

DEPARTMENT OF NATURAL RESOURCES
January 15, 2021 PROPOSED FEE REGULATIONS
QUESTIONS AND ANSWERS
As of February 19, 2021

Question: “What is the reason for public comments on ‘increasing or reducing fees’ if the outcome is determined only by ‘adopting the departments recommendation’ or ‘taking no action’. Doesn’t this leave unavailable for a change to something the public comments on and supports that may be different from the recommendation? Should not the range of decisions include a “adopted changes after considering public input”? Public comment should be more than a requirement to ‘notice’.

Answer: Our public notice states that, “after the public comment period ends, DNR will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations”. The Department solicits and considers public comments to inform regulations, and we consider each comment when we decide whether to adopt the proposed language, take no action, or adopt provisions dealing with the same subject. “Adopting provisions dealing with the same subject” is the language indicating that the Department may incorporate changes based on public comment into the final regulations.

In sum, the Department does have the latitude to make changes to the proposed regulations based on public comment. In such a case we may end up with final regulations that are different than those proposed.