

COMMISSION FILE NO: 20-053-4 **DATE INTRODUCED:** April 15, 2020

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Repeal Commission Policy 1-01.15, Watercourse Policy, and Create Commission Policy 1-01.15, Flood Risk Reduction Policy

SUMMARY:

The Commission is requested to repeal the Commission Policy 1-01.15, Watercourse Policy, and create new Commission Policy 1-01.15, Flood Risk Reduction Policy.

The District originally approved the Watercourse Policy (Policy) in 1999, with the purpose of directing District work efforts to reduce flood risks. The Commission has since modified this policy as circumstances warranted.

The District currently considers property acquisition or floodproofing as alternatives when developing and implementing watercourse management plans. While the existing policy addresses funding for floodproofing and acquisition, it does so only in a general manner. Several years ago, staff developed guidance for floodproofing and acquisition funding. Due to an increase in the number of possible actual floodproofing and acquisitions, staff began the process to convert the guidance into policy.

As staff began this process, it became apparent that the Policy needed an overall review and updating, as multiple sections were out of date and could be clarified. In addition, the Policy language is inconsistent with District Chapter 13 Rules. Due to the extent of the changes, staff is recommending repealing the current Policy and create a new policy to replace it. It is important to note that, while the changes are extensive, other than the new section regarding funding for floodproofing and acquisitions, there is no intent to make material policy changes. Staff is also developing modifications to Chapter 13 Rules to ensure consistency between the Policy and the rules.

ATTACHMENTS: **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒

FISCAL NOTE ☐ **S/W/MBE** ☐ **OTHER** ☒ Attachment 1: Existing Watercourse Policy (Commission Policy 1-01.15), Attachment 2: Proposed Flood Risk Reduction Policy (Commission Policy 1-01.15), Attachment 3: Existing Watercourse Policy marked up to reflect proposed changes.

*PFP_Repeal_and_Replace_Watercourse_Policy_1-01.15_legislative_file
03-24-20*

COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

SUMMARY (Cont'd)

Repeal Commission Policy 1-01.15, Watercourse Policy, and Create Commission Policy 1-01.15, Flood Risk Reduction Policy

Attached are the following policy documents:

- Attachment 1: Existing Watercourse Policy
- Attachment 2: Proposed Flood Risk Reduction Policy
- Attachment 3: Existing Watercourse Policy marked up to reflect proposed changes

Following is a summary of the Policy changes.

This change will rename the Policy from “Watercourse Policy” to “Flood Risk Reduction Policy” and provide a policy purpose.

Replacing the very general policy title with a more specific title more appropriately identifies the fundamental purpose of the District’s work.

The current Policy does not have a purpose section. A purpose section is proposed to establish a general framework for the District’s work

The recreated Policy statements will better harmonize with District Rules.

The purpose section described above also relates the Policy to District Chapter 13 Rules.

Jurisdictional stream definitions and the method to add streams to the District’s jurisdiction are recommended for removal from the Policy and placed into the District Chapter 13 Rules. The District Chapter 13 Rule change will occur in a separate Commission document.

The recreated Policy will formalize a District financial contribution approach for voluntary structure acquisition and removal or voluntary structure floodproofing.

A subsection, “Voluntary Structure Acquisition and Removal and Voluntary Floodproofing,” is a new addition to District policy.

Voluntary structure acquisition and removal or voluntary floodproofing is considered in the flood risk reduction alternatives development. Implementation of either voluntary structure acquisition and removal or voluntary floodproofing is pursued when a watercourse management plan recommends this approach over other flood risk reduction techniques, such as channel widening to increase flood conveyance, levees to hold back floodwaters, or flood storage to store and slowly release flood flows.

The District will collaborate with the local governmental unit and the property owner to determine the voluntary structure acquisition and removal or voluntary structure floodproofing to be implemented. A no action alternative will also be considered.

SUMMARY (Cont'd)

Repeal Commission Policy 1-01.15, Watercourse Policy, and Create Commission Policy 1-01.15, Flood Risk Reduction Policy

The District may fund voluntary structure acquisition and removal or voluntary structure floodproofing according the criteria in Tables 1 and 2.

Table 1
District Funding Amounts for Residential Structures with One to Four Units

Result of Cost Analysis	Alternative Selected by Owner and Local Government	District Funding Amount
Floodproofing ≤ 50% Acquisition and removal	Floodproofing	100% of floodproofing cost
	Acquisition and Removal	100% of floodproofing cost
Floodproofing > 50% Acquisition and removal	Floodproofing	50% of acquisition and removal cost
	Acquisition and Removal	100% of acquisition and removal cost

Table 2
District Funding Amounts for All Other Structures*

Result of Cost Analysis	Alternative Selected by Owner and Local Government	District Funding Amount
Floodproofing ≤ 50% Acquisition and removal	Floodproofing	100% of floodproofing cost
	Acquisition and Removal	100% of floodproofing cost
50% Acquisition and removal < Floodproofing < 75% Acquisition and removal	Floodproofing	100% of floodproofing cost
	Acquisition and Removal	100% of acquisition and removal cost
Floodproofing ≥ 75% Acquisition and removal	Floodproofing	75% of acquisition and removal cost
	Acquisition and Removal	100% of acquisition and removal cost

*residential structures greater than four units and commercial, industrial, governmental, and institutional structures

If an alternative is selected for implementation by the local governmental unit and owner that costs higher than the District funding amount, then the local governmental unit, the owner, or a combination of them must provide the supplemental funding.

SUMMARY (Cont'd)

Repeal Commission Policy 1-01.15, Watercourse Policy, and Create Commission Policy 1-01.15, Flood Risk Reduction Policy

The District and the local governmental unit will prepare and execute an intergovernmental cooperation agreement (ICA) to identify each party's responsibilities. The local governmental unit will do the floodproofing or acquisition and removal work.

The District will obtain a permanent property interest, such as an easement, in any property where the District has funded voluntary acquisition and removal or voluntary floodproofing.

The recreated Policy will clarify and update various policy elements to make the Policy more useful and understandable.

The proposed Policy formalizes that watercourse management plan development will consider climate change in the development of alternatives to reduce future flood risks.

The proposed Policy emphasizes the District will develop flood risk reduction projects to achieve other benefits, such as reduced risks to public health and safety, improved opportunity for access to and use of riparian areas, green infrastructure, etc., through stakeholder input.

The proposed Policy clarifies operation and maintenance responsibility for District flood risk reduction projects and when the District would intervene to remove debris, which causes increased flood risk.

The proposed Policy allows for flood risk reduction projects to perform a purpose requested by another party where an ICA or memorandum of understanding is developed to indicate how construction, operation, and maintenance costs will be shared.

Other miscellaneous minor changes are made to the proposed Policy.

District staff presented these proposed changes to the Technical Advisory Team. Staff has modified the proposed Policy changes in response to those comments.

RESOLUTION

Repeal Commission Policy 1-01.15, Watercourse Policy, and Create Commission Policy 1-01.15, Flood Risk Reduction Policy

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that Commission Policy 1-01.15, Watercourse Policy, is repealed and that Commission Policy 1-01.15, Flood Risk Reduction Policy, is adopted as shown in the attached Commission Policy 1-01.15.