

## **WDC Frequently Asked Questions**

### **1. General: What is a WDC?** ([House Enrolled Act 1639](#))

In 2023, the Indiana General Assembly passed House Bill 1639 which allows counties within the same watershed to adopt ordinances creating Watershed Development Commissions (WDC). WDCs have the potential to improve freshwater resources by empowering counties to engage in flood damage reduction, drainage, stormwater management, recreation, water infrastructure, and water quality projects.

### **2. What is the purpose of a WDC?** ([Ind. Code § 14-30.5-3-1](#), [Ind. Code § 14-30.5-3-2](#))

WDCs are designed “for the benefit of the people of Indiana and for the increase of their commerce, health, enjoyment, and prosperity.” WDCs allow communities to address issues like flood damage reduction, drainage, stormwater management, recreation, and water infrastructure. WDCs’ authorized activities include bank stabilization, water storage expansion, erosion control, levee construction, and setting voluntary water quality goals. WDCs may also address water quality issues so long as the WDC follows the appropriate procedure and the Natural Resources Commission authorizes the project.

### **3. How is a WDC created?** ([Ind. Code § 14-30.5-2](#).)

The legislation provides counties with three options for becoming part of a WDC: (1) counties may create a new WDC; (2) counties may join a currently existing WDC; and (3) certain authorized counties that are part of an existing River Basin Commission (RBC) may vote to transform the RBC into a WDC.

1. [Creating a new WDC](#): Ind. Code § 14-30.5-2-4
2. [Joining an existing WDC](#): Ind. Code § 14-30.5-2-6
3. [Transforming an existing RBC into a WDC](#): Ind. Code § 14-30.5-2-0.5

Counties proposing a new WDC must have at least 10% of the surface of the designated watershed within the county, and submit an ordinance that meets statutory requirements. The Natural Resources Commission will review the submission and either approve or deny recognition of the proposed WDC based on a series of factors.

### **4. What are the powers of a WDC?**

- [How are they funded?](#) ([Ind. Code § 14-30.5-5-1](#), [Ind. Code § 14-30.5-3-6](#))

WDCs may receive funding from a variety of sources. First, a WDC can impose an annual special assessment against each taxable parcel of real property to fund watershed projects. The amount of money that a parcel is taxed depends on property type and is capped at the amount specified by the legislation. Counties can reduce the tax amount depending on the needs of the WDC. Alternatively, a WDC may receive direct support from the member counties of the

WDC, but the direct support must equal at least 90% of the amount that the WDC would otherwise receive in the annual special assessments. WDC's may also receive grants.

- What must they do? ([Ind. Code § 14-30.5-3-1](#), [Ind. Code § 14-30.5-3-4](#), [Ind. Code § 14-30.5-6-1](#), [Ind. Code § 14-30.5-6-2](#))

The statute states that a WDC shall develop a plan for flood damage reduction and drainage within the commission's designated watershed. WDCs must also work to use undeveloped public land for flood storage to the greatest extent feasible.

- What may they do? ([Ind. Code § 14-30.5-3-4](#), [Ind. Code § 14-30.5-3-7](#), [Ind. Code § 14-30.5-6-3](#))

WDCs may enter into agreements with other government entities to accomplish their shared goals. If both entities have taxing authority, one of the entities must relinquish its taxing authority. WDCs may also develop a plan for and engage in water quality projects with NRC approval, if water quality improvement is an established purpose. Further, WDCs may acquire and dispose of real or personal property related to a stated purpose. Lastly, WDC's may give preferential treatment to Indiana business over out-of-state business in carrying out public works projects so long as the conditions set out in Indiana Code § 14-30.5-6-3 are met.

#### **5. How is a WDC governed?** ([Ind. Code § 14-30.5-4-1](#))

The governing board of a WDC consists of the director of the Department of Natural Resources (DNR) or their designee, the county surveyor of each member county, a second county representative, and either an individual appointed to represent each second class city within each member county, or if there are no second class cities within the county, an individual representing the municipality with the highest population within each member county. Voting members of the WDC board will elect a chair, vice chair, and secretary-treasurer who will have one year terms and eligibility for reelection. The board will also appoint an executive director of the commission. The board must meet four times per year, and must keep record of all findings, resolutions, and transactions. Further, WDCs will establish an advisory committee and may have an ad hoc advisory committee.

#### **6. Can a WDC and a River Basin Commission (RBC) co-exist in the same watershed?** ([Ind. Code § 14-30.5-2-0.5](#))

No. A WDC and a RBC cannot co-exist in the same watershed. The legislation prohibits WDCs from being created within the same watershed as an existing RBC. However, the statute allows for the Maumee RBC, the St. Joseph RBC, and the Upper Wabash RBC to transform into WDCs if they choose.

#### **7. How are different types of water technicians involved in WDCs?** ([Ind. Code § 14-30.5-4-1](#), [Ind. Code § 14-30.5-4-5](#), [Ind. Code § 14-30.5-4-6](#), [Ind. Code § 36-9-27-5](#))

Soil and Water Conservation Districts (SWCDs) participate in the governance of WDCs through seats on a WDC's advisory committee. These advisory committees consist of a member

or representative of the board of supervisors of the Soil and Water Conservation District of each county that is a member of the commission.

County surveyors participate in the governance of a WDC as a part of the WDC's governing board. The county surveyor of each member county of the WDC will have a seat on the WDC board.

Drainage Boards can participate in WDCs through a WDC's ad hoc advisory committee as any individual who has knowledge, experience, or training that enables them to provide counsel to the WDC board is eligible to be a member of an ad hoc advisory committee. Also, because county surveyors are both members of WDC boards and non voting members of drainage boards, the county surveyor can weigh the concerns of WDCs with those of the drainage boards in making votes.

#### **8. Can water technicians benefit from a WDCs taxation authority? ([Ind. Code § 14-30.5-5-6](#))**

SWCDs, drainage boards, and county surveyors cannot directly benefit from WDC taxation authority. Funds accumulated through taxation are only used by WDCs to carry out a WDC's purpose. The funds cannot be distributed to other water technicians or boards. However, these water technicians do benefit from the taxing authority of WDCs as they may share many of the same goals, and may participate in a WDC's governing board, advisory committee, and ad hoc advisory committee. Agencies may also pool funds with a WDC to fund a specific project. Though water technicians cannot directly benefit from WDC taxation authority, a county may directly benefit from a WDC's taxation authority as a county may retain 10% of funds obtained from the special assessments if a special assessment described in Indiana Code § 14-30.5-5-1(d)(2) is used. Also, drainage boards that enter interlocal agreements with WDCs may have to relinquish their own taxation authority if the WDC does not relinquish its taxation authority over the shared area of land.

#### **9. Can WDCs extend across state boundaries to encompass watersheds that cross state boundaries? ([Ind. Code § 14-30.5-3-9](#))**

A WDC's member counties cannot extend across state boundaries to encompass an entire watershed that extends across state boundaries, but the WDC can work with agencies on the other side of the state border that work within the same watershed. WDC legislation only applies to the state of Indiana, and the boundaries of a WDC must remain entirely within the state. However, a WDC that is a part of a watershed that extends across Indiana's state boundary may enter into agreements with agencies in the other state related to flood damage reduction and drainage.