

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:)	
)	
RANDY PLEW, MARC ROTH)	
RICH PRESSER, and MARCIA PRESSER)	
Petitioners,)	Administrative Cause
)	Number: 17-054W
vs.)	
)	
EPWORTH FOREST FOUNDATION, INC.)	
And DEPARTMENT OF NATURAL)	
REOURCES)	PL-23034
Respondents.)	

**CLARIFICATION AS TO THE IDENTITY OF ENTITY TO
WHOM PERMIT PL-23034 WAS ISSUED**

Come now the Department of Natural Resources, by counsel, Elizabeth A. Gamboa, Esq. and files its Clarification as the Identity of Entity to Whom Permit PL-23034 was issued. The Department respectfully shows the Commission as follows:

1. The Certificate of Approval for PL-23034 stated the applicant's name as "Epworth Forest Foundation Inc." and "Kara Lusby."
2. After this administrative review was initiated, it was discovered that the permit application stated the entity applying for the permit was "Epworth Forest Administration Committee" and that the name "Epworth Forest Foundation, Inc." had been incorrectly used on the Certificate of Approval.
3. The Department, through the Division of Water, followed its usual procedure and corrected the mistake by issuing a Permit Amendment. Notice of the permit amendment was mailed to all interested parties on September 14, 2017. A copy of the letter is attached hereto and made a part hereof as Exhibit "A."

4. By order issued September 1, 2017, the Department was ordered to provide clarification for the record by September 21, 2017. Undersigned counsel had requested the amendment be sent out and a copy be provided to counsel prior to that date for filing with this court.

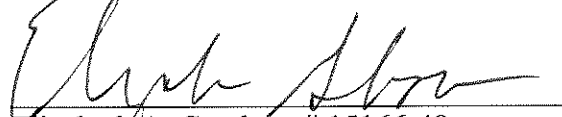
5. Through an apparent miscommunication with staff, counsel was not provided with a copy of the letter or with confirmation the amendment had been issued prior to today's date.

6. Undersigned counsel understands the importance of ensuring the Department complies with all of the Commission's orders and the consequences that may issue for failure to do so. Counsel therefore requests the indulgence of the Commission to permit filing of this clarification with the court with her apologies.

7. The parties would not be prejudiced in this matter by the late filing of this clarification. The amendment was sent to all interested parties prior to the September 21, 2017 deadline. Further, this issue was addressed at the status hearing on August 22, 2017. Petitioners agreed in paragraph 5 of its Amended Petition for Review that the proper entity to whom the permit was issued is Epworth Forest Administration Committee, Inc.

WHEREFORE, the Department respectfully submits its Clarification as to the Identity of Entity to Whom Permit PL-23034 was Issued, and accept it as part of the records in this matter.

Respectfully submitted:



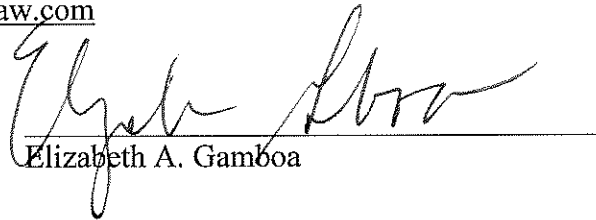
Elizabeth A. Gamboa, # 15166-49
Attorney for Respondent Department of
Natural Resources

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by email as agreed by this parties on this 29th day of September, 2017.

Michael Yoder at myoder@yoderkraus.us

Matthew Shipman at mattshipman@bgswlaw.com



Elizabeth A. Gamboa

Elizabeth A. Gamboa
Office of Legal Counsel
Department of Natural Resources
402 W. Washington Street, Room W295
Indianapolis, IN 46204
(317) 232-4137
egamboa@dnr.in.gov

DNR Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, Director
Division of Water
402 W. Washington Street
Room W264
Indianapolis, IN 46204
Phone (317) 232-4160
Toll-free (877) 928-3755
Fax (317) 233-4579
www.in.gov/dnr/water/

September 14, 2017

Epworth Forest Administration Committee.
Kara Lusby
12231 Valley View Circle
Indianapolis, IN 46229

Re: CTS-4478 / PL-23034 Permit Amendment
Webster Lake- Kosciusko County

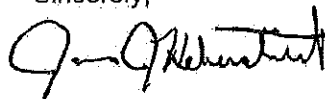
Dear Ms. Lusby:

This is in response to the request received during the Natural Resources Commission, Administrative Review proceedings, Administrative Cause #, 17-057W, to correct the applicant name on the Certificate of Approval issued by the Department on April 28, 2017 under Application # PL-23034. The project is located approximately 119' south of the intersection of East Epworth Forest Road and North 2nd Trail, near North Webster, Kosciusko, County.

This permit amendment serves to change the applicant name listed on the Certificate of Approval, PL-23034, from Epworth Forest Foundation Inc to Epworth Forest Administration Committee.

The Division of Water will retain a copy of this letter in our files as a permanent record. Thank you for this opportunity to be of assistance. If you have any questions, please contact me either at our toll-free number, 877-928-3755, or directly at 317-232-4165.

Sincerely,



James J. Hebenstreit, PE
Assistant Director
Division of Water

pc: Service List for PL-23034

Enclosures: Copy of DNR Permit No. PL-23034

