

## Testimony on the Wetlands Bill SB 389

Chairman Messmer and members of the committee, thank you for the opportunity to speak. My name is Indra Frank and serve as the Director of Environmental Health and Water Policy for the Hoosier Environmental Council.

Prior to European settlement, the Department of Natural Resources (DNR) estimates that 24% of Indiana was covered in wetlands. In the 1800's, Indiana's wetlands were drained to make way for farms and towns. A DNR report from 1991 estimated that Indiana had lost 85% of its original wetlands<sup>1</sup>.

Wetlands play a crucial roles in the landscape and we cannot afford to lose any more. First, wetlands filter and purify water. A federal government factsheet on the economic benefit of wetlands gives the following example of the value of water purification by wetlands: "the Congaree Bottomland Hardwood Swamp in South Carolina removes a quantity of pollutants from the watershed equivalent to that which would be removed by a \$5 million treatment plant." So wetlands can play a valuable role in water purification.

The second major function of wetlands is that they can absorb excess water when there are storms, so they reduce the risk of flooding downstream. To quote federal government research again.: "An acre of wetland can store 1 – 1.5 million gallons of floodwater." While the water is stored in a wetland, some of it soaks in and recharges the groundwater. All in all, wetlands are the most cost effective stormwater management infrastructure there is.

Indiana needs the stormwater management that wetlands provide more than ever. Purdue scientists report that our state now receives an average of 5.6 more inches of precipitation per year than it did in the 1890's when data were first being collected. The scientists have also estimated that Indiana is on track to see further increases of 6 to 8% in annual precipitation over the next two to three decades.

Along with water purification and flood storage, wetlands also serve as critically important habitat for many species. one-third of threatened and endangered species live in wetlands. Since wetlands provide habitat for wildlife, they contribute to the recreation sector of the economy. For example, Wetlands are part of the life cycle for 90% of recreationally caught fish. A report from the US Fish and Wildlife service found that birdwatchers spent \$10 billion on trips and \$29 billion on equipment in a single year, and half of North American birds rely on wetlands for nesting or feeding.

Recognition of the importance of wetlands led to their protection under the Clean Water Act in the 1970s. Some of Indiana's wetlands are federally protected under the Clean Water Act. The definition of Waters of the US determines which waters are federally protected. The rest are under the jurisdiction of the states.

In 2003, the Indiana General Assembly passed the Indiana Isolated Wetlands Law to cover many of the wetlands in the state that were not federally protected.

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<sup>1</sup> <https://www.in.gov/idem/wetlands/2334.htm>; <https://www.in.gov/idem/wetlands/2334.htm>

Last year, the Trump Administration changed the definition of Waters of the US and that reduced the number of federally protected wetlands. As a result, the proportion of wetlands covered by the Indiana Isolated Wetlands Law increased.

Indiana's Isolated Wetland Law has many exemptions, so it does not protect all of the non-federal wetlands. It specifically exempts farming<sup>2</sup>. Permits are only required for activities that will disturb more than one quarter or one half acre depending on the type of wetland. The Isolated Wetland Law also has a long list of what it calls "exempt isolated wetlands" that includes "an isolated wetland that exists as an incidental feature in or on a residential lawn, landscaped area, or agricultural land"<sup>3</sup>. So an incidental wet spot on landscaping or in a farm field is exempt.

SB 389 would entirely repeal Indiana's Isolated Wetlands Law. If this bill passes, it is certain that the state will lose wetlands. There would still be protection for the federally regulated wetlands, but the wetlands that are delegated to the state's care would be stripped of all protection.

Many of the repercussions of SB 389 are uncertain. We don't have a solid estimate of the number of acres covered by the Isolated Wetlands Law, so we don't know for certain how many acres of wetlands would be in jeopardy. We know that wetlands absorb excess stormwater, but we don't know how much additional flooding will result from the loss of this law or where that flooding will be. We know that wetlands recharge groundwater, but we don't know how much groundwater recharge we will lose if this passes or where that loss will be. We don't know how wildlife and fish populations will be affected.

This bill has raised a plethora of issues, as reflected by the number of people who signed up to testify or sent in written testimony and by the many questions from the committee during testimony. It would be better to sort through these issues more thoroughly and working on solutions rather than throwing out the entire wetlands law. Passing SB 389 and eliminating the wetlands law may make life easier for developers, but it will create heavy costs for the rest of society and for the other species with whom we share this land. Eliminating the wetlands law rather than sorting through the issues and looking for solutions that maintain some protection for state wetlands is like throwing the baby out with the bathwater.

On behalf of more than 14,000 Hoosiers who support the Hoosier environmental council, I urge you not to repeal the Indiana Isolated Wetlands Law but to send the issue of wetland protection and permitting to summer study committee where all the details can be hashed out.

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<sup>2</sup> IC 13-18-22-1(b)(3)

<sup>3</sup> IC 13-11-2-74.5