

VIA EMAIL

May 15, 2024

Elizabeth Gamboa
Director and Chief Administrative Law Judge
Natural Resources Commission, Division of Hearings
100 N. Senate Avenue, Room N103
Indianapolis, IN 46204

Re: LSA Document #24-163/Regulatory Analysis Economic Impact Statement

Dear Ms. Gamboa,

Pursuant to Indiana Code 4-22-2.1-5(c)(2), as the Small Business Ombudsman for the state of Indiana, I have reviewed the proposed rule and regulatory analysis associated with the rule changes contained in LSA Document #24-163 (proposed rule) submitted to the Indiana Small Business Ombudsman by the Indiana Natural Resources Commission (NRC) on behalf of the Indiana Department of Natural Resources (IDNR), and found the following to be true.

Proposed rule LSA #24-163 aims to permanently codify rules related to fees, fines, civil penalties, royalties, and bonds to be found within 312 Indiana Administrative Code (IAC) 1.5. The requirement to codify various currently existing fees and fines is derived from statutory requirements found within House Enrolled Act (HEA) 1623-2023 as part of executive agency rulemaking reform “safe harbor” of codifying existing fee related rules. The proposed rule specifically outlines and specifies various fees related to functions under the jurisdiction of IDNR, notably construction in a floodway permitting, oil & gas and water well permitting, bonds for a permit not covered by the surface coal mine reclamation bond pool, and more. The proposed rule appears to bring transparency and clarity to the various fees associated with IDNR regulated activities, creates a streamlined approach for Hoosiers to become more easily familiar with required fees for regulated activities, and brings IDNR into compliance under HEA1623-2023.

The NRC’s provided regulatory analysis displays a proper due diligence and understanding of how implementation must be carried out to ensure compliance while minimizing the impact to small businesses and individuals in Indiana. Based upon this statement and review, the Indiana Small Business Ombudsman supports the proposed rule related to the economic impact on small business if the NRC and IDNR’s conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at ombudsman@iedc.in.gov.

Sincerely,

Matt Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation