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

The primary purpose of this personnel directive is to encourage 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 directive 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 and searchable on the Internet and in a paper docket.

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 Intent to Adopt" 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 or bureau 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](https://www.in.gov/nrc/rules/rulemaking-docket/)), "Petitions for Rule Change and for Nonrule Policy Document Change".

5. Receipt of Comments

The Commission shall accept comments filed by:

(1) Electronic mail (e-mail) using the online comment form accessible at:

<https://www.in.gov/nrc/rules/rulemaking-docket/>

(2) Regular mail, to be sent to the:

Natural Resources Commission

Division of Hearings

Indiana Government Center North

100 North Senate Avenue, Room N103

Indianapolis, Indiana 46204-2273

6. Continuing Updates

The Division of Hearings shall continue exploration of access to and implementation of improved mechanisms for the Commission's website by which to receive and assemble citizen comments. The Division of Hearings shall periodically update the Commission concerning challenges and opportunities with respect to receipt and incorporation of citizen comments in hearing officer reports.

7. 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 this Fourth Amendment updating URL links and making other technical changes.

Posted: 10/20/2021 by Legislative Services Agency
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