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**NATURAL RESOURCES COMMISSION**

**Information Bulletin #55 (Second Amendment)  
August 1, 2010**

**SUBJECT:** Citizen Comments to Hearing Officers

**1. Purposes**

The primary purpose of this personnel directive is to encourage consistency, transparency, and efficiency in the development of hearing officer reports by employees of the Division of Hearings to the Natural Resources Commission. An employee of the Department of Natural Resources or another person making a report to the Commission may also consider this directive as guidance.

**2. Anonymous Comments**

(A) A hearing officer shall not include comments in a report, or consider the comments in an analysis, unless made by an individual who provides:

- (1) The individual's name. An individual who uses a pseudonym does not satisfy this requirement unless the pseudonym is that of a recognized journalist or author.
- (2) At least one of the following:
  - (i) For an Indiana resident, the city, town, or county of residence.
  - (ii) For a nonresident of Indiana who is resident of the United States, the state of residence.
  - (iii) For a nonresident of the United States, the country of residence.

(B) Personal, contact, and any other information submitted on a comment form or in an attachment may be provided to the Commission and the Department of Natural Resources and may be publicly disclosed and searchable on the Internet and in a paper docket.

**3. Comments Not in English and Nonstandard Language**

(A) Except as provided in this subdivision, a hearing officer shall not include comments in a report, or consider the comments in an analysis, unless made in English. Foreign phrases commonly used by the public or within a profession may be included.

(B) A hearing officer may exclude from a report, and consideration in an analysis, comments containing excessive foul, offensive, or other nonstandard language.

**4. Processing Comments**

(A) To help assure that comments included in a report are directed to an active rule proposal, a hearing officer shall not include comments except after the earlier of the following:

- (1) publication by the Legislative Services Agency of a "Notice of Intent to Adopt" a proposed rule; or
- (2) posting on the Commission's website of language given preliminary adoption for a proposed rule.

(B) If comments are received that relate to other than active rule proposals under subsection (A), the Division of Hearings shall do one of the following:

- (1) if the Division of Hearings is informed the Department is contemplating a rule action, the comment shall be forwarded to the appropriate division or bureau of the Department of Natural Resources; or
- (2) if the Division of Hearings has no knowledge of any contemplated rule action by the Department, the person offering the comment shall be referred to Information Bulletin #7 (Second Amendment), "Petitions for Rule Change and for Nonrule Policy Document Change".

**5. Receipt of Comments**

The Commission shall accept comments filed by:

- (1) Electronic mail (e-mail) using the online comment form accessible at:  
<http://www.in.gov/nrc/2377.htm>
- (2) Telephone, if authorized by the Commission upon preliminary adoption.
- (3) Regular mail, to be sent to the:  
Natural Resources Commission  
Division of Hearings  
Indiana Government Center North  
100 North Senate Avenue, Room N501  
Indianapolis, Indiana 46204-2200

**6. Continuing Updates**

The Division of Hearings shall continue exploration of access to and implementation of improved mechanisms for the Commission's website by which to receive and assemble citizen comments. The Division of

Hearings shall periodically update the Commission concerning challenges and opportunities with respect to receipt and incorporation of citizen comments in hearing officer reports. The next update shall be provided not later than May 2012.

### **7. History**

The original version of this Information Bulletin was published on August 15, 2007. Modifications for the current version include provisions for the use of English, the avoidance of nonstandard language, and inclusion of citizen comments in a report only if made after publication of a "Notice of Intent to Adopt" or posting of language given preliminary adoption. With technological advances since August 2007 regarding the processing of e-mail comments, some references were deleted regarding initiatives to seek improved mechanisms.

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