May 1, 2026

Via Email: WaterwaysComments@idem.IN.gov
IDEM, Office of Water Quality and Permits Branch

RE: Public Comments of the Hoosier Environmental Council on the Section 401 Water Quality Certificate for Phase III of the Project Zodiac Data Center, IDEM Permit Number WQC001454

Dear Project Manager,

Please accept these brief public comments on behalf of the Hoosier Environmental Council (HEC) regarding the Application for a Section 401 Water Quality Certificate (Application) submitted by Marc Stern of Hatchworks LLC (Applicant) to permanently impact 3,415 linear feet of Adams Ditch, temporarily impact 68 linear feet of Doctor Ditch, and convert a 0.84 acre forested wetland (Wetland 56) to a herbaceous wetland to construct an additional three buildings and associated infrastructure for Phase III of the Project Zodiac Data Center.

Overview of concerns:

The proposed data center campus exists on an environmentally significant site encompassing 858 acres, including 130 acres of bottomland forest, 37.31 acres of wetlands, and 10,540 linear feet of stream (lft). Unfortunately, despite having several environmental assessments done, including multiple wetland delineations, a bat habitat assessment, and a general environmental review from the Indiana Department of Natural Resources (DNR), this project evaded any meaningful mitigation and/or avoidance of environmental and water quality impacts. The DNR alluded that the project "will result in significant impacts upon fish, wildlife, and botanical resources," but ultimately, the findings and recommendations provided from the DNR, concerned community members, and through past comments from HEC, fell on deaf ears.

The current Application fails to explore the practical alternative of avoiding impacts to Adams Ditch and Wetland 56; Adams Ditch has been impaired since the onset of its assessment in 2020 and will only further degrade if this Application is approved; the Application will destroy a portion of a mature swamp, which is considered a rare ecosystem in Indiana; Indiana's wetland mitigation program is failing to replace wetlands and must be utilized as a last resort; the Application is contrary to the overall goals set forth in Indiana's Water Quality Standards; and the Application contains incorrect information on the total number of buildings as part of the

Phase III expansion. For all these aforementioned reasons, which are further detailed below, HEC is requesting that the Indiana Department of Environmental Management (IDEM) deny the Application.

About Hoosier Environmental Council:

Founded in 1983 as an Indiana not-for-profit organization, HEC works towards a healthy environment and sustainable economy for our state. To that end, one of HEC's core environmental initiatives is to track regulatory permits and petitions in the state of Indiana to promote the responsible development of our wetlands, rivers, streams to protect and improve water quality. The Application proposes to impact federally regulated streams and wetlands in the Trier Ditch subwatershed of the Upper Maumee River Basin in Indiana. Therefore, the Application is of interest to HEC.

Site significance and environmental impacts:

The proposed Project Zodiac Data Center, spearheaded by Google but operating under the alias Hatchworks LLC for permitting purposes, encompasses 858 acres of agricultural fields dating back to the 1900s, rural residences, and forested woodlots.[1] The Application notes that the site is rural in nature, dominated by farmland, and consists of primarily hydric and partially hydric soils,[2] which are soils indicative of wetlands. It is a widely known and accepted fact that Indiana has lost over 85 percent of its original wetland acreage, with many of those wetlands being drained for agriculture. Therefore, it could be logically concluded that this is a massive, wet area where once-lost wetlands are now working to reestablish themselves.

The National Wetland Inventory (NWI) Map, which is a national database of wetlands maintained by the US Fish and Wildlife Service (USFWS), mapped nearly 158.37 acres of wetlands on the proposed project site (Figure 1). The total amount of wetlands identified on site through on ground investigation is 37.31 acres, which includes both federally jurisdictional wetlands and state isolated wetlands. In addition, several ephemeral and intermittent streams were also identified on site, totaling 10,540 lft. Lastly, the DNR identified nearly 130 acres of bottomland forest habitat.[3] Together, these ecosystems form a rich mosaic of wetland, stream, forest, and upland habitat (Figure 2).

Nearly every wetland was classified as Class II or Class III,[4] indicating that the wetlands support "more than minimal" wildlife habitat or hydrological function. In other words, the wetlands provide wildlife habitat and hydrological functions. To that end, the Application lists in detail that several of the wetlands are composed of native tree species such as American elm, swamp white oak, pin oak, shellbark hickory, shagbark hickory, red maple, silver maple, green ash, American beech, and basswood.[5] The Application also identified several protected and

[1] Page 6, Full Permit Application.
[2] Page 6, Full Permit Application.
[3] Early Coordination/Environmental Assessment Report (ER-25910).
[4] Page 70-71, Full Permit Application.
[5] Page 8-10, Full Permit Application.

migratory species that may occur in the project area, including the Indiana bat, the northern long-eared bat, whooping crane, monarch butterfly, bald eagle, chimney swift, prothonotary warbler, red-headed woodpecker, and wood thrush.[6]

While the Application did not find any evidence of endangered, rare, or threatened species within close proximity to the development area, observational data from iNaturalist says otherwise. A peregrine falcon, which is a state special concern species,[7] was identified within close proximity to the development (Figure 3).

To date, the total amount of approved and proposed regulated wetland impacts includes 0.88 acre of federally jurisdictional wetlands, 2.44 acres of state regulated isolated wetlands, and 6,279 lft of stream channel.[8] Collectively, 3.32 acres of wetlands and 6,279 lft of stream channel, or 8 percent of wetlands and nearly 60 percent of stream channel, will be impacted. The degradation and loss of these wetlands and streams through direct fill will no doubt alter the local water quality by introducing sediment and destroying the hydrological systems responsible for improving water quality in the first place. Indeed, in the Environmental Assessment Report (EA Report) prepared by the DNR, the agency noted the following:

- Stream impacts such as channelization, relocation, and encapsulation are significant environmental impacts.
- Impacts to the channel must first be addressed in planning through avoidance, minimization, and lastly compensatory mitigation.[9]

In addition to these direct impacts, the indirect impacts of placing these data center facilities, parking lots, and associated infrastructure within a functioning habitat wetland complex cannot be understated. These impacts include:

- Habitat fragmentation of the larger wetland complex: Wetland habitats are fragmented from each other, inhibiting wildlife species dispersal and destroying crucial upland habitat that serves as a connector between waterbodies. Habitat fragmentation is a leading cause of the decline in wildlife species and biodiversity. As noted by the DNR in the EA Report, "habitat loss is a major factor in the decline of wildlife and habitat fragmentation is one of the main mechanisms in habitat degradation and loss. Habitat fragmentation creates smaller, more isolated habitat areas of lower habitat value for wildlife as compared to large, contiguous habitats. Fragmentation allows non-native species and predators access to the forest's interior which is vital habitat for many neotropical migratory songbird species and can negatively affect the long-term viability of wildlife populations with limited mobility."

[6] Page 770; 792; 921, Full Permit Application.
[7] Indiana Species of Greatest Conservation Need Database, Indiana DNR. Accessible at https://experience.arcgis.com/experience/d0ffd692735e4cedb4ef70931fe2f26c#data_s=id%3AdataSource_4-0%3A53.
[8] This information was obtained via email from IDEM staff member, Emersyn Harriman.
[9] Page 2, Environmental Assessment Report.

- Stormwater pollution from urban industrial environments: Stormwater that falls over built-up environments will run off directly into the adjacent wetlands and has the potential to introduce pollutants and impair local water quality. Stormwater is regulated under a separate permit from IDEM, but these permits primarily target sediment, and do not holistically address the slew of pollutants from industrial urban environments. Pollutants such as total suspended solids (TSS), metals, anthropogenic organic compounds, nutrients, and microbial contamination are associated with built up environments like parking surfaces.[10]

The sheer volume and concentration of on-site wetlands and forests should have prompted a more rigorous, thorough environmental assessment and protection efforts, even within the constraints of Indiana's current water and wildlife laws. Specific to the current Application, given the amount and quality of wetlands on site, more careful consideration of alternatives to impacting wetlands, determining whether the project is reasonably necessary or appropriate, and assessing the water quality impacts are all within the scope of activities that IDEM can address for this Application set forth in 40 CFR 230, 327 IAC 2-1 and IC 13-18-22-5. Unfortunately, many wetlands and streams on the project site have already been destroyed, degraded, and fragmented with inadequate mitigation, leading to an overall reduction in Indiana's water quality, however, this Application is one of the last opportunities to remediate the proposed significant environmental and water quality impacts.

Indiana has a demonstrated need for wetland protection to improve water quality:

At issue are a few critical facts. First, Indiana has lost nearly 85 percent of its wetland acreage.[11] Second, Indiana's current mitigation program is failing to replace wetlands need to protect Hoosiers from poor water quality.[12] Third, Indiana's water quality is suffering and has substantial room for improvement.[13] And fourth, wetlands are a critical component of the natural environment and protecting them means protecting Indiana's water quality.

The entire premise of the Section 401 Water Quality Certification process, Indiana's Water Quality Standards, and the Clean Water Act is to restore and maintain the health of our waterways and protect water quality. In furtherance of that goal, we need to be doing a substantially better job at protecting wetland ecosystems.

Time and time again, wetlands are continually being streamlined for destruction despite not only having a demonstrated need to protect them, but also a legal pathway for doing so. HEC believes in balancing economic development and the preservation of our natural environment, but something is happening at the state level that indicates economic interests and being favored

[10] Revitt, Michael et al. The sources, impact and management of car park runoff pollution: A review (2014).
[11] Indiana's Wetlands Resources, Indiana Department of Environmental Management. Accessible at https://www.in.gov/idem/waterways/resources/indianas-wetland-resources/.
[12] Indiana Wetlands Task Force Final Report. Accessible at https://iga.in.gov/publications/agency_report/2022-indiana-wetlands-task-force-final-report.pdf.
[13] A look at Indiana's troubling water quality, Hoosier Environmental Council. Accessible at https://www.hecweb.org/2025/03/14/a-look-at-indianas-troubling-water-quality/.

over environmental ones. Balancing development means that those in power who are making decisions on behalf our environment and economy understand that without a functioning, healthy environment and robust water quality, we no longer have a strong foundation to continue to do business.

If Indiana desires to be a business-friendly state, then the state ought to become serious about protecting Indiana's water quality and Hoosiers. Being business-friendly is not synonymous with approving every single development. It means maintaining a sustainable and healthy environment where business can continue to be conducted and thrive.

HEC is not requesting the forfeit of the entire data center at this time, which would be unreasonable in the context of the Application. However, relevant to the current Application, HEC does not see how destroying a stream and converting a forested wetland is a reasonable activity when considering the urgent need to protect wetlands and water quality in Indiana.

The Applicant failed to explore the practical alternative of avoiding impacts to Adams Ditch and Wetland 56:

As a prerequisite to receiving a Section 401 Water Quality Certificate to impact federally jurisdictional waters, the Applicant must demonstrate that there are no practical alternatives to impacting wetlands. Specifically, "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have [a] less adverse impact on the aquatic ecosystem (40 CFR 230.10 (a)." Practical alternatives include but are not limited to "activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters (40 CFR 230.10 (a)(1)(i))." In other words, not discharging fill material into Adams Ditch and Wetland 56 and thus avoiding impacts is legally considered a practical alternative and should be explored. However, nowhere in the six pages of the alternative analysis for Phase III of impacts does the Applicant explore this practical alternative.[14]

Adams Ditch has been impaired since the onset of its assessment in 2020 and will only further degrade if this Application is approved:

The proposed segment of Adams Ditch (also referred to as "Bender Ditch") that will be filled and relocated is currently listed as impaired, both on the project site as well as downstream. As part of requirements embedded within the federal Clean Water Act, the state of Indiana is required every two years to publish an updated list of impaired waterways and work towards improving those waterways. Since the onset of the assessment of Adams Ditch in 2020, it has been impaired for both recreational use and warm water aquatic life, and the latest data released

[14] Pages 15-20, Full Permit Application.

in 2026 reports that the water quality still has not improved.[15] This indicates a serious failure to protect the designated uses and maintain good water quality of this waterway.

Even more, this is the headwater portion of this particular stream – a sensitive, small region of a watershed that is ecologically significant and vital for the protection of water quality.[16] The Application will destroy the headwater portion of an already impaired waterway, which flies in the face of protecting water quality. This is especially urgent, given that the Application did not even demonstrate that it considered avoiding Adams Ditch – it avoided discussing and wholly dismissed that practical alternative all together.

The Application will destroy a mature swamp, which is a rare ecosystem in Indiana:

The Application proposes to impact 0.84 acres of Wetland 56 which is considered a "mature forested wetland."[17] Forested wetlands, also known as swamps, were once common in Indiana but are now considered to be a rare ecosystem largely due to wetland destruction.[18] Data sheets for the wetland noted that native species are found throughout the wetland and identified the presence of amphibian breeding pools.[19] Disrupting such a sensitive and rare ecosystem is extremely contrary to state and federal water quality goals, and the Applicant must do a better job at analyzing practical alternatives to the proposed wetland impacts.

Indiana's wetland mitigation program is failing to restore wetlands and must be utilized as a last resort:

According to the Indiana Wetlands Task Force Report,[20] commissioned by the Legislature, the wetland mitigation program that is responsible for restoring wetlands and improving water quality has not succeeded in replacing wetlands in ways that adequately offset losses or improve water quality. The report further notes that this cumulative loss is having a "measurable negative impact on residents, particularly from a water quality standpoint."[21]

---

[15] 2020 EPA Waterbody Report, accessible at https://mywaterway.epa.gov/waterbody-report/21IND/INA0511_T1002/2020; 2022 EPA Waterbody Report, accessible at https://mywaterway.epa.gov/waterbody-report/21IND/INA0511_T1002/2022; 2024 EPA Waterbody Report, accessible at https://mywaterway.epa.gov/waterbody-report/21IND/INA0511_T1002/2024; 2026 EPA Waterbody Report, accessible at https://mywaterway.epa.gov/waterbody-report/21IND/INA0511_T1002/2026.

[16] Alexander, Richard et al., The Role of Headwater Streams in Downstream Water Quality. Accessible at https://pmc.ncbi.nlm.nih.gov/articles/PMC3307624/; Protecting Headwaters: The Scientific Basis for Safeguarding Stream and River Ecosystems, Stroud Water Research Center. Accessible at https://stroudcenter.org/wp-content/uploads/2016/12/ProtectingHeadwaters.pdf; Headwaters are the beginning of rivers, and Lebanon's LEAP sits right on top, Hoosier Environmental Council. Accessible at https://www.hecweb.org/2024/07/04/headwaters-are-the-beginnings-of-rivers-and-lebanons-leap-sits-right-on-top/.

[17] Page 682, Full Permit Application.

[18] Page 107, Habitats and Ecological Communities of Indiana, Presettlement to Present (2012).

[19] Page 682, Full Permit Application.

[20] Indiana Wetlands Task Force Final Report. Accessible at https://iga.in.gov/publications/agency_report/2022-indiana-wetlands-task-force-final-report.pdf.

[21] Page 4, Indiana Wetlands Task Force Final Report.

Relying exclusively on mitigation credits without ensuring local, ecologically equivalent restoration, risks accelerating these impacts rather than reversing them. Even more, the ecological effectiveness of wetland restoration remains highly uncertain, with many mitigation sites across the United States failing to achieve required ecological outcomes—such as improved water quality, habitat function, and biodiversity.[22] Therefore, it is imperative that the Applicant explore the practical alternative of avoiding wetland and stream impacts and utilize mitigation credits as a last resort, rather than relying on it as the only solution.

The Application does not align with Indiana's Water Quality Standards:

Indiana's Water Quality Standards, set forth at 327 IAC 2-1-1.5, make clear that the "goal of the state is to restore and maintain the chemical, physical, and biological integrity of the waters of the state." Relocating Adams Ditch, and destroying a portion of a mature forested swamp, which both present significant environmental and water quality impacts, does not further this primary goal. In fact, given that the major mechanism for remediating impacts (Indiana's wetland mitigation program) is failing to replace wetlands and offset water quality impacts, it becomes clear that the Application fails to protect water quality, wetlands, and Hoosiers.

Inaccurate information on the total number of buildings that will be added as part of the Phase III expansion:

In the project summary provided by the Applicant, the proposed project which includes all three phases of Project Zodiac, will include "up to seven data center buildings." Phase I included one data center building, Phase II included three data center buildings, making the total number of buildings four. However, when describing Phase III impacts, the Applicant states that "within this area, construction of *at least three data centers* and appurtenant facilities is proposed," indicating that the Applicant may intend to build more than the seven buildings initially claimed in the project summary.

Conclusion:

Section 401 Water Quality Certificates are intended to protect water quality, and the Hoosier Environmental Council shares the common goal of wanting to protect the quality and integrity of Indiana's wetlands, streams, and rivers. HEC does not aim to prevent development, rather, we work to encourage responsible and sustainable development of our treasured natural resources.

The current Application fails to explore the practical alternative of avoiding impacts to Adams Ditch and Wetland 56; Adams Ditch has been impaired since the onset of its assessment in 2020 and will only further degrade if this Application is approved; the Application will destroy a portion of a mature swamp, which is considered a rare ecosystem in Indiana; Indiana's wetland mitigation program is failing to replace wetlands and must be utilized as a last resort; the

[22] Ecological Effectiveness of Compensatory Mitigation, Environmental Law Institute. Accessible at https://www.eli.org/compensatory-mitigation/ecological-effectiveness-compensatory-mitigation.

Application is contrary to the overall goals set forth in Indiana's Water Quality Standards; and the Application contains incorrect information on the total number of buildings as part of the Phase III expansion. For these reasons, HEC is requesting that IDEM deny the Application to protect water quality and the public health of Indiana's citizens.

Thank you for considering HEC's concerns. We look forward to your response.

Sincerely,

Susie McGovern

Susie McGovern
Water Science and Sustainability Specialist
Hoosier Environmental Council

Figure 1

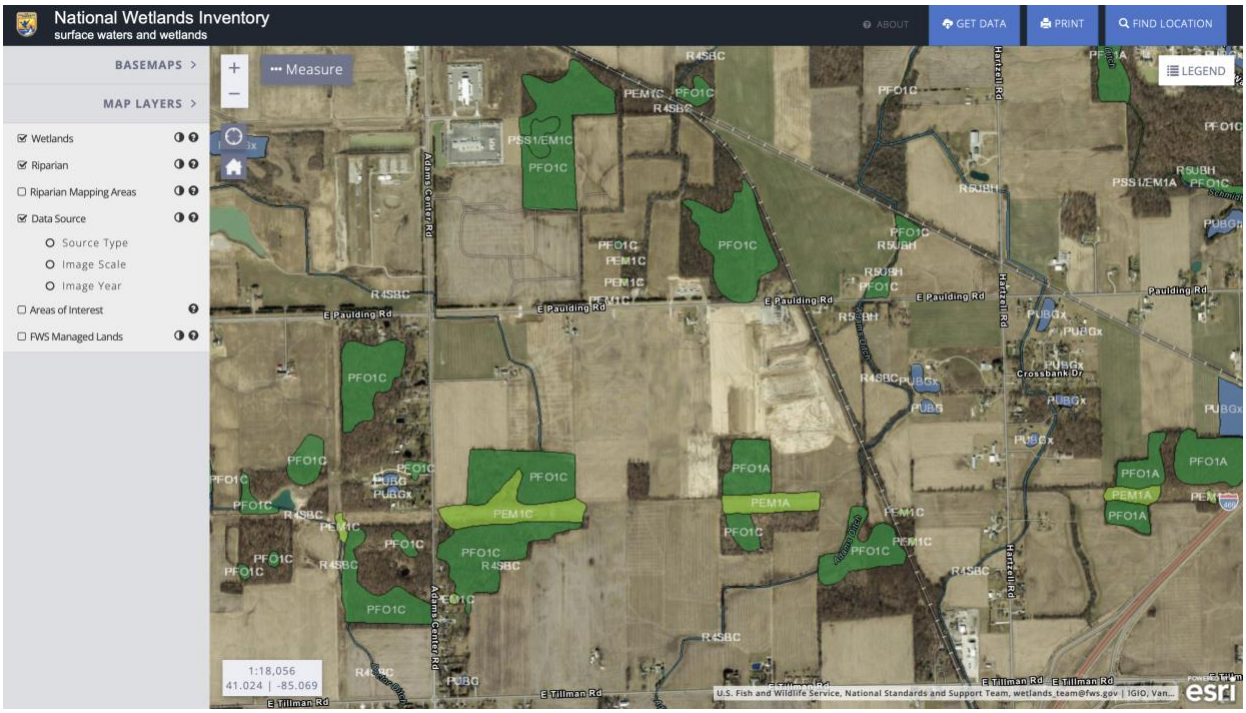

National Wetlands Inventory
surface waters and wetlands
ABOUT
GET DATA
PRINT
FIND LOCATION
BASEMAPS
MAP LAYERS
Wetlands
Riparian
Riparian Mapping Areas
Data Source
Source Type
Image Scale
Image Year
Areas of Interest
FWS Managed Lands
Measure
LEGEND
E Paulding Rd
E Tillman Rd
Adams Center Rd
Harrell Rd
Crossbank Dr
Paulding Rd
1:18,056
41.024 | -85.069
U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov | IGIO, Van...
esri

Figure 2

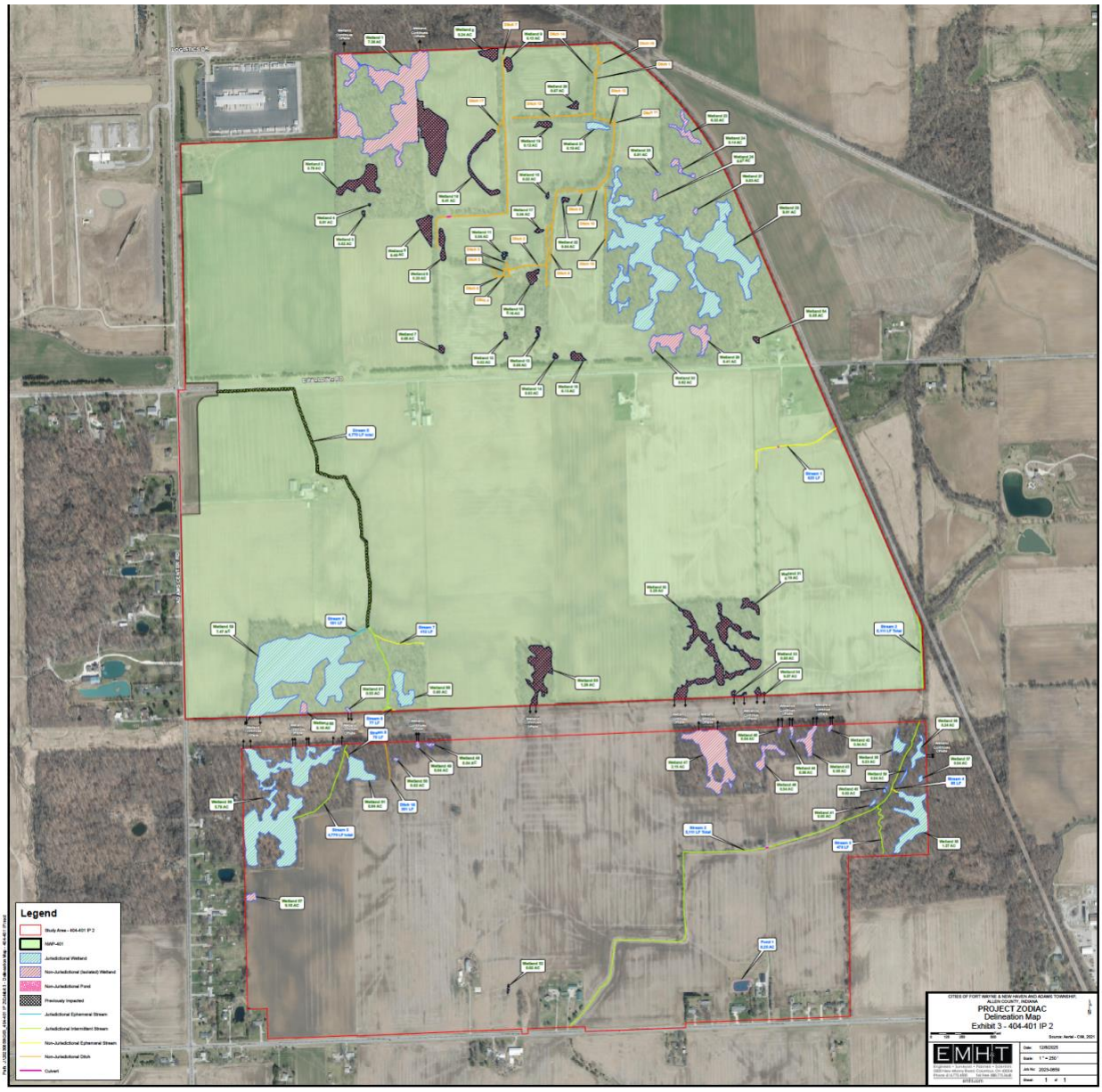
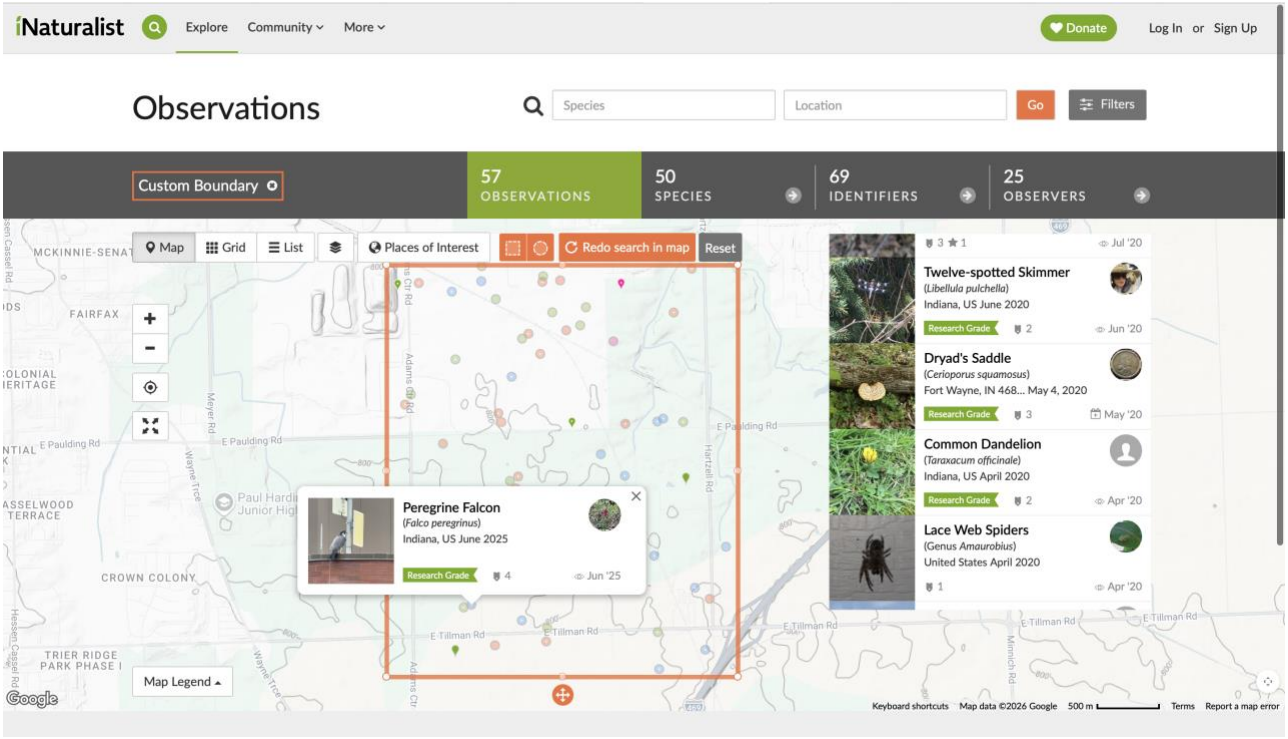

Legend
Study Area - 404-401 IP 2
NWP-401
Jurisdictional Wetland
Non-Jurisdictional (Isolated) Wetland
Non-Jurisdictional Pond
Previously Impacted
Jurisdictional Ephemeral Stream
Jurisdictional Intermittent Stream
Non-Jurisdictional Ephemeral Stream
Non-Jurisdictional Ditch
Culvert
PROJECT ZODIAC
Delineation Map
Exhibit 3 - 404-401 IP 2
EMHT

Figure 3


iNaturalist
Explore
Community
More
Donate
Log In or Sign Up
Observations
Species
Location
Go
Filters
Custom Boundary
57 OBSERVATIONS
50 SPECIES
69 IDENTIFIERS
25 OBSERVERS
Map
Grid
List
Places of Interest
Redo search in map
Reset
Peregrine Falcon
(Falco peregrinus)
Indiana, US June 2025
Research Grade
Jun '25
Twelve-spotted Skimmer
(Libellula pulchella)
Indiana, US June 2020
Jun '20
Dryad's Saddle
(Cerioporus squamosus)
Fort Wayne, IN 468... May 4, 2020
May '20
Common Dandelion
(Taraxacum officinale)
Indiana, US April 2020
Apr '20
Lace Web Spiders
(Genus Amaurobius)
United States April 2020
Apr '20
Map Legend
Google
Keyboard shortcuts
Map data ©2026 Google
500 m
Terms
Report a map error