

DEPARTMENT OF NATURAL RESOURCES

DIRECTOR'S ANNUAL REPORT: 2019

IC 4-22-2-28.1(k)

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Secretary, Natural Resources Commission
August 29, 2019

Forwarded to:

Legislative Council (legislative.council@iga.in.gov)
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ANNUAL REPORT

IC 4-22-2-28.1(k)

TITLE 312 NATURAL RESOURCES COMMISSION

IC 4-22-2-28.1(k) Responses

IC 4-22-2-28.1(k) Responses

The number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved

ARTICLE 3. ADJUDICATORY PROCEEDINGS

LSA Document #14-27(F)

The Natural Resources Commission, Division of Hearings receives calls during the fiscal year from persons and small businesses asking for information regarding administrative procedures in adjudicatory proceedings, such as questions regarding: (1) filing and service procedures; (2) responsibility for identifying affirmative defenses (most often “riparian rights”); and (3) other requirements under 312 IAC 3-1. The Division of Hearings received approximately three calls per week (156) in the fiscal year from persons or small businesses (law firms) requesting information regarding administrative procedures in adjudicatory proceedings.

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

LSA Document #13-335(F)

Approximately five (5) inquiries from small business were received by the Division of Water (DOW) with regard to this rule adoption. The subject matter of each inquiry involved proposed water withdrawals or diversions occurring within the Great Lakes Basin.

LSA Document #17-400(F)

Approximately two (2) inquiries from small business were received by the DOW with regard to this rule amendment. Subject matter of the inquiries involved interpretation of the rule.

ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

LSA Document #14-97(F)

Approximately five (5) inquiries from small businesses were received by the DOW with regard to this rule re-adoption. Subject matter of these inquiries included interpretation of the rule, renewal of water withdrawal contracts, and concern for water withdrawal limits.

ARTICLE 9. FISH AND WILDLIFE

LSA Document #17-436(F)

The Division of Fish and Wildlife received five (5) questions.

ARTICLE 11.5. SURFACE WATER EMERGENCIES ON LAKES

LSA Document #17-131(F)

One (1) inquiry from small business was received by the DOW with regard to this rule adoption. Subject matter of the inquiry involved interpretation of the rule and request for investigation.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

LSA Document #17-134(F)

Approximately fifty (50) inquiries from small business were received by the DOW with regard to this rule adoption. Subject matter of the inquiries primarily involved interpretation of the rule and investigation requests.

ARTICLE 13. WATER WELL DRILLERS

LSA Document #17-132(F)

Approximately one hundred (100) inquiries from small business were received by the DOW with regard to this rule adoption. Subject matter of the inquiries primarily involved interpretation of the rule, issuances of well construction variances, and enforcement actions.

ARTICLE 17. OTHER PETROLEUM REGULATION

LSA Document #15-224(F)

The Division of Oil and Gas (DOG) received one question concerning 312 IAC 17-1, which was in regards to leasing of oil and gas minerals owned by the State of Indiana. I continue to believe that we receive very few questions involving 312 IAC 17 because this regulation has been in effect for several years and most active operators are familiar with the language in the rule.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

LSA Document #14-105(F)

The Division of Entomology and Plant Pathology receives calls daily in reference to subjects covered by 312 IAC 18. The Division does not however receive comments from the public about the recodification process.

LSA Document #18-316(F) Amends 312 IAC 18-3-25

Comments and questions from the public are received about this rule on a weekly basis. It is estimated that approximately 15 man days were spent on related activities in the past fiscal year. Answering questions from the public, responding to requests for information and interviews for the media about the rule, clarifying what is included in the rule and what is not.

LSA Document #18-508(F) Amends 312 IAC 18-3-23

Very few comments and questions are received from the public in reference to this amendment. The addition of the two extra plants is not of conflict within industry as they are not currently plants in trade. Any questions from the community centered around clarifications of what exactly was included in the list to date.

ARTICLE 19. RESEARCH, COLLECTION, QUOTAS, AND SALES OF PLANTS

LSA Document #16-152(F)

Licensing: Seasons, fee, application, retention, 8 as follows: 1-fee; 3- requesting applications; 2 - asking about yellow root; 2 -clarification on the season.

Reporting: records, certification, maintenance and inspections – 2 requesting end of year report.

Harvesting quota: 1 person asked to dig ginseng that he reportedly planted in a state forest.

False representation/Sanctions: No inquiries

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

LSA Document #14-106(F)

The Division of Historic Preservation and Archeology (DHPA) received 15 questions, 2 complaints, and zero comments about the rule from small businesses.

The number of complaints or questions reported that were resolved to the satisfaction of the agency and the small businesses involved.

ARTICLE 3. ADJUDICATORY PROCEEDINGS

LSA Document #14-27(F)

It is believed that the questions received regarding adjudicatory proceedings were answered to the satisfaction of the inquirer and agency.

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

LSA Document #13-335(F)

All questions and complaints have been addressed and resolved for this rule adoption in the most recent fiscal year.

LSA Document #17-400(F)

All questions have been addressed and resolved for this rule adoption in the most recent fiscal year.

ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

LSA Document #14-97(F)

All questions have been addressed and resolved for this rule re-adoption in the most recent fiscal year.

ARTICLE 9. FISH AND WILDLIFE

LSA Document #17-436(F)

All questions have been resolved to the satisfaction of the Division of Fish and Wildlife and the small business.

ARTICLE 11.5. SURFACE WATER EMERGENCIES ON LAKES

LSA Document #17-131(F)

All questions have been addressed and resolved for this rule adoption in the most recent fiscal year.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

LSA Document #17-134(F)

All questions have been addressed and resolved for this rule adoption in the most recent fiscal year.

ARTICLE 13. WATER WELL DRILLERS

LSA Document #17-132(F)

All questions have been addressed and resolved for this rule adoption in the most recent fiscal year.

ARTICLE 17. OTHER PETROLEUM REGULATION

LSA Document #15-224(F)

The single question received during this reporting period was answered to the satisfaction of the DOG's external customer.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

LSA Document #18-316(F) Amends 312 IAC 18-3-25

All questions were resolved to the satisfaction of the agency and small businesses involved. Some small businesses would like to see more plants included in the list and just as many would like to see fewer species listed in the rule. Special interest groups varying from nursery trade organizations to eco-friendly groups who have expressed their views of the current rule and wishes for future versions that may be altered at some point.

LSA Document #18-508(F) Amends 312 IAC 18-3-23

All questions were resolved to the satisfaction of the agency and small business.

ARTICLE 19. RESEARCH, COLLECTION, QUOTAS, AND SALES OF PLANTS

LSA Document #16-152(F)

All complaints/questions were resolved satisfactorily, within the parameters of the laws (IC 14-31-3) and rules (312 IAC 19) regarding ginseng.

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

LSA Document #14-106(F)

All questions were resolved to satisfaction of the agency and the small business involved.

The total number of staff serving as coordinators under this section during the most recent state fiscal year

There were 22 staff members serving as coordinators for a total of 52 rules under IC 4-22-2-28.1 during the State fiscal year 2018–2019.

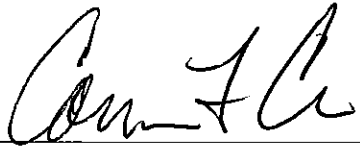
The agency's costs in complying with this section during the most recent state fiscal year

Total cost reported by the small business regulatory coordinators in the fiscal year 2018–2019 is \$17,504.64.

The projected budget required by the agency to comply with this section during the current state fiscal year

The projected budget required by the agency to comply with this section during the current 2019-2020 state fiscal year is \$18,047.28.

DATE: August 27, 2019



Cameron F. Clark, Director
Department of Natural Resources

(SBRC Report: Final rules filed during 2018 – 2019 Fiscal Year)

LSA Document #19-002(F)
LSA Document #19-003(F)
LSA Document #19-004(F)
LSA Document #19-005(F)
LSA Document #19-006(F)
LSA Document #19-010(F)
LSA Document #19-011(F)
LSA Document #19-290(F)
LSA Document #19-291(F)
LSA Document #18-515(F)
LSA Document #18-508(F)
LSA Document #18-316(F)
LSA Document #18-272(F)
LSA Document #17-553(F)

(SBRC Report: Final rules filed during 2017 – 2018 Fiscal Year)

LSA Document #17-436(F)
LSA Document #17-400(F)
LSA Document #17-262(F)
LSA Document #17-134(F)
LSA Document #17-133(F)
LSA Document #17-132(F)
LSA Document #17-131(F)
LSA Document #17-52(F)
LSA Document #16-230(F)

(SBRC Report: Final rules filed during 2016 – 2017 Fiscal Year)

LSA Document #16-531(F)
LSA Document #16-369(F)
LSA Document #16-368(F)
LSA Document #16-152(F)
LSA Document #16-151(F)
LSA Document #16-147(F)
LSA Document #15-383(F)
LSA Document #15-343(F)

(SBRC Report: Final rules filed during 2015 – 2016 Fiscal Year)

LSA Document #15-295(F)
LSA Document #15-224(F)
LSA Document #15-157(F)
LSA Document #15-156(F)
LSA Document #15-109(F)
LSA Document #14-515(F)
LSA Document #14-511(F)
LSA Document #14-510(F)
LSA Document #14-477(F)

(SBRC Report: Final rules filed during 2014 – 2015 Fiscal Year)

LSA Document #14-453(F)
LSA Document #14-341(F)
LSA Document #14-204(F)
LSA Document #14-106(F)
LSA Document #14-105(F)
LSA Document #14-97(F)
LSA Document #14-67(F)
LSA Document #14-65(F)
LSA Document #13-528(F)
LSA Document #13-448(F)
LSA Document #13-335(F)

(SBRC Report: Final rules filed during 2013 – 2014 Fiscal Year)

LSA Document #14-27(F)
LSA Document #14-17(F)
LSA Document #13-184(F)
LSA Document #13-170(F)
LSA Document #13-169(F)
LSA Document #13-162(F)
LSA Document #13-125(F)

(SBRC Report: Final rules filed during 2012 – 2013 Fiscal Year)

LSA Document #12-555(F)
LSA Document #12-554(F)