

shutdown has impacted the USDA's ability to assist with those inspections. Smith said that the Division has 17 inspectors for the state and the phytosanitary inspections are done within three days of the request for an inspection.

Smith said the Division of Oil and Gas updated their rules after 30 years to catch up with the industry and technology. He added that industry representatives and Department staff working within the new rules have identified possible improvements noting that a minor rule package may be introduced to refine some of those new rules.

Smith stated that the Division of Reclamation has seen a significant increase in permit reviews for 6,000 surface mines and 23,000 underground mines. Smith said that the state currently has over 167,000 acres of surface mines and over 200,000 acres in underground mines.

The Chair asked if coal mining was still expanding.

Smith said that coal mining is expanding with better technology leading to cleaner emissions. He noted that the last several years there has been an increase in underground mines.

Freeman asked if the Department was involved in the gypsum mining process.

Smith answered that gypsum mining does not fall under the program and that the Department strictly deals with coal, shale, and clay mining.

Freeman asked how the process works for repairing a mine area to the original condition after mining where there might be an impact to nature.

Smith stated that voids left by the mining process will be restored by the mining company according to a plan approved by engineers following a grid system that is laid out ahead of time.

Freeman asked about the dangers of someone being trapped in an abandoned mine.

Smith said that modern coal mines are sealed so there would be no access. Smith elaborated that the Department will not return a bond to the coal mining operation until it passes an inspection to ensure sealing and cleanup of the mine and compliance with the mine's reclamation plan.

Smith explained that before 1977 mine cleanup, sealing standards were nonexistent, and operators would walk away from the mine when they were done. Smith stated that Indiana is awarded close to \$8 million dollars annually from the Abandoned Mine Lands Program (AML), which is funded from a fee assessed on coal. Smith noted that one of the big projects completed with AML funds in 2018 was the removal of a high wall from a surface mine operation in Greene-Sullivan State Forest that left a cliff 20 feet from a state road.

Smith noted that the Division of Water is preparing for their busy season and will have an increase of permit applications to review.

Smith stated that because of an algae problem in Lake Erie, the Toledo suburbs are looking at installing a well field in the Michindoh Aquifer, an underground water source positioned in Michigan, Indiana, and Ohio. He stated there will be a series of test wells and test pumps, pumping for 72 hours, drawing potentially fourteen million gallons of water a day, to see how the aquifer will react. Smith said that the Department and Indiana Department of Environmental Management have been in close contact with Ohio agencies. Smith stated that they will update the Commission as the Department receives more information. Smith said that the Department will have three monitoring wells in the aquifer to see how it reacts so that the Department can address any impact for Indiana's wells. He noted that drawing water from the Michindoh Aquifer is a big investment for Toledo and they want to be sure that the aquifer will meet their water needs.

Freeman asked if Toledo could filter out the algae from Lake Erie.

Smith said that Toledo could filter the water from Lake Erie, but it is more expensive to treat surface water than to treat groundwater.

Smith stated that the Division of Water is working with the City of Indianapolis, Department of Public Works, and Citizens Energy Group on issues with the 16th Street Dam on the White River. He noted that the 16th Street Dam is decommissioned, does not hold the amount of water back that it used to, and is in need of emergency repairs. He stated that because of a hole in the dam, there was a six-foot drop in water, but the pool is now back up to a depth of three feet. He said that the dam has been stabilized and a long term solution is being considered.

Smith noted that Tara Wolfe, Director of Communications, is back from leave. Smith stated that the Division of Communications has finished the final edits of the fishing guide and the recreation guide. Both guides are now at the printer and will be out before the Indianapolis Boat, Sport, and Travel Show in February.

Smith stated that at the Commission meeting on January 15, 2019, it was announced that the Director of the Division of Nature Preserves, John Bacone, is retiring at the end of January 2019. Smith noted Bacone has been with the Department for more than 43 years and will be missed.

Smith stated that the Redbird State Recreation Area will be closed to the public during a renovation project being conducted by the Division of Outdoor Recreation. He stated that the project includes paving of the main road, adding 5 miles of new trails, and restoration of trails that sustained damage during the wet 2018 season. Smith noted that a press release was sent out on the renovation project and the Department is notifying people who buy annual passes for off-road vehicles to let people know that only Interlake State Recreation Area is open for off-road vehicles.

Smith said there was a first day hike on January 1, 2019 that brought 4,200 people to the state parks to hike. Smith noted that 500 people participated in the hike at Indiana Dunes State Park. Smith stated that seven Department properties were on the top ten list of "The Best Instagrammable Places" that the Indiana Office of Tourism Development posted on their website. Smith noted that The Fort Golf Resort was voted as the best layout in the United States,

published by “Golf Advisor”, beating out other prestigious public courses that have hosted major golf tournaments.

The Chair asked about the Department’s responsibility when a nature preserve is dedicated.

Smith stated that nature preserves were established by the General Assembly in the 1967 Nature Preserves Act and the dedication of a nature preserve by the Commission affords it the highest land protection in Indiana. He said when a nature preserve is dedicated, land development is limited, there is a plan for the property, and any change would need approval by the Commission.

The Chair asked about the process for a land trust to be established as a nature preserve and asked if the Department would then take ownership of a piece of property after it has been dedicated as a nature preserve.

Smith said that the property owner or trustee of a land trust could request their property be dedicated as a nature preserve. Smith noted that some nature preserves are owned by the Department and others are privately owned with most being privately owned by either a private individual or a land trust.

Freeman asked if logging would be allowed on a nature preserve.

Smith stated that logging could be allowed on a nature preserve, but that it normally would be a single tree selection to enhance the quality of a forest depending on the special asset of the preserve.

Karns asked if the Indiana Stream and Wetland Mitigation Program is fully up and running.

Smith said the Indiana in-lieu fee (ILF) program, under the Indiana Stream and Wetland Mitigation Program (IN SWMP) has been approved and that the implementation has been successful. Smith explained that a fish, wildlife, and botanical resources assessment is completed any time there is a Department permit action determine the need for wetland or forest mitigation. Smith stated that the ILF allows a property owner to purchase credits from the Department to do the mitigation work.

Freeman asked about the invasive terrestrial plant rule.

Smith stated that the invasive terrestrial plant rule, that prohibits and restricts the sale, distribution, and transport of over 40 invasive terrestrial plants, was given final adoption by the Commission at the meeting held on January 15, 2019. Smith noted that the Department will continue consideration of a couple of plants that could not be included because of fiscal impact.

Approval of minutes of meetings held on June 12, 2018

The chair called for a vote to approve the minutes of the meeting, held on June 12, 2018, as presented.

Tim Karns moved to approve the minutes of the meeting held on June 12, 2018, as presented. Bill Freeman seconded the motion. Upon a voice vote, the motion carried.

Legislative Update

Smith said the legislative session started and the Department's Bill, HB1513, authored by Representative Eberhart, and was filed on January 17, 2019. He noted that HB1513 includes technical changes with the most significant adjustment being the collection of the Lake and River Enhancement Program (LARE) fee charged when registering a boat. Smith stated that the purpose of the LARE fund is to provide grants to lake associations and other entities for projects in their public freshwater lakes. He noted that while the change means LARE fee will not be identified on the registration the fee is still being charged. Smith added that the amendment is necessary to bring the Department into compliance with amended United States Coast Guard regulations making the registrations for watercraft consistent in all 50 states.

Smith stated that the other significant changes in HB1513 are extending the time on a Construction in a Floodway Permit in aggregate quarries from a two-year permit with a two-year extension of time to a five-year permit with a five-year extension of time. He noted the Department will still ensure that permit holders are meeting requirements and will continue to conduct investigations to address any complaints.

Smith noted some of the other bills that impact the Department would be "forestry pieces, payments in lieu of property taxes... the Kankakee River Basin Commission (KRBC)." Smith explained that the KRBC hired a group of engineers to do a plan of work. Smith noted that HB1270 is the Kankakee River basin development request for funding for the project and the reconstitution of the KRBC.

Smith stated that the other bills that would impact the Department include a water infrastructure bill that deals with water assets in the state, multiple firearms related bills mostly dealing with storage of firearms, and a couple of bills related to how the Department manages grant programs.

Freeman asked, "Is this a budget year?" He asked if the Department would be funded adequately.

Smith confirmed that 2019 is a budget year. Smith stated that the final budget will not be submitted until April 2019, and has a couple of different line items that the Department is tracking. He noted that one of those line items includes money that would allow the Department to update and consolidate fish hatcheries.

The Chair asked if the Department does many fish stocking of public freshwater lakes.

Smith stated that the Department stocks multiple fish species including Bass, Bluegill, Catfish, Walleye, Muskie, and that the Department imports most of Indiana's Trout and Salmon from Michigan. Smith explained that the Department puts together an annual plan of fish species to produce and where to stock based on the fisheries biologist's surveys.

The Chair asked if the Department would sell fish to private owners.

Smith stated that the Department would not normally sell fish to private owners, because there is not enough stock and because the Department would not compete against an industry that would provide that service to private lakes.

Freeman asked how many positions the Department might not be able to fill because of budget constraints.

Smith stated that the Department is catching up after being behind. He noted that the Division of Fish and Wildlife, which had been short-staffed is now within single digits of being fully staffed. Smith noted that the Department is currently struggling to fill positions in the Division of Forestry.

The Chair asked if there was current proposed legislation to pool the Administrative Law Judges (ALJ).

Smith stated that every year there is legislation that looks for ways to consolidate the ALJ's and there may not have been adequate discussion prior to the proposed legislation, but the Department will watch the legislation to see what happens.

Discuss Nonrule Policy Document regulating Levees

Smith stated that this nonrule policy under consideration would decrease the amount of mitigation required to be completed by an entity that is established by statute or court order to conduct work in a floodway to maintain an existing flood protection project. Smith explained that the idea came about when a group of farmers, who are part of a court established flood protection system along the Eel River in Clay County, contacted the Department. He stated that the farmers plan to put in a levee, which necessitates a change in the alignment to improve flow through the area that will result in the need for mitigation. Smith elaborated that the farmers requested a decrease in the amount of mitigation required for a project completed or maintained by an entity under statutory obligation or court order. Smith stated that Farm Bureau Insurance has been involved in the discussion because the property being protected is primarily farmland.

Freeman asked if the Department could specify that an entity would only perform flood control so that the entity would not try to get out of the mitigation fees.

Smith said that the Department could specify the work that an entity or group would be doing. Smith stated that the Department would narrow down the groups or entities required to do flood control work in a floodplain for establishing a lower amount of mitigation.

Karns stated that he has a concern that the Department could adopt a policy that would apply to everyone without looking at the historical impact. Karns stated that he is not sure why the wetland protections would need to change for one group. He noted that there would be a distinction without a real difference and the same standard should apply to everyone.

The Chair added that if the Department intends to allow reduced mitigation it needs to be very specific on who would qualify so people are not trying to figure out how to get around paying mitigation fees.

Smith agreed that the Department would need to make reduced mitigation clearly defined and that any person or entity would have the option to appeal any action taken by the Department to the Commission's Division of Hearings.

Adjournment

The meeting adjourned at 11:27 a.m., ET.