

# DEPARTMENT OF NATURAL RESOURCES

# DIRECTOR'S ANNUAL REPORT: 2016

IC 4-22-2-28.1(k)

Cameron F. Clark.  
Director, Department of Natural Resources  
Secretary, Natural Resources Commission  
October 19, 2016

**Forwarded to:**

Legislative Council ([legislative.council@iga.in.gov](mailto:legislative.council@iga.in.gov))

Small Business Ombudsman ([rwarner@iedc.in.gov](mailto:rwarner@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**

## 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 #14-27(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) application of the “Trial Rules” (not typically using that term, but that is to what the questions amount); (3) responsibility for identifying affirmative defenses (most often “riparian rights”); and (4) other requirements under 312 IAC 3-1. The Natural Resources Commission, Division of Hearings, receives approximately three to four calls per week (156 to 208 per year) from persons requesting information regarding administrative procedures in adjudicatory proceedings. It is unknown whether the inquiries were made by small businesses.

### ARTICLE 4. LAW ENFORCEMENT

#### **LSA Document #13-448(F)**

One comment in opposition to the rule amendment was received.

### ARTICLE 5. BOATING ON PUBLIC WATERS OF INDIANA

#### **LSA Document #14-515(F)**

The Division of Law Enforcement received one complaint.

### ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

#### **LSA Document #13-335(F)**

There have been approximately 25 general comments, ten questions, and no complaints from small business with regard to this rule adoption.

### ARTICLE 8. PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

#### **LSA Document #11-421(F)**

Approximately 319 comments, complaints, and questions were received, to include:

- 163 Firewood Compliance Agreements
- 156 Small Business contacts via telephone with questions regarding firewood sales, processes, procedures and/or rules clarification.

### ARTICLE 9. FISH AND WILDLIFE

#### **LSA Document # 14-511**

The Division of Law Enforcement received one complaint.

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

#### **LSA Document #14-204(F)**

There have been approximately 20 general comments, ten questions, and no complaints from small business with regard to this rule adoption.

ARTICLE 13. WATER WELL DRILLERS

**LSA Document #11-332(F)**

There have been approximately ten general comments, 25 questions, and no complaints from small business with regard to this rule adoption.

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

**LSA Document #10-60(F)**

Four questions were received from dealers regarding reassurance of the methodology of placing ginseng “on hold by permission of the Department”. The Department’s “permission” is established in the rule and provided by the issuance of a Certificate of Origin, then an “ON HOLD” report to the Department. Said Certificates and the additional documents required are only available to Licensed Dealers.

**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; however, it is unknown whether the questions were posed by small business.

ARTICLE 4. LAW ENFORCEMENT

**LSA Document #13-448(F)**

The Small Business Regulatory Coordinator reported the following:

In 2013, Lt. Colonel Steve Hunter, on behalf of Law Enforcement Director Danny East presented a modification to 312 IAC 4-4-6, which would allow the Division Director to make “spot appointments” for personnel of the rank of captain, major or lieutenant colonel. Jeff Wells, an active but off duty conservation officer, was at the public hearing and voiced his opposition to the rule change. At the end of the discussion Mr. Wells was still opposed to the proposal, but did not make any other formal objections.

ARTICLE 5. BOATING ON PUBLIC WATERS OF INDIANA

**LSA Document #14-515(F)**

The Division of Law Enforcement was not able to resolve the complaint to the satisfaction of the individual.

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.

ARTICLE 8. PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

**LSA Document #11-421(F)**

Approximately 293 complaints or questions resolved to satisfaction of both parties. Approximately 26 calls ended in small businesses unwilling or uninterested in effort required to comply with regulatory process(s).

ARTICLE 9. FISH AND WILDLIFE

**LSA Document # 14-511**

The Small Business Regulatory Coordinator reported the following:

Sometime in 2015, an unknown individual contacted Lt. Larry Morrison to voice his opposition to a provision of 312 IAC 9-12-2.5(b), which requires an individual with special circumstances to attend a hunter education class before he can apply for an exemption from the requirements identified in 14-22-11-5, which governs the need for a hunter education certificate in order to purchase a hunting license in Indiana. Lt. Morrison, the DNR Law Enforcement Division's outdoor education coordinator, explained the various reasons to the individual but was unsuccessful in convincing him of the need for his family member to attend a hunter education course prior to hunting.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

**LSA Document #14-204(F)**

All questions and complaints have been addressed and resolved for this rule adoption.

ARTICLE 13. WATER WELL DRILLERS

**LSA Document # 11-332(F)**

All questions and complaints have been addressed and resolved for this rule adoption.

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

**LSA Document #10-60(F)**

The questions were raised by veteran ginseng dealers who had no previous experience with holding ginseng root off season. DNR learned that a major exporter cancelled all orders that these dealers were filling, leaving the dealer holding the root and the investment.

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

There were 25 staff members serving as coordinators for a total of 45 rules under IC 4-22-2-28.1 during the State fiscal year 2015–2016.

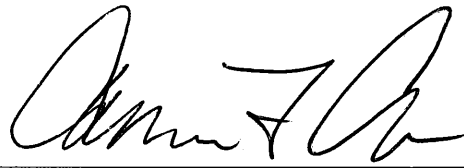
**The agency's costs in complying with this section during the most recent state fiscal year**

Total cost reported by the small business regulatory coordinators in the fiscal year 2015–2016 is \$15,175.64.

**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 2016-2017 state fiscal year is \$15,646.08.

DATE: October 19, 2016



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Cameron F. Clark  
Director  
Department of Natural Resources

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*(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 #14-515(F)
- LSA Document #14-511(F)
- LSA Document #14-510(F)
- LSA Document #14-477(F)

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

LSA Document #14-453(F)  
LSA Document #14-341(F)  
LSA Document #14-296(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 #13-446(F)  
LSA Document #13-335(F)

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

LSA Document #14-27(F)  
LSA Document #14-17(F)  
LSA Document #13-294(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)

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

LSA Document #12-555(F)  
LSA Document #12-554(F)  
LSA Document #12-270(F)  
LSA Document #12-218(F)

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*(SBRC Report: Final rules filed during 2011 – 2012 Fiscal Year)*

LSA Document #11-421(F)  
LSA Document #11-332(F)  
LSA Document #11-177(F)  
LSA Document #11-42(F)

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*(SBRC Report: Final rules filed during 2010 – 2011 Fiscal Year)*



LSA Document #11-2(F)  
LSA Document #10-566(F)  
LSA Document #09-876(F)

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*(SBRC Report: Final rules filed during 2009 – 2010 Fiscal Year)*

LSA Document #10-161(F)  
LSA Document #10-60(F)  
LSA Document #10-51(F)  
LSA Document #10-37(F)  
LSA Document #09-199(F)