
DEPARTMENT OF NATURAL RESOURCES

Division of Wildlife

- Eliminates the nonresident Lake Erie Sport Fishing District permit.
- Reduces, from \$11.50 to \$11.00, the fees for a senior deer permit and senior wild turkey permit, available to Ohio residents 66 and older.
- Removes superfluous definitions of “resident” and “nonresident” in the law governing deer and wild turkey permits.
- Removes the \$500,000 cap on annual expenditures from the Wildlife Boater Angler Fund that the Division of Wildlife may make to pay for equipment and personnel costs associated with boating access improvements.
- Alters the requirements for a veteran to receive free fishing and hunting licenses and permits, which administratively benefits the Ohio Department of Veterans Services, but will not affect the number or status of eligible veterans who may receive the benefit.

Division of Mineral Resources Management

Performance security for coal mining operations

- Requires a coal mining and reclamation permittee to submit full performance security instead of using partial security and money from the existing Reclamation Forfeiture Fund for purposes of land reclamation if:
 - Ownership and operational control of the permittee has been transferred, assigned, or sold; and
 - The transferee has not held a mining permit in Ohio for at least five years.
- Specifies that this restriction applies even if the status and name of the permittee otherwise remain the same.

Deputy mine inspectors eligibility requirements

- Allows an applicant for the position of deputy mine inspector of underground coal mines or underground noncoal mines to have experience in any underground mine located anywhere as long as the total experience equals six years.
- Allows an applicant for the position of deputy mine inspector of surface mines to have experience in surface mines located anywhere as long as the total experience equals six years.

Reciprocity for mine personnel

- Authorizes the Chief of the Division of Mineral Resources Management to issue a certificate to work as a mine foreperson, foreperson, or mine electrician to an out-of-state applicant if:

- The applicant holds a valid certification or other authorization from a state with which the Department of Natural Resources has a reciprocal agreement; and
- The applicant passes an examination on Ohio mining law or other topics determined by the Chief.
- Allows an out-of-state mine foreperson, foreperson, or mine electrician (working under a reciprocal agreement) who has been issued a temporary certificate to act as a foreperson or mine electrician in Ohio prior to the provision's effective date to continue to work under that temporary certificate until it expires.

Division of Oil and Gas Resources Management

Oil and gas well plugging

- Authorizes the holder of a valid well drilling permit to obtain approval from the Division of Oil and Gas Resources Management to plug that well without obtaining a permit to plug and abandon it if an oil and gas inspector approves it and either of the following apply:
 - The well was drilled to total depth and the well cannot or will not be completed; or
 - The well is a lost hole or a dry hole.
- Requires the plugging of a well drilled to total depth that cannot or will not be completed to be completed within 30 days of the inspector's approval.
- Requires the plugging of a lost hole or dry hole to be completed immediately after determining that the well is a lost hole or dry hole in accordance with rules.
- Clarifies that the Chief of the Division may plug and abandon wells without a permit to do so.
- Specifies that the \$250 application fee for a permit to plug and abandon it is nonrefundable and applies even if oil or gas has not been produced from the well.
- Requires any person undertaking plugging, other than a well owner already required to maintain an insurance policy under current law, to obtain \$1 million in bodily injury and property damage insurance coverage (or \$3 million if the well is in an urbanized area).
- Requires a person to electronically submit proof of that insurance to the Chief on the Chief's request.

Defective well casing and plugging requirements

- Prohibits any person (rather than only the owner of a well, as in current law) from constructing a well that causes damage to other permeable strata, underground sources of drinking water, or the surface of the land or that threatens the public health and safety or the environment.
- Prohibits any person or an owner of a well from operating a well in a way that causes the damage specified above or threatens the public health and safety or the environment.

- Retains current law prohibiting the owner of a well from allowing defective casing in a well to leak fluid or gases, but eliminates the requirement that the leak must:
 - Cause the damages specified above; or
 - Threaten the public health and safety or the environment.
- Requires either a person who constructed a well or the owner of that well to notify the Chief of well or casing defects within 24 hours of discovering the defect, rather than only requiring the owner of the well to do so, as in current law.
- Requires either the person who constructed that well or the owner of that well to immediately repair any defects or to plug it, rather than only requiring the owner of the well to do so, as in current law.
- Requires the Chief to issue a plugging order to either the person that constructed the well or the owner of the well when the Chief determines the well should be plugged, rather than only requiring the owner of the well to do so, as in current law.

Division of Water Resources

- Revises the amount of the surety bond that an applicant for a dam or levee construction permit must obtain and bases the amount on the estimated costs of construction.
- Authorizes the Chief of the Division of Water Resources to reduce the required surety amount for specified reasons.
- Authorizes the Chief to assess a civil penalty of up to \$5,000 per day for each day of each violation of the laws governing dams and levees and water diversions and withdrawals or any term or condition of a permit issued under them.
- Disburses money derived from costs and civil penalties to either the Dam Safety Fund or the Water Management Fund, depending on whether violations are committed under the law governing dam safety or the law governing water diversions and withdrawals.
- Requires criminal fines collected from violators of laws governing water well constructions logs and water diversions and withdrawals to be credited to the Water Management Fund, rather than the Dam Safety Fund as under current law.

Division of Parks and Watercraft

- Prohibits a person from operating a watercraft in Ohio if it displays an identification number or registration decal that: (1) is fictitious, (2) is counterfeit or an unlawfully made copy, or (3) belongs to another watercraft.
- Increases the damage threshold that triggers a required watercraft accident report from \$500 to \$1,000.

Division of Forestry

Forestry projects on federal land

- Allows the Chief of the Division of Forestry to enter into agreements with the federal government for forest management projects, including timber sales, pursuant to federal law.
- Allows the Chief to sell timber and other forest products from federal lands in accordance with the terms of an agreement with the federal government.
- Requires the Chief to deposit money received from timber sales from federal lands into the existing State Forest Fund.
- Allows the money derived from those timber sales to be used for forest management projects associated with federal lands.

Wildfire reimbursement to firefighting agencies

- Allows the Director of Natural Resources to reimburse firefighting agencies and private fire companies for costs associated with certain fire assistance activities if those costs are eligible in accordance with an agreement between the Division and the federal government.

State employees aid in out-of-state wildfires

- Specifies that all state employees whom the Chief sends to another state to assist with forest fires are eligible for regular employment benefits and are immune from civil liability when performing duties within the scope of employment.

Division of Geological Survey

- Eliminates the Ohio Geology license plate (which is not currently issued by the BMV).
- Correspondingly, eliminates the \$15 contribution for each license plate, which is deposited in the Geological Mapping Fund and must be used to award grants to graduate-level educational institutions for geology-related research activities and providing geology kits to primary and secondary schools.
- Instead, allows the Chief of the Division of Geological Survey to spend any money deposited in the Geological Mapping Fund (not just money from license plate proceeds) for the grants and kits.
- Adds to the purposes for which money in the fund may be used by allowing the Chief to issue grants to collegiate geology departments for undergraduate geological research.

Division of Wildlife

Lake Erie Sport Fishing District permit

(R.C. 1533.38, repealed; conforming changes in R.C. 1531.01, 1533.01, and 1533.101)

The bill eliminates the Lake Erie Sport Fishing District permit that:

1. The Division of Wildlife issues to non-Ohio residents to fish in Lake Erie, its embayments, and other specified areas connected to Lake Erie; and
2. Allows permittees to fish in the District between January and April.

Currently, each applicant must pay a \$10 annual fee for the permit, which is deposited into the Wildlife Fund. A nonresident who wishes to fish in the district must obtain this permit in addition to the nonresident annual fishing license. Thus, under the bill, a nonresident need obtain only a nonresident fishing license to fish in the District.

Senior deer and wild turkey fees

(R.C. 1533.11)

The bill reduces, from \$11.50 to \$11.00, the fees for a senior deer permit and senior wild turkey permit, available to Ohio residents 66 and older.

It also removes superfluous definitions of “resident” and “nonresident” in the law governing deer and wild turkey permits (those definitions already exist in R.C. 1531.01 and 1533.01 and apply to the laws governing hunting and fishing).

Wildlife Boater Angler Fund

(R.C. 1531.35)

The bill removes the \$500,000 cap on annual expenditures from the Wildlife Boater Angler Fund that the Division of Wildlife may make for equipment and personnel costs associated with boating access improvements. Under current law, the fund generally consists of money derived from a portion of the motor fuel excise tax. Money in the fund is used primarily for the acquisition, development, and maintenance of boating access areas.

Veterans fishing and hunting benefits

(R.C. 1533.12)

The bill alters the requirements for a veteran to receive free fishing and hunting licenses and permits. Specifically, it allows an honorably discharged Ohio resident who is entitled to benefits under the Dependent’s Education Assistance Program administered by the U.S. Department of Veterans Affairs to receive free fishing and hunting licenses and permits. Current law, instead, allows an honorably discharged Ohio resident who receives a pension or compensation from the Veterans Administration (VA) and who has a disability that has been determined by the VA to be permanently and totally disabling to receive those benefits.

According to the Department of Natural Resources (ODNR), this change does not affect the number or status of eligible veterans who may receive this benefit, but it will make the process of approving veterans who are eligible for free hunting and fishing licenses and permits

easier. Under the current method, the Ohio Department of Veterans Services reviews eligibility for these benefits every five years to make sure the veteran receives a pension or compensation from the VA. Under the new method, the Department will determine whether the veteran is entitled to benefits under the Education Assistance Program, which is a lifetime membership in the program. A veteran must be totally and permanently disabled to qualify for the program. Therefore, instead of reviewing a veteran's eligibility for free hunting and fishing licenses and permits every five years, the Department only needs to approve the veteran once.

Division of Mineral Resources Management

Performance security for coal mining operations

(R.C. 1513.08)

Current law requires a coal mining and reclamation permit applicant to provide their own performance security in a specified amount or a combination of their own performance security and reliance on the Reclamation Forfeiture Fund. If the applicant relies partly on the fund, it must pay an additional coal severance tax, which is credited to the fund. The performance security options are available to any coal mining and reclamation permittee, no matter how long the permittee has held a permit.

The bill requires a coal mining and reclamation permittee to submit full performance security instead of using partial security and money from the Reclamation Forfeiture Fund for purposes of land reclamation if:

1. Ownership and operational control of the permittee has been transferred, assigned, or sold; and
2. The transferee has not held a mining permit in Ohio for at least five years.

It also specifies that this restriction applies even if the status and name of the permittee otherwise remain the same.

Deputy mine inspector eligibility requirements

(R.C. 1561.12)

Current law requires an applicant for the position of deputy mine inspector of underground mines with the Division of Mineral Resources Management to have six years practical experience, at least two of which must have been in underground mines in Ohio. In the case of an applicant who would inspect coal mines, the two years must be in coal mines in Ohio. The bill does the following:

1. Eliminates the requirement that two of the six years of experience be in Ohio underground coal mines for an underground coal mine inspector;
2. Eliminates the requirement that two of the six years of experience be in Ohio underground noncoal mines for an underground noncoal mine inspector; and
3. Allows the experience for either type of inspector to be in *any* underground mine, rather than in specific mining operations as under current law.

Thus, the applicant can have experience in any underground mine located anywhere as long as the total experience equals six years.

Regarding the six years of work experience required for the position of deputy mine inspector of surface mines, the bill eliminates the requirement that two of the six years be in Ohio surface mines. Thus, the applicant can have experience in surface mines located anywhere as long as the total experience equals six years.

Reciprocity for mine personnel

(R.C. 1561.23)

The bill authorizes the Chief of the Division of Mineral Resources Management to issue a certificate to work as a mine foreperson, foreperson, or mine electrician to an out-of-state applicant if:

1. The applicant holds a valid certification or other authorization from a state with which ODNR has a reciprocal agreement for the certification or authorization; and
2. The applicant passes an examination on Ohio mining law or other topics determined by the Chief.

Under continuing law, a mine foreperson is the person whom the operator or superintendent of a mine places in charge of the mine. A foreperson assists the mine foreperson in the immediate supervision of a mine.

The bill also allows an out-of-state mine foreperson, foreperson, or mine electrician (working under a reciprocal agreement) who has been issued a temporary certificate to act as a mine foreperson, foreperson, or mine electrician in Ohio prior to the bill's effective date to continue to work under that temporary certificate. The person may continue to operate under the temporary certificate until it expires or the Chief suspends or revokes it.

Current law allows an out-of-state mine foreperson, foreperson, and mine electrician who holds a valid certificate or other authorization for the position to work under a temporary certificate in an emergency. To be eligible for a temporary certificate, the foreperson or electrician must give the Chief a copy of the certificate or other authorization from their home state. A temporary certificate is valid for six months.

Division of Oil and Gas Resources Management

Oil and gas well plugging

(R.C. 1509.13)

The bill authorizes the holder of a valid permit to drill a well to obtain approval from the Division of Oil and Gas Resources Management to plug that well without obtaining a permit to plug and abandon it, if an oil and gas inspector approves it and one of the following apply:

1. The well was drilled to total depth and the well cannot or will not be completed; or
2. The well is a lost hole or a dry hole.

The bill requires the permit holder plugging a well that was drilled to a total depth and that cannot or will not be completed to do so within 30 days of the inspector's approval. A permit

holder plugging a lost hole or dry hole must do so immediately after determining that the well is a lost hole or dry hole in accordance with rules. The bill clarifies that the Chief of the Division need not obtain a permit to plug and abandon or follow these procedures in order to plug and abandon a well.

Under current law, a person is generally required to obtain a permit to plug and abandon a well. But a well owner with a valid permit to drill the well may do so without a permit to plug and abandon it if an inspector approves the plugging so that it can be completed without undue delay. Current law does not impose the conditions or the timeframe for plugging specified by the bill. The bill eliminates this process for plugging and abandoning a well without a permit.

The bill specifies that the \$250 application fee for a permit to plug and abandon is nonrefundable and applies even if oil or gas has not been produced from the well. Under current law, an applicant generally must pay this application fee only if the well has produced oil or gas.

Finally, the bill requires any person undertaking plugging a well under a permit to obtain \$1 million in bodily injury and property damage insurance coverage (\$3 million if the well is located in an urbanized area), including for damages caused by the plugging of the well. The person must submit proof of insurance electronically to the Chief on the Chief's request. The bill specifies that a well owner already required to obtain an insurance policy for purposes of a well drilling permit does not need to obtain insurance under this requirement.

Defective well casing and plugging requirements

(R.C. 1509.12)

The bill prohibits any person from constructing a well that causes damage to other permeable strata, underground sources of drinking water, or the surface of the land or that threatens the public health and safety or the environment. It also prohibits any person or an owner of a well from *operating* a well in a way that causes those damages or threatens the public health and safety or the environment. Current law prohibits only the owner of a well from constructing a well in this manner and does not specifically prohibit those damages or threats to the public health and safety or the environment caused by well operation.

The bill retains current law that prohibits the owner of a well from allowing defective casing in a well to leak fluid or gases, but it eliminates the requirement that the leak must:

1. Cause the damages specified above; or
2. Threaten the public health and safety or the environment.

Under the bill, either a person who constructed a well or the owner of that well must notify the Chief of well or casing defects within 24 hours of discovering the defect. Further, either the person who constructed the well or the owner of the well must correct the defects or plug the well. Current law requires the notification and corrective action to be completed solely by the owner of the well.

When the Chief finds that a well should be plugged, the bill requires the Chief to order either the person who constructed the well or its owner to plug it. The bill prohibits any person from failing to comply with that order. Under current law, the Chief can only issue the order to the owner.

Division of Water Resources

Dams and levees enforcement

(R.C. 1521.06, 1521.061, and 1521.40)

The Division of Water Resources regulates dams and levees, water well logs, and water diversions and withdrawals from state waters. The bill alters the law governing these topics by doing both of the following:

1. Revising the application and financial responsibility requirements for dam or levee construction permits; and
2. Revising the Division Chief’s enforcement authority, including authorizing the Chief to assess civil penalties for specified violations.

The table below discusses each of these changes in more detail by comparing the changes made by the bill to current law requirements.

Current law	H.B. 110
Financial responsibility – initial	
<p>Requires an applicant for a dam or levee construction permit to file a surety bond equal to 50% of the estimated construction project costs.</p> <p>No provision.</p>	<p>Instead, generally requires an applicant to submit a surety bond equal to:</p> <ol style="list-style-type: none"> 1. \$50,000 for the first \$500,000 of the estimated cost of the project; plus 2. 25% of the estimated cost for the next \$4.5 million; plus 3. 10% of the estimated cost that exceeds \$5 million. <p>Authorizes the Chief to reduce the above amount to the cost estimate for construction activities that would be necessary to render the dam nonhazardous if the estimate is provided by the applicant and approved by the Chief.</p>
Civil penalties	
<p>No provision.</p>	<p>Authorizes the Chief to assess (and the Attorney General to recover) a civil penalty of up to \$5,000 per day for each day of violation of the laws governing dams and levees and water diversions and withdrawals, any rule adopted or issued under those laws, or any term or condition of a permit issued under those laws.</p>

Current law	H.B. 110
Civil penalties – disbursement	
No provision.	<p>Requires civil penalties recovered by the Attorney General to be disbursed to the following funds:</p> <ol style="list-style-type: none"> 1. For violations of the law governing dams and levees, the Dam Safety Fund. (The Chief uses the fund to administer that Dam Safety Law.) 2. For violations of the law governing water diversions and withdrawals, the Water Management Fund. (The Chief uses the fund to make loans and grants to governmental agencies for water management, water supply improvements, and planning.)
Recovery of costs incurred by the Division – disbursement	
Requires money recovered by the Attorney General, for costs incurred by the Division in investigating, mitigating, or removing a violation of <i>any</i> law enforced by the Division, to be credited to the Water Management Fund.	<p>Instead, requires money recovered by the Attorney General for costs to be disbursed to the following funds:</p> <ol style="list-style-type: none"> 1. For a violation of the law governing dams and levees, the Dam Safety Fund; 2. For a violation of the law governing water diversions and withdrawals, the Water Management Fund.
Criminal fine – disbursement	
Requires all criminal fines collected from violators of the laws governing dams and levees, water well construction logs, and water diversions and withdrawals to be credited to the Dam Safety Fund.	<p>Instead, requires criminal fines collected under those laws to be credited as follows:</p> <ol style="list-style-type: none"> 1. For fines collected for violations of the laws governing water well construction logs and water diversions and withdrawals, the Water Management Fund; 2. For fines collected for violations of the law governing dams and levees, the Dam Safety Fund.

Division of Parks and Watercraft

Fraudulent watercraft identification

(R.C. 1547.533; 1547.99, not in the bill)

The bill prohibits a person from operating a watercraft in Ohio if it displays an identification number or registration decal that:

1. Is fictitious;
2. Is counterfeit or an unlawfully made copy; or
3. Belongs to another watercraft.

A person who violates this prohibition is guilty of a minor misdemeanor.

Boat accident reporting threshold

(R.C. 1547.59)

The bill increases the damage threshold that triggers a required watercraft accident report from \$500 to \$1,000. Under current law, a watercraft operator must submit the report to the Chief of the Division of Parks and Watercraft after an accident, collision, or other casualty involving a vessel that results in one of the following:

1. Loss of life;
2. Personal injury requiring medical treatment beyond first aid;
3. Damage to property (in excess of \$500 currently and in excess of \$1,000 under the bill);

or

4. Total loss of a vessel.

Division of Forestry

Forestry projects on federal land

(R.C. 1503.05 and 1503.271)

The bill allows the Chief of the Division of Forestry to enter into agreements with the federal government for forest management projects, including timber sales, pursuant to specified federal laws. One such federal law authorizes the U.S. Secretary of Agriculture to enter into “good neighbor agreements.” A good neighbor agreement is a cooperative agreement or contract entered into between the Secretary and a state to carry out forest, rangeland, and watershed restoration.

The bill allows the Chief to sell timber and other forest products from federal lands in accordance with the terms of an agreement with the federal government. Currently, the Chief may sell timber and forest products from state forests and state forest nurseries. The Chief must deposit money received from timber sales from federal lands into the existing State Forest Fund.

In addition to fund uses allowed under current law, the bill allows money derived from the timber sales from federal lands to be used for forest management projects associated with those lands.

Wildfire reimbursement to firefighting agencies

(R.C. 1503.141)

The bill allows the ODNR Director to reimburse firefighting agencies and private fire companies for costs associated with wildfire suppression, prescribed fire assistance, or emergency response support to federal agencies. However, the Director may provide the reimbursement only if those costs are eligible in accordance with an agreement between the Division and the federal government.

Under current law, the Director may annually designate up to \$200,000 in the State Forest Fund for wildfire suppression payments and reimbursement to firefighting agencies and private fire companies for their costs incurred in wildfire suppression. The payments must be made in specified amounts from money in the fund derived from the sale of standing timber taken from state forest lands. The bill allows money for the new reimbursement authorization to support federal agencies to be drawn from the \$200,000 allocation.

State employees aid in out-of-state wildfires

(R.C. 1503.33)

The bill specifies that all state employees whom the Chief sends to another state to assist with forest fires are eligible for regular employment benefits (i.e., compensation, pension, indemnity fund rights, and workers' compensation). Additionally, they are immune from civil liability when performing duties within the scope of employment.

Under current law, only Division employees are eligible for those benefits and immunity.

Division of Geological Survey

Elimination of Ohio Geology license plate

(R.C. 4503.515, repealed and 1505.09)

The bill eliminates the Ohio Geology license plate (which is not currently issued by the BMV). Correspondingly, it eliminates the \$15 contribution for each license plate, which is deposited in the Geological Mapping Fund and must be used for the following purposes:

1. Allowing the ODNR Director to award grants at least annually to geology departments at state colleges and universities for graduate level research conducted at locations of geological interest in the state; and
2. Providing materials such as rock and mineral kits to state elementary and secondary schools to assist students in the study of geology.

The bill allows the Chief of the Division of Geological Survey to expend *any* money deposited in the Geological Mapping Fund (not just money from license plate proceeds) for the above two purposes. Additionally, it adds to those purposes by allowing the Chief to use fund money for grants to collegiate geology departments for undergraduate geological research.

Currently, mineral severance tax money and any fees collected by the Division for geological record archives and other geological purposes are also deposited in the fund. In addition to the purposes specified above, the fund may be used to perform certain tasks related to geology, geological hazards, and energy and mineral resources, and for funding the Oil and Gas Commission.