Please note: This is a draft document only. The statements have not been approved by the Water Policy Study Committee, and they do not represent the views of the committee or of the Citizens League.

WORKING DOCUMENT
FEBRUARY 20 DRAFT

INTRODUCTION

Vision: Water is life. Earth is our home because it is the blue planet, the water planet. Access to adequate clean water in our homes and in our lakes, streams and groundwater is a fundamental human right. Water is not merely a commodity. Private transactions in water must never violate the highest public trust, the public stewardship of our collective treasure, our state's water resources. Our water – even in Minnesota – is finite.

We expend a tremendous amount of resources on water quality in Minnesota, yet we are not achieving the quality that we should have, either to clean waters that have been polluted or to preserve water quality for the future. Our incoherent governance system is a major obstacle to getting these outcomes and needs to be addressed. It is particularly crucial right now: the Clean Water, Land and Legacy Amendment, passed in November 2008, will bring millions of additional dollars to protect and restore water quality in the state (an estimated $80 million in FY 2010 and $91 million in FY 2011).[1] It is important that this funding be distributed in a prioritized and coordinated manner. Minnesota, with our current governance structure, is not prepared to do this.

Definition of water governance: The processes by which water is managed. Governance in water policy includes government entities, businesses, nonprofits, communities, and citizens.

FINDINGS

Background:

1. Describe the governance system.

    A. Discuss statutes underpinning the system, from federal Clean Water Act through state laws

    B. Discuss the various units of government (federal, tribal, state, local) and what they do, strengths/weaknesses of each (e.g. City: close to issues, has staff and equipment, can raise revenue; less concern for issues outside of boundary). Talk about water plans within this section

    C. Discuss how much is done in the private sector (nonprofits, businesses, community groups and lake associations, etc.)

2. Strengths of water governance in Minnesota

    A. Public commitment to water resources, as demonstrated by recent constitutional amendment

    B. Minnesota is relatively advanced in water management. Examples:

[1] DNR: http://www.dnr.state.mn.us/news/features/amendment.html

   i. Legislation empowers local government units to act – all the statutory authority needed at local level is there
   ii. Some localities have great data regarding water flow and quality in their areas.
   iii. Anecdotes that people in water governance in other states are jealous.

C. A lot of committed individuals and organizations doing a lot of good things across the state
   i. Call out examples from various areas/kinds of orgs
   ii. Importance of collaboration in these projects – it happens, mainly on project-by-project basis

D. The amendment means there's long-term funding devoted to water

3. Case study: Nonpoint source pollution

A. Though we have little data statewide, we have enough to know that nonpoint source pollution is a big problem
   i. 18% if our lakes and 14% of rivers have been evaluated
   ii. Of those, 40% have been found to be impaired. In 86% of these cases, nonpoint source pollution is the major cause of the impairment, according to 2000 data from the PCA
   iii. Sources of nonpoint source pollution include: agricultural runoff (the biggest contributor on a statewide basis), urbanization and urban runoff, shoreland development, wetland loss, septic systems, forestry

B. Who is responsible for what

   i. Prevention:
      a. Work is done by many organizations to prevent nonpoint source pollution from finding its way into our water bodies.
      b. However, at the state level, no organization has been given responsibility for prevention.

   ii. Clean up
      a. PCA is responsible for developing TMDL plans to reduce pollution in impaired waters (as required by EPA)
      b. No one is responsible for actual results from these plans (i.e. cleaner water)

C. How we address nonpoint source pollution
   i. More resources are focused on cleaning up nonpoint source pollution where it exists than on preventing pollution in the first place.
      a. Most often, what we do is crisis-management.

   ii. TMDLs: talk about how TMDL areas are identified, the process of developing a plan, the process of implementation

   iii. Projects often require large degree of collaboration between government bodies
      a. Ex: Chain of Lakes cleanup

   iv. Regulation: talk about what is regulated

   v. Some promising things that are not 100% governmental
      a. Forestry private certification
      b. What's being done by nonprofits, other orgs

Finding 1: Water is governed in Minnesota through a complex and fragmented system, which is very non-transparent, both to the public but also to professionals.

[[It was suggested we use the term "decentralized" instead of "fragmented." I've stuck with fragmented here because I think it gets more accurately at what we're talking about. Decentralization can be intentional and it can be effective; fragmentation is not. Open to debate, though.]]

Finding 2: The fragmented nature of the governance system leads to some overlap, and – more importantly – significant "underlap." Some important issues are falling through the cracks.

1. Underlap
    a. Nonpoint source pollution prevention
    b. Results in nonpoint source pollution clean up
2. Overlap
    a. Permitting – depending on the area, developers may need permits from a number of government entities for a single project
3. Confusion in the government system sometimes generates scorn and disrespect for programs.
    a. Ex: When a regulated party received conflicting messages from different government program staff.

Finding 3: There is a lack of clarity on the appropriate roles of the various government units, citizens, and others involved in water governance.

1. Ex: Frustration at unfunded or underfunded mandates (ex: counties responsible for septic system inspections, but these don't get done because don't have sufficient funding)
2. Citizen role is ill-defined

Finding 4: Current structures for citizen engagement in water governance are not very effective

1. Common mechanism for participation in government is the public meeting.
    a. MS4 meetings across the state got average 1.4 people
2. Those responsible for citizen engagement are usually people who are trained as scientists, not as organizers

Finding 5: Good data is extremely important in making policies that reduce nonpoint source pollution.

1. Value of consistent monitoring – use examples
2. Value of citizen monitoring – don't get depth or precision that you can from scientists, but can get many more data points

Finding re prioritization? Is this a nonpoint source pollution question? Maybe be outside scope of our study

<u>CONCLUSIONS</u>

I. Roles of all players should be clarified
    a. Government – should be more transparent. This could also help bring about greater accountability. We need to be able to know whether any government entity is responsible for outcomes on all priorities.
    b. Citizens and private sector need to be able to see their role both in contributing to nonpoint source pollution and to its management

II. The water governance system should include a more participatory role for citizens.
    a. Both to contribute information and through own actions to reduce pollution
    b. Citizen engagement can be expensive, but done right it can save money and get better results in the long term

III. At the state level, Minnesota needs greater leadership to reduce nonpoint source pollution.

IV. Systematic coordination among the government units that carry out water policy should be improved.
    a. Priority setting
    b. Data – measuring outcomes and sharing results

<u>RECOMMENDATIONS (Parking Lot)</u>

Significantly reducing nonpoint source pollution will likely require an “all of the above” approach (regulation, voluntary best management, education)

I. Independent state entity to evaluate water programs

II. Single place at state level to aggregate water data

III. Joint legislative water committee

IV. Give a state entity regulatory and enforcement power necessary to prevent nonpoint source pollution

V. A “reduce, reuse, recycle” slogan for water stewardship
    a. X Prize contest?

VI. Increased pressure for agricultural BMPs, either through private sector or government regulation

VII. Something to make watershed-based management statewide

VIII. Is there an opportunity to push citizen component of PCA’s watershed testing plan?

IX. Language changes – another term for “nonpoint source pollution,” others?
    a. Possible words for “nonpoint source pollution”
        i. Landscape pollution/Landscape source pollution
        ii. Personal source pollution/Personal pollution/Personal pollution sources
        iii. Citizen-based pollution
        iv. Daily decision pollution
        v. Landscape pollution
        vi. Inadvertent runoff contaminants
        vii. Landscape degradation
        viii. Water degradation
        ix. Small-point pollution (Wagenius’ term)
        x. Large-scale pollution
        xi. Landscape contaminants
        xii. Dirty runoff
        xiii. Soiled runoff
        xiv. Stormwater pollution

    b. X Prize contest?