

Indiana Department of Natural Resources
Indiana Stream and Wetland Mitigation Program
Calendar Year 2021 Annual Report

Prepared in Accordance with the approved Final Instrument
US Army Corps of Engineers I.D. Number LRL-2014-100-lcl

February 2022



Division of Land Acquisition

<http://on.in.gov/inswmp>

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Introduction

This report provides information on the Indiana Stream and Wetland Mitigation Program (IN SWMP), an in-lieu fee (ILF) program sponsored by the Indiana Department of Natural Resources (DNR), for calendar year 2021 (CY21) as required by the 2008 federal mitigation rule (specifically 33 CFR §332.8(i)(3) & (q)(1)), and the DNR's approved IN SWMP Instrument. The Instrument was approved by the U.S. Army Corps of Engineers (USACE) Louisville, Detroit and Chicago Districts and the Interagency Review Team (IRT) on May 3, 2018, officially authorizing the DNR to sell mitigation credits for stream and wetland impacts authorized by permits issued by USACE and the Indiana Department of Environmental Management (IDEM). This is DNR's third annual report since receiving program approval.

The Instrument defines roles and responsibilities of the USACE, DNR, and an Interagency Review Team (IRT) composed of USACE Louisville, Detroit, and Chicago Districts within Indiana, the U.S. Environmental Protection Agency (USEPA), IDEM, U.S. Fish and Wildlife Service (USFWS), and the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS).

The Indiana Natural Resources Foundation (INRF) is serving as the DNR's fiscal agent for IN SWMP. The INRF is a quasi-governmental organization supporting the DNR as its official non-profit partner. The INRF and DNR have a memorandum of understanding (MOU) outlining roles and responsibilities for the management of the IN SWMP account and the funds within the account and any subaccounts. The NRF currently receives 2 percent of each credit sale as their administrative fee for the management of the IN SWMP funds. Information about the Indiana Natural Resources Foundation can be found at <https://www.indiananrf.org/>.

Purpose of an In-Lieu Fee Program

The DNR's IN SWMP was developed in accordance with 33 C.F.R. 332.8. The approved Instrument allows the DNR to sell stream and wetland mitigation credits to permittees that can be used for compensatory mitigation for unavoidable impacts to waters of the United States and isolated wetlands in the State of Indiana. Permits are required by USACE in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) for work in or affecting traditionally navigable "waters of the United States" (WOTUS), Section 404 of the Clean Water Act (CWA) (33 U.S.C. §1251 et seq.) for the discharge of dredged and/or fill material into WOTUS, and by IDEM under Section 401 Water Quality Certification of the CWA and state isolated wetland impacts under the Indiana Isolated Wetlands law (Indiana Code 13-18-22).

An ILF program provides one option for mitigating unavoidable impacts to waters of the U.S. and/or waters of the state regulated by USACE and/or IDEM. This involves purchase of credits (or payment of a fee) to an entity approved by USACE to conduct the mitigation in-lieu of performing the mitigation themselves (permittee-responsible mitigation). This additional method of mitigation is termed "in-lieu fee mitigation". An ILF program involves restoration, establishment, enhancement and/or preservation of aquatic resources after impacts have occurred on the landscape. Therefore, an ILF program sells "advanced credits" to permittees who purchase these credits in lieu of performing permittee responsible mitigation because the credits are

purchased in advance of the program sponsor building mitigation projects on the landscape. The legal obligation to provide the compensatory mitigation required by the authorized permits is then transferred to the sponsor of the ILF program upon receipt of funds for credits sold to permittees for stream and/or wetland mitigation in a service area.

Annual Program Summary

During CY21, credit sales occurred in all eleven (11) Service Areas. Credit sale letters from DNR along with receipts from the INRF have been provided to permittees, regulatory project managers, USACE IRT members and USACE Regulatory In-lieu fee and Bank Information Tracking System (RIBITS) administrators upon the completion of each credit sale. A credit sale ledger has been provided to the USACE Louisville, Detroit and Chicago Districts, and to IDEM on a monthly basis since program approval. **Table 1** below shows a summary of credit sales for stream and wetland credits and total revenue for CY18, CY19, CY20 and CY21.

Year	Total Advanced Wetland Sales	Total Advanced Stream Credit Sales	Total Credit Revenue
2018	15.69	1,159.00	\$1,818,060.00
2019	51.44	7,131.00	\$7,299,830.00
2020	77.03	38,943.65	\$23,426,421.37
2021	91.25	14,406.80	\$14,090,577.00
Total	235.41603	61,640.45	\$46,634,888.37

Table 1. Program Credit Sales and Revenue for CY 18, CY19, CY20 and CY21.

CY21 credit sales were decreased in the total amount of revenue and stream credits sold, but increased in the amount of wetland credits sold, as compared to CY20. Overall, CY21 continued the trend of increased sales since CY18 and CY19. CY18 was the year the program was approved (May 2018) and the first credit sale was at the beginning of the last quarter of the calendar year. CY20 had a larger number of overall projects and credit sales while CY21 saw an increase still from CY19, it was almost \$10M less than CY20. The significant disparity in credit sales that occurred in CY20 was due to two credit purchases from the Indiana Department of Transportation for impacts associated with interstate improvement projects to (1) expand and widen I-465 between I-65 and South East Street and between Mann Road and I-70 (credit purchase = \$4,012,540.00), and (2) upgrade SR 37 to interstate for approximately 20 miles from Martinsville to Indianapolis (I-69; credit purchase = \$5,435,100.00). If you remove these two large credit sales from CY20, both 2020 and 2021 were nearly on par with one another in total credit sales.

Table 2 below shows the distribution of permitted projects in which the permittee purchased IN SWMP mitigation credits in CY21 by each of the three USACE Districts in Indiana. **Table 2** also shows the number of permits authorized by IDEM where there were only impacts to state isolated wetlands with no jurisdictional waters of the U.S. were impacted.

USACE District and State Isolated Wetland Only	Number of Projects
Louisville District *	43
Detroit District *	8
Chicago District *	11
Isolated Only **	26
Total Projects purchasing ILF credits in CY21	88

Table 2. Total number of permitted projects in which ILF credits were purchased in CY21 per either Corps District, State Isolated Wetland jurisdiction, or combined federal and state isolated jurisdiction.

*Multiple projects above also had state isolated wetland impacts with ILF mitigation.

**Projects with only isolated wetland impacts requiring ILF mitigation

IN SWMP Staffing and Organizational Structure

Figure 1 below shows the organizational structure of DNR and INRF IN SWMP team. **Figure 2** shows the Indiana ILF program service areas and the DNR IN SWMP staff coverage for the state.

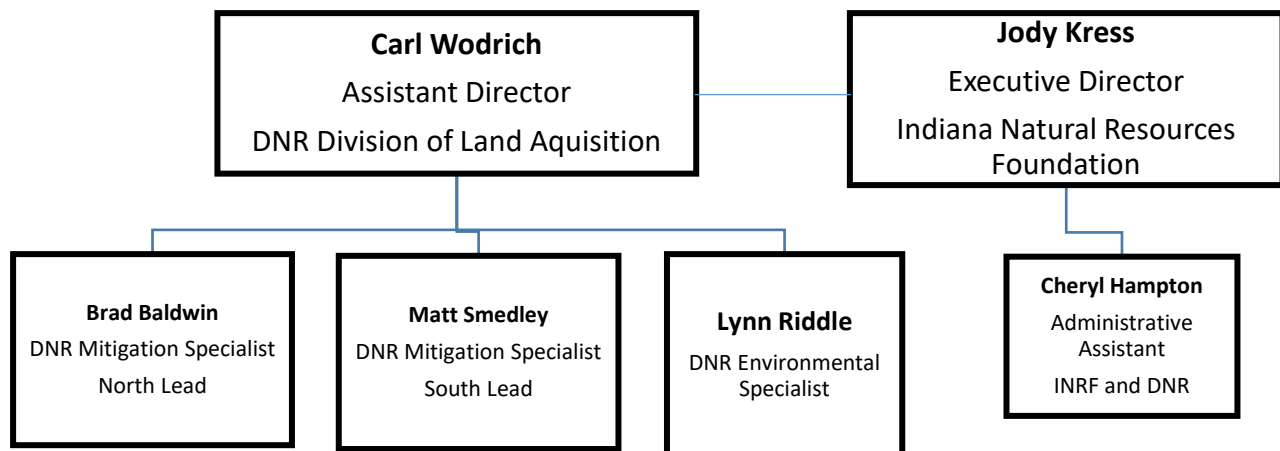


Figure 1. IN SWMP Organizational Chart.

Indiana Stream and Wetland Mitigation Program (IN SWMP)

<https://on.in.gov/inswmp>

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IN SWMP Service Areas

- Calumet-Dunes
- St. Joseph River
- Maumee
- Kankakee
- Upper Wabash
- Middle Wabash
- Upper White
- Whitewater-East Fork White
- Lower White
- Upper Ohio
- Ohio-Wabash Lowlands

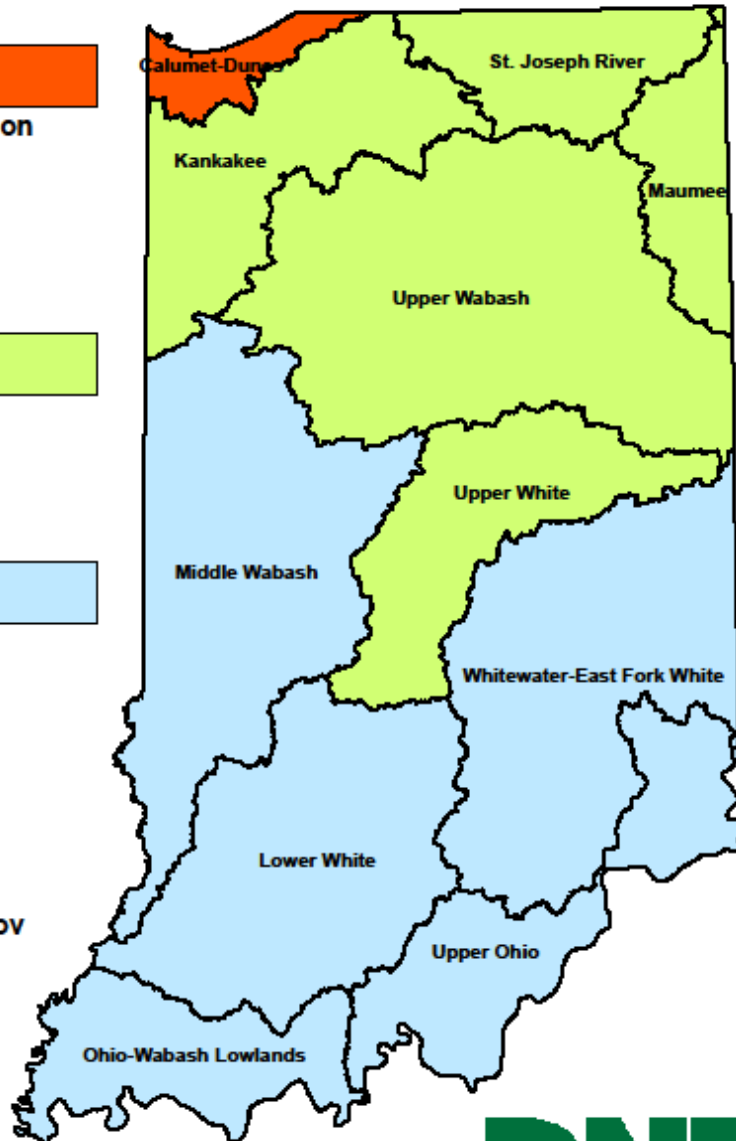


Figure 2. Current IN SWMP Staff and Service Areas Map.

Carl Wodrich, Assistant Director for the DNR's Division of Land Acquisition, is responsible for the overall administration and management of the program, and the Calumet-Dunes Service Area. DNR IN SWMP has two (2) Mitigation Specialists, Brad Baldwin, and Matt Smedley, each responsible for the implementation of restoration and mitigation projects in five (5) of the program's service areas in addition to continued programmatic responsibilities. IN SWMP staff responsibilities include but are not limited to:

- Ongoing assessment of IN SWMP internal and external procedures and documentation in coordination with program, division, and agency management;
- Develop and maintain conservation partnerships, to include federal, state, and local governments, and land trusts;
- Identification and initial assessment of potential mitigation project sites through GIS, other data sources, and field visits, as well as through working with internal and external conservation partners and potentially interested landowners;
- Develop Scope-of-Work and budgets with consultants
- Coordination and oversight of contractors assisting the DNR with site selection, design, permitting/regulatory approvals, site visits, construction, maintenance, and project performance monitoring;
- Outreach and marketing to public, non-profit and private sectors.

The Environmental Specialist position processes all credit sales, keeps the program ledger updated, provides contract administration support for the program, is responsible for much of the program's annual reporting, and will assume other duties for the program as assigned and as the program grows and evolves in the coming years. This position also manages projects associated with the natural resources damage program, which is paid for with monies other than IN SWMP administrative funds. This position was initially posted and DNR was ready to begin interviews when the COVID-19 pandemic shut things down and the State of Indiana froze essentially all positions for nearly a year. This position was filled in April 2021 and has been of significant benefit to accelerating the program forward.

DNR will be adding a third Mitigation Specialist to the program staff in the first half of 2022. This position was originally intended to be created and filled in late 2020/early 2021 but due to COVID-19 pandemic was further delayed.

Credits, Pricing and Status

Table 3 provides the stream and wetland credit prices per service area as initially established and approved in the Instrument. Stream and wetland credit prices have not been adjusted since the program's approval. DNR will be evaluating credit pricing for each service area based upon any changes in federal and/or state regulations, as well as actual project costs as DNR implements mitigation projects, to ensure that the agency is charging the appropriate price per credit to meet the requirements laid out in the program's approved instrument as well as the 2008 federal mitigation rule.

Service Area	Stream Credit Price (linear foot)	Wetland Credit Price (acre)
Calumet-Dunes	\$600.00	\$95,000.00
Kankakee	\$500.00	\$95,000.00
Lower White	\$400.00	\$80,000.00
Maumee	\$450.00	\$80,000.00
Middle Wabash	\$400.00	\$80,000.00
Ohio-Wabash Lowlands	\$400.00	\$80,000.00
St. Joseph River	\$600.00	\$120,000.00
Upper Ohio	\$400.00	\$80,000.00
Upper Wabash	\$400.00	\$80,000.00
Upper White	\$450.00	\$80,000.00
Whitewater-East Fork White	\$400.00	\$80,000.00

Table 3. Stream and Wetland credit pricing per service area for CY21.

Table 4 (stream) and Table 5 (wetland) on the following page provide an overview of the advance credit allocation as approved in the Instrument, available advance credits at the beginning of CY21, advance credits sold in CY21, available advance credit balance at the end of CY21, and the percent of advance stream and wetland credits available from the initial allocation at the end of CY21. There are currently no released credits to report.

Service Area	Base Allocation Advance Stream Credits	Advanced Stream Credits Available CY21	Advanced Stream Credits Sold CY21	Advanced Stream Credits Available at end CY21	% Advanced Stream Credits Available
Calumet-Dunes	45,000	44,992	470.00	44,522.00	99%
Kankakee	45,000	44,518	549.00	43,969.00	98%
Lower White	45,000	38,925	1987.50	36,937.50	82%
Maumee	45,000	44,260	0.00	44,260.00	98%
Middle Wabash	45,000	43,791	522.00	43,268.70	96%
Ohio-Wabash Lowlands	50,000	48,019	0.00	48,019.40	96%
St. Joseph River	45,000	44,059	176.00	43,883.00	98%
Upper Ohio	45,000	41,144	4803.60	36,340.40	81%
Upper Wabash	45,000	34,561	414.40	34,146.35	76%
Upper White	60,000	34,561	2154.00	32,406.75	54%
Whitewater-East Fork White	45,000	42,126	3330.30	38,795.20	86%

Table 4. CY21 Stream Advanced Credit Allocation

Service Area	Base Allocation Advance Wetland Credits	Advanced Wetland Credits Available CY21	Advanced Wetland Credits Sold CY21	Advanced Wetland Credits Available at end CY21	% Advanced Wetland Credits Available
Calumet-Dunes	90	71.49437	21.47	50.03	56%
Kankakee	90	85.454	1.87	83.59	93%
Lower White	90	88.205	0.43	87.78	98%
Maumee	90	78.4015	3.31	75.09	83%
Middle Wabash	90	85.5608	0.67	84.89	94%
Ohio-Wabash Lowlands	115	102.006	0.35	101.66	88%
St. Joseph River	90	84.109	9.65	74.46	83%
Upper Ohio	90	70.39	5.85	64.54	72%
Upper Wabash	90	87.309	6.49	80.82	90%
Upper White	120	82.0684	30.40	51.67	43%
Whitewater-East Fork White	90	65.449	10.78	54.67	61%

Table 5. CY21 Wetland Advanced Credit Allocation

Figure 3 on the following page depicts the percentage of total statewide wetland credits purchased in CY21, by jurisdiction, that were required by permits issued by USACE and/or IDEM.

Credit sales have definitely exceeded what DNR and the multi-agency program development team had anticipated during program development when calculating the advance credit allocation request in some of the program's service areas. Specifically, the Upper White Service Area had two large INDOT credit purchases in 2020 that were not anticipated or accounted for in the program development and advance credit allocation calculations. Additionally, there has been a higher demand overall for mitigation credits for both stream and wetland permitted impacts in central Indiana than anticipated. Furthermore, the credit sales in the Upper White are outpacing any sponsor's ability to fulfill these credits quickly enough by implementing mitigation projects in the service area, given the following credit release schedule for in-lieu fee projects as laid out in the DNR's program instrument:

- 15% mitigation credit release after site protection and approved Section 404 permit;
- 5% additional mitigation credit release (20% cumulative) upon (Corps) acceptance of "As Built" Report;
- 60% additional mitigation credit release (80% cumulative), divided equally for each year monitoring performance standards are met, not including final year of monitoring.
- 20% additional mitigation credit release (100 % cumulative) once the final performance standards have been met and when long term management plan and funding is in place and the (Corps) has provided written release from monitoring to the Sponsor.

The DNR's approved program instrument does allow for a request to be made to the Corps for an increase in advance credit allocation of up to 35-50% more advance credits. It is highly likely that the DNR will be making such a request in 2022 for the Upper White Service Area. The other two service areas with a faster than anticipated pace for wetland mitigation credit sales are the Whitewater-East Fork White and Calumet-Dunes Service Areas.

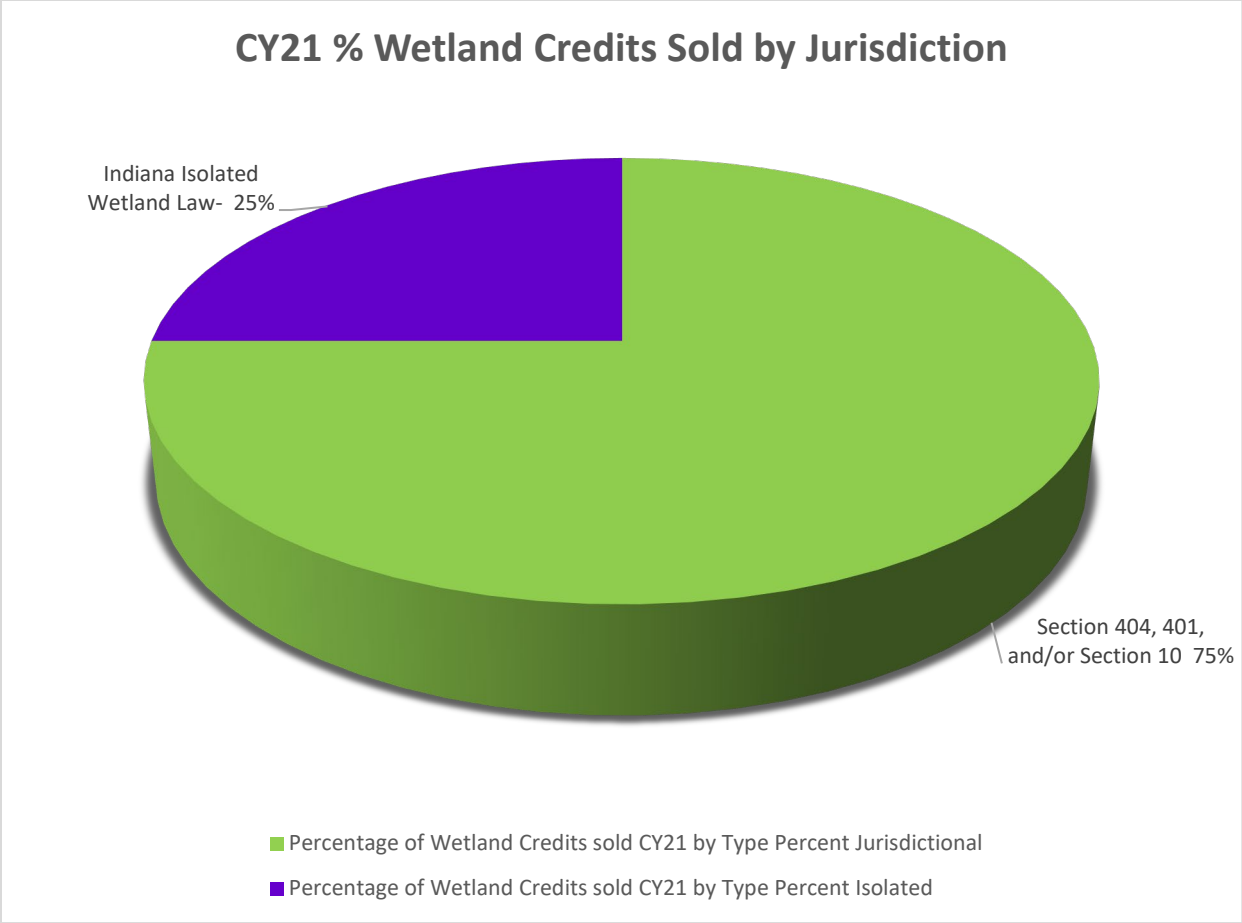


Figure 3. Percentage of the Total Wetland Credits Sold by Jurisdiction for CY21 (rounded to whole number).

Table 6 (stream) and Table 7 (wetland) provide information on the statewide cumulative impact quantities per stream type, wetland type and regulatory jurisdiction for permits in which ILF mitigation credits were purchased in CY21. For additional details, see **Appendix A**.

Stream Type	Ephemeral	Intermittent	Perennial	Total Impact Linear Feet
Linear Feet	2,043.00	10,965.42	4,234.70	17,243.12

Table 6. Statewide cumulative stream impact quantities by stream type (flow regime) for permits in which ILF mitigation credits were purchased in CY21.

Wetland Type	Juris. Emergent	Juris. Forested	Juris. Scrub-Shrub	Isolated Class I Non-Forested (PSS/PEM)	Isolated Class II Non-Forested (PSS/PEM)	Isolated Class II Forested	Isolated Class III	Total Impact Acreage
Acres	39.4597	7.9056	1.1822	4.672	3.2985	5.476	1.1322	61.994

Table 7. Statewide cumulative wetland impact quantities by wetland type and jurisdiction for projects in which ILF mitigation credits were purchased in CY21.

Figure 4 on the following page depicts the jurisdiction(s) of cumulative permitted projects statewide that required purchase of IN SWMP advance credits in CY21.

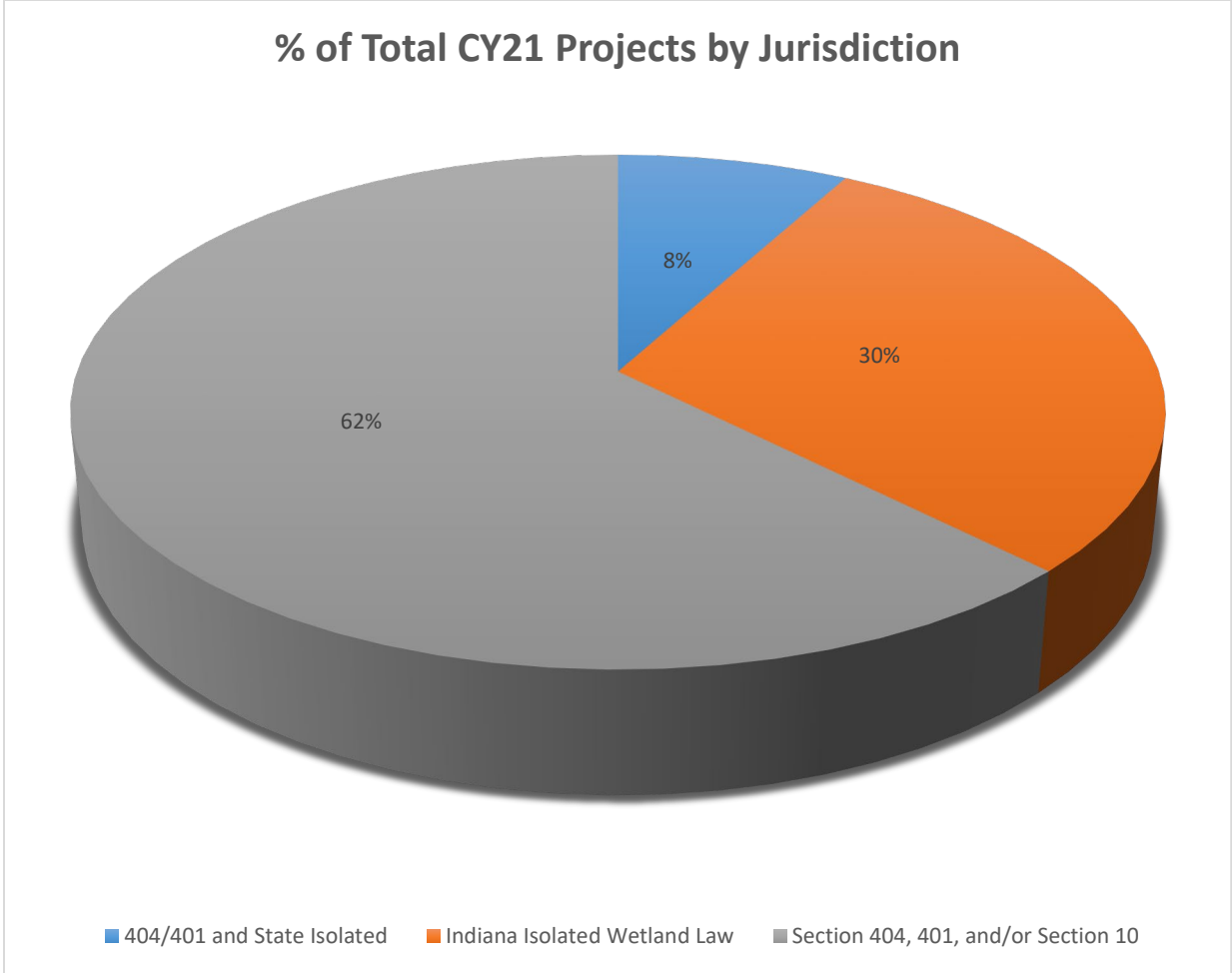


Figure 4. Percentage of the Number of Projects by Jurisdiction for CY21 (rounded to whole number)

Figure 5 on the following page shows the location, jurisdiction(s), and type(s) of permitted aquatic resource impacts requiring IN SWMP advance credit purchases that were sold in CY21.

Indiana Stream and Wetland Mitigation Program Statewide Impacts by Aquatic Resource Type and Jurisdiction

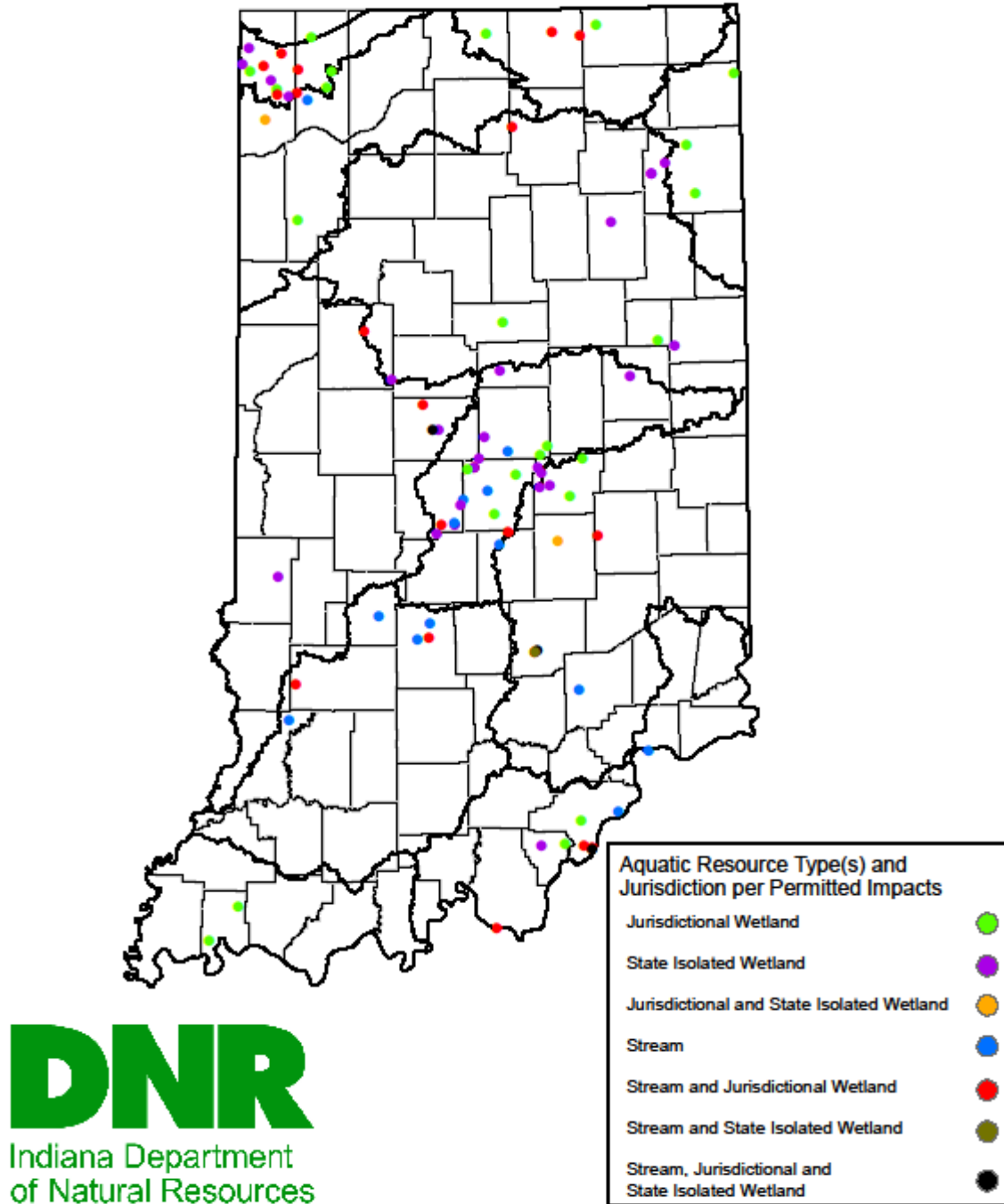


Figure 5. Aquatic resource type(s) and jurisdiction per permitted project for CY21 (Note: linear projects are shown as a single point).

The DNR’s IN SWMP Compensation Planning Framework (CPF), Appendix B to the Instrument, identified the major anthropogenic categories of activities, both historic and ongoing, that result in the threats and impacts to the chemical, physical and biological integrity of aquatic resources and habitats across Indiana that include, but are not limited to, the following: 1) Growth and Development; 2) Agricultural Land Use; 3) Dams, Levees and Non-Levee Embankments; 4) Energy Production and Mining; and 5) Transportation and Service Corridors.

There were no agricultural land-use projects requiring ILF mitigation in CY21.

Stream and/or wetland ILF mitigation credit purchases based on the major anthropogenic aquatic resource threat categories in the IN SWMP CPF are shown below in **Figure 6** with the impact locations shown in **Figure 7**.

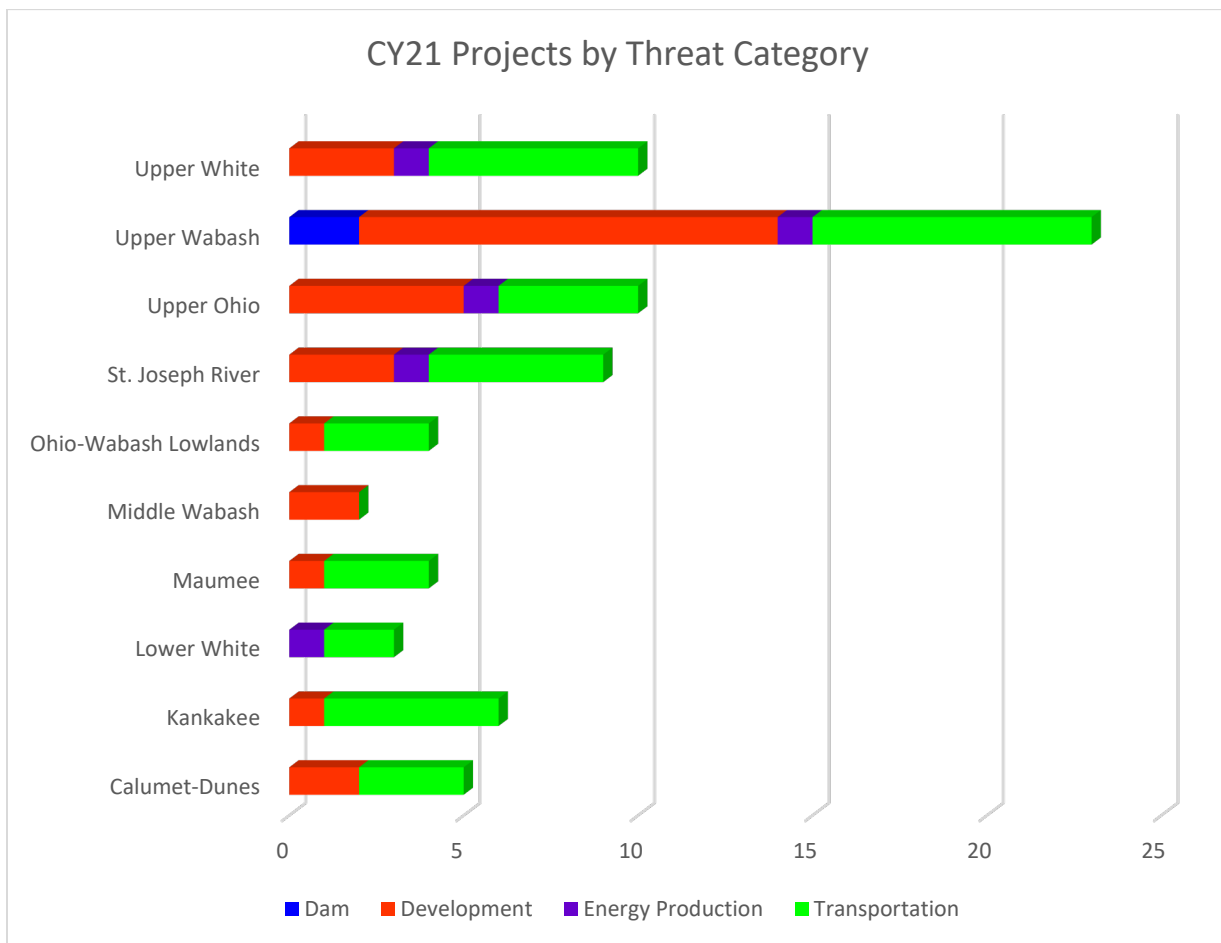


Figure 6. Number of authorized projects by project threat category that required IN SWMP credits that were purchased in CY21.

Indiana Stream and Wetland Mitigation Program
Statewide Impacts by
Major Anthropogenic Threat Category

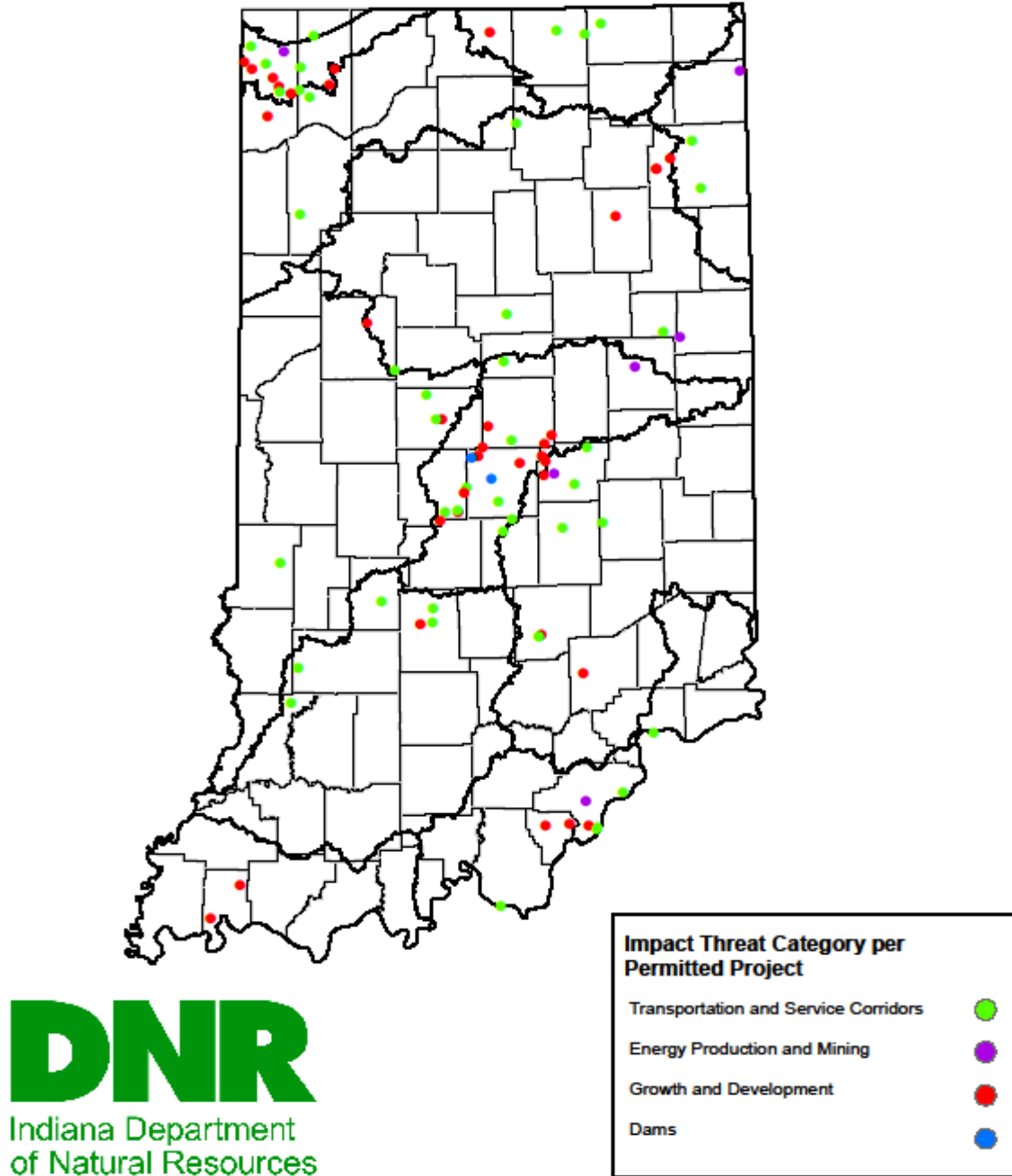


Figure 7. Location and major anthropogenic threat category of each permitted impact (Note: linear projects are shown as a single point). There were no agricultural land-use projects requiring ILF mitigation in CY21.

Program Financial Status

The INRF IN SWMP Account has four sub-accounts as laid out in Appendix A of the approved Instrument as follows:

- (a) Administrative Fund
- (b) Service Area Funds (in-lieu fee project funds for Section 10, 404, and 401 permitted impacts)
- (c) Service Area Funds (from credits sold for IDEM-permitted isolated wetland impacts)
- (d) Reserve Fund

Table 8 below provides an overview of all income into the INRF IN SWMP account for DNR's ILF program. For additional details, see **Appendix A (IN SWMP Ledger) and B (INRF IN SWMP Financials)**.

Income Type	Amount
IN SWMP Income through end of CY20	\$32,544,311.37
Admin Funds Received in CY21	\$2,113,586.55
Service Area Funds (WOUS) Received in CY21	\$8,496,345.90
Service Area Funds (Isolated) Received in CY21	\$1,367,058.00
Reserve Funds Received and Interest in CY21	\$2,113,586.55
Total Funds Received in CY21	\$14,090,577.00
Total IN SWMP Income through end of CY21	\$46,634,888.37

Table 8. All income for DNR IN SWMP since program approval for CY18-CY21.

Administrative Fund

Pursuant to the Instrument, the credit costs include an amount to fund the administration of the program. Fifteen (15) percent of each credit sale was deposited into this fund to carry out administrative tasks including but not limited to tasks completed by DNR staff, INRF staff, and/or professional services required to carry out operation of the IN SWMP program.

DNR may make withdrawals from the Administrative Fund at its discretion without the approval of USACE or the IRT to perform the tasks necessary to carry out the program. Administrative funds are being tracked separately from the service area funds and the reserve funds.

A total of \$ \$2,123,960.55 in administrative funds were received in CY21 into the INRF IN SWMP Account. **Table 9** on the following page provides the details of the administrative funds during CY21, leaving a year-end balance of \$5,265,337.92 in the INRF IN SWMP administrative fund.

Transactions - INRF INSWMP Administrative Fund	Amount
Total Admin funds received from credit sales in CY21	\$2,113,586.55
Total Admin fees paid to INRF in CY21	\$310,612.78
Total Admin funds transferred to DNR in CY21	\$502,000.00
INSWMP Admin Fund Balance End of CY21 in INRF	\$5,265,337.92
Admin Transactions - DNR Dedicated INSWMP Fund	Amount
Admin funds in DNR Dedicated INSRMP Fund end of CY20	\$176,889.62
Admin funds deposited into DNR Dedicated INSWMP Fund CY21	\$502,000.00
Admin expenses by DNR in CY21	\$273,125.60
Admin Funds Remaining in DNR Dedicated Fund End CY21	\$952,015.22

Table 9. Administrative Funds details through end of CY21

Service Area Funds

Pursuant to the Instrument, service area funds to implement DNR IN SWMP mitigation projects shall be deposited into the DNR IN SWMP account and tracked by service area. Funds from credits sold for state-isolated wetland impacts are deposited into a separate sub-account from credits sold for Section 10, 404 and 401 impacts. When funds are moved from the INRF to the DNR IN SWMP fund, these funds will be co-mingled but will be tracked when deposited into the DNR fund; however, the expenses for a project will not be tracked from cradle to grave since all wetlands restored will be considered WOTUS, and it is not feasible to do so.

The service area funds will be used to implement compensatory mitigation projects, including locating and identifying potential sites, planning, acquisition and/or site protection, design, construction, performance monitoring, adaptive management, financial assurances, long term management funding mechanisms, anticipated contingencies and/or other activities necessary for project approval and construction. Each individual mitigation project's finances will be tracked within each service area using a project number in the financial system.

As of the end of CY20, stream and/or wetland credits have been sold in all eleven (11) Service Areas (SA). Contributions to the service area funds come from 70% of each credit purchase and are tracked per service area. **Table 10** shows, by service area, the total amount of stream and wetland credit sale revenue that was deposited into the service area fund in CY21. Additionally, **Table 10** shows the amount of funds deposited by service area that resulted from the sale of credits for isolated impacts permitted by IDEM in CY21.

Service Area	Stream Receipts CY21	Total Stream Receipts	Jurisdictional Wetland Receipts CY21	Isolated Wetland Receipts CY21	Total Wetland Receipts	Total Service Area Funds
Calumet-Dunes	\$197,400.00	\$200,760.00	\$1,312,643.50	\$115,045.00	\$2,642,352.90	\$2,843,112.90
Kankakee	\$192,150.00	\$360,850.00	\$124,195.40	\$0.00	\$442,464.40	\$803,314.40
Lower White	\$556,500.00	\$2,257,500.00	\$24,080.00	\$0.00	\$124,600.00	\$2,382,100.00
Maumee	\$0.00	\$233,100.00	\$185,248.00	\$0.00	\$834,764.00	\$1,067,864.00
Middle Wabash	\$146,160.00	\$484,764.00	\$19,107.20	\$18,200.00	\$285,902.40	\$770,666.40
Ohio-Wabash Lowlands	\$0.00	\$554,568.00	\$19,460.00	\$0.00	\$747,124.00	\$1,301,692.00
St. Joseph River	\$73,920.00	\$469,140.00	\$810,264.00	\$0.00	\$1,305,108.00	\$1,774,248.00
Upper Ohio	\$1,345,008.00	\$2,424,688.00	\$316,456.00	\$11,200.00	\$1,425,816.00	\$3,850,504.00
Upper Wabash	\$116,032.00	\$1,131,872.00	\$114,217.60	\$249,284.00	\$514,197.60	\$1,646,069.60
Upper White	\$678,510.00	\$8,691,873.76	\$901,824.00	\$796,096.00	\$3,792,857.60	\$12,484,731.36
Whitewater-East Fork White	\$932,484.00	\$1,737,344.00	\$529,239.20	\$74,480.00	\$1,978,575.20	\$3,715,919.20
Totals	\$4,238,164.00	\$18,546,459.76	\$4,356,734.90	\$1,264,305.00	\$14,093,762.10	\$32,640,221.86

Table 10. Service Area Funds¹ for Stream and Wetland (Jurisdictional WOTUS and state isolated) per Service Area. CY21 receipts and total receipts through end of CY21 since program approval.

Table 11 on the following page shows the funds that were transferred from the INRF IN SWMP account to the DNR’s dedicated fund used for the operation of the program for paying for expenses related to administration and operation of the program for the agency, including paying for consultant contracts to assist the IN SWMP staff with mitigation site selection and conceptual planning. All of these funds are obligated in contractual agreements.

¹ This does not include administrative or reserve funds.

Service Area Funds to DNR	Amount
Service Area Funds in DNR dedicated fund – end of CY20	\$836,665.45
Upper White Service Area funds transferred – Wetland (WOUS)	\$50,296.17
Upper White Service Area funds transferred – Stream	\$402,027.92
Upper White Service Area funds transferred – Isolated Wetland	\$74,275.74
Lower White Service Area funds transferred – Stream	\$84,978.24
Lower White Service Area funds transferred – Wetland (WOUS)	\$5,021.76
Service Area Related Expenses	
Calumet Dunes Service Area expenses	\$59,268.75
Kankakee Service Area expenses	\$13,149.69
Ohio-Wabash Lowlands Service Area expenses	\$54,184.19
Upper Ohio Service Area expenses	\$46,214.77
Middle Wabash Service Area expenses in CY20	\$16,463.02
Upper White Service Area expenses in CY20	\$144,055.24
Service Area funds remaining in DNR dedicated fund - end of CY20	\$1,786,600.94

Table 11. Service Area Funds transferred to DNR’s dedicated fund for IN SWMP operations.

Reserve Fund

Pursuant to the Instrument, the reserve fund shall be used for contingency actions, to provide program and project-specific financial assurances, long-term management, permanent protection activities (legal fees, encroachment repairs, boundary signage, etc.), and extra mitigation as may be necessary based upon the interest accrued on the account. As funds used for financial assurances for IN SWMP projects are released, those funds will remain in the Reserve Fund.

Contributions to the Reserve Fund for CY21 came from 15% of each credit sale and the accumulated interest on all IN SWMP account funds. The contributions to the Reserve Fund during CY21 included \$2,113,586.55 from credit sales and \$12,095.33 from interest. **Table 12** provides a full accounting of the Reserve Fund. There were no expenditures from the reserve fund in CY21.

Service Area	Stream Reserve Receipts CY21	Wetland Reserve Receipts CY21	Total All Reserve Receipts
Calumet-Dunes	\$42,300.00	\$305,933.25	\$348,233.25
Kankakee	\$41,175.00	\$26,613.30	\$67,788.30
Lower White	\$119,250.00	\$5,160.00	\$124,410.00
Maumee	\$0.00	\$39,696.00	\$39,696.00
Middle Wabash	\$31,320.00	\$7,994.40	\$39,314.40
Ohio-Wabash Lowlands	\$0.00	\$4,170.00	\$4,170.00
St. Joseph River	\$15,840.00	\$173,628.00	\$189,468.00
Upper Ohio	\$288,216.00	\$70,212.00	\$358,428.00
Upper Wabash	\$24,864.00	\$77,893.20	\$102,757.20
Upper White	\$145,395.00	\$364,740.00	\$510,135.00
Whitewater-East Fork White	\$199,818.00	\$129,368.40	\$329,186.40
Subtotal	\$908,178.00	\$1,205,408.55	\$2,113,586.55
Interest Earned on Reserve in CY21			\$12,095.33
Total in Reserve Fund End of CY21			\$2,125,681.88

Table 12. Reserve Funds Received in CY21 and the total of all Reserve funds received to date from each SA.

Project Planning and Implementation Activities

In general, implementation of IN SWMP mitigation projects will occur when sufficient funds are available in a service area to undertake a project. As you can see in **Table 13** below, credit sales were slow to start in 2018 and 2019. DNR entered into several zero-dollar contracts in 2019 with several consulting firms to perform a variety of services to assist the DNR in locating and developing conceptual plans for potential IN SWMP projects to fulfill credit sales. As credit sales continued through 2019 and early 2020, DNR IN SWMP negotiated scopes-of-work and executed change orders to these zero-dollar contracts to assist the DNR in locating, securing, and planning mitigation projects within the program's service areas across the state and getting each project into concept planning.

DNR IN SWMP continues to evaluate mitigation project credit delivery targets based on CY18, CY19, CY20, and CY21 credit sales and any projected sales the DNR is aware of through monitoring public notices from USACE and IDEM as well as through coordination with the Indiana Department of Transportation's Environmental Services staff. **Table 13** provides a breakdown of credit sales, on an annual basis, by service area and credit type, from program approval through the end of CY21.

Table 13	2018 Credits (Fall 2021)		2019 Credits (Fall 2022)		2020 Credits (Fall 2023)		2021 Credits (Fall 2024)	
	Wetland (acres)	Stream (linear ft.)	Wetland (acres)	Stream (linear ft.)	Wetland (acres)	Stream (linear ft.)	Wetland (acres)	Stream (linear ft.)
Calumet-Dunes	0.00	0	7.57	-	10.70	8	21.47	470
Kankakee	0.00	0	3.78	385	1.01	97	1.51	549
Lower White	0.00	0	0.00	249	1.80	5,826	0.43	1,988
Maumee	0.00	0	0.00	-	11.60	740	3.31	-
Middle Wabash	0.00	0	4.04	771	0.40	438	0.67	522
Ohio-Wabash Lowlands	4.20	0	3.05	373	5.74	1,608	0.35	-
St. Joseph River	1.54	0	1.19	-	3.17	941	9.65	176
Upper Ohio	2.73	409	14.77	2,225	2.12	1,222	5.85	4,804
Upper Wabash	0.43	0	0.14	590	2.12	3,038	6.49	414
Upper White	0.62	750	8.47	903	28.84	23,786	30.40	2,154
Whitewater-East Fork White	6.17	0	8.83	1,635	9.55	1,240	10.78	3,330

Table 13. Credit Delivery Totals Needed at the end of CY21 per Service Area.

Working toward credit delivery, DNR IN SWMP has met with a number of conservation partners and landowners across the state over the past several years to collaborate on potential projects. These relationships continue to be fostered, especially with those partners who have shared potential mitigation sites for consideration with DNR staff. Specifically, Indiana land trust organizations, county parks and DNR’s land-holding divisions have been particularly interested and willing to share potential project sites in their regions of the state. DNR continues to reach out to additional conservation partners across Indiana to educate them on the program and discuss opportunities for partnering on future mitigation projects. The DNR also continues to meet with, and/or present to, many organizations and government entities for short and long-term planning purposes.

DNR has also met with private, public, and non-governmental property owners across the state to assess potential stream and/or wetland mitigation sites for consideration. Determination of suitability of these sites is an ongoing process for the DNR.

The DNR has been working diligently with these partners and its consultant contractors to identify and evaluate potential mitigation sites and determine their suitability for mitigation credit generation, financial viability, and long-term success and move the projects forward that DNR determines are viable for conceptual planning and that fit within the Compensation Planning Framework (CPF).

In addition to the zero-dollar contracts, DNR has executed a few other contracts with consulting firms that have brought potentially viable mitigation projects to IN SWMP for conceptual planning.

Below are brief updates of project development within each of the program's eleven (11) service areas and where IN SWMP is in the process of planning and development with the ultimate goal of conceptual plan development, full mitigation design, and the commencing of construction of each project. Additionally, where appropriate, estimates of the potential credit generation are provided depending upon how far along a service area's project(s) is (are) in the planning process.

Calumet-Dunes Service Area

In the Calumet-Dunes Service Area, DNR has contracted with Soil Solutions, Inc. to work with IN SWMP and the Shirley Heinze Land Trust (SHLT) on a potential project in Porter County. This property was more recently acquired by SHLT as an addition to its Enquist Nature Preserve. This project site has potential wetland and stream restoration opportunities and was identified in the East Branch Little Calumet River conservation planning efforts that have been taking place for the past several years. This property also adds to the complex of properties own by the National Park Service, the DNR, and SHLT. IN SWMP intends to submit a conceptual plan in early 2022 for this project to the Corps and IRT.

Preliminary potential credit generation:

- 25+ wetland credits
- ≤ 1,000 stream credits

Additionally, SHLT has been working with the DNR and Soil Solutions, Inc. to identify future potential mitigation project sites for acquisition and/or restoration due to the pace and volume of wetland credit sales in this service area. A couple of additional sites are already being evaluated.

Upper White Service Area

IN SWMP is in varying stages of planning, assessment, and design of four projects in the Upper White Service Area in addition to evaluating additional opportunities across the service area.

The DNR IN SWMP submitted the first project design for 401 Water Quality Certification (IRT copied) as part of the LOP process in December 2021, for the HC Farms project in partnership with Hamilton County Parks and Recreation, Upper White Service Area. Once the 401 WQC is

issued, IN SWMP will submit a complete Section 404 DA Permit application to initiate the final review and IRT coordination for project approval. It is the intention of IN SWMP to construct this project in summer/fall of 2022.

IN SWMP submitted a conceptual plan to the USACE Louisville District IRT lead on June 11, 2021, for the proposed Fall Creek Woods stream and wetland mitigation project in the Upper White Service Area in partnership with Red-tail Land Conservancy. The pre-application site visit with members of the IRT, Red-tail Land Conservancy and DNR IN SWMP was conducted on July 10, 2021. The project status letter was submitted to the Corps on October 13, 2021, expressing the intent to continue the project into the design/mitigation planning and permitting stage. DNR IN SWMP and Red-tail Land Conservancy are in the process of developing the final design with Cardno, which will be submitted through the Letter of Permission (LOP) process as soon as possible in 2022.

IN SWMP has partnered with Soaring Feather LLC and Zionsville Parks to develop stream and wetland restoration, contracted with KCI Technologies. Soaring Feather LLC purchased the Wolf Run Golf Club in Zionsville with the intention of restoring the property to natural conditions and transferring the property to Zionsville as a nature park. Initial site assessments have been initiated and a conceptual plan will be submitted in 2022.

IN SWMP has partnered with Conner Prairie, Carmel-Clay Parks, Fishers Parks, the City of Fishers, and Hamilton County Parks to assess conservation partner properties for stream and wetland restoration potential along the White River corridor from 146th Street down to 96th Street in Hamilton County. IN SWMP has contracted with Christopher B. Burke Engineering and has initiated property investigations to determine stream and wetland restoration potential. It has not been determined which properties will yield restoration at this time, but IN SWMP expects to have opportunity that should result in a conceptual plan or plans being submitted in 2022.

IN SWMP Project	Preliminary Potential Stream Credit Generation	Preliminary Potential Wetland Credit Generation
HC Farms – Hamilton County Parks	7,424	17.64
Fall Creek Woods – Red-tail Land Conservancy	2,109	22.806
Carpenter Nature Preserve – Zionsville Parks	9,500	4 - 8
White River Corridor – Hamilton County Conservation Partners	Potential credits unknown currently – In process of assessing Partner Properties for stream restoration potential	A minimum of 40 - Currently Assessing Partner Properties for stream restoration potential

Table 14. Current Upper White Service Area projects in planning as of end of 2021.

Additionally, IN SWMP continues to evaluate potential stream and wetland restoration projects in the Upper White Service Area and anticipates identifying viable projects in 2022 for conceptual plan development and submission to the Corps and IRT.

Ohio-Wabash Lowlands Service Area

In the Ohio-Wabash Lowlands Service Area, the DNR INSWMP team has identified a suitable site in Posey County near Pitcher Creek that is currently undergoing final evaluation and conceptual planning. Initial conceptual design estimates indicate that the site would generate approximately 30 wetland credits and 1,400 stream credits. However, these numbers are preliminary and subject to change upon further development of the conceptual plan and consultation with the IRT. The DNR INSWMP team is in negotiations with the current landowners and is in process to secure the site. The DNR Division of Fish & Wildlife is planning to serve as the long-term steward for this site. A conceptual design for the project is expected to be submitted to the IRT as soon as possible in 2022, providing that the real estate can be secured.

Preliminary potential credit generation:

- 30 wetland credits
- 1,400 stream credits

Whitewater-East Fork White Service Area

In the Whitewater East Fork White Service Area, the DNR INSWMP team has partnered with the City of Rushville to restore a fallow and wooded property within the Flatrock River floodplain that adjoins Riverside Park. Initial site evaluations have been completed by Stantec, and the conceptual design is well underway. It is anticipated that the conceptual plan for the project will be submitted to the IRT in the Spring of 2022. Current conceptual design estimates indicate that the property will generate approximately 28 wetland credits and 2,200 stream credits; however, these numbers are subject to change upon consultation with the IRT.

Preliminary potential credit generation:

- 28 wetland credits
- 2,200 stream credits

Upper Ohio Service Area

In the Upper Ohio Service area, the DNR has partnered with a private landowner and Oak Heritage Conservancy to preserve and restore a section of agricultural and wooded property situated within the Indian Kentucky Creek floodplain in Jefferson County. Initial site evaluations have been completed by Stantec, and the conceptual design is nearly finished. It is anticipated that this project concept plan will be submitted to the IRT in early Spring of 2022. Current conceptual design estimates indicate that the property will generate approximately 15 wetland credits and 7,500 stream credits; however, these numbers are subject to change upon consultation with the IRT.

Preliminary potential credit generation:

- 15 wetland credits
- 7,500 stream credits

Middle Wabash Service Area

In the Middle Wabash Service Area, the DNR INSWMP team has partnered with the DNR's Division of Fish & Wildlife to restore a fallow and partially wooded site already owned by the DNR and is in the Wabash River floodplain. This property was acquired with state funds through the Healthy Rivers Initiative. Initial site evaluations have been completed by Cardno, and the conceptual plan is nearly finalized. It is anticipated that this project will be submitted to the IRT in early Spring of 2022. Current conceptual design estimates indicate that the property will generate approximately 19 wetland credits and 530 stream credits; however, these numbers are subject to change upon consultation with the IRT.

Preliminary potential credit generation:

- 19 wetland credits
- 530 stream credits

Upper Wabash Service Area

IN SWMP has CHA Consulting under contract for site identification through conceptual design in the Upper Wabash Service Area. CHA and IN SWMP continue to conduct outreach to potential conservation partners and property owners but have not yet found a site that meets the needs of both credit demand and the IN SWMP Compensation Planning Framework.

At the end of 2020, only 2.69 wetland credits had been sold in the Upper Wabash Service Area, rendering a viable project infeasible. In 2021, an additional 6.49 wetland credits were sold, bringing the total sold wetland credits to 9.18.

Now that additional wetland credits have been sold and additional projected credit sales yet to be purchased have been public noticed and/or permitted, IN SWMP and CHA conducted GIS analysis to better focus project property search efforts to identify properties in the Upper Wabash Service Area that meet the following criteria:

- Between 20 – 100 acres
- A minimum of 25% hydric soils
- A minimum of 1,500 linear feet of blue line NHD streams
- Within 5 miles of an existing managed conservation property (state, local or land trust)

The above parameters were ranked with a maximum score of 6, where each parameter met is assigned a one (1), and then the proximity to a managed land is assigned the following scores:

- Three (3) if within one (1) mile of an existing managed conservation property
- Two (2) if within two (2) miles of an existing managed conservation property
- One (1) if within five (5) miles of an existing managed conservation property

The GIS analysis produced the following number of properties per score:

- Score 6 properties: 242
- Score 5 properties: 5,623
- Score 4 properties: 19,394

To start, CHA and IN SWMP have evaluated via GIS only the score six (6) parcels and are in the process of sending letters of interest to property owners. Depending upon the responses, we may or may not continue with evaluation of score five (5) or lower parcels due to the large analysis output.

St. Joseph River Service Area

IN SWMP has CHA Consulting under contract for site identification through conceptual design in the St. Joseph River Service Area. CHA and IN SWMP continue to conduct outreach to potential conservation partners and property owners but have not yet found a site that meets the needs of both credit demand and the IN SWMP Compensation Planning Framework.

At the end of 2020, only 5.9 wetland credits had been sold in the St. Joseph River Service Area, rendering a viable project infeasible. In 2021, an additional 9.65 wetland credits were sold, bringing the total sold wetland credits to 15.55.

Now that a viable amount of wetland credits has been sold as well as projected credits to be purchased, IN SWMP and CHA conducted GIS analysis to better focus project property search efforts to identify properties in the St. Joseph River Service Area that meet the following criteria:

- Between 20 – 100 acres
- A minimum of 25% hydric soils
- A minimum of 1,500 linear feet of blue line NHD streams
- Within 5 miles of an existing managed conservation property (state, local or land trust)

The above parameters were ranked with a maximum score of 6, where each parameter met is assigned a one (1), and then the proximity to a managed land is assigned the following scores:

- Three (3) if within one (1) mile of an existing managed conservation property
- Two (2) if within two (2) miles of an existing managed conservation property
- One (1) if within five (5) miles of an existing managed conservation property

The GIS analysis produced the following number of properties per score:

- Score 6 properties: 49
- Score 5 properties: 2,184
- Score 4 properties: 10,226

To start, CHA and IN SWMP have evaluated via GIS only the score six (6) parcels and are in the process of sending letters of interest to property owners. Depending on the responses, we may or may not continue with evaluation of score five (5) or lower parcels due to the large analysis output.

Kankakee Service Area

IN SWMP has KCI Technologies under contract for site identification through conceptual design in the Kankakee Service Area. KCI and IN SWMP continue to conduct outreach to potential conservation partners and property owners but have not yet found a site that meets the needs of both credit demand and the IN SWMP Compensation Planning Framework.

Prior to 2021, through the end of 2020, only 4.79 wetland credits had been sold in the Kankakee Service Area, rendering a viable project infeasible. In 2021, only an additional 1.87 wetland credits were sold, bringing the total wetland credits sold to 6.65.

Additionally, only 1,031 stream credits have been sold through the end of 2021, therefore IN SWMP is seeking a mitigation project that will yield both stream and wetland credits to fulfill as much of the credit sales to date.

KCI has visited many sites and mailed ten (10) letters of interest to property owners to date, but we have not yet received any responses.

Now that additional wetland credits have been sold as well as projected credits to be purchased, IN SWMP and KCI conducted GIS analysis to better focus project property search efforts to identify properties in the Upper Wabash Service Area that meet the following criteria:

- Between 20 – 100 acres
- A minimum of 25% hydric soils
- A minimum of 1,500 linear feet of blue line NHD streams
- Within 5 miles of an existing managed conservation property (state, local or land trust)

The above parameters were ranked with a maximum score of 6, where each parameter met is assigned a one (1), and then the proximity to a managed land is assigned the following scores:

- Three (3) if within one (1) mile of an existing managed conservation property
- Two (2) if within two (2) miles of an existing managed conservation property
- One (1) if within five (5) miles of an existing managed conservation property

The GIS analysis produced the following number of properties per score:

- Score 6 properties: 52
- Score 5 properties: 281
- Score 4 properties: 470

To start, KCI and IN SWMP have evaluated via GIS only the score six (6) parcels and are in the process of sending letters of interest to property owners. Depending on the responses, we may or may not continue with evaluation of score five (5) or lower parcels due to the large analysis output.

Maumee Service Area

IN SWMP has not yet executed a contract scope of work in the Maumee Service Area but is in the process of evaluating potential properties for stream and wetland restoration, and can execute a change order of an existing contract in short order to begin assessments and conceptual design. Both stream and wetland credits were first sold in the Maumee SA in 2020 and IN SWMP intends to deliver a project by 2023.

IN SWMP has been working closely with ACRES Land Trust in three (3) SAs, and ACRES is currently in the acquisition process of a property in the Maumee SA that both ACRES and IN SWMP believe will be viable for both stream and wetland restoration. It has not yet been determined how many stream and wetland credits the project may yield, but IN SWMP and ACRES plan to pursue a mitigation restoration project in partnership with one another.

Additionally, the Instrument for Phase II forested wetland mitigation of the Openings Mitigation Bank has been submitted to the USACE and IRT for review. IN SWMP would likely propose purchase of released forested wetland credits not planned or obligated for a mitigation project already underway from the Openings bank once credits have been released for sale.

Lower White Service Area

Site assessments are still underway within the Lower White Service Area to find a property that can provide the necessary stream restoration measures that are required to offset watershed impacts that have occurred. Wetland Services has provided several potential projects in the last half of 2021 that unfortunately have not panned out. Recently, some new potential project sites have been brought to DNR that appear promising. DNR intends to find a suitable site to be selected and pursued in 2022 for conceptual planning and eventual submission to the IRT.

Evaluations of additional sites are ongoing in all service areas. Similar approaches to finding potential mitigation project sites will continue to be used with DNR contractors, conservation partner organizations, and with private landowners.

Appendix C provides a summary of additional DNR IN SWMP project site investigations throughout the state during the past calendar year that have been/are being considered. The table indicates the extent to which a site has been evaluated to date and its general location. This list is composed of sites that have potential for stream and/or wetland restoration have been/are being further evaluated to determine which sites meet each Service Area's mitigation needs. This does not include the GIS analysis output for the Kankakee, Upper Wabash, and St. Joseph service areas.

There are many sites across the state that have been evaluated and ruled out of consideration based on factors such as risk to project success, potential project costs/financial feasibility, insufficient ecological lift, and/or not meeting the goals, objectives and/or prioritization strategy of the DNR IN SWMP CPF.

Additionally, site location and ownership specifics are not recorded in **Appendix C** for projects that are being/were screened for the purposes of this report for the privacy and/or confidentiality of the property owner and/or conservation partner. Site-specific information will be provided at the time projects have been moved forward into conceptual plan development to be submitted to the IRT for consideration per the LOP.

In addition to the summary of projects provided in Appendix C, the DNR has directed its consultants to identify and contact property owners to gauge interest in the sale of their property and/or conservation easements for targeted restoration projects.

Additional Information

Additional Information related to the Indiana Stream and Wetland Mitigation Program can be found at <http://on.in.gov/inswmp>.

Appendix A
IN SWMP Credit Sales Ledger

Appendix B
Indiana Natural Resources Foundation
IN SWMP CY21 Financial Report

Appendix C
DNR IN SWMP List of Potential Project
Sites for Investigation

**INDIANA DNR'S STREAM AND WETLAND MITIGATION PROGRAM
LIST OF POTENTIAL PROJECTS**

Service Area	Project Type	County	Public, Private or NGO	Evaluation Method
Upper Ohio	Stream and Wetland	Jefferson	Private	Initial-Conceptual to be submitted 2022
Upper Ohio	Stream and Wetland	Dearborn	Public	Desktop
Upper Ohio	Stream and Wetland	Jefferson	Private	Initial
Whitewater-East Fork White	Stream and Wetland	Rush	Public	Conceptual to be submitted 2022
Whitewater-East Fork White	Stream and Wetland	Wayne	Private	Desktop
Ohio-Wabash Lowlands	Stream and Wetland	Posey	Public	Conceptual to be submitted 2022
Ohio-Wabash Lowlands	Wetland and Stream/Floodway	Posey	Public	Initial
Lower White	Stream and Wetland	Monroe	NGO	Initial
Lower White	Stream and Wetland	Pike	Private	Initial
Lower White	Stream	Martin	Public	Initial
Middle Wabash	Wetland and Stream	Vigo	Public	Conceptual to be submitted 2022
Middle Wabash	Stream	Parke	Private	Desktop
St. Joseph	Stream and Wetland	LaGrange	NGO	Initial
St. Joseph	Stream and Wetland	LaGrange	NGO	Initial
St. Joseph	Stream and Wetland	Noble	NGO	Desktop
St. Joseph	Stream and Wetland	LaGrange	Private	Desktop
Upper Wabash	Wetland	Miami	NGO	Initial
Upper Wabash	Stream and Wetland	Jay	NGO	Initial
Upper Wabash	Stream and Wetland	Randolph	Public	Desktop
Upper Wabash	Stream and Wetland	Wells	Private > NGO	Desktop
Upper Wabash	Stream and Wetland	Allen	Private	Desktop
Maumee	Stream and Wetland	Allen	Public	Desktop
Maumee	Stream and Wetland	DeKalb	NGO	Desktop
Maumee	Stream and Wetland	DeKalb	NGO	Desktop
Kankakee	Stream and Wetland	LaPorte	Public	Initial

Service Area	Project Type	County	Public, Private or NGO	Evaluation Method
Kankakee	Stream and Wetland	Lake	Private > Partner	Desktop
Kankakee	Stream and Wetland	Starke	Private > Partner	Initial
Kankakee	Stream and Wetland	Newton	Public	Initial
Kankakee	Stream and Wetland	Newton	NGO	Desktop
Upper White	Stream and Wetland	Hamilton	NGO	Intent conceptual to be submitted 2022
Upper White	Stream and Wetland	Boone	Public	Intent conceptual to be submitted 2022
Upper White	Stream and Wetland	Hamilton	Public	Initial
Upper White	Stream and Wetland	Hamilton	Public	Initial
Upper White	Stream	Hamilton	Public	Initial
Upper White	Stream and Wetland	Marion	Public	Initial
Upper White	Stream	Marion	Public	Initial
Upper White	Stream and Wetland	Hamilton	NGO	Initial
Upper White	Stream and Wetland	Randolph	Private	Desktop
Upper White	Stream and Wetland	Monroe	Private	Desktop