

Indiana Department of Natural Resources  
Indiana Stream and Wetland Mitigation Program  
Calendar Year 2022 Annual Report

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

May 2023  
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Division of Land Acquisition  
<http://on.in.gov/inswmp>

**Table of Contents**

Introduction..... 1  
Purpose of an In-Lieu Fee Program..... 1  
Annual Program Summary..... 2  
IN SWMP Staffing and Organizational Structure..... 3  
Credits, Pricing and Status..... 6  
Program Financial Status..... 14  
    Administrative Fund..... 14  
    Service Area Funds (Jurisdictional, WOTUS and State Isolated Wetlands)..... 15  
    Reserve Fund and Interest..... 17  
Project Planning Activities..... 18

**Appendix A – IN SWMP Credit Sales Ledger**

**Appendix B – Indiana Natural Resources Foundation IN SWMP CY22 Financial Report**

**Appendix C - IN SWMP List of Project Sites for Screening and Potential Investigation**

**List of Tables**

Table 1. Program Credit Sales and Revenue for CY18 - CY22.....2  
Table 2. Total number of permitted projects in which ILF credits purchased for CY22..... 2  
Table 3. Stream and Wetland credit pricing per service area for CY22.....6  
Table 4. CY22 Stream Credits.....7  
Table 5. CY22 Wetland Credits.....7  
Table 6. Cumulative permitted stream impact quantities by stream type (ILF only).....9  
Table 7. Cumulative permitted wetland impact quantities by jurisdiction & type (ILF only).....9  
Table 8. All income for CY22..... 14  
Table 9. Administrative Fund details for CY22..... 15  
Table 10. Service Area Fund details for CY22..... 16  
Table 11. Service Area Funds transferred to DNR dedicated fund for CY22.....17  
Table 12. Reserve Fund details for CY22..... 18  
Table 13. Total Credit Fulfillment Needs ..... 19

**List of Figures**

Figure 1. IN SWMP Organizational Chart..... 3  
Figure 2. Current IN SWMP Staff and Service Areas Map..... 4  
Figure 3. Percentage of the Total Wetland Credits Sold by Jurisdiction for CY22.....9  
Figure 4. Percentage of the Number of Projects by Jurisdiction.....10  
Figure 5. Aquatic resource type(s) impacted per permitted project.....11  
Figure 6. Number of authorized permits by IN SWMP CPF threat category (ILF only)..... 12  
Figure 7. Location and IN SWMP CPF threat category of permitted impacts (ILF only).....13

## **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 2022 (CY22) 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 fifth 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 sub-accounts. 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 CY22, wetland credit sales occurred in all eleven (11) Service Areas, and stream credit sales occurred in all Service Areas other than the Lower White. 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, CY21 and CY22.

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
2022	116.9181	31,437.90	\$23,153,084.51
<b>Total</b>	<b>352.3281</b>	<b>93,078.35</b>	<b>\$69,787,972.88</b>

**Table 1.** Program Credit Sales and Revenue for CY 18, CY19, CY20, CY21 and CY22.

CY22 credit sales were increased in the total amount of revenue, and stream and wetland credits sold as compared to CY21. CY22 had the most wetland credit sales of all years, and the second most in stream credit sales. There was a Corps and IDEM authorized refund of \$125,800 for 1.85 wetland credits for State Isolated Wetland Individual Permit IWIP 2019-079-32-JMK-A where the credits were purchased in 2020.

**Table 2** below shows the distribution of permitted projects in which the permittee purchased IN SWMP mitigation credits in CY22 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. (WOTUS) were impacted.

USACE District and State Isolated Wetland Only	Number of Projects
Louisville District *	53
Detroit District	8
Chicago District **	7
Isolated Only ***	25
<b>Total Projects purchasing ILF credits in CY21</b>	<b>93</b>

**Table 2.** Total number of permitted projects in which ILF credits were purchased in CY22 per either Corps District, State Isolated Wetland jurisdiction, or combined federal and state isolated jurisdiction.

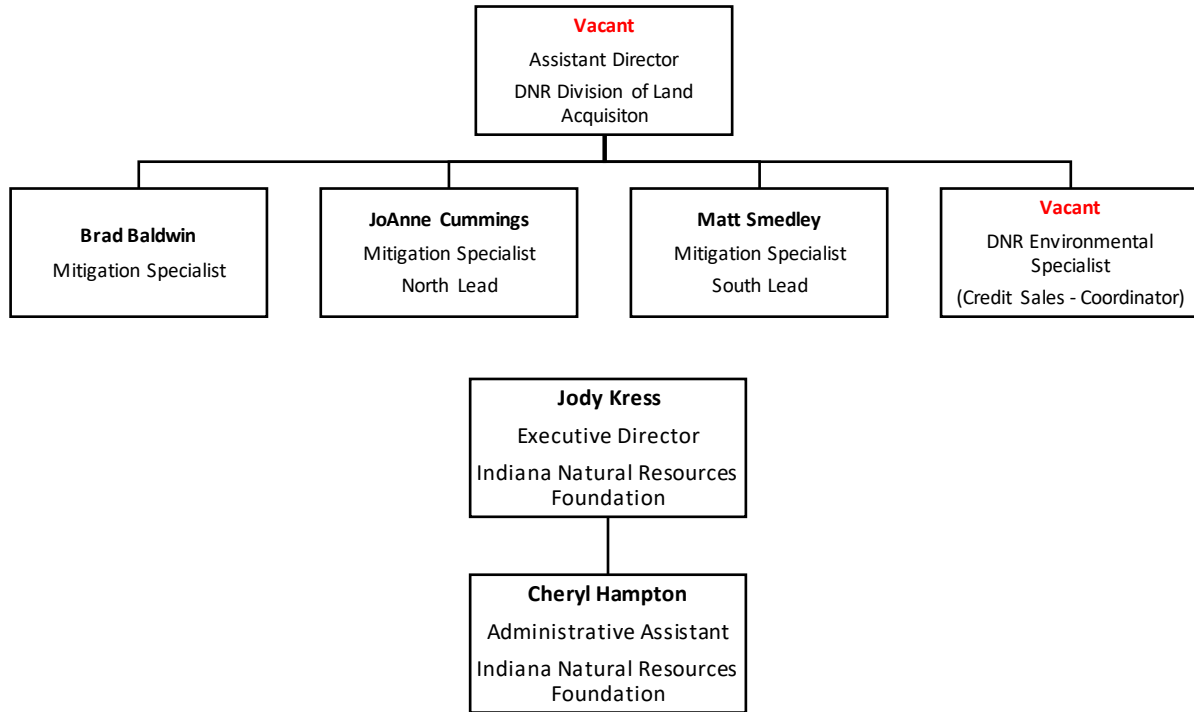
\*Louisville District: Four (4) projects with jurisdictional and state isolated wetland impacts.

\*\* Chicago District: One (1) project with jurisdictional and state isolated wetland impacts.

\*\*\*Projects with only isolated wetland impacts requiring ILF mitigation

**IN SWMP Staffing and Organizational Structure**

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



**Figure 1.** IDNR Indiana Stream and Wetland Mitigation Program (IN SWMP) and Indiana Natural Resources Foundation (INRF) Organizational Charts

# Indiana Stream and Wetland Mitigation Program (IN SWMP)

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

General Inquiries & Credit Sales Requests: [INSWMP-Inquiry@dnr.IN.gov](mailto:INSWMP-Inquiry@dnr.IN.gov)

## IN SWMP Staff

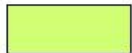
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### IN SWMP SERVICE AREAS:

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

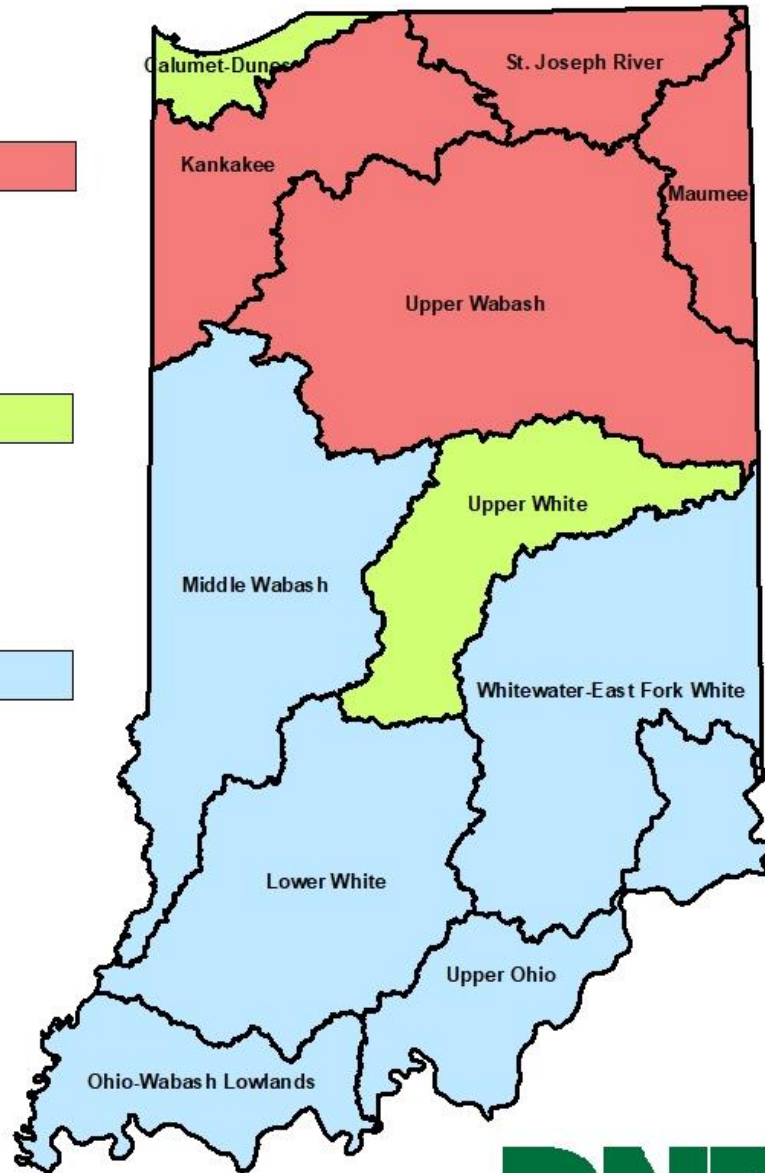


Figure 2. CY22 IN SWMP Staff and Service Areas Map.

The former Assistant Director for the DNR's Division of Land Acquisition, left the DNR in early August, 2022. He was responsible for the overall administration and management of the program, and the Calumet-Dunes Service Area. DNR IN SWMP has three (3) Mitigation Specialists; Brad Baldwin, Matt Smedley, and JoAnne Cummings, who was newly hired in mid-May. Each of the Mitigation Specialists are responsible for the implementation of restoration and mitigation projects within a specific set of the program's service areas in addition to continued programmatic responsibilities. IN SWMP Mitigation Specialists' responsibilities include, but are not limited to:

- Cradle to grave project management for assigned service areas;
- 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 working with internal and external conservation partners and interested landowners;
- Develop Scope-of-Work, budgets and contracts with consulting firms;
- Coordination and oversight of contractors assisting the DNR with site selection, conceptual planning, design, permitting/regulatory approvals, site visits, construction, maintenance, and project performance monitoring;
- Outreach and marketing to public, non-profit, and private sectors.
- Ongoing assessment of IN SWMP internal and external procedures and documentation in coordination with program, division, and agency management;

The former Environmental Specialist for our program, also left the DNR in August. This position is tasked to process all credit sales, keep the program ledger updates, provide contract administration support for the program, is responsible for much of the program's annual reporting, and assumes other duties for the program as assigned, and as the program grows and evolves.

As of the end of 2022, the Division of Land Acquisition has been unable to refill the two vacant positions (Assistant Director (Director of IN SWMP) and Environmental Specialist). The 3 Mitigation Specialists have been required to take responsibility of all the duties of these 2 vacancies. While the additional workload on the Mitigation Specialists has caused significant challenges for the IN SWMP program, we continue to make progress in each service area with the identification of new restoration sites, site assessments, submissions of several conceptual plans, acquiring needed permits, initiation of mitigation project, and making many new connections and partnerships.

## 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.

<b>Service Area</b>	<b>Stream Credit Price (linear foot)</b>	<b>Wetland Credit Price (acre)</b>
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 CY22.

**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 CY22, advance credits sold in CY22, available advance credit balance at the end of CY22, and the percent of advance stream and wetland credits available from the initial allocation at the end of CY22. There were an additional 21,000 advanced stream credits and 42 advanced wetland credits allocated to the Upper White Service Area due to the higher than anticipated demand. The additional advanced credit allocation was authorized by the USACE Louisville District on August 8, 2022 (corrections to error of the authorized advanced credit allocation received March 22, 2023). IN SWMP completed permitting (LOP Approval), site protection and initial site improvements at the HC Farms Project in the Upper White Service Area. IN SWMP submitted a request for the initial release of stream and wetland mitigation credit on December 28, 2022, but is awaiting documentation from the USACE, and initial credits will be release back to the advanced allocation in 2023.



Service Area	Base Allocation Advance Stream Credits	Advanced Stream Credits Available Beginning CY22	Advanced Stream Credits Sold CY22	Advanced Stream Credits Available at end CY22	% Advanced Stream Credits Available
Calumet-Dunes	45,000	44,522.00	511.00	44,011.00	97.8%
Kankakee	45,000	43,969.00	226.50	43,742.50	97.2%
Lower White	45,000	36,937.50	0.00	36,937.50	82%
Maumee	45,000	44,260.00	37.55	44,222.45	98%
Middle Wabash	45,000	43,268.70	360.50	42,908.20	95.4%
Ohio-Wabash Lowlands	50,000	48,019.40	1,039.00	46,980.40	94%
St. Joseph River	45,000	43,883.00	91.27	43,791.73	97.3%
Upper Ohio	45,000	36,340.40	7,080.40	29,260.00	65%
Upper Wabash	45,000	34,146.35	365.00	33,781.35	75%
Upper White*	81,000	53,406.75	17,224.60	36,182.15	44.7%
Whitewater-East Fork White	45,000	38,795.20	4,502.08	34,293.12	76%

**Table 4.** CY22 Stream Advanced Credit Allocation. \*NOTE: 21,000 additional advance stream credits allocated to the Upper White Service Area.

Service Area	Base Allocation Advance Wetland Credits	Advanced Wetland Credits Available Beginning CY22	Advanced Wetland Credits Sold CY22	Advanced Wetland Credits Available at end CY22	% Advanced Wetland Credits Available
Calumet-Dunes	90	50.03	9.0795	40.9505	45.5%
Kankakee	90	83.59	3.164	80.426	89.4%
Lower White	90	87.78	0.124	87.656	97.4%
Maumee	90	75.09	9.942	65.148	72.4%
Middle Wabash	90	84.89	2.443	82.447	91.6%
Ohio-Wabash Lowlands	115	101.66	2.45	99.21	86.3%
St. Joseph River	90	74.46	0.5136	73.9464	82%
Upper Ohio	90	64.54	20.72	43.82	48.7%
Upper Wabash	90	80.82	7.04	73.78	82%
Upper White*	162	93.67	34.87	58.8	36.3%
Whitewater-East Fork White	90	54.67	26.572	28.098	31%

**Table 5.** CY22 Wetland Advanced Credit Allocation. \*NOTE: 42 additional advance credits allocated to the Upper White Service Area.

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 has been in very high demand for both stream and wetland credits beyond expectations. 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:

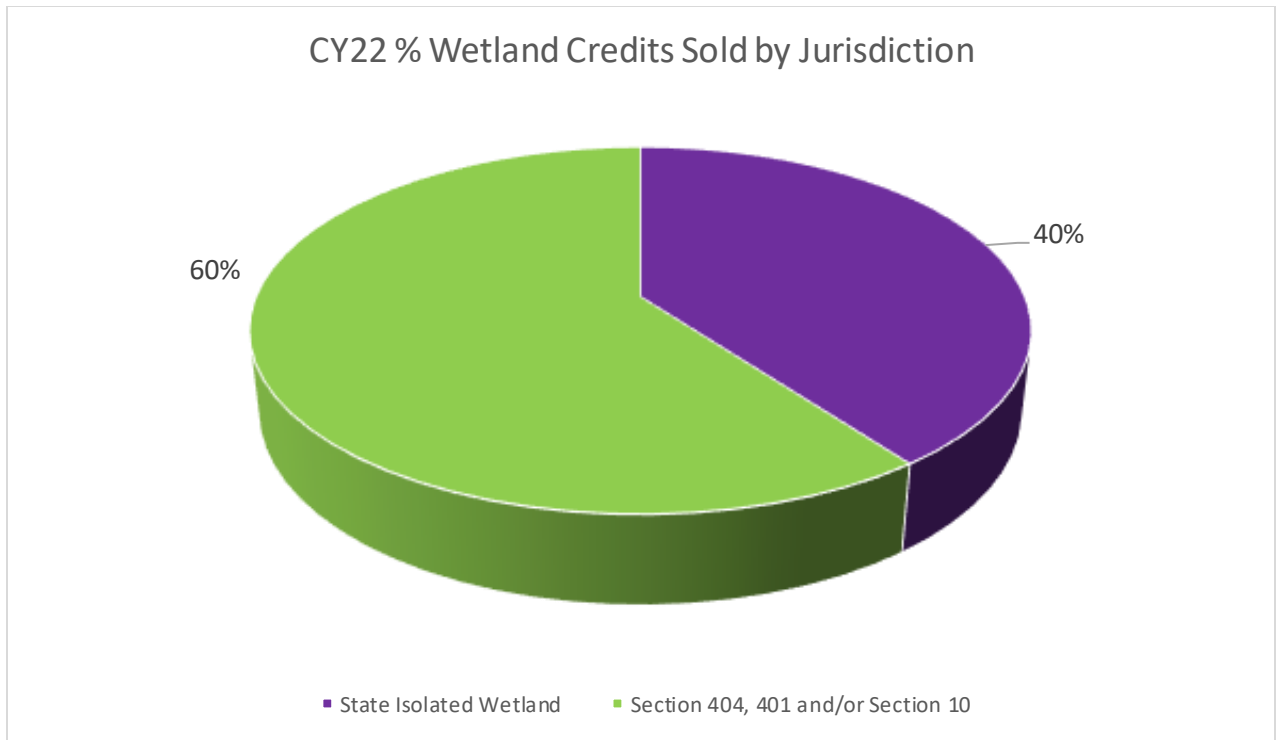
- 15% mitigation credit release after site protection and approved Section 404 permit;
- 5% additional mitigation credit release (20% cumulative) upon (Corps) acceptance of "As Built" Report;
- 60% additional mitigation credit release (80% cumulative), divided equally for each year monitoring performance 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.

To help with making progress towards released (fulfilled) stream and wetland credits, the Corps and IRT approved the following credit release schedule for our first approved project in the Upper White Service Area, which is the same approved for private mitigation banks:

- 15% mitigation credit release after site protection and approved Section 404 permit (100% of preservation credits);
- 15% additional mitigation credit release (30% cumulative) upon (Corps) acceptance of "As Built" Report;
- 50% 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. As noted above, IN SWMP requested an increase in advanced credit allocation in the Upper White Service Area in 2022, in which was authorized by the USACE Louisville District. 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. DNR IN SWMP may need to request an increase in advanced credit allocations for these service areas in 2023 or later, as we continue to make progress in site designs, permitting and construction of stream and wetland restoration.

**Figure 3** on the following page depicts the percentage of total statewide wetland credits purchased in CY22, by jurisdiction, that were required by permits issued by USACE and/or IDEM.



**Figure 3.** Percentage of the Total Wetland Credits Sold by Jurisdiction for CY22 (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 CY22. For additional details, see **Appendix A**.

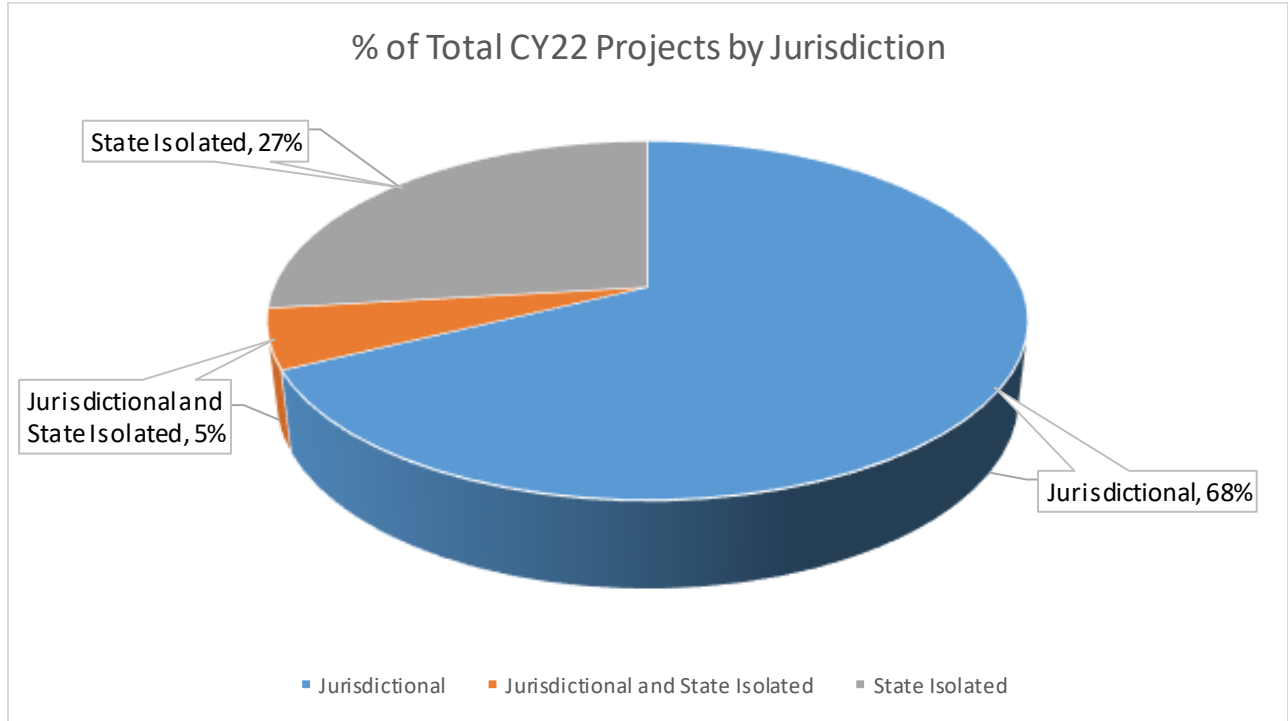
Stream Type	Ephemeral	Intermittent	Perennial	Total Impact Linear Feet
Linear Feet	4,511.50	25,064.70	4,029.84	33,606.04

**Table 6.** Statewide cumulative stream impact quantities by stream type (flow regime) as documented in permits in which ILF mitigation credits were purchased in CY22.

Wetland Type	Jurisdictional Emergent	Jurisdictional Scrub-Shrub	Jurisdictional Forested	Isolated Class I Non-Forested (PEM)	Isolated Class II Non-Forested (PEM)	Isolated Class II Scrub-Shrub	Class I Forested	Class II Forested	Class III Forested	Total Impact Acreage
Acres	17.4823	1.555	25.3119	8.268	6.897	0.006	0.53	10.015	1.429	71.4942

**Table 7.** Statewide cumulative wetland impact quantities by wetland type and jurisdiction for projects in which ILF mitigation credits were purchased in CY22.

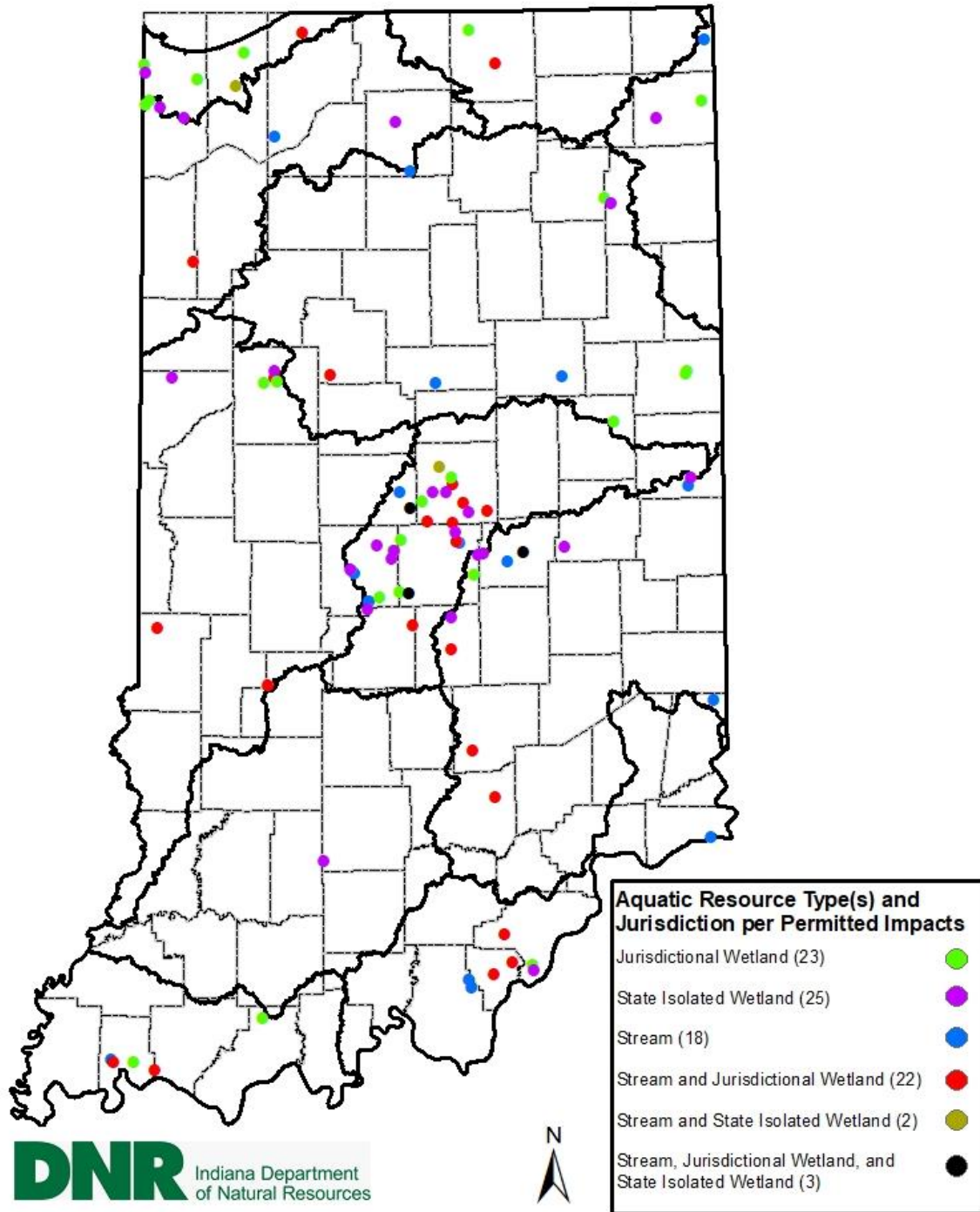
**Figure 4** depicts the jurisdiction(s) of cumulative permitted projects statewide that required purchase of IN SWMP advance credits in CY22.



**Figure 4.** Percentage of the Number of Projects by Jurisdiction for CY22 (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 CY22.

Indiana Stream and Wetland Mitigation Program  
 CY22 Statewide Permitted Impacts Requiring ILF Mitigation  
 by Aquatic Resource Type and Jurisdiction

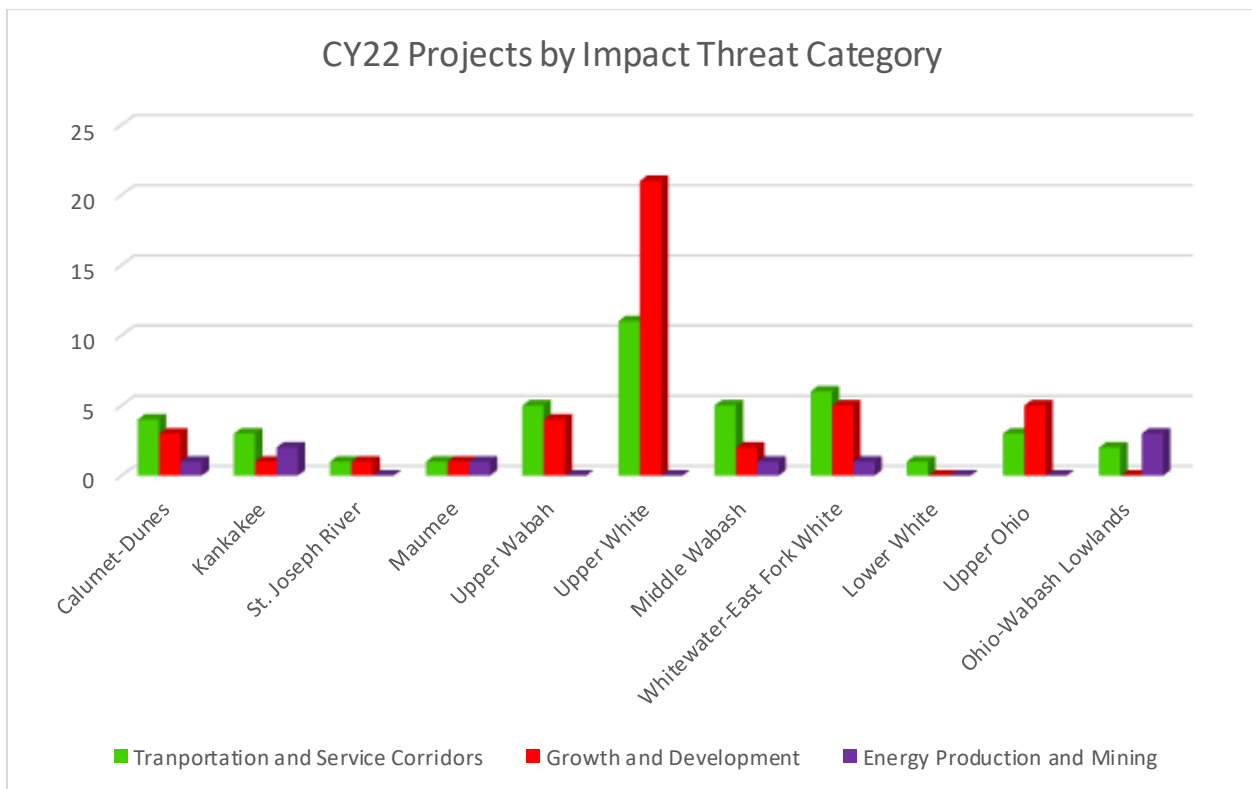


**Figure 5.** Aquatic resource type(s) and jurisdiction per permitted project for CY22 (Note: linear projects are shown as a single point).

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 which 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.

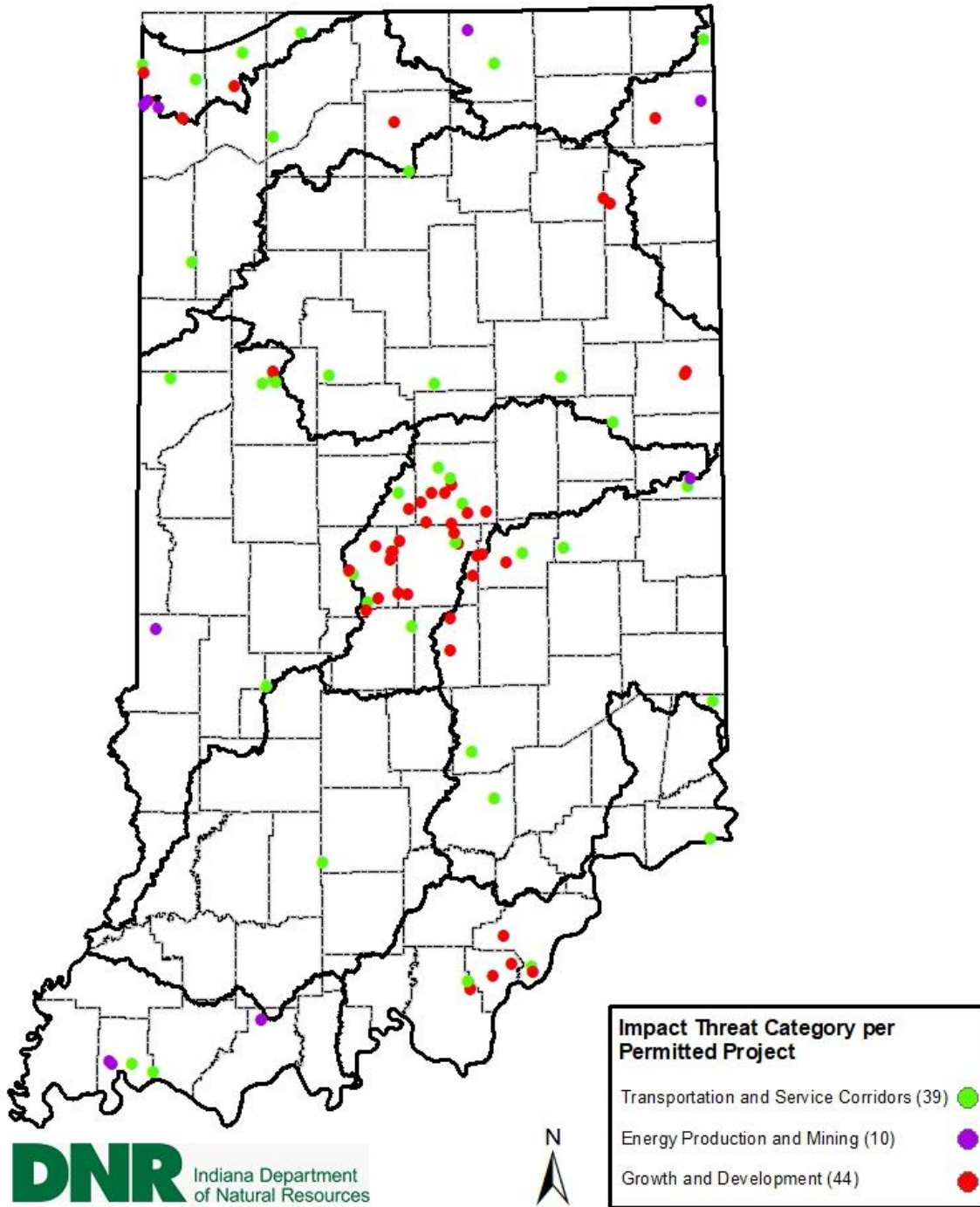
There were no agricultural land use or dam, levee and non-levee embankment projects requiring ILF mitigation in CY22. There have been no agricultural land use impacts to date requiring ILF mitigation.

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** on the following page.



**Figure 6.** Number of authorized projects by project threat category that required IN SWMP credits that were purchased in CY22.

Indiana Stream and Wetland Mitigation Program  
CY22 Statewide Permitted Impacts Requiring ILF Mitigation  
by Major Anthropogenic Threat Category



**Figure 7.** Location and major anthropogenic threat category of each permitted impact for CY22.

**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 CY21	\$46,634,888.37
Admin Funds Received in CY22	\$3,472,962.68
Service Area Funds (WOTUS) Received in CY22	\$13,553,159.90
Service Area Funds (Isolated) Received in CY22	\$2,550,399.25
Reserve Funds Received CY22	\$3,472,962.68
IN SWMP Interest – Reserve CY22	\$157,518.62
Total Funds Received in CY22	\$23,207,003.13
Total IN SWMP Income through end of CY22 (includes Interest from CY18 – CY22)	\$69,841,891.50

**Table 8.** All income for DNR IN SWMP since program approval for CY18-CY22.

**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 their 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 \$3,472,962.68 in administrative funds were received in CY22 into the INRF IN SWMP Account. **Table 9** on the following page provides the details of the administrative funds during CY22, leaving a year-end balance of \$6,628,858.38 in the INRF IN SWMP administrative fund.



Transactions - INRF INSWMP Administrative Fund	Amount
Total Admin funds received from credit sales in CY22	\$3,472,962.68
Total Admin fees paid to INRF in CY22	\$476,727.27
Total Admin funds transferred to DNR for IN SWMP Internal in CY22	\$450,000.00
Total Admin funds transferred to DNR IN SWMP for Consultant Contracts	961,371.28
INSWMP Admin Fund Balance End of CY22 in INRF	\$6,628,858,.38
Admin Transactions - DNR Dedicated INSWMP Fund	Amount
Admin funds in DNR Dedicated INSRMP Fund end of CY21	\$952,015.22
Admin funds deposited into DNR Dedicated INSWMP Fund CY22	\$1,411,371.28
Admin expenses by DNR IN SWMP Internal in CY22	\$301,724.88
Admin expenses by DNR IN SWMP Consultant Contracts CY22	\$145,302.46
Admin Funds Remaining in DNR Dedicated Fund End CY22	\$1,916,359.16

**Table 9.** Administrative Funds details through end of CY22

### 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 CY22, 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 CY22. 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 CY22.

Service Area	Stream Receipts CY22	Total Stream Receipts	Jurisdictional Wetland Receipts CY22	Isolated Wetland Receipts CY22	Total Wetland Receipts	Total Service Area Funds
Calumet-Dunes	\$214,620.00	\$415,380.00	\$463,039.50	\$140,747.25	\$3,246,139.65	\$2,843,112.90
Kankakee	\$79,275.00	\$440,125.00	\$64,106.00	\$146,300.00	\$652,870.40	\$803,314.40
Lower White	\$0.00	\$2,257,500.00	\$0.00	\$6,944.00	\$131,544.00	\$2,382,100.00
Maumee	\$11,828.60	\$244,928.00	\$168,000.00	\$388,752.00	\$1,391,516.00	\$1,067,864.00
Middle Wabash	\$100,940.00	\$540,344.00	\$112,280.00	\$24,528.00	\$411,611.20	\$770,666.40
Ohio-Wabash Lowlands	\$290,920.00	\$845,488.00	\$137,200.00	\$0.00	\$884,324.00	\$1,301,692.00
St. Joseph River	\$38,333.40	\$507,473.40	\$43,142.40	\$0.00	\$1,348,250.40	\$1,774,248.00
Upper Ohio	\$1,982,512.00	\$4,407,200.00	\$1,130,080.00	\$30,240.00	\$2,586,136.00	\$3,850,504.00
Upper Wabash	\$102,200.00	\$1,234,072.00	\$350,560.00	\$43,680.00	\$908,437.60	\$1,646,069.60
Upper White	\$5,425,749.00	\$14,117,622.76	\$905,044.00	\$943,656.00	\$5,645,757.60	\$12,484,731.36
Whitewater-East Fork White	\$1,270,850.00	\$3,008,194.00	\$662,480.00	\$825,552.00	\$3,466,607.20	\$3,715,919.20
<b>Totals</b>	<b>\$9,517,228.00</b>	<b>\$28,018,327.16</b>	<b>\$4,035,931.90</b>	<b>\$2,550,399.25</b>	<b>\$20,673,194.05</b>	<b>\$48,691,521.21</b>

**Table 10.** Service Area Funds<sup>1</sup> for Stream and Wetland (Jurisdictional WOTUS and State Isolated) per Service Area. CY22 receipts and total receipts through end of CY22 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 utilized 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.

<sup>1</sup> This does not include administrative or reserve funds.

Service Area Funds to DNR	Amount
Service Area Funds in DNR dedicated fund – end of CY21	\$1,786,600.94
Calumet-Dunes Service Area Funds transferred – Wetland (WOTUS) CY22	\$160,981.50
Calumet-Dunes Service Area Funds transferred – Isolated Wetland CY22	\$20,918.50
Ohio-Wabash Lowlands Service Area Funds transferred – Wetland (WOTUS) CY22	\$118,000.00
Upper White Service Area funds transferred – Wetland (WOTUS) CY22	\$282,116.30
Upper White Service Area funds transferred – Stream CY22	\$1,657,223.00
Upper White Service Area funds transferred – Isolated Wetland CY22	\$491,647.30
<b>Service Area Related Expenses CY22</b>	
Calumet Dunes Service Area	\$55,731.25
St. Joseph River Service Area	\$8,046.06
Upper Wabash Service Area	\$4,899.70
Middle Wabash Service Area	\$12,151.25
Ohio-Wabash Lowlands Service Area	\$26,733.76
Upper White Service Area	\$891,339.82
Whitewater-East Fork White Service Area	\$74,935.45
Service Area funds remaining in DNR dedicated fund - end of CY22	<b>\$3,389,650.25</b>

**Table 11.** Service Area Funds transferred to DNR’s dedicated fund for IN SWMP operations CY22.

## 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 CY22 came from 15% of each credit sale and the accumulated interest on all IN SWMP account funds. The contributions to the Reserve Fund during CY22 included \$3,472,962.68 from credit sales and \$157,518.62 from interest. **Table 12** provides a full accounting of the Reserve Fund. There were no expenditures from the reserve fund in CY22.

Service Area	Stream Reserve Receipts CY22	Wetland Reserve Receipts CY22	Total All Reserve Receipts CY18-CY22
Calumet-Dunes	\$45,990.00	\$129,382.88	\$815,248.86
Kankakee	\$16,987.50	\$45,087.00	\$234,213.30
Lower White	\$0.00	\$1,488.00	\$533,598.00
Maumee	\$2,534.70	\$119,304.00	\$350,666.70
Middle Wabash	\$21,630.00	\$29,316.00	\$217,226.40
Ohio-Wabash Lowlands	\$62,340.00	\$29,400.00	393,414.00
St. Joseph River	\$8,214.30	\$9,244.80	\$397,655.10
Upper Ohio	\$424,824.00	\$248,640.00	\$1,498,572.00
Upper Wabash	\$21,900.00	\$84,480.00	\$568,753.20
Upper White	\$1,162,660.50	\$418,350.00	\$4,286,004.83
Whitewater-East Fork White	\$272,325.00	\$318,864.00	\$1,467,761.40
<b>Subtotal</b>	<b>\$2,039,406.00</b>	<b>\$1,433,556.68</b>	<b>\$10,545,999.85</b>
Interest Earned on Reserve in CY22			157,518.62
Total in Reserve Fund End of CY22 (includes all interest to end of CY22)			\$10,703,518.47

**Table 12.** Reserve Funds Received in CY22 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 did enter 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, CY21 and CY22 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 CY22.

Service Area	2018 Credits (Fall 2021)		2019 Credits (Fall 2022)		2020 Credits (Fall 2023)		2021 Credits (Fall 2024)		2022 Credits (Fall 2025)	
	Wetland	Stream	Wetland	Stream	Wetland	Stream	Wetland	Stream	Wetland	Stream
Calumet-Dunes	0.00	0.00	7.57	0.00	10.70	8	21.47	470	9.0795	511
Kankakee	0.00	0.00	3.78	385	1.01	97	1.51	549	3.164	226.5
Lower White	0.00	0.00	0.00	249	1.80	5,826	0.43	1,988	0.124	0.00
Maumee	0.00	0.00	0.00	0.00	11.60	740	3.31	0.00	9.942	37.55
Middle Wabash	0.00	0.00	4.04	771	0.40	438	0.67	522	2.443	360.5
Ohio-Wabash Lowlands	4.20	0.00	3.05	373	5.74	1,608	0.35	0.00	2.45	1,039.00
St. Joseph River	1.54	0.00	1.19	0.00	3.17	941	9.65	176	0.5136	91.27
Upper Ohio	2.73	409	14.77	2,225	2.12	1,222	5.85	4,804	20.72	7,080.4
Upper Wabash	0.43	0.00	0.14	590	2.12	3,038	6.49	414	7.04	365
Upper White	0.62	750	8.47	903	28.84	23,786	30.40	2,154	34.87	17,224.6
Whitewater-East Fork White	6.17	0.00	8.83	1,635	9.55	1,240	10.78	3,330	26.572	4,502.08

**Table 13.** Credit Delivery Totals Needed at the end of CY22 per Service Area.

Working towards 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 all 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 those projects forward that DNR determines are viable for conceptual planning and fit within the Compensation Planning Framework (CPF).

In addition to the zero-dollar contracts, DNR has executed additional 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 commencing 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) are in the planning process.

The IDNR IN SWMP respectfully requests an extension from the USACE Louisville, Detroit and Chicago Districts, and the Indiana Department of Environmental Management for stream and/or wetland credit delivery obligations that were due to be initiated by the end of 2022, in the following Service Areas, with detailed information per Service Area to follow:

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

The IDNR IN SWMP will make every effort possible to meet credit generation compliance obligations, to include the hiring of staff that has to be approved by the Indiana State Department of Personnel. Additionally, IN SWMP is consistently identifying improvements for efficiency within the IDNR and State processes, and working with the USACE and IRT to identify improvements in the Letter of Permission process.

### **Calumet-Dunes Service Area**

Credits required to be fulfilled by the end of 2022 (2019) per our 3 year delivery schedule:

- 7.57 wetland credits
- 0.00 stream credits

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 project in Porter County. This property was more recently acquired by SHLT as an addition to their Enquist Nature Preserve. IN SWMP submitted a conceptual plan in 2022, and is in the design phase with application submittal in 2023. Construction will likely not be initiated until 2024, though it may be possible to initiate biological improvements by the end of 2023. The loss of staff, and contracting delays are the main reason for the delay in credit delivery in the Calumet-Dunes Service Area, but IN SWMP in partnership with SHLT and in contract with Soil Solutions will make every effort to improve efficiencies and deliver credit obligations.

This project site in partnership with SHLT 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.

This project is projected to generate the following wetland credits:

- 36.78

Additionally, IN SWMP in partnership with SHLT and in contract with Soil Solutions is evaluating other SHLT properties, with the goal of submitting another conceptual plan in the Calumet-Dunes SA in 2023. IN SWMP will make every effort to make up for obligated credit fulfillment by 2024 (including credits due to be fulfilled in 2023 and 2024).

### **St. Joseph River Service Area**

CHA Consulting is still under contract for site identification through conceptual design in the St. Joseph Service Area. IN SWMP has extended time and funds with their contract this year. Outreach efforts continue within this service area with potential conservation partners for restoration opportunities that meet the needs of both credit demand and the IN SWMP Compensation Planning Framework.

Credits required to be fulfilled by the end of 2022 (sold in 2018 & 2019) per our 3-year delivery schedule:

- 3.13 wetland credits
- 0.0 stream credits

By the close of 2022, this service will be out of compliance with the delivery of the above wetland credits. As with many of our service areas, initial credit sales were slow which made it difficult to fund a viable project. In 2020 through 2022 both wetland and stream credit sales increased dramatically, meaning we now have the means to pursue and fund a high-quality project site.

This year IN SWMP has identified a stream restoration project in partnership with Elkhart County Parks to remove the Baintertown Dam in the Elkhart River within River Preserve County Park. Dam removal is an acceptable restoration project within our Instrument. Cardno (now Stantec) completed a dam removal feasibility study for the parks department using LARE grant funds for both Baintertown Dam and Benton Dam, which is a few river miles upstream, and held a public meeting to discuss their findings and get feedback from the community. Generally, the meetings had positive feedback from the public. IN SWMP has had several meetings with the parks department, USACE, and an adjacent landowner, and initial site assessments begin in early 2023. At this time, it is too early to quantify any credit generation from this dam removal project, but IN SWMP believes it should fulfill most, if not all our stream credit needs for this service area, in addition to some wetland credits depending on whether an adjacent private landowner becomes involved with this project.

At the end of 2022, IN SWMP began a conversation with Blue Heron Ministries (BHM) as a conservation partner within several of our service areas. BHM has recently identified a potential wetland restoration site and has been talking with the current landowner in the St. Joseph Service Area. This site is within one of the Score Six (6) parcels CHA and IN SWMP analyzed last year. A desktop review will be completed in early 2023 to determine preliminary viability while we also continue the search for new sites.

### **Maumee Service Area**

Credits required to be fulfilled by the end of 2022 (sold in 2018 & 2019) per our 3-year delivery schedule:

- 0.0 wetland credits
- 0.0 stream credits

Since there were no credits sold in the first 2 years of our program's inception, there are no delivery requirements for the 2022 growing season. Subsequent sales of wetland credits have increased, but stream credit sales continue to remain slow through the end of 2022.

IN SWMP has conducted outreach to several entities in the Maumee Service Area (SA) this year including Fort Wayne City Parks, ACRES Land Trust (ACRES), and Blue Heron Ministries (BHM). We have had several

meetings with Fort Wayne City Parks about restoring a former golf course property they have acquired, though nothing significant has come from those meetings thus far. ACRES Land Trust hired a new director this year, so all the prior conversations regarding potential restoration on one of their newly acquired properties had to be restarted. We still believe ACRES is a viable conservation partner and will continue working together to find a suitable site in one of our service areas soon. Lastly, while meeting with BHM about a restoration project in the St. Joseph Service Area, they mentioned they have connections and properties within the Maumee SA, specifically DeKalb County. The BHM director plans on sending us additional information on those sites in early 2023.

Meanwhile, the Instrument for Phase II forested wetland mitigation of the Openings Mitigation Bank has been submitted and reviewed by the USACE and IRT and is pending final approval. IN SWMP is still considering a proposal to purchase 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. The IN SWMP Instrument allows IDNR, in consultation with the District Engineer and the IRT, to purchase mitigation credits from a Corps - approved mitigation bank under the Acceptance of Compensatory Mitigation Responsibilities, and under Timing of Compensatory Mitigation Projects when IDNR cannot provide mitigation within three (3) growing seasons after the first advanced credit is sold.

We anticipate that by early next year (2023) we will have a consultant contracted in the Maumee SA to further aid in our search for viable project sites.

### **Kankakee Service Area**

Credits required to be fulfilled by the end of 2022 (sold in 2018 & 2019) per our 3-year delivery schedule:

- 3.78 wetland credits
- 385 stream credits

By the close of 2022, this service will be out of compliance with the delivery of the above credits. In 2018, zero credits were sold in the Kankakee SA, meaning that there was zero funding in this service area until 2019. The credits sold by the end of 2019 did not provide enough funding to pursue a viable project. Since 2019, the Kankakee SA has built up credit sales to the point that we could pursue a project.

KCI Technologies is still under contract for site identification through conceptual design in the Kankakee Service Area. Currently, IN SWMP has identified a suitable wetland and stream restoration site with LaPorte County Parks at Bluhm County Park. About 42 acres of private farmland adjacent to the park will also be purchased as part of this restoration project. KCI completed site assessments in the fall, appraisals are ongoing (though were greatly delayed by the appraiser that was hired), and it is expected that the conceptual plan will be finished and submitted by summer of 2023. A county legal drain (Wright Arm) within the park was also vacated by the LaPorte County Drainage Board this summer, giving IN SWMP the green light for this project to proceed. Initial pre-concept design estimates indicate that the project site will generate approximately 25 wetland credits and nearly 4,400 stream credits.

This will far exceed the outstanding credits for 2022 delivery as well as all wetland and stream credits sold through 2022. However, we could not pass up this great opportunity, so we will likely have to utilize reserve funds to fully fund to construct this project, and reimburse those with subsequent credit sales in the Kankakee SA.



## **Upper Wabash Service Area**

CHA Consulting is still under contract for site identification through conceptual design in the Upper Wabash Service Area. IN SWMP has extended time and funds with their contract this year. CHA and IN SWMP continue to conduct outreach to potential conservation partners and property owners using the same parameters put forth in the prior year to find sites that meet the needs of both credit demand and the IN SWMP Compensation Planning Framework.

Credits required to be fulfilled by the end of 2022 (sold in 2018 & 2019) per our 3-year delivery schedule:

- 0.57 wetland credits
- 590 stream credits

By the close of 2022, this service area will be out of compliance with the delivery of the above credits. Credit sales were slow the first 2 years that our program was live, therefore it was difficult to find a project that could be funded and executed. It is anticipated, as described below, that all outstanding stream and wetland credits will be utilized in 2023, including additional credits sold in 2020 through 2022.

IN SWMP has been working with the Division of Nature Preserves (DNP) for restoration opportunities on two (2) of their more recent property acquisitions within this service area; Lowe Prairie Preserve and the Buss Estate Tract in White County. DNP has yet to obtain the deed for Lowe Prairie to determine if any usage restrictions or rights would be incompatible with our program, and they already have full ownership of Buss. DNP staff visited the Buss property in late 2022, and after comparing with the desktop review and in-depth review from CHA, it was decided that we would move forward with restoration plans at this site. IN SWMP and CHA in conjunction with DNP have scheduled a site visit in early 2023 for a more in-depth field analysis to prepare for site assessments.

While it is too early to quantify any credit generation from a restoration project on this site, we do believe this site has excellent potential to fulfill all current wetland credit needs and a large portion of the needed stream credits. The Buss Estate Tract totals 261 acres including 88 acres of hydric soils, 2,700 feet of intermittent stream and 2,200 feet of perennial stream within that footprint, and borders the Tippecanoe River to the east. Buss is also currently on a farm lease that is set to expire in 2023. We anticipate submitting a conceptual plan for this site in 2023.

## **Upper White Service Area**

IN SWMP is in varying stages of planning, assessment, and design of six (6) projects in the Upper White Service Area in addition to evaluating additional opportunities across the service area.

Credits required to be fulfilled by the end of 2022 (sold in 2018 & 2019) per our 3-year delivery schedule:

- 1,653 stream credits
- 9.09 wetland credits

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. IN SWMP received final 404 LOP approval on October 13, 2022. IN SWMP had the goal of constructing the restoration at HC Farms in the summer of 2022, but missed the construction window. Stantec (formally Cardno) initiated biological improvements at HC Farms in November of 2022 with a first time woody invasives removal, therefore it is IN SWMP's understanding that the Upper

White Service Area is currently in compliance with project delivery. Additionally, IN SWMP recorded a Conservation Easement on HC Farms. IN SWMP requested the initial credit release for authorization and real estate protection in December of 2022. IN SWMP and Stantec plan to construct the stream and wetland restoration at HC Farms in 2023. The HC Farms project is proposed to generate the following stream and wetland credits:

**Stream:** 5,871

**Wetland:** 17.64

IN SWMP submitted an application for 401 Water Quality Certification to IDEM in December of 2022 for the Fall Creek Woods project in partnership with Red-tail Land Conservancy. It was IN SWMP's goal to construct the stream and wetland restoration at Fall Creek Woods in 2022, but permitting timeframes may prevent the ability to contract and meet the construction window. IN SWMP will make every attempt initiate biological improvements in 2022, and record the updated Conservation Easement. The Fall Creek Woods project is proposed to generate the following stream and wetland credits:

**Stream:** 2,330

**Wetland:** 27.134

IN SWMP has contracted with KCI for site assessments and conceptual planning of the Carpenter Nature Preserve property (formally Wolfe Run Golf Course) in partnership with Zionsville Parks and Recreation. The conceptual plan for this project will be submitted to the Corps and IRT in May of 2022. The project is proposed to generate the following stream credits:

**Stream:** 10,544.6

IN SWMP has partnered with Conner Prairie, and contracted with Christopher B. Burke Engineering to assess streams, wetlands and wetland reestablishment on Conner Prairie's properties. IN SWMP will submit a conceptual plan for the Conner Prairie stream and wetland restoration project in May of 2023. The Conner Prairie Stream and Wetland Restoration project is proposed to generate the following stream and wetland credits:

**Stream:** 7,596.25

**Wetland:** 36.6

IN SWMP has partnered with Fishers Parks and Recreation and contracted with Christopher B. Burke Engineering to assess streams, wetlands and reestablishment potential at Ritchey Woods Nature Preserve. IN SWMP will submit a conceptual plan for stream and wetland restoration at Ritchey Woods in the summer of 2023. As of the time of this report, the potential stream and wetland credit generation has not been finalized, but will result in significant stream credits, and a minimal amount of wetland credits.

IN SWMP has partnered with Fishers Parks and Recreation (Fishers Heritage Park), Fishers DPW and Oaklawn Memorial Gardens in Fishers to conduct stream and wetland restoration along Heath Ditch (not a county regulated drain). IN SWMP will submit a conceptual plan for stream and wetland restoration for this project the summer of 2023. As of the time of this report, the potential stream and wetland credit generation has not been finalized, but the project will result in significant stream credits, and a minimal amount of wetland credits.

IN SWMP has also communicated with the USACE Louisville District and private mitigation banks to determine the process for purchasing future released stream and/or wetland mitigation credits to help fulfill the IN SWMP credit sales in this high demand Service Area.

Additionally, IN SWMP continues to evaluate potential stream and wetland restoration projects in the Upper White Service Area, and anticipates identifying viable a viable project(s) in 2023 for conceptual plan development and submission to the Corps and IRT.

### **Middle Wabash Service Area**

Credits required to be fulfilled by the end of 2022 (2019) per our 3-year delivery schedule:

- 4.04 wetland credits
- 771 stream credits

In the Middle Wabash Service Area, credit sales indicate that 771 Stream Credits and 4.04 wetland credits were due to be fulfilled by the end of 2022. INSWMP is currently behind on fulfilling wetland credits within this Service Area. Major factors for this delay include two years of COVID restrictions and lack of INSWMP staffing. However, significant gains are being made here.

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 that is situated within the Wabash River floodplain. This property was acquired with state funds through the Healthy Rivers Initiative. Initial site evaluations were completed by Cardno and the conceptual plan was submitted to the IRT in June of 2022 with the onsite meeting having occurred in August of 2022. The design phase is currently underway and permit applications are anticipated to be submitted in 2023. 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 further consultation with the IRT. Once site construction has occurred at this property, INSWMP will have exceeded the wetland requirements for the service area but will still be slightly behind with stream credit generation requirements. Currently, INSWMP is searching for a stream heavy site to offset the remaining approximately 1,400 credits that will need to be fulfilled for the services area in all.

Preliminary potential credit generation:

- 19 wetland credits
- 530 stream credits

In addition to the submitted Middle Wabash site, INSWMP has had numerous meetings with different municipal entities within the service area in regard to land that they control or wish to possess that could be suitable for restoration. Numerous meetings have also occurred with Purdue University and NICHES Land Trust in this same capacity. This has generated many leads that are yet to be evaluated.

### **Whitewater-East Fork White Service Area**

Credits required to be fulfilled by the end of 2022 (2019) per our 3-year delivery schedule:

- 15 wetland credits
- 1,635 stream credits

In the Whitewater East Fork White Service Area, credit sales indicate that 1,635 Stream Credits and 15 wetland credits were due to be fulfilled by the end of 2022. INSWMP is currently behind on fulfilling wetland credits

within this Service Area. Major factors for this delay include two years of COVID restrictions and lack of INSWMP staffing. However, significant gains have been made here.

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 were completed by Stantec and the conceptual design has been submitted to the IRT. We are currently awaiting an onsite meeting date to showcase the property to the team members. Current conceptual design estimates indicate that the property will generate approximately 29 wetland credits and 1,400 stream credits. However, these numbers are subject to change upon consultation with the IRT. It is anticipated that the final design will be submitted for permitting in 2023, with construction proposed in 2024.

Preliminary potential credit generation:

- 29 wetland credits
- 1,400 stream credits

In addition to the Rushville site, INSWMP is currently evaluating a 100-acre+ property located in Columbus, Bartholomew County. It is currently situated in an agricultural setting with a large relatively unstable perennial stream bisecting the site that possesses a low-head dam and regulated floodway. This site is expected to be able to generate 50-60 wetland credits and 5,000+ stream credits. Meetings have occurred with the current owner which indicated that he is open to selling the property to the DNR and title/appraisal work is currently underway to make a fee simple purchase. Additional meetings have occurred with the City of Columbus about long-term stewardship and utilizing the completed mitigation as a nature park. The parks department is very open to this partnership and are awaiting further talks until acquisition and further site evaluation can be completed on the property. It is anticipated that this site will quickly move into the conceptual phase providing that the site is able to be procured. A conceptual is expected to be submitted for this property in 2023. Providing that this project moves forward, INSWMP will be not only be caught up, but exceeding credit generation requirements for the service area.

This has generated many leads that are yet to be evaluated.

### **Lower White Service Area**

Credits required to be fulfilled by the end of 2022 (2019) per our 3-year delivery schedule:

- 0.00 wetland credits
- 249 stream credits

In the Lower White Service Area, credit sales indicate that 249 Stream Credits and 0 wetland credits were due to be fulfilled by the end of 2022. INSWMP is currently slightly behind on fulfilling credits within this Service Area, but also had not sold many through 2019. Credit fulfillment is behind due to numerous factors. Major factors include slow credit sales in 2018/2019, two years of COVID restrictions, lack of INSWMP staffing and mineral rights issues within reviewed properties. The largest limiting factor in this service area has consisted of lack of credit sales and procurement of mineral rights. Most properties that have been evaluated are determined later to possess severed rights that make the property unsuitable for INSWMP use and the placement of a conservation easement.

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 and other consulting firms have provided several potential projects in 2022 that unfortunately haven't

panned out with landowners. Properties include areas of Robinson Creek in Pike County, property owned by Gray Farms in Pike County, Lick Creek in Greene County and an additional Greene County site dubbed Bear Lake. These evaluated sites were not deemed suitable for various reasons with one exception .

The INSWMP in partnership with Wetland Services recently submitted a preliminary conceptual plan to the IRT for a site that was situated along the west banks of The Patoka River and owned by The City of Jasper. The site had been evaluated via desktop and a site visit; however preliminary investigations ceased beyond that point due to the somewhat out-of-kind stream mitigation that would be proposed for the site. In March of 2023, a response was received from the USACE indicating that the site would not likely be suitable due to lack of ownership on both side of the Patoka River. INSWMP has since moved on from that property.

Recently, meetings were held with Sycamore Land Trust to identify a suitable site within the Lower White. This gathering allowed INSWMP to identify two properties in within the Beanblossom Creek floodway in Monroe County that contain numerous straightened streams situated within 180-acres of agricultural land that is also suitable for wetland restoration. Sycamore Land trust indicated that procurement of the properties was attempted a few years ago but were unable to enter a purchase agreement with the landowner due to pricing. INSWMP is currently evaluating these properties and hoping to enter into a purchase agreement with the landowner and Sycamore Land Trust with INSWMP supplementing Sycamore's offer to procure the properties. While not having been formally evaluated yet, these properties have the potential to yield thousands of stream credits and possibly over 100 wetland credits based upon existing acreages. Providing that these properties are procured and restored, INSWMP would be greatly exceeding wetland credit requirements and likely fulfilling sold stream credits to date.

In addition to the previously mentioned evaluations, INSWMP has had numerous meetings with Division of Fish & Wildlife property managers in regard to land that they control (or wish to possess) situated in the service area. This has generated many additional leads that are yet to be evaluated. These evaluations have been placed on hold in favor of procuring the Sycamore properties in Monroe County.

### **Upper Ohio Service Area**

Credits required to be fulfilled by the end of 2022 (2019) per our 3-year delivery schedule:

- 17.5 wetland credits
- 2,634 stream credits

In the Upper Ohio Service Area, credit sales indicate that 2,634 Stream Credits and 17.5 wetland credits were due to be fulfilled by the end of 2022. INSWMP is currently behind on fulfilling wetland credits within this Service Area. Major factors for this delay include two years of COVID restrictions and lack of INSWMP staffing. However, significant gains are being made here.

The DNR has partnered with a private landowner (Mr. Joseph Navari) and Oak Heritage Conservancy to preserve and restore a section of agricultural and wooded property situated within the Indian Kentuck Creek floodplain in Jefferson County. Initial site evaluations and conceptualization were completed by Stantec and submitted to the IRT in July 2022 with an onsite meeting having occurred in September 2022. The design phase is currently underway and permit applications are anticipated to be submitted in 2023. Current conceptual design estimates indicate that the property will generate approximately 28 wetland credits and 7,500 stream credits. However, these numbers are subject to change upon further consultation with the IRT. Once the project is implemented, INSWMP will be not only be caught up with credit sales, but also exceeding credit generation requirements for the service area.

Preliminary potential credit generation:

- 28 wetland credits
- 7,500 stream credits

INSWMP is still searching for another site within this service area to fulfill further credits sales and has been in discussion with DNR Fish & Wildlife and other conservancies to find another property. Searches and evaluations are currently ongoing.

### **Ohio-Wabash Lowlands Service Area**

Credits required to be fulfilled by the end of 2022 (2019) per our 3-year delivery schedule:

- 7.25 wetland credits
- 373 stream credits

INSWMP is currently behind on fulfilling wetland credits within this Service Area. This is due to numerous factors. Major factors include slow credit sales in 2018/2019, two years of COVID restrictions, lack of INSWMP staffing and mineral rights issues within reviewed properties. The largest limiting factor in this service area has consisted of procurement of mineral rights. Most properties that have been evaluated are determined later to possess severed rights that make the property unsuitable for INSWMP use and the placement of a conservation easement.

The DNR INSWMP team had identified a suitable site in Posey County near Pitcher Creek that was undergoing final evaluation and conceptual planning. However, late in the process a historical title search discovered a very old broken title chain indicating that 25% of mineral rights associated with the property had been delegated to numerous individuals back in the 1940's. Further title work and legal research indicated that these mineral rights claims were still valid. It was determined that searching out these individuals would require an extensive amount of time and effort to purchase the rights from the current partial owners with no guarantee that they would be willing to sell. Due to this discovery, the INSWMP determined that we must move on from the potential project and search for another suitable location.

Property searches are currently ongoing with what were two promising leads near Chandler in Warrick County that are undergoing evaluation. Title work had been completed on numerous parcels on the first preferred site with a suitable area being identified that could generate up to 30 wetland credits but little in the way of stream. With this specific property, the existing landowner wished to retain ownership and sell a conservation easement to the DNR. Sycamore Land Trust had indicated interest in long-term stewardship of the property.

Unfortunately, property negotiations broke down with the landowner and INSWMP has moved on to the second site located not far away.

The second site currently undergoing evaluation in Chandler consists of 29-acres of existing agricultural land containing hydric soils. It is bordered by a straightened stream on its east and south boundaries and has been determined to be able to generate approximately 22 wetland credits and up to 1,645 stream credits to fulfill backlogged and current credit generation requirements. The landowner has indicated that he is open to a fee simple purchase, and both Sycamore Land Trust and DNR Fish & Wildlife have indicated interest in potential long-term stewardship/ownership of the property. There is already high confidence that mineral rights will not be an issue on this property and title/appraisal work are currently underway. INSWMP expects to enter into a purchase agreement for the site in the upcoming weeks followed by further evaluation and a conceptual submittal to the IRT.

In addition to the previously mentioned sites, INSWMP has had numerous meetings with Division of Fish & Wildlife property managers in regard to land that they control (or wish to possess) situated in the Service Area.

**Appendix C** – provides a summary of additional DNR IN SWMP project site investigations throughout the state over 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 comprised 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 by visiting the following website: <http://on.in.gov/inswmp>.

**Appendix A**  
**IN SWMP Credit Sales Ledger**



**Appendix B**  
**Indiana Natural Resources Foundation**  
**IN SWMP CY22 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 submitted 2022
Whitewater-East Fork White	Stream and Wetland	Wayne	Private	Initial-Conceptual submitted 2023
Whitewater-East Fork White	Stream	Wayne	Private	Initial
Whitewater-East Fork White	Stream	Wayne	Private	Initial
Whitewater-East Fork White	Stream and Wetland	Wayne	Private	Initial
Whitewater-East Fork White	Stream and Wetland	Wayne	Private	Initial
Whitewater-East Fork White	Stream and Wetland	Bartholomew	Private	Initial
Whitewater-East Fork White	Stream and Wetland	Marion	Private	Initial
Ohio-Wabash Lowlands	Stream and Wetland/Floodway	Posey	Public	Initial
Ohio-Wabash Lowlands	Wetland and Stream	Warrick	Private	Initial
Ohio-Wabash Lowlands	Wetland and Stream	Warrick	Private	Initial
Lower White	Stream and Wetland	Pike	Private	Desktop
Lower White	Stream and Wetland	Pike	Private	Desktop
Lower White	Stream and Wetland	Pike	Public	Initial
Lower White	Stream and Wetland	Pike	Private	Initial
Lower White	Stream	Greene	Private	Initial
Lower White	Stream and Wetland	Dubois	Public	Preliminary Conceptual submitted 2023
Lower White	Stream and Wetland	Martin	Private	Initial
Middle Wabash	Wetland and Stream	Vigo	Public	Conceptual submitted 2022
Middle Wabash	Stream and Wetland	Hendricks	Private	Initial
St. Joseph	Stream	Elkhart	Public	Conceptual to be submitted in 2023
St. Joseph	Wetland	St. Joseph	Public	Desktop
St. Joseph	Stream & Wetland	Elkhart	Public	Desktop
St. Joseph	Wetland	Noble	Public	Desktop
St. Joseph	Wetland	St. Joseph	Public	Desktop
St. Joseph	Wetland	LaGrange & Steuben	Public	Initial

St. Joseph	Wetland	LaGrange & Steuben	Private	Desktop
St. Joseph	Wetland	Noble	Private	Desktop
Upper Wabash	Stream	Wabash	NGO	Desktop
Upper Wabash	Stream & Wetland	Huntington	NGO	Desktop
Upper Wabash	Stream	Wabash	Private	Desktop
Upper Wabash	Stream & Wetland	White	Public	Conceptual to be submitted 2023
Upper Wabash	Stream & Wetland	White	Public	Desktop
Upper Wabash	Stream	Tippecanoe	Public	Desktop
Upper Wabash	Stream & Wetland	Miami	Public	Desktop
Upper Wabash	Stream & Wetland	Carrol & White	Private	Desktop
Maumee	Wetland	Allen	Public	Initial
Maumee	Stream & Wetland	DeKalb	NGO	Desktop
Maumee	Stream	Allen	Public	Initial
Kankakee	Stream & Wetland	LaPorte	Public & Private	Conceptual to be submitted 2023
Kankakee	Stream & Wetland	Jasper	Private	Initial
Upper White	Stream and Wetland	Hamilton	NGO	Conceptual submitted May 2023
Upper White	Stream	Boone	Public	Conceptual submitted May 2023
Upper White	Stream and Wetland	Hamilton	Public and Private	Conceptual will be submitted summer 2023
Upper White	Stream and Wetland	Hamilton	Public	Conceptual will be submitted summer 2023
Upper White	Stream	Hendricks	Public	Initial
Upper White	Stream and Wetland	Marion	Public and Private	Initial – great potential
Upper White	Stream	Marion	Public	Initial
Upper White	Stream	Morgan	Private	Initial

Upper White	Stream	Hendricks	Public	Desktop
Upper White	Stream and Wetland	Morgan	Private	Desktop