The Problem:

While Minnesota has made great strides in some areas of water management, our governance system is not well designed to facilitate progress in the most important challenges we face today.

Minnesota's system of water governance is fragmented. It has been developed piecemeal, without an overarching picture of how all the pieces fit together. While some of the pieces are doing great work, we do not as a state sufficiently look at the overall picture and evaluate what must be done to protect our water resources today and in the future.

The result is multiple and often unclear lines of responsibility, unclear and at times overlapping authority, and gaps in responsibilities for important issues, like the prevention and cleanup of nonpoint source pollution.

The roles and responsibilities of various levels of government and government agencies can be difficult for even water professionals to understand, making it even harder for citizens to see how they contribute to water management. Water management is primarily seen as government's responsibility.

Our tendency is to react to water-related problems after they arise, with restrictions and mandates that often meet resistance from water users, who may not have been significantly involved in water management up to that point.

We need to change the way we think about water management in order to meet the coming challenges. The responsibilities for important priorities – such as preventing and correcting nonpoint source pollution and planning for future water supply – must be clearly assigned so that we are certain that these priorities are being covered, and all water users – including government, communities, businesses nonprofits, and individuals – need to be able to see their roles within the water management system.

The approval of the Clean Water Land and Legacy Amendment in the 2008 election brings new urgency to this challenge. One third of the revenues from a sales tax to begin in July 2009 – an estimated $100 million per year – will now go to a Clean Water Fund. Managed well, this funding could greatly benefit the health of waters in Minnesota. It is important, however, that this funding be distributed in prioritized and coordinated manner, rather than on a project-by-project basis.

Problem statement – Nonpoint Source Pollution:

The clean-up and prevention of nonpoint source pollution is not adequately addressed in Minnesota, because no organization owns this responsibility.

Evaluative criteria/principles:

To address, this, our current system of water management should be evaluated against the following principles/criteria:

- Transparency: The management framework should be understandable to both governors and the public. Regulatory overlap and duplication should be minimized. It should be clear what is being done by whom – and what is not being done.
- Outcomes-based: Rules and regulations should be meaningful. They should result in positive environmental outcomes. We should also minimize situations where money is spent on useless management practices just to meet regulatory requirements.
- Equity: All individuals, entities, and sectors should carry their appropriate share of the burden to achieve water management improvements. Regulations should be manageable. They should not place unreasonable burdens, financial or otherwise, on the regulated parties.
- Accountability: It should be clear who is responsible for outcomes on priority areas. Those responsible for policy goals should be held accountable to measurable goals. Funding, staff, and other resources should match responsibility.
- Watershed-based: Policy should be based on the direction that water flows rather than according to political boundaries. Laws must be flexible enough to recognize that one-size will not fit all at the local level, yet flexibility must be balanced with the need for clarity in regulations, and local control must be balanced with the need to ensure that certain standards are upheld statewide.

Questions:

- Transparency:
  - What are the roles of the various organizations involved in reducing nonpoint source pollution?
  - Are nonpoint source pollution reduction goals covered by these organizations? How difficult is it to tell?
  - Are nonpoint source pollution management programs understandable and communicated to governing bodies, the public, and parties who are regulated?
  - Do governing bodies and the public understand how their programs fit into larger goals to improve water quality?
  - Do governing bodies and the public understand what is being done and by whom? Do they understand what may not be being done?

- Outcomes-based:
  - Are goals for reduction of nonpoint source pollution clearly defined? Are they measurable?
  - Who decides what the goals are? How are the people who contribute to and are affect by the problem (citizens, businesses, etc.) involved in defining goals?
  - Which practices and policies are effective at reducing nonpoint source pollution? Do we know?
  - To what extent do regulations, incentives, etc. result in positive environmental outcomes (not just positive plans)?
  - To what extent do regulations, incentives, etc. encourage practices and policies that have not been demonstrated to reduce nonpoint source pollution? Are there good reasons for these regulations/etc. anyway?

- Equity:
  - Where does nonpoint source pollution come from? Which parties are affected by regulations, incentives, etc., and how? Does this align with the sources of pollution?
  - Are businesses, local governments, etc. able to meet the requirements of regulations and statutes? If no, why not?

- Accountability:
  - Is it clear who is responsible for each goal for nonpoint source pollution reduction?
  - What checks ensure that those responsible are meeting the established goals?
  - Do responsible organizations have the funding, staff, and other resources to meet these responsibilities?
  - Where overlap exists between the roles of various organizations, does it make it more difficult to ensure someone is accountable for outcomes?

- Watershed-based:
  - How is water policy directed? Along political lines, or along the flow of water?
  - Do policies from the national and state levels allow for local flexibility?
  - Are certain priorities being met in all localities regardless of the form local governance takes?
  - Is the local government unit (or joint powers group) responsible for managing nonpoint source pollution the right size to meaningfully engage residents?
  - How difficult is it for the various units of government that cover a watershed to collaborate? Why?