



# Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

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## Testimony Before the Sunset Review Committee Provided by Steve Gray, Assistant Director August 28, 2024

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Good afternoon, Chairman Wilkin and members of the Sunset Review Committee. My name is Steve Gray, and I am one of the Assistant Directors with the Ohio Department of Natural Resources (ODNR). Thank you for giving me the opportunity to present testimony on many of the Boards and Commissions that fall under ODNR's purview.

### **FORESTRY ADVISORY COUNCIL:**

The Forestry Advisory Council was established by law in the early 1970s to advise and make recommendations to ODNR's Chief of the Division of Forestry concerning forestry practices and programs in the state, including programs of the Division, and may assist the Division in promoting cooperation on forestry practices and programs with other agencies, political subdivisions, and private interests.

The council consists of eight members appointed by the Governor. Members represent forest-based research activities, small private forestland owners, larger private forestland owners, the pulp and paper industry, other forest industries, soil science, forest recreation and the public. Each serves a four-year term and not more than four are permitted from the same political party. The Council holds regular, quarterly meetings. Members receive no compensation for their work on the council – only reimbursements.

We believe that eight total members is good governance and works effectively to meet the council's objectives.

The Forestry Advisory Council is a valuable tool to ODNR's Division of Forestry in our efforts to protect, preserve, promote, and responsibly manage Ohio's 21 state forests. Thanks to its work in representing all facets of the forest community, from environmental interests to the paper industry, ODNR recommends that the Forestry Advisory Council be renewed by the Sunset Review Committee.

### **MINE SUBSIDENCE INSURANCE GOVERNING BOARD:**

The Ohio Legislature enacted legislation in 1985 authorizing the establishment of the Mine Subsidence Insurance Governing Board, the Mine Subsidence Insurance Fund (MSIF), and the Ohio Mine Subsidence Insurance Underwriting Association (OMSIUA). Mine subsidence insurance provides coverage for damage to structures caused by subsidence associated with underground mining operations; these operations include underground coal mines, clay mines, limestone mines and salt mines.

The Mine Subsidence Insurance Fund is administered by the Governing Board and the Treasurer of State, who is also custodian of the Fund. Since the inception of the program, the Governing Board has entered into a contract with the Ohio FAIR Plan Underwriting Association (OFPUA) for administrative duties. The contract provides for the Ohio FAIR Plan Underwriting Association to perform administrative and claim services for the Ohio Mine Subsidence Insurance Underwriting Association. The Ohio FAIR Plan Underwriting Association personnel are trained to handle mine subsidence insurance claims and necessary administrative duties.

The Governing Board consists of the Director of the Ohio Department of Natural Resources or designee, the Treasurer of State or designee and a representative from the industry (i.e. representative for the insurance entities).

The Mine Subsidence Insurance Governing Board plays a vital role in administering the Mine Subsidence Insurance Fund. ODNR recommends that the Mine Subsidence Insurance Governing Board be retained by the Sunset Review Committee.

### **RECLAMATION COMMISSION:**

The Reclamation Commission is an adjudicatory board established to provide an administrative appeal to any person claiming to be aggrieved or adversely affected by a decision of the ODNR's Chief of the Division of Mineral Resources Management. A quasi-judicial board, the Commission is a distinct and separate entity from the Division and operates in a similar manner as a court of law.

The Commission is comprised of ten members, each appointed by the Governor to serve five-year terms.

While there are ten seats on the Commission, only seven members are seated on any particular appeal. Depending on the type of appeal, the coal and industrial minerals representatives interchange participation.

In addition, one member of the Commission must be an attorney who is admitted to practice in the State of Ohio and familiar with mining issues. Members are required to recuse themselves from any matters that might pose a conflict of interest.

The Reclamation Commission is a valuable tool for any person who seeks to be heard on their concerns relating to mining and reclamation issues, and we recommend that the commission be renewed.

### **RECLAMATION FORFEITURE FUND ADVISORY BOARD:**

The Board reviews deposits into and expenditures from the reclamation forfeiture fund. The fund revenues are generated through a supplemental coal severance tax. Disbursements from the fund are made by ODNR's Chief of the Division of Mineral Resources Management for reclaiming areas of land affected by coal mined since 1981 in cases where a coal operator has defaulted.

The Commission is comprised of nine members appointed by the Governor to serve four-year terms. We believe that the current makeup of the Board provides good governance and works effectively to meet the Board's objectives.

The reclamation forfeiture fund is a valuable asset for ODNR's Division of Mineral Resources Management to utilize when engaging in reclamation activities on lands mined by coal mine operators

who do not reclaim the acreage themselves. The continual evaluation of the fund by the Board is important to ensure the long-term stability of the fund.

ODNR recommends that the Reclamation Forfeiture Fund Advisory Board be retained by the Sunset Review Committee.

### **ADVISORY COUNCILS FOR EACH WILD, SCENIC OR RECREATIONAL RIVER AREA:**

In 1968, the Ohio General Assembly enacted the nation's first Scenic Rivers Act. The legislation created a state program to protect Ohio's remaining high-quality streams for future generations. Scenic rivers retain most of their natural characteristics at a time when many rivers reflect the impacts of human activities. The Scenic Rivers Act provides three categories for river classification: wild, scenic and recreational.

Ohio law requires that a citizens' advisory council, representing local officials, landowners and conservation organizations, be appointed for each designated river. These advisory councils are mandated to advise the Director of the Department of Natural Resources with regard to local issues pertaining to the protection and conservation of designated wild, scenic and recreational rivers. Representation on the council by individuals with varying local interests is desired to ensure that a full array of issues can be addressed.

To date, there are a total of fifteen wild, scenic or recreational river area advisory councils established within ODNR. A list of these rivers is attached to my testimony.

Each council is composed of up to ten members who are representative of local government and local organizations and interests in the vicinity of the wild, scenic, or recreational river area. The chief of ODNR's Division of Parks and Watercraft (which we are in the process of changing over to the Division of Natural Areas and Preserves), or the chief's representative shall serve as an ex officio member of each council. Members are appointed by the Director of ODNR for a term no longer than three years and shall serve without compensation.

The Scenic River Advisory Councils serve as valuable grassroots organizations, volunteering their time and knowledge to the conservation of these extremely high-quality river resources. Advisory council members are keenly aware of conservation issues and are often eager to serve on the advisory council. In effect, these councils act as unpaid members of the scenic river staff providing local knowledge about the rivers, expertise in many areas and extra eyes and ears that can assist in the protection of river resources far better than what the Scenic River Manager can accomplish alone.

The local scenic river advisory council provides these communities with a valuable link to the Department of Natural Resources through which they can express their concerns regarding the protection of these unique river resources. ODNR recommends that the Sunset Review Committee retain all 15 existing Scenic River Advisory Councils for the continued benefit of protecting these valuable river resources.

### **WILDLIFE COUNCIL:**

The Wildlife Council's originated in 1863 and has stood virtually unchanged since 1963. The council serves the purpose of approving any rule proposed by the Division of Wildlife relating to the establishment of seasons, bag limits, size, species, method of taking, and possession of wildlife. The council is also tasked with advising on planning, development, and institution of Division programs and policies.

Eight total members, appointed by the Governor, serve on the council for four-year terms. No more than four members may be of the same political party and two of the members must be engaged in farming activities as their principle means of support. By law, members receive no compensation for their work on the council but may be reimbursed.

One staff member from ODNR's Division of Wildlife serves as a facilitator to the council. This staff member schedules upcoming meetings for the council, takes minutes, and assists with processing reimbursements. They are not compensated for their work on the council, as their primary role is to assist the Chief of the Division of Wildlife. They work on tasks related to the council when their regular duties permit.

All council meetings are open to the public, and approval or disapproval of any proposed rules cannot be made without exhausting the required fifteen-day public comment period. Although the council is only statutorily required to meet once per quarter, the members meet more frequently during the spring and fall to better prepare for rule processes to accommodate the setting of seasons and bag limits. The members meet eight times throughout the year.

The Wildlife Council is a valuable tool to the Division of Wildlife in its efforts to protect, preserve, promote, and responsibly manage Ohio's wild animals. For that reason, ODNR recommends that the Wildlife Council be renewed by the Sunset Review Committee.

In conclusion, I thank the Chairman and members of the Sunset Review Committee for the opportunity to testify. I am happy to answer question you may have.