

Watershed-based Organization

Sub-Committee



Meeting Notes

Meeting Date: April 5, 2017

Time: 9:00 am -12:00 pm

Meeting Location:

Johnson County Transit Facility, 1701 W Old Hwy 56, Olathe, KS 66061

Attendees:

Watershed-Based Organization Sub-Committee

Rob Beilfuss – City of Olathe
Courtney Christensen – City of Mission Hills
Jim Hendershot – City of Spring Hill
Randy Gorton – BHC Rhodes
Tom Jacobs – Mid-America Regional Council
Leslie Rigney – Miami County Conservation District
Andy Sauer – Burns and McDonnell
Brenda Macke – CDM Smith
Chad Johnson – Olsson Associates
Les Barnt – GBA

JC SMP

Lee Kellenberger
Sarah Smith
Heather Schmidt

Consultant Team

Patti Banks – Vireo
Triveece Penelton – Vireo
Andrew Smith – B&V
Justina Gonzalez – B&V

Agenda Objectives

Discuss organizational structure for the watershed-based organizations
Consider stakeholders/potential partners for the watershed-based organizations
Discuss what to include in watershed improvement plans and timeframe for completion

Handouts: Agenda

Notes

Introduction / Update of Implementation Status / 3rd Meeting Goals

- Andrew of B&V welcomed attendees to the third meeting of the watershed-based organization sub-committee. He provided a quick update of SMP strategic plan implementation to date.
 - **Watershed-Based Organization Sub-Committee Implementation Status:** The first meeting of the sub-committee resulted in watershed delineations for the County which can be seen on maps drafted by JC SMP. During the second meeting, the sub-committee discussed the case studies found in the Watershed-Based Organization White Paper. The group talked about what the JC watershed organizations could be in terms of potential goals and scope of authority. So far the sub-committee has discussed the “where” and the “what” of the watershed organizations. The third meeting will include a discussion of the “who” should be included, meaning who are the stakeholders/potential partners that should be involved.
 - **System Management Sub-Committee Update:** The system management sub-committee has had their second meeting. The meeting in large part consisted of further defining the stormwater

system, especially what pieces of the natural system to include, and how to prioritize system replacement projects. Jason Hrade of JC AIMS gave a brief presentation of the stormwater system data the County has and how it is compiled.

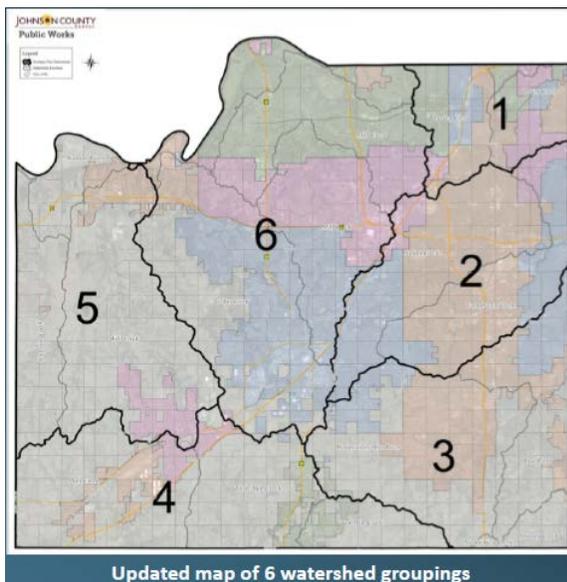
- **SMAC Meeting Update:** The JC Stormwater Management Advisory Council (SMAC) met on March 31st. Lee of JC SMP gave a high level report of the SMP implementation status with good feedback from SMAC. Ultimately, the policies and recommendations from sub-committee meetings will go to SMAC for review. The anticipated schedule is that a draft framework of the watershed-based organizations will be presented to SMAC in June.
- Andrew then outlined the agenda and goals of the third watershed-based organization meeting.
 - **Watershed-Based Organization Sub-Committee 3rd Meeting Goals:** The sub-committee's overarching role is to transition the SMP from a jurisdictional based program to a watershed-based. A Watershed-Based Organization White Paper was given to the sub-committee as reference material to guide in this transition. The goal of the third meeting is to continue to discuss the material in the White Paper so as to identify a preferred alternative for the sub-committee. Topics to be highlighted in the third meeting include potential partners, organizational structure, and the watershed improvement plans.
- Consultants called for any questions or comments before moving on with the meeting agenda.
 - **Q: What plan is there for giving a detailed report of SMP implementation progress?**
 - Information is being compiled on the County website which will have [sub-committee meeting updates](#). A broader effort will be done to make the public informed of the process. Any information that representatives can share with their cities and in turn any response that representatives can share with the sub-committee is greatly appreciated. (Andrew, B&V)

Cities in the 6 JC Watershed Groupings

- Consultants showed a presentation slide with the cities in the 6 watershed groupings. Some cities, such as Gardner, were highlighted because they represent just a few acres in the watershed. The sub-committee should further consider whether a city that represents a very small portion of the watershed will be participating in the decision making process of a watershed-based organization.
 - **Note: Overland Park is no longer included as part of Area 4. See updated slide.**
- Participant comments from the watershed groupings are summarized below:
 - For further analysis, it would be helpful to have the percentage of area that the individual cities contribute to the overall watershed grouping. It would also be good to know which cities are "land-locked" and which cities can continue to expand.
 - Participants questioned whether JC Wastewater and JC Unincorporated (such as airport areas) should be added to the list.

Cities in the 6 Watershed Groupings

Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Fairway	Prairie Village	Olathe	Edgerton	Gardner	Bonner Springs
Merriam	Overland Park	Johnson County Unincorporated	Gardner	De Soto	De Soto
Lenexa	Leawood	Overland Park	Johnson County Uninc.	Johnson County Uninc.	Gardner
Mission	Olathe	Spring Hill	Olathe		Johnson County Uninc.
Mission Hills	Lenexa	Leawood	Spring Hill		Lake Quivira
Mission Woods					Lenexa
Overland Park					Olathe
Prairie Village					Shawnee
Roeland park					
Shawnee					
Westwood					
Westwood Hills					



Review of Feedback from 2nd Watershed-Based Organization Sub-Committee Meeting

- Andrew quickly highlighted the feedback received from the participants during the March meeting. Goals that appeared to be frequently mentioned during the March meeting included potential MS4 permitting by watershed, preparing long-term plans that will include complete systems, public communication, and goals that clearly define synergy/mutual benefit amongst members. Consultants asked participants if they would like to add or better define any of these goals before moving on to a discussion of who can best meet these responsibilities.
 - Participants asked for a definition of what is considered a complete system.
 - Consultants noted that the exact components of the stormwater system for a watershed-based approach are still being worked out by the sub-committees. But generally, the complete system should allow the watershed-based organizations to fully address the goals of the SMP program in a significant way. For instance, a big component of the

Strategic Plan update is to include water quality issues and so the system management sub-committee has to look at a broader approach of what to include as inventory.

Potential Organizational Structure for Watershed-Based Organization

- Consultants then asked participants to lay out what potential elements should be included in the sample structure for the watershed-based organizations. They also asked how important is it to have uniformity of structure and project prioritization amongst the organizations. The following comments were noted from individual sub-committee members:
 - The organizations should have uniformity on who serves on the board and who are actual voting members vs. ex officio members. At the same time, the organizations can't be completely uniform because there is significant diversity of watershed characteristics/needs across the County.
 - Since there are multiple goals of the organizations, then participant backgrounds should be as broad as possible. The watershed plans and outcomes will be stronger if more stakeholders are included.
 - Within the organizations there should be a differentiation between the planning process and fund allocation. The funding process should be geared towards city representatives so as to reduce potential conflicts.
 - There should be uniformity amongst the organizations as to who is involved in the final process of moving projects forward for funding to SMAC. Cities should make the decision of what projects will seek funding.
 - Investment authority should not be taken away from the cities but the organizations should be charged with both planning and funding which will require different skill sets.
 - With some cities potentially being in multiple watershed organizations, then there will need to be consistency amongst the organizations. Uniformity across the organizations will be especially important when working with local councils for support.
 - The organizations may have different priorities. Ultimately, though, the cities have to be consistent, fair, and as equitable as possible.
 - Implementation of new SMP updates may already be a burden for some communities so similarity will help reduce further difficulties.
 - SMAC structure should also be assessed for voting fairness. It may be more equitable to have six voting members that represent the 6 watersheds instead of the current structure. For example, the large number of cities in watershed grouping 1 could outvote the other watershed groupings.
 - Implementation of the watershed-based organizations should not create additional bureaucracy. The limited city resources of funding and time should be balanced.
 - A technical sub-committee would be helpful when assessing complicated key issues. The technical sub-committee would not make final decisions but could make recommendations.
 - A key component of the organizational structure is to fully understand the authority of the watershed organizations. The organizations need to know clear delineations of legal authority, including allocation of staff resources and taxing authority. Demonstration of authority would be an immediate obstacle in pursuing integrated NPDES permitting.
 - The watershed organizations should not have development authority that would usurp local control. There would be significant concerns from communities if the organizations tried to pursue regulatory authority.
 - Stormwater design guidance, such as APWA 5600 and the MARC BMP Manual, could be updated to include information from the watershed organizations.

Stakeholders/Potential Partners for Watershed-Based Organization

- Consultants asked sub-committee participants to consider who should be involved as members of the watershed-based organizations. They also asked participants to consider who should have voting authority and if all votes would be weighted equally. Individual participant comments are summarized as such:

- Case studies in the Watershed-Based Organization White Paper highlighted involvement from multiple entities, for instance real estate developers and state Departments of Fish & Wildlife. It would be good to assess how involvement from such broad stakeholders affected the watersheds. From experience, multiple benefits are maximized by broader representatives. If framing the watershed approach as an engineering problem vs. a community problem then it will be less likely that ancillary benefits, such as quality of life enhancements, will be achieved.
- Even though a project will benefit the watershed a city is in, it could still be difficult to get public involvement if the project is outside city jurisdiction. This will be especially true if cities are expected to provide matching funds. City councils will need to provide support and in order for implementation to not stall then basic boards should be formed consisting of city representatives. From there, the boards can begin developing the watershed master plans. The master plans will guide the organizations, highlighting the uniqueness of each watershed which can't all be foreseen in sub-committee meetings. After the master plans are drafted, the boards will have a better idea of who should be additional members.
- There is a difference between potential participants/stakeholders and board members. It would be helpful to include consultants as participants but board members will need to be as independent and non-biased as possible. Board members would vote on funding and watershed plans which are voting capabilities that should be retained for the cities and county.
- If trying to evolve the SMP program then broader representation will drive greater watershed improvements that haven't been achieved before.
- When looking outside this region, most other watershed boards include voting members beyond just the cities for the exact benefits of their involvement. Participation will likely wane from members that are not voting. Investment is where the plan meets the road. If stakeholder priorities are involved in the plan but not a part of the investment then ultimately their priorities don't make it into the project.
- From public surveys, more than 80% of the population in the JC area is concerned with water quality but that priority is not often shown in the allocation of funds. In other parts of the country, outside groups are embedded in legitimate processes and are therefore more successful in achieving their goals.
- Cities do include outside priorities when considering projects. However, final decision of if and how to proceed should come from city staff. The implementation of a watershed-based approach is already a large step for cities. A basic structure should be established for now with the expectation that the structure will change and evolve as the program progresses.
- Cities and counties can be fined if they fail to meet NPDES requirements. The failure to meet requirements drives involvement from these entities. Bringing in non-city and non-county representatives that are not responsible for stormwater quality may be a tough sell to a governing body.
- When considering voting board members, city managers and legal counsel should be consulted to evaluate outside opinions, particularly if considering NGO voting authority.
- Watershed organization participants should be a party that has control of land to develop a project, for instance, the DOT or Parks and Rec.
- The watershed boards could have differentiating voting rights. There could be non-voting ex officio members that would represent an entity such as a NGO. However, the decision on who to include as ex officio members could be postponed until the master plans are completed, provided that the master plans are inclusive and involve a broad group of stakeholders.
- The consultants then had the sub-committee compile a broad list of stakeholders/potential partners for the watershed-based organizations. The following list was noted as guidance for the watershed organizations to consider:
 - **Watershed-Based Organization Potential Partners:**
 - Regulators
 - DOT
 - Resource agencies
 - Utilities

- Parks & Rec
 - NGOs
 - U.S. Army Corps of Engineers
 - Large landowners
 - School districts
 - Johnson County Executive Airport
 - MARC
 - Neighboring communities (e.g. KCMO)
 - Business community
 - APWA
 - Consultants
- Lee of JC SMP explained that the County SMP program and SMAC are two separate entities. Historically, SMAC has been comprised of one voting representative per city. But SMP funds are not SMAC funds and present legislation does not prevent other organizations from being on SMAC. He also addressed the issue of public funding being spent on private property. If the SMP program is to be tasked with the requirements to reduce flooding, improve water quality, and enact system management then it cannot be expected to effectively achieve such goals on public land alone. Examples of effective federal programs where public dollars are used on private property are being done with the NRCS.
 - The sub-committee then decided on the voting rights of the watershed-based organizations.
 - **Watershed-Based Organization Member Voting Rights:** Via vote, the sub-committee decided that the voting members of the watershed boards would be entities from the cities and county. Other entities, such as NGO representatives, could have ex officio status.

Watershed Plans

- Consultants called for a discussion of the watershed plans that will be drafted and guide the watershed organizations into the foreseeable future. The following comments were noted from individual sub-committee members:
 - There should be a basic outline of what every master plan should include. Across the organizations there will need to be consistency, particularly with how to evaluate and prioritize projects. The prioritization should fully consider the watershed goals such as with water quality initiatives.
 - The plans should have three sections covering flooding, system replacement, and water quality. Prioritization may need to include consideration for critical assets.
 - Watershed plans should be calibrated with accurate land use plans and amongst strategies that meet multiple community benefits. The plans should have explicit attention to natural resource management strategies that also provide community benefits.
 - For those drafting the watershed plans, it would be very helpful to consistently define the scope of work. Professionals should be asked for their opinion on what are the most important concerns regardless of the potential funding of a project. The plans should indicate the issues of the area and then the organizations can work from there to consider what is most feasible financially and politically.
 - Plans should include project recommendations and ideally alternative options if a direct approach isn't possible. As the plans are being drafted, city recommendations should be incorporated so that limitations can be considered.
 - The plans may indicate that a large number of damage control projects need to be done. Ultimately, the plans need to be neutral in assessing what is best for the watershed.
 - Watershed plans should be living documents that are updated every 10 years. After the 10 year timeframe, project suggestions would most likely not be relevant. The plans should have direct language providing the requirement to update.
 - There should also be the requirement that plans have multi-disciplinary teams. Plans should look not only from an engineering perspective but also at issues such as ecology and public health. Including landscape architects would be an additional valuable perspective.

- Geomorphic analysis could be done. LIDAR data could be used to compare surfaces and assess stream bank changes.

Closing / Next Steps:

- The meeting finished with consultants calling for final questions or comments.
 - **Q: On the discussion on how to get NGOs involved in the SMAC process, have other sub-committees considered that issue?**
 - At this time, the other sub-committee that has met is system management and they have not mentioned the potential role of NGOs yet. That question will be posed to the sub-committees to get their input and broader perspective. (Lee, JC SMP)
- The sub-committee will meet again on May 3rd at the same time, same place.
 - Participant responses will be used in drafting a sample organizational framework and structure that will be emailed to the sub-committee prior to the next meeting.
- JC SMP and the consultants thanked participants for their valuable time and comments.