

Notice of Public Hearing

LSA Document #10-566

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on November 22, 2010, at 10:00 a.m., at the Indiana Government Center North, 100 North Senate Avenue, Room N501, Main Conference Room, the Natural Resources Commission will hold a public hearing on proposed amendments to add [312 IAC 8-2-4.5](#) to require a license from a property manager before the placement of a fish attractor on a property administered by the Department of Natural Resources, to provide for consultation within the Department before issuance of a permit, and to affirm the additional permitting requirements for sites within a floodway under [IC 14-28-1](#) or a navigable waterway under [IC 14-29-1](#), if the Department's Division of Water determines the fish attractor poses more than a minimal potential for harm.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: The proposed rule amendments would not impose costs. The placement of fish attractors in a waterway within or along a DNR property already requires advance permitting under [IC 14-28-1](#) (commonly called the "Flood Control Act"), [IC 14-29-1](#) (commonly called the "Navigable Waters Act"), or rules adopted to assist with the administration of DNR properties (most notably at [312 IAC 8-2-10\(9\)](#)). These requirements are disparate and not always well-understood within the Department of Natural Resources or by citizens using DNR properties. For some waterways, there is regulatory overlap. The amendments would coordinate processes and are reasonably necessary to improve regulatory transparency as well as to support internal agency consistency.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman
Natural Resources Commission

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