

## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Ash Kulak, Deputy Administrator / Deputy Attorney for Common Council

**Date:** April 12, 2024

**Re:** Resolution 2024-04 – A Resolution Opposing the LEAP Pipeline Water Diversion Project

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### **Synopsis**

This resolution is sponsored by Councilmember Ruff. It expresses the Common Council's opposition to the Indiana Economic Development Corporation's proposed Limitless Exploration / Advanced Pace Innovation District Project that would divert water from the Wabash River aquifer and/or Teays River aquifer, which may impact Hoosiers who rely on these aquifers for their water supply. This resolution also directs the City Clerk to send copies of the resolution to the Indiana General Assembly, Indiana Economic Development Corporation, the Indiana Finance Authority, the Indiana Secretary of Commerce, and Indiana Governor Eric Holcomb.

### **Update after Mayoral Veto for April 17, 2024 Regular Session**

This item was considered and adopted, as amended, by the Council at its March 27, 2024 Regular Session by a vote Ayes: 5, Nays: 0, Abstentions: 4. The resolution was presented to the Mayor for signature by the City Clerk's Office on April 1, 2024. By April 11, 2024, ten days after the resolution was presented for signature, the Mayor failed to approve the resolution and had not returned it with a message announcing a veto and stating the reasons for it. In the absence of approval or express veto, the item is considered vetoed under state law.

Indiana Code [36-4-6-16](#) and [BMC 2.04.350](#) govern the actions the Council should take if it wishes to pass the resolution over the Mayor's veto. These provisions require the Council to pass the resolution by a 2/3's majority vote at its first Regular or Special Session following the Mayor's normal 10-day period for signing legislation if it intends for the resolution to go into effect. Neither a motion to amend nor a motion to postpone would be in order. Failure to attain a 2/3's majority on a Motion to Adopt the resolution would result in the resolution being defeated by veto.

The procedure for considering the resolution may follow the usual course. With introduction, the Clerk typically reads the legislation by title and synopsis only. The Council should then entertain a Motion to Adopt Resolution 2024-04 over the Mayor's veto. The phrasing of the motion is not critical, but the passage by a 2/3's majority is.

A vote to override the Mayoral veto, if successful, will need to be certified by the President and attested by the City Clerk.

## Relevant Materials

- [Resolution 2024-04](#)
- Map of Counties Included in IFA Water Study
- Citizens Action Coalition Report: Proposed LEAP Project in Boone County Reveals Severe Deficiencies in Indiana’s Water and Economic Development Policy

## Summary

This resolution expresses opposition to the Indiana Economic Development Corporation (IEDC)’s proposed plans to divert water from several different areas within the Wabash River to Boone County for its creation of the LEAP District Project. It expresses the city’s solidarity with the Hoosier communities that would be affected by diverting water from their primary water source, as Bloomington faced a similar proposed water diversion project proposed in 2006 that was ultimately not pursued.

In 2006, the Indianapolis Department of Waterworks authorized a private non-profit corporation, Aquavisions, to proceed with a feasibility study and financial review of a [proposal to build a 60-mile pipeline](#), capable of carrying 90 million gallons of water per day, from Lake Monroe to Indianapolis. Questions were raised by Monroe County, as well as then-Bloomington mayor Mark Kruzan, who developed a task force to study the [impact the proposed pipeline would have on Bloomington’s water supply](#). The developer ultimately decided not to go through with the pipeline project when the then-governor [Mitch Daniels called the idea a “nonstarter.”](#)

Now, the IEDC has proposed a large industrial development to be located just north of Lebanon in Boone County, in an area where [water quantity is too sparse to support such a large industrial development project](#). To ensure there will be enough water to support the industries the IEDC wants to attract to the area, it has already taken steps to initiate the creation of a water pipeline to divert water from the Wabash River into Boone County. Unlike in 2006, governor Eric Holcomb is supportive of the proposed diversion and has directed the [Indiana Finance Authority \(IFA\) to oversee a water supply study for the project](#).

Residents in affected communities along the Wabash River have [gathered to voice their opposition to this water diversion proposal](#), including a group formed by West Lafayette councilmember David Sanders called [Stop the Water Steal](#). Sanders has spoken to local news media about his opposition to the project, both as a city councilmember and founder of Stop the Water Steal.

The Citizens Action Coalition (CAC), a consumer and environmental advocacy organization, has also [chimed in](#), criticizing the IEDC’s lack of transparency in this process, as well as the state’s position on its use of water as a resource. The Executive Director of the CAC, Kerwin Olson, spoke to local news media about the CAC’s opposition to the pipeline project.

Local news clips from community gatherings and stakeholder interviews are available at the following links:

- Community Expresses Concerns About LEAP Project: <https://www.youtube.com/watch?v=NW-a9c3x4m0>
- Councilmember Sanders Speaks Against LEAP Project: <https://www.youtube.com/watch?v=gkA55abAGVQ>
- CAC Executive Director Kerwin Olson Claims LEAP Project Threatens Indiana Water & Taxpayers: <https://www.youtube.com/watch?v=93epYAlgjH8>

After facing this pushback, [governor Holcomb has paused action on development](#) of the pipeline until the IFA study is complete. Governor Holcomb explains the purpose of the water study [in an interview with WLF New 18](#). The IFA has taken steps to [initiate the study](#) by engaging professional consultants, as well as releasing goals, an FAQ page, and a request for proposals.

Affected communities have also taken action by developing legislation in opposition to this project, including cities of Attica, Lafayette, West Lafayette, and Monticello, as well as the counties of Miami, Benton, and Tippecanoe. The Tippecanoe County Board of Commissioners went so far as to [pass an ordinance](#) placing a nine-month moratorium on the export of water from its borders. The moratorium was passed in an attempt to get the Indiana General Assembly to take action. WTHR [reported](#) on this action by Tippecanoe County in December 2023. West Lafayette was the first to propose a [resolution](#) in opposition to this project. West Lafayette Councilmember David Sanders spearheaded this initiative, bringing experts from Purdue to discuss ground water hydrogeology.

## Contact

Councilmember Andy Ruff, [ruffa@bloomington.in.gov](mailto:ruffa@bloomington.in.gov), (812) 349-3409

## Sources linked above

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