



### **Subcommittee on Minnesota Water Policy**

65 State Office Building St. Paul, MN 55155-1201 Phone: (651) 284-6431 Fax: (651) 297-3697 TDD  
(651) 296-9896

#### **Issue: Water Governance in Minnesota: Is there need for change?**

Jim Stark, Legislative Committee on Water Policy-draft

Details available on request.

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In 2008 Minnesota's citizens passed the Clean Water, Land and Legacy Amendment to the Constitution which dedicated a portion of the state sale's tax for the environment. However, recent information suggests that improvements to our waters are not meeting citizen expectations. Statewide, water regulation and management is coordinated by many state, regional and local agencies. This complex system of water governance may be standing in the way of achieving clean water goals. There also are concerns that Minnesota's water governance could be more efficient and in need of better coordination. There are bills introduced in the legislature that reflects these concerns.

The numerous state and local water-management organizations in Minnesota may not be as effective as they might be. Minnesota's waters are governed by hundreds of laws, regulations, rules, and ordinances involving more than twenty federal agencies, more than six state agencies, and many local units of government. These groups have individual and specific missions and are bound by individual federal and state laws. These constraints create silos, overlaps, conflicts and contradictions in implementation. Over time, a multiplicity of state, regional and local water-management organizations have been created that contribute to challenging patchwork of entities. However, many believe that the Clean Water Land and Legacy Act has resulted in more and better coordination among the agencies.

There have been several reviews of water governance. Two reports are considered fundamental. In 2011, the University of Minnesota (2011) published a report on water sustainability. That report, which involved many of the state's water experts, was conducted at the request of the Minnesota Legislature in response to the passage of the Clean Water, Land and Legacy Amendment. The result was the publication of the Minnesota Water Sustainability Framework that laid out pressing issues considered necessary to ensure sustainable water as well as recommendations for meeting those challenges. Suggestions for revised water governance were included. More recently, the Minnesota Pollution Control Agency (MPCA, 2013) developed recommendations for improving Minnesota's system of water governance. This evaluation was authorized by the Minnesota Legislature and provide recommendations about greater cooperation and efficiencies. However, neither of these evaluations presents a clear vision for a better or more efficient organizational structure, nor do they call for a major change in governance.

There generally are two schools of thought on our current system of water governance. One suggests that state and local water governance is too complex and involves too many agencies that are not well integrated. An important argument is that the current system does not encourage state-wide or long-term water policy. Some have suggested that these shortcomings could best be addressed by combining state-level governance and management into a single “Department of Water”. This scale of reform would be significant and would involve major changes to organizational structure and resources. A consolidated Water Department could be more efficient with improved and simplified services to the citizens of the state. However, because each of the existing agencies have specific missions and agreements with federal agencies, it is possible that there would be unintended consequences that might affect federal funding. For example, the water focus at the Minnesota Department of Health is on safe drinking water and the focus at the MDA is on water and agriculture. Some of these specific objectives may be diluted, and constituencies’ less-well served, given the possible new priorities of an all-encompassing Water Department. The restructuring of a large government agencies would involve significant realignment of personnel, each having unique program expertise and institutional memory. A change of this magnitude would require considerable study and evaluation.

A second school of thought recognizes the strengths of the current system of cooperation among individual agencies. The Clean Water Land and Legacy Act resulted in more and better coordination among staff across agencies. Advocates argue that the current system provides strong competing agencies, each with specific duties and goals, which promotes coordination as well as healthy competition among agencies. The current system of governance focuses on the importance of specific agency missions and goals and allows for legislative, rather than administrative, resolutions of priorities, tradeoffs and conflicts.

Each of the reviews of water governance offer options for improving water governance. They provide suggestions for improvements that have been implemented, or could be implemented without regard to a decision about agency restructuring. Those recommendations are summarized below: the following text.

## **Recommendations for Improvement of Water Governance**

### **Organizational Efficiency:**

- Synchronize water-management programs into one “management system”
- Clarify the roles, responsibilities and authority of Local Governmental Units
- Improve the delivery of water- permitting services at the regional level
- Clarify the role of the Clean Water Council
- Increase emphasis on the responsibilities of local watershed authorities involved in the One-Watershed/One-Plan process

### **Information Delivery**

- Provide a Common Source of water data

### **Improved Governance:**

- Update and prepare a State Water Plan
- Implement a comprehensive statewide conservation priority process
- Adopt a comprehensive systems approach to water management:
- Strengthen land use planning, focusing on Water
- Increase Legislative Support Capacity for water issues

- Require that state-owned lands be examples of conservation
- Increase interagency water management for long-term sustainability
- Increase support for the voluntary Minnesota Agricultural Water Quality Certification Program
- Revise water policy to include principles of equity
- Examine alternatives for wastewater and storm water conservation and reuse.
- Ensure that statutes regarding water policy are integrated across agencies and scales of governance
- Ensure that state environmental and natural resource policies aligned with water sustainability goals
- Support and strengthen landowner and land occupier efforts to stem nonpoint source pollution

#### Update Laws and Rules

- Create flexibility in water laws across landscapes:
- Analyze the efficiency and effectiveness of possible changes to wetland regulations:
- Provide consistency of enforcement authority among state agencies

#### References:

- MPCA, 2013, Water Governance Evaluation: available online at: [www.pca.state.mn.us](http://www.pca.state.mn.us)
- University of Minnesota, Water Resources Center, 2011. Minnesota Water Sustainability Framework. Accessed April 18, 2012 at [http://MN](http://mn.gov) Session Laws 2009, c 37, § 4 directs DNR groundwater study preparation

#### What's needed?

- The option of creating a One-Water Department needs detailed discussion with legislative and agency representatives
- The recommendations presented in the two cited review reports should be reviewed by appropriate committees in the legislature for legislative implementation.