



Guidance for Forming a Watershed Development Commission

This is a guidance document for the interpretations of the Watershed Development Commissions Article (IC 14-30.5) and does not supersede the law. This statute was enacted in Indiana Code by P.L.251 in 2023; to date it has had no amendments.

This guidance document has been a cooperative effort of the Indiana Department of Natural Resources (DNR) Division of Water (DOW) Watershed Stewardship Section, DNR Legal Counsel, and the Natural Resources Commission (NRC) Division of Hearings.

This guidance document was completed in October 2024 and has had no revisions.

What is a watershed development commission?

The Watershed Development Commissions article (Indiana Code 14-30.5) allows watershed development commissions (WDC) to be established as a legal entity and provides a mechanism by which one or more counties can collect an annual special assessment to locally address specific watershed wide issues related to water resources management. The article also provides the means by which the Maumee River basin commission, the St. Joseph River basin commission and the Wabash River basin commission may be transformed into WDCs.

WDCs are regional entities established to oversee the development and management of watersheds at the local level. A WDC is a collaboration of one or more local government(s) and community members to address strategies and implement projects that improve water quantity and quality in the watershed.

WDCs can perform activities related to the following general purposes that are outlined in IC 14-30.5-3-1:

- Flood damage reduction
- Drainage
- Storm water management
- Recreation
- Water infrastructure
- Improve water quality

A WDC cannot form based on the only purpose being water quality. It must also consider water quantity issues and follow the conditions outlines in IC 14-30.5-3-1(b).

How are the boundaries of a watershed development commission determined?

Under IC 14-30.5-2-2(e), WDC boundaries are based on watershed boundaries at the 8-digit US Geologic Survey's Hydrologic Unit Code (HUC-8) level and not political, socioeconomic, or other boundaries. A map of HUC-8 watersheds within Indiana may be found at https://www.in.gov/isda/files/Watershed_Map.pdf.

The boundaries of a WDC may not overlap with an existing river basin commission or WDC. The existing Maumee, St. Joseph River, and Upper Wabash river basin commissions are allowed to transform into a WDC if they choose to and should follow the process outlined in their own statutes.

A WDC may be allowed to include a boundary less than the entirety of one or more watersheds at the HUC-8 level. However, if one of the following unique circumstances exist, a WDC may be established with smaller boundaries:

- If the HUC-8 boundaries include portions of the watershed outside of the boundaries of Indiana, those areas not in Indiana may be excluded. The Watershed Development Commissions article is a state law that cannot be enforced outside of Indiana. Instead, it is recommended that WDCs form partnerships with the other states to be able to address the watershed as a whole (IC 14-30.5-3-9).
- If the proposed boundaries consist of whole HUC-10 watershed boundaries that are part of the same river system and HUC-8 watershed, and it does not have any other waterways that drains into it or that it drains into that is part of the same HUC-8. No partial HUC-10s will be considered.

The name of the WDC should be based on the name of the main waterway in the watershed and should not have the same name of an existing WDC or river basin commission.

Who can establish a watershed development commission?

Formation of a WDC is initiated at the county level by county executives (IC 14-30.5-2-1). At least one county that is at least ten percent of the proposed boundaries must initiate the request for WDC formation. Counties that are not in the proposed boundaries or are less than ten percent of the proposed boundaries are not eligible to initiate the establishment of a WDC.

Can counties join a watershed development commission later on?

A county, whether they are greater or less than ten percent of the proposed boundaries, may join an existing WDC at any point after it is established. The county must follow the correct procedures outlined in IC 14-30.5-2 to join. A county cannot join if it is outside the boundaries of the established WDC.

How to form a WDC and what needs to be filed with the Natural Resources Commission

Either the board of commissioners or the county council must pass an ordinance designating the county as a member of a proposed WDC. Each ordinance for every county requesting membership to the proposed WDC must list the same purposes and boundaries. The ordinance must:

- Identify the watershed(s) boundaries at the HUC level that would be part of the WDC.
- Specify the area(s) of the county that will be part of the proposed WDC.

- State the flood damage reduction, drainage, storm water management, recreation, or what infrastructure purposes for which the proposed WDC would be established;
- State the needs of the county that would be addressed for each stated purpose.

Under IC 14-30.5-2-2, a request for recognition as a WDC along with the county ordinance described above must be submitted to the NRC for review.

A proposal for establishment should include the following:

- An executed ordinance from each county requesting membership.
- A written request that includes the following:
 - A description of the boundaries of the proposed WDC which includes the HUC number(s) that the WDC will be comprised of. [IC 14-30.5-2-2(e)(5)]
 - Each initial purpose that the WDC will focus on. It should match the purposes listed in the ordinance and should only consist of the purposes listed in IC 14-30.5-2-2(e)(1)]
 - How each proposed purpose corresponds to legitimate needs for each county requesting membership. The needs should be described in detail either in the written request narrative or in the exhibits. [IC 14-30.5-2-2(e)(2)]
 - How the proposed member county or counties would effectively and economically address each need for each purpose. The methods should be described in enough detail to explain how each need would be met in the county or counties requesting membership and how it would be met in the entire watershed of the proposed WDC. [IC 14-30.5-2-2(e)(3)(4)]
 - If needs and methods are described in the exhibits, the written request narrative should identify which needs and methods the WDC would focus on.
- Written technical, financial, photographic, historical narrative, evidence and analysis, may be provided as exhibits to support the statements in the written request. Documents, such as overall conceptual drawings or preliminary engineering project design details and drawings, watershed studies or plans, may be included that adequately address the necessity and feasibility for each proposed purpose and outlines a method to address them.
 - It is understood that most documents do not cover an entire HUC-8 watershed; therefore, these documents should at a minimum address the watershed areas of concern within the proposed member counties while considering how the whole watershed in the proposed WDC operates as a system.
 - Examples of types of studies or plans that may be used include [Indiana Department of Environmental Management \(IDEM\) Nonpoint Source Watershed Management Plans](#), [Flood Risk Management Plans](#), [Indiana Finance Authority Regional Water Studies](#), [Natural Resources Conservation Service National Water Quality Initiative Watershed Plans](#), [Wellhead Protection Plans](#), [DNR Lake and River Enhancement](#) studies, project alternative studies, feasibility or diagnostic studies, water resource plans, flood risk or assessment studies, or [IDEM Total Maximum Daily Load studies](#). This is not an exhaustive list and other types of studies or plans may be used.

- Plans or studies can come from a federal, state, or local government agency or from a qualified private sector company or professional. Observations from the community can be mentioned but recommended to be supplemented with evidence.
- All exhibits that are submitted to the NRC will automatically be sent to the Indiana Finance Authority and Indiana Department of Natural Resources for review to satisfy the IC 14-30.5-2-2 (e)(6) requirement.
- Letters of Support from groups that conduct activity within the HUC-8 watershed may be submitted. This can help the NRC see that there is community support for the development of a WDC even if not all counties in the watershed are requesting to join.
- It is recommended that a budget plan is included that describes the amount of income and how it will be raised, fixed expenses, and estimated costs with timelines for potential studies, projects, or other expenses that the WDC would focus on in the immediate future.

What happens after submittal to the Natural Resources Commission?

After the necessary documents are submitted to the NRC, a Hearing Officer from the NRC Hearings Division will be assigned to the request. The hearing officer will conduct a public hearing on the proposed WDC and present a report to the NRC regarding the WDC.

At least one public hearing must be held in each county requesting recognition of the WDC. Notice of the date, time and location must be published in a newspaper in the county in which the meeting will occur at least thirty (30) days before the date of the meeting. Any interested person may attend the meeting and has the right to make comment at the public meeting or provide written comments to the NRC.

The hearing officer determines how the public hearing is to be conducted. Generally, the applicant is provided an opportunity to provide supporting information for the WDC and public comment in favor of and opposed to recognizing the WDC is heard.

The hearing officer will provide copies of the requests, ordinances, and any supporting documentation submitted to the Department of Natural Resources, Division of Water. The Division of Water shall attend the hearing, review the evidence and submitted information, and then prepare a written technical report to be submitted to the Hearing Officer

The Hearing officer may also solicit comment from state, county, and local governmental entities who may have jurisdiction in the watershed for comment on the proposed WDC.

The hearing officer will write a report and submit it to the NRC for consideration. At a meeting of the NRC, they will review the request for establishment and then either issue an order recognizing the proposed WDC and recognizing the requesting counties as a member of the WDC or decline to recognize the proposed WDC. There is no deadline for when the NRC may reach a decision.

What happens if the Natural Resources Commission declines to recognize the establishment of a Watershed Development Commission?

If the NRC declines to recognize the establishment of a WDC, the NRC must inform the counties in writing of its decision and specify in writing the reason(s) for each unfavorable answer. The county executives can submit a new proposal to the NRC at any time. However, new ordinances for each county requesting membership will be needed and each deficiency should be addressed before resubmitting.

If you are interested in forming a watershed development commission or have any questions about it please contact the, Indiana Department of Natural Resources Division of Water, Watershed Stewardship Section Manager (Kristi Johnson at 463-261-6195 or kristjohnson@dnr.IN.gov).

Early coordination with the DNR Watershed Stewardship Section is encouraged and may improve the likelihood of a proposal being successful.