
NATURAL RESOURCES COMMISSION**Information Bulletin #55 (Fifth Amendment)****SUBJECT:** Citizen Comments to Hearing Officers**1. Purposes**

The purpose of this information bulletin is to provide 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 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 a 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.

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 ensure 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 First Public Comment Period and 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 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, Fifth Amendment, published at ([20170531-IR-312170268NRA](#)), "Petitions for Rule Change and for Nonrule Policy Document Change".

5. Receipt of Comments

The Commission shall accept comments filed by:

(A) e-mail using the online comment form accessible at: <https://www.in.gov/nrc/rules/rulemaking-docket/>; or

(B) regular mail, sent to the following address:

Natural Resources Commission-Division of Hearings

Indiana Government Center North

100 North Senate Avenue, Room N103

Indianapolis, Indiana 46204-2273; or

(C) e-mail sent to the rulewriter's email address listed on the Notice of First Public Comment Period.

6. History

This Information Bulletin was first published in the Indiana Register on August 15, 2007 ([20070815-IR-312070470NRA](#)). On November 18, 2008, the Commission approved the First Amendment ([20081210-IR-312080890NRA](#)), adding 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. On July 20, 2010, the Commission approved the Second

Amendment ([20100804-IR-312100484NRA](#)), updating technological advances regarding the processing of e-mail comments. On May 16, 2017, the Commission approved the Third Amendment ([20170524-IR-312170259NRA](#)), updating contact information for the Commission and its Division of Hearings. On September 21, 2021, the Commission approved the Fourth Amendment ([20211020-IR-312210445NRA](#)), updating URL links and making other technical changes. On November 21, 2023, the Commission approved this Fifth Amendment changing references due to legislative changes and other technical updates.

Bulletin replaces: [20211020-IR-312210445NRA](#)

Posted: 12/06/2023 by Legislative Services Agency
An [html](#) version of this document.