

DEPARTMENT OF NATURAL RESOURCES

DIRECTOR'S ANNUAL REPORT: 2014

IC 4-22-2-28.1(k)

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Secretary, Natural Resources Commission
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Forwarded to:

Legislative Council (legislative.council@iga.in.gov)
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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

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 2. PROCEDURES AND DELEGATIONS

LSA Document #14-27(F)

The small business regulatory coordinator did not receive any comments, questions or complaints.

ARTICLE 3. ADJUDICATORY PROCEEDINGS

LSA Document #14-27(F)

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 5. BOATING ON PUBLIC WATERS OF INDIANA

LSA Document #08-295(F) and LSA Document #13-213(F)

LSA Document #08-295(F) was scheduled to sunset on January 1, 2014, and LSA Document #13-213(F) followed up with revised rule language. There were ample opportunities for public comment during the rule revision process and a number of comments were received from individuals around these two lakes; however no comments were received from businesses of any type.

LSA Document #08-765(F)

There were no comments, complaints, or questions received from small businesses or any members of the public regarding this rule during the reporting period.

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

LSA Document #08-531(F)

Two questions were received regarding the incipient rule for Great Lakes water management. The questions were, in actuality, expressions of prospective interest in the development of the Great Lakes-St. Lawrence Compact rules. Their origin from a small business seems unlikely.

ARTICLE 8. PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

LSA Document #10-566(F)

One inquiry from an individual, but not a small business.

LSA Document #13-294(F)

The Division received comments from one small business regarding a request to permit alcohol sales in a licensed area at Indiana Dunes State Park. A recent inquiry by a private business to set up a dog grooming operation at the Dog Park at Fort Harrison State Park was made (312 IAC 8-2-6).

LSA Document #11-421(F)

Department of Natural Resources has received approximately nine e-mails regarding *Firewood on DNR Property* between June 30, 2013 and the June 30, 2014 fiscal year end. The following is a general breakdown by category:

- Visitor Complaints = 0
- Visitor Questions = 6
- Small Business Complaints = 0
- Small Business Questions = 3

ARTICLE 9. FISH AND WILDLIFE

LSA Document #09-486(F)

30 – questions and comments about who needs licensed, enclosure requirements, and paperwork requirements under 312 IAC 9-10-4.

LSA Document #10-104(F)

Three questions. 312 IAC 9-3-18.6: questions about whether or not a person can legally provide hunting services for wild hogs, lease land for wild hog hunting, and about whether or not Mangalista (heritage) breed hogs are prohibited from being possessed and sold.

LSA Document #11-101(F)

Two questions about the legality of using draw-loc devices under 312 IAC 9-3-3.

LSA Document #12-670(F)

One question related to 312 IAC 9-3-3 for the use of the draw-loc device, and nine questions related to the proposed new primitive muzzleloader season and extension of the archery season in 312 IAC 9-3-4.

LSA Document #13-24(F)

One question regarding 312 IAC 9-10-11 regarding the nuisance wild animal control permit. Three questions regarding 312 IAC 9-10-22 governing shooting preserve licenses. Eight questions, including questions about the sign requirements under 312 IAC 9-10-22 and about the disposition of dead animals and their parts and use of them for educational purposes under 312 IAC 9-10-11.

ARTICLE 11.8. SURFACE WATER DISPUTES MEDIATION

LSA Document #12-554(F)

Two questions.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

LSA Document #11-177(F)

There have been approximately 100 comments and questions, and no complaints, received by the Division from small business with regard to this rule.

ARTICLE 13. WATER WELL DRILLERS

LSA Document # 11-2(F)

There have been approximately 250 comments and questions, and no complaints received by the Division from small business with regard to this rule.

LSA Document #11-332(F)

Comments, complaints, or questions regarding amendments to IC 25-39 and Rule 312 IAC 13 regarding the Licensing of Water Well Pump Installers and Continuing Education for Well Drillers and Pump Installers are included in the previous response for LSA Document #11-2(F).

ARTICLE 16. OIL AND GAS

LSA Document #10-33(F)

Two questions from operators concerning enforcement actions issued and their ability to appeal the violation, per 312 IAC 16-5-21.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

LSA Document #08-413(F)

Several small businesses a week contact the division to request compliance agreements to ensure compliance with the current rule. Members of the public (approximately 10-20 per week) contact the division with questions about the current quarantine and their ability to move regulated materials throughout the state of Indiana.

LSA Document #09-85(F)

Several small businesses a week contact the division to request compliance agreements to ensure compliance with the current rule. Members of the public (approximately 10-20 per week) contact the division with questions about the current quarantine and their ability to move regulated materials throughout the state of Indiana. Especially in regards to firewood movement across state lines as well as movement within Indiana.

LSA Document #12-50(F)

There were six comments and/or questions received from small businesses in FY 14 regarding this rule. Two of which were relayed through the potential buyer to the DNR to ascertain which species were listed in the rule.

LSA Document #12-511(F)

Over the course of the past year there have been some comments and questions received about the TCD rule. Some small businesses that are held to the standards within the rule have had concerns that the rule will impact their current business practices however there is little evidence of that impact actually occurring in the industry. Other members of the industry have requested training for their staff and/or compliance agreements in case they eventually do business that would be impacted by the rule. The Division of Entomology and Plant Pathology has been quick to respond to the concerns of the industry and offer any assistance required or requested. As members of the industry learn more about the requirements involved and begin to work within the quarantine there is less confusion and products move through the state to be processed more readily.

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

LSA Document #10-60(F)

One question was received regarding certification of ginseng for placing "on hold". One question was received regarding voiding of a certificate due to error in recording on the form.

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

LSA Document #08-534(F)

One question.

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)

All questions were answered to the satisfaction of all parties involved.

ARTICLE 5. BOATING ON PUBLIC WATERS OF INDIANA

LSA Document #08-295(F) and LSA Document #13-213(F)

No complaints or questions were received from small businesses so there was nothing to resolve. Comments received however from individuals around the two lakes however helped shape the language that was adopted in LSA Document #13-213(F).

ARTICLE 8. PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

LSA Document #10-566(F)

Individual was not permitted to install fish attractors in public waters.

LSA Document #13-294(F)

The concerns of the small business were satisfied as the police change permitted the sales of alcohol in the aforementioned location, thus allowing the small business to submit an RFP to operate a restaurant in that licensed area.

The private vendor (business) was advised of the concession contract process in state parks for operating a business on state property. No further contact has been made since the initial inquiry (312 IAC 8-2-6).

LSA Document #11-421(F)

All questions were provided detailed replies to the extent that no further discussion was necessary or correspondence left open ended. We feel that all correspondence was resolved with satisfaction.

ARTICLE 9. FISH AND WILDLIFE

LSA Document # 09-486(F)

All 30 questions/comments were addressed to satisfaction of all parties.

LSA Document #10-104(F)

Three questions were answered to the satisfaction of the agency, and one to the satisfaction of a business.

LSA Document #11-101(F)

Both questions were answered to the satisfaction of all parties.

LSA Document #12-670(F)

Six questions were answered to the satisfaction of the business involved and three were not. The DNR and NRC did not agree with the entity making comments.

LSA Document #13-24(F)

All Eleven questions were resolved to the satisfaction of the agency, and seven of them to the satisfaction of the businesses involved.

ARTICLE 11.8. SURFACE WATER DISPUTES MEDIATION

LSA Document #12-554(F)

Two questions were resolved to satisfaction of all involved.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

LSA Document #11-177(F)

All 100 comments and questions received resolved.

ARTICLE 13. WATER WELL DRILLERS

LSA Document # 11-2(F)

All 250 comments and questions were resolved.

ARTICLE 16. OIL AND GAS

LSA Document #10-33(F)

One questions was resolved to the satisfaction of agency and small business.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

LSA Document #08-413(F)

All questions are answered to the satisfaction of the agency and small business or members of the public in a timely manner. Members of the public occasionally disagree with the inability to move firewood into state properties. However, this requirement proposed and adopted by state properties does not apply to the rule above.

LSA Document #09-85(F)

All questions are answered to the satisfaction of the agency and small business or members of the public in a timely manner. Members of the public occasionally disagree with the inability to move firewood into state properties. However, this requirement proposed and adopted by state properties does not apply to the rule above.

LSA Document #12-50(F)

Of the six questions, three of the questions were regarding the identity of specific species within the rule and three were related to updating the online small business websites to be in compliance and all were completely resolved in FY 14.

LSA Document #12-511(F)

All complaints and questions reported have been resolved to the satisfaction of the agency and the small business involved. There are currently 13 small businesses in Indiana with compliance agreements to work within the quarantine requirements set up by this rule. All businesses are able to process their materials in a timely manner and have responded well to the requirements established by the compliance agreements.

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

LSA Document #10-60(F)

Both questions were easily resolved to full satisfaction of the parties involved.

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

LSA Document #08-534(F)

One question was resolved to satisfaction of all parties.

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

There were 26 staff members serving as coordinators for a total of 83 rules under IC 4-22-2-28.1 during the State fiscal year 2013–2014.

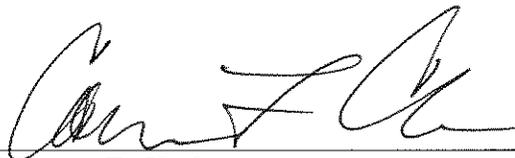
The agency's costs in complying with this section during the most recent state fiscal year

Total cost reported by the small business regulatory coordinators in the fiscal year 2013–2014 is \$20,658.21.

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 2014-2015 state fiscal year is \$21,298.61.

DATE: September 24, 2014



Cameron F. Clark
Director
Department of Natural Resources

(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 #13-231(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)**
- **LSA Document #13-24(F)**
- **LSA Document #13-3(F)**
- **LSA Document #12-670(F)**

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

LSA Document #12-555(F)
LSA Document #12-554(F)
LSA Document #12-514(F)
LSA Document #12-511(F)
LSA Document #12-403(F)
LSA Document #12-381(F)
LSA Document #12-273(F)
LSA Document #12-270(F)
LSA Document #12-218(F)
LSA Document #12-115(F)
LSA Document #12-65(F)
LSA Document #12-50(F)

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

LSA Document #12-109(F)
LSA Document #11-470(F)
LSA Document #11-442(F)
LSA Document #11-421(F)
LSA Document #11-358(F)
LSA Document #11-332(F)
LSA Document #11-196(F)
LSA Document #11-177(F)
LSA Document #11-170(F)
LSA Document #11-103(F)
LSA Document #11-101(F)
LSA Document #11-42(F)
LSA Document #10-667(F)
LSA Document #10-614(F)

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

LSA Document #11-2(F)

LSA Document #10-566(F)
LSA Document #10-501(F)
LSA Document #10-418(F)
LSA Document #10-230(F)
LSA Document #10-104(F)
LSA Document #10-59(F)
LSA Document #09-984(F)
LSA Document #09-876(F)
LSA Document #09-806(F)
LSA Document #09-616(F)

(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 #10-38(F)
LSA Document #10-37(F)
LSA Document #10-33(F)
LSA Document #09-486(F)
LSA Document #09-479(F)
LSA Document #09-470(F)
LSA Document #09-210(F)
LSA Document #09-199(F)
LSA Document #09-152(F)
LSA Document #09-137(F)
LSA Document #09-85(F)
LSA Document #09-80(F)
LSA Document #09-60(F)
LSA Document #09-44(F)
LSA Document #08-886(F)

(SBRC Report: Final rules reported, and filed during 2008 – 2009 Fiscal Year)

LSA Document #09-155(F)
LSA Document #09-154(F)
LSA Document #09-153(F)
LSA Document #08-775(F)
LSA Document #08-756(F)
LSA Document #08-740(F)
LSA Document #08-688(F)
LSA Document #08-672(F)
LSA Document #08-534(F)
LSA Document #08-531(F)
LSA Document #08-413(F)
LSA Document #08-295(F)
LSA Document #08-131(F)
LSA Document #08-76(F)
LSA Document #08-72(F)

(SBRC Report: Final Rules reported, filed during 2007 – 2008 Fiscal Year)

LSA Document #08-57(F)