

# DEPARTMENT OF NATURAL RESOURCES

# DIRECTOR'S ANNUAL REPORT: 2020

IC 4-22-2-28.1(k)

Daniel W. Bortner  
Director, Department of Natural Resources  
Secretary, Natural Resources Commission  
October 23, 2020

**Forwarded to:**

Legislative Council ([legislative.council@iga.in.gov](mailto:legislative.council@iga.in.gov))  
Small Business Ombudsman ([kcolclazier@iedc.IN.gov](mailto:kcolclazier@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. Inquiries include: (1) filing and service procedures; (2) responsibility for identifying affirmative defenses (most often “riparian rights”); and (3) other requirements under 312 IAC 3-1. The Division of Hearings receives approximately three calls per week (156 per year). It is unknown whether the inquiries were made by small businesses.

### ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

#### **LSA Document #20-179(F)**

Approximately five (5) inquiries from small businesses were received by the Division of Water (DOW) with regard to the rule adoption. Subject matter of the inquiries primarily involved proposed water withdrawals or diversions occurring within the Great Lakes Basin within Indiana.

#### **LSA Document #17-400(F)**

Approximately five (5) inquiries from small business were received by the Division of Water (DOW) with regard to these rule amendments. Subject matter of the inquiries primarily involved the identification of salmonid streams and the interpretation of the rule amendments.

### ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

#### **LSA Document #20-180(F)**

Approximately ten (10) inquiries from small business were received by the Division with regard to this rule readoption. Subject matter of the inquiries primarily involved the renewal of two existing contracts for sale of water from State financed reservoirs.

### ARTICLE 9. FISH AND WILDLIFE

#### **LSA Document #14-341(F)**

The Division of Fish and Wildlife received three (3) questions.

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

#### **LSA Document #17-134(F)**

Approximately fifty (50) inquiries from small business were received by the Division of Water (DOW) with regard to this rule readoption. Subject matter of the inquiries primarily involved the interpretation of the rule and the investigation of water rights complaints.

ARTICLE 13. WATER WELL DRILLERS

**LSA Document #17-132(F)**

Approximately one hundred (100) inquiries from small business were received by the Division of Water (DOW) with regard to this rule readoption. Subject matter of the inquiries primarily involved rule interpretation, well construction variances, well abandonment investigations and enforcement action.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

**LSA Document #18-316(F)** Amends 312 IAC 18-3-25

Comments and questions from the public are received about this rule on a weekly basis. It is estimated that approximately 15 man days were spent on related activities in the past fiscal year answering questions from the public, responding to requests for information and engaging in interviews for the media about the rule, clarifying what is included in the rule and what is not.

**LSA Document #18-508(F)** Amends 312 IAC 18-3-23

Very few comments and questions are received from the public in reference to this amendment. The addition of the two extra plants is not of conflict within industry as they are not currently plants in trade. Any questions from the community centered around clarifications of what exactly was included in the list to date.

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

**LSA Document #16-152(F)**

Questions received:

- 4 – growing Ginseng from seed (no rules exist to reference but small references in 312 IAC 19-1-8 Harvesting Quotas)
- 1 – harvesting leaves and stems for artwork purposes (IC 14-31-3-16 Ginseng Harvesting Season)
- 1 – general information on becoming an Indiana Ginseng Dealer (IC 14-31 and 312 IAC 19 All Indiana Ginseng laws and rules)

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

**LSA Document #20-181(F)**

The Division of Historic Preservation and Archeology received 5 questions on filling out the forms from small businesses during the recent fiscal year.

**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 have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

**LSA Document #20-179(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

**LSA Document #17-400(F)**

All questions have been resolved for this rule amendment in the most recent fiscal year.

ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

**LSA Document #20-180(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 9. FISH AND WILDLIFE

**LSA Document #14-341(F)**

All questions have been resolved for this rule amendment in the most recent fiscal year.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

**LSA Document #17-134(F)**

All questions have been addressed and resolved for this rule adoption in the most recent fiscal year.

ARTICLE 13. WATER WELL DRILLERS

**LSA Document #17-132(F)**

All questions have been addressed and resolved for this rule adoption in the most recent fiscal year.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

**LSA Document #18-316(F)** Amends 312 IAC 18-3-25

All questions have been resolved for this rule amendment in the most recent fiscal year. Some small businesses would like to see more plants included in the list and just as many would like to see fewer species listed in the rule. Special interest groups varying from nursery trade organizations to eco-friendly groups who have expressed their views of the current rule and wishes for future versions that may be altered at some point.

**LSA Document #18-508(F)** Amends 312 IAC 18-3-23

All questions have been resolved for this rule amendment in the most recent fiscal year.

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

**LSA Document #16-152(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

ARTICLE 22.5. CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

**LSA Document #20-181(F)**

All questions have been resolved for this rule readoption in the most recent fiscal year.

**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 53 rules under IC 4-22-2-28.1 during the State fiscal year 2019–2020.

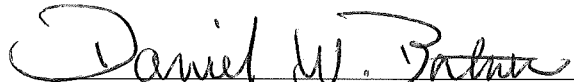
**The agency's costs in complying with this section during the most recent state fiscal year**

Total cost reported by the small business regulatory coordinators in the fiscal year 2019–2020 is \$17,753.38.

**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 2020-2021 state fiscal year is \$18,303.73.

DATE: October 23, 2020

  
Daniel W. Bortner, Director  
Department of Natural Resources

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*(SBRC Report: Final rules filed during 2019 – 2020 Fiscal Year)*

LSA Document #19-290(F)  
LSA Document #19-291(F)  
LSA Document #19-325(F)  
LSA Document #19-373(F)  
LSA Document #19-379(F)  
LSA Document #20-178(F)  
LSA Document #20-179(F)  
LSA Document #20-180(F)  
LSA Document #20-181(F)

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*(SBRC Report: Final rules filed during 2018 – 2019 Fiscal Year)*

LSA Document #19-002(F)  
LSA Document #19-003(F)  
LSA Document #19-004(F)  
LSA Document #19-005(F)  
LSA Document #19-006(F)  
LSA Document #19-010(F)  
LSA Document #19-011(F)  
LSA Document #19-290(F)  
LSA Document #19-291(F)  
LSA Document #18-515(F)  
LSA Document #18-508(F)  
LSA Document #18-316(F)  
LSA Document #18-272(F)  
LSA Document #17-553(F)

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*(SBRC Report: Final rules filed during 2017 – 2018 Fiscal Year)*

LSA Document #17-436(F)  
LSA Document #17-400(F)  
LSA Document #17-262(F)  
LSA Document #17-134(F)  
LSA Document #17-133(F)  
LSA Document #17-132(F)  
LSA Document #17-131(F)  
LSA Document #17-52(F)  
LSA Document #16-230(F)

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*(SBRC Report: Final rules filed during 2016 – 2017 Fiscal Year)*

LSA Document #16-531(F)  
LSA Document #16-369(F)  
LSA Document #16-368(F)  
LSA Document #16-152(F)  
LSA Document #16-151(F)  
LSA Document #16-147(F)  
LSA Document #15-383(F)  
LSA Document #15-343(F)



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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 #15-109(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 #14-204(F)  
LSA Document #14-67(F)  
LSA Document #14-65(F)  
LSA Document #13-528(F)  
LSA Document #13-448(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)