



STATE OF MINNESOTA
SOIL AND WATER CONSERVATION BOARD

DEPARTMENT OF AGRICULTURE

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881497

December 6, 1985

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East Central Region
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TO: Commissioner Nichols, Department of Agriculture
FROM: Wayne Haglin, Chairman *Waglin*
SUBJECT: SWCB Position on Merger of the Water Planning Board (WPB),
Soil and Water Conservation (SWCB), and the
Southern Minnesota Rivers Basin Council (SMRBC)

On November 12, 1985, the Soil and Water Conservation Board (SWCB) met and reviewed the proposed board merger as developed by the study group chaired by the Department of Agriculture. Following extensive discussion, the Board passed a resolution opposing the merged Board composition as presented in the study group's report. Following are a series of concerns expressed by the Board in considering the merger proposal:

- 1) The study group concluded, and we agree, that there is currently minimal duplication of effort in the affected boards. Further, we believe that examination of the traditional and present activities of the three boards indicates that they are, and have been, substantially different.

These varied and distinct authorities and activities could certainly be combined in one entity but such combination is not essential to insuring cooperation and coordination. The consolidation of Boards cannot be expected to result in any acceleration of water management activities of itself and may complicate the continued delivery of existing programming. For example, the WRB has expressed concern that their existing conflict resolution activities must be carried out by unaffiliated citizen members to insure impartiality. Incorporation of this concern into a merged board, although possible, would probably require the establishment of formal sub-committees with very specific responsibilities and subsequent approval by the full board but without any real discretion resting with the full board. This does not appear to provide for improved efficiency or accountability over the existing structure.

Pursuant to 1985 First Special Session
chapter 10, sec 4, subd 5, para #8
done 10/15/1985 recd August 1986

October 21, 1985

- 2) The consolidation of the SWCB, WRB, and SMRBC will do little to streamline overall water management activities in Minnesota since it has no impact on the major water management activities of the Pollution Control Agency, Department of Natural Resources, and Department of Health.

The merger of the three small boards could provide for closer cooperation among counties, soil and water conservation districts, and watershed districts however the programs and policy actions of the major state agencies significantly impact local government actions and are not tied to a board merger. Further, there are many existing examples of local cooperation for resource protection and additional activities of this type are primarily restricted by limited funding rather than the existing organizational structure.

- 3) At the SWCB meeting the representatives of the Department of Natural Resources and Pollution Control Agency voiced strong concerns over the proposal to remove their opportunity to vote on policy and program issues regarding soil and water conservation district activities. It was felt that the SWCB provides a unique forum for agency and SWCD interests and that it would be preferable to build on and improve this existing coordination of functions. Any consolidation which removed state agencies from the policy process would narrow the range of interests represented and would constitute a step backward in coordinating state agency activities with local resource protection efforts.

Concerns were also raised about the impact a consolidation would have on the existing relationship between local SWCDs and the U.S. Soil Conservation Service.

- 4) The SWCB reviewed the Governor's proposal for development of a "State Comprehensive Water Resources Strategy" as part of his Executive Branch Policy Development Program and believe it holds more promise for effective coordination of water management than any board merger proposals reviewed to-date.

Focusing such a responsibility on the Environmental Quality Board (EQB) would insure that all state water activities are included and would use existing entities without disruption of ongoing programming.

We support the Governor's proposal and hope to have the opportunity to participate in the Water Resources Sub-committee of EQB (see attached).

- 5) It appears that the single largest argument for consolidation of "Water Boards" is the improved level of coordination and cooperation that would presumably result. Such a premise must assume that the existing structure is a limiting factor to cooperation and coordination. We do not believe this is a valid assumption and feel

December 6, 1985

that a brief review of existing cooperative efforts will demonstrate what the existing structure offers and does in fact encourage a high degree of cooperation. Following is a brief listing of such efforts that is by no means complete:

* Study Area II Flood Control Program -

This activity provides an excellent example of federal/state/local cooperation for flood damage reduction. A formal joint powers agreement exists between ten counties and the affected watershed districts in southwest Minnesota. State and federal agencies as well as soil and water conservation districts provide a variety of program support to this effort.

* Clean Lakes Project -

The Pollution Control Agency coordinates a variety of these projects conducted under the authority of the Federal Clean Waters Act. These efforts have successfully combined the financial and technical resources of numerous entities at all levels of government.

* Minnesota Cooperative Accelerated Soil Survey -

Under an initiative created by the Legislative Commission on Minnesota Resources (LCMR) a group of state and federal agencies has been able to substantially accelerate the completion of modern soil surveys in the state. The success of this effort has been highly dependent on local government cooperation and funding.

* Minnesota Forestry Incentives Program -

Under this program local soil and water conservation districts handle contracting with landowners for improved management of their forest lands with supporting technical assistance provided by DNR field foresters.

These serve as several examples of excellent existing cooperative efforts. In each case the existing structure has not limited the effort rather, the accomplishments and potential for expansion are limited only by the funding available. We are aware of numerous additional opportunities for such cooperation if the necessary financial support were available.

We recognize the importance of a close working relationship between county government and their respective soil and water conservation districts. Additionally, we see a variety of options for joint programming between SWCDs and watershed districts. With these issues in mind, our Board recognizes the advantages in having watershed managers and county commissioners participate in our policy development and decision-making process. The difficulty arises in attempting to incorporate these additional interests while retaining a board of manageable size and insuring the integrity of existing programs. Attached is an alternate proposal for consideration.

December 6, 1985

In closing, we would emphasize that we believe the existing agency structure in Minnesota was designed with some specific objectives in mind and recognized the need for differences in agency structure to address our varied resource protection needs. This is not to say that the structure cannot be improved but rather that change - for the sake of change - does not and will not result in accelerated protection of our valuable water resource and may, if not carefully designed, impair our ability to maintain existing cooperation.

We respectfully submit these thoughts for your consideration and inclusion as part of the merger study you provide to the Minnesota Legislature.

WH/RN:mja

cc: Governor Perpich
Study Group Members
SWCB Members and Staff
MASWCD Directors and Staff

SWCB MERGER PROPOSAL

- 7 - Soil and Water Conservation District Supervisors
- 1 - County Commissioner
- 1 - Watershed District Manager
- 4 - Agency Members (DNR, MPCA, MDA, U of M)
- 13 - Total

ASSUMPTIONS

- 1) The non-agency members would be appointed by the Governor.
- 2) The "merged board" would continue to be located within the Department of Agriculture.
- 3) The conflict resolution authorities of the Water Resources Board might be more appropriately assigned to the Environmental Quality Board or other entity.
- 4) The "merged board" would elect its own officers from among the members.



SOUTHERN MINNESOTA RIVERS BASIN COUNCIL

100 CAPITOL SQUARE BUILDING
550 CEDAR STREET
SAINT PAUL, MINNESOTA 55101
PHONE: 612-296-0676

12-16-85
D

December 6, 1985

Rollin M. Dennistoun
Deputy Commissioner
Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107

Dear Dr. Dennistoun:

The Southern Minnesota Rivers Basin Council met on December 5, 1985,
and adopted the enclosed position.

Sincerely yours,

Marilyn Lundberg
Marilyn Lundberg



SOUTHERN MINNESOTA RIVERS BASIN COUNCIL
100 CAPITOL SQUARE BUILDING
550 CEDAR STREET
SAINT PAUL, MINNESOTA 55101
PHONE: 612-296-0676

December 6, 1985
SMRBC POSITION ON MERGER STUDY

WHEREAS, the Department of Agriculture established a Study Committee to make recommendations regarding merging the WRB, SWCB and the SMRBC; and

WHEREAS, this Study Committee was composed of members from those groups affected; and

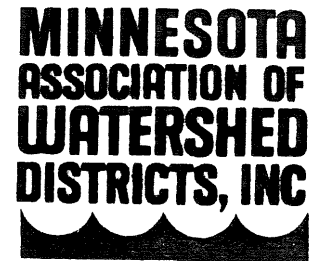
WHEREAS, this Study Committee thoroughly discussed whether these boards should be merged and various merger proposals; and

WHEREAS, the recommendation for merging these boards was reached after significant compromise on the part of all the members; and

WHEREAS, the recommendation was unanimous on the part of all those participating on the Study Committee;

NOW, THEREFORE BE IT RESOLVED that the SMRBC supports the proposal for merging the WRB, SMRBC and the SWCB agreed to by the Study Committee; and

BE IT FURTHER RESOLVED that the SMRBC supports changes to the Draft Report according to the comments made to the Department of Agriculture in a letter dated November 25, 1985 from the SMRBC.



December 9, 1985

12-16-85
D

Mr. Rollin Dennistown
Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107

Dear Mr. Dennistown:

The Minnesota Association of Watershed Districts Board of Directors, having met and concurred with representatives of the Minnesota Association of Soil and Water Conservation Districts and a representative of the Association of Counties, propose that the following changes be made in the Interim Study Group report on the potential merging of the Water Resources Board, Soil and Water Conservation Board, and the Southern Minnesota River Basin Council, to make the new Board a more viable, balanced, representative and knowledgeable unit.

1. The Board shall be composed of the following membership:
 - Three (3) County Commissioners.
 - Three (3) Soil and Water Conservation Supervisors.
 - Three (3) citizens at large.
 - Three (3) Watershed District Managers.
 - Four (4) representatives of State Agencies (D.N.R., P.C.A., Health, Agriculture).

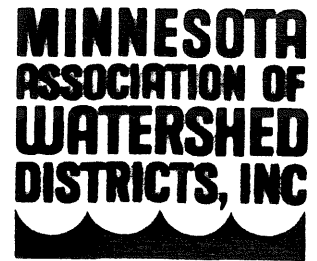
The designated members shall be appointed by the Governor from a list of nominees furnished by the Association of Counties, Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts.

The agencies shall provide a designated member of their own choice.

The citizens at large shall be appointed by the Governor on an open appointment basis.

2. The Chairman shall be chosen by the members of the Board, from the membership of the Board, and shall have per diem status.
3. The Board may be housed in the Department of Agriculture, for administrative functions, and must be independent in structure and authority.
4. The Chairman shall be an ex-officio member of the Environmental Quality Board.
5. The following state agencies shall be members in an advisory capacity, E.Q.B., U. of M., and Mn. Geological Survey.

Mr. Rollin Dennistown
December 9, 1985
Page 2



We further feel that the newly created Board should have the capability to develop its own transition procedure.

Sincerely,

Donald Ogaard, Secretary
MINNESOTA ASSOCIATION OF WATERSHED
DISTRICTS, INC.

DO:bjl

cc: Ms. Dorothy Waltz
Mr. Mike Rhyner
Mr. Al Dornfeld
Mr. Gerald Lacey
Mr. Lowell Moen

MODIFIED ENVIRONMENTAL QUALITY BOARD

Pros

- . Reduces the number of state boards
- . Provides single, visible focus for state and local water planning, coordination and communication at all levels
- . Ties soil and water with water planning programs at both the state and local levels
- . Provides an intermediate conflict resolution step before the courts, presumably saving both sides legal costs
- . Could continue to serve as an intermediary between citizens and local governments, and state and federal government (SMNRBC function)
- . Potentially better capacity to coordinate soil and water programs with other environmental programs at all levels
- . Potentially better capacity to provide a comprehensive information and education program

Cons

- . Potential for opposition
- . Question of adequate and equal advocacy for individual water-related program and clientele
- . Would put EQB back into a quasi-judicial, day-to-day administrative role. The Environmental Review Program was recently modified to largely remove the EQB from that sort of role so that it could focus on policy issues.
- . The credibility of the conflict resolution/quasi-judicial function with watershed districts could be jeopardized by the more visible role of the Board in the areas of water program advocacy and financial and technical assistance (no longer separate and impartial)
- . Potential for perception of inaccessibility by the general public due to the size and breadth of issues covered by the Board (inaccessible bureaucracy)
- . The existing and evolving policy development role of the EQB in all environmental areas could be smothered by the added grant administration, technical assistance quasi-judicial, and other day-to-day administrative tasks

Other Characteristics/Questions

- . Would general purpose local governments (RDC's, counties, cities, township) be represented?
- . Would the close relationship with the local SWCD's be maintained?
- . Are current staffing levels adequate to deal with new water initiatives?
- . Would there be a cost savings?
- . Potential for unwieldy Board meetings due to possibly larger Board and breadth of issues covered?

Report
Of The Interim Study Group
To Examine The Options
Available For Consolidating
The SWCB, WRB and SMRBC

December, 1985

Prepared by:

Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

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APPENDICES

- A. Detailed Outline of the Statutory Functions of WRB, SWCB, SMRBC
- B. Options for Merging Functions of the WRB, SWCB, and the SMRBC

OVERVIEW

The body of this report presents the major findings and recommendations of the Study Group; several appendices are attached which contain background information presented to the Group. The background material was prepared either by Department of Agriculture staff or by staff of the boards included in the study. The report itself is intended to be a succinct summarization of recommendations which grew out of many hours of discussion and debate. The major recommendation of the Study Group was:

"... THAT THE BOARDS OF THE THREE AGENCIES BE MERGED INTO ONE INDEPENDENT AGENCY LOCATED WITHIN THE DEPARTMENT OF AGRICULTURE FOR ADMINISTRATIVE FUNCTIONS..."

A more detailed description of the merger proposal is presented on Pages 8 and 9.

INTERIM STUDY GROUP REPORT

December, 1985

Legislative Directive

Minnesota Laws 1985, Special Session Chapter 4, Section 5, Subdivision 5 provides that "the commissioner of agriculture shall establish and coordinate an interim study group to examine the options available for consolidating the functions and responsibilities of the soil and water conservation board, water resources board, and southern Minnesota rivers basin council under a single entity. The study group shall include: representatives of the affected agencies; staff assigned by the senate agriculture and natural resources committee, house environment and natural resources committee and house agriculture committee; and such other representatives as the commissioner considers necessary. The commissioner shall report to the legislature on October 15, 1985, on the options examined and the recommended course of action." (underline added)

Department Approach to the Task Assigned

The department chose to approach its task by establishing the task force and conducting the study under a "hands on" approach. Given the limitations of time and resources as well as past studies and discussions on the subject, it did not appear feasible or necessary to approach the task as a new initiative. Moreover, it appeared the legislative intent was quite clear. The department approached its assigned task according to the following:

1. Commissioner Nichols assigned the responsibility for carrying out the directive to Deputy Commissioner Dr. Rollin M. Dennistoun, Minnesota Department of Agriculture.
2. The chairpersons of the three agencies were contacted and asked to designate a representative.
3. The chairperson of the legislative committees named in the law were asked to designate a staff person to represent them.
4. Other agencies asked by the Department to serve on the interim study group were the Minnesota Association of Watershed Districts, Minnesota Association of Soil and Water Conservation Districts, State Planning Agency, and Association of Minnesota Counties.
5. Robert Rupp, chairman of the 1982 Soil and Water Relocation Committee and former Editor of The Farmer, was also asked to be a member of the interim study group.

The first meeting of the Interim Study Group was convened on July 30th. A total of five meetings were held, the last one on October 7th.

As the convening agency and because the State Soil and Water Conservation Board is a part of the Minnesota Department of Agriculture, the Department advised the study group participants that it intended to use an "arms length" approach in chairing the meetings.

Because of their participation in the development of this legislation, Senators Merriam and Willet and Representatives Valan and Doug Carlson were advised of the formation of the interim study group and were asked to comment to the Department.

List of Participants

Soil and Water Conservation Board (SWCB)
Wayne Haglin, Chairman

Southern Minnesota Rivers Basin Council (SMRBC)
Arnold Onstad, Chairman

Minnesota Water Resources Board (WRB)
Duane Ekman, Chairman

Minnesota Association of Watershed Districts
Al Dornfeld, President

Minnesota Association of Soil and Water Conservation Districts
Lowell Moen, President

Senate Agriculture and Natural Resources Committee
Greg Knopff, Staff

House Agriculture Committee
Belvin Doebbert, Staff

House Environment & Natural Resources Committee
Representative John Rose, Chairman

State Planning Agency
John Wells

Association of Minnesota Counties
Gerald Lacey

Soil and Water Conservation Relocation Committee
Robert Rupp

Minnesota Department of Agriculture
Dr. Rollin Dennistoun, Deputy Commissioner

Alternates and Staff Who Participated

Minnesota Soil and Water Conservation Board
Ron Nargang, Staff

Southern Minnesota Rivers Basin Council
Marilyn Lundberg, Alternate and Staff

Minnesota Water Resources Board
Peggy Lynch, Alternate and Mel Sinn, Staff

Minnesota Association of Soil and Water Conservation Districts
Dorothy Waltz, Alternate and Staff

House Environment & Natural Resources Committee
Kim Austrian, Alternate and Staff

Association of Minnesota Counties
Mike Rhyner, Alternate and Staff

Minnesota Department of Agriculture - Planning Division
Jerry Heil and Paul Burns, Staff

Why the Legislation to Examine the Options Available for Consolidation

The legislation gives no specific reason for the directive. It appears to have grown out of legislation, proposing a merger of boards with water related duties, which surfaced in some committees late in the 1985 Session but not in the policy committees.

A possible goal might be to determine whether or not a merger would make government, that is the programs involved, more rational in structure and more cost-effective in their operation. A 1984-85 State Planning Agency Study recommended, among other things, the merger of the same three boards involved in this study, and identified the following major issues of any proposed merger:

1. Effectiveness - Is the current water management system producing the results desired? Will alternate approaches likely increase program effectiveness?
2. Efficiency - Does the current system attain its objectives at a minimum cost in a straightforward manner? Will alternate approaches increase efficiency?
3. Perception - Is the apparent lack of public understanding of the current system a sufficient reason to consider alternate approaches? Are there methods short of reorganization which will effectively increase public understanding and support for the current management approach?

The study group did not spend time on the question of problems with the existing structure of the three boards nor did the department attempt to identify such problems due to the following reasons:

The legislative directive to the Commissioner was to examine options for merger, not whether problems existed.

The time constraints set by the directive and lack of resources to conduct the study, excluded a more detailed analysis of existing problems.

The participants, for the most part, were already very familiar with the issues involved.

Several study group members commented that the issue was not so much one of serious problems with the effectiveness or efficiency of "status quo" as an opportunity to improve the relationships and delivery of services between state and local governments.

Most study group members who felt a merger was important identified the major problem to be addressed as "public perception" that the current board structures are "fragmented."

The Chair suggested to the interim study group members that any recommendations should recognize that the providing of service to the clientele, that is the landowners and operators, should be a major point of consideration.

Principal Functions of each Agency

At the first meeting, the study group members indicated they felt any discussion of merger options must be preceded by a discussion of the programs, duties and responsibilities of each individual board. Subsequently, staff of the department and the three boards met to develop an outline of background materials on each boards purpose, responsibilities and principal functions. Each board submitted the materials, which are contained in Appendix A. The following list of primary functions of each board is drawn from those materials and the subsequent presentations made at Study Group meetings.

1. Soil and Water Conservation Board

- A. State administrative agency for the 92 soil and water conservation districts statewide (including grants administration, technical assistance, plan approval/disapproval, forum for information exchange, and general policy and program coordination).

- B. Public information and education.
 - C. The development of statewide programs to identify, prioritize, and reduce or prevent soil erosion, sedimentation, flooding, agriculturally related pollution, and loss of soil productivity.
2. Water Resources Board
- A. The administration of watershed district formation (currently 38 in number) and modification and approve/modify watershed district plans.
 - B. The conflict resolution forum for disputes involving watershed districts.
 - C. The oversight of recently enacted metro and local water management law implementation (including boundary and plan approval/disapproval and information and education).
3. Southern Minnesota Rivers Basin Council
- A. Public forum for water issues in the southern Minnesota rivers basin.
 - B. The guidance the creation of a comprehensive plan for the Minnesota River Basin and the Southeast tributaries, and coordinate and promote water program implementation in southern Minnesota.
 - C. Advise the EQB on southern Minnesota water issues, including the need for a statewide advisory council to the EQB on water issues.

Each of the three board's primary purpose is quite different from the others'. In those areas where their functions may appear somewhat similar, the primary clientele served are different. Figure 1 on the next page, prepared by Minnesota Department of Agriculture staff, shows a comparison of the statutory functions of the three boards. Other assumed or historical roles are further outlined in Appendix A, along with maps delineating service areas.

FIGURE 1

STATUTORY DUTIES, AUTHORITIES AND RESPONSIBILITIES

	Soil and Water Conservation Board	Water Resources Board	Southern Minnesota Rivers Basin Council*
History:			
Date Established:	1937	1955	1971
Statutory Citations:	40, 104.42-104.5	105.71-105.79, 112, 473.875- 473.883, 40.072, subd. 3, 110B	114A (1971-1983) 116C.81-116C.82 (1983) 116C.40-116C.41 (1984-Present)
Statutory Functions:			
1. Creation of Local Districts	Yes (Soil & Water Cons Dist)	Yes (Watershed Districts)	No
2. Modify District Boundaries	Yes " "	Yes " "	No
3. Terminate Districts	Yes " "	Yes " "	No
4. Approve/Disapprove Local Dist Plans	Yes " "	Yes " "	No
5. Adjudicate Appeals to Dist Decisions	No	Yes	No
6. Appropriate Funds to Districts/Local Govt's	Yes	No	No
7. Recommend Resolution Water Conflicts	No	Yes (M.S. 105.74)	No
8. Develop Comprehensive Public Information Program	Yes	Yes (M.S. 110B.10, subd. 3)	No
9. Assist-Soil Survey Implementation	Yes	No	No
10. Coordinate District Programs	Yes	No	No
11. Approve/Disapprove SWCD Works Improvement	Yes (when state funds are used)	Yes (when public water permits or drainage proceedings are involved)	No
12. Help Establish Coordinated Local Water Planning	Yes	Yes (M.S. 110B)	Yes
13. Ensure Compliance with State	Yes (established by Board)	Yes (established by Board)	No
14. Advise EQB	No	No	Yes
15. Coordinate multi-level water planning	Yes	Yes	Yes
Organizational Structure:			
1. Number of Members	12	5	11
a. Appointed by Governor	7 (One from each of seven regions- must be an elected SWCD supervisor)	5	0 (under current law)
b. Other: Statutory designations	5 Agency Heads	-	11 appointed by EQB chair
2. Meetings	Monthly	Monthly (plus hearings)	Monthly
3. Principal Local Contacts	92 SWCDs	38 Watershed Districts	Gen. Purpose Local Govt.
4. Administrative Location	Department of Agriculture	Independent Board**	State Planning Agency
Budget and Staff:			
1. Staff	16 (14 professionals, 2 clerical)	3 (2 professionals, 1 clerical)	1 (assigned by SPA)
2. Annual Budget (F.Y. 1985)	\$3.2 million (\$2.6 million for grant programs to districts)	\$125,000	\$55,000

*Currently scheduled to sunset June 30, 1987

**The Water Resources Board is an independent board located within the Department of Natural Resources for administrative purposes.

Desirable Characteristics for a Merger

After discussing the authorities and responsibilities of the present agencies, the study group participants developed a number of characteristics that they felt were important considerations for any merger. They were:

1. State entity should have close relationship with local entities, citizens and clientele.
2. Citizens should be members of the state entity.
3. Local acceptance.
4. The quasi-judicial function of the WRB should remain and be kept effective.
5. Greater strength and visibility for soil and water issues.
6. Credibility.
7. Efficient internal structure.
8. Ability to educate and inform.
9. Politically viable.
10. Improved coordination with other agencies.
11. Fiscal considerations.
12. Retain adequate advocacy for all clientele.
13. Impact on general purpose government, that is counties.
14. Increase or improve the state of the art for natural resource management.

Merger Options Identified For Consideration

The following is a list of the main merger options identified for consideration by the study group:

1. The combining of all three agencies into one.
2. The combining of the Soil and Water Conservation Board and the Water Resources Board.
3. Combining the Soil and Water Conservation Board and the Southern Minnesota Rivers Basin Council.
4. Combining the Water Resources Board and the Southern Minnesota Rivers Basin Council.
5. Combining one or more of the three agencies with some other state agency.
6. Moving some of the authorities and responsibilities of the three agencies to other state agencies and vice versa.
7. The status quo - that is, leaving all the agencies as they are.

Appendix B contains a more detailed list of potential options and preliminary lists of pros and cons for each option, as prepared by Minnesota Department of Agriculture staff. The specific content of those lists was not reviewed in detail by the study group.

Following substantial discussion about which options to consider, it was the determination of the Interim Study Group that Option 1, the combining of the three agencies, and Option 7, the status quo, should be discussed.

Fiscal Considerations and Assessment

A major conclusion of the study group was that a merger of the SWCB, WRB and SMRBC would result in minimal dollar savings; the projected savings would not be sufficient to increase program activity over current levels. The major savings would accrue from reducing the number of board members (23 to 14), thereby reducing per diem and travel. The estimated net savings of the recommended option would be approximately \$17,000 per year, based upon an estimated average cost per board member per year of \$2,500. This finding essentially agrees with that of a State Planning Agency estimate made during the 1985 Session. In that instance, a savings of 0.2% was projected based upon a board of nine members (rather than 14 as proposed here).

Full implementation of recent metro and local water planning legislation (WRB responsibilities) will require three new state-level positions - even with a merger and the minimal resulting cost savings that will occur. The new positions would include an additional planner, hydrologist and limnologist. The major functions that would be carried out by the additional staff are:

- * Developing guidelines and standards for local water plan development and review.
- * General technical assistance to local districts/counties.
- * Training of field staff.

It was also estimated that, besides the three staff listed above, four additional field staff would be needed if both a merger and the following occur:

- * Local water planning activities expand greatly, or the act becomes a mandatory function of local government.
- * County activity in soil loss limits expands beyond current levels.

Existing SWCB field staff would be expected to broaden their duties to serve both existing constituents (SWCD's) and new constituents (watershed districts, counties, etc.). Without additional field staff, current levels of program activity regarding soil conservation would lessen to accomodate any greater activity in the water planning area.

Study Group Recommendations

Having discussed the various structural options and their fiscal implications, the following recommendations are made by the interim study group.

1. That the Boards of the three agencies be merged into one independent agency with the following membership:
 - 2 County Commissioners
 - 2 Soil and Water District Supervisors
 - 1 Watershed Manager
 - 8 Undesignated Members

All members would be appointed by the Governor. The designated members to be selected from nominations from their state organization. The undesignated members to include one from each of the Soil and Water Conservation Board's Administrative Regions and one from the Metro Area. All to be conversant with soil and water management issues. It was felt that this representation could best satisfy all the constituent groups to be served by the merged board.

2. The Chairperson to be a per diem, that is part-time person appointed by the Governor, in addition to the 13 other members.
3. That the merged board be located in the Department of Agriculture for administrative functions only.
4. That the Chairperson of the merged board be a member of Environmental Quality Board.
5. The following state agencies have non-voting representation on the board: Departments of Natural Resources, Minnesota Pollution Control Agency, Agriculture, Health, Environmental Quality Board, Minnesota Geological Survey and University of Minnesota.

Transition Option Recommendation

In order to assure that the transition from the current board status to the new, merged board go as smoothly as possible, the following steps are recommended:

1. Each of the three entities listed in the merged board membership selects two members for the new board.
2. The Governor appoints the Chairperson.
3. Seven open appointments. The recommendation is to pick individuals from among the existing boards and at the same time attempt to satisfy membership requirements.

The terms of office of the initial representatives of each agency would be staggered to provide continuity while insuring orderly transition. One designated member of each agency should serve a term of one year and the remaining members should serve for two years.

It was felt this transition recommendation would provide strong transitional leadership and maintain the Governor's discretion. It requires and enables quick appointments to the new entity, no working majority from any one entity is established, and provides a higher level of discretion for the selection of other board members.

APPENDIX A

Statutory Functions

of the

WRB, SWCB, SMRBC

BACKGROUND INFORMATION ON THE
WATER RESOURCES BOARD

I. History

A. Enabling Legislation

Chapter 664, Laws of 1955 (codified as Minnesota Statutes section 105.71).

B. Purpose for Creation

To establish watershed districts and to administer other state level functions associated with the Minnesota Watershed Act.

C. Chronology of Changes

1957 - Duties expanded to include serving as a forum where conflicting aspects of the public interest involved in water policy controversies can be presented and by consideration of the whole body of water law controlling state policy can be determined and apparent inconsistencies between statutes can be resolved (Chapter 740, Laws of 1957). Based on recommendations in the 1955 Report of the Legislative Interim Commission on Water Conservation, Drainage and Flood Control.

1982 - Duties expanded to include administration of the Metropolitan Surface Water Management Act (Chapter 509, Laws of 1982).

1985 - Duties expanded to include administration of the Comprehensive Local Water Management Act (Chapter 2, Laws of 1985 Special Session).

II. Organization and Activities

A. Structure

1. Composition:

Five members appointed by the Governor to staggered four-year terms. No requirement for geographic distribution. Members shall not be officers or employees of the state or federal government or any political subdivisions thereof.

Chairman - Duane Ekman, Argyle;
Grain, sugar beet, and specialty crop farmer and
businessman.

Vice-Chairperson - Georgia Holmes, North Mankato;
Attorney and business law instructor at Mankato
State University.

Secretary - Marlin Rieppel, Appleton;
Corn, bean, and livestock farmer; and member of
Pomme de Terre Irrigation Association.

Member - Peggy Lynch, St. Paul;
Secretary-Treasurer of Lynch Enterprises; former
member of Metropolitan Parks and Open Spaces
Commission; current member of St. Paul Downtown
Riverfront Commission.

Member - Erika Sitz, Ramsey;
President of the Minnesota Division of the Izaak Walton
League; and League lobbyist.

2. Location

Office co-located with the Minnesota Department of
Natural Resources at 500 Lafayette Road in St. Paul.

Office space of approximately 1,200 square feet provided by
the Department of Natural Resources.

3. Meeting Schedule

Regular meetings the second Friday of each month. Members
also attend hearings periodically.

4. Staff

Total legislative complement of three full-time positions;
two professional and one secretarial. Legal advice provided
through the Attorney General's office.

Executive Director - Mel Sinn

B.S. Degree in Civil Engineering from the
University of Minnesota, 1974.
Registered Professional Engineer
With Water Resources Board for nine years.

Prior Work Experience:

Minnesota Department of Transportation
1972-1976.

Hydrologist - Dan Steward
B.S. Degree in Geography/Hydrology from Mankato
State University, 1977.
With Water Resources Board for two years.

Prior Work Experience:

Department of Natural Resources, Para-
Professional 1981-1982.
Stevens SWCD, Administrator-Technician
1982-1983.

Secretary/Receptionist/Office Manager - Karen Schultz

Graduate of Harding High School, 1961.
Experienced at typing, shorthand, word
processing, records management, and
general office management.
With Water Resources Board for 23 years.

Prior Work Experience:

Department of Veterans Affairs and the
Department of Natural Resources

5. Budget

Fiscal Year 86:	Personnel	\$ 94,000
	Members' Per Diem	3,000
	Supplies & Expenses	<u>27,700</u>
	Total	\$124,700

B. Statutory Functions

1. Minnesota Watershed Act (Minnesota Statutes Chapter 112)

To conduct hearings and make decisions upon receipt of local petitions requesting watershed district establishment; termination; boundary modifications; increases in number of managers; and changes in manager distribution among affected counties. To hear and decide appeals from watershed district decisions.

To review and approve proposed watershed district Overall Plans. To review and comment on proposed watershed district projects. To receive and maintain watershed district annual reports, oaths of office, and managers' bonds.

2. Metropolitan Surface Water Management Act
(Minnesota Statutes sections 473.875-.883)

To review and comment on the proposed boundaries of joint powers watershed management organizations.

To review and approve metropolitan watershed management organization plans. To hear and decide inter-county disputes over proposed capital improvement projects proposed in metropolitan watershed management organization plans.

3. Comprehensive Local Water Management Act
(Chapter 2, 1985 Special Session Laws)

To review and approve county water plans. To coordinate state agency assistance to local units involved in preparing water plans. To conduct an information and education program on county water planning.

To decide contested cases involving conflicts between local governmental units over interpretation or implementation of county water plans.

To utilize a Local Advisory Committee including representatives of counties, soil and water conservation districts, cities, and townships.

4. Water Policy Conflict Intervention
(Minnesota Statutes sections 105.72-.79)

To intervene, upon petition, in proceedings involving questions of state water policy.

To conduct hearings and make recommendations on the proper interpretation of statutory water policy.

5. Soil and Water Conservation District Law
(Minnesota Statutes section 40.072, subd. 3)

To review and approve proposed soil and water conservation district works of improvement that involve drainage proceedings or that require DNR Chapter 105 permits.

C. Relationships With Other Agencies

1. Statutory

a. Watershed Act

State: Directs the DNR's Division of Waters to review petitions and watershed district Overall Plans and prepare reports to the Water Resources Board (WRB).

Local: Directs the WRB to review/approve/adjudicate various watershed district matters (see B(1)).

b. Metropolitan Surface Water Management Act

State: Directs the Metropolitan Council, DNR, and PCA to review metro watershed plans before they come before the WRB for approval.

Local: Directs the WRB to review/approve/adjudicate various watershed management organization matters (see B(2)).

c. Comprehensive Local Water Management Act

State: Directs the WRB to consult with the Departments of Agriculture, Health, and Natural Resources; the PCA; the SPA; the EQB; and other appropriate state agencies during the county water plan review process and to coordinate assistance of state agencies to local units involved in preparation of comprehensive water plans.

Local: Directs the WRB to approve county water plans and adjudicate conflicts, and to conduct an information and education program in conjunction with the Association of Minnesota Counties (see B(3)).

d. Water Policy Conflict Intervention

State: Gives the WRB jurisdiction to intervene in water policy conflicts involving various DNR and PCA statutes.

Local: Gives the WRB jurisdiction to intervene in water policy conflicts involving county drainage statutes.

e. WRB Enabling Law

Directs the Department of Administration to provide the WRB office facilities within the DNR.

f. DNR - Division of Waters Law

Directs the DNR-Division of Waters Director to appear at all WRB hearings affecting waters within the state.

g. Soil and Water Conservation District Law

Directs the WRB to approve certain proposed SWCD works of improvement.

2. Non-Statutory

a. WRB/DNR Inter-Agency Agreement

Provides that the DNR will carry out certain accounting, personnel, and payroll functions for the WRB. (No transfer of funds involved).

b. WRB/SPA Inter-Agency Agreement

Provides for cooperation in carrying out certain duties under the Comprehensive Local Water Management Act, including development of draft rules; structuring, selecting, and staffing the Local Advisory Committee; designing an information and education program; and developing a list of pertinent data and studies available from state and federal agencies. (No transfer of funds involved.)

c. Minnesota Association of Watershed Districts, Inc.

WRB staff attends most Association meetings; arranges a training session for managers in conjunction with the Association's summer tour; assists in organizing seminars for the Association's annual convention; and contributes articles and material for the Association's newsletter. The WRB's Chair and Executive Director are invited to make presentations to the managers at the annual convention. The WRB consults with the Association Board of Directors on proposed amendments to the Watershed Act. (No written agreements involved.)

d. Watershed Districts, Watershed Management Organizations, Counties, and other Local Units

The WRB places a high priority on responding to requests for information and advice from local units involved in water management activities. (No transfer of funds or personnel involved.)

D. Relationships With Private Organizations and the Public

The WRB's office receives many requests for information from individuals and groups concerned with local water management. Board staff is periodically asked to attend local meetings to discuss the Watershed Act and Metropolitan Surface Water Management Act. (The WRB has no formal agreements with any nongovernmental organizations.)

E. Clientele

1. Principal

Principal clientele are watershed district managers, watershed management organization directors, county commissioners, and their staff and consultants, involved in water management activities under the Watershed Act, Metropolitan Surface Water Management Act, and Comprehensive Local Water Management Act. Principal clientele also include agencies, local units, and citizens who petition the WRB to intervene in water policy conflicts, to establish watershed districts, to adjudicate appeals, etc.

2. Secondary

Secondary clientele include agencies, local units, and citizens seeking information and advice on various matters related to local water management.

III. Needs Assessment

The WRB's staff complement has remained at three positions since 1975, while both its statutory duties and principal clientele were greatly expanded in 1982 and 1985. There have been no significant increases in its appropriations, other than inflation adjustments, since 1975. In order to carry out its statutory duties in a timely manner in Fiscal Year 1985 the WRB had to request supplemental appropriations totalling 20% of its base budget.

The WRB's current priorities are to respond to its new duties under the Comprehensive Local Water Management Act and to develop rules on local water plan content for the Watershed Act and the Metropolitan Surface Water Management Act. The recently-signed agreement with the SPA will help address the WRB's staffing needs. The WRB's staff needs will become acute when plans begin coming in under the Metropolitan Surface Water Management Act.

The WRB believes watershed organizations and other local units would be greatly benefitted by increased assistance from the state level, but the WRB does not have the resources available to provide additional services.

WATER RESOURCES BOARD

Statutory Duties and Authorities

<u>Duties and Authorities</u>	<u>Primary Clientele</u>	<u>Estimated Percentage of Total Organization Effort</u>
1. District Creation and Modification		30%
a. Establish WDs	Co./Cities/Landowners	
b. Terminate WDs	Landowners/Cities/Towns	
c. Modify WD Boundaries	WD/Co./Cities/Landowners	
d. Redistribute Power to Appoint WD Managers Among Affected Counties	Co.	
e. Increase Number of WD Managers	WD/Co./Cities/Landowners	
f. Review Metro WMO Boundaries	Cities/Towns/Co.	
2. Information and Education		5%
a. Conduct Information Program on Comprehensive Local Water Management Act	Co.	
3. Plan/Project Approval (Review Function)		35%
a. Review and Approve WD Overall Plans	WD	
b. Review and Approve Metro WMO Plans	Metro WMOs	
c. Review and Approve Comprehensive Co. Water Plans	Co.	
d. Review and Approve Certain SWCD Works of Improvement	SWCDs	
e. Review and Comment on Certain WD Projects	WDs	
4. Planning and Policy Development		10%
a. Adopt Rules to Implement Comprehensive Local Water Management Act	Co.	
5. Grants Administration		0%
6. General Assistance and Coordination		5%
a. Coordinate Assistance of State Agencies to Co. and other Local Units Involved in Comprehensive Water Planning	Co./Other Local Units	
b. Identify Pertinent Data and Studies Available from State and Federal Agencies	Co./Other Local Units	
7. Conflict Resolution		15%
a. Adjudicate Appeals from WD Decisions	District Landowners	
b. Decide Contested Cases Involving Conflicts Between Local Units Over Comprehensive Co. Water Plans	Co./Other Local Units	
c. Decide Inter-Co. Disputes Over Proposed Metro WMO Capital Improvement Projects	Metro Co./Metro WMOs	
d. Intervene in Water Policy Conflicts and Recommend Resolution	Landowners/Governor/State Agencies/Federal Agencies/ Private Organizations/Courts	

Water Resources Board's Position on Merger

On April 12, 1985 the current Water Resources Board members considered the State Planning Agency's proposal for a merged board composed of nine geographically distributed members appointed by the Governor and having three designated seats: 1 watershed district manager; 1 soil and water conservation district supervisor; and 1 county commissioner.

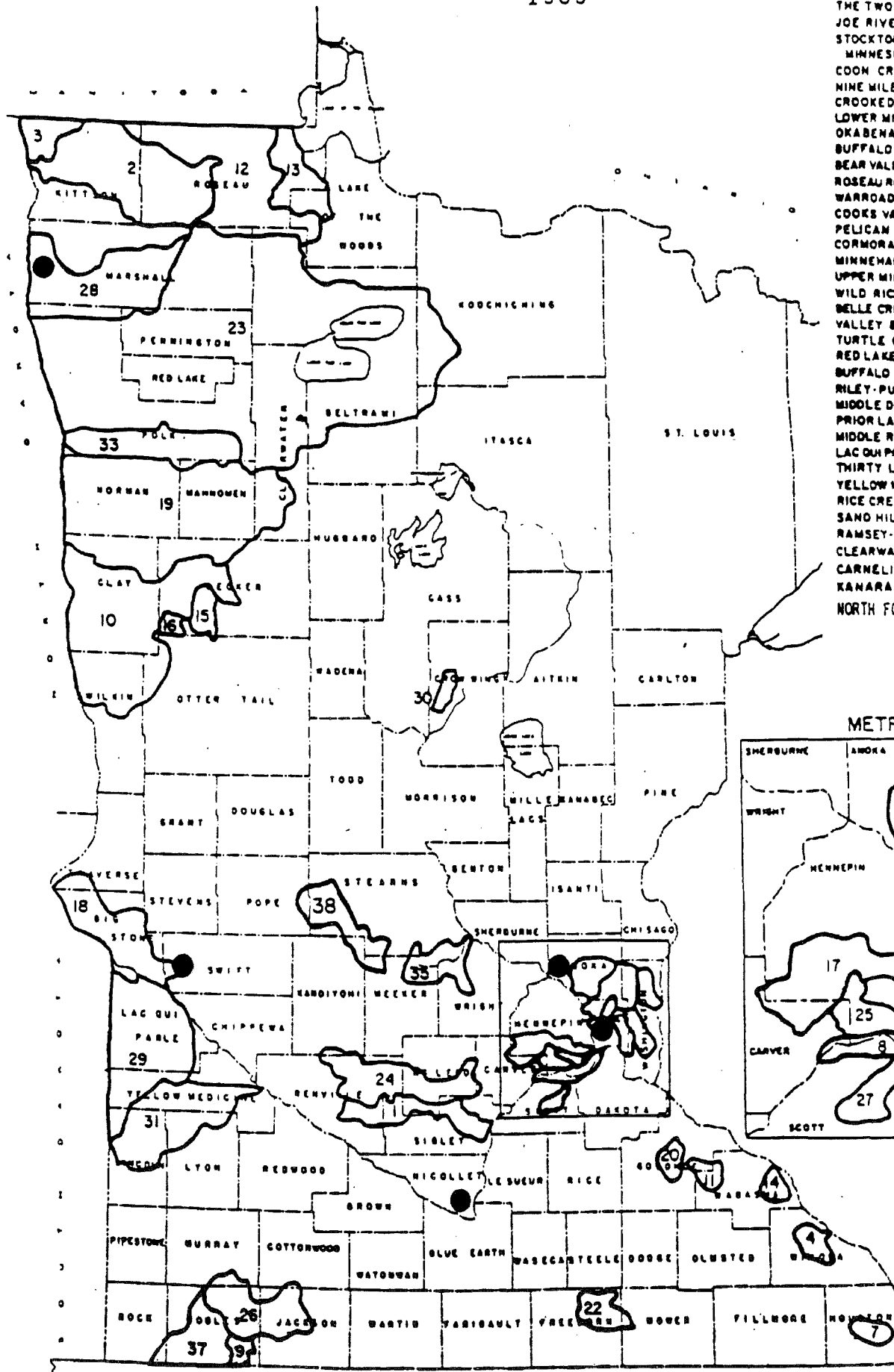
The Board found merit in this merged board idea. They felt very strongly that such a merged board should be independent and have six citizen members. They supported a requirement for geographical distribution of members. They believed a merged board would lead to strengthened relationships between local units.

WATERSHED DISTRICTS OF MINNESOTA

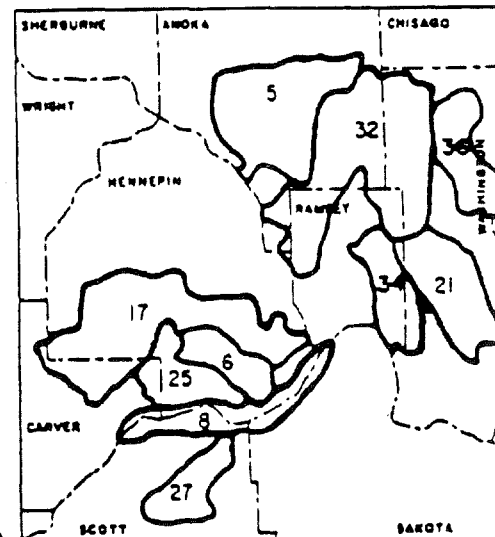
1985

● WRB Member Residences

WATERSHED DISTRICT	ORDER OF ESTABLISHMENT
HIGH ISLAND	1
THE TWO RIVERS	2
JOE RIVER	3
STOCKTON-ROLLINGSTONE-MINNESOTA CITY	4
COON CREEK	5
NINE MILE CREEK	6
CROOKED CREEK	7
LOWER MINNESOTA RIVER	8
OKABENA-OCHEA	9
BUFFALO-RED RIVER	10
BEAR VALLEY	11
ROSEAU RIVER	12
WARROAD	13
COOKS VALLEY	14
PELICAN RIVER	15
CORMORANT LAKES	16
MINNEHAMA CREEK	17
UPPER MINNESOTA RIVER	18
WILD RICE	19
BELLE CREEK	20
VALLEY BRANCH	21
TURTLE CREEK	22
RED LAKE	23
BUFFALO CREEK	24
RILEY-PURGATORY CREEK	25
MIDDLE DES MOINES	26
PRIOR LAKE-SPRING LAKE	27
MIDDLE RIVER-SNAKE RIVER	28
LAC QUI PARLE-YELLOW BANK	29
THIRTY LAKES	30
YELLOW MEDICINE RIVER	31
RICE CREEK	32
SAND HILL RIVER	33
RAMSEY-WASHINGTON METRO	34
CLEARWATER RIVER	35
CARNELIAN-MARINE	36
KANARANZI-LITTLE ROCK	37
NORTH FORK CROW RIVER	38



METRO INSET



DATA SHEET - SWCB STRUCTURE AND FUNCTION

I. BOARD COMPOSITION AND OPERATIONS

A. 12 Members

- 1) 7 gubernatorial appointees, one from each of seven regions - must be elected SWCD supervisors.
- 2) 5 agency heads:
 - Commissioner of Natural Resources
 - Commissioner of Agriculture
 - Director, Pollution Control Agency
 - Director, Agricultural Extension Service, University of Minnesota
 - Deputy Vice-President of the Institute of Agriculture, University of Minnesota

B. The SWCB conducts monthly meetings which typically run from 9 a.m. - 3 p.m., depending on issue requiring action. Topics covered at the meetings cover a broad range of issues affecting natural resource management; including development of statewide policy, allocation of state funds, coordination of interagency program efforts, assessment of research needs, conflict resolution, etc.

C. The SWCB serves as the state administrative agency for the 92 SWCDs. In this capacity the Board has broad policy authority and fiscal responsibility for all state programs administered by SWCDs. In this role the SWCB coordinates activities and program decisions closely with the MASWCD and, insofar as possible, to establish common priorities for SWCD programming.

II. BUDGET

A. The annual budget of the SWCB for FY1985 is \$3.2 million. Of this amount \$2.6 million is distributed to local SWCDs under seven separate and distinct grant programs. The remaining funds finance the administrative operations of the SWCB.

III. OVERVIEW OF STAFF COMPLEMENT

- A. The current complement of the SWCB consists of 16 full-time classified positions which include two clerical and 14 professionals.
- B. Thirteen of the professional staff have a minimum of four years of academic training and all have a minimum of two years of professional experience in natural resource management.

- C. Staff responsibilities are complex and cannot be adequately addressed in this forum. In general, the responsibilities are divided as follows:
- 1) Central office staff -
 - * Director - responsible for overall management of the agency.
 - * Assistant Director - support activity to the Director as well as line supervision over all regional staff.
 - * Program Specialist - supervises the staff within the Programs Section and has responsibility for several specific activities.
 - * Communications Manager - responsible for all information/education activities including assistance to individual SWCDs and MASWCD.
 - * Other Central Staff - specific program responsibilities as assigned by the Director.
 - 2) Regional Staff - responsible for 11-14 SWCDs. Provide day-to-day assistance to SWCD officials on program development and implementation, personnel management, auditing, program review, planning, etc.
- D. Workload - The existing staff complement of the SWCB is inadequate. Several important activities are currently not being addressed due to staff limitations and the program is expanding.

IV. OUTLINE OF DUTIES

- A. Overview of Grant Programs (FY86)
- 1) \$644,500 the first year and \$664,200 the second year are for general purpose grants in aid to soil and water conservation districts.
 - 2) \$152,300 the first year and \$152,300 the second year are for grants to districts for technical assistance, education, and demonstrations of conservation tillage.
 - 3) \$198,500 the first year and \$198,500 the second year are for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

- 4) \$1,541,400 the first year and \$1,541,400 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management.
- 5) \$158,700 the first year and \$158,700 the second year are for grants in aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems. Grants must not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority must be given to projects designed to solve lakeshore, streambank, and roadside erosion and to projects eligible for federal matching money.
- 6) \$12,400 the first year and \$12,400 the second year are for grants to soil and water conservation districts for review and comment on water permits.
- 7) The commissioner of agriculture shall establish and coordinate an interim study group to examine the options available for consolidating the functions and responsibilities of the soil and water conservation board, water resources board, and southern Minnesota rivers basin council under a single entity. The study group shall include: representatives of the affected agencies; staff assigned by the senate agriculture and natural resources committee, house environment and natural resources committee, and house agriculture committee; and such other representatives as the commissioner considers necessary. The commissioner shall report to the legislature on January 15, 1986, on the options examined and the recommended course of action.

B. Statutorial Authorities

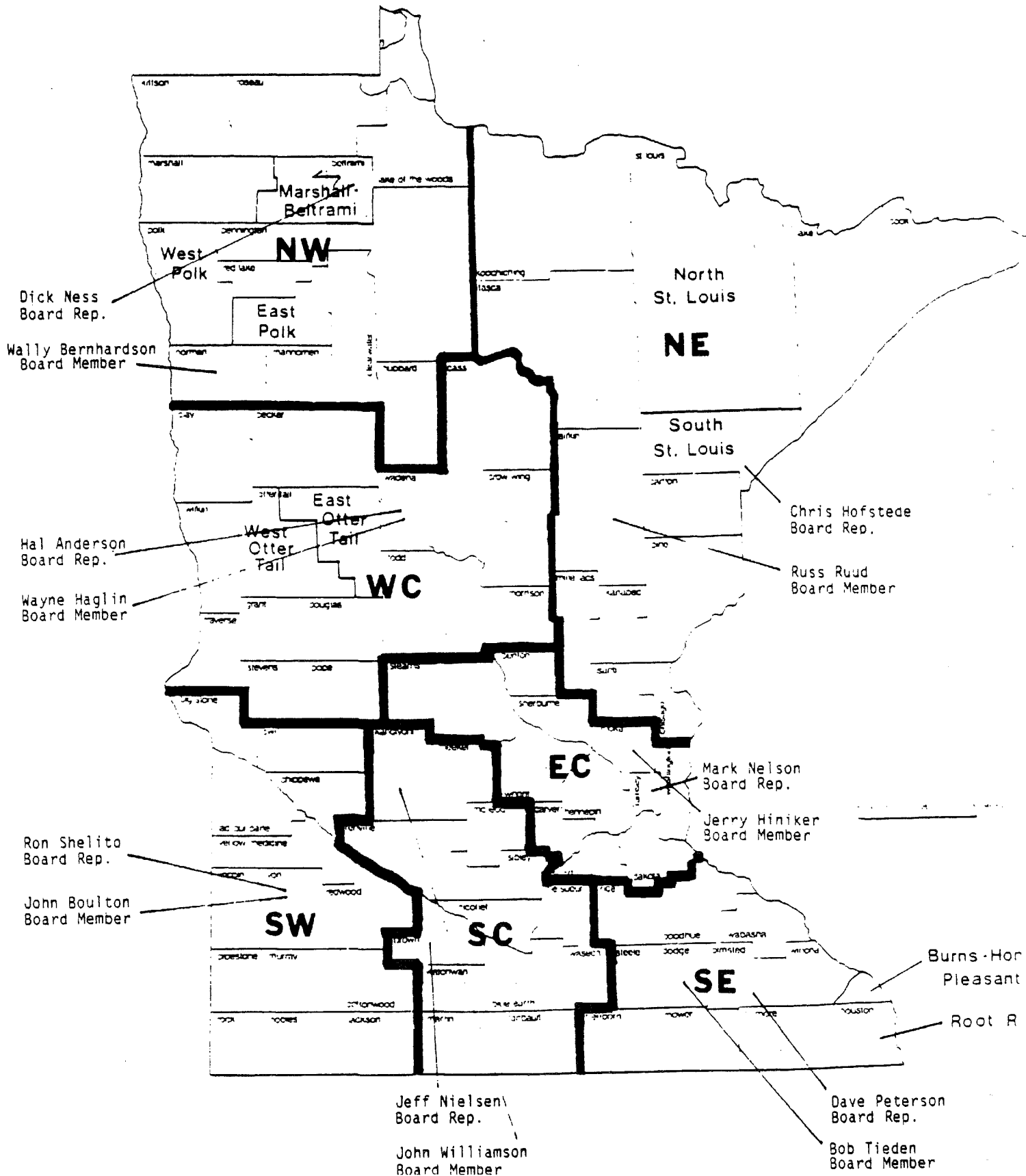
- 1) Prepare and present to the commissioner of agriculture a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts.

- 2) Offer any appropriate assistance to the supervisors of the districts in implementing any of their powers and programs.
- 3) Keep the supervisors of each district informed of the activities and experience of all other districts.
- 4) Coordinate the programs and activities of the districts.
- 5) Approve or disapprove the plans or programs of districts relating to the use of state funds.
- 6) Develop and implement a comprehensive public information program concerning the districts' activities and programs, the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and the advantages of formation of districts in areas where their organization is desirable.
- 7) Subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits.
- 8) Assist in the implementation of a statewide soil survey program for the state as determined by the Minnesota cooperative soil survey.
- 9) Identify research needs.
- 10) Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices.
- 11) Develop a system of priorities within the state to identify the erosion, flood, sediment and agriculturally related pollution problem areas that are most severely in need of control systems.
- 12) Ensure compliance with statewide programs established by the state board.
- 13) Conduct hearings as needed.
- 14) Establish necessary rules and policies.

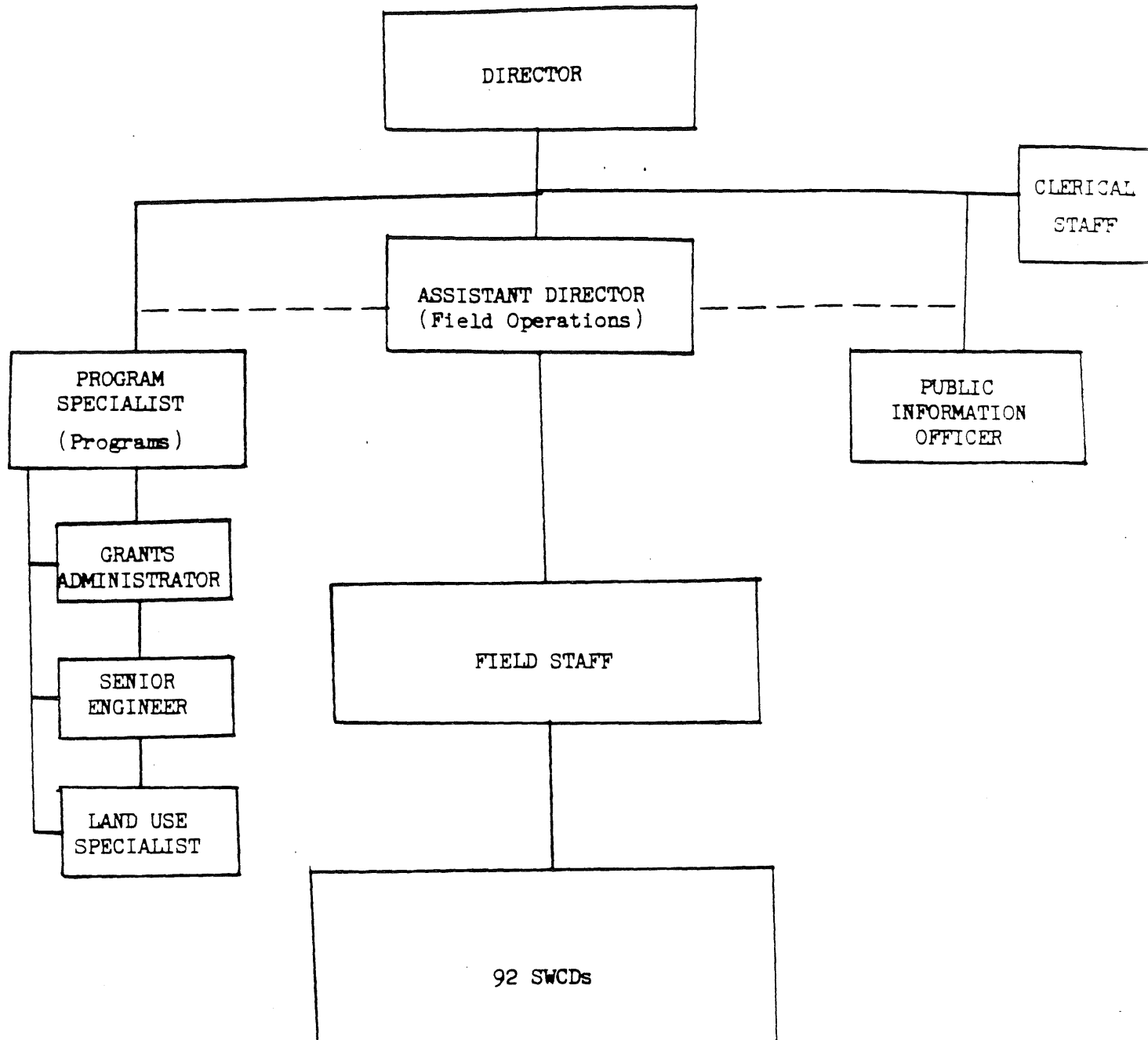
V. SWCB OPERATIONAL PROGRAM (FROM FY1986 WORK PLAN)

- A. Cost-Share Program
- B. Lakeshore, Streambank and Roadside Erosion Program
- C. General Operation Grants
- D. Soil Loss Limits
- E. Off-Site Erosion Assessment
- F. Technical Assistance/Education/Demonstration Grants
- G. Clean Lakes Projects (2)
- H. Public Awareness Program
- I. Rainfall Monitoring Program
- J. Study Area II Flood Control Program
- K. Cooperative Soil Survey
- L. SWCD Training
- M. Private Forest Management Grants
- N. Standard Statewide Accounting System
- O. Rotational Audit Program

SWCB Administrative Regions



SWCB STAFF
ORGANIZATIONAL CHART



SWCB FUNCTIONAL BREAKDOWN

- I. DISTRICT CREATION AND MODIFICATION
(1% of time. Clientele: SWCD officials, county officials, concerned public)
 - A. Creation process completed in 1972.
 - primary clientele were citizens petitioning for creation of SWCD.
 - 1937 to 1960 this comprised the primary function of the Board.
 - B. Modification (consolidation and/or termination) is a rare occurrence. The only significant example is the consolidation of the Burns-Homer-Pleasant and Winona SWCDs.
 - primary clientele involve SWCD officials, county officials, and concerned public.
 - % of time would involve <1%.
 - C. Review and action on nomination district boundaries for election of SWCD officials.
 - primary clientele are the supervisors of the affected SWCD.
 - time would involve <1%.
- II. INFORMATION/EDUCATION
(12% of time. Clientele: SWCDs and related agencies, general public)
 - A. Development of promotional materials.
 - B. Cultivate media coverage of issues.
 - C. Training in communications skills and programs.
 - D. Coordination of local efforts.
 - E. Special projects - two current Clean Lakes Projects and experimental program in the Red River Valley.
- III. PLAN AND PROJECT APPROVAL
(8% of time. Clientele: SWCDs)
 - A. Review and approve content of SWCD annual and long range plans.
 - B. Review and approval of memoranda of understanding entered by any SWCD.
- IV. PLANNING AND POLICY DEVELOPMENT
(15% of time. Clientele: SWCDs)
 - A. Agency work plan development.
 - B. Statewide policy formulation and program direction.
 - C. Planning requirements for SWCDs and assistance in preparation.

- V. GRANTS ADMINISTRATION
(40% of time. Clientele: SWCDs)
 - A. Implement necessary rules for program operation.
 - B. Coordinate statewide bookkeeping system and regular audit procedures.
 - C. Provide administrative guidelines and assistance.

- IV. GENERAL ASSISTANCE AND COORDINATION
(10% of time. Clientele: SWCDs)
 - A. Encourage cooperation between state, federal, and local agencies.
 - B. Day-to-day staff support to SWCDs as required.
 - C. Generation of new programming.

- IIV. CONFLICT RESOLUTION
(4% of time. Clientele: Primary-SWCD, Secondary-related agencies)
 - A. Assist local SWCDs with personnel matters.
 - B. Resolve interagency conflicts as they arise.

- VIII. TRAINING
(10% of time. Clientele: SWCDs)
 - A. Provide broad-based training program for SWCD officials and employees.
 - B. Cooperate with SCS on delivery of technical training for SWCD staff.

SMRBC BACKGROUND

I. History of the SMRBC

A. Statutory Citation

1. M.S.114A (1971-1983)
2. M.S.116C.81 116C.82 (1983-present)

B. Purpose for Creation

1. Guide the creation of a comprehensive plan for the Minnesota River basin and the Southeast tributaries
2. Provide local input (in addition to federal/state) in planning process
3. Coordinate and promote plan implementation
 - a. Coordinates federal/state/local activities
 - b. Designate local units to carry out plan components
3. Guide USDA Type IV study underway
 - a. Study requested by SWCB and other state agencies
 - b. Flooding caused severe problems in the 1960's
 - c. Dissatisfaction with Corps' flood control plans
 - d. Legislature wanted state and local involvement in plan development and implementation

C. Chronology

1. 1973 M.S.114A amended to require state agencies and departments to cooperate with and assist the SMRBC
2. 1983 M.S.114A repealed and SMRBB made council to EQB
 - a. In 1983 Merger legislation SMRBC directed to make recommendations to EQB on need for statewide council
 - b. Advise EQB on plan development and implementation

II. SMRBC Authorities and Responsibilities

A. Organization

1. 11 members (one vacancy)
 - a. Members are county commissioners, watershed district manager, soil and water district supervisor, township officer and others
 - 1) 1971 - 5 members elected by AMC, 5 members plus Chair appointed by the governor
 - 2) 1983 - 11 members appointed by the governor
 - 3) 1985 - 11 Members appointed by EQB Chair
 - b. EQB liaison
2. Monthly meetings
3. 1 staff person (SPA assigns and allocates staff)

B. Activities

1. Develop plans and policies
 - a. Coordinate federal/state/local involvement
 - b. The Minnesota River Basin Report Feb. 1977
 - c. The Southeast Minnesota Tributaries Basin Report April 1980
 - d. Develop other reports, position papers, and policies as needed
 - 1) Position paper on Memorial Hardwood Forest
 - 2) Position paper on Local Role in water quality issues
 - 3) Biennial Reports, etc.
 - e. Continually hold public meetings to give information and get input for use in policies and plans
 - f. Used local policy committees for input

2. Initiated and guides P.L. 639 study recommended for plan implementation
 - a. Corps-SCS \$11.5 million study
 - b. Yellow Bank and Lac Qui Parle Subbasins July 1985
 - c. Worked successfully to secure federal funding when not in President's budget
 - d. Organized and Chairs "639" Advisory committee of federal, state and local representatives
 - e. Chairs citizen participation committee
3. Help local governments coordinate efforts, e.g. form and assist two task forces in southeast Minnesota
 - a. Organized and chaired initial meetings
 - b. Consists of eight counties
 - c. Purpose to address ground water issues
 - d. Coordinate state agency assistance to counties
4. Initiated and/or supported legislative programs to implement plan
 - a. SMRB Area II flood control grants
 - b. Private forest management cost share program
 - c. Local water planning Act
 - d. Other programs e.g. erosion cost share, protected waters
5. Provide state forum to and from local area
 - a. Protected waters program
 - b. Memorial Hardwood Forest Program
 - c. Local water planning needs
6. Advise EQB on state and local water planning needs
 - a. Studied water planning history and present needs
 - b. Sponsored meetings with AMC and MASWCD for local input
 - c. Recommended that county be responsible for local water planning
 - d. Recommended merging boards
 - 1) To unify state approach to local government
 - 2) Give better local access to state government
- C. Relationship to other Agencies
 1. M.S.114A Coordinated federal, state, and local activities
 2. Guided USDA Type IV study
 3. Chair Advisory Committee for Corps-SCS "639" study
 4. Advise EQB
- D. Relationship to Public and Private Organizations
 1. Initiated and now assist two southeast task forces
 2. Assist Minnesota Project in southeast activities (as ground water ordinances)
 3. Established 5 policy committees for planning purposes (as SMRBC Area II)
 4. Sponsor public informational meetings as needed
- E. Principal and Secondary clientele
 1. Clientele: EQB, local governments, and public
 2. Federal/state agencies secondary clientele

III. Needs

- A. Continuing need for state entity to coordinate and assist local resource planning efforts.
- B. Continuing need to coordinate federal, state, and local planning
- C. Continuing need to provide information about state programs to general public and local governments
- D. Continuing need to relate local views to state and federal agencies and legislators
- E. Continuing need to assist local and regional areas develop and implement resource plans
- F. Continuing need to coordinate ground water quality data and activities

FUNCTIONPRIMARY
CLIENTELEPERCENT
TIME

District creation or modification

Information and Education

Sponsor public meetings
 Circulate reports/slide shows
 Circulate position statements,
 policies, reports, etc.
 Initiate/support legislation for
 plan implementation

local governments 25%
 citizens,
 EQB
 Federal/state agencies

Plan/Project Approval

Planning and Policy Development

Recommendations to EQB on need
 for Water Advisory Council
 Guide "639" Study
 Develop reports, policies
 e.g. Minnesota River Basin
Report, Position on local
 responsibilities,
 Memorial Hardwood Forest, etc.
 Evaluate legislation

local governments 25%
 EQB
 Federal/state agencies
 citizens

Grant Administration

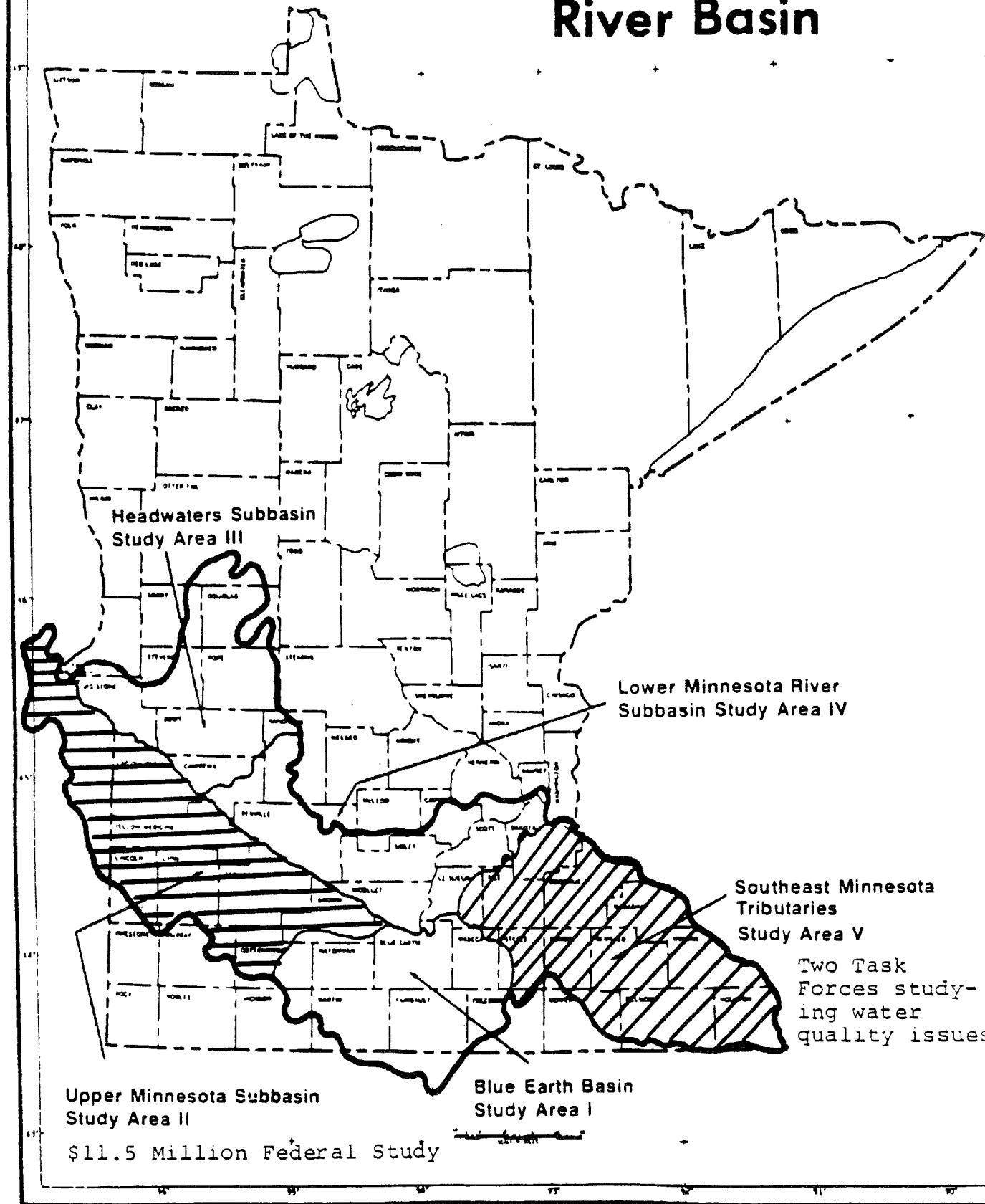
General Assistance and Coordination

Initiated SMRB Area II flood control
 program
 Organized and Chair "639" Advisory
 Committee
 Organized and assist task forces
 in Southeast Minnesota
 Chair "639" citizen participation Comm.
 Develop Private Forest Management
 program
 Coordinate information about water
 planning Legislation
 Provide state forum to and from local
 area
 Advise EQB

Local governments 50%
 Federal/State Agencies
 Citizens
 EQB

Conflict Resolution

Southern Minnesota River Basin



Two Task Forces studying water quality issues

APPENDIX B

Options for Merging

Functions of the

WRB, SWCB, and the SMRBC

THE STATUS QUO

This option would keep the existing structure of existing boards.

MAJOR COMPONENTS

- ** Maintains Separate Advocates for Pollution Control, Health, Agriculture and Resource Management
- ** Maintains Separate Boards Overseeing Watershed Districts and Soil and Water Conservation Districts
- ** Utilizes Environmental Quality Board to Coordinate State Water Programs and to Develop Water Plan
- ** Assigns State Duties for Local Water Planning Initiative to Either EQB or WRB

The following is a brief listing of each board's responsibilities:

a. Existing WRB Responsibilities:

- ** Establish, Modify, or Terminate Watershed Districts;
- ** Review Boundaries of Metropolitan Watershed Management Organizations;
- ** Approve Plans of Watershed Districts and Metropolitan WMOs;
- ** Intervene in Water Policy Disputes;
- ** Hear Appeals of Watershed District Decisions;
- ** Oversee Implementation of the Local Water Management Act.

b. Existing SWCB Responsibilities:

- ** Approve Plans of Soil and Water Conservation Districts;
- ** Administer Cost-Share Programs for Erosion and Water Quality;
- ** Provide Financial and Technical Assistance to Soil and Water Conservation Districts;
- ** Administer Flood Control Grants;
- ** Develop and Implement a Public Information Program Regarding Soil and Water Issues.

c. Existing EQB/SMRBC Responsibilities:

- ** State Water Plan Development and Program Coordination;
- ** Representation of the Governor on Interstate and State-Federal Water Committees;
- ** Integration of Local Water Plans into State Strategies.

THE STATUS QUO

Pros

- . Provides strong, visible advocates for separate and distinct water related programs/constituencies
- . Is non-controversial
- . Close relationship between the state SWCB and local SWCD's
- . Established communication and administrative network between the SWCB, its district offices, the local SWCD's, and the public
- . WRB's distance from the local watershed districts helps its credibility in adjudicating disputes
- . SWCB structure similar to other states and compatible with federal soil conservation agencies
- . WRB provides an intermediate conflict resolution step before the courts and presumably saves both sides legal costs
- . SMRBC has also served as an intermediary between citizens and local government, and state and federal government

Cons

- . Appearance of fragmentation
- . Requires strong individual coordinating efforts
- . Provides no state-level voice for local general purpose governments (i.e. RDC's, counties, municipalities, townships)
- . No direct link between WRB and state agencies for oversight of the Metro Surface Water and Local Water Management laws
- . Critical staff shortages for implementation of new water initiatives such as the Metro and Local Water Management laws
- . Lack of understanding by many, both the general public as well as some government of what each board's function is
- . Because of the lack of understanding of the function of each board, their credibility in some areas is questionable
- . The WRB's ability to inform and educate is limited, both due to a lack of statutory charge and lack of staff and budget
- . The quasi-judicial function of the WRB is being mixed with the new program administration duties required by the new Metro and Local Water Management laws

Other Characteristics/Questions

- . Under current law, the SMNRBC ceases to exist on June 30, 1987
- . How would general purpose local government (RDC's, counties, cities, townships) be represented?

MODIFIED STATUS QUO

This option would keep the existing structure with some revised or reallocated responsibilities.

- ** WRB retains its quas-judicial function.
- ** The Local Water Management law oversight would be transferred to a line state agency.
- ** SPA/EOB would be given a stronger state agency coordinative and policy development role.
- ** All SPA/EOB administrative or program management responsibilities would be transferred to line agencies.
- ** The SWCB would be given additional responsibilities and resources to deal with agriculturally-related water issues.
- ** Regional development commissions would be directed to assume the intermediary/public forum function currently carried out by the SMNRBC (inter-county joint powers agreements where no RDC present).

The following is a brief listing of each board's revised responsibilities:

a. WRB Responsibilities:

- ** Establish, Modify, or Terminate Watershed Districts;
- ** Review Boundaries of Metropolitan Watershed Management Organizations;
- ** Approve Plans of Watershed Districts and Metropolitan WMOs;
- ** Intervene in Water Policy Disputes;
- ** Hear Appeals of Watershed District Decisions.

b. SWCB Responsibilities:

- ** Approve Plans of Soil and Water Conservation Districts;
- ** Administer Cost-Share Programs for Erosion and Water Quality;
- ** Provide Financial and Technical Assistance to Soil and Water Conservation Districts (Expanded);
- ** Administer Flood Control Grants (Expanded);
- ** Develop and Implement a Public Information Program Regarding Soil and Water Issues (expanded).
- ** Water planning and management responsibilities as they relate to erosion or other agriculturally related water issues.

c. EOB Responsibilities:

- ** State Policy Development and State Agency Coordination (Stronger Role);
- ** Representation of the Governor on Interstate and State-Federal Water Committees;
- ** Integration of State and Water Plan Programs into State Strategies or Policies (Stronger Role).

d. Other New Efforts/Functions Required:

- ** RDC Role Expanded (Public Forum/Inter-governmental spokesmen/local planning coordination);
- ** State Line Agencies Responsible For More Implementation/Administration Functions;
- ** Stronger coordinative/policy development authority for EOB/SPA.

MODIFIED STATUS QUO

Pro

- . Provides strong, visible advocates for separate and distinct water related programs/constituencies
- . Close relationship between the state SWCB and local SWCD's
- . Established communication and administrative network between the SWCB, its district offices, the local SWCD's, and the public
- . WRB's distance from the local watershed districts helps its credibility in adjudicating disputes
- . SWCB structure similar to other states and compatible with federal soil conservation agencies
- . WRB provides an intermediate conflict resolution step before the courts and presumably saves both sides legal costs
- . Permits EQB to focus on policy matters for water and all other environmental issues without being dragged down by administrative and conflict resolution matters
- . Transfer of some administrative functions to some state line agencies could improve the technical assistance, public information activities, and communication between those agencies and local government
- . Staff shortage issue might not be quite as acute
- . RDC's capabilities exploited

Cons

- . Appearance of fragmentation
- . Requires strong individual coordinating efforts
- . Provides no state-level voice for local general purpose governments (RDC's counties, cities, townships)
- . Lack of understanding by many, both in the general public as well as some government, of what each board's function is
- . Because of the lack of understanding of the boards, their credibility in some areas is questionable

Other Characteristics/Questions

- . Quasi-judicial functions are separate from policy, financial and technical assistance functions
- . SMNRBC ceases to exist on June 30, 1987

INDEPENDENT STATE BOARD OF WATER AND SOIL POLICY

This option would consolidate the SWCB, WRB, and SMRBC into a new board responsible for state water planning and coordination functions, local water planning oversight/outreach functions, and soil and water conservation program functions. The state water planning and coordination duties of the EQB would be transferred to the new board. EQB would retain its broad environmental policy development and coordination responsibilities, as well as the specific programs it currently administers.

The membership of the new Board of Water and Soil Policy would consist of a mix of local officials, citizens and state agencies. The chairman would serve at the pleasure of the Governor. (Note: The SMRBC has recommended only that the merged Board be composed of "implementing groups," knowledgeable citizens, and a chairperson serving at the pleasure of the Governor.) The Board would be independent.

MAJOR COMPONENTS

**** Merges**

Water Resources Board
Soil and Water Conservation Board
Southern Minnesota Rivers Basin Council
SPA/EQB Water Planning Staff/Duties

**** Maintains Separate Advocates for Pollution Control, Health, Agriculture, and Resource Management**

**** Assigns State Duties for Local Water Planning Initiative to New Board**

The Board of Water and Soil Policy would be responsible for the following programs and functions:

a. Existing WRB Responsibilities:

- ** Establish, Modify, or Terminate Watershed Districts;**
- ** Review Boundaries of Metropolitan Watershed Management Organizations;**
- ** Approve Plans of Watershed Districts and Metropolitan WMOs;**
- ** Intervene in Water Policy Disputes;**
- ** Hear Appeals of Watershed District Decisions.**

b. Existing SWCB Responsibilities:

- ** Approve Plans of Soil and Water Conservation Districts;**
- ** Administer Cost-Share Programs for Erosion and Water Quality;**
- ** Provide Financial and Technical Assistance to Soil and Water Conservation Districts;**
- ** Administer Flood Control Grants;**
- ** Develop and Implement a Public Information Program Regarding Soil and Water Issues.**

c. Existing EQB Responsibilities:

- ** State Water Plan Development and Program Coordination;
- ** Representation of the Governor on Interstate and State-Federal Water Committees;
- ** Integration of Local Water Plans into State Strategies.

d. New Board Functions Required:

- ** Develop Unified State Approach to Local Government for Water and Soil Programs; and
- ** State Oversight/Outreach Functions Associated With The Comprehensive Local Water Management Act.

MERGED STATE BOARD OF WATER AND SOIL POLICY (Merged WRB, SWCB and SMNRBC)

Pros

- . Reduces the number of state boards
- . Provides single, visible focus for state/local water planning, coordination and communication programs currently handled by WRB, SWCB, & SMNRBC
- . Ties soil and water with water planning programs
- . Provides an intermediate conflict resolution step before the courts, presumably saving both sides legal costs
- . Could continue to serve as an intermediary between citizens and local governments, and state and federal government (SMNRBC function)
- . Potentially better coordination between water planning/administrative programs at all levels
- . Potentially better capacity to provide a comprehensive information and education program

Cons

- . Potential for opposition
- . Question of adequate and equal advocacy for individual water-related programs and clientele
- . Does not necessarily deal with the issue of the staff shortages for new water initiatives
- . The credibility of the conflict resolution/quasi-judicial function with watershed districts could be jeopardized by the more visible role of the Board in the areas of water program advocacy and financial and technical assistance (no longer separate and impartial)
- . Potential for perception of inaccessibility by the general public due to size and breadth of issues covered by the Board (inaccessible bureaucracy)
- . Does not necessarily address the problems of state policy development and coordination with other state agencies

Other Characteristics/Questions

- . Would general purpose local governments (RDC's, counties, cities, townships) be represented?
- . Would the close relationship with the local SWCD's be maintained?
- . Where would it be located, and would it be independent or part of another agency?
- . How would the Board coordinate with SPA/EQB state level water planning activities?
- . Would staffing levels be adequate to deal with new water initiatives?
- . Would there be a cost savings?
- . Potential for unwieldy Board meetings due to possibly larger Board and breadth of issues covered?

MODIFIED ENVIRONMENTAL QUALITY BOARD

This option would consolidate the SWCB, WRB, and SMNRBC into a single advisory council to the EQB. The EQB would also continue to be responsible for interagency coordination of state water programs. State water planning duties would remain in line agencies, subject to the coordination function of the EQB.

MAJOR COMPONENTS

- ** Combines Functions of Water Resource Board, Soil and Water Conservation Board, and Environmental Quality Board
- ** Replaces Southern Minnesota Rivers Basin Council with Statewide Water Advisory Council to EQB
- ** Assigns State Duties for Local Water Planning Initiative to EQB
- ** Other Components Same as Status Quo

The EQB would be responsible for the following programs and functions:

a. Existing WRB Responsibilities:

- ** Establish, Modify, or Terminate Watershed Districts;
- ** Review Boundaries of Metropolitan Watershed Management Organizations;
- ** Approve Plans of Watershed Districts and Metropolitan WMO's;
- ** Intervene in Water Policy Disputes;
- ** Hear Appeals of Watershed District Decisions;
- ** State Oversight/Outreach Functions Associated With The Comprehensive Local Water Management Act.

b. Existing SWCB Responsibilities:

- ** Approve Plans of Soil and Water Conservation Districts;
- ** Administer Cost-Share Programs for Erosion and Water Quality;
- ** Provide Financial and Technical Assistance to Soil and Water Conservation Districts;
- ** Administer Flood Control Grants;
- ** Develop and Implement a Public Information Program Regarding Soil and Water Issues.

c. Existing EQB Responsibilities:

- ** State Water Plan Development and Program Coordination;
- ** Representation of the Governor on Interstate and State-Federal Water Committees;
- ** Integration of Local Water Plans into State Strategies.

d. New Board Functions Required:

- ** Develop Unified State Approach to Local Government for Water and Soil Programs.