

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 #24-165/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 #24-165 (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 #24-165 aims to permanently codify rules related to fees to be found within 312 Indiana Administrative Code (IAC) 1.5. The requirement to codify various currently 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 aquaculture permitting, falconry permitting, various hunting and fishing permits, boating operations, and numerous other fee structures related to IDNR regulated activities, and does not appear to increase fees or fines and does not impose any new regulatory requirements. The proposed rule appears to bring transparency and clarity to the various fees associated with IDNR 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