TITLE 312 NATURAL RESOURCES COMMISSION

Administrative Rules Oversight Committee Notice
One Year Requirement (IC 4-22-2-25)
LSA Document #13-335

January 28, 2014

Representative Jeffrey Thompson, Chairperson
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman, AROC Counsel

Re: Great Lakes Compact Rules, LSA Document #13-335

Dear Representative Thompson,

On behalf of the Natural Resources Commission (the "Commission"), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25. Pursuant to IC 14-10-2-4, the Commission adopts rules, other than emergency rules, for the Department of Natural Resources (the "DNR"). The notice is sought because the Commission has determined that the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

On November 20, 2012, the Commission preliminarily adopted rule language to assist with implementation in Indiana of the Great Lakes-St. Lawrence River Basin Water Resources Compact. The Commission caused the posting of its Notice of Intent to Adopt a Rule for the captioned document on July 17, 2013 (DIN: 20130717-IR-312130335NIA). As specified by Executive Order 2-89 and Financial Management Circular 2010-4, fiscal analyses associated with the rule proposal were submitted, along with a copy of the proposed rule language, a copy of the posted notice of intent, and other required documents, to the Indiana Office of Management and Budget (the "OMB") on October 7, 2013. The OMB approved the submitted fiscal analyses on January 2, 2014.

Following the OMB's January 2, 2014, approval, the Commission scheduled public hearings in compliance with IC 4-22-2-26. A public hearing was set for February 17, 2014, in Indianapolis. Because of the level of interest in the rule in Indiana's Great Lakes Basin, two additional hearings were scheduled in Portage and South Bend on March 13 and in Fort Wayne on March 14. The proposed rule is one of major significance to Indiana and particularly to the Basin. Numerous public comments are anticipated. The public comment period on the rule proposal is expected to remain open until at least March 21, 2014. The next following regular meeting of the Commission is set for May 20, 2014. Following final adoption of the proposed rule by the Commission, the Indiana Attorney General must be provided 45 days for review as specified at IC 4-22-2-32 and under IC 4-22-2-34 the Office of the Governor must be afforded 15 days for approval or disapproval of the rule, which time may be extended to 30 days.

The Commission will expeditiously pursue the promulgation of the captioned rule, but under the circumstances it is necessary to extend the time for completing that process. The expected date the rule will be approved or deemed approved by the Governor or withdrawn under IC 4-22-2-41 is September 1, 2014.

This notice is submitted in a timely manner. March 24, 2014, is the 250th day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Bryan W. Poynter, Chair
Natural Resources Commission

Posted: 02/05/2014 by Legislative Services Agency
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