b) Representation by your office does not involve or include counsel or advice regarding any claim I may have for recovery by way of a new lawsuit or a cross-complaint, counter-complaint or any other affirmative remedy in this lawsuit; and I understand that if I wish to secure an evaluation and/or seek recovery of any damages I may have sustained in the occurrence that is the subject of this lawsuit, I must employ my own attorney at my own expense.

(c) Your office may withdraw its representation of me if it is determined (i) that my interest in this case is in conflict with that of another state officer or employee, or with that of the State of Michigan; (ii) that I failed to act in good faith to protect the public interest; or (iii) that the alleged acts or omissions which gave rise to this lawsuit did not occur during the course of my employment by the state or were beyond the scope of my authority as a state officer or employee.

Honorable Frank J. Kelley
Attorney General
Page Two

I agree as follows:

(a) To timely provide your office with full cooperation and information;

(b) To refrain from discussing with anyone (except those persons authorized by my attorney and my supervisor) any matters which are the subject of this lawsuit;

(c) To advise your office of any insurance coverage which may exist with respect to the events giving rise to this lawsuit.

Very truly yours,

Attachment

APPROVED BY:

Department Director

CASE INTAKE INFORMATION

Please print or type.

1. NAME: _____ SS#: _____
2. HOME ADDRESS: _____

3. HOME TELEPHONE #: _____
4. OFFICE ADDRESS: _____

5. OFFICE TELEPHONE #: _____
6. IMMEDIATE SUPERVISOR'S NAME: _____
TELEPHONE #: _____
7. WERE THE COMPLAINT AND SUMMONS DELIVERED PERSONALLY TO THE NAMED DEFENDANT? YES NO
IF YES, ON WHAT DATE? _____
8. WERE THE COMPLAINT AND SUMMONS DROPPED OFF AT THE DEFENDANT'S HOME OR PLACE OF BUSINESS AND LEFT WITH SOMEONE ELSE? YES NO
IF YES, ON WHAT DATE? _____
IF YES, HOME or OFFICE
IF LEFT WITH ANOTHER PERSON, GIVE NAME: _____

9. WERE THE COMPLAINT AND SUMMONS RECEIVED IN THE MAIL?
YES NO
IF YES, ON WHAT DATE WERE THEY RECEIVED? _____
10. DO YOU HAVE INSURANCE WHICH MIGHT COVER ALL OR PART OF THE DAMAGES CLAIMED AGAINST YOU IN THIS LAWSUIT? YES NO
IF YES, STATE THE NAME OF THE INSURANCE COMPANY: _____

11. IF YOU HAVE ALREADY PREPARED A REPORT REGARDING THE EVENTS OR INCIDENT OUT OF WHICH THIS LAWSUIT AROSE, PLEASE ATTACH A COPY OF IT.
12. TO YOUR KNOWLEDGE, IS THERE OR HAS THERE BEEN ANOTHER LAWSUIT FILED REGARDING THE EVENTS CHARGED IN THIS COMPLAINT? YES NO
IF YES, STATE ANY DETAILS YOU KNOW WHICH WOULD HELP US LOCATED INFORMATION ABOUT THE OTHER LAWSUIT.

DATED: _____

SIGNED: _____

Please attach to your request for legal representation

STATE OF MICHIGAN



NATURAL RESOURCES COMMISSION

JACOB A. HOEFER
E. M. LAITALA
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HARRY H. WHITELEY
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CHARLES G. YOUNGLOVE

WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909
HOWARD A. TANNER, Director

IX-50

June 24, 1982

DIRECTOR'S LETTER

Letter No. 50
Effective Date: July 1, 1982

TO: All Unit Supervisors and Conservation ~~Officers~~
FROM: Howard A. Tanner, Director *Howard A. Tanner*
SUBJECT: Procedure for Organizational Changes

The purpose of this Letter is to prescribe the procedure which shall apply to the formulation and approval of organizational changes within the Department.

1. Formulation of Organizational Changes

- a. Organizational changes shall be developed in consultation between the staff of the Personnel Division and the staff of the Division or Office initiating the changes. It is expected that consultation will occur early in the process of formulating organizational changes, and prior to submittal of formal proposals.
- b. In developing organizational changes, consideration should be given to Department staffing patterns, and the organizational patterns of other Divisions. Where other Divisions or Offices will be affected by plans for organizational changes, responsible participation by the other Divisions or Offices shall be invited with the opportunity to review organizational proposals and provide written comments. The Regional Directors shall be provided appropriate opportunities for review and comment. Where changes affect space needs or support services for field employees, the appropriate Regional Directors shall be consulted early in the planning of the organizational change.

2. Submittal for Approval

- a. All proposals for organizational changes shall be submitted to the responsible Deputy Director with a copy to the Personnel Division Chief. The proposal must include the following items:

- (1) A cover memorandum which explains the reasons for the organizational changes and the target dates for implementation.
- (2) The proposed organization chart, and appropriate maps if field boundaries or office locations are affected.
- (3) A listing of proposed personnel actions, if any. Position descriptions must accompany requests for reallocation and establishment of new positions.

3. Approval of Organization Changes

- a. In the interest of uniformity and compliance with Department goals, Deputy Directors shall submit major organizational changes to the Director for review by the Director's Office and written approval by the Director. Major organization changes shall be implemented through issuance of a Director's Letter. Organizational changes which are not major, as defined in this Letter, may be approved by the responsible Deputy Director in writing. All approved organization charts shall be validated with the signature of the Deputy or Director, as appropriate.
- b. For the purpose of this Letter, a major organizational change is:
 - (1) A modification of the location of a field boundary line;
 - (2) The closing or establishment of an office building or other facility which is a contact point or a source of service or program responsibility for the public or other Divisions within a locality;
 - (3) The moving of a program from one office facility to another (the moving of programs to new locations within the same facility are considered minor organizational changes); or
 - (4) The allocation of staff or assignment of responsibility and duties in a manner which results in:
 - (a) the creation of a new program;
 - (b) the elimination of a program;
 - (c) the modification of a program which another Division uses for performance of its responsibilities;
 - (d) an effect on the allocation of four or more positions above the Journeyman Professional (VI) level; or
 - (e) a significant change in the relative priorities and balance being given program activities within a Division.

STATE OF MICHIGAN



IX - 53

NATURAL RESOURCES COMMISSION

JACOB A. HOEFER
E. M. LAITALA
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CHARLES G. YOUNGLOVE

WILLIAM G. MILLIKEN Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909
HOWARD A. TANNER Director

August 19, 1982

DIRECTOR'S LETTER

Letter No.: 53
Effective Date: August 19, 1982

TO: All Unit Supervisors and Conservation Officers
FROM: Howard A. Tanner, Director 
SUBJECT: State Minerals Lease Management

The purpose of this Director's Letter is to announce the establishment of the State Minerals Lease Management Section in the Lands Division, effective immediately.

During the past several years, the Department of Natural Resources has been engaged in an extensive review and modernization of policies and procedures related to oil, gas and mineral leasing. Those efforts have resulted in a new oil and gas lease, updated rules for oil and gas leasing, innovative lease sale procedures, a new all minerals lease and, currently, revision of mineral lease policy and procedures, as well as updating of rules for metallic mineral leasing. In addition, a series of internal audits for program improvement have been instituted.

This wide ranging review of Department activities raised numerous questions and concerns that are now in various degrees of study or resolution. One related to the general area of managing mineral leases.

Recognizing that the Department and the State should be doing more in the area of managing oil, gas and mineral leases, the Department submitted a request for additional funds and personnel to begin addressing this responsibility. This was done in the form of a Program Revision Request submitted to the Department of Management and Budget in the fall of 1981. The budget request asked for nine additional people over a two year period beginning October, 1982. The request was approved through the Governor's Office at a three person level and is currently before the Legislature for further review and action.

During the Department Management Plan update for 1981-82, the organizational placement of the minerals lease management group within the Department was discussed in some detail and a task force was established to study and make recommendations on the matter. That work has now been completed and a decision made.

The responsibility has been assigned to Lands Division and will be a function of the Minerals Leasing Section, now to be identified as the State Minerals Lease Management Section.

The added responsibility of the Section will be to assure proper economic benefit for the State through management of State oil, gas and mineral leases. This will include seeking out and eliminating drainage cases; assuring proper measurement, reporting and payment of withdrawn resources; acting as Department representative in applicable cases before the Supervisor of Wells and Public Service Commission; and, making determinations in matters of lease compliance.

In this work, the State Minerals Lease Management Section will be acting primarily as a coordinating center to accomplish these Departmental tasks. Program management responsibilities of Geological Survey Division and other land management divisions will remain as currently assigned.

Distribution C

STATE OF MICHIGAN



JAMES J. BLANCHARD Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
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LANSING MI 48909

RONALD O. SKOOG Director

NATURAL RESOURCES COMMISSION

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HARRY H. WHITELEY

IX - 62

DIRECTOR'S LETTER

April 29, 1985

Letter No.: 62*
Effective Date: April 29, 1985

TO: All Unit Supervisors and Conservation Officers
FROM: Ronald O. Skoog, Director
SUBJECT: Tort Defense Task Force, Department of Attorney
General

*This letter Supersedes Director's Letter No. 62 dated July 22, 1983, with an effective date of July 22, 1983.

The purpose of this Director's Letter is to describe the relationship between the Department of Natural Resources and the Department of Attorney General in civil liability lawsuits.

The Tort Defense Task Force has been established within the Department of Attorney General. While the Task Force will handle some of the tort cases involving the Department of Natural Resources, the various Divisions within the Department of Attorney General, which have handled tort cases for the Department of Natural Resources in the past, will continue to serve as our counsel. The Law Enforcement Division will provide coordination and liaison between the two departments for all tort cases. Notification of tort case assignments to the Divisions within the Department of Attorney General will be received on a case-by-case basis.

A handwritten signature in black ink, appearing to read "Skoog", written over a horizontal line.

Distribution C

STATE OF MICHIGAN



JAMES J BLANCHARD Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T MASON BUILDING
BOX 30028
LANSING MI 48909

RONALD O SKOOG Director

DIRECTOR'S LETTER

November 28, 1983

Letter No.: 68
Effective Date: December 1, 1983

TO: Unit Supervisors and Conservation Officers
FROM: Ronald O. Skoog, Director *SKOOG*
SUBJECT: Correspondence

The purpose of this Director's Letter is to establish instructions for responding to correspondence addressed to the Director, and prescribe general guidelines for all correspondence received by the Department. The primary purpose of the Department in carrying out its responsibilities for managing the State's natural resources and protecting our environment is service to the people of Michigan. Therefore, it is essential that the Department be responsive to concerns raised by our constituencies, legislators, local and state officials, and the public at large. All letters coming to the Department deserve prompt, concise, substantive answers. The guidelines should help assure that all letters receive a timely and high quality response.

Assurance of such responsiveness to incoming letters requires the close attention of all Division Chiefs, Deputy Directors and the Director. In order to obtain better control of all correspondence received by the Department, the following guidelines are established:

I. Correspondence Received by the Department

- A. All correspondence shall be answered within a 10-day turnaround period to insure timeliness of response. If it appears there will be a delay in responding to a letter, an interim response shall be prepared within the same 10-day turnaround period. The interim response shall include an expected response date. Additionally, a phone call may be desirable to explain the delay.

1. Prepare for the Director's signature if so requested;
 2. Prepare for his (Deputy) signature; or
 3. Refer to the appropriate Division for direct response by the Division Chief. If a multiple Division response is necessary, a lead Division shall be identified.
- D. All letters addressed to the Director and referred to a Bureau or Division for a direct response shall indicate a carbon copy to the Director and the date of this copy shall be logged by the Deputy's Secretary in the Director's log book.
- E. All letters addressed to the Director which are answered by a Deputy or Division Chief shall begin with "Director Skoog asked me to respond to your letter of (date with year)....." or a similar lead-in sentence.

Distribution C

STATE OF MICHIGAN



SAMPLE A

NATURAL RESOURCES COMMISSION

THOMAS J. AMERSON
E. R. CARROLL
JACOB A. HOEFER
STEPHEN H. JACKSON
HILARY F. SMELL
PAUL H. WENDLER
HARRIS WHITELE

JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING, MI 48909

RONALD O. SKOOG, Director

November 10, 1983

Honorable John Doe
House of Representatives
State Capitol
Lansing, Michigan 48909

Dear Representative Doe:

Recently you and I were recipients of correspondence from Jane Smith regarding House Concurrent Resolution No. 000.

Attached, for your information, is a copy of this agency's response to those environmental concerns.

If I can be of further assistance or provide you with any additional information, please contact me.

Sincerely,

Ronald O. Skoog
Director
517-373-2329

Attachment

APPROVAL FORM

LETTER FROM:

DUE DATE:

Division Chief

Secretary

Deputy Director

Secretary

Special Assistants

Secretary

Assistant Director

Secretary

NOTES/REMARKS:

	DATE

STATE OF MICHIGAN



JOHN ENGLER Governor

DEPARTMENT OF NATURAL RESOURCES

Stevens T. Mason Building P O Box 30028 Lansing MI 48909

ROLAND HARMES Director

NATURAL RESOURCES COMMISSION

- LARRY DEVUYST
- PAUL EISELE
- GORDON E. GUYER
- JAMES P. HILL
- DAVID HOLLI
- O. STEWART MYERS
- JOEY M. SPANO

DIRECTOR'S LETTER

Letter No.: 84
 Effective Date: June 1, 1992

TO: Unit Supervisors and Conservation Officers
 FROM: Roland Harmes, Director
 SUBJECT: Receipt of Legal Documents by the Department of Natural Resources

Effective immediately, the Office of Litigation and Program Services shall be exclusively responsible for accepting service of process (summonses, complaints and similar legal documents) on behalf of the Natural Resources Commission, the Director, and the Michigan Department of Natural Resources.

Service of process directed to individual officers and employees must be personally served on such individuals and must not be accepted by anyone other than the named employee.

All original documents must be forwarded to the Office of Litigation and Program Services for processing.

This Letter supersedes Director's Letter 84, dated January 22, 1988.

Distribution C



MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

May 4, 1993

TO: All Department Employees
FROM: Dennis J. Hall, Chief
Office of Litigation and Program Services
SUBJECT: Subpoenas

I apologize for inadvertently not including information and instructions on what to do when you are served with a subpoena. Typically, subpoenas fall into two categories: a) Subpoena of a specific individual to appear in court to testify on a particular lawsuit; and/or b) subpoena of specific documents and/or files for either a deposition, or for a lawsuit. In some cases an individual employee will receive a subpoena to appear with specific documents and to testify that the documents are true copies. You also may be asked questions on the witness stand concerning these documents.

Such subpoenas will state the specific individual's name (and/or documents) with a specific date which the individual (and/or documents) must appear and where. **THE SAME RULE APPLIES HERE AS IT DOES WITH SUMMONS AND COMPLAINTS, IF YOUR NAME DOES NOT APPEAR ON THE SUBPOENA, DO NOT ACCEPT IT ON BEHALF OF ANYONE OTHER THAN YOURSELF.**

The subpoena should have a check attached, made out to the individual, or if the subpoena is for documents only, the check should be made out to the State of Michigan. The individual may either take annual leave and cash the appearance check, or sign over the check to the Department and show time spent for the appearance as regular hours on their timesheet. (If the subpoena is for a personal matter, the time used should be worked out with the individual's supervisor.) If only documents are to be sent, forward the check to the Department's Cashiers Office for processing once the material has been mailed to the requested location with a signed statement verifying that they are a true copy.

When you are served with a subpoena, you should immediately inform your supervisor of the fact, and if your division or office has enforcement liaison staff, you should also inform them. This is to ensure that they are aware that you have been served with a subpoena, and if it involves an enforcement action, or a lawsuit in which the Department is involved, then the appropriate Attorney General can be contacted to evaluate the situation. In some cases, it may be determined that you should have legal representation by the Department of Attorney General in the matter. If you or your supervisor are unsure of what course of action to take, then please contact the Office of Litigation and Program Services (OLPS) for assistance in the matter.

If the subpoena involves a legal action against the Department or Department employees involving an accident, injury or death, regardless of whether it occurred on State property, you should immediately contact OLPS for assistance.

Each division/office, region and district has been provided with a copy of "Some Rules for Witnesses" that you may wish to review prior to appearing in court. The Office of Litigation and Program Services also has a videotape entitled "You and Your Deposition" which demonstrates what can occur during a deposition and provides good information on how to conduct yourself during a deposition. It may also assist you in preparing to testify in court.

Again, if anyone is served with a subpoena and is unsure of what course of action to take, please feel free to contact the Office of Litigation and Program Services for assistance at 517-373-3503.

Please post or circulate to all employees.

A handwritten signature in black ink, appearing to be 'M. Moore', written in a cursive style.

DJH:tg

cc: Mr. Michael D. Moore, Deputy Director
Region Offices
Division Offices
District Offices
All DNR OV Users

STATE OF MICHIGAN



JAMES J. BLANCHARD Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING MI 48909

RONALD O. SKOOG Director

NATURAL RESOURCES COMMISSION

- THOMAS J. ANDERSON
- E. R. CAROLLO
- MARLENE J. FLUHARTY
- STEPHEN F. MONSMA
- O. STEWART MYERS
- RAYMOND POUPORE
- HARRY H. WHITELEY

DIRECTOR'S LETTER

April 18, 1985

Letter No. 85
Effective Date: 4/18/85

TO: All Unit Supervisors and Conservation Officers

FROM: Ronald O. Skoog, Director

SUBJECT: Consolidation of Environmental Investigation
Responsibilities Into The Law Enforcement
Division

The purpose of this Director's Letter is to transfer the criminal investigations and legal services functions from the Environmental Enforcement Division to the Law Enforcement Division effective the date of this letter. This transfer will consolidate the criminal investigations and legal services functions covered by Director's Letters 49, 62, 84, and Department Procedure 1023.6, into the Law Enforcement Division.

Distribution C

STATE OF MICHIGAN



JAMES J. BLANCHARD Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
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LANSING MI 48909

RONALD O. SKOOG Director

DIRECTOR'S LETTER

July 24, 1985

NATURAL RESOURCES COMMISSION

THOMAS J. ANDERSON
MARLENE J. FLUHARTY
STEPHEN V. MONSMA
STEWART MYERS
AVID D. OLSON
RAYMOND POUPORE
HARRY H. WHITELEY

06 - XI

Letter No.: 90
Effective Date: July 24, 1985

TO: All Unit Supervisors and Conservation Officers
FROM: Ronald O. Skoog, Director
SUBJECT: Business or Product Promotion

The purpose of this letter is to give guidance to Department personnel who may be contacted by public relations firms, companies or others who are trying to promote their business or product through use of Department information, activities or programs.

Periodically, Department personnel are asked to furnish information or cooperate with private enterprise in the promotion of products or business. In some cases Department programs may be promoted, as well as the private product or activity. There is great temptation to take advantage of the "free" promotion that may be involved. To do so however, may bring criticism to the individual and the Department because the participation may be interpreted as an endorsement of the product or business by the Department.

The following guidelines shall be followed when responding to requests to cooperate in the promotion of products or businesses:

1. As with any request from the public, information should be made available, consistent with the requirements of applicable statutes.
2. Review of proof copies or drafts of promotional material for accuracy of information or requirements related to Department programs may be done if staff time is available, and there is a public benefit from ensuring the accuracy of the information.
3. Mailing lists may be furnished in accordance with the procedures of the Department and the Administrative Services Division.
4. The use, distribution or mailing of materials that could be considered to be commercial promotions in whole or in part, must have the approval of the appropriate Deputy Director.

Distribution C



POST

IX - 114

STATE OF MICHIGAN



JAMES J BLANCHARD Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T MASON BUILDING
P.O. BOX 30028
LANSING, MI 48908

DAVID F HALES, Director

NATURAL RESOURCES COMMISSION

- THOMAS J. ANDERSON
- MARLENE J. FLUHARTY
- GORDON E. GUYER
- KERRY KAMMER
- ELLWOOD A. MATTSON
- O. STEWART MYERS
- RAYMOND POUPORE

May 7, 1990

DIRECTOR'S LETTER

Letter No.: 114
Effective Date: May 1, 1990

TO: All Unit Supervisors and Conservation Officers

FROM: David F. Hales, Director

SUBJECT: Appointment of Departmental Environmental Compliance, Health and Safety Officer

Executive Order 1990-6 requires that each Department of State Government implement programs to ensure compliance with environmental regulations and to provide a safe and healthful work place. Further, each Department is to appoint an "environmental compliance officer" and safety and health coordinator" to assist in implementing and report to the Director on operation of, those programs.

I hereby designate the Chief of the Office of Special Services to act in these capacities. The Chief of the Office of Special Services shall fulfill these functions in conformance with the Department's environmental compliance program as outlined in Director's Letter No. 111 (October 1, 1989) and safety procedure as outlined in Department Procedure No. 6110.10.

Distribution C and Conservation Officers



STATE OF MICHIGAN



NATURAL RESOURCES COMMISSION
THOMAS J. ANDERSON
MARLENE J. FLUHARTY
KERRY KAMMER
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE

JAMES J. BLANCHARD Governor

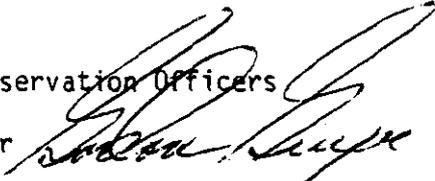
DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
P.O. BOX 30028
LANSING, MI 48909

GORDON E. GUYER Director

DIRECTOR'S LETTER

Letter No.: 49
Effective Date: January 22, 1988

TO: Unit Supervisors and Conservation Officers
FROM: Gordon E. Guyer, Director 
SUBJECT: Defense and Settlement of Civil Liability Actions

The purpose of this Director's Letter is to prescribe procedures for the defense and settlement of civil liability actions against the Department or its officers and employees.

Due to the high incidence of activity at Department facilities during the summer and fall months, this Director's Letter is being issued to provide guidance in situations involving injury or property damage until such time as Policy 6107 and Procedure 6107.7 can be revised and approved. Upon adoption of the new Policy and Procedure, you will receive notification of the rescission of this Letter.

Procedures for Defense and Settlement of
Civil Liability Actions

In order to properly protect the interest of the State and its officers and employees while in the course of their employment and while acting within the scope of their authority, every occurrence involving injuries to a person or damages to property shall be reported immediately. If an officer or employee is uncertain about his employment or authority status with regard to an occurrence, a report should be made. Reporting an occurrence shall follow one or more of the following procedures:

1. Injuries to a person or property arising from the use or maintenance of motor vehicles owned by the State, or used on State business, shall be reported in accordance with the Department of Management and Budget Administrative Manual, Chapter 5, Section 2, Subject 3 - Reporting Motor Vehicle Accidents.

2. Injuries to a person or property arising from the use or maintenance of aircraft owned or used by the State shall be reported to and in accordance with the procedure established by the agency controlling the aircraft, and to the chief pilot, Department of Natural Resources.
3. Injuries to a person or property which are not responsible in whole or in part under these procedures shall be reported to the appropriate Division/Office headquarters and the appropriate Deputy Director for the Region.

Each report should contain all known facts pertinent to the occurrence, such as but not limited to:

- a. Date and time;
 - b. Persons involved - names, addresses and telephone numbers;
 - c. Witnesses - names, addresses and telephone numbers;
 - d. Location;
 - e. Equipment involved, if any;
 - f. Relevant physical conditions, such as indoor or outdoor climatic conditions, lighting objects and surfaces;
 - g. A description of the occurrence;
 - h. A description of the injuries to the person(s) and/or property, including cost estimates;
 - i. Name of attending physician or hospital where injured was taken;
 - j. If any person was cited by a law enforcement officer for violation of a law or ordinance in connection with the occurrence, report whatever is known about the citation;
 - k. Photographs of the accident site.
4. In the event that an injury or damage to the public results in a lawsuit being filed against the Department or an employee of the Department, the staff who receives notice of the lawsuit shall immediately send a copy of legal papers served to the Law Enforcement Division in Lansing. The Division/Office involved shall forward the appropriate incident report to the Law Enforcement Division.

Outside inquiries regarding any incident or injury occurring on State property, or property the State controls, or on waterways adjacent to State land, shall be directed to the appropriate Division/Office in Lansing, with the name and address of the individual making the request. The Division/Office shall then forward a copy to the Law Enforcement Division, who shall coordinate the disposition of the inquiry with the Attorney General.

Department staff shall not release any information, including Freedom of Information requests, or discuss these matters with non-Department personnel without the Department of Attorney General's approval.

The forwarding of the materials described must be done in a timely manner since the Department has 20 days from the date of service to file an answer to the complaint. Failure to meet this deadline may result in a default judgment against the Department.

Representation by Attorney General

If an employee is named in the lawsuit, a letter signed by the employee requesting representation by the Attorney General must also be forwarded to the Law Enforcement Division (sample attached). Copies of the materials mentioned shall be forwarded to the affected Division/Office.

The Law Enforcement Division shall process an employee's request for representation, determining whether the claim is based on facts which occurred during the course of the named employee's employment and within the scope of his/her authority. The request shall be approved by the Director or an authorized designee.

The Law Enforcement Division shall contact the Department of Attorney General to arrange representation for the Department or its employees. The Law Enforcement Division shall designate a staff member who shall serve as Department coordinator of the action and liaison with the Department of Attorney General.

The Law Enforcement Division shall advise the employee requesting legal counsel, and the employee's Division/Office Chief, of the status of Attorney General representation of the employee.

Refer to Procedure 1023.6 for settlement procedures.

Attachments

Distribution C

Dated: _____

Honorable Frank J. Kelley
Attorney General
Law Building
525 West Ottawa
Lansing, Michigan 48913

RE: REQUEST FOR LEGAL REPRESENTATION BY THE ATTORNEY GENERAL
IN THE CASE OF:

COURT:
CASE NO:

Dear Mr. Kelley:

I hereby request that your office now provide for my legal representation in the above-entitled lawsuit.

I understand that:

(a) I have the right to employ my own attorney (at my own expense) to represent and defend me in this lawsuit;

(b) Representation by your office does not involve or include counsel or advice regarding any claim I may have for recovery by way of a new lawsuit or a cross-complaint, counter-complaint or any other affirmative remedy in this lawsuit; and I understand that if I wish to secure an evaluation and/or seek recovery of any damages I may have sustained in the occurrence that is the subject of this lawsuit, I must employ my own attorney at my own expense.

(c) Your office may withdraw its representation of me if it is determined (i) that my interest in this case is in conflict with that of another state officer or employee, or with that of the State of Michigan; (ii) that I failed to act in good faith to protect the public interest; or (iii) that the alleged acts or omissions which gave rise to this lawsuit did not occur during the course of my employment by the state or were beyond the scope of my authority as a state officer or employee.

Honorable Frank J. Kelley
Attorney General
Page Two

I agree as follows:

(a) To timely provide your office with full cooperation and information;

(b) To refrain from discussing with anyone (except those persons authorized by my attorney and my supervisor) any matters which are the subject of this lawsuit;

(c) To advise your office of any insurance coverage which may exist with respect to the events giving rise to this lawsuit.

Very truly yours,

Attachment

APPROVED BY:

Department Director

CASE INTAKE INFORMATION

Please print or type.

1. NAME: _____ SS#: _____
2. HOME ADDRESS: _____

3. HOME TELEPHONE #: _____
4. OFFICE ADDRESS: _____

5. OFFICE TELEPHONE #: _____
6. IMMEDIATE SUPERVISOR'S NAME: _____
TELEPHONE #: _____
7. WERE THE COMPLAINT AND SUMMONS DELIVERED PERSONALLY TO THE NAMED DEFENDANT? YES NO
IF YES, ON WHAT DATE? _____
8. WERE THE COMPLAINT AND SUMMONS DROPPED OFF AT THE DEFENDANT'S HOME OR PLACE OF BUSINESS AND LEFT WITH SOMEONE ELSE? YES NO
IF YES, ON WHAT DATE? _____
IF YES, HOME or OFFICE
IF LEFT WITH ANOTHER PERSON, GIVE NAME: _____

9. WERE THE COMPLAINT AND SUMMONS RECEIVED IN THE MAIL?
YES NO
IF YES, ON WHAT DATE WERE THEY RECEIVED? _____
10. DO YOU HAVE INSURANCE WHICH MIGHT COVER ALL OR PART OF THE DAMAGES CLAIMED AGAINST YOU IN THIS LAWSUIT? YES NO
IF YES, STATE THE NAME OF THE INSURANCE COMPANY: _____

11. IF YOU HAVE ALREADY PREPARED A REPORT REGARDING THE EVENTS OR INCIDENT OUT OF WHICH THIS LAWSUIT AROSE, PLEASE ATTACH A COPY OF IT.
12. TO YOUR KNOWLEDGE, IS THERE OR HAS THERE BEEN ANOTHER LAWSUIT FILED REGARDING THE EVENTS CHARGED IN THIS COMPLAINT? YES NO
IF YES, STATE ANY DETAILS YOU KNOW WHICH WOULD HELP US LOCATED INFORMATION ABOUT THE OTHER LAWSUIT.

DATED: _____

SIGNED: _____

Please attach to your request for legal representation

STATE OF MICHIGAN



JAMES J. BLANCHARD Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
BOX 30028
LANSING MI 48909

RONALD O. SKOOG Director

NATURAL RESOURCES COMMISSION

THOMAS J. ANDERSON
E. R. CAROLLO
MARLENE J. FLUHARTY
STEPHEN F. MONSMA
O. STEWART MYERS
RAYMOND POUPORE
HARRY H. WHITELEY

IX - 62

DIRECTOR'S LETTER

April 29, 1985

Letter No.: 62*
Effective Date: April 29, 1985

TO: All Unit Supervisors and Conservation Officers
FROM: Ronald O. Skoog, Director
SUBJECT: Tort Defense Task Force, Department of Attorney
General

*This letter Supersedes Director's Letter No. 62 dated July 22, 1983, with an effective date of July 22, 1983.

The purpose of this Director's Letter is to describe the relationship between the Department of Natural Resources and the Department of Attorney General in civil liability lawsuits.

The Tort Defense Task Force has been established within the Department of Attorney General. While the Task Force will handle some of the tort cases involving the Department of Natural Resources, the various Divisions within the Department of Attorney General, which have handled tort cases for the Department of Natural Resources in the past, will continue to serve as our counsel. The Law Enforcement Division will provide coordination and liaison between the two departments for all tort cases. Notification of tort case assignments to the Divisions within the Department of Attorney General will be received on a case-by-case basis.

A handwritten signature in black ink, appearing to read "Skoog", written over a horizontal line.

Distribution C

STATE OF MICHIGAN



JOHN ENGLER Governor

DEPARTMENT OF NATURAL RESOURCES

Stevens T. Mason Building P O Box 30028 Lansing MI 48909

ROLAND HARMES Director

NATURAL RESOURCES COMMISSION

- LARRY DEVUYST
- PAUL EISELE
- GORDON E. GUYER
- JAMES P. HILL
- DAVID HOLLI
- O. STEWART MYERS
- JOEY M. SPANO

DIRECTOR'S LETTER

Letter No.: 84
 Effective Date: June 1, 1992

TO: Unit Supervisors and Conservation Officers
 FROM: Roland Harmes, Director
 SUBJECT: Receipt of Legal Documents by the Department of Natural Resources

Effective immediately, the Office of Litigation and Program Services shall be exclusively responsible for accepting service of process (summons, complaints and similar legal documents) on behalf of the Natural Resources Commission, the Director, and the Michigan Department of Natural Resources.

Service of process directed to individual officers and employees must be personally served on such individuals and must not be accepted by anyone other than the named employee.

All original documents must be forwarded to the Office of Litigation and Program Services for processing.

This Letter supersedes Director's Letter 84, dated January 22, 1988.

Distribution C



MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

May 4, 1993

TO: All Department Employees
FROM: Dennis J. Hall, Chief
Office of Litigation and Program Services
SUBJECT: Subpoenas

I apologize for inadvertently not including information and instructions on what to do when you are served with a subpoena. Typically, subpoenas fall into two categories: a) Subpoena of a specific individual to appear in court to testify on a particular lawsuit; and/or b) subpoena of specific documents and/or files for either a deposition, or for a lawsuit. In some cases an individual employee will receive a subpoena to appear with specific documents and to testify that the documents are true copies. You also may be asked questions on the witness stand concerning these documents.

Such subpoenas will state the specific individual's name (and/or documents) with a specific date which the individual (and/or documents) must appear and where. **THE SAME RULE APPLIES HERE AS IT DOES WITH SUMMONS AND COMPLAINTS, IF YOUR NAME DOES NOT APPEAR ON THE SUBPOENA, DO NOT ACCEPT IT ON BEHALF OF ANYONE OTHER THAN YOURSELF.**

The subpoena should have a check attached, made out to the individual, or if the subpoena is for documents only, the check should be made out to the State of Michigan. The individual may either take annual leave and cash the appearance check, or sign over the check to the Department and show time spent for the appearance as regular hours on their timesheet. (If the subpoena is for a personal matter, the time used should be worked out with the individual's supervisor.) If only documents are to be sent, forward the check to the Department's Cashiers Office for processing once the material has been mailed to the requested location with a signed statement verifying that they are a true copy.

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Again, if anyone is served with a subpoena and is unsure of what course of action to take, please feel free to contact the Office of Litigation and Program Services for assistance at 517-373-3503.

Please post or circulate to all employees.

A handwritten signature in black ink, appearing to be 'DJH', written in a cursive style.

DJH:tg

cc: Mr. Michael D. Moore, Deputy Director
Region Offices
Division Offices
District Offices
All DNR OV Users

GSD

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T MASON BUILDING PO BOX 30028 LANSING MI 48909-7528

ROLAND HARMES Director

**NATURAL RESOURCES
COMMISSION**

JERRY C. BARTNIK
KEITH J. CHARTERS
LARRY DEVUYST
PAUL EISELE
JAMES P. HILL
DAVID HOLLI
JOEY M. SPANO

DIRECTOR'S LETTER

JUL 20 1995

Letter No.: 124
Effective Date: July 10, 1995

TO: All Unit Supervisors and Conservation Officers
FROM: Roland Harmes, Director
SUBJECT: Penalty Mitigation Coordination Process

As a result of a Quality Action Team report concerning the development of a Department wide process for the coordination of penalty mitigation projects into proposed settlement agreements, I am issuing the following process to be followed in all future settlements

PENALTY MITIGATION COORDINATION PROCESS

In most instances of environmental damages, the preferred recourse will be to require direct remediation and restoration of the environmental damages. When direct remediation or restoration are not utilized or when additional mitigation is warranted, the Department will select mitigation projects according to the following procedure

GENERAL PROCEDURE FOR MITIGATION PROJECT SELECTION

Mitigation projects will be selected within preferred categories identified by the Department. Projects may be suggested by any party or interest group involved in or associated with the matter.

CATEGORIES OF MITIGATION PROJECTS

Each year the Department will choose preferred categories for mitigation projects.

Existing categories for mitigation projects will be reviewed and updated by the Director and the Department's Leadership Team.

The following categories have been identified to make up the initial list:

- a) Environmental and Natural Resources education
- b) Habitat protection, restoration, and enhancement
- c) Improvement or creation of outdoor recreational facilities
- d) Waste reduction and pollution prevention
- e) Habitat acquisition
- f) Acquisition, analysis, and distribution of relevant natural resources data

The Director will identify which categories from the updated list will be the preferred categories for development of mitigation projects. These preferred categories will remain in effect until replaced by a subsequent review and selection.

All Division/Office Chiefs will be informed of the preferred categories for mitigation projects. Each Division/Office Chief shall identify and maintain a list of potential mitigation projects to have available in the event mitigation opportunities arise.

SELECTION OF MITIGATION PROJECTS

When the opportunity for mitigation projects arises, lead compliance and enforcement staff will contact Division/Office Chiefs for suggestions of specific project proposals consistent with the Department's preferred mitigation categories.

Lead compliance and enforcement staff will review all the suggestions and develop their recommended selection, which must be approved by the respective Deputy Director(s) most closely aligned with the project(s).

Mitigation projects benefiting the component of the environment which was damaged generally will be preferred.

Mitigation projects nearer the site of the environmental damages generally will be preferred over projects farther away.

If no specific mitigation projects are suitable or selected, compliance and enforcement staff will develop their recommendation for which of the preferred mitigation categories should be recommended for this settlement. Staff will then discuss their recommendations with the appropriate Deputy Director(s) for approval. After approval, the approved mitigation will be entered into the settlement document.

IMPLEMENTATION OF SPECIFIC MITIGATION PROJECTS

After a settlement document has been entered by all parties, compliance and enforcement staff will provide a copy of the document to the Deputy Director who will be responsible for implementing or coordinating the implementation of the mitigation projects. The Deputy Director may delegate responsibility for the mitigation as appropriate within their staff.

A copy will also be supplied to the Deputy Director for the Region in which the mitigation will take place.

Whenever possible, the party responsible for the environmental damage should be responsible for completing specific mitigation projects

When the mitigation project is to be handled by someone other than the party responsible for the environmental damage, the settlement document must specify where funds (held in escrow) will be held until such time as the mitigation project(s) are ready to implement.

When appropriate, third parties, such as other state agencies, universities, local units of government, or non-profit entities may assume responsibility for completing the selected mitigation project(s). The settlement agreement must identify any supplementary agreements needed to assure completion of the mitigation project(s)

When the responsibility for completing the mitigation project lies with the Department, compliance and enforcement staff will make appropriate arrangements with Administrative Services Division for the transfer and tracking of funds (Standard language is available for settlement agreements involving the transfer of funds)

A handwritten signature in cursive script, appearing to read "Zeller", is located in the lower right quadrant of the page.