



House Bill 1531

Eliminating local regulation of natural resource development

HB 1531 (Rep. Ellington, R-Bloomington), prohibits county, city or town governments from regulating timber harvesting or mineral extraction on private property. Local ordinances that regulate natural resource development are part of zoning regulations. This bill would preempt local control.

Why is HB 1531 a bad idea?

Local government may be the only source of protection available.

Local oversight is the only form of regulation available to protect streams, lakes, and neighboring landowners from the harmful impacts of poor logging practices – such as logging or road building on steep slopes or other violations of best forestry practices. This is particularly important in communities with valuable water resources (e.g. Lake Monroe, Wabash River, northeast Indiana’s freshwater lakes) that are surrounded by private woodlands that may be harvested or cleared for land development.

Indiana’s lakes and streams would be at greater risk from pollution.

HB 1531 limits local government authority statewide, but its origins are in Monroe County, Tippecanoe County, and Warrick County/Boonville, where local zoning oversight is under challenge.

Lake Monroe, located south of Bloomington, serves as a **drinking water supply for 145,000 people** including the population of Bloomington. Sediment and nutrients that flow into the lake from upstream lands or due to disturbance on or near the shoreline can lower water quality, harm aquatic life including the lake’s valuable sport fishery, and contribute to algal blooms that make the lake undesirable for swimming or watersports. Poor logging practices and unregulated mining activities can increase the sediment levels discharged to the lake. Indiana’s lakes and rivers are a tourism and outdoor recreation powerhouse. For example, Lake Monroe is a highly valuable economic and tourism resource: about **1 million people** visit the lake’s recreation areas each year. In northern Indiana’s Kosciusko County, the area’s lakes produce \$313 million in annual economic value.

In Tippecanoe County, a quarry has been proposed for the Wabash River floodplain, a location which local officials and residents believe may threaten this beloved Indiana river.



Left: Steep slope clearcut area at Lake Monroe – to waterline

Right: Logging near Lake Lemon without use of erosion control measures

The state of Indiana has chosen not to regulate timber harvesting or certain mining activities on private land.

The Indiana DNR does not govern forestry practices on private land. Instead, the agency promotes the use of voluntary best management practices but there is no penalty if a logging company ignores them. What's more, normal forestry activities are exempt from federal regulation under Section 404 of the Clean Water Act, as well as exempt from the Indiana Department of Environmental Management's Rule 5 which seeks to control erosion from construction sites. As a result, local ordinances that enforce forestry best management practices are the only protection from logging-caused erosion for most of our lakes and rivers.

For mineral extraction, the state of Indiana regulates oil and gas extraction, coal mining, and mining of sand and gravel from navigable streams (but not on adjoining floodplains). Local regulation of mineral extraction may be necessary to provide additional protection for public health and welfare, or in the case of limestone or sand and gravel mining, local regulation is the only regulation. In Monroe County, the local ordinance designates certain mineral extraction zones which provide certainty to mining companies (mainly limestone quarries) on where mining is allowed.

National Flood Insurance Program requires communities to protect floodplains from mining impacts

The language of HB 1531 also puts Indiana communities at risk of losing coverage under the National Flood Insurance Program. To maintain federally-subsidized insurance coverage under this program, participating communities must include regulation of mining activities in their local floodplain protection ordinance. Yet the bill language prohibits regulation of logging or mining in floodplains.

**For more information contact the Hoosier Environmental Council
Tim Maloney, tmaloney@hecweb.org**

January 2019