

November 25, 2013

Local Government Water Roundtable Comprehensive Water Planning and Management Policy Paper

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Minnesota Local Government Water Roundtable

The Association of Minnesota Counties (AMC), the Minnesota Association of Soil and Water Conservation Districts (MASWCD), and the Minnesota Association of Watershed Districts (MAWD) understand the value and strength of working together and have developed the **Minnesota Local Government Water Roundtable** (Roundtable). The Minnesota Board of Water and Soil Resources (BWSR) is serving in an advisory capacity.

Background

On July 12, 2010, more than 380 local water management officials gathered in St. Cloud, Minn. at a “Water Management Summit”, to begin discussions of present and future involvement of Local Government Units in the management of Minnesota’s water resources. Leading up to the Summit, the Roundtable was formed to discuss and act on issues of common concern.

The major topics identified by the Roundtable for further investigation and recommendations include:

- Watershed and basic water management
- Comprehensive water planning and management
- State funding process for local water plan implementation.

Following the Summit, a 30-member advisory committee of County, Soil and Water Conservation District (SWCD), and Watershed District (WD) board members and staff from across the state was formed and divided into three subcommittees, with each subcommittee responsible for one of the major topic areas. This policy paper contains the key concepts, policy statements, findings, and recommendations of the Roundtable.

The Minnesota Local Government Water Roundtable’s goal is to provide consensus recommendations to our members and state policy makers on how to deliver water management in Minnesota to be more efficient and effective in accordance with economic realities of our state and nation and the accompanying pressures on state and local resources.

Our three Associations and our members are committed to collaborative efforts and have developed the One Watershed, One Plan approach.

Vision

The Roundtable envisions a watershed framework in the State where all stakeholders in water take an active role in creating healthy watersheds.

Key Concept

A key concept developed and supported by the Roundtable is the *One Watershed, One Plan* approach. *One Watershed, One Plan* came about in response to discussion and information generated by the Roundtables' collective members during the Local Water Management Summit (July 2010) to answer the question of what should be the recommended method for organizing, planning and implementing water restoration and protection activities.

"Each river system, from its headwaters in the forest to its mouth on the coast, is a unit and should be treated as such."

-President Theodore Roosevelt

Policy Statements

The following four major policy statements embody the collective work of the Advisory Committee and Roundtable have been crafted to inform and shape the transition of the current local water management structure in Minnesota to a comprehensive watershed based approach:

- Policy Statement 1. The recommended scale for watershed planning should be on the basis of 81 major watershed boundaries.
- Policy Statement 2. The water management and planning programs under 103B and 103D should be changed to the 81 major watershed boundaries, except for areas subject to Metro Surface Water Management Act. This will enable the framework for unified and comprehensive watershed management plans.
- Policy Statement 3. Long term predictable state funding should be provided for implementation of actions identified in watershed based plans.
- Policy Statement 4. Incentives and/or the removal of barriers should be provided to Local Governmental Units water management activities to voluntarily share services or consolidate in order to achieve greater efficiencies in service delivery.

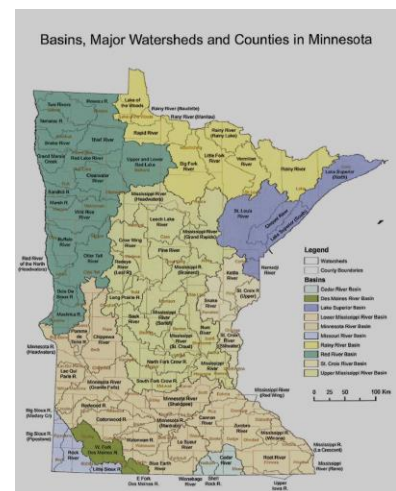
Benefits from the *One Watershed, One Plan* will be:

- Accelerated science-based, comprehensive management of water resources on a watershed basis
- Plans focused on implementation that are prioritized, targeted, and measurable
- Maximized benefits and outcomes of our water planning and soil and water conservation programs
- Facilitated concept of shared services between local governments
- A local means of establishing “essential watershed services”
- Effective means to solicit input from and engage agency experts & stakeholder groups
- Can establish a framework for future collaborative grant application/funding process
- Expanded local government partnerships for program delivery efficiency and effectiveness gains (less planning, more coordination and implementation)
- Achieve a consolidation of the number of water plans from over 200 to less than 100
- Effective means for incorporating Watershed Restoration and Protection Strategies (WRAPS) into local comprehensive watershed management plans

Policy Findings

AMC, SWCD and WD board members and staff from across the state worked together to develop the following policy findings and which have been adopted by the Roundtable. BWSR and Minnesota Pollution Control Agency (MPCA) leaders assisted with evaluating the changes to also align with Clean Water Legacy Act elements.

- The Roundtable, consistent with the State’s watershed management policy found in MS 103A.212, finds that it is in the public interest to manage groundwater and surface water resources from the perspective of aquifers, watersheds, and river basins to achieve protection, preservation, enhancement, and restoration of the state's valuable groundwater and surface water resources.
- The Roundtable finds that the primary local watershed management planning and implementation framework should follow the delineated 81 major watersheds or smaller. The 81 major watershed designations is based on the eight-digit Hydrologic Unit Code (HUC) covering the state and is based on a standardized set of watersheds that was developed by the DNR in 1979, and based on United States Geological Survey and the USDA Natural Resource Conservation service data.



- The Roundtable finds that existing comprehensive water management plans in most cases, contain adequate inventories of resources and assessment of issues, and as such major watershed based plans should focus on implementation of restoration and protection activities that are prioritized, targeted, and measurable.
- The Roundtable finds that the MPCA’s ten-year watershed approach and resulting WRAPS will be a valuable tool to help inform *One Watershed- One Plan* efforts.

Recommendations

The Roundtable supports change to allow Comprehensive Local Water Management (CLWM) to be conducted on a watershed basis instead of a county boundary. The ten-year transition for comprehensive water management planning from a political boundary to a watershed boundary builds off of the existing work that is already being implemented by counties, SWCDs and WDs.

Scale

1. The Roundtable supports changes to allow Comprehensive Local Water Management (CLWM) to be conducted on a watershed basis instead of a county boundary.
2. The Roundtable recommends streamlining the Comprehensive Water Planning & Management process by organizing on the 81 major watersheds (eight-digit HUCs) or a smaller sub-watershed scale instead of the current County and/or SWCD boundary. This will create local government efficiency that allows greater focus on project implementation.

Governance

3. The Roundtable recommends that in order for a major watershed to receive funding for “Comprehensive Watershed Management Plan” a formal agreement (e.g. memorandum of understanding or a joint powers agreement) is required of the counties, SWCDs and WDs within the watershed.

WRAPS

Based on the watershed assessment, a watershed restoration and protection strategy (WRAPS) report is completed. This report:

- Summarizes scientific studies of the watershed, including the physical, chemical, and biological assessment of the water quality of the watershed;
- Identifies impairments and water bodies in need of protection;
- Identifies biotic stressors and sources of pollution (both point and nonpoint);
- Scientific analysis for impairments (TMDLs) that determines the sources of pollution and the reductions needed to meet water quality standards; and
- Includes an implementation table which contains strategies and actions designed to achieve and maintain water quality standards and goals.

4. The Roundtable recommends the State of Minnesota provide financial incentives for collaboration of existing counties, SWCDs and WDs related to water and land management duties and purposes. The recommendation does not mandate local government consolidation – it leaves the process up to local governments and the citizenry if needed.

Funding

5. The Roundtable recommends developing a cost-effective method to distribute all water management funds on an equitable statewide basis as a foundation for implementing local priorities.
6. The Roundtable recommends that watershed level funding authority outside of levy limits is needed for base and programmatic water management and planning activities.

In addition to the preceding recommendations, the Roundtable offers the following funding principles to guide the development of a new framework for the allocation of state financial resources that will further the transition to comprehensive watershed management plans statewide and enhance the local capacity to implement once developed and adopted.

- Locally identified priorities should be the basis for funding. It is expected that local plans be developed in participation with local, regional, state, and federal authorities.
- The State should implement an approach that distributes state water funds to local governments using the following formula: 15 percent for core watershed services, 70 percent for implementation of watershed based plans, and 15 percent for competitive projects and programs.
- The funding mechanism should allow streamlined administration to maximize efficiency, minimize redundancy, and prevent duplication of efforts.
- Local governments must contribute cash or in-kind match in order to be eligible to receive state funding.
- Oversight and accountability measures must be implemented to assure public funds are being wisely used for water quality improvement.
- State level activities should be guided by local needs (i.e. guidance manuals, research, education) to support local implementation.
- State funding should be made available to support the development of One Watershed – One Plans.

Procedures

7. The Roundtable recommends that the State of Minnesota (via BWSR) should adopt watershed management plan content rules. These rules should acknowledge and replace the SWCD, WD and County *plans* addressing watershed management.
8. The Roundtable recommends BWSR establish a process for plan boundary establishment, appeals and dispute resolution
9. The Roundtable recommends using existing Minnesota Statutes and Rules governing comprehensive local water planning and management (Minnesota statute 103B) to realign and streamline the process to integrate local governmental services and capacity for ground and surface water management. The resultant focus will be implementation (conservation on the ground) on a watershed scale directed at improving water resource quantity and quality (physically, chemically and biologically.)

Collectively, these recommendations have the ability to:

- Integrate local government efforts in watershed management into a single watershed focused plan;
- Establish and define the “comprehensive watershed management plan” at approximately the 81-major (8-digit HUC) scale, provide consistency with existing watershed management policy and statutes;
- Establishes the use of WRAPS as a tool along with existing TMDL and other agency plans as an effective means of informing watershed implementation plans;
- Retain the local sovereignty of local government units;
- Allow for plans developed by counties, SWCDs and WDs to substitute for each other to reduce *planning* work and increase coordinated implementation work;
- Retain all current plans to be in place as they exist now for the expected three-ten years it will take to work through the transition;
- Establish a process for plan boundary establishment, appeals and dispute resolution;
- Update provisions for BWSR to award Clean Water Funds and other grants to local governments to be based on one-watershed plans; and
- Allows streamlined funding and administration to maximize efficiency, minimize redundancy, and prevent duplication of efforts.

These recommendations will not:

- Affect existing authorities of local governments or the existing processes to approve, adopt and amend plans or the petition procedures to establish and adjust boundaries.

Comprehensive Watershed Management Plans Concepts for Content and Scope

In preparation for the transition to comprehensive watershed management plans built largely around the State's 81 major watersheds, the Roundtable Advisory Committee on Comprehensive Water Management and Planning developed the following concepts for the scope and content of what will become an approvable plan by BWSR.

After 30+ years of implementing local water management we have, in most cases, adequate inventories of land and water resources and assessments of issues associated with them. Therefore the need for wholesale updates and/or revisions to watershed based plans in the future will be limited. Instead greater flexibility is needed to allow for a more streamlined process for more frequent updates to incorporate collected data, trends analysis, changes in land use, and prioritization of resource concerns. Focusing local government implementation, under the umbrella of a watershed based plan, utilizing shorter term workplans and budgets is preferred. This shorter term workplan and budgeting process should occur in such a way so that it can become the basis for BWSR's Bi-annual Budget Request (BBR). The BBR is based on a three year budget cycle to demonstrate local conservation restoration and protection needs.

Each plan will define roles and responsibilities of local governments in the watershed, based on core service areas. Specialized service areas will also be identified based on location and watershed management issues. These services are available on a contract basis in the watershed for other areas with needs, but at a lower priority.

Included in the plan, county/city core services will be listed as watershed priority concerns. This will allow each county/city to continue core services (i.e. SSTS, environmental health, shoreland, floodplain, well permitting, hazardous and solid waste, land application, storm water management etc.) as an element of the watershed plan. Local government core services, as determined by the local government, will remain within the local government governance structure and applied to those areas in the watershed under that county's jurisdiction. A county may decide to contract those services for that area with an adjacent local government.

Each watershed plan will create/maintain a Citizen Advisory Committee (CAC) for input to priority concerns and projects. The CAC will be established and defined by the local governments.

Project teams, composed of local and agency staff along with other stakeholder groups' staff will provide technical input to priority concerns and projects. Project teams will help establish priority projects and make recommendations to the governing body. Project teams will also seek to provide multiple benefits to the watershed from proposed projects.

A key to success of this system is to have sufficient detail that local government units can, with certainty, indicate a pollutant of concern in a water body, identify the source(s) of the pollutant, and

provide a detailed project that addresses that particular source. Local government has at its disposal a myriad of services to address watershed issues with existing programs. Another key to success will be to integrate units of government and their individual roles and responsibilities to create a successful watershed project.

Through an organized effort of local governmental units, sharing of resources becomes much more prevalent. This allows local governments in one part of the watershed to share and contract with another local government for specialized services that may not be a high priority in that local government's jurisdiction. For example, if a project requires forest resource management technical assistance, but that local government does not have a staff forester, the watershed plan local government's contract may allow for shared services to implement the project.

Since watershed management is governed differently in the seven-county metro area and there is not one major watershed that covers the majority of the area, the sub-committees analysis was limited to those portions of the state outside the seven-county metro area.

The Metropolitan Surface Water Management Act establishes a process and structure that develops watershed plans and local municipal plans linked to municipal comprehensive plans. Currently, the Minnesota Board of Water and Soil Resources is updating the rules for Metropolitan Watershed Management Plans. Therefore, no recommendations for metro planning have been developed by this committee.

At a minimum, a comprehensive watershed management plan should address the following plan concepts:

- Acknowledge and build off of existing comprehensive water management plans
- Acknowledge and build off of existing local governmental services and capacity
- Maintain core local government services on jurisdictional boundary
- Cover a period of 10 years and be designed in a way that supports creation of shorter term work plans and budgets for participating local governments. (e.g. 1, 2, and 5 year workplans and/or implementation schedules)
- Ensure citizen input
- Require the creation and use of Project Teams
- Make use of existing TMDL studies, WRAPS, and other agency plans
- Implementation plans are prioritized, targeted, and measureable
- Local water management responsibilities and activities are coordinated by the plan
- Identify necessary technical services across jurisdictional lines
- Coordination with comprehensive land use plans of counties and cities

The Local Government Water Roundtable identified the scope of watershed and land related resource management to include all or some of the following activities. Specific activities should be addressed by local government units through the watershed planning process:

- Protect, restore, and enhance water quality
- Water supply (protect, provide and conserve)
- Wetland management
- Shoreland and riparian management
- Stormwater management
- Wastewater management
- Irrigation management
- Groundwater protection
- Flood damage reduction
- Monitoring and assessments of water resources
- Manage stream channel and watercourses
- Repair, improve, relocate, modify and abandon drainage ditches
- Control soil erosion and sedimentation
- Natural resource conservation
- Wildlife and fisheries
- Education and outreach
- Emerging contaminants and issues (e.g. climate change)
- Invasive species management

Transition

The Local Government Roundtable recognizes that reorganization of the state's 30 years of watershed planning efforts may not occur quickly. A transition period of 10 years is anticipated during the time between watershed organization and required watershed plan updates take place. During the transition, coordination among Local Government Units within a watershed to plan and prioritize implementation projects will be critical. As local coordination matures over time, watershed based organizations will also mature and Local Government Units will be able to determine the most efficient means of governance locally if necessary. At a time to be determined locally, the watershed plan will be organized on a watershed boundary and submitted for state approval.
