

# DEPARTMENT OF NATURAL RESOURCES

# DIRECTOR'S ANNUAL REPORT: 2022

IC 4-22-2-28.1(k)

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Director, Department of Natural Resources  
Secretary, Natural Resources Commission  
July 26, 2022

**Forwarded to:**

Legislative Council ([legislative.council@iga.in.gov](mailto:legislative.council@iga.in.gov))  
Small Business Ombudsman ([jfagan@iedc.in.gov](mailto:jfagan@iedc.in.gov))

# **ANNUAL REPORT**

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

**TITLE 312 NATURAL RESOURCES COMMISSION**

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

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**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 ##20-206(F)**

The Natural Resources Commission, Division of Hearings receives calls during the fiscal year from persons asking for information regarding administrative procedures in adjudicatory proceedings, such as questions regarding: (1) filing and service procedures; (2) riparian rights; and (3) other requirements under 312 IAC 3-1. The Natural Resources Commission, Division of Hearings, receives approximately three calls per week (156 per year) from persons requesting information regarding administrative procedures in adjudicatory proceedings. It is unknown whether the inquiries were made by small businesses.

### ARTICLE 6. GREAT LAKES BASIN WATER MANAGEMENT

#### **LSA Document #20-179(F)**

### ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

#### **LSA Document #20-179(F)**

Approximately fifty (50) inquiries from small business were received by the Division with regard to this rule readoption. Subject matter of the inquiries primarily involved proposed water withdrawals, change of facility ownership, potential diversions, or the evaluation of existing diversions occurring within the Great Lakes Basin within Indiana.

### ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

#### **LSA Document #20-180(F)**

Approximately ten (10) inquiries from small business were received by the Division with regard to this rule readoption. Subject matter of the inquiries primarily involved the renewal of one (1) existing contract for the sale of water from State financed reservoirs and the continued evaluation of an existing water withdrawal facility at a reservoir.

### ARTICLE 9. FISH AND WILDLIFE

#### **LSA Document #21-451(F)**

One (1) comment and one (1) question about the proposed change in the body gripping traps in 312 IAC 9-3-17(f) and 312 IAC 9-10-11(h).

#### ARTICLE 9.5. IN LIEU FEE MITIGATION

##### **LSA Document #20-410(F)**

Comments and questions were received by me and my staff from several small businesses during the past State fiscal year. No complaints were noted. There were approximately 13 interactions with several small businesses. All of the interactions were questions and comments on the following topics:

- General questions about the overall process of requesting to use in-lieu fee as a mitigation option for DNR permits.
- Where to find supporting information (there is a supporting non-rule policy and State form associated with this rule).
- How to complete the State form.
- Whether a floristic quality assessment is required.
- When requests to use in-lieu fee are made during the permitting process.
- How the rule is applied when other State and Federal agencies are involved with mitigation for the same project.

#### ARTICLE 11.5. SURFACE WATER EMERGENCIES ON LAKES

##### **LSA Document #17-131(F)**

Approximately ten (10) inquiries and questions from small business were received by the Division from small business with regard to this rule readoption. Subject matter of the inquiries and questions involved potential pumping impacts on public freshwater lakes.

#### ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

##### **LSA Document #17-134(F)**

Approximately seventy-five (75) inquiries from small business were received by the Division with regard to this rule readoption. Subject matter of the inquiries primarily involved rule interpretation and the investigation of water rights complaints.

#### ARTICLE 13. WATER WELL DRILLERS

##### **LSA Document #17-132(F)**

Approximately two hundred (200) inquiries and questions from small business were received by the Division with regard to this rule readoption. Subject matter of the inquiries and questions primarily involved rule interpretation, licensing status, well construction variances, well abandonment investigations, enforcement actions and continuing education programs.

#### ARTICLE 17. OTHER PETROLEUM REGULATIONS

##### **LSA Document #21-111(F)**

One question was received from a small business owner regarding this rule. The question was concerning the bonding requirements of test holes found under 312 IAC 17-2.

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

**LSA Document #22-29(F)**

Approximately 32 questions, comments and complaints were received for various parts of the rule.

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

**LSA Document #20-181(F)**

5 questions were received from small businesses in 2021-2022 in regard to the Cemetery and Burial Grounds registration management.

**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 #20-206(F)**

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

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

**LSA Document #20-179(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

**LSA Document #20-180(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 9. FISH AND WILDLIFE

**LSA Document #21-451(F)**

Both the comment and question were resolved to the satisfaction of the agency and small businesses involved.

ARTICLE 9.5. IN LIEU FEE MITIGATION

**LSA Document #20-410(F)**

There were no complaints, and all questions were resolved promptly and to the satisfaction of the businesses and the agency. The comments and questions were minor issues that were easily resolved. I or my staff were able to respond to questions within 48 hours, typically the same day. Some questions extended over a couple days of email exchanges as small businesses worked with their clients to discuss the ILF process and then came back to DNR to reach a final permitting agreement about the use of ILF as a mitigation option.

ARTICLE 11.5. SURFACE WATER EMERGENCIES ON LAKES

**LSA Document #17-131(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

**LSA Document #17-134(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 13. WATER WELL DRILLERS

**LSA Document #17-132(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 17. OTHER PETROLEUM REGULATIONS

**LSA Document #21-111(F)**

The question was answered for the small business owner and they were quite satisfied with my response.

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

**LSA Document #22-29(F)**

All inquiries were resolved to the satisfaction of DNR and those involved.

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

**LSA Document #20-181(F)**

All 5 questions were resolved to the 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 23 staff members serving as coordinators for a total of 40 rules under IC 4-22-2-28.1 during the State fiscal year 2021–2022.

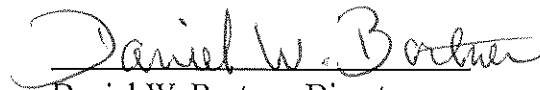
**The agency's costs in complying with this section during the most recent state fiscal year**

Total cost reported by the small business regulatory coordinators in the fiscal year 2021–2022 is \$43,504.94.

**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 2022-2023 state fiscal year is \$44,853.59.

DATE: July 26, 2022



Daniel W. Bortner, Director  
Department of Natural Resources

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*(SBRC Report: Final rules filed during 2021 – 2022 Fiscal Year)*

- LSA Document #22-29(F)
- LSA Document #22-30(F)
- LSA Document #21-228(F)
- LSA Document #21-341(F)
- LSA Document #21-342(F)
- LSA Document #21-451(F)

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*(SBRC Report: Final rules filed during 2020 – 2021 Fiscal Year)*

- LSA Document #20-69(F)
- LSA Document #20-81(F)
- LSA Document #20-206(F)
- LSA Document #20-286(F)
- LSA Document #20-287(F)
- LSA Document #20-288(F)
- LSA Document #20-345(F)
- LSA Document #20-355(F)
- LSA Document #20-410(F)
- LSA Document #20-602(F)
- LSA Document #21-110(F)
- LSA Document #21-111(F)
- LSA Document #21-112(F)

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*(SBRC Report: Final rules filed during 2019 – 2020 Fiscal Year)*

- LSA Document #19-290(F)
- LSA Document #19-291(F)
- LSA Document #19-325(F)
- LSA Document #19-373(F)
- LSA Document #20-178(F)
- LSA Document #20-179(F)

LSA Document #20-180(F)  
LSA Document #20-181(F)

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*(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)