

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENT
CHAPTER VI: DEPARTMENT OF NATURAL RESOURCES

PART 825
RULEMAKING AND ORGANIZATION

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EXHIBIT A	Request for DOC Records (Repealed)
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EXHIBIT C	Director's Response to Public Information Appeal Request (Repealed)

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Rules Governing Department Formal Hearings Conducted for Rulemaking and Contested Cases, filed December 21, 1977, effective December 31, 1977; codified as (17 Ill. Adm. Code 2530) at 5 Ill. Reg. 10664; amended at 6 Ill. Reg. 10687, effective August 25, 1982; Release and Disclosure of Agency Information to the Public, adopted and codified as (17 Ill. Adm. Code 2540) at 7 Ill. Reg. 8771, effective July 15, 1983; 17 Ill. Adm. Code 2530: Subpart B recodified as 2 Ill. Adm. Code 825: Subpart B and 17 Ill. Adm. Code 2540 recodified as 2 Ill. Adm. Code 825: Subpart A at 8 Ill. Reg. Ill. 4133; Subpart C adopted at 8 Ill. Reg. 4135, effective March 19, 1984; amended at 8 Ill. Reg. 7807, effective May 23, 1984; amended at 11 Ill. Reg. 19079, effective November 9, 1987; amended at 16 Ill. Reg. 18974, effective December 1, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 24 Ill. Reg. 2361, effective January 25, 2000.

SUBPART A: PUBLIC INFORMATION

Section 825.5 Public Information and Records

Information concerning requests for public information can be found in 17 Ill. Adm. Code 826.

(Source: Amended at 11 Ill. Reg. 19079, effective November 5, 1987)

SUBPART B: RULEMAKING

Section 825.110 Rulemaking

Rules are promulgated by the Department in accordance with the Illinois Administrative Procedure Act [5 ILCS 100]. Department staff may recommend rulemaking pursuant to the Department's Intra-Agency Policy Chapter 1, Section 1-2. The general public may recommend rulemaking pursuant to the procedures in this Part.

(Source: Amended at 24 Ill. Reg. 2362, effective January 25, 2000)

SUBTITLE D

Section 825.120 Rules Recommended by Member of Public

- a) Rules may be recommended by members of the public.
- b) Two copies of each rule proposed for adoption, amendment or repeal shall be filed with the Department at the following address: 524 S. Second Street, Room 400, Attention: Administrative Rules Coordinator. Each proposal shall include:
 - 1) The text of the proposed regulation or amendment; and

- 2) A statement of the reasons supporting the proposal, including a short and plain statement of facts known to the proponent which support the proposal, and a short and plain statement of the purpose and effect of the proposal. Where the proposal covers more than one substantive point, the supporting statement shall include such statements in support of each point.
- c) The Department will review the proposal and determine whether to take appropriate rulemaking action.
- d) The proponent will be advised in writing by the Department whether the proposal is accepted or denied and will be provided with the reasons for the determination.
- e) In making a determination, the Department will take into consideration such factors as the proposal's compliance with the statutory authority and legislative intent upon which it is based, whether the proposal meets the definition of a rule pursuant to Section 1-70 of the Illinois Administrative Procedure Act, if the proposal is enforceable, and if the proposal is consistent with the responsibilities of the Department to conserve, preserve and enhance Illinois resources and to meet the needs of outdoor recreation.

(Source: Amended at 24 Ill. Reg. 2361, effective January 25, 2000)

Section 825.130 Request for a Public Hearing

- a) Public Hearings shall be held to obtain public comment on proposed rules when required by criteria set forth in Section 5-40 of the Illinois Administrative Procedure Act. If a hearing is not required and a member of the public requests a hearing, the Director will determine whether to authorize a hearing. If the Department does not provide a public hearing, it shall notify the rule proponent of its decision and the reasons for denying the request.
- b) If the Department authorizes a hearing, the Director shall designate a Hearing Officer, and shall notify the proponent of such designation.

(Source: Amended at 24 Ill. Reg. 2361, effective January 25, 2000)

Section 825.140 Notice of Hearing

The Hearing Officer shall set a time and place for hearing and shall give notice as follows, at least 20 days prior to the date of the hearing;

- a) to the proponent, by mail;

- b) to members of the general public, by means of a general news release and notice in the Illinois Register.

(Source: Amended at 11 Ill. Reg. 19079, effective November 5, 1987)

Section 825.150 Hearing Officer

The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. He shall have all powers necessary to these ends including, but not limited to, the power to:

- a) Require prior submission of expert testimony and exhibits in writing;
- b) require all parties to state their position with respect to the proposal;
- c) examine witnesses;
- d) regulate the course and conduct of the hearing;
- e) limit the number of times any witness may testify, limit repetitious or cumulative testimony, and establish reasonable limits on the amount of time each witness may testify;

(Source: Amended at 11 Ill. Reg. 19079, effective November 5, 1987)

Section 825.160 Written Comments

Any person may make a written comment on any proposal by filing it with the Department at the address referred to in Section 825.120.

(Source: Amended at 11 Ill. Reg. 19079, effective November 5, 1987)

Section 825.170 Record

- a) A transcript of the hearing and all written testimony, all exhibits offered in connection with the hearing, and all written comments filed with the Department before or after the close of hearings shall constitute the record. The Hearing Officer shall certify the record to the Department when it is complete.
- b) The record will remain open for as long as is announced by the Department in the original publication of the Illinois Register or as announced by the Hearing Officer.

(Source: Amended at 11 Ill. Reg. 19079, effective November 5, 1987)

Section 825.180 Promulgation of Rulemaking Pursuant to Public Hearing

The Department may take appropriate action to adopt, amend, or repeal a rule in response to information obtained at the hearing and based on an examination of the subject matter or information gained at the hearing, the relative credibility of witnesses, expert qualifications or special knowledge possessed by parties offering testimony, and the relative amount of harm caused or benefits obtained by the Department's revision of a proposed rule.

(Source: Amended at 11 Ill. Reg. 19079, effective November 5, 1987)

Section 825.190 Filing and Publication of Adopted Rules

- a) The Department shall file in the Office of the Secretary of State and in the Department's principal office a copy of each rule or repeal of any rule adopted by the Department.
- b) The agency shall publish all rules in the Illinois Register. Copies of adopted rules will be sent to the Sheriff of every county in the State and will be available at all offices of the Department.
- c) Certified copies of rules adopted by the Department may be obtained by contacting the Administrative Rules Coordinator; 524 S. Second Street, Room 400, Springfield, IL 62701.

(Source: Amended at 24 Ill. Reg. 2361, effective January 25, 2000)

SUBPART C: ORGANIZATION STRUCTURE

Section 825.210 Organization Location

The principal offices of the Department of Natural Resources are located at 524 South Second Street, Springfield, Illinois 62701 and 100 W. Randolph, Chicago, Illinois 60601. There are five regional offices located throughout the state. At each regional office and in Springfield there are wildlife and fisheries biologists, foresters, land managers, and law enforcement officers who can assist the public with any specific conservation-related matter. Regional offices for the department are as follows:

Region I
2612 Locust Street
Sterling, IL 61081
Phone: (815) 625-2968

Region II
110 James Road
Spring Grove, IL 60081
Phone: (815) 675-2385

Region III
2005 Round Barn Road
Champaign, IL 61821
Phone: (217) 333-5773

Region IV
4521 Alton Commerce Parkway
Alton, IL 62002
Phone: (618) 462-1181

Region V
11731 State Highway 37
Benton, IL 62812
Phone: (618) 435-8138

(Source: Amended at 24 Ill. Reg. 2361, effective January 25, 2000)

Section 825.220 Organization Structure

The Department is comprised of the Office of the Director, the Office of the Deputy Director and the Office of the Assistant Director, with various offices and divisions reporting to each. The responsibilities of the organizational structure are as follows:

a) Office of the Director

The Director supervises the two Deputy Directors and has ultimate supervisory authority over the entire Department. The Director has delegated to the two Deputy Directors oversight and ordinary supervision of the various Department offices.

b) Office of the Deputy Director

One Office of Deputy Director supervises the Office of Legal Counsel, the Office of Fiscal Management, the Office of Legislation and Constituency Services, the Office of Public Affairs, the Equal Opportunity Officer, the Office of Administration, the Office of Resource Conservation, the Office of Scientific Research, the Office of Realty and Environmental Planning, and the Division of Human Resources.

- c) Office of the Deputy Director

The other Office of Deputy Director supervises the Office of Internal Audit, the Office of Mines and Minerals, the Office of Water Resources, the Office of Capitol Development, the Office of Land Management and Education, the Office of Law Enforcement, and the Office of Public Services.

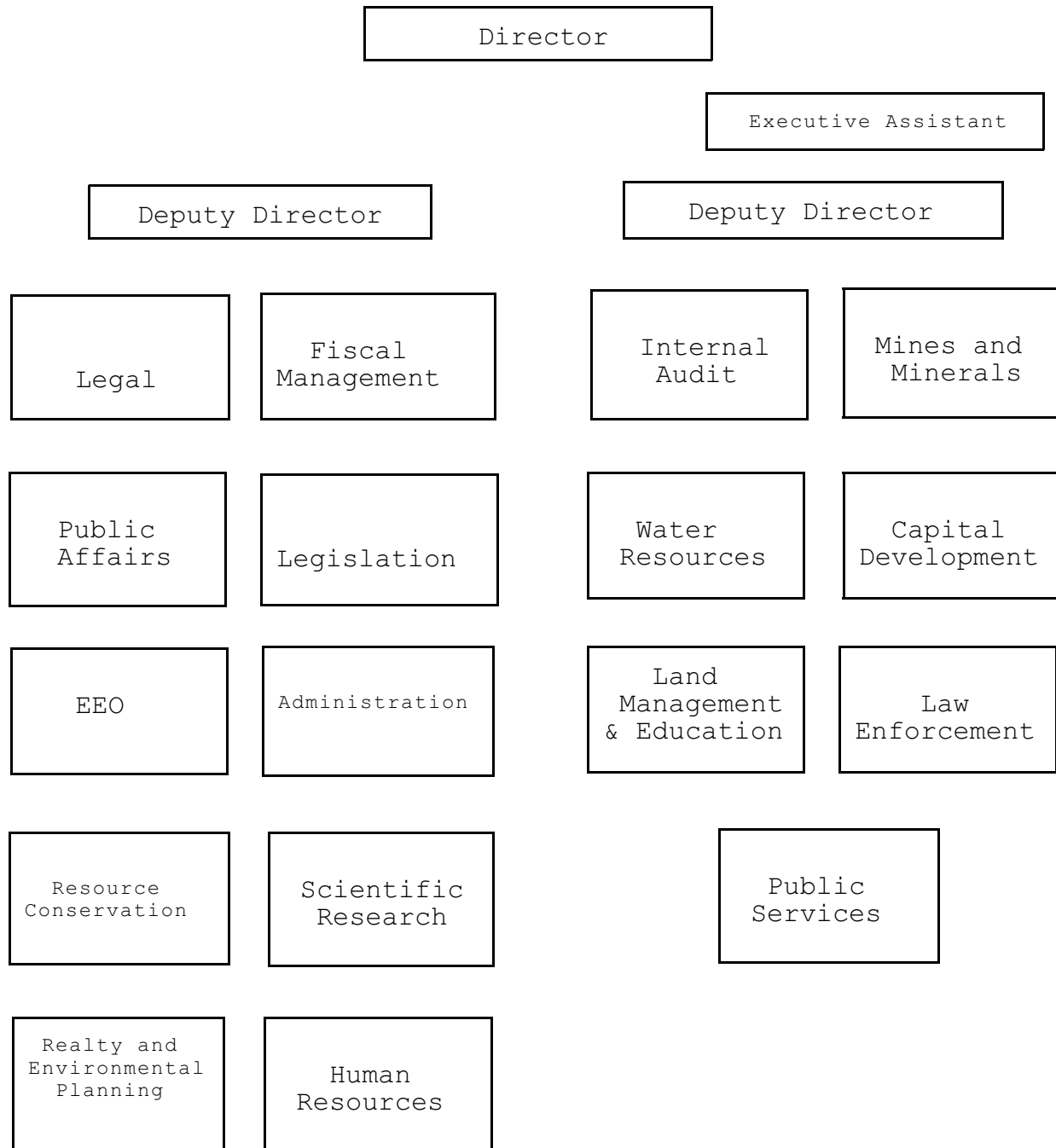
(Source: Amended at 24 Ill. Reg. 2361, effective January 25, 2000)

Section 825.230 Organization Chart

A Department of Natural Resources Organization Chart is shown in Table A. A description of the specific responsibilities and duties of each office depicted on the Table and Department personnel positions is maintained in the Springfield Office and is available for public inspection.

(Source: Amended at 24 Ill. Reg. 2361, effective January 25, 2000)

Section 825. TABLE A Organization Chart



(Source: Amended at 24 Ill. Reg. 2361, effective January 25, 2000)