September 23, 2022

Via Email: Kathleen.blackham@indy.gov

RE: Comments of the Hoosier Environmental Council on the Proposed Request to Rezone 208.24 acres to Provide for a Commercial and Industrial Development, Case No. 2022-ZON-060

Dear Ms. Blackham,

On behalf of the Hoosier Environmental Council (HEC), I am submitting comments regarding the request to rezone 208.24 acres to provide for a large commercial and industrial development in Marion County (referred to as the “Petition”). HEC’s concerns with the Petition are outlined below. HEC appreciates the opportunity to comment on this rezoning proposal.

The development is located within the White River watershed, a core focus of HEC’s environmental protection efforts

Founded in 1983 as an Indiana not-for-profit organization, the Hoosier Environmental Council works for a healthy environment and sustainable economy for our state. HEC is part of a coalition of organizations in central Indiana, funded by the Nina Mason Pulliam Charitable Grant,¹ that are working together to protect the White River watershed. Part of this work includes getting involved during the planning process to advocate for the responsible development of wetlands, woodlands, and streams—all collectively part of the watershed. The proposed development is in the White River watershed—approximately 800 feet away from Pleasant Run Creek, a tributary to the White River. The Petition will result in impacts to the wetlands and woodlands on site, and therefore, is of interest to HEC.

The destruction of wetlands and woodlands violates principles of the I-65/County Line Road Strategic Plan

The I-65/County Line Road Strategic Plan (referred to as the “Plan”) is the primary planning document that guides development of the 208.24 acres that are the subject of the Petition. Specifically, the Plan encompasses a study area east and west of I-65, between Stop 11 and County Line Road.² One of the overarching development principles in the Plan is to “sensitively incorporate the natural assets of the area into development,” which includes woodlands and wetlands.³ The Plan also advises that “environmental characteristics of the land

¹ Environmental Initiatives, Nina Mason Pulliam Charitable Trust.
² I-65/County Line Road Strategic Plan.
³ Page 15, I-65/County Line Road Strategic Plan.
should have a modifying effect on the primary land use,” meaning that the primary land use should change and be adaptable to the environmental characteristics of the land. The Plan further states that “careful attention should be given to [natural woodlands and wetlands] so that [they are] conserved.”

At issue are the natural wetlands and woodlands (“natural areas”) located on the development site. There are four National Wetland Inventory (“NWI”) mapped wetlands, one non-mapped agricultural wetland, and multiple forested areas located on the development site, totaling around 50 acres. According to the developer’s Conceptual Site Plan, these natural areas are not incorporated into the layout, contrary to the principles of the I-65/County Line Road Strategic Plan. HEC urges the Metropolitan Development Commission (MDC) to sensitively incorporate the natural areas so that they are conserved, as further detailed below.

The impacted woodlands support a wide variety of wildlife and contribute to a healthy watershed

The Plan recognizes that “notable woodlands dot the study area,” and that “older woodlands tend to be more biodiverse and more important as habitat.” In the last three decades, several notable woodlands within the study area have been cut down. This includes a “significant wooded wetland” identified by the Plan as a potential candidate for conservation. The continued loss of these woodlands within the study area has not been consistent with the Plan’s recommendations. Further, the development site contains some of the last remaining woodlands in the entire study area—all of which are at least twenty years old.

As forested habitats decline, wildlife that inhabited them seek out new spaces for shelter and food. Discussions with residents has revealed that a variety of wildlife species frequent the development area. Sandhill cranes, bald eagles, great horned owls, red-tailed hawks, herons, foxes, deer, coyotes, bats, shrews, snakes, and tree frogs are among some of the species that are routinely observed and enjoyed by residents. Developing over the woodlands threatens the wildlife habitat of these species.

Not only do woodlands provide wildlife habitat, they’re also a necessary component of a healthy, functional watershed. Trees help to trap and filter harmful pollutants and reduce the amount of stormwater runoff. Stormwater runoff and pollution are costly environmental problems, and trees provide one of the best ways to combat these negative effects. Given that the study area has already lost several notable woodlands, it seems even more imperative that any remaining woodlands are protected, consistent with the overarching goals of the Plan. For these reasons, HEC strongly urges the MDC to protect these woodlands from development.

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4 Page 16, I-65/County Line Road Strategic Plan.
5 Natural Areas Map, Exhibit 1.
6 NWI Wetlands Map, Exhibit 2.
7 Land use change from 1992 to 2021, Exhibit 3.
8 Page 11, I-65/County Line Road Strategic Plan.
9 Data obtained from photographs from Historical Aerials by NETR Online, [https://www.historicaerials.com/](https://www.historicaerials.com/).
Detention basins are not a substitute for natural wetlands

Indiana has lost over 85 percent of its original wetlands since the 1800s, largely due to the negative perception of wetlands at the time. Developers often saw wetlands as barriers to economic growth, and as a result, many of them were drained. Over the years, attitudes have shifted, and numerous studies now show that wetlands provide valuable ecosystem services that can contribute to economic growth.

All wetlands found on site are mapped as “historic” wetlands, aside from the agricultural wetland. Historic wetland data provides information about past wetland location and extent and can be a useful tool in identifying suitable areas for wetland reestablishment. Many historic, natural wetlands in Indiana had to be drained to make way for agriculture. Indeed, the Plan recognizes that this area struggles with drainage issues, largely due to the old clay tiling that inadequately drains the agricultural land. While the agricultural wetland is not mapped as an NWI wetland, the wetland can be observed frequently on aerial imagery for the past two decades.

Natural wetlands provide valuable ecosystem services. They mitigate floods, improve water quality, and maintain and boost biodiversity. When natural wetlands are converted to stormwater detention ponds, many of these services are lost. This is largely because detention basins are not designed to replace the ecosystem services that wetlands provide – they are implemented primarily as flood control measures. Detention basins create new, altered hydroperiods (the timing, duration, and extent of inundation) and encourage non-native, upland plant species—processes that result in poorer quality wetland ecosystems. Indeed, one study shows that stormwater ponds are poor mimics of natural wetlands, and observed notable differences in biodiversity, biotic integrity, hydrology, and chemistry of the two ecosystems.

Hoosiers want to see wetlands protected

Protecting wetlands is not only about the measurable scientific benefits, but also about community need. A recent poll indicates that the majority Hoosiers desire to see wetlands protected in Indiana. Other insights from the poll show that ninety-two percent of Hoosiers find the protection of wildlife habitat very important, and “Hoosiers believe protecting water habitats is more important than landowner and developer rights. By a near 4:1 margin, Hoosiers prioritize protecting water sources and habitats (52 percent) over protecting landowner and developer rights (14 percent).” Conversations with residents who will be impacted by the Petition has revealed that they too, value wetland protection.

10 NWI Historic Wetlands Map, Exhibit 4.
11 Historic Wetlands Data, USFWS.
12 Page 8, I-65/County Line Road Strategic Plan.
13 Land use change from 1992 to 2021, Exhibit 3.
14 Wetland Resources: Status, Trends, Ecosystem Services, and Restorability, Zedler and Kercher.
15 Replacing natural wetlands with stormwater management facilities: biophysical and perceived social values, Rooney et. al.
16 Replacing natural wetlands with stormwater management facilities: biophysical and perceived social values, Rooney et. al.
17 Indiana Poll Reveals Strong Bipartisan Support for Protecting Wetlands, Audubon Great Lakes.
Wetland mitigation has many barriers and is not always successful

The MDC is responsible for guiding development in Marion County, and the actions of the commission will have a direct impact on the fate of these wetlands. Should the wetlands not be protected at the local planning level, some of them will go on to be regulated by the Indiana Department of Environmental Management (IDEM). Others may be exempt, given the broad new exemptions that were created last year by the General Assembly’s passage of SEA 389. If they are exempt from IDEM regulation, then the MDC has the last opportunity to protect them. Even those that are subject to regulation would still be destroyed. The regulation simply requires that they be “mitigated”, meaning that replacement wetlands are constructed. It is generally accepted that mitigation wetlands are not a full replacement. It is difficult to construct a fully functional wetland and even if one does succeed, it takes years to reach full function.

The In-Lieu Fee (ILF) program creates credits to provide for wetland mitigation. This allows wetlands to be lost now, with the goal of mitigating them later. The ILF program is also relatively new and has not yet completed a mitigation project. Further, insights about the program from the Wetland Task Force meetings have illustrated that there is difficulty in finding places to mitigate wetlands in the Upper White River watershed.

The Pleasant Run-White River sub watershed is heavily urbanized and would benefit from wetland protection

The segment of Pleasant Run Creek that is located just north of the development site has experienced tremendous development pressure over the last two decades, with a large portion of the surrounding area being converted to urban land uses. According to the Upper White River Watershed Regional Watershed Assessment and Planning Report, nearly 82 percent of land located in the Pleasant Run-White River watershed is urbanized. Estimates from 2000 show that the Pleasant Run-White River watershed has the smallest percentage of wetlands (.06 percent) out of the 17 sub watersheds in the Upper White River basin, and that percentage of wetlands continued to shrink by 2008. The watershed assessment notes that wetlands are “virtually non-existent” in the Pleasant Run-White River watershed.

Considering Marion County and the Pleasant Run-White River sub watershed are some of the most heavily developed regions, the opportunity to find mitigation sites proves more difficult. This means that wetlands are being lost at a rate faster than they can be replaced, and there may not be adequate space for mitigation. For these reasons, HEC recommends that the MDC require the developer to incorporate the mapped wetlands, and the agricultural wetland, into the development.

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18 Success of Wetland Mitigation Projects, Kihslnger.
19 Land use change from 1992 to 2021, Exhibit 3.
20 For reference, the development site is in the Upper White River watershed, and within the Pleasant Run-White River sub-watershed.
22 Page 161, Upper White River Regional Plan.
Conclusion

HEC is not opposed to development and growth. Rather, we believe that incorporating the underlying natural assets into the development is more beneficial than developing over them. This view remains consistent with the county’s own planning recommendation, which is to sensitively incorporate the natural assets of the area into development.

The development site is in an area that has a need for high-quality woodlands and wetlands. Incorporating these natural areas into the development will improve water quality, preserve wildlife habitat, and create natural spaces for residents to enjoy. HEC imagines that the Petition could be vastly improved by protecting the wetlands and woodlands to the maximum extent possible, something many Hoosiers desire to see. For the reasons listed above, HEC opposes the Petition in its current form.

Thank you for your time and consideration of these comments.

Sincerely,

Susie McGovern

Susie McGovern
Senior Water Policy Associate
Hoosier Environmental Council